



November 6, 2013

CITY COUNCIL AGENDA

6:00 p.m.

1. **CALL TO ORDER**
Invocation/Pledge of Allegiance

HONORS AND RECOGNITIONS
Veterans Day Proclamation
2. **APPROVAL OF AGENDA**
3. **CITIZEN COMMENT PERIOD**
4. **CONSENT AGENDA**
 - a. Minutes of the Regular City Council meeting held October 15, 2013
 - b. Approval of Accounts Payable Voucher Nos. 155914 through 156082 in the amount of \$1,601,350.78.
 - c. Motion to approve Option #1 to pay into a collective fund to implement a Regional Stormwater Monitoring Program; and to authorize the Mayor to sign the Interlocal Agreement when received from the State of Washington Department of Ecology confirming the preferred option.
 - d. Motion to confirm Mayor Dudley's reappointment of Anne Murphy to the Youth Commission for a term to expire October 2016
 - e. Motion to authorize the purchase of one aluminum sign for the Scenic Heights Trailhead in the amount of \$11,000.00
5. **STAFF, MAYOR AND COUNCIL COMMENTS**
 - a. City Administrator – 2013 3rd Quarter Financial Report
 - b. Mayor
 - c. Councilmembers
6. **ORDINANCE AND RESOLUTIONS**
 - a. Ordinance 1674: Relating to Electronic Message Centers and Amending Chapter 19.36, Sign Code, of the Oak Harbor Municipal Code
 - b. (1) Resolution 13-26: Relating to the Opt Out Conversion
(2) Resolution 13-27: Establishing a Methodology to Phase-Out the Converted Opt-Out Benefit to Wages for Non-Represented Employees



November 6, 2013

CITY COUNCIL AGENDA

6:00 p.m.

7. PUBLIC HEARINGS/PUBLIC MEETINGS

- a. Ordinance 1673: Adopting the 2014 Property Tax Levy (Postponed from 10/15/13)

8. UNFINISHED BUSINESS

- a. Motion to authorize the Mayor to sign the Tourism Services Agreement with the Greater Oak Harbor Chamber of Commerce

9. NEW BUSINESS

- a. Executive Session: Pending Litigation

10. ADJOURNMENT

As a courtesy to Council and the audience, PLEASE TURN YOUR CELL PHONES OFF before the meeting begins. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda.

For scheduled public hearings, if you wish to speak, please sign your name to the sign-up sheet, located in the Council Chambers. The Council will take all information under advisement. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak.

Thank you for participating in your City Government!

To assure disabled persons the opportunity to participate in or benefit from City services, please provide 24-hour advance notice to the City Clerk at (360) 279-4539 for additional arrangements to reasonably accommodate special needs.

City of Oak Harbor

OFFICE OF THE MAYOR
SCOTT DUDLEY
MAYOR



PROCLAMATION IN RECOGNITION OF

VETERANS DAY

NOVEMBER 11, 2013

WHEREAS, Americans live in freedom because of our veteran's courage, dedication to duty, and love of country. On Veterans Day, we honor these brave men and women who have served in our Armed Forces and defended our Nation; and

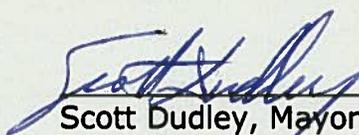
WHEREAS, throughout the decades, veterans have fought for the security of our country and the peace of the world. They have defended our founding ideals, protected the innocent, and known the hardships, the fears and the tragic losses of war; and

WHEREAS, through the years, our veterans have returned home from their duties to become active and responsible citizens in their communities, further contributing to the growth and development of our Nation; and

WHEREAS, with respect for and in recognition of the contributions our service men and women have made to the cause of peace and freedom around the world, Congress has provided that November 11th of each year be set aside to honor our veterans.

NOW, THEREFORE, WE, Scott Dudley, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim **November 11, 2013** as **Veterans Day** and we call upon our community to display the flag of the United States and to encourage and participate in patriotic activities in our community.

Signed this 6th day of November, 2013



Scott Dudley, Mayor

Oak Harbor City Council
Regular Meeting Minutes
October 15, 2013

CALL TO ORDER

Mayor Scott Dudley called the meeting to order at 6:00 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Pastor Ron Lawler from Family Bible Church gave the Invocation and Mayor Dudley led the Pledge of Allegiance.

ROLL CALL

Present:

Mayor Scott Dudley
Mayor Pro Tempore Danny Paggao
Councilmember Rick Alberg
Councilmember Jim Campbell
Councilmember Tara Hizon
Councilmember Beth Munns
Councilmember Joel Servatius
Councilmember Bob Severns

Staff Present:

City Administrator Larry Cort
Finance Director Doug Merriman
Development Service Director Steve Powers
Public Works Director Cathy Rosen
Assistant City Attorney Nikki Esparza
City Engineer Joe Stowell
City Clerk Valerie J. Loffler
Police Chief Ed Green
Fire Chief Ray Merrill

HONORS AND RECOGNITIONS

Friends of the Library Month

Councilmember Beth Munns was joined at the podium by Library Board Member Anne Sullivan as she read the Proclamation for Friends of the Library Month. Ms. Sullivan thanked Council for their support. She also recognized managing librarian Mary Campbell and encouraged citizens to check out the library's website.

APPROVAL OF AGENDA

Motion: Councilmember Campbell moved, seconded by Councilmember Severns, to amend the agenda to include a discussion on labor negotiations at the Executive Session. The motion carried unanimously.

Councilmember Alberg moved to postpone Item 7.c., Ordinance 1673 relating to the 2014 Property Tax Levy, to the meeting of November 6, 2013. The motion was seconded by Councilmember Campbell.

Councilmember Alberg said it was necessary for government to demonstrate the need for a tax increase, and Council only has the expense side of the equation for the budget amendment. It would be inappropriate to deal with the property tax without third quarter projections.

The motion carried unanimously.

Motion: Councilmember Paggao moved to approve the agenda as amended. The motion was seconded by Councilmember Almberg and carried unanimously.

CITIZEN COMMENT PERIOD

Shane Hoffmire said he considers Mayor Dudley a good friend and that he and his family worked to get him elected. As such, he can't turn a blind eye to his disappointment in the Mayor's style of governance. Recent events have caused him to think the Mayor's vision has become something askew.

Mr. Hoffmire posed the question, "Does the Mayor support the council candidates he does because that's what he believes is best for Oak Harbor, or could it be that simply he feels they are what is best for him?" Mr. Hoffmire added he certainly believes Oak Harbor's future lies in how the citizens of Oak Harbor choose to answer this question.

He thanked Council for their hard work and for the opportunity to express his perspective.

CONSENT AGENDA

- a. Minutes of the Regular City Council meeting held October 1, 2013
- b. Approval of Accounts Payable Voucher Nos. 155721 through 155724 in the amount of \$950.00; Nos. 155725 through 155735 in the amount of \$1,756.85; and Nos. 155736 through 155913 in the amount of \$1,376,898.53
- c. Resolution 13-23: Authorizing an Interlocal Agreement with the Association of Washington Cities Benefit Trust Creating the Health Care Program Subject to Required Assessments
- d. Motion to authorize the Mayor to sign the Interagency Agreement with the Coupeville School District for 2014 Whidbey Island Marathon volunteers in an amount not to exceed \$1,000.00
- e. Motion to confirm the Mayor's re-appointment of Anne Sullivan to the Library Board for a term to expire December 2018
- f. Motion to confirm the Mayor's re-appointment of Margaret Grunwald to the Library Board for a term to expire December 2017
- g. Motion to authorize the Mayor to sign a Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson, Inc., beginning on October 16, 2013 and ending on December 31, 2013
- h. Motion to authorize the Mayor to sign a Professional Services Agreement with Equinox Research Consulting International, Inc. for Archaeological Services related to installation of new water mains in the amount of \$35,360.98 and a management reserve of \$2,000.00
- i. Motion to authorize the purchase of 500 roll carts for the Solid Waste Utility in the amount of \$28,000.00

Motion: Councilmember Hizon moved to remove Item 4.a., October 15th Minutes. The motion was seconded by Councilmember Almberg and carried unanimously.

Councilmember Hizon moved to approve Consent Agenda items b. through i. The motion was seconded by Councilmember Severns and carried unanimously.

Councilmember Hizon pointed out it was Skip Pohtilla who led the cheer for Helen Chatfield-Weeks.

Councilmember Munns moved to approve the Minutes as corrected. The motion was seconded by Councilmember Almberg and carried unanimously.

Councilmember Munns announced Anne Sullivan was in the audience and recognized her for her reappointment to another term on the Library Board.

STAFF AND COUNCIL COMMENTS

City Administrator Dr. Larry Cort discussed the agenda for the October 23 workshop meeting.

Mayor Scott Dudley provided a brief report on the presentation by Carolyn Honeycutt from the Main Street Program.

Councilmember Danny Paggao raised the issue of Dena Royal's email about parking on Pioneer Way.

Councilmember Hizon asked for the parking issue to be brought forward to the appropriate individual because the idea was worthy of discussion. City Administrator Dr. Larry Cort responded the issue was brought to the attention of the Downtown Merchants Association.

ORDINANCES AND RESOLUTIONS

Ordinance 1672: Relating to Nightclubs and Amending Chapter 5.22 of the OHMC
Development Services Director Steve Powers provided the staff report.

Speaking in support was:

Gray Giordan
Bill Christian
Billie Cook

Jennifer Olson spoke in support of a change in the occupancy limit from 300 to 350 for the lounge she wants to open downtown.

Councilmember Hizon and Mr. Powers discussed club size and a related zoning map. Mr. Powers explained a map wouldn't show what size building could be in what zoning district because it's a function of the size of the building and interior space, not based on the building itself.

Mr. Powers clarified the City hasn't yet received an application, and therefore, couldn't speak directly to Ms. Olson's proposed plans.

Councilmember Hizon expressed her support with a change in occupancy so the City didn't preclude Ms. Olson from opening her establishment.

Councilmember Severns and Mr. Powers discussed the occupancy load in the one establishment in the C-5 zone and how the Planning Commission came to their recommendation.

Councilmember AlMBERG asked Ms. Olson to provide quantitative figures to support the occupant load she's requesting. Mr. AlMBERG stated he would be supporting the recommendation of the Planning Commission in the absence of substantial information.

Councilmember Paggao spoke in support of the Planning Commission's recommendation.

Mr. Powers responded to questions from Councilmember Campbell about enforcement stating there is a higher standard now than before.

Councilmember Munns asked about a variance and Councilmember Servatius suggested a period of probation.

Mr. Powers stated the code applies to the entire community and cautioned Council about discussing the ordinance in relation to the previous business at that location.

Ordinance 1672 An Ordinance of the City of Oak Harbor Amending Oak Harbor Municipal Code Chapter 5.22 Nightclubs to Include Application Restrictions, Application Conditions, Revocation of License Procedures to Include Hearing Examiner and Other Clarifications

Motion: Councilmember Almberg moved, seconded by Councilmember Munns, to adopt Ordinance 1672. The motion carried 6 to 1; Hizon opposed.

Resolution 13-24: Employee Health Benefits

City Administrator Dr. Larry Cort provided the staff report.

Councilmembers spoke in support and thanked staff and employees for the group effort to save the City money in health care costs.

Resolution 13-24 Changing the Health Insurance Benefit Plans Available to Eligible Employees and Directing Staff to Implement the Changes

Motion: Councilmember Hizon moved to adopt Resolution 13-24. The motion was seconded by Councilmember Munns and carried unanimously.

Mayor Dudley announced a recess at 7:40 p.m.

The meeting reconvened at 7:47 p.m.

PUBLIC HEARINGS/PUBLIC MEETINGS

Resolution 13-25: Authorizing the Sale of Vessels

Harbormaster Chris Sublet provided the staff report.

Mayor Dudley opened the public meeting at 7:50 p.m. No testimony was provided and the meeting was closed.

Councilmember Almberg asked about the timeframe for the process.

Resolution 13-25 Authorizing Sale of Boats for “Marina Charges”

Motion: Councilmember Servatius moved to adopt Resolution 13-25. The motion was seconded by Councilmember Munns and carried unanimously.

Ordinance 1668: Mid-Biennial Budget Amendment

Finance Director Doug Merriman provided the staff report.

Mayor Dudley opened the public hearing at 7:56 p.m. No testimony was provided and the hearing was closed.

Mr. Merriman clarified budgeted versus actual figures and beginning fund balances.

Ordinance 1668 An Ordinance of the City of Oak Harbor to Amend the 2013-2014 Biennial Budget to Reconcile 2013 Budgeted Beginning Fund Balances to Actual Beginning Fund Balances as of January 1, 2013, and to Amend the 2013-2014 Biennial Budget for Required Changes Noted in the City of Oak Harbor's Mid-Biennial Review Process

Motion: Councilmember Hizon moved to adopt Ordinance 1668. The motion was seconded by Councilmember Campbell and carried unanimously.

UNFINISHED BUSINESS

Chamber of Commerce Budget Presentation

Chamber Executive Director Cathy Reed provided a brief presentation on the Chamber of Commerce budget.

Councilmembers asked questions about tracking the number and type of inquiries and other marketing activities.

Councilmembers thanked Ms. Reed for her contributions.

Councilmember Campbell expressed support for increasing the amount of funding.

EXECUTIVE SESSION

At 8:16 p.m. the Mayor announced an Executive Session to discuss property acquisition and labor negotiations. The executive session would last approximately 30 minutes and no action would be taken.

The meeting reconvened at 8:49 p.m.

ADJOURNMENT

Motion: Councilmember Severns moved, seconded by Councilmember Campbell, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:49 p.m.

Valerie J. Loffler, City Clerk

City of Oak Harbor
City Council Agenda Bill

Bill No. C/A 4.b.
Date: November 6, 2013
Subject: Approval of Accounts Payable
Vouchers

FROM: Doug Merriman, Finance Director 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, City Administrator
 Grant Weed, Interim City Attorney, as to form

SUMMARY STATEMENT

Oak Harbor Municipal Code Chapter 3.72 establishes procedures for claims (vouchers) payment. The documentation that regularly supports the signature coversheets is attached. Claim coversheets will be provided prior to the City Council meeting for appropriate Council signatures.

RECOMMENDED ACTION

Motion to approve Accounts Payable Voucher Nos. 155914 through 156082 in the amount of \$1,601,350.78.

ATTACHMENTS

Voucher Lists

Voucher List
 City of Oak Harbor

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155914	10/15/2013	0004903 US BANK	4485591000119689		CREDIT CARD PURCHASES	689.33
					Total :	689.33
155915	10/24/2013	0001055 WATERWORX DIVE SERVICE	100713		SEP 2013/UNDERWATER SERVICES	2,391.40
					Total :	2,391.40
155916	10/25/2013	0000950 LICENSING, WASHINGTON STATE DEPT OF	100713		CONCEALED WEAPONS PERMITS	528.00
					Total :	528.00
155917	10/28/2013	0000950 LICENSING, WASHINGTON STATE DEPT OF	102113		CONCEALED WEAPONS PERMITS	288.00
					Total :	288.00
155918	10/30/2013	0007270 MARYSVILLE MUNICIPAL COURT	102913		BAIL/WARRANT# 2Z0506200	500.00
					Total :	500.00
155919	10/30/2013	0000005 A-1 TOWING	51503		TOWING	196.75
			52389		TOWING	130.44
					Total :	327.19
155920	10/30/2013	0000028 ALL ISLAND LOCK & KEY	22764		KEYS	3.65
					Total :	3.65
155921	10/30/2013	0007272 ALSTEEN, BRUCE	215		MOORAGE REFUND	110.01
					Total :	110.01
155922	10/30/2013	0000712 AMERIGAS	3021424225		TANK RENTAL	92.00
			3021840479		PROPANE	136.60
					Total :	228.60
155923	10/30/2013	0000042 ANACORTES, CITY OF	900-9080-00		SEP 2013/WATER PURCHASED	93,630.00
			901-9080-01		SEP 2013/WATER PURCHASED	172.98
			901-9080-02		SEP 2013/WATER PURCHASED	9,021.60
					Total :	102,824.58
155924	10/30/2013	0005001 ARAMARK	938116000		SEP 2013/UNIFORM SERVICES	1,251.81
					Total :	1,251.81

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155925	10/30/2013	0006865 ARMADA	101113		COLLECTION FEE/2545551/2707190-37	198.26
			101513		COLLECTION FEE/ID-2291332/2545558-	101.59
			102213		COLLECTION FEE/2545552/2707191-38	294.96
					Total :	594.81
155926	10/30/2013	0000053 ARROW PEST CONTROL, INC	149856		PEST CONTROL	108.70
					Total :	108.70
155927	10/30/2013	0004019 ASSOCIATED PETROLEUM PRODUCTS	0485883-IN		FUEL	315.58
			0485886-IN		FUEL	88.93
			0485889-IN		FUEL	140.75
			0485890-IN		FUEL	160.17
			0486448-IN		FUEL	3,967.53
			0487199-IN		FUEL	179.60
			0488459-IN		FUEL	16,972.10
			0492090-IN		FUEL	27,483.89
					Total :	49,308.55
155928	10/30/2013	0000065 AVOCET ENVIRONMENTAL TESTING	1303448-IN		TESTING SERVICES	136.00
					Total :	136.00
155929	10/30/2013	0002848 BECKWITH & KUFFEL	910048		GASKETS/SEALS	239.35
					Total :	239.35
155930	10/30/2013	0001907 BENCHMARK PUBLICATIONS INC	7819		PHASER	3,303.39
					Total :	3,303.39
155931	10/30/2013	0000091 BENS CLEANER SALES, INC	241231		INJECTOR/SESNOR/OIL	564.81
					Total :	564.81
155932	10/30/2013	0007274 BEST WESTERN PLUS	177735		HOTEL ACCOMMODATIONS/HANNAN	241.36
			177748		HOTEL ACCOMMODATIONS/NYDAM	241.36
					Total :	482.72
155933	10/30/2013	0003980 BHC CONSULTANTS	0005350		PROF SVC/SEPTIC TO SEWERS	1,591.20
					Total :	1,591.20
155934	10/30/2013	0004631 BLAKE, KAY	1		TRAVEL REFUND	35.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155934	10/30/2013	0004631 0004631 BLAKE, KAY			(Continued)	Total : 35.00
155935	10/30/2013	0000137 BRIM TRACTOR COMPANY	IM68460 IM69984 WM11716		HATCH SENSOR REPAIRS	981.93 181.48 3,710.53 Total : 4,873.94
155936	10/30/2013	0000139 BUXTON, MIKE	TRAVEL ADVANCE		TRAVEL ADVANCE	153.50 Total : 153.50
155937	10/30/2013	0000143 CADA	2ND HALF 2013		2ND HALF 2013 DCTED	2,532.50 Total : 2,532.50
155938	10/30/2013	0007273 CAMPGROUND AUTOMATION SYS, INC	101113		AUTOMATION SYSTEM SOFTWARE	3,000.00 Total : 3,000.00
155939	10/30/2013	0000627 CAPITAL ONE COMMERCIAL	167447865211 174307965211 184116965211 189538865211		SUPPLIES SUPPLIES SUPPLIES SUPPLIES	679.64 465.28 388.12 650.87 Total : 2,183.91
155940	10/30/2013	0006215 CAROLLO	0130594 0130595		PROF SVC/PRELIMINARY ENGINEERIN PROF SVC/WASTEWATER TREATMENT	9,056.47 131,147.95 Total : 140,204.42
155941	10/30/2013	0001235 CARROT-TOP INDUSTRIES	C11338496 C11338631		FLAGS FLAGS	392.80 526.50 Total : 919.30
155942	10/30/2013	0000160 CENTRAL WELDING SUPPLY	RN09130984		CENTRASHIELD	12.71 Total : 12.71
155943	10/30/2013	0000172 CHRISTIANS TOWING STORAGE	26276		TOWING	65.22 Total : 65.22
155944	10/30/2013	0007271 CK ELECTRIC SERVICES, INC	3912		HEATERS	2,191.40

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155944	10/30/2013	0007271 0007271 CK ELECTRIC SERVICES, INC	(Continued)			Total : 2,191.40
155945	10/30/2013	0000179 CLERKS PETTY CASH	102413		PETTY CASH	67.00
						Total : 67.00
155946	10/30/2013	0004520 COASTAL WEAR PRODUCTS	4345		GUTTERBROOM	547.71
						Total : 547.71
155947	10/30/2013	0000186 COASTWIDE LABORATORIES	W2601239		MICROMOP	62.12
						Total : 62.12
155948	10/30/2013	0000188 CODE PUBLISHING COMPANY	44778		MUNICIPAL CODE UPDATES	2,564.49
						Total : 2,564.49
155949	10/30/2013	0001433 COLE, DONNA	1		TRAVEL REFUND	30.00
			1		TRAVEL REFUND	35.00
						Total : 65.00
155950	10/30/2013	0005773 COMCAST	8498300270032002 8498300270032028 8498300280465283 8498300290363841		CABLE XFINITY SERVICES INTERNET	111.47 12.71 170.53 210.77
						Total : 505.48
155951	10/30/2013	0006982 COMMUNITY NEWSPAPERS	102413		ADVERTISING	80.00
						Total : 80.00
155952	10/30/2013	0000197 CONCRETE NORWEST	912695 913032		SAND DUMP FEE	478.28 21.74
						Total : 500.02
155953	10/30/2013	0000202 COREY OIL COMPANY	74945 75210		FUEL FUEL	41.85 30.06
						Total : 71.91
155954	10/30/2013	0007268 CORSA COMMUNICATIONS	FLVM-1317		ADVERTISING	315.00
						Total : 315.00

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155955	10/30/2013	0000211 CREDIT BUREAU OF ISLAND COUNTY	101113 102213		COLLECTION FEE/37-528800-13 COLLECTION FEE/38-002003-01	134.79 71.54 Total : 206.33
155956	10/30/2013	0000220 CUMMINS NORTHWEST, INC	001-78415		SEAL/TUBE	119.60 Total : 119.60
155957	10/30/2013	0000256 DAY WIRELESS SYSTEMS	343606 343680 344124 345530		RADIO REPROGRAMMING RADIO REPROGRAMMING REPAIR SERVICES CALIBRATIONS	1,902.25 1,413.10 533.17 663.07 Total : 4,511.59
155958	10/30/2013	0000247 DIAMOND RENTALS	1-513078		SCRAPER	53.21 Total : 53.21
155959	10/30/2013	0006724 DIEKMAN POLYGRAPH SERVICES	13-19		POLYGRAPH SERVICES	200.00 Total : 200.00
155960	10/30/2013	0005304 DIVERSIFIED	48956		LATH/HUBS	180.99 Total : 180.99
155961	10/30/2013	0000175 DUNN-TERRY, ROXANN	EXP REIMB		EXP REIMB	887.00 Total : 887.00
155962	10/30/2013	0000257 DUTCH MAID CLEANERS	103113		OCT 2013/LAUNDRY SERVICES	421.62 Total : 421.62
155963	10/30/2013	0000273 EDGE ANALYTICAL, INC	13-17909 13-19269		TESTING SERVICES TESTING SERVICES	56.00 300.00 Total : 356.00
155964	10/30/2013	0006209 ELLIOTT TIRE & SERVICE, INC	085884		VSRPTL	1,289.90 Total : 1,289.90
155965	10/30/2013	0000278 EMERALD SERVICES, INC	1247427		RECYCLING	271.75 Total : 271.75

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155966	10/30/2013	0006389 EQ HARBOR SERVICE, INC	901		ENGINE REPAIR	956.71
Total :						956.71
155967	10/30/2013	0006747 EQUINOX RESEARCH & CONSULTING	12-442-3 13-455		PROF SVC/ARCHAEOLOGIST PROF SVC/ARCHAEOLOGICAL RECOV	18,515.56 102,654.52
Total :						121,170.08
155968	10/30/2013	0007161 EWING	7085959		ROTORS	244.23
Total :						244.23
155969	10/30/2013	0005086 EZINE INDUSTRIES, INC	843062		SEP 2013/COMMUNITY ALERT	9.75
Total :						9.75
155970	10/30/2013	0000306 FARMERS EQUIPMENT COMPANY	IB64190 IB64338		PTO PTO	331.09 48.85
Total :						379.94
155971	10/30/2013	0002900 FASTENAL	WAOAK15183 WAOAK15186 WAOAK15407 WAOAK15413		CONST ADH FPHTC FASTENERS FASTENERS	29.22 15.42 6.49 7.55
Total :						58.68
155972	10/30/2013	0003413 FIRE SERVICE BOOKSTORE	300002090		ROPE RESCUE MANUAL	184.95
Total :						184.95
155973	10/30/2013	0000317 FLOORS PLUS	45449		BASE	97.74
Total :						97.74
155974	10/30/2013	0007141 FREEDOM PROPERTIES, LLC	103113		NOV 2013/ANIMAL SHELTER	2,500.00
Total :						2,500.00
155975	10/30/2013	0000355 FRONTIER	279-1060 675-5190 679-2530		CURRENT PHONE CHARGES CURRENT PHONE CHARGES CURRENT PHONE CHARGES	54.41 35.57 54.26
Total :						144.24
155976	10/30/2013	0000325 FRONTIER FORD	96907		MANIFOL/NONGASKET	406.44

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155976	10/30/2013	0000325 0000325 FRONTIER FORD			(Continued)	Total : 406.44
155977	10/30/2013	0001636 GALT, JOHN E	2809		CONFERENCE FEE	81.25
						Total : 81.25
155978	10/30/2013	0007049 GET OUT THERE COMMUNICATIONS	13-3794-BG		ADVERTISING	800.00
						Total : 800.00
155979	10/30/2013	0002747 GUARDIAN SECURITY	457718		ALARM MONITORING	57.00
						Total : 57.00
155980	10/30/2013	0000694 HD SUPPLY WATERWORKS	B591658		RUBBER IOWA/WASHER/GASKET	234.16
						Total : 234.16
155981	10/30/2013	0005515 HDR ENGINEERING, INC	00400688-H		PROF SVC/UTILITY RATE AND FEE UPI	5,085.95
						Total : 5,085.95
155982	10/30/2013	0000380 HEALTH, WASHINGTON STATE DEPT OF	101013 101013A		REGISTRATION/JUPIN REGISTRATION/BIDDLE	87.00 51.00
						Total : 138.00
155983	10/30/2013	0000382 HELTSLEY, RAY	EXP REIMB		EXP REIMB	132.50
						Total : 132.50
155984	10/30/2013	0007266 HIGLEY, SALLY	1		TRAVEL REFUND	90.00
						Total : 90.00
155985	10/30/2013	0003095 HOME DEPOT CREDIT SERVICES	1025649 1025665 1044376 1044386 1045001 1094155 1572953 1574020 1581251 2025411 2025415		ELBOWS/CLIP BOLT/CAP/BAND/TENSION TIE WIRE INT PAINT POLY/GRTSTF SUPPORT STRIPS/STUDS BITS/SPIKES METFOLD/HAMMER GATES TIE WIRE	32.20 52.01 10.51 58.62 17.32 -9.51 34.69 43.55 42.55 89.56 21.01

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155985	10/30/2013	0003095	HOME DEPOT CREDIT SERVICES			
			(Continued)			
			2025461		RAIL/CLAMPS	76.31
			2094075		FITTINGS	-7.19
			2580169		RAILS/GATES/BANDS/BOLTS/ENDS	225.91
			2591081		SUPPLY LINE/CLAMPS/ADAPTERS/EXT	106.13
			3025085		SHIELDS/WASHERS/NUTS/SCREWS	62.19
			3040174		WH/EL	16.79
			3044218		BOSCH BITS	18.41
			3054508		CEDAR MULCH	7.90
			3081635		ROOF PANEL	-14.12
			3561769		ROLLER COVER/GLN INT SA	31.14
			4024687		LBF/FITTINGS/SLUM PAN/RESTRAINT	71.99
			4044194		HAL	8.35
			4044698		CLAMPS/STRT CPLG/DUCT	30.25
			4053926		SPRAY PAINT	22.92
			45145		CABLETIES	21.72
			5027628		THRESHOLD/DOOR SWEEP/SLEEVE/C	42.47
			5560670		GALCPL/BUSH/NIPPLE/BSHGA	11.99
			5590870		SUNYLLW/NIPPLE/BSHGA	8.48
			6027154		WIRE/BLUE/STAPLES	210.60
			6027162		UFNOSKDKNEPD	17.35
			6027413		BRUSH	15.20
			6572512		SUPER BLUE/OUTLET/COVER	13.36
			7026944		SPREADER/NOZZLE/ADHESIVE	25.85
			7045228		INT PAINT	12.22
			7045230		TANK VALVE	8.14
			7053509		SCRAPER	23.89
			7053570		SPRAY PAINT	22.92
			7084037		TRACK HEAD	32.59
			7094519		SNIPS	-19.36
			7163184		CAP/BRICK	22.53
			8026524		LINKS/ROPE/SWG SLV	46.27
			8029720		POPCORN	86.56
			8044499		CLAMPS/TUBE	11.38
			8084748		WIRE/ADAPTER	-25.49
			8160863		PEST CONTROL	27.02
			8561289		PIPE/COUPLINGS	35.16

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155985	10/30/2013	0003095 HOME DEPOT CREDIT SERVICES	(Continued)			
			8572284		LINKS/SNIPS	31.41
			9026407		SCREWS	13.41
			9029140		PLATES	77.08
			9029142		ADHESIVE/POPCORN/PAINT	46.97
			9044475		LOCKNUTS/ADAPTER/SCREW BITS	35.24
			9080180		MULCH/PR GRND BM	220.72
					Total :	2,125.17
155986	10/30/2013	0006047 HORIZON	2M023583		WHEELS	506.76
					Total :	506.76
155987	10/30/2013	0001910 HUGHES, BETTY	1		TRAVEL REFUND	30.00
					Total :	30.00
155988	10/30/2013	0004796 INN AT GIG HARBOR	9125		HOTEL ACCOMMODATIONS/HOPKINS	239.36
					Total :	239.36
155989	10/30/2013	0001469 INTERNATIONAL CODE COUNCIL	2969761		MEMBERSHIP	100.00
					Total :	100.00
155990	10/30/2013	0004410 ISLAND COUNTY PUBLIC HEALTH	102513		PERMIT RENEWAL	277.00
					Total :	277.00
155991	10/30/2013	0002383 ISLAND COUNTY SHERIFF	101713		INMATE SERVICES	25.19
					Total :	25.19
155992	10/30/2013	0000415 ISLAND DISPOSAL	100113		SEP 2013/RECYCLING	1,054.80
			100213		SEP 2013/COLLECTION CHARGES	13,784.47
			3363838		RECYCLING	43.00
					Total :	14,882.27
155993	10/30/2013	0000433 ISLAND DRUG	114506167482		CARDS	13.01
					Total :	13.01
155994	10/30/2013	0000438 ISLAND PAINT & GLASS	25883		PAINT	39.12
			25898		PAINT	39.12

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
155994	10/30/2013	0000438 0000438 ISLAND PAINT & GLASS			(Continued)	Total : 78.24
155995	10/30/2013	0000441 ISLAND SYSTEMS	218497		WATER/MARINA	23.60
			218789		WATER/MARINA	17.70
					Total :	41.30
155996	10/30/2013	0000794 JOHN DEERE FINANCIAL	37497		BOLT/RETAINER	136.96
					Total :	136.96
155997	10/30/2013	0000476 KERR, JACK	10-13		OCT 2013/PUBLIC DEFENSE SCREENIN	1,400.00
					Total :	1,400.00
155998	10/30/2013	0004597 LA QUINTA INN & SUITES	0685222132		HOTEL ACCOMMODATIONS/PRICE	120.68
					Total :	120.68
155999	10/30/2013	0000494 LAKESIDE INDUSTRIES	5032932MB		ASPHALT	318.82
					Total :	318.82
156000	10/30/2013	0001662 LEDGERWOOD, MARIANNE	TRAVEL ADVANCE		TRAVEL ADVANCE	161.00
					Total :	161.00
156001	10/30/2013	0006941 LEXIPOL, LLC	9724		POLICY MANUAL UPDATE	5,550.00
					Total :	5,550.00
156002	10/30/2013	0004502 LEXISNEXIS RISK DATA MANAGE	1404645-20130930		SEP 2013/MINIMUM COMMITMENT	54.35
					Total :	54.35
156003	10/30/2013	0000515 LOGGERS & CONTRACTORS, INC	00059618		CLAMPS	181.81
					Total :	181.81
156004	10/30/2013	0000522 LUEHR, TOM	1		DRIVING SERVICES	132.00
			1		DRIVING SERVICES	87.00
					Total :	219.00
156005	10/30/2013	0002729 MAILFINANCE	H4226712		LEASE PAYMENT	806.84
					Total :	806.84
156006	10/30/2013	0000660 MARKET PLACE FOOD & DRUG	636033		GROCERIES	334.74

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156006	10/30/2013	0000660 MARKET PLACE FOOD & DRUG	(Continued) 646486 681323 681331 681337		GROCERIES GROCERIES GROCERIES GROCERIES	13.02 351.51 366.75 546.70
Total :						1,612.72
156007	10/30/2013	0006072 MASTER'S TOUCH, LLC	P31648		SEP 2013/POSTAGE FOR LATE NOTICE	412.94
Total :						412.94
156008	10/30/2013	0006072 MASTER'S TOUCH, LLC	31648		SEP 2013/MAILING SERVICES FOR LAT	251.97
Total :						251.97
156009	10/30/2013	0000546 MATTHEWS, PHILLIP	EXP REIMB TRAVEL REIMB		EXP REIMB TRAVEL REIMB	42.38 227.36
Total :						269.74
156010	10/30/2013	0004818 MICHAEL BOBBINK LAND USE SRVCS	101813		OCT 2013/HEARING EXAMINER SERVIC	1,500.00
Total :						1,500.00
156011	10/30/2013	0003369 MICRON CONSUMER PRODUCTS GROUP	249558927		UNBUFFERED	688.99
Total :						688.99
156012	10/30/2013	0005445 MONTOYA, MATTHEW J	100		OCT 2013/PUBLIC DEFENSE	5,500.00
Total :						5,500.00
156013	10/30/2013	0000587 MOTOR TRUCKS, INC	MV60285		CONTAINER	27.95
Total :						27.95
156014	10/30/2013	0000586 MOTOROLA SOLUTIONS, INC	76615077		RADIO REPAIRS	84.79
Total :						84.79
156015	10/30/2013	0004423 MUNICIPAL EMERGENCY SERVICES	00454654_SNV 00455172_SNV 00456776_SNV		ATAC STATION PLUS AXE SHIRTS	122.89 62.99 439.88
Total :						625.76
156016	10/30/2013	0006244 MY BINDING.COM	41342561		LAMINATING SUPPLIES	64.70

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156016	10/30/2013	0006244 0006244 MY BINDING.COM	(Continued)			Total : 64.70
156017	10/30/2013	0004084 NAVFACENCOM FEC SW/NW	20131003T059		SEP 2013/ANIMAL SHELTER	245.13
						Total : 245.13
156018	10/30/2013	0000608 NC MACHINERY COMPANY	MVCS0228135		BELT/METER/RING	57.32
						Total : 57.32
156019	10/30/2013	0000612 NELSON PETROLEUM	0506378-IN		FUEL	1,017.26
						Total : 1,017.26
156020	10/30/2013	0002633 NEOPOST NORTHWEST	NWAR6465		INK CARTRIDGES	245.26
						Total : 245.26
156021	10/30/2013	0000633 NORTH SOUND BUSINESS SYSTEMS	9137		TONER	247.84
						Total : 247.84
156022	10/30/2013	0000648 NORTHWEST PUMP & EQUIPMENT CO	2455162-00		MEMORY LEVEL	2,743.59
						Total : 2,743.59
156023	10/30/2013	0000672 OAK HARBOR ACE	226690		PAINT/ROLLER	34.22
			228167		FREIGHT	40.11
			228413		QUICKRETE	6.51
			228608		COUPLE/NUTS	42.85
			228622		CONNECOTR/ELBOW/TEE/THREAD/CL	75.45
			228640		CONNECTORS	10.86
			228671		WIRE CLAMPS/SCREWS	7.00
			228678		CAULK	30.36
			228814		COVER/PAINTBRUSH	14.24
			228827		FASTENERS	1.47
			228917		THERMOMETER/RULE TAPE	21.73
			228951		SCRUB BRUSH	19.57
			228962		SCREWS/CAULK	4.12
			228970		BEND/PIPE/COUPLING	19.51
			229128		PAPER TOWEL HOLDER/BREAKER/ENI	38.64
			229141		KNEE PADS/CULTIVATOR	38.53
			229201		ELBOW/COUPLE	-32.58
			229318		ANTI-FREEZE	24.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156023	10/30/2013	0000672 OAK HARBOR ACE	(Continued)			
			229362		BREAKER	14.11
			229409		BAGS	11.72
			229423		BELT	21.72
			229437		TAP	20.64
			229482		FUEL CAN	19.56
			229485		CONTROL	30.41
			229570		FASTENERS	0.45
			229586		DECKSL	7.60
			229597		FASTENERS	5.70
			229613		STUD/WIRE	25.86
			229628		PUNCH CENTER	32.60
			229657		TAPE	3.03
			229660		INSERT/BIT/SCREWS	12.11
			229696		PHOTOCELL	14.12
			229700		SPRING DR STOP CHR/COMMAND STF	10.84
			229741		CONTROL/BULB	46.72
			229744		BLADES	186.95
			229788		WRENCH	65.20
			229813		FLUX/SOLDER/PROPANE/BRUSH	29.82
			229844		SCREWDRIVER/WRENCH/BIG GAP	1.05
			229857		OIL	69.49
			229865		POST/TAPE	15.09
			229870		PHOTOCELL/TORX	22.81
			230028		THREAD SEAL/SPLY	9.75
			230041		PLUG	5.42
			230066		CAULK	6.51
			230070		FASTENERS	11.13
			230086		RSTP SPRAY	10.85
			230121		BULB/HORN SIGNAL KIT	29.97
			230132		COUPLINGS	7.91
			230183		STRIP	8.67
			230186		FASTENERS	10.26
			230190		ADAPTER	16.48
			230197		FASTENERS	2.17
			230235		UNION/NIPPLES	16.28
			230240		CLEANER/SPRAYER/NIPPLE/BOLTS	26.84

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156023	10/30/2013	0000672 OAK HARBOR ACE	(Continued)			
			230258		DRAIN OPENER	15.21
			K27825		CLAMPS/FASTENERS	27.74
					Total :	1,269.38
156024	10/30/2013	0000668 OAK HARBOR AUTO CENTER	001-181483		MICROV AT BELTS	72.92
			001-181484		MICROV AT BELTS	33.18
			001-181490		FILTERS	74.23
			001-181491		FILTERS	9.35
			001-181583		FILTERS	4.40
			001-181594		BELTS	-50.06
			001-181895		FILTERS	92.97
			001-182096		FILTERS	250.59
			001-182097		FILTERS	78.44
			001-182105		FILTERS	17.49
			001-182216		THROTTLE PLATE	13.41
			001-182237		FILTERS	12.89
			001-182267		FILTERS	8.82
			001-182278		MINI LAMP	1.72
			001-182300		MINI LAMP	7.45
			001-182350		FILTERS	4.08
			001-182401		27F	121.69
			001-182412		FILTERS	8.82
			001-182413		CORE RETURN	-16.31
			001-182663		FILTERS	95.27
			001-182669		LAMP	10.19
			001-182782		BEAM/CPSL	18.00
			001-182786		FILTERS	4.40
			001-182826		COTTON APPLICATOR	8.79
			001-182910		IDLER	25.51
					Total :	908.24
156025	10/30/2013	0000673 OAK HARBOR MOTORS	44081		EXTENDER	75.66
			44082		HARNESS	94.79
					Total :	170.45
156026	10/30/2013	0003007 OFFICE DEPOT	678522084001		PAPER	15.97

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156026	10/30/2013	0003007 OFFICE DEPOT	(Continued) 678522115001		TONER	371.73
Total :						387.70
156027	10/30/2013	0000665 OFFICEMAX, INC	606911 621214 770129		PRINTING ZIP AROUND WRITING SPIND	67.11 35.86 27.16
Total :						130.13
156028	10/30/2013	0006918 OXFORD SUITES JANTZEN BEACH	98840		HOTEL ACCOMMODATIONS/BUXTON	101.91
Total :						101.91
156029	10/30/2013	0002985 PACIFIC TIRE CO. INC	0070894		TIRES	8.66
Total :						8.66
156030	10/30/2013	0003164 PAINTERS ALLEY	21909 21985 22660		DECK STAIN PAINT EPOXY	1,200.91 471.56 169.57
Total :						1,842.04
156031	10/30/2013	0001615 PART WORKS, INC	368145		CARTRIDGE/REPAIR KITS	97.84
Total :						97.84
156032	10/30/2013	0000699 PATRICK & COMPANY	875920		PET LICENSE TAGS	334.00
Total :						334.00
156033	10/30/2013	0000708 PERRINE, KIM	TRAVEL ADVANCE TRAVEL REIMB		TRAVEL ADVANCE TRAVEL REIMB	161.00 38.00
Total :						199.00
156034	10/30/2013	0005069 PROFORCE LAW ENFORCEMENT	185819		EXTENDED DPM/POWER MAG	249.63
Total :						249.63
156035	10/30/2013	0004299 RED LION HOTEL WENATCHEE	220343		HOTEL ACCOMMODATIONS/ROSEN	335.64
Total :						335.64
156036	10/30/2013	0003060 RED LION HOTEL YAKIMA CENTER	109538		HOTEL ACCOMMODATIONS/FAKKEMA	188.60

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156036	10/30/2013	0003060	0003060 RED LION HOTEL YAKIMA CENTER	(Continued)		Total : 188.60
156037	10/30/2013	0000960	REVENUE, WASHINGTON STATE DEPT OF	101413	SEP 2013/SALES/USE TAX	50,267.97
						Total : 50,267.97
156038	10/30/2013	0002508	RINEY PRODUCTION SERVICES	10-1114	TAPING SERVICES	800.00
						Total : 800.00
156039	10/30/2013	0007275	ROBINSON STAFFORD & RUDE, INC	14401H-1	PROF SVC/OAK HARBOR WWTP	128,304.00
						Total : 128,304.00
156040	10/30/2013	0003187	RODRIGUEY, JOHN	3297	MOORAGE REFUND	422.46
						Total : 422.46
156041	10/30/2013	0005967	SEATTLE AUTOMOTIVE DIST	S6-115222	ROTOR/DISC	229.23
				S6-117352	SPARK PLUG/IGNITION WIRE	86.09
				S6-121344	IMPORT ALTERNATOR	126.02
						Total : 441.34
156042	10/30/2013	0006088	SEATTLE PACIFIC HOMES	100913	SYSTEM DEVELOPMENT	4,761.00
						Total : 4,761.00
156043	10/30/2013	0000809	SENIOR SERVICES OF ISLAND	OH09-2013	SEP 2013/SENIOR SERVICES	1,500.00
						Total : 1,500.00
156044	10/30/2013	0003782	SHARP ELECTRONICS CORPORATION	C786772-701	SEP 2013/MAINTENANCE CONTRACT	0.96
						Total : 0.96
156045	10/30/2013	0000816	SHELL FLEET PLUS	065163545310	FUEL	102.18
						Total : 102.18
156046	10/30/2013	0000822	SHRED-IT USA, INC	9402580308	SHREDDING	49.50
				9402580462	SHREDDING	87.00
						Total : 136.50
156047	10/30/2013	0005444	SIERRA, GEORGINA D	102713	OCT 2013/PUBLIC DEFENSE	2,500.00
						Total : 2,500.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156048	10/30/2013	0005003 SILVEIRA, MANUEL	TRAVEL REIMB TRAVEL REIMB2		TRAVEL REIMB TRAVEL REIMB	274.50 68.85
Total :						343.35
156049	10/30/2013	0003051 SILVIA SEPTIC SERVICES, LLC	9673		SEPTIC TANK PUMPING	478.28
Total :						478.28
156050	10/30/2013	0004184 SIPES, TAMRA	103113		OCT 2013/RACE COORDINATOR	2,546.00
Total :						2,546.00
156051	10/30/2013	0000831 SIX ROBBLEES', INC	14-227057 14-276647 14-277013		GREASE GUN JACK GOVERNOR D-2	57.65 112.87 18.35
Total :						188.87
156052	10/30/2013	0000814 SKAGIT FARMERS SUPPLY	317461		SPREADER	32.60
Total :						32.60
156053	10/30/2013	0000833 SKAGIT HYDRAULICS	128692		SEAL KIT	393.07
Total :						393.07
156054	10/30/2013	0000853 SKAGIT RIVER STEEL & RECYCLING	35072		ANGLE	354.61
Total :						354.61
156055	10/30/2013	0000846 SOUND PUBLISHING	511770 880939 885384 885421 885423 887491		NOD 13-0 LODGING TAX GRANT PUBLIC HEARING ORD 16760 NOTICE 1669 REQUEST FOR PROPOSALS	161.98 56.07 93.45 49.84 62.30 87.22
Total :						510.86
156056	10/30/2013	0000851 SPRINT	414568819-071		CURRENT CELL CHARGES	508.09
Total :						508.09
156057	10/30/2013	0000860 STANDARD INSURANCE COMPANY	102113		LIFE/POCFF	233.13
Total :						233.13

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156058	10/30/2013	0003883 STAPLES BUSINESS ADVANTAGE	3210112052		ADD ROLL/CORRECTION FLUID/FILES/	49.21
			3210112053		FOLDERS/NOTES	48.45
			3210112054		TONER	1,056.52
			3210112056		HOT SPLS LTR	47.44
			3210597044		OUTLET	97.62
			3210597045		TONER	668.39
			3210597046		TONER	220.57
			3210597047		JACKET FILES/PENS/HIGHLIGHTERS	53.35
			3210597048		CANDLES	79.10
			3210597049		INK	132.09
			3211350821		TONER	158.33
			3211350822		INK	325.99
			3211350823		BATTERIES/CARTRIDGE	101.09
			3211350824		RUBBERBANDS/PENS	45.91
					Total :	3,084.06
156059	10/30/2013	0006190 STOWELL, JOSEPH	TRAVEL REIMB		TRAVEL REIMB	58.00
					Total :	58.00
156060	10/30/2013	0000874 SURETY PEST CONTROL	379267		PEST EXTERMINATION	38.05
			379268		PEST EXTERMINATION	32.61
			379269		PEST EXTERMINATION	30.44
			379270		PEST EXTERMINATION	43.48
			379271		PEST EXTERMINATION	30.44
			379272		PEST EXTERMINATION	43.48
			380268		PEST EXTERMINATION	54.35
			381470		PEST EXTERMINATION	43.48
			381723		PEST EXTERMINATION	59.79
			382699		PEST EXTERMINATION	163.05
			384499		PEST EXTERMINATION	163.05
					Total :	702.22
156061	10/30/2013	0007265 THOMPSON, ANNA	TRAVEL REIMB		TRAVEL REIMB	69.00
			TRAVEL REIMB2		TRAVEL REIMB	374.58
					Total :	443.58
156062	10/30/2013	0001859 THOMSON ELITE	06-656480		PROLAW READY CONTRACT	1,456.07

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156062	10/30/2013	0001859 0001859 THOMSON ELITE			(Continued)	Total : 1,456.07
156063	10/30/2013	0000923 UNITED PARCEL SERVICE	0000A0182W383 0000A0182W393		SHIPPING SHIPPING	15.59 42.66 Total : 58.25
156064	10/30/2013	0000926 USABLUEBOOK	169797 169821		CLAMP/UNION UNION	164.57 19.56 Total : 184.13
156065	10/30/2013	0000934 UTILITIES UNDERGROUND LOCATION	3090170		SEP 2013/LOCATES	101.64 Total : 101.64
156066	10/30/2013	0000932 VERIZON WIRELESS	9712925984		CURRENT COMM CHARGES	3,989.30 Total : 3,989.30
156067	10/30/2013	0007166 VETERANS NORTHWEST CONST	5		PROF SVC/NORTH RESERVOIR	855,697.19 Total : 855,697.19
156068	10/30/2013	0005920 VICKERS, JAMES	1		TRAVEL REFUND	30.00 Total : 30.00
156069	10/30/2013	0000978 WALLACE, RICHARD	EXP REIMB		EXP REIMB	135.00 Total : 135.00
156070	10/30/2013	0001052 WASHINGTON STATE PATROL	I14002093 I14002353		BACKGROUND CHECKS BACKGROUND CHECKS	10.00 297.00 Total : 307.00
156071	10/30/2013	0000995 WEST, GARY	EXP REIMB		EXP REIMB	130.92 Total : 130.92
156072	10/30/2013	0004786 WESTERN SYSTEMS	0000024105		PEDESTAL BASE	289.14 Total : 289.14
156073	10/30/2013	0003067 WHIDBEY ANIMALS' IMPROVEMENT	1250		SEP 2013/ANIMAL SHELTER	7,083.33 Total : 7,083.33

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156074	10/30/2013	0001000 WHIDBEY AUTO PARTS, INC.	190651		HUB CAP	12.26
			190802		HELMET/MPACT/HOSE	169.52
			191374		DRILL BIT	29.93
			191550		CONTROLS	239.43
			191585		CONTROL	101.42
			192158		HELMET	84.78
					Total :	637.34
156075	10/30/2013	0000675 WHIDBEY COMMUNITY PHYSICIANS	100313		PHYSICAL/HAMMOND	225.00
					Total :	225.00
156076	10/30/2013	0001009 WHIDBEY FENCING	1253		FENCING	4,993.68
			1254		FENCE REPAIR	125.01
					Total :	5,118.69
156077	10/30/2013	0001017 WHIDBEY PRINTERS	45615		WINDOW ENVELOPES	135.01
			46494		ANIMAL LICENSE FORMS	342.69
			46525		BUSINESS CARDS/SILVEIRA	55.71
			46526		BOOKLET ENVELOPES	163.05
			46527		BUSINESS CARDS/HOAGLAND	55.71
			46545		BUSINESS CARDS/GREEN	78.10
					Total :	830.27
156078	10/30/2013	0001010 WHIDBEY TELECOM	3629902		CURRENT NET CHARGES	42.08
			3633175		ALARM MONITORING	63.05
					Total :	105.13
156079	10/30/2013	0007267 WOLF CREEK FEDERAL SERVICES	101013		BUSINESS LICENSE OVERPAYMENT RI	37.50
					Total :	37.50
156080	10/30/2013	0004627 WOODS LOGGING SUPPLY, INC	1184731		CHAIN REPAIR	50.98
					Total :	50.98
156081	10/30/2013	0006775 WORKSAFE SERVICE, INC	181870		TESTING	52.00
					Total :	52.00
156082	10/30/2013	0007269 XYLEM DEWATERING SOLUTIONS, IN	400344296		HOSES	8,939.49

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
156082	10/30/2013	0007269	0007269 XYLEM DEWATERING SOLUTIONS, IN	(Continued)		Total : 8,939.49
169 Vouchers for bank code : bank						Bank total : 1,601,350.78
169 Vouchers in this report						Total vouchers : 1,601,350.78

**City of Oak Harbor
City Council Agenda Bill**

Bill No. C/A 4.c.
Date: November 6, 2013
Subject: NPDES Stormwater Monitoring and
Assessment

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Scott Dudley, Mayor
 Larry Cort, City Administrator
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to authorize the Mayor to enter into an Interagency Agreement for funding the regional Stormwater monitoring program between the State of Washington, Department of Ecology and the City of Oak Harbor.

FISCAL IMPACT DESCRIPTION

Funds Required: \$16,131 Annually

Appropriation Source: Fund 404

SUMMARY STATEMENT

The Department of Ecology has given the City of Oak Harbor two options to monitor and report stormwater for the duration of the current NPDES permit term. The two options are:

Option # 1

- Pay into a collective fund to implement a Regional Stormwater Monitoring Program (RSMP) for small streams and marine near shore status and trends monitoring in Puget Sound, RSMP effectiveness studies and RSMP Source Identification Information Repository. Payment into the collective fund is due to Ecology annually beginning August 15, 2014. The City's contribution to the collective fund is \$16,131 per year.

Option # 2

- Monitor the first four qualified monitoring locations (as listed sequentially among the potential monitoring locations defined in the RSMP Quality Assurance Project Plan (QAPP)) that are located within the City's boundaries.
- Beginning no later than October 1, 2015, conduct sediment chemistry, mussel, and bacteria monitoring according to the Ecology-approved QAPPs for RSMP Marine Near shore Status and Trends monitoring.
- Conduct stormwater discharge monitoring in accordance with Appendix 9 and by February 2, 2014.

- Submit to Ecology a draft stormwater discharge monitoring QAPP for review and approval.
- Document in the QAPP why selected discharge monitoring locations are of interest for long term stormwater discharge monitoring and associated stormwater management program effectiveness evaluations.
- Flow monitoring at discharge monitoring locations by October 1, 2014.
- Stormwater discharge monitoring by October 1, 2015 in accordance with an Ecology-approved QAPP.

The NPDES Permit renewal effective August 1, 2013 requires that the City of Oak Harbor determine which option is suitable for our City and notify the Department of Ecology by December 1, 2013.

Staff has researched and determined that Option #1 best suits our needs and fulfills the requirements as set forth in the S8 section of the NPDES Permit. The City does not have the trained staff, funds or equipment necessary to comply with the requirements of Option #2.

CITY COUNCIL WORKSHOP

This item was not brought to the City Council workshops.

RECOMMENDED ACTION

A motion to approve Option #1 to pay into a collective fund to implement a Regional Stormwater Monitoring Program; and to authorize the Mayor to sign the Interlocal Agreement when received from the State of Washington Department of Ecology confirming the preferred option.

ATTACHMENTS

- NPDES Permit, Section S8
- Appendix 9

which have been approved by EPA on or before the issuance date of this Permit or prior to the date that Ecology issues coverage under this permit, whichever is later.

- A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the specific requirements identified in Appendix 2. Each Permittee shall keep records of all actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation shall be included as part of the annual report submitted to Ecology. Each annual report shall include a summary of relevant SWMP and Appendix 2 activities conducted in the TMDL area to address the applicable TMDL parameter(s).
- B. For applicable TMDLs not listed in Appendix 2, compliance with this Permit shall constitute compliance with those TMDLs.
- C. For TMDLs that are approved by EPA after this Permit is issued, Ecology may establish TMDL related permit requirements through future permit modification if Ecology determines implementation of actions, monitoring or reporting necessary to demonstrate reasonable further progress toward achieving TMDL waste load allocations, and other targets, are not occurring and shall be implemented during the term of this Permit or when this Permit is reissued. Permittees are encouraged to participate in development of TMDLs within their jurisdiction and to begin implementation.

S8. MONITORING AND ASSESSMENT

- A. All Permittees including Secondary Permittees shall provide, in each annual report, a description of any stormwater monitoring or stormwater-related studies conducted by the Permittee during the reporting period. If other stormwater monitoring or stormwater-related studies were conducted on behalf of the Permittee during the reporting period, or if stormwater-related investigations conducted by other entities were reported to the Permittee during the reporting period, a brief description of the type of information gathered or received shall be included in the annual report.

Permittees are not required to provide descriptions of any monitoring, studies, or analyses conducted as part of the Regional Stormwater Management Program (RSMP) in annual reports. If a Permittee conducts independent monitoring in accordance with requirements in S8.B or S8.C below, annual reporting of such monitoring must follow the requirements specified in those sections.

- B. Status and trends monitoring. By December 1, 2013, each city and county Permittee listed in S1.D.2.a(i) and S1.D.2.a(ii) located in Clallam, Island, King, Kitsap, Pierce, Skagit, Snohomish, Thurston, or Whatcom County shall notify Ecology in writing which of the following two options for status and trends monitoring the Permittee chooses to carry out during this permit cycle. Either option will fully satisfy the Permittee's obligations under this section (S8.B). Each Permittee shall select a single option for the duration of this permit term.

1. **Status and Trends Monitoring Option #1:** Each Permittee that chooses this option shall pay into a collective fund to implement RSMP small streams and marine nearshore status and trends monitoring in Puget Sound. The payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are (Permittees are listed alphabetically, by county):

Permittee	Annual payment amount	Permittee	Annual payment amount
Clallam Co.	N/A	Pierce Co.	N/A
Port Angeles	\$4,732	Bonney Lake	\$4,075
Island Co.	N/A	Buckley	\$1,129
Oak Harbor	\$5,719	DuPont	\$1,936
King Co.	N/A	Edgewood	\$2,350
Algona	\$678	Fife	\$2,005
Auburn	\$16,914	Fircrest	\$1,549
Bellevue	\$30,009	Gig Harbor	\$1,836
Black Diamond	\$1,023	Lakewood	\$14,367
Bothell	\$8,163	Milton	\$1,597
Burien	\$11,238	Orting	\$1,525
Clyde Hill	\$695	Puyallup	\$9,498
Covington	\$4,307	Steilacoom	\$1,538
Des Moines	\$7,152	Sumner	\$2,217
Duvall	\$1,463	University Place	\$7,704
Enumclaw	\$2,806	Skagit Co.	\$1,257
Federal Way	\$21,673	Burlington	\$2,194
Issaquah	\$6,632	Anacortes	\$4,102
Kenmore	\$5,042	Mount Vernon	\$7,574
Kent	\$27,441	Sedro Woolley	\$2,452
Kirkland	\$12,116	Snohomish Co.	N/A
Lake Forest Park	\$3,135	Arlington	\$4,219
Maple Valley	\$5,648	Brier	\$1,585
Medina	\$728	Edmonds	\$9,987
Mercer Island	\$5,589	Everett	\$25,419
Newcastle	\$2,431	Granite Falls	\$824

Normandy Park	\$1,597	Lake Stevens	\$6,512
Pacific	\$1,540	Lynnwood	\$8,829
Redmond	\$13,143	Marysville	\$14,172
Renton	\$21,055	Mill Creek	\$4,566
Sammamish	\$10,028	Monroe	\$4,073
SeaTac	\$6,322	Mountlake Terrace	\$5,118
Shoreline	\$13,327	Mukilteo	\$4,920
Tukwila	\$4,444	Snohomish	\$2,276
Woodinville	\$2,771	Thurston Co.	\$12,841
Kitsap Co.	\$17,133	Lacey	\$9,799
Bainbridge Island	\$5,709	Olympia	\$11,110
Bremerton	\$8,837	Tumwater	\$4,095
Port Orchard	\$2,664	Whatcom Co.	\$3,714
Poulsbo	\$2,187	Bellingham	\$18,936
		Ferndale	\$2,737

Or

2. Status and Trends Monitoring Option #2: Each Permittee that chooses this option shall conduct status and trends monitoring as follows:
 - a. Beginning no later than July 31, 2014, conduct wadeable stream water quality, benthos, habitat, and sediment chemistry monitoring according to the Ecology-approved Quality Assurance Project Plan (QAPP) for RSMP Small Streams Status and Trends Monitoring.
 - i. Permittees with population less than 10,000 in the permit coverage area shall conduct this monitoring at the first two qualified monitoring locations (as listed sequentially among the potential monitoring locations defined in the RSMP QAPP) that are located within the jurisdiction's boundaries. Counties shall monitor the first location inside UGA boundaries and the first location outside UGA boundaries.
 - ii. Permittees with population equal to or greater than 10,000 and fewer than 50,000 in the permit coverage area shall conduct this monitoring at the first four qualified monitoring locations (as listed sequentially among the potential monitoring locations defined in the RSMP QAPP) that are located within the jurisdiction's boundaries. Counties shall monitor the first two locations inside UGA boundaries and the first two locations outside UGA boundaries.

- iii. Permittees with population equal to or greater than 50,000 in the permit coverage area shall conduct this monitoring at the first eight qualified monitoring locations (as listed sequentially among the potential monitoring locations defined in the RSMP QAPP) that are located within the jurisdiction's boundaries. Counties shall monitor the first four locations inside UGA boundaries and the first four locations outside UGA boundaries.

Permittees with population equal to or greater than 50,000 in the permit coverage area and located entirely inland (*i.e.*, having no Puget Sound shoreline boundary) shall conduct this monitoring at an additional four monitoring locations (as listed sequentially among the potential monitoring locations defined in the RSMP QAPP), for a total of 12 monitoring locations.

And

- b. Beginning no later than October 1, 2015, Permittees with Puget Sound shoreline shall conduct sediment chemistry, mussel, and bacteria monitoring according to the Ecology-approved QAPPs for RSMP Marine Nearshore Status and Trends Monitoring.
 - i. Permittees with population less than 10,000 shall conduct this monitoring at the first two qualified monitoring locations each, for sediment and for mussels and bacteria (as listed sequentially among the potential monitoring locations defined in the RSMP QAPPs), that are located adjacent to the jurisdiction's Puget Sound shoreline boundary.
 - ii. Permittees with population equal to or greater than 10,000 and fewer than 50,000 in the permit coverage area shall conduct this monitoring at the first four qualified monitoring locations each, for sediment and for mussels and bacteria (as listed sequentially among the potential monitoring locations defined in the RSMP QAPPs), that are located adjacent to the jurisdiction's Puget Sound shoreline boundary.
 - iii. Permittees with population equal to or greater than 50,000 in the permit coverage area shall conduct this monitoring at the first six qualified monitoring locations each, for sediment and for mussels and bacteria (as listed sequentially among the potential monitoring locations defined in the RSMP QAPPs), that are located adjacent to the jurisdiction's Puget Sound shoreline boundary.

And

- c. Data and analyses shall be reported annually in accordance with the Ecology-approved QAPPs.

C. Stormwater management program effectiveness studies. By December 1, 2013, each city and county Permittee listed in S1.D.2.a(i) and S1.D.2.a(ii) shall notify Ecology in writing which of the following two options for effectiveness studies the Permittee chooses to carry out during this permit cycle. Either option will fully satisfy the Permittee's obligations under this section (S8.C). Each Permittee shall select a single option for the duration of this permit term.

1. Effectiveness Studies Option #1: Each Permittee that chooses this option shall pay into a collective fund to implement RSMP effectiveness studies. The payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are (Permittees are listed alphabetically, by county):

Permittee	Annual payment amount	Permittee	Annual payment amount
Clallam Co.	N/A	Lewis Co.	N/A
Port Angeles	\$7,885	Centralia	\$6,334
Clark Co.	N/A	Pierce Co.	N/A
Battle Ground	\$7,079	Bonney Lake	\$6,790
Camas	\$7,002	Buckley	\$1,882
Vancouver	\$67,335	DuPont	\$3,226
Washougal	\$5,716	Edgewood	\$3,916
Cowlitz Co.	\$1,384	Fife	\$3,340
Kelso	\$4,793	Fircrest	\$2,581
Longview	\$14,687	Gig Harbor	\$3,059
Grays Harbor Co.	N/A	Lakewood	\$23,938
Aberdeen	\$6,693	Milton	\$2,661
Island Co.	N/A	Orting	\$2,541
Oak Harbor	\$9,528	Puyallup	\$15,826
King Co.	N/A	Steilacoom	\$2,563
Algona	\$1,129	Sumner	\$3,694
Auburn	\$28,182	University Place	\$12,836
Bellevue	\$50,001	Skagit Co.	\$2,094
Black Diamond	\$1,705	Burlington	\$3,655
Bothell	\$13,601	Anacortes	\$6,835
Burien	\$18,724	Mount Vernon	\$12,620
Clyde Hill	\$1,157	Sedro Woolley	\$4,085

Covington	\$7,177	Snohomish Co.	N/A
Des Moines	\$11,916	Arlington	\$7,030
Duvall	\$2,437	Brier	\$2,640
Enumclaw	\$4,675	Edmonds	\$16,640
Federal Way	\$36,111	Everett	\$42,352
Issaquah	\$11,050	Granite Falls	\$1,373
Kenmore	\$8,401	Lake Stevens	\$10,850
Kent	\$45,721	Lynnwood	\$14,711
Kirkland	\$20,187	Marysville	\$23,613
Lake Forest Park	\$5,224	Mill Creek	\$7,608
Maple Valley	\$9,410	Monroe	\$6,786
Medina	\$1,212	Mountlake Terrace	\$8,527
Mercer Island	\$9,313	Mukilteo	\$8,198
Newcastle	\$4,050	Snohomish	\$3,792
Normandy Park	\$2,661	Thurston Co.	\$21,395
Pacific	\$2,565	Lacey	\$16,326
Redmond	\$21,899	Olympia	\$18,511
Renton	\$35,082	Tumwater	\$6,823
Sammamish	\$16,709	Whatcom Co.	\$6,188
SeaTac	\$10,533	Bellingham	\$31,550
Shoreline	\$22,205	Ferndale	\$4,561
Tukwila	\$7,405		
Woodinville	\$4,618		
Kitsap Co.	\$28,547		
Bainbridge Island	\$9,512		
Bremerton	\$14,724		
Port Orchard	\$4,439		
Poulsbo	\$3,643		

Or

2. **Effectiveness Studies Option #2:** Each Permittee that chooses this option shall conduct stormwater discharge monitoring in accordance with Appendix 9 and the following:
 - a. By February 2, 2014, each Permittee shall submit to Ecology a draft stormwater discharge monitoring QAPP for review and approval. If

Ecology does not request changes within 90 days, the draft QAPP is considered approved. Final QAPPs shall be submitted to Ecology as soon as possible following finalization.

- i. Each Permittee with population fewer than 10,000 in the permit coverage area shall conduct stormwater discharge monitoring at one discharge monitoring location.
 - ii. Each Permittee with population equal to or greater than 10,000 but fewer than 50,000 in the permit coverage area shall conduct stormwater discharge monitoring at two discharge monitoring locations.
 - iii. Each Permittee with population equal to or greater than 50,000 but fewer than 100,000 in the permit coverage area shall conduct stormwater discharge monitoring at three discharge monitoring locations.
 - iv. Each Permittee with population 100,000 or more in the permit coverage area shall conduct stormwater discharge monitoring at four discharge monitoring locations.
- b. Permittees shall document in the QAPP why selected discharge monitoring locations are of interest for long term stormwater discharge monitoring and associated stormwater management program effectiveness evaluations. Permittees are encouraged to monitor at locations chosen and submitted in the annual reports that were due March 31, 2011.
 - c. Flow monitoring at discharge monitoring locations shall be implemented beginning no later than October 1, 2014. Stormwater discharge monitoring shall be fully implemented no later than October 1, 2015. All monitoring shall be conducted in accordance with an Ecology-approved QAPP.
- D. Source identification and diagnostic monitoring. Each city and county Permittee listed in S1.D.2.a(i) and S1.D.2.a(ii) shall pay into a collective fund to implement the RSMP Source Identification Information Repository (SIDIR). The payments into the collective fund are due to Ecology annually beginning August 15, 2014. The payment amounts are (Permittees are listed alphabetically, by county):

Permittee	Annual payment amount	Permittee	Annual payment amount
Clallam Co.	N/A	Lewis Co.	N/A
Port Angeles	\$731	Centralia	\$587
Clark Co.	N/A	Pierce Co.	N/A
Battle Ground	\$657	Bonney Lake	\$630

Camas	\$649	Buckley	\$175
Vancouver	\$6,245	DuPont	\$299
Washougal	\$530	Edgewood	\$363
Cowlitz Co.	\$128	Fife	\$310
Kelso	\$444	Firecrest	\$239
Longview	\$1,362	Gig Harbor	\$284
Grays Harbor Co.	N/A	Lakewood	\$2,220
Aberdeen	\$621	Milton	\$247
Island Co.	N/A	Orting	\$236
Oak Harbor	\$884	Puyallup	\$1,468
King Co.	N/A	Steilacoom	\$238
Algona	\$105	Sumner	\$343
Auburn	\$2,614	University Place	\$1,190
Bellevue	\$4,637	Skagit Co.	\$194
Black Diamond	\$158	Burlington	\$339
Bothell	\$1,261	Anacortes	\$634
Burien	\$1,736	Mount Vernon	\$1,170
Clyde Hill	\$107	Sedro Woolley	\$379
Covington	\$666	Snohomish Co.	N/A
Des Moines	\$1,105	Arlington	\$652
Duvall	\$226	Brier	\$245
Enumclaw	\$434	Edmonds	\$1,543
Federal Way	\$3,349	Everett	\$3,928
Issaquah	\$1,025	Granite Falls	\$127
Kenmore	\$779	Lake Stevens	\$1,006
Kent	\$4,240	Lynnwood	\$1,364
Kirkland	\$1,872	Marysville	\$2,190
Lake Forest Park	\$484	Mill Creek	\$706
Maple Valley	\$873	Monroe	\$629
Medina	\$112	Mountlake Terrace	\$791
Mercer Island	\$864	Mukilteo	\$760
Newcastle	\$376	Snohomish	\$352
Normandy Park	\$247	Thurston Co.	\$1,984

Pacific	\$238	Lacey	\$1,514
Redmond	\$2,031	Olympia	\$1,717
Renton	\$3,253	Tumwater	\$633
Sammamish	\$1,550	Whatcom Co.	\$574
SeaTac	\$977	Bellingham	\$2,926
Shoreline	\$2,059	Ferndale	\$423
Tukwila	\$687		
Woodinville	\$428		
Kitsap Co.	\$2,647		
Bainbridge Island	\$882		
Bremerton	\$1,365		
Port Orchard	\$412		
Poulsbo	\$338		

S9. REPORTING REQUIREMENTS

- A. No later than March 31 of each year beginning in 2015, each Permittee shall submit an annual report. The reporting period for the first annual report will be from January 1, 2014 through December 31, 2014. The reporting period for all subsequent annual reports will be the previous calendar year unless otherwise specified.

Permittees shall submit annual reports electronically using Ecology's WQWebDMR available on Ecology's website at <http://www.ecy.wa.gov/programs/wq/permits/paris/webdmr.html> unless otherwise directed by Ecology.

Permittees unable to submit electronically through Ecology's WQWebDMR must contact Ecology to request a waiver and obtain instructions on how to submit an annual report in an alternative format.

- B. Each Permittee is required to keep all records related to this permit and the SWMP for at least five years.
- C. Each Permittee shall make all records related to this permit and the Permittee's SWMP available to the public at reasonable times during business hours. The Permittee will provide a copy of the most recent annual report to any individual or entity, upon request.
1. A reasonable charge may be assessed by the Permittee for making photocopies of records.
 2. The Permittee may require reasonable advance notice of intent to review records related to this Permit.

APPENDIX 9 – Stormwater Discharge Monitoring

This Appendix applies to Permittees with stormwater discharge monitoring requirements pursuant to Special Condition S8 Monitoring and Assessment, particularly section S8.C.2, if a Permittee chooses not to participate in the Regional Stormwater Monitoring Program (RSMP) by paying into a collective fund to implement RSMP effectiveness studies.

Stormwater discharge monitoring is intended to characterize stormwater runoff quantity and quality at a limited number of locations in a manner that allows analysis of loadings and changes in conditions over time and generalization across the Permittee's jurisdiction.

QAPP Preparation

Permittees shall prepare a Quality Assurance Project Plan (QAPP) in accordance with *Quality Assurance Project Plan Guidance, Special Condition S8.D, Phase I Municipal Stormwater Permit*, December 2010 (Ecology Publication no. 10-10-075 <http://www.ecy.wa.gov/pubs/1010075.pdf>). The QAPP shall be developed by qualified staff or contractors with experience in applying Ecology or Environmental Protection Agency (EPA) QAPP Guidelines.

A stormwater discharge monitoring QAPP shall be submitted to Ecology in accordance with the deadlines in S8. The QAPP shall describe field collection methods and sample preparation methods appropriate to each group of analytes, reporting limits, and field conditions.

Permittees are responsible for maintaining an up-to-date approved QAPP for stormwater discharge monitoring. Significant changes shall be reviewed by Ecology and reflected in a revised QAPP. Significant changes include, but are not limited to:

- Land disturbing activities over 10 acres in size within the sampled drainage area.
- Relocating a monitoring station.
- Introducing new sampling equipment.
- Unanticipated back water conditions, base flow, or tidal influences.
- Changes in laboratories, analytical methods, or reporting limits.

Discharge Monitoring Location Selection

Stormwater monitoring discharge monitoring locations shall have mapped tributary conveyance systems and drainage areas, and be suitable for permanent installation and operation of flow-weighted composite sampling equipment. Additional monitoring location selection guidance and information about how to estimate a rainfall to runoff relationship is available in *Standard Operating Procedure for Automatic Sampling for Stormwater Monitoring, ECY002* (<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/SOPAutomatedSampling.pdf>).

Permittees may identify a discharge monitoring location upstream in the conveyance system (*i.e.*, upgradient of the outfall) in order to achieve the desired land use, to accommodate the installation of sampling equipment, and/or to avoid or minimize back water or tidal interference.

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The QAPP shall describe each stormwater discharge monitoring location and associated drainage basin in detail. The QAPP must describe how each discharge monitoring location was selected, the size of the drainage basin, and the percentage of area in the drainage basin representing the following land uses: high density residential, low density residential, commercial, industrial, agriculture, and transportation right-of-way. The table below provides characteristics to consider for some of these land uses. However, density definitions can vary from jurisdiction to jurisdiction and may be defined locally in codes and comprehensive plans. Report the residential density definitions used if they differ from these.

Land use category	Characteristics
High density residential	4 dwelling units per acre or greater
Medium to high density residential	2 to 4 dwelling units per acre
Low density residential	1 to 2 dwelling units per acre
Commercial	Includes multi-family residential
Industrial	Not predominated by one facility with a few operators

Flow Monitoring

Discharge monitoring locations must be evaluated for a rainfall to runoff relationship in order to ensure that the discharge monitoring location will receive enough runoff for sufficient sample volume. This rainfall to runoff relationship will also assist in programming the automatic sampling equipment. In order to establish the rainfall to runoff relationship, one year of continuous flow recording (including base flow and all storm events) is necessary.

Monitoring Frequency

Permittees shall sample each stormwater discharge monitoring location according to the frequency described below. Documented good faith efforts with good professional practice by the Permittee which do not result in collecting a successful sample for the full number of required storms may be considered as contributing toward compliance with this requirement.

For each location, the Permittee shall sample and analyze a minimum of eleven (11) qualifying storm events per water year. Qualifying storm event sampling must be distributed throughout the year, approximately reflecting the distribution of rainfall between the wet and dry seasons (with a goal of 60-80% of the samples collected during the wet season and a goal of 20-40% of the samples collected in the dry season).

Ecology may approve a reduced sampling frequency if the Permittee provides a statistical analysis demonstrating that monitoring goals can be met with fewer samples.

Qualifying Storm Event Criteria

The wet season is from October 1 through April 30. A qualifying wet season storm event is defined as follows:

- Rainfall volume: 0.20" minimum, no fixed maximum

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- Rainfall duration: No fixed minimum or maximum
- Antecedent dry period: Less than or equal to 0.05" rain in the previous 24 hours
- Inter-event dry period: 6 hours

The dry season is from May 1 through September 30. A qualifying dry season storm event is defined as follows:

- Rainfall volume: 0.20" minimum, no fixed maximum
- Rainfall duration: No fixed minimum or maximum
- Antecedent dry period: less than or equal to 0.02" rain in the previous 48 hours
- Inter-event dry period: 6 hours

Types of Sampling

Storm events shall be sampled using flow-weighted composite sampling techniques. Automatic samplers shall be programmed to begin sampling as early in the runoff event as practical and to continue sampling past the longest estimated time of concentration for the tributary area. Refer to *Standard Operating Procedure for Automatic Sampling for Stormwater Monitoring, ECY002* (<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/SOPAutomatedSampling.pdf>) for guidance on how to conduct flow weighted composite sampling.

For storm events lasting less than 24 hours, samples shall be collected for at least seventy-five percent (75%) of the storm event hydrograph. For storm events lasting longer than 24 hours, samples shall be collected for at least seventy-five percent 75% of the hydrograph of the first 24 hours of the storm.

Each composite sample should be targeted to contain at least 10 aliquots. Composite samples with 7 to 9 aliquots are acceptable if they meet the other sampling criteria and help achieve a representative balance of wet season/dry season events and storm sizes.

Continuous flow recording of all storm events (not just sampled storm events) is necessary for at least one complete water year to establish a baseline rainfall/runoff relationship. Ongoing continuous flow monitoring is required for each of the sampled storm events as necessary to properly conduct the flow-weighted composite sampling. Precipitation data shall be collected from the nearest rain gauge reporting at least hourly rainfall amounts.

Grab samples are necessary for some parameters (see below) and shall be collected early in the storm event. Refer to *Standard Operating Procedure for Grab Sampling for Stormwater Monitoring, ECY001* (<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/SOPGrabSampling.pdf>).

Use of in-line sediment traps or similar collection system is preferred for sediment samples; refer to *Standard Operating Procedure for Collection of Stormwater Sediments using In-Line Sediment Traps, ECY003* (<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/SOPSedimentTrapStormwaterSampleCollection.pdf>).

Sediment samples shall be collected once per water year at each stormwater discharge monitoring location, or in the vicinity of each stormwater monitoring location, during the month of May or June.

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Sampling of receiving water sediment deposits is an alternative where approved by Ecology.

Parameters

Flow-weighted composite samples shall be analyzed for the following parameters utilizing an Ecology- or EPA-accredited laboratory and the methods and reporting limits as provided in table A9-1 at the end of this appendix or otherwise approved by Ecology.

- Conventional parameters: total suspended solids (TSS), turbidity, conductivity, chloride, biochemical oxygen demand (BOD₅), hardness, and methylene blue activating substances (MBAS).
- Nutrients: total phosphorus, orthophosphate, total kjeldahl nitrogen, and nitrate plus nitrite
- Metals, total and dissolved: copper, zinc, cadmium, lead, and mercury
- Organics:
 - Polycyclic aromatic hydrocarbon (PAH) compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h), fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene
 - Herbicides: 2,4-D and dichlobenyl
 - Insecticides: carbaryl and chlorpyrifos
 - Phthalates: bis(2-Ethylhexyl)phthalate

If the volume of the stormwater sample collected from a qualifying storm is insufficient to allow analysis for all of the parameters listed above, the sample shall be analyzed for as many parameters as possible in the following priority order: (1) metals and hardness; (2) TSS; (3) organics: PAHs, herbicides, insecticides, phthalates; (4) nutrients; (5) conductivity; (6) BOD₅; and (7) remaining conventional parameters. If insufficient sample exists to run the next highest priority pollutant, that analysis should be bypassed and analyses run on lower priority pollutants in accordance with the remaining priority order to the extent possible. Parameters that are below reporting limits after two years of data may be dropped from the analysis.

Grab samples shall be analyzed for the following parameters utilizing an Ecology- or EPA-accredited laboratory and the methods and reporting limits listed in table A9-1 at the end of this Appendix.

- Fecal coliform bacteria
- Total petroleum hydrocarbons (TPH): NWTPH-Gx and NWTPH-Dx and BTEX (benzene, toluene, ethyl-benzene, and xylenes). The lube oil fraction, not the diesel fraction, is targeted for NWTPH-Dx

Sediment samples shall be analyzed for the following parameters utilizing an Ecology- or EPA-accredited laboratory and the methods and reporting limits listed in table A9-2 at the end of this Appendix or otherwise approved by Ecology. If the volume of sediment sample is insufficient to analyze for all of the parameters listed below, the sample shall be analyzed for as many parameters as possible in the following priority order:

- Total organic carbon

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- Metals: copper, zinc, lead, cadmium, and mercury
- Organics:
 - PAH compounds: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, chrysene, 2,6-dimethylnaphthalene, 2-ethylnaphthalene, fluoranthene, naphthalene, perylene, phenanthrene, and pyrene
 - Petroleum hydrocarbons: NWTPH-Dx
 - Pyrethroids: bifenthrin
 - PCBs: aroclors
- Total volatile solids
- Total phosphorus
- Percent solids, grain size

A minimum of one sediment sample per year shall be collected. Additional samples shall be collected if insufficient sample exists from a single sample to run all of the organic pollutants listed above. A visual, qualitative determination of grain size shall be reported for all samples (in addition to the quantitative analysis for all samples with sufficient volume). Parameters that are below reporting limits after two years of data may be dropped from the analysis.

Recordkeeping and Reporting

For each stormwater monitoring location, calculate the following:

- Event Mean Concentrations (EMCs)
- Total annual pollutant load by parameter
- Seasonal pollutant loads by parameter for the wet and dry seasons

The annual pollutant load calculations must be based on a water year and include wet and dry season loads and total annual load (wet plus dry season load). The loadings shall be expressed as total pounds and as pounds per acre, and must take into account potential pollutant load from base flow. Loadings shall be calculated following *Standard Operating Procedure for Calculating Pollutant Loads for Stormwater Discharges, ECY004* (<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/SOPPOLLUTANTLOADINGCALCULATIONS.pdf>). Pollutant loading information is required for water quality parameters only.

Annual Monitoring Reports shall be submitted with each Annual Report beginning with the first Annual Report following the first full water year of monitoring. Annual Monitoring Reports shall provide all monitoring data collected during the preceding water year (October 1 – September 30). Concentration data shall be provided in the same units that are specified for Reporting Limits in Tables A9-1 and A9-2. Flow data shall be provided in gallons per minute. Loading data for each water year shall be provided in total pounds and in pounds per acre. Annual Monitoring Reports shall consist of a narrative report, an Excel spreadsheet with all data and pollutant loading calculations, and a submittal to Ecology's Environmental Information Management (EIM) database. Guidance for EIM data submittals is provided in *Stormwater Monitoring Report Guidance, Phase I Municipal Stormwater Permit, Reporting Requirements for Special Condition S8*, November 2010 (Ecology Publication No. 10-10-028). For the Annual Monitoring Report to be considered on time, the EIM data submission process must be initiated before April 1 of each relevant year, and completed by June 15 of each relevant year.

Annual Monitoring Reports shall include:

Western Washington Phase II Municipal Stormwater Permit

- A brief summary of each monitored drainage basin (full details of the monitoring drainage basin should be in the QAPP), including any changes within the contributing drainage area or changes to the monitoring station that could affect hydrology and/or pollutant loading.
- A description of each flow-weighted composite and grab sampled storm event, including:
 - General summary about storm event criteria, including:
 - Precipitation data (in inches) including antecedent dry period and rainfall distribution throughout the event.
 - Flow and hydrograph data including sampled and total runoff time periods and volumes.
 - Total number of qualifying storm events captured and analyzed at each monitoring location.
 -
 - Distribution of storms collected between wet and dry seasons (permit goals include 60-80% of storms during the wet season and 20-40% of storms during the dry season).
 - Logistical problems associated with any storm event criterion.
 - A hyetograph and a hydrograph for each sampled storm event. Include properly labeled graphs that display the following:
 - Date of the storm event,
 - Time of day versus precipitation information,
 - Time versus flow rate (in gallons per minute), and,
 - Time versus aliquot collection
 - Display the total duration of the storm event, not just the duration when samples were collected (remember your pollutant load calculation must include flow for the entire storm event, not just the water quality sampled portion)
 - A summary of (or in the graph) the total runoff volume in gallons.
 - A rainfall/runoff relationship table used to estimate the un-sampled storm events (where water quality samples were not collected). This is used for future estimations of annual and seasonal loads.
 - Whether or not any chemicals were removed from the list of analysis due to two years of non-detect data.
 - A brief summary with storm event dates where insufficient volumes were collected. Include the parameters analyzed.
- A description of the sediment sampling event, including:
 - Whether or not any chemicals were removed from the list of analysis due to two years of non-detect data.
 - A summary of sediment sampling (including dates) where insufficient volumes were collected. Include the parameters analyzed.
- Event Mean Concentrations (EMCs)

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- The wet and dry season pollutant loads and annual pollutant load based on water year for each discharge monitoring location expressed in total pounds, and pounds per acre. Include the following:
 - For storm events where water quality samples were collected, the load in pounds per day for each parameter for each sampled storm event, include date of storm events.
 - An estimated seasonal pollutant load for each parameter at each discharge monitoring location. This is calculated using all storm events (where water quality samples were collected and when samples were not collected).
 - A total annual pollutant load (wet season load + dry season load) for each parameter (include estimated events).
 - The rainfall/runoff relationship including your pollutant load estimates for un-sampled events.
 - Note that if any data is unavailable to effectively estimate your rainfall to runoff relationship due to an incomplete water year, submit this information in the next year's stormwater monitoring report.
- Quality Assurance/Quality Control information for each *successfully sampled qualifying storm event* at each discharge monitoring location and *sediments* sampled at each discharge monitoring location, including:
 - A narrative summary of your field and laboratory verification, validation results and quality control checks performed.
 - A narrative analysis of your field and laboratory quality control sample results and how they compare with your data quality objectives/indicators in your QAPP.
 - Corrective actions reported/taken.
- An explanation and discussion of results from each *successfully sampled qualifying storm event* at each discharge monitoring location and *sediments* collected at each discharge monitoring location, including:
 - A statistical analysis of the event mean concentrations for each parameter and a narrative description of significant findings from this analysis.
 - Any conclusions based on data from this study including analyses of previously collected data from these discharge monitoring locations.
- A description of Stormwater Management Program activities currently taking place or planned within the monitoring station's drainage area that may have affected or may potentially affect future monitoring results.

If the Permittee monitors any pollutant more frequently at the stormwater discharge monitoring locations, then the results of this monitoring shall be included in the annual monitoring report reflecting the water year in which the monitoring occurred.

After three (3) water years of data, the Annual Monitoring Report shall include:

- Trend analyses,
- An evaluation of the data as it applies to the SWMP, and
- Any stormwater management activities the Permittee has identified that can be adjusted to respond to this data.

Western Washington Phase II Municipal Stormwater Permit

Laboratory Methods

The Permittee's stormwater discharge monitoring program shall use the following analytical methods or other methods approved by the U.S. Environmental Protection Agency or Ecology with similar reporting limits, unless alternative methods are approved by Ecology. Any alternative method proposed by a Permittee must have a similar reporting limit, or must be justified as adequate for the likely, expected range of concentrations. Permittees are not guaranteed approval of alternative methods or reporting limits.

In cases where smaller volumes of water are expected to be collected, or to save analytical costs, Permittees may propose that some of the analyses be optimized for specific parameters or groups. The Permittee must, in consultation with a qualified chemist, define the exact volumes and optimization steps and include them in the QAPP.

Table A9-1 Analytical Procedures in Stormwater

Analyte	Method in Water	Reporting Limit ^a
Conventional Parameters		
Total suspended solids	SM 2540B ^b or SM 2540D	1.0 mg/L
Turbidity	EPA Method 180.1 or SM2130B	± 0.2 NTU
Conductivity	SM 2510 or EPA Method 120.1	± 1 umhos/cm
Chloride	EPA Method 300.0, EPA Method 325.2, or SM4110B or SM4500 Cl-E	0.2 mg/L
BOD ₅	SM5210B	2.0 mg/L
Particle size distribution	Coulter Counter, Laser diffraction, or comparable method - <i>see attached method</i>	NA
Grain Size	Sieve and pipette (ASTM 1997), PSEP 1986/2003, or comparable method	NA
pH	EPA Method 150.2 or SM 4500H ⁺	0.2 units
Hardness as CaCO ₃	EPA Method 200.7, SM2340B(ICP), SM2340C (titration) or SM 3120B	1.0 mg/L
Methylene blue activated substances (MBAS)	CHEMetrics Colorimetric or SM5540C	0.025 mg/L
Bacteria		
Fecal Coliform	SM 9221E	2 min., 2E6 max.
Nutrients		
Orthophosphate and total phosphorus	EPA Method 365.3, EPA Method 365.4, SM 4500-P E or SM4500-P F	0.01 mg P/L
Total Kjeldahl nitrogen	EPA Method 351.2, EPA Method 351.1, SM 4500 Norg-B, SM 4500 Norg-C, SM 4500 NH3-D, SM 4500 NH3-G, SM 4500 NH3-E or SM4500 NH3-F	0.5 mg/L
Nitrate-Nitrite	EPA Method 353.2 or SM 4500 -NO ₃ ⁻ E	0.01 mg/L

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Metals		
Total recoverable zinc	EPA Method 200.8 (ICP/MS), EPA Method 200.7 (ICP) or SM 3125 (ICP/MS)	5.0 µg/L
Dissolved zinc	EPA Method 200.8 (ICP/MS), or SM 3125 (ICP/MS)	1.0 µg/L
Total recoverable lead	EPA Method 200.8 (ICP/MS), or SM 3125 (ICP/MS)	0.1 µg/L
Dissolved lead, copper, and cadmium	EPA Method 200.8 (ICP/MS), or SM 3125 (ICP/MS)	0.1 µg/L
Total recoverable copper	EPA Method 200.8 (ICP/MS), or SM 3125 (ICP/MS)	0.5 µg/L
Total recoverable cadmium	EPA Method 200.8 (ICP/MS), or SM 3125 (ICP/MS)	0.2 µg/L
Total and dissolved mercury	EPA Method 7470 (CVAA), EPA Method 245.7, or EPA Method 1631E	0.1 µg/L
Organics		
PAH compounds	EPA Method 8310 or 8270 D SIM	0.1 µg/L
Herbicides (2,4-D, dichlobenil)	EPA Method 8270 D SIM or 8151 A	0.1 µg/L, 1 µg/L
Carbamate insecticides (carbaryl)	EPA Method 632	0.5 µg/L
Organophosphate insecticides (chlorpyrifos)	EPA Method 625 or EPA Method 614, 8270 D, EPA Method 622, EPA Method 1657	0.5 µg/L
Phthalates (bis(2-ethylhexyl)phthalate)	EPA Method 8270 D	1 µg/L
Petroleum Hydrocarbons		
NWTPH-Dx	Ecology, 1997, (Publication No. 97-602) or EPA SW-846 method 8015B; lube oil fraction	0.25-0.5 mg/L
NWTPH-Gx	Ecology, 1997, (Publication No. 97-602)	0.25 mg/L
BTEX	EPA Method 8260 or 602	1 µg/L or 5 µg/L

- a. The QAPP shall identify Ecology- or EPA-approved methods with appropriate reporting limits. An individual sample that could not be run at a reporting limit because of matrix interference or other such reasons would not be called into question for compliance purposes. All results should be reported. For values below the reporting limit, report results at the method detection limit from the lab and the qualifier of "U" for undetected at that concentration.
- b. To ensure accurate results, Ecology recommends modifying these methods to analyze (filter) the entire field sample. Research results indicate that errors may be introduced by decanting a subsample, although using a funnel splitter may help. The analyst may also consider analyzing several premixed subsamples from the same sample container to determine if significant variability occurred due to stratification. Reports shall indicate whether the entire field sample or a subsample was used.

NA – Not applicable

SM – Standard Methods

Western Washington Phase II Municipal Stormwater Permit

Table A9-2 Analytical Procedures in Sediments

Analyte	Method in Sediment	Reporting Limit ^a
Conventional Parameters		
Percent solids	SM 2540G	NA
Total organic carbon	Puget Sound Estuary Protocols (PSEP 1997), SM 5310B, SM 5310C, SM 5310D or EPA Method 9060	0.1%
Grain size	Sieve and Pipette (ASTM 1997), ASTM F312-97, ASTMD422 or PSEP 1986/2003	NA
Total phosphorus	EPA Method 365.3, EPA Method 365.4, SM 4500 P E or SM 4500 P F	0.01 mg/kg
Total volatile solids	EPA Method 160.4 or SM 2540G	0.1%
Metals		
Total recoverable zinc	EPA Method 200.8 (ICP/MS), EPA Method 6010, EPA Method 6020 or SM 3125 (ICP/MS), or EPA Method 200.7 (ICP)	5.0 mg/kg
Total recoverable lead	EPA Method 200.8 (ICP/MS), EPA Method 6010, EPA Method 6020 or SM 3125 (ICP/MS)	0.1 mg/kg
Total recoverable copper	EPA Method 200.8 (ICP/MS), EPA Method 6010, EPA Method 6020 or SM 3125 (ICP/MS)	0.1 mg/kg
Total recoverable cadmium	EPA Method 200.8 (ICP/MS), EPA Method 6010, EPA Method 6020 or SM 3125 (ICP/MS)	0.1 mg/kg
Total recoverable mercury	EPA Method 245.5 or EPA Method 7471B	0.005 mg/kg
Organics		
PAH compounds	EPA Method 8270 D	70 µg/kg dry
Pyrethroids (bifenthrin)	EPA Method 8270 D, EPA Method 1660	1.0 µg/kg dry
PCBs (aroclor)	EPA Method 8082	80 µg/kg dry
Petroleum Hydrocarbons		
NWTPH-Dx	Ecology, 1997 (Publication No. 97-602) or EPA SW-846 method 8015B	25.0-100.0 mg/kg

- a. The QAPP shall identify Ecology- or EPA-approved methods with appropriate reporting limits. An individual sample that could not be run at a reporting limit because of matrix interference or other such reasons would not be called into question for compliance purposes. All results should be reported. For values below the reporting limit, report results at the method detection limit from the lab and the qualifier of "U" for undetected at that concentration.

NA – Not applicable

SM – Standard Methods



November 6, 2013

Christina Maginnis
Water Quality Program
Department of Ecology
1440 10th St., Suite 102
Bellingham, WA 98225

Dear Ms. Maginnis:

The Stormwater NPDES Permit Section S8.B requires the City of Oak Harbor to select whether we plan to join in or opt out of the Regional Stormwater Management Program by December 1, 2013.

The City of Oak Harbor has elected to join in on the Status and Trends Monitoring Option #1 and Effectiveness Studies Option #1 to meet the requirements of S8.B.

If you have any questions, please feel free to contact me at (360) 279-4502. Thank you.

Sincerely,

Scott Dudley
Mayor

**City of Oak Harbor
City Council Agenda Bill**

Bill No. C/A 4.d.
Date: November 6, 2013
Subject: Youth Commission Re-
appointment–Anne Murphy

FROM: Scott Dudley, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Larry Cort, City Administrator
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE

The purpose of this agenda bill is for the council to confirm Mayor Dudley's re-appointment of Anne Murphy to the Oak Harbor Youth Commission.

SUMMARY STATEMENT

Anne Murphy was appointed to the Youth Commission in October 2011. Ms. Murphy has confirmed that she is willing to serve another term. If confirmed, Anne Murphy's term would expire October 2016.

Mayor Dudley recommends Anne Murphy's re-appointment to the Youth Commission with term to expire October 2016.

RECOMMENDED ACTION

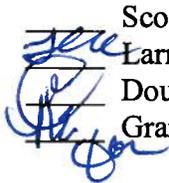
Confirm Anne Murphy's re-appointment to the Youth Commission.

City of Oak Harbor
City Council Agenda Bill

Bill No. C/A 4.e
Date: October 15, 2013
Subject: Scenic Heights Sign Purchase

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
Larry Cort, City Administrator
Doug Merriman, Finance Director
Grant Weed, Interim City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to authorize the purchase of one aluminum sign for the Scenic Heights trailhead in the amount of \$11,000.00.

FISCAL IMPACT DESCRIPTION

Funds Required: \$11,000.00
Appropriation Source: 125.00.576.080.4900

SUMMARY STATEMENT

The final piece of the Scenic Heights trailhead is the design, fabrication and installation of the sign. Staff has asked the same company that designed, fabricated and installed the kiosk and the safety railings for the Scenic Heights trailhead to provide a proposal in order to keep the design consistent and aesthetically pleasing. The sign will be made of aluminum and will be powdered coated with grey texture to simulate concrete. Included with this agenda bill is a design drawing of the proposed sign.

Formal bids are not required for this acquisition; however, council approval is required per OHMC 2.390.010.

Funds have been budgeted and are available in the 125 Neighborhood Park Fund, which can only be used for enhancement or construction of neighborhood parks.

Therefore, staff is requesting to purchase one aluminum sign for the Scenic Heights Trailhead in the amount of \$11,000.00.

STANDING COMMITTEE REPORT

This item has not been reviewed at the monthly workshop.

RECOMMENDED ACTION

I move to authorize the purchase of one aluminum sign for the Scenic Heights Trailhead in the amount of \$11,000.00.

ATTACHMENTS

- Design drawing of sign



- Signage consists of all aluminum construction. Design features laser cut lettering and a surface texture to replicate existing concrete wall patterning. Ground mounted flood lamp/s to be provided by client.
- Letters are constructed using 0.25 or 0.125" thick plate with a black powder coat finish.
***Due to the small size of the Oak Harbor Parks Dept. text, this portion would be a graphic applied to a stand off surface.*
- Main sign body constructed from 0.50" plate with varying thicknesses and widths of flat bar applied to face. Body would have a textured gray, powder coat finish. (similar surface finish to existing concrete walls around site)



City of
Oak Harbor
WA 98277

CONTACT 1:
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Oak Harbor, WA 98277
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CONTACT 2:
Cec Kamak
Oak Harbor, WA 98277
Email: ckamak@oakharbor.org

PROJECT:
Scenic Heights Trail Head
Entrance Sign

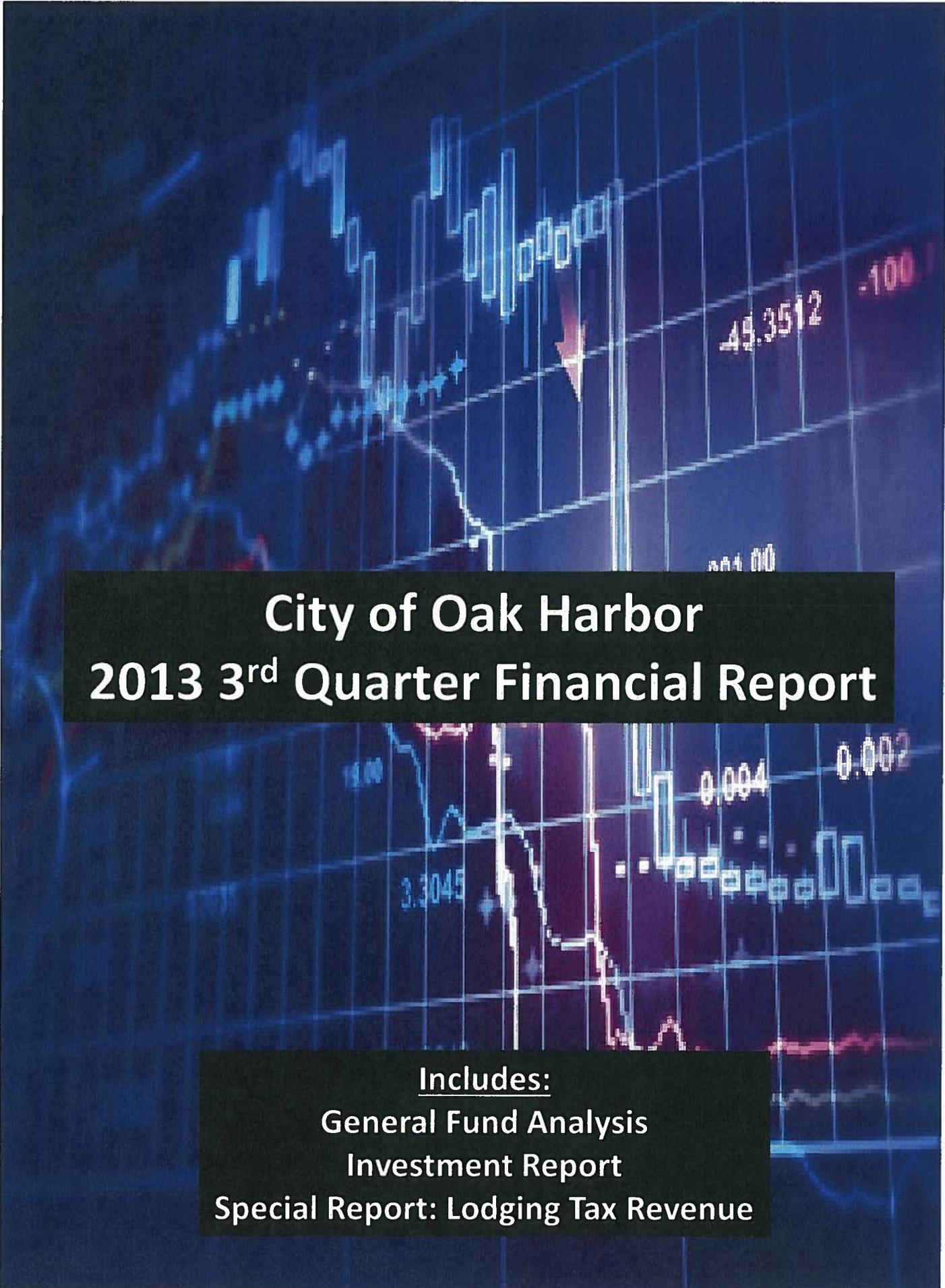
DRAWN BY:
KYLE THOMAS

ISSUE:
09.19.13

RE-ISSUE:
09.26.13

DESCRIPTION:
Entrance Sign Concept
Version B

A0.2

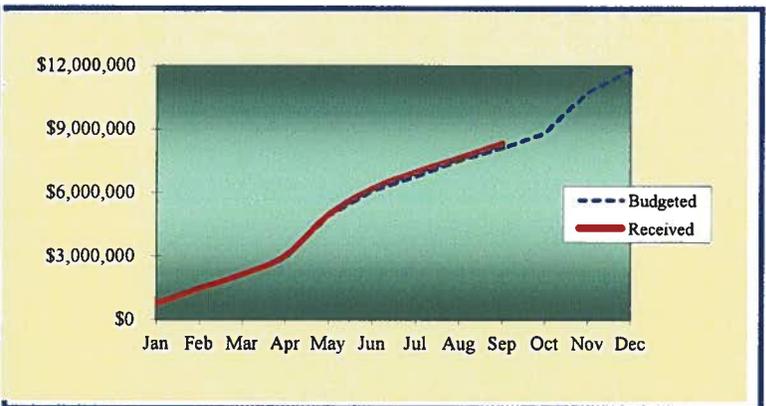


**City of Oak Harbor
2013 3rd Quarter Financial Report**

Includes:
General Fund Analysis
Investment Report
Special Report: Lodging Tax Revenue

Total General Fund Revenue

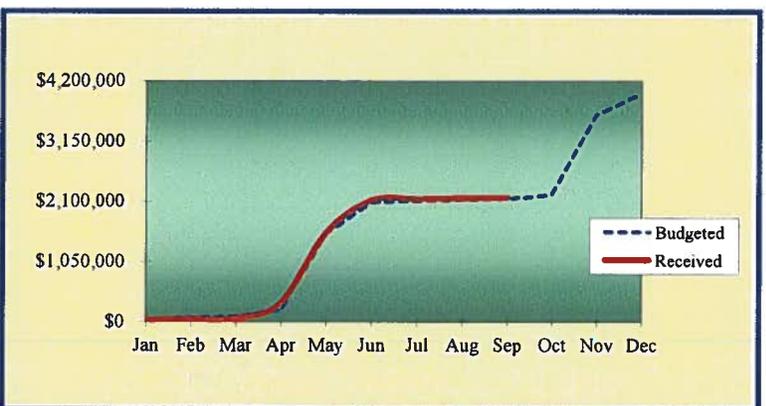
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$794,025	\$747,500	\$794,025	\$747,500	-5.86%
Feb	724,138	710,300	1,518,163	1,457,800	-3.98%
Mar	598,657	674,522	2,116,820	2,132,322	0.73%
Apr	732,428	877,446	2,849,248	3,009,768	5.63%
May	2,058,060	1,941,979	4,907,309	4,951,748	0.91%
Jun	1,191,507	1,226,746	6,098,816	6,178,494	1.31%
Jul	682,337	797,487	6,781,153	6,975,981	2.87%
Aug	753,995	670,966	7,535,148	7,646,948	1.48%
Sep	592,046	690,658	8,127,194	8,337,606	2.59%
Oct	685,757	0	8,812,951		
Nov	1,949,208	0	10,762,159		
Dec	1,040,333	0	11,802,492		
Total	\$11,802,492	\$8,337,606	\$11,802,492		



Includes: Total General Fund Revenues, net of beginning fund balance

Property Tax Revenue

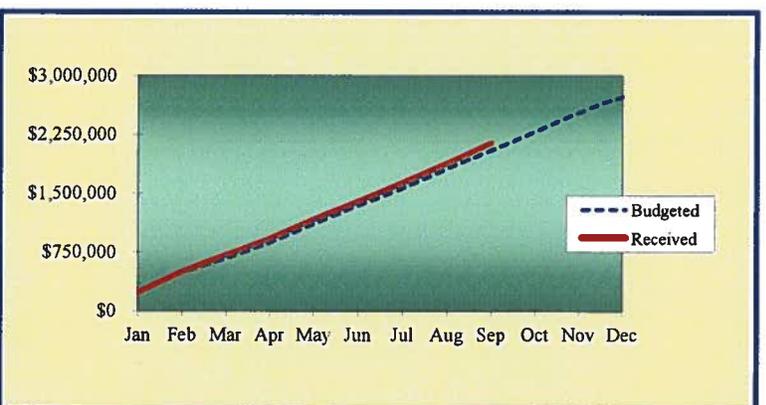
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$30,982	\$27,016	\$30,982	\$27,016	-12.80%
Feb	33,186	11,097	64,167	38,112	-40.60%
Mar	25,223	16,456	89,391	54,568	-38.95%
Apr	106,725	269,509	196,116	324,077	65.25%
May	1,341,892	1,225,335	1,538,008	1,549,412	0.74%
Jun	549,572	570,273	2,087,580	2,119,685	1.54%
Jul	22,467	23,348	2,110,047	2,143,033	1.56%
Aug	15,264	12,806	2,125,312	2,155,839	1.44%
Sep	21,514	11,084	2,146,825	2,166,923	0.94%
Oct	82,896	0	2,229,721		
Nov	1,376,009	0	3,605,730		
Dec	366,662	0	3,972,392		
Total	\$3,972,392	\$2,166,923	\$3,972,392		



Includes: Actual property tax receipts.

Sales Tax Revenue

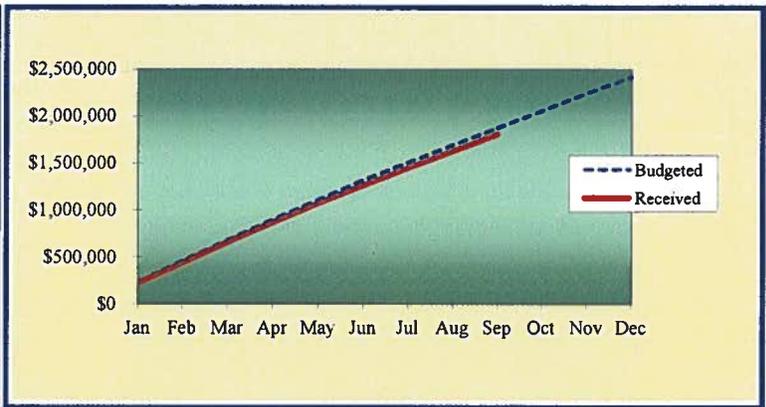
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$217,395	\$231,229	\$217,395	\$231,229	6.36%
Feb	259,986	263,561	477,381	494,790	3.65%
Mar	191,630	213,386	669,011	708,176	5.85%
Apr	202,064	211,035	871,074	919,211	5.53%
May	237,757	244,518	1,108,831	1,163,729	4.95%
Jun	238,063	231,053	1,346,894	1,394,782	3.56%
Jul	220,246	238,349	1,567,140	1,633,131	4.21%
Aug	251,544	249,854	1,818,684	1,882,986	3.54%
Sep	234,340	257,771	2,053,024	2,140,757	4.27%
Oct	231,065	0	2,284,089		
Nov	243,225	0	2,527,314		
Dec	204,086	0	2,731,400		
Total	\$2,731,400	\$2,140,757	\$2,731,400		



Includes: Actual sales tax receipts from the County. Received 2 months after actual sale.

Business & Utility Taxes

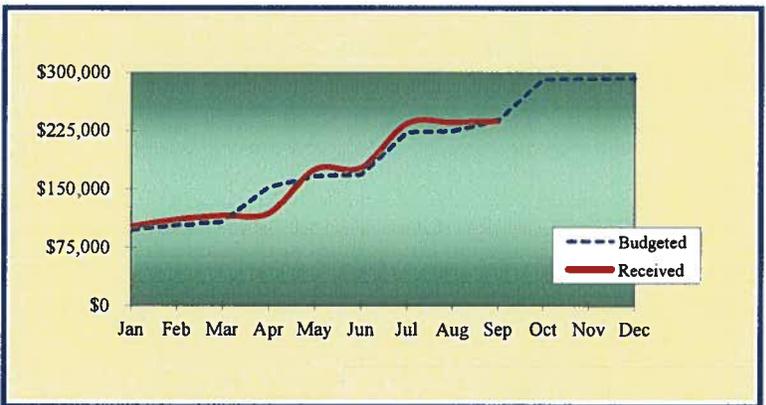
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$227,270	\$215,998	\$227,270	\$215,998	-4.96%
Feb	229,302	218,106	456,573	434,104	-4.92%
Mar	218,334	219,920	674,907	654,024	-3.09%
Apr	222,084	210,689	896,991	864,712	-3.60%
May	210,219	203,546	1,107,210	1,068,258	-3.52%
Jun	212,115	191,019	1,319,324	1,259,277	-4.55%
Jul	187,717	186,265	1,507,042	1,445,542	-4.08%
Aug	189,275	181,485	1,696,316	1,627,027	-4.08%
Sep	181,173	179,717	1,877,489	1,806,744	-3.77%
Oct	179,964	0	2,057,453		
Nov	185,504	0	2,242,957		
Dec	177,093	0	2,420,050		
Total	\$2,420,050	\$1,806,744	\$2,420,050		



Includes: Cellular phone tax and utility taxes

Licenses & Permits

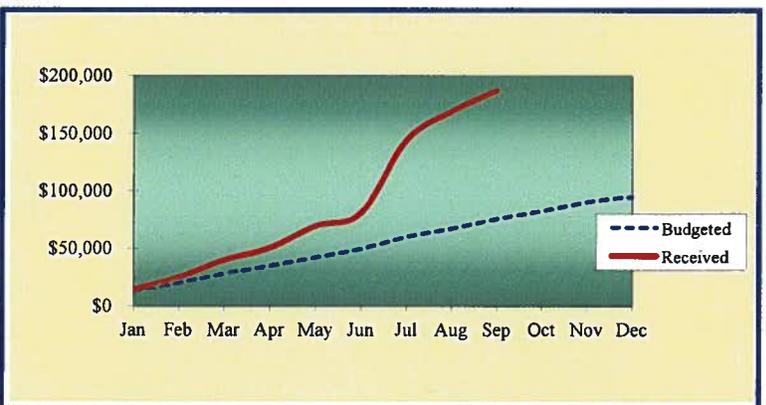
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$97,089	\$101,409	\$97,089	\$101,409	4.45%
Feb	6,383	9,177	103,472	110,586	6.88%
Mar	4,647	4,880	108,118	115,466	6.80%
Apr	44,451	3,115	152,569	118,581	-22.28%
May	13,495	56,696	166,064	175,277	5.55%
Jun	2,552	2,182	168,617	177,459	5.24%
Jul	54,457	57,262	223,073	234,721	5.22%
Aug	1,802	1,540	224,875	236,261	5.06%
Sep	14,093	1,642	238,968	237,903	-0.45%
Oct	52,781	0	291,749		
Nov	873	0	292,622		
Dec	528	0	293,150		
Total	\$293,150	\$237,903	\$293,150		



Includes: Business licenses, cable franchise fees and animal licenses.

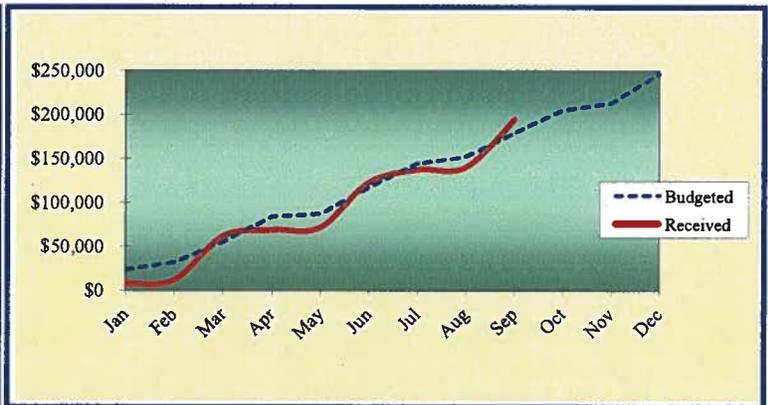
Building Permits

	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$13,139	\$14,357	\$13,139	\$14,357	9.27%
Feb	6,980	10,623	20,119	24,981	24.17%
Mar	8,146	14,786	28,265	39,767	40.69%
Apr	6,804	10,681	35,069	50,448	43.85%
May	7,060	18,947	42,129	69,395	64.72%
Jun	7,143	11,423	49,272	80,818	64.02%
Jul	10,682	63,154	59,954	143,972	140.14%
Aug	6,817	25,183	66,771	169,155	153.34%
Sep	8,302	18,283	75,073	187,438	149.67%
Oct	6,719	0	81,792		
Nov	7,840	0	89,632		
Dec	5,368	0	95,000		
Total	\$95,000	\$187,438	\$95,000		



Intergovernmental

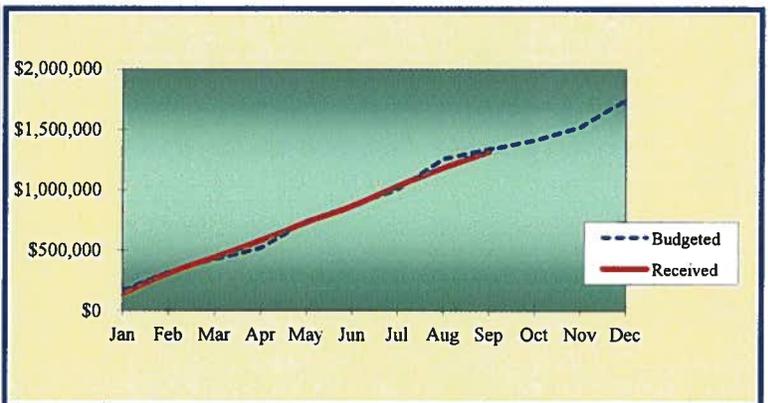
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$23,785	\$7,293	\$23,785	\$7,293	-69.34%
Feb	8,045	4,496	31,830	11,789	-62.96%
Mar	23,338	49,897	55,168	61,686	11.81%
Apr	29,684	7,041	84,853	68,727	-19.00%
May	2,850	3,039	87,703	71,766	-18.17%
Jun	29,355	50,967	117,057	122,733	4.85%
Jul	27,563	14,514	144,620	137,246	-5.10%
Aug	7,647	2,930	152,267	140,176	-7.94%
Sep	26,906	54,589	179,174	194,766	8.70%
Oct	26,010	0	205,184		
Nov	8,353	0	213,537		
Dec	33,163	0	246,700		
Total	\$246,700	\$194,766	\$246,700		



Includes: Grant program revenue, Liquor Control Board profits, and Fire Services reimbursement.

Charges for Services

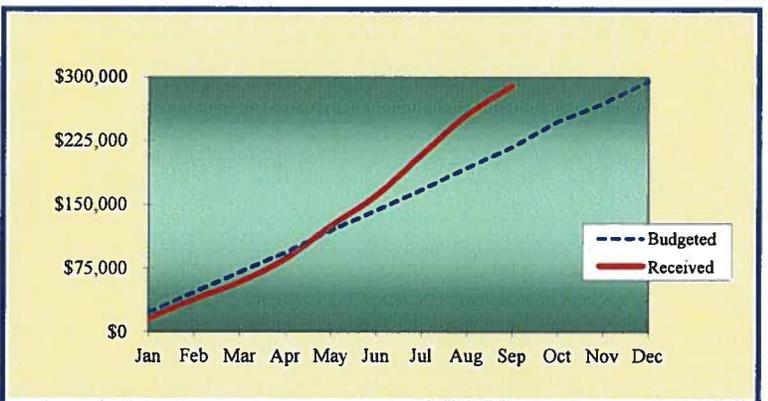
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$161,653	\$134,612	\$161,653	\$134,612	-16.73%
Feb	156,497	170,832	318,150	305,445	-3.99%
Mar	103,611	134,556	421,761	440,000	4.32%
Apr	97,239	138,198	519,000	578,199	11.41%
May	219,332	151,235	738,332	729,434	-1.21%
Jun	129,008	134,191	867,340	863,624	-0.43%
Jul	135,141	166,627	1,002,481	1,030,251	2.77%
Aug	255,652	149,722	1,258,133	1,179,973	-6.21%
Sep	81,319	133,371	1,339,452	1,313,344	-1.95%
Oct	76,197	0	1,415,650		
Nov	106,028	0	1,521,677		
Dec	226,423	0	1,748,100		
Total	\$1,748,100	\$1,313,344	\$1,748,100		



Includes: Camping fees, jail monitoring, plan check & zoning fees, municipal court revenues

Other Revenues

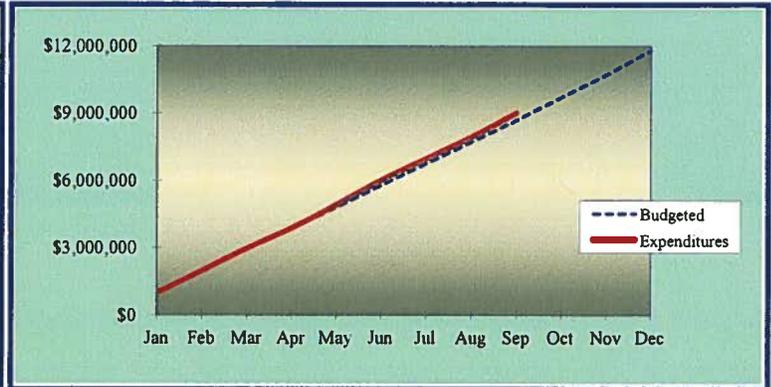
	Monthly Budgeted	Monthly Received	YTD Budgeted	YTD Received	% of Budget
Jan	\$22,712	\$15,586	\$22,712	\$15,586	-31.37%
Feb	23,759	22,407	46,471	37,994	-18.24%
Mar	23,728	20,641	70,199	58,635	-16.47%
Apr	23,377	27,178	93,576	85,813	-8.30%
May	25,456	38,664	119,033	124,477	4.57%
Jun	23,699	35,639	142,732	160,116	12.18%
Jul	24,065	47,969	166,796	208,085	24.75%
Aug	25,993	47,446	192,789	255,531	32.54%
Sep	24,399	34,199	217,188	289,731	33.40%
Oct	30,125	0	247,313		
Nov	21,376	0	268,690		
Dec	27,010	0	295,700		
Total	\$295,700	\$289,731	\$295,700		



Includes: Rental income and operating transfers-in.

Total General Fund Expenditures

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$914,463	\$971,054	\$914,463	\$971,054	6.19%
Feb	982,900	996,650	1,897,364	1,967,705	3.71%
Mar	1,050,148	995,637	2,947,511	2,963,341	0.54%
Apr	906,646	905,565	3,854,157	3,868,907	0.38%
May	961,893	1,039,140	4,816,050	4,908,046	1.91%
Jun	964,357	1,091,598	5,780,407	5,999,644	3.79%
Jul	979,438	969,292	6,759,845	6,968,936	3.09%
Aug	978,161	961,703	7,738,006	7,930,639	2.49%
Sep	965,860	1,085,544	8,703,867	9,016,184	3.59%
Oct	1,010,075	0	9,713,942		
Nov	989,251	0	10,703,193		
Dec	1,097,690	0	11,800,883		
Total	\$11,800,883	\$9,016,184	\$11,800,883		



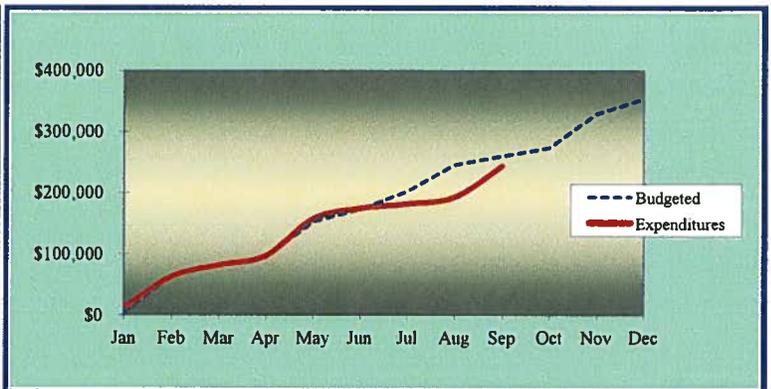
City Council

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$10,074	\$9,373	\$10,074	\$9,373	-6.96%
Feb	10,790	16,592	20,864	25,965	24.45%
Mar	15,513	11,727	36,376	37,692	3.62%
Apr	10,745	10,722	47,122	48,415	2.74%
May	10,809	10,357	57,930	58,772	1.45%
Jun	11,430	11,125	69,360	69,896	0.77%
Jul	10,189	9,669	79,550	79,565	0.02%
Aug	8,860	9,620	88,410	89,186	0.88%
Sep	8,959	9,554	97,369	98,739	1.41%
Oct	9,076	0	106,445		
Nov	8,698	0	115,144		
Dec	10,039	0	125,183		
Total	\$125,183	\$98,739	\$125,183		



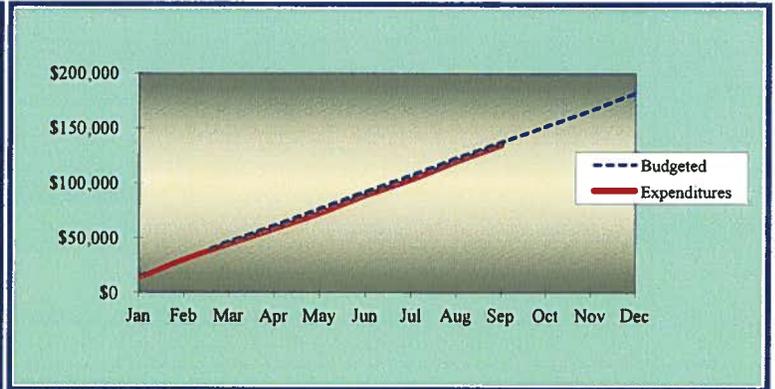
Judicial

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$4,137	\$11,200	\$4,137	\$11,200	170.76%
Feb	59,449	51,175	63,585	62,375	-1.90%
Mar	16,956	18,936	80,541	81,311	0.96%
Apr	14,040	15,428	94,581	96,738	2.28%
May	58,659	60,525	153,240	157,263	2.63%
Jun	19,657	16,994	172,896	174,256	0.79%
Jul	28,123	7,285	201,019	181,541	-9.69%
Aug	44,228	11,239	245,247	192,780	-21.39%
Sep	13,960	50,988	259,207	243,768	-5.96%
Oct	13,291	0	272,498		
Nov	55,695	0	328,193		
Dec	24,587	0	352,780		
Total	\$352,780	\$243,768	\$352,780		



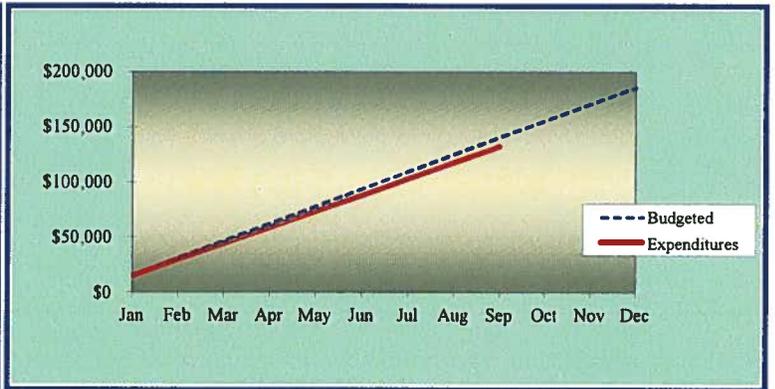
Mayor

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$14,565	\$12,995	\$14,565	\$12,995	-10.78%
Feb	15,504	16,912	30,069	29,907	-0.54%
Mar	16,710	14,162	46,779	44,069	-5.79%
Apr	14,297	13,777	61,076	57,846	-5.29%
May	15,584	14,185	76,660	72,031	-6.04%
Jun	15,576	16,370	92,236	88,401	-4.16%
Jul	14,949	14,681	107,185	103,081	-3.83%
Aug	15,541	16,563	122,727	119,644	-2.51%
Sep	14,731	15,126	137,458	134,771	-1.96%
Oct	14,326	0	151,784		
Nov	14,326	0	166,110		
Dec	16,355	0	182,465		
Total	\$182,465	\$134,771	\$182,465		



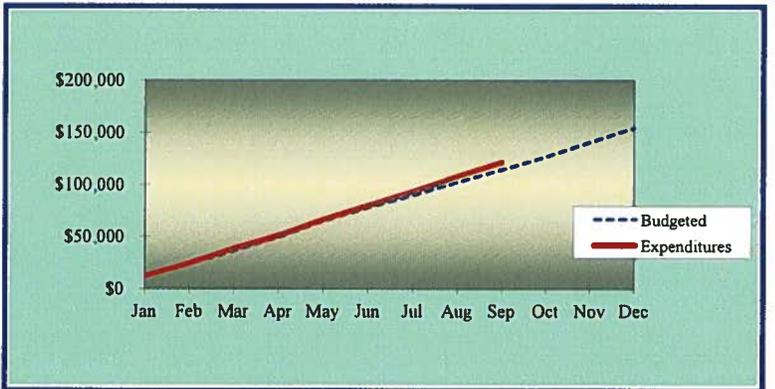
City Administrator

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$15,259	\$14,631	\$15,259	\$14,631	-4.11%
Feb	15,597	14,967	30,856	29,598	-4.08%
Mar	15,730	14,514	46,586	44,112	-5.31%
Apr	15,604	14,408	62,190	58,520	-5.90%
May	15,628	14,630	77,818	73,150	-6.00%
Jun	16,202	14,554	94,021	87,704	-6.72%
Jul	15,485	15,237	109,506	102,941	-6.00%
Aug	15,658	14,713	125,164	117,654	-6.00%
Sep	15,498	14,713	140,662	132,367	-5.90%
Oct	14,962	0	155,624		
Nov	14,890	0	170,514		
Dec	15,181	0	185,695		
Total	\$185,695	\$132,367	\$185,695		



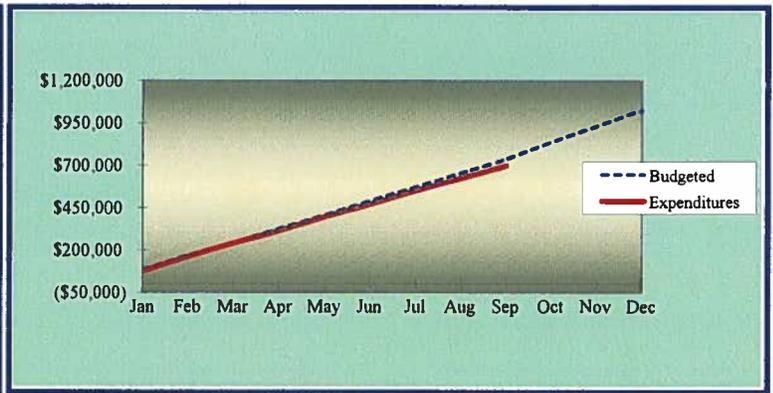
Human Resources

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$12,715	\$12,260	\$12,715	\$12,260	-3.58%
Feb	10,626	12,237	23,341	24,498	4.96%
Mar	13,024	14,049	36,364	38,546	6.00%
Apr	13,065	12,549	49,429	51,095	3.37%
May	15,379	15,141	64,808	66,236	2.20%
Jun	12,888	13,561	77,696	79,797	2.70%
Jul	12,040	13,408	89,737	93,206	3.87%
Aug	12,137	14,656	101,874	107,861	5.88%
Sep	12,464	13,665	114,338	121,527	6.29%
Oct	12,052	0	126,390		
Nov	14,285	0	140,675		
Dec	13,811	0	154,486		
Total	\$154,486	\$121,527	\$154,486		



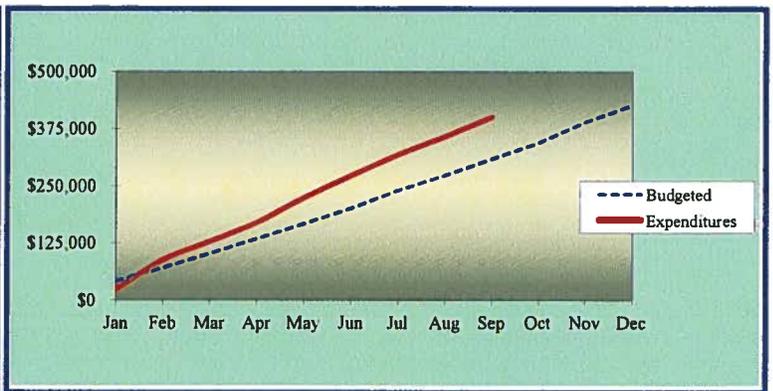
Finance

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$82,386	\$72,201	\$82,386	\$72,201	-12.36%
Feb	85,144	86,449	167,530	158,650	-5.30%
Mar	74,836	79,678	242,366	238,328	-1.67%
Apr	81,371	72,728	323,737	311,056	-3.92%
May	81,734	82,686	405,471	393,742	-2.89%
Jun	85,744	75,461	491,215	469,203	-4.48%
Jul	80,524	80,681	571,739	549,884	-3.82%
Aug	83,008	72,752	654,747	622,636	-4.90%
Sep	80,521	74,293	735,268	696,929	-5.21%
Oct	99,950	0	835,218		
Nov	90,058	0	925,275		
Dec	98,842	0	1,024,117		
Total	\$1,024,117	\$696,929	\$1,024,117		



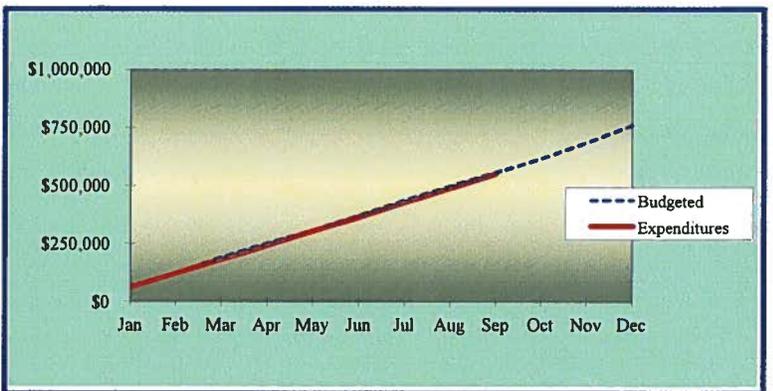
Legal Services

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$41,135	\$22,316	\$41,135	\$22,316	-45.75%
Feb	30,171	64,515	71,306	86,831	21.77%
Mar	31,611	40,593	102,917	127,424	23.81%
Apr	31,739	41,588	134,656	169,012	25.51%
May	32,736	54,315	167,391	223,327	33.42%
Jun	33,462	48,433	200,854	271,760	35.30%
Jul	39,347	45,938	240,201	317,698	32.26%
Aug	32,547	40,188	272,748	357,885	31.21%
Sep	36,600	42,745	309,348	400,630	29.51%
Oct	34,888	0	344,236		
Nov	45,347	0	389,583		
Dec	36,689	0	426,272		
Total	\$426,272	\$400,630	\$426,272		



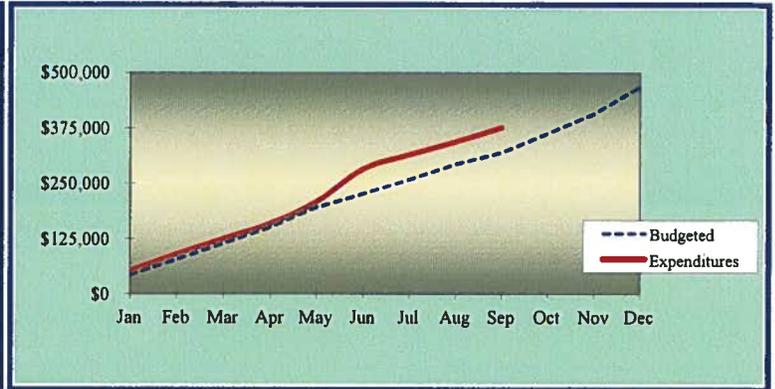
Development Services

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$59,478	\$60,867	\$59,478	\$60,867	2.34%
Feb	63,044	59,958	122,522	120,826	-1.38%
Mar	66,132	58,772	188,654	179,598	-4.80%
Apr	61,351	60,820	250,005	240,418	-3.83%
May	56,399	62,641	306,403	303,059	-1.09%
Jun	63,510	59,189	369,913	362,248	-2.07%
Jul	65,369	63,914	435,282	426,162	-2.10%
Aug	61,852	61,781	497,135	487,943	-1.85%
Sep	60,274	61,554	557,408	549,497	-1.42%
Oct	60,570	0	617,978		
Nov	66,580	0	684,559		
Dec	76,761	0	761,320		
Total	\$761,320	\$549,497	\$761,320		



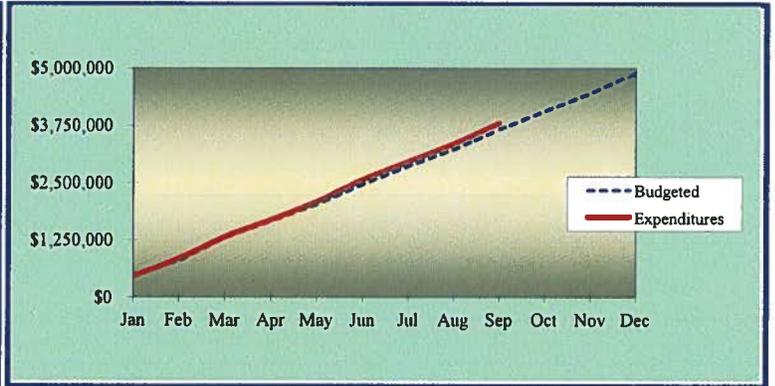
General Governmental

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$42,726	\$51,115	\$42,726	\$51,115	19.63%
Feb	35,167	37,804	77,893	88,919	14.16%
Mar	35,550	35,046	113,443	123,966	9.28%
Apr	37,258	34,144	150,700	158,110	4.92%
May	45,190	49,946	195,891	208,056	6.21%
Jun	31,134	73,402	227,024	281,457	23.98%
Jul	32,250	33,081	259,274	314,538	21.32%
Aug	34,760	29,111	294,034	343,649	16.87%
Sep	25,635	32,043	319,670	375,692	17.53%
Oct	43,214	0	362,883		
Nov	44,074	0	406,957		
Dec	62,128	0	469,085		
Total	\$469,085	\$375,692	\$469,085		



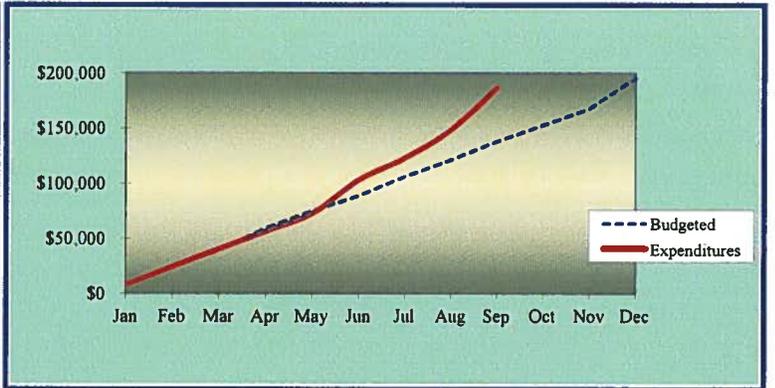
Police Services

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$422,398	\$452,081	\$422,398	\$452,081	7.03%
Feb	368,560	386,239	\$790,957	838,320	5.99%
Mar	495,958	468,359	1,286,915	1,306,680	1.54%
Apr	365,567	376,510	1,652,482	1,683,190	1.86%
May	370,244	398,033	2,022,726	2,081,223	2.89%
Jun	429,827	476,888	2,452,552	2,558,111	4.30%
Jul	410,150	398,866	2,862,702	2,956,977	3.29%
Aug	368,355	389,011	3,231,057	3,345,988	3.56%
Sep	437,468	454,241	3,668,524	3,800,229	3.59%
Oct	395,261	0	4,063,785		
Nov	384,035	0	4,447,821		
Dec	451,586	0	4,899,407		
Total	\$4,899,407	\$3,800,229	\$4,899,407		



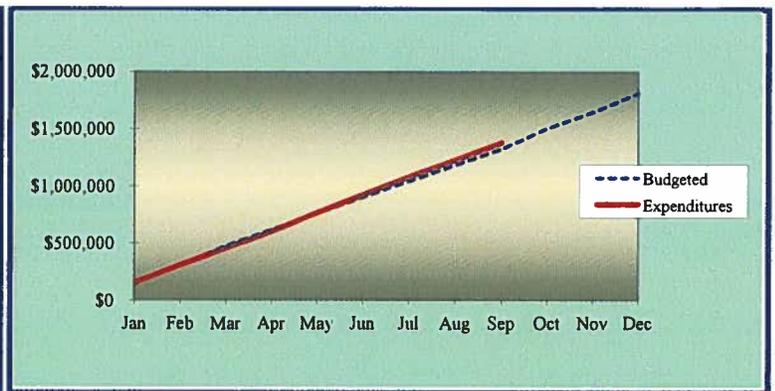
Animal Control

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$7,052	\$7,532	\$7,052	\$7,532	6.80%
Feb	17,257	16,661	24,309	24,193	-0.48%
Mar	14,335	15,810	38,644	40,003	3.52%
Apr	20,299	16,019	58,943	56,022	-4.96%
May	15,612	16,229	74,555	72,250	-3.09%
Jun	14,046	30,220	88,601	102,471	15.65%
Jul	17,282	19,991	105,883	122,462	15.66%
Aug	15,004	25,669	120,887	148,130	22.54%
Sep	16,941	38,224	137,828	186,354	35.21%
Oct	14,687	0	152,515		
Nov	14,835	0	167,350		
Dec	27,796	0	195,146		
Total	\$195,146	\$186,354	\$195,146		



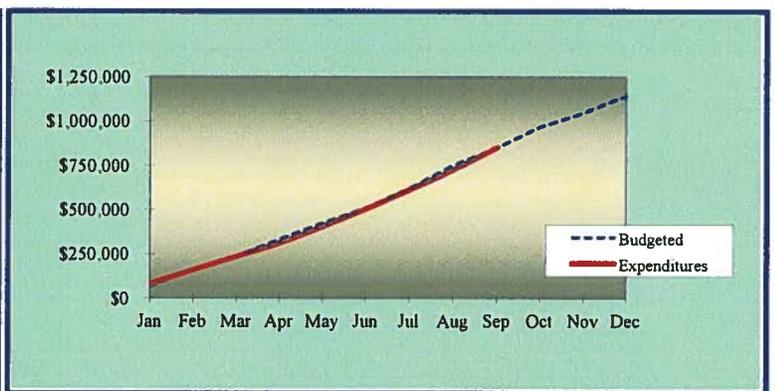
Fire Control

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$136,963	\$149,952	\$136,963	\$149,952	9.48%
Feb	164,114	154,714	301,077	304,666	1.19%
Mar	174,983	148,119	476,060	452,784	-4.89%
Apr	138,649	145,181	614,709	597,965	-2.72%
May	142,655	166,056	757,365	764,021	0.88%
Jun	143,976	155,601	901,341	919,622	2.03%
Jul	140,361	157,083	1,041,702	1,076,705	3.36%
Aug	141,522	148,068	1,183,224	1,224,772	3.51%
Sep	141,126	152,036	1,324,350	1,376,808	3.96%
Oct	180,284	0	1,504,634		
Nov	143,877	0	1,648,511		
Dec	163,681	0	1,812,192		
Total	\$1,812,192	\$1,376,808	\$1,812,192		



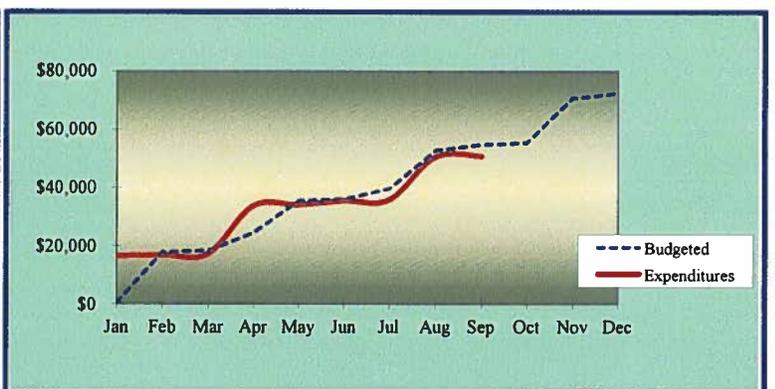
Parks & Recreation

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$65,237	\$78,158	\$65,237	\$78,158	19.81%
Feb	90,058	78,177	155,295	156,335	0.67%
Mar	78,396	75,503	233,691	231,838	-0.79%
Apr	96,453	75,141	330,144	306,979	-7.02%
May	90,271	93,994	420,415	400,972	-4.62%
Jun	86,310	98,417	506,725	499,390	-1.45%
Jul	109,809	109,108	616,534	608,498	-1.30%
Aug	131,442	113,630	747,977	722,128	-3.46%
Sep	99,703	126,145	847,679	848,272	0.07%
Oct	116,916	0	964,595		
Nov	77,389	0	1,041,984		
Dec	98,651	0	1,140,635		
Total	\$1,140,635	\$848,272	\$1,140,635		



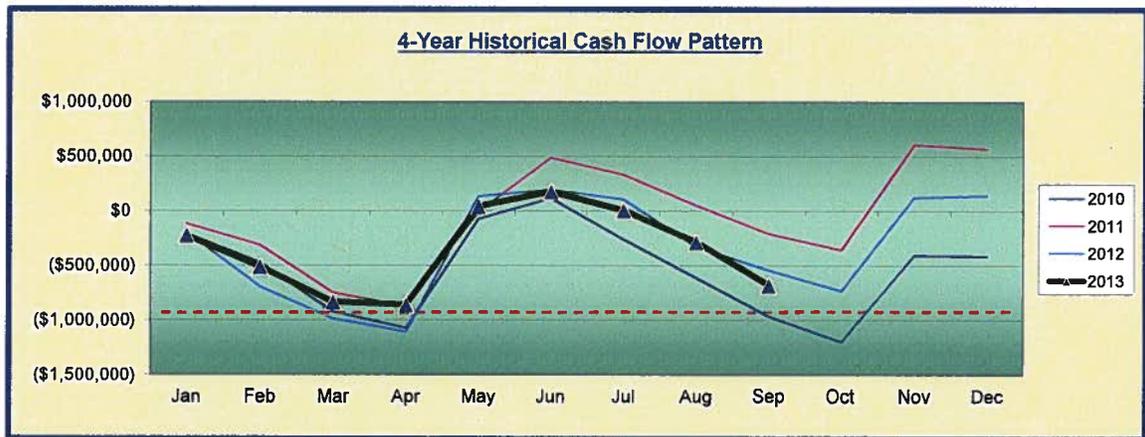
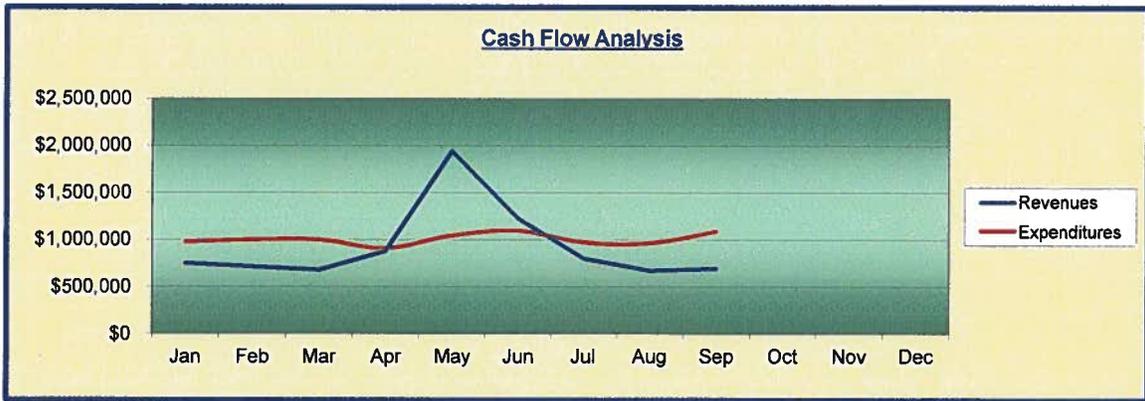
Library

	Monthly Budgeted	Monthly Expenditures	YTD Budgeted	YTD Expenditures	% of Budget
Jan	\$340	\$16,374	\$340	\$16,374	4718.13%
Feb	17,421	250	17,760	16,623	-6.40%
Mar	415	368	18,175	16,991	-6.52%
Apr	6,208	16,552	24,383	33,543	37.57%
May	10,993	402	35,377	33,945	-4.05%
Jun	596	1,383	35,972	35,328	-1.79%
Jul	3,558	350	39,530	35,679	-9.74%
Aug	13,246	14,703	52,776	50,382	-4.54%
Sep	1,979	219	54,755	50,601	-7.59%
Oct	600	0	55,355		
Nov	15,161	0	70,517		
Dec	1,583	0	72,100		
Total	\$72,100	\$50,601	\$72,100		



Total General Fund Cash Flow Requirements

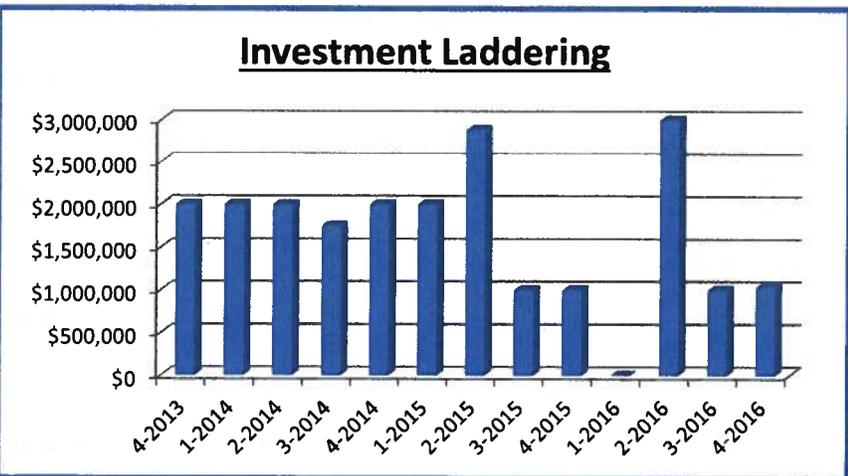
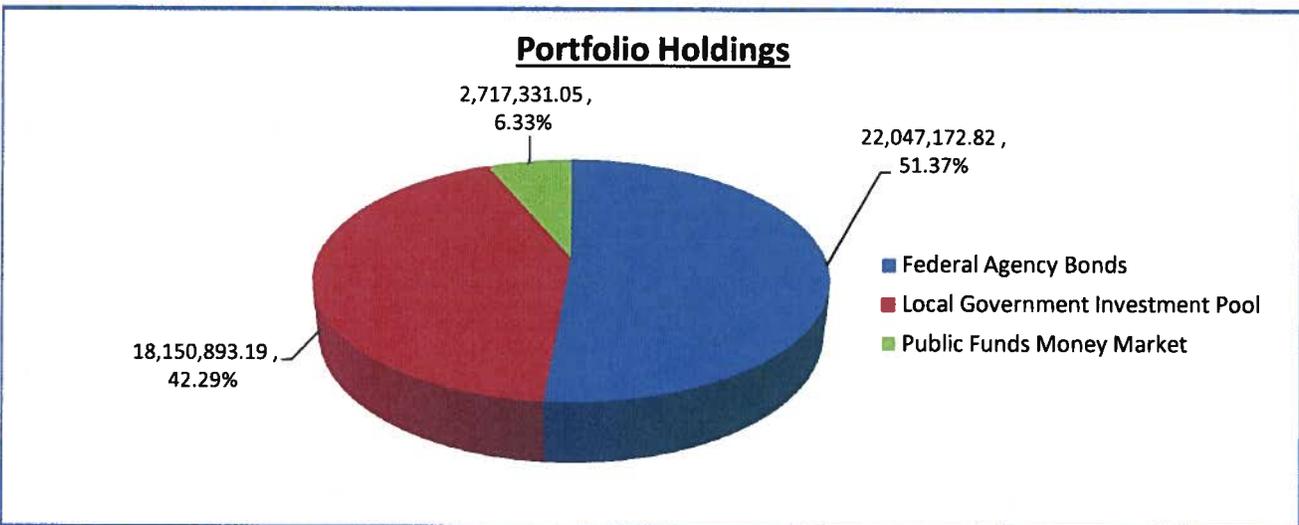
	Total Revenues	Total Expenditures	Net Difference	Cumulative Difference
Jan	\$747,500	\$971,054	(\$223,554)	(\$223,554)
Feb	710,300	996,650	(286,351)	(509,904)
Mar	674,522	995,637	(321,115)	(831,019)
Apr	877,446	905,565	(28,119)	(859,138)
May	1,941,979	1,039,140	902,840	43,701
Jun	1,226,746	1,091,598	135,148	178,850
Jul	797,487	969,292	(171,804)	7,045
Aug	670,966	961,703	(290,737)	(283,692)
Sep	690,658	1,085,544	(394,886)	(678,578)
Oct				
Nov				
Dec				
Total	\$8,337,606	\$9,016,184	(\$678,578)	(\$678,578)



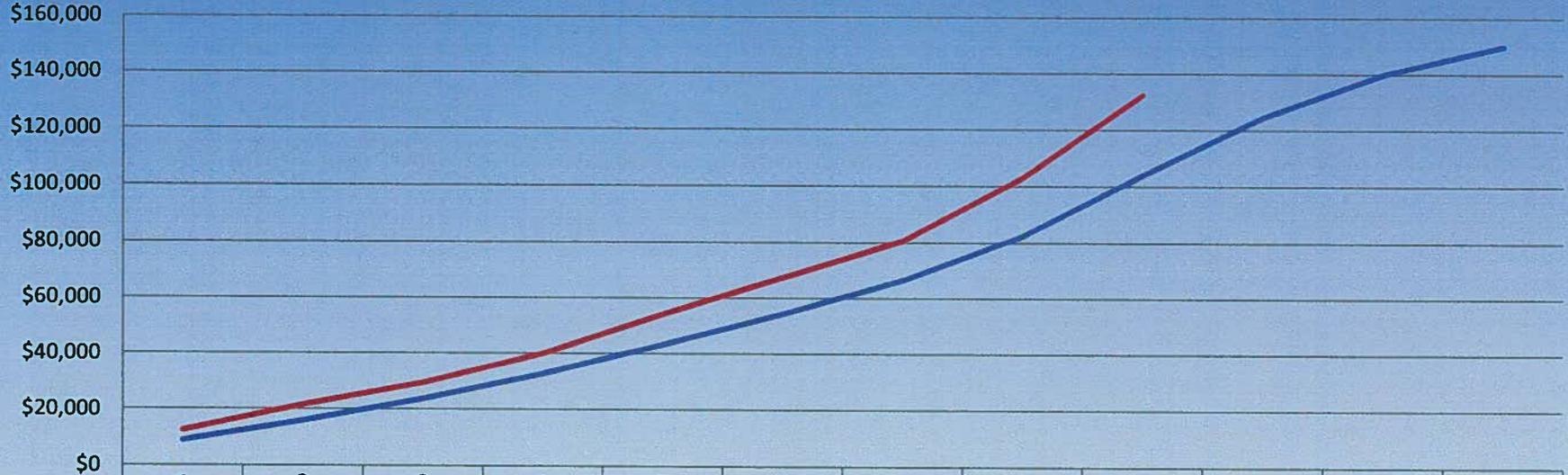
Quarterly Investment Report

9/30/2013

Summary by Type	Book Value	Market Value	Days to Maturity	% of Portfolio	YTM @ Cost
Federal Farm Credit Bureau	1,000,000.00	997,628.00	808.0	2.32%	0.39%
Federal Home Loan Bank	1,009,938.76	1,006,171.88	74.0	2.34%	1.10%
Federal Home Loan Bank	2,020,117.05	2,020,806.00	165.0	4.71%	0.36%
Federal Home Loan Bank	2,042,033.72	2,033,212.00	256.0	4.74%	0.39%
Federal Home Loan Bank	1,833,510.94	1,833,230.00	347.0	4.27%	0.45%
Federal Home Loan Bank	2,012,363.33	2,015,736.00	438.0	4.70%	0.46%
Federal Home Loan Bank	1,999,362.96	2,004,344.00	620.0	4.67%	0.52%
Federal Home Loan Bank	2,122,816.00	2,094,088.00	940.0	4.88%	0.40%
Federal Home Loan Bank	1,040,485.00	1,038,220.00	984.0	2.42%	0.73%
Federal Home Loan Mortgage Corp	1,001,569.82	1,001,187.00	84.0	2.33%	0.31%
Financing Corporation (FICO)	867,832.20	868,493.12	672.0	2.02%	0.70%
Financing Corporation (FICO)	999,710.54	1,001,628.82	1,129.0	2.33%	1.05%
Federal National Mortgage Corporation	2,132,980.34	2,134,164.00	518.0	4.97%	0.53%
Federal National Mortgage Corporation	1,001,734.16	1,001,577.00	728.0	2.33%	0.41%
Federal National Mortgage Corporation	993,759.00	996,687.00	1,061.0	2.32%	0.84%
Total Bonds	22,078,213.82	22,047,172.82	303.7	51.37%	0.53%
Local Government Investment Pool	18,150,893.19	18,150,893.19	1.0	42.29%	0.12%
Public Funds Money Market	2,717,331.05	2,717,331.05	1.0	6.33%	0.02%
Total Investments inc. Cash	42,946,438.06	42,915,397.06	156.6	100.00%	0.33%
Benchmark Yield: 6-mos Treasury					0.04%



2013 Lodging Tax Revenue



	1	2	3	4	5	6	7	8	9	10	11	12
— Budgeted	\$8,774	\$15,889	\$23,703	\$32,755	\$43,265	\$54,402	\$66,553	\$82,447	\$103,876	\$124,459	\$139,797	\$150,000
— Actual	\$12,242	\$21,408	\$29,367	\$39,869	\$54,159	\$67,431	\$80,596	\$102,864	\$132,345			

Fund 116 Civic Improvements (2%)

Revenues	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Basic 2% Tax	71,754.86	72,014.38	81,788.60	83,961.25	87,117.70	95,008.28	99,230.17	93,690.19	90,017.86	99,001.46	51,432.14
Additional 2% Tax	69,496.77	72,013.38	81,788.60	83,961.25	87,117.70	95,008.28	99,220.62	93,690.19	90,017.86	99,001.46	51,432.14
Interest	2,913.74	3,368.67	6,919.15	14,741.91	8,513.81	7,568.05	4,485.71	676.03	472.92	801.53	
Total Revenue	144,165.37	147,396.43	170,496.35	182,664.41	182,749.21	197,584.61	202,936.50	188,056.41	180,508.64	198,804.45	102,864.28

Expenditures	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Grantee/Interlocal Disp											
Chamber Contract	52,320.00	47,960.00	56,680.00	47,960.00	56,680.00	52,320.00	59,495.00	86,671.00	73,337.00	80,004.00	54,000.00
Chamber	5,065.60	4,195.00	7,913.52	4,050.00	7,472.00	21,680.80	18,701.00	5,334.00	4,700.00	13,883.24	3,138.36
Other	77,287.27	79,773.38	50,737.70	55,480.43	52,396.05	60,634.43	55,230.54	42,833.07	43,032.10	22,362.82	25,601.96
Total	134,672.87	131,928.38	115,331.22	107,490.43	116,548.05	134,635.23	133,426.54	134,838.07	121,069.10	116,250.06	82,740.32
Transfers Out	-	-	-	212,500.00	-	-	65,000.00	35,000.00	12,000.00	12,000.00	22,000.00
Total Expenditures	134,672.87	131,928.38	115,331.22	319,990.43	116,548.05	134,635.23	198,426.54	169,838.07	133,069.10	128,250.06	104,740.32

Chamber's Share:

% of Revenue	39.81%	35.38%	37.89%	28.47%	35.10%	37.45%	38.53%	48.92%	43.23%	47.23%	55.55%
% of Expenditures	42.61%	39.53%	56.01%	16.25%	55.04%	54.96%	39.41%	54.17%	58.64%	73.21%	54.55%

City of Oak Harbor City Council Agenda Bill

Bill No. 6.a.
Date: 11/6/2013
Subject: Electronic Message
Centers Code Update

FROM: Steve Powers, Development Services Director *SP*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
JLD Larry Cort, City Administrator
DM Doug Merriman, Finance Director
GW Grant Weed, Interim City Attorney, as to form

PURPOSE

This memorandum presents amendments to the City's sign code for electronic message centers (EMCs) for City Council review.

FISCAL IMPACT DESCRIPTION

Funds Required: Up to \$5,000

Appropriation Source: General Fund

The adoption of the draft code itself does not have any fiscal impact. Enforcement of the brightness standards in the proposed code will require the purchase of a 'nit' gun. Staff estimates this purchase to be no more than \$5,000. This is an unbudgeted expense.

SUMMARY STATEMENT

EMC signs are a fast-evolving technology. The City's sign code has periodically been updated to reflect changes in technology. The first update for EMCs was in 2003 to allow public uses, such as schools, the ability to display public service messages. The code was updated again in 2009 to accommodate EMCs in the C3 (Community Commercial), C4 (Highway Service Commercial), and C5 (Highway Corridor Commercial) zones.

The proposed code amendments represent another effort to update the code to reflect current technology. If adopted, the amendments will offer businesses more flexibility to utilize the digital capabilities of EMCs. These signs would be permitted in the C1 (Neighborhood Commercial), C3 (Community Commercial), C4 (Highway Service Commercial), C5 (Highway Corridor Commercial), I (Industrial), PIP (Planned Industrial Park), PBP (Planned Business Park), and PF (Public Facilities) zones, thereby expanding the areas where digital signs could locate as compared with the existing code.

City of Oak Harbor City Council Agenda Bill

The following table compares the physical and operational features of the existing and proposed codes:

	FEATURE	EXISTING CODE	PROPOSED CODE
Physical Features	Number of EMCs per development	1	1
	Size	Pole= 50 SF, Monument = 16 SF, Pylon = 24 SF. 50% of building mounted	Pole = 50 SF, <i>Monument = 24 SF</i> , Pylon = 24 SF, building = 100 SF
	Construction	Must be integral part of primary sign	Must be integral part of primary sign, <i>except building mounted</i>
Operational Features	Animation & Video	No	<i>Yes</i>
	Minimum Duration Of Graphics, Images, Text, Videos	2 seconds	2 seconds
	Maximum Duration	12 seconds for segmented messages	<i>None</i>
	Transitions/Changes	1 second or less	0.5 - 1.0 second
	Color	Yes, but static	<i>Yes</i>
	Sensitive Use Offset	None	100 feet from residential and open space properties
	Hours of operation	Adjacent to residential, 10 pm - 6 am	<i>W/I 100 feet of residential 11 pm - 6 am</i>
Brightness	Autodim, certification of no tamper	C1, I, PIP, PBP, PF: 1,000 nits night/8,000 nits day. C3, C4, C5: 1,500 nits night/13,000 nits day. Autodim required	

Note: Italics represent features/aspects of the proposed code which offer greater flexibility than the existing code.

DISCUSSION

Number

As is the case with the existing code, the proposed code will allow one EMC per development.

Size

Under the existing code, commercial properties are allowed a certain number and square footage of signs based upon the size of the building. The new code provisions would not increase the number or size of signs allowed for each building/property. EMCs would continue to be a type of sign businesses and property owners are permitted to have. Building-mounted EMCs could not be more than 100 square

City of Oak Harbor City Council Agenda Bill

feet in size, pole signs would be limited to 50 square feet, and monument and pylon signs would be limited to 24 square feet.

Animation and video

Animation and video would be permitted on the EMC signs under the proposed code, although distracting elements such as flashing, blinking, undulating, or pulsing lights would be prohibited (as they are today).

Duration

All messages, graphics, images, or videos would have to remain on screen for a minimum of two seconds. Videos are understood to be moving images, so the duration limit applies to video segments, not frames within the video.

Transitions

Instantaneous transitions between graphics, text, colors, or images are prohibited in an effort to avoid distraction. Transitions must occur within one (1) second, but no less than ½ second.

Scrolling and moving text

Research has shown that scrolling and moving text attracts more than twice the number of views and for a longer duration than static text signs. Therefore, the draft code prohibits scrolling and moving text on signs.

Distance from sensitive land uses

EMCs must not be located closer than 100 feet from residential or open spaced zoned properties so as to control light impacts on these sensitive land uses.

Hours of operation

EMCs located within 100 feet of residentially zoned property would be required to be turned off between the hours of 11:00 p.m. and 6:00 a.m.

Brightness

Planning Commission discussed brightness of EMCs at length. The main discussion centered around how brightness is measured (nits versus footcandles) which is directly related to how maximum brightness levels are set on the signs. Staff presented two options to Planning Commission based on sign and lighting industry recommendations for brightness and a third option based on Planning Commission's desire to grant more flexibility to businesses. Ultimately, Planning Commission recommended the option giving businesses more flexibility and simplicity in setting brightness to a particular level. For more detail on brightness, please see the Planning Commission meeting minutes and staff memorandums in Attachments B and C, respectively.

City of Oak Harbor City Council Agenda Bill

Non-conforming signs

As with all new codes, if the subject code amendments are adopted, there would be a number of existing EMC signs in the community which do not meet the new standards. The existing EMCs would be considered “non-conforming” signs to the degree that they do not meet the new standards. Going forward, it will be important for staff to know how to treat the existing EMCs (make them comply with the new standards, or allow them to exist as is?). Planning Commission ended up recommending that these signs be “grandfathered” with the exception of making them comply with the brightness and hours of operation standards. Thus, within one year, the existing EMC signs will need to comply with brightness and hours of operation standards but not the physical features (size and construction) of the new code.

Enforcement

As with almost all aspects of Oak Harbor’s zoning codes, EMCs are and will be enforced on a complaint-only basis. Staff will start the compliance and enforcement process only if a complaint is received. To assist staff in its efforts to apply the code, staff will need to purchase a “nit gun” which will allow staff to measure the brightness of the EMC signs. Staff is estimating that the nit gun will cost \$5,000 or less.

PLANNING COMMISSION REPORT

The Planning Commission began their work on this item in November 2012. The item was discussed at every meeting in 2013 with the exception of August. As part of their work, the Commission opened the public hearing on the draft code in April and closed it in September. At the conclusion of the public hearing process, the Planning Commission recommended approval of the draft code by a vote of 4-1. A copy of the Planning Commission meeting minutes from each of these months is included in Attachment B and the staff reports are included in Attachment C.

RECOMMENDED ACTION

Staff recommends that City Council adopt Ordinance 1674.

ATTACHMENTS

- Attachment A – Draft electronic message center sign code
- Attachment B – Planning Commission meeting minutes from November 27, 2012; January 22, February 26, March 26, April 23, May 28, June 25, July 23, and September 24, 2013.
- Attachment C – Staff memorandums to Planning Commission from November 27, 2012; January 22, February 26, March 26, April 23, May 28, June 25, July 23, and September 24, 2013. Please note that attachments to the staff memorandums are not included, but can be found at: <http://www.oakharbor.org/page.cfm?pageId=261>

ORDINANCE NO. 1674

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

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

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

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

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

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

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

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

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

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

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

19.36.020 Definitions.

- (1) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
- (2) "Animation" means the use of movement or some element thereof, to depict action or create a special effect or scene.
- (3) "Area or surface area of sign" means the greatest area of a sign on which copy or artwork can be placed and not just the portion of which is covered by letters or symbols, enclosed within not more than three circles, rectangles or squares, or any combination of these forms which produces the smallest area. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy and are not internally lighted shall not be included.
- (4) "Architectural blade" means a projecting sign with no exposed legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from the building.
- (5) "Banner" means a flexible material (i.e., cloth, paper, vinyl, etc.) on which a sign is painted or printed.
- (6) "Billboard" means outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.
- (7) "Building line" means a line established by ordinance defining the limits of buildings in relation to streets. A building line in some instances may coincide with the property line. "Building line" is sometimes referred to as "required setback line."
- (8) "Building-mounted sign" means a single- or multiple-faced sign attached to the face of a building or marquee.
- (9) "Campaign sign" means a sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a ballot issue.
- (10) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
- (11) "Canopy sign" means any sign erected upon, against or directly above a canopy.
- (12) "Commercial sign" means a sign containing expression related to the economic interests of the advertiser and its audience or a sign proposing a commercial transaction.
- (13) "Construction sign" means an information sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
- (14) "Electronic message center" means a sign capable of displaying words or symbols, [graphics, images, or video](#) that can be electronically or mechanically changed by remote or automatic means. An electronic message center is considered a primary

- sign and may be either freestanding or building-mounted. [For the purposes of this chapter, electronic message center signs do not include gasoline price signs.](#)
- (15) “Flashing” means pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.
- (16) “Frame effect” means a visual effect on an electronic message center applied to a single frame to transition from one message to the next. Such usage must comply with the 2-1-2 provision.
- (17) “Freestanding sign” means a single- or multiple-faced sign supported from the ground by one or more columns, uprights or braces. Freestanding signs include monument, pylon and pole signs.
- [\(18\) “Gasoline price signs” means any sign displaying the price of gasoline or other fuel at a gasoline or service station by electronic or mechanical means.](#)
- (198) “General promotions” means events which occur on a regular basis in retail business for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year-end, seasonal sales, civic events, etc.).
- (1920) “Grade” means the elevation or level of the street closest to the sign to which reference is made, as measured at the street’s centerline, or the relative ground level in the immediate vicinity of the sign.
- (210) “Grand openings and anniversaries” means events that are held on a once-per-year basis for the purpose of advertising grand openings, ownership changes, or anniversaries.
- (224) “Height” or “height of sign” means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.
- (232) “Incidental sign” means a single- or double-faced sign not exceeding four square feet in surface area of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, public telephone, etc. Also included are signs designed to guide pedestrian or vehicular traffic to an area or place on the premises of a business, building or development. Also included are building directories with the letters not to exceed four inches in height. (See OHMC 19.36.100.)
- (243) “Marquee” means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.
- (254) “Monument sign” means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.
- (265) “Multiple-occupancy building” means a single structure housing more than one type of retail business office or commercial venture.
- (276) “Multiple-occupancy complex” means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (41)(4244) "Single-occupancy building" means a commercial building or structure with one major enterprise, generally under one ownership. A building is classified as single-occupancy only if:
- (a) It has only one occupant;
 - (b) It has no wall in common with another building;
 - (c) No part of its roof in common with another building.
- (42)(45) Special Signs. See "Temporary and Special Signs."
- (43)(46) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.
- (44)(47) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.
- (45)(48) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.
- (46)(49) Surface Area. See "Area or surface area of sign."
- (47)(50) "Surface area of facade" means the area of that front, side or back elevation, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of facade shall be the area of that front, side or back immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.
- (48)(51) Temporary and Special Signs. "Temporary and special signs" are those which are not defined as "primary signs" or "incidental signs" by this chapter. Different types of temporary and special signs include, but are not limited to, construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, subdivision directional signs, A-frame signs, political signs, and campaign signs (see OHMC 19.36.080).
- (52) Transition. "Transition" means the time interval between display changes of graphics, text, messages, or images on electronic message center signs.
- (49)(53) Transitory signs. Transitory signs, also known as "human signs," are those carried by or worn by a human being usually for the purposes of a protest, demonstration, rally, or other similar event.
- (50)(54) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message center or similar device. The use of video is not permitted in any zoning district.
- (51)(52) ~~"Video board" means an electronically activated sign that creates the effect of motion or animation, except as allowed by this chapter for changing electronic message signs which are in compliance with the 2-1-2 provision, and the~~

~~prohibition of RGB technology. Video board signs are not permitted in any zoning district.~~

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

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

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

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

(1) General.

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

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

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

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

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

Maximum Height: 25 feet

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

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

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

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

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

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

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

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

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

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

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

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

- (ii) Only one such sign shall be used in a development ~~and it shall not exceed 50 percent of the sign area for that sign;~~
- (iii) Size. Electronic message center signs shall be included in the maximum sign area allowed for the business or development under 19.36.030(2 and 3). However, in no case shall an electronic message center sign exceed 100 square feet in size. Additionally, electronic message center signs can comprise 100 percent of a building mounted primary sign, no more than 75 percent of a monument primary sign, and no more than 50 percent of a pole or pylon primary sign.
- ~~(iii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;~~
- ~~(iv) Freestanding electronic message center signs shall be constructed~~The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(~~xviii~~) of this section. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;
- (v) Electronic message center signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information;
- ~~(vi) No segmented message shall last longer than 12 seconds~~
- (vi) Animation and video. Animation and video are permitted on electronic message center signs. Animation and video must be steady and avoid shaking, trembling, quavering, or quaking effects. Animation and video cannot portray action or movement at speeds faster than what occurs in real life. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
- (vii) Duration. The entirety of a message, text, graphic, image or video, including message segments, must remain on-screen for a minimum of two seconds. There is no maximum duration for messages, text, graphics, images, or video.
- (viii) Transitions. Instantaneous transitions of colors, graphics, text, or images are prohibited. When the sign is transitioning between colors, graphics, images, or text the transition must occur within one second and no less than 0.5 seconds. This provision shall not be interpreted to prohibit video.
- (vix) Scrolling or moving text is prohibited.
- (vix) Color. Color may be used in electronic message center signs. However, white backgrounds are prohibited.
- ~~(viix) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (red-green-blue) technologies or other multicolored display shall be~~

~~permitted in an electronic message center sign in a manner that would create a video board. This subsection does not prohibit the use of color in a sign that is not a video board;~~

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

~~(ix) Changing electronic message signs shall maintain a 2-1-2 transition frequency. "2-1-2" means a message display time of a minimum of two seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of two seconds with all segments of the total message to be displayed within 10 seconds. Displays which scroll onto the signboard must hold for a minimum of two seconds including scrolling. Frame effects may be used for the purpose of transition~~

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

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

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

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

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

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

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

- a.m.;Hours of operation. Electronic message center sign displays must be turned off between the hours of 11:00 p.m. and 6:00 a.m. when located 100 feet or less from a residentially zoned property.
- (xiv) Angle. Electronic message center signs shall be mounted perpendicular to the ground.
- (xv). Malfunction. If the electronic message center sign malfunctions so as to affect the normal function and display of the sign, the sign is required to be turned off until function has been restored.
- (xviii) A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (xvi) of this section.
- (xvii). Non-conforming electronic message centers must be brought into conformance with brightness and hours of operation standards within one year of the adoption of this code.
- (6) Incidental Signs. "Incidental signs" means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.
- (7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.
- (8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.
- (9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.
- (10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor's present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect, almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial

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

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

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

(1) General. ~~Subsections 1-4~~[This section](#) applies only to office and apartment buildings in RO and buildings in C-1 zones of the city. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the RO and C-1 zones are primarily placed as a buffer between CBD, C-3, C-4 and C-5 business district zones and residential zones, the permissible signs are scaled down from those allowed in business districts.

(2) Setback Limitations – Freestanding Signs. The size of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:

Minimum Setback: 5 feet from front property line

Maximum Area: 35 square feet (per side)

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

Maximum Height: 15 feet

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Exceptions for signs in the PF zone.. In the public facilities zoning district, a single freestanding or building mounted changing general electronic reader board is allowed with the following restrictions:
- (a) ~~Freestanding signs are limited to 35 square feet in sign area, no more than 15 feet in height and must be set back five feet from the property line;~~
 - (b) ~~Wall mounted signs are limited to 35 square feet in sign area and no more than 20 feet in height;~~
 - (c) ~~Lettering shall not be more than 12 inches in height;~~
 - (d) ~~The electronic message shall be limited to those allowed on noncommercial signs as defined in OHMC 19.36.020(25) and shall not change more frequently than every four seconds;~~
 - (e) ~~The sign's lights shall be limited to a warm toned, off white color or other similar color as approved by the development services director;~~
 - (f) ~~An electronic reader board counts as one of the allowed primary signs; and~~
 - (g) ~~For locations adjacent to a residential use or district, electronic displays shall be turned off between the hours of 10:00 p.m. and 6:00 a.m. Electronic message center signs in the PF zone are allowed and shall meet the requirements of 19.36.030 for business district signs except that brightness is limited to 1,000 nits during the night and 8,000 nits during the day.~~

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

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

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

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

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

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

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

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published:

ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting

Mr. Powers explained that Municipal Code assigns the responsibility for the sign code to the building official. The building official has the responsibility to issue sign permits and decisions as to whether the requested sign is allowed by the ordinance. The building official was in attendance to listen to the discussion and answer any questions. The goal of tonight's meeting is to initiate conversation with the Planning Commission.

Mr. Powers reported that the Mayor's Economic Development Committee has asked the City to consider amending this section of the sign code for the purposes of providing language that reflects current technology.

Mr. Powers reported that the current code, electronic message center signs are considered to be primary signs. The zoning district, size of the building etc. dictates the number of primary signs that a business is allowed to have. Electronic message center signs are not in addition to the base number of primary signs allowed. Only one electronic message center sign is allowed and the sign should not exceed 50 percent of the sign area for that sign. Electronic message center signs are allowed in the C3, C4, and C5 business districts. There are also standards embedded within the definitions which may be an area that can be improved upon.

Planning Commission Discussion

Planning Commission had questions about why the colors were limited to white, red or amber in OHMC 19.36.030(5)(g)(vii). Mr. Powers responded that community members who participated in the 2009 electronic message board discussions when these standards were added to the code were concerned about video boards. This is a subsection could be clarified.

Mr. Fikse commented that currently the City allows for scrolled text on message center signs. The problem is that the sign requires a video board for the scrolling text. The code doesn't account for that so there are irregularities in the sign code because the technologies are different than they were three years ago. Correct definitions such as designating the differences between live video versus animation can be a big benefit to the businesses of Oak Harbor. The concern at the Economic Development Committee was whether everyone at the City level could interpret the code the same way. The answer was no. The Economic Development Committee's key concerns were, they didn't want the signs to look bad which is difficult to legislate and safety. The letter from the Economic Development Committee proposed the following:

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

Ms. Johnson-Pfeiffer recalled that there was a lot of community pushback in 2009 and it wasn't technology driven but more about being as conservative as we can for the first step. There was a desire to not have video signs like Fife, Washington, light pollution and too much ambient light in neighborhoods. Ms. Johnson-Pfeiffer also commented that she liked the video signs that are inset and flush with the façade and asked if the code would allow freestanding video signs. She wondered if it was possible to say that this technology can be used in one fashion but not in another. Mr. Powers said free standing video signs are allowed and regulations could be

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drafted to say that when it is a pole mounted that only a certain amount of the sign can be electronic message, if it is building mounted it could be by itself.

Ms. Jensen asked what the stumbling point was when interpreting the code. Mr. Anderson said that it was the technology, the term "video" and the color definitions. Mr. Powers added that staff's task has been to look at how the technology is utilized to display the message and not the message itself.

Mr. Fikse added that it is easy to address the concern about the brightness of the sign because there is a very good photo cell that self adjusts brightness and that can be very easily written into the code to require an active photo cell. Mr. Fikse also pointed out that the current code says that no RGB technology is allowed but white is allowed and electronic signs require RGB technology to get white. He also pointed out that if the electronic sign has a white background it will look bad and a dark background will look much better. He wasn't sure how the City could discourage the white backgrounds. The look of the signs will determine the community's reaction.

Mr. Powers concluded the meeting by noting that this item would not be on the December business meeting agenda but would be on the January agenda for further discussion.

Ms. Jensen asked staff to provide a list of the existing electronic message boards and notate the conflicting code language/technology that apply to each sign.

ADJOURN: 9:00 p.m.

2016 Comprehensive Plan Update (Mandated Amendment)

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

Mr. Fakkema opened the public hearing for comment seeing none the public hearing was closed.

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

ELECTRONIC MESSAGE CENTER SIGNS CODE UPDATE – Public Meeting

Mr. Spoo presented a Power Point presentation (Attachment 1) which introduced information on the new sign technology available, the most recent update to the code for sign technology, how other cities treat digital signs, basic policy choices presented by digital signs for Oak Harbor and criteria to help decide how to make decisions about policy choices.

Planning Commission Discussion

Mr. Fikse commented that digital signs are the newest technology and the old City Code doesn't address the modern technologies. The quality of digital LED signs varies greatly and the question is what can we do with the code to ensure that digital signs are visually pleasing. Mr. Fikse suggested banning solid white backgrounds, requiring light sensitive photocells that will dim the signs in low light conditions which will take care of the brightness issues. An advantage to the new technology is that it allows the sign to be altered.

Mr. Wasinger asked his fellow Commissioners if the size restrictions in the existing regulations were adequate. The consensus was that the size limits were fine.

Mr. Freeman commented that stand alone businesses are one thing but what happens when you have a business center and they all have digital signs of varying brightness competing for attention.

Ms. Schlecht asked staff to provide photographs of the situation that Mr. Freeman spoke of as well as photos from small towns that have done the digital LED signs well.

Mr. Fakkema commented that he would like to explore the issue of pole signs as opposed to storefront signs and pixel size. He believed that the pole signs were already a blight on the visual landscape. Do we want to increase the proliferation or manage the proliferation and are we going to address the changing technology every two years?

Mr. Fikse said that he believed the immediate issue is the less caliber LEDs. The size LED's in his sign are 5.5 millimeters in diameter. Most LED signs use 6.5 to 8 millimeter. LEDs come in different strengths. The question is how can we regulate the small LED versus less expensive larger LED's or should we even try.

Mr. Fikse believed that it was important to look at allowing digital LED signs and do it the right way in order to help businesses be successful and encourage other businesses to come to Oak Harbor.

Mr. Fikse noted that whether you call the signs video, animation or transition; they are all video and that is something that the City needs to come to grips with. RSS feed is currently not allowed by the current code. RSS feed is live video. “Amber Alerts” and emergency broadcasts are RSS feed. Mr. Fikse indicated that he would like those types of RSS feeds allowed.

Mr. Spoo said that he would provide photos of digital signs in centers, more guidance on free standing versus storefront signs and draft code language.

Ms. Schlecht asked Mr. Spoo to check whether the Scenic Highway regulations would allow digital signs. Mr. Spoo said that most of the scenic highway corridor deals with public signs and guidance through the scenic corridor and doesn't talk too much about commercial signage. Mr. Powers added that there is acknowledgment that the City has a different character than the areas north and south of us and we are an urban portion of the scenic byway. Mr. Powers also noted for the new members of the Commission that when the City updates any of its development regulations the draft code has to be sent to the Washington Department of Commerce and they send it out to other member agencies (Department of Ecology, Department of Transportation, Department of Natural Resources etc.). Then those agencies will offer comments if they feel so inclined.

2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS – Public Meeting

Mr. Kamak recapped the Planning Commission's activities on this item. In 2012 the Planning Commission placed a study of the City's scenic view on the 2012 Comprehensive Plan Docket. There was a public outreach done in the summer of 2012 asking for photographs of scenic views. In December 2012 the Planning Commission reviewed criteria for evaluating scenic views within Oak Harbor (view from public property, streets, pedestrian trail, views of specific land marks, do we need to buy property, is there a need for special zoning regulations, is it an entryway view, is there waterfront connectivity). Since not all scenic views have the same public interest and value, the Planning Commission also weighted the criteria to help narrow down the selection and focus on the views that preserves the community's interests.

At the end of December's meeting Commissioners were asked to rank the views on their own. Page 34 of the Planning Commission packet shows the results of the scoring.

Mr. Kamak displayed each view and scoring sheet to do the final scoring. The results of the Planning Commission's second round of scoring are shown below.

	Views	Rating Score (First round)	Qualified (Y/N) (Second round)	Reason
1	Northbound SR 20 – Scenic Heights to Erie	350	Y	View from public highway (SR20)
2	Northbound SR 20 – Swantown to Scenic Heights	300	N	Private property zoned R-4 would only be a peek-a-boo even with new zoning regs for landscaping & setbacks
3	Scenic Heights Trailhead	325	N	View is already across public property so view already preserved

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
February 26, 2013

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Jeff Wallin, Kristi Jensen, David Fikse and Bruce Freeman
Absent: Ana Schlecht
Staff Present: Development Services Director, Steve Powers

Chairman Fakkema called the meeting to order at 7:35 p.m. and reported that the Planning Commission had agreed to reorder the items on the agenda to place the Digital Signs Code Update before the Draft Zoning Regulations for Maritime Zone.

MINUTES: MS. JENSEN MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 22, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None present for comment.

DIGITAL SIGNS CODE UPDATE – Public Meeting

Mr. Powers noted that this item was mistakenly advertised as a public hearing and is actually a public meeting. Mr. Powers presented a Power Point presentation (Attachment 1) which introduced four scenarios for regulating digital signs as follows:

Scenario 1 “Least Restrictive”

The digital signs would be allowed in all commercially and industrially zoned areas of the City with the exception of Pioneer Way. Digital signs would be allowed both as building mounted and on freestanding signs. Digital sign size could not be more than 50% of the total sign area for the site, and could comprise up to 100% of a single sign with 100 square feet being the maximum size of a sign. Electronic motion and video would be allowed on the signs. Signs would have to remain 100 feet away from residentially zoned areas. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

Scenario 2-“Medium Restriction”

The digital signs would be allowed in all commercial and industrial districts except for C1 and CBD, excluding along Pioneer Way. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 100 feet away from residentially zoned areas. Digital signs could not be more than 50% of the sign allocation for the site and 50% of any single sign, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

Scenario 3-“Most Restrictive”

The digital signs would be allowed only in C-3, C-4, and C-5 zones, excluding Pioneer Way and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be

allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

Scenario 4-“Prohibited”

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

Mr. Powers stressed that the scenarios are not staff recommendations but are provided as a starting point for the Planning Commission.

The tentative schedule for the digital sign code update is to open the public hearing in March. In April staff will draft the code and issue the SEPA Determination. In May the SEPA comment period is closed, the public hearing is closed and Planning Commission makes a recommendation to City Council.

Mr. Powers noted that Planning Commission requested further research at the previous meeting and staff has provided that research in the staff report provided for this meeting.

Planning Commission Discussion

Mr. Fikse commented on each of the items as follows:

Display Change: Supports not allowing flashes of light, blinking or chasing lights; but under Scenario 1, portrayal of explosions and fireworks should be allowed on the 4th of July.

Motion: Slides can be distracting as well. Smooth motion video should be allowed versus “jerky” motion of slides.

Color: Supports prohibition of white background but not in favor of trying to regulate near white background since there is no standard of how much white. Stark white is awful, off-white is not. White background are not bad in the LCD (upcoming technology) but awful in the LED. We need to be mindful that we don’t put something in the code that will hamper future technology.

In case of sign malfunction: The requirement that the display go dark should depend on the malfunction. “Malfunction” should be defined. If one block goes bad the sign can be set to stay on one solid color. There are other things that can be done other than having the display go dark to mitigate a malfunction depending on what the malfunction is.

Mr. Powers asked Mr. Fikse if it was necessary to address sign malfunction and leave it to the business owners discretion. Mr. Fikse and Ms. Jensen believed that business owners would not want their sign on if it wasn’t working. Mr. Powers suggested looking at the section of the code that applies to the state of repair for all signs, there may be general language that could address the problem if it is not self-correcting. Mr. Fikse agreed.

Brightness: Supports the autodimming requirement but the 500 nits darkness and 5000 nits daylight should be changed because light bulbs are different sizes and wattages. The diameter of the LED and the tightness of the cluster of the LED all affect nits. As the proposed regulation

scenario is written currently, his sign wouldn't meet the requirement. His sign if running at 100% power runs at 14,260 nits, at 90% it runs at 12,384 nits in full sun. At 10% power at night it is running at 1,426 nits. Mr. Fikse provided a handout (Attachment 2) that shows how brightness is affected by the tightness of the cluster of the LEDs. Mr. Fikse suggested using a percentage. 75% should be the starting point with the understanding that if you have a sign that glares at night that would have re-examined because 75% may not work with all of the technology.

Mr. Powers asked if it would be acceptable to set the bottom limit to 10% at night. Mr. Fikse said he had no problem setting the max brightness of 90% but suggested making it 10% at night with the understanding if that percentage is not right for the type of sign, a waiver could be granted on an individual basis. These percentages should be specifically for LED signs.

Mr. Powers said that staff would need to outline the process for a waiver so that it is not subjective.

Mr. Wasinger suggested that having this flexibility would allow business owners to purchase an LED sign that is less expensive and still be able to meet the brightness requirements.

Ms. Jensen commented that she preferred Scenario 1 "Least Restrictive" but she wanted to limit having a mounted LED sign or a freestanding LED sign but not both. She also suggested changing the Zone Area/Restrictions language to say CBD instead of Pioneer Way.

Planning Commission agreed that the hours of operation should be 8 a.m. to 10 p.m. where visible from residential but the term "where visible from residential" should be defined. Mr. Powers suggested using a certain number of feet or using the term "adjacent" to residentially zoned property. The distinction between residentially zoned and residentially used property should be made because there are some houses in that are non-conforming in commercial districts. The idea is that they will transition out over time, but residentially zoned property with stay residential.

Mr. Freeman raised The Element night club which is adjacent to a residential area and suggested the code should be written to address the worst case scenario.

Mr. Powers said that the code needs to be written to address where the sign is, how to deal with residentially used properties that are within a certain distance, how to deal with certain properties that are residentially zoned and how to deal with commercial zoning with residential uses.

Mr. Fakkema was concerned about increasing the signage in Oak Harbor. Mr. Powers pointed that when the code was revised to allow electronic message board signs there wasn't a rush for these types of signs and typically business owners will replace old signs with new signs. This change to the code does not affect the number of signs a business is allowed to have.

There was discussion about the ratio between the LED portion and the non-LED portion of the three types of freestanding signs. Planning Commission talked about addressing the three types of freestanding signs separately. Mr. Fikse commented that the code needs to be consistent for all signs whether it is an LED sign or not. Mr. Powers suggested that if the Planning Commission wanted to propose language to the Council that would limit the amount of sign area that could be LED, the simplest way would be to have a fixed percentage. Mr. Powers said he wouldn't suggest unique standards for each type of freestanding signs.

Mr. Powers said that staff would show the Planning Commission options for the three types of freestanding signs at the next meeting.

Mr. Fikse pointed out Comprehensive Plan policy Economic Development Goal 3 which states: "increase Oak Harbor's market share of retail sales to reduce the economic leakage off island." Mr. Fikse said it is difficult to do business in Oak Harbor and business need every tool to help them be as successful as they can while keeping Oak Harbor looking attractive as possible.

DRAFT ZONING REGULATIONS FOR MARITIME ZONE – Public Meeting

Mr. Powers reported that the 2012 Comprehensive Plan amendments considered adding a new land use category to the Comprehensive Plan to capture the potential of maritime industrial and commercial uses for land that is currently adjacent to the marina. After incorporation of the new land use category into the Comprehensive Plan, zoning regulations have to be adopted to implement the intent of the new land use category.

Some of the key elements that the land use designation is intending to achieve can be derived from the key words and phrases found within the adopted intent statement for the Maritime designation. They are listed below:

- Accommodate high intensity water-related and water-dependent uses
- Clean industrial uses
- Commercial uses similar to uses permitted in the Central Business District
- Flexible standards for streets and parking
- Sufficient screening between industrial and commercial uses

Water-related and water-dependent uses are defined in the City's Shoreline Master Program (SMP) that was recently adopted by the City.

Since the intent statement makes a strong connection to the CBD district and the SMP, development regulations for the Maritime District can be adapted for this district from these documents.

The staff report presents some water-dependent uses and some of the uses to consider under the Conditional Use category.

Mr. Powers concluded by asking for Planning Commission feedback.

Planning Commission Discussion

Planning Commission discussed the challenges of the land ownership land the development challenges in the area of the Marina.

Mr. Powers indicated that a good way to start the conversation is to get the right mix of uses.

Mr. Freeman commented that conference center, hotel and motel listed in the conditional use category are parking intensive.

Ms. Jensen stated that she wanted to avoid creating another shopping district in that area because the shopping districts are already established.

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
March 26, 2013

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

Chairman Fakkema called the meeting to order at 7:32 p.m.

MINUTES: MS. JENSEN MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE FEBRUARY 26, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Garrett Newkirk commented on the City expanding its current city limit boundaries without diversifying its economy to justify that expansion. He asked where the \$590,000,000 that the military claims they contribute to the Island economy goes. He also commented that the City encouraged the County to place an APZ zone on only North Whidbey Island residents which blocks economic and quality of life improvements with no compensation.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

Mr. Kamak reported that staff is continuing to work on this Comprehensive Plan Amendment and will present information for discussion at the next meeting.

DIGITAL SIGNS CODE UPDATE – Public Meeting

Mr. Spoo explained that the goal of tonight's meeting is to get direction from the Planning Commission as to whether they prefer Scenario 1 "Least Restrictive", Scenario 2 "Medium Restriction", Scenario 3 "Most Restrictive" or Scenario 4 "Prohibited" for drafting the digital signs code. Mr. Spoo displayed a Power Point presentation (Attachment 1) which presented changes to the four scenarios presented at last month's meeting as well as the source for the standards presented in February, interviews with other cities, the enforcement issue and the proposed schedule for the code update.

Mr. Fakkema asked if anyone wanted to provide public comment.

Garrett Newkirk commented that digital signs are a detriment to the town. Digital signs might be beneficial for public safety types of issues but not for businesses. Since we are such a small community there is no reason for them.

Planning Commission Discussion

Mr. Fikse thanked Mr. Spoo for his work and commented follows:

Color: Prohibition of a white background directly affects brightness and will help alleviate the brightness issue.

Motion: Consider putting in a separate section of live video pertaining to public services features such as "Amber Alerts and the Emergency Broadcast System.

Smooth motion video should be allowed.

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Hours of Operation: Need to revisit the hours of 8 a.m. to 10 p.m. because it is too restrictive.

Mr. Wasinger raised an issue about businesses that are open 24-hours a day and the perception that the business is closed if the digital sign is turned off.

Ms. Jensen suggested having different hours of operation depending on the zoning district that the business is located and hours of operation would be more restrictive for business that are located adjacent to and across the street from residential zones.

There was some discussion about whether it was a function of brightness or hours of operation.

Ms. Schlecht and Ms. Peterson suggested setting a range for brightness to allow some flexibility for the business owner and code enforcement. Mr. Spoo indicated that there could be different brightness ranges for different zones.

Mr. Freeman expressed concern about digital signs on multi-tenant buildings. There could be five businesses in the same building each with a digital sign with competing information. Mr. Powers directed attention to page 26 of the agenda packet which is the portion of the sign code that applies to commercial properties. Letters "c" and "d" address occupants in multi-occupancy buildings and says that each storefront has the opportunity to have their own sign but there is a single free-standing sign which works for the entire center. Similar language could be crafted for digital signs to control the number of signs.

Commissioners Fikse, Freeman, Peterson, Wasinger and Jensen recommended that staff draft language that follows Scenario 1 "Least Restrictive". Commissioners Fakkema and Schlecht recommended Scenario 2 "Medium Restriction".

ECONOMIC DEVELOPMENT UPDATE – Public Meeting

Mr. Spoo reported that the City has an economic development committee that has been meeting for about a year. Mr. Fikse and Ms. Peterson are on the committee. The committee meets every first Thursday of the month. Mr. Spoo displayed a Power Point presentation (Attachment 2) showing the City's economic profile and needs assessment information. Copies of the Economic Profile and Needs Assessment Report is available upon request. Mr. Spoo and noted that this information is going to form the foundation for the City's economic development strategy that should come out of the committee in June. The Planning Commission will be asked to give recommendations on the economic development strategy.

YEARLY REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers reported that the Planning Commission recommendations to the City Council have been added to the report and asked if the Planning Commission had any other recommendations. Mr. Fakkema asked Mr. Powers to add the Planning Commission's appreciation of staff's professionalism with which the staff has supplied the Planning Commission. Mr. Powers said that this closing comment would be added to the report.

Mr. Powers said the report would go to the City Council at their April 16th meeting and that having one or more members of the Planning Commission in attendance at the City Council meeting would be welcomed.

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
April 23, 2013

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

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

MINUTES: MR. FIKSE MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE MARCH 26, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None

Chairman Fakkema reported that the Planning Commission had agreed to reorder the agenda to place the Bed and Breakfast Code agenda item after the Digital Signs Code Update agenda item.

DIGITAL SIGNS CODE UPDATE – Public Meeting

Mr. Spoo displayed a Power Point presentation (Attachment 1) providing an overview of the draft code. Mr. Spoo also reported that the legal review of the code was in process so the language may change.

Planning Commission Discussion

Mr. Freeman expressed concern about digital signs being in close proximity to one another. Mr. Spoo noted that the draft code says that one digital sign is allowed per shopping complex. Mr. Powers expressed concern about one property owner having a privilege that a similarly situated property owner does not have if distance restrictions between signs were put in the code. Mr. Powers indicated that staff could ask the City's legal counsel whether or not a spacing requirement could be employed along the highway and it may make more sense to set limits by zoning districts and only allowing monument signs or building mounted signs in certain zoning districts.

Mr. Fikse noted that there are already limitations on existing signs that limit size and placement of signs. The limitations are adequate without taking away business opportunities. Bigger cities are moving in the direction of digital signs and smaller cities are falling behind and are at a disadvantage.

Mr. Fikse also commented that he was pleased with the video motion language that says "speed cannot be quicker than what occurs in real life". This eliminates the concerns about the look of digital signs.

Ms. Schlecht commented that her initial concern was that digital signs would look like the TV isle at Costco with the TV's all set on different channels. Since then she has driven around in different cities she has come to the conclusion that they actually look nice.

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Ms. Peterson commented on 19.36.030(5)(h)(v). It says, "...which are bright and distracting to traffic". Ms. Peterson said the language is subjective and should be taken out. Staff concurred and will delete the language.

Ms. Peterson asked why signs could not be located within 100 feet of open space zoned properties. Mr. Spoo explained that people go there for solitude and for recreation and the function of an open space zoned area is a low impact sensitive area and should be guarded from the effect of the light that digital signs may have on those areas..

Ms. Peterson also noted that there is no exception for a 24-hour business in 19.36.030(5)(h)(x). Staff and Planning Commission agreed that the language should be changed to say "Digital sign displays must be turned off between the hours of 10:00 p.m. and 6:00 a.m. when located within 100 feet of a residentially zoned property."

Mr. Fikse pointed out that 19.36.020(52) should be completely eliminated because RGB technology in electronic signs is required for any form of color including white so the problem is a video board with any color including white, it doesn't meet code. Staff concurred and will delete this section.

Mr. Fakkema pointed out that 19.36.030(5)(vi) is unclear and should be change to say "when the sign is transitioning it must be within one second and no less than 0.5 seconds." Staff concurred and will change the language.

Mr. Fakkema opened the public hearing at 8:13 p.m.

Billie Cook (651 SE Bayshore Drive) questioned turning off the signs between 6:00 a.m. and 10 p.m. She asked if businesses could have their sign on at 6:00 a.m. if they are only open between 9:00 a.m. and 5:00 p.m. Ms. Cook asked that there be some mechanism for a resident to take action if they were negatively affected by a digital signs.

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

There was further discussion about the digital signs hours of operation. Staff noted that enforcement tied to individual business hours would be impractical for staff to enforce and also noted that the language in 19.36.00(5)(h)(ii) limits the digital portion of a pole or pylon primary sign to 50% and the portion of the sign that is not digital would still be lit. Mr. Fikse noted that the nits drop at night so the signs would not be as bright.

BED AND BREAKFAST CODE – INTRODUCTION – Public Meeting

Mr. Spoo reported that the ad hoc Economic Development Committee suggested loosening up the restrictions on where a bed and breakfast could be located and possibly create opportunities for lodging and tourism for businesses in Oak Harbor. The Committee looked at other jurisdictions to see how they compared to Oak Harbor and found that Oak Harbor is more restrictive. The new draft code provides definitions for three different types of bed and breakfast establishments and allows them outright in more zones. Mr. Spoo asked the Planning Commission to review the draft code and to be prepared to discuss it next month.

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.

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
June 25, 2013

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Ana Schlecht, Kristi Jensen, Bruce Freeman and Sandi Peterson

Absent: David Fikse

Staff Present: Development Services Director, Steve Powers, Senior Planners, Cac Kamak and Ethan Spoo.

Chairman Fakkema called the meeting to order at 7:35 p.m.

MINUTES: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO APPROVE THE May 28, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None

DIGITAL SIGNS CODE UPDATE – Public Hearing

Spoo reported that this item is a continuation of the public hearing that was opened in April. Mr. Spoo displayed a Power Point presentation which summarized the changes to the draft code that resulted from the public input and Planning Commission discussion at the May 28th meeting (Attachment 1).

Discussion

Planning Commission discussed the difference between the nits and foot-candle standard of measurement. Mr. Spoo explained that the foot-candle and nits are used to measure two different conditions so it is not possible to convert nits to foot-candles. Foot-candle measures illuminance which is the amount of light intersecting an object at a given distance and nit measures luminance which is a measure of the absolute amount of light emitted from an object (not measured from a distance). The International Sign Association (ISA) recommends using foot-candles to measure brightness and set the limit of an electronic message center sign at 0.3 foot-candles above ambient light levels at night. So the code will only regulate brightness of signs at night except for during the day when the auto dim function of the sign would be working.

Mr. Spoo also noted that since the proposed code talks about regulating existing electronic messages center signs and will require existing electronic message center signs to be in conformance within one year, it is appropriate to notify those affected. This will take another month, so staff is recommending that the hearing be continued to next month's meeting.

Mr. Spoo reported that Planning Commissioner Fikse is requesting that the hearing be continued so that he can discuss his concerns about the latest draft code. Mr. Fikse prefers the nit standard over the foot-candle standard.

Planning Commission questioned staff about non-conforming signs based on the new code. Mr. Powers commented that from the brightness perspective, it is not clear that there would be any non-conforming electronic message center signs.

Mr. Spoo also provided a handout from the ISA with additional information about how to measure foot-candles and why ISA recommends it (Attachment 2).

Mr. Fakkema asked if anyone wanted to offer public comment.

Billie Cook (651 SE Bayshore Drive) thanked everyone for their hard work and was glad that the Planning Commission is addressing duration and brightness of electronic message center signs.

ACTION: MS. PETERSON MOVED, MS. JENSEN SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S JULY 23, 2013 BUSINESS MEETING, MOTION CARRIED.

BED AND BREAKFAST CODE – Public Meeting

Mr. Spoo explained that the Economic Development Committee has request that Planning Commission consider more permissive regulations for bed and breakfast (B&B). Mr. Spoo displayed a Power Point presentation that provided a summary of the existing code and the proposed code (Attachment 3). In the current code there are only two type of B&B's, which are B&B Inns (4 rooms) and B&B Rooms (50% of existing rooms). B&B Inns & B&B rooms are conditional uses in R-2, R3, R-4, & R-O, require parking on premises, resident/manager domiciled, signs can be no greater than 4 SF and no commercial dining is allowed.

The propose code suggests three types of B&B's, they are B&B Inns, Residential B&B and Commercial B&B with the following restrictions:

	Inns	Residential	Commercial
Max # Rooms	10	4	4
Room Capacity	4	4	4
Commercial Meals	No	No	No
Other Business	No	No	No
Resident/Manager	Full-time Mgr domiciled onsite	Resident in primary dwelling	Mgr onsite
Parking	Onsite/2+ 1 per room. Meet dimensions.	Onsite/2+ 1 per room. No dimensions.	Onsite/2+ 1 per room. No dimensions.
Signs	Per OHMC 19.36	4 SF monument/building	4 SF monument/building

Discussion

Planning Commission questioned staff about the restriction regarding other business being conducted on site within the B&B, the conditional use process, the on-site parking requirement as it relates to the Central Business District (CBD) and whether it makes sense to have B&B's in R1 zoning districts. Mr. Powers indicated that there is no prohibition on having more than one home occupation and we may have to consider whether that makes sense with a B&B and whether there is a land use impact on the surrounding neighborhood that should be of concern. The conditional use permit can take between 60 and 90 days depending on the submittal and the public process. Staff will look at that the parking requirement for the CBD and the possibility of allowing B&B's in only certain R1 zoning districts.

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
July 23, 2013

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

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

MINUTES: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO APPROVE THE JUNE 25, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Ron Nelson (resident of Oak Harbor and member of the Island County Economic Development Council) commented that as the Planning Commission proceeds with developing policies, it is critical that the permitting process does not take longer than the building process and permit fees should be reasonable enough to encourage growth.

DIGITAL SIGNS CODE UPDATE – Public Hearing

Mr. Spoo displayed a Power Point presentation (Attachment 1) which summarized additional research on brightness, a review of brightness, an inventory of current Electronic Message Centers (EMC's) and recommended actions. The recommended actions are to give staff direction on: desired brightness standards, whether to have a two-standard system (nits & foot-candles) or a one-standard system (nits OR foot-candles) and what level of brightness should be used. Staff also recommended the Planning Commission give staff direction on the treatment of non-conforming signs, whether to "grandfather" them in (vested under old code) or to require that they meet brightness and hours of operation standards within one year.

Discussion

Planning Commission discussed "grandfathering" existing signs until the sign owner replaced the old sign with a new sign or is operating the sign in a manner that wasn't allowed under the old code.

Mr. Fikse questioned whether the .3 foot candle criteria recommended by the International Sign Association was correct. Mr. Fikse reported that he purchase a foot-candle meter and conducted his own tests on brightness levels by taking measurements under different conditions on his sign. He provided a handout with the results of those measurements (Attachment 2). Mr. Fikse recommended raising .3 foot-candle criteria to .8 as some other jurisdictions have done. He believed .3 foot-candles was too low. He also recommended more testing using normal content instead of all-white backgrounds.

Planning Commission expressed their wishes that the code be very clear about the criteria, be right the first time and not done in haste.

The public hearing was opened at 8:05 p.m.

Aaron Syring owner of Island Drug said his main concern was the 10 second duration cited in section 19.36.030 (5) (g) (vii) of the draft code. He asked that the duration be decreased to 8

ATTACHMENT B

seconds. He wanted more information on whether the 10 second duration is common. Mr. Syring said his experience with his sign was that 2 seconds was acceptable and it did not appear to be strobing or pulsating. He believed that a 10 second transition was too long. Mr. Syring also noted that 9.36.030 (5) (g) (xv) which requires that EMC's located 300 feet from a residentially zone property must turn the EMC off between the hours of 10 p.m. and 6 a.m. He believed 100 feet from residentially zoned properties was more reasonable.

Jason Trit owner of Flyers Restaurant commented that purchasing an EMC is a big investment of between \$30,000 and \$50,000 and there should be less regulation so that the signs can be used to their full capacity. Mr. Trit stated that charities, Chamber of Commerce and other business call him regularly to request that he advertise their events on his sign so he believes EMC signs also benefit the community. He also agreed that the 10 second duration is not reasonable. Mr. Trit said EMC's are the wave of the future and we need to grow if we are going to be a destination tourist town.

Mark Duncan (3145 Shadowbrook Drive) said he was part owner of the Blue Heron Professional Business Park (the lot directly behind the drug store) and he is 1/3 owner of the sign. He noted that Section 9.36.030 (5) (g) (iii) of the draft code allows only one sign per property for multitenant buildings on a single property. He was concerned that he would have to surrender his right to put a sign on Ely Street and hoped that the Planning Commission would amend that section.

Mel Vance Oak Harbor resident pointed out that Island Drug's sign is at a 90 degree angle to the residential property and is not shining in anyone's windows but if Element were to mount a sign on their building it would shine directly into the condos across the street and even 300 feet wouldn't be enough. He recommended that the requirements for EMC's adjacent to residential properties be flexible and be considered on a case-by-case basis.

Jason Trit owner of Flyers Restaurant added that his restaurant is opened until 11 p.m. on weekends and the requirement that EMC's located adjacent to residential areas be turned off from 10 p.m. to 6 a.m. will make it look like he is closed for business at 10 p.m.

Planning Commission and staff discussed the issues raised during the public comment period. Staff noted that Planning Commission could choose to adjust the durations, hours, distances or have no hours of operation if they chose.

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

Discussion:

Planning Commissioners discussed what would trigger a "grandfathered" sign to become regulated under the new code and were concerned that all businesses may not want to be "grandfathered". Mr. Kamak said that businesses could be given the choice to be "grandfathered" and be give a date e.g. one year from the date of adoption of the new code to respond with their preference. Mr. Kamak noted that the current motion is only to give staff direction.

ACTION: MOTION CARRIED UNANIMOUSLY.

Mr. Fikse commented that he wanted more research on the brightness issue before making a motion on whether to have a two-standard system (nits and foot-candles) vs. one-standard

ATTACHMENT B

system (nits OR foot-candles). **Commissioners agreed to table this item until the August meeting.**

Mr. Fikse commented on the maximum duration of 5 seconds in Section 19.36.030 (5) (g) (vii) and displayed video clips of a flag in motion and a diamond ring rotating on his sign. He didn't think that the duration of the motion shown in the videos was a traffic distraction or a safety issue. Mr. Fikse said that the flag ran all day on the 4th of July. The proposed code is written so that there is only a 2 to 5 second window with a static time after 5 seconds. He stated that it would look silly running the flag 5 seconds and stopping, running for 5 seconds and stopping.

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

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

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

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

BED AND BREAKFAST CODE – Public Meeting

Mr. Spoo displayed a Power Point presentation (Attachment 3) and reviewed the changes since last month's meeting. At last month's meeting there was discussion about the ability for bed and breakfast (B&B) establishments to have some sort of accessory commercial on site to sell items like trinkets, mugs or t-shirts. The proposed code has been revised to allow accessory commercial in residential zones but the area is limited to 100 SF and is for patrons only. On-site parking will not be required in the Central Business District (CBD) and the sign size in commercial districts should be the same as any other commercial use in that zone but in residential there is a 4 sq. ft. restriction as well as a restriction on the appearance of the sign in residential areas. The proposed code also clarifies that a resident or manager has to be domiciled onsite.

Mr. Spoo reviewed the zones where B&B's are permitted or where a conditional use permit is required show in the table below.

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

PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
September 24, 2013

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

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

MINUTES: MS. PETERSON MOVED, MR. FIKSE SECONDED, MOTION CARRIED TO APPROVE THE AUGUST 27, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Bob Wall (1537 SE 8th Avenue) spoke as a member of the Oak Harbor Sister City Committee and was interested in the Economic Development Strategy as the Sister City Committee has an interest in economic development and cultural exchange.

DIGITAL SIGNS CODE UPDATE – Public Hearing

Mr. Spoo displayed a Power Point presentation (Attachment 1) which provided a recap of what prompted the sign code update as well as draft code changes to require signs to be turned off within 100 feet of sensitive land uses from 11:00 p.m. – 6:00 a.m., changing the minimum duration for graphics, images and text to 2 seconds and presented three options for regulating brightness (see table below).

	Option A	Option B	Option C
Brightness Level	1,000 nits (night)/8,000 nits (day) for C1, I, PIP, PBP & PF . 1,500 nits (night)/13,000 nits (day) for C3, C4, C5 . With autodim	0.3 foot-candles above ambient with autodim	0.3 FC above ambient for C1 and PF . 0.8 above ambient for C3, C4, C5, I, PIP, PBP . With autodim.
Standard Type	Absolute – does not take into account ambient	Relative – takes into account ambient	Relative – takes into account ambient light
Measurement Occurrence	Day & night	Night	Night

Mr. Fakkema opened the public hearing.

Richard Everett (651 SE Bayshore Drive) spoke about the dark-sky movement, a campaign by people who want to reduce light pollution. He asked that light pollution be considered with respect to signs and offered to provide more information on the dark-sky movement.

Aaron Syring (32170 SR20) expressed concern about the hours of operation requirement on page 38 of the Planning Commission packet. Since his business is located near an apartment complex, Mr. Syring asked that the 100 foot distance from residentially zoned property language be change to say 100 feet from residential structures rather than the property line. Mr. Syring also stated that his preference was Option A.

Seeing no further comments, the public hearing was closed.

Mr. Powers addressed Mr. Syring's concern about the residentially zoned property language. Mr. Powers explained that Mr. Syring's business and the apartment complex is located in the Residential/Office zone and is considered a commercial district.

Planning Commission Discussion

Mr. Fikse believed that Option A was the simplest and easiest option for managing the brightness levels and enforcement since the LED signs can be set to a certain nits level. He believed Options B and C would open another level of enforcement against businesses in Oak Harbor. He also raised the scenario in which a non-LED sign was actually brighter than an LED sign. Brightness level enforcement on LED signs and not the other type of sign could lead to litigation.

Mr. Powers noted that enforcement is complaint driven and staff doesn't see a different level of enforcement with Option B and C but they do have different methodologies for measurement. Staff's original hesitancy for Option A was the cost of the nits gun to do the nits measurement. Regarding the non-LED signs, the community hasn't chosen to set limits on them and Mr. Powers said that he wouldn't propose that we should. Initially the Planning Commission was worried about brightness and the impact on residential/open space areas which is how we got on the issue of brightness. Staff's goal is to have a code which is simple for the user and simple for the staff.

Mr. Freeman indicated that he tended to believe the experts and what the industry is doing nation-wide. Based on what the experts say he preferred Option C which is based on the industry standard.

Ms. Peterson said she looked at the date of the information that was provided by the experts and it was two year old information on technology that is quickly advancing. She stated that the ordinance needs to be clear, concise, easy to understand, business friendly and easy for enforcement.

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

Discussion

Mr. Fikse said his second choice was Option C. Originally, .3 foot-candles was brought forth as a recommendation from the International Sign Association (ISA). Mr. Fikse said he bought a foot-candle gun and tested the value and found the value to be too restrictive. More verification is needed on Option C to make sure ISA got it right, we don't know what ISA's information is and from when it was etc. He stated he believed Option A is the easiest.

VOTE ON:

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

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

AMENDMENTS TO OHMC 5.22 – NIGHTCLUBS – Public Hearing

Mr. Kamak displayed a Power Point presentation (Attachment 2) which reviewed previous discussions with the Planning Commission, options considered during the 2012 discussion which included licensing nightclubs by occupancy limit in the various zoning districts and the occupancy limits recommended by Planning Commission. Mr. Kamak concluded his presentation by recommending that the Planning Commission hold a public hearing and make a recommendation to the City Council.

Mr. Fakkema opened the public hearing.

Kathy Harbour (Bayshore Drive) spoke in favor of the proposed amendments and asked the Planning Commission to forward the Nightclub Ordinance to the City Council for immediate approval.

Bill Christens (651 SE Bayshore Drive) spoke in favor of the proposed amendments and asked the Planning Commission to forward the Nightclub Ordinance to the City Council for approval.

Billie Cook (651 SE Bayshore Drive) read her comments (Attachment 3).

Deana Royal (920 SE Pioneer Way) stated that she is a Pioneer Way business owner directly between Oak Harbor Tavern and Off the Hook. She spoke in favor of recommending approval to the City Council. She also stated that she would like to see a moratorium on future nightclub licenses in the Central Business District (CBD) due to vandalism and fights. The behavior is not conducive for families in the evening and nightclubs should be more restrictive in the CBD.

Richard Everett (651 SE Bayshore Drive) spoke in favor of recommending approval to the City Council and suggested a modification to delete the term “other similar health and safety impacts” which is repeated throughout the ordinance and replace it with “public health or safety, noise and traffic impacts”. At a minimum delete the “other similar” language.

Seeing no further public comment the public hearing was closed.

Mr. Freeman commented that large businesses can be run with minimal impact to their neighbors and that it has always been his feeling that it is a management issue.

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

ECONOMIC DEVELOPMENT STRATEGY – Public Hearing

Mr. Spoo displayed a Power Point Presentation (Attachment 4) which addressed questions and comments from the Planning Commission at the August 27th meeting which included the make-

City of Oak Harbor
Development Services Dept.

Memo

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

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

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

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

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

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

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

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

Memo

To: Members of the Planning Commission
 Cc: Steve Powers, Development Services Director
 From: Ethan Spoo, Senior Planner
 Date: 1/15/13
 Re: Digital Signs Discussion

PURPOSE

The purpose of this memorandum is to discuss digital signs and the policy choices that those signs bring to the community. The memorandum is organized into the following sections:

- **Background** : discusses the new sign technology available, the most recent update to the code for sign technology, and how other cities treat digital signs.
- **Policy choices**: discusses the basic policy choices presented by digital signs for Oak Harbor.

BACKGROUND

DIGITAL SIGN TECHNOLOGY

Digital signs are one of the newer sign technologies. Electronic message centers are the prior generation of sign technology. Digital signs have capabilities, such as high quality video and animation that far exceed the capabilities of electronic message centers. As digital signs have been introduced, communities have raised questions about if and how these signs should be allowed. Like all other sign technologies, digital signs are designed to direct a passer-by's attention to a business.

Because of digital signs graphic, video, and animation capabilities, these signs offer business owners more choices for changing messages and images to attract attention to their business. At the same time, some research has found that these signs create potential safety issues. Signs with video or scrolling text attract twice as many glances as static signs and the drivers glance longer.¹

This research on driver safety has been vehemently contested by the billboard and sign industry and retailers; they have their own studies showing that such signs are safe and lead to increased sales for retailers.²

2008-2009 ELECTRONIC MESSAGE CENTER CODE UPDATE

The City last updated its code pertaining to sign technologies in 2008-2009 when it discussed electronic message centers. In response to requests from the business community, Planning Division staff drafted language allowing for electronic message centers within the C-3, C-4, and C-5 commercial zones. At the time, Planning Commission was concerned about the aesthetic impacts of these signs, the impact of allowing them

¹ For studies on driver safety and signs, see Beijer and Smiley, University of Toronto (2004), and the Texas Transportation Institute (2005).

² See Tantala, Albert Martin Sr., and Michael Walter Tantala, Tantala Associates. 2007. "A Study of the Relationship between Digital Billboards and Traffic Safety in Cuyahoga County, Ohio." July 7. See also Lee, Suzanne E. et al. 2007. "Driving Performance and Digital Billboards: Final Report." Virginia Tech Transportation Institute Center for Automotive Safety Research. March 22.

along the scenic byway, the size of the sign, animation, and video. The code was crafted to prohibit flashing, animation, and video.

EXISTING CODE

Oak Harbor's code does not address digital signs because of their relatively recent introduction. The code addresses electronic message center signs by placing restrictions on the signs characteristics such as size of the sign, the time of the message, the colors used in the sign, the ability to use animation and video, the brightness of the sign, and hours the sign may be turned on when adjacent to residential areas. As previously mentioned, flashing, animation, and video are prohibited on electronic message center signs and the images or text must remain for a minimum of two seconds.

HOW OTHER CITIES TREAT DIGITAL SIGNS

There are a variety of ways that cities treat digital signs ranging from prohibiting them outright to allowing them with few restrictions. Planning Division staff looked at the codes of some cities in Washington, including near to Oak Harbor to sample the ways in which these signs are treated with the following findings:

- **Federal Way** – Federal Way's code does not address digital signs specifically, but allows electronic message center signs for certain types of land uses and in certain zones. The code prohibits animated or moving signs and electronic message center signs near the freeway.
- **Everett** – Everett prohibits video boards, but allows electronic message center signs with no geographic limits. All messages or images must remain for a minimum of two seconds.
- **Burlington** – Burlington prohibits animated, moving, or flashing signs. Animation is defined as "a sign employing actual motion or the illusion of motion" and this prohibition applies to "electrically activated signs." Electronic message center signs are allowed, but only for multiple tenant complexes over 20 acres in size. Burlington requires that the sign be within 100 feet of the freeway. Messages must remain for at least two seconds. "Displays shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the signboard."
- **Anacortes** – Anacortes specifically allows digital message signs, including TV, computer and video screens, but requires that the image or message remain for 20 seconds and limits size of the sign to 24 square feet. Digital electronic signs are prohibited in the central business district.
- **Mt. Vernon** – Mt. Vernon's code does not reference digital or video signs specifically, but instead uses the term "electronically controlled." These signs are not allowed in residential districts, but are allowed in commercial, industrial, and public districts subject to certain restrictions such as hours of operation and location near arterial streets. Animation and video are not specifically prohibited.
- **Bellingham** – Bellingham regulates digital, video, and electronic signs by district. The signs are permitted in some districts and prohibited in others depending upon the character of the district.

LEGAL BOUNDARIES

The City has broad legal authority to regulate the time, place, and manner of digital signs. It can do anything from prohibit all digital signs to allow them with few restrictions.

POLICY QUESTIONS

Before staff can draft a code pertaining to digital signs, we need guidance from the Planning Commission. First and foremost, we must answer whether the City will prohibit or allow these signs. The signs may be an important new technology that retailers and businesses can use to draw customers to their establishments. On the other hand, as discussed above these signs raise some questions about safety and community character. If the City wants to allow these digital sign technologies, it can choose to place restrictions on the characteristics of these signs which address their impacts. Staff requests Planning Commission guidance on the following policy questions:

1. Size? Should there be limits on the size of these signs? The existing code restricts the size of electronic message center signs to 50% of the size of the commercial sign in which the message centers are incorporated. Overall sign size is required to be proportional to the size of the building façade.
2. Animation and video? Animation may be prohibited or allowed. Animation is usually defined as movement or the appearance of movement. Many jurisdictions require that images or text remain on screen for a minimum specified time. Generally, the less time the image is on the screen, the more distracting it could be for drivers. For electronic message centers, the code uses two seconds as the minimum display time for messages. Are there some aspects of animation or video acceptable and others that are unacceptable?
3. Site Location? Should digital signs be located on freestanding sign structures or only on the building face or both? Generally speaking, the closer the sign is to the road, the more visible it is and the greater potential for driver distraction.
4. Location within City? Many cities restrict digital signs to commercial districts and discourage their placement near highways or freeways. In Oak Harbor's case, the primary commercial areas in town are along Highway 20, Midway Boulevard and Pioneer Way. Highway 20 has been designated as a state "scenic byway." Island County has adopted the "Whidbey Scenic Isle Way Corridor Management Plan" to preserve the scenic qualities of the scenic byway. If digital signs are allowed on Highway 20, it is possible that Island County and the Washington Department of Transportation (WSDOT) may have concerns about the aesthetic impacts of these signs. In the worst-case scenario, the state might revoke the scenic byway designation in Oak Harbor, which could have adverse economic impacts if it discourages tourists and motorist from visiting the City. Should there be different regulations for different commercial areas or zoning districts?
5. Hours of operation? Should these signs be turned off during nighttime hours? What about if adjacent to or visible from residential areas?
6. Brightness? Is it necessary to regulate this type of sign different from other types of illuminated signs? Should there be limits on the sign's brightness during daytime and nighttime hours?

ATTACHMENTS

1. "Digital Signs: Context Matters", Zoning Practice, April 2008, Issue Number 4, American Planning Association.
2. Existing code

Memo

To: Members of the Planning Commission
 Cc: Steve Powers, Development Services Director
 From: Ethan Spoo, Senior Planner
 Date: 2/20/13
 Re: Digital Signs Continued Discussion

PURPOSE

The purpose of this memorandum is to outline options for regulating digital signs in the City of Oak Harbor. Additionally, this memorandum answers questions posed by the Planning Commission in January, 2013.

DESCRIPTION OF SCENARIOS

To aide the Planning Commission in its policy decision, staff has developed four scenarios ranging from allowing digital signs with few restrictions to prohibiting them outright. These scenarios were developed in part based on the P.C. questions from January. The details of these policy options are listed on Attachment 1 and summarized in this memo. The scenarios were formed using other city's codes as examples, as well as looking at "best practice" literature.

Please note that there are many possible scenarios that could be developed to address the topic of digital signs. The ones presented in this memorandum are only intended to provide a starting point for the Planning Commission's discussion of this topic. None of these scenarios should be interpreted as a staff recommendation.

SCENARIO 1- "LEAST RESTRICTIVE"

This scenario allows digital signs under few restrictions. The digital signs would be allowed in all commercially and industrially zoned areas of the City with the exception of Pioneer Way. Digital signs would be allowed both as building mounted and on freestanding signs. Digital sign size could not be more than 50% of the total sign area for the site, and could comprise up to 100% of a single sign with 100 square feet being the maximum size of a sign. Electronic motion and video would be allowed on the signs. Signs would have to remain 100 feet away from residentially zoned areas. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

SCENARIO 2- "MEDIUM RESTRICTION"

This scenario allows digital signs with some restrictions. The digital signs would be allowed in all commercial and industrial districts except for C1 and CBD, excluding along Pioneer Way. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 100 feet away from residentially zoned areas. Digital signs could not be more than 50% of the sign allocation for the site and 50% of any single sign, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required.

SCENARIO 3-“MOST RESTRICTIVE”

This scenario allows digital signs subject to narrower restrictions. The digital signs would be allowed only in C-3, C-4, and C-5 zones, excluding Pioneer Way and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

SCENARIO 4-“PROHIBITED”

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

DISCUSSION

The digital signs issue is inherently a policy question. Staff requests Planning Commission’s guidance on the restrictions for allowing digital signs and whether to allow them. As alluded to in the January, 2013 memo to Planning Commission on this topic, this is a new and emerging sign technology and many communities have not formally dealt with this issue. Communities which have dealt with digital signs approach the issue in different ways ranging from prohibiting them to allowing them in specific areas of their city subject to controls on size, brightness, movement, etc. The options presented to Planning Commission this month fall within the norms of regulations in other cities and what is recommended by the literature.

This month, staff request that Planning Commission review the scenarios and ask questions as appropriate. The anticipated schedule for the project is as follows:

- February – discuss scenarios with Planning Commission
- March – open public hearing and accept comments on scenarios. Planning Commission selects scenario with changes, if requested.
- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

ANSWERS TO PLANNING COMMISSION QUESTIONS

Planning Commission requested that staff further research examples of digital signs in other communities and the impact of multiple digital signs in proximity to one another. Unfortunately, because the digital sign issue is so new, staff was unable to find adequate examples.

Planning Commission also requested that staff provide more guidance on free standing versus building mounted digital signs. Staff believe that the scenarios provided give more guidance in these areas. Cities have taken different approaches to this issue, as well with some cities favoring free standing digital signs located next to major arterials and other cities prohibiting digital signs next to roadways for traffic safety reasons. Prohibiting free standing digital signs has the effect of making them less visible to drivers since, in most cases, the signs would be setback from the road.

There was also significant discussion about the quality of digital signs at the January Planning Commission meeting. Quality of digital signs is related to the size of the LED used in the sign; the smaller the LED, the smaller the pixel size and the better the graphic quality of the sign. Staff did not address this issue in the

scenarios. Lower quality, larger LED signs are less expensive. Regulating the size of the LED might have the effect of only making the signs available to a very limited number of businesses who could afford them.

Finally, staff reviewed the “Whidbey Scenic Isle Way Corridor Management Plan” for discussion of commercial signs along Highway 20. Staff believe that provisions for onsite digital signs would not conflict with the Scenic Isle Way Corridor Management Plan. In fact, RCW 47.42, which is the State Scenic Vistas Act, specifically allows onsite commercial signage.

ATTACHMENTS

1. Digital Signs Regulation Scenarios
2. OHMC 19.36.030 “Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.”

RECOMMENDED ACTION

Discuss scenarios and provide feedback to staff.

Memo

To: Members of the Planning Commission
 Cc: Steve Powers, Development Services Director
 From: Ethan Spoo, Senior Planner
 Date: 3/19/13
 Re: Digital Signs Continued Discussion

PURPOSE

The purpose of this memorandum is to further refine regulatory scenarios for digital signs in Oak Harbor. Last month, the Planning Commission began discussing these alternatives. This month, staff will discuss changes to these scenarios. In preparing this memorandum, staff reviewed the audio recording and minutes from the February Planning Commission meeting and revised the scenarios. Staff has attempted to present balanced scenarios which consider the range of comments made. This month, staff anticipates that Planning Commission will direct staff to prepare a draft code corresponding to the chosen alternative.

DESCRIPTION OF SCENARIOS

Since last month, there have been revisions to the regulatory scenarios based upon the comments received from Planning Commission at the February Commission meeting. Those changes are described here and reflected in Attachment 1. As with last month, none of these scenarios should be interpreted as a staff recommendation.

SCENARIO 1– “LEAST RESTRICTIVE”

Description

This scenario allows digital signs under few restrictions. The digital signs would be allowed in all commercial, industrial, and public facilities (PF) zoned areas of the City with the exception of CBD zones. Digital signs would be allowed as building mounted or freestanding signs, but not both. Digital signs could not be more than 50% of the total sign square footage allotted to each business/building and in no case could be larger than 100 square feet. Building mounted and freestanding signs are treated differently in this scenario. Digital signs can comprise 100% of a building mounted sign, 75% of a monument sign, and 50% of a pole or pylon sign. Electronic motion and video would be allowed on the signs, with prohibitions on distracting effects such as flashing, pulsing, blinking, etc. Signs would have to remain 100 feet away from residentially zoned areas. No objective brightness standard would be set, but the code would rely upon a general statement which says “signs cannot be unreasonably bright so as to cause glare”, with the exception of adjacent to residential areas where an objective standard would be set. The sign proponent would be required to submit factory setting demonstrating compliance with sign permit. The brightness option would give the business owner maximum flexibility and independent judgment in determining what is too bright.

Changes since February

- **Size:** Building mounted and freestanding signs are treated differently in this scenario based upon Planning Commission input. Digital signs are allowed to comprise 100% of building mounted signs, 75% of monument signs, and 50% of pole and pylon signs under the theory that freestanding signs are more visible to traffic and therefore more distracting.

ATTACHMENT C

- **Color:** Color has been changed to prohibit white backgrounds in accordance with Planning Commission comment.
- **Site Location Restrictions:** Building mounted or freestanding digital signs are allowed in this scenario, but not both on the same site.
- **Zone/Area Restrictions.** This scenario would allow digital signs in all commercial, industrial and public facilities zoned areas except in the central business district.
- **Compatibility:** Additional protections for residential areas are included by defining “adjacent” to include “across a public right-of-way”. See also bullet related to brightness below.
- **Brightness:** Staff have changed the brightness standard in this scenario to reflect Planning Commissions comments. The standard now says that: “signs cannot be unreasonably bright so as to cause glare.” In addition, there is a brightness limit of 1,000 nits nighttime and 8,000 nits daytime where adjacent to residential areas.

SCENARIO 2-“MEDIUM RESTRICTION”

Description

This scenario allows digital signs with some restrictions. The digital signs would be allowed in the C3, C4, and C5 commercial districts and the Public Facilities (PF) zone. Movement would be allowed on the signs, but each graphic/text frame would need to remain for a minimum of two seconds. The best practices literature recommends a minimum display time ranging from 1-8 seconds depending on location. Signs would have to remain 150 feet away from residentially zoned areas. Digital signs could not be more than 50% of the square footage allotment for the business/building and 50% of any single sign size, as well as no more than 50 square feet in size. Signs could only be building mounted. Autodim technology, within limits of 1,000 nits nighttime and 8,000 nits daytime, would be required.

Changes since February

- **Color.** Color has been changed to prohibit white backgrounds in accordance with Planning Commission comment.
- **Zone/Area Restrictions.** This scenario would allow digital signs in the more auto-oriented commercial zones such as C3, C4, and C5, as well as the Public Facilities (PF) zone.
- **Brightness.** Brightness has been changed in response to Planning Commission comments and further research on the issue to be 1,000 nits nighttime and 8,000 nits daytime.

SCENARIO 3-“MOST RESTRICTIVE”

Description

This scenario allows digital signs subject to narrower restrictions. The digital signs would be allowed only in C-3, C-4, and C-5 zones and could only be building mounted. No motion would be allowed on the sign and minimum frame time would be 20 seconds. Signs would be limited to 25 square feet in size. The frame duration and size restrictions in this scenario match what the City of Anacortes has adopted. Signs would have to be 200 feet away from a residentially zoned property. Autodim technology, within limits of 500 nits nighttime and 5,000 nits daytime, would be required. The digital signs would only be allowed to operate from 8:00 a.m. to 8:00 p.m. during Fall and Winter and 8:00 a.m. to 10:00 p.m. during the Spring and Summer.

Changes since February

- **Size:** Building mounted digital signs cannot be more than 33% of any individual sign area.
- **Color:** Prohibition on white background.
- **Zone/Area:** Auto-oriented commercial zones only C3, C4, C5.

SCENARIO 4-“PROHIBITED”Description

This scenario is essentially the “no action alternative.” The consideration of such a scenario is common practice when undertaking a planning study. Under this scenario, the existing code language code remains as is or it could be modified to specifically exclude digital signs. Staff’s understanding is that digital signs can legally be prohibited outright, as long as ample alternative channels of commercial speech are available such as other sign types, internet, and newspaper.

Changes since last February

None.

DISCUSSION**BRIGHTNESS**

Due to the amount of discussion and questions about the brightness issue, staff performed further research and interviews for this issue.

There are a number of different measures of luminance or brightness including: nits, foot candles and lux. These units can be converted back and forth using formulas. At February’s meeting, staff suggested an objective standard of 500 nits nighttime and 5,000 nits daytime for digital signs. These limits came from research literature about current practice in cities across the country.¹ The literature notes that there is no truly objective standard for measuring brightness, because it depends heavily upon the context in which the sign is operating. For instance, a digital sign set at 1,000 nits on a totally dark night with no other light sources around would seem very bright. On the other hand a digital sign set at 1,000 nits in the context of many other light sources would not seem so bright. This fact, means that it is important to set limits for the context, especially near sensitive land uses such as residential areas.

Staff also interviewed two sign contractors and manufacturers. First, staff interviewed Jeffery Rossi of Oak Harbor Signs who indicated that they have installed several digital signs in Oak Harbor, including those for Island Café, Flyer’s Restaurant, and the Seventh-Day Adventist Church. Flyer’s sign is set to 10,000 nits daytime and 800 nits nighttime. Each of these signs has video and motion capabilities, but does not currently use them.

Staff also interviewed Jacob Tilton of Watchfire Signs which is an American manufacturer of digital signs. Mr. Tilton is the regional representative for Watchfire Signs. Staff questioned Mr. Tilton about the brightness of signs and what he thought was “too bright.” Mr. Tilton indicated that it is difficult to measure brightness, because it depends upon the context in which it occurs and there can be interference from other light sources. He also indicated that it is simple to set the brightness of the digital signs both before and after installation. The brightness is controlled using the computer software program that comes with the sign. The manufacturer can preset the brightness level of the sign prior to installation. Or, the brightness level can be set after installation if the sign owner requests by Watchfire with a password to access the software at no cost. Due to the subjectivity of measuring brightness, Mr. Tilton recommended that we have a subjective standard which says that “the sign cannot be unreasonably bright.” He also mentioned that Spokane, Tacoma, and Boise are examples of cities where digital signs are located in close proximity to each other. Mr. Tilton stated his belief that there is no factual information or studies to indicate that sign brightness causes traffic accidents.

Finally, staff spoke with the City of Monroe Planning Director, Paul Popelka, who is updating their sign code, including language pertaining to digital signs. The City of Monroe has a draft code which places maximum brightness limits on digital signs by zone. Digital signs in commercial areas are allowed the highest limit of 0.8 foot candles (2,546 nits); office, and downtown commercial areas are permitted a brightness of 0.5 foot candles (1,592 nits); and open space areas are permitted a brightness of 0.3 foot candles (955 nits). The City of Monroe

¹ See “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs”, Triantafyllou, Menelaos, University of Cincinnati and Weinstein, Alan C., Cleveland State University.

used brightness standards recommended to them by their consultant, Tom Beckwith. Mr. Popelka stated that he felt brightness limits were important for driver safety and to protect the character of their city. At the same time, the city recognizes that digital and video signs are an emerging technology which needs to be permitted under regulations, which are not overbearing.

ENFORCEMENT

Any objective, numerical standard of brightness, such as nits or foot candles, would require an enforcement procedure. The City of Oak Harbor currently enforces its codes on a complaint-only basis. Light meters are inexpensive instruments ranging in price from \$15 to \$500.

There are practical difficulties with regard to brightness standards. Ideally, there should be an objective standard so that each business or property owner is measured against the same standard. However, in the case of brightness, it is difficult to be completely objective because there can be interference from other light sources. So, while the City may be able to purchase a light meter, it may not be able to tell the brightness of any specific sign because of the surrounding light conditions. This is one drawback in adopting a specific standard and measuring compliance with that standard.

On the other hand, not having an objective standard could make enforcement even more difficult and legally problematic. How does the City enforce a standard such as “the sign cannot be unreasonably bright so as to cause glare”? What is “unreasonably bright”? Also, what role should the context in which the digital sign is located play? Should the City adopt regulations which are different by zone?

Staff requests planning commission guidance on whether to have an objective or subjective standard given the practical difficulties involved. Scenario 1, “Least Restrictive” proposes a subjective standard, except adjacent to residentially zoned areas.

SIZE

Staff reviewed Planning Commission comments from February regarding size limitations for digital signs. In Scenario 1 (Least Restrictive), signs are limited by the type of sign proposed. Building mounted digital signs can comprise 100% of the individual sign size. Monument digital signs can be 75% of the individual sign size, and pole/pylon digital signs can be 50% of the individual sign size. The theory behind the sign size limitations is that freestanding signs (monument, pole, or pylon) are customarily located closer to the road where they are more attention-getting and therefore more distracting. Thus, more restrictive limits are proposed for freestanding digital signs. Once again, the proposed size restrictions were made based upon Planning Commission comment from February.

SCHEDULE

- February – discuss scenarios with Planning Commission
- March – Conclude discussion on scenarios. Planning Commission gives staff formal direction on scenarios.
- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

ATTACHMENTS

1. Digital Signs Regulation Scenarios
2. OHMC 19.36.030 “Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.”

3. "The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs", Triantafillou, Menelaos, University of Cincinnati and Weinstein, Alan C.
4. Example Graphics for Signs

RECOMMENDED ACTION

Select scenario and direct staff to prepare draft code based on selected scenario.

Memo

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

PURPOSE

Based on prior discussions, staff are forwarding a draft of the proposed digital sign code to Planning Commission for review and comment. This memorandum summarizes the draft code which is Attachment 1 to this memorandum.

DRAFT CODE SUMMARY

DEFINITION

First and foremost, it is important to have a definition of digital signs. City staff need to distinguish between these signs and electronic message centers since these two types of signs will be regulated differently. Staff have created a definition for digital signs in OHMC 19.36.020. The definition refers to the “video, motion, graphic, and text capabilities of these signs. Electronic message centers also have graphic and text capabilities, thus, digital signs are primarily distinguished by their video capabilities. One consequence of this definition will be that some existing signs, originally permitted as electronic message centers and having video capability, may now be able to operate under the digital sign code provisions, once adopted.

ZONES/WHERE ALLOWED

The draft code proposes that digital signs be allowed in the C1 (Neighborhood Commercial), C3 (Community Commercial), C4 (Highway Service Commercial), C5 (Highway Corridor Commercial), I (Industrial), PIP (Planned Industrial Park), PBP (Planned Business Park), and PF (Public Facilities) zones. Digital signs are not allowed in the central business district (CBD) zone, because they are not compatible with the historic character of and residential uses in this zone.

CODE CONFORMANCE

Digital signs are considered to be one type of primary signage on a site and must adhere to the quantity, size, height, and setback requirements in 19.36.030(2-5) except where further specified in the digital sign code provisions. For instance, 19.36.030(2-5) says that a freestanding sign cannot be more than 25 feet tall and this provision would also apply to freestanding digital signs. On the other hand, 19.36.030(2-5) also says that buildings with a façade of 999 square feet or less may have three primary signs. The proposed digital sign code is more specific, limiting the number of digital signs to only one per property. Therefore, digital signs must meet all requirements of 19.36.030(2-5), as well as the proposed digital sign provisions which may be more specific.

SIZE

In keeping with the direction from Planning Commission to use the “least restrictive” scenario to write the code, staff are proposing size regulations for digital signs allowing for a 100-square foot digital sign. The sign may be

either building mounted or freestanding. If a freestanding sign is proposed, no more than 75 percent of a monument sign can be a digital display and no more than 50 percent of a pole or pylon sign may be a digital display. Building mounted signs can have 100 percent of their area as a digital display.

VIDEO AND MOTION

Per Planning Commission input, video and motion are allowed on digital signs. “Shaking, trembling, quavering, or quaking” videos and motion graphics are prohibited so as not to constitute a traffic distraction based upon Planning Commission input regarding allowing “smooth video.” In addition video speed cannot be quicker than what occurs in real life. Flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light, or blinking, or chasing lights and scrolling or moving text are prohibited.

COLOR

White backgrounds are prohibited in accordance with Planning Commission comment.

DISPLAY CHANGES

So as to avoid distracting effects, instantaneous display changes are prohibited.

NUMBER

The code limits the number of digital signs per property. The proposed code requires multitenant properties to share a single digital sign.

ORIENTATION

Freestanding digital signs must be directed away from adjacent residential areas. Adjacent areas include properties across a public right-of-way from the property where the digital sign is proposed.

HOURS OF OPERATION

Digital signs must be turned off between the hours of 10:00 a.m. to 6:00 a.m., but only where adjacent to residentially zoned areas. Digital signs not adjacent to residentially zoned properties may operate their signs 24-hours a day.

LUMINANCE/BRIGHTNESS

There has been a range of Planning Commission comment on the brightness issue. The draft code proposes that brightness levels be set by zone in which the digital sign is located, a suggestion proffered by Planning Commission. A subjective standard of “not unreasonably bright so as to cause glare” is proposed for C3, C4, and C5 zoned areas. For C1 (Neighborhood Commercial), all industrial, business park, and the Public Facilities (PF) zone, the proposed brightness standard is 1,000 nits during the night and 8,000 nits during the day. The proposed system of regulating brightness allows maximum flexibility for businesses in most commercially zoned areas, while setting a specific standard in other areas where light impacts may be greater.

SCHEDULE

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

- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

ATTACHMENTS

1. Digital Signs Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.

Memo

To: Members of the Planning Commission
 Cc: Steve Powers, Development Services Director
 From: Ethan Spoo, Senior Planner
 Date: 5/21/13
 Re: Digital Signs – Further Discussions on Draft Code

PURPOSE

This month, Planning Commission will continue the public hearing that was opened in April and accept additional comments on the draft digital signs code. This memorandum has the following sections:

- **Changes to the Draft Code.** This section highlights changes to the draft code since last month based upon Planning Commission and public input, as well as input from the City's legal counsel.
- **The Impacts of Multiple Digital Signs in Close Proximity.** This section briefly discusses the impacts of multiple digital signs in close proximity and alternatives for Planning Commission consideration.
- **Compliance with Review Criteria.** Finally, staff are providing a summary analysis of how the proposed code changes comply with the criteria for text amendments in OHMC 19.80 to assist Planning Commission.
- **Schedule.** Outlines the schedule for the remainder of the project up until Planning Commission recommendation.
- **Attachment.** Lists attachments for this memorandum.

CHANGES TO THE DRAFT CODE

The following changes were made to the draft code since the last version was presented to the Planning Commission in April. These changes reflect comments made by the Planning Commission, public, and the City's legal counsel.

- A definition was added for "public service information." Digital signs are allowed to display public service information, in addition to advertising a business or its products.
- The definition of "video board" in 19.36.020 was deleted because it is now redundant with the definition for "digital sign."
- A provision was added limiting video and message lengths to occupy no more than 10 second periods for safety reasons based upon additional research.
- Color. The phrase "White backgrounds, which are bright and distracting to traffic, are prohibited" was thought to be subject to interpretation. Thus, the phrase has been modified to read simply... "white backgrounds are prohibited."
- Display changes. Staff have modified the language regarding display changes. The language now emphasizes that the time limits apply only to display changes, not the total time a graphic, text, video, or color can be on the screen.

- Orientation. At Planning Commission request, staff added language specifying that distance is measured from the digital sign location to the nearest property line of a residential or open space zoned property. Also, based on what other jurisdictions are doing, the distance offset from residential and open space zones was increased to 200 feet.
- Luminance/Brightness. Staff have replaced the subjective brightness standard in the code for signs in the C3, C4, and C5 zones. This standard said that digital signs shall “not be unreasonably bright so as to cause glare.” The City’s legal counsel expressed concerns that this was too vague, likely unenforceable, and recommended the City consider a numerical standard. The standard was replaced with an objective standard of 1,500 nits during the night and 13,000 nits during the day to allow for greater flexibility for businesses in more intense commercial zone. Additionally, the code permits the City to approach a sign owner/operator and request that they voluntarily reduce the luminance and brightness level for signs meeting technical standards, but which are perceived to be too bright for their context.
- Shielding...The proposed language requires that signs be oriented perpendicular to the ground so that they do not project light upwards and create light impacts for aircraft.

THE IMPACTS OF MULTIPLE DIGITAL SIGNS IN CLOSE PROXIMITY

Planning Commissioners raised questions in April about the impact of having multiple digital signs in close proximity to one another. During the April meeting, Planning Commission raised the possibility of having a spacing standard which would require digital signs to be separated by a minimum distance. A spacing standard might preclude some businesses from having digital signs, if a neighboring business had a digital sign that was closer than the required spacing standard. Extending certain rights to some property/business owners, but not others may be legally difficult to justify. Thus, staff recommend that Planning Commission focus on extending the same rights to all business/property owners within the same zone. Any perceived or actual negative impacts of digital signs should be controlled by applying the same standards to each property or business owner.

Staff attempted to research the impacts of having multiple digital signs in close proximity to one another. Because digital signs are an emerging technology and not yet widely used, staff was unable to find any information on this topic.

Given potential legal issues with applying a spacing standard, Planning Commission may want to consider other alternatives that help limit the negative impacts of multiple digital signs in close proximity. More specifically:

- Limit the format for digital signs.
 - Planning Commission could recommend that digital signs be building mounted only. In this scenario, digital signs could not be placed on monument, pole, or pylon signs and would, therefore, generally be located further away from roads and be less visible.
 - Alternatively, Planning Commission could recommend that digital signs be located on buildings, monument signs, and pylon signs, but prohibit them from locating on pole signs. This alternative would ensure that digital signs are not placed on signs taller than ten feet. Pole signs can be up to 25 feet tall, have a higher profile, and are therefore usually more visible.
- Further limit the characteristics of digital signs such as size, brightness, distance from sensitive land uses, etc. If Planning Commission believes there are objectionable characteristics of digital signs that need to be addressed and which create negative impacts when located near other digital signs, it can further restrict the characteristics of digital signs to an acceptable level.

If Planning Commission chooses one of the above alternatives, staff request that the Commission make a motion to direct staff to draft code accordingly.

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 digital 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 more narrow 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, digital signs are incompatible with the small town heritage of downtown and the draft code proposes language which prohibits digital 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. Digital 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 digital 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: *Digital 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 digital signs draft code. Digital 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 signs in commercial areas.*

- 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 digital 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 digital signs is further controlled by the proposed digital signs code language which limits building mounted digital signs to 100 square feet in area, digital pole signs to 50 square feet, digital monument signs to 24 square feet, and digital pylon signs to 24 square feet. In addition, no more than one digital sign is allowed per property. Thus, digital signs are scaled to the mass of the building. Moreover, the digital sign code places contextual limitations on digital signs 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 digital signs 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 digital signs could be placed if the proposed ordinance is adopted. The proposed digital sign ordinance contains a provision requiring that digital signs have distinguishable letters and graphics from adjacent roadways and relate to the speed limit of the adjacent road.*

- 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 digital signs 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, there is no information that staff is aware of that digital signs 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 digital signs address digital billboards along highways, rather than on-site digital signs and therefore may not be applicable to on-site digital signage. However, there are a few studies which have applicable findings for on-site digital signs including a 2004 study by the University of Toronto which found that drivers make twice as 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 digital signs which staff is aware of found that there is no significant relationship between onsite digital signage and automobile accidents and was sponsored by the sign industry.⁴ Therefore, the available information to staff indicates that there are inconclusive studies with regard to the safety impacts of digital signage.

SCHEDULE

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

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."

ATTACHMENT C

- May – Continue public hearing.
- June – Staff finalizes SEPA and Planning Commission closes public hearing, makes recommendation to City Council.

ATTACHMENTS

1. Digital Signs Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.
2. “The Economic Context of Signs”, American Planning Association.

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.

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 7/23/13
Re: Electronic Message Centers – Further Discussion of Draft Code and Public Hearing

PURPOSE

At Planning Commission's request, this memorandum provides more information regarding how other jurisdictions around the state regulate the brightness of electronic message center (EMC) signs.

SUMMARY OF RESEARCH ON BRIGHTNESS STANDARDS IN THE NORTHWEST

At the June Planning Commission meeting, staff offered to perform additional research to explore how other jurisdictions around Washington regulate the brightness of EMCs. At the outset of this project, staff did research the codes of other jurisdictions to see how they regulate EMCs, especially with regard to their digital capabilities. At that time, staff found very few jurisdictions which had codes in place regulating digital-capable EMCs.

The focus of the most recent round of research was on the issue of brightness and how this is regulated in other jurisdictions. Staff found four jurisdictions (Jefferson County, SeaTac, Monroe, and Burlington) and one additional jurisdiction in Idaho (Moscow) which regulate the brightness of EMCs. Staff also sampled three other jurisdictions near to Oak Harbor (Everett, Anacortes, Bellingham) and two other jurisdictions (Federal Way and Shoreline) to see how they address EMCs. Attachment 2 highlights how these jurisdictions approach brightness. In addition, in the course of doing our research on brightness, staff also noted how these jurisdictions address video/animation, and the duration of messages/images on the screen. The following bullet points summarize the findings of this research:

- Of the five jurisdictions which regulate brightness, two use exclusively nits, two use exclusively footcandles, and one uses both.
- Brightness limits for nits range from 500-1,000 nits during the night and up to 8,000 nits during the day. Of the jurisdictions using footcandles, limits range from 0.3 to 0.8 above ambient lighting conditions.
- Three of the five jurisdictions which regulate brightness require the use of autodim technology.
- Of the ten jurisdictions researched, 30 percent allow for video or animation. Jefferson County, Monroe, Moscow, and Shoreline appear to have updated their codes recently to account for digital technology and have specifically prohibited video and animation.
- Most of the jurisdictions researched regulate the minimum amount of time graphics or text can be on the screen and some have specific provisions for the length of videos. For graphics or text, the most common standard is an eight second minimum. Jefferson County and Monroe require that videos be at least two seconds in duration.

In addition to researching brightness standards in other jurisdictions, staff contacted the Illumination Engineering Society of North America (IES) which claims to be “the recognized authority on illumination.” In a conversation on July 16, 2013 with Ms. Pat McGillicuddy, a technical expert on illumination, IES stated that it does not have recommended standards for EMCs at this time, but an internal committee is working on such a standard. Ms. McGillicuddy indicated that she may be able to share some of the results of the committee’s work, if they deem appropriate. Those results were not available at the time this memorandum was written. However, Monroe and Jefferson County both use an illumination standard which they source to IES measured in footcandles above the ambient lighting level.

REVIEW OF BRIGHTNESS DISCUSSIONS SINCE JANUARY

Attachment 3 is a table reviewing the various brightness standards discussed with Planning Commission since January, summarized as follows:

- **A. Original Proposal:** was for 500 nits (night)/ 5,000 nits (day) based upon a technical paper called “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs.”
- **B. Modified Proposal:** was for 1,000 nits (night)/8,000 nits (day) for the C1, I, PIP, PBP, and PF zones and 1,500 nits (night)/13,000 nits (day) for the C3, C4, and C5 zones and was based upon Planning Commission Discussion.
- **C. Input from the ISA Proposal:** was for 0.3 footcandles above ambient light levels at night with autodim technology and was based upon a technical document from the International Sign Association called “Recommended Night Time Brightness Levels for On-Premise Electronic Message Centers (EMCs).”
- **D. The Further Research Proposal:** is a summary of the findings of various codes around the Northwest with jurisdictions using both nits and footcandles, and one jurisdiction using both. Nit ranges are from 500-1,000 during the night and limited to 8,000 during the day in these jurisdictions with autodim required.

With the discussions to date in mind and the additional research staff performed, staff are requesting that Planning Commission give direction on which proposal they would like to see used. Staff notes that there may be a benefit in using a dual standard (nits and footcandles) so that sign owners would have targets to set their brightness at and the City would have a way to measure and enforce (footcandles), if a complaint were received.

INVENTORY OF EXISTING EMC SIGNS

Staff also performed an inventory of all existing EMC signs within City limits (see Attachment 4). There are 18 existing EMC signs within City limits, most of those occurring along SR 20 and Midway Boulevard. The signs range in size from three square feet to approximately 70 square feet.

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 these criteria 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.

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- 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.”*

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RECOMMENDED ACTION

Staff requests that Planning Commission provide staff direction on desired brightness standards.

SCHEDULE

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

- July – Complete discussion on brightness
- August - Conclude 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.

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ATTACHMENTS

1. Electronic Message Center Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.
2. Summary of EMC Regulations in Washington and the Northwest
3. Inventory of Existing Electronic Message Center Signs in Oak Harbor
4. Review of Brightness Discussion Since January

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 9/24/13
Re: Electronic Message Centers – Further Discussion of Draft Code and Public Hearing

PURPOSE

In response to public and Planning Commission input offered in July, this memorandum highlights changes to the draft electronic message center (EMC) code (Attachment 1). The draft code presented with this memo reflects input from the public and Planning Commission, as well as additional staff research since the last meeting.

SUMMARY OF CHANGES TO THE DRAFT CODE

Staff made the following changes to the draft code based on additional public and Planning Commission input at the July Planning Commission meeting and in response to motions made by the Planning Commission:

- **“Grandfathering” of non-conforming signs:** Planning Commission directed staff to include a provision in the draft code which would “grandfather” all existing EMC signs. Staff drafted new language to address this issue.
- **Maximum duration of videos/animation:** Planning Commission approved a motion to remove the maximum duration restriction of five seconds for videos. Accordingly, staff removed this provision from the draft code.
- **Multitenant buildings language deleted.** Staff deleted the provision regarding limiting multitenant buildings to one electronic message center sign. The code already contains language regarding “multi-occupancy buildings” in 19.36.030(1)(c & d), which limits these types of buildings to one freestanding sign. Staff believes this language is sufficient to address Planning Commission’s expressed concern regarding the potential for proliferation of freestanding EMCs along Highway 20 or other locations.

In addition, the definition for EMCs has been revised to exclude gas/service station reader boards as the character and operation of these signs are different than those primarily discussed as part of this code amendment process.

OUTSTANDING ITEMS FOR DISCUSSION

BRIGHTNESS

Over the past few months, Planning Commission has had a number of discussions on the issue of EMC brightness. At the July meeting, Planning Commission continued the discussion for brightness until this meeting. As part of the July meeting packet, staff provided Planning Commission a summary of the brightness standards used in other jurisdictions in the Northwest. Staff is doing so again in September as Attachment 2 to this memorandum for ease of Planning Commission review of this information. As has been previously stated, brightness levels in the jurisdictions researched ranged from 500-1,000 nits at night and no more than 8,000 nits

during the day for those jurisdictions measuring in nits. For those jurisdictions using footcandles, the range was 0.3 to 0.8 footcandles above night-time ambient lighting levels, depending on the zone. Whether nits or footcandles were used, nearly all jurisdictions required the use of autodim technology.

Background

When discussions first began on EMCs in January of 2013, staff's research showed that many jurisdictions used a standard of 500 nits during the night and 5,000 nits during the day to regulate brightness based on an issue paper called "The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs." This standard has the advantage of simplicity, applies the same standard to all digital signs, and is an absolute standard not tied to the ambient light level.

After Planning Commission discussion indicating that 500 nits night/5,000 nits day was too restrictive, a revised proposal emerged linking the brightness level to the zone. The brightness levels were set to 1,000 nits night/8,000 nits day in the C1 (Neighborhood Commercial), I (Industrial), PIP (Planned Industrial Park), PBP (Planned Business Park), and PF (Public Facilities) zones. In the C3 (Community Commercial), C4 (Highway Service Commercial), and C5 (Highway Corridor Commercial) zones, the level would be 1,500 nits night/13,000 nits day. These are absolute standards not dependent on the ambient light level. For purposes of this memo this approach is identified as Option A.

In May, 2013 Planning Commission accepted comments from Mr. James Carpentier of the International Sign Association (ISA) an advocacy group for signs. Mr. Carpentier provided staff with a publication called "Recommended Night-time Brightness Levels for On Premise Electronic Message Centers (EMCs)." The publication recommended a maximum brightness level of 0.3 footcandles above night-time ambient lighting levels based upon the research of a scientist, Dr. Ian Lewin, of Lighting Sciences. For purposes of this memo this approach is identified as Option B.

Due to additional public and Planning Commission questions in August, staff contacted the Lighting Design Lab (LDL), a research organization operated by Seattle City Light, with support from utilities across the Northwest and the Northwest Energy Efficiency Alliance. Staff spoke with Mr. Jeff Robbins who is a certified lighting specialist (LC) and a member of the Illuminating Engineering Society of North America (MIES). Mr. Robbins reviewed the ISA publication and provided staff verbal comments in a telephone conversation on August 13, 2013. Mr. Robbins commented that the ISA publication is "excellent" and said that Dr. Lewin is one of the "most well-respected" individuals in the lighting industry. Mr. Robbins went on to say that he would "lean heavily on the ISA document" as a basis for formulating code and he recommended using footcandles, rather than nits as a measurement. Mr. Robbins also provided a letter as Attachment 3 in support of using the ISA document "both for measuring and regulating brightness levels."

Staff also had a discussion with Dr Lewin of Ian Lewin PhD Consulting, LLC whose research formed the basis of the ISA "Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMCs)" document. Staff and Dr. Lewin discussed the ISA document, as well as his background research and the appropriate level of brightness for digital signs in Oak Harbor. Dr. Lewin indicated that his research had been simplified in the ISA document to be 0.3 footcandles above ambient light levels for all environments (rural or urban). Dr. Lewin, recommended that as a suburban community with a commercial highway corridor, a standard of 0.8 footcandles above ambient light levels may be appropriate for EMCs in Oak Harbor.

The brightness limits in this option are consistent both with the research of industry experts and Planning Commission comments received to date. Comments made by Planning Commission in July indicated that brightness levels should be set higher than 0.3 footcandles in some areas and be consistent with the regulations in Monroe and Jefferson County which both have limits of up to 0.8 footcandles above ambient levels in the more intense commercial zones.

This approach recognizes that ambient lighting levels are higher along Highway 20 and the Midway Commercial corridor where there are many C3 zoned properties, with reduced brightness limits proposed in less the Public Facilities (PF) and Neighborhood Commercial (C1) zones. For purposes of this memo this approach is identified as Option C.

Summary of Brightness Options

The following table summarizes the three brightness options.

	Option A	Option B	Option C
Brightness Level	C1, I, PIP, PBP, PF: 1,000 nits (night)/8,000 nits (day). C3, C4, C5: 1,500 nits (night)/13,000 nits (day).	0.3 footcandles above ambient (for all zoning districts).	C1: 0.3 footcandles above ambient. C3, C4, C5, I, PIP, PBP, PF: 0.8 footcandles above ambient.
Standard Type	Absolute – does not take into account ambient light	Relative – takes into account ambient light	Relative– takes into account ambient light
Measurement Occurrence	Day or night	Night	Night

As was previously noted, different jurisdictions allow different brightness levels and use either nits or footcandles as the means of measurement. The options shown above are in-line with those used by other jurisdictions.

Draft Ordinance Language

Staff has prepared draft language for each of the options listed above. This approach allows the Planning Commission to choose the option and the draft language that, in their opinion, best meets the needs and values of the community. In light of the most recent Planning Commission discussions, staff suggests Option C may best meet the community’s needs. The Commission is of course free to suggest revisions to the options.

Option A

Brightness/Luminance. The brightness of electronic message center signs shall not exceed the standards specified herein.

Zone	Luminance/brightness Level
<i>C1</i>	<i>1,000 nits night/8,000 nits day</i>
<i>I</i>	<i>1,000 nits night/8,000 nits day</i>
<i>PIP</i>	<i>1,000 nits night/8,000 nits day</i>
<i>PBP</i>	<i>1,000 nits night/8,000 nits day</i>
<i>PF</i>	<i>1,000 nits night/8,000 nits day</i>
<i>C3</i>	<i>1,500 nits night/13,000 nits day</i>
<i>C4</i>	<i>1,500 nits night/13,000 nits day</i>
<i>C5</i>	<i>1,500 nits night/13,000 nits day</i>

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

Option B

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 sign so as to exceed the standard specified herein. The brightness of the sign shall be measured with the electronic message center turned off and then again with the sign turned on displaying a white image for a full color sign or a solid message for a monochrome sign.

Option C

Brightness/Illuminance. During the night, electronic message center signs shall not exceed the following maximum brightness standards above the ambient light as measured using a foot-candle meter at a preset distance depending on the sign size.

Zone	Brightness Limit
<i>C1 (Neighborhood Commercial)</i>	<i>0.3 footcandles above ambient</i>
<i>C3 (Community Commercial)</i>	<i>0.8 footcandles above ambient</i>
<i>C4 (Highway Service Commercial)</i>	<i>0.8 footcandles above ambient</i>
<i>C5 (Highway Corridor Commercial)</i>	<i>0.8 footcandles above ambient</i>
<i>I (Industrial)</i>	<i>0.8 footcandles above ambient</i>
<i>PIP (Planned Industrial Park)</i>	<i>0.8 footcandles above ambient</i>
<i>PBP (Planned Business Park)</i>	<i>0.8 footcandles above ambient</i>
<i>PF (Public Facilities)</i>	<i>0.8 footcandles above ambient</i>

The measuring distance shall be determined by the square root of the product of the sign area and one-hundred. The brightness of the sign shall be measured with the electronic message center turned off and then again with the sign turned on displaying a white image for a full color sign or a solid message for a monochrome sign. 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 sign so as to exceed the standard specified herein.

HOURS OF OPERATION:

The existing code requires that EMCs “adjacent to a residential use or district...be turned off between the hours of 10:00 p.m. and 6:00 a.m.” There are two distance offset requirements in the draft code: (1) a requirement that

no EMC signs be located within 200 feet of a residentially zoned property and (2) a requirement that all EMC signs within 300 feet of residentially zoned property be turned off between the hours of 10:00 p.m. and 6:00 a.m.

In an effort to better define “adjacent” and in response to Planning Commission discussion, staff inserted a provision in the draft code in May indicating that EMCs within 100 feet of residentially zoned property must turn their sign off between 10:00 p.m. and 6:00 a.m. Planning Commission noted in May that the 100 feet for hours of operation conflicted with the 200-foot outright prohibition. Following the Planning Commission discussion in May, staff’s intent was to change the draft code so that EMCs within 200 feet of residentially zoned property would need to be turned off between the hours of 10:00 p.m. and 6:00 a.m. At that time, however, a clerical error led to the insertion of 300 feet, although 200 feet is what was always intended as evidenced by the memo to Planning Commission in June.

Based on public testimony received in July, the draft code now contains a standard requiring that EMCs located within 100 feet of residentially zoned property be turned off between the hours of 11:00 p.m. and 6:00 a.m. Staff also reduced the outright prohibition on EMCs from residential uses to 100 feet.

MINIMUM DURATION OF GRAPHICS, IMAGES AND TEXT

Staff researched the relationship between the duration of *moving* graphics, images, and text on the EMC screens and driver distraction and suggested a maximum of 10 seconds in May. The 10-second rule was taken from a 2001 report prepared for the City of Seattle. In addition, the report “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs”¹ indicates that many jurisdictions around the country have adopted an 8-second minimum static image requirement.

Planning Commission indicated that the 10-second *maximum* was confusing because they thought it applied to all graphics, text, and images, not just *moving* elements. Staff subsequently changed the rule to be a 10-second *minimum* that *all* graphics, text, and images had to remain on the EMC screen and a 2-5 second duration for videos. The 2-5 second duration for videos comes from the April, 2008 *Zoning Practice* publication from the American Planning Association.

The research is still ongoing and inconclusive as to how the duration of elements on an EMC screen affects traffic safety. The City of Seattle study and the University of Toronto study both indicate that animated and video billboards are potentially distracting. On the other side of the debate, a 2012 University of Texas study sponsored by the sign industry indicated that EMCs do not significantly contribute to auto accidents.

Planning Commission has discretion to recommend a duration limit which will provide sign owners flexibility while also considering possible distracting effects of these signs on traffic. As was previously stated, many communities have adopted an 8-second minimum duration. Public comments provided to the Planning Commission in July recommended that 2 seconds was more appropriate and this is the standard used in the draft code.

CONCLUSION

Over the last several months, staff has assisted the Planning Commission identify and address a variety of size, placement, location and operational issues associated with electronic message center signs. With the Commission’s guidance, new code language has been drafted to respond to these issues. This staff memorandum presents revised and/or fine-tuned language of the following issues: sign brightness, hours of operation, and minimum duration of graphics, images and text.

¹ Menelaos Triantafillou, University of Cincinnati and Weinstein, Alan C., Cleveland State University. “The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs.”

Revisions to the hours of operation and minimum duration sections are already incorporated in the draft.² To complete the draft the Commission is asked to select the standard and method of measurement for brightness they believe best meets the community's needs and values. Once this selection is made, the Commission can then direct staff which option to include in the draft code. Staff will incorporate the option into the existing code structure as appropriate.

Staff recommends the Planning Commission conclude the public hearing process and forward a recommendation to the City Council.

RECOMMENDATION

- Conclude public hearing.
- Select option for brightness standard and measurement.
- Make a recommendation to the City Council to approve the draft electronic message center (EMC) sign code.

ATTACHMENTS

1. Electronic Message Center Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.
2. Summary of EMC Regulations in Washington and the Northwest
3. Letter from Mr. Jeff Robbins, Lighting Design Lab.
4. Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers (EMCs).
5. Report to International Sign Association by Dr. Ian Lewin regarding Electronic Message Center Sign Luminance
6. Compliance with Review Criteria

² Please note that the draft code has also been updated to be consistent with the draft bed and breakfast code previously forwarded to the City Council by the Planning Commission.

City of Oak Harbor City Council Agenda Bill

Bill No. 6.b. (1) and (2)
Date: November 6, 2013
Subject: Resolution Nos. 13-26 & 13-27
Opt Out Conversion to Wages

FROM: Larry Cort, City Administrator
Doug Merriman, Finance Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

_____ Scott Dudley, Mayor
_____ Grant Weed, Interim City Attorney, as to form

PURPOSE

This agenda bill presents two proposed Resolutions that would, if approved, convert the opt out benefit currently provided to some non-represented employees to wages and implement the “red circle” plan as a means to bring employee salaries to market over time. If approved, these changes would occur on the same date as the effective date of the employee’s choice of health insurance plans.

SUMMARY STATEMENT

Background

Prior to October of 2002, Oak Harbor’s employees had for some time been on a “cafeteria” plan for their health care coverage. Each employee received the same amount of money and employees either used that money for health care coverage or, if the employee had other coverage, then the funds would be placed in a deferred compensation account for that employee.

When the City moved in 2002 to a managed health care plan through the Association of Washington Cities, the opt-out benefit idea was created as an incentive to reduce overall health care costs by paying a percentage of the medical premium to employees who were able to find health insurance from another source (thus the “opt-out” name). However, the final form of the opt-out benefit approved by the City Council allows each employee (both represented and non-represented) to claim opt-out reimbursement for a spouse and/or dependent whether or not an employee has a spouse and/or dependent. This provision was added just prior to adoption in 2002 to respond to concerns that the program unfairly benefitted employees with other health care options.

The staff is not aware of another city in Washington State that applies an opt-out benefit the same way as the City of Oak Harbor. Further, the opt-out benefit was never intended to increase the “compensation” of eligible employees. However, because, the opt-out benefit has been simply added to the paychecks of those employees, it has come to be seen as an increase in compensation rather than as a specific benefit linked to health insurance coverage.

City of Oak Harbor City Council Agenda Bill

New Health Insurance Plan Options

With the adoption of the new health insurance plan options on October 15, 2013, it left open the question of how to apply the opt-out benefit to the new plans. Since the premium for all three new plans is less than our current plan and because the opt-out benefit is calculated as a percentage of the premium, the logical conclusion would be that the opt-out benefit for eligible employees would be reduced on the effective date of the new plans.

As discussed previously, the administration supports a plan to convert the opt-out benefit to wage compensation in conjunction with “red circling” total wages for those employees found to be compensated over market. Further, linking these changes to the introduction of the new health plans seems to make sense. For example, an opt-out eligible employee choosing the Health First 250 Plan would see that plan start on January 1, 2014, would see his or her opt-out benefit conclude on December 31, 2013 and finally would see his or her final opt-out benefit amount added to wage compensation beginning on January 1, 2014.

The attached Resolutions propose to implement the following two changes:

1. Resolution 13-26 would convert current levels of opt-out benefit to wages for eligible non-represented employees concurrent with the effective dates of the new health plans;
2. Resolution 13-27 would implement the “red circle” approach for those employees whose current salary plus opt-out benefit has been found to be over market.

It should be noted that these changes apply to non-represented employees only. The Firefighters Guild has already agreed to eliminate opt-out effective July 1, 2013. Negotiations between the City and the other four collective bargaining units will continue.

RECOMMENDED ACTION

Adopt Resolutions 13-26 and 13-27

ATTACHMENTS

Draft Resolutions 13-26 and 13-27

City of Oak Harbor City Council Agenda Bill

New Health Insurance Plan Options

With the adoption of the new health insurance plan options on October 15, 2013, it left open the question of how to apply the opt-out benefit to the new plans. Since the premium for all three new plans is less than our current plan and because the opt-out benefit is calculated as a percentage of the premium, the logical conclusion would be that the opt-out benefit for eligible employees would be reduced on the effective date of the new plans.

As discussed previously, the administration supports a plan to convert the opt-out benefit to wage compensation in conjunction with “red circling” total wages for those employees found to be compensated over market. Further, linking these changes to the introduction of the new health plans seems to make sense. For example, an opt-out eligible employee choosing the Health First 250 Plan would see that plan start on January 1, 2014, would see his or her opt-out benefit conclude on December 31, 2013 and finally would see his or her final opt-out benefit amount added to wage compensation beginning on January 1, 2014.

The attached Resolutions propose to implement the following two changes:

1. Resolution 13-26 would convert current levels of opt-out benefit to wages for eligible non-represented employees concurrent with the effective dates of the new health plans;
2. Resolution 13-27 would implement the “red circle” approach for those employees whose current salary plus opt-out benefit has been found to be over market.

It should be noted that these changes apply to non-represented employees only. The Firefighters Guild has already agreed to eliminate opt-out effective July 1, 2013. Negotiations between the City and the other four collective bargaining units will continue.

RECOMMENDED ACTION

Adopt Resolutions 13-26 and 13-27

ATTACHMENTS

Draft Resolutions 13-26 and 13-27

RESOLUTION NO. 13-26

A RESOLUTION OF THE CITY OF OAK HARBOR CONVERTING THE OPT OUT BENEFIT FOR ELIGIBLE NON-REPRESENTED EMPLOYEES TO WAGES CONCURRENT WITH THE CHANGE IN HEALTH INSURANCE PLAN OPTIONS

WHEREAS, the City of Oak Harbor has since 2002 offered a benefit that has become known as “opt-out” which compensates certain employees whose individual or family circumstances translate to a reduced need for City-provided health insurance; and

WHEREAS, this additional compensation benefit has, over the years since it was implemented, been growing at the rate of the cost of City-provided health insurance, an average rate well in excess of the average rate of salary growth; and

WHEREAS, in accordance with Sections 2.34.080 and 2.34.085 OHMC, the City provides compensation and health insurance benefits at levels comparable to other similar cities in the region and State of Washington, none of whom offer the opt-out benefit as currently offered by the City of Oak Harbor; and

WHEREAS, for consistency with Sections 2.34.080 and 2.34.085 OHMC, and to promote a smooth and fair transition away from the opt-out benefit, the City Council desires to convert current levels of opt-out for those receiving this benefit to wages in coordination with the change in health insurance plan options;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. For non-represented employees, the benefit known as opt-out shall be converted to wages and phased out in accordance with the effective dates noted below in Sections 2 and 3.
2. For those non-represented employees enrolling in the Regence High Deductible Health Plan with Health Saving Account effective December 1, 2013, and who are receiving opt-out benefit, the amount of monthly opt-out benefit paid to each employee for October 2013 shall be added to that employee’s wages effective December 1, 2013;
3. For those non-represented employees enrolling in the HealthFirst 250 Plan, the Regence High Deductible Health Plan with Health Savings Account or the Group Health \$10 Co-pay Plan effective January 1, 2014, and who are receiving opt-out benefit, the amount of monthly opt-out benefit paid to each employee for November 2013 shall be added to that employee’s wages effective January 1, 2013.

PASSED by the City Council this 6th day of November 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

ATTEST:

Valerie J. Loffler, City Clerk

APPROVED AS TO FORM:

Grant Weed, Interim City Attorney

RESOLUTION NO. 13-27

A RESOLUTION OF THE CITY OF OAK HARBOR TO ESTABLISH A METHODOLOGY TO PHASE-OUT THE CONVERTED OPT-OUT BENEFIT TO WAGES FOR NON-REPRESENTED EMPLOYEES

WHEREAS, Resolution No. 13-26 of the City of Oak Harbor effectively converted opt-out benefits for non-represented employees to wages; and

WHEREAS, with the intent of prudently managing the total cost of compensation, the City of Oak Harbor will phase-out the converted opt-out to wage component of compensation using a methodology which minimizes potential decreases in net pay to participating employees; and

WHEREAS, to promote a smooth and fair phase-out of the converted opt-out to wages component, the City of Oak Harbor will implement a methodology which effectively “red-circles” the total combined salary of those employees whose current base salary plus converted opt-out benefit to wages has been found to exceed the average market value of the position;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The total salary of non-represented employees receiving converted opt-out benefit to wages compensation will be “red-circled” if the combination of the employee’s applicable base salary and converted opt-out benefit to wages compensation exceeds the established market value of the employee’s position, subject to respective employee’s range and grade position on the City’s adopted pay scale.
2. Each year an employee is in “red-circle” status, the total annual salary will consist of two components: 1) the employee’s applicable base salary for that year, and 2) the residual portion of any converted opt-out benefit to wages compensation. As allowable step increases and any market value adjustments increase a participating employee’s base salary per the City’s adopted pay scale, the difference between the “red-circled” salary and the newly adjust base salary will represent the residual portion of converted opt-out benefit to wages compensation.
3. The employee will remain in “red-circle” status until such time that the employee’s base salary, plus the combination of any allowable step increases and any market value adjustments to the adopted pay scale, equals or exceeds the “red-circled” dollar amount. At that time, employee’s salary will be converted to its appropriate placement on the City’s adopted pay scale.

PASSED by the City Council this 6th day of November 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

ATTEST:

Valerie J. Loffler, City Clerk

APPROVED AS TO FORM:

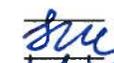
Grant Weed, Interim City Attorney

City of Oak Harbor City Council Agenda Bill

Bill No. 7.a.
Date: November 6, 2013
Subject: Ordinance 1673 Adopting the
Property Tax for 2014

FROM: **Doug Merriman** 
Finance Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Larry Cort, City Administrator
 Grant Weed, Interim City Attorney, as to form

PURPOSE

An ordinance to increase the 2014 City of Oak Harbor property tax levy by 1%.

FISCAL IMPACT DESCRIPTION

Funds to be generated: \$ \$39,137.53 annually

SUMMARY STATEMENT

This agenda bill presents the ordinance required to establish the property tax levy rate for the City of Oak Harbor for 2014. Under and RCW 84.55.005(1) and RCW 84.55.005(2)(c), the City may increase the collection of property tax revenues by the lower of 1% or the rate of inflation as set by the Implicit Price Deflator (IPD) as published by the Bureau of Economic Analysis (BEA). The IPD measurement to be utilized for 2014 is 1.314%. Accordingly, the allowed levy adjustment for 2014 is 1%.

At the October 15th regular meeting, Council postponed action on the ordinance until November 6, 2013.

RECOMMENDED ACTION

1. Hold public hearing
2. Adopt Ordinance 1673

ATTACHMENTS

1. Draft Ordinance
2. IPD information (Source: MRSC)

ORDINANCE NO. 1673

AN ORDINANCE TO INCREASE BY \$39,137.53 THE AMOUNT TO BE RAISED BY AD VALOREM TAXES FOR THE 2014 PROPERTY TAX LEVY WHICH REPRESENTS A 1% INCREASE OVER THE ACTUAL LEVY ASSESSED IN 2013

WHEREAS, proper public notice of this ordinance and the related public hearing was given in the Whidbey News Times on October 5, 2013, and

WHEREAS, the public hearing scheduled for October 15, 2013, was postponed until November 6, 2013, to consider the City of Oak Harbor's Current Expense budget for the Year 2014; and

WHEREAS, the population of the City of Oak Harbor is greater than 10,000; and

WHEREAS, the City of Oak Harbor's actual levy amount from the previous year was \$3,913,753.37; and

WHEREAS, RCW 84.55.005(1) defines "inflation" as the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent 12-month period by the Bureau of Economic Analysis of the federal Department of Commerce in September of the year before the taxes are payable. Inflation as evidenced by the change in the twelve month period ending June 2013 as measured by the change in the implicit price deflator (IPD) is 1.314% (percent); and

WHEREAS, the City Council of the City of Oak Harbor has met and considered its budget for the calendar year 2014, and after hearing and after duly considering all relevant evidence and testimony presented, has determined that the City of Oak Harbor requires an increase in property tax revenue from the previous year, in order to discharge the expected expenses and obligations of the City of Oak Harbor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do hereby ordain as follows:

Section One: An increase in the regular property tax levy is hereby authorized for the levy to be collected in 2014 tax year. The dollar amount of the increase over the actual levy amount of the previous year shall be \$39,137.53, which is an increase of one percent (1%) from the previous year. This increase is exclusive of any additional revenues resulting from under-utilized levy capacity, from new construction, improvements to property, newly constructed wind turbines, and from any increase in the value of state-assessed property, any annexations that have occurred and refunds made. The total regular property taxes will be budgeted at \$4,150,000 for 2014.

Section Two: The City Clerk shall file a certified copy of this ordinance with the Island County Auditor.

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 take effect five days after publication as provided by law.

PASSED by the City Council this 6th day of November 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Valerie J. Loffler, City Clerk

Approved as to Form:

Grant K. Weed, City Attorney

Published: 11/09/13



STATE OF WASHINGTON
DEPARTMENT OF REVENUE

September 20, 2013

Dear County Assessors:

What is the rate of inflation (IPD rate) for 2014?

The rate of inflation (IPD rate) for property taxes due in 2014 is **1.314 percent**.

What is the limit factor for 2014 provided the taxing district adopts a resolution/ordinance authorizing an increase over the prior year's levy?

For the state and taxing districts with populations of 10,000 or greater, the limit factor for property taxes due in 2014 is **101 percent**. The limit factor for these districts is defined as 100 percent plus the lesser of the rate of inflation or 1 percent.

For taxing districts with populations under 10,000, the limit factor for property taxes due in 2014 is **101 percent**.

How is the rate of inflation (IPD rate) calculated?

The rate of inflation is the percent change in the implicit price deflator for personal consumption as published in the Bureau of Economic Analysis' September *Survey of Current Business*.

However, as the result of the comprehensive revision of the national income and product accounts, the Bureau of Economic Analysis did not publish the implicit price deflator for personal consumption in their September publication. The most recent publication available is August and so the numbers published in August were used to calculate the percent change in implicit price deflator for personal consumption for taxes due in 2014.

The percent change is calculated by dividing the June 2013 number by the June 2012 number, subtracting one, and then multiplying by 100. The values used in the calculation this year were as follows:

June 2012	105.842
June 2013	107.233

You may notice these numbers are considerably different than last year. The comprehensive revision updated the reference year for these numbers from 2005 to 2009.

If you have any questions, please contact me.

Sincerely,

Valerie Torres
Tax Policy Specialist
Research & Fiscal Analysis
Department of Revenue

cc: County Treasurers

Research & Fiscal Analysis Division
P O Box 47467 ♦ Olympia, Washington 98504-7459 ♦ (360) 534-1521 ♦ Fax (360) 534-1526
E-mail Address: ValerieT@dor.wa.gov

City of Oak Harbor City Council Agenda Bill

Bill No. 8.a.
Date: November 6, 2013
Subject: Tourism Services Agreement –
Chamber of Commerce


FROM: Larry Cort, City Administrator

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

 Scott Dudley, Mayor
 Doug Merriman, Finance Director
 Grant Weed, Interim City Attorney, as to form

PURPOSE

This agenda bill presents a Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce to replace the current agreement that is due to expire on December 31, 2013. The City Council is requested to consider the replacement Agreement and, as appropriate, authorize the Mayor to sign the Tourism Services Agreement with the Greater Oak Harbor Chamber of Commerce.

FISCAL IMPACT DESCRIPTION

Funds Required: \$72,000 for 2014
Appropriation Source: Fund 116 Civic Improvement

SUMMARY STATEMENT

The source of funds to promote tourism is typically referred to as the lodging sales tax that is authorized by the State of Washington and generated locally through sales tax revenue from the sale of lodging rooms. The lodging sales tax available to the City totals 4% of room sales receipts, 2% in the form of a credit from the State's share of the overall sales tax and 2% imposed locally on lodging businesses. These revenues are restricted in that they must be used to promote tourism in our community which, at least in concept, generates more visitors to the lodging establishments.

The current contract between the City of Harbor and the Greater Oak Harbor Chamber of Commerce for tourism services commenced on January 1, 2013 and is set to expire on December 31, 2013. As detailed on the attached Exhibit to the Tourism Services Agreement, the scope of services includes maintenance and operation of the Tourist Information Facility and other promotional activities. As drafted, the proposed contract would extend for an additional year the current scope of work and compensation to the Chamber of Commerce.

The Chamber's contract for tourism services was discussed at the September 3 and September 17 meetings of the City Council. At the second meeting, the Council asked Chamber officials to make a 2014 budget presentation to the City Council at the October 15, 2013 meeting and asked staff to schedule consideration of the contract at the November 6, 2013 meeting.

City of Oak Harbor City Council Agenda Bill

RECOMMENDED ACTIONS

Authorize the Mayor to sign the Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce for \$72,000 in 2014.

ATTACHMENTS

Draft Tourism Services Agreement

TOURISM SERVICES AGREEMENT

THIS AGREEMENT, is made and entered into in duplicate this 6th day of November, 2013, by and between the City of Oak Harbor, a Washington municipal corporation hereinafter referred to as the "CITY" and the Greater Oak Harbor Chamber of Commerce, hereinafter referred to as the "CHAMBER OF COMMERCE".

Whereas, the CITY desires to have certain services and/or tasks performed as set forth below requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient CITY resources are not available to provide such services; and,

WHEREAS, the CHAMBER OF COMMERCE represents that the CHAMBER OF COMMERCE is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

1. Scope of Services

The CHAMBER OF COMMERCE shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as CHAMBER OF COMMERCE responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein.

2. Term.

The tourism service agreement shall begin on January 1, 2014 and, shall end no later than December 31, 2014, unless sooner terminated according to the provisions herein.

3. Compensation and Method of Payment

3.1 Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by the CITY.

3.2 No payment shall be made for any service rendered by the CHAMBER OF COMMERCE except for services identified and set forth in this Agreement.

3.3 The CITY shall pay the CHAMBER OF COMMERCE for work performed under this Agreement as follows: For tourist information and tourist promotion services - not to exceed \$6,000 per month, based upon actual costs of employee time at the regular hourly wage of such employee(s) and actual cost of promotion materials including employee time.

4. Reports and Inspections.

4.1 The CHAMBER OF COMMERCE at such times and in such form as the CITY may require, shall furnish to the CITY such statements, records, reports, data and information as the CITY may request pertaining to matters covered by this Agreement. The CHAMBER OF COMMERCE reporting responsibilities for this Agreement are as detailed in Exhibit "B" attached hereto and incorporated herein.

4.2 The CHAMBER OF COMMERCE will be requested upon invite to present an annual report to the CITY no later than the last regularly scheduled City Council meeting in April for the prior calendar year's reportable activities.

4.3 The CHAMBER OF COMMERCE shall, with reasonable notice and during reasonable work hours, make available for examination all of its records and data with respect to all matters covered, directly or indirectly, by this Agreement and shall permit the CITY or its designated authorized representative to audit and inspect other data relating to all matters covered by this Agreement. The CITY shall receive a copy of all audit reports made by the agency or firm as to the CHAMBER OF COMMERCE'S activities. The CITY may, at its discretion, conduct an audit at its expense, using its own or outside auditors, of the CHAMBER OF COMMERCE'S activities that relate, directly or indirectly, to this Agreement.

5. Independent Contractor Relationship.

5.1 The parties intend that an independent CHAMBER OF COMMERCE/CITY relationship will be created by this Agreement. The CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of services will lie solely with the discretion of the CHAMBER OF COMMERCE. No agent, employee, servant or representative of the CHAMBER OF COMMERCE shall be deemed an employee, agent servant or representative of the CITY for any purpose, and the employees of the CHAMBER OF COMMERCE are not entitled to any of the benefits the CITY provides for its

employees. The CHAMBER OF COMMERCE will be solely responsible for its acts and for the acts of its agents, employees, servants, subcontractors or representatives during the performance of this Agreement.

5.2 In the performance of the services herein contemplated the CHAMBER OF COMMERCE is an independent contractor with the authority to control and direct the performance of the details of the work, however, the results of the work contemplated herein must meet the approval of the CITY and shall be subject to the CITY'S general rights of inspection and review to secure the satisfactory completion thereof.

6. Chamber of Commerce Employees/Agents

The CITY may at its sole discretion make recommendation to the CHAMBER OF COMMERCE to remove an employee(s), agent(s), or servant(s) from employment on this project. The CHAMBER OF COMMERCE may, however, employ that (those) individual(s) on other non-CITY related projects. In the event the CHAMBER elects not to remove an employee upon CITY recommendation, the CITY may consider such enact as termination for cause.

7. Hold Harmless/Indemnification

7.1 CHAMBER OF COMMERCE shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the CHAMBER OF COMMERCE in performance of this Agreement, except for injuries and damages caused by the sole negligence of the CITY. For purposes of this Hold Harmless/Indemnification Agreement, CHAMBER OF COMMERCE hereby waives its immunity under Worker's Compensation (Title 57 RCW) and acknowledges that this waiver has been expressly negotiated.

7.2 No liability shall attach to the CITY by reason of entering into this Agreement except as expressly provided herein.

8. Insurance

The CHAMBER OF COMMERCE shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which

may arise from or in connection with the performance of the work hereunder by the CHAMBER OF COMMERCE, its agents, representatives or employees.

- 8.1 Minimum scope of insurance. CHAMBER OF COMMERCE shall obtain insurance of the types described below.
 - a. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The CITY shall be named as an additionally insured under the CHAMBER OF COMMERCE'S General Liability insurance policy with respect to the work performed for the CITY.
 - b. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- 8.2 Minimum Amounts of Insurance. CHAMBER OF COMMERCE shall maintain the following insurance limits:
 - a. Commercial General Liability insurance shall be written with limits no less than One Million Dollars (\$1,000,000) each occurrence, Two Million Dollars (\$2,000,000) general aggregate.
- 8.3 Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability insurance:
 - a. The CHAMBER OF COMMERCE'S insurance coverage shall be primary insurance as respects the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the CHAMBER OF COMMERCE'S insurance and shall not contribute with it.
 - b. The CHAMBER OF COMMERCE'S insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.
- 8.4 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- 8.5 Verification of Coverage. CHAMBER OF COMMERCE shall furnish the CITY with original certificates and a copy of the amendatory endorsement, including but not necessarily limited to, the additional insured endorsement, evidencing the

insurance requirements of the CHAMBER OF COMMERCE before commencement of the work.

9. Treatment of Assets.

Title to all property furnished by the CITY shall remain in the name of the CITY.

10. Compliance with Laws

10.1 The CHAMBER OF COMMERCE, in the performance of this Agreement, shall comply with all applicable federal, state or local laws and ordinances, including regulations for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals, and any other standards or criteria as described in this Agreement to assure quality of service.

10.2 The CHAMBER OF COMMERCE specifically agrees to pay any applicable business and occupation (B&O) taxes that may be due on account of this Agreement.

11. Nondiscrimination

11.1 The CITY is an equal opportunity employer.

11.2 Nondiscrimination in Employment. In the performance of this Agreement, the CHAMBER OF COMMERCE will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability; provided that the prohibition against discrimination in employment because of a disability, or the use of a trained dog guide or service animal by a person with a disability, shall not apply if the particular disability prevents the proper performance of the particular worker involved. The CHAMBER OF COMMERCE shall ensure that applicants are employed, and that employees are treated during employment without discrimination because of their race, creed, color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such action shall include, but not be limited to; employment upgrading, demotion or transfers, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and programs for training including apprenticeships. The CHAMBER OF COMMERCE shall take such action with respect to this Agreement as may be required to ensure full

compliance with local, state and federal laws prohibiting discrimination in employment.

- 11.3 Nondiscrimination in Services. The CHAMBER OF COMMERCE will not discriminate against any recipient of any services or benefits provided for in this Agreement on the grounds of race, creed color, national origin, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained guide dog or service animal by a person with a disability.
- 11.4 If any assignment and/or subcontracting have been authorized by the CITY, said assignment or subcontract shall include appropriate safeguards against discrimination. The CHAMBER OF COMMERCE shall take such action as may be required to ensure full compliance with the provisions in the immediately preceding paragraphs herein.

12. Assignment/subcontracting.

- 12.1 The CHAMBER OF COMMERCE shall not assign its performance under this Agreement or any portion of this Agreement without the written consent of the CITY, and it is further agreed that said consent must be sought in writing by the CHAMBER OF COMMERCE not less than thirty (30) days prior to the date of any proposed assignment.
- 12.2 Any work or services assigned hereunder shall be subject to each provision of this Agreement and proper bidding procedure where applicable as set forth in local state and/or federal statutes, ordinances and guidelines.

13. Changes.

Either party may request changes to the scope of services and performance to be provided hereunder, however, no change or addition to this Agreement shall be valid or binding upon either party unless such change or addition be in writing and signed by both parties. Such amendments shall be attached and made part of this Agreement.

14. Maintenance and Inspection of Records

- 14.1 The CHAMBER OF COMMERCE shall maintain all books, records and documents, which sufficiently and properly reflect all direct and indirect costs related to the performance of this Agreement and shall maintain such accounting procedures and practices as may be necessary to assure proper accounting of all funds paid pursuant to this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit, by the CITY, its authorized representative, the State Auditor, or other governmental officials authorized by

law to monitor this Agreement. The CITY anticipates no more than one audit per year.

- 14.2 The CHAMBER OF COMMERCE shall retain all books, records, documents and other material relevant to this Agreement, for six (6) years after its expiration. The CHAMBER OF COMMERCE agrees that the CITY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.

15. Other Provisions.

The following additional terms shall apply: It is agreed between the parties that pursuant to changes in state law necessitating that services hereunder be expanded, the parties shall negotiate an appropriate amendment. If after thirty (30) days of negotiation, agreement cannot be reached, the CITY may terminate this Agreement no sooner than sixty (60) days thereafter.

16. Termination.

- 16.1 Termination for Convenience. The CITY may terminate this Agreement, in whole or in part, at any time for any reason by giving at least one hundred twenty (120) days' written notice to the CHAMBER OF COMMERCE. Upon such termination for convenience, the CITY shall pay the CHAMBER OF COMMERCE for all services provided under this Agreement through the date of termination.
- 16.2 Failure of Appropriation. The CITY may terminate this Agreement due to failure of appropriation by giving at least thirty (30) days' written notice to the CHAMBER OF COMMERCE. Upon such termination the CITY shall pay the CHAMBER OF COMMERCE for all services provided under this Agreement through the date of termination.
- 16.3 Termination for Cause. If the CHAMBER OF COMMERCE fails to perform in the manner called for in this Agreement, or if the CHAMBER OF COMMERCE fails to comply with any provisions of this Agreement and fails to correct such noncompliance within twenty (20) days' written notice thereof, the CITY may terminate this Agreement for cause. Termination shall be effected by serving a notice of termination on the CHAMBER OF COMMERCE setting forth the manner in which the CHAMBER OF COMMERCE is in default. The CHAMBER OF COMMERCE will only be paid for services performed in accordance with the manner of performance set forth in this Agreement through the date of termination.

17. Notice.

Notice provided for in this agreement shall be sent by certified mail to the addresses designated for the parties on the last page of this Agreement.

18. Attorney Fees and Costs.

If any legal proceeding is brought for the enforcement of this Agreement, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

19. Jurisdiction and Venue.

19.1 This agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by each party hereto that this Agreement shall be governed by laws of the State of Washington both as to interpretation and performance.

19.2 Any action of law, suit in equity, or judicial proceeding for the enforcement of this Agreement or any provisions thereof shall be instituted and maintained only in any of the courts of competent jurisdiction in Island County, Washington.

20. Severability.

20.1 If, for any reason, any part, term or provision of this Agreement is held by a court of the United States to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

20.2 If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision that may be in conflict herewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith. And shall be deemed modified to conform to such statutory provisions.

21. Entire Agreement.

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Agreement shall be in writing and signed by both parties.

Failure to comply with any of the provisions stated herein shall constitute a material breach of contract and be cause for termination. Both parties recognize time is of the

essence in the performance of the provisions of this Agreement. It is also agreed by the parties that the forgiveness of the nonperformance of any provisions of this Agreement does not constitute a waiver of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the 6th day of November, 2013.

CITY OF OAK HARBOR

GREATER OAK HARBOR CHAMBER
OF COMMERCE

Address:
865 SE Barrington Drive
Oak Harbor, WA 98277

Address:
32630 SR 20
Oak Harbor, WA 98277

SCOTT DUDLEY, MAYOR

JASON MCFAYDEN, PRESIDENT

Attest:

Valerie Loffler, City Clerk

Tourism Services Agreement
Exhibit “A”
Scope of Services

1. Maintenance and Operation of Tourist Information Facility. The Chamber of Commerce will maintain and operate a tourist facility for the distribution of tourist-related information as follows:
 - i. **Services:** The Chamber of Commerce will furnish services generally considered to be of an informational and assistance nature to tourists and visitors to the community, including travel directions, directions to points of interest, lodging accommodations and other hospitality services, recreational activities, cultural events, emergency services, and other referral services.
 - ii. **Hours of Operation:** The City anticipates the Chamber of Commerce shall generally maintain minimum hours of operation of the Tourist Information Facility located at 32630 SR 20 in Oak Harbor from 9:00 AM to 5:00 PM, Monday through Friday, on regularly recognized business days. If minimum hours are reduced by the Chamber of Commerce, the City may adjust the payment to the Chamber of Commerce to reflect the reduction on operation hours.
 - iii. **Staffing:** The Chamber of Commerce will provide qualified, trained staff to operate the tourist information facilities in a professional and competent manner.

2. Other Tourist Promotion Activities:
 - i. In addition to the operation of the tourist information facility, the Chamber of Commerce will provide “Tourist Promotion” services as defined by RCW 67.28.080(6), including purchase and distribution of media (print, broadcast or electronic) and the facilitation of special events and festivals designed to attract tourists.
 - ii. The Chamber of Commerce agrees that all tourist promotion funds received from the City will promote tourism within the City of Oak Harbor and not benefit individual members of the Chamber of Commerce.

3. Funding Allocation Outline
 - i. The Chamber of Commerce will perform Tourist Information Facility Services and Tourism Promotion Activities in accordance with Funding Outline set forth herein:

a.	Annual Operation Cost of Tourist Information Facility	\$70,000
b.	Annual Tourist Promotion Activities Cost	<u>\$ 2,000</u>
Total Annual Fund Allocation		\$72,000

Tourism Services Agreement
Exhibit “B”
Record Keeping and Reporting

1. No later than the last regularly scheduled City Council meeting of April for the prior calendar year’s reportable activities, Chamber of Commerce will schedule and present a written and oral annual report to the Mayor and City Council consisting of the following items:
 - a) Total revenue received from the City of Oak Harbor for the fiscal year or any partial fiscal year from this agreement.
 - b) The list of festivals, special events, or other non-profit organizations that received funds or services from the Chamber of Commerce under this agreement.
 - c) The list of festivals, special events or tourism facilities sponsored or owned by the Chamber of Commerce that received funds from this agreement.
 - d) The amount of revenue expended on each festival, special event or tourism-related facility owned by the Chamber of Commerce or sponsored by other non-profit organizations that received funds from the Chamber of Commerce under this agreement.
 - e) The estimated number of tourists, persons, traveling over fifty miles to Oak Harbor, persons remaining in Oak Harbor overnight and lodging stays generated per festival or special event.

2. Chamber of Commerce shall schedule and present at a regularly scheduled City Council meeting no later than October 31, an annual budget proposal that includes the following information:
 - a) Those tourism and promotion budget goals and objectives for the upcoming budget year that will require City reimbursement.
 - b) A summary total of all budgeted expenditures that will require City reimbursement.
 - c) A summary total for each proposed tourism or promotion program of all budgeted expenditures requiring City reimbursement.
 - d) A summary total for each proposed festival or planned event of all budgeted expenditures requiring City reimbursement.