

RESOLUTION NO. R-2013-132

A RESOLUTION adopting Findings of Fact supporting a six-month moratorium, enacted October 1, 2013 pursuant to Ordinance No 2013-047, on the acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of digital signs up to 72 square feet in size using changing electronic, digital, or changeable message copy, in all zoning districts; such moratorium to be effective for six months, through April 1, 2014; exempting from such moratorium vested applications for digital sign installation or relocation permits, and applications for repair of existing digital signs for purposes or implementation of safety improvements mandated by state or federal standards, and setting October 15, 2013 as the date for the public hearing on the moratorium; 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 on October 1, 2013 adopted Ordinance No. 2013-047 imposing a moratorium for six months prohibiting the filing and acceptance of development applications for, the installation of, and issuance of permits and approvals for, digital signs up to 72 square feet in size using changing electronic, digital, or changeable message copy, in all zoning districts, within the City of Yakima; and

WHEREAS, the City Council on October 1, 2013 also adopted Ordinance No. 2013-046 which extended a moratorium on the filing and acceptance of development applications for, the installation of, and issuance of permits and approvals for billboards and for digital signs more than 72 square feet in size using changing electronic, digital, or changeable message copy, in all zoning districts, within the City of Yakima; and

WHEREAS, a separate ordinance concerning a new moratorium for digital signs up to 72 square feet in size is warranted so as to give sufficient notice to the public regarding the expanded scope of such moratorium; 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 October 15, 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 digital signs up to 72 square feet in size using changing electronic, digital, or changeable message copy.

2. The City is currently engaged in a comprehensive review of sign standards and regulations pertaining to billboards and digital signs 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.
3. The City Council finds and determines that current City codes and regulations do not adequately address digital billboards and signs, changeable electronic message signs and signs using such electronic LED technologies, including but not limited to concerns regarding safety of drivers and pedestrians detailed in various traffic safety studies as described in reports of record herein.
4. The City Council finds that a moratorium is necessary and appropriate within all zoning districts of the City to preserve the status quo and prevent significant investment pending the development of a comprehensive code and regulations pertaining to changing electronic, digital, or changeable message signs, both those greater than 72 square feet in area and those 72 square feet and less in area.
5. The City Council finds and determines that such moratorium shall not apply to applications for new digital signs or permits for relocation of existing digital signs that have vested prior to the effective date of this ordinance, permit applications to conduct repair of existing digital signs, and permit applications to implement safety improvements for existing digital signs as mandated by state or federal standards
6. The City Council finds, determines and concludes that sufficient need exists for imposition of a moratorium, to wit: (a) the City has received proposals for installation of digital and electronic signs within the City; (b) neither City staff nor the Planning Commission have had sufficient opportunity to review the effects of digital signs with regard to concerns for economic development, preservation and/or promotion of traffic and pedestrian safety, prevention of visual clutter and public nuisances associated with inadequate code provisions and regulation of digital signs, and development of a comprehensive plan, program or regulation of digital signs within all zoning districts of the City; and (c) imposition of this moratorium 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.
7. The City Council finds and determines that the moratorium adopted and implemented pursuant to Ordinance No. 2013-047 should remain in effect according to its terms, that a separate moratorium is warranted so as to give the public sufficient notice of the expanded scope of such moratorium regarding digital signs up to 72 square feet in size, 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 October 1, 2013 pursuant to Ordinance No. 2013-047 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 2013-047, including but not limited to, development of proposed comprehensive land use, licensing, and health and safety regulations pertaining to digital signs described therein and related facilities and any issues ancillary thereto

ADOPTED BY THE CITY COUNCIL this 15th day of October, 2013.

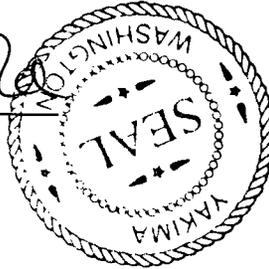


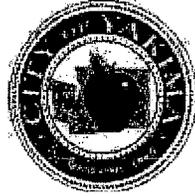
Micah Cawley, Mayor

ATTEST:



Susan Claar
City Clerk





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

Item No. 8
For Meeting of: 10/15/2013

ITEM TITLE: Public Hearing and resolution adopting findings of fact affirming moratorium regarding digital signs up to 72 square feet in size as implemented pursuant to Ordinance No. 2013-047.

SUBMITTED BY: Steve Osguthorpe, AICP
Community Development Director (509) 575-3533

Mark Kunkler, Senior Assistant City Attorney (509) 575-3552

SUMMARY EXPLANATION:

On October 1, 2013, in conjunction with a scheduled public hearing to consider extension of a moratorium implemented April 2, 2013 regarding billboards, and digital signs greater than 72 square feet in size, the City Council adopted Ordinance No. 2013-047 imposing a six-month moratorium (through April 1, 2014) prohibiting acceptance, processing and issuance of applications and approvals of digital signs up to 72 square feet in area. Under state law pertaining to moratoria, whenever a moratorium is imposed, the City Council must schedule and hold a public hearing within 60 days to receive public comment and testimony regarding the adoption, scope and extent of the moratorium. Pursuant to Ordinance No. 2013-047, the public hearing on the moratorium has been scheduled for October 15, 2013. The attached proposed Resolution includes findings of fact in support of the moratorium, and is presented for Council's review and consideration. If, following the public hearing, the City Council wishes to affirm the moratorium as originally adopted, the Resolution and findings therein can be approved. If, however, the City Council desires to amend the moratorium in any way, the Resolution and findings can be modified to fit the Council's decision. A separate moratorium to reach digital signs up to 72 square feet was deemed warranted because the scope of the original moratorium ordinance was expanded. A separate moratorium ordinance will give sufficient opportunity for the public to provide input specifically on digital signs 72 square feet and less.

Resolution: X	Ordinance:
Other (Specify):	
Contract:	Contract Term:
Start Date:	End Date:
Item Budgeted:	Amount:

**Funding Source/Fiscal
Impact:**

Strategic Priority: Improve the Built Environment

Insurance Required? No

Mail to:

Phone:

**APPROVED FOR
SUBMITTAL:**



City Manager

RECOMMENDATION:

Staff recommends approval and adoption of the Resolution.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> resolution	10/7/2013	Cover Memo