



**ORDINANCE NO. 4978**

**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. The County, as a semi-rural environment transected by two 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. 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. The State of California has adopted statutes (Business and Professions Code Section 5460 et seq.) that regulate signs along State highways and authorizes local agencies to further regulate signs based on size, aesthetics, and other factors.

D. 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. 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 remainder of the comprehensive zoning ordinance update.

G. However, since 2010, the El Dorado County Board of Supervisors, the Planning Commission, the Cameron Park Design Review Committee, and various 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.

H. Recently, three applications for large freestanding signs were processed under the existing ordinance. These applications were highly controversial and opposed by large numbers of community members. In considering these applications, members of the Planning Commission and Board of Supervisors expressed concern about consistency between the applications, 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.

I. In addition, the Development Services Department Code Enforcement Section has a large number of open cases relating to various unpermitted signs. In addition to the potential inconsistency with the General Plan policies and the sign ordinance, these signs may pose a safety hazard because no permit was submitted demonstrating that the signs have been designed to withstand strong winds or other hazards.

J. Due to the recent increase in the number and size of signs, both those legally applied for and those illegally erected without permits, 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 to consider regulations that fully implement General Plan policies regarding signs and the County's aesthetic concerns.

K. The Board of Supervisors has concluded that since 2010 the proliferation of signs has become a matter of great community concern and that therefore consideration of amendments to the existing sign ordinance should no longer be deferred until after the completion of remainder of the comprehensive zoning ordinance.

L. On May 8, 2012, the Board directed staff to prepare a work plan and budget for an update to the sign ordinance and return to the Board. At the same hearing, the Board directed staff to prepare a moratorium on the issuance for freestanding pole signs along State highways while the County updates its sign ordinance.

M. The Board finds that the public health safety and welfare would be enhanced by the preparation of a comprehensive update to the sign ordinance; the Board further finds that it would pose to the community a threat to public health safety and welfare to continue to process applications for large freestanding signs until that comprehensive update is completed.

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 accept any new applications for any new sign that has a total sign area which exceeds 80 square feet or which exceeds 15 feet in height. These signs shall be prohibited in all zone districts in all unincorporated areas of the County.

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 free standing 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 to the top of the sign.

Section 3. Compliance with California Environmental Quality Act

The County finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)2 (the activity 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

This ordinance shall become effective immediately upon adoption if adopted by at least four-fifths vote of the County Board of Supervisors. It shall be in effect for forty-five days from the date of adoption, unless extended by the County Board of Supervisors as provided for in Government Code Section 65858.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 7<sup>th</sup> day of August, 2012, by the following vote of said Board:

Ayes: John R. Knight, Raymond J. Nutting,  
James R. Sweeney, Ron V. Briggs,  
Norma Santiago

ATTEST  
**TERRI DALY**  
Acting Clerk of the Board of Supervisors

By Cindy Johnson  
Deputy Clerk  
August 7, 2012

Noes:  
Absent:  
[Signature]  
Chair, Board of Supervisors

APPROVED AS TO FORM  
**LOUIS B. GREEN**  
COUNTY COUNSEL

By Paula Frantz  
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