

May 2017

Nevada County Cannabis Regulation Community Planning Process

Summary of Small Group Discussions with Community Members

INTRODUCTION

On April 25 and 26, 2017, Daniel Iacofano and Joan Chaplick, of MIG, conducted small group discussions involving 39 community members to develop a better understanding of community member perspectives on the regulation of cannabis in Nevada County. Discussion participants included Nevada County community members from:

- Education
- Public safety and law enforcement
- Nevada Irrigation District
- Nevada County Cannabis Alliance
- Environmental organizations
- Community Development Agency
- Nevada County Contractors Association
- Nevada County Association of Realtors
- Health and Human Services Agencies and Providers

Community members were asked to identify issues of concern and possible strategies for managing cannabis in Nevada County. Several key themes emerged from these discussions as summarized below.

MAJOR THEMES

1. Acknowledge that Cannabis represents a significant level of economic activity in Nevada County.

Participants acknowledge that cannabis has had a long-standing presence in the community and it represents a significant level of economic activity in Nevada County. Some participants described local growers as small business owners who are an important part of the local economy. They noted that the cannabis industry supports agricultural suppliers, local businesses, service providers, area contractors, and so on.

Opinions varied regarding the presence of and related practices regarding indoor versus outdoor growing with different impacts (positive and negative) described for both types of growing practices. Opinion was also divided regarding the level of commercial growing vis-à-vis the level of growing for medicinal purposes that should be allowed and in what locations. Many participants stated that a properly-regulated industry in the County will produce jobs, stimulate innovation and reduce negative impacts by coming into compliance with land use planning, zoning and building standards.

Some participants stated that the prevalence of cannabis in the County has led to an overly permissive use of cannabis without regard for potential negative effects on people and the environment, and that it has led to a virtual “culture war between users and non-users.”

2. Provide a pathway to compliance to bring cannabis operations in conformance with whatever regulations and requirements are adopted by the County.

There is widespread agreement that cannabis needs to be regulated in the County and the updated ordinance should be designed to make it easier for small local growers to comply with regulations. The ordinance should include requirements for growing indoors and outdoors, address commercial cultivation and provide clear direction on processes and requirements to help local growers comply with the ordinance. The ordinance should be specific and clearly define the number of plants, size of the grow area, setbacks and other metrics that can help determine compliance with County regulations.

It was noted that while some growers believe they have good practices in place, some improvements may be needed to bring them into compliance. It was recommended that these required changes should be communicated in a non-punitive manner with growers being provided an opportunity to complete corrective actions. However, it was also recommended that there be consequences for noncompliance for those demonstrating complete disregard for the rules, and that those consequences should be substantial and significant enough to deter future violations.

There was a suggestion that permit fees from the industry be used to fund permitting operations, monitoring and enforcement of the regulations. It was also suggested that taxes from cannabis be used to fund education and social marketing campaigns to help protect children and youth, neighborhoods and the environment from the potential harmful effects of poor practices and improper use.

It was also suggested that accurate data regarding the cannabis industry along the lines of what is collected for all businesses in the County, would be beneficial in devising appropriate rules and regulations. This information could also help determine sound labor practices, worker protections and environmental and neighborhood impact mitigations.

3. Address and mitigate impacts on the environment and impacts on homeowners, communities and neighborhoods.

Participants agreed on the importance of addressing and mitigating impacts on the environment and reducing impacts on homeowners and neighborhoods in proximity to growing operations. Participants also noted the potential safety risks for agency staff doing compliance work and for outdoor recreators who encounter illegal growing activities.

The environmental impacts were described as potentially very significant and include:

- Impacts from use of pesticides, fertilizers and rodenticides
- Algae growth in creeks and water bodies
- Increased demand for water
- Illegal water diversions and water theft
- Deforestation and soil erosion
- Trespassing and related damages
- Improper disposal of waste, butane tanks, and debris from production and processing operations
- Substandard buildings and structures, electrical utilities, posing safety concerns, fire danger and other hazards for industry workers, nearby residents and the environment.

There were also comments received related to indoor growing and related energy consumption. One participant described how a well-constructed greenhouse can provide a highly controlled and well-monitored environment for growing cannabis. Some participants noted concerns about the size and scale of site improvements and equipment needed for growing in relation to surrounding residential developments and single family homes.

Many homeowners in the County feel the nuisance, negative and potentially dangerous from grows in their neighborhood on a day-to-day basis, impacting their ability to enjoy their property, protect their children and feel safe in their own neighborhood. Participants described the following impacts:

- Offensive odors for extended periods of time
- Increased local traffic and impacts on local roads
- Increased crime (real, perceived or the potential for)
- Intimidating presence of guard dogs, specifically pit bulls
- Uncertainty with respect to future landowners and their views
- Landlord and tenant rights regarding the presence of cannabis on their property

4. Protect children and youth from potential harmful effects and improper use of cannabis.

There was wide agreement on the need to protect children and youth from improper access to and use of cannabis. As cannabis use is normalized by adults, some youth consider this a signal that

cannabis is completely harmless and that they can start using cannabis at a very early age. Many youth have easy access to cannabis through family members and friends. Teachers are having to deal with an increasing number of youth bringing cannabis to school and using cannabis during the school day. Educators reported that some students come to school with an overwhelming odor of cannabis, probably due to the fact that cannabis is being cured in the common areas of their homes. They also reported that the odors emanating from children's clothes can be so overpowering and distracting to other children as to require that they remove those offending children from the classroom in order to continue their lessons.

Further concerns were expressed about potential impacts of cannabis on youth development since a growing body of research shows that a young person's brain is still developing through age 25. Health officials also commented on the number of mothers using cannabis to mitigate discomfort during pregnancy although little research exists regarding potential effects on the health of the mother or baby. There has been limited investment in research at the federal level on the impact of cannabis on fetal development, child and youth development. Some participants recommended that these potential impacts be taken seriously until there are definitive guidelines for use based on defensible research.

Concerns were also expressed about the unknown health impacts related to the use of pesticides and other chemicals during cannabis growing, production and processing, particularly in regards to the edibles and other cannabis products lacking labels and lists of ingredients that went into the making of these products.

In addition to the issues related to children and youth, participants shared concerns related to the potential impacts of cannabis use by adults. Health professionals noted an uptick in patients displaying mental health issues among some heavy cannabis users. It was agreed that more research is needed to understand the potential impacts and help current and potential users make informed choices.

5. Base recommendations on data when available; initiate research to acquire data to better understand the scale and scope of the industry in Nevada County

Many entities have conducted or are conducting research on different aspects of the cannabis industry. This data may also be of use to the Nevada County process. It is recommended that data sources be vetted to insure they are credible and based on sound methodology and research practices.

There is also research and data at the County level that may be available to support the process. For example, safety officials have data on DUI's and traffic accidents. There is also crime data that may help quantify some impacts. However, it was also noted that many cannabis related crimes go unreported.

6. Apply best practices and lessons learned from other communities that may have application to Nevada County.

Participants agreed there is no reason for Nevada County to reinvent the wheel. Many communities in California and in other states where cannabis has been legalized have “best practices” and “lessons learned” that may be of interest and applicability to Nevada County. One participant provided an example of a “social hosting” ordinance in Truckee that could be a useful reference point.

7. Educate the public about the industry.

Many participants felt the need to provide factual information from credible sources about the scope and scale of the cannabis industry including its fundamental practices, related impacts and potential benefits. The County has taken a step by creating the Cannabis Conversations page on the County website. This page will serve as a centralized location for cannabis related information. The link is: <https://www.mynevadacounty.com/nc/cda/Pages/CannabisConversation.aspx>

8. Bring the community together around a set of reasonable regulations to protect the public health, safety and welfare.

Cannabis has become a divisive issue in the County. Legislation at the State level allows for medicinal and recreation use. Through the process of working with the CAG, there are expectations that the role of cannabis in the County will be clarified and recommendations developed through a collaborative process so the County can develop a revised ordinance that will be acceptable to the community and the cannabis industry, incentivizing the application of industry best practices and ensuring a high quality of life for all Nevada County residents.