



SAN JUAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

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**BEFORE THE HEARING EXAMINER
FOR SAN JUAN COUNTY**

**FINDINGS, DECISION AND CONDITIONS OF APPROVAL FOR A
CONDITIONAL USE PERMIT
AUTHORIZING EXTERIOR SIGNS ON THE WAFD BANK EASTSOUND BRANCH PROPERTY
ON ORCAS ISLAND**

S.J.C. DEPARTMENT OF

APR 15 2021

COMMUNITY DEVELOPMENT

FILE NUMBER: LANDUSE-20-0234

OWNER/APPLICANT: WAFD BANK (FORMERLY WASHINGTON FEDERAL)

AGENT: MEYER SIGN COMPANY
2608 HWY 99 SOUTH
MOUNT VERNON, WA 98273

APPLICATION: CONDITIONAL USE PERMIT TO UPDATE/REPLACE EXISTING EXTERIOR SIGNS IN KEEPING WITH THE BANK'S NEW REGISTERED CORPORATE LOGOS. MULTIPLE SIGNS ARE ADDRESSED IN THIS APPLICATION, INCLUDING SIGNS ON THE FRONT OF THE BUILDING, IN FRONT OF THE BUILDING, AND ON THE ATM SURROUND, FOR APPROXIMATELY 77 SQUARE FEET OF SIGN AREA, AS REQUIRED BY SJCC 18.30.660(B)(8)(C) FOR SIGNS LARGER THAN 32 SQUARE FEET.

LOCATION: WAFD BANK
35 MAIN STREET
EASTSOUND, WA 98245

TAX PARCEL NUMBER: 271451024000

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

SUMMARY OF DECISION: *APPROVED – SUBJECT TO CONDITIONS*

DATE OF DECISION: APRIL 15, 2021

I. SUMMARY

The applicant/property owner, WaFd Bank (pronounced “wah-fed” – formerly known as Washington Federal Bank), through its designated agent, Meyer Sign Company, seeks Conditional Use Permit approval to replace its existing signage on its building and property to reflect updated corporate logos for the renamed bank. The bank property is located at 35 Main Street in Eastsound, on Orcas Island.

A Conditional Use Permit is required by SJCC 18.30.660(B)(8)(c) for signs larger than 32 square feet aggregate area. There is no dispute that the proposed (and existing) signage will exceed 32 square feet, triggering the need for a Conditional Use Permit. The application includes proposed new signage across the front of the building that will be approximately 23 square feet; an ATM surround with about 26 square feet of signage; and signage in front of the bank as a new monument sign with about 28 square feet – or replacing two existing sign faces and one blank panel on the clock tower structure in front of the bank with each sign panel about 15 square feet.

Staff determined that the application is exempt from SEPA review, citing SJCC 18.80.050. All public notice requirements and comment periods were satisfied. Staff reviewed the application, considered the comments provided by the Eastsound Planning Review Committee, and determined that it conforms to applicable codes and policies, and merits approval, subject to conditions. Based on the record, the Examiner finds and concludes that the pending application satisfies applicable criteria and is approved, subject to conditions, as explained in this Decision.

II. CONTENTS OF RECORD

TESTIMONY AT PUBLIC HEARING:

All witnesses who spoke at the public hearing held on February 24, 2021 provided testimony under oath. Julie Thompson, the County’s planner assigned to review the pending application, briefly summarized her review, proposed conditions, and recommendation of approval. She noted that the Eastsound Planning Review Committee expressed concerns about the proposed new monument sign that would replace the existing clock tower sign. (*Ex. 4*). Based on those comments, the applicant submitted a revised proposal, discussed as Option 2, that would retain the clock tower structure and reface sign panels with the new corporate images. (*Ex. 8*). The applicant’s hearing representative, Jennifer Guffie, with Meyer Sign Company, was unable to offer much helpful information, and was not able to speak for the bank on what their preferred option might be. No one from WaFd Bank participated in the public hearing or submitted any written comments. No members of the general public participated in the public hearing. A digital recording of the public hearing and copies of all exhibits included in the record are maintained by the County and available for review under county public record policies.

EXHIBITS:

Staff Report, 8 pages, with attached Exhibits 1-7, as described and numbered on page 8 of the Staff Report. The complete list of exhibits described in the Staff Report is reprinted below, adding the applicant's Option 2 for proposed signage as Ex. 8:

1. Application materials, with 7 large sign-plan sheets (Option 1), stamped received by SJCo on October 20, 2020, submitted by WaFd's designated agent, Meyer Sign Company;
2. Regulatory analysis, submitted by applicant's sign design firm, known as "Jones Sign", dated Dec. 11, 2020;
3. Legal description of the bank property;
4. Email comment from the EPRC, dated Nov. 7, 2020;
5. Legal ad, dated December 23, 2020;
6. Verification of notice;
7. Permit receipt dated October 20, 2020; and
8. Option 2, plan set for proposed exterior signage, dated 04/14/2020, submitted after EPRC comments, prior to public hearing.

III. APPLICABLE LAW

Jurisdiction.

Under SJCC 18.80.090(C), if a development application is processed as a Conditional Use Permit application, "the Hearing Examiner is the decisionmaker." SJCC 18.80.100(C), captioned "Decisionmaking Authority", provides that "[t]he hearing examiner has the authority to approve or deny conditional use permit ... applications, and to impose conditions of approval on such permits."

Conditional Use Permit required for signs larger than 32 square feet aggregate area.

SJCC 18.30.660(B)(8)(c) explains that a Conditional Use Permit is required for signs larger than 32 square feet aggregate area.

Standards for signs; Criteria for CUP approval.

San Juan County's Unified Development Code includes specific standards that apply to signs like the proposal identified and described in the application materials, found in SJCC 18.3.660. The Criteria for approval of a Conditional Use Permit are found at SJCC 18.80.100(D).

Burden and Nature of Proof.

Under SJCC 18.80.040(B), “[t]he burden of proof is on the project permit applicant. The project permit application must be supported by evidence that it is consistent with the applicable state law, County development regulations, the Comprehensive Plan, and the applicant meets his burden of proving that any significant adverse environmental impacts have been adequately analyzed and addressed.”

IV. ISSUE PRESENTED

Whether a preponderance of evidence demonstrates that the applicant has satisfied its burden of proof to meet the criteria for approval of the requested Conditional Use Permit?

Short Answer: Yes, subject to conditions.

V. FINDINGS OF FACT

1. Upon consideration of all the evidence, exhibits, testimony, codes, policies, regulations, and other information contained in the file, the undersigned Examiner issues the following findings, conclusions and Decision approving the requested Conditional Use Permit as set forth below.
2. Any statements in previous or following sections of this document that are deemed findings are hereby adopted as such, including without limitation the Introduction provided above.
3. The applicant submitted the pending application to the San Juan County Community Development & Planning Department on or about October 20, 2020. *(See Exhibits 1 and 7, application materials and permit fee receipt).*
4. The applicant/property owner, WaFd Bank, through its designated agent, Meyer Sign Company, seeks Conditional Use Permit approval to update and replace existing signage at its Eastsound bank branch property on Orcas Island, located at 35 Main Street. *(Staff Report, page 1).*
5. The original proposal identifies 6 items under a proposed “Work Scope” *(list appears on Sheet 0.0 of Ex. 1)*:
 - i. A new monument sign that would replace the existing clock tower sign structure, about 28 sq. ft. *(See Sheet 1.0 of Ex. 1; Staff Report, page 1)*;
 - ii. Removing Existing green and gold ATM ‘Puck’ sign on one side of building (Sheet 2.0 of Ex. 1);

- iii. New Non-illuminated Channel Letters, with the new corporate logo and “WaFd Bank”, about 2’ x 12’, that will be placed on the side of the building facing Main Street, about 23 sq. ft. *(See Design Plan Sheet No. 3.0, part of Ex. 1 and Ex. 8, same in each option; Staff Report, page 1);*
- iv. *Double Door Vinyl signage on entry doors, replacing outdated lettering/logo with new WaFd designs *(Ex. 1, Sheet 3.0);*
- v. ATM Surround signage that will be placed above the ATM machine on the exterior of the building, about 26 sq. ft. *(Ex. 1, Sheet 5.0; Staff Report, page 1);*
- vi. *Lobby Interior Linear Logo, featuring updated logo and new bank name letters *(Ex. 1, Sheet 6.0);*

6. There is no dispute that the total aggregate area for exterior signage at the WaFd Bank property will exceed 32 square feet. The Staff Report estimates that approximately 77 square feet of exterior signage will be on the bank property when the project is complete, noting that interior signage and signs on the entry doors (marked with an “*”) are not regulated, meaning they do not require approval under this permit. *Staff Report, page 1.*

7. There is no dispute that a Conditional Use Permit is required by SJCC 18.30.660(B)(8)(c) for exterior signage exceeding 32 square feet. (“*c. Signs larger than 32 square feet aggregate area/building require a conditional use permit. In no case may they exceed one square foot per linear foot of primary building frontage.*”).

8. Staff determined that the application is exempt from SEPA review, citing SJCC 18.80.050. *(Staff Report, page 7).*

9. All public notice requirements and comment periods were satisfied. *(Staff Report, page 7; Exhibits 5 and 6).*

10. Staff reviewed the application, considered the comments attributed to the Eastsound Planning Review Committee (EPRC), and determined that it conforms to applicable codes and policies, and merits approval, subject to conditions. *(Staff Report, pages 3 -8; and Ex. 4).*

11. The only written comment regarding the proposed sign came in the form of an email message summarizing EPRC review of the application at its November 5, 2020 meeting, from Leith Templin and Charles Toxey, a copy of which is included in the record as *Ex. 4*. The EPRC expressed concerns about possible signs with illumination from within and noted that they believed that proposed new monument sign “*is not characteristic of Eastsound signage and has an urban and corporate appearance.*” *(Ex. 4, bottom of page 1).*

12. At the public hearing, Ms. Thompson, the County’s planner assigned to review the pending application, briefly summarized her review, proposed conditions, and recommendation of approval. She noted that the Eastsound Planning Review Committee expressed concerns about the proposed new monument sign that would replace the existing clock tower sign. *(Ex. 4).* Based on those comments, the applicant submitted a revised proposal shortly before the public hearing, discussed as

Option 2, that would retain the clock tower structure and reface sign panels with the new corporate images. (*Ex. 8*).

13. The revised proposal, identified as “Option 2”, also identifies 6 items under a proposed “Work Scope” (*list appears on Sheet 0.0 of Ex. 8*), but instead of removing the existing clock tower sign-structure and replacing it with a new monument sign as the first task, it includes new design sheets 1.0 and 1.1, illustrating removal of three existing sign panels on the clock tower structure and replacing them with two new panels including the new bank logo and lettering, and one blank panel matching the new color scheme. In other words, the existing clock structure would remain, but the 3 sign panels would be updated. All other parts of the Work Scope would be the same in both Options 1 and 2.

14. Unfortunately, the applicant’s hearing representative, Jennifer Guffie, with Meyer Sign Company, was unable to offer much helpful information, and was not able to speak for the bank on what their preferred option might be. No one from WaFd Bank participated in the public hearing or submitted any written comments. No members of the general public participated in the public hearing.

15. Ms. Thompson clarified that none of the signs would include interior illumination and noted that she included such restriction as a recommended condition of approval in the Staff Report.

16. While the initial proposal for a new monument sign complies with County design standards and applicable codes, and merits approval, Ms. Thompson recommended approval of the applicant’s “Option 2” as depicted in *Ex. 8*, which would retain the existing clock tower sign structure and reface the old signage with the bank’s new corporate logo and lettering. She noted that the EPRC comments were valid, and that the clock tower signage is not as ‘massive’ as the new monument sign would be. (*Testimony of Ms. Thompson*).

17. The Examiner finds that the existing clock tower structure appears to fit better into the overall Eastsound design aesthetic than the proposed monument sign, though both options meet approval criteria for this permit.

18. The record is absent any information or evidence regarding the condition of the existing clock tower structure, its maintenance and upkeep requirements, and other considerations any property owner would reasonably factor into a decision on whether to replace an old sign-structure with something new and possibly easier to maintain going forward. That decision will be left to the bank.

19. The Staff Report explains that the bank property is in “an area of numerous archaeological buffers.” (*Staff Report, page 5*). Accordingly, Staff recommended a condition of approval to require a full cultural resources survey on the property, with distribution of such survey report to affected tribes and the Washington Department of Archaeology and Historic Preservation (DAHP), “[p]rior to any site disturbing activities.” (*id.*).

20. Option 1, featuring the new monument sign, would entail removal of the existing clock tower structure and installation of the new structure, some of which work would likely include ground

disturbance activities, triggering the need for a cultural resources survey before such work can commence. On the other hand, under Option 2, retaining the clock tower and simply refacing the sign-plates may not involve any ground disturbance work. If not, then a cultural resources survey may be unnecessary. The applicant should confer with DAHP and follow their direction on the need for a full cultural resources survey of the bank property, based on which sign option they choose, and if aspects of either option involves ground disturbance activities.

21. This Conditional Use Permit does not and should not be read or construed to relieve the applicant's obligation to comply with development regulations or the need for additional permits or approvals associated with any aspect of this proposed sign project.

22. The Staff Report credibly explains how the proposal has been designed, or can be conditioned, to satisfy all applicable policies or performance standards for the proposed exterior sign. Except as modified in this Decision, the Examiner adopts all statements of fact and findings included in the Staff Report as Findings of Fact supporting this Decision and Conditions of Approval set forth below.

23. Credible and un rebutted evidence in the record establishes that the applicant has met its burden to satisfy the criteria for approval of a Conditional Use Permit, found in SJCC 18.80.100(D)(1-10). (*Staff Report, pages 6-7*).

24. The Examiner expressly finds and concludes that the applicant's proposed exterior signage satisfies applicable standards for such use, found in SJCC 18.30.690, if designed, installed, and operated in substantial conformance with the plan set and design details included in the record as *Exhibits 1 or 8*.

25. Based on the Record, the undersigned Examiner finds that the applicant's proposed signage has been designed or can be conditioned to conform with all applicable county development regulations for exterior signs. Accordingly, it merits approval, with conditions to ensure that the new sign will not result in adverse impacts on surrounding properties. If the exterior signs approved herein are to be expanded beyond the general size and scale of the project described in the application materials, or are modified to include additional words, lettering, or images that are not substantially similar to those described in the application materials and the Staff Report, a new Conditional Use Permit will be required.

VI. CONCLUSIONS of LAW

1. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed Conditional Use Permit for new exterior signage as described in the application materials and Staff Report can be designed, conditioned, installed and operated in a manner that conforms to all applicable land use requirements, without generating adverse impacts. Upon reaching such findings and conclusions as noted above, the CUP application meets the standards necessary to obtain approval by the County.

2. The Department's recommended conditions of approval as set forth in the Staff Report are reasonable, supported by the evidence, and capable of accomplishment. Each and every condition is

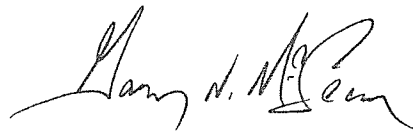
adopted and incorporated herein by reference, except as modified below.

3. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions are hereby adopted as such.

VII. DECISION

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, and all materials contained in the record, the undersigned Examiner APPROVES the requested Conditional Use Permit for the updated WaFd Bank exterior signage, subject to the attached Conditions of Approval.

ISSUED this 15th Day of April, 2021

A handwritten signature in black ink, appearing to read "Gary N. McLean". The signature is fluid and cursive, with a large initial "G" and "M".

Gary N. McLean
Hearing Examiner

CONDITIONS OF APPROVAL

*WaFd Bank Conditional Use Permit
for updated Exterior Signage
at WaFd Bank's Eastsound Branch Property
Location: 35 Main Street, on Orcas Island
(Tax parcel number 271451024000)*

File No. LANDUSE-20-0234

This Conditional Use Permit authorizes removal of existing exterior signage and installation of new exterior signage, with approximately 77 square feet aggregate area, which shall be designed, installed, and operated in substantial conformance with the analysis, elements, features, and mitigation measures addressed in the Staff Report, the application materials, and *Exhibits 1 or 8* (the design plans for the proposed signage, either Options 1 or 2).

1. All lighting elements associated with the new exterior signage authorized by this permit shall be designed, installed, and operated in compliance with Exterior Lighting requirements found in SJCC 18.30.690.
2. Internal illumination of any exterior sign is not permitted.
3. The applicant must confer with DAHP and potentially affected tribes if either Option (new monument sign or updated clock tower signage) will involve ground disturbance work of any kind. Before any site work begins to install signage approved under this permit, the permittee must submit written confirmation of their consultation with DAHP and local tribe(s), summarizing the outcome of such consultation(s), to the DCD Director who shall have authority to mandate preparation of a cultural resources survey report for the bank property or parts thereof, and to attach additional conditions deemed necessary and appropriate, based on findings or recommendations in any such report. If the Director finds that no ground disturbance work will be involved in this project, under a particular design Option, then the need for such survey may be deemed unnecessary.
4. Upon determination by the Director of DCD that any condition listed above has been violated, following issuance of a Notice of Violation, the Director may, in addition to other code enforcement remedies, revoke this conditional use permit.

EFFECTIVE DATE, APPEALS, VALUATION NOTICES

Hearing Examiner decisions become effective when mailed or such later date in accordance with the laws and ordinance requirements governing the matter under consideration. SJCC 2.22.170. Before becoming effective, shoreline permits may be subject to review and approval by the Washington Department of Ecology, pursuant to RCW 90.58.140, WAC 173-27-130 and/or SJCC 18.80.110.

Decisions of the Hearing Examiner are final and not subject to administrative appeal to the San Juan County Council, unless the County council has adopted, by ordinance, written procedures for the discretionary review of such decisions. See Section 4.50 of the San Juan County Home Rule Charter and SJCC 2.22.100.

Depending on the subject matter, this decision may be appealable to the San Juan County Superior Court or to the Washington State Shorelines Hearings Board. State law provides short deadlines and strict procedures for appeals and failure to timely comply with filing and service requirements may result in dismissal of any appeal. See RCW 36.70C and RCW 90.58. Persons seeking to file an appeal are encouraged to promptly review appeal deadlines and procedural requirements and confer with advisors of their choosing, possibly including a private attorney.

Affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation.