



# CITY OF LAKE FOREST PARK

## CITY COUNCIL

### AGENDA COVER SHEET

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<b>Meeting Date</b>	March 27, 2025
<b>Originating Department</b>	Community Development Department
<b>Contact Person</b>	Mark Hofman, AICP, Community Development Director
<b>Title</b>	Ordinance 25-1308/Amending Chapter 18.52 of the Lake Forest Park Municipal Code, Signage, to bring the Sign Code into compliance with recent legal decisions

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#### Legislative History

- First Presentation December 14, 2023, Regular City Council Meeting
  - Reintroduction (New CD Director) April 22, 2024, Committee of the Whole
  - Return Reintroduction Materials June 13, 2024, Regular City Council Meeting
  - Post SEPA and WA Dept. of Commerce Review Reintroduction March 27, 2025, Regular City Council Meeting
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#### Attachments:

1. Draft amendments to Chapter 18.52, Signage, of the Lake Forest Park Municipal Code (All amendments are in red font with additions underlined and deletions in strikethrough format. Unchanged code text remains in black font).
  2. Current adopted Chapter 18.52, Signage, of the Lake Forest Park Municipal Code.
  3. Draft ordinance.
  4. Current adopted Section 18.66.125, Nonconforming Signs, of the Lake Forest Park Municipal Code
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#### Executive Summary

The Planning Commission completed a review and amendments to the city's adopted sign code, held a public hearing, and forwarded a recommendation in 2023 to the City Council. Changes generally include those to definitions, clarification of illegal signs, exemptions from permitting, new provisions for temporary signs, the addition of exterior signage for businesses located interior to the Town Center, and the addition of signs allowed in Southern Gateway zones.

The draft recommended amendments/additions were introduced to the City Council at the December 14, 2023 regular meeting. The continuing effort at Council was then temporarily put on hold until a new community development director came on board at the city and had time to familiarize with the background materials and process. The Community Development Director joined the city in January 2024 and reintroduced the recommended amendments to the City Council on April 22, 2024, to continue the review process.

The materials included in the Council meeting packet for December 14, 2023, and April 22, 2024, included some text issues of several instances of multiple sentences overlapping each other. Because it was therefore not entirely clear what each and every included amendment and addition was contained in the Commission’s recommendation, the materials from the Planning Commission were corrected and verified.

These corrected materials were returned as a replacement step at the June 13, 2024, meeting of the City Council. The Council reviewed and discussed the amendment materials, and the Community Development Director responded to several past questions and comments. The feedback received from the City Council review included that no additional substantive changes were anticipated at that time and that Community Development Department staff could begin the environmental (SEPA) review and submit the proposed amendments to the Department of Commerce for their required review.

Both processes have now been completed, as required prior to the City Council’s adoption of any proposed code. A Determination of Nonsignificance (DNS) was issued by the city’s SEPA Responsible Official after a review of the proposed amendments and a SEPA Checklist prepared for the Non-Project Action. The City received no specific comments regarding the proposed sign code amendment from the required public notice period, and no appeal was filed on the February 6, 2025, determination. The sign code amendments and supporting materials were adequately filed with the Washington State Department of Commerce to satisfy the required 60-day agency review and comment period. No comments were received as a result of the 60-day review, and that requirement is satisfied.

**Background**

The Planning Commission’s review of the sign code was done with the limits imposed by the Courts in mind. The U.S. Supreme Court in *Reed v. Gilbert*, held that regulating signs based on their content, in most cases, is an unconstitutional violation of the First Amendment right to free speech. The U.S. Ninth Circuit Court of Appeals, of which Washington is a part, held that the Reed decision only applies to non-commercial signs. Non-commercial signs that regulate the content of a sign will be subject to “strict scrutiny” when determining whether they violate the First Amendment right to free speech. When regulating signs that are off-premises (not on the premises they convey information about), the U.S. Supreme Court in *City of Austin v. Reagan National Advertising*, held that a city’s regulation of off-premises signs is facially content neutral because the message on the sign is only relevant because it tells the reader about location. Neutral reading of sign for location will pass the Constitutional test.

**Fiscal & Policy Implications**

Fiscal impacts are minor, related to staff time and the costs of codifying the updated code. By adopting the proposed amendments, the city’s sign code will be in compliance with case law.

**Alternatives**

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"> <li>Adopt the amendments to Chapter 18.52, Signage, of the Lake Forest Park Municipal Code.</li> </ul>	New sign code regulations reflective of recent case law will be in effect.

- Not adopt the amendments to Chapter 18.52, Signage, of the Lake Forest Park Municipal Code.

The existing sign regulations of the LFPMC will remain in effect.

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**Staff Recommendation**

Adopt the amendments to Chapter 18.52, Signage, of the Lake Forest Park Municipal Code.