



Campaign signs greet voters on Election Day.

### **Loudoun Supervisors Finalize Temporary Sign Rules 2017-08-03**

County supervisors have finalized the new rules for temporary political signs, just as campaign signs begin to dot Loudoun for November's elections.

The new rule: As many signs as you want, up to 32 square feet each, for up to 120 days. That means if the last day a sign is up is election day, Nov. 7, signs can have been up since July 10, before the new ordinances were adopted. To put up a sign, that a permit must be obtained from the county zoning administrator.

The county's long-standing rules for temporary yard signs had been effectively moot since a 2015 U.S. Supreme Court ruling struck down a similar ordinance in Arizona. The court ruled that governments could not place different restrictions on signs based on their content—such as putting different restrictions on campaign signs than other types. A 2012 opinion by the Virginia Attorney General's office had already reached the same conclusion. Previously, temporary signs had been limited to no more than four square feet in size. The county has been working on a solution since April of 2016. Originally, supervisors had planned to pass a new ordinance in time for the 2016 election. They ended up adopting the new rules more than a year later, on Thursday, July 20.

County staff members had recommended limiting the number of signs and total square footage of all signs on a property. Supervisors voted unanimously not to limit the number or total square footage of temporary signs on a property, only limiting the size of any one sign to 32 square feet. But some supervisors nonetheless had some hesitations. Supervisor Ralph M. Buona (R-Ashburn), in particular, worried that allowing an unlimited number of signs would have “a lot of unintended consequences.”

Supervisor Kristen C. Umstattd (D-Leesburg), who sits on the Transportation and Land Use Committee that drafted the new rules, said she “can only imagine the absolute fury that [a] voter would feel at having his or her first amendment rights curtailed” by limiting the number of signs allowed on their property. “People don't have to be reasonable in their enthusiasm for political causes or political candidates,” Umstattd said. “This is actually less about a political candidate's right to have signs than it is about an individual voter expressing his or her First Amendment rights.”

Supervisors' own experiences with political signs during campaigns— and with taking them down afterward—often informed the debate over the months they discussed the signs.

“I think we are confusing the law with common sense,” said County Chairwoman Phyllis J. Randall (D-At Large). “Most voters don’t know that there’s been any ordinance whatsoever about political signs all this time anyway.” She said it’s unlikely changing the county ordinance will cause Loudouners to “blanket their yards with signs.” “I think they’re going to, quite frankly, behave as they’ve been behaving all these years,” Randall said.

Supervisor Suzanne M. Volpe (R-Algonkian), who chairs committee, cut short her closing remarks, quipping: “in the hopes that this indeed is our final foray in this, and that there won’t be a tenth meeting, no long closing.”

Supervisor Ron A. Meyer Jr. (R-Broad Run), calling into the meeting from a business trip to Las Vegas, chose the occasion to launch a tiff with county staff, complaining about the inclusion and order of possible motions in the packet supervisors received for the meeting. Staff members had placed the same recommendation in both the Transportation and Land Use Committee’s meeting packet and the full board’s packet, which would limit the total number and area of signs on a property. Meyer serves on the land use committee

“Your job is to provide the staff’s recommendation at TLUC,” Meyer said. “To then reiterate it in this item sort of sends a message that staff disagrees with what the board has instructed in this item, and really staff’s job is to follow what the majority consensus is on the corporate body,” Meyer said. He said listing the staff recommendation isn’t “a particularly respectful message to send to TLUC.”

Meyer also complained that the staff-recommended motion was listed first, immediately before the motion unanimously recommended by the land use committee.

Planning and Zoning Director Ricky Barker and County Administrator Tim Hemstreet defended the county staff’s policy to provide their professional advice to supervisors. “We most definitely are here to support you whichever way you want to go, but we also want to provide you our professional recommendations and explain why,” Barker said.

“As staff, we believe it’s our obligation to provide a professional recommendation,” Hemstreet said. “We definitely always defer to the board—the board should do whatever it feels is the appropriate thing to do—however, we will always provide a professional recommendation that we believe in as objective advice to the Board of Supervisors.”