



**Agenda Sheet for City Council Meeting of:**  
06/19/2017

<b>Date Rec'd</b>	6/7/2017
<b>Clerk's File #</b>	ORD C35490
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
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<b>Agenda Item Type</b>	Report Item
<b>Agenda Item Name</b>	0320 - COUNCIL ACTION MEMO RE: OFF-PREMISES SIGN RELOCATION

**Agenda Wording**

Council action memorandum on the continuation of the moratorium on the relocation of off-premises signs into certain areas of Spokane.

**Summary (Background)**

On May 22, 2017, the City Council held a hearing to determine whether to continue the emergency moratorium on the permitting of the relocation of off-premises signs into areas which are zoned "center and corridor," due to the inherent conflict between the presence of off-premises signs and the pedestrian character intended for center and corridor zones. This Council Action Memorandum memorializes that decision.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Neutral \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	MCCLATCHEY, BRIAN	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	ORLOB, KIMBERLY	<b>Distribution List</b>	
<b>Legal</b>	ODLE, MARI		
<b>For the Mayor</b>	DUNIVANT, TIMOTHY		

<b>Additional Approvals</b>	
<b>Purchasing</b>	

APPROVED BY  
SPOKANE CITY COUNCIL:  
6/19/2017  
*Sen Hefate*  
CITY CLERK

June 5, 2017

City Clerk File No.:  
ORD C35490

COUNCIL ACTION MEMORANDUM

Re: Public Hearing Regarding Ordinance C35490—Moratorium on the relocation of off-premises signs into areas of Spokane having center and corridor zoning designations.

At the City Council's 6:00 p.m. legislative session held May 22, 2017, the Council held a hearing to consider whether to extend the above-named moratorium. Subsequent to a presentation by Planning and Development Services Director Lisa Key, public testimony from one individual, and Council commentary, the following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member Fagan, **to (1) request staff prepare** a memorandum of the findings of facts and conclusions to memorialize the basis of City Council's decision **and (2) extend** the moratorium for six months (from today) imposed by Ordinance C35490 (to expire on November 22, 2017); **carried 6-0 (Council Member Mumm absent).**

Therefore, the City Council's findings of fact and conclusions are set forth in this memorandum as follows:

FINDINGS OF FACT:

- A. Due to the construction of the North Spokane Corridor, there has recently been increased interest in the relocation of off-premises signs (commonly called "billboards") out of the path of the freeway.
- B. Currently, the Spokane Municipal Code contains a "public works exception" to the general prohibition on new off-premises signs, under which an existing sign may be relocated if the move is necessitated by a public works project.
- C. Several permits have been issued within the historic Hillyard business district, specifically along Market Street, from approximately Wellesley Avenue north to Nebraska Avenue. Most of this corridor is zoned "center and corridor" and a portion is a designated historic district.
- D. In fact, six permits recently have arisen in connection with this area: two of them have expired, two have been issued, one is final pending inspection and one is pending. There is the potential for more permit applications in this area.

- E. Current city ordinances, specifically SMC 17C.240.070(H) and 17C.240.250(A) prohibit new off-premises signs, and 17C.240.250(B) allows existing off-premises signs to remain as nonconforming uses.
- F. Washington law disfavors nonconforming uses, because such uses limit the effectiveness of the City's land-use controls, endanger the ultimate success of neighborhood plans, and injure property values. *See, e.g., Rod-A-Zalea & 35<sup>th</sup>, Inc. v. Snohomish County*, 136 Wn.2d 1, 959 P.2d 1024 (1998).
- G. The City's comprehensive plan Goal DP 4 states that the city shall strive to "[m]ake aesthetic and functional improvements to commercial areas in order to improve their image, appeal, and sales potential."
- H. Comprehensive plan Goal DP 3.14 states that the City shall "[p]rohibit new construction of billboards and eliminate existing billboards over time using various means."
- I. Center and corridor zoning types within the City of Spokane are characterized by land uses which are pedestrian-oriented, while off-premises signs are oriented toward auto-users, making off-premises signs uniquely unsuited to areas zoned center and corridor.
- J. Finally, policy DP 4.10 requires the City to "[a]ssist neighborhoods and other potential historic districts to identify, recognize, and highlight their social and economic origins and promote the preservation of their historic heritage and cultural resources."
- K. Sections 35.63.200 and 36.70A.390 of the Revised Code of Washington authorize cities to implement land use moratoria without a hearing. *See also Matson v. Clark County Board of Commissioners*, 79 Wash.App. 641, 904 P.2d 317 (1995).
- L. Accordingly, and pursuant to RCW 36.70A.390, on April 14, 2017, the City Council enacted Ordinance No. C-35490, which imposed an immediate moratorium on the relocation of off-premises signs into areas of Spokane having center and corridor designations.
- M. Under the terms of Ordinance C-35490, the moratorium is in effect for six months from the date of adoption, or until October 14, 2017.
- N. Pursuant to RCW 36.63.200 and 36.70A.390, the City must hold a hearing on a moratorium adopted without a hearing within at least 60 days of its adoption, and must adopt findings of fact justifying the moratorium.
- O. The hearing was duly held at the City Council's regular legislative session at 6:00 p.m. on May 22, 2017.
- P. Section 3 of Ordinance C-35490 requires the City Planning Department to develop a work plan to study appropriate amendments to the sign code, and

shall provide final recommendations within 150 days of the effective date of the ordinance.

- Q. On May 8, 2017, the City Planning Department provided a work plan to provide recommendations on sign code amendments to City Council within the specified timeframe.

**CONCLUSIONS:**

Based upon the work plan detailed by staff, and public testimony presented to the City Council regarding the existing moratorium imposed by Ordinance C-35490, the Spokane City Council makes the following conclusions:

1. The moratorium is necessary to enable City Planning Department staff sufficient time in which to complete a sign code revision, including the "public works exception" to the prohibition on off-premises signs.
2. The City Council requests that the Planning Department staff present updates on the progress of sign code amendment process, to the Council's Planning and Economic Development Committee on a monthly basis.
3. The moratorium may be renewed by ordinance for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Ben Stuckart  
Council President

Terri L. Pfister, MMC  
Spokane City Clerk

