

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
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CONVENE: 7:00 p.m.

PRESENT: Chair Dennis Morr, Jr., and Commissioners Joel Hansen, Jessica Hausman, Terry Kirkpatrick, Nam Due Nguyen, and Meghan Sullivan Goldenberger.

Excused: Commissioners Leatta Dahlhoff, Nancy Stevenson, and Patrick Zitny.

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

**APPROVAL OF
MINUTES –
FEBRUARY 13, 2018:**

MOTION: **Commissioner Hansen moved, seconded by Commissioner Goldenberger, to approve the February 13, 2018 minutes as published. Motion carried.**

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

**NEXT PLANNING
COMMISSION
MEETING DATE:** The next meeting is scheduled on March 13, 2018.

**COMMISSIONER
REPORTS:** Commissioner Hansen reported the Tumwater Farmers Market Board of Directors is preparing for this year's market scheduled to open in April. The Chair of the Board is scheduled to update the City Council on March 6.

The Parks and Recreation Task Force met and discussed potential projects, ranking of projects, and funding alternatives. The Task Force continues to explore the option of a ballot measure to create a park district for Tumwater.

The Thurston Conservation District Board met and discussed 2018 budget issues limiting the District's capacity to complete projects in Thurston County. Federal funding cuts required the District to impose a hiring freeze. The last opportunity to download a ballot to vote for Commissioners is February 28 at 4:30 p.m. All ballots must be returned or postmarked by Saturday, March 3.

**MANAGER'S
REPORT:** Manager Medrud reported on his meeting with Commissioner Dahlhoff and his advice for her not to attend the meeting because of her recent appointment to the City Council.

The City Council's worksession included a panel presentation by representatives from four organizations that assist or shelter the homeless. He

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encouraged the Commission to review the Council's second worksession minutes of each month, as the Commission will likely be involved in the homeless issue at some point in the future.

Staff is recommending the cancellation of the March Tree Board meeting and retaining the April meeting. Staff and the consultant continue to work on the survey scheduled for release in April. Staff continues to work on framing the scope of the inventory work for the consultant.

WORKSESSION:

**HISTORIC
COMMERCIAL –
MAINTENANCE,
ORDINANCE NO.
O2017-015:**

Planner Ginther reported the Commission and the Historic Preservation Commission met during a joint meeting last summer. The Historic Preservation Commission established a subcommittee. The subcommittee met on January 26 to review the ordinance for the Historic Commercial District. The Historic Preservation Commission reviewed the proposed changes on February 15 and forwarded the recommended ordinance to the Planning Commission. The Commission also approved some changes to its bylaws, which complements the ordinance.

The ordinance addresses the threshold for Certificates of Appropriateness issued for properties within the Historic Commercial District. Two main changes are located on pages 8 and 18 addressing the standards. The Secretary of Interior adopted standards (pages 9 & 17), which have been included in the ordinance. The standards are for rehabilitation projects, which are more common. The Secretary of Interior adopted three other standards for Restoration, Preservation, and Reconstruction.

Staff is requesting the Commission schedule a public hearing on the proposed amendments on March 13.

Manager Medrud said the impetus for the amendments was to ensure standards were adopted establishing criteria to evaluate project proposals for issuance of a Certificate of Appropriateness. The subcommittee was able to take time to review the ordinance and the proposed changes thoroughly.

Commissioner Kirkpatrick asked for an explanation of language that speaks to a *historic register designation report* and *historic preservation special valuation agreement*.

Manager Medrud explained that the Historic Register Designation Report is the 1974 report that was developed when the City considered establishing an historic district. The report is a full description of all historic structures within the proposed district to include pictures and detailed descriptions. The report is used to determine whether the improvements or maintenance matches the description of the area or structures when repaving, repainting, or

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matching paint colors. If it matches, the repair, repaving, or ordinary maintenance within the Historic District does not require a Certificate of Appropriateness. If the improvement was not considered an ordinary repair or maintenance, the improvement requires a Certificate of Appropriateness. The Commission also uses the report along with the criteria in the Rehabilitation Standard to determine whether the issuance of a Certificate of Appropriateness would be appropriate.

Language of, “*historic preservation special valuation agreement*” pertains to the review and monitoring of properties for special property tax valuation. If a property is added to the local or state register, the property owner fills out the form to ensure the owner has complied with the requirements to receive the special property tax valuation.

Commissioner Kirkpatrick asked whether members of the Historic Preservation Commission agreed with the exemptions for specific types of maintenance activities as there appeared to be some concerns expressed during the joint meeting. Manager Medrud affirmed the Commission resolved the concerns during several reviews to include a discussion with representatives from the Washington State Department of Archaeology and Historic Preservation (DAHP).

Commissioner Kirkpatrick spoke to the conflicts often experienced to protect the historical nature of an area by including new components that may not be historically correct to protect historical properties. He cited the example of trail improvements that would improve an historic three-foot wide gravel trail to a six-foot wide asphalt or wooden trail to protect the surrounding area. He asked whether the proposed changes to the ordinance provide the same type of leeway. Manager Medrud said the Rehabilitation Standard allows the most flexibility to preserve historic resources, as well as ensuring the resource is available to the public. A pathway/trail would be the best example. The Historic Preservation Commission agreed rehabilitation would be the default for considering a Certificate of Appropriateness. Should the Commission believe that one of the other three standards should apply, the assessment would be based on an agreement between the Commission and the applicant to use the higher standard. The Rehabilitation Standard allows a substantial preservation while recognizing systems often require updating.

MOTION:

Commissioner Goldenberger moved, seconded by Commissioner Hansen, to schedule a public hearing on Ordinance No. O2017-015, Historic Commercial, on March 13, 2018. Motion carried unanimously.

**SIGN CODE
REVIEW,
ORDINANCE NO.
O2017-007:**

Planner Ginther described the background prompting the proposed changes to the City’s sign code. The U. S. Supreme Court case of *Reed v. the Town of Gilbert*, and 9th Circuit Federal Court of Appeals ruling in *Contest Promotions v. City and County of San Francisco*, created and refined new

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legal precedents for municipal sign regulations.

Temporary signs are identified as commercial and non-commercial. Planner Ginther cited an example of a small business center located across from the Costco store. Many commercial businesses are located in the small mall but only two businesses are visible from the street. Because of limited visibility of the businesses, many of the businesses have placed A-board and feather flags along the sidewalk fronting the small mall creating a visual display of cluttered signs.

Signs, such as political signs, are not allowed in the right-of-way.

The three main code issues pertain to A-board signs, feather flags, and flags.

Currently, the City does not limit the size or the height of flags. The new Toyota Dealership has a U.S. flag on a 65-foot high flagpole. All other flags are limited to 30 square feet. Government flags are not limited in size. Concerns have been expressed about noise impacts to surrounding residential properties.

Chair Morr referred to another large U.S. flag located off Old Highway 99 near the Barn Nursery. The flag is not located within the City limits.

In response to concerns about impacts to residential properties, staff proposes limiting flags to 24 (4' x 6') square feet in residential areas, 96 (8' x 12') square feet in non-residential areas, and any flag larger than 40 square feet must be located at least 100 feet away from a residential area. The U.S. flag at the Toyota Dealership is located more than 100 feet from residential areas. The City Hall U.S. flag by comparison is 40 square feet or 5' x 8'.

Currently, the code prohibits feather flags. However, feather flags are prominent throughout the City. Planner Ginther shared several photographs of feather flags in the City. The Commission should determine whether the City should allow feather flags. If allowed, the Commission should consider whether to allow the signs as special event signs during a two-week period during the year. Because of concerns surrounding enforcement, staff followed up with the Police Department. The Police Department has advised that enforcement continues to be complaint-driven at this time. The City of Olympia is considering changes to the code to allow feather flags within the Auto Mall area. The Commission could consider the option of restricting feather flags within specific areas of the City.

Commissioner Hansen said he struggled with the issue, as he personally does not prefer feather flags as they are unattractive but acknowledged that feather flags are a subjective issue.

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Commissioner Kirkpatrick asked whether the two-week limitation includes a permit requirement. Manager Medrud replied that the limitation would fall under the conditional exemption provision whereby the applicant would review the sign with the City to ensure the square footage does not exceed the total square footage allowed for the business. The application would include information on the installation and removal dates, which would serve as the basis for any enforcement action.

Commissioner Nguyen asked about the City's experience with complaint-based code enforcement. Commissioner Medrud replied that the enforcement process previously resided within the Community Development Department. The department lacked sufficient resources for code enforcement and pursued code violations when complaints were received. Late last year, the City transitioned code enforcement to the Police Department with the expectation that the City would move away from the complaint-based process. However, that has not occurred at this point. He anticipates that what will trigger code enforcement regime will change, which speaks to the importance to include some language that limits the display of feather signs during the year.

Commissioner Kirkpatrick remarked that either option of banning or allowing feather flags during a two-week period would not be viable. If the ordinance restricts the square footage of signs, a commercial entity should be allowed to display a feather flag as long as it is within the size allowance for signs. It is unlikely the City could enforce a ban or a two-week violation.

Commissioner Hausman supported the concept of allowing feather flags within the allowed square footage for a commercial entity.

Commissioner Hansen suggested there could be areas of the City where more restrictions could be imposed on the design elements of signs. For example, some restrictive designs could be required for signs displayed in the Historic District.

Manager Medrud noted the code includes provisions regulating signs in commercial and industrial zoning districts with separate requirements for the Community Service and Town Center zone districts. The provisions could be expanded to introduce design requirements. The City Administrator has directed staff to consider ways to encourage desired signs and discourage unattractive signs by utilizing the City's Citywide Design Guidelines standards as a vehicle to encourage attractive signs. Changes that speak to that focus would likely be reviewed by the Commission later in the year.

Chair Morr referred to provisions in the code restricting the height of free-foot standing signs to four feet. Most feather flags are taller than four feet. Manager Medrud pointed out a correction to the code for non-commercial temporary signs that should reflect six feet in height instead of four feet in

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height.

Commissioners discussed the definition of a temporary sign. Manager Medrud noted the code includes a definition for “temporary sign,” which was revised by staff. A feather flag would fall under the category of a temporary sign. Commissioner Kirkpatrick pointed out that a feather flag could be displayed for a limited period. Should the City allow feather flags, it is important some provisions in the ordinance do not create a situation where the business cannot display a feather flag.

Manager Medrud agreed and noted that the intent is striking a balance by not allowing tall and large temporary signs. The goal is to achieve a balance.

Planner Ginther referred to A-board signs. Several years ago, the City revised provisions to allow A-board signs but restricted the signs to two per parcel. However, problems arose in those situations where there were multiple tenants on one property, such as the example of the small mall off Littlerock Road where there are numerous businesses on two parcels. The code restricts the size of an A-board sign to 16 square feet or 8 feet on each side of the sign. Enforcement has been problematic and the code is not necessarily fair for all businesses when multiple businesses are located on one parcel. He reviewed proposed language addressing A-board signs. Should the Commission allow one A-board sign per business, the sign could be required to be located next to the door of the business, which might cause some problems for businesses not fronting the street. Another option is allowing one A-board sign for each business with no restriction on its location recognizing the City would not want a row of A-board signs. Another provision by staff recommends not placing A-board signs within 25 feet of another A-board sign. However, that could also limit the number of signs for those businesses in the small mall off Littlerock Road.

Manager Medrud offered that staff could provide some language addressing the size of the sign relative to its location. During the review, staff also reviewed the Uniform Traffic Sign Code, which regulates traffic signs within the right-of-way. The code has specific standards for sign separation. Staff proposes providing a range of appropriate sign sizes based on the speed limit of the road and the separation of the commercial uses.

Commissioner Hansen asked about concerns with too many signs distracting drivers creating potential safety issues for pedestrians, bicyclists, or motorists. Manager Medrud agreed staff would explore the concern of too many signs.

Commissioner Goldenberger referred to information about the City of Everett limiting the distance between signs in particular zoning districts. She asked about the specific zone that limits the distance to 50 feet between signs. Planner Ginther offered to follow up to identify the specific zone.

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Commissioner Goldenberger asked whether language of “directly adjacent” should be defined. Planner Ginther acknowledged that it could be subject to different interpretations. The City of Olympia’s specifies 20 feet from the front wall, which focuses on the downtown area.

Commissioner Kirkpatrick referred to the intersection of Tumwater Boulevard and Henderson Boulevard. Under “Notes” on page 24, the first note states, “On corner lots, sign located within fifteen feet of the intersection of property lines abutting the street are limited to thirty-six inches in height above grade.” Some signs at that location are placed approximately three feet above grade. He questioned whether the signs would need to be relocated at grade to meet the requirement. Manager Medrud replied that existing signs previously permitted by Thurston County would not be affected.

Planner Ginther added that the requirement is to ensure signs located near intersections are placed lower.

Commissioner Hansen asked about the possibility of limiting A-board signs to each business address rather than by parcel. Planner Ginther replied that the current ordinance restricts A-board signs to two per parcel. The Commission could recommend changing the requirement to limit signs to one for each business address.

Commissioners and staff discussed various alternatives acknowledging problems caused by the distance factor when many commercial uses are located on one or two parcels. Planner Ginther offered to provide additional information and calculations for the small mall located off Littlerock Road.

Commissioner Kirkpatrick asked how the code addresses situations where food trucks are located on parcels with a business. One example is the Shell Gas Station off Capitol Boulevard currently housing a taco trailer. Commissioner Nguyen commented that the taco truck often relocates in the evening to the brewery located off Old Highway 99.

Commissioner Goldenberger cited another example that might be problematic, such as a massage business housing multiple rooms occupied by different businesses. Limiting one sign per business in that case might be an issue as well. Manager Medrud affirmed staff would also review those potential situations.

Commissioner Kirkpatrick referred to another situation where multiple businesses have one sign incorporating a stacked set of signs designating the different businesses.

Commissioner Kirkpatrick advocated for ensuring adequate notice is provided

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to the business community, homeowner associations, and the community at-large in addition to the publication notice in the newspaper to ensure the community has an opportunity to offer meaningful input.

Planner Ginther advised that staff plans to contact local chambers as well.

Manager Medrud said the schedule includes another worksession; however, an additional worksession could serve as an open house for the community in addition to the Commission's public hearing.

Manager Medrud described the public noticing requirements for public hearings and methods staff would pursue for an open house format to attract attendance.

Discussion ensued on the notification methods to ensure businesses are notified throughout the City. Manager Medrud affirmed that staff would follow up with the Communication Manager to explore different options to contact businesses and the community. He recommended tentatively scheduling the open house/worksession on March 26 with an update on the status of efforts to the Commission during the March 13 meeting.

Planner Ginther noted another minor issue pertains to the height limit for temporary commercial signs, which was corrected from four feet to six feet. Planner Ginther acknowledged that the table reflects the correct height of six feet while the section in the code reflects four feet. Staff plans to correct the discrepancy. Staff also proposes deleting the provision pertaining to "product dispensers" on page 14 as the City does not regulate soda machines and other product dispensers.

Chair Morr referred to flags and indicated the proposed size requirements by staff appears to be reasonable as a starting point for the open house.

ADJOURNMENT: Commissioner Hausman moved, seconded by Commissioner Hansen, to adjourn the meeting at 8:28 p.m. Motion carried.