

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**A REQUEST SHALL BE PRESENTED TO THE TOWN COUNCIL TO AMEND THE PROVISIONS OF THE DEVELOPMENT CODE PERTAINING TO MODIFYING REGULATIONS FOR SNIPE SIGNS IN THE PUBLIC RIGHT-OF-WAY, MODIFYING THE RESIDENTIAL KIOSK DIRECTIONAL SIGN PROGRAM AND LIMITING THE USE OF HUMAN OPERATED SIGNS WITHIN RESIDENTIAL NEIGHBORHOODS.**

**Recommended Action:**

**Move to open the public hearing and take testimony.  
Close the public hearing. Then:**

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review, stating that the activity is covered by the general rule that CEQA applies only to projects that 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
4. **Move** to waive the reading of Ordinance No. 367 in its entirety and read by title only.
5. **Introduce** Ordinance No. 367, amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying the regulations for snipe signs within the public right-of-way, modifying the Residential Kiosk Sign Program regulations and limiting human operated signs within the residential neighborhoods within the Town.
6. **Direct** staff to file a Notice of Exemption.

**Proposed by:**           **Planning Division**          

**Item Number** \_\_\_\_\_

**Town Manager Approval:** \_\_\_\_\_

**Budget Item**  **Yes**  **No**

**Summary Statement:**

This is a continued item from the November 13, 2007 and January 8, 2008 Town Council meeting and was originally placed on the agenda at the request of Council Member Roelle and Allan.

At the August 28, 2007 Town Council Code Enforcement Workshop, the issue of signage located along the public right-of-way was discussed. The Council expressed concerns regarding the proliferation of snipe signs within the public right-of-way. Council Member Allan was concerned about the aesthetics of snipe signs, as well as the installation of snipe signs with stakes that puncture the landscape liner when placed in the landscape planters along the public right-of-way. The liners become damaged and allow weeds to grow into the planter. The Council also expressed concern about individuals on street corners holding or controlling signage, typically twirling and dancing with the signs to create attention. Their main concern was this type of signage on residential street corners.

At the January 8<sup>th</sup> meeting, Council Member Nassif stated that he would like additional time to review this item. The Council formed a committee to get input from the residential builders and realtors. The Council appointed Council Members Nassif and Allan to this committee to review the subject and work with staff on appropriate language. The item was continued to April 8, 2008 to allow sufficient time for staff and the committee to accomplish this task.

On February 7, 2008 Council Members Allan and Nassif met with staff and determined that human signage in residential areas would only be appropriate on major and secondary roads and should be prohibited on local roads. Human signage would continue to be allowed in commercial areas. At this meeting it was determined that a workshop should be scheduled inviting the residential builders and realtors.

On March 26, 2008 a workshop was held with only one attendee, David Faylor of Cambridge Homes. Mr. Faylor indicated that his company regularly uses snipe signs for directional advertisement for residential tracts for sale in the community. Staff provided examples of regulations from other cities (see Attachment 2). It was determined that signs could be allowed in the public right-of-way if receptacles were installed that allowed signs to be removed during weekdays without puncturing the landscape planter areas. The City of Victorville requires receptacles as shown in the diagram in Attachment 2.

**ANALYSIS:**

As illustrated in the diagram (Attachment 2) the receptacles are installed in the ground and then hold the support for the sign. The sign can be easily removed, leaving the receptacle in the ground. Each weekend the sign can be replaced in the receptacle until the tract is complete and then the receptacle is removed. The receptacle should be rectangular in shape, rather than round, so that the sign does not spin in the wind.

The receptacle would have to be placed several feet into the ground, so the sign does not lift out of the receptacle in the wind.

It was determined that the existing separation distance of signs for the same development should continue to be 500 feet, but the separation distance between approved signs of different development should be increased from twenty (20) feet to fifty (50) feet. Due to the physical size of the Town, the committee did not feel that a limit on the number of signs was appropriate. A permit, at no cost, would be required from the Planning Division to approve the location of the receptacles.

At the workshop, there were also discussions regarding the modifications to the Building Industry Association (BIA) Residential Kiosk Directional Sign program was considered. There was a concern that the panels of the BIA kiosks signs were not very visible. The recommendation was to allow one development the ability to have up to three (3) panels on the sign to increase visibility. This is allowed under the Victorville kiosk program.

The definition for snipe signs has been modified to clarify that it includes signage installed with stakes in the ground and with/without receptacles. A definition for Human Operated Signs has been included. The definitions and modified Section 9.74.050 "Prohibited Signs" is shown below, additions are noted in ***bold italics*** and deletions are noted in ~~strike-through~~.

***Human Operated Signage. Signs held and/or movement operated by a person, typically located on a street corner.***

***Snipe Sign.*** Temporary signs fastened to fences, trees, utility poles, ***stakes in the ground with or without the use of receptacles*** or other nonsign structures.

#### **9.74.50 Prohibited Signs**

- P. Snipe signs located in the public right-of-way that do not conform to the requirements of Temporary Subdivision and Model Home Signs in Section 9.74.150(E).***
- Q. Human operated signs located on locals road in residentially zoned neighborhoods.***

#### **FINDINGS:**

Prior to the approval of any Amendment to the Development Code, the Council, based upon the advice of the Planning Commission, must make specific "Findings" as listed within the Code. Code Section 9.06.060 "Required Findings" of Chapter 9.06 Amendments to Zoning Provisions" specifies that two (2) Findings must be made in a positive manner to approve an Amendment. These Findings, along with a comment to address each, are presented below.

#### **9.06.060 "Required Findings**

- A.** The proposed Amendment is consistent with the General Plan; and

Comment: The General Plan is the blueprint for the community's future growth. Specific Goals and Objectives are provided within each of the adopted General Plan's State mandated Elements. Many of these stated Goals and Objectives address the community's desire to establish and maintain high standards for the quality, aesthetic appearance and safety for all new and existing development. The proposed Amendment, modifying the regulations for snipe signs and the Residential Kiosk Directional Sign program in the public right-of-way and prohibiting human operated signs from locating on local roads residentially zoned neighborhoods, encourages quality aesthetic appearances of the street scene and residential neighborhoods. These changes are consistent with the Goals and Objectives of the adopted General Plan.

B. The proposed Amendment will not be detrimental to the public health, safety or general welfare of the Town or its residents.

Comment: The proposed Development Code Amendment modifies the regulations regarding snipe signage and the Residential Kiosk Directional Sign program in the public right-of-way and prohibiting human operated signage from locating on local roads residentially zoned neighborhoods. The Amendment shall not be detrimental to the health, safety or general welfare of the citizens or visitors of the Town of Apple Valley.

### **NOTICING**

Development Code Amendment No. 2007-017 was advertised as a public hearing in the Apple Valley News newspaper on November 2, 2007 as required under Development Code Section 9.13.030 "Notice of Public Hearings".

### **RECOMMENDATION**

Following receipt of public input and discussion by the Council, it is recommended that the Council move to introduce Ordinance No. 367 amending Chapter 9.74 "Signs and Advertising Displays" of the Development Code as it relates to modifying the regulations for snipe signs within the public right-of-way and human operated signs within the Residential neighborhoods within the Town.

Attachments:

Draft Ordinance No. 367  
Memo to Sign Committee dated March 14, 2008  
Planning Commission Resolution No. 2007-021

**ORDINANCE No. 367**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO MODIFYING THE REGULATIONS FOR SNIPE SIGNS AND RESIDENTIAL KIOSK DIRECTIONAL SIGNS IN THE PUBLIC RIGHT-OF-WAY AND PROHIBIT HUMAN OPERATED SIGNAGE FROM LOCATING ON LOCAL ROADS IN RESIDENTIALLY ZONED NEIGHBORHOODS.**

The Town Council of the Town of Apple Valley, State of California, does ordain as follows:

**Section 1. Recitals.**

- (i) Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and
- (ii) Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and
- (iii) Specific changes to Title 9 “Development Code” of the Town of Apple Valley Municipal Code include amending Chapter 9.74 “Signs and Advertising Displays” of the Development Code as it relates to regulations regarding snipe signage and residential kiosk directional signs in the public right-of-way and prohibiting human operated signage from locating on local roads in residentially zoned neighborhoods; and
- (iv) On November 2, 2007, Development Code Amendment No. 2007-017 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and
- (v) The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA; and
- (vi) On October 17, 2007 the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised the public hearing on Development Code Amendment No. 2007-017, receiving testimony from the public and adopted Planning Commission Resolution No. 2007-021 Recommending Adoption of this Ordinance; and

(vii) On March 25, 2008, the Council appointed Sign Committee consisting of Council Members Nassif and Allan, held a public workshop to obtain input on this issue; and

(viii) Development Code Amendment No. 2007-017 is consistent with Title 9 (Development Code) of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**Section 2. Findings.**

(i) Find that the changes proposed by Development Code Amendment No. 2007-017 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

(ii) Find that, based upon the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. Section 15061(b)(3), states that the activity is covered by the general rule that CEQA applies only to projects that 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA

**Section 3.** Amend Section 9.74.040 “Definitions” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code by adding the definition of Human Operated Signage and by amending the definition of Snipe Signs to read as follows:

***Human Operated Signage.*** Signs held and/or movement operated by a person, typically located on a street corner.

***Snipe Sign.*** Temporary signs fastened to fences, trees, utility poles, stakes in the ground with or without the use of receptacles, or other non-sign structures.

**Section 4.** Amend Section 9.74.050 “Prohibited Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Development Code by adding new paragraphs P and Q to read as follows:

P. Snipe signs located in the public right-of-way that do not conform to the requirements of Temporary Subdivision and Model Home Signs in Section 9.74.150(E).

Q. Human Operated signs located on local roads in residentially zoned neighborhoods.

**Section 5.** Amend paragraphs 2, 4 and 7 of subsection E “Temporary Off-Site Weekend Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code to read as follows:

- E.**
- 2. Such snipe sign may be posted within the public right-of-way, provided that the installation of the sign is in compliance with Figure 9.74.150-C, which includes a rectangular receptacle placed at least two (2) feet in the ground made of metal or pvc material. The receptacles shall be removed at the completion of the tract. Snipe signs on wood stakes or other posts without a receptacle shall be prohibited;
  - 4. Snipe signs shall be at least five hundred (500) feet from any other sign for that subdivision, except at intersections. Snipe signs may not be within fifty (50) feet of an approved sign for any other subdivision and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign;
  - 7. Prior to posting any snipe signs, each subdivision must obtain approval of a Temporary Use Permit, free of charge, from the Planning Division. A sign location plan shall be prepared showing the site of each sign.

**Section 6.** Add Figure 9.75.150-C to Subsection E “Temporary Off-Site Weekend Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code as shown below:

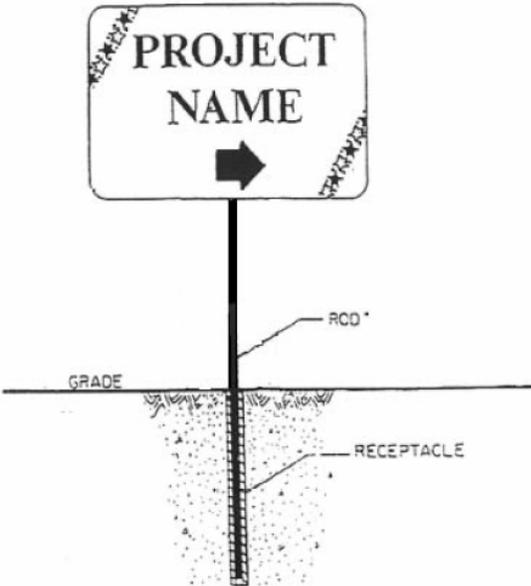


Figure 9.74.150-C

**Section 7.** Amend subparagraph a. of paragraph 13 of subsection D “Residential Kiosk Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code to read as follows:

- 9.74.150
- D. 13.
- a. No more than three (3) panels per development per side of kiosk is permitted;

**Section 8.** Add Figure 9.74.150-B “Kiosk Signs” of paragraph 13 of subsection D “Residential Kiosk Directional Signs” of Section 9.74.150 “Temporary Subdivision and Model Home Signs” of Chapter 9.74 “Signs and Advertising Displays” of the Town of Apple Valley Development Code as shown below:

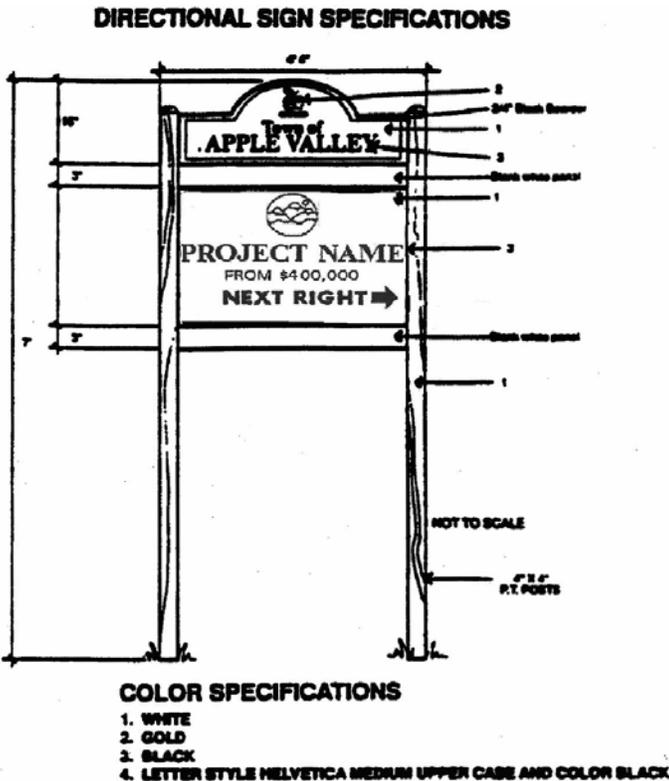


Figure 9.74.150-B

**Section 9. Invalidation.** The amendment by this Ordinance of Title 9 “Development Code” of the Town of Apple Valley Municipal Code as previously in effect, or of any other prior enactment, shall not be construed to invalidate any entitlement exercised or proceeding taken pursuant to such Title or other enactment while the same was in effect.

**Section 10. Notice of Adoption.** The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a

newspaper of general circulation and published and circulated in the Town in a manner permitted under Section 36933 of the Government Code of the State of California.

**Section 11. Effective Date.** This Ordinance shall become effective thirty (30) days after the date of its adoption.

**Section 12. Severability.** If any provision of this Ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

Adopted by the Town Council and signed by the Mayor and attested by the Town Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Honorable Timothy Jasper, Mayor

ATTEST:

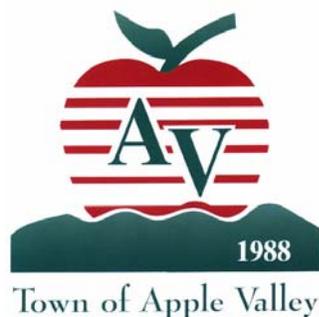
\_\_\_\_\_  
La Vonda M-Pearson, Town Clerk

Approved as to form:

Approved as to content:

\_\_\_\_\_  
Mr. Neal Singer, Town Attorney

\_\_\_\_\_  
Mr. James L. Cox, Town Manager



## TOWN OF APPLE VALLEY MEMORANDUM

**TO:** Council Member Nassif and Council Member Allan

**FROM:** Lori Lamson,  
Assistant Director of Community Development

**SUBJECT:** Sign criteria for snipe signs

**DATE:** March 14, 2008

On January 9, 2008, the Council appointed Council Members Nassif and Allan as the Council Sub-Committee for signs, specifically, human operated signage and snipe signs. The Council Sub-Committee met on February 7, 2008 and determined that human operated signs should only be allowed in non-residential neighborhoods, with the exception of arterial and secondary roads in residential areas. During the discussion of snipe signs, the Committee directed staff to survey other cities and schedule a workshop with all residential builders/developers and sign companies/installers to discuss the ability to place snipe signs within the public right-of-way. This workshop has been scheduled for March 26, 2008 at 5:00 p.m. in the Council Chambers.

The snipe signs the Sub-Committee is most concerned about are the signs that advertise the sale of tract homes within the community, which are placed in the public right-of-way. Attached is a copy of the existing Town of Apple Valley Code as it relates to snipe signs, particularly for residential development and tract homes. In addition, a survey was conducted of several cities within California to provide an example of how these signs are regulated in other communities. The communities where these signs are permitted typically refer to them as "Temporary Weekend Signs". Similar to the Town's existing Code, they are regulated by days of the week.

The purpose of the workshop is to solicit public input for this issue, which will assist the Committee in forming its recommendations to the Council regarding whether to modify or maintain the current regulations for snipe signs.

c: James L. Cox, Town Manager  
Ken Henderson, Director of Economic and Community Development

**Town of Apple Valley Sign Code:**

**Snipe Sign.** Temporary signs fastened to fences, trees, utility poles, or other nonsign structures.

**Temporary Sign.** A sign usually constructed of cloth or fabric, cardboard, wallboard, wood or other light material intended to be displayed for a short period of time as set forth in this Chapter.

**9.74.150 Temporary Subdivision and Model Home Signs** (Amended Ord. 262)

- A. All temporary subdivision and model home signs shall be subject to approval of a Temporary Use Permit and compliance with the provisions of this Section.
- B. These regulations shall apply to tracts and model home signs except for signs within developments with a sign program adopted in accordance with subsection 9.74.100.D *Master Planned Communities* of this Chapter. For purposes of this Section the following definitions shall apply:
  - 1. **Tracts.** Residential subdivisions of contiguous lots within a recorded tract where five (5) or more lots are concurrently undergoing construction.
  - 2. **Model Home.** Single family residential structure used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.
- C. **On-site Signs and Advertising Devices...**
- D. **Residential Kiosk Directional Signs...**
- E. **Temporary Off-Site Weekend Directional Signs.** In addition to Residential Kiosk Directional Signs permitted in subsection 9.74.150.D above, temporary off-site weekend directional signs may be permitted on major and secondary roads for purposes of providing direction to projects with an approved model home permit, subject to the following regulations:
  - 1. Signs may only be posted on weekends between 6:00 p.m. on Friday and 6:00 p.m. on Sunday, or until 6:00 p.m. on legal holidays following a weekend, and between 8:00 a.m. and 6:00 p.m. on legal holidays not in conjunction with a weekend;
  - 2. Signs may not be posted within the public right-of-way;
  - 3. There shall be no more than one (1) sign per direction of traffic at any intersection;
  - 4. Signs shall be at least five hundred (500) feet from any other sign for that subdivision, except at intersections. Signs may not be within twenty (20) feet of a sign for any other subdivision and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign;
  - 5. Maximum area of directional signs shall not exceed three (3) square feet nor shall any sign be erected in excess of four (4) feet in height;
  - 6. Signs may be posted on private property only with permission of the property owner;
  - 7. Prior to posting any signs, each subdivision must obtain approval of a permit from the Planning Division and post a cash bond to guarantee compliance with the above regulations.

**Are non-permanent signs allowed in the public right-of-way?**

<i>City</i>	<i>Yes/No</i>	<i>Requirements</i>
Agoura Hills	No	
Arroyo Grande	No	
Belmont	No	
California City	Yes	Only political signs and real estate signs (for sale/lease) are allowed in the public right-of-way.
Calimesa	No	
Campbell	No	
Cerritos	Yes	Real Estate signs can be located in the public right-of-way on Wednesdays, Saturdays and Sundays. The sign can not be located in street medians, sidewalks or walkways. They can not be attached to trees, poles, utility boxes, bus benches or fire hydrants. Only two signs allowed.
Claremont	No	
Costa Mesa	Yes	Signs not exceeding 5 sq. ft. are allowed in the public right-of-way Friday through Sunday from 6:00 a.m. to 6:00 p.m. The signs can not be located in the center median, no overhang onto street, sidewalk, driveway or intersection, can not be in single-family neighborhoods, can not be affixed to traffic control devices, traffic signs, light standards, utility poles, bus shelters or other post, fences, shrub or trees. The Name, phone number and address must be located on the back of each sign.
Dana Point	No	
Glendale	No	
Glendora	No	
Gonzales	No	
Highland	Yes	City is currently modifying regulations to prohibit all signs within the right-of-way.
Hesperia	Yes	“Temporary Weekend Signs” located along the streets extending from a major road to the subdivision tract location. Located a minimum of 15 feet from the edge of pavement. They must be placed 300 feet apart and separated 100 feet from another weekend sign. The maximum size is 24 inches by 36 inches and permitted from Friday through Sunday. Permitted through the Temporary Occupancy permit issued for the model homes.
Lomita	No	
Montclair	No	
Oakdale	Yes	Allows temporary signs for a 30 day period only 4 times a year.

Rancho Cucamonga	No	They rely on the BIA directional signs for residential tract information.
Rancho Mirage	No	
Red Bluff	No	City recently changed the Code to prohibit signs in the public right-of-way.
Redlands	No	
San Clemente	No	
Santa Barbara	No	
Semi Valley	No	
Temecula	No	
Victorville	Yes	“Weekend Model Home Complex Directional Signs” allowed in public right-of-way with City approval of permit and submittal of fee for each sign. A maximum of 10 signs for each tract shall be allowed. The signs shall be placed in a receptacle buried in the ground. The signs are permitted Friday through Sunday with a maximum separation of 300 from another Weekend Sign with the exception of allowing 2 on each corner.

**Reasons cities are modifying their regulations to prohibit temporary signs in the public right-of-way:**

- Highland is modifying their regulations to prohibit signs in the right-of-way due to speech infringement concerns.
- Dana Point eliminated all signs in rights-of-way due to concern over regulation of speech issues.
- San Clemente eliminated all signs in rights-of-way due to liability concerns.
- Red Bluff just prohibited signs in rights-of-way due to liability, speech regulation and aesthetic issues.

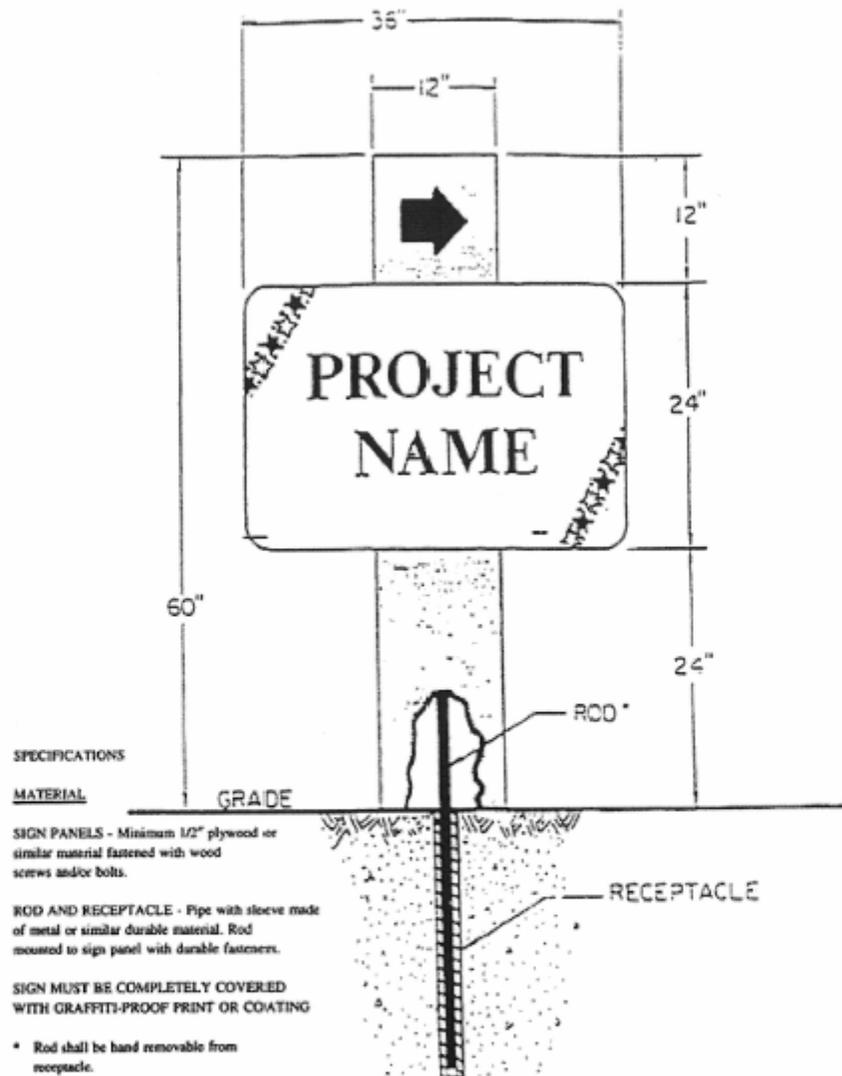


Figure 18.62.080D  
Exhibit C

Sign Specifications  
City of Victorville



Color Specifications

Header Panel	Same as Exhibit A
Project Directional Panels	Project name/logo to match project colors. No neon or glitter type permitted
Directional Text/Arrows	As designated by BLA

Figure 18.62.080C  
 Exhibit B

**PLANNING COMMISSION RESOLUTION NO. 2007-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF APPLE VALLEY, CALIFORNIA, RECOMMENDING THAT THE TOWN COUNCIL FIND THAT FOR DEVELOPMENT CODE AMENDMENT NO. 2007-017 AMENDING TITLE 9 “DEVELOPMENT CODE” OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE, BY AMENDING CHAPTER 9.74 “SIGNS AND ADVERTISING DISPLAYS” OF THE DEVELOPMENT CODE AS IT RELATES TO PROHIBITING SNIPE SIGNAGE IN THE PUBLIC RIGHT-OF-WAY AND HUMAN OPERATED SIGNAGE FROM LOCATING IN RESIDENTIALLY ZONED NEIGHBORHOODS**

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley was adopted by the Town Council on October 24, 2000; and,

**WHEREAS**, Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley has been previously modified by the Town Council on the recommendation of the Planning Commission; and,

**WHEREAS**, specific changes are proposed to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Chapter 9.74 as it relates to prohibiting snipe signage in the public right-of-way and human operated signage from locating in residentially zoned neighborhoods; and,

**WHEREAS**, on October 5, 2007, Development Code Amendment No. 2007-017 was duly noticed in the Apple Valley News, a newspaper of general circulation within the Town of Apple Valley; and

**WHEREAS**, Pursuant to the Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), which states that the activity is covered by the general rule that CEQA applies only to projects that 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA: and,

**WHEREAS**, on October 17, 2007, the Planning Commission of the Town of Apple Valley conducted a duly noticed and advertised public hearing on Development Code Amendment No. 2007-017, receiving testimony from the public; and

**WHEREAS**, Development Code Amendment No. 2007-017 is consistent with Title 9 “Development Code” of the Municipal Code of the Town of Apple Valley and shall promote the health, safety and general welfare of the citizens of the Town of Apple Valley.

**NOW, THEREFORE, BE IT RESOLVED** that in consideration of the evidence presented at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission of the Town of Apple Valley, California, does hereby resolve, order and determine as follows and recommends that the Town Council make the following findings and take the following actions:

**Section 1.** Find that the changes proposed by Development Code Amendment No.

2007-017 are consistent with the Goals and Policies of the Town of Apple Valley adopted General Plan.

**Section 2.** Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA), specifically Section 15061(b)(3), the activity is covered by the general rule that CEQA applies only to projects that 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 exempt from, and not subject to, CEQA.

**Section 3.** Amend Section 9.74.040 "Definitions" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code by amending the definition of Snipe Signs and adding the definition of Human Operated Signage in alphabetical order:

**Human Operated Signage.** Signs held and/or movement operated by a person, typically located on a street corner.

**Snipe Sign.** Temporary signs fastened to fences, trees, utility poles, stakes in the ground or other nonsign structures.

**Section 4.** Amend Section 9.74.050 "Prohibited Signs" of Chapter 9.74 "Signs and Advertising Displays" of the Development Code adding P and Q in sequential order:

- P. Snipe signs located in the public right-of-way
- Q. Human Operated signs located in a residentially zoned neighborhood.

Approved and Adopted by the Planning Commission of the Town of Apple Valley this 17<sup>th</sup> day of October, 2007.

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David Hernandez, Chairman

ATTEST:

I, Patty Hevle, Secretary to the Planning Commission of the Town of Apple Valley, California, do hereby certify that the foregoing Planning Commission Resolution No. 2007-021 was duly and regularly adopted by the Planning Commission at a regular meeting thereof, held on the 17<sup>th</sup> day of October, 2007, by the following vote, to-wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Patty Hevle, Planning Commission Secretary