

CITY OF ISSAQUAH
Planning Policy Commission

6:30 PM
 November 12, 2020

Virtual Meeting

MINUTES

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commissioners Present:

Ron Faul
 Joan Probala
 Joy Lewis
 Jason Voiss

Commissioners Not Present:

Janice Carle (Excused)
 Bill Rinehart
 Robin Beukers, Alternate

Administration/Staff:

Christen Leeson, Senior Planner
 Andrea Snyder, Deputy City Administrator
 Lucy Sloman, Land Development Mgr.

Others Present:

Daniel P. Kenny, Ogden, Murphy,
 Wallace

CALL TO ORDER

PROBALA, Chair, called the meeting to order at 6:45 PM. She explained that, due to the Governor's Proclamation 20-28 prohibiting meetings that fall under the Open Public Meetings Act from being conducted in person, tonight's meeting will be held entirely remotely. She referred to the guidelines for virtual meetings the City has been following and explained how members of the public can provide public comment, which were also included in the meeting agenda.

APPROVAL OF MINUTES

- a) PROBALA asked for any objections to approving minutes of the October 22, 2020 PPC meeting, and there were none. Minutes are approved.

AGENDA ITEMS

- a) **Sign Code Updates: Reed vs Gilbert, (D)**

Presented by: Daniel P. Kenny, Ogden, Murphy, Wallace

Kenny explained the goal of tonight's presentation is to familiarize PPC members with the reasons why the City's sign code is being reviewed and revised. He explained the process for working on a proposed new sign code, which is expected to be presented to Council for its deliberation and approval in 2021.

He continued his presentation on the US Supreme Court case *Reed v. Gilbert*, which applies to proposed changes to the City's sign code, as outlined in the memorandum in the meeting agenda. He explained Gilbert, Arizona's sign provisions for three relevant sign categories, namely "ideological signs," "political signs," and "temporary directional signs. He also gave details about how the case came to be heard by the US Supreme Court and the Court's ruling.

Kenny summarized how the court case impacts the City's sign code as follows: "*If when regulating speech, the regulation is split into categories which require you to look to the content of the sign, and those categories are treated differently, that regulation is content-based on its face and must withstand strict scrutiny.*" He gave more details about how the City is taking this opportunity to not only amend its sign code to comply with *Reed v. Gilbert* but also to consolidate its sign code provisions in one central location.

He concluded his presentation with an explanation of the next steps in the new sign code review process, including presentation of a draft sign code to PPC in the first quarter of 2021.

LEWIS asked does this apply to commercial signs as well. Kenny replied the reading of *Reed v. Gilbert* does not apply to commercial signs, but that does not necessarily mean that the City will pursue two sets of regulations in its proposed sign code revisions. The commercial regulations will largely mirror provisions that already exist in the City's sign code, and will be consolidated in ways that are intended to improve access to the City's sign regulations. LEWIS asked about timing of political signs, for example. Would a time basis no longer be allowed to restrict how long a political sign could remain on display, she asked. Kenny replied Washington State case law protects political speech, including the duration of political signs, so setting any durational limits will be challenging. We are trying to address that in the draft provisions, he continued, and we will try to include some reasonable time limits for all types of temporary signs.

FAUL said he is aware of a retailer in the City who uses a temporary A-frame sign on a permanent basis, and asked how does that instance fall into this conversation. Kenny replied it will be addressed in the draft sign code as a temporary commercial sign, and noted those kinds of signs are valuable tools for community businesses.

VOISS asked under the new ruling, could a political sign be displayed year-round. Kenny replied it's conceivable. The sign code can set some durational limits, but they won't be based on strict regulations such as 30 days in advance and five days following an election. There are situations where someone might want to display a political sign outside, say, 30 days in advance of an election, and the new regulations will try to remove content-based regulations and look more at the sign's maintainability, placement, impacts on safety, and so on. In other words, the City can impose some durational limits that are not related to the event and that apply to all signs. We are working on developing those regulations now, he added.

VOISS asked about the use of banners, regardless of content. Kenny replied the City can still prohibit certain sign types, such as banners across the right-of-way, or banners in a parking lot. Those would be subject to "intermediate scrutiny" about their size, placement, and so on. VOISS said he has observed political signs on Issaquah-Hobart that appear to be on private property, and asked would the regulations apply to those. Kenny replied the City's sign code does apply to signs on private property; political signs on private property would be treated like any other kind of signage on their property. There may be some more leniency for signs on private property not in interiors of buildings, but they would still be subject to the City's regulations, he added.

Sloman noted there are City-owned banners erected over right-of-ways, such as for Salmon Days, and asked Kenny to speak to those uses. Kenny replied the draft does have a banner permit allowance for some of those kinds of situations; signs conveying government speech is a separate issue. Most government speech signs such as street signs, cautionary signs, and so on are not covered by the sign code in the same way.

PROBALA asked for more examples of how the new regulations might apply. Kenny replied whether a sign has to be read to determine whether it is political, or is a directional sign, or some other kind of message, is no longer a factor. The regulations will not distinguish between political and commercial signs by their content in terms of applying regulations. PROBALA asked have other cities successfully implemented these new regulations. Kenny replied cities have taken several approaches to this, and mentioned Olympia, Gig Harbor, Carnation, and Wenatchee. LEWIS added Lacey, and asked about Bellevue and Sammamish. Sloman said she can contact those cities for more information. Kenny added we can provide more comparative information from other cities at our next discussion with PPC.

LEWIS asked how much does the City sign code need to be edited and revised. Kenny replied the largest portion is for the temporary sign section of the code; other changes are being proposed to the more administrative-type and commercial sign sections, but not because new regulations are required. The temporary sign section needs more scrutiny than the other sign sections, he clarified. Sloman added we don't want to create a lot of non-conforming sign issues as a result of the revision, so proposed changes will consider that. LEWIS asked have there been any issues with sign citations or pushback on the City's existing sign code. Sloman replied none of which she is aware.

PROBALA asked is there a time frame with which the City has to comply with these changes. Kenny replied no. The City is taking appropriate steps now and expects the Council to address this in the first quarter or so of 2021. PROBALA noted Newcastle tried to designate zones in which realtors could place signs, and in some cases realtors put 10 or 15 signs in the same area. Hopefully the City's solution can evolve from that approach, she added.

FAUL noted an apartment complex along Newport Way displays multiple signs advertising the complex. Can the City restrict the number of signs in some areas so the City doesn't end up with a street that is junky with signs. Kenny replied the number of signs is one consideration as we try to find a balance between the beauty and aesthetic concerns of a community and the rights of individuals to free speech. The intent is to balance how many signs are allowed with other concerns, including the safety of pedestrians and motorists. VOISS commented he would like to see photos of jurisdictions that have taken a "light touch" versus a "heavy-handed touch" to regulating signs. Designating zones in which signs can be displayed doesn't seem like the most desirable option, he added. Kenny replied we are not headed down that path right now, although it's an option. He said the objective is to try to find the right balance.

PROBALA suggested the City contact the Realtor's Association for their feedback about real estate sign display. She added it will be important to give people time to understand how the regulations are changing and what they need to do to comply. She said moving forward, she would like staff to schedule more than one more meeting for PPC to discuss this important issue.

OTHER BUSINESS/ANNOUNCEMENTS

Snyder gave an update on the construction hours item discussed at PPC's last meeting, and noted Council will consider this item at its meeting next Monday. She also noted that Keith Niven, CP&D Director, is leaving the City and she will be serving as the interim Director. Recruitment is expected to begin soon.

Leeson said the Comp Plan amendments, including PPC's recommendation, went to the Council's study session last Tuesday. Councilmembers had similar concerns as PPC about the Century Link/RV Park rezone, particularly displacement of people living there, as well as other concerns. This item will be presented to Council at its December 7 meeting.

She continued interviews for new PPC members were held this week. The applicant group was large and impressive, and it was difficult to select three from among them. She said Council will consider their appointments at its December 7 meeting, and their terms will begin in January.

AUDIENCE COMMENTS

Steve Pereira thanked Keith Niven for his years of service. He said he would like to better understand the downsides and benefits of the approaches to complying with the regulations required to comply with *Reed vs Gilbert*, including better documentation, in advance of the next discussion.

ADJOURNMENT

PROBALA noted that the City is still accepting applications for the newly created Environmental Board.

With no additional business to conduct, the meeting was adjourned at 8:05 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary

NOTE: Due to the Governor's Proclamation 20-28 related to the COVID-19 emergency and open public meetings, this meeting was held remotely. Participation and listening options were provided in the meeting agenda.