

**Town of Eatonville
PLANNING COMMISSION MINUTES
Monday, June 19, 2017
COMMUNITY CENTER
305 CENTER STREET WEST**

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 PM.

ROLL CALL

Present: **Commissioners Bertoia, Justice, Knick, Lambert and Miller.**
Commissioner Bertoia was excused.

STAFF PRESENT: Mayor Schaub, Abby Gribi, Scott Clark and Kerri Murphy.

OPENING CEREMONIES

Commissioner Knick led the Pledge of Allegiance.

APPROVAL OF AGENDA

Motion by **Commissioner Justice** to approve agenda. Seconded by **Commission Bertoia.** AIF.

APPROVAL OF MINUTES

Motion by **Commissioner Justice** to approve the minutes of May 15, 2017. Seconded by **Commissioner Miller .** AIF.

COMMUNICATIONS OR ANNOUCEMENTS

There were no communications or announcements from the public or the commissioners.

NEW BUSINESS

Sign Ordinance Review

Abby Gribi, Town Administrator gave a summary of the Sign Regulations EMC 18.06 provided, explaining that this had been reviewed by the Town Attorney and there were several changes to the code that needed to be considered. In 2015 there was a lawsuit, the Town of Gilbert vs Reed, was taken to court about their sign ordinance regarding the legality of certain types of signs and their content. The outcome of the lawsuit was that you cannot restrict sign content. You can restrict size and height, but not any type of content. The current sign ordinance has been sent to the attorney for his review based on the Gilbert vs Reed case. The comments in bold print are things to think about that either need to be changed or excluded. She has had feedback that there were several business owners that feel that they were never reached out to regarding their input on the signs and the possible code changes. As a planning commission we need to talk about what needs to be completely eliminated or taken out. Then we will open it up to get input from business owners. The highlighted portion is difficult to see but you can see the comments from the attorney. One thing that came into question was the "Way Finding

Signs" to limit what they are and what they look like. This was also part of the discussion from the business owners.

Chairman Lambert suggested that we make the definitions match up. Suggesting that when we have separate regulations for a "Free Standing" sign vs a pole sign vs a pylon sign. The definition for a pole sign is "see free standing sign". Why do we need to separate sets of regulations that are the same? There needs to be consistency in the language of the ordinance and the code.

Scott Clark, Town Planner said that some of the commentary here from the attorney does suggest there is room for improvement and modifications.

Chairman Lambert said the he doesn't like the fact that a lot of the decisions are left to the discretion of the Planner Director.

Mr. Clark said that this issue was addressed in the comments from the Attorney regarding 18.06.050. (pg 5). He explained that the attorney's comments are in bold to make it easier to identify. Some are more specific but not direct proposals so there is still work to be done as to how we are going to address that. Some will be choices as to how the town would like to proceed. One that he has wrangled with has to do with flags.

Pg 2., 18.06.030, (A) Official flags of the United State, the State of Washington, and other states of the nations, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations; however, flagpoles shall not exceed 50 feet in height.

**** Setting government or organizational flags apart from all other types of flags is a content driven distinction. To fix this we would need to exempt all flags, provided they conform to the remainder of this chapter.**

Mr. Clark said that this is what we are talking about, we cannot control the content. That is basically when you call out certain organizations, you are determining the content by controlling who may say something. That type of language needs to be removed and we need to speak to these different methods of signage in a very generic way. What they are saying is if we are going to exempt flags, what needs to be said is "we exempt flags", and not distinguish what kind of flags we are allowing to be exempted. By identifying them, then there will be somebody who will come in and say I want to hang my flag, and it doesn't fit in this defined set. Now we are telling somebody that they don't have the freedom to fly "their" flag, whatever that flag might be.

Change it by saying the flag pole can be this height and the maximum flag size is this or smaller. You can control all the attributes but the content and who is going to fly it.

Commissioner Miller agreed that this made sense.

Chairman Lambert asked if he could put advertising on a flag,

Mr. Clark said that was his first question and he does not have answer to that yet.

There were numerous concerns over what could be put on a sign, advertising, hate speech, hammer and sickle or a swastika just to name a few. These would all have a right to be flown. Scott said that this was one he would have to talk to the attorney about. We need a clear direction so we can answer the question.

Chairman Lambert asked what type of sign was it in Reed vs. Gilbert.

Mr. Clark said it was a church sign. The church did not have a permanent location so the signs were going up in different areas and being moved from place to place. Bottom line you can't treat the realtor different than the church. If the town allows the "A-Board" signs it will be by height, size and placement on the sidewalk. Date of decision was June 18, 2015 and it was initially written by Judge Clarence Thomas and this was a concurring justice. 9 justices voted for this.

Commissioner Knick said it would be nice to know how far you could go, what the limit is. It would be nice to know just in case someone decided to exercise their right.

Mr. Clark said given this information we should be cognizant of it as it relates to the implementation of our sign regulations and anything that might come up from here forward; even before we make any changes.

Commissioner Miller said he could see this becoming a problem and it needs to be addressed.

Chairman Lambert agreed that the government should not get involved with what the message or content of the sign/flag is. Could we be more restrictive? If it meets the definition of a flag it would be allowed. He said his personal preference is that the town exempts flags.

Commissioner Miller said to define flags so that the feather signs are not included. He said he voted for it, but since they have been in he would consider addressing that issue with people that have them. They are leaning

into the walk area of the sidewalk, looking tattered and not secured properly. Maybe give them a year and then the feather sign comes down or we have a larger fee to make them less desirable or just do not allow them.

Mr. Clark said that that are a number of items to be reviewed and addressed. The town can maintain and regulate public safety signage so he does not think there is any with that. He is not sure how "Way finding signs" really fit into that mold.

Ms. Gribi said that the "Way finding signs" are to direct people to public services like restrooms and government offices.

Chairman Lambert said that "way finding signs" that the town puts up verses the way finding signs that a business puts up are totally different.

Mr. Clark said they would be considered "Off premises" signage and they are addressed in the code. We can regulate off premise signs just not the content. If we regulate off premise signs we need to do it in a global way that says here what you can and can't do for offsite signs.

Commissioner Knick suggested helping to promote a direction depending on the culture of the town. Have a balance, instead of just saying no where are we headed as a town.

Mr. Clark reminded everyone that it is not that you can't do it; it is that the town cannot regulate it. And just to be clear, it was not that the feather sign is not allowed, it is open to amendment, but what the attorney provided us is what changes we need to make in the existing code to be first amendment compliant. It didn't suggest any signage be eliminated, just how the town regulates that signage.

Commissioner Miller and Chairman Lambert agreed that the sign ordinance information brought to the commissioners was pretty straight forward. Everything seems to be broken out in specifics as far as there is temporary signs, permanent signs, here are the types of residential signs or commercial signs you can have; some require permits and so on.

Ms. Gribi said that as far as staff interpretation, this will make it so much easier.

Commissioner Miller felt that this was very good information to have and suggested including it with the ordinance.

Mr. Clark added that there were minutes brought forward from 2 years ago where the planning commission discussed the "blow up signs", "inflatable signs". He felt that this could be handled pretty easy because they are only temporary signs. They need to be identified so that people know through the sign ordinance.

Commissioner Miller said that they are so noisy.

Mr. Clark said that is a good point and that if the town wanted they could say they would not allow a sign over certain decibels. They speak of it in their decision regarding Reed vs Gilbert. This may be something that should be looked at. The issue he thought was noise during certain times. There is no message if it is just gray noise.

Ms. Gribi said it is her goal to not have to go through the ordinance again in a few years. She would rather take a little more time and really get it nailed down with the Supreme Court decision as well as what we want in Eatonville. It is time consuming and costly to review these ordinances.

Chairman Lambert added that since this sign ordinance has passed a lot of things have changed.

Ms. Gribi challenged the commissioners to really be aware of what they saw as they commute or visit other municipalities. What do you like or what do you find offensive. Pay attention to the types of signs not the message. Huge billboards in the middle of Eatonville may not work. Electronic signs are allowed but there are stipulations, they cannot flash and the message can scroll or be changing still frame as long as it holds for at least 5 seconds.

Chairman Lambert asked if there should be a minimum font size.

Commissioner Miller said if it is too small, it defeats the purpose.

Mr. Clark brought up the issue of the advertising on vehicles. The truck that the Landmark used added arrows. You can't advertise off sight. Off premise signs do need to be addressed, but are they really problem?

Ms. Gribi said that the town will be giving the business owners letters letting them know that the sign ordinance is being addressed.

Mr. Clark asked if Abby was thinking of making a proposal and providing it to them for comment or just bringing them in a getting comment. So, when we do the invite do we give them the amended proposal, ask them to read and come and comment on it.

Chairman Lambert suggested them coming in and telling us what their current issues are.

Mr. Clark explained that the ordinance should become compliant with the first amendment issue because this portion of the sign code is not a matter of debate. Whether we choose to change allowances or ...we want to address a feather sign, which deserves input from the business owners.

Ms. Gribi agreed with **Mr. Clark's** statement. This portion needs to be done. Changes that are brought to the planning commission by the business owners, that will be up to the commissioners if they are going to make the changes or not. She added that she did not think that most of the business owners would read through the proposed code.

Commissioner Knick offered that if a large group is going to attempt to get to a goal point, giving them a starting point and making the adjustments is going to make it more efficient. Work the problem out if there is a goal to be had. Starting with a draft seems to be efficient.

Commissioner Miller agreed.

Ms. Gribi said that because a lot of the content has been removed she thinks that the issues will be with the types of signs.

Mayor Schaub added that content of the sign is not the issue. Types, size and where we are allowing signs.

Mr. Clark asked if there was a way, at least for discussion that if we tightly controlled the size, the material...he is thinking that if the town could promote a few areas that opened up for more signage, making it uniform somehow similar to Leavenworth. It is a highly regulated community. They have controlled design, signage very tightly.

Mayor Schaub explained that he and Abby discussed having a sign placed at Nevitt Point and selling advertising spots for businesses to place their signs on a year to year basis.

Mr. Clark asked if a marijuana shop wanted to advertise on this sign would there be a level of comfort with them doing so. Remember, the town cannot control content. You would be able to control the message.

Mayor Schaub said with SR 161 Department of Transportation has say on what can be on the State Highway.

Commissioner Miller asked where that tax goes when they buy their marijuana, straight to the state.

Mayor Schaub confirmed that yes but sales tax would come to the town.

Commissioner Knick said she sees **Mr. Clark's** point that the part that the town can control, given you don't know how the industry is going to grow and what it will present. The thing that the town can tightly control is how we brand the image. And so whatever the uniformed agreement is around the brand image that extends to each of the design options. Whatever the content is we do not have any control over.

Mr. Clark said what he was looking for was comfort for lack of control. Once you go down that road, you can open it up to anyone who is interested in putting up their sign albeit the design guideline and how it's presented, the message you can't.

Chairman Lambert said that being you cannot control the message that applies to every sign in town so why would it be an issue. Could you label the sign a "way finding sign" only for way finding purposes?

Mayor Schaub said that personally what he is getting out of this is that businesses wanting a sign like that, tough luck. The town is not going to permit any signs like that. That sounds like it is a better way to go because..

Mr. Clark said then that the option is off the table. That is why he wanted to ask.

Mayor Schaub said you want to help businesses out but now you have this content base. You can't help an organization or those types of things out. You can't just put the name of your organization on there.

Ms. Gribi said what if the name of the organization is "Go Cougs, Huskies Suck".

Mr. Clark said that that is the first test that that was overturned on. You can't distinguish between Kerri wanting to put a sign up because she loves the Cougs and hates the Huskys.

Commissioner Knick said that town signs are barely about telling people where to go anymore. If you think about it, the technology tells you where to go, you can find anything if you ask "Siri". The town signage is really more about the décor of the town. It's got that historic value, curb appeal. She says that the signs in the Malcolm Shopping area, that are stacked and rustic. They have a theme and a style to them. When you get into this it is not so much about is the sign function, it more what's our town about when you get there. It speaks more to the town's marketing than it does about itself of telling people where to go. If the only people that can buy a sign are the pot shops, it's unfortunate because it says that those are the businesses making money in town. What does the town have to do to boost the businesses that you would like to see on the sign?

Mr. Clark said that the town of Leavenworth has a well-developed, well established pattern to create a brand to the community. They have been doing it for years. They are the template all over the world for how to do this. He didn't know how they were doing with the sign issue.

Commissioner Knick said it is not the only concept. There are a lot of towns that have their own little community atmosphere or theme.

Mayor Schaub said that businesses coming up are not really going to be looking at our sign code, a draft of the new one and being able to take out of it what's working, what's not and what they'd like to see. That has been the

biggest issue. To get the businesses to say what's working and what is not. The current one, if it just happens to be the messages that are on there then we have that covered too. For everyone that would like to have the draft emailed to them once we are there, we are fine to do that too and then they can comment on that.

Commissioner Miller said it may be very enlightening to the commissioners because the people that are trying to suck in the drive through town people have a totally different business than the people who are trying to serve the members of the community. The automotive garage vs the bakery perhaps.

Mr. Clark added that so many people are electronically oriented, so much of our society. You have to wonder a little is how important is the signage to the viability of those businesses. Location, location, location is pretty much where it is at.

Chairman Lambert said even if he puts in the address, sometimes it gets him close but not quite there so he still has to rely on the name on the building. He added that signs still have a legitimate place and it's not going away anytime soon.

Staff Comments:

Ms. Gribi asked if everyone is familiar with the Salmon Festival. They are in need of a Volunteer Coordinator. The person who has filled this position in the past has moved out of the area and they have not filled her position. Time commitment is about 4 or 5 hours a week. Contact Abby Gribi. Event is October 21st.

On the 27th **Scott Clark and Abby Gribi** will be attending theoretically the final Rim Rock hearing. Public comment has been closed. It has been left open to the town, the school, NW Trek, Pierce County and the applicant.

Ms. Gribi talked about the town putting on a Law Enforcement National Night Out on July 11th. This will be a planning event 6-8:30 p.m. Trying to get community areas signed up by August 1st, it is always held the first Tuesday of August. Everyone from the planning commission is invited after the meeting on the 11th of July.

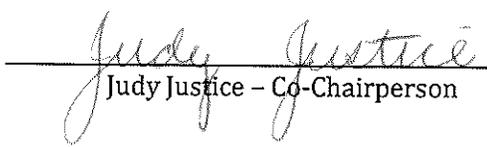
Mayor Schaub wanted to clear up some misunderstandings about the Rim Rock Quarry. Some people left the last public hearing with the understanding that if the Town wanted it could shut down the project. He wanted everyone to know that this is not the case. This is a project in the county, but we can mitigate what will be coming through town. More comments will be coming out.

The next meeting will be July 3, 2017. Public Hearing - Eatonville School District Conditional Use Permit.

Chairman Lambert closed the meeting at 8:45 p.m.

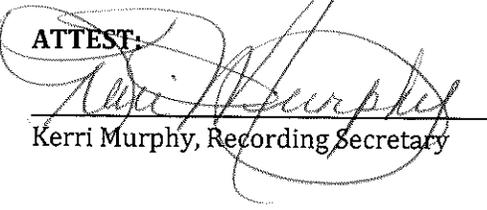


Chairman Lambert



Judy Justice - Co-Chairperson

ATTEST:



Kerri Murphy, Recording Secretary