

RESOLUTION NO. R-2013-065

A RESOLUTION adopting Findings of Fact supporting a six-month moratorium, enacted April 2, 2013 pursuant to emergency Ordinance No 2013-13, adopting an immediate moratorium on the acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of static billboards and digital billboards using changing electronic, digital, or changeable message copy, in all zoning districts within the City of Yakima; and authorizing the City Manager to study and develop appropriate comprehensive land use, licensing or registration regulations addressing such issues for consideration by the City Council.

WHEREAS, pursuant to RCW 36 70A.390 and RCW 35.63.200, the City Council of the City of Yakima by unanimous vote of those present on April 2, 2013 adopted Ordinance No. 2013-13 imposing a moratorium for six months prohibiting the filing, acceptance and issuance of development applications for the installation, erection, construction, replacement, modification, or improvement of static billboards and digital billboards using changing electronic, digital, or changeable message copy, in all zoning districts within the City of Yakima; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 require the City Council to hold a public hearing within sixty days after imposition of a moratorium to receive evidence and testimony regarding imposition of the moratorium, to consider whether such moratorium should be modified or continue in effect as originally adopted, and to adopt findings of fact supporting such decision; and

WHEREAS, the City Council has held the required public hearing on May 21, 2013 pursuant to notice duly published, and having considered all evidence and testimony presented, hereby makes the following:

Findings of Fact

- 1 The City Council of the City of Yakima has authority pursuant to RCW 36.70A.390 and RCW 35 63 200 to adopt a moratorium to preserve the status quo pending development of comprehensive land use controls and regulations, health and safety regulations, and business licensing or registration regulations and procedures, concerning billboard and digital signs as defined in the moratorium ordinance
2. Existing codes and provisions in the Yakima Municipal Code do not adequately address appropriate location or zoning of billboards and digital signs, determination of any areas within the city where billboards and/or digital signs are inappropriate or present an unmitigated intrusion upon the quiet use and enjoyment of property; appropriate and comprehensive regulation of lighting and maintenance; appropriate and comprehensive regulation of duration of digital images, brightness controls, intermission periods between digital messages, and other factors creating or contributing to driver distraction, pedestrian safety, and vehicular safety; appropriate and comprehensive regulations to eliminate or mitigate visual blight; appropriate and comprehensive regulation of signage within and upon any designated entryway corridors into the city; development of regulations designed to promote downtown and/or entryway beautification plans.

3. Digital signs and billboards or electronic variable message signs and billboards are being installed throughout the United States, which signs include digital technology, light emitting diodes (“LEDs”), and electronic graphic displays that permit signs to display an electronic image similar to a color television set and permit a displayed image to quickly change from one image to another; changeable electronic message billboards, which allow operators to change content from remote locations in a matter of seconds. Such signs and technologies are erected for the purpose of trying to get the attention of pedestrians and motorists by changing messages and pictures for short durations using a series of contrasting images produced mainly by LED technologies. Such digital signs, without appropriate regulation, present a threat to driver concentration by creating visual distraction, as shown by studies conducted by outside entities or agencies. See, e.g., *FEDERAL HIGHWAY ADMINISTRATION, “Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction,”* (Final Report, September 11, 2001).
4. The City is currently engaged in an extensive process to study and evaluate modifications to its billboard regulations for both static and digital billboards, and in a comprehensive review of sign standards and regulations pertaining to billboards in conjunction with traffic safety and abatement of visual clutter within the downtown core area, entryways into the City, and zoning districts within the City.
5. The City Council finds and determines that the City of Yakima needs time to consider additional zoning regulations, health and safety regulations, and business licensing regulations which would deal specifically with billboards and digital signs within the City of Yakima, and the City Council therefore finds and determines that the moratorium for the term of six months adopted and implemented in Ordinance No. 2013-13, commencing on April 2, 2013 and extending through October 1, 2013, is necessary and appropriate in order to study the issues and to consider adopting appropriate regulations.
6. The City Council finds and determines that imposition of the moratorium adopted pursuant to Ordinance No. 2013-13 is necessary to (a) provide the City with an opportunity to study the issues regarding siting, zoning and regulation of billboards and digital signs within the City of Yakima and to prepare appropriate revisions to the City’s codes and regulations; (b) to protect the health, safety and welfare of the citizens of Yakima by avoiding and ameliorating negative impacts of the proliferation of new billboards and digital signs, and (c) to avoid applicants possibly establishing vested rights contrary to and inconsistent with any revisions the City may make to its regulations and codes as a result of the City’s study of this matter.
7. The City Council finds, determines and concludes that an emergency exists justifying emergency adoption of Ordinance No. 2013-13, to wit: (a) existing city codes and procedures are inadequate to provide for the receipt and processing of applications for billboards and digital signs, designation of appropriate zoning districts or priority of zoning districts for such uses, and protection of the general health, safety and welfare of residents of the City of Yakima; (b) neither City staff nor the Planning Commission have had sufficient opportunity to review the effects of permitting billboards and digital signs or to formulate, prepare and recommend appropriate zoning regulations, health and safety regulations, and business licensing regulations which would deal specifically such uses within the City of Yakima; and (c) the immediate imposition of this moratorium pursuant to Ordinance No. 2013-14 will

preserve the status quo to enable the City to further study the effects of such uses and to devise appropriate zoning and regulatory controls to address the effects of such uses.

8. The City Council finds and determines that the moratorium adopted and implemented pursuant to Ordinance No 2013-13 should remain in effect according to its terms, and that such is in the best interests of residents of the City of Yakima and will promote the general health, safety and welfare; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

1. The Findings of Fact set forth above are hereby adopted as the Findings of Fact supporting the adoption, implementation and continuation of the moratorium adopted April 2, 2013 pursuant to Ordinance No. 2013-13 according to its terms.
2. The City Manager of the City of Yakima is hereby authorized and directed to perform those duties and functions set forth in Ordinance No. 2013-13, including but not limited to, development of proposed comprehensive land use, licensing, and health and safety regulations pertaining to billboards and digital signs and any issues ancillary thereto.

ADOPTED BY THE CITY COUNCIL this 21st day of May, 2013

ATTEST:



City Clerk





Micah Cawley, Mayor



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 7
For Meeting of: 5/21/2013

ITEM TITLE: Public Hearing, and consideration of a Resolution adopting findings of fact in support of moratorium regarding Billboards and Digital Signs.

SUBMITTED BY: Jeff Cutter, City Attorney
Mark Kunkler, Senior Assistant City Attorney

SUMMARY EXPLANATION:

On April 2, 2013, the City Council adopted Ordinance No. 2013-013 imposing a moratorium on receipt, processing and issuance of permits for placement and erection of certain Billboards and Digital Signs, as defined in the moratorium ordinance. State law requires that a public hearing be held within 60 days after adoption of the moratorium. The purpose of the public hearing is to receive public testimony and evidence as to whether the moratorium should remain unchanged or modified. Following the public hearing the City Council is asked to adopt a resolution setting forth findings of fact supporting the moratorium as originally adopted or as modified. The attached resolution sets forth proposed findings in support of the moratorium as originally adopted. If the moratorium is modified following the public hearing, the proposed resolution will be modified to reflect any changes made by the City Council.

Resolution: X	Ordinance:
Other (Specify):	
Contract:	Contract Term:
Start Date:	End Date:
Item Budgeted:	Amount:
Funding Source/Fiscal Impact:	
Strategic Priority:	
Insurance Required? No	
Mail to:	
Phone:	

APPROVED FOR
SUBMITTAL:



City Manager

RECOMMENDATION:

Conduct Public Hearing, adopt Resolution.

ATTACHMENTS:

Name:

- [Memo MORATORIUM BILLBOARDS Findings May 21 2013.doc](#)
- [Resolution_FINDINGS_MORATORIUM_Billboards_May_21_2013.doc](#)
- [2013-013_Moratorium_on_Billboards_and_Digital_Signs_Set_Hearing_Date.pdf](#)

Description:

Memo - Moratorium Billboards - Findings May 21 2013
Resolution - Findings Moratorium - May 21 2013
2013-013 Moratorium on Billboards and Digital Signs; Set Hearing Date