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**Humboldt County Owns the Development Rights that Pacific Towers Believes Are Its Own (PLN-2025-19343)**

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From Magret Draper <maggi00jd@gmail.com>

Date Fri 5/8/2026 4:44 PM

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Dated 5/8/2026

To: Humboldt Board of Supervisors

From: Friends of Grotzman Creek Watershed

**Humboldt County Owns the Development Rights that Pacific Towers Believes Are Its Own (PLN-2025-19343)**

Dear Board of Supervisors,

First of all, thanks for all you do. You are busy; we do understand that the Planning Department is addressing the above application, but something very significant has come up that requires the Board of Supervisors' attention to county property development rights. The Arcata cell tower matter as a whole has shifted from a regulatory to a proprietary one. Some of the decisions involved regarding the County's granted development rights are proprietary under Government Code § 25303, and some are regulatory within the planning department's delegated authority. It is quite complex. For more information, please contact the Planning Department as we sent documentation, citations, details, and implications to the Department today which are available for your scrutiny. We are encapsulating the essential here for your convenience because of your role.

The County Already Owns Relevant Development Rights

In 1986, as consideration for subdividing the property into 2 parcels, Herbert Moore relinquished and granted all development rights except those "directly related to timberland" to the County. This was formalized in the chain of title by a recorded 'Conveyance and Agreement' along with a 'Notice of Development Plan' relative to the steeper parcel. These grants and agreements run with the land and have never been released. Since an industrial macrotower converts timberland to industrial use, the landowner cannot lease these rights. In any case, Pacific Towers failed to provide correct relevant data in its application as per HCC 312-5.2.1.1A, and never had the rights it claimed, flaws that resulted in an inaccurate application. This has rendered the CUP process inapplicable.

In this case, FCC preemption rules on regulatory delays are irrelevant - this is a fundamental defect in the applicant's claimed property interest and application, and in no way can it be seen as a regulatory delay by the County. Importantly, all parties had constructive notice of these facts.

#### These Rights Are a Public Asset - Not a Technicality

There is currently no basis for a permit approval PLN-2025-19343 for the Shirley Blvd proposal. Disregarding this 1986 Development Plan with its restrictions/public ownership in order to benefit a private commercial interest would be inconsistent with modern laws or policy. Any future release of these rights would likely be a "project" triggering CEQA review of all the same issues that are creating controversy now, and would require public-interest findings the record cannot support. The General Plan states that timberland carbon storage may be "the most effective means to combat global warming," the new Climate Adaptation Plan lists carbon sequestration as a key strategy of greenhouse gas emissions reduction, and state law (Civil Code § 816, Public Resources Code § 71453) mandates a viewpoint favoring forest retention and climate stewardship. The parcel sits on steep, unstable slopes whose value is climate mitigation: watershed protection, carbon sequestration, fire resilience, and wildlife habitat. The 11-acre site joins the Arcata Natural Area to adjacent private land that is under discussion as a conservation easement.

#### A Ready-Made Win

By simply keeping these rights: 1) the County furthers its important goals for its own property rights, 2) the fee holder potentially gains higher property value for the house/ADU and future tax benefits, 3) residents maintain their property values and more inexpensive fire insurance, 4) Pacific Towers is free to pursue less contentious opportunities, and 5) a local controversy dissolves. Friends of Grotzman Creek Watershed is working with land trusts and there is seed funding pledged to enhance conservation grants. The County can turn a forty-year-old deed into a climate and community legacy - without much cost if grants are available.

#### We Respectfully Ask the Board To:

1. Direct staff to halt the invalid CUP process based on the applicant's lack of standing to pursue actions for which it seeks a permit, as well as due to erroneous application information;
2. Direct staff to advise the applicant of these facts;
3. Preserve the County's 1986 rights as a public stewardship asset under the Strategic Plan and state law;
4. Authorize staff coordination with FOGCreek and land trusts to explore any further conservation options available, consistent with current law and policy.

A controversy that virtually resolves itself is a rarity and a blessing. Please keep us informed, and we are available to answer questions and look forward to hearing from your staff as soon as possible.

Sincerely,

Kate Lancaster | Margaret Draper, Esq.  
President | Vice President



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