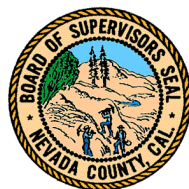


COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District
Ed Scofield, 2nd District (Vice-Chair)
Dan Miller, 3rd District
Wm. "Hank" Weston, 4th District (Chair)
Richard Anderson, 5th District



BOARD OF SUPERVISORS

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SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, September 5, 2017	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

JOINT SPECIAL MEETING BETWEEN THE BOARD OF SUPERVISORS AND THE COMMUNITY ADVISORY GROUP (CAG)

JOINT SPECIAL MEETING: 9:00 A.M.

Rollcall

The following Supervisors present:

Heidi Hall, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

STANDING ORDERS:

Chairman Weston called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Terry Jochim, Agricultural Advisory Commission Chair.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

DEPARTMENT HEAD MATTERS:**Community Development Agency Director: Sean Powers**

1. [SR 17-0687](#) Presentations regarding Community Advisory Group (CAG) status update and cannabis-related survey results, and request for Board direction regarding CAG recommendation phase.

Motion to approve the Priority Topic List for the CAG recommendation phase.

Approved as amended.

ACTION TAKEN: Chairman Weston introduced the agenda item and reviewed the process of today's special meeting. Public comment would be available on the item on the agenda, and the meeting would end at approximately 12:00 noon due to previously scheduled meetings.

Mr. Sean Powers, Community Development Agency Director, introduced the MIG, Inc. representatives; Ms. Joan Chaplick and Mr. Daniel Iacofano.

Ms. Chaplick and Mr. Iacofano provided a process update and a PowerPoint presentation regarding the role of the Community Advisory Group (CAG). Ms. Chaplick reviewed the CAG process, summarizing the CAG's activities to date. She noted that there had been six CAG meetings to date which included a lot of community involvement and discussion. Also, at the meetings they had presentations from State and local agencies.

Mr. Powers introduced Ms. Sonya Wytinck, Director of Research, National Research Center and National Citizen Survey (NCS) representative, who provided a PowerPoint presentation regarding the citizen survey that was initiated by the County of Nevada regarding cannabis-related questions. She explained the process of choosing the sample households included in the survey and outlined the questions asked along with the resulting answers. She reviewed the best practices that NCS uses to ensure the most reliable survey results. Finally, 1,800 households were chosen, and 545 of those households returned survey results. They compared the demographics of the surveys returned with the demographics of the County to ensure the results were balanced. Ms. Wytinck provided NCS recommendations for the next steps to take within a divided community; acknowledge the concerns expressed, recognize the opportunities, research solutions, and be sure the community is well informed of the reasons all decisions are made.

Board questioning ensued.

Supervisor Hall questioned the objectivity of some of the survey questions and urged the CAG to review it carefully when they take the information under consideration. Mr. Powers and Ms. Wytinck responded to the concerns.

Supervisor Anderson wanted the methodology of the survey and the results to be available to the public. Mr. Rick Haffey, County Executive Officer, clarified that the results would be made available once a full review had been completed.

Ms. Wytinck responded to questions from members of the CAG regarding the survey questions and process.

Supervisor Hall believed many of the survey's questions to be helpful, however, she did not want the CAG to consider the responses regarding distances from other cannabis facilities or community gathering areas, suggesting they could be misleading.

Supervisor Miller reported on discussions that have taken place during Regional Council of Rural Counties (RCRC) meetings. RCRC members' main concerns were related to protection of the environment and public safety.

Chairman Weston turned the discussion back to staff, requesting they present the Priority Topic List.

Mr. Powers reviewed the Priority Topics List resulting from the CAG process, summarizing the items included in each list and requesting Board direction:

Priority A - Must complete

Allowed Cultivation Activities; location of cultivation activities through land use; amount of cultivation; setbacks from sensitive sites; setbacks from neighbors; neighborhood security and safety; and nuisance mitigation.

Priority B - complete after A list is complete

Limiting permit count; personal cultivation requirements; transition program; permit tier/layering with zoning and parcel size; and residence requirement.

Priority C - Additional considerations for County staff and BOS review and not covered by CAG

Permitting requirements and process; commercial activities other than cultivation; taxation/revenue; enforcement; and additional code requirements.

Board questioning and discussion ensued.

Chairman Weston noticed that the Priority Topic List did not include topics regarding environmental impacts, a cap on the number of permits, or non-cannabis related violations found on a cannabis grower's property. He suggested there were likely other regulations in place that take care of it. Mr. Powers confirmed that there are rules and regulations already in place that address potential environmental issues, adding that the other issues mentioned are all issues the CAG is reviewing in their process.

Chairman Weston pointed out that the County was already dealing with commercial growing, although it has yet to be approved. He wanted it to be done right, and meet all of the State's rules.

Chairman Weston was equally concerned that water usage and protections were not addressed in the List. Mr. Powers confirmed that water sources and contamination are already covered with current regulations and would be captured during the permit process. Chairman Weston stressed that his constituents have expressed concerns regarding lowered water levels due to the increased usage.

Supervisor Hall reviewed concerns of the issues that she wanted staff and CAG to address, including 1) piggy-backing on the work that the State has already done, including environmental standards, and 2) cultivation, whether it is medical or commercial, the where and how were the priorities, not the label. She appreciated the work done by staff and the CAG, however, she suggested that almost all of the A and B list, plus some of the C list items, should be of equal priority and addressed during the CAG process.

Supervisor Scofield addressed neighborhood security and safety, quality of life issues and nuisance mitigation. He wanted the CAG to follow what the State is doing so that they do not double the work. He wanted the final Ordinance to be enforceable, and wanted the Sheriff's office to have an opportunity to provide input. In order to get control over the issues, Supervisor Scofield stressed the need for a fairly liberal permit process, which would help bring awareness to who are the legitimate growers who are concerned about their neighbors and those that just do not care. Additionally, just as the growers have had access to an appeal process, Supervisor Scofield wanted neighbors to have an appeal process.

Supervisor Anderson wanted staff's assurance that the County and State regulations with regard to environmental impacts to ground-water and surface-water are adequate, believing these issues to be critical.

Seeing no other comments from the Board, Chairman Weston provided an opportunity for CAG members to provide additional input.

The following changes to the Priority List and process were suggested by CAG members:

Mr. Tom Cross, District IV resident, suggested three items be moved to Priority A List; 8B, 11B, and 16C to Priority List A. He requested the Board direct a smaller 'blue ribbon' committee continue to work on the Ordinance.

Ms. Debra Weistar, District IV resident, shared concerns regarding protection for the County's watershed and the need to regulate private wells. She requested 16C, Enforcement, be moved to a higher priority to provide an opportunity to create guidelines and to support law enforcement.

Ms. Erin Tarr, District II resident, suggested 14C and 17C be addressed as Priority A items to take into account the timeline that the State has already posted. She believed that items 4A, 6A, and 7A are already covered at the State level and did not want the CAG to get too bogged down on these issues.

Mr. Forrest Hurd, District IV resident, wanted the CAG to have the opportunity to provide input regarding C Priorities. Mr. Powers responded that due to current time limits, staff suggests the CAG focus on the A and B Priorities. Mr. Hurd recommended that 14C, 16C, and 17C be moved to the A Priority List. He wanted to add more differentiation between commercial and medical, to ensure that some of the more vulnerable in our community are not unintentionally swept into commercial restrictions.

Ms. Pamela Swartz, District V resident, suggested the issues be reorganized into four categories: permitting process, cultivation specifications, enforcement and sales. She further stressed the need for additional time and meetings.

Mr. Lee French, District II resident, noted that Priority C items are nuts and bolts related and he understands why this would be for County staff to review. He also requested additional meetings, suggesting the CAG could continue meeting after the Ordinance is passed to review how well the regulations are working.

Ms. Rosemary Metrailler, District I resident, shared concerns regarding the balance of information that the CAG has heard, suggesting that they should have had more input from Nevada County's cannabis growers.

Mr. Don Bessee, District II resident, also felt that the CAG needs more time, preferably with less presentations and more discussion.

Mr. Michael Mastrodonato, District IV resident, believed the CAG should make broad recommendations and then ultimately defer to the Board for the more detailed regulations.

Ms. Sharyn Turner, District I resident and Public Health Nurse, has seen harmful effects of cannabis in school-age children. She addressed concerns regarding Priority 4A, setbacks from sensitive sites, noting that the State directs these setbacks to 1,000 feet. She suggested the Board members review Placer County's setbacks.

Mr. Mark Schaefer, District IV resident, wanted growers to come under compliance and be licensed and permitted. He did not want there to be a difference between adult recreational and medical marijuana grows. Mr. Schaefer hoped the Ordinance would be "business friendly" and asked that 14C be moved to the Priority A List, as well as the additional structures item.

Mr. Jonathan Collier, District I resident, wanted CAG to be able to discuss Priority C topics. He suggested 14C, 16C, and 17C be moved to the Priority A List. Mr. Collier requested 8B, limiting permit count, be stricken from the discussion, believing it would limit the people trying to follow the regulations. Also, he suggested 9B should include non-renumeration requirements, and stressed the need for additional meetings.

Mr. Richard Johansen, District IV resident, suggested 14C and 16C be moved to the Priority A List, and suggested that the complaint-driven process does not work. He also felt a smaller group should be created to draft the ordinance.

Mr. Jim Drew, District IV resident, suggested that the agricultural growing regulations for cannabis should be the same as the regulations for other farming.

Ms. Cathy Peterson, District IV resident, agreed that the CAG was too large to come to a consensus for the draft ordinance.

There being no further input from the CAG members, Supervisor Weston provided an opportunity for public comment, and the following members of the public provided comments:

Ms. Diana Gamzon, District I resident and representative of the Nevada County Cannabis Alliance, requested CAG be allowed to provide recommendations regarding the C Priorities.

Ms. Barbara Hernesman, District IV resident, requested the visions and goals of the CAG and the Board be placed in a more comprehensive framework, and provide more opportunities for the community to interface with the CAG.

Mr. Mark Johnson, District IV resident, was in support of regulations for legal cannabis businesses; particularly those that help medical cannabis patients.

Mr. Lance Mathew, Nevada County resident, provided comments in support of the CAG process.

Ms. Patricia Smith, Americans for Safe Access Chair, shared concerns that the Board would not take into consideration the recommendations made by the CAG.

Ms. Melissa Mercier, District IV resident, wanted all items on the A, B, and C Lists to be priority items for CAG discussion, and requested the CAG review State regulations.

Mr. Lyle Basil McMahon, District II resident, shared concerns regarding the transitional period allowed for growers to come into compliance.

Mr. Caruna Warren, Environmental Consulting firm owner, shared his support of an amnesty period for growers to come into compliance, and recommended this be moved from the Priority B List to the Priority A List.

Ms. Song Kowbell, District IV resident, asked who requested the survey and inquired as to the associated costs; she also requested Mr. Hurd provide a presentation to the CAG.

Mr. Kristopher Golden, District I resident, provided comments regarding over-regulation of agriculture and how it affects his business.

Ms. Stephanie Alaimo, District I resident, questioned the objectivity of the survey and suggested that CAG members should hear more from Nevada County farmers. She provided information regarding a survey that was completed by the Nevada County Cannabis Alliance, and urged the CAG members and Board of Supervisors to review it and include it as part of the information.

Ms. Sarah Grew, District IV resident and Chairwoman of Women Grow, requested the County follow State regulations. She suggested 4A, 6A, and 7A be considered low-priority and be moved to Priority List B.

Mr. Eli Beardsley, District I resident, shared comments in support of regulation.

Dr. Rob Crocket, Radiologist and District V resident, requested the distinction between Medical and Recreational use be removed.

Ms. Fran Freedle, District IV resident, stressed that Nevada County's existing regulations are not being followed. She added that the results from the survey accurately reflected her own experience.

Mr. Phil Northcutt, Cannabis consultant, did not believe growers should be categorized as criminals and suggested any abatement by the Sheriff should be stopped.

Ms. Lisa, requested the CAG and Board members consider the County's differing elevations when considering who can grow cannabis and where.

Ms. Itara O'Connell, District I resident, shared concerns regarding water usage.

There being no further public comment, Chairman Weston closed the public comment period.

Mr. Powers summarized the proposed changes to the Priority Lists. He suggested bullets be added under 7A, quality of life, 9B, non-remuneration, 13 C, environmental impacts, water usage amount and verification, and consistency with the State, 16 C, proactive versus compliant-driven, and cure period. He suggested there be additional discussion regarding 14C, 16C, 17C, 8B, and 11B, as well as the definition of Priority C topics.

Chairman Weston noted that there was not a lot of support for 8B, limiting permit count, and asked if that had been dropped off the List. Mr. Powers responded that the CAG would take their direction from the Board regarding 8B.

Chairman Weston questioned whether State regulations would be reviewed by the CAG again. Mr. Powers suggested that the regulations were not currently solidified. However, they will be taken into consideration, as the County should be consistent with State regulations.

Supervisor Anderson asked if 4A, 6A, and 7A would be retained. Mr. Powers responded that it would be up to the Board to provide direction.

Supervisor Hall reviewed her list of top priorities, including; all of the A and B Priorities, and requested 13C and 14C be made top priorities.

Chairman Weston believed his concerns were addressed and advised everyone to be careful regarding 1 A, Environmental Impact (EIR) and California Environmental Quality Act (CEQA) issues. He suggested further discussion before an EIR becomes a requirement, as it will be very expensive for Nevada County's taxpayers. Chairman Weston agreed with Supervisor Hall's priorities.

Supervisor Anderson believed the suggested changes and re-prioritizing of the B and C topics would require additional meetings. Mr. Powers responded that during the next CAG meeting, the revised lists would be re-evaluated and the CAG would then return to the Board with recommendations for moving forward.

Supervisor Hall agreed with the changes as proposed by staff. She agreed with the suggestion that a 'blue ribbon' group be created to continue on in an advisory basis. She further suggested the Board look at adding additional resources, if needed, to get where they needed to go. Mr. Powers recommended that after the Priority List is solidified, staff return to the Board for additional direction relating to the future of the CAG.

Board discussion ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, directing the Community Advisory Group (CAG) to consider all of the items in Priority A List, all of the items in Priority B List, add 13C and 14C and consider them all as high priority issues, looking at how they interact in moving forward. On a roll call vote, the motion passed unanimously.

***ANNOUNCEMENTS:**

ACTION TAKEN: Mr. Sean Powers, Community Development Agency Director, announced that the September 12th and the October 10th CAG meetings will start one-half hour early (at 1:30 p.m.) to allow additional discussion time.

Chairman Weston requested staff return to the Board quickly to request authorization for any additional meetings with MIG, Inc.

ADJOURNMENT:

ACTION TAKEN: Chairman Weston adjourned the meeting at 12:08 p.m.

Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board