



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY**

Building – Cannabis Division

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Trisha Tillotson
Community Development Agency Director

Craig Griesbach
Building Director

**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: August 10, 2021

TO: Board of Supervisors

FROM: Craig Griesbach, Building Director

SUBJECT: Unmanned Aircraft System (UAS) pilot program for unpermitted commercial cannabis enforcement.

RECOMMENDATION:

Receive presentation and provide direction regarding the implementation of an Unmanned Aircraft System (UAS) pilot program specific to unpermitted commercial cannabis enforcement.

FUNDING:

Cost associated with implementing a UAS program would require a budget amendment totaling \$10,000 that would be supplemented by general fund or revenue received by administrative fines if those revenues overperform as per prior years.

ATTACHMENTS:

- Draft UAS Pilot Program Policies/Procedures for Unpermitted Commercial Cannabis Enforcement
- Letters of Support

BACKGROUND:

The use of Unmanned Aircraft Systems (UAS's) is becoming more common in many industries including City and County municipalities. These are currently being used by jurisdictions for enforcement of cannabis regulations and several other land-use activities. The following rural counties have implemented UAS programs and/or use of satellite imagery for commercial cannabis enforcement:

- Sonoma County
- Humboldt County
- Tehama County

- Yolo County
- Glenn County

The Nevada County Community Development Agency (CDA) has researched and studied the opportunities, as modeled in other jurisdictions, to use technology to enhance the effectiveness of its commercial cannabis enforcement program. In 2020, 32% of cannabis complaints received were unverifiable due to locked gates, fences, and other visual obstructions. Subsequently, two of those unverifiable sites resulted in wildland fires requiring multijurisdictional response including state and local fire agencies, law enforcement personnel, and CDA staff. One of the fire events happened during the Jones Fire of 2020, pulling air attack resources off the Jones Fire to address this concurrent threat to life and property. Cannabis related violations, including unpermitted generators on both sites, could have been verified with the use of UAS technology and therefore mitigated before these fires started.

The use of UAS technology is also one of the most cost-effective tools for commercial cannabis enforcement activities. Helicopters and planes cost upward of \$895 an hour and have limited availability. The use of satellite imagery is also extremely expensive. For example, Humboldt County spends approximately \$200,000 annually on their satellite imagery program. The cost to start a UAS program is approximately \$10,000 with minimal annual operational costs. This is substantially less than any other aerial imagery tool for commercial cannabis enforcement.

A UAS program would also improve staff safety. There are many locations in the County that are remote and without cellular connectivity where staff complete their duties independently. Services specific to enforcement activities add another dynamic for potential conflict while staff conduct their duties. It is common that staff encounter aggressive animals and property owners/tenants that pose a direct physical threat to staff. The use of UAS technology would help staff avoid direct conflict and therefore improve safety for staff while conducting enforcement fieldwork.

Several state and federal regulations apply to the use of UAS programs. In addition, department policy would dictate how a UAS is used. Below is a sample list of the programmatic guardrails which are intended to protect individual privacy and property rights.

- A reasonable expectation of privacy will remain
- This pilot program technology will only be used for unpermitted commercial cannabis enforcement
- Complaint driven policies continue to dictate enforcement activities
- UAS is only used if all other existing tools have been attempted and exhausted
- Operation of the UAS only from public rights-of-way and publicly travelled private roads, not flying over private property unless prior approval is obtained

from the specific property owner or a warrant specifically authorizes the aerial inspection.

- All flight plans will be preapproved by program managers
- Only trained and certified operators will use UAS's
- All FAA altitude regulations will be followed

Public outreach has been completed and feedback has been obtained from several organizations, associations, community groups, neighborhood associations, and individual community members regarding use of UAS technology for land-use services. This feedback has been considered regarding programmatic options. The department has also received several letters of support from neighborhoods, community members, and fire districts that are attached.

The Nevada County Grand Jury issued their report "Cannabis in Nevada County: A Growing Problem" on May 11, 2021. In this report, the Grand Jury stressed the need to have more enforcement tools for the local cannabis enforcement program to be successful. A local UAS program would help the cannabis program be more effective in verifying the existence of unpermitted, and potentially dangerous, cannabis operations.

If a UAS pilot program for unpermitted commercial cannabis enforcement is recommended to be created and implemented, the following shows the estimated timeline for creation, implementation, and review of this program:

- August 2021 - March 2022: Purchase of equipment and staff training
- May 2022 – October 2022: Implementation
- November 2022 – February 2023: Review of program activity/data and report out to the Board of Supervisors

SUMMARY:

In summary, the cannabis enforcement program is only as effective as staff can verify the complaints that are received from concerned neighbors. Unverifiable, non-permitted cannabis operations resulted in two wildland fires in 2020. The implementation of a UAS program is needed to verify dangerous cannabis operations before more fires start, reduce overall operational costs, improve staff safety, and improve customer service. Staff recommends that the board direct the creation and implementation of a UAS pilot program specific to unpermitted commercial cannabis enforcement.

Item Initiated By: Craig Griesbach, Director of Building

Submitted: July 29, 2021