



COUNTY OF HUMBOLDT

Legislation Text

File #: 23-622, **Version:** 1

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

Adoption of Urgency Ordinances Establishing a Temporary Moratorium on the Acceptance of Permits for All Off-Premise Signs/Billboards & Illuminated Signs, and to Establish a Temporary Moratorium on the Possible Acknowledgement of Short Term Rentals Initiated After the Date of the Moratorium as Part of Future Regulations Currently Being Drafted (4/5 Vote Required)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report and accept public comment; and
2. Adopt the Interim Urgency Ordinance Establishing a Temporary Moratorium on Acceptance of Applications for Off-Premise Signs/Billboards or Illuminated Signs within the Unincorporated Areas of Humboldt County (Attachment 1) based on the findings set forth in the Interim Urgency Ordinance and pursuant to the provisions contained in California Government Code (CGC) sections 25123(d), 65858, and 65858(b) (4/5 Vote Required);
3. Adopt the Interim Urgency Ordinance Establishing a Temporary Moratorium on the Possible Acknowledgement of Short Term Rentals in the Unincorporated Area of the County Outside of the Areas Mapped With a V - Vacation Home Rental Combining Zone as part of future regulations (applying to short term rentals initiated after the date of the moratorium) (Attachment 2) based on the findings set forth in the Interim Urgency Ordinance pursuant to CGC sections 25123(d), 65858, and 65858(b) (4/5 Vote Required); and
4. If adopted, direct the Clerk of the Board to publish the post-adoption summary of the ordinance (s) within 15 days (Attachment 3) and direct Planning and Building Department staff to bring forward an item, if needed, to extend the moratorium prior to the 45-day expiration date and reporting on the measures taken to alleviate the condition which led to the adoption of the urgency ordinance per CGC 65858(d).

SOURCE OF FUNDING:

The staff costs to prepare this staff report are expected to total approximately \$5,000 which will be paid by the General Fund's contribution to Long Range Planning (Budget Unit 1100-282).

DISCUSSION:

This item is being brought to the Board as a preemptive measure. In other jurisdictions when draft ordinances regulating signs or short-term rentals have been proposed, it has resulted in the proliferation of applications for/new construction of signs and/or short-term rentals. The Planning & Building Department is ready to release public review draft ordinance regulating billboards and illuminated signage and a draft ordinance regulating short-term rentals. The process is to elicit public feedback prior to initiating public hearings at the Planning Commission.

If the Board supports a temporary moratorium on the establishment and permitting of billboards and illuminated signs while a draft ordinance is being developed to modify the standards for them, the urgency ordinance in Attachment 1 should be adopted. Further, if the Board supports a temporary moratorium on establishment and permitting of short-term rentals outside of the areas mapped with a V - Vacation Home Rental Combining Zone while a draft ordinance is being developed to modify the standards for them, the urgency ordinance in Attachment 2 should be adopted. Both of these urgency ordinances expire in 45 days, so if one or both ordinances are adopted, the Board should also direct Planning staff to bring back to the Board an extension to the ordinance(s) for up to 2 years as needed.

Placing a moratorium on the establishment and permitting of billboards, off-premise signs and illuminated signs would help prevent applicants from undermining the effectiveness of the draft sign ordinance currently under review because it takes time for ordinances to work their way through the adoption process and applications submitted prior to the effective date of the ordinance would not be in a position to comply with the new requirements at the time of approval. Said another way, the moratorium could prevent a rush to develop these types of signs in ways that may have a significant effect on public health, safety, and welfare while the deliberative public process of modifying standards for them takes place.

Similarly, placing a moratorium on acknowledgement of short-term rentals outside of the areas mapped with a V - Vacation Home Rental Combining Zone would help prevent applicants from undermining the effectiveness of the draft Short-Term Rental Ordinance currently under review.

The Planning & Building Department recommends adoption of interim ordinances temporarily prohibiting these uses which might conflict with new draft requirements the department is bringing forward in the coming months for consideration by the Planning Commission and Board of Supervisors.

Adoption of Interim Urgency Ordinances are allowed by California Government Code sections 25123 (d) and 65858 and requires a four-fifths vote of the legislative body for adoption. The urgency ordinances must protect the public safety, health, and welfare of the community. The attached ordinances include the factual evidence supporting the required findings which is also summarized below.

New standards for illuminated signs are being evaluated to better protect the public from unwanted lighting along roadways which might otherwise be distracting to drivers or aesthetically unpleasant to residents and the public. At the same time the department will begin the public review of limitations on

new off-premise signs/billboards to better protect open spaces and aesthetic values of the unincorporated areas of Humboldt County along roadways.

The draft Short-Term Rental Ordinance would regulate dwelling units, or portions thereof, that are rented to guests for 30 consecutive days or less. Commercial use of residential structures for short-term rental has led to speculation on homes which has exacerbated housing scarcity and inflated housing prices, and the new regulations seek to better balance the supply and demand for housing with the business interests of those renting their residences for vacation/recreation purposes. Information on file with the Planning and Building Department demonstrates a large number of short-term rentals are advertised for use on the VRBO and Airbnb websites in violation of Humboldt County Code. In other jurisdiction that have adopted regulations for short-term rentals, consideration has been given to existing rentals even though operating in violation of the Zoning Ordinance. The moratorium would remove the incentive to claim a pre-existing status.

Environmental Review

Adoption of these ordinances is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Temporarily prohibiting acceptance of applications for / construction of new signs and short-term rentals is not anticipated to result in any ground-disturbance so the ordinances are not anticipated to have any environmental impacts.

Also, adoption of the ordinances is exempt from CEQA review by section 15308 of the CEQA Guidelines - Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. In this case temporarily preventing permitting and new construction of signs and short-term rentals will help ensure when they are permitted and built they conform to the new ordinances which will have standards to protect the environment, such as protection of visual resources from new billboards and illuminated signs, and protection of water quality from the use of homes with on-site septic systems for short-term rentals.

FINANCIAL IMPACT:

There is anticipated to be no significant long-term financial impact from the adoption of the urgency ordinances because they are only allowed to be in place for up to 2 years at which time they automatically expire. However, continued work on the ordinances, and any eventual adoption, implementation and monitoring will require additional staff time.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents .

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could decide to not approve the urgency ordinances if it believes the limitations are unnecessary to protect public health and safety. Staff does not recommend this alternative because other jurisdictions that approved sign ordinances or short-term rental ordinances had applicants get around the new regulations by submitting applications or beginning the new use before the new ordinances became effective. Because the new sign and short-term rental regulations are intended to set standards for protection of public health, safety and welfare, it is in the public interest to temporarily not approve new applications and new construction of signs and short-term rentals so they may be subject to the new regulations.

ATTACHMENTS:

1. Interim Urgency Ordinance Establishing a Temporary Moratorium on Acceptance of Applications for Off-Premise Signs/Billboards or Illuminated Signs within the Unincorporated Areas of Humboldt County.
2. Interim Urgency Ordinance Establishing a Temporary Moratorium on the Possible Acknowledgement of Short-Term Rentals in the Unincorporated Area of the County Outside of the Areas Mapped With a V - Vacation Home Rental Combining Zone.
3. Post-adoption summaries of the ordinances.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: