

PC 3/26/15
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6 pages

Charlene Tim <charlene.tim@edcgov.us>

Sign ordinance problem

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Wed, Mar 25, 2015 at 4:18 PM

To: rich.stewart@edcgov.us, gary.miller@edcgov.us, brian.shinault@edcgov.us

Cc: charlene.tim@edcgov.us

Mr, Stewart, Mr. Miller and Mr Shinault,

My name is Gordon Pack, I own Gwinllan Estate Vineyard and Winery. As a member of the infrastructure team of El Dorado County Winery Association I reviewed the proposed update to the sign ordinance and found a major problem for business owners who's businesses operate from a property that has access through an easement or private road. The definition of off-site and on-site deprive these business of signs which are permitted on other parcels. In just a small distance from my property I found there are several other business which are affected so the total number across the county is likely to be considerable. I wrote to Anne Novotony whom is the project lead on this ordinance in December last year with a solution but no progress has been made. I attach a copy of that letter and a letter from 4 other businesses who are concerned about this issue and would like to find a resolution. This problem is a ranch marketing issue will affect any ranch selling from their properties, eg orchards, vineyards etc.

I will be raising this issue at the planning meeting on Thursday and enclose details of the issue and my letter to Ann. I knoe there is not a lot of time before the meeting and if you would like to speak with you beforehand please call me this evening at 650 964 2692(cell) or 530 723 2879.

I have already contacted Dave Pratt and Tom Heflin.

Gordon Pack
Gwinllan Estate Vineyard and Winery
7060 Fairplay Road, Somerset, CA 95684

2 attachments

 **sign ordinance.docx**
31K

 **Planning Commission.docx**
365K

Concerned business owners in El dorado County
See list of signatures below
Primary point of contact:
Gordon Pack
7060 Fairplay Road, Somerset, CA 95684

3/21/2015

El dorado County Planning Commission
330 Fair Lane
Placerville, CA 95667

RE: County Sign ordinance chapter 17.6, Public draft review 10-1-2014
Urgent request for review of comment supplied on this proposed ordinance December 7th 2014, attached..

Overview:

This ordinance permits a business sign of 32ft² and a remotely located business sign of 16ft² plus directional signs, which is adequate for most businesses.

Description of the problem:

This ordinance discriminates against businesses which do not have direct county road frontage. It removes the right to a 32ft² sign, a remotely located 16ft² sign and directional signs for businesses on private roads. Businesses on private roads need more signage than those with direct road frontage to provide direction to locate the business. So more not less signage is needed on these properties. This ordinance will significantly impact businesses on private roads and may cause those businesses to fail.

The core of the problem in this ordinance is the definition of the terms on-site and off-site. It appears that the intent of this ordinance is to prohibit bill boards for businesses in other locations (off site) e.g. such one close to highway 50 for a casino in Amador county, but permit signs on the business property (on-site). An unintended consequence of these definitions is to remove the signage rights of businesses on private roads/easements and the ability of those businesses to direct customers to the business location.

This ordinance

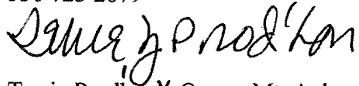
- 1) deprives property owners of their legal rights to signs defined in their property titles.
- 2) enables some property owners to adversely affect other property and business owners by allowing servient tenement owners to control the signs of dominant tenement owners.

A letter describing the problems this ordinance creates and a proposed solution was submitted to the county ordinance project lead on December 7th last year and is attached. A follow on conference call discussed proposed solutions but as to date no changes have been made. This letter is requesting the ordinance is not approved until this issue is resolved.

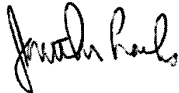
In just a small area of 3 miles there are several businesses that are affected, which are listed below and three more which could not be contacted. There are many more in the county so this is just a small representation of those affected.



Gordon Pack, Owner Gwinllan Estate Vineyard and Winery 7060 Fairplay Road, Somerset, CA 95684
530 723 2879



Terrie Prodhon, Owner Mt. Aukum Vineyard and Winery, 6781 Tower Rd, Somerset, CA 95656

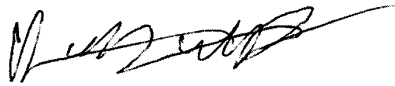


Jonathan Lachs, Owner, Cedarville Vineyards, 6320 Maretail Rd, Somerset, CA 95684



FOR: Paul A. Devitt, owner.

Zack Fueling, Owner Sentivo Vinyards, 7460 Fairplay Road Somerset 95684



Robert van der Vijver, Owner, 7451 Fairplay Rd, Somerset
CA 95684

7060 Fairplay Road
Somerset
CA 95684
December 7th 2014

Anne Novotony
Community Development Agency
Long Range Planning Division
County of El Dorado
2850 Fairlane Court
Placerville
CA 95667

Re County Sign ordinance chapter 17.6, Public draft review 10-1-2014

Dear Anne,

It was a pleasure to meet you at the EIP meeting on this ordinance last month. As I mentioned I think there may be an unintended impact on certain properties and businesses in the ordinance, which is not clear in the document. The issue arises with the definition and use of “on-site” and “off-site”.

This ordinance bans commercial signs and then allows some signs with restrictions. The exemptions are defined in 17.16.030, in part B of this section the terms “on-site” and “off-site” are used in multiple places.

17.16.120 defines “Off-site signs” as “ Any sign not located on the premises of the establishment indicated or advertized by such a sign.”

On-site commercial signs

Table 17.16.070.1an Urban area Signage Standards for Permanent On-site Signs

Permits 2 signs of 32ft² for AE parcels.

Table 17.16.070.2a Rural area Signage Standards for Permanent On-site Signs

Does the same and permits 2 signs of 32ft² for AE parcels.

On-site directional signs

Permitted in 17.16.030.B.8

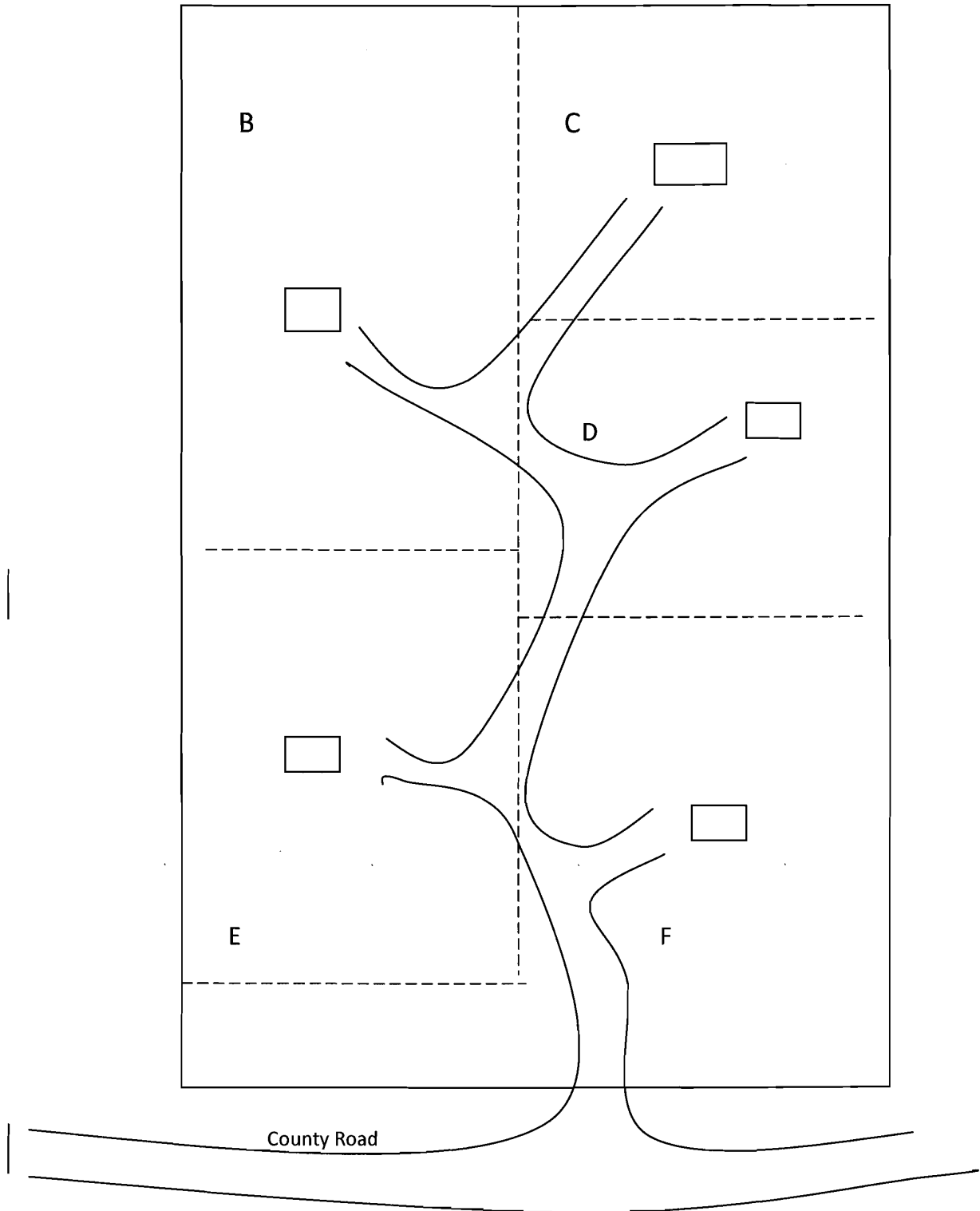
Off-site commercial signs

17.16.030.B.9 allows a commercial off-site sign up to 16ft²

With a number of restrictions and conditions.

This ordinance does not take into account the situation where one parcel has a legal right to have signs on another parcel. This can occur through a number of ways and legal documents. In such a situation this ordinance is depriving the parcel owner and business of their property rights and is discriminating against these parcels.

To make this a little clearer let us choose an example below. These parcels are large parcels and only parcel F can be seen from the road. The area is hilly and the buildings on one parcel cannot be seen from another parcel.



There are five parcels that use a private road. The road is not defined as a separate parcel, which is common in the county. Parcels B, C, D, and E have the legal right to use a designated part of parcel F for commercial uses, this area includes the road and entrance. So any business on parcels B, C, D or E has the right to erect a sign at the entrance into parcel F, a location, informative or directional sign.

The definition of on-site and off-site in this Chapter classifies parcel F as on-site and all the other parcels are off-site. So by using these definitions the sign ordinance deprives parcels B, C, D and E of :-

- 1) A standard business sign of 32ft² by the county road junction which they have a legal right to.
- 2) Directional signs on the private road showing which fork to take to get to each parcel or business. In this case B and C will need 4 direction signs, D 3 direction signs and E 2 directional signs.
- 3) An off-site sign at another location as 17.16.030.B.9 restricts the number of off-site signs to one. So if the sign at the entrance to the private road is counted as an off-site sign no other sign can be erected. Whereas Parcel F could have an on-site sign at the private road entrance and an off-site sign at a major road junction some distance away to drive traffic to the business.

The off-site commercial signs section 17.16.030.B.9 has a requirement "Such signs may be permanent or temporary and require the property owner's consent. " Where another person has a legal right to have a sign on another property without the owner's permission El Dorado County is now giving the property owner the ability to remove or prevent signs on his property. This is violating the legal rights of the party who has a legal right to have a sign on another parcel and exposes El Dorado County to legal action from that party.

What is the real problem?

1. Legal rights are being removed from some parcels and the basic cause is the definition of on-site.

Proposed solution

Change the definition of on-site from "A sign directing attention to an establishment, commodity, service, or entertainment conducted, sold, or offered upon the same property as that which the sign is maintained" to

"A sign directing attention to an establishment, commodity, service, or entertainment conducted, sold, or offered upon the same property as that which the sign is maintained or a property which has a legal right for business use on another property, which connects the business property to a county maintained road."

Sincerely Gordon Pack