

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S11-0005/Mother Lode Drive Off-Premise Advertising Sign
Board of Supervisors/August 7, 2012**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit ESite Plan
Exhibit F.....Elevation and Sign Details

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of the Special Use Permit to allow the construction of an off-premise sign (billboard) consisting of two sign faces placed on a pedestal 32.5 feet high for a total height of 50 feet.

The off-premise sign shall be no larger than 480 square feet per sign face for a total of display area of 960 square feet. No graphics, letters, extensions, or other additional display area is permitted beyond the permitted display area of 12 feet by 40 feet on either sign face.

- ~~2. This Special Use Permit is valid through January 31, 2019. If the applicant fails to apply for an extension of this permit at least 8 months prior to expiration, the Special Use Permit shall expire and be of no further force and effect. Within 60 days of expiration, the signs and structure shall be removed.~~

- ~~32. Expiration: Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.~~

- ~~43. Project Conformance: The applicant shall be responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the sign are ultimately the responsibility of the property owner. Project improvements shall be completed in~~

conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits listed in Condition of Approval 1 above. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the ~~Zoning Administrator or the Planning Commission~~ through an amendment to this Special Use Permit. ~~This review shall always occur prior to any approved project modifications.~~

54. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The applicant shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
65. Lighting: All exterior lighting shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation ~~and shall direct the source of light downward.~~ External lights used to illuminate ~~a the sign or the side of a building or wall~~ shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.
- Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
76. Moving signs or parts of signs shall not be allowed including light emitting diodes (LED).
87. The sign owner (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the sign are the responsibility of the property owner and the sign owner.
98. All improvements associated with the off-premise sign shall be properly maintained at all times.
109. Hold Harmless Agreement: In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning ~~a~~the Special Use Permit or the Negative Declaration.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

- ~~110.~~ If human remains are discovered at any time during ~~the subdivision improvement phase construction~~, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the ~~subdivider~~ applicant shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the ~~subdivider~~ applicant, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the ~~subdivider~~ applicant and shall be subject to review and approval by Planning Services.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0005/Mother Lode Drive Off-Premise Advertising Sign Board of Supervisors/August 7, 2012

1.0 CEQA FINDINGS

- 1.1 ~~El Dorado County~~ The Board of Supervisors has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration was available for public review from January 20, 2012 to February 8, 2012. Minor revisions were incorporated for the February 23, 2012 Planning Commission and on July 23, 2012 to reflect the change in sign size from 672 square feet (14' x 48') per sign face to 480 square feet (12' x 40') per sign face.

The Board finds that the revised Negative Declaration reflects its the independent judgment of the County and about the impacts of the project, that it has been completed in compliance with CEQA and that it is adequate for this project. No significant impacts to the environment as a result of this project were identified in the revised Negative Declaration.

- ~~1.2 No significant impacts to the environment as a result of this project were identified in the initial study.~~
- 1.32 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 ~~Pursuant to proposed condition number 1, reducing the proposed sign from 672 square feet to 480 square feet, the proposal is consistent with the intent of 2.6.1.3 (Signs within important scenic viewpoints), Goal 2.7 (Signs), Objective 2.7.1 (Sign regulation), 10.1.6.1 (Promotion of tourism), and 10.1.6.5 (Development of tourist related businesses), because the project as conditioned would have less of a potential to block a scenic vista, have less than significant impacts on visual resources, and will have a reduced impact on tourism in the County.~~

There are no General Plan policies that specifically prohibit signs except for Policy 2.7.1.2 that directs the removal or relocation of billboards within scenic corridors. The proposed sign is not within a scenic corridor. Therefore, Policy 2.7.1.2 does not apply to this application.

The other General Plan policies related to signs are 2.6.1.3 (Signs within important scenic viewpoints), Goal 2.7 (Signs), Objective 2.7.1 (Sign regulation), 10.1.6.1 (Promotion of tourism), and 10.1.6.5 (Development of tourist related businesses). The Board finds that the application as revised and conditioned is consistent with these General Plan goals and policies because the project as conditioned would not block any scenic vista for any significant period of time. The sign would not cause a significant impact on visual resources. The sign, located in an area which already contains numerous commercial signs, would not adversely impact tourism or the development of tourism related businesses in the County.

3.0 ZONING FINDINGS

3.1 Section 17.16.120 of the Zoning Ordinance states that off-premise signs may be established by special use permit upon following the procedure set forth in Chapter 17.22. Section 17.22 provides the procedure and necessary findings for a Special Use Permit. Permit application was submitted on April 4, 2011, deemed complete on April 25, 2011, and heard at a Planning Commission public hearing on February 9, 2012. The Planning Commission decision was appealed by the applicant and, pursuant to the Zoning Ordinance, the application is now under jurisdiction of the Board of Supervisors.

3.2 ~~As proposed and conditioned, the~~The project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient setbacks and the maximum height have been provided in the zone district is 50 feet and the sign does not exceed that standard. There are no other development standards applicable to signs in the Zoning Ordinance.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 ~~The issuance of the permit is consistent with the General Plan. The applicant's proposal has been determined to be in compliance with County regulations as conditioned to a sign size of no greater than 480 square feet. The proposed use is consistent with the policies and requirements in the El Dorado County General Plan as discussed in the General Plan and Special Use Permit sections of this Staff Report, and known potential project-related environmental issues, and the impacts to the community have been evaluated. The proposed use as conditioned is consistent with all applicable policies including Policies 2.6.1.3, Goal 2.7, Objective 2.7.1, 10.1.6.1, and 10.1.6.5, because the project as conditioned would have less of a potential to block a scenic vista, have less than significant impacts on visual resources, and will have a reduced impact on tourism in the County. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.~~

The project, as conditioned, is consistent with the General Plan as set forth in Finding 2.1.

- 4.2 ~~The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood, based on the conclusions contained in the Staff Reports. Visual impacts have been reduced by conditioning the project to have a sign size of no greater than 480 square feet for a total sign area of 960 square feet. The project is anticipated to result in insignificant environmental, noise, and traffic impacts to surrounding residents and businesses. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the sign are not anticipated to have a detrimental affect nor be injurious to the neighborhood. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report.~~

The Board finds that the project as conditioned will not be detrimental to the health safety and welfare or injurious to the neighborhood. The project is anticipated to result in no noise or traffic impacts to surrounding residents and businesses. The sign construction is required to comply with all current building code standards, and will be inspected by the Building Division to ensure all construction standards are met; therefore, the Board finds the sign will cause no safety hazards.

The Board previously identified visual impacts as the only potential detriment or injury to the neighborhood. After reviewing the entire record, including the new information supplied by the applicant, the Board finds that the sign would not be injurious to the welfare of the public or injurious to the neighborhood due to visual impacts for the following reasons:

1. The sign is proposed in a community region, along a busy highway, and is surrounded by numerous commercial uses, many of which include signage that is as visually prominent as the proposed sign. There are no residences in the immediate vicinity that would be affected by the sign; the primary people who would see the sign are people traveling on the highway.
2. Visual impacts have been reduced by conditioning the project to have a sign size of no greater than 480 (12'x 40') square feet for a total sign area of 960 square feet. The applicant provided information that demonstrates that a 12'x 40' sign (480 square feet) is an optimum sign size to allow for readable text for the short 5 to 7 second time period the sign is in view of the traveling public. The applicant supplied evidence demonstrating that the proposed sign would affect the traveling public's partial view of the Sierra Nevada Mountains for less than 4 seconds. The Board finds this evidence credible, and therefore finds that further reduction in size is neither feasible nor necessary.
3. At past hearings, members of the public, the Planning Commission and Board of Supervisors expressed interest in having the applicant consider potential alternative sites that would not impede any view of the Sierra Nevada Mountains.

The applicant has provided information that shows that there are no eligible (reasonable, feasible and available) locations for new signs other than those proposed by S11-0004, S11-0005, and S11-0006. Caltrans standards require a number of criteria to be considered, including: 500 foot separation between signs; being located within 1000 feet of a business; and being located on land zoned for commercial or industrial use. The Board considers this evidence credible, and finds that due to the various constraints on locating billboards, there are no reasonable, feasible, available locations that would meet the project objectives and not affect the public's view of the Sierra Nevada Mountains; further, the Board finds that due to the extremely limited time and extent of the effect of the proposed sign on the view, and the sign's consistency with the County General Plan policies, there is no requirement to look for an alternative location to possibly further reduce an already insignificant impact on the visual character of the neighborhood.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

Section 17.16.120 of the Zoning Ordinance states that off-premise signs may be established by special use permit upon following the procedure set forth in Chapter 17.22. Section 17.22 provides the procedure and findings for a Special Use Permit.