

**CITY OF FIRCREST PLANNING COMMISSION
Resolution No. 17-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
FIRCREST, WASHINGTON, RECOMMENDING APPROVAL OF
AMENDMENTS TO FMC 22.26 SIGN REGULATIONS AND FMC 22.98
DEFINITIONS, AND REPEAL OF FMC 22.64.041 SIGNAGE**

WHEREAS, on June 18, 2015, the US Supreme Court issued a decision in Reed v. Town of Gilbert, wherein the court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment; and

WHEREAS, the City's special land use counsel has recommended the City amend its code to comply with the Supreme Court decision and ensure the City's regulations are content neutral; and

WHEREAS, on July 11, 2016, staff presented general information concerning Reed v. Town of Gilbert and the need for the City to review its existing sign regulations and amend them as necessary to comply with the US Supreme Court decision; and

WHEREAS, planning staff and consultant have reviewed the City's existing sign code, a *Model Sign Code* recently prepared by Fircrest special land use counsel, Carol Morris, and other municipal sign codes, to identify how best to respond to the US Supreme Court decision; and

WHEREAS, planning staff and consultant have identified a number of additional provisions that would benefit from updating in order to improve clarity, simplify administration, achieve more attractive and effective signage, and provide greater flexibility for property owners and tenants with respect to the sign types, sizes and locations that may be permitted; and

WHEREAS, at their regular meetings of November 1, 2016, December 6, 2016, and January 3, 2017, the Planning Commission held study sessions to review proposed amendments to the City's sign regulations and associated definitions; and

WHEREAS, the City's Responsible Official issued a proposed Preliminary Determination of Non-Significance (DNS) on January 12, 2017 with a 14-day comment period ending January 25, 2017, and no comments were received prior to the comment deadline; and

WHEREAS, the City submitted a *Notice of Intent to Adopt Amendment* to the Department of Commerce on January 11, 2017 to initiate a 60-day state agency review period ending March 10, 2017, and as of the date of this recommendation, had not received any comments;

WHEREAS, on January 12, 2017, a Notice of Public Hearing for the proposed amendments was published in the Tacoma Daily Index and mailed to owners of business located within Fircrest; and

WHEREAS, the Commission has held a public hearing on this proposal on February 7, 2017, considered public comment, reached consensus on revisions to the draft amendments, and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Commission has made the following Findings of Fact and Conclusions of Law:

(a) The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan. Signage installed under the amended regulations will help achieve community character goals, objectives and policies by ensuring that future signage will be attractively designed, installed and maintained. The amended regulations will help achieve economic development goals, policies and objectives as expressed in the Comprehensive Plan by supporting the development and redevelopment of neighborhood commercial areas and commercial mixed use centers that are inviting to residents, employers, employees and shoppers. Signage allowed under the proposed regulations is intended to provide sufficient visibility for land uses of all types in various locations.

(b) The amended sign code will promote, rather than detract from, the public health, safety, morals and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This code is intended to:

- (1) Promote and accomplish the goals, policies and objectives of the city's Comprehensive Plan and Land Development Code;
- (2) Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
- (3) Recognize free speech rights by regulating signs in a content-neutral manner;
- (4) Promote the free flow of traffic and protect pedestrians, cyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Protect the beauty of the city's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
- (6) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
- (7) Provide consistent sign design standards;
- (8) Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and appropriate in size, materials and illumination to the surrounding neighborhood;
- (9) Provide an improved visual environment for the citizens of and visitors to the city; and
- (10) Adopt clear, understandable regulations that enable the fair and consistent enforcement of the code.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby recommends to the Fircrest City Council approval of the proposed amendments to FMC 22.26 Sign Regulations and FMC 22.98 Definitions, and repeal of FMC 22.64.041 Signage, attached hereto in Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Fircrest on the 7th day of March, 2017 by the following vote:

AYES: (5) McVay, Foss, Patjens, Halgren, Michaelson

NOES: (0)

ABSENT: (0)



Karen Patjens, Planning Commission Chair



Angelie Stahlnecker
Planning/Building Administrator

3-8-2017

Date