



Nevada County Cannabis Regulation Community Planning Process

Summary of Community Advisory Group (CAG) Meeting #6, August 8, 2017

Prepared by:



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Introduction

On Tuesday, August 8, 2017, Nevada County convened the sixth meeting of the Community Advisory Group (CAG). The CAG includes 16 Nevada County residents who were appointed by the Board of Supervisors. The mission and charge of the CAG is to:

- Gather and analyze input from Nevada County community members with regard to perspectives on cannabis-related activities.
- Advise the Nevada County Board of Supervisors (BOS) regarding preparation of a revised ordinance to regulate cannabis-related activities in Nevada County.
- Formulate recommendations that Nevada County staff and the BOS can use to draft a revised County ordinance which regulates cannabis-related activities.

The CAG process is led by a four-person team that includes representatives from:

- MIG, Inc.: Daniel Iacofano, Lead Facilitator, and Joan Chaplick, Project Manager
- Nevada County: Sean Powers, Director, Community Development Agency, and Mali Dyck, Program Manager, Eligibility and Employment Services

This is the sixth of a series of meetings that will be conducted between May and September. The meeting notes are intended to provide a summary of key points of information, discussion topics, questions and agreements. The summary is not intended to serve as a transcription of the meeting. Meetings have been videotaped and are posted on the County website.

1. Welcome and Introductions

Joan Chaplick, MIG facilitator, opened the meeting and led the group in the Pledge of Allegiance. She welcomed the CAG members and members of the public to the meeting. All 16 members of the CAG were in attendance. Approximately 18 people attended along with representatives of local media.

Joan reviewed the meeting agenda and objectives, which were to:

- Present information about cannabis as it relates to public health, water resources and natural resources
- Review issues related to inspections, monitoring and enforcement; and
- Recap and review topics discussed to date.

2. Presentations on Topics of Interest

Water

Rem Scherzinger, General Manager, Nevada Irrigation District (NID), provided a presentation on the District's water supply issues and other issues related to cannabis cultivation. Key elements of his presentation include:

- Raw water systems issues include:
 - Safety and theft
 - Wells and ground water use (which can be problematic near large growth)
 - Crop reporting—each crop will need to be identified including area and ETO (evaporation) per crop, in order to report water usage to State Water Board, supporting its effort to better control water usage
 - Capacity fees
- The District is currently updating master plans for raw waters. This includes changing water allocations. The changes will depend on cannabis's designation as either an agricultural or industrial crop, and modifying quantity and quality of water demand.
- Currently, the NID is going to run out of water in 2032.
- With a treated water system, the Urban Water Management Plan needs to be updated to account for the shift in water consumption associated with indoor grows of 6 crops per household.
 - The NID now requests households to sever water connection between home and growing area (such as garage) if they are engaged in commercial or production activity. Severing the connection allows better tracking of the gallons per capita/per day targets for a single-family home.
- Watershed impacts include: pollutants; water quality (for all users); and water rights (imported vs. riparian rights). All waters in the local system are imported water, not riparian, and therefore cannot be taken.

CAG questions regarding Rem's presentation included:

- Question about the new regulation concerning severed water connections for single family homes, including the cost of installing such a system.
 - Response: It was estimated that the cost would be from \$15,000 to \$50 000 per household.
- Questions concerning the estimates for water consumption associated with indoor crops.
 - Response: NID is using what they consider to be an accepted number for average cannabis plant water use of 6-15 gallons per capita per plant per day.

Public Health

Dr. Kenneth Cutler, Nevada County Public Health, gave an overview of the current state of knowledge about cannabis' impact on public health, particularly on youth. Key elements of his presentation included:

- Knowledge about cannabis is still evolving a great deal as more research is conducted.
- Cannabis use is prevalent. A survey taken in 2015 showed that 22 million people aged 12 or over had used cannabis in the past month. The most prevalent use was among those aged 18-25 (19.8% use in the past month). Ninety percent of users say they use cannabis primarily for recreational purposes.
- He explained cannabinoids (which are found in plants and can be synthesized) and the body's endocannabinoid receptors for these compounds. The receptors are located in the brain and elsewhere.
- The known health effects of cannabis include:
 - Evidence that cannabinoids can successfully decrease chronic pain. There are many other symptoms that can be treated with the use of cannabis.
 - Cannabis can impair driving.
 - Where use is legalized, unintentional overdose injuries in children have increased (Colorado saw some decrease after legalization in 2015). Emergency room visits increased in Colorado after legalization, mainly in tourists, and have since started to decrease.
 - In mental health: use likely increases the risk of schizophrenia, social anxiety and depression. Alternatively, individuals with schizophrenia who use cannabinoids may have better performance on learning and memory tasks.
 - There is moderate evidence that cannabinoid use can increase the likelihood of developing a substance use disorder for other drugs.
- Impacts on youth include:
 - It is associated with psychosis and addiction in youth.
 - A survey of local high school students revealed that cannabis use is common in 11th graders, and that they say it can be easily found. Only a quarter of respondents think it can be harmful.
- Policy considerations from a public health standpoint include:
 - The issue of geographic distribution of selling and production points. For instance, we know that certain areas have been disproportionately affected by alcoholism because they have more liquor stores.
 - Quality control and consumer protection is needed, including testing for concentrations of pesticides or heavy metals and accurate information on potency.

- Law enforcement is a concern.
 - Age restrictions: the brain is still developing until the age of 25; some public health officers are recommending use be restricted to those over 25.
 - Taxation can be a disincentive, particularly for teenagers.
 - Consider time and date restrictions (as with alcohol).
 - Warning labels for pregnant women and youth help, particularly with tobacco.
 - Consider prohibitions on billboards and other advertising in sensitive places, limitations for delivery services.
 - Regulate delivery of cannabis: where it can be sold, by whom, etc.
 - Consider if edibles and food production are taking place on the same site; safety concern for accidental ingestion.
- A well-regulated industry can have a positive public health effect. The need is to focus on youth use prevention, maternal use and preventing unintentional injury.

The CAG's questions regarding Kenneth's presentation included:

- What are the symptoms of a cannabinoid overdose injury in a child?
 - Response: Rapid heart rate, anxiety etc.
- It's important to differentiate between "does" and "could" when discussing effects (positive and negative) of cannabis. It's also important to differentiate between the risks of non-medicinal use and medicinal use.
- Products developed by pharmaceutical companies are very few and limited now. Other cannabinoids would have to be studied.

Natural Resources

Jerry Karnow, formerly a Game Warden for California Fish and Game, gave an overview of the Fish and Wildlife Service's mission and his experience seeing the impacts of cannabis cultivation on habitat, water, wildlife and fisheries. Karnow was explicit that he was not speaking on behalf of the State and that he was sharing his personal experiences.

- The mission of the Department is to protect habitat, water, wildlife and fisheries. Their main focus is on protecting habitat and water, since these are essential to having a healthy wildlife population. They also provide public safety, as often they are the only law enforcement agency in the areas where they operate.
- Investigating illegal cannabis cultivation, in terms of water pollution or water diversion, is one of the most dangerous jobs Game Wardens must do.
- Negative environmental impacts include: poaching wildlife; water pollution; habitat destruction; poisoning of terrestrial wildlife; illegal campfires and fire causing activity; and unpermitted electrical fire danger.

- There is a cannabis enforcement team consisting of about 40 wardens, as well as other positions to enforce cannabis cultivation and investigate illegal practices and negative environmental impacts.

Questions and comments from the CAG regarding Jerry's presentation included:

- What is the best way to address the issues mentioned?
 - Response: regulate them the same way you would regulate the wine or other industries.
- Negative impacts of an unregulated market place can be fixed with more regulation.
- Are there studies of the watershed's carrying capacity?
 - Response: The work is underway and being conducted by the state pesticides lab.
- Is flyover inspection part of the warden's role?
 - Response: There are flyovers done probably 3 times a year; they are also used for other investigations.
- Does Fish and Wildlife investigate along with the sheriff's department?
 - Response: Yes, we investigate the grows for illegal water use, for instance, sometimes in partnership with other agencies.
- Is it true that Mexican cartel grows are the most environmentally damaging? Is it also true with other types of grows?
 - Response: It depends, but there are sometimes problems with smaller grows in single family homes. Cartel grows are extremely damaging, but others have smaller issues (such as illegal chemical storage, or illegal campfires). There are some growers who have good practices and are good stewards of the land.

Enforcement

Micah Arbaugh, Deputy Sheriff, Nevada County Marijuana Ordinance Enforcement (MET) has worked on the cannabis enforcement team for five years; in that time, he has seen both the ordinance and enforcement change. He presented the work of the cannabis enforcement team from an on-the-ground sheriff's point of view.

- Types of grows include both outdoors and indoors, but outdoor grows represent 90% of investigations. The complaints ramp up in August when the smell is strong.
- In his work, he is stuck between people who hate cannabis and those who love it. There is almost not middle ground.
- The complaint process proceeds as follows: after a complaint is received, the sheriff prepares a research packet with parcel size, plant count, etc. A marijuana inspection notification and inspection letter is issued, and if no one answers this letter, an inspection warrant is issued. Then the team goes to inspect the grow with the goal of helping bring the grower into compliance. They will issue a citation depending on what

the violations are, and the grower will then have 7 days to comply before the violations go forward.

- Since January 2017, there have been 152 complaints: 24 unfounded, 28 parcels self-abated, 9 in compliance, and 42 posted.
- Overflights are done in some cases.
- Cannabis at school is big concern, with 78% of cannabis consuming students dropping out.

CAG questions for Micah included:

- Are gate notices put on properties that haven't received complaints?
 - Response: Yes, if the person complaining doesn't know the exact address, the sheriff will post on all gates in the area.
- How do you like the complaint-driven process? Is there a different scenario?
 - Response: We need to bridge the gap between growers and people that hate cannabis.
- What about enforcement of setbacks?
 - Response: it's too hard to measure setbacks; plant count is specific and easier to determine compliance.
- Do you investigate light pollution complaints?
 - Response: Light pollution complaints are hard to investigate.
- As a school officer, what did you encounter in terms of cannabis?
 - Response: there is a very clear correlation between attendance, grades, and cannabis. There is cannabis on school campuses. Kids often steal it from parents who are growing, and also vape pens starting to show up now.
- How much time and effort does a sheriff put into going after issues such as water theft?
 - Response: A sheriff will work the civil side and call code enforcement at NID to cover their specialty. Sheriffs will call NID often. To enforce the civil ordinance, the sheriff will primarily go into homes.
- What is the percentage of complaints for which you need a warrant, and how much does it cost?
 - Response: No inspection warrants have been approved to go forward.
- How many abatement warrants have been issued and how much does it cost?
 - Response: None have been issued this year. We are still trying to figure out what other counties are doing to streamline the inspection / warrant process.
- Do you reinspect after the seven days have passed?

- Response: The complaint will go away after the grower has come into compliance; in those cases, we will not inspect again because the sheriff is too busy.
- Is current staffing sufficient?
 - Response: The sheriff's department is slammed and cannot keep up. They are trying to do what they can to facilitate both sides (pro and against cannabis), especially in the summertime.
- How would you address the problem, since you see everything on the ground?
 - Response: He has a good relationship with most growers, but there is a serious problem between the diverging opinions— those that are in favor and those that hate it. There is also a big difference between local back yard growers and the really big grows.

3. Review of Issues Related to Inspections, Monitoring, and Enforcement in the County

Sean Powers, Community Development Director, explained the code compliance and inspection process at the county level.

- The current policy is complaint-driven. That approach is chosen because it is more manageable.
- Types of compliance issues include: building, solid waste, environmental health, abandoned vehicles, sewage compliance, open wells, etc.
- The goal to enforce all codes, aiming for self-abatement. If self-abatement is not achieved there are administrative citations, and an abatement process.

The CAG's questions and comments for Sean included:

- How long does it take to get through the planning process and what is the cost?
 - Response: Every project is unique; it depends on what outside resources need to be brought in. It varies from a week to 9 months.
- When will the CAG get into making recommendations?
 - Response: The recommendation work will start at the next CAG meeting. There will be a Board of Supervisors meeting to check in with the CAG process. CAG members are encouraged to attend. The meeting is on September 5 at 9 am at the Board Chambers.
- The CAG has asked for specific information, such as what is going on in other counties, or questions regarding over-production. When will that information be sent to CAG members?
 - Response: We will review the information requests and determine what information would be most helpful to the process.

- What will be presented to the BOS? The CAG doesn't have recommendations yet; we're nowhere near ready for that.
 - Response: We are asking the BOS for recommendations as to what to prioritize in the CAG's discussion about recommendations.
- It is important for the ordinance to cover all license types; that should be shared with the BOS.
- It is too early to make recommendations when we have no information about the state of law regionally and about the economic state of cannabis.
- The CAG hasn't yet had the opportunity to discuss the information given to them so far in the various presentations in the previous sessions; it would be important to have those discussions among CAG members. There should be an opportunity to debate.

Joan closed the discussion and moved on to the public comment period.

4. Public Comment Period

The following comments were contributed by members of the public:

- Why hasn't the Board of Supervisors provided all the facts, especially an economic impact report?
- Expressed frustrated about misinformation presented during CAG meetings.
- Expressed disappointment with the speakers being in such opposition, and with lack of information about the economics of cannabis. Consider that 60% of cannabis revenue will go to youth programs. I'm in favor of a better regulation.
- Identified as a cannabis user and grower that is in favor of better regulation.
- The best approach is rational regulation. Legalization will create good stewards and dedicate resources to eradicating bad actors.
- Doesn't understand why CAG members are not given enough time to ask questions and discuss. This is bad for the process.
- Expressed a commitment to using good environmental practices and conservation efforts. Better regulations are needed to enforce better environmental practices.
- Want to see regulation with environmental controls. There are good actors in the county that are stewards of the environment and would like to comply with regulations that are well thought-out. Also concerned with the information the CAG has received so far; it is focused on negative impacts without mentioning topics such as economic impact.
- Concerned about groundwater and wildlife with regards to cannabis and its environmental impacts.

- Represents the Nevada County Cannabis Alliance. It's important that the final regulation is feasible and cost-effective. Particularly concerned with severed water systems and their cost. Water is a great concern when it comes to cannabis production and has been very much studied. The importance of discussion during CAG meeting must be highlighted.
- Disappointed that no one from the fire service has presented to the CAG. In a fire started by cannabis or honey lab that explodes, first responders are the first on the case. Including funding for fire service should be considered in this process.
- A CAG member noted that public comment should not single out or be directed at a specific CAG member.

5. Next Steps

Joan thanked everyone for their time and reminded everyone that the next CAG meeting is on September 12th. The BOS meeting takes place prior to that on September 5th.

There were no wallgraphic notes taken during this meeting. Comment cards and comments submitted via email by participants are attached as Appendix A.