



## City Council Joint Study Session with Planning And Parks & Recreation Commission

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# AGENDA

May 9, 2017

5:00 pm – 10:00 pm

### Call to Order

Estimate time

### Joint Meeting Topics

- **Presentation: Laminated Root Rot and Urban Forestry Planning/University of Washington** 5:00 pm
- **Discussion: Land Acquisition Study** 5:40 pm
- **Update: Parks, Recreation & Open Space Plan** 6:10 pm

### Study Session Topics

7:00 pm

### Public Comment

7:05 pm

**Note:** *This is an opportunity for the public to address the Council. Three-minutes limit per person or five-minutes if representing the official position of a recognized community organization. If you would like to show a video or PowerPoint, it must be submitted or emailed by 5 pm, the end of the business day, to the City Clerk, Melonie Anderson at [manderson@sammamish.us](mailto:manderson@sammamish.us). Please be aware that Council meetings are videotaped and available to the public.*

- **Update: Sign Code** 7:35 pm
- **Discussion: Thrive Sammamish** 8:35 pm

### Adjournment

8:45 pm

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.



DATE: May 9, 2017

TO: Sammamish City Council, Parks Commission, and Planning Commission

FROM: Karen Dyson, PhC, MMA and M.S. Patterson, MPA, MSES

RE: Sammamish Urban Forestry Planning and Laminated Root Rot

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In February, we met with City of Sammamish representatives to discuss the City's upcoming urban forestry planning efforts. After our discussion, and following a site visit to Pine Lake Park, we concluded that a more ecologically complete policy approach to urban forestry is recommended in Sammamish due to the widespread presence of Laminated Root Rot (LRR), a difficult to detect fungal pathogen with high mortality.

In coordination with City staff, we have developed a three-pronged research proposal to inform and support the City of Sammamish's efforts to safeguard the City's forested character over the long term. This memo provides a summary of the research proposal and an overview of Laminated Root Rot and its impact on the City's trees and planning processes.

### **Overview of Research Proposal**

To effectively safeguard Sammamish's forests, the City needs information on how tree canopy cover is distributed within Sammamish, policies that support citizens' desire to maintain mature canopy in the face of development and environmental threats, and a reliable method for identifying diseased tree stands. The proposal is broken into three components that support each of these needs.

#### Task 1: Canopy Cover Baseline Mapping

City staff recognize the need for a current map of canopy cover to measure how much of Sammamish is forested and where these forests are located. A comprehensive and up-to-date canopy cover map will provide a baseline that can be used to monitor change over time, and make it easy to calculate canopy coverage of any site where development is being pursued.

This proposal includes creation of a canopy cover map using high resolution satellite-based imagery to identify areas of tree cover, impervious surfaces, and other land cover types. With sufficiently high quality imagery it may be possible to identify patches of stressed trees within Sammamish, providing the City with a useful resource in tracking disease or other problems within the urban forest.

#### Task 2: Review of Existing Urban Forest Policies

The City is also concerned that current urban forest policies may not fully account for the widespread presence of LRR and other fungal pathogens. We will support the City by reviewing existing policies and recommending revisions to account for LRR and other fungal pathogens. The goal of this policy review is to increase the City's ability to effectively manage and sustain the City's forests over the long term.

#### Task 3: Developing Methods for Accurately Detecting Laminated Root Rot

City staff recognize that a method to reliably detect LRR infection is necessary for implementing tree preservation policies, choosing which forested parcels to acquire, and avoiding unexpected tree loss. Our proposed research will evaluate the traditional diagnosis methods used by arborists and develop a set of methods that can reliably determine the infection status of specific coniferous trees and accurately map the extent of infected patches.

This pilot study will be conducted in Pine Lake Park, which is known to contain several patches of LRR and has experienced recent tree losses. We will collect samples of infected and non-infected tree tissue and adjacent soil and use DNA techniques to assess the presence of LRR and other fungal pathogens. These methods will provide insight into three key questions:

1. Can arborists accurately detect LRR and other fungal pathogens in Sammamish?
2. If tree tissue samples are necessary for accurate detection, is the trunk tissue sufficient or is root tissue necessary?
3. Are there any relationships between microorganisms (fungi and bacteria) found in infected trees and the surrounding soil that may indicate ways of controlling the spread of LRR?

Armed with a well-developed and scientifically sound suite of tools, Sammamish can act to contain and minimize the spread of LRR, preserve healthy trees while removing those that pose infection risks, and maximize the benefits provided by the City's extensive urban forest.

### **Estimated Proposal Costs**

At the time of preparing this memorandum, City staff and University of Washington team members were still working on a final cost proposal. It is anticipated that a preliminary cost estimate for this work will be presented at the May 9, 2017, City Council meeting.

The work proposed under Task 3 is somewhat unique and has not been done in this region. If the City is interested in pursuing this option, there may be partners willing to help fund this type of research.

### **Laminated Root Rot and the City of Sammamish's Urban Forest**

#### **a. What is Laminated Root Rot (LRR)?**

LRR is a disease of coniferous trees caused by two closely-related infectious fungi, *Phellinus sulphurascens* and *Phellinus weirii*. Pacific Northwest conifers differ in their susceptibility to LRR. *P. sulphurascens* preferentially infects Douglas fir (*Pseudotsuga menziesii*), and *P. weirii* preferentially infects western red cedar (*Thuja plicata*). Hardwoods (Bigleaf Maple, Red Alder, etc) are immune to LRR.

#### **b. How does LRR kill trees? How long does it take?**

LRR damages the structural integrity of the woody roots and base of trees. Trees can be killed directly by the loss of the root and vascular tissue, or indirectly by increased vulnerability to windthrow, insect attack, or other pathogens. Young trees of susceptible species infected with LRR can be killed in a few years' time. Mature trees that become infected may live for decades before being killed by windthrow or a secondary infection or pest. Infected trees may not show any signs of infection for years, or may never develop obvious symptoms. Douglas Fir generally lose vigor and grow more slowly, with a 'flattened' crown and branches that have lost needles on the interior of the crown.

#### **c. How does LRR spread?**

LRR is spread when a healthy tree root encounters the woody roots of an infected tree (living or dead). Root to root contact is required. Infected areas tend to grow by one to two feet a year.

- d. How long does LRR persist on the site?

LRR can live and remain infectious inside the stumps and woody roots of infected trees for decades after the death of the tree. The stumps of large trees may remain infectious for more than fifty years.

- e. Where does LRR come from?

LRR fungi are native to the Pacific Northwest (PNW) and are a natural part of the PNW forest ecosystem. Logging in the region created ideal conditions for the spread of LRR fungi over the last 150 years.

- f. How can I detect LRR?

Properly trained arborists or foresters can detect signs of LRR infection by performing a visual examination of trees. It is also possible to identify the presence of the fungi that cause the disease using genetic and other molecular methods.

- g. How accurate are the methods for detecting LRR?

Visual identification can only locate trees that have been infected long enough to show signs of stress—in large trees, more than a decade. Neighboring trees may also be infected without having developed any symptoms. Research suggests that the false-positive and false-negative rates for visual diagnosis may be as high as 30%. DNA-based methods are more accurate.

- h. What can be done to control the spread of LRR?

LRR is a very difficult disease to manage in the urban forest, where tree preservation and aesthetics are prioritized. Early identification of infected areas, combined with carefully planned tree removal, replanting with resistant species, and monitoring are currently the best options for management of LRR in the urban forest.

- i. Why does LRR matter to Sammamish?

Sammamish, as a city that has a substantial amount of mature tree canopy that is vulnerable to LRR (i.e. Douglas Fir), must think about how LRR will impact the future of the City's tree canopy cover. This includes how tree preservation policies are developed and implemented, and virtually every other decision regarding Sammamish's Urban Forest. For example, if a forested parcel is developed, current policy rewards preserving larger trees. However, if these trees are infected with LRR but have not yet developed symptoms, preserving smaller, healthy trees would be a better long term decision.

- j. How does LRR impact planning?

While the disease is a natural part of the landscape of the region, planning can facilitate mitigating LRR's negative impacts and spread over time. Effective management and control of LRR will require a coordinated, scientifically sound, collaborative, and long-term approach to planning and management of Sammamish's Urban Forest.





# Memorandum

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**Date:** May 9, 2017

**To:** City Council

**From:** Angie Feser, Director of Parks & Recreation  
Anjali Myer, Parks Project Manager

**Re:** Land Acquisition Strategy & Implementation Policy

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**Summary:**

The Land Acquisition Strategy & Implementation Policy is scheduled for discussion at the May 9, 2017 City Council Joint Study Session with the Parks & Recreation and Planning Commissions. The City's consultant, Otak, Inc. will present results from both the statistically valid survey, as well as the Virtual Town Hall, on this topic. A summary of the Focus Group meeting held in March and a look at possible methods for acquisition will also be included in the presentation.

The aim of this project will be to arrive at a strategy for selection of property to be purchased and to develop an implementation policy for City Council to adopt in the summer of 2017. The strategy will guide near-term and long-term land acquisition activities to support the community's growth and diverse needs and interests.

**Statistically Valid Survey and Virtual Town Hall:**

The City conducted a statistically valid, address-based survey from March 6, through March 30, 2017, to gather information and input from the community to help inform both the Land Acquisition Strategy and the Parks, Recreation and Open Space (PRO) Plan update. A paper copy of the questionnaire was mailed to a random sample of 4,000 households in the City of Sammamish. The questionnaire could be completed by filling out and mailing the paper version or using an online version. A unique ID ensured that the questionnaire was completed only once for each household. A total of 856 households completed the questionnaire, making the response rate 22%, which is higher than the average response rate of 15%. A different, self-select online survey (Virtual Town Hall) was also implemented and ran from January 27, through March 31, 2017 with a total of 207 respondents.

**Focus Group Meeting:**

The Focus Group meeting for the Land Acquisitions Strategy & Implementation Policy project was held on March 28, 2017 at City Hall. Representatives from community special interest groups, local schools, non-profit and faith based organizations, sports associations and neighboring jurisdictions were invited to participate in the meeting and provide feedback on the strategy. Following the presentation, participants were divided into



Update on Selection Criteria and Acquisition Strategy

- Joint Meeting with City Council and Parks Commission June 13, 2017
- 3rd Public Meeting June 14, 2017

Introduction/Adoption of Implementation Policy

- City Council Regular Meeting July 11, 2017
- City Council Regular Meeting July 18, 2017

**Next Steps:**

The next step is to develop selection criteria for the top priorities identified for land acquisition and draft policy language for different methods of acquisition with implementation procedures for each method.





# Memorandum

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**Date:** May 09, 2017  
**To:** City Council  
**From:** Angie Feser, Director of Parks & Recreation  
**Re:** 2018 PRO Plan update

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## **Summary:**

The 2018 Parks, Recreation and Open Space (PRO) Plan update is scheduled for discussion at the May 9, 2017 City Council Joint Study Session with the Parks & Recreation and Planning Commissions. Steve Duh from Conservation Technix will present a general overview of the PRO Plan project, summarize the approach to public involvement, highlight core tasks and work completed to date, and summarize the findings from the recent community survey.

This will be the first time the City Council will be briefed on this planning project. Council will also have opportunities in the future for additional debriefings and review of draft materials. The Planning Commission and Parks and Recreation Commission were briefed in a joint session in April and provided feedback on local priorities following the presentation. The Parks and Recreation Commission will have an active role in this project as it progresses, including process debriefings, support and attendance of numerous public engagement opportunities, reviewing of interim technical summaries and provide recommendations of project documents to the City Council.

The PRO Plan is part of the City's Comprehensive Plan and is consistent with the guidelines established by the Growth Management Act. The current PRO Plan was adopted in 2012 and to maintain eligibility for state grants, the City is required to update the plan every six years. The PRO Plan update is scheduled to be completed (approved by City Council) by the end of February 2018.

## **Background:**

Since the PRO Plan was adopted in 2012, much has changed in Sammamish. This includes the construction of the Community and Aquatic Center, thereby expanding the civic campus and introducing many new recreation opportunities to the community. Also since 2012, the City has received parkland donations, undergone a significant annexation and completed a number of park improvement projects. All of these changes impact parks services in Sammamish and will be a component of the PRO Plan update.

Looking to the future, the PRO Plan establishes goals and policies that provide the framework for addressing strategic growth, development and improvement of the City's parks and recreation system. This update will also now include a recreational trails component, which was previously included in the Trails, Bikeways and Paths (TBP) Plan. The City Council recently decided to suspend this plan in favor of including non-motorized planning as components of the PRO Plan and the Transportation Master Plan.

The major components of the PRO Plan Update include five phases; an existing conditions and baseline analysis; community engagement; a community needs assessment; a draft plan review and the final PRO Plan review and approval.

### **Project Update:**

To date, the following work tasks have been initiated, and some completed, towards the preparation of the PRO Plan update.

### **Project Management**

- Project kick-off meeting held between consultant and City staff to review and discuss the overall objectives and milestones for the project, community interests and issues, and concurrent City planning efforts for coordination of efforts.
- Developed the components of the public involvement plan and began a listing of community stakeholders for the project.
- Weekly project coordination meetings between the consultant and the City's project manager.

### **Existing Conditions & Baseline Analyses**

- Reviewed the existing City-wide planning materials, including the 2012 PRO Plan, Comprehensive Plan, Town Center Plan and Town Center Infrastructure Plan, Mountain to Sound Greenway Trust Strategic Plan, and past Parks and Recreation Department-specific surveys.
- Initiated the preparation of relevant demographic statistics and data to profile population trends and other socioeconomic conditions.
- Initiated computerized mapping of the Sammamish parks, trails and open space system, including a watershed analysis for local parks.

### **Community Engagement**

- Assisted with a joint, statistically valid survey questionnaire for the Land Acquisition Strategy and PRO Plan. The data received from 856 households is currently being reviewed and processed.
- Created a Public Involvement Plan that provides key messages, identifies key stakeholders, and describes outreach methods, roles and responsibilities.
- Developed a project branding identity that will be used on all project-related materials.
- Scheduled three upcoming small group stakeholder discussions and prepared topic guides for use during the interviews.
- Scheduled an upcoming public meeting (1<sup>st</sup> of 3) for May 23, 2017, and are currently preparing presentation and display materials for the meeting.
- Initiated planning for an upcoming Virtual Town Hall online engagement effort.

**Near Future Events Timeline**

Joint Study Session with Parks & Recreation and Planning Commissions	May 9, 2017
Stakeholder Meeting #1 (Environmental group)	May 15, 2017
Stakeholder Meeting #2 (Athletics group)	May 15, 2017
Stakeholder Meeting #3 (Recreation Programming)	May 18, 2017
Public Meeting #1	May 23, 2017
Public Outreach at Community Events	Summer 2017
Joint Parks & Recreation and Planning Commissions Meeting	September 6, 2017
Virtual Town Hall	TBD





# Memorandum

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**Date:** May 9, 2017  
**To:** City Council  
**From:** Jeff Thomas, Director, Community Development  
**Re:** Sign Code Update

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## **Background**

The Department of Community Development has drafted amendments to Chapters 21A.15, 21A.45, 21B.15, and 21B.45 of the Sammamish Municipal Code (SMC), which contain sign regulations for the City as a whole as well as the Town Center. This effort is in response to the decision in the 2015 United States Supreme Court case of *Reed v. Town of Gilbert*, which found content-based sign regulations, of which the SMC contains many, an unconstitutional restriction of free speech.

The City Council held a study session on the sign code update on May 1, 2017, and conducted a public hearing on May 2, 2017, to gather citizen input on the proposed changes. At these meetings, the City Council reviewed the draft code recommended by the Planning Commission and identified the areas of the code that they and the public are most interested in discussing further.

## **Meeting Purpose**

The purpose of the May 9, 2017 study session is to deliberate on the issues identified in previous meetings, as being of particular interest to the City Council and the public. These issues include:

- The size limits and permitted duration for non-commercial temporary signs within the new content-neutral framework approved by the Planning Commission. The new framework is a replacement for previously used content-based categories such as “political,” “fundraising,” and “community event” signs.
- How to limit sign pollution (the excessive proliferation of signs in certain areas) while improving pedestrian and vehicle safety, and the extent to which those “tools” should be used. The Planning Commission recommended a 150-foot radius around intersections in which non-commercial temporary signs are prohibited from being placed in the public right-of-way in order to deter sign pollution and improve pedestrian and vehicle safety.

- Whether to revise the community banner program so that it operates in a content-neutral manner or eliminate it altogether, and whether to retain the option to expand the program to other locations in the City.

### **Next Steps**

Following deliberation on the sign code at this meeting, the City Council will conduct a second reading of the ordinance on May 16, 2017.

### **Exhibits**

- Exhibit 1 – Ordinance
- Exhibit 2 – Decision Matrix
- Exhibit 3 – Summary of Substantive Amendments to Sign Code
- Exhibit 4 – Draft Version of Chapters 21A.15, 21A.45, 21B.15, and 21B.45 SMC
- Exhibit 5 – Kenyon-Disend memo on Banner Program

**CITY OF SAMMAMISH  
WASHINGTON  
ORDINANCE NO. O2017-**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH,  
WASHINGTON, AMENDING CHAPTERS 21A.15, 21A.45,  
21B.15, and 21B.45 OF THE SAMMAMISH MUNICIPAL CODE  
PERTAINING TO PERMANENT AND TEMPORARY SIGNS**

WHEREAS, pursuant to the provisions of state law, Chapter 35A.63 of the Revised Code of Washington (RCW) and Chapter 36.70A RCW, the Sammamish City Council has adopted the Sammamish Municipal Code (SMC), including Title 21A, which regulates land use, and Title 21B, which regulates land use in Town Center; and

WHEREAS, in 2015, in the case of *Reed v. Town of Gilbert*, Arizona, the Supreme Court of the United States, in a 9-0 decision, ruled that content-based sign regulations cannot survive strict scrutiny and are unconstitutional restrictions of free speech; and

WHEREAS, it is the intent of the City Council to bring the City into compliance with the findings of *Reed v. Town of Gilbert*, Arizona; and

WHEREAS, SMC Chapters 21A.15, 21A.45, 21B.15, and 21B.45 contain numerous content-based sign regulations; and

WHEREAS, SMC Chapters 21A.15, 21A.45, 21B.15, and 21B.45 also contain regulations and programs that are duplicative, have expired, or are difficult for the public to understand and for the City to enforce; and

WHEREAS, it is the intent of the City Council to make the sign code easier to understand for the general public and to administer and enforce for City staff; and

WHEREAS, the Planning Commission considered proposed amendments to Chapters 21A.15, 21A.45, 21B.15, and 21B.45 SMC during work sessions held on January 19, 2017, February 23, 2017, and March 16, 2017; and

WHEREAS, on April 6, 2017, the Planning Commission held a public hearing on the proposed sign code amendments, considered public comment, and made a recommendation of approval to the City Council; and

WHEREAS, on March 13, 2017, the City submitted the proposed sign code amendments to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, an environmental review of the proposed sign code amendments was

conducted in accordance with the requirements of the State Environmental Policy Act (SEPA), including review of a complete SEPA checklist; and

WHEREAS, on April 19, 2017, a SEPA threshold determination of non-significance (DNS) was issued for the proposed sign code amendments and no appeals of the DNS were filed; and

WHEREAS, the City Council considered proposed amendments to Chapters 21A.15, 21A.45, 21B.15, and 21B.45 SMC during work sessions held on May 1, 2017, May 9, 2017, and May 16, 2017; and

WHEREAS, on May 2, 2017, the City Council held a public hearing on the proposed sign code amendments in order to provide further opportunity for public comment and participation; and

WHEREAS, the City Council has determined that the proposed sign code amendments meet the City's goals and objectives to regulate signs in a content-neutral manner;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Chapters 21A.15, 21A.45, 21B.15, and 21B.45 SMC Amended. Sammamish Municipal Code Chapters 21A.15 ("Technical Terms and Land Use Definitions"), 21A.45 ("Development Standards – Signs"), 21B.15 ("Technical Terms and Land Use Definitions"), and 21B.45 ("Signage") are hereby amended as set forth in Attachment A.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section 3. Effective Date. The Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF MAY 2017.**

CITY OF SAMMAMISH

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Mayor Donald J. Gerend

Exhibit 1

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Michael R. Kenyon, City Attorney

Filed with the City Clerk: April 25, 2017  
Public Hearing: May 2, 2017  
First Reading: May 2, 2017  
Passed by the City Council:  
Publication Date:  
Effective Date:

## Exhibit 1

Exhibit 2  
 Sign Code Update  
 Decision Matrix

#	Issue			Decision Points	
1	<u>Non-Commercial Temporary Sign Categories</u> (SMC 21A.45.070(1))			<ul style="list-style-type: none"> <li>• Size limits for Type III signs.</li> <li>• Duration limits for Type I and Type II signs.</li> </ul>	
	Non-Commercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Non-Commercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Non-Commercial Temporary Sign Type III – Private Property (All Sign Types) (1)		
	Size Limit	4 sq ft	6 sq ft		
	Height Limit	3 ft above grade	3.5 ft		
Duration	180 consecutive days	2 consecutive days	180 consecutive days		

Exhibit 2  
 Sign Code Update  
 Decision Matrix

#	Issue	Decision Points
2	<p style="text-align: center;"><u>Prohibition on non-commercial temporary signs in ROW around intersection</u> (SMC 21A.45.070(1)(b))</p> <p>(b) Non-commercial temporary signs shall not be placed in the right-of-way within a 150-foot radius of the center of an intersection.</p>	<ul style="list-style-type: none"> <li>• Should there be a sign-free radius around intersections?           <ul style="list-style-type: none"> <li>a. If yes:               <ul style="list-style-type: none"> <li>i. How large should the radius be?</li> <li>ii. Should the radius begin somewhere other than middle of intersection?</li> </ul> </li> <li>b. If no:               <ul style="list-style-type: none"> <li>i. Is the Council interested in other methods of deterring sign pollution and improving safety?</li> </ul> </li> </ul> </li> </ul>
3	<p style="text-align: center;"><u>Community Banner</u> (SMC 21B.45.140(4)(d))</p> <p>(d) Only City-sponsored events may be advertised using the Community Banner program.</p>	<ul style="list-style-type: none"> <li>• How does the Council want to amend the Community banner program?</li> <li>• The City's options are:           <ul style="list-style-type: none"> <li>a. Discontinue the program</li> <li>b. Use the program for government speech (Planning Commission's recommended action).</li> <li>c. Open program to all non-commercial messages.</li> <li>d. Continue to operate the program as is.</li> </ul> </li> <li>• Does the Council wish to keep the option of expanding the banner program to other locations?</li> </ul>

Exhibit 3

#	Section	Original	Amended	Rationale
1	Amended: 21A.15.469.1 - Flag	None	“Flag” means a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.	Definition added per Planning Commission direction.
2	Amended: 21A.15.469.2 - Flag, government	None	“Flag, government” means any flag or badge or insignia of the United States, State of Washington, King County, City of Sammamish, or official historic plaque of any governmental jurisdiction or agency.	Definition added per Planning Commission direction.
3	Original and Amended: 21A.15.1085 – Sign	“Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service.	“Sign” means any medium, device, structure, fixture, or placard, including any necessary supporting structure and component parts, that is visible from a public right-of-way or surrounding properties, and uses graphics, symbols, or written copy to convey a message, attract attention to, or advertise a product, place, activity, business, event, good, service, or land use.	Replaced with definition from Chapter 21B.15 SMC for consistency.
4	Original: 21A.15.1096 - Sign, community banner	“Sign, community banner” means a temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501(c) or (d).	Removed. Community Banner is located in Town Center, so definition has been moved to 21B.15.	Community banner regulations moved to Town Center code. See #37, #41, and #42.
5	Amended: 21A.15.1097 - Sign, commercial	None.	“Sign, Commercial” means a sign erected for a business transaction or advertising the exchange of goods and services.	Definition added per Planning Commission direction.
6	Original: 21A.15.1100 - Sign, community bulletin board	“Sign, community bulletin board” means a permanent sign which may contain either electronic or permanent graphics, symbols, or words that is used to notify the public of community events and public services, and which contains no commercial advertising.	Removed; sign type was not created.	Removed, as such signs do not exist as initially conceived. See #23.
7	Original and Amended: 21A.15.1105 – Sign, directional	“Sign, directional” means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks.	“Sign, directional” means a sign that is primarily designed to guide or direct pedestrian or vehicular traffic to an area, business, place, or convenience, and may include incidental graphics such as trade names and trademarks.	Replaced with definition from Chapter 21B.15 SMC for consistency.

Exhibit 3

#	Section	Original	Amended	Rationale
8	Original: 21A.15.1117 – Sign, fundraising	“Sign, fundraising” is a sign that is erected by a nonprofit organization for the purposes of raising money to support a cause or purpose promoted by the nonprofit or not-for-profit organization.	Removed.	Fundraising sign is an unconstitutional content-based definition. See #27 and #38.
9	Amended: 21A.15.1131 - Sign, non- commercial	None.	“Sign, non-commercial” means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups.	Definition added per Planning Commission direction.
10	Amended: 21A.15.1144 - Sign, Permanent	None.	“Sign, permanent” means any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.	Definition added per Planning Commission direction.
11	Amended: 21A.15.1146 - Sign, pole	None.	“Sign, pole” means a freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.	Definition added per Planning Commission direction.
12	Original: 21A.15.1148 Sign, political	“Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot	Removed.	Political sign is an unconstitutional content-based definition; see #27 and #30 .
13	Amended: 21A.15.1159 – Sign, temporary	None.	“Sign, temporary” means any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.	Definition from Chapter 21B.15 SMC included.
14	Original and Amended: 21A.15.1165 – Sign, wall	“Sign, wall” means any sign painted on, or attached directly to and supported by, a building or structure, with the exposed face of the sign on a plane parallel to the portion of the building or structure to which it is attached, projecting no more than one foot from the building or structure, including window signs that are permanently attached.	“Sign, wall” means any sign painted on, or attached directly to and supported by, the wall of a building or structure. All wall signs are building-mounted signs.	Replaced with definition from Chapter 21B.15 SMC for consistency.

Exhibit 3

#	Section	Original	Amended	Rationale
15	Amended: 21A.15.1166 – Sign, window	None	“Sign, window” means any sign applied to or mounted on a window.	Definition added per Planning Commission direction.
16	Original: 21A.45.010 - Purpose  Amended: 21A.45.010 – Purpose	The purpose of this chapter is to enhance the visual environment of the City by: (1) Establishing standards that regulate the type, number, location, size, and lighting of signs; (2) Recognizing the private purposes of signs for the identification of businesses and promotion of products and services; and (3) Recognizing the public purposes of signs that includes considerations of traffic safety, economic, and aesthetic welfare. (Ord. O99-29 § 1)	The purpose of this chapter is to enhance <u>and protect</u> the <u>economic vitality and</u> visual environment of the City, <u>allow for the expression of free speech, and promote general safety and welfare by:</u> (1) <del>Establishing standards that regulate</del> <u>Regulating</u> the type, number, location, size, and <del>illumination lighting</del> of signs; (2) Recognizing the <del>private</del> purposes of signs for the identification <u>and economic well-being of businesses in Sammamish of businesses and promotion of products and services;</u> and (3) <del>Recognizing the public purposes of signs that</del> <u>Ensuring a safe driving environment; and includes considerations of traffic safety, economic, and aesthetic welfare.</u> (4) <del>Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and</del> (5) <u>Facilitating fair and consistent content-neutral enforcement; and</u> (6) <u>Safeguarding and enhancing property values, attracting new residents, and encouraging orderly city development; and</u> (7) <u>Allowing for limited temporary commercial signage in the public right of way, to provide a flow of commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and</u> (8) <u>Upholding the goals and policies of the Comprehensive Plan.</u>	Strengthening the purpose section of the Sign Code is crucial for justifying the regulations that follow.

Exhibit 3

#	Section	Original	Amended	Rationale
17	<p>Original: 21A.45.030 - Exempt Signs</p> <p>Amended: 21A.45.030 - Exempt Signs</p>	<p>The following signs or displays are exempted from the regulations under this chapter:</p> <p>(1) Historic site markers or plaques, gravestones, and address numbers;</p> <p>(2) Signs required by law, including but not limited to:</p> <p>(a) Official or legal notices issued and posted by any public agency or court; or</p> <p>(b) Traffic directional or warning signs;</p> <p>(3) Plaques, tablets, or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;</p> <p>(4) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;</p> <p>(5) State or federal flags;</p> <p>(6) Religious symbols; and</p> <p>(7) The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided the flag does not exceed 20 square feet in surface area. (Ord. 099-29 § 1)</p>	<p>The following signs or displays are exempted from the regulations under this chapter:</p> <p>(1) Historic <del>site markers or</del> plaques, gravestones, and address numbers;</p> <p><del>(2) Signs required by law, including but not limited to:</del></p> <p><del>(2) (a)</del> Official or legal notices issued and posted by any public agency or court; or</p> <p><del>(3) (b)</del> Traffic directional or warning signs <u>as established by the Manual for Uniform Traffic Control Devices (MUTCD);</u></p> <p><del>(4) (3)</del> Plaques, tablets, or inscriptions <del>indicating the name of a building, date of erection, or other commemorative information,</del> which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;</p> <p><del>(5) (4)</del> Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;</p> <p><del>(6) (5)</del> <u>State or federal Government</u> flags;</p> <p><del>(7) (6)</del> <u>Nonverbal</u> Religious symbols <u>attached to a place of worship; and</u></p> <p><del>(7) The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided the flag does not exceed 20 square feet in surface area. (Ord. 099-29 § 1)</del></p>	<p>These changes were made to make the regulations content-neutral, and to clarify the City’s jurisdiction over traffic directional and warning signs. Commercial flag provision removed to avoid promoting commercial speech over non-commercial speech.</p>
18	<p>Original: 21A.45.040(2) - Prohibited Signs</p> <p>Amended: Removed</p>	<p>(2) Private signs on utility poles;</p>	<p>Removed.</p>	<p>Provision removed due to redundancy. Signs on utility poles are banned under provision (3) of the amended version this section.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
19	<p>Original: 21A.45.050(1) - Sign area calculation</p> <p>Amended: 21A.45.050(1) - Sign area calculation</p>	<p>(1) Sign area for nonmonument freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.</p>	<p>(1) Sign area for <del>nonmonument freestanding pole</del> signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.</p>	<p>Changed to clarify which type of sign falls under this regulation. Definition added for pole signs.</p>
20	<p>Original: 21A.45.060(1) General Sign Requirements – Off-Premises Directional Signs</p> <p>Amended: Removed</p>	<p>All signs, except billboards, community bulletin boards, community identification signs, political signs, real estate signs, and special event signs shall be on-premises signs; provided, that uses located on lots without public street frontage in business and office zones may have one off-premises directional sign of no more than 16 square feet.</p>	<p>Section removed.</p>	<p>References to content-based sign categories removed, as these are no longer allowed. Off-premises directional sign provision removed due to confusion over such signs regarding permitted placement.</p>
21	<p>Original: 21A.45.060(11) – General sign requirements.</p> <p>Amended: Removed</p>	<p>(11) Except as otherwise permitted by this chapter, off-premises directional signs shall not exceed four square feet in sign area.</p>	<p>Sub-section removed.</p>	<p>Contradicted SMC 21A.45.060(1). Unnecessary given presence of other directives on off-premises signs – all forms of off-premises directional signs are otherwise regulated.</p>

Exhibit 3

#	Section	Original	Amended			Rationale
22	<p>Original: 21A.45.060(1 2) – General Sign Requirements and 21A.45.080(2) (b) – Residential Zone Signs</p> <p>Amended: 21A.45.060(1) - Permanent signs</p>	<p><b>21A.45.060(12)</b> - Mixed use developments in the NB, CB, or O zones are permitted one permanent residential identification sign not exceeding 32 square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.</p> <p><b>21A.45.080(2)(b)</b> - One permanent residential development identification sign not exceeding 32 square feet is permitted per development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence, or other structure.</p>		<p><b>Permanent Residential Development Identification Signs</b></p> <p>Residential Zone</p>	<p>Community Business Zone, Neighborhood Business Zone, Office Zone</p> <p>Two one-sided signs or one two-sided sign per major entrance</p> <p>Two one-sided signs or one two-sided sign per major entrance (8)</p> <p>32 sq ft per sign</p> <p>32 sq ft per sign</p> <p>6 ft per sign (9)</p> <p>N/A</p>	<p>Number of permanent residential identification signs per major entrance increased from one to two. This ensures readability by drivers coming from either direction towards the development.</p>
23	<p>Original: 21A.45.070 - Community bulletin board signs</p> <p>Amended: Removed</p>	<p>One community bulletin board sign is permitted within the Sammamish Commons Comprehensive Plan designated center with the following limitations: (1) Community bulletin board signs may not exceed 32 square feet and are only permitted at City Hall.</p>	<p>Section removed.</p>			<p>Section was removed in consultation with Parks and Recreation; there were plans for this originally but they did not materialize in the eventual adopted plan.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
24	Original: 21A.45.080(1) (b) – School  Amended: Removed	(b) Schools are permitted one sign per school or school facility entrance, not exceeding 25 square feet and not exceeding six feet in height, which may be located in the setback. Two additional wall signs not exceeding 25 square feet attached directly to the school or school facility are permitted.	Provision removed.	School entrance sign provision merged with 21A.45.080(1)(a), which allows signs on “nonresidential uses,” of which a school is one, with the dimensions and height restrictions. Additional school wall sign provision removed; City may not allow more square footage for schools than for any other institution.
25	21A.45.120 – Signs or displays of limited duration – Preamble  Amended: 21A.45.070	The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require building permits:	The following temporary signs or displays are permitted and except as required by the International Building Code, Chapter 16.20 SMC, Construction Administrative Code, or as otherwise required in this chapter, do not require <del>building a sign permit, or</del> <u>subject to the requirements set out in this chapter. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, and by SMC 21A.25.220, Sight distance requirements. No temporary signs shall be located within center medians or within roundabouts, traffic circles, or islands. Temporary signs shall not be illuminated.</u>	Added language to clarify that all temporary signs must follow Public Works regulations and may not be placed in certain locations in the public right-of-way.

Exhibit 3

#	Section	Original	Amended	Rationale
26	<p>Original: 21A.45.120 – Signs or displays of limited duration.</p> <p>Amended: 21A.45.070(1) – Non-Commercial Temporary Signs</p>	None.	<p>(1) Non-Commercial Temporary Signs. No sign permit is required to post a non-commercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Non-commercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit</p> <ul style="list-style-type: none"> <li>a) Non-commercial temporary signs may be placed between the sidewalk and the right-of-way line. On roads that only have a shoulder and do not have a sidewalk, non-commercial temporary signs must be placed a minimum of 3 feet from the edge of the asphalt.</li> <li>b) Non-commercial temporary signs shall not be placed in the right-of-way within a 150-foot radius of the center of an intersection.</li> <li>c) The City Engineer, in consultation with the director of public works or their designee, and following review of applicable state and city codes, may approve non-commercial temporary sign placement in the improved portion of the public right-of-way or within a 150-foot radius of the center of an intersection provided that the location and sign characteristics will not present a traffic safety issue.</li> <li>d) Non-commercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.</li> </ul>	Restrictions added per Planning Commission directive to include restrictions on temporary sign placement in the right of way to reduce sign pollution.

Exhibit 3

#	Section	Original	Amended			Rationale																
27	<p>Original: 21A.45.120(3), (5), and (7) – Signs or displays of limited duration – Political Signs, Community Event Signs, Fundraising Sign</p> <p>Amended: 21A.45.070(1) – Non-Commercial Temporary Signs</p>	<table border="1" data-bbox="387 204 2206 537"> <thead> <tr> <th></th> <th>Non-Commercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)</th> <th>Non-Commercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)</th> <th>Non-Commercial Temporary Sign Type III – Private Property (All Sign Types) (1)</th> </tr> </thead> <tbody> <tr> <td>Size Limit</td> <td>4 sq ft</td> <td>6 sq ft</td> <td>16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line</td> </tr> <tr> <td>Height Limit</td> <td>3 ft above grade</td> <td>3.5 ft</td> <td>8 ft</td> </tr> <tr> <td>Duration</td> <td>180 consecutive days</td> <td>2 consecutive days</td> <td>180 consecutive days</td> </tr> </tbody> </table> <p>1. Placement of off-premises non-commercial temporary signs on private property is subject to the landowner’s authorization.</p>		Non-Commercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Non-Commercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Non-Commercial Temporary Sign Type III – Private Property (All Sign Types) (1)	Size Limit	4 sq ft	6 sq ft	16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line	Height Limit	3 ft above grade	3.5 ft	8 ft	Duration	180 consecutive days	2 consecutive days	180 consecutive days				<p>See #30 (political signs), #36 (community events) and #38 (fundraising signs) for original categories.</p> <p>New table added to replace content-based sign regulations. Intent for new table is to carry forward the framework from the content-based regulations while eliminating problematic categories.</p>
	Non-Commercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Non-Commercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Non-Commercial Temporary Sign Type III – Private Property (All Sign Types) (1)																			
Size Limit	4 sq ft	6 sq ft	16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line																			
Height Limit	3 ft above grade	3.5 ft	8 ft																			
Duration	180 consecutive days	2 consecutive days	180 consecutive days																			
28	<p>Original: 21A.45.120(1) – Signs or displays of limited duration – Grand Opening Displays</p> <p>Amended: 21A.45.070(2) – Temporary Commercial Displays</p>	<p>(1) Grand Opening Displays. (a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and (b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;</p>	<p>(1) <del>Grand Opening Temporary Commercial</del> Displays. (a) Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up <u>to 30 consecutive days once each calendar year at business located in Sammamish in the CB, NB, or O-Zones.</u> <del>to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and</del> <del>(b) All grand opening displays shall be removed upon the expiration of 30 consecutive days;</del></p>			<p>Amended to read as content-neutral. Business are now allowed to have festive displays for up to 30 consecutive days once per year.</p>																

Exhibit 3

#	Section	Original	Amended	Rationale
29	<p>Original: 21A.45.120(2) – Signs or displays of limited duration – Construction Signs</p> <p>Amended: 21A.45.070(3) - (3) Signs Located on Property with Active Construction</p>	<p>(2) Construction Signs. (a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed; (b) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts; (c) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and (d) Construction signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;</p>	<p><del>(23) Construction Signs located on property with active construction.</del> <del>(a) Construction signs identifying architects, engineers, planners, contractors, or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;</del> (ba) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts; (eb) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and (cd) Construction Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;</p>	<p>Amended to read as content-neutral.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
30	<p>Original: 21A.45.120(3) – Signs or displays of limited duration – Political Signs</p> <p>Amended: 21A.45.070(1) – Non-Commercial Temporary Signs</p>	<p>(3) Political Signs. Political signs are allowed, subject to the following requirements:                      (a) Location. (i) Political signs may be displayed on private property with the consent of the property owner;                      (ii) Political signs may be displayed within public easements or streets; provided, that signs shall not be located within the center median of principal, minor, and collector arterials (as defined) or within roundabouts, traffic circles, or islands;                      (iii) Political signs located pursuant to subsection (3)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter <a href="#">14.01</a> SMC, Public Works Standards Adopted, or by SMC <a href="#">21A.25.220</a>, Sight distance requirements.                      (b) Specifications. (i) Political signs located on private property may have a maximum sign area of up to 32 square feet;                      (ii) Freestanding political signs on private property may be up to eight feet tall;                      (iii) Political signs located on or within public easements or streets may have a maximum sign area of up to four square feet and may be up to three feet tall above grade;                      (iv) Political signs located within 15 feet of a street corner or driveway, as further identified in Chapter <a href="#">14.01</a> SMC, Public Works Standards Adopted, or by SMC <a href="#">21A.25.220</a>, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations;                      (c) Removal. (i) Political signs shall be removed within seven days following the election;                      (ii) Property owners shall be responsible for the removal of political signs located on private property;                      (iii) The campaign officer or responsible official shall be responsible for the removal of political signs located on or within public easements or streets;</p>	<p>Section removed; sign type covered under non-commercial temporary signs.</p>	<p>Political Sign section and definition removed to ensure content-neutrality. Permitted location, size, and duration are covered under the three non-commercial temporary sign categories. See #27.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
31	<p>Original: 21A.45.120(4) (a)(i)(B) – Signs or displays of limited duration – Real Estate</p> <p>Amended: 21A.45.070(4) - Signs Associated with Properties for Sale or Rent</p>	<p>(B) One off-site sign is allowed on private property or city street right-of-way between the effective date the ordinance codified in this section and December 31, 2010, subject to the following:</p> <p>(1) The individual residential unit or property for sale or rent is not located adjacent to a public street;</p> <p>(2) The off-site sign is located on private property or city street right-of-way, adjacent to the intersection of the primary vehicle entrance to the property and closest public street;</p> <p>(3) When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame to accommodate multiple signs;</p> <p>(4) Off-site real estate signage displayed on private property shall be with the consent of the property owner; and</p> <p>(5) Signs located in the city street right-of-way shall be located outside of the improved portion of the right-of-way (behind the sidewalk, roadway shoulder, drainage ditch, etc., whichever is furthest from the traveled roadway), and may be removed by the city if determined to be a hazard or if the placement is otherwise in conflict with the public use of the right-of-way;</p>	<p>Reference to pilot program end date removed; remainder of section merged with real estate-focused signs.</p> <p>(2) The off-site sign is located on <del>private property or</del> city street right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street;</p>	<p>Reference to pilot program removed. Regulations were moved into real estate sign table and reorganized to be content-neutral. Private property removed as an approved location for off-site signs, as this type of sign would be covered under other temporary sign categories.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
32	<p>Original: 21A.45.120(4) (c)– Signs or displays of limited duration – Real Estate</p> <p>Amended: 21A.45.070(4) - Signs Associated with Properties for Sale or Rent</p>	<p>(c) On-site commercial (nonresidential) or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one-year period. The permit is renewable for one-year increments up to a maximum of three years.</p>	<p>Regulations will be preserved, but no permit will be required.</p>	<p>Provision requiring a permit removed due to difficulty of enforcement.</p>
33	<p>Original: 21A.45.120(4) (d)– Signs or displays of limited duration – Real Estate</p> <p>Amended: 21A.45.070(4) - Signs Associated with Properties for Sale or Rent</p>	<p>(d) On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one-year period. The permit is renewable annually for up to a maximum of three years.</p>	<p>Regulations will be preserved, but no permit will be required.</p>	<p>Provision requiring a permit removed due to difficulty of enforcement.</p>

Exhibit 3

#	Section	Original	Amended	Rationale
34	<p>Original: 21A.45.120(4) (e)– Signs or displays of limited duration – Real Estate</p> <p>Amended: 21A.45.070(4) - Signs Associated with Properties for Sale or Rent</p>	<p>(e) Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.</p>	<p>Number of off-site signs allowed reduced to two, and no permit will be required. <del>The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one-year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one-year increments up to a maximum of three years; provided, that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.</del></p>	<p>Number of off-site signs allowed reduced to two in the interest of reducing sign clutter. Provisions requiring a permit and establishing spacing requirements removed due to difficulty of enforcement.</p>
35	<p>Original: 21A.45.120(4) (f)– Signs or displays of limited duration – Real Estate</p> <p>Amended: Removed</p>	<p>(f) Residential on-premises informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height;</p>	<p>Provision removed.</p>	<p>Provision removed due to inability to enforce.</p>

Exhibit 3

<p>36</p>	<p>Original: 21A.45.120(5) – Signs or displays of limited duration – Community Event Signs</p> <p>Amended: 21A.45.070(1) – Non-Commercial Temporary Signs</p>	<p>(5) Community Event Signs. Community event signs are allowed, subject to the following requirements:</p> <p>(a) Location. (i) Community event signs may be displayed on private property with the consent of the property owner. (ii) Community event signs may be displayed within public easements or streets; provided, that:</p> <p>(A) Signs shall be A-frame signs as specified in subsection (5)(b) of this section; and</p> <p>(B) Signs shall not be located within the center median of principal, minor, and collector arterials (as defined) or within roundabouts, traffic circles or islands.</p> <p>(iii) Community event signs located pursuant to subsection (5)(a)(i) or (ii) of this section shall not obstruct sight distances as prescribed by Chapter <a href="#">14.01</a> SMC, Public Works Standards Adopted, or by SMC <a href="#">21A.25.220</a>, Sight distance requirements.</p> <p>(iv) The director, in consultation with the City engineer, and following review of applicable state and City codes, may approve temporary sign placement in the public right-of-way on hardscape areas (i.e., concrete pads or other sidewalk areas not used for pedestrian travel); provided, that sign location does not conflict with subsection (5)(a)(i) or (ii) of this section.</p> <p>(b) Specifications. (i) Community event signs on private property may have a maximum sign area of 32 square feet; (ii) Community event signs on public easements or streets shall be “A-frame” signs that shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height; (iii) Community event signs located within 15 feet of a street corner or driveway, as further identified in Chapter <a href="#">14.01</a> SMC, Public Works Standards Adopted, or by SMC <a href="#">21A.25.220</a>, Sight distance requirements, shall be further limited in sign area and height as necessary to satisfy sight distance limitations; and (iv) Community event signs shall be stationary and shall not be illuminated.</p>	<p>Section removed; sign type covered under non-commercial temporary signs.</p>	<p>Community Event Sign section and definition removed to ensure content-neutrality. Permitted location, size, and duration are covered under the three non-commercial temporary sign categories. See #27.</p>
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Exhibit 3

#	Section	Original	Amended	Rationale
		(c) Removal. (i) Community event signs shall be removed within seven days following the end of the community fair, festival, or event; provided, that the signs shall not be displayed for more than a total of 21 calendar days; and (ii) Sign removal shall be the responsibility of the event sponsor;		
37	Original: 21A.45.120(6) - Community Banner Sign  Amended: 21B.45.140(4) – Community Banner Signs	a) Community banners shall only be located on public banner poles erected by the City for that use; b) Letters on the sign shall not be less than 12 inches in height except for lettering associated with sponsor logos; c) Banners shall not be illuminated or have any attention-getting lights; and d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.	Provisions removed, moved to 21B.45.140(4).	Provision removed and moved to Chapter 21B.45 SMC, as the community banner poles are within the boundaries of Town Center. See #41 and #42.

Exhibit 3

<p>38</p>	<p>Original 21A.45.120(7) – Fundraising Signs</p> <p>Amended: 21A.45.070(1) – Non- Commercial Temporary Signs</p>	<p>(7) Fundraising Sign. Fundraising signs are allowed subject to the following provisions:</p> <p>(a) Location. (i) Fundraising signs may only be located on private property as follows: (A) On any property zoned office (O), community business (CB), neighborhood business (NB), and Town Center A (TC-A); or (B) On property with a residential zoning designation (R), where such property abuts a principal, minor, or collector arterial. (ii) No more than one fundraising sign may be located on any one property; (iii) Any fundraising sign authorized located on a street corner or driveway shall conform to Chapter <a href="#">14.01</a> SMC, Public Works Standards, and SMC <a href="#">21A.25.220</a>, Sight distance requirements; and (iv) All signs shall be located on private property with the written permission of the property owner.</p> <p>(b) Specifications. Fundraising signs may be attached to a wall or be freestanding signs subject to the following design specifications: (i) Fundraising signs located on property zoned O, CB, NB, and TC-A shall be limited to a maximum area of 32 square feet; (ii) Fundraising signs located on property zoned residential (R): (A) Shall be limited to a maximum area of 16 square feet if located less than 50 feet from a street property line; and (B) Shall be limited to a maximum area of 32 square feet if located 50 feet or more from a street property line; (iii) Signs shall not be illuminated; (iv) Freestanding signs shall not exceed a height of eight feet; (v) All signs shall be constructed of a solid opaque material; and (vi) Freestanding signs shall be located outside of required zoning setbacks.</p> <p>(c) Removal. (i) A permit is required and shall be issued for a six-month period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit may be renewed upon payment of</p>	<p>Section removed; sign type covered under non-commercial temporary signs.</p>	<p>Fundraising Sign section and definition removed to ensure content-neutrality. Permitted location, size, and duration are covered under the three non-commercial temporary sign categories. See #27.</p>
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Exhibit 3

#	Section	Original	Amended	Rationale
		the required fee and subject to further review and approval under the requirements of this section; (ii) Removal of the fundraising sign is the responsibility of the property owner and/or applicant. (Ord. O2011-305 § 1 (Att. A); Ord. O2009-258 § 1 (Att. A); Ord. O2009-249 § 1; O2005-180 § 1; Ord. O99-29 § 1)		
39	Original: Article II. Electronic Reader Board Pilot Program - SMC 21A.45.130 – 180.  Amended: Removed	SMC 21A.45.130 – 180.	Article removed; electronic reader boards installed under pilot program will be covered under new non-conforming signs section of code. Council action is required to continue this program.	This pilot program ended in 2014. Rather than create a separate category for these specific signs (of which there are 3 currently operating), these will fall under the non-conforming sign section. The signs will be allowed to remain where they are provided they are not relocated, replaced, or otherwise altered in a structural way.
40	Original and Amended: 21B.45.110(1) (f) - general sign design standards.	(f) Total sign area for primary and secondary wall signs associated with uses occupying the ground level of a building shall not exceed 10 percent of the groundlevel building façade associated with the sign;	(f) Total sign area for primary and secondary wall signs associated with uses occupying the ground level of a building shall not exceed 10 percent of the groundlevel building façade associated with the sign; <u>provided that there is a minimum allowed sign area of 10 square feet and a maximum allowed sign area of 320 square feet for primary and secondary wall signs.</u>	Changed per direction from Planning Commission.

Exhibit 3

#	Section	Original	Amended	Rationale
41	Original and Amended: 21B.45.140 (4) – Community Banner Signs	(4) Community Banner Signs. (a) Community banner signs shall only be located on public banner poles erected by the City for that use;(b) Letter on such signs shall not be less than 12 inches in height except for lettering associated with sponsor logos; (c) Community banner signs shall not be illuminated or have any attention-getting lights; and (d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.	(4) Community Banner Signs. (a) Community banner signs shall only be located on public banner poles erected by the City for that use; (b) Letter on such signs shall not be less than 12 inches in height except for lettering associated with sponsor logos; (c) Community banner signs shall not be illuminated or have any attention-getting lights; and <del>(d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.</del> <u>(d) Only City-sponsored events may be advertised using the Community Banner program</u>	Changed per direction from Commission on March 16.
42	Original: 21B.45.180(8)  Amended: 21B.15.348 – Sign, community banner	“Sign, community banner” means a temporary sign, located on City banner poles, which advertises an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not-for-profit or nonprofit and nonpolitical with an IRS designation of Section 501(c) or (d).	“Sign, community banner” means a temporary sign, located on City banner poles, which advertises <u>a City-sponsored or hosted event.</u> <del>an event that would provide civic, cultural, educational, philanthropic, or service opportunities hosted or promoted by the City or a community group that is not for profit or nonprofit and nonpolitical with an IRS designation of Section 501(c) or (d).</del>	Definition changed to reflect new community banner restrictions. See #41.
43	Original: 21B.45.180(19)  Amended: 21B.15.349.9 – Sign, permanent residential development identification	“Sign, permanent residential development identification” means a permanent monument or wall sign identifying the residential development upon which the sign is located.	“Sign, permanent residential development identification” means a permanent sign identifying the residential development upon which the sign is located.	Replaced with definition from Chapter 21A.15 SMC for consistency.

Exhibit 3

#	Section	Original	Amended	Rationale
44	Original: 21B.45.180(2 5)  Amended: 21B.15.349.14 - Sign, temporary	“Sign, temporary” means a sign that is designed to be displayed for a limited amount of time and is not permanently placed or affixed such as to prevent its removal.	“Sign, temporary” means any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.	Replaced with definition from Chapter 21A.15 SMC for consistency.

**Chapter 21A.15**

**TECHNICAL TERMS AND LAND USE DEFINITIONS**

**21A.15.469.1 Flag.**

“Flag” means a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end.

**21A.15.469.2 Flag, government.**

“Flag, government” means any flag or badge or insignia of the United States, State of Washington, King County, City of Sammamish, or official historic plaque of any governmental jurisdiction or agency.

**21A.15.1085 Sign.**

“Sign” means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods, or service. (Ord. O2003-132 § 10)

**21A.15.1086 Sign, A-Frame.**

“Sign, A-frame” means a freestanding 2-panel foldable, portable temporary sign made of rigid material.

**21A.15.1090 Sign, awning.**

“Sign, awning” means a sign painted on or attached directly to and supported by an awning. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. (Ord. O2003-132 § 10)

**21A.15.1095 Sign, changing message center.**

“Sign, changing message center” means an electrically controlled sign that contains advertising messages that changes at intervals of three minutes or greater. (Ord. O2003-132 § 10)

**21A.15.1097 Sign, commercial.**

“Sign, Commercial” means a sign erected for a business transaction or advertising the exchange of goods and services.

**21A.15.1105 Sign, directional.**

“Sign, directional” means a sign that is primarily designed to guide or direct pedestrian or vehicular traffic to an area, business, place, or convenience, and may include incidental graphics such as trade names and trademarks.

**21A.15.1110 Sign, freestanding.**

“Sign, freestanding” means a permanent sign fixed directly to the ground or having one or more supports fixed directly to the ground, and being detached from any building or fence. (Ord. O2003-132 § 10)

**21A.15.1115 Sign, fuel price.**

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel. (Ord. O2003-132 § 10)

**21A.15.1120 Sign, incidental.**

“Sign, incidental” means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- (1) Restrooms;
- (2) Hours of operation;

## Exhibit 4

- (3) Acceptable credit cards;
- (4) Property ownership or management;
- (5) Phone booths; and
- (6) Recycling containers. (Ord. O2003-132 § 10)

### **21A.15.1125 Sign, indirectly illuminated.**

“Sign, indirectly illuminated” means a sign that is illuminated entirely from an external artificial source. (Ord. O2003-132 § 10)

### **21A.15.1130 Sign, monument.**

“Sign, monument” means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground. (Ord. O2003-132 § 10)

### **21A.15.1131 Sign, non-commercial.**

“Sign, non-commercial” means any sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups.

### **21A.15.1135 Sign, off-premises directional.**

“Sign, off-premises directional” means a sign that contains no advertising of a commercial nature that is used to direct pedestrian or vehicular traffic circulation to a facility, service, or business located on other premises within 660 feet of the sign. (Ord. O2003-132 § 10)

### **21A.15.1140 Sign, on-premises.**

“Sign, on-premises” means a sign that displays a message that is incidental to and directly associated with the use of the property on which it is located. (Ord. O2003-132 § 10)

### **21A.15.1144 Sign, permanent.**

“Sign, permanent” means any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

### **21A.15.1145 Sign, permanent residential development identification.**

“Sign, permanent residential development identification” means a permanent sign identifying the residential development upon which the sign is located. (Ord. O2003-132 § 10)

### **21A.15.1146 Sign, pole.**

“Sign, pole” means a freestanding sign having one or more supports standing directly upon the ground, and being detached from any building or fence.

### **21A.15.1150 Sign, portable.**

“Sign, portable” means a sign that is capable of being moved and is not permanently affixed to the ground, a structure, or building. (Ord. O2003-132 § 10)

### **21A.15.1155 Sign, projecting.**

“Sign, projecting” means any sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground. (Ord. O2003-132 § 10)

### **21A.15.1159 Sign, temporary.**

“Sign, temporary” means any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric,

## Exhibit 4

cardboard, wallboard or other like materials not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

### **21A.15.1160 Sign, time and temperature.**

“Sign, time and temperature” means an electrically controlled sign that contains messages for date, time, and temperature, which changes at intervals of one minute or less. (Ord. O2003-132 § 10)

### **21A.15.1165 Sign, wall.**

“Sign, wall” means any sign painted on, or attached directly to and supported by, the wall of a building or structure. All wall signs are building-mounted signs. (Ord. O2003-132 § 10)

### **21A.15.1166 Sign, window.**

“Sign, window” means any sign applied to or mounted on a window.

### **21A.15.1250 Street frontage.**

“Street frontage” means any portion of a lot or combination of lots that directly abut a public right-of-way. (Ord. O2003-132 § 10)

## **Chapter 21A.45**

### **SIGNAGE**

#### Sections:

21A.45.010	Purpose.
21A.45.020	Permit requirements.
21A.45.030	Exempt signs.
21A.45.040	Prohibited signs.
21A.45.050	Sign area calculation.
21A.45.060	Permanent signs.
21A.45.070	Temporary signs.
21A.45.080	Legal non-conforming signs.
21A.45.090	Variance.
21A.45.100	Enforcement.

### **21A.45.010 Purpose.**

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the City, allow for the expression of free speech, and promote general safety and welfare by:

- (1) Regulating the type, number, location, size, and illumination of signs; and
- (2) Recognizing the purpose of signs for identification and economic well-being of businesses in Sammamish; and
- (3) Ensuring a safe driving environment; and
- (4) Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and
- (5) Facilitating fair and consistent content-neutral enforcement; and
- (6) Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and

## Exhibit 4

- (7) Allowing for limited temporary commercial signage in the public right of way, to provide a flow of commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and
- (8) Upholding the goals and policies of the Comprehensive Plan.

### **21A.45.020 Permit requirements.**

- (1) Except as otherwise provided in this chapter, no sign shall be erected, altered, or relocated within the City without a permit issued by the City.
- (2) No permit shall be required for repainting, cleaning, or other normal maintenance and repair of a permitted sign, or for sign face and copy changes that do not alter the size or structure of the sign.

### **21A.45.030 Exempt signs.**

The following signs or displays are exempted from the permitting requirements of this chapter, but shall conform to the other requirements set out in this chapter:

- (1) Historic plaques, gravestones, and address numbers;
- (2) Official or legal notices issued and posted by any public agency or court; or
- (3) Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish Department of Public Works;
- (4) Plaques, tablets, or inscriptions which are an integral part of the building structure or are attached flat to the face of the building, which are non-illuminated, and which do not exceed four square feet in surface area;
- (5) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs when established and maintained by a public agency;
- (6) Government flags; and
- (7) Nonverbal religious symbols attached to a place of worship.

### **21A.45.040 Prohibited signs.**

- (1) Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under SMC 21A.45.070;
- (2) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with traffic control signs or signals;
- (3) Signs located in the public right-of-way, except where permitted in this chapter; provided, that in no case shall temporary signs permitted under SMC 21A.45.070 be located within travel lanes or sidewalks, or be attached to traffic control signs, utility or signal poles;
- (4) Posters, pennants, strings of lights, blinking lights, balloons, searchlights, and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in SMC 21A.45.070 as temporary commercial displays;
- (5) Changing message center signs, where the message changes more frequently than every three minutes; and
- (6) Billboards.

### **21A.45.050 Sign area calculation.**

- (1) Sign area for pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.

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- (2) Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle that will enclose the combined letters and symbols.
- (3) Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the entire area of the cabinet. (Ord. O99-29 § 1)

**21A.45.060 Permanent signs.**

(1) Table of Permitted Signs

The table below outlines the regulations for permanent signs in the City of Sammamish. All permanent signs must be approved through the permitting process. Unless otherwise stated herein, all permanent signs must be on-site. No permanent sign may be placed in the City’s right-of-way.

Key

X – Prohibited

N/A – Not Applicable – Sign Type Not Allowed in Zone

	Residential Zone	Community Business Zone(1)(2)	Neighborhood Business Zone(1)(2)	Office Zone(1)(2)
<b>Freestanding Signs(3)</b>				
Quantity(4)	X	One per street frontage(5)		One per street frontage
Maximum Sign Area	N/A	85 sq ft, + 20 sq ft for each additional business in a multiple tenant structure up to 145 sq ft.	50 sq ft	
Combined Sign Area Limit for Lots with Multiple Freestanding Signs(6)	N/A	250 sq ft	150 sq ft	80 sq ft
Maximum Height	N/A	20 feet	15 feet	
<b>Home Business Signs</b>				
Maximum Sign Area(7)	6 sq ft	N/A		
<b>Permanent Residential Development Identification Signs</b>				

Exhibit 4

	Residential Zone	Community Business Zone(1)(2)	Neighborhood Business Zone(1)(2)	Office Zone(1)(2)
Quantity	Two one-sided signs or one two-sided sign per major entrance	Two one-sided signs or one two-sided sign per major entrance (8)		
Maximum Sign Area	32 sq ft per sign	32 sq ft per sign		
Maximum Sign Height	6 ft per sign (9)	N/A		
<b>Projecting or Awning Signs Mounted on the Sloping Portion of Roofs (10)</b>				
Quantity (11)	X	One Allowed in Lieu of Wall Signs		
Maximum Sign Area	N/A	No greater than 15 percent of building façade	No greater than 10 percent of building façade	
Minimum Clearance above Finished Grade (12)	N/A	8 ft		
Maximum Projection, Perpendicular from Supporting Building Façade	N/A	6 ft		
<b>Signs on Property with Public Agency Facilities (13)</b>				
Quantity	2 per Facility	X		
Maximum Sign Area	30 sq ft	N/A		
Maximum Height	6 ft	N/A		
<b>Sign on Residentially Zoned Property with Nonresidential Use (14)</b>				
Quantity	One	X		
Maximum Sign Area	25 sq ft	N/A		
Maximum Height	6 ft	N/A		
<b>Wall Signs</b>				
Maximum Sign Area (15)	N/A (16)	15 percent of building façade	10 percent of building façade	10 percent of building façade (17)

Development Conditions

1. Directional signs for surface parking areas or parking structures located in the R-, CB, NB, and O-Zones shall not be included in the sign area or number limitations stated in this table, provided that they shall not exceed six square feet in surface area and are limited to one for each entrance or exit.
2. Fuel price signs shall not be included in sign area or number limitations referenced in this table, provided such signs do not exceed 20 square feet per street frontage.

## Exhibit 4

3. Changing message center signs and time and temperature signs can be wall or freestanding signs, and shall not exceed the size permitted for wall or freestanding signs.
4. Corner lots with a street frontage of less than 100 feet on each street shall be permitted only one freestanding sign.
5. Multiple tenant developments in the CB and NB zone that have more than 300 feet of street frontage on one street may have one additional freestanding sign for each 300 feet of street frontage, or portion thereof. Such signs shall be separated from one another by a minimum of 150 feet, if located on the same street frontage.
6. On lots where more than one freestanding sign is permitted, the sign area permitted for individual freestanding signs may be combined.
7. Home business signs may only be wall signs.
8. Permanent residential identification signs are only allowed in the NB, CB, and O-Zones as part of a mixed-use development.
9. Applicable only to freestanding signs.
10. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.
11. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.
12. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.
13. See SMC 21A.15.915 for a list of permitted public agencies.
14. Non-residential uses of residential property as outlined in Chapter 21A.20 SMC.
15. Maximum height for wall signs and changing message center signs shall not extend above the highest exterior wall or structure upon which the sign is located.
16. Wall signs are allowed in Residential zones to identify schools, home businesses, and other non-residential uses, subject to the regulations listed in this table.
17. Only on building facades with street frontage.

### (2) Illumination of Permanent Signs

The table below outlines the regulations for illumination of permanent signs in the City of Sammamish. Temporary signs, governed by SMC21A.45.070, shall not be illuminated. All permanent signs, including the requested illumination, must be approved through the permitting process. All electrical components for signs shall be governed by Chapter 19.28 RCW and Chapter 296-46-910 WAC.

## Exhibit 4

### Key

P – Permitted, pursuant to Permit issued by City

X – Prohibited

	R-Zone	CB-Zone	NB-Zone	Office Zone
Internal Illumination (1)	X	P		
Indirect Illumination (1)(2)	P			
Signs with an On/Off Operation	X	P	X	

### Development Conditions

1. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign.
2. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.

#### 21A.45.070 Temporary signs.

The following temporary signs or displays are permitted and, except as required by the International Building Code; Chapter 16.20 SMC, Construction Administrative Code; or as otherwise required in this chapter, do not require a sign permit, subject to the requirements set out in this chapter. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, and by SMC 21A.25.220, Sight distance requirements. No temporary signs shall be located within center medians or within roundabouts, traffic circles, or islands. Temporary signs shall not be illuminated.

#### (1) Non-Commercial Temporary Signs.

No sign permit is required to post a non-commercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Non-commercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit.

- a) Non-commercial temporary signs may be placed between the sidewalk and the right-of-way line. On roads that only have a shoulder and do not have a sidewalk, non-commercial temporary signs must be placed a minimum of 3 feet from the edge of the asphalt.
- b) Non-commercial temporary signs shall not be placed in the right-of-way within a 150-foot radius of the center of an intersection.
- c) The City Engineer, in consultation with the director of public works or their designee, and following review of applicable state and city codes, may approve non-commercial temporary sign placement in the improved portion of the public right-of-way or within a 150-foot radius of the center of an intersection provided that the location and sign characteristics will not present a traffic safety issue.
- d) Non-commercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.

Exhibit 4

	Non-Commercial Temporary Sign Type I – Placed in Public Right-of-Way (Non-A-Frame)	Non-Commercial Temporary Sign Type II – Placed in Public Right-of-Way (A-Frame)	Non-Commercial Temporary Sign Type III – Private Property (All Sign Types) (1)
Size Limit	4 sq ft	6 sq ft	16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line
Height Limit	3 ft above grade	3.5 ft	8 ft
Duration	180 consecutive days	2 consecutive days	180 consecutive days

Development Conditions

1. Placement of off-premises non-commercial temporary signs on private property is subject to the landowner’s authorization.

(2) Temporary Commercial Displays

Signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year at businesses located in Sammamish in the CB, NB, or O-Zones.

(3) Signs Located on Property with Active Construction

- (a) One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;
- (b) No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and
- (c) Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first.

Exhibit 4

(4) Signs Associated with Properties for Sale or Rent

Signs Located On Property with Individual Unit for Sale or Rent	
Sign Quantity	One per public street frontage
Permitted Location	Public street frontage
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Sign Area	8 sq ft
Maximum Height	6 ft
Signs Located Off-Site of Property with Individual Unit for Sale or Rent (1)	
Sign Quantity	One (2)
Permitted Location	Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street.
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Sign Area	4 sq ft
Portable Off-Premises Residential Directional Signs for Active Open Houses for Sale or Rent (3)	
Maximum Sign Area	6 sq ft
Maximum Height	42 inches
Signs on Property with Commercial or Industrial Property for Sale or Rent	
Sign Quantity	One
Permitted Location	Public street frontage
Maximum Sign Area	32 sq ft
Maximum Height	12 ft
Signs on Newly Constructed Residential Developments for Sale	
Sign Quantity	One
Permitted Location	Public street frontage
Maximum Sign Area	32 sq ft
Maximum Height	12 ft
Directional Signs Located Off-site Of Newly Constructed Residential Developments for Sale	
Sign Quantity	Two
Permitted Location	Private property (with permission); public right-of-way
Maximum Sign Area	16 sq ft

Development Conditions

1. Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.

## Exhibit 4

2. When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; Frames installed to hold multiple real estate signs shall not exceed a height of six feet. Off-site signs located on a frame shall individually not exceed a height of one and a half feet, a width of two feet, and an area of three square feet.
3. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

### **21A.45.080 Legal non-conforming signs**

- (1) Any sign located within the city limits on the date of adoption of the ordinance codified in this title, or located in an area annexed to the city thereafter, which does not conform with the provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:
  - a) The sign was covered by a permit on the date of adoption of the ordinance codified in this title if one was required under applicable law; or
  - b) If no permit was required under applicable law for the sign in question, the sign was in all respects compliant with applicable law on the date of adoption of the ordinance codified in this title.
- (2) Loss of Legal Nonconforming Status.

Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement.

### **21A.45.090 Variance**

- (1) A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of SMC 21A.110.030. Variances from the terms of this chapter may be granted by Director of Community Development upon proper application. Variances may be granted when, because of unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- (2) The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

### **21A.45.100 Enforcement**

- (1) Compliance with other applicable codes.

All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in SMC 16.05.010 by the city. If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.

## Exhibit 4

- (2) Sign maintenance.  
All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the City. The area surrounding freestanding signs must be kept free of litter and debris at all times.
- (3) Inspection.  
Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.
- (4) Abatement.  
In addition to the abatement authority provided by proceedings under SMC 21A.115.030, the City or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:
  - (a) When a sign is determined by the City Engineer or Director of Community Development to present an immediate threat to the safety, health, and welfare of the public;
  - (b) When a sign is illegally placed within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;
  - (c) When a sign is determined by the City to be abandoned; provided, that the city must first provide fourteen days' notice to the underlying property owner or business owner that the sign is deemed abandoned.
- (5) Disposal of Signs. When a sign has been removed by the City as authorized by this section, the City shall take the following actions:
  - (a) The City shall hold a sign for at least seven days. After seven days the City may dispose of the sign without prior notice to the sign owner. The City shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to SMC 23.100.010.
  - (b) For signs with a fair market value exceeding five hundred dollars, the City shall provide notice by mail to the following:
    - (i) Sign Owner. If the mailing address can be determined by the City after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half hour of staff time.
    - (ii) Underlying Property Owner. If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the records of the King County Assessor's Office.

**23.100.010 Assessment schedule**

Code Enforcement Penalties:	
Infraction	up to \$500
Stop Work Order	up to \$500
Noncompliance:	
1 – 15 days	\$100 up to \$250 per day
16 – 31 days	\$250 up to \$500 per day
31+ days	\$500 up to \$1,000 per day (up to \$50,000 maximum)
Environmental Damage/Critical Areas Violations:	
Up to \$25,000 plus the cost of restoration.	
Unlawful Tree Removal or Damage:	
\$1,500 per inch of diameter at breast height of tree removed or damaged.	
\$25 fee per sign illegally placed on public property or in the City's right-of-way.	

**Chapter 21B.15**

**TECHNICAL TERMS AND LAND USE DEFINITIONS**

[...]

**21B.15.341 Sign.**

“Sign” means any medium, device, structure, fixture, or placard, including any necessary supporting structure and component parts, that is visible from a public right-of-way or surrounding properties, and uses graphics, symbols, or written copy to convey a message, attract attention to, or advertise a product, place, activity, business, event, good, service, or land use.

**21B.15.341.1 Sign, A-Frame.**

“Sign, A-frame” means a freestanding 2-panel foldable, portable temporary sign made of rigid material.

**21B.15.342 Sign, awning/marquee.**

“Sign, awning/marquee” means a sign painted on or attached directly to and supported by an awning or marquee. An awning may be constructed of rigid or nonrigid materials and may be retractable or nonretractable. A marquee is a roof-like shelter, as of glass, projecting above an outer door and over a

## Exhibit 4

sidewalk or a terrace, which may be attached to a building or be freestanding.

### 21B.15.343 Sign, blade.

“Sign, blade” means a small, pedestrian-oriented building-mounted sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane perpendicular to the wall of the building, projecting more than one foot from the wall of a building and vertical to the ground.



Figure 21B.15.343. Blade sign examples.

### 21B.15.344 Sign, box/cabinet.

“Sign, box/cabinet” means a building-mounted sign that is attached to and supported by the exterior wall of a building with the exposed face of the sign on a plane parallel to the wall of the building and where the sign or individual letters are contained within a box or cabinet and are internally illuminated.



Figure 21B.15.344. Cabinet sign examples.

### 21B.15.345 Sign, building-mounted.

“Sign, building-mounted” means a sign that is attached directly to a building or indirectly attached to a building by a support structure. Building-mounted signs may include, but are not limited to, wall, hanging, blade, awning, marquee, opaque, channel, painted, shadow, and window signs.

### 21B.15.346 Sign, changing message.

“Sign, changing message” means a sign that contains electronically controlled digital or illuminated text, or a sign that contains text that can be manually changed.



**Figure 21B.15.347. Changing message sign examples.**

**21B.15.347 Sign, channel letter.**

“Sign, channel letter” means a wall sign that is comprised of lettering that is attached to and supported by the exterior wall of a building or a structure with the exposed face of the lettering or graphics on a plane

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parallel to the wall of the building, and where the letters contain an open channel into which neon lighting is inserted.



**Figure 21B.15.348. Channel letter sign examples.**

### **21B.15.348 Sign, community banner.**

“Sign, community banner” means a temporary sign, located on City banner poles, which advertises a City-sponsored or hosted event.

### **21B.15.349 Sign, directional.**

“Sign, directional” means a sign that is primarily designed to guide or direct pedestrian or vehicular traffic to an area, business, place, or convenience, and may include incidental graphics such as trade names and trademarks.



**Figure 21B.15.349.1. Directional sign examples.**

### **21B.15.349.1 Sign, hanging.**

“Sign, hanging” means a small, pedestrian-oriented sign that is hung beneath an awning, canopy, or marquee sign or other structure.



**Figure 21B.15.349.2. Hanging sign examples.**

**21B.15.349.2 Sign, incidental.**

“Sign, incidental” means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not be limited to signs designating:

- (a) Restrooms;
- (b) Hours of operation;
- (c) Acceptable credit cards;
- (d) Property ownership or management;
- (e) Phone booths; and
- (f) Recycling containers.

**21B.15.349.3 Sign, freestanding.**

“Sign, freestanding” means a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or fence.

**21B.15.349.4 Sign, fuel price.**

“Sign, fuel price” means a sign utilized to advertise the price of gasoline and/or diesel fuel.

**21B.15.349.5 Sign, logo.**

“Sign, logo” means a sign, graphic representation, or symbol of a company name, trademark, or abbreviation, uniquely designed for ready recognition. A logo sign may be a wall sign or a freestanding sign.

**21B.15.349.6 Sign, monument.**

“Sign, monument” means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.

**21B.15.349.7 Sign, opaque.**

“Sign, opaque” means a building-mounted sign that is attached to and supported by the exterior wall of a building or a structure where the surface of the sign is generally comprised of two or more opaque

materials on the same plane. Where internally illuminated, the opaque material that comprises the lettering of the sign may be translucent such that it allows limited light to shine through the sign letters.



**Figure 21B.15.349.8. Opaque sign examples.**

**21B.15.349.8 Sign, painted.**

“Sign, painted” means a sign, mural or graphic design painted directly onto a building facade or onto a flat wood or metal surface that is then attached to the building facade.



**Figure 21B.15.349.9. Painted sign examples.**

**21B.15.349.9 Sign, permanent residential development identification.**

“Sign, permanent residential development identification” means a permanent sign identifying the residential development upon which the sign is located.

**21B.15.349.10 Sign, pedestal.**

“Sign, pedestal” means a temporary, pedestrian-oriented sign placed atop a pedestal that is affixed to a heavy horizontal base.



**Figure 21B.15.349.11. Pedestal sign examples.**

**21B.15.349.11 Sign, primary.**

“Sign, primary” means a painted, opaque, awning, marquee, or channel letter sign that is designed to be the primary source of business identification to both pedestrian and vehicular traffic.

**21B.15.349.12 Sign, secondary.**

“Sign, secondary” means a window, logo, blade, or hanging sign that generally contains secondary, pedestrian-oriented business identification, business product information, or hours of operation.

**21B.15.349.13 Sign, shadow.**

(24) “Sign, shadow” means a wall sign comprised of individual letters or graphics that is attached to and supported by the exterior wall of a building with the exposed face of the sign lettering or graphics on a plane parallel to the wall of the building, where the surface of the sign is generally comprised of a

completely opaque material. The sign lettering or graphics are separated from the building facade such that during daylight hours the lettering generates a shadow on the building facade.



**Figure 21B.15.349.14. Shadow sign examples.**

**21B.15.349.14 Sign, temporary.**

“Sign, temporary” means a sign that is designed to be displayed for a limited amount of time and is not permanently placed or affixed such as to prevent its removal;

**21B.15.349.15 Sign, window.**

“Sign, window” means a sign that is constructed of neon, stained glass, gold leaf, cut vinyl, etched glass, or similar material in a window.

**21B.15.349.16 Sign, wall.**

“Sign, wall” means any sign painted on, or attached directly to and supported by, the wall of a building or structure. All wall signs are building-mounted signs. Wall signs may include, but are not limited to, window, opaque, shadow, painted, channel letter, and logo signs. (Ord. O2010-293 § 1 (Att. A))

**Chapter 21B.45**

**SIGNAGE**

Sections:

- 21B.45.010 Purpose and intent.
- 21B.45.020 Applicability.
- 21B.45.030 Permit required.
- 21B.45.040 Application information.
- 21B.45.050 Prohibited signs.
- 21B.45.060 Exempt signs.
- 21B.45.070 Interpretation of tables and design standards.
- 21B.45.080 Table of allowed sign types and design review.
- 21B.45.090 Review and modifications to standards.
- 21B.45.100 Sign area calculation.
- 21B.45.110 General sign design standards.
- 21B.45.120 Design standards for specific sign types.
- 21B.45.130 Design and compatibility review.
- 21B.45.140 Temporary signs.
- 21B.45.150 Legal non-conforming signs.
- 21B.45.160 Variance.
- 21B.45.170 Enforcement.

**21B.45.010 Purpose and intent.**

The purpose of this chapter is to enhance and protect the economic vitality and visual environment of the Town Center, allow for the expression of free speech, and promote general safety and welfare by:

- (1) Regulating the type, number, location, size, and illumination of signs; and
- (2) Recognizing the purpose of signs for identification and economic well-being of businesses in the Town Center by supporting a full range of signs necessary for commercial services in the Town Center; and
- (3) Ensuring a safe driving environment; and
- (4) Recognizing and protecting the use of the public right-of-way as a forum for non-commercial speech; and
- (5) Facilitating fair and consistent content-neutral enforcement; and
- (6) Safeguarding and enhancing property values, attracting new residents, and encouraging orderly development; and
- (7) Allowing for limited temporary commercial signage in the public right of way to provide commercial information to consumers to enable them to make vital decision of purchasing a home, and to further the critical public goal of providing for equal access to housing; and
- (8) Upholding the goals and policies of the Sammamish Comprehensive Plan and the Town Center Subarea Plan.
- (9) Promoting signs within the Town Center that contribute to the character of the Town Center, are integrated with natural surroundings and landscaping, and exhibit an intimate human scale;
- (10) Providing necessary signage to support central gathering places, increase social interaction, and encourage walkability;
- (11) Regulating signs in a manner that is timely, flexible, predictable, fair to all and that results in superior development; and

## Exhibit 4

(12) Creating a vibrant and inviting commercial node that is reflected in the character and design of Town Center signage. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.020 Applicability.**

Except as provided for in SMC 21B.45.060, Exempt signs, all signs shall be subject to the design provisions of this chapter; provided, that specific sign standards and design requirements may be further established through a unified zone development plan and shall be established through the unified zone development plan approval, pursuant to . (Ord. O2010-293 § 1 (Att. A))

### **21B.45.030 Permit required.**

(1) Except as otherwise provided in by this chapter, no sign shall be erected, altered, or relocated within the Town Center without a permit issued by the City.

(2) No permit shall be required for repainting in like colors, cleaning, or other normal maintenance and repair of a permitted sign, or of sign face and copy changes that do not alter the size or structure of the sign or compliance with the design standards. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.040 Application information.**

The applicant shall have the burden of demonstrating that a proposed sign(s) complies with this chapter as follows:

(1) All new signs requiring a permit or approval pursuant to SMC 21B.45.030 shall provide, in a form established by the City, at a minimum an accurate plan with complete dimensions, location, size, color, shape, materials, type of illumination, size and style of lettering, copy design and the proposed manner of installation. Additional information may be required as reasonably necessary for approval by the director.

(2) The size and location of every existing sign on the premises shall be noted.

(3) If a unified zone development plan was previously approved by the City and included sign approvals, an applicant whose sign conforms to that plan may refer to it in the application and may omit detailed drawings unless specifically requested to provide them.

(4) If design and compatibility review is required pursuant to SMC 21B.45.080, the applicant shall submit a compatibility analysis addressing the design criteria enumerated in SMC 21B.45.130, Design and compatibility review. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.050 Prohibited signs.**

Except as indicated by this chapter, the following signs or displays are prohibited:

(1) Any sign that is otherwise allowed, but does not comply with the provisions of this chapter;

(2) Signs attached to a fence;

(3) Signs which, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with traffic control signs or signals;

(4) Temporary signs except as specifically allowed in SMC 21B.45.140;

(5) Except as specifically allowed, signs located in the public right-of-way, or within travel lanes or sidewalks, or attached to traffic control signs, utility or signal poles;

(6) Changing message center signs or signs containing moving graphics, text, or video, or that are flashing, moving, rotating, animated, or inflated;

(7) A sign that extends higher than the peak of the roof, ridge line, or parapet of a building to which it is attached;

(8) Visible ballast boxes or other sign equipment;

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(9) Posters, pennants, strings of lights, moving/flashing/blinking lights, balloons, searchlights, exposed electrical conduits, and other displays of a carnival nature, except on a limited basis as provided for in SMC 21B.45.140 as temporary business displays;

(10) Box or cabinet signs;

(11) Pole-mounted freestanding signs;

(12) Roof-mounted signs; and

(13) Billboards. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.060 Exempt signs.**

The following signs or displays are exempted from the regulations under this chapter:

(1) Historic plaques not exceeding 3 square feet in area, and address numbers;

(2) Official or legal notices issued and posted by any public agency or court;

(3) Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD) or authorized by City of Sammamish Department of Public Works;

(3) Plaques, tablets, or, which are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area;

(4) Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings, or information when established and maintained by a public agency;

(5) Government flags; and

(6) Nonverbal religious symbols attached to a place of worship.

(Ord. O2010-293 § 1 (Att. A))

### **21B.45.070 Interpretation of tables and design standards.**

(1) SMC 21B.45.080 determines whether a specific sign type is allowed in a zone district. The zone district and the public right-of-way are identified in the vertical column and the specific sign type is located on the horizontal row of these tables.

(2) If no symbol appears in the box at the intersection of the column and the row, the sign type is not allowed in that district, except for certain signs allowed pursuant to SMC 21B.45.140, Temporary signs.

(3) The review of all sign permit applications is administrative, and shall be conducted by the director of community development, subject to the review requirements identified below.

(4) If the number "1" appears in the box at the intersection of the column and the row, the sign type is allowed in that district subject to the sign design standards specified in SMC 21B.45.110, 21B.45.120, and the general requirements of the code.

(5) If the number "2" appears in the box at the intersection of the column and the row, the sign type is allowed subject to the sign design standards, general requirements, and the Design and compatibility review specified in SMC 21B.45.130. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.080 Table of allowed sign types and design review.**

(1) Table of Allowed Sign Types and Design Review for Town Center Zones.

Exhibit 4

Sign Types	TOWN CENTER ZONES					
	ROW	TC-A	TC-B	TC-C	TC-D	TC-E
Building-Mounted Signs:						
Blade	2(1)	1	2	2	2	2
Opaque/Painted		2	2	2	2	2
Channel Letter/Shadow		2	2			
Hanging		1	2			
Marquee/Awning		2	2			
Window		1	2			
Freestanding Signs:						
Community Banner	1					
Directional (Pedestrian)	2	1	1	1	1	1
Directional (Vehicle)	2	1	1	1	1	1
Monument		2(2)	2	2	2	2
Changing Message Center					2	

Development Conditions

(1) Only allowed as part of a unified zone development plan application approved pursuant to Chapter 21B.95 SMC; and provided, that no sign shall extend into the vehicle travel lanes.

(2) Only allowed in the TC-A-4 and in the TC-A-5 zones. (Ord. O2010-293 § 1 (Att. A))

**21B.45.090 Review and modifications to standards.**

(1) All sign permits shall be approved administratively, subject to the permit review requirements of Chapter 20.05 SMC; provided, that:

(a) Signs subject to the Level 1 sign review shall be reviewed for compliance with this chapter but shall not be subject to the provisions of SMC 21B.45.130, Design and compatibility review;

(b) Signs subject to the Level 2 Design and Compatibility Review requirements shall be reviewed for compliance with this chapter, including the provisions of SMC 21B.45.130, Design and compatibility review;

(2) Sign design may be reviewed and approved as part of a unified zone development plan review consistent with Chapter 21B.95 SMC, provided:

(a) Specific sign designs approved as part of a unified zone development plan will require a sign permit, but will not require additional design review at the time of permit application when in accordance with the approved unified zone development plan; or

(b) Additional design standards and guidelines may be adopted through the review process, subject to specific design review of signs at the time of building permit application. Additional design standards and guidelines adopted through the review process shall govern all subsequent sign design reviews including replacement signs.

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(3) The director may approve applicant-proposed modifications of up to 25 percent of the sign area, height, width, and other dimensional standards as part of the Level 2 Design and Compatibility Review process, pursuant to SMC 21B.45.130; provided, that any such approval shall be based upon an overall sign concept that is integrated with the building and is consistent with the goals of SMC 21B.45.130, Design and Compatibility Review. Applicant-proposed modifications to the number of signs allowed, illumination standards, the types of signs allowed, or sign modifications that would result in a sign that is not designed consistent with this purpose of this chapter shall not be considered; and

(4) Applicants proposing a sign that is subject to the Level 1 basic sign review may choose to request a Level 2 Design and Compatibility Review in order to take advantage of the director's ability to modify sign standards, pursuant to SMC 21B.45.090(3). (Ord. O2010-293 § 1 (Att. A))

### **21B.45.100 Sign area calculation.**

(1) Sign area shall be calculated as follows:

- (a) Sign area for nonmonument freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
- (b) Sign area for pole signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
- (c) Sign area for letters or symbols painted or mounted directly on walls or monument signs or on the sloping portion of a roof shall be calculated by measuring the smallest single rectangle that will enclose the combined letters and symbols.
- (d) Sign area for signs contained entirely within a cabinet and mounted on a wall, roof, or monument shall be calculated by measuring the entire area of the cabinet.

(2) maximum sign height.

(a) For a freestanding sign, the vertical distance measured from the surface of the ground to the highest point of the sign or sign structure; and

(b) For a building-mounted sign, the vertical distance measured from the building grade to the highest point of the sign or structure designed to support a sign.

(3) Sign clearance is measured from the surface of the ground to the lowest portion of the sign structure.

(4) Area of building façade is calculated by multiplying the width of the building, or tenant space associated with the commercial use, by the height of the building or tenant space.

(5) The lineal feet of building façade is calculated by measuring the width of the building or tenant space associated with the commercial use. Building modulation(s) are not included in the lineal feet of building façade. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.110 General sign design standards.**

(1) General Requirements.

(a) All signs shall be constructed primarily of nonreflective materials;

(b) Building-mounted sign frames and other support structures shall be concealed or integrated into the building's architectural character in terms of form, color, and materials such that they are not easily visible;

(c) Building-mounted signs must be in proportion to the size and design of the architectural features of the building façade;

(d) All signs, except directional signs and community banners, shall be on-premises signs;

## Exhibit 4

- (e) Maximum height for building-mounted signs shall not extend above the highest exterior wall upon which the sign is located; provided, that blade signs shall not exceed the roofline of the building along the façade that the blade sign is attached to;
- (f) Total sign area for primary and secondary wall signs associated with uses occupying the ground level of a building shall not exceed 10 percent of the ground-level building façade associated with the sign; provided that there is a minimum allowed sign area of 10 square feet and a maximum allowed sign area of 320 square feet;
- (g) Total sign area for primary and secondary wall signs associated with uses that do not occupy the ground level of a building (e.g., the use is on the second or third story) shall not exceed five percent of the building façade associated with the use;
- (h) Tenants are allowed one primary sign regulated by this chapter per building façade that contains a public entry (open during all business hours), up to a maximum of two façades;
- (i) Tenants are allowed three secondary signs regulated by this chapter per building façade that contains a public entry (open during all business hours);
- (j) Wall sign width shall not exceed a width of two-thirds of the lineal width of the building façade associated with the sign;
- (k) Signs shall not cover windows, building trim, or architectural ornamentation.

### (2) Illumination. Signs may be illuminated as follows:

- (a) Illumination shall be limited to indirect lighting unless otherwise specifically allowed by the specific sign type design standards; provided, that no sign may be both internally and indirectly illuminated;
- (b) Indirect sign illumination shall be no further away from the sign than the height of the sign;
- (c) Externally illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;
- (d) External sign light fixtures shall complement the design of the sign and building façades or structures associated with the sign;
- (e) External sign lighting shall be “full cutoff” and shall not result in direct illumination of the sky and adjacent properties and structures, and shall be designed to minimize reflected glare to adjacent properties and structures;
- (f) Sign illumination shall automatically turn off within one hour of the close of the business, use, or activity; and
- (g) Additional illumination standards may be contained in SMC 21B.45.120, Design standards for specific sign types, or adopted through the approval of a unified zone application pursuant to Chapter 21B.95 SMC.

### (3) Location. All signs shall be located as follows:

## Exhibit 4

### (a) Building-Mounted Signs.

- (i) Shall be attached to the building façade of the business or commercial enterprise they are advertising;
- (ii) Shall be located on the same floor as the business or commercial enterprise they are advertising; provided, that businesses that occupy more than one floor shall place the sign on the lowest floor occupied by the business;
- (iii) Shall not exceed a height of 15 feet above grade if associated with a business located on the bottom floor of a building;
- (iv) Shall not conflict with the ability to view any other sign associated with the building to which the sign is attached;
- (v) Shall not conflict with vehicle travel lanes if blade or hanging signs extend into the street right-of-way as otherwise allowed by the City; and
- (vi) May extend over the sidewalk if they are hanging or blade signs otherwise approved by the City.

### (b) Freestanding Signs.

- (i) May be located on private property with the consent of the private property owner, unless otherwise allowed in this chapter;
- (ii) May be located in the public right-of-way pursuant to SMC21B.45.080(1) and with the written approval by the City of Sammamish;
- (iii) Located on private property shall be no further than five feet from the street; and
- (iv) Shall not obstruct sight distances as prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, or by SMC 21B.25.200, Sight distance requirements.

### (4) Sign Standards along 228th Avenue SE.

- (a) The only signs visible from 228th Avenue SE shall be either monument signs no taller than six feet above grade or wall signs less than 30 square feet or 18 inches multiplied by the length of the front façade measured parallel to 228th Avenue SE (whichever is smaller);
- (b) Except for wall signs on pedestrian-oriented façades built up to the sidewalk, all signs visible from 228th Avenue SE are limited to signs that advertise a commercial node or group of businesses rather than a single business; and
- (c) For other design standards, see Chapter 21B.30 SMC. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.120 Design standards for specific sign types.**

(1) Blade and Hanging Signs. Blade signs may be allowed pursuant to SMC 21B.45.080(1); provided, that blade signs:

- (a) Shall provide a minimum clearance of eight feet;
- (b) With horizontally oriented text or graphics shall not project or be located more than five feet from the building façade;
- (c) With vertically oriented text or graphics shall not project more than three feet from the building façade;

## Exhibit 4

(d) Shall be limited to two square feet of sign area per each 10 lineal feet of applicable building frontage;

(e) Buildings that contain multiple tenants shall use a similar shape and mounting technique to hanging or blade signs;

(f) Sign text and graphics may use neon lettering, subject to provisions of SMC 21B.45.110(2); and further provided, that neon signs shall not be visible from 228th Avenue; and

(g) May be opaque signs containing internal illumination consistent with SMC 21B.45.110;

(2) Channel Letter, Opaque, Painted, and Shadow Signs. Channel letter, opaque, painted, and shadow signs may be allowed pursuant to SMC 21B.45.080(1); provided, that:

(a) Channel letter, opaque, painted, or shadow signs that are also wall signs shall be attached directly to the building façade, such that there is a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices. The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials;

(b) Channel letter and shadow signs shall only be wall signs. Opaque and painted signs may be wall signs, hanging, or blade signs;

(c) Lettering on opaque signs may be internally illuminated where the light only shines through the letters;

(d) Buildings that contain multiple tenants shall use a consistent sign design in terms of lettering, size, color, and style;

(e) Shadow signs may be illuminated by reflected lighting against the building façade located behind the sign letters or graphics;

(f) Channel letter signs shall be open, such that internal neon lighting is visible;

(g) Painted signs may be illuminated by indirect fully cutoff lighting;

(h) Wall sign lettering and graphics shall not exceed a maximum height of two feet;

(3) Marquee/Awning Signs. Marquee/awning signs may be allowed pursuant to SMC 21B.45.080(1); provided, that:

(a) The sign shall provide a minimum clearance of eight feet;

(b) The face of the sign (lettering and graphics) on a marquee or awning shall be on a parallel plane to the building façade;

(c) The awning or marquee supporting the sign shall extend at least three feet from the face of the building, shall be located over a pedestrian walkway or sidewalk, and shall be designed to provide protection from the weather, in addition to supporting the sign;

(d) Sign may be comprised of channel lettering, opaque, or shadow signs;

(e) Sign lettering and graphics shall not exceed two feet in height;

(f) Sign width shall be limited to no more than two-thirds of the width of the awning; and

## Exhibit 4

(g) Marquee signs may be placed on the front, above, or below the marquee associated with the sign;

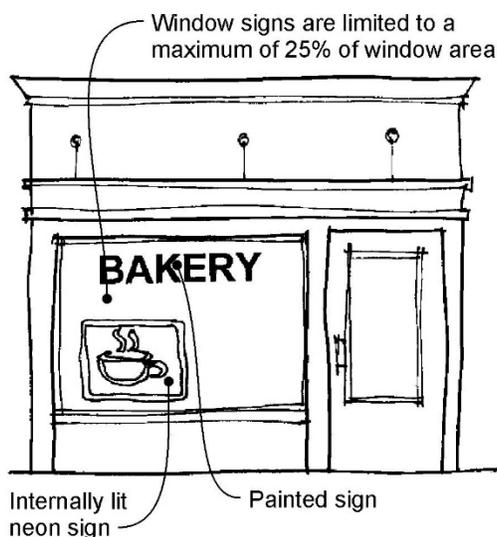
(h) Marquee and awning signs may be externally illuminated, pursuant to SMC 21B.45.110(2);

(4) Window Signs. Window signs may be allowed pursuant to SMC 21B.45.080(1); provided, that:

(a) Permanent and temporary window signs are limited to a maximum of 25 percent of the window area in addition to the size limitations of SMC 21B.45.110(1);

(b) Signs shall be constructed of neon, stained glass, gold leaf, cut vinyl, or etched glass;

(c) Signs shall not be illuminated, except that a single internally lit neon or stained glass window sign is allowed;



**Figure 21B.45.120f. Window sign example.**

(5) Monument Signs. Monument signs may be allowed pursuant to SMC 21B.45.080(1); and provided, that:

(a) One monument sign is allowed per commercial, institutional, or mixed-use building subject to the following:

(i) The sign may be up to six feet tall;

(ii) Monument signs for individual businesses should include the street address number with six-inch minimum lettering that is clearly readable from the street;

(iii) Lettering style, form, size, dimension, and color shall be consistent on signs identifying multiple tenants;

## Exhibit 4

- (b) One monument sign is allowed associated with a single-family subdivision or multifamily residential development, provided the sign shall not exceed a height of 48 inches;
  - (c) Monument signs may only be indirectly illuminated;
  - (d) Monument signs shall be designed incorporating natural materials (e.g., granite or basalt stone facing, wood, landscaping), muted colors, and design styles characteristic to the Northwest;
  - (e) The total sign area contained within a monument sign shall not exceed 48 square feet;
- (6) Directional Signs. Directional signs may be allowed pursuant to SMC 21B.45.080(1); provided, that:
- (a) Pedestrian-Oriented Directional signs.
    - (i) Signs shall be located within 10 feet of the intersection of two or more pedestrian sidewalks or paths;
    - (ii) Signs shall not exceed a height of eight feet;
    - (iii) Sign lettering and graphics shall not exceed a height of six inches;
  - (b) Vehicle-Oriented Directional signs.
    - (i) Signs shall be located within 20 feet of one of the following intersections:
      - (A) SE 4th Street and 228th Avenue SE;
      - (B) SE 8th and 228th Avenue SE; and
      - (C) As otherwise identified through a unified zone development plan application.
    - (ii) Signs shall not exceed a height of eight feet;
    - (iii) Sign lettering and graphics shall not exceed a height of 10 inches; and
    - (iv) All signs located on a street corner or driveway shall conform with Chapter 14.01 SMC, Public Works Standards Adopted, and SMC 21B.25.200, Sight distance requirements. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.130 Design and Compatibility Review.**

- (1) The goal of the Level 2 Design and Compatibility Review is:
- (a) To encourage interesting, creative, and unique sign design that is consistent with the character of the Town Center;
  - (b) To encourage signs that are timeless, create an intimate pedestrian environment, and incorporate natural materials (e.g., granite or basalt stone, wood, landscaping) or colors (muted earthen tones) associated with the Northwest; and
  - (c) To ensure that signs are part of, and consistent with, the overall design approach of a project.
- (2) The following criteria are the parameters that will be used for reviewing signs for compatibility and design to achieve the goals listed above and the purpose of this chapter; these criteria are in addition to the sign design standards contained within SMC 21B.45.110 and 21B.45.120:
- (a) Architectural Compatibility. The signs shall be compatible in size, proportion, shape, character, and quality of design with the exterior architecture of the premises and other structures in the immediate area.

## Exhibit 4

- (b) **Simplicity.** To the extent feasible, the sign should be graphic and with limited use of words, with the design emphasis on simplicity of style. A simple design or abstract graphic design is preferred. Similarly, a simple sign frame and supporting structure is preferred.
- (c) **Target Audience.** Only one sign per building façade should be designed for vehicle and pedestrian use. Signs that are targeted primarily to serve pedestrians are generally preferred over signs targeted for both pedestrian and vehicle audiences.
- (d) **Identification.** A commercial sign should be designed for the primary purpose of identifying a business or office.
- (e) **Fewer Signs.** In the use of the total sign allowance at a particular premises, the use of a minimum number of signs is preferred to the use of many signs, so that a cluttered effect is avoided.
- (f) **Shape, Size, and Orientation.** The shape of a sign should not conflict with the architectural lines of its setting. Signs should be directed toward the passing motorist or pedestrian. No sign should be designed to be readable or to attract motorists from a great distance.
- (g) **Illumination and Colors.** A sign must not overpower its surroundings through hue, saturation, or brilliance or close combination of incompatible colors. Sources of illuminations shall be screened from public view and shall be designed to avoid glare onto a street or adjacent property.
- (h) **Landscaping.** Signs shall be placed with consideration for existing and future growth of trees and other landscaping. A monument sign reviewed under this section must be placed in a landscaped area or planter, with landscaping maintained.
- (i) **Compatibility with Adjacent Uses.** The design, illumination, and location of a sign shall not impair the visibility or the design quality of existing, conforming signs, adjacent buildings, or adjacent uses.

(Ord. O2010-293 § 1 (Att. A))

### **21B.45.140 Temporary signs.**

The following temporary signs or displays are permitted and, except as required by the International Building Code; Chapter 16.20 SMC, Construction Administrative Code; or as otherwise required in this chapter, do not require a sign permit, subject to the requirements set out in this chapter. All temporary signs shall not obstruct sight distances and shall follow the regulations prescribed by Chapter 14.01 SMC, Public Works Standards Adopted, and by SMC 21A.25.220, Sight distance requirements. No temporary signs shall be located within center medians or within roundabouts, traffic circles, or islands. Temporary signs shall not be illuminated.

#### **(1) Non-Commercial Temporary Signs.**

No sign permit is required to post a non-commercial temporary sign in the public right-of-way or on private property if it meets the requirements in this section and in the following table. Non-commercial temporary signs not conforming to the regulations of this section may be approved through a right-of-way permit

- a) Non-commercial temporary signs may be placed between the sidewalk and the right-of-way line. On roads that only have a shoulder and do not have a sidewalk, non-commercial temporary signs must be placed a minimum of 3 feet from the edge of the asphalt.
- b) Non-commercial temporary signs shall not be placed in the right-of-way within a 150-foot radius of the center of an intersection.
- c) The City Engineer, in consultation with the director of public works or their designee, and following review of applicable state and city codes, may approve non-commercial temporary sign placement in the improved portion of the public right-of-way or within a 150-foot radius of the center of an intersection provided that the location and sign characteristics will not present a traffic safety issue.

Exhibit 4

- d) Non-commercial temporary signs shall not be placed in a manner that negatively affects the health of trees, shrubs, or other landscaping.

	Non-Commercial Temporary Sign Type I Public Right-of-Way (Non-A-Frame)	Non-Commercial Temporary Sign Type II Public Right-of-Way (A-Frame)	Non-Commercial Temporary Sign Type III – Private Property (All Sign Types)(1)
Size Limit	4 sq ft	6 sq ft	16 sq ft if located less than 50 feet from a street property line; 32 sq ft if located 50 feet or more from a street property line
Height Limit	3 ft above grade	3.5 ft	8 ft
Duration	180 consecutive days	2 consecutive days	180 consecutive days

Development Conditions

- (1) Placement of off-premises temporary signs on private property is subject to the landowner’s authorization.

(2) Commercial Temporary Signs.

- (a) Temporary Commercial Displays.

On-premises signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights are permitted for a period of up to 30 consecutive days once each calendar year for businesses located in Sammamish Town Center.

- (b) Signs located on property with active construction.

1. One non-illuminated, double-faced sign is permitted for each public street upon which the project fronts;
2. No sign shall exceed 32 square feet in surface area or 10 feet in height, or be located closer than 30 feet from the property line of the adjoining property; and
3. Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;

(3) Signs Associated with Properties for Sale or Rent.

	Signs Located On Property with Individual Unit for Sale or Rent
Sign Quantity	One (1) per public street frontage
Permitted Location	Public street frontage
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Size Area	8 sq ft

Exhibit 4

Maximum Height	6 ft
	Signs Located Off-Site of Property with Individual Unit for Sale or Rent <sup>1</sup>
Sign Quantity	One (1) <sup>2</sup>
Permitted Location	Public right-of-way adjacent to the intersection of the primary vehicle entrance to the property and closest public street.
Permitted Duration	Signs shall be removed within five days after closing of the sale, lease or rental of the property.
Maximum Size Area	4 sq ft
	Signs on Property with Commercial or Industrial Property For Sale or Rent
Sign Quantity	One (1)
Permitted Location	Public street frontage
Maximum Size Area	32 sq ft
Maximum Height	12 ft
	Signs on Newly Constructed Residential Developments for Sale
Sign Quantity	One (1)
Permitted Location	Public street frontage
Maximum Size Area	32 sq ft
Maximum Height	12 ft
	Directional Signs Located Off-site Of Newly Constructed Residential Developments for sale
Sign Quantity	Two (2)
Permitted Location	Private property (with permission); public right-of-way
Maximum Sign Area	16 sq ft

Development Conditions

(1) Only allowed for properties with a unit for sale or rent that is not located adjacent to a public street.

(2) When more than three off-site real estate signs are proposed for a location, the fourth proposed sign owner shall install and make available to other licensed real estate agents a frame, designed to allow for a minimum of six signs to be hung in a stacked fashion, to accommodate multiple signs; Frames installed to hold multiple real estate signs shall not exceed a height of six feet. Off-site signs located on a frame shall individually not exceed a height of one and a half feet, a width of two feet, and an area of three square feet.

(4) Community Banner Signs.

## Exhibit 4

- (a) Community banner signs shall only be located on public banner poles erected by the City for that use;
  - (b) Letter on such signs shall not be less than 12 inches in height except for lettering associated with sponsor logos;
  - (c) Community banner signs shall not be illuminated or have any attention-getting lights; and
  - (d) Only City-sponsored events may be advertised using the Community Banner program
- (5) Pedestal Signs. Temporary pedestal signs are allowed in the TC-A and TC-B zones, subject to the following provisions:

- (a) The sign shall be placed such that there is a minimum of a six-foot-wide pedestrian access around the sign;
- (b) The sign shall not exceed a height of six feet;
- (c) The sign face shall not exceed an area of three square feet;
- (d) Sign lettering and graphics shall not exceed a height of four inches;
- (e) The frames and other support structures shall be consistent with the building's architectural character in terms of form, color, and materials such that there is a consistent design theme.

(Ord. O2010-293 § 1 (Att. A))

### **21B.45.150 Legal non-conforming signs.**

(1) Any sign located within the city limits on the date of adoption of the ordinance codified in this title, or located in an area annexed to the city thereafter, which does not conform with the provisions of this code, shall be considered a legal nonconforming sign and is permitted, provided it also meets the following requirements:

- (a) The sign was covered by a permit on the date of adoption of the ordinance codified in this title if one was required under applicable law; or
- (b) If no permit was required under applicable law for the sign in question, the sign was in all respects compliant with applicable law on the date of adoption of the ordinance codified in this title.

(2) Loss of legal nonconforming status. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this code. Repair and maintenance are allowable, but may require a permit if structural components require repair or replacement. (Ord. O2010-293 § 1 (Att. A))

### **21B.45.160 Variance.**

- (1) A sign variance is categorized as a Type 1 land use application and shall be subject to the requirements of SMC 21A.110.030. Variances from the terms of this chapter may be granted by director of community development upon complete application. Variances may be granted when, because of unique circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict interpretation of the regulations of this chapter deprives such

## Exhibit 4

property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

- (2) The variance shall not constitute a grant of special privilege inconsistent with a limitation upon uses of other properties in the vicinity and zone in which such property is situated.

### **21B.45.170 Enforcement.**

(1) Compliance with other applicable codes. All signs erected or altered under this chapter must comply with all applicable federal, state and local regulations relating to signs, including without limitation the provisions of the International Building Code as adopted in SMC 16.05.010 by the city. If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the city, the provision which establishes the higher standard shall prevail.

(2) Sign maintenance. All permanent and temporary signs must be kept in good repair and in a safe manner at all times. The sign owner must repair damaged or deteriorated signs within 30 days of notification by the city. The area surrounding freestanding signs must be kept free of litter and debris at all times.

(3) Inspection. Code enforcement officers are authorized to inspect any sign covered by this chapter for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

(4) Abatement. In addition to the abatement authority provided by proceedings under SMC 21A.115.030, the city or its agents may summarily remove any sign placed on a right-of-way or public property in violation of the terms of this chapter under the following circumstances:

(a) When a sign is determined by the city engineer or director of community development to present an immediate threat to the safety, health, and welfare of the public;

(b) When a sign is illegally placed within the public right-of-way, within a landscape median, landscape island, traffic circle, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public right-of-way;

(c) When a sign is determined by the city to be abandoned; provided, that the city must first provide fourteen days' notice to the underlying property owner or business owner that the sign is deemed abandoned;

(d) Disposal of signs. When a sign has been removed by the city as authorized by this section, the city shall take the following actions:

(i) The city shall hold a sign for at least seven days. After seven days the city may dispose of the sign without prior notice to the sign owner. The city shall not be responsible for damage or loss during removal or storage of any signs in violation of this code. Sign owners wishing to reacquire possession of removed signs prior to their disposal shall pay an impoundment fee pursuant to SMC 23.100.010.

(ii) For signs with a fair market value exceeding five hundred dollars, the city shall provide notice by mail to the following:

(A) Sign owner. If the mailing address can be determined by the city after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no

## Exhibit 4

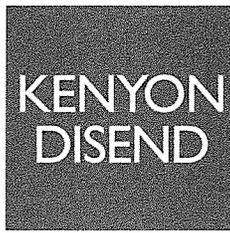
longer than one-half hour of staff time.

(B) Underlying property owner. If the address of the sign owner cannot be reasonably ascertained, the city shall mail the notice to the underlying real property owner, as identified in the records of the King County Assessor's Office.



Michael R. Kenyon  
Rachel B. Turpin  
Ann Marie J. Soto  
Kim Adams Pratt  
Robert F. Noe  
David A. Linehan  
Amy S. Blue  
Charlotte A. Archer  
Alexandra L. Kenyon

Exhibit 5



Bruce L. Disend  
Doug F. Mosich  
*Of Counsel*  
Shelley M. Kerslake  
1967 - 2014

**MEMORANDUM**

TO: David Goodman; City of Sammamish Planning Commission  
FROM: Charlotte A. Archer, Kenyon Disend PLLC *CAA*  
DATE: February 14, 2017  
RE: Regulation of Banners

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**I. ISSUE PRESENTED AND SHORT ANSWER**

The City has requested an analysis of the legal issues surrounding the City's Community Banner program, in the context of traditional free speech jurisprudence and the recent decision issued by the U.S. Supreme Court in Reed v. Town of Gilbert, AZ, which changed the landscape for municipal regulations of speech regarding regulations governing signage on public and private property. The answer to the City's query depends upon which legal doctrine the Court applies to the City's program. The Courts are divided as to whether banner programs (and comparable programs of various formats) constitute traditional or limited public fora, or government speech.

**II. BACKGROUND ON BANNER PROGRAM**

The City hosts a "Community Banner" program which allows certain entities to post banners that span 228<sup>th</sup> Avenue Southeast at certain places for a short period. SMC 21A.45.120(6) states, in pertinent part:

(6) Community Banners Sign. Community banners are allowed subject to the following provisions:

(a) Community banners shall only be located on public banner poles erected by the City for that use;

(b) Letters on the sign shall not be less than 12 inches in height except for lettering associated with sponsor logos;

(c) Banners shall not be illuminated or have any attention-getting lights; and

(d) Sponsor logos shall be limited to the name and corporate symbol of the sponsor.

### III. AUTHORITY AND ANALYSIS

#### A. Traditional Public Fora, Limited Public Fora and Nonpublic Forum.

Jurisprudence from the U.S. Supreme Court recognizes the right of a citizen to engage in expressive activity on public property, but the Court has divided public property into three categories: traditional public forums, limited public forums, and nonpublic forums. *See Cornelius v. NAACP Leg. Def. Fund*, 473 U.S. 788 (1985).

Traditional public fora are those places which, “by long tradition or by government fiat, have been devoted to assembly and debate.” *Perry Educ. Ass’n v. Perry Educators’ Ass’n*, 460 U.S. 37, 45 (1983). Public streets and parks fall into this category. *See Hague v. CIO*, 307 U. S. 496 (1939).

A limited public forum, or a designated public forum, is “created by government designation of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects.” *Perry Education Assn.*, 460 U. S. at 46, n. 7.

A nonpublic forum is traditionally identified by clear evidence of a contrary intent by government to create a public forum; *i.e.*, when the nature of the property is inconsistent with expressive activity. *See Jones v. North Carolina Prisoners’ Labor Union*, 433 U. S. 119 (1977). For example, the courts have held that the following are nonpublic forums: the airspace above a City; a School District’s internal mail system; a military installation; and jailhouse grounds. *See Ctr. for Bio-Ethical Reform, Inc. v. City & Cty. of Honolulu*, 345 F. Supp. 2d 1123, 1131 (D. Haw. 2004), *aff’d*, 448 F.3d 1101 (9th Cir. 2006); *Perry Education Assn.*, 460 U. S. at 46; *Greer v. Spock*, 424 U. S. 828 (1976); *Adderley v. Florida*, 385 U. S. 39 (1966).

Whether a municipal banner program falls into one of these three categories is a fact-intensive query. Public streets are traditional public fora, while at least one court has held that the airspace above a city is a nonpublic forum. In contrast, a nonpublic forum that is opened to public speech with limitations on speakers – such as a public university that provides a forum exclusively for students of that university – constitutes a limited public forum.

#### B. Governing Principles for the Regulation of Speech in Traditional Public Fora.

A municipality may not place a time, place and manner restriction on public speech in a traditional public forum absent a compelling reason. *See Morse v. Frederick*, 551 U.S. 393, 403 (2007). In the “traditional public forum,” primarily the streets and parks, the “strict scrutiny” test

applies: no content-based restrictions on speech are allowed unless necessary to serve a compelling state interest and narrowly tailored to that end. *See Perry Education Assn.*, 460 U. S. at 46.

The regulations of speech in the traditional public forum must be content-neutral, and apply uniformly regardless of the speaker. For example, the U.S. Supreme Court held that the First Amendment required Ohio to permit the KKK to display a cross in the statehouse square. *See Capital Square Review & Advisory Bd. v. Pinette*, 515 U.S. 753, 777 (1995). Similarly, cities may not prohibit speech activities in a traditional forum that are not endorsed by the public agency, including political protests. *Id.* at 770. Notably, however, traditional public forum rights are not without limits for groups with a track record of law breaking. *See Thomas v. Chi. Park Dist.*, 534 U.S. 316 (2002) (holding that Park District could deny permit to Hempfest based on past violations of park regulations).

### **C. Governing Principles for the Regulation of Speech in Limited Public Fora.**

The government may set reasonable content limitations on the types of speakers and subject matter allowed, so long as the limits are viewpoint neutral, when regulating speech in a limited or designated public forum. *Christian Legal Soc. Chapter of the Univ. of California, Hastings Coll. of the Law v. Martinez*, 561 U.S. 661, (2010); *Pleasant Grove City v. Sumnum*, 555 U.S. 460, 470 (2009).

While this test appears to give the government flexibility to tailor public programs involving private speech, the Courts have dramatically curtailed that flexibility when reviewing policies pertaining to limited fora. This issue has arisen primarily in the contexts of advertising on the sides of municipality owned buses and in meeting room use policies. The Courts have rejected Cities' attempts to use "content" restrictions to screen out public controversy, hate groups, advocates of discrimination, and religious practices, and attempts at carving out sectarian religious speech.<sup>1</sup> In contrast, the Courts have uniformly permitted cities to exclude commercial speech.

For example, the Court invalidated a public school's decision to exclude a Christian children's club from meeting after hours at the school, based on its religious nature of the proposed meeting. *See Good News Club v. Milford Central School*, 533 U.S. 98 (2001). The Court held that the school had opened its limited public forum to activities serving a variety of purposes, including events "pertaining to the welfare of the community," and had interpreted its policy to permit discussions of subjects such as "the development of character and morals from a religious perspective," but excluded the club on the ground that its activities, which included learning Bible verses, the relation of Bible stories to the members' lives, and prayer, were "the equivalent of religious instruction itself." In short, speech discussing otherwise permissible subjects cannot be

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<sup>1</sup> *See Boy Scouts of Am. v. Dale*, 530 U.S. 640 (2000) (invalidating school board's termination of the Boy Scouts' use of school meeting rooms, based on the board's dislike of the Scouts' intolerance of homosexuality); *Cuffley v. Mickes*, 208 F.3d 702 (8th Cir. 2000), *cert. denied sub nom.* 534 U.S. 903 (2001) (rejecting Missouri's attempt to exclude the Ku Klux Klan from participation in the Adopt-a-Highway Program); *Hopper v. City of Pasco*, 241 F.3d 1067, 1080 (9th Cir. 2001) (court found city hall art gallery a designated forum, then struck down restriction on "no controversial art" based on unconstitutionality of "censorship by public opinion."); *Rosenberger v. Rector & Visitors of University of Virginia*, 515 U.S. 819, 828 (1995) (invalidating university's denial of funding to paper that published news from an evangelical perspective, where university had policy to fund student newspapers).

excluded from a limited public forum on the ground that the subject is discussed from a religious viewpoint.

To determine if a restriction is reasonable, the Court will examine whether the restrictions imposed leave open alternative channels of communication. If not, then the restriction is not reasonable. Similarly, while a City is entitled to establish a specific purpose for the banner program and limit its use to that purpose, that City bears a significant burden in justifying that purpose. *See Edwards v. District of Columbia*, 755 F.3d 996 (D.C. Cir. 2014). The government must demonstrate, through evidence and not speculation and conjecture, that “the harms it recites are real,” and that the restrictions it places on the purpose of the program “will in fact alleviate them to a material degree.” *Id.*

#### **D. Issues Pertaining to Government Speech.**

A government entity has a right to speak for itself; in so doing, it is entitled to say what it wishes, and to select the views that it wants to express. This is commonly understood as the “government speech doctrine” and thereunder a government entity may exercise the same freedom to express its views, even when it receives assistance from private sources (including funding) for the purposes of delivering a government-controlled message. If a government is deemed to be promoting its own message, the message is not restricted by either the reasonableness standard or the viewpoint neutrality requirement discussed above. Government speech often involves the selection, and coopting, of private speech, such as selecting among applicants for a community art display, or promoting certain viewpoints by placing hyperlinks on the City’s website to certain organizations.

The following are examples of government speech:

- City choosing which privately funded monuments (including a statute of the Ten Commandments) to place in the city park. *See Summum*, 555 U.S. at 470.
- Government expressing substantive policy on abortion by funding only those clinics which agreed not to counsel patients on abortion. *See Rust v. Sullivan*, 500 U.S. 573 (1991).
- Government allocating federal arts funding on the basis of “artistic merit” can incorporate values, such as decency, as part of its evaluations. *See Under National Endowment of the Arts v. Finlay*, 524 U.S. 569 (1998).
- The Town creating a website to convey information about the Town to its citizens and chose certain hyperlinks to place on that website to certain events and organizations. *See Sutcliffe v. Epping Sch. Dist.*, 584 F.3d 314, 331 (1st Cir. 2009)

To show government speech, a municipality must show that it has actively screened each potential private speaker and allowed only those which the administrators conclude further program goals. *See Gentala v. City of Tucson*, 244 F.3d 1065, 1068-70 (9th Cir. 2001).