



SELAH CITY COUNCIL

5:30pm September 14, 2021

4:30pm Study Session -
Sign Code



Selah City Council
Regular Meeting
Tuesday, Sept 14, 2021
5:30pm
Via Zoom

Mayor:	Sherry Raymond
Mayor Pro Tem:	Roger Bell
Council Members:	Russell Carlson
	Jacquie Matson
	Kevin Wickenhagen
	Clifford Peterson
	Suzanne Vargas
	Michael Costello

CITY OF SELAH
115 West Naches Avenue
Selah, Washington 98942

City Administrator:	Joe Henne
City Attorney:	Rob Case
Clerk/Treasurer:	Dale Novobielski

AGENDA

- A. Call to Order –Mayor Raymond
- B. Roll Call
- C. Councilmember Absence – Motion to Excuse
- D. Pledge of Allegiance
- E. Invocation
- F. Agenda Changes **None**
- G. Public Appearances/Introductions/Presentations
 - 1. Katrina Henkle, Selah Downtown Association – Update
- H. Getting To Know Our Businesses **None**
- I. Communications
 - 1. Oral

The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments. Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments must pertain to City business and official actions. Constructive criticism of City officials is allowed, but defamation, personal attacks and impertinent assertions are not allowed. Commenters are limited to one comment per meeting and a maximum of two minutes. City staff may disallow or modify any comment that is deemed inappropriate. These standards are subject to revision.

- 2. Written **None**
- J. Proclamations/Announcements **None**
- K. Consent Agenda

All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Treesa Morales * 1. Approval of Minutes: August 24, 2021
- Dale N. * 2. Approval of Claims & Payroll

L. Public Hearings **None**

M. General Business **None**

- 1. New Business

- 2. Old Business **None**

N. Resolutions

- Zack Schab 1. Resolution to adopt and allocate funds for an outdoor fitness court as part of the 2022 national fitness campaign

O. Ordinances

P. Public Appearances **None**

Q. Reports/Announcements

- 1. Departments
- 2. Council Members
- 3. City Administrator
- 4. Boards
- 5. Mayor

R. Executive Session **None**

S. Adjournment

Next Regular Meeting September 28, 2021

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action



SELAH CITY COUNCIL

4:30pm Study Session -
Sign Code

Chapter 10.38

SIGNS

Sections:

10.38.010	Intent and interpretation.
10.38.020	Chapter-specific definitions.
10.38.030	Development Permit required.
10.38.035	Land Use Applications.
10.38.040	Exempt signs and non-regulation of chalk on sidewalks.
10.38.050	Prohibited signs.
10.38.060	Sign standards.
10.38.070	General provisions.
10.38.080	Signs projecting over, or placed upon, public rights-of-way.
10.38.090	Sign illumination.
10.38.100	Roof signs.
10.38.110	Wall signs.
10.38.120	Fascia signs.
10.38.130	Temporary signs.
10.38.140	Carried signs.
10.38.150	Directional signs.
10.38.160	Off-premises signs and billboards.
10.38.170	Digital signs.
10.38.180	Multiple building complexes and multiple tenant buildings.
10.38.190	Freeway signs.
10.38.200	Portable signs.
10.38.210	Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.
10.38.220	Administrative Adjustment of sign standards allowed.
10.38.230	Variances.
10.38.240	Violations.
10.38.250	Appeals.
10.38.260	Fees/charges.
10.38.270	Effective date.

10.38.010 Intent and interpretation.

(a) This chapter is intended to protect, promote and enhance the overall aesthetic of the City and also the health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors – each of which constitutes a substantial governmental interest – through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory standards, restrictions, and requirements. The overall aesthetic of the City suffers when unsightliness or visual clutter is caused by the existence, location or physical characteristics of a sign or sign structure. The health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors suffer when a sign or sign structure distracts vehicular traffic, is illegible or otherwise confusing, obstructs lines of sight for vehicular traffic, obstructs pedestrian traffic, obstructs lines of sight for pedestrian traffic or creates unsightliness or visual clutter. Commerce, property values and quality of life in the City are each impacted, sometimes positively and

sometimes negatively, by signs and sign structures. For all of these reasons, establishing and enforcing a comprehensive system in the City for signs and sign structures is reasonable and necessary, and will benefit the City and all individuals and entities by:

- (1) Protecting and enhancing aesthetics in the City;
- (2) Enhancing vehicular traffic safety in the City;
- (3) Enhancing pedestrian traffic safety in the City;
- (4) Reducing the risks of bodily injury and property damage;
- (5) Protecting and enhancing property values in the City;
- (6) Promulgating understandable and fair standards, restrictions and requirements; and
- (7) Recognizing, upholding and not unreasonably infringing the speech rights of individuals and entities.

(b) This chapter is not intended, and shall not be interpreted or enforced, so as to regulate or restrict any sign or sign structure based on the viewpoint or message expressed by, on or within the sign or sign structure. Similarly, this chapter is not intended, and shall not be interpreted or enforced, so as to favor or disfavor commercial speech, noncommercial speech, political speech or nonpolitical speech in comparison to any other type or types of speech. Rather, this chapter is intended, and shall be interpreted and enforced, so as to be viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech. The content of a sign or sign structure (in contrast to viewpoint or message) shall be regulated by this chapter only to the extent, if any, that such content does or might violate a provision of this chapter (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).

10.38.020 Chapter-specific definitions.

The definitions specified in “Appendix A” to title 10 of the Selah Municipal Code apply generally to this chapter, as stated in the “Purpose” thereof. More specifically, the following abbreviations, terms, phrases, words and derivatives shall be construed for purposes of this chapter as specified in this section and the specific definitions specified herein shall override any potentially-conflicting or potentially-inconsistent general definitions specified in said Appendix A.

(a) “Abandoned sign” means any sign or sign structure that is (1) located on property that has been vacant, unoccupied or not lawfully used for a consecutive period of ninety days or

longer; or (2) has not been lawfully used for a consecutive period of ninety days or longer; or (3) is not an allowed off-premises sign or sign structure and that pertains to any occupant, business, event, activity or use different from the occupant, business, event, activity or use now existing on the property (irrespective of whether a consecutive period of ninety days or longer has elapsed); or (4) is substantially broken, inoperable, defective, defaced, faded, peeled, rusted, illegible, incomplete or otherwise deteriorated and is not fully repaired and restored within thirty days after the City provides notice of the condition to the owner of the property where such sign or sign structure is located.

(b) “Administrative Official” means the Mayor or a designee specified by the Mayor who is a current City employee.

(c) “Banner” means any sign or sign structure that is not a “Flag”, that is constructed of cloth, fabric, nylon or any other similar material, and that is mounted at one or more edges or locations to a staff, pole, upright, brace, building or other supporting structure or device.

(d) “Billboard” means any large-scale outdoor sign or sign structure that is customarily, but not necessarily, leased for a period of time to one or more customers who wish to display large-scale outdoor advertising content that is often but always unrelated to the occupant, business, event, activity and use existing on the property where such sign or sign structure is located or existing in the immediate area.

(e) “Canopy sign” means any sign or sign structure made of any material and irrespective of its structural components that is attached to, affixed to, connected to or otherwise a part of any awning, canopy or other overhang, cover or covering on, above, over or around a door, entrance, window, opening, outdoor congregation area, outdoor service area or fire escape.

(f) “Carried sign” means any sign or sign structure that is hand-held or carried by a person so long as it is hand-held or carried by a person.

(g) “Changing message sign” means any sign or sign structure that does or was originally designed to display different, updated or cycling content on an automatic or semi-automatic basis as a result of electronic or manual control. Examples include, but are not limited to, date displays or time displays or temperature displays shown on a lamp bank of an electronic sign, and reader board displays shown either on a lamp bank of an electronic sign or in fixed letters on a manual reader board sign.

(h) “Digital sign” means any sign or sign structure that does or was originally designed to display changeable text, graphics, symbols and content by usage of light emitting diodes (LEDs) or other technological means contrasted with a nonilluminated or blank background. Digital signs and sign structures are also known as “Electronic message centers” or “EMCs”.

(i) “Directional sign” means any sign or sign structure erected for the intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians. See also “Off-premises directional sign” and “On-premises directional sign”.

(j) “Electrical sign” means any sign or sign structure that uses or was originally designed to use electricity, electrical wiring, electrical connections or electrical fixtures or devices.

(k) “Fascia board” means (1) a board or structural component affixed to the outside vertical face of a cornice; or (2) a board or structural component connecting the top of the siding with the bottom of a soffit; or (3) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (4) the edge beam of a bridge; or (5) the flat member or band at the surface of a building.

(l) “Fascia sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise a part of any fascia board of any roof structure and that does not extend, project or otherwise protrude more than twelve inches outward from the nearest edge of the parapet or fascia (including the parapet to which the fascia is attached) of the structure or building, that does not extend outward beyond the horizontal width of the building (including the building’s parapet and fascia), and that for its entire length exists and runs in a parallel direction to the nearest wall or face of the structure or building.

(m) “Flag” means any piece of cloth, fabric, nylon or other similar type of material that is attached to, affixed to, connected to or otherwise a part of a staff, pole, upright, brace, building or other supporting structure or device, and that customarily but not necessarily includes distinctive words, letters, colors, patterns, designs, images, figures, symbols or logos.

(n) “Flashing sign” means any sign or sign structure that is not a “Changing message sign” and that does or was originally designed to (1) change or alter displayed lumens or light intensity in sudden transitory bursts; or (2) switch on and off in a constant pattern in which more than one-third of the nonconstant light source is off at any one time; or (3) do one or more similar functions.

(o) “Freestanding sign” means any sign or sign structure that is not a “Banner” or “Flag” and that is supported by one or more staffs, poles, uprights, braces or other structures (but not including buildings) that are located in, on or upon the ground.

(p) “Freeway sign” means any sign or sign structure that has an intended or apparent purpose of being noticed by and gaining the attention of freeway vehicular traffic drivers and passengers.

(q) “Marquee” and “Display case sign” each mean any sign or sign structure that is customarily, but not necessarily, associated with a movie theater, performing arts venue, theatrical playhouse or any other similar type of location or structure. The sign shall be attached to a structure or building either in a flat and parallel orientation to the structure or building or in

such other orientation as approved by the “Administrative Official”. The sign shall include an area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign. A Marquee or Display case sign shall be considered to be a “Wall sign” and thus shall be subject to SMC 10.38.110, and shall not be considered a “Temporary sign” that is subject to SMC 10.38.130.

(r) “Multiple-building complex” means any group of structures or buildings located on a single property from which two or more retail, office or commercial uses share a portion of the structures or buildings, the property, ingress and egress accesses, parking facilities or a coordinated site plan. For purposes of this chapter, each Multiple-building complex shall be considered a single use.

(s) “Nonconforming sign” means any sign or sign structure that previously conformed or substantially conformed to all then-applicable standards, restrictions and requirements including but not limited to all permitting requirements, but which no longer conforms or substantially conforms to the now-applicable standards, restrictions and requirements.

(t) “Off-premises sign” means any sign or sign structure that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from a location other than on the property where the sign or sign structure is located.

(u) “Off-premises directional sign” means any sign or sign structure that has an intended or apparent purpose of displaying directions to a particular location, structure, building or business that is not located on the property where the sign or sign structure is located.

(v) “On-premises” sign means any sign or sign structure that is incidental to a lawful use existing on the property where such sign or sign structure is located, and that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from the property where the sign or sign structure is located.

(w) “Permanent sign” means any sign or sign structure made of any durable, weather-proof or weather-resistant material that has an intended or apparent permanence of use and that does not meet the definition of “Temporary sign” or fall under any other provision of this chapter.

(x) “Portable sign” means any sign or sign structure made of wood, metal, plastic or any other durable material and that is not erected, constructed, placed, attached, affixed or otherwise connected to the ground or any permanent structure or building in any permanent way such as via concrete, nails or screws (and, thus, does not include and is distinct from a “Carried Sign”). Examples include, but are not limited to, sandwich board signs, “Trailer signs” and portable reader-board signs that are placed on private property.

(y) “Projecting sign” means any sign or sign structure that is not a “Canopy sign”, “Fascia sign” or “Wall sign”, that is attached, affixed or connected to a structure or building, and that extends, protrudes or otherwise projects outward from the nearest edge of the structure or building.

(z) “Roof sign” means any sign or sign structure that is erected or constructed so as to be part of the roof structure or design of any structure or building, that is wholly or partially supported by any structure or building, and that in whole or in part is situated above the roofline to which it is attached.

(aa) “Sign” means words, letters, colors, patterns, designs, images, figures, symbols or logos, either with or without illumination, on any medium including but not limited to such medium’s structural components or attachments, that has an intended or apparent purpose of being noticed by and gaining the attention of persons and that displays advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity. Examples of such attachments include, but are not limited to, balloons, streamers, pennants, flags, inflatables and other devices or items.

(bb) “Sign area” means that area contained within a single continuous perimeter enclosing the entire sign or “Sign cabinet”, but does not include any support or framing structure that does not convey a message.

(cc) “Sign cabinet” means the module or background containing the message of the sign, but does not include any sign support, architectural framing or other decorative feature that contains no message.

(dd) “Sign height” means the vertical distance measured from the highest portion of the sign to further of the grade immediately below the sign or the upper surface of the nearest street curb.

(ee) “Sign setback” means the horizontal distance measured from the nearest property line or parcel line to the nearest edge of the sign.

(ff) “Street frontage” means the horizontal distance measured along any property line or parcel line that borders or is adjacent to any public street. For a corner lot, each street-side property line or parcel line shall be a separate Street frontage. The Street frontage for a single use or development on two or more parcels shall be the sum of all frontages.

(gg) “Temporary sign” means any sign or sign structure that has an intended or apparent non-permanence of use, that is made of any nondurable material such as cloth, paper, corrugated board, cardboard, canvas, flexible plastic, thin metal stakes, foam core board, water-soluble paint or any type of chalk (on the sign or sign structure), and that is not erected, constructed, placed, attached, affixed or otherwise connected to the ground or any permanent structure or building in any permanent way such as via concrete, nails or screws. Examples include, but are not limited to, posters, placards, stakes, banners, pennants, valances and displays

made of cloth, paper, canvas, cardboard or any other light nondurable material. Any sign or sign structure that is in whole or part made of durable materials shall be a “Permanent sign”. By contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a “Temporary sign” and are not in any way governed by this chapter. See SMC 10.38.040(b).

(hh) “Trailer sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise located in, on or about any trailer, or that has its own wheels or transport mechanisms that move or were originally designed to move the sign or sign structure between locations. However, this definition does not include any sign or sign structure that is attached to, affixed to, connected to or otherwise located in, on or about any vehicle that is not a trailer such as passenger cars, trucks or recreational vehicles, and those signs and sign structures are subject to SMC 10.38.140(i).

(ii) “Wall sign” means any “On-premises sign” that is attached to, affixed to, connected to or otherwise a part of a wall of any structure or building, or that is painted directly on a wall of any structure or building, or that is erected against and parallel to a wall of any structure or building, or so as to extend, project or otherwise protrude outward from a wall of any structure or building.

(jj) “Wayfinding sign” means any “Off-premises sign” that has an intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians to local tourist or visitor destinations designated and recognized by the City.

(kk) “Welcome sign” and “Gateway sign” means any sign or sign structure at or near any entry or exit point to the City that introduces, welcomes, advises or thanks tourists or visitors entering or leaving the City or region. A Welcome Sign or Gateway Sign may incorporate or provide space for advertisements that are incidental to the primary purpose of the sign and sign structure, or that serve to help fund the sign or sign structure, or that stimulate the economy within the City, or that promote tourism and visitation.

(ll) “Window sign” means any sign or sign structure that has an intended or apparent purpose of communicating information about an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity, that is placed on, upon or inside a window, window pane, glass surface or other transparent surface, and that is visible from the exterior of such window, window pane, glass surface or other transparent surface.

10.38.030 Development Permit required.

(a) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” has been issued in advance. The City shall make available one or more forms to be used by

applicants seeking a Development Permit. Each submitted application for a Development Permit shall be reviewed by City staff for conformance to the standards, restrictions and requirements of this chapter and all other applicable chapters of the Selah Municipal Code. The viewpoint or message expressed or to be expressed by, on or within the sign or sign structure shall not a subject for review by City staff (because, as stated in SMC 10.38.010(b) and elsewhere, this chapter is intended, and shall be interpreted and enforced, so as to be viewpoint-neutral and message-neutral). The content expressed or to be expressed by, on or within the sign or sign structure (in contrast to viewpoint or message) shall be a subject for review by City staff only to the extent, if any, that such content is or would be violative of this chapter due to a reason other than viewpoint or message (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).

(b) **New Signs.** Any on-premise sign or sign structure meeting the standards, restrictions and requirements of this chapter is considered a Class (1) use and thus shall require a Class (1) review and approval. By contrast, any on-premises sign or sign structure not meeting the standards, restrictions and requirements of this chapter shall be subject to SMC 10.38.220 and is not otherwise allowed. Any off-premises sign or sign structure or billboard is not allowed as stated in SMC 10.38.160.

(c) **Changes to Existing Signs.** Structural change to or replacement of any existing sign or sign structure shall require a Class (1) review and approval. However, changes to the text, copy or face of a sign or sign structure that do not significantly alter the material or appearance of the preexisting sign or sign structure do not require a Class (1) review and approval.

(d) **Written Decision.** The Administrative Official shall, within a reasonable time, send a written decision to the applicant or applicants. A Development Permit shall be issued if all applicable standards, restrictions and requirements are or will be met. A Development Permit shall not be issued if one or more applicable standards, restrictions or requirements are not or will not be met and if a Variance (pursuant to SMC 10.38.230) has not or will not be granted as to such non-met standards, restrictions or requirements. Whenever the Administrative Official does not issue a Development Permit in response to a submitted application, the written decision shall explain the reason or reasons for the non-issuance in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law (and, also and alternatively, to enable the applicant or applicants to submit a new or revised application at a later date that addresses whichever standards, restrictions or requirements were not met via the preceding application).

(e) **Appeal.** Any applicant who was not issued a Development Permit may appeal the Administrative Official's written decision under SMC 10.38.250.

10.38.035 Land Use Applications.

The provisions of SMC 21.07.035 ("Signage requirements for certain land use applications") must be met when applicable.

10.38.040 Exempt signs and non-regulation of chalk on sidewalks.

(a) The following signs and sign structures are exempt from the permitting requirements (but not exempt from the other standards, restrictions and requirements) of this chapter:

(1) Any on-premises sign that is not viewable from the nearest public right-of-way. Examples include, but are not limited to, menu boards and interior signs.

(2) Any on-premises directional sign that meets the other standards, restrictions and requirements of this chapter, including but not limited to all size restrictions.

(3) Any barber poles or gravestone or separate-use structure such as a Goodwill container or election ballot drop box.

(4) Any address numbers or building identification information that is required or allowed by law.

(5) Any temporary sign or sign structure exclusively located on private land when the owner or owners of the sign and sign structure have obtained express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the property where the sign and sign structure is located. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(6) Any signs installed by or for any government or public agency, including but not limited to the City, Yakima County and the state, that pertain in whole or part to vehicular traffic, pedestrian traffic, health, safety or general welfare. Examples include, but are not limited to, the following:

(A) Emergency signs and warning signs.

- (B) Traffic and wayfinding signs.
 - (C) Signs required by law to exist.
 - (D) Signs showing the location of public facilities.
- (7) Any flag that is:
- (A) Located on a flagpole in any residential zoning district.
 - (B) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.
 - (C) Located on a flagpole that does not exceed the allowable maximum structure height of the zoning district. See SMC Chapter 10.38, Table 38-2.
 - (D) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.
- (8) Memorial signs or tablets, names of buildings, dates of erection and similar items and information, which are incorporated into the building materials and façade.
- (9) Signs in, on or about a vehicle unless the vehicle is parked or stationed for the intended or apparent purpose of being noticed by and gaining the attention of persons who might be interested in an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on the property where the vehicle is parked or stationed or nearby to such property.
- (10) Signs taped or otherwise affixed to, on or upon the inside of a window, window pane, glass surface or other transparent surface in such a manner as to be later easily removed unless any individual sign area exceeds the total allowed under this chapter for a “Window sign” or “Temporary sign”.
- (11) Portable signs and freestanding signs that meet the requirements of SMC 10.38.110, as well as any other applicable provision of this chapter.
- (12) Seasonal and holiday decorations, including any illumination, located on residential property for a period of time not exceeding sixty days.
- (b) A writing or drawing created exclusively by applying water-soluble chalk directly upon a public sidewalk or pedestrian walking path (without any physical connection to a sign or

sign structure) does not constitute a “sign” or “sign structure” and is not in any way governed by this chapter.

10.38.050 Prohibited signs.

The following signs and sign structures are prohibited:

(a) Any sign or sign structure located in, on or about a vehicle or trailer that is parked or stationed on public property or private property, that is visible from any public right-of-way, and that has an intended or apparent purpose of circumventing or trying to circumvent the provisions of this chapter. However, this provision shall not prohibit signs painted on or magnetically attached to any vehicle or trailer while such vehicle or trailer is in normal operation.

(b) Any sign or sign structure purporting to be or confusingly imitating or resembling any official traffic sign or signal due to its color, design, location, illumination or otherwise, or that obstructs the visibility of any official traffic sign or signal in any degree or way including but not limited to via glare or illumination.

(c) Any sign or sign structure attached to any utility, streetlight or traffic-control signal pole or facility, or attached to any fence, structure, building, facility, vehicle or equipment owned by any government or public agency, or placed on any tree or live vegetation (other than grass) owned by any government or public agency.

(d) Any projecting sign that swings, rotates or otherwise physically moves.

(e) Any sign or sign structure that is dilapidated or hazardous in condition. Examples include, but are not limited to, signs and sign structures that contain peeling paint, major cracks or holes, or loose or dangling materials.

(f) Any abandoned sign or sign structure.

(g) Any sign or sign structure on a door, entrance, window, opening, outdoor congregation area, outdoor service area or fire escape that in whole or part restricts free and unimpeded ingress or egress.

(h) Any other sign or sign structure not meeting the provisions of this chapter.

10.38.060 Sign standards.

The provisions of this chapter and the requirements in Table 38-1 (“Type of Signs Allowed”); Table 38-2 (“Number of Signs Allowed”); Table 38-3 (“Maximum Sign Area”) and Table 38-4

("Maximum Sign Height") are established for all signs and sign structures in the respective zoning districts as indicated. All signs and sign structures are subject to the review procedures of this title and the standards of this chapter. Signs and sign structures related to a Class (1), Class (2) or Class (3) principal use shall be subject to the same procedural, review and approval requirements as the principal use is subject to.

Table 38-1. Type and Number of Signs Allowed

SIGN TYPE		ZONING DISTRICTS							
		LDSF	R-1	R-2	R-3	B-1	B-2	M-1	
ALLOWED SIGNS									
On-Premises Signs	Nameplate	Permitted as an Accessory Use to an Approved or Existing Use							
	Subdivision Identification/Project Identification								
	Roof	Not Allowed			Class (1) Use				
	Permanent Freestanding	Subdivision/Proj. I.D. Only		On-premises signs meeting the standards of this chapter are considered Class (1) uses requiring Class (1) review. On-premises signs not meeting the standards of this chapter shall follow the procedures of SMC 10.38.170, and are otherwise not permitted.					
	Projecting	Not Allowed			Class (3) Use See SMC 10.38.150				
Freeway	Not Allowed				Not Allowed			Not Allowed	
Off-Premises Signs Including Billboards								Not Allowed	
NUMBER OF SIGNS ALLOWED									
On-Premises Signs	Nameplate	1 per Dwelling or Business							
	Subdivision Identification/Use Identification	1 per Street Frontage			1 per Street Frontage				
	Permanent Freestanding								
	Projecting	Not Allowed							
	Wall Signs				See SMC 10.38.100				
	Roof Signs				See SMC 10.38.090				
	Freeway				Freeway: See SMC 10.38.150				
Off-Premises Signs Including Billboards					Directional: See SMC 10.38.120(B)				
		Not Allowed			Not Allowed (Also See SMC 10.38.130)				
TYPE AND NUMBER OF SIGNS ALLOWED THAT ARE BASED ON OTHER CRITERIA									
Temporary Signs	See SMC 10.38.110								
Carried Signs	See SMC 10.38.115								

SIGN TYPE	ZONING DISTRICTS						
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.155						

NOTES:

1. SMC 10.38.140 has freestanding sign provisions for multiple-building complexes and multiple-tenant buildings. Sign provisions for temporary freestanding signs are addressed in SMC 10.38.110. Permanent freestanding signs are limited to subdivision signs in residential areas.
2. Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall—See Table 38-2.

Table 38-2. Maximum Sign Area

ZONING DISTRICT		Freestanding and Projecting Signs			
Residential Districts		Sign is set back 15 ft. or less from required right-of-way	Sign is set back 15 ft. or more from required right-of-way	WALL SIGNS	FREEWAY SIGNS
LDSF, R-1, R-2, and R-3		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
Commercial & Industrial Districts					
B-1	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	SIZE OF WALL TO WHICH ATTACHED	WHERE PERMITTED: UP TO 300 SQUARE FEET
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
B-2	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.		
M-1		1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.		
MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE					
MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA					
Temporary Signs		See SMC 10.38.110			
Carried Signs		See SMC 10.38.115			
Digital Signs		See SMC 10.38.135			
Portable Signs		See SMC 10.38.155			

Table 38-3. Sign Height and Setbacks

SIGN STANDARDS		ZONING DISTRICTS					
		LDSF	R-1	R-2	R-3	B-1	B-2
MAXIMUM SIGN HEIGHT							
Permanent Freestanding	Sign is set back 15 feet or less from required right-of-way	5 ft.			30 ft.	30 ft.	30 ft.
	Sign is set back more than 15 feet from required right-of-way	10 ft.			30 ft.	30 ft.	30 ft.
Projecting		Not Allowed			See SMC 10.38.080		
1.	Wall				1. Top of wall to which attached (SMC 10.38.100)		
2.	Fascia				2. Horizontal and vertical limits of fascia board to which attached (SMC 10.38.105)		
Freeway					Where permitted: 70 ft.		
SETBACKS							
Minimum front yard setbacks		Edge of right-of-way					
Minimum side yard setbacks		Required setback standards for each zoning district (Table 8-3 & 8-4)					
SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA							
Temporary Signs	See SMC 10.38.110						
Carried Signs	See SMC 10.38.115						
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.155						

Notes:

- SMC 10.38.140 has special freestanding sign provisions for multiple-building complexes and multiple-tenant buildings.
- Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall. (See Table 38-1.)

10.38.070 General provisions.

All signs and sign structures, including but not limited to exempt signs and temporary signs, shall comply with the following provisions:

- Construction shall satisfy the requirements of the building code.

(b) Permanent signs and sign structures must be manufactured of durable materials that withstand the effects of water and wind. Paper-faced signs, including but not limited to vinyl-coated paper and adhesive on paper, are not allowed. Canvas or vinyl signs must be durable. Signs or sign structures made of canvas, fabric, vinyl or any similar pliable material that are attached, affixed or otherwise connected to a permanent sign or sign structure must be mounted behind a perimeter frame or trim cap so that the edges of the sign face are not exposed, except that flags that are made of one hundred percent spun polyester are exempt from such requirement.

(c) Except for exempt signs (including, but not limited to, carried signs), temporary signs and portable signs, all signs and sign structures shall be attached, affixed or connected to a structure, building or the ground.

(d) All signs and sign structures shall comply with the setback requirements of Table 8-3 and Table 8-4, except that if a side yard or rear yard is a street frontage then the front setback requirement shall be applicable.

(e) In addition to the sign illumination requirements of SMC 10.38.090, lighting directed on, upon or at any sign or sign structure, or that is internal to any sign or sign structure, shall be shaded, screened or directed so that the light's intensity or brightness does not adversely affect or impact any neighboring use, nearby use, neighboring property, nearby property, vehicular traffic or pedestrian traffic.

(f) All signs and sign structures, including but not limited to all framing, supports, braces and guy lines, shall be maintained in a safe and secure manner.

(g) All decorative features and all sign structures, including but not limited to all framing, supports, braces and guy lines, that do not contain text or advertising content shall not exceed, in comparison to the overall sign cabinet, a surface ratio of 1:1.

(h) No sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads shall be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(i) The construction of temporary signs and sign structures is limited to the materials described in the definition of "Temporary sign" and materials substantially similar thereto. In addition, all temporary signs and sign structures must conform to the standards, requirements and restrictions of this chapter, including but not limited to SMC 10.38.110.

(j) No sign or sign structure shall be placed in, on or above, or in any way affixed, attached or connected to, any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, pedestrian walking paths, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation or bare ground locations in, on or upon a City-owned right-of-way, which are separately regulated by SMC 10.38.080(b)). Any sign or sign

structure that violates this provision may be removed and permanently disposed of by the City without any compensation or relief to the owner or owners of the sign or sign structure..

10.38.080 Signs projecting over, or placed upon, public rights-of-way.

(a) Signs and sign structures, including but not limited to freestanding signs and sign structures, that project over any public right-of-way without being physically connected to the right-of-way (*i.e.*, those that hang or extend over a right-of-way, rather than those that are installed on the ground in the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Prior to erecting the sign or sign structure, the owner or owners of the sign and sign structure must obtain a “Right-of-Way Use Permit” in advance. The City shall make available one or more forms to be used by applicants seeking a Right-of-Way Use Permit. The owner or owners of the sign and sign structure must continually comply with and fulfill the terms and conditions of an issued Right-of-Way Use Permit at all times, and also must immediately and fully remove the sign or sign structure if the Right-of-Way Use Permit expires, lapses or is otherwise terminated.

(2) The highest edge of the sign or sign structure shall not exceed the highest edge of the structure or building to which it is attached, if any, by more than one-third.

(3) The sign and sign structure shall not project within two feet of the curb line and shall also conform to the following maximum projection standards:

Clearance Above Grade	Maximum Projection
Less than 8 feet	Not allowed
8 feet to 9 feet	1 foot
9 feet to 10 feet	2 feet
Over 10 feet	2/3 the distance from building to curb line or a maximum of 10 feet

(4) Only one projecting sign and one associated projecting sign structure shall be allowed per tenant space or building frontage.

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control

signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(b) Signs and sign structures, including but not limited to freestanding signs and sign structures, that are installed in, on or upon a public right-of-way (*i.e.*, those that are installed on the ground in the right-of-way, rather than those that hang or extend over a right-of-way without being physically connected to the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Along South First Street, signs and sign structures may be installed in, on or upon the public right-of-way without any necessity of seeking or obtaining permission from the City or from the owner or owners of any abutting, adjacent or nearby property or properties. Neither the City nor any property owner(s) have any option to potentially disallow all or certain signs or signs structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location.

(2) At all other locations, including but not limited to along Jim Clements Way and North Wenas Avenue, prior to installing a sign or sign structure in, on or upon a public right-of-way, the owner or owners of the sign and sign structure must obtain express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the real estate lot or parcel that abuts, is adjacent to or is nearest to the specific location or area in the right-of-way where the sign or sign structure will be installed. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(3) No sign or sign structure shall be placed in, on or upon any vehicular traffic travel lane, roadway, road shoulder, road median, road roundabout or other right-of-way location or area that is not legally and safely accessible by a sidewalk or pedestrian walking path.

(4) No sign or sign structure shall be placed in, on or upon any sidewalk or pedestrian walking path. Instead, signs and sign structures shall be installed in, on or upon the grass, vegetation bed locations without live vegetation or bare ground when they are installed in, on or upon a public right-of-way.

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control

signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(6) No sign or sign structure shall materially obstruct or impair access to any property, building, structure, facility or parked vehicle.

(7) Each Thursday, in order to enable routine maintenance efforts by the City, the owner or owners of signs and sign structures shall remove their signs and sign structures from all public rights-of-way no later than 6:00 a.m. and also shall not install or reinstall signs or signs structures on any public right-of-way between 6:00 a.m. and 2:00 p.m.

(8) City agents and employees may, to the extent necessary, temporarily remove signs and sign structures for any duration on any date or dates in order to clean or otherwise maintain a public right-of-way or any other property or location. City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall, to the extent possible, reinstall the signs and sign structures at the same location or a substantially similar nearby location after the work is complete. If any sign or sign structure cannot be so reinstalled for any reason, it shall be held at the Public Works Department pending potential retrieval by someone claiming ownership.

(9) The deadline to physically retrieve any sign or sign structure that the City removed from any public right-of-way for any reason is 5:00 p.m. on the second Friday after the date that the sign or sign structure was removed by the City. The City shall have no obligation to notify or seek out a putative owner, nor any obligation to confirm that a professed owner is in fact a true owner, of any sign or sign structure. The City will relinquish a sign or sign structure to the first person who appears at the Public Works Department and professes ownership. No person or entity shall be entitled to any compensation or relief if a City agent or employee unavoidably damages or destroys a sign or sign structure while removing it, nor if the City disposes of a non-retrieved sign or sign structure after the applicable retrieval deadline has expired, nor if the City relinquishes a sign or sign structure to a person or entity who falsely professed ownership.

10.38.090 Sign illumination.

(a) In General. No non-exempt temporary sign, portable sign or sign structure may be illuminated. No sign or sign structure located in a residential zoning district may be illuminated, except that on parcels measuring two acres or larger in surface area signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this chapter may be non-illuminated, illuminated by internal light fixtures, halo illuminated or externally illuminated unless otherwise specified in this chapter. (See SMC

10.38.040(1) as to the exemption for seasonal and holiday decorations located on residential property.)

(b) Externally Illuminated Signs.

(1) Except as otherwise provided in this subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign (but not onto the sign structure, to the extent possible) without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

(2) A light fixture mounted above the sign face may be installed with its bottom opening tilted towards the sign face, provided that (A) The bottom opening of the light fixture is flat and (B) the uppermost portion of the fixture's opening is located no higher than the top of the sign face. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

(c) Internally Illuminated Signs.

(1) Internally illuminated signs shall be constructed with an opaque background and translucent text and symbols. If the sign owner or owners desire to have the entire sign face visible at night, an external light source may be used to illuminate the sign unless otherwise provided in this chapter.

(2) The difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night, utilizing the recommended ISA methodology to determine compliance.

(3) All allowable EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

(d) Off-Premises Signs and Billboards. This section 10.38.090 does not apply to off-premises signs or billboards.

10.38.100 Roof signs.

All roof signs and sign structures shall comply with the following provisions:

(a) Roof signs and sign structures shall be constructed in, on or upon the roof of a structure or building, shall be integrated into the roof system, and shall appear from all sides as a

wall sign affixed to an existing part of the structure or building without any visible support structure.

(b) Roof signs and sign structures shall not exceed the allowable maximum height of the structure or building to which they are attached according to the provisions of the applicable zoning district.

10.38.110 Wall signs.

All wall signs and sign structures shall conform to the following provisions:

(a) Wall signs may be painted on or upon a wall, attached flat to a wall, or pinned to a wall, but shall not extend, project or otherwise protrude more than twelve inches outward from the wall.

(b) The number of wall signs is not regulated. However, the total sign area of any wall sign, including but not limited to projecting wall sign, shall not exceed ten percent of the total square footage of the wall to which attached.

(c) No wall sign or sign structure shall extend above the height of the wall to which it is attached.

(d) Marquee and display case signs shall have:

(1) An area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign.

(2) A sign face made of a translucent durable material.

(3) A sign cabinet or display case that is lockable and that protects the sign from weather.

10.38.120 Fascia signs.

All fascia signs and sign structures shall conform to the following provisions:

(a) Fascia signs may be painted on or upon the fascia board, attached flat to the fascia board, or pinned to the fascia board, but shall not extend, project or otherwise protrude more than twelve inches outward from the fascia board.

(b) The number of fascia signs is not regulated. However, the total sign area of any fascia sign, including but not limited to projecting fascia sign, shall not exceed the area of the fascia board to which it is attached.

(c) No fascia sign or sign structures shall extend beyond the horizontal and vertical limits of the fascia board to which it is attached.

10.38.130 Temporary signs.

No review is required for temporary signs or sign structures. All temporary signs and sign structures shall conform to the following provisions:

(a) No temporary sign or sign structure shall be placed in any roadway, required parking space or driveway, nor shall any sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(b) No temporary sign or sign structure may be placed in, on or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way, which are separately addressed by SMC 10.38.080(b)), unless the owner or owners obtain in advance a “Special Event Permit”, “Temporary Use Permit” or other permission from the City.

(c) Temporary signs and sign structures may be placed on property that is residentially zoned in accordance with the requirements of this chapter and the following:

(1) Only one temporary window sign is allowed per residential unit and it shall not to exceed four square feet in total sign area.

(2) Freestanding signs, including post-mounted, stake-mounted and portable signs, are allowed as follows:

(A) In single-family residential zoning districts, temporary freestanding signs that are post-mounted on the ground shall not exceed four square feet in total sign area and five linear feet in height, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height.

(B) In multifamily residential zoning districts, temporary freestanding signs that are post-mounted in the ground shall not exceed six square feet in total sign area and five feet in linear height above ground level, and temporary

freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(d) Temporary signs and sign structures may be placed on property that is non-residentially zoned in accordance with the requirements of this chapter and the following:

(1) The total sign area of any window sign shall not exceed fifty percent of the window area.

(2) Freestanding signs, including those that are post-mounted in the ground, shall not exceed four square feet of total sign area and five feet in linear height above ground level, and temporary signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(e) Surface-mounted signs are limited shall not exceed thirty square feet of total sign area and must be flatly affixed to walls or to on-site fences that face the abutting street or face inward to the subject site.

(f) Temporary signs on a property of more than two surface acres, either residentially zoned or non-residentially zoned, may be of any type and cumulatively shall not exceed sixty-four square feet of total sign area and individually shall not exceed eight feet of lineal height above ground level. No other or additional temporary signs shall be displayed on such property.

(g) In all circumstances, temporary signs and sign structures shall be promptly removed after the event that they are related to has occurred or ended.

10.38.140 Carried signs.

Carried signs and sign structure are allowed in accordance with the following provisions:

(a) A carried sign or sign structure only constitutes a carried sign or sign structure so long as it is hand-held or carried by a person.

(b) A permit is not required for a carried sign or sign structure, but the person carrying the sign or sign structure must comply with all provisions of this chapter.

(c) Carried signs and sign structures are only allowable in nonresidential zoning districts.

(d) Carried signs and sign structures shall not exceed eight square feet in total area and shall not exceed eight lineal feet in height while held in place.

(e) Carried signs and sign structures shall conform to the following location standards, restrictions and requirements:

(1) No carried sign or sign structure shall be carried or held by a stationary or semi-stationary person standing, sitting or otherwise located within fifteen feet of any driveway or un-signalized intersection when measured from the nearest edge of the curb abutting the roadway or from the edge of the roadway surface if no curb exists.

(2) For locations that have signalized intersections, people carrying or holding carried signs or sign structures must remain in, on and upon a sidewalk, pedestrian walking path or crosswalk.

(3) In no event may a person, whether or not the person is carrying or holding a carried sign or sign structure, impede or interfere with vehicular traffic or pedestrian traffic.

(4) No carried sign or sign structure is allowed in, on or above parking stalls, parking aisles, loading lanes and areas, or emergency access lanes and areas.

(5) No carried sign or sign structure is allowed in, on or above driving lanes except when such sign or sign structure is being carried or held by a person lawfully crossing the roadway at an intersection.

(6) No carried sign or sign structure is allowed to be placed in, on or upon any fence, wall, boulder, planter, tree, grass, live vegetation or vegetation bed (including but not limited to grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way), or in, on or upon any other sign or sign structure, vehicle, utility facility or any other structure or building. However, a person may carry or hold a carried sign or sign structure while the person is lawfully standing, sitting, walking or otherwise in, on or upon a City-owned right-of-way. (The placement of signs or sign structures in, on or upon City-owned rights-of-way is separately regulated by SMC 10.38.080(b)).

(7) No carried sign or sign structure is allowed at any location or in any manner that results in physical interference with vehicular traffic or pedestrian traffic.

10.38.150 Directional signs.

(a) On-premises directional signs and sign structures that are viewable from the nearest public right-of-way are allowable as provided in Table 38-1. On premises directional signs may contain both directions and the name and logo of an occupant, business, event, activity or use, provided that such name and logo shall not exceed fifty percent of the total sign area. On premises directional signs and sign structures shall comply with all provisions of this chapter and individually shall not exceed ten square feet in total sign area.

(b) Off-premises directional signs and sign structures are allowable as provided in SMC 10.38.160, but must comply with the following provisions:

(1) Each use located in a zoning district where off-premises directional signs are allowed shall have no more than one associated off-premises directional sign.

(2) Each off-premises directional sign shall only contain directions and shall not exceed thirty-two square feet of total sign area and twenty-five lineal feet in lineal height above ground level.

(3) Each off-premises directional sign shall be permanently installed in, on or above private property.

(4) No more than one off-premises directional sign may be installed in, on or above any lot or parcel.

10.38.160 Off-premises signs and billboards.

(a) New off-premises signs and sign structures are prohibited. Off-premises signs and sign structures existing before July 10, 1979, shall be considered grandfathered and are regulated by SMC 10.38.210.

(b) New billboards are prohibited. Billboards existing before July 10, 1979, shall be considered grandfathered and are regulated by SMC 10.38.210.

(c) Welcome signs and gateway signs shall not be considered off-premises signs or billboards, and thus are exempt from the standards, restrictions and requirements of this section.

10.38.170 Digital signs.

(a) The digital display area of any digital sign shall not exceed the lesser of fifty percent of the total sign area that is allowable as provided in Table 38-2 or fifty square feet.

(b) No more than one digital sign may be installed per each one hundred feet of street frontage.

(c) Digital signs are not allowed in residentially zoned districts.

(d) For EMCs, the difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night. Each EMC shall be equipped with a sensor or other technological device that automatically

10.38.190 Freeway signs.

(a) The purpose of this section is to allow commercial establishments located near the Interstate 82 freeway to potentially utilize a larger on-premises sign than would otherwise be allowed under this chapter.

(b) Freeway signs and sign structures shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property, and shall be a Class (3) Use that requires a Class (3) Review.

(c) A freeway sign may be used in addition to or as a substitute for an allowable freestanding sign when there is more than one street frontage at the property and when the occupant, business, event, activity or use either (1) exists or occurs along a particular street frontage, or (2) exists or occurs within one thousand feet of a freeway interchange, or (3) exists or occurs within two hundred feet of a freeway right-of-way.

(d) Only one freeway sign and sign structure are allowed on any property.

(e) The allowable maximum height for freeway signs is established in Table 38-3.

10.38.200 Portable signs.

Portable signs, including but not limited to sandwich boards, trailered signs and pole-mounted signs, shall comply with the following provisions:

(a) Portable signs and sign structures are only allowed in nonresidential zoning districts.

(b) Portable signs and sign structures must be constructed of durable materials, must be designed to withstand water and wind and if pole-mounted must include a heavy weighted base, otherwise they will constitute temporary signs and will be subject to SMC 10.38.130.

(c) Portable signs and sign structures shall not be illuminated.

(d) Portable signs shall not exceed four lineal feet in height and three lineal feet in width. The height measurement shall be measured from ground level to the highest edge or feature of the sign including but not limited to any support structure such as a trailer. The width measurement shall be measured include the full width of the sign and its features including but not limited to any support structure such as a vehicle.

(e) Only two portable signs and sign structures are allowed for each respective occupant, business, event, activity or use that exists or occurs at the property.

(f) The cumulative total sign area of all portable signs on any property shall not exceed twenty-four square feet.

(g) No portable sign or sign structure shall be placed closer than ten lineal feet to the primary structure or building wherein the occupant, business, event, activity or use associated with the sign or sign structure exists or occurs.

(h) No portable sign or sign structure shall be placed further than ten lineal feet from the driveway or access to the property.

(i) No portable sign or sign structure shall be located in, on or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, grass, live vegetation and vegetation beds.

(j) Each portable sign shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property.

(k) No portable sign or sign structure shall obstruct vehicular traffic or pedestrian traffic, nor fully or partially rise higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(l) Portable signs shall be displayed solely during business operating hours only.

10.38.210 Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.

(a) Signs and sign structures that lawfully existed under all codes and ordinances in effect at the time that this title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign or sign structure so long as it remains otherwise lawful and further provided that:

(1) No sign or sign structure shall be changed in any manner that increases its noncompliance with the provisions of this chapter.

(2) Any sign or sign structure that is structurally altered or physically moved shall void its legal nonconforming status and the sign or sign structure will be required to conform to the provisions of this chapter. However, this section shall not apply to mere changes of the sign's content, normal structural repair or periodic maintenance.

(3) Freestanding signs and sign structures located in the clear view triangle may be modified and allowed to remain provided that in the opinion of the Administrative Official the modifications will not constitute a vision hazard.

(4) The sign and sign structure are not a hazardous or abandoned sign or sign structure.

(5) The sign and sign structure are not a portable sign or sign structure.

(b) It is unlawful for any owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property, building or structure to fail to maintain any sign or sign structure that exists in, on or about the property, building or structure in accordance with the provisions of this chapter and the zoning provisions of this code. Failure to maintain a sign or sign structure constitutes a violation of this chapter and shall be subject to enforcement under SMC Chapter 21.13.

(c) Any vacant or unused sign or sign structure, including but not limited to support structures, poles and remnants of old signs or sign structures that are not currently in use and not proposed for immediate reuse, shall be removed. In addition to any other remedies, the Administrative Official shall have the authority to require the owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property to at such person or entity's own expense repair, conduct maintenance on or complete removal of any sign or sign structure that has become dilapidated or that represents a hazard.

(d) Violations of this section shall be enforced according to SMC Chapter 21.13.

10.38.220 Administrative Adjustment of sign standards allowed.

(a) Administrative Adjustment of sign standards were previously prohibited by SMC 10.30.020(a) and 10.30.020(d)(3). However, immediately prior to the instant revised sign code being adopted, the City separately amended SMC 10.30.020(a) and 10.30.020(d)(3) so as to remove such prohibition. Thus, Administrative Adjustment of the standards, restrictions and requirements applicable to signs and sign structures is now allowed.

(b) A comprehensive design plan shall be required whenever Administrative Adjustment is sought as to one or more standards, restrictions or requirements of this chapter or whenever such is otherwise required as part of a detailed sign plan.

(c) A comprehensive design plan shall include a narrative description and a site plan, consistent with the following provisions:

(1) The narrative description shall explain why the otherwise-applicable standards, restrictions and requirements are not adequate and require adjustment.

(2) The narrative description shall explain how the sign or sign structure relate to other signs and sign structures, the character of the zoning district, neighboring land uses, and the immediate surroundings including but not limited to existing and proposed structures, buildings and uses.

(3) For multiple-building complexes and multiple-tenant buildings, the narrative description shall explain how the total available sign area will be allocated between or among each occupant, business, event, activity or use that exists or occurs at the property.

(4) The site plan shall itemize the physical characteristics of the sign and sign structure, including their respective sizes, heights, shapes, colors, locations and relation to landscaping.

(d) No requestor shall have any entitlement to an Administrative Adjustment. The City shall make available one or more forms to be used by requestors seeking an Administrative Adjustment. Each submitted request for an Administrative Adjustment shall be reviewed by the Administrative Official in accordance with the procedures, review criteria and authority of SMC 10.30.020.

(e) **Written Decision.** The Administrative Official shall process the requestor's request for an Administrative Adjustment in accordance with SMC 10.30.020, SMC Chapter 21.05 and WAC 365-196-850, and shall issue a written decision to the requestor or requestors. The Administrative Adjustment shall be granted only if the Administrative Official determines that granting the request will not be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Adjustment shall be not granted if the Administrative Official determines that granting the request will be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the overall intent and purpose of this chapter and SMC 10.30.020. Whenever the Administrative Official does not grant an Administrative Adjustment in response to a submitted request, the written decision shall explain the reason or reasons for the non-grant in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law.

(f) **Appeal.** Any requestor who was not granted Administrative Adjustment may appeal the Administrative Official's written decision under SMC 10.38.250.

10.38.230 Variances.

Except as allowed by SMC 10.38.220 ("Administrative Adjustment"), the only method for a party to potentially obtain any reduction of the standards, restrictions and requirements of this

chapter is for the party to seek and obtain a Variance from the City's Planning Commission pursuant to SMC Chapter 10.30.030. No party shall have any entitlement to a Variance. The City shall make available one or more forms to be used by requestors seeking a Variance. Each submitted request for a Variance shall be reviewed by the City's Planning Commission in accordance with the procedures, review criteria and authority of SMC 10.30.030.

10.38.240 Violations.

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC 10.44.020 and Chapter 21.13.

10.38.250 Appeals.

Appeals of decisions made by the City under this chapter shall occur in accordance with SMC Chapter 21.11.

10.38.260 Fees/charges.

The fees and charges for sign permitting, plan checks, inspections and other items or actions that are established to defray the City's administrative processing costs shall be paid in accordance with the adopted fee schedule recited in SMC Chapter 20.04.

10.38.270 Effective date.

This chapter shall and does become binding and effective, and the City's previous Chapter 10.38 ("Sign Regulations") shall be and is repealed and abrogated, as of 12:01 a.m., Monday, November 1, 2021.



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Council Meeting Action Item
9/14/2021 K – 1

Title: Approval of Minutes: August 24, 2021 Council Meeting

From: Treesa Morales

Action Requested: Approval

Staff Recommendation: Approval of Minutes

Board/Commission Recommendation: Not Applicable

Fiscal Impact: N/A

Funding Source: N/A

Background / Findings & Facts: See Minutes for details

Recommended Motion: Motion to approve the Consent Agenda as read.
(This item is part of the Consent Agenda)

City of Selah
Council Minutes
August 24, 2021

Regular Meeting
Electronically Via Zoom

- A. Call to Order Mayor Raymond called the meeting to order at 5:30 pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Suzanne Vargas; Clifford Peterson; Roger Bell; Michael Costello; Russell Carlson
- Members Absent: None
- Staff Present: Joe Henne, City Administrator; Rob Case, City Attorney; Dan Christman, Police Chief; Mickey Gillie, Deputy Fire Chief; Rocky Wallace, Public Works Director; Jeff Peters, Community Development Supervisor; Treesa Morales, Public Records Specialist; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Executive Assistant Lake led the Pledge of Allegiance.

E. Invocation

Pastor Alicia McClintic gave the prayer.

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association (SDA) Executive Director, gave a report on SDA activities.

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

There were no public comments submitted.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

* 1. Approval of Minutes: August 10, 2021 Council Meeting

* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 84392 – 84408 for a total of \$212,720.24
Claim Checks Nos. 176915 – 176968 for a total of \$141,928.57

Council Member Wickenhagen moved, and Council Member Carlson seconded, approval of the Consent Agenda as read. By a show of hands, approval was unanimous.

L. Public Hearings

1. Open Record Public Hearing to consider the adoption of the “Selah Transit Development Plan 2022-2027 and Annual Report”

Introduced by Mayor Raymond and presented by City Administrator Henne.

Mayor Raymond opened the Public Hearing. Council Members provided comment. No members of the public presented oral comment. Mayor Raymond then closed the Public Hearing.

2. Open Record Public Hearing to consider an ordinance of the City of Selah adopting an updated Capital Facility Plan as an ancillary document to the City of Selah’s Comprehensive Plan; establishing an effective date; and providing for severability

Introduced by Mayor Raymond and presented by Community Development Supervisor Peters.

Mayor Raymond opened the Public Hearing. Council Members provided comment. No members of the public presented oral comment. Mayor Raymond then closed the Public Hearing.

3. Open Record Public Hearing to consider an ordinance adopting state required amendments to the Selah Municipal Code (SMC) Title 11.19 Flood Damage Prevention pertaining to the regulation of development and construction within the FEMA 100 Year Floodplain

Introduced by Mayor Raymond and presented by Community Development Supervisor Peters.

Mayor Raymond opened the Public Hearing. No Council Members or members of the public presented oral comment. Mayor Raymond closed the Public Hearing.

M. General Business

1. New Business

a. Study Sessions

Introduced by Mayor Raymond and presented by Council Member Wickenhagen. Discussion followed. Motion to be presented at next meeting.

2. Old Business **None**

N. Resolutions

1. Resolution authorizing the adoption of the “Selah Transit Development Plan 2022-2027 and Annual Report”

Introduced by Mayor Raymond and presented by City Administrator Henne. After discussion,

Council Member Wickenhagen moved, and Council Member Costello seconded, to Approve the Resolution authorizing the adoption of the “Selah Transit Development Plan 2022-2027 and Annual Report”. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Resolution Authorizing the Mayor to Sign a contract between the City of Selah and Mackenzie for Architectural Services for the Design of a Law & Justice Center

Introduced by Mayor Raymond and presented by City Administrator Henne. After discussion,

Council Member Bell moved, and Council Member Costello seconded, to Approve the Resolution Authorizing the Mayor to Sign a contract between the City of Selah and Mackenzie for Architectural Services for the Design of a Law & Justice Center. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

O. Ordinances

1. Ordinance adopting the City of Selah’s updated Capital Facility Plan as an ancillary document to the City of Selah’s Comprehensive Plan; establishing an effective date; and providing for severability

Introduced by Mayor Raymond and presented by Community Development Supervisor Peters.
After discussion,

Council Member Carlson moved, and Council Member Peterson seconded, to Approve the Ordinance adopting the City of Selah’s updated Capital Facility Plan as an ancillary document to the City of Selah’s Comprehensive Plan; establishing an effective date; and providing for severability. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Ordinance adopting state required amendments to the Selah Municipal Code (SMC) Title 11.19 Flood Damage Prevention pertaining to the regulation of development and construction within the FEMA 100 Year Floodplain; establishing an effective date; and providing for severability

Introduced by Mayor Raymond and presented by Community Development Supervisor Peters.

Council Member Peterson moved, and Council Member Matson seconded, to Approve the Ordinance adopting state required amendments to the Selah Municipal Code (SMC) Title 11.19 Flood Damage Prevention pertaining to the regulation of development and construction within the FEMA 100 Year Floodplain; establishing an effective date; and providing for severability. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Vargas – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Costello – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

P. Public Appearances **None**

Q. Reports/Announcements

1. Departments

Police Chief Christman:
Made report.

Deputy Fire Chief Gillie:
Made report.

Public Works Director Wallace:
Made report.

Community Development Supervisor Peters:
Made report.

Public Records Officer Morales:
No report.

City Attorney Case:
No report.

2. Council Members

Council Member Bell:
Update on Fire Commissioners and SPRSA Board. Thank you from Law & Justice Center committee for passing of Resolution.

Council Member Peterson:
Thank you from Law & Justice Center committee for passing of Resolution.

Council Member Vargas:
No report.

Council Member Matson:
No report.

Council Member Costello:
Report on Guns & Hoses Golf Tournament.

Council Member Carlson:
No report.

Council Member Wickenhagen:
No report.

3. City Administrator

City Administrator Henne:

- New Public Works Director settling in.
- Update on crack seal project. Will be approximately \$2500 over budget.
- Clerk/Treasurer Novobielski provided department heads with 2021 budget calendar and budget sheets

Executive Assistant Lake:
Informed Council that she would be leaving employment with the City.

- 4. Boards
 - a. Planning Commission Minutes for July 20, 2021
- 5. Mayor

Mayor Raymond:

- Company doing crack seal project efficient and excellent with traffic control

Council took a five-minute recess.

R. Executive Session

At 7:43PM, Council recessed into Executive Session for the purpose of discussing pending/potential litigation per RCW 42.30.110(1)(i). The item was expected to take approximately 30 minutes and extended an additional 20 minutes.

The following individuals convened into the Executive Session:

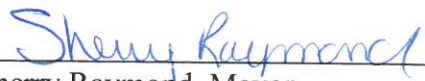
Councilmembers:
 Kevin Wickenhagen
 Jacquie Matson
 Suzanne Vargas
 Cliff Peterson
 Roger Bell
 Mike Costello
 Russell Carlson

Administration/Staff:
 Sherry Raymond, Mayor
 Joe Henne, City Administrator
 Rob Case, City Attorney

S. Adjournment

Council Member Peterson moved, and Council Member Wickenhagen seconded, that the meeting be adjourned. By a show of hands, approval was unanimous.

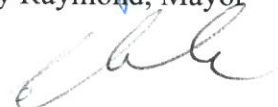
The meeting adjourned at 8:38pm.



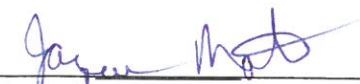
 Sherry Raymond, Mayor




 Roger Bell, Council Member



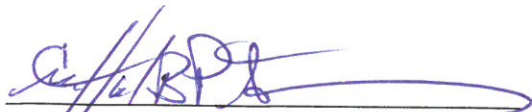
 Russell Carlson, Council Member





 Jacquie Matson, Council Member

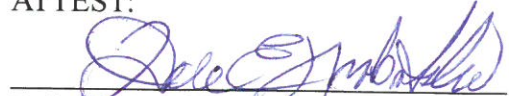


 Kevin Wickenhagen, Council Member


Clifford Peterson, Council Member


Suzanne Vargas, Council Member


Michael Costello, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH
CITY COUNCIL
AGENDA ITEM SUMMARY**



Council Meeting	Action Item
9/14/2021	K – 2

Title: Claims & Payroll

From: Monica Lake, Executive Assistant

Action Requested: Approval

Staff Recommendation:

Approval of Claims & Payroll as listed on Check Registers.

Board/Commission Recommendation: Not Applicable

Fiscal Impact: See Check Registers

Funding Source: See Check Registers

Background / Findings & Facts: See Check Registers

Recommended Motion: Motion to Approve the Consent Agenda as read.
(This item is part of the Consent Agenda)

COUNCIL ROLL CALL LIST - September 14, 2021

ATTENDANCE

COUNCIL MEMBER

Kevin Wickenhagen _____

Jacquie Matson _____

Suzanne Vargas _____

Clifford Peterson _____

Roger Bell _____

Michael Costello _____

Russell Carlson _____

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____

AIS

N-1 REMOVED

RESO 2867

COUNCIL MEMBER

~~_____ Kevin Wickenhagen _____~~

~~_____ Jacquie Matson _____~~

~~_____ Suzanne Vargas _____~~

~~_____ Clifford Peterson _____~~

~~_____ Roger Bell _____~~

~~_____ Michael Costello _____~~

~~_____ Russell Carlson _____~~

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____

AIS _____

_____ Kevin Wickenhagen _____

_____ Jacquie Matson _____

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_____ Michael Costello _____

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AIS _____

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_____ Suzanne Vargas _____

_____ Clifford Peterson _____

_____ Roger Bell _____

_____ Michael Costello _____

_____ Russell Carlson _____