



PLANNING COMMISSION

AGENDA

November 27, 2012

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS

AGENDA
NOVEMBER 27, 2012
7:30 P.M.

ROLL CALL: FAKKEMA _____ WASINGER _____
 JENSEN _____ OLIVER _____
 WALLIN _____ JOHNSON-PFEIFFER _____
 FIKSE _____

1. **Approval of Minutes – October 23, 2012**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
3. **2012 COMPREHENSIVE PLAN AMENDMENTS– Public Hearing**
The Planning Commission continued the public hearing on the 2012 Comprehensive Plan Amendments at the October 23, 2012 meeting. The Planning Commission will close the hearing at the meeting and formulate a recommendation to the City Council. The amendments include creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. The amendments also include updates to the Capital Improvements Plan.
4. **2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting**
The Planning Commission will consider a map of scenic view corridors and will discuss draft criteria for determining which of the scenic views are in the public interest to preserve. This item will continue into the 2013 amendments cycle.
5. **2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Meeting**
The Planning Commission will discuss the docket for the upcoming 2013 Comprehensive Plan Amendment cycle. The Comprehensive Plan is a document that establishes the community vision for Oak Harbor. The discussion may lead to a future recommendation on 2013 amendments that will then be added to the preliminary docket for further consideration.
6. **ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting**
Staff will brief the Planning Commission on the existing electronic message center sign code as the first step in a process to consider amending the code.

MINUTES

October 23, 2012

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
October 23, 2012**

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen and Jill Johnson-Pfeiffer.
Absent: Gerry Oliver.
Staff Present: Development Services Director, Steve Powers; Senior Planner, Cac Kamak and Associate Planner, Melissa Sartorius.

Vice Chairman Fakkema called the meeting to order at 7:30 p.m.

Mr. Powers reminded the Planning Commission that Mr. Neil has resigned his position on the Planning Commission therefore it is necessary for the Planning Commission to elect a Chair and Vice Chair.

ELECTION OF CHAIR

ACTION: MS. JENSEN MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. FAKKEMA AS PLANNING COMMISSION CHAIR.

ELECTION OF VICE CHAIR

ACTION: MS. JOHNSON-PFEIFFER MOVED MR. WALLIN SECONDED, MOTION CARRIED TO ELECT MR. WASINGER AS PLANNING COMMISSION VICE CHAIR.

MINUTES: MS. JOHNSON-PFEIFFER MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE SEPTEMBER 25, 2012 MINUTES AS PRESENTED.

PUBLIC COMMENT:

No comments.

2012 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing

Mr. Kamak reported that the 2012 Comprehensive Plan amendments include the creation of a new "Maritime" land use category that would allow water-dependent, water-oriented and other related commercial uses on property adjacent to the marina. This topic was discussed at the August 14th Planning Commission meeting and the Planning Commission chose to designate a new "Maritime" land use category on the land use map. Mr. Kamak also noted that new language has been inserted in the Land Use element of the Comprehensive Plan that introduces the new land use category.

Mr. Kamak stated that amendments to the Comprehensive Plan also includes updates to the Capital Improvements Plan which was presented to the Planning Commission at the September 25th meeting. The third amendment item is to protect scenic views within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak provided the land use map that includes the new "Maritime" land use category (Attachment 1).

Planning Commission Discussion

Ms. Jensen asked what date the land use map was adopted. Mr. Kamak explained that we adopt the land use map every year.

Mr. Kamak recommended opening the public hearing and continuing this item to the November 27, 2012 meeting.

Mr. Fakkema opened the public hearing. Seeing none, Mr. Fakkema continued the public hearing to the November 27th Planning Commission meeting.

2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting

Mr. Kamak reported that the Planning Commission included this item on the 2012 Comprehensive Plan Docket with an interest to protect view within the community. This item will likely continue into the 2013 amendments cycle.

Mr. Kamak explained that the intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them. The Comprehensive Plan currently addresses scenic views in several locations. The Parks, Recreation and Open Space Plan that is incorporated by reference in the Comprehensive Plan, identifies a few scenic view corridors. The scenic views identified on the Parks, Recreation and Open Space Plan map are a transfer of information from the Open Space element of the Comprehensive Plan prior to its replacement by the goals and policies of the Park, Recreation and Open Space Plan in 2009. The identified scenic views are general and don't have specific regulations (codes) that would protect them.

The importance of protecting scenic views in Oak Harbor is also captured in goals and policy statements within the Urban Design section of the Comprehensive Plan.

Mr. Kamak reported that a public involvement exercise was conducted over the summer. All households in the City of Oak Harbor received a flyer in their utility bill that asked citizens to submit photographs from where they think there are scenic views. Staff received many photos but some of the pictures were of places not in Oak Harbor. Mr. Kamak displayed the photos for the Planning Commission and noted that the photos can also be accessed on the City's website.

Mr. Kamak explained that the next step will be mapping the views and narrow down some criteria that the Planning Commission can use to determine which of the scenic views are in the public interest to preserve.

Mr. Kamak asked the Planning Commission if there were other views that were not captured.

Planning Commission Discussion

Ms. Johnson-Pfeiffer mentioned the view on Pioneer Way which is currently a vacant lot where you can see the marina.

Mr. Fakkema said that we need to be mindful of private property rights. Mr. Kamak said that this would be where the criteria would be helpful. If the Commission feels strongly that the view should not come at the cost of property rights then that is something that can be included as a criterion.

Ms. Johnson-Pfeiffer asked if there was a percentage or proportion that a community of our size typically protects. Mr. Kamak said that the Commission can choose the number and there is no standard that is set.

Ms. Jensen commented that we also need to be careful not to tie our hands for future projects such as the pier and upgrades in Flintstone Park.

Mr. Fakkema asked if the view coming into Oak Harbor from the south where a multifamily housing unit is being constructed is essentially lost. Mr. Kamak said that the Commission could decide that. Where there is an investment already made the Planning Commission can study that further. The location to the west of that development, there is no development proposal so the Planning Commission could do several things such as a strategy to rezone the property or have setbacks to allow a narrow view corridor.

Mr. Kamak concluded the discussion stating that staff will come back to the Commission with the views corridors on a map and suggested criteria.

OHMC CHAPTER 17.24 SIDEWALKS, CURBS AND GUTTERS INSTALLATION – Public Meeting

Mr. Powers reported that this item was placed on the Planning Commissions agenda at the request of Mr. Wallin.

Oak Harbor Municipal Code (OHMC) Chapter 17.24, Sidewalks, Curbs and Gutters Installation, establishes the requirement that a building permit may not be issued for new construction, or for remodeling projects over a certain size, unless that project provides for sidewalks, curbs and gutters if none exists on the property. The property owner may request a deferral from compliance with this code chapter. The City Engineer is authorized to grant such deferrals as outlined in the code.

Most property owners, contractors and/or developers expect to provide sidewalks as part of a new construction project. The same is not always true when the project involves the remodeling or expansion of an existing use. This is especially true in residential settings, especially in those neighborhoods where sidewalks are not found. One on hand, the addition of sidewalks can add substantial cost to a project. On the other, sidewalks provide a safe place for pedestrians and it extends sidewalks to connect where we have missing links. Mr. Powers noted that just because you don't see a sidewalk doesn't mean that a requirement was missed. Most of the places where there are no sidewalks are in older neighborhoods and at the time they were built there was no requirement for sidewalks.

Planning Commission Discussion

Mr. Wallin questioned the 25% threshold for a residential remodel. He noted that a 60% threshold is used in other parts of the code related to fire protection. He also stated that for a small residential remodel the homeowner could be looking at installing a sidewalk including curb and gutter and possibly relocating light poles to get the sidewalk in. The other issue is the reliance on one person (City Engineer) to make a judgment call. Mr. Wallin provided an aerial photo of a home (Attachment 2) that was required to put in curb, gutter and sidewalk in an area where there were no other curb, gutter and sidewalks existed in the entire neighborhood so it was an isolated piece of sidewalk where it is unlikely that the rest of the sidewalk would be installed by neighboring homeowners. Mr. Wallin also mentioned the funeral home project on NE 16th Avenue where the road would need to be moved in order to accommodate the extension of the sidewalk that the funeral home was required to put in.

Mr. Powers said that Mr. Wallin raised some good points and that staff tries to avoid the "sidewalk to nowhere" situations. One of the things that could help are some criteria built into the code that get beyond the deferral side that says why something might be required. For instance, is it on a route that we have identified with the school district as a "Safe Routes to School"? If that is the case then that incremental approach to completing the sidewalk might make some sense. In cases in residential areas that are not designated as "Safe Routes to School" that might be a reason why a sidewalk wouldn't be required for a residential project. Mr. Powers said staff could bring some suggested criteria for the Commission to consider. Mr. Powers also indicated that the 60% versus 25% is a good point and noted that the 60% threshold is not only in the Fire Code but also in the Building Code, and the Site Plan chapter. There is a uniformity argument that could be made in this case.

Mr. Fakkema asked if there was an appeals process for the City Engineer's decision. Mr. Powers said there was and that the process is not as straightforward as what people would want to participate in.

Mr. Powers added that another valid point is the issue of the sidewalk improvement versus the domino effect that it might have on stormwater. On the east side of town where pavement stops, you may or may not have an open ditch system for storm drainage and it is next to impossible to put a sidewalk where it needs to be without fiddling with the drainage system. As soon as you touch the drainage system it almost always involves not only conveyance on the property but gets into downstream conveyance issues.

Ms. Jensen asked if there might be different areas that would be under different rules.

Mr. Powers said that was possible and that there are some areas of town where the community choice may be that there won't be sidewalks due to the character of the community or that there are critical areas or that there are areas that the community would like to concentrate our formal pedestrian traffic and not worry about sidewalk in other areas. Another issue is neighborhood preference, for instance Ely Street, some have said we like the street the way it is and not to change it. Others say there is too much traffic high speeds and there are no sidewalks for safety. So there are divergent opinions to deal with.

Mr. Powers also noted the Transportation Plan identifies streets as collector streets and local streets and the City tries to focus sidewalks on collector streets. Mr. Kamak also noted that the Parks, Recreation and Open Space Plan also identifies areas in the City prioritized for pedestrian and trail type areas, those are areas around schools and downtown. Mr. Powers reminded the Commission of the Subdivision Code work that they did in which they looked at providing pedestrian connections between new neighborhoods and other adjoining neighborhoods or uses.

Commissioners agreed that the 25% threshold was low.

Mr. Powers said that was an easy fix and if nothing else that would narrow the subset of properties that we are dealing with.

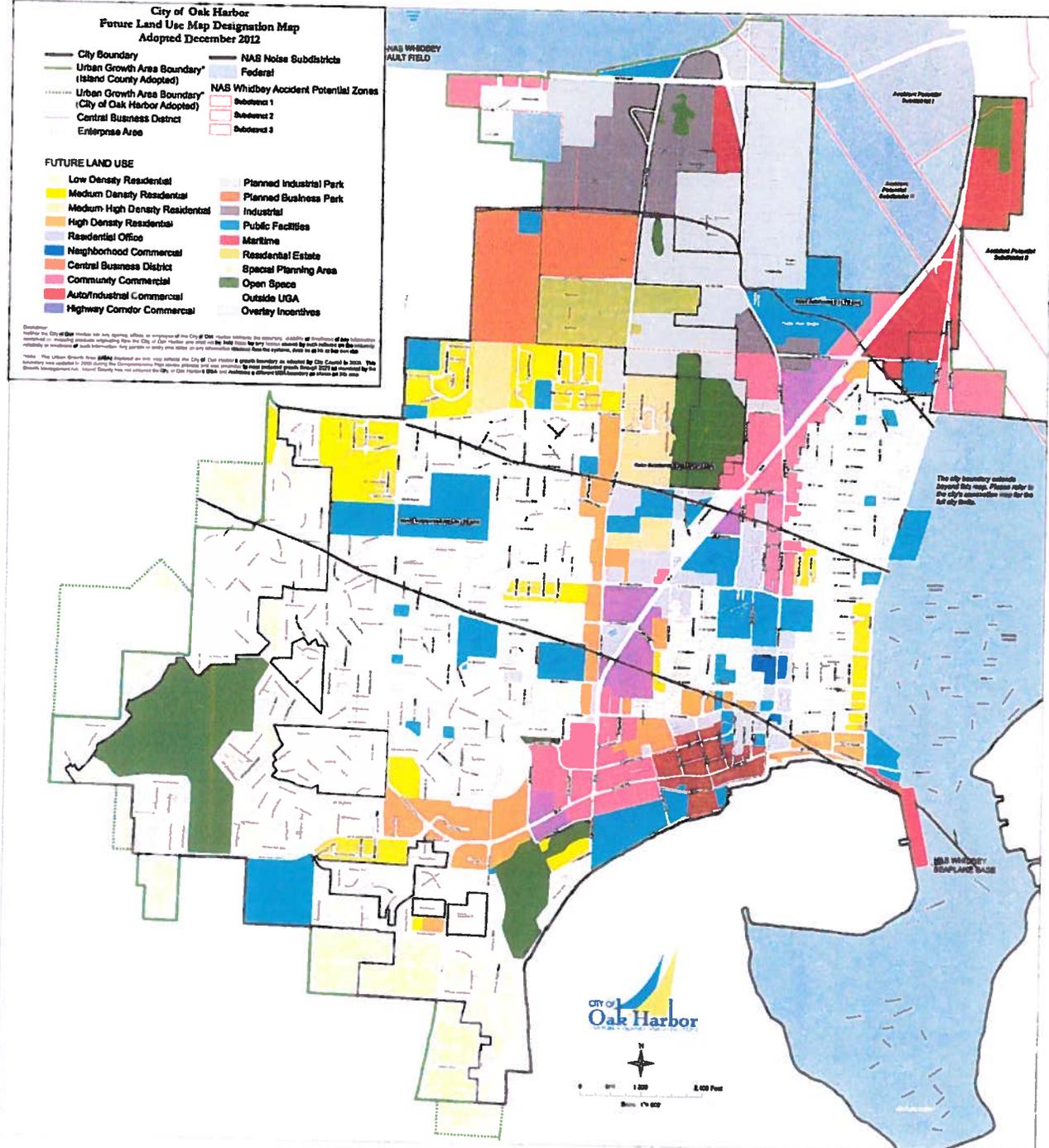
Mr. Powers said that staff would gather more information and present that at a future meeting possibly January.

ADJOURN: 8:36 p.m.

**City of Oak Harbor
Future Land Use Map Designation Map
Adopted December 2012**

- | | |
|--|---------------------------------------|
| — City Boundary | — NAB Noise Subdistricts |
| — Urban Growth Area Boundary* (Island County Adopted) | — Federal |
| — Urban Growth Area Boundary* (City of Oak Harbor Adopted) | — NAS Whitby Accident Potential Zones |
| — Central Business District | — Subdistrict 1 |
| — Enterprise Area | — Subdistrict 2 |
| | — Subdistrict 3 |
-
- FUTURE LAND USE**
- | | |
|---------------------------------|-------------------------|
| Low Density Residential | Planned Industrial Park |
| Medium Density Residential | Planned Business Park |
| Medium High Density Residential | Industrial |
| High Density Residential | Public Facilities |
| Residential Office | Maritime |
| Neighborhood Commercial | Residential Estate |
| Central Business District | Special Planning Area |
| Community Commercial | Open Space |
| Auto/Industrial Commercial | Outside UGA |
| Highway Corridor Commercial | Overlay Incentives |

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Google earth



2012 Comprehensive Plan

Amendments

Public Hearing

City of Oak Harbor Planning Commission

Bill No. _____
Date: November 27, 2012
Subject: 2012 Comprehensive Plan
Amendments

**FROM: Cac Kamak, AICP
Senior Planner**

The Planning Commission opened a public hearing on the 2012 Comprehensive Plan Amendments at its October 23, 2012 meeting. Staff presented the amendments at the meeting. There were no public comments on the amendments. The Planning Commission continued the hearing to the November 27, 2012 meeting.

Staff has no additional information to add to this item. Since the hearing is still open, the Planning Commission can continue to take any public testimony at the meeting. The Planning Commission is recommended to close the hearing and make a recommendation to the City Council.

OHMC 18.15.040 requires that the City Council act on the annual amendments before December 31st of each year. The amendments have been scheduled for the December 18, 2012 City Council meeting.

Note: Since there is no additional information on the amendments, the Planning Commission report on this item provided at the October 23rd meeting formulates the basis for recommendation to the City Council. If you need copies of this report, please contact me at 360-279-4514 or email me at ckamak@oakharbor.org.

2012 Comprehensive Plan

Amendments

Scenic Views

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEW CORRIDORS
DATE: 11/20/2012
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

This memo continues the discussion on scenic view corridors that was approved as part of the 2012 Comprehensive Plan Docket. The intent of this docket item was to identify existing desirable scenic views within the community and determine appropriate methodologies to eventually protect them. This study and any resulting action will continue into the 2013 amendment cycle.

Background: The Planning Commission discussed the study of scenic views at its October 23, 2012 meeting. Staff presented the results of the public outreach effort and the data collected on this study. It was noted that the public input on this topic, though extensive, was not pointed and that additional research by staff was necessary to supplement the public input obtained. Unfortunately photos received from the public on scenic views were not all located within Oak Harbor. The Planning Commission, however, did review some of the photos taken by staff that furthered the data collection process. The Planning Commission also provided input on additional scenic views to consider as part of the study.

Discussion: Scenic views are very subjective and may differ in importance from person to person. Scenic views can also have a quantitative aspect where some views, are wide and while others can be narrow (peek-a-boo views). Since there are a wide range of scenic views it would be helpful to identify some criteria by which views can be evaluated. An established set of criteria can help the community and the Planning Commission to narrow down views that are most meaningful to the community and then determine methodologies to protect or enhance them.

To facilitate the discussion on this, staff has generated a list of suggested criteria for the Planning Commission to review. The Commission may add to or subtract from this list. The Planning Commission can also choose to provide a ranking for these criteria since some may be more important than others.

- Is the view from public property? – This places an importance of the view being a public asset and that regulations are in the public interest. These can be parks, schools, trails etc.

- Is the view from a heavily travelled street? – This criteria places an importance on views from scenic byways such as SR20. Views enjoyed by the driving population will need to be wide and sustained due to the speed at which they are moving. Narrow views can easily be missed while driving. The Planning Commission may choose to rank views based on the hierarchy of streets (arterial, collector).
- Is the view on a popular pedestrian route? – This provides importance to pedestrian views. Views experienced by pedestrians are different from views experienced while driving. Pedestrians have the opportunity to stop and enjoy a narrower view.
- Is the view of a specific landmark? – Views of landmarks such as Mt. Rainier, Mt. Baker, Windjammer Windmill etc. may be of higher importance than others that don't have a specific draw.
- Is there a need to buy property to protect a view? – This is always a challenging question when it comes to public interest over private property interests. This criterion will determine the value of a scenic view in terms of current dollars.
- Is there a need to impose special zoning regulations to maintain, protect or reveal a scenic view? – This can in many ways be more challenging than buying a property to protect the views. However, if it can be done without taking away any development rights, it's a great mechanism to protect scenic views.

To help provide direction on this study, staff has compiled the information in a table below to determine criteria and the importance of each in evaluating identified scenic views.

Proposed Criteria	Should the criteria be used Yes/No	Rating Score
View from public property		
View from streets		
SR 20		
Arterial		
Collector		
Local		
View from a pedestrian route		
View of a specific landmark		
The need to buy property		
The need for special zoning regulations		
Additional Criteria		

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The Planning Commission is recommended to discuss these criteria and provide direction. Additional criteria not mentioned above are also welcome and open for discussion. Public input is also welcomed on this topic.

The next step in the process will be to map the various scenic views that have been identified through the public input process and evaluate them based on the criteria.

2013 Comprehensive Plan

Amendment

Docket

Public Meeting

**City of Oak Harbor
Planning Commission Report**

Date: November 27, 2012
Subject: Comprehensive Plan
Amendments – Discussion of
items for 2013 Docket

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

The purpose of this memo is to provide a framework for discussing the Preliminary¹ Comprehensive Plan Amendment docket for 2013.

BACKGROUND

Process

The process to amend the Comprehensive Plan is outlined in Oak Harbor Municipal Code (OHMC) Chapter 18.12, a copy of which is attached to this memo. In accordance with OHMC 18.12.040, the preliminary docket is compiled each year with input from the public and the Planning Commission. This is done prior to a December 1st deadline and therefore the November Planning Commission meeting is a good time to discuss the preliminary docket.

The intent of compiling the preliminary docket prior to December 1st is to provide public notice of the preliminary docket. This is advertised in the paper, the City's website and the Comprehensive Plan Amendment blog. After public notice, the Planning Commission then reviews the preliminary docket at its regular meeting in December and January and forwards it with a recommendation to the City Council before January 31st. The City Council then reviews it in February and March and approves a final docket for the year before March 31st.

Docket items

The Oak Harbor Municipal Code provides some direction on amendments that can be considered for a docket. The three types of amendments that can be placed on a docket are Sponsored, Mandated and Discretionary. These amendments are defined in OHMC 18.50.050 (3).

Sponsored Amendments

These are amendments that are proposed through an application process that is open to the general public. Sponsored amendments can either be *private* or *public*. An example of a *private* amendment is a request for changes to land use designations for private property that result in a change to the Future Land Use Map in the Comprehensive Plan. These are the most commonly received applications. The City has not received any applications to date but the deadline for submitting a request is December 3, 2012. *Public* sponsored amendments are requests for changes to policies with the Comprehensive Plan. Since changes to policies have potential for a larger community-wide impact and may affect other

¹ The docket is considered "preliminary" until the City Council approves it. After approval, it is referred to as "final" or "annual".

referenced plans, the procedures to consider these changes are different than the private sponsored amendments. The procedures are outlined in OHMC 18.15.060(2). The City has not received any public sponsored amendments to date.

Mandated Amendments

These are amendments mandated by the State through the Growth Management Act or other laws. The annual update to the Capital Improvement Plan falls under this category. This year the Shoreline Master Program (SMP) will be on the docket under this category. It is expected that the City Council will approve the SMP on November 20, 2012. However, Washington Department of Ecology (DOE) has the final approval authority on the document and will likely happen sometime in 2013. Once DOE approves the SMP, it can be added to the City Comprehensive Plan. Also included in this category is the requirements of RCW 36.70A.130 (3, 4 &5) related to review of urban growth areas and updates to the Comprehensive Plan to meet the requirement of the Growth Management Act (GMA). Staff anticipates that these requirements will consume the next three years of the Comprehensive Plan amendment cycle. Staff will initiate a discussion of the update with the Planning Commission in the next few months. Since there are numerous requirements with the update, the first step will be to determine the scope of the required updates followed by a schedule and a public participation plan. Mandatory Amendments are automatically given a Priority A in accordance to OHMC 18.15.050 (4).

Discretionary Amendments

As described in OHMC 18.15.050(3)(c), these amendments are added to the annual docket to proactively add, amend, revise, delete or further goals and policies in the Comprehensive Plan. Discretionary items can be added to the docket by boards, commissions, city council and by the director of development services. This is the category under which the Planning Commission can add items for consideration. The current study on Scenic views was added to the docket under this provision. Since the Scenic View study is still underway and the mandatory updates are extensive, staff recommends not adding any discretionary item at this time.

RECOMMENDATIONS

No action is required at this time. A preliminary docket will be advertised in accordance to OHMC 18.15.040(6). The Planning Commission will be presented with the preliminary docket for review at its December and January meetings. The Planning Commission will be required to make a recommendation on the Preliminary Docket at the January 22, 2013 meeting.

Attachments:

- Attachment 1 - OHMC Chapter 18.15 Comprehensive Plan Amendment Process
- Attachment 2 - Preliminary Docket for 2013 Comprehensive Plan Update

Chapter 18.15 COMPREHENSIVE PLAN AMENDMENT PROCESS

Sections:

- 18.15.010 Comprehensive plan amendment process and public participation program.
- 18.15.020 Applicability.
- 18.15.030 Responsibility.
- 18.15.040 Amendment process and schedule.
- 18.15.050 Docket.
- 18.15.060 Sponsored amendments.
- 18.15.070 Preliminary docket review criteria.
- 18.15.080 Annual amendment decision criteria.
- 18.15.090 Public participation – Notice provisions.
- 18.15.100 Public participation program.
- 18.15.110 Technical advisory group.
- 18.15.120 Appeals.

18.15.010 Comprehensive plan amendment process and public participation program.

This chapter establishes the authority, process, format, and criteria by which the comprehensive plan may be amended in accordance with Chapter 36.70A RCW. This chapter also establishes the city's public participation program as required by RCW 36.70A.140. (Ord. 1565 § 2, 2009).

18.15.020 Applicability.

(1) This chapter shall apply to updates, amendments or revisions to the comprehensive plan that are considered by the city council no more frequently than once a year. At the discretion of the mayor, amendments may be considered more frequently than once a year for the following circumstances:

- (a) The initial adoption of a subarea plan that does not modify the general vision, goals and policies of the comprehensive plan;
- (b) The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- (c) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the city budget.

(2) Although sometimes referred to as the annual docket, nothing in this chapter shall be deemed as requiring that amendments be undertaken every year. (Ord. 1565 § 3, 2009).

18.15.030 Responsibility.

- (1) The director of development services shall have the responsibility to:
 - (a) Administer this chapter.
 - (b) Establish application and administrative procedures that may also include fee collection, refunds, etc.

(c) Review the applications and make a determination of completeness for inclusion in the preliminary docket for planning commission review.

(d) Place amendments on the preliminary docket for planning commission and city council consideration.

(e) Make a recommendation to the planning commission and the city council on the annual docket and work program.

(2) The planning commission shall have the responsibility to:

(a) Review proposed amendments to the comprehensive plan that are included in the annual preliminary docket.

(b) Hold a public hearing, deliberate, and make recommendations to the city council on the said annual preliminary docket.

(c) Place items, as determined by majority vote, on the preliminary docket for city council consideration.

(d) Review and study proposed amendments to the comprehensive plan that are included in the city council-approved annual docket for each year and hold a public hearing, deliberate, and make recommendations to the city council on said proposals.

(3) The city council shall have the responsibility to:

(a) Review each proposal on the preliminary docket to amend the comprehensive plan and make a final decision that results in establishing the planning commission's annual docket work program for each year.

(b) Place items, as determined by majority vote, on the annual docket.

(c) Hold a public hearing and make a final decision on the amendments pursuant to this section after the planning commission has provided a recommendation to the city council. (Ord. 1565 § 4, 2009).

18.15.040 Amendment process and schedule.

The comprehensive plan shall be amended pursuant to this chapter, no more frequently than once a year as part of the amendment cycle established in this chapter, except as provided in OHMC 18.15.020.

(1) The public shall be made aware of the deadline to submit proposed amendments to the comprehensive plan by means of two publications in the local newspaper of general circulation in the city, with the first notice published at least 30 days prior to the deadline.

(2) The deadline for submitting an application for amendments pursuant to this chapter is 5:00 p.m., December 1st of each year, or the next business day if December 1st falls on a Saturday or Sunday.

(3) Only applications that fulfill the requirements of OHMC 18.15.060 by the deadline in subsection (2) of this section shall be placed on the preliminary docket for consideration in the next annual amendment process.

(4) The planning commission may recommend amendments be added to the preliminary docket, but such recommendation shall be made before December 1st of each year so that they may be published along with other proposed amendments. Only such amendments that have received a majority vote by the planning commission shall be included in the preliminary docket for consideration.

(5) The director of development services shall review all complete applications submitted by the deadline set forth in subsection (2) of this section based upon the

threshold criteria set forth in OHMC 18.15.070(1) and place them on the preliminary docket along with the discretionary and mandated items in accordance with OHMC 18.15.050.

(6) The director of development services shall advertise the preliminary docket in the local newspaper of general circulation prior to its consideration for recommendation by the planning commission.

(7) The planning commission shall hold a public hearing on the preliminary docket and review said docket based on the criteria set forth in OHMC 18.15.070(2) and make a recommendation to the city council before January 31st of each year.

(8) The city council shall hold a public hearing and review the preliminary docket and, after such review and deliberation, establish an annual docket before March 31st of each year.

(9) The annual docket shall be advertised in the local newspaper of general circulation.

(10) Proposals on the annual docket shall be open for public input throughout the amendment process. However, formal and informal meetings such as but not limited to neighborhood meetings, town hall meetings, open houses, etc., will generally be scheduled between August 1st of each year and September 30th of each year to provide consistency and predictability. Public input on the amendments shall be in accordance with OHMC 18.15.090.

(11) A draft of the proposed amendments on the annual docket shall be transmitted to the Washington State Department of Commerce in accordance with the requirements of RCW 36.70A.106 not later than August 31st of each year.

(12) The planning commission shall hold a public hearing on the proposed amendments in the annual docket based on the criteria set forth in OHMC 18.15.080 and make a recommendation on each proposal to the city council before October 31st of each year.

(13) The city council shall hold a public hearing on the proposed amendments in the annual docket and take action on such amendments before December 31st of each year. (Ord. 1565 § 5, 2009).

18.15.050 Docket.

(1) **Responsibility.** The director of development services shall have responsibility to manage the preliminary docket as set forth in this section and assure that the process and schedule set forth in OHMC 18.40.040 are followed.

(2) **Format.**

(a) The docket shall not span a term of more than one year.

(b) The items on the preliminary docket shall be categorized by the type of amendments as set forth in subsection (3) of this section.

(c) Each agenda item on the preliminary docket shall be assigned a predetermined priority based on the criteria established in subsection (4) of this section.

(3) **Types of Amendments.**

(a) **Sponsored Amendments.** These are amendments that are proposed through the application process submitted prior to December 1st of each year for consideration in the annual docket. Sponsored amendments are limited to those amendments as set forth in OHMC 18.15.060.

(b) **Mandated Amendments.** These amendments are proposed for the annual docket in response to existing and scheduled mandates from the state and the countywide planning policies. The director of development services shall be responsible for placing proposals to meet such mandates on the preliminary docket for the year in which the mandate requires action.

(c) **Discretionary Amendments.** These amendments are added to the annual docket to proactively add, amend, revise, delete or further goals and policies in the comprehensive plan. Discretionary items can be added to the docket by boards, commissions or the council as established by the OHMC and by the director of development services. Discretionary items from boards and commissions shall be added to the docket only after such items have received a majority vote by said board, commission or council.

(4) **Prioritization.** Each item on the preliminary docket shall be assigned a pre-determined priority by the director based on the following criteria:

(a) **Priority A – Mandated.** Amendments and updates that are in response to an existing or scheduled mandate from the state or countywide planning policies shall automatically be considered during the appropriate amendment cycle.

(b) **Priority B – Sponsored.**

(i) Private amendments that are sponsored by an individual property owner or a group, that impact specific properties.

(ii) Public amendments that meet the requirements set forth in OHMC 18.15.060(2).

(c) **Priority C – Discretionary.** Discretionary amendments that are generated by boards, commissions and the council to further the goals and policies of the comprehensive plan.

(5) **Approval.** The city council shall establish by resolution the annual docket. The annual docket shall specifically apply only to the amendments listed for the current year. (Ord. 1565 § 6, 2009).

18.15.060 Sponsored amendments.

Sponsored amendments are initiated by the public through the application process. Sponsored amendments are classified into two categories as described below:

(1) **Private Amendments.** These are applications initiated by an individual property owner or a group of property owners who are requesting changes that will primarily impact properties that they own or control.

(a) **Application Requirements.**

(i) An application form provided by the department of development services and completed by the applicant that includes, at minimum, the applicant's name, address, contact information, property address and location, parcel number(s), existing land use designation, proposed land use designation and zoning designation.

(ii) A map of the property clearly showing the subject properties and its surrounding context.

(iii) A narrative clearly stating the proposal and what the amendment is attempting to accomplish.

(iv) A completed environmental checklist, if required by the director.

(v) An application processing fee in accordance with RCW 82.02.020.

(2) Public Amendments. These are applications initiated by the public requesting changes, additions, or updates to elements, maps, data, goals and policies that have an areawide or citywide significance. Since these requests can have an impact to the community at large, the application requirements vary from the private amendments.

(a) Application Requirements.

(i) A narrative clearly stating the proposal and what the amendment is attempting to accomplish.

(ii) Identification, address and contact information of the lead person or group initiating the proposed amendment.

(iii) Identify the goals and policies within the comprehensive plan that are proposed to be amended.

(iv) Proposed new or replacement language.

(v) Identify goals and policies that support the proposed amendment.

(vi) Supporting studies or findings that justify the proposed amendments.

(vii) A petition supporting the proposed amendment that includes the signatures and names and addresses of one of the following:

(A) No less than 250 residents or property owners of the city and its urban growth area; or

(B) Sixty percent of the property owners impacted by the proposed amendments.

(viii) An application processing fee is waived for public amendments. (Ord. 1565 § 7, 2009).

18.15.070 Preliminary docket review criteria.

(1) Applications. The director of development services shall review all complete applications submitted by the deadline set forth in OHMC 18.15.040 and make a decision whether each application should be placed on the preliminary docket based upon the following criteria:

(a) The application is complete and all relevant information in accordance with the requirements of OHMC 18.15.060(1)(a) or (2)(a) has been provided.

(b) The application was submitted by the deadline established in OHMC 18.15.040.

(c) The correct application processing fee has been paid in full by the deadline established in OHMC 18.15.040.

(2) The Preliminary Docket. The planning commission will review the proposed amendments on the preliminary docket and make a recommendation to the city council. Recommendations on whether agenda items shall be included in the annual docket should be based on one or more of the following criteria:

(a) The proposed amendments are consistent with the Growth Management Act and the countywide planning policies.

(b) The proposal does not appear to contradict other elements, goals and policies within the comprehensive plan.

(c) The proposal will implement or further existing goals and policies in the comprehensive plan.

(d) The proposal would correct an inconsistency within or make a clarification to a provision of the comprehensive plan.

(e) The proposed amendments have been clearly defined to determine a fairly accurate scope of work.

(f) The proposed amendments respond to an expressed desire by the community.

(g) The public interest would be best served by considering the proposal in the current year. (Ord. 1565 § 8, 2009).

18.15.080 Annual amendment decision criteria.

The planning commission shall review and the city council shall decide on all proposed amendments based on the following decision criteria, where applicable:

(1) The amendment will not adversely affect the public health, safety and welfare in any significant way.

(2) The proposed amendment is consistent with the overall goals and intent of the comprehensive plan.

(3) The amendment is in compliance with the Growth Management Act and the countywide planning policies.

(4) The amendment addresses the needs or changing circumstances of the community as a whole or resolves inconsistencies in the city's comprehensive plan.

(5) Environmental impacts from the amendments have been addressed through SEPA review and/or measures have been included that reduce possible impacts.

(6) The amendment is consistent with the land uses and growth projections which were the basis of the comprehensive plan or to subsequent updates to growth allocations.

(7) The amendment is generally compatible with neighboring land uses and surrounding neighborhoods.

(8) The proposed amendment accommodates new policy direction from the city council.

(9) Other specific criteria that may have been identified at the beginning of the process. (Ord. 1565 § 9, 2009).

18.15.090 Public participation – Notice provisions.

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

(a) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;

(b) Posting the property for site-specific proposals;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2) Changes to Proposed Amendments.

(a) Except as otherwise provided in subsection (2)(b) of this section, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the city's procedures, an opportunity for review and comment on the proposed change shall be provided before the council votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under subsection (2)(a) of this section if:

(i) An environmental impact statement has been prepared under Chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390. (Ord. 1565 § 10, 2009).

18.15.100 Public participation program.

Early, continuing and widespread public participation shall be provided during the comprehensive plan amendment process. The public notices for comprehensive plan amendments shall be in accordance with OHMC 18.20.380(5) pertaining to the Type V review process and with OHMC 18.20.386, where applicable. In accordance with RCW 36.70A.140, the following public participation program shall be incorporated into the amendment process:

(1) Broad Dissemination of Proposals and Alternatives.

(a) The call for proposals to amend the comprehensive plan shall be advertised in the local newspaper 30 days before the deadline for filing applications in accordance with the schedule in OHMC 18.15.040.

(b) The preliminary docket shall be advertised in the local newspaper prior to its review by the planning commission.

(c) The annual docket shall be advertised in the local newspaper after approval by city council.

(2) Opportunity for Written Comment. Written comments regarding items on the proposed docket or the annual docket can be submitted at any time during the review process up to the final city council hearing.

(3) Public Meetings After Effective Notice. All public hearings regarding comprehensive plan amendments shall follow the public notice provisions provided in OHMC 18.20.380 and 18.20.386, where applicable.

(4) Provisions for Open Discussions, Communication Programs and Information Services. The director of development services shall determine the appropriate public input forum to discuss items on the annual docket. Forums may include but not be limited to the following:

(a) Public Meeting and Workshops. Informal at-large public gatherings to solicit ideas, present proposals and encourage constructive feedback.

(b) Neighborhood Discussions. When a proposed amendment has a clear geographical interest.

(c) Open Houses. Advertised event to display information related to the amendments to the public including informal discussions with staff.

(d) Display Kiosks. Information display at general public events and venues.

(e) Websites and Blogs. An internet-based information distribution, discussion and input mechanism.

(5) Consideration of and response to comments may vary in form and may include letters, staff reports, responses on the web and web-based media. Written comments received after the final staff report on the subject amendment is prepared may not be responded to in writing. (Ord. 1565 § 11, 2009).

18.15.110 Technical advisory group.

(1) The mayor has the authority to appoint members to a technical advisory group if the city council approves the need for such a group and approves it as part of the annual docket approval process. The need for a technical advisory group shall be based on whether a specific amendment or amendments require:

(a) Technical expertise; or

(b) Scientific expertise; or

(c) Experience in a specific or unique field; or

(d) Input from two or more impacted groups; or

(e) Input from two or more public/government entities; or

(f) Any other reason not mentioned above as determined by the mayor.

(2) The term for members on the technical advisory group is limited to the duration of the specific amendment for which the group was formed. (Ord. 1565 § 12, 2009).

18.15.120 Appeals.

Appeal of a city council decision on a comprehensive plan amendment is governed by state law. (Ord. 1565 § 13, 2009).

Preliminary Docket for 2013 Comprehensive Plan Amendment

Category of Amendment	Amendments	Type of Amendment	Priority as per OHMC 18.15.050
Sponsored Amendments	None		Priority B
Mandated Amendments	Capital Improvements Plan update Annual update to the projects list, revenues and expenditure.	Mandated RCW 36.70A.130	Priority A
	Update to the Shoreline Master Program	Mandated RCW 90.58.080	Priority A
	2016 Update to the Comprehensive Plan	Mandated RCW 36.70A.130	Priority A
Discretionary Amendments	Scenic View study – continued from 2012	Discretionary	Priority C

DRAFT

Electronic Message Center Signs

Code Update

Public Meeting

Memo

To: Planning Commission
From: Steve Powers, Director *SP*
CC:
Date: 11/19/12
Re: Electronic Message Center Sign Code Update

Electronic message center (EMC) signs are regulated in general by the Oak Harbor Municipal Code chapter governing business district signs (OHMC 19.36.030). The standards unique to EMC signs are found at OHMC 19.36.030(5)(g). These standards were added to the code in 2009.

The Mayor's Economic Development Committee has asked the City to consider amending this section of the sign code for the purposes of providing language that reflects current technology. Their request came via a memo dated October 4, 2012.¹

Staff mentioned this item at the October Planning Commission pre-meeting briefing during the discussion of the pending items agenda. At the November 27th meeting staff will review the existing code language and the Economic Development Committee's request with the Planning Commission. In preparation for that discussion the following materials are attached to this memo:

- A copy of the existing EMC code.
- A copy of the sign code definitions most relevant to EMC signs
- A copy of the Economic Development Committee memo of October 4, 2012.

The complete sign code may be viewed by visiting the City's website (<http://www.oakharbor.org>) and following the link to the Municipal Code.

This item is for discussion only; no formal action is requested of the Planning Commission at this time.

¹ The memo was submitted by Mr. David Fikse on behalf of the Economic Development Committee. Please note that the letter was submitted prior to Mr. Fikse being appointed as a member of the Planning Commission.

Existing Electronic Message Center Sign Code
OHMC 19.36.030(5)(g)

(g) Electronic Message Center Signs. Stationary electronic message center signs and other changeable copy signs may be incorporated in the permanent signage for a business or development in the C-3, C-4 and C-5 zoning districts. Said signs shall meet the following standards:

(i) The sign shall follow the standards established in subsections (2) through (5) of this section;

(ii) Only one such sign shall be used in a development and it shall not exceed 50 percent of the sign area for that sign;

(iii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;

(iv) The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(xiii) of this section. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;

(v) Electronic message center signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information;

(vi) No segmented message shall last longer than 12 seconds;

(vii) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (red-green-blue) technologies or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video board. This subsection does not prohibit the use of color in a sign that is not a video board;

(viii) No changing electronic message center may contain the use of animation, video or flashing as defined in this chapter;

(ix) Changing electronic message signs shall maintain a 2-1-2 transition frequency. "2-1-2" means a message display time of a minimum of two seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of two seconds with all segments of the total message to be displayed

within 10 seconds. Displays which scroll onto the signboard must hold for a minimum of two seconds including scrolling. Frame effects may be used for the purpose of transition;

(x) Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions;

(xi) The owners of electronic message center signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the manufacturer preset automatic brightness levels on such signs;

(xii) For locations adjacent to a residential use or district electronic displays shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;

(xiii) A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (ix) of this section.

19.36.020 Definitions
Applicable to EMC Signs

(2) "Animation" means the use of movement or some element thereof, to depict action or create a special effect or scene.

(3) "Area or surface area of sign" means the greatest area of a sign on which copy or artwork can be placed and not just the portion of which is covered by letters or symbols, enclosed within not more than three circles, rectangles or squares, or any combination of these forms which produces the smallest area. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy and are not internally lighted shall not be included.

(14) "Electronic message center" means a sign capable of displaying words or symbols that can be electronically or mechanically changed by remote or automatic means. An electronic message center is considered a primary sign and may be either freestanding or building-mounted.

(16) "Frame effect" means a visual effect on an electronic message center applied to a single frame to transition from one message to the next. Such usage must comply with the 2-1-2 provision.

(50) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message center or similar device. The use of video is not permitted in any zoning district.

(51) "Video board" means an electronically activated sign that creates the effect of motion or animation, except as allowed by this chapter for changing electronic message signs which are in compliance with the 2-1-2 provision, and the prohibition of RGB technology. Video board signs are not permitted in any zoning district.

ECONOMIC DEVELOPMENT COUNCIL

UPDATED ELECTRONIC SIGN CODE PROPOSAL Oak Harbor, Washington, 98277

October 4, 2012
EDC Meeting

Proposed Electronic Sign Ordinance.

The EDC recommends replacing the existing outdated, contradictory sign ordinance with a new updated ordinance that reflects current technology in electronic media signs.

Keeping in mind a reasonable mix of public safety regarding traffic flow, and a businesses freedom to advertising in a way that would allow for growth in Oak Harbor, and the ability of the business to stay competitive with off island businesses, that have a more modern electronic sign code, were all considered in this proposal.

Another key issue or problem regarding the language of the existing electronic sign code, is the continuity or interpretation of city planners, regulators and officials, regarding issuing sign permits and sign content within the city of Oak Harbor, and the ability to interpret the sign code with any reasonable consistency.

The Economic Development Council makes the following proposal for replacing the existing electronic sign code.

1. All electronic signs (LED Signs) shall refrain from all strobe or rapid flashing effects that could be considered a distraction to traffic flow.
2. No electronic signs (LED Signs) shall be turned "brighter than the factory settings". Reducing the brightness is allowed.
3. No Live Video allowed, with the exception of RSS feeds for time, temperature and the emergency broadcast system.

Sincerely yours,

David Fikse

Gerald's Jewelry

EDC Board Member