

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
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**CONVENE:** 7:01 p.m.

**PRESENT:** Chair Dennis Morr, Jr., and Commissioners Leatta Dahlhoff, Joel Hansen, Jessica Hausman, Terry Kirkpatrick, Nam Duc Nguyen, Nancy Stevenson, Meghan Sullivan Goldenberger, and Patrick Zitny.

Staff: Planning Manager Brad Medrud, Senior Planner David Ginther, and Recording Secretary Valerie Gow.

**APPROVAL OF  
MINUTES –  
JANUARY 23, 2018:**

**MOTION:** **Commissioner Goldenberger moved, seconded by Commissioner Zitny, to approve the January 23, 2018 minutes as published. Motion carried. Commissioners Kirkpatrick, Hansen, and Nguyen abstained.**

**CHANGES TO THE  
AGENDA:** There were no changes to the agenda.

**NEXT PLANNING  
COMMISSION  
MEETING DATE:** The next meeting is scheduled for February 27, 2018.

**COMMISSIONER  
REPORTS:** Commissioner Hansen reported on his attendance to the Thurston Conservation District meeting. The District's election of Commissioners requires voters to either cast a vote at the District's office on March 3 or obtain an absentee ballot from the District's website or Thurston County Auditor's Office. Commissioner Hansen encouraged members to obtain a ballot at the Thurston Conservation District website and cast a vote.

Commissioner Stevenson commented on her attendance to the Open Government training session. The training was a good refresher to remind members not to email all Commissioners or issues involving policies.

**MANAGER'S  
REPORT:** Manager Medrud referred members to a copy of the updated 2018 meeting schedule for the Commission.

Manager Medrud reported that in the future he would be copying members with information through Dropbox. The Commission is scheduled to receive copies of the materials the Tree Board is reviewing as part of the Urban Forestry Management Plan update. Additionally, Historic Preservation Commission members Dave Nicandri and Michele Sadlier met with staff to discuss changes to the Historical Commercial Ordinance. The Commission will receive a briefing on the proposed ordinance during the February 27 meeting with a public hearing scheduled during the Commission's first

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meeting in March.

**PUBLIC  
COMMENTS:**

There were no public comments.

**BRIEFING: SIGNS –  
ORDINANCE NO.  
O2017-007:**

Planner Ginther reported the proposed ordinance was prompted by a Supreme Court decision prohibiting the regulation of sign content. Since then, another court case considered by the Court of Appeals ruled that municipalities could regulate content if signs are for commercial purposes. The ordinance was amended to reflect a recent ruling by the Court of Appeals as the City was concerned about the proliferation of off-premise signs.

The proposed amendments address three main issues:

- Feather Flags
- Size of Flags
- A-Board Signs

One issue surrounding feather flags is whether to allow or prohibit the signs. If allowed, the Commission is asked to consider limiting feather flags to two weeks each year. The Commission should also be aware that Tumwater Chamber of Commerce recently purchased a substantial quantity of feather flags for displaying at businesses during Small Business Saturday. Limiting feather flags to two weeks a year might impact the chamber and local businesses.

Commissioner Dahlhoff asked whether feather flags displayed across from the Costco store would be allowed for only two weeks. She asked staff about the purpose for limiting the flags for two weeks.

Commissioner Stevenson offered that one reason could be to reduce the clutter of feather flags.

Commissioner Nguyen said he has only noticed feather flags that are located across from Costco. Other members added that they are also present at Littlerock Road and Israel Road. Commissioner Goldenberger said the flags are a new form of marketing as she is acquainted with the owner of a promotion company that sells many of the flags. Commissioner Stevenson said the flags are also displayed at many oil change businesses.

Planner Ginther said feather flags are not allowed but the code also does not address those particular types of signs. Prior code enforcement through the Community Development Department was complaint-based. He is unsure whether the City received any complaints surrounding feather flags.

Commissioner Hausman inquired about the enforcement of two weeks if flags

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are restricted. Planner Ginther responded that the City's enforcement officer would enforce the code.

Commissioners discussed the probability of effective enforcement if feather flags are displayed at numerous locations throughout the City by many different businesses during different two-week periods. The logistics of that timeframe would be very challenging.

Commissioner Kirkpatrick questioned the placement of feather flags as some of the photos depict a feather flag in the public right-of-way. Planner Ginther replied that no signs are allowed in the right-of-way. The feather flag in the photo is actually located on private property.

Commissioner Zitny spoke to the possibility of a safety hazard dependent upon how close a feather flag is placed at an entrance and exit point. The flags also are distracting to drivers.

Chair Morr asked whether feather flags meet the size requirements for signs. Most of the flags are tall. Planner Ginther said most feather flags in the City are the proposed size included within the ordinance.

Commissioner Dahlhoff asked about other options that could be available to businesses if the Commission agrees feather flags are not preferable and can distract drivers. Chair Morr said he personally does not oppose feather flags but agreed they are distracting as they have a tendency to attract attention, which is why businesses use them. Commissioner Zitny said the limitation of two weeks a year would be problematic as enforcement would be very difficult. Commissioner Goldenberger agreed that the two-week limitation would not be feasible for enforcement. She suggested following up with the other local jurisdictions on whether feather flags are allowed.

Planner Ginther offered to follow up with other local municipalities.

Planner Ginther referred to limiting the number of A-board signs on a parcel. A number of locations are problematic as one parcel often includes a number of businesses with some businesses not visible from the street. Many businesses want to place an A-board sign along the street to advertise the business. Several years ago, A-board signs were banned with the Council relenting and allowing several A-board signs on one parcel. In those situations of a strip mall there could be up to 15 businesses. The issue is being addressed because of the proliferation of A-board signs creating issues.

Commissioner Stevenson commented that she has mixed feelings, as she was able to locate an interior designer off Custer Way because the business had placed an A-board sign in front of the business.

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Commissioner Goldenberger said her neighborhood association uses A-board signs to communicate neighborhood meetings and events. A-board signs are not just confined to businesses.

Manager Medrud advised against including allowances for specific uses because of difficulties associated with enforcement.

Commissioner Hausman said that as a pedestrian and bicyclist, the biggest challenge of A-board signs is placement on the sidewalk. Otherwise, the signs are often helpful. Enforcement of an A-board signs is her primary concern.

Commissioner Kirkpatrick said he is hopeful the City allows A-board signs and that they must be placed on private property and enforced.

Chair Morr suggested any changes to the sign code should be accompanied with notices to the business community advising them of sign code regulations. Planner Ginther said staff contacted Tumwater and Thurston Chambers of Commerce about the proposed changes. The chambers have not followed up with the City.

Commissioner Kirkpatrick noted the current code restricts A-board signs to the operating hours of the business. A fair number of A-board signs are always present. It speaks to the question of whether any change would be enforced.

Several Commissioners advocated different positions for displaying A-board signs during non-business hours because of the difficulty of enforcement or because of weather causing A-boards in streets. Manager Medrud noted the City's new code enforcement program has only been in place for the last three months. The expectation of the new program is greater enforcement of City codes. Staff continues to work through program processes.

Chair Morr inquired as to whether the Police Department has identified a timeline for active code enforcement. Manager Medrud offered to follow up with the Police Department and provide information on progress for fully implementing the code enforcement program.

Commissioners discussed current and ongoing A-board sign violations. Staff might want to consider contacting realtors about the proposed changes as well.

Planner Ginther referred to flag size. A member of the General Government Committee expressed concerns about the noise generated from very large flags, as well as impacts to residential uses. He asked Commissioners for feedback on the proposed changes. He noted that the photo of the Toyota

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Dealership flagpole could withstand a wind load of a 20' x 30' flag. The flag displayed at City Hall is 5' x 8'. Toyota's large flag would be grandfathered if the code were revised.

Commissioners discussed flag standards for state government buildings, the proposal to allow flags up to 96 square feet in size with the pole limited to 50' in height, and how diagonally mounted flagpoles would be addressed. Diagonally mounted flagpoles from higher stories could exceed the height for a residential area. Commissioner Kirkpatrick suggested including language in the provision depicting the exclusion of mounted signs.

Planner Ginther advised Commissioners that a worksession on the ordinance would be scheduled at the next meeting. Staff will work on the research requests with a public hearing to be scheduled within the next several months.

Manager Medrud added that the Commission might be asked to consider potential revisions addressing sign aesthetics or include the topic as part of the design guidelines discussion.

Commissioner Kirkpatrick pointed out that requiring a business to add its name on a sign is important, as it would likely be more attractive if it identifies a business. Additionally, the provision addressing home occupation signs allows the sign to be a maximum of six square feet, which is sufficient. He questioned the proposal to increase the size to eight square feet. Planner Ginther explained that the provision is for a home-based business. Commissioner Kirkpatrick suggested including those type of signs within a separate column in the table within the ordinance as the type of businesses allowed in a residential area are not addressed.

Chair Morr pointed out a provision on page 16, section A stating, "Residences are allowed signs that when combined do not exceed six square feet." He questioned whether the square footage is applicable to both sides of a sign.

Commissioner Dahlhoff requested more photo examples of different sized flags, as eight square feet is not that large of a sign. Chair Morr said the language as written is unclear as it could pertain to the address identification sign of a smaller size versus a sign that identifies a home-based business.

Manager Medrud clarified that residential neighborhoods allow home occupations but do not allow changing the character of the residential neighborhood. Staff could also provide some general examples to aid the discussion.

Chair Morr remarked that the provision on page 16 speaks to the possibility of having a protruding sign for viewing both sides. Manager Medrud replied that protruding signs are not allowed other than a residential A-board sign,

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but not an attached sign that protrudes.

Commissioner Kirkpatrick added that businesses authorized in residential areas are extremely limited by ordinance. The two ordinances should match to ensure citizens understand the rules and the type of home occupations permitted.

Staff and the Commission discussed the Supreme Court decision versus the Appeals Court decision. Staff explained that the Appeals Court decision only clarified the Supreme Court decision.

**ADJOURNMENT: Commissioner Hausman moved, seconded by Commissioner Stevenson, to adjourn the meeting at 7:58 p.m. Motion carried.**

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