

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of May 7, 2020

- Consent Agenda Item
- Continued Hearing Item G-1
- Public Hearing Item
- Department Report
- Old Business

Re: **Allpoints Outdoor, Inc. Special Permit for Reconstruction of a Legal Nonconforming Billboard Structure**
Record Number PLN-2019-16029
Assessor Parcel Numbers 305-031-007, 305-031-008, and 305-031-009
Eureka Area

Attached for the Planning Commission's record and review are the following:

- A. Summary of reason for continuation and response to commissioner inquiries
- B. Correction to the Staff Report Executive Summary
- C. Revised alternatives
- D. Revise project condition of approval #1

A. Summary of reason for continuation and response to commissioner inquiries.

In summary, the project was brought forward at the February 20th, 2020 Planning Commission hearing and was continued to the March 19th hearing in order to provide staff time to address commissioner inquiries regarding the applicability of the Outdoor Advertising Act (ODA) on the proposed project. With the cancellation of the March 19th hearing, the project subsequently continued to the May 7th hearing. The primary unresolved questions proposed at the February 20th hearing included: (Full discussion with CalTrans summarized in Attachment #5 of the May 7, 2020 Staff Report)

1. Clarification of the 660-foot ODA parameter.
 - o The “660-foot rule” found in §2240 of the Outdoor Advertising Regulations is intended to delineate areas where signage is subject to compliance with the Outdoor Advertising Act. The 660 feet is measured from the centerline of the right-of-way.
2. Clarification on the status of the ODA permit for the subject billboard and if a new ODA permit will be required.
 - o Staff from the Outdoor Advertising office confirmed that sign would not be eligible to receive a new Outdoor Advertising Permit because it is not located within 1000 feet of a “business area”. “Business areas” are considered to be areas zoned for or host to lawful commercial or industrial uses.
 - o The billboard is considered a nonconforming advertising display pursuant to §5216.5 of the Outdoor Advertising Act. §5412 of the Outdoor Advertising Act contains provisions for recognition and protection of nonconforming signs that were lawfully erected.
 - o An Outdoor Advertising Permit has been issued for the sign and remains valid and effective at this time.
 - o Reconstruction and repair of a damaged sign is considered “maintenance” if performed in a “like-for-like” fashion. New construction must utilize the same materials (i.e. wood) to be considered as like-for-like.

B. Correction to the Staff Report Executive Summary

Please note that a correction to the staff report needs to be made regarding permit term limits. The staff report Executive Summary reflected staff's understanding that granting a permit imposing a term limit on the billboard would entitle landowners and permittees to compensation once removed. County Counsel has since advised staff that this is not the case. Conditioning the permit on a fixed-term limit after which it must be removed would not trigger the payment of compensation by the County. Staff did not offer an alternative for a fixed-term permit based on this original understanding. This item corrects the executive summary and provides an alternative for the Commission's consideration. Staff recommends that if a fixed term is established, the permit should be of sufficient duration to enable recovery of permitting and construction costs through revenue received through leasing during the permit term. In 2011, during approval of a discretionary permit authorizing construction of a new billboard along Highway 101 in the Alton area, a permit term of 15 years was applied reflecting the minimum amortization period identified by billboard company. Imposing a finite permit term will be provided as an alternative to the staff recommendation of approval (see Item C below).

The former paragraph read:

Approval of repair and reconstruction of the sign does not preclude later sign removal following future planned efforts to map scenic highways and implement scenic protections, especially if subjected to a finite permit term. However, a review of the requirements imposed under the Outdoor Advertising Act and its implementation suggests that landowners and permittees are entitled to compensation once a permit has been granted, should removal later be compelled following sign installation. For this reason, staff does not recommend the Planning Commission consider entertain applying a limited term of approval at this time.

This text is to be replaced with the following:

Approval of repair and reconstruction of the sign does not preclude later sign removal if the permit is subjected to a finite permit term. County Counsel has found after review of the requirements imposed under the Outdoor Advertising Act and its implementation that landowners and permittees are not entitled to compensation once a discretionary permit has been granted, should removal later be compelled following sign installation. For this reason, the Planning Commission may entertain applying a limited term of approval as an alternative to the staff recommendation. If a fixed term is established, it is staff's recommendation that the permit should be of sufficient duration to enable recovery of permitting and construction costs through revenue received through leasing during the permit term.

C. Revised Alternatives

Alternative 1: Conditional approval with specified term

This Alternative would allow the Commission to impose a finite permit term and address whether extension or renewal will be provided for. The amortization period should be of sufficient duration to enable recovery of permitting and construction costs through revenue received through leasing during the permit term. If the Planning Commission elects to approve Alternative 1 and subject the project to a term limitation, staff recommends the following condition be added to the conditions of approval:

The permit shall be limited to a term of ____ years, with an option to renew for up to ____ additional years, after which the applicant shall be responsible for the removal of the billboard following the recommendation of a county approved decommissioning plan to be submitted to the county for review within 90 days of permit expiration.

Alternative 2: Denial

The Planning Commission could elect not to approve the project. This alternative should be selected if the Commission is unable to make all of the required findings. If the Planning Commission elects not to approve the project, staff requests that this item be continued to the next hearing in order to allow sufficient time to permit amendments to the draft resolution reflecting the Commissions reasons for denial of the project.

D. Revise project condition of approval #1

1. The applicant shall provide the Planning Division evidence demonstrating that an Outdoor Advertising Permit has been issued by CalTrans and remains effective, or that a new permit or permit renewal has been authorized and is now effective. Staff reserves the right to request written confirmation from CalTrans where evidence provided is insufficient or unclear.