



Planning Commission

Sign Code Update Discussion of Applicable Court Cases

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Title

Sign Code Update Discussion of Applicable Court Cases

Recommended Action

Information only. No action requested.

Report

Issue:

Discussion of significant and relevant court cases and decisions that affect the approaches used in the draft update of the Olympia Sign Code.

Staff Contact:

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Presenter(s):

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Daniel P. Kenny, Attorney, Ogden Murphy Wallace

Background and Analysis:

The City of Olympia has not updated its sign code in several years. Staff had an interest in updating it, to make it easier to understand and administer. In June 2015, the United States Supreme Court issued a decision related to temporary signs in the Reed et al v. Town of Gilbert, Arizona (Reed v. Gilbert) case, which provided direction to cities, towns, and counties regarding regulation of signs in regard to content and freedom of speech.

In August 2017, the Ninth Circuit Court of Appeals issued an opinion in a related case, holding that Reed v. Town of Gilbert does not extend to commercial speech. There are also other pertinent cases that apply to signs, some of which are specific to signage in Washington State.

The City contracted with Ogden Murphy Wallace and BERK Consulting to update the sign code.

The City developed and worked with a group of stakeholders to discuss and provide input on policy issues around how issues should be addressed in a new sign code. The Advisory Committee discussed temporary and permanent signs, commercial and non-commercial signs, and the

applicable court cases. In early July the first public draft of the new sign code was published on the city's website.

Neighborhood/Community Interests (if known):

Comments received to date have varied. Some people are interested in increasing the type, number, and sizes of signs allowed. Some people are interested in having less temporary commercial signage along street rights of way. Some have indicated an interest in revising certain standards, such as the provisions addressing placement of signs on sidewalks. Others have included comments about political signs, flags, and signs in residential neighborhoods. Additionally, concern about the frequency with which any electronic portion of a sign can change its message has been raised. Staff is reviewing studies related to that issue and will prepare information for the Planning Commission and City Council to use in its decision-making process. These are all valuable and relevant topics that will continue to be explored.

There is a public Open House scheduled for Tuesday, August 28, 2018.

Options:

Information and discussion only.

Financial Impact:

The budget to update the sign code is included in the Community Planning and Development Department's base budget.

Attachments

Sign Code Update Webpage
Legal Analysis Summary