CALL TO ORDER
The special meeting of the Planning Commission was called to order at 6:35 p.m. by Chair Judd.

MEMBERS PRESENT
Chele Dimmett, Jennifer Gilbert-Smith, Jonathan Ingram, Bill Judd, Paul Max and Alex White

MEMBERS ABSENT – Jim Langehough

STAFF PRESENT
Brian Bykonen, Associate Planner and Code Enforcement Officer
Kathy Hardy, City Attorney
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Kelly Thompson, Planning Commission Secretary

APPROVAL OF MINUTES AND AGENDA

C1. Commissioner Ingram moved and Commissioner Gilbert-Smith seconded to approve the June 1, 2017 minutes and meeting agenda for June 15, 2017. Motion carried 6-0.

CITIZEN COMMENTS - None

SPECIAL ORDER OF BUSINESS
1. Open House and Discussion on Proposed Sign Code Amendments

The meeting recording was paused to conduct the “open house.” The meeting resumed at 7:25 p.m.

PUBLIC HEARING - None

NEW BUSINESS - None

ATTENDANCE VOTE

Commissioner Gilbert Smith moved and Commissioner Max seconded to approve the absence of Commissioner Langehough. The motion carried 6-0.
PUBLIC COMMENTS

Leroy Stevenson, Covington resident, shared that he is concerned about signs being limited on private property and free expression of political thoughts. He is concerned that the size limitation of 6 square feet to express a political point of view, may be too small. He is also concerned about the placement limitations for a political candidate vs. a private citizen. Only allowing “garage sale” type signs on private property would be too limiting.

Sonia Foss – Covington business owner, shared that the political signs placed closely to sidewalks and round-a-bouts create a visibility issue for drivers. She would like to see these placed where they do not block visibility. She is concerned for the safety of pedestrians.

UNFINISHED BUSINESS

2. Discussion of Public Comments and Questions from Open House on Sign Code

Chair Judd asked Mr. Bykonen if staff removed illegally placed signs. Mr. Bykonen responded that if temporary signs are placed illegally, the city’s maintenance crew may remove them or he would remove them. The signs are retained for 14 days at the city’s maintenance facility to allow the owners the opportunity to pick them up.

Commissioner Gilbert-Smith asked about open house signs for real estate that is for sale. Mr. Bykonen responded they are commercial signs which fall under the temporary commercial sign regulations and are not allowed in the public right-of-way. For a commercial property, the temporary sign must be placed on the property.

Commission Ingram asked when a residence already has a temporary “for sale” sign, would an additional temporary sign for an open house be in violation because it is a commercial sign. Mr. Bykonen responded that they would be in violation of the proposed temporary sign code. If the city allows more than one temporary commercial sign to be placed in the public right-of-way, the city would have to allow more than one for all types of temporary commercial signs.

Garage sale signs have not yet been defined as commercial or non-commercial, so this regulation in our proposed code is still in question.

Mr. Hart shared that real estate signs and garage sale signs are turning out to be the most difficult for cities to address. Staff wrote the code with the goal of being 100% defensible in any type of legal challenge in court. There are only
four other cities that have adopted permanent sign regulations since the
Supreme Court decision. We are reviewing those cities' codes to figure out the
best way to deal with garage sale and real estate signs.

Mr. Hart reminded the Planning Commission that time, place, and manner are
the only aspects of a sign that can be regulated, and signs are either commercial
or non-commercial.

Commissioner Dimmett asked how signage for an event like Covington Days
would be handled as these are typically placed in the right-of-way. Mr. Bykonen
responded that these are considered non-commercial signs and are allowed in
the right-of-way. Commercial signs are not allowed in the right-of-way.

Chair Judd asked about the exposure of litigation risk and asked that the needs
of the community be taken into consideration. Mr. Hart responded that the
purpose was to balance public and private interests, to maintain the City
Council's vision for the community, provide for economic well-being, and
maintain a balance of sign aesthetics. The City Council does not want commercial
signs in the right-of-way, they want them placed on private property, and that
message is conveyed in the interim code that was adopted.

Commissioner Gilbert-Smith is concerned that by not allowing open house signs
in the right-of-way, realtors are faced with either following the code, or risk
consequences of not following the code.

Mr. Hart reiterated that realtors are required to follow the same requirements as
all other commercial messages.

Mr. Bykonen added that the terms "real estate sign," "political sign," etc. cannot
be used anymore. The signs are either commercial or non-commercial. If a
residential property is actively for sale or for lease, they are allowed one
commercial sign.

Mr. Hart said that the City Council could change the number of commercial signs
allowed. Or, they could change the code to allow all commercial signs in the
public right-of-way.

Chair Judd attended the City Council Public Hearing for the interim sign code and
understands that the Councilmembers indicated which signs they liked and didn't
like. Just because someone does not like a sign, it does not mean that is
representing what the citizens desire. He believes part of the role the Planning
Commission plays is to take into consideration the impact of their
recommendations on the citizens of Covington.
Mr. Hart responded that after the City Council indicated the types of signs they liked or disliked, they then considered how the regulations would effect the community.

Commissioner Ingram added that the Planning Commission may want to consider the impact the signs play in citizens selling their homes.

Vice Chair Dimmett shared that she is struggling because she feels the Planning Commission should consider the impacts on the "little guy". She also asked that they clarify what "commercial" means. It is Fred Meyer, Walmart and McDonalds. Commercial is also a daycare center, a realtor, and a small business.

Mr. Hart responded that he has spent considerable time with the City Council over the past two years discussing the interim code. The Planning Commission can disagree with their policy decision, but the City Council has considered the impact on realtors and small business. The Planning Commission has the right to make a recommendation to the City Council that they believe that the prohibition of commercial signs in the right-of-way is the wrong way to go.

Vice Chair Dimmett asked about the requirement that a sign not exceed 50% of window area in residential property. Mr. Hart responded that windows are to allow light, air, and egress. If you cover up the window, it defeats the purpose of having a window.

Commissioner Ingram asked if they could define commercial based on whether it is a business or an individual. Mr. Hart responded no. A commercial message is defined by the law and the supreme court.

Commissioner Ingram responded that based on that answer, it should settle the issue of a garage sale. Whether a person is selling a t-shirt or a home, it would be considered commercial. Mr. Hart confirmed that is correct.

Commissioner Ingram asked whether a mural would be considered a sign. Mr. Bykonen said anything that conveys a message and is visible from public right-of-way is considered a sign. Mr. Hart reminded the Planning Commission that there is no limitation to the number of signs placed on residential (private) properties.

Mr. Hart reminded the Planning Commission to consider whether a sign is a commercial message or a non-commercial message and each type follows the same rules.

There will be a Public Hearing in August, and the Planning Commission will make a recommendation to the City Council in September or October.
Commissioner Gilbert-Smith asked for a summary of the regulations adopted by other cities.

Ms. Lyons offered the perspective that Covington is one of the first few cities to adopt their sign ordinance following the Supreme Court decision. There could be challenges to the Supreme Court, and we could be revisiting this in a few years.

COMMENTS AND COMMUNICATIONS FROM STAFF AND COMMISSIONERS

Ms. Lyons shared that the new Covington Elementary School broke ground on Monday, June 12, 2017.

Commissioner White asked about the status of Chick-Fil-A. Ms. Lyons responded that staff is just waiting on the signed and recorded joint access easement from Arco, which is now owned by British Petroleum. The city has approved their permits. This easement is what is holding them up.

ADJOURN

The June 15, 2017, Planning Commission Meeting adjourned at 8:23p.m.

Respectfully submitted,

[Signature]
Kelly Thompson, Planning Commission Secretary