

PC 5/28/15
 (32 pages)
 #2



Charlene Tim <charlene.tim@edcgov.us>

Sign Ordinance Update Questions

Langley, Cheryl@CDPR <Cheryl.Langley@cdpr.ca.gov>

Tue, May 12, 2015 at 6:51 PM

To: "david.defanti@edcgov.us" <david.defanti@edcgov.us>

Cc: "rich.stewart@edcgov.us" <rich.stewart@edcgov.us>, "gary.miller@edcgov.us" <gary.miller@edcgov.us>, "charlene.tim@edcgov.us" <charlene.tim@edcgov.us>

Mr Defanti—

I have attached my response to your email of May 8, 2015.

I have attached four (4) documents:

File 1 is my response to your email;

File 2 contains the text of your email to me;

File 3 is my letter of April 23, 2015; and

File 4 is my letter to the Planning Commission (meeting of March 26, 2015—letter dated March 24, 2015).

I have cc'd Commissioners Rich Stewart and Gary Miller (my District II representative) for this communication, and Charlene Tim. I request this correspondence be included in the Administrative Record for the **Sign Ordinance Update; File #13-0086**.

Once again, thank you in advance for your attention to this matter.





Cheryl Langley
 Shingle Springs Resident

Attachments: 1. Langley Response to May 8, 2015 Defanti Email
 2. Defanti Email of May 8, 2015
 3. Langley Letter of April 23, 2015
 4. Letter to PC Meeting of March 26, 2015

Char—Please add this correspondence to the Administrative Record for the Sign Ordinance Update, File #13-0086. (Char—I'm not certain how/where this is appropriate to add to the record.) I hadn't intended for it to be distributed at the next meeting on May 28th; I will be submitting something separately for that. But whatever is appropriate—I leave that up to you to know/decide. **Thank you.**

cc: Rich Stewart, Chair, District I
 Gary Miller, District II
 Charlene Tim, Clerk to the Planning Commission

4 attachments

-  **1. Langley Response to May 8, 2015 Defanti Email.pdf**
134K
-  **2. Defanti Email of May 8, 2015.pdf**
69K
-  **3. Langley Letter of April 23, 2015.pdf**
1740K
-  **4. Letter to PC Meeting of March 26, 2015.pdf**
525K

FILE 1

Cheryl Langley
Shingle Springs Resident

Date: May 12, 2015

Mr. Defanti—

Thank you for your recent email regarding my letter of April 23, 2015 in which I request information regarding the Sign Ordinance Update. While you offer to have me meet with staff to discuss my questions/concerns, I previously expressed to Ms. Novotny that I would appreciate receiving **written responses**, otherwise I would be collecting *my interpretation* of what is discussed, which may or may not prove accurate. Because I would like to use staff responses for subsequent discussion with the Planning Commission and Board of Supervisors, I am requesting the “most accurate”—*documented*—information possible.

We have gone back-and-forth a couple of times on this request since I submitted my letter. I’m concerned that you are reluctant or unwilling to respond in writing, and unwilling (or unable) to provide me with documentation regarding the *substantial evidence* that supports claims of *overriding consideration*.

You ask to meet (rather than supply written response) based on the following:

- You indicate you would like to meet to “*better understand your questions and comments*,” but I think my questions are pretty clear. I have provided photos of existing signs and asked how Code Enforcement will respond to their presence; that is straightforward. I have asked for studies—the “*substantial evidence*” that supports claims of *overriding consideration*; that is straightforward.
- While you state “...*we would have to have a conversation with you regarding your interpretations of the existing and proposed ordinances*,” my interpretations are irrelevant; I’m interested in is **your** interpretations, and Code Enforcement’s implementation of the Sign Ordinance Update.

You express reluctance to reply based on the following:

- You state “*The subsequent letter you emailed to me on April 23, 2015 appears to have comments and questions similar or substantially the same as your March 24th letter* [to the Planning Commission].” This makes me wonder if you have read either letter. Or, the questions you regard as “similar” are the questions imbedded in the table that identifies *claims of overriding considerations*, and asks for the *substantial evidence* that supports claims. None of these questions have been answered to date; I’m requesting documentation (studies) in support of claims.
- You indicate “*As noted in the audio recording, Shawna Purvines discussed the letter you submitted on March 24, 2015 with the Commissioners.*” While I wasn’t able to attend the Planning Commission meeting of March 26, 2015, I nonetheless listened to the audio recording of the meeting—every minute of the 5+ hours. Your statement seems to imply Ms. Purvines discussed the letter in total, which is not the case; she did discuss some of the items from one table, but she did not discuss the majority of concerns. In any case, **this letter—the April 23, 2015 letter—is substantially different.**

Mr. Defanti, I submitted these questions to you based on the inquiry by Commissioner Stewart regarding public involvement. I had hoped his concern—and your response to his inquiry—had opened the door to a more open exchange. In my letter of April 23, 2015 I asked for a response by May 20, 2015 (if possible). That time is fast approaching. It seems clear your continued delay in response will make that “deadline” less feasible. So I ask: can I anticipate a written response to my letter—including studies (substantial evidence) that supports claims of overriding considerations—by the 20th?

Email to C. Langley from Mr. Defanti, May 8, 2015;
Friday; 1:52 p.m.

FILE 2

Cheryl:

I am sorry you weren't able to attend the Planning Commission meeting on March 26, 2015 when the Final Environmental Impact Report (FEIR) for the Sign Ordinance Update project was presented and discussed. As noted in the audio recording, Shawna Purvines discussed the letter you submitted on March 24, 2015 with the Commissioners. The subsequent letter you emailed to me on April 23, 2015 appears to have comments and questions similar or substantially the same as your March 24th letter.

To better understand your questions and comments, we would need to have a conversation with you regarding your interpretations of the existing and proposed ordinances. For example, the first row in your table states that billboards are not allowed under the existing ordinance but are allowed under the proposed ordinance. However, the existing ordinance allows billboards with an approved special use permit (Ordinance No. 4978 was a temporary moratorium which has since expired) and the proposed ordinance does not allow any new billboards as defined in the proposed ordinance.

Again, I would be happy to meet with you to discuss your comments and questions on the Sign Ordinance Update project. If you would like to schedule a meeting with me or other members of the staff working on the Sign Ordinance Update project, please contact me directly or Anne Novotny at anne.novotny@edcgov.us or (530) 621-5931.

The Planning Commission will continue the March 26, 2015 public hearing of the Sign Ordinance Update project on May 28, 2015; I encourage you to attend this meeting. Please feel free to forward the letter you emailed to me or any additional comments to the Planning Commission Clerk, Char Tim (copied) at charlene.tim@edcgov.us and she will add them to the public record.

-Dave

Dave Defanti
Assistant Director
County of El Dorado
Community Development Agency
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5342 / FAX (530) 642-0508
david.defanti@edcgov.us

FILE 3

Cheryl Langley
Shingle Springs Resident

Mr. David Defanti, Assistant Director
Community Development Agency
Long Range Planning

Date: April 23, 2015

Subject: Sign Ordinance Update; File #13-0086

Mr. Defanti:

I reviewed the audio recording of the March 26, 2015 Planning Commission meeting in which the Sign Ordinance Update was discussed, and I thank you for offering to answer questions. I have the following questions regarding the Sign Ordinance that I feel have remained unanswered in the past. (While I realize some responses to questions were discussed during the meeting, I would nonetheless appreciate responses to the following inquiries.) If possible, it would be great if I could receive a reply by May 20th (prior to the May 28th Planning Commission meeting).

First, please identify any inaccuracies in Table 1. Please include sections of the ordinance that dispute findings determined to be inaccurate. (Footnotes [in red] available in the FEIR, pages 3.0-54 through 3.0-57.)

Table 1. Signs by type allowed under existing and proposed ordinance.

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Billboard, stationary	<p>¹ No</p> <p>Current Moratorium (Ordinance No. 4978)</p> <p>Existing billboards are the result of grandfathered billboards or procedural error (as in the case of the Cameron Park/Shingle Springs billboards)</p>	<p>² Yes—existing signs considered nonconforming and protected from removal by State law.</p> <p>County will consider amendment to the General Plan Objective and Policy that would allow elimination or relocation within existing designated scenic highway corridors (DSHC) in accordance with state and federal law; no implementing ordinance language accompanies this language.</p> <p>Historic routes are mentioned only in amendment to General Plan Objective; it is likely they are not (and may never be) protected under this proposed ordinance.</p> <p>17.16.070(J)(7)</p> <p>This section contains Special Development and Design Standards for DSHC (Reserved for future Scenic Corridor Ordinance)</p> <p>But...</p> <p>17.16.070(J)(4)(a) & (b) establishes maximum height design standards for signs along DSHCs for multi- and single-tenant signs: 24 and 48 ft., respectively.</p>

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Billboard, mobile On right-of-way	No	No
Billboard, mobile On private property	³ No	³ Yes Proposal is to "limit displays" only, not prohibit
Highway 50 Oriented Signs	No	⁴ Yes (DRP) Pylon (60 sq.ft.) May be lighted <u>or digital</u> (Setback: 10 feet from Highway 50)
Digital Signs	No	⁵ Yes
Signs with blinking, flashing, or intermittent lights	No	No
Moving Signs (General)	⁶ No	⁶ Yes
Moving Signs Signs Held by People (non-commercial message)	No	Yes (6 to 50 sq.ft.)
Moving Signs Signs Held by People (commercial message)	No	?
Home Occupation Signs	Yes (6 sq.ft.)	Yes Wall sign only for: R1,R1A,R-20,000,RM 1 wall sign 1 sq. ft. Wall sign & freestanding for: R2A,R3A,RE-5,RE-10 Agriculture & Resource Zones 2 freestanding 12 sq. ft.
Permanent Signs (on-site) (commercial message)	Yes	Yes
Permanent Signs (off-site) (commercial message)	Yes, can be established under a Special Use Permit (SUP)	⁷ Yes; permanent or temporary on private property in rural areas by right (without SUP) 16 sq.ft.
Temporary Signs (on-site) (commercial message)	Yes	Yes

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Temporary Signs (off-site) (commercial message)	Yes	⁸ Yes On private property; (6 sq.ft; 5' from right-of-way)
Time Limits for Temporary Signs	Yes	Yes
Signs affixed to Private Property	n/a	⁸ Yes
Subdivision Signs (off-site)	No	Yes On private property or in right-of-way; 40 sq.ft; (Can remain for 30 days after all lots are sold)
Construction Company Signs	No	Yes (32 sq. ft.; 30 days)
Property (sale, lease, rental)	Yes	Yes
Roof Signs	No	Yes
Wall Signs (including projecting signs) "Building Attached" (Commercial)	Yes	Yes
Signs Painted on Walls	Yes	No
Building Attached	Yes	Yes
Window Signs	Yes	Yes
Community Event	n/a	Yes
Community Identity	n/a	Yes
Community Directional	n/a	Yes
Industry Association (Farm Trails, etc.)	Yes	Yes
Election/Campaign Signs	Yes	Yes (32 sq.ft.)
Three-Dimensional Signs	Yes	?
A-Frame Signs	Outside right-of-way	Outside right-of-way

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Gas Pricing Signs	n/a	Exempt from Limitations
Trespass, Hunting	Yes	Yes
Official Public Signs (parks, etc.)	Yes	Yes
Signs Resembling Traffic Signs	No	No
Garage Sale	Not in right-of-way	Not in right-of-way; Private property posting allowed (48 hours; 6 sq.ft.)
Consolidation of Signs	No	⁹ "Encouraged"; only <i>new</i> multi-tenant shopping centers are subject to the Uniform Sign Program
Variance	Yes	Yes
Non-Conforming Signs	Variance Only	Yes Existing off-site signs (e.g., billboards) are considered nonconforming signs, but are protected from removal by applicable provisions of state law and may be removed only as allowed by state law. There are "Legal Nonconforming Signs" Such signs can also be approved under a Variance
Unauthorized (Illegal) Signs In right-of-way On trees, fence, utility poles	Immediate Removal	30 day grace period Appeal allowed
Abandoned Signs	No	Yes—Blank copy: 90 days okay Can remain blank for 1 year In rural areas can remain blank for 2 years If sign can be used by subsequently by another business at site, not defined as abandoned.
Abatement Procedures	¹⁰ Yes	Yes
Penalties	¹¹ Yes	¹¹ Yes

Second, please describe the **practical application** of the Sign Ordinance Update. For instance, what will Code Enforcement officers do with the following signs? (I would appreciate an answer **specific** to each instance, not a “broad” restatement of the proposed ordinance; Code Enforcement **should** know exactly what will be done in each instance.)

1. Advertising signs in the right-of-way.



- 1a. Will these signs (signs in the right-of-way [ROW]) be allowed to remain for 30 days?
- 1b. Who starts the 30 day “clock” on unauthorized signs—the public?

- 1c. Won't allowing signs to remain for a 30 day period contribute to "sign clutter" when those posting them realize they can remain for 30 days?
- 1d. Is it possible sign companies (who stand to benefit from sign posting) will promote the spread of such signs if/when they find they can tell their clients the signs can remain anywhere for (at least) 30 days?
- 1e. **Why is the "past" procedure—that of posting a sign with a notice of noncompliance and laying it down in situ for later pick up—no longer acceptable?** Ms. Purvines indicated the 30 day window was established to give the sign owner ample time to pick up the sign, but if a sign is posted and laid down, the owner theoretically has a *longer* period of time to pick up the sign.

The approach of immediate "removal" has two added benefits: 1) it does not incentivize noncompliance (because posting such signs will not be "rewarded" with a 30 day advertising window); and **2)** it makes removal *actually enforceable*. After all, unless Code Enforcement is allowed to immediately post/remove unauthorized signs, how can this aspect of the ordinance *realistically* be enforced?

2. Advertising signs posted on private property not owned by the advertiser.



- 2a. Will these signs be allowed to remain for 30 days—or indefinitely?

3. Event signs.



- 3a. Will event signs like these be allowed in the ROW for the duration desired by the advertiser? What about event signs posted on private property (not owned by those posting the signs)?

4. Off-site sign "twirlers."



- 4a. Will this activity be "legal"? (I believe this will be prohibited in the ROW, but okay on private property.) What will be done if businesses use sign twirlers on the weekend in ROWs when enforcement will basically be nonexistent? Will they be notified/penalized? (Weekend sign "twirling" happens in Folsom [consistently], even though Folsom prohibits such activity.)

5. Permanent off-site advertising of business. (The business is located in the building shown in the distance with access from Greenstone Road. Code Enforcement indicated the sign is outside of the ROW along Mother Lode Drive (deemed to be greater than 50 feet from the center line of Mother Lode Drive), but is not on property owned by the business.)



5a. Will this sign be removed? If not, why not?

6. Political signs in ROW.



6a. Will political signs be allowed to remain until after the election, even if they are posted in the ROW?

7. Off- and On-site mobile billboards.



7a. Will these mobile billboard (two previous photos) be removed? If not, why not?

- 7b. Will the following mobile billboard be removed? (Photos depict front and back of display.) While this display is promoted by the advertiser as a “Community Event” billboard, it also displays off-site commercial advertising (and is located on private property not owned by the advertiser). This billboard is also strategically located by five competing car sales agencies; thus it appears to have added *commercial* benefit for the owner. (In addition, it is unlikely the advertiser consulted the community before placement of this sign, despite the “appearance” that it is a community event billboard “returning support to the community.”)





- 7c. Will mobile billboards (such as the mobile billboard above) be allowed for the promotion of housing developments (i.e., on-site at the housing development)? They appear to have become the industry standard for the promotion of housing developments; many can be seen in Sacramento County around Scott Road.
- 7d. There are several mobile billboards on Placerville Drive, some on property owned by the business (in parking lots). Will they be removed, or allowed to remain?



- 7e. Will this advertisement be allowed to remain? (Hard to see in this picture, but the tractor is holding a sign advertising tractor services. (Display faces eastbound Highway 50; photo taken April, 2015.)

8. Miscellaneous Signs.



- 8a. These “State of Jefferson” signs have been posted in many areas. Will this one—specifically—be removed? (Shingle Springs—commercial site—Mother Lode Drive/French Creek.) What about State of Jefferson signs in the ROW and on private property? (Photo taken April, 2015.)



- 8b. Will Tea Party signs (presumably designated “event” signs) be allowed in the ROW? What about on private property? Will they be subject to the 30 day grace period for unauthorized postings, or will a 90-day total annual “display period” be imposed on them?

9. Stationary Billboards

- 9a. Will removal of the stationary billboard by the Ponderosa Road overcrossing (Exit 37) be pursued, either through outright purchase, amortization, or other means? (That is, is there a plan to remove/move this billboard?)
- 9b. If stationary billboards **will not** be allowed anywhere in the County (as has been suggested), why the following comment in the draft EIR?

Enforcement of these standards would ensure that future signs installed along U.S. Highway 50 segments designated as a state scenic highway would not substantially damage scenic resources. Reference: DEIR page 3.1-9.

Source: Statement of Overriding Considerations, page 9, Exhibit A-1 (Document 5C, Meeting Details)

And: Section 17.16.070(J)(4)(a) & (b) establishes maximum height design standards for signs along Designated Scenic Highway Corridors for multi- and single-tenant signs: 24 and 48 ft., respectively.

10. Existing Billboards that Advertise Gambling

STREETS AND HIGHWAYS CODE SECTION 229.18-229.20

229.18. The department shall administer the generic tourist oriented directional sign program and collect the fees described in this chapter.

229.19. (a) The design and installation of signs pursuant to this chapter shall conform to any federal standards applicable to the highway. In addition, the signs shall meet the standards and criteria prescribed by this chapter, and shall be posted only in rural areas on noncongested conventional highways where a sign would not pose any traffic dangers or disrupt the free-flowing movement of vehicles.

(b) The department shall not approve the placement of a sign under any of the following circumstances:

- (1) Within the boundaries of any city.
- (2) If the sign promotes gambling activities.
- (3) Within any urbanized area having a population of more than 50,000 persons, as designated by the most recent census of the United States Bureau of the Census.
- (4) If approval of the sign would violate any federal law, rule, or regulation and that violation would result in the loss of federal funds.

- 10a. Why are billboards allowed to advertise gambling (casinos) in the County given the Street and Highways Code listed above?

11. Digital Signs

- 11a. Why was the digital sign at the Shell station in El Dorado Hills erected when the current sign ordinance clearly does not allow for placement of digital signs?

12. Community Sign Program

- 12a. How is the Community Sign Program going to work? If the sign ordinance establishes “rules” prior to development of a Community Sign Program, what authority will these programs really have? That is, how would a Community Sign Program “preempt” rules established under the sign ordinance, or *could* they (especially if signs are already in place prior to Community Sign Program development)?
- 12b. Why not allow communities to establish Community Sign Programs *first—before adoption of the Sign Ordinance Update?*

13. Scenic Viewpoints

- 13a. Is it possible to establish a **sign moratorium** prior to—or concurrently—with adoption of the Sign Ordinance Update that prohibits signs in areas presumed to qualify for scenic viewpoint status in the (near) future? Otherwise, if the ordinance is adopted prior to designation, signs placed in these areas could be difficult (or impossible) to remove. I assume they would become “nonconforming signs,” and therefore could remain in place for years, even decades.

14. Penalties for Non-Compliance

- 14a. When have penalties for sign placement been levied (what is the history)? For instance, how many penalties have been levied within the past year? Past five years?

15. Reporting Unauthorized Signs

- 15a. How is ordinance enforcement to be performed? Will the County perform “patrols” to establish violations, or will it be up to residents to register complaints?
- 15b. Will a volunteer program be developed (Sheriff’s Star Volunteers)?
- 15c. Mr. Wassner indicated staffing of Code Enforcement will be increased via the collection of penalties, but I heard no mention of this approach during the Planning Commission meeting. What is the likelihood permanent staff could be supported by penalty fees?

Substantial Evidence: Basis for “Overriding Considerations”

Please provide the “substantial evidence” for the following claims (in red), and answers to questions (in blue). Please provide specific studies in support of “substantial evidence,” not anecdotal “evidence.”

Table 2. Claims of Overriding Considerations and Comments Regarding Evidence to Support Claims.

Statement of Overriding Considerations “Findings of Fact”	Comments Regarding Evidence to Support Claims
Promotes signs that are attractive, pleasing and harmonized with the physical character of the structure and environment.	Rather subjective. How do you promote <i>attractive</i> signs?
Encourages consolidation of signs to reduce visual clutter .	Only <i>encourages</i> consolidation, except in the case of new multi-tenant shopping centers. It allows more signs , and many provisions are not enforceable in practical terms (time limits for temporary signs). It allows unauthorized signs to remain for a minimum of 30-days; abandoned signs to remain for longer periods.
Promotes economically stable and visually attractive communities .	Where is the “substantial evidence in the record” that supports this supposition?
Ensures signs are consistent with the aesthetic and visual goals of the General Plan	How are the provisions of the existing ordinance “inconsistent” with the General Plan?
Protects the County’s visual appearance by being more restrictive than the existing ordinance.	Not true —allows more signs, more sign types, increases the size of some signs, allows others to remain for longer periods of time.
Improves traffic safety.	Where is the substantial evidence in the record that supports this supposition?
Allows digital signs which will promote economic development and reduce sign clutter.	Where is the substantial evidence in the record that supports this supposition?
Supports the success of business , and thus improves the property and sales tax base for the County.	Where is the substantial evidence in the record that supports this supposition? More signs will help? (What about the reduction of sign clutter; doesn’t this run counter to that goal?)
Maintains continuity of the General Plan’s economic development policies.	How/where does the current ordinance lack continuity?
Supports social benefits , including “clarification” of sign sizes for commercial and agricultural businesses, and home occupation businesses.	These are already clarified under the existing sign ordinance under specific zoning designations (See FEIR, pages 3.0-58 through 3.0-66). (Home occupations are allowed <i>larger signs</i> under the Updated Sign Ordinance, but sizes were “clarified” in the existing ordinance (see Table 2).
Suggests these benefits (mentioned above) are “among others.”	What other benefits? And where is the substantial evidence in the record to support these undisclosed benefits?

In closing, I would like to thank you again for the opportunity to seek clarification regarding implementation of the Sign Ordinance Update.

FILE 4

Cheryl Langley
Shingle Springs Resident

Planning Commission

Rich Stewart, Chair, District 1
Dave Pratt, First Vice-Chair, District 4
Brian Shinault, Second Vice-Chair, District 5
Gary Miller, District 2
Tom Heflin, District 3

Date: March 24, 2015

Subject: Sign Ordinance Update; Agenda Item #6; File #13-0086; PC Meeting March 26, 2015

Planning Commission Members:

I have reviewed the **Sign Ordinance Update**, the final Environmental Impact Report (FEIR), the Statement of Overriding Considerations, and the staff report and have found that implementation of the Sign Ordinance Update will have a **significant adverse impact** on County aesthetics. In addition, the **stated benefits (Findings of Fact) are not supported by "substantial evidence in the record," and therefore do not support a claim of "Overriding Considerations."**

Based on this conclusion, I ask you to **deny approval of the following staff recommendations** for the Updated Sign Ordinance and **send the ordinance "back to the drawing board"** for revision that includes modifications **requested by County residents**. (See discussion at end of this document regarding public participation.)

Staff recommendations include:

1. Adopt a Resolution Certifying the Environmental Impact Report for an Amendment of the El Dorado County Zoning Ordinance Chapter 130.16; Make Findings of Fact and Issue a Statement of Overriding Considerations; and
2. Adopt a Resolution to Amend the El Dorado County General Plan Land Use Element Objective 2.7.1 and Policy 2.7.1.2; and
3. Approve the final draft comprehensive update, to Chapter 130.16 of the County Zoning Ordinance, which includes the recommended Mitigation Measure; and
4. Adopt the Mitigation Monitoring and Reporting Program

The request for denial is based upon the following findings:

- The proposed ordinance **is less protective** of County aesthetics than the **existing ordinance when the existing ordinance is properly ENFORCED**. (Including enforcement of the existing moratorium on new billboards.) Although the existing ordinance is depicted as "*broadly written*" and said to provide only "*limited guidance*," **its content and effectiveness has been downplayed—and lack of enforcement of the existing ordinance has played into this narrative**. The existing ordinance includes not only section "**17.16 Signs**" in the Zoning Ordinance (2009), **but also specifies standards regarding size, location, and content under each of the specific zoning designations**. (See FEIR, pages 3.0- 58 through 3.0-66 at [http://www.edcgov.us/Government/LongRangePlanning/LandUse/Sign Ordinance Update.aspx](http://www.edcgov.us/Government/LongRangePlanning/LandUse/Sign%20Ordinance%20Update.aspx).)

- The “protective” nature of the Updated Sign Ordinance has been overstated: It allows for the placement of more signs, including digital signs, highway 50 oriented signs, mobile billboards on private property, etc. (See Table 2 that compares the existing and updated ordinances.)
- Existing billboards along Highway 50 will likely not be removed under the Updated Sign Ordinance—they are designated “nonconforming” and removal is protected by applicable State law. The proposed ordinance applies to (limits) new billboards in designated scenic highway corridors (DSHC) only. (DSHCs in the County include: 1) Highway 50 east of the government center interchange in Placerville to Echo Summit; 2) Highway 50 from Echo Summit to South Lake Tahoe City Limit; and 3) Highway 89 from Alpine County line to Placer County line.) And, interestingly, it is not certain it even protects DSHCs:

Enforcement of these standards would ensure that future signs installed along U.S. Highway 50 segments designated as a state scenic highway would not substantially damage scenic resources. Reference: DEIR page 3.1-9.

Source: Statement of Overriding Considerations, page 9, Exhibit A-1 (Document 5C, Meeting Details)

- The proposed ordinance only “encourages” sign consolidation; it does not necessitate the reduction of “sign clutter” except in the case new multi-tenant shopping centers; it does nothing to eliminate exiting sign clutter.
- The proposed ordinance allows unauthorized signs to remain for 30 days, and for abandoned signs to remain in place longer than previously allowed.
- Many of the provisions are not enforceable in practical terms (time limits for temporary signs, in particular). (Temporary signs are a serious component of “sign clutter.”)
- It is likely there are no penalties for violations. The “penalty” section 9.02.050 in the Municode (El Dorado County Ordinance Code Recodification Project, June, 2014) only “encourages compliance,” it does not require compliance. (So why comply?)
- The Statement of Overriding Considerations is flawed; (see Meeting Details document 5C, Exhibit A-1) the “benefits” ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE IN THE RECORD. Table 1 contains the “Findings of Fact” that are intended to support the *Statement of Overriding Considerations*, as well as comments regarding evidence to support the claims.

Table 1. Claims of Overriding Considerations and Comments Regarding Evidence to Support Claims.

Statement of Overriding Considerations "Findings of Fact"	Comments Regarding Evidence to Support Claims
Promotes signs that are attractive, pleasing and harmonized with the physical character of the structure and environment.	Rather subjective. How do you promote <i>attractive</i> signs?
Encourages consolidation of signs to reduce visual clutter .	Only <i>encourages</i> consolidation, except in the case of new multi-tenant shopping centers. It allows more signs , and many provisions are not enforceable in practical terms (time limits for temporary signs). It allows unauthorized signs to remain for a minimum of 30-days; abandoned signs to remain for longer periods.
Promotes economically stable and visually attractive communities .	Where is the "substantial evidence in the record" that supports this supposition?
Ensures signs are consistent with the aesthetic and visual goals of the General Plan	How are the provisions of the existing ordinance "inconsistent" with the General Plan?
Protects the County's visual appearance by being more restrictive than the existing ordinance.	Not true —allows more signs, more sign types, increases size of some signs, allows others to remain for longer periods of time.
Improves traffic safety .	Where is the substantial evidence in the record that supports this supposition?
Allows digital signs which will promote economic development and reduce sign clutter.	Where is the substantial evidence in the record that supports this supposition?
Supports the success of business , and thus improves the property and sales tax base for the County.	Where is the substantial evidence in the record that supports this supposition? More signs will help? What about the reduction of sign clutter?
Maintains continuity of the General Plan's economic development policies .	How/where does the current ordinance lack continuity?
Supports social benefits , including "clarification" of sign sizes for commercial and agricultural businesses, and home occupation businesses.	These are already clarified under the existing sign ordinance under specific zoning designations (See FEIR, pages 3.0-58 through 3.0-66). (Home occupations are allowed <i>larger signs</i> under the Updated Sign Ordinance, but sizes were "clarified" in the existing ordinance (see Table 2).
Suggests these benefits (mentioned above) are "among others."	What other benefits? And where is the substantial evidence in the record to support these undisclosed benefits?

Despite the lack of supporting evidence for many of the claims made in *the Statement of Overriding Considerations*, the conclusion is that the Sign Ordinance Update's "**significant, unavoidable, and irreversible**" environmental impacts "**are outweighed by the benefit of implementing [it].**"

(SOC, page 13):

The Board of Supervisors has balanced the benefits of the Sign Ordinance update against the increase in the severity of significant and unavoidable impacts identified in the Sign Ordinance Update EIR and has concluded that this increase in the severity of impacts is outweighed by the benefit of implementing the Sign Ordinance update.

The Board of Supervisors has determined that the benefits of adopting the Sign Ordinance update override the significant, unavoidable, and irreversible increase in the severity of the environmental impacts identified in the Sign Ordinance Update EIR.

But because the "substantial evidence in the record" is lacking, aren't we *pretending* this Updated Sign Ordinance is a solution? Why? Perhaps because some local businesses believe their limited success is based on not having enough signs (exposure)? Because El Dorado County Code Enforcement doesn't want to face "push back" when attempting to get a business to comply with the existing ordinance? Because the County believes it will avert sales tax leakage if more signs are allowed? (Sorry to say, residents who work in Sacramento will continue to spend their dollars in Sacramento and Folsom; County job creation—of better-than-minimum-wage-jobs—is most likely the answer to reducing leakage.)

If El Dorado County's Code Enforcement Unit has been getting too much blow-back from local businesses and is reluctant to enforce existing code (which I have heard from a Supervisor that that is the case in at least some instances), **let's admit it, and figure out something we can all live with. LET'S FIND SOME BALANCE**—something both businesses and residents can approve.

This Sign Ordinance Update is not the answer; and the process under which it has been developed **devalued the public's role**, and eliminated what might otherwise be valued contributions. The manner in which this revision has been managed reveals institutional arrogance, and it is *wrong*. **County government is stepping through the hoops of compliance, but not honoring the spirit of the process.**

Therefore, I ask you to **deny the current staff recommendations**. Ask the Board of Supervisors to send the dEIR back to be **revised**, and develop Findings of Fact that are realistic—that are *actually* based on substantial evidence. Let's modify the ordinance, engage the public, and respond to the concerns of small, local business owners so the ordinance reflects a *balance*.

THE FOLLOWING PAGES CONTAIN:

- **Table 2** that depicts the different sign allowances between the **existing sign ordinance** and the **Sign Ordinance Update**. (Footnotes for the table [in red] available in the FEIR, pages 3.0-54 through 3.0-57.)
- **A Word About Public Participation**

Table 2. Signs by type allowed under existing and proposed ordinance.

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Billboard, stationary	<p>¹No</p> <p>Current Moratorium (Ordinance No. 4978)</p> <p>Existing billboards are the result of grandfathered billboards or procedural error (as in the case of the Cameron Park/Shingle Springs billboards)</p>	<p>²Yes—considered nonconforming and protected from removal by State law.</p> <p>County will consider amendment to the General Plan Objective and Policy that would allow elimination or relocation within <u>existing designated scenic highway corridors (DSHC)</u> in accordance with state and federal law; no implementing ordinance language accompanies this language.</p> <p>Historic routes are mentioned only in amendment to General Plan Objective; it is likely they are not (and may never be) protected under this proposed ordinance.</p> <p>17.16.070(J)(7)</p> <p>This section contains Special Development and Design Standards for DSHC (Reserved for future Scenic Corridor Ordinance)</p> <p>But... 17.16.070(J)(4)(a) & (b) establishes maximum height design standards for signs along DSHCs for multi- and single-tenant signs: 24 and 48 ft., respectively</p>
Billboard, mobile On right-of-way	No	No
Billboard, mobile On private property	³ No	³ Yes Proposal is to “limit displays” only, not prohibit
Highway 50 Oriented Signs	No	⁴ Yes (DRP) Pylon (60 sq.ft.) May be lighted or <u>digital</u> (Setback: 10 feet from Highway 50)
Digital Signs	No	⁵ Yes
Signs with blinking, flashing, or intermittent lights	No	No
Moving Signs (General)	⁶ No	⁶ Yes

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Moving Signs Signs Held by People (non-commercial message)	No	Yes (6 to 50 sq.ft.)
Moving Signs Signs Held by People (commercial message)	No	?
Home Occupation Signs	Yes (6 sq.ft.)	Yes Wall sign only for: R1,R1A,R-20,000,RM 1 wall sign 1 sq. ft. Wall sign & freestanding for: R2A,R3A,RE-5,RE-10 Agriculture & Resource Zones 2 freestanding 12 sq. ft.
Permanent Signs (on-site) (commercial message)	Yes	Yes
Permanent Signs (off-site) (commercial message)	Yes, can be established under a Special Use Permit (SUP)	⁷ Yes; permanent or temporary on private property in rural areas by right (without SUP) 16 sq.ft.
Temporary Signs (on-site) (commercial message)	Yes	Yes
Temporary Signs (off-site) (commercial message)	Yes	⁸ Yes On private property; (6 sq.ft; 5' from right-of-way)
Time Limits for Temporary Signs	Yes	Yes
Signs affixed to Private Property	n/a	⁸ Yes
Subdivision Signs (off-site)	No	Yes On private property or in right-of-way; 40 sq.ft; (Can remain for 30 days after all lots are sold)
Construction Company Signs	No	Yes (32 sq. ft.; 30 days)
Property (sale, lease, rental)	Yes	Yes
Roof Signs	No	Yes

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Wall Signs (including projecting signs) "Building Attached" (Commercial)	Yes	Yes
Signs Painted on Walls	Yes	No
Building Attached	Yes	Yes
Window Signs	Yes	Yes
Community Event	n/a	Yes
Community Identity	n/a	Yes
Community Directional	n/a	Yes
Industry Association (Farm Trails, etc.)	Yes	Yes
Election/Campaign Signs	Yes	Yes (32 sq.ft.)
Three-Dimensional Signs	Yes	?
A-Frame Signs	Outside right-of-way	Outside right-of-way
Gas Pricing Signs	n/a	Exempt from Limitations
Trespass, Hunting	Yes	Yes
Official Public Signs (parks, etc.)	Yes	Yes
Signs Resembling Traffic Signs	No	No
Garage Sale	Not in right-of-way	Not in right-of-way; Private property posting allowed (48 hours; 6 sq.ft.)
Consolidation of Signs	No	⁹ "Encouraged"; only <i>new</i> multi-tenant shopping centers are subject to the Uniform Sign Program
Variance	Yes	Yes

Sign Type	Existing Ordinance Allows	Proposed Ordinance Allows
Non-Conforming Signs	Variance Only	Yes Existing off-site signs (e.g., billboards) are considered nonconforming signs, but are protected from removal by applicable provisions of state law and may be removed only as allowed by state law. There are "Legal Nonconforming Signs" Such signs can also be approved under a Variance
Unauthorized (Illegal) Signs In right-of-way On trees, fence, utility poles	Immediate Removal	30 day grace period Appeal allowed
Abandoned Signs	No	Yes—Blank copy: 90 days okay Can remain blank for 1 year In rural areas can remain blank for 2 years If sign can be used by subsequently by another business at site, not defined as abandoned.
Abatement Procedures	¹⁰ Yes	Yes
Penalties	¹¹ Yes	¹¹ Yes

A Word About Public Participation

Participation of County residents in the Sign Ordinance Update has been limited.

- Four days prior to the July 22, 2014 meeting, a completely revised draft of the sign ordinance was made available to the public. This was a **37+ page** document that was a **complete overhaul of the prior version**. The **public was given four (4) days to review the document**—two days of which were weekend days. Though numerous residents (11) and at least one (1) organization (Cameron Park Design Review Committee) requested more time for review, this request was denied. (See public comments submitted July 20, 2014 – September 21, 2014; **Link to public comments:** http://www.edcgov.us/Government/LongRangePlanning/LandUse/Sign_Ordinance_Update.aspx.)

- Comment from Ellen Van Dyke, July 21, 2014:

It is not clear that public participation is actually welcomed in this process. Staff is recommending that you approve the draft ordinance before we have had a chance to review the changes (...the draft sign ordinance was just posted Friday, today is Monday, tomorrow is the hearing; and *where are all the previous public comments?*...).

Please continue this item. Provide a summary of what the proposed changes actually are, and actually welcome the public input rather than *pretend* to welcome it. There is mistrust of the process and staff, and approving the recommendations made on this item will only further that mistrust and yield an ordinance that does not reflect the communities' input.

- Comment from Sue Taylor in the FEIR, page 3.0-186 (Comment 11-5) reveals a similar problem with public involvement: (FEIR available at: http://www.edcgov.us/Government/LongRangePlanning/LandUse/Sign_Ordinance_Update.aspx.)

The meeting on January 29, 2015 was not informative. There was no discussion by the consultants or staff. They made it very clear that they were only there to receive comments from the public. At times the consultants were not helpful when the general public attempted to get answers to their questions. Staff became almost argumentative when attendees attempted to get answers to their questions. The public that was new to the process was completely confused and frustrated by the way this meeting was handled. It was not an environment that was conducive to providing opportunity for public participation.

- Inquiries sent to **County staff** regarding the types of signs that will be allowed have been met with either no answers at all, or indirect, difficult to interpret answers. An inquiry sent by me requesting answers to specific questions (September 17, 2014) was met with a total "side-step" by Code Enforcement. A second inquiry (October 17, 2014) was responded to by providing me with excerpts from the Public Review Draft dated 10-01-14. This response contained the typical ordinance language with numerous caveats; **I wanted to determine how the language would actually be interpreted (enforced). It seemed clear that the respondent knew I had read the code and that I was asking for language clarification.** This type of response is not productive, and it breeds mistrust.
- Requests for EIR content directed to **the consultant** were likewise met with either no response at all, or a statement that equated to a "dodge." The consultant "answered" many questions with the refrain: ***"This is not a comment on the adequacy of the EIR..."*** and that was the end of it. When the consultant doesn't answer questions put to it by the public that are relevant to the topic, it violates full-disclosure requirements.¹

¹ *Kings County Farm Bureau et al. v. City of Hanford* (5th Dist. 1990) 221 Cal.App.3d 692, 712 held: "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process."

- Many residents requested **photographs** of signage that will be allowed, but the consultant has repeatedly refused this request, indicating it “**would be speculative**” to provide such representations (see consultant’s response below):

FEIR, Page 3.0-9; Response A-3 to Cameron Park Design Review Committee: *“The commenter previously requested that the DEIR provide **visual simulations [photographs]** of possible future signs in the county should the proposed Sign Ordinance be approved and implemented to help the reader better judge potential visual impacts. Because the Sign Ordinance does not approve any specific signs, it would be **speculative** for County staff or the environmental consultant to **attempt to determine the future location, size, and type of sign that could be proposed in the future**. Because of the possible variables with respect to sign location, size, and design, a conceptual simulation based on staff or consultant assumptions could provide a misleading representation of the severity of potential impacts, whether the impact is overstated or understated. Therefore, consistent with CEQA Guidelines Section 15145, **further discussion of the speculative nature of visual simulations is not included**. The commenter is referred to the illustrative diagrams provided in the Sign Ordinance for visual clarifications of the proposed sign standards.”*

I, too, asked for photos of **sign types** that would be allowed; the consultant dodged the question by inferring that I was asking for photos of **signs in locations**:

Response 8-6:

The commenter requests photographs of **sign types** that would be allowed and not allowed.

As discussed in response to Comment A-3 regarding the inclusion of photographs or visual simulations in the DEIR. Because the EIR must review the project in a programmatic manner, to provide specific examples in the EIR would **illustrate signs in locations** that may never be proposed. Given the uncertain nature of sign types and locations, it would be speculative, and could be considered misleading, to provide examples for which the EIR would be required to draw significance conclusions.

Residents were not asking the consultant to exercise *predictive capabilities*, they were simply asking for a **presentation of examples** of allowable signage. **Residents want to know, specifically**, what the ordinance “means” in terms of its impact on County aesthetics. Photos would enable residents to understand/visualize the impacts more easily than the “**legalese**” of the ordinance language with its numerous **caveats**. Photographs would also enable residents to determine specifically **how the ordinance will be enforced—the real “litmus test.”**

AS AN ASIDE, staff and the consultant’s **predictive capabilities** sharpened for this comment in the *Statement of Overriding Considerations* (page 10):

signs. Furthermore, although the proposed Project would in some limited cases allow a greater number of signs or total sign area; these increases would be minor or would occur outside the visually sensitive area and would not result in substantial adverse aesthetics impacts. Enforcement of the proposed standards would ensure that future signs installed in the county would be consistent with County visual and aesthetic goals. Reference: DEIR page 3.1-9.

- The consultant evaded questions that it simply didn't want to answer. PMC ignored most of the questions in my NOP submittal, which I resubmitted for the FEIR. PMC indicated they "considered all comments," but I did not receive responses. If the questions/requests weren't relevant, why did they respond to an identical question posed by another commenter?

Response 8-16:

The commenter requests responses to comments submitted by the commenter on the Notice of Preparation (NOP) "that were not responded to in the DEIR."

The DEIR considered all comments submitted on the NOP during preparation of the EIR.

This was one of my requests for information submitted under the NOP, for reconsideration under the FEIR:

C.→ Please provide in an appendix to the dEIR any public surveys that have been performed to determine the preferences of EDC residents regarding installation of the following:

- Billboards (along Highway 50)
- Digital signs
- Mobile billboards
- Signs installed within 100 feet of Highway 50
- Off-site advertising (commercial messages)
- Signs on wire along County roads
- Signs along scenic/historic corridors
- Illuminated signs

PMC answered the identical question posed by Karen Warner submitted for the FEIR (FEIR, page 3.0-177), while discounting my question.

Response 9-5:

The commenter asks how polling of county residents was conducted as part of the proposed project.

No polling was conducted as part of the proposed project. The commenter is referred to DEIR subsection 2.3.1 on page 2.0-2 and subsection 1.3 on pages 1.0-1 and -2. Public input on the project was obtained in the form of oral and written comments submitted to the County. Prior to release of the NOP for the DEIR, the County held a total of eight public meetings in which the public could provide comments on the draft Sign Ordinance. Six public meetings were held in August 2013, and two board meetings (December 17, 2013, and July 22, 2014) were held to discuss project updates.

This tells me that they simply ignored my resubmittal, despite the fact that it contained relevant comments. Needless to say, this is among the more minor points of information requested in my submittal for the Notice of Preparation. (See re-submitted NOP comments, FEIR, page 3.0-71 through 3.0-82.)

I understand the public's questions/comments can be rather "pointed," but the consultants are supposed to be professionals, and, the EIR is supposed to be a full-disclosure document, not an

exercise in avoidance. People get frustrated when they can't get answers—and once again—it breeds mistrust. And why shouldn't answers be provided?

In fact, answers must be provided. The consultant is responsible for understanding the subject matter, and for preparing an accurate, full-disclosure document for public review.

The purposes served by the EIR have been variously explained. The principal purpose...is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; ..." (Pub.Res.Code, s 21061.) The court in *Karlsom v. City of Camarillo* (1980) 100 Cal.App.3d 789, 804, 161 Cal.Rptr. 260, put it this way: "In reviewing an EIR a paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." But public decision makers, too, need the information. EIR's are "... to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (Cal.Admin.Code, tit. 14, s 15150). The EIR serves both the public officials and the public: they are "to inform other governmental agencies, and the public generally, of the environmental impact of a proposed project ... and to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action." (*No Oil, Inc. v. City of Los Angeles* [1974] 13 Cal.3d 68, 86, 118 Cal.Rptr. 34, 529 P.2d 66.)²

And, the EIR should be "user friendly"—easily understood by the general public. EIRs must be "organized and written in a manner that will be meaningful and useful to decision makers and to the public." (Pub. Resources Code, sec. 21003, sub. (b). The EIR should contain well-reasoned conclusions based on investigation and fact. And so should the *Statement of Overriding Considerations*.

Please, let's start this process afresh. And this time, let's make it a meaningful, productive exercise in ordinance development.

² CEQA. *Environmental Planning and Information Council of Western El Dorado County, Inc., Plaintiff and Appellant v. County of El Dorado*. April 30, 1982. Available at: http://resources.ca.gov/ceqa/cases/1982/el_dorado_043082.html