



## Community Development Department Planning Policy

**SUBJECT:** Processing of Billboard Vacancies  
**EFFECTIVE DATE:** June 24, 2015  
**APPROVED BY:** Kenneth Johnstone, Community Development Director  
**POLICY/PROCEDURE NO:** Admin 30

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### STATEMENT OF FACTS AND ISSUES:

- The City allows a maximum of 16 billboards.
- Presently 16 billboards exist in the City.
- In the event any of the 16 billboards would be abandoned, it is appropriate to have procedures in place that outline how that situation is managed by the City.
- In 2005 the City adopted a policy for accepting applications for billboard vacancies, which relied heavily upon the expiration of leases between billboard companies and property owners (October 17, 2005 policy memo).
- Since the City is not a party to said leases, the City has determined that it is appropriate to amend said policy to give the City more control of determining when a vacancy has occurred, how the vacancy will be then managed and how applications will be processed.
- City staff has determined there exists administrative authority to adopt reasonable policy that implement adopted ordinance.
- The following policy has also been reviewed by City Council at a public study session meeting on June 1, 2015.
- The following policy hereby replaces the October 17, 2005 policy memo and establishes protocols for determining the existence of a billboard vacancy, the process for providing notice of said vacancy and the procedures for accepting and processing applications to fill any future billboard vacancies.
- The policy is effective immediately.

### ADMINISTRATIVE POLICY:

1. A billboard will be considered abandoned and a billboard vacancy will exist under the following circumstances:
  - a. Property owner or billboard structure owner notifies the Community Development Department of its intent to abandon a billboard structure.
  - b. Billboard structure is removed; provided however that temporary billboard removal is allowed, as follows:
    - i. Property owner or billboard structure owner has notified the Department of intent to temporarily remove billboard;
    - ii. Billboard is being temporarily removed to allow for structural upgrades or other modifications approved by the Community

- Development Director;
  - iii. Billboard will be replaced on the same property in substantially the same location, as determined at the sole discretion of the Community Development Director;
  - iv. Billboard removal shall not exceed 180 days;
  - v. Written approval from Community Development Director has been received; and
  - vi. Required building permits have been obtained prior to removal.
  - c. Failure to comply with above provisions for temporary removal of a billboard structure
2. Once abandoned, leaving fewer than the maximum of 16 allowable billboards, or at any other time the City at its sole discretion determines that less than 16 billboards, as defined by the Code of Laws, exist within the City, a vacancy would occur.
  3. The City, acting through the Community Development Director, is the sole entity allowed to determine that a vacancy has occurred
  4. Having made determination that a vacancy exists, the City would provide a 30 day notice and posting period for preliminary applications for location of a new billboard to be submitted. Notice will be posted on the City's website and other official locations for public posting as established by the City.
  5. No more than 1 application will be accepted for each property address. Preliminary applications shall include the following information:
    - a. Letter of intent from applicant, either property owner or billboard company
    - b. Proposed location, including either property address or Assessor Parcel ID; and
    - c. Written permission of the property owner, if the owner is not the applicant
  6. The City, acting through the Community Development Director, will determine whether applications are complete and proposed locations are eligible pursuant to Chapter 26 of the Code of Laws.
  7. In the event more than one eligible application is received a random drawing will be conducted and the selected applicant will have 180 days to submit a complete building permit application; provided, however, that the Community Development Director may authorize an extension of not more than 180 days for just cause, and provided that the applicant can demonstrate substantial progress toward obtaining required state and local permits.
  8. If the selected applicant failed to submit a complete building permit application within 180 days, or an authorized extended deadline, the City would declare the vacancy open and again invite preliminary applications pursuant to Step 4 above.