



# COUNTY OF HUMBOLDT

For the meeting of: 2/10/2026

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File #: 25-1477

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**Vote Requirement:** Majority

**SUBJECT:**

Request to Modify a Special Permit Which Authorized Reconstruction of a Destroyed Legal Nonconforming Billboard Subject to a 5-Year Term Limit Requiring That the Billboard Structure be Removed by Sept. 29, 2025. The Applicant is Asking the Board to Modify This Restriction on The Term Limit

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the resolution (Attachment 1) which does the following:
  - a. Finds that denial of the project is exempt from environmental review pursuant to Section 15270 of the State CEQA Guidelines; and
  - b. Finds there is insufficient evidence to approve a modification to the permit to allow the billboard to remain at the site; and
  - c. Denies the permit modification request filed by Geoff Wills on behalf of OutFront Media.
2. Direct the Clerk of the Board to notify the applicant and any interested parties of the decisions made by the Board.

**STRATEGIC PLAN:**

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

Area of Focus: Core Services/Other

Strategic Plan Category: 9999 - Core Services/Other

**DISCUSSION:**

***Executive Summary:***

The Board of Supervisors is being asked to modify the term of a Special Permit which authorized reconstruction of a destroyed billboard along Highway 101 in the Lower Elk River area. The billboard was destroyed during a storm event in November 2019. The Special Permit to allow the sign was denied by the Planning Commission and appealed to the Board of Supervisors. The Board approved the Special Permit allowing the sign to be erected and remain in place for a period of 5 years (until Sept. 29, 2025) at which time the structure was required to have been removed.

***Sign background/history - legal nonconforming status***

The sign is located south of the City of Eureka on the northbound (east) side of Highway 101, approximately ½-mile south of the

intersection of Herrick Avenue and US Highway 101. Historical aerial photographs found in Special Collections at Cal Poly Humboldt prove that a billboard was at this location since at least 1955, until it was destroyed in November of 2019. Since it predated adoption of the Zoning Regulations, Building Codes, the General Plan, as well as establishment of the Coastal Zone and adoption of the Humboldt Bay Area Plan (HBAP) which serves as the local coastal plan for this area, it was a “legal non-conforming” structure and use under the zoning code until it was blown over.

Non-conforming uses and structures are unique under the Coastal Zoning Regulations which define them as “All or a portion of a building, structure or facility, or a use thereof, which was lawfully erected, altered, established or maintained, but which, because of the application of these regulations to it, no longer conforms to the specific regulations applicable to the zone in which it is located.” Legal non-conforming uses and structures can continue their existence/use, provided there is no expansion of the structure or use. Under Humboldt County Code there are provisions to allow reconstruction of a nonconforming structure with approval of a Special Permit. Once a destroyed nonconforming structure is replaced by a new structure approved by a Special Permit it is no longer a nonconforming structure but is now subject to the provisions of the issued permit.

#### **Prior BOS action**

This matter first appeared before the Board of Supervisors on appeal on July 28, 2020. The appeal was made in May after the Planning Commission voted 4-2 to deny the Special Permit. At the July 28 meeting the Board voted to continue the hearing to allow staff to address several concerns raised by Board members in response to public comments. The Board considered the matter at the Sept. 15, 2020 meeting at which time staff shared information addressing earlier concerns and recommended the Board grant the appeal and approve the Special Permit. The Board voted 3-2 on a motion to grant the appeal and approve the permit for a term of five years and require the applicant to sign an indemnification agreement. The matter was continued to the meeting of Sept. 29, 2020, at which time, the Board adopted the resolution wherein the Special Permit was conditionally approved for a period of five years, which can be found under Attachment 3 of this report.

#### **Conditions of Approval**

The conditions of approval contained in the Board of Supervisors’ approval anticipated the permits needed to remove the sign. This was contained in condition 1 as follows:

- Apply to the Coastal Commission for a Coastal Development Permit to remove the sign not later than Sept. 29, 2024,
- Apply for a Demolition Permit not later than May 29, 2025, and
- Remove the sign not later than Sept. 29, 2025.

None of these deadlines have been complied with. The permit would expire, if not for the request to modify the term of the permit.

#### **Current request**

On July 22, 2025, ahead of the deadline for removal of the sign, the department sent a courtesy letter to the applicant reminding them of their obligations to secure required permits and remove the billboard from the site by Sept. 29, 2025. The applicant responded disputing the legality of this permit requirement arguing that work performed on the collapsed billboard constituted “customary maintenance” and insisting they were entitled to financial compensation for removal to occur.

On July 30, 2025, the department sent a follow-up letter rebutting these claims, noting that the billboard lost its status as a legal nonconforming use/structure when it was destroyed by casualty and that reconstruction of the billboard was not “customary maintenance” but instead constituted a new “placement” subject to compliance with local zoning laws. Granting approval of the Special Permit allowing reconstruction and operation of the billboard for a limited term and subject to conditions for its removal, the Board specifically found that any vested rights that existed were lost when the sign was destroyed in November, 2019. Correspondence from the county indicated that if the billboard was not removed, the matter would be referred to Code Enforcement for action. On Oct. 24, 2025, the applicant filed an application to modify the Special Permit, to eliminate the time restriction and remove the condition requiring removal of the billboard. Code Enforcement action has been stayed pending the outcome of this modification application.

On the application the applicant provides the following reason for requesting the modification:

*“Amend the illegal forced removal of my billboard, save the county \$640,000 in wasted money buying a billboard, support your local business community and most importantly save me from the mental hardship of having my business and*

*livelihood taken from me.”*

Each of the concerns expressed by the applicant will be addressed individually:

1. Not Forced removal of Billboard. To claim at this point this is a forced removal of a billboard is a mischaracterization. The original billboard had fallen. It could not be rebuilt without approval of a Special Permit which the Board of Supervisors granted for a period of five years. When the applicant pulled the Building Permit to construct what is a new billboard, it was with the agreement that the billboard would need to be removed by Sept. 29, 2025. The time to challenge the five-year permit was before the building permit was obtained.
2. County not buying a billboard. Again, this is a mischaracterization. The billboard had fallen and could only be replaced with approval of a Special Permit. The billboard lost its standing as a nonconforming structure and was now subject to the conditions of the Special Permit which had a time limit. The county is not requiring removal of a pre-existing billboard which would require compensation. In this situation a condition of the permit was to remove the sign.
3. Support for local business community. A subjective statement, but the company maintaining the billboard is a local company with local employees and local businesses spend a portion of their advertising budget to advertise on the billboard.
4. Mental Hardship. Not a technical factor in this decision, but as noted above the agreement to remove the billboard was exercised when the building permit was received to construct a new billboard. That decision was made five years ago when the building permit was issued to the applicant in reliance on the approved Special Permit.

The billboard standing today is not a non-conforming billboard afforded the protection of a non-conforming billboard. The billboard was allowed to be constructed under a Special Permit. The Special Permit was approved five years ago and the condition requiring removal of the sign was not appropriately challenged at that time, prior to pulling a building permit.

The Board's choices in this circumstance are not limited. The Board can choose to require removal of the sign under the existing provisions of the Special Permit, or the Board can modify the Special Permit to allow the sign to remain for a limited period of time.

If the original request to reconstruct the sign had been processed under the current sign ordinance, these are the criteria that would have been applied:

*87.3.3.8.3.2 Placement shall be allowable if the following conditions are met:*

*87.3.3.8.3.2.1 An advertising display has been damaged by natural forces and accidental incidents to the extent it loses functionality so as to be rendered useless and needs to be re-erected: and*

*87.3.3.8.3.2.2 The destroyed advertising display is not located on public land, public easements on Natural Resource zoned properties, within bodies of water, flood hazard areas, streamside management areas, sensitive habitats, scenic resources or wetlands: and*

*87.3.3.8.3.2.3 A Conditional Use Permit with a term limit of 15 years has been approved: and*

*87.3.3.8.3.2.4 A building permit has been Issued.*

The application type would have been a Conditional Use Permit with a term of 15 years. Provision 2 above does not allow reconstruction in flood hazard areas, sensitive habitats, or wetlands. The billboard is clearly within a flood hazard area, a wetland, and is a sensitive habitat due to it being a wetland. Under the existing ordinance this billboard would not have been able to be reconstructed.

The Board's original decision was consistent with the policy direction of the General Plan which establishes a time limit for a new billboard to remain in place.

There is no evidence for modifying or removing this permit restriction given the Board's prior findings and decision made during conditional approval of the Special Permit. Correspondence between the applicant and department is included under Attachment 3. The 2020 resolution adopted by the Board during approval of the Special Permit can be found under Attachment 4. Attachment 5

includes a new resolution supporting denial of the modification request.

**SOURCE OF FUNDING:**

The applicant has paid the fee associated with the request to modify the permit.

**STAFFING IMPACT:**

All work was completed in a timely manner with respect to the expectation of a quick resolution for the modification. All resources required were provided by the Planning and Building Department.

**OTHER AGENCY INVOLVEMENT:**

The project was referred to responsible agencies during consideration of the original permit request. No agencies have been consulted about the current modification request.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

The Board of Supervisors has a couple of alternatives to denial of the modification, as summarized below:

1. Approve a modification to the permit and extend the permit term for a limited duration. The Board may wish to see the sign removed but recognize the applicant's investment and extend the Special Permit for a limited duration. This would allow the applicant to continue to generate additional revenue for a time to recoup sunk costs but would ultimately see the removal of the sign. Should the Board choose this alternative, it is recommended that the duration of the extension be specified in the motion.
2. Approve a modification to remove the permit term-limit. This would allow the billboard to remain indefinitely.

Should the Board choose to modify the permit in either of these fashions, staff recommend closing the public hearing and stating the reasons for granting the applicant's request, and continuing the item to the March 3 meeting so that a new resolution can be drafted expressing the findings for choosing to modify the permit.

**ATTACHMENTS:**

1. Draft Resolution to deny the permit modification
2. Information submitted by applicant (Application Form)
3. Elevations, Plans, Photos, Engineering
4. Correspondence with the applicant concerning permit
5. 2020 BOS Resolution and Conditions of Approval
6. Wills Letter 11.19.25

**PREVIOUS ACTION/REFERRAL:**

Meeting of: July 28, 2020, August 18, 2020, September 15, 2020, and September 29, 2020  
File No.: 20-1032, 20-1153, 20-1275, 20-941