



**COUNTY OF HUMBOLDT**  
**PLANNING AND BUILDING DEPARTMENT**  
**CURRENT PLANNING DIVISION**

---

3015 H Street Eureka CA 95501  
Phone: (707)445-7541 Fax: (707) 268-3792

Hearing Date: May 7, 2020

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: 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

Table of Contents	Page
Agenda Item Transmittal	2
Recommended Action and Executive Summary	3
Draft Resolution	6
Maps	
Location Map	8
Zoning Map	9
Land Use Map	10
Assessor Parcel Map	11
Aerial Map	12
Topo Map	13
Project Plans	14
Historical Photo Comparison	15
Attachments	
Attachment 1: Recommended Conditions of Approval	17
Attachment 2: Staff Analysis of the Evidence Supporting the Required Findings	20
Attachment 3: Applicant's Evidence in Support of the Required Findings	37
Attachment 4: Referral Agency Comments and Recommendations	51
Attachment 5: Emails from CalTrans and summary of recent discussions	62
Attachment 6: Additional Public Comments received since Feb. 20 <sup>th</sup> PC Mtg.	66

Please contact Zsafia Odry, Planner at 268-3727, or by email at [zodry1@co.humboldt.ca.us](mailto:zodry1@co.humboldt.ca.us), if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date May 7, 2020	Subject Special Permit	Contact Zsofia Odry
-----------------------------	---------------------------	------------------------

Project Description: An application for a Special Permit to authorize reconstruction of a legal nonconforming billboard structure that was damaged in recent winter storms. The billboard was blown down in November 2019 due to severe winds during a storm event, damaging most of the support posts. The project proposes to erect the billboard by reconstruction in its current location. Reconstruction could involve any or all of the following methods: 1) excavation of all existing posts and replacement in the existing post holes; 2) excavation of some of the existing posts and replacement of all necessary posts, while sistering new posts to any existing posts which could be retained; 3) excavation of the existing posts, and replacement with new posts in the same general location, but not necessarily within the existing post holes. No changes to the height or width of the billboard is proposed. Historical photographs show billboards present in the area as early as 1955, pre-dating zoning regulations. Because the project is located within a portion of the Coastal Zone where the Coastal Commission retains permit authority, the applicant will need to attain a Coastal Development Permit (CDP) or qualify for a CDP exemption from the Coastal Commission. The project involves minimal ground disturbance and is considered exempt from further environmental review pursuant to Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the Guidelines to the California Environmental Quality Act (CEQA).

Project Location: The project is located in the Eureka area, on the east side of US Highway 101, approximately 2,800 feet south from the intersection of Herrick Ave and US Highway 101, on the property known to be in Section 9 of Township 04 North, Range 01 West, Humboldt Base & Meridian

Present Plan Land Use Designation: Agriculture Exclusive, Public Facility, Natural Resources (AE, PF, NR); Humboldt Bay Area Plan (HBAP); Slope Stability: Relatively Stable (C0)

Present Zoning: Agriculture Exclusive, Public Facility, Coastal Wetlands, Flood Hazard Areas, Natural Resources (AE/PF/W,F; NR/W/F)

Record Number: PLN-2019-16029

Assessor Parcel Numbers: 305-031-007, 305-031-008, 305-031-009

Applicant	Owners	Agent
Allpoints Outdoor, Inc	Allpoints Outdoor, Inc	None
Attn: Geoffrey Wills	C/O Geoffrey Wills	
3408 Jacobs Ave	60 EAST RIDGE LN	
Eureka, CA 95501	MCKINLEYVILLE CA 95519	

Environmental Review: The project is categorically exempt pursuant to the following provisions of the Guidelines for implementation of the California Environmental Quality Act (CEQA): Class 1 (Existing Facilities), Class 2, 15302 (Replacement or Reconstruction)

Major Issues: Legal nonconforming structure with coastal development permitting authority within Coastal Commission jurisdiction. The project is located adjacent to an access-controlled segment of US 101.

State Appeal Status: Project located within the California Coastal Commissions retained jurisdiction.

Allpoints Outdoor, Inc. Special Permit for  
Reconstruction of Legal Nonconforming Billboard Structure  
Record No. PLN-2019-16029  
Assessor Parcel Numbers (APN's): 305-031-007, -008, -009

Recommended Planning Commission Action

1. Describe the application as a public hearing.
2. Request that staff present an overview of the project and staff's analysis.
3. Open the public hearing and receive testimony.
4. Close the public hearing and take the following action:

*Find the project exempt from environmental review pursuant to Sections 15301 and 15302 of the State CEQA Guidelines, make all of the required findings, based on evidence in the staff report and public testimony received, and adopt the Resolution approving the Allpoints Outdoor, Inc. Special Permit for reconstruction of the legal nonconforming billboard structure, subject to the recommended conditions.*

Executive Summary

An application for a Special Permit to authorize reconstruction of a legal nonconforming billboard structure that was damaged in recent winter storms. The billboard was blown down in November 2019 due to severe winds during a storm event, which caused a number of the vertical support posts to snap. The project proposes to re-erect the billboard in its current location, through a combination of repair and reconstruction of various structural supports.

The project site is located between US 101 and the Elk River, south of the City of Eureka, on the east side of Highway 101. The zoning and land use maps from the Humboldt Bay Area Plan do not show private land between the Highway 101 right-of-way and Elk River channel, making it difficult to determine the applicable land use and zoning of the portion of the property where the existing billboard is located. Lands immediately west of the Elk River channel on APN: 305-031-007 are designated Public Facilities (PF) and the river is designated Natural Resources (NR). Agriculture Exclusive (AE) is the most fitting land use and zoning, given the property's characteristics and location. None of these zones and their attendant land use designations explicitly authorize off-site/non-appurtenant advertising or signs (i.e., billboards). Review of historical aerial photographs found that the site of the structure in question has hosted billboards since at least 1955, predating establishment of the Zoning Regulations and General Plan, as well as the Local Coastal Program. The billboard structure therefore qualifies for consideration as a "legal nonconforming structure and use."

Because the project is located within a portion of the Coastal Zone where the Coastal Commission retains permit authority, the applicant will need to also receive separate authorization from the Coastal Commission. The project may be eligible for use of the exemption found under section 30610(g) of the Coastal Act, which authorizes replacement of structures destroyed by a natural disaster where the replacement structure has been also approved by the relevant local land use agency. This determination will be made through the North Coast office of the Coastal Commission, after the Planning Commission has completed its review and rendered a decision on the Special Permit.

The proposed project involves reconstruction of a lawful existing structure and does not propose any substantial new development. No changes to the height or width of the billboard or number of posts is proposed. The structure is proposed to be replaced on a like-for-like basis, and in substantially the same location. Mapping from the National Wetland Inventory denotes the project site to be within a freshwater emergent wetland. In the Coastal Zone, wetlands are

recognized as Environmentally Sensitive Habitat Areas (ESHA) and eligible for protection from new development activities. Historical aerial photography has been used to confirm the age of the structure and is provided with the maps included with this report. The historical photos document that billboard structures have been present at this site since at least 1955. The condition of the wetland plants found in ESHA immediately surrounding the billboard supports is indistinguishable from other areas further away host to the same plant community, demonstrating that structures of this sort can co-exist without resulting in permanent degradation to ESHA.

The proposed repairs to the structure plan to limit ground disturbance through ongoing use of a pier and post foundation. A reconstruction plan submitted by the applicant (included in Attachment 3) details a general workflow for the anticipated activities involved during repair of the structure. Reconstruction is proposed to occur within the same footprint and between six (6) and nine (9) of the existing vertical uprights will be repaired and reused. The applicant estimates that a maximum of six (6) of the remaining uprights may require removal and replacement. Where possible, the old post and concrete will be removed and a new post will be installed within the existing location. If a post cannot be removed, a new hole will be dug next to the old post. Work will be performed in 2-4 days with a 3-5 person crew and no heavy construction equipment is needed. Shovels and post-hole diggers are used, as well as battery powered hand tools, ladders, and clamps, bolts and screws. No temporary structures or materials (such as scaffolding or temporary bracing) are required.

Since the project involves both repair and reconstruction of an existing structure and minimal ground disturbance, it can be considered exempt from further environmental review pursuant to the Class 1 and Class 2 exemptions found within section 15301 and 15302 of the Guidelines to the California Environmental Quality Act (CEQA). These Categorical Exemptions authorize repair, maintenance and minor alteration of existing structures involving negligible or no expansion, as well as replacement or reconstruction of existing structures where the new structure occupies the same location as the original and has the same purpose and capacity.

The project site is located between the US 101 and the Elk River Slough, with no existing roads accessing the parcel. Referral comments received from the California Department of Transportation (CalTrans) note that the project site is located adjacent to an access-controlled segment of US 101. If encroachment permits are not attainable from CalTrans, access may also be attained from the slough or with permission to cross neighboring state-owned lands to the north. CalTrans referral comments also state that reconstruction of the fallen billboard is subject to compliance with the Outdoor Advertising Act (ODA). The applicant has provided a copy of an Outdoor Advertising Permit for the site issued by Caltrans and good through December 31, 2031. During recent conversations with CalTrans, staff emphasized that to receive an Outdoor Advertising Permit a billboard must be located completely outside of the highway right-of-way. Measurements taken show 200 feet as the typical right-of-way width within straight sections of the freeway. Staff from Caltrans have indicated that a survey may be required prior to commencement of reconstruction activities, to first determine whether sign location lies within the highway right-of-way.

Billboards have remained a source of vigorous debate and discussion during past and recent efforts to amend local land use plans, including the newly adopted General Plan. The General Plan includes a number of policies designed to restrict the term and placement of billboards, prohibit their construction within Sensitive Habitat Areas, compel their removal or relocation on public lands and railroad rights of way, and prompt the removal of illegal billboards. However, the new General Plan has not yet been certified by the Coastal Commission and therefore does not apply to permitting of the subject property. Instead, the Humboldt Bay Area Plan (HBAP) serves as the basis for land use planning within this portion of the Coastal Zone. The placement of new

off-site signs are highly restricted under the scenic resources provisions of the HBAP. However, the existing billboard site is outside of the coastal view area mapped within the HBAP. The plan also commits to preparation of a Scenic Route Study for portions of Highway 101, including the segment adjacent to the project location. Described as a joint-effort between CalTrans and the County Planning Department and subject to Coastal Commission approval, the special emphasis of the study is to investigate opportunities for Cal-Trans, the County, and the Harbor District to eliminate billboarding between Eureka and Arcata and to identify suitable areas for clustered signing, and new off-site signs. Given that the subject structure is not a new sign and the scenic route study has not yet been completed, there remains little explicit guidance to govern consideration of the current proposal.

While the existing sign may not comply with the provisions for a new sign, the proposal involves repair and reconstruction of a lawful non-conforming billboard located within an area which has hosted similar structures for over 70 years. A review of a historical aerial photo from 1957 reveals signage at 9 distinct locations (including the project location) along a 0.6 mile stretch of highway immediately north of Spruce Point. At nearly all of these locations were double-sided signs. Today only two (2) signs remain. Both signs are located east of Highway 101 and are single-sided, facing northbound traffic. When a scenic route survey or similar effort is eventually conducted, the established visual signature of this structure and reductions to cumulative historic signage may be given some consideration.

Staff believes the required findings for approval can be made. A number of conditions of approval have been included which are designed to ensure that relevant requirements of other permitting agencies are satisfied before reconstruction may be authorized to commence. These include

Providing evidence of a valid Outdoor Advertising Permit from CalTrans (COA #1), securing authorization from the Coastal Commission (COA# 4), complying with Flood Zone requirements (COA #5), demonstrating conformance with applicable provisions of the California Building Code (COA #3), providing proof of legal access to the sign site (COA #2), and determining the location the billboards location in relation to the highway right-of-way (COA #8).

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.

Alternatives: 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.

RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT  
Resolution Number 20-\_\_

Record Number PLN-2019-16029  
Assessor's Parcel Numbers: 305-031-007, 305-031-008, 305-031-009

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Allpoints Outdoor, Inc. Special Permit for reconstruction of a legal nonconforming billboard structure.

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

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

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

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Special Permit (Record Number PLN-2019-16029) subject to the recommended Conditions of Approval; and

WHEREAS, Attachment 1 in the Planning Division staff report includes Conditions of Project Approval designed to insure the project will receive necessary authorization from other agencies, comply with relevant requirements, and integrate and implement best management practices designed to avoid environmental impacts and conflict with neighboring land uses; and

WHEREAS, Attachment 1 in the Planning Division staff report includes Conditions of Project Approval requiring that the structure secure a building permit and comply with all requirements of applicable structural and mechanical codes, the applicant has submitted information prepared by a licensed engineer documenting relevant structural calculations, and the project will be required to demonstrate compliance with the Flood Damage Prevention Ordinance prior to issuance of any building permit for reconstruction of the sign; and

WHEREAS, the project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines; and

WHEREAS, public hearings were held on the matter before the Humboldt County Planning Commission on February 20, 2020 and May 7, 2020; and

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission finds the proposed project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines; and
2. The Planning Commission further makes the findings in Attachment 2 of the Planning Division staff report for Record Number PLN-2019-16029 based on the submitted evidence and public testimony received; and
3. The Planning Commission approves the Special Permit (Record Number PLN-2019-16029) as recommended and conditioned in Attachment 1, and based on the option selected and more closely described in the motion made and approved during the meeting

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

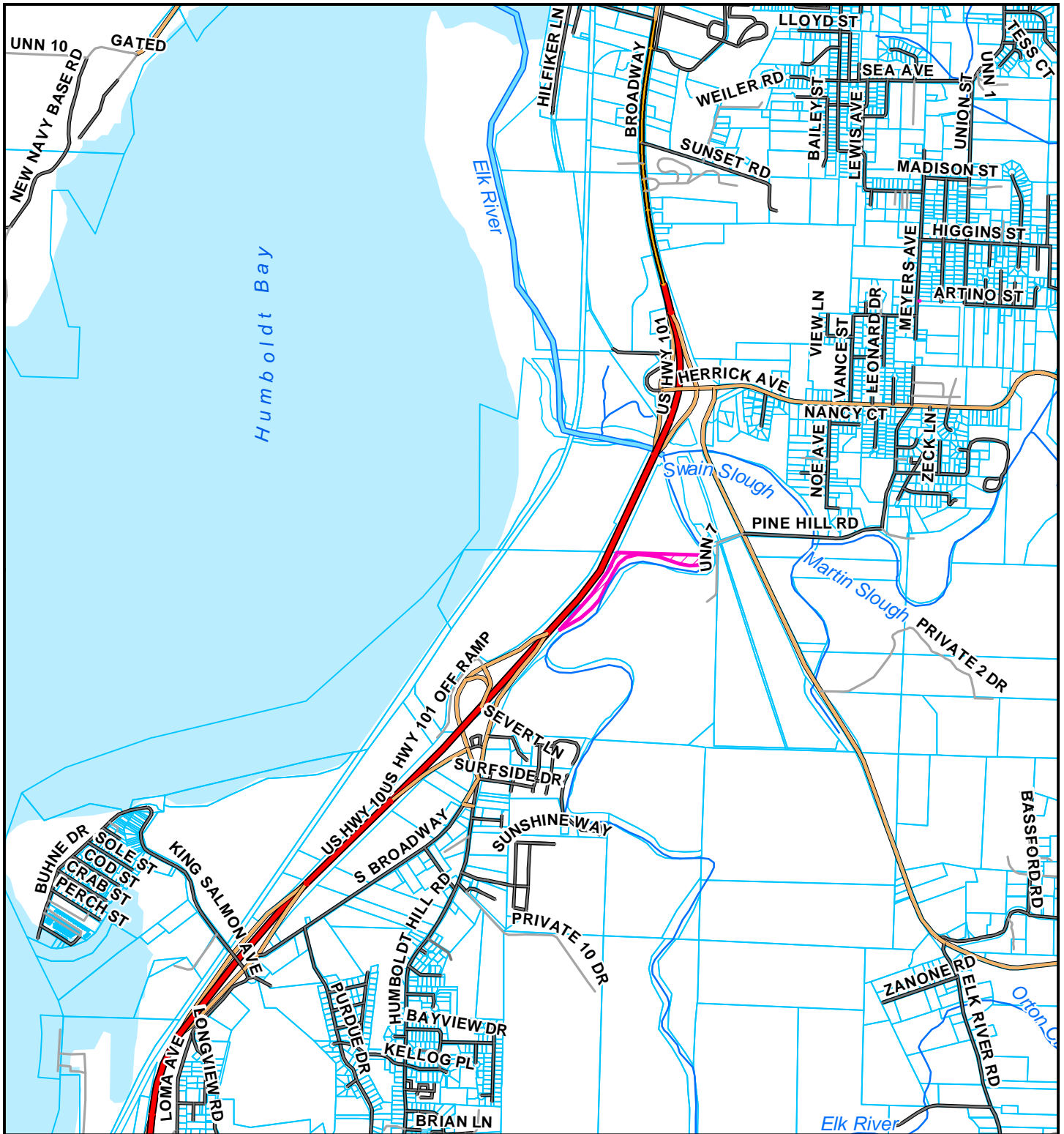
The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSENT:        COMMISSIONERS:  
ABSTAIN:       COMMISSIONERS:  
DECISION:

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



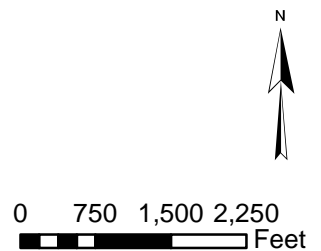
**LOCATION MAP**

**PROPOSED ALLPOINTS OUTDOOR INC  
SPECIAL PERMIT  
EUREKA AREA  
PLN-2019-16029  
APN: 305-031-007  
T05N R01W S09 HB&M (Eureka)**

**Project Area =** 

**Coastal Zone Boundary** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

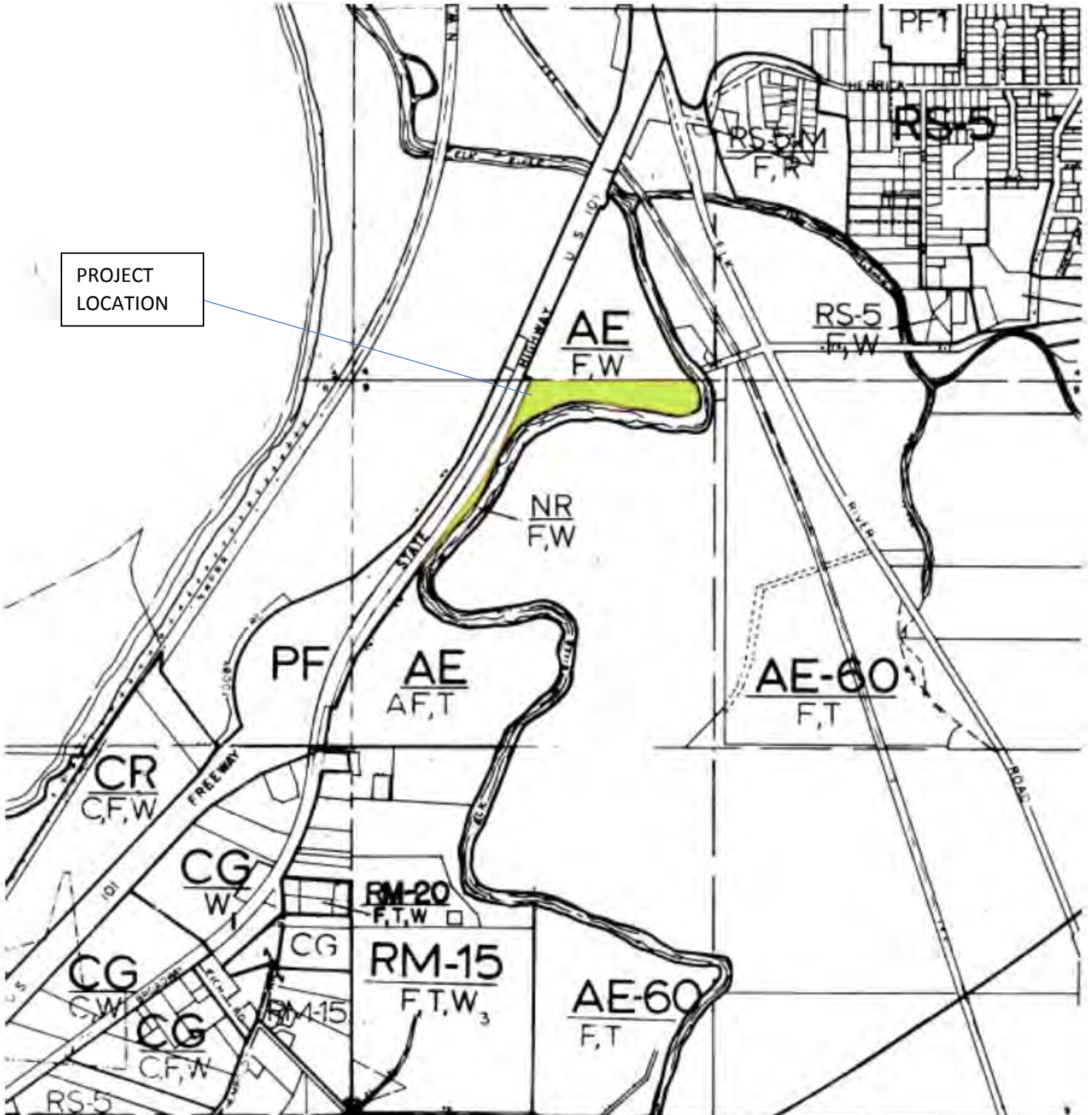




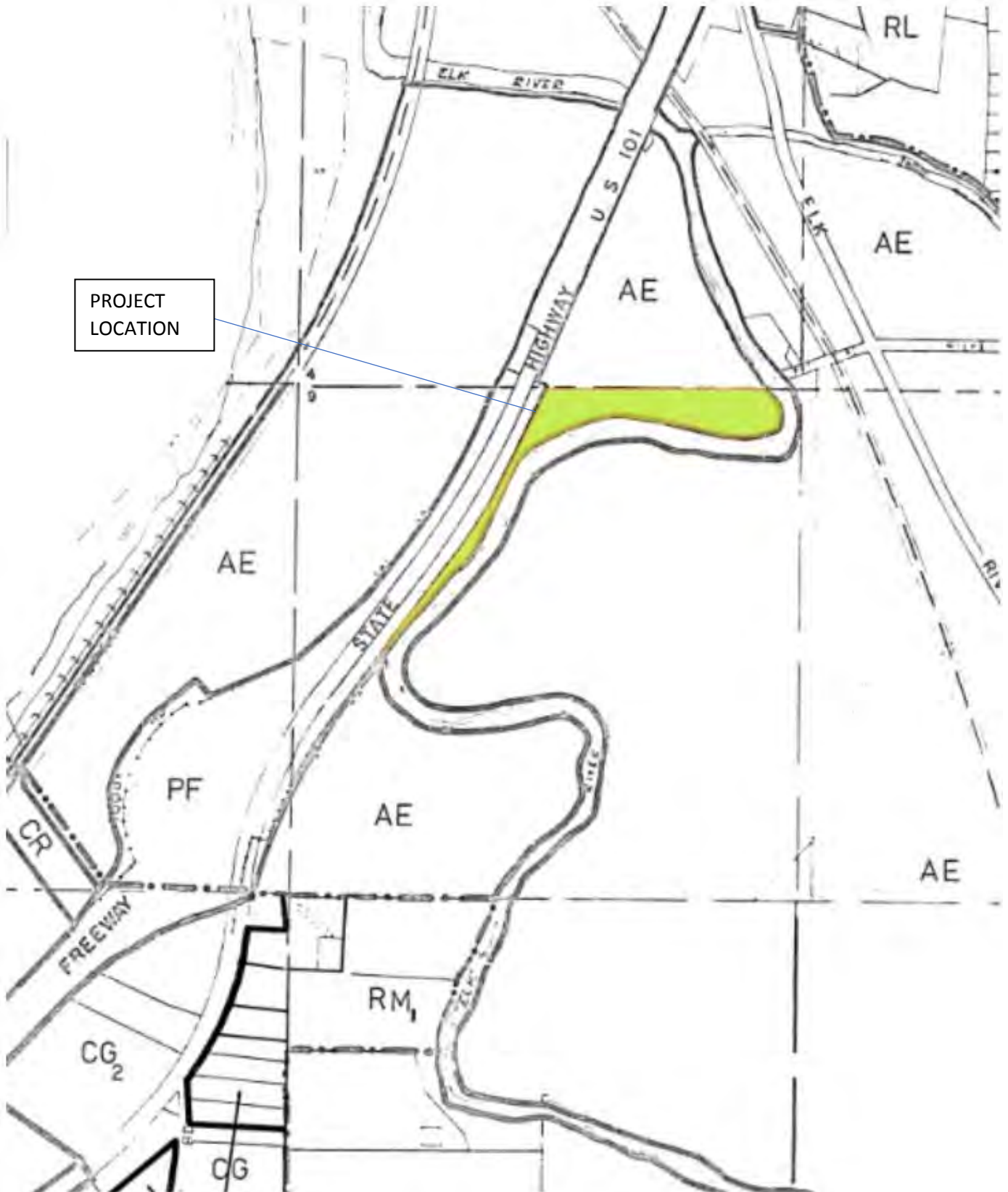
ZONING MAP

PROPOSED ALLPOINTS OUTDOOR INC  
SPECIAL PERMIT  
EUREKA AREA  
PLN-2019-16029

APN's: 305-031-007, -008, and -009  
T05N R01W S09 HB&M (Eureka)



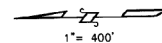
LAND USE MAP  
PROPOSED ALLPOINTS OUTDOOR INC SPECIAL PERMIT  
EUREKA AREA  
PLN-2019-16029  
APN's: 305-031-007, -008, and -009  
T05N R01W S09 HB&M (Eureka)



PTN. SEC.9, T4N, R1W

305-03

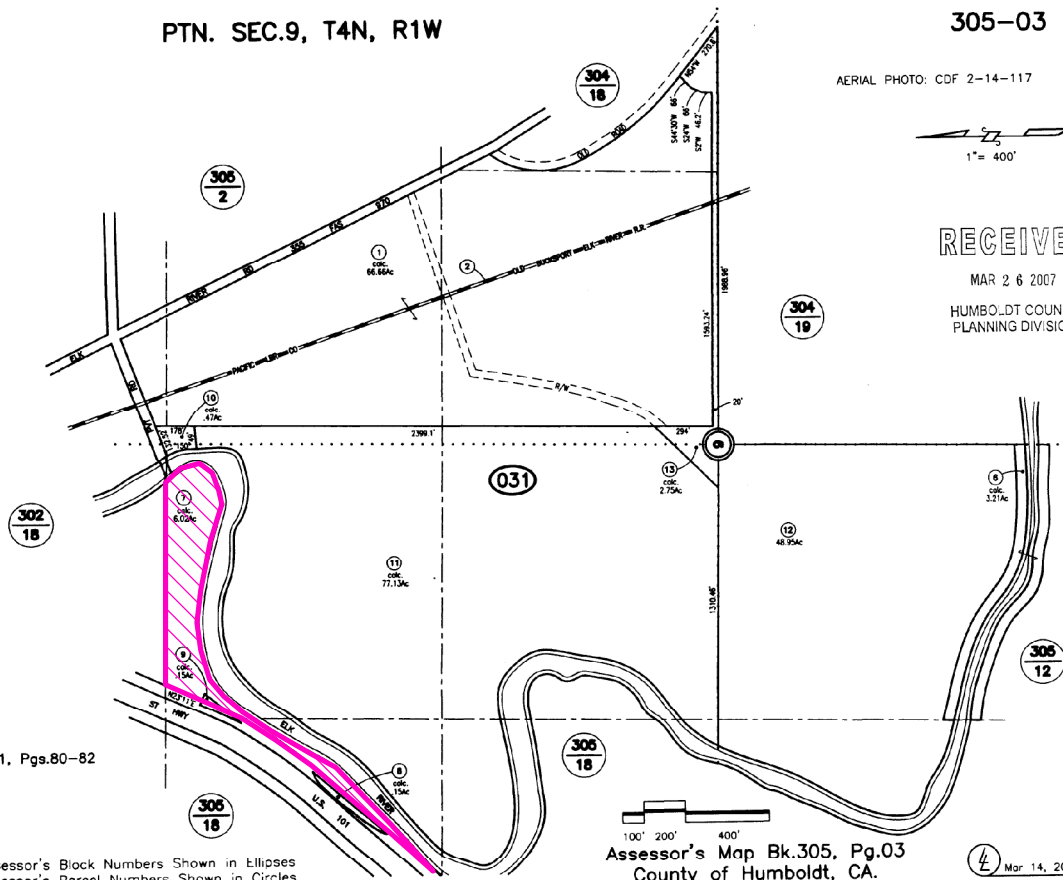
AERIAL PHOTO: CDF 2-14-117



RECEIVED

MAR 2 6 2007

HUMBOLDT COUNTY  
PLANNING DIVISION



RS, Bk.61, Pgs.80-82

Assessor's Map Bk.305, Pg.03  
County of Humboldt, CA.

4 Mar 14, 2007

**ASSESSOR'S PARCEL MAP**  
1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.  
2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.  
3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

NOTE - Assessor's Block Numbers Shown in Ellipses.  
Assessor's Parcel Numbers Shown in Circles.

### ASSESSOR PARCEL MAP

**PROPOSED ALLPOINTS OUTDOOR INC  
SPECIAL PERMIT  
EUREKA AREA  
PLN-2019-16029  
APN: 305-031-007  
T05N R01W S09 HB&M (Eureka)**

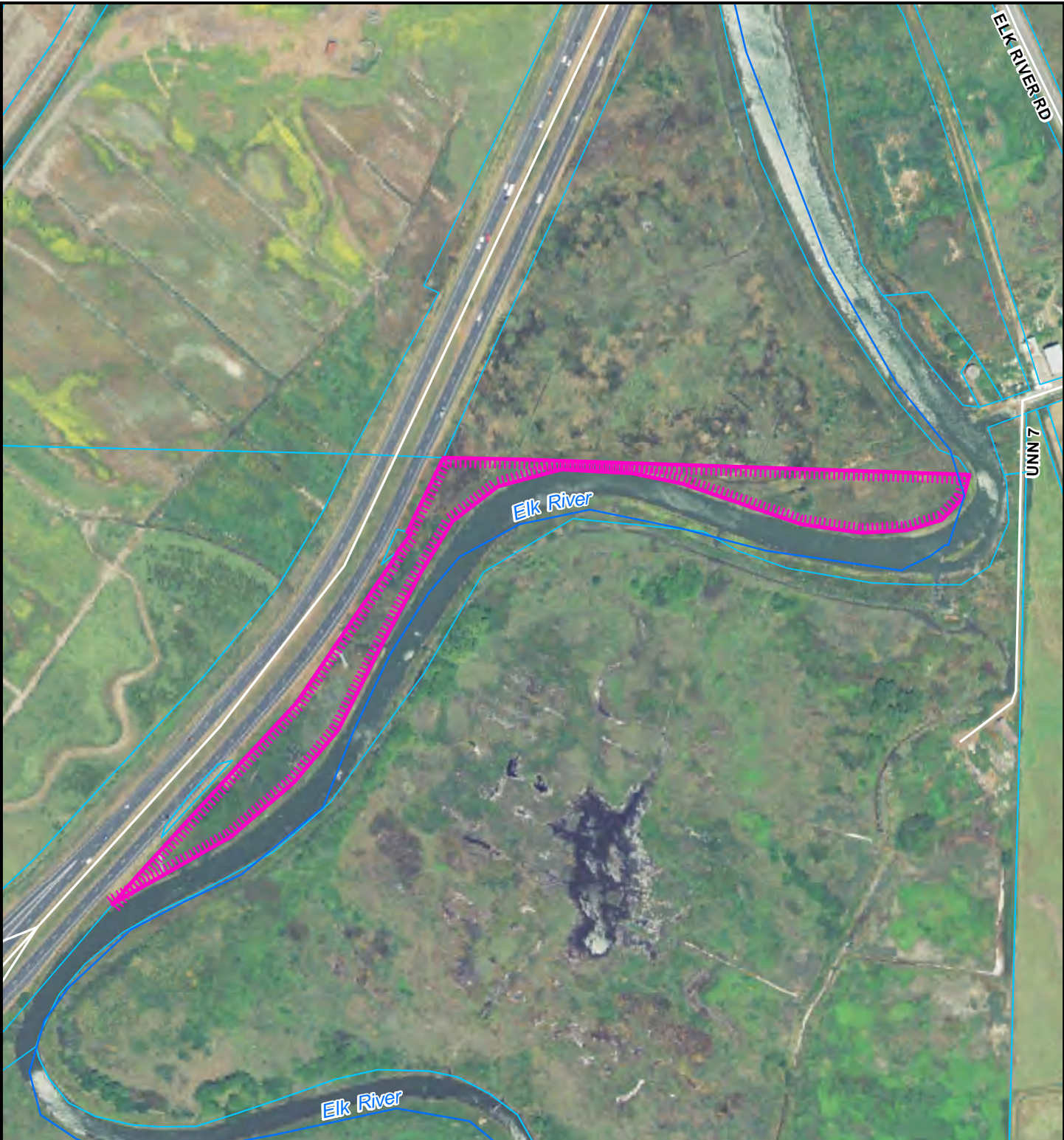
Project Area = 



MAP NOT TO SCALE

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



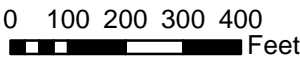


**AERIAL MAP**

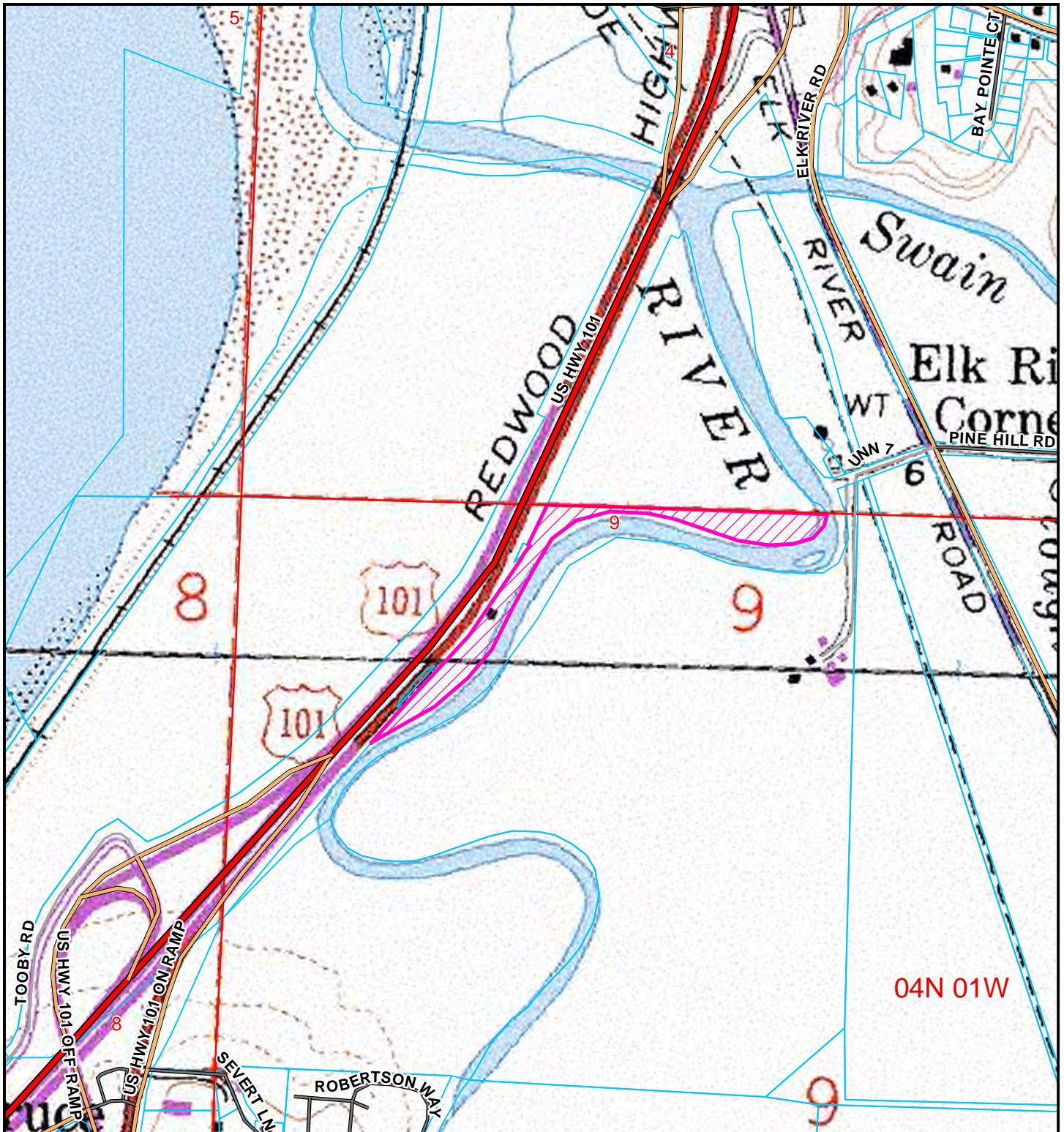
**PROPOSED ALLPOINTS OUTDOOR INC  
 SPECIAL PERMIT  
 EUREKA AREA  
 PLN-2019-16029  
 APN: 305-031-007  
 T05N R01W S09 HB&M (Eureka)**

**Project Area =** 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.







**TOPO MAP**

**PROPOSED ALLPOINTS OUTDOOR INC  
 SPECIAL PERMIT  
 EUREKA AREA  
 PLN-2019-16029  
 APN: 305-031-007  
 T05N R01W S09 HB&M (Eureka)**

**Project Area =** 

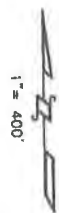
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



PTN. SEC.9, T4N, R1W

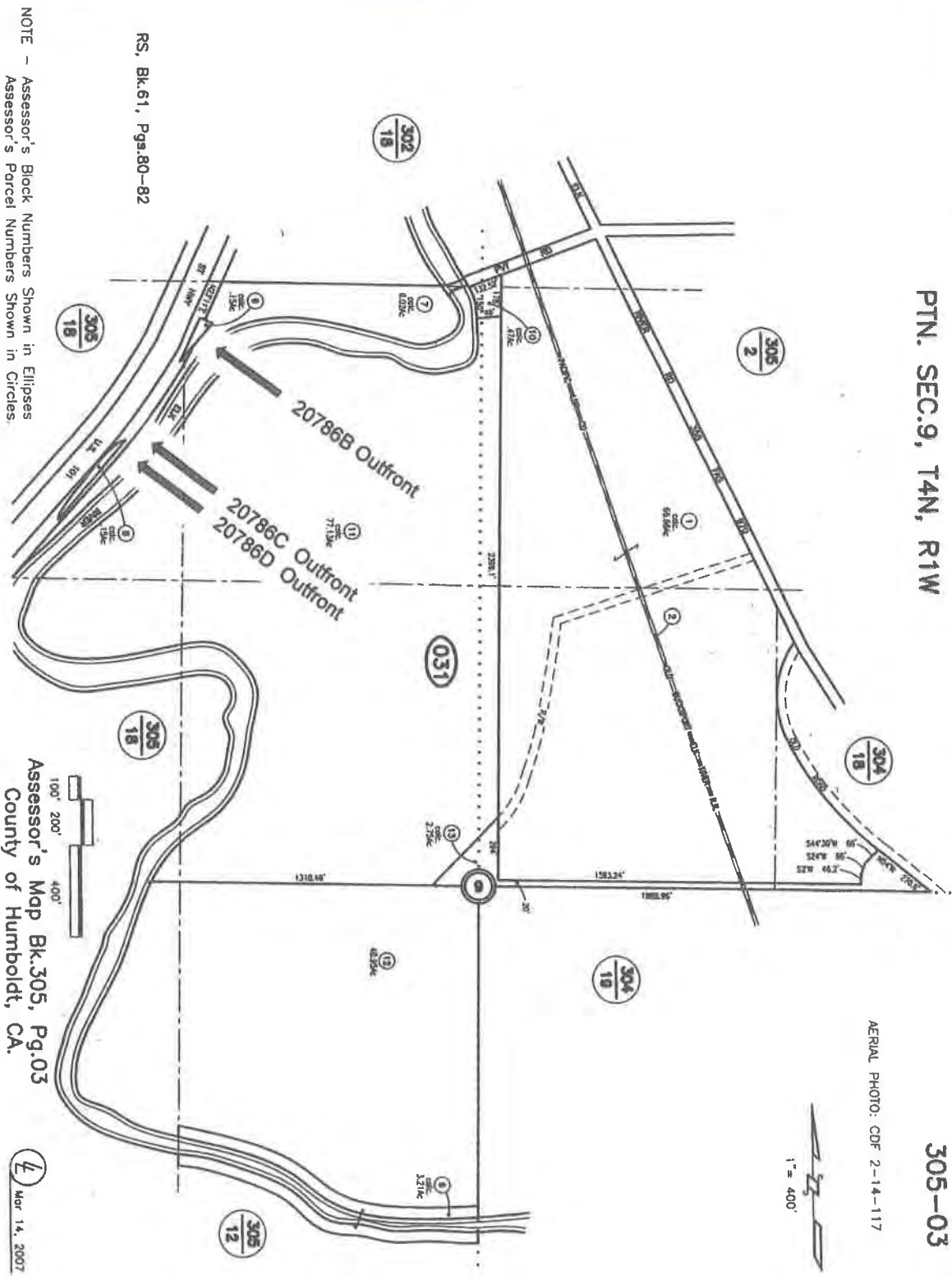
305-03

AERIAL PHOTO: CDF 2-14-117



RECEIVED  
DEC 9 2019  
Humboldt County  
Planning Division

ASSESSOR'S PARCEL MAP  
1. THIS MAP WAS PREPARED FOR  
ACQUISITION OF THE DATA FROM  
2. THE ACQUIROR OF THE DATA FROM  
3. COUNTY WITH LOCAL LOT-SPLIT  
OR BUILDING SITE SHOWINGS.



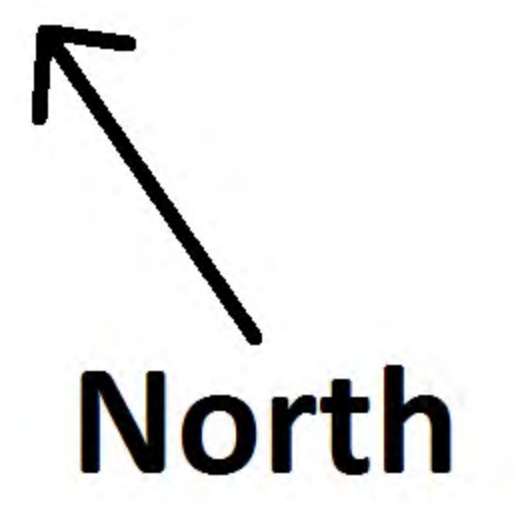
RS, Bk.61, Pgs.80-82

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.305, Pg.03  
County of Humboldt, CA.

Mar 14, 2007





# HISTORICAL PHOTO COMPARISON

-  billboard proposed to be reconstructed
-  billboards which have been removed
-  only other remaining billboard

photo sources:

Google Earth

HSU Humboldt Room  
Special Collections

Shuster Aerial  
Photo Collection



8/25/1957



4/30/2019





photo source: HSU Humboldt Room Special Collections  
Shuster Aerial Photo Collection | date of photo: 2-18-1955





ATTACHMENT 1  
RECOMMENDED CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND INITIATION OF OPERATIONS.

Conditions of Approval:

1. Prior to issuance of the building permit, the applicant shall provide the Planning Division with a copy of an Outdoor Advertising Permit issued by CalTrans for the reconstructed billboard.
2. The project is located adjacent to an access-controlled segment of US 101. If proposing to utilize Highway 101 to access the sign site during reconstruction and/or subsequent maintenance activities, permission shall first be secured from CalTrans through an encroachment permit or similar means.
3. Building permits are required for all improvements. All work done shall meet all currently applicable structural, electrical, plumbing and mechanical codes. Issuance of a building permit for the necessary improvements, or written documentation from the Building Department that no building permits are required shall satisfy this condition.
4. The applicant shall secure authorization from the California Coastal Commission prior to initiating any development activities, including ground disturbance, construction, or repairs/maintenance.
5. The project shall comply with the Flood Damage Prevention Ordinance (HCC 335-1), as necessary.
6. Prior to commencing any work, the applicant shall submit a Best Management Practices Plan for the review and approval by the Planning Director. The plan shall detail all anticipated construction activities and incorporate useful measures to minimize any potential adverse environmental effects. At minimum the plan shall include:
  - a. Details for the temporary storage and disposal of construction-related debris.
  - b. Methods for erosion and sediment control in areas where ground disturbance will occur.
  - c. Provisions for spill prevention and cleanup (if any gas-powered equipment will be utilized during construction activities at the site).
7. Prior to commencing any work, the applicant shall submit a Reconstruction Plan for review and approval by the Planning Director. Reconstruction must be performed on a like-for-like basis. The plan shall focus on re-use of as many of the original ground-based supporting members (posts and footings) from the existing structure as is safely possible. Any footings not re-used must be safely decommissioned or removed, whichever is the least environmentally impactful option. Any new ground disturbing activities, posts, or structural components shall be within as close proximity to the existing structure's footings and footprint as is safely possible. The reconstruction plan shall include measures for avoiding any potential adverse environmental effects through minimization of all ground disturbance. At a minimum the plan shall include:
  - Repair and reuse of existing footings and support posts wherever possible
  - Removal of posts where repair or reuse of footings or supports is not possible. Posts shall be removed only to the extent that potential adverse environmental effects are minimized to the greatest extent feasible.
  - Revegetation of areas where existing footings have been retired or removed.

Revegetation shall occur using spoils from areas where excavation of new holes is required.

- Sistering of new vertical support posts (or a similar method) where the existing footings retain integrity and damaged posts are broken off well above ground.
8. To the satisfaction of both CalTrans and the Planning & Building Department, evidence shall be provided verifying the location of the sign with respect to the eastern boundary of the nearby highway right-of-way. A survey may be required if determined necessary by either agency.
  9. If the permit is denied or approved under a limited term requiring the eventual removal of the structure, the applicant shall submit a decommissioning plan for the review and approval of the Planning Director, within 90 days of the denial or permit expiration. Additional permits may be required through other agencies.

Operational Restrictions:

10. The sign shall be operated at all times in conformance with Section 314-87.3.3.1 of the Zoning Regulations. Sign copy shall be restricted and limited to avoid any movement that could distract motorists. No electronic or projection screens shall be permitted. No decals that shimmer, rotate, revolve, twirl, or move in the wind or by electronic means shall be permitted.
11. The sign shall be operated at all times in conformance with Section 314-87.3.3.2 of the Zoning Regulations. The sign shall not obstruct free and clear vision of motor vehicle operators, or obstruct the vision of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse motor vehicle operators.
12. The sign shall be operated at all times in conformance with Section 314-87.3.3.3 of the Zoning Regulations. No red, green or amber lights or illuminated signs shall be placed in such a position that they could be confused with any authorized traffic sign, signal or device.
13. No sign lighting is authorized.

On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

14. The project shall be conducted consistent with the Project Description and Site Plan and other terms of this permit. Changes other than Minor Deviations authorized pursuant to Section 312-11.1 of the Humboldt County Code shall require modification of this permit.
15. During repair and reconstruction activities, new materials shall exclusively feature rot resistant lumber that has been structurally graded, such as Cedar, Redwood or similar woods that are naturally durable. Metal supports may be substituted where featuring similar durability. Use of pressure-treated wood is prohibited.

Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant/permittee is ultimately responsible for ensuring compliance with this condition.

2. Applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
3. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction or use in reliance on this permit has commenced in compliance with these conditions and with authorization from the California Department of Housing and Community Development prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.

ATTACHMENT 2  
REQUIRED FINDINGS FOR APPROVAL

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the following required findings.

The County Zoning Ordinance, Sections 312-1.1.2 (Legal Lot Requirement) and 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specify the findings that are required to grant Special Permits:

1. The proposed development is in conformance with the County General Plan (more particularly, the Humboldt Bay Area Plan);
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations (more particularly, the Supplemental Findings for Exceptions found in Section 41.1 of Chapter 2);
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 property or improvements in the vicinity;
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 midpoint of the density range specified in the plan designation) unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized; and
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
  - a. Is categorically or statutorily exempt; or
  - b. Has no substantial evidence that the project will have a significant effect on the environment and a negative declaration has been prepared; or
  - c. Has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

STAFF ANALYSIS

1. GENERAL PLAN CONSISTENCY: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards of the Humboldt Bay Area Community Plan (HBAP).

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>PF: PUBLIC FACILITY</p> <p>PURPOSE: to protect sites appropriate for the development of public and private sector civic service facilities.</p> <p>PRINCIPAL USE: essential services including fire and police stations, hospitals and schools; public and private facilities including offices, libraries, cemeteries and clinics, but not including sites or facilities for the storage or processing of materials or equipment.</p> <p>AE: Agriculture Exclusive</p> <p>PURPOSE: to protect prime and non-prime agricultural lands for long term productive agricultural use.</p> <p>PRINCIPAL USE: production of food, fiber or plants, with residence as a use incidental to this activity, including two (2) separate residences where one is occupied by the owner/operator and the other by the parent or child of the owner/operator, and the principle uses permitted under TC; ancillary development such as barns, storage sheds, and similar agricultural structures.</p>	<p>The project site is located between US 101 and the Elk River, south of the City of Eureka, on the east side of Highway 101. The zoning and land use maps from the Humboldt Bay Area Plan do not show private land between the Highway 101 right-of-way and Elk River channel, making it difficult to determine the applicable land use and zoning of the portion of the property where the existing billboard is located. Lands immediately west of the Elk River channel on APN: 305-031-007 are designated Public Facilities (PF) and the river is designated Natural Resources (NR). Agriculture Exclusive (AE) is the most fitting land use and zoning, given the property's characteristics and location. None of these zones and their attendant land use designations explicitly authorize off-site/non-appurtenant advertising or signs (i.e. billboards).</p> <p>Review of historic aerial photographs found that the site of the structure in question has hosted billboards since at least 1955, predating the adoption of the Zoning Regulations, the General Plan and the Humboldt Bay Area Plan (HBAP). The billboard structure therefore qualifies for consideration as a "legal nonconforming structure and use."</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
3.17 B 3 Tsunamis	<p>New development below the level of the 100 year tsunami run-up elevation described in Tsunami Predictions for the West Coast of the Continental United States (Technical Report H-78-26 by the Corps of Engineers) shall be limited to public access, boating, public recreation facilities, agriculture, wildlife management, habitat restoration, and ocean intakes, outfalls, and pipelines, and dredge spoils disposal.</p>	<p>The project involves reconstruction of lawful non-conforming structure. Ground level in the vicinity of the supports for the structure appears to be nine (9) feet above sea-level. Run-up predictions for this latitude indicate the lands above approximately 8¼-feet in elevation (above sea-level) lie above the area effected during a tsunami run-up event at the 100-year interval.</p>
<p>Natural Resources Protection Policies and Standards</p> <p>Chapter 3.30</p> <p>*** 30240. (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.</p>		<p>The project site is host to a variety of different features which qualify for recognition and protection as Environmentally Sensitive Habitat Areas (ESHA). This includes aquatic features such as rivers, wetlands, estuaries and related critical habitat for rare and endangered species. Anadromous Fish Species include Coho Salmon, Coastal Cutthroat Trout and Steelhead as well as non-anadromous species such as well as California floater, Pacific Lamprey. The California Natural Diversity Database mapping also shows that the project site is located near the edge of habitat for the Siskiyou Checkerbloom and Tidewater Goby.</p> <p>The proposed project is for repair and reconstruction of a lawful existing structure. Ground disturbing activities will be confined to the most upload portions of the property and outside the nearby channel of the Elk River and a related arm which crosses beneath highway 101 in this area. Repairs to the structure will minimize ground disturbance through ongoing use of a pier and post foundation. The condition of the wetland plants found in ESHA immediately surrounding the billboard supports is indistinguishable from other areas further away hosting this same plant community, demonstrating that structures of this sort can co-exist without resulting in permanent degradation to ESHA. Disturbance will be minimal as many of the footings will be available for reuse and the existing structure has been present on the site for over 60 years. Reconstruction will be done by a hand crew with no use of heavy machinery, and minimal ground disturbance is anticipated.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>Natural Resources Protection Policies and Standards Chapter 3.30 B 4</p> <p>a. Permitted development within wetlands planned Natural Resources (NR) shall be limited to:</p> <p>(1) Fish and Wildlife Management</p> <p>(2) Nature Study</p> <p>(3) Wetland Restoration</p> <p>(4) Hunting and fishing including development of hunting blinds and similar minor facilities</p> <p>(5) Incidental Public Facilities</p> <p>(6) Access facilities consistent with development recommendations of Sections 3.50C.</p> <p>(7) Aquaculture, however, upland support facilities may not be located within the area designated Natural Resources (NR).</p>	<p>The project site is located within higher ground west of the natural channel of the nearby Elk River. Though not clear on the land use maps from the Humboldt Bay Area Plan, the most logical designation for the property is AE given that the Zoning Maps clearly confine the NR zoning to the channel of the Elk River. Therefore the restrictions of Section 3.30(b)4(a) are not applicable to the project.</p>

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
	<p>VISUAL RESOURCE PROTECTION Chapter 3.40 *** 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p>	<p>The HBAP Resource Protection map indicates that the existing structure is outside of the mapped coastal view area.</p> <p>The HBAP does include provisions for preparation of a Scenic Route Study, and commits to its preparation as a joint-effort between CalTrans and the County Planning Department and subject to Coastal Commission approval. A special emphasis of the study is to investigate opportunities for CalTrans, the County, and the Harbor District to eliminate billboarding between Eureka and Arcata and identify suitable areas for clustered signing, and new off-site signs.</p> <p>Absent the scenic route study the HBAP does not provide a lot of guidance on existing signage. The existing sign may not comply with the provisions for a new sign, however the proposed reconstruction is for an existing structure that has been present for over 60 years. Since the sign is not located within the 101 corridor between Eureka and Arcata, its removal is not currently targeted or forecast for study and future consideration.</p> <p>Historical photos show that the number of areas of discrete signage within this stretch of Highway 101 was has reduced by nearly 80%. An even greater reduction could be argued considering that a majority of the original sign locations hosted double-facing signage. The visual signature of the structure is long established and may be taken into consideration if a scenic route survey were to be conducted.</p>



2. ZONING COMPLIANCE: The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. DEVELOPMENT STANDARDS: The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§313-7.1 Agriculture Exclusive</p> <p>The AE Zone is intended to protect prime and non-prime agricultural lands for long term productive agricultural use.</p> <p>§313-5.4 Natural Resources (NR)</p> <p>The NR Zone is intended to protect and enhance valuable fish and wildlife habitats, and provide for public and private use of their resources, including hunting, fishing, and other forms of recreation.</p>		<p>The project site is located between US 101 and the Elk River, south of the City of Eureka, on the east side of Highway 101. The zoning and land use maps from the Humboldt Bay Area Plan do not show private land between the Highway 101 right-of-way and Elk River channel, making it difficult to discern the applicable zoning of the portion of the property where the billboard is located. Lands immediately west of the Elk River channel on are zoned Public Facilities (PF) and the river is zoned Natural Resources (NR). Agriculture Exclusive (AE) is the most fitting land use and zoning given the property's history, characteristics and location. None of these zones explicitly authorize off-site/non-appurtenant advertising or signs (i.e. billboards).</p> <p>Billboard structures have been present in this area for over 70 years, and at this site since at least 1955. Coastal Resource Protection mapping for this area shows the presence of Wetlands and Farmed Wetlands in the vicinity of the project area. The condition of the vegetation surrounding the billboard demonstrates that structures of this sort can co-exist without resulting in permanent degradation of neighboring agricultural land and associated wetlands (ESHA). The proposed repairs to the structure plan to limit ground disturbance through ongoing use of a pier and post foundation, and reuse of as much of the existing structure as is safely possible.</p> <p>As a condition of approval (COA), the applicant will submit for review and approval by the Planning Director a plan for Best Management Practices in order to reduce the risk of erosion, runoff and proper use and fueling of gas-powered equipment. Given the signs location (on a bank above Elk River), the project does not appear to involve any development activities within the NR zoned portions of the property.</p>

Zoning Section	Summary of Applicable Requirement	Evidence
§313-21.1 Flood Hazard Areas (F)	The purpose of these regulations is to minimize public and private losses due to flood and tsunami conditions in specific areas of the County.  Limitations on new development in areas below the 100-year tsunami run-up elevation.	No new development is proposed and the application is for repair and reconstruction of a legal nonconforming structure which was damaged due to casualty.  The project involves reconstruction of lawful non-conforming structure. Ground level in the vicinity of the supports for the structure appears to be nine (9) feet above sea-level. Run-up predictions for this latitude indicate the lands above approximately 8¼-feet in elevation (above sea-level) lie above the area effected during a tsunami run-up event at the 100-year interval.  A condition of Approval has been included requiring that the structure comply with the Flood Damage Prevention Ordinance.
§313-38.1 Coastal Wetland Areas (W)	The purpose of these provisions is to establish regulations to provide that any development in coastal wetlands will not degrade the wetland, but will maintain optimum populations of marine or freshwater organisms and, where feasible, will enhance wetland resources.	The proposed project is for reconstruction of a lawful existing structure and does not propose any new development. The structure limits ground disturbance through the use of pier and post foundation and the condition of the underlying ESHA indicates that co-existence is possible. Disturbance will be minimal as many of the footings will be available for reuse and the existing structure has been present on the site for over 60 years. Ground disturbance will be limited through ongoing use of a pier and post foundation, and reuse of as much of the existing structure as is safely possible. Reconstruction could involve any or all of the following methods: 1) excavation of all existing posts and replacement in the existing post holes; 2) excavation of some of the existing posts and replacement of all necessary posts, while sistering new posts to any existing posts which could be retained; 3) excavation of the existing posts, and replacement with new posts in the same general location, but not necessarily within the existing post holes. No changes to the height or width of the billboard is proposed. Reconstruction will be done by a hand crew with no use of heavy machinery, and minimal ground disturbance is anticipated.
Development Standards		
Minimum Lot Size:	Twenty (20) acres.	The subject parcel is approximately 4.82 acres.
Minimum Lot Width:	One hundred feet (100')	portions of the parcel are less than 100 feet in width. However, the parcel was created prior to the adoption of Zoning Regulations, local control of subdivision, application of AE development standards.
Minimum Lot Depth:	None specified	approximately 1,360 feet
Maximum Ground Coverage:	Thirty-five percent (35%)	Less than 1%

Zoning Section	Summary of Applicable Requirement	Evidence
Min. Yard Setbacks	Front: 20 Feet Rear: 30 Feet Interior Side: 30 Feet Exterior Side: 20 Feet	<p>The sign appears to be located within close proximity of the front and rear property lines: Highway 101 frontage and the west bank of Elk River, respectively. A condition of approval has been included requiring verification of property lines. Relocation of supports may be required if found to be within the highway right of way.</p> <p>Front: approximately 0-5 feet            Rear: approximately 40 feet            Interior Side(south): approximately 780 feet            Interior Side(north): approximately 550 feet</p>
Max. Structure Height:	None specified	Approximately 22 feet
Permitted Main Building Types: Residential Single Detached Ancillary Residential Manufactured Home Unlimited Mixed Residential Nonresidential Detached Nonresidential		Detached non-residential buildings are permitted within the AE zoning district.

Zoning Section	Summary of Applicable Requirement	Evidence
<p>87.3.3 General Prohibitions on Signs</p> <p>The following signs shall be prohibited in all zones except as provided in this Section.</p>	<p>87.3.3.1 No sign shall endanger the public health and safety by causing distractions to operators of motor vehicles on public rights-of-way, such as may be caused by signs employing motion, sound, mechanical devices, blinkers, flashing lights, animation or unusual lighting.</p>	<p>No modifications to the historic design of the sign are proposed which would conflict with these prohibitions.</p> <p>Additionally, the Conditions of Approval include operational restrictions designed to insure the sign is operated in compliance with these restrictions of the code.</p> <p>There is no indication that the existing sign obstructed free and clear vision of pedestrian traffic on rights-of-way or to otherwise endanger pedestrians. There is not public access or pedestrian right of way in close proximity to the proposed project.</p>
	<p>87.3.3.2 No sign shall be erected adjacent to any right-of-way in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any locations where, by reason of position, shape or color, such sign may interfere with, obstruct the vision of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "stop," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse motor vehicle operators.</p>	
	<p>87.3.3.3 No red, green or amber lights or illuminated signs shall be placed in such a position that they could be confused with any authorized traffic sign, signal or device.</p>	
	<p>87.3.3.4 No sign shall be erected in such a manner as to obstruct free and clear vision of pedestrian traffic on rights-of-way or to otherwise endanger pedestrians.</p>	

Zoning Section	Summary of Applicable Requirement	Evidence
<p>§313-87.3</p> <p>Signs and Nameplates</p> <p>The purpose of these regulations is to ensure:</p> <p>(1) that signs within Humboldt County will not impair the public health, safety, and welfare by being excessively intrusive, and,</p> <p>(2) that any permitted signs will maintain visual quality and will be compatible with nearby development. These regulations shall apply to the placement of any sign within the unincorporated area of Humboldt County.</p> <p>87.3.2.4.2 Signs, whether appurtenant to a permitted use or not, and not limited as to size or number, may be permitted with a Special Permit in any commercial or industrial zone.</p>		<p>The proposal involves repair and reconstruction of a lawful non-conforming billboard located within an area which has hosted similar structures for over 70 years. A review of a historical aerial photo from 1957 reveals signage at 9 distinct locations (including the project location) along a 0.6 mile stretch of highway immediately north of Spruce Point. At nearly all of these locations were double-sided signs. Today only two (2) signs remain. Both signs are located east of Highway 101 and are single-sided, facing northbound traffic. The established visual signature of this structure and reductions to cumulative historic signage have significantly reduced visual intrusion of signage in this area.</p>
<p>§313-132</p> <p>Nonconforming Structures</p>	<p>The purpose of these regulations is to establish the rights associated with nonconforming structures, and to establish conditions under which nonconforming structures may be expanded or structurally altered.</p> <p>132.5.2 Reconstruction of a Nonconforming Structure that is Damaged by any Casualty. The Director may approve a Special Permit for the reconstruction of a nonconforming structure that is damaged by any casualty if application is made within two (2) years after such destruction or damage and if the Director makes all of the required findings in Chapter 2 of this Code.</p>	<p>132.5.2 An application for a special permit for the reconstruction of a nonconforming structure that was damaged by a casualty was received by the planning department within 30 days of the casualty occurring. Applicable supplemental findings from Chapter 2 of this code are included below.</p>

Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
<p>§312-17.3 Supplemental Findings</p> <p>In addition to the required findings for all permits and variances, the Hearing Officer may approve or conditionally approve an application for a Special Permit, Use Permit, Coastal Development Permit, or Planned Unit Development Permit only if the supplemental findings, as applicable, are made.</p> <p>Those findings that apply throughout the County, within and outside of the coastal zone, are listed in Sections 312-18 through 312-29 (County-Wide). Those findings that are only applicable within the County's coastal zone are listed in Sections 312-30 through 312-49 (Coastal Zone).</p>		
<p>§312-39.1 Anadromous Fish Streams</p>	<p>39.1.1 Minimum stream flows necessary to protect the anadromous stream population will be maintained;</p> <p>39.1.2 Environmentally sensitive habitat areas will be protected against any significant disruption of habitat values; and</p> <p>39.1.3 Channelizations, dams, or other substantial alterations of rivers and streams will incorporate the best mitigation measures feasible.</p>	<p>Anadromous Fish Species include Coho Salmon, Coastal Cutthroat Trout and Steelhead</p> <p>Ground disturbing activities will be confined to the most upland portions of the property and outside the nearby channel of the Elk River and a related arm which crosses beneath highway 101 in this area.</p> <p>Disturbance will be minimal as many of the footings will be available for reuse and the structure limits ground disturbance through the use of pier and post foundation. The structure has been present for over 60 years and reconstruction is unlikely to exacerbate baseline conditions.</p>

Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
<p>§312-39.4</p> <p>Coastal Streams and Riparian Areas</p>	<p>39.4.1 There are no significant adverse affects on habitat areas;</p> <p>39.4.2 There is no less environmentally damaging feasible alternative; and</p> <p>39.4.3 The best mitigation measures feasible have been provided to minimize adverse environmental effects.</p>	<p>39.4.1 The proposed project is for reconstruction of a lawful existing structure and does not propose any new development. The existing structure is outside of the Elk River Slough and the structure limits ground disturbance through the use of pier and post foundation.</p> <p>Ground disturbing activities will be confined to the most upload portions of the property and outside the nearby channel of the Elk River and a related arm which crosses beneath highway 101 in this area.</p> <p>Disturbance will be minimal as many of the footings will be available for reuse and the structure minimizes ground disturbance through use of a post and pier foundation. The structure has been present for over 60 years and reconstruction is unlikely to exacerbate baseline conditions.</p> <p>A Condition of Approval has been included requiring submittal of a reconstruction plan detailing measures for ensuring minimization of ground disturbance and remediation of areas where existing footings and posts have been damaged beyond repair. No changes to the height or width of the billboard is proposed. Reconstruction will be done by a hand crew with no use of heavy machinery, and minimal ground disturbance is anticipated.</p> <p>39.4.2 The proposed project is for erecting an existing billboard which is currently fallen down in the ESHA. The Planning Commission may elect not to approve the project however the structure will still need to be decommissioned and removed, likely resulting in a similar level of disturbance to the underlying ESHA. Reconstruction will be conducted by hand in approximately the same location. Reconstruction will be conducted with the least possible impact and is unlikely to exacerbate baseline conditions.</p> <p>39.4.3 The structure limits ground disturbance through the ongoing use of a pier and post foundation and does not propose any new development. Reconstruction will be conducted by hand crews and as a condition of approval (COA), the applicant will submit for review and approval by the Planning Director a plan for Best Management Practices in order to reduce the risk of erosion, runoff and hazardous material contamination.</p>

Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
§312-39.8 Coastal Natural Drainage Courses	39.8.1 Natural drainage courses, including ephemeral streams, will be retained and protected from development which would impede the natural drainage pattern or have a significant adverse affect on water quality or wildlife habitat.	The structure is proposed to be reconstructed in substantially the same location, and is located outside of the Elk River Slough, which has a clearly defined bank and channel. The structure limits ground disturbance through continued use of pier and post foundation. The presence of the existing supports does not appear to impede the natural drainage pattern or be resulting in significant adverse effects to water quality or riparian habitat in their vicinity.

Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
§312-39.12 Coastal Transitional Agricultural Land 39.12.1 There is no less environmentally damaging feasible alternative; 39.12.2 The best feasible mitigations are included; and 39.12.3 The functional capacity of the wetland will be maintained.	39.12.1 The billboard being considered for repair and reconstruction is located within an area characterized by wetlands and farmed wetlands.  Denial of the permit is always an alternative to be considered. However, it is worth noting that the structure would still need to be decommissioned and removed, likely resulting in an arguably similar level of disturbance within the underlying transitional agricultural land. Another alternative could include relocation of the sign to another portion of the property. However, given the unusual shape and size of the property, all areas of higher ground are composed of similar hydrophytic vegetation. Relocation would result in the greatest amount of new ground disturbance and likely would provide little overall benefit given the homogeneity of the vegetation and drainage characteristics. For these reasons, the least environmentally damaging feasible alternative is to perform reconstruction within the historic footprint of the existing structure as closely as is possible.  39.12.2 The design of the existing structure and proposed reconstruction limits ground disturbance through use of a post and pier foundation. Repair and reconstruction activities will not require use of any heavy equipment and will be performed with small crews using hand tools such as shovels and post-hole diggers, as well as electric drills. Conditions of Approval have been included requiring the applicant to submit plans for incorporating applicable Best Management Practices and detailing methods used to minimize ground disturbance during reconstruction.  39.12.3 The structure limits ground disturbance through the use of pier and post foundation and does not propose any new development. The condition of the wetland plants found in Environmentally Sensitive Habitat Areas (ESHA) immediately surrounding the billboard supports is indistinguishable from other areas further away hosting this same plant community, demonstrating that structures of this sort can co-exist without resulting in permanent degradation to neighboring wetlands and associated plant communities.	



Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
<p>§312-41</p> <p>Supplemental Coastal Findings for Granting an Exception</p> <p>41.1 Findings for Exceptions</p> <p>The Hearing Officer may grant exceptions, as authorized by this Chapter, if all of the following findings are made</p>	<p>41.1.1 There are special circumstances or conditions associated with the proposed development, use, or project site that support granting the exception; and</p>	<p>There are unusual circumstances and conditions which support the granting of an exception. The application is for repair and reconstruction of a lawful nonconforming structure. The billboard has existed at the site for over 60 years, predating the creation of countywide zoning regulations, adoption of the general plan, and establishment of the local coastal program. It was lawfully erected, established, and maintained and qualifies for recognition as a legal nonconforming structure and use, since it does not conform with the Zoning Regulations. The billboard was blown down on November 26, 2019, due to high winds produced during a recent winter storm event.</p> <p>Section §313-132.5.1 of the Humboldt County Zoning regulations includes provisions for "one-for-one" structural alterations and reconstruction of an existing non-conforming structure. Section §313-132.5.2 includes additional provisions for reconstruction of a nonconforming structure damaged by casualty, if application is made within two (2) years after the destruction or damage.</p> <p>The proposed project involves a combination of repair and reconstruction. The majority of repair work will involve substitution and introduction of new or supplemental materials in harmony with existing intact structural elements (piers, posts, cross-bracing), where footings remain intact and new vertical supports can be installed in conjunction with existing ones. Reconstruction activities will primarily involve establishment of up to six (6) new vertical supports for the billboard. Plans provided by the applicant indicate that where possible, the old post and concrete will be removed and a new post will be installed within the existing location. If a post cannot be removed, a new hole will be dug next to the old post.</p>
	<p>41.1.2 The granting of the exception will not be detrimental to the public welfare; and</p>	<p>The project site is located adjacent to an access-controlled segment of US 101. There is not public access or pedestrian right of way in close proximity to the proposed project. The structure is outside of the coastal view area identified within the local coastal plan. Conditions of approval require that a building permit be secured for the repair of the structure. Engineered plans have been prepared for the proposed reconstruction and should increase the stability and safety of the structure once implemented. The current structure has been present at the site for over 60 years with no indication of being detrimental to public welfare.</p>

Code Section	Summary of Applicably Requirement	Evidence the Supports the Required Finding
§312-41 Supplemental Coastal Findings for Granting an Exception 41.1 Findings for Exceptions The Hearing Officer may grant exceptions, as authorized by this Chapter, if all of the following findings are made	41.1.3 The applicant has proposed alternative standards which conform with the established standard(s) as closely as feasible; and	Conditions of Approval have been included restricting the sign from employing motion, sound, mechanical devices, blinkers, flashing lights, animation, red, green or amber lights or unusual lighting. The applicant is proposing replacing the structure like for like, and does not include any red, green, or amber lights, motion, sound, mechanical devices, blinkers, flashing lights, animation or lighting of any kind.
	41.1.4 In the Coastal Zone, the granting of the exception will not have a significant adverse effect on environmentally sensitive habitats.	The proposed project is for erecting an existing billboard which is currently fallen down in the ESHA. The existing structure is outside of the Elk River Slough and limits ground disturbance through the use of pier and post foundation. The structure has been present at the site for over 60 years and the condition of the underlying ESHA indicates that co-existence with the sign footings is possible. No heavy machinery will be used, and the applicant will reuse as much of the existing structure, foundation and posts as is safely feasible. Reconstruction will be performed in 2-4 days using a crew consisting of 3-5 persons. No heavy construction equipment is needed. Shovels and post-hole diggers are used, as well as battery powered hand tools, ladders, and clamps, bolts and screws. No temporary structures or materials (such as scaffolding or temporary bracing are required) to enable reconstruction. No alterations to the design, size or surface area of the existing structure are proposed. For these reasons, repair and reconstruction of this lawful nonconforming sign is unlikely to result in adverse effects to neighboring sensitive habitats above the wetland loss associated with prior development and the environmental baseline at the site.

4. Public Health, Safety, and Welfare: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4 Special Permit Findings	The proposed development will not be detrimental to the public health, safety and welfare, and will not be materially injurious to properties or improvements in the vicinity.	The proposed reconstruction has been designed by an engineer and conditioned to meet all currently applicable structural, electrical, plumbing and mechanical codes. The structure does not appear to impede uses described in the zoning regulations for the AE zone and is compatible with grazing and agricultural uses.

5. Residential Density Target: The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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 midpoint of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The most appropriate zoning of the parcel is AE and the entirety of the parcel is a wetland. Given the constraints, the parcel is not zoned for residential use, and is not likely feasible for future housing development of any sort. Since the project involves the repair and reconstruction of an existing sign, the proposed development does not reduce the residential density and development potential of the parcel above baseline levels.

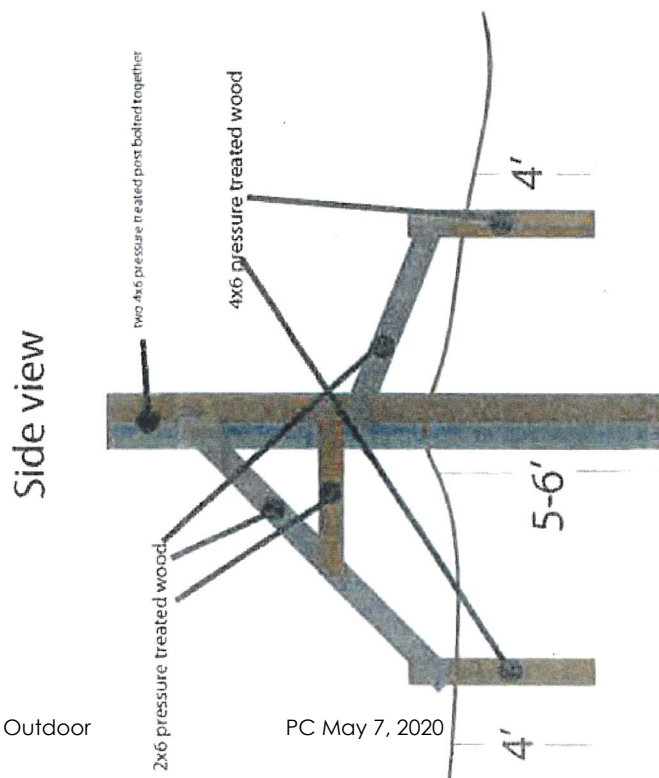
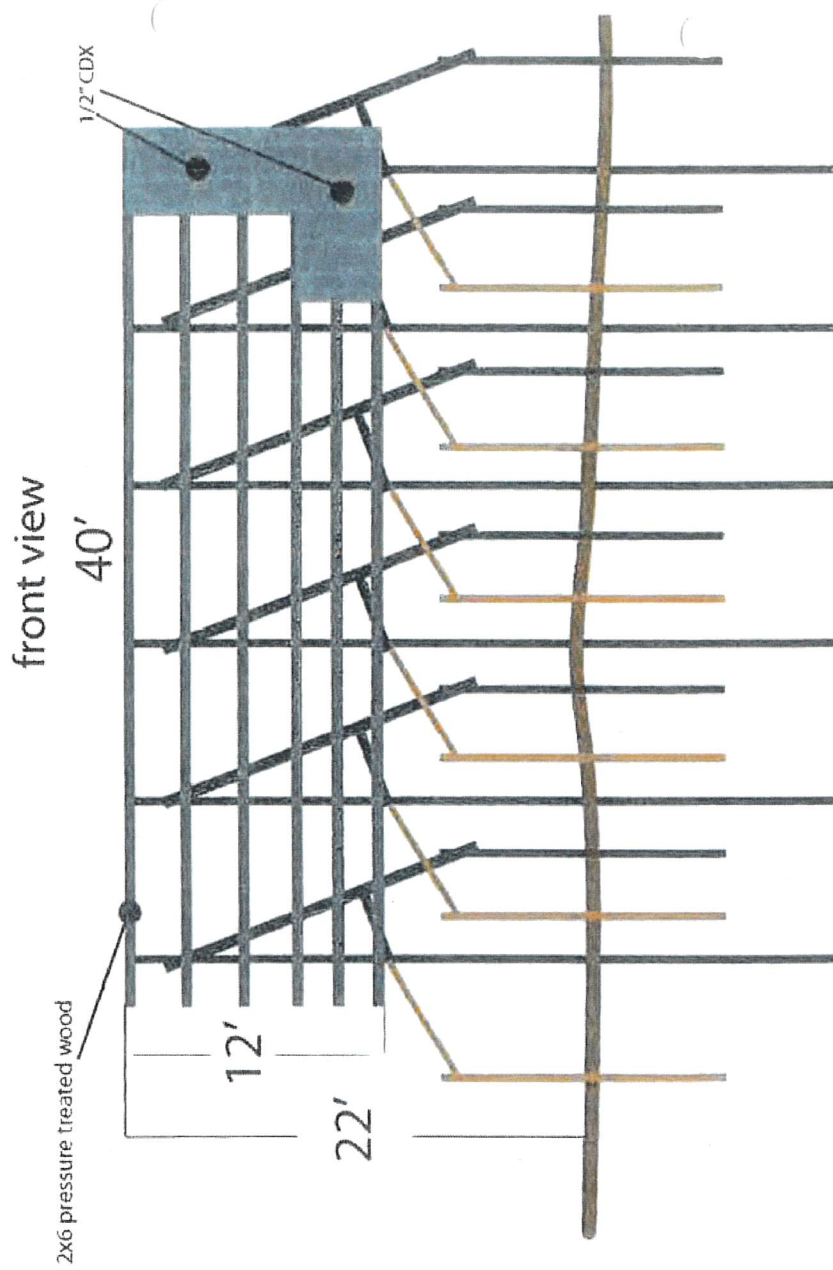
6. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not adversely impact the environment.

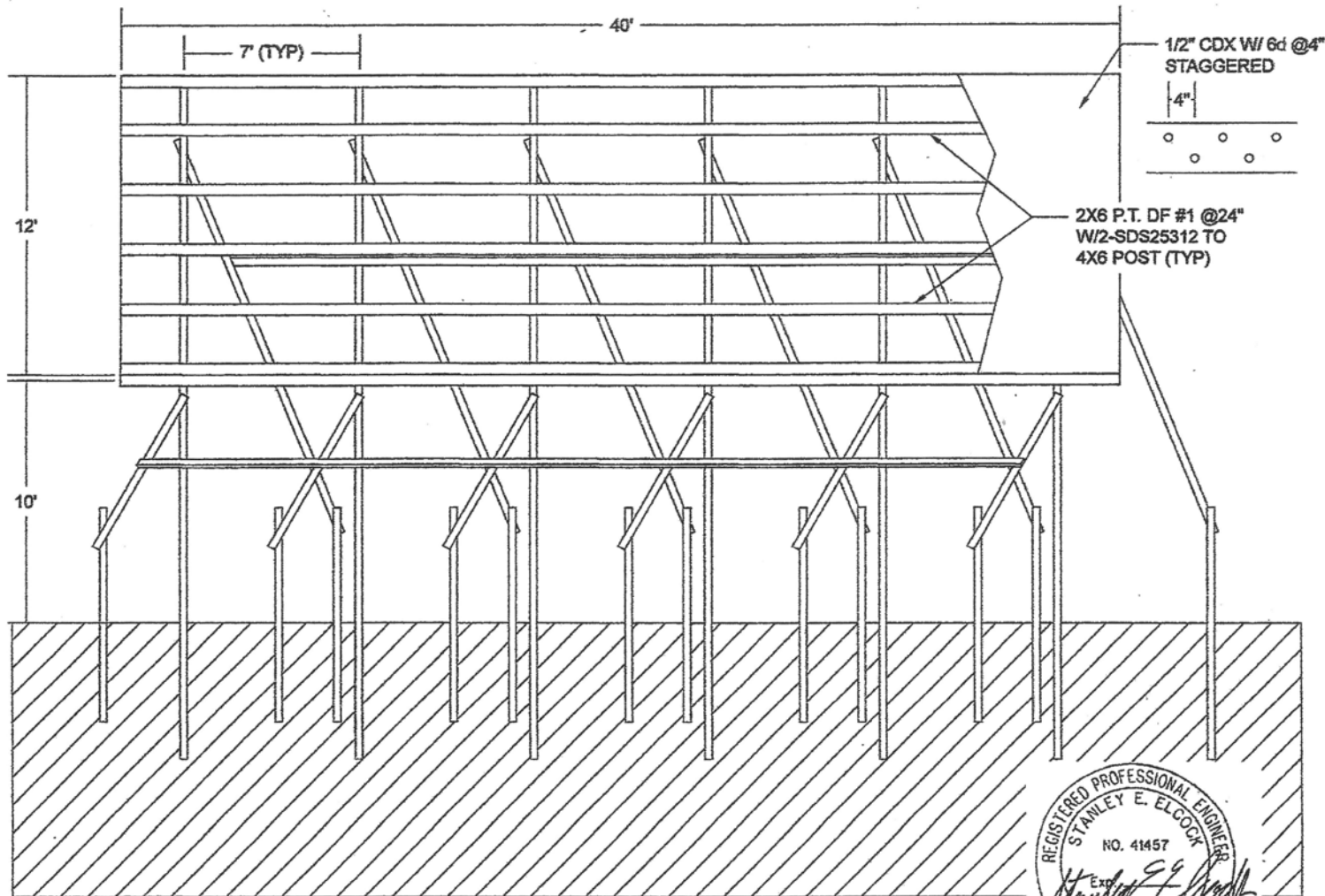
Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
<p>CEQA Guidelines</p> <p>§15300 Categorical exemptions from CEQA.</p> <p>§15301 Existing Facilities</p> <p>Class 1</p> <p>operation, repair, maintenance and minor alteration of existing public or private structures involving negligible or no expansion of existing or former use</p> <p>§15302 Replacement or Reconstruction</p> <p>Class 2</p> <p>replacement or reconstruction of existing structures where the new structure is located on the same site as the structure replaced and will have substantially the same purpose and capacity.</p>		<p>The project has been determined to be exempt from CEQA. Because the proposal involves both repair <u>and</u> reconstruction activities, use of both the Class 1 and Class 2 exemptions is appropriate.</p> <p>The reconstruction plan submitted by the applicant details a general workflow for the anticipated activities involved during repair of the structure. Reconstruction is proposed to occur within the same footprint and between six (6) and nine (9) of the existing vertical uprights will be repaired and reused. The applicant estimates that a maximum of six (6) of the remaining uprights may require removal and replacement. Where possible, the old post and concrete will be removed and a new post will be installed within the existing location. If a post cannot be removed, a new hole will be dug next to the old post.</p> <p>Plans provided by the applicant indicate that reconstruction will be performed using a crew consisting of 3-5 persons, and it is expected to take 2-4 days to complete erection of the sign. No heavy construction equipment is needed. Shovels and post-hole diggers are used, as well as battery powered hand tools, ladders, and clamps, bolts and screws. No temporary structures or materials (such as scaffolding or temporary bracing) are required to enable reconstruction.</p> <p>No alterations to the design, size or surface area of the existing structure are proposed.</p>
<p>§15300.2 of CEQA Guidelines</p> <p>Exceptions</p> <p>a) Location</p> <p>b) Cumulative Impact</p> <p>c) Significant Impact</p> <p>d) Scenic Highways</p> <p>e) Hazardous Waste Sites</p> <p>f) Historical Resources</p>		<p>None of the exceptions to the exemptions are applicable to this project. The location exception does not apply to Class 1 and 2 exemptions. The project seeks to repair and reconstruct a sign which is part of the environmental baseline, having existed in this location for over 60 years. Potential for cumulative impacts is unlikely as a review of historical aerial photos reveals that there has been a nearly 80% reduction in highway signage in this area when compared to historic levels. Significant impacts are therefore not expected to result since minimal new ground disturbance is expected and evidence suggests that signage of this sort can co-exist within wetland environments. There is no evidence to suggest that there is a reasonable possibility that the proposed repair and reconstruction activities would result in a significant effect on the environment due to unusual circumstances. While the project lies adjacent to a state highway (101), it is not currently designated as a Scenic Highway. The sign is not located on a property host to hazardous waste site shown found on the Cortese list. There are no designated historical resources at the site. Though the sign structure is over 45 years of age, it has been subject to numerous alterations since it was constructed, including removal of a corresponding double-facing element. The measures being taken to repair the structure with wooden materials of a similar type and design is in keeping with the Secretary of the Interiors Standards for the treatment of historical structures.</p>

ATTACHMENT 3

**Applicant's Evidence in Support of the Required Findings**

- Application Form [on file]
- Organizational Documents [on file]
- Grant Deed [on file]
- Creation Deed [on file]
- Plot Plans [attached]
- Construction Plans [attached]
- Contemporary Photo of Sign [attached]
- Site Visit Photos [attached]
- Engineering for planned Sign Repairs [attached]
- Reconstruction Plan [attached]
- Best Management Practices Plan [attached]
- Copy of Outdoor Advertising Permit [attached]





SEE ENGINEERING  
**C41457**  
 791 8th -ST. - Suite P  
 ARCATA, CA 95521  
 T: 707-498-6315

ALL POINTS  
 SIGN REPAIR  
 HIGHWAY 101  
 BETWEEN EUREKA & ARCATA

PLOT DATE:  
**12/5/19**

DRAWN:  
**CEE**

CHECKED BY:  
**SEE**

CHECKED DATE:

SCALE:  
**1/4" = 1'-0"**

REVISION DATE:

REVISION DATE:

SHEET: 2 OF 2



NOTE: ALL FASTENERS ARE GALVANIZED OR STAINLESS STEEL  
 ALL TIMBER P.T. DF #1

**FRONT VIEW**  
 1/8" = 1'-0"

12/05/19

Page 39



Money for  
Agriculture

 AMERICAN AGCREDIT  
FINANCING • LEASING • EQUIPMENT

OUTFRONT

The billboard is supported by a metal frame and sits on a green base with the 'OUTFRONT' logo. The background of the billboard is white, and the cow's head is a realistic black and white photograph.











**SEE Engineering**

P.O. Box 308 ~ Arcata, CA. 95518  
Phone (707) 498-6315 Fax (707) 822-8703  
www.seengineering.com

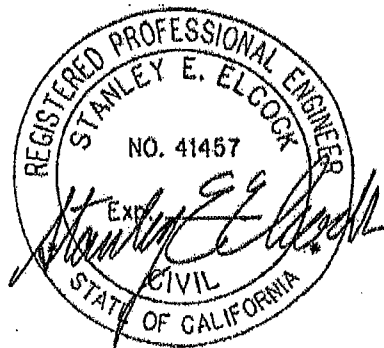
PLANS \* CONSTRUCTION \* SPECIAL PROJECTS \* SHORING \* TEMPORARY SYSTEMS  
Stanley Elcock, P.E. CA1457

Client: Allpoints Signs, Owner

Project: Sign Repair

Location:

Highway 101 Between Eureka and Arcata  
Eureka, CA.



CALCULATIONS

Framing

References

2016 California Building Code

Western Woods Use Book

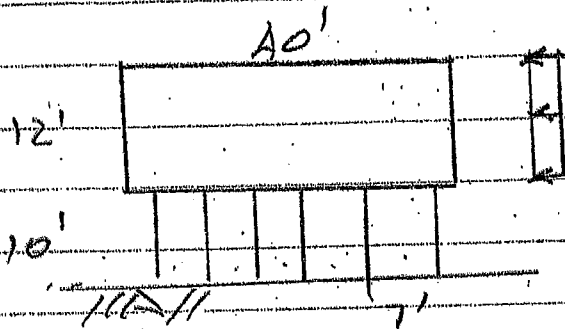
December 5, 2019

ALL POINTS  
BILL BOARD  
REPAIR  
12-3-19

WIND

$$0.00256 (85)^2 (0.85)(1)(1.35) = 21.2 \text{ PSF}$$

USE 25 PSF



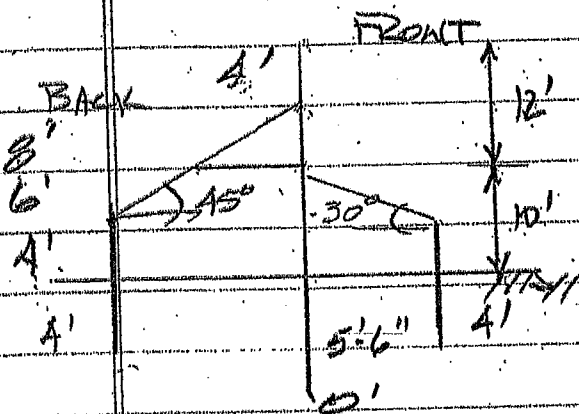
25 PSF

$$25 \times 12 \times 40 = 12000 \# \text{ Total}$$

$$25 \text{ PSF} \times 12 \times 7' = 2100 \# / \text{POST}$$

$$\text{EM: } 12000 \times (10 + 6) = 192000 \text{ Ft-lb ATM}$$

$$192000 / 6 \text{ POSTS} = 32000 \text{ Ft-lb / POST ATM AVE}$$



$$P = 2100 \#$$

$$\text{EM}_0: 2100 \times 16' = 18 \text{ FB}_1 + 9 \text{ FF}_1$$

$$F_{B1} = F_{F1} = 1244 \#$$

$$5/8" \text{ bolts} = 870 \times 1.33 \times 2 = 2314 \text{ 7124}$$

$$\text{FOR } 2 \times 6: 1244 / 8.25 = 151 \text{ PSI}$$

$$180,000 / (1^2 / 1.5^2) = 151 \quad L_{\text{max}} = 7'$$

$$\text{FOR } 2 \times 8: 1244 / 10.88 = 114 \text{ PSI}$$

$$180,000 / (1^2 / 1.5^2) = 114 \quad L_{\text{max}} = 8'$$

$$1A \sqrt{2} = 20'$$

2-5/8" bolt to 4x6

USE 2x6 P.T. DF No. 1 diagonal back

BRACE w/ 2 - 2x6 @ 7' max

w/ 2 - SDS x 3/2" Flat 2x6

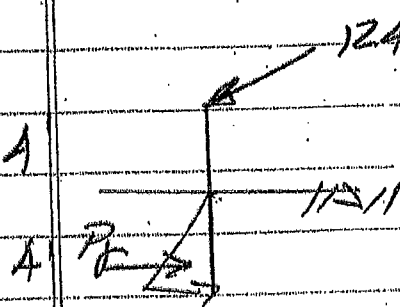
to 2x8 diagonal brace

ALL POINTS  
BILL BOARD  
REPAIR  
12-3-19 2)

HORIZONTAL STENT TO BACK BRACE

$$480000 / (96^2 / 1.5^2) = 117 \text{ psi}$$

$$117 \times 8.25 \text{ ft} = 965 \text{ # capacity} \quad \underline{\underline{2 \times 6}}$$



$$M_P = 90 \text{ psf} \times \frac{1}{2} (4)^2 + \frac{1}{3} (4) \tan^2 60$$

$$= 2880 \text{ ft-lb}$$

$$OTM = \frac{1244 \times B}{\sqrt{2}} = 7037 \text{ ft-lb}$$

$$M_P = 45 D^3 = 7037$$

$$D = 5.4' \times 1.4$$

$$= 7.5' \text{ min depth}$$

SKIN WEIGHT:

$$1/2" \text{ CDX} = 1.5 \times 7 \times 12 = 126 \text{ # / Post}$$

$$db) 4 \times 6 = 35 \text{ psf} \times \frac{38.5 \text{ ft}^2}{144} \times 30' = 281 \text{ # / Post}$$

BRACES

$$2 \times 6: 35 \times (8.25 / 144) \times (20') = 40 \text{ # / Post}$$

$$2 \times 6 @ 24 \text{ Horiz} = (40 \text{ #} / 20) 7' \times 6 = 84 \text{ # / Post}$$

$$\underline{\underline{531 \text{ #}}}$$

Add LL = 300 # POINT LOAD

$$\frac{300 \text{ #}}{1.33} = 225$$

$$\underline{\underline{757 \text{ # Total / Post}}}$$

$$19.25 \text{ ft}^2 \times 2 \text{ Posts} = 38.5 \text{ ft}^2 = 0.27 \text{ ft}^2$$

$$757 \text{ #} / 0.27 \text{ ft}^2 = 2800 \text{ PSF} > \text{BACK WIND}$$

$$\text{Side Friction} = 100 \text{ PSF} \times 7.5' \times (3.5 \times 2 + 11 \times 2) / 12$$

$$= 1812 \text{ #} + 50 \times 0.27 = 1947 \text{ #} > 757 \text{ #}$$

ALL POINTS  
BILLBOARD  
REPAIR 12-3-19 3/

FRONT BRACE

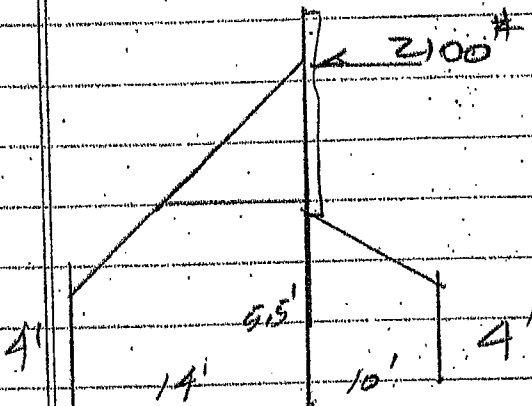
$$1244 \times 1.1547 = 1437^{\#} \searrow$$

$$1437 / 10.88 = 132 \text{ psi}$$

$$130000 / L^2 / 2.25 = 132 \quad L_{\text{max}} = 7' \frac{1}{2}'$$

⇒ Add 2x6 flat @ midspan

RE-CHECK POST EMBEDMENT



$$2 \text{ Mo. } M_P = 2880 \text{ FT-1b}$$

4x6 dbl post

$$27 \cdot 90 \left(\frac{1}{2}\right) (D)^2 \frac{1}{3} (D) \tan^2 60 = 45 D^3$$

$$7037 - 2880 = 45 D^3$$

$$D_{4x6} = 4.5' \times 1.4 = 6.5'$$

UPLIFT / OT:

$$2100 \times 22.5 = 14 R_1 + 10 R_2 \downarrow$$

$$+ 7250 = 14 R_1 + 10 (100\% \text{ F} \times 4 \times 242)$$

$$+ 10 (50\% \text{ F} \times 38.5'' / 14)$$

$$R_1 = 2588^{\#} \uparrow \text{ (NG)}$$

Add deadman:

$$M_P = 7037 / 2880 = 2.5' \text{ min dia}$$

CHECK dbl 4x6 bolted:

$$4' \uparrow \quad 9' \uparrow \quad X = 175 \text{ PLF} \quad 175 (9)^2 / 8 \times 12 / 765 = 28 \text{ in}^3$$

dbl 4x6 (OK)

ALL POINTS  
BILLBOARDS  
12-5-19 4)

$$3' \text{ dia } \times 4 = 150 \pi (3)^2 / 4 \times 4$$

$$= 4241 \# / \pi (9) / 4 = 600 \text{ PSF}$$

FOR 500 PSF:

$$3.5' \text{ dia } 531 \# / \pi (3.5)^2 / 4 = 55.2 \text{ PSF}$$

$$500 - 55.2 = 444.8 \text{ PSF DL PCC}$$

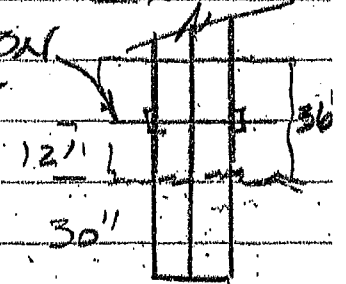
$$\text{UNREINF PCC} = 145 \text{ PCF}$$

$$444.8 / 145 = 3.1' \text{ DEEP}$$

$$145 \times 3' \times \pi (3.5)^2 / 4 = 4185 \# \text{ DEAD WT. } \textcircled{OP}$$

→ USE 4" x 6" MAIN POST BOLTED  
w/ 5/8" MB GALVANIZED @ 4' OC  
ADD 5/8" ALL-THREAD GALVANIZED x 24" LONG  
IN POST 12" FROM BOTTOM

3' MAX PCC  
30" MIN DEPTH



2x6 Flat cantilever:

$$(25 \text{ PSF} \times 2) (25)^2 / 2 \times 12 / 850 \times 1.25 = 1.76 \text{ in}^3 \textcircled{OP}$$

$$A = \frac{50 (25)^4}{8 (1.6 \times 10^6 \times 1.55)} = 0.17" = 2/176 < 2/120$$

→ 2x6 Flat @ 24" cantilever is Adequate

CDX Nailing:

$$L_d = 26 \# / \text{in} \times 1.5" = 39 \#$$

$$50 \text{ PSF} \times 2' \times 7' = 700 \#$$

$$700 / 39 = 18 \text{ nails over } 7' = L_d @ 4" OC$$

2x6 Flat @ 24" Fasteners:

$$50 \text{ PSF} \times 2 \times 7 = 700 \# / 325 \# / \text{SDS} = 2 \text{ req. SDS } 25312 (55)$$

# Reconstruction Plan

Construction and reconstruction of billboards is performed by a 3-5 man crew and is expected to take 2-4 days. No construction equipment is needed. We use shovels and post hole diggers for the post, battery powered hand tools, ladders, and clamps, bolts and screws. No temporary structures or materials are required to reconstruct, IE we do not need to build scaffolding or set temporary brace post of any kind.

Below is a general workflow for how this location will be repaired.

1. Crews will begin demoing all non reusable elements of the structure. This consist of using sawzalls to cut wood into sizes we are able to carry. Once small enough to carry all non-usable elements are stacked in a pile on the shoulder of the highway behind the guardrail.
2. Once all non-usable parts are removed we will begin repairing the structure. This billboard actually broke about 8' up the post so in this case it looks like 6-9 of the vertical uprights will be able to be reused. For the remaining 3-6 uprights we will remove old post & concrete and dig new holes in their location. If old post cannot be removed we will dig a new hole next to old post.
3. Once all post holes are dug we set new upright in holes and hand mix bags of concrete into the hole one bag at a time.
4. Once all post are set you connect main post to back brace post.
5. Run new horizontal stringers connecting all main post.
6. Mount front and rear catwalks.
7. Sheet face with plywood
8. Install new billboard wrap.



## Best Management Plan

As already outlined above, the repair and maintenance of a billboard structure has a very minimal impact as it is just a few people working with hand tools.

Since no construction equipment is used we do not have any provisions for spills as there is nothing to spill.

All new materials are stacked on the shoulder of the highway behind the guardrail until they are needed.

Construction debris only consist of empty bags of concrete and off cuts of wood, once created all bags are put into a trash bag and all off cuts are stacked on the shoulder of the highway until they are loaded up.

Soil from post holes are minimal and left on site.

**OUTDOOR ADVERTISING PERMIT**

ODA-0013 (REV 09/2017)

**IMPORTANT INFORMATION - PLEASE READ CAREFULLY**

Pursuant to the terms of Chapter 32, Status of 1939 and as amended, permission is granted to place and maintain an advertising display in its approved physical location as shown in the official records of the Department. Permit renewal is subject to the laws and implementing regulations of the California State Outdoor Advertising Act. This permit does not authorize placement or maintenance of a display prohibited by law or by an ordinance of any city, county or city and county. The permit owner is responsible for permit renewal on or before the expiration date. Immediately notify the Department to correct your mailing address, transfer ownership of this permit or cancel this permit. Include your permit number and mail notices to:

**Department of Transportation, Office of Outdoor Advertising, P.O. Box 942874, MS-369, Sacramento, CA**

Permit
15322

Expiration Date
12/31/2031

District	County	Route	Post Mile or County Road	Property Owner
01	HUM	101	74.23 R	CALIF.DIV.OFHWHY
Permit Owner Name		Date Granted	Owner Display #	
Outfront Media LLC 1731 Workman Street Los Angeles, CA 90031				



**Notice** Failure to maintain a current permit may result in a violation notice, penalty and removal of display at permittee's expense. The permit entitles the holder to play the permitted display for the term of this permit provided all fees or pro rata fees are timely received.

ATTACHMENT 4

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Location
Building Inspection Division		No response	
Public Works - Land Use Division		No response	
Division Environmental Health		No response	
CalTrans	✓	Comments	Attached
Department of Fish & Wildlife	✓	Comments	Attached
NWIC		No response	
Bear River Band of the Rohnerville Rancheria	✓	Conditional approval	On file with Planning
Wiyot Tribe		No response	
RWQCB		No response	
City of Eureka		No response	
Army Corps of Engineers		No response	
California Coastal Commission	✓	Comments	Attached

**From:** [Kraemer, Melissa@Coastal](mailto:Kraemer.Melissa@Coastal)  
**To:** [Planning Clerk](#)  
**Subject:** comments on PLN-2019-16029 (Elk River billboard)  
**Date:** Friday, January 17, 2020 4:23:16 PM

---

Here are comments on the application referral from the building department for the subject billboard. The same comments apply to the proposed special permit application referenced above. Thank you.

*Melissa B. Kraemer*

North Coast District Supervisor  
California Coastal Commission  
1385 8<sup>th</sup> Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 9



Click the Whale Tail to purchase a plate, or visit the Commission's website: [www.coastal.ca.gov](http://www.coastal.ca.gov)

---

**From:** Kraemer, Melissa@Coastal  
**Sent:** Friday, December 20, 2019 12:53 PM  
**To:** 'hwalker@co.humboldt.ca.us'  
**Cc:** 'Werner, Steve'; Ford, John@Humboldt County; 'Adam Wagschal (awagschal@humboltdbay.org)'; 'Planning Clerk'; Levine, Joshua@Coastal  
**Subject:** comments on BLD-2019-50667 (Elk River billboard)

Hello Heather,

The wind-damaged billboard is in the CDP jurisdiction of the Commission. Commission staff has not yet made a determination as to whether or not the wind-damaged billboard qualifies for a CDP exemption for repair [PRC sec. 30610(g)] without first obtaining both (1) evidence of local approvals confirming that the structure(s) conforms to applicable existing zoning requirements (local approvals including, as applicable, County and Harbor District, both of which have land use authority in the bay and tidal sloughs); and (2) information on past repair and maintenance activities, since the cited exemption does not apply to structures that are not legally authorized under the Coastal Act, and the information on the cumulative extent of past repair and maintenance activities is needed to determine legality.

If you have any questions, let me know. Thanks for the opportunity to comment.

*Melissa B. Kraemer*

California Coastal Commission  
North Coast District Office  
1385 8<sup>th</sup> Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 9  
[melissa.kraemer@coastal.ca.gov](mailto:melissa.kraemer@coastal.ca.gov)

---

**From:** Kraemer, Melissa@Coastal [Melissa.Kraemer@coastal.ca.gov]  
**Sent:** Friday, February 7, 2020 1:19 PM  
**To:** Odry, Zsofia; Olson, Jennifer@Wildlife  
**Cc:** Lazar, Steve  
**Subject:** RE: App 16029 Elk River Billboard referral inquiry

Hi Zsofia and Jen

I appreciate being cc'd on these communications. One correction Zofia to something you said below... it's not true that an exemption application has been filed at our office. We have not heard from the sign/land owner wishing to rebuild. It's true the site is in the Commission's jurisdiction and may require a CDP from the Commission to rebuild. We cannot make a determination as to whether the CDP exemption provided for under PRC sec. 30610(g) is applicable until we understand both (1) whether the replacement structure conforms to local zoning requirements (which is what your permit is addressing), and (2) whether the structure that fell down was legally authorized. An owner would have no right to exercise the 30610(g) exemption for an unpermitted structure. We recognize that the structure dates to the 1950s or 1960s prior to CDP requirements. However, if there has been repair and maintenance to the structure since enactment of CDP regulations (1976) that has resulted (cumulatively) in the replacement of 50 percent or more of the structure over time without proper CDP authorization for such repair and maintenance activities, the structure that fell over would not be legally authorized under the Coastal Act [see Title 14 CCR 13252(b)]. In that case, a regular CDP from the Commission would be required for the reconstruction of the structure. Also, any development associated with the structure reconstruction, such as the installation or improvement of new accessways, would require CDP authorization either from the County or the Commission (depending on jurisdiction). The County might consider whether it's appropriate to condition its special permit to require CDP authorization from the Commission, if needed, for the development associated with the reconstruction of the structure, including reconstruction of the structure itself if not legally authorized or not consistent with local zoning, and thus the 30610(g) exemption doesn't apply.

Thanks again and feel free to call with any questions.

Melissa

Melissa B. Kraemer  
North Coast District Supervisor  
California Coastal Commission  
1385 8th Street, Ste. 130  
Arcata CA 95521  
(707) 826-8950 ext. 9

Click the Whale Tail to purchase a plate, or visit the Commission's website:

<https://gcc01.safelinks.protection.outlook.com/?url=www.coastal.ca.gov&data=02%7C01%7Czodry1%40co.humboldt.ca.us%7Cb2e836fa178b44a7323708d7ac135d83%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0%7C1%7C637167071492978856&sd=FW1J5pj%2Fiv9SoJF0EtC%2BcoODVZkbuPQ0ixPPSK0AEyk%3D&reserved=0>

-----Original Message-----

**From:** Odry, Zsofia [mailto:zodry1@co.humboldt.ca.us]  
**Sent:** Thursday, February 06, 2020 7:43 PM  
**To:** Olson, Jennifer@Wildlife  
**Cc:** Kraemer, Melissa@Coastal; Lazar, Steve  
**Subject:** RE: App 16029 Elk River Billboard referral inquiry

Hi Jen,

Thank you for your response and congratulations on your new position!

I understand your concern for potential impacts by crossing APN 305-031-011 in order to access the billboard site, and I will note this in the staff report.

I do have access to the CNDDDB, thank you for your consideration. Staff is recommending as a condition of approval that the applicant develop a best management practices plan for review and approval by the planning director which shall include:

- a. A plan for the temporary storage and disposal of construction-related debris.
- b. A plan for erosion and sediment control.
- c. A plan for hazardous materials management.

During the review process we will likely send the plan to CDFW, RWQCB, and the Coastal Commission for review and comment.

Review of historic imagery found that the billboard looks to have been present in its current location as early as 1957, and therefore pre-dates land use designations and zoning regulations, making the billboard a legal nonconforming structure. Section 313-132.5.2 of the Humboldt County Zoning Regulations allows for reconstruction of a Nonconforming Structure that is Damaged by any Casualty with approval of a Special Permit by the Planning Director. The application is to erect the fallen billboard in its existing locations, without any modifications, and therefore is not considered conversion or new development under county definitions. The applicant proposes to limit ground disturbance through the use of pier and post foundation and re-using or sistering as many posts from the existing sign as possible. The entire parcel appears to be a wetland and relocation has not been considered.

The applicant's preferred method for accessing the site is from US 101, which would have the least amount of wetland area to traverse. However, the applicant will have to attain an encroachment permit from CalTrans prior to accessing the site at this location. For this reason we were exploring other options for access. The staff recommended condition of approval requires that the applicant secure all required permits and permissions from the California Department of Transportation prior to accessing the site.

Thank you for including Melissa in this correspondence. It is my understanding that because the project is located within a portion of the Coastal Zone where the Coastal Commission retains permit authority, an application for a Coastal Development Permit (CDP) exemption has been filed with the Coastal Commission. The project involves minimal ground disturbance and is considered exempt from further environmental review pursuant to Section 15302 (Replacement or Reconstruction) of the Guidelines to the California Environmental Quality Act (CEQA).

Please let me know if there are any requirements CDFW would like included as recommended conditions of approval. The project has been noticed for public hearing at the Planning Commission on Feb 20th, 2020.

Best wishes,

Zsafia Odry

Planner  
Planning and Building Department  
Direct: 707.268.3727  
Main: 707.445.7541

zodry1@co.humboldt.ca.us

☑ Please consider the environment before printing this e-mail

-----Original Message-----

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>

Sent: Monday, February 3, 2020 5:12 PM

To: Odry, Zsofia <zodry1@co.humboldt.ca.us>

Cc: Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>

Subject: RE: App 16029 Elk River Billboard referral inquiry

Hi Zofia,

Sorry for the delay, I am starting a new position within CDFW and there is no one backfilling my position yet.

As you probably know, that entire area is a wetland, adjacent to our wildlife area, so reconstructing the billboard is likely to result in adverse impacts to the wetland. I don't think access through our wildlife area is feasible, given they'd need to impact wetlands and cross the Elk River to get to the billboard site from APN 305-031-011.

I would want to know more about methods for reconstruction given it's within sensitive habitat, I assume there would be impacts to wetlands, and there may be rare plants present (there are multiple occurrences in CNDDDB, I don't have specific survey results available at the moment, if it helps I can send a summary but I assume you have access to CNDDDB?)

I would need to know more about what they are proposing to give more specific feedback (how will they access, where, etc). Also, if it's a non-conforming structure, why are they able to rebuild?

The Fish and Game Commission's Wetlands Policy states "...it is the policy of the Fish and Game Commission to strongly discourage development in or conversion of wetlands. It opposes, consistent with its legal authority, any development or conversion which would result in a reduction of wetland acreage or wetland habitat values. To that end, the Commission opposes wetland development proposals unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage."

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Ffgc.ca.gov%2FAbout%2FPolicies%2FMiscellaneous%23Wetlands&data=02%7C01%7Czodry1%40co.humboldt.ca.us%7Cb2e836fa178b44a7323708d7ac135d83%7Cc00ae2b64fe844f198637b1adf4b27cb%7C0%7C1%7C637167071492978856&sdata=jgN%2BPvSvvawJm%2BZXW0y1e0l0ghssngplWuM0t4Bbg%3D&reserved=0>

Is there a non-wetland area that the billboard could be relocated to and has this been evaluated?

Let me know what else I can provide or if you have additional information. I'm cc-ing Melissa because I saw that she gave some preliminary feedback on the project and we typically try to coordinate with the Coastal Commission for projects that may impact ESHA.

Best,  
Jen

Jennifer Olson  
Senior Environmental Scientist (Specialist) North Coast Caltrans Liaison California  
Department of Fish and Wildlife  
619 2nd Street, Eureka, CA 95501  
(707) 445-5387  
jennifer.olson@wildlife.ca.gov

-----Original Message-----

From: Odry, Zsofia <zodry1@co.humboldt.ca.us>  
Sent: Friday, January 31, 2020 3:40 PM  
To: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>  
Subject: App 16029 Elk River Billboard referral inquiry

Hi Jen,

I am wrapping up the staff report for the Special Permit application for reconstructing the legal nonconforming billboard structure damaged by wind storm casualty near Elk River on APN: 305-031-007. I wanted to follow-up with an email to the voice message I left requesting comments from CDFW on the project. The project is scheduled to go to the planning commission on February 20th, and we are hoping to get CDFW input regarding potential impacts and recommended best management practices for mitigating impacts during reconstruction. The adjacent parcel with APN: 305-031-011 appears to be owned by CDFW. Do you have any information regarding biological/botanical surveys that may have been completed on that site?

Lastly, the billboard is located along an access-controlled segment of US 101. The applicant may need to explore alternative options for accessing the site for reconstruction. Do you think there would be any potential for the applicant to gain access across APN: 305-031-011?

Thank you for your time,

[cid:image001.png@01D5D6C5.160D9D30]<humboldt.gov.org>

Zsofia Odry

Planner

Planning and Building

Department<<https://gcc01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhumboldt.gov.org%2F156%2FPlanning-Building&data=02%7C01%7Czodry1%40co.humboldt.ca.us%7Cb2e836fa178b44a7323708d7ac135d83%7C00ae2b64fe844f198637b1adf4b27cb%7C0%7C1%7C637167071492978856&sdata=btAQRhpWHKbOnXSXVMWCKkxG7V%2Fh0yx1cdEbXD%2BTwm0%3D&reserved=0>>

Building&data=02%7C01%7Czodry1%40co.humboldt.ca.us%7Cb2e836fa178b44a7323708d7ac135d83%7C00ae2b64fe844f198637b1adf4b27cb%7C0%7C1%7C637167071492978856&sdata=btAQRhpWHKbOnXSXVMWCKkxG7V%2Fh0yx1cdEbXD%2BTwm0%3D&reserved=0

Direct: 707.268.3727

Main: 707.445.7541

zodry1@co.humboldt.ca.us<mailto:zodry1@co.humboldt.ca.us>

P Please consider the environment before printing this e-mail



**DEPARTMENT OF TRANSPORTATION**

DISTRICT 1, P. O. BOX 3700  
 EUREKA, CA 95502-3700  
 PHONE (707) 441-4693  
 FAX (707) 441-6314  
 TTY 711  
 www.dot.ca.gov



*Making Conservation  
 a California Way of Life.*

January 14, 2020

1-HUM-101-PM 74.1  
 PLN-2019-16029  
 APN: 305-031-007

Planning Clerk  
 Planning & Building Department  
 County of Humboldt  
 3015 H Street  
 Eureka, CA 95501

To Whom It May Concern:

Thank you for giving us the opportunity to comment on the proposed Allpoints Outdoor billboard reconstruction project, which proposes to restore or reconstruct a billboard that was blown down during a windstorm in November 2019. The billboards are located east of US 101 between the Humboldt Hill Road and the Herrick Avenue interchanges, on the south side of the City of Eureka. We have the following comments:

The reconstruction of the fallen billboard is subject to the Outdoor Advertising Act (ODA) and will need to comply with ODA requirements. The Caltrans Office of Outdoor Advertising in Sacramento regulates the placement of outdoor advertising displays visible from California Highways. For more information on ODA, please refer to their website: <<https://dot.ca.gov/programs/traffic-operations/oda>>, or contact ODA directly at (916) 654-6473.

The project is located adjacent to an access-controlled segment of US 101. Under normal circumstances, no access to adjacent parcels is allowed from access-controlled highways and freeways. If, in this particular case, no alternate access to the parcel and/or display can feasibly be obtained other than from US 101, an "Exception to Policy" will need to be obtained prior to issuance of a Caltrans Encroachment Permit. A Caltrans Encroachment Permit (EP) will need to be obtained from Caltrans District 1 for any work within US Highway 101 right-of-way, including the development of temporary points of access to the subject parcel or display. For more information, please refer to the EP Manual, Chapter 300, Exceptions to Policy: <<https://dot.ca.gov/programs/traffic-operations/ep/ep-manual>>.

To streamline the EP application and review process, we require the applicant to consult with our EP staff prior to submitting an application. Requests for EP applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6385.

Please contact me with questions or for further assistance at (707) 441-4693, or by email at <jesse.robertson@dot.ca.gov>.

Sincerely,



JESSE G. ROBERTSON  
Transportation Planning  
District 1 Caltrans

c: Heidi Quintrell, Caltrans District 1, Encroachment Permits Chief  
James Arbis, Caltrans HQ Outdoor Advertising, Acting Chief

---

**From:** ROBERTSON, JESSE GRAHAM@DOT [jesse.robertson@dot.ca.gov]  
**Sent:** Monday, February 10, 2020 10:56 AM  
**To:** Odry, Zsofia  
**Subject:** App 16029, APN: 305-031-007  
**Attachments:** HUM\_101\_74.1\_Sign\_rwe.pdf

Zsofia,

When you have a moment, I would like to speak to you about this project. If you have a hearing already scheduled, can you let me know what the date is?

Also, you should be aware that the billboard will need to be installed outside the State right of way. The attached image shows a corner of the billboard within State right of way, so new footings will likely be needed. The attached image does not use field survey quality, but it is still likely that the sign, when it was standing, extended slightly into our RW. We will require that the sign company hire a land surveyor to mark the RW prior to re-installation. We can supply the County with right of way and survey information needed for the survey or allow the applicant's agent to request this information directly from Caltrans. Let us know which method you prefer, as it will take us some time to gather maps and survey data, etc.

Thanks.

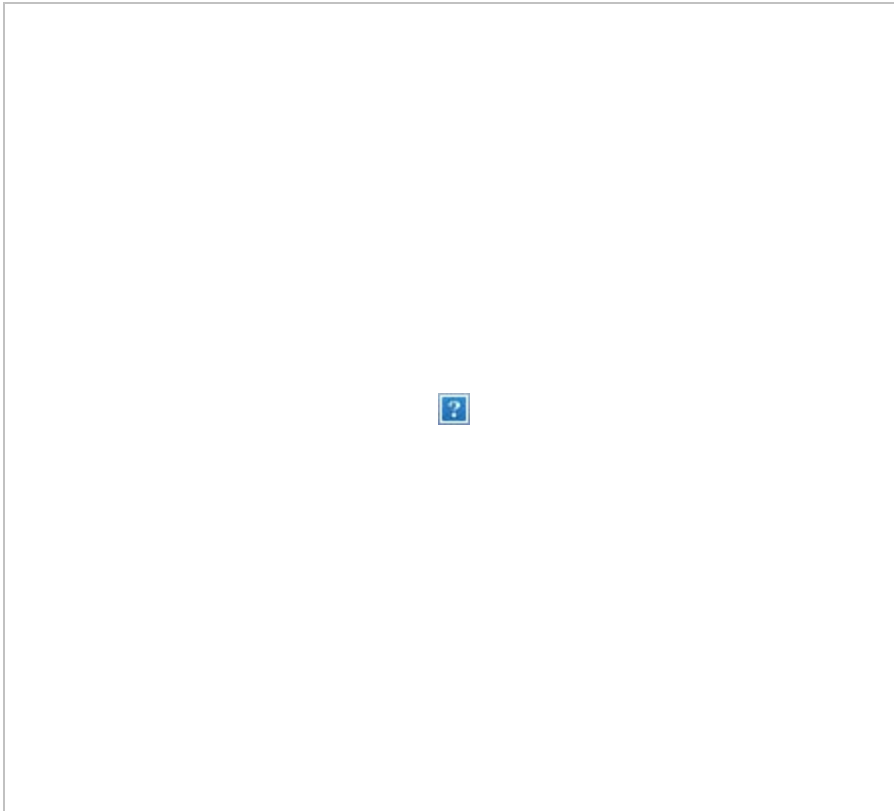
Jesse Robertson  
Transportation Planning  
Caltrans District 1  
707-441-4693

**From:** [ROBERTSON, JESSE GRAHAM@DOT](mailto:ROBERTSON_JESSE_GRAHAM@DOT)  
**To:** [Odry, Zsafia](#)  
**Cc:** [Lazar, Steve](#)  
**Subject:** FW: Request re: King Salmon billboard  
**Date:** Tuesday, February 18, 2020 11:17:16 AM  
**Attachments:** [image001.jpg](#)

---

Zsafia,

Since submitting our initial letter, new information has emerged about the site and having had telephone conversations with both you and Steve Lazar, I would like to clarify in writing. Jennifer Kalt, in her email below, describes both the orange and yellow circled billboards in the county prepared exhibit as “the billboard”. To clarify, the “orange billboard” at PM 74.25 (the fallen one) appears to be outside of State RW. The “yellow billboard” at PM 74.12 may extend into State RW (would need to confirmed). Caltrans provided a map that estimates the relationship of the “yellow billboard” and the RW and shows a corner of the “yellow billboard” sticking into State RW. We can provide RW and survey records to the sign owner’s land surveyor if the owner needs or wishes to locate the RW accurately.



Jesse Robertson  
Transportation Planning  
Caltrans District 1  
707-441-4693

---

**From:** Jennifer Kalt <[jkalt@humboldtcounty.org](mailto:jkalt@humboldtcounty.org)>  
**Sent:** Sunday, February 16, 2020 10:26 PM  
**To:** ROBERTSON, JESSE GRAHAM@DOT <[jesse.robertson@dot.ca.gov](mailto:jesse.robertson@dot.ca.gov)>  
**Subject:** Request re: King Salmon billboard

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Hi Jesse,

I saw your letter and email to the Humboldt County planner re: the fallen billboard near King Salmon, saying the billboard will need to be installed outside the State right of way. You referenced an image that shows a corner of the billboard within State right of way.

The image was not included in the County staff report - can you please send that?

Also, just fyi, the ODA states at [CA Bus & Prof Code § 5405 \(2016\)](#) that

Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following: ...

I do not believe that any of the exceptions apply in this case, but would be interested in your interpretation of the regs.

Thank you,

Jennifer Kalt, Director  
Humboldt Baykeeper  
Office: 415 I Street in Arcata  
Mail: 600 F Street, Suite 3 #810, Arcata, CA 95521  
(707) 499-3678  
[www.humboldtcounty.org](http://www.humboldtcounty.org)

## ATTACHMENT 5

### CALTRANS –COMMUNICATIONS SUMMARY AND RECENT EMAIL

The following information was confirmed during conversations with staff from the State Office of Outdoor Advertising.

- 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.
- Three (3) field inspectors share responsibility for monitoring outdoor advertising displays along highways in most of Northern California.
- When an Outdoor Advertising Permit has been granted to a display, inspectors verify whether the sign is still standing and whether it is hosting content which qualifies as advertising.
- When staff from the Outdoor Advertising office learn that a permitted display (billboard) has been destroyed, a field survey is conducted to verify the condition of the structure. If the signage has not been repaired, a letter is sent to the permit holder notifying them that they have 60 days (from the date of the notice) to make repairs or replace the display, and place advertising copy. If these milestones are not completed in a timely manner, the outdoor advertising permit will be revoked. Permit revocation may be appealed.
- §2271 of the Outdoor Advertising Regulations defines what constitutes a "Destroyed Display". Upon receiving written notice from the Permittee showing good cause prior to the 60th or last day of the time period, the Outdoor Advertising office can extend additional time to the permittee not to exceed a total of six months.
- During a conversation on March 12, 2020 with field inspector Phillip Sherman, it was verified that no letter had yet been mailed to the permittee concerning the destroyed display. Part of the reason for this is that field inspectors have not yet had a chance to verify the condition of the billboard in person.
- 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.
- 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.
- An Outdoor Advertising Permit has been issued for the sign and remains valid and effective at this time.
- 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.

**From:** Parmelee, Kenneth B@DOT <[kenneth.parmelee@dot.ca.gov](mailto:kenneth.parmelee@dot.ca.gov)>  
**Sent:** Thursday, March 5, 2020 2:07 PM  
**To:** Odry, Zsofia <[zodry1@co.humboldt.ca.us](mailto:zodry1@co.humboldt.ca.us)>  
**Subject:** Permit 15322

Zsofia,

This email is to confirm that permit 15322 is an active and valid permit.

Also, I would suggest taking a look at the attached reference guide on customary maintenance. For your convenience, Section 2270 of the CA Code of Regulations (page 67) describes customary maintenance.

As discussed, our northern area manager is James Arbis. Here is his contact info:

Email: [James.Arbis@dot.ca.gov](mailto:James.Arbis@dot.ca.gov)  
Tel: (916) 654-6413

Have a good day.

Ken

Kenneth Parmelee  
Office of Outdoor Advertising  
(916) 651-9327



**OUTDOOR ADVERTISING REGULATIONS**  
**California Code of Regulations, Title 4, Division 6, Chapter 1**

**§ 2270. Customary Maintenance.**

“Customary maintenance” means any activity performed on a Display for the purpose of actively maintaining the Display in its existing approved physical configuration and size dimensions at the specific location approved on the application for State Outdoor Advertising Permit, or at the specific location officially recorded in the records of the Department for a legally placed Display, for the duration of its normal life.

(a) Customary maintenance includes the following activities:

(1) Changing of the advertising message.  
(2) Adding an Extension to an outside dimension of a Display as incident to the copy for a temporary period up to three years.

(3) The sale, lease, or transfer of the Display or its Permit.

(4) Adding a Light Box.

(b) Customary does not include the following (all of which acts are considered as a “placing” of a new advertising Display):

(1) Raising the height of the Display from ground level.

(2) Relocating all or a portion of a Display.

(3) Adding a back-up Facing to a single Facing Display.

(4) Increasing any dimension of a Facing except as permitted by Section 2270(a)(2).

(5) Turning the direction of a Facing.

(6) Adding illumination or a Changeable message, including, but not limited to, “tri-vision” signs, with the exception of a light box.

Note: Authority cited: Sections 5250 and 5415, Business and Professions Code.

Reference: Section 5415, Business and Professions Code.

**HISTORY**

1. New section filed 6-25-76; effective thirtieth day thereafter (Register 76, No. 26).

2. Amendment of NOTE filed 7-22-77 as procedural and organizational; effective upon filing (Register 77, No. 30).

3. Amendment filed 9-20-99; operative 10-20-99 (Register 99, No. 39).

4. Amendment of subsection (b)(6) filed 11-23-2004; operative 12-23-2004 (Register 2004, No. 48).



**OUTDOOR ADVERTISING REGULATIONS**  
**California Code of Regulations, Title 4, Division 6, Chapter 1**

**§ 2271. Destroyed Display.**

(a) A Display is destroyed and not eligible for customary maintenance when for 60 days after notice from the Department, it remains damaged and is not used for the purpose of outdoor advertising in the configuration (size, Facings, location, structure) approved by the Department.

(b) When the Department becomes aware of or identifies a damaged Display, the Department mails a written notice by certified mail to the Permittee beginning the 60-day time period for the Permittee to refurbish, replace, rebuild, or re-erect in kind or smaller the damaged Display and to place advertising copy. An “available for lease” or similar message that identifies the advertising availability of the Display on which the message is placed is advertising copy as long as the message contains a valid telephone number or address to contact for information, if the display has been otherwise refurbished, replaced, rebuilt, or re-erected in kind. Refurbishing, replacing, rebuilding or re-erecting shall be to the approved characteristics as recorded in the department's records for the Display. This notice is not necessary if the Permittee has completed repair back to the approved characteristics prior to notice being issued by the Department.

(c) The Permittee has until the end of the 60-day time period identified in the Department's notice to repair, replace, rebuild, or re-erect in kind the damaged nonconforming Display and place advertising copy. Upon receiving written notice from the Permittee showing good cause prior to the 60th or last day of the time period, the Department may extend the established time period not to exceed a total of six months. In such case, the Department shall issue a written response identifying by what date the work must be completed.

(d) When the Display is not restored and advertising is not placed before the last day of established time period, the Display's customary maintenance is ended and the Display is deemed destroyed. When the Display is deemed destroyed, the permit is revoked, subject to appeal and the remains of the Display are subject to removal under the violation process in Chapter 3.6, commencing with section 2440 in Title 4 of the California Code of Regulations. After the permit is revoked, a permit may not be issued for the location unless the Display conforms to all laws and regulations in effect at the time of application. The last Permittee is responsible for the removal of all remnants of the destroyed Display.

Note: Authority cited: Sections 5250 and 5415, Business and Professions Code.

Reference: Sections 5225 and 5463, Business and Professions Code; and 23 CFR 750.707(d)(6)(i).

**HISTORY**

1. New section filed 6-25-76; effective thirtieth day thereafter (Register 76, No. 26).
2. Amendment of NOTE filed 7-22-77 as procedural and organizational; effective upon filing (Register 77, No. 30).
3. Repealer and new section filed 9-20-99; operative 10-20-99 (Register 99, No. 39).
4. Amendment of section heading and subsections (a)-(b) and (d) filed 11-23-2004; operative 12-23-2004 (Register 2004, No. 48).

ATTACHMENT 6

ADDITIONAL PUBLIC COMMENTS RECEIVED SINCE FEB. 20<sup>TH</sup> PC MTG.

**From:** Geoff W <[geoffwills33@yahoo.com](mailto:geoffwills33@yahoo.com)>

**Sent:** Friday, February 21, 2020 12:14 PM

**To:** Ford, John <[JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)>; Lazar, Steve <[SLazar@co.humboldt.ca.us](mailto:SLazar@co.humboldt.ca.us)>; Odry, Zsafia <[zodry1@co.humboldt.ca.us](mailto:zodry1@co.humboldt.ca.us)>; Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>

**Cc:** Bohn, Rex <[RBohn@co.humboldt.ca.us](mailto:RBohn@co.humboldt.ca.us)>; Fennell, Estelle <[EFennell@co.humboldt.ca.us](mailto:EFennell@co.humboldt.ca.us)>; Wilson, Mike <[Mike.Wilson@co.humboldt.ca.us](mailto:Mike.Wilson@co.humboldt.ca.us)>; Bass, Virginia <[VBass@co.humboldt.ca.us](mailto:VBass@co.humboldt.ca.us)>; Madrone, Steve <[smadrone@co.humboldt.ca.us](mailto:smadrone@co.humboldt.ca.us)>

**Subject:** Public comments affecting outcome/commissioners personal feelings

John, Steve and Zsafia-

I really appreciate your hard work and research you've put into my project. I cannot find emails for each commissioner so I hope this email can reach them. I am also CC the board as you've all pointed these commissioners, and I'm troubled by some of their actions.

First and foremost, I would like to express my extreme displeasure with the commissions opting to delay my application, causing another \$2,500 in lost income to my company, over the false statements of a public speaker. Especially when I corrected her error. Jen Kalt said that no billboard can be within 660' of the state right of way, that is completely incorrect. The law states that no billboards shall be within 660' of the state right of way WITHOUT having a Caltrans permit. Caltrans only regulates and governs boards that are within 660'. Since this billboard is located closer than 660', its required to have a permit, which it does. As the only person in that room last night that has permitted and installed both billboard repairs and new projects, when I correct a false statement from someone with a clear agenda, that should have been it. You also could have easily followed staff recommendation, approved the project and conditioned your approval that I meet all other jurisdictions requirements. We did not need to delay this for another month.

My level of frustration and complete shock with some members of our planning commissions is at an all time high. Our planning commissions needs to have the intelligence and self control to separate their personal and friends feelings from their job to represent the well being of the entire county. At no point should any planning commissioner feel like they need to publicly state that the will of the people of our county is to have billboards removed, yet Melanie stated that last night and was prepared to vote with that sentiment in mind. One cannot make that statement or judgment without any evidence to back it up. As I said, our county has 136,000 people in it, there has been no research conducted to have any idea the true will of the people of this county. Staff and commissioners have heard from far less than 1% of our population. Since people are sharing their opinions, I'll share one, I'd venture to guess that 134,000 people don't even care either way, 1,500 people don't like them and 500 people like them, but sharing un validated stats are pointless and should be kept out of planning decisions that actually affect peoples daily lives. I can give you some real facts and provide evidence to back it up if needed, 42 local business choose to spend \$1,658,868.00 on billboards in 2019. These 42 business and our other local business are the entire backbone of this county. Melanie, you publicly stated that the 8 jobs my company provides does not matter, I found that statement to be incredibly offensive. Humboldt county need policy that does everything possible to help create and maintain jobs so long as there are no negative effects. There is absolutely no evidence that there is any negative effect from our legal billboards, aside from the opinions of .000% of the public, the staff report goes into great detail showing there is no environmental effects.

I agree that we need to develop clear policy to prevent future permits from the burden of being subject to the current board/director/commissions feelings. But until there is a clear policy, the commission should not delay or deny my project against staffs recommendation.

If/when there is a clear defined policy and if that policy has determined that legal non conforming structures/business should be removed to benefit the public, I then ask, as a private property owner and business owner who is very invested in these signs, that the government follow the 5th admentment and compensate private property owners. Don't use permits, codes and zoning changes to skirt the rights of private property, that is not fair and will ruin peoples lives by taking away there means to provide for

themselves.

Thanks for (hopefully) taking the time to read this.

Geoff Wills  
Allpoints advertising, Inc  
Ca Lic # 1000990 C-45  
Office 707-442-7781  
Cell 714-655-0763  
Fax 707-442-8304

---

**From:** Geoff W <[geoffwills33@yahoo.com](mailto:geoffwills33@yahoo.com)>  
**Sent:** Wednesday, February 26, 2020 11:46 AM  
**To:** Lazar, Steve <[SLazar@co.humboldt.ca.us](mailto:SLazar@co.humboldt.ca.us)>; Ford, John <[JFord@co.humboldt.ca.us](mailto:JFord@co.humboldt.ca.us)>  
**Subject:** KINS survey

This was link was sent to me, just thought I'd share.

Geoff Wills  
Allpoints advertising, Inc  
Ca Lic # 1000990 C-45  
Office 707-442-7781  
Cell 714-655-0763  
Fax 707-442-8304

## Tuesday 011420

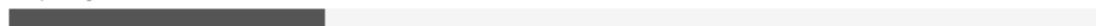
Poll Results:

With two billboards in the Highway 101 safety corridor falling down due to high winds last year, should they be restored?

Yes, they should be restored - 71%



No, they should not be restored - 29%



---

**From:** Christina Huff <[bubbe354@icloud.com](mailto:bubbe354@icloud.com)>  
**Sent:** Monday, February 24, 2020 9:03 PM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Cc:** Christina Huff <[christina354@gmail.com](mailto:christina354@gmail.com)>  
**Subject:** Do Not Approve Billboards

Billboards aren't allowed in coastal wetlands, flood zones, or the right-of-way of a highway. CalTrans says the billboard will have to be moved out of the highway right-of-way, and the entire property is coastal wetlands. Billboards aren't allowed except in commercial and industrial zones so how it be consistent with the zoning of this area which is Natural Resources, Agriculture Exclusive, or Public Facilities.?

I have despised these ugly blots on our beautiful Humboldt landscape for years. Please take this opportunity to improve the scenic, aesthetic qualities of the community .

**From:** Joel Ziegler <[bioljoel@yahoo.com](mailto:bioljoel@yahoo.com)>  
**Sent:** Wednesday, February 19, 2020 5:04 PM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** Billboards Elk River

Let me first say Zoning is an open and transparent government process and should be accepted as a rule. Use permits should only be granted when there is some overriding public benefit is proven. In this case there has been only one benefit established and that is monetary enrichment. The application needs to be denied as it does not comply with zoning and has no public benefit. I have some interest in the Elk River estuary as my complaint to the City of Eureka led them to clean-up their dumping of debris into Elk River and nearby bank and lands as mitigation of harbor docking and development. Yours, Joel Ziegler 216 Del Norte Street, Eureka, CA 95501

---

**From:** Sarah Brooks <[sarahbv72@gmail.com](mailto:sarahbv72@gmail.com)>  
**Sent:** Wednesday, February 19, 2020 5:17 PM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** Billboard

Please don't allow the fallen billboard to be rebuilt in the wetlands. We need natural space for wildlife more than we need advertising. Thank you, Sarah Brooks

---

**From:** Ellen E Taylor <[ellenetaylor@yahoo.com](mailto:ellenetaylor@yahoo.com)>  
**Sent:** Sunday, February 23, 2020 11:34 AM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** billboard in Elk River wetlands

Dear Planning Clerk,

Please deny a permit for a billboard in the Elk River wetlands. We are deluged with enough advertisements already what with TV, internet, phones, radio etc and to assault wetlands with more of them pushes tolerance to the point of exhaustion.

The billboard is fortuitously down. Please take advantage of that fact and obey the regulations covering the Coastal Zone and wetlands.

The public will be grateful.

Thanking you,

Ellen Taylor  
629 3500

---

**From:** Rich/Freiman Family <[flotsam11@suddenlink.net](mailto:flotsam11@suddenlink.net)>  
**Sent:** Thursday, February 20, 2020 9:06 PM  
**To:** Planning Clerk <[planningclerk@co.humboldt.ca.us](mailto:planningclerk@co.humboldt.ca.us)>  
**Subject:** billboards

Dear County Planning Commision,

While perusing the HUMBOLDT COUNTY CODE ZONING REGULATIONS TITLE III LAND USE AND DEVELOPMENT DIVISION 1 PLANNING regulations, I found the following:

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. (Former Section INL#316-18(g); Added by Ord. 2213, Sec. 1, 4/25/00)

This doesn't include coastal wetlands, flood zones or the right-of-way of a highway. Therefore billboards are not to be erected in these areas. Therefore no permit for billboards in these areas can be issued.....right?

Aside from what appears to be an attempt to side-step these regulations, billboards are unsightly and block views of our gorgeous area. Just say No.

Sincerely,  
Barbara Rich