

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

In the Matter of the Appeal  
of Stott Outdoor Advertising

[Larry and Frances  
Montgomery- AB 17-06]

FINDINGS OF FACT AND DECISION

This proceeding was commenced by virtue of an appeal by Stott Outdoor Advertising (the “Appellant”) of the Planning Commission’s determination on October 26, 2017, to deny the Appellant’s request for a Major Use Permit (UP 17-06) and Design Review (DR 17-07) for an off-site sign (billboard) at 2325 E. Highway 20 in Nice, California (the “Project”).

A duly noticed public hearing on the appeal was held before this Board on February 27, 2018, and evidence, both oral and documentary, was presented. Based upon the evidence and applicable law, we find the following:

1. That on October 26, 2017, the Appellant requested that the Planning Commission approve a Major Use Permit and Design Review for a new off-site sign at 2325 East Highway 20 in Nice, California. The Project proposes an off-site billboard sign containing two sign faces, each 300 square feet in area. The sign proposed is 22 feet in height.
2. That the Appellant is Stott Outdoor Advertising, acting on behalf of property owners Larry and Frances Montgomery. The Appellant has appealed the above-described decision of Planning Commission. The Appellant offers multiple grounds in support of its appeal, including that the policies and design guidelines in the Upper Lake-Nice Area Plan used to support denial are inapplicable to this matter, the

1 findings in regard to the incompatibility of the Project to surrounding land uses  
2 were made without sufficient discussion of compatibility, and that there was  
3 insufficient consideration given to the General Plan and the Upper Lake-Nice Area  
4 Plan policies which encourage growth and development at this particular Project  
5 site.

6 3. Staff of the Community Development Department (hereinafter, "staff") presented  
7 evidence both documentary and testimonial. Staff submitted a staff report dated  
8 January 25, 2018 which includes Exhibits "A" through "D". Testimony offered by  
9 staff included a power point presentation made by Associate Planner Eric Porter.

10 4. Appellant presented testimonial and documentary evidence in support of the appeal.  
11 Greg Redeker, a representative for the Appellant, also made a power point  
12 presentation. Mr. Redeker testified that the Project site is zoned C3DR, which is  
13 the most intensely commercial district the County has, and the applicable General  
14 Plan and Area Plan policies encourage the development of heavy commercial use.

15 5. Two members of the public testified in support of the Board's denial of this appeal

16 6. That this Board finds, based on the evidence and facts presented in this matter as  
17 follows:

18 a. That the findings required for the issuance of a major use permit as described  
19 in Section 51.4 of the Lake County Zoning Ordinance can be made and are  
20 hereby made by this Board.

21 1. That the establishment, maintenance, or operation of the use applied for  
22 will not under the circumstances of the particular case, be detrimental to the  
23 health, safety, morals, comfort and general welfare of the persons residing or  
24 working in the neighborhood of such proposed use, or be detrimental to  
25 property and improvements in the neighborhood or the general welfare of the  
26 County. Although Community Development staff indicated that the  
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1 proposed sign would have a detrimental effect on the viewshed, this area is  
2 already commercial and intended for industrial uses. The area presently  
3 allows, without a permit, tire and muffler shops, machine shops, and buildings  
4 and signs up to 35 feet in height. This sign will emit no odor, create no dust,  
5 make no noise, and will not generate new daily traffic.

6 2. That the site for the project is adequate in size, shape, location, and  
7 physical characteristics to accommodate the type of use and level of  
8 development proposed. Although the site is small, there was no significant  
9 evidence to indicate the site could not accommodate the proposed signage.

10 3. That the streets, highways and pedestrian facilities are reasonably adequate  
11 to safely accommodate the specific proposed use. Although the Planning  
12 Commission found this signage would be a distraction to drivers, this Board  
13 finds that the nature of this use in an area zoned for heavy commercial uses  
14 presents no such distraction and this finding can be made.

15 4. That there are adequate public or private services, including but not limited  
16 to fire protection, water supply, sewage disposal, and police protection to  
17 serve the project. No evidence was presented which would challenge this  
18 finding.

19 5. That the project is in conformance with the applicable provisions and  
20 policies of the Zoning Ordinance, the General Plan and any approved zoning  
21 or land use plan. Although Community Development staff indicated that this  
22 Project is not in conformance with certain policies of the General Plan and  
23 the Nice Area Plan, staff also acknowledged that such policies are advisory in  
24 nature. Given the zoning of this area and the fact that, while Highway 20 is  
25 designated as a scenic corridor, the specific area in which this Project is to  
26 be located is zoned for heavy commercial uses, this Board believes this  
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1 finding can be made. Additionally, this Board incorporates the analysis of  
2 the Appellant relevant to this finding.

3 6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code  
4 currently exists on the property, unless the purpose of the permit is to  
5 correct the violation, or the permit relates to a portion of the property which  
6 is sufficiently separate and apart from the portion of the property in violation  
7 so as not to be affected by the violation from a public health, safety or  
8 general welfare basis. No such violations exist.

9 b. That the findings required for the approval of a design review permit as  
10 described in Section 54.5 of the Lake County Zoning Ordinance can be made  
11 and are hereby made by this Board.

12 1. That the proposed use is a permitted use in the district where located. The  
13 evidence presented showed that the Project site is Service Commercial "C3"  
14 and Design Review "DR" which allows off-site signs subject to the approval  
15 of a major use permit and design review.

16 2. That the site for the project is adequate in size, shape, location, and  
17 physical characteristics to accommodate the type of use and level of  
18 development proposed. This finding has been addressed hereinabove in  
19 section 6a.

20 3. That there are adequate public or private services, including but not limited  
21 to fire protection, water supply, and sewage disposal. This finding was  
22 addressed hereinabove in section 6a.

23 4. That the project is in conformance with the applicable provisions and  
24 policies of this Chapter of the Zoning Ordinance, the Lake County General  
25 Plan and any approved zoning or land use study or plan. This finding has been  
26 addressed hereinabove in section 6a.

1 5. That the placement and design of buildings and structures are compatible  
2 with existing development and will not detract from the visual setting. The  
3 Project site is zoned for heavy commercial use which presently allows,  
4 without a permit, uses such as tire shops, machine shops, and on-site signage.

5 6. That the project is in conformance with any applicable community design  
6 manual criteria. Staff presented evidence that are no applicable design  
7 standards in the applicable Area Plan. The applicable design standards in the  
8 Zoning Ordinance were not evaluated by staff.

9 7. That the streets, highways and pedestrian facilities are reasonably adequate  
10 to safely accommodate the specific proposed use. This finding has been  
11 addressed hereinabove at section 6a.

12 8. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code  
13 currently exists on the property, unless the purpose of the permit is to  
14 correct the violation, or the permit relates to a portion of the property which  
15 is sufficiently separate and apart from the portion of the property in violation  
16 so as not to be affected by the violation from a public health, safety or  
17 general welfare basis. This finding has been addressed hereinabove in  
18 section 6a.

19 c. That no review has been completed pursuant to the requirements of the  
20 California Environmental Quality Act ("CEQA") because Community  
21 Development staff recommended the denial of this appeal.

22 d. That this Board has considered and incorporates by reference the Community  
23 Development staff memorandum and exhibits thereto submitted to this Board  
24 for the hearing, as well as the letter brief and exhibits thereto submitted by  
25 the Appellant.

26 7. Based upon all the foregoing and for the reasons set forth hereinabove, this Board  
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1 grants the appeal of the Appellant Stott Outdoor Advertising subject to a CEQA  
2 review to be completed by Community Development staff and returned to this Board  
3 for its consideration.

4 **NOTICE TO APPELLANT:** You are hereby given notice that the time within which  
5 any judicial review of the decision herein may be sought is governed by the provisions of  
6 the Code of Civil Procedure Section 1094.5.

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9 Dated: \_\_\_\_\_ CHAIR, Board of Supervisors

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12 ATTEST: CAROL J. HUCHINGSON  
13 Clerk to the Board  
14 of Supervisors

APPROVED AS TO FORM:

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16   
ANITA L. GRANT  
County Counsel

17 By: \_\_\_\_\_  
18 Deputy