PLANNING COMMISSION

AGENDA

May 28, 2013

CITY OF OAK HARBOR **AGENDA**
PLANNING COMMISSION **May 28, 2013**
REGULAR MEETING **7:30 P.M.**
CITY HALL

ROLL CALL: **FAKKEMA**_______________ **WASINGER**_______________________

JENSEN________________ **PETERSON**_______________________

FIKSE__________________ **FREEMAN**________________________

SCHLECHT_____________

Page 3
1. **Approval of Minutes – April 23, 2013**

2. **Public Comment –** Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.

Page 20
3. **DIGITAL SIGNS CODE UPDATE – Public Hearing**
Staff will present the draft code to Planning Commission for digital signs. Planning Commission will open a public hearing and accept public testimony on the draft code.

Page 67
4. **SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM (TIP) – Public Hearing**
The Planning Commission will conduct a public hearing to consider the updates to the Six-Year Transportation Improvement Program for the years 2014-2019. The Planning Commission is expected to forward a recommendation to the City Council.

Page 72
5. **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**
Staff will give a presentation on current population and demographics for Oak Harbor. This information is intended to provide a basic understanding of Oak Harbor's current population that will help in other decision in the future related to the update.

MINUTES

April 23, 2013

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.

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 PLANNNIG 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 asked about a definition for "transient lodging", parking requirements (tying parking spaces to physical space instead of people) and the possibilities for bed and breakfast uses between Midway Boulevard and the Marina.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting
Mr. Kamak provided a Power Point presentation (Attachment 2) which presented the progress to date and further analysis of the nine views selected. The analysis included line of view, view zones and possible actions for preserving the views.

Planning Commission suggested staggering buildings to protect views and requiring low growing landscape to camouflage parking lots.

Mr. Powers talked about the competing goals within the Comprehensive Plan such as tree preservation and preserving of views. Mr. Kamak said that once the views are identified as scenic views the regulations will be area specific.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting
Mr. Kamak reported that staff has been working with the County on their plan update and the County has provided information on their schedule. The County has taken a similar approach to their update as the City has by dividing the update into two phases. Phase I will be to determine the scope of the update and Phase II will be addressing the deficiencies identified in Phase I. The County has initiated a discussion on these policies that will eventually determine policies and procedures related to Urban Growth Areas (UGA), population projections, growth allocations etc. Some of these policies and procedures will impact the City's 2016 update to the Comprehensive Plan.

The Department of Commerce has produced a checklist for jurisdictions to use in evaluating comprehensive plans for consistency with the GMA. City planning staff has begun reviewing Oak Harbor's Comprehensive Plan against this checklist. Staff will share the review with the Planning Commission over the next few meetings.

ADJOURN: 9:26 p.m.

DIGITAL SIGNS CODE UPDATE

PLANNING COMMISSION, APRIL 23, 2013

Overview

- Brief Overview of Draft Code
- Legal review

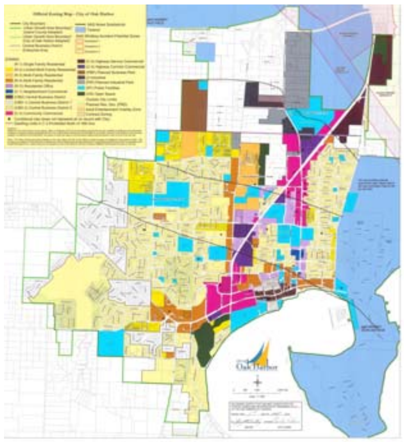
Overview

Definition:	•Important to distinguish between EMCs
Where allowed:	•C1, C3, C4, C5, I, PIP, PBP, & PF. Not allowed in CBD.
Code compliance:	•All other applicable in 19.36.030(2-5)
Size:	•Max 100 SF. 100% of building mounted, 75% of monument, 50% of pole/pylon
Video/motion:	•Avoid distracting effects – quaking, shaking, trembling, quavering. Speed = real life.

Overview

Color:	•Prohibit white
Display changes:	•Instantaneous prohibited
Orientation:	•Away from residential
Hours of operation:	•10:00 p.m. to 6:00 a.m.
Brightness:	•Combination of subjective & objective. Standards by zone.

Zoning Map



Questions/Comments?

Comprehensive Plan Amendment

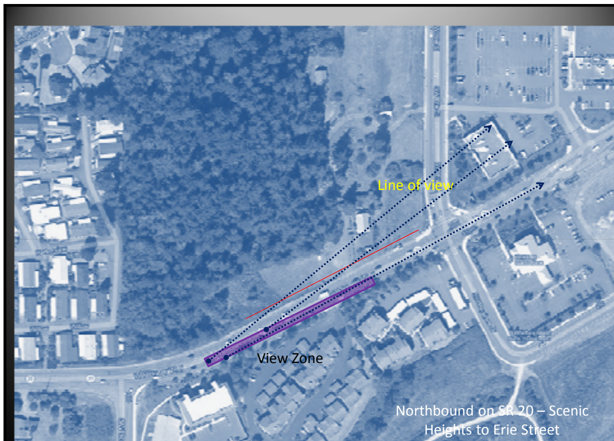
Scenic View Study

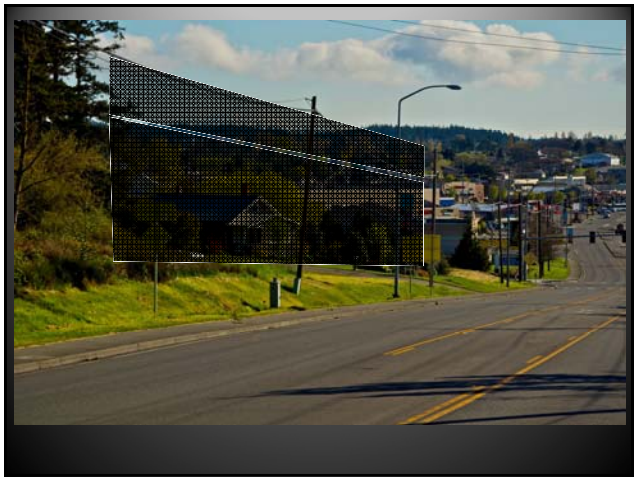
Scenic View Study

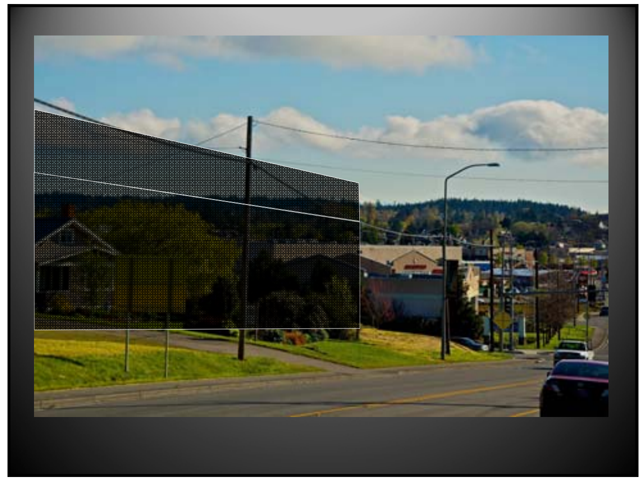
- 2012 Update
- Public Input – Summer 2012
  - Public notices
  - Flyers (utility bills)
- Review of 27 views – Fall 2012
  - Criteria based review
- 9 views for further analysis

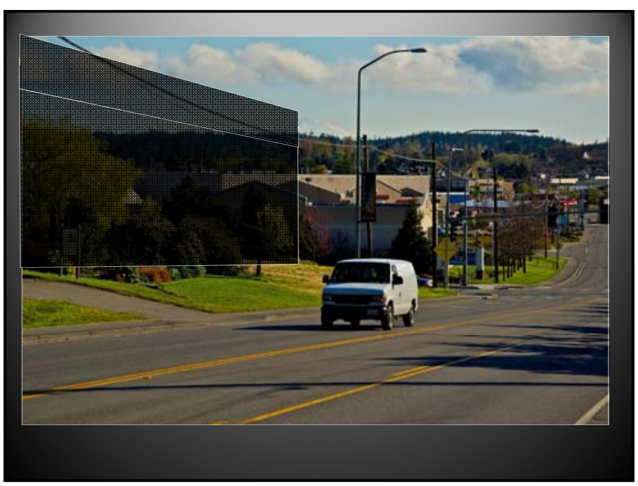
Scenic View Study

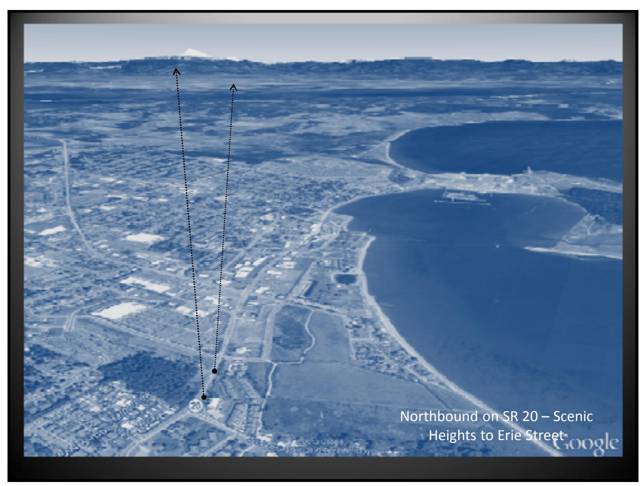
1. Northbound SR 20 – Scenic Heights Street to Erie Street
2. Waterfront Trail – Windjammer Park
3. Waterfront Trail – Flintstone Park
4. Bayshore Drive – Dock Street to Midway Blvd
5. Pioneer Way – Midway Blvd to Regatta Drive
6. Regatta Drive – SE 8th Avenue to Pioneer Way
7. Dock Street – Barrington Drive to Bayshore Drive
8. Southbound SR 20 at NE 16th Avenue
9. Pioneer Way – Ireland Street to Midway Blvd





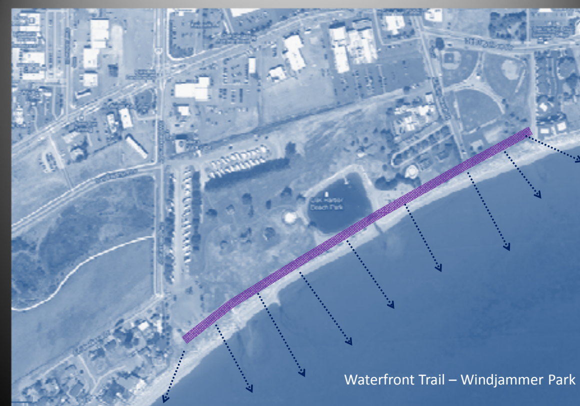





Northbound on SR 20 – Scenic
Heights to Erie Street
Google

Northbound SR 20

- Increase building setbacks
- Require parking to front on SR 20
- Undergrounding of utilities
- Low growing landscaping
- Require monument signs
- _

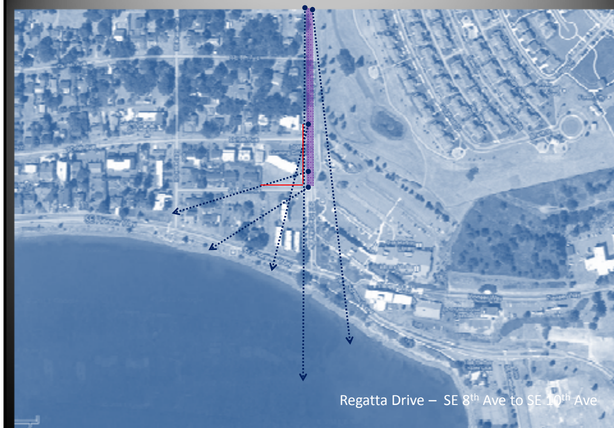


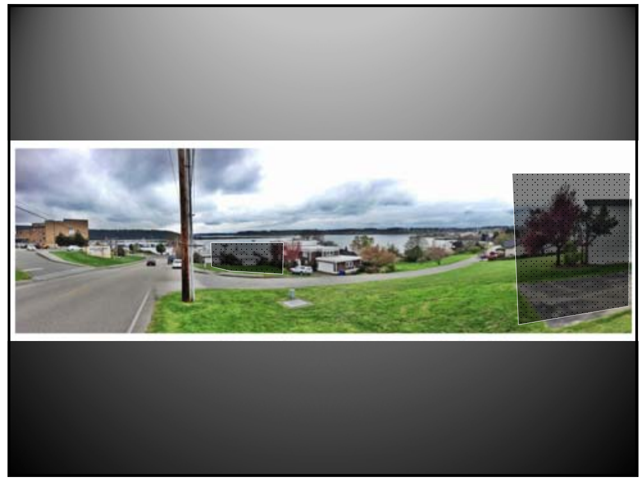
Waterfront Trail - Windjammer

- No structures within a certain distance
- Lighting to be shielded
- Consider removal of picnic shelters windbreakers
- Minimum landscaping - low growing
- _

Flintstone Park, Bayshore Drive and Pioneer Way

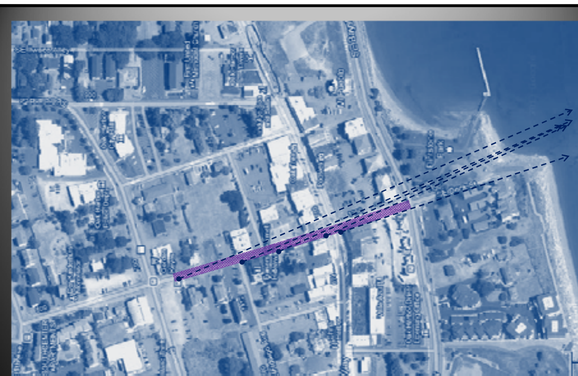
- Lighting to be shielded or low/contextual lighting
- Consider removal of view obscuring landscape
- _



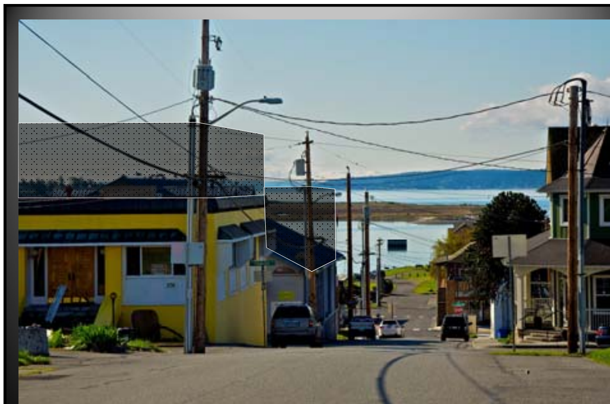


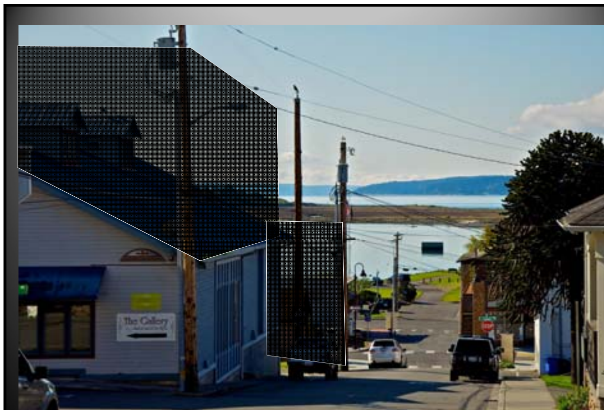
Regatta Drive

- Require parking to be located along Regatta Drive
- Low growing landscaping
- Consider removal or no-replacement of view obscuring landscape
- Undergrounding of utilities
- _



Dock Street– Barrington Drive to SE 10th Ave



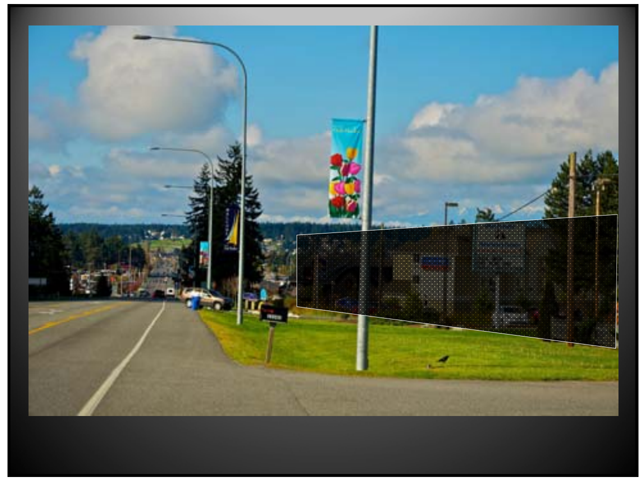


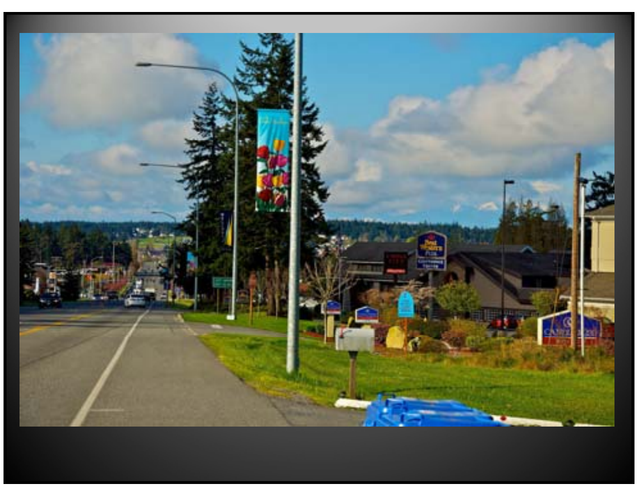
Dock Street

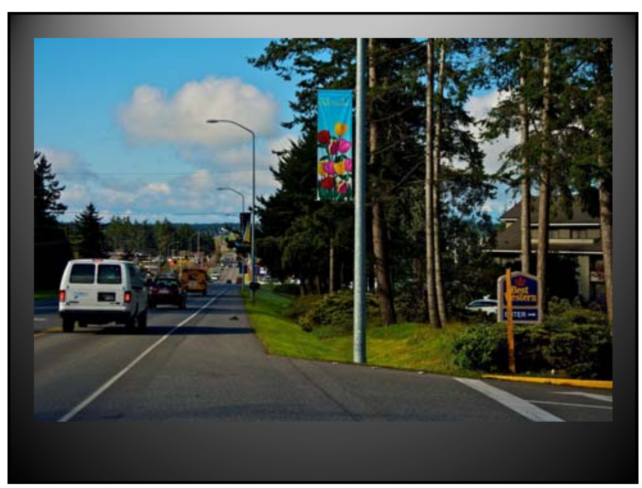
- Undergrounding of utilities
- Restricting height of structures on Flintstone Park
- _

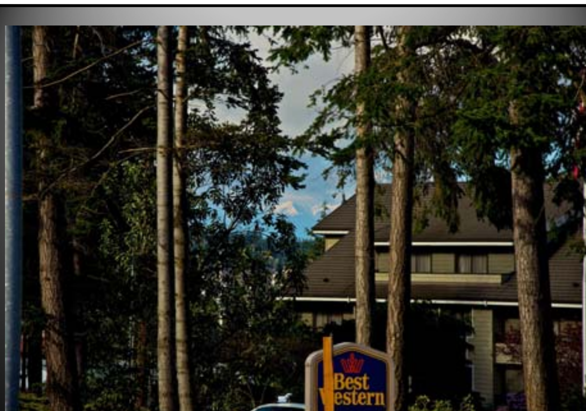
Southbound on SR 20 – NE 16th Ave to Midway Blvd


Southbound on SR 20 – NE 16th Ave to Midway Blvd



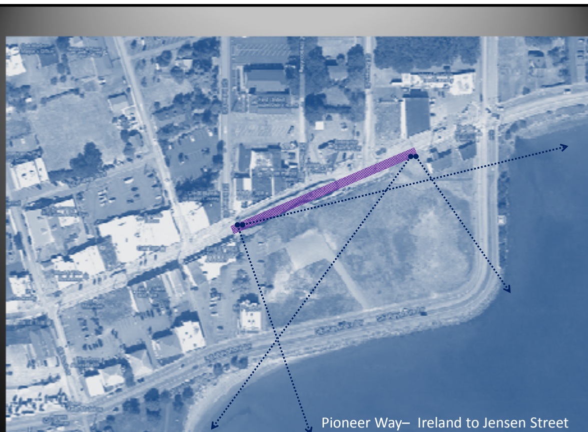






NE 16th and SR 20

- Undergrounding of utilities
- Eliminate reductions in setbacks
- Require parking on street side
- Remove sight obscuring trees
- Require low growing landscaping
- Require monument signs
- _



Pioneer Way – Ireland to Midway

- Require public easements in or around buildings to waterside
- Include public viewing areas on waterside of properties
- Purchase properties
- _

Additional comments and feedback?

Digital Signs
Code Update

Public Hearing

Memo

To: Members of the Planning Commission

Cc: Steve Powers, Development Services Director

From: Ethan Spoo, Senior Planner

Date: 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 is 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 industry[1]. "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 duration[3]. 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:

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[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."

- 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.

ORDINANCE NO. XXXX

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

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

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

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

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

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

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

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

WHEREAS, the City of Oak Harbor issued Notice of Application on September 15, 2012 and a Determination of Non-Significance (DNS) on October 6, 2012 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

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

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

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) "Digital sign" means a type of electronically-activated sign which has video, depicted motion, graphic, text, and color capabilities. These signs use light emitting diode (LED), liquid crystal display (LDC), plasma, or projection technologies. Digital signs are distinguished from electronic message centers by their video capabilities.

~~(14)~~(15) "Electronic message center" means a sign capable of displaying words or symbols that can be electronically or mechanically changed by remote or automatic means. An electronic message center is considered a primary sign and may be either freestanding or building-mounted.

~~(15)~~(16) "Flashing" means pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.

~~(16)~~(17) "Frame effect" means a visual effect on an electronic message center applied to a single frame to transition from one message to the next. Such usage must comply with the 2-1-2 provision.

~~(17)~~(18) "Freestanding sign" means a single- or multiple-faced sign supported from the ground by one or more columns, uprights or braces. Freestanding signs include monument, pylon and pole signs.

~~(18)~~(19) "General promotions" means events which occur on a regular basis in retail business for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year-end, seasonal sales, civic events, etc.).

~~(19)~~(20) "Grade" means the elevation or level of the street closest to the sign to which reference is made, as measured at the street's centerline, or the relative ground level in the immediate vicinity of the sign.

~~(20)~~(21) "Grand openings and anniversaries" means events that are held on a once-per-year basis for the purpose of advertising grand openings, ownership changes, or anniversaries.

~~(21)~~(22) "Height" or "height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.

~~(22)~~(23) "Incidental sign" means a single- or double-faced sign not exceeding four square feet in surface area of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, public telephone, etc. Also included are signs designed to guide pedestrian or vehicular traffic to an area or place on the premises of a business, building or development. Also included are building directories with the letters not to exceed four inches in height. (See OHMC 19.36.100.)

~~(23)~~(24) "Marquee" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.

~~(24)~~(25) "Monument sign" means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.

~~(25)~~(26) "Multiple-occupancy building" means a single structure housing more than one type of retail business office or commercial venture.

~~(26)~~(27) "Multiple-occupancy complex" means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.

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

~~(27)~~(28) "Noncommercial public service sign" means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages, including, but not limited to, the advertising of events sponsored by a governmental agency, a school, church, civic or fraternal organization or other organizations engaged in activities for profit.

~~(28)~~(29) "Occupant" means the person, firm or corporation that occupies the land or building.

~~(29)~~(30) "Office building" means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.

~~(30)~~(31) "Parapet" means that portion of a building wall which extends above the roof of the building.

~~(31)~~(32) "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.

~~(32)~~(33) "Pole sign" means a primary freestanding sign where the sign is supported by a pole or other similar structural element that is substantially narrower than the width of the sign.

~~(33)~~(34) "Political free speech sign" means a sign which promotes a position on a public or social issue.

~~(34)~~(35) "Primary sign or signs" means all signs, including freestanding signs, of a user which are not exempt (see OHMC 19.36.100), or which do not come within the category of incidental signs (see OHMC 19.36.030 and subsection (22) of this section) or temporary or special signs (see 19.36.080). The term "primary sign" is intended to include virtually all signs of a commercial nature.

~~(35)~~(36) "Property line" means the line denoting the limits of legal ownership of property.

(37) "Public service information" means amber alerts or information about community events sponsored by a government or non-profit.

~~(36)~~(38) "Pylon sign" means a primary freestanding sign other than a pole sign with the appearance of a solid base. The base of a pylon sign shall be distinctive in appearance from the sign area.

~~(37)~~(398) "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)~~(3940) "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)~~(4041) "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)~~(4142) "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)~~(4~~2~~3) "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)~~(4~~3~~44) Special Signs. See "Temporary and Special Signs."

~~(43)~~(4~~4~~45) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.

~~(44)~~(4~~5~~46) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.

~~(45)~~(4~~6~~47) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.

~~(46)~~(4~~7~~48) Surface Area. See "Area or surface area of sign."

~~(47)~~(4~~8~~49) "Surface area of facade" means the area of that front, side or back elevation, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of facade shall be the area of that front, side or back immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

~~(48)~~(~~49~~50) Temporary and Special Signs. "Temporary and special signs" are those which are not defined as "primary signs" or "incidental signs" by this chapter. Different types of temporary and special signs include, but are not limited to, construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, subdivision directional signs, A-frame signs, political signs, and campaign signs (see OHMC 19.36.080).

~~(49)~~(~~50~~51) 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)~~(~~51~~52) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by a digital sign ~~n electronic message center~~ or similar device. ~~The use of video is not permitted in any zoning district.~~

~~(51)(52) "Video board" means an electronically activated sign that creates the effect of motion or animation, except as allowed by this chapter for changing electronic message signs which are in compliance with the 2-1-2 provision, and the prohibition of RGB technology. Video board signs are not permitted in any zoning district.~~

~~(52)~~(53) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.

~~(53)~~(54) "Window sign" means all signs located inside and affixed to or within three feet of windows of a building, whether temporary or permanent, except lighted signs of a commercial advertisement nature which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window. Lighted window signs shall be included in determining the number of primary signs and in determining the permissible sign area for each facade. Does not include incidental signs. (See OHMC 19.36.030.)

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

(1) General.

(a) In general, this city takes the view that signs should be scaled to the building to which the sign is related. Accordingly, in the following sections will be found regulations on the area, number and height of signs, which are a function of the size of the building to which the sign is related.

(b) Any single-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (6) of this section. No more than one freestanding sign is permitted per single-occupancy building unless the building faces on more than one street (see subsection (4) of this section), and is not a part of a multiple-building complex.

(c) Each occupant in a multiple-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-occupancy building unless the building faces more than one street (see subsection (4) of this section), and is not part of a multiple-building complex.

(d) Each occupant in a multiple-building complex in the business districts, which is composed of single- and/or multiple-occupancy buildings, shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-building complex, unless the building faces on more than one street. (See subsection (4) of this section.)

(e) Each enterprise shall display and maintain on-premises street address number identification. (See subsection (6) of this section.)

(f) A multiple-building complex encompassing at least five acres may display one complex identification sign along with each right-of-way which provides direct access to the complex. Each sign may not exceed 75 square feet in surface area and 25 feet in height. Each sign is subject to the sight distance requirements of the zoning ordinance.

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

Minimum Setback:	5 feet from front property line

Maximum Area: 100 square feet (per side)

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

Maximum Height: 25 feet

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

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

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	**Maximum Sign Surface Area for That Facade**
Below 100	25 percent of facade
100 – 199	26 sq. ft. + 11 percent of facade area over 100 sq. ft.
200 – 499	38 sq. ft. + 12 percent of facade area over 200 sq. ft.
500 – 999	75 sq. ft. + 11 percent of facade area over 500 sq. ft.
1,000 – 1,499	131 sq. ft. + 7.5 percent of facade area over 1,000 sq. ft.
1,500 – 2,999	169 sq. ft. + 2.5 percent of facade area over 1,500 sq. ft.
Over 3,000	206 sq. ft. + 1.5 percent of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.

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

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

(i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;

(ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;

(iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

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

(c) Sign Height – Building-Mounted Signs. The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

(3) Number of Primary Signs. The permissible number of signs for each occupant is dependent upon the surface area of the largest single facade of the building that is under his control. The permitted number of signs is as follows (not including incidental signs):

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

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

(4) Buildings on More Than One Street. Buildings facing on more than one street are entitled to a bonus in primary signage, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different parallel streets, as defined in subsections (4)(a) and (4)(b) of this section.

(a) Buildings on Intersecting Streets. When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is permitted and must meet the setback limitation under subsection (2) of this section.

(b) Buildings Facing on Two Parallel Streets. Single-occupancy buildings that extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under subsections (2)(a) and (2)(b) of this section, and the sign number under subsection (3) of this section for each end of the building facing on a street; provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.

(5) Types and Placement of Primary Signs. The permissible types of primary signs, their placement and other limitations are as follows:

(a) Freestanding Signs.

(i) Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.

(ii) A freestanding sign located five feet from the property line shall be wholly behind the five-foot setback, and a freestanding sign located at the building line shall be wholly behind the building line.

(iii) Any freestanding sign must be integrated. That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.

(b) Building-Mounted Signs.

(i) Any building-mounted sign shall not project more than five feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.

(ii) Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.

(iii) Special projection signs are permitted within the CBD and are allowed in addition to permitted signage. Special projection signs are limited to one per business and shall be attached to the building. The bottom of the sign shall be at least seven feet above the sidewalk.

(c) Roof Signs.

(i) All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

(ii) All roof signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.

(d) Canopy Signs.

(i) All such signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself.

(ii) All canopy signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.

(e) Monument Signs. Monument signs shall not exceed eight feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the front property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

(f) Pylon Signs.

(i) Pylon signs shall not exceed 10 feet in height measured from the finished grade to top of the sign and not exceed 48 square feet in area. Pylon signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

(ii) If a pylon sign is used instead of a pole sign an additional 15 percent of wall signage area over that than otherwise permitted shall be allowed. The additional square footage may be used on any facade that permits wall signage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Digital signs. Stationary digital signs may be incorporated in the permanent signage for a business or development in the C-1, C3, C4, C5, I, PIP, PBP, and PF zones. Said signs shall meet the following standards:

(i) Digital signs must follow the standards established in subsections (2) through (5) of this section, except where further modified by the specific provisions pertaining to digital signs in this subsection;

(ii) Size. Digital 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 a digital sign exceed 100 square feet in size. Additionally, digital signs can comprise 100 percent of a building mounted primary sign, no more than 75 percent of a monument primary sign, and no more than 50 percent of a pole or pylon primary sign. For freestanding signs, digital signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;

(iii) Digital signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information.

(iv) Video and motion. Video and motion are allowed on digital signs. Video on digital signs must be steady and avoid shaking, trembling, quavering, or quaking effects. Video and motion displays cannot portray action or movement at speeds faster than what occurs in real life. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Scrolling or moving text is prohibited;

(v) Duration. The entirety of a dynamic message, text, or video segment must not exceed ten seconds in duration. Static messages, text, or graphics may remain indefinitely.

(vi) Color. Color may be used in digital signs. However, white backgrounds are prohibited.

(vii) Display changes. Instantaneous display changes of colors, graphics, text, or video are prohibited. When the sign is transitioning between colors, graphics, text or video the transition must occur within one second and no less than 0.5 seconds. This provision applies to display changes only and is not intended to limit the total display time of an individual message, graphic, color or video.

(viii). Malfunction. If the digital sign malfunctions so as to affect the normal function and display of the sign, the sign is required to be turned off until function has been restored.

(ix) Number. Only one digital sign is allowed per property. Multitenant buildings on a single property are permitted a single digital sign.

(x) Orientation. Freestanding digital signs must be directed away from adjacent residentially zoned or open space zoned properties including properties across a public right-of-way. No digital sign may be located closer than 200 feet from residentially zoned or open space zoned properties as measured from the sign location to the nearest property line of the residential or open space zoned property.

(xi) Hours of operation. Digital sign displays must be turned off between the hours of 10:00 p.m. and 6:00 a.m when located 100 feet from a residentially zoned property.

(xii) Luminance. Digital signs shall come equipped with automatic dimming technology. Owners of digital signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the settings of the sign so as to exceed the brightness standards specified in the table below. The City may request and the sign owner/operator may voluntarily choose to reduce the brightness/luminance level of a sign that meets brightness standards, but is perceived to be too bright for its surrounding context.

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

(xiii) Angle. Digital signs shall have an angle of 90 degrees or less to the ground.

(6) Incidental Signs. "Incidental signs" means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.

(7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.

(8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.

(9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.

(10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor's present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect, almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial relaxation of the standard sign requirements for signs on legal nonconforming

buildings, only so long as the buildings or uses remain legally nonconforming under provisions of the Oak Harbor zoning code.

(11) Permitted Signs on Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings or uses with the following exceptions:

(a) Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet, six inches.

(b) Legally nonconforming buildings are allowed the same sign area as other buildings zoned as commercial districts, as per this section.

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

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

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

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

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

Maximum Height:	15 feet

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

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

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

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

(i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;

(ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;

(iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

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

(c) Sign Height – Building-Mounted Signs. No building-mounted sign in the RO or C-1 district, regardless of type, shall exceed a height of 20 feet above grade, or above the height of the building to which it is attached, whichever is less.

(d) Limitation. Any freestanding or building-mounted sign located in these districts shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product or services offered.

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

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

(4) Types and Placement. Within RO and C-1 districts the permissible types of signs, their placement and other limitations are as follows:

(a) Freestanding Signs. Requirements are identical to OHMC 19.36.030(5)(a), except that advertising shall not be permitted.

(b) Building-Mounted Signs. Requirements are identical to OHMC 19.36.030(5)(b), except that advertising shall not be permitted.

(c) Electronic Message Center Signs. These signs are allowed only in the C-1 district. Requirements are identical to OHMC 19.36.030(5)(g).

(d) Incidental Signs. In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in OHMC 19.36.030(6).

(e) Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.

(f) Signs or portions of signs indicating premises for rent (e.g., "Apartment for Rent," "Apartment Available," "Vacancy," "Now Renting," "Free Rent," etc.) shall not exceed a surface area of six square feet and many remain up until the premises are sold or rented.

(g) The illumination of any sign in the RO and C-1 districts shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.

(h) Legal nonconforming signs same as OHMC 19.36.030(10) and (11).

(i) Monument signs shall not exceed six feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

<u>Section Three</u>. <u>Severability</u>. 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.

<u>Section Four</u>. <u>Effective Date</u>. 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:

CHAPTER 4

The Economic Context of Signs:

Designing for Success

By Marya Morris, AICP

The economic well-being and fiscal health of a community depend to a significant degree on the success of its commercial districts. Retail and service businesses provide jobs and income for residents. They also contribute to the property and sales tax base, which, according to common wisdom, translates to revenues for the local government from a source other than residential property taxes, thereby helping to reduce or stabilize property tax bills of homeowners and businesses. This chapter describes the role on-premise business signs play in the success of retail and service businesses. It begins with an assessment of the function of on-premise signs as identification and advertising devices. The chapter also addresses the relationship between sign economics and sign appearance, and how the economic context of signs can vary between communities and among districts within a single community. Further, it presents information from the three primary sources of research on sign value, which are industry-sponsored studies, appraisals and evaluations of on-premise signage, and nonscientific studies by sign makers and sign users. Finally, the chapter addresses the changes in the retail environment that affect signage, including new trends in consumer behavior, the increased domination of national and regional chains, and the unique signage needs of small independent businesses.

SIGNS AS IDENTIFICATION, ADVERTISING, AND WAYFINDING DEVICES

The primary function of a sign is to provide identification for a business. By helping consumers recognize that they have arrived at their intended destination or by triggering an impulse to make a purchase, signs help facilitate consumer transactions that allow businesses to be successful. Successful businesses make for vital local economies and a stable tax base. Using color, light, and visually interesting symbols, letters, logos, and other information, signs can enliven commercial areas and make them attractive places to shop. Signs also function as cost-effective advertising by making potential customers aware of the business and the products or services offered. As advertising mechanisms, signs facilitate competition among businesses, which, in turn, can benefit consumers by providing more information about products and services, which can lead to lower prices. Finally, signs function as a wayfinding device. They help people find their way to a specific business, trigger their ability to recall the location of a business, and function as a marker, telling people where they are in relation to where they are going.[1]

There are two schools of thought on how best to balance a sign's function as an identification mechanism with its role as an advertising medium. One school of thought suggests that signage should be limited to the amount necessary to provide conspicuous and legible identification for a business or activity, and that no greater allowance (in the way of increased size, number, or illumination) should be made for the purposes of advertising.[2] The other school of thought is that on-premise signs serve equally as a means of identification and as "place-based" advertising.

Healthy economies are dependent on the success of retail and service businesses, and that success is to some degree attributable to the advertising function of on-premise signs. In the view of many sign makers, in communities where a healthy local economy is a primary goal, sign codes that subordinate the advertising functions of a sign may undermine the ability of businesses to reach customers, to compete effectively, or to maximize their potential. Allowing businesses and sign designers greater latitude, it is thought, can result in increased sales for some businesses and help establish a more colorful and interesting streetscape. Providing sign regulators with flexibility to approve innovative and creative designs can also help businesses succeed and commercial districts to develop and thrive. Furthermore, some independent merchants believe that restrictive sign codes may be a contributing factor in providing an advantage to national franchises and chains over locally owned independent proprietors, particularly very small stores in automobile-oriented commercial areas. Using widely recognized colors and corporate logos, on-premise signage for franchises reinforces a national advertising campaign; for an independent retail or service business, an on-premise sign may be the sole point of external contact with potential customers. And so it follows that the less visible and readable the sign of a small business is, the less effective it is as an advertising tool, which may hinder the ability of the business to compete. On the other hand, a commonly intended purpose of sign code provisions that limit the size and number of signs—including signs with recognizable corporate logos—is to level the playing field for all businesses. Local businesses also ultimately bear responsibility to spend time, effort, and money to make their signage and store appearance interesting and unique in order to compete more effectively with the national chains.

THE COMPLEX RELATIONSHIP BETWEEN ECONOMICS AND AESTHETICS

For planners, balancing economic and aesthetic concerns in a community is a complex endeavor, with no clear-cut formula. Signs are just one of many factors that determine whether a district or community will succeed or fail. On the positive side, high-quality architecture and building materials, well-designed streets with clearly defined routes, professionally produced signs, street furniture, and lighting and other pedestrian amenities all contribute to a high-quality environment where business can succeed and people want to go. On the negative side, vacant storefronts, marginal businesses, illegal or poorly maintained signs, crumbling infrastructure, rampant disinvestment, and illicit activity can individually or collectively create negative commercial environments that are difficult to turn around. Because this is a study of appropriate regulation of on-premise signs, the focus here is on balancing three "needs":

1. The needs of a business to identify itself and attract customers
2. The needs of a citizen to be able to locate a business and find a desired product
3. The needs of a community to create or preserve a visual environment that is in keeping with the professed preferences of its citizens and business community

Bob Brown

Marya Morris

In drafting a sign ordinance, planners should work with businesses to decide how much and what type of signage is appropriate for businesses in a district, given building setbacks, street width, traffic speeds, and other factors. In the picture above, the minute, monochromatic signage afforded each tenant in this Cleveland strip mall does not serve the businesses or their customers well at all. In contrast, the relatively minimal signage in the strip mall in a Chicago suburb, below, where tenants are allowed to use colors and logos, works effectively, both in terms of its fit with the architecture and the building setbacks.

There are five issues that must be considered in an effort to understand this balancing act.

First, although a form of constitutionally protected free speech, signs exists in the public realm.[3] This distinguishes signs from most other actions of free enterprise and many other expressions of speech because, in the public setting, they are subject to public opinion and local regulation—the legitimacy of which has been upheld in courts on both safety and aesthetic grounds.

Second, there is a common but often incorrect assumption that the tradeoff between economic value and aesthetic quality (as expressed through sign codes) is direct and automatic (i.e., smaller signs always have less advertising value; large signs are always less attractive). The real question should be how much and what type of signage is appropriate for businesses in a given district given both the economic and aesthetic contexts of the area. (See Chapter 3 for a discussion of a "typology" for districts and signage.)

Third, it is difficult to pinpoint a threshold above which the cumulative impact of too many large signs (all of which are working individually to provide identification and advertising for the business on the premises) results in a confusing, unattractive streetscape that creates an undesirable place to do business. Sign codes enacted to set broad limits on the size and number of signs to try to solve the clutter problem may have the effect of limiting a sign's utility to a business and its customers, and the business's ability to compete in the marketplace. In fact, it is possible to err in both directions. Regulations that mandate fewer signs, small signs, or both may not necessarily create an attractive commercial district and can result in an economic detriment to businesses. On the other hand, overly permissive regulations that allow many large signs that compete with one another can essentially negate the identification and advertising value of any one sign. Collectively, such clutter can create a haphazard, unpleasant commercial scene.

A fourth issue, examining the business's legitimate need to identify itself and a community's desire for aesthetic quality, also requires consideration of how sign guidelines are created in a community. For most planners, the ideal process is one that engages businesses, sign makers, and citizens in determining what a community should look like—the outcome being a sign ordinance and/or design guidelines that are fair, enforceable, and politically supportable. Of course, this is not always the case. Some sign ordinances are enacted without the benefit of the involvement of those most directly affected. Furthermore, in some communities, design guidelines are allowed to exist essentially in the minds of design review board members and planning staff. This latter scenario is what has led many sign manufacturers and business owners to conclude that "the functional value of signs is usually ignored when it comes to the matter of zoning ordinances. Function is often abandoned in favor of the amorphous subject of aesthetics as perceived by some small group within a given community" (Anderson 1983, 2).

And, finally, a fifth issue is the role signage plays in affecting the economic value of a district or commercial corridor, as that value is expressed through declining, stable, or rising property values. Three scenarios or contexts that illustrate this point are discussed in the following sections.

Sign Blight

A proliferation of decrepit, illegal, and poor-quality signage can be a key indicator that a community or district is economically distressed. Signs are such a vital component of the public face of a business district that when, collectively, their appearance is poor, they can exacerbate the negative image of an area and actually contribute to its decline.

Laissez-faire Approach

There is also value created in certain types of districts when local government takes a hands-off approach to regulation or when signs are allowed to exceed the typical size, placement, and illumination levels. Some of the most vibrant and exciting commercial districts came about before there was any control on development. The many Chinatowns and other ethnic commercial districts in North America, with neon signs, projecting signs, banners, sidewalk displays, open doors, and crowded passageways are illustrative of sense of place that is born out of disorder and an absence of regulation (Anderson and Bunster-Ossa 1993). Another example is entertainment districts (the Las Vegas Strip and Times Square being the clearest examples) that use spectacular signs—where the sign literally is the building—to define the space and to draw people in. Although such areas are tightly regulated by complex regulations intended to encourage large, flamboyant signs in particular locations, the no-holds-barred visual effect of the signage in such areas is what attracts people.

Value Added By Design Planning and Regulation

In a district or community that has imposed extensive restraints on the use of signs and created guidelines for their size, materials, and illumination (as well as architectural guidelines), the result can be the creation of a specific and, in both an economic and aesthetic sense, a desirable atmosphere. Some of the most successful districts and commercial corridors in the country have the most restrictive controls on design and signage. There are some very clear examples, including Santa Fe, New Mexico; Hilton Head, South Carolina; Galveston, Texas; Santa Barbara, California; and Leavenworth, Washington, to name a few.

The use of design review tools to create a sense of place is no longer limited to only affluent communities and tourist destinations. Places as diverse as Henderson, Nevada, Mesa, Arizona, and Georgetown, Texas, have taken strides towards raising the bar for community appearance. Such controls are most effective when they are used in tandem with a commitment of public money to improve commercial streetscapes, including improvements to parking, landscaping, traffic circulation, and lighting, as well as storefront and facade programs.

Numerous communities are using sign and design controls to create places where people will want to live, invest, visit, shop, buy real estate, etc. Citizen surveys on design and quality-of-life issues in Lubbock, Texas, and Baldwin County, Alabama, have been used to demonstrate the positive impacts on business of sign control (McMahon 1996-1997). In general, the presence of sign controls and architectural standards are rarely a deterrent to new investment. Entrance into a profitable trade area is a far more important issue in business decision making than is having to adhere to local design, landscaping, or signage requirements. Sign controls also may have the effect of attracting higher-quality investment by ensuring that efforts by one business are not thwarted by another.

The positive (or at a minimum, neutral) impact of historic district designation and design standards on property values has been well documented in numerous studies (New Jersey Historic Trust 1998; GFOA 1991; Kotler et al. 1993; Rypkema 1997). The relevance of such studies to the economic impacts on sign control is that such districts are subject to design standards and review. Such studies compare the growth in property values in historic districts with growth in adjacent or comparable areas within the same community that do not have historic designation. While there are limitations on what a property owner is permitted to do to his or her sign, building, or site, the net economic effect is by and large

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In the early 1990s, the city of Anaheim recognized it needed to make improvements to the Anaheim Resort District if it was to increase tourism business and attract private development. At the same time, the Walt Disney Company was looking to improve and expand its facilities in Anaheim to better compete with other tourist destinations. The city needed money for public improvements and Disney needed the city's support for its expansion plans. A major problem was that Anaheim's aging commercial areas in the district didn't contribute to the look of a world-class destination. In November 2000, the city and the Walt Disney Company completed the public works portion of a $2 billion public-private project to revitalize a 2.2-square-mile district that includes

positive for the individual owner and for the community tax base. It can be argued that the intent of the historic district controls and sign controls are quite similar; namely, to create a sense of place and character that promotes a district identity for an area or even a specific building. It is that identity that appears to contribute to economic success.

The revitalization of Lower Downtown Denver (known as LoDo) provides a general example of the positive effect of design review (and sign control) on property values and business success. The Denver City Council designated the LoDo warehouse and manufacturing district as a historic district in 1988. At the same time, the city of Denver committed financial resources to improve the streetscape and provided financial assistance to start-up businesses in the district.

Prior to historic designation, the building vacancy rate in the district was 40 percent, and 30 percent of the properties were in foreclosure. More than 75 percent of the area's property owners initially opposed the historic district. They feared a loss of property rights and a further erosion of property values.

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Disneyland, the Anaheim Convention Center, and the surrounding environment. Katella (above, left) and Harbor (above, right) boulevards, two major public arterial streets adjacent to the Disney property, were rebuilt. Utility wires were put underground, sewers were upgraded, 15,000 trees were planted, and more than 140 pole signs were replaced with sidewalk-level monument signs. In 1999, the Disneyland Resort and convention center generated $17 million, or 12 percent of the city's general fund revenues. Upon completion of the resort expansion and public improvements, the district is expected to provide $23 million, or 16 percent, of those revenues. (See "Anaheim's Excellent Adventure," by Charles Lockwood, Planning, December 2000.)

But just the opposite happened. Between 1987 and 1990, 114 new businesses located in LoDo. During that period, it was the only part of downtown Denver where new office space was being constructed. By the summer of 1995, vacancy rates in LoDo had dropped to less than 10 percent. The last foreclosed property was sold to a private developer in 1993. The area is now home to 55 restaurants and clubs, 30 art galleries, and 650 new residential units. Property values have doubled and private investment, not including Coors Field—the new home of the Colorado Rockies baseball team—has exceeded $75 million (Wyatt 1991; McMahon 1996). Although much of the success of the district is now attributed to Coors Field, the district was well on its way to recovery before the site for the stadium was announced in 1992 and opened in 1995. Sales tax revenues increased from $10 million to $12 million between 1991 and 1994. As a proportion of all sales tax revenues in downtown Denver, the district contributed 13.8 percent in 1991, 21.5 percent in 1994 (the year before the stadium opened), and 39.1 percent in 1997 (Downtown Denver Partnership 1999).

According to community design expert Edward McMahon, design review and historic designation help improve property values in primarily two ways: scarcity and certainty (McMahon 1999). What was scarce in Lower Downtown Denver in the late 1980s was turn-of-the-century warehouse and manufacturing buildings available for conversion to loft apartments, condominiums, and art galleries. Certainty was created through plans and design standards giving developers assurance that, if they invested millions in a property in adherence with the standards, the owners of neighboring properties would be held to the same standards and would ultimately produce a high-quality development that enhanced the district. Certainty that the historic fabric and design of the district would remain intact was a key catalyst in the district's rapid turnaround. The city of Denver also contributed to the identity, viability, and liveliness of the district by making a number of streetscape enhancements.

Planning and zoning and development controls, including sign controls, can be used in newly developing communities or in distressed districts to communicate to consumers, visitors, and business people that the community cares about how it looks and that its standards are high. The challenge arises in achieving consensus on sign issues so that the needs of any one part are not wholly sacrificed to those of another.

THE ECONOMIC CONTEXT OF SIGNS

The aesthetic context of signs was addressed in Chapter 3. Signs also have an economic context that can vary between commercial areas within a single community and among communities as a whole. Recognizing and supporting the economic context of signs means several things. First, it means providing and permitting signs that are appropriate to the function of each area within a community. In other words, a one-size-fits-all approach is usually not feasible. Second, it means understanding and acknowledging the role signs play in supporting local economies. Signs and sign regulations should be reflective of the varying needs of businesses in each type of community and each type of commercial district, including developing suburbs, historic towns, or large cities, as well as in various commercial settings, including strip commercial corridors, main streets, neighborhood commercial districts, contemporary shopping centers, mixed-use and transit-oriented districts, specialty retail areas, tourist locales, entertainment districts, and lands adjacent to highways.

The information presented in the subsequent sections of this chapter on the economics of signage is relevant primarily to automobile-oriented areas, such as commercial corridors and districts and highway nodes. The target audience for signage in such areas is passing motorists who are traveling typically at speeds of 25 miles per hour or faster. Key factors that allow businesses to succeed are the visibility and readability of their signs, which must be conspicuous enough to allow drivers time to read the message and exit the roadway safely. Where franchises and chains are concerned, outright visibility and the viewer's ability to recognize the sign's corporate logos and colors are also important.

The economics of signage in other types of commercial areas, such as central business districts in midsize and large cities, main streets in older or historic towns, or neighborhood commercial districts, are somewhat different than in automobile-oriented areas. Businesses in such areas also need adequate signage to identify themselves and attract customers. But the target audience of these businesses is motorists driving at slow speeds or pedestrians. In these settings, the primary signage issues from the standpoint of planners are compatibility with the architecture and character of the building and the district, size and scale, and orientation. In tourist areas and neighborhood commercial districts, the aesthetic context essentially drives the economic context—uniform appearance, adherence to historic sign types and styles, and generally lower-profile signage are part of what can make the district succeed economically.

Specific design considerations for signage in pedestrian-oriented areas, such as downtowns and tourist or historic areas, are addressed in Chapter 3. Briefly, in many major downtowns, retail businesses at the street level of newer office towers, as well as major tenants on upper floors, are most likely subject to covenants or master signage programs that dictate the type, size, appearance, and location of signage. As with strip centers and major shopping centers, the standards imposed by the property owners of major downtown buildings are often more stringent than what is permitted by the local sign code. Circumstances are different in older downtowns, where building owners have little or no influence on the signage used by their tenants.

RESEARCH ON THE ECONOMIC VALUE OF SIGNAGE

There is a lot of industry-generated data and information about the effect of sign codes on marketability and sales that planners should consider when making decisions about signs. Ideally, a planner or sign code administrator who is more fully aware of the potential economic effect of sign regulations will take these effects into account when drafting, amending, or implementing regulations.

Information about the economic value of signage has been targeted primarily at small businesses that purchase and use signs, and, to a lesser extent, at public officials involved in signage issues. There are three principal sources of information. First, sign manufacturers and the trade associations that represent them have conducted and sponsored many sign value studies. The purpose of many of the studies was to compare the relative cost-effectiveness of signs, radio, newspapers, and television as advertising media. A second body of information on signage value has been developed by real estate appraisers. At least two real estate appraisers in the U.S. are currently applying standard real estate appraisal techniques to ascertain the portion of a site's value that can be attributed to its on-premise signage. These studies have been used to make the case to property owners, regulators, and courts of law that the value of a sign is far greater than the replacement value of the sign structure. And third, over the years, many sign companies have conducted surveys of customers of small businesses to determine the extent to which signage is a factor in their decision to patronize an establishment. These surveys have also been used to gauge public opinion about the nature and quantity of signage in their community. Sign manufacturers have also routinely asked businesses who purchase or lease signs to write testimonials about the effects of new or replacement signage on sales. There is an absence of independent research on the economic effects of signage in the literature on retailing and marketing.

Studies of Sign Value

A major, multipart study, "Research on Signage Performance," conducted between 1995 and 1997 by the University of San Diego[4] looked at the effects of on-premise signage on the financial performance of retail sites.

The overarching conclusion of the study was that "on-premise signage has a statistically significant and financially substantive impact on the revenues of a site" (CESA 1997, 20).

Part 1 of the study was a multiple regression analysis of a group of variables, including signage, on sales at 162 Southern California locations of a major fast-food chain. Signage variables included the total number of signs on a site, the cumulative square footage of all signs, the height of signs, and the presence of specific types of signs, including monument signs, directional signs, pole signs, building (e.g., wall or fascia) signs, and drive-thru menu boards. Other variables included the value of owner-occupied housing within 1.5 miles, median rents within 0.5 miles, building size, hours of operation, and other local geographic characteristics. The summary report of the results indicated that there was not a lot of variation in the data from one site to another, which required the researchers to, in their words,"tease out" the effects of each signage variable using data that was fairly uniform from one site to another.

University of San Diego researchers note that multiple regression analysis relies on variation in data to illustrate relationships. Given the standardized types of signage used by a national franchiser, there is not a lot of variation in the independent sign variables. The lack of variation in the data on the amount, type, and placement of signage that existed from one site to another was considered by the researchers to be a substantial methodological shortcoming. Wide variations in data are important in a regression analysis to be able to determine the individualized effects of a group of variables. The data did not contain adequate variation because sound business decision making would preclude a national fast-food chain from building a store on a site that, for whatever reason, would not be allowed some minimum level of signage.

Each variable was tested at every location to predict the effect on (1) annual sales dollar revenues; (2) the annual number of transactions at a site; and (3) the average dollar amount spent per transaction. The results indicate that the number of signs at a particular site has a significant positive impact on both the annual sales revenue and the number of annual customer transactions. For example:

- The model predicted that, on average, one additional sign installed on a site would result in an increase in annual sales in dollars of 4.75 percent at that site. This translates to a $23,750 increase for one additional

Marya Morris

A study by the University of San Diego School of Business found that the addition or replacement of wall signs at 21 Pier 1 Imports stores resulted in an increase in weekly sales per store of 1 to 5 percent from the year prior to the signage changes.

sign at a typical store with annual sales revenue of $500,000. The research gives no indication of the effect on sales of the addition of more than one sign.

- One additional sign installed at a site is projected to increase the annual number of transactions by 3.93 percent. This translates into more than 3,900 additional transactions for a store with an annual average of 100,000 transactions.
- The impact on the average dollar amount spent per transaction as the result of additional signs ranged from $0.06 per transaction where one additional 36-square-foot wall sign was added, up to $0.78 per transaction where one additional 144-square-foot pole sign was added.

It should be noted that an increase in sales at a given site represents an increase or retention of market share at that particular location. It does not indicate an increase in total spending or consumption across the board in the area. In other words, dollars spent at a location that has added signage are dollars that are not being spent at another location in the same trade area. If the study's findings hold true for all businesses, it is not clear if that advantage would be maintained if, for instance, a neighboring fast-food business also added a sign. Further, an increase in sales does not correspond dollar-for-dollar with an increase in profitability.[5] But the very narrow profit margins of retailers (see Table 4-1 below) make it imperative for planners, sign code administrators, and the businesses themselves to ensure that the signage is placed in a way that exposes the business to the greatest number of potential customers and hence the greatest potential profit.

Common sense suggests that a business would spend money only on additional signage if it was expected to increase revenue. In other words, in a perfect world, the only signs a business would add would be those that would positively affect revenue. There are many businesses, however, that are not fully aware of how much signage is appropriate or what the optimal placement is for their signage. For that reason, businesses need to work with sign companies to help maximize the use of their allowable signage, and planners need to work with signage experts to ensure that sign ordinances don’t unnecessarily limit the effectiveness of signs and, hence, profitability of businesses.

The second part of the University of San Diego study combined a multiple regression analysis and a time-series analysis of seven years of weekly sales data for Pier 1 Imports home furnishing stores to measure the effects of modifications, additions, or removal of on-premise signage on sales performance over time. For the multiple regression analysis, data from 100 stores were used; for the time-series analysis, data from 50 stores were used. Researchers attempted to find sites that were not subject to other major events that could affect sales performance, such as building remodeling, shopping center remodeling, severe weather, or road construction.

The results were grouped according to the effects on sales performance of (1) a change to building signage; (2) a change in pole or plaza identity signs; or (3) the addition of new directional signage. The results bore out a strong correlation between new signage and increased sales.

- Changes to building signage (e.g., the addition or replacement of wall signs) resulted in an increase in weekly sales per store of 1 to 5 percent from the prior year. The building signage change variables included the replacement of aging signage, the addition of new signage to previously unsigned building faces, and the replacement of existing signage with larger signage. The increases to weekly sales at the 21 sites that experi-

TABLE 4-1. RETAIL ECONOMICS

Retailers	Number of Firms	Net Sales	Gross Profit (before Overhead)	Operating Expenses (Overhead)	Operating Profit
		(total sales)	(expressed as % of sales)		
Family Clothing	138	$4,807,056,000	38.1	34.8	3.4
Men's and Boy's Clothing	147	3,602,835,000	43.1	40.0	3.1
Shoes	134	2,509,527,000	39.6	36.0	3.6
Women's Ready to Wear	147	4,686,272,000	43.0	40.6	2.4
Autos: New and Used	3,064	107,430,625,000	12.1	11.1	1.1
Gasoline Service Stations	743	26,114,455,000	18.8	17.1	1.8
Books	90	1,231,470,000	38.9	35.7	3.2
Stationery and Office Supplies	123	1,109,302,000	34.9	32.5	2.4
Hardware	377	3,954,153,000	33.6	31.2	2.4
Department Stores	65	6,141,348,000	35.2	30.3	4.9
Drug Stores	245	6,404,262,000	28.8	26.3	2.5
Convenience Food Stores	291	15,690,996,000	21.6	20.2	1.4
Groceries and Meats	762	43,600,840,000	23.1	22.0	1.1
Restaurants	1,651	23,393,540,000	57.1	52.5	4.6
Furniture	596	8,723,294,000	39.2	36.4	2.8
Jewelry	299	3,725,932,000	44.1	39.2	4.9
Simple Average					**2.9**

enced changes to building signage ranged from 0.3 percent to 23.7 percent. The store that experienced a less than 1 percent increase was noted to have atypically high sales for the chain, and, therefore, a large increase was not expected as a result of the signage change. The store that experienced the 23.7 percent increase was noted to have atypically low sales, resulting in a large percentage increase, although the increase in terms of dollars was comparable to other sites.

- The addition of pole signs and plaza identity signs (e.g., a multitenant sign with Pier 1 Imports identified as a tenant) resulted in a 4 percent to 12 percent increase in weekly sales at the nine sites on which those two types of signs were added. Researchers attribute the increase to the advertising impact on passing traffic.

- The addition of small directional signs indicating ingress and egress routes resulted in weekly sales increases ranging from 4 percent to 12 percent. Researchers attribute the increase in these cases to the signs' ability to guide a site-bound shopper more than any specific advertising effect (CESA 1997, 35).

The Pier 1 Imports signage study concludes that "on-premise signage is a significant constituent of the factors causing the success of a retail endeavor" (CESA 1997, 36). It noted that the "advertising effect" of additional building, pole, or multitenant sign can be credited with a 5 to 10 percent increase in a site's revenues. The ability of directional signs to guide customers to a site can be credited with approximately a 10 percent addition to site revenues. The noted increases in revenues as a result of signage can have a dramatic positive effect on profitability at a specific site given that normal profits in the retail industry are approximately 1 to 3.5 percent (Robert Morris Associates 1998). Again, it is not clear from the San Diego study what effect there would be if all similar, nearby businesses followed suit and also added signage. Presumably given such narrow profit margins in retailing, a reduction in signage could also negatively affect profitability at a given site within a trade area.

In sum, research on the impact of additions or changes to signage at fast-food and home furnishing stores indicate that increases in the total amount of signage or the number of signs on a site can have a positive impact on the annual revenues at a site. The studies did not measure the impact on annual revenues of relatively small additions to the total amount of signage on a site (i.e., modest increases in letter height or overall size of existing signs). Conducting such research can be problematic in that most of the sites that are studied have at least the minimal amount of signage necessary to succeed.

Studies on Signs vs. Other Media

A common technique used to illustrate the value of a sign to a business is to compare a sign's effectiveness as an advertising medium to other advertising media, such as television, radio, and print.

Advertising effectiveness is typically measured in terms of the reach, frequency, and exposure of an ad message. "Reach" means the percentage of a target market that is exposed to an ad in a four-week period. "Frequency" is the average number of times that people in the target market are reached in that time span (Ziccardi and Moin 1997). "Exposure" means the number of people who could have seen an ad whether or not they are part of the target market. Other measures include readership of a message, which is the number of people who watch, read, or listen to a message. Cost per 1,000 exposures of a message is a standard measure of the cost of various media.

Sign economists measure the cost per 1,000 exposures of an on-premise sign by dividing the monthly cost of the sign (e.g., a monthly lease or mortgage payment) by the number of vehicles that pass each sign face each month.

A study by 3M Corporation for the National Electric Sign Association (now the International Sign Association) presented comparisons of the usefulness to a small independent business of on-premise signage versus print and broadcast advertising (Anderson 1983). The study asserts that newspaper advertising helps small businesses reach between 24 and 65 percent of their target market. This reach depends on the size of the metropolitan area and the circulation and distribution of the newspaper. The example offered in the study shows that an independent business in Orange County, California, that advertises in the *Los Angeles Times* will gain advertising exposure to only 24 percent of its target market; if it advertises in a local newspaper it can reach 65 percent of its target market.

A more effective means, according to the study, is to use on-premise signage to attract potential customers who drive by the store everyday or from time to time. The study refers to passersby as the "primary mobile market." The primary mobile market is measured by using average daily traffic counts for the arterial road on which a business is located and then relating that figure to a number of households represented in that traffic stream. (The average vehicle occupancy is 1.5 persons. This figure is also used by the outdoor advertising industry to determine the number of individuals who are exposed to a message on a billboard. The number of exposures is the key determinant of billboard rental rates.) The study also makes the assumption that every passerby is a potential customer, hence it considers the reach and exposure of an on-premise sign to the primary mobile market to be 100 percent (compared with the 24 to 65 percent reach of the newspapers).

The study concludes that independent businesses get the most advertising per dollar from an on-premise sign, which provides exposure to all potential customers in their trade area. Newspaper ads that reach only a portion of a business's target market will not draw customers from other parts of the metropolitan area who would most likely do business in their own trade area.

In sum, there is evidence to suggest that on-premise signage provides retail and service businesses with a low-cost form of advertising. Most of this information comes from studies sponsored by the sign industry because, it contends, small businesses do not have the resources to study the effectiveness of their signage or may be unaware of its value beyond an identification device. That said, the importance of signage to a business's success is a message that, perhaps, has not been effectively received or shared by business owners.

A survey conducted by Arthur Andersen (1994) of small stores (an average of 11 employees) in Illinois on the tools they use to communicate their image to customers, store signage ranked seventh behind (in descending order) store ambiance, visual merchandising, advertising, depth and breadth of merchandise, employee communications, location, and store location, in that order. Employee attire, price, direct mail, and public relations were considered less important mechanisms for conveying a business image than signage (Arthur Andersen 1994).

The Arthur Andersen survey also indicated that retailers spend just 3 percent of their advertising budget on signage, but it was unclear if this accounted for the cost of a new sign capitalized over a period of years, a sign lease, or all signage, including window and interior signage. The only parts of the survey in which signage issues were raised were on questions relating to advertising expenditures and store image. According to the study's project manager, Gary Rebejian, vice president of marketing and communications for the Illinois Retail Merchant's Association (the study's sponsor), the study and his experience working with small retailers indicates that "signs are an important player in building business image, but businesses are made by the things they sell and the services they provide" (Rebejian 1998).

Appraisal of On-Premise Signs

In a typical commercial corridor, commercially zoned parcels that are visible and easily accessible from the roadway command higher rents and land values than do parcels that lack visibility and access. This added value has been termed the visibility component of the site by signage researchers, whose contention is that the ability of potential customers to see an on-premise sign increases the value of the site; lack of visibility decreases the value of the site overall.

In the last several decades, on-premise sign researchers have applied standard real estate appraisal techniques to the process of evaluating and quantifying the portion of the visibility component that is attributable to on-premise signage. Essentially, the technique applies a methodology that is used in the outdoor advertising industry to set lease rates for billboards to determine the value to a business of its on-premise signage.

Data from such appraisals has been used primarily in two ways. First, it has been used to measure the economic impact on businesses of acts of local government, including sign code provisions that limit a business's visibility by restricting the size and number of on-premise signs, and in amortization and eminent domain cases in which signage was required to be modified or removed. Second, it has been used by retail tenants in shopping centers and on other sites whose lessors restrict the amount or type of signage allowed per each business.

In Florida in 1996, a signage appraiser conducted an economic analysis of the impact of a newly installed, on-premise, freestanding sign that identifies a men’s clothing store located in Sarasota Quay, a mixed-use retail, office, and restaurant complex (Bass 1997). Prior to the installation of the new sign, the retailer had no external visibility from either of the major arterial streets adjacent to the mall.

The analysis compared store sales from the first six months (January to June) of 1995 with the first six months (January to June) of 1996. The new sign was installed in December 1995. The appraiser also looked at other nonsignage factors that could have had an impact on sales during study period, including roadway improvements, presence of competitors, the addition of other major draws to the center; he found that there had been no significant changes due to these factors.

According to the appraiser’s evaluation, sales at the store showed a net increase of 4 percent from 1995 to 1996. Also, the store owner was able to reduce his expenditure on print advertising from $24,000 in 1995 to $13,000 in 1996 as a result of the increased advertising effect of the on-premise sign. Two other small retailers in the same complex that did not add signage went out of business, and another relocated during the period of time the signage effect was studied.

Ultimately, these types of appraisals could be used to appraise the value of signage in amortization cases. The extent to which formal appraisals or evaluation studies of on-premise signs become accepted will continue to be decided in the courts. It is important to note, however, that such analyses do not account for the myriad of other non-site-specific factors (e.g., regional or national retailing trends, the U.S. economy overall) that can contribute to a business’s success or failure. Hence, information garnered from such studies should be considered but should not be viewed in isolation. Finally, most of these appraisals and valuations conclude that a sign’s worth is much higher than the value of the sign structure alone. This type of finding also commonly comes from billboard owners who are seeking cash compensation to remove nonconforming billboards. To the extent that such appraisals can be regarded as legitimate measures of property value, local tax assessors should take note that some commercial properties may be underassessed for tax purposes.

Surveys and Studies by Sign Manufacturers

Other than the advertising analyses and appraisal work described above, the majority of the research on the value of signage has been by sign manufacturers themselves or by businesses that use signs. Over the years, some sign companies have taken the initiative to survey their clients on the usefulness of their signs in attracting customers. Sign companies may also ask their customers to write testimonials describing the before-and-after effects of new signage on their bottom line. While the methodology is not statistically rigorous, it does point to certain important trends, about which more research is needed.

In 1988, a survey of citizen preferences about automobile dealership signage was conducted by market researchers at the University of San

Diego (Brown 1988). The City of San Diego had just enacted new restrictions on the size and placement of automobile dealership signage. The purpose of the study was to ascertain citizens' opinions about the signage. Survey questions about signage were embedded in a broader market survey of 350 customers visiting the service departments of eight San Diego automobile dealerships. Respondents were queried on how they became aware of the service department at the dealership. The highest percentage of respondents (35 percent) learned about the service department when they purchased a car, 29 percent had heard about it through word of mouth, and 18 percent of customers became aware of the service department when they saw the sign. More than 68 percent of respondents believed that signage was important in helping them locate the dealership. Most of respondents (76 percent) indicated that the signs were fine at the present size (which reflected the new stricter size requirements), while 22 percent thought the signs should be larger. Researchers concluded that there was no evidence to suggest that a significant group of people thought that automobile dealership signage should be removed or reduced in size.

As an off-shoot to its economic study with the University of San Diego, the California Electric Sign Association solicited testimonials from several national and regional franchise clients describing the before-and-after effects of a change in signage (CESA 1997). In a letter to the CESA Sign Guidelines Committee in March 1996, a Jack-in-the-Box restaurant executive indicated that the addition of a new pylon sign at one store resulted in an 8.8 percent increase in weekly sales at that store in 1992. A control group of 15 Jack-in-the-Box stores at which there were no signage changes experienced an average 4.9 percent increase in sales during the same time period.

A letter from the marketing department of the Motel 6 chain described an increase in rooms rented as a result of new signage. In December 1994, a Motel 6 outlet increased the height of its pole sign from 45 feet to 75 feet. The new sign height was necessary to increase visibility to motorists and to avoid an obstruction from trees. The number of rooms sold increased 19 percent from 1994 to 1995. The letter notes that no other changes were made to the interchange or the adjacent roadway.

In the early 1990s, the owner of the California-based Do-it Center chain of home improvement stores analyzed the impact of exterior store remodeling on sales at four store locations in four southern California cities. Two of the four cities, Simi Valley and Thousand Oaks, had enacted sign regulations that required the Do-it Centers to reduce their total amount of signage when they remodeled. The stores in the other two cities, Crescenta Valley and Valencia, were allowed to keep the same amount of signage as they had had prior to remodeling. The sales impact of the remodeling showed a 25 percent increase at the Simi Valley store and a 15 percent increase at the Thousand Oaks store despite the strict sign regulations. However, sales jumped by 45 percent in Crescenta Valley and 35 percent in Valencia where the stores were allowed to keep the same amount of signage (Ruf 1996). Although the purpose of the analysis in the case was to provide evidence of the deleterious effect of restrictive sign code on store sales, the fact that the two stores that were required to reduce the amount of signage also experienced increased sales after remodeling (albeit to a lesser degree) suggest that design and building improvements generally have a positive effect but that limitations on signage can dampen that effect.

Customer surveys and retailer's testimonials have been one of the primary sources of information for sign makers on the usefulness of signs to customers and to businesses that purchase or lease signs. For the very smallest of retailers, such as hair salons, specialty stores, and restaurants, signage and word of mouth may be the sole means of reaching new customers. In many communities, small retail businesses are a chief source of employment for entrepreneurs and new business start-ups. They are a key point of entry for women, minorities, and new immigrants into the workforce. Sign regulations should be responsive to the unique needs of small businesses by permitting signs to be visible and readable (which does not necessarily mean more numerous or larger) by the targeted audience, thereby helping such businesses succeed. Many small, ethnic businesses could benefit from professional design advice that would help them capitalize on their cultural attributes. Generic signs, whether large or small, that are generic, do not project an image of a unique product or service. Today, many customers are looking for unique products as well as the personal attention and skill that is more likely to be found in individually or family-owned businesses.

Other Research on Signage as Advertising

The literature on retailing and advertising written by academics or advertising experts contains very few references to the advertising utility of on-premise signage for retail and service businesses (Ziccardi 1997; Peterson 1992). Most discussions about signage as an advertising mechanism in that body of literature mention only billboards and transit advertising, and thus ignore on-premise signage altogether. The few texts that address on-premise signage mention it only as a component of a retail store's overall image, which also includes interior store signage, merchandise mix and display, and window displays. Most major retailers and service providers, such as Wal-Mart and McDonald's, have indeed conducted studies on the value of signage. But because interior and exterior signage systems are an integral part of a business's marketing and image-building strategy, corporations are reluctant to provide their competitors or the public with data on the success or failure of a particular strategy. Unlike major retailers, small businesses simply do not have the resources to conduct major research on the value of signage and thus tend to rely on the type of information described above.

THE SIGNAGE NEEDS OF RETAIL AND SERVICE BUSINESSES

The signage needs of various businesses are best viewed on a continuum. On one end, a service-oriented business (such as a dentist's office) that has an established clientele and has been in the same location for many years can function with only an identification sign on the door to the office. Longstanding customers can find their way to the office without the visual cues provided by a sign. New customers become aware of the business through personal or professional referrals, the yellow pages, or other forms of communication. Offices in high-rise towers, for example, rely solely on methods other than signs for attracting customers.

On the other end of the continuum, there are businesses that rely almost entirely on a sign visibility to stay in business. The clearest examples of this are highway-oriented businesses, such as gas stations, fast-food restaurants, and lodging, whose customers are sometimes completely dependent on aerial and wall signs, logo signs, and off-premise advertising to indicate where to get needed services. According to Richard Wolf, senior counsel for Cendant Corporation (which owns Avis Rent-a-Car, Days Inn, Knights Inn, Howard Johnson, and many other service brands whose franchisees use on-premise signage), fewer than one-half of patrons at national roadside lodging facilities have made reservations prior to visiting the motel or hotel

(Wolf 1997). In other words, the majority of customers need and expect to see signs and advertising for motels that will indicate to them where such services are available. While a highway-oriented business, such as a motel may be able to attract some customers without a sign, in all likelihood the business would eventually fail without some visibility from the roadway. In the context of land-use planning and sign regulation, effort should be made to ensure that land adjacent to roadways that is zoned for commercial use should be allowed to function to its greatest potential. In other words, ancillary zoning and land development regulations, including the sign code, parking, and circulation standards, should be designed to support the commercial uses in order to help individual businesses and commercial districts as a whole succeed.

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Thirty-nine states use tourist-oriented directional signage (TODS) to provide roadside businesses with exposure to passersby. TODS are sometimes used in lieu of high rise on-premise signs (below), although some states permit high-rise signs and use TODs as well.

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Visibility from the roadway for highway-oriented business does not only come in the form of freestanding on-premise signs. Section 131 of the Highway Beautification Act of 1965 provided for states to use tourist-oriented directional signage (TODS) and specific-service signs (commonly referred to as "logo" signs) to guide motorists to travel-related services. Thirty-nine states now use logo signs, which are the blue highway signs that contain corporate logos and other business identification for gas, food, lodging, and camping facilities that are located near interstate or state highway interchanges. Fifteen states permit TODS to identify tourist-oriented businesses and can include corporate logos. The standards for the appearance of these signs and general policies for their use and placement are set forth in the *Manual on Uniform Traffic Control Devices* (U.S. Department of Transportation 2000). Each states' Department of Transportation determines exactly under what circumstances they are used.

The Highway Beautification Act's authors recognized the need to replace the information sources for drivers that would become significantly reduced through implementation of outdoor advertising controls stipulated in the act. Accordingly, the authorization for the logo and TODS programs was incorporated into the act. To help meet aesthetic objectives, several states, including New Hampshire and Colorado, prohibit advertisers from having a billboard within three to five miles of a logo sign. Many states also prohibit advertisers from participating in the logo sign program if they have illegal billboards (Vespe 1998). With regard to on-premise signage, in Washington State, businesses that participate in the TODS program must enter into an agreement with the Washington Department of Transportation to limit their on-premise sign to a point where the bottom of the sign is no higher than 15 feet from the roof of the establishment. Also, logo signs and TODS in Washington are not installed to direct motorists to activities that are visible for at least 300 feet in advance of at-grade intersections (Ensley 1998).

THE SIGNAGE NEEDS OF NATIONAL CHAINS VERSUS SMALL INDEPENDENT BUSINESSES

Small independent businesses—particularly those that offer products and services that are also offered by regional or national chains and franchises (e.g., pharmacies, auto repair shops, toy stores, and restaurants)—have become increasingly and understandably concerned over the last several decades about their ability to remain competitive in a consumer era dominated by large corporations. Planners, too, are concerned, as the consolidation of retail outlets by large chains in many sectors has resulted in the closing of many independently owned and operated stores. These trends have threatened the viability of main streets, central business districts, and older strip shopping centers and commercial districts as retailers continue to build more, modern facilities on the urban fringe. Many consumers have an emotional preference for shopping at independent businesses, which are often owned and operated by individuals who support local charities and political activities, and who are active in the community. However, as discerning customers, they are drawn to national chain stores by price, convenience, and an assurance of quality and consistency. As the new millennium begins, it is estimated that as few as 30 or 40 retailers will be setting the competitive agenda for the entire retail industry. This is reflected in the fact that, in 1992, multiunit chains accounted for approximately 50 percent of all retail sales (Peterson 1992, 244-5).

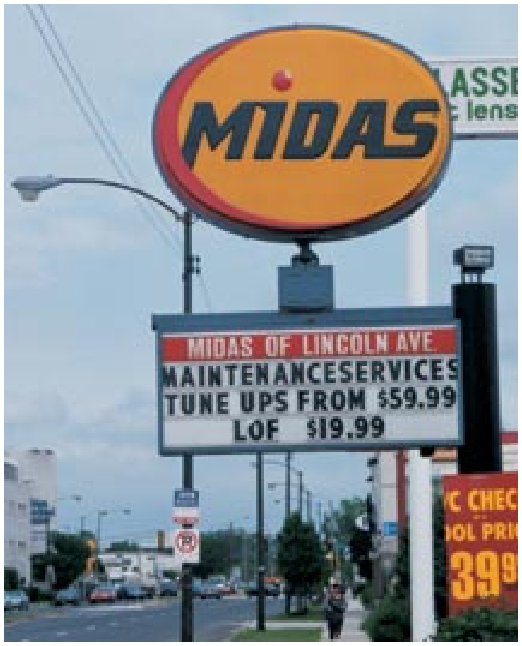
Given these continuing changes, small independent retailers have had to become more innovative and find ways to position themselves positively in the minds of customers. Many have responded by focusing on personalized service and maintaining inventory that is tailored specifically to geographic and ethnic preferences. In the last several decades, local chambers of commerce and national clearinghouses like the National Main Street Center have also focused on supporting the needs of independent businesses. Planners too have to rethink regulations and policies that either directly or indirectly put small businesses at a disadvantage and consider what countervailing actions may be appropriate to help strengthen the position of such businesses in the market place.

The effect of a sign code that restricts the size, materials, and location of signs is one of the concerns for small retailers trying to compete in the chain-dominated market. Local affiliates of national franchises are provided with signage and site-based graphics systems that have been developed by the franchiser. Logos and colors used by national chains are developed by top designers and are subject to thousands of dollars of market testing to ensure a positive response from potential customers. Franchises and national chains use television, radio, direct mail, and other printed media to establish an image in the minds of their customers of their business and products. A major objective of national advertisers is to have customers immediately associate certain products or services with their business. This is called "top-of-the-mind awareness." National chains spend millions of dollars on advertising and media campaigns trying to place their products at the top of the mind of their customers.

Take, for example, a driver passing a Midas muffler shop. He or she can glance at the yellow and black sign and instantly know that muffler and brake work is done at that location. For some drivers, a quick look at the colors of the sign is enough to trigger recognition of the brand. The driver may choose to turn in immediately for service or to make a mental note to return to that or another Midas location at a later date. As with many means of advertising, the driver may or may not be cognizant that he or she has absorbed the information on the sign. This process is known as location recall.

The use of a sign and the experience of passersby of an independent brake and muffler repair shop is much different than that described above. There is no national advertising campaign to trigger the customer's recognition of the products or services offered. Indeed, as chains become more and more prevalent, it becomes less likely that an independent business will be at the top of the mind of most customers in their trade area. Instead, the shop will have to rely more heavily on a variety of advertising, including on-premise signage and word of mouth. This will require them to be more creative in the use of their signage.

The success of the on-premise sign in attracting new business is directly tied to its visibility, readability, and the nature of the information being displayed. Where the yellow and black trademark colors and typeface of Midas are enough of a key for many customers to recognize the business,



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For franchises and chains, such as Midas, an on-premise sign is an extension of a national advertising campaign. Most customers would only need to glance at the sign to know what products and services are being offered. Independent operators, like Tuffy's, have to rely much more on their on-premise sign, as well as local advertising and word of mouth to build a customer base. Note also, given that several national muffler and brake chains use black on gold (or yellow) for their logos and trademarks, many independent shops smartly capitalize on that color combination as well.

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Tuffy's auto shop may also need to display hours of operation, special sales, and other products. Tuffy would also benefit from using a qualified sign designer that can counsel him on easy-to-read colors, materials, and typefaces to maximize the usefulness of the sign.

The above discussion pertains mostly to independent businesses that offer products and services that are increasingly being provided by national or regional franchises and chains. Circumstances are quite different for small specialty retailers who typically offer products or services that are unique or more personalized than what is offered by franchises or chains. Almost every midsize or tourist-oriented city has one or several shopping districts that contain such specialty stores. Many of these districts also increasingly are home to high-end national chains as well. The signage of businesses in such districts, however, tends to be understated in design and lighting, pedestrian-oriented, and most likely subject to either local design review or self-policing guidelines provided formally or informally by a local merchant's associations. Businesses in such areas concentrate on the products they offer, developing a regular clientele, and crafting a distinct image through storefront, window, and in-store displays more so than attempting to capture customers from passing automobile traffic.

So what is the implication for sign codes, given the varying signage needs of widely recognized chains and independent businesses? From a legal standpoint, a sign code cannot differentiate between various types of businesses. A more workable approach might be to structure a system of sign area bonuses based on discretionary design review that awards unique customized signs and thereby makes it more difficult for "stock" corporate signs to qualify.

From the point of view of national chains and franchises, the chief concern about sign codes is the extent to which they interfere with the customers' ability to recognize corporate identifiers, such as logos and colors. They are also in competition with each other and local independent businesses. It is the opinion of franchisees and sign makers that "sign restrictions which interfere with or restrict the use of these uniform graphics limit the value of the dealership, franchise operation, chain store or similar national/regional business" (Anderson 1983, 6). This is why attempts by planners to persuade national chains or franchisees to adhere to sign code provisions that regulate the size, height, setbacks, and illumination, or, in some communities, to alter corporate prototypes as a means of respecting local architectural and design ideals, are often met with resistance.

There are, however, many instances in which franchises or national chains have willingly adhered to local design guidelines in historic districts or areas with distinctive architecture (Fleming 2002). It is often citizens, wielding political and economic clout, who insist upon preserving or enhancing a district's or neighborhood's character by creating and enforcing such guidelines. Franchises agree to conform principally because their interest in tapping into the market outweighs any resistance they may have to sign or architectural controls, and frankly, they often know it is in their best interest to be a good neighbor.

The Planners' Challenge

Planners and communities have a difficult decision to make when writing or amending a sign code that may have an effect on competition between independent businesses and franchises.

On the one hand, as noted above, sign makers and some researchers assert that a sign code needs to be less restrictive for independent businesses to compete with franchises. But a less restrictive sign code would apply to franchise signage as well. Indeed, the University of San Diego research cited in this chapter documented the competitive advantage of additional signage to a fast-food franchise and the Pier 1 Imports chain. On the other hand, restricting signage may be a problem if the community wants to encourage or accommodate the siting of franchises within the community. As Anderson (1983) states, some chains would be less likely to site in a community where the sign code was perceived to be less favorable to the success of that operation. Conversely, if a community's principal goal is to find way to help local businesses compete effectively, it might be better served to create a design review process that forces franchises to comply with a communitywide business signage standard or go elsewhere. Indeed, market forces (e.g., the franchisee or corporation determines that, even with the restrictions, the location will be profitable) will then more likely dictate whether a franchise still wants to be an entity in the community (Fleming 2002).

The bottom line is that a sign code's effect on competition between independent businesses and franchises is a consideration that can be addressed through meetings and input from the community's business owners, citizens, and planners. All need to be aware of the effects of signage in the competitive battle between businesses within the community as well as between businesses from the community and those from the neighboring community. While the research here can help inform those decisions in some ways, it does not clearly point to a solution suitable for all communities.

CONCLUSIONS

On-premise signs perform a major role in the success of retailers and local economies in their capacity as identification, advertising, and wayfinding devices. As an advertising medium, signage can make or break a business's ability to be competitive. For very small businesses, signage is often the most important means of communicating with potential customers. Using well-crafted and fairly administered design standards, a community can encourage signage that creates a sense of place and economic identity in central business districts, neighborhood commercial areas, entertainment districts, tourist destinations, and commercial corridors.

In considering the economic context of signs in a community, planners need to consider what types, sizes, and number of signs work best for business, for citizens in each district or area of a community, and for the community as a whole, both aesthetically and economically. Where areas of a community are zoned for commercial use, it should naturally be a goal of the community to do as much as possible to ensure that businesses that choose to locate in the commercial zones are able to succeed. This includes familiarizing policy makers with the signage needs of businesses in various commercial zones. There is research to support the conclusion that improvements in building signage and appearance have a positive effect on sales. But the research also shows that the economic effect of subtle changes in the allowable size of signs—which is the issue where perhaps the greatest difference of opinion arises between sign industry representatives and planners who administer sign codes—is difficult to measure. This must also be taken into account when signage policy decisions are made.

Allowing businesses to maximize the utility of their signage is not a call for a laissez-faire approach in which each business is allowed to have as much signage as it deems necessary. Instead, it calls for a common sense approach that recognizes the consumer's need for information, the business's need to identify itself and to advertise its goods and services, and the community's demand for aesthetically pleasing commercial districts that enhance or at least do not detract from the desired character of the community. Where sign codes are concerned, the goal should be to give businesses the opportunity to have maximum success at their location by permitting signs to be placed where they will be seen by their intended audience while still respecting the aesthetic standards of the people of the community.

NOTES

1. The concept of wayfinding was pioneered by Lynch (1960). See also Arthur and Passini (1992).

2. Mandelker and Ewald (1974) use the term "street graphics" (which is also the title of their book) to describe all forms of communication visible along streets and highways, including on-premise signs, billboards, banners, and traffic and directional signs. They describe the role of signs as identifiers in the following way:

> The primary purpose of street graphics is to index the environment—that is, to tell people where they can find what. Selling is a subordinate purpose to be tolerated, but *selling* is auxiliary to indexing. (Emphasis in original.)

Street Graphics is credited with introducing the concept that signs should serve only as identifiers and that sign regulations should strive to reduce clutter. There are many sign codes that are not based on the *Street Graphics* model that either implicitly (through size or quantity limits) or explicitly (through a statement of purpose in the code) seek to limit signage to the amount necessary to identify a business. But the majority of sign codes are silent on the issue of identification vs. advertising. The notion of limiting the size of the sign to the amount necessary to identify a business should not be construed to suggest that such regulations are necessarily dictating the content of the sign by requiring that the establishment use its allotted signage space to identify itself. In fact, a business may use the allotted space for whatever sign copy it sees fit, but presumably it would choose to put the name of the establishment on the permitted area. Sign codes and design guidelines that do dictate the allowable content of a sign by requiring a business to use its allotted sign area to identify itself are unconstitutional.

3. According to a 1973 study for the Boston Redevelopment Authority, the public nature of signs is what necessitates government intervention:

> Private signs and lights transmit messages using the public environment as a medium; in this respect, they resemble broadcasting stations. However, whereas people can turn off electronic messages, the flow of information from signs and lights can be neither controlled nor ignored by the individual receiver. Policies for private signs and lights should give priority to the needs of people living in and visiting cities over those of commercial senders of information, while protecting legitimate rights of identification (Carr 1973).

The 1994 U.S. Supreme Court decision in *Ladue v. Gilleo* also reaffirmed that signs have unique characteristics that distinguish them from other forms of speech:

> While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities' police powers. Unlike oral speech, signs take up space, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

For a discussion of the ambiguities of defining the public versus the private realm, see Lang (1994, 187-9).

4. The Research on Signage Performance by the University of San Diego School of Business Administration was sponsored by the California Electric Sign Association (CESA), the International Sign Association (ISA), the Sign User Council of California, and the Business Identity Council of America. A summary of the findings appeared in *The Economic Value of On-Premise Signage*, a compendium of research results and articles on sign amortization and copyright and trademark protection. The booklet was published jointly in 1997 by CESA and ISA.

5. The issues of the use of advertising as a mechanism for increasing competitive advantage for a business and the relationship between sales and profitability were confirmed for the author by Professor Neil M. Ford, Chair, Marketing Department, University of Wisconsin School of Business, via e-mail received June 8, 1998.

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Six Year Transportation Improvement Program (TIP)

Public Hearing

City of Oak Harbor
Planning Commission

Date: ____________
Subject: Six-Year Transportation Improvement Program

FROM: Cathy Rosen, Public Works Director
Joe Stowell, City Engineer

PURPOSE:
The Planning Commission is requested to hold a public hearing for the Oak Harbor 2014-2019 Six-Year Transportation Improvement Program (TIP) and make a recommendation to the City Council for consideration and adoption.

AUTHORITY:
The City is authorized and required to adopt a six-year Transportation Improvement Program and forward the program to the State of Washington in accordance with RCW 35.77.010.

DISCUSSION
The City is required by State law to submit an approved six-year Transportation Improvement Program (TIP). The primary purpose of the TIP is to facilitate use of Federal transportation funds awarded to the City. Projects that have federal funding must appear in the six-year TIP at the local and state level so that the City can obligate and eventually use the federal funds.

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 utility companies and help the City remain focused on a manageable list of transportation projects. Coordination of projects enhances communication with the public on planned 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. As in previous years, the form of the six-year TIP includes a priority number associated with each project. Please note that the priority numbering in the TIP is not intended to supersede or be superimposed into the citywide effort of overall capital project prioritization.

As was previously noted, the City is required by State law to submit an approved six-year TIP. This 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 us to spend Federal funds on local transportation projects.

One project has been added to the TIP this year, the Whidbey Avenue Pedestrian Crossing. This proposed project is to install a mid-block pedestrian crossing on Whidbey Avenue between SR-20 and Oak Harbor Street. The purpose of the project is to provide a safe crossing for pedestrians between the neighborhood on the north side of Whidbey and the transit facilities and retail outlets on the south side. The primary features are pedestrian-activated warning lights, a center refuge area and curb ramps and features in accordance with the Americans with Disabilities Act.

RECOMMENDED ACTION:

1. Conduct a public hearing.
2. Recommend that the City Council adopt the 2014-2019 Six-Year Transportation Improvement Program.

ATTACHMENTS:

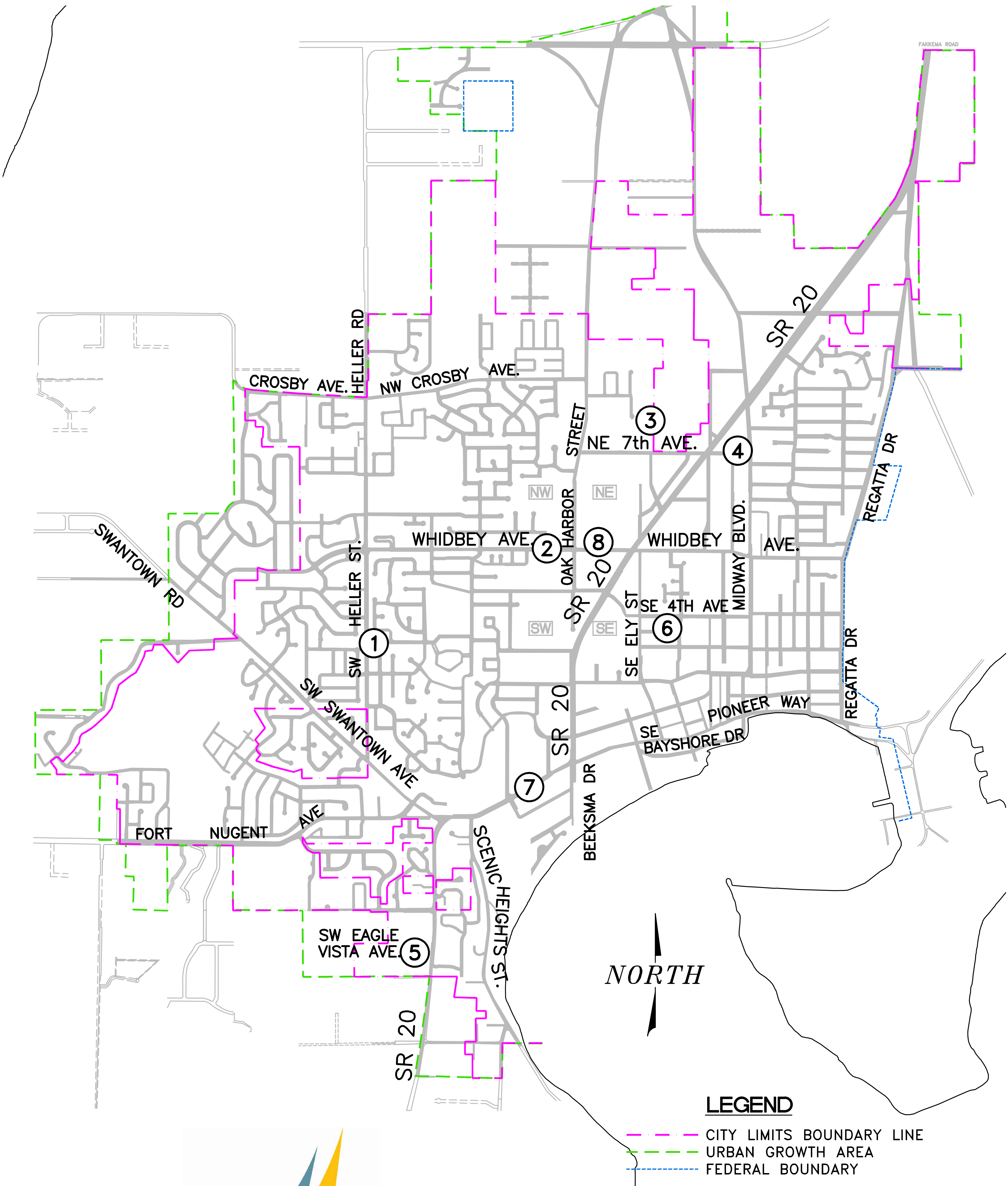
- ✓ Six-Year Transportation Improvement Program (TIP)
- ✓ Map of improvement locations

Agency: Oak Harbor

County No.: 15 Co. Name: Island Hearing Date: ________ Adoption Date ________

City No.: 895 MPO/RTPO RTPO Amend Date: ________ Resolution No.: ________

Functional Class	Priority Number	Project Identification A. PIN/Federal Aid No.: B. Bridge No. C. Project Title D. Street/Road Name or Number E. Beginning MP or Road - Ending MP or Road	Improvement Type(s)	Status	Total Length	Utility Codes	Project Phase	Phase Start	Project Costs in Thousands of Dollars — Fund Source Information — Federal Funding: Federal Fund Code	Federal Cost by Phase	State Fund Code	State Funds	Local Funds	Total Funds	Expenditure Schedule (Local Agency): 1st	2nd	3rd	4th Thru 6th	Federally Funded Projects Only: Envir. Type	R/W Required Date (MM/YY
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
16	1	SW Heller Street Improvements SW Heller Street from: SW Swantown Ave to: W Whidbey Ave R/W Acq., pave, curb, gutter, sidewalk, utilities, transit	04	P	0.78	CGOPSWT	All	6/1/2015			Other	1000	6895	7895				7895	CE	Yes 1/2015
							Totals					1000	6895	7895				7895		
16	2	Whidbey Avenue Reconstruction Whidbey Avenue from: Heller St. to: Regatta Dr. Sidewalk, curb & gutter, drainage, transit facilities, non-	03	P	1.80	CGOPSWT	All	1/1/2014					8550	8550				8550	CE	No
							Totals						8550	8550				8550		
17	3	NE 7th Ave Reconstruction from: N. Oak Harbor St. to: SR-20 Street reconstruction, pedestrian, ADA,non-motorized and transit facilities, illumination.	04 23 28	S	0.47	CGOPSWT	All	6/1/2013	STP-R	1565			2635	4200	250	696	3000	254	CE	Yes 1/2016
							Totals			1565			2635	4200	250	696	3000	254		
16	4	Midwal Blvd./ NE 7th Ave Intersection from: Intersection to: Intersection Traffic Signal	03	P		CGOPSWT	All	1/1/2014					1030	1030				1030	CE	No
							Totals						1030	1030				1030		
17	5	Eagle Vista Street - West Extension from: SR-20 to: SW Rosario Pl. Street extension	01	P	0.44		All	1/1/2016					3080	3080				3080	CE	No 1/2016
							Totals						3080	3080				3080		
19	6	SE 4th Ave Reconstruction from: SW Midway Blvd to: SW Ely St. Street reconstruction, sidewalk, curb & gutter, storm water facilities, utilities	04	P	0.41	CGOPSWT	All	1/1/2017					2370	2370				2370	CE	No
							Totals						2370	2370				2370		
14	7	SR-20 Improvement from: SE Barrington Dr. to: SW Swantown Ave R/W Acq., intersection improvements & channelization, widening, sidewalk, curb& gutter, retaining walls,	03	P	0.69	CGOPSWT	All	12/31/2017			Other	25000	175	25175				25175	CE	Yes 6/1/2018
							Totals					25000	175	25175				25175		
16	8	Whidbey Avenue Pedestrian Crossing from: E. Whidbey Ave. to: E. Whidbey Ave Mid-block pedestrian crossing, center refuge island, pedestrian-activated warning system, ADA retrofit, sidewalk,	28	P		CGOPSWT	All	1/1/2017			Other		165	165				165	CE	No
							Totals						165	165				165		



CITY OF Oak Harbor WHIDBEY ISLAND, WASHINGTON

SIX YEAR TRANSPORTATION IMPROVEMENT PLAN 2014 - 2019

2016 Comprehensive Plan Update

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION

FROM: CAC KAMAK, SENIOR PLANNER

SUBJECT: 2016 COMPREHENSIVE PLAN UPDATE – COUNTY/CITY

DATE: 5/22/2013

CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

2016 Comprehensive Plan Update – **Oak Harbor**

As you are aware, the focus of this year's comprehensive plan process is to determine the scope of the 2016 Comprehensive Plan Update and adopt a Public Participation Plan that will include a preliminary schedule for the update. In an effort to determine the scope of the 2016 update for Oak Harbor's Comprehensive Plan, City staff is reviewing the current plan against a checklist (Attachment 1) created by the Washington State Department of Commerce. The checklist will help Oak Harbor determine which aspects of the current plan are in compliance with GMA and which aspect will need to be updated. The checklist indicates (with bold) the GMA requirements that are *mandated* along with others that are *recommended*. Priority will be given to the mandated requirements, and recommended items will be considered based on the availability of time and resources.

City staff is also currently working closely with the County on their update to the Comprehensive Plan. The County's actions have a direct relation to the City's planning efforts with regards to population projections, growth allocations, and County Wide Planning Policies. The County has released their preliminary schedule and public participation plan this month. A brief description of their schedule and its relation to the City's is provided below. The City, in the course of the next two months, will also bring forward a preliminary schedule for the update. The City's schedule will incorporate the County's schedule where necessary to provide meaningful input into the process.

City staff is also meeting with Navy's Community Planning Liaison to determine if there will be impacts to the City's planning efforts with the additions of P-8A squadrons between 2015 and 2018. As more information is available on this, the City will have to determine how/if to incorporate it into the 2016 update. Staff will share more information with the Planning Commission as and when information becomes available.

At the May 28th meeting, staff will present demographic information and trends to build an understanding of Oak Harbor's population. This information will form a good foundation for the Plan and in some cases may provide compelling evidence to consider changes to goals and policies.

2016 Comprehensive Plan Update – **Island County**

Island County has released a preliminary schedule and a public participation plan for their update. Their schedule indicates that selection of the 20 year population projection range is to be completed by July 1, 2013. Island County staff has met and will continue to meet with city staff to discuss the projection range. City staff will present this information to the Planning Commission at the June 25th meeting.

Once the 20 year population projections are adopted for the County, the next step will be to determine regional growth trends and allocations. This step is important to Oak Harbor since it has a direct relation to how Oak Harbor and the Urban Growth Area (UGA) will grow in the next 20 years. Island County's preliminary schedule estimates a September 1, 2013 completion date for the allocation. Therefore, the City is anticipating on presenting this information to the Planning Commission at either the July 23rd or August 27th meeting.

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

Oak Harbor Planning Commission

As mentioned above, staff will present census demographic information on Oak Harbor and how it compares to similar data for Island County, Washington State and the United States at the May 28th meeting. Information will be presented on population growth trends, age and sex composition and household characteristics.

Recommended Action

No action is required – this item is for information only

Department of Commerce
Innovation is in our nature.

Expanded Comprehensive Plan Checklist

A Technical Assistance Tool From Growth Management Services

Instructions:	Checklist Topics:
This checklist is intended to help jurisdictions update their comprehensive plan, as required by RCW 36.70A.130(4 & 5). We encourage but do not require jurisdictions to complete the checklist and return it to Growth Management Services (GMS). This checklist is for local governments fully planning under the Growth Management Act (GMA), not for those planning for resource lands and critical areas only. For general information on update requirements, refer to *Keeping your Comprehensive Plan and Development Regulations Current: A Guide to the Periodic Update Process under the Growth Management Act* and WAC 365-196-610. **Bold items are a GMA requirement**. Other items may be requirements of other state or federal laws, best practices, or ideas to consider. Highlighted items are links to Internet sites. Dates are included for recent additions or amendments to the GMA. If you have questions, call GMS at (360) 725-3066.	

1. **The Land Use Element** should be consistent with countywide planning policies (CWPPs) and RCW 36.70A.070(1), and should consider , WAC 365-196-400, WAC 365-196-405, WAC 365-196-300 through 345		
a. The element integrates relevant county-wide planning policies into the local planning process, and ensures local goals and policies are consistent. For jurisdictions in the Central Puget Sound region, the plan is consistent with applicable multicounty planning policies. WAC 365-196-305	❑ Consistency with countywide planning policies ❑ Consistency with multicounty planning policies, where applicable	
b. The element includes a future land use map (or maps). Maps fulfill the requirement to **show the general distribution of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses**. RCW 36.70A.070(1) and WAC 365-196-400(2)(d) **The future land use map shows city limits and urban growth area (UGA) boundaries.** RCW 36.70A.110(6) and WAC 365-196-405(2)(i)(ii). **The element considers planning approaches that increase physical activity**, such as neighborhood commercial nodes to allow walking and cycling to local services, transit- or pedestrian-oriented development, linear parks and trail networks, and siting schools and other public facilities within neighborhoods to allow easy walking RCW 36.70A.070(1) and WAC 365-196-405 (2)(j)	❑ Land use map ❑ Planning for physical activity	

Comprehensive plan provisions	Page # and how addressed in plan	Update action, if needed
c. The plan indicates the population for which it is planning. The projected population target is the same for all comprehensive plan elements, and is consistent with the Washington Office of Financial Management's forecast for the county or the county's sub-county allocation of that forecast. If OFM population projection is not used, the plan includes the rationale for using another figure. RCW 43.62.035 and WAC 365-196-405(f) Counties should indicate the percentage of county-wide population growth allocated for urban growth areas. This allocation should be consistent with GMA goals of encouraging urban growth in urban areas, reducing sprawl, and ensuring public facilities and services are efficiently provided. WAC 365-196-405 (f)	❑ Population projection uses latest forecast	
d. **Lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, stormwater management facilities, recreation, schools, and other public uses are be identified.** RCW 36.70A.150 **RCW 36.70A.150 requires that a prioritized list of acquisitions be developed.** [The list need not be part of the comprehensive plan.] RCW 36.70A.150 and WAC 365-196-340	❑ Public use lands ❑ List of acquisitions	
e. Open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas are identified. RCW 36.70A.160 and WAC 365-196-335	❑ Open space corridors	
f. **The Land Use Element includes population densities, building intensities, and estimates of future population growth.** RCW 36.70A.070(1) WAC 365-196-405(2)(i) suggests including a table with the range of dwelling units per acre allowed in each land use designation and implementing zone as a projection of existing and projected development capacity. **If a buildable lands analysis shows measures needed to ensure appropriate densities, such measures have been adopted.** RCW 36.70A.215 and WAC 365-196-315 The *Buildable Lands Program Guidelines* includes a list of measures.	❑ Estimated population capacity and appropriate densities ❑ Reasonable measures adopted if needed	

Note: **Bold** items and checkboxes are a requirement of the GMA. Other items are other state or federal laws, advisory recommendations from the WAC, or examples of best practices.

Comprehensive plan provisions		Page # and how addressed in plan	Update action, if needed
g.	**Urban densities and urban growth areas (UGAs) have been reviewed.** RCW 36.70A.130(3)(a), (5), and (6) and WAC 365-196-310(2) By definition, urban growth areas all incorporated lands in cities and town, and unincorporated urban growth areas designated by a county. A review should be completed as part of the 8-year update under RCW 36.70A.130. Review WAC 365-196-310(2) for suggestions on evaluating and designating UGAs. Supporting information should include: selected population growth forecast scenario RCW 43.62.035; population allocation and percentage of land devoted to urban, rural, and resource uses (counties) RCW 36.70A.070(1); land capacity analysis for UGAs, ability to provide urban services. RCW 36.70A.110, CWPPs and WAC 365-196-310. There should be a coordinated approach to planning for development in urban growth areas, especially among adjacent jurisdictions. WAC 365-196-330 Urban growth areas (incorporated or not) must plan for urban densities and urban services. If a county designates a fully contained community (FCC), part of the county's population allocation should be reserved for the FCC. RCW 36.70A.350(2) If a potential UGA expansion area is within the 100-year flood plain of major western Washington rivers, consider RCW 36.70A.110(8).	❑ UGA review (required every 8 years)	
h.	**If an airport is within or adjacent to the jurisdiction, the plan includes policies, land use designations, and zoning to discourage the siting of incompatible uses adjacent to general aviation airports.** RCW 36.70.547 and WAC 365-196-455 See *www.wsdot.wa.gov/aviation/Planning/default* for guidance. Any planning adjacent to or within the "imaginary surface" areas of general aviation airports must consult with the Aviation Division of WSDOT.	❑ No incompatible uses near airports ❑ WSDOT notified	
i.	If a U.S. Department of Defense (DoD) military base employing 100 or more personnel is within or adjacent to the jurisdiction, **the plan must include policies, land use designations, and consistent zoning to discourage the siting of incompatible uses adjacent to military base.** RCW 36.70A.530(3) and WAC 365-196-475 See Map of U.S. bases to help make determination of applicability. **If applicable, inform the commander of the base regarding amendments to the comprehensive plan and development regulations on lands adjacent to the base.**	❑ No incompatible uses near US DoD bases ❑ Base commander notified	

Note: **Bold** items and checkboxes are a requirement of the GMA. Other items are other state or federal laws, advisory recommendations from the WAC, or examples of best practices.

Comprehensive plan provisions	Page # and how addressed in plan	Update action, if needed
j. **Where applicable, the Land Use Element includes a review of drainage, flooding, and stormwater run-off in the area and nearby jurisdictions and provides guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state.** RCW 36.70A.70(1); WAC 365-196-405(2)(c) RCW 90.56.010(26) defines waters of the state. Jurisdictions subject to U.S. Environmental Protection Agency (EPA) National Pollution Discharge Elimination System (NPDES) Phase 1 and Phase 2, should comply with all permit requirements. All local governments are also encouraged to: • Adopt the State Department of Ecology's Stormwater Manual for Eastern or Western Washington or the equivalent. • Adopt policies and regulations that allow low impact development practices such as limiting effective impervious surfaces, clustering development, and preserving open spaces and forests. See Puget Sound Action Team (PSAT) low impact development (LID) guidance. • Incorporate relevant land-use recommendations from adopted local watershed plans. *www.ecy.wa.gov/watershed/index.html.* • Adopt a clearing and grading ordinance if not already existing (See *Technical Guidance Document for Clearing and Grading in Western Washington*).	❑ Stormwater planning	
Critical areas are designated RCW 36.70A.170 and WAC 365-190-080 **Best available science (BAS) is used to protect the functions and values of critical areas, and give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries.** RCW 36.70A.172 and WAC 365-195-900 through 925 Plan policies should address the five critical areas listed in RCW 36.70A.030(5) (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. See *Critical Areas Assistance Handbook (2003)* and *Small Communities Critical Areas Ordinance Implementation Guidebook (2007)*. Follow the process in WAC 365-195-915 to document decisions**.**	❑ BAS used to designate and protect critical areas	
k. **Geologically hazardous areas:** Designate according to criteria in WAC 365-190-120. • Defined in RCW 36.70A.030(9). Limit uses, especially facilities such as emergency response, hospitals, hazardous materials storage, etc.	❑ Geohazard areas designated and risks managed	

Note: **Bold** items and checkboxes are a requirement of the GMA. Other items are other state or federal laws, advisory recommendations from the WAC, or examples of best practices.

Comprehensive plan provisions	Page # and how addressed in plan	Update action, if needed
l. **Wetlands:** WAC 365-190-090 • **Define wetlands using definition in RCW 36.70A.030(21).**	❑ Wetlands defined under GMA definition	
m. **Critical Aquifer Recharge Areas**:(Required if jurisdictions draw groundwater for potable water or need to manage threats to exempt wells.): WAC 365-190-100 • **The plan protects the quality and quantity of ground water used for public water supplies.** RCW 36.70A.070(1) See Ecology's guidance on *Critical Aquifer Recharge Areas* (CARAs) • For water quality, policies and implementing regulations should regulate hazardous uses in critical aquifer recharge areas (CARAs) and protect wellhead areas. See Ecology's Groundwater Quality Information • For water quantity, policies and implementing regulations should limit impervious surfaces, encourage water conservation measures, and consider Water Resource Inventory Assessment (WRIA) plans. See Ecology's Stormwater Programs for more information.	❑ CARAs protect water quality and quantity	
n. **Frequently Flooded Areas:** WAC 365-190-110 • Classifications of frequently flooded areas should include, at a minimum, the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program.	❑ Frequently flooded areas regulated using FEMA and Ecology guidance	
o. **Fish and wildlife habitat conservation areas:** See WAC 365-190-130 for specific habitat conservation areas, and factors to consider for their designation and protection such as coordination when habitat areas cross-jurisdictional boundaries or provide regional benefits, or retention of large blocks of habitat. See *wdfw.wa.gov/hab/phslist.htm* for lists of priority habitats and species, maps and management recommendations. See *www.dnr.wa.gov/forestpractices/watertyping* to use Washington State Department of Natural Resources (DNR)'s stream typing system. **Endangered Species:** If there are anadromous fisheries, or if the jurisdiction affected by an Endangered Species Act (ESA) 4(d) rule, the comprehensive plan should contain policies guiding decisions which may impact listed species. Special consideration may include: • Revisions to zoning to protect habitat • Revisions to the location of planned capital facilities • Revisions to stormwater regulations or clearing and grading ordinances Establishment or maintenance of monitoring programs to ensure that habitat is being maintained, See WAC 365-195-920.	❑ Fish and wildlife habitat conservation areas designated and protected ❑ Special consideration for anadromous fisheries	

Note: **Bold** items and checkboxes are a requirement of the GMA. Other items are other state or federal laws, advisory recommendations from the WAC, or examples of best practices.

Comprehensive plan provisions	Page # and how addressed in plan	Update action, if needed
p. **Adaptive management:** If there is inadequate scientific information about critical areas, the jurisdiction may adopt an "adaptive management" policy. WAC 365-195-920 and *Critical Areas Assistance Handbook* provide guidance on the recommended approach for addressing inadequate scientific information.		
q. **Non-regulatory measures** to protect or enhance functions and values of critical areas may be used. These may include public education, stewardship programs, pursuing grant opportunities, water conservation, farm planning, joint planning with other jurisdictions and non-profit organizations, stream and wetland restoration activities, etc. See *Critical Areas Assistance Handbook* for more information.		
r. **Natural Resource Lands (NRLs) designated and conserved:** RCW 36.70A.170 RCW 36.70A.060 NRLs include forest, agricultural, and mineral resource lands. See process to classify and designate at WAC 365-190-040. **If forest or agricultural lands of long-term commercial significance are designated inside UGAs, they must be subject to transfer and/or purchase of development rights (TDR, or PDR).** RCW 36.70A.060(4)	❑ TDR or PDR program for forest or agricultural lands inside UGAs	
s. **Designate and Conserve Forest Resource Land:** RCW 36.70A.170 RCW 36.70A.060 Forest land is defined at RCW 36.70A.030(8). Review WAC 365-190-060 for recommendations on forest lands.	❑ Forest lands designated	
t. **Designate and conserve agricultural resource lands (ARLs):** RCW 36.70A.170 and RCW 36.70A.060 ARLS are defined at RCW 36.70A.030(2). See WAC 365-190-050 for recommendations to designate, and WAC 365-196-815 to protect agricultural lands. RCW 36.70A.177(3) includes innovative techniques to conserve agricultural land and permitted accessory uses.	❑ Agricultural lands designated ❑ Limit accessory uses on agricultural lands	
u. **Designate mineral resource lands:** RCW 36.70A.131 requires consideration of new information including data available from the Department of Natural Resources relating to mineral resource deposits when reviewing mineral resource land designations. Minerals defined in RCW 36.70A.030(11) to include sand, gravel and valuable metallic substances. See WAC 365-190-070 for guidance on designation.	❑ Review mineral resource lands	

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v. **Development outside UGAs: If applicable, development planned outside UGAs must be consistent with the following:** Major industrial development: RCW 36.70A.365 and WAC 365-196-435 Master planned development: RCW 36.70A.367 and WAC 365-196-470 Master planned resorts RCW 36.70A.360, RCW 36.70A.362, and WAC 365-196-460	❑ If applicable, development outside UGA consistent with RCW	

2. **The Housing Element** is intended to ensure the vitality and character of established residential neighborhoods, encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock. It should be consistent with relevant CWPPs, RCW 36.70A.070(2), and should consider WAC 365-196-410.		
a. **Include an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to provide for projected growth over the planning period.** RCW 36.70A.070(2)(a) and WAC 365-196-410(2)(b) and (c) and Commerce's *Assessing Your Housing Needs (1993, Updated by March 2013)*	❑ Inventory and assess housing needs using latest population projection	
b. **Include goals, policies, and objectives for the preservation, improvement, and development of housing.** RCW 36.70A.070(2)(b) and WAC 365-196-410(2)(a).	❑ Goals, policies for housing	
c. **Identify sufficient land for housing, including but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, group homes, and foster care facilities.** RCW 36.70A.070(2)(c) **Regulations treat a residential structure occupied by persons with handicaps the same as a similar residential structure occupied by a family or other unrelated individuals.** RCW 36.70A.410 **Manufactured housing regulated no differently than site built housing**. RCW 35.21.684, 35.63.160, 35A.21.312, and 36.01.225 *A local government may require that manufactured homes (1) new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood; but may not discriminate against consumer choice in housing. National Manufactured Housing Construction and Safety Standards Act of 1974*	❑ Identify sufficient land for housing ❑ Special housing not subject to discrimination ❑ No discrimination against manufactured housing	

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d. **Provisions for existing and projected housing needs of all economic segments of the community**. RCW 36.70A.070(2)(d) If enacting or expanding affordable housing programs under RCW 36.70A.540, the plan identifies certain land use designations within a geographic area where increased residential development will assist in achieving local growth management and housing policies. Examples include: density bonuses within urban growth areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed use projects. WAC 365-196-410(2)(e)(iii) recommends an evaluation of the extent to which the existing and projected market can provide housing at various costs and for various income levels, and an estimation of the present and future populations that would require assistance to obtain housing they can afford. This section should also identify existing programs and policies to promote adequate affordable housing and evaluate their effectiveness. Affordable housing is defined as when the total housing costs, including basic utilities, does not exceed 30 percent of the income limit (for renters, 50 percent or less of the county median family income, adjusted for family-size, and for owners, 80 percent or less of the county median family income, adjusted for family size for owners). WAC 365-196-410(e)(i)(C) (I-V)	❑ Affordable housing planned	
e. **If the city has a population of over 20,000, or the county has a population of over 125,000, the jurisdiction allows accessory dwelling units (ADUs) in single-family residential areas.** RCW 36.70A.400 RCW 43.63A.215(3) See *Accessory Dwelling Unit Ordinance Study and Recommendations* (1994) available from Commerce. For counties, ADU provisions in rural areas should review decisions from the appropriate hearings board.	❑ ADUs allowed	
f. **Family daycare providers are allowed in all residential dwellings located in areas zoned for residential or commercial use and are any zoning conditions imposed no more restrictive than conditions imposed on other residential dwellings in the same zone.** RCW 36.70A.450 Family daycare provider means someone who regularly provides child daycare for 12 or fewer children in their home. RCW 43.215.010(c)	❑ Family daycares allowed	

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3. **The Capital Facilities Plan (CFP) Element** needs to be consistent with county-wide planning policies and RCW 36.70A.070(3), should consider WAC 365-196-415, and should serve as a check on the practicality of achieving other elements of the plan. This element should cover all the capital facilities planned, provided, and paid for by public entities including to local government and special districts, etc. This should include water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital expenditures from Park and Recreation elements, if separate, should be included in the capital facilities plan element. For additional information see *Making Your Comprehensive Plan a Reality: A Capital Facilities Preparation Guide Washington Department of Community Trade and Economic Development (CTED), 1993.*		
a. Goals and policies relating to capital facilities, levels of service, and regulatory strategies for concurrency to guide decisions. RCW 36.70A.120 and WAC 365-196-415 Adopted levels of service for public services. **Policy to reassess the Land Use Element if probable funding falls short of meeting existing needs and to ensure that the Land Use Element, Capital Facilities Element, and financing plan within the Capital Facilities Element are coordinated and consistent.** [RCW 36.70A.070(3)(e) and WAC 365-196-415(2)(d)(iii)(F) recommends that the plan set forth how pending applications for development will be affected while such a reassessment is being undertaken.	❑ Land Use reassessment policy included	
b. **Inventory showing the locations and capacities of existing capital facilities owned by public entities** RCW 36.70A.070(3)(a) and WAC 365-196-415(2)(a) recommends the inventory include water, sanitary sewer, stormwater, solid waste management, school, park, and recreation facilities, police and fire protection facilities. The element should reference water or other system plans, indicate locations of facilities, and show where systems currently have unused capacity. Public services and facilities are defined in RCW 36.70A.030(12) and (13).	❑ Inventory of existing facilities	
c. **Forecast of future needs to maintain adopted levels of service over the planning period.** RCW 36.70A.070(3)(b) requires a forecast of future needs, and WAC 365-196-415 (b) recommends the forecast be based on projected population densities, and distribution of growth over the planning period. This section should consider whether the jurisdiction has sufficient water rights, sewage treatment, or other needed public facilities to support the plan's projected 20-year growth. This may also consider system management or demand management strategies to meet forecast need. **Proposed locations and capacities of expanded or new capital facilities.** RCW 36.70A.070(3)(c) requires proposed locations and capacities, and WAC 365-196-415 (3)(C) suggests that the phasing schedule in the Land Use Element should dictate when and where capital facilities will be needed over the 20-year life of the plan. Consider if the concurrency ordinance or other mechanisms have been effective in providing public facilities and services concurrent with development	❑ Forecast of future needs ❑ Proposed locations and capacities of expanded or new facilities.	

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d. **Six-year plan (at least) to finance planned capital facilities within projected funding capacities, and identifies sources of public money for such purposes.** RCW 36.70A.070(3)(d), RCW 36.70A.120 and WAC 365-196-415(c)(i) This CFP should include all public expenditures for capital expenses including water, sewer, transportation, etc. WAC 365-196-415(2)(c)(ii) suggests that the plan be updated at least biennially so that financial planning remains sufficiently ahead of the present for concurrency to be evaluated. For a list of funding sources, see *http://www.infrafunding.wa.gov/* and *www.awcnet.org.* **If impact fees are collected, the public facilities for which money is to be spent on are included in this element.** RCW 82.02.050(4) and WAC 365-196-850	❑ Six-year funding plan consistent with comp plan ❑ Impact fees used only for projects included in the CFP	

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4. The Utilities Element should relate to all services provided, planned for, paid for, and delivered by providers other than the jurisdiction. This should be consistent with relevant CWPPs and RCW 36.70A.070(4), and should consider WAC 365-195-420.		
a. **The general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.** RCW 36.70A.070(4). WAC 365-195-420 recommends goals and policies relating coordination in construction, permits, utility corridor use and management. Counties and cities should evaluate whether any utilities should be identified as essential public facilities in case of siting difficulties.	❑ General location and capacity of existing and proposed facilities	

5. The Rural Element (counties only) should be consistent with RCW 36.70A.070(5), RCW 36.70A.030(15) through (17), and consider RCW 36.70A.011 and WAC 365-196-425. Rural lands are lands not included in urban growth areas, or designated as agricultural, forest, or mineral resource lands. For additional information, see Keeping the Rural Vision: Protecting Rural Character & Planning for Rural Development, 1999.		
a. **A definition of rural character and rural development consistent with** RCW 36.70A.030, (15), (16), and (17). WAC 365-196-425(2) provides suggestions.	❑ Definition of rural character	
b. Allows forestry, agriculture, and a variety of rural densities and uses. RCW 36.70A.070(5) See WAC 365-196-425(3) for examples of rural densities. The plan may include optional techniques such as limited areas of more intensive rural development (LAMIRDs), clustering, density transfer, design guidelines, and conservation easements to accommodate rural uses not characterized by urban growth as specified in RCW 36.70A.070(5)(d). See WAC 365-196-425(5) for innovative zoning techniques.	❑ Variety of densities	
c. A written record explaining how the rural element harmonizes the planning goals and meets the requirements of the Growth Management Act. RCW 36.70A.070(5)(a). WAC 365-196-425(1) notes that the county may consider local circumstances in establishing patterns of rural densities and uses, but must develop a written record of the rural element harmonizes the planning goals and meets the requirements of the act.	❑ A written record relating to rural character	
d. A definition of rural governmental services needed to serve the permitted densities and uses. RCW 36.70A.070(5)(b). WAC 365-196-425(4) recommends some definitions of rural services and provides suggestions for appropriate level of service standards.	❑ Definition of rural services	

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e. Measures protecting rural character. RCW 36.70A.070(5)(c) Measures include containing/controlling development, assuring visual compatibility, reducing inappropriate conversion to low-density sprawl, protecting critical areas, and protecting against conflicts with natural resource lands.	❑ Measures to protect rural character	
f. **Limited areas of more intense rural development (LAMIRDs) designated and managed consistent with** RCW 36.70A.070(5)(d). See WAC 365-196-425(6) for guidance relating to LAMIRDs. Commerce suggests that jurisdictions consider Growth Management Hearings Board cases and Commerce's Keeping the Rural Vision: Protecting Rural Character & Planning for Rural Development, 1999 for guidance on appropriate rural densities and levels of governmental services in LAMIRDs.	❑ LAMIRDs designated and regulated consistent with GMA	

6. The Transportation Element should be consistent with relevant CWPPs and RCW 36.70A.070(6), RCW 36.70A.108, and should consider WAC 365-196-430.		
a. **The element includes goals and policies for roadways; fixed route and demand response public transit; bicycle and pedestrian travel; water, rail, air, and industrial port and intermodal facilities; passenger and freight rail; and truck, rail, and barge freight mobility**. WAC 365-196-430(2)(b)]	❑ Goals and policies	
b. **An inventory of air, water, and ground transportation facilities and services, including transit alignments, state-owned transportation facilities, and general aviation airports to define existing capital facilities and travel levels as a basis for future planning.** RCW 36.70A.070(6)(a)(iii)(A). WAC 365-196-430(2)(c) provides recommendations for meeting inventory requirements.	❑ Transportation inventory	
c. **The element includes land use assumptions used in estimating travel.** RCW 36.70A.070(6)(a)(i) . WAC 365-196-430(2)(a)(i) recommends counties and cities use consistent land use assumptions, population forecasts, and planning periods for both the land use and transportation elements.	❑ Land use assumptions	

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d. **The element includes regionally coordinated level of service (LOS) standards for all arterials and transit routes to gauge the performance of the system, LOS for highways of statewide significance, and LOS for other state highways consistent with the regional transportation plan.** RCW 36.70A.070(6)(a)(iii)(B) WAC 365-196-430(2)(e)(v) recommends LOS reflect access, mobility, mode-split and capacity goals. WAC 365-196-430(2)(e)(vi) recommends measurement methodology and standards vary based on the urban or rural character of the surrounding area. Also, balance community character, funding capacity, and traveler expectations through a variety of suggested methods. In urban areas, WAC 365-196-430(2)(e)(vii) recommends some methodologies for analyzing the transportation system from a comprehensive, multimodal perspective. See *Coordinating Transportation and Growth Management Planning (1998 Legislation HB: 1487 – "Level of Service Bill),"* WSDOT and CTED, 1998.	❑ Levels of service for all facilities; local, regional, and state	
The element identifies specific actions and requirements for bringing into compliance locally owned transportation facilities and services that are below an established LOS standard. RCW 36.70A.070(6)(a)(iii)(D) and WAC 365-196-430(2)(g) **Concurrency policies are consistent with** RCW 36.70A.070(6)(b), **and multimodal improvements are considered** RCW 36.70A.108. Strategies such as increased public transit, ride sharing programs, and other multimodal strategies may be used to ensure that development does not cause service to decline on a locally owned facility below adopted levels of service. **If required, a commute trip reduction plan to achieve reductions in the proportion of single-occupant vehicle commute trips has been adopted consistent with the comprehensive plan and submitted to the regional transportation planning organization.** RCW 70.94.527. **The element includes policies and provisions consistent with regional efforts to reduce criteria pollutants from mobile sources.** WAC 173-420-080 If the planning area is within a National Ambient Air Quality Standards nonattainment area, WAC 365-196-430(2)(d) recommends including a map of the nonattainment area, severity of the violation, and measures to be implemented consistent with the state implementation plan for air quality.	❑ Concurrency	
e. **The element describes existing and planned transportation demand management (TDM) strategies, such as HOV lanes, parking policies, high occupancy vehicle subsidy programs, etc.** RCW 36.70A.070(6)(a)(vi). WAC 365-196-430(2)(i) provides suggested TDM strategies.	❑ TDM Strategies	

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f. **The element includes a pedestrian and bicycle component.** RCW 36.70A.070(6)(a)(vii). WAC 365-196-430(2)(j) recommends jurisdictions inventory existing pedestrian and bicycle facilities, and identify and plan improvements for facilities. Improvements could focus on safe routes to school, hazard areas, or pedestrian-generating areas, and should be funded in capital facility or transportation improvement plans. See Bicycle and pedestrian planning information and resources at *www.wsdot.wa.gov/Walk/default.htm* and *www.wsdot.wa.gov/bike/default.htm* and the National Center for Bicycling and Walking *www.bikewalk.org/.*	❑ Bicycle and pedestrian planning	
g. **The element includes a forecast of traffic for at least 10 years, based on the Land Use Element, to provide information on the location, timing, and capacity needs of future growth.** RCW 36.70A.070(6)(a)(iii)(E). WAC 365-196-430(2)(f) suggests including bicycle, pedestrian or planned transit service in a multimodal forecast. Forecasts should be consistent with regionally adopted strategies and plans.	❑ 10-year Traffic forecast	
h. **The element identifies state and local system expansion needs to meet current and future demands.** RCW 36.70A.070(6)(a)(iii)(F). WAC 365-196-430(2)(f) recommends including bicycle, pedestrian or planned transit service in needs. **WSDOT's Ten-Year Capital Improvement and Preservation Program for state-owned facilities (Required by RCW 47.05.030) is detailed in the Transportation Executive Information System** http://www.transinfo.state.wa.us/ Click on the current projects list, select the most recent legislative final project list and you can select projects by county.	❑ Future needs	

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i. **The element analyzes the funding capability to judge needs against probable funding resources.** RCW 36.70A.070(6)(a)(iv)(A). WAC 365.196-430(2)(k)(iv) recommends counties and cities consider the cost of maintaining facilities when considering new facilities. **A multiyear financing plan is included in the element based on the needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems.** RCW 36.70A.070(6)(a)(iv)(B). WAC 365-196-430(2)(k)(ii) recommends that the horizon year be the same as the time period for the travel forecast and identified needs. **If probable funding falls short of meeting identified needs, there is a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that LOS standards will be met.** RCW 36.70A.070(6)(a)(iv)(C). WAC 365-196-430(2)(l)(ii) states that this review must take place, at a minimum, as part of the eight-year periodic review and update and update of UGAs [eight years per 2011 amendments to RCW 36.70A.130]. Several choices for addressing funding shortfalls are provided.	❑ Funding analysis ❑ Funding program ❑ Funding shortfall strategy	
j. **The element discusses intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions.** RCW 36.70A.070(6)(a)(v). WAC 365-196-430(2)(a)(iv) recommends developing transportation elements using the county-wide planning policies to ensure they are coordinated and consistent with the comprehensive plans of other counties and cities sharing common borders.	❑ Intergovernmental coordination	
k. **The element discusses how the transportation plan implements and is consistent with the land use element, and how it is consistent with the regional transportation plan.** RCW 36.70A.070(6). WAC 365-196-430(2)(a)(i) recommends that consistent land use assumptions, population forecasts, and planning periods should be used for both the land use and transportation elements. WAC 365-196-430(2)(a)(iii) recommends considering consistency with the regional transportation plan during development and review of the transportation element to facilitate certification of the element by the regional transportation planning organization. RCW 47.80.23(3) and RCW 47.80.026	❑ Plan certified by RTPO	.

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7. **The Economic Development Element** is not currently because funding was not provided to assist in developing local elements when this element was added to the GMA. However, provisions for economic growth, vitality, and a high quality of life are important, and supporting strategies should be integrated with the land use, housing, utilities, and transportation elements. RCW 36.70A.070(7) An Economic Development Element should include:		
a. **A summary of the local economy such as population, employment, payroll, sectors, businesses, and sales.** RCW 36.70A.070(7)(a). WAC 365-196-435(2)(a) recommends using population information consistent with the land use and housing elements. Employment, payroll, and other economic information is available from state and federal agencies. Consider gathering data and information for your community data profile pertaining to business, transportation, labor, real estate, utilities, incentives, regulatory, government, and quality of life. See Commerce's *Guidebook on Economic Development* (2005*).*		
b. **A summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources.** RCW 36.70A.070(7)(b). WAC 365-196-435(2)(b) recommends consulting with local development organizations, economic development councils, or economic development districts. Methods for identifying strengths and weaknesses include shift-share analysis, identify of industry clusters, public input, and asset mapping.		
c. **Identification of policies, programs, and projects to foster economic growth and development and to address future needs.** RCW 36.70A.070(7)(c). WAC 365-196-435(2)(c) recommends identify policies, programs and projects that address identified weaknesses or capitalize on strengths identified by the community. Consider using performance targets to measure success.		

8. **A Parks and Recreation Element** is not required because the state did not provide funding to assist in developing local elements when this provision was added to the GMA. However, park, recreation, and open space planning are GMA goals, and it is important to plan for and fund these facilities. RCW 36.70A.070(8). Commerce's Guidebook *Planning for Parks, Recreation, and Open Space in your Community*, can provide step-by-step assistance*. Also see www.rco.wa.g-ov/doc_pages/index.shtml* for additional assistance. A Parks and Recreation Element should include:		
a. **Goals and policies to guide decisions regarding facilities.** WAC 365-196-440(2)(b) recommends a visioning process to engage the public in identifying needs, evaluating existing recreational opportunities, and developing goals for the parks and recreation element.		

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b. **Estimates of park and recreation demand for at least a ten-year period based on adopted levels of service and population growth.** RCW 36.70A.070(8)(a). WAC 365-196-440(2)(c) recommends establishing levels of service standards that reflect community goals. LOS should focus on those aspects that relate most directly to growth and development.		
c. **An evaluation of facilities and service needs over the planning period.** RCW 36.70A.070(8)(b). WAC 365-196-440(2)(d) lists factors to consider when estimating demand for parks, open space and recreational services.		
d. **An evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.** RCW 36.70A.070(8)(c). WAC 365-196-440(2)(f) recommends identifying other local, statewide and regional recreation plans for future facilities and opportunities for public and private partnerships to meet regional demand. **The element is consistent with and is a part of the Capital Facilities Element as it relates to park and recreation facilities.** RCW 36.70A.070(3)(e). WAC 365-196-440(2)(e) recommends identification of future facilities and services consistent with the land use and capital facilities elements. WAC 365-196-440(2)(g)(iii) recommends identifying strategies for financing in the parts and recreation element, a separate parks plan, or the capital facilities element.		

9. The Shoreline Element of the comprehensive plan is the goals and policies of the Shoreline Master Program (SMP). RCW 36.70A.480 The SMP goals and policies may also be included in an Environmental Element. The SMP goals and policies should be consistent with the rest of the comprehensive plan.

SMP goals and policies included in the comprehensive plan. RCW 36.70A.480. When a jurisdiction updates its SMP consistent with Ecology's new guidelines (Chapter 173-26 WAC), and according to a schedule in RCW 90.58.080, protection for critical areas within shorelines is transferred from the critical areas ordinance to the SMP. Protection must be at least equal to that from the CAO under the GMA. See *Questions and Answers on ESHB 1933* for assistance.	❑ SMP goals and policies.	

10. Provisions for **Siting Essential Public Facilities** (EPFs) should be consistent with CWPPs, RCW 36.70A.200, and should consider WAC 365-196-340 and 550. This section can be included in the Capital Facilities Element, Land Use Element, or in its own element. Sometimes the identification and siting process for EPFs is part of the CWPPs.

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a. **The plan includes a process or criteria for identifying and siting essential public facilities (EPFs). EPFs include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities.** [RCW 36.70A.200(1)] WAC 365-196-550 suggests a potential process.	❑ EPF identification and siting process	
b. **State or regional transportation facilities and services of statewide significance (TFSS) and secure community transition facilities (SCTF)** (defined in RCW 71.09.020(14)) **have been added to list of EPFs.** RCW 36.70A.200. WAC 365-196-550(d) provides a list of essential public facilities.	❑ TFSSs and SCTFs added to list of essential public facilities	
c. **Policies that address the statutory requirement that no comprehensive plan may preclude the siting of essential public facilities.** RCW 36.70A.200(5). WAC 365-196-550(3) list types of comprehensive plan provisions or development regulations that could make the siting of an essential public facility impossible or impractible.	❑ No preclusion policy	
d. **Jurisdiction considered the Office of Financial Management's list of essential state public facilities that are required or likely to be built within the next six years.** RCW 36.70A.200(4). (Instructions to find the list are available from GMS)	❑ List considered	

11. Optional plan elements and sub-area plans may be included in the comprehensive plan.		
Additional elements are included in the plan, such as energy conservation, historic preservation, natural hazards, or community design?. [RCW 36.70A.080 and WAC 365-196-445] These elements should be consistent with all other elements of the plan. Resources: *Historic Preservation: A Tool for Managing Growth*, Commerce, 1994, revised in 2005, *Optional Comprehensive Plan Element for Natural Hazard Reduction, Commerce, 1999.*		
If any sub-area plans included in the plan, they consistent with the other plan elements. RCW 36.70A.080(2).		

12. Consistency is required by the GMA.

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a. **All plan elements are consistent with relevant county-wide planning policies (CWPPs) and the GMA.** RCW 36.70A.100 and 210 and WAC 365-196-400(2)(c) and 520. WAC 365-197-400(2)(c) suggests CWPPs be referenced in each element, or be appended to the plan to clearly show consistency. Some jurisdictions use a table to show consistency.	❑ CWPPs	
b. **The plan describes how all elements fit together, such as consistency of plan elements and future land use map, and consistency of land use and capital facilities elements.** RCW 36.70A.070 (preamble). WAC 365-197-400(2)(f) recommends inclusion at the beginning of the comprehensive plan a section which summarizes how the various pieces of the plan fit together.	❑ Internal consistency	
c. **Policies directing that capital budget decisions be made consistent with the comprehensive plan.** RCW 36.70A.120.	❑ Budget decisions consistent with plan	
d. **Plan is coordinated with the plans of adjacent jurisdictions.** RCW 36.70A.100. e. WAC 365-196-520 suggests counties and cities circulate their proposed plans and SEPA documents with other counties and cities with which they share a common border or has related regional issues. Counties and cities are encouraged to resolve conflicts through consultation and negotiation.	❑ External consistency	

13. **Public participation, plan amendments and monitoring**		
a. **Plan ensures public participation in the comprehensive planning process.** RCW 36.70A.020(11), .035, and .140. WAC 365-196-600(3) provides a list of possible public participation choices.	❑ Public participation	
b. **The plan describes the process for making amendments.** RCW 36.70A.130(2)(a). WAC 365-196-600 provides a list of suggestions for meeting the public participation requirements. Once established, the public participation plan must be broadly disseminated. **Plan provides that amendments are to be considered no more often than once a year, not including the exceptions described** in RCW 36.70A.130(2). WAC 365-196-640	❑ Broadly publicized plan amendment process. ❑ Plan amendments no more than once a year.	

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Comprehensive plan provisions	Page # and how addressed in plan	Update action, if needed
c. **Plan sets out a procedure for adopting emergency amendments and defines emergency.** RCW 36.70A.130(2)(b) and RCW 36.70A.390. WAC 365-196-650(4) states that public notice and an opportunity for public comment must precede the adoption of emergency amendments to the comprehensive plan. Provisions in RCW 36.70A.390 apply only to moratoria or interim development regulations. They do not apply to comprehensive plans amendments. If a comprehensive plan amendment is necessary, counties and cities should adopt a moratoria or interim zoning control. The county or city should then consider the comprehensive plan amendment concurrently with the consideration of permanent amendments and only after public notice and an opportunity for public comment.	❑ Process for emergency plan amendments	
d. Plan or program for monitoring how well comprehensive plan policies, development regulations, and other implementation techniques are achieving the comprehensive plan's goals and the goals of the GMA . WAC 365-196-660 discusses a potential review of growth management implementation on a systematic basis.		

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