

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

Resolution Number 23-

Sign Ordinance

Makes the required findings for certifying compliance with the California Environmental Quality Act; recommends adoption by the Board of Supervisors of the Sign Ordinance.

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Scenic Resources Element, which directs the County to amend the sign ordinance to implement adopted policies for off-premise billboards and to consider other revisions to ensure community compatibility as set forth in SR-IM2; and

WHEREAS, the proposed ordinance and related code amendments may be approved if findings can be made that: (1) the proposed change is in the public interest; and (2) the proposed change is consistent with the General Plan; (3) amendments to the Local Coastal Plans are in conformity with the policies of the Coastal Act and approved Local Coastal Plans; and

WHEREAS, adoption of the Sign Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act, under CEQA Guidelines §15307 and §15308; and

WHEREAS, pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, 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 Coastal Wireless Telecommunications Facilities Ordinance is statutorily exempt; and Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA); and

WHEREAS, Exhibit A to this resolution includes substantial evidence in support of making all the required findings for approving the proposed amendments to the zoning text; and

NOW, THEREFORE, be it resolved that the Humboldt County Planning Commission determines that the following findings are hereby made:

1. The proposed ordinance to implement the General Plan is in the public interest; and
2. The proposed ordinance to implement the General Plan is consistent with the General Plan; and
3. The proposed ordinance does 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.

4. The Planning Commission makes the findings in Exhibit A of this resolution, which is incorporated fully herein, based on the evidence provided.

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.

Adopted after review and consideration of all the evidence on October 19, 2023. The motion was made by Commissioner _____ and second by Commissioner _____ and the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: 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

Exhibit A – Required Findings of Approval

A. Required Findings for Amendments to the Zoning Regulations

State Planning and Zoning Law (Government Code Section 65000 et seq.), and Section 312-50 of the Humboldt County Code (HCC) state the following findings must be made to approve changes in the Zoning Maps and Regulations:

- (1) The proposed amendment is in the public interest;
- (2) The proposed amendment is consistent with the General Plan;
- (3) The amendment is in conformity with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act
- (4) The proposed amendment does 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.

B. California Environmental Quality Act (CEQA)

The proposed Inland and Coastal Ordinances are exempt from environmental review under §15307 and §15308 of CEQA, as detailed in the Evidence section below.

Evidence Supporting the Required Findings

A. Findings for Zoning Ordinance Amendment:

The following table identifies evidence which supports finding that the proposed zoning ordinance is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
1. Public Interest §312-50 of Humboldt County Code	The proposed Sign Ordinance is in the public interest.
Evidence Supporting Finding 1. The proposed ordinance would set standards for principally permitted signs and create new permitting requirements for signs in all zones. 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. 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.	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>2. General Plan Consistency §312-50 of Humboldt County Code</p>	<p>The proposed ordinance 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:</p> <p>SR-P4 Term of Off-Premise Billboards and Prohibition;</p> <p>SR-P5 Billboards in Sensitive Habitat Areas;</p> <p>SR-IM2 Sign Ordinance Revision.</p>
<p>Evidence Supporting Finding 2. 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. 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. 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 existing billboards maintenance activities will be reviewed by the Planning Division upon application of a Building Permit to ensure that the proposed work will not negatively impact a sensitive habitat. If the proposed work may disturb a sensitive habitat the applicant will be required to secure any necessary permits to ensure that impacts are less than significant. The proposed ordinance meets these objectives by creating a term limit for billboards, prohibiting billboards on Scenic Highways, and reviewing impacts to environmentally sensitive habitat areas.</p>	
<p>3. Consistency with the Coastal Act §312-50 of Humboldt County Code</p>	<p>That the proposed Telecommunications Facilities Ordinance is consistent 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:</p> <p>a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p> <p>b) Recreation (including protection of water-</p>

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
	<p>oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)</p> <p>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)</p> <p>d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)</p> <p>e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).</p>
<p>Evidence Supporting Finding 3. 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. 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. Existing billboard maintenance will be reviewed under a Coastal Development Permit and any additional permitting requirements set forth by the Humboldt County Code. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to marine 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. This ordinance intends to make signs dependent on existing uses and come into conformance with other land use requirements.</p>	

Finding and Section(s)	Summary of Applicable Goal, Policy or Standard
<p>4. Consistency with Housing Element Densities §312-50 of Humboldt County Code</p>	<p>That the proposed ordinance will 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 (the midpoint of the density range specified in the plan designation)</p>
<p>Evidence Supporting Finding 4. The proposed ordinance involves parcels that are included in the residential land inventory used the by the Department of Housing and Community Development in determining compliance with housing element law. The ordinance is structured to provide a streamlined process for signage which would typically be appurtenant to a commercial or industrial zoning district. Where applied in residential zoning districts, the ordinance would not preclude or limit future residential development. The ordinance would have no direct effect on residential densities, and under no circumstances would it decrease densities. Therefore, it would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development in determining compliance.</p>	

D. Environmental Review.

The proposed Sign Ordinance is exempt from environmental review pursuant to CEQA, under CEQA Guidelines §15307, actions by regulatory agencies for protection of natural resources, and §15308, actions by regulatory agencies for protection of the environment.

Under the Class 7 exemption, CEQA does not apply when a regulatory agency acts to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Under the Class 8 exemption, CEQA does not apply when a regulatory agency acts to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Presently the zoning ordinance allows discretionary permitting of off-premise signs and billboards in multiple zoning districts that would otherwise not be allowed by the General Plan. Protection of the natural environment and aesthetic nature of the County would be achieved by the adoption of this ordinance. The proposed ordinance would ensure environmental review and consideration of impacts on natural resources and the environment, and appropriate mitigation.

Also, for the coastal zoning regulations, pursuant to 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) and 15265 of the California Environmental Quality Act (CEQA) Guidelines, 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 Sign Ordinance is statutorily exempt; and Local Coastal Program Amendments are exempt subject to approval by the California Coastal Commission, a regulatory program certified by the Secretary of Resources as being the functional equivalent of the environmental review process required by CEQA).