



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

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MEMORANDUM

To: Board of County Commissioners (BoCC); County Administrator
From: Jefferson County Planning Commission
Date: May 15, 2008
Re: Planning Commission Recommendation for proposed UDC Amendment to Chapter 18.30, Development Standards: **18.30.150: Signs**

Proposal:

Pursuant to RCW 36.70.580 and Chapter 18.45 of the Unified Development Code (UDC), Title 18 of the Jefferson County Code (JCC), the Planning Commission is required to hold a public hearing and transmit a recommendation to the Board of County Commissioners (BoCC) with respect to the proposed UDC amendment to JCC 18.30.150, which regulates signs. In formulating its recommendation, the Planning Commission shall identify findings of fact and conclusions of law in accordance with and in consideration of the required Growth Management Indicators found at JCC 18.45.050(4)(b)(i), JCC 18.45.080(1)(b), and JCC 18.45.090(3).

Background:

The BoCC is authorized under the Planning Enabling Act at RCW 36.70.640 to send an "official control," or an amendment to an "official control" to the Planning Agency (the Department of Community Development (DCD) and the Planning Commission) for a report, which the Planning Commission received in April 2007.

On October 13, 2006, Jefferson County was enjoined from enforcing JCC 18.30.150(2) as a result of Clallam County Superior Court Order 06-2-00894-7. The DCD staff recommendation is that the amendment to JCC 18.30.150 should consist only of exempting political signs from size limitations, and that a separate subsection 18.30.150(2) should be created for political signs.

The Planning Commission held a duly-noticed public hearing on May 7, 2008, and heard public testimony on the proposed UDC amendment concerning JCC 18.30.150. Commissioner Brotherton offered an amendment to the language proposed by staff. This intent of this amendment is 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". The Planning Commission voted 6-3 to accept this amendment and forward this recommendation on to the BoCC.

Recommendation:

The Planning Commission also conducted deliberations on May 7, 2008, and formulated the following recommendation:

Specified subsections of JCC 18.30.150 should be **amended** to read as follows:

(2)(f) Non-commercial signs on private property measuring less than or equal to 32 square feet.

(2)(g) Event-based signs in a public right of way measuring less than or equal to 6 square feet, provided that such signs must be removed no more than 7 days following the event.

Delete entirely the following subsection:

(2)(i) real estate signs


Findings:

With regard to findings of fact, the Planning Commission found that the Growth Management Indicators found at JCC 18.45.080 are not applicable to this ordinance. Further, the Planning Commission found that unlimited growth of temporary signs negatively impacts residents' quality of life and detracts from commercial growth potential.

With regard to conclusions of law, the Planning Commission agreed that freedom of political speech is a highly protected constitutional right, and all residents of Jefferson County are encouraged to exercise that right; and further, that Jefferson County has a reasonable governmental interest in aesthetics and traffic safety and a duty to develop reasonable content-neutral regulations on the size, height, and spacing of temporary signs, and for the post-election removal of signs whose issue has been settled by an election.

After conducting a duly-noticed public hearing, and with respect to the timeliness of the issue, the Planning Commission forwards this recommendation to the Board.


Peter Downey, Chair


Jeanie Orr, Secretary