

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION'S DECISION TO DENY PLN 2020-16175, THEREBY APPROVING THE PROJECT

WHEREAS, Stott Outdoor Advertising (the "Applicant") filed an application with the County of Humboldt for the approval of PLN 2020-16175 for the construction of a new illuminated off premises billboard sign, with sign faces 480 square feet in area ("Project") located on at 2013 Drake Hill Road, Assessor's Parcel No. 201-292-001 in the County of Humboldt, California ("Property"); and

WHEREAS, the Property is zoned Highway Service Commercial (CH); and

WHEREAS, on August 5, 2021, the County of Humboldt Planning Commission heard the Project and voted 4-3 to deny the Project; and

WHEREAS, on August 17, 2021, Applicant timely filed an appeal of the Planning Commission's denial, in order for the County of Humboldt Board of Supervisors ("Board") to hear the Project (See Humboldt County Code Section 312-13 *et seq.*); and

WHEREAS, subsequent to the filing of the appeal, Stott Outdoor Advertising was acquired by Lamar Advertising, which has assumed all of Applicant's rights and responsibilities related to the Project; and

WHEREAS, the public hearing on the appeal is heard *de novo*; and

WHEREAS, notice of a public hearing of the Board of Supervisors of the County of Humboldt to consider the appeal was given in accordance applicable law; and

WHEREAS, on October 5, 2021, the Board opened and continued the public hearing on the appeal until November 2, 2021; and

WHEREAS, the Board of Supervisors has reviewed the proposed Project, the appeal, the entire record, and all evidence and testimony; and

WHEREAS, the Board of Supervisors has determined that in accordance with this Resolution, the decision of the Planning Commission shall be overturned, and the Project is hereby approved.

NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals.

That the Recitals set forth above are true and correct and are hereby incorporated herein by this reference.

Section 2. Findings.

The County Board of Supervisors makes the following findings regarding the Project:

As to the California Environmental Quality Act:

That the County, as lead agency, finds that the Project is categorically exempt from environmental review pursuant to the CEQA Guidelines, 14 CCR Section 15303 “New Construction or Conversion of Small Structures” which exempts small structures less than 2,500 s.f. in floor area on sites zoned for such use, not involving hazardous substances and where all necessary services and facilities are available. The sign, with a footprint of less than 100 s.f. at ground level and faces less than 500 s.f. each, complies with this standard by a wide margin. The sign involves no hazardous substances, can be adequately served by public services and facilities, and is not located on land which is environmentally sensitive. The County further finds that none of the unusual circumstances contained in 14 CCR Section 15300.2, which would limit the use of a categorical exemption, are present.

As to PLN 2020-16175:

- a. **Finding- Code Section 87.2.2.8:** Section 87.2.2.8 of the County Code allows billboards as follows, “*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.*” Hence, the County Code expressly allows billboards in the CH zone, with a use permit. The Project is in fact located in the CH zone, is designated Commercial in the General Plan, and the findings of the use permit are made as per the below.
- b. **Finding pursuant to County Code Section 312-17.1.1.** “The proposed development is in conformance with the County General Plan, Open Space Plan and the Open Space Action Program (CO-IMS).”

The Project is consistent with the Commercial Recreation land use designation, and therefore in compliance with Chapter 4 of the General Plan. The Project is in conformance with the County General Plan, Open Space Plan and the Open Space Action Program. Off-site signs in the CH zone have historically been allowed. The Commercial Recreational (CR) land use designation of the General Plan has been deemed consistent

with several zoning districts, including C-1, C-2, and CH, and by extension, the uses allowed within those zoning districts, including the use of a billboard in the CH zoning district. The County's Zoning Consistency Matrix finds that CH zoning districts are all consistent with the CR land use designation in the General Plan. Because billboards are in fact allowed in the CH zone, and the CH zone has been deemed compatible with the CR land use designation in the General Plan, the use of a billboard on the Property is consistent with the General Plan Land Use Designation.

The Project is consistent with Chapter 10 of the General Plan. The County recognizes that the State Outdoor Advertising Act establishes that advertising is a legitimate use of commercial property. Highway 101 in Humboldt County is not designated as a scenic highway under state law. The County further recognizes that scenic highway designation, with respect to construction and placement of billboards, is within the jurisdiction of the California Department of Transportation. Further, the County finds that any such development standards implementing the polices in Chapter 10 related to Scenic Highways must in fact be adopted by Ordinance, as so stated in Chapter 10 of the General Plan. The County has not yet adopted any such development standards related to implementing such policies. Therefore, the Project is in conformance with Chapter 10 of the General Plan.

- c. Finding pursuant to County Code Section 312-17.1.2.** “The proposed development is consistent with the purposes of the existing zone in which the site is located, or when processed in conjunction with a zone reclassification, is consistent with the purposes of the proposed zone;”

Section 87.2.2.8 of the County Code allows billboards as follows, “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.” The Commercial Recreation designation is listed amongst the commercial land use designations in the General Plan. Hence, the County's code expressly allows billboards in the CH zone on the Property, with a use permit, since the underlying General Plan Designation is for commercial development.

- d. Finding pursuant to County Code Section 312-17.1.3.** “The proposed development conforms with all applicable standards and requirements of these regulations;”

The Project will be constructed meeting and surpassing all applicable standards and requirements in the County's adopted land use regulations. The Applicant will provide the best quality billboard and adhere to strict maintenance standards. Five feet of additional height was specifically requested to maintain consistency with Applicant's other signs in the area, and is included in the project description. The resultant height of 50 feet (slightly greater than the 45-foot maximum height normally allowed in the CH zoning district), can be granted by the County pursuant to Section 314-99.1. Section 314-99.1 statutorily allows for such minimal additional height.

- e. Finding pursuant to County Code Section 312-17.1.4.** “The proposed development and conditions under which it may be operated or maintained will not be detrimental to the

public health, safety, or welfare or materially injurious to properties or improvements in the vicinity”

The Project will not be detrimental to the public health, safety, and welfare. As a matter of fact, the Project will promote the public health, safety and welfare of the community. The Applicant has decades of experience building state of the art billboards, with thousands of billboards across the United States and Canada. The Applicant is a publicly traded company and adheres to the strictest of quality, fiscal and safety standards. Further, the Project will be of excellent quality and enhance the local economy. Advertising is an important form of communication that has been shown to increase the economic activity of the local community. The completed project will generate no heavy vehicle traffic, emit no dust or odors, create no additional stormwater runoff, and create no sound or vibration which would be injurious to properties or improvements in the vicinity.

- f. Finding pursuant to County Code Section 312-17.1.5.** “The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation) unless the following written findings are made...”

The Project is commercial in nature and does not involve any changes to residential density.

Section 3. **Overturning the Planning Commission Decision.**

That the Board of Supervisors hereby:

- (1) Overturns the Planning Commission Decision; and
- (2) Approves PLN 2020-16175 with applicable reasonable conditions of approval as the County deems appropriate to preserve health, safety, and welfare.

Section 4. **Certification.**

That the Clerk shall certify to the passage and adoption of this resolution, enter the same in the book of original resolutions of the County and make a minute of passage and adoption thereof in the records of the proceedings of the County Board of Supervisors in the minutes of the meeting at which the same is passed and adopted.

Section 5. **Severability.**

That if any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 6. Repeal of Conflicting Provisions.

That all the provisions heretofore adopted by the Board of Supervisors that are in conflict with the provisions of this Resolution are hereby repealed.

Section 7. Effective Date.

That this Resolution shall take effect upon its adoption.

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PASSED AND ADOPTED by the Board of Supervisors of the County of Humboldt at a regular meeting held on the ____ day of November 2021 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

ATTEST:

APPROVED:

Board of Supervisors Clerk

Chair

APPROVED AS TO FORM:

County Counsel