



**COUNTY OF LAKE**  
COMMUNITY DEVELOPMENT DEPARTMENT  
Planning Division  
Courthouse - 255 N. Forbes Street  
Lakeport, California 95453  
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Item 1  
9:05 AM  
February 11, 2021

## STAFF REPORT

**TO:** Planning Commission

**FROM:** Scott DeLeon, Community Development Director  
Tocarra Nicole Thomas, Community Development Deputy Director

Prepared by: Eric Porter, Associate Planner

**DATE:** February 11, 2021

**RE:** **Stott Outdoor Advertising; Major Use Permit (UP 19-30), Design Review (DR 19-03) and Initial Study (IS 19-48).** APN: 004-055-23

Supervisor District 3

**ATTACHMENTS:**

1. Vicinity Map
2. Agency Comments
3. Conditions of Approval
4. Site Plan, Sign Graphics
5. Initial Study IS 19-48

### **I. EXECUTIVE SUMMARY**

The applicant is requesting approval of a Major Use Permit and Design Review for a new 22' tall two-faced billboard to be placed approximately seven feet from the Highway 20 right-of-way on the subject site. The site is located at 2450 Stokes Avenue, Nice.

The seven foot setback is less than the 10' setback required in the C3 Zoning District, however the applicant can have up to 25% relief (2.5 feet) to a setback through a use permit approval.

Staff is recommending conditional approval of Major Use Permit (UP 19-30) and adoption of Initial Study (IS 19-48).

### **II. PROJECT DESCRIPTION**

Applicant: Stott Outdoor Advertising  
Owner: Joseph Doyle  
Location: 2450 Stokes Avenue, Nice, CA

A.P.N.: 004-055-23  
Parcel Size: 1.26 acres  
General Plan: Service Commercial  
Zoning: “C3-DR” – Service Commercial – Design Review Overlay  
Flood Zone: X  
Fire Hazard: None mapped  
Earthquake Fault: None mapped  
Slope: Flat, less than 10%  
Fire Protection: Northshore Fire Protection District  
Vegetation: Several non-native trees, grass  
Submittal Date: September 11, 2019

### **III. PROJECT SETTING**

Existing Uses and Improvements: The site is developed with a small commercial building and a paved parking area on site near the opening of the building.

#### ***Construction***

*According to the applicant, the following is in regards to the site preparation and construction:*

- Ground disturbance and structure construction activities will take less than 1 week.

All equipment will be maintained and operated to minimize spillage or leakage of hazardous materials. Servicing of equipment will occur on an impermeable surface. In an event of a spill or leak, the contaminated soil will be stored, transported, and disposed of consistent with applicable local, state, and federal regulations.

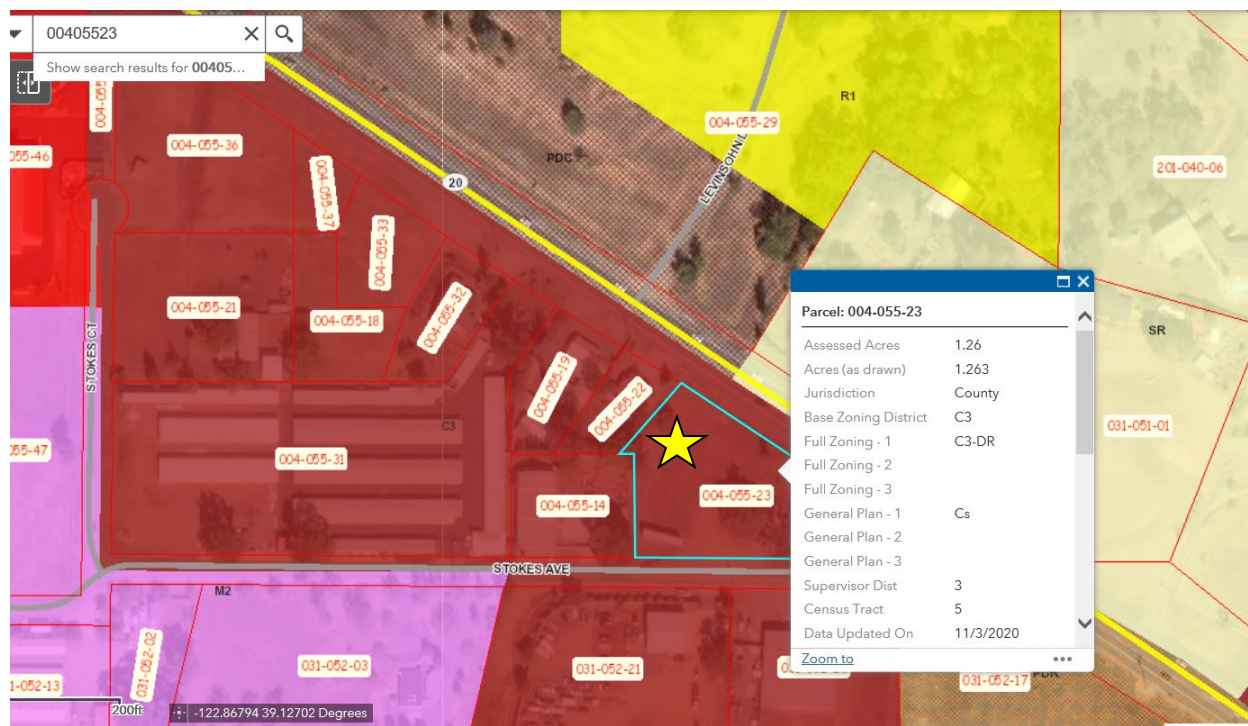
#### ***Post - Construction***

- Estimated trips to the sign – less than two vehicle trips per month for sign maintenance.

#### ***Surrounding Uses and Zoning***

- North: Suburban Residentially zoned lots, about 1 acre in size and containing dwellings
- South: Commercially zoned lots (C3-DR) with some service commercial development
- East: Mix of Suburban Residential (across Highway 20) and Planned Development Commercial lots that are undeveloped next to the site.

- West: Service Commercial zoned lot containing a mini storage facility.



**Zoning of Sites and Surrounding Lots**

#### IV. PROJECT ANALYSIS

##### **General Plan Conformance**

The General Plan designation for the subject site is Service Commercial.

The following General Plan policies relate to site development in the context of this proposal:

Goal LU-1: To encourage the overall economic and social growth of the County while maintaining its quality of life standards.

- Policy LU-1.3 Prevent Incompatible Uses. The County shall prevent the intrusion of new incompatible land uses into existing community areas.

*The immediate area contains several existing billboards and large signs. The C3 zoning district allows billboards subject to review and approval of a major use permit.*

Goal LU-6: To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, and service needs of Lake County residents.

- Policy LU 6.1: The County shall actively promote the development of a diversified economic base by continuing to promote agriculture, recreation services and commerce and by expanding its efforts to encourage industrial and non-industrial corporate developments, and the developments of geothermal resources.

*The billboard will enable local and non-local businesses to advertise in a manner that will be highly visible from Highway 20 in Nice, CA. This will ultimately aid those businesses that advertise on this sign by promoting the individual business.*

### **Upper Lake - Nice Area Plan Conformance Analysis**

The subject site is within the Upper Lake - Nice Area Plan's boundary. The Plan does not contain policies that apply to commercial cannabis cultivation, although there are policies that apply to economic development, and this applicant would have up to 10 employees during peak harvest times. The following text applies to economic development in this area.

**Economic Development** - The issues of general economic development for Lake County should be addressed by diversification and strengthening of the agriculture and tourism industries. The attraction of non-agriculture or tourism related business would help to provide a more stable, year-around economic base.

**5.1 Economy** - A high priority should be placed on increasing local opportunities for employment. Adequate amounts of land should be designated commercial and manufacturing to accommodate future growth. A long-rang plan needs to provide adequate land use allocations to meet the community's needs while at the same time protecting vital natural resources.

**5.1.1c** Coordinate efforts with the Lake County Business Outreach and Response Team to attract "clean industries" to the area.

*The billboard has the potential to advertise for local businesses. No adverse odors or other by-products of the sign are anticipated. Vehicular trips are minimal, projected to be no more than one vehicle trip per month for routine sign maintenance and copy-changing. There will be minimal construction traffic, and construction is anticipated to last no more than one week. The only public utilities that will be needed are power, and power is available adjacent to the site along Highway 20.*

### **Zoning Ordinance Conformance**

#### **Article 55 – Design Review**

##### **Subsection 55.2 Information for application submittal**

(a) A site plan with all dimensions clearly indicated, and the following information as applicable:

1. North arrow and scale of drawing.

**Provided**

2. Site address.

**Provided**

3. Lot dimensions and boundaries; including the total area of property presented in square feet or acres.

**Provided**

4. Location of all existing and proposed structures, with dimensions, including height.

**Provided.**

5. Distance from proposed structure(s) to property lines, centerline of the street or alley, and existing structures.

**Provided.**

6. Walls and fences: Their location, height, and construction materials.

**No walls or fences are proposed. There is an existing 6' tall chain link fence along the Highway 20 property line; see photo below.**



7. Public right(s)-of-way: With street names, route numbers, width of right-of-way, and surfacing.

**The width of the right-of-way of Highway 20 adjacent to the site is not identified on the plans submitted, however the road is a California State Highway with two 12' wide travel lanes and a shoulder that varies in width from two to four feet in the vicinity of the site.**

8. Off-street parking: Location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

**Not applicable. There are no parking standards associated with billboards.**

9. Access: Pedestrian, vehicular, service; and delineations of all points of ingress and egress.

**The site plan submitted shows the entry gate leading to the sign's site on the property. No pedestrian access is needed; the site only needs to accommodate vehicular traffic for sign installation and maintenance.**

10. Signs: Location, size, height, and method of illumination.

**The location and method of illumination of the proposed sign are provided. Some light fixture details are provided and comply with darkskies.org recommendations for downcast lighting.**

11. RESERVED.

12. Proposed street dedications and improvements.

**No street dedications or improvements are proposed or necessary.**

13. All easements shall be shown.

**There are no known easements on the subject site.**

14. Location of well and/or septic field, or indication that the property is to be served by public water and/or sewer.

**The sign does not require septic or water.**

15. Landscape plans.

**None provided and no landscaping is required for the sign.**

- (b) Information needed to determine that the performance standards of Article 41 will be met.

**Provided.**

- (c) Any request for amendment to the performance standards of Article 41 shall be in writing with an explanation of why the standard(s) should be waived.

**The applicant is requesting a deviation from the 10' setback from the highway (proposed is 7' setback to highway right-of-way). The applicant can get up to 25% relief to a front yard setback through a use permit; the applicant will need to move the sign into the site by 6" in order to meet the 25% threshold allowed by the Lake County zoning ordinance.**

- (d) All required fees shall be paid at the time of filing the application with the Planning Department, and no processing shall commence until the fee is paid.

**Application fees have been paid. If this sign is approved, then a Fish and Wildlife fee will be required to be paid as a condition of approval since an Initial Study was required.**

- (e) When filed by an agent, contract purchaser or lessee, the application shall include a written statement signed by the property owner(s) indicating his or her endorsement of the application.

**Provided in the application packet submitted.**

- (f) A signed statement by the applicant indicating whether the project is located on a site which is included on any of the lists relating to hazardous waste, provided to the County by the State Office of Planning and Research pursuant to Government Code Section 65962.5(f).

**The project area is not listed as a location of hazardous waste.**

- (g) Additional information:

**The materials listed in this subsection are already described in Section 55.2(a).**

2. The applicant may be requested to provide more detailed information on a project as part of the application requirements, including but not limited to the following: Soils reports; drainage plans; geologic, hydrologic, or seismic investigations; archaeological reports; biological studies; flood hazard reports; market analysis; fiscal impact studies; noise studies; traffic and circulation studies or other pertinent studies of a technical nature which would assist the Planning Department in its evaluation of, or mitigation of, any potential adverse impacts.

**Lake County prepared an Initial Study for the billboard. The Initial Study was sent to the State Clearinghouse on October 29, 2020. CalTrans initially submitted an inquiry regarding the setback from the fog line, however on January 6, 2021, the County received confirmation that the proposed setback complied with the 20' CalTrans required setback from the fog line on Highway 20 next to the site.**

## ***Article 45 - Signs***

### **45.2 Definitions.**

- (l) Off-site sign: Any sign which directs attention to a business, commodity, service, use or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**The proposed sign is intended on advertising businesses located elsewhere; therefore it is categorically identified as an off-site sign.**

## **SEC. 21-45.20 OUTDOOR ADVERTISING AND OFF-SITE SIGNS**

**45.22 Off-site outdoor advertising (billboard) signs may be permitted in the ... “C3” zoning district subject to first obtaining a major use permit in each case; and subject to the following regulations: (Ord. No. 2886, 02/26/2009)**

(a) No more than four hundred (400) square feet in area per face.

**Each sign face is 300 square feet, or half of the maximum size allowed.**

(b) One sign per lot maximum.

**One sign is proposed and there are no signs on the lot.**

(c) Maximum sign height from ground level to bottom of sign: twelve (12) feet, unless down-sloping terrain from the road necessitates increasing the height. (Ord. No. 2886, 02/26/2009).

**Maximum height is shown to be 20’ from grade, and 10’ from grade to the low portion of the face of the sign**

(d) Signs shall be non-illuminated or illuminated by indirect lighting.

**Light fixture information was provided that shows compliance with this criterion.**

(e) Billboard signs shall be located within Community Growth Boundaries, within one-thousand (1,000) feet of said Boundaries or within an incorporated city’s sphere of influence.

**The sign site is located within the Nice Community Growth Boundary.**

(f) Use permits that are approved for billboard signs shall expire after five (5) years unless applications for renewals are filed and granted. Any subsequent use permit renewals may be approved for a maximum term of five (5) years. (Ord. No. 2886, 02/26/2009).

**This is a standard condition of approval for all billboards in Lake County.**

**45.26 Performance Standards: The following performance standards shall apply to all signs permitted in this chapter and article:**

(a) Signs permitted by this chapter shall conform to the size, location, height and other development and performance standards established for the zone in which they are located, except as may be modified herein. Signs permitted by Section 45.3 shall be permitted within any required yard area upon securing a minor use permit in each case, or as part of a major use permit, upon the finding that the location of the sign is necessary for visibility due to topographical, vegetative or other existing physical constraint.



**Off-Site (billboard) signs require a major use permit. These types of signs are allowed in the C3 zoning district subject to conformance with all applicable General Plan, Area Plan and Zoning Ordinance standards and criteria.**

(b) All lighted signs shall be so located or shielded to prevent glare to surrounding properties or public streets. No sign shall be so lighted as to in any way endanger public safety by causing distraction to operators of motor vehicles on the streets and highways.

**A cut sheet of the proposed light fixture has been provided along with the wattage. The fixture will be located above each of the two sign faces and will be downcast in a manner that the light source cannot be seen from the Highway or from nearby streets or properties.**

(c) All signs shall in no way endanger the health and safety by causing distraction to operators of motor vehicles on the streets and highways. Location, lighting and color of signs shall not cause confusion with public signs and traffic signals.

**As stated above, some lighting information was submitted and the fixtures appear to be compliant. No specific sign colors or text examples were provided other than a nearby ‘similar’ billboard owned by this applicant, who has indicated that the new sign will look like a neighboring sign.**

## **V. ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) requires agencies to evaluate the environmental implications of land use actions. An Initial Study and Negative Declaration (IS 19-48; Attachment 5) was prepared and circulated for public review in compliance with CEQA from November 3, 2020 to November 23, 2020. Comments from CalTrans were received that initially expressed setback concerns from the fog line, however the applicant and CalTrans were able to agree that the proposed setback does meet CalTrans setback requirements.

The Initial Study found that the project would not cause significant impacts in any of the categories listed within the Initial Study document. No mitigation measures are proposed, and standard conditions of approval for billboards are provided within Attachment 3, ‘Conditions of Approval’.

## **VI. MAJOR USE PERMIT FINDINGS FOR APPROVAL. Article 51, Section 51.4a**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.

*The immediate area contains various commercial uses that are typically seen within the C3 zoning district. As previously discussed, the potential impacts resulting from this sign were determined to be less than significant.*

2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.

*The proposal is for a 22' tall, two-faced billboard located on the 1.26 acre site at 2450 Stokes Road in Nice, CA. The Lake County Zoning Ordinance allows billboards on C3-zoned property when it meets the applicable criteria and standards. The applicant seeks a deviation from the 10' front yard setback requirement; this can be permitted up to 25% of the required setback through the use permit approval process. The subject property is 1.26 acres in size, large enough to allow the new billboard without interfering with the functionality of the property for traditional commercial uses. The existing building is presently vacant, however the billboard will not hinder the ability of the site to be used for future commercial use parking or other permitted activities.*

3. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

*The site is served by E. Highway 20, a designated scenic State Highway. The highway is adequate to safely accommodate the proposed use; there are no capacity issues with Highway 20, which has two 12' wide travel lanes, and two to four foot wide shoulders on either side of the Highway that can accommodate bicycles and pedestrian use at this location.*

4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.

*This application was routed to all of the affected public and private service providers including CalTrans, CAL FIRE, Northshore Fire District, Public Works, Special Districts, Environmental Health, and all area Tribes. Comments are attached as 'Attachment 2'. Ultimately, no adverse comments were received. The sign requires no water or sewer / septic; has power available to the site and the sign, and has direct access from Stokes Road, a paved County-maintained road.*

5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

*Billboards are allowed in the C3 zoning district through major use permit review and approval. The applicant has applied for an Initial Study, and no mitigation measures were determined to be necessary. The billboard complies with the three applicable documents that regulate development at this location; these documents include the General Plan, the Upper Lake – Nice Area Plan, and several articles within the Lake County Zoning Ordinance as specified herein.*

6. That no violation of Chapters 5, 17, 21, 23 or 26 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently

separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

*The site does not have any violations of Chapters 5, 17, 21, 23 or 26 of the Lake County Code.*

## **VII. RECOMMENDATION**

### **Staff recommends the Planning Commission:**

#### **A. Adopt negative declaration (IS 19-48) for Use Permit (UP 19-30) with the following findings:**

1. An initial study was prepared for this project by Lake County, and was sent to the State Clearinghouse on November 3, 2020. No adverse comments resulted in this Initial Study, and no mitigation measures are proposed.
2. This project will result in less than significant environmental impacts.
3. Any changes to the project will require either an amended Use Permit and/or a new Use Permit unless the Community Development Director determines that any changes have no potential to increase environmental impacts.

#### **B. Approve Use Permit UP 19-30 with the following findings:**

1. That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, locations, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities can be mitigated to be reasonably adequate to safely accommodate the proposed use.
4. That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.
5. That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use plan.

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

### **Sample Motions:**

#### **Mitigated Negative Declaration**

I move that the Planning Commission find that the **Initial Study (IS 19-48)** applied for by **Stott Outdoor Advertising** on property located at **2450 Stokes Road, Nice**, and further described as **APN 004-055-23** will not have a significant effect on the environment and therefore a mitigated negative declaration shall be approved with the findings listed in the staff report dated **February 11, 2021**.

#### **Major Use Permit (UP 19-30)**

I move that the Planning Commission find that the **Use Permit (UP 19-30)** applied for by **Stott Outdoor Advertising** on property located at **2450 Stokes Road, Nice**, and further described as **APN 004-055-23** does meet the requirements of Section 51.4 of the Lake County Zoning Ordinance and the Major Use Permit be granted subject to the conditions and with the findings listed in the staff report dated **February 11, 2021**.

***NOTE:** The applicant or any interested person is reminded that the Zoning Ordinance provides for a seven (7) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the Board of Supervisors may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the seventh calendar day following the Commission's final determination.*