

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
May 28, 2013**

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, David Fikse, Bruce Freeman, and Sandi Peterson

Absent: Ana Schlecht and Kristi Jensen

Staff Present: Development Services Director, Steve Powers, Senior Planner, Cac Kamak and Project Engineer Arnie Peterschmidt.

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

MINUTES: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO APPROVE THE APRIL 23, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None

DIGITAL SIGNS CODE UPDATE – Public Hearing

Mr. Powers reported that this item is a continuation of the public hearing that was opened in April. Staff is recommending that this item be continued to the June hearing. Staff has received an e-mail from Mr. James Carpenter of the International Sign Association and the Northwest Sign Council suggesting some changes to the draft code (ATTACHMENT 1). Staff will review the e-mail and incorporate an analysis in the June staff report.

Mr. Powers reviewed the changes to the draft code, impacts of multiple digital signs in close proximity, compliance with review criteria and the schedule.

Planning Commission Discussion

Planning Commission discussed possible inconsistencies between the distance offset from residentially zoned properties of 200 feet as stated in the “orientation” bullet point on page 21 of the staff report, and on page 36 item (xi) which says 100 feet from a residentially zoned property. Mr. Powers flagged the possible inconsistency for further review.

Planning Commission questioned the 10 second limit on page 36 item (v). Mr. Powers directed attention to page 20 of the staff report which states a provision was added limiting video and message lengths to occupy no more than 10 second periods for safety reasons based upon additional research. Mr. Powers also stated that he would look into this further.

Mr. Fakkema asked if there was additional public comment at 7:52 p.m.

James Carpenter (1001 N Fairfax, Alexandria, VA) said he was with the International Sign Association and was speaking on behalf of the Northwest Sign Council. Mr. Carpenter made the following comments:

- Need to add a purpose statement for the sign code i.e. safety concerns/enhance economic opportunities.
- Content restriction may be in conflict with court established first amendment rights.
- Video and video board refers to the operation modes of an electronic message center (EMC). The definition for animation covers this type of operational mode for an EMC.

Recommended that EMC signs not be defined by the operational mode since this is driven by software.

- Full color or RGB technology should be allowed for EMC's.
- Regulate EMC's under one section for EMC's and regulate by district rather than how the sign operates.
- Recommended the City adopt the foot-candle methodology, which is more consistent and less expensive for jurisdictions to enforce.
- Allow any geometric shape, this will encourage more creativity.

Planning Commission asked staff for more information on foot-candle methodology versus nits.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S June 25, 2013 BUSINESS MEETING, MOTION CARRIED.

SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing

Mr. Peterschmidt reported that the City is required by State law to submit an approved six-year Transportation Improvement Program. The primary purpose of the TIP is to facilitate use of Federal transportation funds awarded to the City. The submittal process is accomplished in conjunction with the Regional Transportation Planning Organization (RTPO). Once approved by the Council, the City's TIP is submitted to the RTPO. In turn, the RTPO submits a regional TIP to the State by October of each year. The State then prepares a statewide TIP in January of each year. The incorporation of the City's projects into this statewide TIP is what enables the City to spend Federal funds on local transportation projects.

The projects listed on the TIP are coordinated with those listed in the Transportation Element of the Comprehensive Plan. Coordinating projects in the Transportation Comprehensive Plan, the Six-Year TIP and the Capital Facilities Plan improve our communication and coordination with other agencies and help the City remain focused on a manageable list of transportation projects.

The six-year TIP form includes a number of codes and symbols used in the statewide management of the regional TIP documents. A symbol in the status column of "S" means funding is secured while a symbol of "P" indicates the project is not funded.

Mr. Peterschmidt indicated that a new project to install a mid-block pedestrian crossing on Whidbey Avenue between SR20 and Oak Harbor Street has been added to this year's TIP.

Mr. Peterschmidt added that the recommendation to the Planning Commission is to conduct a public hearing and make a recommendation to the City Council to adopt the 2014-2019 Six-Year Transportation Improvement Program.

Planning Commission Discussion

Planning Commissioners asked if the turn lane on Whidbey Avenue would be affected by the new pedestrian crossing. Mr. Peterschmidt acknowledged that it would. Planning Commissioners also discussed how projects move forward on priority list when funding becomes available. Mr. Powers indicated that there are other factors that may move a project up on the priority list.

Mr. Fakkema opened the public hearing at 8:15 p.m.

Mike Merickel (Silver Lake Road, Oak Harbor) spoke in favor of the Whidbey Avenue Pedestrian Crossing.

Seeing no further public comment, Mr. Fakkema closed the public hearing at 8:17 p.m.

Planning Commission Discussion

Planning Commission questioned staff about the NE 7th Avenue project and expressed concern about the number of people that cross Whidbey Avenue between SR20 and Oak Harbor Road.

ACTION: MR. FREEMAN MOVED, MR. WASINGER SECONDED A MOTION TO FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE THE 2014-2019 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM, MOTION CARRIED.

There was a consensus among the Planning Commission that the Whidbey Avenue Pedestrian Crossing should be given close consideration based on the history of the neighborhood.

2016 COMPREHENSIVE PLAN AMENDMENT – Public Meeting

Mr. Kamak reported that the City staff is working on the checklist provided by the Washington State Department of Commerce. Staff met with the Navy's Community Planning Liaison to gather information on the impacts to the City's planning efforts with the additions of the P8A squadrons between 2015 and 2018. Staff is also working closely with the County on their update to the Comprehensive Plan which also affects Oak Harbor. Oak Harbor and Island County will be working together regarding the population projections and agreed on methodology for determining population projections. Once the 20 year population projections are adopted for the County, the next step will be to determine regional growth trends and allocations. This step has a direct relation to how Oak Harbor and the Urban Growth Area (UGA) will grow in the next 20 years. Island County's preliminary schedule estimates a September 1, 2013 completion date for the allocation. Therefore, the City is anticipating on presenting this information to the Planning Commission at either the July 23rd or August 27th meeting.

After the growth allocations have been done, the next step indicated by the County is the buildable lands analysis. This analysis will help determine growth absorption capacities in the county and the jurisdictions within it. The City will have to coordinate with the County on how the analysis will be done including the methodology and data that will be used to determine capacities. City staff anticipates involving the Planning Commission on this topic later this year. The County's estimated completion date for this is January 1, 2014.

Mr. Kamak provided a Power Point presentation (Attachment 1) regarding census demographic information on Oak Harbor and how it compares to similar data for Island County, Washington State and the United States.

Mr. Fakkema asked if anyone from the public wished to make a comment. There were no comments.

ADJOURN: 9:05 p.m.

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ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.36 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "SIGN CODE".

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, 2013 and May 28, 2013. The public hearing was closed on May 28, 2013. Public meetings were held before the Planning Commission on January 22, 2013, February 26, 2013, 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 September 15, 2012 and a Determination of Non-Significance (DNS) on October 6, 2012 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:

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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 any geometric shape not more than three circles, rectangles or squares, or any combination of geometric shapes 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) "Digital sign" means a type of electronically activated sign which has video, depicted motion, graphic, text, and color capabilities. These signs use light emitting diode (LED), liquid crystal display (LDC), plasma, or projection technologies. Digital signs are distinguished from electronic message centers by their video capabilities.~~
- (14)(15) "Electronic message center" means a sign capable of displaying words or symbols that can be electronically or mechanically changed by remote or

Comment [jbc1]: This will encourage more creativity in the design of signs, since a different geometric shape other than a circle or rectangle will not be penalized.

Comment [jbc2]: An electronic message center is a type of sign that is capable of many different operation modes from static to animation. The types of operational modes are driven by the software. A digital sign in the industry can typically refer to an outdoor electronic billboard or in an interior display.

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automatic means. An electronic message center is considered a primary sign and may be either freestanding or building-mounted.

- | ~~(15)~~(16) "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)~~(17) "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)~~(18) "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)~~(19) "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.).
- | ~~(19)~~(20) "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.
- | ~~(20)~~(21) "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.
- | ~~(24)~~(22) "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.
- | ~~(22)~~(23) "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.)
- | ~~(23)~~(24) "Marquee" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.
- | ~~(24)~~(25) "Monument sign" means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.
- | ~~(25)~~(26) "Multiple-occupancy building" means a single structure housing more than one type of retail business office or commercial venture.
- | ~~(26)~~(27) "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.
- | ~~(27)~~(28) "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,

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a school, church, civic or fraternal organization or other organizations engaged in activities for profit.

- | ~~(28)~~(29) "Occupant" means the person, firm or corporation that occupies the land or building.
- | ~~(29)~~(30) "Office building" means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.
- | ~~(30)~~(31) "Parapet" means that portion of a building wall which extends above the roof of the building.
- | ~~(31)~~(32) "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.
- | ~~(32)~~(33) "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)~~(34) "Political free speech sign" means a sign which promotes a position on a public or social issue.
- | ~~(34)~~(35) "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)~~(36) "Property line" means the line denoting the limits of legal ownership of property.
- | ~~(36)~~(37) "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.
- | ~~(37)~~(38) "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)~~(39) "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)~~(40) "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)~~(41) "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, 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

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OHMC 19.36.100 for more detailed treatment of exempt signs), and religious symbols.

- (41)(42) "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:
- It has only one occupant;
 - It has no wall in common with another building;
 - No part of its roof in common with another building.
- (42)(43) Special Signs. See "Temporary and Special Signs."
- (43)(44) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.
- (44)(45) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.
- (45)(46) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.
- (46)(47) Surface Area. See "Area or surface area of sign."
- (47)(48) "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)(49) 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).
- (49)(50) 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.

TRANSITION DURATION – The time interval it takes the display to change from one complete static MESSAGE to another complete static MESSAGE.

- (50)(51) "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 a ~~digital sign or 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)(53) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.
- (53)(54) "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

Comment [jbc3]: Video and video board refers to the operational modes of an electronic message center. The definition for animation covers this type of operational mode for an EMC which is a part of this draft. We recommend that EMC signs not be defined by the operational mode since this is driven by software.

Comment [jbc4]: We recommend that full color or RGB technology be allowed for EMCs.

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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.)

19.36.30 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)

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- (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:

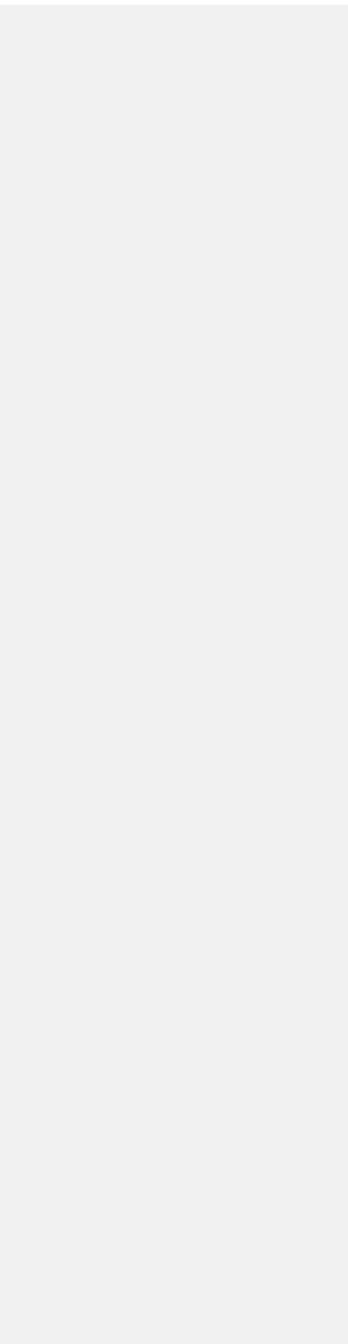
Maximum Height: 25 feet

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.

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.



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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

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- 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.

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NWSC ISA additions are in underline black

- (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 zoning districts. Said signs shall meet the following standards:
 - (i) The sign shall follow the standards established in subsections (2) through (5) of this section;
 - (ii) Only one such sign shall be used in a development and it shall not exceed 50 percent of the sign area for that sign. Sign Area - in no case shall a digital sign exceed 100 square feet in size. Additionally, digital 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. For freestanding signs, digital signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;
 - (ii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;
 - (iii) The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(xiii) of this section. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;
 - (iv) 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;
 - (v) No segmented message shall last longer than 12 seconds;

Comment [jbc5]: We recommend that electronic message centers (EMCs) be regulated under one section for EMCs. The regulatory scheme should include what operational modes are permitted in each district, dwell time, animation and type of transition should be regulated by district rather than how the sign operates or by the type of message conveyed. The City would have no way to differentiate between a digital sign and an electronic message center, since this deals with the programming of the sign by the owner.

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- (vi) ~~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;~~
- (vii) ~~No changing electronic message center may contain the use of animation, video or flashing as defined in this chapter;~~
- (viii) ~~Message Hold Time. In the following zoning districts XXX, an EMC shall have a message hold time of 2 seconds. 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;~~
- (ix) ~~Transition Duration. The Transition duration shall not exceed 1 second.~~
- (x) ~~Animation shall be allowed in the following zoning districts: XXX~~
- (xi) ~~Frame effects shall be allowed in the following zoning districts: XXX~~
- (xii) ~~Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions;~~
- (xiii) ~~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;~~
- (xiv) ~~For locations adjacent e-Electronic message centers that are within 100' of 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.;~~
- (xv) ~~A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (ix) of this section.~~

19.36.31

- (a) ~~Digital signs. Stationary digital signs may be incorporated in the permanent signage for a business or development in the C-1, C3, C4, C5, I, PIP, PBP, and PF zones. Said signs shall meet the following standards:~~
 - (b) ~~Digital signs must follow the standards established in subsections (2) through (5) of this section, except where further modified by the specific provisions pertaining to digital signs in this subsection;~~
 - (iii) ~~Size. Digital signs shall be included in the maximum sign area allowed for the business or development; However, in no case shall a digital sign exceed 100 square feet in size. Additionally, digital 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. For freestanding signs, digital signs shall be constructed as an integral part of a permanent sign constructed on site. "In teg ral" s h a ll b e c o n s i d e r e d t o b e i n c o r p o r a t e d i n t o t h e f r a m e w o r k a n d a r c h i t e c t u r a l d e s i g n o f t h e p e r m a n e n t s i g n;~~

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Comment [jbc6]: Digital signs is not a term used in the industry to describe electronic message centers. A digital sign typically refers to

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- ~~(iv) Digital 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.~~
- ~~(v) Video and motion. Video and motion are allowed on digital signs. So as not to constitute a traffic distraction, such video must be steady and avoid shaking, trembling, quavering, or quaking effects. Video and motion displays 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. Scrolling or moving text is prohibited.~~
- ~~(vi) Color. Color may be used in digital signs. White backgrounds which are bright and distracting to traffic are prohibited.~~
- ~~(vii) Display changes. To avoid abrupt and distracting effects, displays of graphics or text must transition within one second and no less than 0.5 seconds. Instantaneous changes of colors, graphics, or text are prohibited. This provision shall not be interpreted to prohibit normal speed videos.~~
- ~~(vii) Malfunction. If the digital 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.~~
- ~~(viii) Number. Only one digital sign is allowed per property. Multitenant buildings on a single property are permitted a single digital sign.~~
- ~~(ix) Orientation. Freestanding digital signs must be directed away from adjacent residentially zoned or open space zoned properties. For the purposes of this provision, adjacent is defined as all bordering properties or properties across a public right-of-way from where the digital sign is located. No digital sign may be located closer than 100 feet from residentially zoned or open space zoned properties.~~
- ~~(x) Hours of operation. Digital sign displays must be turned off between the hours of 10:00 p.m. and 6:00 a.m. when located within 100' of residentially zoned property, adjacent or across a public right-of-way from residentially zoned property.~~
- ~~(xi) Luminance. 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 as follows:~~

- (xii) The sign shall not exceed a maximum illumination of 0.3 foot candles above ambient light as measured using a foot candle meter at a preset distance depending on sign size. The measuring distance shall be determined by taking the square root of the product of the sign area and one-hundred.

Comment [jbc7]: We recommend that the City require an affidavit signed by the owner that states they have received a copy of the EMC regulations and agrees to abide by these regulations. Since the recommended brightness standards are based on ambient lighting the level of brightness is not set at a certain level.

Comment [jbc8]: We recommend that the City adopt the footcandle methodology, which is much less than the suggested nits level in the draft code. For typical ambient light conditions this level is less than 300 nits

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<u>Zone</u>	<u>Luminance/brightness Level</u>
C1	1,000 nits night/8,000 nits day
C3	Not unreasonably bright so as to cause glare
C4	Not unreasonably bright so as to cause glare
C5	Not unreasonably bright so as to cause glare
<u>I</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PIP</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PBP</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PF</u>	<u>1,000 nits night/8,000 nits day</u>

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- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.

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- (7) 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.

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

- (1) General. 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
- (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:

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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.~~

Comment [jbc9]: Content restrictions of this nature may be in conflict with court established first amendment rights.

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- (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).
 - (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.

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Section Three. 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 Four. 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:

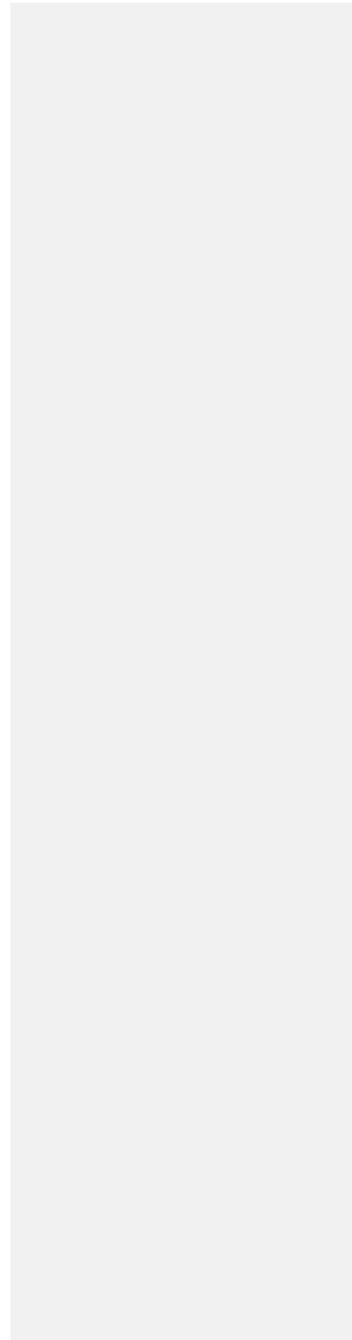
Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published:



Demographics

US
Washington
Island County
Oak Harbor

Population

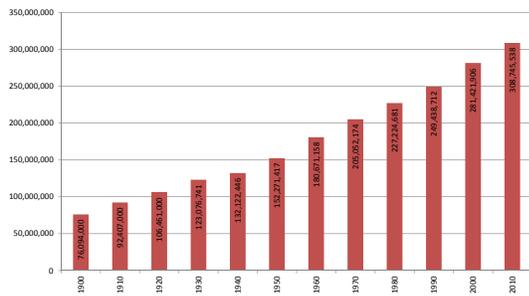
2010 Census - US Total Population — 308,745,538

Today's (May 28, 2013) estimate at 4pm - US Population — 315,965,944
 Births this year - 10,782,982
 Deaths this year - 6,861,900
 Net immigration - 1,887,023

2010 Census Washington - 6,724,540
 Island County - 78,506
 Oak Harbor - 22,075

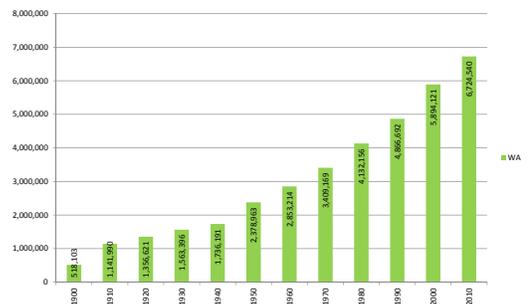
Population Growth

US



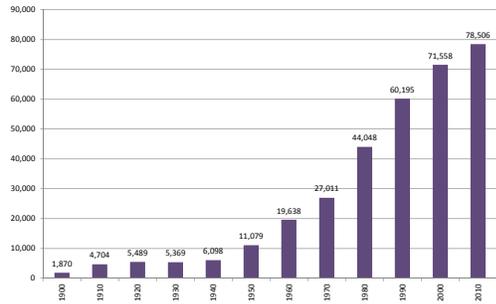
Population Growth

WA



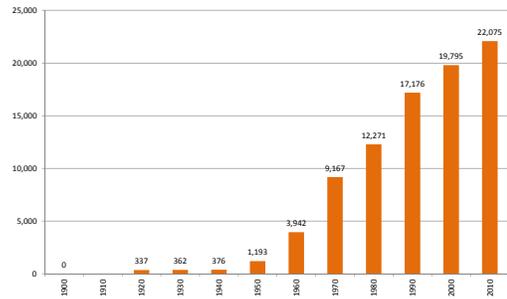
Population Growth

Island County

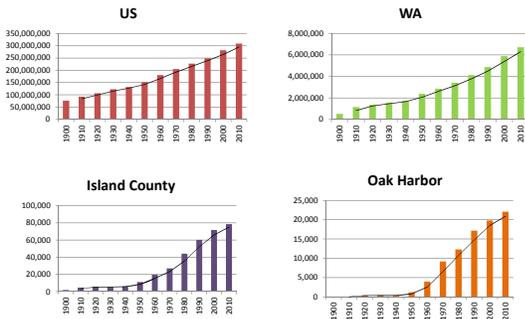


Population Growth

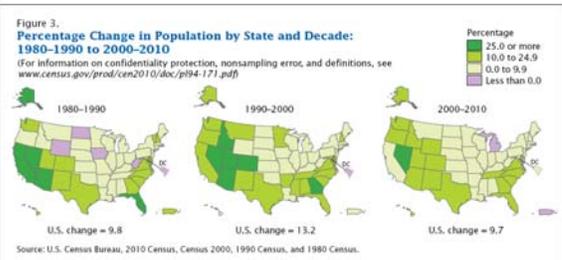
Oak Harbor



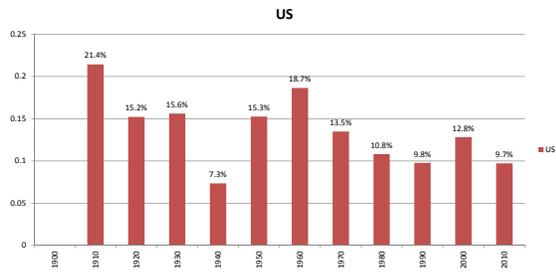
Population Growth



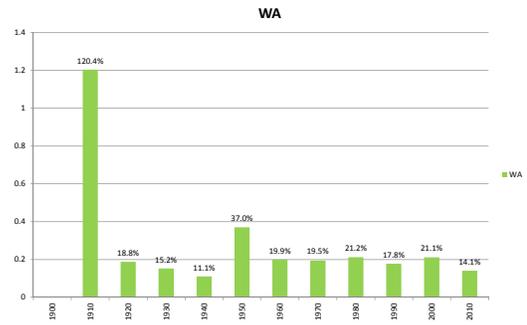
US – Percentage Change in Population



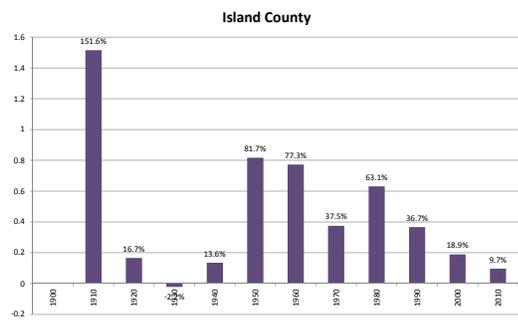
Population Change percentage



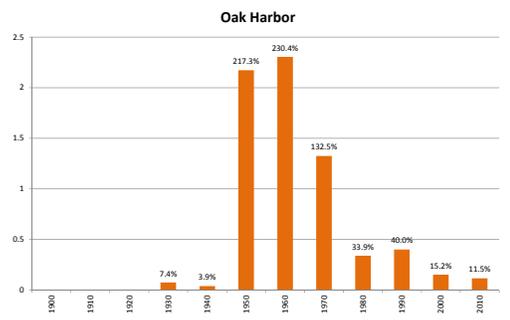
Population Change percentage



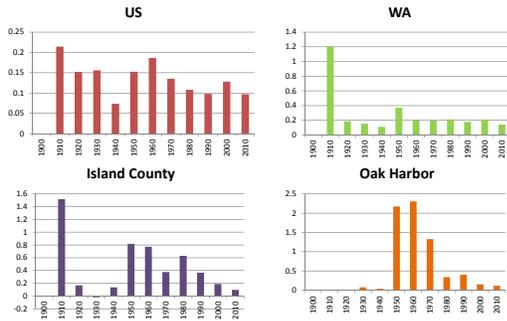
Population Change percentage



Population Change percentage



Population Change percentage



Age and Sex

US	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	138,053,563	49.1%	151,781,326	49.2%	13,727,763	9.9%
Female	143,368,343	50.9%	156,964,212	50.8%	13,595,869	9.5%
Total	281,421,906	100.0%	308,745,538	100.0%	27,323,632	9.7%

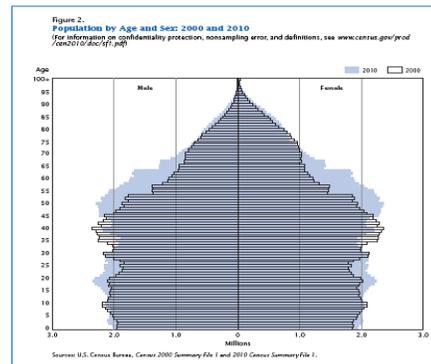
Washington	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	2,934,300	49.8%	3,349,707	49.8%	415,407	14.2%
Female	2,959,821	50.2%	3,374,833	50.2%	415,012	14.0%
Total	5,894,121	100.0%	6,724,540	100.0%	830,419	14.1%

Age and Sex

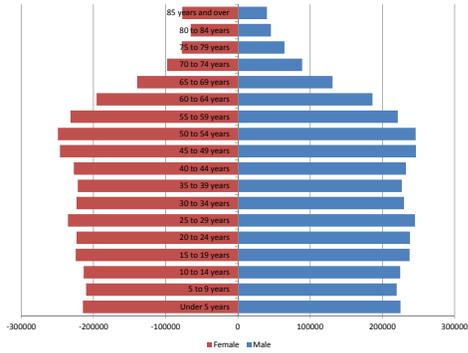
Island County	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	35,846	50.1%	38,857	49.5%	3,011	8.4%
Female	35,712	49.9%	39,649	50.5%	3,937	11.0%
Total	71,558	100.0%	78,506	100.0%	6,948	9.7%

Oak Harbor	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	9,833	49.7%	10,851	49.2%	1,018	10.4%
Female	9,962	50.3%	11,224	50.8%	1,262	12.7%
Total	19,795	100.0%	22,075	100.0%	2,280	11.5%

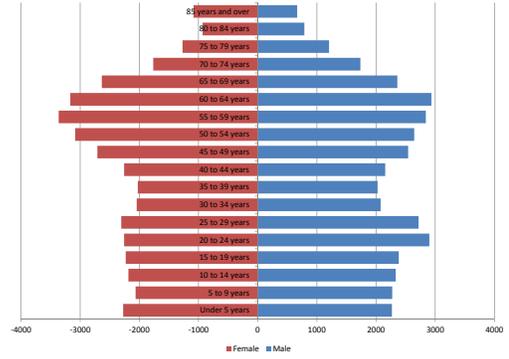
Age Distribution



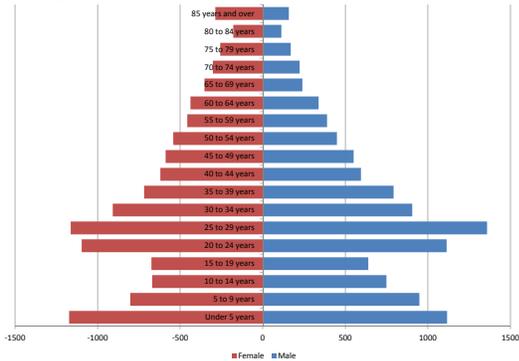
Age Distribution - WA



Age Distribution - Island



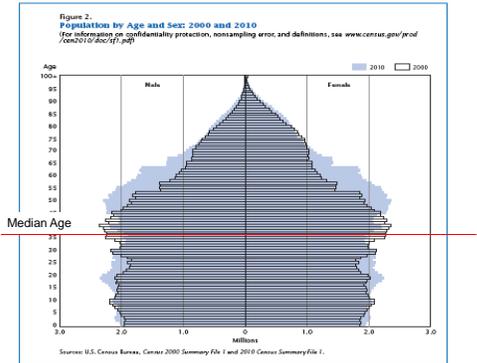
Age Distribution – Oak Harbor



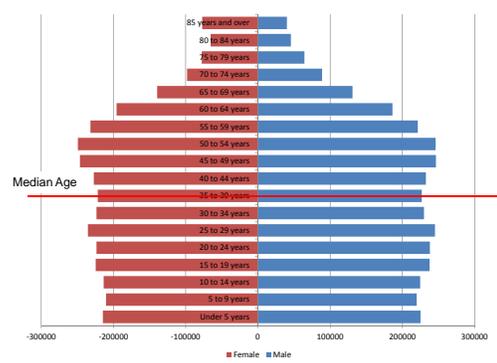
Median Age

	Median Age	
	2000	2010
US	35.3	37.2
WA	35.3	37.3
Island	37	43.2
Oak Harbor	28.3	29

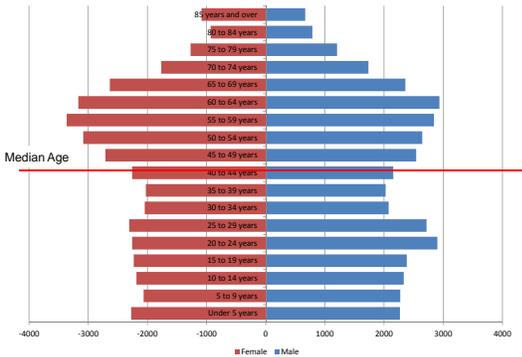
Median Age - US



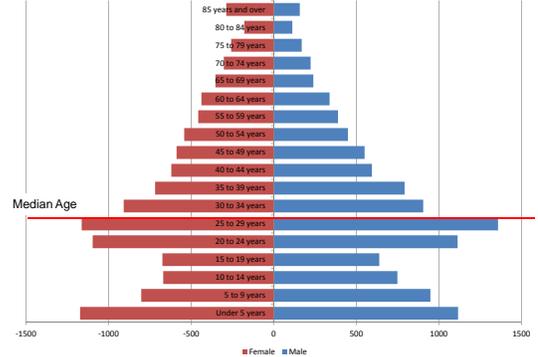
Median Age - WA



Median Age - Island



Median Age - Oak Harbor



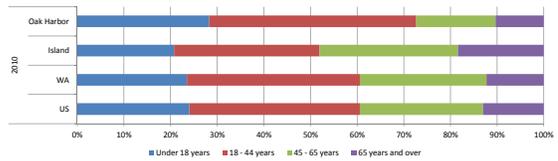
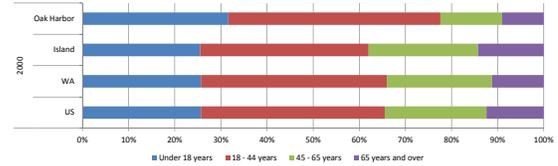
Median Age - Other

Island	2000	2010
Coupeville	43	51.1
Langley	49	57

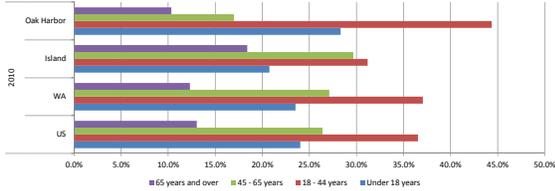
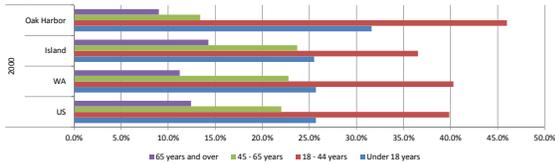
WA		
Anacortes	42.6	47.2
Burlington	29.6	32.1
Mt Vernon	31.1	32.3

US		
Highest	Maine	42.7
Lowest	Utah	29.2

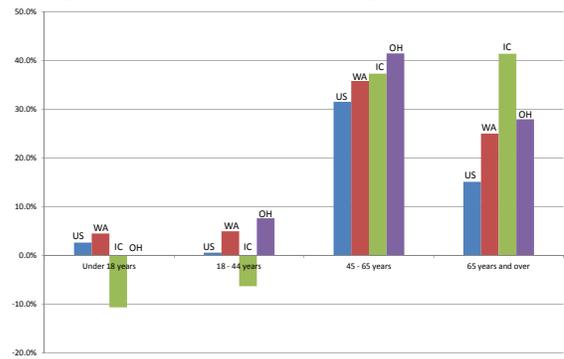
Age Distribution - 2000



Age Distribution - 2010



Age Distribution - % Change 2000-2010



Age Distribution

- Oak Harbor
 - Slight decrease (-0.1%) in population for under 18 age group
 - Slight increase (7.6%) in population for 18-44
 - Increase (41.5%) in population for 45-65
 - Increase (27.9%) in population for 65+
- Island County
 - Decrease (-10.7%) in population for under 18 age group
 - Decrease (-6.3) in population for 18-44
 - Increase (37.3%) in population for 45-65
 - Increase (41.4%) in population for 65+

More to come

- Housing Characteristics
- Households and Families