

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified Copy of Portion of Proceedings for the Meeting of February 10, 2026

RESOLUTION NO. 26 –

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
AND DENYING OUTFRONT MEDIA, INC. SPECIAL PERMIT MODIFICATION, RECORD NO.
PLN-2025-19401.**

WHEREAS, on December 9, 2019, an application for a Building Permit (BLD-2019-50667) was submitted to the Humboldt County Planning and Building Department, to permit reconstruction of a billboard structure that had fallen during winter storms in late November 2019; and

WHEREAS, on December 9, 2019, an application for a Special Permit (PLN-2020-16029) was submitted to the Humboldt County Planning and Building Department, to authorize construction of a replacement billboard, which was required due to the fallen billboard's status as a legal nonconforming use/structure; and

WHEREAS, on May 7, 2020, the Planning Commission conducted a public hearing where they received public comment, and took the following actions:

- a) Determined they were unable to make all the required findings found in Section 312-17 of the Humboldt County Code required for approval of the Special Permit; and
- b) Denied the Special Permit request by a vote of 4-2; and
- c) Found the denial action categorically exempt from CEQA pursuant to section 15270 of the CEQA Guidelines; and

WHEREAS, on May 20, 2020, the applicant, Allpoints Outdoor, Inc. filed an appeal of the Planning Commission's decision in accordance with the Appeal Procedures specified in Humboldt County Code Section 312-13 et seq.; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing, de-novo, on July 28, 2020, and reviewed, considered, and discussed the application and appeal for the Special Permit; including public testimony and evidence presented at the hearing; and

WHEREAS, at the July 28th public hearing, by a vote of 3-2 the Board of Supervisors elected to continue the matter to the meeting of August 18, 2020, directing staff to identify the potential environmental effects of digging the foundations, to address the

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issues associated with public trust resources, to investigate concerns that the Tribes may have with the foundations, and to continue discussions with Caltrans and the Public Lands Commission to see that their jurisdictional concerns are addressed; and

WHEREAS, A Mitigated Negative Declaration was prepared and circulated for public review on August 12, 2020; and

WHEREAS, on August 18, 2020, the Board of Supervisors held a duly-noticed public hearing, and, voted 5-0 in favor of continuing the public hearing to the meeting of September 15, 2020, to provide additional time to complete the remaining work related to the original continuance request and provide for public comment on the Mitigated Negative Declaration; and

WHEREAS, on September 15, 2020 the Board of Supervisors held a duly noticed public hearing, de-novo, and reviewed, considered, and discussed the application and appeal for the Special Permit as well as the Mitigated Negative Declaration; and received all public testimony and evidence presented at the hearing; and

WHEREAS, at their meeting on September 15, 2020, the Board voted 3-2 to adopt a motion of intent to approve the Appeal and grant the Special Permit subject to a permit term limit of five (5) years, following which the billboard must be removed from the site; and

WHEREAS, the Board continued the meeting to September 29, 2020, to allow time for the Resolution to be revised to articulate the basis for the Board's pending decision on the permit request; and

WHEREAS, on September 29, 2020, the Board of Supervisors approved the Special Permit for construction of a new billboard for a five-year term, to expire on September 29, 2025, subject to conditions of approval including requiring removal of the billboard not later than September 29, 2025; and

WHEREAS, on February 1, 2021, the Building Permit was issued for work to construct a new billboard; and

WHEREAS, on July 22 and on July 30, 2025, the County notified the permit holder that the billboard needed to be removed by September 29, 2025, and that he is responsible for obtaining permits necessary to accomplish that.

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structure shall be allowed, except as expressly required by law or as expressly provided herein; unless the structural alterations conform with the applicable development standards of these zoning regulations”.

- c) Historical aerial photographs demonstrate that, prior to its destruction, the billboard had been at this location since at least 1955, thereby predating the adoption of the Zoning Regulations, Building Codes, as well as establishment of the Coastal Zone and adoption of the Humboldt Bay Area Plan (HBAP), the local coastal plan covering the Spruce Point area. The structure therefore qualified as a lawful “nonconforming” structure and use.
- d) Following its initial erection in the 1950s and before the application for the Special Permit to allow erection of the new 2021 replacement structure, the parcel on which the billboard is located was zoned Agriculture Exclusive (AE), a zoning designation that does not permit off-site advertising displays rendering the then existing billboard nonconforming; and

4. FINDING:

The nonconforming billboard structure was destroyed by casualty and lost its nonconforming status.

- a) In November of 2019 a windstorm destroyed the nonconforming 1950s billboard, toppling the display face, causing irreparable damage to multiple support posts such that the billboard lost all structural integrity and functional capacity to display messages to the motoring public. This can be seen in photographs on file with the Department taken in the days and months following the signs’ destruction.
- b) As noted in 1(b) above *No structural alterations to a nonconforming structure shall be allowed, except as expressly required by law or as expressly provided herein, unless the structural alterations conform with the applicable development standards of these zoning regulations.* Rebuilding a nonconforming structure completely damaged is not allowed as a continuation of a nonconforming structure under the provisions of the Humboldt County code.
- c) Humboldt County Code Section 313-132.5.2 requires a discretionary permit to allow replacement of a nonconforming

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structure damaged by casualty. This demonstrates that the code understands the nonconforming status to have terminated when the structure was damaged beyond its ability to serve its useful purpose.

- 5. FINDING:** The newly constructed billboard is not a nonconforming structure, but rather a structure approved under the provisions of HCC Section 313-132.5.2 requiring a discretionary permit and thus the billboard is conforming provided it complies with the conditions imposed by the Special Permit approved by the Board of Supervisors.

- EVIDENCE:**
- a) See Findings and evidence 3 and 4 above.
 - b) *H.C.C. Section 313-132.5.2 states: **Reconstruction of a Nonconforming Structure that is damaged by any Casualty.** The Director may approve a Special Permit for the reconstruction of a nonconforming structure that is damaged by any casualty if application is made within two years after such destruction or damage and if the director makes all of the required findings in Chapter 2 of this code.*
 - c) On September 29, 2020, the Board of Supervisors made all required findings and approved a Special Permit (PLN-2020-16029) with a five-year term limit for the construction of a replacement billboard.
 - d) Conditions were applied to the Special Permit (PLN-2020-16029) limiting the time in which the sign can remain in place.

- 6. FINDING:** The Special Permit (PLN-2020-16029) was approved with a five-year term limit. The applicant accepted this condition. This was not effectively contested after the action by the Board of Supervisors and the Building Permit to construct the sign was received by the applicant with full knowledge of the requirement to remove the sign not later than September 29, 2026. The term limit was not effectively challenged and thus the condition is valid.

- EVIDENCE:**
- a) Board of Supervisors Resolution 20-90 with conditions approving the billboard for a period of 5 years. This resolution was adopted on September 29, 2020.

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- b) The language of the 2020 Special Permit does not contemplate, authorize, or provide any mechanism for renewal or extension of the five-year term, and therefore Allpoints' ability to maintain the billboard beyond September 29, 2025, is foreclosed by the express conditions of approval without the now proposed modification before the BOS; and
- c) Allpoints initially challenged the five-year Special Permit term by filing a petition for writ of mandate in Humboldt County Superior Court, but subsequently voluntarily dismissed that action, thereby relinquishing any further right to contest the validity or enforceability of the permit conditions; and
- d) Building Permit 2019-50667 allowing construction of the new sign issued on February 1, 2021.
- e) The application for Building Permit 2019-50667 was submitted on December 9, 2019, to allow repairs to an existing sign, but the applicant was notified that a Building Permit could not be issued for this and that a Special Permit would be needed to reconstruct the sign.

7. FINDING:

The five-year permit time frame is appropriate for this situation. Under the factors articulated in *Metromedia, Inc. v. City of San Diego* (1980) 26 Cal.3d 848, rev'd on other grounds, 453 U.S. 490 (1981), and applied in *Castner v. City of Oakland* (1982) 129 Cal.App.3d 94 and *Tahoe Regional Planning Agency v. King* (1991) 233 Cal.App.3d 1365, the reasonableness of an amortization period is assessed by considering:

- (1) the amount of investment or original cost;
- (2) present actual or depreciated value;
- (3) dates of construction;
- (4) amortization for tax purposes;
- (5) salvage value;
- (6) remaining useful life;
- (7) the length and remaining term of any lease; and
- (8) the harm to the public if the structure remains beyond the prescribed period.

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- EVIDENCE**
- a) The billboard was constructed with full knowledge that the special permit imposed a five year limit, meaning any investment was made with the understanding that costs would need to be recouped within that window. (See Finding and Evidence 6 above.) The operator therefore had no investment backed expectation of a longer economic life.
 - b) Moreover, the public interest in ensuring compliance with updated sign and zoning regulations and general plan policies weighs strongly in favor of the term. This affirms that the five year term here is well within the range deemed constitutionally and statutorily reasonable.
 - c) Courts have regularly upheld amortization periods of five years or less for billboards, including in *Tahoe, supra*, at p. 1402 (five years), *City of Salinas v. Ryan Outdoor Advertising, Inc.* (1987) 189 Cal.App.3d 416, 423–424 (five years), and *Bohannon v. City of San Diego* (1973) 30 Cal.App.3d 416, 428 (three years).
 - d) It is expressly noted that the amortization doctrine does not govern this matter, as the nonconforming structure was destroyed by the 2019 winter windstorm, and any rights associated with that nonconforming use were extinguished upon its destruction. The current re-erected billboard is a conforming use authorized solely by, and subject to, the express terms of its special permit. Nevertheless, even if the five-year term were evaluated under amortization principles, the result would be the same. Courts reviewing billboard specific amortization provisions have consistently upheld comparable or shorter durations as reasonable, particularly where (1) the operator’s investment backed expectations are limited, (2) regulatory change is foreseeable, and (3) the public interest in updated sign controls is substantial.

- 8. FINDING:** The 5-year permit term does not conflict with provisions of the Outdoor Advertising Act found in Division 3, Chapter 2 of the Business and Professions Code (sections 5200-5486). Section 5412 further does not provide that compensation is required where removal occurs pursuant to a written agreement with a governmental entity providing for removal after a fixed

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period of time, including an uncontested condition of approval on a discretionary permit such as the 2020 Special Permit.

- EVIDENCE**
5. See Findings and Evidence 5, 6, and 7 above.
 6. Allpoints, by accepting the terms and conditions of the 2020 Special Permit, could have had only a reasonable expectation of a five-year operational and recoupment period, and the five-year term constitutes a sufficiently long duration for Allpoints to have made economically viable use of the billboard and to have recouped any investment-backed expectations associated with its construction and maintenance; and
 7. Allpoints Outdoor, Inc. (“Allpoints”) accepted all terms and conditions of the September 2020 Special Permit at the time of issuance of the Building Permit, including the express five year permit duration and the requirement that the billboard be removed upon expiration of that term, and Allpoints manifested its consent to be bound in agreement to those conditions by accepting the special permit and reconstructing the billboard in 2021; and
 8. The reconstruction of the billboard in 2021 constituted new development and the new placement of a display, and therefore the billboard is treated as a newly erected structure under the California Outdoor Advertising Act and subject to all applicable local land use regulations; and
 9. Compensation is not required for the removal of a billboard where the display has remained in place for a period sufficient to allow the permittee to recoup its investment-backed expectations, and where removal occurs pursuant to a time-limited permit condition voluntarily accepted by the permittee; and
 10. Any investment made by Allpoints in reconstructing the billboard was undertaken with full knowledge that the Special Permit imposed a five-year limit and required removal at the end of that term; and
 11. Courts have consistently held that time limited billboard approvals fall squarely within the scope of local police power and are not preempted by the Outdoor Advertising Act; and

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12. The California Outdoor Advertising Act establishes minimum statewide standards and expressly authorizes local jurisdictions to impose stricter billboard regulations, provided such regulations do not conflict with limited statutory provisions; and
13. Allpoints retained its state outdoor advertising permit pursuant to 4 CCR § 2271, a Caltrans specific regulation governing state permit continuity, which has no effect on local zoning authority and does not preserve local nonconforming status, but merely ensures that a state permit remains valid where both state and local permits are required; and
14. Business and Professions Code §5412 requires just compensation only for lawfully erected billboards, defined in § 5216.1 as displays erected in compliance with both state and local law, and any continued maintenance or operation of the billboard after the expiration of the five year Special Permit term on September 29, 2025, would constitute an unlawfully erected billboard structure for which no compensation is owed; and

9. FINDING:

The Board of Supervisors was not obligated in 2020 to approve the Special Permit to allow reconstruction of the Billboard, but took into account the fact the sign had been there prior to falling, people who expressed concern about allowing the sign, looked at the guidance from the Humboldt Bay Area Plan to not allow new off-premise signs, considered the County General Plan Guidance to allow new signs for limited periods and approved the sign for a 5 year period subject to a requirement that billboard be removed by September 29, 2025. No new information has been submitted which would warrant modifying the Special Permit as approved and conditioned.

EVIDENCE:

- a) Board of Supervisors resolution No. 20-90
- b) Any possible vested right was lost following destruction of the sign in November 2019. The billboard was standing in a location where it cannot currently be permitted as a new structure and given the fact that the billboard has fallen and needs to be reconstructed means it had lost its non-conforming status.
- c) The billboard was a non-conforming structure and use prior to recent permitting. An underlying goal of local regulation of land use is to promote orderly development in conformance with

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established standards. Phasing out non-conforming uses and development is consistent with this underlying goal.

- d) Section 132.5.2 of the Humboldt County Code requires approval of a Special Permit to reconstruct a nonconforming structure. This is a discretionary permit that allows for public input and allows approval or denial of the application.
- e) In order to approve a Special Permit, the Board of Supervisors must determine that it such approval will not be detrimental to the Public Health, Safety and Welfare and may impose limitations and conditions to protect the public health, safety and welfare. In approving the Special Permit the Board found that the long-term use of the billboard would be detrimental to the public welfare and limited the term to five years.
- f) In applying for and receiving the Special Permit and Building Permit, the applicant and owner chose to proceed with reconstruction of the billboard in full knowledge of permit conditions requiring removal of the sign by the end of the 5-year permit term.

10. FINDING: The proposed modification is inconsistent with the provisions of the Humboldt Bay Area Plan.

- EVIDENCE:**
- a) The project site is located between US 101 and the Elk River and the land use maps from the Humboldt Bay Area Plan do not show private land between the Highway 101 right-of-way and the Elk River channel, making it difficult to determine the applicable land use of this portion of the property. Lands immediately west of the Elk River channel are planned Public Facilities (PF) and the river is designated Natural Resources (NR). Lands east of the river channel are designated Agricultural Exclusive (AE). While it is difficult to determine which of these three designations is officially applicable to the location of the billboard, none of these three designations specifically allow for off-site/non-appurtenant advertising or signs. In approving the billboard to be located in these zones for a temporary period of 5 years, the long-term inconsistency with the Humboldt Bay Area Plan was minimized.
 - b) The billboard lies within a strip of land adjacent to the western bank of the Elk River that is characterized by plants and hydrology common to riparian areas and wetlands. Aquatic

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features such as rivers, estuaries, wetlands and related critical habitat for rare and endangered plants and animals are all recognized and protected as Environmentally Sensitive Habitat Areas (ESHA) pursuant to Section 30240 of the Coastal Act and Section 3.30 of the Humboldt Bay Area Plan. Pursuant to these sections, billboards are not a form of development that may be permitted within ESHA.

11. FINDING: The proposed modification is inconsistent with the purposes of the existing zone in which it is located.

EVIDENCE: a) The project site is located between US 101 and the Elk River and the zoning maps from the Humboldt Bay Area Plan do not show private land between the Highway 101 right-of-way and the Elk River channel, making it difficult to determine the applicable land use of this portion of the property. Lands immediately west of the Elk River channel are zoned Public Facilities (PF) and the river channel is zoned Natural Resources with a Wetlands and Flood Hazard combining Zone (NR/W,F). Lands east of the river channel are zoned Agricultural Exclusive with a Flood hazard and Transitional Agricultural Lands combining zone (AE/F,T). While it is difficult to determine which of these three zones is officially applicable to the location of the billboard, none of these three zone districts authorize off-site/non-appurtenant advertising or signs.

12. FINDING: Allowing the billboard to be permitted for a period of more than 5 years would be detrimental to the public welfare because it would be contrary to the interests of the public to enhance the entrance to the City of Eureka, protect and restore wetlands, and protect scenic viewsheds while balancing the economic interests of the community and individual property owner. The long-term allowance of the billboard would be an inappropriate balance of these competing interests.

EVIDENCE: a) Protection of the Public Welfare is the basis of all land use regulations. The concept of the Public Welfare is broad and inclusive, it represents the community's values including but not limited to physical, aesthetic, environmental and economic concerns.

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- b) Portions of the community find billboards unsightly and oppose them, while others find billboards helpful in learning about products and services.
- c) The Board of Supervisors considered the County regulations not allowing new signs on property designated AE or new development within ESHA with the expectations the property owner had in purchasing this property with three existing billboards.
- d) The Board of Supervisors balanced the community concerns expressed in the public hearing both to allow and deny reconstruction of the billboard, with the County policy direction to not allow a billboard at this location and considered the applicant's economic interests in approving the reconstruction of the billboard for a limited period of time. No evidence exists that supports removing the time limitation.
- e) It is in the public interest for the billboard structure to come into conformance with the County's General Plan, Local Coastal Program, and zoning regulations, all of which were adopted through public processes reflecting community values and priorities; and
- f) Any economic benefit associated with the billboard is outweighed by the aesthetic, environmental, and public safety impacts, including degradation of scenic vistas and viewsheds, conflict with the desired visual character of the area, disruption of natural landscapes, incompatibility with agricultural and ESHA policies, repeated ground disturbance and habitat intrusion associated with maintenance access, and distraction to motorists at the primary entryway to the City of Eureka;

13. FINDING: Subsequent to approval of the Special Permit in 2020, the County adopted a Coastal Sign Ordinance in 2025 which would not allow this sign to be reconstructed because it is in a flood hazard area, sensitive habitat and wetland.

EVIDENCE: Subsection 87.3.3.8.3.2.2 of the newly adopted ordinance states: *"The destroyed advertising display is not located within bodies of water, flood hazard areas, streamside management areas, sensitive habitats, scenic resources or wetlands"*

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The Flood Insurance Rate Map prepared by the Federal Emergency Management Agency shows this site completely within the 100-year Flood Plain.

See Resolution 20-90 Findings and Evidence 11(d), 13 (a), which identify the location of the sign as being in ESHA.

IT IS FURTHER PROCLAIMED AND ORDERED based upon the above findings and evidence, the Humboldt County Board of Supervisors does hereby:

Deny the request to modify the Special Permit (PLN-2025-19401).

Dated: _____

Supervisor Mike Wilson, Chair
Humboldt County Board of Supervisors

Adopted on motion by Supervisor _____, Seconded by Supervisor _____, and the following vote:

AYES: Supervisors: --
NAYES: Supervisors: --
ABSENT: Supervisors: --
ABSTAIN: Supervisors: --

STATE OF CALIFORNIA
County of Humboldt

I, Kayliegh Maffei, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KAYLIEGH MAFFEI

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Deputy Clerk of the Board of Supervisors of the County of Humboldt, State of California