



Snohomish County

DETERMINATION OF NONSIGNIFICANCE

Proponent: Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201

Description of Proposal: proposed ordinance that would amend the county's development regulations to add the Clearview Rural Commercial zone to the list of zones in which digital signs are allowed. The proposed ordinance title is: RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.27 SCC RELATED TO DIGITAL SIGN REGULATIONS FOR THE CLEARVIEW RURAL COMMERCIAL ZONE.

Proposed amendments:

This is a non-project proposal that would amend the county's development regulations to add the Clearview Rural Commercial zone to the list of zones in which digital signs are allowed.

Lead Agency: Snohomish County Council

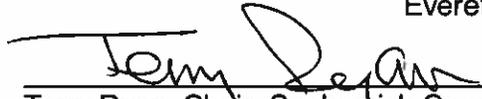
Threshold Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) **IS NOT** required under RCW 43.21C.030(2)(c). This decision was made after review by Snohomish County of a completed environmental checklist and other information on file with this agency. This information is available for public review upon request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 2, 2019**, to the responsible official at the address listed below.

Appeals:

This DNS together with the subsequent legislative action by the County Council to amend the County Code may be appealed to the Central Puget Sound Growth Management Hearings Board. **THIS DNS MAY BE APPEALED ONLY WHEN SUCH APPEAL IS COMBINED WITH THE APPEAL OF THE UNDERLYING ACTION PURSUANT TO SCC 30.73.100. THE APPEAL MUST BE FILED WITHIN 60 DAYS OF THE PUBLISHED NOTICE OF THE NOTICE OF ACTION ISSUED SUBSEQUENT TO THE FINAL DECISION BY THE COUNTY.** The Notice of Action describing the final decision by the County to pursue or not pursue the proposed action will be published in the County's paper of record. Any appeal must be filed with the Central Puget Sound Growth Management Hearings Board, at PO Box 40953 Olympia WA 98504-0953 within 60 days following publication in the paper, or as otherwise stated in the Notice of Action or provided by law.

Responsible Official: Terry Ryan
Position/Title: Chair, Snohomish County Council
Address: 3000 Rockefeller Avenue, M/S #609
Everett, WA 98201-4046


Terry Ryan, Chair, Snohomish County Council

For further information, contact Yorik Stevens-Wajda, Snohomish County Council staff, (425) 388-3494.

Date Issued: July 17, 2019
Date Published: July 17, 2019

Distribution:

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SNOHOMISH COUNTY ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

This checklist is for a proposed ordinance that would amend the county's development regulations to add the Clearview Rural Commercial zone to the list of zones in which digital signs are allowed.

Use of Checklist for Nonproject Proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

A. BACKGROUND

1. Name of proposed project: ***Proposed ordinance titled:***
RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.27 SCC
RELATED TO DIGITAL SIGN REGULATIONS FOR THE CLEARVIEW RURAL
COMMERCIAL ZONE
2. Name of applicant:

Snohomish County
3. Address and phone number of applicant and contact person:

Yorik Stevens-Wajda, County Council Staff
3000 Rockefeller, M/S 609
Everett, WA 98201
Phone: (425) 388-3494
E-mail: yorik.stevens-wajda@snoco.org
4. Date checklist prepared:

July 15, 2019

5. Agency requesting checklist:

Snohomish County

6. Proposed timing or schedule (including phasing, if applicable):

Planning Commission: February 26, 2019 (briefing)
March 26, 2019 (public hearing)

County Council public hearing: Anticipated August 2019

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No, although if the proposal were adopted, applications for new or modified digital signs could be submitted to the county.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Draft Environmental Impact Statement (issued September 8, 2014) and Final Environmental Impact Statement (issued June 3, 2015) for the Snohomish County 2015 Comprehensive Plan Update.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No known applications pending.

10. List any government approvals or permits that will be needed for your proposal, if known.

No approvals or permits required for this amendment to the county's development regulations.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information of project description.)

Proposed amendment to the signs chapter of the county's development regulations (Chapter 30.27 SCC) to add the Clearview Rural Commercial zone (which addresses the Clearview LAMIRD) to the list of zones in which digital signs are allowed.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This proposal affects the Clearview Rural Commercial zone, a 115-acre area, split into two parts, along SR-9 between Maltby and Cathcart. The southern part stretches from roughly 184th St SE to 172nd St SE. The northern part is around the intersection of 164th St SE and SR-9.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): flat, rolling, hilly, steep slopes, mountainous, other.

The Clearview Rural Commercial zone consists primarily of gently sloping terrain along the shoulders of a ridge.

- b. What is the steepest slope on the site (approximate percent slope)?

There are slopes up to about 10% within the Clearview Rural Commercial zone.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The Clearview Rural Commercial zone consists of Alderwood gravelly sandy loam and McKenna gravelly sandy loam and is considered prime farmland if irrigated, with a small portion considered prime farmland if drained.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No particular history of soil instability is apparent in the Clearview Rural Commercial zone.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading is proposed.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No erosion is likely to occur as a result of this proposal.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A – nonproject action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No erosion reduction or control measures are included as part of this proposal.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial woodsmoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

No emissions to air are likely to occur as a result of this proposal.

- b. Are there any off site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any.

No measures to avoid or reduce emissions or other impacts to air are included as part of the proposal.

3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

No streams or wetlands are apparent in the county's GIS database.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A – nonproject action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No fill or dredge material will be placed or removed from surface water or wetlands.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No surface water withdrawals or diversion will be required.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No discharges of waste materials to surface waters are likely as a result of this proposal.

b. Ground:

- 1) Will groundwater be withdrawn, or will water be discharged to ground water? If so, describe the type of waste and anticipated volume of discharge.

No groundwater will be withdrawn or discharged as a result of this proposal.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material will be discharged from septic tanks or other sources as a result of this proposal.

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

No additional runoff is likely as a result of this proposal.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

No waste materials are likely to enter ground or surface waters as a result of this proposal.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

No measures to reduce or control water impacts are included as part of the proposal.

4. Plants

- a. Check or circle types of vegetation found on the site:

X deciduous tree: alder, maple, aspen, other

X evergreen tree: fir, cedar, pine, other

X shrubs

X grass

- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eel grass, milfoil, other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

No vegetation is likely to be removed as a result of this proposal.

c. List threatened or endangered species known to be on or near the site.

Threatened or endangered species may be located in the Clearview Rural Commercial zone. U.S Fish and Wildlife Service and National Marine Fisheries Service provide legal listing for ESA species under their jurisdiction which would be consulted during project-specific development proposals. Washington State Departments of Fish and Wildlife and Natural Resources provide legal listing for threatened and sensitive species under their jurisdictions which would be consulted during project-specific development proposals.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No measures to preserve or enhance vegetation are included as part of the proposal.

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawks, heron, eagle, songbirds, other: _____

mammals: deer, bear, elk, beaver, other: _____

fish: bass, salmon, trout, herring, shellfish, other: _____

b. List any threatened or endangered species known to be on or near the site.

Threatened or endangered species may be located in the Clearview Rural Commercial zone. U.S Fish and Wildlife Service and National Marine Fisheries Service provide legal listing for ESA species under their jurisdiction which would be consulted during project-specific development proposals. Washington State Departments of Fish and Wildlife and Natural Resources provide legal listing for threatened and sensitive species under their jurisdictions which would be consulted during project-specific development proposals.

c. Is the site part of a migration route? If so, explain.

Wildlife species do migrate through the county, including through areas zoned Clearview Rural Commercial.

d. Proposed measures to preserve or enhance wildlife, if any:

No measures to preserve or enhance wildlife are included as part of the proposal. Existing regulations for digital signs, however, establish a maximum area for the digital portion of the sign and a maximum brightness level of 5,000

nits during the day and 500 nits from sunset to sunrise for signs, both of which help reduce impacts to wildlife.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

As a nonproject action, energy will not be consumed as a direct result of this proposal. New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements, and would receive electric power service through Snohomish County PUD 1.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No impacts to the potential use of solar energy by adjacent properties are likely as a result of this proposal.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

No additional energy conservation features are included as part of the proposal. Existing regulations for digital signs, however, establish a maximum area for the digital portion of the sign and a maximum brightness level of 5,000 nits during the day and 500 nits from sunset to sunrise for signs, both of which help reduce energy consumption.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a direct result of this proposal? If so, describe.

No environmental health hazards are likely as a result of this proposal.

- 1) Describe special emergency services that might be required.

No special emergency services are likely to be required or impacted as a result of this proposal.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

No measures to reduce or control environmental health hazards are included as part of the proposal.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, aircraft, other)?

N/A – nonproject action.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise is not likely to be generated as a result of this proposal.

- 3) Proposed measures to reduce or control noise impacts, if any:

No measures to reduce or control noise impacts are included as part of the proposal.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

A variety of rural-scale land uses are present in the Rural Commercial Zone, including residences, commercial uses, and vacant land.

- b. Has the site been used for agriculture? If so, describe.

Some areas within the Clearview Rural Commercial zone have most likely been used for agriculture in the past.

- c. Describe any structures on the site.

A variety of rural-scale structures are present in the Rural Commercial Zone, including residences, commercial structures, and appurtenances.

- d. Will any structures be demolished? If so, what?

Some existing signs could be demolished and replaced by newer digital signs. Otherwise, no structures are likely to be demolished as a result of this proposal.

- e. What is the current zoning classification of the site?

This nonproject action would be applicable to sites zoned Clearview Rural Commercial.

- f. What is the current comprehensive plan designation of the site?

This nonproject action would be applicable to sites zoned Clearview Rural Commercial zone which are located on lands with a comprehensive plan designation of Clearview Rural Commercial.

- g. If applicable, what is the current shoreline master program designation of the site?

None of the area zoned Clearview Rural Commercial lies within shoreline management program jurisdiction.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Some areas within the Clearview Rural Commercial zone may be considered environmentally sensitive.

- i. Approximately how many people would reside or work in the completed project?

N/A – nonproject action.

- j. Approximately how many people would the completed project displace?

N/A – nonproject action.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures to avoid or reduce displacement impacts are included as part of the proposal.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed code amendment would be compatible with relevant land use plans and regulations, as detailed in exhibit B of the March February 7 staff report to the Snohomish County Planning Commission (https://www.snohomishcountywa.gov/DocumentCenter/View/61827/CRC-Digital-signs_2019-02-07-Briefing-Staff-Report)

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle or low-income housing.

No housing units would be provided by this proposal.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units would be eliminated by this proposal.

- c. Proposed measures to reduce or control housing impacts, if any:

No impacts to the housing supply are anticipated from this proposal.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

As a nonproject action, no structures are proposed. New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements. The proposal would not change the maximum height for signs of 35' in the Clearview Rural Commercial Zone.

- b. What views in the immediate vicinity would be altered or obstructed?

As a nonproject action, no views will be altered or obstructed as a direct result of this proposal. New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements, and could alter the aesthetic characteristics of portions of the Clearview Rural Commercial zone, including the addition of and/or expansion of advertising and business identification signage in the field of view within and near the Clearview Rural Commercial zone. These impacts would be largely consistent with the existing visual character of certain portions of the SR-9 corridor in the area, which includes advertising and business identification signs as well as at least two nonconforming digital signs.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

No specific measures to reduce or control aesthetic impacts are included as part of the proposal. Existing regulations for digital signs, however, include regulations designed to mitigate aesthetic impacts, including limits on brightness, size and shape of digital signs, transition time between messages, proximity to residences or other land uses; and prohibiting video, animation, blinking and scrolling.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

As a nonproject action, no light or glare will occur as a direct result of this proposal. New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements, and could produce light or glare impacts. New digital signs dependent on this proposal could produce luminance of up to 5,000 nits during the day and 500 nits between sunset and sunrise on signs up to 300 square feet in sign.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

As a nonproject action, no light or glare will occur as a direct result of this proposal.

*New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements. These digital signs could result in an incremental increase in driver distraction above exiting distractions from advertising and business identification signage within the Clearview Rural Commercial zone, including at least two nonconforming digital signs. The Federal Highway Administration released a report in 2013 titled *Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (FHWA-HEP-11-014)*; the peer-reviewed study and associated literature review did not indicate strong evidence for a decrease in driver attention or decrease in safety associated with the presence of commercial electronic variable message signs, which are analogous to digital signs, although the results of the study showed that drivers were generally more likely to gaze at commercial electronic variable message signs than standard billboards.*

Light emanating from new digital signs dependent on this proposal could interfere with nighttime views of dark landscapes within certain portions of the Clearview Rural Commercial zone – other portions of the zone are already largely illuminated from business, home, street, and parking lot lighting.

- c. What existing off-site sources of light or glare may affect your proposal?

As a nonproject action, the proposal will not be directly affected by any existing off-site sources of light or glare. New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements, and could compete with existing business, home, street, and parking lot lighting.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No measures to reduce or control light and glare impacts are included as a part of the proposal. Existing regulations for digital signs, however, establish a maximum area for the digital portion of the sign and a maximum brightness level of 5,000 nits during the day and 500 nits from sunset to sunrise for signs, both of which help reduce light and glare impacts.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

There are no county parks or recreational facilities within the immediate vicinity of the Clearview Rural Commercial zone, although some commercial or informal recreational opportunities may exist within and near the zone.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No measures to control impacts on recreation or provide recreation opportunities are included as part of the proposal.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to this site? If so, generally describe.

No Historic Register properties on record at the Department of Archaeology and Historic Preservation are located within the Clearview Rural Commercial zone.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Some buildings within the Clearview Rural Commercial zone are over 50 years old.

- c. Proposed measure to reduce or control impacts, if any:

No measures to reduce or control impacts to places or items of historic, archaeological, scientific, or cultural importance are included as part of the proposal.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The Clearview Rural Commercial zone is served by SR-9, 180th St SE, 164th St SE, and local roads.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

No. The nearest bus stop (Community Transit #109) is 1-3 miles away.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Parking spaces will not be created or eliminated.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None.

- g. Proposed measures to reduce or control transportation impacts, if any:

No measures to reduce or control transportation impacts are included as part of the proposal.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

No measures to reduce or control impacts on public services are included as part of the proposal.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Most areas zoned Clearview Rural Commercial have the above utilities available with the exception of sanitary sewer, which is not available outside the urban growth area.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No utilities are proposed or required.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:



Yorik Stevens-Wajda, Senior Legislative Analyst
Snohomish County Council

Date Submitted: July 17, 2019

OPTIONAL

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent of the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would not likely increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements. These new digital signs could create some incremental impacts to animals and birds by creating new sources of light at night. These impacts would be consistent with, although added to, existing impacts from business, home, street, and parking lot lighting in the area.

Proposed measures to protect or conserve plants, animals, fish or marine life are:

No measures to protect or conserve plants, animals, fish or marine life are included in the proposal. Existing regulations for digital signs, however, establish a maximum area for the digital portion of the sign and a maximum brightness level of 5,000 nits during the day and 500 nits from sunset to sunrise for signs, both of which help reduce impacts to animals and birds.

3. How would the proposal be likely to deplete energy or natural resources?

New digital signs dependent on this proposal may be established in the future, subject to county development regulations and permit requirements. These signs would consume electricity, which would be provided by Snohomish PUD 1.

Research done for San Diego Gas and Electric Company (Digital Billboard Energy Use in California, July 2014) estimated an electricity use of 16-20 watts per square foot for digital signs, which would result in annual energy consumption of 21,000 to 26,000 kwh per year for each 150 square foot digital sign (roughly equivalent to the electricity consumption of 2.0-2.5 U.S. residential utility customers according to the U.S. Energy Information Administration).

Proposed measures to protect or conserve energy and natural resources are:

No measures to protect or conserve energy or natural resources are included as part of the proposal. Existing regulations for digital signs, however, establish a maximum area for the digital portion of the sign and a maximum brightness level of 5,000 nits during the day and 500 nits from sunset to sunrise for signs, both of which help reduce energy consumption and conserve energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild

and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would not likely affect environmentally sensitive areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

No measures to protect environmental resources are included as part of the proposal.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal would not likely affect land and shoreline use.

Proposed measures to avoid or reduce shoreline and land use impacts are:

No measures to avoid or reduce shoreline and land use impacts are included as part of the proposal.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal would not likely increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

No measures to avoid or reduce demands on transportation or public services and utilities are included as part of the proposal.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal would not likely conflict with local, state, or federal laws or requirements for the protection of the environment.

DRAFT

1 APPROVED:
2 EFFECTIVE:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 19-____

8
9 RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.27 SCC
10 RELATED TO DIGITAL SIGN REGULATIONS FOR THE CLEARVIEW RURAL
11 COMMERCIAL ZONE
12
13
14

15 WHEREAS, the Growth Management Act, chapter 36.70A RCW (“GMA”),
16 requires Snohomish County (“County”) to regulate land use and development within the
17 County’s jurisdiction; and
18

19 WHEREAS, the County’s comprehensive plan, guided by the planning goals
20 under the GMA, includes a rural element that helps preserve rural-based economies
21 and traditional rural lifestyles and enhance the rural sense of community and quality of
22 life; and
23

24 WHEREAS, the Highway Advertising Control Act — Scenic Vistas Act, chapter
25 47.42 RCW, regulates signs in areas adjacent to state highways of Washington State;
26 and
27

28 WHEREAS, the County adopted regulations for signs, including digital signs, in
29 2013 through Ordinance No. 13-073; and
30

31 WHEREAS, businesses and commercial landowners in the Clearview community
32 have expressed interest in using digital signs to advertise their businesses located in
33 the Clearview Rural Commercial Zone; and
34

35 WHEREAS, on March 21, 2019, Snohomish County Council (“Council”) staff
36 briefed the Clearview Community Association on the proposed code amendment
37 contained in this ordinance; and
38

39 WHEREAS, on February 13, 2019, the Council adopted Motion No. 19-053,
40 referring the code amendment contained in this ordinance to the Snohomish County
41 Planning Commission (“Planning Commission”) for review, consideration, and a
42 recommendation back to the Council; and
43

44 WHEREAS, on February 26, 2019, Council staff briefed the Planning
45 Commission on the code amendment contained in this ordinance; and
46

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1 WHEREAS, the Planning Commission held a public hearing on March 26, 2019,
2 and received public testimony on the code amendment contained in this ordinance; and
3

4 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
5 Planning Commission deliberated and on the code amendment, but did not settle on a
6 formal recommendation to the Council, as set forth in its recommendation letter dated
7 April 4, 2019; and
8

9 WHEREAS, on May 1, 2019, the Council adopted Motion 19-136, which
10 approved administrative matters including receipt of the April 4, 2019, Planning
11 Commission recommendation; and
12

13 WHEREAS, on [REDACTED], 2019, the Council held a public hearing, after proper
14 notice, and considered public comment and the entire record related to the code
15 amendment contained in this ordinance;
16

17 WHEREAS, following the public hearing, the Council deliberated on the code
18 amendment contained in this ordinance.
19

20 NOW, THEREFORE, BE IT ORDAINED:
21

22 Section 1. The Council adopts the following findings:
23

- 24 A. The foregoing recitals are adopted as findings as if set forth in full herein.
25
26 B. This ordinance amends Snohomish County Code (SCC) 30.27.017 to allow digital
27 signs in the Clearview Rural Commercial Zone
28
29 C. The Council's approval of Ordinance No. 13-073 in 2013, adopting the current sign
30 regulations, made digital signs a prohibited use in the Clearview Rural Commercial
31 Zone.
32
33 D. Two existing digital signs along SR-9 in the Clearview Rural Commercial Zone (one
34 at a gas station just south of 164th St. and one at a shopping center just north of
35 176th St) are nonconforming uses under the current sign regulations.
36
37 E. The widening of SR-9, which has been completed south of 176th St. SE and is
38 planned for future construction north of 176th St. SE, has increased speeds and
39 made some turns more difficult, affecting customer traffic to some businesses within
40 the Clearview Rural Commercial Zone.
41
42 F. Digital signs support visibility of and access to businesses in the Clearview Rural
43 Commercial zone and are consistent with the historical character of roadside
44 businesses providing goods and services to through-travelers along SR-9.
45

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- 1 G. The Federal Highway Administration released a report in 2013 titled *Driver Visual*
2 *Behavior in the Presence of Commercial Electronic Variable Message Signs*
3 (FHWA-HEP-11-014); the peer-reviewed study and associated literature review did
4 not indicate strong evidence for a decrease in driver attention or decrease in safety
5 associated with the presence of commercial electronic variable message signs,
6 which are analogous to digital signs, although the results of the study showed that
7 drivers were generally more likely to gaze at commercial electronic variable
8 message signs than standard billboards.
9
- 10 H. The code amendment contained in this ordinance maintains consistency with the
11 GMA and is consistent with the GMA planning goals. In particular, the code
12 amendment contained in this ordinance advances the following goal by helping to
13 promote the retention and expansion of existing businesses in the Clearview Rural
14 Commercial Zone:
15
- 16 1. Planning Goal 5 (RCW 36.70A.020 (5)): “Economic development. Encourage
17 economic development throughout the state that is consistent with adopted
18 comprehensive plans, promote economic opportunity for all citizens of this state,
19 especially for unemployed and disadvantaged persons, promote the retention
20 and expansion of existing businesses and recruitment of new businesses,
21 recognize regional differences impacting economic development opportunities,
22 and encourage growth in areas experiencing insufficient economic growth, all
23 within the capacities of the state’s natural resources, public services, and public
24 facilities.”
25
 - 26 I. The code amendment contained in this ordinance is consistent with, supportive of,
27 and will implement the goals and policies set forth in the region’s Multicounty
28 Planning Policies, adopted through the Puget Sound Regional Council. The
29 Clearview Rural Commercial (CRC) zone is characterized as a limited area of more
30 intensive rural development that is compatible with the long-term integrity of the
31 county’s rural areas. Allowing digital signs in the CRC zone enhances the
32 opportunity for the Clearview area to develop and maintain a distinctive identity and
33 community type through its commercial activity. Specific policies relevant to and
34 supported by this ordinance include the following:
35
 - 36 1. MPP-DP-36: “Provide a wide range of building and community types to serve the
37 needs of a diverse population.”
38
 - 39 2. MPP-EC-16: “Utilize urban design strategies and approaches to ensure that
40 changes to the built environment preserve and enhance the region’s unique
41 attributes and each community’s distinctive identity in recognition of the economic
42 value of sense of place.”
43
 - 44 3. MPP-EC-22: “Support economic activity in rural and natural resource areas at a
45 size and scale that is compatible with the long term integrity and productivity of
46 these lands.”

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- 1
2 J. The code amendment contained in this ordinance is consistent with and supportive
3 of the goals and policies set forth in the Snohomish County Countywide Planning
4 Policies. The Clearview Rural Commercial zone is characterized as a local area of
5 more intensive rural development. Allowing digital signs in the zone is consistent
6 with the character of the area’s existing commercial development (two businesses in
7 the area already utilize prior-existing digital signs). Digital signs will further support
8 the area’s existing commercial uses by providing greater visibility and business
9 identification to better serve the daily needs of the surrounding rural residents. Policy
10 CPP-DP-28 is particularly relevant to and supported by the code amendment
11 contained in this ordinance:
12
- 13 1. CPP-DP-28, which reads, in part: “The County and cities should meet the
14 demand for new commercial activity and services as well as new industrial job
15 base in Urban Growth Areas (UGAs) with limited exceptions as identified below.
16 Outside of UGAs, the County should limit commercial and industrial development
17 consistent with GMA and the Regional Growth Strategy, by allowing for: ... (b)
18 limited convenience commercial development serving the daily needs of rural
19 area residents ... and (e) maintenance of the historical locations, scale, and
20 character of existing commercial services and industrial activities....”
21
- 22 K. The code amendment contained in this ordinance is consistent with and supportive
23 of goals, objectives, and policies in the Snohomish County Comprehensive Plan.
24 Specific policies relevant to and supported by this ordinance include the following:
25
- 26 1. Goal LU 6: “Protect and enhance the character, quality, and identity of rural
27 areas.” – digital signs are consistent with the character and identity of the
28 Clearview Rural Commercial zone, a limited area of more intensive rural
29 development. The area serves as a cluster of businesses including retail and
30 services that require visibility and business identification, which has become
31 more difficult as the state highway has been expanded and average vehicle
32 speeds have increased.
33
 - 34 2. Objective LU 6.H: “Within the rural Clearview area and along State Route 9,
35 establish two limited areas of more intense rural development within logical outer
36 boundaries that are based on commercial uses in existence as of July 1, 1990,
37 and which permits limited infill, development or redevelopment within existing
38 areas.” Allowing digital signs within the Clearview Rural Commercial zone
39 provides flexibility that supports existing businesses and limited redevelopment
40 opportunities within the area.
41
 - 42 3. Policy LU 6.H.4 “Rural residents should have access to a mix of small scale retail
43 sales, personal services and job opportunities within the CRC designation.”
44 Allowing digital signs within the Clearview Rural Commercial zone for greater
45 business visibility supports the viability of small scale retail sales and personal

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1 services businesses, which ultimately provide job opportunities for surrounding
2 rural residents.

- 3
- 4 4. LU-6.H.7, which reads, in part: “Implement the CRC designation through zoning
5 and development standards which reduce impacts of new infill development or
6 redevelopment to adjacent rural residential areas and rural character...” Existing
7 county regulations regarding digital signs made applicable to the Clearview Rural
8 Commercial zone through this ordinance are designed to reduce impacts to
9 surrounding areas by limiting size, area, brightness, and proximity to residential
10 structures.

11

12 L. Procedural Requirements.

- 13
- 14 1. The proposal is a Type 3 legislative action under SCC 30.73.010.
- 15
- 16 2. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
17 was transmitted to the Washington State Department of Commerce for
18 distribution to state agencies on March 1, 2019.
- 19
- 20 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements
21 with respect to this non-project action have been satisfied through the
22 completion of an environmental checklist and the issuance of a Determination
23 of Non-Significance on **July 15, 2019**.
- 24
- 25 4. The public participation process used in the development of the code
26 amendment has complied with all applicable requirements of the GMA and
27 SCC.
- 28
- 29 5. As required by RCW 36.70A.370, the Washington State Attorney General last
30 issued an advisory memorandum in December of 2015 entitled “Advisory
31 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
32 local governments avoid the unconstitutional taking of private property. The
33 process outlined in the State Attorney General’s 2015 advisory memorandum
34 was used by the county in objectively evaluating the regulatory changes by
35 this ordinance.

36

37 Section 2. The Council makes the following conclusions:

- 38
- 39 A. This ordinance is consistent with Washington State law and the SCC.
- 40
- 41 B. This ordinance is consistent with the region’s Multicounty Planning Policies, adopted
42 through the Puget Sound Regional Council.
- 43
- 44 C. This ordinance is consistent with the Snohomish County Countywide Planning
45 Policies.
- 46

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- 1 D. This ordinance is consistent with the goals, objectives, and policies of the
- 2 Snohomish County Comprehensive Plan.
- 3
- 4 E. The County complied with all SEPA requirements in respect to this non-project
- 5 action.
- 6
- 7 F. The code amendment in this ordinance does not result in an unconstitutional taking
- 8 of private property for public purposes.
- 9

10 Section 3. The Council bases its findings and conclusions on the entire record of

11 the Council, including all testimony and exhibits. Any finding which should be deemed a

12 conclusion, and any conclusion which should be deemed a finding, is hereby adopted

13 as such.

14

15 Section 4. Snohomish County Code Section 30.27.017, adopted by Ordinance

16 13-073 on December 11, 2013, is amended to read:

17

18 **30.27.017 Zones where digital signs are permitted.**

19 Digital signs shall only be allowed in the zones identified in Table 30.27.017(1). This

20 section does not include digital billboards, the location of which is provided in chapter

21 30.22 SCC.

22

23

Table 30.27.017(1)

LDMR	MR	NB	PCB	CB	GC	FS	IP	BP	LI	HI	<u>CRC</u>
P	P	P	P	P	P	P	P	P	P	P	<u>P</u>

24

25

26 Section 5. Severability. If any section, sentence, clause or phrase of this

27 ordinance shall be held to be invalid by the Growth Management Hearings Board, or

28 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality

29 shall not affect the validity or constitutionality of any other section, sentence, clause or

30 phrase of this ordinance. Provided, however, that if any section, sentence, clause or

31 phrase of this ordinance is held to be invalid by the Board or court of competent

32 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective

33 date of this ordinance shall be in full force and effect for that individual section,

34 sentence, clause or phrase as if this ordinance had never been adopted.

35

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1
2 PASSED this _____.

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7
8 _____
9 Council Chair

10 ATTEST:

11
12 _____
13 Clerk of the Council

14
15 () APPROVED
16 () EMERGENCY
17 () VETOED

DATE: _____

18 _____
19 County Executive

20 ATTEST:

21
22 _____
23
24 Approved as to form only:

25
26
27 _____
28 Deputy Prosecuting Attorney

D-