

HUMBOLDT BAY HARBOR, RECREATION,
AND CONSERVATION DISTRICT

AMENDMENT NO. 2 ORDINANCE NO. 7

AN ORDINANCE IMPLEMENTING
CERTAIN PORTIONS OF THE
HUMBOLDT BAY MASTER PLAN

THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR,
RECREATION, AND CONSERVATION DISTRICT, DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Findings and Purposes. The Board of Commissioners (the "Board") of the Humboldt Bay Harbor, Recreation, and Conservation District (the "District") finds and declares as follows:

- (a) On September 16, 1976, the District adopted Ordinance No. 7 Implementing Certain Portions of the Humboldt Bay Master Plan pursuant to its authority as Trustee of the public trust, and under the police power enabling authority delegated to the District by the State of California in Appendix II of the Harbors and Navigation Code.
- (b) Ordinance No. 7, among other provisions, prohibits all signs and related structures in the District's tidal and submerged lands except when related to navigational, public safety, resource management and identification purposes.
- (c) On June 26, 1986, the District adopted Ordinance No. 14, prohibiting, among other provisions, the construction or repair of any structures on property within the District's jurisdiction without the owner first obtaining a permit from the District.
- (d) The District desires to further implement the existing Ordinance No. 7 billboard prohibition by amending Ordinance 7 to require that owners of non-conforming billboards obtain permits consistent with Ordinance No. 14 and to provide the mechanism for orderly billboard removal in a manner consistent with the District's regulatory authority, its Ordinances, Plans, Policies, and with state law.

Section 2. Ordinance Amendment. ARTICLE IV SECTION 9, ENVIRONMENTAL QUALITY, OF ORDINANCE NO. 7 IS HEREBY AMENDED BY INSERTING NEW LANGUAGE AFTER EXISTING SUBDIVISION (f) AS FOLLOWS:

(f) Signs and related structures, other than those that are necessary and approved by the District for navigational, public safety, resource management and identification purposes shall be eliminated and prohibited from the tidal and submerged lands within the jurisdiction of the District.

- 1) **Billboards and Off Premises Signs:** Billboards and off premises signs and structures are inconsistent with the purposes and standards of the District's regulatory and

jurisdictional authority and are, therefore, prohibited in all Planning Designations in Article III of this Ordinance No. 7.

- a) *New Billboards and Off Premises signs and structures:* No new billboards or off premises signs and structures shall be permitted.
- b) *Illegal Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that has not continuously occupied a site since September 16, 1976, and does not have an active permit from the District, shall be deemed an illegal sign and shall be subject to removal in compliance with this Ordinance No. 7.
- c) *Existing Non-conforming Billboards and Off Premises Signs and Structures:* A billboard or off premises sign or structure that was erected in conformance with state law and local ordinances in effect at the time of its erection or that was subsequently brought into full compliance with state law and local ordinances, and that has continuously occupied the same site without expansion or modification other than customary maintenance, shall be deemed to be a non-conforming billboard or off premise sign or structure. The elimination of existing non-conforming billboards and off premises signs is as important to the Humboldt Bay aesthetic and public health, safety, and welfare as the prohibition of new billboards and off premises signs that would violate the provisions of this section and because findings cannot be made pursuant to Harbors and Navigation Code Appendix 2 Section 24. It is also recognized that non-conforming billboards and off premises signs should be eliminated in a manner that avoids an unreasonable invasion of established property rights. With these goals in mind, the District regulates non-conforming billboards and off premises signs as outlined below.
 - 1) *Non-conforming Billboards and Off Premises Signs Elimination.* Nonconforming billboards and off premises signs or structures shall be discontinued and removed from their sites after a reasonable amortization period which shall be specified in the District permit authorizing the billboard or off premises sign or structure. The District hereby finds that five years is presumptively a reasonable amortization period, or until January 31, 2026, because it provides the sign owner adequate time to recover capital investment and is consistent with the length of time for an outdoor advertising permit issued by the California Department of Transportation (CalTrans). This five year presumption amortization period is subject to rebuttal by the permit holder and the permit review authority may define an alternative amortization period based on the evidence presented at their discretion.
 - 2) *Continuation and maintenance.* Until the end of the reasonable amortization period specified in the District permit, a nonconforming billboard or off premises sign may be continued in operation and maintained, but may not be:
 - i. Replaced with another nonconforming billboard or off premises sign;
 - ii. Moved to another location on the property; or

- iii. Expanded or enlarged.
- 3) *Allowed change in copy.* The copy on a non-conforming billboard and off premises sign may be changed before the expiration of the amortization period without a permit provided that the change of copy does not increase the sign area or make the sign more non-conforming.
- d) *Maintenance, Repair or Reconstruction.* Provided that repair or reconstruction is started within one year and diligently pursued to completion, non-conforming billboards and off premises signs may be reconstructed and the nonconforming use may be resumed until the end of the amortization period as follows:
- 1) Permit approved by the Executive Director pursuant to District Ordinance No. 14.
 - i. Structures may have “like for like” repair work completed, as long as there is no enlargement or expansion of the structure or use and all repair is completed above the water level at the time repair work is completed.
 - ii. Structures which are damaged by high winds, destroyed by fire, or other calamity may with have the portions of the damaged structure above water level at the time the repair work is completed restored.
 - iii. Structures which are damaged by vandalism may be repaired or replaced and existing piles and anchors reattached provided that the applicant provides documentation that the work is not in any way enlarged over the existing structure and the work will have no significant impact on biological resources.
 - 2) All reconstruction not completed under section d)1) above shall require an Administrative Permit in accordance with Ordinance No. 14 Section 1.09.
 - 3) All permits shall contain at a minimum condition(s):
 - i. Giving notice that the sign, structure and use remain nonconforming to the Humboldt Bay Master Plan.
 - ii. Stating reasonable amortization period after which the billboard shall be removed.
 - iii. Requiring the applicant to provide financial assurance in an amount and form acceptable to the Executive Director to ensure that the billboard is removed by the end of the reasonable amortization period.
 - 4) Consistent with Ordinance No. 14, Section 24, no permit may be issued authorizing an ongoing billboard or off premise sign or structure use, or its

maintenance, repair, or reconstruction, without the District first considering of the impact of the proposed use on the air, water, land, environment, and ecology of the District's lands, and thereafter finding that the proposed use is necessary to promote the safety, health, comfort and public convenience of the public, that the proposed use is required by the public convenience, and that the proposed use will not have an adverse environmental or ecological effect.

- e) *Billboard Declared a Nuisance.* Any billboard or off premises sign or structure operated in violation of Ordinance No. 7, or the District's permit is deemed a nuisance and subject to abatement.

PASSED AND ADOPTED THIS 14TH DAY OF JANUARY 2021 BY THE BOARD OF COMMISSIONERS OF THE HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT BY THE FOLLOWING POLLED VOTE:

AYES: DALE, DOSS, HIGGINS, KULLMANN

NOES: MARKS

ABSENT: NONE

STEPHEN KULLMANN, PRESIDENT
Board of Commissioners

ATTEST:

PATRICK HIGGINS, SECRETARY
Board of Commissioners