

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-_____

Record Number PLN-2023-18011

Recommending that the Board of Supervisors make the required findings to adopt the Coastal version of the Sign Ordinance. The Coastal Sign Ordinance is still subject to certification from the California Coastal Commission before becoming an effective amendment.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, the Coastal Sign Ordinance was noticed for a public hearing on October 19, 2023 with the Humboldt County Planning Commission and was continued to a public hearing with the Humboldt County Planning Commission on November 2, 2023; and

WHEREAS, on Thursday November 2, 2023, the Humboldt County Planning Commission held a public hearing to review and deliberate on the draft ordinance, and request revisions to the draft ordinance for a public hearing on November 16, 2023; and

WHEREAS, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines, CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of EIRs, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the proposed LCP Amendment was developed to achieve consistency with the requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and to incorporate recommendations of the California Coastal Commission through the upcoming LCP Amendment application process; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- 1. FINDING:** The proposed zoning amendment is exempt from environmental review.

- EVIDENCE:**
- a) The ordinance is exempt from environmental review under §15307 and §15308 of the State CEQA Guidelines.
 - b) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2023-18011.

PUBLIC INTEREST

2. FINDING: Humboldt County Code Section 312-50.3.1, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The proposed ordinance would create specified performance standards for principally permitted signs and create new permitting requirements for the review of proposed signage in all zones.
 - b) The type of signage and project area will determine the potential for adverse impacts and permitting pathways. Proposed projects with low potential for adverse impacts would be principally permitted, while high scale projects with potential to cause adverse impacts on the health, safety and welfare of the public, on the aesthetic values, and on the County's environmentally sensitive habitat areas would require discretionary review.
 - c) The proposed ordinance advances the implementation measures, goals, policies and standards identified in the Humboldt County General Plan and is therefore in the public interest.

CONSISTENCY WITH THE GENERAL PLAN

3. FINDING: Humboldt County Code Section 312-50.3.2 states that amendments to the Zoning Code must be consistent with the General Plan. Applicable policies and measures of the Conservation and Open Space Element, Chapter 10 of the General Plan include:

SR-P4 Term of Off-Premise Billboards and Prohibition;

SR-P5 Billboards in Sensitive Habitat Areas;

SR-IM2 Sign Ordinance Revision.

- EVIDENCE:**
- a) The Sign Ordinance implements the Conservation and Open Space Element. The proposed ordinance incorporates the Humboldt County General Plan's goals, policies and standards as directed in implementation measure SR-IM2. Implementation Measure SR-IM2 provides a broad scope for revisions to the sign

ordinance, which have been achieved by reformatting the ordinance to provide better structure, incorporating a robust purpose and applicability statement, revising previous requirements to better suit the needs of the public, and instituting new regulations to protect the public health, safety, and welfare.

- b) Policy SR-P4 directs the County to limit the term of new and existing off-premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act and prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views. The proposed ordinance has provided an opportunity for the County to set a term limit for existing billboards if they deem it necessary and have the available funding for removal as required by the Outdoor Advertising Act. The development of new billboards would be prohibited, which has been supported by public review and would benefit the County when meeting the Scenic Highway Guidelines.
- c) Policy SR-P5 aims to prohibit construction of billboards in mapped sensitive, habitat areas. The ordinance has provided clear guidance for future development of billboards in environmentally sensitive habitat areas. To ensure protection of these areas operators will be prohibited from placement activities on existing billboards to ensure that work consisting of expansion or added impacts will not negatively impact a sensitive habitat.

CONSISTENCY WITH THE COASTAL ACT

4. FINDING:

If the proposed changes to the Zoning Ordinance include a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:

- a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
- b) Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)
- c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)
- d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)
- e) Development (including scenic resources, public works facilities,

safety, and priority of coastal dependent developments)

f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants)

EVIDENCE:

- a) **Access:** The proposed ordinance prohibits signs on public property unless placed by the public agency having jurisdiction or expressly authorized by such public agency. Signs are prohibited within a public street, road or right-of-way, or placed on any other public property. Signs of increased scale would be required to undergo a discretionary permit review to ensure that all the requirements of the Humboldt County Code and California Coastal Act have been met.
- b) **Recreation:** Proposed signage within recreation areas will be required to submit an application for a discretionary permit and undergo review by the County, as well as the California Coastal Commission for approval. Proposed signage will be required to conform with the standards of the associated local coastal plan, the County Code, and the Coastal Act for approval. The proposed zoning ordinances would also require that signs are placed on existing sites and meet the requirements of the current zoning district and the land use designation.
- c) **Marine Resources:** Proposed signage will be reviewed and may require a Coastal Development Permit in accordance with an associated Local Coastal Plan for consistency with the California Coastal Act. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to marine resources.
- d) **Land Resources:** The ordinance provides guidelines for protection of environmentally sensitive habitats by reviewing permits for proposed signage on individual properties and ensuring that they do not negatively impact the environment. Additional review may be required with a Special Permit or Coastal Development Permit. Principally permitted signs must undergo a building permit review, which requires planner review and approval prior to issuance. The purpose of these revisions is to protect scenic resources, public health, safety, and welfare.
- e) **Development:** This ordinance intends to make signs dependent on existing uses and come into conformance with other land use requirements.
- f) **Industrial Development:** Signs will be required to be consistent with the designated land uses and in conformance with development standards for any given property.

CONSISTENCY WITH STATE PLANNING LAW

4. FINDING: Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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, unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The Sign Ordinance does not propose any regulations that affect the residential density for any parcel. The ordinance would implement the goals, policies and standards of the Humboldt County Code to protect the public health, safety and welfare.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 1 of this staff report;
3. Adopt the ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 2 of this staff report;
4. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **November 16, 2023**.

The motion was made by _____ and seconded by _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: 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 H. Ford
Director, Planning and Building Department