



P.O. Box 7209
Chico, CA 95927

O: 530.342.3235
F: 530.342.0712
W: lamar.com

October 27, 2021

The Honorable Chair Virginia Bass
Humboldt County Board of Supervisors
3015 H Street
Eureka, CA 95501

Emailed to: khayes@co.humboldt.ca.us

**RE: Appeal of Planning Commission Denial of Conditional Use Permit
PLN 2020-16175 (Stott Outdoor Advertising), APN 201-292-001
2013 Drake Hill Road (Gardner)**

Dear Honorable Chair Bass and Humboldt County Supervisors,

Lamar Advertising extends its gratitude to the Chair and the Board for continuing the hearing on its project, PLN 2020-16175, from October 5th to November 2nd. Having additional time for all members of our team to review the report, rather than a single working day, is greatly appreciated.

Lamar Advertising (which recently acquired Stott Outdoor Advertising) respectfully disagrees with many assertions and conclusions in both the staff report and the staff-drafted resolution to deny the project. Lamar encourages all members of the Board to review the previously-submitted letters dated August 2nd and August 17th, as they contain significant analysis, context, excerpts from relevant documents, and history regarding this project and its relationship to adopted County and State regulations. To add to these previous documents (totaling 11 pages of text plus 26 pages of supplementary material) Lamar would respectfully raise the following additional issues for the Board's consideration.

1. **It is proper, and within the Board's discretion, to approve the project.** The resolution prepared by staff is one-sided, and makes little attempt to weigh the many complementary and competing policies and regulations in support of the project. Lamar has prepared an alternative resolution for the Board's consideration which would approve the project, making all required findings as set forth in the Humboldt County Code. This resolution is provided as Attachment "A". Lamar respectfully requests that the Board adopt this resolution of approval, including any needed modifications or conditions, in lieu of staff's suggested resolution of denial.
2. **Staff makes unfounded assertions regarding traffic and safety.** Several times in both the staff report and resolution statements are made to the effect that the sign cannot be approved because the proposed sign increases traffic hazards or creates traffic safety problems. This is an incorrect and unsupported assertion.

For the Board's reference, Lamar attaches a study performed by the Virginia Tech Transportation Institute titled "Driving Performance in the Presence and Absence of Billboards". As summarized in the study's abstract on page i –

"Thus, even in the presence of the most visually attention-getting billboards, neither visual performance nor driving performance changes measurably... Taken as a whole, these analyses support the overall conclusion that driving performance does not change measurably in the presence or absence of billboards."

While this study is more than 15 years old, its conclusions for traditional static signs remain valid. Newer research on driver distraction and accident causation generally focuses on in-vehicle distractions, particularly driver use of smart phones (such as for texting) and screens for infotainment systems, as these have been shown to have a significantly greater influence on driver distraction and, by extension, accident occurrence.

Staff also asserts that somehow the sign could increase traffic. It's difficult to see how this is possible, given that the sign will only be visited by a single pickup truck a few times per year after it's constructed. If increasing traffic is a valid reason to deny a project, it's difficult to see how the County could approve any new significant projects, much to the chagrin of local developers and economic development advocates.

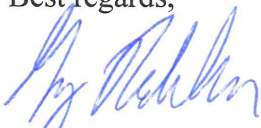
3. **The code permits signs.** Despite staff's analytical legerdemain to the contrary, the simple truth is that the Humboldt County zoning code allows the proposed sign to be constructed, at the size and location proposed, with a use permit. While one may sympathize with staff's desire to enforce some yet-to-be-implemented policy guidance, the method for accomplishing that objective is by amending the County zoning code – which has not yet been done. As mentioned in the Deputy County Counsel's memo from 2005, the County's lack of a billboard ordinance is "highly problematic" from a legal perspective.
4. **The project is one single sign.** Regardless of what may or may not happen in the future to the two other signs in the vicinity of the proposed project, the project before the Board is a single sign structure. The sign is in a location where the County's zoning regulations allow it. The presence of other signs nearby is mentioned simply to show that nearly identical signs exist, showing the similarity in height and structure. Furthermore, due to the requirements of state law which limit where such signs may be built, approval of this one sign will not usher in a wave of new signs. Please evaluate this project solely on its own merits at this location, not some hypothetical case which will likely never come to pass.
5. **The sign will benefit local property owners.** The underlying property is zoned commercial, and is owned by Terry and Chris Gardner. Due to the topography of the land and the fact it is located within a flood zone, nearly all viable commercial uses are infeasible. The proposed sign, being an unmanned facility, is one of the few commercial structures which will allow meaningful economic benefit to the local property owner. Approval of the project will not only benefit the underlying local landowner, but will also aid the local community via the hiring of local subcontractors during construction,

providing advertising opportunities for local businesses, and increasing the taxes going into local coffers.

In conclusion, Lamar has no desire to be confrontational on this issue. Lamar is confident that the County will find a local partner in Lamar to approve this single sign, located far from both Humboldt Bay and the coast, on a parcel with commercial zoning. The County code permits the Board to approve the sign. Approving this project would appear to be a win-win, and would not alter the greater historical arc of fewer off-site signs in Humboldt County, particularly as efforts to remove dilapidated signs from more sensitive locations near Humboldt Bay gain momentum.

Please contact me at (530) 717-2705 or gredeker@lamar.com if you have any questions. I look forward to seeing you on the 2nd.

Best regards,



Greg Redeker
Senior Real Estate Manager
Lamar Advertising, Permit Applicant

GR: at

Attachment "A" Resolution Approving the Project
Attachment "B" VTTI Study Regarding Driver Distraction

cc: cjohnson@co.humboldt.ca.us
 jford@co.humboldt.ca.us
 kathleen@landlogistics.com

Jennifer Mizrahi, Esq.
Stream Kim Hicks Wrage & Alfaro, PC
3403 Tenth Street, Suite 700
Riverside, CA 92501