



APR 18 2023

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of April 10-14, 2023

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, April 10, 2023. Present were Commissioners Ozias, Johnson, and French and Deputy Administrator Reyes. Administrator Sill was excused.

Items of discussion per the agenda published April 6 were:

- Calendar/Correspondence
- National Public Lands Center discussion
- Agreement amendment 4 with Norpoint Protective Services for security services
- Legal engagement letter regarding outside counsel for tax appeals
- Review and recommendations for Homelessness Task Force request for proposals 2023-2025
- Letter to Senator Patty Murray regarding Northwest Straits Marine Conservation Initiative
- Memorandum of understanding regarding the Clallam County Code Enforcement Program
- American Rescue Plan Act ARPA request for Habitat for Humanity of Clallam County
- Discussion of proposed supplemental appropriations to be considered on April 25
- Discussion of proposed budget emergencies to be considered on March 28
- Presentation regarding nuisance regulation and enforcement and noise code adoption/amendment
- Request for waiver of BID/RFP/quote requirement to purchase a 2019 Forest River Surveyor RV from Wilder RV

Meeting concluded at 12:27 p.m.

EXECUTIVE SESSION

An Executive Session is requested to discuss developing issues, and Clallam County involvement, in potential new opioid litigation.

The Board convened in open session at 3 p.m. to discuss Potential new opioid litigation. Present were Commissioners Ozias, Johnson, and French, Human Resources / Deputy Administrator / Risk Management Reyes, Prosecuting Attorney Nichols, Deputy Prosecuting Attorney Boughton, Health Officer Berry, Health and Human Services LoPiccolo and Oppelt, Chief Finance Officer Lane, and outside council Keller Rohrback representatives Alison Gaffney, and David Ko.

This litigation may be discussed with legal counsel in Executive Session pursuant to RCW 42.30.110(1)(i), which states that executive sessions may be held "to discuss with legal counsel representing the agency litigation ... to which the agency, the governing body, or a member acting in an official capacity is... a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

The Board may recess into Executive Session to consider employment or dismissal of personnel, to review the performance of a public employee, to consult with legal counsel, to consider the position to be taken in collective bargaining, to consider acquisition or sale of real estate, or other matters per RCW 42.30.110.

ACTION TAKEN: CRJm to recess to executive session for 30 minutes, CMFs, mc

Board recessed into executive session at 3:02 p.m.

Board convened in open session at 3:34 p.m.

Board recessed into executive session at 3:35 p.m.

Board convened in open session at 3:50 p.m.

Board recessed into executive session at 3:50 p.m.

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Board convened in open session at 4 p.m. and CMO noted no action was taken

Meeting concluded at 4:01 p.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, April 11, 2023. Also present were Commissioners Johnson and French and Administrator Sill.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as presented, CMFs, mc

PUBLIC COMMENT

- Ed Telenick, Sequim, commented on item 1c, Board of Equalization (see attached)
- Ed Bowen, Clallam Bay, commented on virtual workshop with Representative Kilmer

CONSENT AGENDA

- 1a Approval of vouchers for the week of April 3
- 1b Approval of minutes for the week of April 3
- 1c Legal engagement letter regarding outside counsel for tax appeals
- 1d Proclamation recognizing and honoring Sasquatch
- 1e Proclamation recognizing Clallam County international Dark Sky Week April 15-22, 2023
- 1f Proclamation recognizing Food Waste Prevention Week April 10-16, 2023

ACTION TAKEN: CRJm to adopt the consent agenda as presented, CMFs, mc

REPORTS AND PRESENTATIONS

- CRJ read the Proclamation recognizing and honoring Sasquatch
 - Lyric, Student at Lincoln Elementary School, Hoquiam, commented on the Proclamation recognizing and honoring Sasquatch
 - Miss Andrews, thanked the Board of Commissioners for their support
- CMF read the Proclamation recognizing Clallam County International Dark Sky Week April 15-22, 2023
 - Scott Burgett, Washington State Chapter of the International Dark-Sky Association, commented on the Proclamation recognizing Clallam County International Dark Sky Week
- CMO read the Proclamation recognizing Food Waste Prevention Week April 10-16, 2023
- CRJ commented on Olympic Area Agency on Aging O3A, Port Angeles Chamber of Commerce Volunteer Days
- CMF commented on West End Meetings, Tails Advisory Committee Meeting,
- CMO commented on State Emergency Management Council Meeting, Dungeness Water Exchange

HEARING(S)

- H1 Ordinance amending Clallam County Code Chapter 33.57 Signs
 - Donella Clark, Department of Community Development (DCD) provided a staff report
 - Board and Clark held discussion

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

- The following provided testimony:
 - David Hickey, International Sign Association
 - Ed Bowen, Clallam Bay
 - Kenneth Reandeau, Port Angeles, Planning Commission District III Member
- The following sent in written testimony: Janis Burger, Danny Steiger, and James B. Carpentier (see attached)

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ACTION TAKEN: CRJm to close the public hearing, CMFs, mc

- Board held discussion, requested DCD to make changes to add definitions for electronic signs, and hold a second hearing on May 2. No action taken

H2 Resolution adopting a Policy regarding Survey Monument Preservation

- ARS read the agenda item summary into the record

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

- The following provided testimony:
 - James Wengler, Port Angeles

ACTION TAKEN: CRJm to close the public hearing and adopt the policy with spelling corrections, CMFs, mc

CONTRACTS AND AGREEMENTS

2a Agreement amendment 11 with Department of Health for BEACH Program, shellfish, sanitary survey, and solid waste

ACTION TAKEN: CRJm to approve, CMFs, mc

ADMINISTRATION

3a Request for waiver of bid/RFP/quote requirement for testing system HACH DR3900 Spectrophotometer

ACTION TAKEN: CRJm to approve, CMFs, mc

3b Resolution appointing Trina Cozzolino and Cara Cristion to the Fair Advisory Board

ACTION TAKEN: CRJm to adopt, CMFs, mc

BUDGET

4a Notice that the following supplemental appropriations will be adopted by Resolution on April 25:
HHS – Developmental Disabilities – Additional funding from DSHS/DDD for increasing services provided to individuals with developmental disabilities and increase in administration funds/\$546,167
HHS Operations – Funding received for providing COVID 19 services and providing lodging and housing assistance/\$71,387

ACTION TAKEN: CRJm approve notice, CMFs, mc

4b Resolution calling for a hearing to be held April 25 at 10:30 a.m. for the following debatable emergencies:

Sheriff – Animal Control – Additional funding to meet increased contract costs for the Humane Society for 2023/\$21,000

PW – Roads – Employee retirement vacation and sick pay out/\$37,530

PW – Carlsborg Sewer - Adjustment of 2022 City of Sequim True-Up due to incorrect rates and under billing/\$79,936

ACTION TAKEN: CRJm to adopt, CMFs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on virtual meetings, virtual workshop with Representative Kilmer
- Ed Telenick, Sequim, commented on Sign Ordinance, Nuisance Ordinance
- Kenneth Reandeau, Port Angeles, commented on Code Enforcement memorandum of opinion,

Meeting concluded at 10:xx a.m. and continued to 9 a.m., Monday, April 17, 2023.

There are no Zoom chat logs for the week of April 10.

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The Board of Commissioners attended WSAC Virtual update, Joint Meeting with the City of Port Angeles, Federal Funding Workshop, Coffee with Colleen, KONP Radio Show, Highway 101 Construction Meeting, and KSQM Radio Show during the week of April 10.

PASSED AND ADOPTED this 18th day of April 2023.

ATTEST:


Loni Gores, MMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS


Mark Ozias


Randy Johnson


Mike French

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded

Public Comment
Ed Telenick
April 11, 2023

WAC 458-14-035 Qualifications of members—Term—Organization of board—Quorum—Adjournment—Alternate and interim members. (1) Board members shall be residents of the county where the board is located and shall attend the department's training seminar held pursuant to WAC 458-14-156 within one year of appointment or reappointment unless this requirement is waived in writing by the assistant director of the department's property tax division, or his or her designee, for just cause.

(2) The board shall consist of at least three members and no more than seven members, including alternate members. Board members shall be appointed or reappointed by the county legislative authority prior to June 1st, and their appointment shall be for a term of three years or until their successors are appointed. Board members who are appointed by the county legislative authority may be removed by a majority vote of the county legislative authority.

(3) The members of the board shall elect a chairman and vice chairman once each year, at the beginning of the regularly convened session.

(4) The members of the board shall take an oath once each year prior to the regularly convened session to fairly and impartially perform their duties as members of the board.

(5) All orders of the board shall be decided by majority vote.

(6) A majority of the board shall constitute a quorum.

(7) The board may adjourn from time to time during the regularly convened session but shall not be adjourned sine die, until the last day of the twenty-eight day period, and shall be considered adjourned after the expiration of the twenty-eight day period, for purposes of the regularly convened session. The board shall adjourn after each reconvened session when the purposes for which the reconvened session was requested or required shall have been accomplished.

(8) The county legislative authority may appoint alternate board members or interim board members, as it deems necessary. Alternate and interim board members shall meet the same qualifications and subscribe to the same oath as regular members, and shall attend the next regularly scheduled board training seminar held by the department following their appointment, unless this requirement is waived in writing by the assistant director of the department's property tax division, or his or her designee, for just cause.

(9) No member of a county legislative authority may sit as a board member unless the entire board is comprised of members of the county legislative authority.

(10) Persons who have been employed in the assessor's office shall not sit on that county's board for a period of two years after leaving their employment.

[Statutory Authority: RCW 84.08.010, 84.08.070 and 84.48.200. WSR 90-23-097, § 458-14-035, filed 11/21/90, effective 12/22/90.]

This morning I am sharing my concerns regarding the contract with an outside law firm that the County has engaged on behalf of the County Assessor regarding the two lawsuits involving Interfor and P. A. Hardwoods. The details of this situation are not being shared publicly, which is appropriate as it involves a lawsuit.

During the discussion yesterday there were questions raised about expected costs, recovering lawyer's fees and whether WA State Department of Revenue has a role in the process. It was actually the WA Dept. of Revenue that presented the case on behalf of the Assessor to the Board of Equalization in both of these cases so one would think they had some skin in the game.

Both of these businesses are paying taxes on properties that are worth millions of dollars (whether appropriately or not, I do not know) but it's not surprising lawyers are involved as they seem to have a fondness for the smell of money, wherever it comes from.

My main point however is not really about this contract but because it is an agenda item it gives me the opportunity to speak for a few minutes on an important issue that impacts the rest of us taxpayers who don't have the resources to hire attorneys (well except for those that our tax dollars are paying for)

I have attended each of the Board of Equalization Hearings conducted in 2023 in person or on Zoom, and have serious concerns as to both the independence of the Board members, as well as certain aspects of whether the laws are being followed, including the open public meeting requirements.

Several weeks ago, the third BOE member resigned and despite a W. A.C. requiring a minimum of three board members for Clallam County (**WAC 458-14-035**) there are currently only two. There is no alternate. While 2 members technically represent a majority, this does not meet the statutory requirements in my eyes. This is unfair to the recent petitioners who were never notified of this situation and possible grounds for a future lawsuit for those so inclined to pursue such folly.

While all of the BOE meetings are required to be recorded, the recordings are turned off between hearings and that's where the most interesting conversations occur.

During my attendance it has been crystal clear that there is a very comfortable relationship between the Chairman of the BOE and the Assessor's office. In 2020, There was a review of the BOE conducted by the WA Dept. of Revenue which identified several requirements of the Board that were not being met, along with recommendations necessary to resolve them. One of them was the importance of maintaining the appearance of a Board that is independent of the Assessors office.

This year there were hundreds of appeals filed by taxpayers (I'm still waiting to find out exactly how many) and yet only 37 have been heard by the Board. Of those, the Board sustained 35 of the valuations (in a couple of cases they concurred with the Assessors suggested reductions in value so it was not technically a sustained value).

In some cases property owners had their property taxes go up over 300 percent in one year. They were assured it was because we are in a hot market, they were being undervalued before, or because they only have to inspect on a 6 year cycle and their area was only recently reassessed. Others are stuck with property that is virtually unbuildable and likely unsellable. They are told to take their issues up with the Planning Commission to try and obtain variances that will never be allowed.

Most of the Board's deliberations take only a few minutes and the Assessors values are sustained. This is a far different outcome than previous Boards where they actually sided with petitioners on occasion. One has to wonder how much weight is being given to the petitioner's evidence?

While taxpayers are notified that they may appeal the Board's decision to the State according to the law, they are not told is that it will take from 18 to 24 months and they will likely lose their appeal as the States bar seems to be even higher than the Assessor's "clear cogent and convincing" standard.

I had also wondered how the BOE schedule could handle the hundreds of petitions that were submitted for appeal and discovered that this is where the real problem lies. It seems that in almost all of these cases the Assessor's office makes an effort to appease unhappy taxpayers by offering a "stipulated" value, with the hopes that they will retract their petitions and be satisfied. A couple of petitioners told me they were basically told that if the Assessors offers were rejected they would be offered no concession and may very well have their taxes raised by the BOE. It is sort of a veiled threat that I have personally been subjected to on more than one occasion in this County. Unless a petitioner has the stomach and resources to fight this, they generally capitulate and take what little they can get.

Here's my point.

Why does this County continue to pretend that we have a fair and equitable application of the law, taxes, services or anything else when it's clear that the average taxpaying citizens have almost no real alternative but to bend over and take it?

Ed Telenick



Submitted 4/11/23

Gores, Loni

Burger
Hi
4/11/23

From: Janis Burger <toucan@olypen.com>
Sent: Monday, March 27, 2023 11:40 PM
To: Ozias, Mark
Cc: Gores, Loni
Subject: Re: Dark sky and bright signs

Hi Mr. Ozias,

Thanks so much for the reply and good news about the draft ordinance. The nuisance ordinance is a great idea too. I recall having an awkward conversation with a neighbor whose bright outdoor light lit up my own living room like the full moon from 300 feet away! She was convinced it made her safer despite research showing otherwise (apparently thieves like lit homes that they can case without drawing attention to themselves vs motion detecting lights). If folks could be required to shield such outdoor lighting to avoid illuminating the neighborhood, that would be awesome!

Thanks again for your work and the reply.

Janis Burger

From: [Ozias, Mark](#)
Sent: Thursday, March 23, 2023 11:05 AM
To: [Janis Burger](#)
Cc: [Gores, Loni](#)
Subject: RE: Dark sky and bright signs

Ms. Burger,

Thank you for writing! As drafted, the updated sign ordinance places brightness limitations on all external and internally-lit signs, requires that sign lighting be shielded (so it doesn't shine up or out) and prohibits electronic readerboard-type signs.

The County Planning Commission has had several conversations about a Dark Sky ordinance and they anticipate writing additional light pollution protections into a new "Nuisance Ordinance" we've been working on.

Sincerely,

Mark Ozias
Clallam County Commissioner

From: Janis Burger <toucan@olypen.com>
Sent: Wednesday, March 22, 2023 10:42 PM
To: French, Mike <Mike.French@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; Ozias, Mark <mark.ozias@clallamcountywa.gov>
Subject: Dark sky and bright signs

Hello and thank you for your service to our community,

I'm a recently retired Olympic National Park ranger who ran the interpretive ranger programs at Hurricane Ridge, Heart O' the Hills and the main park visitor center, including the public astronomy programs at Hurricane. A wonderful master astronomer and helpers have inspired thousands of night sky watchers over the years, taking advantage of the very dark night skies at Hurricane. But if one walks 100 yards to the viewpoint looking north over the Strait, the glow of Port

Angeles, distant Victoria and Highway 101 spreads up into the night, obscuring stars (and once for me even washing out the rare northern lights!). A sad majority of people in the world have never seen the Milky Way glowing above us, but it's visible from Hurricane Ridge! Darkness is a rare resource protected in the park, just as precious as endemic marmots and wildflowers.

I'm glad to see the commission revising the sign ordinance. I hope the incredibly bright and distracting plasma signs will be banned. They are so bright I often take a second look thinking there's an emergency vehicle approaching, especially when the signs change colors/screens. It seems like a big safety concern and they glow all night, long after the businesses are closed, brightly shouting their messages to the odd passing car and the heavens. The same problem exists with billboards lit from the bottom, shining up. Ideally, they wouldn't have night lighting, but any lit at night should be lit from the top down to avoid light pollution.

Olympic National Park has been in the process of applying to become a certified Dark Sky Park joining places like Big Bend, Death Valley and Bryce Canyon National Parks. It includes looking at lighting in the park and ensuring it is lighting just the targeted area below and is shielded above to avoid spillover and wasted energy polluting the darkness. Many Dark Sky Parks also work with their neighboring communities to reduce the brightness emanating from the towns and detracting from the darkness in adjacent parks. I don't know if anyone at Olympic has reached out to Port Angeles or the county, but I hope you keep the precious dark skies of the park in mind as you consider the sign ordinance.

Sincerely,

Janis Burger

Gores, Loni

Steiger

From: Clark, Donella
Sent: Tuesday, April 11, 2023 12:01 PM
To: Gores, Loni
Subject: FW: Electronic Messaging Center Letter/Email

H1
4/11/23

From: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Sent: Friday, April 7, 2023 2:15 PM
To: Clark, Donella <donella.clark@clallamcountywa.gov>
Subject: FW: Electronic Messaging Center Letter/Email

From: Johnson, Randy <randy.johnson@clallamcountywa.gov>
Sent: Friday, April 7, 2023 10:53 AM
To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Subject: FW: Electronic Messaging Center Letter/Email

Comments of Danny's comments regarding the new sign ordinance.
Randy

From: Danny Steiger <dannys@lumbertradersinc.com>
Sent: Friday, April 7, 2023 10:26 AM
To: Ozias, Mark <mark.ozias@clallamcountywa.gov>; Johnson, Randy <randy.johnson@clallamcountywa.gov>; French, Mike <Mike.French@clallamcountywa.gov>
Subject: Electronic Messaging Center Letter/Email

Dear Commissioners,

I am writing to express our extreme displeasure regarding the potential decision to amend the sign code for disallowing the permitting of new Electronic Messaging Centers (EMC). As the CEO/President of Lumber Traders, Inc., the parent company of Angeles Millwork & Lumber Co. Inc. and Hartnagel Building Supply, I want to highlight the huge potential negative impacts this decision could have on the local businesses of Clallam County.

We understand that potential negative aspects are associated with using EMCs, and we take these concerns seriously. A large majority of the county's businesses that display an EMC do not currently follow EMC codes. We believe that current regulations speak to most of these issues if they were enforced. By disallowing the permitting of new EMCs, companies that follow the code will be held accountable for the actions of those who do not. This will disproportionately impact responsible businesses that use EMCs in compliance with existing regulations. Therefore, we believe that a better solution would be to enforce the current regulations and educate businesses on the proper use of EMCs.

EMCs allow local businesses to advertise and message customers in ways that Free Standing, Façade, or Monument Signs cannot achieve. By limiting the ability to use EMCs, local businesses will be handcuffed in their advertising options, negatively impacting their revenue streams and ultimately tax revenue for the county. It is essential to have the flexibility to communicate the many options and advantages of shopping with a local businesses. A well-thought-out digital sign design can be a valuable tool for achieving that goal.

Moreover, this decision will harm community messaging for local non-profits and community organizations that rely on us to help communicate their events and needs to the community. Lumber Traders Inc. advertises countless electronic displays on our sign for organizations like 4PA, Peninsula Adventure Sports, Port Angeles Art Center, and many more. By removing the ability to use EMCs, we risk limiting the effectiveness of these organizations' messaging and impeding their ability to connect with the community they serve.

Finally, I want to address the idea that EMCs are distracting. As mentioned previously, an EMC can be distracting if the codes are not followed. We believe a well-thought-out digital sign design can go above and beyond regulations by staying static for 15-30 seconds, well-designed, and easy to read. This can enhance the visual appeal of the sign and the business and provide a valuable resource for local companies and organizations to communicate with the community.

In conclusion, we strongly urge you to reconsider the proposed amendment to the sign code that disallows the permitting of new Electronic Messaging Centers. We believe this decision will negatively impact the local businesses, non-profits, and community organizations that rely on EMCs to help communicate their events and needs to the community.

Thank you for your consideration.

Sincerely,

Danny Steiger | **President & CEO**
Lumber Traders Inc.
Angeles Millwork & Lumber Co.
Hartnagel Building Supply



INTERNATIONAL SIGN ASSOCIATION

1801 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8553
info@signs.org
WWW.SIGNS.ORG



Carpenter
H1
4/11/23

March 30, 2023

Clallam County Board of Commissioners
County Courthouse
223 East 4th Street, Room 160
Port Angeles, WA 98362

Sent via email 3/29/23

Re: Proposed amendments to the Clallam County Zoning Code, amending and adding definitions to the Sign Ordinance.

Honorable Clallam County Board of Commissioners:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

We appreciate the inclusion of some of our recommendations in the draft sign code. However, we do have a number of recommendations dealing with content regulation which conflicts with the 2015 SCOTUS decision *Reed v. Town of Gilbert*, and other issues for your consideration, which are listed below. Our comments and recommendations are in Bold and italics.

General Recommendation

We recommend that a substitution clause be included, which is considered a best practice. A substitution clause simply allows a sign to substitute a noncommercial message on any sign that permits a commercial or another noncommercial message.

Section 33.57.010. Purpose

“(b) To maintain and enhance the visual environment and the County’s ability to attract sources of economic development and growth.”

This section is existing in the sign code and is proposed to be deleted. It is common and recommended to include some language in the purpose that addresses County aesthetics and supporting and enhancing the business community.

We also recommend that this section include language that mentions the limits on regulation of speech, such as “to achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.”

Section 33.57.030. Exempt signs.

(4) "Sculptures, murals, landscape features, fountains, mosaics, religious symbols, and design features which do not incorporate advertising or identification."

This section includes content regulation (do not incorporate advertising or identification) which should be avoided as a best practice. "Artwork (including murals) is expressive conduct protected by the First Amendment. Several cases have ruled that sign codes that either exempt (Central Radio v. City of Norfolk (4th Cir. 2016)) or regulate (Kersten v. City of Mandan, 389 F.Supp.3d 640 (D. N.D. 2019)) works of art or murals that did not display commercial messages are content-based." *

(5) "The flag of a recognized government or noncommercial institution such as a school."

A common issue with sign regulations written before Reed is regulations that limit flags to those with government or institutional symbols. This is content-based (Willson v. City of Bel-Nor (E.D. Mo. 2020)), and any definition of flags should include only their physical description with no limitation to government or other symbols.*

(13) Signs at a construction site, no more than three signs and no greater than 32 square feet each, that may identify the architect, engineers, contractors, supplies, or grant agencies involved in the construction project or announces the character of the building. Signs not permitted shall be removed fourteen days after construction is complete;

(14) Signs advertising real estate for sale, rent, or lease, no greater than thirty-two (32) square feet, and removed after the real estate transaction is complete;

(15) Grand opening or closing displays, such as temporary banners, flags, or balloons, are allowed to remain for a period of fourteen days from setup of the display, to announce the opening of a completely new business, new management, or closing of the business;

Sections (13), (14) and (15) have content-based regulations which we recommend avoiding in order to comply with the SCOTUS decision Reed v. Town of Gilbert (2015). "Content-neutral sign codes regulate signs by their temporal (i.e., whether a sign is temporary or permanent), locational (for example, whether a sign is freestanding or attached, or is in a commercial or residential zoning district), or physical (for example, whether a sign is digital or static) characteristics. In other words, a sign code that regulates only the "time, place, and manner" of signs is considered content-neutral. Content-neutral regulations are subject to intermediate, rather than strict scrutiny. Courts also apply intermediate scrutiny to regulations that affect only commercial speech."*

(16) Banner signs displayed for 3 months as a temporary monument sign used by businesses within commercial zones. Banner signs shall not be used as permanent monument signs. Banner signs affixed to a wall shall be required to be permitted as façade signs.

We recommend that banners be regulated separately from wall signs as a best practice. We suggest that banner signs be allowed with discrete regulations with reasonable time, place and manner restrictions.

Section 33.57.040. Prohibited signs

(13) Electronic signs.

We recommend that electronic signs be allowed. This sign type has proven to be an effective form of communication to the public and potential customers. As stated in the attached study, by the University of Cincinnati, a car dealership small business case study found that the addition of an electronic sign was associated with increases in both service department revenue and customer traffic. An added benefit was the “goodwill” and reputational gain associated with using the video board for community related public service messages. An important consideration is that end users of electronic signs can opt into the Integrated Public Alert & Warning System (IPAWS) a network of complex systems that lets Local Alerting Authorities send geographically-targeted alerts, including Amber Alerts. IPAWS alerts save lives and protect property by quickly informing the public of impending natural and man-made disasters, or other hazards to public safety and well-being.** As an incentive to have electronic sign operators opt into IPAWS, the sign code can be designed to allow for an area bonus for the end users that agree to opt into IPAWS.

Section 33.57.060. Commercial and industrial sign standards

(1) Freestanding sign, monument signs

This section requires all freestanding signs to be monument signs. We recommend to allow pole signs. Requiring monument signs adds additional costs to the end user. Some sites may not itself to monument signs due to limited space, utilities or landscaping.

g. Freestanding signs shall not exceed thirty-two (32) square feet of sign area.

We recommend that freestanding signs at parcels that are not subject to the Scenic and Recreational Highway Act have an area of 64 square feet. See the attached recommended sign area in the Evidence Based Model Code. The recommended sign area based on the number of lanes and speed limits that are typical in the County is much greater in the Evidence-Based Model Code, than the recommended 64 sq. ft.***

(2) Façade sign(s) shall meet the following standards

c. The sign frame shall be concealed or integrated into the building’s architectural character in terms of form, color, and materials;

This requirement is not reasonable and will be a challenge for applicants to meet this requirement. We do not recommend that façade signs be designed to be integrated into the buildings design. This type of standard is typical for a ground sign since freestanding signs have more of a structure that can meet these type of standards.

Section 33.57.080. Legal nonconforming signs



(1) A nonconforming sign shall not be altered in height, shape, size, lighting/illumination, or affect the base or support without conforming with the provision of this chapter. No off-premise sign shall add electronic/digital components to a sign and existing electronic/digital signs shall be no greater than 0.3 foot candles above ambient light (includes day and night) and shall remain static for a minimum of 10 seconds, changing instantaneously to avoid startling flashing of lights, and shall transition without animation.

We recommend that all electronic signs have automatic dimming (see the attached ISA resource Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers for recommended model language). With automatic dimming no daytime requirements are needed since the electronic sign automatically adjusts based on ambient light conditions, such as from day to nighttime and a cloudy day.

Therefore, due to the number of issues listed above, we respectfully request that the County Board of Commissioners refer these proposed sign code amendments back to staff and the Planning Commission to be able to address these issues with stakeholders.

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org.

Sincerely,

James B. Carpentier AICP
Director State & Local Government Affairs

*White, Mark, Content Neutral Sign Codes After *Reed* and *Austin*, Sign Research Foundation, Alexandria VA, Nov. 2022.

**<https://www.fema.gov/emergency-managers/practitioners/integrated-public-alert-warning-system>, accessed March 29, 2023.

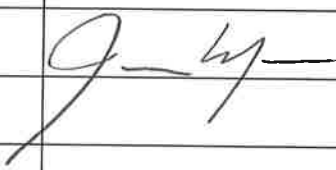
***Jourdan, Dawn, Evidence Based Model Code, Sign Research Foundation, Alexandria VA, Sep. 2011.

****International Sign Association, Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers, Alexandria VA, Aug. 2016

BOARD OF CLALLAM COUNTY COMMISSIONERS PUBLIC HEARING

H2 Resolution adopting a Policy regarding Survey Monument Preservation

I declare under penalty of perjury under the laws of the State of Washington that any testimony that I give is true and accurate.

Nº	PRINTED NAME	SIGNATURE	ADDRESS
1	JAMES WENGLER		708 E 9TH ST PORT ANGELES WA 98562
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Signed on April 11, 2023 in Port Angeles, Washington