

CITY OF ISSAQUAH
Special Joint Meeting of the Planning Policy Commission
& Economic Vitality Commission

6:30 PM
 March 25, 2021

Virtual Meeting

MINUTES

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Alternate Meeting Format: On March 6, 2020 the Mayor declared a civil emergency due to the outbreak of novel coronavirus (COVID-19). On March 24, 2020 the Governor issued Proclamation 20-28 relating to the COVID-19 emergency and open public meetings. The proclamation has been extended. Due to these factors, the meeting was held using a remote meeting platform.

Planning Policy Commissioners Present:

Joan Probala, Chair
 Ron Faul, Vice Chair
 Janice Carle
 Joy Lewis
 Nina Milligan
 Matt Monahan
 Jason Voiss
 Richard Zaragoza, Alternate

Administration/Staff:

Christen Leeson, Senior Planner
 Jen Davis Hayes, Economic Dev. Mgr.
 Lucy Sloman, Land Dev. Manager
 Andrea Snyder, Deputy City Admin.
 Benton Coblenz, Econ. Dev. Coordinator
 Daniel Kenny, Ogden Murphy Wallace
 Chris Grabowski, Code Compliance
 Minnie Dhaliwal, CD&P Director

Economic Vitality Commissioners Present:

Therese Garcia, Chair
 Christopher Beaudoin, Vice Chair
 Thomas Brown
 Corby Casler
 Jon Edwards
 Kathy McCorry
 Ashwin Muthuvenkataraman
 Joan Probala (serving as PPC Chair)
 Art Freas, Alternate
 Chris Reichley, Alternate
 Anjali Remme, Alternate

Not Present:

Tom Rogers

CALL TO ORDER

PROBALA, PPC Chair, called the meeting to order at 6:31 PM. Introductions were made of all Commissioners and staff. PROBALA explained how the meeting will proceed, and the purpose of tonight's meeting.

REGULAR BUSINESS

a) **IMC Title 18: Proposed Sign Amendments, (D)**

Presented by:

Lucy Sloman, Land Development Manager

Sloman made staff's presentation, including work done to update the sign code thus far; presentation of a discussion draft; the purpose of tonight's meeting; and background and goals.

She presented an overview of the changes in each section of Title 18 pertaining to signage, as follows:

- *Purpose.*
- *Applicability.*
- *Definitions.*

LEWIS asked about defining the classification of “noncompliant signage.” MONAGHAN asked about the definition of “open house,” specifically limits on the number of days that signage for an open house can remain. Staff made a note of both concerns and will follow up.

- *Exemptions from Sign Regulations.*

LEWIS asked for more information about art that is not considered a sign, and gave examples. She referred to images on commercial buildings, such as Darigold, that have been in place for many years but are not necessarily signs. Sloman said staff will have more clarification before the public hearing.

McCORRY asked whether banners that meld art and logos have been discussed. Sloman replied typically discussions have addressed just the overall size of the banner. McCORRY gave examples of banners that were seasonal, say, but also had a logo of a sponsoring entity. Sloman replied we are still discussing that, and asked for any thoughts. McCORRY said she can get back to staff with feedback.

FREAS asked about art that isn’t a commercial sign and also doesn’t convey what is being sold. Sloman gave examples and said it is a difficult area to regulate. BROWN asked about religious symbols that are also perceived as holiday symbols. Sloman replied in the proposed sign code, holiday decorations are not considered signs and are exempt from the sign code. Daniel Kenny, City Attorney’s Office, replied these two areas are “fuzzy” areas: specifically, what is art and what are holiday decorations. Generally speaking, ideological signs would be considered non-commercial signs, and holiday decorations would not be considered signs. He said either could be potentially exempt from the City’s sign code, but even if they were not exempt, they could still be allowed, just via a different path.

FAUL asked is there a problem if no policy was stipulated in the code; could the City come back later and create an update to address any problems. Sloman replied leaving the code ambiguous is one approach. She said we are looking at what other communities have done and what problems they have encountered. FREAS said he would not favor seeing the City prohibit commercial sponsorship of artwork, and gave examples of how sponsorship could be accommodated.

- *Permit Requirements (Permanent Signs, Temporary Signs, Front Street Banner).*

FREAS asked are A-frames considered permanent signs. Sloman replied A-frame signs are considered temporary signs in the new code, and can remain in place for one year before reapplying at no cost. FAUL gave an example of an A-frame sign being used at XXX Root Beer Drive-In, and asked how its usage would be affected. Sloman replied during the pandemic, certain sign regulations have been lifted. In addition, the City’s sign code has not been enforced recently because it is not in compliance with *Reed v Gilbert*. With the adoption of the new sign code, the City will have a tool for enforcement, she added.

- *Sign Zones.*
- *Exceptions from Permit Requirements.*

- *Permanent Commercial Signs (Permanent Signs, Wall Signs, Monument Signs).*
- *Temporary Commercial Signs (Temporary Signs, Temporary Signs in Right-of-Way, Non-Commercial Signs, Non-Conforming Signs, Adjustment of Standards).*
- MONAGHAN asked about the distinction between commercial and non-commercial signs. Kenny replied *Reed v Gilbert* did not deal with commercial signs; the distinction has not been used in the ninth circuit in commercial sign cases. He continued it appears the majority of circuit courts do not address commercial signage. PROBALA asked what prompted the proposal to ask permission in rights-of-way from adjacent properties. Kenny replied it is a tool many jurisdictions use. He said the concept is that in most cases, the adjacent property owner to a right-of-way has an underlying interest, and more rights or say, to what happens on the property when the right-of-way is not being used for its primary purpose.
- *General Sign Standards and Administration.*
- *Prohibited Signs.*
PROBALA asked about the pedestrian bridge sign in the Highlands, a question that was raised in written public comment received by PPC. Sloman replied that sign is not commercial, so as a non-commercial sign it would have to comply with the City's non-commercial, in-the-right-of-way, regulations. She gave more details about the specific sign being referred to.
- *Nonconforming Signs.*
- *Removal of Signs.*
- *Adjustment of Standards.*

Sloman briefly provided feedback she received from Development Commissioners, specifically about the proposed change in the role the Development Commission has played in reviewing signage, and said she will fold those comments into the staff response memo for the public hearing.

Public Comment

Randy Bannecker, Seattle-King County Realtors, said he will be submitting written comments on behalf of the SKCR association. He complimented staff and said in general he supports the proposed code update. It is understandable and practical, he continued, and will bring the City into compliance with *Reed v Gilbert*. He discussed the importance of signage in the real estate industry, both to realtors and to promote antidiscrimination and equity for buyers. In response to an earlier comment about signage for open houses, he suggested that a broker or seller should be physically present whenever an open house sign is displayed, and at no other time.

Discussion

PROBALA noted PPC has received written comments on this issue, some of which have been addressed tonight. She asked staff to address any concerns not answered tonight in the staff memo in advance of the public hearing. Sloman displayed the five Topics to be Discussed (page 6 of 73). Among the points raised were the following:

Topic 1: Temporary Non-Commercial Signs

- Political signs should not be regulated as long as they are under 32 square feet, which is a state standard sign size; the City should not create barriers for people who want to display temporary political signs. Sloman explained how *Reed v Gilbert* would apply, and noted the City can only have one standard for temporary signs, regardless of content.
- Yard sale signs, lost pet signs, and so on, often attached to public poles, are often not dated. Sloman replied that kind of enforcement is probably beyond the City's code

enforcement officer's capabilities. Signs are not allowed on public poles, and enforcing dates would not solve that issue.

- What about signs with political overtones. Sloman replied other signs all fall under non-commercial signs, whether they are located at a house, apartment, or commercial building. The update focuses on what size banner or window sign should be allowed, and not on limiting the number of signs allowed on private property,
- The issue of freedom of speech being inversely related to density would be a good topic for the City's Equity Board.
- Has there been a distracting amount of signage on private property in the City. Staff replied during political seasons, there can be a lot of signage. The City's approach is to create a reasonable balance upfront and not in response to problems.
- Does private property mean only residential. Staff replied no, it applies to all private property.
- Some regulation is needed to ensure public safety. We also wouldn't want to have some businesses buried behind others' noncommercial temporary signage. An over-abundance of signs could negatively impact our businesses.

The Commissioners discussed Option #3: *Calculate the allowed number of signs based on the length of the property frontage*. Concerns were raised about what calculation to use; whether special displays on holidays like July 4 would still be permissible; and whether allowing people with larger properties to display more signage than people with smaller properties is inherently inequitable. PROBALA said it sounds like there is general agreement that the City should place some regulations on the allowed number of signs, and come up with a metric to be used to calculate that number.

REMME said political signs in Talus and the Highlands were unsightly during the last political situation; the appearance was cluttered and messy. A minimum separation between signs may be a good idea. She said she agrees the length of the property doesn't sound like an appealing way to calculate the allowable number. ZARAGOZA agreed that some regulation is necessary, but it seems unfair that the bigger the house, the bigger the "voice" they are allowed. So maybe capping the total number would address that.

FREAS noted that without any stipulation about separation, a property that was entitled to have 10 signs based on linear feet could put all 10 of them in one corner. He added it would be hard to maintain a strict numerical basis for townhomes, small houses, and condos, where a significant portion of the property is the driveway. FAUL noted that townhouses and condos are typically regulated by a homeowners association or landlord.

CARLE said a good starting point could be to set a single maximum number of signs allowed per lot or property, such as three total signs. She continued the person displaying the signs has an interest in the effectiveness and readability of the signs, so ensuring minimum separation between signs is a less critical requirement unless public safety or sight lines are being compromised.

Topic 2: Olde Town Design Standards for Sign Design

Several Commissioners spoke to maintaining different design standards for the CBD and Olde Town. PROBALA suggested staff contact the Downtown Issaquah Association to discuss further. Commissioners also spoke about the City's recent efforts to create more identity for neighborhoods, and how the code should support those efforts.

Topic 3: Directional and Informational Signs (kiosks)

Several Commissioners said that the informational kiosks in the Highlands have been a positive contribution and have been well received. Sloman gave some background on kiosks in the Highlands, and said this is an issue that staff will continue to explore. LEWIS asked who would be responsible for maintaining non-conforming kiosks under Option 2, particularly as they deteriorate over time. She also said how much of the City's resources to invest in a program for citywide kiosks as described in Option 1 is debatable. Others agreed.

Topic 4: Flags

The Commissioners discussed concerns about noise from flapping flags flown from poles in commercial areas. They also discussed expanding the definition of flags to include non-governmental flags (such as POW) in the code.

Several Commissioners expressed support for Option #3: *Keep flags as they are now: flags up to 25 square feet are Exempt from Sign Permits, flags over 25 sq ft need a permit. Establish a maximum size for flags with the permit.*

Several Commissioners expressed support for accommodating displays of flags on July 4 and other holidays. LEWIS suggested staff reconsider the strict definition of "flags" on page 28.

The Commission also asked clarifying questions about poles and uplighting. Staff will do more research.

Topic 5: Landmark Signs

Several Commissioners spoke in favor of Option #3: *Change the date to a more typical timeframe such as 40 years rather than 56 years as it currently requires.* LEWIS suggested referring to the Issaquah Treasures in any discussion of Landmark Signs.

Sloman concluded her presentation with next steps, including a public hearing at PPC's April 22 meeting and anticipated Council adoption on June 21.

Public Comment on Discussion

None.

REPORTSa) **City Council Updates**

Presented by:

Christen Leeson, Senior Planner

None. Snyder introduced Minnie Dhaliwal, the City's new Community Development and Planning Director.

PUBLIC COMMENTS

None.

OTHER BUSINESS / ANNOUNCEMENTS

- a) Upcoming Schedule: PPC's April 8 meeting is cancelled. New PPC members will be

welcomed at PPC's May 13 meeting and elections held for new officers. Leeson noted tonight is PROBALA's last meeting as a PPC member for many years, including as Chair, and thanked her for her outstanding service to the community.

ADJOURNMENT

With no additional business to conduct, PROBALA adjourned the meeting at 9:34 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary