

Planning Commission
January 19, 2004

Chairperson Wolfe Schneider called the regularly scheduled meeting to order at 7:00 PM.

The following members were present: Jay Johnson, Cindy Maas, Sandy Ramsey and Terry Wade. Administrator Schmidt introduced new members Cristi Boyle-Barrett and Lisa Cramer. Each new Planning Commission member gave a brief overview of why they wanted to join the Planning Commission.

Wade asked if there was a typo on the December 1, 2003 meeting with the Sections. Secretary Boyle stated they should all read 19.____. Wade also asked if the questionnaires have been handed out. Administrator Schmidt stated they have. Secretary Boyle stated there might have been some areas that were missed. Administrator Schmidt stated he will have Cheryl put it on the website. There was a short discussion about the University of Washington students and how they will be working with the City. Administrator Schmidt briefly went over with the new members the information regarding the critical areas ordinance and regulatory reform we have been going over and how the process works with SEPA, the public review process and the comment period with the State.

Administrator Schmidt stated he has talked with the City Attorney regarding the Home Occupation and the Sign Code and the Attorney feels these are both development standards that should go through SEPA and should go to CTED for a 60 day review. With that, there will be a comment period so he is hoping to have a public hearing on both of these by the end of February.

Administrator Schmidt brought up the issue about the meeting dates in February changing to February 9th and 23rd at 7:00 PM.

Sign Code

Administrator Schmidt stated there were a couple of things the Building Official brought up to him as far as procedural things for potential problems with enforcement. The first one is under definition of "Temporary Sign". Building Official Mundy was concerned about the wording "limited period of time only". This statement is too broad. Wade stated the Temporary Sign ordinance really is a discussion about the make up of the sign it isn't about how long it should be there so why don't we just put a period after frames. The Commission decided to end that sentence at frames and leave out "intended to be displayed for a limited period of time only."

Section 19.30.030(H) – Wade asked why the code was referenced. Administrator Schmidt stated it just clarifies this. Wade stated he doesn't think the reference to the code needs to be in there. Maas stated she likes having the code referenced. W. Schneider stated he agrees also that the code reference should stay. The commission decided to leave it as is.

Section 19.30.030(J) – Administrator Schmidt stated Building Official Mundy stated there are several places that have more than one flag on their poles, so this should state no more than “two flags”. The commission agreed on this.

Section 19.30.030(K) – Johnson asked if this would refer to the big White Horse statue on top of the business on the highway. Administrator Schmidt stated yes it would. Johnson stated so that horse would be exempt. Administrator Schmidt stated yes it would unless you changed the wording to ground mounted. The Commission was in agreement to have “ground mounted” placed before sculptures.

Section 19.30.050(F) – Administrator Schmidt stated through talking with Building Official Mundy, they went back and cross referenced some of the other code provisions in here and saw where message centers or community bulletin boards could actually be considered as animated, flashing or blinking such as the School District sign on the highway so he added this as an exemption otherwise the School District would not be able to keep their sign.

Section 19.30.050 (G) – Administrator Schmidt stated Gamblin Motors fought long and hard to have the pennant flags. Under this new code, those would be considered at special event displays, not to be allowed permanently. They would be grandfathered in until changes are made. Wade stated one of the things Gamblins can do is get a variance. Johnson asked if they get damaged or worn out, and they want to replace them are they subject to the new code. Administrator Schmidt looked up the non-conforming section of the sign code and it states they have to bring their sign in conformance if the sign is abandoned, damaged in excess of 80 percent of its replacement value, change in signage, copying of the sign or expansion of the sign. Wade stated maybe the thing to do is to change the ordinance and then contact the business owners and let them know the ordinance has been changed and that they would have to get a variance if their current sign comes down. Administrator Schmidt stated one thing the City has talked about is going out and getting pictures of all the non-conforming use signs so that 20 years down the road, we would have the information to say where the non-conforming signs are. Administrator Schmidt stated one thing the City can do is send out a summary sheet to all the business owners prior to the Public Hearing so they know what the main changes of the sign will be. Maas stated she likes the idea of notifying the business owners.

19.30.060 (B,2) – Administrator Schmidt stated he modified this section because Building Official Mundy wanted to make sure there was a provision in here that requires signage to be designed with a wind resistance of 90 MPH. Johnson stated we should cross off the part of the sentence that stated “unless the Building Official determines that a lesser standard is warranted due to location, design, etc.” He feels it should be designed for 90 MPH period. Schneider asked why did he feel there are some signs that might be able to meet a lesser standard. Administrator Schmidt stated for example there are projecting signs on Main Street that pick up the full force of the wind, however, on Cedar Street; the signs may be protected from the east wind. Boyle-Barrett stated she doesn’t feel we necessarily need 90 MPH wind resistance on all the signs in Buckley. She doesn’t want this to be cost prohibited to small business owners. Administrator Schmidt

stated under the next provision, it says structural requirements that all signs have to be built by the most recently adopted building code, which he believes is 80 MPH. Wade stated that that already takes us off the hook. Administrator Schmidt stated what the 90 MPH does is make it more restrictive. Schneider stated he understands Boyle-Barrett's concerns because we don't want to burden our businesses. Maas stated she agrees with the fact that Building Official Mundy should have the discretion to make it lesser than 90 or 80 MPH. She likes the way it is written. Administrator Schmidt will check with Building Official Mundy regarding the building code and whether or not it is 80 or 90 MPH.

Section 19.30.150 (H) – Administrator Schmidt stated this is to allow some of the people who are still doing agricultural to be able to advertise their products. This does state that the sign has to be located on the property for which the product is grown. Administrator Schmidt stated there is another provision in the code that allows a sign not exceeding sixteen square feet to advertise the sale of products raised on the premises, so we could probably delete H. Wade stated the Farm Product Identification Sign section is more generous and applies just to that situation and he feels it should be left in here. Johnson stated he likes the 16 square foot size rather than the 50 square foot size. Wade stated he would vote with the majority, but he doesn't think this would hurt us. It was the commission's consensus to leave it in but limit the height to 12 feet on a seasonal basis not to exceed 120 days per year.

Section 19.30.300 – Administrator Schmidt stated Building Official Mundy stated we should have a set violation, not an up to amount, so we have deleted the words up to.

Wade stated he has a question on criminal penalties. Are we really intending to make criminals of folks that violate the sign code? Administrator Schmidt stated it is not unusual to see something be made a misdemeanor if it is habitual. Wade stated then they become a habitual offender and then they are going to go to jail on a sign, that doesn't make sense. Administrator Schmidt stated if you don't have something strong, the fines don't work. Schneider asked what most cities have. Administrator Schmidt stated most cities have this in their ordinances. Discussion ensued. Administrator Schmidt stated you would be surprised at how effective the threat is on getting them to comply. Wade stated but you intend to have it on your books that you are going to send people to jail and that is not right. Administrator Schmidt stated you could change the wording from shall to may. Discussion ensued. Maas stated we need to think up some other alternatives. Administrator Schmidt stated he will try to think of alternative, but he is not going to change his recommendation. Wade stated let's think of the person that is in violation, do you really want this person in jail for this sign? Administrator Schmidt stated possibly. Wade stated that is vindictive. Administrator Schmidt stated not necessarily, if you have a person who thumbs their nose at the law and really doesn't care what policy you set before them, they are going to do what ever they want no matter what you say and you have tried working with this person time after time spending an enormous amount of time and money at public tax payers expense, you need to have some type of deterrent. Wade stated he doesn't disagree with that at all, he thinks that the teeth are pretty severe for a sign violation and he is troubled by that. Administrator

Schmidt stated it is there as a tool. Maas stated she doesn't like the threat of jail. Administrator Schmidt stated where to you draw the line this criminal penalty provision is for the entire Municipal Code Book. It was decided by the commission to vote on this issue at the next meeting when everyone has had a chance to mull this over.

The next meeting will be February 9, 2004

With nothing further the meeting was adjourned at 9:36 PM.