

PLN-2021-17414

CM FOR ES 8/19/21



PLANNING APPLICATION FORM
Humboldt County Planning Department
Current Planning Division 3015 H Street Eureka, CA 95501-4484
Phone (707) 445-7541 Fax (707) 268-3792



INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit **all** items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)	AGENT (Communications from Department will be directed to agent)
Business Name: <u>Stott Outdoor Advertising</u>	Business Name: _____
Contact Person: <u>Greg Redeker, Sr. Real Estate Manager</u>	Contact Person: _____
Mailing Address: <u>PO Box 7209</u>	Mailing Address: _____
City, St, Zip: <u>Chico, CA 95927</u>	City, St, Zip: _____
Telephone: <u>530-717-2705</u> Alt. Tel: <u>530-342-3235</u>	Telephone: _____ Alt. Tel: _____
Email: <u>gredeker@stottoutdoor.com</u>	Email: _____
OWNER(S) OF RECORD (If different from applicant)	
Owner's Name: <u>Terry and Chris Gardner</u>	Owner's Name: _____
Mailing Address: <u>2013 Drake Hill Road</u>	Mailing Address: _____
City, St, Zip: <u>Fortuna, CA 95540</u>	City, St, Zip: _____
Telephone: <u>707-682-6423</u> Alt. Tel: _____	Telephone: _____ Alt. Tel: _____
LOCATION OF PROJECT	
Site Address: <u>2013 Drake Hill Road</u>	Assessor's Parcel No(s): <u>201-292-001</u>
Community Area: <u>Unincorporated Fortuna</u>	Parcel Size (acres or sq. ft.): <u>2.92 acres</u>
Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

SECTION II

PROJECT DESCRIPTION
Describe the proposed project (attach additional sheets as necessary):
Appeal of Planning Commission's denial of Conditional Use Permit PLN-2020-16175 on August 5, 2021 via adoption of Resolution 21-109. All required application materials are on file with the Planning Department.
The requested Conditional Use Permit would authorize a new off-site advertising sign on property zoned CH, as allowed by the County's sign ordinance. The sign is near two existing signs also operated by Stott, which were previously approved by the County under the same sign ordinance. See enclosed letter with detailed grounds for the appeal and additional supporting information.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are **not** complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

<u>[Signature]</u> Applicant Signature	<u>08/17/2021</u> Date
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If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

On file with original application	_____
Owner of Record Signature	Date
_____	_____
Owner of Record Signature	Date

PLN-2021-17414
NOW

August 17, 2021

Sent via E-mail and FedEx

Chair Virginia Bass
Humboldt County Board of Supervisors
Planning Department Staff
3015 H Street
Eureka, CA 95501



**RE: Appeal of Planning Commission Denial of Conditional Use Permit
PLN 2020-16175 (Stott Outdoor Advertising), APN 201-292-001
2013 Drake Hill Road – UB58 (Gardner)**

Dear Chair Bass, Members of the Board of Supervisors, and Planning Department Staff,

With this letter, Stott Outdoor Advertising respectfully appeals the Planning Commission’s 4-3 denial of Conditional Use Permit PLN 2020-16175. The project was considered by the Planning Commission on August 5, 2021, as Item H.2 on the agenda. The requested use permit would authorize a new off-site sign on property zoned CH, as allowed by the County’s sign ordinance, approximately 300 feet east of Highway 101 in unincorporated south Fortuna. I’ve enclosed a completed appeal form, along with a check in the amount of \$1,786 to cover the cost of the appeal.

Background

The Commission held a duly noticed hearing to consider the project on August 5th, 2021. No correspondence opposing the project was received, and no one spoke against the project at the hearing. Stott had previously submitted a comprehensive response to the staff report, provided with this letter as Attachment “1”. Stott also gave a brief PowerPoint presentation to the Commission, a copy of which is provided as Attachment “2”. All of the information and argument in favor of approving the use permit contained in these two documents is hereby restated and incorporated into the appeal by reference.

At the conclusion of the public hearing and Commission discussion, the Commission voted 4-3 to deny the project (Levy, O’Neill, Mitchell, and McCavour in favor of denial; Bongio, Mulder, and Newman opposed) via adoption of Resolution 21-109. This resolution is provided as Attachment “3”. Planning staff subsequently relayed the County’s appeal procedures to Stott, including that Stott has ten working days to file an appeal, and that the appeal fee amount is \$1,786.

Grounds for the Appeal

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.

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.

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.

4. The County's lack of a billboard ordinance is "highly problematic" as determined by County Counsel.

In 2005, the County Counsel's office found the County's lack of a billboard ordinance "...to be highly problematic given the clear mandates established by the Federal courts." (See page 3 of Attachment "1", and Exhibit "E".) The level of scrutiny to which local sign ordinances have been subjected by the courts has only increased in the last 16 years, particularly in the wake of *Reed v. Gilbert*. Denying a permit for an off-site sign, which courts have determined to be a type of speech given certain first-amendment protections, would likewise be problematic in the absence of a billboard ordinance.

5. 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.

Other Considerations

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.

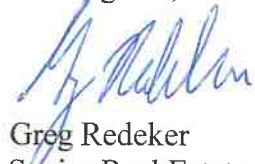
Lastly, the sign structure proposed for the subject property is identical to the existing signs which have operated a quarter mile to the south for a decade. Stott is unaware of any complaints regarding the operation of these existing signs.

Conclusion

With all the above taken into account, Stott Outdoor Advertising would respectfully ask the Board to agree that this is an appropriate location for an off-site sign, to direct staff to prepare findings for approval of the requested use permit, and to bring the project back before the Board for approval at a future public hearing.

Thank you for your time and consideration. Should you have any questions or wish to discuss this further, please contact me at (530) 717-2705 or gredeker@stottoutdoor.com.

Best regards,



Greg Redeker
Senior Real Estate Manager
Stott Outdoor Advertising, Permit Applicant

GR: at

Enclosures

- Attachment "1" – Stott letter dated August 2, 2021, including Exhibits "A" through "J"
- Attachment "2" – Stott PowerPoint for August 5, 2021 Planning Commission meeting
- Attachment "3" – Planning Commission Resolution 21-109
- Attachment "4" – Examples of less photogenic highway segments considered "scenic"
- Attachment "5" – Examples of truly scenic highway segments in Humboldt County

E-mail distribution:

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August 2, 2021

Sent via E-mail

Chair Alan Bongio
Members of the Humboldt County Planning Commission
Planning Department Staff
3015 H Street
Eureka, CA 95501



**RE: Stott Outdoor Advertising Conditional Use Permit
PLN 2020-16175, APN 201-292-001
2013 Drake Hill Road – UB58 (Gardner)**

Dear Chair Bongio, Members of the Planning Commission, and Planning Department Staff,

I'm writing to you today in response to the staff report for the above-referenced project, which is scheduled to be considered by the Commission at a public hearing to be held on August 5th, 2021 as item H.2. on the agenda. Stott Outdoor Advertising respectfully disagrees with the conclusions and recommendations in the staff report, finding many of the statements and analysis to be inaccurate and/or misleading. As will be expanded on below, there is a path forward for the Commission to make all required findings and approve the requested use permit. This is what we are respectfully requesting of the Commission.

Background

Stott Outdoor Advertising entered into a lease agreement in late 2019 with Terry and Chris Gardner, owners of 2013 Drake Hill Road, to place an off-site sign on their property. The intent of the sign is to advertise Humboldt County goods and services to travelers on Highway 101, including tourists and others who are visiting from out of the area. The sign's design would be identical to two other signs operated by Stott Outdoor Advertising to the south of the project site.

Stott subsequently applied for a Conditional Use Permit as required by Section 87.2.2.8 of the Humboldt County Zoning Ordinance on January 15th, 2020. The application was deemed complete pursuant to the terms of the Permit Streamlining Act (PSA) on February 14th, 2020 when no determination of incompleteness was made by County staff. In a spirit of cooperation and good faith, Stott continued to work with staff, providing additional information and materials in response to subsequent County inquiries received later in February and March. The last substantive information about the project was e-mailed to County staff on April 15th, 2020.

On May 7th, 2020 County staff indicated via e-mail that the project was "...complete enough to move forward, but I may ask for something else as I work on the staff report." To this point, there was no indication that the County could not approve the use permit. Commission meetings in late June or early July were discussed as dates when the project might be considered.

On May 11th, 2020 County staff informed Stott via phone call and e-mail that they would not be able to recommend approval of the use permit based on their research. Various excerpts from the Zoning Ordinance and General Plan were provided as justification for their position.

With the full knowledge of County staff, Stott took several months to evaluate our options and perform our own research. We explicitly stated that we would not consider the PSA clock to be tolling at this time. Stott submitted a letter on October 13th, 2020 indicating that we did not wish to withdraw our application as offered by County staff; rather, we wished to proceed to a public hearing. Now, almost ten months later, the project is finally before the Planning Commission.

Additional Materials Not Provided to the Commission

Stott submitted several more documents to Planning staff regarding this application which contain additional information and context. However, they were not included for whatever reason in the staff report to the Commission. In the interests of full and complete information, they are being transmitted with this letter.

The first, an updated site plan transmitted to the County on April 15th, 2020, containing additional details as requested by County staff, is provided as Exhibit “A”. The second, a description of the project and how it relates to the Outdoor Advertising Act, is provided as Exhibit “B”. The third, an annotated aerial photo showing the proposed sign in relation to Stott’s two existing nearby signs, is provided as Exhibit “C”.

Major Themes in the Staff Report

Planning staff asserts that the project cannot be approved for several reasons, including the following:

- *The project is not allowed on the subject property due to the “Q” overlay zone applied via adoption of Ordinance 1689*
- *The project is inconsistent with Chapter 4 of the General Plan, particularly the intent of the Commercial Recreation land use designation for the property*
- *The project is inconsistent with Chapter 10 of the General Plan, particularly various goals and policies related to scenic highways and the regulation of billboards*

Stott respectfully disagrees with these assertions. A detailed response to each, with supporting documentation as appropriate, is provided below.

Ordinance 1689 and the “Q” Overlay Zone

Assertion - *The Q overlay on this parcel as enacted by Ordinance 1689 takes precedence over Section 87.2.2.8 of the zoning code, and the off-site sign use is not allowed.*

Response - The County has previously approved use permits for off-site signs in the Q overlay zone enacted by Ordinance 1689. The County Counsel’s office also provided a memo noting the Constitutional shortcomings of the County’s regulation as it applies to billboards.

Discussion - The County definitively determined as part of previous approvals under the same regulatory framework that the various Q overlay zones enacted via Ordinance 1689 did NOT prohibit off-site signs. Excerpts of various County documents are provided related to the hearings and eventual approval of the two nearby signs to the south, which are on a parcel with zoning of MH-B-5(10)-Q (also enacted by Ordinance 1689). These signs were initially authorized by CUP 04-04, and finally by CUP 10-16 after the Alton interchange project at the intersection of Highway 101 and Highway 36 was completed.

Exhibit “D” is a memorandum from the County Counsel’s office dated September 22, 2005 regarding the deficiencies of the County’s regulation of billboards, and contains the following (highlighted on the Exhibit for ease of reference):

- “Humboldt County does not have a billboard ordinance.”
- “In the absence of a billboard ordinance, Humboldt County cannot point to a set of regulations whose express purpose is to implement a substantial governmental interest by establishing clearly articulated objective standards by which all billboard uses will be measured.”
- “This office finds the lack of such an ordinance to be highly problematic given the clear mandates established by the Federal courts. It is recommended that the County establish a billboard ordinance to address these constitutional implications.”

Exhibit “E” is an excerpt from a supplemental staff report to the Commission for CUP 04-04 dated October 27, 2005, which references the County Counsel memo, and contains the following (again highlighted for ease of reference):

- “Also, based on County Counsel’s research it is now clear that the inclusion of the ‘Q’ combining zone on several of the parcels does not negate an applicant’s ability to apply for a CUP. This corrects an erroneous assumption in the 1997 staff report.”
- A table showing maximum potential buildout of off-site signs in the area which lists the project parcel (APN 201-292-01), with its zoning of CH-Q, as a location where off-site signs could be built.

New case law subsequent to the preparation of these documents (e.g. *Reed v. Gilbert*) has only served to increase the level of judicial scrutiny applied to sign regulations which limit speech.

Chapter 4 of the General Plan – Commercial Recreation Land Use Designation

Assertion - *The proposed billboard is inconsistent with the development intent of the CR land use designation, which is intended for commercial recreation facilities and accommodations, and recreation/tourist-oriented sales and services geared to local and visitor needs.*

Response - Off-site signs in the area have historically displayed advertisements for goods and services valued by visitors and tourists, thereby providing a valuable service for those businesses. Moreover, the CR land use designation has been deemed consistent with a variety of land uses beyond those described by staff. Finally, state law establishes that outdoor advertising is a legitimate commercial use of property.

Discussion - Past advertisements on the two existing signs to the south are revealing. Advertisements for casinos have been displayed, as have advertisements for hotels, tire shops, and special events of interest to tourists (such as Cannabis Fair/Emerald Cup). More recently, regulatory changes at the state level regarding cannabis have resulted in an increased number of cannabis-related advertisements, which inform visitors and tourists of this growing sector of the Humboldt County economy.

From a policy standpoint, the County established in the “Zoning Consistency Matrix – Inland”, found in the General Plan as Table 4-H (provided as Exhibit “F”), that the C-1, C-2, and C-H zoning districts are all consistent with the Commercial Recreation land use designation. These zoning districts allow a variety of commercial uses by right which are therefore all deemed compatible with the CR land use designation. These uses include professional offices, restaurants, retail stores, dry cleaning, furniture stores, automobile sales, public garages, and storage warehouses.

Lastly, it is the adopted position of the State of California, as memorialized in Section 5226 of the Outdoor Advertising Act, that:

- (a) Outdoor Advertising is a legitimate commercial use of property adjacent to roads and highways.
- (b) Outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest.

Chapter 10 of the General Plan – Scenic Highways and Regulation of Billboards

Assertion - *The proposed billboard is inconsistent with several goals, standards, and policies related to protection of scenic resources, including special restrictions on the approval of off-site billboards along mapped scenic highways.*

Response - While the section of Highway 101 near the proposed sign is eligible to be officially designated as a scenic highway, the County has not undertaken the burdensome and controversial task of seeking such designation, including adoption of a Corridor Protection Program as required by state law. In addition, the policies related to scenic resources and billboards are to be implemented by adopting ordinances which would make the restrictions binding and enforceable; to date, no such ordinances have been adopted. Lastly, the pattern of development and topography

in the area is inconsistent with Caltrans' requirements for officially designating this portion of Highway 101 as a scenic highway.

Discussion - Staff paints an incomplete picture regarding the interaction of the various policies contained in Chapter 10 of the General Plan as they relate to off-site signs. Notable omissions and misstatements are discussed below.

1. Highway 101 in Humboldt County is not designated as a scenic highway under state law. The section of Highway 101 adjacent to the project site is eligible to be listed as a scenic highway (see Exhibit "G", excerpt from Caltrans' website related to scenic highways), and has been eligible since the inception of the scenic highway program in 1963. However, in the intervening 58 years, Humboldt County has never deemed it a high enough priority to go through the proper steps to formalize such designation, which involves a specific series of studies and regulatory actions (not merely policy directives) which must be completed in consultation with affected property owners and Caltrans. These efforts are frequently controversial, as they typically involve downzoning property, establishing strict sign controls via an amended sign ordinance, establishing strict design review procedures, requiring new power lines to be installed underground, and amending the zoning ordinance to prohibit certain land uses altogether. (See Exhibit "H", a decision-making flowchart prepared by Caltrans for designating scenic highways, which notes the multiple steps in the process where formal conflict resolution measures may be required.) In addition, once the highway segment in question has been approved for such designation, it precludes the use of categorical exemptions in and adjacent to that portion of the highway, forcing future projects into using a mitigated negative declaration or environmental impact report.
2. Implementation measures for policies and standards in the general plan related to billboards have not yet occurred. Appendix A of the General Plan specifies how the goals and policies contained in the Plan are to be implemented. On Page A-18 (provided as Exhibit "I") the implementation measure for the various policies and standards related to billboards as discussed in the staff report is "Sign Ordinance Revision". Since adoption of the General Plan in 2017, no such revision of the sign code specifically related to off-site signs or billboards has occurred.

Going back to the County Counsel's memorandum (Exhibit "D"), if the County wishes to implement the policies and enforce the standards contained in the General Plan related to billboards, it needs to adopt an ordinance specific to billboards, with objective criteria and specific findings consistent with Federal case law in order to pass judicial scrutiny for regulations which limit speech.

3. Even if the County did want to officially designate this portion of Highway 101 as a scenic highway, it doesn't score well on Caltrans' scenic highway criteria. As established in the Caltrans Scenic Highway Guidelines (excerpt provided as Exhibit "J") scenic highways should "...traverse an area of outstanding scenic

quality, containing striking views, flora, geology, or other natural attributes...” and that “...the more pristine the natural landscape is and less affected by intrusions, the more likely the nominated highway will qualify as scenic.” When compared to truly scenic sections of Highway 101, such as the stretch from Patricks Point to Orrick, the section of Highway 101 south of Fortuna near the proposed sign doesn’t hold up well. The area is marked by flat terrain with no meaningful views of the Eel River or the Pacific Ocean, with significant visual intrusions in the form of power lines, signs, industrial and commercial uses, and unremarkable residential and industrial buildings.

Other Considerations

The sign structure proposed for the subject property is identical to the existing signs which have operated a quarter mile to the south for more than a decade. Stott is unaware of any complaints regarding the operation of these existing signs. Even after approval of this sign, there will still be fewer off-site signs in the area between Fortuna and the Van Duzen River than there were prior to construction of the Alton interchange project at the intersection of Highway 101 and Highway 36.

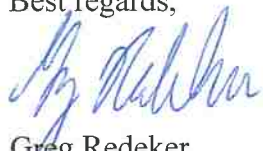
Stott simply seeks to restore an opportunity for local businesses to advertise their goods and services to those traveling on Highway 101, including both locals and visitors to the area. The property is zoned commercial, consistent with state law for new off-site signs. The County’s zoning ordinance allows such a sign to be constructed, subject to issuance of a use permit.

Conclusion

With all the above taken into account, Stott Outdoor Advertising would respectfully request that the Commission direct staff to prepare findings for approval of the requested use permit, to be brought back before the Commission at a future public hearing.

Thank you for your time and consideration. Should you have any questions or wish to discuss this further, please contact me at (530) 717-2705 or gredeker@stottoutdoor.com.

Best regards,



Greg Redeker
Senior Real Estate Manager
Stott Outdoor Advertising, Permit Applicant

GR: at

Enclosures

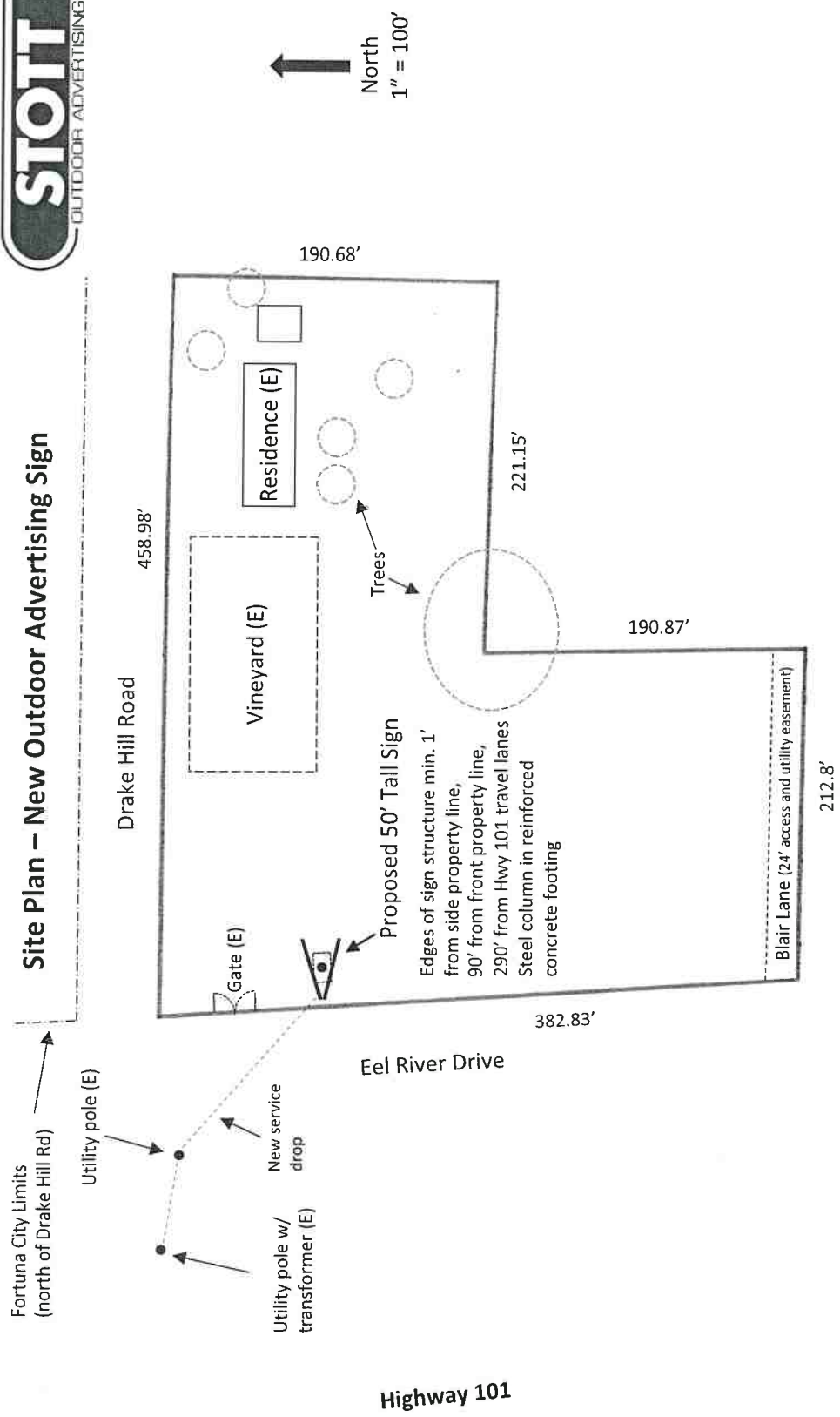
- Exhibit "A" – Revised Site Plan transmitted to County staff April 15, 2020
- Exhibit "B" – Project Description, including discussion of Outdoor Advertising Act
- Exhibit "C" – Annotated Aerial Photo
- Exhibit "D" – Memorandum from County Counsel's office dated September 22, 2005
- Exhibit "E" – Excerpt from Supplemental Staff Report for CUP 04-04 dated October 27, 2005
- Exhibit "F" – Table 4-H "Zoning Consistency Matrix – Inland", Humboldt County General Plan
- Exhibit "G" – Excerpt from Caltrans website depicting Eligible and Designated Scenic Highways
- Exhibit "H" – Scenic Highway Corridor Protection Program Flowchart
- Exhibit "I" – Excerpt from General Plan Appendix A, Implementation Measures
- Exhibit "J" – Excerpt from Caltrans Scenic Highway Guidelines

E-mail distribution:

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Brian Millar, Land Logistics (brian@landlogistics.com)
Kathleen Franklin, Land Logistics (kathleen@landlogistics.com)



Site Plan – New Outdoor Advertising Sign



Owner: Terry and Chris Gardner
Location: 2013 Drake Hill Road, Fortuna, Humboldt County
APN: 201-292-001 **Size:** 2.92 acres
Zoning: CH-Q – Highway Service Commercial w/ Qualifying Combining Zone
Prepared by: Greg Redeker, Stott Outdoor Advertising
gredeker@stottoutdoor.com (530) 717-2705 4/2/20

- Notes:**
- Property is generally level
 - No change to existing structures, trees, or improvements
 - Existing structures (incl. wells, leach fields) min. 200' from sign
 - No side yard setback required (1' proposed)
 - Sign area accessed via gates on Eel River Drive and Blair Lane
 - New sign is 12' x 40', double-sided "V" build, 50' max height
 - Two energy efficient LED light fixtures per face
 - Single steel column set in a concrete footing
 - New overhead electrical service from nearby power pole

Project Description for New Off-Site Advertising Sign at 2013 Drake Hill Road, APN 201-292-001

This project description is intended to be read in conjunction with the other application materials submitted to the Humboldt County Planning Department.

Stott Outdoor Advertising proposes to construct a new outdoor advertising sign in Humboldt County. The project site is a 2.92 acre parcel located on the east side of Highway 101 south of Fortuna, near the intersection of Drake Hill Road and Eel River Drive. The site is generally level. A single-family residence occupied by the property owner is located on the northeastern corner of the property, and a small vineyard is located on the north central portion of the property. The western portion of the property is used intermittently as a paintball field, using inflatable nets and other temporary portable structures. Access is via a vehicle gate off of Eel River Drive and via Blair Lane. No changes are proposed to any existing structures, trees, fencing, or other improvements. Adjacent land uses on the east side of Highway 101 include a specialty wood retailer (Burl Country) across Drake Hill Road to the north, agricultural uses across Eel River Drive to the west, single-family residential uses to the south of the proposed sign location, and agricultural uses to the east. The sign location and the route construction vehicles will take to reach it has been subject to regular disturbance over the years due to various low-intensity commercial uses, including the current paintball field use.

The site is zoned CH-Q (Highway Service Commercial with a Qualified combining zone), a zoning district which allows non-appurtenant signs (i.e., billboards) subject to approval of a use permit. Property across Drake Hill Road to the north is inside the Fortuna city limits, and is zoned A-E on Fortuna's zoning map. Property across Eel River Drive to the west is zoned AG-B-5(20). Property to the south is zoned R-1-B-4(1)-T, and property to the east is zoned AE-B-5(60). The site is also located in the 100-year flood plain as delineated on the FEMA flood maps.

The outdoor advertising sign will be a steel structure with two 12' x 40' sign faces arranged in a "V" configuration, the same as two existing Stott signs located approximately 950 and 1450 feet to the south. Overall height is proposed to be 50 feet above grade, the same as the two existing nearby signs. (This height is five feet greater than the 45-foot maximum height normally allowed in the zoning district, and will require authorization pursuant to Section 314-99.1.) The edges of the sign will be a minimum of 1 foot from the side property line abutting Eel River Drive. A single steel column will support the sign, set in a concrete footing, and will be designed to meet code requirements for construction in a flood plain. Size of the footing is not finalized at this time, but will be less than 40 cubic yards. No additional fill or grading is proposed beyond the excavation required for the footing. Each sign face will be illuminated by two energy-efficient LED luminaires, specifically designed for outdoor advertising, which minimize unwanted light spill onto nearby properties. Illumination will be from dusk to midnight daily. Electricity will be provided via a new service drop from the nearby overhead power lines.

Subsequent to obtaining required approvals from Humboldt County but prior to construction, Stott will obtain all required permits from Caltrans authorizing placement of the sign.

Construction will last approximately a week. Construction will occur during the dry season so that the ground can adequately support the weight of construction vehicles, and so that drainage patterns are unaffected. All construction activities will comply with applicable local and state standards regarding hours of work, idling duration, dust control, and other measures which reduce construction-related impacts. After the sign has been built, a single pickup truck will visit the sign a few times per year to change the sign copy and perform any needed maintenance.

Prepared by: Greg Redeker, Real Estate Manager Updated 4/2/20

Exhibit "B"

Outdoor Advertising Act Discussion

The proposed project is subject to the California Outdoor Advertising Act ("Act") (California Business and Professions Code Division 3, Chapter 2, Section 5200 et seq.) and its implementing regulations (California Code of Regulations Title 4, Division 6, Section 2240 et seq.). The Act is administered by the Caltrans office of Outdoor Advertising in Sacramento. All off-site signs intended to be viewed from a state highway or freeway in the state of California are subject to the Act, and are required to obtain permits from Caltrans for the installation and operation of these signs. Off-site signs are subject to various objective standards (such as size and spacing) and must generally be located in commercial or industrial zoned areas. The proposed sign, being more than 500 feet away from any existing permitted off-site signs and located in a commercial zoning district, complies with Caltrans criteria.

Unlike some other state statutes which are implemented at the local level, such as CEQA or the Subdivision Map Act, cities and counties have no direct role in implementing the provisions of the Outdoor Advertising Act. However, as part of the application for an outdoor advertising permit from Caltrans, an applicant must submit a copy of an issued building permit for the sign to indicate that all local approvals have been obtained. Please note that the Caltrans permitting process typically takes at least 60 days, so there is frequently a delay from when the local permit is granted and when construction begins.

Stott would be pleased to provide a copy of the issued Caltrans permit to Humboldt County prior to construction.

Prepared by: Greg Redeker, Real Estate Manager Updated 4/2/20



Location of new sign at 2013 Drake Hill Road in relation to existing identical Stott signs
Proposed sign is 290' from Highway 101 travel lanes
Existing signs are 240' and 210' from Highway 101



Inter-office memo

from the desk of

CAROLYN RUTH
Deputy County Counsel

To: Humboldt County Planning Commission

Re: **Stott Outdoor Advertising - October 6, 2005 Meeting**
Constitutional Issues, Humboldt County Code and CEQA

Date: September 22, 2005

RECEIVED

SEP 23 2005

HUMBOLDT COUNTY
PLANNING COMMISSION

Background:

Stott Outdoor Advertising has submitted an application to Community Development Services Department (CDS) to construct a billboard near Highway 101 in the Alton area, on a parcel zoned Heavy Industrial (MH) with a Qualified (Q) Combining Zone.

During the hearing for this project on September 1, 2005, counsel for Stott Advertising took the position that denial of the project would constitute an unconstitutional infringement on Stott Outdoor Advertising's right to free speech.

A Stott representative testified that the Humboldt County Code is very restrictive with respect to the regulation of billboards and with the overlay of the State requirements, there is no need for further regulation. He pointed out that the last time Stott Outdoor Advertising sought to place a billboard in Humboldt County was in 1997.

This memo discusses constitutional issues relating to billboards, the manner in which the Humboldt County Code currently serves to regulate billboards, and the applicability of CEQA to the Planning Commission's determination.

I.

Constitutional Issues and the Regulation of Billboards

A. Regulation of Commercial Speech

Billboards are a form of speech - commercial speech. As such they are unlike other land uses governed by State and local law. The regulation of billboards is subject to a constitutional overlay that examines the manner and method of the regulation to ensure that it does not unduly infringe upon the First Amendment right to free speech. It is not enough to simply subject the placement of the billboard to the usual set of findings such as reviewing whether the billboard conforms to the general plan, or is detrimental to the public health, safety and welfare. Courts have not permitted billboards to be regulated by broad, subjective standards, because what is being regulated is speech itself.

To be valid, Courts have held that a County's regulation of speech must contain a clear statement of purpose directly related to advancing a substantial governmental interest and the regulation must be specifically and narrowly tailored to meet that goal. In other words, if you want to limit free speech you can do so as long as you have a legitimate governmental interest in doing so (the purpose) and as long as you narrowly tailor the limitations to meet that goal.

Exhibit "D"

For instance, regulations limiting a billboard's location and construction which are based upon clearly articulated standards of safety and aesthetics, are constitutional as a matter of law. The twin goals of safety and aesthetics are substantial government goals that may justify regulation of speech and a regulation that goes no further than necessary to meet such goals will be upheld. [*Ackerly Communications Inc. v. Krochalis* (9th Cir. 1997) 108 F3d.1095].

B. Case Law

The United States Supreme Court case of *Metromedia, Inc. v. City of San Diego* (1981) 453 U.S. 490 is the leading case that controls the regulation of billboards. In that case the Court upheld a restriction on offsite billboards that was designed to advance the City's interests in traffic safety and aesthetics. *Metromedia* confirmed that the test established by the Supreme Court in a case called *Central Hudson* for determining the validity of government restrictions on commercial speech applies to the regulation of billboards [*Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n of New York* (1980) 447 U.S. 557]. The test in summary states: Commercial speech that concerns lawful activity and is not misleading can only be regulated if the restriction (1) seeks to implement a substantial governmental interest, (2) directly advances that interest, and (3) reaches no further than necessary to accomplish the given objective.

The cases make it clear that restrictions on commercial speech (billboards), must be carefully and specifically drawn in order to avoid infringing on the First Amendment. Creating such restrictions is not difficult. The courts have supported billboard regulations and outright bans on billboards when the regulations are intended to advance a city's interest in avoiding visual clutter, and protecting citizens from traffic hazards even in the absence of detailed proof that the billboard regulation will in fact advance the city's interests [See *Ackerley Communications of the Northwest Inc. v. City of Seattle* (9th Cir. 1997) 108 F.3d 1095].

The U.S. Supreme Court has upheld local ordinances that regulate billboards because they are "traffic hazards," "unattractive," "distracting to motorists and pedestrians," and because they, "advance interests of traffic safety and aesthetic concerns."

However, regulations that are not carefully designed to meet the *Central Hudson* test will not be upheld.

In *Desert Outdoor Advertising, Inc. v. City of Moreno Valley*, (9th Cir.1996)103 F. 3d 814, the Court rejected the City of Moreno ordinance governing on-site and off-site signs for several reasons, one of which was the fact that the ordinance failed to meet the first prong of three required elements necessary to restrict commercial speech, namely that it "seek to implement a substantial governmental interest."

The City of Moreno ordinance required as a condition of a use permit that City officials find that "[an off-site sign] will not have a harmful effect upon the health or welfare of the general public and will not be detrimental to the welfare of the general public and will not be detrimental to the aesthetic quality of the community or the surrounding land uses." The Court found that this criteria was ambiguous and subjective. "A law cannot condition the free exercise of First Amendment rights on the 'unbridled discretion' of government officials" [*Desert* 103 F. 3d 814 at 818]. "A law subjecting the exercise of First Amendment freedoms to the prior

restraint of a license, without narrow, objective, and definite standards to guide the licensing authority, is unconstitutional” [Id]. While the Court agreed that aesthetics and safety represent substantial governmental interests which may justify regulation of speech, the ordinance did not show that it was enacted to further these interests. The City of Moreno sign ordinance did not contain a statement of purpose concerning those interests, nor did the City provide any evidence that the ordinance furthered those interests.

In a footnote, the *Desert* Court noted that, “insofar as billboards are concerned, the burden on the City of meeting the first prong is not a great one.” Had the City enacted the ordinance with a clear statement of purpose indicating the City’s interest in eliminating the hazards posed by billboards to pedestrians and motorists and in preserving and improving its appearance, the City would have demonstrated that the ordinance sought to implement substantial governmental interests, and would thus have satisfied the first prong of the *Central Hudson* test [Id].

Had the City set forth standards by which the determination of aesthetics and harm would have been made, and had they clearly indicated that the protection of aesthetics and prevention of hazards was the purpose for the ordinance, it appears that the law would have been upheld.

II. Humboldt County Code

Humboldt County does not have a billboard ordinance. Billboards are regulated locally by a set of eight (8) codes that address the regulation of “signs” beginning with Section 314-87.2.2. Only one of these code sections directly pertains to billboards and it states as follows:

87.2.2.8 Non-appurtenant signs (i.e. billboards) may be permitted in any CH, MH, C or U Zone, where the General Plan designates the area for commercial or industrial development with a use permit.

Accordingly, in Humboldt County a billboard can only be placed in one of the designated zones and will be subject to a Use Permit which itself has certain findings which must be made, such as general plan and zone conformance, and the finding that the use is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

These findings, however, as indicated in the case law discussion above, will be viewed carefully by the Courts since they impact a First Amendment right.

In the absence of a billboard ordinance, Humboldt County cannot point to a set of regulations whose express purpose is to implement a substantial governmental interest by establishing clearly articulated objective standards by which all billboard uses will be measured.

This office finds the lack of such an ordinance to be highly problematic given the clear mandates established by the Federal courts. It is recommended that the County establish a billboard ordinance to address these constitutional implications.

III. Applicability of CEQA

CEQA review for the Stott Project is governed by California law. While an adverse decision based in the findings required by CEQA could still be challenged by the applicant as an unlawful infringement on free speech, this Commission must make the CEQA findings independently, based upon substantial evidence received in the record of the proceedings.

Even if the Planning Commission determines that all of the findings required by County Code for a conditional use permit can be met in this case, CEQA must, by law, be considered.

As the court noted in *Eller Media Company v. Community Redevelopment Agency* (2003) 108 Cal.App.4th 25 at 39, “that a billboard complies with sign specifications in a local zoning ordinance does not mean necessarily that it comports with CEQA and consequently does not entitle the applicant to automatic approval of the permit application for that billboard.”

The Planning Commission will need to take into account the requirements of CEQA and make appropriate findings.

Cumulative Impact Assessment

The 1997 Stott permit included an assessment of possible billboard sites by zoning and potential buildout given the separation requirements of the Outdoor Advertising Act (See Page 19 of Attachment 2). It was determined that within the study area (1-mile radius of the Alton Highway 36 intersection) that there are twelve (12) additional sites that can be developed with billboards. The site of the current Stott billboard project (APN 201-292-11) was identified as having the potential for six (6) separate advertising structures. Also, based on County Counsel’s research it is now clear that the inclusion of the “Q”-combining zone on several of the parcels does not negate an applicant’s ability to apply for a CUP. This corrects an erroneous assumption in the 1997 staff report.

Two of the potential sites are in the Coastal Zone and would require a CDP/SP (§313-87.3.2.4.2, HCC). The other ten (10) sites are inland and would require a CUP. The potential “buildout” within the study area is reflected in the table below:

APN	ZONING	EXISTING	NEW OR ADDITIONAL	PLANNED REMOVAL	BUILDOUT POTENTIAL
201-241-08 (burl shop)	C-1	1	0	-1	0
201-232-18	C-3	2	1	-2	1
201-232-01	C-3	0	1	0	1
201-221-04 (Hansen’s North)	CR (CZ)	1	1	-1	1
201-221-01 (Hansen’s South)	MG (CZ)	1	1	-1	1
201-292-11	MH-Q	0	6 (2 <p>)	0	6
201-292-01	CH-Q	2	1	0	3
201-241-15	MH-Q	0	1	0	1
TOTAL		7	12	-5	14

In 1997, the Planning Commission did not make a finding that the two additional billboards constituted a significant environmental effect. Under CEQA a finding of significance must be made where a project has possible environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

If the project is approved and constructed a total of nine (9) billboards will be in place for a short time; four (4) to remain following the acquisition and removal of the five (5) existing billboards as part of the Alton Interchange Project. The four (4) billboards would represent 29 percent of the potential buildout.

The applicant’s legal representative has indicated that the owner may be willing to convey development rights to more than the two (2) requested billboards on APN 201-292-11. This would result in four (4) fewer advertising structures and a reduction in the total “potential” buildout from 14 to 10. If the applicant agrees to this limitation, Optional Condition #4 could be applied (see below).

As noted above, the possible impacts are aesthetics and safety. Whether the addition of these signs constitutes a significant impact should be made by the Commission based on the evidence in the record. It should be noted that this application is the only current project in the study area and that the Department is not aware of any “probable future projects”.

Table 4-H. Zoning Consistency Matrix – Inland

LAND USE DESIGNATIONS	C-1	C-2	C-3	C-H	MB	ML	MH	AV	PF1	PF2	DF	FP	RS	R-1	R-2	R-3	R-4	RA	AE	AG	TPZ	FR	U	
Residential Land Use Designations																								
Residential-Medium Density (RM)															X	X	X		X ³	X	X ³			
Residential-Low Density (RL)														X	X*	X*			X ³	X	X ³			
Residential Estates (RE)									X	X*			X*	X*				X*	X ³	X	X ³	X ^{2*}		
Residential Agriculture (RA)									X	X*			X*	X*				X*	X ³	X*	X ³	X ^{2*}		
Commercial Land Use Designations																								
Commercial General (CG)	X	X																			X ³			
Commercial Services (CS)	X	X	X	X	X ²																X ³	X ²		
Commercial Recreation (CR)	X	X	X	X																	X ³	X ²		
Mixed Use (MU)	X	X											X ³	X ³	X	X	X			X ³	X ³			
Village Center (VC)	X	X		X			X					X	X	X						X	X ³	X		
Rural Community Center (RCC)	X	X		X		X	X		X			X	X	X					X ³	X	X ³	X		
Industrial Land Use Designations																								
Industrial, General (IG)			X		X ²	X	X												X ³			X ³	X ²	
Industrial, Resource Related (IR)						X ²	X ²					X							X			X		
Business Park (MB)		X ²	X ²		X	X ²																		
Open Space and Public Land Use Designations																								
Conservation Floodway (CF)									X	X	X	X							X					X
Natural Resources (NR)											X								X					
Open Space (OS)											X								X					
Public Facilities (PF)	X	X		X		X	X	X	X	X	X		X	X	X	X	X		X	X*	X			X
Public Recreation (PR)									X	X	X								X	X*	X			
Public Lands (P)								X			X								X	X*	X			X
Tribal Lands (TL)								X			X								X	X*	X			X
Tribal Trust Lands (TTL)								X			X								X	X	X			X
Railroad								X	X	X	X	X							X	X	X	X	X	X
Resource Production Land Use Designations																								
Timberlands (T)											X	X							X	X*	X			
Ag. Grazing (AG)											X	X							X	X*	X			
Ag. Exclusive (AE)											X	X							X					

* Zones are consistent with identified land use designations only when combining zone density/minimum lot size designators are consistent with General Plan policies and standards.
 2 Requires Q – Qualified combining zone to ensure consistency.
 3 Resource zones may be used as holding zones until rezoning to planned uses

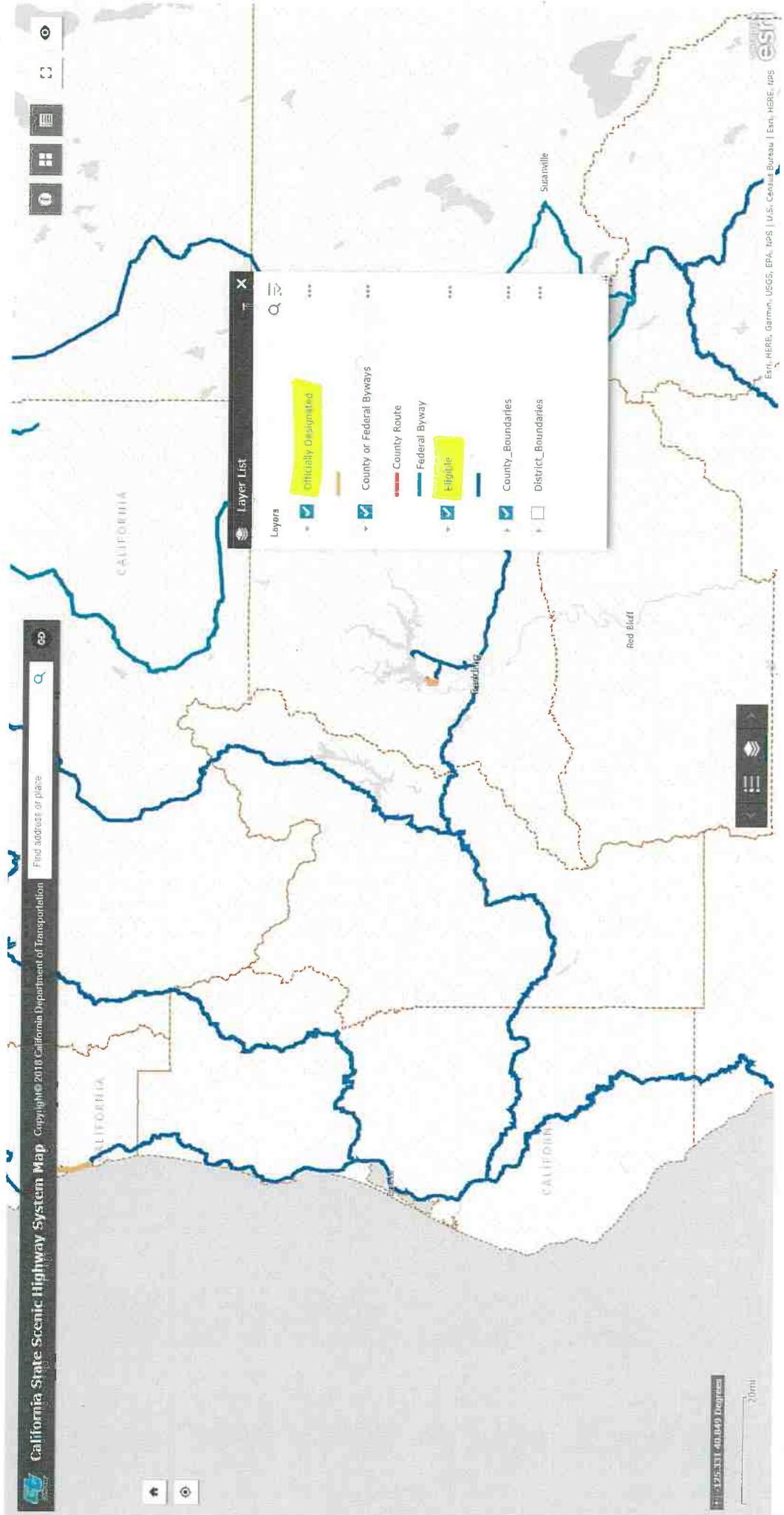
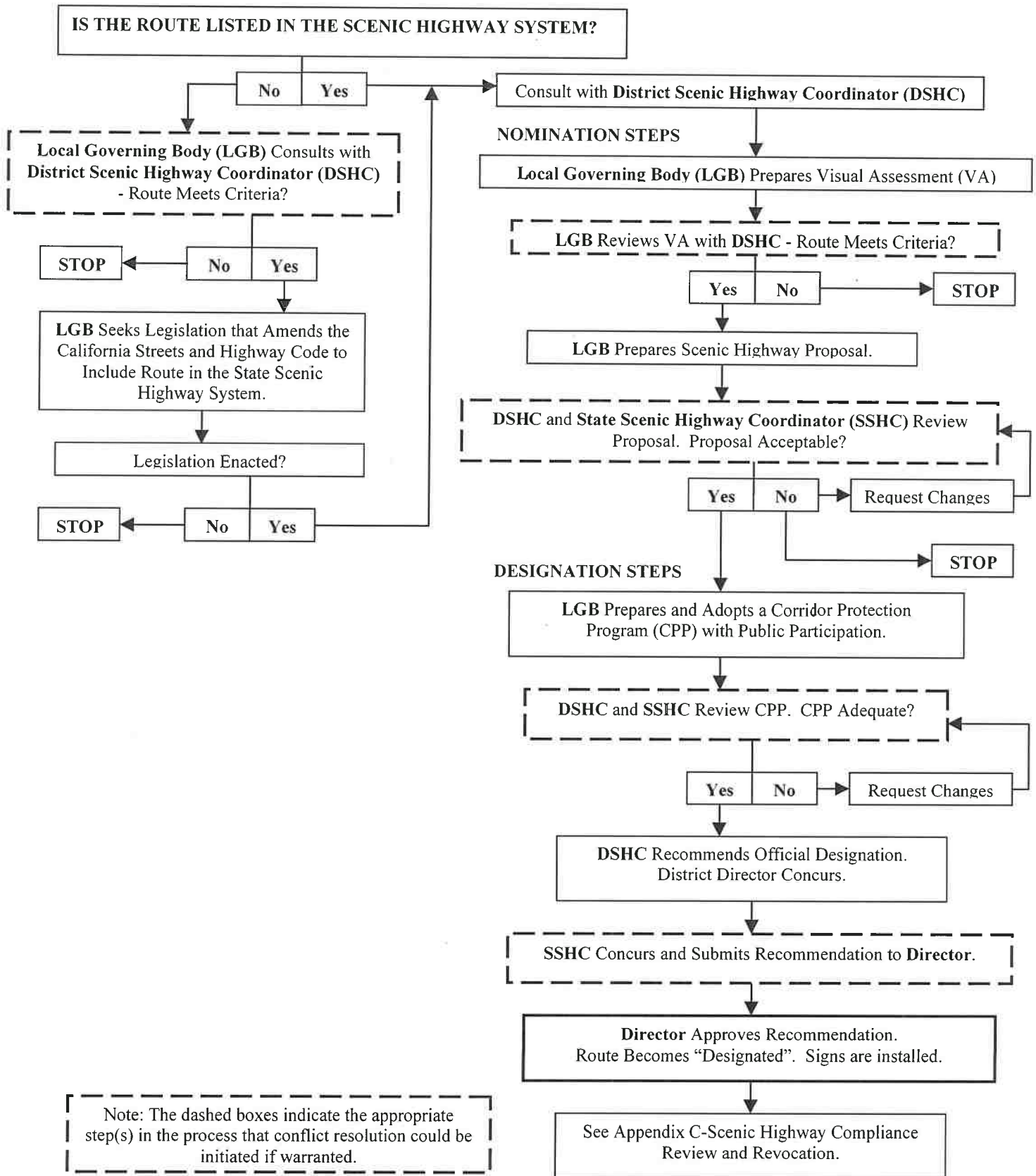


Exhibit "G"

Appendix B
Scenic Highway Designation



2017 Humboldt County General Plan - Implementation Action Plan					
Text of Measure	Method	Responsibility	Timing	Cost Range	Policies Implemented
Chapter 10 Conservation and Open Space Elements – Cultural Resources					
CU-IM1. Cultural Resources Ordinance and Advisory Committee	Zoning Regulations	Long Range Planning	2 to 5 Years	< \$10,000	CU-P1. Identification and Protection, CU-P2. Native American Tribal Consultation, CU-P3. Consultation with Other Historic Preservation Agencies and Organizations, CU-P4. Avoid Loss or Degradation, CU-P5. Findings Necessary for Loss or Destruction, CU-P6. Mitigation, CU-S4. Conditioning, Designing, or Mitigating Projects to Avoid Loss or Reduce Impacts to Archaeological Resources, CU-S6. Assessment and Treatment of Impacts to Significant Historic Structures, Buildings and Districts, CU-S7. Cultural Resource Advisory Committee Recommendations and Mitigation
CU-IM3. Cultural Resources Designation	Plan or Study	Long Range Planning	5 Years	~ \$1,000s	UL-P9. Historic Resources
CU-IM4. Historic Building Code	Project Review	Current Planning	Ongoing	Normal Operations	CU-P1. Identification and Protection
CU-IM5. Historic Building Identification	Plan or Study	Long Range Planning	2 to 5 Years	< \$10,000	CU-P1. Identification and Protection
CU-IM6. Map Resource Areas	Zoning or Plan Map Revision	Long Range Planning	5 Years	< \$10,000	CU-P1. Identification and Protection
Chapter 10 Conservation and Open Space Elements – Scenic Resources					
SR-IM1. Mapping of Scenic Areas and Scenic Highways	Plan or Study	Long Range Planning	5 Years	< \$50,000	CU-P1. Identification and Protection, Development in Mapped Scenic Areas, SR-S1. Development in Mapped Scenic Areas,
SR-IM2. Sign Ordinance Revision	Zoning Regulations	Long Range Planning	5 Years	< \$10,000	SR-P4. Term of Off-Premise Billboards and Prohibition, SR-P5. Billboards in Sensitive Habitat Areas, SR-P9. Vandalism of billboards, SR-S3. New Off-Premise Billboards, SR-S5. Permits for Billboards

- ❖ Caltrans places scenic highway signs with the poppy logo along officially designated scenic routes (the California poppy serves as the logo for the California Scenic Highway Program).
- ❖ A process for revoking official State or County Scenic Highway designations that no longer comply with the program requirements.

SECTION II: SCENIC HIGHWAY CRITERIA

The goal of the California Scenic Highway Program is to preserve and enhance the natural beauty of California. California contains several distinct landscape regions and the merits of a particular landscape are considered within the context of its own region. Regardless of landscape region, the highway should traverse an area of outstanding scenic quality, containing striking views, flora, geology, or other unique natural attributes. Therefore, Caltrans evaluates the merits of a nominated highway on how much of the natural landscape a traveler sees and the extent to which visual intrusions impact the "scenic corridor." Visual intrusions may be natural or constructed elements, viewed from the highway, that adversely affect the scenic quality of a corridor. Adverse affects are characterized as minor, moderate, or major. Visual intrusions are evaluated in the following manner:

- ❖ The more pristine the natural landscape is and less affected by intrusions, the more likely the nominated highway will qualify as scenic.
- ❖ Where intrusions have occurred, the less impact they have on an area's natural beauty, the more likely the nominated highway will qualify as scenic.
- ❖ The extent to which intrusions dominate views from the highway will determine the significance of their impact on the scenic corridor.

State highways nominated for scenic designation must first be on the statutory list of highways eligible for scenic designation in the State Scenic Highway System. These highways are identified in Section 263 of the Streets and Highways Code (see Appendix A). A process for adding eligible highways to the statutory list is described in Section III: Obtaining Eligibility. *County* highways nominated for scenic designation that are believed to have outstanding scenic values are considered eligible and do not require any legislative action. Both State and county highway nominations follow the same process and have the same requirements.

Scenic highway nominations are evaluated using the following criteria:

- ❖ The State or county highway consists of a scenic corridor that is comprised of a memorable landscape that showcases the natural scenic beauty or agriculture of California (see definition for 'vividness', under Section III: Step 1, Visual Assessment).
- ❖ Existing visual intrusions do not significantly impact the scenic corridor (see definitions for 'intactness' and 'unity' below, under Section III. Step 1: Visual Assessment).
- ❖ Demonstration of strong local support for the proposed scenic highway designation.
- ❖ The length of the proposed scenic highway is not less than a mile and is not segmented.



PLN-2020-16175
2013 Drake Hill Road
APN 201-292-001
Stott Outdoor Advertising
Greg Redeker
Senior Real Estate Manager

1

STOTT
OUTDOOR ADVERTISING

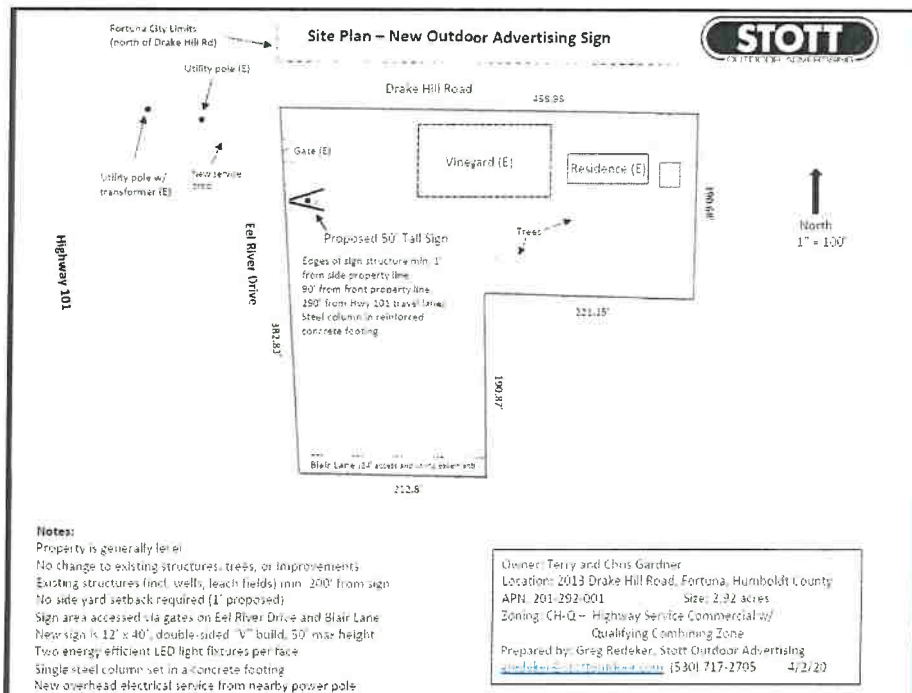
- Independent company based in Chico since 1949
- Operate in three states
- Partner with local governments for transit advertising and gateway signs

2





3



4

Why a sign in this location?

- Business demand
 - No vacancies along Highway 101
 - Humboldt County businesses find these signs valuable
- Regulatory Environment
 - One of the last sites in the area
 - Property zoned CH
 - Off-site signs allowed with a use permit
 - Previous removal of signs

5

California Legislature Position on Outdoor Advertising

- It is a legitimate commercial use of property adjacent to roads and highways
- It is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest

(Business and Professions Code Section 5226)

6

General Plan and Zoning of Subject Property

- Designated Commercial Recreation in General Plan – *consistent with C-1, C-2, and CH zones*
- Zoned CH-Q – Highway Commercial
- County Counsel's office determined that the Q overlay did not prohibit off-site signs
- Compatible with area – no traffic, noise, odor, vibration, etc.
- Unmanned facility well suited for flood zone

7

“Q” Overlay Zone

billboard project (APN 201-292-11) was identified as having the potential for six (6) separate advertising structures. Also, based on County Counsel's research it is now clear that the inclusion of the “Q”-combining zone on several of the parcels does not negate an applicant's ability to apply for a CUP. This corrects an erroneous assumption in the 1997 staff report.

Two of the potential sites are in the Coastal Zone and would require a CDP/SP (§313-87.3.2.4.2, HCC). The other ten (10) sites are inland and would require a CUP. The potential “buildout” within the study area is reflected in the table below:

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201-232-01	C-3	0	1	0	1
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201-221-01 (Hansen's South)	MG (CZ)	1	1	-1	1
201-292-11	MH-Q	0	6 (2 <p>)	0	6
201-292-01	CH-Q	2	1	0	3
201-241-15	MH-Q	0	1	0	1
TOTAL		7	12	-5	14

8

General Plan Chapter 4 Zoning Consistency

Humboldt County General Plan

Table 4-H. Zoning Consistency Matrix – Inland

LAND USE DESIGNATIONS	C-1	C-2	C-3	C-H
Residential Land Use Designations				
Residential-Medium Density (RM)				
Residential-Low Density (RL)				
Residential Estates (RE)				
Residential Agriculture (RA)				
Commercial Land Use Designations				
Commercial General (CG)	X	X		
Commercial Services (CS)	X	X	X	X
Commercial Recreation (CR)	X	X		X

9

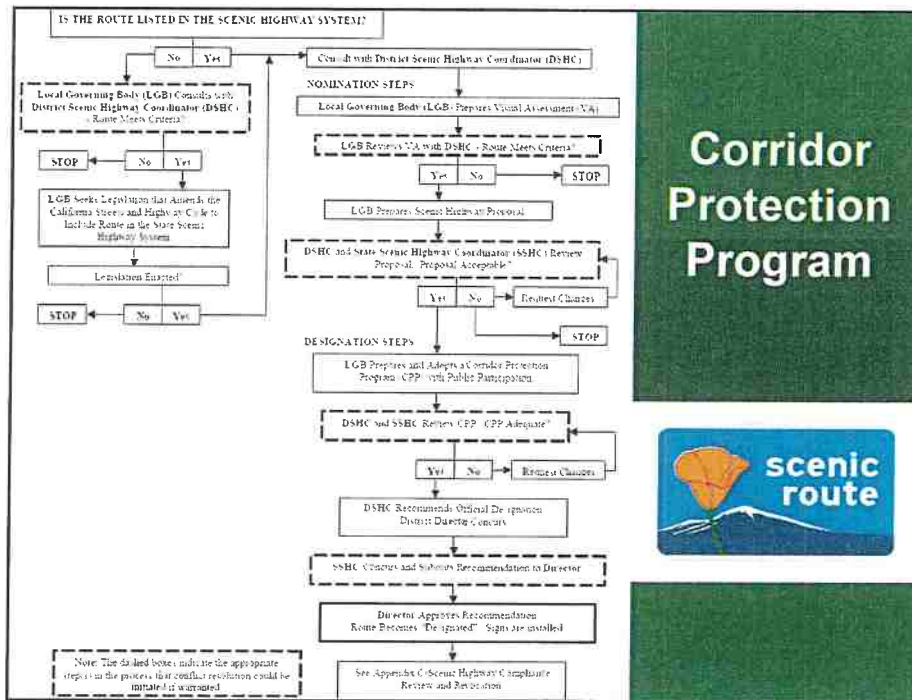
General Plan Chapter 10 Implementation

10.7.5 Implementation Measures

SR-IM1. Mapping of Scenic Areas and Scenic Highways. Initiate a public process to identify, map, and designate Scenic Areas and Scenic Highways, including specific ordinance standards for scenic protections and design review.

SR-IM2. Sign Ordinance Revision. Amend the sign ordinance to implement adopted policies for off-premise billboards and to consider other revisions to ensure community compatibility.

10

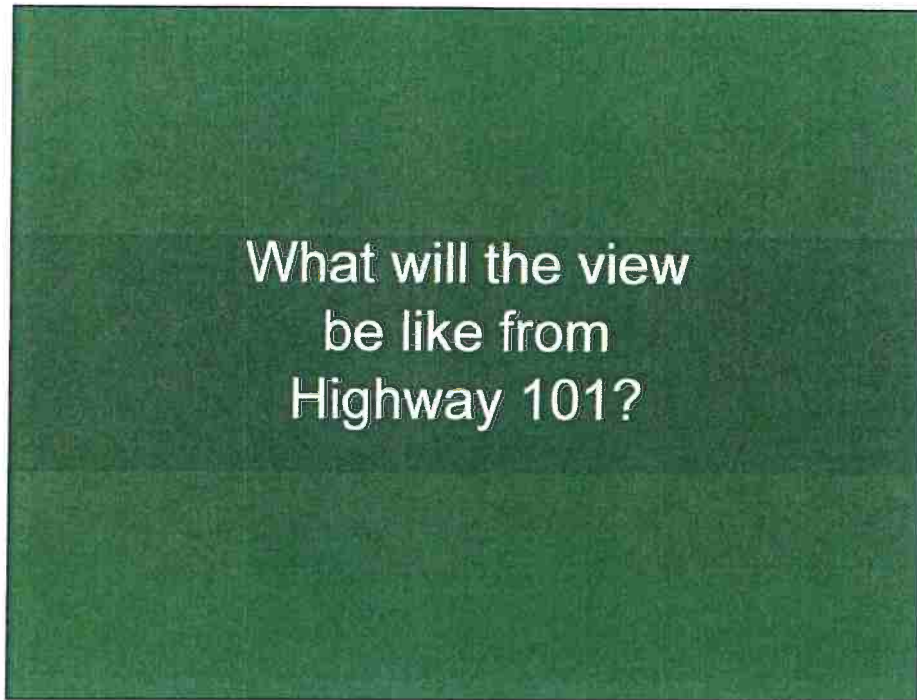


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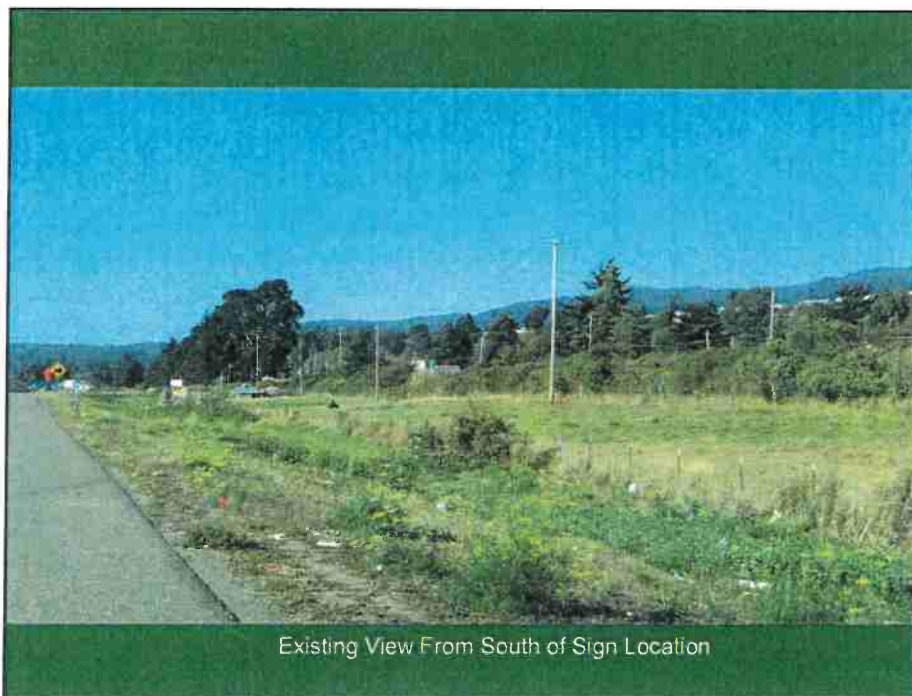
General Plan Chapter 9 Economic Development

- 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...”

12



13

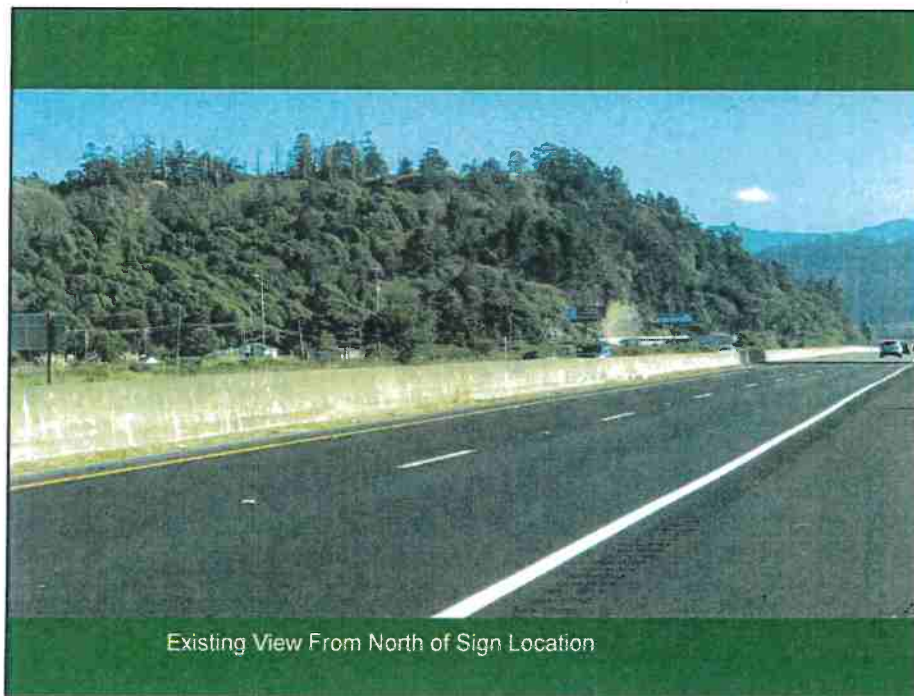


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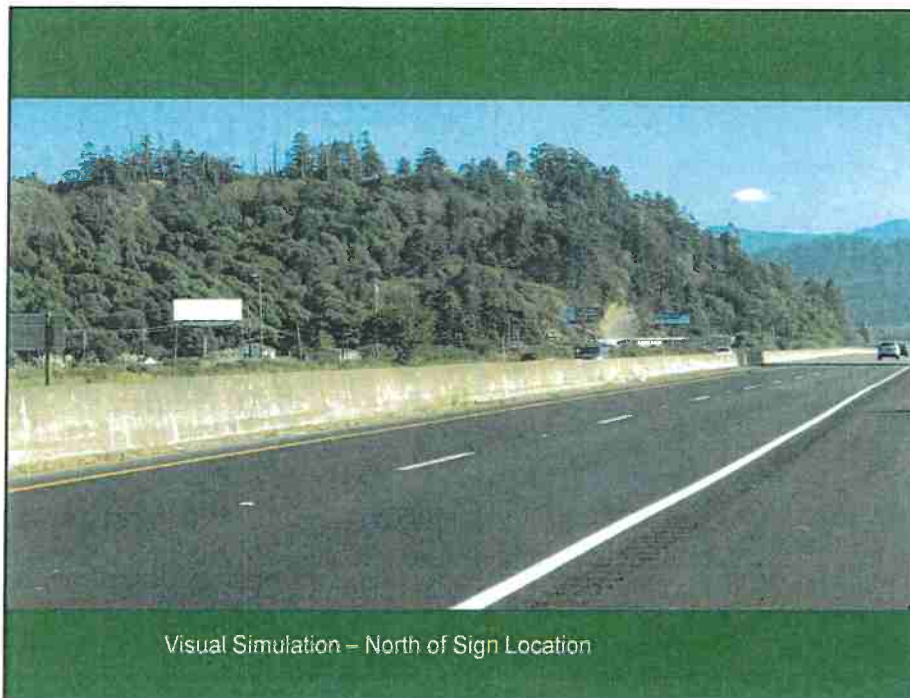
Visual Simulation - South of Sign Location

15



Existing View From North of Sign Location

16



Visual Simulation – North of Sign Location

17

In conclusion:

- The sign is compatible with existing and future land uses, including existing signs
- Low intensity highway-oriented commercial use
- Allowed in this zone with a use permit
- Supports local businesses and economy
- An opportunity for the Gardners to generate income from their commercially-zoned property

18

Please direct staff to prepare findings for approval and bring this back to the Commission at a subsequent hearing



RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT

Resolution Number 21-109

Record Number PLN-2020-16175

Assessor's Parcel Number: 201-292-001

Resolution by the Planning Commission of the County of Humboldt to deny the Stott Outdoor Advertising Billboard, Conditional Use Permit.

WHEREAS, Stott Outdoor Advertising, submitted an application for a Conditional Use Permit for the new development of a 480 square foot double-faced, off-premise billboard; and

WHEREAS, Section 55.4.5.1.4(c) of the Humboldt County Code provides that, "the Hearing Officer shall have the discretion to deny any discretionary permit application if it is found, based on substantial evidence in the record, proposed activity is not consistent with the General Plan; and

WHEREAS, the proposed billboard project is inconsistent with the development intent of the Commercial Recreation (CR) designation of General Plan Chapter 4 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 and the sign does not meet this criterion; and

WHEREAS, the proposed billboard project is inconsistent with Section 10.7 Scenic Resources of General Plan Chapter 10, Conservation and Open Space because it does not comply with the intent of policies SR-S6 and SR-P3 to protect scenic resources, and policies SR-P4, SR-S2 and SR-S3 which prohibit the construction of new, off-premise billboards; and

WHEREAS, the proposed billboard project does not comply with Zoning Ordinance 1689 because the Q Overlay does not permit uses otherwise allowed under the Highway Service (CH) zone; and

WHEREAS, the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects which are Disapproved) of the CEQA Guidelines; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on August 5, 2021 and reviewed, considered, and discussed the application for a Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** The applicant is requesting a Conditional Use Permit for a new illuminated off-premise billboard sign located on a parcel zoned for Commercial Highway with a Q Overlay. The proposed billboard size is 50 feet in height, 40 feet x 12 feet (480 sq ft) advertising space, double-sided and illuminated from dusk to midnight daily by two energy-efficient LED luminaries. A single steel column set in concrete footings will support the billboard. The parcel is located within Airport Zone B1 and approximately 2600 feet north-west of the Rhonerville Airport. The proposed location of the sign is approximately 250 ft. east of the Caltrans right of way, approximately 300 feet from the east edge of Highway 101.

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

2. **FINDING:** **CEQA.** the proposed project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per section 15270 (Projects which are Disapproved) of the CEQA Guidelines

EVIDENCE: a) CEQA Guidelines Section 15270

FINDINGS FOR CONDITIONAL USE PERMIT

3. **FINDING** The proposed billboard project is not consistent with *General Plan Chapter 4, Land Use; and Chapter 10, Scenic Resources*

EVIDENCE

**Land Use
Element
Chapter 4
CR –
Commercial
Recreation**

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.

**Conservation
and Open
Space Element
Chapter 10
Scenic
Resources
Section 10.7-3**

b) The proposed billboard project is inconsistent with the following Goals and Policies of this General Plan element because it does not comply with the intent of policies SR-S6 and SR-P3 to protect scenic resources, and policies SR-P4, SR-S2 and SR-S3 which prohibit the construction of new, off-premise billboards:

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.

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.

- 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.

FINDING The proposed billboard project is not consistent with the Zoning Code designation of Highway Service Commercial (CH) Qualifying (Q) zone per Ordinance 1689 because the Q Overlay does not permit uses otherwise allowed under the Highway Service (CH) zone.

**EVIDENCE
Ordinance
1689**

On May 28, 1985 Humboldt County Board of Supervisors adopted Ordinance 1689, reclassifying the property in the Fortuna Area by imposing the Q (Qualified) overlay zone. The project parcel, identified in the Ordinance as

"Area 2" on Exhibit B was changed from a U (Unclassified) Zone to a CHQ

(Qualified Highway Service Commercial) Zone.

Special restrictions were stated in the Ordinance as: "Principal and conditionally permitted uses otherwise allowed under the R-4, C-2, CH, ML and MH Zone regulations of Humboldt County Code Sections 314-31, 314-37, 314-40, 314-43 and 314-46 shall not be allowed on the subject parcel.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Deny the Conditional Use Permit for Stott Outdoor Advertising, based upon the Findings and Evidence.

Adopted after review and consideration of all the evidence on August 5, 2021

The motion was made by COMMISSIONER Melanie McCavour and second by COMMISSIONER Peggy O'Neill and the following ROLL CALL vote:

AYES: COMMISSIONERS: Noah Levy, Peggy O'Neill, Brian Mitchell, Melanie McCavour

NOES: COMMISSIONERS: Alan Bongio, Thomas Mulder, Mike Newman

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

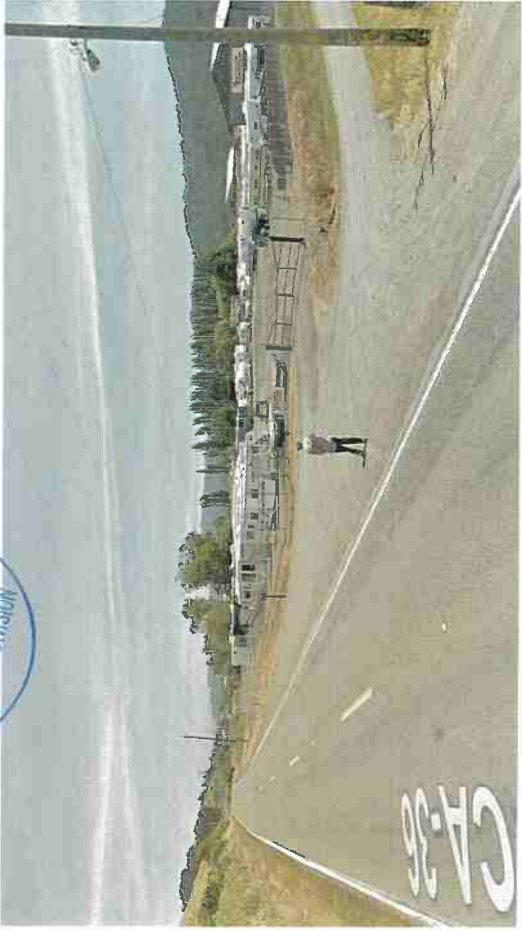
DECISION: Motion carries 4/3

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.

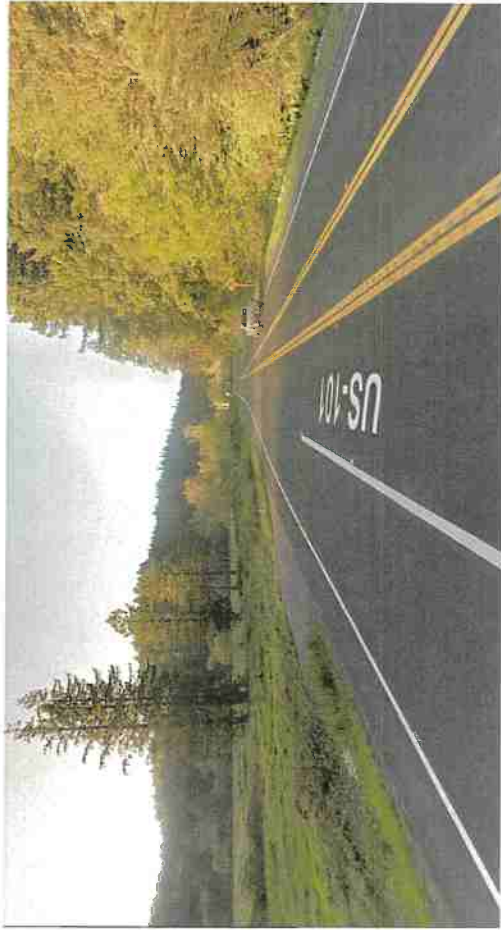


John Ford, Director
Planning and Building Department

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AUG 1 & 2021
HUMBOLDT COUNTY
PLANNING DIVISION



"Scenic" views according
to County policy



Truly scenic views which meet Caltrans Scenic Highway criteria