Kitsap County Planning Commission – June 26, 2014

VERBATIM MINUTES
KITSAP COUNTY PLANNING COMMISSION
Administration Building – Commissioners Chambers
June 26, 2014 9:00 A.M.

The verbatim minutes are attached for the meeting held on Thursday, June 26, 2014 of the Kitsap County Planning Commission. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at http://www.kitsapgov.com/dcd/pc/default.htm and listen to the audio file.

The Kitsap County Planning Commission met on the above-stated date at the Kitsap County Administration Building Commissioner’s Chambers, 619 Division Street, Port Orchard, WA.

Members present: Lou Foritano, Tom Nevins, Jim Svensson, Linda Paralez, Jim Sommerhauser, Linda Rowe, Erin Leedham, Karanne Gonzalez-Harless and Joe Phillips

Staff present: Darren Gurnee, David Greetham and Planning Commission Secretary Karen Ashcraft

The verbatim minutes are for the deliberations of the Kitsap County Sign Code (KCC 17.445).

Verbatim minutes approved this 15TH day of July 2014.

[Signature]
Lou Foritano, Planning Commission Chair
PLANING COMMISSION MEMBERS

LOU FORITANO - NORTH KITSAP
LINDA PARALEZ - NORTH KITSAP
LINDA ROWE - SOUTH KITSAP
TOM NEVINS - NORTH KITSAP
ERIN LEEDHAM - CENTRAL KITSAP
JIM SOMMERHAUSER - CENTRAL KITSAP
KARANNE GONZALEZ-HARLESS - SOUTH KITSAP
JIM SVENSSON - SOUTH KITSAP
JOE PHILLIPS - CENTRAL KITSAP

ALSO PRESENT

KAREN ASHCRAFT - CLERK OF THE HEARING EXAMINER
DARREN GURNEE - DEPARTMENT OF COMMUNITY DEVELOPMENT
DAVE GREETHAM - PROJECT MANAGER
SHELLEY KNEIP - DEPUTY PROSECUTING ATTORNEY
Thursday, June 26, 2014
9:01 a.m.

Individual speakers have been identified to the best of the court reporter's ability under limited line of sight conditions.

COMMISSIONER FORITANO: Okay. In expectation of a relatively long meeting, let's go ahead and begin with introductions to my far left. Mr. Phillips.

COMMISSIONER PHILLIPS: Joe Phillips, Central Kitsap.

COMMISSIONER SVENSSON: Jim Svensson, South Kitsap.

COMMISSIONER GONZALEZ-HARLESS: Karanne Gonzalez, South Kitsap.

COMMISSIONER SOMMERHAUSER: Jim Sommerhauser, Central Kitsap.

COMMISSIONER LEEDHAM: Erin Leedham, Central Kitsap.

COMMISSIONER NEVINS: Tom Nevins, North Kitsap.

COMMISSIONER ROWE: Linda Rowe, South Kitsap.

COMMISSIONER PARALEZ: Linda Paralez, North Kitsap.

COMMISSIONER FORITANO: Lou Foritano, North Kitsap.

You have an agenda before you with no corrections
coming from the staff I'm aware of. Is there a motion to adopt?

COMMISSIONER LEEDHAM: So move.

COMMISSIONER SOMMERHAUSER: Second.

COMMISSIONER FORITANO: All in favor?

Unanimous approval.

You have a rather elaborate set of June 16th meeting minutes, which I know I got a bit late for me, anyway, given my calendar yesterday and this morning -- tomorrow morning -- or this morning I should say. Is there a motion to adopt and then we'll discuss? Jim?

COMMISSIONER SOMMERHAUSER: So move.

COMMISSIONER FORITANO: Is there a second?

COMMISSIONER PHILLIPS: Second.

COMMISSIONER FORITANO: All right. Motion has been made and seconded. Discussion of these -- Jim, please.

COMMISSIONER SOMMERHAUSER: I don't want to do this to Karen or the rest of us, but the minutes from the first hearing are quite different than the minutes from the second hearing. Doing deliberations with one brief overview minutes and one much more comprehensive minutes leaves me feeling a little odd.

COMMISSIONER FORITANO: I understand that.

At least my view of that is I believe Karen was asked
to create a more detailed set of minutes at the same time. At our public hearing the audio/video support didn't show up. So I'm inclined, just on my own without having had a conversation with her, to say thank you for that, but let's move on.

About the content, question, comments? We have a motion. Do we have a second?

COMMISSIONER SOMMERHAUSER: (Indicating).

COMMISSIONER PHILLIPS: (Indicating).

COMMISSIONER FORITANO: Please, Karanne.

COMMISSIONER GONZALEZ-HARLESS: I'm sorry [indiscernible].


Okay. And now, Darren.

DARREN GURNEE: Thank you, Commissioners. My name is Darren Gurnee, Kitsap County Department of Community Development. Welcome to our deliberation session. To my right I have Dave Greetham who is planning manager for this project. And before we start, I wanted to introduce Shelley Kneip, our deputy prosecuting attorney, to go over a quick recommendation with regards to the process for today.
COMMISSIONER FORITANO: Thanks for coming, Shelley.

SHELLEY KNEIP: I've already -- Shelley Kneip for the record. I've already discussed this with the chair. On large ordinances like this we recommend that there be a main motion on the entire ordinance. And then as you discuss each piece and go through, there would be a set of motions, so to speak, as to amending the main motion. And we can keep track of all those changes that you might vote on throughout, and then you would vote on the entire thing as amended at the end.

COMMISSIONER FORITANO: And I believe, just for the record, we do have audio and video?

KAREN ASHCROFT: Yes, we do.

COMMISSIONER FORITANO: We do. We have both. Is there a question about that recommended process, which I know I'd be in favor of, unless there's some strong objection? I'd entertain a motion per Shelley's suggestion. Jim?

COMMISSIONER SOMMERHAUSER: Move to adopt the Sign Code Amendment as presented.

COMMISSIONER FORITANO: Is there a second?

COMMISSIONER PHILLIPS: Second that.

COMMISSIONER FORITANO: Motion made and seconded. Any questions about the motion? Comments?
All in favor? Sir?

COMMISSIONER SOMMERHAUSER: I think that there will be mass amendments before we go to a vote.

COMMISSIONER FORITANO: Thank you for the process correction. Yes. Okay. So we have a main motion, we have it seconded, and now we'll go ahead and proceed.

DARREN GURNEE: Thank you.

COMMISSIONER FORITANO: Set up for our deliberations. Thank you.

DARREN GURNEE: To begin, you should have received a memorandum that I must correct. The date is not May 6th; it was meant to be June 26th. That was set before you. I mentioned that I was going to go over this verbally but that I wanted you to have that for a written record.

In preparation for the deliberations today we wanted to offer a couple of following recommendations and clarifications with regards to the draft code that you're going to be reviewing today; one of which being the replacement of the definition of LAMIRD to include the different types of LAMIRDs that would be addressed in this code, and that would include that it would state, "Limited Areas of More Intense Rural Development are formally recognized areas within Kitsap County
wherein rural land use intensity is greater than typically allowed in rural zoning regulations. State law allows three types of LAMIRDs: Type I, which limit and contain pre-existing areas of more intense rural development prior to 1990; Type II, which allow new or existing small-scale recreational or tourist uses; and Type III, which allow new or existing isolated industrial or business uses."

We also suggest the change of "electronic signs" to actually say "electronic displays" for clarification within the code.

We also suggest to revise prohibited signs to mention that electronic displays and internally lighted signs outside urban areas in the prohibited section, not just electronic signs.

COMMISSIONER FORITANO: Darren, just a question for clarification.

DARREN GURNEE: Yes.

COMMISSIONER FORITANO: I assume electronic signs would embrace electronic message centers, that language?

DARREN GURNEE: That is correct. There is -- as we go through the draft code that was presented to you with the comments on the side, there is a distinction that is made saying that there was a
request to distinguish between electronic message centers and digital displays. So that is in your records.

COMMISSIONER FORITANO: So now wait a second. We’ve now got three different electronic signs? Digital and --

DARREN GURNEE: Digital displays are the ones that --

COMMISSIONER FORITANO: And electronic message centers?

DARREN GURNEE: And electronic message centers. As we go through, we’ll be able to clarify that for you.

We changed -- or we recommend the change for electronic display section, instead of saying "not withstanding," it's additional regulations; it's not in place of.

And we also recommend a discussion for monument signs as it relates to rural businesses and the possibility of allowing those in rural areas but for agricultural businesses, things that are distinctly rural that it would have smaller sign type.

And the remaining portion of the memorandum that you received is in response to questions raised during the hearing and comment process regarding the rural
character. I just wanted to clarify that we did address some of these rural character questions with the fact that we did restrict electronic displays and internally lighted signs to UG -- Urban Growth Areas and LAMIRDs, and that residential areas outside an Urban Growth Area or Type III LAMIRD are only allowed one free-standing sign. It's trying to limit the proliferation of signs but still allow for a business, if it exists, to have representation. So those are the main points of this memo. It was just meant to be helpful in your deliberation process. And of course as we go through this we'll be willing to answer any questions that you have.

COMMISSIONER FORITANO: Questions about the memo submitted? Joe?

COMMISSIONER PHILLIPS: Okay. On your last point, we're stating that residential areas outside an Urban Growth Area. Are there residential areas in the Urban Growth Area?

DARREN GURNEE: Yes.

COMMISSIONER PHILLIPS: All right. Then this doesn't meet what I would consider the requirement because I don't know of any residents in an Urban Growth Area that want to allow all the signs that the UGA can have.
DARREN GURNEE: Okay.

COMMISSIONER PHILLIPS: And I'm kind of worried about now we're defining a residential UGA and I don't know where that fits in this code.

COMMISSIONER FORITANO: Do you have an example, Darren, a residential area inside a UGA?

DARREN GURNEE: Yeah. Probably Ridgetop Way in Silverdale. The reason why there was that distinction made was specifically for the sign illumination requirements within a UGA versus outside of it.

COMMISSIONER FORITANO: That's where the church --

DARREN GURNEE: That's -- that's church -- that's where the church is, but it's not specific to that.

COMMISSIONER FORITANO: Got it.

Karanne.

COMMISSIONER GONZALEZ-HARLESS: So on "electronic displays would be restricted to areas inside the UGA," but here you still have "except authorized for schools, churches, public safety agencies, governments, quasi government agencies." So is that being taken out?

DARREN GURNEE: That is not being taken out
unless there is a motion passed to do so.

COMMISSIONER GONZALEZ-HARLESS: So in other words, this really doesn't change anything from the original one -- or from the ordinance.

DARREN GURNEE: That was just a clarification as to the process that we used that was part of the justification.

COMMISSIONER GONZALEZ-HARLESS: Oh, okay. I thought it was a change.

DARREN GURNEE: We can still make motions to change and it's --

COMMISSIONER GONZALEZ-HARLESS: Okay. I thought it was a change.

COMMISSIONER FORITANO: And can you pull the mic a little closer just so we can get good clean audio?

Tom?

COMMISSIONER NEVINS: Yes. The language change on Type III LAMIRDs is significant from past code. And past code indicated that Type III LAMIRDs were not set up to serve the local area; they were for industrial in their -- I don't have the language in front of me, but it did not include any commercial outlet or use, if I can remember the original code language, and this -- this is a significant change, and
I think we probably need to deal with it later on because -- because the business uses is the words that seem to be new to me.

DARREN GURNEE: Just to clarify, it was -- it was run through our legal. We wanted to -- I believe it was to try to simplify the definition and not necessarily change the content. So that is something you may want to look at as you're going through this.

SHELLEY KNEIP: We were trying to clarify the distinction between the different types of LAMIRDs. Kitsap County has two types: Type I, which are -- were have been in existence. They're usually denser areas that maybe have some commercial use that were in existence before 1990. And the purpose is to limit and contain those uses and keep the uses the same.

I think it was 2010 where the county established some Type III LAMIRDs. And under state law those are industrial or commercial uses that can be new. It doesn't have to -- it's not limited to 1990, but they are also contained. So up near Kingston, Bond Road -- is it Bond Road there's one? And we've designated a few of those to limit what was already -- they were already there. But under the statute it can be new, and it is commercial and industrial. Cottage industries are -- are a business, is what it says under
the statute. So they're two different types. And because the code references Type III throughout, we thought adding to that definition would clarify, rather than just refer to LAMIRDs in general because Type III are really different than Type I.

COMMISSIONER FORITANO: Any further questions about the document that Darren presented before we begin to move into this?

Shelley, I should have held onto you because I'd appreciate if you'd also provide a bit of background information that I asked when we first chatted a second ago. And that is, a couple of my colleagues have raised issues that I think you're best able to speak to, and that is the legal continuity, the legal relationship between Growth Management Act, Comprehensive Plan and this sign code. Maybe we can just get that out there really quickly.

SHELLEY KNEIP: Right. The sign code is considered a development regulation that implements the Comprehensive Plan. So there does need to be consistency. And so if there are any plan policies that it needs to be consistent with the Comprehensive Plan, internally consistent, consistent with the rest of the zoning code, any sub-area plans that might be applicable, and consistent with the Growth Management
COMMISSIONER FORITANO: And you found it so?

SHELLEY KNEIP: Yeah. We've -- we actually went over that. Darren is, I think, prepared to go over points if they come up. And that is one of the reasons we suggested some of these last-minute changes to clarify, for instance, the LAMIRDs. LAMIRDs are rural, but they -- because of their unique business-like character we thought that would be worth distinguishing.

COMMISSIONER FORITANO: Karanne, since I know you invested heavily in this and documented it, questions? Is this -- I get this -- I see your look. It's not a look of complete satisfaction.

COMMISSIONER GONZALEZ-HARLESS: I don't want to debate that right now. I think --

COMMISSIONER FORITANO: Okay. Just any questions.

COMMISSIONER GONZALEZ-HARLESS: -- when we actually start getting into the section of the ordinance, I think it will be easier for one to follow rather than to kind of start.

COMMISSIONER FORITANO: We probably will not have the benefit of Shelley's presence.

SHELLEY KNEIP: Right. I think part of the
concern is rural character, and under GMA rural and visual character. And that is something we need to be cognizant of as we're looking at different uses in the rural area.

COMMISSIONER FORITANO: Well, I think we're beyond cognizant.

SHELLEY KNEIP: Right.

COMMISSIONER FORITANO: There's a real body of public views and a real body of views among my colleagues and myself having to do with whether this connects with a common sense reasonable person's standard of rural character.

SHELLEY KNEIP: Right. Right. And so that's all up to you as to what should be appropriate in the rural area and what might not be, and I think that's -- our view is that that's for your discussion today.

COMMISSIONER GONZALEZ-HARLESS: So essentially for me what it comes down to is the sign code as it stands right now appears to give everybody that's been through past review, say LAMIRDS where there's been buffers and screenings and sign conditioning through their conditional use permits or however -- whatever they went through at whatever time it was, basically a free upgrade without a public process, and that seems inconsistent to me because you
don't get to write an ordinance that gets them out of the conditions of their permit.

SHELLEY KNEIP: No. And we discussed that yesterday too. And chime in Darren or Dave. But if they had a conditional use permit they're still subject to those conditions, and the sign code doesn't give them carte blanche to make changes.

COMMISSIONER GONZALEZ-HARLESS: But it talks about getting, you know, people together to say, oh, we want to change our sign, and we want to revise things within our, say, three or four tenants, and it -- I guess to me it doesn't appear that it has -- that it clearly states that. And all these LAMIRDs have already gone through review and conditions so why are we actually even addressing it?

SHELLEY KNEIP: Well, those are -- the LAMIRDs are generally sub-area plans are a plan, so they're policies. They have some regulations, but I don't think the sign -- they have specific --

DARREN GURNEE: There are --

COMMISSIONER GONZALEZ-HARLESS: The ones that already have buildings there that are already developed?

SHELLEY KNEIP: Right. I don't understand.

DARREN GURNEE: They would still be required
-- in order to -- they can apply for a new sign, but they still have to get the conditions of approval changed to allow that sign to occur. So the conditions are still in place.

COMMISSIONER GONZALEZ-HARLESS: Where does it say that in the ordinance?

SHELLEY KNEIP: It's in the zoning ordinance under the conditional use if they have a --

COMMISSIONER GONZALEZ-HARLESS: Right. I understand that.

SHELLEY KNEIP: -- conditional use permit.

COMMISSIONER GONZALEZ-HARLESS: That's what I put in my -- but it's not in this ordinance.

SHELLEY KNEIP: But this ordinance is part of the zoning code so --

DARREN GURNEE: That is something that you can make a motion that we put that language --

COMMISSIONER GONZALEZ-HARLESS: Okay.

DARREN GURNEE: -- in saying that conditions would have to be changed prior to approval of a sign.

COMMISSIONER FORITANO: Jim?

COMMISSIONER SVENSSON: For clarity wouldn't it make sense to have some kind of language in the text of the sign code itself that would cross-reference that or make that clear?
In your liner notes on, I think, the most recent draft we received you flat out stated if there was a sign approved through a planning unit development that the PUD would have to be amended. But it's -- I think for -- at least it's my opinion that for purpose of clarity it would be good to have some language like that in the text of the sign code wording --

DARREN GURNEE: And that's something that we can motion today --

COMMISSIONER SVENSSON: -- to make that very clear.

DARREN GURNEE: -- to put in there.

COMMISSIONER FORITANO: While we have the benefit of Shelley here -- I don't know how long she can stay -- are there any questions that you think would be particularly pertinent to an attorney, having to do with legal? No? Yes, sir.

COMMISSIONER SOMMERHAUSER: Specifically pertaining to Mr. Walker's testimony at both sessions saying that he doesn't feel that the level of requirement meets constitutional tests, we asked staff if there have been any court challenges on sign codes that appeared to have greater requirements. I'm not uncomfortable with it, but I think we owe at least a response.
SHELLEY KNEIP: In the briefing we gave you -- was it last month where I talked about various case law? Sign codes are a little harder to deal with than regular land use regulations because of the First Amendment issues, and there has been -- there is a huge body of law on that. I think I talked about the Leavenworth case where -- which was much more restrictive than this, requiring actual Bavarian theme signs in the downtown area, which was upheld. There was a case in Walla Walla. Kind of sad, actually, I thought. It was a toy store that had a huge mural of an octopus. It was really cute. The city made them take it down. And that went all the way up through the courts and the city won. So restrictions on signs are considered in the public interest. They're aesthetic, they're safety, and economic development in the case of Leavenworth, so there -- as long as we have a good basis for these restrictions and the record shows that there are good bases for these restrictions --

COMMISSIONER FORITANO: Shelley, though, I believe -- I don't want to speak for Mr. Walker, but if I recall his testimony twice it was in the other direction, and that is he felt that any sign code restriction was a -- was not in concert with his First Amendment rights.
SHELLEY KNEIP: I'm afraid I'd have to disagree.

COMMISSIONER FORITANO: Okay. That's --

SHELLEY KNEIP: And I think there's plenty of case law to support that. There is.

COMMISSIONER SOMMERHAUSER: The specific area of my question, Shelley, is -- and you used one term, "aesthetics." The second term from the purpose statement under the code is "visual quality." Are those -- I understand limiting signs based on distraction, things like that. But is aesthetics and, quote, visual quality an item under which we may regulate signage and interfere with the First Amendment?

SHELLEY KNEIP: Yes, to a point, as long as it's reasonable, as long as we have a good basis for it. I mean the rural aesthetics is part of that.

COMMISSIONER FORITANO: And I assume, Shelley, just so -- because there were two other sets, I made a particular point of going back and looking for language. I saw visual quality. I saw aesthetics. I also saw visual order and visual integrity. Is it fair for us to assume that all means the same thing or is it ambiguous?

SHELLEY KNEIP: I think so.
That was your intent?

DARREN GURNEE: That was the intent. Each of those has a fairly small difference in the language, but it was the intent overall.

SHELLEY KNEIP: You know, and aesthetics and safety can overlap. When you have a clutter of signs it can be distracting to drivers. Signs on the sidewalk can be distracting to pedestrians.

But the other point I wanted to make is we talk about content. That's where you get into the First Amendment areas where we cannot regulate what's on a sign, per se. We can regulate size. They call it time, place, and manner restrictions, and those are safe from constitutional challenge generally. But it's when we're saying your sign must promote this or must say this that we have to stay away from.

COMMISSIONER SVENSSON: Shelley, I'm going to put you on the spot here. In order to address Mr. Walker's testimony, and I think some of his Tea Party associates, is it fair -- can it be stated that your office has reviewed this proposed zoning code and believes that it meets the constitutionality test?

SHELLEY KNEIP: Yeah. That's the first thing we did. When we found out there was going to be a sign ordinance, we started working on looking at the
constitutional issues. And I've worked closely with Darren on that and told him what the parameters would be. We've researched all the case law.

Of course we had our own case that went to the Supreme Court, you know, with Mattress Outlet. Do you remember that, the guys on the street in the big raincoats? And we actually lost that. It was a very split decision, five -- it was actually what they call a fractured decision. Of the nine Supreme Court members I think only three -- I don't remember exactly, but I think only three joined in the concurrence, and then two concurred on different grounds, and then four disagreed. So that was a very very close case whether those raincoats were signs. And, you know, they were right in people's faces. It was really a safety issue, I think, but it started out as a code enforcement.

COMMISSIONER FORITANO: Helpful, and I think respectful to what I thought his position, which was presented in a very articulate calm manner, so I think we're good --

SHELLEY KNEIP: And I have to tell you I did not listen or review the testimony so I'm just going off of what you're telling me here.

COMMISSIONER PARALEZ: So what about the issue of phasing out nonconforming signs and the whole
compliance area? I'm thinking particularly of the LAMIRDs in North Kitsap that have plastered wall signs all around three sides of the building instead of the one sign that's allowed.

SHELLEY KNEIP: Well, you have to remember that nonconforming means that it was legal in the first place. And I think a lot of Darren's examples were not. So those would be subject to code enforcement. It's uncommon, I think, in Washington to have what they call an amortization period where you require signs to be replaced, but it is legal. The only thing the courts have said about that is you cannot require immediate, you know, you have to give them a reasonable time frame in order to change out their signs.

COMMISSIONER PARALEZ: So in this case where they're out of compliance clearly.

SHELLEY KNEIP: They would be subject to --

COMMISSIONER PARALEZ: So we just haven't enforced it. They probably never even got a permit.

SHELLEY KNEIP: It's probably something -- you know, it's probably resources and priorities of, you know, health and safety issues.

COMMISSIONER PARALEZ: Yeah, and they have left signs all along the highway.

SHELLEY KNEIP: Yeah.
COMMISSIONER PARALEZ: Never even bothered to get a permit.

COMMISSIONER FORITANO: Yes, Tom.

COMMISSIONER NEVINS: On the nonconforming issue I have a quote from NRSC. It says, "Zoning ordinance may provide for the termination of nonconforming uses by reasonable amortization provisions. Such amortization provisions which allow for continued operation of the use for a period of time deemed sufficient to recoup investment put into the use are commonly applied to restrictions or prohibitions against" -- "imposed on billboards." That's the only thing I found.

SHELLEY KNEIP: Okay. Yeah. And they're looking at the few cases that have dealt with that. Like I said, they're not really common in Washington, but I did find the one case that talked about no immediate and -- and that's what's considered reasonable, is that they can recoup their investment in the sign for a period of time.

COMMISSIONER FORITANO: Further questions of Shelley?

COMMISSIONER SOMMERHAUSER: So the language we should use if we -- I'm -- I'm going to [indiscernible] amortization on nonconforming?
SHELLEY KNEIP: I think Tom has a good example of language that should be used -- could be used for that.

COMMISSIONER FORITANO: Great. Shelley, thank you.

SHELLEY KNEIP: If you've got a time frame, then that's what, you know, the record should reflect how you came to that tenure and what the basis of it was.

COMMISSIONER FORITANO: And not immediate and the rationale --

SHELLEY KNEIP: It's a depreciation period type thing.

COMMISSIONER SOMMERHAUSER: So it's not a sunset; it's an amortization?

SHELLEY KNEIP: Right.

COMMISSIONER FORITANO: Good language.

Thanks again very much. Very helpful.

All right. There are -- I think in looking at all of your comments formal and informal, public testimony, there are at least a half dozen different areas. And unless Darren or Dave guides me otherwise, I'll sort of follow what you may choose in terms of either the sequence of the code update or key issues like the whole area of prospective amendments that have to do
with electronic signs. Whole amendments have to do
with enforcement, location, deliberation,
grandfathering. Maybe as a cluster it might be helpful
for at least getting discussion.

Tom.

COMMISSIONER NEVINS: Well, I have just such
a cluster.

COMMISSIONER FORITANO: You do? Well, then
let us --

COMMISSIONER NEVINS: And it --

COMMISSIONER FORITANO: Let us entertain your
amendment.

COMMISSIONER NEVINS: -- amounts to a
significant change in the way things are going and I
would like to put before the commission for
consideration. And the main point is that all of the
people who have testified, no matter where they've come
from, none of them have said they want to clutter up
the county. Most everybody is in agreement that the
visual quality of Kitsap County is significant. And my
-- my three amendments are separate, but they hang
together a little bit, but they address that as the
compelling reason, is visual quality. And I passed out
a paper that has a little yellow pad up at the top
there that had very brief language that goes with this.
And the other part of it is to enable code compliance and improve predictability, which are goals that we have within the beast.

So my first — my first amendment is to add to Section 17.446.040 under Prohibited Signs "illuminated signs outside commercial zones." That is the amendment, and if it receives a second I'll go ahead.

COMMISSIONER FORITANO: Could you be a little clearer for me as to the language of your amendment?

COMMISSIONER NEVINS: Yes. Under the — under the section of Prohibited Signs this prohibits illuminated signs outside commercial zones. I understand and I know that this is a significantly large change.

COMMISSIONER FORITANO: Is the amendment clear and — seek a second -- the expression of the amendment clear to all, apparently.

(Speaking simultaneously.)

THE COURT REPORTER: Pardon me?

COMMISSIONER FORITANO: We have a motion and a second.

KAREN ASHCRAFT: And who were they?

COMMISSIONER FORITANO: The motion was made by Tom, and the second by Jim Sommerhauser.

And do you need to have Tom repeat the language of
the amendment, Karen?

KAREN ASHCRAFT: Yes, please.

COMMISSIONER NEVINS: The language of the amendment is to add to Section 17.446.040 Prohibited Signs -- I believe this would be like No. 22 or 23 or something like that -- "illuminated signs outside commercial zones."

Now am I speaking in favor of the motion at this time?

COMMISSIONER FORITANO: Yes, please.

COMMISSIONER NEVINS: The commercial signs have been justified as needed by folks and -- and it goes on. And what we have seen people talking about is signs that are popping up that are for fire -- fire stations, churches, and now residential developments, that are electronic that are outside of commercial zones. Generally this is a -- does not enhance the visual quality of Kitsap County in my mind. I recognize that this is a change from what we have been allowing. This still allows churches, fire stations, et cetera, governmental agencies inside of commercial zones to have illuminated signs, but outside in residential zones and rural zones this would be prohibited.

COMMISSIONER FORITANO: Linda.
COMMISSIONER PARALEZ: So can you give an example of an illuminated sign within a residential or any other zone other than commercial that is current? Do you have a picture of one?

COMMISSIONER NEVINS: An example of a sign that would be outside of a commercial zone?

COMMISSIONER PARALEZ: That's illuminated now.

COMMISSIONER NEVINS: Presently, from what I understand, there's some fire stations in South Kitsap that are outside of --

COMMISSIONER ROWE: [Indiscernible] school.

COMMISSIONER NEVINS: Yeah, the school signs outside -- outside of --

COMMISSIONER PARALEZ: And yeah, they get kind of obnoxious, but it's public stuff that's illuminated, not industrial or commercial.

COMMISSIONER SOMMERHAUSER: The way I read the language, this is all illuminated --

COMMISSIONER PARALEZ: Yes.

COMMISSIONER FORITANO: Yeah.

COMMISSIONER PARALEZ: So this would cut off that nonsense.

COMMISSIONER FORITANO: Discussion?

Questions? Comments?
COMMISSIONER ROWE: Would this include like a church that has a light on a monument sign, a halo light?

COMMISSIONER NEVINS: Yes.

COMMISSIONER FORITANO: Well, we have the benefit of black and white on the extreme sign.

COMMISSIONER ROWE: Yep.

COMMISSIONER FORITANO: Really? No questions, comments, discussion, opinions, views?

COMMISSIONER ROWE: So how much control do we get of public such as the fire stations, of the governmental? Are the changes we make here --

(Speaking simultaneously.)

COMMISSIONER ROWE: That answers it right there. I mean if we do this and we tell a fire station sorry you can't do that sign, they didn't come to us for a permit anyway, right?

COMMISSIONER FORITANO: I don't believe so. I thought schools, federal facilities were not under consideration here. We don't get a chance to --

(Speaking simultaneously.)

SHELLEY KNEIP: Most governments are subject to zoning unless there is some kind of preemption. I think post offices have their own -- have a federal law that we can't regulate them. But I think the fire
stations and schools do have to get permit and zoning approval.

COMMISSIONER GONZALEZ-HARLESS: And I'd like to add that when they do, we put them through environmental review which includes things like noise, light, and glare, especially with fire stations because neighbors have to incur that with the flashing lights. And so screening and positioning of entrances and exits are really crucial.

COMMISSIONER SOMMERHAUSER: I hear all of that discussion, and then I look at the Klahowya sign and I'm saying did we really do that.

COMMISSIONER FORITANO: Jim.

COMMISSIONER SVENSSON: Since Tom's proposal would eliminate any sort of illuminated sign, this would create an awful lot of nonconforming signs in the county, and perhaps some complicated questions about repair and maintenance, including, you know, I have it in my head the vision of a rural church with a, you know, small sign painted on plywood with maybe a little floodlight pointing out across some landscaping, and those would be prohibited as well. I think I certainly respect Tom's objective here, but I think this may overreach just a bit in my opinion, but that's all I have to say.
COMMISSIONER FORITANO: Further views before we call for a vote?

Jim.

COMMISSIONER SOMMERHAUSER: I agree it's probably an overreach, but then if -- if we don't have one uniform rule the -- the difficulty of framing the multitude of rules is going to be harder.

COMMISSIONER SVENSSON: I've seen similar comments from several planning commission members and staff this morning about limiting the scope of electronic signs to prohibit animated flashing ones but allow programmable static type message center signs. If we move in that direction, and the provision in -- I don't have the section right in front of me, but in the lighting portion of the sign code that requires that signs -- illuminated signs in rural areas must be unlit after -- between 10 p.m. and 6 a.m., that, it seems to me, would go a fair distance in protecting rural character even if we do allow limited --

COMMISSIONER FORITANO: For only churches or...?

COMMISSIONER SVENSSON: Well, I think -- Darren, help me out here.

DARREN GURNEE: It's up on the screen, on your screen.
COMMISSIONER SVENSSON: Can you give a page number so we can also find it because a few of us have screens and some of us couldn't --

DARREN GURNEE: My apologies. That is going to be page 12 of 28, No. 5 under Sign Illumination. And I'll try and get this bigger so it's -- and this is not just limiting to churches or not just limited to certain things. It's all encompassing outside of the UGAs.

COMMISSIONER SVENSSON: It says "shall not be illuminated after 10 p.m." So the current Ridgetop church sign that's illuminated 24 hours would -- if we had amortization ten years from now they'd have to turn it off at ten.

COMMISSIONER FORITANO: All right. We have a motion, we have a second. Tom?

COMMISSIONER NEVINS: Just a little bit more. Just one more little quick here. The -- I mentioned I have three amendments, and the nonconforming sign is my third one that is coming up. I just want to know that that -- I do recognize that this will create a lot of nonconforming signs out there, but I intend to deal with that with an amendment at some point.

COMMISSIONER FORITANO: Do you have -- to really the one objection [indiscernible] but I heard
one specific objection. Do you have any comments or views as it relates to the kind of example Jim gave besides just giving that organization notice for change and being able to light their small church sign?

COMMISSIONER NEVINS: Basically what I tried to do is make it simple and straightforward up and --

COMMISSIONER FORITANO: Yes.

COMMISSIONER NEVINS: -- down so that we can begin to prevent further proliferation immediately for all of this sort of thing that's going on. There may be a little country church that hasn't got their sign up yet, but I'm not worried about that. They've been managing okay up to this point, so be it. The others we can figure out how to deal with nonconformance regulation.

COMMISSIONER FORITANO: Sounds like we might be ready to -- I'm sorry.

COMMISSIONER LEEDHAM: Just one more thought. On the amortization, if we're phasing in are we talking now would be day one? I mean if we're talking ten years and we've got a sign that's already 15 years old, are we -- but we're starting the clock now and moving forward?

COMMISSIONER FORITANO: We haven't gotten to that yet. We're not there yet, but we'll hang onto
your question.

We have a motion. All in favor, please hands up.
I count one, two, three in -- four in favor. All
opposed hands up. One, two, three, four. All right
that's a good start. Was there five? Let's do it
again. All in favor. Please high. One, two -- let's
start again. All in favor. Hands held high. One,
two, three, four. All opposed. There's five. Okay.
Motion fails.

DARREN GURNEE: I would like to --

COMMISSIONER FORITANO: Please.

DARREN GURNEE: -- clarify. There -- in
terms of all illumination, you can also talk about the
distinction between external versus internal, where he
was discussing the flood lamp going up versus the
backdrop with the internal light. So there is a
difference between those two.

COMMISSIONER FORITANO: For what it's worth,
since we've invested some discussion time, on
illumination in rural areas and noncommercial areas,
anybody want to continue with this and try another
motion in the area? Yes. Go ahead.

COMMISSIONER GONZALEZ-HARLESS: Motion to --
I guess I need to find the section. Actually I need to
think about it just a minute and --
COMMISSIONER FORITANO: Okay. And -- and I believe --

COMMISSIONER GONZALEZ-HARLESS: I do have one for electronic --

COMMISSIONER FORITANO: Gotcha. Because I think this -- this is clearly a broad area. So if anybody has some wording we'll get back to that as soon as we can. We're really talking about --

COMMISSIONER GONZALEZ-HARLESS: Give me a minute.

COMMISSIONER FORITANO: -- a motion to amend the approval of the overall code because we are beyond that step. Okay.

COMMISSIONER ROWE: I do like this idea of eliminating the --

COMMISSIONER FORITANO: Can't hear you, Linda. I can, but the world can't.

COMMISSIONER ROWE: Okay. I do like this idea of not having illuminated signs outside the commercial areas, but I am concerned about it being an overreach. And in the code right -- the proposed code it does stipulate that those signs would have to be turned off after 10 p.m. Is that -- is that not -- Tom, you don't think that kind of answers that question or you feel it's inadequate or...?
COMMISSIONER NEVINS: Typically my world does not experience anything between 10 and 6 a.m.

COMMISSIONER FORITANO: Jim.

COMMISSIONER SVENSSON: I think the key question there is, is that being actively enforced and would it be if this proposed sign code were adopted to vastly open the door to electronic signs in certain situations in rural areas.

DARREN GURNEE: The enforcement policies would be based off of a complaint that is filed. And then if there is a complaint filed, then we have the opportunity to enforce it.

COMMISSIONER SVENSSON: Because I think we've mentioned here this morning a number of examples of very, in my mind, obnoxious electronic signs in rural areas that are still flashing, and one I see every day. It was going strong this morning zooming and zipping and --

COMMISSIONER FORITANO: Well, I think enforcement I think is another whole area of discussion because I think as the staff suggested, and we've discussed back and forth, any of this stuff is meaningless if there's no either intent or budget capability to enforce. And I know our community is involved in a formal report and a complaint process.
right now, and I can say from my standpoint as the point person of it the process is working, albeit slow and a bit muddled. And I commend DCD for its responsiveness in at least keeping me on behalf of my association in the know as to why -- why what appears to be unauthorized logging took place absent a permit. But it is cumbersome and it is timely. And it was made very clear that this is not the first order of business of the limited compliance enforcement capability that the county has. So yes, this is important.

Jim.

COMMISSIONER SOMMERHAUSER: When we get -- once we've got whatever we put together, I will have a statement, hopefully, for the planning commission separate from the ordinance to support relating to enforcement because this -- this is a ridiculous effort, thousands of hours of input, unless enforcement happens.

COMMISSIONER FORITANO: She's back. Okay.

COMMISSIONER GONZALEZ-HARLESS: Okay. I'm ready. I'm on page 15, I'm on Regulations for Electronic Signs, and my motion is to strike the language after "UGAs" in parenthesis.

COMMISSIONER FORITANO: Line 2?

COMMISSIONER GONZALEZ-HARLESS: Yeah, okay.
Line 1 -- yeah, line 2, take out "Type III LAMIRDs" all the way through to the end of the sentence.

COMMISSIONER FORITANO: So then would you read what's left just for the record?

COMMISSIONER GONZALEZ-HARLESS: "Electronic signs are prohibited outside Urban Growth Areas (UGAs)."

DARREN GURNEE: That section I have highlighted there?

COMMISSIONER GONZALEZ-HARLESS: Yeah, that's the -- motion is to strike the remaining language.

COMMISSIONER FORITANO: How substantially different is that from Tom's electronic versus illuminated?

COMMISSIONER GONZALEZ-HARLESS: This is electronic message centers. These are the scrolling signs. These are the internally lit signs.

COMMISSIONER FORITANO: So your distinction is illuminated okay, electronic message centers not okay?

COMMISSIONER GONZALEZ-HARLESS: Correct. Those that have had halos or they're already approved through their conditional use permit under the existing code. This is the electronic signs.

COMMISSIONER FORITANO: Gotcha.
Is there a second to that motion?

COMMISSIONER SVENSSON: I'll second it.

COMMISSIONER FORITANO: Okay. Motion made and seconded. Discussion? Please.

COMMISSIONER GONZALEZ-HARLESS: I think you guys have read some of this stuff that I've put together, but, you know, we've had testimony, first from Randy Hanson in signs who says people really can't afford these, there's not that often a request for them. But again there's stuff you can buy at Costco, there's no limitation on, you know, color, size, you know. So one thing, in reading the rural policies and reading through the discussion, there was a lot of people participating that said, you know, what we like is that we don't want to be interrupted. I think electronic signs do interrupt.

I think the testimony from Ron Perkerewicz was really compelling that look at Central Valley Road and how many signs, electronic signs could be permitted in a four-mile distance, and that was just schools and churches.

And one of the policies that I was looking at in the comp plan said, you know, we don't want to give the appearance of urban services in a rural area. We don't want to create that as a part of the character because
people then assume. And I think electronic message centers certainly do that. And everybody that I've talked to, when asking, all over nobody likes them. Businesses like them. I understand that, but...

COMMISSIONER FORITANO: And just for clarification or my standpoint, in your mind when you're looking at urban services you're also, I believe with what you've excluded, embrace churches and schools?

COMMISSIONER GONZALEZ-HARLESS: In a rural environment.

COMMISSIONER FORITANO: In a rural environment. Okay. Questions or -- yes, Jim.

COMMISSIONER SVENSSON: To follow up on Karanne's motion, that would allow rural churches and fire stations to have internally lit nonelectronic signs, which, you know, I think would be appropriate if the other applicable code provisions are enforced.

I listened to many hours of testimony over the last couple of months, and I didn't hear one person say that they really wanted to see, you know, active electronic signs anywhere, and a lot of the testimony was about rural character. And I support Karanne's motion. That would give more limited type of illuminated low-key signs to those rural uses but
prohibit electronic --

COMMISSIONER FORITANO: And presumably, as I remember the rather extensive testimony from the Silverdale church, what they wished was illumination with some digital control, but I can't recall an emphasis on electronic.

COMMISSIONER GONZALEZ-HARLESS: And again, they're not within the rural area. They're in the Urban Growth Area.

And one thing I'd like to point out, too, with the policies, and I think there were even comment letters that were pretty clear, it's really clear in the comp plan that in LAMIRDs internally lit signs are prohibited. And we have to be consistent with the comp plan and policies both for the LAMIRDs. I keep wanting to call them lambroids (phonetic) because that's what I call my little sheep. They're starting to feel like lambroids to me. But I think we have to really look at those policies and what took place. That's what guides us. Maybe in the future when we do the new comp plan there will be different policies, but those are really clear that this isn't part of our rural character and they are prohibited.

COMMISSIONER FORITANO: Further views or arguments for and against?
Jim.

COMMISSIONER SOMMERHAUSER: I'm probably going to support the motion. However, it's going to require a significant tightening up of the definition of electronic signs. Our current definitions still leave me wholly wanting on what we're really talking about. So like I say, I'll support this motion, but my support is conditioned on being able to get a readable understandable definition of electronic signs.

COMMISSIONER PHILLIPS: I would point out to everyone that if you look at the Section 20 definition, we've got four different definitions for electronic signs. So if you don't use those definitions, why are we defining four different? And I think part of the problem here is that every one of us has a different view of what an electronic sign is. And I really think instead of this argument about electronic signs we need to start using the correct definition of what we're supporting, what we're not supporting.

COMMISSIONER FORITANO: Anybody have Wikipedia handy?

COMMISSIONER PHILLIPS: Well, it's --

COMMISSIONER FORITANO: Not to be frivolous.

COMMISSIONER PHILLIPS: -- in your definitions right now. I mean we have electronic sign,
that's one definition. Electronic sign animated, electronic sign flash, electronic sign scroll. Now, if we're going to put those in the definition, then they should be spelled out in the code where you're -- where you're applying it and which ones you're applying it to.

COMMISSIONER FORITANO: Just a question to the maker of the motion and the seconder. Do you want to by any chance try to embrace that?

COMMISSIONER GONZALEZ-HARLESS: I think all of those things describe the actual events that can take place.

COMMISSIONER FORITANO: So you're comfortable with that multifaceted definition as part of your -- that's what's in your head?

COMMISSIONER GONZALEZ-HARLESS: Absolutely.

COMMISSIONER FORITANO: Gotcha. Okay.

Clear.

COMMISSIONER SOMMERHAUSER: The way I understand this is all four definitions would be --

COMMISSIONER FORITANO: Right.

COMMISSIONER SOMMERHAUSER: -- prohibited.

COMMISSIONER FORITANO: Apply to that. Okay.

Gotcha.

I think there was one more question or comment
before we put it to a vote? Is there one more? No.
Okay. Motion made, seconded. All in favor? Up. One, two, three, four, five, six, seven, eight. Eight for; one against. Motion passes.

Sir.

COMMISSIONER NEVINS: I'll piggyback a motion of a sort that has to do with electronic signs because we're on the topic and we're on the topic of visual quality and compliance and predictability, and that is to have -- the motion is to amend 17.446.080, Regulation for Electronic Signs. "Number one, Hold time: The digital message or static message shall remain on the display for a minimum of 24 hours." The reason is that the distraction and the irritation presented by electronic signs is due to their changeable nature and the anticipation that a change is coming up and you would be looking at it for a long time. I'll say more about that later.

COMMISSIONER SVENSSON: Second.

COMMISSIONER FORITANO: Motion made and seconded.

You've got the motion, Karen?

KAREN ASHCROFT: Yeah.

COMMISSIONER NEVINS: And what I have heard is that it's justifiable to a degree, although I'm not
necessarily in favor. But there are some people who have like gas prices they need to change, okay, and they change them. In a 24-hour period they can change the gas price. That should be good enough, although it's been changing quickly lately. If you are a commercial organization in an Urban Growth Area, you may want to call out your new price on milk at the store. And it doesn't change more than once every 24 hours, I hope, or it will drive the cashiers nuts. So this retains enough of the benefits of electronic signs to give them a possible value, but it does diminish it in the sense that it's an attractive thing, and the attraction of the digital sign that changes every one second on the case of the Home Builders -- I wish we had Home Builders here today -- or the two or three second for the selling of cars down at Parr, that is a thing that most people are having a little difficulty with and in fact are beginning to change their patronage of such places for that reason. So I think for the benefit of all, 24-hour period would take care of it.

COMMISSIONER SVENSSON: I've heard that Silverdale Lutheran Church has been one of the reasons, their persistent request to have a message center, electronic message sign has been one of the reasons
that we're seeing these sign code amendments. As you mentioned, Lou, our hearing in Poulsbo they were represented by several individuals, including the pastor. And I asked one of the members testifying talking about their need for a sign whether they are interested in an animated, you know, active electronic sign, and he said no. But something along the lines of what Tom's proposing in Tom's motion would apparently fit nicely with their expectations. And I didn't hear anybody in hours of testimony say I want to see -- I want the ability to have an animated flashing electronic sign.

COMMISSIONER FORITANO: What I heard from the same group was they wanted to be able to advertise events, especially those that might happen a couple of times during the course of a week, and be able to change that, perhaps, digitally for convenience. But nowhere in there was animation or any of the stuff that's a concern of the group.

Further questions or comments on the amendment?

Yes, Erin.

COMMISSIONER LEEDHAM: So currently we're looking at a minimum of three seconds, right?

COMMISSIONER FORITANO: Yes.

COMMISSIONER LEEDHAM: That's what's in the
current code. So obviously a big difference between three seconds and 24 hours.

Looking at a business point of view with the businesses frequently have more than one item that they're pursuing, I mean let's use the fairgrounds. If they have only one time of day and they've got numerous things coming up, something in the President's Hall, something else, they're not going to be able to add really. You know, it's okay if it's a gallon of milk and that's that daily special, but I think this is overly limiting to some of the businesses out there that have more than one thing that they're selling or advertising.

COMMISSIONER FORITANO: Or a sale from eight to twelve and then it changes from one to --

COMMISSIONER LEEDHAM: Silverdale Lutheran noted --

COMMISSIONER FORITANO: In the morning --

COMMISSIONER LEEDHAM: -- the warming center. You know, they need to be able to put it up if it gets really cold all of the sudden and then they're going to open as a warming center. We don't want them saying no, no, you changed it 22 hours ago, you can't change it again. So I just think 24 hours is too restrictive.

COMMISSIONER FORITANO: Gotcha.
Yeah, Joe.

COMMISSIONER PHILLIPS: Now, just for clarification here, we've already adopted that we're now changing the regulation 080 to exclude schools, churches, public safety agencies, governments. We've stricken that from the code.

COMMISSIONER FORITANO: That's correct.

They're --

COMMISSIONER PHILLIPS: So all those signs have to go away. My opposition to this for schools, and not to pick on anybody, but if you have school children and you go by, there are times that those signs will give you information that you didn't get from the school that you go, oh, this is coming up. So to start saying no to these, I feel we're clamping down on something that's going to be useful in the future.

COMMISSIONER FORITANO: Well, as I recall, that's electronic signs. They can have an illuminated sign.

Karanne.

COMMISSIONER GONZALEZ-HARLESS: I will tell you that the schools communicate now incessantly through phone calls daily. And if you don't pick up that phone, they call back every 15 minutes on a robocall until you listen to the full message. They
text you. They e-mail you. There is no way as a parent nowadays that you do not get information. And they always send out their kids to change those signs that are -- you know, they have the internally lit old fashion --

COMMISSIONER FORITANO: Letters.

COMMISSIONER GONZALEZ-HARLESS: -- lettered sign. So as a -- as a parent with a kid in junior high right now, you know, I get lots of information. I don't think that's the only place that they can give it.

COMMISSIONER FORITANO: Tom.

COMMISSIONER NEVINS: Yes. I was moved by Erin's comment about the warming centers, and I would -- I would like to amend my motion to include a little piece here; and that would be, a minimum of 24 hours except for Amber Alerts and warming centers, and other emergencies that might be of significant interest to and safety of the county.

COMMISSIONER FORITANO: Does the second agree with the amendment? Continue discussion on -- does it require a vote?

COMMISSIONER SOMMERHAUSER: We need to vote on the amendment before we go forward. So I think we need to make sure we've caught the phraseology in our
projection modification.

COMMISSIONER FORITANO: Yeah.

DARREN GURNEE: It's the highlighted comment on there is the language that I'm showing. My apologies. The way we're tracking your comments here is I'm highlighting the language that you're trying to change. And on the right side you have the comment that the motion to change highlighted language to a minimum of 24 hours except for emergency and safety messages, but we can change that per your --

COMMISSIONER NEVINS: That's excellent. I was going to change it to that myself.

DARREN GURNEE: Okay. Just to clarify, is this an appropriate way --

COMMISSIONER SOMMERHAUSER: Yeah. We just need to --

DARREN GURNEE: -- for you guys to be able to see what --

COMMISSIONER FORITANO: Do we have a second on the amended amendment?

KAREN ASHCRAFT: Who did that?

COMMISSIONER GONZALEZ-HARLESS: Are we doing discussion?

THE COURT REPORTER: We didn't get the second.
COMMISSIONER FORITANO: The second is Karanne. Tom amended his -- the language of his amendment and Karanne agreed. So we are now voting on that, are we not, unless there are further questions?

COMMISSIONER ROWE: Further discussion?

COMMISSIONER FORITANO: Further discussion?

Sure.

COMMISSIONER ROWE: I do like Erin's point on like if it's like the fairgrounds where you have several events. And the objection to actually every three seconds is that it's very distracting. To me, if it changed once an hour, you're not going to see it when you're driving by. I mean the chances of -- I would -- I would say -- and then it gives you the benefit of having that type of sign when the businesses want it. I would say once an hour, to me, would be adequate, it wouldn't be distracting.

COMMISSIONER FORITANO: And that is regardless of the nature of the change, not necessarily emergency or --

COMMISSIONER ROWE: Correct.

COMMISSIONER FORITANO: Any significant change to the establishment?

COMMISSIONER ROWE: Yes.

COMMISSIONER FORITANO: They would have -- so
we have an hour.

COMMISSIONER ROWE: And a minute would not limit, you know, like the fairgrounds that have several events coming up.

COMMISSIONER FORITANO: Jim.

COMMISSIONER SOMMERHAUSER: Part of that depends on how many lines the sign is capable of. For instance, the fairgrounds, you can set it up by altering type size and you get about eight different lines on that sign.

COMMISSIONER ROWE: I think that's distracting. It's too much to read when you're trying to -- yeah, it's too much.

COMMISSIONER SOMMERHAUSER: If you -- if you go any less than Tom's proposal, then you're talking about a message, a different message. Now, if I'm driving by the different message in an hour, I'm not going to see it. I think we're trying to get is, what is the purpose of these electronic signs? Are they to save other advertising? I don't know. I'm worrying about the visual impact of the sign at the fairgrounds, which I live less than two blocks from, that changes and has a completely different message three times before I can get from the stop sign beyond the event center.
COMMISSIONER ROWE: I agree that that's too much. If it was changing once an hour, though, the chances -- I mean it's going to be a static message basically when you drive by. Maybe when you drive by two hours later it's going to be a static message. It's that continual change that's distracting.

COMMISSIONER FORITANO: Joe.

COMMISSIONER PHILLIPS: I'd like to point out if you don't allow the sign change on a whatever basis rotation, then if I was an event center or a theater or whatever, I would opt to get a bigger sign. I would increase the size of that electronic sign. So when you start limiting their capability they're going to go around it by saying, Okay, I'm going to adopt a bigger sign. Now and this is all within the rural area. Other than the churches, the schools, and fire departments, I don't see anybody in a rural running out to get an electronic sign. I mean I find it kind of overreaching on our part. I think if you start to do this -- you know, yes, perhaps a minimum of three seconds hold is too rapid or whatever. But when you start saying 24 hours then you're going to get flooded with complaints from people that live around those signs because they'll be watching, and as soon they change the sign a call will come in and a complaint
would be filed.

DARREN GURNEE: I just need to clarify that this is for all areas, not just rural areas?

COMMISSIONER PHILLIPS: Not according to the way it's written. "Outside the Urban Growth Area."

Urban Growth Area can have these signs.

DARREN GURNEE: Yeah, I was saying that this applied to any area that had an electronic sign, anywhere an electronic sign is the hold time --

COMMISSIONER PHILLIPS: Not the way it's written.

COMMISSIONER FORITANO: Electronic signs are prohibited outside Urban Growth Areas.

COMMISSIONER SOMMERHAUSER: We've already --

COMMISSIONER FORITANO: In Type III, and that's done.

DARREN GURNEE: Correct.

COMMISSIONER FORITANO: We're beyond that.

COMMISSIONER ROWE: So this is electronic signs within the Urban Growth Area.

COMMISSIONER FORITANO: No. This has to do with the business of timing of movement time on signs, I believe, Tom. Correct me if I'm wrong. Go ahead, Tom.

COMMISSIONER NEVINS: Yes. Two points, if I
can remember them. One of them is the reason for the 24 hours is predictability and code compliance enforceability. If it changes every hour and there's multiple messages on the sign it's hard to know.

Another point is on the size of the signs. Presently we don't have any regulation as to the size of electronic signs other than what the regulation is in the commercial area, which is the maximum of about 100 square feet. So we can have electronic signs that huge. It's just that -- and I'm not opposed to that particularly. What I am looking at is if it stays and says "Best Buy" all day long then I know that's it. I don't have to look again.

COMMISSIONER FORITANO: Further discussion?

Erin, please.

COMMISSIONER LEEDHAM: Part of the thing we run into today is when we're talking about advertising -- and that's really what these signs are for is advertising a business or a church, whichever. Advertising is not the way it was 15 years ago. You know, if you took a vote of how many people get a hard copy of our local newspaper and read it cover to cover and read the advertising versus how many of us read it online and don't see the ads, it's a very different world. And so these signs, I think, when you look at
commercial real estate in particular, are a huge part of what brings customers into these stores and what will make them successful or not, which is why they're looking at advertising on them. So I just want to make that point about these signs are important to a business to be able to stay afloat. And it kind of ties back to what we heard in Poulsbo where -- and I'm sorry I don't remember the woman's name, but she was one that -- is it Elgon [sic]?

COMMISSIONER FORITANO: Eglon.

COMMISSIONER LEEDHAM: Eglon. Thank you.

Sorry. I haven't been --

COMMISSIONER FORITANO: That's all right.

COMMISSIONER LEEDHAM: And the point that she was saying is if we don't put signs out nobody knows we're open, nobody knows we're doing anything. And the electronic sign, I think, though it's advertising a particular idea, it's the same kind of idea. We don't want to shut down their advertising on multiple points or what have you. But I do understand that we don't want it to go too fast, we don't want to be distracting, but it is supposed to be advertising, and that's why it's a great idea. You know, if it's "Best Buy" it's always "Best Buy" 24 hours a day. Hey, maybe this afternoon for four hours they're putting, I don't
know, T-shirts on sale and they want to say that.
That's what the advertising is kind of about, so...

COMMISSIONER SOMMERHAUSER: I'm confused now
so I've got to ask. We have a block here on electronic
signs. We've said that they -- by our most recent
approved change that they're prohibited outside the
UGA. So if I'm correct, all of the 1 through 4 then
applies to those electronic signs within the UGAs?

COMMISSIONER FORITANO: That is correct.
DARREN GURNEE: That is correct.

COMMISSIONER SOMMERHAUSER: The difficulty is
we've got a whole lot of different feel even in the
UGAs. I live in the CK UGA. I live near the
fairgrounds. I've got a street that goes through very
very rural area, and an electronic sign wouldn't be
appropriate, period, there, but it's inside the UGA.
So the way we've already dealt with this, that
electronic sign could be there. So maybe we need to
divide it further on -- on the what you can do with an
electronic sign within the UGA, or further division on
where you can use them in what parts of the UGA.

Residential neighborhood, an electronic sign, I got
one. 105 home development that I live in. It's in the
UGA. By this I could have an electronic sign there, yet
it's not appropriate. So we probably should define it
a little further on where it's appropriate, and that may have some effect about how to deal with how often you change the sign.

COMMISSIONER SVENSSON: Jim, would an electronic sign that met the other criteria in this proposal where the text didn't change more than once an hour or once a day be offensive? Those typically don't look that different from a --

COMMISSIONER SOMMERHAUSER: Inside an home development any lighted sign is inappropriate, I think, let alone an electronic sign.

COMMISSIONER FORITANO: Tom, are you moved by any of this relative to your -- your motion? Would you want to set aside yours for a discussion of further distinction within the UGA or you want to proceed?

COMMISSIONER NEVINS: Actually, we voted down the first motion which would have taken care of that, and I'm prepared to move on. I mean, if the -- if this group is not opposing illuminated signs outside of commercial zones, then that's what this group has said. It may not be what I ultimately --

COMMISSIONER FORITANO: Let's do a -- let's do a test. All in favor of Tom's motion as corrected?

COMMISSIONER SOMMERHAUSER: Which is 24 hours?
COMMISSIONER FORITANO: Yeah.

COMMISSIONER NEVINS: Except for emergency --

COMMISSIONER FORITANO: Correct.

COMMISSIONER GONZALEZ-HARLESS: So that's what's down here?

COMMISSIONER FORITANO: Do we need the language repeated?

DARREN GURNEE: That would be helpful.

COMMISSIONER FORITANO: Why don't you -- why don't you say it out, Tom. It's your motion.

COMMISSIONER NEVINS: Okay. The -- it's quoted here on the -- on the screen. A minimum of 24 hours except for emergency and safety messages.


COMMISSIONER NEVINS: We have created a lot of nonconforming uses. Not as many as I wanted to. But we need some language now to enable the staff to create a solution to that problem, and I have an amendment.

COMMISSIONER FORITANO: All right. Give you one more shot, then I'm going --

COMMISSIONER NEVINS: My third one.

COMMISSIONER FORITANO: Go ahead.
COMMISSIONER NEVINS: I may have something more to say later.

COMMISSIONER FORITANO: All right.

COMMISSIONER NEVINS: Anyway, the problem: Nonconforming signs have no exit path. The solution is to establish a program to phase out nonconforming signs using reasonable amortization time line and to remove illegal nonconforming signs. So what I'm asking in my amendment is, it's not really an amendment, but it's a request that the planning commission make to the staff to prepare and establish a program to phase out nonconforming signs using a reasonable amortization time line and remove illegal conforming signs. That's a significant program.

COMMISSIONER FORITANO: So we have a recommendation. Discussion?

COMMISSIONER SOMMERHAUSER: We need a second first.

COMMISSIONER FORITANO: A second on a recommendation?

COMMISSIONER SVENSSON: I'll second.

COMMISSIONER SOMMERHAUSER: The recommendation is --

COMMISSIONER FORITANO: And a motion --

COMMISSIONER SOMMERHAUSER: It has action in
COMMISSIONER FORITANO: All right.

COMMISSIONER SOMMERHAUSER: So it's not just a recommendation.

COMMISSIONER FORITANO: Okay. I'm just testing.

We have a second on an action-oriented recommendation?

COMMISSIONER SVENSSON: If required.

COMMISSIONER FORITANO: I don't see one. I do see one. Okay.

COMMISSIONER SVENSSON: If necessary.

COMMISSIONER FORITANO: All right.

Discussion?

COMMISSIONER PHILLIPS: Quick question on this one. The amortization program, which, you know, that's only fair, within that program, you know, these signs that we're -- I'm thinking of the high-end signs, got some big dollar value to whoever put it up, is the -- is the program going to be able to and willing to buy them out, buy the sign?

COMMISSIONER NEVINS: Well, you know, this is an interesting question. Each sign has its own problem. But -- but we already have nonconforming signs out there.
COMMISSIONER PHILLIPS: Correct.

COMMISSIONER NEVINS: And by our definition of signs we have lots of them. But we don't have a program to get them off the space. You'd have to take each sign as its own piece. Let's say an expensive new fire station sign. Okay?

COMMISSIONER PHILLIPS: Exactly.

COMMISSIONER NEVINS: It cost X dollars. In reality we do have fire stations in Urban Growth Areas that might just benefit from that sign. Perhaps point eight X would be what that could be sold for or moved to the other station in the same district. I'm not sure. Many many solutions to the problem, but I don't -- I can't -- we are not capable of setting up this program here. We don't know how to do that. So that's why --

COMMISSIONER PHILLIPS: But we are kind of asking -- they're going to come back and ask us to define the limits of what we're talking about.

COMMISSIONER FORITANO: Or parameters.

COMMISSIONER PHILLIPS: Or parameters.

COMMISSIONER FORITANO: Karanne.

COMMISSIONER GONZALEZ-HARLESS: I think we want staff to clarify this. We're talking about illegal nonconforming signs. By changing --
establishing this ordinance, those signs that were
actually permitted and under land use conditions are
nonconforming signs but they're legal signs, and I just
want to confirm that. We wouldn't be asking them to
remove them?

DAVE GREETHAM: Dave Greetham here. That is
generally how they are treated under zoning code. And
I will clarify that with legal staff. So during the
next break I can provide a solid answer on that.

COMMISSIONER GONZALEZ-HARLESS: So what's
there legally now is going to stay?

DAVE GREETHAM: That is generally how zoning
codes are treated with legal nonconforming versus
un-permitted or illegally --

COMMISSIONER FORITANO: Signs.

COMMISSIONER SOMMERHAUSER: Those signs are
not nonconforming; they're illegal.

COMMISSIONER PHILLIPS: But even the
conforming signs that, you know, they're legal, should
there be a time period that they should be requested to
come up to the legal code?

COMMISSIONER FORITANO: Well, I think what
Dave's saying is that would not be -- that's not
acceptable in terms of precedent.

DAVE GREETHAM: Well, I think Shelley said it
is acceptable if you choose to pass a motion that gives a reasonable time line as long as there -- she mentioned that you want to have something in the record as to why that time line, whether it's ten years.

COMMISSIONER FORITANO: Why you would violate conforming -- or illegal but conforming.

DAVE GREETHAM: Or to clarify, legally permitted. As I understand the motion may be, legally permitted signs, if they're no longer conforming to the new code as it's passed, would have a ten or whatever time period. And Shelley did say that's an acceptable approach as long as you put something in the record as to why that time line was achieved.

COMMISSIONER FORITANO: Jim?

COMMISSIONER SVENSSON: Yeah. It's my understanding that this motion requests that the staff see what's out there in terms of workable amortization language in a sign code and then report back to us and then we'll kind of take it from there.

COMMISSIONER FORITANO: Right. And the only thing I -- do we want to give them any parameters for what we're asking them to do, like time or like providing a budget along with the recommended process? I would -- I would be in favor of that as an individual. Just a few -- a few simple, perhaps,
obvious parameters, but what's the plan with a budget, what's the plan on a time frame. There may be others that are of interest to you. Those are of me.

COMMISSIONER NEVINS: One thing, it's not going to happen overnight, and we're not going to have a program overnight. The signs won't disappear overnight. So we have a fair time scale here and a fair chance for the commissioners, board of commissioners, to determine a budget that would be allowed, perhaps, in a year or two to take care of the problems that our changes to the sign code are creating.

COMMISSIONER FORITANO: But again you could go further and say no later than.

COMMISSIONER NEVINS: Say what?

COMMISSIONER FORITANO: You could go further if you chose to and say something like no later than eight years for -- I mean this is all recommendations and recommendations, asking for proposals, asking for proposals. So I'm just testing to see whether any of you want to add in some parameters before we take it to a vote.

COMMISSIONER LEEDHAM: So looking at No. 3, it talks about "a legal nonconforming sign may be structurally altered if the degree of nonconformance is
decreased by 25 percent or greater." So the idea being
on this is we would bring them slightly more into
conformance but not all the way. So if we're -- we're
giving them an amortization period, do we also let them
still put more money into their sign or --

COMMISSIONER FORITANO: Flex.

COMMISSIONER LEEDHAM: Yeah. Or do you say
well, you're making an effort and you're a little less
nonconforming. There's an awful lot of gray in here.

COMMISSIONER FORITANO: Anyone want to go
further into our recommendation request? All right.
Any further discussion? All in favor of the motion.

COMMISSIONER SOMMERHAUSER: Would you restate
the --

COMMISSIONER FORITANO: Yes. Thank you.

COMMISSIONER SOMMERHAUSER: -- action,
please?

COMMISSIONER FORITANO: Yes. That's very
appropriate.

Want to give it a shot?

KAREN ASHCRAFT: No.

COMMISSIONER FORITANO: No? All right.

DARREN GURNEE: I can do so if you'd like. I
have it on my screen.

COMMISSIONER FORITANO: Okay.
DARREN GURNEE: So I will read this off for you. The recommendation is to establish a program to phase out nonconforming signs using a reasonable amortization time line to remove illegal nonconforming signs.

COMMISSIONER FORITANO: All in favor?

COMMISSIONER SOMMERHAUSER: I think we said that it's the last one it's illegal signs not --

COMMISSIONER FORITANO: Remove illegal -- (Speaking simultaneously.)

COMMISSIONER SOMMERHAUSER: Illegal nonconforming.

DARREN GURNEE: Illegal and nonconforming, we could remove "nonconforming" and it would still remain the language you're looking for.

COMMISSIONER FORITANO: All in favor? Looks like eight for and one abstaining.

Okay. So electronic signs, amortization period, another bucket or cluster of --

COMMISSIONER GONZALEZ-HARLESS: Could we have a break?

COMMISSIONER: A break? Sure. Of course. I have 10:25. Ten minutes okay?

COMMISSIONER PHILLIPS: And just for everybody's information, it's zero one Germany.
(A break was taken.)

COMMISSIONER FORITANO: Okay. During the course of the break a couple of -- a couple of requests or thoughts came up. Let me share them with you as we -- as we proceed. One was to be sure we allow adequate discussion for the whole issue of A-frame sign clutter, all of that. But then I think secondarily that we perhaps back up a little bit, having hit a couple of key areas, and operate with a bit more linearity and sort of follow the sections of the code, step our way through. We've already, I think, discussed some items that we'll come back again. If we do that, we'll at least be sure with deference to the county and the commissioners that we've given all sections a shot.

I think, Darren, you were going to offer a thought or two about that in terms of where we are or where you'd like us to go.

DARREN GURNEE: In terms of?

COMMISSIONER FORITANO: Sign code sections.

DARREN GURNEE: Sign code sections? Yes.

The intent was that you would be able to go through the document in --

COMMISSIONER FORITANO: Right.

DARREN GURNEE: -- a linear fashion so I can --
COMMISSIONER FORITANO: And let me --

DARREN GURNEE: -- comments on --

COMMISSIONER FORITANO: -- proceed that way and see whether it meets your test of our having -- having spent enough time on each.

Section 3, Purpose. Any questions, issues there we need to get into?

Definitions. I think that came up previously.

Yes, Jim.

COMMISSIONER SOMMERHAUSER: We had previously asked about this in work study, Darren, and -- and you had some other purposes that the commissioners had for the sign code, and they aren't stated in this purpose, and I'm trying to figure out why not. Predictability was one. I'm trying to remember the others. If you'd go back to your brief to that initial thing.

DARREN GURNEE: I have it right here. Visual quality, which is in Purpose. Streamline the application process. We identify the representation and the predictability in the purpose as well. The public nuisance is reflected in the purpose statement. Content neutral was the one that you had identified.

And if we look at the comment on the side from the planning commission work study, we have identified that there was a -- in the work study to add content
neutrality to the purpose. So we added -- the way that this is set up is, there is an item that is up for discussion since we're not making -- as a staff we're not making formal recommendations or approvals. But you have a discussion point, the justification for why or why that should not apply is below it. So in this case we have "the following standards should not regulate the content on a sign, rather the standards should apply to the design and location."

COMMISSIONER FORITANO: Well, I think also -- and perhaps this came more from the public than it did from the staff. I'm -- maybe -- qualification on streamlining was expedited. I think I remember hearing a couple of comments from individuals who are regularly before the county that in various other counties in the state they get a permit that afternoon at a counter versus weeks.

DARREN GURNEE: That is correct.

COMMISSIONER FORITANO: So streamlining, if that implies expedition, then I think that would meet the test.

Yes, Linda.

COMMISSIONER PARALEZ: I think what's also missing in this purpose is predictability and clarity of an enforcement strategy that we -- particularly with
signs. They have a regulation absent an enforcement strategy, and that seems really clear in North Kitsap.

COMMISSIONER SOMMERHAUSER: It sounds to me like that would be a second paragraph under Purpose. It is important enough that it stand alone by itself.

DARREN GURNEE: Is there a motion to add language in -- I'm sorry, Commissioner.

COMMISSIONER FORITANO: No. That's all right. Thank you. Not at all.

DARREN GURNEE: I don't want to put it on here unless there's a motion to do so.

COMMISSIONER FORITANO: Anybody want to give that a crack? I would certainly support that notion. I think that is important enough if there is one lurking out there somewhere.

COMMISSIONER SOMMERHAUSER: I would -- I would say that -- just taking a shot at it. As a separate paragraph, one of the purposes of this sign code is to provide enough specificity that enforcement can be done on a reasonable or understood basis. And what I'm trying to get to -- probably not the right words, but I'm trying to get to a statement that says that's one of our purposes in doing this, is the code specific enough that you know if you're doing right or doing wrong.
COMMISSIONER FORITANO: It's a -- what I'm hearing, though, is a commitment to the intent to enforce as a principle part of this update.

Motion language? Anybody?

COMMISSIONER PARALEZ: I would move that in the first -- the very first sentence of line 2, "Section establishes sign regulations and enforcement strategy which support and complement land use objectives," et cetera.

COMMISSIONER FORITANO: Is there a second?

COMMISSIONER SOMMERHAUSER: Second.

COMMISSIONER FORITANO: All right. Motion made and seconded. Discussion?

COMMISSIONER LEEDHAM: Maybe establish -- oh, now I just lost what I was thinking. Never mind.

COMMISSIONER FORITANO: We got there pretty quickly. Slow start, but we got there pretty quickly. Yes.

COMMISSIONER PHILLIPS: It sound -- now, what I've heard from staff is that the enforcement is going to be pretty much based on a complaint basis. In other words, county is not going to go out and tour the county all the time; they're going to rely on citizens to understand the code and file complaints.

COMMISSIONER FORITANO: But that's also, I
think, the implication or statement where it's capability and priority.

Linda.

COMMISSIONER PARALEZ: But I would augment that with you can't make it hidden that you have that complaint strategy. For instance, on the current website it's -- it's totally opaque how you make a complaint. So you can make it obvious and transparent that there is a complaint process, that there is a strategy. So currently it's impossible to know.

COMMISSIONER PHILLIPS: Or we're just relying on understanding and we assume --

COMMISSIONER PARALEZ: I'm suggesting that there is a strategy that's obvious.

COMMISSIONER SOMMERHAUSER: And probably later when we get to violations there will be an addition that will come about about enforcement may be by regular control or by complaint by a citizen.

COMMISSIONER PARALEZ: So that would be more overt. But even if you have a complaint basis, that needs to be a clear strategy and be obvious to the applicant of the sign that there is a strategy in place that has a fine if you do not comply.

COMMISSIONER PHILLIPS: And -- and as you're suggesting, that the common citizen that has a problem
can go through the code and say, Oh, this is what I have to do to bring this up.

COMMISSIONER FORITANO: Go to the website.

COMMISSIONER SOMMERHAUSER: Or that common citizen could make a phone call to Kitsap 1 and Kitsap 1 will have it right there, complaint on signs go here.

COMMISSIONER FORITANO: All right. Have a motion. Have a second. Further questions or comments?

COMMISSIONER SOMMERHAUSER: Darren, did you get that? I'm not seeing that inserted up there.

DARREN GURNEE: I'm trying to identify -- if you can --

COMMISSIONER FORITANO: Line 2 --

DARREN GURNEE: I heard a couple of sentences of language so I just want to make sure I get the correct one.

COMMISSIONER SOMMERHAUSER: The previous suggestion that I made is gone and -- and instead there is a motion to add in to line 2, and if you'd give the words again.

COMMISSIONER FORITANO: Linda, you want to give -- restate your words?

COMMISSIONER PARALEZ: After the word "regulations" in line 2.

COMMISSIONER FORITANO: Higher, higher.
DARREN GURNEE:  Higher?

COMMISSIONER FORITANO:  Line 2.

DARREN GURNEE:  Line 2, "regulations."

COMMISSIONER FORITANO:  You're on line 3.

COMMISSIONER PARALEZ:  And a clear

enforcement strategy.

COMMISSIONER SOMMERHAUSER:  I think that

strongly addresses what we heard from just about

everybody in testimony that it doesn't work if we're

not going to enforce it.

COMMISSIONER FORITANO:  Yeah.  Got it.

COMMISSIONER PARALEZ:  So that leaves it open

for the county to define, and that can be a complaint

basis, whatever.  It just has to be clear and

transparent.  That's a reasonable expectation from all

citizens.

COMMISSIONER FORITANO:  All in favor?

Unanimous.

All right.  Backing up to our step-by-step.

Further questions, issues, purpose.  Now, we talked

about definitions a bit earlier.  Anybody want to

revisit any aspect of a need for clarity around

electronic, clarity around illuminated, clarity around

-- sir.

COMMISSIONER SVENSSON:  We have, let's see,
one, two, three. We have four different electronic
sign definitions. I think we -- some work needs to be
done to kind of consolidate those and make clear what
our previous action --

KAREN ASHCRAFT: Jim, I can't hear.

COMMISSIONER FORITANO: Once again, you need
to be real close especially since we have an audio.

COMMISSIONER SVENSSON: Okay. Jim Svensson
for the record. There are four definitions of various
types of electronic signs in the June 2nd draft, you
know, the animated, flash, scroll, et cetera. I think
some work -- we need to come up with some revisions
that reflect the reality of the text and particularly
the action that we've taken as to what's allowable and
what isn't with regard to electronic signs.

DARREN GURNEE: May I clarify? Just to
clarify, the intent behind those definitions was
actually to subset that definition and relate it to an
electronic sign, not distinctly separate it. So when
you mention in prohibited signs that flashing,
scrolling, and animation are prohibited, this is where
you would reference that language. That was the
intent, but --

COMMISSIONER SVENSSON: So those are
referenced in the prohibitions?
DARREN GURNEE: Yes.

COMMISSIONER SVENSSON: All right. My oversight.

DARREN GURNEE: But they could be combined into one definition if that's more appropriate.

COMMISSIONER FORITANO: I'm looking on line 6 on page 3 where it looks like the generic definition is line -- is Item 6. Electronic is "a sign capable of displaying words, symbols, figures and images that can be electronically or mechanically changed by remote or automatic means." And now you got what looks like subsets.

DARREN GURNEE: Correct.

COMMISSIONER SOMMERHAUSER: Except you don't list them as subsets. You list them independent --

DARREN GURNEE: Independent definitions.

COMMISSIONER FORITANO: So maybe there's a structure issue here, just for clarity.

Yes, Erin.

COMMISSIONER LEEDHAM: So I'm still a little confused when we go back and forth between electronic signs. Is the basic, the Item No. 6, Electronic Sign, that is the one that you could just go in and change but maybe doesn't necessarily have the scrolling capability?
DARREN GURNEE: The definition that you see on the screen for electronic sign is any -- it's any type of electronic sign that can scroll, that has animation. We specifically identified the definition of animated, flash, and scroll because those elements were specifically prohibited as a part of an electronic sign.

COMMISSIONER LEEDHAM: So when we're looking at controlling, you know, timing, when we're talking about three seconds and stuff like that, when we're out -- when we're prohibiting signs, are we also automatically -- because we're calling them electronic signs, are we also automatically eliminating the ones that just can be changed digitally even though that's just an update, say, when a tenant moves in and out? Are we -- are we using too broad a word when we say that?

DARREN GURNEE: I -- I guess I need a little more clarification on the question.

COMMISSIONER LEEDHAM: So now we've been talking basically message centers, really. I mean isn't that the ones -- isn't that what we call the ones that change, the time and temperature and schools out?

DARREN GURNEE: Correct. There's -- there are multiple definitions that we could use: electronic
message center, digital display centers. Typically a
digital display center is your LED or LCD screen that
has that animation that's a large -- it's not
necessarily a billboard size. You could have a small
LED screen and you can still do text.

COMMISSIONER FORITANO: Darren, it seems like
by putting a generic definition, and then once you've
now clarified Items 8, 10, 12 -- 8, 10, 12, you provide
the definition, but you've also said later on they're
prohibited. I personally -- because when I first read
this I thought, well, these are all different kinds or
more elaborate definitions or more specific definitions
of acceptable electronic signs. Seems like you could
just indicate that the following are prohibited. They
are in fact electronic signs but they are prohibited,
even in brackets.

COMMISSIONER PHILLIPS: One point here.
Under his definition of electronic signs that includes
mechanically moving signs.

COMMISSIONER FORITANO: Right.

COMMISSIONER PHILLIPS: So if you have one of
those tri -- tri -- you know, three-sided signs that
can rotate and present whole new -- you know, they're
usually billboards, that's an electronic sign.

COMMISSIONER FORITANO: Right. And you could
also say that's kind of animated.

COMMISSIONER PHILLIPS: Yes.

COMMISSIONER FORITANO: Yeah. So I think I wouldn't -- I wouldn't have an initial reader have to wait to dig further into the code to realize that you're providing a definition, but in the case of what's practical and real for the county these are prohibited. All due respect to the fact that they're electronic signs, they are prohibited.

DARREN GURNEE: Those actions on an electronic sign --

COMMISSIONER FORITANO: That's right.

DARREN GURNEE: -- would be prohibited?

COMMISSIONER FORITANO: Yes. In whatever succinct language. I think it's nice that you provide two full pages of definitions of everything. But don't be misguided potential by our user that you can -- you can sign up for one of these [as spoken].

Yes.

COMMISSIONER SOMMERHAUSER: Motion to replace the term "electronic sign" with "electronic message board or sign." The second part of the motion would be to add a new definition "digital signs," which would be described, which would be prohibited. And then the actions on the sign would be that -- on an electronic
message center that are allowed or prohibited would be
dealt with not in definition but later on in
regulation.

COMMISSIONER GONZALEZ-HARLESS: I would add
they just reference Section C -- I don't have
[indiscernible] --

KAREN ASHCRAFT: Karanne.

COMMISSIONER GONZALEZ-HARLESS: Can you not
hear me?

KAREN ASHCRAFT: No.

COMMISSIONER GONZALEZ-HARLESS: Okay.

DARREN GURNEE: It would be Section 040 on
page 7.

COMMISSIONER GONZALEZ-HARLESS: Yeah, just
reference that "please see" so that it's actually in
there. Because they're going to need that for
enforcement when they actually write somebody up who's
flashing, scrolling and --

COMMISSIONER FORITANO: Gotcha. We do have a
motion. Is there a second?

COMMISSIONER SOMMERHAUSER: If I get a second
I'll explain.

COMMISSIONER FORITANO: All right. Is there
a second on --

COMMISSIONER GONZALEZ-HARLESS: Second.
COMMISSIONER FORITANO: -- Jim's motion before -- yes.

COMMISSIONER GONZALEZ-HARLESS: Second.

COMMISSIONER FORITANO: We have a motion, we have a second.

COMMISSIONER SOMMERHAUSER: The electronic -- an electronic sign has so many different meanings. I'm trying to clarify the difference. The electronic message board is one that is capable of displaying words, symbols or figures, and you can change what's on it electronically using a computer or interface terminal. A digital sign is one that can show, in essence, TV. It is several different types. And that is, I think, everything we heard in all testimony when we had questions to figure out what they're talking about, everybody said no. So a digital sign that you can show TV, that you can do a lot more than just put words up and a few figures or non-word type things on it, compared to one that you can show pictures or other things on it.

COMMISSIONER FORITANO: But couldn't a basic text, digital basic text-oriented electronic sign also be digital?

DARREN GURNEE: It could.

COMMISSIONER FORITANO: Just to nitpick.
COMMISSIONER SOMMERHAUSER: Well, I would say what we're trying to prohibit is that electronic sign that can show pictures. So that's what I'm trying to get to, but --

COMMISSIONER FORITANO: I hear you.

COMMISSIONER SOMMERHAUSER: -- maybe I'm not doing it right.


Further questions or -- yes.

COMMISSIONER SVENSSON: It's my understanding that there's a term of art in the sign industry "static programmable sign" that is really what we're trying to promote here.

COMMISSIONER FORITANO: Static programmable. I understand that.

COMMISSIONER SVENSSON: Could somebody verify whether that's a fact? And it may be that there's a perfectly good definition out there that we can use. But I think that's a term that pretty much zeros in on the type of electronic sign that we are approving. And if that was included in the definition with maybe the turnover time of, you know, one hour or 24 hours or whatever, that that could address a number of things with a concise definition.
And then I don't see -- getting back to my previous comment about the definitions of animated, flash and scroll, I don't see those referenced in 446.080. Maybe they're somewhere else, but...

DARREN GURNEE: Those are specifically referenced in the prohibited signs only.

COMMISSIONER SOMMERHAUSER: Okay. Thank you.

So --

COMMISSIONER FORITANO: But we do have a motion. Further questions, comments on that motion?

Leave your motion as is, Mr. Sommerhauser?

COMMISSIONER SOMMERHAUSER: Probably not, but I hope you see --

COMMISSIONER FORITANO: Sure. Yeah.

COMMISSIONER SOMMERHAUSER: -- what I'm trying to get to.

COMMISSIONER FORITANO: Absolutely.

COMMISSIONER SOMMERHAUSER: And, Darren, you were -- while we were talking, you were flashing up some examples, and I think that's useful to try to figure out which terminology to apply to which sign.

DARREN GURNEE: Okay. I'm trying to find a sign specifically --

COMMISSIONER FORITANO: And while he's looking, I think we really are on another macro area.
If nine of us have to struggle with what the hell the definition of electronic is, I think we do a disservice to the public by not pushing this until it's really crystal clear to us.

    COMMISSIONER SOMMERHAUSER: That's right.
    COMMISSIONER FORITANO: And so I appreciate your motion.
    COMMISSIONER SOMMERHAUSER: The one that had the church sign.
    DARREN GURNEE: I believe that was back on the last slide.
    COMMISSIONER SOMMERHAUSER: Right there.
    That's a digital sign because you can show pictures instead of just text and/or characters. And I think what we heard -- I'm not sure now. I think what we heard is that's the sign that people don't like because that -- that can show more than what a message center type sign like I'm looking at is talking about.
    COMMISSIONER FORITANO: I think Jim, the other Jim, also offered an alternative language that resonated to me, and that was programmable static message center, programmable static sign. Programmable static would take away the animation, right? It would take away the movement.
    COMMISSIONER SOMMERHAUSER: It would take
away one of the actions that we're --

COMMISSIONER FORITANO: Yeah, because programmable static doesn't talk about TV, typically, unless you have it on hold. I think we're moving in the right direction. Maybe -- and I don't know. We still have your motion. We need to get back to it very quickly. But I think we clearly are hopefully saying to the staff that one of the things we think would be helpful for the public, and perhaps the commissioners, is just -- just get your requirements further around integration, simplification, language, language of art that really is intelligible for somebody coming up to a counter, and this right now may not be it.

Further questions on -- comments on Jim's motion?

COMMISSIONER SOMMERHAUSER: One of the things that Darren used in his example was an example of an electronic sign that -- that I think it showed for a development where you could show a street map in the area. Now that wouldn't fit into my digital message center. That's something on -- it may be a nice feature, but that's something I'm trying to avoid. I'm trying to say if you've got -- you've got the capability to have an electronic sign to announce your event or whatever, but that further capability of the sign is what I heard that a lot of folks don't like.
So I'm trying to figure out how to word a definition that limits it to what we think we want, and electronic message center seems to be the closest I can come to, but I'll be more than happy to have staff bail me out here.

DARREN GURNEE: I think to capture what you're trying to say, we -- we gave the definition as it is to encapsulate all electronic signs. And then we tried to identify those things that we did not want to have on those signs. And you could almost -- you could almost say that you would not want images as a backdrop or backdrops can only be black with lettering. If I'm reading -- if I'm understanding you correctly, it sounds like that's what you're trying to achieve, is some -- obviously this is an example of what was referenced by some as not appropriate, but you have the black screen in back and just text, as compared to that church sign which had an image in the back. So by defining it as an electronic sign but saying that you're only allowed to have text or a company logo, that would be a way that you could actually get around defining it so clearly, in terms of my interpretation, but obviously I want to --

COMMISSIONER SOMMERHAUSER: I'd like to hear some input from some of my business-related members.
What does that give you or take away from you?

COMMISSIONER LEEDHAM: Would you pull up the church sign again? One thing I look at when I see this is because this is basically a static display, I mean they're not really changing this very often because every Sunday is the same church service, in reality that's just a sign face. It's made out of light bulbs, but it could be a piece of plexi.

DARREN GURNEE: That was the -- that's the way we had interpreted it.

COMMISSIONER FORITANO: And the only thing, speaking of this one specifically, as I recall it, they might also have free breakfast Wednesday morning.

COMMISSIONER LEEDHAM: And they can change it then.

COMMISSIONER FORITANO: Or a special meeting Thursday afternoon, and that would be about as far as it went on a weekly or monthly basis, a bit of that.

Yes.

COMMISSIONER GONZALEZ-HARLESS: I think, you know, we're looking at what the sign function is versus the sign content. And the sign content here is already exempt because those crosses are symbols, and those are content and they're exempt.

COMMISSIONER PHILLIPS: No. I think you're
-- you're off track.

COMMISSIONER GONZALEZ-HARLESS: No, I -- what we're talking about flashing, scrolling and all of that, that's a function of the sign itself. The actual content, the crosses are a symbol. Those were exempt. You're talking about two different things here so this might not be the best example of a static sign.

DARREN GURNEE: I would -- to carry on with what she was just mentioning, you could have that exact same sign as the -- so above it, the "Capital City" above it, that would be the equivalent of an internally lighted sign, possibly, where the letters pop out during the evening. The sign below it, that could be another internally lighted sign with that exact same look to it that it does now as a digital display. You could have the same look as an internally lighted sign. So it's more of -- it was the view that the electronic sign just allows you to change that sign.

COMMISSIONER FORITANO: Is that your --

DARREN GURNEE: Is that what your question was?

COMMISSIONER GONZALEZ-HARLESS: No. I guess what I'm saying is, if we want to standardize a sign like that and say it can only have a black background with amber letters, then that's what we need to say,
and it can only have letters with no symbols.

COMMISSIONER FORITANO: I think -- Jim, you correct me if I'm wrong. I don't think that's where you were going.

COMMISSIONER SOMMERHAUSER: No, I --
COMMISSIONER FORITANO: You were specific to animation, flash, scroll, TV, was your language.

COMMISSIONER SOMMERHAUSER: Right.

COMMISSIONER FORITANO: Not content, and not really even color. It was just you did not want these further elaborations on what goes into an electronic sign expressly prohibited in this county in whatever way it needs to -- whether it's here, whether it's in the code.

COMMISSIONER SOMMERHAUSER: I think one of the words that the discussion brought up that would help is static.

COMMISSIONER FORITANO: Programmable static.

COMMISSIONER SOMMERHAUSER: Yeah. So a sign capable of displaying static words, symbols, figures or images, the images is the one that I'm having difficulty with.

DARREN GURNEE: So I guess I'm -- I'm not following the -- the appropriate way to try and regulate images.
COMMISSIONER SOMMERHAUSER: That's what I'm having difficulty with.

DARREN GURNEE: You would actually be able to have -- so just to call your attention to what we were referring to in terms of animation, flashing, if you look at No. 12 here.

COMMISSIONER SOMMERHAUSER: Page number?

DARREN GURNEE: On page 7, Prohibited Signs No. 12, you have signs with animation, flashing or fluttering lights.

COMMISSIONER FORITANO: That's clear.

DARREN GURNEE: I see that scrolling is not there and that it's defined so --

COMMISSIONER FORITANO: Rotating.

DARREN GURNEE: Rotating.

COMMISSIONER PHILLIPS: Right. You left off fluttering in your definition.

DARREN GURNEE: Yes, I did. I just realized that.

COMMISSIONER PHILLIPS: Which is the little round Mylar buttons that when the wind blows they move.

COMMISSIONER FORITANO: Jim, if you're on page 7, does lines -- do lines 24 and 25 relate to your notion of TV-like? Is that comprehensive enough, that language, expressly prohibit animation, flashing,
COMMISSIONER PHILLIPS: Can I make a comment on this one?

COMMISSIONER FORITANO: Sure.

COMMISSIONER PHILLIPS: That all of a sudden you showed a church sign. The sign that we saw, whether it was church, business, or whatever, as long as it was static, I got a sense from the committee here that we were fine with that.

COMMISSIONER FORITANO: We're fine with it.

COMMISSIONER SOMMERHAUSER: I --

COMMISSIONER PHILLIPS: So now all of a sudden --

COMMISSIONER FORITANO: Is the process okay?

COMMISSIONER PHILLIPS: It's kind of funny that we have this vote no electronic signs, and now all of the sudden when we look at a sign and we say, Oh, it's static, we don't care whether it's backlit, electronic, or whatever, as long as it's static.

COMMISSIONER LEEDHAM: I don't think that's true.

COMMISSIONER PHILLIPS: I think it is.

Because you're -- how you put that sign up, whether it's by lights, paint, lasers, LEDs, as long as it's static, why does it matter to the sign code?
COMMISSIONER PARALEZ: It might be a difference if it's in downtown Silverdale or downtown Bremerton versus --

COMMISSIONER SOMMERHAUSER: As opposed to --

COMMISSIONER PARALEZ: -- in a rural --

COMMISSIONER SOMMERHAUSER: -- the little church off of Stampede --

COMMISSIONER PHILLIPS: Well, but if it's static, what would you say? And it's dimmable so it's not intrusive in the night.

COMMISSIONER SOMMERHAUSER: You're getting to where it's more acceptable.

COMMISSIONER PHILLIPS: Yes.

COMMISSIONER SOMMERHAUSER: So I --

COMMISSIONER PHILLIPS: And I kind of think that the headlong rush to say no electronic signs is kind of misguided. I think you want to define how to use them, but not necessarily prohibit them.

COMMISSIONER FORITANO: Well, let's not -- process-wise, let's not go back to that one. Let's see if we can --

COMMISSIONER SOMMERHAUSER: If the body will allow me to withdraw my previous motion, then I'll try to fix it with a new one, which is a one-word change to the definition.
COMMISSIONER FORITANO: Go.

COMMISSIONER SOMMERHAUSER: So under
Electronic Sign, line 6, page 3, a sign capable of
displaying static words, symbols, figures or images
that can be electronically or mechanically changed by
remote or automatic means. I agree with that. If
there's a second. I think we argued our way around.

COMMISSIONER FORITANO: Is there a second or
does the prior second agree with the change?

COMMISSIONER LEEDHAM: I'll second it so I
can discuss it for a second.

COMMISSIONER FORITANO: Please.

COMMISSIONER LEEDHAM: I agree. I like the
static and programmable part. I think that's really
important. But if we say it's a sign capable of static
display, which is just with a can, I think what we're
trying to say is a static sign capable of displaying
words. I don't know if that nuance makes a difference,
but the idea --

COMMISSIONER FORITANO: I agree.

COMMISSIONER LEEDHAM: -- trying to keep it
static.

COMMISSIONER FORITANO: I think that's clear.

COMMISSIONER LEEDHAM: Okay.

COMMISSIONER FORITANO: And I think it
captures the intent, I hope, of the person who made the motion, but it's just a slight inversion.

Are you okay with that, Jim?

COMMISSIONER SOMMERHAUSER: I don't care --
COMMISSIONER FORITANO: Let's restate that.
COMMISSIONER SOMMERHAUSER: -- where we get the static in as long as it's in the definition.
COMMISSIONER FORITANO: Erin, why don't you give us -- and we'll see if Jim's okay with that.
COMMISSIONER LEEDHAM: Okay. So "a static sign capable of displaying," and just go with the rest of it in there.
COMMISSIONER PHILLIPS: And we're allowing an electronic sign to do that?
COMMISSIONER FORITANO: All we are saying is that that is our definition of an electronic sign. We didn't get to the -- we're not revisiting the where for or the wherever yet, back to our earlier motion. We can, but we're not --
COMMISSIONER LEEDHAM: But this helps to differentiate electronic sign from the animated one from the flashing that we've got.
COMMISSIONER FORITANO: Yes.
COMMISSIONER LEEDHAM: A sign that stands by itself.
COMMISSIONER FORITANO: That qualifier is built in. Static provides a very strong qualifier at least to the intent.

COMMISSIONER SOMMERHAUSER: Erin, are you saying a static electronic sign or are you saying a static sign? I think the electronic still needs to be in there.

COMMISSIONER LEEDHAM: Okay. That's fine. We can do that. It's under definition of the term electronic sign.

COMMISSIONER FORITANO: Under electronic sign, colon, and then a static sign.

COMMISSIONER PHILLIPS: I would point out that it's very hard for other signs to be not static. You know, you'd have to be out there painting real fast.

COMMISSIONER SOMMERHAUSER: But electronic sign --

(Speaking simultaneously.)

COMMISSIONER FORITANO: All right. I do believe we have a slightly restated motion.

COMMISSIONER SOMMERHAUSER: Right.

COMMISSIONER FORITANO: Static sign. So we have a second?

COMMISSIONER PHILLIPS: Can I add just one
thing? We have -- we're now defining electronic static
sign, correct?

COMMISSIONER FORITANO: Electronic sign,
colon, a static sign.

COMMISSIONER PHILLIPS: Okay. For
clarification on our definition list, I would ask that
the next -- let's see. That would be lines 8, 10, and
12. Strike "electronic" sign from them and just define
animation, flashing, scrolling, and you might add
fluttering in there.

COMMISSIONER SOMMERHAUSER: I would second
that amendment.

COMMISSIONER FORITANO: All right. I do
believe then we need -- any discussion on the secondary
amendment? All right. All in favor of the secondary
amendment? And then we'll back up to the primary.
Unanimous on eliminating of the words "electronic" to
the 8, 10, and 12.

Now we have the primary amendment, I believe, that
added "static" in between "a" and "sign" on line 6,
correct, Jim?

COMMISSIONER SOMMERHAUSER: Yeah.

COMMISSIONER FORITANO: All in favor of that
amendment? Yes. Unanimous.

Okay. So are we back to -- back to stepping
through. We are already on No. 1. No, we're further
on definition. We're through purpose.

COMMISSIONER PHILLIPS: Just a quick sidebar.
COMMISSIONER FORITANO: Sir.
COMMISSIONER PHILLIPS: Zero one Germany
final.

COMMISSIONER SOMMERHAUSER: I have a question
about line 16, page 3.

COMMISSIONER FORITANO: Page 3.

COMMISSIONER SOMMERHAUSER: Halo Lighting
Effects. I know what channel signs are, where you
insert the letters into a channel and your channels --
multiple rows of channels. I've never heard that used
as halo lighting. Halo lighting to me is a sign that
has a separate light that hangs out to the front or
side that illuminates the sign. So that's a new one on
me.

DARREN GURNEE: To clarify for that
definition, in the industry and other model codes as
well as international sign codes, halo lighting is
identified as the channel letters are formed with a
surface that the light cannot get through, but there is
a channel where a light is within the letter. So when
you're viewing it, it projects light on the back of a
surface and those letters come out as a result.
COMMISSIONER SOMMERHAUSER: You just lost me.

COMMISSIONER PHILLIPS: It's basically creating a 3D effect. You're setting your sign up, and by the effect of the lighting, you're getting a -- it looks like a three-dimensional letter or sign.

DARREN GURNEE: I'll bring one up for you here. So this would probably be a good example. Oops. But where the letters are dark and the backdrop is lit is what is being defined as halo. It's almost the reverse of a drop shadow if you're thinking in terms of a design element.

COMMISSIONER FORITANO: I see people are reaching for their wallet right now they're so excited.

DARREN GURNEE: And the intent with that was that halo lettering is actually -- it's a little bit pricier if you're in the sign world, but it's not as obtrusive as an internally lighted sign, and that's how it's referenced in the code.

COMMISSIONER SVENSSON: Darren, is that term used elsewhere in the text of the code?

DARREN GURNEE: It is. It is identified in the --

COMMISSIONER SOMMERHAUSER: Is it a prohibited?

DARREN GURNEE: It's -- it is identified as
an acceptable means of illuminating a sign in Kingston.

Let me get the language here. It identifies it as an acceptable means of internal illumination. That would be on page 7, No. 20 -- or at line 37, except for halo lighting effects, internally illuminated signs in Type I LAMIRDS would be prohibited.

COMMISSIONER SOMMERHAUSER: I'm trying to figure out based on our previous action about not allowing electronic signs in a rural area if halo -- as long as we've got a separate definition.

COMMISSIONER PHILLIPS: The only -- the only way halo would not be static is if you're having the light behind that change. Then you have a dynamic sign, not a static. But only in color, not -- not in the message.

COMMISSIONER PARALEZ: So when you say in a LAMIRD, is that taken to mean inside the -- internally in a LAMIRD or are you allowing them to put these on the external?

DARREN GURNEE: The way -- for No. 20?

COMMISSIONER PARALEZ: Yes.

DARREN GURNEE: Is that what you're referring to?

So No. 20 prohibits internally illuminated signs in those LAMIRDS; it allows for halo lighting of a
COMMISSIONER PARALEZ: So allows for --

DARREN GURNEE: So say you had a development, a residential development.

COMMISSIONER PARALEZ: So my question is, it allows the halo lighting, but it allows them to put them where in the LAMIRD?

DARREN GURNEE: We do not regulate where it would be placed in the LAMIRD.

COMMISSIONER PARALEZ: So the code for the LAMIRD specifies the sign -- specifies them to have only one sign for the LAMIRD, I think. So the halo lighting just seems incongruent to me.

COMMISSIONER PHILLIPS: Just --

COMMISSIONER SOMMERHAUSER: Me too.

COMMISSIONER PHILLIPS: My understanding would be they've already said what, where, and size in definition of the sign. Now they're saying you have the option if you want to do a halo sign in that -- that particular area.

COMMISSIONER PARALEZ: Except that is incongruent with what a LAMIRD is allowed. So a LAMIRD -- as I understand it, a LAMIRD gets to have one monument sign and maybe another sign to tell you all of the different businesses in the LAMIRD. So this says
you can have a halo sign. I don't see how you can do all that.

DARREN GURNEE: It's more if you -- if you are acquiring a permit for a monument sign, you can have halo lighting effects. It's not --

COMMISSIONER SOMMERHAUSER: So it's not more

DARREN GURNEE: No. It would be if you applied to get a monument sign for a LAMIRD, per se, then you could have halo lighted letters on the sign.

COMMISSIONER PHILLIPS: Now a LAMIRD, as I understand it, is not just one sign.

COMMISSIONER PARALEZ: Should be, as I --

COMMISSIONER SOMMERHAUSER: Depends on which type of LAMIRD.

COMMISSIONER PHILLIPS: Right. And that's -- I think we're talking about if you have a small business park and that and you say one monument sign and they can use a halo in it. Doesn't have to be all of it, but it meets all of the specifications and regulations.

DARREN GURNEE: Correct.

COMMISSIONER PHILLIPS: Now, there are LAMIRDS, and I would say -- let's see. Silverdale's a UGA. Port Gamble is a LAMIRD?
DARREN GURNEE: That is correct.

COMMISSIONER PHILLIPS: Is Kingston a LAMIRD?

DARREN GURNEE: Kingston is UGA.

COMMISSIONER PHILLIPS: UGA. Okay. So basically it's of the three LAMIRDS, there are some that would qualify for more than one sign; is that correct?

DARREN GURNEE: I believe what you're asking -- in terms of a business park, you would be able to have a sign for your business park. There might be more than one business park in a LAMIRD.

COMMISSIONER PHILLIPS: Right.

DARREN GURNEE: And so each of those business parks would be allowed to have a sign.

COMMISSIONER SOMMERHAUSER: Type I.

DARREN GURNEE: Yeah, this is referring to Type I specifically.

COMMISSIONER SOMMERHAUSER: We ought to say that.

DARREN GURNEE: It is written in there as Type I limited areas.

COMMISSIONER PARALEZ: We definitely have some enforcement to do, yeah, because we got ticky-tacky LAMIRDS.

COMMISSIONER FORITANO: All right.
Definitions continued? Definitions over? Permitting, Item 5 under Sign Code, line 5 under Sign Code. Comfortable with the text as written under Permitting? If I hear the remotest hesitation I'm going to move on. Prohibited Signs.

COMMISSIONER PHILLIPS: Permitting.

COMMISSIONER FORITANO: Permitting.

COMMISSIONER PHILLIPS: Just to back up, we had some discussion about on under permitting -- it would be line 15. There was some discussion about we could allow -- we were going to allow another 180-day extension, and there was some discussion on why are we doing extensions, and why don't we just have them expire and reapply.

COMMISSIONER FORITANO: I recall that. Yes.

COMMISSIONER PHILLIPS: Why are we giving 180 day, and I didn't -- I didn't -- in the discussion, I didn't really hear of a good reason why you wouldn't require somebody to say, all right, the expiration date is --

COMMISSIONER FORITANO: Expiration.

COMMISSIONER PHILLIPS: -- here. Get in.

Now, I would -- I would grant somebody, Hey, if you had extenuating circumstances and you couldn't get to us that week, we're not going to jump all over you.
COMMISSIONER FORITANO: Want to make a motion? I'm not encouraging you, but just a question.

COMMISSIONER PHILLIPS: As I understood the discussion, I didn't hear a real good reason why we did extensions, and I would move that we strike the extensions.

COMMISSIONER SOMMERHAUSER: Can you give me a line number and page number?

COMMISSIONER FORITANO: Page No. 6 of 6, and we're at line 15.

COMMISSIONER PHILLIPS: 15. And then you go down to line 17.

COMMISSIONER FORITANO: Give me just a second to read the paragraph.

COMMISSIONER NEVINS: I think as I recall the discussion, I had a pretty good part in that.

COMMISSIONER FORITANO: Yes, you did.

COMMISSIONER NEVINS: The word I got translated loosely is extension. I mean a word for termination. I forget what it was. It didn't mean the same thing in the county. The county's saying it would be much more comfortable not having that there because there are some cases where it suits the county better not to have to go through the whole process again.

COMMISSIONER PHILLIPS: And that's what I'm
questioning. Did we really figure out what the county necessarily wanted?

   COMMISSIONER LEEDHAM: And was there a difference on fees for redoing versus reapplying?

   DARREN GURNEE: This section, specifically lines 17 and 18 on page 6, is consistent with building code permit extensions. That was why this was kept in. There was not going to be an additional fee that we knew of necessarily, but the fees are dealt with in a different title that we reference.

   COMMISSIONER PHILLIPS: And why don't we just make the permit for 360 days and be done?

   COMMISSIONER FORITANO: And I think also, Tom, you made the comment that this really involves -- there -- the one issue is from the applicant's standpoint, but the other is just the cost of continuing to process extensions.

   COMMISSIONER NEVINS: But the concept of extending it 360 days is suitable for me.

   COMMISSIONER PHILLIPS: Well, I mean make the permit one year. On the anniversary of that year it expires. Please renew. And if you don't, you're not in compliance.

   COMMISSIONER ROWE: Are we trying to keep this so it coincides with another code? And I think
that would be confusing having two different dates in there.

COMMISSIONER NEVINS: Yes.

COMMISSIONER ROWE: And I think -- was it Jeff Rowe the one that came and talked to us about that, that actually the original permitting time frame they give, a lot of times they can't get their construction done during that time. It's really not even a realistic time frame. Do you remember him talking about that?

COMMISSIONER PHILLIPS: Yeah, slightly. But I'm kind of curious of how, you know, develop -- a development sign going up to show that they're developing, fine. They're developing. I don't understand why there's this -- why they can't be granted on a yearly basis, and why do we need extensions. I mean if -- if you're just coming in and re-filing for the same sign for the next year, you've already met the requirements. It should just be come in, register it, and you're done.

Now whether there's a follow-on fee, I'm out of that. But I'm just saying the clearer the code is about, you know, how long a permit is allowed on a sign, I think is to the county's benefit because then you're not getting this argument of, Well, I got a
180-day extension. And then it gets kind of lost in
the file and you're -- you're left going, Well, when
did that start. I think a permit should be granted and
a permit should end. And if you want to renew it, come
in and renew it on time.

COMMISSIONER SOMMERHAUSER: And if you want
to -- if you want to give a reduced fee for a renewal.

COMMISSIONER PHILLIPS: Yeah, because I don't
see the county office needing to go through a whole
review and all that. They already did that. They
looked at it. They say, Yeah, still there, good, move
on.

COMMISSIONER FORITANO: And this is a sign,
not the building of a house?

COMMISSIONER PHILLIPS: Correct.

COMMISSIONER FORITANO: We've got a motion.
We have a second. Any further discussion?

COMMISSIONER SVENSSON: It's my recollection
that staff told us that they prefer to have language so
it's consistent with other permitting requirements --

COMMISSIONER FORITANO: Yes.

COMMISSIONER SVENSSON: -- in other parts of
the county code.

COMMISSIONER FORITANO: That was the --

COMMISSIONER SVENSSON: I think internal
consistency is important. I think what we're talking about is a philosophical issue that applies to a number of other types of permits that isn't really before us. I would support having language that's consistent with permit language in other parts of the county code.

COMMISSIONER FORITANO: Jim.

COMMISSIONER SOMMERHAUSER: But we aren't allowed to change other codes. We have one code that they give us, and we fix that. The fact that it's not consistent with another one isn't our fault. The fact is they gave us one code to look at, and we made a change to it for a reason, and I think it's a good reason. But the fact that other codes have got a different extension requirement, so be it. When they bring those to us, we'll look at it and fix that there.

COMMISSIONER PHILLIPS: And here's -- here's my basic logic on this. I come in to put a sign up on a development, piece of property, or whatever. I'm going to come in, get that permit, get the sign approved and put it in. I'm done. Now, if I'm doing a permit for construction and all that, oh, there's always delays, there's always a need for an extension to keep your project going. Either you didn't get the money to do it or whatever. I understand those. But as far as a sign, you get your permit, you put it in,
you're done. I don't understand an exemption for it.

COMMISSIONER FORITANO: We have arguments pro
and con. What else? Any other points of view? Any
other arguments pro or con? All right. All in favor?

COMMISSIONER LEEDHAM: I'm sorry. Could you
restate the motion?

COMMISSIONER FORITANO: Joe, go ahead.

COMMISSIONER PHILLIPS: Basically we would
strike that a permit extension may be filed for an
additional 180 days to construct the sign to -- to
complete under the original permit.

COMMISSIONER SOMMERHAUSER: You'd have to go
back earlier than that.

COMMISSIONER PHILLIPS: Yeah, you would. I
mean a permit to build a sign, and if we extended that
to 365 days and they can't put the sign up there, they
need to come back and re-file.

COMMISSIONER FORITANO: You're changing the
language then. How do you want to state the motion?
Permits will expire in 180 days. You need more than
that or is that the essence of your motion?

COMMISSIONER PHILLIPS: The essence of the
motion is to make the permit expiration on 365 days,
and that if you don't get your sign and then you have
to come back and re-file.
COMMISSIONER FORITANO: Almost by implication you'd have to come back and re-file, so you're welcome to put that language in if you may. One last chance.

State your motion, sir.

COMMISSIONER PHILLIPS: I would move that on line 15, Section 3, Permit Expiration, if the permitted sign is not constructed to completion in 100 -- or 365 days from the original permit, the permit shall expire and will need to be a new -- a new permit requested.

COMMISSIONER FORITANO: Does the second agree with the language change? Okay. So we have a motion. We have a second. All in favor of the motion as stated? One, two, three, four, five. Those opposed?

One, two, three, four. Carries, five to four.

Okay. We are -- we are still on permitting. Are we? Permitting. Prohibited Signs. 17.446.040 Prohibited Signs, page 7.

COMMISSIONER SOMMERHAUSER: Going to take awhile on this one. Now, as I read this line 1 -- or pardon me -- line 4, No. 1, off-premise signs are prohibited. So I've got a business off of Silverdale Way and it's -- my building is 150 feet back from the street. So there's whole nother building in front of me, a parking lot, everything. I -- that's not my premises out in front of me so I can't put an A-frame
out at the sidewalk.

COMMISSIONER FORITANO: And that's also Mr. Wright's situation.

COMMISSIONER SOMMERHAUSER: Right.

COMMISSIONER FORITANO: Art studio second floor next to a shopping -- next to Albertson's and --

COMMISSIONER SOMMERHAUSER: Johnny Walker.

COMMISSIONER FORITANO: Johnny Walker. I said "Wright." Mr. Walker, yes.

COMMISSIONER SOMMERHAUSER: Is that -- is that what I'm understanding this is saying?

DARREN GURNEE: That's correct. If it's not on the parcel in which the business or organization is located, then you wouldn't be allowed to put a sign there; however, we do include a variance as a possibility.

COMMISSIONER SOMMERHAUSER: For an A-frame?

DARREN GURNEE: Not for an A-frame.

COMMISSIONER SOMMERHAUSER: When you say prohibited, off-premises signs are prohibited, now are you saying an A-frame is allowed?

DARREN GURNEE: Not off premise, no.

COMMISSIONER SOMMERHAUSER: Okay. I think that's a major change.

COMMISSIONER PHILLIPS: So what is the
DARREN GURNEE: The language is at the very end of the document. It specifically allow -- it's for permanent signage that comes in with an application. The director would have to go through the process.

COMMISSIONER FORITANO: So it would not be art sale Wednesday through Friday?

DARREN GURNEE: No. That would be special events. It says "unless otherwise exempt" at the very top of the section on line 2.

COMMISSIONER FORITANO: Unless otherwise exempt.

DARREN GURNEE: So A-frame signs that are specific -- as we'll get to that point, when you're talking about special events and agricultural signage program and open house events for real estate, they're identified exempt. So it would not be considered as part of this.

COMMISSIONER SOMMERHAUSER: I think this is a poor way to write a code. Somebody is sitting down flipping through and they get to the third page in -- pardon me -- seventh page in, and they see Prohibited Signs, and they say off-premise signs, I can't do that. There is no indication to them to read further into code to find out that, oh, they can do that.
COMMISSIONER FORITANO: Except that the two lines above, "unless otherwise exempt or conditionally exempt under chapter," it doesn't say where you go to find that out or what that means. I mean that's pretty clear on its face, except I mean what's the part that applies to me and where do I find it.

COMMISSIONER SOMMERHAUSER: And I think --

COMMISSIONER FORITANO: Huge red flag.

COMMISSIONER SOMMERHAUSER: -- this is a very user unfriendly way to write a code.

COMMISSIONER PHILLIPS: I would offer one suggestion on this, and that is, in the line it should read -- line 4 it should read permanent off-premise signs are not permitted, because I -- and I would also think that we could say that it's -- if it's a temporary sign that you need to request an exemption.

DARREN GURNEE: And that is covered under conditionally exempt signage.

COMMISSIONER FORITANO: Is there an objection to the word permanent off-premise signs?

COMMISSIONER NEVINS: Yes, especially if it would allow further proliferation of A-frame signs [indiscernible] --

(Speaking simultaneously.

Interruption by the court
COMMISSIONER FORITANO: Okay. Once again.

Into the speaker. The recorder is having trouble hearing you folks.

THE COURT REPORTER: Can you repeat what you said, please, sir?

COMMISSIONER NEVINS: Did you not hear me?

THE COURT REPORTER: I did not hear you.

COMMISSIONER NEVINS: My battery must be dead.

Okay. I was objecting because the word permanent inserted in there would allow the proliferation of A-frame signs or signs quite a distance from the business. To me a sign that promotes business needs to be close by.

COMMISSIONER PHILLIPS: Well, and I'm going on our testimony we received in Poulsbo by Ms. Heidi Caster with her business that she's basically at the end of a long dirt road. With no signage, she doesn't get any business. And I think we need to find a clearer definition for businesses like that. Whether they're agriculture or --

COMMISSIONER FORITANO: The art studio, yeah.

COMMISSIONER PHILLIPS: -- industry, we need to be able to let them know that there is a way to
apply for signage that right now it's prohibited. So I
guess prohibited signs, I guess you need to -- I
understand why you object to permanent because
that's --

COMMISSIONER FORITANO: Could you combine or
add to the language in line 1, "off-premise signs," and
then pick up the words above, "unless otherwise exempt
or conditionally exempt"?

COMMISSIONER PHILLIPS: I would --
COMMISSIONER FORITANO: Or see page

something.

COMMISSIONER PHILLIPS: -- support that.
COMMISSIONER FORITANO: So at least it's all
in one breath.

COMMISSIONER LEEDHAM: Also --
COMMISSIONER PHILLIPS: And it doesn't just
shut people down.

COMMISSIONER FORITANO: Erin.

COMMISSIONER LEEDHAM: Also looking at it, in
line 2 could we reference those sections where we
outline the ones that are conditionally exempt so that
we can send somebody reading this to the right place?

COMMISSIONER FORITANO: I think all that is
helpful to me, but I'm looking for a motion. Got a
motion?
COMMISSIONER PHILLIPS: Okay. I would --

COMMISSIONER SVENSSON: I'll make that motion.

COMMISSIONER SOMMERHAUSER: Well, first off, we had a motion and a second. We've got to get that off the table.

COMMISSIONER FORITANO: Thank you.

COMMISSIONER PHILLIPS: I withdraw that. The permanent, I withdraw that motion.

COMMISSIONER FORITANO: Okay. Now we're back to looking for a motion.

COMMISSIONER SVENSSON: I would move that language be added to Section 1, line 4 that essentially would indicate off-premise signs were prohibited unless specifically allowed pursuant to Section 050 or 060, which are the exempt and conditionally exempt signs. Maybe we want to add some other -- well, unless specifically allowed pursuant to other provisions of this code. Or do we want to be specific and mention the exemptions and conditions or exemptions?

COMMISSIONER FORITANO: Want to take a breath and give me your language?

COMMISSIONER SOMMERHAUSER: I'd be specific.

COMMISSIONER SVENSSON: Okay. Off-premise signs, unless specifically allowed pursuant to Section
050 or 060.

COMMISSIONER SOMMERHAUSER: Second.

COMMISSIONER FORITANO: Is there a second?

We have a motion. We have a second. Discussion?

COMMISSIONER LEEDHAM: For staff, Darren, does that cover all the potential exemption signs, those two --

COMMISSIONER FORITANO: Those two code references, does it cover all the exemptions?

DARREN GURNEE: Yes.

COMMISSIONER LEEDHAM: 050 and 060, right?

We're not missing anything?

COMMISSIONER FORITANO: Yeah, good question.

DARREN GURNEE: That's correct. That's why it was stated at the beginning.


We done, Jim?

COMMISSIONER SOMMERHAUSER: Line 10, "Signs or sign structures located in roundabouts or medians."

What about islands? Is a median the same as an island? I think they're currently prohibited; is that correct?

DARREN GURNEE: From islands?

COMMISSIONER SOMMERHAUSER: Yeah.
DARREN GURNEE: I do not know. I'll check that.

COMMISSIONER SOMMERHAUSER: Well, I'm trying to figure out if median defines -- Tracyton Boulevard, when we did the speed bumps and the trying to slow traffic, we built some vegetation islands in the middle. I don't know if those are called medians. I know they are islands.

COMMISSIONER FORITANO: And there's one of those in North Kitsap too on --

DARREN GURNEE: They're not prohibited at -- at a brief glance at the existing code, they are not prohibited.

COMMISSIONER FORITANO: Are they the same, though? Is a median an island, an island a median, or do they have distinct definitions?

DARREN GURNEE: That was our understanding.

COMMISSIONER PHILLIPS: I would move that for clarity we add the term "island" into that.

COMMISSIONER SOMMERHAUSER: Right. It can be added as a paren after "medians" or as a separate word, comma, "islands."

COMMISSIONER FORITANO: Is there a second to the recommendation that --

COMMISSIONER GONZALEZ-HARLESS: Yes.
COMMISSIONER FORITANO: -- it be added --

COMMISSIONER GONZALEZ-HARLESS: Second.

COMMISSIONER FORITANO: Karanne. Okay.

Motion by Joe, seconded by Karanne. Discussion? All in favor? Unanimous.

Linda.

COMMISSIONER PARALEZ: Item No. 11, does --
does that mean all billboards?

DARREN GURNEE: Yes.

COMMISSIONER PARALEZ: Could it just say all billboards?

DARREN GURNEE: It could. Yes.

COMMISSIONER PHILLIPS: I would -- I would say we want to keep the mobility mobile word in there because somebody slick will go ahead and say, Well, you didn't tell me I couldn't run up and down the road with my billboard sign on the back of my truck.

COMMISSIONER FORITANO: Do we have a motion?

COMMISSIONER PARALEZ: No.

COMMISSIONER FORITANO: No.

COMMISSIONER PARALEZ: Just clarification. I just was curious that we were -- we are prohibiting all billboards in Kitsap County. Is that what this means?

DARREN GURNEE: Yes.

COMMISSIONER PARALEZ: Okay.
COMMISSIONER FORITANO: All clear?

Jim.

COMMISSIONER SOMMERHAUSER: On billboards, I go back to the definition of billboards, "A large outdoor off-premise structure advertising products or services." Now, I'm trying to figure out where an eight-foot-by-four-foot political sign fits. Is that a billboard as such? We've got small signs allowed in the right-of-way, but we discuss that you can put larger signs on private property. So is that covered by billboard? If it is, I think we got a problem.

DARREN GURNEE: It's -- as it states up at the top in the exempt or conditionally exempt. If we go to political signs in that section. So page 7, line 24 is the start of political signs.

COMMISSIONER SOMMERHAUSER: Wrong page.

COMMISSIONER LEEDHAM: Page 9.


COMMISSIONER FORITANO: Page 9, 24, Political Signs.

DARREN GURNEE: There's a size limit for these.

COMMISSIONER PHILLIPS: Could I make a motion here that basically we go back to the definition of billboard and say permanent?
COMMISSIONER FORITANO: Give us a specific reference.

COMMISSIONER PHILLIPS: Let's see. That would be --

COMMISSIONER FORITANO: Page 7, line 23?

COMMISSIONER PHILLIPS: Page 2.

COMMISSIONER FORITANO: Oh, back to the original definition.

COMMISSIONER SOMMERHAUSER: Page 2.

COMMISSIONER FORITANO: Page 2.

COMMISSIONER PHILLIPS: And under line 23 I would add in a large outdoor off-premise -- somewhere in there we had permanent. And it could be a large outdoor off-premise permanent structure.

COMMISSIONER FORITANO: So I can think of a zillion examples where billboards aren't large, just to back up to the --

COMMISSIONER PHILLIPS: Well.

COMMISSIONER SOMMERHAUSER: Yeah, I can too, and I'm trying to figure where they fit.

COMMISSIONER PARALEZ: So that exempts the canvas ones, the fabric ones?

COMMISSIONER FORITANO: The little small -- and that's back to the prior mention of --

COMMISSIONER PARALEZ: Even if they're large.
COMMISSIONER FORITANO: -- Heidi Caster and her Dragonfly Nursery. It's a very small sign. It is a billboard-like sign, A-frame.

COMMISSIONER PHILLIPS: But I guess in defining a billboard, usually those are large signs that are commercially available to put your advertising on.

COMMISSIONER FORITANO: Okay. Gotcha.

COMMISSIONER SOMMERHAUSER: Usually --

COMMISSIONER PHILLIPS: So I would --

COMMISSIONER SOMMERHAUSER: -- smaller than a particular size it's no longer a billboard.

COMMISSIONER FORITANO: Exactly right. Yeah, so large does apply.

COMMISSIONER SOMMERHAUSER: But I think I would second the change to add a large permanent outdoor.

COMMISSIONER FORITANO: But billboards aren't permanent. I mean the structure of a billboard is, but the sign is monthly, annually.

COMMISSIONER SOMMERHAUSER: Yeah, but the structure itself is part of what we permit.

COMMISSIONER FORITANO: A large outdoor premise structure. Got it.

DARREN GURNEE: The structure is the sign, to
clarify.

COMMISSIONER FORITANO: The structure. Got it.

DARREN GURNEE: The structure is the sign. The face of the sign is changeable.

COMMISSIONER SOMMERHAUSER: That way that would exempt political signs that can get up to four by -- or four feet high, eight feet wide because they aren't permanent, they're there just for the election.

COMMISSIONER FORITANO: So we do have a motion. Again repeat it, if you would, for our --

COMMISSIONER PHILLIPS: Well, and I would -- I would also add into that a large permanent commercial outdoor off-premise structure.

COMMISSIONER FORITANO: Large outdoor permanent off --

COMMISSIONER PHILLIPS: Commercial.

COMMISSIONER FORITANO: -- premise commercial structure.

COMMISSIONER PHILLIPS: Right.

COMMISSIONER FORITANO: Jim, okay?

COMMISSIONER SOMMERHAUSER: Yeah, I'm good.

COMMISSIONER PARALEZ: So you're exempting people like the Boy Scouts and so forth who are printing up the big vinyl --
COMMISSIONER PHILLIPS: You mean banners?

COMMISSIONER PARALEZ: Banners.

COMMISSIONER PHILLIPS: That's not a --

COMMISSIONER PHILLIPS: That's not a billboard.

COMMISSIONER SVENSSON: What's your reasoning for this motion?

COMMISSIONER PHILLIPS: Well, it -- to help -- if we help define billboards clearly as structures that are put up commercially for advertising and that, that's what we're trying to prohibit in the county. And if we define them as the, you know, commercial permanent structures, then that clarifies what your billboard is.

Now the only problem I'm thinking of now is how do we cover mobile billboards. But those -- those are also available commercially. You can go over to Seattle and find a sign company that has vehicles that can go up and down the street with your billboard on it. By saying "commercial," we're saying we don't want a proliferation of that type of sign.

COMMISSIONER FORITANO: Got a motion. Got a second. Further discussion? All in favor of the addition of those two words as far as definition of billboard, page 2. All in favor? One, two, three, four, five, six. All opposed? One, two. Karanne?
KAREN ASHCROFT: Karanne said yes.

COMMISSIONER GONZALEZ-HARLESS: I was --

COMMISSIONER FORITANO: You were a yea? So it's seven yea, two nay.

Okay. Continuing with...

COMMISSIONER GONZALEZ-HARLESS: I got one.

COMMISSIONER FORITANO: Yes, ma'am.

COMMISSIONER GONZALEZ-HARLESS: I'd like to make a motion. Go down to line 35, Item 19.

COMMISSIONER FORITANO: Page?

COMMISSIONER GONZALEZ-HARLESS: Seven.

COMMISSIONER FORITANO: Page 7, line --

COMMISSIONER GONZALEZ-HARLESS: To strike --


COMMISSIONER GONZALEZ-HARLESS: To strike "the Port Gamble," and in addition also strike all of 20.

COMMISSIONER FORITANO: So it would be, "In Limited Area of More Intense Rural Development," and 20 goes away?

COMMISSIONER GONZALEZ-HARLESS: And 20 goes away. And that makes it consistent with our previous motion about electronic signs in LAMIRDs and internally lit and halo and all of that.

COMMISSIONER FORITANO: Is there a second?
COMMISSIONER SVENSSON: I'll second that.

COMMISSIONER FORITANO: Motion is seconded by Jim, made by Karanne and seconded by Jim.

Discussion?

COMMISSIONER PHILLIPS: I wonder --

COMMISSIONER FORITANO: Quick question to the county. Does that -- the basis of Karanne's motion is that's a consistency motion. Strike you that way? Any issues?

DARREN GURNEE: So we're talking about starting with 19.

COMMISSIONER FORITANO: Yes.

DARREN GURNEE: Striking "Port Gamble" --

COMMISSIONER FORITANO: Would be --

DARREN GURNEE: -- would mean that neon signs, internally illuminated, or electronic are not allowed in any LAMIRDs?

COMMISSIONER SOMMERHAUSER: Any of the LAMIRDs.

COMMISSIONER GONZALEZ-HARLESS: Right.

COMMISSIONER FORITANO: And then 20 goes away completely.

COMMISSIONER PARALEZ: So that makes it more consistent with the comprehensive plan.

COMMISSIONER FORITANO: And the argument was
Tom.

COMMISSIONER NEVINS: I was going to mention that. That's -- I have it up here -- Policy RL-28 speaking of LAMIRDS and "building colors that are muted, signs that are not internally illuminated, and site building lighting that is held to a minimum necessary for safety."

COMMISSIONER FORITANO: So we have a motion. We have a second. Further discussion? All right. All in favor of that motion?

COMMISSIONER ROWE: Could I --

COMMISSIONER FORITANO: Oh, yes, please. Linda.

COMMISSIONER ROWE: So we're taking this out as prohibited; is that correct?

COMMISSIONER FORITANO: We're taking out -- in line 35, we're taking out in -- we're taking out "the Port Gamble."

COMMISSIONER ROWE: But leaving the rest in?

COMMISSIONER FORITANO: And leaving the rest, and taking out all of line 20 -- taking out all of line 37 and 38.

Further discussion? Joe.

COMMISSIONER PHILLIPS: Do we have -- I'm
thinking of Kingston Lumber. Right now we do have
LAMIRDs up in that area that are internally lit right
now?

COMMISSIONER PARALEZ: Right. A bunch of
them out of compliance.

COMMISSIONER PHILLIPS: Okay.

COMMISSIONER PARALEZ: Whole bunch of them.

Twelve Trees, Kennedy Park, the Stottlemeyer one.

COMMISSIONER PHILLIPS: And here's my -- I
would leave in Port Gamble because it has a specific
color that is -- you know, should be -- should be
prohibited from this because it has a character that
it's developing. The issue I have with not allowing
some type of either haloed or sign is that come
wintertime those businesses are open but those signs
won't be seen. I mean we are talking these people's
economic livelihood, and I don't see where it's -- you
know, the LAMIRDs, they're trying to do a business.
And if we're going to shut their signs off, I think
that's -- I think getting them under control and making
them acceptable is fine. Turning them off, I don't
think so.

COMMISSIONER FORITANO: And you're not
comfortable with their seeking an exemption on those
grounds? Because the prior paragraphs give them the
opportunity to seek an exemption.

   COMMISSIONER PARALEZ: I think I would agree. They need to get in here and get a permit. And I think that's probably step one, that whole issue of there's a process, there's transparency around the process, sort of stop cutting off the tree limbs, start getting the permit. There's -- yeah.

   COMMISSIONER FORITANO: Jim.

   COMMISSIONER SOMMERHAUSER: Well, Port Gamble is one Type I LAMIRD where we're removing that, that they said they didn't want them anyway. And I'm wondering for the South Kitsap folks what about Manchester. That's a Type I LAMIRD. You know, the store, the restaurant, if they have internally lighted signs, this would say that lights gotta go out on those signs.

   COMMISSIONER GONZALEZ-HARLESS: We're back to -- if I may.

   COMMISSIONER FORITANO: Go ahead.

   COMMISSIONER GONZALEZ-HARLESS: We're back to the same discussion we had originally. So what I'll be -- first I'll speak to the motion. The reason I said remove Port Gamble is because it's all inclusive of the LAMIRDs because the policy in the comp plan is inclusive, not one, two, three, whoever. So we're
being consistent with that.

The businesses, say, for instance in Manchester
that have already had their signs permitted and are
already under their signs and are now within a LAMIRD
get to keep their signs, correct?

COMMISSIONER SOMMERHAUSER: Unless --

COMMISSIONER PARALEZ: Ten years.

DARREN GURNEE: Unless you pass an

amortization schedule.

COMMISSIONER GONZALES-HARLESS: Okay.

DARREN GURNEE: Then they actually do have to
get rid of those signs if you change this.

COMMISSIONER SOMMERHAUSER: Or they have to

apply for an exception, a variance.

COMMISSIONER GONZALES-HARLESS: But with the
motion that was passed earlier, this is consistent.
Otherwise we have -- this is internally inconsistent if
we don't make this change.

COMMISSIONER FORITANO: Yeah, that's -- I
heard the consistency argument as your overwhelming
point for the motion.

COMMISSIONER SOMMERHAUSER: Despite comments
from the staff, I don't think that we can walk our way
around the clear language of that comp plan. You know,
if the commissioners want to come back later on and add
to the comp plan to change that item, okay. But until
we do, I think that we're really running -- anybody
could knock our ears off on that.

COMMISSIONER FORITANO: Tom.

COMMISSIONER NEVINS: Yes. Speaking to signs
that are already out there, that's something we're --
we have made mistakes, and they're there, and it may
take a long time to move them off. Kingston Lumber
moved out there just a few years ago from inside a
Kingston property. And there are several other signs
that have been popping up. What this language will do
is prevent further permitting of things like that,
which is suitable as far as I'm concerned. It's one of
the things that we can do, is to stop things from
getting worse. And I am one who perceives that lighted
signs in a rural area is worse than trees and bushes.

COMMISSIONER FORITANO: So further argument
for the motion, apart from consistency? Further
questions? Comments?

COMMISSIONER PHILLIPS: I have a point here
that you're talking about Limited Areas of More Intense
Rural Development, basically business parks.

COMMISSIONER SOMMERHAUSER: No. Manchester
is not a business park. Manchester is a whole damn
community.
COMMISSIONER PHILLIPS: Okay. That's -- but in the discussion that I'm hearing, especially from North Kitsap, is that there are business parks that are in the LAMIRDs that are trying to put signs up, not correctly, but they -- you know, I think everybody here understands why they're trying to put a sign up. They're trying to get their business out there and make it succeed. I think if you get too restrictive with this, why did you set up the LAMIRD.

COMMISSIONER FORITANO: Further questions, comments, views? Okay. I have a motion. I have a second. All in favor of the motion as expressed? One, two, three, four, five, six for. Those opposed? One, two, three. Okay.

How about five minutes to stretch? And then when we come back, let's talk about the rest of our day and how we see this going.

(A break was taken.)

COMMISSIONER SOMMERHAUSER: Mr. Chair, I don't think that we're going to get done in the next hour or so, so I would propose that we go ahead and break an hour for lunch and figure that we'll be here listening to folks up and down the dais here. I'd say by four o'clock, if we're not done, then we tell staff we'll come back and continue deliberation on the 1st.
COMMISSIONER FORITANO: Okay. Views on this? Because a bit of what I heard was continue but no later -- continue with informal lunch or a bite along the way, rather than a formal break, with a time certain this afternoon, which could be, I heard three, 3:30, four. Further views on this, how we proceed with the rest of the day? I think almost unequivocally we're going to need another day. But besides that, further views, Tom?

COMMISSIONER NEVINS: Well, yeah, actually, things may move a little faster. I don't know. But it seems to me that there's another three or four hours work left to do.

COMMISSIONER FORITANO: Beyond wherever we get today?

COMMISSIONER NEVINS: Well, no. I'm saying that --

COMMISSIONER FORITANO: All right.

COMMISSIONER NEVINS: For purposes of freshness, and some folks are kind of, myself included, backing off and not as sharp as we were earlier this morning, that it might be better to just bite the bullet and say we're going to take this back up again on the 17th or whatever the next meeting date is.

COMMISSIONER FORITANO: The 15th.
COMMISSIONER SOMMERHAUSER: Actually the 1st.

COMMISSIONER NEVINS: The 1st has been cancelled.

COMMISSIONER FORITANO: The 1st is cancelled, so our next official meeting is the 15th of July.

Well, so we've got a -- we've got a couple of different views. A need for an hour's break for lunch and then we go to a set time, continue until a set time. And definitely it looks like if we're going to give the kind of attention that I'm hearing all of you giving to this, it's not going to get done today regardless.

Joe.

COMMISSIONER PHILLIPS: Just a point. I would rather see us adopt a longer term plan, and then if we slide through and get done early, it's easy to say we don't need it another day. But if we're going to say, Oh, we'll get it done another day, I would say I'd support setting a time for today to end it and then bringing it up at the next meeting.

COMMISSIONER FORITANO: And at the time -- what would work for you? Just let me do a little temperature test as far as how much time you have today, just really quickly.

Yes.
COMMISSIONER SOMMERHAUSER: When did we cancel the 1st? I didn't hear anything about that.

COMMISSIONER ROWE: It was on our sheet here.

COMMISSIONER FORITANO: Yeah, and reinforced on a couple of recent agendas that have been sent, our next meeting is the 15th. I think the 1st was a relationship to a holiday and availability of folks, myself included.

Yes.

COMMISSIONER SVENSSON: I have another meeting at three this afternoon. I personally wouldn't mind seeing kind of a working lunch, maybe getting in another couple of hours, see --

COMMISSIONER FORITANO: So working lunch, go --

COMMISSIONER SVENSSON: See where we are, and then continue it if we need to do that.

COMMISSIONER FORITANO: Other views? Anybody absolutely need to have lunch?

COMMISSIONER LEEDHAM: Well, I -- actually, my son is jumping on a plane, and he's been up here, so I need to spend a little bit of time with him, and I asked him to come by and take a break. So if it's not a working lunch, could I at least get a little bit of extended time before he disappears to another state
again?

COMMISSIONER SOMMERHAUSER: Is he here now?

COMMISSIONER LEEDHAM: He's on his way, actually, yeah.

COMMISSIONER SOMMERHAUSER: Whenever her son gets here, we break for 15 minutes, grab lunch, bring it back here and work our way through.

COMMISSIONER FORITANO: Linda?

COMMISSIONER ROWE: I'd like to keep working, of course have a break for your son, and maybe wrap it up around one or two and stop for today.

COMMISSIONER FORITANO: Stop at one or two?

I hear you. Those of you who have actual real stuff to do this afternoon.

COMMISSIONER ROWE: If we can just work through until one and stop at whatever. I'll do whatever everyone wants.

COMMISSIONER LEEDHAM: I do agree about clarity. I'm losing my edge here.

COMMISSIONER FORITANO: Yes.

COMMISSIONER GONZALEZ-HARLESS: I'd like to make that a half an hour, not 15 minutes. I have to go meet my mother real quickly.

COMMISSIONER FORITANO: Let me -- let me try to split the difference and back up. So whenever the
designated moment is to break, it's a minimum half hour, we stop at two.

COMMISSIONER LEEDHAM: And you're flexible to go to whenever?

COMMISSIONER GONZALEZ-HARLESS: Yes.

COMMISSIONER LEEDHAM: So my son's going to walk in and we're all going to get up and leave.

COMMISSIONER FORITANO: And the presumption is we pick up wherever we leave off on the 15th. Staff okay?

Okay. Continue. Oh, I'm sorry. There was one other comment that came up during the break. Darren reminded me of something I had forgotten. And you see on these pages in the little -- little pink or shell salmon colored block comments, we are obligated to have a motion and approve or disapprove each of these. And what he says, we can pick up from where we are, which is in permitting, and then at the end back up and capture the first couple of things on purpose and so on. So I'll just try to -- I'll remember that, having forgotten it already.

Okay. So we are on permitting. Anything else on permitting? Okay. Prohibited signs.

DAVE GREETHAM: Lou, could I clarify?

COMMISSIONER FORITANO: Yes, sir.
DAVE GREETHAM: Dave Greetham. Just to clarify what Lou said, if -- if one of the items Darren has identified from prior discussion is not something you feel needs to be acted on, you can just say we choose not to act on that.

COMMISSIONER FORITANO: Okay. But it needs to be on a positive basis for the record?

DAVE GREETHAM: Yeah. But if you want to act on something in the comment boxes, then it will need a motion.

COMMISSIONER FORITANO: Thank you. That's clear. Thank you.

COMMISSIONER SOMMERHAUSER: Okay. The first comment box on page 6 under permitting, we removed some language, and we didn't add anything in. Move that we approve the removal.

COMMISSIONER FORITANO: Are you where Jim is? Language under discussion, "remove signs," is that where you are, Jim?

COMMISSIONER SOMMERHAUSER: Right. That is related to the second -- or Item 2 under permitting, it says we removed "signs requiring registration only shall not be subject to fees."

COMMISSIONER FORITANO: So your motion is to remove -- remove the language that starts with
"remove"?

COMMISSIONER SOMMERHAUSER: It was in language that's been published to the world. If we're going to take it out, we've got to have a formal motion to take it out.

COMMISSIONER FORITANO: Yep.

COMMISSIONER SOMMERHAUSER: That's what I'm understanding staff is saying.

DARREN GURNEE: That is correct. And to clarify for the -- the comments where it says "Staff Review," that is both something that staff has recognized as well as public comments that came through. Where it says "PC Work Study," that is from the planning commission work study, and many of your comments specific to the planning commission's comments are what is discussed there.

COMMISSIONER FORITANO: Is there a second to Jim's motion?

COMMISSIONER PARALEZ: I'll second.

COMMISSIONER FORITANO: Move, seconded.

Discussion? All in favor? Looks like eight, one pondering. Do we have a -- no. That's an abstain.

All right. Any discussion or action on the second comment on that page if we're on the --

COMMISSIONER SOMMERHAUSER: Move to approve
the remove and replace.

COMMISSIONER FORITANO: Is there a second?

COMMISSIONER GONZALEZ-HARLESS: Second.

COMMISSIONER FORITANO: Moved and seconded.

Discussion? Need a second to read it? All in favor?

Unanimous.


COMMISSIONER SOMMERHAUSER: The first staff -- no -- PC Work Study item, the way I understand this, there was a separate statement in here about waterway signs.

DARREN GURNEE: There was a mention that the possibility of wanting to prohibit signs that are seen from the water. And the example was, if you're looking across the shoreline to Port Gamble, and they had a sign that was lighted up. Of course the prohibited signs says they can't have --

COMMISSIONER SOMMERHAUSER: Those lighted signs in Port Gamble, anyway.

DARREN GURNEE: But that's the example. So if you were looking across the water and you have an area that has lighted signs --

COMMISSIONER SOMMERHAUSER: So outside the UGAs for Bremerton and Port Orchard looking across from the other side.
DARREN GURNEE: Something like that. This was a discussion point that we said that we would bring up during Work Study.

COMMISSIONER PARALEZ: Well, I was unclear if they were talking about a sign that was in a boat or on a barge or they were just talking about a sign that was clear across the water on the shore that was offensive or both.

COMMISSIONER FORITANO: It's a lighted sign on the shore visible from a craft or from a residence.

COMMISSIONER PARALEZ: So --

COMMISSIONER FORITANO: Surrounding.

COMMISSIONER PARALEZ: So it was either on the shore lit or -- so how can you prohibit something that's on the shore in another county?

COMMISSIONER FORITANO: I think this was specific reference to Port Gamble.

COMMISSIONER PARALEZ: Right. So -- so how can -- how can we prohibit something -- so if Port Gamble is offended by some --

COMMISSIONER FORITANO: No. No. It was an action by Port Gamble in terms of a lit sign that would affect either surrounding residences or craft on Port Gamble Bay.

COMMISSIONER PARALEZ: Well, I can understand
how we might prohibit watercraft that's in Port
Gamble's jurisdiction. Is that what we're talking
about?

COMMISSIONER FORITANO: No.

DARREN GURNEE: It's more if you had a
business that was in the port, say the Port of
Kingston, and you had a sign that was visible from a
piece of land that's on the other side of a cove or
things like that, I think was the intent. But the
discussion point was brought up by the planning
commission.

COMMISSIONER FORITANO: Yeah. Let me use the
Port Gamble example. They have a wedding center. If
there was a sign on the northern part of that wedding
center that was visible anywhere across the water from
a craft or from a residence, the sign is on the
convention structure, a tent-like structure in Port
Gamble, that's what this refers to, as I recall, or
some other port or...

COMMISSIONER PARALEZ: So we're worried about
offending other people, not other people offending us.
Okay. I got it.

COMMISSIONER PHILLIPS: And I would also ask
on this, if they're following all the regulations,
number one, Port Gamble won't have a lit sign.
COMMISSIONER PARALEZ: Right.

COMMISSIONER PHILLIPS: And also --

COMMISSIONER FORITANO: Or they could seek an exemption.

COMMISSIONER PHILLIPS: Right. Or if you're following all the regulations on how much light your sign can give, I don't see you getting across the waterway too well. So I kind of think we're overreaching on this, and I would move that we don't adopt that.

COMMISSIONER FORITANO: Is there -- so we don't need a second. I think, if there's no motion to --

COMMISSIONER SOMMERHAUSER: If there's no change, there's no change.

COMMISSIONER FORITANO: Okay. Anything else on page 7.

COMMISSIONER SOMMERHAUSER: Item 8, signs placed on public property except when authorized by the appropriate public agency. Are we talking about the fire department signs?

DARREN GURNEE: That's partially -- so if you have public works that allows for a sign to go up that's related to something they're doing, or say the parks and recreation, in their park they're allowing
certain signage, similar to what I believe it was Ms. Racin (phonetic) was discussing park signs. And then a port agency being allowed to deal with their signage, they can put signs up.

COMMISSIONER SOMMERHAUSER: I think this is one -- this is, World, you can't do it, but we're government, we can. I think everybody and their cousin isn't real fond of that idea. So for -- for the parks department to put up a sign and not follow the county sign code, just because it's an agency of the county, is baloney. They ought to have to follow the same code that everybody else does.

DARREN GURNEE: And they would. This is -- this is more that you're not allowed to place an A-frame sign in the public right-of-way unless you're specifically exempted to do so through registration permit use.

COMMISSIONER SOMMERHAUSER: But that's not the way it appears to read. "Sign placed on public property." So a park, any of them, that's okay. "Except when authorized by the appropriate public agency." Now, does that mean that parks gets to authorize signs that don't follow the sign code?

DARREN GURNEE: No. They'd still have to conform to the regulations that dictate size, shape,
placement, things of that nature.

COMMISSIONER SOMMERHAUSER: On No. 9, the way we previously modified things, doesn't that require modification also? "Electronic signs outside the Urban Growth Area and Type III LAMIRDs, except when authorized or exempted for schools, churches." And I thought we had already said that in the rural area they weren't authorized.

DARREN GURNEE: I thought we had as well.

COMMISSIONER PHILLIPS: Is that the static ones?

COMMISSIONER LEEDHAM: That was under page 15, regulations for electronic signs.

COMMISSIONER SOMMERHAUSER: We need to be internally consistent here.

COMMISSIONER GONZALEZ-HARLESS: So are you going to make a motion?

COMMISSIONER SOMMERHAUSER: Well, I'm trying to figure what the motion needs to be. I think we probably just delete --

COMMISSIONER GONZALEZ-HARLESS: Everything after [indiscernible].

DARREN GURNEE: So the --

COMMISSIONER SOMMERHAUSER: Put a period after "areas" on the first line and delete everything
else.

    COMMISSIONER GONZALEZ-HARLESS: Is that a

motion?

    COMMISSIONER SOMMERHAUSER: So move.

    COMMISSIONER FORITANO: Express it again for

the record. And we're on page 7, line 18?

    COMMISSIONER SOMMERHAUSER: Page 7, line 18.

    COMMISSIONER FORITANO: Paragraph 9?

    COMMISSIONER SOMMERHAUSER: Yeah. Section 9.

    Put a period after "areas" and delete the rest.

    COMMISSIONER LEEDHAM: Second.

    COMMISSIONER FORITANO: We have a motion and

we have a second. Any questions? Views? All in

favor? Looks like we have eight. All right. Keep

going.

    COMMISSIONER LEEDHAM: Do we need to vote on

the comment "to remove rock or bench"?

    COMMISSIONER FORITANO: Only if you wish.

    COMMISSIONER LEEDHAM: So to approve it we

need to vote on it, correct?

    COMMISSIONER FORITANO: Yes.

    COMMISSIONER LEEDHAM: Then I motion that we

accept that "remove rock or bench" in page 7, line 15.

    COMMISSIONER SOMMERHAUSER: Second.

    COMMISSIONER FORITANO: Okay. We have a
motion and a second. Views or questions? All in favor? Unanimous.

No action or further comments, or do you need a second to kind of take another look at those?

COMMISSIONER SOMMERHAUSER: I'm trying to figure out No. 15, Item 15.

What flags, Darren, would be conditionally exempt?

DARREN GURNEE: Those would have been the traditional flags. I believe it's identified in the -- there's some changes in the language in the flag section of exempt, but it was more on a permanent flagpole with a flag flying, as opposed to the -- the ones that are -- have the ability for temporary placement in the ground with a flag that's from the ground to the top of the pole.

COMMISSIONER PARALEZ: Can you reference the flag section?

COMMISSIONER LEEDHAM: It's page 9, line 19.

DARREN GURNEE: So if you go to exempt signs. Excuse me. Conditionally exempt.

COMMISSIONER SOMMERHAUSER: The second definition of flags [indiscernible] but we can do that when we get there.

COMMISSIONER FORITANO: Yeah.

DARREN GURNEE: We were trying to make the
distinction between, for example, you'll see a company
sign that's fluttering at ground level, versus one
that's being flown at the top of a flagpole. And there
is language to be changed on that specific section.

COMMISSIONER FORITANO: Is there a motion?
COMMISSIONER SOMMERHAUSER: 17, Item 17,
we've already talked about mobile billboards. Do we
need to do this again?

COMMISSIONER LEEDHAM: I'm actually thinking
that it's good to have it duplicated here.

COMMISSIONER SOMMERHAUSER: It's a better
explanation from what we had for mobile billboard, so
I'm good.

COMMISSIONER LEEDHAM: Yeah.

COMMISSIONER GONZALEZ-HARLESS: So I have a
question.

COMMISSIONER FORITANO: Go ahead.

COMMISSIONER GONZALEZ-HARLESS: On the
comment "DG10."

COMMISSIONER FORITANO: Yes.

COMMISSIONER GONZALEZ-HARLESS: The language
there, "continuous inflatable or non-continuous," what
-- I can't envision what that is. Is that one of those
wormy guys?

DARREN GURNEE: Yes. So you have some that
are like a helium balloon if it has a message on the side, versus a fan that is forcing air into something to keep it inflated.

COMMISSIONER PHILLIPS: I've got a question back on flags. Does this -- does this say that nobody can have a U.S. flag bigger than eight square feet?

DARREN GURNEE: And what -- unconditionally exempt, which would be page 9 under 5?

COMMISSIONER PHILLIPS: Right. Line 20.

DARREN GURNEE: Excuse me. Line 20. That is correct.

COMMISSIONER PHILLIPS: Where did you pick eight?

DARREN GURNEE: It was a standard that was found in a different -- a separate code in another jurisdiction.

COMMISSIONER PHILLIPS: Because there are require -- I wouldn't say requirements. There are standards for if you have a flagpole your flag should be a certain size. And so if somebody gets rambunctious and wants to put a 30-foot flagpole up, it's going to be bigger than eight feet. And I don't see where limiting the size of the American flag is a good policy.

DARREN GURNEE: Understood.
COMMISSIONER SOMMERHAUSER: Joe, we're going to have to modify on flag [indiscernible].

COMMISSIONER FORITANO: Are you -- are you comfortable, Darren, with adjusting that with a comment?

DARREN GURNEE: Yes. We can --

COMMISSIONER FORITANO: Commensurate with the rules that pertain to size of poles and U.S. standards of flags and so on?

DARREN GURNEE: Yeah.

COMMISSIONER FORITANO: Okay. We'll leave that with you.

We are -- as we said, we have distinguished visitors, guests, relatives.

COMMISSIONER LEEDHAM: Those are my two sons. That's Chris and --

(Speaking simultaneously.)

COMMISSIONER FORITANO: Welcome. Welcome. Great. So we will -- let's go ahead and honor our commitment. Let's go ahead and call it 12:30. We'll reconvene at one. And if you're a little late, Erin, you will not be fined or otherwise punished.

COMMISSIONER LEEDHAM: Take it from my pay.

(A break was taken.)

COMMISSIONER FORITANO: Okay. Let us
reconvene, if we can. And very briefly --

KAREN ASHCRAFT: We don't have Darren.

COMMISSIONER FORITANO: -- let's talk about bracketing the -- the remainder and the conclusion of this discussion into our next scheduled meeting on the 15th of July. I understand from Karen, and she'll keep me honest, that that is a 6 p.m. meeting, but it's targeted for both a public hearing and a presentation that are relatively fixed and unmovable. Which means if we're going to wrap up in an hour, which is our commitment, we need to think about your hour availability for perhaps an early start where we could try to wrap this up, maybe deal with the public hearing if that's possible, the presentation, and conclude that evening, or otherwise we need to make alternative plans.

COMMISSIONER SOMMERHAUSER: Six o'clock is the schedule here.

COMMISSIONER FORITANO: That is correct.

KAREN ASHCRAFT: Yes.

COMMISSIONER SOMMERHAUSER: I would probably suggest that we get together no later than three, as early as two, to try to get this done.

COMMISSIONER FORITANO: That's -- that was a bit of my thinking as well. Two? Three?
COMMISSIONER SOMMERHAUSER: I would say two, because I think we've got a lot of discussion yet to go.

COMMISSIONER FORITANO: How does that sit with your -- I can see looks of just thrill and enjoyment from my colleagues.

COMMISSIONER PARALEZ: We're talking about the 15th --

COMMISSIONER FORITANO: That is --

COMMISSIONER PARALEZ: -- of July?

COMMISSIONER FORITANO: -- correct.

COMMISSIONER SOMMERHAUSER: 15th of July.

COMMISSIONER FORITANO: And a prospective start date of two, probably no later than three, that would give us three hours, plus, if we still have any energy after the public hearing and presentation, to continue to wrap it up.

COMMISSIONER SVENSSON: I'm going to be in Montana on that date, so it would be difficult for me to participate. I certainly defer to --

COMMISSIONER FORITANO: Gotcha.

COMMISSIONER SVENSSON: -- the rest of you. I'm sorry.

COMMISSIONER SOMMERHAUSER: Well, if you've got specific comments, send them along in a written
form so we can have them.

COMMISSIONER SVENSSON: I'll do that.

COMMISSIONER FORITANO: Any strong opposition to two, two o'clock July 15?

COMMISSIONER PARALEZ: I can do that.

COMMISSIONER FORITANO: Karen, okay?

KAREN ASHCROFT: Yes. Perfect. Thank you.

COMMISSIONER FORITANO: That's here?

KAREN ASHCROFT: Yes.

COMMISSIONER PHILLIPS: Any chance -- any chance we could do this in the conference room?

KAREN ASHCRAFT: I'll have --

COMMISSIONER FORITANO: Well, we do have a public hearing. We could have our preliminary --

COMMISSIONER PHILLIPS: We could do --

COMMISSIONER FORITANO: We could have our preliminary meeting --

COMMISSIONER PHILLIPS: -- discussion in --

COMMISSIONER FORITANO: You just like the coziness of the conference room?

COMMISSIONER PHILLIPS: You bet.

KAREN ASHCROFT: If the room is available.

I'll see.

COMMISSIONER PHILLIPS: Thank you.

KAREN ASHCRAFT: You're welcome.

COMMISSIONER GONZALEZ-HARLESS: I forgot where we were.

COMMISSIONER SOMMERHAUSER: Down around 18.

COMMISSIONER LEEDHAM: And we had not dealt with the comment yet for DG10.

COMMISSIONER FORITANO: Comments to be addressed or sidestepped and --

COMMISSIONER SOMMERHAUSER: Move to accept the staff replace on Item 16, line 28.

COMMISSIONER FORITANO: Line 28, Item 16. I think that's exactly where we were.

COMMISSIONER SVENSSON: I'll second that.

COMMISSIONER FORITANO: Okay. We have a motion, and we are, if you're with us, on line 28, Item 16, and over to the right the Staff Review replace comment starting with "replace with banner." I have a motion. I have a second. Discussion? All in favor? Looks like eight. Going, going. Looks like eight. All right. Continue.

COMMISSIONER SOMMERHAUSER: I have a question about Item 18. Does anybody have what is actually stated in the sub-area plan for Kingston?

DARREN GURNS: I can pull that up. Let me
see if we have this in our...

COMMISSIONER SOMMERHAUSER: The way the
statement is phrased in here, I'm trying to figure out
what is prohibited. Everything except halo lighted or
internally?

DARREN GURNEE: For No. 18, basically it
prohibits internally illuminated signs in the old town
districts. And it also specifically states in the
sub-area plan that mounted or freestanding reader
boards are prohibited as well.

COMMISSIONER SOMMERHAUSER: The way the
lengthy English is here, I don't think it says that. I
think that you start out prohibited signs, unless
otherwise exempt conditionally, in the Kingston area.
So is that saying all signs except?

DARREN GURNEE: No. It's saying in the Urban
Growth Area, except for halo lighted signs, the
internally lighted signs would be prohibited.

COMMISSIONER SOMMERHAUSER: Okay.

DARREN GURNEE: In this area. And the
mounted or freestanding would be prohibited.

COMMISSIONER PHILLIPS: I would like to make
a motion that when we start -- when we're talking about
the Urban Growth Areas, we put a clarifier on them of
business areas in the Urban Growth Areas. Because the
way it's written right now, if you're in an Urban Growth Area --

COMMISSIONER FORITANO: Business areas that are commercial.

COMMISSIONER PHILLIPS: -- commercial area -- Urban Growth Area commercial area --

DARREN GURNEE: Commercial zones versus residential.

COMMISSIONER PHILLIPS: Right.

COMMISSIONER FORITANO: There is a motion. Is there a second?

COMMISSIONER SOMMERHAUSER: Second.

COMMISSIONER FORITANO: Questions, comments on the motion?

COMMISSIONER SVENSSON: Can you expand on your reasoning?

COMMISSIONER PHILLIPS: Well, right now, and I'll use my own situation, I'm up on Ridgetop area. It is in an Urban Growth Area. If we don't specify a commercial or business zone, then pretty much anybody can put any of the allowed signs in. And I think that's not what our constituents would want to see.

COMMISSIONER SOMMERHAUSER: The last staff comment, DG11, I don't think has any action for us.

COMMISSIONER FORITANO: I think we had talked about that and it was rejected or no action recommended. Okay. Good enough.


COMMISSIONER SOMMERHAUSER: This title is misleading to me. It says "exempt signs," and then it talks about activities or things you can do with a sign, as opposed to exempt signs. I can --

COMMISSIONER PHILLIPS: Which it kind of --

COMMISSIONER SOMMERHAUSER: I can reface, I can repair, I can do all of those things, at least in one and two.

COMMISSIONER LEEDHAM: Is the idea behind the refacing and repainting talking about nonconforming signs; is that why it's in there that it makes it exempt?

DARREN GURNEE: The repainting or refacing is, you already have a sign structure in place, and you have a business or a tenant that switches. So one business is out and another one comes in, they don't necessarily need to apply for a sign permit. They're just putting their name up on an existing sign.

COMMISSIONER FORITANO: Otherwise a
DARREN GURNEE: It's just the modification.

COMMISSIONER PHILLIPS: So wouldn't --

wouldn't we want to address that under the permitting
section?

COMMISSIONER SOMMERHAUSER: It seems like one
and two fit better under permitting than they do under
the title exempt --

COMMISSIONER PHILLIPS: Because that would be
where, you know, if I'm new and I'm looking at what I
have to do.

DARREN GURNEE: Would that be a motion?

COMMISSIONER SOMMERHAUSER: Move to move Item
1 and Item 2 under Exempt Signs over to the permitting
section.

COMMISSIONER FORITANO: Is there a second?

COMMISSIONER LEEDHAM: I'll second.

COMMISSIONER FORITANO: Moved and seconded.

Seconded by Erin.

Yes. Was that a -- Karanne?

COMMISSIONER GONZALEZ-HARLESS: No. I was
just getting the hair out of my eyes. Hair flip.

COMMISSIONER SOMMERHAUSER: It's really tough
figuring out what's a hair flip and what's a vote.

COMMISSIONER GONZALEZ-HARLESS: Not with you.
COMMISSIONER FORITANO: Are there any questions or comments? All in favor? Unanimous.

COMMISSIONER NEVINS: Looking at line 18, No. 7, Religious Symbols.

COMMISSIONER FORITANO: Yes.

COMMISSIONER NEVINS: I know there's staff language about deleting it, but it might be safer to consider instead of put "Kitsap County," put "Department of Veterans Affairs." The Department of Veterans Affairs has 20 or 30 or 40 or 50 recognized religious symbols. Doesn't include an Apple logo or flying spaghetti monster logo.

COMMISSIONER FORITANO: It does include druid.

COMMISSIONER NEVINS: What?

COMMISSIONER FORITANO: It does include druid.

COMMISSIONER SVENSSON: That's right.

COMMISSIONER NEVINS: And many many --

COMMISSIONER SVENSSON: We can --

COMMISSIONER NEVINS: -- other things I've never heard of. But anyway, Department of Veterans Affairs keeps a list and they have a pretty okay way to go about checking out. A little sincerity is required.

COMMISSIONER PHILLIPS: I would support that.
COMMISSIONER NEVINS: Is there a second?

COMMISSIONER PHILLIPS: Yes.

COMMISSIONER FORITANO: We have a motion to accept a slightly different standard, and a second.

Questions or comments?

COMMISSIONER LEEDHAM: I do have a comment.

So do we have to -- is there a name for that list? Should we be referencing something other than --

COMMISSIONER FORITANO: Department of Veterans Affairs.

COMMISSIONER LEEDHAM: Religious symbol list?

COMMISSIONER NEVINS: I'll do it. Yes. U.S. Department of Veterans Affairs National Cemetery Administration.

COMMISSIONER FORITANO: All right. All right. Motion and second. All in favor? I assume the county has no problem with that as our reference, or you'll ponder, you will consider? You're amenable to that correction, I guess? No comment?

DARREN GURNEE: Excuse me. Just trying to get the --

COMMISSIONER SOMMERHAUSER: He's busy.

DARREN GURNEE: I'm just trying to capture the exact language that was worded, and I can't type right now.
Yes, that is -- that is appropriate.

COMMISSIONER LEEDHAM: I have a question.

Line Item 9 -- I mean line 9, Item 3, "historic site markers or plaques, and address numbers." I mean that's a really specific list. You know, it's like we've gone out of our way to make a list, but have made a really short list. I don't know what other objects might come into that, but I'm just wondering if we -- if we want to go into the -- rather than saying historic site markers, plaques or such, and leave a little to interpretation. Are we talking just rocks here, or they can be installed on anything?

DARREN GURNEE: That would be that they can be installed on pretty much anything.

COMMISSIONER LEEDHAM: All right. Then you're right. Leave -- leave it tight, because otherwise we'd just bring up too many questions.

COMMISSIONER FORITANO: Anything else on this page, including the comment in the lower right-hand corner of page 8?

COMMISSIONER SOMMERHAUSER: Line 20, Item 9. I think we ought to put a limitation on time before and removal after the event.

COMMISSIONER LEEDHAM: And we have that language elsewhere, right? Can we just transfer the
same language in here?

DARREN GURNEE: We have it in conditionally exempt signage for special events, if that's what you're referring to. But this is -- this would be something where it's more along the lines of just a garage sign that goes up. In terms of enforcing that, it's -- that's very difficult, other than just --

COMMISSIONER SOMMERHAUSER: Well, the difficulty, Darren, is those are typically right-of-way signs, and if -- if we don't put something in there about it, then we're going to have those damn wire mounts, which are a true danger to county staff when they go to mow. And a lot of them get put out there and never cleaned up, which is a workload for the county. So if we're going to make it exempt, then I think we make it exempt similar to events, but 14 days in advance is more than enough, and taken down no later than the day after the event.

DARREN GURNEE: Did you want any -- as an example, did you want to move this language to be included in the special events language, instead? Is that what I'm hearing? And then it would cover all the --

COMMISSIONER SOMMERHAUSER: I think it probably fits better there than here. I don't think we
want to just purely exempt them because it's already in this.

DARREN GURNEE: The other one is, did you want them to be a separate -- separate portion but with some of the same --

COMMISSIONER SOMMERHAUSER: Yeah. Motion to move Item 9 to the special events section and have the same limitations on time before and time -- time after for removal.

COMMISSIONER PHILLIPS: I would second that.

COMMISSIONER FORITANO: Okay. Have a motion. Have a second.

COMMISSIONER LEEDHAM: When we get to that portion, can we deal with the details in it then?

COMMISSIONER FORITANO: Sure. Absolutely.

COMMISSIONER LEEDHAM: Okay. I'm just looking about it how it has to be registered with the city.

COMMISSIONER FORITANO: Yes.

COMMISSIONER GONZALEZ-HARLESS: Are we having discussion on that now?

COMMISSIONER FORITANO: Yes.

COMMISSIONER GONZALEZ-HARLESS: Okay. You really think people who are going to put up a garage sign -- or garage sale are going to come in and
register with the county? It's not going to happen, and the county's not going to enforce it. I think it's a -- it's a nice idea that could work if we were in Stepford, but it's just not going to happen. That's my opinion on it. I just -- I wouldn't do it. I don't know anybody who would. I mean, seriously, I have no -- nobody would do that.

COMMISSIONER FORITANO: And so you --

COMMISSIONER GONZALEZ-HARLESS: And you know they're going to charge for registering it. So then again why would I? County doesn't do it for free, and the department is going to want to have money for it. I think it's just not -- it's a nice idea, but it's not practical.

COMMISSIONER PHILLIPS: So basically you're saying that you'd like to leave it under the exempt signs?

COMMISSIONER GONZALEZ-HARLESS: Yeah.

COMMISSIONER SOMMERHAUSER: Right. But put the limitation about time before [indiscernible] --

(Interjection by the court reporter.)

COMMISSIONER SOMMERHAUSER: Leave it here, as opposed to move it. So I'm modifying my motion. Leave it here, as opposed to moving it, but put the same
limitations that we have for special event signs on how much before the -- how long before the event you can put the sign up, and that it has to be removed after.

COMMISSIONER PHILLIPS: And I'll confirm my second.

COMMISSIONER FORITANO: So we have a legitimate restated motion with a second. Any further questions or comments on it?

COMMISSIONER LEEDHAM: Yeah, I don't -- I'm looking at the time frame for the special event signs. It's 14 days prior and five days after. And I think for garage sales and whatnot we should limit that way more than that.

COMMISSIONER FORITANO: Got a thought as to how much? Pick a number?

COMMISSIONER LEEDHAM: Three days before, and one day after. How's that?

COMMISSIONER PHILLIPS: So somebody's going to come in and argue that their garage sale is a special event.

COMMISSIONER GONZALEZ-HARLESS: Then they can register it as such.

COMMISSIONER LEEDHAM: Right. And then as long as we're on discussion on this, I think we need to change the language a little bit, just the way it
reads, because it says "garage sales, estate sales, or
temporarily signs for similar events less than four
square feet." So to me that reads the event is less
than four square feet, and not the sign. I tried --
before I said anything, I tried to come up with --

COMMISSIONER FORITANO: Imagine a four --

(Speaking simultaneously.)

COMMISSIONER LEEDHAM: But I just looked at
this and thought, well, we're talking about it, let's
fix it.

COMMISSIONER GONZALEZ-HARLESS: I think
that's a good way to do it because then it avoids the
people who have continuous garage sale that last
forever. People who have the over-the-weekend sale
don't want the signs up because people will keep
showing up to their house. It's the ones that are
ongoing all summer long that are basically the Storage
Wars.

COMMISSIONER FORITANO: Those of you with a
motion that the second moved, do you want to --

COMMISSIONER SOMMERHAUSER: The three-day and
one-day modification is acceptable to the maker.

COMMISSIONER FORITANO: So we have a motion
adjusted to three in front and one behind. Further
discussion?
COMMISSIONER PHILLIPS: Are we also correcting the language here?

DARREN GURNEE: Yes.

COMMISSIONER PHILLIPS: Because the point of four square feet, it should say signs less than four square feet.

DARREN GURNEE: So I have it written as may be placed three days before and removed one day after. Signs shall be no more than four square feet.

COMMISSIONER FORITANO: All right. All in favor? Unanimous.

Next. Staff Review comment line 23.

COMMISSIONER SVENSSON: I'll move that that suggested language by staff be incorporated into Item 12 on line 23.

COMMISSIONER FORITANO: Is there a second while you're reading along with this?

COMMISSIONER LEEDHAM: I'll second.

COMMISSIONER FORITANO: Okay. Have a motion.

Have a second.

Linda.

COMMISSIONER PARALEZ: Why does the city get to have electronic signs for hours of operation?

What's the logic here?

DARREN GURNEE: That was -- excuse me. So
this refers to -- it's a little confusing in terms of
the comment box, but actually it adds a number 13,
signs indicating business hours. It's a separate
number. It's not attached to No. 12.

COMMISSIONER PARALEZ: Explain again.

DARREN GURNEE: It's not attached to No. 12.

COMMISSIONER FORITANO: Got it.

DARREN GURNEE: So it's just signs that
indicate open or closed.

COMMISSIONER PARALEZ: I see. So that
doesn't refer to No. 12?

DARREN GURNEE: No, it doesn't. Sorry.

COMMISSIONER SOMMERHAUSER: Is this on
premises?

DARREN GURNEE: Yes.

COMMISSIONER SOMMERHAUSER: Okay.

COMMISSIONER PARALEZ: So you do not have a
comment with No. 12?

DARREN GURNEE: No. Let me...

COMMISSIONER NEVINS: I have a question.

COMMISSIONER FORITANO: Go ahead, Tom.

COMMISSIONER NEVINS: Okay. My question is,
we're allowing -- this is an exempt sign. We have no
particular size limit on this. I can -- I can see a
hundred square foot sign, electronic sign, hours of
1  business. No? Can't do that?
2  COMMISSIONER PHILLIPS: Where?
3  COMMISSIONER NEVINS: Where?
4  COMMISSIONER PHILLIPS: Would that hundred
5  foot sign be?
6  COMMISSIONER NEVINS: Well, I'm not sure.
7  You're looking at --
8  COMMISSIONER PHILLIPS: Because --
9  COMMISSIONER NEVINS: -- putting a sign for
10  any business no matter where it's located.
11  COMMISSIONER PHILLIPS: Well, I think what we
12  were specifically talking about was the open and closed
13  signs that you can buy at Costco or a sign company that
14  you put in your window to allow people to know that
15  you're open and closed, and if it happens to include --
16  COMMISSIONER NEVINS: That's fine. That's
17  not a -- not a blinking sign. It's a steady sign.
18  COMMISSIONER PHILLIPS: You know --
19  COMMISSIONER FORITANO: It may be electronic.
20  COMMISSIONER PHILLIPS: -- when they buy
21  them, they get what they get.
22  DARREN GURNEE: The signs have the capability
23  of -- the ones that he's referring to, yes, that is the
24  intention, that there was a comment made about what
25  about open and closed signs that you can use. You
might want to add language saying only window signs.

COMMISSIONER SOMMERHAUSER: The amendment
would be to add on-premises signs indicating business
hours, da, da, da, da. These signs may be static
electronic, regardless of where the business is
located.

COMMISSIONER FORITANO: That's acceptable to
the second?

COMMISSIONER PHILLIPS: I would second that.

COMMISSIONER FORITANO: Did you pick up the
language difference? Comment?

COMMISSIONER LEEDHAM: I'm thinking that
we're talking about open/closed, so we're talking
storefront, which in our brain we're saying windows or
doors. Should we specify windows or doors?

COMMISSIONER PHILLIPS: You would also have
hotel signs that are -- it's right underneath their
monument sign or whatever that said it's open or
vacancy.

COMMISSIONER LEEDHAM: Now, would that be
under -- permitted under their electronic sign permit?
How does that work?

UNIDENTIFIABLE SPEAKER: That's a good
question.

COMMISSIONER SOMMERHAUSER: To me that's a
separate sign from what we're talking about here.

DARREN GURNEE: The intention was something separate. So if it's a neon vacancy/no vacancy, that would actually have to be approved. So I would recommend that for language here that it be inclusive to window signs.

COMMISSIONER FORITANO: Where does our motion sit? Any further adjustment?

COMMISSIONER SOMMERHAUSER: Okay. Accepting Darren's addition, so it would then be on-premises window or door signs.

COMMISSIONER FORITANO: Static.

COMMISSIONER SOMMERHAUSER: Static. No. The static goes down by the electronic.

COMMISSIONER FORITANO: Right.

COMMISSIONER SOMMERHAUSER: So it's on-premises window or door signs indicating business hours. And then the other change is, in the second sentence, these signs may be static electronic, regardless of where the business is located. So it's got to be in the window or door. And I'm -- I probably would think that an addition of size would be appropriate, if we're going to allow this, because it says regardless of where, and we don't want a four-foot open sign glaring off the side of a building in a rural
area.

COMMISSIONER PHILLIPS: Well, but wait before you do that. Somebody could -- say, kind of a blind, you know, a blind that they can pull down that says "open," static. It could be pretty large. And if I was a business person fairly far off the road, I might want to do that. I almost think that your open/closed sign should be kind of exempt because that's a requirement for a business if they want to have. I mean if they want to take up all their window space saying they're open.

COMMISSIONER PARALEZ: So once again, in North Kitsap we have an example in the LAMIRD where they built the building, cut a hole in the side of the building, put a window in, fairly good size window, in that window put a neon sign in. It doesn't happen to say open and closed. It's a logo for whatever it is they sell.

COMMISSIONER PHILLIPS: Well, on --

COMMISSIONER PARALEZ: But they put this --

COMMISSIONER PHILLIPS: -- this exemption --

COMMISSIONER PARALEZ: -- special window in.

COMMISSIONER PHILLIPS: On this exemption we're saying only their open or closed sign or business hours.
COMMISSIONER PARALEZ: So they could put in open or closed. It's a fairly -- the window is probably half the size of that and probably the same height as that (indicating.) And it's open -- I mean it's on 24 hours a day. This is in the rural area. So you get to see the neon light 24 hours a day in a rural community. It's really fun.

COMMISSIONER SOMMERHAUSER: I would suggest that we vote on this and then come back --

COMMISSIONER PARALEZ: I'm sure it's not permitted.

COMMISSIONER SOMMERHAUSER: -- with a separate motion --

COMMISSIONER PARALEZ: It could say open.

COMMISSIONER SOMMERHAUSER: -- on signs.

COMMISSIONER PARALEZ: It could say closed.

Same principle.

COMMISSIONER FORITANO: Any further questions or comments on the motion that is on the table?

COMMISSIONER PHILLIPS: Would...

COMMISSIONER FORITANO: Nope? All right.

All in favor? Looks like eight, plus nay.

Now the second consideration.

COMMISSIONER SOMMERHAUSER: Darren, we had -- you talked about -- and I don't know where it is. I'm
just asking for help. It's a limitation about based on
the window how big a sign could be in a window.

DARREN GURNEE: That is correct.

COMMISSIONER SOMMERHAUSER: What is that
limitation?

DARREN GURNEE: If we move to sign detail
sheets. I'll get the page number for you here.

COMMISSIONER SOMMERHAUSER: It's based on the
window size, right?

DARREN GURNEE: It's based on a ratio of
window size, correct.

So page 26, if you see the detail sheet where it
says "size per window," it has a ratio of what that
sign can be.

COMMISSIONER SOMMERHAUSER: So if I've got a
four-foot-by-eight-foot window, I could have a
permanent open neon sign that covers 50 percent of
that. And I think that's way too big so I'm going to
propose a limitation relating to this sign. What do
you think, guys? Two square feet or smaller?

COMMISSIONER PHILLIPS: For the open and
closed?

COMMISSIONER SOMMERHAUSER: Just the
open/closed.

COMMISSIONER PHILLIPS: I would go about
three square feet.

DARREN GURNEE: I would say that the open sign that you're referring to in terms of like Costco, you know, we discussed that, that seems -- if I remember correctly, it's about one foot by sometimes three, maybe two.

COMMISSIONER PHILLIPS: I would say four square feet maximum. Two-by-two or one-by-three or one-by-four, whatever. I think that keeps most of those types of signs within the regulation.

COMMISSIONER FORITANO: With the assumption that it's going to be 24 hours.

Is there a motion? Motion? Motion?

COMMISSIONER PHILLIPS: I'll make the motion that the -- line -- where are we -- 24, that we add the sign limitation is four square feet maximum.

COMMISSIONER ROWE: I'll second that.

COMMISSIONER FORITANO: Discussion?

COMMISSIONER PHILLIPS: Just one quick question about this. Now, are we going to count this into their -- on Detail 100, is that going to count on their sign?

DARREN GURNEE: Yes.

COMMISSIONER PHILLIPS: In their window?

DARREN GURNEE: Yes, it would.
COMMISSIONER FORITANO: All in favor?

Unanimous.

Next. Conditionally Exempt Signs.

COMMISSIONER ROWE: Did we talk about the -- increasing the height of the political signs to 40 inches?

COMMISSIONER SOMMERHAUSER: Look in the comment, the DG15 comments. However, I'm going to ask you to hold off this one and give me a chance to go back and grab you some stuff. I didn't see it come forward from staff so I'm going to try to give you some guidance on how to measure them. The 200 feet starts from a corner, no more than two signs on any one corner on any location of any one corner, stuff like that. I need to get some time to put it in the language for you.

DARREN GURNEE: What -- you're referring to the 200 square foot -- or the 200 foot.

COMMISSIONER SOMMERHAUSER: Yeah.

DARREN GURNEE: So if you look at DG25 comment.

COMMISSIONER SOMMERHAUSER: Right. 25 or 15?

DARREN GURNEE: DG25, I believe is what you're referring to political signs.

COMMISSIONER FORITANO: He's referring to 15,
but let's see what DG25 is.

DARREN GURNEE: Oh, the comments that I've been adding in as motions have changed the comment numbers. My apologies. Formatting.

So it is the one with regards to line 24, political sign. We identify that we removed pretty much the whole paragraph, and we reset it with one that did not include the 200-foot measurement. We increased to 40 inches from the 36. And then it also included that candidates who were defeated in the -- it allowed the candidates who are going on in the primary to leave their signs up.

COMMISSIONER SOMMERHAUSER: So the 200 foot has gone away?

DARREN GURNEE: If you choose to adopt this language. So the 200 foot went away with the replacement language.

COMMISSIONER SOMMERHAUSER: So that's the -- the bottom B?

DARREN GURNEE: If you go to "remove," that one removes the entire paragraph. We replaced it with one that included the comments from the political party. And it removed the 200-foot requirement. So yes, the bottom B, the replacement.

COMMISSIONER FORITANO: That language okay
with you, Jim, and others?

COMMISSIONER PHILLIPS: I'm sorry. I'm a little lost on this so --

COMMISSIONER FORITANO: We're on page 9, we're in comment DG15, and we're looking at the second B. Under Discussion there is a "remove B," and then there is a "replace with B." And we're on the "replace with B," I believe.

COMMISSIONER SOMMERHAUSER: I was really going to keep it in myself, but I'm fine with this.

KAREN ASHCRAFT: What was that?

COMMISSIONER SOMMERHAUSER: I'll be honest. What I've been trying to persuade my friends is that most folks don't accept that this is a temp -- low-finance candidates get some name familiarity, but that the proliferation has gotten so bad that most of the public doesn't recognize it anymore. They just think it's trash. So I'm the one, for about four years now, that's been proposing that we need to thin it down in some way. Based on other comments coming up, not everybody agrees with me so I'll go with this one for now and maybe later try [indiscernible].

COMMISSIONER FORITANO: Is that a motion to accept the --

COMMISSIONER SOMMERHAUSER: Move to accept
this -- the "replace with B" from the DG15 -- or what
is on our paper DG15.

    COMMISSIONER FORITANO:  Got it.  Is there a
second?

    COMMISSIONER SVENSSON:  I'll second.

    COMMISSIONER FORITANO:  Seconded.  Questions?
Comments?

    KAREN ASHCRAFT:  Who seconded it?

    COMMISSIONER FORITANO:  It was seconded by
Jim.

    KAREN ASHCRAFT:  Thank you.

    COMMISSIONER SOMMERHAUSER:  We need an
addition -- I'm sorry.  We need an addition to show
that these are the right-of-way signs as opposed to the
private property signs.

    COMMISSIONER FORITANO:  Isn't that covered in
the first paragraph, "located in Kitsap County
right-of-way or publicly owned property"?

    COMMISSIONER SOMMERHAUSER:  Okay.  All right.
I see.

    COMMISSIONER PHILLIPS:  I've got a question
on this.  Lots of right-of-ways around the county.  And
if you go place the stake in the -- in the ground,
you're still having to defeat about two feet of scotch
broom or whatever.  So to tell somebody you got from
the ground point to the top of the sign 40 inches, I think we're -- you know, that's a fine measurement if you got flat ground and the sign is there. I think we should make some sort of adjustment there that if the sign is in a growth area that the measurement is from where it starts, the growth ends, and the top of the sign.

COMMISSIONER SOMMERHAUSER: I would caution you not to do that because we've got a lot of folks that get a little creative, and instead of the standard one-by-two-by-four foot stake that most people use, you'll see some hand-cut six and seven-foot stakes so they can get back in the bushes and get higher. I -- I -- leave it with everybody using the same stakes, and not more than 40 inches above. And even then it is a little difficult to get a stake eight inches in the ground, a four-foot stake.

COMMISSIONER PHILLIPS: Just commenting.


Still on page 9, Conditionally Exempt Signs.

COMMISSIONER SOMMERHAUSER: I just want to make sure before we jump on this, this means that C and D went away with the replaced with B. I'm not sure if
we made that clear.

DARREN GURNEE: For the --

COMMISSIONER SOMMERHAUSER: We left the A

that was in there, and we put in a new B, and C and D

went away.

COMMISSIONER LEEDHAM: There's a new C also.

DARREN GURNEE: I can clarify. So if you're

reading the paragraph that is existing prior to your

motion, the A, "using metal faces, supports, metal

frames," remains. B becomes a limited size to no

greater than four square feet; 40 inches instead of 36.

The 200 foot on C is removed. And then in D the time

to remove the sign, you're allowed if you're going

to --

COMMISSIONER SOMMERHAUSER: Is the new C.

DARREN GURNEE: Correct.

COMMISSIONER SOMMERHAUSER: Okay. That's

fine.

COMMISSIONER PARALEZ: Question on No. 7. Is

it clear what the definition of community is in this

case? I'm thinking about homeowner's associations,

small individual neighborhoods where they may put a

sign on a locally established bus stop for the kids,

things that might be fairly localized.

DARREN GURNEE: I don't believe we defined
that in this document.

COMMISSIONER PARALEZ: So what did you mean by "community" in this case?

DARREN GURNEE: The example -- I can give an example of what the intent. So the community of Eglon, we heard somebody testify to that, they wish -- they have a Hansville sign that is a permanent sign that the county helped install. But then the community of Eglon has signs that they want to put out in the right-of-way for special events. It was meant to be a formalized community. I don't know how best to say that. That's why we didn't try to define it in --

COMMISSIONER FORITANO: It is a well-identified community. Particularly what they have are event signs that may apply to a portion of their event. It could be the agriculture community or the church community so I don't --

DARREN GURNEE: This specifically was more to apply to the type of sign that Hansville has that was a permanent --

COMMISSIONER FORITANO: This one fits the Hansville sign perfectly.

DARREN GURNEE: Yes. That's what this intent was.

COMMISSIONER FORITANO: And then the signs
you're referring to are caddy-corner across the road.

DARREN GURNEE: Yes. So in terms of a community, though, Eglon would be able to apply for a permanent sign with --

COMMISSIONER FORITANO: Got it.

DARREN GURNEE: And then get an agreement with the county.

COMMISSIONER FORITANO: Got it. Under the same circumstances?

DARREN GURNEE: Under the same circumstances as --

COMMISSIONER FORITANO: Got it.

DARREN GURNEE: -- Hansville. So that's -- in terms of identifying a community, though, we did not define it specifically because I didn't know where to draw that line for community.

COMMISSIONER FORITANO: Yeah, that's tough in that area because it's different designations.

DARREN GURNEE: Yeah.

COMMISSIONER FORITANO: Point No Point, a few other little -- there are also -- you could call them in some ways a big development like Driftwood Key with 400 homes a community.

DARREN GURNEE: Yes. And that's why we were trying --
COMMISSIONER FORITANO: But you left that --

DARREN GURNEE: -- stay away from --

COMMISSIONER FORITANO: Great. Any motions on this page, page 9?

COMMISSIONER PHILLIPS: Can we go back to the comments on line 19 regarding flags?

COMMISSIONER SOMMERHAUSER: Yep.

COMMISSIONER PHILLIPS: And let's see. We have a discussion saying we're going to provide,

"Providing that the flag is less than eight square feet. Flag is not advertising for profit, business or products; except for recreational team and affiliates."

DARREN GURNEE: You are proposing to remove that.

COMMISSIONER PHILLIPS: And replace with,

"Provided that the flag is still less than eight square feet and attached to a permanent flagpole or side of building."

I'm not sure why we picked eight square feet.

DARREN GURNEE: That was something within another jurisdiction's code that they had identified that the group felt was appropriate. If the commission feels that it should be larger, that's --

COMMISSIONER PHILLIPS: The fact -- you know, the fact that a flagpole for either a state or a
country, specifically a U.S. flag is going to get limited, I'm kind of -- I don't understand why we're doing that.

COMMISSIONER PARALEZ: Yeah. It seems like if you had a 12-foot, 20-foot flagpole, and two-by-four-foot flag is not a very big flag. You know, two-by-four, that's not a very big flag. You'd have a tiny thing up there. Kind of embarrassing.

COMMISSIONER LEEDHAM: I'm trying to remember how big the flags at the mall are.

DARREN GURNEE: Four-by-eight, maybe.

COMMISSIONER LEEDHAM: Yeah, I think they are.

COMMISSIONER PHILLIPS: To be honest, I've got a five-by-eight off my flagpole because of the size of the flagpole.

COMMISSIONER PARALEZ: Yeah, it should be appropriate to the size of the flagpole.

COMMISSIONER SOMMERHAUSER: Right. And why are these conditionally exempt? And here's my -- the flag may be conditionally exempt. The pole shouldn't be. Because if you put one of the larger flags up on an improperly installed pole, you have just created a hazard. The wind resistance of a larger flag is enough to tear a good flagpole right out of the ground. So I
don't know about why -- we're assuming it's the pole
also, and I think that that needs a little more to it.

COMMISSIONER FORITANO: I'm surprised you
guys weren't all over that one.

DARREN GURNEE: We can report back after
talking to building officials.

COMMISSIONER PHILLIPS: And, you know, one
comment on that is that if a business is putting it up
and there might be public endangerment and all that,

wonderful. Let's make sure it's regulated. If
somebody wants to put their own personal flag up and
take a chance on something, I'm not going to go -- I
personally don't want to be protecting people from
themselves.

COMMISSIONER SOMMERHAUSER: Then maybe we
ought to have the exempt flag here that they -- you
know --

COMMISSIONER PHILLIPS: Private?

COMMISSIONER SOMMERHAUSER: Yeah. Private
non-business installation versus a business
installation where we worry about somebody getting a

32-foot flag and damn well better have a well-designed
flagpole to do it.

COMMISSIONER FORITANO: Is there a motion

looming here?
COMMISSIONER SOMMERHAUSER: I don't think a motion is necessary. I think staff's heard the comment, and have them bring it back because we're getting near wrap-up time anyway.

COMMISSIONER FORITANO: Okay. Let's see if we can complete this page, and then we'll call it a day.

What else on page 9?

COMMISSIONER SOMMERHAUSER: A-frame.

COMMISSIONER FORITANO: Yeah, a lot of concern about this one. This one deserves some discussion.

COMMISSIONER PARALEZ: On the A-frame, didn't we say something about if you're going to allow them, they ought to be taken in at the end of your business day?

DARREN GURNEE: That is identified in Line No. 8, "is allowed to be displayed during business hours."

COMMISSIONER PARALEZ: I see.

COMMISSIONER FORITANO: If you're back in B on the business on premise-sign.

COMMISSIONER SOMMERHAUSER: Yeah.

COMMISSIONER FORITANO: Back to Silverdale and other places with a street full of A-frame signs.
COMMISSIONER PARALEZ: And lining Bond Road all the way to Kingston.

COMMISSIONER FORITANO: Yes.

COMMISSIONER PHILLIPS: I would almost suggest we do clarify that, you know, it can be displayed during that time, but I would add in that it will be removed during non-business hours, to make it clear that they need to bring it in.

COMMISSIONER NEVINS: And the piggybacking on that, the procedure that identifies where those signs go and what's going to happen. You mentioned a political sign jail of some sort. A-frame sign jail would be --

COMMISSIONER SOMMERHAUSER: Well, we're talking A-frames here as on premises. If we get off-premises, then we're looking at right-of-way A-frames, and I'm not sure that we just shouldn't prohibit right-of-way A-frames. If you want to set one off premises, then you get permission to put it on somebody else's property.

COMMISSIONER FORITANO: We don't have a section on right-of-way A-frames.

COMMISSIONER SOMMERHAUSER: Yeah, I know. That's what I'm saying. I think there should --

DARREN GURNEE: A special events --
COMMISSIONER FORITANO: I'm looking --

COMMISSIONER SOMMERHAUSER: We should prohibit right-of-way --

COMMISSIONER FORITANO: The page -- second -- page 10 has -- Paragraph 8 has special event A-frame. I suspect it's in there somewhere.

DARREN GURNEE: I will let you know that the special event A-frames, agriculture signage program, and the real estate signage program for open houses allow A-frames right-of-way. The open house, the A-frame has to be removed when the open house is not occurring. And the agricultural A-frame signs is for the season in which they're growing -- in which the products are available.

COMMISSIONER FORITANO: Darren, on page 10, Paragraph 8, Subparagraph II, is that the sidewalk in Silverdale situation?

DARREN GURNEE: I'm sorry. What was that reference again?

COMMISSIONER FORITANO: Page 10, first major Paragraph 8, and then double I, Subparagraph II, "An A-frame sign is not allowed in the Kitsap right-of-way and to impede public vehicular, bicycle, or pedestrian circulation." Is that Silverdale sidewalk and other sidewalks that are proliferated with A-frames?
DARREN GURNEE: That is both -- that is a combination. That is both a restriction to not allow it in the right-of-way, and it is also -- it's not allowed -- if it's on premise, it's still meant to protect the ability of somebody who needs to get by on a sidewalk who's riding a bicycle if it's on private property still not impeding circulation.

COMMISSIONER SOMMERHAUSER: Somebody's going to come to you, the way that's worded, and say that you've got a five-foot wide sidewalk, and I'm only one foot on it with my A-frame. I don't think that's my intent. My intent is keep the damn thing off the sidewalk.

COMMISSIONER FORITANO: Let's back up. Let's see if we're done with 9.

DARREN GURNEE: That was the intent to this, so if we need to word it differently.

COMMISSIONER SOMMERHAUSER: What A-frames are we talking about in Item 1 on page 9 as opposed to Item 8?

DARREN GURNEE: So the A-frame in -- under Item 1 is business representation. So you have a business entity that has their name on a sign and they place it out on premise, but they place it out near the roadway saying this business is in this complex.
COMMISSIONER SOMMERHAUSER: Okay.

DARREN GURNEE: Whereas special events, you're identifying we have a sale for this, we have a fall sale, holiday sale, things like that.

COMMISSIONER FORITANO: So if you have the restaurant that you occasionally use as an example in Silverdale, very small sidewalk, but A-frame with just the name of the restaurant.

DARREN GURNEE: I'm going to try to bring up some examples here.

COMMISSIONER SOMMERHAUSER: Right there you got an A-frame, I can't read what it is, by the book sale sign.

COMMISSIONER FORITANO: There it is. On the right-hand side in the middle. Nope.

DARREN GURNEE: Other examples? You're saying right-hand side in the middle?

COMMISSIONER FORITANO: It was not this one. Maybe the one before.

DARREN GURNEE: Right there?

COMMISSIONER FORITANO: It was the one that was "Via Vinata."

COMMISSIONER PHILLIPS: Well, down on the left, left corner there where it --

COMMISSIONER SOMMERHAUSER: That banner that
said "Book Sale" on the previous one, right to the left of it is an A-frame.

DARREN GURNEE: Yes. I was trying to get a closer picture of signs. So, yes, you have your A-frames here.

COMMISSIONER SOMMERHAUSER: Two A-frames.

DARREN GURNEE: So you have a sale; that would be a special event.

COMMISSIONER PHILLIPS: You also have a regular open for business sign.

COMMISSIONER PARALEZ: And both of those are off-premises.

COMMISSIONER SOMMERHAUSER: A sale is a special event.

DARREN GURNEE: That was the intention of that.

COMMISSIONER SOMMERHAUSER: That's a pretty wide definition.

COMMISSIONER PARALEZ: So are any of those on premise?

COMMISSIONER LEEDHAM: No.

COMMISSIONER PARALEZ: Yeah, so that's my question. I don't think I've ever seen an A-frame on premise. I'm trying to picture one that I've ever seen where it was actually on the business premises. None
of the ones I have seen are.

DARREN GURNEE: And that's part of the reason we said "on-premise." It takes a lot of this type of situations away.

COMMISSIONER PARALEZ: I think it would take two dump trucks to haul off all the ones I've seen just this morning.

COMMISSIONER SOMMERHAUSER: Can it be off the premises with permission? And let me give you an example. Silverdale Way, Columbia Bank, and the red brick building down behind that -- that little strip front there where Rick Smith has got his office and couple other people where the AIDS Society used to be. Now I'm forgetting the attorney's name that owned that building. But we used to take our A-frame from that building -- we had the lower office there -- and take it out to the grass by the sidewalk and put it up out there. We put it up when we opened, and we took it down, and we had permission from the Columbia Bank folks. Now, is there a way to say that, to do it off-premise but only with permission?

DARREN GURNEE: There is a way to say it, yes.

COMMISSIONER SOMMERHAUSER: That's --

COMMISSIONER FORITANO: But that's contrary,
for example, to Linda's view that she does not want --

COMMISSIONER SOMMERHAUSER: I'm --

(Speaking simultaneously.)

COMMISSIONER SOMMERHAUSER: I'm willing to
forget it completely, but that's -- believe me.
You'll create major shock in the world.

COMMISSIONER PARALEZ: Well, they're
extremely popular. My point about you'd have to have
dump trucks to haul all the ones away. So it's
obviously, from a business person's perspective, a very
popular way because it must be real inexpensive.

COMMISSIONER SOMMERHAUSER: Around 250 --
based on the fact that I had two of them built for the
party, around 250 for a pretty simple one, up to 5- to
$700 for the Fiberglass that are real nice.

COMMISSIONER PARALEZ: Well, they're
affordable, and you can afford to have the county haul
them away if they ever got motivated to do so.

COMMISSIONER LEEDHAM: And the reasoning
people go to A-frames, like this picture is ideal, is
because the shops are pushed way back. Those are not
better quality retail where it's out on the street and
you can see the backside of Little Caesars or the
office buildings, so they're trying to compensate --
they're saving rent and they're putting signs out
COMMISSIONER PHILLIPS: And on this particular -- go back. Sorry. On this particular sign picture, as far as I can tell, if those three signs -- I'm ignoring the "Best Mexican Food" one, but they are on the sidewalk and it's not -- that is not their premise. But if they were put in the parking lot just off the sidewalk, then they are on the premise.

COMMISSIONER PARALEZ: But then they'd lose their parking space so -- so they --

DARREN GURNEE: And that would impede vehicular circulation that is mentioned --

COMMISSIONER PARALEZ: Yeah. So they don't want to do that. So they want to take the right-of-way.

COMMISSIONER PHILLIPS: But I would also point out on this one you've got two A-frames right around the fire hydrant. Fire department is not going to be happy with that.

COMMISSIONER PARALEZ: Yeah.

COMMISSIONER FORITANO: So do we have a motion?

COMMISSIONER SOMMERHAUSER: That's what we're trying to figure out. I think at least to Item 1, and probably --
COMMISSIONER PARALEZ: It's a toughy.

COMMISSIONER FORITANO: Yeah.

COMMISSIONER SOMMERHAUSER: -- Item 8, we talk about pedestrian circulation, we need to say something about prohibited on the sidewalk, period.

COMMISSIONER PARALEZ: I would suggest this deserves a little more research, at least I'd like to, on what other jurisdictions do because this -- this is not a problem that only we have.

COMMISSIONER FORITANO: How does this sound?

COMMISSIONER PARALEZ: This is a very popular sign.

COMMISSIONER FORITANO: How about those of you with strong feelings sort of framing some language that would embrace both items we've talked about, including Item 8-II, because I think they are -- they need to be embraced, I think. And we'll start there when we come back. It will be nice to get that one fresh and some comments. It's a really good one.

Okay. Just with reference to our -- again, we'll take a -- for a quick reminder, August 15th. Come back on the 15th with some specific areas of interest you have in our meeting with the commissioners on the 13th of August. That is, when you come back on the 15th, we'll have a 2 p.m. meeting, pick up where we left off
here, public hearing. But at the end of the night let's have a -- let's save a bit of time for our discussion that we want to put on the table with the commissioners on the 13th and see if we can take care of all of this.

COMMISSIONER SOMMERHAUSER: And also we need to pick up the staff comments and incorporate by motions up through --

COMMISSIONER FORITANO: DG -- DG15.

DARREN GURNEE: You said August. We meant July, correct?

COMMISSIONER FORITANO: July 15th for our next meeting. But one of our agenda items today, as it was last time, was to discuss agenda items for our commissioners meeting on the 13th of August.

DARREN GURNEE: Understood.

COMMISSIONER FORITANO: Anything else for the good of the order?

Yes, sir.

COMMISSIONER PHILLIPS: On the commissioners meeting 13 August, can we put a question, a feeler out to the commissioners to see if there's any topic they would like to address with us?

COMMISSIONER FORITANO: Want to take that back? If you'd bring that with you, or whomever, on
the 15th of July, we'll work it both ways. Anything in particular you want to ask of us or say to us or have us be ready for?

Anything else for the good of the order?

COMMISSIONER GONZALEZ-HARLESS: I have a question.

COMMISSIONER FORITANO: Yes.

COMMISSIONER GONZALEZ-HARLESS: I take it we have a court reporter now?

COMMISSIONER FORITANO: We sure do. Yep.

COMMISSIONER GONZALEZ-HARLESS: Is that going to be a permanent situation?

KAREN ASHCROFT: No.

COMMISSIONER GONZALEZ-HARLESS: Okay. Just what's the policy on that?

DAVE GREETHAM: I can speak to this. Dave Greetham again. I think the intent was for the director to provide that for this meeting, let the board know the cost associated with it, and the result you get for that cost, then have the board make a decision as to whether they want to move forward with that in the future. So you're sort of a test case today.

COMMISSIONER GONZALEZ-HARLESS: Okay. So my question is, why are we not doing paraphrased minutes
like other jurisdictions do it?

COMMISSIONER SOMMERHAUSER: Because the commissioners didn't feel they were getting sufficient in the minutes to know what the discussions, the specific discussions were that resulted in the language the way it was.

DAVE GREETHAM: That's correct.

COMMISSIONER GONZALEZ-HARLESS: In the paraphrased minutes?

COMMISSIONER SOMMERHAUSER: That's correct.

COMMISSIONER GONZALEZ-HARLESS: Not just the ones -- I mean this was before we -- there's been like three different ways we've done minutes now. But this one where we say "discussion" and "see the tape" type thing, are you talking about that, are you talking about where there was actual discussion? How long ago did that happen?

COMMISSIONER SOMMERHAUSER: We went from the previous paraphrased minutes back about three years ago and we went to the very abbreviated minutes. And the commissioners, this current set of commissioners is not happy that they are getting the full discussion of the planning commission around the language that comes forward from that.

COMMISSIONER GONZALEZ-HARLESS: Okay.
DAVE GREETHAM: That's correct.

COMMISSIONER FORITANO: All right. We are adjourned until --

COMMISSIONER GONZALEZ-HARLESS: Yipee.

COMMISSIONER FORITANO: -- the 15th of July.

Thank you.

(Whereupon at 2:04 p.m. the meeting was adjourned.)
CERTIFICATE

I, Janette Curley, a Certified Court Reporter in and for the State of Washington, residing at Kingston, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify;

That the foregoing proceedings were taken stenographically before me and thereafter reduced to a typed format under my direction; that the transcript is a full, true and complete transcript of said proceedings;

That I am not a relative, employee, attorney or counsel of any party to this action, or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That upon completion of signature, if required, the original transcript will be securely sealed and the same served upon the appropriate party.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of July, 2014.

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Janette Curley, CCR No. 2030