

**City of Lynnwood
PLANNING COMMISSION MINUTES
October 15, 2009 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Paul Krauss, Director
Van Aubuchon	Kevin Garrett, Planning Manager
Chad Braithwaite	Keith Maw, Senior Planner
Jeff Davies	David Osaki, Deputy Comm. Devt. Dir.
Bob Larsen, Vice Chair	
Michael Wojack, Second Vice-chair	
Commissioners Absent:	Other:
None	

The meeting was called to order Chair Wright at 7:00 p.m.

Approval of Minutes

1. Meeting of September 24, 2009

Postponed.

Council Liaison Report

Councilmember Ted Hikel stated that Council held a hearing and passed an ordinance amending the public indecency code provisions. They also had a work session on code amendments regarding commercial vehicle parking and yard maintenance. There will be an open meeting on code enforcement on October 27. Next Monday and Wednesday the Council will be reviewing strategic plans with the various departments at the work sessions.

Citizen Comments

None.

Public Hearings

None.

Work Session

1. Electronic Message Signs Code Amendment (2009-CAM-0004). Review of zoning regulations for electronic message signs.

Planning Manager Garrett explained that this is a referral to the Planning Commission from the City Council. They are asking what changes the Planning Commission would recommend to the existing regulations for electronic message signs. He discussed some of the concerns regarding the signs such as brightness and speed at which the messages change, perhaps causing a safety issue. He then introduced Deputy Community Development Director David Osaki.

Deputy Director Osaki referred to the memo from Community Development Director Paul Krauss in the Planning Commission's packet. He noted that the Council has asked that the Planning Commission review this code and then come back to the Council with a recommendation for action. He reviewed the objectives of the city's sign code as cited on page 3 of the memo. He noted that this is a very complex issue and it may take quite a long time to sort out. He pointed out the provision on page 19 that deals with Electronic Changing Message Signs. This refers to signs in a commercial zone and states that there should be no blinking or flashing lights and that the message should not change any more frequently than once every five seconds. It also states that the signs should have a device which automatically dims the intensity of lights during hours of darkness.

He commented that he spent about two years on this topic with the City of Auburn. He noted that most people start out with the premise that the technology is improving and the cost of the signs is going down. Those who want to regulate these signs more state that because the cost is going down there will be more of them and therefore, there is more of a reason to regulate them. Those who do not want to regulate the signs will point to the economic benefits of having this form of advertising. Regarding traffic concerns, he stated that it is very difficult to find empirical evidence that shows a direct causal link between changing electronic message board signs and traffic accidents. There are some studies with billboards on state highways that give some indication that there might be a higher rate of accidents. He discussed ways these may be regulated: zoning districts, aesthetics, height, length of display, lighting standards, and hours when it can be turned on. He noted that these signs can be very complex with a lot of things going on at one time which makes them very difficult to regulate.

Questions and Answers:

Commissioner Aubuchon said he recently noticed an electronic sign at the corner of 188th and Highway 99, which he feels is very bright and extremely distracting. He also found it interesting that while he was waiting at the light, two of the five messages on the screen were political and nothing to do with the business. He encouraged the Planning Commission to look at regulating the brightness after dark. Mr. Osaki commented that even the sign industry would be willing to have a "nit" (measurement of brightness) standard, but this does require a nit meter to measure it. Commissioner Aubuchon asked how this fits in with the Dark Sky

Initiative where the whole objective is to not create more light at night. Mr. Osaki stated that he was not sure how this would fit it. Commissioner Aubuchon requested that they look into that.

Commissioner Davies said he has been looking at the messages on the signs along Highway 99 since he has become aware of this. All of the signs appear to have messages changing much more frequently than once every five seconds. He expressed concern about the clause that states that temperature and time messages may change more frequently as this may be a loophole that is used to make other messages change more frequently as well. He recommended that it be a uniform period of time. The biggest problem from his perspective is that the signs are visible from residences. He also spoke in favor of using the nit measure as a method of regulating this.

Commissioner Ambalada expressed concern about the timing of reviewing this code. The City is trying to bring business to the area in this difficult economy. She felt this might be perceived as overregulation. She feels that the bright light from the signs helps her to navigate the bad roadway on Highway 99 better at night. Mr. Osaki acknowledged Commissioner Ambalada's concerns about stricter regulations, but noted that they would get the same argument whether the economy is good or whether it is bad.

Commissioner Braithwaite asked if there have been any attempts to enforce the sign code the way it is. Mr. Osaki stated that they have sent out a letter several months ago to every business that had an electronic changing message sign letting them know about the standards. In response, some businesses made their signs conform with the regulations and some took no action.

Commissioner Wojack agreed with Mr. Osaki on the timing issue. If we do not straighten out the sign ordinance before new businesses come in here it could create a lot of frustration in the business community. He wondered if the signs were more important for marking the location of the business or for advertising what is inside.

Commissioner Larsen commented on how lucky they are to have Mr. Osaki and Mr. Krauss involved because of their experience with sign regulation and with the community. He referred to the commentary and highlighted issues in the memo and noted that staff has a great grasp of what we face with this issue. He recommended that staff attempt a draft along the lines of what they have suggested. He discussed the evolution of the role of signs. He suggested encouraging the purpose of signs as business identification. Regarding using signs as advertising, he noted that there is a public interest in regulating this in a way that maintains safety, but allows their usage in a fair way.

Commissioner Braithwaite asked Mr. Osaki the people that already had electronic signs – how were handled when this was implemented in Auburn. Mr.

Osaki responded that there were about 10-15 changes in the sign code in Auburn. All except two of the changes were grandfathered in. The city said that within one year of the adoption of the new electronic message board sign code all the electronic board signs had to come into conformance with regard to the length of the display and the requirement that scrolling signs must complete their message within 10 seconds. He stated that he would talk with Director Krauss about decision points and options for the Planning Commission. He also noted that some communities simply do not allow these at all.

Commissioner Larsen said it would be nice to see some images of the range of signs that are in the city. He suggested providing some of those to the Planning Commission and letting them respond to those in order to get a sense of what works and what doesn't work. Mr. Osaki indicated that he would try to do that.

Commissioner Wojack asked what the public's biggest concerns were about in Auburn. Mr. Osaki said they were mainly concerned with the brightness at night and the impacts on residential areas.

Chair Wright asked if they would be able to regulate the hours of animation or motion of the sign. Mr. Osaki indicated he would need to check with the city attorney, but noted that they were free to do this in the City of Auburn. Chair Wright expressed interest in looking at regulating the hours of animation, limiting the height of the signs to not higher than the height of the buildings, and dimming the lights in the evening. He would hesitate barring them outright. He noted that it was useful for businesses to have the opportunity to advertise special deals or temporary offers.

Commissioner Braithwaite asked if there are any limitations on content that is displayed. Mr. Osaki stated that the content is limited to the extent that it needs to advertise a use on the site.

Councilmember Hikel noted that the Dark Sky issue is directly tied to these signs. He discussed the philosophy of the city at the time the current code was written in the 1970s. Off-premise advertising was not allowed. Billboards are not allowed currently in the city; a big concern is how close we are coming to billboards with these electronic signs. In the 70s the objective of signage was to locate a business. It was not to distract a driver. The five-second requirement is the main thing that motivated him to encourage the Council and the Planning Commission to deal with this. When these were simple electronic signs the one way to control them was to have a five-second minimum of the sign. That was before animation. He urged the Planning Commission to address the five-second rule with regard to animation. He felt that blinking lights and animation should not be allowed, noting that the philosophy of the city has always been to have no blinking lights or movement. The five-second requirement could be further clarified to say exactly what they want to have and don't want to have. He expressed concern about the distraction involved with animated signs and with the content that might

come with those signs. He also cautioned against scrolling signs and any type of moving signs. He stated that any signs that are up now should be grandfathered in and then required to comply after a certain period of time. Regarding the poor roadway on Highway 99, he commented that that is the responsibility of the Department of Transportation, not the City of Lynnwood.

Chair Wright discussed usage of a sign in downtown Seattle that displayed video of the space available for lease inside. He emphasized that this definitely causes a distraction to drivers. He acknowledged the need for economic development and allowing businesses their chance to advertise, but pointed to the need for a clear line between advertisement and nuisance. He affirmed that there are already some great comments in the staff report.

Commissioner Aubuchon agreed that the animation aspect is the real key. There are federal safety standards; he believes that drivers are not supposed to be able to see an animated presentation within the vehicle. You can't have a DVD player in the front seat of the car; by the same token these electronic signs should not be allowed to display animation down the highway.

Commissioner Wojack thanked Councilmember Hikel for his comments. He asked for consideration about the movement shown on the borders of electronic signs. Councilmember Hikel stated that the code already prohibits flashing lights around the outside of a sign, but this must be clarified in the code.

Commissioner Ambalada asked if big clocks are allowable. Planning Manager Garrett said there is nothing that prohibits a clock of any size. There was a time in the 80s when they became cliché and fell out of favor.

Other Business

1. Resolution: Supporting Reductions of Greenhouse Gas Emissions at the Waste Water Treatment Plant.

Planning Manager Garrett introduced the item. This is a resolution that the Planning Commission requested at the last Commission meeting (following a presentation by Keith Maw on greenhouse gas emissions). The work done by Keith Maw showed that over 50% of the city's current greenhouse gas emissions can be attributed to the handling of sludge at the waste water treatment plant. What is before the Planning Commission tonight is a draft resolution. He also invited Public Works Director Bill Franz to come by as he and his staff are responsible for the operation at the Waste Water Treatment Plant. They have been having conversations in the context of grant opportunities about looking at different ways of handling sludge out at the treatment plant.

Public Works Director Bill Franz stated that operation of the treatment plant had managed emissions of other air pollutants, but the inventory is the first

assessment that focused on emissions of carbon dioxide from the incinerator at the plant. He gave some background on the plant and what is going on there. He expressed support for the resolution and said they think it is important to look into this. He noted that the space is extremely tight on space. They will be redoing the Comprehensive Plan for sewers next year and this is the sort of thing that would go into that plan.

Keith Maw acknowledged that this is a difficult problem and has come to the top of the list because of the magnitude of the problem.

Commissioner Ambalada expressed concern for the employees who work there. Director Franz stated that they have an excellent safety record there. The incinerator is maintained well even though it is aging.

Commissioner Ambalada asked if there is any opportunity to recycle the sludge. Director Franz stated that this has been done in other places, but it would require them to haul it, which is expensive and would result in more emissions.

Commissioner Aubuchon asked if they have considered relocating the waste water treatment plant. Director Franz stated that several years ago they had some conversations with the City of Edmonds about the possibility of diverting some of the flow to Edmonds. He recalls that those talks didn't get very far, but didn't recall why. Commissioner Aubuchon referred to Brightwater and wondered why they weren't more focused on getting rid of this thing. He asked again if they would consider relocating it as part of the Comprehensive Plan. Director Franz stated that he did not know. That type of decision would be a Council-directed decision.

Councilmember Hikel stated that the Council has not talked about this in a very long time due to the cost and process of getting it authorized. He noted that any new annexation areas would continue to be served by the Alderwood Water District and would not be served by the City of Lynnwood. Those would use the Brightwater plant. He added that the people who pay for the City plant would be the citizens of the City of Lynnwood who would use it.

Commissioner Wojack asked Director Franz how many gallons they incinerate a day. Director Franz stated that on an average day they have 5 million gallons of sewage coming into the plant. This results in approximately ten tons of sludge.

Chair Wright asked if all of the sludge is being burned. Director Franz replied that all of the sludge is fed into the incinerator with diesel. Chair Wright asked if there is any sort of cogeneration going on. Director Franz said they are looking at some different alternatives. There is some use of incineration heat to preheat the sludge before it goes into the incinerator. Mr. Maw stated that they are hoping to get a grant so they can take a look at some other alternatives.

Commissioner Braithwaite referred to the draft of the resolution. He felt the preamble was overly broad, especially the third and fourth WHEREAS. He would also like to see a comment to consider the cost to the ratepayers.

Chair Wright read the first reading of Resolution 2009 -03, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LYNNWOOD, WASHINGTON, SUPPORTING STUDY OF ALTERNATIVE PROCESSES OR TECHNOLOGIES FOR HANDLING SLUDGE AT THE CITY'S WASTE WATER TREATMENT PLANT IN ORDER TO REDUCE THE EMISSION OF GREENHOUSE GASES AT THE TREATMENT PLANT."

Discussion:

Commissioner Larsen said he was okay with this as it was read. He suggested removing the third and fourth WHEREAS. He discussed the challenge of balancing the economic element of this against the benefit of the reduction of greenhouse gases.

Commissioner Ambalada asked where they came up with the 40-year timeline. Planning Manager Garrett stated that this is a quote directly out of the Element.

Commissioner Davies asked for confirmation that this is simply affirming that we do want to research the alternatives. Planning Manager Garrett confirmed this. He said it would show the Planning Commission's support for studying alternative technologies or processes.

Commissioner Wojack agreed with Commissioner Larsen that paragraphs three and four could be deleted.

Motion made by Commissioner Ambalada to adopt the Resolution. The motion was seconded.

Commissioner Braithwaite moved to amend the Resolution by deleting the third and fourth WHEREAS paragraphs.

Commissioner Ambalada expressed support for keeping those paragraphs since they refer to working on sustainability.

Planning Manager Garrett noted that they need a second to the motion to amend before it can be discussed.

Commissioner Davies seconded the motion to amend. He replied to Commissioner Ambalada that paragraphs three and four are already encapsulated in number one so it doesn't need to be repeated. Commissioner Ambalada agreed.

There was consensus to approve the amendment to strike the third and fourth WHEREAS's.

The motion to adopt Resolution 2009-03 passed by unanimous consent of the Planning Commission.

2. Introduction: Dark Skies Ordinance (2009-CAM-0007). Consideration of new zoning regulations to reduce light pollution in night skies. Referral from City Council.

Planning Manager Garrett gave a brief staff report on this item and opened it up for discussion.

Chair Wright asked to what extent they expect this to go. He discussed his exposure to Dark Skies at observatories in Hawaii. Planning Manager Garrett replied that the Council is looking for direction from the Planning Commission regarding how far to go with this.

Councilmember Hikel suggested inviting Councilmember Mark Smith to come speak with the Planning Commission as he is the chief person on the Council who is interested in this area and has the expertise. The Commission asked Councilmember Hikel to extend that invitation to Councilmember Mark Smith.

Councilmember Ambalada suggested that Commissioner Wojack might also have some background on this topic. Commissioner Wojack discussed research he has done on this in different cities. He noted that one of the biggest factors is light shielding and the direction in which the light is oriented.

Director's Report

Planning Manager Garrett had the following announcements:

- ◆ Community Development is moving over the weekend to their new facility. The new address is 4114 198th Street SW.
- ◆ There will not be a meeting on October 29.
- ◆ The next two meetings will be on November 19 and December 10.

Keith Maw reported that they applied for a grant application to the Washington Department of Commerce for their competitive Small Cities Grant under the Department of Energy, Efficiency and Conservation Block Grant Program. The application broke down the requested amount to: \$85,000 to support the establishment and maintenance for two years of a half-time staff for an Energy and Sustainability Office; \$20,000 allocation to do a preliminary study of alternative technologies for greenhouse gas emissions reduction at the wastewater treatment plant; and \$30,000 for retrofitting the current globe lighting in the civic center area to become Dark Skies friendly. They will find out within the next month whether they receive that grant or not.

Commissioner Wojack reminded the Commission that on May 8 they passed the Accessory Dwelling Unit code to the Council. He brought up concerns about the maximum height allowable in the code, which is 35 feet. He asked whether or not they should address this and if so, how should they go about that. Planning Manager Garrett indicated he would speak with the city attorney about how to revise their recommendation if they decide to do so.

Commissioner Ambalada commented that *accessory* is defined as something that is not going to destroy the character of the principal building. However, there may be a loophole that someone might take advantage of so it would be good to take a look at this.

Commissioner Larsen commented that it may be a non-issue if the area allowed for the ADU defined as a percentage of the area of the parcel. If it is a small enough area, height may not be attractive to the builder.

Commissioner Wojack read the limitations on ADU's according to his notes from the meetings last spring, which showed that there are no height restrictions.

Commissioner Larsen recommended waiting to hear from staff how they could cycle this in normally rather than bringing it back as a stand-alone item.

Planning Manager Garrett said they would find out more and get back to the Commission with the information.

Chair Wright noted that anyone concerned about this could attend a Council meeting to address those concerns.

Commissioner Ambalada suggested considering this a "dead log" for the time being. She recommended that people not be allowed to build an ADU until this issue is clarified. Chair Wright noted that until this is codified no one should be building an ADU anyway.

Councilmember Hikel stated that they should be addressing this on Monday, October 26. He invited any or all of the members of the Planning Commission to come testify. He noted that his understanding of the code is that it allows a structure up to 35 feet to be put on any single-family piece of property.

Commissioner Davies recounted a situation when he lived in Lake Forest Park where a homeowner built a larger home on his lot while living in the original smaller one.

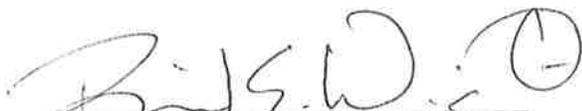
Planning Manager Garrett cautioned against too much discussion on this item at this point. He asked if they wanted staff to go back and review their recommendation in light of a concern about height of an ADU.

Chair Wright asked that staff take a look at this. He also encouraged any Commission members who would like to participate in the October 26 Council meeting to please do so.

Motion made by Commissioner Ambalada, seconded by Commissioner Davies, to adjourn the meeting. The motion passed unanimously (7-0).

ADJOURNMENT

The meeting was adjourned 9:22 p.m.



Richard Wright, Chair

