



**Juelanne Dalzell**

**JEFFERSON COUNTY PROSECUTING ATTORNEY**

**Courthouse — P.O. Box 1220**

**Port Townsend, Washington 98368**

**Telephone (360) 385-9180 FAX (360) 385-0073**

**David W. Alvarez, Deputy Prosecutor**

**Katherine Gulmert, Deputy Prosecutor**

**Edward B. DeBray, Deputy Prosecutor**

**Rafael E. Urquia, Deputy Prosecutor**

**Thomas A. Brotherton, Deputy Prosecutor**

**Lianne Perron-Kossow, Victim Witness Advocate**

April 4, 2008

*NOT CONFIDENTIAL*

To: County Commission  
Frank Gifford, T.I. County Admin.  
Karen Barrows, DCD  
Stacie Hoskins, DCD  
Al Scalf, DCD

From: David Alvarez, Chief Civil DPA

Re: Sign Ordinance

The need for an amendment to the JCC at §18.30.150(2), an amendment that would remove the 8 square foot size limitation on political signs, a limitation only impacting political signs, was prompted by Mr. Belenski's lawsuit in Clallam County (Cause #06-2-00894-7) and the injunction against enforcing that rule entered against the County under that cause number in October 2006.

Note, however that the BoCC is authorized under the Planning Enabling Act of 1963 at RCW 36.70.640 to send an "official control" or, in this case, an amendment to an "official control" to the "planning agency" (DCD and the PC combined) for a report.

Pursuant to that authority, the BoCC discussed the need for changes to this section of the JCC with planning and building/inspection staff from DCD on February 20, 2007 and subsequent to that discussion passed a motion forwarding their proposed text changes for JCC §18.30.150(2) [known as the "Sign Ordinance"] to the Planning Commission or "PC."

The PC deliberated on the proposal on April 18, 2007 and voted 8-0 to accept staff's recommendation that simply removed the size cap on political signs and gave political signs their own subsection under JCC §18.20.150(2). In sum, DCD proposed and the PC approved and recommended something different than what the BoCC had originally sent to the

planning agency. Note well that the PC did NOT hold a noticed public hearing on this issue.

My review of both RCW 36.70.580 and JCC 18.45.090(3) indicates that the PC “shall hold a public hearing” before making any recommendation to the BoCC. So there has to be a public hearing before the PC prior to the “planning agency” forwarding its recommendation to the BoCC.

After that hearing, the recommendation of the planning agency, referred to as a report in the Planning Enabling Act, will be brought to the BoCC via an Agenda Request Item from DCD. The BoCC is required to deliberate on the substance of the report at the first public meeting per RCW 36.70.620. If the BoCC wants to adopt precisely the text that was recommended to them, then they can adopt the “official control” at a second public meeting WITHOUT holding a public hearing. If the BoCC wants to adopt any different text, then it must hold a public hearing before adopting its preferred text at a second public meeting. See RCW 36.70.620 and RCW 36.70.630. That public hearing would need the normal not less than 10 days’ notice in order to comply with the notice requirements found in RCW 36.70.590 and JCC 18.45.090(4). Following this process would also represent compliance with the “public participation” requirements of Ch. 36.70A RCW (GMA) which also apply but don’t go into detail about the precise steps that equate with sufficient public participation.

Text changes to fix typographical errors or to, for example, reorder the exemptions would not require a public hearing.

David Alvarez.