PLANNING COMMISSION

MINUTES OF THE MEETING

MEETING SUMMARY
Regular Bi-monthly Meeting
Thursday, February 23, 2017, 6:30pm
City of Sammamish Council Chambers

COMMISSIONERS PRESENT
Frank Blau, *Pos. 6*
Roisin O'Farrell, *Pos. 2*
Larry Crandall, *Pos. 4, Vice-Chair*
Jane Garrison, *Pos. 5*
Nancy Anderson, *Pos. 7*
Eric Brooks, *Pos. 1*
Absent:
Shanna Collins, *Pos. 3, Chair*

STAFF PRESENT
David Pyle, Deputy Director of Community Development
Doug McIntyre, Senior Planner
David Goodman, Management Analyst
Charlotte Archer, Kenyon Disend
Kevin Johnson, Permit Technician

CALL TO ORDER
Vice Chair Larry Crandall called the Sammamish Planning Commission meeting to order at 6:30 pm.

APPROVAL OF AGENDA:
Commissioner Blau motioned to move public comment for agenda items to the non-agenda item time slot. Commissioner O'Farrell seconded – **Approved 5:0**
The Agenda was approved as amended.

APPROVAL OF MINUTES: Commissioner Blau motioned to approved; Commissioner Garrison seconded with the addition that a "d" needs to be added to the word encourage – **Approved 5:0**
2/2/2017 minutes approved pending revision.

Public Comment: Non-Agenda & Agenda: 6:34 Bookmarked Video Link

- Deb Sogge, 704 228th Ave Ne
  - Topic: Sign regulations
- Susan Huenfeld, 1225 244th Ave Ne
  - Topic: Sign regulations
- Mary Wictor, 408 208th Ave Ne
  - Topic: Sign regulations and public art
- Jolie Imperatori, 745 2nd Ave Nw Issaquah
  - Topic: Banner program

Public Comment Closed

OLD BUSINESS 7:01 pm Bookmarked Video Link

Sign Code Update – Work Session

David Goodman, Management Analyst and Charlotte Archer of Kenyon Disend gave a presentation reviewing updates to the proposed changes to the City's Sign Regulations.

Overview: In addition to the overall structure and content of the proposed sign code amendments, staff is seeking the Planning Commission's guidance on the following specific issues:

- **Temporary Signs in Right-of-Way (New Section SMC 21A.45.070(1)):** Sammamish's existing sign code has specific regulations concerning location, duration, and material for temporary community event, fundraising, and political signs. Due to the Reed v Gilbert decision, the City of Sammamish can no longer regulate temporary signs in this manner, and must treat every non-commercial sign equally. Staff seek the Planning Commissions direction on their vision for regulating non-commercial signage in the public right-of-way, specifically with regard to quantity, material, duration and other considerations.
- **Real Estate Signs (New Section SMC 21A.45.070(4)):** The City has traditionally accommodated a wide range of real estate-related signs, both on private property and in the public right-of-way. As a result of Reed v Gilbert, if the City wishes to continue regulating real estate signs as a separate category of speech, the sign code must provide a strong justification for doing so. Is there justification for allowing temporary real estate signs in the right-of-way when we plan to not allow other commercial signs in the right-of-way? The Planning Commission's input is also requested on the topic of signage on and for newly constructed residential developments.
- **Temporary Business / Holiday Displays (New Section SMC 21A.45.070(3)):** The existing code allows businesses to have "grand opening displays" (signs, posters, pennants, strings of lights, blinking lights, balloons, and searchlights) for up to 30 days when a new business opens or an existing business opens under new management. Does the Planning Commission wish to preserve this option for businesses?
- **Purpose Section (New Section SMC 21A.45.010):** The conversations on topics 1-4 will inform a discussion on the contents and wording of the chapter's Purpose section, which should include a justification for the regulations that follow.

Staff and Commission commenced discussion:

- Mr. Goodman began by going over "non-commercial temporary" signs in the ROW
- Staff explained that since the city cannot regulate the signs based on content, they have instead created regulations by type. Type I being Non-A-Frame in the ROW, Type II being A-Frame in the ROW and Type III being all sign types on private property. The duration of temporary signs allowed in the ROW was also presented.
- Commission asked how the measurement of time works with the "48 hours" duration limit for temporary Type II signs? Commission also asked if the location of the event being advertised be restricted to events in the city?
    - Staff explained that the intent was from the time the sign is placed to the time the sign is removed. Charlotte Archer, Assistant City Attorney explained that regulating non-commercial signage by excluding events outside of the city is not allowed and was one of the factors in Reed V. Gilbert.

- Commission asked if the city could reclassify a primary arterial as a limited forum?
    - Staff responded that a city cannot take a traditional forum and make it a more restrictive type of forum. You can regulate traditional forums in terms of Time, Place, and Manner.

- Commission asked staff if the city can regulate the number of signs within a certain area? They also asked about the size limitations. Does each side of a sign count towards the maximum square feet of sign allowed?
    - Staff responded that they can see that being allowed, however it would need to be done in a way that does not disallow a specific group from placing a sign. It may be possible to put a limit on the number of signs per group in the area. Staff responded that for the area size limits there will need to be a clarification and staff will work on that, but it should be based on one side of the sign.

- Commission discussed their concerns about the overall sign size and asked if the sign code change has been forced by Reed V. Gilbert and if the State is working on this and if so is this something that the city can adopt or is it a city responsibility?
    - Staff responded that they are not being forced to change the code per se, but the City is left open to lawsuits by not changing it. It is the responsibility of each governmental level to change their own specific codes regarding the signs that they regulate.

Staff asked for the Commission to give direction on political signs.

- Commission responded by asking what can we actually do now that Reed V. Gilbert has been decided on?
    - Staff responded that political signs cannot be singled out in the code. The regulations would have to be done in a way that it would affect all non-commercial signs.

- Commission asked if you can regulate the number of signs for a single message or single beneficiary of a message even though they may be posted by different groups?
    - Staff responded that to their knowledge they have not seen this done. The only proposal from other cities that staff has seen is to regulate by the owner of the sign. The city could find a way to define who the owner of the sign is to include this beneficiary concept but it would have to be artful drafting of code language.

- Commission asked that some physical examples of the size restrictions be presented so that there can be a way for everyone to have a visual tool.
    - Staff responded that this is something they can work on.

- Commission would like to see some real world examples from properties and locations around town. There should also be some sort of guidance documents for home based businesses so that average citizens can quickly find out what is allowed in layman's terms. Commission also asked if they will have a chance to look at changes to the commercial sign code and other sections of it.
    - Deputy Director David Pyle explained to the Commission that if the sign code as a whole is something they would like, then they would need to address Council to have that added to staffs work program as it is currently full through the end of the year.

- Commission asked if the home based business section should be looked at currently?

- Mr. Pyle explained that the way the code is written for home based businesses is that it is for businesses that work on a by-appointment only basis and it is contrary to the codes purpose to have signs for home based businesses that are for the purpose of having drop in customers.

Temporary Real Estate Signs

Overview: The city code provides real-estate signs a great deal of flexibility on both public and private property. If the City would like to continue to allow this, they would need to create a very strong purpose statement.

- Commission stated that new development signs are the largest offenders by far and that they would like to see none of these types of signs in the ROW.
    - Staff stated that there are legal concerns with an all-out ban on this type of signage. A city must present a compelling reason as to how this type of ban is in the greater interest and aesthetics alone is not a compelling reason. There must be a way for these types of signs to be allowed in some way.
- Commissioner responded by asking if there is a way of regulating how many can be allowed in a certain stretch of a street? Commission also asked why real-estate signs have been allowed in the ROW in the first point and if there are any cites that do not allow any commercial signs in the ROW?
    - Staff responded that they could potentially limit the number of signs allowed depending on the way the code is worded. The reason that the city allows these signs in the ROW is because the city adopted King County code when it incorporated and this was part of that code. There are some cities that do not allow commercial signs in the ROW but they usually have a carve out for real estate signs. Mr. Pyle stated that the amount of these types of signs fluctuates with the housing market as it goes up and down. It is in the city's interests in down times to have these types of signs so that homes are occupied and developments are not left half built.
- Commission asked if these signs can be limited based on the completion of the developments and asked staff to look into if the signs can be limited to being within a certain radius of the developments. They also asked if once all lots are sold, is there a way a regulation can require the signs to be taken down immediately and for staff to look into this.
    - Staff responded that this is possible, however developers sell homes before the plat is even recorded and improvements completed. Staff also touched back on the topic of banning all commercial signs in the ROW where there is a legal case that courts did say that you can ban both commercial and non-commercial signs on utility poles.

Temporary Business / Holiday Displays

Overview: City code allows "grand opening displays" up to 30 consecutive days. Draft code language extends this to all new businesses for up to 30 days per year.

- Commission stated that there is concern with the materials used, especially balloons, and streamers which are a one-time use, wasteful, and harmful to the environment. Also can search lights be regulated to not be allowed to be run all night?

Purpose Statement

Overview: The Purpose Statement of the sign code outlines the city's "legitimate" interest in regulating signs in the manner that it does. When the code is challenged the Purpose Statement will serve as the city's justification.

Staff presented proposed content for the Purpose Statement and asked Commission for input.

- Commission stated that there needs to be a distinction between the different types of Public ROW's and not have them grouped as just 'The Public ROW' so that way the number of signs can be limited based on the use of the space.
    - Staff pointed out that while aesthetics alone cannot be used, it can be used in conjunction with a list of other reasons. The Purpose Statement can be amped up by referring to other code sections such as building and safety codes and referencing the Comprehensive Plan.
- Vice-Chair Crandall read comments Chair Collins submitted since she could not be present. Chair Collins likes the idea to regulate the material of signs in ROW, but saw nothing proposed so far and she is in favor of them being recyclable. She also likes the ideas proposed about commercial special events and giving businesses a way to advertise special sales and events. Chair Collins also believes that temporary real estate signs should be called out separately.
- Commission finished by saying that staff needs to look into enforcement options but they believe they have provided a lot of input over the course of the meeting for staff to consider.

Motion to Adjourn: Commissioner Blau motioned to adjourn; seconded. **Approved 6:0**
Meeting adjourned at 8:29pm.

Chair: Shanna Collins
PC Coordinator: Kevin Johnson
Video Audio Record 2/2/17
Roberts Rules of Order applied: [RONR (10TH ed.), p. 451, 1. 25-28]