

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

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August 8, 2006

FROM: **MICHAEL E. HAYS**, Director
Land Use Services Department - Current Planning Division

SUBJECT: **LAND USE DISTRICT GENERAL PLAN AMENDMENT, AN OPEN SPACE
ELEMENT GENERAL PLAN AMENDMENT, NINE CONDITIONAL USE PERMIT
APPLICATIONS, AND TENTATIVE PARCEL MAP 16028 WITH A MAJOR
VARIANCE; APPLICANT: GENERAL OUTDOOR ADVERTISING;
COMMUNITIES: BARSTOW, NEWBERRY SPRINGS, HARVARD (FIRST
SUPERVISORIAL DISTRICT)**

RECOMMENDATIONS:

1. Conduct a public hearing to consider a Declaration of an Intent to:
 - a. Adopt a Mitigated Negative Declaration;
 - b. Adopt a General Plan Amendment (GPA) to change the Land Use Districts from Resource Conservation (RC), Rural Living 40-acre minimum lot size (RL-40), Rural Living 5-acre minimum lot size (RL-5), Rural Living 2.5-acre minimum lot size (RL), and Multiple Residential – One dwelling unit per 5,000 square feet (5m-RM) to Highway Commercial (CH) on 162.08 acres; Applicant: General Outdoor Advertising; Communities: Barstow, Newberry Springs, Harvard (First Supervisorial District);
 - c. Adopt an Open Space Element GPA to remove the scenic corridor overlay on eight parcels totaling approximately 91.58 acres south of Interstate 15;
 - d. Approve Conditional Use Permits (CUP) 1, 2, 3, 4, 5, 6, & 7 to construct 14, double-sided, 35-foot tall, freeway-oriented primary signs with stealth telecommunication capability along Interstates 15 and 40 on 150.8 acres;
 - e. Approve a CUP to recognize an existing antique business with a caretaker's residence on 4.3 acres;
 - f. Approve a CUP to recognize an existing impound yard with a caretaker's residence on 10.32 acres
 - g. Approve Tentative Parcel Map 16028 to create four parcels with a major variance for lot width to depth ratio on 130 acres;
 - h. Adopt the Findings as recommended by the Planning Commission; and
 - i. File a Notice of Determination.
2. Continue for Final Adoption with the Second Cycle General Plan Amendments.

BACKGROUND INFORMATION: The proposed project consists of seven CUP applications to construct 14 double-sided, 35-foot tall, freeway-oriented primary signs along Interstate 15 and Interstate 40 (see Attachment – Project Detail for further information). Each application includes a GPA to change the existing Land Use Districts to CH, as well as to remove the scenic corridor

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Record of Action of the Board of Supervisors

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designation along Interstate 15. The project proposal also includes a CUP to recognize an existing antique business with a caretaker's residence on 4.3 acres, a CUP to recognize an existing impound yard with a caretaker's residence on 10.32 acres, and Tentative Parcel Map 16028 to create four parcels on approximately 130 acres. All of the primary signs are proposed with stealth telecommunications capabilities.

This project was originally submitted in 1999, with nine applications proposing 20 signs. After a thorough evaluation of the submittal, it was determined that some of the sign locations could not be approved. The County Development Code, as well as the State Business and Professions Code, require that billboards be located within 1,000 feet of an established commercial use, and must maintain a 750 foot separation between signs. Six of the proposed signs did not meet these criteria. As a result, the applicant withdrew the two CUP applications for these six signs and submitted the remaining seven CUP applications for 14 signs. The applicant also included a request to legally establish two existing commercial businesses in order to comply with the above-mentioned Code requirements. In addition, the applicant included a Tentative Parcel Map application to reduce the amount of proposed commercial acreage.

In addition to the criteria mentioned above, the County's Development Code only allows primary, freestanding signs (billboards) in two Land Use Districts, General Commercial (CG) and Highway Commercial (CH). Therefore, the project proposes several General Plan Amendments (GPA) to change the Land Use Districts to Highway Commercial (CH). Since the proposed sign locations along Interstate 15 are within a designated Scenic Corridor, a GPA is also required to remove this designation in order to allow the signs adjacent to the highway.

A total of 77 property owners were notified. Three letters of opposition were received. A dominant concern relates to the aesthetic impacts of the project, and the potential violation of the Highway Beautification Act. An Aesthetic/Viewshed Technical Report was prepared and submitted for the project. The report concluded that the locations of the proposed signs would be a "highly visible, but aesthetically appropriate alteration to a landscape which has only moderate scenic value", and that "the existing viewscape does not provide a vista of undisturbed natural areas".

The applicant, with input from members of the communities of Newberry Springs, Daggett, and Yermo, has formulated an Income Sharing Program. The intent of this program is to dedicate a portion of the profits (an amount equal to 10% of the gross income generated by the billboards) directly to the communities. The local agencies that would benefit from the proceeds are as follows: Newberry Springs Community Services District, Newberry Senior Services Association, Newberry Springs Chamber of Commerce, Newberry Springs/Harvard Real Property Owners Association, Daggett Community Services District, and Yermo Community Services District. This program also includes the agreement that no sexually explicit copy, brands of alcoholic beverages, or tobacco products will be advertised on the 14 proposed billboards. With this program, the applicant created a petition and solicited numerous signatures from the community in support of the proposed project.

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Three independent Initial Studies in compliance with the California Environmental Quality Act (CEQA) have been completed for the project. In order to adequately evaluate cumulative impacts, each Initial Study was prepared to review an area in which several of the signs were in close proximity to each other. These studies determined that the project proposal would not have any adverse impacts that will remain potentially significant, with appropriate mitigation measures. Therefore, if the project is approved, a Mitigated Negative Declaration is recommended. As required by CEQA, the Initial Study was circulated through the State Clearinghouse for review and comment by interested State agencies. On June 22, 2006, the Planning Commission recommended approval of the proposed GPA's, CUP's, and Tentative Parcel Map 16028 with a Major Variance.

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Robin Cochran, Deputy County Counsel, 387-8957) on July 20, 2006 and the County Administrative Office (Daniel R. Kopp, Administrative Analyst, 387-3828) on July 28, 2006. This item was heard by the Planning Commission on June 22, 2006.

FINANCIAL IMPACT: There are no financial impacts associated with the approval of this item.

SUPERVISORIAL DISTRICT: First

PRESENTER: Julie Rynerson, Current Planning Division Chief, 387-4146

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