



JEFFERSON COUNTY

PLANNING COMMISSION

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MEMORANDUM

To: Board of County Commissioners (BoCC); County Administrator
From: Peter Downey, Barbara Nightingale, Henry Werch,
Jefferson County Planning Commission
Date: May 15, 2008
Re: Planning Commission Minority Report for proposed UDC Amendment to
Chapter 18.30, Development Standards: **18.30.150: Signs**

At the May 8, 2008 Planning Commission meeting, a public hearing was held to consider proposed changes to JCC 18.30.150, the Jefferson County sign ordinance. Following that hearing, Commission member Tom Brotherton introduced two additional proposed revisions to sections (2)(f) and (2)(g) of the ordinance. His revisions were accompanied by two "Conclusions of Law" and one "Findings of Fact".

A motion was introduced and amended to accept the proposed ordinance revisions submitted by the DCD along with the additional revisions submitted by Commissioner Brotherton, and including the submitted "Conclusions of Law" and "Findings of Fact", and an additional request to strike (2)(i), which was recommended by Commissioner Henry Werch. The vote was 6 to 3 to approve. We wish to introduce the following "Minority Report" in support of the concerns prompting we three members of the Commission to vote "no" on the measure.

The intent of the revised ordinance as submitted by DCD was to exclude "political messages" from the sign ordinance, in order to keep the ordinance in compliance with court cases relating to First Amendment rights. Commissioner Brotherton's changes were submitted to keep JCC 18.30.150 in compliance with recent court cases but also to recognize that "unlimited growth" of certain signs "negatively impacts residents' quality of life," and that court cases such as "Collier v. City of Tacoma" allow for the reasonable regulation of signs so long as the regulation is "content-neutral".

Despite our vote, we do generally endorse the goals reflected in the majority vote and the submitted "Conclusions of Law" and "Findings of Fact" introduced by Commissioner Brotherton. Our separate concerns can be expressed as follows:

- (1) While the ordinance, as proposed, is, in fact, content-neutral, and it does exclude signs on private property measuring less than or equaling 32 square feet, it would appear to only address free-standing signs and not satisfactorily to address certain other types of "signs" on private property, i.e. signs painted on the side of a building, or banners hung on the side of a building or suspended between trees.
- (2) We note that although the proposed revised ordinance regulates the size of signs on private property, it does not deal with the number of signs, so we wonder whether it satisfactorily accomplishes its objective.
- (3) We did not feel that we were presented with sufficient time or documentation prior to the meeting of May 8 to consider, whether, in fact, the regulation of "content-neutral" signs can be adopted into JCC 18.30.150 without reconsidering other sections of the code, and thus meet the objective of properly protecting First Amendment rights.
- (4) We share concerns, as expressed by DCD Planning Manager Stacie Hoskins, that the new ordinance, as written, seems to create an administrative problem by introducing the need for simultaneous zoning and permitting review processes for signs in excess of 32 square feet.

So, while each of us in the minority may not share all of the concerns expressed above, we all would have preferred that the May 8 vote would have been limited to the approval of the revision of JCC 18.30.150 as submitted by DCD. Then, in consideration of the valuable suggestions submitted by Commissioner Brotherton, we would have endorsed a re-evaluation of the sign ordinance in its entirety to make sure that it best supports quality-of-life and commercial growth objectives along with the protection of First Amendment rights.

Respectfully,


Peter Downey, Chair


Barbara Nightingale

Henry Werch - primary author
of report. Called away
on family emergency,
therefore unable to sign.