

ORDINANCE NUMBER 42-05

INTERIM ORDINANCE AMENDING ORDINANCE 20-05, REVISING SIGN REGULATIONS.

WHEREAS, the intent of the sign regulations is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the county as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information but to prevent excessive and confusing sign displays or signs that pose a hazard to the public;

WHEREAS, the county Hearing Examiner expressed concern over the legal durability of the existing sign regulations, resulting in adoption of interim sign regulations in Ordinance 104-03;

WHEREAS, Mason County has adopted specific sign codes for the Allyn and Belfair Urban Growth Areas since the adoption of Ordinance 104-03, but has not yet adopted specific sign codes for the Shelton Urban Growth Area or the Rural Areas;

WHEREAS, Mason County is updating its comprehensive plan and regulations and expects to complete new sign codes for the Shelton Urban Growth Area and the Rural Areas this year;

WHEREAS, Mason County held a public hearing on April 12, 2005 and continued said hearing on April 19, 2005, April 26, 2005, and May 3, 2005;

WHEREAS, testimony was received that the interim ordinance did not adequately address the important need for real estate "for sale" and "for rent" signs and related directional signs in public right-of-ways to guide interested persons to the subject property;

WHEREAS, testimony was received that such real estate signs can pose safety and maintenance concerns when placed in the public right-of-way;

WHEREAS, alternate language was developed that appears to address this concern;

WHEREAS, the interim ordinance and the alternative language will provide for signs which are controlled to help to maintain the rural character of the county's rural areas, while providing support to the economic vitality of the county, both of which are goals of the county comprehensive plan;

WHEREAS, the alternate language was reviewed by the County Public Works Department

and found acceptable to use on a trial basis;

WHEREAS, the Interim Sign Ordinance 20-05 will have to be reviewed and acted on prior to its expiration date of September 17, 2005, thus providing about a five month trial period;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY DO HEREBY ORDAIN as follows:

SECTION 1.

Section 1.05.024 is amended as follows: (New text is underlined, deleted text is struck through)

Section 1.05.024

~~Real Estate signs may be placed only upon private property with owner's consent.~~
Real Estate signs identified as on-premise "for sale" or "for rent" signs, off-premise directional "open house" signs and off-premise "directional signs" are permitted subject to the following limitations:

A. On-premise "for sale" or "for rent" signs must be placed wholly on the property for sale or rent. The signs may be single or double faced, may not exceed 32 square feet per sign face, may not exceed one sign (or one double faced sign) per road frontage, and may remain posted until the property sale closes or rents.

B. Off-premise "open house" signs may be single or double faced signs posted only during daylight hours when the real estate agent, their assistant, or property owner is in attendance at the property for sale or rent, and shall be removed immediately upon the termination of an open house or other similar property display event. Maximum allowable sign area for off-premise "open house" signs is nine (9) square feet.

C. Off-premise "directional signs" may be single or double faced signs. The maximum number of off-premise "directional signs" allowed per property shall be only what is necessary to direct people to the premises. Maximum allowable sign area for off-premise "directional signs" is three (3) square feet.

D. Off-premise "directional signs" and "open house" signs may be posted along the periphery of the public right of way in accordance with the following restrictions:

a) Off premise signs shall not be posted in a manner or location which may cause visual obstruction or a visual safety hazard for traffic especially in and around intersections, driveways and other access points.

b) Off premise signs may not be placed in a location typically used by motor vehicles in a lawful manner (road shoulders).

c) Off premise signs may not be placed in a location which may impede pedestrian, bicycle, or handicapped travel or access.

d) Off premise signs may not interfere with routine maintenance of drainage areas and areas regularly mowed by the County Public Works Department.

SECTION 2.

The attached findings of fact are approved in support of the approval of Interim Ordinance 20-05 with the above amendment.

DATED this 3rd th day of May, 2005.

Board of Commissioners
Mason County, Washington

 _____ Tim Sheldon	 _____ Lynda Ring Erickson	 _____ Jayni L. Kamin, Chair
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ATTEST:



Clerk of the Board

APPROVED AS TO FORM



Prosecuting Attorney

**Mason County
Board of County Commissioners**

**FINDINGS OF FACT
IN SUPPORT OF THE ADOPTION OF ORD. 20-05 AS AMENDED.**

1. Signs regulations have been found to be allowed under law, provided that the regulations remain within the bounds set by law.
2. A recent decision of the Mason County Hearing Examiner, while upholding the administrative interpretation of the county sign regulations, expressed concern with the legal defensibility of the regulation itself, thereby prompting the county to take immediate action to correct the possible deficiencies.
3. While immediate action was necessary, there were a number of ongoing planning processes which would determine the best sign controls but which were more comprehensive in scope and would require at least several months to be completed, including efforts in Allyn, Belfair, and Shelton.
4. Because of these ongoing processes, Ordinance Number 104-03 was adopted September 23, 2003 as authorized under RCW 36.70A.390 prior to a public hearing for a period of up to six months, provided that a public hearing is held within sixty days of its adoption and findings of fact adopted at that time
5. The sign regulations so adopted provide for standards necessary to safeguard life, health, property and public welfare by regulating some signs and sign structures to preserve and improve the appearance of the county as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information; but to prevent excessive and confusing sign displays or signs that pose a hazard to the public.
6. The sign regulations distinguish between commercial and non-commercial signs and regulate commercial signs in order to: preserve and protect property values and civic beauty and not allow signs that detract from this objective due to size, visual impact, location, or illumination; control signs which constitute a public nuisance or increase the likelihood of accidents by distracting attention or obstructing vision; provide signs that are compatible with their surroundings and support the activities allowed.
7. A tourism study done for Mason County shows the important connection between successful tourism, the appearance of the community, and the nature and number of the signs located in the community.

8. The preservation of the rural character of the community requires the careful control of signs in the rural area in order to keep the visual character and to ensure that the natural and open space feeling of the area predominates over the built environment. This is a stated goal of the county comprehensive plan.

9. There is a need to protect the existing character of the State Route 101 corridor as it is designated as a state scenic byway.

10. The sign regulations regulate non-commercial signs to control signs which increase the likelihood of accidents by distracting attention, obstructing vision, or confusing traffic.

11. In Ordinance No, 20-05, amendments were made to the interim ordinance to reflect the fact that specific regulations were adopted and are in place for sign regulation in the urban growth areas of Belfair and Allyn.

12. A public hearing was held by Board of Commissioners on April 12th, 19th, and 26th, and on May 3rd of 2005 to hear public comment on the continuation of the interim regulations adopted on March 15, 2005.

13. The county is working with the City of Shelton on appropriate standards for the Urban Growth Area of Shelton and expects to complete the development of the standards this year.

14. The real estate industry, along with other commercial sectors, have a legitimate interest in the use of appropriate signage. Amendments to Ordinance 20-05 affecting real estate "for sale" and "for rent" signs were developed in a collaboration between real estate agents represented by the Mason County Association of Realtors and the county. Real estate signs can pose safety and maintenance concerns when placed in the public right-of-way. These proposed standards would allow for the placement of directional and open house signs in the public right-of-way on a trial basis. These standards and their effectiveness in preserving the safety of the right-of-ways will be evaluated prior to the permanent adoption of the standards.

The Board of County Commissioners, Mason County, Washington hereby approves these findings of fact in support of the interim sign ordinance.


Tim Sheldon


Lynda Ring Erickson

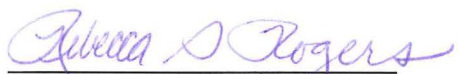

Jayni L. Kamin, Chair

ATTEST: , Clerk of the Board

I, Rebecca S. Rogers, acting in my official capacity as Clerk of the Board of Mason County Commissioners, have compared the foregoing (attached) copy with the original on file with Kitsap County office, being identified as Resolution No. 41-05 A Resolution Among Local Elected Officials in Support of Improving Water Resource Management Throughout the Kitsap Peninsula and Islands to be a true and correct copy of said original.

Witness my hand and seal this 3rd day of May, 2005.

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Rebecca S. Rogers
Rebecca S. Rogers, Clerk of the Board