MEMORANDUM

TO: Thurston County Planning Commission
FROM: Jeremy Davis, Senior Planner
DATE: September 6, 2017
SUBJECT: Next Steps for Amendments to the Thurston County Sign Code Amendments

1. Synopsis

1. Provide the Planning Commission an opportunity to hear about the proposed amendments to the Planning Commission recommendation for the sign code update due to legal and further staff review.

2. The proposed amendments would change the sign regulations in the Thurston County Zoning Ordinance (Title 20), the Zoning Ordinance for the Lacey Urban Growth Area (Title 21), the Tumwater UGA Zoning Ordinance (Title 22), and Olympia UGA Zoning Ordinance (Title 23) to address Reed v. Gilbert and remove content restrictions for non-commercial signs.

2. Background Summary

Item A-2 on the “2016-17 Official Docket of Development Code Amendments” calls for amending all sign codes as a high priority based on the recent U.S. Supreme Court decision (Reed v. Town of Gilbert, AZ). On June 18, 2015, the Supreme Court of the United States (SCOTUS) handed down a decision in the case of Reed v. Town of Gilbert, AZ. In essence, the decision for noncommercial signs deemed sign codes that regulate noncommercial content which are not narrowly tailored to compel state, or local government interest as hindering freedom of speech, and may not survive strict judicial scrutiny.

The SCOTUS decision has been interpreted not to apply to commercial signs. Very few jurisdictions in Washington State have completed the review of their code to ensure it meets the SCOTUS decision. Gilbert Arizona, the defendant in the SCOTUS case, just completed their Council public hearing on June 29, 2017 on the proposed sign code revisions.
In general, regulating signs under the first amendment is a balancing test. Essentially, a local government may regulate the time, place, and manner for placing signs with speech protected under the first amendment. A local government may restrict expression if it has important reasons for doing so, and any restrictions are applied in a neutral fashion without regard to the content. There can be no elements of substantive censorship or discrimination, and the restriction on speech must be incidental.

Time, place, and manner restrictions for signage include:

- Location
- Size
- Requiring building permits for larger signs to ensure public safety
- Reasonable post event removal requirements

3. Thurston County Planning Commission Review and Recommendation
The Thurston County Planning Commission formed a subcommittee to review the proposal and made a recommendation to the full Planning Commission. The subcommittee met a total of four times between June 2016 and October 2016. The subcommittee included the following members:

- Ed Fleisher, Planning Commissioner
- Tim Kramer, Planning Commissioner
- Jim Simmons, Planning Commissioner
- Grace Kendall, Owner Fast Signs (Lacey)
- Joyce Phillips, Senior Planner, City of Olympia
- Kraig Chalem, Associate Planner, Thurston County Long Range Planning
- Tony Kantas, Associate Planner, Thurston County Land Use Permitting

The subcommittee developed three options which are described below tailored to address the issues in the U.S. Supreme Court case. The subcommittee recommended Option A.

The Planning Commission held a public hearing on December 7, 2016. Following the public hearing, the Planning Commission voted to recommend Option A. Option A provides for the removal of protected language with substituted neutral provisions, and clear prohibition to inappropriate signs being situated in the public right-of-way.

It was noted that all four codes have significant differences in permit requirements, categorization of sign types, and entitlements (size, number, location). Without imposing uniform permit requirements and entitlements, which were determined to lie outside the scope of the ‘Official Docket’, these would be dealt with on a case by case basis as updates were brought forward. It was however determined that inserting uniform treatment of noncommercial signs that distinguished between permanent and nonpermanent, and a clear prohibition of most signs in the right-of-way is appropriate.
4. Proposed Changes to the Planning Commission Recommendation:
Staff has been working with the Public Works Department and the Prosecuting Attorney’s Office on proposed changes to the Planning Commission recommendation. Changes are necessary to ensure consistency with the U.S. Supreme Court Decision.

The changes are primarily to address allowing temporary noncommercial signs within county rights-of-way. The standards in the draft code are based on the current Thurston County Road Standards updated in January 2017, state law, other current county standards and operations, and other traffic engineering standards. They are intended to allow for appropriate signage while still ensuring public safety.

The proposed changes to the Planning Commission recommendation are in Attachment A, and are summarized in sections 5-8 below. The current changes are shown in blue in Attachment A. A clean version of the recommended changes to the development code is located in Attachment B. The final recommended changes are still subject to further legal review prior to final consideration and adoption by the Board. There may be a few other changes. It has been determined that no further action is required by the Planning Commission at this time as there will be a second public hearing scheduled by the Board of County Commissioners. This will provide an opportunity for the public to review the proposed changes.

Excerpts from the Thurston County Road Standards are located in Attachment C. This includes the definitions section, clear view triangle diagram, local rural roadway section, arterial roadway section with no sidewalks, and Grand Mound roadway with sidewalks.

5. Thurston County Zoning Ordinance – Title 20 Amendments.
Section 20.40.020 - General Provisions
The general provisions section was proposed to include a clear ban on signs in the right-of-way, however, certain portions of the right-of-way can be construed to be a “traditional public forum” where expression may be protected under the First Amendment. Staff is proposing to eliminate the Planning Commission recommended language from the proposed draft for the Board hearing and so that it is responsive to the “traditional public forum.” The language has also been updated to reflect the most current version of the Manual of Uniform Traffic Control Devices and other standards consistent with state law.

Section 20.40.035 Exempt Signs
No substantive changes are proposed to the Planning Commission recommendation. Language in this section is proposed to be amended to make appropriate subsections content neutral.

Section 20.40.040 – Noncommercial signs.
The Planning Commission recommended a new section to address temporary noncommercial signs. The original recommendation was based on current language in the Olympia UGA Zoning Ordinance (Title 23). This section is proposed to be amended to ensure that free speech is protected in regulating noncommercial signs located in the right-of-way, remove quantity limitations for private property, and remove a time limit for sign placement. The quantity limit is likely inconsistent with the Reed v. Gilbert SCOTUS decision. The time limit is inconsistent
with a Washington State court decision on political signs, which prohibits jurisdictions from limiting signs prior to an election.

The new subsection on temporary noncommercial signs in the right-of-way is new and is intended to allow for such signs while still ensuring public safety. Four examples of roadway cross sections and the vision clearance triangle are in Attachment C.

In summary, noncommercial signs would not be allowed in the following locations:
- Medians and traffic islands
- Lanes used for automobile travel and roadway shoulders
- Across sidewalks used for pedestrian travel, including interfering with Americans with Disabilities Act access
- Attached to traffic control devices, county owned facilities, and utility poles
- Outside of the vision clearance triangle at intersections, including driveways
- Where they would interfere with viewing of traffic control devices or cause a public safety hazard

In general, noncommercial signs may be placed in the following locations:
- Rural roadway right-of-way outside of the above locations as far outside the paved/hard surface area and shoulder as possible
- Urban right-of-way in planting strips between the back of curb and the sidewalk, and on the back of sidewalks away from the roadway

Noncommercial signs may be removed:
- The county may remove noncommercial signs in the right of way if the sign interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.
- It may also be removed if it poses a public safety hazard.
- Signs must be kept in good structural repair, or the county may request their removal or remove them.
- Signs should be removed within 15 days after the conclusion of an event.

6. Zoning Ordinance for the Lacey Urban Growth Area (Title 23)
24.75.020 Definitions and abbreviations.
The Planning Commission did not propose any changes, however, the definitions section includes two definitions with issues. The definition for Political Sign is proposed to be removed, and the definition for Temporary Sign is proposed to remove the term political and insert the term noncommercial.

21.75.065 - Noncommercial Signs.
This is a new section proposed by the Planning Commission. Staff has proposed to make the same modifications to this new section as same proposed section in the Thurston County Zoning Ordinance (Title 20) (Section 20.40.040 Noncommercial Signs).
21.75.070 - Exemptions.
The Planning Commission proposed a few amendments in this section to make some provisions content neutral and to move Real Estate Signs to the exempt sign list from the temporary sign section. Some minor changes are proposed to the Planning Commission recommendation for ensuring content neutral regulations and ensure consistency between sections.

21.75.080 - Prohibited signs.
This section was proposed to include a clear ban on signs in the right-of-way, however, certain portions of the right-of-way can be construed to be a “traditional public forum.” Staff is proposing to eliminate the Planning Commission recommended language from the proposed draft for the Board hearing.

21.75.090 - Temporary signs.
The Planning Commission previously proposed to remove sections on grand opening displays, special event signs which were consolidated with the new subsection on event signs. The subsection on political signs is proposed to be removed as it is not content neutral. The section on real estate signs is proposed to be moved to Section 21.75.070.

In addition to the above staff is recommending the removing subsection F:

   “F. Banners or Cloth Signs. Such signs may be permitted and extend across a public street by permission of the director or designee. Such signs may only be placed at county designated locations and erected by county personnel.”

The County does not currently have any designated locations, and this is not currently permitted in the other two UGA zoning ordinances. The cities of Olympia and Lacey have active programs and predetermined locations for these displays. When approving such signs, the County will need to restrain itself from reviewing content of proposed banners prior to placing them for display, and the provision requires that county personnel must put up the signs.

Miscellaneous Proposed Changes
In addition to the proposed changes, staff is proposing to update several sections to make them consistent with other county codes, update code references, and to remove a process conducted by the State of Washington. Thurston County does not review, inspect or permit electrical permits, these are done by the State of Washington.

7. Tumwater UGA Zoning Ordinance (Title 23)
22.44.065 - Noncommercial Signs
This is a new section proposed by the Planning Commission. Staff has proposed to make the same modifications to this new section as same proposed section in the Thurston County Zoning Ordinance (Title 20) (Section 20.40.040 Noncommercial Signs).

22.44.070 - Exemptions
The Planning Commission proposed a few amendments in this section to make some provisions content neutral, or remove others that are not content neutral.
Miscellaneous Proposed Changes
In addition to the proposed changes, staff is proposing to update several sections to make them consistent with other county codes and update code references. Thurston County does not review, inspect or permit electrical permits, these are done by the State of Washington.

8. Olympia UGA Zoning Ordinance (Title 23)
23.42.060 – General sign regulations
The Planning Commission proposed several minor changes and a prohibition of signs in the right-of-way. This section has been updated to clarify application of design guidelines to noncommercial signs, allow for noncommercial signs in the right-of-way consistent with Subsection 23.42.120(K) on noncommercial signs, and ensure other sections are content neutral.

23.42.120 – Permitted signs
Subsection K. Noncommercial Signs has been updated to be consistent with the other three zoning ordinances and to strike Subsection 23.42.120(M) Political signs. The section on permanent noncommercial signs has been updated to include content neutral requirements from Subsection 23.42.060(I). Subsection 23.42.060(I) had applied to all signs and is now proposed to apply only to commercial signs.

9. Next Steps
1. Review County sign regulations with legal counsel to ensure appropriate amendments are included prior to scheduling a public hearing.
2. Return the Planning Commission to provide an update briefing on the proposed changes
3. Submit for Department of Commerce 60-day state agency review and comment.
4. Issue State Environmental Policy Act (SEPA) determination.
5. Work with the legal counsel to complete a brief legal review of the draft code prior to setting the public hearing.
6. Return to the Board to set the public hearing.
7. Hold the public hearing.
8. Final briefing and decision to proceed with Board consideration of a final ordinance.
9. Staff drafts the final ordinance and a final legal review is completed.
10. Board consideration of the final ordinance for adoption.

Attachments:
Attachment A: Proposed Changes to the Planning Commission Recommendation Highlighted
Attachment B: Final Draft with Proposed Changes for Public Hearing
Attachment C: Selected Illustrations and Definitions from the Thurston County Road Standards
Attachment A: Proposed Changes to the Planning Commission Recommendation – Highlighted
THURSTON COUNTY STAFF
PROPOSED CHANGES TO PLANNING COMMISSION RECOMMENDATION

Titles: 20, 21, 22, and 23

08/23/2017

Signs.

Chapter: 20.40 (attachment-A)
21.75 (attachment-B)
22.44 (attachment-C)
23.42 (attachment-D)

(Amended)

Deleted Text: Strikethrough Proposed Changes: Underlined
Staff Comments: Italics Unaffected Omitted Text ...

These changes are based on recommendations made by staff and a subcommittee of the Planning Commission assigned to identify language deemed to be protected under the First Amendment by the U.S. Supreme Court and are intended to provide existing and future applicants with certainty and continuity consistent with standards applied when the sign permit application has been deemed complete and reviewed by the Resource Stewardship Department.

Attachments A, B, C, D, reflect changes recommended by the Planning Commission and further changes recommended by staff subsequent to the Planning Commission recommendation to ensure consistency with case law. The proposed amendments also correct references to county review of electrical permits, which are reviewed, approved and inspected by the State of Washington. Proposed amendments are also included to update references to the correct building code. Thurston County no longer operates under the Uniform Building Code.

This item is identified as: A-2 on the “2016-17 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS”.

Proposed changes from the Planning Commission recommendation are shown in blue.
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Chapter 20.40 - SIGNS AND LIGHTING

Section 20.40.020 – General provisions, is proposed to include updates to current regulations. TCC 20.40.020 would be amended, as follows:

20.40.020 - General provisions.

1. No sign shall encroach into or protrude over the street right-of-way, or be placed within the street right-of-way, unless otherwise specified by this chapter.

2. No sign shall be erected that interferes with the visibility of traffic control devices or street name signs.

3. Signs may be luminous, reflecting or illuminating, but no sign shall be flashing or oscillating.

4. No sign shall be placed so as to cause visual obstruction of a public right-of-way, unless otherwise specified by this chapter.

5. All signs shall conform to Washington state statutes or building code, if in effect.

6. All traffic control devices including signing relating to regulations warning of hazards and guidance of traffic shall conform to the Manual of Uniform Traffic Control Devices in accordance with RCW 47.36 and WAC 468-95. The County Engineer may also adopt policies and procedures for purposes of implementing the Manual of Uniform Traffic Control Devices on County roads.

7. Within the Grand Mound urban growth area, the Grand Mound Development Guidelines dated March 9, 1998, are adopted and incorporated in this chapter by reference as fully set forth in this chapter.

8. Unless specifically allowed by another code provision, no sign may be located in the public rights-of-way other than road identification signs and directional signs erected by the county directing the public to public, civic, or nonprofit facilities; Traffic or other municipal signs; bench signs located at designated public transit bus stops; signs required by law or emergency, railroad crossing signs, legal notices; and any temporary, or non-advertising signs as may be authorized by the board.

New subsection (8) from the Planning Commission would be deleted as it is no longer necessary. The previous provisions in subsections (1) and (4) as modified above along with the regulations on noncommercial speech signage provide clear language on signs placed in public rights-of-way for noncommercial speech, and may now be allowed by another code standard.
Section 20.40.035 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 20.40.035, Subsections 1, 15, 16, and 17, are amended as follows:

20.40.035 - Exempt signs.

...  

1. Construction signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the owner interest on sites under construction of a project, and that have obtained a building, land division, or other development permit, but not including advertisement of any products, during the construction period, and up to thirty days after an occupancy permit has been issued.

No changes are proposed from the Planning Commission recommendation for the above section. Content does not need to be read other than to verify that content does not sell products.

...  

15. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

No changes are proposed from the Planning Commission recommendation for the above section. Removed for identifying content and/or category. See noncommercial sign provision, sec. 20.40.040

16. Any special event signs or display such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:

a. Such displays shall conform to the height restrictions for permitted signs, and

b. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year.

No changes are proposed from the Planning Commission recommendation for the above section. Modified to ensure allowance of special events without conflict with content. This application of event sign is unique to this ordinance.

17. Signs up to four square feet which show the meeting location for a service club or fraternal organization.
No changes are proposed from the Planning Commission recommendation for the above section Removed for identifying content and/or category, and replaced. Also see noncommercial sign provision, sec. 20.40.040.

A new section is proposed to be added. Section “20.40.040 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

20.40.040 - Noncommercial signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

1. Temporary Noncommercial Signs on Private Property.

   a. Such signs shall meet the general requirements of Section 20.40.020, except as specified in this section.

   b. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.

   c. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

   d. In commercial and industrial zones, such signs shall be limited to one sign per street frontage not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

   e. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial signs should be placed as far outside of these locations as possible to ensure public safety.

   f. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts.

Subsections (c) & (d) above would be modified to remove the quantity limit. This is likely too restrictive on private property for noncommercial speech signs

   e. Not to exceed 180 days.
The time limit in the Planning Commission recommendation in subsection (e) will be difficult to enforce. Because the county is prohibited from reviewing the content of noncommercial speech signage, the same standards must be applied to all noncommercial speech signs. The County may not institute a time limitation on political signs prior an election per case law. Hence, the county may have issues if this limit is used. Staff is proposing to add provisions on sign maintenance, and a suggested time for removal of temporary noncommercial speech signs that may address this issue.


   a. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.

   b. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

   c. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

   d. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

   e. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

   f. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk.

   g. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

   h. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

   i. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time
if the sign constitutes a public safety hazard, the sign interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

j. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

k. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

k. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

3. Permanent Noncommercial Signs.

a. Such signs shall meet the general requirements of Section 20.40.020.

b. Such signs shall require a sign permit.

c. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.

d. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

Content neutral sign distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.
ATTACHMENT – B: Zoning Ordinance for the Lacey Urban Growth Area (Title 21)

Chapter 21.75 - SIGN REGULATIONS

24.75.020 Definitions and abbreviations.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

"Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency or nonprofit organization), searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Different types of temporary signs included in this category are: construction, grand opening displays, real estate, special event, political noncommercial, and garage sale.

A new section is proposed to be added. Section “21.75.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

21.75.065 - Noncommercial Signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

A. Temporary Noncommercial Signs on Private Property.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050, except as specified in this section.

2. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.

3. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

4. In commercial and industrial zones, such signs shall be limited to one sign per street frontage not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

5. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which

Proposed changes from the Planning Commission recommendation are shown in blue.
may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

6. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts

Subsections (c) & (d) above would be modified to remove the quantity limit. This is likely too restrictive on private property for noncommercial speech signs

5. Not to exceed 180 days.

The time limit in the Planning Commission recommendation in subsection (e) will be difficult to enforce. Because the county is prohibited from reviewing the content of noncommercial speech signage, the same standards must be applied to all noncommercial speech signs. The County may not institute a time limitation on political signs prior an election per case law. Hence, the county may have issues if this limit is used. Staff is proposing to add provisions on sign maintenance, and a suggested time for removal of temporary noncommercial speech signs that may address this issue.

B. Temporary Noncommercial Signs in the Public Right-of-Way.

1. Such signs shall meet the requirements of Section 21.75.080 except as specified in this section.

2. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

3. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

4. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

5. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

6. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip
is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk.

7. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

8. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

9. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign the sign constitutes a public safety hazard, interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not allowed by this chapter.

10. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

11. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

12. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

The Planning Commission recommendation prohibited signs in the public right-of-way. Since the recommendation was made, staff has done further analysis and found that portions of the right-of-way may constitute a public forum, and the county may need to permit signs in areas that are traditional locations for free speech and may not cause a public safety hazard. Based on the above limitations temporary noncommercial speech signs maybe allowed at the edges of rights-of-way outside of facilities and from the back of sidewalk towards the edge of the right-of-way.

B. Permanent Noncommercial Signs.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050.

2. Such signs shall require a sign permit.
3. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of this chapter and the underlying zoning district for commercial signs.

4. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

Content neutral sign standard distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.

Section 21.75.070 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 21.75.070, the following subsections are amended to read as, follows:

21.75.070 - Exemptions.

...

C. Traffic or other municipal signs, bench signs located at designated public transit bus stops, signs required by law or emergency, railroad crossing signs, legal notices; and any temporary, nonadvertising signs as may be authorized by the board and this chapter;

...

G. One bulletin board not over fifty square feet in sign area for each public, charitable or religious or noncommercial institution where the same are located on the premises of said institution. A sign permit is required;

...

R. Special event signs, real estate signs, political signs, banners or cloth signs, decorations and garage sale signs, provided they conform to their applicable limitations.

See comments below.

R. Real Estate Signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in 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 five square feet in sign area. The sign may be placed along the periphery of a public right-of-way within one mile of the subject residential development.
3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area.

5. Undeveloped Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Such sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

This section is proposed to be relocated from temporary sign section due to exemption from permit.

S. Event Signs (commercial). No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet, such signs and shall not be posted or attached to traffic control device, county owned or maintained signs or posts, utility boxes, signal control boxes, telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee business or enterprise for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Such temporary signs, such as: posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights may be permitted for any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations or by special use permit.

The term “special” is removed because it may connote distinguishing content. The standards for both ‘grand opening’ and ‘event’ are proposed to be combined due to their similarities. The Real Estate Sign section is proposed to be relocated from temporary sign section due to exemption from permit. Event signs has been updated to include restricted areas for sign placement on county owned facilities.

Section 21.75.080 – Prohibited signs, is proposed to clarify signs placed in the public Rights-of-Way. TCC 21.75.080 would be amended, as follows:

21.75.080 - Prohibited signs.

The following signs or displays are prohibited, unless otherwise specified by this chapter:

A. Roof signs;
B. Animated signs;

C. Flashing signs;

D. Portable commercial signs;

E. Commercial advertising vehicles;

F. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;

G. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device;

H. No sign shall encroach into or protrude over the street right-of-way, or be placed within the street right-of-way, except as specified in this chapter. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way. Exceptions are except as provided for awnings and marquees in Section 21.75.175;

I. Signs attached to any traffic control device, county owned or maintained signs or posts, utility boxes, signal control box, or any utility poles;

J. Off-premises signs including:
   1. Any sign identifying a use, facility or service which is not located on the premises;
   2. Any sign identifying a product that is not produced, sold or manufactured on the premises;
   3. Any sign that advertises or otherwise directs attention to a product, service or activity, event, person, institution or business that may or may not be identified by a brand name and which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.

K. Strings of banners, pennants, and other graffiti-like material.

L. Unless specifically allowed by another code provision, no sign may be located in the public rights of way, other than road identification signs and directional signs erected by the county directing the public to public, civic, or nonprofit facilities; Traffic or other municipal signs, bench signs located at designated public transit bus stops, signs required by law or emergency, railroad crossing signs, legal notices; and any temporary, or non-advertising signs as may be authorized by the board.

Proposed changes from the Planning Commission recommendation are shown in blue.
21.75.090 - Temporary signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulation. TCC 21.75.090, the following subsections are amended as follows:

21.75.090 - Temporary signs.

... 

A. Construction Signs. A sign permit is required. 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 is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:

1. In all zones other than single-family residential zones, no construction temporary sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line or closer than thirty feet from the property line of the abutting owner.

2. In single-family residential zones, no construction temporary sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line of the abutting owner.

*Modified to remove categorization. Lacey UGA is the only jurisdiction that considers construction signs under temporary rather than exempt, and do require a sign permit.*

B. Grand Opening Displays. No sign permit is required. Such temporary signs, such as: posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights are permitted for a period of seven days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of seven days. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

*See comment below.*

C. Special Event Signs. No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet. Such signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event’s conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

*Removed for identifying content and/or category.*

Proposed changes from the Planning Commission recommendation are shown in blue.
D. Real Estate Signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in 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 five square feet in sign area. The sign may be placed along the periphery of a public right-of-way within one mile of the subject residential development.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area.

5. Undeveloped Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Such sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

Real estate signs section moved to Section 21.75.070 Exemptions.

E. Political Signs. No sign permit is required. Political signs or posters may be placed upon private property only and shall not be larger than ten square feet of sign area and shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs must be removed seven days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until the final election, but shall be removed within seven days after the election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

Removed for identifying content and/or category. See noncommercial sign provision, sec. 21.75.065
F. Banners or Cloth Signs. Such signs may be permitted and extend across a public street by permission of the director or designee. Such signs may only be placed at county designated locations and erected by county personnel.

Thurston County does not currently have a designated location. County staff time would be necessary to place the banner. This is primarily used within the cities of Lacey and Olympia. The other two UGA zoning ordinances do not include a provision for this. Some jurisdictions have had issues with allowing banners across rights-of-way related to who may request the banner, is it off-site advertising and allocation of staff time to erect the banner.

G. Garage Sale (Yard Sales, Moving Sales, Patio Sales). No sign permit is required. Such signs shall be limited to one sign on the premises and three off-premises signs. No such sign shall that do not exceed four square feet in sign area. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which erected the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

Removed for identifying content and/or category. See sec. 21.75.070.

21.75.100 - Structural requirements.

The structure and erection of signs or flag poles within the Lacey UGA shall be governed by Title 14 Buildings and Construction the Uniform Building Code, 1994 Edition (or any superseding edition adopted by the county). Compliance with the Uniform Building Code shall be a prerequisite to issuance of a sign permit under this code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

21.75.110 - Electrical requirements.

Signs requiring electrical power shall be permitted and installed in accordance with the electrical code adopted by the State of Washington.

Electrical requirements for signs within the Lacey UGA shall be governed by the National Electrical Code. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.

This provision does not belong in our code. The county is not permitted to conduct electrical inspections or issue electrical permits. These are done by the State of Washington for non-charter counties.

21.75.180 - District regulations.

A. General. This section shall apply to all zones designated in the Zoning Ordinance.

Proposed changes from the Planning Commission recommendation are shown in blue.
C. Location. Freestanding signs may be permitted anywhere on the premises except in a required side yard or within ten feet of a street right-of-way, or within the sight triangle established by the Vision Clearance Ordinance. Monument and low profile monument signs can be located adjacent to property lines but not within the sight 

This is not a substantive amendment. Thurston County does not have a Vision Clearance Ordinance. Vision clearance triangle standards are in the Thurston County Road Standards and other public works standards adopted under Chapter 15.04 Standards.

21.75.230 - Department—Inspection authority.

The department is empowered to enter or inspect any building, structure or premises in the Lacey UGA upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

The county is not permitted to conduct electrical inspections or issue electrical permits. These are done by the State of Washington for non-charter counties.

21.75.280 - Visual quality for commercial signs.

The department is empowered to prepare graphic materials such as photographs and drawings of sign types and styles acceptable to the county, and to disallow proposed commercial signs that do not comply with the general types and styles represented by these graphic materials. Appeals of such department decisions shall be to the hearing examiner as specified in Thurston County Code Chapter 2.06.
A new section is proposed to be added. Section “22.44.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

Chapter 22.44 - SIGN REGULATIONS

22.44.050 - Permit—Required.

A. No sign shall be erected, altered or relocated without a sign permit issued by the county, except where only the actual sign face or wording is changed, to include the change in business occupancy, repainted, cleaned, repaired or maintained without structural or size alterations. The signs listed in TCC Section 22.44.070 under exempt signs are exempt from the requirements of this subsection.

B. State electrical permits shall be obtained for all electric signs.

C. No permit for any sign shall be issued unless the sign complies with all requirements of this chapter and applicable regulations of Title 14 Buildings and Construction the Uniform Building Code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

A new section is proposed to be added. Section “21.75.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

22.44.065 - Noncommercial Signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

A. Temporary Noncommercial Signs on Private Property.

1. Such signs shall meet the general requirements of Section 22.44.050, and .060, except as specified in this section.

2. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.

3. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
4. In commercial and industrial zones, such signs shall be limited to one sign per street frontage not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

5. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

6. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts.

Subsections (c) & (d) above would be modified to remove the quantity limit. This is likely too restrictive on private property for noncommercial speech signs.

5. Not to exceed 180 days.

The time limit in the Planning Commission recommendation in subsection (e) will be difficult to enforce. Because the county is prohibited from reviewing the content of noncommercial speech signage, the same standards must be applied to all noncommercial speech signs. The County may not institute a time limitation on political signs prior an election per case law. Hence, the county may have issues if this limit is used. Staff is proposing to add provisions on sign maintenance, and a suggested time for removal of temporary noncommercial speech signs that may address this issue.

B. Temporary Noncommercial Signs in the Public Right-of-Way.

1. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.

2. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

3. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

Proposed changes from the Planning Commission recommendation are shown in blue.
4. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

5. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

6. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk.

7. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

8. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

9. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign the sign constitutes a public safety hazard, interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

10. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

11. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

12. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

The Planning Commission recommendation prohibited signs in the public right-of-way. Since the recommendation was made, staff has done further analysis and found that portions of the right-of-way may constitute a public forum, and the county may need to permit signs in areas that are traditional locations for free speech and may not cause a public safety hazard. Based on the above limitations temporary noncommercial speech signs maybe allowed at the edges of rights-of-way outside of facilities and from the back of sidewalk towards the edge of the right-of-way.

Proposed changes from the Planning Commission recommendation are shown in blue.
B. Permanent Noncommercial Signs.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050.

2. Such signs shall require a sign permit.

3. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.

4. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

Content neutral sign standard distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.

Section 22.44.070 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 22.44.070, the following subsections are amended to read as, follows:

22.44.070 - Exemptions.

The following signs shall be permitted anywhere within the Tumwater UGA and are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

A. Construction Signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the owner interest on sites under construction of a project, and that have obtained a building permit, but not including advertisement of any products, during the construction period, and up to thirty days after an occupancy permit has been issued, to a maximum area of thirty-two square feet per surface with a total of sixty-four square feet, per user, not to exceed four signs per project;

L. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

Proposed changes from the Planning Commission recommendation are shown in blue.
Proposed changes from the Planning Commission recommendation are shown in blue.

M. Protest or picket signs;

N. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:
   1. Such displays shall conform to the height restrictions for permitted signs, and
   2. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year; and

   This subsection is slightly modified to remove insinuation of deriving circumstance from sign content. This provision is unique to this code. Entitlements remain unchanged.

O. Signs up to four square feet which show the meeting location for a service club or fraternal organization.

   This subsection is slightly modified to remove insinuation of deriving circumstance from sign content. See noncommercial sign provision, sec. 22.44.065.

22.44.075 - Conditional exemptions.

Except to the extent that permits may be required under Title 14 Buildings and Construction TCC the Uniform Building Code the following signs are exempt from the permit requirements of this chapter, but they shall be included in the computation of sign size area for regulated signs:

A. Any temporary sign, banner, or point-of-purchase sign intended to be displayed for a limited period of time;

B. Signs flush-mounted or painted directly on the wall of a building, or erected against the wall of a building parallel or approximately parallel to the wall and not extending further than fifteen inches from the wall; and

C. Product dispensers.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

22.44.080 - Prohibited signs.

The following signs are prohibited:

Proposed changes from the Planning Commission recommendation are shown in blue.
D. Signs which are pasted or attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles, trees, other signs, rocks, or other natural features;

The above subsection is proposed to be updated to be consistent with the new language being used for temporary noncommercial signs.

22.44.120 - Removal.

D. Signs which the administrative official finds upon public streets, sidewalks, rights-of-way, or other public property may be immediately removed by the administrative official without prior notice. Hazardous signs shall be removed in accordance with Title 14 Buildings and Construction TCC the Uniform Building Code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.
ATTACHMENT – D: Olympia UGA Zoning Ordinance (Title 23)

Section 23.02.180 Definitions.

…

Sign, political” means a sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

…

Chapter 23.42 - SIGNS

Section 23.42.060 – General sign regulations, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 23.42.060, the following subsections are amended to read as, follows:

23.42.060 – General sign regulations.

A. Design Review of Signs.

1. In applying the design criteria set forth above, or the design guidelines, the department may deny or further restrict signs otherwise authorized or regulated in other sections of this chapter. It is intended that the general provisions of this chapter are subordinate to the design criteria and design guidelines, if the criteria and guidelines are more restrictive.

2. For permanent noncommercial signs, in applying the design criteria set forth above, or the design guidelines, the department may further restrict the sign dimensions and placement. It is intended that the general provisions of this chapter are subordinate to the design criteria and design guidelines. However, guidelines shall not be used to review the content of a sign, including graphics, colors, words, font and other noncommercial speech.

3. The appeal procedures set out in TCC Section 23.50.140 for signs subject to design review shall apply.

…

E. New Signs, Repairs, Alterations, Abandoned Signs.

1. No new sign shall be erected nor any existing sign structurally altered, that is not in compliance with these standards, the provisions of the use district in which it is located and any other pertinent federal, state or local regulations.
2. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.

3. Abandoned and out-of-date signs shall be removed. See "Nonconforming Signs."

4. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by an applicable law or the Uniform Building Code.

5. Signs shall not interfere, confuse or conflict with the recognition and visibility of any traffic control or directional devices or street name signs, nor shall any sign be so placed as to cause visual obstruction of any public right-of-way, unless otherwise specified by this chapter.

F. No Permit Required. The following signs do not require a permit:

1. Signs erected by government agencies to implement public policy;

2. Real estate signs subject to the requirements of Section 23.42.120O;

3. On-premise occupant name plates not exceeding three square feet in area;

4. Changing of advertising on a legal changeable copy sign;

5. On-premise contractor job signs on sites actively under construction not exceeding thirty-six square feet in area, and do not actively sell products;

6. Temporary signs less than six square feet in sign surface area on property and installed less than forty-two inches above ground.

... 

I. Signs and Street Graphics Criteria for Commercial Signs.

1a. Signs shall be designed to be harmonious with building design and appropriate to the activity occurring on the site.

2. Signs and graphics shall complement or enhance the visual character of the land use zone in which they are located.

3. The scale of a sign shall be in proportion to the building and site.

4. The number of signs shall be minimized, and the graphic design shall be reviewed in order to avoid visual clutter.

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Proposed changes from the Planning Commission recommendation are shown in blue.
5. Design elements, such as the size, shape, materials, lighting, color, lettering style shall be harmonious. The use of easily recognized symbols is encouraged.

6. Sign area is computed per side.

J. Structural Requirements. The structure and erection of signs within the Olympia UGA shall be governed by the Uniform Building Code, 1994 Edition (or any subsequent edition adopted by the County).

Section 23.42.080 would be amended, as follows:

23.42.080 – Prohibited signs.

The following types of signs are prohibited:

A. Animated signs. Exception: traditional barber signs;

B. Portable commercial signs. Exception: sidewalk or sandwich board signs;

C. Signs advertising commercial products not sold on premises;

D. Any sign over forty-two inches high in a required yard setback;

E. No sign shall be in encroach into or protrude over public right-of-way, or be placed within the public right-of-way, unless otherwise specified by this chapter, with the exception of projecting signs, sidewalk or sandwich board signs, political signs, or those legally mounted on a marquee are an exception to the above restriction;

F. Off-premises commercial directional signs. Exceptions: A variance for an off-premises commercial directional sign may be justified if all of the following can be found to apply:

1. The use applying for the variance caters to the tourist through the on premise provision of food, lodging or recreation.

2. The use is located at least one city block from a major arterial (as designated by the county).

3. Such signs shall be directional in nature only (no advertising other than location allowed).

4. No more than two such signs for each occupancy shall be approved.

5. The total area for a sign shall be a maximum of fifty square feet, but shall not exceed the allowable area in the respective use district.

6. Such a sign shall meet all other applicable provisions of these standards;
G. Outdoor advertising signs.

H. Unless specifically allowed by another code provision, no sign may be located in the public rights-of-way other than road identification signs and directional signs erected by the county directing the public to public, civic, or nonprofit facilities; Traffic or other municipal signs; bench signs located at designated public transit bus stops; signs required by law or emergency; railroad crossing signs; legal notices; and any temporary, or non-advertising signs as may be authorized by the board.

Section 23.42.120 – Permitted signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign and for regulating noncommercial signs. TCC 23.42.120, the following subsections are amended to read as, follows:

23.42.120 – Permitted signs.

...

K. Noncommercial Signs. Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

1. Temporary Noncommercial Signs on Private Property.
   a. Such signs shall meet the general requirements of Section 23.42.060, except as specified in this section.
   b. Such signs shall not require a sign permit if less than six square feet in sign surface area and less than forty-two inches in height.
   c. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
   d. In commercial and industrial zones, such signs shall be limited to one sign per street frontage not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
   e. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.
   f. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated
condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts


a. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.

b. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

c. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device

d. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

e. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

f. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk except as otherwise specified in this chapter.

g. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

h. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

i. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign constitutes a public safety hazard, interferes with the
function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

j. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

k. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

k. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

2. Permanent Noncommercial Signs.

a. Such signs shall meet the general requirements of Section 23.42.060.

b. Such signs shall require a sign permit.

c. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.

d. If not located on the premises of the business or residence or the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

e. The scale of a sign shall be in proportion to the building and site.

f. Design elements, such as the size, shape, materials, and lighting, shall be harmonious.

g. Sign area is computed per side.

M. Political Signs. No sign permit is required. Political signs may not be placed in public parks or attached to traffic safety devices, telephone poles, power poles, or other public utility facilities. They may be placed upon private property or within the public right of way, provided that:

1. The sign shall be placed no less than ten feet from the paved edge or traveled portions of the roadway. Signs placed within twenty feet of a street corner shall not exceed thirty-six inches in height within the clear sight triangle.

2. The sign shall not interfere with traffic safety.

Proposed changes from the Planning Commission recommendation are shown in blue.
3. If located in any residential zone district, they shall not exceed ten square feet of sign area. If located in any other zoning district, the maximum area shall be thirty-two square feet.

4. Signs shall not exceed forty-two inches in height if placed in a residential district or in a required setback in any district. In other districts and outside of setbacks, they shall not exceed ten feet in height.

5. Such signs must be removed five days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until five days after the general election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

6. The candidate or committee for which the sign is displayed shall be subject to a fine or penalty for violation of these requirements as set forth in this title.

Though considered free speech, the provisions allowing placement in the public ROW amounts to a special privilege, and should be struck unless provided to all similar uses. Consider noncommercial signage covered under “K” of this same section.

P. Residential Signs—Generally. Nonresidential uses within residential districts are permitted one flush-mounted or ground sign having a maximum sign area of twenty-four square feet for each use. (See design guidelines, Section 23.04A.170.)

Exceptions:

1. Preschools, Home Occupations, and Income Producing Uses in Co-Housing Developments. One flat unlighted flush-mounted sign on the building containing such uses is permitted. Such sign shall not exceed two square feet in sign surface area, nor shall any side exceed two linear feet. This sign shall state only the name of the occupant and the type of occupation. In co-housing developments a structure containing multiple businesses may contain up to ten square feet of signage, at the rate of two square feet of signage per business;

Categorization of income producing activities is unnecessary.
Attachment B:
Final Draft with Proposed Changes for Public Hearing
THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS DRAFT

Titles: 20, 21, 22, and 23

08/23/2017

Signs.

Chapter: 20.40 (Attachment-A)  
21.75 (Attachment-B)  
22.44 (Attachment-C)  
23.42 (Attachment-D)  

(Amended)

Deleted Text: Strikethrough  Proposed Changes: Underlined

Staff Comments: Italics  Unaffected Omitted Text ...

These changes are based on recommendations made by staff and a subcommittee of the Planning Commission assigned to identify language deemed to be protected under the First Amendment by the U.S. Supreme Court and are intended to provide existing and future applicants with certainty and continuity consistent with standards applied when the sign permit application has been deemed complete and reviewed by the Resource Stewardship Department.

Attachments A, B, C, D, reflect changes recommended by the Planning Commission and further changes recommended by staff subsequent to the Planning Commission recommendation to ensure consistency with case law. The proposed amendments also correct references to county review of electrical permits, which are reviewed, approved and inspected by the State of Washington. Proposed amendments are also included to update references to the correct building code. Thurston County no longer operates under the Uniform Building Code.

This item is identified as: A-2 on the “2016-17 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS”.

Draft Board of County Commissioners Sign Code Development Code Amendments
ATTACHMENT – A: Thurston County Zoning Ordinance (Title 20)

Chapter 20.40 - SIGNS AND LIGHTING

Section 20.40.020 – General provisions, is proposed to include updates to current regulations. TCC 20.40.020 would be amended, as follows:

20.40.020 - General provisions.

1. No sign shall encroach into or protrude over the street right-of-way, or be placed within the street right-of-way, unless otherwise specified by this chapter.

2. No sign shall be erected that interferes with the visibility of traffic control devices or street name signs.

3. Signs may be luminous, reflecting or illuminating, but no sign shall be flashing or oscillating.

4. No sign shall be placed so as to cause visual obstruction of a public right-of-way, unless otherwise specified by this chapter.

5. All signs shall conform to Washington state statutes or building code, if in effect.

6. All traffic control devices including signing relating to regulations warning of hazards and guidance of traffic shall conform to the Manual of Uniform Traffic Control Devices in accordance with RCW 47.36 and WAC 468-95. The County Engineer may also adopt policies and procedures for purposes of implementing the Manual of Uniform Traffic Control Devices on County roads.

7. Within the Grand Mound urban growth area, the Grand Mound Development Guidelines dated March 9, 1998, are adopted and incorporated in this chapter by reference as fully set forth in this chapter.

The previous provisions in subsections (1) and (4) as modified above along with the regulations on noncommercial speech signage provide a clear prohibition on signs placed in public rights-of-way that do not serve a public purpose, are noncommercial speech, or are allowed by another code standard.

Section 20.40.035 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 20.40.035, Subsections 1, 15, 16, and 17, are amended as follows:

20.40.035 - Exempt signs.

...  

1. Construction Signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the
owner interest on sites under construction of a project, and that have obtained a building, land division, or other development permit, but not including advertisement of any products, during the construction period, and up to thirty days after an occupancy permit has been issued.

No changes are proposed from the Planning Commission recommendation for the above section. Content does not need to be read other than to verify that content does not sell products.

...  

15. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

No changes are proposed from the Planning Commission recommendation for the above section. Removed for identifying content and/or category. See noncommercial sign provision, sec. 20.40.040

16. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:
   a. Such displays shall conform to the height restrictions for permitted signs, and
   b. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year.

No changes are proposed from the Planning Commission recommendation for the above section. Modified to ensure allowance of special events without conflict with content. This application of event sign is unique to this ordinance.

17. Signs up to four square feet which show the meeting location for a service club or fraternal organization.

No changes are proposed from the Planning Commission recommendation for the above section. Removed for identifying content and/or category, and replaced. Also see noncommercial sign provision, sec. 20.40.040.

A new section is proposed to be added. Section “20.40.040 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

20.40.040 - Noncommercial signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:
1. Temporary Noncommercial Signs on Private Property.

   a. Such signs shall meet the general requirements of Section 20.40.020, except as specified in this section.

   b. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.

   c. In residential zones, such signs shall not exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

   d. In commercial and industrial zones, not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

   e. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial signs should be placed as far outside of these locations as possible to ensure public safety.

   f. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts.


   a. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.

   b. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

   c. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

   d. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.
e. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

f. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk.

g. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

h. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

i. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign constitutes a public safety hazard, the sign interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

j. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

k. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

k. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

3. Permanent Noncommercial Signs.

a. Such signs shall meet the general requirements of Section 20.40.020.

b. Such signs shall require a sign permit.

c. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.
d. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

    Content neutral sign distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.
ATTACHMENT – B: Zoning Ordinance for the Lacey Urban Growth Area (Title 21)

Chapter 21.75 - SIGN REGULATIONS

24.75.020 Definitions and abbreviations.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

"Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency or nonprofit organization), searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only. Different types of temporary signs included in this category are: construction, grand opening displays, real estate, special event, political noncommercial, and garage sale.

A new section is proposed to be added. Section “21.75.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

21.75.065 - Noncommercial Signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

A. Temporary Noncommercial Signs on Private Property.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050, except as specified in this section.

2. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.

3. In residential zones, such signs shall not exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

4. In commercial and industrial zones, not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

5. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.
6. Signs visible from the public right-of-way shall remain in good repair and shall be
removed, repaired, or replaced if in a damaged or deteriorated condition if it
constitutes a hazard to public safety. Examples of damaged or deteriorated
condition includes but is not limited to holes, rips and separation from support
posts, and broken supports and posts.

B. Temporary Noncommercial Signs in the Public Right-of-Way.

1. Such signs shall meet the requirements of Section 21.75.080 except as specified in
this section.

2. No noncommercial sign shall be placed within, encroach into, or protrude over the
edge of traveled way, the vision clearance triangle at intersections, deceleration
lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges,
and other areas of a public street right-of-way which may interfere with
normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as
possible to ensure public safety.

3. No noncommercial sign shall not interfere with or obstruct the view of any traffic
control device.

4. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the
edge of the shoulder to maintain a minimum roadway clear zone.

5. Signs shall be a breakaway design as defined in the Thurston County Road
Standards, as amended.

6. Where sidewalks are present at the back of curb with no planting strip, signs shall
be located at the back of sidewalk away from the roadway. Where a planting strip
is present, signs may be placed in the planting strip, but shall not encroach or
protrude over the edge of the back of curb or the sidewalk.

7. Signs shall remain in good repair and shall be removed, repaired, or replaced if in
a damaged or deteriorated condition, or if it constitutes a hazard to public safety.
Damaged or deteriorated condition includes but is not limited to holes, cracking,
rips, peeling, fading, broken supports and posts, or otherwise showing need of
general maintenance.

8. Noncommercial signs shall not be attached to any traffic control device, county
owned or maintained such as signs or posts, utility boxes, traffic signal, signal
control box, street lights, street light poles, or any utility poles. Please see Section
12.100.005 TCC and RCW 47.36.130.

9. The owner of a noncommercial sign placed in the public right-of-way may be
required to remove the sign, or the sign may be removed by the county at any time.
if the sign constitutes a public safety hazard, interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not allowed by this chapter.

10. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

11. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

12. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

The Planning Commission recommendation prohibited signs in the public right-of-way. Since the recommendation was made, staff has done further analysis and found that portions of the right-of-way may constitute a public forum, and the county may need to permit signs in areas that are traditional locations for free speech and may not cause a public safety hazard. Based on the above limitations temporary noncommercial speech signs maybe allowed at the edges of rights-of-way outside of facilities and from the back of sidewalk towards the edge of the right-of-way.

B. Permanent Noncommercial Signs.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050.

2. Such signs shall require a sign permit.

3. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of this chapter and the underlying zoning district for commercial signs.

4. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

Content neutral sign standard distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.

Section 21.75.070 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 21.75.070, the following subsections are amended to read as, follows:

21.75.070 - Exemptions.

...
C. Traffic or other municipal signs, bench signs located at designated public transit bus stops, signs required by law or emergency, railroad crossing signs, legal notices; and any temporary, or nonadvertising signs as may be authorized by the board and this chapter;

... 

G. One bulletin board not over fifty square feet in sign area for each public, charitable or religious or noncommercial institution where the same are located on the premises of said institution. A sign permit is required;

... 

R. Special event signs, real estate signs, political signs, banners or cloth signs, decorations and garage sale signs, provided they conform to their applicable limitations.

See comments below.

R. Real Estate Signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in 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 five square feet in sign area. The sign may be placed along the periphery of a public right-of-way within one mile of the subject residential development.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area.

5. Undeveloped Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Such sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

This section is proposed to be relocated from temporary sign section due to exemption from permit.
S. **Event Signs (commercial).** No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet, such signs and shall not be posted or attached to traffic control device, county owned or maintained signs or posts, utility boxes, signal control boxes, telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee business or enterprise for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Such temporary signs, such as: posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights may be permitted for any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations or by special use permit.

The term “special” is removed because it may connote distinguishing content. The standards for both ‘grand opening’ and ‘event’ are proposed to be combined due to their similarities. The Real Estate Sign section is proposed to be relocated from temporary sign section due to exemption from permit. Event signs has been updated to include restricted areas for sign placement on county owned facilities.

Section 21.75.080 – Prohibited signs, is proposed to clarify signs placed in the public Rights-of-Way. TCC 21.75.080 would be amended, as follows:

21.75.080 - Prohibited signs.

The following signs or displays are prohibited, unless otherwise specified by this chapter:

A. Roof signs;

B. Animated signs;

C. Flashing signs;

D. Portable commercial signs;

E. Commercial Advertising vehicles;

F. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;

G. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device;
H. No sign shall encroach into or protrude over the street right-of-way, or be placed within the street right-of-way, except as specified in this chapter. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way. Exceptions are except as provided for awnings and marquees in Section 21.75.175;

I. Signs attached to any traffic control device, county owned or maintained signs or posts, utility boxes, signal control box, or any utility poles;

J. Off-premises signs including:

1. Any sign identifying a use, facility or service which is not located on the premises;

2. Any sign identifying a product that is not produced, sold or manufactured on the premises;

3. Any sign that advertises or otherwise directs attention to a product, service or activity, event, person, institution or business that may or may not be identified by a brand name and which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located.

K. Strings of banners, pennants, and other graffiti-like material.

21.75.090 - Temporary signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulation. TCC 21.75.090, the following subsections are amended as follows:

21.75.090 - Temporary signs.

... 

A. Construction Signs. A sign permit is required. 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 is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:

1. In all zones other than single-family residential zones, no construction temporary sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line or closer than thirty feet from the property line of the abutting owner.

2. In single-family residential zones, no construction temporary sign shall exceed thirty-two square feet in sign area (printed copy on one side only) or ten feet in height, nor be located closer than ten feet from the property line of the abutting owner.

Modified to remove categorization. Lacey UGA is the only jurisdiction that considers construction signs under temporary rather than exempt, and do require a sign permit.
B. Grand Opening Displays. No sign permit is required. Such temporary signs, such as: posters, banners, strings of lights, clusters of flags, balloons or other air or gas filled figures, and searchlights are permitted for a period of seven days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. All such materials shall be removed immediately upon the expiration of seven days. Such displays are permitted only in districts where the enterprise so advertised is allowed under district zoning regulations. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

See comment below.

C. Special Event Signs. No sign permit is required. Such temporary signs may be placed upon private property only and shall not be larger than four square feet. Such signs shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be displayed thirty days prior to an event and must be removed within seven days after the event's conclusion. The event committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business or enterprise provided the beam of light does not flash against any building or does not sweep an arc of forty-five percent from vertical.

Removed for identifying content and/or category.

D. Real Estate Signs. No sign permit is required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits are as follows:

1. Residential "For Sale" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed five square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a realtor has more than one house open for inspection in a single development or subdivision, he/she is limited to four off-premises "open house" signs in 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 five square feet in sign area. The sign may be placed along the periphery of a public right-of-way within one mile of the subject residential development.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed thirty-two square feet in sign area and seven feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is
less than ten feet from the building line, the sign shall be placed on the building or in a window. The sign shall not exceed seven feet in height, if free-standing, shall be located more than fifteen feet from any abutting property line and a public right-of-way line. Such sign shall not exceed thirty-two square feet in sign area.

5. Undeveloped Residential Property "For Sale" Signs. One sign per street frontage advertising undeveloped residential property for sale is permitted not exceeding thirty-two square feet in sign area. Such sign must be placed more than thirty feet from the abutting owner's property line and may not exceed a height of seven feet.

Real estate signs section moved to Section 21.75.070 Exemptions.

E. Political Signs. No sign permit is required. Political signs or posters may be placed upon private property only and shall not be larger than ten square feet of sign area and shall not be posted or attached to telephone poles, power poles or other public utility facilities. Such signs must be removed seven days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a primary election the sign may remain until the final election, but shall be removed within seven days after the election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

Removed for identifying content and/or category. See noncommercial sign provision, sec. 21.75.065

F. Banners or Cloth Signs. Such signs may be permitted and extend across a public street by permission of the director or designee. Such signs may only be placed at county designated locations and erected by county personnel.

Thurston County does not currently have a designated location. County staff time would be necessary to place the banner. This is primarily used within the city boundaries of Lacey and Olympia. The other two UGA zoning ordinances do not include a provision for this. Some jurisdictions have had issues with allowing banners across rights-of-way related to who may request the banner, is it off-site advertising and allocation of staff time to erect the banner.

G. Garage Sale (Yard Sales, Moving Sales, Patio Sales). No sign permit is required. Such signs shall be limited to one sign on the premises and three off-premises signs. No such sign shall that do not exceed four square feet in sign area. The sign or signs may be displayed only during the sale and must be removed the day the sale ends. The person or persons for which erected the sign or signs are displayed shall be responsible for its removal and subject to the penalties as provided in this code.

Removed for identifying content and/or category. See sec. 21.75.070.

21.75.100 - Structural requirements.

The structure and erection of signs or flag poles within the Lacey UGA shall be governed by Title 14 Buildings and Construction the Uniform Building Code, 1994 Edition (or any superseding
Compliance with the Uniform Building Code shall be a prerequisite to issuance of a sign permit under this code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

21.75.110 - Electrical requirements.

Signs requiring electrical power shall be permitted and installed in accordance with the electrical code adopted by the State of Washington.

Electrical requirements for signs within the Lacey UGA shall be governed by the National Electrical Code. Compliance with the National Electrical Code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.

This provision does not belong in our code. The county is not permitted to conduct electrical inspections or issue electrical permits. These are done by the State of Washington for non-charter counties.

21.75.180 - District regulations.

A. General. This section shall apply to all zones designated in the Zoning Ordinance.

C. Location. Freestanding signs may be permitted anywhere on the premises except in a required side yard or within ten feet of a street right-of-way, or within the sight triangle established by the Vision Clearance Ordinance. Monument and low profile monument signs can be located adjacent to property lines but not within the sight vision clearance triangle established in Chapter 15.04 Standards Adoption by the Vision Clearance Ordinance. Directory-type signs meeting the dimensional requirements of Section 21.75.180H of this chapter are permitted within multiple building complexes such as business parks and governmental centers as an aid in client orientation.

This is not a substantive amendment. Thurston County does not have a Vision Clearance Ordinance. Vision clearance triangle standards are in the Thurston County Road Standards and other public works standards adopted under Chapter 15.04 Standards.

21.75.230 - Department—Inspection authority.

The department is empowered to enter or inspect any building, structure or premises in the Lacey UGA upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
The county is not permitted to conduct electrical inspections or issue electrical permits. These are done by the State of Washington for non-charter counties.

21.75.280 - Visual quality for commercial signs.

The department is empowered to prepare graphic materials such as photographs and drawings of sign types and styles acceptable to the county, and to disallow proposed commercial signs that do not comply with the general types and styles represented by these graphic materials. Appeals of such department decisions shall be to the hearing examiner as specified in Thurston County Code Chapter 2.06.
ATTACHMENT – C: Tumwater UGA Zoning Ordinance (Title 22)
Chapter 22.44 - SIGNS

A new section is proposed to be added. Section “22.44.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

Chapter 22.44 - SIGN REGULATIONS

22.44.050 - Permit—Required.

A. No sign shall be erected, altered or relocated without a sign permit issued by the county, except where only the actual sign face or wording is changed, to include the change in business occupancy, repainted, cleaned, repaired or maintained without structural or size alterations. The signs listed in TCC Section 22.44.070 under exempt signs are exempt from the requirements of this subsection.

B. State electrical permits shall be obtained for all electric signs.

C. No permit for any sign shall be issued unless the sign complies with all requirements of this chapter and applicable regulations of Title 14 Buildings and Construction the Uniform Building Code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

A new section is proposed to be added. Section “21.75.065 – Noncommercial Signs,” to TCC 20.40., and is proposed to be read as follows:

22.44.065 - Noncommercial Signs.

Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

A. Temporary Noncommercial Signs on Private Property.
   1. Such signs shall meet the general requirements of Section 22.44.050, and 0.60, except as specified in this section.
   2. Such signs shall not require a sign permit if less than four square feet in sign surface area and less than forty-eight inches in height.
   3. In residential zones, such signs shall not exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.
4. In commercial and industrial zones, such signs shall not exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

5. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

6. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts.

Subsections (c) & (d) above would be modified to remove the quantity limit. This is likely too restrictive on private property for noncommercial speech signs.

B. Temporary Noncommercial Signs in the Public Right-of-Way.

1. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.

2. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

3. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

4. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

5. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

6. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs may be placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk.
7. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

8. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

9. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign the sign constitutes a public safety hazard, interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

10. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

11. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

12. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

The Planning Commission recommendation prohibited signs in the public right-of-way. Since the recommendation was made, staff has done further analysis and found that portions of the right-of-way may constitute a public forum, and the county may need to permit signs in areas that are traditional locations for free speech and may not cause a public safety hazard. Based on the above limitations temporary noncommercial speech signs maybe allowed at the edges of rights-of-way outside of facilities and from the back of sidewalk towards the edge of the right-of-way.

B. Permanent Noncommercial Signs.

1. Such signs shall meet the general requirements of Section 21.75.040, and .050.

2. Such signs shall require a sign permit.

3. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.
4. If not located on the premises of the business or residence of the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.

Content neutral sign standard distinguished from commercial signage. Intended to capture content oriented temporary, exempt, and movable signs.

Section 22.44.070 – Exempt signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 22.44.070, the following subsections are amended to read as, follows:

22.44.070 - Exemptions.

The following signs shall be permitted anywhere within the Tumwater UGA and are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

A. Construction signs which identify the future use of a site, architects, engineers, contractors, financial institutions, and other individuals or firms involved with the owner interest on sites under construction of a project, and that have obtained a building permit, but not including advertisement of any products, during the construction period, and up to thirty days after an occupancy permit has been issued, to a maximum area of thirty-two square feet per surface with a total of sixty-four square feet, per user, not to exceed four signs per project;

L. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right of way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title;

Removed for identifying content and/or category. See noncommercial sign provision, sec. 22.44.065

M. Protest or picket signs;

Removed for identifying content and/or category. See noncommercial sign provision, sec. 22.44.065

N. Any special event signs or displays such as search lights, pennants, streamers, ribbons, air-filled figures or gas-filled figures, subject to the following restrictions:
1. Such displays shall conform to the height restrictions for permitted signs, and
2. Such displays shall be allowed for a period of time not to exceed fourteen days in any calendar year; and

This subsection is slightly modified to remove insinuation of deriving circumstance from sign content. This provision is unique to this code. Entitlements remain unchanged.

O. Signs up to four square feet which show the meeting location for a service club or fraternal organization.

Removed for identifying content and/or category. See noncommercial sign provision, sec. 22.44.065.

22.44.075 - Conditional exemptions.

Except to the extent that permits may be required under Title 14 Buildings and Construction TCC the Uniform Building Code the following signs are exempt from the permit requirements of this chapter, but they shall be included in the computation of sign size area for regulated signs:

A. Any temporary sign, banner, or point-of-purchase sign intended to be displayed for a limited period of time;

B. Signs flush-mounted or painted directly on the wall of a building, or erected against the wall of a building parallel or approximately parallel to the wall and not extending further than fifteen inches from the wall; and

C. Product dispensers.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.

22.44.080 - Prohibited signs.

The following signs are prohibited:

...

D. Signs which are pasted or attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles, trees, other signs, rocks, or other natural features;

...

The above subsection is proposed to be updated to be consistent with the new language being used for temporary noncommercial signs.
22.44.120 - Removal.

...

D. Signs which the administrative official finds upon public streets, sidewalks, rights-of-way, or other public property may be immediately removed by the administrative official without prior notice. Hazardous signs shall be removed in accordance with Title 14 Buildings and Construction the Uniform Building Code.

The above changes are not substantive, and will update references to the correct building code. Thurston County is not under the Uniform Building Code. To prevent this issue in the future, the reference has been updated to the Thurston County Code title for building permitting.
ATTACHMENT – D: Olympia UGA Zoning Ordinance (Title 23)

Section 23.02.180 Definitions.

…

Sign, political” means a sign for the purpose of advertising a candidate or candidates for public elective office, or a political party, or which promotes a position on a public or ballot issue.

…

Chapter 23.42 - SIGNS

Section 23.42.060 – General sign regulations, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign. TCC 23.42.060, the following subsections are amended to read as, follows:

23.42.060 – General sign regulations.

A. Design Review of Signs.

1. In applying the design criteria set forth above, or the design guidelines, the department may deny or further restrict signs otherwise authorized or regulated in other sections of this chapter. It is intended that the general provisions of this chapter are subordinate to the design criteria and design guidelines, if the criteria and guidelines are more restrictive.

2. For permanent noncommercial signs, in applying the design criteria set forth above, or the design guidelines, the department may further restrict the sign dimensions and placement. It is intended that the general provisions of this chapter are subordinate to the design criteria and design guidelines. However, guidelines shall not be used to review the content of a sign, including graphics, colors, words, font and other noncommercial speech.

3. The appeal procedures set out in TCC Section 23.50.140 for signs subject to design review shall apply.

…

E. New Signs, Repairs, Alterations, Abandoned Signs.

1. No new sign shall be erected nor any existing sign structurally altered, that is not in compliance with these standards, the provisions of the use district in which it is located and any other pertinent federal, state or local regulations.
2. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.

3. Abandoned and out-of-date signs shall be removed. See "Nonconforming Signs."

4. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by an applicable law or the Uniform Building Code.

5. Signs shall not interfere, confuse or conflict with the recognition and visibility of any traffic control or directional devices or street name signs, nor shall any sign be so placed as to cause visual obstruction of any public right-of-way, unless otherwise specified by this chapter.

F. No Permit Required. The following signs do not require a permit:

1. Signs erected by government agencies to implement public policy;

2. Real estate signs subject to the requirements of Section 23.42.120O;

3. On-premise occupant name plates not exceeding three square feet in area;

4. Changing of advertising on a legal changeable copy sign;

5. On-premise contractor job signs on sites actively under construction not exceeding thirty-six square feet in area, and do not actively sell products;

6. Temporary signs less than six square feet in sign surface area on property and installed less than forty-two inches above ground.

...

I. Signs and Street Graphics Criteria for Commercial Signs.

1a. Signs shall be designed to be harmonious with building design and appropriate to the activity occurring on the site.

2. Signs and graphics shall complement or enhance the visual character of the land use zone in which they are located.

3. The scale of a sign shall be in proportion to the building and site.

4. The number of signs shall be minimized, and the graphic design shall be reviewed in order to avoid visual clutter.
5. Design elements, such as the size, shape, materials, lighting, color, lettering style shall be harmonious. The use of easily recognized symbols is encouraged.

6. Sign area is computed per side.

J. Structural Requirements. The structure and erection of signs within the Olympia UGA shall be governed by the Uniform Building Code, 1994 Edition (or any subsequent edition adopted by the County).

Section 23.42.080 would be amended, as follows:

23.42.080 – Prohibited signs.

The following types of signs are prohibited:

A. Animated signs. Exception: traditional barber signs;

B. Portable commercial signs. Exception: sidewalk or sandwich board signs;

C. Signs advertising commercial products not sold on premises;

D. Any sign over forty-two inches high in a required yard setback;

E. No sign shall be in encroach into or protrude over public right-of-way, or be placed within the public right-of-way, unless otherwise specified by this chapter, with the exception of projecting signs, sidewalk or sandwich board signs, political signs, or those legally mounted on a marquee are an exception to the above restriction;

F. Off-premises commercial directional signs. Exceptions: A variance for an off-premises commercial directional sign may be justified if all of the following can be found to apply:

1. The use applying for the variance caters to the tourist through the on premise provision of food, lodging or recreation.

2. The use is located at least one city block from a major arterial (as designated by the county).

3. Such signs shall be directional in nature only (no advertising other than location allowed).

4. No more than two such signs for each occupancy shall be approved.

5. The total area for a sign shall be a maximum of fifty square feet, but shall not exceed the allowable area in the respective use district.

6. Such a sign shall meet all other applicable provisions of these standards;
G. Outdoor advertising signs.

Section 23.42.120 – Permitted signs, are proposed to be amended to remove language that would identify the content of a sign for the purpose of regulating same sign and for regulating noncommercial signs. TCC 23.42.120, the following subsections are amended to read as, follows:

23.42.120 – Permitted signs.

…

K. Noncommercial Signs. Unless otherwise provided in this chapter, noncommercial signs shall meet the following requirements:

1. Temporary Noncommercial Signs on Private Property.

a. Such signs shall meet the general requirements of Section 23.42.060, except as specified in this section.

b. Such signs shall not require a sign permit if less than six square feet in sign surface area and less than forty-two inches in height.

c. In residential zones, such signs shall be limited to one sign per street frontage, not to exceed five square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

d. In commercial and industrial zones, such signs shall be limited to one sign per street frontage, not to exceed thirty-two square feet in sign area per side, placed wholly on private property, and not to exceed a height of eight feet.

e. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, shoulders, medians, islands, roadway and street clear zones, bridges, and other areas of a public street right-of-way which may constitute a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

f. Signs visible from the public right-of-way shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition if it constitutes a hazard to public safety. Examples of damaged or deteriorated condition includes but is not limited to holes, rips and separation from support posts, and broken supports and posts.


a. Such signs shall meet the general requirements of Section 20.40.020 except as specified in this section.
b. No noncommercial sign shall be placed within, encroach into, or protrude over the edge of traveled way, the vision clearance triangle at intersections, deceleration lanes, auxiliary lanes, parking lanes, bike lanes, shoulders, medians, islands, bridges, and other areas of a public street right-of-way which may interfere with normal use of the travel way including creating a public safety hazard. Noncommercial speech signs should be placed as far outside of these locations as possible to ensure public safety.

c. No noncommercial sign shall not interfere with or obstruct the view of any traffic control device.

d. Where no sidewalk or curb is present, signs shall be a minimum of 10 feet from the edge of the shoulder to maintain a minimum roadway clear zone.

e. Signs shall be a breakaway design as defined in the Thurston County Road Standards, as amended.

f. Where sidewalks are present at the back of curb with no planting strip, signs shall be located at the back of sidewalk away from the roadway. Where a planting strip is present, signs maybe placed in the planting strip, but shall not encroach or protrude over the edge of the back of curb or the sidewalk except as otherwise specified in this chapter.

g. Signs shall remain in good repair and shall be removed, repaired, or replaced if in a damaged or deteriorated condition, or if it constitutes a hazard to public safety. Damaged or deteriorated condition includes but is not limited to holes, cracking, rips, peeling, fading, broken supports and posts, or otherwise showing need of general maintenance.

h. Noncommercial signs shall not be attached to any traffic control device, county owned or maintained such as signs or posts, utility boxes, traffic signal, signal control box, street lights, street light poles, or any utility poles. Please see Section 12.100.005 TCC and RCW 47.36.130.

i. The owner of a noncommercial sign placed in the public right-of-way may be required to remove the sign, or the sign may be removed by the county at any time if the sign constitutes a public safety hazard, interferes with the function of drainage facilities, road construction, repair, regular maintenance, or because it is in a location not permitted by code.

j. Owners of signs shall solely assume all rise and liability for accidents and damages that may occur to persons, property, or natural resources by reason of the placement of signs in the right-of-way.

k. Temporary noncommercial signs placed in the public right-of-way related to a specific event should be removed within 15 days after the conclusion
of the event. The individual, committee or organization for which the sign is displayed shall be responsible for its removal.

k. Temporary noncommercial signs in the public right-of-way shall be limited to thirty inches above grade, and have a sign face with no more than four square feet in area.

2. Permanent Noncommercial Signs.
   a. Such signs shall meet the general requirements of Section 23.42.060.
   b. Such signs shall require a sign permit.
   c. If located on the premises of the business or residence of the owner, such signs shall meet the size and location requirements of the underlying zoning district for commercial signs.
   d. If not located on the premises of the business or residence or the owner, permanent noncommercial signs shall meet the size, height and location requirements for temporary noncommercial signs.
   e. The scale of a sign shall be in proportion to the building and site.
   f. Design elements, such as the size, shape, materials, and lighting, shall be harmonious.
   g. Sign area is computed per side.

M. Political Signs. No sign permit is required. Political signs may not be placed in public parks or attached to traffic safety devices, telephone poles, power poles, or other public utility facilities. They may be placed upon private property or within the public right-of-way, provided that:

1. The sign shall be placed no less than ten feet from the paved edge or traveled portions of the roadway. Signs placed within twenty feet of a street corner shall not exceed thirty-six inches in height within the clear sight triangle.
2. The sign shall not interfere with traffic safety.
3. If located in any residential zone district, they shall not exceed ten square feet of sign area. If located in any other zoning district, the maximum area shall be thirty-two square feet.
4. Signs shall not exceed forty-two inches in height if placed in a residential district or in a required setback in any district. In other districts and outside of setbacks, they shall not exceed ten feet in height.
5. Such signs must be removed five days after the election in which the candidate or issue advertised on a sign has been determined. For a successful candidate in a
primary election the sign may remain until five days after the general election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.

6. The candidate or committee for which the sign is displayed shall be subject to a fine or penalty for violation of these requirements as set forth in this title.

Though considered free speech, the provisions allowing placement in the public ROW amounts to a special privilege, and should be struck unless provided to all similar uses. Consider noncommercial signage covered under “K” of this same section.

P. Residential Signs—Generally. Nonresidential uses within residential districts are permitted one flush-mounted or ground sign having a maximum sign area of twenty-four square feet for each use. (See design guidelines, Section 23.04A.170.)

Exceptions:

1. Preschools, Home Occupations, and Income Producing Uses in Co-Housing Developments. One flat unlighted flush-mounted sign on the building containing such uses is permitted. Such sign shall not exceed two square feet in sign surface area, nor shall any side exceed two linear feet. This sign shall state only the name of the occupant and the type of occupation. In co-housing developments a structure containing multiple businesses may contain up to ten square feet of signage, at the rate of two square feet of signage per business;

    *Categorization of income producing activities is unnecessary.*
Attachment C:
Selected Illustrations and Definitions from the Thurston County Road Standards
2.00 GENERAL CONSIDERATIONS

2.01 Applicability

These Standards govern all construction within Thurston County as it relates to clearing, grading and work performed on existing or proposed Rights-of-Way. Projects within urban growth areas shall also be governed, in part, by that particular City’s guidelines. Standards shall be considered reasonable minimum regulations, and shall not be relaxed except upon acceptance of a variance.

These Standards are pursuant to Thurston County Code Title 13 Roads and Bridges, Title 15 Public Works, Title 18 Platting and Subdivision and Title 20 Thurston County Zoning Ordinance and the International Building and Fire Codes. Where these Standards may be inconsistent with the provisions of Title 13, Title 15, Title 18 and Title 20, these Standards shall control.

2.02 Definitions

Unless otherwise stated, capitalized words and phrases used in this document are defined in either Thurston County Code 13.56 or in the following list:


Accepted Plans - Project plans that have been accepted for construction by the County Engineer or designee.

Access - A trail, Driveway or Private Road that connects to the general Public Road or Trail system.

Average Daily Trips (ADT) - The total two-directional volume of traffic passing through a given point during a given time period, divided by the number of days in that time period. When used as a threshold to determine classification (size) of the Access point or road, ADT shall be based on the ultimate build out of all land, considering current zoning, that will potentially be served by the Access point or road.

Americans with Disabilities Act (ADA) - A civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

Applicant - Any person, firm, partnership, association, joint venture, corporation or any other entity responsible for a given project seeking approval from the County for any land use or other related Permit or approval referenced in Thurston County Code and which requires utilization of these Standards.
**Auxiliary Lane** - The portion of the roadway adjoining the Traveled Way for parking, speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement.

**Breakaway** - A structure or installation that has been crash tested in accordance with National Cooperative Highway Research Program procedures.

**Capacity** - The maximum number of Vehicles that have a reasonable expectation of passing over a given roadway or section of roadway in one direction during a given time period under prevailing roadway and traffic conditions.

**Channelization** - The separation or regulation of conflicting traffic movements into definite paths of travel by the use of pavement markings, raised Islands or other suitable means to facilitate the safe and orderly movement of both Vehicles and pedestrians.

**Clear Zone** - The total roadside border area, starting at the Edge of Traveled Way, available for safe use by errant Vehicles. This area may consist of a Shoulder, a Recoverable slope, a non-Recoverable slope, and/or a clear run-out area. The desired width is dependent upon the traffic volumes, speeds, and the roadside geometry.

**Construction Plans** - The plans, profiles, cross sections, elevations, details, and supplementary specifications, signed by a licensed professional engineer and accepted by the County Engineer, which show the location, character, dimensions, and details of the work to be performed.

**County Road System** - Roads that are maintained by the County

**Cul-de-Sac** - Circular turnaround at the end of a road or Driveway that is temporarily or permanently closed to thru traffic.

**Deceleration Lane** - A lane, including tapered areas, for the purpose of enabling a Vehicle that is to make an exit turn from the roadway to slow to a safe turning speed after it has left the main stream of faster moving traffic.

**Design Speed** - A speed determined for design and correlation of the physical features of a highway that influence Vehicle operation: the maximum safe speed maintainable over a specified section of road when conditions permit design features to govern.

**Distribution** - See Trip Distribution.

**Driveway** - Access to individual lot. Access to 2 or more lots is defined as a Road.
**Edge of Traveled Way** - Designated by the face of curb, the fog line or the edge of the roadway when neither are present.

**Encroachment** - Occupancy of County right-of-way by privately owned Structures. This includes any Work within the County right-of-way.

**Engineer** - Shortened designation for County Engineer or authorized representative. This definition shall also be applied to the terms “Director” or “Engineer” as they may appear in the Standard Specifications or the Standard Plans.

**Grade** - Rate or percent of change in elevation, either ascending or descending, from one point to another.

**Half Road** - A 20’ road constructed along the property line of development utilizing half the regular width of the right-of-way and Permitted as an interim facility pending construction of the other half of the road by the adjacent owner.

**Hazard** - Any object that when struck would apply unacceptable impact forces on the Vehicle occupants or place occupants in a hazardous position. It may be either natural or manmade.

**Intersection** - The general area where two or more Driveway/Roadways join or cross.

**Island** - A defined area between traffic lanes for control of Vehicle movements and/or for pedestrian refuge.

**Joint Access** - An Access onto County right of way which serves two or more Driveways.

**Median** - That portion of a divided roadway separating the Traveled Ways for traffic in opposite directions.

**PC** - Point of Curvature.

**PI** - Point of Intersection.

**Private Road or Private Roadway** - Privately owned and maintained vehicular Access serving two or more lots...

**Project Engineer** - A professional engineer currently licensed by the State of Washington, retained by the Applicant, and acting on the Applicant’s behalf as a project designer.

**PT** - Point of Tangent.

**Public Road or Public Roadway** - Publicly owned and maintained Road.
Recoverable Slope - A slope on which a motorist may, to a greater or lesser extent, retain or regain control of a Vehicle by slowing or stopping.

Rural Areas - Areas so designated in Thurston County Comprehensive Plan which are characterized by long-term low density development.

Shoulder - That portion of the roadway contiguous with the Traveled Way providing lateral support of base and surface courses. The Shoulder also accommodates pedestrians, bicycles, stopped Vehicles and emergency use.

Sight Distance - The length of roadway ahead that is visible to the driver.

Stopping Sight Distance - The minimum distance a driver needs to perceive and comprehend the object, decide on an appropriate response, react and complete the braking maneuver without hitting the object in its path.

Traffic Impact Analysis (TIA) - A study which assesses the effects that a particular development’s traffic will have on the overall transportation network. These studies vary in their range of detail and complexity depending on the type, size and location of the development.

Traveled Way - The part of the road made for Vehicle travel excluding Shoulders and Auxiliary Lanes.

Trip - A one-direction movement which begins at the origin and ends at the destination.

Trip Distribution - The process by which the movement of Trips between zones is estimated. The data for each Distribution may be measured or estimated by a growth factor process or by a synthetic model.

Trip End - A single or one-direction Vehicle movement with either the origin or the destination (exiting or entering) inside the study area. For Trip generation purposes, the total Trip ends for a land use over a given period of time are the total of all Trips entering plus all the Trips exiting a site during a designated time period.

An example of a Trip end would be: A site which has over some period of time, 2,000 Trips entering and 1,800 Trips leaving, has 3,800 Trip ends associated with it. The 3,800 total Trips to and from the site represent a total of 7,600 Trip ends. Of these, 3,800 occur at locations other than the site in question.

Trip Generation - A general term describing the analysis and application of the relationships that exist between the Trip makers, the traffic study area, and the Trip making. It relates to the number of Trip Ends in any part of the traffic study area.
Urban Areas - Areas so designated in the Thurston County Comprehensive Plan, and as implemented through community plans and area zoning which are characterized by denser commercial/industrial and residential development.

2.03 Adopted Thurston County Specifications

Except where these Standards provide otherwise, or by contract with the County, all design and construction, including materials, shall be in accordance with the relevant sections of the following publications:


RURAL AREA ROADWAY DESIGN STANDARDS

ROADWAY CLASSIFICATION: LOCAL ROAD
20-YR. PROJECTED AVERAGE DAILY TRAFFIC (ADT): 161 - 400

DESIGN CRITERIA

<table>
<thead>
<tr>
<th>DESIGN SPEED</th>
<th>35 M.P.H.</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAXIMUM ROAD GRADE</td>
<td>10%</td>
</tr>
<tr>
<td>MINIMUM ROAD GRADE</td>
<td>0.5%</td>
</tr>
<tr>
<td>MINIMUM SURFACING WIDTH</td>
<td>20'</td>
</tr>
<tr>
<td>MINIMUM ROADWAY WIDTH</td>
<td>26'</td>
</tr>
<tr>
<td>MINIMUM DESIGN LOAD</td>
<td>HS 20-44</td>
</tr>
<tr>
<td>RIGHT-OF-WAY WIDTH</td>
<td>60' MIN.</td>
</tr>
<tr>
<td>ROADWAY GEOMETRICS</td>
<td>PER AASHTO AND WSDOT STDS.</td>
</tr>
<tr>
<td>MINIMUM REQUIRED: ASPHALT CONCRETE PAVEMENT</td>
<td>0.20' COMPACTED DEPTH</td>
</tr>
<tr>
<td>CRUSHED SURFACING TOP COURSE</td>
<td>0.17' COMPACTED DEPTH</td>
</tr>
<tr>
<td>CRUSHED SURFACING BASE COURSE</td>
<td>0.75' COMPACTED DEPTH</td>
</tr>
<tr>
<td>VERTICAL CLEARANCE</td>
<td>16.5'</td>
</tr>
</tbody>
</table>

SWALE* (2' MIN.)

SWALE* (2' MIN.)

1-1/2:1 MIN.
3:1 MIN.
4:1 MIN.
1-1/2:1 MAX.

NOTES:

CLEAR ZONE DISTANCE SHOWN APPLIES TO ROADS WITH A POSTED SPEED OF 35 MPH OR LESS.

WHERE BICYCLE Lanes ARE REQUIRED, PAVEMENT WIDTHS AND R/W WIDTHS SHALL BE INCREASED TO ACCOMMODATE THE BICYCLE LANE.

R/W WIDTHS MAY BE REDUCED WHERE THE COUNTY ENGINEER HAS DETERMINED THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PRIVATE MAINTENANCE OF WALKWAYS, TRAILS, BIKEWAYS AND DRAINAGE FACILITIES.

FULL DEPTH PAVED SHOULDERS MAY BE REQUIRED ON CURVES AND WHERE ADDITIONAL LANES ARE, OR WILL BE, REQUIRED.

IN FILL SECTIONS, THE COUNTY ENGINEER MAY REQUIRE A THICKENED EDGE TO CONTROL EROSION.

STRUCTURAL ROADWAY SECTION TO BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN WASHINGTON.

* THE USE OF ROADSIDE AREAS FOR ALTERNATIVE DRAINAGE FACILITIES (BIORETENTION, BIOFILTRATION, DISPERSION, ETC.) IS ENCOURAGED BUT MAY REQUIRE ADDITIONAL EASEMENT WIDTH.
RURAL AREA ROADWAY DESIGN STANDARDS

ROADWAY CLASSIFICATION: ARTERIAL
20-YR. PROJECTED AVERAGE DAILY TRAFFIC (ADT): ABOVE 2000

30’ R/W
1-1/2’ MIN. 4:1 MIN.
1-1/2:1 MIN.

30’ R/W

12’

12’

8’

8’

2%

2%

DESIGN CRITERIA

ASPHALT CONCRETE PAVEMENT
CRUSHED SURFACING TOP COURSE
CRUSHED SURFACING BASE COURSE

DESIGN SPEED
50 M.P.H.

MAXIMUM ROAD GRADE
10%

MINIMUM ROAD GRADE
0.5%

MINIMUM SURFACING WIDTH
24’ PLUS TWO 8’ SHOULDERS

MINIMUM ROADWAY WIDTH
40’

RIGHT-OF-WAY WIDTH
60’ MIN.

ROADWAY GEOMETRICS
PER AASHTO AND WSDOT STDS.

MINIMUM REQUIRED:

ASPHALT CONCRETE PAVEMENT
0.33’ COMPACTED DEPTH

CRUSHED SURFACING TOP COURSE
0.17’ COMPACTED DEPTH

CRUSHED SURFACING BASE COURSE
0.75’ COMPACTED DEPTH

VERTICAL CLEARANCE
16.5’

SWALE*
(2’ MIN.)

SWALE*
(2’ MIN.)

NOTES:

WHERE BICYCLE LANES ARE REQUIRED, PAVEMENT WIDTHS AND R/W WIDTHS SHALL BE INCREASED TO ACCOMMODATE THE BICYCLE LANE.

R/W WIDTHS MAY BE REDUCED WHERE THE COUNTY ENGINEER HAS DETERMINED THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR THE PRIVATE MAINTENANCE OF WALKWAYS, TRAILS, BIKEWAYS AND DRAINAGE FACILITIES.

IN FILL SECTIONS, THE COUNTY ENGINEER MAY REQUIRE A THICKENED EDGE TO CONTROL EROSION.

FULL DEPTH PAVED SHOULDERS MAY BE REQUIRED ON CURVES AND WHERE ADDITIONAL LANES ARE, OR WILL BE, REQUIRED.

CLEAR ZONE REQUIREMENTS OUTLINED IN SECTION 4.18 OF THESE STANDARDS SHALL BE COMPLIED WITH.

STRUCTURAL ROADWAY SECTION TO BE DESIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN WASHINGTON.

* THE USE OF ROADSIDE AREAS FOR ALTERNATIVE DRAINAGE FACILITIES (BIORETENTION, BIOFiltrATION, DISPERSION, ETC.) IS ENCOURAGED BUT MAY REQUIRE ADDITIONAL EASEMENT WIDTH.