

**Spokane City Plan Commission
Findings of Fact, Conclusions, and Recommendation
Proposed Amendments to Spokane Municipal Code,
Chapter 17C.240 Signs**

A recommendation from the City Plan Commission to the City Council to APPROVE the proposed amendments to the Spokane Municipal Code, *Chapter 17C.240, Signs.*

Findings of Fact:

- A.** The City's Comprehensive Plan and existing sign code prohibit off-premises signage. However, SMC 17C.240.250 (B) provides an exception for existing off-premises signs that must be removed in order to accommodate a public works project. These signs may be relocated along the same roadway and in the geographical vicinity from where it was removed. On April 10, 2017, City Council passed Emergency Ordinance C35490, imposing an immediate moratorium on the relocation of off-premise signs into areas having a Center and Corridor zoning designation or sites located in an historic district. A hearing was held on May 22, 2017 regarding this moratorium, and the expiration was extended to November 22, 2017.
- B.** In 2015 the U.S. Supreme Court issued a decision in the case of Reed v. Town of Gilbert, AZ, providing new guidance on acceptable regulations of noncommercial signage. Previous standards determining content neutrality were ambiguous; the Reed decision provides a clear standard regarding constitutionally acceptable regulations on noncommercial signage and necessitated a thorough audit of the City's existing sign code.
- C.** Current Planning staff from the Development Services Center provided a list of recommended updates and clarifications to the City's current sign code for ease of interpretation and administration as well as clarity for applicants and other users of the sign code.
- D.** City of Spokane Comprehensive Plan, Urban Design and Historic Preservation Chapter, Goal DP 2.16, On-Premises Advertising states: *Ensure that on-premises business signs are of a size, number, quality, and style to provide identification of the business they support while contributing a positive visual character to the community.* Policy 2.17, Billboards states: *Prohibit new construction of billboards and eliminate existing billboards over time.* Policy 2.19, Off-premises Advertising states: *Identify and implement ways to control various forms of off-premises advertising.*
- E.** Two of the goals that the City's sign code seeks to advance are traffic safety and the appearance of the city, which have long been recognized by the courts as substantial governmental goals. *E.g., Metromedia, Inc. v. City of San Diego*, 453 U.S. 507-08 (1981). There is a cumulative body of literature that closely links sign design, placement, maintenance and clutter to traffic accidents and safety. The following list is illustrative:

 - [Relationship Between Roadside Signs and Traffic Accidents-A Field Investigation \(1977\)](#)

- [Digital Display Safety Preliminary Investigation 9-19-12 - Caltrans](#) – Study done by the State of California Department of Transportation (Caltrans)
- [The Impact of Billboards on Driver Visual Behavior: A Systematic Literature Review](#) – From the National Institutes of Health
- [The Effects of Visual Clutter on Driving Performance](#) – An undated Doctoral thesis by Jessica Edquist
- [Why Street Signs Make Traffic More Dangerous](#) – Jalopnik.com article primarily regarding the impact of traffic sign clutter
- [What is sign clutter and how does it get reduced?](#)

This information supports the need to ensure signage regulations are current and responsive to changing conditions, and provides support for the City's goals of furthering traffic safety and the appearance of the City.

- F.** A website was created in early July to provide easy access to information and allow the public to comment directly through the website. This website was continually updated with presentations, materials, and other documents as they became available.
- G.** Staff organized a work group to review the proposed changes and provide feedback and insight into potential outcomes. The work group was comprised of representatives from the Plan Commission, Community Assembly, real estate industry, sign code industry and various City departments.
- H.** On September 5, 2017, staff hosted a focus group with representatives from the off-premise billboard industry to review and provide feedback on the proposed changes to the off-premises sign section.
- I.** The City hosted a digital open house on the City's website from September 12-14, which included two live "chat with a planner" sessions and a Facebook Live event to garner feedback on the proposed changes.
- J.** On September 21, staff presented the proposed changes to the Community Assembly Land Use Committee.
- K.** On June 14, September 13, and September 27, 2017, the Spokane City Plan Commission held workshops to study the proposed updates to the City's sign code.
- L.** On September 1, 2017, pursuant to RCW 36.70A.106, the City notified the Washington State Department of Commerce of its intent to adopt proposed changes to chapter 17C.240 SMC. On September 5, 2017, the City received an acknowledgement letter from the Department of Commerce.
- M.** On September 27 and October 4, 2017, the City caused Notice of the proposed ordinance and announcement of the Plan Commission's October 11, 2017 hearing to be published in the Spokesman Review.
- N.** On September 27, 2017, the responsible official issued a State Environmental Policy Act (SEPA) Checklist and Determination of Non-Significance for the proposed

amendments to SMC chapter 17C.240. The public comment period for the SEPA determination ended on October 11, 2017.

- O. A public hearing was held before the Plan Commission on October 11, 2017.
- P. At the Plan Commission hearing on October 11, 2017, staff presented the following modifications to the proposed text amendment for Plan Commission consideration, as based on recommendations coming out of a study session with City Council on September 29, 2017:
 - In SMC Section 17C.240.210, Temporary Signs, item B, it was proposed to be amended to eliminate “Temporary signs may be displayed for a period not to exceed one hundred and eighty (180) days”;
 - In SMC Section 17C.240.250, Off-Premises Signs, item B.2.e, it was proposed to be amended to include Neighborhood Retail and residential to the list of prohibited zoning designations for the relocation of off-premises signs.

Public Testimony:

- A. Neal Schreibeis, representing Lamar Sign Company, testified in opposition to the proposed amendments for the relocation of off premise signs under the “public works exception”. He argued that by prohibiting the relocation of such signs in center and corridor zoning, historic districts, residential zones and neighborhood retail would result in an over-concentration of billboards in a particular location. He also testified that limiting the definition of “roadway”, as it applies in the “public works exception” has a similar effect.
- B. No other testimony was heard.

Plan Commission Deliberations:

- A. During deliberations, the Plan Commission discussed incorporating the following modifications to the proposed text amendment, as presented by staff, based upon City Council recommendations :
 - In SMC Section 17C.240.244, Temporary Signs, item B, it was proposed to be amended to eliminate “Temporary signs may be displayed for a period not to exceed one hundred and eighty (180) days”;
 - In SMC Section 17C.240.250, Off-Premises Signs, item B.2.e, it was proposed to be amended to include Neighborhood Retail and residential to the list of prohibited zoning designations for the relocation of off-premises signs.

By a vote of 7 to 00, the Plan Commission approved incorporating the above listed modifications to the draft sign code amendment being considered.

- B. Also during deliberations, the Plan Commission considered the following modifications to the proposed text amendment, as based upon a motion by Christy Jeffers, and seconded by Chris Batten:

- For off premise signs being relocated under the public works exception, the term “roadway” shall apply to both directions of a couplet.

By a vote of 4 to 3, the Plan Commission approved incorporating the above listed modifications to the draft sign code amendment being considered.

Conclusions:

With regard as to whether the proposed amendments to Chapter 17C.240 SMC, as amended, meet the approval criteria of SMC 17G.025.010(F) for text amendments to the Development Code, the Plan Commission made the following findings:

- A.** The proposed amendments are consistent with the applicable provisions of the City's Comprehensive Plan.
- B.** The proposed amendments bear a substantial relation to public health, safety, welfare, and protection of the environment.

Recommendation:

By a vote of 7 to 0, the Plan Commission recommended to the City Council the APPROVAL of the proposed amendments to Chapter 17C.240 of the Spokane Municipal Code.

**Dennis Dellwo, President
Spokane Plan Commission
October 11, 2017**