



**TO:** T.C. Broadnax, City Manager  
**FROM:** Peter Huffman, Director, Planning and Development Services Department  
**COPY:** Infrastructure, Planning, and Sustainability Committee  
**SUBJECT:** Billboard Code Amendments  
**DATE:** October 23, 2015

**SUMMARY:**

Staff will present an update on the code amendment process for billboard regulations, including an overview of the Planning Commission's recommendation, key issues, how it relates to the framework laid out by the Community Working Group, and potential alternatives to some elements of the recommendation. This presentation will also serve as a precursor to a Council study session and public hearing, which are scheduled for November 17, 2015.

**BACKGROUND:**

Billboard regulations have been a highly contentious issue in Tacoma for decades and the City's billboard codes have evolved substantially over time. Based on the City's current regulations, only three of the 311 existing billboard faces in the City are compliant. The other 308 billboard faces are considered "nonconforming" because they are not consistent with the current code.

The City first adopted comprehensive billboard regulations in 1988, which sought to limit the number of billboards to those in place in April of that year, ban billboards from all parts of the City except industrial and some commercial zones, and adopt other regulations. After a 1996 moratorium, that code was significantly revised in 1997, adding provisions that made many more existing billboards nonconforming, and adopting an amortization provision that required nonconforming billboards to be brought into compliance or removed, at the cost of the owner, within 10 years. The rationale behind amortization was that the owner of the billboard structure would be able to recoup its capital investment in the structure over the course of a decade.

When, in 2007, the City sought to enforce the 1997 code amortization provisions, Clear Channel Outdoor (which had purchased nearly all of the billboards in the City in the early 2000s) sued. In 2010, a settlement agreement was proposed which would've recognized Clear Channel's vested rights in its conforming and legally nonconforming signs and relocation permits, and created an exchange program that would allow digital billboards. After widespread community opposition to digital billboards, the City did not adopt a digital billboard ordinance as contemplated by the proposed settlement agreement, but instead passed the 2011 code amendments, which retained an amortization provision as a way to reduce the number of billboards. The 2011 Code also banned digital billboards, expanded buffer and dispersal requirements, and instituted a number of new design requirements. Following the adoption of the 2011 code, further legal disputes between the City and Clear Channel Outdoor ensued, which led to the current standstill agreement.

Per the standstill agreement, the 2011 code remains in place, but is not enforced, and instead the 1997 code applies, except the amortization provisions are not enforced. Under the 2011 code, all but three of the current 311 billboard faces in the City are nonconforming, most for multiple reasons. Nearly 90 percent of the billboards do not comply with the buffer requirements



in the current code. Also, per the standstill agreement, the City of Tacoma was to explore alternatives to its existing billboard regulations, with the goal of an overall reduction of billboards and protection of neighborhoods and sensitive uses.

During the standstill period, the parties agreed to meet and confer to determine if a permanent solution could be reached to resolve the issues between the parties. The discussions were to focus on a sign consolidation program whereby a plan could be developed to remove specified signs from designated portions of the City in exchange for bulletin size (672 square feet) static billboards to be constructed or reconstructed in certain areas of the City which are mutually agreeable to the City and Clear Channel. These plans would also include a plan for vested rights for all constructed and newly constructed or reconstructed billboards. If the issues between the parties are not resolved during the standstill period, either party has the right to reengage in the legal process.

To start this process of looking at alternatives for a permanent solution (new regulations), the City formed the Tacoma Billboards Community Working Group (CWG). The CWG was a 17-member group representing neighborhood councils, business districts, Scenic and Historic Tacoma, commercial real estate, billboard owners (including Clear Channel Outdoor), Port of Tacoma, the advertising industry, non-profits, and the Planning Commission. Their mission was to develop at least two viable alternative regulatory approaches for billboards – with these regulatory approaches being different from current code, in favor of an approach that better balances the interests of all the various stakeholders.

The CWG's work spanned six-months, during which they conducted 11 public meetings and heard from billboard opponents, Clear Channel Outdoor, local firms and non-profits using billboards, City Legal and Planning staff and WSDOT staff. They also completed many hours of homework to augment the meetings, which were run by an independent facilitator. The facilitator also prepared the final report of recommendations and along with the co-chairs of the group, presented them to the City Council. The Council voted to send the recommendations to the Planning Commission for additional work and development of a code amendment recommendation.

**ISSUE:**

This is the initial presentation of the Planning Commission's recommendation for amendments to the Tacoma Municipal Code. While staff will provide more detail at the meeting, the Planning Commission's recommendation includes the following basic components:

- A number of new zoning districts are made available for wall-mounted billboards
- New pole-mounted billboards would only be allowed in "old" billboard zones
- New billboards would only be allowed in exchange for the removal of existing billboards
- The exchange program incorporates exchange ratios which encourage conversion of pole-mounted billboards to wall-mounted ones
- New pole-mounted billboards would be limited to 300 square feet
- Wall-mounted billboards would get additional flexibilities relative to height, size and certain other standards (in some cases with special staff review)



- Revised standards relative to physical characteristics, including height, design, illumination, landscaping, and maintenance
- Reduced requirements for dispersal and buffering from sensitive uses and zones
- Retain amortization, and provide a two-tiered amortization extension period to remove all non-conforming billboards (three years for certain billboards and five years for others)

**ALTERNATIVES:**

The Planning Commission made its recommendation at their October 21, 2015 meeting. Draft regulations were developed and considered during the Planning Commission review and staff work. Staff will present specific alternatives to elements of the Planning Commission recommendations at this Committee meeting.

**FISCAL IMPACT:**

The City requires permits for the demolition and installation of billboard structures. These permits have fees associated with them to cover the cost of permit review and inspection, so there should be no adverse fiscal impact on the city in this regard.

**RECOMMENDATION:**

Staff will also be discussing this issue at the November 17, 2015 study session and the Council will be holding a public hearing later in the evening. First reading of an ordinance is tentatively scheduled for December 1, 2015, with final reading on December 8, 2015.

