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**ORDINANCE NO. 487 AMENDING WALLA WALLA COUNTY CODE CHAPTER 17.08 – DEFINITIONS, CHAPTER 17.16 PERMITTED USES, AND CHAPTER 17.28 – DEVELOPMENT STANDARDS – SIGNS TO ADOPT A DEFINITION AND DEVELOPMENT STANDARDS FOR ELECTRONIC MESSAGE CENTER SIGNS (DOCKET ZCA20-002)**

Auditor File Number(s) of document being assigned or released:

Grantor

1. **Walla Walla County Commissioners**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Grantee

1. **The Public**
- 2.
- 3.

Additional names on page \_\_\_\_ of document.

Legal description (i.e.: lot and block or section township and range)

n/a

Additional legal is on page \_\_\_\_ of document.

Assessors Parcel Numbers

n/a

Additional parcel number is on page \_\_\_\_ of document.

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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 487**

**AMENDING WALLA WALLA COUNTY CODE CHAPTER 17.08 – DEFINITIONS, CHAPTER 17.16 PERMITTED USES, AND CHAPTER 17.28 – DEVELOPMENT STANDARDS – SIGNS TO ADOPT A DEFINITION AND DEVELOPMENT STANDARDS FOR ELECTRONIC MESSAGE CENTER SIGNS (DOCKET ZCA20-002).**

**WHEREAS**, the Board of County Commissioners directed Community Development Department staff to prepare draft amendments to Walla Walla County Code (WWCC) Chapter 17.25 – Signs after receiving a request by the Walla Walla Fair and Frontier Days to install an electronic changing message center sign at the Walla Walla County Fairgrounds; and

**WHEREAS**, the Board of County Commissioners may amend development regulations more often than once per year as determined by a majority vote of the Board of County Commissioners to be in the long-term interests of the County pursuant to WWCC 14.15.030; and

**WHEREAS**, the Walla Walla County Planning Commission adopted Resolution No. 20-02 after a public hearing on December 14, 2020, recommending that the Board of County Commissioners approve the proposed amendments with modifications, docket No. ZCA20-002; and

**WHEREAS**, the Board of County Commissioners held a public hearing on December 28, 2020 and January 4, 2021 to consider the proposed amendments and to receive public comment pursuant to Walla Walla County Code 14.15.070C(2); and

**NOW THEREFORE,**

**BE IT ORDAINED**, by the Walla Walla County Board of County Commissioners that:

**Section I. The Board of County Commissioners Makes the Following Findings of Fact:**

1. All changing message center signs, including electronic ones, are currently prohibited by WWCC Chapter 17.28.
2. On October 7, 2020 the Planning Commission (PC) held a public workshop to review and discuss the proposal. Community Development Department staff presented a draft of proposed amendments to Title 17 and other background materials, including copies of sign standards from other Washington jurisdictions.
3. On December 2, 2020 a Notice of Informational Public Meeting and PC Public Hearing was posted on the Community Development Department website.
4. On December 2, 2020 a Notice of Informational Public Meeting and PC Public Hearing was published in the Walla Walla Union Bulletin, the Official Gazette.

5. On December 7, 2020 the Board of County Commissioners approved Resolution No. 20-249 setting the date for a Public Hearing on the proposal.
6. On December 11, 2020 copies of the proposed amendment were sent to the Department of Commerce for expedited review (Submittal ID# 2020-S-2107).
7. On December 11, 2020 a SEPA Determination of Non-Significance (DNS) was issued by the County (File SEPA20-023). This threshold determination was filed with the Department of Ecology, emailed to the consulting local and state agencies, and published in the Walla Walla Union Bulletin and on the Community Development Department's website. No comments on, or appeal of, the threshold decision were received.
8. On December 14, 2020 an Informational Public Meeting was held by Community Development Department staff. No members of the public participated in this meeting.
9. On December 14, 2020 a public hearing was held by the Planning Commission. The Commission received one written comment letter from a representative of the Walla Walla Fair and Frontier Days and heard verbal testimony from the same representative.
10. The Planning Commission voted 7-0, to recommend that the Board of County Commissioners approve the proposed amendments with a modification removing restrictions on the display of motion on electronic message center signs.
11. On December 30, 2020 the Chairman of the Planning Commission signed Planning Commission Resolution 20-02, which documented the Planning Commission's recommendation.
12. On December 25, 2020 the Department of Commerce sent an email to Walla Walla County acknowledging receipt of the proposed amendment and approving the expedited review request.
13. On December 14, 2020 a Notice of BOCC Public Hearing was published on the Community Development Department's website.
14. On December 17, 2020 a Notice of BOCC Public Hearing was published in The Times (Waitsburg) and the Tri-City Herald.
15. On December 18, 2020 a Notice of BOCC Public Hearing was published in the Walla Walla Union Bulletin, the Official Gazette.
16. On December 18, 2020 written comments were submitted by the Washington State Department of Transportation (WSDOT) describing state criteria that apply to signs that are visible from the state highway system but offering no opinion about the proposed sign code amendments. The proposed amendments as well as the current regulations require the County to coordinate review with WSDOT when sign permit applications are received for sites within jurisdiction/view of the state highway system.
17. On December 28, 2020 the Board of County Commissioners held a public hearing to consider the proposed amendments and to receive comments from the general public. The Commissioners received verbal testimony from a representative of the Walla Walla Fair and Frontier Days and no other members of the public.
18. The Commissioners voted to continue the public hearing to January 4, 2021 and requested that Community Development Department staff to prepare additional revisions to the proposed code amendments to match the recommendation of the Planning Commission and remove an internal inconsistency.



19. After discussing the proposed amendments with a representative of the Walla Walla Fair and Frontier Days, Community Development Department staff provided a revised proposal to the Board of County Commissioners on December 28, 2021.
20. On January 4, 2021 the Board of County Commissioners held a continued public hearing to consider the revised amendments and to receive comments from the general public. The Commissioners received verbal testimony from three members of the public. The Board of County Commissioners voted 3-0 to approve the proposal as presented and requested Community Development Department staff and the Prosecuting Attorney's office to prepare an ordinance for approval.

**Section II. The Board of County Commissioners Makes the Following Conclusions of Law:**

1. The proposed amendments have been reviewed pursuant to Walla Walla County Code Section 14.15.070, Final Docket – Review and Recommendation. The staff report to the Walla Walla County Planning Commission dated December 14, 2020 reviewed the merits of the proposed amendments with respect to the criteria in WWCC 14.15.070(B)(3). The Planning Commission's Resolution 20-02 also reviewed the Code's criteria.
  - a. The amendment is consistent with the comprehensive plan as required by WWCC 14.15.070(B)(3)(a). The application will allow for a larger and more functional sign to be placed at the Walla Walla County Fairgrounds and provide the same opportunity to other public facilities in unincorporated Walla Walla County. The proposal is consistent with and supported by the Comprehensive Plan, which describes Public Reserve designation as, "...lands that are devoted to uses such as recreation areas; federal and state habitat areas; government use areas; cemeteries; public and private rights-of-way; institutions such as schools; public services such as fire and police stations." The Comprehensive Plan doesn't include any specific goals or policies which prohibit the use of this type of signage.
  - b. The amendment meets a definable public need as required by WWCC 14.15.070(B)(3)(b). The Walla Walla County Code does not currently allow electronic message center signs to be located anywhere in unincorporated Walla Walla County. The proposed changes to the sign code are consistent with the purpose statement in the County Code for the Public Reserve zoning district (WWCC 17.12.040). In rural areas, these amendments would enable schools and fire stations to be able to utilize the same types of signage if the conditional use permit criteria are met. These types of signs can be used by the Fairgrounds and other public/civic uses to better advertise upcoming activities or events or provide public information.
  - c. The amendment is in the long-term interest of the county as required by WWCC 14.15.070(B)(3)(c). These amendments provide an additional opportunity for the County and other public agencies to distribute information to the public.

**Section III. Adoption of the amendments to Chapter 17.08, 17.16, 17.28:**

Based on its review of the requirements of RCW 36.70A and the Washington Administrative Code, the proposed amendments, staff analysis and recommendations, and the recommendation submitted by the Planning Commission, the Board of County Commissioners hereby adopts the amendments to Walla Walla County Code, as shown on the attached Exhibit A.

**Section IV. Effective Date and Savings.**

This Ordinance is effective upon signing.

**Section V. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section VI. Publication.**

This Ordinance will be published by an approved summary consisting of the title.

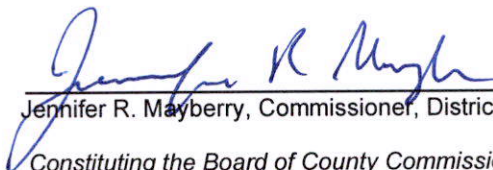
PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 1<sup>st</sup> day of February 2021.

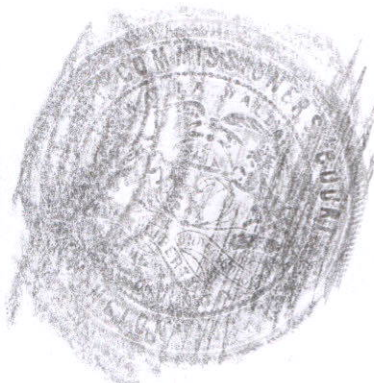
Attest:

  
\_\_\_\_\_  
Diane L. Harris, Clerk of the Board

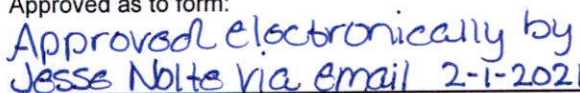
  
\_\_\_\_\_  
Gregory A. Tompkins, Chairman, District 3

  
\_\_\_\_\_  
Todd L. Kimball, Commissioner, District 2

  
\_\_\_\_\_  
Jennifer R. Mayberry, Commissioner, District 1  
Constituting the Board of County Commissioners  
of Walla Walla County, Washington



Approved as to form:

  
\_\_\_\_\_  
Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

## EXHIBIT A

### **Section 1: Add a definition to Chapter 17.08 - Signs for electronic message center signs.**

#### 17.08.213A Electronic message center sign.

"Electronic message center sign" means an electrically activated changeable copy sign having variable message and/or graphic presentation capability that can be electronically programmed by computer or handheld device from a remote location. Electronic message center signs typically use light emitting diodes (LEDs) or liquid crystal display (LCD) as a lighting source.

#### 17.08.213AB Equestrian park.

"Equestrian park" means a recreational facility, open to the public, for training, education and competition in equestrian sports such as dressage, show jumping, driving, reining, vaulting, cross country, endurance and eventing. Such facility may consist of an indoor and/or outdoor riding ring, bleachers, lighting, horse stalls or stables, and watering stations.

### **Section 2: Amend Chapter 17.28 – Development Standards – Signs. Amending Sections 17.28.060 and 17.28.090 and adding a new section with standards for electronic message center signs.**

#### 17.28.060 - Sign height.

- A. For industrial districts a maximum of eighty feet, measured from average grade to the highest point on the sign, is allowed.
- B. For commercial and Public Reserve districts a maximum of fifty feet, measured from average grade to the highest point on the sign, is allowed.
- C. For all other districts, a maximum of thirty-five feet, measured from the average grade to the highest point on the sign, is allowed.

#### 17.28.090 - Prohibited signs.

##### A. The following signs are prohibited:

1. Signs on any vehicle or trailer that is parked on public or private property and visible from a public right-of-way for the purpose of circumventing the provisions of this chapter. This provision shall not prohibit signs that are painted on or magnetically attached to any vehicle operating in the normal course of business;
2. Signs that purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official signs, or which obstruct the visibility of any traffic/street sign or signal;
3. Signs attached to utility, street light, and traffic control standard poles;
4. Signs attached to trees or rocks;

5. Swinging projecting signs;
6. Signs, together with their supports, braces, guys and anchors that are not maintained in a neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration;
7. Abandoned signs;
8. Flashing, blinking or fluttering parts of signs, except as allowed on electronic message centers;
9. Signs that are unsafe or hazardous;
10. Signs on doors, windows, or fire escapes that restrict free ingress or egress;
- ~~11. Unique signs unless specifically approved by the regional planning director when deemed necessary. Approval of the sign is based on the effect of the proposed sign not contributing to a cluttered, confusing or unsafe condition, or would not be in conflict with the character of the zoning district;~~
- ~~112. Signs on public property without prior approval;~~
- ~~123. Searchlights or beacons;~~
- ~~134. Changing message centers;~~
- ~~145. Any other sign not meeting the provisions of this chapter.~~

17.28.100 – Electronic Message Center Signs

- A. Electronic message center signs shall comply with this Chapter.
- B. Size. One double-faced electronic message sign is permitted per street frontage and shall be 1/2 square foot per foot of street frontage, up to a maximum of 150 square feet per face.
- C. Setbacks. Signs shall meet all setback and sight distance requirements as required in Section 17.25.050.
- D. Signs located adjacent to or across the street from residential zones shall not operate between the hours of 10:00 p.m. and 6:00 a.m.
- E. Signs shall be located on the same site as the use for which it is associated.
- F. The change from one message to another shall be no more frequent than once every 8 seconds when along major arterials and 20 seconds along all other roadways, unless otherwise specified by the Director or Hearing Examiner.
- G. Electronic message signs shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions and equipped with a means to immediately turn off the display if it malfunctions or is not complying with the regulations in this Section. Manual override function shall be accessible to emergency responders.

H. When an electronic message center sign is proposed adjacent to a Washington State Department of Transportation (WSDOT) right-of-way, the County shall request comment from the agency.

**Section 2: Amend Chapter 17.16 -- Permitted Uses to make electronic message center signs a permitted use in the PR district and a conditional use in the RFC and RAC districts at schools and fire stations.**

**Government/General Services Land Uses**

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
PA = Primary Agriculture
EA = Exclusive Agriculture
GA = General Agriculture-20
AR = Agriculture Residential-10
RR = Rural Remote
RA = Rural Agriculture
RRMC-5 = Rural Residential Mill Creek-5
RR = Rural Residential
R-96 = Suburban Residential
R-72 = Single Family Residential
R-60 = Single Family Residential
RM = Multiple Family Residential
RD-R = Rural Development-Residential
RD-CI = Rural Development-Commercial/Industrial
RFC = Rural Farmworker Community
RAC = Rural Activity Center



Zone																			
Resource				Rural							Urban Residential				Misc.				
P A- 40	E A- 12 0	G A- 20	A R- 10	R R- 40	R R- 20	R A- 10	R A- 5	RRM C- 5	R R- 2	R R- 5	R - 9 6	R - 7 2	R - 6 0	R M	R D- R	R D- CI	RF C	RA C	
Specific Use																			
<u>*Electro nic message center sign</u>																		<u>C</u> <u>(6)</u>	<u>C</u> <u>(6)</u>



**Government/General Services Land Uses**

Key
P = Permitted use
C = Conditional use permit required
AC = Administrative conditional use permit required
* = Definition of this specific land use see Chapter 17.08
IA-M = Industrial Agriculture Mixed
IA-H = Industrial Agriculture Heavy
HI = Heavy Industrial
LI = Light Industrial
I/BP = Industrial/Business Park
NC = Neighborhood Commercial
CG = General Commercial
BC = Burbank Commercial
BR = Burbank Residential
PR = Public Reserve

	Zone										
	Industrial and Commercial									Misc.	
	IA-M	IA-H	HI	LI	I/BP	NC	CG	BC	BR	PR	
SPECIFIC USE											
* <u>Electronic message center sign</u>										<u>P</u>	

C. Government/General Services Land Uses—Development Conditions.

6. Allowed only at schools and fire stations.

