



ORDINANCE NO. _____

**AN INTERIM ORDINANCE MAKING FINDINGS AND ESTABLISHING A
TEMPORARY MORATORIUM ON THE ACCEPTANCE OF AN APPLICATION
OF ANY FREESTANDING SIGN THAT EXCEEDS 80 SQUARE FEET AND/OR
EXCEEDS 15 FEET IN HEIGHT TO BECOME EFFECTIVE IMMEDIATELY**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:**

Section 1. Findings

A. WHEREAS, the County, as a semi-rural environment transected by one federal interstate, four State highways, and numerous arterial roads has, like many California jurisdictions, faced numerous issues with the number and location of signs along its roadways.

B. WHEREAS, in 2004 the County adopted a General Plan. One of the General Plan's Statement of Vision is to "maintain and protect the County's natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values, and maintain the rural character while ensuring the economic viability critical to promoting and sustaining community identity." (General Plan, Statement of Vision, July 2004, page 3.) To help achieve that objective, the 2004 General Plan contains objectives and policies to regulate the location, number, and size of highway signs (Objective 2.7.1) and to eliminate billboards along identified scenic and historic routes (General Plan Policy 2.7.1.2).

C. WHEREAS, the State of California has adopted statutes (Business and Professions Code Section 5460 et seq.) that regulate signs along the interstate and State highways within the county and authorizes local agencies to further regulate signs based on size, aesthetics, and other factors.

D. WHEREAS, in March 25, 1980 the County adopted Ordinance No. 2073 (Section 17.16 of the County Code) regulating signs. The current ordinance allows applicants to apply for special use permits for any freestanding signs with a sign face greater than 80 square feet. The current ordinance does not specify architectural style, location, height, or size limitations.

E. WHEREAS, the County is in the process of a comprehensive update of Title 17 of the El Dorado County Code (Zoning). On October 18, 2010, the Board of Supervisors provided direction to staff to defer inclusion of an update to the sign ordinance and other time consuming, complex, and/or controversial chapters of the Zoning Ordinance until after completion of the remainder of the comprehensive Zoning Ordinance update.

F. WHEREAS, since 2010, the El Dorado County Board of Supervisors, the Planning Commission, the Cameron Park Design Review Committee, and members of the public have expressed concern over the proliferation of freestanding signs in commercial areas of the County and along public highways where important view sheds may be impacted.

G. WHEREAS recently special use permits for three large freestanding signs (hereinafter referred to as "billboards") were approved under the existing ordinance. These permits, S11-0004, 5, and 6, were highly controversial and opposed at hearings before the Planning Commission and the Board of Supervisors by large numbers of community members. In considering these permits, members of the Planning Commission and Board of Supervisors expressed concern about consistency between the permits, the existing sign ordinance's regulations and processes, and the sign policies contained in the 2004 General Plan. Members of the Board of Supervisors expressed concern that the current sign regulations are outdated and no longer reflect the community interest and desires.

H. WHEREAS, during the processing of the three billboard permits, planning staff was contacted on numerous occasions by sign companies who wished to submit their applications for similar signage pending the Board's decisions on the permits. As they are now approved, it is only a matter of time before similar applications are submitted.

I. WHEREAS, the Development Services Department's Code Enforcement Section has a large number of open cases relating to various unpermitted and therefore, illegal signs. The applicant of the billboards recognized the extent of the problem by preparing and submitting a Partial Sign Violation Map for the Cameron Park/Shingle Springs area where their approved billboards will be located. In addition to noncompliance with General Plan policies and sign ordinance regulations, illegal signs have the potential to be a safety hazard because no inspections were made that would ensure public safety. By not being reviewed or inspected under a permit application, illegal signs contribute to visual clutter and degradation of not only property values and the community they are located in, but of the county as a whole.

J. WHEREAS, due to the recent increase in the number and size of signs, both those legally applied for and those illegally erected, as well as the specter of now highly motivated sign companies submitting billboard applications, the Board of Supervisors finds it is necessary to review its existing sign ordinance and consider potential amendments to Title 17 of the County Code that include regulations that fully implement General Plan policies regarding signs and the County's aesthetic concerns.

K. WHEREAS, the Board of Supervisors has concluded that since 2010 the proliferation of signs has become a matter of great community concern and that consideration of amendments to the existing sign ordinance should no longer be deferred until after completion of the comprehensive update to the Zoning Ordinance.

L. WHEREAS, on May 8, 2012, the Board of Supervisors directed staff to prepare a work plan and budget for an update to the sign ordinance and return to them at hearing. At the same hearing, the Board of Supervisors directed staff to prepare a moratorium on the issuance of permits for billboards and other freestanding signs along interstate and State highways while the County updates its sign ordinance.

M. WHEREAS, there is a current and immediate threat to public health, safety, and welfare because, without this urgency ordinance, additional large signs may be installed, constructed, or modified along the County's highways. This would subject County residents and visitors to substantial aesthetic harm that the community has stated objections to, and would subvert the County's goals and objectives, contained in the County's General Plan, to protect important scenic viewsheds.

N. WHEREAS, on August 7, 2012, members of the Board of Supervisors stated that the Board's concern, and the public's concern, was with the proliferation of signs in areas visible from the County's highways, and that the Board did not see the need to temporarily prohibit signs in other areas of the County during the period that the new sign ordinance is being prepared.

O. WHEREAS this temporary moratorium has therefore been modified, and its application has been limited to areas within one half mile of the County's major highways: Highways 50, 49, 89, 153, and 193.

P. WHEREAS, the Board of Supervisors hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance does not authorize construction or installation of any billboards or other freestanding signs along interstate and State highways but instead maintains the existing physical setting by temporarily prohibiting such construction and installation in order to protect the public health, safety, and general welfare. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and

O. WHEREAS, based on the foregoing it is in the best interest of public health, safety, and welfare to allow adequate study of the impacts resulting from the issuance of permits for billboards and other freestanding signs within one-half mile of interstate and State highways,

therefore it is appropriate to extend the adopted temporary moratorium that would remain in effect from the date of its adoption until August 7, 2014, unless your Board acts to repeal it prior to that date.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of El Dorado as follows:

Section 2. Imposition of Moratorium

A. In accordance with the authority granted the County of El Dorado under Section 65858 of the California Government Code, from and after the date of adoption of this ordinance, the County shall not approve any special use application for any sign that has a total sign area that exceeds 80 square feet and/or that exceeds 15 feet in height. These signs shall be prohibited in any location in an unincorporated area of the County which is within one-half mile from the edge of the right of way U.S. Highway 50 and State Routes 49, 89, 153, and 193. The prohibition shall apply in all zone districts.

B. For the purposes of this ordinance, "sign area" means the total surface area of all sign faces as measured from the outer dimensions of the sign, except that signs that are double faced (front face and rear face) are not counted twice.

C. For the purposes of this ordinance, "freestanding" means a sign supported by the ground or by freestanding frames, braces, or poles, and not attached to any building. This includes signs on the ground, such as monument signs, and "pole signs."

D. For the purposes of this ordinance, "height" shall be measured from the existing natural grade directly below the sign to the top of the sign.

Section 3. Compliance with California Environmental Quality Act

The County finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 because the adoption of this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Section 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of the ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or

phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 5. Effective Date

In accordance with Government Code Section 65858, this ordinance shall become effective immediately upon its adoption by at least four-fifths vote of the Board of Supervisors. It shall remain in effect until August 7, 2014, or until repealed by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2012, by the following vote of said Board:

Ayes:

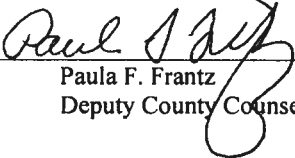
ATTEST
TERRI DALY
Acting Clerk of the Board of Supervisors

Noes:
Absent:

By _____
Deputy Clerk

Chair, Board of Supervisors

APPROVED AS TO FORM
LOUIS B. GREEN
COUNTY COUNSEL

By 
Paula F. Frantz
Deputy County Counsel

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: TERRI DALY, Acting Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk