

**City of Lynnwood
PLANNING COMMISSION MINUTES
January 14, 2010 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Van Aubuchon	Paul Krauss, Comm. Dev. Director
Chad Braithwaite	David Osaki, Deputy Comm. Dev. Dir.
Bob Larsen, Vice Chair	Council President Ted Hikel
Michael Wojack, Second Vice-chair	Kevin Garrett, Planning Manager
Commissioners Absent:	Other:
Maria Ambalada	
Jeff Davies	

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

Election of Officers

LARSEN
Motion made by Commissioner Wojack, seconded by Commissioner Aubuchon, to nominate Acting Chair Wright as Chair.

Motion made by Commissioner Wojack, seconded by Commissioner Aubuchon, to nominate Commissioner Larsen as Vice Chair.

Motion made by Commissioner Braithwaite, seconded by Commissioner Aubuchon, to nominate Commissioner Wojack as Second Vice-Chair.

Motion passed unanimously to approve the slate of officers as presented.

Approval of Minutes

None.

Citizen Comments

None.

Public Hearings

None.

Director's Report

Director Krauss discussed the following items:

- The court hearing on Mill Creek's field was held on Friday, January 8, 2010. He discussed the hearing briefly and described an appearance of fairness issue that had been raised by Mill Creek.
- Sound Transit is in the process of retaining a consultant who will be responsible for preparing the design details regarding the extension of the LRT. The consultant should be on board by the end of May. He reviewed the expected process.

Work Session

2. Dark Sky Ordinance (2009-CAM-0007).

Director Krauss reviewed staff's recommendations to adopt a comprehensive lighting ordinance that deals with all manner of lighting issues and has as one of its precepts an intent statement dealing with dark skies issues. He has put together a working draft which is partially modeled after Bainbridge Island and Redmond's ordinances. He recommended relocating the existing standards which are found in Chapter 17 and Chapter 11 into Chapter 21 – Zoning. He reviewed proposed Section 21.17 - Exterior Lighting Standards including Purpose, Definitions, Exemptions, Applicability, General Requirements, Lighting Standards for Uses within 50 feet of Residential Zones, Open-Air Parking Lot Lighting, Canopy Lighting and Lighting of Service Stations, Lighting of Outdoor Performance, Sport and Recreation Facilities and Playfields, Security Lighting, Architectural Accent Lighting, Lighting of Landscaping, and Temporary Lighting. He noted that some of this is going to be supplanted by LED lights in the near future so these standards will be somewhat in a state of flux.

He mentioned discussions he has had regarding the bright lighting at the new ARCO station. He commented that there are some unique factors with this site including the elevation and the height of the canopies to accommodate large trucks.

Comments:

Paul Richards, an architect in Lynnwood, expressed support for the Dark Sky Ordinance. He pointed out that if the height of the canopy such as that at the ARCO is at least 16 feet, according to the International Building Code, they do not need to meet the Washington State Energy Requirements. If they go lower than 16 feet they are regulated by the State Energy Code. He believes this is the real reason they have the high canopies.

Commissioner Larsen asked if this would come back to the Planning Commission for further discussion. Director Krauss indicated that it would. He stated that he would appreciate the commissioners highlighting areas that they might be concerned about or interested in at some point in the future.

Commissioner Wojack referred to number 3 under Purpose: *To implement the energy conservation policies of the Comprehensive Plan*. He suggested that *implement* be replaced with *supplement*.

Commissioner Wojack asked if exterior remodels of businesses would trigger re-evaluation of this. Director Krauss indicated that it would.

Commissioner Wojack asked about possibly regulating bright lights in residential yards at night. Director Krauss indicated they could look into this if it is the consensus of the Planning Commission. He discussed options available to the Commission.

Commissioner Aubuchon said he had a discussion with one of the PUD commissioners who said that the number one complaint they have to deal with is the placement and the illumination of streetlights.

Paul Richards encouraged them to include a building permit plan review like in land use. He also encouraged standards for residential situations so that if you have an adversarial neighbor you would have some recourse. He noted that there are ways to light your backyard without it going in your neighbor's yard. Regarding enforcement, he recommended having someone actually out there with a light meter checking to see if it meets or exceeds the requirements.

Commissioner Wojack asked about tools used for measuring the luminosity of lights. Director Krauss did not think that the city owned one, but thought they could obtain one.

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

Deputy Community Development Director David Osaki reminded the Commission of their discussion at the last meeting. He introduced the ordinance included in the Planning Commissions packet that was developed as a result of those discussions. The ordinance in the packet addresses electronic message signs as well as additional items regarding City Center and City Center signage. He has decided to just address the electronic message signs at this time.

The Commission recessed from 7:53 until 8:08 p.m. to address some technical difficulties.

Mr. Osaki showed some pictures from the City of SeaTac and video of some of the signs in Lynnwood. He stated that the City of SeaTac's code is restrictive and they have only 12 electronic message board signs in their city. He noted that also have a NIT meter and every year or two they will go out and take measurements of all the electronic signs in the city and evaluate how they comply with the code. Their ordinance appears to be successful in that there is not a lot of flashing or movement in their signs.

He noted that there are some design issues associated with these signs. One of the proposed amendments talks about how much of the total sign area can be an electronic message board sign.

There was some discussion about the definition of an electronic sign and the difference between illuminated signs and electronic changing message board signs. Commissioners and staff reviewed current signs in Lynnwood and discussed how they do or do not comply with the proposed language.

Elements of the proposed ordinance include:

- Number of signs – one electronic message board sign per property.
- Sign type – changing message board sign can be integrated into any type of sign that is normally allowed by that zoning district; however in the City Center zones the changing electronic message sign should be on a monument sign or ground sign.
- Sign area – Proposed allowable portion of the sign that can be an electronic message board is 20%.
- Height Restrictions – Electronic message board signs on a pole should be at least five feet below what a normal pole sign without an electronic message board sign could be. We need to clarify about electronic message board signs that are wall signs. The Commission may choose to restrict these to the first or second floor of a building rather allowing them over a certain height.
- Lighting levels – NIT requirements borrowed from other cities.
- Display – “Display shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Display shall not appear to move toward or away from the viewer or expand or contract, bounce, rotate, twist, or otherwise portray movement or animation.” The Commission needs to clarify their intentions regarding scrolling. The proposed code would require leaving the sign as a fixed message between the hours of 11 p.m. to 7 a.m.
- Protection of Residential Zones – Gives the Director a little more authority as part of any sign permit application.
- Amortization – Any sign that currently exists in terms of the structure can stay that way. What gets amortized is the actual display. How the display is shown needs to come into compliance within the code within

a certain time. The draft code proposes a year to come into compliance.

Comments:

Commissioner Aubuchon referred to item 6(d) – *Electronic display shall be a fixed message (shall not change) between the hours of 11:00 p.m. and 7:00 a.m.* He recommended that this state that the sign shall not change after the business is closed or between 11 to 7, whichever is the most restrictive. There was some discussion about the difficulty in enforcing this as it could be different for all businesses. Commissioner Aubuchon stated that the hours of operation are whenever the front doors are unlocked and the public has access to the building.

Commissioner Braithwaite suggested that they reconsider the 20% number. Some of the signs they saw in the presentation that had less than 20% dedicated to the electronic portion were far more obtrusive than some of them with a much larger percentage. Regarding the height of wall signs, he recommended that they not be higher than they could be if they were a freestanding pole sign. Commissioner Aubuchon concurred with the comment regarding reconsidering the 20%.

Commissioner Wojack wondered if the direction the sign industry is the 100% electronic message board sign because of the ease of changing it with new tenants. He wondered about 100% use of the sign as long as there is no standing regular signage.

Chair Wright suggested that they need to consider if the intent of the ordinance is to make it as difficult as possible to operate an electronic sign or to try to mitigate what could be considered a nuisance and in some cases a safety hazard.

Commissioner Larsen said he appreciates the images provided by Deputy Director Osaki because it really helps them understand the issue. He suggested that on page 9, item 3 regarding sign area be struck completely. He felt that 6(c) is very well written and addresses their concerns adequately.

Commissioner Aubuchon suggested getting some industry input on this matter. Deputy Director Osaki concurred. The staff report states that this will go through the city attorney and then be vetted through the industry.

Council President Hikel suggested using the guideline: *Is this going to make this city look more trashy or less trashy?* He commented that the attractiveness of the Alderwood Mall area can be attributed to very strong requirements regarding this. His opinion was that asking the sign industry what they would recommend would be a mistake. It is up to the community to decide what we want the community to look like.

Commissioner Larsen referred to page 9, item 1 at the top, regarding the number of signs per property. He noted that a lot of the signs are pole signs with two faces. Staff indicated that this is considered one sign.

Commissioner Wojack asked if video would be prohibited. Mr. Osaki said it would be prohibited, but he would be running this past the city attorney for his opinion.

Commissioner Wojack referred to the Amortization section and asked if a year would be enough time for an established business owner to come into compliance. Deputy Director Osaki pointed out that this only refers to the electronic portion of the sign and it should be fairly easy to change programming.

There was discussion about whether scrolling would be allowed in certain circumstances, such as schools and churches. Commissioner Aubuchon pointed out that since public school signs are not commercial signs, they would not fall under these restrictions. There was discussion about whether non-commercial messages should have the same restrictions as commercial message board signs. Ultimately there was consensus that all signs should conform to the same standards. Deputy Director Osaki indicated that 6(b) should then be removed if they are not going to allow scrolling at all.

Commissioner Wojack expressed concerns about some of the transitions they had seen on the examples tonight. He asked if the Display section covered this issue adequately. It was noted that the proposed code states that you can only go from one message to the next message and it has to stay on for at least a second and a half before it goes to the next message. This should address some of the dissolving and fading away of images.

Commissioner Larsen referred to page 10, item 8 – He suggested that the words “and subsequent owners and operators” be added to the sentence.

Commissioner Wojack asked about a definition of what an electronic changing message sign is. Deputy Director Osaki said it is in the existing code and he repeated it on the first page of the actual report. It means *a sign whose alphabetic, graphic or symbolic information can be changed or altered electronically*. Commissioner Wojack referred to the definition and asked if graphic could refer to video. Deputy Director Osaki said it could.

Regarding sign area there was consensus that the percentage of the sign area was not as important as the style of display. Commissioner Braithwaite commented that some signs that are 100% electronic message board display could be unobtrusive, but some could also be very unattractive. Commissioner Aubuchon felt that the percentage should be more than 20%. Commissioner Larsen commented that the intent of the proposed ordinance could be stated as preventing distraction. He felt that item 6(c) addresses this well enough that they

do not need the section regarding sign area. There was consensus to strike item 3 regarding sign area.

Commissioner Wojack asked if item 6(c) would cover the background. Deputy Director Osaki stated that it would.

3. 2010 Work Program. Discussion with staff of the work program for the Planning Commission for 2010.

Planning Manager Garrett reviewed upcoming topics for the year which include the following:

- Comprehensive Plan Amendment
- Highway 99 project
- Shoreline Plan
- Zoning for the transition area between Alderwood Mall and the City Center
- Code Amendments – Dark Sky, Electronic Message Sign, Permit Processes and Timelines
- Annexation Area Zoning Map
- Transportation Improvement Plan
- City Sustainability Program
- State Mandated Countywide Planning Policies in coordination with Snohomish County Tomorrow

Planning Manager Garrett solicited areas that commissioners were interested in addressing in addition to those listed above. Commissioner Larsen suggested looking at the City Center as a design element, what the city's aspirations are for that area, and how that might relate to light rail and the new stations.

Council Liaison Report

Council President Hikel apologized for arriving late as he was at the Martin Luther King, Jr. event at the Convention Center tonight. He remarked that Snohomish County Tomorrow is a very important organization for the city. The Mayor has been elected as the representative to SCT. The alternate will be Councilmember Stephanie Wright who has attended most of the meetings during the last year with the Mayor Gough, who currently serves as the vice-chair of SCT.

Council will be holding their annual retreat on January 30. A joint meeting with the Council and staff will be held in February. They are looking forward to having a very productive year. He thanked the Planning Commission for their service over the past year and continued service on into 2010.

Other Business

None

Adjournment

The meeting was adjourned 9:27 p.m.

A handwritten signature in black ink, appearing to read "Richard Wright", is written over a horizontal line. Below the line, the text "Richard Wright, Chair" is printed. The signature is stylized and somewhat cursive.