

**City of Puyallup  
Planning Commission  
Puyallup City Hall – Council Chamber  
April 13, 2011  
7:00 PM**

(These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of six years from the date of the meeting and are available upon request.)

**PLANNING COMMISSIONERS PRESENT:** Chair John Palmer, Commissioners Robin Ordoñez, Heather Shadko, Steve Hastings, Tom Swanson

**PLANNING COMMISSIONERS ABSENT:** Dan Smith

**STAFF PRESENT:** Senior Assistant City Attorney - Steve Kirkelie; Senior Planner - Nancy Eklund; Associate Planner – Katie Baker; Associate Planner – Chris Beale; Administrative Assistant - Sharon Martin

The meeting was called to order at 7:04 PM. A quorum was established.

**APPROVAL OF THE AGENDA**

Mr. Hastings moved to approve the Agenda. Mr. Ordoñez seconded the motion. The commissioners unanimously approved the agenda.

**CONSIDERATION OF THE MINUTES**

January 12, 2011

Mr. Ordoñez suggested a correction on Page 3, bottom paragraph.

Mr. Swanson moved to accept the minutes with the noted corrections as shown below. Ms. Shadko seconded, which was approved unanimously. (5-0)

Ms. Eklund gave a brief overview of the upcoming schedule including items scheduled for Public Hearing and City Council consideration. Ms. Eklund asked that the Planning Commission prepare for three meetings (second, third and fifth Wednesdays) to be held in March, rather than the originally ~~schedule~~ scheduled two.

January 26, 2011

Mr. Swanson moved to accept the minutes as written. Ms. Shadko seconded. Mr. Ordoñez abstained from the vote, as he was absent from the meeting. The minutes were approved. (4-0).

March 16, 2011

Mr. Ordoñez added a correction on Page 2, paragraph 6, changing the word “indicated” to “indicate” to make the sentence more accurate.

Mr. Hastings pointed to an error on Page 5 regarding absences, stating that the last sentence required a change from “4 meetings” to “3 meetings”.

Mr. Swanson moved to accept the minutes with noted corrections as shown below. Ms. Shadko seconded, which was approved unanimously. (5-0)

Consensus seemed to indicate that absences of 4 3 meetings in 6 months would result in possible removal from the commission.

Mr. M. Palmer emphasized that the Car washing kits have only been checked out 3 times in 2010 and that this low number may ~~indicated~~ indicate the program needs further attention.

March 23, 2011

Mr. Swanson moved to accept the minutes as written. Ms. Shadko seconded, which was approved unanimously. (5-0)

## **AGENDA ITEMS**

### **Transfer of Development Rights (TDR)**

Mr. Parham addressed the *Transfer of Development Rights Program: Program Framework Memo* distributed in the Agenda Packet as a living document which provides framework of discussion items which the Planning Commission will be considering during the first phase of the TDR Program.

Mr. Parham revisited the evening of March 23, 2011, and briefly discussed various aspects of TDR, followed by a brief synopsis of the upcoming schedule for this topic. Mr. Parham asked for general comments from the Planning Commission about the open house and TDR in general. A comment was made that TDR needs to be focused in a very narrow area of the downtown which has nothing to do with the historic district. It was also opined that properties included in TDR should be within the City or the City’s Urban Growth Area (UGA) in order to maintain the open space within the City or UGA and would directly benefit the City.

Mr. Parham directed the commission to Page 2 of the memo, pointing out that the Distribution of Dollars exercise, the interactive exercise in which members of the community indicated their selections by spending fictitious TDR dollars, showed that agricultural areas in Pierce County, watershed/flood, and recreational areas were the top three priorities.

It was then questioned whether cutting down trees in forest areas negatively affects flooding, which was confirmed. It was also stated, as mentioned previously, that priority consideration should be given to the city’s UGA despite an article in the Puyallup Herald in which city manager Ralph Dannenberg was quoted as saying that priority be given to County properties. Mr. Parham responded that perhaps Mr. Dannenberg was misquoted in the article, as he has received an opposing message directly from the City Manager.

Mr. Parham then introduced Mr. Skip Swenson who is the managing director of Policy & TDR with Cascade Land Conservancy. Mr. Swenson explained that he was present in place of Taylor Carroll for the evening due to a scheduling conflict, and that Berk was focused on forward movement of this project.

Mr. Swenson opened by discussing the history of TDR, the concept of which is 40 years old and is a flexible real estate tool which can be used for conservation, historic preservation and affordable housing. TDR creates new options because land owners own more rights than just the land which include access, development potential. He discussed that every property is initially looked at in the scope of "highest and best use." TDR provides an incentive that creates three main options. These elements are sending areas, which is where conservation occurs, receiving areas, which is where there is better accommodation for growth, and the marketplace, where buying and selling occurs.

Mr. Swenson then discussed the Vision and Goals of TDR programs, and offered various possible ideas that may be incorporated into the programs outcome. He shared that the information that Berk (city consultant) gleaned from the Distribution of Dollars exercise at the open house which included specific properties and some conservation and quality of life issues. Preliminary consensus seemed to be towards development and growth within the city limits of Puyallup.

It was opined that a TDR should be developed so that park and agricultural land are preserved. A comment that the expense or impact was not directly addressed during the "conservation dollars" exercise at the March 23, 2011 meeting, specifically that "at what cost" was not defined, and that participants were not clearly given both sides of the equation. Mr. Swenson stated that at different points of the outreach process there are different methods to learning what the community values. He expounded that the framework should be developed with the intended outcome of specific lands to conserve in mind.

During his presentation Mr. Swenson shared overviews about program goals, sending and receiving sites, TDR exchange commodities, exchange rates, administration and transaction mechanism(s), the importance of interlocal agreements, and other policy considerations, providing various examples of how each might be utilized and the considerations the commission may need to discuss, as well as encouraging them to include things that are important within Puyallup.

Mr. Parham clarified that the South Hill area was not going to become a functional TDR receiving site after this 2 year project. He mentioned that the scope of the grant did not include developing an incentive program for South Hill, but it would include policy level recommendations for South Hill as a receiving area. He then stated that both South Hill and the River Road area are not precluded from a TDR program in the future but that the current grant funding focuses on the Downtown area. He then stated that TDR is only part of the "Cultivating Puyallup" project and that the Downtown planning and environmental review is another focus. Beginning May 11, 2011, the Planning Commission will begin to discuss downtown planning, and determine what the desired outcome of the complete project is.

Discussion commenced about expansion of the CBD zoning, and how there are a lot of properties that are still underdeveloped or underutilized properties. It was clarified that the volume of sending and receiving sites, based on the supply/demand concept, need to support the intended growth in downtown. Mr. Swenson responded that TDR is not strictly a demand driven tool, but a demand dependent tool.

Discussion of River Road being included in TDR was raised as an incentive for developers, and Mr. Swenson was asked whether this type of receiving area (similar to River Road) had been successful in the past. He responded that in the City of Sammamish, as they are a new community and have a plan in mind for their new town center, and incentivizing some of these through use of TDR (in addition to other programs) has been effective. A comment was made about requiring a development agreement related to TDR, which Mr. Swenson stated could be utilized in various ways.

A question arose about the period of time that sending site rights are "sold." Mr. Swenson responded that generally it is a question of perpetuity, and wholly dependent upon the seller's (landowner) intentions. Various examples were given of the considerations a seller may make.

Market dynamics were then also expounded upon in direct correlation to exchange rates and allocation rates. The various types of framework that may be considered for the administrative transaction mechanisms (a.k.a. the Marketplace) were outlined.

### **Sign Code Amendments**

Mr. Chris Beale reminded the commission of previous actions on this topic, and stated the specific areas of concern that the Planning Commission indicated that they wanted to focus on for this work session were static image display requirements, monument sign type, animation, nighttime static image, lighting limits and malfunction turnoff.

Mr. Beale addressed benchmarking by other jurisdictions, explaining that he had researched more than 30 jurisdictions in the state and a synopsis was provided of his findings. Mr. Beale stated that a primary finding of this research showed that most jurisdictions have not addressed this issue in a comprehensive way. Mr. Beale referenced the City of Auburn's sign code, a copy of which was included in the packet, as a good example of a jurisdiction that has comprehensively addressed the issue in a similar fashion as proposed here.

Mr. Beale then proceeded through an analysis document which addressed revisions to the proposed code standards, based largely on the comments made by the public at the Public Hearing, and the findings of additional staff research. The analysis document also integrated a review of Mr. Ordoñez's speed/sight distance calculations, which were provided to staff previously. Dialogue addressed various aspects of distraction, "perception-reaction" time, and formatting issues that may impact driver distraction. The commercial and residential code separation was raised, and it was opined that those who spoke at the Public Hearing who programmed the signs were very knowledgeable and seemed to already take into consideration what was easily readable and not overly distracting to traffic.

Mr. Kirkelie addressed the question whether the city is taking on an implied civil liability of preventing distracted drivers, which was raised by Mr. Swanson, and responded that he was of the opinion that this type of lawsuit would be difficult for a Plaintiff to successfully win.

Mr. Beale stated that Sanjeev Tandle, City Traffic Engineer, endorses using the roadway speed formula shown in the staff analysis; the formula would base the static image display requirement on sight distance to the sign divided by roadway speed (expressed in feet per second). He cautioned however that in some, if not most instances this formula would result in a longer image display requirement than the previously proposed eight (8) second rule. Mr. Beale reminded the Commission that most at the public hearing spoke against the eight (8) second requirement and the newest approach here would result in a set of rules potentially counter to

the comments received. He also explained to the Commission that the sight distance calculation would be based largely on legibility of the sign's content; a roadway speed formula would require a complex set of rules that would result in "micro-regulation" of things such as text font, size, color to create consistency in the application of the formula. Given the potential for such complex rules and the volume of comments against longer static image requirements, Mr. Beale cautioned the Commission against applying such a formula as a part of their recommendation to City Council. .

Mr. Beale also explained a different traffic engineering standard that may be applied to determine an appropriate static image display requirement: perception-reaction time. Perception-reaction time, he explained, is the generally accepted engineering standard for how long a driver needs to properly refocus on changing roadway conditions in the event that he/she is distracted from the primary task at hand. This ranges up to 2.5 seconds. Mr. Beale explained that most studies on the issue of driver distraction as they relate to how long automobile operators look at these signs demonstrate that people look at digital signs on the side of the road anywhere from 0.75 to more than 2 seconds. He stated that he and Mr. Tandle determined that the aggregate total of 4.5 seconds (2 seconds looking at the sign, 2.5 to refocus) would not generally be sufficient to adequately protect proper driving performance and that in general a longer standard should be applied somewhere between 5-8 seconds.

Commissioner Swanson stated that the amortization clause of the proposed code amendments would unfairly require pre-existing sign owners – who received valid permits under existing rules – to comply with the new operational standards. Mr. Beale stated that it was the Commission who directed staff to investigate how to gain compliance with existing signs – Mr. Swanson specifically – and that if the Commission wants to remove such a clause staff would appropriately accommodate their wishes.

There was indication by a commissioner that two (2) seconds was preferred timing, with others indicating additional analysis may impact their recommendations. Another suggestion was made that perhaps the static image requirement should be four (4) seconds, as to be inline with the minimum static image display that the city's traffic engineer would endorse applying for driver safety. The discussion was split with two commissioners agreeing that four (4) seconds – in concurrence with the traffic engineer's recommendation – would be the preferred timing, one commissioner stating that the display requirement should not be changed from the current two (2) seconds and two other commissioners concerned that little improvements could be made by changing the requirement at all. After discussion, the commission stated that they may want to hear more direct analysis from the traffic engineer in order to better understand how the difference between two (2) and four (4) seconds would improve public safety.

Discussion commenced about whether or not to hold an additional public hearing after the ordinance is further revised by staff based on the new data and findings. It was opined that when substantial changes to an ordinance are made post-public hearing that another hearing may be necessary, after which the Planning Commission determined that after further consideration and discussion they should indeed hold another public hearing at a later date.

### **2011 Comprehensive Plan Amendments – Summary**

Mr. Parham suggested that the Commissioners review the memo and contact Nancy or him if there are any questions.

### **City Election Policy**

Ms. Eklund directed the Planning Commission to the memo which was distributed at the beginning of the meeting. Mr. Steve Kirkelie briefly addressed the content of the memo which was drafted by the City Attorney, and invited the Commissioners to contact him or city attorney Cheryl Carlson if there were any questions.

Mr. Swanson asked where in the process the replacement of Ms. Simonsen. Ms. Eklund stated that the city clerk received three applications from candidates, and the council committee would be considering those on Monday, April 18, 2011. On Tuesday evening, April 19, 2011 the Council may appoint Ms. Simonsen's replacement. Mr. Swanson then explained that he felt that without a full board, quorum issues exist, but that when another commissioner has been appointed that he will be submitting his resignation. He further stated that, as a filed and announced candidate for City Council, he is not comfortable continuing to serve on the Planning Commission while numerous candidates are also on the commission. He then clarified that he was not of the opinion that filed and announced candidates should not serve on the Planning Commission, but rather that a potential quorum / majority of the Planning Commission should not be made up of candidates for City Council.

### **ADJOURNMENT**

The meeting was adjourned at 9:18 pm.