

Nevada County Cannabis Regulation Community Planning Process

Summary of Community Advisory Group (CAG) Meeting #1, May 23, 2017

Prepared by:



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Introduction

On Tuesday, May 23, 2017, Nevada County convened the first 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 first 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

Daniel Iacofano, lead facilitator, opened the meeting and led the group in the Pledge of Allegiance. He welcomed the CAG members and members of the public to the process. Approximately 50 people attended along with representatives of local media.

Using a PowerPoint presentation, Daniel briefly described the process and noted that the Project Team would provide brief updates to the Board of Supervisors over the course of the process. He reminded the participants there would be several opportunities for public input in addition to the CAG meetings. Some key steps include: CAG Meetings, County staff work on the draft ordinance, Planning Commission meetings and BOS meetings. The BOS will likely consider the ordinance for approval in March 2018.

He briefly referenced the themes that emerged from the interviews that were conducted in April and noted that CAG members will be asked to identify any additional topics. This information will be used to create a list of topics which will be used to plan the meeting agendas for the CAG.

He noted that meetings will be videotaped and live streamed. Members of the public will be able to comment using a written comment card and/or verbally during the public comment

period. Those viewing the meeting on line will be able to send their comments to a designated email address: cagmeetingcomments@migcom.com.

Daniel asked the participants to conduct self-introductions and share their names, affiliations and how long they have lived in the County.

He then reviewed the agenda and the schedule for upcoming CAG meetings. Future CAG meetings will be held on:

- June 13
- June 27
- July 11
- July 25
- August 8
- August 22
- September 12

All meetings start at 2:00 pm and will be held at the Foothills Events Center unless otherwise noted.

2. Community Process Overview

Daniel reviewed the CAG Organizational Framework and noted that CAG members will be asked to sign a statement that they will adhere to the principles. The framework includes guiding principles to help ensure the CAG has civil, effective discussions. The Organizational Framework includes the following topics:

- Mission and Organizational Charge
- Roles and Responsibilities
- Operating Principles
- Expectation of CAG Members
- Expectations of the Facilitator and Project Team
- Ground Rules for Constructive Conversation
- Steps Toward Building High-Level Agreement
- Development of Recommendations
- Communications with the Media and Elected Officials

The Organizational Framework includes a signature page where CAG members sign and agree to adhere to the framework. Daniel circulated the signature page and it was signed by all members in attendance. CAG members were each given a binder of materials for use in the meetings.

3. Overview of Interim Ordinance

Sean Powers, the Community Development Agency Director, provided a brief history on how the County arrived at the current ordinance. The County has been working on this since 2012 to provide direction on cultivation of medical marijuana. On July 26, 2016, the BOS created an interim ordinance. With the passage of Proposition 64, the BOS need to make minor adjustments to be compliant with current state law. Following this, the County agreed to bring in a professional facilitator to manage the process.

There was a question about the legal status of the ordinance. Sean responded that the ordinance in place is what applies. The County relies on the Sheriff's office who responds to complaints and inquiries. Another participant inquired about "best practices" for a County like ours. Sean responded that the County relies on information from the California State Associations of Counties (CSAC) as a resource. He noted that every jurisdiction in the state is dealing with this issue.

Daniel then reviewed the key themes that emerged from a series of group discussions and interviews with 39 people that MIG conducted in April 2017. While the variety of interests represented varied widely, there was substantial agreement on the following needs to be addressed:

- 1) Acknowledge that cannabis represents a significant level of economic activity in Nevada County
- 2) Provide a pathway to compliance to bring cannabis operations in conformance with whatever regulations and requirements are adopted by the County
- 3) Address and mitigate impacts on the environment and impacts on homeowners, communities and neighborhoods
- 4) Protect children and youth from the potential harmful effects from improper use of cannabis
- 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
- 6) Apply best practices and lessons learned from other communities that may have application in Nevada County
- 7) Educate the public about the industry
- 8) Bring the community together around a set of reasonable regulations to protect the public health, safety and welfare

Daniel went around the table and asked CAG members to share their thoughts regarding these themes and any additional topics that should be considered. He also asked members to consider the current ordinance and comment on what is working and what needs to be improved. The following summarizes and organizes the responses by topics identified by the CAG members.

Comments on the Existing Ordinance:

- Needs to be written in a way that ensures compliance from everybody—growers, homeowners, etc.
- Lacks an education component—there is strong need for education for youth and adults
- Many consider the ordinance to be too punitive; need new language that helps encourage compliance
- Growing community needs to be self-regulating
- Develop an analog organization like the contractor’s association
- Creates conflicts with neighbors and some are fearful of retaliation if they complain
- Consider building a Nevada County brand—the product grown in the area is considered superior to other areas
- We want to protect small growers—how do we address large corporations and big agriculture?
- Enforcement needs to be self-funded so that we have the resources needed for permitting, inspection, and education
- Organic produce, for example, is well-audited; cannabis should have the same standard. Need to come up with the list of requirements that agriculture and cannabis need to comply with. The industry is just developing.

Key issues for discussion:

- Use state regulations as a base with respect to labeling product safety
- Focus has been on cultivation—need to consider all aspects of the industry
- Look at the environmental impacts—water, wildlife; consider that nature has rights
- Parents need to educate children and youth about potential impacts of cannabis
- Look at the impacts of cannabis on the community and how in some places people can’t enjoy the quality of life they moved here for
- Group should use terminology correctly—there’s no need to re-invent the wheel
- Need to focus on the positives—we have been able to accomplish a lot
- Look at prevention strategies—consider education programs and activities to educate the public
- Need to monitor the trailer bills related to Prop 64
- Need to ensure we can protect children with rare medical conditions who rely on cannabis as part of their treatment
- Look at bringing as many people as possible into compliance; look at all license types and permits
- Testing for safety and cleanliness of marijuana and growing is important
- Need to educate parents and guardians about youth use of cannabis

- Funding is needed for public education programs; unfortunately, none of the funding goes to the schools where it is needed most
- Try to get as many possible into a regulated market
- If it's going to be treated like an agricultural product, agriculture is already over-regulated, e.g., Food safety regulations can be overwhelming
- Enforcement is critical; County has a duty to enforce regulations and ensure compliance
- Upfront permitting and licensing is needed
- Make the regulations practical and easy to understand and comply with
- We need data about the industry's presence in the county—some upfront permitting can help us get this information
- Also need data about economic impacts in County
- Most growers want to be in compliance. They know the rules will focus on zoning, acreage, number of plants, etc. and they need clear guidance on how to comply
- Must look at impacts on community and environment
- Look at Colorado's experience with recreational marijuana being legalized and learn from their mistakes
- Apply best practices from other states—incorporate science
- Don't over-regulate or make it over restricted—if it's too restrictive, more people will risk non-compliance
- Consider energy usage and related requirements for indoor growing—it may not be the best method
- Get organization members comments regarding the topic
- Consider initial permitting process—this will make a push for compliance and also collect needed data
- Along with permits, inspections are critical
- Enforcement should be simple and not become a growth industry—we have other priority issues where resources are needed in the County
- Consider square footage as a more practical guideline than plant counts

Daniel asked for any final questions and received some questions regarding compliance with the Brown Act. These included whether there any issues with the CAG and communicating with each other as it relates to the Brown Act and how many people the CAG can speak to without violating the Brown Act. The response was that it is best to avoid communications between members regarding CAG discussions, and it was recommended that any comments or questions for discussion be brought to the whole group. CAG members can also check with the County about any questions they have regarding the Brown Act. Daniel closed the CAG discussion by taking a moment to thank the CAG for their service.

Public Comment Period

During the Public Comment Period, 16 people submitted speaker cards and were given up to 3 minutes each for their comments. The comment summary below lists the key issue described during their remarks. The summary omits personal details or history. Some speakers mentioned more than one topic and several speakers commented on similar topics.

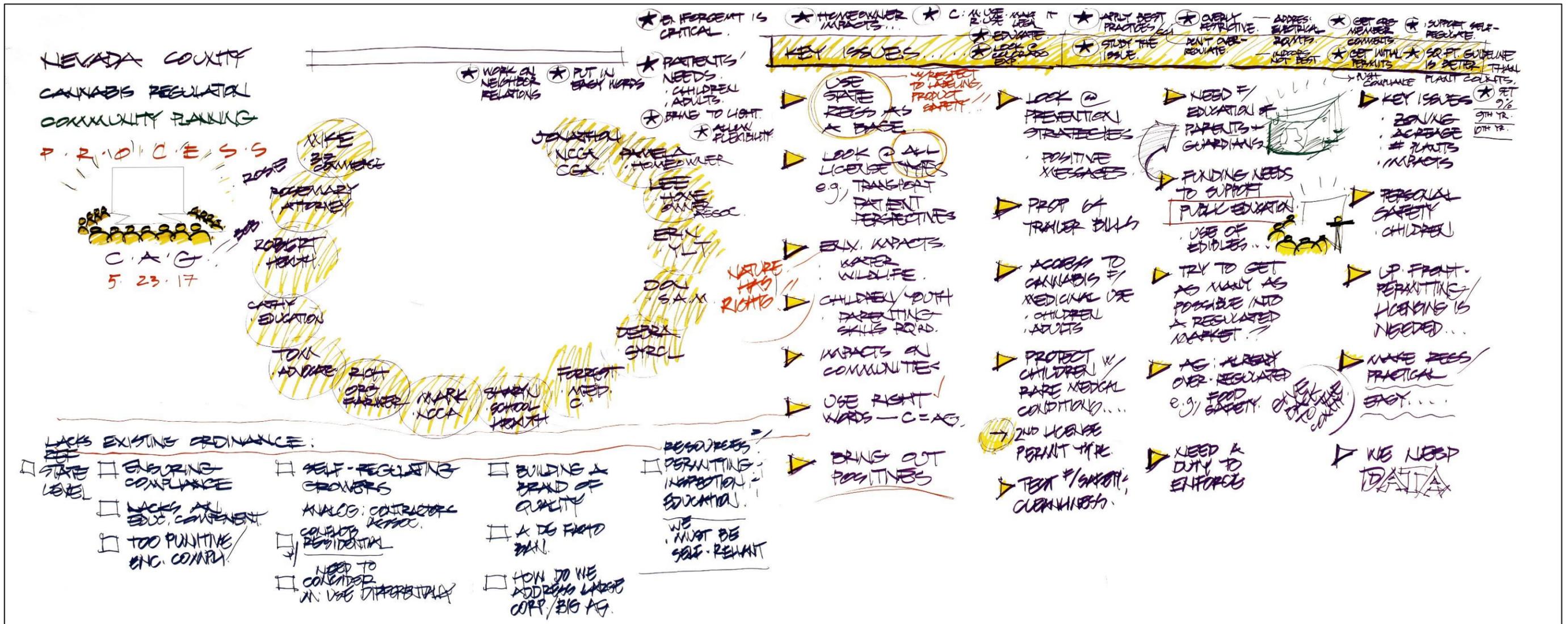
- Expressed thanks and appreciation to CAG members for their service.
- Need a new approach—punitive, eradication etc. approach has not worked. Need to work together to make it work for everyone.
- “Patients” should be explicitly noted in the materials since we are talking about medical cannabis.
- Need to keep away from kids for improper use, but need to make sure kids who need it can get it.
- There are a lot of areas in the County that can be adapted to grow cannabis; licensing can help address this.
- Curious about make-up of the CAG including 3 pro-cannabis people. Didn’t change until BOS added an appointment.
- Concerned about the impacts caused by growers; currently there is no enforcement and enforcement is needed to make the process work.
- CAG represents everyone’s interests. When Measure W passed, 26300 people (59%) wanted outdoor grows. With Measure S (prior effort) the same amount voted that they didn’t want a larger grow.
- Growers come in and the land gets cleared and streams were impacted. People notified the County and intimidation occurred.
- Described process for getting a legal permit to grow marijuana as very difficult and expensive. Is concerned the BOS won’t have guidelines in place so they can get a license in January when they are available. March 2018 timeframe will make this difficult.
- Doesn’t think we should be growing near our homes or pushing it out into the woods. Wants a pathway to compliance.
- We just had our first caffeine death—we must consider all drugs that are available in the County. Need to consider coffee as a gateway drug.
- Current ordinance is overly restrictive for an outdoor growing ordinance.
- Indoor growing has consequences of high energy use. Noted a study where 10% of CA household energy usages was associated with indoor grows.
- Important that CAG members are getting input from their members. Cannabis is a viable community business. It’s an “egg” industry and PGE is putting a lot of energy into this.
- Need to take into account AB 32 and energy efficiency plans we have developed. Having an outdoor business will conserve help conserve energy.
- County needs to consider cultivation, manufacturing and distributing.
- Need to look at the resources our County has for compliance needs. Staff need to be trained. Cautioned that over-regulation always leads to non-compliance.

- This is not about pro or anti cannabis- it's about building bridges and finding solutions. Nevada County Cannabis Alliance has over 300 members who want to operate legally and be in compliance. NCCA is an information resource that can help growers learn how to be in compliance.
- Need to look at how a regulated industry can make this a safer county.
- Don't want to see big corporations involved. We have homesteaders who have been doing this for 40 years.
- Feels that basing the current ordinance on plant counts is absurd. State uses square footage guidelines instead.
- Growers need to self-regulate and consumers need to ask if their grower is using Advid, Eagle 20 or some other pesticides. People don't want products that include these and pesticides shouldn't be used on medicinal products.
- We don't want big business out of concern for their use of pesticides and other impacts they may create.
- Questioned why a residence on the property was a requirement. This is a barrier to entry, with a residence substantially adding to the costs of getting the property you need.
- Look to other places for research—gave an example that a lot of research has been done in Israel.
- We are willing to come out and educate teens.
- Tired of being treated like a bad person who uses cannabis. The people who don't care aren't here and they are never going to change.
- We have a whole county of people wanting to farm—let them farm. Plant counts are a bad idea since they get rid of small plants since it's not worth growing.
- We are ready to comply and we need time to get in compliance.
- Extensive research done by the National Academy of Sciences and Engineering—and they made 100 recommendations from the findings. Research from Colorado showed correlation between cannabis use and increased impaired motor vehicle use.
- Overuse: anyone can overuse. Many people benefit, but we need to protect the whole county.
- Happy to see it being regulated. Concerns about grows on public lands and so the industry can come into the light and out of the forest.
- Believes threats from other drugs are more harmful to kids. Has younger siblings that are offered drugs—pills and other drugs, not cannabis.
- You will not get data until this is regulated. Needs to be room on both sides for fluctuation in the law. Ordinance should be clear and easy to follow. If permits are not easy to get and affordable, people will not follow the rule.
- Issue should be elevated to address neighbor issues. Bring in a mediator to help neighbors get along. Mediate and mitigate—proposed sending the impacted neighbor

to Hawaii during growing season so they don't have to put up with the smells. Need to explore neighbor issues before you buy your property.

- Regulations should look like they are now on the ground. Issues temporary permits—everyone gets one who applies. This would give everyone an opportunity to get within compliance. 9% of the county should be directed for cannabis. Should be supported similar to the way that viticulture is.

Wallgraphic notes taken during the meeting are shown on the following page. Comment cards and comments submitted via email by participants are attached as Appendix A.



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