



PLANNING COMMISSION

AGENDA

February 25, 2014

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL

AGENDA
February 25, 2014
7:30 P.M.

ROLL CALL: FAKKEMA _____ WASINGER _____
 JENSEN _____ PETERSON _____
 FIKSE _____ FREEMAN _____
 SCHLECHT _____

Please note that there will be an offsite electronic message center demonstration beginning at 6:30 p.m. in the parking lot at 551 NE Midway Boulevard. Time permitting the Planning Commission will conduct a pre-meeting at 7:00 p.m. in the Council Chambers Conference Room prior to the regular meeting. The regular portion of the meeting will begin at 7:30 p.m. in the Council Chambers at City Hall, 865 SE Barrington Drive, Oak Harbor WA. The Planning Commission will consider the following beginning at 7:30 p.m.:

1. Page 3
 Approval of Minutes – January 28, 2014
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. Page 6
 ELECTRONIC MESSAGE CENTERS CODE UPDATE – Public Hearing
 The Planning Commission will consider additional information provided by the International Sign Association on electronic message centers. At the conclusion of the public hearing the Planning Commission may forward a recommendation to the City Council.
4. Page 32
 PUBLIC PARTICIPATION PLAN – Public Hearing
 A draft of the Public Participation Plan was provided to the Planning Commission for review in January 2014. The Planning Commission will discuss Public Participation Plan further at the February meeting. The Planning Commission is expected to make a recommendation to the City Council on the adoption of the Public Participation Plan.
5. Page 39
 ANNUAL REPORT TO CITY COUNCIL – Public Meeting
 The Planning Commission will discuss the general recommendations portion of their annual report to the City Council. The report is a summary of Planning Commission’s accomplishments in 2013 and proposed work program for 2014. At the conclusion of the meeting the Planning Commission will forward the report to the City Council.

MINUTES

January 28, 2014

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
January 28, 2014**

ROLL CALL: Present: Keith Fakkema, Sandi Peterson, David Fikse and Ana Schlecht
Absent: Greg Wasinger, Kristi Jensen and Bruce Freeman
Staff Present: Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Ethan Spoo

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

PUBLIC COMMENT:

None present for comment.

MINUTES: MS. SCHLECHT MOVED, MS. PETERSON SECONDED, MOTION CARRIED TO APPROVE THE DECEMBER 10, 2013 MINUTES AS PRESENTED.

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

Mr. Powers reported on the latest developments at the State level and reviewed the revisions to the draft code that resulted from the questions raise by the Planning Commission at their last meeting regarding odor and whether the Washington State Superintendent of Public Instruction recognized private schools.

Mr. Powers reported that the City Council was briefed on the status of the project and in response to the recent events at the State level staff outlined three courses of action:

1. Continue with the current work program.
2. Stop working on the recreational rules and continue both moratoria.
3. Provide staff different policy direction for recreational marijuana in light of the Attorney General's opinion and continue the moratorium on medical marijuana.

City Council leaned toward staying the course.

Mr. Powers recommended that the Planning Commission conclude the public hearing and recommend approval of Ordinance No. 1685.

Mr. Fakkema opened the public hearing seeing no public comment the hearing was closed.

The Planning Commission discussed whether or not the City should proceed with its adoption given the Attorney General's opinion. They also discussed the impact the pending legislation to limit a city's authority to ban marijuana related uses. The Commission believed the draft code appropriately addressed the issues but expressed concern that something might need to change based on future actions at the State level. The Commission felt it was important for them to complete their work on time but noted the Council may wish to extend the moratorium and take additional time to study this issue.

Mr. Fakkema noted that the definition for "arcade" needs to be used uniformly throughout the ordinance.

ACTION: MS. SCHLECHT MOVED, MR. FIKSE SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE No. 1685 WITH THE CORRECTION TO USE THE DEFINITION OF GAME ARCADE UNIFORMLY THROUGHOUT THE ORDINANCE, MOTION CARRIED.

ACTION: MS. SCHLECHT MOVED, MS. PETERSON SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL EXTEND THE MORATORIUM FOR ANOTHER SIX MONTHS TO SEE WHAT HAPPENS AT THE STATE LEVEL.

2014 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing

Mr. Kamak described the process for formulating the docket. Mr. Kamak noted that one additional item was added to the docket. The 2014 docket now includes the 2016 Comprehensive Plan updates, Capital Improvement Plan updates, Future Land Use Map UGA corrections, 1000 SE City Beach Street zoning change and continued work on the scenic view study.

Mr. Fakkema opened the public hearing seeing no public comment the hearing was closed.

ACTION: MS. PETERSON MOVED, MS. SCHLECHT SECONDED A MOTION TO RECOMMEND THE CITY COUNCIL APPROVE THE 2014 COMPREHENSIVE PLAN DOCKET AS PRESENTED.

PUBLIC PARTICIPATION PLAN – Public Meeting

Mr. Kamak explained that Revised Code of Washington requires local governments to establish and broadly communicate to the public a Public Participation Plan (PPP) which identifies procedures for providing “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations.

Mr. Kamak reviewed the various methods the City is using to invite public participation and requested that the Planning Commission provide input on how the PPP could be improved.

Mr. Kamak reported that the PPP is tentatively scheduled for the February Planning Commission meeting for a recommendation to the City Council.

Mr. Fakkema asked how often the Comprehensive Plan is reviewed. Mr. Kamak said it use to be every seven years but due to the economic downturn the State had change the requirement to every eight years.

ANNUAL REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers presented the draft report to the City Council and asked the Commission to think about general recommendations they would like to include in the report. Ms. Schlecht volunteered to prepare general recommendations and provide them to staff before the February 25, 2014 meeting.

ADJOURN: 8:25 p.m.

Minutes submitted by: Katherine Gifford

Electronic Message Centers

Code Update

Public Hearing

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 2/25/14
Re: Electronic Message Centers – Planning Commission Consideration of ISA Comments

PURPOSE

This memorandum outlines options for Planning Commission to consider and take action on regarding comments submitted by the International Sign Association (ISA) to the City Council on November 6, 2013.

BACKGROUND

Planning Commission recommended approval of a draft electronic message center (EMC) code to the City Council on September 24, 2013. The draft code was scheduled for a discussion and possible vote by the City Council on November 6, 2013. Mr. James Carpentier of ISA submitted comments on November 6, 2013 to the City Council on five issues in the draft code. In light of the significance of these comments, staff recommended that City Council refer the draft EMC code to Planning Commission for consideration of these issues.

Planning Commission was also present at the EMC sign code demonstration on February 25, 2014 prior to the regularly scheduled meeting. Staff anticipates that Planning Commission may have questions and comments about the EMC demonstration.

DISCUSSION OF ISA COMMENTS

ISA's comment letter is Attachment 1 to this memorandum. In their letter, ISA identifies five issues with the draft electronic message center code. This section offers context and staff explanation of each of those comments.

DURATION OF VIDEOS

The draft EMC code requires that messages, videos, images, and graphics remain on screen for a minimum of two seconds. ISA commented that it is "contradictory" to allow for video, yet require a minimum two second duration since videos are a series of images portraying movement.

The reason videos were included in the two second duration was to ensure that the total play time of a video from start to finish was not less than two seconds. However, as ISA notes, it could be confusing to future sign users and code enforcement officers. A two second duration might imply that each frame within the video must remain onscreen for two seconds.

If Planning Commission prefers the draft code language as written, it could make a motion affirming the draft language (See motion 1.A). If Planning Commission believes that the duration issue should not apply to videos and lacks clarity, Planning Commission could make a motion directing staff to delete videos from the duration requirement (See motion 1.B). If Planning Commission believes that the total time from beginning to end of a video should not be less than two seconds, then it could make a motion directing staff to change the code to refer to "video segments" rather than just videos (See motion 1.C).

SPEED OF ANIMATION AND VIDEO

The draft EMC code says that “animation and video cannot portray action or movement at speeds faster than what occurs in real life.” ISA commented that this provision would be difficult to administer. Staff acknowledges that it would be difficult to measure the speed of a video.

If Planning Commission prefers the draft code as it earlier recommended, it could make a motion affirming the draft language (See motion 2.A). If Planning Commission believes that the subject provision would be difficult to enforce, it could make a motion directing staff to delete this provision (See motion 2.B).

TRANSITION TIME

The draft EMC code requires that new messages, videos, graphics, text, or images enter the screen in a time exceeding ½ second and less than 1 second. As Planning Commission may recall, the range was selected to prohibit instantaneous changes which might be distracting. For instance, comments offered by Planning Commission at the time indicated that an instantaneous change from a dark color to a bright color was thought to be distracting. ISA commented that the transition number should be a discrete number (i.e. within 1 second) rather than a range.

If Planning Commission prefers the draft language as written regarding transition time, it could make a motion affirming the draft language (See motion 3.A). If Planning Commission prefers a discrete number, it could direct staff to revise the code to require transitions to occur within 1 second (See motion 3.B).

SCROLLING AND MOVING TEXT

The draft code prohibits scrolling or moving text. The ISA commented that it is contradictory to allow for animation yet not allow for scrolling or moving text. The intent behind this code provision was to prohibit a subcategory of animation (scrolling and moving text) under the premise that it was more distracting according to research.¹

If Planning Commission prefers the code as drafted, it can make a motion affirming (See motion 4.A). If Planning Commission agrees that scrolling and moving text should be allowed, it can make a motion to delete this language (See motion 4.B).

BRIGHTNESS

The draft code sets brightness standards of 1,500 nits during the night and 13,000 nits during the day. ISA commented that “this exceeds the industry standard recommended levels of nighttime brightness by several hundred percent” and recommends using the “industry standard science based footcandle approach.”

If Planning Commission prefers the draft code language, it can make a corresponding motion (See motion 5.A). If Planning Commission prefers to use the standard recommended by ISA, it can direct staff to revise the code in accordance with ISA’s recommendations for brightness (0.3 footcandles at night with autodim) (See motion 5.B).

In terms of how brightness is measured, the draft code requires that the sign first be turned off and a measurement taken and then be turned on displaying a white image. The ISA comments that this is not an appropriate way to measure nits. Nits are an absolute measurement and do not take into account ambient lighting levels and therefore a measurement does not need to be taken with the sign turned off to measure ambient lighting levels. Staff agrees. Should Planning Commission recommend that a nit standard be used, it should direct staff to revise the way sign brightness is measured so as not to require that a measurement be taken when the sign is turned off (See motion 5.C).

¹ Zoning Practice, April 2008, issue number 4 “Practice Smart Sign Codes”, page 4. American Planning Association

RECOMMENDATION

Staff recommends that Planning Commission proceed by selecting appropriate motions reflecting their preferences as regards the issues revised by ISA in their November 6, 2013 letter and as discussed in this memorandum. The alternative motions for each of the issues are as follows:

Duration of videos (Select One)

Motion 1.A: Direct staff not to alter the language regarding duration of videos

Motion 1.B: Direct staff to revise the code language regarding duration to delete the word “videos.”

Motion 1.C: Direct staff to revise the code to refer to “video segments” rather than just “videos.”

Speed of Animation and videos (Select One)

Motion 2.A: Direct staff not to alter the language regarding the speed of animation and videos

Motion 2.B: Direct staff to delete the draft language referring to animation and video not portraying action or movement at speeds faster than what occurs in real life.

Transition Time (Select One)

Motion 3.A: Direct staff not to alter the language regarding transition time of messages, videos, graphics, text, or images.

Motion 3.B: Direct staff to revise the language regarding transition time to be one second or less.

Scrolling and Moving Text (Select One)

Motion 4.A: Direct staff not to alter the language prohibiting scrolling and moving text.

Motion 4.B: Direct staff to delete the language prohibiting scrolling and moving text.

Brightness (Select either 5.A or 5.B. Select 5.C if a nit standard is preferred)

Motion 5.A: Direct staff not to alter the language regarding brightness levels

Motion 5.B: Direct staff to revise the brightness standards to agree with ISA’s recommended standards (0.3 footcandles at night, and rely on autodim during the day).

Motion 5.C: Direct staff to revise the brightness measurement method for nits so that a measurement does not need to be taken with the sign turned off.

ATTACHMENTS

1. Letter from James Carpentier, International Sign Association, to City Council dated November 6, 2013.
2. Electronic Message Center Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030 as referred to Planning Commission by City Council on November 6, 2013.



INTERNATIONAL SIGN ASSOCIATION

November 6, 2013

City Council
 Oak Harbor City Hall
 865 S.E. Barrington Drive
 Oak Harbor, WA 98277

Re: Ordinance 1674: Relating to Electronic Message Centers (EMC) and Amending Chapter 19.36, Sign Code, of the Oak Harbor Municipal Code

Dear Honorable City Council:

I am contacting you on behalf of the Northwest Sign Council and the International Sign Association. Both Associations assist jurisdictions throughout the northwest to create effective and enforceable sign regulations. I did get the opportunity to attend and testify at a Planning Commission meeting on May 28th. We want to acknowledge the work done by staff and the Planning Commission with the proposed draft of the electronic message center ordinance. Some of the regulations will be beneficial for enhancing commerce in the City of Oak Harbor. However, we wanted to make you aware that the proposed EMC ordinance has several technical issues.

Due to these technical issues we respectfully request that the City Council refer Ordinance 1674 back to the Planning Commission for additional review and consideration of these technical issues.

Here is a summary of the technical issues with the proposed code:

- Section (vi) of the EMC section of the code allows for animation and videos. Section (vii) of the EMC section of the code requires a two second duration or hold time for a message or video. This is contradictory since a video cannot be subject to duration or hold time. It appears that the intent is to require a message to be subject to a hold time of two seconds. This section also does not allow for "movement or action faster than real life." We believe that this section would be difficult to administer and should be deleted.
- Section (viii) of the EMC section includes language that is not clear as to the required transition time for messages, since the transition time needs to be a discrete number. Due to this ambiguity, this section would be difficult to administer.
- Section (vix) does not allow for scrolling or moving text. It is contradictory to allow for animation yet not allow scrolling or moving text.
- Section (vii) allows for EMCs to have a nighttime brightness level of 1,500 nits and a daytime brightness of 13,000 nits in Zones C-3, C-4 and C-5. We have a number of concerns with brightness levels as proposed: this exceeds the industry standard recommended levels of nighttime brightness by several hundred percent; we are not aware of any jurisdiction that has recently adopted nighttime or daytime illumination levels in this range; with the proposed automatic dimming the daytime limitations are not necessary; we recommend the industry standard science based footcandle approach, which has been successfully adopted and administered by numerous jurisdictions throughout the country, the methodology stated for measuring EMC illumination levels is not appropriate for measuring nits.



INTERNATIONAL SIGN ASSOCIATION

We appreciate your consideration of our recommendations. If you have any questions do not hesitate to contact me.

Sincerely,

James B. Carpentier AICP
Manger of State & Local Government Affairs
480-773-3756

C. Mayor Scott Dudley
Valerie J. Loffler, City Clerk
Steve Powers, AICP, Development Services Director

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ORDINANCE NO. 1674

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.36 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "SIGN CODE" TO ALLOW FOR ELECTRONIC MESSAGE CENTER SIGNS WITH VIDEO, ANIMATION, GRAPHIC AND IMAGE CAPABILITIES.

WHEREAS, the City's Comprehensive Plan, Land Use Element, Goal 1 says: "To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center."

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(d) says: "Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City's commercial areas," and;

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(e) says "Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot" and;

WHEREAS, the City's Comprehensive Plan, Urban Design Element, Policy 5(c) says "Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts."

WHEREAS, the City of Oak Harbor Comprehensive Plan, Economic Development Element, Goal 3 says: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on April 23, May 28, June 25, July 23, August 27 and September 24, 2013. The public hearing was closed on September 24, 2013. Public meetings were held before the Planning Commission on January 22, February 26, and March 26, 2013 and;

WHEREAS, the Oak Harbor Planning Commission recommended approval of the subject ordinance to the City Council and;

WHEREAS, the City of Oak Harbor issued Notice of Application on April 27, 2013 and a Determination of Non-Significance (DNS) on June 5, 2013 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Section 19.36.020 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 1 in 2012 is hereby amended to read as follows:

19.36.020 Definitions.

- (1) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
- (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.
- (4) "Architectural blade" means a projecting sign with no exposed legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from the building.
- (5) "Banner" means a flexible material (i.e., cloth, paper, vinyl, etc.) on which a sign is painted or printed.
- (6) "Billboard" means outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.
- (7) "Building line" means a line established by ordinance defining the limits of buildings in relation to streets. A building line in some instances may coincide with the property line. "Building line" is sometimes referred to as "required setback line."
- (8) "Building-mounted sign" means a single- or multiple-faced sign attached to the face of a building or marquee.
- (9) "Campaign sign" means a sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a ballot issue.
- (10) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
- (11) "Canopy sign" means any sign erected upon, against or directly above a canopy.
- (12) "Commercial sign" means a sign containing expression related to the economic interests of the advertiser and its audience or a sign proposing a commercial transaction.
- (13) "Construction sign" means an information sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
- (14) "Electronic message center" means a sign capable of displaying words ~~or~~ symbols, graphics, images, or video 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. For the purposes of this chapter, electronic message center signs do not include gasoline price signs.
- (15) “Flashing” means pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.
- (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.
- (17) “Freestanding sign” means a single- or multiple-faced sign supported from the ground by one or more columns, uprights or braces. Freestanding signs include monument, pylon and pole signs.
- (18) “Gasoline price signs” means any sign displaying the price of gasoline or other fuel at a gasoline or service station by electronic or mechanical means.
- (198) “General promotions” means events which occur on a regular basis in retail business for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year-end, seasonal sales, civic events, etc.).
- (1920) “Grade” means the elevation or level of the street closest to the sign to which reference is made, as measured at the street’s centerline, or the relative ground level in the immediate vicinity of the sign.
- (210) “Grand openings and anniversaries” means events that are held on a once-per-year basis for the purpose of advertising grand openings, ownership changes, or anniversaries.
- (221) “Height” or “height of sign” means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.
- (232) “Incidental sign” means a single- or double-faced sign not exceeding four square feet in surface area of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, public telephone, etc. Also included are signs designed to guide pedestrian or vehicular traffic to an area or place on the premises of a business, building or development. Also included are building directories with the letters not to exceed four inches in height. (See OHMC 19.36.100.)
- (243) “Marquee” means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.
- (254) “Monument sign” means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.
- (265) “Multiple-occupancy building” means a single structure housing more than one type of retail business office or commercial venture.
- (276) “Multiple-occupancy complex” means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.

(28) “Nit” means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

~~(27)~~~~(2829)~~ “Noncommercial public service sign” means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages, including, but not limited to, the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations engaged in activities for profit.

~~(28)~~~~(2930)~~ “Occupant” means the person, firm or corporation that occupies the land or building.

~~(29)~~~~(319)~~ “Office building” means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.

~~(30)~~~~(3132)~~ “Parapet” means that portion of a building wall which extends above the roof of the building.

~~(31)~~~~(3233)~~ “Penthouse” means a structure on top of a building roof such as houses an elevator shaft or similar form.

~~(32)~~~~(3334)~~ “Pole sign” means a primary freestanding sign where the sign is supported by a pole or other similar structural element that is substantially narrower than the width of the sign.

~~(33)~~~~(3435)~~ “Political free speech sign” means a sign which promotes a position on a public or social issue.

~~(34)~~~~(3536)~~ “Primary sign or signs” means all signs, including freestanding signs, of a user which are not exempt (see OHMC 19.36.100), or which do not come within the category of incidental signs (see OHMC 19.36.030 and subsection (22) of this section) or temporary or special signs (see 19.36.080). The term “primary sign” is intended to include virtually all signs of a commercial nature.

~~(35)~~~~(3637)~~ “Property line” means the line denoting the limits of legal ownership of property.

~~(36)~~~~(338)~~ “Pylon sign” means a primary freestanding sign other than a pole sign with the appearance of a solid base. The base of a pylon sign shall be distinctive in appearance from the sign area.

(39) “Public service information” means amber alerts or information about community events.

~~(37)~~~~(3840)~~ “Reader board” means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

~~(38)~~~~(41)~~ “Right-of-way” means either a publicly owned fee, an easement or privilege to traverse over land. A right-of-way is for public travel. Rights-of-way may be opened or unopened, and when open usually contain street improvements.

~~(39)~~~~(42)~~ “Roof sign” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.

~~(40)~~~~(43)~~ “Sign” means any letters, figures, design, symbol, trademark or device intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever. Sources of light used primarily to illuminate a sign, or a building, or ground surrounding the building, shall not be considered signs themselves; provided,

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however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign. Lighted canopies, with the exception of the signed portion, shall not be considered signs themselves. Excluded from the definition are official traffic signs or signals, sheriff's notices, court notices or official public notices and the flag of a government or noncommercial institution, and signs not visible from the street or sidewalk (see OHMC 19.36.100 for more detailed treatment of exempt signs), and religious symbols.

- (41)(4244) "Single-occupancy building" means a commercial building or structure with one major enterprise, generally under one ownership. A building is classified as single-occupancy only if:
- (a) It has only one occupant;
 - (b) It has no wall in common with another building;
 - (c) No part of its roof in common with another building.
- (42)(45) Special Signs. See "Temporary and Special Signs."
- (43)(46) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.
- (44)(47) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.
- (45)(48) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.
- (46)(49) Surface Area. See "Area or surface area of sign."
- (47)(50) "Surface area of facade" means the area of that front, side or back elevation, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of facade shall be the area of that front, side or back immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.
- (48)(51) Temporary and Special Signs. "Temporary and special signs" are those which are not defined as "primary signs" or "incidental signs" by this chapter. Different types of temporary and special signs include, but are not limited to, construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, subdivision directional signs, A-frame signs, political signs, and campaign signs (see OHMC 19.36.080).
- (52) Transition. "Transition" means the time interval between display changes of graphics, text, messages, or images on electronic message center signs.
- (49)(53) Transitory signs. Transitory signs, also known as "human signs," are those carried by or worn by a human being usually for the purposes of a protest, demonstration, rally, or other similar event.
- (50)(54) "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)(52) "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.~~

~~(52)~~(55) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.

~~(53)~~(556) "Window sign" means all signs located inside and affixed to or within three feet of windows of a building, whether temporary or permanent, except lighted signs of a commercial advertisement nature which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window. Lighted window signs shall be included in determining the number of primary signs and in determining the permissible sign area for each facade. Does not include incidental signs. (See OHMC 19.36.030.)

Section Two. Section 19.36.030 of the Oak Harbor Municipal Code last amended by Ordinance 1553 section 3 in 2009 is hereby amended to read as follows:

19.36.030 Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.

- (1) General.
 - (a) In general, this city takes the view that signs should be scaled to the building to which the sign is related. Accordingly, in the following sections will be found regulations on the area, number and height of signs, which are a function of the size of the building to which the sign is related.
 - (b) Any single-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (6) of this section. No more than one freestanding sign is permitted per single-occupancy building unless the building faces on more than one street (see subsection (4) of this section), and is not a part of a multiple-building complex.
 - (c) Each occupant in a multiple-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-occupancy building unless the building faces more than one street (see subsection (4) of this section), and is not part of a multiple-building complex.
 - (d) Each occupant in a multiple-building complex in the business districts, which is composed of single- and/or multiple-occupancy buildings, shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-building complex, unless the building faces on more than one street. (See subsection (4) of this section.)
 - (e) Each enterprise shall display and maintain on-premises street address number identification. (See subsection (6) of this section.)
 - (f) A multiple-building complex encompassing at least five acres may display one complex identification sign along with each right-of-way which provides direct access to the complex. Each sign may not exceed 75 square feet in

surface area and 25 feet in height. Each sign is subject to the sight distance requirements of the zoning ordinance.

- (2) **Setback Limitations – Freestanding Signs.** Except as otherwise provided in this section, the size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the front property line:

Minimum Setback: 5 feet from front property line
 Maximum Area: 100 square feet (per side)

- (a) **Sign Height – Freestanding Signs.** Except as otherwise provided in this section, the height of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign:

Maximum Height: 25 feet

A minimum height of eight feet from grade to the bottom of the sign is required, for signs greater than 48 square feet, to ensure adequate sight lines for signs closer than 10 feet to the front property line.

- (b) **Facade Limitations, Building-Mounted Signs, Roof or Canopy-Mounted Signs.** The surface area of any building-mounted sign and roof or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for That Facade
Below 100	25 percent of facade
100 – 199	26 sq. ft. + 11 percent of facade area over 100 sq. ft.
200 – 499	38 sq. ft. + 12 percent of facade area over 200 sq. ft.
500 – 999	75 sq. ft. + 11 percent of facade area over 500 sq. ft.
1,000 – 1,499	131 sq. ft. + 7.5 percent of facade area over 1,000 sq. ft.
1,500 – 2,999	169 sq. ft. + 2.5 percent of facade area over 1,500 sq. ft.
Over 3,000	206 sq. ft. + 1.5 percent

	of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.
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In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the occupant, and the sign displayed by the occupant must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple-occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
- (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
- (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

- (c) **Sign Height – Building-Mounted Signs.** The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.
- (3) **Number of Primary Signs.** The permissible number of signs for each occupant is dependent upon the surface area of the largest single facade of the building that is under his control. The permitted number of signs is as follows (not including incidental signs):

Surface Area of Largest Facade	Maximum Number of Signs
Less than 999 sq. ft.	3
1,000 – 2,999	4
3,000 and over	5

Buildings or occupants with more than 3,000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the five allotted.

- (4) **Buildings on More Than One Street.** Buildings facing on more than one street are entitled to a bonus in primary signage, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different parallel streets, as defined in subsections (4)(a) and (4)(b) of this section.
- (a) **Buildings on Intersecting Streets.** When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is permitted and must meet the setback limitation under subsection (2) of this section.
- (b) **Buildings Facing on Two Parallel Streets.** Single-occupancy buildings that extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under subsections (2)(a) and (2)(b) of this section, and the sign number under subsection (3) of this section for each end of the building facing on a street; provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.
- (5) **Types and Placement of Primary Signs.** The permissible types of primary signs, their placement and other limitations are as follows:
- (a) **Freestanding Signs.**
- (i) Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.
- (ii) A freestanding sign located five feet from the property line shall be wholly behind the five-foot setback, and a freestanding sign located at the building line shall be wholly behind the building line.
- (iii) Any freestanding sign must be integrated. That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.
- (b) **Building-Mounted Signs.**
- (i) Any building-mounted sign shall not project more than five feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.
- (ii) Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.

- (iii) Special projection signs are permitted within the CBD and are allowed in addition to permitted signage. Special projection signs are limited to one per business and shall be attached to the building. The bottom of the sign shall be at least seven feet above the sidewalk.
- (c) Roof Signs.
 - (i) All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.
 - (ii) All roof signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (d) Canopy Signs.
 - (i) All such signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself.
 - (ii) All canopy signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (e) Monument Signs. Monument signs shall not exceed eight feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the front property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
- (f) Pylon Signs.
 - (i) Pylon signs shall not exceed 10 feet in height measured from the finished grade to top of the sign and not exceed 48 square feet in area. Pylon signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
 - (ii) If a pylon sign is used instead of a pole sign an additional 15 percent of wall signage area over that than otherwise permitted shall be allowed. The additional square footage may be used on any facade that permits wall signage.
- (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~~ C-3, C-4, and C-5, zoning districts. Said signs shall meet the following standards:
 - (i) Electronic message center signs ~~The sign~~ shall follow the standards established in subsections (2) through (5) of this section above except where further modified by the specific provisions in this subsection entitled "Electronic Message Center Signs."

- (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)~~ Size. Electronic message center signs shall be included in the maximum sign area allowed for the business or development under 19.36.030(2 and 3). However, in no case shall an electronic message center sign exceed 100 square feet in size. Additionally, electronic message center signs can comprise 100 percent of a building mounted primary sign, no more than 75 percent of a monument primary sign, and no more than 50 percent of a pole or pylon primary 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)~~ Freestanding electronic message center signs shall be constructed~~The sign shall be constructed~~ as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(~~xviii~~) 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~~
- ~~(vi)~~ Animation and video. Animation and video are permitted on electronic message center signs. Animation and video must be steady and avoid shaking, trembling, quavering, or quaking effects. Animation and video cannot portray action or movement at speeds faster than what occurs in real life. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
- ~~(vii)~~ Duration. The entirety of a message, text, graphic, image or video, including message segments, must remain on-screen for a minimum of two seconds. There is no maximum duration for messages, text, graphics, images, or video.
- ~~(viii)~~ Transitions. Instantaneous transitions of colors, graphics, text, or images are prohibited. When the sign is transitioning between colors, graphics, images, or text the transition must occur within one second and no less than 0.5 seconds. This provision shall not be interpreted to prohibit video.
- ~~(vix)~~ Scrolling or moving text is prohibited.
- ~~(vix)~~ Color. Color may be used in electronic message center signs. However, white backgrounds are prohibited.
- ~~(viix)~~ ~~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~~

~~(xi) Orientation. Freestanding electronic message center signs must be directed away from adjacent residentially zoned or open space zoned properties including properties across a public right-of-way. No electronic message center sign may be located closer than 100 feet from residentially zoned or open space zoned properties as measured from the sign location to the nearest property line of the residential or open space zoned property.~~

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

~~(xii)(xi) Brightness/Luminance. The brightness of electronic message center signs shall not exceed the standards specified herein.~~

Zone	Luminance/Brightness Level
C3	1,500 nits night/13,000 nits day
C4	1,500 nits night/13,000 nits day
C5	1,500 nits night/13,000 nits day

~~Digital signs shall come equipped with automatic dimming technology. Owners of digital signs shall include a signed letter accompanying their permit application certifying that they will not tamper with the settings of the sign so as to exceed the brightness standards specified herein. The brightness of the sign shall be measured with the electronic message center turned off and then again with the sign turned on displaying a white image for a full color sign or a solid message for a monochrome sign.~~

~~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;~~

~~(xiii) 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.; Hours of operation. Electronic message center sign displays must be turned off between the hours of 11:00 p.m. and 6:00 a.m. when located 100 feet or less from a residentially zoned property.

- (xiv) Angle. Electronic message center signs shall be mounted perpendicular to the ground.
- (xv) Malfunction. If the electronic message center sign malfunctions so as to affect the normal function and display of the sign, the sign is required to be turned off until function has been restored.
- (xviii) 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 (ixvi) of this section.
- (xvii) Non-conforming electronic message centers must be brought into conformance with brightness and hours of operation standards within one year of the adoption of this code.

- (6) Incidental Signs. "Incidental signs" means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.
- (7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.
- (8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.
- (9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.
- (10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor's present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect, almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial

relaxation of the standard sign requirements for signs on legal nonconforming buildings, only so long as the buildings or uses remain legally nonconforming under provisions of the Oak Harbor zoning code.

- (11) Permitted Signs on Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings or uses with the following exceptions:
- (a) Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet, six inches.
 - (b) Legally nonconforming buildings are allowed the same sign area as other buildings zoned as commercial districts, as per this section.

19.36.040 Residential/office district and neighborhood commercial district signs – RO and C-1 zones.

- (1) General. ~~Subsections 1-4~~This section applies only to office and apartment buildings in RO and buildings in C-1 zones of the city. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the RO and C-1 zones are primarily placed as a buffer between CBD, C-3, C-4 and C-5 business district zones and residential zones, the permissible signs are scaled down from those allowed in business districts.
- (2) Setback Limitations – Freestanding Signs. The size of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:

Minimum Setback:	5 feet from front property line
Maximum Area:	35 square feet (per side)

 - (a) Sign Height – Freestanding Signs. The height of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:

Maximum Height:	15 feet
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 - (b) Facade Limitations – Building-Mounted Signs, Roof and Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign in the RO and C-1 districts shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for That Facade
Below 100	20 percent of the sign area
100 – 199	21 sq. ft. + 9 percent of facade area over 100 sq. ft.
200 – 499	30 sq. ft. + 10 percent of facade area over 200 sq. ft.
500 – 999	60 sq. ft. + 9 percent of facade area over 500 sq. ft.
Over 1,000	105 sq. ft. maximum

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by that tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
 - (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
 - (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.
 In no case may the maximum sign surface area permitted on a building facade be exceeded.
- (c) **Sign Height – Building-Mounted Signs.** No building-mounted sign in the RO or C-1 district, regardless of type, shall exceed a height of 20 feet above grade, or above the height of the building to which it is attached, whichever is less.
- (d) **Limitation.** Any freestanding or building-mounted sign located in these districts shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and the principal service or

product of the business without references to prices or the characteristics of the product or services offered.

- (3) Number of Signs. In the RO and C-1 districts no more than two primary signs are permitted for buildings facing on one street, only one of which may be freestanding. Buildings or building complexes on street corner locations may have two freestanding signs only if they are located on two different streets and are separated more than 100 feet, measured in a straight line between the signs. Buildings or building complexes which extend a block to face on two parallel streets are permitted two primary signs on each street, only one of which may be freestanding for each street.

For purposes of determining the limit on number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one building.

- (4) Types and Placement. Within RO and C-1 districts the permissible types of signs, their placement and other limitations are as follows:
- (a) Freestanding Signs. Requirements are identical to OHMC 19.36.030(5)(a), except that advertising shall not be permitted.
 - (b) Building-Mounted Signs. Requirements are identical to OHMC 19.36.030(5)(b), except that advertising shall not be permitted.
 - (c) Electronic Message Center Signs. These signs are allowed only in the C-1 district. ~~Requirements are identical to OHMC 19.36.030(5)(g)~~ and brightness is restricted to 1,000 nits during the night and 8,000 nits during the day.
 - (d) Incidental Signs. In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in OHMC 19.36.030(6).
 - (e) Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.
 - (f) Signs or portions of signs indicating premises for rent (e.g., "Apartment for Rent," "Apartment Available," "Vacancy," "Now Renting," "Free Rent," etc.) shall not exceed a surface area of six square feet and many remain up until the premises are sold or rented.
 - (g) The illumination of any sign in the RO and C-1 districts shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.
 - (h) Legal nonconforming signs same as OHMC 19.36.030(10) and (11).
 - (i) Monument signs shall not exceed six feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

- (5) Bed and breakfast establishments. Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use non-flashing, non-reflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.

Section Three. Section 19.36.050 of the Oak Harbor Municipal Code last amended by Ordinance 1553 section 4 in 2009 is hereby amended to read as follows:

19.36.050 Industrial, planned industrial park and planned business park district signs – I, PIP, and PBP zones.

Permissible signs and their limitation in the industrial district (Zone I) shall be identical to those in the commercial districts CBD, CBD-1, CBD-2, C-3, C-4 and C-5 (OHMC 19.36.030). Electronic message center signs are permitted in the I, PIP, and PBP zones and shall meet the requirements of 19.36.030 for business district signs except that brightness shall be limited to 1,000 nits during the night and 8,000 nits during the day.

Section Four. Section 19.36.060 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 2 in 2009 is hereby amended to read as follows:

19.36.060 Multifamily residential district and public facilities district signs – Zones R-2, R-3, R-4 and PF.

Requirements for signs in multifamily residential districts and public facilities districts shall be identical to those for the R-O residential office district and the C-1 neighborhood commercial district zones as set forth in OHMC 19.36.040.

- (1) Exceptions for signs in the PF zone.. In the public facilities zoning district, a single freestanding or building-mounted changing general electronic reader board is allowed with the following restrictions:
- ~~(a) Freestanding signs are limited to 35 square feet in sign area, no more than 15 feet in height and must be set back five feet from the property line;~~
 - ~~(b) Wall-mounted signs are limited to 35 square feet in sign area and no more than 20 feet in height;~~
 - ~~(c) Lettering shall not be more than 12 inches in height;~~
 - ~~(d) The electronic message shall be limited to those allowed on noncommercial signs as defined in OHMC 19.36.020(25) and shall not change more frequently than every four seconds;~~
 - ~~(e) The sign's lights shall be limited to a warm-toned, off-white color or other similar color as approved by the development services director;~~
 - ~~(f) An electronic reader board counts as one of the allowed primary signs; and~~
 - ~~(g) 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. Electronic message center signs in the PF zone are allowed and shall meet the requirements of 19.36.030 for business district signs except that brightness is limited to 1,000 nits during the night and 8,000 nits during the day.~~

Section Five. Section 19.36.070 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 2 in 2009 is hereby amended to read as follows:

19.36.070 Single-family residential signs – R-1 zones.

- (1) General. Two categories of sign uses are covered by this section:
 - (a) Existing, Legal Nonconforming Commercial Uses. The provisions herein for signs for commercial uses apply only to legal nonconforming uses which have been approved under applicable zoning ordinances prior to the enactment of this code.
 - (b) Noncommercial uses such as schools, churches, fire stations and house number identification.
- (2) Signs for Existing Legal Nonconforming Uses. No more than one primary sign is permitted for each use in this category so long as the building remains legally nonconforming under the provisions of this title as follows:
 - (a) Such sign may be either freestanding or building-mounted.
 - (b) If freestanding, the sign shall conform to the requirements of OHMC 19.36.030(5)(a) in regard to placement and OHMC 19.36.040(2)(a) in regard to size and height.
 - (c) A building-mounted sign shall conform to the requirements of OHMC 19.36.030(5)(b); provided, however, that no sign shall exceed 20 square feet in surface area.
- (3) Signs for Noncommercial Uses.
 - (a) On-premises signs for churches, schools, golf courses, fire stations, police stations, noncommercial use or public service, or other similar noncommercial uses:
 - (i) Signs shall be unobtrusive, in keeping with the character of the neighborhood and constructed of quality materials, as approved in advance by the administrator of this code. No building-mounted signs shall exceed 20 feet in height and 50 square feet in surface area and no freestanding sign located between the building line and the property line shall exceed five feet in height and 25 square feet in surface area. A freestanding sign located at the building line or behind it shall not exceed 15 feet in height or 35 square feet in area. No more than one freestanding sign and one building-mounted sign is permitted from the above uses per street frontage.
 - (ii) Off-premises signs for nonconforming uses may be approved by the site plan review committee subject to the following conditions:
 - (A) The sign is to identify current events or activities;
 - (B) The sign or message is for a temporary period of time sufficient to inform the public of the event or activity with a maximum of two weeks;
 - (C) The sign shall not be located on street right-of-way except when a part of a permanent subdivision or neighborhood designation sign (see subsection (3)(d) of this section);

- (D) The sign shall not exceed 15 square feet in area nor five feet in height;
- (E) Not more than two such signs shall be permitted.
- (b) Illumination. Illumination from or upon any signs in single-family residential districts shall be shaded, shielded, directed or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.
- (c) House Numbers. All houses in the single-family residential district shall display house numbers visible from the street and letters or numbers shall be a minimum of five inches in height.
- (d) Permanent Subdivision or Neighborhood Designation Signs. Signs shall be unobtrusive, in keeping with the character of the neighborhood, and constructed of quality materials, as approved in advance by the administrator of this code. Signs shall not exceed five feet in height and 25 square feet in surface area, and shall be located between the building line and property line unless a location of excess city right-of-way is approved by the superintendent of public works. Responsibility for the future maintenance or removal of these signs must be determined prior to their construction.
- (e) Bed and breakfast signs. Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Such signs shall use non-flashing non-reflective materials; and the legend shall show only the name of the facility and/or the operator and/or the address. Pole or pylon signs are prohibited.

Section Six. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Six. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this _____ day of _____ 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published:

Public Participation Plan

Public Hearing

**City of Oak Harbor
Planning Commission Report**

Date: February 25, 2014
Subject: Public Participation Plan for the
2016 Comprehensive Plan
Update

FROM: Cac Kamak, AICP
Senior Planner

PURPOSE

This report presents the Public Participation Plan (PPP) for the 2016 Update to the Comprehensive Plan. Section 36.70A.140 of the Revised Code of Washington requires local governments to establish and broadly communicate to the public a Public Participation Plan (PPP) which identifies procedures providing for “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations implementing such plan.

BACKGROUND

The PPP was first introduced to the Planning Commission for review at its October 22, 2013 meeting. The PPP was discussed further at the January 23, 2014 Planning Commission meeting. Since early and continuous public participation is at the heart of all actions related to the Comprehensive Plan, having a PPP adopted early in the process provides an opportunity to the Planning Commission and the public to be aware of the ways to be involved in the 2016 Comprehensive Plan update process. Oak Harbor’s Municipal Code Chapter 18.15 also incorporates several requirements to keep the public informed on actions related to the Comprehensive Plan.

DISCUSSION

The Public Participation Plan (PPP) is attached to this memo for the Planning Commission’s review and recommendation. The PPP identifies the Planning Commission as the primary body to consider the amendments and hold hearings. Planning Commission meetings are not only an effective way to obtain public input but it is also an effective way to disseminate information to the public because the meetings are recorded and rebroadcasted on Channel 10 public access television. Planning Commission meetings are played an average of five times a week until the next meeting is recorded and ready for broadcast. The rebroadcasting of the Planning Commission meeting is an effective way to keep transparency in the decision making process.

A dedicated webpage under the City’s website has been created to provide access to all the information that is related to the 2016 update in one place. This webpage will have links to Planning Commission reports related to the update. A dedicated email address 2016update@oakharbor.org has been created for easy public input and comments.

Other means of public input such as open houses, ad hoc committees, workshops, public displays, etc. have also been identified as outreach mechanisms. The decision to use these can be made based on the topic of discussion and the most effective way to gain public input on that specific topic.

RECOMMENDATIONS

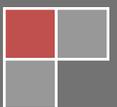
The Planning Commission is requested to hold a public hearing on the Public Participation Plan and make a recommendation to the City Council.



Public Participation Plan

2016 Comprehensive Plan Update

Section RCW 36.70A.140 of Washington Statutes requires local governments to establish and broadly communicate to the public a Public Participation Plan which identifies procedures providing for “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations implementing such plan.



Introduction

Oak Harbor's comprehensive plan and development regulations need to be reviewed periodically and updated to reflect current laws, correct errors, input new data, and/or clarify intent.

Washington State's Growth Management Act (GMA) requires Oak Harbor to do this review and update its comprehensive plan and development regulations by June 2016.

As part of this update process, Section RCW 36.70A.140 of Washington Statutes requires local governments to establish and broadly communicate to the public a Public Participation Plan which identifies procedures providing for "early and continuous public participation" in the amendment of the Comprehensive Plan and development regulations implementing such plan.

The city recognizes the importance and necessity of the public involvement process. The city has several boards and commissions that serve in various capacities to foster public input, discuss complex issues, further goals and policies of adopted plans and make recommendations to the governing body. The Planning Commission of Oak Harbor serves as the hearing board for amendments and updates to the city's comprehensive plan and development regulations. The Planning Commission makes recommendations to the City Council who ultimately decides on the adoption of amendments and updates. All meetings of the Planning Commission and the City Council are open to the public and have dedicated time for public input on their agenda.

Goals and Objectives

The goal of the Public Participation Plan is to provide the public with complete information, timely public notice, full public access to key decisions, and support early and continuous involvement in the process. It is also the goal of the PPP to provide the public with sufficient information so that there is an understanding of the process, and opportunities to review and comment on update decisions before they are made. Public is defined broadly to include individual citizens, interest groups, trade groups, government agencies, utilities and service providers and businesses.

The city's current comprehensive plan and development regulations integrates public involvement into its decision making process. OHMC 18.15 outlines the requirements on public involvement during annual amendments to the comprehensive plan and OHMC 18.20 provides the regulations for public noticing for permit process and other development regulated activities. Though the city will abide by all the existing requirements, this Public Participation Plan describes the steps that the City of Oak Harbor will take to involve the community in decisions regarding the 2016 Comprehensive Plan Periodic Update.

Stakeholders and Public Groups

The GMA does not exempt any portion of a comprehensive plan or development regulation from being subject to review and evaluation. However, there are some key elements that need to be

reviewed and updated based on changes to laws. The Department of Commerce has provided a checklist to help cities determine the portions of a comprehensive plan that needs to be updated. A review of the plan against this checklist provides a scope of the amendments necessary to comply with GMA.

The scope of the update will determine the involvement of key stakeholders and interest groups. It is beneficial to identify these groups and involves them early in the process.

Some of the groups and individuals that could have a potential interest in public input and involvement opportunities are identified below. This list serves as an initial identifier of interested groups and is not intended to exclude any groups from the process.

- Government agencies – state, county, school districts etc.
- NAS Whidbey
- Chamber of Commerce and other business groups
- Media – newspaper
- Organizations and individuals who have been notified of public hearings for major projects, or organizations and individuals who have submitted written comments on other major projects.
- Whidbey Environmental Action Network
- SICBA

Information Access

All reports and documents generated for the 2016 Update to the Comprehensive Plan is available to the public for review. This information can be viewed at Oak Harbor's city hall or online at the city's website www.oakharbor.org under the Development Services Department/Planning Division and under the Plans under progress.

Outreach Techniques

As mentioned earlier, the Planning Commission shall serve as the primary body to discuss, review and recommend changes to policies and regulations regarding the 2016 update. The Planning Commission meetings will be advertised on the city's website and in the local newspaper. The agenda for the Planning Commission meeting are noticed in the newspaper two week prior to the meeting date. Reports to the Planning Commission are posted on the city's website five days before the meeting date.

The City maintains an active involvement in the local government access cable channel. All Planning Commission meeting are recorded and then played back on channel 10 at a minimum of 5 times a week till the next meeting. The rebroadcasting provides the public access to the process and information of key decisions during the review process.

The City's website www.oakharbor.org has links on the home page to the Planning Commission's agendas and reports. It lists the date of the next upcoming Planning Commission meeting on the calendar. The website also has an "Oak Harbor News" section on the homepage that will also be used to notice of any special meetings associated with the 2016 update.

The city's website also contains information on the 2016 update in the Development Services section under "Departments" tab on the homepage. It is under the "Plans under progress" section of the Planning Division. This section of the website will have access to reports, studies, and issue papers that are related to the update.

The Development Services Department maintains a list of interested groups and individuals that have expressed interest in Comprehensive Plan related issues since 2005. Notices of meeting related to the 2016 update will be mailed to them.

During the update process, various other methods of outreach may be used based on the kind of input that is most efficient and helpful to the issue under consideration. This can range from open houses, surveys, ad hoc committees, workshops, public displays etc.

Input Mechanisms

The City accepts input and comments from the public through a variety of means. Members of the public can visit with planners in the Development Services Department to make comments and provide input. Members of the public can also make comments by calling the Development Services Department at 360-279-4510. Written comments are the most effective way to get on record with the comprehensive plan update. Comments can be faxed to the city at 360-279-4519 or mailed to

Development Services Department
Attn: 2016 Update
865 SE Barrington Ave
Oak Harbor, WA 98277

Public comments can also be emailed to a dedicated 2016 update email account – 2016update@oakharbor.org.

The public may also make verbal comments or submit written comments at Planning Commission meetings and City Council meetings. There is a dedicated time on the agenda for public input on general issues at these meetings. The Planning Commission and City Council always entertain public comments when a particular comprehensive plan item is on the agenda for discussion.

Interested members of the public or a representative of a group, with expressed comments on a particular topic may request to serve on committees if one is activated.

Contact information

The City of Oak Harbor believes firmly in the essential role of the public in the 2016 Comprehensive Plan update process, welcoming any and all comments from citizens or groups concerning comprehensive plan policies or development regulations. Members of the public can provide comments to any of the planners in the Development Services Department. The primary contact for the update is provided below.

Senior Planner, Cac Kamak, AICP.
Development Services Division
Attn: 2016 Update
865 SE Barrington Ave
Oak Harbor, WA 98277

Email: 2016update@oakharbor.org
Website: www.oakharbor.org

Annual Report to
City Council

Public Meeting

Memo

To: Planning Commission
From: Steve Powers, Director
CC:
Date: February 25, 2014
Re: Planning Commission Annual Report to City Council

Oak Harbor Municipal Code (OHMC) Chapter 18.04 establishes the Planning Commission and its responsibilities. A copy of that code chapter is attached to this memo for your reference.

OHMC Section 18.04.070 requires the Planning Commission to make an annual report to the City Council:

18.04.070 Yearly report of transactions and recommendations.

The planning commission, at or before its first regular meeting in February of each year, shall make a full report in writing to the city council of its transactions for the preceding year, with such general recommendations as to matters covered by prescribed duties and authority as may to it seem proper.

Staff presented a draft report to the Planning Commission on January 28, 2014. The draft listed the Commission's 2013 accomplishments and outlined the 2014 work plan. The section for recommendations to the City Council was created, but left blank. Commissioner Schlecht volunteered to write a recommendation for that section for review at the February business meeting. Her draft statement is incorporated in the report.

Staff requests the Commission forward the report to the City Council for their information. Once this is done, staff will schedule the matter for an upcoming City Council meeting. We will be sure to inform the Planning Commission of the meeting date once it has been established. Your attendance and participation at that meeting would be greatly appreciated by staff and the City Council.

Recommended Action

- Forward the 2013 Annual Report to City Council for their information



City of Oak Harbor

Planning Commission's Annual Report to the City Council

2013



Photo from Scenic Views Study
Courtesy of Cac Kamak

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2013 Planning Commission Members

Keith Fakkema, Chair
Greg Wasinger, Vice Chair
Kristi Jensen
Dave Fikse
Bruce Freeman
Ana Maria Schlecht
Sandi Peterson

**Planning Commission's Annual Report to the City Council
2013**

Section 1: Accomplishments

Summary of 2013 Accomplishments

- Comp Plan Amendments
 - Sponsored Amendment
 - 1. Land use change for 1000 SE City Beach Street – continued to 2014
 - Mandated Items
 - 1. 2016 Comprehensive Plan Update – reviewed current policies and identify the scope and process for the update
 - Discretionary Amendments
 - 1. Scenic View Study continued from 2012 – seven views were selected for further analysis.

- Six-Year Transportation Improvement Program Update

- Six-Year Transportation Improvement Program amendment to include the Waterfront Trail in the TIP

- Code Amendments
 - Draft Zoning Regulations for Maritime Zone – began review of draft regulations
 - Electronic Message Center Sign Code Update – reviewed and forwarded recommendations for draft code establishing new regulations for EMC signs; including size, placement and brightness standards
 - Bed and Breakfast Code – reviewed and forwarded recommendations for draft code to allow bed and breakfast establishments within specific residential zones.
 - Night Club Ordinance – reviewed and recommended code amendment to regulate the size of nightclubs by occupancy limit and zoning districts
 - Marijuana Related Uses Code Amendment Project - review of preliminary research and draft code

- Economic Development Strategy - Reviewed strategy and forwarded recommendations to City Council

- Training
 - Growth Management Act 101 – Framework for Planning
 - Comprehensive Planning 101- The What, Why, and How of Local Plan-Making

- Annual Report to City Council
 - 2014 Planning Commission work program
 - Planning Commission accomplishments in 2013

**Planning Commission's Annual Report to the City Council
2013**

Section 2: 2014 Proposed Work Program

Proposed 2014 Work Program Schedule

Work Program Items	2014											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014 Comprehensive Plan Amendment Docket												
2014 Comprehensive Plan Amendments												
Digital Signs Code Update												
Zoning Regulations for Maritime Zone												
2014 TIP Updates												
Comprehensive Plan Amendment 2013 Carryover – Scenic Views												
Comprehensive Plan Amendment 2013 Carryover - Land use change for 1000 SE City Beach Street												
Capital Facilities Plan/Capital Improvement Plan Update												
2016 Comprehensive Plan Amendments <ul style="list-style-type: none"> • Land capacity analysis • Revise Countywide Planning Policies 												
Marijuana Related Uses – Code Amendment Project												

Note: The above schedule is approximate and subject to change as necessary.

Description of 2014 Proposed Work Program Items

2014 Comprehensive Plan Amendment Docket

Review of any items on the Comprehensive Docket and consideration whether to propose any item as a potential amendment to the Comprehensive Plan.

Digital Signs Code Update

Continue work on amending OHMC 19.36 Sign Code for the purposes of providing language that reflects current technology.

Zoning Regulations for Maritime Zone

Continue review and discussion of draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission will discuss the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by.

2014 TIP Updates

Updates to the 6-year Transportation Improvement Program and the Capital Improvement Plan Improvement Plan for adoption into the Comprehensive Plan

2014 Capital Facilities Plan/Capital Improvement Plan Updates

The Commission will consider amendments to the CFP and CIP to reflect current community and City project priorities and funding capacity.

Comprehensive Plan Amendment 2013 Carryover – Land Use Map Amend.

The Commission may consider a land use change for the City-owned property at 1000 SE City Beach Street. Action on this item is dependent on the City identifying a preferred future land use map designation.

Comprehensive Plan Amendment 2013 Carryover – Scenic Views

Continue the discussion of the Scenic View Study conducted in 2013. The Planning Commission narrowed the views for further analysis. The scenic views will be studied further and views that will impact private development will be specifically identified for further discussion with property owners. A final list of views and regulations to protect them will then be discussed for adoption.

Continue work in preparation of 2016 Comprehensive Plan Amendments

The Planning Commission will consider information related to and make recommendations on the land capacity of the Oak Harbor Urban Growth Area. The Commission will assist in reviewing and amending the County-Wide Planning Policies.

Marijuana Related Uses – Code Amendment Project

The Planning Commission will complete the review the draft code and make recommendations to the City Council.

**Planning Commission's Annual Report to the City Council
2013**

**Section 3: Planning Commission
General Recommendations to City Council**

Planning Commission General Recommendations to City Council

1. The Planning Commission would like to express their sincere appreciation for staff's hard work and professionalism. They have supplied the Planning Commission with detailed research and thorough explanations making the Planning Commission's job possible.

**Planning Commission's Annual Report to the City Council
2013**

**Appendix: Planning Commission
2013 Action Details**

**DETAIL
2013
Planning Commission
Actions**

JANUARY

January 22, 2013

2013 COMPREHENSIVE PLAN AMENDMENT DOCKET – Public Hearing

The Planning Commission reviewed and discussed the 2013 Comprehensive Plan Amendments Docket. At the conclusion of the public hearing the Planning Commission forwarded a recommendation to the City Council.

Docket Items:

Land Use Changes (Sponsored Amendment)

The Development Services Director, as permitted by OHMC 18.15.030(d), has added a land use change request for city-owned property located at 1000 SE City Beach Street (old city shop site) to the preliminary docket. The City wishes to explore future uses for this property. As those uses are not likely to be residential (the existing land use designation is “High Density Residential”) a land use map amendment will be necessary.

Shoreline Master Program (Mandated Amendment)

The City Council adopted the Shoreline Master Program on November 20, 2012. The Shoreline Master Program will become official after the Washington Department of Ecology approves the plan. That approval is expected to occur during 2013. The Shoreline Master Program can then be incorporated into the Comprehensive Plan by reference. Incorporation into the Comprehensive Plan is a formality.

Scenic View Study (Discretionary Amendment)

This item was on the 2012 docket and is continued in to the 2013 amendment process. In 2012, the City and the Planning Commission gathered public input on this topic and identified approximately 27 views of interest. The Planning Commission also discussed methodologies to review the identified views and established criteria to evaluate them. The Planning Commission is currently narrowing down the views for further analysis.

2016 Comprehensive Plan Update (Mandated Amendment)

This item is a requirement for local governments such as Oak Harbor that are fully planning under the Growth Management Act. The original deadline for this requirement in accordance to RCW 36.70A.130 was 2012, but legislation was passed to extend the deadline to 2016. This item will revisit all the elements of the Comprehensive Plan such as Land Use, Housing, Capital Facilities, Utilities, Transportation, Economic Development, Parks and Recreation, Public Facilities etc. This item will span multiple years leading up to adoption in 2016. The scope of work for this item in 2013 will be to review the current policies and identify the scope and process for the update.

ACTION: MS. JENSEN MOVED, MR. WALLIN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET AS PRESENTED. MOTION CARRIED.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission continued the discussion of the Scenic View Study from its last meeting. The scenic views were rated at the last meeting and the Planning discussed them further and selected the following views for further analysis:

Northbound SR 20 – Scenic Heights to Erie
Waterfront Trail – Windjammer Park
Waterfront Trail – Flintstone Park
Bayshore Drive – Dock to Midway
Pioneer Way – Midway to Regatta
Pioneer Way – Ireland to Midway
Regatta Drive – SE 8th to Pioneer Way
Southbound SR 20 and NE 16th Ave
Dock Street – Barrington to Bayshore

ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting

Staff facilitated continued discussion with the Planning Commission regarding the regulations for electronic message center signs contained in OHMC 19.36. At the conclusion of the meeting Planning Commission asked for more information: provide photos of digital signs in centers, more guidance on free standing versus storefront signs and draft code language. **No Action**

FEBRUARY

February 26, 2013

DRAFT ZONING REGULATIONS FOR MARITIME ZONE– Public Hearing

The Planning Commission reviewed and discussed draft zoning regulation for the Maritime zoning district that was created with the adoption of the 2012 Comprehensive Plan Amendments. The Planning Commission discussed the types of uses to be accommodated in the Maritime zoning district along with any conditions or process to consider them by. **No Action**

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff facilitated continued discussion with the Planning Commission regarding the regulations for digital signs contained in OHMC 19.36. **No Action**

MARCH

March 26, 2013

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission was to continue discussion and analysis of scenic views that were identified for preservation. Planning Commission previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation. This item was not discussed and was carried over to the April meeting. **No Action**

DIGITAL SIGNS CODE UPDATE – Public Meeting

Planning Commission gave staff preliminary direction on scenarios for regulating digital signs. Staff facilitated continued discussion on the digital signs topic, including discussion on brightness level of these signs. Planning Commission gave staff direction to begin preparing a first draft of the digital signs code in accordance with Commission direction up to this point in the project. Planning Commission asked staff to begin drafting language with a general preference toward regulations that follow Scenario 1– “least Restrictive”.

ECONOMIC DEVELOPMENT UPDATE – Public Meeting

Economic development staff briefed the Planning Commission on the “Economic Profile and Needs Assessment” report which contains information regarding Oak Harbor’s economy and business climate, as well as its economic development needs. This item was primarily for informational purposes, but staff requested that Planning Commission give comments and feedback on the profile and needs assessment. **No Action**

YEARLY REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers reported that the Planning Commission recommendations to the City Council have been added to the report and asked if the Planning Commission had any other recommendations.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO ADD THE CLOSING COMMENT AND FORWARD THE PLANNING COMMISSION’S ANNUAL REPORT TO THE CITY COUNCIL MOTION CARRIED.

APRIL

April 23, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff presented the draft code to Planning Commission for digital signs. Planning Commission open the public hearing and accepted public testimony on the draft code.

ACTION: MR. FREEMAN MOVED, MS. PETERSON SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S MAY 28, 2013 BUSINESS MEETING, MOTION CARRIED.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

The Planning Commission continued their discussion and analysis of scenic views that were identified for preservation. Planning Commission previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

The Planning Commission was updated on the County's initial draft schedule for their 2016 Comprehensive Plan update and its implications to the City's update. **No Action**

BED & BREAKFAST CODE – INTRODUCTION – Public Meeting

Staff was presented with the first draft of a code to Planning Commission allowing for bed and breakfast establishments within specific residential zones in certain areas of the City. **No Action**

MAY

MAY 14, 2013

PLANNING COMMISSION ATTENDED TRAINING:

Getting Ready for your City's GMA Comprehensive Plan Periodic Update

Trainer: Joseph W. Tovar, FAICP, Consultant

Description:

Learning Segment #1: Growth Management Act 101 - the Framework for Planning

- Origins of the GMA, overview of its structure and the rationale for its major features
- State laws, countrywide planning policies, and local comprehensive plans
- What is the periodic update of the comprehensive plan that is due by mid-2016?
- What does the state expect or require?

Learning Segment #2: Comprehensive Planning 101 - the what, why, and how of local plan-making

- The relationship between comprehensive plans, development regulations, and capital budgets
- What will the update do for our community?
- What should we be looking at with this update?
- How do we get the public involved in this update?
- What can we learn from "early adopters" like Sultan or Shoreline?

May 28, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

Staff presented the draft code to Planning Commission for digital signs. Planning Commission opened a public hearing and accepted public testimony on the draft code.

SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing

The Planning Commission conducted a public hearing to consider the updates to the Six-Year Transportation Improvement Program for the years 2014-2019. The Planning Commission forwarded a recommendation to the City Council to approve the 2014-2019 TIP.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff gave a presentation on current population and demographics for Oak Harbor. This information is intended to provide a basic understanding of Oak Harbor's current population that will help in other decision in the future related to the update. **No Action**

JUNE

June 25, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff presented a revised draft digital signs code update based on previous discussions and public comment. Planning Commission accepted public comments and continued the hearing to the July 23, 2013 business meeting.

BED & BREAKFAST CODE – INTRODUCTION – Public Meeting

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff presented information on the 2016 Comprehensive Plan Update and updated the Commission on discussions held with Island County on the 20 year population projections for the County. Island County's selection and adoption of the 20 year population has implication on the County Wide Planning Policies and the Comprehensive Plan Update.

ACTION: MR. FREEMAN MOVED, MS. SCHLECHT SECONDED A MOTION TO RECOMMENDED THAT THE CITY COUNCIL ACCEPT ISLAND COUNTY'S 20-YEAR POPULATION PROJECTION OF 87,917, MOTION CARRIED.

JULY

July 23, 2013

DIGITAL SIGNS CODE UPDATE (Electronic Message Center) – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff presented a revised draft digital signs code update based on previous discussions and research. Planning Commission accepted public comments and is expected to close the hearing.

MOTION: MR. FIKSE MOVED, MS. PETERSON SECONDED GRANDFATHERING ALL EXISTING SIGNS AS ORGINALLY PERMITTED. MOTION CARRIED UNANIMOUSLY.

Mr. Fikse commented that he wanted more research on the brightness issue before making a motion on whether to have a two-standard system (nits and foot-candles) vs. one-standard system (nits OR foot-candles). **Commissioners agreed to table this item until the August meeting.**

MOTION: MS. PETERSON MOVED, MR. FIKSE SECONDED A MOTION TO REMOVE THE MAXIMUM DURATION OF 5 SECONDS, MOTION CARRIED UNANIMOUSLY.

Aaron Syring owner of Island Drug asked the Planning Commission to change the duration restriction for static images to 2 seconds instead of 10 seconds. **Planning Commission agreed to table this issue until the August 27th meeting.**

Planning Commission also agreed to table the hours of operation restriction when EMC's are within 300 feet of residentially zoned property until the August 27th meeting.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S AUGUST 27, 2013 BUSINESS MEETING, MOTION CARRIED.

BED & BREAKFAST CODE – Public Meeting

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones. **No Action**

ECONOMIC DEVELOPMENT STRATEGY – Public Meeting

Economic development staff will brief the planning commission on the "Economic Development Strategy" which will direct the City's economic development efforts for the next 3-5 years. Staff is requesting Planning Commission feedback on the strategy. -- Economic Development Committee is still reviewing the strategy. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff will update the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update will also be provided on staff's coordination with Island County and the work that's related to the County Wide Planning Policies.-- No items were ripe for discussion and staff is still reviewing the checklist. **No Action**

AUGUST

August 27, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff facilitated continued discussion on brightness, duration, and hours of operation of these signs, among other topics. Planning Commission will accept public comments and is expected to close the hearing.

In order to give staff more time to address public and Planning Commission input from the previous meeting, Mr. Powers asked Planning Commission to continue this item to the Planning Commission's regular business meeting on September 24, 2013.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING FOR THE DIGITAL SIGNS CODE UPDATE TO SEPTEMBER 24, 2013. MOTION CARRIED.

BINDING SITE PLAN CODE AMENDMENT – Public Meeting

Staff briefed the Planning Commission on the status of proposed amendments to the City's binding site plan code (OHMC Chapter 21.80). The Planning Commission has already made a recommendation on this matter to the City Council. **No action.**

BED & BREAKFAST CODE – Public Hearing

Planning Commission continued its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential and commercial zones. Planning Commission opened the public hearing, accept public comments, and close the public hearing and made a recommendation to the City Council.

ACTION: MS. PETERSON MOVED, MR. FREEMAN SECONDED A MOTION TO RECOMMEND THAT CITY COUNCIL APPROVE THE BED AND BREAKFAST CODE AS PRESENTED. MOTION CARRIED.

ECONOMIC DEVELOPMENT STRATEGY – Public Meeting

Economic development staff briefed the Planning Commission on the "Economic Development Strategy" which will direct the City's economic development efforts for the next 3-5 years. Staff is requesting Planning Commission feedback on the strategy. – There was concerned about the feasibility of a dock an amphitheater and having to hiring someone to do additional studies. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff will update the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update will also be provided on staff's coordination with Island County and the work that's related to the County Wide Planning Policies. -- Staff is still assessing the scope. **No Action**

SEPTEMBER

September 24, 2013

DIGITAL SIGNS CODE UPDATE – Public Hearing

This item is a continuation of the public hearing that was opened in April. Staff facilitated continued discussion on brightness, duration, and hours of operation of these signs, among other topics. Planning Commission will accept public comments and closed the hearing.

MOTION: MS. PETERSON MOVED, MR. FIKSE SECONDED RECOMMENDING OPTION A FOR REGULATING BRIGHTNESS TO THE CITY COUNCIL.

VOTE ON:

THE MOTION: MOTION CARRIED BY A VOTE OF FOUR IN FAVOR AND ONE OPPOSED TO RECOMMENDING OPTION A TO THE CITY COUNCIL.

ACTION: MS. PETERSON MOVED, MS. JENSEN SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE DRAFT ELECTRONIC MESSAGE CENTER SIGN CODE. MOTION CARRIED BY A VOTE OF FOUR IN FAVOR AND ONE OPPOSED.

AMENDMENTS TO OHMC 5.22 - NIGHTCLUBS – Public Hearing

The Planning Commission conducted a public hearing on amendments to OHMC Chapter 5.22 regarding Nightclubs. The Planning Commission recommended approval of the amendments to the City Council.

ACTION: MR. FREEMAN MOVED, MS. PETERSON SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE AMENDMENTS TO THE NIGHTCLUB ORDINANCE. MOTION CARRIED.

ECONOMIC DEVELOPMENT STRATEGY – Public Hearing

Economic development staff facilitated continued discussions of the “Economic Development Strategy and Action Plan” which will direct the City’s economic development efforts for the next 3-5 years. Planning Commission opened a public hearing, accept public comments, close the public hearing and forward the following recommendations to the City Council:

MOTION: MR. FREEMAN MOVED, MS. JENSEN SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE ECONOMIC DEVELOPMENT STRATEGY.

AMENDEND MOTION: MR. FREEMAN MOVED, MS. JENSEN SECONDED A MOTION TO MAKE A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE ECONOMIC DEVELOPMENT STRATEGY AND TO ALLOW STAFF TO REVISE THE PURPOSE, BACKGROUND AND CONCLUSIONS SECTIONS. MOTION CARRIED.

MOTION: MS. JENSEN MOVED, MS. PETERSON SECONDED A MOTION TO RECOMMEND THAT THE ECONOMIC DEVELOPMENT COMMITTEE CONTINUE SERVING DURING THE IMPLEMENTATION OF THE ECONOMIC DEVELOPMENT STRATEGY. MOTION CARRIED.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff updated the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. An update was also provided on staff’s coordination with Island County and the work that’s related to the County Wide Planning Policies. **No Action**

OCTOBER

October 22, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Meeting

Staff briefed the Planning Commission on the need to revise the Municipal Code in response to State law changes pertaining to marijuana related uses. Preliminary research was also presented to the Commission. **No Action**

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Staff updated the Planning Commission on the continuing work and effort with the 2016 Comprehensive Plan Update. Staff presented the scope of work that is required to update the City’s development regulations. Staff also shared a draft public participation plan for the 2016 update. **No Action**

NOVEMBER

November 26, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

Staff introduced the first draft code the Planning Commission in response to State law changes pertaining to marijuana related uses. Planning Commission opened the public hearing and continued the public hearing to the December 10, 2013 business meeting.

TRANSPORTATION IMPROVEMENT PLAN (TIP) AMENDMENT – Public Hearing

An amendment was proposed to the TIP to include improvements to the waterfront trail. The Waterfront Trail in Oak Harbor is listed in several of the City's plans, such as the Transportation Plan, Parks, Recreation and Open Space Plan, for improvements. Listing the waterfront trail in the TIP allows the City to apply, qualify, and compete for grant money.

ACTION: MR. FIKSE MOVED, MR. WASINGER SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL ADOPT THE SIX YEAR TRANSPORTATION PROGRAM AMENDMENT AS PRESENTED. MOTION CARRIED.

2013 COMPREHENSIVE PLAN AMENDMENTS – Public Hearing

The Planning Commission considered amending the Comprehensive Plan to include the Shoreline Master Program. The Shoreline Master Program was part of the 2013 Comprehensive Plan docket. The 2013 Comprehensive Plan docket also included work on the 2016 Comprehensive Plan update, Land Use change to 1000 SE City Beach Street and a continuing study on scenic views, all of which will be continued into the 2014 Comprehensive Plan docket.

ACTION: MR. WASINGER MOVED, MR. FIKSE SECONDED A MOTION TO RECOMMEND THAT THE CITY COUNCIL CONTINUE THE 2016 COMPREHENSIVE PLAN UPDATE, LAND USE CHANGE FOR 1000 SE CITY BEACH STREET AND THE SCENIC VIEW STUDY AND INCLUDE THEM IN THE PRELIMINAR DOCKET FOR THE 2014 COMPREHENSIVE PLAN AMENDMENTS. MOTION CARRIED.

2014 COMPREHENSIVE PLAN AMENDMENTS – Public Meeting

The 2014 Comprehensive Plan Amendments will include the continuing work on the 2016 Comprehensive Plan update. The Planning Commission reviewed the scope of the updates and a public participation plan in 2013. The scope of the 2016 update includes several items that will need to be considered in 2014 and 2015. Land use changes and ongoing studies from 2013 will also be continued into 2014. The deadline for private application for land use changes is December 2, 2013. Any applications received will be considered during the 2014 Comprehensive Plan preliminary docket review process. **No Action**

DECEMBER

December 10, 2013

MARIJUANA RELATED USES – CODE AMENDMENT PROJECT – Public Hearing

The public hearing on the draft code, establishing appropriate zoning and standards for marijuana related uses, was continued from the November 26, 2013 meeting. After accepting additional public testimony at this meeting the Planning Commission continued the public hearing to January 28, 2014.

DRAFT PRELIMINARY DOCKET FOR 2014 COMPREHENSIVE PLAN AMENDMENTS – Public Meeting

The Planning Commission reviewed the draft Preliminary Docket for the 2014 Comprehensive Plan Amendments which includes the continuing work on the 2016 Comprehensive Plan update, land use changes and ongoing studies from 2013 will also be continued into 2014. **No Action.**