




March 30, 2015

To: Washington County Board of Commissioners

From: Andy Back, Manager 
Planning and Development Services

Subject: **PROPOSED LAND USE A-ENGROSSED ORDINANCE NO. 791 - An Ordinance Amending the Community Development Code Relating to Digital Billboards**

STAFF REPORT

For the April 7, 2015 Board of Commissioners Hearing
(The public hearing will begin no sooner than 10:00 am)

I. STAFF RECOMMENDATION

Conduct the public hearing for A-Engrossed Ordinance No. 791. At the conclusion of the hearing, order B-engrossment of the ordinance to reflect the changes described in this staff report and shown in Attachment A.

Continue the hearing for the B-engrossed ordinance to April 21 and April 28, 2015 and direct staff to provide mailed notice of the changes consistent with requirements of Chapter X of the County Charter.

II. BACKGROUND & ANALYSIS

At its October 28, 2014 meeting, the Board conducted the second required public hearing on proposed A-Engrossed Ordinance No. 791. The Board questioned the proposed requirement that digital billboards meet dark sky requirements and directed staff to further review the dark sky requirements proposed in the ordinance. The hearing was continued to March 17, 2015 at which time the Board continued the hearing to April 7, 2015 for further discussion.

During the winter, staff met with industry representatives along with LUT traffic engineering to examine the county's dark sky policies and requirements. Various solutions were identified, however, none would have completely satisfied the proposed dark sky standards. Another option considered was to modify the proposed language to require that digital billboards meet best industry practices for eliminating or reducing uplift, however this would require traffic engineering review and/or a request for design exception to be implemented.

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There is not a countywide policy regarding dark sky requirements. The county currently addresses dark sky upright concerns in two specific instances. First, for new street lighting on all county roads, roadway illumination standards found in the Road Design and Construction Standards require that light dispersion above the 90 degree (horizontal) plane meet dark sky requirements. These regulations are administered by Engineering and Construction Services. Second, the North Bethany Subarea Plan Design Element A.18 requires that exterior lighting in new developments be dark sky friendly.

Based on the research and discussions, staff is recommending removal of the dark sky requirement for Digital Billboards (as shown in shaded text below and incorporated into Attachment A).

414-6.4 Digital billboards allowed pursuant to Section 414-2.2 G shall:

- A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
- C. Be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light; and
- D. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.
- E. Meet dark sky requirements for upright and light trespass per the County Road Standards.

The following sections of the Community Development Code are amended as shown below:

1. SECTION 106 - DEFINITIONS

106-193 Sign A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign shall be considered to be a sign.

106-193.1 Electric Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

106-193.3 Flashing Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving, illuminated sign, except digital billboards permitted pursuant to Section 414-2.2 G, shall be considered a flashing sign.

106-193.13 Digital Billboard A sign that is static and changes messages by any electronic process or remote control, provided that the change from one message to another message is no more frequent than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less. Digital signs complying with Section 414-6.4 shall not be considered flashing as defined by this Code.

2. SECTION 414 - SIGNS

414 SIGNS

The following sign regulations shall apply to all uses as indicated.

414-2 Commercial and Institutional Districts

414-2.1 Scope:

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This Section shall apply to all Commercial Districts and the Institutional District.

414-2.2 Number and Size:

For each lot or parcel signing at the listed size may be allowed:

G. Outdoor Signs:

Outdoor signs, including digital billboards, and excluding bench signs (see Section 414-5.2), shall be permitted only in the General Commercial (GC) District. Such signs shall not exceed three hundred (300) square feet per face, nor shall the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following shall apply:

(1) Minimum spacing shall be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)
Interstate Hwy	500	
Limited Access (Freeway)	500	1000
Other Roads	None	500

(2) For the purpose of applying the spacing requirements of Section (1) above, the following shall apply:

- (a) Distances shall be measured parallel to the centerline of the highway; and
- (b) A back-to-back, double-faced or V-type sign shall be considered as one sign.

414-2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 414-1.2 B. and 414-2.2 F. may be located anywhere on the premises except as follows:

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- (1) A ground-mounted sign shall not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
 - (2) A freestanding sign shall not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches.
- D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than eight (8) feet six (6) inches (8' 6"). The maximum vertical dimension of signs shall be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

- E. Wall signs shall not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.
- F. Permitted outdoor signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.
- G. No portion of a digital billboard shall be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation that fronts on the same street and within the line of sight of the billboard face.

414-2.4 Height:

- A. Ground-mounted signs shall not exceed four (4) feet in height from ground level.
- B. Freestanding signs shall not exceed twenty-eight (28) feet in height from ground level.
- C. Outdoor signs, including digital billboards, shall not exceed thirty-five (35) feet in height from ground level.

414-2.5 Content:

- A. Any of the signs pursuant to this Section (414-2) may be changeable copy signs.
- B. The primary identification sign for each firm shall contain its street number. The street number shall be clearly visible from the street right-of-way.

414-2.6 Illumination:

Shall be as provided in Section 414-6.

414-6 Illumination

No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

414-6.4 Digital billboards allowed pursuant to Section 414-2.2 G shall:

A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;

B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;

C. Be equipped with a light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light; and

D. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.

~~E. Meet dark sky requirements for uplight and light trespass per the County Road Standards.~~

414-7 Prohibited Signs

Signs or lights which:

414-7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

414-7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

414-7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

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414-7.4 Are roof signs except as allowed in Section 414-5.4;

414-7.5 Are freeway-oriented signs; and |

414-7.6 Are portable signs; ~~and~~ |

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