

**S11-0004/Sunset Lane Off-Premise Advertising Sign** – As denied by the Planning Commission on February 23, 2012

**Findings**

**1.0 CEQA Findings**

- 1.1 The Planning Commission finds that the Negative Declaration prepared for the project is inadequate and hereby rejects the Negative Declaration prepared for this project.

There is substantial evidence in the record that supports a fair argument that the proposed project may have significant impacts to aesthetics and land use. Therefore, an environmental impact report would be required before the project as proposed could be appropriately considered. The Commission finds that there is a potentially significant impact to aesthetics because the project, as proposed, could, “Have a substantial adverse effect on a scenic vista” and “Substantially degrade the existing visual character quality of the site and its surroundings” due to the project’s size and location. The Commission finds that the proposed location is in an important and highly visible scenic viewshed, and that the size of the proposed sign could cause a significant effect on that viewshed. Staff recognized the size and height were problematic and conditioned the proposed sign to have a reduced size from 672 square feet to 480 square feet for a single sign face; however, the applicant has not accepted those restrictions and those conditions were not analyzed as potential mitigation.

In addition, the Commission finds that the proposed project could have a significant effect to land use and aesthetics due to its potential inconsistency with General Plan Policy 2.6.1.3. The CEQA Findings of Fact for the General Plan EIR state that development proposed under the general plan had a significant impact on aesthetics which was mitigated to a level of insignificance by various mitigation measures, including the adoption of General Plan Land Use Policy 2.6.1.3. The Commission finds that the project as proposed appears inconsistent with General Plan Policy 2.6.1.3 and may have a significant effect on one of the scenic vistas analyzed in the EIR for the General Plan. The Commission finds that the proposed sign would have a rolling blockage effect on local and county wide scenic resources. In addition, substantial public testimony received at the hearing stated that the analysis in the Negative Declaration of the visual impact of the signs at a local level and on scenic viewpoints was inadequate.

The Commission finds that to comply with the requirements of CEQA, the project would need to have an EIR prepared to analyze potential alternative locations, to analyze potential mitigation measures such as reduction in height and size that could reduce the potential significant impacts, and to analyze the cumulative effects of the proposed project with the existing signage in the vicinity.

- 1.2 While the Planning Commission finds that the project as proposed has potential significant unavoidable impacts that have not been mitigated to a less than significant

level and that, therefore, the project could not be approved with the Negative Declaration that was presented, and which the Commission has rejected as inadequate, the Commission also finds that the project cannot be approved for the reasons set forth in Findings 2.0-2.3, below. Section 15270 of the CEQA Guidelines state that CEQA does not apply to a project that the agency rejects or disapproves. This action denying the project is hereby found to be statutorily exempt from CEQA pursuant to Section 15270(a).

**2.0. 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:**

**2.1 Special Use Permit Finding 1. The issuance of the permit is consistent with the General Plan (17.22.540.A.1).**

Finding 1: The Planning Commission finds that the off-premise sign as proposed and conditioned is inconsistent with General Plan requirements to protect the visual appearance of El Dorado County. The Commission finds that, as proposed, the off-premise sign would obstruct an identified scenic viewpoint; this is inconsistent with the General Plan's objective to maintain views and enhance the scenic qualities from roadways in order to preserve the County's natural beauty and is inconsistent with General Plan Policy 2.6.1.3. The site is plainly visible from public roadways including U.S. Highway 50, Mother Lode Drive, and Sunset Lane. It is the Planning Commission's finding, based on significant written and verbal testimony from community representatives and residents, that the off-premise sign proposed in this application is not consistent with the needs of the area providing for aesthetic sensitivity as it would visually dominate the area and will block an important scenic vista. State highways, including U.S. Highway 50, are considered scenic and development proposals require consideration of a design review application, pursuant to County Code Section 17.14.130, by the Planning Commission to consider structure design, size, mass, materials, and colors.

The Commission finds that the off-site sign, as proposed and conditioned, is not consistent with the intent of General Plan Policy 2.6.1.3. General Plan Policy 2.6.1.3 states "*Discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established*". General Plan EIR Exhibit 5.3.1 and Table 5.3.1 designate the project site as an Important Public Scenic Viewpoint. Geographic information system (GIS) analysis of the project has shown that the proposed off-premise sign is within scenic viewpoint location Number 1b as detailed on EIR Table 5.3-1 and that line of sight exists between the proposed project site and the Crystal Range of the Sierra Nevada. Staff recognized the size and height were problematic and conditioned the proposed sign to have a reduced size from 672 square feet to 480 square feet for a single sign face; however, the applicant

has not accepted those restrictions and those conditions were not analyzed as potential mitigation. The Commission concludes that the sign would obstruct an identified viewpoint which is inconsistent with the General Plan's goals and objectives to maintain views and enhance the scenic qualities of roadways in order to preserve the County's natural beauty as well as to sustain tourism to support the local economy.

Finding 1 Conclusion: This finding cannot be made and pursuant to 17.22.540, all three findings are required. Therefore this Special Use Permit cannot be approved.

**2.2 Special Use Permit Finding 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood (17.22.540.A.2).**

Finding 2: Based on the review of the application and testimony received at the hearing, the Planning Commission finds that the proposed off-site sign would be detrimental to the public welfare, and injurious to the neighborhood. The Commission finds that the County's appearance is a major component of its viability as a visitor-oriented destination. The Commission finds that aesthetically pleasing roadways and business districts are key to maintaining and enhancing the local economy. Large off premise advertising signs could negatively affect the aesthetics of roadways and business districts. Therefore the size, height, materials and location of proposed signs are evaluated when a proposed SUP for an offsite advertising sign is submitted for the County's review and approval. The proposed sign is a steel structure consisting of a monopole and a V face which is a commercial billboard structure having two display panels that are not in parallel to each other, facing in opposite directions. The Commission agrees with the testimony presented by members of the public, including neighboring landowners, that the proposed sign is inconsistent with the rural character of the Shingle Springs community. The Commission finds that the steel structure proposed is not compatible with adjacent building designs and its surroundings. In addition, substantial public testimony was received by the Planning Commission that the proposed sign has the potential to block the public's view of existing businesses from the U.S. Highway 50 corridor. Further, the Commission finds that the scale of the sign would overly dominate the skyline causing a visual distraction to the traveling public. The Commission finds that the Shingle Springs Community Region has a rural character and is not an "urbanized" area.

Finding 2 Conclusion: This finding cannot be made and pursuant to 17.22.540, all three findings are required. Therefore this Special Use Permit cannot be approved.

**2.3 Special Use Permit Finding 3. The proposed use is specifically permitted by special use permit (17.22.540.A.3).**

Finding 3: Section 17.16.120 requires a special use permit for off-premise signs. Additionally, 17.14.130 requires all proposed structures that are within a commercial or multifamily zone district and that faces a state highway shall be considered by the planning commission in an endeavor to provide that the architectural and general appearance of the buildings or structures be in keeping with the character of the

neighborhood, not to be detrimental to the orderly and harmonious development of the county, and not impair the desirability of investment or occupation in the neighborhood. Section 17.22 provides the procedure and findings for a Special Use Permit.

Finding 3 Conclusion: Although Finding 3 can be made, pursuant to 17.22.540, all three findings are required. Since Finding 1 and 2 cannot be made, this Special Use Permit cannot be approved.

- 3.0 Summary Finding:** Pursuant to 17.22.540, denial of a special use permit requires the approving authority to specify the grounds for the denial. S11-0004 has been found by the Planning Commission to be inconsistent with the General Plan as described in Finding 2.1 “Finding 1” and detrimental to the public welfare and injurious to the neighborhood as described in Finding 2.2 “Finding 2” and is therefore denied. The grounds for denial are contained within these findings.
- 4.0** 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.
- 5.0 Appeal Procedure:** The Planning Commission’s decision can be appealed to the Board of Supervisors within ten working days from February 23, 2012. Contact Planning Services at (530) 621-5355 for required application form and fees.