

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on November 2, 2021

Resolution No. 21-118 Resolution of the Board of Supervisors of the County of Humboldt ADOPTING FINDINGS OF FACT, DETERMINING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT DOES NOT APPLY TO THE PROJECT DENIAL, DENYING THE APPEAL FOR RECORD NO. PLN-2020-16175 AND DENYING THE STOTT OUTDOOR ADVERTISING CONDITIONAL USE PERMIT RECORD NO. PLN-2021-17414.

**WHEREAS**, Greg Redeker for Stott Outdoor Advertising, on January 16, 2020, applied for a Conditional Use Permit to construct a 480 square foot, double-faced, off-premise billboard; and

**WHEREAS**, the Planning and Building Department reviewed the application and supporting evidence and referred the application materials to applicable reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on August 5, 2021, and by a 4-3 vote, denied the Conditional Use Permit; and

**WHEREAS**, Greg Redeker for Stott Outdoor Advertising (“Appellant”) on August 17, 2021, filed an appeal in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

**WHEREAS**, an appeal hearing was noticed for the October 5, 2021, Board of Supervisors meeting and was continued to November 2, 2021, at the Appellant’s request; and

**WHEREAS**, the Board of Supervisors held a duly-noticed public hearing, *de-novo*, on November 2, 2021 and reviewed, considered, and discussed the application and appeal for the Conditional Use Permit; and reviewed and considered all public testimony and evidence presented at the hearing; and

**WHEREAS**, the Board of Supervisors closed the public hearing on November 2, 2021 and adopted a motion to deny the appeal and to deny the Conditional Use Permit.

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings and adopts all of the following evidence:

**1. FINDING:**

**Project Description:** The applicant is requesting a Conditional Use Permit (CUP) for a new illuminated, off-premise, billboard sign located on a parcel zoned for Commercial Highway with a Q Overlay Zone. The proposed billboard size is 50 feet in height, with 40 feet x 12 feet of advertising space (480 square feet in sign area), double-sided, and illuminated from dusk to midnight daily by two energy-efficient LED luminaries. A single steel column set in concrete footings would support the billboard. The parcel is located within Airport Zone B1 and

approximately 2,600 feet north-west of the Rhonerville Airport. The proposed location of the sign is immediately east of Highway 101, at the southeast corner of Drake Hill Road and Eel River Drive, approximately 250 feet east of the edge of the Caltrans right-of-way and 300 feet from the east edge of the Highway 101 roadway.

**EVIDENCE:** a) Project File: PLN-2020-16175

**2. FINDING:** **CEQA.** The California Environmental Quality Act (CEQA) does not apply to the project denial.

**EVIDENCE:** a) CEQA Guidelines section 15270 specifically states that CEQA does not apply to projects which are Disapproved.

**3. FINDING:** The proposed billboard project is not in conformance with *General Plan Chapter 4, Land Use Designation* of Commercial Recreation, and, therefore, the mandatory finding for approval of a Use Permit contained in Humboldt County Code section 312-17.1.1 cannot be made.

**EVIDENCE:** a) The CR designation is intended for commercial recreation facilities and accommodations and recreation/tourist-oriented sales and services geared to local and visitor needs. The billboard is an inconsistent use with the development intent of the CR designation because the CR land use designation is intended for commercial recreation facilities and accommodations, and recreation/tourist-oriented sales and services geared to local and visitor needs. The proposed billboard sign does not meet this criterion.

**4. FINDING:** The proposed billboard project is not in conformance with *General Plan Chapter 10, Scenic Resources, Goals and Policies*, therefore, the mandatory finding for approval of a Use Permit contained in Humboldt County Code section 312-17.1.1 cannot be made.

**EVIDENCE:** a) *Goal SR-G1: Conservation of Scenic Resources. Protect high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources.*

*The addition of billboard signage would detract from the scenic views along Highway 101.*

The addition of billboard signage would detract from the overall quality of scenic views along Highway 101 by placement of a third billboard along this stretch of the east side of Highway 101, south of Fortuna, and resulting in a cluster of billboards in an area that otherwise remains semi-rural and with generally high visual qualities.

b) *Goal SR-G2: Support for a Designated Scenic Highway System. A*

*system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County without detracting from allowed uses.*

The development of another billboard sign (this project would result in placement of a third billboard along this stretch of the east side of Highway 101 south of Fortuna), could also be detrimental to the County achieving the General Plan's ultimate goal of a Scenic Highway designation of Highway 101 from Cal-Trans.

c) Policies:

- *SR-S6. Scenic Highway Map. Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during ministerial and discretionary permit review.*
- *SR-P3. Scenic Highway Protection. Protect the scenic quality of designated Scenic Highways for the enjoyment of natural and scenic resources, coastal views, landmarks, or points of historic and cultural interest.*
- *SR-P4. Term of Off-Premise Billboards and Prohibition. Limit the term of new and existing off premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act. Prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views.*
- *SR-S2. Scenic Highway Standards. The following standards apply to mapped Scenic Highways:  
B. Permitted Uses. Permitted uses shall be allowed except the construction of new off premise billboards is prohibited. Permitted uses that are within the visual buffer area measures may be required to protect scenic qualities of the site.*
- *SR-S3. New Off-Premise Billboards. New off-premise billboards shall be restricted to a maximum term of 15 years and limited to areas designated as Commercial Services or Industrial General. Off-premise billboards shall not include animation or electronic messaging unless for public service purposes and be restricted to a size of 300 square feet.*

SR-S6, SR-P3, SR-P4 and SR-S2 help to define the characteristics for a Scenic Highway. These Policies show that, at the time of adoption, the clear intent of the General Plan was for Highway 101 to be designated as a Scenic Highway and, therefore, its Policies called for it to be treated as such during future development review. The approval of offsite

signation along this stretch of Highway 101 is not compatible with goals and objectives for a Scenic Highway, and approval of the offsite billboard signage as proposed by the appeal could jeopardize the ability of the County to receive the scenic highway designation.

Additionally, the General Plan does not allow billboards at the proposed project location. First, SR-S3 clearly states that billboards are allowed only in Commercial Services or Industrial General land use designations (this site has a land use designation of Commercial Recreation). Second, SR-S2.B. prohibits construction of new off premise billboards as applied to mapped Scenic Highways, whether in the visual buffer width or not. Third, SR-P4 prohibits the construction of new off-premises billboards along mapped Scenic Highways and coastal views. While the Highway has not yet been designated as scenic, the County clearly has a goal of doing so as discussed above. Even though the highway has not yet been designated as scenic, SR-S3 still applies, and the use is prohibited because the land use designation is Commercial Recreation and not Commercial Services or Industrial General.

Even if billboards were allowed at the proposed project site, signage beyond the 200-foot Visual Buffer from the edge of the travel roadway (addressing Appeal Issue 2, from above) would nonetheless remain a concern due to the prominence of the proposed billboard (its proposed height to 50 feet and the double-side sign size of 480 square feet), and therefore would be inconsistent and not in conformance (these terms are used interchangeably throughout the Resolution) with the General Plan. The billboard sign size is larger than what General Plan policy would allow; SR-3 limits the size of billboards to not more than 300 square feet; here, each side of the proposed billboard would be 480 square feet. The proposed billboard would be in a location that would detrimentally impact the overall scenic quality as seen from this stretch of Highway 101 south of Fortuna, and would therefore be inconsistent with General Plan Policies SR-G1 and would not be supportive for a designated Scenic Highway pursuant to Policy SR-G2. Designation of this stretch of Highway 101 as scenic is in the public interest because it would preserve the scenic views, allow for recreation activities, further tourism, and ultimately stimulate the economy of Humboldt County.

## **5. FINDING**

Approval of the project would be detrimental to the public health, safety, or welfare; therefore, the mandatory finding contained in Humboldt County Code section 312-17.1.4 cannot be made where the proposed billboard increases potential traffic hazards and visual blight along Highway 101.



- EVIDENCE**
- a) The County General Plan calls for Highway 101 to be treated as a Scenic Highway.
  - b) Approving off-premise signage along Highway 101 is not compatible with the scenic highway designation.
  - c) There are few existing buildings on the property which is consistent with the County's goal of designating Highway 101 as a scenic highway.
  - d) Approval of additional off-site signs along a highway intended to be designated as a scenic highway could jeopardize the ability to receive the designation as a scenic highway. This could have a negative impact on scenic and aesthetic values, and negatively impact tourism.
  - e) The billboard would increase visual clutter, decrease the aesthetic value of the natural environment, and result in potential traffic distractions which could threaten public safety. Further, the two existing nearby billboards are scheduled to be removed in 2027.

### **APPEAL**

**6. FINDING** The grounds for appeal are not adequate to warrant granting the appeal.

**EVIDENCE** a) The appellant states:

#### **Appeal Issue 1**

*The adopted resolution relies in part on incorrect findings regarding zoning.*

*The subject property is zoned CH-Q. New off-site signs are allowed in the CH zone subject to approval of a use permit, pursuant to Section 87.2.2.8 of the Humboldt County Zoning Code. However, Planning staff had asserted in the agenda report that the "Q" zoning overlay for the property served to prevent approval of the use permit.*

*In response to this assertion, Stott submitted an excerpt from a staff report for previous Stott signs in the area (Attachment "1", Exhibit "E") which included statements that County Counsel had determined that the "Q" overlay zone did not prevent approval of a permit for new off-site signs. Staff verbally indicated during the hearing that they were no longer recommending that the "Q" overlay zone be used as a reason for denial, based on this new information. Nevertheless, the resolution adopted by the Commission (Attachment "3") still included a finding that the "Q" zone doesn't allow the requested use. This was a clear error by the Commission.*

The applicant's statements regarding the consideration of the "Q" overlay in the original Planning Commission resolution are correct. The resolution that was sent to the applicant with the decision packet erroneously included the original draft resolution rather than the resolution as amended by the Planning Commission at the August 5<sup>th</sup>

hearing. The corrected resolution was sent to the applicant after the appeal was filed. The corrected resolution does not include the reference to the Q zone. This was not an error by the Planning Commission but rather an administrative error by the Planning Department, which has been corrected.

b) The Appellant states:

**Appeal Issue 2**

*The project is outside of the 200-foot scenic buffer discussed in the General Plan. There was much discussion in the staff report and at the hearing regarding Scenic Highways and their protection. Setting aside for a moment the fact that no portion of any highway in Humboldt County is an Officially Designated Scenic Highway under state law (see page 5 of Attachment "1"), the General Plan speaks to the establishment of a Visual Buffer along "Mapped Scenic Highways" which "...shall not exceed 200 feet from the edge of the traveled roadway." (Policy SR-S2.A.) Because the proposed project is approximately 300 feet from the edge of the nearest travel lane on Highway 101, it would appear that all follow-on standards and restrictions would be inapplicable to the sign based on its distance from Highway 101.*

The following were used in determining the project inconsistent and not in conformance with the Scenic Resources Goals and Policies of the General Plan.

Goals:

1. SR-G1: Conservation of Scenic Resources. Protect high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources.

The addition of billboard signage would detract from the overall quality of scenic views along Highway 101 by placement of a third billboard along this stretch of the east side of Highway 101, south of Fortuna, and resulting in a cluster of billboards in an area that otherwise remains semi-rural and with generally high visual qualities.

2. SR-G2: Support for a Designated Scenic Highway System. A system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County without detracting from allowed uses.

The development of another billboard sign, could also be detrimental to the County achieving the General Plan's ultimate goal of a Scenic Highway designation of Highway 101 from Cal-Trans.

Policies:

- *SR-S6. Scenic Highway Map. Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during ministerial and discretionary permit review.*
- *SR-P3. Scenic Highway Protection. Protect the scenic quality of designated Scenic Highways for the enjoyment of natural and scenic resources, coastal views, landmarks, or points of historic and cultural interest.*
- *SR-P4. Term of Off-Premise Billboards and Prohibition. Limit the term of new and existing off premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act. Prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views.*
- *SR-S2. Scenic Highway Standards. The following standards apply to mapped Scenic Highways:*
  - B. Permitted Uses. Permitted uses shall be allowed except the construction of new off premise billboards is prohibited. Permitted uses that are within the visual buffer area measures may be required to protect scenic qualities of the site.*
- *SR-S3. New Off-Premise Billboards. New off-premise billboards shall be restricted to a maximum term of 15 years and limited to areas designated as Commercial Services or Industrial General. Off-premise billboards shall not include animation or electronic messaging unless for public service purposes and be restricted to a size of 300 square feet.*

SR-S6, SR-P3, SR-P4 and SR-S2 help to define the characteristics for a Scenic Highway. These Policies show that, at the time of adoption, the clear intent of the General Plan was for Highway 101 to be designated as a Scenic Highway and, therefore, its Policies called for it to be treated as such during future development review. The approval of offsite signiation along this stretch of Highway 101 is not compatible with goals and objectives for a Scenic Highway, and approval of the offsite billboard signage as proposed by the appeal could jeopardize the ability of the County to receive the scenic highway designation.

Additionally, the General Plan does not allow billboards at the proposed project location. First, SR-S3 clearly states that billboards are allowed only in Commercial Services or Industrial General land use designations (this site has a land use designation of Commercial Recreation). Second, SR-S2.B. prohibits construction of new off premise billboards as applied to mapped Scenic Highways, whether in the visual buffer width or not. Third, SR-P4 prohibits the construction of new off-premises billboards along mapped Scenic Highways and coastal views. While the Highway has not yet been designated as scenic, the County clearly has a goal of doing so as discussed above. Even though the highway has not yet been designated as scenic, SR-S3 still applies, and the use is prohibited because the land use designation is Commercial Recreation and not Commercial Services or Industrial General.

Even if billboards were allowed at the proposed project site, signage beyond the 200-foot Visual Buffer from the edge of the travel roadway (addressing Appeal Issue 2, from above) would nonetheless remain a concern due to the prominence of the proposed billboard (its proposed height to 50 feet and the double-side sign size of 480 square feet), and therefore would be inconsistent with the General Plan. The billboard sign size is larger than what General Plan policy would allow; SR-3 limits the size of billboards to not more than 300 square feet; here, each side of the proposed billboard would be 480 square feet. The proposed billboard would be in a location that would detrimentally impact the overall scenic quality as seen from this stretch of Highway 101 south of Fortuna. The proposed billboard would therefore be inconsistent and not in conformance with General Plan Policies SR-G1 and not be supportive for a designated Scenic Highway pursuant to Policy SR-G2. Designation of this stretch of Highway 101 as scenic is in the public interest because it would preserve the scenic views, allow for recreation activities, further tourism, and ultimately stimulate the economy of Humboldt County.

c) The Appellant states:

**Appeal Issue 3**

*There was no mention of other General Plan policies in support of the project.*

*As noted in Stott's PowerPoint, there are several other policies in support of the project which were not mentioned by staff. These include:*

*Goal ED-G1*

*"A diverse, stable, and growing local economy"*



*Goal Ed-G8 : "Stated and clear permitting and licensing processes which engage with businesses...in a timely, effective, and proactive manner"*

*ED-IM4 : "Update ordinances and permit processes..."*

*G-P31 "Common Sense Principle. The General Plan should be interpreted in a common-sense manner to encourage reasonable development which can meet the needs of the community with minimal impacts on the environment and demands on public services..."*

*During Commission discussion, Chair Bongio noted that "We say no to so many things, then wonder why our County is so stagnant." Stott agrees that saying yes to new development is critical to the long-term economic health of Humboldt County. In the case of the proposed sign, this unmanned facility will generate no traffic, noise, dust, odor, demand for services, or any of the other factors which typically accompany new development. Instead, this project will generate new tax revenue for the County, new land rent for the property owner which will be circulated in the community, and provide an opportunity for local businesses to advertise their goods and services to those traveling on Highway 101, contributing to the success of those businesses and increasing the taxes they remit to the County.*

The General Plan Update policies restricting billboards are consistent with the goals stated in the Economic Development Element (particularly ED-G1). (The General Plan is required to be internally consistent per Government Code section 65300.5.) The restriction on billboards and the ultimate goal of designating 101 as a scenic highway are aimed at attracting tourism and recreational uses to this unique environment. This promotes economic activity and growth. Ignoring the billboard provisions contained in the Chapters 4 and 10 of the General Plan Update would not give weight to those provisions, and would also render the General Plan Update internally inconsistent, which the BOS previously found it was not.

d) The Appellant states:

**Appeal Issue 4**

The applicant makes the following claim: *The County's lack of a billboard ordinance is "highly problematic" as determined by County Counsel.*

The County Counsel memo that is referenced by the appellant is from 2005, which is before adoption of the current General Plan with its specific policies that prohibit new billboards at this location. The lack of a billboard ordinance is not a justification for allowing the placement of

a billboard sign on a site where the designated land use of Commercial Recreation does not allow for the establishment of a billboard. Nor does it justify or allow for ignoring the Goals and Policies of Humboldt General Plan Chapter 10, Conservation and Open Space Element, which do not support the proposed billboard.

e) The Appellant states:

#### **Appeal Issue 5**

The appellant makes the following statement: *The County's policies relating to Scenic Highways make little sense. As mentioned at the Commission public hearing, Humboldt County has not deemed it a high enough priority for the 58 years that California's Scenic Highway Program has existed to go through the process of obtaining official designation for truly scenic highway segments in the County. The current position of "until we get around to going through the official scenic highway designation process, all state highways in the County shall be considered to be scenic" makes little sense and contains no incentives to actually go through the process of obtaining official scenic designation. To use an analogy, it's like saying "Until we hold an election, all those who are eligible to be elected shall be treated as if they have already been elected." I think we would all agree that having thousands of citizens asserting that they should be treated like elected officials, without having to go through the difficult process of running for office and winning an election, is nonsensical.*

*Under the current policy, less photogenic portions of state highways (see Attachment "4" for examples) are considered to be just as scenic under the law as those segments which would easily meet state standards (see Attachment "5" for examples of truly scenic sections of highway). Again, this makes little sense.*

The adoption of the General Plan and its scenic resource policies occurred through a public process and this document is the guiding document for the County's land use decisions. It is entirely within the county's authority to determine which resources should be protected. The following were used in determining the project inconsistent and not in conformance with the Scenic Resources Goals and Policies of the General Plan.

Goals:

1. *SR-G1: Conservation of Scenic Resources. Protect high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources.*

The addition of billboard signage would detract from the overall aesthetic quality of scenic views along Highway 101 by placement of a third billboard along this stretch of the east side of Highway 101, south of Fortuna, and resulting in a cluster of billboards in an area that otherwise remains semi-rural and with generally high visual qualities. People are drawn to visit Humboldt County based on the unique natural environment, and this quality could be diminished by an additional billboard. The additional billboard could also increase traffic and congestion along the corridor, creating traffic safety problems. Notably, the two existing billboards were approved by the Planning Commission on March 1, 2012, with a term of 15 years, and included the following option: "Prior to the expiration of the permit or permit extension, the Planning Commission, upon proper application, may extend the permit for a period of up to five (5) additional years, if it finds that the sign is in conformance with the Humboldt County Code §312-17.1." The existing billboards are slated for removal in 2027, unless extended. The existing billboards were approved prior to adoption of the 2017 General Plan Update.

2. *SR-G2: Support for a Designated Scenic Highway System. A system of scenic highways that increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County without detracting from allowed uses.*

The development of another billboard sign may also be detrimental to the County achieving the General Plan's ultimate goal of a Scenic Highway designation of Highway 101 from Cal-Trans. A stated policy goal is to increase the enjoyment of, and opportunities for, recreational and cultural pursuits and tourism in the County. This Scenic Highway designation would be a draw for tourists seeking to experience the natural beauty of Humboldt County, and would result in additional tourism and economic stimulus for the County. Reduction of visual clutter in furtherance of safety objections is also paramount to this policy goal. It is in the interest of Humboldt County residents and the general public for Highway 101 to be designated as a scenic highway.

**Policies:**

- *SR-S6. Scenic Highway Map. Until such time as a General Plan Scenic Highway Roadway Map is prepared and adopted, Humboldt County Highways listed in Sections 263.1 through 263.8 of the California Streets and Highways Code shall be considered to be Scenic Highways pursuant to Policy SR-P3, Scenic Highway Protection, and the County shall address the potential for significant impacts to scenic resources during*

*ministerial and discretionary permit review. [This stretch of Highway 101 is listed in section 263.6, subdivision (f) of the Streets and Highways Code.]*

- *SR-P3. Scenic Highway Protection. Protect the scenic quality of designated Scenic Highways for the enjoyment of natural and scenic resources, coastal views, landmarks, or points of historic and cultural interest.*
- *SR-P4. Term of Off-Premise Billboards and Prohibition. Limit the term of new and existing off premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act. Prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views.*
- *SR-S2. Scenic Highway Standards. The following standards apply to mapped Scenic Highways:  
    B. Permitted Uses. Permitted uses shall be allowed except the construction of new off premise billboards is prohibited. Permitted uses that are within the visual buffer area measures may be required to protect scenic qualities of the site.*
- *SR-S3. New Off-Premise Billboards. New off-premise billboards shall be restricted to a maximum term of 15 years and limited to areas designated as Commercial Services or Industrial General. Off-premise billboards shall not include animation or electronic messaging unless for public service purposes and be restricted to a size of 300 square feet.*

SR-S6, SR-P3, SR-P4 and SR-S2 help to define the characteristics for a Scenic Highway. These Policies show that, at the time of adoption, the clear intent of the General Plan was for Highway 101 to be designated as a Scenic Highway and, therefore, its Policies called for it to be treated as such during future development review. The approval of offsite signiation along this stretch of Highway 101 is not compatible with goals and objectives for a Scenic Highway, and approval of the offsite billboard signage as proposed by the appeal could jeopardize the ability of the County to receive the scenic highway designation.

Additionally, the General Plan does not allow billboards at the proposed project location. First, SR-S3 clearly states that billboards are allowed only in Commercial Services or Industrial General land use designations (this site has a land use designation of Commercial Recreation). Second, SR-S2.B. prohibits construction of new off premise billboards as applied to mapped Scenic Highways, whether in the visual buffer width or not. Third, SR-P4 prohibits the construction of new off-premises billboards along mapped Scenic Highways and coastal views. While the Highway has not yet been designated as scenic, the County clearly has a goal of doing so as discussed above.

Even though the highway has not yet been designated as scenic, SR-S3 still applies, and the use is prohibited because the land use designation is Commercial Recreation and not Commercial Services or Industrial General.

Even if billboards were allowed at the proposed project site, signage beyond the 200-foot Visual Buffer from the edge of the travel roadway (addressing Appeal Issue 2, from above) would nonetheless remain a concern due to the prominence of the proposed billboard (its proposed height to 50 feet and the double-side sign size of 480 square feet), and therefore would be inconsistent and not in conformance with the General Plan. The billboard sign size is larger than what General Plan policy would allow; SR-3 limits the size of billboards to not more than 300 square feet; here, each side of the proposed billboard would be 480 square feet. The proposed billboard would be in a location that would detrimentally impact the overall scenic quality as seen from this stretch of Highway 101 south of Fortuna, and would therefore be inconsistent with General Plan Policy SR-G1 and not be supportive for a designated Scenic Highway pursuant to Policy SR-G2. Designation of this stretch of Highway 101 as scenic is in the public interest.

f) The Appellant states:

*The applicant claims that: Several Commissioners noted that the proposed location seemed appropriate for the sign. We agree. Given the dearth of locations which meet both the County's adopted sign regulations as well as state requirements, approval of this one sign will not usher in a wave of new sign applications. The question is simply whether this one sign in this location, on a site 300 feet from Highway 101, where the County's zoning code says that such a sign can be built with a use permit, should be allowed.*

The Commissioners also noted that the location for the sign was not feasible because of the General Plan land use designation of Commercial Recreation which states: *Commercial Recreation (CR) This designation is intended for commercial recreation facilities and accommodations and recreation/tourist-oriented sales and services geared to local and visitor needs.*

g) The Appellant states:

The applicant states: *Lastly, the sign structure proposed for the subject*

*property is identical to the existing signs which have operated a quarter mile to the south for a decade. Stott is unaware of any complaints regarding the operation of these existing signs.*

Whether the sign is identical and whether the county received complaints is irrelevant to this application. These signs were permitted prior to the adoption of the 2017 General Plan which includes clear policy guidance on the proposed signage. The signs are slated to be removed in 2027 if the deadline is not extended. The two signs referenced by the appellant are located approximately one-quarter of a mile to the south of the proposed sign are located on parcels with a land use designation of Industrial General (IG) and zoned Heavy Industrial (MH) which allows the billboard use under Policy SR-S3 which states: *SR-S3. New Off-Premise Billboards. New off-premise billboards shall be restricted to a maximum term of 15 years and limited to areas designated as Commercial Services or Industrial General. Off-premise billboards shall not include animation or electronic messaging unless for public service purposes and be restricted to a size of 300 square feet.*

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

- a. Find that the requirements of the California Environmental Quality Act (CEQA) do not apply to the project denial pursuant to CEQA Guidelines Section 15270 (Projects Which Are Disapproved).
- b. Find that the project is not in conformance with the Humboldt County General Plan Chapters 4 – Land Use and Chapter 10 – Conservation and Open Space Elements; therefore, the mandatory finding for approval of a Use Permit contained in Humboldt County Code section 312-17.1.1 cannot be made.
- c. Find that the proposed development would be detrimental to the public health, safety, or welfare; therefore, the mandatory finding required for approval of a Use Permit contained in Humboldt County Code section 312-17.1.4 cannot be made where the proposed billboard increases potential traffic hazards and visual blight along Highway 101.
- d. Find that denial of the proposed project is in the public interest.
- e. Deny the Appeal submitted by Greg Redeker for Stott Outdoor Advertising.
- f. Deny the Coastal Development Permit.



The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on November 2, 2021, by the following vote:

Adopted on motion by Supervisor Wilson, seconded by Supervisor Madrone and the following vote:

AYES: Supervisors: Bass, Bushnell, Wilson, Madrone

NOES: Supervisors: Bohn

ABSENT: Supervisors:

  
Virginia Bass, Chair  
Humboldt County Board of Supervisors

STATE OF CALIFORNIA)) SS. County of Humboldt

I, Kathy Hayes, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES Clerk of the Board of Supervisors of the County of Humboldt, State of California



Nikki Turner, Deputy Clerk of the Board