

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

Resolution Number 24-

**MODIFICATION TO CONDITIONAL USE PERMIT
PROJECT NUMBER PLN-2022-17994
ORIGINAL PERMIT: CUP-00-15 & CDP-00-34
ASSESSOR PARCEL NUMBER 306-391-004**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING A MODIFICATION OF THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT

WHEREAS, the owner submitted an application and evidence in support of a Modification to a previously approved Conditional Use Permit; and

WHEREAS, the County 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 Division, the lead Department pursuant to Section 202 of Resolution No. 77-29 of the Humboldt County Board of Supervisors, has determined that the project is exempt from environmental review pursuant to Sections 15301 and 15302 of the State CEQA Guidelines, which covers replacement or reconstruction of existing structures; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed Use Permit modification (Case Number PLN-2022-17994); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 7, 2024.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

PROJECT DESCRIPTION

1. **FINDING:** A modification to a previously approved Conditional Use Permit for the replacement of an existing sign with a new video display sign. The previous sign was damaged in 2019 after being struck by a vehicle and the replacement sign was installed prior to obtaining the appropriate County permits. The sign is a freestanding double-sided monument sign that is 13 feet and 4 inches in height with the sign face of 82 square feet (41 square feet per side). The sign face is internally illuminated with an LED reader board.
- EVIDENCE:** Project File: PLN-2022-17994

CEQA

2. **FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed sign is exempt from the provisions of CEQA pursuant to the Class 1 and Class 2 exemptions found in Sections 15301 and 15302 of the

CEQA Guidelines.

- EVIDENCE:**
- a) The Class 1 exemption found in section 15301 of the CEQA Guidelines authorizes operation, repair, maintenance, permitting, and minor alteration of existing public and private structures and facilities involving no expansion of existing or former use.
 - b) The Class 2 exemption found in section 15302 of the CEQA Guidelines authorizes replacement and reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structures replaced.
 - c) The proposal involves after-the-fact permitting of the replacement of an existing sign that was damaged in 2019.
 - d) The new sign was installed within the same portion of the property as the prior sign and is of comparable size and height.
 - e) The introduction of the LED reader board creates a substantial change in the capacity and capability of the prior signage and can be viewed as an expansion of the use, which did not include internal LED illumination or dynamic/changing copy. It is therefore appropriate to require this sign component be replaced by conventional externally-illuminated signage comparable to the type that was used on the original sign that was damaged. This requirement is included as Condition of Approval #4 and will ensure use of these Categorical Exemptions remains appropriate.
 - f) None of the exceptions to the categorical exemptions (found in Section 15300.2 of the CEQA Guidelines) are applicable to the proposal. The Location exception does not apply to Class 1 and 2 exemptions. There are no potential cumulative impacts from the proposal or unusual circumstances wherein a significant effect could result. The sign is not located on a parcel adjacent to a scenic highway or included on a list of Hazardous Waste sites, and the proposal and project site are not host to any Historical Resources.

FINDINGS APPLICABLE TO ALL PERMITS

3. **FINDING:** The proposed development is in conformance with the County General Plan.
- EVIDENCE:**
- a) The sign replaced a lawful non-conforming sign that was damaged in 2019 after being struck by a vehicle.
 - b) The previous sign that was damaged was appurtenant to the Church which is a conditionally permitted use.
 - c) The existing Church was first permitted in 1965 and is a lawful conditionally permitted use. In 2001, a Conditional Use Permit was granted for additions and renovation of the existing structure. While not specifically part of the 2001 Use Permit the previous sign was shown on the approved plans as an existing sign.
 - d) Residential and Community Assembly use types are both allowed under the RL land use designation, as specified in the 2017 General Plan. Community Assembly uses include Churches, temples, synagogues, and other places of worship.

- e) The Eureka Community Plan includes residential and educational and religious activities within the list of primary and compatible uses of the Residential Low Density (RL) land use designation.

4. **FINDING:** The proposed development is consistent with the purposes of the existing Residential One-Family (R-1) zone in which the site is located.

- EVIDENCE:**
- a) The Residential One-Family zone is intended to be applied in areas of the County where topography, access, utilities, and public services make the area suitable for residential development.
 - b) The parcel is nearly one-acre in size and is situated at the base of Humboldt Hill Road, near the transition from Commercial/Civic Uses to low density residential uses. To the north lies an assortment of existing uses including the Humboldt Grange, Mini-Storage, Light-Industrial uses, and several mobile home parks. To the south lies the Humboldt Hill subdivision, composed of approximately 900 single-family homes at this time.
 - c) The project involves after-the-fact permitting of a replacement sign that was installed in 2020 without permits.
 - d) The sign replaced a lawful non-conforming sign that was damaged in 2019 after being struck by a vehicle.
 - e) The previous sign that was damaged was appurtenant to the existing church on the property which is a conditionally permitted use.
 - f) Quasi-public uses are permitted in all zones and require a Use Permit to operate in residential zones. Quasi-public uses include a variety of uses operated by private non-profit institutions, associations, or organizations, including churches.
 - g) The existing church was first constructed in 1965. A Conditional Use Permit was granted in 2001 for additions and renovation of the existing structure.

5. **FINDING:** The proposed development conforms with all applicable standards and requirements of the zoning regulations.

- EVIDENCE:**
- a) Outside of the Coastal Zone, the size, number, and location of signs is regulated in section 314-87.2 of the Zoning Regulations.
 - b) The sign provisions of the zoning regulations prohibit signage in One-Family Residential (R-1) zones. The provisions allow appurtenant signage in all commercial zones, and select Industrial zones, as well as Unclassified zones under certain circumstances.
 - c) The prior sign that was damaged and replaced was eligible for recognition as a legal non-conforming use and structure. The sign is appurtenant to an existing church which was built in 1965 prior to the advent of the County Zoning Regulations. The Humboldt Hill area was first zoned R-1 in 1960 (Ordinance #391). The Zoning Ordinance regulating use of land and buildings was adopted by the Board of Supervisors on May 11, 1965 (Ordinance #519). The ordinance included rules governing both Quasi-Public Uses and Signs.
 - d) The existing sign is located within twenty feet of the front property line, in conflict with front yard setback requirements applicable to parcels in the R-1 zone however it is replacing a non-conforming sign that was located in the same location.

- e) Lawful nonconforming uses and structures are recognized and protected under sections 314-131 and 314-132 of the Zoning Regulations, and are authorized to be continued indefinitely, provided use/occupancy of these structures has not ceased for more than two years from the date of nonconformance to the present. The previous sign itself is a lawful nonconforming sign and the location in the setbacks is similarly lawfully nonconforming and governed by this section.
- f) Expansion of a nonconforming use is prohibited unless the use is permitted in the zone in which it is located.
- g) A lawful nonconforming structure destroyed or damaged by casualty may be restored if completed within two (2) years of the event where the damage or destruction occurred. However, nonconforming structures may not be enlarged or extended where an intensification or increase in nonconformity would result.
- h) To comply with the rules governing nonconforming uses and structures, the development footprint, nature, and intensity of the use must remain at or below conditions that existed on the date it became nonconforming.
- i) The project involves after-the-fact permitting of a sign that was installed in 2020 without permits.
- j) The newly installed sign was constructed within the same portion of the property as the prior sign and is of comparable size and height.
- k) The newly installed sign includes a video display sign with LED reader board. This change in the type of sign and illumination resulted in an intensification of the non-conforming structure and increase in the severity of the non-conforming use. The prior signage did not include internal LED illumination or dynamic/changing copy. It is therefore appropriate to require this sign component be replaced by a conventional externally-illuminated signage comparable to the type that was used on the original sign that was damaged. This requirement is included as Condition of Approval #4 and will ensure the degree of nonconformance of the replacement sign will remain at or below conditions that existed on the date it became nonconforming.

6. **FINDING:** The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

- EVIDENCE:**
- a) The project involves replacement of a lawful non-conforming sign that was damaged by casualty. The free-standing sign is appurtenant to the existing church on the property, which was authorized under a Conditional Use Permit first approved by the Planning Commission in 2001.
 - b) The project involves after-the-fact permitting of a sign that was installed in 2020 without permits.
 - c) The prior signage did not include internal LED illumination or dynamic/changing copy and is not appropriate to be permitted as part of this replacement sign. Condition of Approval #4 has been included which requires that the sign component be replaced by a conventional externally-illuminated sign comparable to the type that was used on the original sign that was damaged. Imposing this condition will ensure that the degree of nonconformity of the replacement sign will not increase, and the sign will therefore not be detrimental to the public health, safety or welfare.

7. **FINDING**

The proposed project does not reduce the residential density for the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

- a) Though planned and zoned for residential uses, the parcel is entirely built out with the existing church facility and therefore has little residential development potential. Additionally, under the current Housing Element, the property is not targeted or allocated for future residential units or development potential tied to the latest Regional Housing Needs Assessment (RHNA) for our area.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

1. Adopts the findings set forth in this resolution; and
2. Conditionally approves the Modification to the Conditional Use Permit (Record Number: PLN-2022-17994) based on the site plan and information on file for the project and subject to the conditions of approval.

Adopted after review and consideration of all the evidence on **March 7, 2024**.

The motion was made by Commissioner _____ and seconded by Commissioner _____ .

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John H. 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

Conditions of Approval

APPROVAL OF THE CONDITIONAL USE PERMIT MODIFICATION IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE RELEASE OF THE BUILDING PERMIT AND RE-INITIATION OF OPERATIONS.

Conditions of Approval:

1. Building permits are required for all improvements. All work done shall meet all currently applicable structural, electrical, plumbing and mechanical codes.
2. A review fee for Conformance with Conditions as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors shall be paid to the Humboldt County Community Development Services—Planning Division, 3015 "H" Street, Eureka. This fee is a deposit, and if actual review costs exceed this amount, additional fees will be billed at the County's current burdened hourly rate. Please see Informational Note 1 below for suggestions to minimize the cost for this review.
3. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
4. The replacement of the previous monument sign with a new one featuring an LED reader board resulted in an unauthorized expansion of a nonconforming use and nonconforming structure. The prior sign did not include internal LED illumination or dynamic/changing copy. This sign component must be replaced by conventional externally-illuminated signage comparable to the type used on the original sign that was damaged.

Operational Restrictions

5. Sign copy shall be restricted and limited to avoid any features that could endanger the public health and safety by causing distractions to operators of motor vehicles on Humboldt Hill Road, such as may be caused by signs employing motion, sound, mechanical devices, blinkers, flashing lights, animation or unusual lighting.
6. The sign is prohibited from being operated in such a manner that it would 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.
7. No red, green or amber lights or illumination shall be placed in such a position that they could be confused with any authorized traffic sign, signal, or device.
8. The sign is prohibited from being operated in a manner that would obstruct free and clear vision of pedestrian traffic on rights-of-way or otherwise endanger pedestrians.

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

9. 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.

Informational Notes:

1. To minimize costs the applicant is encouraged to bring in written evidence* of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Division. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.
 - Each item evidencing compliance except legal documents to be recorded should note in the upper right-hand corner:
Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)
2. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
3. The permit modification shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see Effective Date). This approval may be extended in accordance with the Humboldt County Code.