

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution No. 20-27**

CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND INABILITY TO MAKE THE REQUIRED FINDINGS FOR PROJECT APPROVAL, AND DECISION TO DENY THE ALLPOINTS SPECIAL PERMIT APPLICATION

PROJECT #PLN-2019-16029 | APN's: 305-031-007, 305-031-008, and 305-031-009

WHEREAS, Allpoints Outdoor, Inc. submitted an application and evidence in support of approving a Special Permit for Reconstruction of a Legal Nonconforming Billboard Structure (Record Number PLN-2019-16029).

WHEREAS, the Planning & Building Department – Current Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning & Building Department – Current Planning Division has reviewed the submitted special permit application (Record Number PLN-2019-16029) and evidence for conformance with general and area plan policies, goals and regulations and applicable zoning; and

WHEREAS, following the completion of agency review and implementation of various revisions to the plot plan and project design, a staff report was prepared by the planning division recommending conditional approval of the project on the basis of the submitted evidence; and

WHEREAS, in accordance with County Code and the State Planning and Zoning law, notification was then mailed to neighboring property owners describing the department's intent to administratively approve the project. Two weeks were provided for a member of the public to request that the matter appear before the Planning Commission at a public hearing; and

WHEREAS, a timely request for a hearing was received and the project was scheduled for a Planning Commission meeting; and

WHEREAS, the project appeared before the Planning Commission on two separate occasions: (February 20, 2020 and May 7, 2020) during which public testimony was received and the project discussed; and

WHEREAS, at the aforementioned public hearings, the Planning Commission received oral testimony and written correspondence from residents expressing concerns and objections to the project, as well as those in support of the project.

NOW, THEREFORE, be it resolved, determined, and ordered that based upon the evidence presented during the Planning Commission's consideration of this matter as presented in the staff report, along with the submitted supplemental items and attachments, and the testimony and other documentary evidence presented at the public hearings, that **the Planning Commission based on one of more of the following cited findings, denies the application:**

1. The proposed reconstruction of the sign does not conform to numerous sections of the Coastal Zoning Regulations.

2. The project is not consistent with current guidance from the American Planning Association concerning non-conforming signage.
3. The Commission is unable to make the finding that reconstruction of the sign would be consistent with applicable standards. In particular the location and nature of the sign do not allow for required findings found in Chapter Two of the Zoning Regulations to be made and the project is not consistent with the direction found in the Humboldt Bay Area Plan, or the local coastal plan applicable to the project area.
4. Although an updated General Plan has not yet been adopted for the Coastal Zone (nor certified by the Coastal Commission), the Commission cannot make the finding that authorization of sign reconstruction is not detrimental to public welfare, given the public comments received at hearings during the General Plan Update process.
5. The General Plan includes a number of policies designed to restrict the term and placement of billboards, prohibit their construction within Sensitive Habitat Areas, compel their removal or relocation on public lands and railroad rights of way, and prompt the removal of illegal billboards.
6. However, the new General Plan has not yet been certified by the Coastal Commission and therefore does not apply to permitting of the subject property.
7. Instead, the Humboldt Bay Area Plan (HBAP) serves as the basis for land use planning within this portion of the Coastal Zone. The placement of new off-site signs are highly restricted under the scenic resources provisions of the HBAP. However, the existing billboard site is outside of the coastal view area mapped within the HBAP. The plan also commits to preparation of a Scenic Route Study for portions of Highway 101, including the segment adjacent to the project location. Described as a joint-effort between CalTrans and the County Planning Department and subject to Coastal Commission approval, the special emphasis of the study is to investigate opportunities for Cal-Trans, the County, and the Harbor District to eliminate billboarding between Eureka and Arcata and to identify suitable areas for clustered signing, and new off-site signs.
8. The Commission cannot make the finding that the project does not have significant effects on environmentally sensitive habitats as it is located within a wetland, and would require some new development through the replacement or addition of posts.
9. The Commission cannot make the finding that there is no less environmentally damaging feasible alternative.
10. The Planning Commission received a significant amount of public input which was significantly opposed to the approval of the permit.
11. The Planning Commission is unable to make all of the required findings in Attachment 1 of the Planning Division staff report for Project# PLN-2019-16029 based on the submitted evidence and information described above; and
12. Based on the foregoing, the Planning Commission denies the Special Permit request for Project# PLN-2019-16029.

WHEREAS, pursuant to section 15270 of the CEQA Guidelines, the California Environmental Quality Act (CEQA) does not apply to projects which a public agency disapproves;

BE IT FURTHER RESOLVED that the Secretary of the Planning Commission is directed to provide notice of this decision to all interested parties.

Adopted after review and consideration of all the evidence on May 7, 2020.

The motion was made by COMMISSIONER LEVY and seconded by COMMISSIONER O'NEILL.

AYES: 4 - Commissioners Mitchell, Levy, McCavour and O'Neill

NOES: 2 - Commissioners Newman and Bongio

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.



John Ford, Director
Planning & Building Department

Last day to Appeal to the Board of Supervisors: May 21, 2020 (file with the Planning Division).