

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

**TO: Board of County Commissioners
Dennis Richards, County Administrator**

**FROM: Al Scalf, Director, Department of Community Development (DCD)
Stacie Hoskins, Planning Manager (DCD)
Karen Barrows, Assistant Planner, Long-Range Planning (LRP)**

DATE: May 27, 2008

**SUBJECT: Request for regular agenda item for DCD staff report and Planning
Commission recommendation on JCC 18.30.150, development
standards for signs**

STATEMENT OF ISSUE:

The Department of Community Development Long-Range Planning Division is requesting that the Board of County Commissioners (BoCC) review the staff report and Planning Commission recommendations on a UDC amendment proposal for JCC 18.30.150, which regulates signs. Please note that the staff recommendation and the Planning Commission recommendation differ. The staff response to the Planning Commission recommendation is consolidated into this request.

Attachments:

- 1) Planning Commission recommendations (including a minority report) from May 15, 2008
- 2) DCD staff report and recommendation from April 23, 2008
- 3) Planning Enabling Act: RCW 37.70.560 and RCW 36.70.640
- 4) Staff proposed line-in/line-out code revision
- 5) Jefferson County Code: Sections 18.45.050(4)(b)(i); 18.45.080(1)(b); 18.45.090(3)
- 6) Minutes from Board of County Commissioners meeting on February 20, 2007
- 7) Minutes from Planning Commission meeting on April 18, 2007
- 8) Legal memorandum from David Alvarez dated April 4, 2008
- 9) Collier v. City of Tacoma

ANALYSIS/STRATEGIC GOALS :

The following findings of fact inform this issue:

- 1) Section 18.30.150 of the Jefferson County Code regulates signs. Paragraph (2) of this Section designates signs that are exempt from the provisions of this Section. Subsection (f) states, "Personal signs on private property displaying personal messages such as "yard sale" or "no trespassing" or political messages not to exceed eight square feet;"
- 2) On October 13, 2006, Clallam County Superior Court Order 06-2-00894-7 enjoined Jefferson County from enforcing Section 18.30.150(2)(f) of the Jefferson County Code.
- 3) On February 20, 2007, the Jefferson County Board of County Commissioners discussed the issue, and, using a provision of the Planning and Enabling Act called a "Board Initiated Control" found in RCW 36.70.640 (please see attached), decided that it was in the public interest to amend the code regulating signs contained in JCC 18.30.150. The Board then voted unanimously to forward the issue to the Planning Commission for review.
- 4) On April 18, 2007, staff presented the suggested revisions to the Planning Commission, and explained the chronology of the process.
- 5) On April 18, 2007, the Planning Commission discussed the issue, heard public comment, and voted to accept staff's recommendation to exempt political signs from size limitations.
- 6) Following legal review it was determined that the Planning Commission must hold a public hearing.

- 7) On April 23, 2008, in anticipation of the Planning Commission public hearing, staff published its report and recommendation. The 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 JCC 18.30.150(2)(g) should be created for political signs. The proposed language is as follows: "18.30.150(2)(g) Political messages" (please see attached).
- 8) The Planning Commission held a public hearing on the development standards for signs on May 7, 2008, during which it heard public testimony. After the public hearing was closed, the Planning Commission deliberated and formulated recommendations (please see attached).

The Planning Commission recommendation differs from the staff recommendation dated April 23, 2008. Staff has the following concerns with the Planning Commission recommendation:

- 1) Real estate signs are not exempt under the Planning Commission recommended code language. Real estate signs are a commercial sign. Without an exemption, the amended code does not have any applicable criteria for review of real estate signs.
- 2) Potential legal problems exist: for example, in the Washington Supreme Court case *Collier v. City of Tacoma* (used as a basis for legal authority and precedent in the Clallam County Superior Court case enjoining Jefferson County from enforcing JCC 18.30.150(2)(f)), it was determined that signs could not be regulated based on content. While the Planning Commission articulated during deliberations a desire to render its proposed revisions "content-neutral," the phrase "event-based signs" in its proposed subsection (2)(g) would require a person to read the sign in order to determine whether or not it is exempt. This would appear to contradict the conclusions in both the *Collier* and *Clallam County* cases.
- 3) Public Works does not allow signs in the right of way (ROW). The exemption allowed by the Planning Commission for the "6 square feet in the ROW" conflicts with Public Works requirements.
- 4) Standards for administration are unclear with respect to non-commercial signs exceeding 32 square feet. When non-commercial signs exceed 32 square feet, the existing Unified Development Code (UDC), JCC Title 18, and Planning Commission proposed language lack any standards for review. The Building Official has determined a building permit is required for free-standing signs exceeding 32 square feet, or six feet (6') in height to insure consistency with the International Building Code, as adopted in JCC Title 15. No reference or permit requirement is necessary in the UDC to confirm the safety of a structure with regard to the building code. In other words, planners do not need to oversee that a building permit is required or approved under the authority of the Building Official.

Staff maintains the recommendation detailed in the DCD staff report and recommendation dated April 23, 2008.

FISCAL IMPACT:

No fiscal impact is expected as a result of amending JCC 18.30.150.

RECOMMENDATION:

DCD staff recommends that the BoCC direct staff to schedule a public hearing on JCC 18.30.150, development standards for Signs.

REVIEWED BY:

Dennis Richards, County Administrator

Date