COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: February 24, 2011
ITEM NO.: 1
TIME: 10:05 am

TO: Placer County Planning Commission

FROM: Leah Rosasco

DATE: February 24, 2011

SUBJECT: **Proposed Ordinance Temporarily Allowing Prohibited Signs (PZTA 20100383)**

STAFF PLANNER: Leah Rosasco, Senior Planner

LOCATION: Countywide

APPLICANT: Placer County Planning Services Division

PROPOSAL: The Planning Commission is being asked to consider an Ordinance that would allow for the placement of certain signs that are currently prohibited by the Zoning Ordinance and remove the maximum timeframes for banners and window signs, for a period of one year.

CEQA COMPLIANCE: This action is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which states that a project is exempt from CEQA if the "activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The proposed Ordinance would allow for the temporary placement of A-Frame signs, animated signs, inflated and lighter-than-air signs, and portable signs, and would suspend the respective 45- and 60-day maximum timeframes for placement of banners and window signs. The proposed Ordinance does not have the potential to cause a significant effect on the environment as it would allow for the placement of signs on a temporary basis and does not include any alteration or impact to land or natural resources.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS: A legal notice was published in the Sacramento Bee newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice.

BACKGROUND: The national, state, and local economies have undergone a downward transformation in recent years, which has resulted in a reduction in revenue for local businesses. With the current decline in the economy, business owners are increasingly forced to step up

marketing and outreach efforts in order to expand visibility for their business. Allowing certain types of signs that are currently prohibited by the Zoning Ordinance will provide businesses with additional tools to help increase visibility and potentially increase revenues.

The following signs are currently prohibited per section 17.54.170 of the Zoning Ordinance:

- "A"-frame Signs
- Animated Signs
- Hazardous Signs
- Inflated/Lighter-Than-Air Signs
- Obsolete Signs
- Off-premises Signs
- Portable Signs
- Signs on Public Property
- Signs on Natural Features and Other Structures
- Signs Without Permits
- Simulated Traffic Signs
- Vehicle Signs

The proposed Ordinance would allow for the temporary placement of the following prohibited signs for a period of one year:

- "A"-frame Signs
- Animated Signs
- Inflated/Lighter-Than-Air
- Portable Signs

In addition to allowing these prohibited signs for a period of one year, the proposed Ordinance would also suspend the maximum allowable timeframe for the following Exempt Signs:

- Temporary Sales and Events Signs – Section 17.54.170(2)(C)(o)
- Window Signs – Section 17.54.170(2)(C)(p)

These signs do not require the approval of a Sign Permit, however the Zoning Ordinance limits the amount of time they are permitted to be displayed to 45 days and 60 days respectively. The proposed Ordinance would allow the placement of these types of signs with no time limit for a period of one year.

Although restrictions regarding signage are in place in an effort to avoid health and safety and aesthetic impacts, the signs discussed above may also be credited with increasing revenue for businesses by attracting the attention of passersby who are drawn in by an eye-catching sign. The proposed Ordinance is being requested in order to provide businesses with the ability to potentially draw in a larger customer base in an effort to ease the burden of the current economic downturn. Existing requirements set forth in Sections 17.54.170 and 17.54.180 of the Zoning Ordinance will apply to these signs to ensure there will be no impacts to health and safety and minimal impacts to aesthetics as a result of this Ordinance. This includes a requirement that all signs be located outside of road rights-of-way and shall not impact sight distance, as well as restrictions on the number and size of allowed signs. Additionally, per the Zoning Ordinance, signs allowed for by this proposed

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Ordinance may not interfere with driver sight distance at road encroachments or obstruct the accessible path of travel along pedestrian sidewalks and pathways. This Ordinance would not apply to signs in the Tahoe Basin or in Squaw Valley, as signage in those areas are governed by other adopted County Ordinances and requirements.

DISCUSSION OF ISSUES:

Effective Date:

The proposed Ordinance would go into effect for a period of one year, beginning on the date of approval by the Board of Supervisors. This time period could not be extended without the approval of the Board of Supervisors.

Monitoring:

As referenced above, sign restrictions are in place in an effort to reduce impacts related to health and safety issues, such as conflicts with vehicle traffic and sight distance, and aesthetic issues, such as overuse of portable and bright signs, and clutter. The use and placement of these signs will be subject to height, location, and overall size requirements set forth in the following sections of the Placer County Zoning Ordinance:

17.54.170
17.54.170 (C)(1)(a) and (c)
17.54.170 (E-G)
17.54.180 (A)(1)(a-e)
17.54.180 (A)(2) – as it may pertain to sales and event banners
17.54.180 (A)(3)

Fiscal Impact:

It is not anticipated that the proposed Ordinance will result in any negative fiscal impact, although it is possible that the proposed Ordinance will increase revenues by generating additional sales tax from increased business in Placer County.

RECOMMENDATION:

Staff recommends that the Planning Commission forward a recommendation for approval to the Board of Supervisors on a proposed Ordinance that would suspend certain requirements set forth in Section 17.54.170 of the Zoning Ordinance for a period of one year to allow for the placement of certain prohibited signs and would suspend the maximum allowable timeframe for window signs and banners.

Respectfully submitted,

Leah Rosasco

Leah Rosasco
Senior Planner

ATTACHMENTS:

Attachment A – Proposed Ordinance
Attachment B – Correspondence

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cc: Michael Johnson – CDRA Director
Loren Clark – Assistant CDRA Director
Paul Thompson – Deputy Planning Director
Scott Finley – County Counsel
Richard Eiri – Engineering and Surveying Division
Andrew Gaber – Department of Public Works
Jill Pahl – Environmental Health Services
Tim Wegner – Chief Building Official
Bob Eicholtz – Emergency Services
Board of Supervisors
Redevelopment Agency
Subject/chrono files

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Before the Board of Supervisors
County of Placer, State of California

In the matter of:
AN ORDINANCE AMENDING
SECTIN 17.544.170 OF CHAPTER 17 OF
THE PLACER COUNTY CODE PERTAINING
TO SIGNS

Ord. No._____

First Reading: _____

The following ORDINANCE was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2011, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____
Robert Weygandt
Chair, Board of Supervisors

Attest:

_____
Ann Holman
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, HEREBY FINDS:

1. The national, state, and local economies have undergone a downward transformation in recent years, which has resulted in a reduction in revenue for businesses throughout Placer County. In an effort to reverse declining revenues business owners increasingly need to enhance marketing and outreach efforts, including efforts to expand visibility for their business.

2. The Board of Supervisors, taking notice of the continued economic difficulties facing Placer County's business owners, hereby determines that it is in the best interest of the citizens of Placer County to allow for an easing of the requirements in Section 17.54.170 of Chapter 17 of the Placer County Code regarding

ATTACHMENT A

placement and timeframes of certain types of signs for a one (1) year period of time.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Subsubsections (o) and (p) of Subsection (C) of Section 17.54.170 of Chapter 17 of the Placer County Code are hereby amended to read as follows:

o. Temporary Sales and Events. Banners, signs or decorative materials for an event conducted pursuant to Sections 17.56.160(C), 17.56.160(D) and 17.56.160(G) (Outdoor retail sales), or grand openings of a new facility on the same site. Such banners, signs and materials are limited to a maximum aggregate area of one hundred (100) square feet per site~~ and a maximum time of forty-five (45) days per year~~. Uses permitted under Section 17.56.300 (Temporary Uses) are limited to a maximum aggregate area of one hundred (100) square feet per site of banners, signs or decorative materials or as otherwise provided by the use permit.

p. Window Signs. Temporary window signs, either painted with water-soluble paint, or constructed of paper, cloth or similar expendable material, provided the total area of such signs is not more than twenty-five (25) percent of the window area~~, and provided that such signs are in place no longer than thirty (30) days in any sixty (60) day period~~.

Section 2: Subsection (D) of Section 17.54.170 of Chapter 17 of the Placer County Code is hereby amended to read as follows:

D. Prohibited Signs and Sign Materials. The following signs and sign materials are prohibited, as well as any other sign or sign materials that are not consistent with the provisions of this ordinance; **provided, however, signs described by subsections (1), (2) (4) and (7) below shall be permitted without a sign permit subject to compliance with all other applicable provisions of this Section 17.54.170, including but not limited to size, area, setback, illumination, and construction and maintenance, and as allowed by Section 17.54.180.**

1. "A"-frame Signs. On-premises or off-premises signs with two or more pieces of any rigid material whatsoever joined at the top so as to form an "A" when viewed in profile, which are not permanently affixed to the ground or a building, and which are otherwise consistent with the definition of a sign.

2. Animated Signs. Signs with any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays and electronic changeable copy signs with cycle rates longer than three seconds, and traditional barber poles.

3. Hazardous Signs. Any sign that creates a traffic safety hazard by interfering with a driver's sight distance.

4. Inflated/Lighter-Than-Air Signs. (Except as provided in Section 17.54.180(C)(2)).

5. Obsolete Signs. Any sign or sign structure identifying a use or activity that has not occupied the site for more than six months.

6. Off-premises Signs. Except as provided by Section 17.54.190, any off-premises sign that directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located, including but not limited to billboards and other off-premises outdoor advertising signs.

7. Portable Signs. Signs not permanently affixed to the ground, an approved support structure or a building.

8. Signs on Public Property. Signs within a public road right-of-way, or placed on any other public property, except when placed on such property by the public agency having jurisdiction.

9. Signs on Natural Features and Other Structures. Signs affixed to or painted on trees, rocks, or other natural features, or on utility poles, street sign poles, traffic signal equipment and poles, or garbage receptacles.

10. Signs Without Permits. Any sign without an approved sign permit, unless specifically exempt per subsection (C)(2) of this section.

11. Simulated Traffic Signs. Any sign that simulates or imitates in color or design any traffic sign or signal, or uses words, symbols or characters that may interfere with, mislead or confuse pedestrian or vehicular traffic.

12. Vehicle Signs. Signs on vehicles, including trailers, when a vehicle is parked or stored on property for the purpose of identifying a business or advertising a product on the same site or a different site, unless the sign is permanently fixed to the vehicle, and the vehicle is used by the business to conduct its daily operations on a regular basis.

Section 3: Any sign permitted by the changes to Subsubsections (o) and (p) of Subsection (C) or Subsection (D) of Section 17.54.170 described in Sections 1 and 2 herein shall be permitted only for the period of time that this ordinance is in effect pursuant to Section 5 below, and shall be removed immediately thereafter. No such sign shall be deemed a legal non-conforming sign upon expiration of this ordinance.

Section 4: This ordinance shall be uncodified and shall apply only to those signs as described in Sections 1 and 2 herein. The Director of the Community Development Resources Agency is authorized and directed to adopt such administrative procedures as may be necessary to implement this ordinance.

Section 5: This ordinance shall be in effect for a period of one (1) year from the Effective Date described in Section 6 below, unless extended by adoption of an ordinance prior thereto further extending the Effective Date.

Section 6: This ordinance shall take effect and be in full force and effect on _____, 2011 or upon thirty (30) days after its passage, whichever is later (the "Effective Date"). The Clerk is directed to publish this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

From: David Wiltsee [mailto:dwiltsee@sbcglobal.net]
Sent: Wednesday, February 09, 2011 9:33 PM
To: Pat Malberg
Subject: Re: Temporary Sign Ordinance Information

In an effort to reverse declining revenues business owners are increasingly forced to enhance marketing and outreach efforts, including efforts to expand visibility for their business.

I don't really care one way or the other on this. But the foregoing is a legal headscratcher. Are we to assume that the sign ordinance impedes business, but that's OK in good times? Or that in hard times it is necessary to suspend aesthetic and safety regulations (the rationale for sign regulations in the first place) to improve business? If this "temporary" waiver is approved and businesses take advantage of it, I would suggest that those same businesses would be on solid ground to challenge reimpostition of the regulations after the year is up. Why? By the County's own admission in the above statement, "marketing and outreach efforts" can be construed as outweighing considerations of health, safety, and welfare which form the foundation of the Zoning Ordinance (exercise of the County's police powers via the Zoning Ordinance).

Last, but not least, using the same reasoning, are there other provisions in the Zoning Code which might be similarly suspended temporarily if deemed to be creating economic hardship? I bet we could find a few, what do you think?