



CONSULTING AND FACILITATION SERVICES

NEVADA COUNTY



CANNABIS REGULATION COMMUNITY PLANNING
PROCESS

CAG MEETING #6



431 I STREET, SUITE 108, SACRAMENTO, CA 95814
(530) 753-9606 | www.migcom.com

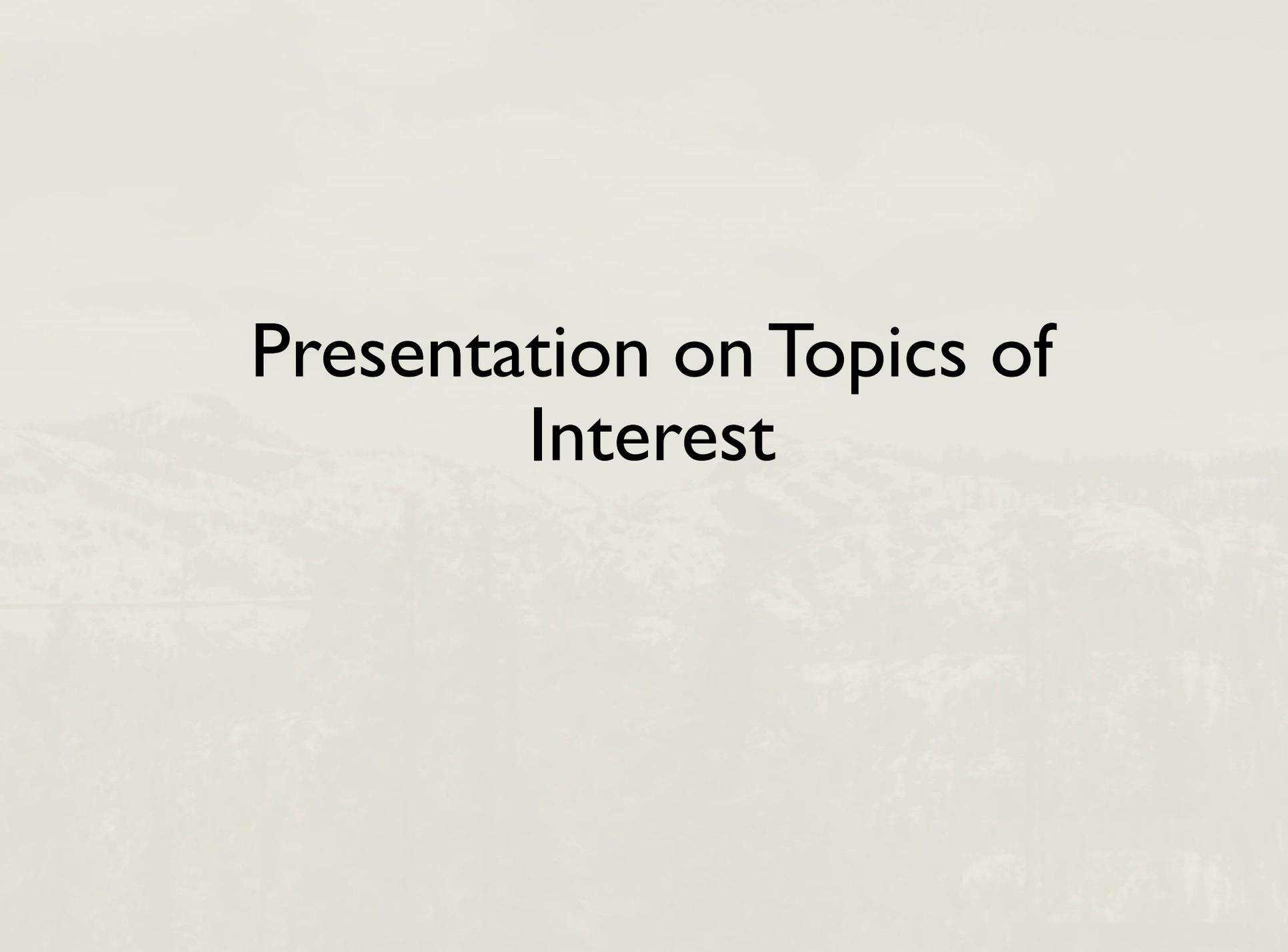
in association with:
ECONorthwest | Sam Kamin

CAG # 6 AGENDA

1. Welcome and Introductions
2. Presentation on Topics of Interest
3. Review of Issues Related to Inspections, Monitoring and Enforcement in the County
4. Review and Discussion of CAG Topics Discussed to Date
5. Public Comment
6. Close...

CAG Process Update: Phased Discussions

1. Potential Allowable Activities at Cultivation Sites
2. Land Use and Zoning Requirements
3. Permitting Process
4. Inspections, Monitoring and Enforcement
5. Other: Public Health, Tax Revenue, etc.



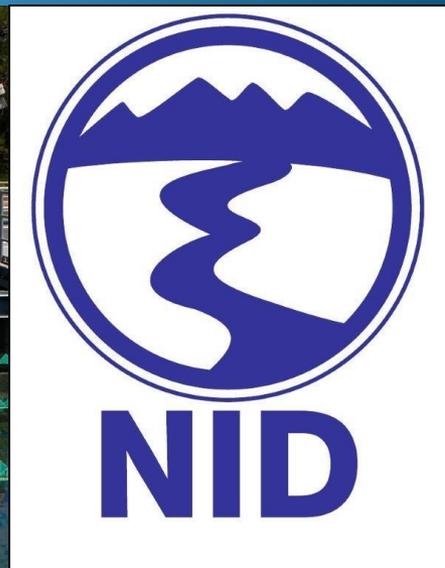
Presentation on Topics of Interest

Water

**Rem Scherzinger, General
Manager, Nevada Irrigation
District**

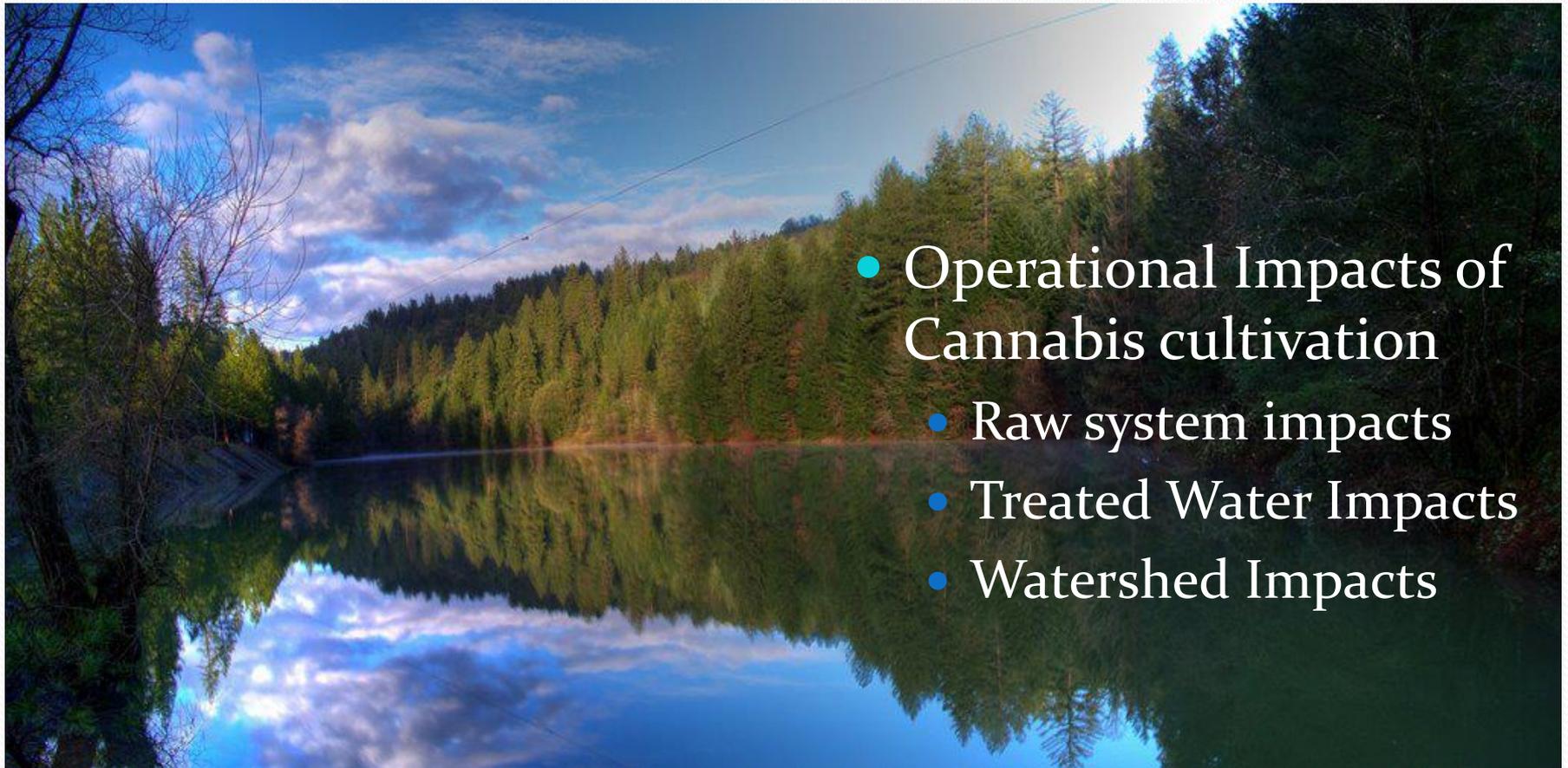
Community Advisory Group (Cannabis)

Remleh Scherzinger P.E.
General Manager



Proudly serving portions of Nevada, Placer, and Yuba Counties

Outline



- Operational Impacts of Cannabis cultivation
 - Raw system impacts
 - Treated Water Impacts
 - Watershed Impacts

Raw Water Systems

- Safety \ Theft
- Updating Master Planning Documents
 - Usage / Availability
- Wells/Groundwater
 - Use
 - Contamination
 - State Regulation
- Crop Reporting
 - Type, Eto & reporting
- Capacity Fees
- Annual vs Perennial



Planning Updates

- AG\Raw Water Master Plans
 - Designate Cannabis as AG crop or Industrial crop
 - Change lands to be used for this purpose
 - Modify and quantify the H₂O demands
 - Annual vs Perennial designation



Treated Water System

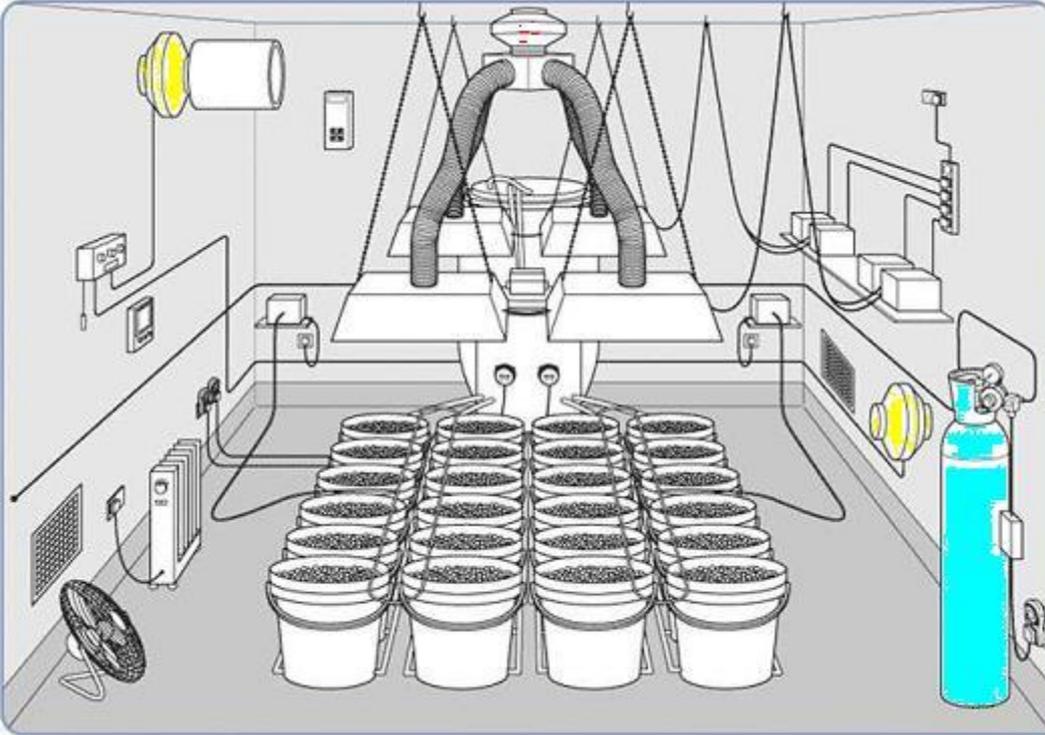
- Updated the Urban Water Management Plan
- Water Availability
- Industrial connections
- Rebuild Residential Connections
- Irrigation Budgets

Table 6-5. (DWR Table 7-3)
Single Dry Year Water Supply and Demand Comparison, ac-ft/yr

	2020	2025	2030	2035
Supply				
PG&E	16,003	16,003	16,003	16,003
Watershed runoff	77,378	77,378	77,378	77,378
Carryover storage	107,330	107,330	107,330	107,330
Recycled water	1,900	1,900	1,900	1,900
Supply total	202,611	202,611	202,611	202,611
Demand total	178,919	187,960	196,076	203,080
Difference (supply minus demand)	23,692	14,651	6,535	-469 ^(a)

^(a) With the completion of Centennial Reservoir in the future surface water supply in both the watershed storage will be increased to eliminate this projected deficit. The District is in the early stage of evaluation and the quantified capacity will be included in a future update of the UWMP.



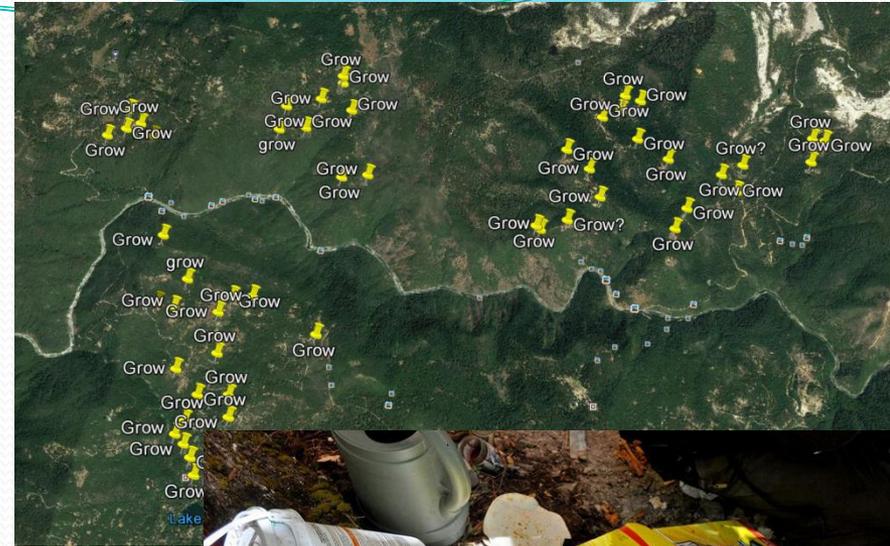


Urban Connection

- State GPCD reporting
 - Will require the disconnection of the “grow” from the residential service
 - Addition of Irrigation service and DCVAs
 - New development may be required to install $\frac{3}{4}$ ” service for fire
 - Water budgets for urban crops

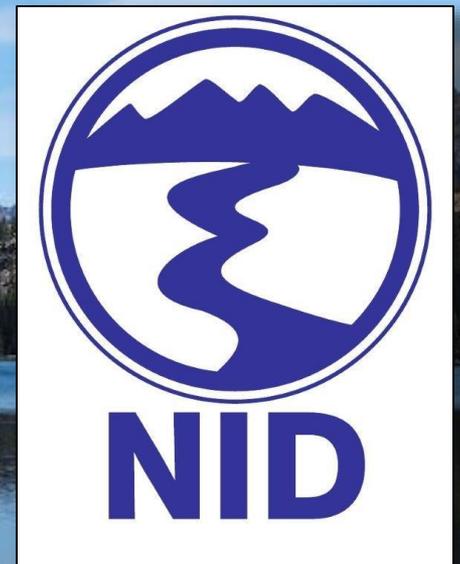
Watershed Impacts

- Pollutants
 - Nitrate, Nitrite, Phosphorus
 - Rodenticides, sediment
- Water Quality
 - Impact to current environmental users
- Water Rights
 - Imported vs Riparian rights

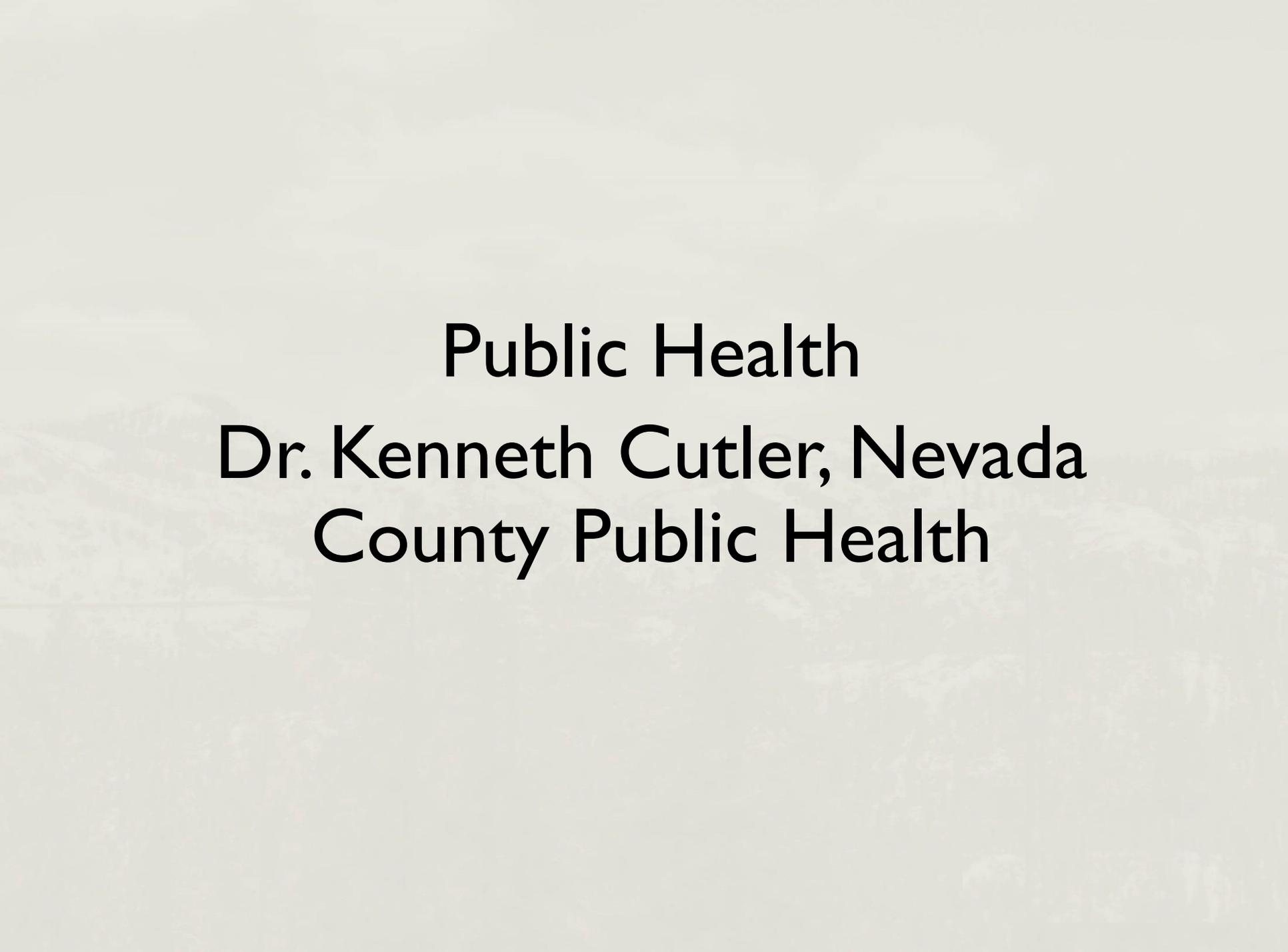


Remleh Scherzinger P.E.
General Manager

Thank you



“We are only as effective as the relationships, credibility and trust we have with our community” Jim McDonnell



Public Health
Dr. Kenneth Cutler, Nevada
County Public Health



Community Advisory Group

Ken Cutler, MD, MPH

Nevada County Public Health Officer

August 8, 2017



Public Health: Why is this a PH issue?

- “What we as a society do collectively to assure the conditions in which people can be healthy” (IOM, 1988)
- 



Commonly used: National Survey on Drug Use and Health (NSDUH)

- Marijuana use in the past month increased from 6.2% in 2002 to 8.3% (approx. 22 million people) in 2015 among people aged 12 or older.
- Most prevalent ages 18-25 (19.8% use in past month).
- Ages 12-17: 7% use in past month.
- <https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2015/NSDUH-FFR1-2015/NSDUH-FFR1-2015.pdf>
- For 90% of adult cannabis users in US, primary use is recreational; 10% solely for medical purpose, and 36% reported mix of medical and recreational.
- http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24625&_ga=1.166210365.208024799.1434990546



Cannabis and the Endocannabinoid System

- Phytocannabinoids: plant leaves, flowers, stems, and seeds (*Cannabis sativa* plant)
- Endogenous: made by the body: anandamide (AE) and 2-arachidonoylglycerol (2-AG)
- Purified: naturally occurring cannabinoids purified from plant sources (examples include cannabidiol (CBD) and delta-9-tetrahydrocannabinol (THC))
- Synthetic: made in the lab



Endocannabinoid receptor system

- ▶ Receptor system is large and widespread;
 - ▶ Dr. Raphael Mechoulam (pioneer in field of cannabis research)
 - ▶ CB₁ receptors are primarily found in the brain and central nervous system and to a lesser extent in other tissues. CB₂ receptors are primarily found in the peripheral organs, particularly cells associated with the immune system.
- 



Therapeutic Effects: NASEM

- ▶ Chronic Pain: In adults, patients with cannabis or cannabinoids more likely to experience significant reduction in pain symptoms. (RAND study: dispensaries associated with decreased opioid fatalities)
- ▶ For adults with multiple sclerosis-related muscle spasms: Substantial evidence for short-term improvement using oral cannabinoids.
- ▶ For adults with chemo-induced nausea and vomiting: Conclusive evidence for effectiveness in preventing and treating it.
- ▶ Cachexia and anorexia (THC stimulates appetite and weight gain in cancer patients and effects well documented in patients with AIDS)



Endocannabinoid system as emerging target of pharmacotherapy

- Appetite regulation
 - Pain and inflammation
 - Neuroprotection (traumatic brain injury, stroke, epilepsy)
 - Movement disorders (including Parkinson's)
 - Sleep disorders
 - Glaucoma
- 



NASEM review: other findings

- ▶ Cannabinoid use prior to driving *increases* the risk of MVA.
- ▶ Where use is legalized, unintentional cannabinoid overdose injuries increase in children (most by ingestion). States with legal medical cannabis saw an *increase in Poison Control calls* in children under 6 yo by almost 3 times 2000-2013. (Colorado saw some *decrease* in 2015).
- ▶ Cancers: Did NOT find evidence of increased risk of cancers that are associated with tobacco such as lung, head, and neck.
- ▶ Respiratory: Regular smoking associated with more frequent chronic bronchitis.
- ▶ Mental Health: Evidence reviewed showed cannabis use likely increases risk of developing schizophrenia, social anxiety, and to a less extent, depression; alternatively individuals with schizophrenia who use cannabinoids may have better performance on learning and memory tasks.



NASEM findings continued

- ▶ Problem use: Greater frequency of use, more likely to develop “problem use.” *Evidence especially if initiating use at younger ages.*
- ▶ Other substances: Moderate evidence suggesting link between cannabis use and development of Substance Use Disorder for alcohol, tobacco, and other substances.
- ▶ Psychosocial: Immediate use impairs memory and attention. Limited evidence related to impaired academic achievement, lower rate of employment, and lower income.
- ▶ Pregnancy: Linked to lower birthweight.
- ▶ Challenges to Research: Schedule 1, access to product, and funding.



Youth impacts

- Associations with psychosis and addiction
- Unintentional exposures in young children
- Perceptions of harm changing
- American Academy of Pediatrics opposed legalization
- American Congress of Obstetricians and Gynecologists cautions

CHKS Data 2015-16: some local data

Marijuana Use	Grade 7	Grade 9	Grade 11
<u>Lifetime Use</u>			
▶ 0 times	94%	73%	58%
▶ 1 time	2%	6%	5%
▶ 2-3 times	1%	4%	7%
▶ 4 or more	2%	17 %	30%
<u>Past 30 Days</u>	3%	13%	23%
▶ vs. Cigarettes past 30 Days			13%



Perceived Harm: local CHKS data 2015-16

- ▶ Smoke MJ once or twice a week: *No harm* 22%/21%/26%
- ▶ How easily can you obtain MJ: *Fairly/Very easy*: 26%/63%/76%



Medical Marijuana has been handled differently than most medicines

- ▶ FDA has not approved smoked cannabis for medical use
- ▶ Has typically been recommended outside of the usual doctor-patient relationship
- ▶ Not dispensed in pharmacies (point of sale counseling)
- ▶ May be grown by caregivers (has not been regulated)
- ▶ Products sold not tested by FDA for effectiveness or safety



Policy considerations from PH standpoint: Regulation can have a positive effect on PH.

- ▶ <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2015/01/23/10/17/regulating-commercially-legalized-marijuana-as-a-public-health-priority>
- ▶ Increased availability: Already easy for teens to get, may get easier. Also, density of retailers needs to be considered (if congregate in few locations, people in those areas more exposed to it).
- ▶ Quality control and consumer protection: Testing for pesticides, heavy metals, etc; need accurate information on potency.
- ▶ Motor vehicle safety: on-site consumption and delayed response is a concern.



Policy considerations continued

- ▶ Health effects: About 9% of regular users become addicted. We know from tobacco and alcohol that heavy users get targeted for marketing.
- ▶ Age restrictions: brain still developing until 25 years old.
- ▶ Taxation: price of other products (alcohol, tobacco) affects teen use
- ▶ Childproof packaging.
- ▶ Time and date restrictions: alcohol control includes limiting days/times sold
- ▶ Warning labels: Tobacco labels help (alcohol less so).
- ▶ Advertising restrictions: prohibition on industry sponsorship of sporting, music, or other events where youth make up 15% or more of intended audience.



Policy considerations continued

- ▶ Advertising: consider prohibition of billboards and other outdoor messaging within 1,000 feet of youth-sensitive locations: schools, parks, libraries.
- ▶ Deliveries: Consider prohibiting non-employees of a licensed dispensary from being in the vehicle when it contains cannabis goods. Consider whether vehicles can have advertisements, if deliveries can go to public places like hotel lobby, music concert, or events open to the public.
- ▶ Consider food production: if edibles and food produced on same premises, that could be a safety concern for accidental ingestion.
- ▶ Imprinted stamps on individual servings of edibles could help identify product when removed from packaging.
- ▶ Consider on-site and off-site activities: on-site consumption; temporary retail sites like food trucks.



Summary

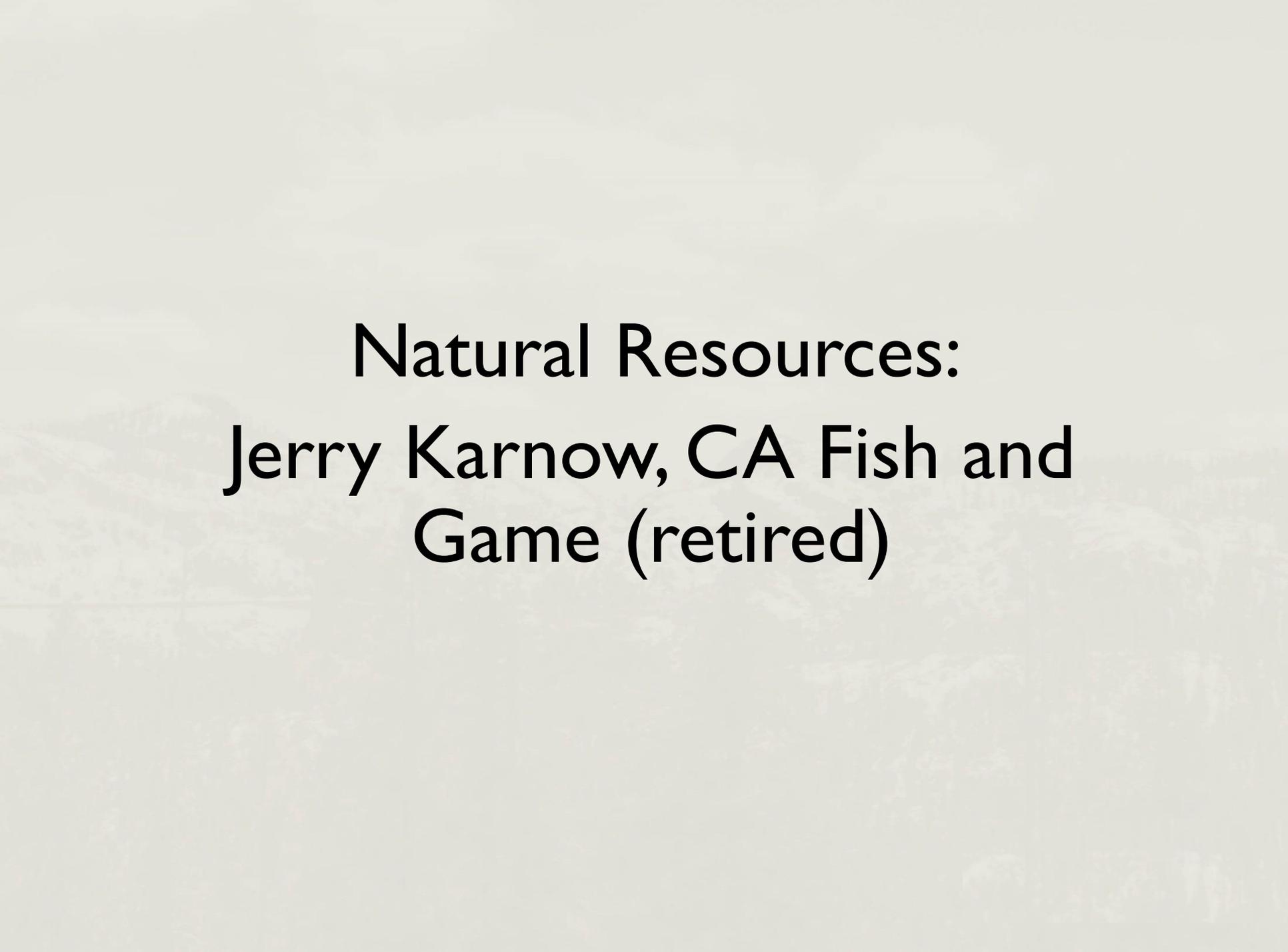


- ▶ Decision-making will be made with suboptimal research knowledge
- ▶ There are medical benefits and many potential therapeutic applications
- ▶ There are negative impacts as well, particularly with non-medical youth use and concerns about use in pregnancy
- ▶ A well-regulated industry could have positive PH impacts
- ▶ Many policy decisions to be made: consider focus on youth use prevention, maternal use, and unintentional injury



Traffic collisions (for reference)

- ▶ Insurance Institute for Highway Safety: claims 2012-2016 (CO, WA, OR vs. neighboring): collision claims about 3% higher than anticipated without legalization. *Status Report*, Vol. 52, No. 4 | June 22, 2017
- ▶ AJPH: vehicle crash fatalities: 2009-2015: Found no significant association between recreational marijuana legalization in Washington and Colorado and subsequent vehicle crash fatality rates in the first 3 years after recreational marijuana legalization: Jayson D. Aydelotte et al. "Crash Fatality Rates After Recreational Marijuana Legalization in Washington and Colorado", *American Journal of Public Health* 107, no. 8 (August 1, 2017): pp. 1329-1331.



Natural Resources:
Jerry Karnow, CA Fish and
Game (retired)

**ENVIRONMENTAL CONCERNS
REGARDING CULTIVATION IN
NEVADA COUNTY
A GAME WARDEN'S PERSPECTIVE**

**RETIRED GAME WARDEN
JERRY KARNOW**

August 8, 2017

California DFG Law Enforcement Division Mission

- Protect habitat, water, wildlife and fisheries
- Provide public safety
- Maintain highly trained and professional workforce

The cultivation of cannabis places this mission in peril.

Dangers Posed to Game Wardens

- Investigating cannabis cultivation is some of the most dangerous work Game Wardens do
- Wardens have been involved in eight Officer Involved Shootings in the last 12 years
- Cannabis related work lessens the amount of time Game Wardens can spend on natural resources protection and public safety
- Complicated investigations including challenging search and seizure authority

Response to Neighbor Disputes

- Stealing/diverting water
- Trespassing
- Environmental concerns

Negative Environmental Impacts

- Poaching of wildlife
- Water pollution
- Habitat destruction
- Poisoning of terrestrial wildlife
- Illegal campfires and fire causing activity
- Unpermitted electrical fire danger

Poisoned Bear



Questions



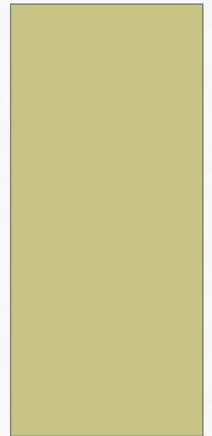
Enforcement:

**Micah Arbaugh, Deputy Sheriff,
Nevada County MET**



NEVADA COUNTY MARIJUANA ORDINANCE ENFORCEMENT

PRESENTED BY: DEPUTY MICAH ARBAUGH



TYPES OF CULTIVATION

- Outdoor/Hoop-house



- Indoor



COMPLAINT PROCESS

- A complaint is called into the Sheriff's Office, (530) 470-2681
- Sheriff's Office staff researches parcel i.e. size, zoning, distance from schools etc.
- Sheriff's Office creates a complaint packet for parcel
- Deputies are assigned the packet for follow-up

COMPLAINT PROCESS CONT.

- The Deputy drives to residence for inspection
- If the owner/tenant agrees, the Deputy completes a voluntary inspection
 - Cites if violations are present
 - Schedules a seven day re-inspection for owner/tenant to come into compliance
 - The Deputy completes a re-inspection, notes if the violation(s) have been corrected and the parcel is in compliance

COMPLAINT PROCESS CONT.

- The Deputy drives to residence for inspection
- If the Deputy encounters a closed gate and nobody makes contact, the Deputy posts a “Marijuana Inspection Notification” to the gate
- If the Deputy arrives at the residence and nobody is present, the Deputy will post the “Marijuana Inspection Notification” to the residence

**NEVADA COUNTY
SHERIFF'S OFFICE**



KEITH ROYAL
SHERIFF / CORONER
PUBLIC ADMINISTRATOR

To Whom It May Concern,

Address:

Re: Marijuana Inspection Notification

Parcel No. _____

On _____, the Nevada County Sheriff's Office attempted to conduct a marijuana compliance inspection of this property. We are requesting your immediate assistance in completing the marijuana inspection located on this parcel. Please contact our office as soon as possible.

You can contact the Nevada County Sheriff's Office Monday through Friday between the hours of 8:00 am and 5:00 pm at (530) 470-2681.

Thank you for your attention to this matter.

County of Nevada
Nevada County Sheriff's Office
950 Maidu Ave. Suite 280
Nevada City, CA 95959

COMPLAINT PROCESS CONT.

- The “Marijuana Inspection Notification” letter is requesting the property owner/tenant contact the Sheriff’s Office for a voluntary inspection
 - If the owner/tenant responds to the letter, the Deputy will coordinate a time to inspect the property and proceed with the previous inspection process
 - If the owner/tenant does not call the Sheriff’s Office, the deputy may request an inspection warrant be reviewed/approved by a Judge

OWNER ABATED

**Outdoor Violation
54 plants**



Owner abated 54 plants



CITATION FOR VIOLATIONS



BACKYARD GROW



VACANT LAND GROW



01/01/2017 though 08/01/2017

COMPLAINT MANAGEMENT



- 152 Complaints
- 24 Unfounded
- 28 Parcels self-abated 2684 marijuana plants
- 9 In compliance
- 37 Pending
- 42 Posted
- 9 Citations
- 3 Warning/not inspected

2017







ABANDONED GARDENS



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



Why Enforcement

- Protect health and safety
- Improve quality of life
- Help maintain property values
- Prevent the physical and aesthetic deterioration in the community
- Enhance, maintain, and develop businesses for economic growth
- Help in the fight to reduce crime



Code Compliance

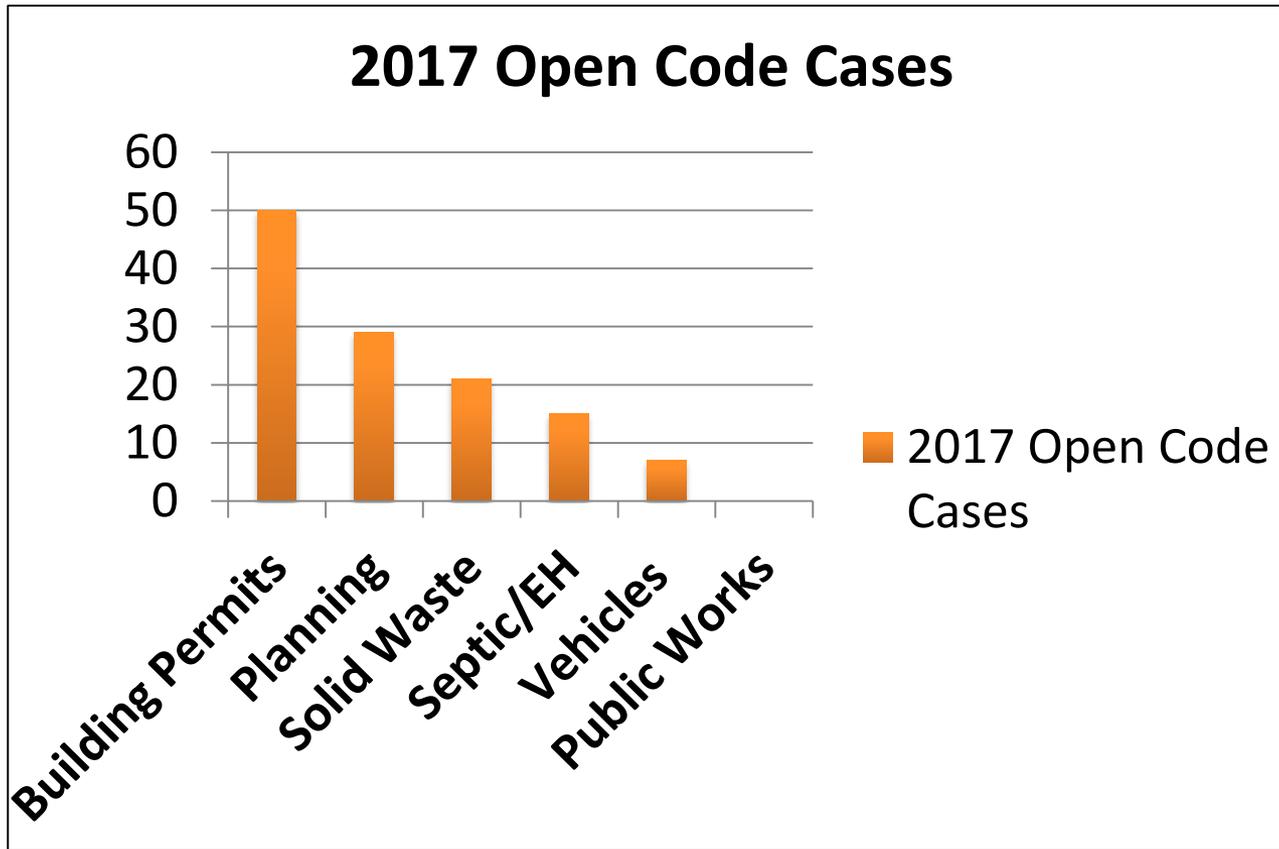
- Enforce Nevada County Codes
 - Condition of existing structures
 - Building Code violations
 - California State Housing Law
 - Illegal solid waste
 - Zoning requirements for structures
 - Abandoned Vehicles
 - Referrals to responsible agency

- Review Inspection Request Forms
 - Public, community groups, County departments, Board of Supervisors





Types of Code Cases



**Approximately
430 open cases
at any given time**



Types of Code Cases

Building – Planning-Solid Waste - Environmental Health - Septic - Vehicles - Public Works





Types of Code Cases

Building - Planning - Solid Waste - Environmental Health - Septic - Vehicles - Public Works





Types of Code Cases

Building - Planning - Solid Waste - Environmental Health - Septic - Vehicles - Public Works





Types of Code Cases

Building - Planning - Solid Waste - Environmental Health - Septic - Vehicles - Public Works





Abandoned Vehicle Abatement (AVA) Program

AVA Program

- Vehicles that pose a health and safety risk





Abandoned Vehicle Abatement (AVA) Program

AVA Program

- Vehicles that attract additional damage





Code Compliance Abatement



Before



After



Solid Waste

RV Use

Unpermitted and Unsafe Residence



Site Inspection- North San Juan

Sewage

- Surfacing
- Overflowing
- Being Dumped in a Waterway



More Sewage

Doing an inspection of this:



Open Well

20 feet deep and not secured Next to a house with young children



Dangerous Building

Fire Damaged Residence from Honey Oil

Attractive Nuisance

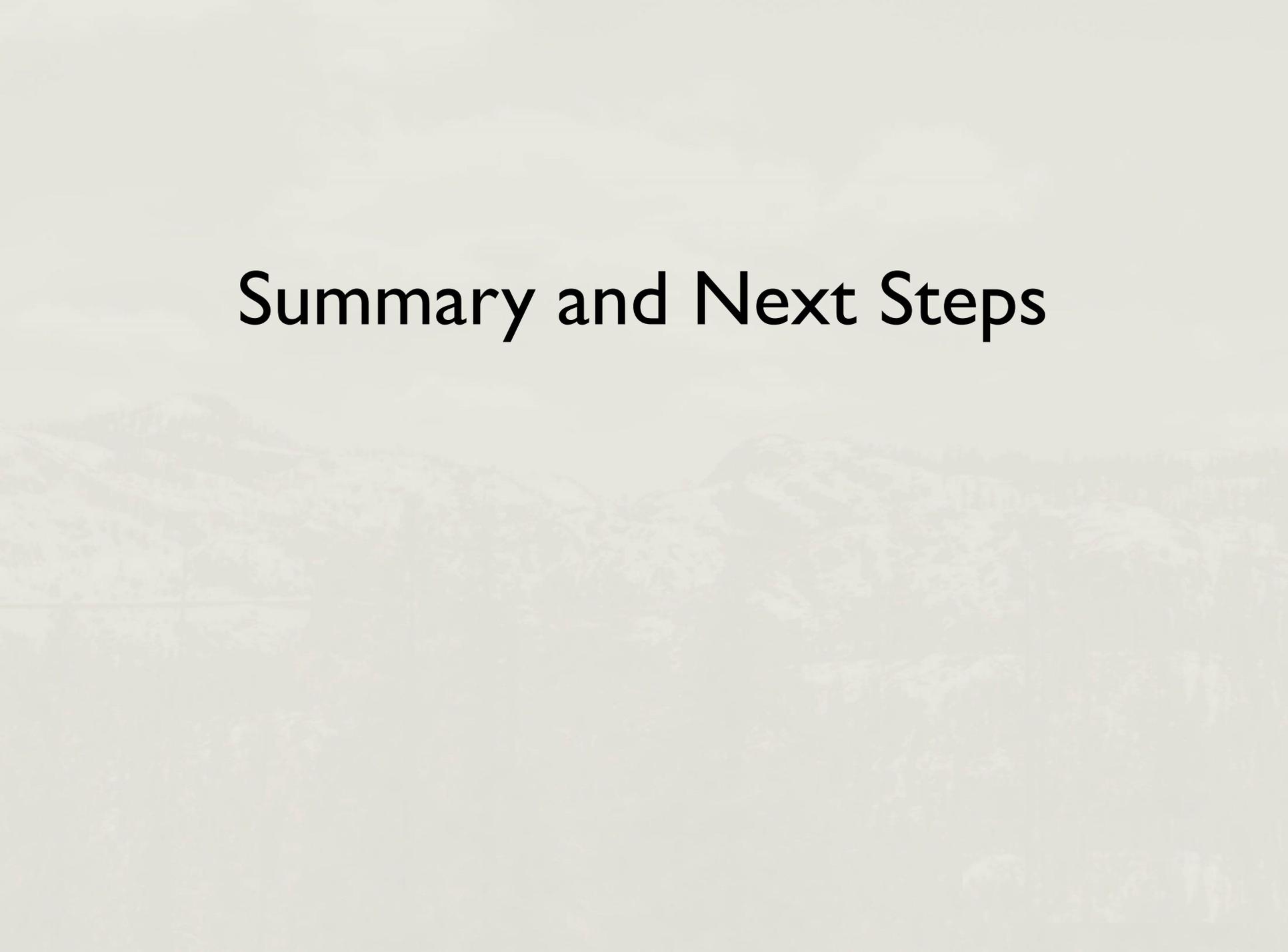
Unsecured



Review and Discussion of CAG Topics Discussed to Date

Public Comment

The background of the slide is a faded, light-colored image of a mountainous landscape. It shows a valley with a road or path winding through it, surrounded by forested hills and mountains in the distance under a cloudy sky.



Summary and Next Steps



Thank You!



CONSULTING AND FACILITATION SERVICES

NEVADA COUNTY



CANNABIS REGULATION COMMUNITY PLANNING PROCESS



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