



PLANNING COMMISSION

AGENDA

March 27, 2012

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS

AGENDA
March 27, 2012
7:30 P.M.

ROLL CALL: NEIL _____ JENSEN _____ FAKKEMA _____
 WASINGER _____ OLIVER _____
 WALLIN _____ JOHNSON-PFEIFFER _____

1. **Approval of Minutes – February 28, 2012**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
3. **SIGN CODE UPDATE – Public Hearing**
The Planning Commission will continue its discussion of amendments to OHMC 19.36.080 (“Temporary and Special Signs”). Staff will release a draft of the proposed code amendments. The proposed code amendments address time, manner, and place provisions for temporary signs. The amendments include changes to the code for commercial signs and political signs on public and private property. Planning Commission will also accept comments in a public hearing for this issue.

MINUTES

February 28, 2012

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
February 28, 2012**

ROLL CALL: Present: Keith Fakkema, Kristi Jensen, Jeff Wallin, Gerry Oliver and Jill Johnson-Pfeiffer.

Absent: Bruce Neil and Greg Wasinger.

Staff Present: Development Services Director, Steve Powers; Senior Planners, Ethan Spoo and Cac Kamak and Associate Planner, Melissa Sartorius.

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

MINUTES: MR. OLIVER MOVED, MR. WALLIN SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 24, 2012 MINUTES AS PRESENTED.

PUBLIC COMMENT:

None present for comment.

SIGN CODE UPDATE – Public Meeting

Mr. Spoo reviewed previous discussions by the Planning Commission in which the Planning Commission discussed pre-post election time limits and the fact that we can't have pre-election time limits but post election time limits were acceptable. There was discussion about what types of public property are appropriate for temporary signs and about signs in the public right-of-way, signs in parks, and planter strips. There was also some discussion about placing size and height limits on signs, especially within the public right-of-way primarily for reasons of safety and visibility (vision triangles). To date discussion has centered on concerns that temporary signs on public property would cause clutter and detract from the primary purpose of public properties.

Mr. Spoo explained that the main purpose of tonight's meeting is to have a discussion about preferences for temporary signage and to talk briefly about what we've learned so far in regards to the legal principles that guide temporary signs.

Mr. Spoo said that there were three main legal principles:

1. **Can't** prohibit political signs on public property, if any commercial speech allowed.
2. **Can't** elevate commercial speech above political.
3. **Can't** regulate content. Time, manner, place can be regulated.
 - Too restrictive→time, manner, place, is effectively a content restriction. Aesthetics often seen as too restrictive for political signs.
 - No pre-election time limits.

Mr. Spoo displayed photos of temporary signs in the community to give the Planning Commission an idea what's going on in the community and was not intended to point out what was wrong or right about the signs.

Mr. Spoo explained that tonight's discussion would be about temporary signs on public property and then on temporary signs on private property.

Public Property

Mr. Spoo explained that public property includes street right-of-ways (ROW's), buildings, parks and city vehicles and asked the Planning Commission the following series of questions:

- What types of public property is appropriate for placement of temporary signs?
- If temporary signs are appropriate in X. Are commercial signs appropriate in the same places? Same general restrictions apply for real estate/garage sale/A-frames?
- What post-election time limit is appropriate for candidates to remove their signs? The Code currently says seven days.
- Commercial signs. A-frame signs that you see on sidewalks. How long should these be allowed to be up? Code currently calls for these to be removed outside of business hours.
- Garage sale/real estate/open house signs time limits?

Garage sale: placement preceding, remove as soon as sale ends?

Real estate: only while unit is for sale?

Open house, only during the open house or several days preceding?

Planning Commission Discussion

Mr. Wallin asked how to determine where the public ROW is. Mr. Powers explained that as a general rule, the measurement is from the centerline of the road to the back of the sidewalk in areas where there are no sidewalks it is a little more difficult to visually tell where the ROW is.

Ms. Jensen said that she thought there was a place for temporary signs on all of the public property listed by Mr. Spoo.

Mr. Spoo asked about city vehicles such as police vehicles. Mr. Fakkema didn't think police vehicles were appropriate because of the primary purpose of police vehicles.

Ms. Jensen asked if busses were city vehicles. Mr. Powers explained that busses e.g. Island Transit and school busses are governed by different agencies.

Ms. Johnson-Pfeiffer asked if the "Go Wildcats" signs on the city garbage trucks were considered public, political or commercial speech. She also commented that if you say yes to commercial speech on public property you are saying yes to political speech on public property. Mr. Spoo said that was correct. Mr. Spoo also said that we could look at banning all types of temporary signs on public property including commercial signs which would mean that you couldn't have the real estate sign, open house and garage sale signs. If you want some signs then you automatically have to include political signs too.

Mr. Wallin said that rather than a wide-spread ban of temporary signs we should be specific on what areas of the City we would want to protect, whether it is parks, vehicles etc.

Mr. Oliver commented that most of the signs that were displayed by Mr. Spoo looked junky.

Ms. Jensen brought up the baseball fields that have signs on the fence surrounding the field and that those signs are a method of raising funds for the Little League.

Ms. Jensen suggested issuing sign permits in order to standardize the signs and define the time line for the temporary signs. Mr. Spoo noted that a permit is not required for temporary signs currently.

Mr. Spoo asked the Commission if they wanted staff to look into banning temporary signs in public property.

Mr. Oliver said that it was worth looking into.

Ms. Johnson-Pfeiffer asked about the ball field signs. Mr. Spoo thought that they might be permanent signs and he would look into it.

Ms. Johnson-Pfeiffer asked who regulates the content of the ball field signs. Mr. Powers said that the City does not take an active role in regulating the content. Since it is a sponsorship for the Little League it was possible that the Little League expresses an opinion about the content.

Mr. Powers went on to say there is a distinction between the regulations and the enforcement of the regulations. The size, standardization, quality and the placement of signs are the body of regulations which are different than the enforcement. The junky and visual clutter issue is more of an enforcement issue of our existing regulations rather than whether the signs are allowed at all.

Mr. Oliver asked if enforcement would have a bigger impact on the City's budget. Mr. Powers said that currently the City uses a complaint process for enforcement which is true of almost all property issues. The City doesn't have staff that actively drives around to look for sign code violations. The only exception is for safety issues, staff is authorized to take action to eliminate the safety issue. If we go to active enforcement you would be spending a greater amount of staff time which would have a budgetary impact which could be partially offset by the fee for a permit that was suggested earlier.

Mr. Oliver asked Ms. Jensen how she thought a complete ban would impact the real estate businesses. Ms. Jensen responded that a complete ban would cause an uproar and working with a good temporary sign code would be better.

Ms. Johnson-Pfeiffer went back to the ball field signs and said, if there is no mechanism in place to regulate content, who would be able to say what speech was appropriate or not in public spaces. In this context there is nothing the City can do about content. There is only something that can be done about placement, time and manner. Ms. Johnson-Pfeiffer said that we like the "Go Wildcats" on our garbage trucks and we like the signs that support the Little League but if you get into a situation where you have to say no that signage can't be there because we don't like the content of the sign because we don't like the message that the sign puts forward to that audience. We are in the same situation with the political signs. Mr. Powers acknowledged that was true and he suggested that rather than have staff speculate he would like to have a chance to check to see if there is already an agreement between the City and the Little League that governs the ball fields and possibly addresses the issue of the sponsorship signs. Operating under the assumption that there is no agreement we have potentially identified a hole in the regulation that this group should discuss.

Ms. Jensen thought that those signs were self-disciplined and that if a cigarette sign were put up the parents would be in an uproar.

Ms. Johnson-Pfeiffer said that we can only regulate the time, place or manner. Her concern was that if a parent were to call and say they don't like the sign they would be told that we can only regulate time, place or manner and not the content. She said that we don't get to have a conversation about appropriateness, content, what we like and what we don't like and that is the part that was hard for her and that she would paint half the town purple and gold with a can of spray paint but that opens it up for someone who wants to paint it a different set of colors. We have determined if you allow commercial speech then you open the door for political speech so any place where you think I don't want to see a political sign you have to say we can't allow

commercial signs or if you say you want a commercial sign there then you have to be prepared to see a political sign regardless of what that political speech is. That speech could advocate for a candidate or an idea or it could be a statement about someone's negative feeling about the President or about war or about the military. There is no ability to control content.

Mr. Fakkema asked if we were confusing temporary signs with permanent signs in a lot of these cases. He thought that the "Go Wildcats" sign was a permanent sign because it would be there nine months out of the year. Mr. Spoo said that staff would have to discuss how the signs on the garbage trucks fit into the overall temporary signs scheme.

Mr. Spoo went back to the different types of public property (buildings and ROW's). Mr. Spoo clarified that the types of public property being discussed are those properties or structures owned by the City.

Mr. Wallin said that his preference was to not allow temporary signage on buildings, parks or vehicles. He thought that we could segregate some sections of ROW's.

Ms. Johnson-Pfeiffer said she agreed with Mr. Wallin.

Mr. Spoo asked which areas of the ROW are appropriate for temporary signs. Obviously, travel lanes, parking lanes, sidewalks, center medians and vision clearance triangles at intersections are not appropriate.

Ms. Johnson-Pfeiffer said she didn't like planters being used for temporary signs.

Mr. Spoo asked how the Commission feels about planter strips that are located in between the travel lane and the sidewalk. Commissioners agreed that they needed to allow temporary signage in planter strips. Mr. Spoo said staff will craft regulations that allow temporary signage within certain parts of the public ROW and on sidewalks provided that they don't obstruct pedestrian or ADA access on the sidewalk and present that language next month.

Mr. Spoo asked if the current code's time limit of removing signs seven days after an election was acceptable. Commissioners agreed that was an acceptable time limit.

Mr. Spoo asked what the time restrictions should be for garage sale, real estate and open house signs. Currently, the code is silent on garage sale signs. How far in advance of a garage sale should people be allowed to put up a sign and should it be take down the day that the sale is done? Ms. Johnson-Pfeiffer said that you can't limit their free speech on when it goes up. Mr. Spoo said that was only for political signs and that there is a different standard for political signs. Commercial and political can have different standards as long as they are not more permissive for commercial than political.

Commissioners agreed that garage sale signs should go up and down on the day of the garage sale.

Commissioners agreed that real estate signs are self governed by the Multiple Listing Service (MLS) and that the code should remain silent on real estate signs other than the number of directional signs allowed.

Mr. Oliver asked if there was a way to regulate the quality of A-frame signs. Mr. Powers said that the existing code says that the signs have to be professionally done. It is a question of the ability to enforce that regulation as opposed to having that regulation on the books. Mr. Powers asked the Commissioner's to think about the other side of the equation. A business owner who is trying to attract people to their business and the City comes and says you must spend X amount of dollars and they say they don't have X amount of dollars and the City says you don't get a sign. The City ends up in the unenviable position of trying to figure out how to fairly administer the regulations and also be respectful of someone's business activity. Mr. Oliver

said that as a small business owner he could appreciate that but when you make your sign it is your identity and you should care about that. Mr. Powers said that we could look at other jurisdictions to see if there is other language that can be added. Mr. Powers envisioned some public education process from the City side that provides information on what is regulated when it comes to temporary signs. We could work with the Chamber of Commerce and provide information to their businesses and go through an education process instead of an enforcement process.

Mr. Spoo moved on to looking at the manner of temporary signs on public property and asked if there certain manner restrictions we should think about?

- Can't block visibility – size and height limit would be appropriate.
- Aesthetics – easier to regulate for commercial. Political aesthetics is usually too restrictive.
- Number of A-frames. Number of garage sale/Real estate signs/open house signs?

Are there general principles that you would like to see applied to all temporary signs on public property? Examples of principles, blocking traffic, causing safety hazard, detracting from the primary purpose of the facility, be so distracting so as to create a safety problem?

Ms. Jensen suggested time limits.

Mr. Fakkema suggested temporary signs should not be a distraction to traffic. Mr. Powers said there was code language about streamers and flags etc. that say they should not cause a distraction to drivers.

Ms. Johnson-Pfeiffer said that the temporary signs should be proportionate to the permanent signs and not dominate the visual landscape. She believed that the City is very restrictive on permanent signs and very loose on temporary signs which encourages people to put up banners because they can get away with more with their temporary signs than they can with their permanent signage because we have created this culture that says you can do what you want on the temporary side of things.

Mr. Powers suggested that this conversation would take longer for the Planning Commission, community and the Council to get through than the length of time that we have left to work on the political side of things. Mr. Powers said that we won't abandon this conversation because Mr. Spoo has outlined a great process for the conversation. As we draw nearer to your solution on the political signs there is still a significant amount of work to do about the commercial signage which cuts across a lot of different topics and user groups that are not presently engaged in the conversation.

Mr. Fakkema asked if the Liberty Tax sign was considered as two signs. Mr. Spoo said it was considered to be two signs. Since there isn't a permit required for temporary signs it was put up without talking to the City.

Mr. Wallin asked if it would be considered a portable A-frame. Mr. Spoo said no and that anytime you come up with a classification of sign someone will come up with a sign that doesn't fit the classification.

Mr. Powers asked the Planning Commission if they felt the need to cover each bullet point under the private temporary signage since the conversation so far has overlapped between public and private and that staff could draw parallels from their concerns between public and private.

Ms. Jensen asked what merchants are allowed to do on the inside of the window. Mr. Powers said that window signs are regulated by the code and he believed the limitation is no more than 50% of the square footage of the window area.

Mr. Wallin suggested that the number of commercial signs on private property should be limited to reduce visual clutter.

Mr. Powers noted that the code currently says that A-frame signs need to be placed within three feet of the building. That part of the code is rarely followed and the majority of A-frame signs are placed close to the sidewalk or travel lane. Mr. Powers asked how the Commission feels about the placement of the A-frame signs for commercial messaging purposes. Mr. Powers noted that A-frame signs are allowed everywhere except within the Central Business District under the present code. This is also something that we need to correct given what we have done with our downtown environment.

Mr. Oliver said that it goes back to his point of junky signs that are not up to standard and it makes a difference.

Ms. Jensen said that keeping the distance to within the three feet of the building tends to obstruct the side walk and she would rather see them further away so as not to obstruct the sidewalks.

Mr. Oliver suggested an outright ban.

Mr. Powers offered combining Mr. Oliver's suggestion of the quality of the signs and Mr. Wallin's suggestion of limiting the number of signs. If those two things work together does the Commission comfortable with the signs being out further and closer to where the traveling consumer is?

Mr. Oliver said he would be comfortable with that. There were no other objections to Mr. Power's suggestion.

Mr. Spoo said that he would present a draft code at the next meeting and the Planning could possibly form a recommendation to the City Council in April. May and June will be City Council discussion and adoption.

Mr. Fakkema thought that more of the business community should be taking part in the discussion.

WASTEWATER TREATMENT FACILITY PLAN UPDATE – Public Meeting

Mr. Johnston reviewed the project timeline spanning seven years to date and the activities leading to the current recommendation to add a "sixth" site for review. Mr. Johnston explained the basics of planning for a new facility which includes looking at population projections to determine how much flow the City will need deal with in the 20 year planning horizon as well as 50 years into the future. Mr. Johnston detailed the current effluent quality and the future effluent quality goals. Effluent is the water that comes out of the treatment plant process.

Mr. Johnston displayed the following table of effluent quality goals:

	RBC Plant NPDES Permit Limit	Lagoon Plant NPDES Permit Limit	New Facility, Target/Goal
Total Suspended Solids	30 mg/L 30 mg/L 85% removal	75 mg/L 75 mg/L 85% removal	10 mg/L 10 mg/L 95% removal
CBOD5	25 mg/L85% removal	25 mg/L85% removal	10 mg/L95% removal
Turbidity	Not applicable	Not applicable	1 NTU
Chlorine Residual	0.114 mg/L	0.5 mg/L	No discharge
Fecal Coliform	200/100 mL (monthly)(monthly)	200/100 mL (monthly)(monthly)	<100/100 mL (monthly)(monthly)
Nitrogen	Not applicable	Not applicable	8 mg/L
Pathogen Barrier	No	No	Yes

Ms. Johnson-Pfeiffer asked if there was a cost difference between getting the effluent form 85% clean to 95% clean. Mr. Johnston said yes and that the facilities that we have today will not clean to 95% without adding additional facilities.

Ms. Johnson-Pfeiffer asked if any of the sites were only acceptable at 95% or are they all acceptable sites at 85%. Mr. Johnston said that all the sites were acceptable at 85% and 95%. Mr. Johnston noted that the big change is the nitrogen removal and pathogen barriers which are not required now. In terms of water quality nitrogen is now the target. Nitrogen results in growth of algae and other organics in the saltwater environment, when the organics die off that kills the oxygen which results in fish dying in the area. The area around Pen Cove and coming out of the Skagit River has a low dissolved oxygen level which means there is a realistic assumption that the State will require us to remove nitrogen and pathogens in the next 10 to 20 years which is an expensive thing to do.

Mr. Wallin asked if both Membrane Bioreactor (MBR) and the Activated Sludge (AS) technologies could meet those requirements. Mr. Johnston said they could if assembled the right way and we need to make sure the land area is enough to deal with the long term capacity and be able to expand the plant over a long period of time.

Mr. Oliver asked if we could expand the current site at the Windjammer Park area. Mr. Johnston said that we could expand it but the treatment plant would not be approvable by Ecology. Mr. Oliver asked if the system was updated, would the Windjammer Park be able to handle the flow in its current space. Mr. Johnston said no, the space would have to be bigger.

Ms. Johnson-Pfeiffer asked if the population goes down will as much space be needed in 50 years and if not will the facility be archaic before we have the demand for additional space? Mr. Johnston said that was possible but it is better to have a facility that has more space than it needs rather than to build a facility that doesn't have enough space to meet the demand. The MBR technology is fairly new in the United States and has been in use in Europe for the past 10 to 15 years.

Mr. Oliver asked if the MBR technology is in use in Blain. Mr. Johnston said it was and the MBR technology produces very high quality water and will likely be adequate technology for 40 to 50 years and so will activated sludge as long as you have space to add the processes on to the system to remove nitrogen and pathogens.

Mr. Powers added that given the complexity of the site selection process and the complexity of land acquisition, the community is better off securing ample room so there is plenty of room to address whatever technology that we need to use and a larger growth projection. This is not a process that you should have to do every 10 years.

Mr. Johnson talked about the MBR and the activated sludge treatment processes and explained that the MBR facility would be about three times the size of the facility at Windjammer Park to accommodate the 50 year span for treatment of wastewater but the solids handling would be handled off-site. The upshot is that the MBR process yields very clean water well within the capability of meeting the permit limits and beyond. MBR plants can be located on small sites and have been installed in highly visible areas.

Ms. Johnson-Pfeiffer asked what the difference is between how clean the water is now and what the MBR plant will provide. Mr. Johnston said that right now the water coming out of the Lagoon Plant is about 75 parts per million and the target goal is 10 parts per million and MBR facilities can get .1 parts per million. In terms of pathogens, most pathogens will not pass through the MBR facilities.

Ms. Johnson-Pfeiffer asked if there was a cost analysis with every incremental step. Mr. Johnston said yes there was and we know that the MBR facilities are about 10% more in cost than activated sludge facilities.

Mr. Oliver asked if MBR facilities are more of the trend that communities are going to. Mr. Johnston said yes and from the industry prospective, MBR has the best ability with the fewest need for additional upgrades to meet the permit requirements likely to come over time but it is more expensive.

Mr. Wallin asked if we were including in the cost, the additional buildings that need to be added to the activated sludge facilities as the regulations change. Mr. Johnston said yes because the target effluent goals are the same for both facilities and to meet that goal both plants would need to meet the goal on day one but activated sludge plants can be phased when the new regulations become effective.

Ms. Johnson-Pfeiffer asked how clean regular runoff water is. Mr. Johnston said it depends and that we don't treat stormwater runoff that runs from the roof drains through the wastewater treatment plant.

Mr. Wallin asked if it was true that the Brightwater Plant puts water into the Sound that is cleaner than the water in the Sound. Mr. Powers said that was correct.

Ms. Johnson-Pfeiffer asked if there was a point where you are cleaning the water beyond what is necessary. Mr. Johnston said that it is necessary if the permit requirements require it to be that way. Mr. Powers added that over time the permit conditions will become more restrictive and there is no indication on the horizon that the permits will become more lax than what they are right now so we are headed toward a situation where we think making that investment in infrastructure that can accommodate those greater levels of restrictions makes sense to do it sooner rather than later.

Mr. Johnston explained that the activated sludge process takes more space (about twice as much as MBR) because it is less mechanically intense and it uses more of a settling approach rather than the pressurize pushing of water through a filter. Activated sludge is about 10% less in cost and a little more energy efficient than MBR and uses a biological process to remove pollutants.

Mr. Oliver asked if it is cheaper in terms of labor to run and MBR as opposed to an activated sludge facility. Mr. Johnston explained that activated sludge is cheaper in terms of energy required to filter out the pollutants but it takes longer.

Ms. Jensen asked about maintenance costs. Mr. Johnston said it takes more people to run and activated sludge process and fewer people and more energy to run and MBR process. MBR is more mechanical.

Ms. Johnson-Pfeiffer asked what the longest life-span of an MBR plant was. Mr. Johnston said that the cartridges have about a ten year projected life-span. The treatment plant itself will run as long as you maintain it but in terms of design life we plan for about 40 years.

Ms. Johnson-Pfeiffer asked if an MBR plant has made it to 40 year or 10 or 5. Mr. Johnston said that the technology was introduced in the mid 1970's and became more widespread use in the United States in the 1990's. Mr. Johnston said he would look up whether a plant had made it to 40 years.

Mr. Johnston said that staff is also looking at where the solids would be dealt with. Solids can be dealt with on-site or off-site. Generally speaking, if we are looking at the Windjammer Park site the City would not be dealing with solids at that location. If you are at one of the other sites there would be more space available to deal with solids on-site. The same thing is true with activated sludge.

Mr. Johnston explained that there are choices for the discharge are Oak Harbor Bay, Crescent Harbor Bay and West Beach. The key consideration is shellfish issues that are applied to saltwater discharges. Several agencies either moved or relocated or extended outfalls to avoid having to deal with payments for the loss of shellfish habitat. Looking at Crescent Harbor, West Beach and Oak Harbor Bay, staff came to the conclusion that Oak Harbor Bay would be the best solution for locating the wastewater outfall.

Ms. Johnson-Pfeiffer asked if that was because the shellfish had already died. Mr. Johnston said no and explained that there are three things to look at for potential shellfish commercial viable habitat. 1) is the existence of wastewater treatment outfall, 2) is the location of the Marina, 3) is the location within an urban environment. If a wastewater outfall were put at West Beach the only thing that would result in a shellfish closure area would be the wastewater outfall. In Crescent Harbor there is a small area around the Navy Marina but by-and-large Crescent Harbor is closed because of the existing wastewater outfall. So removal of that outfall will open a significant area for shellfish habitat for commercial harvest. In Oak Harbor Bay you are never going to get away from the fact that it is an urban area and the Marina is not going anywhere so no matter what we do it will still not be a viable commercial shellfish harvest area. That is one of the reasons that Oak Harbor Bay is the most preferable place to install wastewater outfall.

Ms. Johnson-Pfeiffer asked if currents and water movement is considered. Mr. Johnston said they are considered and given the effluent qualities that we are looking for, the amount of water coming in and out of Oak Harbor and the dilution that would occur is adequate to support a wastewater outfall.

Ms. Johnson-Pfeiffer asked if it was 85% clean would it still be adequate. Mr. Johnston said yes under the existing permits today.

Mr. Johnston noted that in December of 2010 the public provided input about where they would put the wastewater treatment plant and that input was blended with the technical requirements to come up with a list of about 12 sites which were narrowed down further through a matrix of objectives. Zoning was considered as well as looking at the technical, financial, social and

environmental objectives. The public and the Council were asked which of the objectives is most important to them and there was no preference on whether a heavier weight should be placed on any categories over another.

Mr. Oliver asked if there was information on projected costs on each site to build either an MBR or an activated sludge plant and which one comes up cheapest? Mr. Johnston said there are projected costs and Windjammer Park is the cheapest site.

Mr. Oliver commented that he was pleasantly surprised when visiting the Blain plant because he could not tell that it was a treatment plant until he walked in. He asked if it was safe to say that a lot of the community does not understand what some of the newer technologies have to offer because a lot of what you hear from the community is, this is our beautiful waterfront and it will ruin it and it will stink but in all actuality even if we go to Crescent Harbor isn't there also going to be some sort of transfer station at Windjammer Park. Mr. Johnston said that no matter where we go there will be some facility at Windjammer Park. Mr. Oliver asked if it would make more sense, cost-wise to have the facility at Windjammer Park and will it take away some of the ball fields. Mr. Johnston said that it was important to look at all four objectives because at this point there has been no emphasis place on any single objective. There are people in the community that would say make it the cheapest place, we don't care where it goes just keep it cheap, but there are other people in the community, and we know this from the results of the surveys and the public forum, that have said we don't care what it cost, don't put it in Windjammer Park. Mr. Oliver asked if the fear was the smell at Windjammer Park. Mr. Johnston said there was a wide variety of opinion as to why it should not be at Windjammer Park but it was fair to say that there is a stigma associated with a wastewater treatment plant. None of the sites will meet all four objectives. Mr. Oliver admitted that he was one of the people that thought don't dare put it at Windjammer Park but after seeing the Blain plant he changed his mind and he thought that more education was key. Mr. Powers said that the City can provide education but may not be able to overcome the social stigma of having it in the park simply by education but there still may be people that say no to putting it at Windjammer Park.

Mr. Johnston went on to explain that the basis of narrowing down the sites to the Windjammer Park site, the Old City Shops site and Crescent Harbor came from the evaluation of the four objectives.

Ms. Johnson-Pfeiffer asked if the population grows less than anticipated would the financial reality change for the Beachview Farm site. Mr. Johnston said no. The cost is really driven by what it costs to get wastewater out to the Beachview Farm site and back into Oak Harbor Bay. Mr. Johnston said that you would think it would be cheaper to run an outfall out to West Beach from Beachview Farm but it is not. It is cheaper to pump wastewater to Beachview Farm and then pump it back to Oak Harbor Bay.

Mr. Oliver asked if the cost of acquisition was included in the cost. Mr. Johnston said that there was some cost of acquisition but the cost of acquisition would be more refined as we narrow the site selection down to two or three rather than five or six.

Mr. Johnston explained that City Council was to narrow the sites to three sites but opted to add a sixth site for evaluation and the sixth property is located in an area inside the urban growth area north of Crescent Harbor Road and east of Regatta Drive. The same objectives will be used to evaluate the sixth site. In the next couple of months the City Council will narrow the site selection from six sites to two or three sites.

Mr. Johnston said that the next steps are to analyze the sixth site and to get more specific cost analysis as to the phasing opportunities of individual projects which will factor into the initial capital costs which affect the rate payers. Then the City will move forward with public outreach

and eventually getting to a short list of two or three sites and then to City Council for action probably in April or May. The target goal is to meet the deadline of December 2012.

Mr. Fakkema asked how long it would take to complete the project once we get to shovels in the ground. Mr. Johnston said it would take about two years to build a plant. Mr. Fakkema asked if Ecology would restrict the time for completing the project. Mr. Johnston said the project was assigned on the City's schedule to get the facility plan to Ecology by the fall of 2012. We expect that once the facility plan is in and we start the design process that we would know what the construction schedule and the permit will reflect that activity. Mr. Johnston said that because of the operational issues at the RBC plant and that we don't have an operating outfall out to Oak Harbor Bay we have crossed a threshold that requires us to start the process to add additional capacity to our treatment system. We have crossed what is called an 85% threshold in capacity in our treatment system. Once the facility plan is approved that will trigger the requirement for us to take action and implement the facility project. Ecology should be accommodating to the City as we move forward and are likely to issue the permits based on input that we gave them as opposed to saying that we aren't doing anything and put the City on Ecology's schedule. The target is to have the wastewater treatment facility operational by 2017.

Mr. Wallin asked if mitigation was factored into the project. Mr. Johnston said to some extent the initial elements reflect some sort of mitigation. We put an assumption on dollars to mitigation if the plant is built at Windjammer Park than we did for building it at Crescent Harbor. Mr. Johnston noted that Brightwater had significant mitigation. Mitigation is pretty typical. The assumption is that the City will likely affect to some extent either the use of the park or the ball fields themselves then mitigation would have to deal with that.

Mr. Oliver asked if it was possible to use the area by the school bus barn for the ball fields. Mr. Johnston said that he hasn't heard of that as a possibility. Mr. Oliver suggested looking into it.

Ms. Johnson-Pfeiffer asked what would happen if we can't afford to do what we want to do and in what part in the process do we know what is realistic and what isn't. Mr. Johnston said the financial planning is critical and something that the City Council started three years ago. As part of their look at utility rates they factored into the utility rate study the cost of infrastructure improvements and one was the wastewater treatment plant. In rate study they looked at rates five years and into the future. In doing so they factored in a seventy-million dollar cost to the utility which means that the increase to the rate payers would pay for seventy-million dollars of expenditures which would set the rates to about \$65 to \$70 per month by 2017, essentially, a little more than doubling the sewer rates over a period of 4 to 5 years. As for the question of affordability, the City can afford it, provided that they can raise their rates sufficient to cover the costs. So the next question is can the rate payers afford to pay those rates which is a difficult question to ask. Typically, cities that are building a wastewater treatment plant will be in the range between \$60 and \$100 per month for wastewater. Blain is about \$95 per month now. It is a major change from the 1970's/1980's when the Federal government was paying for about 80% of wastewater treatment plants and right now they are paying next to nothing so the burden has been shifted back to the rate payers. If you are connecting to the new Brightwater facility you are going to pay about \$110 per month for just the wastewater treatment in addition to whatever your collection system is charging.

Ms. Johnson-Pfeiffer asked at what point in the process does the City start to scale back and make alternate decisions. How far do you get into the process before you realized that it is not affordable? Mr. Johnston said that Council is saying that they want the costs kept consistent to the seventy-million dollar range.

Ms. Johnson-Pfeiffer asked if we are not able to keep within the seventy-million dollar range will we scale back on how clean the water will be? Mr. Johnston said that the Council would have

to make that decision at that point. That is probably a decision after the facility plan has been submitted and approved and we have chosen a process and a site that will target that reasonable cost range. Once you get into the specific design is when you start taking things down to the next step.

Ms. Johnson-Pfeiffer talked about the football stadium that ended costing more than they thought and they had to make that up in other places and that was a small example but this is a big example and she was a little worried it may be a little bit too expensive for what we can sustain.

Mr. Powers said that you would likely see those types of choices being made once you have a site selected and once the facility plan is approved and then we are down to the nuts and bolts of designing the facility and assigning hard estimated engineering cost to each of the components. If because of whatever circumstances we find that that cost is significantly greater than what we have been planning for the Council will have to make choices as to what are the things that we are not going to provide in the facility.

Ms. Johnson-Pfeiffer said that if one of the things we give up is smell and we have chosen the Windjammer Park site then people will think that this was a poor selection because they were promised certain deliverables which during the process we determined we could not deliver. Mr. Powers said that in a sense Ms. Johnson-Pfeiffer's is asking the same question the Council is asking which is a difficult thing to do in looking for an incredible amount of detail relative to cost and design for each of the six alternatives which is not something that we have the time or the dollars to devote to that process. We believe that this process will take into consideration enough of the factors so that as we whittle down from the big list to the six then to three and finally to the one, we will develop a comfort level with our ability to build that particular project in the range of the cost that we have been talking about. There is always going to be a caveat that the world changes on us between the time that Council makes a choice and the time we award the construction contract than we will have to deal with those circumstances. Mr. Johnston added that the Council has directed staff to get specific rate impacts and that tries to get to the affordability to our residential customer. The Council is focusing on this but it is a difficult thing to do when you are looking at a ten-thousand foot level when you want a hundred foot level of detail.

Mr. Wallin asked if the Council set aside 70 million and the estimate is 90 million. Mr. Johnston said that it is not the estimate. The comparison of the sites in the process is around 90 to 95 million between the five sites and he would not characterize that as the estimate of construction costs. The 70 million is the City's contribution to the project. At some point we are assuming that the Navy wastewater will come into the City to be treated and the Navy will pay their fair share of the costs as well. What we have not determined yet is the phasing. Depending on the location, site and process that is picked there will be different phasing alternatives and different needs for expenditures on year one. We have made an assumption that the City is going to assume 70 million in bonds being issued to build something in 2017, so a 35 million dollar bond in 2016 and a 35 million dollar bond in 2017. If you phase that over time and there are more opportunities at different locations then you may be looking at 20 million dollars in 2015 and 20 million dollars in 2025 which has a huge affect to rate payers. The 90 million is a comparative tool. If we look at two sites and their associated objectives and if the cost of one site is 90 million and the most expensive is 95 million then the cost is not the most significant decision-making factor. It is an important tool but there is not enough separation over that margin of cost. At some point the cost will become a major decision making tool but at this point it is not.

Planning Commission had no further questions or comments.

ADJOURN: 9:45 p.m.

Sign Code Update

Public Hearing

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 3/14/12
Re: Sign Code Update – Draft Code and further discussion

Introduction

This memorandum introduces the first draft of revisions to the “Temporary and Special Signs” code (OHMC 19.36.080) to Planning Commission. The memorandum first discusses the organization of the draft code and then moves on to a discussion of issues addressed by the temporary sign code.

In the course of revising the code, staff had multiple internal discussions about the scope and nature of these amendments. When we first began this project, the original intent was to make a “surgical” repair to the temporary sign code pertaining to political signs on public property. The project has evolved in discussions with the Planning Commission to also address commercial signs on public property, as well as both political and commercial signs on private property. The scope of the project has grown in response to Planning Commission and staff comments.

City Council approved a six month extension on the interim ordinance in December 2011 which made the interim code valid until July, 2012. Due to the “new”, larger project scope, staff does not anticipate being able to conclude discussions with the Planning Commission on the draft code, forward it to the City Council and have it adopted by July of this year. For that reason, staff is proposing to adopt the interim ordinance in July while also continuing work on the draft code with Planning Commission. Staff will return to Planning Commission with the interim code in May, which will then be forwarded to City Council for their approval. However, to maintain momentum with the Planning Commission, staff is attaching the draft code for your initial review and comment.

Organization of the draft code

The draft code attempts to address Planning Commission desires as expressed in public discussion from previous meetings. The code is organized into three basic subsections: (1) Permits for temporary signs (2) Temporary signs on private property and (3) Temporary signs on public property.

Permits for temporary signs

As suggested by Planning Commission in February, staff have written a code section requiring that all temporary signs, except political, obtain a permit. Due to the nature of temporary signs, the permit will be a Type I administrative review, the simplest, least time-consuming review allowable under City code. Permits must be approved or denied within two business days after receiving a complete application. There will be no fees for temporary signs.

Planning Commission commented on the “cluttered” nature of temporary signs in the City. Staff believes having a simple permit system will help reduce the number of unauthorized signs and address quality of these signs prior to their placement.

Temporary signs on private property/Temporary signs on public property

The draft code organizes regulations by property type (private/public). Each of the subsections (private/public) begins with statements about the principles that all temporary signs must meet. These principles were garnered from discussions with the Planning Commission and outline the community's desires with regard to these signs. For instance, in response to Planning Commission comments, temporary signs on private property shall not be in place for more than six months, clutter the visual landscape, or contain hand-drawn or hand-painted images or lettering. After listing the principles, each of the subsections (private/public) contains specific regulations by sign type.

For signs on public property, general standards for location, safety, size, height, and maintenance apply to these signs. More specific regulations for time limits, number, size, location, and quality apply to specific sign types. Signs may not be hand-drawn or hand-painted, with the exception of garage sale signs.

Issues addressed by the temporary sign code

Planning Commission had a number of concerns/suggestions regarding revisions to the temporary sign code. Staff attempted to address these concerns wherever possible. Following is a list of concerns/comments expressed by Planning Commission and how the draft code addresses these issues:

- Temporary signs should not be allowed on public buildings, parks, or vehicles, but should be allowed on certain portions of the right-of-way. The draft code accomplishes this by prohibiting signs on any public property other than in specific portions of the public right-of-way. Only four types of signs are allowed within right-of-way: political signs, real estate “open house” signs, portable A-frame signs, and garage sale signs.
- Signs on Little League field, Beeksma-Gateway Park, and the City’s solid waste collection vehicle. Specific exceptions have been made for signs at the Little League field in Windjammer Park, Beeksma-Gateway Park, and the City’s solid waste collection vehicle. Sponsoring organizations or individuals can place signs on the outfield fences on the Little League fields. At Beeksma-Gateway park and on the City’s solid waste vehicle, banners displaying a public service, informational, or community message are allowed. However no signs displaying a political, commercial, or religious message may be displayed at Beeksma-Gateway Park or the City’s solid waste collection vehicle.
- Timeframes. The code limits temporary signs to a period of six months, with the exception of political signs which can be placed at anytime preceding an election. Specific types of signs have smaller time frames. For instance, general promotions signs may only be in place for 30 days. Real estate “open house” signs and garage sale signs are allowed to be placed the day of the event and are required to be taken down the same day, in keeping with Planning Commission’s request.
- Permit system for temporary signs. Staff created a simple permit system, under a Review Process I for temporary signs. This should help inform applicants as to what is appropriate/inappropriate with regard to temporary signs and help reduce clutter. Emunclaw is an example of one Washington jurisdiction which requires permits for temporary signs.
- Political signs should be removed seven days after an election in accordance with Planning Commission comments.

- Quality of signage, especially A-frames. As a general principle, the draft code requires that temporary signs be of a professional quality. Specific standards require that temporary signs not be hand-drawn or painted.
- Temporary signs should not be a distraction to traffic. General principles for private and public temporary signs require that signs not be a distraction for traffic. The draft code continues the ban that is found in the existing code on clusters, flags, pennants, ribbons, streamers, shimmering discs, spinners, twirlers, propellers, strings of lights, moving, flashing, rotating or blinking lights, chasing or scintillating lights, flares, or large balloons, bubble machines, or containing elements creating sound or smell. Specific size and number standards apply to sign types on private property. Signs within rights-of-way are not allowed to be higher than 3.5 feet tall. Damaged signs may be removed by City staff for safety reasons.
- Does not create leniencies for commercial signs not available to political signs. Political signs on private property are allowed equal size to commercial signs on private property and are not limited in number, as are commercial signs. On public property, political signs have equal size, height, location, and manner restrictions as commercial signs, but do not have restrictions on number consistent with staff's understanding of case law on political speech.
- Regulates time, place, manner of signs, but not content. The sign code does not regulate content, with the exception of obscenity which is allowed to be regulated by law.
- There were a number of comments voiced at the Planning Commission meeting suggesting that the City should regulate the number of temporary signs. While it is probably not constitutionally permissible to regulate the number of political signs, the draft code maintains restrictions limiting the quantity of specific types of signs as shown in the table below:

Type of Sign	Quantity Restriction
Construction signs	One sign per street frontage. May be double faced.
Promotions	One banner per street frontage & one banner per building
Light pole banners	One per light pole
Real estate	Generally, one per street frontage. May be double-faced.
Civic organizations	Two A-frames per event
A-frames	One per business
Political headquarters/party headquarters	Must meet permanent sign requirements
Political signs on private property	No limit
Political signs on public property (right-of-way)	No limit
Residential "open house" signs on public property	Three single or double-faced per residence.
A-frames on public property	One per business
Garage sale signs on public property	Three per event/sale

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.36 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "TEMPORARY AND SPECIAL SIGNS".

WHEREAS, and;"

WHEREAS, and;

WHEREAS, and;

WHEREAS, and;

WHEREAS, and;

WHEREAS, and;

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on October 25, 2011 and public meetings before the Planning Commission on November 22, 2011 and February 28, 2012 and opened a public hearing on March 27, 2012 which was closed on March 27, 2012, and;

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

WHEREAS,

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 adopted by Ordinance 1553 section 2 in 2009 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) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
- (10) "Canopy sign" means any sign erected upon, against or directly above a canopy.
- (11) "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.
- (12) "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.
- (13) "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.
- (14) "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.
- (15) "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.
- (16) "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.).
- (17) "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.

- (18) "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.
- (19) "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.
- (20) "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.)
- (21) "Marquee" means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.
- (22) "Monument sign" means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.
- (23) "Multiple-occupancy building" means a single structure housing more than one type of retail business office or commercial venture.
- (24) "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.
- (25) "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.
- (26) "Occupant" means the person, firm or corporation that occupies the land or building.
- (27) "Office building" means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.
- (28) "Parapet" means that portion of a building wall which extends above the roof of the building.
- (29) "Penthouse" means a structure on top of a building roof such as houses an elevator shaft or similar form.
- (30) "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.
- (31) "Political sign" means signs advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.
- (32) "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 (20) 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.

- (33) "Property line" means the line denoting the limits of legal ownership of property.
- (34) "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.
- (35) "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.
- (36) "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.
- (37) "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.
- (38) "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.
- (39) Special Signs. See "Temporary and Special Signs."
- (40) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.
- (41) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.
- (42) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.
- (43) Surface Area. See "Area or surface area of sign."
- (44) "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.

- (45) Temporary and Special Signs. Temporary and special signs are those, which are not defined as “primary signs” or “incidental signs” by this chapter. Temporary and special signs are typically not permitted for placement for periods longer than six months in a calendar year. Different types of temporary and special signs included in this category, but are not limited to construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, and subdivision directional signs, A-frame signs, political signs, and garage sale signs. (see OHMC 19.36.080).
- (46) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by an electronic message center or similar device. The use of video is not permitted in any zoning district.
- (47) "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.
- (48) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.
- (49) "Window sign" means all signs located inside and affixed to or within three feet of windows of a building, whether temporary or permanent, except lighted signs of a commercial advertisement nature which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window. Lighted window signs shall be included in determining the number of primary signs and in determining the permissible sign area for each facade. Does not include incidental signs. (See OHMC 19.36.030.)

Section Two. Section 19.36.060 of the Oak Harbor Municipal Code last adopted by Ordinance 1553 section 5 in 2009 is hereby readopted and to read as follows:

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

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

- (1) Exceptions. In the public facilities zoning district, a single freestanding or building-mounted changing general electronic reader board is allowed with the following restrictions:
- (a) Freestanding signs are limited to 35 square feet in sign area, no more than 15 feet in height and must be set back five feet from the property line;
 - (b) Wall-mounted signs are limited to 35 square feet in sign area and no more than 20 feet in height;
 - (c) Lettering shall not be more than 12 inches in height;

- (d) The electronic message shall be limited to those allowed on noncommercial signs as defined in OHMC 19.36.020(25) and shall not change more frequently than every four seconds;
- (e) The sign's lights shall be limited to a warm-toned, off-white color or other similar color as approved by the development services director;
- (f) An electronic reader board counts as one of the allowed primary signs; and
- (g) For locations adjacent to a residential use or district, electronic displays shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.

Section Three. Section 19.36.070 of the Oak Harbor Municipal Code last adopted by Ordinance 1553 section 5 in 2009 is hereby readopted and to read as follows:

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

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

- (A) The sign is to identify current events or activities;
 - (B) The sign or message is for a temporary period of time sufficient to inform the public of the event or activity with a maximum of two weeks;
 - (C) The sign shall not be located on street right-of-way except when a part of a permanent subdivision or neighborhood designation sign (see subsection (3)(d) of this section);
 - (D) The sign shall not exceed 15 square feet in area nor five feet in height;
 - (E) Not more than two such signs shall be permitted.
- (b) Illumination. Illumination from or upon any signs in single-family residential districts shall be shaded, shielded, directed or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.
 - (c) House Numbers. All houses in the single-family residential district shall display house numbers visible from the street and letters or numbers shall be a minimum of five inches in height.
 - (d) Permanent Subdivision or Neighborhood Designation Signs. Signs shall be unobtrusive, in keeping with the character of the neighborhood, and constructed of quality materials, as approved in advance by the administrator of this code. Signs shall not exceed five feet in height and 25 square feet in surface area, and shall be located between the building line and property line unless a location of excess city right-of-way is approved by the superintendent of public works. Responsibility for the future maintenance or removal of these signs must be determined prior to their construction.

Section Four. Section 19.36.080 of the Oak Harbor Municipal Code last adopted by Ordinance 1553 section 5 in 2009 is hereby amended to read as follows:

19.36.080 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a short period of time. The category includes, but is not limited to, the temporary signs specified in this section on both private and public property.~~any banner, pennant or advertising display constructed of canvas, fabric, wood, plastic or other semi-durable material, with or without frame. Permissible signs, with applicable limitations, are as follows~~^[E1]:

(1) Permits for temporary signs. All temporary signs specified in this section, with the exception of “political signs on property not a headquarters” and political signs on public rights-of-way require that a permit application be filed and approved prior to placement of the sign on private or public property. There shall be no fee for temporary sign permits.

- (a) Permits may be obtained from the Development Services Department and must contain all information as requested on the relevant form. Permits for temporary signage are Review Process I under OHMC 18.20.
- (b) All proposed temporary signs must meet the requirements contained in this code section. Although no permit is required for certain types of political signs specified above, they must continue to meet the requirements of this section.

(c) The Development Services Department shall approve or deny a permit for temporary signs within two (2) business days from the time a permit was submitted to the Department with all required information.

(2) Temporary signs on private property.

(a) Temporary signs on private property shall adhere to the following principles.

Temporary signs shall not:

(i) Obstruct designated vehicle or pedestrian traffic circulation areas;

(ii) Represent safety problems by creating traffic distractions;

(iii) Be in a state of disrepair including being tattered, torn, or broken;

(iv) Contain obscene language, symbols or images;

(v) Be in place for more than six months during a calendar year with the exception of alternate timelines specified for real estate and political signs stated in this code section.

(vi) Clutter the visual landscape by not meeting the quantity and quality standards specified in this section; and,

(vii) Shall not have an unprofessional appearance

(b) Regulations for temporary signs on private property. The following signs and regulations are presumed to meet the principles outlined in subsection (a) above.

(i)(1) Construction Signs.

(A)(a) These signs identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building, or the purpose for which the building is intended. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign (which may be double-faced) is permitted per construction project for each public street upon which the project fronts.

(B)(b) In all zones other than single-family residential zones, no construction sign shall exceed 32 square feet in surface area or 10 feet in height, nor be located closer than 10 feet from the property line or closer than 30 feet from the property line of the abutting owner. Further, such signs must be removed by the date of first occupancy of the premises, or one year after placement of the sign, whichever first occurs.

(C)(c) In single-family residential zones, no construction sign shall exceed eight square feet in surface area, or be located closer than 10 feet from the property line of the abutting owner. Such signs shall be removed by the date of first occupancy of the premises or six months after first placement of the sign, whichever first occurs.

(ii)(2) General Promotions.

(A)(a) General promotions are those events which occur on a regular basis in retail businesses for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year-end, etc.), seasonal sales and the like.

(B)(b) Allowed temporary signage for these types of events consists of posters in windows, posters under motor vehicle hoods, glass

painting, small balloons of less than 12 inches in diameter and a maximum of one banner per street frontage placed on the exterior of the building on the space that the particular business occupies. The size of the banners will be limited to a maximum of four feet in height and a maximum length of either 50 percent of the length of the side of the building on which the banner is located or 30 feet. Businesses with a facade of less than 24 feet in length may have banners of up to 12 feet in length. Each separate business is permitted to have one banner on the building.

~~(C)(e)~~ No clusters of flags or pennants, ribbons, streamers, shimmering discs, spinners, twirlers, or propellers, strings of lights, moving, flashing, rotating or blinking lights, chasing or scintillating lights, flares, or large balloons, bubble machines and similar devices of a carnival nature, or containing elements creating sound or smell may be used for these types of promotions with the exception of Christmas, when flashing Christmas-type lights will be allowed.

~~(D)(d)~~ The duration of these promotions will be 30 days maximum. ~~(except banners) and no permit will be required. Banners have no time restrictions but~~ shall be placed solely on the building for which the banner is advertising. In the event that the banner becomes dilapidated or otherwise ruined it must be removed or replaced. Such promotions are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Banners shall be allowed in addition to primary signage and shall not be used as primary signs. ~~When no primary sign is installed the duration of a banner shall be no more than 30 days.~~

~~(iii)(3)~~ Light Pole Banners.

~~(A)(a)~~ Businesses may have light pole banners on 100 percent of the total number of poles located in privately owned parking lots.

~~(B)(b)~~ Size of banners shall be limited to three feet by seven feet free flying or two feet by six feet when attached by brackets.

~~(C)(c)~~ There shall be at least eight feet of clearance between the bottom of the banner and the ground. No banner shall extend over a public sidewalk or street.

~~(D)(d)~~ ~~There is no time limit for light pole banners.~~ However, when the banners become dilapidated or otherwise ruined, they must be removed or replaced.

~~(E)(e)~~ No other signage of any type shall be permitted on light poles where light pole banners are displayed.

~~(iv)(4)~~ Grand Openings and Anniversaries.

~~(A)(a)~~ Businesses may have one grand opening or anniversary promotion per year. One additional such promotion may be held if the business changes ownership or management, should this occur less than one year after a particular grand opening or anniversary promotion.

~~(B)(b)~~ In addition to those items allowed in general promotions (above) the business may also use flags, pennants, ribbons, streamers, various types of balloons (including large “hot air” types), and strings of lights.

~~(C)(c)~~ These promotions will be no more than 30 days in length.

~~(v)(5)~~ Grandfathered Commercial Promotions Signage. No existing temporary or special signage will be grandfathered. Businesses will have 60 days from the date of enactment of the ordinance codified in this chapter in which to comply.

~~(vi)(6)~~ Real Estate Signs. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:

~~(A)(a)~~ Residential “For Sale” or “For Rent” Signs. Signs advertising residential property for sale or for rent shall be limited to one single- or double-faced sign per street frontage. Sign to be installed 30 days prior to becoming available or during a vacancy only.

Residential “For Sale” or “For Rent” signs may be in place for the entire period that the unit or property is for sale or rent and are not subject to the six month time limit for temporary and special signs.

The sign may not exceed four square feet in surface area, and must be placed wholly on the property for sale or rent. The “For Sale” or “For Rent” sign may remain up until the property is sold or rented.

~~(B)(b)~~ Residential Directions “Open House” Signs. Signs advertising an open house and the directions to a residence for sale shall be limited to one single- or double-faced on-premises for sale and three single- or double-faced off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, off-premises signs are limited to four for the entire development or subdivision. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. No such sign shall exceed four square feet in surface area. The sign may be placed along the periphery of a public right-of-way.

~~(C)(c)~~ Residential Condominiums, Condominium Conversions, Apartments, Mobile Home Parks and New Subdivisions.

~~1.(i)~~ Temporary Real Estate Signs. Temporary signs, posters and banners may be used for the grand opening and ongoing promotion of new residential projects having five or more units. These signs and banners may be used in a particular project for a period not exceeding one year after the date of issuance of the final occupancy permit for that project or at such time as the project is 90 percent occupied, whichever occurs first, or in the case of subdivision and mobile home parks, one year after final plat approval. In the event that the project consists of more than one phase, as in a “phased” condominium project, the signs and banners promoting one phase must be removed prior to installing

the signs and banners for the next phase. A time extension may be granted for up to one year in length by the building official where 90 percent occupancy has not been obtained. Justification for the extension includes:

~~a.(A)~~ Certification of vacant units; and

~~b.(B)~~ Statement of reason for lack of occupancy.

~~2.(ii)~~ Allowable Number and Sizes of Signs.

~~a.(A)~~ One banner of not more than 30 feet in length and four feet in height advertising the project for sale or rent;

~~b.(B)~~ Banners or signs of not more than 18 square feet each on each model unit with a maximum of three of these types allowed per project or phase;

~~c.(C)~~ "A-frame" and other signs used internally within the project as needed for the purpose of directing traffic to model units or open house functions;

~~d.(D)~~ One sign per road frontage of not more than 32 square feet per side advertising the project for rent or sale. These signs may be installed only after the construction sign has been removed.

~~(D)(4)~~ Undeveloped Commercial or Industrial Property "For Sale or Rent" Signs. Signs advertising undeveloped commercial or industrial property for sale or rent shall be limited to one single- or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The sign may not exceed 16 square feet in surface area. If freestanding, the sign may not exceed five feet in height, and shall be located more than 15 feet from any abutting interior property line and wholly on the property for sale or rent.

~~(E)(e)~~ Developed Commercial or Industrial Property "For Sale or Rent" Signs. Signs advertising developed commercial or industrial property for sale or rent shall be limited to one single- or double-faced sign per street frontage. Signs may be displayed while the building is actually for rent or sale. The sign may not exceed 16 feet in surface area. If freestanding, the sign may not exceed five feet in height and shall be located more than 15 feet from any abutting side or rear property line, and wholly on the property for sale or rent.

~~(F)(f)~~ Residential Land Subdivision Signs. Signs advertising residential subdivisions shall be limited to one single- or double-faced sign not exceeding a total of 32 square feet in surface area placed at a right angle to the street, or two signs not exceeding a total of 32 square feet in surface area facing the street, which shall be at least 200 feet apart. No sign shall project beyond the building line. Such signs must be placed more than 30 feet from the abutting owner's property line and may not exceed a height of 12 feet. Such signs

shall be removed by the end of one year or when 75 percent of the houses in the subdivision are sold or occupied, whichever first occurs. Permanent subdivision or neighborhood designation signs shall be approved by the administrator of this code as set forth in OHMC 19.36.070.

~~(G)(g)~~ Subdivision Directional Signs Designating New Development. Signs advertising the direction to a subdivision shall be furnished and placed only by the developer or residents of the subdivision, but at locations designated by the city. Signs shall be of the dimensions 12 inches by 36 inches, shall bear only the name of the subdivision and a directional arrow (no name of realtor permitted), and be limited in number to four. The city will designate placement of the signs at street intersections a maximum of one mile from the nearest subdivision entrance. The signs shall be maintained by the developer and removed at the end of one year or when 75 percent of the subdivision is occupied, whichever first occurs, unless a variance is granted by the hearing examiner.

~~(H)(h)~~ Undeveloped Multifamily Property “For Sale” Signs. Permissible signs and their limitations for undeveloped multifamily zoned property shall be identical to those for undeveloped commercial and industrial property “For Sale” signs as set forth in subsection (6)(d) of this section.

~~(I)(i)~~ Undeveloped Single-Family Acreage “For Sale” Signs. Permissible signs and their limitations for undeveloped, unsubdivided single-family property which may be legally divided into four or more single lots shall be identical to those for undeveloped commercial and industrial property “For Sale” signs as set forth in subsection (6)(d) of this section.

- ~~(7)~~
- ~~(vii)~~ Community Events and Fundraisers. Celebrations such as Holland Happening, the Fourth of July, and similar events scheduled for the benefit of the general community may install temporary directional signing, provided such signs are removed within two days following the event.
 - ~~(viii)~~ Civic Organizations. Civic organizations shall be allowed to have two A-frame signs per event or sale. This sign is in addition to directional signs that may be necessary. The sign shall be no larger than the allowed maximum for a business and subject to all requirements of A-frames for businesses. The sign shall be placed solely on the property for which the activity will be conducted and written permission must be obtained from the property owner or their designee. A civic organization sign shall be in addition to any other A-frame signs existing on site at time of application.
 - ~~(xi)~~ Portable A-Frame Signs. For the purpose of this code, portable A-frame signs also include sandwich board signs.
 - ~~(A)~~ Location. The portable A-frame sign shall be placed solely on the property of the business for which the sign advertises. Signs shall be located no more than four feet from the building line. No two portable A-frames shall be closer than 10 feet from one another.

(B) Size. Each business is permitted to have one portable A-frame sign no larger than 36 inches by 48 inches.

(C) Time limit. Portable A-frame signs shall be placed during normal business hours and removed at the close of business each day.

(D) Lighting. No direct or indirect lighting of any kind shall be permitted.

(E) Construction. A-frame signs shall be constructed to be sturdy and withstand all types of weather conditions.

(F) Lettering. No more than two-thirds of the total A-frame sign area may be reader board or changeable copy. A-frame signs shall not contain hand-drawn or hand-painted images or lettering.

(x) No temporary vehicular-mounted sign shall be placed in such a manner as to subvert the intentions of this chapter.

(xi) Political Headquarters Signs.

(A)(a) Party Headquarters. On-premises political signs are permitted on the premises of political headquarters located in the business districts (OHMC 19.36.030), on office buildings in the residential/office and neighborhood commercial districts (OHMC 19.36.040), and in the industrial district (OHMC 19.36.050), so long as the signs meet the requirements of those districts.

(B)(b) Headquarters for Candidate or Ballot Issue. On-premises political signs are permitted on the premises of the headquarters of a candidate for public elective office (whether partisan or nonpartisan) or on the headquarters of persons supporting or opposing a public issue decided by ballot, when such headquarters are located in the commercial districts (OHMC 19.36.030), on office buildings in the residential/office and neighborhood commercial districts (OHMC 19.36.040), and in the industrial district (OHMC 19.36.050), so long as the signs meet the requirements of those districts and so long as the signs remain for a period no longer than six months. **Political headquarters signs are not subject to the six month per calendar year time restriction.** Such signs shall be removed within seven days after the general election.

(8) (xii) Political Signs on Private Property Not a Headquarters.

(A)(a) Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property. **Political signs on private property not a headquarters are not subject to the six month per calendar year time restriction.** Such signs, posters or bills shall be permitted ~~only for a period of 60 days preceding the election and for~~ through a period of seven days following such election; provided, that signs, posters or bills promoting successful candidates in a primary election may remain displayed on private property until seven days following the immediately subsequent general election.

~~(B)~~(b) Sign Dimension and Location. Political signs shall not exceed 32 square feet in surface area per side or 10 feet in height, or be located closer than five feet from the property line or closer than 15 feet from the property line of an abutting owner. Signs must be located so as not to restrict sight distances on approaches to intersections. ~~A frame type political signs are not permitted.~~ Political signs located along SR-20 within the city limits of Oak Harbor must be located on private property. Signs installed within the SR-20 right-of-way will be removed by the city or State Highway Department personnel.

~~(C)~~(e) Removal of Signs Following Election. Any such sign, poster or bill shall be removed within seven days following ~~an~~ the general election. It shall be the responsibility of the above campaign officer or responsible official to have the signs, posters or bills removed.

- ~~(d) Political Signs Not Allowed on Public Property. It is unlawful for any person to paste, paint, affix or fasten on any utility pole or on the sidewalk, roadway, or on any public building or structure any such sign, poster, bill or other advertising device when such facilities are located on public property or within public easements.~~
- ~~(e) Public Notices Unaffected. Nothing in this section shall be construed to prohibit the placement of public notices required by law.~~
- ~~(f) The display of any political sign in violation of this section, or any portion thereof, shall be presumed to have been done at the direction and request of the campaign officer or responsible official.~~
- ~~(g) No permit is required for placement of political signs.~~
- ~~(9) Community Events and Fundraisers. Celebrations such as Holland Happening, the Fourth of July, and similar events scheduled for the benefit of the general community may install temporary directional signing, provided such signs are removed within two days following the event.~~
- ~~(10) Civic Organizations. Civic organizations shall be allowed to have two A frame signs per event or sale. This sign is in addition to directional signs that may be necessary. The sign shall be no larger than the allowed maximum for a business and subject to all requirements of A frames for businesses. The sign shall be placed solely on the property for which the activity will be conducted and written permission must be obtained from the property owner or their designee. A civic organization sign shall be in addition to any other A frame signs existing on site at time of application.~~
- ~~(11) Portable A Frame Signs:
 - ~~(a) Portable A frame signs, for the purpose of this code, also include sandwich board signs.~~
 - ~~(b) Portable A frame signs are allowed in all districts throughout the city except the CBD.~~
 - ~~(c) Each business is permitted to have one portable A frame sign no larger than 36 inches by 48 inches. The portable A frame sign shall be included in the total allowable signage for said business.~~~~

- ~~(d) The portable A-frame sign shall be placed solely on the property of the business for which the sign advertises during normal business hours and removed at the close of business, and located no further than four feet from the building line. No two portable A-frames shall be closer than 20 feet from one another. No direct or indirect lighting of any kind shall be permitted.~~
- ~~(e) A-frame signs shall be constructed to be sturdy and withstand all types of weather conditions. No more than two-thirds of the total A-frame sign area may be reader-board or changeable copy. All artistic embellishments and lettering shall have the appearance of professionalism.~~
- ~~(12) No temporary vehicular-mounted sign shall be placed in such a manner as to subvert the intentions of this chapter.~~

(3) Temporary signs on public property.

(a) Temporary signs on public property shall adhere to the following principles:

- (i) Temporary signs shall not be located on types or portions of public property other than what is specifically authorized herein;
- (ii) Detract from the primary purpose of the public property or facility;
- (iii) Obstruct designated vehicle, bicycle, or pedestrian traffic circulation areas;
- (iv) Represent safety problems by creating traffic distractions or visual obstructions;
- (v) Be in a state of disrepair including being tattered, torn, ripped, defaced, or broken;
- (vi) Contain obscene language, symbols or images;
- (vii) Be in place for more time than is specifically authorized herein;
- (viii) Shall not have an unprofessional appearance

(b) Regulations for temporary signs on public property. The following signs and regulations are presumed to meet the principles outlined in subsection (a) above.

(A)(i) General standards.

(A) Types of temporary signs permitted on public property. Sign types permitted on public property include political signs, real estate open house signs, portable A-frame signs, and garage sale signs. Sign types other than those specified above are not permitted on public property.

(B) Location. Temporary signs on public property shall only be located within specific areas of the public right-of-way and within certain City parks as specified herein. Temporary signs are not allowed on other types of public property not within this code section.

Permitted temporary signs may not be placed in visibility triangles as that area is defined by Chapter 11.17 OHMC. Temporary signs placed within the public-right-of-way may only be located within the landscape strip ("planter strip") or on the public sidewalk. However, a four foot unobstructed width for pedestrians and wheelchair access on sidewalks must be maintained. No signs may be placed within vehicle or bicycle travel lanes.

medians, traffic circles, parking lanes, on utility poles or on traffic sign poles. Prior to placement of temporary signs in public right-of-way, permission of the adjacent and nearest property owner must first be obtained[ES4].

Temporary signs of sponsoring companies, organizations, or individuals may be placed within Windjammer Park at the Little League baseball fields on the outfield fences.

Temporary signs broadcasting a public service, informational or community message may be placed on the City's solid waste collection vehicles. These messages must serve a neutral or public purpose and may not include political, commercial, or religious messages of any kind.

Temporary sign banners may be placed at Beekma-Gateway Park displaying a public service, informational, or community message. These messages must serve a neutral or public purpose and may not include political, commercial, or religious messages of any kind.

- (C) Safety. If a temporary sign is deemed to be a traffic safety hazard, then City personnel may move signs or request that the entity who placed the sign move them.
- (D) Size. Temporary signs located within the public right-of-way may not be more than six square feet in size. Double-faced signs of six square feet on each side are permitted.
- (E) Height. So as not to obstruct visibility for vehicular, pedestrian, and bicycle traffic, temporary signs may not be more than 3.5 feet in height when located within the public right-of-way[ES5].
- (F) Time limits. Specific time limitations apply to each of the permitted temporary signs on public property.
- (G) Professional quality. Temporary signs shall not contain hand-drawn or hand-painted images or lettering.
- (H) Public works projects. The City personnel may remove temporary signs from public rights-of-way in order to conduct periodic maintenance activities. Staff will make an effort to replace the sign in its previous location. If signs must be removed, they may be picked up at City Hall and returned to their prior location if still within the durational limit. City personnel may permanently remove temporary signs from public rights-of-way for the purposes of carrying out major public works projects. Temporary signs removed for this purpose will be held and made available for pick up at City Hall for one month following the date of removal.
- (I) Removal of signs in disrepair. City personnel may remove any sign which is in a state of disrepair from the public right-of-way or

public property at any time. For purposes of this subsection, a sign is in a state of disrepair if it is ripped, torn, broken, faded, obliterated, obscured, dilapidated, blown down, knocked over or in any other state which its message has ceased to be readable or legible.

(ii) Political signs. In addition to the general standards, the following standards apply to temporary political signs on public property:

(A) Time limit. Political signs on public property may be placed at any time prior to an election, but shall be removed within seven days after the date of the election to which the sign pertains. Failure to remove political signs within the time limit provided shall constitute a violation of this code and shall be punishable as such. In the event that city personnel are required to remove signs from public rights-of-way after expiration of the post-election time limit, all costs associated with such removal shall be the responsibility of the candidate or campaign organization for who the sign was posted and shall be collected in addition to any other penalty applicable for failure to remove the sign.

(B) The display of any political sign in violation of this section, or any portion thereof, shall be presumed to have been done at the direction and request of the campaign officer or responsible official.

(iii) Residential “open house” signs. In addition to the general standards, the following standards apply to residential “open house” signs placed within the public right-of-way:

(A) Number. Three single or double faced signs per residence which is for sale or rent are allowed within the public right-of-way. However, if a realtor has more than one house open for sale or rent in a single development or subdivision, off-premises signs are limited to four for the entire development or subdivision.

(B) Time limit. Such signs are permitted only during daylight hours and when the realtor or seller or an agent is in attendance at the property for sale. Open house or for sale signs must be removed the same day as the open house event ends.

(C) Size. Open house signs located within the public right-of-way may not be more than six square feet in size. Double-faced signs of six square feet on each side are permitted.

(iv) Portable A-frame signs. In addition to the general standards, the following standards apply to temporary portable A-frame signs placed within the public right-of-way.

(A) Location. A-frame commercial signs may be placed within the public right-of-way where adequate sidewalk width exists. Such signs shall be placed within the outer three feet (3’) of the sidewalk nearest the curb line. There shall be at least four feet (4’) unobstructed width on the sidewalk to allow for pedestrian and

disabled persons passage. Where inadequate sidewalk width exists to maintain the minimum clearance, A-frame signs may be placed within the landscape strip (“planter strip”). No two portable A-frames shall be closer than 10 feet from one another.

(B) Size. Each business is permitted to have one portable A-frame sign no larger than 36 inches by 48 inches.

(C) Time limit. Portable A-frame signs shall be placed during normal business hours and removed at the close of business each day.

(D) Lighting. No direct or indirect lighting of any kind shall be permitted.

(E) Construction. A-frame signs shall be constructed to be sturdy and withstand all types of weather conditions.

(G) Lettering. No more than two-thirds of the total A-frame sign area may be reader board or changeable copy.

(v) Garage sale signs. In addition to the general standards, the following standards apply to temporary garage sale signs placed within the public right-of-way.

(A) Time limit. Garage sale signs may be placed within public rights-of-way on the day of the sale and must be removed on the same day the sale ends.

(B) Hand-drawn or painted graphics or letters may be used for garage sale signs, but not for any other type of temporary sign placed within the public right-of-way.

(C) Number. A total of three signs are allowed per garage sale event within the public right-of-way.

Section Five. Section 19.36.090 of the Oak Harbor Municipal Code last adopted by Ordinance 1553 in 2009 is hereby readopted to read as follows:

19.36.090 Street right-of-way signs.

- (1) General. Signs for the purpose of identification only, which contain no advertising, may be located upon the street right-of-way only where view-obstructing acoustical protective devices such as acoustical walls, berms or solid fences have been legally installed with city approval at property line thereby making building-mounted or conforming freestanding signs ineffective. Such signing may not exceed the maximum square footage for signs permitted in the applicable district.
- (2) Design and Materials. Street right-of-way signs shall be in keeping with the character of the zoning district in which they are located and shall be constructed of quality materials. The proposed design and materials to be utilized in the construction of any such sign shall be approved in advance of the issuance of any sign permit by the administrator of this code.
- (3) Types of Signs Permitted. Only signs identifying the use being maintained or operated upon the immediately abutting property and incidental signs indicating the appropriate

entrance to and exit therefrom are permitted upon the public right-of-way under this section; provided, that vacancy signs no larger than three square feet in surface area may be installed as an addition to the identification sign.

- (4) Sign Location. Signs permitted upon the street right-of-way shall not be installed or placed on the top of acoustical protective devices, nor shall such signs be installed upon or attached to acoustical protective devices constructed by the city.
- (5) Sign Dimensions. Street right-of-way signs shall have a maximum height of five feet measured from the street grade only, a maximum surface area of 15 square feet.
- (6) Sign Illumination. Street right-of-way sign illumination shall be from a source other than the sign itself.
- (7) Permit Requirements. Street right-of-way signs are subject to all general requirements of this code; provided, that no such sign may be erected without a permit regardless of the size of the sign; and provided further, that any application for a street right-of-way sign permit is subject to the approval of the superintendent of public works

Section Six. Section 19.36.100 of the Oak Harbor Municipal Code last adopted by Ordinance 1553 in 2009 is hereby readopted to read as follows:

19.36.100 Exempt signs or displays.

The following signs or displays are exempted from coverage under this code:

- (1) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his public duty;
- (2) Regulatory, informational, identification or directional signs installed by or at the direction of a government entity;
- (3) Signs required by law;
- (4) Official public notices, official court notices or official sheriff's notices;
- (5) The flag of a government or noncommercial institution such as schools;
- (6) Exterior signs or displays not visible from streets or ways open to the public;
- (7) Signs in the interior of a building more than three feet from the closest window or not facing a window;
- (8) Plaques, tablets or inscriptions indicating the name of a building, its date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed three square feet in surface area;
- (9) "No Trespassing," "No Dumping," "No Parking," "Private," and other informational warning signs, which shall not exceed three square feet in surface area;
- (10) Reasonable seasonal decorations within the appropriate public holiday season. However, such displays shall be removed promptly at the end of the public holiday season;
- (11) Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;
- (12) Existing theater marquees (freestanding and/or building-mounted);
- (13) Nonflashing, low-lumen building outline and window accent lighting may be installed by businesses in the CBD, CBD-1, CBD-2, C-3, C-4 and C-5 business and commercial districts. Permit and plan review is required.

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

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

PASSED by the City Council this ___ day of _____, 2012.

() APPROVED by its Mayor this _____ day of _____, 2012.

() Vetoed

THE CITY OF OAK HARBOR

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

Published:

DRAFT