



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

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CITY OF YAKIMA

NOTICE OF APPLICATION, ENVIRONMENTAL REVIEW AND PUBLIC HEARING

DATE: January 31, 2014
TO: SEPA Reviewing Agencies, and Interested Parties
FROM: Steve Osguthorpe AICP, Community Development Director
SUBJECT: Notice of Application and Public Hearing

NOTICE OF APPLICATION

Project Location: Citywide.
Project Applicant: City of Yakima, Planning Division
File Numbers: SEPA #002-14 & TXT #005-13
Date of Application January 28, 2014
Date of Determination of Completeness: January 29, 2014

PROJECT DESCRIPTION

The City of Yakima Planning Department is proposing amendments to the City of Yakima's Urban Area Zoning Ordinance amending Yakima Municipal Code (YMC) Ch. 15.08 Signs to further regulate the impacts of both billboards and digital signs through one or more recommended methodologies identified in the attached SEPA Environmental Checklist. **(See Environmental Checklist SEPA#002-14 for further description and explanation online at: <http://www.yakimawa.gov/services/planning/billboard-digital-sign-moratoriums/>.)**

ENVIRONMENTAL REVIEW

This is to notify all the public and private agencies with jurisdiction and environmental expertise that the City of Yakima Division of Environmental Planning has been established as the lead agency, pursuant to the Washington State Environmental Policy Act (SEPA) for the above stated project.

The City of Yakima is presently inclined towards the issuance of a Determination of Non-Significance (DNS) on this project. The optional **WAC 197-11-355** is being used. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. **This may be your only opportunity to comment on the environmental impacts of the proposed project. A copy of the Environmental Checklist is available upon request.** Please be sure to reference the file number (SEPA #002-14) in your correspondence.

Required Permits – The following local, state and federal permits/approvals are needed for the proposed project: Planning Commission Recommendation, and Yakima City Council consideration. **Required Studies:** None. **Existing Environmental Documents:** None. **Preliminary determination of the development regulations that will be used for project mitigation and consistency:** None.

Request for Written Comments: Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. There is a 20-day comment period for this review. All written comments received by



February 20, 2014, will be considered prior to issuing the final threshold determination on this application. Please send written comments to:

Steve Osguthorpe, AICP, Community Development Director
City of Yakima, Community Development
129 North 2nd Street
Yakima, WA 98901

NOTICE OF DECISION

Decisions and future notices will be sent to anyone who submits comments on this application or request additional notice. The file containing the complete application is available for public review at the City of Yakima Planning Division, 2nd floor City Hall, 129 North 2nd Street, Yakima, Washington. If you have any question on this proposal, please call Jeff Peters, Supervising Planner at (509) 575-6163 or e-mail at jeff.peters@yakimawa.gov.

NOTICE OF PUBLIC HEARING This application will require two public hearings; one before the City of Yakima Planning Commission to be followed by a public hearing before the Yakima City Council. The public hearing before the City of Yakima Planning Commission has been scheduled for **February, 26, 2014**, beginning at **6:30 pm**, in the Council Chambers, City Hall, 129 N 2nd Street, Yakima, WA. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Yakima, Planning Division, 129 N 2nd St., Yakima, WA 98901. **A separate public notice will be provided for the public hearing before the Yakima City Council.**

Enclosures to SEPA Reviewing Agencies Only:

- o SEPA Checklist
- o Copy of Memo to Planning Commission dated 1/29/14
- o First Report to Yakima City Council dated 9/9/13

(Available online at: <http://www.yakimawa.gov/services/planning/billboard-digital-sign-moratoriums/>).

SEPA

Environmental

Checklist



ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

YAKIMA MUNICIPAL CODE CHAPTER 6.88

PURPOSE OF CHECKLIST

The State Environmental Policy Act (SEPA), RCW Ch. 43.21C, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later. Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

USE OF CHECKLIST FOR NONPROJECT PROPOSALS

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND INFORMATION (To be completed by the applicant.)

- 1. Name of Proposed Project (If Applicable):** City of Yakima Urban Area Zoning Ordinance Bill Board and Digital Sign Amendments.
- 2. Applicant's Name & Phone:** City of Yakima Planning Department, 509-575-6183.
- 3. Applicant's Address:** 129 North Second Street, Yakima, WA 98901.
- 4. Contact Person & Phone:** Steve Osguthorpe (509) 575-3533, or Jeff Peters at (509) 575-6163
- 5. Agency Requesting Checklist:** City of Yakima
- 6. Date the Checklist Was Prepared:** January 28, 2014.
- 7. Proposed Timing or Schedule (Including Phasing, If Applicable):** The City of Yakima Planning Division is currently considering these amendments, and has scheduled an open record public hearing on February 26, 2014, at 6:30 p.m. In addition, the Yakima City Council has scheduled March 18, 2014, to consider the Planning Divisions recommendation.
- 8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:** Not at this time.

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9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
- a. Arnold Anderson, eHow Contributor, www.eHow.com; "The Advantages of Advertizing on Billboards",
 - b. Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 510 (1981) (Hitte, J.).
 - c. Dennis Hathaway, "Are Billboards Good for Business? For One Major U.S. City, the Answer is An Emphatic NO". <http://banbillboardblight.org>; October 24, 2010,
 - d. Page. J. (2013, April 13). Good for Business or bad for scenery? "Salt Lake City renews battle with billboard industry. *The Deseret News*, Retrieved from <http://www.deseretnews.com/article/865554037/Good-for-business-or-bad-for-scenery-Salt-Lake-Cityrenews-battle-with-billboard-industry.html?pg=all>
 - e. Hathaway, IBID
 - f. Jonathan Snyder, Beyond Aesthetics: How Billboards Affect Economic Prosperity, December 2011, Funded by the Samuel S. Fels Fund.
 - g. Ray Ring, High Country News, Bozeman Montana, Billboard Companies Use Money and Influence to Override Your Vote, January 23, 2012
 - h. The Sign of The Times.org, FAQ's, Los Angeles Billboards, Q: What is the Impact of Billboards on the Economy?"
 - i. A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America. Jerry Wachtel, CPE, President of The Veridian Group, Inc., Berkeley, California.
 - j. Wisconsin Department of Transportation, 1994 study evaluating the impact of an electronic sign in Milwaukee along I-94.
 - k. Study published in the Journal *Traffic Injury Prevention*, commissioned by the Swedish Transportation Administration.
 - l. Philip M. Stern, The Best Congress Money Can Buy, at page 48 (Pantheon Books 1988).
 - m. Modjeska Sign Studios, Inc. v. Berle, 55 A.D. 2d340 (1977).
 - n. Study by Albert Martin Tantala, Sr., and Michael Walter Tantala, Tantala Associates, Submitted to: The Foundation for Outdoor Advertising Research and Education, July 7, 2007"
 - o. Study by Suzanne E. Lee, Melinda J. McElheny and Ronald Gibbons, Virginia Tech Transportation Institute Center for Automotive Safety Research, Prepared for: Foundation for Outdoor Advertising Research and Education, March 22, 2007."
 - p. The Impact of Driver Inattention on Near-Crash/Crash Risk, An Analysis Using the 100-Car Naturalistic Driving Study Data, National Highway Traffic Safety Administration, April 2006
 - q. (Dowds, *Private Signs and Public Interests*, in 1974 Institute on Planning, Zoning and Eminent Domain, p. 231.) Cited in Metromedia Inc. vs. City of San Diego.
 - r. (New York State Thruway Auth. v. Ashley Motor Ct. (1961) 10 N.Y.2d 151, 218 N.Y.S.2d 640, 176 N.E.2d 566.)
 - s. Churchill v. Rafferty, 32 Phil. Rpt. 580, 609, (Phil. 1915), appeal dismissed, 248 U.S. 591 (1918).
 - t. General Outdoor Advertising. Co. v. Department of Public Works, 193 N.E. 799 (Mass. 1935), appeal dismissed, 297 U.S. 725 (1936).
 - u. Metromedia, Inc. v. City of Pasadena, 216 Cal. App. 2d270 (1963).
 - v. Modjeska Sign Studios. Inc. v. Berle, 55 A.D. 2d340 (1977).

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1. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):

This proposal includes amendments to the City of Yakima's Urban Area Zoning Ordinance amending Yakima Municipal Code (YMC) Ch. 15.08 Signs to further regulate the impacts of both billboards and digital signs through one or more of the following recommended methodologies:

2. Billboards:

- a. Adopt a specific definition of billboards as follows:

"Billboard" means any sign face, the primary purpose of which is to lease, rent, let or otherwise allow sign space for a fee or other form of compensation to the underlying property owner or tenant, and to the sign face owner. Billboards primarily advertise, identify or promote off-premise businesses, products, services, organizations and entities. Billboards may occasionally provide ad space on a pro bono basis, and may, on a paid basis to the property owner or tenant, advertise products or services that are minimally and/or coincidentally available on the site; or

- b. Prohibit installation of any new billboards city-wide;
- c. Allow existing legally installed billboards to be retained as legal non-conforming structures in all areas of the city, except along North 1st Street to within 660 feet of the highway interchange; or
- d. Create a sign overlay district along North 1st Street. All billboards within the North 1st Street overlay except those lying within 660 feet of the highway interchange (the area subject to the Highway Beautification Act) shall be removed after an amortization period of five years. The amortization period shall begin upon notice to the property owner.
- e. Amend Title 15.08 to ban off-premise signage other than off-premise directional signage.

3. Digital Signs:

Limit digital signs to:

- a. A defined brightness level that most closely resembles brightness of non-digital illuminated signs. (Demonstration may help determine this)
- b. Completely static except for timed message change
- c. Message change to occur through quick fade rather than instantaneous appear mode.
- d. One digital sign per premise
- e. 33 square feet max. size
- f. More intense commercial & industrial zones only. In less intense zones (i.e. B-1, SCC) and residential zones, limit digital to monochrome display with dark background.
- g. Along No. 1st Street, allow digital in lieu of outdoor temporary signs.

Due to the fact that the City of Yakima Planning Commission is still in the process of deliberating on the above options, a draft ordinance has not yet been prepared (the final draft ordinance will be prepared and made available to the public no later than February 12, 2014, located at the following web address:

<http://www.yakimawa.gov/services/planning/billboard-digital-sign-moratoriums/>. However, the City of Yakima Planning Division has prepared a memorandum to the Planning Commission detailing the economic, socio-economic, and aesthetic effects, that billboards and digital signs have upon the City of Yakima's built environment. (See attached memorandum for more information).

10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain: None pending the City of Yakima has imposed a moratorium on both billboards, and digital signs.

11. List any government approvals or permits that will be needed for your proposal, if known: SEPA determination, City of Yakima Planning Commission Public Hearing, and City Council Approval.

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12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. City limits.

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
1. Earth	<p style="text-align: center;">RECEIVED JAN 28 2014 CITY OF YAKIMA PLANNING DIV.</p>
a. General description of the site (✓ one):	
<input type="checkbox"/> flat <input type="checkbox"/> rolling <input type="checkbox"/> hilly <input type="checkbox"/> steep slopes <input type="checkbox"/> mountainous <input type="checkbox"/> other	
b. What is the steepest slope on the site (approximate percent slope)? N/A.	
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington</u>	
d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. See United States Department of Agriculture Soil Conservation Service <u>Soil Survey of Yakima County Area Washington</u>	
e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. None	
f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. N/A	
g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A	
h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A	
2. Air	
a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. N/A.	

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
<p>b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. N/A.</p>	<p style="text-align: center;">RECEIVED JAN 28 2014 CITY OF YAKIMA PLANNING DIV.</p>
<p>c. Proposed measures to reduce or control emissions or other impacts to air, if any: N/A</p>	
<p>3. Water</p>	
<p>a. Surface:</p>	
<p>1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. N/A</p>	
<p>2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A</p>	
<p>3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A</p>	
<p>4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No</p>	
<p>5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A</p>	
<p>6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. N/A</p>	
<p>b. Ground:</p>	
<p>1. Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. N/A</p>	
<p>2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A</p>	
<p>c. Water Runoff (including stormwater):</p>	

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

Space Reserved for
Agency Comments

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
N/A

2. Could waste materials enter ground or surface waters? If so, generally describe.
N/A

3. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
N/A

4. Plants:

a. Check (✓) types of vegetation found on the site:

Deciduous Tree:	<input checked="" type="checkbox"/> Alder	<input checked="" type="checkbox"/> Maple	<input checked="" type="checkbox"/> Aspen	<input type="checkbox"/> Other
Evergreen Green:	<input checked="" type="checkbox"/> Fir	<input checked="" type="checkbox"/> Cedar	<input checked="" type="checkbox"/> Pine	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Shrubs	<input checked="" type="checkbox"/> Grass	<input checked="" type="checkbox"/> Pasture Crop Or Grain	<input type="checkbox"/> Other

Other Types Of Vegetation:

b. What kind and amount of vegetation will be removed or altered?
None

c. List threatened or endangered species known to be on or near the site.
There are minor amounts of threatened or endangered species know to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered none-project.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
N/A

5. Animals:

a. Check (✓) any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds:	<input checked="" type="checkbox"/> Hawk	<input checked="" type="checkbox"/> Heron	<input checked="" type="checkbox"/> Eagle	<input checked="" type="checkbox"/> Songbirds	<input type="checkbox"/> Other	
Mammals:	<input type="checkbox"/> Deer	<input type="checkbox"/> Bear	<input type="checkbox"/> Elk	<input checked="" type="checkbox"/> Beaver	<input type="checkbox"/> Other	
Fish:	<input checked="" type="checkbox"/> Bass	<input checked="" type="checkbox"/> Salmon	<input checked="" type="checkbox"/> Trout	<input type="checkbox"/> Herring	<input type="checkbox"/> Shellfish	<input type="checkbox"/> Other

b. List any threatened or endangered species known to be on or near the site.
There are minor amounts of threatened or endangered species know to live in or around the city limits of Yakima, however this proposal does not involve any change to the land or habitat, and is considered none-project.

c. Is the site part of a migration route? If so, explain.
Migratory birds may utilize property within the City limits; however this proposal does not involve any change to the land or habitat, and is considered none-project.

d. Proposed measures to preserve or enhance wildlife, if any:
N/A

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
N/A

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)

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- b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**
This proposal is considered non-project, not having a direct impact to a given property. In the event that the City's sign regulations limit the amount of signage a subject property can have, it could result in a reduced amount of shade and increased opportunity for solar use.
- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**
N/A

7. Environmental Health

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.**
N/A

1. **Describe special emergency services that might be required.**
N/A

2. **Proposed measures to reduce or control environmental health hazards, if any:**
N/A

b. Noise

1. **What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)?**
N/A

2. **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**
N/A

3. **Proposed measures to reduce or control noise impacts, if any:**
N/A

8. Land and Shoreline Use

a. **What is the current use of the site and adjacent properties?** N/A

b. **Has the site been used for agriculture? If so, describe.**
Many of the properties within the City of Yakima have been used for agriculture purposes in the past.

c. **Describe any structures on the site.**
N/A

d. **Will any structures be demolished? If so, what?**
N/A

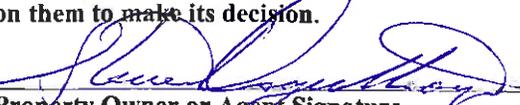
e. **What is the current zoning classification of the site?** The current zoning classifications which are directly affected by amendments to digital signs are: SR, R-1, R-2, R-3, B-1, B-2, HB, SCC, LCC, AS, GC, CBD, RD, and M-1. The zoning classifications which are directly affected by billboards are: B-2, SCC, LCC, CBD, GC, AS, RD, M-1, and M-2 (other zoning districts not mentioned may be indirectly impacted).

f. **What is the current comprehensive plan designation of the site?** The Comprehensive Plan designations within the City of Yakima area as follows: Low Density Residential, Medium Density Residential, High Density Residential, Professional Office,

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B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments
<p>Neighborhood Commercial, Community Commercial, General Commercial, Regional Commercial, CBD Core Commercial, and Industrial.</p>	
<p>g. If applicable, what is the current shoreline master program designation of the site? N/A</p>	
<p>h. Has any part of the site been classified as an "environmentally sensitive" area? If so specify. N/A – Non-Project Action</p>	
<p>i. Approximately how many people would reside or work in the completed project? N/A</p>	
<p>j. Approximately how many people would the completed project displace? N/A</p>	
<p>k. Proposed measures to avoid or reduce displacement impacts, if any. N/A</p>	<p>RECEIVED</p> <p>JAN 28 2014</p> <p>CITY OF YAKIMA PLANNING DIV.</p>
<p>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: The existing proposal will modify the above mentioned City of Yakima regulations and land use plans.</p>	
<p>9. Housing</p>	
<p>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A</p>	
<p>b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A</p>	
<p>c. Proposed measures to reduce or control housing impacts, if any: N/A</p>	
<p>10. Aesthetics</p>	
<p>a. What is the tallest height of any proposed structures, not including antennas; what are the principal exterior building materials proposed? The tallest sign height allowed by the City of Yakima's zoning ordinance is between 40 and 70 feet tall for free standing signs, or top of wall to which attached for wall signs. The proposed amendments would potentially lessen the amount of these sign structures.</p>	
<p>b. What views in the immediate vicinity would be altered or obstructed? As this proposal is non-project, the proposed ordinance will not directly alter specific views within the City of Yakima. However, the majority of the suggested ordinance amendment options have the potential to reduce the amount, size, light emission, and other impacts associated with digital signs and billboards resulting in improved view sheds, and aesthetics within the City.</p>	
<p>c. Proposed measures to reduce or control aesthetic impacts, if any: All of the suggested ordinance amendment options have the potential to reduce the amount, size, light emission, and other impacts associated with digital signs and billboards resulting in improved view sheds within the City</p>	
<p>11. Light and Glare</p>	
<p>a. What type of light or glare will the proposal produce? What time of day would it mainly occur? None, however the various ordinance options do suggest regulation of light intensity, duration of message, etc. of both billboards and digital signs. The light and glare reduction measures would mainly be seen at night.</p>	
<p>b. Could light or glare from the finished project be a safety hazard or interfere with views? No, the proposed amendments are intended to improve safety by minimizing known distractions associated with digital signs.</p>	

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments	
<p>c. What existing off-site sources of light or glare may affect your proposal? None</p>	<p>RECEIVED</p> <p>JAN 28 2014</p> <p>CITY OF YAKIMA PLANNING DIV.</p>	
<p>d. Proposed measures to reduce or control light and glare impacts, if any: Light and glare effects caused by new signs approved as a result of this proposal would remain the same or be reduced in intensity, duration, and/or number. Light and glare problems are expected to increase if the proposed amendments are not adopted.</p>		
12. Recreation		
<p>a. What designated and informal recreational opportunities are in the immediate vicinity? N/A</p>		
<p>b. Would the proposed project displace any existing recreational uses? If so, describe. N/A</p>		
<p>c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A</p>		
13. Historic and Cultural Preservation		
<p>a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. N/A</p>		
<p>b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural important known to be on or next to the site. N/A</p>		
<p>c. Proposed measures to reduce or control impacts, if any: N/A</p>		
14. Transportation		
<p>a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. N/A</p>		
<p>b. Is site currently serviced by public transit? If not, what is the approximate distance to the nearest transit stop? N/A</p>		
<p>c. How many parking spaces would the completed project have? N/A How many would the project eliminate? N/A</p>		
<p>d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). N/A</p>		

B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)	Space Reserved for Agency Comments	
<p>e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A</p>	<p>RECEIVED JAN 28 2014 CITY OF YAKIMA PLANNING DIV.</p>	
<p>f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. N/A</p>		
<p>g. Proposed measures to reduce or control transportation impacts, if any: The proposed regulation of digital signs are intended to reduce driver distractions and improve traffic safety.</p>		
<p>15. Public Services</p>		
<p>a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe: N/A</p>		
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed. N/A</p>		
<p>16. Utilities</p>		
<p>a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.</p>		
<p>b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed. N/A</p>		
<p>C. SIGNATURE (To be completed by the applicant.)</p>		
<p>The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.</p> <p>  1-28-14 Property Owner or Agent Signature Date Submitted </p>		
<p>PLEASE COMPLETE SECTION "D" ON THE NEXT PAGE IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW</p>		

D. SUPPLEMENT SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (DO NOT USE THE FOLLOWING FOR PROJECT ACTIONS)

Space Reserved For Agency Comments

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities that would likely result from the proposal and how it would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
 The proposed Zoning Ordinance change will not affect how land uses discharge to water, emissions to the air, storage, or release of toxic or hazardous substances, or the production of noise.

Proposed measures to avoid or reduce such increases are:
 As the proposal will not increase any of the above environmental conditions, no measures to avoid or reduce these conditions have been proposed.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?
 The proposed zoning changes will not affect plants, animals, fish, or marine life as all the proposed changes will not change any existing environmental regulations.

a. Proposed measures to protect or conserve plants, animals, fish, or marine life are:
 As the proposal will not effect any of the above animal life, no measures to protect or conserve plant and animal life has been proposed.

3. How would the proposal be likely to deplete energy or natural resources?
 The proposed zoning amendments do not involve regulations dealing with energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:
 None proposed.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?
 The proposed zoning amendments do not propose any change to regulations for environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:
 None proposed.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?
 No change to land and shoreline uses are proposed.

Proposed measures to avoid or reduce shoreline and land use impacts are:
 None proposed

6. How would the proposal be likely to increase demands on transportation or public services and utilities?
 The proposed zoning changes would not be likely to increase demand on the transportation or public service system and utilities as the regulatory changes only address processing of various land use applications.

Proposed measures to reduce or respond to such demand(s) are:
 None proposed.

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 CITY OF YAKIMA
 PLANNING DIV.

D. SUPPLEMENT SHEET FOR NONPROJECT ACTIONS (To be completed by the applicant.) (DO NOT USE THE FOLLOWING FOR PROJECT ACTIONS)	Space Reserved For Agency Comments
<p>7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed zoning amendments will not conflict with any local, state, or federal laws, or requirements for the protection of the environment.</p>	

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JAN 28 2014

**CITY OF YAKIMA
PLANNING DIV.**

**Copy of Memo
to Planning
Commission
dated
01/29/2014**



COMMUNITY DEVELOPMENT DEPARTMENT
129 North Second Street, 2nd Floor, Yakima, Washington 98901
Phone (509) 575-6113 • Fax (509) 576-6576
www.yakimawa.gov

MEMORANDUM

TO: Planning Commission
FROM: Steve Osguthorpe, AICP, Community Development Director 
SUBJECT: Billboards & Digital Signs – Continued Discussion
Date: January 29, 2014

At the January 22 Planning Commission meeting, staff provided a list of tentative recommendations pertaining to digital signs. The list of recommendations is attached. We will discuss these more fully at our January 29 meeting and the Commission will provide recommendations to staff on drafting digital sign code language in preparation for a formal public hearing. I will also prepare a more detailed summary of the digital sign issue that reflects conversations we've had to date on this topic, and that addresses the staff's recommendations.

The Commission will complete discussion of digital signs on January 29 and also take up the topic of billboards to provide direction to staff on this issue as well. In preparation for that discussion, I have prepared the following summary report on billboards, with tentative recommendations on billboard regulation.

Differentiating Billboards from On-Premise Signs

The purpose of on-site signage is to identify the business or services available at the site on which the sign is located. On-premise signage is an essential and crucial component of local business. Billboards are different from on-premise signs in that billboards do not promote products or services available at the site on which they are located. Their primary purpose is to generate revenue by selling advertising space to off-site businesses, corporations, organizations and other entities. While billboards do advertise some local businesses, the majority of entities that advertise on billboards are located out of the city, out of the region and even out of the state or country. Moreover, the revenue generated by billboard ads likewise goes primarily to non-local corporations that own the billboards. Specifically, the revenue from billboards in Washington and/or Yakima go to Clear Channel, based in San Antonio, Texas; Lamar Advertising, based in Baton Rouge, Louisiana; CBS Outdoor Advertising, based in New York, New York; Metro Outdoor, based in Scottsdale, Arizona.

Costs to Local Government:

Billboards have been found to produce adverse impacts and costs at the local level, which are summarized as follows:

1. Reduced Property Values: A study conducted in Philadelphia in 2011 found that properties located within 500 feet of a billboard have a decreased real estate value of



\$30,826. Homes located further than 500 feet but within a census tract/community where billboards are present experience a decrease of \$947 for every billboard in that census tract¹.

2. Negative Socio-economic Indicators. The above-referenced study focused also on 20 major US cities, including those with non-strict billboard controls, and those with strict billboard controls, finding that (1) The median income for strict control cities is higher than that for non-strict cities; (2) The mean poverty rate for cities with stricter sign control is lower than for cities without strict sign controls; and (3) The mean home vacancy rate is lower for strict sign control cities.²

The presence of billboards is often an indicator of, or associated with, neighborhood instability, and that may reflect on Yakima, where over 90% of existing billboards are located in neighborhoods east of 16th Avenue.

3. No Tax Revenue to Local Government. In Washington State, billboards are considered personal property for tax purposes, so placing a billboard on property is no different than parking a car or other personal item on a piece of property. Like other forms of personal property, billboards generate no revenue to local coffers except as they promote local tax paying businesses. In Yakima, only 25% of billboard ads are for local tax-paying businesses, and only 12% of those are retail oriented. Under WAC 458-20-204, billboards are considered “outdoor advertising”, which is subject to B & O taxes on the gross income from the advertising services, but none of that revenue comes back to the local jurisdiction. Moreover, advertisers are not required to collect retail sales tax, except for any actual product purchased locally to manufacture the sign. Most sign components are manufactured elsewhere.
4. Minimal Return to local Economy. Unlike on-premise signage that identifies a local business, only 25% of billboard ads in Yakima promote businesses located within city limits. The balance of ad content included:
 - a. 27% of ads for non-local corporations, such as Anheuser Busch, Budweiser, MillerCoors, Coca-Cola, McDonald’s, Verizon, etc.
 - b. 25% of ads dedicated to alcohol and/or gambling. Most gambling ads were for casinos in Toppenish. (Toppenish bans billboards in its own community).
 - c. The balance of ads were public awareness ads, likely provided pro bono by the industry to fill billboards for which there was no demand for paying advertisers.
5. Litigation. The likelihood of litigation against the city increases in relation to both the number of billboards within a city and the city’s efforts to regulate billboards or to develop around existing billboards. The industry has filed lawsuits against the city of Seattle in 1980, 1997, and 2002, and against the City of Tacoma in 1997, 2007, and 2011. Lawsuits were largely based upon efforts to remove existing billboards and efforts to ban digital billboards. Outside of Washington State, an example comes from Los Angeles,

¹ Jonathan Snyder, Beyond Aesthetics: How Billboards Affect Economic Prosperity, December 2011, Funded by the Samuel S. Fels Fund.

² Ibid.

where CBS Outdoor sued the city for 2.3 million dollars over the loss of two billboards on a building demolished twelve years ago to make way for the Hollywood & Highland entertainment and shopping complex. Another example comes from Salt Lake City, where Reagan Sign Company filed a 1 million dollar lawsuit against the city claiming that the parking lot lights of a new hotel blocked visibility of one of Reagan's billboards. That comes even after the City required the relocation of the hotels sign to avoid blocking the billboards.

6. Required Compensation to Industry. Any billboard that may require removal to make way for new development can cost a city millions of dollars. A recent example comes from the City of Minneapolis, where the Minnesota DOT required removal of a digital billboard to facilitate a planned bridge project over the Mississippi River into St. Paul. The cost to have the billboard removed was 4.3 million dollars including the value of the structure, even though the same billboard structure was simply relocated to a site a short distance away. The industry charged not only the value of the billboard structure, but also projected lost revenue. Other costs to Minnesota included the cost of 3 million dollars to remove 4 conventional billboards (\$750,000 each), for a total of \$7.321 million dollars paid to Clear Channel from Minnesota's highway construction budget. These billboards were along State highways, but the same situation could affect road projects at the local level.
7. Inhibition on City Renewal Projects. Under the Highway Beautification Act, billboard operators are permitted to come onto the public highway right of way and clear-cut public trees to improve the visibility of their billboards. That could affect the City of Yakima's ability to enhance its entrance corridors. An example of this comes from Florida. In an effort to beautify a stretch of State Road 84, sabal palm trees were planted along the swales and median. This angered Clear Channel Communications Inc. which filed a complaint with the Florida Department of Transportation, stating that the organization that planted the trees would have to move 18 of the trees or see them destroyed. The trees were removed.

Billboard Regulations in Washington State

With revenues to local government low and potential costs high, 91 percent of Washington cities surveyed have chosen to ban installation of additional billboards within their jurisdictions. Cities surveyed are included in the attached spreadsheet, which includes 16 eastern Washington cities, and 31 western Washington cities. Regulatory approaches included outright bans on new billboards, outright bans on any form of off-premise signs, and allowance for new billboards only in exchange for removal of existing billboards. A few cities that yet allow some form of billboards have so restricted their size and location as to effectively ban them, such as Wenatchee, which limits billboards to 60 square feet at 30 feet tall, or 100 square feet at 8 feet tall. The only cities in the survey that still effectively allow billboards are Ellensburg, Grandview, Port Angels and Yakima. Among those cities, Grandview is the least restrictive (relying solely upon compliance with the building code) followed by Yakima that is less

restrictive than Ellensburg and Port Angeles in terms of the permitting process, allowed locations, and spacing between billboards (Yakima's spacing is 500 feet minimum compared to 1,000 foot minimum in Ellensburg and Port Angeles).

Billboard bans are currently supported by State level bans on digital signs along State highways and scenic byways. However, in response to local prohibitions, the billboard industry is focusing on the State legislature to lift the State ban so it can focus its efforts on local government. Legislation to this effect was introduced in both 2012 and 2013 under HB 1408 & SB 5304. The proposal failed in both years, but the same bills have been introduced this year, with no opportunity for public comment. If the legislation passes, it will remove the State's shield of protection, leaving local governments that choose to regulate or ban billboards along highways vulnerable to industry lawsuits. This should alarm local government because the propensity for lawsuits is high as evidenced by industry suits against Seattle, Tacoma, Los Angeles, Salt Lake City, and other jurisdictions choosing to limit billboards. The cost of fighting such litigation is beyond most cities' ability to pay and most simply give in. Most of these lawsuits were the result of trying to remove, regulate or develop around existing billboards.

Potential for Proliferation.

As stated above, Yakima's spacing allowances for billboards is less restrictive than all but one of the cities surveyed. When staff presented a map of Yakima's 500-foot spacing allowance at the December 11 workshop, it was asserted by those in the industry that such spacing could not occur because they couldn't sell enough ads to justify that amount of signage. An example from Rapid City, South Dakota demonstrates how this has occurred in other locations. With a population of approximately 70,000 (one third smaller than Yakima), Rapid City has 400 billboards throughout the city, and significantly more in the surrounding area. One industry alone has 204 signs in the area and many of these are clustered in short segments of highways. (See attached inventory for Epic Outdoor Advertising). For example, along I-90 at milepost 50, Epic has documented 12 signs within that one mile stretch.

It should be noted that minimally spaced billboards have already been installed along the western side of No. 1st Street in Yakima. It was suggested that this could not occur on the east side of No. 1st because of existing structures. That itself is not a limiting factor. Sign structures take only a few square feet of land and they are designed to conform to any needed configuration, including off-set faces and dogleg posts that allow projection over roof tops and maneuvering in tight spaces.



Derelict Conditions of Yakima's Billboards. There are growing numbers of billboards in Yakima that are derelict and intermittently abandoned. This is particularly evident on North 1st Street, where a number of high profile billboards characterize this entry corridor with tattered canvas and multiple layers of old peeling copy. These remain in this condition for extended periods of time until new copy is installed on an inexpensive thin canvas that is usually torn apart with the next major windstorm. They then hang in shreds that get wrapped around the sign structure or abutting fences and structures. These are typically public service or crime stopper ads that are likely installed pro bono as an interim means of using the sign structures.

This problem was brought to the attention of CBS Outdoor Representative Rob LaGrone during a PowerPoint presentation to the Council back in October 2013. Mr. LaGrone stated that the industry has representatives that regularly visit the area to correct such conditions, and he then had the problems identified in the October presentation corrected. However, in a short period of time, the signs went back to their tattered condition, leaving the City with the burden of having to chase these down as an enforcement action.

This then becomes one more challenge in the city's efforts to clean up North 1st Street. The signs create the appearance that neither the city nor property owners in this location care about the conditions of this corridor, and other problems related to this area such as prostitution and drugs continue. This is the classic "broken windows" syndrome identified by Bill Cook during a recent Planning Commission discussion of this topic. The broken windows theory is a criminological theory of the norm-setting and signaling effect of urban disorder and vandalism on additional crime and anti-social behavior. The theory states that maintaining and monitoring urban environments in a well-ordered condition may stop further vandalism and escalate into more serious crime.



Staff Tentative Recommendation on Billboards

Considering the potential costs and development impediments billboard bring to the local level, staff recommends the following:

1. Adopt a specific definition of billboards as follows:

“Billboard” means any sign face, the primary purpose of which is to lease, rent, let or otherwise allow sign space for a fee or other form of compensation to the underlying property owner or tenant, and to the sign face owner. Billboards primarily advertise, identify or promote off-premise businesses, products, services, organizations and entities. Billboards may occasionally provide ad space on a pro bono basis, and may, on a paid basis to the property owner or tenant, advertise products or services that are minimally and/or coincidentally available on the site.

2. Prohibit installation of any new billboards city-wide.
3. Allow existing legally installed billboards to be retained as legal non-conforming structures in all areas of the city, except along North 1st Street to within 660 feet of the highway interchange.
4. Create a sign overlay district along North 1st Street. All billboards within the North 1st Street overlay except those lying within 660 feet of the highway interchange (the area subject to the Highway Beautification Act) shall be removed after an amortization period of five years. The amortization period shall begin upon notice to the property owner.

Digital Signs

Staff's Tentative Recommendations

(January 22, 2014)

Limit digital signs to:

- a. A defined brightness level that most closely resembles brightness of non-digital illuminated signs. (Demonstration may help determine this)
- b. Completely static except for timed message change
- c. Message change to occur through quick fade rather than instantaneous appear mode.
- d. One digital sign per premise
- e. 33 square feet max. size
- f. More intense commercial & industrial zones only. In less intense zones (i.e. B-1, SCC) and residential zones, limit digital to monochrome display with dark background.
- g. Along No. 1st Street, allow digital in lieu of outdoor temporary signs.

Billboard / Digital Sign - Regulations in Washington Cities

City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-Premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Ellensburg	✓ TC zone only, CUP required, 288 sq ft max					One digital sign per frontage. 3 sq ft max. 64 sq.ft. max for public use. 1-second rule applies 10-seconds pause for entire message		
Grandview	✓							
Kennewick		✓	✓					✓ Must meet size, area, height and electrical requirements by specified date
Moses Lake		✓				50 sq ft max size. Illumination limit - 8,000 nits daytime, 1000 nits nighttime 10-second rule No white background		
Pasco			✓ (with exceptions for directional signs)					
Pullman			✓					
Richland		✓	✓					
Selah		✓	✓					
Spokane			✓			Illumination limit - 3 foot-candles 2-second rule applies Limited to 50% of allowable signage Prohibited in CBD zone		
Spokane Valley		✓	✓					
Sunnyside	Totally discretionary with no guaranteed right 200 sq ft max Prohibited along designated entryways		✓ (with very limited exceptions)					✓

Eastern Washington

City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboard	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Eastern Washington	Toppenish	✓				Allows digital only if no more than 40% of sign face No moving images, 5000 nits day, 500 nits night		
	Union Gap	✓	✓					
	Walla Walla	✓	✓		✓ (No changing message centers)	Allows electronic text only		
	Wenatchee	✓ Limited to 60 sq ft @ 30 feet tall or 100 sq ft @ 8 ft tall.	(Effectively)					
	Yakima	✓ M1, M2, CBD, GC and RD zones 35 ft. tall, 500 ft spacing						
	Auburn	✓				Illumination limit - 8,000 nits daytime, 500 nits nighttime 1 5 second rule applies, 5 second scroll allowed		
	Bellevue	✓			✓ (Allowed for non-commercial use only)	4 minute rule applies 8 hour rule applies No motion or animation Limited to text only		✓
	Bellingham			✓	✓			
	Bothell	✓						
	Bremerton	✓		✓				✓
Western Washington	Burien	✓	✓	✓		Limited to 50% area of free-standing sign		✓ (90 days)
	Centralia	✓						
	Des Moines		✓			Illumination limit - 5,000 nits daytime, 500 nits nighttime 2-second rule applies No animation		

City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Everett	✓ 20 ft. above street grade, 1000' separation, subject to removal clause			✓ Requires removal of any billboard owned by that company, and remove/conform when sold	✓			
Federal Way		✓	✓					
Fife			✓					
Gig Harbor			✓		✓			
Kent				✓	✓ (prohibition applies to off-premise only)			
Lacey			✓		✓			
Lakewood		✓	✓					✓
Marysville		✓				No animation 20 second rule applies 30% of sign area max. Dimming mechanism required		
Mill Creek			✓					
Olympia		✓	✓			(3 minute rule (very limited) 30 second rule applies		
Port Angeles	✓ CA and Industrial Zones only 1000 ft spacing							
Port Orchard		✓	✓		✓ (billboards)			✓
Poulsbo		✓	✓					
Puyallup		✓				2 second rule applies		
Renton			✓					

City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Sea Tac		✓	✓			Illumination limit - 8,000 nits daytime, 500 nits nighttime. 1.5-second rule applies. Requires dark background		✓
Seattle	✓ (subject to removal clause)	✓ (except under removal clause)	✓ (within 660 feet of highways)	✓	✓ (billboards)	2 second rule, with 20 second pause.		
Sequim		✓	✓					
Shelton		✓	✓		✓ (except for 10-acre shopping center)			
Shoreline		✓	✓			20-second rule applies. No moving messages		✓
Tacoma	✓ (subject to removal clause)	✓ (except under removal clause)	✓	✓		4 / 8 second rule applies. Illumination limit - 8,000 nits daytime, 1000 nits nighttime. Requires ambient light monitor		
Vancouver		✓	✓		✓ (Allowed only in Public/Institution Zone)	32 sq. ft. max. Single color only (warm tone). 4 second rule applies.		
Woodinville		✓	✓					

Western Washington

Legend - Cities highlighted in yellow are those that permit the typical billboard without any requirements for mitigation (e.g., no requirements to remove existing billboards to allow new billboards), and without limiting factors such as the fully-discretionary, no guarantee provisions of Sunnyside.

Of those jurisdictions that allow billboards, Yakima and Grandview are the least restrictive in terms of required spacing, lack of illumination restrictions, and the number of zones in which billboards are permitted.

Epic Outdoor Advertising

Billboard Report

Area Name	Description	Mile Marker	Direction	Size	Expiration	Illuminated	Price	Special Price
Digital Billboards	The GAP	1700	Eastbound - LHR	10.00 x 18.00	06/01/2013	Yes	\$0.00	
Digital Billboards	The GAP	1700	Westbound - RHR	10.00 x 18.00	06/01/2013	Yes	\$0.00	
Rapid City Area - Metro	Ellsworth AFB Main Gate	0	Westbound - LHR	10.00 x 22.00	01/01/2014	No	\$475.00	
Rapid City Area - Metro	Ellsworth AFB Main Gate	0	Eastbound - RHR	10.00 x 22.00	11/15/2013	No	\$475.00	
Rapid City Area - Metro	Hwy 79 Overpass	2650	Northbound - RHR	10.00 x 36.00	06/01/2014	Yes	\$650.00	
Rapid City Area - Metro	Hwy 79 Overpass	2650	Southbound - LHR	10.00 x 36.00	04/01/2014	Yes	\$600.00	
Rapid City Area - Metro	Elk Vale #2	2	Southbound - LHR	14.00 x 48.00	07/01/2014	No	\$650.00	
Rapid City Area - Metro	Elk Vale & Exit 61	1	Southbound - LHR	14.00 x 48.00	04/01/2014	Yes	\$750.00	
Rapid City Area - Metro	Elk Vale & Exit 61	1	Northbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$750.00	
Rapid City Area - Metro	West Chicago	2710	Westbound - RHR	10.00 x 36.00	02/15/2014	Yes	\$400.00	
Rapid City Area - Metro	West Chicago	2710	Eastbound - LHR	10.00 x 36.00	01/15/2014	Yes	\$400.00	
Rapid City Area - Metro	Elk Vale #2	2	Northbound - RHR	14.00 x 48.00	02/01/2014	No	\$650.00	
Rapid City Area - Metro	Elk Vale #3	3	Northbound - RHR	14.00 x 48.00	05/01/2014	No	\$650.00	
Rapid City Area - Metro	Elk Vale #3	3	Southbound - LHR	14.00 x 48.00	06/15/2014	No	\$650.00	
Rapid City Area - Metro	E St. Patrick St Next to Valley Sports Bar	2660	Eastbound - LHR	12.00 x 32.00	11/01/2013	Yes	\$450.00	
Sturgis Area	I90 Sturgis	29	Westbound - LHR	10.00 x 36.00	02/01/2014	Yes	\$400.00	
Rapid City Area - Metro	E St. Patrick St Next to Keefer Sanitation	2510	Westbound - RHR	12.00 x 32.00	02/01/2014	Yes	\$450.00	
Rapid City Area - Metro	E St. Patrick St Next to Keefer Sanitation	2510	Eastbound - LHR	12.00 x 32.00	11/01/2013	Yes	\$400.00	
Rapid City Area - Metro	E St. Patrick St Next to Valley Sports Bar	2660	Westbound - RHR	12.00 x 32.00	05/01/2014	Yes	\$450.00	
Rapid City Area - Metro	E St. Patrick St Next to storage	2330	Westbound - RHR	12.00 x 32.00	10/01/2013	Yes	\$400.00	
Rapid City Area - Metro	E St. Patrick St Next to storage	2330	Eastbound - LHR	12.00 x 32.00	10/01/2013	Yes	\$400.00	
Rapid City Area - Metro	Elk Vale #4	4	Northbound - RHR	14.00 x 48.00	02/01/2014	No	\$650.00	
Rapid City Area - Metro	Elk Vale #4 2300	4	Southbound - LHR	14.00 x 48.00	04/01/2014	No	\$650.00	
Rapid City Area - Metro	E St Patrick St Poster	1	Westbound - RHR	10.00 x 22.00	12/01/2013	No	\$475.00	
Rapid City Area - Metro	E St Patrick St Poster	1	Eastbound - LHR	10.00 x 22.00	02/01/2014	No	\$475.00	
Sturgis Area	I90 Sturgis	28	Eastbound - RHR	10.00 x 36.00	06/01/2014	Yes	\$725.00	
Sturgis Area	I90 Sturgis	28	Westbound - LHR	10.00 x 36.00	06/01/2013	Yes	\$500.00	

Rapid City Area - Metro	E St Joseph St	320	Westbound - RHR	10.00 x 36.00	04/01/2014	Yes	\$500.00	
Rapid City Area - Metro	E St Joseph St	320	Eastbound - LHR	10.00 x 36.00	10/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Murdo	194	Westbound - RHR	14.00 x 40.00	09/15/2014	Yes	\$440.00	
Digital Billboards	E North St	0	Eastbound - LHR	10.00 x 18.00	01/01/2014	Yes	\$0.00	
Sturgis Area	I90 Sturgis	29	Eastbound - RHR	10.00 x 36.00	01/15/2014	Yes	\$600.00	
Sturgis Area	I90 Sturgis	29	Westbound - LHR	10.00 x 36.00	12/01/2014	Yes	\$500.00	
Sturgis Area	I90 Sturgis	29	Eastbound - RHR	10.00 x 36.00	01/15/2014	Yes	\$600.00	
Digital Billboards	Omaha St Digital	0	Westbound - RHR	10.00 x 18.00	05/01/2013	Yes	\$0.00	
Digital Billboards	Hwy 16 South Bear Counrty USA	58	Southbound - RHR	10.00 x 36.00	01/01/2014	Yes	\$0.00	
Digital Billboards	Hwy 16 South Bear Country USA	58	Northbound - LHR	10.00 x 36.00	01/01/2014	Yes	\$0.00	
Digital Billboards	St Patrick Street Digital	0	Westbound - LHR	10.00 x 18.00	05/01/2013	Yes	\$0.00	
Digital Billboards	St Patrick Street Digital	0	Eastbound - RHR	10.00 x 18.00	05/01/2013	Yes	\$0.00	
I-90 - East of Rapid City	I90 Kadoka	156	Westbound - RHR	14.00 x 40.00	03/01/2014	Yes	\$550.00	
I-90 - East of Rapid City	I90 Kadoka	153	Westbound - RHR	14.00 x 40.00	02/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Kadoka	149	Eastbound - RHR	14.00 x 40.00	03/01/2014	Yes	\$440.00	
I-90 - East of Rapid City	I90 Wall	109	Eastbound - LHR	14.00 x 48.00	06/15/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Wall	110	Eastbound - RHR	14.00 x 48.00	11/01/2016	Yes	\$700.00	
I-90 - East of Rapid City	I90 Wall	110	Westbound - LHR	14.00 x 48.00	04/01/2012	Yes	\$700.00	
I-90 - East of Rapld City	I90 Kadoka	141	Westbound - RHR	10.00 x 32.00	11/01/2014	No	\$400.00	
I-90 - East of Rapid City	I90 Kadoka	148	Eastbound - LHR	14.00 x 40.00	11/01/2013	Yes	\$400.00	
I-90 - East of Rapid City	I90 Wasta	99	Eastbound - LHR	14.00 x 48.00	02/01/2014	Yes	\$400.00	
Black Hills	Hwy 385 near Hwy 44	98	Northbound - RHR	10.00 x 32.00	06/01/2014	No	\$400.00	
Black Hills	Hwy 385 near Hwy 44	98	Southbound - LHR	10.00 x 32.00	04/01/2014	No	\$0.00	
I-90 - East of Rapid City	I90 Wasta	99	Westbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$750.00	
I-90 - East of Rapid City	I90 Wall	109	Westbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$700.00	
I-90 - East of Rapid City	I90 East	86	Westbound - RHR	10.00 x 20.00	11/15/2013	No	\$400.00	
I-90 - East of Rapid City	I90 East	89	Westbound - RHR	12.00 x 36.00	08/01/2014	No	\$450.00	
I-90 - East of Rapid City	I90 East	91	Westbound - RHR	10.00 x 32.00	11/15/2013	No	\$550.00	
I-90 - East of Rapid City	I90 East	75	Westbound - RHR	10.00 x 32.00	11/15/2014	No	\$400.00	
I-90 - East of Rapld City	I90 East	76	Westbound - RHR	4.00 x 8.00	06/01/2014	No	\$150.00	
I-90 - East of Rapid City	I90 East	80	Westbound - RHR	10.00 x 32.00	06/01/2014	No	\$500.00	
I-90 - East of Rapid City	I90 East	82	Westbound - RHR	4.00 x 8.00	07/01/2014	No	\$150.00	

I-90 - East of Rapid City	I90 East	82	Westbound - RHR	4.00 x 8.00	07/01/2014	No	\$150.00	
I-90 - East of Rapid City	I90 East	83	Eastbound - LHR	14.00 x 48.00	11/01/2016	No	\$350.00	
I-90 - East of Rapid City	I90 East	83	Westbound - RHR	14.00 x 48.00	03/01/2013	No	\$500.00	
Black Hills	Hwy 79 South of Rapid City	71	Southbound - LHR	16.00 x 36.00	11/15/2014	Yes	\$450.00	
I-90 - East of Rapid City	I90 East	74	Westbound - RHR	4.00 x 8.00	05/15/2014	No	\$175.00	
I-90 - East of Rapid City	I90 East	74	Westbound - RHR	4.00 x 8.00	05/15/2014	No	\$175.00	
I-90 - East of Rapid City	I90 East	74	Westbound - RHR	4.00 x 8.00	05/15/2014	No	\$175.00	
I-90 - East of Rapid City	I90 East	73	Westbound - RHR	4.00 x 8.00	06/01/2014	No	\$150.00	
I-90 - East of Rapid City	I90 Box Elder	64	Westbound - LHR	14.00 x 48.00	07/01/2014	Yes	\$700.00	
I-90 - East of Rapid City	I90 East	70	Westbound - RHR	10.00 x 32.00	06/01/2014	No	\$550.00	
Black Hills	Hwy 79 South of Rapid City	71	Northbound - RHR	16.00 x 36.00	11/15/2013	Yes	\$500.00	
Black Hills	Hwy 79 South of Rapid City	71	Southbound - LHR	16.00 x 36.00	07/01/2014	Yes	\$450.00	
Black Hills	Hwy 79 South of Rapid City	71	Northbound - RHR	16.00 x 36.00	11/15/2013	Yes	\$550.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	08/01/2012	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	08/01/2013	Yes	\$800.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	08/15/2013	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	01/01/2015	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	12/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	02/15/2014	Yes	\$900.00	
I-90 - East of Rapid City	I90 Box Elder	64	Eastbound - RHR	14.00 x 48.00	11/01/2016	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	01/05/2015	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	08/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	10/01/2013	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	62	Westbound - LHR	14.00 x 48.00	10/01/2014	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	10/01/2013	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Eastbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	63	Westbound - LHR	14.00 x 48.00	06/01/2015	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	62	Westbound - LHR	14.00 x 48.00	08/15/2014	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	62	Eastbound - RHR	14.00 x 48.00	03/01/2014	Yes	\$650.00	
I-90 - East of Rapid City	I90 Rapid City	62	Westbound - LHR	14.00 x 48.00	08/01/2014	Yes	\$900.00	
Nebraska	Hwy 385 & 20 Chadron	11	Southbound - RHR	10.00 x 32.00	09/15/2015	No	\$400.00	
Nebraska	Hwy 385 & 20 Chadron	10	Southbound - RHR	12.00 x 24.00	04/01/2014	No	\$200.00	

I-90 - East of Rapid City	I90 Rapid City	62	Eastbound - RHR	14.00 x 48.00	08/01/2014	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	62	Westbound - LHR	14.00 x 48.00	03/01/2014	Yes	\$900.00	
I-90 - East of Rapid City	I90 Rapid City	62	Eastbound - RHR	14.00 x 48.00	02/01/2015	Yes	\$500.00	
Nebraska	Hwy 385 & 20 Chadron	10	Northbound - LHR	12.00 x 24.00	11/15/2014	No	\$200.00	
I-90 - East of Rapid City	I90 Rapid City	62	Eastbound - RHR	14.00 x 48.00	07/01/2013	Yes	\$500.00	
I-90 - East of Rapid City	I90 Rapid City	62	Westbound - LHR	14.00 x 48.00	06/01/2014	Yes	\$1,000.00	
I-90 - East of Rapid City	I90 Rapid City	62	Eastbound - RHR	14.00 x 48.00	04/01/2014	Yes	\$500.00	
Nebraska	Hwy 385 Chadron	12	Northbound - RHR	12.00 x 32.00	04/01/2014	Yes	\$350.00	
Nebraska	Hwy 59 & 87 Alliance	14	Northbound - RHR	12.00 x 24.00	11/15/2013	No	\$200.00	
Nebraska	Hwy 2 Alliance	15	Westbound - LHR	12.00 x 24.00	11/15/2013	No	\$200.00	
Nebraska	Hwy 59 & 87 Alliance	14	Southbound - LHR	12.00 x 24.00	11/15/2013	No	\$200.00	
Nebraska	Hwy 2 Alliance	13	Westbound - RHR	12.00 x 24.00	06/15/2015	No	\$180.00	
Nebraska	Hwy 2 Alliance	13	Eastbound - LHR	12.00 x 24.00	11/15/2014	No	\$200.00	
Nebraska	Hwy 2 Alliance	15	Eastbound - RHR	12.00 x 24.00	11/15/2013	No	\$200.00	
Sturgis Area	I90 Sturgis	33	Eastbound - RHR	14.00 x 48.00	07/01/2013	Yes	\$650.00	
Sturgis Area	I90 Sturgis	33	Westbound - LHR	14.00 x 48.00	04/01/2013	Yes	\$800.00	
Sturgis Area	I90 Sturgis	32	Westbound - RHR	10.00 x 36.00	02/01/2014	Yes	\$950.00	
Sturgis Area	I90 Sturgis	32	Eastbound - LHR	10.00 x 36.00	03/01/2014	Yes	\$500.00	
Sturgis Area	I90 Sturgis	30	Westbound - LHR	10.00 x 36.00	08/01/2014	Yes	\$600.00	
Sturgis Area	I90 Sturgis	30	Eastbound - RHR	10.00 x 36.00	06/01/2013	Yes	\$600.00	
Sturgis Area	I90 Sturgis	42	Westbound - RHR	14.00 x 48.00	09/15/2013	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	42	Eastbound - LHR	14.00 x 48.00	07/01/2013	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	42	Eastbound - LHR	14.00 x 48.00	05/01/2014	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	43	Eastbound - LHR	14.00 x 48.00	07/01/2014	Yes	\$650.00	
Sturgis Area	I90 Sturgis	43	Westbound - RHR	14.00 x 48.00	04/01/2013	Yes	\$650.00	
Sturgis Area	I90 Sturgis	42	Westbound - RHR	14.00 x 48.00	04/15/2013	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	42	Eastbound - LHR	14.00 x 48.00	03/01/2013	Yes	\$700.00	
Sturgis Area	I90 Sturgis	42	Westbound - RHR	14.00 x 48.00	09/01/2013	Yes	\$650.00	
Sturgis Area	I90 Sturgis	43	Westbound - RHR	14.00 x 48.00	12/01/2014	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	43	Eastbound - LHR	14.00 x 48.00	03/01/2013	Yes	\$650.00	
I-90 - West of Rapid City	I90 Sturgis	43	Eastbound - LHR	14.00 x 48.00	02/01/2013	Yes	\$650.00	
Sturgis Area	I90 Sturgis	43	Westbound - RHR	14.00 x 48.00	07/01/2013	Yes	\$600.00	

I-90 - West of Rapid City	I90 Piedmont	43	Eastbound - RHR	10.00 x 32.00	10/01/2013	No	\$450.00	
Nebraska	Hwy 20 Chadron	13	Northbound - RHR	12.00 x 24.00	01/15/2015	No	\$300.00	
I-90 - West of Rapid City	I90 Rapid City	49	Westbound - LHR	14.00 x 48.00	07/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	49	Eastbound - RHR	14.00 x 48.00	02/15/2014	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	49	Westbound - LHR	14.00 x 48.00	11/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	49	Eastbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	02/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	09/01/2015	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	08/01/2014	Yes	\$700.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	01/05/2015	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	10/01/2013	Yes	\$700.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	06/01/2014	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	06/01/2015	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	11/01/2014	Yes	\$700.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	02/01/2015	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	03/01/2014	Yes	\$700.00	
I-90 - West of Rapid City	I90 Rapid City	50	Westbound - LHR	14.00 x 48.00	07/01/2014	Yes	\$700.00	
I-90 - West of Rapid City	I90 Rapid City	50	Eastbound - RHR	14.00 x 48.00	06/01/2013	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	54	Westbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	54	Eastbound - LHR	14.00 x 48.00	04/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	54	Westbound - RHR	14.00 x 48.00	07/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	54	Eastbound - LHR	14.00 x 48.00	04/15/2014	Yes	\$750.00	
I-90 - West of Rapid City	I90 Rapid City	55	Westbound - RHR	14.00 x 48.00	02/01/2014	Yes	\$725.00	
I-90 - West of Rapid City	I90 Rapid City	55	Eastbound - LHR	14.00 x 48.00	11/01/2014	Yes	\$800.00	
Digital Billboards	E North St	0	Westbound - RHR	10.00 x 18.00	01/01/2014	Yes	\$0.00	
Black Hills	Hwy 16A	58	Southbound - LHR	10.00 x 36.00	10/01/2014	No	\$600.00	
Black Hills	Hwy 16	56	Northbound - RHR	8.00 x 28.00	03/01/2014	No	\$380.00	
Black Hills	Hwy 16A	58	Northbound - RHR	10.00 x 36.00	12/15/2014	No	\$400.00	
Black Hills	Hwy 16A	58	Southbound - LHR	10.00 x 36.00	04/01/2014	No	\$550.00	
Black Hills	Hwy 16A	58	Northbound - RHR	10.00 x 36.00	03/01/2014	No	\$600.00	
Black Hills	Hwy 16A	58	Southbound - LHR	10.00 x 36.00	05/01/2014	No	\$600.00	
Black Hills	Hwy 16A	58	Northbound - RHR	10.00 x 36.00	05/15/2014	No	\$600.00	

Black Hills	Hwy 16A	58	Northbound - LHR	14.00 x 48.00	07/01/2014	No	\$550.00	
Black Hills	Hwy 16A	58	Northbound - RHR	10.00 x 36.00	11/15/2013	No	\$500.00	
Black Hills	Hwy 16A	58	Southbound - LHR	10.00 x 36.00	04/01/2014	No	\$600.00	
Black Hills	Hwy 16	48	Eastbound - LHR	10.00 x 36.00	05/15/2014	No	\$600.00	
Black Hills	Hwy 16	48	Westbound - RHR	10.00 x 36.00	03/15/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Eastbound - RHR	10.00 x 36.00	05/01/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Westbound - LHR	10.00 x 36.00	10/15/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Northbound - RHR	10.00 x 36.00	01/01/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Southbound - LHR	10.00 x 36.00	04/01/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Southbound - LHR	10.00 x 36.00	03/01/2014	No	\$600.00	
Black Hills	Hwy 16 BC	59	Northbound - RHR	10.00 x 36.00	06/01/2014	No	\$600.00	
Black Hills	Hwy 16 Fly T	61	Northbound - LHR	14.00 x 48.00	11/01/2014	Yes	\$650.00	
Black Hills	Hwy 16 Fly T	61	Southbound - RHR	14.00 x 48.00	05/15/2014	Yes	\$500.00	
Black Hills	Hwy 16	62	Northbound - LHR	14.00 x 48.00	01/01/2014	Yes	\$500.00	
Black Hills	Hwy 79 Oelrichs	61	Northbound - RHR	10.00 x 32.00	05/15/2014	No	\$300.00	
Rapid City Area - Metro	Hwy 44 Airport	53	Westbound - RHR	10.00 x 36.00	12/15/2014	No	\$400.00	
Rapid City Area - Metro	Hwy 44 Airport	53	Eastbound - LHR	10.00 x 36.00	11/15/2013	No	\$400.00	
Rapid City Area - Metro	Hwy 44 Airport	54	Eastbound - LHR	10.00 x 36.00	11/15/2013	No	\$400.00	
Rapid City Area - Metro	Hwy 44 Airport	54	Westbound - RHR	10.00 x 36.00	08/15/2014	No	\$400.00	
I-90 - West of Rapid City	I90 Rapid City	49	Eastbound - LHR	14.00 x 48.00	05/01/2013	Yes	\$800.00	
I-90 - West of Rapid City	I90 Rapid City	49	Westbound - RHR	14.00 x 48.00	11/15/2013	Yes	\$650.00	
I-90 - East of Rapid City	I90 Rapid City	61	Westbound - LHR	14.00 x 48.00	07/01/2013	Yes	\$700.00	
Rapid City Area - Metro	Jackson Blvd	2127	Westbound - LHR	10.00 x 22.00	08/01/2013	Yes	\$550.00	
Rapid City Area - Metro	Jackson Blvd	2127	Eastbound - RHR	10.00 x 22.00	05/01/2014	Yes	\$550.00	
Rapid City Area - Metro	Sturgis Rd	3435	Northbound - LHR	10.00 x 22.00	11/15/2013	Yes	\$475.00	
Rapid City Area - Metro	Sturgis Rd	3435	Southbound - RHR	10.00 x 22.00	10/15/2014	Yes	\$475.00	
Rapid City Area - Metro	W Main - End Jackson Blvd	1720	Northbound - RHR	10.00 x 36.00	01/15/2015	Yes	\$600.00	
Rapid City Area - Metro	Hwy 79 Storage	4130	Northbound - RHR	21.00 x 32.00	12/01/2014	Yes	\$500.00	
Rapid City Area - Metro	Hwy 79 Storage	4130	Southbound - LHR	21.00 x 32.00	05/15/2014	Yes	\$500.00	
Rapid City Area - Metro	Hwy 79 Storage	4120	Northbound - RHR	25.00 x 32.00	05/01/2014	Yes	\$450.00	
Rapid City Area - Metro	Hwy 79 Storage	4120	Southbound - LHR	25.00 x 32.00	06/01/2014	Yes	\$500.00	
Rapid City Area - Metro	Hwy 79 on ramp	0	Southbound - RHR	10.00 x 32.00	11/15/2013	Yes	\$500.00	

I-90 - East of Rapid City	I90 East	72	Westbound - RHR	10.00 x 32.00	12/15/2014	No	\$550.00	
Rapid City Area - Metro	E St. Joseph St Across from SDSMT	430	Westbound - RHR	10.00 x 32.00	02/01/2014	Yes	\$500.00	
Rapid City Area - Metro	E St. Joseph St Across from SDSMT	430	Eastbound - LHR	10.00 x 32.00	05/15/2014	Yes	\$500.00	
I-90 - East of Rapid City	I-90 Westbound Wood structure	88	Northbound - RHR	10.00 x 32.00	05/01/2013	No	\$450.00	
I-90 - West of Rapid City	I-90 West wood structure	54	Northbound - RHR	12.00 x 20.00	07/01/2012	No	\$400.00	
Rapid City Area - Metro	E. Main Street	310	Westbound - RHR	10.00 x 36.00	10/01/2013	Yes	\$500.00	
Rapid City Area - Metro	E. St. Joseph Street	310	Eastbound - LHR	10.00 x 36.00	10/15/2013	Yes	\$500.00	
I-90 - West of Rapid City	Summerset	48	Westbound - RHR	14.00 x 48.00	07/01/2013	Yes	\$750.00	
Rapid City Area - Metro	Summerset	48	Eastbound - LHR	14.00 x 48.00	08/01/2014	Yes	\$725.00	
Rapid City Area - Metro	Hwy 79 Ramp	0	Northbound - LHR	10.00 x 32.00	03/15/2014	Yes	\$350.00	
Rapid City Area - Metro	Cambell St	1	Northbound - RHR	10.00 x 36.00	02/01/2014	Yes	\$450.00	
Black Hills	14 West Mt Rushmore Rd/Custer	1	Northbound - RHR	10.00 x 36.00	07/01/2014	No	\$550.00	
Black Hills	14 West Mt Rushmore Rd/Custer	1	Westbound - LHR	10.00 x 36.00	07/01/2014	No	\$550.00	
Wyoming	Beulah Wyoming	204	Eastbound - RHR	14.00 x 48.00	06/01/2014	No	\$800.00	
Wyoming	Beulah Wyoming	204	Westbound - RHR	14.00 x 48.00	09/15/2014	No	\$800.00	
Black Hills	Hermosa SD	0	Northbound - RHR	10.60 x 36.00	12/01/2013	No	\$450.00	
Black Hills	Hermosa SD	0	Eastbound - LHR	10.60 x 36.00	04/01/2014	No	\$450.00	

**First Report to
Yakima City
Council dated
09/09/2013**

Yakima Billboard Moratorium

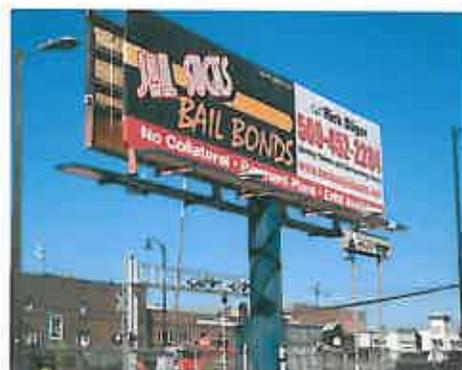
First Report to Yakima City Council

September 9, 2013

Background:

On April 2, 2013, the City of Yakima imposed a moratorium on the installation of any new off-premise signs and any digital signs 72 square feet or larger. This has more commonly been referred to as a billboard moratorium because it was the common billboard - digitized or otherwise - that the moratorium was intended to address. The moratorium was the result of a discussion city staff had with the Council over Yakima's built environment. Staff shared with Council a PowerPoint presentation on both the positive aspects of Yakima's built environment and the areas where the City has experience significant decline in both the visual and socio-economic quality of its commercial districts and neighborhoods. The presentation identified those features that contributed to the visual disarray and negative images of the City's major entry corridors, including Nob Hill Boulevard and North First Street. Billboards were cited as one of the more visually obtrusive features in these areas that could severely hamper the City's ability to revitalize neighborhoods.

And based upon the content of billboard ads, it was noted that they provided questionable benefit to the City of Yakima. Many were found to promote products or services that conveyed a negative image of the City, such as criminal wanted postings, "jail sucks" bail bonding services, and alcohol products at city entrances and in low income neighborhoods. Others were found to advertize services not located in the city of Yakima, such as a casino in Toppenish, a business in Ellensburg, and a ski resort in Canada.



Finally, it was shown that the physical condition of the billboards were often tattered and run down, contributing to a blighted image of Yakima's highly visual entry corridors.



The purpose of this report therefore is to provide additional information to the Yakima City Council that will serve as a basis for further discussion and policy development on this topic. Specifically, this report:

- a. Provides an inventory of existing billboards in Yakima, including their location and the content of their ads in terms local or non-local promotions.
- b. Describes the debate over billboard effects on economic development and revitalization efforts.
- c. Provides information on the affect of billboards on property values and local economies.
- d. Addresses the issue of traffic safety as it relates to billboards.
- e. Provides information on how other jurisdictions both regionally and nationally have chosen to regulate billboards.
- f. Describes how the billboard industry has affected policy on this topic at the local, state and national level, and the tactics the City of Yakima can expect the industry to take to affect any changes in local regulations of billboards.

A Comparison of Yakima Billboard Policies

At a local level, regulation of billboards should reflect city policy and align with Council objectives and strategies. The City Council has adopted policies with a strong focus on improving the built environment, cleaning up entry corridors, and improving the image of the City. It is therefore appropriate to consider how billboards contribute to or detract from the visual qualities of the city.

The City of Yakima is known for its pro-business policies, its economic growth focus, and its concern for individual property rights. In that regard, Yakima is not unlike other eastern Washington cities that lean toward more conservative policies on land use regulations. It is therefore significant that the cities of Union Gap, Kennewick, Pasco, Richland, Wenatchee, Spokane, Spokane Valley, Walla Walla, Wenatchee and Moses Lake, have chosen to ban new billboards in their communities. At first glance, this seems

contradictory to the conservative policies of eastern Washington. But a closer look reveals that this is not always a partisan issue. Many cities find that amenity provides a competitive edge in their economic development strategies. Even traditionally conservative cities like Houston and Salt Lake City (discussed below) believe that billboards impose significant liabilities to their development objectives. Other large cities banning new billboards include Seattle, Denver, Durham, San Diego, Little Rock, Raleigh, Durham, Jacksonville, and Kansas City. At a much broader level, Vermont, Alaska, Hawaii, and Maine have imposed statewide bans on billboards, finding that the aesthetic character of their landscape drives their state economies.

Not surprisingly, the billboard industry argues against such hard line policies, insisting that its product is essential for economic success and that it promotes community interests. A common industry claim is that (a) over 70% of billboard advertisers are local businesses; and (b) the billboard industry donates \$400 million in public service advertising each year.¹ Billboard opponents argue the opposite, claiming that billboards more commonly advertise national brands or out-of-state products, that most billboards are located in low-income, minority neighborhoods, and that billboards within those neighborhoods heavily advertise alcohol and other addictive products.

Yakima Billboard Inventory

It is therefore helpful to consider where billboards are located in Yakima and what products they actually do promote. An inventory conducted in the summer of 2013 found 119 billboards located within city limits on 69 structures. 84% of billboards in Yakima lie east of 16th Street in the cities lower income neighborhoods. 16% lie west of 16th Street, but 55% of those lie along Fruitvale Avenue, which is another area characterized by low income neighborhoods. (See attached map in Appendix "A")

The following table shows the content of Yakima billboard ads by category²:

Billboard Inventory in Yakima (as of July 2013)

Category	Number of ads	Percent of total adds
Local Business ³	47	30%
Non-Local Business ⁴	106	68%
Public Service ⁵	9	6%
Addictive Products ⁶	39	25%

¹ The Sign of The Times.org, FAQ's, Los Angeles Billboards, Q: What is the Impact of billboards on the economy?"; & Q: "What do billboard companies do to help the community?"

² Figures on the number of ads by category takes into account digital and tri-fold billboards that display multiple ads on single billboards.

³ Includes specific local businesses with city address; does not include ads for products sold by local businesses.

⁴ Includes businesses, corporations and organizations headquartered outside city limits.

⁵ Includes ads for social service, public awareness, "crimestopper", fire prevention, etc.

⁶ Includes alcohol products and gambling facilities.

Aesthetics & Public Opinion of Billboards

The industry makes few claims that billboards are intended to be attractive. Their principle purpose is to be dominantly visible to a large number of people. One commenter on the usefulness of billboard advertizing noted, "One of the advantages to having a billboard over a newspaper or magazine advertisement is that people cannot turn the page or throw out your billboard message. A radio or television advertisement can be turned off or ignored, where a billboard is constantly on and in areas where people are going to see it."⁷

Such advantages to advertisers are the windfall of public monies that paid for the roads from which billboards are viewed. (A billboard has no value unless it is seen from public ways). The question is whether the public is fairly compensated for subsidizing billboard advertising and whether any costs or benefits accrue to the public. It is difficult to quantify the aesthetic costs or benefits of billboards because it requires that a value be placed upon such things as a view of the landscape, or a view of a cityscape. But even the courts have not been shy about the aesthetic impacts billboards. In the landmark case *Metromedia v. the City of San Diego*, the court declared, "It is not speculative to recognize that billboards by their very nature, wherever located and however construed, can be perceived as an aesthetic harm".⁸

Surveys have been conducted to access public opinion on billboards with seemingly conflicting results. But the conflicts appear to be based on the types of questions asked and on who is conducting the survey. Some are conducted by "hired guns" of advocacy groups, while others are conducted by local jurisdictions trying to assess local opinion. Clearly, the Billboard industry likes to cite survey results that champion their cause. For example, an article published on the web by Vegas LED Screens – maker of digital billboard signs – states:

"An August poll found that 80 percent of U.S. adults believe digital billboards are useful to drivers in giving them important information, and nearly the same proportion disagree with attempts to ban billboards. The American public overwhelmingly supports digital billboards despite many municipalities' attempts to ban them, according to new research commissioned by the Outdoor Advertising Association of America (OAAA)."

Conversely, Scenic America, one of the strongest advocacy groups opposing billboards insists that public opinion polls finding that people actually like billboards are a myth, stating:

"Actually, the opposite is true. Reputable public opinion polls find that most Americans think billboards are ugly, intrusive, and uninformative. Not one reputable survey shows that people like billboards.

⁷ Arnold Anderson, eHow Contributor, www.eHow.com; "The Advantages of Advertizing on Billboards".

⁸ *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 510 (1981) (Hite, J.).

- By a 10 to 1 margin, Floridians favor reducing the number of billboards “Survey on Outdoor Advertising.” 1995.
- More than two-thirds of New Hampshire residents oppose billboards on highways “Public Attitudes Toward Billboards in New Hampshire.” 1994.
- 9 out of 10 Michigan residents feel the state has too many billboards “Questions commissioned by Michigan United Conservation Clubs.” 1997
- 69% of Missourians believe that fewer billboards would make their states more attractive. “Statewide Public Opinion Poll on Billboards.” 1994
- 81% of residents of Houston, TX favor their existing ordinance banning new billboard construction. “Assessing Public Opinion Regarding Billboards in the Houston Area.” 1996.”

Without reviewing the questions and methods of the surveys referenced by either Scenic America or the Billboard industry, it is difficult to access their level of objectivity. It is nonetheless clear that the results persuaded many local policy makers to enact laws banning or significantly limiting billboards. That may be the best expression of public opinion – at least local opinion - on the matter of billboard aesthetics.

Few large cities have taken a more firm position against billboards than Houston Texas, which is striking because Houston is the only major U.S. City with no zoning codes. Yet this “no-zones-about-it” pro-development city has expressed a “no bones about it” stance on eliminating billboards. Houston’s business community declared that “a city with trees and landscaping which bloom without being blocked by billboards was a more appealing place in which to do business than a city in which forests of billboards dotted the so-called landscape.” Houston recently won a long-running battle at the U.S. Supreme Court level to eliminate 59 billboards that had been installed without permits and in violation of the City’s billboard ban. City mayor, Annise Parker commented, “This is another major victory in the long-running battle to reduce visual blight. Sign control, an attractive urban streetscape and green space equal a formula designed not only to insure the quality of life for Houstonians but a recipe for economic success.”⁹

This has not been so easy for some cities, especially in those states where the billboard industry has successfully lobbied State legislatures to strip towns and cities of power to regulate billboards at the local level. That is currently the concern of Salt Lake City Mayor, Ralph Becker, who fears that state legislators (of whom only 4 out of 104 did not accept campaign financing from Utah-based Reagan Sign Company) may step in to further protect the billboard industry in the response to current City efforts to address the onslaught of digital billboards. This issue was recently addressed in an article published in *The Deseret News* titled, “*Good for business or bad for scenery? Salt Lake City renews battle with billboard industry*”¹⁰ The article highlighted the current debate over

⁹ Dennis Hathaway, “Are Billboards Good for Business? For One Major U.S. City, the Answer is An Emphatic NO”. <http://banbillboardblight.org>; October 24, 2010,

¹⁰ Page, J. (2013, April 13). Good for Business or bad for scenery? “Salt Lake City renews battle with billboard industry. *The Deseret News*, Retrieved from <http://www.deseretnews.com/article/865554037/Good-for-business-or-bad-for-scenery-Salt-Lake-City-renews-battle-with-billboard-industry.html?pg=all>

Salt Lake's efforts to regulate or ban electronic billboards. It is significant that in this highly conservative pro-business state, blog respondents came out 10 to 1 against the industry, claiming that Salt Lake City's otherwise beautiful setting has been marred by an onslaught of billboards. Equally telling is the response of a pro-business member of the Salt Lake City Council who stated, "A vote for billboards isn't necessarily a vote for business". He said, "My personal opinion is that business is good, but not all business is good. I'm not a fan of billboards".¹¹

Another city typically friendly to billboards but now in a billboard battle is Los Angeles, California. LA residents were outraged by recent conversions of static billboards to electronic billboards, claiming that the bright illumination of the ads created blight and reflected into their yards and homes. 100 billboards were allowed to be converted to digital when the city agreed to an illegal settlement with CBS and Clear Channel outdoor advertising in 2006. That deal was contrary to a municipal ordinance prohibiting "alterations or enlargement" of such signs. A Los Angeles Superior Court Judge ruled the permits invalid and ordered 77 of the signs to go dark. The California Supreme Court declined to hear the case, effectively ending the billboard companies' legal options and ending the city's 5-year legal battle over the signs.

Economic Impact of Billboards:

Economic Development & Property Value

The visual impact of billboards is not purely an aesthetic concern. As the examples above indicate, many communities have found that aesthetics are integrally linked to the economic wellbeing of the community and that billboards are at odds with these objectives. So as Vermont, Alaska, Hawaii and Maine have determined that their scenic landscapes drive their tourism economies; it is not surprising that resort communities across the nation have likewise banned billboards. Examples include Aspen, Vail and Boulder, Colorado; Park City, Utah; Martha's Vineyard, Massachusetts; Jackson Hole, Wyoming; Sun Valley, Idaho, as well as Palm Springs, California. Visitors to the "Palm Springs of Washington" might therefore be surprised to be welcomed through billboard medium.

But the attested benefit of banning billboards goes beyond tourism objectives. Madeleine Appel, deputy director of the Houston city controller's office commented, "The business community seems to have bought into the scenic community's belief that one of the things that makes Houston a good place to live, work and create businesses is the aesthetic environment-which, in part, means less billboard clutter and more green".¹² Clark Martinson, general manager of Houston's Energy Corridor



¹¹ ibid

¹² ibid

District said, "The 1980 ban on new billboards and the resulting significant reduction in billboard numbers, through redevelopment and attrition, has had no negative effects on economic development and property values in Houston."¹³

Support for Houston's ban comes from two of the city's largest developers – Gerald Hines and Kenneth Schnitzer. In 1984 Schnitzer sent 500 letters to civic and trade organizations trying to raise support for legislation aimed at "visual pollution" in Houston. Schnitzer is on the advisory board of Billboards Limited, a local anti-billboard group. "Damn it, we've got to clean this city up," Schnitzer once said in explaining why he supports such controls.

Clearly, economies have not folded in Houston or other cities and states that have enacted tough billboard laws. But that is only one side of the coin. We should also consider whether billboards can in fact enhance the economies of cities that allow them. Most studies have focused on the economic gain to properties on which billboards are placed. But until recently, few studies have examined the impacts on properties within the vicinity of billboards, or the broader relationship between billboard controls and the economic condition of cities within the United States. These relationships were more recently addressed in a study conducted by Jonathan Snyder out of Philadelphia, Pennsylvania. Snyder published his study in a paper titled, "Beyond Aesthetics: How Billboards Affect Economic Prosperity".¹⁴ Snyder's study focused on 20 major US cities, including those with non-strict billboard controls, and those with strict billboard controls. He found that (1) The median income for strict control cities is higher than that for not-strict cities; (2) The mean poverty rate for cities with stricter sign control is lower than for cities without strict sign controls; and (3) The mean home vacancy rate is lower for strict sign control cities.

Snyder also studied the impact that billboards have on Philadelphia properties within the vicinity of billboards. He found that properties located within 500 feet of a billboard have a decreased real estate value of \$30,826. Homes located further than 500 feet but within a census tract/community where billboards are present experience a decrease of \$947 for every billboard in that census tract. His essential finding for Philadelphia was that billboards have negative financial and economic impacts.

A specific example of billboard interests thwarting economic development activities comes again from Salt Lake City, where city officials have been battling billboard corporations in Salt Lake's redevelopment efforts. Salt Lake passed a nine-month moratorium on billboards last April. The follow excerpt is from an article published in High Country News based upon an interview with Salt Lake's senior land use planner Doug Dansie. The author writes:

"On busy 600 South, a primary gateway from I-15 into downtown . . . Reagan Outdoor Advertising has a large billboard next to one of the newer motels, a

¹³ Hathaway, IBID

¹⁴ Jonathan Snyder, Beyond Aesthetics: How Billboards Affect Economic Prosperity, December 2011, Funded by the Samuel S. Fels Fund.

Marriott Springhill Suites. When the city approved the motel, Reagan Outdoor complained that the motel's sign would block its billboard and wanted permission to raise its billboard to be 85 feet tall. The city decided instead to have the motel change the location of its sign. Then Reagan complained that the light poles in the motel parking lot blocked views of the billboard and reportedly wanted more than \$1 million in compensation. (That dispute is still unresolved.) On his downtown billboards tour, Dansie points to another billboard site where, he says, zoning laws permit a 375-foot-tall office building. The combination of a billboard easement and the law against blocking views of billboards is keeping that lot occupied only by a one-story strip mall, however. Other downtown billboards are similar obstacles to downtown renewal, Dansie says: "The reality is, the outdoor advertising industry is suppressing development."¹⁵

Industry responses to such complaints are mostly formulaic. To its own hypothetical question, "What is the impact of billboards on the economy?" the outdoor advertising industry gave its familiar 70%-local-business doomsday response to its Los Angeles readers, claiming,

"More than 70 percent of billboard advertisers are local businesses, and in Los Angeles, there are more than 6,000 businesses using billboards. These businesses employ over 175,000 people. Outdoor advertising is highly effective at increasing sales. Recent studies have shown that businesses that use billboards would lose up to 20 percent of their business without access to billboards. (Taylor & Franke, *Journal of Advertising Research* (2003), Cambridge University Press)."¹⁶

The above response seems to contradict other available figures on this topic. The Outdoor Advertising Association of America (OAAA) has purportedly stated that the top three companies advertising on billboards as of 2009 were McDonald's, Verizon Long Distance, and Pepsi, with a large number of wireless phone companies, movie companies, car manufacturers and banks also being high on the list.¹⁷ Though the source of that information is not confirmed, it more closely reflects Yakima's billboard inventory figures showing that nearly 70% of billboard ads in Yakima are for *non-local* businesses, which is exactly the opposite of industry claims.

Taxation of Billboards:

A final issue regarding billboard economics is the method by which billboards are taxed. In terms of tax revenue, billboards are considered personal property in Washington State for purposes of property taxation. The industry's justification of this, which apparently was persuasive to lawmakers, is that billboards do not belong to the underlying property owner. The land is simply being leased and the billboard can be removed and used elsewhere. This departs significantly from taxation laws on other structures permanently

¹⁵ Ray Ring, High Country News, Bozeman Montana, [Billboard Companies Use Money and Influence to Override Your Vote](#), January 23, 2012

¹⁶ The Sign of The Times.org, FAQ's, Los Angeles Billboards, Q: What is the Impact of Billboards on the Economy?"

¹⁷ Wikipedia, Billboards (non-referenced source)

affixed to the ground. For example, McDonald's will be leasing the underlying land for its planned restaurant in downtown Yakima, but will actually own the structure. Under the Billboard Industry's rationale, the McDonald's building should be considered personal rather than real property, since it is just as possible to relocate a building as it is to relocate a billboard (and perhaps more likely given the tenacity of the Industry to keep billboards in place!)



Bonnie Brae Mansion Relocation, South Carolina.¹⁸

While it's possible to relocate many types of structures, billboards are one of the few structure types with engineered footings and foundations that are not included in the improvement

value of land. This provides great advantage to billboard owners over the owners of other permanently affixed structures, particularly since it is the location – especially prime locations of high visibility – that gives value to billboards. But what is both ironic and damaging to local government is that prevailing law often requires them to be valued as real property for eminent domain purposes. Under the provisions of the American Highway Beautification Act (discussed below), this has had dramatic and dire effects on jurisdictions that wish to redevelop commercial areas or otherwise enhance their built environment.

The American Highway Beautification Act (HBA)

Problems associated with billboards and local redevelopment efforts have their roots in the American Highway Beautification Act (HBA). This law in particular should concern the City of Yakima as it plans to beautify through landscaping and other improvements its entry corridors near federal-aid highways. The act in its current state effectively punished local government for attempting to beautify areas near billboards that the City may have previously approved. The City should therefore carefully consider whether it wants to allow new billboards in areas that are subject to the protection of the act.

President Lyndon Johnson signed the Highway Beautification Act into law in 1965. Its intent was to protect the natural and scenic beauty of federal-aid highways by controlling billboards along rural, scenic and agricultural areas. The objectives of the act included elimination of existing billboards in rural areas by 1970, and prevention of further spread. However, through subsequent amendments championed by the billboard industry, the bill has become a principle driver of billboard proliferation. It has effectively eliminated traditional police power measures local governments once had to control billboards along

¹⁸ Picture source, Expert House Movers (EHM) <http://www.experthousemovers.com/bonnie-brae-mansion-relocated-for-commercial-expansion/>

highways that run through their own jurisdiction. Specifically, it prohibits amortization as a means of compensation to remove billboards within 660 feet of federal-aid highways. It instead requires local government to resort to eminent domain measures and forces full cash compensation for their removal. But even more crippling to local government is that compensation is not just for the value of the structure itself; it is for the value of the projected revenue the billboard would produce, and can further extend to the value of other billboards that may in some way be associated with the billboard being removed.

Such measures have abruptly halted the initial intent of the HBA to remove highway billboards, and have instead created a safe haven for the industry. As one commenter noted, "By 1982, so completely had the industry turned the Highway Beautification Act to its benefit that Vermont's Senator Robert Stafford (R-Vt.), one of the most tenacious of the billboard reformers, bitterly observed the law would be more aptly labeled the *Billboard Compensation and Protection Act*, and sought to repeal the 1965 law. Ironically, only the billboard industry sought to keep the law regulating signs on and near federal highways."¹⁹ This eventual redefinition of the HBA in favor of the billboard industry would likely be no surprise to Lyndon Johnson who, in a recorded 1968 phone conversation with then-U.S. Representative and future Speaker Jim Wright, let loose on the issue with his legendary bluntness. Legislation to strengthen the Highway Beautification Act, he asserted, was being blocked by "this damned billboard industry" – "selfish, eager hogs that won't even let folks sit down and reason with them."

This redefinition of the HBA has empowered the billboard industry with a two-edge sword. With one edge, it allows the industry to capitalize on public investment in highways; the other edge effectively renders local government powerless to clean up and redevelop public highways, as though the highways were purchased by and for the billboard industry. The industry's rationale for this is that billboards represent the use of private property abutting the highways. Yet the courts have continually affirmed that the billboard business is a use of the public's investment in roadways rather than a use of private property. Appendix A provides views from the courts in four landmark rulings that underscore their position that the "enhanced value" of billboards "was created by the State in the construction of the roads and not by the signs' owners."²⁰

One area where the industry has been particularly effective at weakening the HBA through loose interpretation of its provisions is in the area of digital billboards. As originally and currently worded, the HBA requires that billboard messages be static. However, in 2007 the industry was successful in getting the Federal Highway Administration to interpret "static" to mean a message changing no more frequently than once every 4 seconds. This has given the green light to digital billboards in spite of HBA's prohibition of non-static billboards. It has also exacerbated concerns over aesthetic impacts of billboards. Critics who have referred to billboards as "litter on a

¹⁹ Philip M. Stern, *The Best Congress Money Can Buy*, at page 48 (Pantheon Books 1988).

²⁰ *Modjeska Sign Studios, Inc. v. Berle*, 55 A.D. 2d340 (1977).

stick” now also refer to them as “televisions on a stick” or “drive-by theaters”. The digital conversion trend has also heightened concerns regarding the safety aspect of billboards. Critics marvel that so much attention is paid to the hazards of texting while driving, while the hazards of watching television while driving have been deemed “inconclusive” by the FHA.

Industry Lobbyists Focus on State Legislatures, Including Washington.

In addition to industry efforts to both loosen and keep intact the HBA at the federal level, it has lobbied heavily at the state level for similar allowances in and protection from communities that might otherwise impose stricter billboard standards. In many cases, cities and towns have been shielded from the onslaught of billboards along their highways because of more stringent standards at the state level. The industry is working hard to change this. In its push to convert static billboards to electronic billboards, the industry recently proposed legislation that would nullify Washington State’s Scenic Vistas Act by allowing advertizing-driven digital billboards on state highways and scenic byways. This was proposed in 2012 and failed, and was considered again in 2013 under Senate Bill SB 5304 and House Bill HB 1408. The matter was also being considered by the Senate Transportation Committee to enter into an agreement to sell advertising space to the industry. The “lure” put out by the billboard industry was a promise to post emergency messaging such as Amber alerts in exchange for continuous commercial messaging along State highways and scenic byways.

But what was different in the industry’s 2013 proposal is that it would purportedly allow local governments to enact their own restrictions on digital billboards should the State finally concede to them. That might have sounded like good news to local governments, but some saw it as a “divide and conquer” approach by the industry. Without the support and protection of the State, cities and towns would be on their own to defend what regulations they might dare to enact locally. And given the industry’s propensity to sue any jurisdiction attempting to enact restrictions opposed by the industry, local regulation is the best the industry could hope for. The billboard industry has clearly shown it has no qualms about filing law suits virtually every time a city enacts legislation to limit industry practices. And the fact that the courts almost always rule in favor of those cities willing to fight the lawsuit doesn’t deter the industry from stretching its lucrative muscles. The unfortunate fact is that many cash-strapped cities simply don’t have the financial resources and/or the staff expertise to fight the lawsuits, and they simply give in to industry threats.

It was concerns such as this that caused industry efforts with the Washington State legislature to fail again in 2013, but given the industry’s tenacity and continued push at all state levels, the issue will almost certainly be again before the Legislature in 2014.

Driver's Safety

The final aspect to be considered with billboards pertains to driver safety. If one were to "Google" the question, "do billboards cause accidents?", a number of articles will appear with headlines stating that there is no statistically significant correlation between billboards and crashes. The sheer number of such headlines would make one think that the question of safety is settled and closed. The catch is that virtually every study referenced by these articles has been commissioned by or associated with the Outdoor Advertising Association of America (OAAA) and many contend that the studies are self-serving and biased. Moreover, most of the headlined articles point back to the same two oft-referenced studies, including:

"A Study of the Relationship between Digital Billboards and Traffic Safety in Cuyahoga County, Ohio,"²¹, and

"Driving Performance and Digital Billboards: Final Report,"²²

While hailed by industry supporters, the studies have been criticized for being commissioned for self-serving reasons and for lacking proper peer review. The Maryland State Highway Administration (MDSHA) therefore commissioned independent peer review of each of the two studies. The review was conducted by Jerry Wachtel, CPE, President of The Veridian Group, Inc. out of Berkeley, California. His findings were released in his study title, "A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America". His findings were not flattering to either study. He stated,

"Since neither of these two studies had received public peer review at the time of their issuance, it was premature, at best, for the OAAA to make any claims of the validity of the findings. Also, since the accident study did not compare accidents in the presence of EBBs [electronic billboards] to accidents in their absence, the study presented no evidence, no less conclusive evidence, to justify the OAAA's claim. In addition, since even a cursory inspection of the human factors study showed that driver performance and behavior did, in fact, deteriorate when EBBs were present vs. when they were absent, the OAAA claims seem difficult to support. Finally, the OAAA's claim that its Foundation for Outdoor Advertising Research and Education (FOARE) commissioned these studies to specifically examine whether there exists "a cause and effect link between outdoor digital billboards and driver behavior" demands scrutiny since the research methods and statistical analyses employed in these two studies were incapable of determining causality."

²¹ Study by Albert Martin Tantala, Sr., and Michael Walter Tantala, Tantala Associates, Submitted to: The Foundation for Outdoor Advertising Research and Education, July 7, 2007"

²² Study by Suzanne E. Lee, Melinda J. McElheny and Ronald Gibbons, Virginia Tech Transportation Institute Center for Automotive Safety Research, Prepared for: Foundation for Outdoor Advertising Research and Education, March 22, 2007."

Wachtel continues, "Because of the public relations campaign with which the OAAA released and publicized these two studies, they have received wide press coverage in print, online, and in the broadcast media. Without exception, this coverage has presented uncritical acceptance of these two reports as presented, with no scrutiny of their scientific or technical soundness. As a result, numerous States and local government agencies have begun to modify their codes and ordinances that address the use of digital billboards along the roadside. Having completed this peer review, it is our opinion that acceptance of these reports as valid is inappropriate and unsupported by scientific data, and that ordinance or code changes based on their findings is ill advised. Even the Federal Highway Administration (FHWA) has issued a recent policy memorandum in which DBBs are given tacit acceptance under certain conditions, possibly based in part on the release of these two studies. Because FHWA remains concerned about the safety implications of EBBs on highways, and because of its stated intention to conduct or sponsor its own research into this issue, it seems to this writer logical that any such policy change await further developments from research."

The Federal Highway Administration has been in the process of studying the safety aspect of digital billboards since at least 2007. During that time, the Administration continued to state that further study was needed. The study has now been completed, but has not been released for public review. Some critics argue that FHA's non-committal stance on this issue reflects what some consider a cozy relationship between the industry and the FHA. That may be particularly evident if the FHA is relying upon the OAAA's studies to support changes to allow digital billboards as Jerry Wachtel suggests. As the Administration looks for ways to enhance its operating budget, billboards may indeed become an integral part of highway infrastructure in America.

Given the questionable stance of FHA on this issue, it is helpful to consider the results of other studies both in the US and abroad that have provided more definitive conclusions. A 1994 study done by the Wisconsin Department of Transportation, for example, evaluated the impact of an electronic sign in Milwaukee along I-94. The study concluded that "It is obvious that the variable message sign has had an effect on traffic, most notably in the increase of the side swipe crash rate."

A more comprehensive study published in the journal *Traffic Injury Prevention* was commissioned by the Swedish Transportation Administration. The study was carried out by a team of German and Swedish researchers, who found that digital billboards keep drivers attention off the road for more than two seconds. The study confirmed what might otherwise seem intuitive – that the curiosity factor of drivers keeps them gazing at digital signs for longer periods of time as they attempt to read the ever-changing messages. The Swedish study built upon a well regarded 2006 Virginia Tech study commission by NHTSA²³, which found that glances totaling more than 2 seconds for any purpose increases near-crash/crash risks by at least two times. The study further found that nearly 80 percent of crashes involve driver inattention within 3 seconds of the crash.

²³ The Impact of Driver Inattention on Near-Crash/Crash Risk, An Analysis Using the 100-Car Naturalistic Driving Study Data, National Highway Traffic Safety Administration, April 2006

Finally, it also confirmed what a study commissioned by the Foundation for Outdoor Advertising Research and Education found – that digital billboards seem to attract more attention than static billboards. The FOARE study would not conclude any correlation between digital signs and more accidents, but the Swedish study provided that confirmation. So compelling was the Swedish study that the Swedish government ordered all digital signs to be removed.

Digital billboards in Yakima illustrate the problem of extended gaze by the number of messages that some signs entice drivers to read. A sign located on the southeast corner of South 1st Street and Nob Hill Boulevard, for example, contains 8 changing messages. A sign at the corner of South 1st Street and Arlington Street contains 9 messages, and a sign off Valley Mall Boulevard near Fiber Road contains an impressive 13 changing messages!

It has taken the sequential findings of multiple studies to derive at the conclusion that billboards create unsafe visual distractions. Each study appears to share common facts that derive at intermediate conclusions regarding driver gaze habits. But it appears that the author or commissioner of a given study has too easily dictated any final conclusions over whether extended gazes result in more crashes (also as Jerry Wachtel suggests) The Swedish study finally reached the conclusion that gazing at billboards in fact results in more crashes. But the results should not be surprising. One might offer the familiar adage, “This isn’t rocket science” when considering whether it’s a good idea to entice people to watch video screens rather than the road while driving a vehicle.

That was precisely the point of the California Supreme Court in its landmark *Metromedia* decision upholding San Diego’s billboard restrictions:

"No matter what one's position on the sign and safety issue [is] one can find the study to support it . . . [D]espite the insights provided by statistical analyses, the case for the hazards of private signs rests largely upon common sense and the informed judgments of traffic engineers and other experts. The arguments are complex and sometimes highly technical, but on the whole, the courts are increasingly likely to conclude that regulation of private signs may be reasonably expected to enhance highway safety."²⁴

That *Metromedia* case referenced an earlier decision out of New York wherein the court declared,

“We hold as a matter of law that an ordinance which eliminates billboards designed to be viewed from streets and highways reasonably relates to traffic safety. Billboards are intended to, and undoubtedly do, divert a driver's attention from the roadway. Whether this distracting effect contributes to traffic accidents invokes an issue of continuing controversy. But as the New York Court of Appeals pointed out, "mere disagreement" as to "whether billboards or other

²⁴ (Dowds, *Private Signs and Public Interests*, in 1974 Institute on Planning, Zoning and Eminent Domain, p. 231.) Cited in *Metromedia Inc. vs. City of San Diego*.

advertising devices . . . constitute a traffic hazard . . . may not cast doubt on the statute's validity. Matters such as these are reserved for legislative judgment, and the legislative determination, here expressly announced, will not be disturbed unless manifestly unreasonable."²⁵

Considerations for Yakima

Billboards in Yakima are prevalent along its arterial corridors, particularly North & South 1st Street, Yakima Avenue, Nob Hill Boulevard and Fruitvale Boulevard. They are also common in Yakima's low income neighborhoods and declining commercial/industrial areas lying east of 16th Avenue. These areas provide principle access to all other areas of the city. And from the perspective of visitors, these areas define the city because except for the 40th Avenue entrance off Highway 12, one cannot access any part of the City without traveling through these neighborhoods. That is no doubt the reason the area is so appealing to billboard interests. However, the deteriorating condition of these areas has resulted in a negative image of the City and has likely deterred major new investment. The city experiences high vacancy rates in its downtown and has a reputation of high crime rates in its east side commercial and residential neighborhoods.

The city is taking active steps to improve neighborhoods and enhance these corridors. Planned efforts include:

- A new street cross section for North 1st Street including street trees and landscaping, center island features and undergrounding of utilities.
- An overlay sign code for North 1st Street.
- Submittal of a plan to clean up Nob Hill Boulevard.
- Redevelopment of the mill site, including a focus on freeway corridor enhancements.
- A focus on code compliance of eastside neighborhoods.
- Redevelopment of the downtown

The PowerPoint presentation on the built environment demonstrated how markedly changed these areas would be if billboards and other superfluous fixtures, utility poles and illegal signs were removed. However, removal of billboards can be costly to the city, especially if they are located near federally funded highways where they enjoy the protection of the American Highway Beautification Act (HBA).

The HBA will adversely affect the city's ability to beautify its highway corridors because it allows removal of trees and other enhancing vegetation that would otherwise block visibility of billboards. For example, the act prohibits the City from installing any landscaping that would block from either side the view of the billboard located at the

²⁵ (New York State Thruway Auth. v. Ashley Motor Ct. (1961) 10 N.Y.2d 151, 218 N.Y.S.2d 640, 176 N.E.2d 566.)

city's entrance on North 1st Street. Such roadblocks to community renewal efforts will be exacerbated as new billboards are allowed along or near Yakima's highway corridors.

Billboards are a lucrative business, and the industry will no doubt fight to both retain and digitize its existing billboards in the City. The industry will also continue expanding its product in Yakima under current codes. However, based upon the above analysis, we find that billboards:

1. Adversely affect property values.
2. Provide virtually no property tax revenue.
3. Do not enhance the local economy (70% of businesses promoted on billboard ads in Yakima are non-local businesses).
4. Proliferate in low income and declining neighborhoods.
5. Promote in low income neighborhoods addictive products like alcohol and gambling (Virtually all of these ads are located in Yakima's low income neighborhoods).
6. Suppress economic development.
7. Inhibit streetscape enhancement and allow for removal of streetscape landscaping.
8. Are directly linked to increased traffic accidents
9. Benefit primarily out-of-state industries (Clear Channel Advertising is based in San Antonio Texas, Lamar Outdoor Advertising is based in Baton Rouge Louisiana, and CBS Outdoor Advertising is headquartered in New York, New York).
10. Are banned in nearly every larger eastern Washington city including, but not limited to, Union Gap, Kennewick, Richland, Pasco, Wenatchee, Walla Walla, Spokane, Spokane Valley, and Moses Lake.

It is therefore prudent for the City Council to consider the following options:

Option 1 - Amend the zoning code to prohibit new billboards, including new digital billboards. This would include conversion of existing billboards.

Option 2 – Same as Option 1, but also include an amortization clause to eliminate existing billboards that are not subject to the HBA.

Option 3 – Amend the zoning code to further restrict the height, size, and/or spacing of billboards. A restricted size might be 96 square feet, and 30 feet high, and a 1,000 foot spacing requirement between any billboards.

Option 4 – Amend the zoning code to limit billboards to industrial zones and to prohibit billboards within 660 feet of federally funded highways.

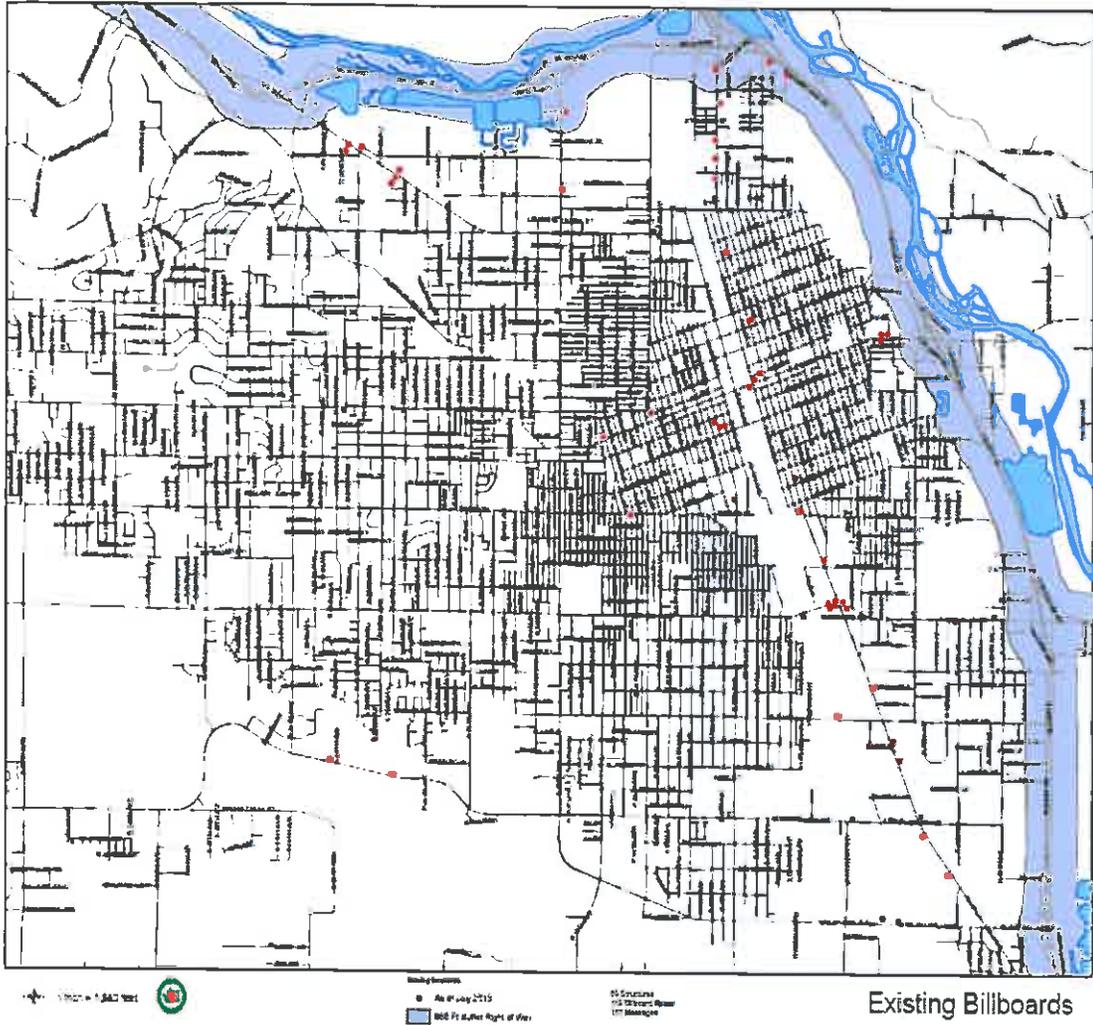
Option 5 – Any combination of Options 1 through 4.

As noted above, Yakima is one of the few cities in eastern Washington that yet allows billboards. Given that Yakima is taking active steps to improve its market position with

other cities, and recognizing the positive experiences of cities across that nation that have enacted prohibitions on billboards, staff believes that Option 1 or 2 would put Yakima's competitive marketing edge on par with other cities in the region.

Appendix "A"

Billboard locations in Yakima



Appendix "B"

View from the Courts

- Billboard Usage of Public Highways -

1. "The success of billboard advertising depends not so much upon the use of private property as it does upon the use of the channels of travel used by the general public. Suppose that the owner of private property, who so vigorously objects to the restriction of this form of advertising, should require the advertiser to paste his posters upon the billboards so that they would face the interior of the property instead of the exterior. Billboard advertising would die a natural death if this were done, and its real dependency not upon the unrestricted use of private property but upon the unrestricted use of the public highways is at once apparent. Ostensibly located on private property, the real and sole value of the billboard is its proximity to the public thoroughfares."²⁶
2. "The [outdoor advertising business] depends entirely for its success upon the occupation of places along the sides of highways and near parks and similar public places. Billboards are designed to compel attention. The advertising matter displayed upon them in words, pictures, or devices is conspicuous, obtrusive and ostentatious, being designed to intrude forcefully and persistently upon the observation and attention of all who come within the range of clear normal vision. The only real value of a sign or billboard lies in its proximity to the public thoroughfares within public view. In this respect the plaintiffs are not exercising a natural right; they are seizing for private benefit an opportunity created for quite a different purpose by the expenditure of public money in the construction of public ways and the acquisition and improvement of public parks and reservations."²⁷
3. "Most of the respondents' arguments relating to their "use" of the land upon which their signs are located are mere exercises in sophistry, for in no real sense are the signs "used" upon the land on which they are located. . . [T]he signs are used in a realistic sense only where the light reflected therefrom strikes the eye of the users of the public streets or adjoining private property."²⁸
4. "Billboards and advertising signs are of little value and small use unless great highways bring the traveling public within view of them, and their enhanced value when they are seen by a large number of people was created by the State in the construction of the roads and not by the signs' owners."²⁹

²⁶ Churchill v. Rafferty, 32 Phil. Rpt. 580, 609, (Phil. 1915), appeal dismissed, 248 U.S. 591 (1918).

²⁷ General Outdoor Advertising Co. v. Department of Public Works, 193 N.E. 799 (Mass. 1935), appeal dismissed, 297 U.S. 725 (1936).

²⁸ Metromedia, Inc. v. City of Pasadena, 216 Cal. App. 2d270 (1963).

²⁹ Modjeska Sign Studios, Inc. v. Berle, 55 A.D. 2d340 (1977).