



City Manager (707) 822-5953	Environmental Services 822-8184	Police 822-2428	Recreation 822-7091
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736 F Street
Arcata, CA 95521

January 6, 2016

Chairperson Mark Lovelace
Humboldt County Board of Supervisors
825 Fifth Street, Room 111
Eureka, CA 95501

Re: Comments on the Proposed Commercial Medical Cannabis Land Use Ordinance and Draft Mitigated Negative Declaration

Dear Mr. Lovelace:

Thank you for the opportunity to provide comments on the Commercial Medical Marijuana Land Use Ordinance.

We are supportive of Humboldt County's intent to adopt a land use ordinance designed to "reduce or eliminate any adverse environmental effects of existing commercial cannabis cultivation operations in the County of Humboldt, and to prevent adverse environmental effects of any new commercial cannabis cultivation operations which may be permitted in the future."

The City has concerns about maintaining integrity of the City of Arcata's working forestlands and public trust resources if the proposed commercial cultivation/production permitting scheme is approved on timberlands. The inclusion of Timber Production Zone (TPZ) lands especially encourages forest habitat fragmentation and may result in lands being taken out of production, as well as impacting the manageability of adjacent timberlands. The Commercial Medical Cannabis Ordinance has the potential to impact road systems due to the frequent need to access crops. Light impacts, generator noise and the need to have personnel on site due to the high value of cannabis crop leads to an industrial/commercial type overlay within forested wild land settings.

Commercial medical cannabis operations may be compatible on former mill sites and brownfields that may currently be zoned TPZ, do not meet the definition of "timberland," and may be close to infrastructure such as power, water and public roads.

Some potential issues include: impacts to wildlife, cumulative watershed effects, water use, public safety, difficulty for others to do wildlife surveys in the vicinity of grows, difficulty in conducting fuel treatment work such as prescribed fire, and forest fragmentation. Concerns also include driving up costs for timberland management to adjacent and nearby landowners and making long term investments in timberland less attractive.

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Currently, there are 7,734 acres of TPZ designated lands outside of the City of Arcata city limits but within Arcata's Planning Area, including 891 acres that are owned and managed by the City of Arcata. In addition, the City owns 1,290 acres of managed timberland (within city limits) that are located adjacent to private TPZ lands within the Planning Area. The proposed ordinance has the potential to negatively impact City Forest ownership.

Both the City of Arcata and the County of Humboldt have a long history of effectively maintaining and protecting the timberland base in our region, therefore any proposed policy changes that could lessen TPZ protections are of concern to the City. The Arcata General Plan Policy GM-1e states: *Proposals which could affect the Planning Area's resources, including those resources addressed in the Resources Conservation and Management Element, shall be reviewed by the City. City review shall address the proposal's compatibility with applicable General Plan policies.*

State Public Resources Code (PRC 51104), defines: *"Compatible use" on TPZ land as any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:*

- *Management for watershed. Management for fish and wildlife habitat or hunting and fishing.*
- *A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.*
- *The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.*
- *Grazing.*
- *A residence or other structure necessary for the management of land zoned as timberland production.*

Given that medical cannabis is a specialty crop, to allow commercial medical cannabis cultivation on timberland would detract from the legislated purpose of TPZ. In review of the draft ordinance and MND, we do not see documentation that TPZ land is necessary to meet the need of this specialty crop that the ordinance includes in several other land use zoning types that are likely more appropriate locations. Additionally, we do not see documentation that conversion of forestland on TPZ will not negatively impact commercial timber production.

The County is proposing a Mitigated Negative Declaration (MND) for the proposed ordinance. The MND assumes that the permitting process for each permit issued will require all potential impacts to be mitigated to less than significant effect. City staff is looking closely at the MND as it appears that cumulative impacts associated with an undetermined number of potential cultivation sites have not been analyzed fully. There are approximately one million acres of TPZ land county-wide where a portion of those parcels could potentially host a permitted commercial cultivation area under the proposed ordinance. Additionally, the air resources and greenhouse gas implications associated with conversion of timberland has the potential to be significant depending upon the number of grow site permits issued.

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Increasing commercial cannabis operations within the wild land areas of TPZ land in the Arcata Planning Area could lead to increased operational and regulatory forest management costs due to cumulative effects and habitat fragmentation. Allowing for commercial cannabis use on TPZ land has the potential to greatly impact our timber economy as well as impair the ecosystem benefits that timberland affords.

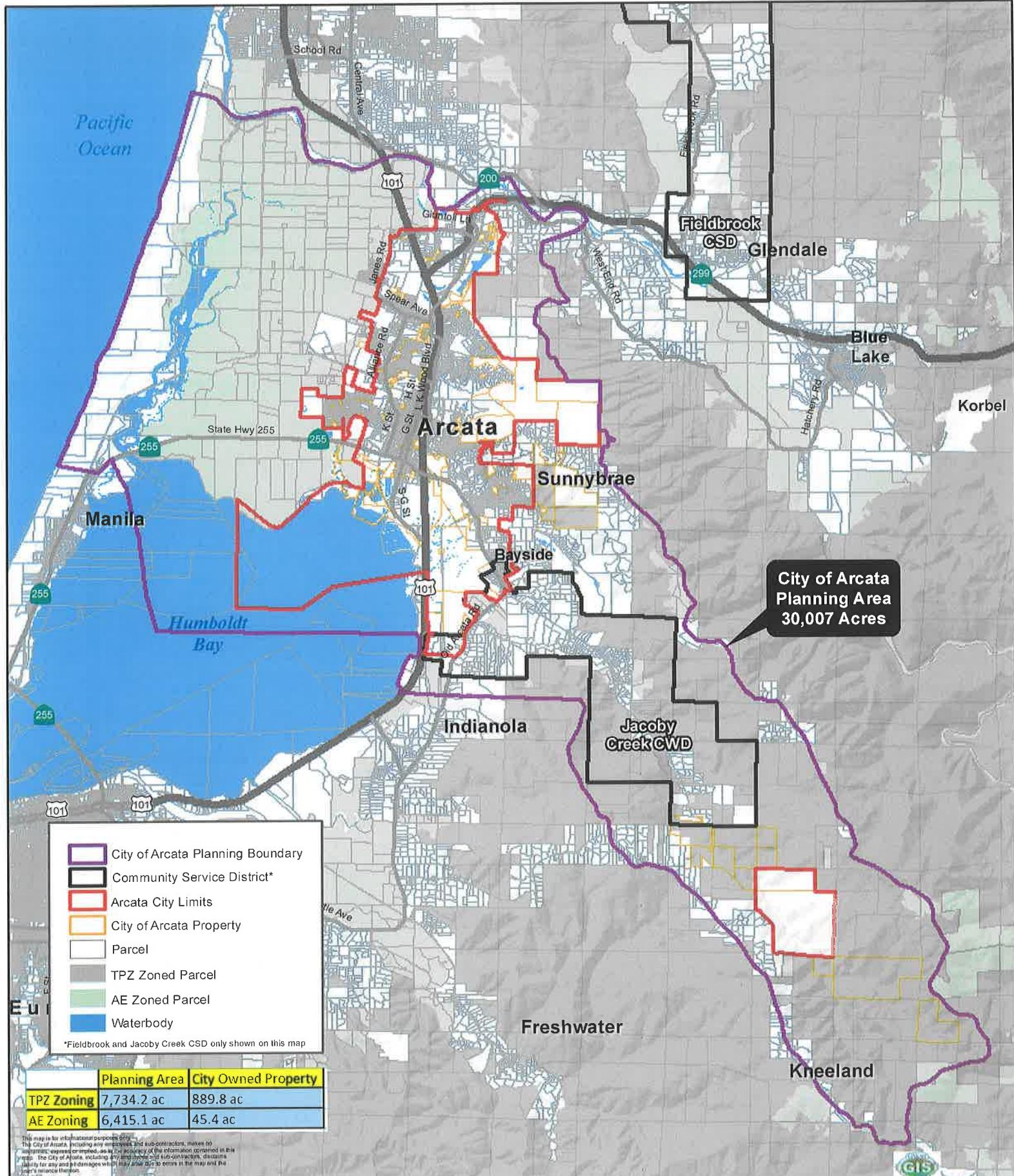
Sincerely,

Paul Pitino
Mayor



PP:bd

Attachment: Map showing TPZ and AG parcels within Arcata's Planning Area



AE and TPZ Zoned Parcels within City of Arcata's Planning Boundary



Notes:
Humboldt County Parcels - August 2013
Zoning - August 2013
Community Service Districts - csds7sp.shp