



# COUNTY OF HUMBOLDT

For the meeting of: 4/9/2024

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File #: 24-320

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**Vote Requirement:** Majority

**SUBJECT:**

Amendment to the Coastal and Inland Zoning Ordinance Provisions to Provide a Uniform Set of Standards for the Development, Siting, Size, and Installation of Signs Within the Unincorporated Areas of Humboldt County

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment;
2. Close the public comment portion of the public hearing;
3. Deliberate and comment on the draft ordinances presented;
4. Adopt the resolution (Attachment 1A) to take the following actions:
  - a. Find the Coastal Sign Ordinance is exempt from CEQA pursuant to Section 15308, 15311, and 15265 of the State CEQA Guidelines; and
  - b. Find the Coastal Sign Ordinance is consistent with the Local Coastal Plan and the Coastal Act;
5. Adopt Attachment 2, the Coastal Sign Ordinance (Amending sections 313-87.3.1, 313-87.3.2, and 313-87.3.3 of Chapter 3 of Division 1 of Title III of the County Code, Coastal Zoning Code relating to Signs and Nameplates) as recommended by the Planning Commission;
6. Direct the Clerk of the Board to publish post-adoption summaries of the Coastal Ordinance (Attachment 4) within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinances along with the names of those Supervisors voting for and against the ordinance;
7. Direct Planning staff to prepare and file a Notice of Exemption with the County Clerk and the Office of Planning and Research;
8. Adopt the resolution (Attachment 1B) to take the following actions:
  - a. Find the Inland Sign Ordinance is exempt from CEQA pursuant to Section 15308 and 15311 of the State CEQA Guidelines;
  - b. Find the Inland Sign Ordinance is consistent with the General Plan;
9. Adopt Attachment 3, the Inland Sign Ordinance (Amending Sections 314-87.2.1, 314-87.2.2 and 314-2.2.1; Adding Sections 314-87.2.3, 314-87.2.4, 314-87.2.5, 314-87.2.6, 314-87.2.7, 314-87.2.8, 314-87.2.9, 314-87.2.10, 314-87.2.11, 314-87.2.12, 314-87.2.13; and Repealing Sections 314-87.2.1.1, 314-87.2.1.2, 314-87.2.1.3, 314-87.2.2.2, 314-87.2.2.3, 314-87.2.2.4, 314-87.2.2.5, 314-87.2.2.6, 314-87.2.2.7 and 314-87.2.2.8 of Chapter 4 of Division 1 of Title III of the Humboldt County Code relating to Signs and Nameplates) as recommended by the Planning Commission;
10. Direct the Clerk of the Board to publish post-adoption summaries of the Inland Ordinance (Attachment 5) within 15 days after adoption by the Board, and to post in the Office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinances along with the names of those Supervisors voting for and against the ordinance; and
11. Direct Planning staff to prepare and file a Notice of Exemption with the County Clerk and the Office of Planning and Research.

**SOURCE OF FUNDING:**

General Fund contribution to the Long-Range Planning unit (1100-282)

**DISCUSSION:**

**Executive Summary**

Two ordinances, one for inland and one for coastal areas, are being presented for the Board of Supervisors' consideration to regulate signs. The approach in preparing these ordinances has been to implement adopted policies of the General Plan to provide a uniform and comprehensive set of standards for the development, siting, size, and installation of signs to ensure community compatibility. These standards are designed to protect aesthetic values along scenic highways, coastal views, and scenic areas; encourage siting in preferred locations to help preserve the county's environmentally sensitive habitat areas; ensure compatibility with Caltrans Outdoor Advertising Act requirements; and create standards to manage the size and locations of signs. The ordinances being presented were recommended for adoption by the Planning Commission.

**Project Location:** Unincorporated areas of Humboldt County, including the Coastal Zone.

**Present General Plan Land Use Designation:** All land use designations.

**Present Zoning:** All zoning districts.

**Environmental Review:** The proposed ordinance amendments are exempt from environmental review under Sections 15308, 15311, and 15265 of the California Environmental Quality Act (CEQA) Guidelines, actions by regulatory agencies for the protection of natural resources and the environment and adoption of coastal plans and programs.

**State Appeal:** This project is in part within the Coastal Zone and is therefore appealable to the California Coastal Commission. Changes proposed to the Local Coastal Program (zoning ordinance provisions in 313-87.3) must receive final certification from the California Coastal Commission before they may become effective.

**Administering the General Plan**

The sign ordinance is intended to implement measure **SR-IM2 Sign Ordinance Revision** of the Humboldt County General Plan which states:

*Amend the sign ordinance to implement adopted policies for off-premise billboards and to consider other revisions to ensure community compatibility.*

The sign ordinance is drafted to implement policies for off-premise billboards in accordance with the goals and policies of the Humboldt County General Plan, and to ensure on premise or appurtenant signage is designed and located to be compatible with the development pattern of the area.

Section 10.7 of the General Plan Conservation Element provides guidance for protection of the County's scenic resources. The sign ordinance has been updated accordingly with a more robust purpose and applicability statement, clearer nameplate, property sale, and appurtenant sign regulations, and the addition of language for temporary signs, master sign plans, murals, creative signs, existing billboards, directional signs, prohibited signs, and design standards which regulate illumination of signs.

**Summary of Proposed Regulations**

The existing sign regulations are brief and not well defined. In order to update the code for clarity, the ordinance update needed to address process and regulatory concerns. The approach to the ordinance was intentional about addressing billboards and appurtenant signage.

The updated regulations for billboards attempt to balance the direction of the General Plan, which intends to limit the duration of new and existing billboards, while protecting sensitive environments. The proposed ordinance captures both goals by creating a permitting pathway for billboards to be restabilized in locations that will not negatively impact sensitive environments.

The public review process and development of the ordinance considered that there would not be a large demand for placement of

new billboards, so new billboards are not allowed. The concern was relative to allowing replacement of existing billboards when they are damaged or fall. The clearest way to accomplish this was to follow the guidelines of the Outdoor Advertising Act (ODA). The ODA restricts local jurisdictions from regulating routine maintenance of billboards provided that the billboard does not expand (sign face and structure). But when a billboard falls the ODA and related caselaw provide that this is then placement or construction of a new billboard. The proposed ordinance does not allow replacement billboards to be constructed in environmentally sensitive areas, but a Conditional Use Permit can be permitted to allow construction of a new billboard in areas that are not sensitive. As a condition of a Conditional Use Permit for restabilizing a replacement billboard, a term limit of 15 years will be enforced in accordance with General Plan guidance.

Appurtenant signage regulations in the existing ordinance are deficient in achieving community compatibility. The proposed ordinance uses a tiered set of regulations to allow signage as principally permitted which would be universally acceptable and then allows for signage with increased discretion due to size or other design factors. Performance standards provide the framework for principally permitted signs. Creating a set of performance standards also establishes a baseline for permitting larger signs with increased discretion. The Coastal and Inland versions use the same or similar language for consistency.

- a) Purpose Statement. A more robust purpose and applicability statement was added to the ordinance providing clear guidance for its interpretation.
- b) Nameplates. The nameplates section was reformatted and indicates the allowed location and the size.
- c) Temporary Signs. A temporary sign section was added to allow for signage that may be up for a limited duration of time. These include signs that indicate business openings, temporary sales, elections, and special events.
- d) Property Sale Signs. A property sale sign section has been added for clear allowances of signage in each zone.
- e) Master Sign Plan. A master sign plan section for properties of a larger scale or multiple businesses on a single site was included after discussion among the Planning Commissioners. This section provides an opportunity for businesses located on multi-tenant sites to coordinate signage for the benefit of each business. If businesses determine that the allowances under the appurtenant sign section do not meet their needs, a Special Permit may be issued to deviate from principally permitted standards. A master sign plan Special Permit would allow the transfer of maximum sizes between tenants to allow total sign areas to be pooled, deviation from the total number of signs allowed, and deviation from the maximum size.
- f) Murals. A section has been added to distinguish murals apart from what is traditionally considered appurtenant signage, allowing design elements that do not advertise a product, business, or service.
- g) Creative Signs. To allow for signage that may utilize unique designs and creativity for the purpose of advertising, a creative sign section has been added. This section has general design standards that focus on the expression of artistry and imagination, as well as up to three specific features or materials that must be used to qualify. A Special Permit may be sought for this type of sign, which in this case may be approved by the Zoning Administrator, making it a streamlined approach to approval.
- h) Appurtenant Signs. The appurtenant signs sections have been revised in this updated ordinance because the current ordinance does not provide clear guidance and is contradictory. The proposed ordinance seeks to clarify the requirements by creating a set of performance standards for principally permitted appurtenant signs. A table was created to identify specific sign types and their allowances, which provides a definable limit to what is and is not allowed. This clear set of performance standards also simplifies the determination of permit requirements if a proposed sign exceeds the principal standards.
- i) Signs in Residential Zones. The current language does not allow signage in residential zones, although there are many residential zoning districts in the county that are utilized for non-residential purposes. The updated ordinance seeks to allow signage in these zones when accompanied by a Conditional Use Permit for a use other than residency.
- j) Special Permit Requirement. Under the current ordinance, appurtenant signs in all zones except residential, commercial, or industrial require applicants to apply for a Conditional Use Permit for a sign restricted in size and number. The updated ordinance seeks to simplify the permitting pathway and cost by approving these with a Special Permit. Lastly, the current ordinance requires signs not limited by size and number on commercial and industrial zones to apply for a Conditional Use Permit. This process was determined to be beyond what is necessary and a Special Permit process has been proposed for

signs that exceed the performance standards of principally permitted appurtenant signs.

- k) **Billboards.** The primary goal of the Scenic Resources Section of the Humboldt County General Plan is the conservation of natural resources. The goal intends to prioritize the protection of high-value scenic forest, agriculture, river, and coastal areas that contribute to the enjoyment of Humboldt County's beauty and abundant natural resources. Billboards are often located in these areas that the General Plan seeks to protect. This has led to policies and standards that help protect these natural resources and limit the impacts of billboards. A term limit of 15 years has been proposed for restabilized billboards seeking Conditional Use Permits after having been destroyed by natural forces or accidents.

#### **Planning Commission Actions**

The Planning Commission conducted five public meetings on Oct. 19, 2023, Nov. 16, 2023, Dec. 14, 2023, Jan. 18, 2024, and Feb. 15, 2024, to deliberate over the proposed sign ordinance. Over the course of these meetings, the Commission addressed the following concerns:

- a) Changes to the Purpose and Applicability Section
- b) Clarifying verbiage of the Nameplates Section and reorganizing subsections for clarity
- c) Updates to the period of time when temporary signs may be placed
- d) Clarifying verbiage of the appurtenant sign section for clarity and consistency with other sections
- e) Review of existing signage in the county jurisdiction and updating the sign requirements for principally permitted signage
- f) The addition of feather banners as an allowed sign type
- g) The inclusion of a Master Sign Plan for large scale and multi-tenant properties
- h) The addition of a section for murals, which are not defined as signs
- i) The inclusion of a Creative Sign allowance with a Special Permit for signs that may be unique in design and character
- j) Updates to the Existing Billboard Section to comply with state law and allow for re-erection in the event of accidental damage that destroys a billboard
- k) Clarifying language in the Directional Sign Section for pedestrians
- l) Edits to the Design Standards Section for Illumination to further limit impacts on the public
- m) Edits to the Prohibited Sign Section to clarify what is prohibited and include impacts to pedestrian safety

The Planning Commission struggled without comparisons demonstrating how the proposed ordinance related to existing signage, the existing ordinance, and ordinances from other jurisdictions. As part of the presentation to the Planning Commission photographs were displayed showing existing signage in the county and how those signs compare to what is being proposed. Requirements from other counties were provided for comparison, including Butte County, Mendocino County, and Sonoma County. These counties were chosen as comparisons for the proposed sign ordinance because they are similar to Humboldt County in multiple aspects. All three counties are considered tourist destinations, possess unique natural environments, strong population centers, rural areas with many agriculturally zoned properties, and similar population sizes. Butte and Sonoma Counties also have well-known universities. Furthermore, Mendocino and Sonoma County have coastal areas that require consideration of impacts to coastal resources and must undergo approval of their ordinances with the California Coastal Commission. This is shown in a table in Attachment 8.

Comparing the existing Humboldt County Code with the sign regulations in Butte, Mendocino and Sonoma County reveals the other three counties are far more restrictive than Humboldt County's existing code. When the Planning Commission reviewed these comparisons, they were far more comfortable with the direction of the ordinance.

After being provided with a presentation of staff findings and receiving public input, the Planning Commission began deliberation and determined that some of the proposed sign sizes should be updated.

#### **Issue**

There is a Catch-22 with the manner in which billboards are regulated. The proposed ordinance is internally consistent and

consistent with the ODA. The Catch-22 is that Coastal Commission does not acknowledge the ODA and requires a Coastal Development Permit for maintenance of billboards and many of the existing billboards are within the retained Coastal Commission jurisdiction. Contrary to the ODA and the proposed county ordinance, when a billboard falls, the Coastal Commission issues an exemption to reconstruct it. This results in a situation where the proposed ordinance is designed to follow ODA and allow maintenance of billboards, but the Coastal Commission will require a CDP for that work. Under existing circumstances, the sign could be rebuilt with an exemption from the Coastal Commission, but the proposed ordinance will not allow reconstruction of the sign. The sign owner conceivably should be able to obtain a CDP for maintenance of the signs, but this is added time and cost.

The General Plan in Policy SR-P4 states:

***Term of Off-Premise Billboards and Prohibition.*** Limit the term of new and existing off-premise billboards by ordinance to provide for removal consistent with the Outdoor Advertising Act. Prohibit the construction of new off-premise billboards along mapped Scenic Highways and coastal views.

This policy has a clear intention to set a limit on the duration for even existing billboards. The ODA requires that if a local jurisdiction wants a sign removed, the owner must be compensated. The proposed ordinance follows this requirement. The ODA and related caselaw also establish that when an existing sign falls, reconstructing that sign is construction of a new sign subject to regulations the local jurisdiction may legally impose. The proposed ordinance allows reconstruction of signs not in sensitive areas (wetlands and sensitive habitat areas). This is consistent with General Plan Policy SR-P5 which states:

***Billboards in Sensitive Habitat Areas.*** Prohibit construction of billboards in mapped sensitive, habitat areas.

The Coastal Commission requirement for a Coastal Development Permit to maintain a sign does not make the proposed county ordinance inconsistent with the ODA or inconsistent with the County General Plan policies cited above. The ordinance is written to implement the General Plan guidance in following the ODA.

**FINANCIAL IMPACT:**

This ordinance will cost approximately \$120,000 to complete and implement.

**STRATEGIC FRAMEWORK:**

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Create opportunities for improved safety and health

New Initiatives: Streamline county permit processes

Strategic Plan: N/A

**OTHER AGENCY INVOLVEMENT:**

None.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Board discretion.

**ATTACHMENTS:**

Attachment 1 - Coastal Sign Ordinance Resolution

Attachment 2 - Inland Sign Ordinance Resolution

Attachment 3 - Coastal Sign Ordinance

Attachment 4 - Inland Sign Ordinance

Attachment 5 - Post Adoption Summary (Coastal)

Attachment 6 - Post Adoption Summary (Inland)

Attachment 7 - Public Comments

Attachment 8 - Comparison of Ordinances

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: Click or tap here to enter text.

Meeting of: 2/15/2024 Planning Commission

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**File #:** 24-320

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File No.: 24-230