



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 5c
DATE: September 22, 2016
SUBJECT: Community Development Committee Minutes
CONTACT PERSON: Ryan Larsen, Community Development Director
ATTACHMENTS: A – September 8, 2016 Community Development Committee Minutes

SUMMARY STATEMENT

Attached are the minutes of the September 8, 2016 Community Development Committee meeting.

**City Council
COMMUNITY DEVELOPMENT COMMITTEE**

September 8, 2016 Meeting

The Community Development Committee met on September 8 2016 with Councilmember Larry Sather and Dottie Gorsuch as well as Ryan C. Larsen, Community Development Director, present.

Community Development Director Ryan Larsen reviewed and discussed the following items with the Committee:

1. Edits to Title 17

Staff briefly highlighted edits to the sign code and miscellaneous edits to Title 16 and 17, as well as discussed the Traditional Neighborhood zone and potential need for other changes.

Sign Code Edits

General Background for Change

Tiny Arizona church wins Supreme Court case on signs

WASHINGTON — The Supreme Court ruled Thursday that cities and towns generally cannot limit roadside signs based on what they say. The justices unanimously said the town of Gilbert, Ariz., violated the First Amendment by giving signs promoting a church's worship services vastly inferior treatment compared to political campaign signs. Writing for the court's majority, Justice Clarence Thomas said the town law limiting the size of the church's signs and the length of time for which they could be displayed was a "content-based" restriction on the church's speech. He said the town had no justification for such a restriction, and it was therefore unconstitutional. The case was touted by lawyers for Good News Community Church as a major test of religious freedom, but the justices didn't treat it that way. Rather, they said local governments must be able to justify the disparate treatment accorded organizations seeking to spread their messages.

The Arizona town restricts signs advertising upcoming events far more than political or ideological signs. Though political signs can be 32 square feet and remain up for five months, the town limits directional signs to 6 square feet and 13 hours. The church, which relies on those signs to attract a few dozen worshipers, argued that the ordinance treats political speech as more valuable than religious speech. "Speech discrimination is wrong regardless of whether the government intended to violate the First Amendment or not, and it doesn't matter if the government thinks its discrimination was well-intended," said David Cortman, a lawyer for Alliance Defending Freedom, which had advocated for the church. Justice Samuel Alito, in a separate opinion, laid out a short guide to the types of sign laws that could still pass constitutional muster, including those limiting their size or the locations in which they can be displayed.

Despite that, lawyers for state and local governments said the court's decision was a major defeat. Lisa Soronen, executive director of the State and Local Legal Center, said it "will upset many sign codes nationwide."

Brief Description of Changes:

City staff had our City attorney draft changes to the sign code base on the court case out of Arizona which mainly deals with temporary signage.

The first two changes to the sign code are two definitions. The changes effect the definition for "sign" and "sign, temporary". The main reason for changing these two definitions is to conform to the court case out of Arizona.

All edits to the sign code deal with temporary signage and the court case out of Arizona. Our city attorney removed many sections of the code dealing with temporary signs and created a new section 17.110.150 Temporary signs to move all items dealing with temporary signs to one section. Below is a list of sections that were changed in order to comply with this court case. Also, staff has accounted for one change in section 17.110.120 Variance subsection (3) where the words "shall" and "may" were used next to each other. It is rather difficult to do both at the same time so staff is suggesting to leave the word shall and delete the word may. The following code sections have been edited with the addition of the new section 17.110.150 Temporary signs:

17.110.020 Permits required.

17.110.050 Minimum requirements for all signs, including signs exempted from permit Requirements.

17.110.060 Exemptions.

17.110.070 Prohibited signs.

17.110.080 Permitted business signs.

17.110.120 Variances.

17.110.150 Temporary signs.

TN (Traditional Neighborhood) Edits

No official changes have been made yet to the Traditional Neighborhood (TN) zoning. Staff was tasked by the Planning Commission to look into potentially making modifications to this zoning district. Also, staff has discussed the TN zone with multiple developers looking to potentially develop in those areas. Based on this feedback, staff is suggesting a few code sections to consider for modification. Staff verbally discussed suggested changes with the Committee. The Committee supported staff in making proposed changes and asked staff to bring back once they are drafted for review.

Miscellaneous Edits

There are two proposed miscellaneous code changes. The first change is to Section 16.10.030 Lots. This change modifies subsection (8) requiring a minimum street frontage of 35 feet with an average of 85 feet for lots in subdivision and short plats. The change would only require 20-feet of street frontage.

The second change is to 17.60.020 Residential development standards dealing with height. This change would be to add a footnote 12 dealing with the height of a high school by allowing the structure to be up to 60-feet. The school district is looking at building a new high school and the allowance up to 60-feet would create the opportunity for multiple floors.

2. Planning Commission Work Plan for Fall 2016

Staff discussed the proposed fall work plan for the Planning Commission. The follow items were discussed as part of the fall work plan

- Non-motorized Transportation Plan
- 2017 Comprehensive Plan Update for PSRC
- Annual Capital Improvement Plan (CIP) 2017-2022
- Zoning Code Update
 - Traditional Neighborhood (TN) Edits
 - Sign Code
 - Permitted use table
 - Transmission line (GI and LI)
 - Parks (GI)
 - Josephine Sunset (TN)
 - Lot design
 - School height

Later this year the Planning Commission will be task with creating a work plan for 2017 and will present to City Council in January of 2017 for consideration.

3. Discussion – Land Use Items for City Council

Staff informed the Committee that Ordinance 1418 dealing with miscellaneous edits to Titles 15, 16 and 17 will be on the agenda for September 22 for first reading. Ordinance 1419 dealing with changes to the land use process will be on the Council agenda October 13, 2016. City attorney is still reviewing some of the proposed changes.

Larry Sather, Chair