



STATE OF TEXAS

§

IN THE COMMISSIONERS COURT

COUNTY OF COMAL

§

**RESOLUTION IN SUPPORT OF THE REVISION AND STRENGTHENING
OF THE TEXAS DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING RULES**

WHEREAS, the Texas Department of Transportation is soliciting comments for potential revisions to the outdoor advertising rules, 43 TAC Chapter 21, Subchapter I, Regulation of Signs Along Interstate and Primary Highways, and Subchapter K, Control of Signs Along Rural Roads; and

WHEREAS, the rules will ultimately become a proposal for consideration by the Texas Transportation Commission; and

WHEREAS, because of its natural beauty, Comal County, Texas, is a destination for national and international visitors; and

WHEREAS, the Comal County Commissioners Court has adopted policies and promoted actions that protect and maintain the environment of the region for residents and visitors alike; and

WHEREAS, the Comal County Commissioners Court recognizes that many residents and visitors enjoy the beauty of the county by viewing the night sky; and

WHEREAS, the Comal County Commissioners Court recognizes that certain roadways in Comal County are significant either aesthetically, recreationally, geographically, or historically and, therefore, it is desirable to preserve, protect and promote the natural beauty of such roadways; and

WHEREAS, Comal County residents have made numerous complaints about the alarming proliferation of outdoor advertising signs (commonly known as billboards) in otherwise pristine, beautiful areas.


NOW, THEREFORE, BE IT RESOLVED THAT the Comal County Commissioners Court hereby requests the Texas Department of Transportation develop new outdoor advertising rules that will protect and preserve the natural beauty of the county's unincorporated areas and night sky as follows:

1. Only allow the erection of new billboards in areas with existing commercial or industrial development;
2. Cease the permitting of billboards on property that has existing residential development;
3. Cease the permitting of billboards where existing private deed restrictions prohibit them;
4. Require that illumination on billboards located in the unincorporated areas of the county comply with the International Dark-Sky Association specifications; and
5. Consider the comments included on Attachment A, attached hereto.

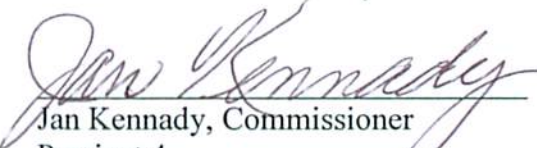
BE IT SO RESOLVED ON THIS 29 DAY OF MARCH, 2010.

By: 
Danny Scheel, County Judge


Donna Eccleston, Commissioner
Precinct 1


Jay Millikin, Commissioner
Precinct 2


Gregory Parker, Commissioner
Precinct 3


Jan Kennady, Commissioner
Precinct 4



TEST: 
Joy Streater, County Clerk

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ATTACHMENT A

1) What should qualify as a commercial and industrial activity in an unincorporated area?

Comment: Minimum of 4 businesses for Interstate Highways and Primary roads, and minimum of 8 businesses for rural roads.

2) Continuance and removal of non-conforming signs;

Comment: Non-conforming signs should come down over time just as any non-conforming land use. As such, only maintenance should be allowed. The current rules allow a certain percent of the sign to be "maintained" each year resulting in the possibility that in a few years, there could be a brand new sign. The maintenance definition should be drafted in a way to keep this from occurring but allow true maintenance of the sign.

3) Process for addressing permits issued in error;

Comment: If a permit is issued by TxDOT in error, it should be revoked by TxDOT at the State's cost. No billboard should remain standing if it was in violation of the rules from inception even if issued in error.

4) Methods to improve consistent enforcement;

Comment: Draft clear, fair and reasonable rules that ensure the legislative intent and public policy of highways' beautification. The rules should not be vague or subject to interpretation and should be enforced by outdoor advertising staff without political intervention. In addition the rules should be interpreted and enforced the same across the state.

5) Requirements for directional signs;

Comment: Support a generous and accessible directional signage system that would be a first class system for businesses and for travelers so that billboards and overly-invasive on-premise signs would become less necessary.

6) Process for the relocation of a sign to accommodate a highway transportation project;

Comment: End the automatic relocations of billboards. Purchase the sign along with every other piece of property that is purchased for highway construction.

7) Separate permitting process for light emitting diode (LED) signs;

Comment: Continue the existing prohibition of LED signs outside of a city's jurisdiction.

8) Methods to increase consistency between the primary and rural road sign programs;

Comment: If anything, the rural road restrictions should be more stringent to protect the natural beauty of the area and the tourism that occurs because of that beauty. If billboards are allowed in rural Texas, the county should have the option to stop them or regulate their size, appearance and location. As part of the permitting process there should be a requirement for applicants to notify the county and/or adjacent landowners when a permit application is filed for a sign proposed to be erected in Comal County.

9) Restrictions for new billboard construction on both primary and rural roads located in rural areas.

Comment: See comments above---there should be no billboards in rural Texas, only directional signage. If there are billboards, the standards should be much stricter than those in urban areas.

10) Fee structures for licenses, permits, transfers, and violations of state rules.

Comment: The fees should pay for the cost of administering the program, including the cost of litigation. In other words, this program is for the benefit of the permit holders rather than the taxpayers. Those permit holders should pay for the costs associated with the program.