

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: February 9, 2012
Item No.: 10.a
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S11-0004/Sunset Lane Off-Premise Advertising Sign

APPLICANT: John David Pereira, Esq.

ENGINEER: John S. Weaver

PROPERTY OWNER: Fusano Family

REQUEST:

1. Special Use Permit to allow the construction of an off-premise advertising sign (billboard) consisting of two sign faces each 672 square feet in size, for a total sign area of 1,344 square feet, placed on a pedestal 32.5 feet high for a total height of 50 feet.
2. Consider of appeals (S11-0004-A and S11-0004-A-2) of Don Ricketts and Dyana Anderly on the “deemed approved” claim made by the applicant.

LOCATION: On the north side of Sunset Lane and south side of U.S. Highway 50, approximately 600 feet east of the intersection with Mother Lode Drive, in the Shingle Springs area, Supervisorial District 4. (Exhibit A)

APN: 090-430-09 (Exhibit B)

ACREAGE: 1.22 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: General Commercial (CG) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Negative Declaration

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

1. Adopt the Negative Declaration based on the Initial Study prepared by staff;
2. Approve Special Use Permit S11-0004 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2; and
3. Deny appeals S11-0004-A and S11-0004-A-2.

Note: The appeal asks that this permit be denied in its entirety. Staff does not recommend that the permit be denied.

STAFF ANALYSIS

Background: The subject application is one of three applications for off-premise signs submitted by the applicant. The applicant, John David Pereira, claims this project was “deemed approved” by operation of law on December 30, 2011 due to the alleged failure of the Development Services Department to meet statutory time limits pursuant to the California Permit Streamlining Act (Government Code Section 65920 et. seq.). The County disputes that the Permit Streamlining Act timelines were exceeded and disputes that appropriate notice was given to the public by Mr. Pereira in order to allow the project to be “deemed approved”. However, even if he is correct, and the application was in fact deemed approved on December 30, 2011, that does not waive the public’s right to request a public hearing on the Special Use Permit applications pursuant to El Dorado County Code Section 17.22.530 or the public’s right to an appeal of the “decision” by the Development Services pursuant to County Code Section 17.22.220.

Off-premise signs, or billboards, are rentable space that can be leased for commercial speech (advertising) or noncommercial speech (political or other). There are 1st Amendment implications to review the content of signs. Therefore the proposed content, including the text, the color and style of lettering, and the amount or type of art are generally not considered or evaluated by the County. Only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review.

The approving authority may approve or conditionally approve a special use permit only after making the following findings pursuant to County Ordinance Section 17.22.540:

Findings pursuant to County Ordinance Section 17.22.540	
1. The issuance of the permit is consistent with the general plan.	As conditioned to a maximum sign face of 480 square feet the permit is consistent with the General Plan (See Findings in Attachment 1)
2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.	As conditioned to a maximum sign face of 480 square feet the proposed use would not be detrimental to the public health, safety and

	welfare, or injurious to the neighborhood (See Findings in Attachment 1).
3. The proposed use is specifically permitted by special use permit pursuant to this Title.	The proposed use is specifically permitted by special use permit pursuant to County Ordinance Section 17.16.120 (See Findings in Attachment 1).

Project Description: Construction of an off-premise advertising sign (billboard) consisting of two sign faces each 672 square feet in size (14 feet by 48 feet), for a total sign area of 1,344 square feet, placed on a pedestal 32.5 feet high for a total height of 50 feet. The proposed sign is a steel structure consisting of a monopole and a V face which is a billboard structure having two display panels that are not in parallel to each other, facing in opposite directions. Illumination of the sign faces would be by two 400w shielded directional lights per side installed at the bottom of the structure. The proposed off-premise sign would be situated at the northern end of the project parcel and is intending for viewing from U.S. Highway 50. Access to the sign would be directly from Sunset Lane.

Site Description: The developed 1.22 acre site is at an average elevation of 1,400 feet above sea level and is bound by Sunset Lane to the south and U.S. Highway 50 to the north. The site is relatively flat and contains a 12,300 square foot commercial/light industrial structure that contains multiple units, a roof mounted sign, and associated parking and landscaping. The site was approved under Special Use Permit S84-81 for automotive repair.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG	C	Commercial-Industrial/Developed Commercial/Light Industrial Site
North	RE-5	C	U.S. Highway 50
South	C	C	Commercial/Sunset Lane and trail/railroad corridor
East	CG	C	Commercial-Light Industrial/Developed Commercial-Light Industrial Site
West	CG	C	Commercial-Light Industrial/Developed Commercial-Light Industrial Site

Discussion: The surrounding parcels are designated for commercial and light industrial uses by the General Plan and Zoning Ordinance. The surrounding parcels are a group of light industrial, retail, and food service businesses on a road that parallels Mother Lode Drive. The parcels are within the Shingle Springs Community Region and part of the U.S. Highway 50 corridor. This is an established commercial center. As proposed, the off-premise advertising sign has the potential of blocking previously approved adjacent on-site signs that direct commercial traffic to the existing businesses on Sunset Lane. This has the potential to distract drivers on U.S. Highway 50 and could have an effect contrary to the applicants claim that the proposed off-premise advertising sign would call attention to El Dorado County businesses.

Two off-premise advertising signs, billboards, are adjacent to the project site (See Exhibit A). To the east on APN 090-060-17 is a ridge top off-premise sign of unknown size but is inventoried in the *El Dorado County Sign Ordinance Revision, Photo Atlas of Signs in Major Commercial Corridors* dated January, 1991. To the west on APN 090-430-05 is an off-premise sign 480 square feet in size which is not included in the above mentioned photo atlas. Both signs according to Planning Services knowledge have existed for many years and may predate building permit requirements but additional research would be required to confirm their legality. Caltrans requires a 500 foot separation between permitted off-premise signs and analysis shows that the separation exists between the proposed project and the existing off-premise signs. All other signs adjacent to the project site are on-premise signs.

Regulation of Off-Premise Signs: Off-premise signs are specifically regulated under two sections of the County Code within the Zoning Ordinance. Chapter 17.16 of the Zoning Ordinance, Signs, contains Section 17.16.120 *Off-Premise Signs* which states the following:

- A. Off-premises signs, not otherwise regulated by this title, may be established by special use permit upon following the procedure set forth in Chapter 17.22.*
- B. Prior to the issuance of a special use permit for off-premises signs, the zoning administrator shall consider the location, size and display of the sign for compliance with the policies of the general plan land use element.*

Additionally, Sections 17.14.200.E.3(b) and (c) regulate off-premise signs under the Winery Ordinance. The ordinance regulates the location and size as follows:

- b. In addition, one off-site sign of the same size (32 SQUARE FEET) may be approved by Administrative Permit, with the property owner's permission and specific findings regarding: the proximity to the winery; zoning; and the need for the off-site sign due to the location of the access road.*
- c. Small off-site directional signs, not exceeding 6 square feet, may also be approved with the property owner's permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. Additional signage may be permitted by CUP.*

Project Issue: The primary discussion item for this project is aesthetics.

Aesthetics: From the El Dorado County General Plan Environmental Impact Report:

Visual Character of El Dorado County

The county has a broad range of landscapes that change with the gradual increase in elevation. Elevations range from 200 feet in the western rolling foothills, adjacent to Sacramento County, to more than 10,000 feet along the Sierra Nevada crest on the edge of the Lake Tahoe Basin. The diverse environments of the region are represented by distinct natural communities and landforms that display different development patterns and historical features. This broad diversity is an important element of El Dorado County's visual heritage and one that many

residents value as part of their quality of life. Rolling hills dotted with mature oaks and oak woodlands, agricultural land, apple orchards and vineyards, evergreen forests and snow-capped mountains, scenic rivers, alpine lakes, and historic structures all contribute to the visual character found in the county. These visual resources contribute to the county's economy through tourism and recreational opportunities.

Visual resources are classified in two categories: scenic views and scenic resources. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

The views of the high peaks of the Sierra are one of the chief attractions in this County. As discussed in the General Plan section the proposed off-premise sign has the potential to obstruct a view of the Crystal Range of the Sierra Nevada mountain range. The Crystal Range is a series of peaks within Desolation Wilderness, part of the Eldorado National Forest, that demarcates the west and east slope of the Sierra Nevada within El Dorado County. Off-premise advertising signs are space that may be leased for a variety of speech. Only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review. The proposed sign is a steel structure consisting of a monopole and a V face which is a billboard structure having two display panels that are not in parallel to each other, facing in opposite directions. The staff's recommended condition to reduce the size of the proposed sign from 672 square feet to 480 square feet is based on comparable signs in the Shingle Springs U.S. Highway 50 commercial corridor and the potential impact of the sign at the size which it is proposed to the visual character and adjacent on-site signs.

General Plan: The General Plan land use designation for the project parcel is Commercial (C). The purpose of this land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

The following are citations from the Introduction in the General Plan that affect this project:

El Dorado County is blessed with abundant natural resources and has long been recognized for its spectacular beauty. While impacted, these same attributes exist today. The County has a tradition of appreciating and conserving these resources, using them wisely, and upholding a strong ethic of stewardship over these assets. It is the combination of these features that are now referred to as rural character.

This Plan also acknowledges that the County will continue to grow but will attempt to retain the qualities of its natural resource base, both consumptive and environmental, in order to maintain its custom and culture and to assure its long-term economic stability.

The rural character of the County is its most important asset.

STATEMENT OF VISION

1. 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 and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity.

PLAN CONCEPTS

It is the explicit intent of the Plan, through the appropriate application of these planning concept areas, to: (1) foster a rural quality of life; (2) sustain a quality environment; (3) develop a strong diversified, sustainable local economy; (4) plan land use patterns which will determine the level of public services appropriate to the character, economy, and environment of each region; and (5) accommodate the County's fair share of the regional growth projections while encouraging those activities that comprise the basis for the County's customs, culture, and economic stability.

PLAN OBJECTIVES

- 2. To foster a rural quality of life;*
- 3. To sustain a quality environment;*
- 8. To conserve, protect, and manage the County's abundant natural resources for economic benefits now and for the future;*

Discussion: As discussed below the proposed project has the potential of significantly impacting the natural beauty and rural character of this County and therefore could have a negative impact on future tourism.

The policies and issues that affect this project are discussed below:

Policy 2.6.1.3 *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.*

GOAL 2.7 SIGNS: *Regulation of the size, quantity, and location of signs to maintain and enhance the visual appearance of the County.*

OBJECTIVE 2.7.1 SIGNS REGULATION: *Regulation of the location, number and size of highway signs and elimination of billboards along identified scenic and historic routes.*

The General Plan contains the following definitions:

Official County Scenic Highway (California). *A segment of State highway identified in the Master Plan of State Highways Eligible for Official Scenic Highways Designation and so designated by the Director of the California Department of Transportation (Caltrans).*

Scenic Highway Corridor: *The area outside of a highway right-of-way that is generally visible to persons traveling on the highway.*

Scenic Highway/Scenic Route: *A highway, road, drive, or street that, in addition to its transportation function, provides opportunities for the enjoyment of natural and human-made*

scenic resources and access or direct views to areas or scenes of exceptional beauty, or of historic or cultural interest. The aesthetic values of scenic routes often are protected and enhanced by regulations governing the development of property or the placement of outdoor advertising.

Discussion: The section of U.S. Highway 50 within the community of Shingle Springs is not an Official County Scenic Highway; however it does provide opportunities for the enjoyment of natural scenic resources and access or direct views to areas or scenes of exceptional beauty. 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, Exhibit I, and that line of site possibly exists between the proposed project site and the Crystal Range of the Sierra Nevada. However, site inspection has verified that the proposed sign has a low potential to impede viewing the Crystal Range while traveling westbound on U.S. Highway 50 due to topography and slope of U.S. Highway 50. Without photo simulations taken from the correct angles it is not possible to definitively determine if the off-premise sign would obstruct this important scenic viewpoint. If the sign would obstruct the identified viewpoint it would be inconsistent with the General Plan's objective 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. Staff recommends reducing the sign face size of the proposed billboard from the requested 672 square feet to 480 square feet to be consistent with adjacent off-premise signs and to lessen the impact the proposed sign may have on the known scenic viewpoint.

Off-premise advertising signs are space that may be leased for a variety of speech. Only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review. The proposed sign is a steel structure consisting of a monopole and a V face which is a billboard structure having two display panels that are not in parallel to each other, facing in opposite directions. Adjacent off-site signs have the appearance of having a wood structure which is more consistent with the rural character of the County.

Policy 10.1.6.1 *The County shall encourage expansion of the types of local industries that promote tourism...*

Policy 10.1.6.5 *The County shall ... promote the development of tourist-related business. Such areas may be located along the U.S. Highway 50 corridor...*

Discussion: As discussed above the rural character and natural beauty of the County are directly related to the success of the tourism industry. The proposed billboard has the potential to negatively impact future tourism by impacting a significant scenic viewpoint. Additionally the proposed billboard has the potential of negatively impacting existing businesses along U.S. Highway 50 by visually blocking previously approved adjacent on-site signs that direct commercial traffic to the existing businesses in the highway corridor.

Conclusion: The project has been reviewed in accordance with the 2004 General Plan policies, and it has been determined that it is consistent with the General Plan as conditioned. Findings for approval based on consistency with the General Plan are provided in Attachment 2.

Zoning: The parcel is zoned General Commercial (CG). The regulations set forth in Sections 17.32.020 through 17.32.040 shall apply to all C districts (commercial districts) and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.18.

17.14.130. A Architectural Supervision: In case an application is made for a permit for any building or structure in any RL, RM or C district and where it faces on a state highway, the application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure. The drawings or sketches 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, and such as not to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood.

Discussion: Off-premise advertising signs are space that may be leased for a variety of speech. Only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review. The proposed sign is a steel structure consisting of a monopole and a V face which is a billboard structure having two display panels that are not in parallel to each other, facing in opposite directions. The structure itself would not be consistent with the rural architecture associated with the west slope of El Dorado County. This is based mainly on the size of the proposed off-premise sign at a total sign size of 1,344 square feet. The size is potentially detrimental in that the proposed off-premise advertising sign has the potential of blocking previously approved adjacent on-site signs that direct commercial traffic to the existing businesses on Sunset Lane. The project has been conditioned to have the sign be no larger than 480 square feet which is the size the largest sign in the Shingle Springs Community Region. This would reduce the potential of the project to be detrimental to the orderly and harmonious development of the county, or to impair the desirability of investment or occupation in the neighborhood.

17.14.170 C. Outdoor Lighting Standards. All outdoor lighting shall conform to the following standards:

- 1. All outdoor lighting, including residential outdoor lighting, shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent residential property.*
- 3. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated.*
- 4. Lights that shine onto a road in a manner which causes excessive glare and may be considered to be a traffic hazard shall be prohibited.*

17.16.070 Lighting: Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.

17.16.080 Moving signs prohibited. Moving signs or parts of signs shall not be allowed.

Discussion: The project applicant did not submit a photometric study to ensure light will not leave the property, but shielded lights are proposed and if approved a lighting plan would be required to be submitted with the building permit. The project has been conditioned to require lighting that is directed downward as the project plans show lighting that is directed upward. 17.16.080 has been interpreted to include LED illuminated signs in the prohibition. Staff recommends a condition to comply with 17.16.080.

Special Use Permit Request: The proposed off-premise sign requires a Special Use Permit consistent with Section 17.160.120 of the Zoning Ordinance.

17.16.120 Off-premises signs.

A. Off-premises signs, not otherwise regulated by this title, may be established by special use permit upon following the procedure set forth in Chapter 17.22.

B. Prior to the issuance of a special use permit for off-premises signs, the zoning administrator shall consider the location, size and display of the sign for compliance with the policies of the general plan land use element.

Discussion: Findings for approval, as required by Chapter 17.22, are included in Attachment 1.

Term of the Special Use Permit: Staff is recommending a condition that would make this Special Use Permit valid for a period of seven years with the potential for a revision to extend the life of the permit (See Condition of Approval #2). General Plan policies require the County to consider a zoning ordinance which may result in additional limitations on sign size and locations and may result in the amortization potential removal of approved signs. Additionally, State code states “Notwithstanding Section 5408, a city or a county with land use jurisdiction over the property may adopt an ordinance that establishes standards for the spacing and sizes of advertising displays that are more restrictive than those imposed by the state”. The proposed signs which are not permitted by right, but only conditionally, if appropriate findings can be made, have the potential to harm the neighborhood and as neighborhood values change they need to be reassessed as they relate to the sign. Additionally, due to the ever-changing technology of signs it is in the interest of the public and the applicant for the County to review the sign. Staff chose seven years because, considering the cost to apply for and process a sign permit, and the cost to build a sign, seven years seemed a reasonable amount of time for this use. In reaching this conclusion, staff reviewed the Outdoor Advertising Act, B&P Code 5494, which provides for a 2-7 years amortization of signs legally erected which becomes nonconforming depending on the cost of the sign. It is assumed that the sign has a value greater than \$10,000, thus it may result in the amortization of seven years.

Development Standards: Section 17.32.040(A) thru (E) of the County Code requires that all structures within the General Commercial zone district meet certain criteria. Below is an analysis of these standards.

Discussion: The CG zone district requires certain setbacks and heights for structures, however Section 17.16.050 states that signs may be located on the required yards or setbacks. After review of the submitted site plan and elevations the proposed project meets the standards

contained in Section 17.32.040(A) thru (E) of the County Code as it is consistent with Section 17.16.050 as detailed below.

Development Standard	Zone District	Project Request
Front Setback	10 feet	320 feet
Side Setback	5 feet	West-86 feet East-20 feet
Rear Setback	5 feet	5 feet
Maximum Height	50 feet	50 feet

Conclusion: As discussed above, staff finds the project, as proposed and conditioned, is consistent with all applicable provisions of County Zoning Ordinance Title 17, specifically the findings for a special use permit within Chapter 17.22 have been made .

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Aesthetic impacts were found to be a locally adverse impact and would not rise to the level of a substantial adverse impact. Application for an off-premise sign is specifically allowed subject to approval of a Special Use Permit pursuant to Section 17.16.120, following the procedures set forth in Chapter 17.22. General Plan policies also allow for off-premise signs of the proposed size and location to be considered subject to a finding of consistency with General Plan policies about size, aesthetics, and visual resources. Special Use Permit approval requires the decision makers to make findings based on the size; location; general plan consistency; and the finding that it would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood. In the Land Use section it was found that there is no impact because there is no inherent conflict with any applicable land use plan, policy, or regulation. Based on the Initial Study staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a Negative Declaration has been prepared.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Number Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Elevation and Sign Details
Exhibit G	Applicant-submitted Visual Simulations
Exhibit H	Applicant-submitted Existing Adjacent Signs
Exhibit I	General Plan EIR Exhibit 5.3-1
Exhibit J	General Plan EIR Table 5.3-1
Exhibit K	Applicant-submitted Project Description (three pages)
Exhibit L	Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S11-0004/Sunset Lane Off-Premise Advertising Sign
Planning Commission/February 9, 2012**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit ESite Plan
Exhibit F.....Elevation and Sign Details

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Approval of the Special Use Permit to allow the construction of an off-premise sign (billboard) consisting of two sign faces placed on a pedestal 32.5 feet high for a total height of 50 feet.

The off-premise sign shall be no larger than 480 square feet per sign face for a total of area of 960 square feet.

2. This Special Use Permit is valid through January 31, 2019. If the applicant fails to apply for an extension of this permit at least 8 months prior to expiration, the Special Use Permit shall expire and be of no further force and effect. Within 60 days of expiration, the signs and structure shall be removed.
3. Expiration: Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. Project Conformance: The applicant shall be responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the sign are ultimately the responsibility of the property owner. Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits listed in Condition of

Approval 1 above. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.

5. Prior to commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services for verification of compliance with applicable conditions of approval. The applicant shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.

6. Lighting: All exterior lighting shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation and shall direct the source of light downward. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

7. Moving signs or parts of signs shall not be allowed including light emitting diodes (LED).

8. The sign owner (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the sign are the responsibility of the property owner and the sign owner.

9. All improvements associated with the off-premise sign shall be properly maintained at all times.

10. Hold Harmless Agreement: In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding

against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

ATTACHMENT 2

FINDINGS

Special Use Permit S11-0004/Sunset Lane Off-Premise Advertising Sign Planning Commission/February 9, 2012

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received and considered during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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.

2.0 GENERAL PLAN FINDINGS

- 2.1 Pursuant to proposed condition number 1, reducing the proposed sign from 672 square feet to 480 square feet, the proposal is consistent with the intent of Policies 2.6.1.3 (Signs within important scenic viewpoints), Goal 2.7 (Signs), Objective 2.7.1 (Sign regulation), 10.1.6.1 (Promotion of tourism), and 10.1.6.5 (Development of tourist related businesses), because the project as conditioned would have less of a potential to block a scenic vista, have less than significant impacts on visual resources, and will have a reduced impact on tourism related business in the County.

3.0 ZONING FINDINGS

- 3.1 Section 17.16.120 of the Zoning Ordinance states that off-premise signs may be established by special use permit upon following the procedure set forth in Chapter 17.22. Section 17.22 provides the procedure and findings for a Special Use Permit. Permit application was submitted on April 4, 2011, deemed complete on April 25, 2011, and heard at a public hearing on February 9, 2012.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient setbacks and height have been provided.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations as conditioned to a sign size of no greater than 480 square feet. The proposed use is consistent with the policies and requirements in the El Dorado County General Plan as discussed in the General Plan and Special Use Permit sections of this Staff Report, and known potential project-related environmental issues, and the impacts to the community have been evaluated. The proposed use as conditioned is consistent with all applicable policies including Policies 2.6.1.3, Goal 2.7, Objective 2.7.1, 10.1.6.1, and 10.1.6.5, because the project as conditioned would have less of a potential to block a scenic vista, have less than significant impacts on visual resources, and will have a reduced impact on tourism in the County. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the Staff Report. Visual impacts have been reduced by conditioning the project to have a sign size of no greater than 480 square feet for a total sign area of 960 square feet. The project is anticipated to result in insignificant environmental, noise, and traffic impacts to surrounding residents and businesses. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the sign are not anticipated to have a detrimental affect nor be injurious to the neighborhood. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report.

4.3 **The proposed use is specifically permitted by Special Use Permit.**

Section 17.16.120 of the Zoning Ordinance states that off-premise signs may be established by special use permit upon following the procedure set forth in Chapter 17.22. Section 17.22 provides the procedure and findings for a Special Use Permit.