

COUNTY OF EL DORADO
SIGN ORDINANCE UPDATE

RESOLUTION NO.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF EL DORADO CERTIFYING THE SIGN ORDINANCE UPDATE
ENVIRONMENTAL IMPACT REPORT

EXHIBIT A-1

CEQA FINDINGS OF FACT

AND

STATEMENT OF OVERRIDING CONSIDERATIONS

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SECTION A. INTRODUCTION

The purpose of these Findings of Fact is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with the adoption of the comprehensive update to the County Sign Ordinance (Project). The Findings of Fact set forth below provide the written analysis and conclusions of the Board of Supervisors regarding the Project's environmental impacts, mitigation measure, and alternatives to the Project.

SECTION B. PROJECT LOCATION AND DESCRIPTION

PROJECT LOCATION

The Project applies to all areas in unincorporated El Dorado County. Within these areas, the Project applies to signs located or mounted on private property, as well as on County property and land owned by public entities over which the County has land use regulatory authority. The Project does not apply to land subject to the regulatory authority of the Tahoe Regional Planning Agency.

PROJECT OBJECTIVES AND DESCRIPTION

Regulation of the size, quantity, and location of signs to maintain and enhance the county's visual appearance is generally established in Goal 2.7 of the 2004 El Dorado County General Plan. Additionally, Objective 2.7.1 directs the regulation of the location, number, and size of highway signs and the elimination of billboards along identified scenic and historic routes. The regulations set forth in the Sign Ordinance update are intended to protect the public health, safety, and welfare and the integrity of the county's aesthetics. The objectives of the proposed Sign Ordinance update are to:

- Promote economically stable and visually attractive communities within the county;
- Promote signs that are attractive, pleasing, and harmonized with the physical character of the structure and environment of surrounding properties;
- Recognize the distinct signage needs and applications in the County's designated urban and rural areas through distinct sign regulations;
- Prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message;
- Protect viewsheds in designated scenic corridors;
- Encourage individuality among communities and businesses through signage;
- Encourage consolidation of signs to reduce visual clutter;

- Improve traffic safety and the smooth and efficient flow of pedestrians, bicyclists and vehicles to their destinations; and
- Direct persons to various activities and enterprises, in order to provide for maximum public convenience.

The proposed Project consists of the adoption and implementation of a comprehensive update to the County's existing Sign Ordinance as well as an amendment of General Plan Objective 2.7.1 and corresponding Policy 2.7.1.2 pertaining to billboards along identified scenic corridors and historic routes.

Note that the Board of Supervisors recently recodified the County Ordinance Code and the Zoning Ordinance, which was previously Title 17 of the Code, is now Title 130. Since all the public drafts of the Sign Ordinance update and the related environmental documents have referenced the Sign Ordinance as Chapter 17.16 of the Zoning Ordinance, the Final EIR will continue to refer to the Sign Ordinance as Chapter 17.16 and the Zoning Ordinance as Title 17. However, in keeping with the recodification, when adopted, the Sign Ordinance will be incorporated into the El Dorado County Code of Ordinances as Chapter 130.16, not 17.16.

SECTION C. DOCUMENTS AND RECORD FOR THE SIGN ORDINANCE UPDATE FINAL EIR

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's findings and determinations consists of the following documents and testimony, at a minimum:

- Draft Environmental Impact Report (SCH #2014102001), associated appendices to the Draft EIR, and technical materials cited in the Draft EIR;
- Sign Ordinance Update Final Environmental Impact Report, including comment letters, responses, and technical materials cited in the Final EIR;
- The Notice of Preparation (NOP), comments received on the NOP, and all other public notices issued by the County in relation to the Sign Ordinance Update EIR (e.g., Notice of Availability);
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the El Dorado County Planning Commission and Board of Supervisors; and
- Staff reports associated with Planning Commission and Board of Supervisors meetings on the Project.

THE RECORD

For the purposes of CEQA and the findings hereinafter set forth, the administrative record consists of those items listed in Section 21167.6(e) of the Public Resources Code. Pursuant to the requirements of CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials that constitute the record of proceedings upon which these decisions are based is as follows:

Community Development Agency Director
El Dorado County Community Development Agency
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355

SECTION D. DISCRETIONARY ACTIONS

The discretionary actions for approval of this Project are identified as follows:

1. Certification of the EIR by the Board of Supervisors
2. Approval of the General Plan objective and policy amendment
3. Approval of the Zoning Code amendment to incorporate the Sign Ordinance update
4. Adopt the Mitigation Monitoring and Reporting Program

SECTION E. TERMINOLOGY OF FINDINGS

For purposes of these Findings, the term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less than significant level. When an impact remains significant or potentially significant assuming implementation of the mitigation, the findings will generally find that the impact is “significant and unavoidable.” In the process of adopting mitigation, the Board of Supervisors has also made a determination regarding whether the mitigation proposed in the EIR is feasible. Pursuant to the CEQA Guidelines, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. In the process of considering the EIR for certification, the Board has recognized that impact avoidance is not possible in some instances. To the extent that significant adverse environmental impacts will not be reduced to a less than significant level with the adopted mitigation, the Board of Supervisors has found that specific economic, social, and other considerations support approval of the Project.

SECTION F. LEGAL EFFECT OF FINDINGS

Pursuant to CEQA Guidelines Section 15091(d), all feasible mitigation measures that avoid or substantially lessen the significant effects of the Project and that are adopted in these Findings shall become binding on the County at the time of approval.

SECTION G. MITIGATION MONITORING PLAN

As required by Public Resources Code Section 21081.6 and CEQA Guidelines Sections 15091(d) and 15097, the County, in adopting these Findings, also adopts a Mitigation Monitoring Plan (MMP). The MMP is designed to ensure that, in implementing the Sign Ordinance update, the County and any other responsible parties implement the adopted mitigation measure.

SECTION H. PROJECT BENEFITS

The Board of Supervisors finds that approval of the Sign Ordinance update will result in the following benefits for the County of El Dorado and county residents (in no relative order):

- Ensure signs are consistent with the visual and aesthetic goals and policies set by the El Dorado County General Plan;
- Protect the County's visual appearance and scenic landscapes; and
- Improve traffic safety.

SECTION I. FINDINGS REGARDING ALTERNATIVES TO THE GENERAL PLAN AMENDMENT

Pursuant to Section 15126.6 of the CEQA Guidelines, Section 4.0 of the Sign Ordinance Update DEIR considers two alternatives to the proposed Project. Alternative 1 (No Project) and Alternative 2 (No Digital Signs) were analyzed at a comparative level of detail, consistent with the requirements of CEQA. The DEIR rejected the consideration of other typical project alternatives such as an alternative location and a reduced density or footprint, as these alternatives would not apply to the nature of the proposed Project as a countywide policy document.

In summary, the alternatives that were analyzed are as follows:

Alternative #1 – No Project

Alternative #2 – No Digital Signs

These alternatives cover a comprehensive range of reasonable possibilities for the Board of Supervisors' final action. The alternatives are described and analyzed at a comparative level of detail in Section 4.0 of the DEIR (see pages 4.0-1 through 4.0-2 of the DEIR).

Alternative #1 – No Project

Under this alternative, new and modified signs would be subject to the County's existing Sign Ordinance (Chapter 17.16 of the Zoning Ordinance), which does not allow digital signs. Therefore, the No Project Alternative could avoid the proposed Project's significant impact related to light generated by digital signs. However, the existing ordinance is broadly written and provides limited guidance that would help the County achieve its goal to protect the county's visual appearance while allowing the use of signs to convey information to the public. As such, this alternative could cause significant impacts on scenic resources due to the size, location, and/or height of new or modified signs and would not achieve the Project objectives.

The Board of Supervisors, based on the information and deliberation in the record as summarized herein, and pursuant to CEQA Guidelines Section 15126.6(f)(1), hereby rejects this alternative as infeasible because it would not fulfill the objectives associated with the Project, nor would it provide any benefits of the Project as described in Section H.

Alternative #2 – No Digital Signs

Under this alternative, all portions of the proposed Sign Ordinance update would be adopted, with the exception that digital signs would not be allowed. Therefore, the No Digital Signs Alternative could avoid the proposed Project's significant impact related to light generated by digital signs while still achieving the Project objectives.

The Board of Supervisors, based on the information and deliberation in the record as summarized herein, and pursuant to CEQA Guidelines Section 15126.6(f)(1), hereby rejects this alternative as the benefits of digital signs outweigh the significant impacts resulting from light and glare. Digital signs promote economic development by allowing sign owners to easily change sign copy as economic and business conditions change. Further, digital signs help to reduce sign clutter by encouraging consolidation of multiple commercial messages onto fewer signs, and therefore support the project's goal of reducing sign clutter.

SECTION J. OTHER CEQA FINDINGS

GROWTH INDUCEMENT

Section 5.0 of the DEIR provides a discussion of the growth-inducing impacts of the proposed Project pursuant to Section 15126.2(d) of the CEQA Guidelines. Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide land use development patterns and growth policies that allow the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service.

The proposed Project is the adoption and implementation of a comprehensive update to the County's existing Sign Ordinance (Zoning Ordinance Chapter 17.16) to ensure signs are consistent with the El Dorado County General Plan's visual and aesthetic goals and policies and to protect the county's visual appearance and scenic landscape. The proposed Project does not permit or authorize new or modified billboards and does not involve amendments to the County General Plan land use designations or zoning districts and would not increase growth in the county or develop infrastructure that could foster growth. As such, the proposed Project would not be growth-inducing.

CUMULATIVE

Section 3.1 of the DEIR contains an analysis of the proposed Project's cumulative impacts to aesthetics, pursuant to CEQA Guidelines Section 15130. Section 4.1 considers cumulative issues related to aesthetics based on buildout of the El Dorado County General Plan.

DEIR Impact 3.1.5 (see pages 3.1-11 and 3.1-12) concluded that because the proposed Sign Ordinance would be generally more restrictive than the current ordinance and would regulate signs with the intent of maintaining and enhancing the county's visual appearance consistent with the goals of the General Plan, the Project's cumulative impact to visual resources would be less than cumulatively considerable.

DEIR Impact 3.1.6 (see page 3.1-12) concluded that while implementation of Mitigation Measure 3.1.4 would reduce the impact of light from digital signs, the number and location of digital signs cannot be determined at this time. Therefore, the proposed Project could increase the overall light in the county generated by signs, and the Project's contribution to cumulative light and glare impacts would be cumulatively considerable.

SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

The DEIR identifies the following significant and unavoidable impacts of the proposed Project:

- Impact 3.1.4: Create a new source of substantial light
- Impact 3.1.6: Contribute to cumulative impacts related to light and glare

A proposed mitigation measure for these impacts identified in the DEIR, and related findings, are addressed in Section K.

SECTION K. FINDINGS OF FACT REGARDING IMPACTS AND MITIGATION MEASURES

AESTHETICS

IMPACT 3.1.1: Substantial Adverse Effect on Scenic Vistas

Significance identified in DEIR – less than significant

Mitigation Measures identified in DEIR – none required

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that impacts on scenic vistas would not result in substantial adverse effects and would be less than significant because the proposed Sign Ordinance update includes several regulations that address signage in public areas available for viewing scenic resources. Enforcement of these standards would ensure that future signs installed in the county would not result in a substantial adverse effect on a scenic vista. *Reference: DEIR page 3.1-8.*

IMPACT 3.1.2: Substantially Damage Scenic Resources Along a Designated Scenic Corridor or Highway

Significance identified in DEIR – less than significant

Mitigation Measures identified in DEIR – none required

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that impacts to scenic resources along a designated scenic corridor or highway would not result in substantial damage and would be less than significant because the proposed Sign Ordinance update includes regulations that address signage along the U.S. Highway 50 corridor. 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.*

IMPACT 3.1.3: Substantially Degrade Existing Visual Character or Quality

Significance identified in DEIR – less than significant

Mitigation measures Identified in DEIR – none required

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that impacts on the existing visual character or quality of a site or its surroundings would not result in substantial degradation and would be less than significant because the proposed Sign Ordinance update provides standards with more specificity regarding size, quantity, and location of 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.*

IMPACT 3.1.4: Create New Source of Light or Glare

Significance identified in DEIR prior to mitigation – potentially significant

Mitigation Measures identified in DEIR – Mitigation Measure 3.1.4

Significance identified in DEIR after mitigation – significant and unavoidable

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that impacts associated with the creation of a new source of light or glare are significant and unavoidable because the County cannot predict the location or number of new digital signs that would be built and cannot be certain that light from new digital signs would not result in a visual intrusion. *Reference: DEIR pages 3.1-10 through 3.1-11.*

IMPACT 3.1.5: Cumulative Impacts on Visual Resources

Significance identified in DEIR – less than cumulatively considerable and therefore is less than significant

Mitigation Measures identified in DEIR – none required

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that cumulative impacts on visual resources would be less than cumulatively considerable because the proposed Sign Ordinance update would regulate signs with the intent of maintaining and enhancing the county's visual appearance consistent with the goals of the General Plan. *Reference: DEIR pages 3.1-11 through 3.1-12.*

IMPACT 3.1.6: Cumulative Impacts on Light and Glare

Significance identified in DEIR prior to mitigation – cumulatively considerable

Mitigation Measures identified in DEIR – Mitigation Measure 3.1.4

Significance identified in DEIR after mitigation – cumulatively considerable and therefore is significant and unavoidable

FINDINGS OF FACT

Based on the analysis presented in Section 3.1 of the DEIR and considering the information contained in the administrative record, the County hereby finds that cumulative impacts on light and glare would be cumulatively considerable, even after implementation of Mitigation Measure 3.1.4, because the number and location of digital signs cannot be determined at this time and could increase the overall light in the county generated by signs. *Reference: DEIR page 3.1-12.*

SECTION L. SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these findings, or their application to other actions related to the proposed Project, shall continue in full force and effect unless amended or modified by the County.

SECTION M. STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO THE SIGN ORDINANCE UPDATE

The Board of Supervisors has made a number of specific determinations regarding the significant and unavoidable impacts that are relevant to the decision to approve the proposed Project.

FISCAL AND ECONOMIC CONSIDERATIONS

Business enterprises contribute to the property and sales tax base, a source of revenue for the County. Substantial evidence in the record demonstrates various fiscal and economic benefits which the County will derive from the implementation of the Sign Ordinance Update. Included among these are (in no particular order):

- Supports the local economy and success of business including the economic viability of agricultural and ranch marketing enterprises (*The Economic Value of On-Premise Signs*, Prepared for the Signage Foundation, Inc. by the Economics Center, University of Cincinnati, August 2012).
- Maintains continuity of the General Plan's economic development policies, providing stability and certainty to County businesses, residents, and investors in

County businesses. It has been shown that digital signs can be a significant component of strong economic development (*Watchfire Case Studies of Electronic Message Centers, Watchfire Signs, 2012, The Economic Value of On-Premise Signs*, Prepared for the Signage Foundation, Inc. by the Economics Center, University of Cincinnati, August 2012).

- Balances economic and aesthetic concerns in the County by application of standards for size, placement of signs, allowing for the updating of technology related to illumination when appropriate, and overall reinforcement of well-designed professionally produced signs that support the success of County businesses (*The Economic Value of On-Premise Signs*, Prepared for the Signage Foundation, Inc. by the Economics Center, University of Cincinnati, August 2012).

LEGAL AND REGULATORY CONSIDERATIONS

Substantial evidence in the record demonstrates various social benefits the County would derive from the implementation of the proposed Sign Ordinance update. As discussed in Section I, each of the alternatives to the proposed Project are not found consistent with the project objectives. Accordingly, the only option available to the County other than adopting the Sign Ordinance update would be to take no action. The effects of this decision would generally be as described in the No Project Alternative.

SOCIAL CONSIDERATIONS

Substantial evidence in the record demonstrates various social benefits that the County would derive from the implementation of the Sign Ordinance update. Included among these are (in no particular order):

- Prohibits new off-site general advertising for hire signs (e.g., billboards) and includes options for relocation of existing non-conforming signs. It has been shown that there can be substantial social benefits resulting from the removal of billboards (*The Benefits of Sao Paulo's Ban on Billboards*, Colin M. Snider <https://americasouthandnorth.wordpress.com/2011/12/24/the-benefits-of-sao-paulos-ban-on-billboards/> [2011]).
- Responds to the needs of commercial and agricultural business owners for clarity on allowed signs with the provision of sign design standards for permanent on-site signs located in urban/rural areas (El Dorado County Farm Bureau Public Comments on the Sign Ordinance Update and Resolution of Intention, Valerie Zetner and James E. Davies, July 22, 2014).
- Supports home based businesses, recognized in the General Plan as viable to the County's strong economic base, with clarification of on-site signage allowances (El Dorado County Farm Bureau Public Comments on the Sign Ordinance Update and Resolution of Intention, Valerie Zetner and James E. Davies, July 22, 2014)..

ENVIRONMENTAL CONSIDERATIONS

Substantial evidence in the record demonstrates various environmental benefits that the County would derive from the implementation of the Sign Ordinance update. Included among these are (in no particular order):

- Supports the County's ability to regulate brightness levels of digital signs. Unlike conventional signs, digital sign brightness levels can be easily regulated to a level of minimum impact (*Testimonial video from Assistant City Manager of Centennial, Colorado that adopted the 0.3 foot-candle standard for Electronic Message Centers (EMC's) reporting no issues or concerns with sign brightness levels [2011]*, [https://www.dropbox.com/s/ct0m9w8h5tt5emu/Centennial%20Regulations 2.0-web.mov?dl=0E](https://www.dropbox.com/s/ct0m9w8h5tt5emu/Centennial%20Regulations%202.0-web.mov?dl=0E), *Recommended Night-Time Brightness Levels for On-Premise Electronic Message Centers (EMC's)*, International Sign Association [2011])
- Encourages sign consolidation resulting in reduced sign clutter. Digital signs have been shown to promote sign consolidation by allowing multiple messages to be displayed on fewer signs (*10 Facts about Electronic Message Centers: Helping to Build Safe, Vibrant, Growing Communities*, Watchfire Signs, 2012, page 3).
- Improves transportation safety and encourages the smooth and efficient flow of pedestrians, bicyclists and vehicles by regulating the location, number and type of signs along private roads and County rights-of-way. Further, as a component of the project, it has been shown that the installation of digital signs does not lead to an increase in vehicular crashes (*Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety* (December, 2012), *Summary of FHWA Study Digital Sign Safety*, International Sign Association, (January 28, 2014), H. Gene Hawkins, Jr., Ph.D., P.E. and Dominique Lord, Ph.D., Zachry Department of Civil Engineering, Texas A&M University; Pei-Fen Kuo, Texas A&M Transportation Institute, *Testimonial video from Assistant City Manager of Centennial, Colorado that adopted the 0.3 foot-candle standard for Electronic Message Centers (EMC's) reporting no issues or concerns with traffic safety resulting from the installation of several new digital signs [2011]*, [https://www.dropbox.com/s/ct0m9w8h5tt5emu/Centennial%20Regulations 2.0-web.mov?dl=0E](https://www.dropbox.com/s/ct0m9w8h5tt5emu/Centennial%20Regulations%202.0-web.mov?dl=0E))

The Board of Supervisors has balanced the fiscal, economic, legal, regulatory, social, and environmental considerations against the significant and unavoidable environmental impacts identified in the EIR and has concluded that those impacts are outweighed by these considerations, among others. Upon balancing the environmental risks and countervailing benefits of each of the individual considerations identified above, the Board of Supervisors has concluded that the benefits that the County will

derive from the implementation of the proposed Sign Ordinance update outweigh those environmental impacts.

SECTION N. CONCLUSION

The Sign Ordinance Update EIR was prepared pursuant to the CEQA Guidelines. The Board of Supervisors independently determined that the Sign Ordinance Update EIR fully and adequately addresses the impacts that would occur as a result of implementing the Sign Ordinance update.

The alternatives identified and considered in the Sign Ordinance Update EIR meet the test of "reasonable" analysis and provided the Board with important information from which to make an informed decision.

Public hearings were held before the Planning Commission and the Board of Supervisors. Substantial evidence in the record from those meetings and other sources demonstrates various benefits and considerations including economic, legal (regulatory), social, technological, environmental, and other benefits which the County would achieve from the implementation of the Sign Ordinance update.

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 and unavoidable, and irreversible increase in the severity of the environmental impacts identified in the Sign Ordinance Update EIR.

In conclusion, the Board of Supervisors finds that any remaining (residual) effects on the environment attributable to the Sign Ordinance update which are found to be unavoidable in the Findings of Fact are acceptable due to the overriding concerns set forth in Section K (Findings of Fact) and Section M (Overriding Considerations).

The Board concludes that the Sign Ordinance update should be adopted.