

Special Use Permit S11-0004/Sunset Lane Off-Premise Advertising Sign – As presented to the Board of Supervisors on April 17, 2012

Findings

1.0 CEQA FINDINGS

- 1.1 The Board of Supervisors has considered the Negative Declaration together with the comments received and considered during the public review process. The Board of Supervisors finds that the Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and adequately describes the potential environmental impacts from the proposed Sunset Lane Off-Premise Advertising Sign, Special Use Permit S11-0004.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study and a Negative Declaration was prepared.
- 1.3 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 ZONING FINDINGS

- 2.1 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 findings for a Special Use Permit. Permit application was submitted on April 4, 2011, deemed complete on April 25, 2011, and heard at Planning Commission public hearings on February 9, 2012 and on February 23, 2012, and, on appeal, by the Board of Supervisors on March 27, 2012.
- 2.2 As proposed and conditioned by S11-0004, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because the proposed sign meets the minimum setback requirements and does not exceed the maximum 50-foot height limit in the General Commercial Zone District (County Code Section 17.32). Even though signs are exempt from setback standards (County Code Section 17.16.050), the proposed sign meets the minimum setback requirements.
- 2.3 The procedure to review a special use permit for the proposed sign includes the requirement for Architectural Supervision (County Code Section 17.14.130) which requires Planning Commission consideration for structures that face state highways. The proposed sign is located on a parcel adjacent to U.S. Highway 50 and is designed to be visible from both the eastbound and westbound directions, and therefore requires Planning Commission consideration. The Planning Commission conceptually denied the application February 9, 2012 and findings for denial were adopted on February 23, 2012. Section 17.22 of the County Code states: “Appeals of actions taken by the Zoning Administrator or Planning Commission shall be heard by the Board of Supervisors.” In

addition, Section 17.14.130.B states: “In case the applicant is not satisfied with the action of the planning commission, he may, within thirty days, appeal in writing to the Board of Supervisors.” On February 28, 2012, the applicant filed an appeal of the Planning Commission action to the Board of Supervisors. After significant discussion and public testimony, the Board upholds the appeal in part, and conditionally approves Special Use Permit S11-0004, the proposed application for an off-premise advertising sign, but is requiring a condition of approval to reduce the maximum sign of each sign face from 672 square feet to 480 square feet. By this action, the Board is making the findings required for Architectural Supervision that the Planning Commission is required to consider:

Architectural Supervision Findings (17.14.130.A): “Architectural and general appearance of the buildings or structures be in keeping with the character of the neighborhood, and such as not to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood.” The Board finds that the location, design, height, and dimensions, as modified, are similar to, or better than, signs and structures in the near vicinity of this location on Sunset Lane. The area consists of a series of older commercial, warehouse, automotive, and light industrial buildings and uses which will not be adversely affected by the proposed modern style billboard sign.

3.0 SPECIAL USE PERMIT FINDINGS

Section 17.22.540.A of the County Code requires the approving authority to approve a special use permit only after making all of the following findings:

3.1 *The issuance of the permit is consistent with the General Plan.*

The Board of Supervisors finds that a reduced sign size of 480 square feet per face is consistent with the General Plan. The originally proposed sign size at 672 square feet per face, is not consistent with the intent of 2004 General Plan Policies 2.6.1.3 (Signs within important scenic viewpoints), Goal 2.7 (Signs), Objective 2.7.1 and (Sign regulation). By reducing the proposed sign size to 480 square feet per face the application would be consistent with the intent of the General Plan for the following reasons: The Board finds that signs are often necessary and can promote the County General Plan, but that a sign as proposed is too large and detracts from the County’s scenic character. Billboards, by nature, tend to be large signs, but El Dorado County does not have many billboards that are larger than 480 square feet. By approving a reduced size sign, the Board finds that the sign is consistent with signs in the nearby vicinity and the sign is not detrimental to the public health, safety or welfare and is not injurious to the neighborhood. This particular location is consistent with the General Plan because the proposed sign would not block a scenic vista due to location on a downhill, low topographical portion of the Highway 50 east bound view shed and would have no adverse effects on scenic or visual resources. It is also consistent with the policy promoting tourism related businesses in the County because it does not block views of other businesses’ existing signs or result in sign “congestion.”

3.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.*

The Board of Supervisors finds that the sign's location is in a topographical low area relative to surrounding viewpoints and is not visually prominent. In particular, the Board determined that the proposed sign does not substantially block view of the Sierra Nevada Crystal Range from U.S. Highway 50 and does not adversely block other signs or surrounding businesses. The sign does not result in a "congestion" or over-concentration of signage. During public hearings there was minimal objection voiced about the application for the proposed sign. The sign meets all zoning setbacks, even though the Zoning Ordinance exempts signs from strict adherence from setbacks. There were no negative comments from any public safety agencies received during preparation of the staff report, review of the Initial Study, or at public hearings. CALTRANS provided a Preliminary Review letter that identified that this proposal meets their requirements under the Outdoor Advertising Act. The proposed sign is a structure that is subject to compliance with 2010 Building Codes and is required to have a Building Permit issued by El Dorado County. Therefore, based upon the foregoing, the Board concludes that this sign application is not detrimental to the public health, safety and welfare, or injurious to the neighborhood.

3.3 *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. Finding 2.1 explains that the procedure of 17.22 was completed.

Conditions of Approval

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 area of 960 square feet.

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.
3. 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.
4. 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.
5. 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.
6. 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 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.

7. Moving signs or parts of signs shall not be allowed including light emitting diodes (LED).
8. 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.
9. All improvements associated with the off-premise sign shall be properly maintained at all times.
10. 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 Special Use Permit.

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

11. If human remains are discovered at any time during the subdivision improvement phase, 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 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, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.