



PLANNING COMMISSION

AGENDA

June 25, 2013

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL

AGENDA
June 25, 2013
7:30 P.M.

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

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1. **Approval of Minutes – May 28, 2013**

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.

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3. **DIGITAL SIGNS CODE UPDATE – Public Hearing**

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

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4. **BED & BREAKFAST CODE – INTRODUCTION – Public Meeting**

Planning Commission will continue its discussion of the draft bed and breakfast code allowing for bed and breakfast establishments within specific residential zones.

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5. **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**

Staff will present information on the 2016 Comprehensive Plan Update and will include 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. This is not a discussion of growth allocation within the county which is the next step in the process.

MINUTES

May 26, 2013

**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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- (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.~~

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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. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;~~

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
I	1,000 nits night/8,000 nits day
PIP	1,000 nits night/8,000 nits day
PBP	1,000 nits night/8,000 nits day
PF	1,000 nits night/8,000 nits day

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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

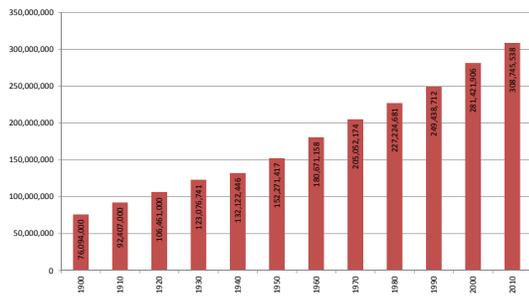
2010 Census - US Total Population — 308,745,538

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

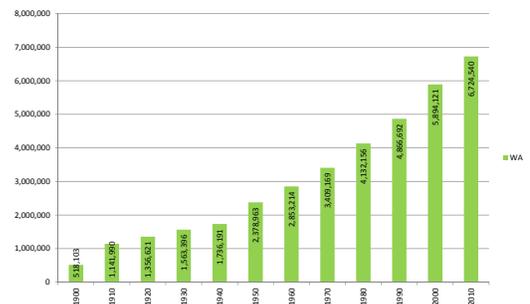
Population Growth

US



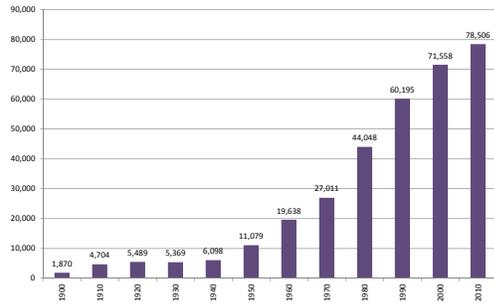
Population Growth

WA



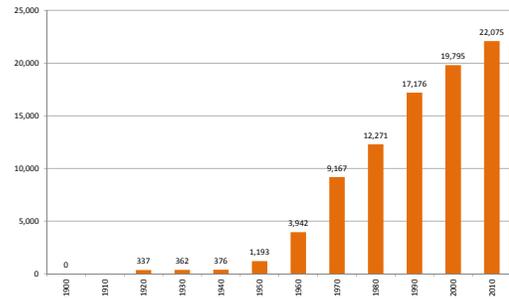
Population Growth

Island County

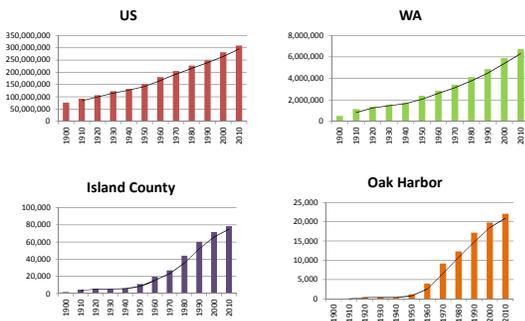


Population Growth

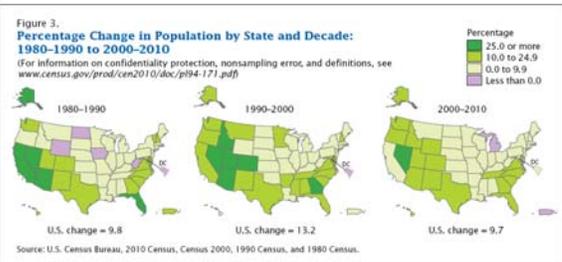
Oak Harbor



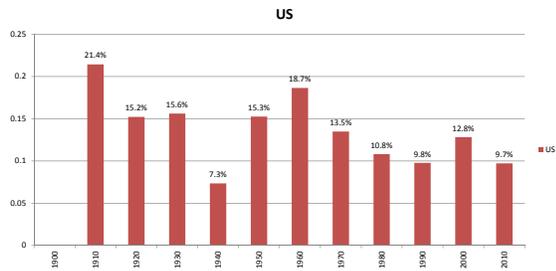
Population Growth



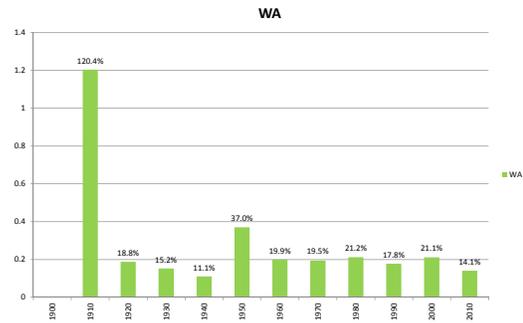
US – Percentage Change in Population



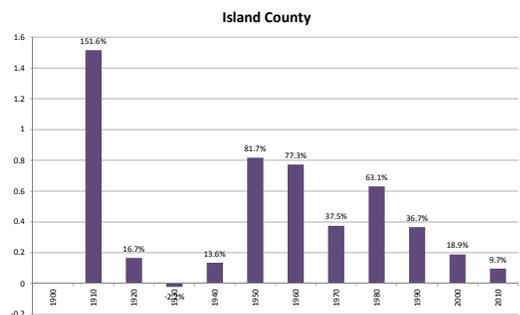
Population Change percentage



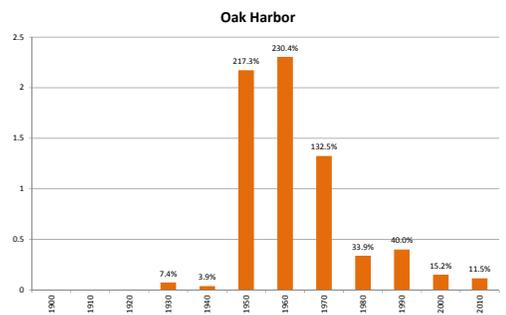
Population Change percentage



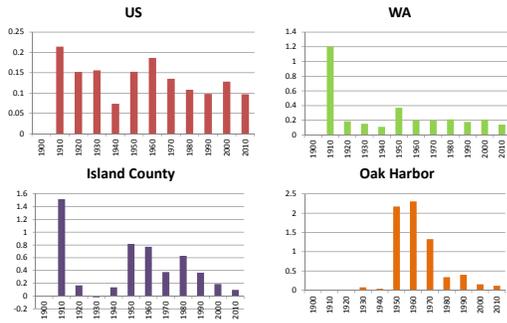
Population Change percentage



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%

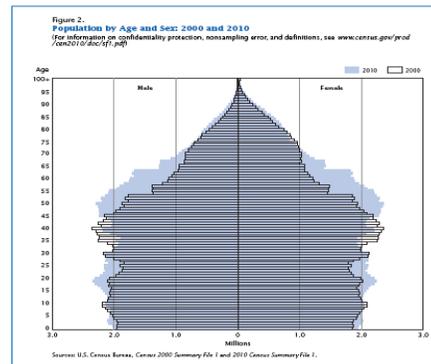
Washington	2000		2010		Change	
	Numbers	Percent	Numbers	Percent	Numbers	Percent
Male	2,934,300	49.8%	3,349,707	49.8%	415,407	14.2%
Female	2,959,821	50.2%	3,374,833	50.2%	415,012	14.0%
Total	5,894,121	100.0%	6,724,540	100.0%	830,419	14.1%

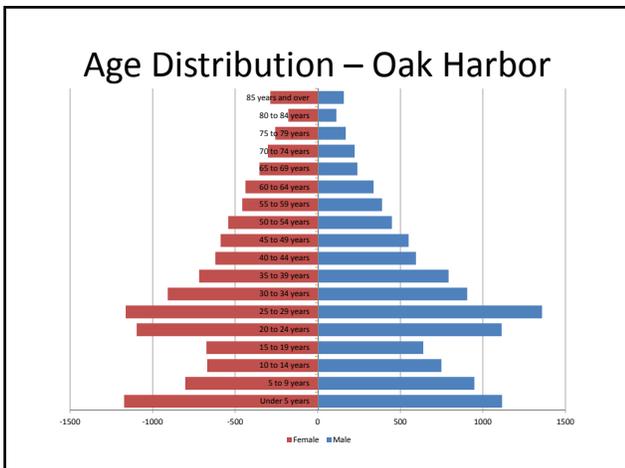
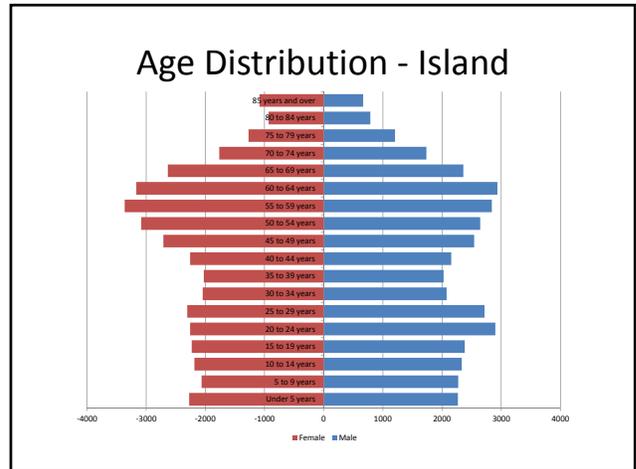
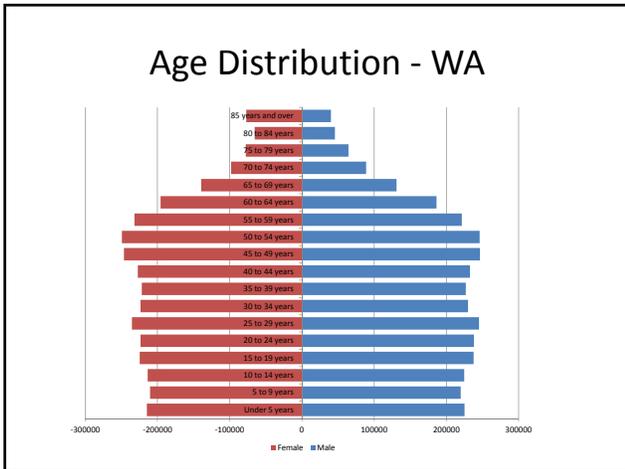
Age and Sex

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

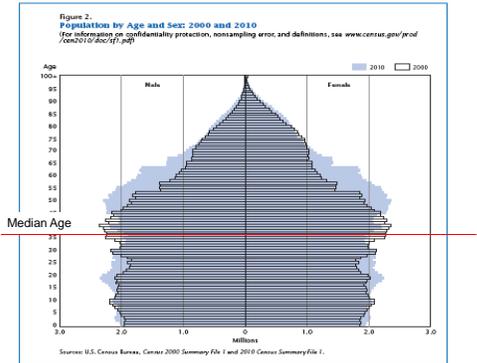




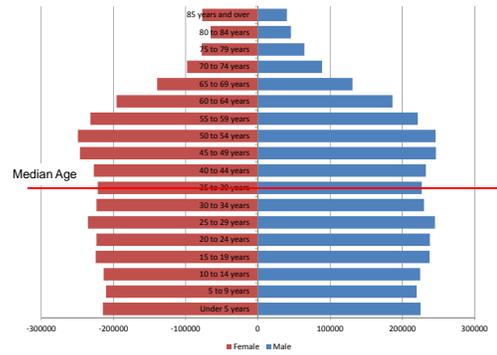
Median Age

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

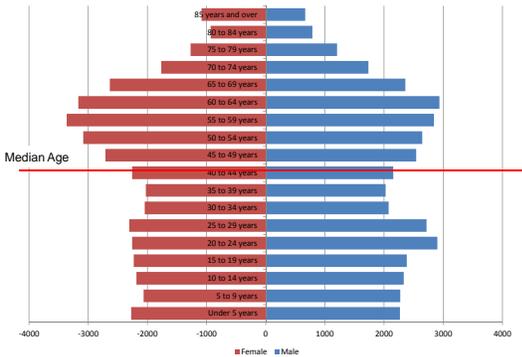
Median Age - US



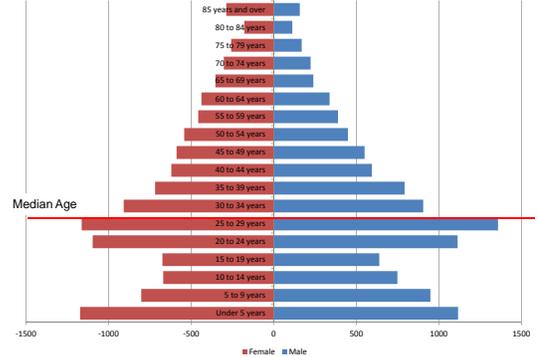
Median Age - WA



Median Age - Island



Median Age - Oak Harbor



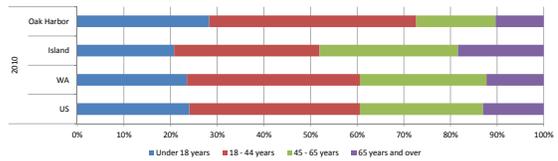
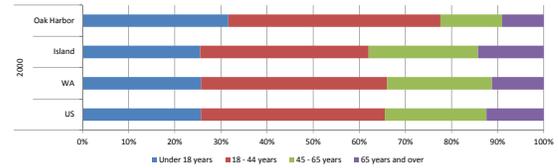
Median Age - Other

Island	2000	2010
Coupeville	43	51.1
Langley	49	57

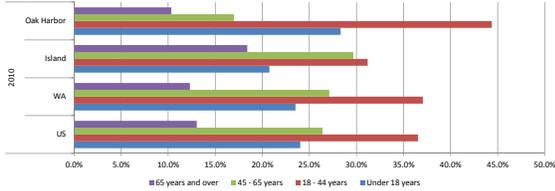
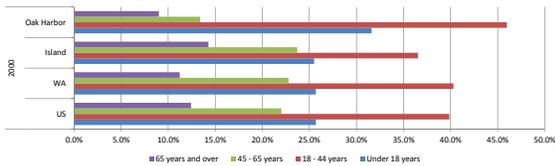
WA		
Anacortes	42.6	47.2
Burlington	29.6	32.1
Mt Vernon	31.1	32.3

US		
Highest	Maine	42.7
Lowest	Utah	29.2

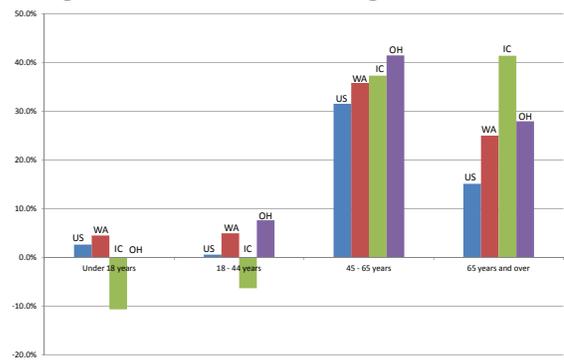
Age Distribution - 2000



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

Digital Signs

Code Update

Public Hearing

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 6/18/13
Re: Digital Signs – Further Discussions on Draft Code and Public Hearing

PURPOSE

The purpose of the memorandum is to highlight changes to the draft digital signs code since the May Planning Commission meeting. Please note that this code has been combined with the electronic message center (EMC) code for reasons explained below.

CHANGES TO THE DRAFT CODE

Previously, the draft code treated EMCs and digital signs as two distinctly different types of signs and the code had a section to address each sign type. After further thought and public comment offered by the International Sign Association, staff have moved the digital sign code provisions and incorporated them into the EMC provisions. Having a single code section will streamline the code and eliminate any future confusion that may have arisen in distinguishing between EMCs and digital signs. Please note that, although the two code sections have been combined, Planning Commission's language and intent of the draft code worked out over the past several months has been preserved. Only the location of that language regarding digital capable signs has been changed. For these reasons, this memorandum will now refer to digital signs as EMCs.

The following additional changes were made to the draft code since the last version was presented to the Planning Commission in May. These changes reflect comments made by the Planning Commission and the public:

- The definition for "digital signs" has been deleted based upon the above discussion.
- The definition for "electronic message center" has been updated to include signs which display graphics, images, and video.
- A definition was added for "transition."
- Duration. Previously, the proposed code language said that "dynamic messages, text, or video segments must not exceed ten seconds in duration." The intent of this provision was to limit moving objects on the EMC screen to ten seconds at which time they must become static or exit the screen. Planning Commission indicated this language was confusing and staff reworded this section to specify a *minimum* duration time of ten seconds for graphics, text, messages, and images. Videos must have a minimum duration of two seconds and a maximum duration of five seconds.
- Brightness/Illumination. Staff have revised the code to reflect comments made by the International Sign Association. The code now sets a standard which limits brightness to 0.3 foot candles above ambient light levels during the night and relies on auto dimming technology during the day. Please note that there would be no set brightness limit during the day for electronic message centers, although autodimming technology would reduce the brightness of the sign on cloudy or dark days.

- Hours of operation and distance. Previously, the code indicated that EMCs (then referred to as “digital signs”) within 100 feet of residential zones must not operate at night. Subsequently, staff recommended that all EMCs be located at least 200 feet from residential properties, making the 100-foot provision moot since the code would not have allowed these type of signs within 200 feet of residential properties. To continue to protect residential properties from night time light impacts of these signs, the code now proposes that any EMC sign located within 200 feet of residentially zoned property must not operate between 10:00 p.m. and 6:00 a.m. Please note that this provision will primarily apply to non-conforming electronic message center signs since the draft code, if adopted, will not allow these signs to be placed closer than 200 feet from a residentially zoned property.
- Shielding. The proposed language requires that EMCs be oriented perpendicular to the ground so that they do not project light upwards and create light impacts for aircraft.
- A provision was added indicating that all existing electronic message center signs which are non-conforming with regard to brightness and hours of operation must be brought into conformance with the brightness and hours of operation standards herein within one year of the adoption of this code.

BRIGHTNESS

Last month, Planning Commissioners received public testimony from Mr. James Carpentier of the International Sign Association (ISA). Among other comments he made, Mr. Carpentier recommended measuring brightness using foot-candles rather than nits. In addition, Mr. Carpentier recommended that the City use a relative brightness standard which would link the brightness level of an EMC sign to ambient light levels. EMCs would be limited to no more than 0.3 foot-candles above ambient light conditions. Thus, under this scenario, the brighter the ambient light levels, the brighter the EMC would be permitted to be and vice versa.

The existing draft code contains language for a fixed brightness standard not linked to ambient light levels. EMCs would be allowed a specific level during the day and a separate standard for the night, with no relationship to ambient light levels. For most commercial and industrial zones (C1, I, PIP, PBP, PF) the draft code language sets brightness limits at 1,000 nits during the night and 8,000 nits during the day. For more intense commercial zones (C3, C4, C5), the level would be 1,500 nits during the night and 13,000 nits during the day. Paraphrasing comments made by the ISA in a phone call with staff on June 13, 2012, these brightness levels are excessive and the City would likely receive many complaints if signs were allowed to achieve these levels.

Planning Commission requested that staff provide more information regarding using foot-candles rather than nits. There are at least two ways to measure luminance, foot-candles and nits are two of those ways. *Illuminance* is a measure of the amount of light intersecting an object (a light meter) at a given distance. Whereas, *luminance* is a measure of the absolute amount of light emitted from an object (not measured from a distance). Foot-candles are a measure of *illuminance*, whereas nits are a measure of *luminance*. Therefore, it is not possible to convert from nits to foot-candles. However, according to the ISA, the 0.3 foot-candles maximum standard over ambient lighting conditions, will be much dimmer than what the draft code now proposes. The ISA asserts that using foot-candles is the preferred approach because foot-candle meters are much less expensive (\$100-\$1,000) than nit meters (\$3,000) and the standard is easier to measure and enforce. Based on these comments, staff have revised the draft to take into account the ISA’s recommendation to use foot-candles to measure brightness and sets the limit of an electronic message center sign at 0.3 foot-candles above ambient light levels.

COMPLIANCE WITH REVIEW CRITERIA

Zoning code text amendments are subject to the criteria in OHMC 19.80. Here, staff provide a brief written analysis of how these criteria are met in the draft code and for Planning Commission discussion.

OHMC 19.80.020 REVIEW CRITERIA

1. The amendment must be consistent with the Oak Harbor comprehensive plan.

Response: The Oak Harbor Comprehensive Plan contains many goals and policies. The most pertinent goals and policies pertaining to electronic message center signs are: Land Use Goal 1; Land Use policies 1(d and e); Urban Design policies 2f and 5c; and Economic Development Goal 3. A further response is provided to each of the pertinent goals and policies below.

- a) Land Use Goal 1: "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."

Further Response: Oak Harbor's downtown is its historic center and focus of its small town heritage. The downtown continues to maintain a historic feel in its building architecture. Downtown commercial retail properties have narrow lot widths as compared with those along the highway. Lots which have commercial/retail land uses on them in downtown are typically much narrower than commercial properties elsewhere in the City. In addition, commercial buildings are located near front property lines. Buildings reflect architecture from the early to mid 1900s. For these reasons, electronic message center signs are incompatible with the small town heritage of downtown and the draft code proposes language which prohibits electronic message center signs in the Central Business District. This prohibition will respect Oak Harbor's small town heritage.

Oak Harbor is a growing community which is the largest commercial center on Whidbey Island. Electronic message center signs are an advertising medium for Oak Harbor businesses which will likely be an important type of signage for businesses outside of downtown in the future. The draft code proposes restrictions on the size, brightness, hours of operation, distance from sensitive land uses, and color which will help make electronic message center signs compatible with their context.

- b) Land Use 1.d: "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."

Further response: Electronic message center signs can be an important medium for advertising and identifying businesses. The overall quantity of signs allowed for a property/business is not proposed to be changed with the draft code. Electronic message center signs will be considered to be one more alternative sign type from which business/property owners can choose, but the overall amount of signage allowed for a given property will not increase with this proposal. In addition, staff are proposing restrictions on the size, brightness, hours of operation, distance from sensitive land uses, and color to help control aesthetic impacts of electronic message center signs in all areas where they would be allowed.

- c) Land Use 1.e: "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."

Further response: As with all other types of commercial signs, the quantity and size of electronic message center signs is primarily controlled by the size of the building façade as outlined in OHMC 19.36.030(2): larger building facades are permitted larger and more signs. The size of electronic message center signs is further controlled by the proposed code language limiting building mounted electronic message center signs to 100 square feet in area, EMC pole signs to 50 square feet, EMC monument signs to 24 square feet, and EMC pylon signs to 24 square feet. In addition, no more than one EMC is allowed per property. Thus, EMC signs are scaled to the mass of the building. Moreover, the EMC sign code places contextual limitations on EMCs whereby brightness varies by zoning district, and signs must maintain a minimum distance of 200 feet from residential or open space zoned areas.

- d) Urban Design 2.f: "Consideration should be given to revising the sign ordinance in order to encourage signage more in keeping with the unique character of Oak Harbor."

Further response: The proposed code will constitute a revision to the sign ordinance. It will be Planning Commission's discretion as to whether EMCs are "in keeping with the unique character of Oak Harbor."

- e) Urban Design 5.c: "Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts."

Further response: The speed limit on SR-20 is 35-40 miles per hour and 30 miles per hour along Midway. The posted speed along Goldie Road is 35 miles per hour. Together these three streets constitute the vast majority of areas where EMCs could be placed if the proposed ordinance is adopted. The proposed EMCs ordinance contains provisions prohibiting scrolling or moving text, thereby helping to ensure that digital signs are readable from the adjacent roadway.

- f) Economic Development Goal 3: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

Further response: Signs have been posited to contribute positively to the financial performance of retail businesses according to a study conducted by the University of San Diego between 1995 and 1997, which was sponsored by the sign industry¹. "On average, one additional sign installed on a site would result in an increase in annual sales in dollars of 4.75 percent at the site"² To the degree that EMCs help Oak Harbor businesses advertise and get additional attention from potential patrons, they are likely to contribute positively to the businesses' financial performance.

2. The amendment must substantially promote the public health, safety and welfare.

Response: As previously mentioned, studies have indicated that signs can contribute positively to the economic welfare of the community. Aside from the studies pertaining to traffic safety which are inconclusive, there is no information that staff is aware of that EMCs negatively affect public health.

The topic of safety is more difficult to address. Several studies have been conducted; their results taken as a whole are inconclusive. The majority of studies regarding EMCs with digital capabilities address digital billboards along highways, rather than on-site EMCs with digital capabilities and therefore may not be particularly applicable to this discussion. However, there are a few studies which have applicable findings for on-site EMCs with digital capabilities including a 2004 study by the University of Toronto which found that drivers make twice as many glances at video signs than they do at static signs. In addition, video signs and scrolling text signs received the longest average maximum glance duration³. The only study which deals specifically with onsite EMCs with digital capabilities which staff is aware of found that there is no significant relationship between these signs and automobile accidents and was sponsored by the sign industry.⁴ Therefore, the information available to staff indicates that there are inconclusive studies with regard to the safety impacts of EMCs with digital capabilities.

SCHEDULE

The proposed schedule for the remainder of the project is as follows:

- June – Staff finalizes SEPA and Planning Commission continues the public hearing.

¹ Ellis, Seth R. and Robert Johnson. 1997. "Research on Signage Performance." In *The Economic Value of On-Premise Signage*. Malibu, Calif. And Alexandria, Va.: California Electric Sign Association and the International Sign Association.

² Morris, Mayra; Henshaw, Mark L; Mace, Douglas and; Weinstein, Alan. "The Economic Context of Signs." In *Context Sensitive Signage Design*. American Planning Association, page 84.

³ University of Toronto, 2004. "Observed Driver Glance Behavior at Roadside Advertising Signs. Beijer & Smiley.

⁴ Texas A&M University. December, 2012. "Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety."

- July – Possible conclusion of public hearing.

ATTACHMENTS

1. Electronic Message Center Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.

ORDINANCE NO. XXXX

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, 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 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)~~(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.
- ~~(15)~~(165) “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) "Foot-candle" means a unit of illuminance or illumination, equal to one lumen incident per square foot.

~~(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)~~(199) "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)~~(2020) "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.

~~(21)~~(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.

(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)~~(310) “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 sponsored by a government or non-profit.

~~(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, 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)~~~~(4446)~~ "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.

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-1, C-3, C-4, and C-5, zoning districts. Said signs shall meet the following standards:
- (i) ~~The sign~~ Electronic message center signs 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;~~
 - (ii) 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;~~
- (iii) Number. Only one electronic message center sign is allowed per property. Multitenant buildings on a single property are permitted a single electronic message center sign.
- (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)(~~xix~~ii) 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, or image including message segments must remain on-screen for a minimum of ten seconds. There is no maximum duration for messages, text, graphics, or images. Videos must have a minimum duration of two seconds and a maximum duration of five seconds.
- (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.
- (x) Color. Color may be used in electronic message center signs. However, white backgrounds are prohibited.
- ~~(vixi) 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)(ii) 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~~
- ~~;(xiv) 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 200 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;~~
- ~~(xv)(xi) Brightness/Illuminance. During the night, 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 the square root of the product of the sign area and one-hundred. In addition, electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions. 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; settings of the sign so as to exceed the brightness standard specified herein.~~
- ~~- The City may request and the sign owner/operator may voluntarily choose to reduce the brightness/illuminance level of a sign that meets brightness standards, but is still perceived to be too bright for its surrounding context.~~
- ~~(xviii) 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 10:00 p.m. and 6:00 a.m. when located 300 feet from a residentially zoned property.~~

- (xvii) Angle. Electronic message center signs shall be mounted perpendicular to the ground.
- (xviii) 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.
- (~~xix~~iii) 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~~x) of this section.
- (xx). All existing electronic message center signs which are non-conforming with regard to brightness and/or hours of operation must be brought into conformance with the 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. 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).
 - (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.

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 be meet the requirements of electronic message center signs in the C-1 zone in accordance with OHMC section 19.36.030.

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. ~~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 electronic message center signs in the C-1 zone in accordance with OHMC section 19.36.030.~~

Section Five. 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:

Bed and Breakfast Code

Introduction

Public Meeting

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 6/25/13
Re: Bed and Breakfast Draft Code- Open Public Hearing

PURPOSE

Staff introduced amendments to Chapter 19.20 permitting bed and breakfast establishments (B&B's) in certain residential and commercial zones in April of this year. This memorandum continues the discussion about B&Bs and recommends that Planning Commission open a public hearing and accept comments on the draft. The memorandum is organized into the following sections:

- **Key issues to consider:** discusses some of the key aspects of B&Bs including where they are allowed, size, parking, signs, and review process.
- **Schedules:** highlights the schedule for the remainder of the project.

KEY ISSUES TO CONSIDER

B&Bs are traditionally hybrid uses in that they have aspects of residential or commercial uses combined with lodging facilities. They can be an attractive alternative for those who prefer them over hotels and motels and can contribute to the character of neighborhoods and communities, as well as to a city's tax base. B&Bs can complement a neighborhood's character if properly permitted and managed. For further background information on the draft code and comparison to other cities please see materials provided in April which are attachment 2 to this memorandum. The following discussion highlights key issues for Planning Commission discussion for B&Bs.

- **Size.** B&Bs can range in size, but are usually smaller than hotels and motels. The draft code proposes three different classes of B&Bs: "B&B rooms residential" which are in a building primarily used for residential purposes and can have up to four transient lodging rooms (2) "B&B rooms commercial" which are in a building primarily used for commercial purposes (i.e. an office building or restaurant) and have a maximum of four rooms and (3) "B&B Inns" which are stand alone lodging facilities not combined with a residential or commercial use and can have up to ten rooms.
 - **Question(s):** Are these the appropriate classes and sizes of B&Bs for Oak Harbor?
- **Zones:** The following table summarizes where the draft code proposes to allow B&Bs and under what process.

Type of B&B	R1	R2	R3	R4	R0	C1	CBD
Inns	X	X	P	P	P	P	P
Residential	C	C	P	P	P	P	P
Commercial	X	X	X	X	X	P	P

Note: P = permitted, C = conditional use permit required, X = prohibited

The basic relationship proposed by the draft code is: higher intensity zones (high density residential and commercial) have greater flexibility to have B&B establishments, while low intensity zones have greater restrictions on B&Bs.

- **Questions:** Does Planning Commission agree as to which zones the B&Bs are allowed? Should they be allowed in more or fewer zones?
- **Parking:** Most other cities require that parking be provided for the owner/manager as well as one parking space per guest room. Oak Harbor's draft code proposes a similar parking requirement. Parking stalls are not required to meet minimum dimension standards for residential and commercial B&Bs, but must be located on the premises. This is proposed so that existing developed lots in residential and commercial areas can accommodate B&Bs. B&B inns would be required to meet parking dimensional standards in OHMC 19.44. This is proposed so that B&B inns, which are essentially small-scale motels, would adequately mitigate for parking impacts in neighborhood and commercial areas.
 - **Question:** Does Planning Commission agree with the policy direction for parking at each type of B&B?
- **Signs:** Residential and Commercial B&Bs are allowed one monument or building mounted sign of four square feet. B&B inns are required to follow the sign requirements in Chapter 19.36 for the zone in which they are located.
 - **Question:** Is a four square-foot sign for residential and commercial B&Bs sufficient?

SCHEDULE

The following is a proposed schedule for this project:

- June – Planning Commission opens public hearing and continues to July
- July – Continuation of public hearing. Planning commission closes public hearing and makes recommendation to City Council.

ATTACHMENTS

1. Bed and Breakfast Draft Code – Amendments to OHMC Chapters 19.08, 19.20, and 19.44.
2. Planning Commission packet from April, 2013 for Bed and Breakfasts.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.08 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED “DEFINITIONS” AND ALSO AMENDING CHAPTER 19.20 ENTITLED “ZONING.”

WHEREAS, the City’s Comprehensive Plan, Economic Development Goal 6 says: “Ensure tourism with an emphasis on strengthening Oak Harbor as a tourist destination.” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 5 says “To protect existing land uses as new development occurs” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 6 says “To encourage land use opportunities for diversified economic development, and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 8 says “to ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 19 says “ to create and maintain a balanced community that mixes residential and non-residential uses in a way that promotes environmental quality and community aesthetics.”

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on May 28. A public meeting was held before the Planning Commission on April 23, 2013.

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 XXXX, 2013 September 15, 2012 and a Determination of Non-Significance (DNS) on XXXX, 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. Chapter 19.08 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 4 in 2009 is hereby amended to read as follows:

Chapter 19.08 DEFINITIONS

Sections:

- 19.08.005 Definitions.
- 19.08.010 Accessory dwelling unit.
- 19.08.015 Accessory use.
- 19.08.020 Alley.
- 19.08.025 Alteration.
- 19.08.030 Assisted living facility.
- 19.08.035 Auto convenience market.
- 19.08.040 Automatic teller machine.
- 19.08.045 Automobile service station including self-service.
- 19.08.050 Aviation environs.
- 19.08.055 Banner.
- 19.08.060 Basement.
- 19.08.061 Bed and Breakfast Inns
- 19.08.062 Bed and Breakfast Room (residential)
- 19.08.063 Bed and Breakfast Room (commercial)
- 19.08.065 Berm.
- 19.08.070 Binding site plan.
- 19.08.075 Hearing examiner.
- 19.08.078 Building code.
- 19.08.079 Fire code.
- 19.08.080 Brew pub.
- 19.08.085 Buffer.
- 19.08.090 Buildable area.
- 19.08.095 Building.
- 19.08.100 Building, accessory.
- 19.08.105 Building area.
- 19.08.110 Building, detached.
- 19.08.115 Building height.
- 19.08.120 Building line.
- 19.08.125 Building, multiple-occupancy.
- 19.08.130 Building, office.
- 19.08.135 Building, quasi-public.
- 19.08.140 Building, single-occupancy.
- 19.08.145 Building site.
- 19.08.150 Canopy.
- 19.08.155 Carport.
- 19.08.160 Certificate of occupancy.
- 19.08.165 Child day care center.
- 19.08.170 Church.
- 19.08.175 City.
- 19.08.180 City staff.

19.08.185	Club.
19.08.190	Coffee kiosk.
19.08.195	Commercial use.
19.08.200	Commercial vehicle.
19.08.205	Conditional use.
19.08.210	Condominium.
19.08.215	Court.
19.08.220	Covered moorage building area.
19.08.225	Currency exchange.
19.08.230	Data processing facility.
19.08.235	Day-night average sound level (Ldn).
19.08.240	Deciduous.
19.08.245	Density.
19.08.250	Design review board.
19.08.252	Director of development services.
19.08.255	Dock.
19.08.260	Dwelling, multifamily.
19.08.265	Dwelling, single-family.
19.08.270	Dwelling unit.
19.08.275	Electrical distribution substation.
19.08.280	Essential public facility.
19.08.285	Essential use.
19.08.290	Evergreen.
19.08.295	Extended stay motel.
19.08.300	Factory-built structure.
19.08.305	Family.
19.08.310	Floor area.
19.08.315	Fraternity, sorority or student cooperative.
19.08.320	Garage, commercial.
19.08.325	Gated community.
19.08.330	General promotions.
19.08.335	Grade (adjacent ground elevation).
19.08.340	Grand openings and anniversaries.
19.08.345	Greenbelt.
19.08.350	Ground cover.
19.08.355	Health club.
19.08.360	Home, family child day care.
19.08.365	Home, foster.
19.08.370	Home, group.
19.08.375	Home improvement center.
19.08.380	Home occupation.
19.08.385	Hospital.
19.08.390	Hospital, animal.
19.08.395	Hotel.
19.08.400	House, apartment.
19.08.405	House, boarding, lodging or rooming.

19.08.410	House, guest.
19.08.415	Institution, educational.
19.08.420	Junkyard.
19.08.425	Kennel, commercial.
19.08.430	Kitchen.
19.08.435	Land clearing.
19.08.440	Landscape perimeter.
19.08.445	Landscape policy manual.
19.08.450	Landscape setback.
19.08.455	Landscaping.
19.08.460	Ldn contour.
19.08.465	Lot.
19.08.470	Lot area.
19.08.475	Lot, corner.
19.08.480	Lot coverage.
19.08.485	Lot depth.
19.08.490	Lot, developed single-family residential.
19.08.495	Lot, interior.
19.08.500	Lot, irregular shaped.
19.08.505	Lot line.
19.08.510	Lot line, front.
19.08.515	Lot line, rear.
19.08.520	Lot line, side.
19.08.525	Lot, partially developed single-family residential.
19.08.530	Lot, through.
19.08.535	Lot, undeveloped.
19.08.540	Lot width.
19.08.545	Marquee.
19.08.550	Mixed use.
19.08.555	Manufactured home.
19.08.560	Manufactured home park.
19.08.565	Manufactured home subdivision.
19.08.570	Moorage.
19.08.575	Motel.
19.08.580	Multiple-occupancy complex.
19.08.585	Neighborhood convenience store.
19.08.590	Noise zone map.
19.08.595	Nonconforming structure.
19.08.600	Nonconforming use.
19.08.605	Nonconforming use, land.
19.08.610	Occupant.
19.08.615	Opaque.
19.08.620	Open space.
19.08.625	Parapet.
19.08.630	Parking, employee.
19.08.635	Parking, off-street.

19.08.640	Parking space.
19.08.645	Penthouse.
19.08.650	Permit, conditional use.
19.08.655	Permit, land clearing.
19.08.660	Permit, minor clearing.
19.08.665	Permit, temporary use.
19.08.670	Permitted use.
19.08.675	Primary use.
19.08.680	Professional office.
19.08.685	Property line.
19.08.690	Public utility.
19.08.695	Qualified affordable housing.
19.08.700	Recreation facilities.
19.08.705	Recreational vehicle.
19.08.710	Reside.
19.08.715	School, commercial.
19.08.720	Schools – Elementary, junior or senior high, including public, private and parochial.
19.08.725	Screen.
19.08.730	Secondary use, incidental or accessory.
19.08.735	Setback and yard requirements.
19.08.740	Shelter station.
19.08.745	Shopping center.
19.08.750	Shrub.
19.08.755	Sign.
19.08.760	Sign, abandoned.
19.08.765	Sign, area or surface area.
19.08.770	Sign, billboard.
19.08.775	Sign, building-mounted.
19.08.780	Sign, canopy.
19.08.785	Sign, construction.
19.08.790	Sign, freestanding.
19.08.795	Sign, grade.
19.08.800	Sign, height of.
19.08.805	Sign, incidental.
19.08.810	Sign, low-profile.
19.08.815	Sign, noncommercial public service.
19.08.820	Sign, political.
19.08.825	Sign or signs, primary.
19.08.830	Sign, projection.
19.08.835	Sign, reader board.
19.08.840	Sign, roof.
19.08.845	Signs, subdivision.
19.08.850	Signs, temporary and special.
19.08.855	Sign, window.
19.08.860	Skilled nursing facility.

19.08.865	Solid planting.
19.08.870	Sorority.
19.08.875	Story.
19.08.880	Street.
19.08.885	Structure.
19.08.890	Structural alteration.
19.08.895	Surface area or facade.
19.08.896	Temporary.
19.08.897	Tree.
19.08.898	Tree cluster, grove or stand.
19.08.899	Tree root zone.
19.08.900	Understory.
19.08.901	Tree, ornamental.
19.08.905	Tree, shade.
19.08.910	Tree, significant.
19.08.915	Upholstery shop.
19.08.920	Use.
19.08.925	Use district.
19.08.930	Used car lot.
19.08.935	Uses, prohibited.
19.08.940	Variance.
19.08.945	Vehicular surface area.
19.08.950	Video rental store.
19.08.955	Waste, hazardous.
19.08.960	Waste, hazardous – Off-site treatment and storage facility.
19.08.965	Waste, hazardous – On-site treatment and storage facility.
19.08.970	Waste, hazardous – Storage of.
19.08.975	Waste, hazardous – Treatment of.
19.08.980	Way open to public.
19.08.985	Wireless communications facility, macro.
19.08.990	Wireless communications facility, micro.
19.08.995	Wireless communications facility, mini.
19.08.1000	Wireless communications facility, monopole.
19.08.1005	Xeriscape.
19.08.1010	Yard.
19.08.1015	Yard, front.
19.08.1020	Yard, rear.
19.08.1025	Yard, service.
19.08.1030	Yard, side.

19.08.061 Bed and Breakfast Inn

“Bed and Breakfast Inn” means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

- (1) Not more than ten rooms are available for such rental;
- (2) No meals are served to members of the general public;
- (3) In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
- (4) No room is rented to more than four persons.

19.08.062 Bed and Breakfast Rooms (residential)

“Bed and breakfast room (residential) means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as the dwelling for a non-transient family, or in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (3) No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title.
- (4) If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

19.08.063 Bed and Breakfast Rooms (commercial)

“Bed and breakfast room (commercial)” means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as a commercial establishment, where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (4)(3) The room(s) are located above the first or street level or behind the street front side of the building.

Section Two. Section 19.20.005 through 19.20.095 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 is hereby readopted.

Section Three. Sections 19.20.100 through 19.20.120 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article II. R-1 – Single-Family Residential

19.20.100 Purpose and intent.

The R-1 single-family residential district is intended for low-density, urban, single-family residential uses, while providing sufficient density to allow the city to effectively provide needed urban services. Manufactured home subdivisions are also allowed in this zone.

The densities for this district range between a minimum of three units per gross acre and a maximum of six units per gross acre.

19.20.105 Principal permitted uses.

In an R-1 district, the following are principal permitted uses:

- (1) One single-family detached dwelling structure on each lot;
- (2) Development under a planned residential development as per Chapter 19.31 OHMC;
- (3) Manufactured home subdivisions as defined by OHMC 19.08.565 and in compliance with Chapter 19.25 OHMC.

19.20.110 Accessory permitted uses.

In an R-1 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops, and barns; provided, that none shall be rented or occupied for gain;
- (2) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located within the setback lines of the lot.

19.20.115 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-1 district when authorized by the hearing examiner:

- (1) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located outside of the setback lines of the lot when:
 - (a) Reception cannot be obtained when located within the setback lines;
 - (b) The location in a setback yard does not block the view of Oak Harbor Bay proposed from other property;
 - (c) The antenna does not cause a danger to adjacent properties;
 - (d) The antenna installation complies with all other zoning and building provisions of this code.
- (2) Assisted living facility.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are prohibited.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- (~~3~~4) Cemetery, mausoleum, or crematorium, but only in connection therewith.
- (~~5~~4) Churches and associated rectories, convents or other similar structures.
- (~~6~~5) Community center building.

- | (~~76~~) Excavations, other than simple foundation.
- | (~~87~~) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution.
- | (~~98~~) Golf course, including club house, but not an independent pitch-and-putt course, golf driving range or miniature golf.
- | (~~910~~) Government buildings for administrative or protective services, government storage yards, treatment plants, well sites, pump stations and sanitary landfills.
- | (~~4011~~) Group home.
- | (~~4412~~) Home occupations as regulated in Chapter 19.34 OHMC.
- | (~~4213~~) Hospital.
- | (~~4314~~) Landfills, reclamation to improve steep, low or otherwise unusable land.
- | (~~4415~~) Mortuaries.
- | (~~4516~~) Nursery and landscape material, including greenhouses.
- | (~~4617~~) Private club, lodge, social or recreation building or community assembly hall (except those having a chief activity carried on for monetary gain); provided, that the buildings used for such purpose may require additional front, rear or side yard setback from an adjoining lot in any residential district beyond the established requirements in the parent zoning district.
- | (~~4718~~) Private nursery school, foster home, kindergarten, or child day care center, not qualifying as a home occupation, on a legal lot, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight.
- | (~~4819~~) Private park or recreational area operated by a nonprofit community organization or association as a neighborhood playground, or local community recreational area, operated for the benefit of and exclusive use of members and their invited guests. Applications for a conditional use under this section shall state the specific use or uses to which the proposed neighborhood playground or local community recreational area shall be put. Conditional uses granted under this section shall be limited to one or more of the specific use or uses requested. Any use or uses in addition to or different from those specifically permitted by the hearing examiner hereunder shall require the separate approval of the hearing examiner. Included within the generality of the phrase "neighborhood playground, or local community recreational areas," but not limited thereto, are swimming pools, community beaches and tennis courts, together with appurtenances thereto.
- | (~~4920~~) Public school.
- | (~~2021~~) Public or private college.
- | (~~2422~~) Public, private or parochial school and supporting dormitory facilities.
- | (~~2223~~) Public or semi-public building serving as a library, museum or other similar purpose.
- | (~~2324~~) Public transportation shelter stations.
- | (~~2425~~) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, or pumping station, provided there shall be no service or storage buildings or yards in connection therewith.
- | (~~2526~~) Radio and television broadcasting stations and towers.
- | (~~2627~~) Rapid transit terminals.
- | (~~2728~~) Skilled nursing facility.

19.20.120 Density provisions.

For single-family dwelling structures, in an R-1 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, six DU/AC;
- (2) Minimum lot area, 7,200 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard, 20 feet;
- (6) Minimum side yard setbacks are 12 feet and five feet; however, minimum side yard along the flanking street of a corner lot, 15 feet;
- (7) Minimum rear yard, 20 feet;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage, 35 percent of lot area;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

Section Four. Sections 19.20.125 through 19.20.155 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article III. R-2 – Limited Multiple-Family Residential

19.20.125 Purpose and intent.

The R-2 limited multiple-family residential district is intended for medium density residential housing. Manufactured home subdivisions and parks are allowed in this zone. The densities for this district range between a minimum density of three units per gross acre and a maximum density of 12 units per gross acre. The R-2 districts are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services.

19.20.130 Principal permitted uses.

In an R-2 district, the following are principal permitted buildings and uses:

- (1) Principal use permitted in an R-1 district;
- (2) Duplexes, two-family dwelling structures;
- (3) Multifamily dwellings;
- (4) Development under a planned residential development as per Chapter 19.31 OHMC;
- (5) Manufactured home subdivisions and parks in compliance with Chapter 19.25 OHMC.

19.20.135 Accessory permitted uses.

In an R-2 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.140 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-2 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-1 district.;
- ~~(2) Bed and breakfast inns subject to the following conditions:

 - ~~(a) There shall be no more than four guest rooms;~~
 - ~~(b) Service of meals shall be to registered guests only;~~
 - ~~(c) here shall be a full-time manager domiciled on the premises;~~
 - ~~(d) Parking of guest vehicles shall be accommodated on the same site with the main building;~~
 - ~~(e) Only one on-premises sign not exceeding four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~~~
- ~~(3) Bed and breakfast rooms subject to the following conditions:

 - ~~(a) A resident family is domiciled within the structure;~~
 - ~~(b) No more than 50 percent of the existing bedrooms are devoted to bed and breakfast;~~
 - ~~(c) Parking of guest vehicles shall be accommodated on the premises;~~
 - ~~(d) Only one on-premises sign not more than four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~
 - ~~(e) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;~~
 - ~~(f) The use of the building as a dwelling is the predominant use.~~~~

19.20.145 Density provisions.

In an R-2 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, 12 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see also subsection (6) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side for duplexes and multiple-family dwellings while single-family detached dwelling structures must provide minimum 12-foot and five-foot side yard setbacks. For both single-family and multiple-family dwellings, side yard along the flanking street of a corner lot is 15 feet (see also subsection (7) of this section);
- (7) Minimum rear yard setbacks where distinguishable from side yards and where required for a platted lot shall not be less than 25 feet for duplexes and multiple-family dwellings, while for single-family detached dwelling structures they

shall not be less than 20 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;

- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot is to be kept free of impervious surfacing;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line; provided, there are six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development may occur as a planned residential development subject to Chapter 19.31 OHMC.

19.20.150 Landscaping requirements.

Except for single-family dwellings and duplexes, landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.155 Site plan review required.

Site plan review shall be required as defined in Chapter 19.48 OHMC.

Section Five. Sections 19.20.160 through 19.20.190 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article IV. R-3 – Multiple-Family Residential

19.20.160 Purpose and intent.

The R-3 multiple-family residential district is intended to provide for and protect areas for medium- to high-density multiple-family residential development. The densities for this district range between a minimum density of six units per gross acre and a maximum density of 16 units per gross acre. The R-3 districts are intended only for those areas adjacent to arterials or collector streets, without generation of additional traffic upon residential streets, and with adequate public services.

19.20.165 Principal permitted uses.

In an R-3 district, the following are principal permitted buildings and uses:

- (1) Principal uses permitted in an R-2 district, except single-family uses;
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;

- (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
- (a) A resident is domiciled onsite;
- (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
- (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
- (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- ~~(2)~~(4) ~~(42)~~ Manufactured home park, subject to the provisions of Chapter 19.25 OHMC;
- ~~(3)~~(5) ~~(53)~~ Multifamily dwellings;
- ~~(4)~~(6) ~~(64)~~ Development under a planned residential development as per Chapter 19.31 OHMC.

19.20.170 Accessory permitted uses.

In an R-3 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.175 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-3 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-2 district;
- (2) Assembly hall;
- (3) Gymnasium or stadium in connection with public or private schools certified by the State of Washington Board of Education.

19.20.180 Density provisions.

In an R-3 district, the following density provisions apply:

- (1) Minimum density, six DU/AC; maximum, 16 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see subsection (7) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side. Minimum side yard along flanking street of a corner lot is 15 feet; see subsection (7) of this section;
- (7) Minimum rear yard setbacks, where distinguishable from side yards and where required for a platted lot, shall not be less than 25 feet. In addition to the above, any

- building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;
- (8) Maximum building height, 35 feet;
 - (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;
 - (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line, provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
 - (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

19.20.185 Landscaping requirements.

Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.190 Site plan review required.

Site plan review shall be required as defined in Chapter 19.48 OHMC.

Section Six. Sections 19.20.195 through 19.20.225 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted:

Section Seven. Sections 19.20.230 through 19.20.260 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eight. Sections 19.20.265 through 19.20.295 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VII. C-1 – Neighborhood Commercial

19.20.265 Purpose and intent.

The C-1 neighborhood commercial district is intended to provide for limited commercial facilities serving residents of the surrounding residential district.

19.20.270 Principal permitted uses.

In a C-1 district, the following are principal permitted uses:

- (1) Principal uses permitted in an RO district;
- (2) Artist's studios and supplies;
- (3) Auto convenience market;
- (4) Bakery, retail only;
- (5) Barber shop or beauty shop;
- (6) Bed and breakfast inns subject to the following conditions:

- (a) There shall be a full-time manager domiciled on the premises;
- (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;
- (c) Signs shall meet the requirements of OHMC 19.36 for the C-1 zone.
- (7) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- ~~(86)~~ Book and stationery store;
- ~~(97)~~ Clothing store;
- ~~(108)~~ Confectionery;
- ~~(119)~~ Dairy products, retail only;
- ~~(1240)~~ Delicatessen;
- ~~(1344)~~ Dress and millinery shop;
- ~~(1442)~~ Drug store, including fountain;
- ~~(1543)~~ Dry cleaners;
- ~~(1644)~~ Florist shop;
- ~~(1745)~~ Garden supplies and horticultural nursery, not including greenhouses;
- ~~(4186)~~ Grocery store;
- ~~(1947)~~ Hardware store;
- ~~(2048)~~ Health club;
- ~~(2149)~~ Laundry, self-service;
- ~~(2220)~~ Library;
- ~~(2324)~~ Office supply and equipment store;
- ~~(2422)~~ Photographic studio and supplies;
- ~~(2523)~~ Private nursery school, child day care center or kindergarten, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- ~~(2624)~~ Radio and television sales and service;
- ~~(2725)~~ Restaurant, including sidewalk cafes;
- ~~(2826)~~ Service station;
- ~~(2927)~~ Single-family residential uses when located on the second floor above a permitted use;
- ~~(3028)~~ Shoe repair shop;
- ~~(3129)~~ Variety store;
- ~~(3230)~~ Other uses as defined by the planning director to be similar to those identified above and having equal or less impact on the purposes of this section. .

19.20.275 Accessory permitted uses.

In a C-1 district, following are accessory uses permitted outright:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed 35-foot height limitations;
- (4) Outdoor storage as an accessory use is not permitted.

19.20.280 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-1 district when authorized by the hearing examiner:

- (1) Church;
- (2) Excavations, other than simple foundation;
- (3) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution;
- (4) Governmental buildings for administrative or protective service, government storage yards, treatment plants, well sites, pump stations and sanitary landfills;
- (5) Landfill, reclamation to improve steep, low or otherwise unusable land;
- (6) Nursery and landscape material including greenhouses;
- (7) Public transportation shelter stations;
- (8) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, pumping station; provided, there shall be no service or storage building or yards in connection therewith, including microwave relay stations;
- (9) Rapid transit terminals;
- (10) Roller rink;
- (11) Swimming pools or beaches, public or private.

19.20.285 Density provisions.

In a C-1 district, the following density provisions apply:

- (1) Multifamily dwelling structures shall conform to the requirements of the R-4 district;
- (2) Other uses shall conform to the following standards:
 - (a) Minimum lot area, 5,000 square feet;
 - (b) Minimum lot width, 50 feet;
 - (c) Minimum lot depth, 90 feet;
 - (d) Minimum front yard, 15 feet;
 - (e) Minimum side yard, 10 feet each side;
 - (f) Minimum side yard along flanking street of corner lot, 15 feet;
 - (g) Minimum rear yard, 20 feet;
 - (h) Minimum rear yard abutting a public street, 15 feet;
 - (i) Maximum building height, 35 feet;
 - (j) Maximum lot coverage, 60 percent of lot area.

19.20.290 Conditions governing permitted uses.

Uses permitted in a C-1 district, except conditional uses and dwellings, shall be subject to the following conditions:

- (1) All business, service, repair, processing, storage, or merchandise display shall be conducted within a wholly enclosed building except for the following:
 - (a) Off-street parking or loading;
 - (b) Drive-in windows, but not including food or drink service;
 - (c) Food and drink service in connection with a delicatessen or confectionery;
 - (d) Sale of plant materials in connection with a florist shop;
- (2) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;
- (3) The use shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, vibration, disturbance to television or radio reception or because of unsightly structure, facilities or use of land;
- (4) Design shall be in accordance with the provisions of the design guidelines;
- (5) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.295 Site plan and design review required.

- (1) Site plan and design review shall be required as defined in Chapter 19.48 OHMC.
- (2) The planning director, under site plan review, may impose the following conditions before a building permit will be issued for the proposed development:
 - (a) Limit or prohibit openings to structures on sides within 50 feet of a residential district if the openings will cause glare, excessive traffic, noise or other adverse effects on adjacent residential areas;
 - (b) Access shall be limited to streets designated as collector or arterial streets in the comprehensive plan;
 - (c) Require additional setbacks and landscaping or screening abutting a residential district if necessary to minimize the detrimental effects of commercial activity such as glare and noise.

Section Nine. Sections 19.20.300 through 19.20.330 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential

development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians.

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be “retail” are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist’s studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of Chapter 19.44 OHMC;
 - (c) Signs shall meet the requirements of OHMC 19.36 for the CBD zone.
- (8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident is domiciled onsite;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- (97) Bicycle shop (R);
- (108) Billiards and pool hall (R);
- (119) Blueprinting;
- (1240) Bookstore (R);
- (1344) Brew pub (R);
- (1442) Camera and supply shop (R);
- (1543) Clothes and apparel shop (R);
- (1644) Cocktail lounge (R);
- (1745) Coffee house (R);
- (1846) Confectionery store (R);
- (1947) Conference center;
- (2048) Data processing facility;
- (2149) Delicatessen (R);
- (2220) Department store (R);

- (~~2321~~) Dry cleaners;
- (~~2422~~) Furniture shop (R);
- (~~2523~~) Florist shop (R);
- (~~2624~~) Gift shop (R);
- (~~2725~~) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (~~2826~~) Hardware store (R);
- (~~2927~~) Hobby shop (R);
- (~~3028~~) Hotel and motel;
- (~~3129~~) Ice cream shop (R);
- (~~3230~~) Interior decorator studio (R);
- (~~3331~~) Jewelry store (R);
- (~~3432~~) Leather goods store (R);
- (~~3533~~) Music store (R);
- (~~3634~~) Offices;
- (~~3735~~) Office supply and equipment store (R);
- (~~3836~~) Pet shop (R);
- (~~3937~~) Pharmacy and drug store (R);
- (~~4038~~) Photographic film processing and associated retail sales (R);
- (~~4139~~) Photographic studio and supplies;
- (~~4240~~) Photocopying;
- (~~4341~~) Post office;
- (~~4442~~) Printing shop;
- (~~4543~~) Residential uses, provided:
 - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;
- (~~4644~~) Restaurant, including sidewalk cafe (R);
- (~~4745~~) Schools for the fine arts;
- (~~4846~~) Shoe repair shop (R);
- (~~4947~~) Shoe store (R);
- (~~5048~~) Sporting goods shop (R);
- (~~5149~~) Tailor shop (R);
- (~~5250~~) Tavern (R);
- (~~5351~~) Taxi service;
- (~~5452~~) Theater;
- (~~5553~~) Tobacco shop (R);
- (~~5654~~) Toy store (R);
- (~~5755~~) Travel agencies;
- (~~5856~~) Trophy shop (R);
- (~~5957~~) Upholstery shop;
- (~~6058~~) Variety store (R);
- (~~6159~~) Visitor information center;

(~~6260~~) Other uses similar to those identified above and having equal or less impact on the purposes of this section.

19.20.310 Accessory permitted uses.

In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050.

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;
- (10) Transit terminals;
- (11) Swimming pools or beaches, public or private;
- (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises.

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

- (1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

- (2) Minimum lot area, no limitation;
- (3) Minimum lot width, no limitation;
- (4) Minimum lot depth, no limitation;
- (5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;
- (6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;
- (7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;
- (8) Maximum building height; 35 feet; except:
- (a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC 19.20.300) is developed in conjunction with a residential use;
- (b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);
- (c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;
- (d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;
- (9) Maximum lot coverage, no limitation;
- (10) Parking.

- (a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (c) Any parking provided beneath a permitted residential use shall be enclosed;
 - (d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;
- (11) Design Standards.
- (a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;
 - (b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;
 - (c) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:
 - (i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;
 - (ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;
 - (iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;
 - (d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter 19.31 OHMC;
 - (e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor commercial and industrial design guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;
 - (f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet.

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

- (1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:
 - (a) Off-street parking and loading;
 - (b) Food and drink service in connection with cafes, restaurants or other eating establishments.
- (2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

- (3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC.

Section Ten. Sections 19.20.335 through 19.20.368 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eleven. Sections 19.20.370 through 19.20.408 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are readopted.

Section Twelve. Sections 19.20.410 through 19.20.440 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Thirteen. Sections 19.20.445 through 19.20.595 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fourteen. Sections 19.20.600 through 19.20.720 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fifteen. Sections 19.20.725 through 19.20.768 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Sixteen. Sections 19.20.770 through 19.20.805 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Seventeen. Sections 19.20.810 through 19.20.840 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eighteen. Chapter 19.44 of the Oak Harbor Municipal Code last amended by Ordinance 1614 section 1 in 2009 is hereby amended to read as follows:

**Chapter 19.44
PARKING**

Sections:

19.44.010	Purpose and intent.
19.44.020	General requirements.
19.44.030	Bicycle parking.
19.44.040	Location.
19.44.050	Expansion, enlargement and occupancy.
19.44.060	Mixed occupancies.
19.44.070	Uses not specified.
19.44.080	Joint use.
19.44.090	Conditions required for joint use.

19.44.100	Minimum parking space standards.
19.44.105	Maximum parking space standards.
19.44.110	Parking space size and access requirements.
19.44.120	Car and van pool parking.
19.44.130	Plans.
19.44.140	Loading areas.

19.44.010 Purpose and intent.

Provisions of this chapter are of general application to several of the districts described in Chapter 19.20 OHMC, except as noted in the CBD central business district. It is the intent of this chapter to set down provisions for off-street parking and loading areas to prevent congestion in the streets, promote and protect property values and to provide for the health, safety and welfare of the citizenry.

19.44.020 General requirements.

Parking areas, public or private, are permitted as accessory uses, operating in conjunction with permitted uses, unless otherwise permitted by this title. Each off-street parking space shall have a net area of not less than 180 square feet, exclusive of driveways or aisles, and shall be of usable shape and condition. To determine on a gross area basis, 270 square feet shall be allowed per vehicle. If the required parking space for a one-family or two-family dwelling is not provided in a covered garage, then such space shall be not less than 180 square feet. The circulation pattern of all off-street parking areas excepting driveways serving single-family or two-family dwellings shall not have as a part of the pattern any parking or parking maneuvers on a public sidewalk, highway, road, street or alley.

19.44.030 Bicycle parking.

Bicycle racks shall be provided for all nonresidential and multifamily uses. Such racks shall provide space for a minimum of one bicycle for each 10 parking spaces required to a maximum of 10 bicycle spaces.

19.44.040 Location.

Off-street parking facilities shall be located and operated in conjunction with the permitted use as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

- (1) For one-family and two-family dwellings, on the same lot with the building they are required to serve;
- (2) For multiple dwellings, not more than 100 feet;
- (3) For hospitals, skilled nursing facilities, assisted living facilities, rooming houses and boarding houses, fraternity and sorority houses, not more than 300 feet;
- (4) For uses other than those specified above, not more than 500 feet;
- (5) Parking lots for passenger automobiles only shall be allowed when such parking lots are for the purpose of providing the off-street parking required by this title and are located and improved in accordance with this chapter, except that when any such parking lot is to serve a use first permitted in a less restrictive zone than the

zone in which the parking lot is to be located, such parking lot may be allowed only by a variance granted by the hearing examiner after a public hearing and the finding that such parking lot will not be unduly detrimental to surrounding properties; provided, that additional landscaping or fencing as directed by the hearing examiner to visually screen parked cars from all residential properties in the vicinity shall be provided as conditions precedent to the granting of such variance; and provided, that at least 40 lineal feet of the boundary of such parking lot adjoins a less restrictive zone or is separated therefrom only by the width of an alley or street. Such parking lots shall not extend beyond said less restrictive zone more than 150 feet into the more restrictive zone in which the parking lot is to be located. No such parking lots shall be allowed for the purpose of serving nonconforming uses.

19.44.050 Expansion, enlargement and occupancy.

All new or substantially altered uses or structures shall be provided with special purpose off-street parking facilities as required by this chapter. No application for a building permit or change of occupancy for a new or substantially altered structure or improvement shall be approved unless there is included with such improvement or use a plot plan showing the required special off-street parking as required in this chapter. Wherever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement is less than 10 percent of the parking spaces specified in the schedule for the building.

19.44.060 Mixed occupancies.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as specified for joint use.

19.44.070 Uses not specified.

In the case of uses not specifically mentioned in sections below, the requirements for off-street parking facilities shall be determined by the planning director. Such determination shall be based upon the requirements for the most comparable use listed.

19.44.080 Joint use.

Joint use of parking facilities is encouraged, where appropriate. The director, upon application, may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- (1) Up to 50 percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as daytime uses such as banks, offices, retail and personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;

- (2) Up to 50 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime uses;
- (3) Up to 100 percent of the parking facilities required by this chapter for a church, or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.

19.44.090 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities in addition to which:

- (1) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed;
- (2) The applicant shall present a properly drawn legal instrument to be recorded with the Island County auditor, executed by the parties concerned for joint use of off-street parking facilities and approved as to form and manner of execution by the city attorney, to the hearing examiner upon application, such instrument to be filed with the building official upon approval of the hearing officer.

19.44.100 Minimum parking space standards.

Use	Required Parking
Residential, single-family	Two per dwelling
Residential, duplex	Two per dwelling
Residential, multiple	One and one-half per dwelling unit
Three or more bedroom dwelling unit	Two per three or more bedroom dwelling unit. In addition, multifamily projects with eight or more units shall provide one visitor parking space for each eight units.
Banks	One per 400 square feet of gross floor area, plus employee parking
<u>Bed and breakfast inns and rooms</u>	<u>Two for primary resident or on-site manager plus one for each guest room</u>
Bowling alleys	Four per alley, plus employee parking
Churches, auditoriums and similar enclosed places of assembly	One per four seats and/or one per 30 square feet of assembly space without fixed seats
Skilled nursing facilities	One per five beds, plus owner and employee parking
College	One space per 200 square feet of classroom space
Assisted living facilities	Minimum of 0.8 spaces per unit, with a maximum of one and one-half spaces per unit
Food and beverage places with sales and consumption on premises	One per three seats, plus one space for every two employees on the largest shift
Furniture, appliance, hardware, clothing and shoe	One per 600 square feet gross floor area, plus

Use	Required Parking
stores, personal service stores such as beauty parlors, barbershops and physical fitness centers	employee parking
Gasoline stations	15 spaces, including pump and service area
Hospital	One per two beds, excluding bassinets
Hotels, motor hotels	One per sleeping room, plus owner and employee parking
Libraries and museums	One per 200 square feet gross floor area, plus employee parking
Manufacturing uses, research testing and processing, assembling, all industries	One per each two employees on maximum shift and not less than one per each 800 square feet gross floor area
Mortuaries	One per 100 square feet of gross floor area used for assembly or one per five seats, plus employee parking
Motels	One per unit, plus owner and employee parking
Motor vehicle, machinery, plumbing, heating, ventilating, building supplies stores and services	One per 1,000 square feet floor area, plus employee parking
Offices, medical and dental (including optometrists)	One per 200 gross square feet of floor area, plus employee parking
Offices not providing customer services	One per each employee
Offices of opticians, chiropractors and others licensed by the state of Washington to practice the healing arts	One per 400 square feet of gross floor area, plus employee parking
Offices, business and professional (other than medical and dental) with on-site customer service	One per 400 square feet of gross floor area, plus employee parking
Rooming houses, similar uses	One per dwelling unit
Schools, elementary and junior high	One per each employee and faculty member, plus 15 visitor parking
Schools, high	One per each 10 students, plus one per each employee and faculty member, plus 15 visitor parking
Shopping centers with over 30,000 square feet of gross floor area	Four and one-half spaces per 1,000 square feet gross floor area, but not to exceed five spaces per 1,000 square feet of gross floor area
Stadiums, sport arenas and similar open assemblies	One per four seats and/or one each 30 square feet of assembly space without fixed seats
Theaters	One per four seats, plus employee parking
Warehouses, storage and wholesale business	One per each employee, plus two additional spaces
Other retail	One per 300 square feet gross floor area, plus employee parking

19.44.105 Maximum parking space standards.

Impervious parking areas generate stormwater runoff, with negative impacts to water quality, wildlife habitat, and municipal budgets. The following maximum parking space standards are designed to limit the total impervious area resulting from large, off-street parking lots, reducing negative water quality impacts, while at the same time providing sufficient parking for land uses within Oak Harbor.

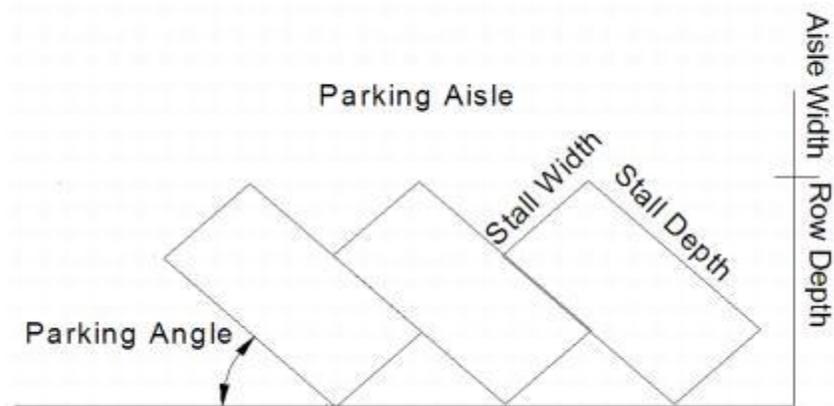
- (1) Applicability. The standards in this section shall apply to all new development and redevelopment which meets both of the following criteria:
 - (a) All new development, as well as building remodels, site retrofits, and redevelopment which exceeds 60 percent of the total assessed value for the property; and
 - (b) Off-street parking lots with 100 or more spaces proposed or required.
- (2) Pervious Requirement. Each additional parking space over 150 percent of the minimum number of required spaces must have a pervious surface approved by the city engineer wherever soil conditions make infiltration feasible. The pervious area may be provided at any location within the parking lot, including drive aisles, as long as its size is equivalent to the area of parking stalls exceeding 150 percent.
 - (a) Other LID techniques may be proposed in place of the pervious area requirement in subsection (2) of this section, as approved by the city engineer and in compliance with the Low Impact Development Technical Guidance Manual for Puget Sound (current edition).
- (3) In no case shall more than 250 percent of the required minimum number of parking spaces be approved.

19.44.110 Parking space size and access requirements.

- (1) Standard Parking Spaces. All standard parking spaces shall meet the minimum criteria outlined in the table and figure below.
- (2) Compact Parking Spaces. Up to 40 percent of required parking spaces may be provided as compact spaces. The aisle widths required for standard spaces shall be applied to compact spaces. Parking space width, parking space depth and row width shall be as shown in the following table. The minimum parking space depth shall be 16 feet and the minimum parking space width shall be eight feet. Compact parking spaces shall be clearly marked by painting the word “compact” on the parking space(s).

Required Parking Dimensions					
Parking Angle	Stall Width	Stall Depth	Row Depth	Aisle Width (One Way)	Aisle Width (Two Way)
0°	Standard: 9' Compact: 8'	Standard: 23' Compact: 19'	Standard: 9' Compact: 8'	10'	18'
30°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 18' Compact: 15'	12'	20'
40°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	12'	20'
45°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 21' Compact: 17'	12'	20'
50°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	15'	20'
60°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	17'	20'
70°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	20'	20'
80°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'
90°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'

PARKING PLAN LAYOUT



19.44.120 Car and van pool parking.

Any nonresidential development which shall provide priority spacing for car pools and van pools shall be allowed to reduce the total amount of required parking by 1.15 spaces for each priority car pool and van pool space provided.

19.44.130 Plans.

The plan of the proposed parking area shall be submitted to the development services department at the time of the application for the building for which the parking area is required. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, construction details and other features and appurtenances required. The illustrations provided at the end of this chapter shall serve as a guide and illustrate the minimum requirements for parking stall configurations.

A legal description of the property is required and a parking area designated and recorded.

- (1) Parking areas shall be designed in conformance with the Oak Harbor design guidelines.
- (2) All traffic-control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs, and other developments, shall be installed and maintained as shown on the approved plans. Hard-surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows. All driveways, off-street parking areas and public off-street parking areas shall be hard surfaced with a minimum of two inches of asphalt concrete. Alternative surfaces, including low impact development practices, may be allowed in compliance with the LID Technical Guidance Manual for Puget Sound (current edition) or as approved by the city engineer.

- (3) Minimum dimensions of off-street parking areas shall be not less than stated in this chapter.
- (4) Screen all parking lots from view of adjoining residential district or use through use of sight-obscuring fences, earth berms or landscaped planting strips, to a height of not less than six feet.
- (5) At least 15 percent of every parking lot shall be landscaped. In all cases, landscaping shall be distributed throughout the parking area. LID stormwater management facilities are to be incorporated into the required landscaping as much as possible, unless site or soil conditions make LID stormwater management facilities infeasible. Parking lot landscaping shall conform to OHMC 19.46.030(5) with a preference for native species. For computation of required landscape area, allow 30 square feet per parking space. The landscaping shall consist of deciduous or coniferous plant material and may include turf, shrubs and flowers.
- (6) Lighting of areas provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic and where said lots share a common boundary with any “R” classified property, the illuminating devices shall be so shaded and directed to play their light away from “R” classified property.
- (7) Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair of traffic control devices, signs, light standards, fences, walls, surfacing material, curbs and railings. Maintenance of LID stormwater management facilities shall be completed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition), the city’s public works maintenance standards and an approved operating and maintenance agreement.

19.44.140 Loading areas.

Each off-street loading space shall measure not less than 30 feet by 12 feet and shall have an unobstructed height of 14 feet six inches and shall be made permanently available for such purposes, and shall be hard surfaced, improved and maintained as required by this chapter. Required loading spaces shall be in conformance with the following table:

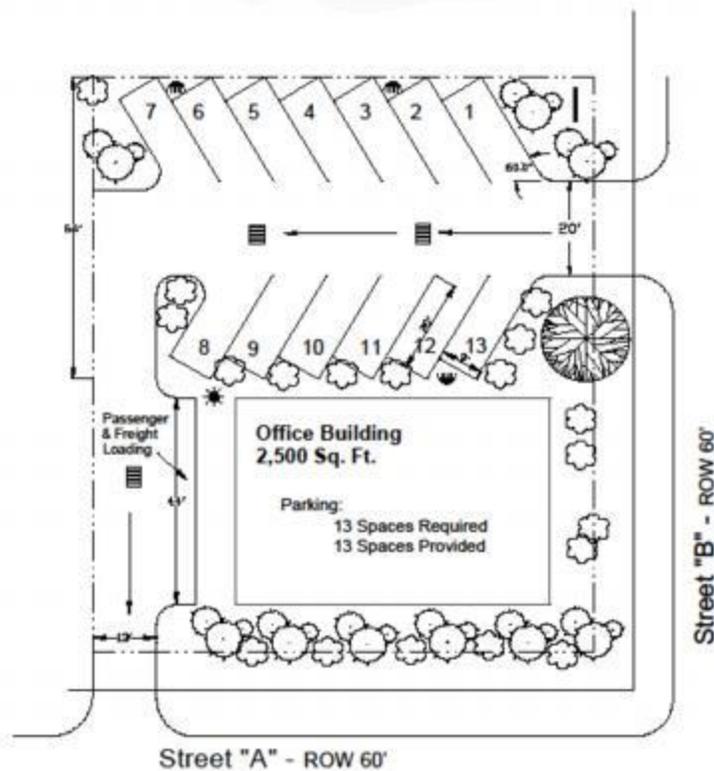
Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores or storage warehouses or any similar use which has or intends to have 10,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
10,000 to 15,999	1
16,000 to 39,999	2
40,000 to 65,000	3
Each additional 16,000	1 additional

Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants or similar uses which have or intend to have an aggregate gross floor area of 40,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
40,000 to 59,999	1
60,000 to 160,000	2
Each additional 60,000	1 additional

Area of Parking Lot = 5,504 Sq. Ft.



TYPICAL PLOT PLAN - PARKING LAYOUT

LEGEND

- N
- Directional Lighting
- Light Pole
- Sign
- Drainage Catch Basin
- Property Line

Section Nineteen. 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 Twenty. 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:

Memo

To: Members of the Planning Commission
 Cc: Steve Powers, Development Services Director
 From: Ethan Spoo, Senior Planner
 Date: 4/8/13
 Re: Bed and Breakfast Draft Code

PURPOSE

The Mayor's Economic Development Committee has requested that the Planning Commission revise the City's code to allow for bed and breakfast (B&B) establishments in appropriate areas in the City. This memorandum reviews B&B codes for other cities and introduces a draft code to Planning Commission to expand the zones in which B&Bs are permitted. The memorandum is organized as follows:

- **Comparison** : summarizes the codes in Langley, Coupeville, Anacortes, Friday Harbor, and Port Townsend and compares these cities' approach to Oak Harbor' existing code.
- **Draft Code**: Presents a draft code allowing for B&B establishments in certain areas and under appropriate conditions

Staff is initiating the conversation on B&Bs by forwarding a draft code to the Planning Commission included as attachment 2 to this memorandum.

COMPARISON

GENERAL

The Economic Development Committee is requesting that Planning Commission look at revising the City's code to be less restrictive for B&B establishments. The Committee believes there may be opportunities for new establishments in Oak Harbor with revisions to the code leading to additional lodging opportunities in Oak Harbor.

To better understand B&B zoning regulations, staff reviewed how these establishments are regulated in the tourist-oriented communities of Langley, Coupeville, Anacortes, Friday Harbor, and Port Townsend. Attachment 1 is a table summarizing how these establishments are regulated in several key aspects as compared with Oak Harbor. Each city regulates B&Bs slightly differently, but there are also commonalities between jurisdictions. The following discusses key aspects of these codes as compared with Oak Harbor.

DEFINITION OF B&BS

B&Bs are usually defined as a structure, usually a single-family home, which is the principal residence of the owner and which provides transient lodging. Breakfast is served to those lodging, but no one else. Langley's code distinguishes between "B&B inns", "commercial B&Bs", and "residential B&Bs" based upon the size and scope of the activity. Oak Harbor's code does not define B&Bs and could benefit from having a definition.

ZONES/WHERE ALLOWED?

Oak Harbor's code does not allow B&B establishments as a permitted use in any zone. Instead, B&Bs are allowed subject to a conditional use permit in the R-2, R-3, R-4 and RO zones.

In contrast to Oak Harbor, the cities that staff researched allow B&Bs as permitted uses in some commercial and residential zones. Because these cities allow B&Bs as permitted uses, they undergo administrative review which is less cumbersome than the conditional use permit process in Oak Harbor. Oak Harbor may benefit by allowing B&Bs as permitted uses in appropriate residential zones, as well as expanding B&Bs into specific commercial areas.

ROOM LIMIT

Cities also limit the number of rooms. Oak Harbor's code treats "B&B inns" differently from "B&B rooms." Oak Harbor limits B&B inns to four rooms, while B&B rooms cannot have more than 50% of their rooms as lodging. B&B rooms are found in houses, hence the limitation on the total number of rooms as a percent of the total rooms in a house. Coupeville limits the number of rooms by zone between two and six rooms. Anacortes' and Friday Harbor's B&Bs are limited to six rooms and five rooms, respectively.

PARKING

Oak Harbor's code does not specify how many spaces are required for a B&B. Generally speaking, most cities require parking for the owner/operator as well as one space per guest room.

REVIEW PROCESS

B&Bs are generally processed in two ways: as administrative staff reviews or as conditional use permits. Some cities use both processes depending upon the location of the B&B and whether it is a permitted use or a conditional use in the zone. Conditional use permits are reviewed by a hearing examiner or the city/town council.

DRAFT CODE**PHILOSOPHY**

B&Bs can provide an important option for tourists who prefer them over other forms of lodging. As a coastal community, Oak Harbor should encourage B&Bs where they are appropriate and compatible with surrounding uses. The draft code assumes that B&Bs are compatible with uses in the higher intensity residential zones, in the central business district (CBD), and in neighborhood commercial areas. B&Bs are not appropriate in highway commercial and big box store areas where the light and noise from these commercial uses would create incompatibility. In addition B&Bs are not appropriate in industrial or business park zones located in north Oak Harbor where noise levels associated with NASWI are higher.

DEFINITION

The draft code adds language defining both "B&B inns" and "B&B rooms." B&B inns are larger facilities which can have up to 10 rooms versus the smaller-scaled B&B room establishments which are limited to four rooms. In both cases, an owner or operator must be onsite at all times. Meals may only be served to lodging guests.

ZONES/WHERE ALLOWED

The draft code proposes that B&B inns and B&B rooms be allowed in the following zones: C-1 (Neighborhood Commercial), CBD (Central Business District), R-4 (Multifamily Residential), R-3 (Multifamily Residential), and RO (Residential Office) zones. B&B rooms are allowed subject to a conditional use permit in the R-1 (Single-Family Residential) and R-2 (Limited Multifamily Residential) zones.

ROOM LIMIT

B&B rooms may have no more than four rooms, while B&B inns are limited to ten rooms.

PARKING

The draft code proposes that two spaces be required for the owners/operators plus one parking space for each guest room for both inns and rooms. B&B inns need to meet parking space dimensional requirements, while B&B rooms do not. However, no parking is required in the CBD zone.

SIGNS

The draft code allows for a single, four-square-foot monument or building mounted sign to be placed on the property in which a B&B inn or room is located in a residential zone. B&B inns within commercial zones (CBD or C-1) must meet the requirements of the sign code in OHMC 19.36.

REVIEW PROCESS

Since B&B inns are proposed as permitted uses in C-1, CBD, RO, R-4, and R-3 zones, a staff administrative process would be used to review these establishments. A conditional use permit, with final decision by the hearing examiner would be required for B&B rooms in R-1 and R-2 zones.

SCHEDULE

The following is a proposed schedule for this project:

- April – Introduce draft B&B code to planning commission
- May – Planning Commission opens public hearing
- June – Planning Commission closes public hearing and makes recommendation to City Council.

ATTACHMENTS

1. Summary of Bed and Breakfast Regulations
2. Bed and Breakfast Draft Code – Amendments to OHMC Chapters 19.08, 19.20, and 19.44.

Summary of Bed and Breakfast Regulations

Characteristics	Oak Harbor	Langley	Coupeville	Anacortes	Friday Harbor	Port Townsend
How Defined?	Not defined	Two definitions: "B&B residential" and " B&B commercial." Residential is situated in same building as principal dwelling or an ADU. Commercial is situated in building primarily for commercial purposes.	Home or accessory structure and operator must live on premises	A single-family unit providing transient lodging...up to six rooms	A building which is primary residence for owner plus transient lodging	A building which is primary residence for owner plus transient lodging
Zones	Permitted: none. Conditional: (R2) "Limited Multiple-Family Residential" (R3) Multifamily Residential (R4) Multiple Family Residential, (RO) Residential Office	B&B residential is "secondary" use in RS5000, RS7200, RS15,000 zones. B&B commercial is conditional use in RS5000, RS7200, RS15,000, and Mixed Residential Zone. Principal use in Central Business and Neighborhood Business Zone.	Principal Use in: High Density Residential, Historic/Limited Commercial District, Town Commercial, and General Commercial. Conditional Use in: Residential Reserve, Low Density Residential, Medium Density Residential.	Permitted use in: CBD, Commercial, High Density Residential. Conditional Use in: Commercial Marine, Low Density Residential and Medium Density Residential	Permitted: professional service zone	Permitted Use in: C3 Historic Commercial. Conditional in: all residential zones
Room Limit	No more than 4 rooms for B&B inns; B&B rooms cannot have more than 50% of existing rooms as lodging	B&B residential = 2. B&B commercial = no limit.	Residential Reserve = 6 rooms. Low, Medium and High Density Residential = 2 rooms. Commercial uses, no limit.	6 rooms	5 rooms	No limit
Parking	Not specified, but all parking must be onsite	B&B commercial = "parking for all guest vehicles on premises"	0.7 spaces per guest room	2 for owner and 1 per guest room	2 plus 1 per sleeping room	1 space per room
Process	Conditional Use = Hearing Examiner Review	B&B residential = administrative review. B&B commercial = administrative or conditional use. Conditional use is reviewed by hearing examiner	Principal use = administrative review. Conditional Use = Town Council	Permitted use = administrative. Conditional = City Council	Permitted = administrative review	Permitted = administrative. Conditional = Hearing Examiner

2016 Comprehensive Plan

Update

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2016 COMPREHENSIVE PLAN UPDATE, CWPP – COUNTY/CITY
DATE: 6/20/2013
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

2016 Comprehensive Plan Update – Oak Harbor

Staff has been continuing the review of the Comprehensive Plan against the checklist that the WA Department of Commerce has provided. The review will provide information on whether the City’s plan is GMA compliant to determine the scope of the update. This review is almost complete; however, the extent of the changes needed to update the Plan is yet to be determined. Staff will start presenting more information on this in the next few meetings.

Since population demographics forms a corner stone in determining services for a community, staff has been compiling information from the 2010 census and other data sources. At the May 28th meeting, information on population growth, age and sex ratios, median age and age distribution was presented to the Planning Commission. At the June 25th meeting information on households and housing characteristics will be presented. Information on the economic profile of Oak Harbor has already been presented to the Planning Commission by Senior Planner Ethan Spoo as part of his work with the Economic Development Committee. Staff will be referring to these data sets when key assumptions need to be made for planning decisions. Some of this data is already playing a role in the population projections for the Navy and Island County discussed further in the memo.

Work on the City’s Plan also involves coordination with the County. City staff met with Island County Planning staff to discuss the 20 year population projection for the County. The County needs to adopt a 20 year projection as part of their required GMA update. The 20 year projection has implications for the County Wide Planning Policies (CWPP) and will also have impacts on the growth allocations discussions that will follow. More information on the County’s 20 year projection is provided in the section below on Island County’s update.

Population impacts of Base expansion- Navy

Since the announcement that P-8 squadrons will be assigned to NAS Whidbey, City staff has been in contact with the Navy to determine potential impacts of the population

increases associated with these squadrons. The initial announcement in the news media indicated that seven P-8 squadrons would be assigned to Whidbey Island with a tentative schedule of having two squadrons by 2015, one in 2016, three in 2017 and one in 2018. More recent estimates provided by the Navy indicate that there will be an increase of four squadrons by 2015 and remaining three are yet to be confirmed. Even though the Navy cannot confirm the latter three squadrons, for planning purposes, the City should plan for the potential of all seven squadrons being assigned to NAS Whidbey in the next five years.

Preliminary information provided by the Navy indicates that approximately 265 military personnel are associated with each squadron. However, the Navy has indicated that is not a straight 7×265 (1855) increase in personnel. The Navy initially estimates that there will be an increase of approximately 450 new personnel by 2015 with the first four squadrons since existing personnel on base will be transitioning to the new squadrons. If the three additional squadrons are confirmed for NAS Whidbey, then the 265 per squadron can be used to determine the increase in personnel resulting in an additional 795 (3×265) personnel. Therefore, the total potential increase in military personnel over the next five years is approximately 1245 ($450 + 795$).

It can be assumed that all 1245 personnel will not live on Whidbey Island and that a certain percentage of people will choose other communities for various reasons. Since the residential location of personnel that work at NAS Whidbey is not tracked, existing distribution of personnel within various areas that serve the base cannot be used to determine where the increase in personnel will choose to live. Therefore some assumptions need to be made in trying to determine the percentage that may choose to live on Whidbey Island. In determining whether this percentage will be high, low or medium we can consider the following factors:

- There is a natural desire for people to live within a short commute to work. An American Community Survey study indicates that of all reported commutes in the US for full time workers, approximately 5% are considered to be long. Census commute time indicate that the average commute time for the US is 20 minutes and in WA it is about 26 minutes. Considering a 26 minute commute radius for NAS Whidbey puts a large area of Whidbey Island and Fidalgo Island within commute distance. For cities that serve NAS Whidbey, other than Oak Harbor, Anacortes falls within the commute distance. Therefore in determining where people may choose to live, we may have to consider a natural tendency for people to look at where housing is available. This information can be obtained by looking at the census data on vacancy rates and well as the current market for rental and for-sale homes.
 - The vacancy rate for both Anacortes and Oak Harbor are nearly identical with Oak Harbor slightly higher at 9.2% and Anacortes at 9.1%. However, there are more for-rent units available in Oak Harbor than Anacortes as the table below indicates. The vacancy rate for Anacortes is

driven by the higher number of seasonal use units which may not be available for longer term leases.

Housing Occupancy	Oak Harbor		Anacortes	
	Number	Percent	Number	Percent
Total housing units	9,553	100.0	7,680	100.0
Occupied housing units	8,677	90.8	6,980	90.9
Vacant housing units	876	9.2	700	9.1
For rent	467	4.9	163	2.1
Rented, not occupied	56	0.6	25	0.3
For sale only	144	1.5	164	2.1
Sold, not occupied	18	0.2	28	0.4
For seasonal, recreational, or occasional use	72	0.8	214	2.8
All other vacant	119	1.2	106	1.4

- To view the current market for housing, real estate websites are a good resource since they are trying to market the available units. A commonly used website is zillow.com. These websites provide house hunters an effective tool in searching for areas to live. A search for rentals on this website in the North Whidbey (98277) area and the Fidalgo Island indicates that Oak Harbor has a really high concentration of rentals compared to that unincorporated North Whidbey, Fidalgo Island and Anacortes. Exhibit A is a screen shot of rentals available in the area on June 20, 2013. Exhibit B and C are screen shots of the for-sale units available on June 20, 2013 in North Whidbey and Fidalgo Island. These exhibits indicate that Oak Harbor has a higher number and concentration of units available for absorption within NAS Whidbey’s commute distance. Therefore the combination of shorter, and therefore more desirable, driving time and the availability of more units positions Oak Harbor to absorb most of the increase in military personnel.
- Transportation costs are increasing and investments in the transportation system is not keeping pace with population increases that can lead to increased commute times.
- The Oak Harbor school districts has invested in capital facilities and generally made it desirable for families to locate in and around a Oak Harbor.

Considering the above factors, we can assume that a high percentage of people will choose to live in and around Oak Harbor (North Whidbey). Therefore for planning purposes we can assume that to be approximately 80% or approximately 1000 military personnel. Applying a household size of 2.53 (2010 Census) to 1000 military personnel,

we can determine that the approximate population increase in North Whidbey due to military expansion is 2530.

2016 Comprehensive Plan Update and CWPP – Island County

As indicated earlier, city staff met with Island County planning staff to discuss the 20 year population projections for Island County. Adopting a 20 year projection for Island County is a critical step in the 2016 Update to the Comprehensive Plan for the County. It sets up the discussion for growth allocation within the county and will therefore eventually have an impact on Oak Harbor’s 20 year projection. The City’s assessment and acceptance of the County’s 20 year projection is a critical step in establishing consistency, which is an essential requirement of the County Wide Planning Policies.

The Office of Financial Management (OFM) provides a range of population projections for jurisdictions to choose from. They categorize them as *high*, *medium* and *low*. Excerpts from the OFM projections are provided in the table below.

Island County	2010	2016	2020	2025	2030	2036
Low	78,506	71,432	70,516	69,866	69,410	69,004
Medium	78,506	80,808	82,735	85,073	87,621	90,848
High	78,506	92,984	99,714	107,420	115,351	124,992

The information provided by OFM is to be used as guidelines and a jurisdiction may choose to consider locally available information to pick a projection that does not fit in the predetermined *low*, *medium* and *high* categories.

Island County planning staff has done research (see Exhibit D) into the OFM projections and has made a sound case for choosing a population projection that falls between the *low* and *medium* projections. The justification for choosing this range is summarized below.

- OFM appears to have overestimated Island County’s total fertility rate. This is supported by the 2010 census data that shows the median age of the county increasing and the median age for females is higher than the males. Because of the diverse age-sex ratios in Island County due to the presence of the base, OFM applies a general fertility rate in the projection calculations which may be higher than what the demographics indicate.
- The OFM numbers are optimistic on in-migration patterns. This is supported by trends in commuting.
- The rate of population growth has dropped by half in each successive decennial census period.

Taking into account the factors outlined in Island County's research (Exhibit D), Island County proposed a 20 year population projection of 85,387 on May 30, 2013. At the time of the meeting, information on the P-8 squadrons and their population was not available. Therefore the projection of 85,387 did not take any base expansion into account. County planning staff agreed to add the base expansion numbers to the 85, 387 number when it was available. As discussed in the above section, City staff provided the 2530 population number to Island County on June 18, 2013. Therefore the current proposal for Island County's 20 year population projections is 87,917 which falls slightly below the medium projections by OFM.

Oak Harbor Planning Commission

As mentioned above, the 20 year population projection for Island County is a critical step in establishing consistency for the County Wide Planning Policies. Acceptance of County's proposed 20 year population projection by all jurisdictions lays the groundwork for consistency for further planning efforts in the county and the cities located within it. Therefore planning Commission is requested to review the information provided and make a recommendation to the City Council on Island County's 20 year population projection.

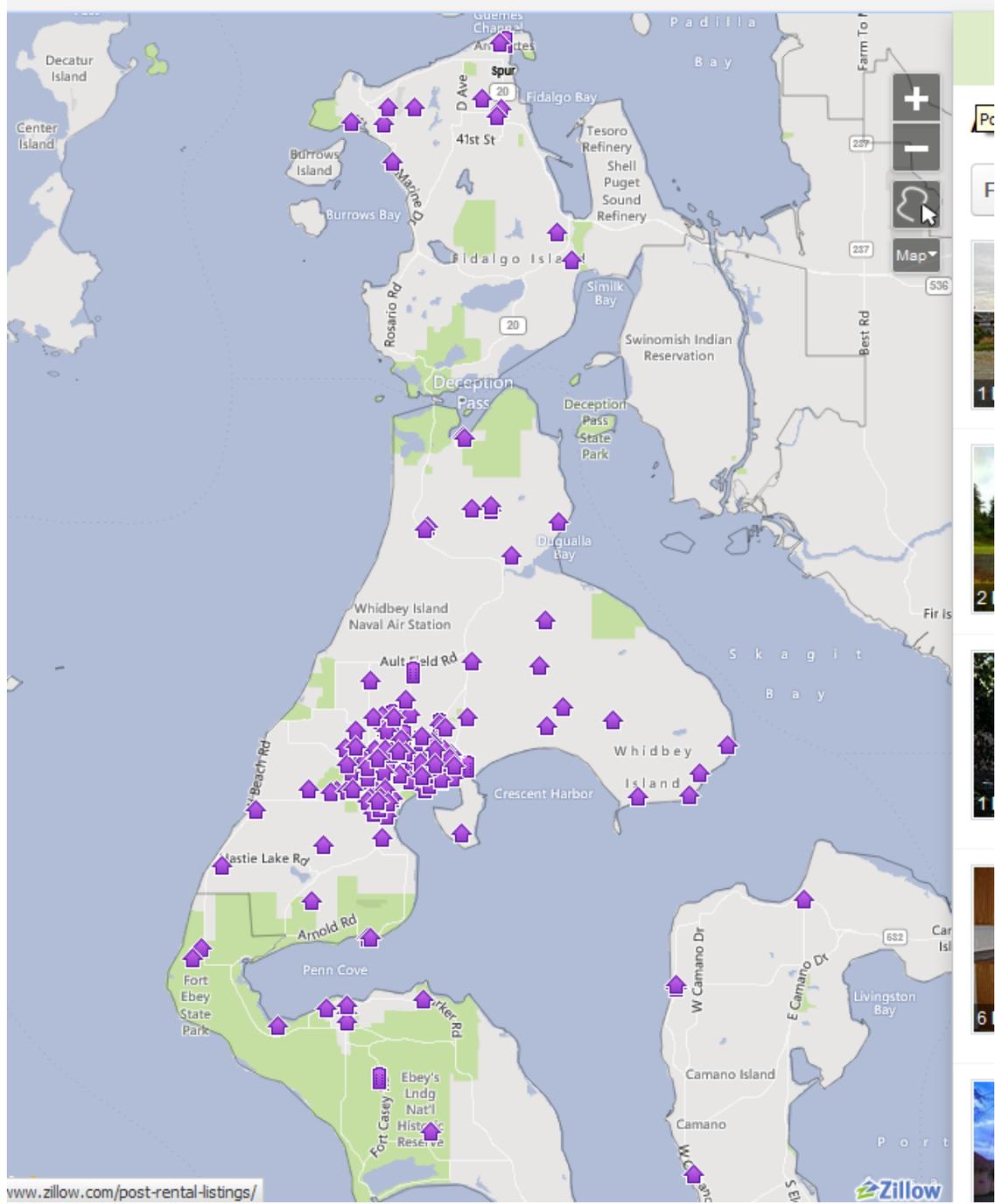
Recommended Action

Staff requests that the Planning Commission forward a recommendation to the City Council to accept 87,917 as the 20 year population projection for Island County.

oak harbor wa 98277

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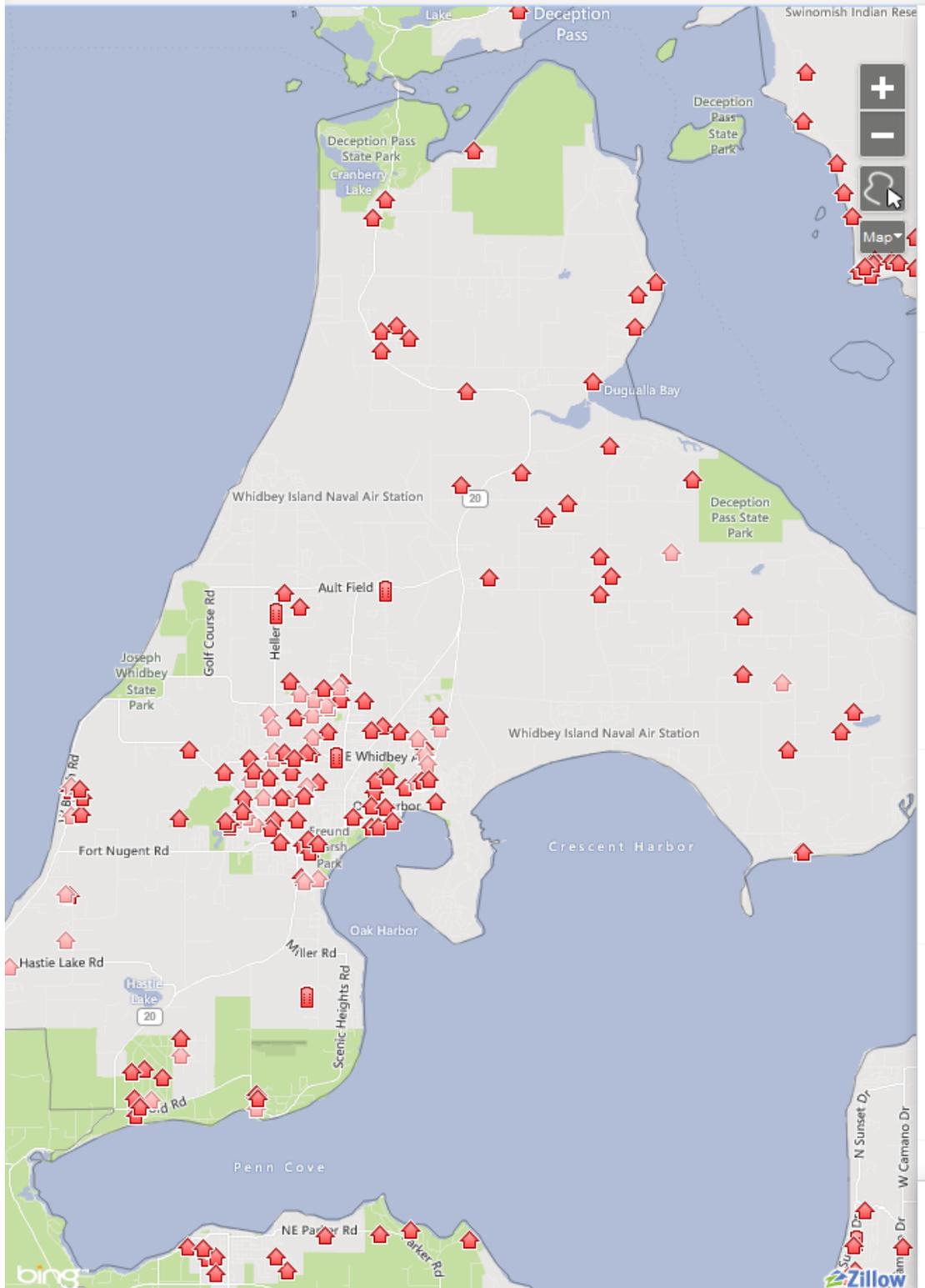
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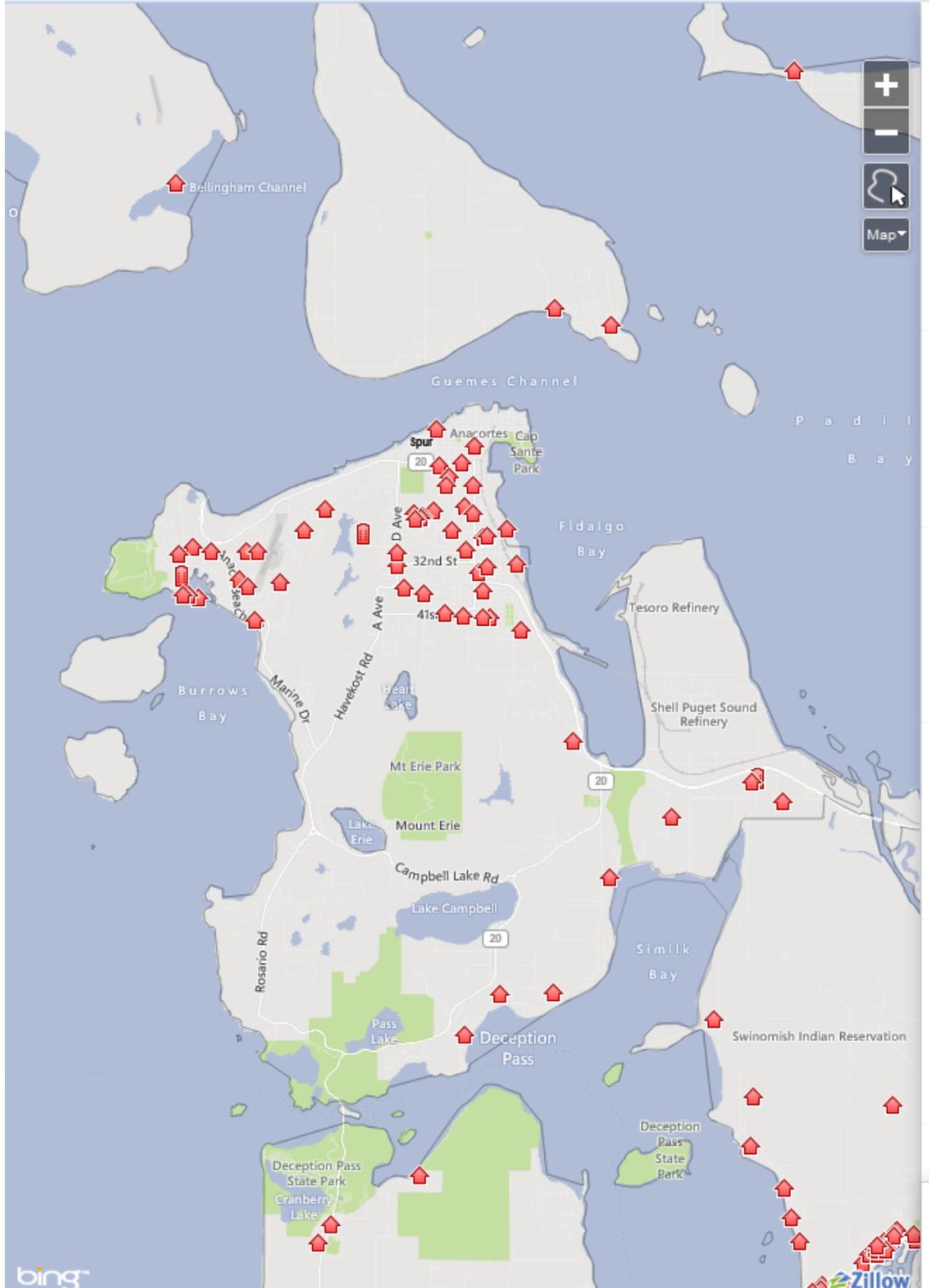
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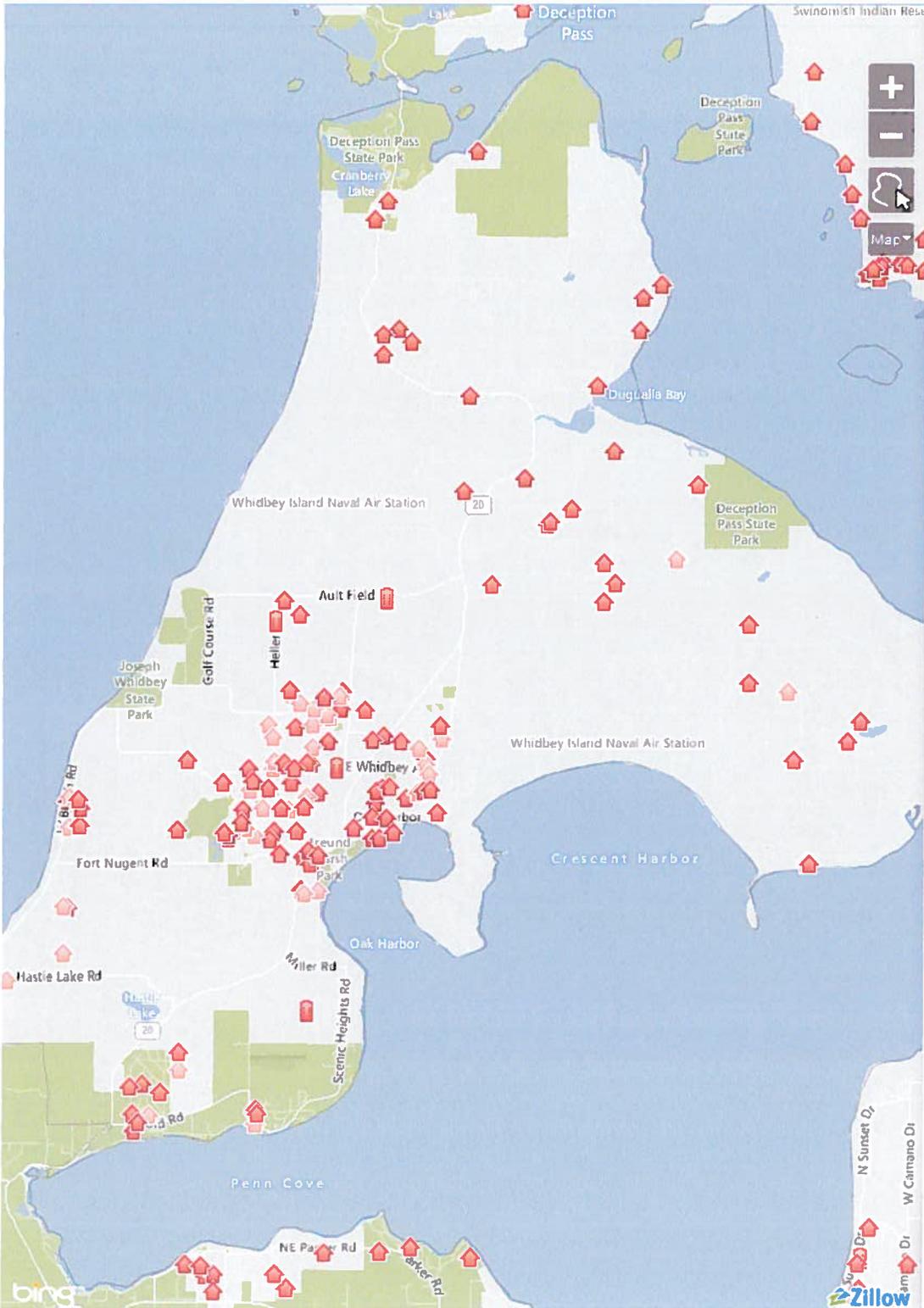
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ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339
 FAX: (360) 679-7306 ■ 1 NE 6th Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home
 Page: <http://www.islandcounty.net/planning/>

TO: Intergovernmental Working Group

FROM: _____ Brad Johnson, Senior Planner

DATE: May 30, 2013

SUBJECT: Population Projection Research & Recommendation

Intergovernmental Working Group members:

Island County Planning & Community Development has completed our initial population projection research. Based on this research we are recommending that countywide planning efforts proceed with a population projection range that is slightly below the OFM medium range projection.

In developing our recommendation we employed a systematic approach. We utilized OFM's medium series projection as a starting point. According to OFM, the medium series projection represents the most probable population outcome. We analyzed OFM's input variables for population projections and further refined OFM's projection by gathering and analyzing a variety of demographic and economic data. We also analyzed past growth trends and projection efforts.

Key Findings:

- The primary variables affecting population include natural increase and net migration.
- OFM appears to have overestimated Island County's total fertility rate (TFR)
- The assumptions regarding in-migration appear to be overly optimistic.
- Census data shows that after peaking in the period between 1970 and 1980, the rate of population growth has dropped by half in each successive decennial census period (See Appendix B).

- The median age in Island County has increased at a consistent rate and surpassed the median age for Washington State in the middle of the 1990s (See Appendix A)
- The median age in North Whidbey Island is dramatically lower than the other three planning areas.
- Because OFM's medium projection is considered to be the most likely and probable outcome, and because this projection was derived from overly optimistic migration and fertility rates, the population projection should reflect a number that is less than the medium projection.

Natural Increase Factors:

Natural increase reflects the balance of new births and total deaths within the population.

Mortality Rate Factors:

- OFM assesses mortality rates by looking at life expectancy within a given population and the presence or absence of characteristics associated with life expectancy.
- OFM provided the following projection for mortality rates in April 2012. The County has no objection to these forecasts.

	2010	2015	2020	2025	2030	2030	2040
Life Expectancy	78.8	79.6	80.3	81.1	81.8	82.6	83.3
Deaths (Forecast)	3,055	3,725	4,468	5,035	5,534	6,016	6,365

Fertility Rate Factors:

- OFM recognizes considerable variation for Total Fertility Rates (TFRs) at the county level, but also suggests that most counties have consistent trends over time.
- Variables impacting TFRs include populations with a larger portion of immigrants; particularly Hispanic populations and first generation immigrants.
- Women with higher levels of educational attainment or who are in the labor force tend to have lower TFRs than their counterparts.
- TFRs tend to be low in counties with a high proportion of females in their pre-retirement and retirement years relative to females in their childbearing years.
- From 1980 to 2010 the median age for Island County has increased from approximately 30 years old to approximately 43 years old (See Appendix A).
- The median age for the female population in Island County is slightly higher, and increased from approximately 31 years old in 1980 to approximately 45 years old 2010 (See Appendix A).
- OFM identifies counties with high, medium, and low fertility rates. OFM did not place Island County into any of these categories. OFM claims that the diverse

characteristics of Island County make generalizations difficult, so the TFRs for Island County (and other rural counties that are difficult to characterize) are held constant at the 2010 levels.

- OFM projected a Total Fertility Rate of 2.1 out to 2040 for Island County. The TFR rate for WA State is slightly above 1.9. We disagree with the assumption that the County will maintain a TFR of 2.1 when considering patterns associated with the median age for females.

Migration Factors:

Migration is generally driven by growth in the local job market or by growth in the regional job market and can also be driven by an increase in the retirement population.

Job Growth & Commuting Factors:

- Regional job market growth will positively affect growth if the jobs are within commuting distance. If jobs added to a region are not within commuting distance they will have little impact on migration or population increase.
- With the exception of Naval Air Station Whidbey, Island County has no large primary sector employers, so job growth on Whidbey Island cannot be expected to draw large number of migrants.
- With respect to regional job growth, job growth in the Puget Sound area is expected to be robust, however; Whidbey Island's Planning areas are increasingly isolated from these jobs.
- Throughout history the average commute time (not distance) for the US has remained relatively constant at about 20 minutes. In Washington the average commute time is currently 26 minutes. Large numbers of commuters cannot be expected to endure a commute that is significantly longer than average.
- Trends suggest that people are increasingly driving less, increasingly less inclined to endure lengthy commutes, transportation costs are increasing and regional investments in transportation systems may not keep pace with population growth further lengthening commute times to Whidbey Island.
- With the exception of Camano Island, no planning area has a major employment center within the standard commuting distance. Notably, commute times from South Whidbey to the major population centers in the Seattle area are all an hour or more.
- All major transit providers serving Mukilteo have recently reduced service to the Mukilteo ferry terminal and no major capacity or service improvements are planned.
- The ferry connection to South Whidbey has a finite vehicle capacity and this capacity cannot be easily or practically increased; furthermore, no plans exist to increase capacity and even if such plans did exist no viable funding sources exist to increase capacity.
- Job growth in North Whidbey will be closely tied to NAS Whidbey. Oak Harbor is not within commuting distance of major regional employment

centers and its lack of centrality makes it an unattractive location for people who do not work on Whidbey Island.

- Camano Island is within commuting distance of major population centers but lacks a UGA to accommodate growth. Transportation challenges can be expected to increase commute times

Job Growth & Commuting Conclusions

- Job related growth, or growth in the working age population in the South Whidbey planning area will be negative or flat
- Job related growth, or growth in the working age population in the North Whidbey planning area will gradually increase due to planned investments at NAS; however, regional job growth will have little impact on the North Whidbey planning area.
- Job related growth, or growth in the working age population in the Camano planning area will increase gradually and will generally reflect job growth in north Puget Sound employment centers (Marysville, Arlington Mt. Vernon, Burlington etc).

Retirement Growth

- Growth stemming from increases in the retirement population is difficult to predict. In the past, retirees have been a major component in Island County's growth; however, this may change.
- Retirees are increasingly seeking amenity and recreation rich areas. The most amenity rich areas of Island County are already developed
- Many "baby boomer" generation retirees cannot afford to sell their existing homes and lack the financial resources to move someplace like Island County. This contrasts sharply with the previous generation of retirees which represented the highest net worth group in America.
- Older retirees value proximity to health services and alternative transportation modes when relocating. Health care services are overwhelmingly concentrated in the Central Whidbey Island planning area placing these services at a significant distance from the South Whidbey population.

Risk Assessment & Mitigation

There are risks associated with selecting a population projection that is too high or too low. The GMA requires that Counties and Cities develop capital facilities plans that clearly identify how services will be provided for any expected increase in population. In urban growth areas, "urban level services" must be provided. Generally, urban services are construed to include costly infrastructure such as sanitary sewer systems. Planning for too much growth can mean over investing in expensive infrastructure. If the tax or user base necessary to support these services fails to materialize, existing tax/rate payers may be forced accept higher taxes or fees.

Underestimating future growth also carries significant risks; for example, undersized urban growth areas can result in a lack of buildable land causing housing supply shortages. These shortages can significantly increase the cost of housing, pricing residents out, and causing workers to endure long commutes. Undersized urban growth areas can also encourage inefficient rural development on the urban fringe. In total, Island County believes the risks associated with overestimating future population growth outweigh those of underestimating it. Furthermore, it may be possible to incorporate innovative measures into the Countywide Planning Policies to minimize the risks associated with underestimating future population growth. These measures have been summarized below.

Risk Mitigation Measures

- Build very specific UGA modification provisions into the Countywide Planning Policies to depoliticize future UGA modifications. These policies could be structures to treat future UGA expansion proposals like a permit application. If certain growth and UGA management criteria were met the expansion would be approved. This would speed the process of modifying UGAs to meet Island County’s unique need to be able to accommodate rapid changes in NAS Whidbey.
- Utilize urban reserves; urban reserves are areas outside of urban growth areas which are planned for, but not available for urban growth. Utilizing urban reserve areas in conjunction with the specific UGA modification procedures outlined above would allow Cities, in cooperation with the County, to engage in long term planning. If they chose to do so Cites could develop conceptual urban service and transportation plans for urban reserve areas.
- Within UGAs incorporate additional flexibility into existing zoning regulations to allow housing to be built in more places. In the event of major population changes this would allow housing to be built in places that would otherwise be passed over. Such provisions could include additional allowances for mixed commercial and residential development in areas which are zoned exclusively for commercial or office uses.

Neighboring Jurisdictions:

Skagit County: Midpoint between 2002 OFM low and medium range projections
Snohomish County: Point between 2002 OFM low and medium range projections

Appendix A: Median Age

Median Age: Total Population

Year	Washington State	Island County
1980	29.77	29.26
1981	30.03	29.48

Median Age: Female Population

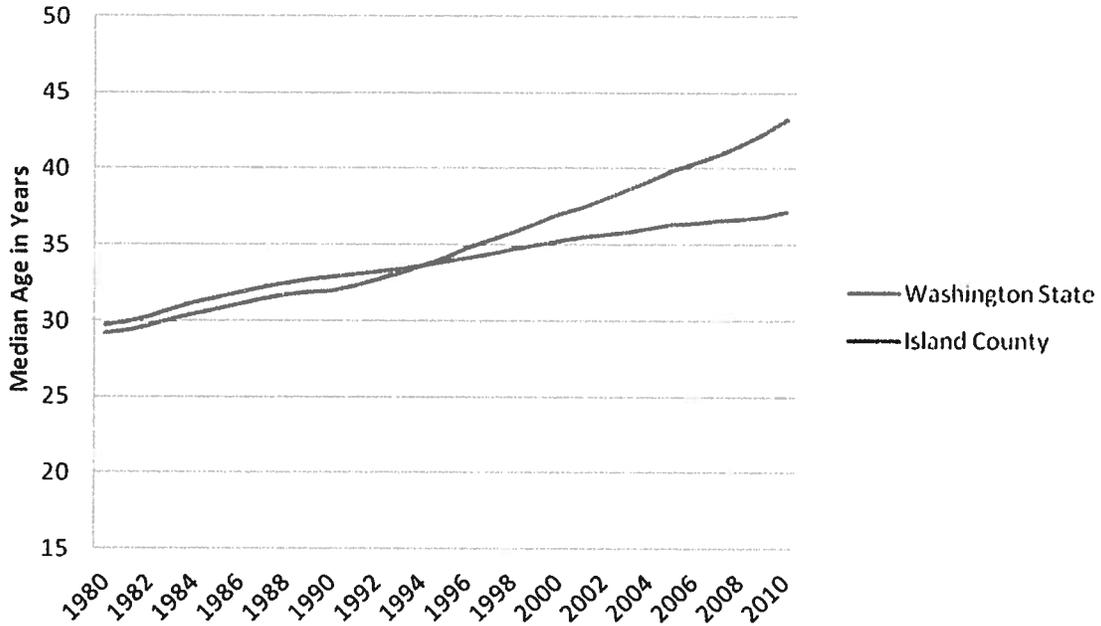
Year	Washington State	Island County
1980	30.64	31.08
1981	30.87	31.27

1982	30.37	29.76
1983	30.88	30.21
1984	31.25	30.55
1985	31.59	30.87
1986	31.96	31.23
1987	32.28	31.52
1988	32.55	31.76
1989	32.77	31.94
1990	32.96	32.07
1991	33.11	32.42
1992	33.28	32.82
1993	33.47	33.25
1994	33.71	33.75
1995	33.96	34.26
1996	34.26	34.86
1997	34.48	35.35
1998	34.78	35.92
1999	35.06	36.47
2000	35.34	37.05
2001	35.54	37.52
2002	35.69	38.03
2003	35.92	38.64
2004	36.14	39.27
2005	36.39	39.90
2006	36.52	40.40
2007	36.62	40.88
2008	36.73	41.58
2009	36.89	42.35
2010	37.20	43.27

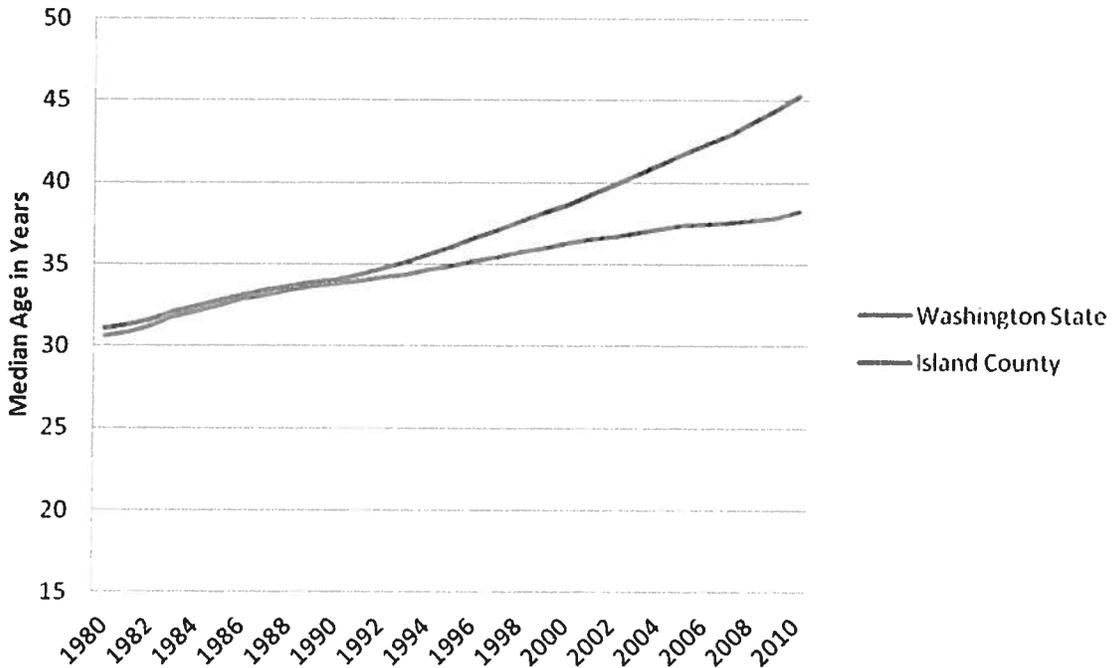
1982	31.23	31.61
1983	31.74	32.09
1984	32.12	32.43
1985	32.46	32.75
1986	32.82	33.10
1987	33.13	33.39
1988	33.40	33.64
1989	33.63	33.84
1990	33.81	33.99
1991	33.96	34.31
1992	34.16	34.71
1993	34.36	35.12
1994	34.62	35.59
1995	34.89	36.07
1996	35.21	36.60
1997	35.43	37.05
1998	35.72	37.59
1999	35.99	38.11
2000	36.26	38.65
2001	36.48	39.22
2002	36.65	39.85
2003	36.90	40.50
2004	37.12	41.13
2005	37.36	41.75
2006	37.47	42.34
2007	37.56	42.88
2008	37.67	43.65
2009	37.84	44.45
2010	38.21	45.33

Source: WA State OFM, 2010 Decennial Census Counts

Median Age: Total Population 1980-2010



Median Age: Female Population 1980-2010



Appendix B: Historical Population Information based on Decennial Census Counts

Historical Population Count	
Year	Population
1900	1,870
1910	4,704
1920	5,489
1930	5,369
1940	6,098
1950	11,079
1960	19,638
1970	27,011
1980	44,048
1990	60,195
2000	71,558
2010	78,506

Historical Rates of Change	
Year	Rate of Change
1900-1910	151.55%
1910-1920	16.69%
1920-1930	-2.19%
1930-1940	13.58%
1940-1950	81.68%
1950-1960	77.25%
1960-1970	37.54%
1970-1980	63.07%
1980-1990	36.66%
1990-2000	18.88%
2000-2010	9.71%

Source: WA State OFM

Appendix C: Commute times from planning areas to employment centers

Planning Area (From)	Employment Center* (To)	Miles	Time
South Whidbey (Langley)	Payne Field	14	51 min
	Downtown Everett	16	57 min
	Lynnwood	19	58 min
	Seattle (UW)	32	1 hr-13 min
	Seattle (Downtown)	35	1 hr-14 min
	Marysville	26	1hr
Camano	Marysville	29	36 min
	Arlington	23	33 min
	Mt. Vernon	22	36 min
	Burlington	26	43 min
	Anacortes	38	58 min
	Bayview (UGA)	30	47 min
North Whidbey (Oak Harbor)	Bayview (UGA)	25	35 min
	Anacortes	20	29 min
	Mt. Vernon	29	41 min
	Burlington	29	41 min
	Arlington	50	1 hr-5 min

**Snohomish & King County employment centers represent PSRC designated regional growth centers – Skagit County employment centers are the closest Skagit County UGAs to Island County*

Appendix D: Past Population Projections and Outcomes

Year 2000 Assumptions - 1998 Comprehensive Plan			
1995 OFM Low Range	1995 OFM High Range	2000 Census Actual Count	Difference Between County Selected Range and Actual Count
78,180	78,651	71,558	-7,655

Year 2010 Assumptions - 2005 Comprehensive Plan Update					
2002 OFM Low Range	2002 OFM Medium Range	2002 OFM High Range	Island County Medium-High Range	2010 Census Actual Count	Difference Between County Selected Range and Actual Count
72,988	80,650	88,312	84,481	78,506	-5,975

1998 Comprehensive Plan

1995 OFM Projections – Year 2000

- *Low – 75,180*
- *High – 78,651*
- *County Selection – 78,651*
- *2000 Census Count – 71,558*
- *Difference – (-7,655)*

1995 Projections – Year 2010

- *Low – 86,171*
- *High – 98,667*
- *County Projection – 98,667*
- *2010 Census Count – 78,506*
- *Difference – (-20,161)*

2005 Comprehensive Plan Update

2002 OFM Projections – Year 2010

- *Low – 72,988*
- *Medium – 80,650*
- *High – 88,312*
- *County Projection – 84,481*
- *Difference – (-5,975)*