



**King County**

**Transportation, Economy and Environment Committee**

STAFF REPORT

<b>Agenda Item:</b>	9	<b>Name:</b>	Kendall Moore Rick Bautista
<b>Proposed No.:</b>	2011-0140	<b>Date:</b>	September 13, 2011

SUBJECT

An ordinance amending the King County Code to allow and regulate the use of digital technology on billboard faces.

SUMMARY

Proposed Ordinance 2011-0140 would:

- either amend or add definitions to recognize digital billboards, which utilize modern materials and technologies to change static copy electronically or remotely; and
- specify operating standards and regulations for digital billboards that require:
  - that billboards convey only a static advertising message (i.e. the billboard face does NOT include flashing or blinking lights, varying of light intensity, animation, movement, or the appearance or optical illusion of movement).
  - each message change to be completed within two seconds;
  - each message to be displayed for a minimum of eight seconds;
  - a light sensing device that will adjust the brightness as ambient light conditions change; and
  - that brightness levels will not exceed three-tenths of a foot candles above ambient light, as measured using a foot candle meter at distances from the billboard of 250 feet for a Type I face and 150 feet for a Type II face.

The Proposed Ordinance does not increase the:

- overall number of billboards in unincorporated King County;
- size of the advertising face of billboards; or
- total number of billboard faces.

The Proposed Ordinance does not amend provisions related to the:

- relocation of billboards,
- requirement where billboards may be located (Community Business and Industrial zoned lands),
- distance from arterial streets,
- required distance between billboards, or
- number of billboards per mile.

The Proposed Ordinance does not regulate the content of the message, but rather how that content may be changed and visually displayed.

## **BACKGROUND**

Since their original adoption in 1993, the provisions of the King County Code (“KCC”) relating to signs and billboards have been contained in KCC chapter 21A.20. The provisions related to signs (which do not include billboards) have been subject to a number of revisions over the years and now allow digital message signs. Conversely, the provisions related to billboards have not been updated to allow digital production. Currently, billboard faces must either be painted or pasted onto the face.

NOTE: There are an estimated 400,000 billboard faces in the United States, with about 2,400 using digital technology, or one half of one percent.

ClearChannel Outdoor (“CCO”) approached King County to amend codes that currently limit CCO to what the company views as antiquated practices. The amendments sought would allow a billboard advertiser to utilize digital advertising practices and technologies already permitted for other types of advertisement (i.e. signs) by the King County Code.

In addition, CCO has noted that digital billboard technology has afforded local law enforcement, the FBI and Crime Stoppers with a great outreach tool to the public (e.g. Amber Alerts).<sup>1</sup> The use of digital technology would allow a billboard advertiser to continue to partner with these agencies to provide free public outreach.

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<sup>1</sup> After the legislation was reported out of committee, the Council received letters in support of this voluntary program from the FBI, police department of the cities of Kent and Seattle, the American Red Cross, Crime Stoppers, Kent Youth & Family Services, Brain Injury Association of Washington. Copies of their letters are in the Council Clerk’s file.

## LEGISLATIVE HISTORY

### ***Transportation, Economy and Environment Committee Action:***

At the April 12, 2011 Transportation, Economy and Environment Committee ("TREE") Meeting, Councilmember McDermott requested information on what entities paid for the studies cited in the staff report. Councilmember Ferguson requested follow up research on whether there were additional studies relevant to digital billboards that were not cited in the staff report. Staff performed additional research and reported back the information to these members. Copies of the tables prepared to respond to these members' questions is attached as Attachment 2.

Following the discussion on the legislation and before committee action, Councilmember Ferguson requested some changes to the legislation, to include a requirement for an agreement between the billboard owner and the County related to providing the emergency advisories. He also requested that as CCO representatives reported that messaging could be changed in a second, the requirement be changed to reflect a one second duration rather than the two in the Proposed Ordinance.

Proposed Ordinance 2011-0140, passed out of committee **without recommendation**. The legislation was scheduled for a hearing before the full Council in early June. The extended time period was intended to give staff time to answer several questions posed by members, and to clarify resolutions, in amendment form, to issues raised at committee.

### ***Post-Committee Follow-up:***

In the ensuing weeks, Council staff provided members a copy of the list of existing billboards and maps depicting their locations. See Attachment 3.

In addition, Council staff worked with DDES, CCO and Councilmember Ferguson's office to hone an amendment to the legislation. A striking amendment (S1) was drafted to address the issues raised at committee by:

- changing the operating standard to require that messages change in no more than one second,
- allowing billboards only in the urban area,
- distinguishing directional illumination restrictions between digital and non-digital billboards,
- requiring that in order to qualify for a digital billboard permit, the billboard owner must agree to display emergency information pursuant to terms set forth in a Memorandum of Understanding ("MOU") between the County (through DDES) and the billboard owner,

- Requiring DDES to confer with emergency related agencies to establish the terms of the MOU, and
- Considering a permit application to allow a digital billboard to be "complete" only when the terms of the MOU relating to emergency messaging have been accepted by the council by motion.

These changes have been reviewed by DDES and CCO and have been accepted. Amendment S1 is attached as Attachment 4.

***Full Council Actions:***

At the June 6, 2011 Council meeting, Council staff provided an overview of the draft striking amendment prepared for Councilmember Ferguson and apprised the members of letters from several cities that raised objections to the Proposed Ordinance. During the public hearing, the Burien planning director provided verbal testimony opposing the legislation.

In general, the cities' concerns were that (1) the proposed ordinance would allow digital billboards in Potential Annexation Areas ("PAAs") that the cities expressed interest in annexing<sup>2</sup> and (2) the cities had no role in fashioning the conditions under which the billboards would be sited in PAAs that could be soon annexed into their cities.

Councilmembers McDermott and Patterson requested that Council staff work with the cities to draft an amendment to address their concerns,

The Council then deferred consideration to June 20. On June 20, discussions with the cities had occurred but agreement with the cities on amendment language had not been reached. The Council then re-referred the legislation to committee.

***Post-Council Follow-up:***

As requested by Councilmembers McDermott and Patterson, Council staff conferred with a representative from Tukwila and met with representatives of both Renton and Burien. A compromise was reached requiring that before any digital billboard is permitted in a PAA, that the corresponding city or in the case of North Highline, cities, have entered into a MOU (to be filed with DDES) with the billboard owner regarding any additional terms regarding the placement and operation of the digital billboard.

This provision would sunset on the same date as RCW 82.14.415, the sales tax revenue sharing statute to encourage annexations.

This amendment to the striking amendment is attached as Attachment 6.

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<sup>2</sup> The cities of Renton, Burien, Tukwila and Federal Way all expressed opposition to the original legislation. Copies of their letters are attached as Attachment 5 to this staff report.

Based on the condition included in the McDermott/Patterson amendment, the cities of Tukwila, Renton and Burien have withdrawn their objections to the legislation. The city of Federal Way would request that the sunset provision be removed as it does not intend to propose annexation of its PAA before January 1, 2015. Copies of the correspondence reflecting these positions can be found at Attachment 7.

## **ATTACHMENTS**

1. Proposed Ordinance 2011-0140
2. Tables regarding reports
3. List of existing billboards in unincorporated King County
4. Striking Amendment
5. Letters from PAA cities opposing legislation
6. Amendment 1 to Striking Amendment
7. Correspondence from PAA cities regarding Amendment 1 to Striking Amendment





KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

Signature Report

September 12, 2011

Ordinance

Proposed No. 2011-0140.1

Sponsors Hague and Phillips

1 AN ORDINANCE relating to signs and billboards;  
2 amending Ordinance 10870, Section 61, and K.C.C.  
3 21A.06.105 and Ordinance 10870, Section 424, as  
4 amended and K.C.C. 21A.20.060, adding a new section to  
5 K.C.C. chapter 21A.06 and adding new sections to K.C.C.  
6 chapter 21A.20.

7 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

8 SECTION 1. Ordinance 10870, Section 61, and K.C.C. 21A.06.105 are each  
9 hereby amended to read as follows:

10 Billboard face: that portion of a billboard, exclusive of its structural support, on  
11 which ~~((changeable))~~ advertising copy is displayed, ~~((either by affixing preprinted poster~~  
12 ~~panels or by painting copy on location;))~~ subclassified as follows:

13 A. Billboard face I -- a billboard face not exceeding a height of ~~((14))~~ fourteen  
14 feet or a width of ~~((48))~~ forty-eight feet, and may also include temporary and irregularly  
15 shaped extensions subject to the area and duration limitations in K.C.C. chapter 21A.20;  
16 and

17 B. Billboard face II -- a billboard face not exceeding a height of ~~((12))~~ twelve  
18 feet or a width of ~~((24))~~ twenty-four feet.

19            NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06  
20 a new section to read as follows:

21            Billboard, digital: a billboard utilizing digital message technology, capable of  
22 changing the static message or copy on the sign electronically, that is not to be defined or  
23 regulated as a changing message center sign.

24            NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.20  
25 a new section to read as follows:

26            Advertising copy may be displayed on a billboard face either by manually  
27 affixing preprinted messages or by the use of digital message technology.

28            NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 21A.20  
29 a new section to read as follows:

30            A. Digital billboards may be internally or externally illuminated.

31            B. Digital Billboards shall contain static messages only, which means they shall  
32 not have animation, movement or the appearance or optical illusion of movement.

33            C. Each message shall not include flashing lighting or lights of varying intensity.

34            D. Each message change shall be completed within two seconds.

35            E. Each message shall be displayed for a minimum of eight seconds.

36            F. Digital billboards shall have a light sensing device that will adjust the  
37 brightness as ambient light conditions change.

38            G. Digital billboards shall not operate at brightness levels of more than three-  
39 tenths of a foot candles above ambient light.

40            H. Brightness levels shall be measured using a foot candle meter at the following  
41 distances from the billboard:

42 1. Billboard face I: two hundred fifty feet; and

43 2. Billboard face II: one hundred fifty feet.

44 SECTION 5. Ordinance 10870, Section 424, as amended, and K.C.C.

45 21A.20.060 are each hereby amended to read as follows:

46 A. All signs, except billboards, community bulletin boards, community  
47 identification signs, political signs, real estate signs and special event signs, shall be on-  
48 premise signs, except that uses located on lots without public street frontage in business,  
49 office and industrial zones may have one off-premise directional sign of no more than  
50 sixteen square feet.

51 B. Fuel price signs shall not be included in sign area or number limitations of  
52 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
53 not exceed twenty square feet per street frontage.

54 C. Except as otherwise provided in K.C.C. 21A.20.115, projecting and awning  
55 signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in  
56 the Resource and Residential zones. In other zones, projecting and awning signs and  
57 signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only  
58 if:

- 59 1. They maintain a minimum clearance of eight feet above finished grade;
- 60 2. They do not project more than six feet perpendicular from the supporting  
61 building facade;
- 62 3. They meet the standards of K.C.C. 21A.20.060.J. if mounted on the roof of a  
63 building; and
- 64 4. They shall not exceed the number or size permitted for wall signs in a zone.

65 D. Changing message center signs, and time and temperature signs, which can be  
66 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding  
67 sign. Changing message center signs shall be permitted for all uses only in the NB, CB,  
68 RB, O and I zones and only for elementary, middle, junior, secondary and high schools  
69 and colleges and universities in the RA zone. Changing message center signs and time  
70 and temperature signs shall not exceed the maximum sign height permitted in the zone.

71 E. Directional signs shall not be included in the sign area or number limitation of  
72 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
73 not exceed six square feet in surface area and are limited to one for each entrance or exit  
74 to surface parking areas or parking structure.

75 F. Regarding sign illumination and glare:

76 1. Except as otherwise provided in this chapter, all signs may be illuminated;  
77 2. The light source for indirectly illuminated signs shall be no farther away from  
78 the sign than the height of the sign;

79 3. Indirectly and directly illuminated signs shall be arranged so that no direct  
80 rays of light are projected from such artificial source into residences or any street right-  
81 of-way, except when a light sensor and dimming technology are utilized on the sign to  
82 allow brightness levels of no more than three-tenths of a foot candle above ambient light;

83 4. Electrical requirements for signs shall be governed by chapter 19.28 RCW  
84 and WAC 296-46-910; and

85 5. Signs with an on/off operation shall be permitted only in the CB, RB and I  
86 zones.

87 G. Maximum height for wall signs shall not extend above the highest exterior  
88 wall or structure upon which the sign is located.

89 H. Maximum height for projecting signs shall not extend above the highest  
90 exterior wall upon which the projecting sign is located.

91 I. Maximum height for awning signs shall not extend above the height of the  
92 awning upon which the awning sign is located.

93 J. Any sign attached to the sloping surface of a roof shall be installed or erected  
94 in such a manner that there are no visible support structures, shall appear to be part of the  
95 building itself, and shall not extend above the roof ridge line of the portion of the roof  
96 upon which the sign is attached.

97 K. Except as otherwise permitted by this chapter, off-premise directional signs  
98 shall not exceed four square feet in sign area.

99 L. Mixed use developments in the NB, CB, RB or O zones are permitted one  
100 permanent residential identification sign not exceeding thirty-two square feet in addition

101 to the maximum sign area requirements in the zone where the mixed use development is  
102 located.  
103

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None

**Research related to Driver Distraction from Digital Billboards**

There are three bodies of research into the potential role of digital advertising signs, including billboards, on driver distraction. These are:

- Accident Rate Studies
- Eye Movement Field Studies
- Literature Reviews

At the April 12<sup>th</sup> TRE Committee meeting, Councilmember Ferguson requested a more exhaustive search of information. The attached table provides an overview of the additional information found, including the key conclusions reached. The following is a synopsis of this new information:

**Accident Rate Studies**

The April 12<sup>th</sup> staff report noted seven studies that concluded that digital billboards have not been shown to cause an increase in accident rates. These included five billboard industry-funded studies conducted by Tantala Associates from 2007 through 2009 and two publicly-funded studies by the states of South Carolina and West Virginia in 2008 and 2009.

The following table outlines two additional studies found by committee staff.

Author	Conclusion
<ul style="list-style-type: none"> <li>• City of Toronto – public funding (2007)</li> </ul>	<ul style="list-style-type: none"> <li>• Cannot conclusively state that digital advertising is safe or unsafe, but felt that it is intuitively obvious that any distraction within a busy environment increases risk.</li> <li>• No consistency as to the traffic safety impact, suggesting that for the particular signs studied, overall impacts on traffic safety are likely to be small.</li> <li>• Further study with larger crash data sets are required to be certain.</li> </ul>
<ul style="list-style-type: none"> <li>• Wisconsin DOT – public funding (1984)</li> </ul>	<ul style="list-style-type: none"> <li>• Digital advertising sign on Milwaukee County Stadium did have an effect on traffic, most notably in the increase of the side-swipe rate.</li> </ul>

Notes:

- A common criticism of accident rate studies is that they face the potential of under-reporting due to unwillingness of drivers to admit responsibility for a crash and will not admit to being distracted at a crucial moment. Furthermore, crash reporting procedures differ across jurisdictions and may not refer to billboard distraction as a factor in the crash.
- The National Highway Traffic Safety Administration (NHTSA) considers traffic accident data a valid, standard tool for policy makers, as traffic records are the basis for defining, managing and evaluating traffic safety and performance.
- However, the Federal Highway Administration (FHWA), while not challenging crash data figures as such, believes the methodology of these studies is flawed. The FHWA points out that reported accidents may not be the best metric of safety because "Crashes are rare multi-causal events which are difficult to measure" and that display characteristics of the displays may lead to measurable differences in distraction. The FHWA recommends instead an "on-road instrumented vehicle study" in which volunteers from the community would drive a set route in a car equipped with measurement devices. Variations in their driving behaviour at and around billboard sites could thus be identified.

Ferguson 5/24/11 - 1

**Eye Movement Field Studies**

The April 12<sup>th</sup> staff report noted one billboard-industry funded study conducted by the Virginia Tech Transportation Institute in 2007. This study noted that the typical glance toward a digital billboard was less than one second, well below the two second threshold established by the National Highway Traffic Safety Administration (NHTSA) for increased risk due to driver distraction. The staff report also noted that the Federal Highway Administration has been conducting since late 2009. The completion of this study had been anticipated for summer 2011, but that timeline has been delayed to a yet undetermined date.

The following table outlines one additional study found by committee staff.

Author	Conclusion
<ul style="list-style-type: none"> <li>• City of Toronto – public funding (2007) Companion to accident rate study described earlier</li> </ul>	<ul style="list-style-type: none"> <li>• On average, with respect to number and duration of glances, digital advertising signs (including digital billboards) were responded to in a similar manner to traffic signs.</li> <li>• Nonetheless, there were individual examples of unsafe behavior associated with glances at signs.</li> <li>• Further eye fixation studies are required to determine design and placement factors that keep driver distraction to a minimum.</li> </ul>

Notes:

- The studies were conducted in very different settings. The VTTI study was conducted along major highways and interstates. The Toronto study was conducted on a variety of streets located within busy commercial areas of the city.
- The VTTI study is often cited by industry groups to support their safety argument. Has been criticized by groups such as Scenic America for:
  - Understating the significance of even that threshold of distraction, and
  - Withholding data that indicated greater length of distraction
- No commentary about the Toronto study has been found.

the following table outlines these additional publications:

Author	Conclusion
<ul style="list-style-type: none"> <li>FHWA (2001)</li> </ul>	<ul style="list-style-type: none"> <li>At this point, it appears that there is no effective technique or method appropriate for evaluating the effects on driver attention or distraction.</li> <li>Crash rate reports are not prevalent and researchers were not able to verify that a digital billboard was a major factor in causing a crash.</li> <li>Differences in age and driving experience may be important considerations on signs decreases as route familiarity increases, meaning potential difference between commuter and visiting drivers.</li> <li>Further research concerning in-vehicle distractions caused by cellular telephones and navigation display is warranted.</li> <li>Crash studies can show that digital billboards may increase the crash rate, but research regarding driver familiarity can argue that commuter drivers may not even look at an electronic billboard.</li> <li>The characteristics of a billboard (location in field of vision and legibility of content) affects level of distraction.</li> <li>Generally, while past studies indicate increased potential for driver distraction, there was no scientifically conclusive proof that digital billboards increased risk.</li> <li>All studies noted marked increase in in-car distractions due to rapid rise of options in personal technology devices suggested further studies.</li> <li>Drivers' eyes off the road for 1.6 seconds or longer leads to a substantially higher crash rate</li> <li>Digital billboards can attract drivers' eyes for longer than 1.6 seconds and dramatically longer than for conventional billboards.</li> <li>Recommendations:             <ul style="list-style-type: none"> <li>Prohibit in locations where there are large demands on the driver's attention, such as intersections, stretches of highways with on- and off-ramps, or other complex driving environments.</li> <li>Require that no more than one digital billboard be visible at any time.</li> <li>Frequency of image rotations that ensure that most drivers are only subjected to one message change.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>National Highway Traffic Safety Administration (2000 - present)</li> <li>Veridian Group - public funding (2009)</li> </ul>	<p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>NHTSA - The distraction by billboards is just one aspect of NHTSA concerns about driver distraction. Moreover, these reviews have not differentiated between regular and digital billboards</li> <li>Veridian - Strongest "independent" research indicating driver distraction impact</li> </ul>



**DRIVER DISTRACTION STUDIES RELATED TO DIGITAL BILLBOARDS (NOTED IN 4/12 COMMITTEE REPORT)**

Title	Author	Client	Method	Key Conclusions	Comment
<i>Driving Performance and Digital Billboards</i> 2007	Virginia Tech Transportation Institute	Foundation for Outdoor Advertising and Research and Education (FOARE)	<p>Field Study: Analyzed the eye glances of drivers along with driving factors such as lane changes and speed.</p> <p>Randomly selected people drove a specially equipped car which monitored when their eyes moved toward billboards and other objects in their field of vision.</p>	<p>Typical glance toward a digital billboard was less than one second</p>	<p>Often cited by industry to support their safety argument</p> <p>Has been criticized by groups such as Scenic America for:</p> <ul style="list-style-type: none"> <li>• Understating the significance of even that threshold of distraction</li> <li>• Withholding data that indicated greater length of distraction</li> </ul>
Various NHTSA reports 2000 to present	National Highway Traffic Safety Administration (NHTSA)	NHTSA	<p>Review of literature and field studies related to all causes of driver distraction</p>	<p>All studies noted marked increase in in-car distractions due to rapid rise of options in personal technology devices (cell phone, I-pads, GPS, etc)</p> <p>2006 study identified two seconds was as the threshold for increased risk due to distraction</p> <p>Suggested further studies.</p>	<p>The distraction by billboards is just one aspect of NHTSA concerns about driver distraction.</p> <p>Moreover, the NHTSA reviews have not apparently focused on differentiating between regular and digital billboards</p> <p>Has been criticized for industry-bias by groups</p>
Various 2007 - 2009 studies conducted for:	Tantala Associates	FOARE	<p>Review of accident data near digital billboards.</p>	<p>Digital billboards have not caused traffic safety problems.</p>	<p>Has been criticized for industry-bias by groups</p>

<p>Cuyahoga County, OH                  Rochester, MN                  Albuquerque, NM                  Reading, PN                  South Carolina                  Virginia                  West Virginia</p>		<p>The temporal analysis, or the incidence of traffic accidents near the digital billboards, was examined for an equal length of time before and after the billboards were converted to digital.</p> <p>The purpose was to establish if traffic accidents occurred more or less frequently with the presence of digital billboards</p> <p>Review of past research concerning the possible effects on driver safety, including possible attention and distraction effects, including an investigation of applicable research methods and techniques.</p>	<p>opposing the new technology</p>
<p><b>The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction : An Update.</b>  (Phase 1 - 2009)</p>	<p>Federal Highway Administration (FHWA)</p>	<p>FHWA</p>	<p>Generally concluded that while past studies indicate increased potential for driver distraction, there was no scientifically conclusive proof that digital signs increased risk.</p> <p>Suggested further studies in Phase 2.</p>
<p><b>The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction : An Update.</b>  (Phase 2 – Summer 2011)</p>	<p>FHWA</p>	<p>In Phase 1, key factors and measures are selected, combined, and integrated into a set of optimal research strategies for future studies.</p> <p>Based on these strategies, as well as on lessons learned from the literature review update, a proposed long-term program of research has been developed to</p>	<p>Potentially represents key independent study of this issue</p>

			<p>address the problem.</p> <p>This research program consists of three stages, which include determination of distraction, basis for possible regulation, and relationship of distraction to crashes.</p>		
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**STUDIES FOUND AND REVIEWED SINCE 4/12 COMMITTEE MEETING**

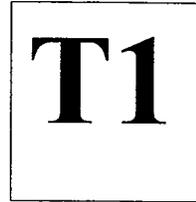
<p><i>Safety Impacts of Emerging Digital Display Technology for Outdoor Advertising</i></p> <p>2009</p>	<p>Veridian Group</p>	<p>American Association of State Highway Transportation Officials (AASHTO)</p>	<p>Review of literature and field studies related to driver distraction due to digital billboards</p>	<p>The more recent the research, the stronger the findings and theoretical basis for understanding the nature of the problem, which are:</p> <ul style="list-style-type: none"> <li>• Drivers' eyes off the road for 1.6 seconds or longer leads to a substantially higher crash rate</li> <li>• Digital billboards can attract drivers' eyes for longer than 1.6 seconds, and dramatically longer than for conventional billboards.</li> </ul>	<p>Strongest "independent" research indicating impact</p>
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# Attachment 3

Location	Face Type	
MYERS WY S WL 291F N/O 1ST AV S	1-Type II faces (posters)	
15TH AV SW WL 427F S/O SW ROXBURY ST	2-Type II faces (posters)	North Highline Benien
1ST AV S WL 118F S/O S 110TH ST	2-Type II faces (posters)	
MYERS WY S SL 168F E/O 2ND AV S	2-Type II faces (posters)	
MYERS WY S NL 28F W/O 2ND AV S	2-Type II faces (posters)	
16TH AVE SW WL 201F S/O SW 100TH ST	2-Type II faces (posters)	
MAPLE VALLEY HWY WL 243F SO CEDAR GROVE RD	2-Type II faces (posters)	rural
16TH AV SW WL 138F N/O SW 102 ST	2-Type II faces (posters)	North Highline
DES MOINES WY S WL 165F N/O S 99TH ST	2-Type II faces (posters)	
RENTON AV S WL 116F N/O S 126TH ST	2-Type II faces (posters)	West Hill/Skyway Renton
RENTON AV S WL 230F S/O S 126TH ST	2-Type II faces (posters)	
RENTON AV S WL 133F N/O 76TH AVE S	1-Type II faces (posters)	
RENTON AV S 152F S/O 76TH AV S	2-Type II faces (posters)	
16TH AV SW EL 151F N/O SW 112TH ST	1-Type II faces (posters)	North Highline
[REDACTED]	[REDACTED]	
W MARGINAL WY S WL 275F S/O 14TH AV S	2-Type II faces (posters)	Tukwila PAA
NE 144TH ST NL 623F E/O 127TH AV NE	2-Type II faces (posters)	
[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	
SH 900 WL 386F N/O S 129TH ST	2-Type II faces (posters)	
SH 900 EL 244F N/O S 129TH ST	2-Type I faces (bulletins)	West Hill/Skyway
SH 900 EL 0.16M N/O S 129TH ST	2-Type II faces (posters)	
SE 128TH ST NL 426F E/O 164TH AV SE	2-Type II faces (posters)	rural
16TH AV SW EL 268F N/O SW 102ND ST	2-Type II faces (posters)	North Highline
[REDACTED]	[REDACTED]	
[REDACTED]	2-Type II faces (posters)	
SH 900 WL .05M S/O S 129TH ST & 181F N/O S 133RD ST	4-Type II faces (posters)	West Hill/Skyway



13 September 2011



Sponsor: Bob Ferguson

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Proposed No.: 2011-0140

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1 **TITLE AMENDMENT S1 TO PROPOSED ORDINANCE 2011-0140, VERSION 1**

2 On page 1, beginning on line 1, strike everything through page 1, line 6, and insert:

3 "AN ORDINANCE relating to signs and billboards; amending  
4 Ordinance 10870, Section 61, and K.C.C. 21A.06.105,  
5 Ordinance 10870, Section 424, as amended and K.C.C.  
6 21A.20.060, Ordinance 10870, Section 436, as amended, and  
7 K.C.C. 21A.20.160 and Ordinance 10870, Section 436, as  
8 amended, and K.C.C. 21A.20.160, adding a new section to  
9 K.C.C. chapter 21A.06 and adding new sections to K.C.C.  
10 chapter 21A.20."

- **Effect: Amends the title to reflect Striking Amendment S1.**





CITY HALL  
33325 8th Avenue South  
Mailing Address: PO Box 9718  
Federal Way, WA 98063-9718  
(253) 835-7000  
www.cityoffederalway.com

CLERK  
KING COUNTY COUNCIL

June 17, 2011

Ms. Anne Noris  
Clerk, King County Council  
King County Courthouse  
516 Third Avenue, #1200  
Seattle, WA 98104

RECEIVED  
2011 JUN 22 AM 11:02  
KING COUNTY COUNCIL  
CLERK

Re: Proposed Ordinance #2011-0140

Dear Ms. Noris:

Thank you for the opportunity to comment on the above referenced ordinance, which would allow the use of digital billboards in unincorporated King County. Please provide this comment letter to the County Council.

The City of Federal Way is opposed to this ordinance, insofar as it affects the city's Potential Annexation Area (PAA). City policy makers have not had the opportunity to evaluate the pros and cons of allowing electronic billboards in our community. In the interest of maintaining consistent land use regulations in the event of future annexation, we would prefer that electronic billboards, which are currently not allowed in Federal Way, not be allowed in our PAA. I can be reached at 253 835-2612 or [patrick.doherty@cityoffederalway.com](mailto:patrick.doherty@cityoffederalway.com).

Sincerely,

Patrick Doherty, Director  
Department of Community and Economic Development





## City of Tukwila

6200 Southcenter Boulevard • Tukwila, Washington 98188

Jim Haggerton, Mayor

June 6, 2011

The Honorable Larry Gossett, Chair  
Metropolitan King County Council  
516 Third Ave., Rm. 1200  
Seattle, WA 98104

RE: Ordinance Relating to Digital Billboards  
(Ordinance No. 2011-0140)

Dear Mr. Gossett:

On Friday, the City of Tukwila learned that King County is considering an Ordinance which would allow digital billboards in unincorporated King County. We received no notice from King County regarding the proposed Ordinance, which would impact one of Tukwila's potential annexation areas (PAAs) located northwest of the City. I share the same concerns that have been expressed by the Cities of Renton and Burien regarding the impacts that this Ordinance will have on cities that are actively pursuing annexations of their PAAs. I agree with the proposals that have been brought forward by the Cities of Renton and Burien. The proposed Ordinance should exclude the PAAs.

The City of Tukwila does not oppose billboards or digital billboards. Last year our City Council completed a year-long process to amend and adopt a new sign code. Through that process, we amended our code to permit new billboards, including digital billboards along West Valley Hwy and along East Marginal Way. These areas were selected after careful consideration of the impacts that digital billboards may have on the surrounding properties. From the information we have reviewed, it appears that the County did not undertake a similar analysis regarding the property that will one day belong to a neighboring city.

Within the PAAs, the County should adopt sign and land use regulations that are consistent with the regulations of the City that will eventually annex the PAAs. The proposed Ordinance will likely create a non-conformity that cities will have to address years after the PAAs are annexed into their respective cities. It is only appropriate to exclude PAAs from this Ordinance so that the creation of non-conforming situations could be avoided.

*Distributed to members @ 6/6/11 Council Mtg*

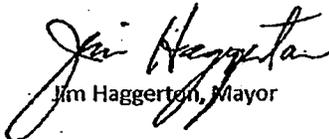
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2011 JUN -6 AM 11:24  
CLERK  
KING COUNTY COUNCIL

June 6, 2011

Page 2

In the alternative we would ask that you delay action so that our respective staffs can meet to work out a solution acceptable to all parties.

Sincerely,

A handwritten signature in cursive script that reads "Jim Haggerton".

Jim Haggerton, Mayor

cc. The Honorable Dow Constantine  
The Honorable Dennis Law  
The Honorable Joan McGilton  
Members of King County Council  
Members of Tukwila City Council  
Fred Jarrett, Deputy King County Executive  
Anne Noris, King County Clerk



# Burien

Washington, USA

400 SW 152<sup>nd</sup> St., Suite 300, Burien, WA 98166  
Phone: (206) 241-4647 • FAX (206) 248-5539  
www.burienwa.gov

June 3, 2011

The Honorable Larry Gossett, Chair  
Metropolitan King County Council  
516 Third Ave., Rm. 1200  
Seattle, WA 98104

**RE: Proposed Ordinance 2011-0140 regarding Digital Billboards**

Dear Councilmember Gossett:

We discovered yesterday that the County Council is considering Proposed Ordinance 2011-0140 allowing digital billboards in unincorporated King County. Had we been notified of this legislation, we would have commented earlier. For the reasons discussed below, we are requesting that the Council either delay action on the entire ordinance or at least delay its effective date within the North Highline unincorporated area until a decision on annexation has been made.

Most of the remaining North Highline Unincorporated Area is within Burien's Potential Annexation Area (PAA) as recognized in the King County Countywide Planning Policies and Burien's Comprehensive Plan. The Burien City Council will decide within the next 60 days whether to submit to the Boundary Review Board of King County a Notice of Intent to annex the rest of our PAA. Should the City Council take this action, a schedule for a public vote on annexation would be determined at that time. Annexation could occur as early as the end of 2012.

Burien's sign code allows billboards, but does not allow digital billboards as contemplated in the proposed legislation. Passage of the proposed legislation would create an incongruity between Burien's code and the PAA—potentially creating non-conforming billboards should Clear Channel Outdoor proceed with construction of digital billboards prior to an annexation.

Because annexation of a large portion of North Highline could occur soon, we are urging the Council to allow the city that annexes North Highline to have an opportunity to determine whether the community wants these billboards rather than deciding this question prior to annexation.

Sincerely,

Scott Greenberg, AICP  
Community Development Director

Cc: Mayor Joan McGilton  
Members of the Burien City Council  
Members of the Metropolitan King County Council  
The Honorable Dow Constantine, King County Executive  
Fred Jarrett, Deputy King County Executive  
John Starbard, DDES Director  
Anne Noris, King County Clerk  
North Highline Unincorporated Area Council

*Distributed to members @ 6/6/11 Council Mtg.*



*Distributed @ 4/12/11 TCC meeting*

Denis Law  
Mayor



Mayor's Office

April 11, 2011

The Honorable Larry Phillips  
Metropolitan King County Council  
516 Third Ave., Rm. 1200  
Seattle, WA 98104

Dear Larry:

As Mayor of the City of Renton, I am writing in opposition to the legislation before the King County Council's Transportation, Environment & Economy Committee that would allow for digital billboards to be constructed in unincorporated King County (Proposed Ordinance No. 2011-0140), at least the portion of unincorporated King County that is designated as Renton Potential Annexation Area (PAA).

New billboards were disallowed in Renton many years ago. When the possibility of allowing the few remaining billboards in our community to be upgraded to project digital images was presented to us last year, we declined. But my opposition is not only about the negative impact these giant advertisements will have on the neighborhoods surrounding them. While I have been heartened by recent efforts from the Executive and DDES Director John Starbard to better coordinate; I continue to be concerned about the lack of consistency between the land use regulations adopted by King County and those in effect in the cities expected to annex the remaining portion of the urban unincorporated area.

If you must, you can certainly allow digital billboards in the portion of King County outside the Urban Growth Boundary or in the PAAs of cities that still allow billboards. But, I urge you to please not create yet another incongruity between the Renton PAAs and the City of Renton.

Sincerely,

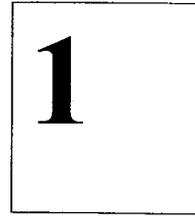
Denis Law  
Mayor

DL:aa

cc: The Honorable Dow Constatine  
Members of King County Council  
Members of Renton City Council  
Fred Jarrett, Deputy King County Executive  
John Starbard, DDES Director  
Anne Noris, King County Clerk  
Jay Covington, CAO  
Marty Wine, Assistant CAO  
Alex Pietsch, CED Administrator  
Chip Vincent, Planning Director

11-061





13 September 2011

Sponsor: Joe McDermott  
Julia Patterson

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Proposed No.: 2011-0140

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1 **AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2011-**  
2 **0140, VERSION 1**

3 On page 12, after line 244, insert:

4 "D. Before a conversion and use permit for a digital billboard, required by K.C.C.  
5 21A.20.160, to be located in a designated potential annexation area of a city, or cities in the case  
6 of an acknowledged overlapping potential annexation area, may be issued, the applicant must file  
7 with the department a fully executed memorandum of understanding between the billboard  
8 owner and that city, or cities in the case of an acknowledged overlapping potential annexation  
9 area, setting out the terms under which the billboard will be located and used. This subsection D.  
10 expires January 1, 2015."

11 **Effect: Adds new Section 10D that requires before an application for permit to**  
12 **allow a digital billboard will be considered complete within a designated PAA, an MOU**  
13 **between the applicant and the affected city or cities is filed with DDES, outlining terms**  
14 **under which the billboard will be located and used; provided however, this provision**  
15 **would sunset on the same date as RCW 82.14.415, the sales tax revenue sharing statute to**  
16 **encourage annexations.**



# Attachment 7

burien ok.txt

From: Moore, Kendall  
Sent: Monday, September 12, 2011 9:59 AM  
To: Moore, Kendall  
Subject: FW: hopefully final version

From: Scott Greenberg [mailto:SCOTTG@burienwa.gov]  
Sent: Wednesday, September 07, 2011 1:28 PM  
To: Moore, Kendall; 'cvincent@rentonwa.gov'  
Subject: RE: hopefully final version

Kendall: The City of Burien supports the proposed McDermott/Patterson amendment. If this amendment is adopted, we remove our objection to the proposed ordinance. Thank you for working with us to resolve our concerns.

Scott Greenberg, AICP  
Community Development Director  
City of Burien  
(206) 248-5519  
scottg@burienwa.gov  
www.burienwa.gov



renton ok.txt

From: Chip Vincent [CVincent@Rentonwa.gov]  
Sent: Friday, September 09, 2011 4:29 PM  
To: Moore, Kendall  
Cc: Atherton, Emiko; Alexander Pietsch  
Subject: RE: billboard legislation amendment re PAAS

Kendall, sorry for not getting back to you sooner on this. The City of Renton greatly appreciates the time and effort the County has put into trying to develop a proposal that meets the needs of the Cities regarding electronic billboards. We withdraw our opposition to the billboard proposal contingent upon the passage of the McDermott/Patterson amendment. Please share with the Council members our appreciation for their willingness to listen to our concerns. Thanks again for all your work on this, Chip

C.E. "Chip " Vincent  
Planning Director

Dept. of Community and Economic Development  
City of Renton  
1055 South Grady Way, 6th Floor  
Renton, WA 98057  
Phone: 425-430-6588  
Fax: 425-430-7300  
cvincent@rentonwa.gov  
www.rentonwa.gov

From: Moore, Kendall [mailto:Kendall.Moore@kingcounty.gov]  
Sent: Friday, September 09, 2011 9:47 AM  
To: Chip Vincent  
Subject: RE: billboard legislation amendment re PAAS

Chip - I have heard from Burien, Tukwila (both categorically withdrew opposition contingent on MCD/P amendment) and FW which would like the sunset provision removed. I have not heard from Renton. Can you send me something in writing regarding the city's position if the MCD/p amendment is adopted?





# City of Tukwila

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6200 Southcenter Boulevard • Tukwila, Washington 98188

Jim Haggerton, Mayor

September 9, 2011

Metropolitan King County Council  
516 Third Ave., Rm. 1200  
Seattle, WA 98104

RE: Ordinance Relating to Digital Billboards  
(Ordinance No. 2011-0140)

Dear King County Council:

On June 6, 2011, the City of Tukwila wrote to you expressing concern with proposed Ordinance No. 2011-0140 which would allow digital billboards within the City's Potential Annexation Areas (PAAs). In the City's letter it was suggested that the County adopt sign and land use regulations that are consistent within the regulations of the City that will eventually annex the PAAs.

The City has been informed that the proposed Ordinance is moving forward before the King County Council with the following amendment:

*"For a digital billboard to be located in a designated potential annexation area of a city, a fully executed memorandum of understanding between the applicant and that city (or cities in the case of an acknowledged overlapping potential annexation area) is filed with the department, setting out the terms under which the billboard will be located and used. This subsection B. will sunset on January 1, 2015."*

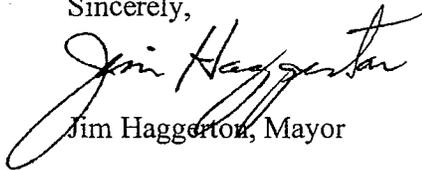
The City of Tukwila supports this amendment as presented and withdraws the City's objection to the proposed Ordinance. The amendment accomplishes the goal that was outlined in the City's June 6, 2011 letter, by ensuring that digital billboards installed in PAAs are consistent with the sign regulations of the City that will eventually annex the areas thus preventing the creation of

non-conformities. The City of Tukwila looks forward to working with any billboard company that may wish to install a digital display in our PAAs.

The City would like to thank King County, specifically Councilmember Patterson and Councilmember McDermott, for reaching out to the City and proposing a thoughtful compromise that meets the needs of the billboard companies and King County cities. The City hopes that King County will continue to work with cities to address development and planning issues within PAAs.

If you have any questions, please contact Brandon Miles, Senior Planner, at (206) 431-3684 or send an email to [Brandon.Miles@Tukwilawa.gov](mailto:Brandon.Miles@Tukwilawa.gov).

Sincerely,



Jim Haggerton, Mayor

cc. The Honorable Dow Constantine, King County Executive  
Members of the Tukwila City Council  
Fred Jarrett, Deputy King County Executive  
John Starbard, Director  
Brandon Miles, Senior Planner  
Anne Noris, King County Clerk

FW response.txt

From: Isaac Conlen [Isaac.Conlen@cityoffederalway.com]  
Sent: Monday, August 22, 2011 2:54 PM  
To: Moore, Kendall  
Cc: Patrick Doherty  
Subject: Billboard Legislation

Hi Kendall,

thanks for the opportunity to review the amendment. Our position is that we are unlikely to affect annexation of our PAA by 2015, based on the attitude of the population out there. They have made it clear that they are not interested in annexing to the city. Based on that presumption, we would prefer that the provision requiring an MOU not sunset. Thanks again for the opportunity to comment.

Isaac Conlen  
Planning Manager  
253 835 2643

