



COMMUNITY DEVELOPMENT AGENCY

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July 22, 2014

To: Board of Supervisors
From: David Defanti, Assistant Director
Subject: **Draft Sign Ordinance Update**

PURPOSE

The purpose of this report is to respond to items discussed at the Board meeting on December 17, 2013 and to recommend the Board adopt the ROI (Attachment 4A) to Amend the Sign Ordinance, and authorize staff to proceed with the environmental review of the draft Sign Ordinance. Staff also recommends the Board consider revisions to General Plan Objective 2.7.1 and Policy 2.7.1.2 as noted in the draft ROI to align General Plan language with state law provisions. Provided for your review is the Draft Sign Ordinance (Attachment 4B) revised based on Board direction received on December 17, 2013 and comments received during the public review period. In addition, there are a few outstanding issues for the Board to consider and provide staff direction.

BACKGROUND

In August 2012, the Board directed staff to hire a consultant to prepare a comprehensive amendment to the Sign Ordinance (Chapter 17.16 of the Zoning Ordinance) and a related Environmental Impact Report (EIR). A contract was executed with Pacific Municipal Consultants, Inc. (PMC) in December 2012. In June 2013, the Board authorized the Sign Ordinance Public Draft to be released for a 60-day review period. The public draft was released on July 8, 2013 and the public comment period closed on September 10, 2013. Written comments were submitted by forty-two individuals and seven agencies.

On December 17, 2013, staff presented to the Board a general summary of the public comments received and asked the Board for direction on several policy issues identified in the public comments. In addition, the County's outside counsel who specializes in sign law provided the Board with an informational presentation on sign law.

Since December 2013, staff has been working with PMC and County Counsel to revise the draft Sign Ordinance to address Board direction and other issues/questions that arose during the staff and counsel review process.

DISCUSSION

At the December 17, 2013 Board meeting, the Board provided direction on several policy issues. In addition, public comments received suggested formatting revisions were needed for clarity. Based on the Board's direction and public comments received, below is a summary outline of subsequent revisions that have been made to the draft Sign Ordinance:

- 1) A Uniform Sign Program may allow deviations up to 20 percent of development standards.
- 2) Highway-Oriented signs – applies only to signs on U.S. Highway 50.
- 3) Murals - will not be regulated by the proposed draft Sign Ordinance.
- 4) Mobile signs on vehicles – only vehicles parked on public property and public right-of-way for the primary purpose of advertising shall be prohibited.
- 5) The draft ordinance has been comprehensively updated and reformatted to address differences in signage needs between more dense urban areas of the County versus rural and agritourism areas of the County.
- 6) A separate section has been added to address Community Sign Programs which include industry association signs found primarily in rural areas.
- 7) A separate section has been added to specifically address signs on County property. Signs (including electronic/digital signs) located on County property are one of the potential options that could be used to remove existing legal billboards. The draft Sign Ordinance includes a provision that the Board may approve relocation agreements for existing legal billboards. Such agreements would be negotiated on a case-by-case basis.
- 8) A table listing sign permit requirements, for various sign types, was added to the permitting section.
- 9) Sign development standards tables have been re-formatted for clarity and ease of use. In addition, standards for permanent on-site signs in urban and rural areas have been split into separate tables.
- 10) A provision was added to the subsection on “Exempt Signs with Limitations” (Section 17.16.030.B.11) to allow off-site commercial signs in designated rural areas for establishments that do not have direct frontage to County roads. This provision includes a sign size limit with a maximum sign area of 16 square feet and a maximum height of 12 feet.

In addition to revisions to the draft Sign Ordinance, the ROI includes revisions to General Plan Objective 2.7.1 and General Plan Policy 2.7.1.2 for consistency with the Board's goal to protect the County's visual character and scenic landscapes/ viewsheds in designated scenic corridors, and for conformity with state and federal law. Therefore, staff recommends the following revisions:

- Objective 2.7.1: Signs Regulation – Regulation of the location, number and size of highway signs and potential relocation or elimination of billboards along ~~identified~~ designated scenic corridors and historic routes in accordance with state and federal law.
- Policy 2.7.1.2 - Existing billboards within designated scenic corridors shall be considered for removed~~or relocated~~out of the corridor in accordance with state and federal law allowing an adequate time period for billboard owners to amortize the value of their signs pursuant to an amortization schedule to be included in the Sign Ordinance.

Non-Conforming Signs

Per the draft Sign Ordinance that was distributed for public review in July 2013, there were essentially three categories of signs that would become non-conforming:

- 1) Off-site signs in rural areas for establishments without direct property frontage to County roads – The proposed revised draft ordinance has addressed category by adding the provision noted in No. 10 above.
- 2) Off-site signs for general advertising for hire (e.g., billboards) – This category, which is subject to state law, has been addressed by adding the following provision to Section 17.16.100.C as follows: “Signs that are protected from removal by applicable provisions of state law may be removed only as allowed by state law.”
- 3) Any other non-conforming signs that do not fit in either of the first two categories – This third “catch all” category would be subject to the regulations of nonconforming signs as noted in the “Nonconforming Signs” subsection.

Options for Removal of Existing Billboards

The question of how to remove existing billboards was raised at previous Board meetings and the issue was specifically addressed by the County's outside counsel, a specialist in sign law. The County has been advised that in the past, billboards could be eliminated without compensation under a time-based amortization schedule that allowed the owner time to recoup their investment. However, due to changes in the law, this is no longer possible in most situations. There are, however, limited exceptions for time-based amortization for billboards in residential or agricultural zones.

Any governmental entity with eminent domain power may condemn a billboard using the eminent domain law; however, just compensation must be paid. While this is an option, many jurisdictions find the compensation cost to be infeasible. Another option authorized by state law is a relocation agreement whereby a billboard owner and the local government negotiate a deal for one or more billboards to be eliminated and one or more billboards to be installed at other locations that may be more acceptable to the governmental entity and the public.

There are four options: 1) a negotiated buy-out in lieu of condemnation; 2) condemnation under the eminent domain laws with the payment of just compensation; 3) a relocation agreement; or, 4) amortization of billboards that qualify for the residential or agricultural land exceptions. The draft Sign Ordinance allows for all four options to be available, providing the Board the greatest flexibility in addressing specific billboards and billboard sites.

REMAINING POLICY ISSUE FOR BOARD DIRECTION

Dwell Time of Electronic (Digital) Signs and Signs in Motion

The draft Sign Ordinance prohibits electronic (digital) signs, or animated, flashing, scrolling digital or video screen signs that change message more than once every 12 seconds. Public comments were received that noted the 12-second “dwell time” was too long. Staff did some research and found that the state law related to interstate highways or primary highways (Outdoor Advertising Act) prohibits “any illumination or message change that is in motion or appears to be in motion or changes in intensity or exposes its message for less than four seconds.”

In addition, sign companies typically use a marketing model of 8 slides in a sequence, each on the display screen for 8 seconds. In fast traffic locations, the dwell time is sometimes reduced to 6 or 4 seconds. Staff also made some field observations of several electronic signs in Sacramento County, including the sign at the Harris Performing Arts Center at Folsom Lake College, and found the dwell times to be in the 6 to 9 second range. Based on these observations, staff recommends that the 12 second dwell time be reduced to 8 seconds.

REASON FOR RECOMMENDATION

The revisions to the draft sign ordinance were made in response to public and agency comments on the Public Review Draft dated 7-8-13. The revisions also incorporate input from the consultant and counsel to address issues that arose during the staff review process. The revisions to General Plan Objectives 2.7.1 and Policy 2.7.1.2 were made for consistency with the Board’s goal to protect the County’s visual character and scenic landscapes/viewsheds in designated scenic corridors, and for conformity with state and federal Law. Adoption of the Resolution of Intention to Amend the Sign Ordinance is needed before staff may proceed with the environmental review as required by the California Environmental Quality Act.

RECOMMENDATION

Community Development Agency, Long Range Planning, recommending the Board:

- 1) Approve revisions made to the draft Sign Ordinance including reducing dwell time of electronic (digital) signs and signs in motion from 12 seconds to 8 seconds;
- 2) Consider revisions to General Plan Objective 2.7.1 and Policy 2.7.1.2 as noted in the draft Resolution of Intention (ROI) to align General Plan language with state law provisions; and
- 3) Adopt the ROI to Amend the Sign Ordinance and authorize staff to proceed with the preparation of all necessary documentation and environmental review pursuant to the California Environmental Quality Act.