



# JEFFERSON COUNTY

## DEPARTMENT OF COMMUNITY DEVELOPMENT

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### Staff Report and Recommendation on UDC Amendment, JCC 18.30.150, Signs

**To:** Jefferson County Planning Commission, and Interested Parties  
**Fr:** Stacie Hoskins, Planning Manager  
**Date:** April 23, 2008  
**Re:** DCD report and recommendation on proposed UDC amendment to Chapter 18.30, Development Standards, specifically 18.30.150: Signs.

#### Background

Section 18.30.150 of the Jefferson County Code (JCC) regulates signs. On February 20, 2007 the Jefferson County Board of County Commissioners (BoCC) discussed with planning and building staff the need for changes to this section of the JCC.

#### Staff findings:

- 1) Using a provision of the Planning and Enabling Act called a "Board-Initiated Control," found at RCW 36.70.640 (please see attached), the BoCC decided that it was in the public interest to amend the Sign Ordinance contained in JCC 18.30.150. During discussions, Commissioner Sullivan suggested combining Section (2)(f) *personal signs on private property displaying personal messages such as "yard sale" or "no trespassing";* (g) *political signs;* and (i) *real estate signs* in one clause. It was moved and voted upon unanimously to forward the Sign Ordinance to the Planning Commission for review, combining (2)(f)(g) and (i) in one clause, to include language that clarifies when zoning review is required and when it is exempt, and further, that (2) *Exemptions* read: *The following signs are exempt from the provisions of this section provided they do not exceed 16 square feet and are not prohibited;*
- 2) On April 18, 2007, staff recommended to the Planning Commission that political signs be exempt from size limitations per the zoning code, and that political signs receive a separate subsection: JCC 18.30.150(2)(g). The Planning Commission heard public comment, deliberated, and voted 8-0-0 to accept staff's recommendation;
- 3) The Planning Commission is required to hold a public hearing and consider public comments on this issue before making a recommendation to the BoCC, in accordance with RCW 36.70.850 and JCC 18.45.090(3);
- 4) On October 13, 2006, Clallam County Superior Court Order 06-2-00894-7 enjoined Jefferson County from enforcing JCC 18.30.150(2)(f), which limits the size of political signs to eight square feet, based on the conclusion of law that the code "violates plaintiff's rights under the First and Fourteenth Amendments of the United States Constitution because it limits or interferes with constitutionally protected speech"; and
- 5) An argument used as legal authority and precedent for the Clallam County decision is *Collier v. City of Tacoma*, 121 Wn.2d 737, 746, 854 P.2d. 1046 (1993), in which it was determined that "Free speech is protected under the First Amendment of the Federal Constitution and Article I, Section 5 of the

Washington State Constitution. And political speech is afforded the greatest degree of protection under Article I, Section 5 of the Washington State Constitution and the First Amendment of the Federal Constitution.”

- 6) The Growth Management Act (GMA) contains guidance for controls placed on development or land use activities by counties. The use of the “Board-Initiated Control” with respect to JCC 18.30.150 (Signs) is consistent with GMA at RCW 36.70A.030(7). The Jefferson County Comprehensive Plan ensures consistency with GMA with respect to JCC 18.30.150 at LNP 1.2, wherein the rights of private property owners are protected, and at LNP 1.8, wherein it is ensured “that land permitting processes are predictable and timely.”
- 7) Notice of the public hearing was provided via a legal notice published on April 23, 2008, in the official newspaper of record, the Jefferson County-Port Townsend Leader, in accordance with JCC 18.45.090(2)(b).

#### **Department of Community Development Recommendation**

DCD staff recommends 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)(g) should be created for political signs. The proposed language is as follows:

18.30.150(2)(g) Political messages

Staff recommends further that the Planning Commission hold a public hearing on Signs on May 7, 2008, its first regular meeting in May, and that, following the public hearing, the Planning Commission deliberate and formulate a recommendation to the BoCC.

During deliberation the Planning Commission will enter 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). The Planning Commission will then develop and present to the BoCC a recommendation, which, in concert with the DCD staff recommendation, comprises the official recommendation from the Planning Agency.

#### **Attachments:**

- Planning and Enabling Act: RCW 37.70.560 and RCW 36.70.640
- Jefferson County Code: Sections 18.45.050(4)(b)(i); 18.45.080(1)(b); 18.45.090(3)
- Proposed line-in/line-out code revision
- Minutes from Board of County Commissioners meeting on February 20, 2007
- Minutes from Planning Commission meeting on April 18, 2007
- Legal memorandum from David Alvarez dated April 4, 2008
- Collier v. City of Tacoma