

**Julie Patterson-Hunter**

**RECEIVED**

**From:** Ed Scofield  
**Sent:** Monday, January 8, 2018 10:38 AM  
**To:** Bob Hren  
**Cc:** Julie Patterson-Hunter  
**Subject:** RE: CAG REcommendations

JAN 08 2018

NEVADA COUNTY  
BOARD OF SUPERVISORS

**BACH SUPERVISOR RECD**

cc: CEO  
counsel  
CPA

*Dist 1 resident*

Thanks Bob.

Ed

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**From:** Bob Hren [mailto:bob\_hren@yahoo.com]  
**Sent:** Sunday, January 07, 2018 8:23 PM  
**To:** Ed Scofield  
**Subject:** CAG REcommendations

I am attaching a letter regarding the proposed CAG regulations.

JAN 08 2018

NEVADA COUNTY  
BOARD OF SUPERVISORS  
EACH SUPERVISOR FEED

January 7, 2018

Supervisor Ed Scofield  
Nevada County Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

Dear Supervisor Scofield,

I am writing this letter to all Supervisors from me as a personal appeal. Based on numerous interactions with voters, I believe it represents the majority view in our county.

The guidelines provided to the CAG before they conducted their process included critical areas of concern from the public. Sadly, the most important guideline, protecting neighborhoods, was completely ignored. Here is the guidance as stated in the CAG report, derived from public input:

*"The intent of the ordinance should be to protect neighborhoods. There was strong agreement on the importance of addressing, reducing, and mitigating impacts on homeowners and neighborhoods in proximity to growing operations. Many homeowners in the County feel burdened by the nuisance impacts of cannabis on their neighborhood, highlighting the offensive odors that impact those who live near cultivation sites."*

Was that guidance followed? Simply put, NO. For example, all single-family parcels zoned R1 as well as all RA parcels (residential-agriculture) will be allowed 3 to 6 "personal use" plants grown outdoors. If this becomes law, your constituents living on fractional acre and larger single family parcels and on larger RA parcels, can expect to endure outdoor grows and the nuisances they produce, including the obnoxious skunk-like odors.

The National Citizens Survey for Nevada County on Cannabis, performed in 2017 was a scientific sampling sent to 1800 households. They found that 64 percent of the respondents were very concerned or somewhat concerned about Cannabis odors. This survey also documented many other issues and concerns of the public related to increased Cannabis cultivation.

The greatest departure from neighborhood protection is in RA parcels. These are generally larger than 1 acre and are in the unincorporated areas of the County. Many of the RA neighborhoods are close to the cities and the County's zoning code considers them to be **primarily residential, not agricultural parcels**. Please refer to the attached excerpt from the County Zoning Code and you will see RA parcels are considered to be RESIDENTIAL, not agricultural. Allowing COMMERCIAL outdoor Cannabis grows in a RESIDENTIAL parcel is just nuts. Yet, these residential RA parcels are now slated for outdoor commercial grows of up to 100 plants each (10,000 square feet of cultivation—that could actually allow more than 100 plants), in addition to the smaller six plant personal grows.

This means RA residential neighborhoods of 5 acre parcels (my neighborhood and many other neighborhoods) will go from allowing zero outdoor growing of Cannabis to allowing 100 plants and more grown for commercial use. The negative impacts to our residential neighborhoods will be intense and extremely obnoxious, to say the least.

The RA commercial grows represent a major, catastrophic departure from what this county's voters want and will tolerate. I believe that once the full impact of the CAG recommendations are understood by the public, there will be a strong reaction and outcry to re-insert sanity into the process.

How did this complete disregard for protecting neighborhoods occur? The CAG in no way represents a cross section of the voters in our County. That was evident to any astute observer from the beginning. Some well-intentioned people served, but there was a disproportionately high number of CAG members that represent or sympathize with growers.

Cannabis Alliance held at least two seats on the CAG. It represents about 500 growers. That is a lot of growers, but not in comparison to the number of voters in the County, which number over 68,000. 500 growers is less than 1% of County voters. Yet the Cannabis Alliance directly controlled at least 12.5% of the CAG votes. Plus at least one advocate for medical cannabis was on the CAG, bringing direct industry advocates to almost 20% of the CAG membership. And other members were sympathetic and easily manipulated by growers and even, in my direct observations, by the consultant. The stage was set from the beginning for pro-grow recommendations.

The industry advocates were vocal and adamant in their positions, thus influencing other members. From my personal observations of CAG meetings and from reading all the meeting summaries and comments submitted to the CAG, it is my opinion that the CAG was heavily influenced by the vocal grower minority to the exclusion of the clear overriding public guidance to protect neighborhoods and also to the exclusion of many anti-grow comments from the public.

When you receive the CAG report on Tuesday, January 9, I urge you to consider how far the CAG has strayed from the wishes of the public and your constituents. I urge you to make at least these changes:

1. All residential RA zoned parcels should be removed from the commercial grow category (up to 100 plants each). There would be plenty of acreage for growing in the County that is not in residential areas because commercial grows are also allowed on General Agriculture, Exclusive Agriculture, Forest and Timberland Preserve parcels.
2. Outdoor grows on single-family R1 parcels, with 3 to 6 outdoor plants on lots as small as a fraction of an acre should be banned.
3. To protect all neighborhoods from the obnoxious odors of Cannabis growing, adopt best practices from other states. This includes odor ordinances together with penalties for violations. These have proven to be very effective in keeping the obnoxious odors under control. Odor control techniques are easily applied, and instruments are available to accurately measure, so the standard would be objective rather than subjective.

The Cannabis industry is aware of the odor problems, knows how to minimize them, and has in other states embraced odor ordinances and the new odor detection instruments for enforcement. Don't take my word—just go to this Cannabis Industry article from the Cannabis Business Times: <http://magazine.cannabisbusinesstimes.com/article/january-2017/pass-the-sniff-test.aspx>

As proposed by the CAG, every residential neighborhood in our beloved County will have to endure the obnoxious smell of dead skunk much of the year. Then there are other issues like proximity to children and increased crime that also were ignored by the CAG. Our county will be an island of Cannabis grows surrounded by counties with sane regulations that have considered the wishes of the public, not just the growers.

It is incumbent on you and all Supervisors to respect the wishes of the majority of your constituents rather than to accept the recommendations of a biased CAG minority. The future of our County is in your hands. The voters will be following this very closely.

Sincerely,

*Robert Hren*

Robert (Bob) Hren

Attachment

NEVADA COUNTY ZONING CODE

A. **Zoning Districts.** In order to classify, restrict and regulate the uses of land and structures and to regulate and restrict the height and bulk of structures and to regulate the area of yards, courts and other open spaces about structures, the unincorporated limits of Nevada County are hereby divided into districts. The following lists all base and combining districts, grouped by land use category. Each district's name and zoning district map symbol are included:

Symbol	Base Districts	Section
	<b>Residential Districts</b>	
RA	Residential Agricultural	L-II 2.2
R1	Single-Family	L-II 2.2
R2	Medium Density	L-II 2.2
R3	High Density	L-II 2.2
	<b>Rural Districts</b>	
AG	General Agricultural	L-II 2.3
AE	Exclusive Agricultural	L-II 2.3
FR	Forest	L-II 2.3
TPZ	Timberland Preserve	L-II 2.3

Note that RA is a RESIDENTIAL zone under the County Zoning Code

**Julie Patterson-Hunter**

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**From:** Julie Patterson-Hunter  
**Sent:** Monday, January 8, 2018 8:00 AM  
**To:** All BOS Board Members  
**Cc:** Rick Haffey; Alison Lehman; Alison Barratt-Green; Sean Powers; Mali Dyck  
**Subject:** FW: CAG Comments, Observations, Recommendations  
**Attachments:** CAG final input Jan 2018.doc

Dist 2 resident

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**From:** Lee [mailto:lelandfrench@cebridge.net]  
**Sent:** Sunday, January 7, 2018 7:59 PM  
**To:** bdofsupervisors <bdofsupervisors@co.nevada.ca.us>; Ed Scofield <Ed.Scofield@co.nevada.ca.us>  
**Subject:** CAG Comments, Observations, Recommendations

Please review the attached input prior to the forthcoming January 9th, 2018 Board of Supervisors meeting. Thank you.

Lee French  
Resident, CAG Member  
Nevada County District 2

January 7, 2018

**To: The Nevada County Board of Supervisors**

**From: Leland French**  
**CAG member**

**Subject: Comments and observations on the CAG process and recommendations.**

**As a member of the CAG I realized immediately at the first meeting that the mission we were tasked to accomplish could not be effectively completed in the time frame provided. There were too many subjects to review and comment on and many of the CAG members had little or no background information to make informed decisions. We lost valuable time in providing detailed information to the CAG members which was lengthy and complicated leaving many confused during their voting on the questions proposed.**

**A smaller group dealing with a single subject and reporting to the group as a whole for discussion would have provided better results. To discuss the details of a subject by 16 people left little time for each to effectively analyze, provide input, discuss at length and be able come up with any educated recommendation that would best meet the needs of the citizens.**

**It also appeared that the proposed questions were guided by the facilitator to a preconceived outcome. In several cases and I wondered how some of the recommendations made by the facilitators came to be reported as acceptable to the CAG such as planting outdoor in "R" areas and putting "RA" in the guidelines for "A" properties. This was not approved by CAG yet was submitted by MIG as a recommendation. It also appears that even though we did not want commercial grows in the county it came out as a recommendation.**

Very little was said about permits except for aligning with state permits and requirements for various grows in acreage and quantity of plants. It is mandatory that the Nevada County ordinance include permits for all grows including 6 plant indoor cultivation including inspections for compliance on an established schedule. The ordinance should include significant daily fines and penalty's for non-compliance with no grace period provided to bring the grow into compliance by the growers. Without these permits and compliance inspections we will run the risk of fires, and continued violations to the environment and serious consequences to the residents of the county as we are now experiencing.

These are but a few of the problems experienced and we must move on and set our priorities to mitigate the current problems that are negatively impacting all of us. As I see it the priorities are;

1. Children
2. The nuisance caused to the community by odors, environmental destruction, crime, increased law enforcement, etc.
3. A strong and effective permit and enforcement system.

In conclusion, the Board of Supervisors have a very tough decision to make to protect our county from becoming another emerald triangle where the laws were openly violated due to the lack of enforcement. I feel that we received a minimal return on investment with the CAG process, however, it did provide an opening for both sides of the question to become acquainted and open up an avenue for further non-aggressive interchange on the subject in the future. Our responsibility is to the majority of the population in the county which is the homeowner seeking the tranquility, security and quality of life in this most beautiful land in the country and we must protect that with a well thought out new ordinance.



**Julie Patterson-Hunter**

**RECEIVED**

**From:** CSTJ <cstjmclaughlin@msn.com>  
**Sent:** Sunday, January 7, 2018 1:34 PM  
**To:** bdfsupervisors  
**Subject:** Nevada County Marijuana Regulations

JAN 08 2018  
NEVADA COUNTY  
BOARD OF SUPERVISORS

*EC: CEO  
Counsel  
CPA*

To All Members of the Board of Supervisors:

The CAG recommendations that will be presented to the BOS this coming week appear to fail at one of their primary objectives - which is the protection of residential neighborhoods. It is my understanding that all single-family parcels zoned R1 and RA will be allowed up to 6 plants grown outdoors for personal use, and depending upon size, parcels zoned RA would be allowed to cultivate as many as 100 plants outdoors grown commercially! I have a number of friends who live on RA parcels, and not a single one of them supports this type of cultivation - in fact, they fear it and the nuisance, safety and environmental issues, and odors that will result. It is distressing enough to smell the odor of marijuana walking downtown, or standing in a parking lot - we should at least feel safe from this intrusion in the privacy of our own homes and patios.

Despite the legalization of recreational marijuana in the state of California, I believe it is up to the Board of Supervisors in each individual county to determine whether commercial cultivation will be allowed within their county. The majority of residents in Nevada County do NOT wish to see commercial cultivation, massive outdoor grows, and all of the associated problems that accompany them within our county! You have the power to protect the quality of life within Nevada County in regard to this important issue.

In the past two years, three close friends who were homeowners (in some cases owning multiple properties) and responsible taxpayers in our community, moved out of state - and all cited the local marijuana industry as one of their reasons for moving. I have four additional friends (also property owners and taxpayers) right NOW who have either already purchased a home or are actively seeking to purchase property out of state - and all of them have also cited marijuana as one of the driving factors in their decision. I am only one person, and I have personal knowledge of 7 different families . . . How many more residents can we afford to lose who own homes in this county, pay property taxes to support our schools and infrastructure, shop in our local stores, support our non-profits, and benefit our community in so many ways?

Legalization of marijuana is here to stay, and reasonable access to medicinal marijuana for those who truly benefit from it is something to strive for. The ability to grow 6 plants indoors for personal recreational use is a reasonable accommodation to the new California law, which respects the rights of the grower as well as their neighbors . . . remembering always that marijuana cultivation and use remain in opposition to Federal law.

Please make your decisions based upon preserving the quality of life that attracts so many to our beautiful county.

Respectfully,  
Terry McLaughlin  
District 1 property owner and voter

**Julie Patterson-Hunter**

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**From:** Hank Weston  
**Sent:** Saturday, January 6, 2018 5:04 PM  
**To:** Julie Patterson-Hunter  
**Subject:** Fw: Concerns about marijuana ordinance  
**Attachments:** FRAN Mj ltr to bos 1-18.docx

*Dist IV resident*

fyi

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**From:** fran freedle <ffreedle1234@gmail.com>  
**Sent:** Friday, January 5, 2018 8:28 PM  
**To:** Hank Weston  
**Subject:** Concerns about marijuana ordinance

I know you are receiving a report from the CAG on Tuesday.

I have attached a letter expressing my concerns and would appreciate your consideration.

Thanks,  
Fran Freedle

**RECEIVED**

JAN 08 2018

NEVADA COUNTY  
BOARD OF SUPERVISORS

*cc: All BOS  
CEO  
Counsel  
CDA*

An open letter to Nevada County Supervisors: I observed the consultant, at the meeting (insert date) where the Citizens Advisory Group was appointed, colluding with the grower's representative with their committee recommendations. Recall how difficult it was to add a few more members to try to establish balance?

Well, that balance was not really accommodated. The consultant proceeded to control the information provided to the committee ignoring policies of nearby regional counties, but using only policies of more lenient pro-marijuana counties as examples to be used to form our local ordinance. Can we afford to be an island surrounded by counties whose policies protect their citizens while Nevada County citizens suffer the consequences of more lenient policies?

If I can believe what I am reading in The Union, I am gravely concerned that the outcome will not reflect the consensus of our county. You are encouraged to develop the policy based on the conclusions of the community survey that you commissioned – that residents are divided and many feel strongly opposed to marijuana in Nevada County. Only 54% support recreational retail sales but those are available nearby in Sacramento or by home delivery so we don't need to grow it here. The majority support regulation of marijuana and are most concerned about fire risk, environmental impacts, transient workers and the increased exposure of our kids to normalization of the drug.

Why would you even consider any expansion of the current policies that are daily disregarded? The survey shows 52% opposed to outdoor grows, 53% oppose commercialization, and 83% do not want retail activities in residential neighborhoods. Six plants grown indoors (a generous amount) and none grown outdoors in most areas is a policy that fits our county. My personal preference would be to limit to 6 indoor plants regardless of where you live, and since I live in the rural county surrounded by wide open spaces and lots of water, I surely do not support growing it outdoors because of the risks listed in the survey.

Please, don't let the biased marijuana consultant's opinion/recommendation undermine your thinking. Do not fall prey to the claims of economic benefits touted as a reason to expand county policies. I ask you to take into account the science that tells us about the unintended consequences of legal marijuana commercialization.

The public health and safety costs resulting from commercialization outweigh any tax revenue collected as has been experienced by states now facing numerous marijuana related problems. It is important that marijuana regulations in Nevada County assert targeted control and not encourage or allow the growth and sale of this drug to explode as an industry that would only serve a few growers at the expense of the quality of life of the majority of Nevada County citizens. The impending decision will determine the future of our county. I ask you to maintain the current regulations, comply with state law allowing 6 indoor plants and end any expansion of growing marijuana anywhere outdoors in our county. Expansion carries the risk of undermining our public health and safety.

Fran Freedle, District 4 Registered Voter

JAN 08 2018

**Julie Patterson-Hunter****NEVADA COUNTY  
BOARD OF SUPERVISORS**

**From:** Julie Patterson-Hunter  
**Sent:** Monday, January 8, 2018 10:41 AM  
**To:** All BOS Board Members  
**Cc:** Rick Haffey; Alison Barratt-Green; Alison Lehman; Sean Powers; Mali Dyck  
**Subject:** FW: Marijuana CAG

Dist 2 resident

-----Original Message-----

**From:** Ed Scofield  
**Sent:** Monday, January 8, 2018 10:36 AM  
**To:** Julie Patterson-Hunter <Julie.Patterson-Hunter@co.nevada.ca.us>  
**Subject:** FW: Marijuana CAG

-----Original Message-----

**From:** Gene Jovich [mailto:genejovich@yahoo.com]  
**Sent:** Sunday, January 07, 2018 9:48 PM  
**To:** Ed Scofield  
**Subject:** Marijuana CAG

Hi Ed

Please forward to all the supervisors.

Regarding the CAG presentation coming up. I have attended CAG meetings and I can't believe that the county has spent this amount of time and money on this phony recommendation from MIG. You could have just asked the growers to write their own regulations. There is not a mention of any fine structure or enforcement structure of whatever regulations are set up. Without fines and enforcement the growers will do as they wish as stated in the CAG meetings about the odors. Comments like I can't believe these Nevada County noses and you'll just have to get used to the smell. There were also statements of "if you can't live in your house for 3 or 4 months that's too bad and we can't control the wind for odor direction. I lived thru 3 to 4 months of NOT being able to use my house and I resent the feelings of the growers. I can't live thru another summer of that obnoxious smell. YOU CANNOT let this move forward as the CAG/mig has recommended. It will ruin our county!!!

Gene Jovich  
Alta Sierra  
Sent from my iPhone

## Julie Patterson-Hunter

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**From:** Julie Patterson-Hunter  
**Sent:** Monday, January 8, 2018 11:31 AM  
**To:** All BOS Board Members  
**Cc:** Rick Haffey; Alison Barratt-Green; Alison Lehman; Sean Powers; Mali Dyck  
**Subject:** FW: draft letter to BOS concerning pot rules

**RECEIVED**

JAN 08 2018

NEVADA COUNTY  
BOARD OF SUPERVISORS

Dist 2 resident

*Julie Patterson Hunter, CCB*

Clerk of the Board

**From:** Debbie Porter [mailto:imreel2@gmail.com]  
**Sent:** Monday, January 8, 2018 11:24 AM  
**To:** bdofsupervisors <bdofsupervisors@co.nevada.ca.us>  
**Subject:** Fwd: draft letter to BOS concerning pot rules

Please forward this on to the Supervisors for Tuesday's meeting. Thank you, Debbie Porter

Hello. I am President of the Golden Oaks Homeowners Association. In this capacity, I am turned to when neighbors have concerns about pot grows in here. I have lived here for over 20 years and am very aware of how much the growing of marijuana has increased. So, I have been following the Marijuana issue in our county for years. It is obvious that the amount and size of POT grows have increased each year with little regard being shown for the impact it has on the neighborhoods where it is grown. I live in a rural AG-1 neighborhood with acreages from 10 to over 40 acres. Many of the properties have low output wells with little or no access to piped water. A creek runs through the area (South Wolf Creek) and water has been pumped out of this creek for use as irrigation for pot. We have had 2 big pot busts in here in the last 2 years. There are many grows that are under the radar in here. Neighbors call me complaining about neighbors growing but tell me they are afraid to turn them in. As you know, up to now, all non-compliant grows are investigated on a complaint driven process. One of the important issues for any new regulatory process is to be sure there is a process to make sure compliance is ongoing. Obviously this takes funds and a willingness of growers to comply. To that issue, the asking by the CAG to give growers until 2020 to comply is a blatant attempt to allow those already growing to continue without reducing grow size, set backs or environmental problems. Please don't support this. I accept that CA has legalized POT and allows each person to grow up to 6 plants. The CAG wants much larger plant #'s. Please rein that in.

The smell of Marijuana plants as they mature is overpowering and may be one of the most troublesome of the concerns. It is known that fertilizers and other chemicals are finding their way into the ground water and creeks. Growers also cut down large trees on the properties. I have noticed an increase in algae growth in our creek that is downriver from grows. WE all moved here to enjoy open windows in the good weather. I have noticed an increase of people and cars in our private road neighborhood during planting and harvest times. Worrisome. Anything that is valuable also brings in crime with robbery, honey oil processing, and traffic with selling and shipping product. These are all very real problems that must be addressed. I do not envy your job.

I also recognize the realities of medical marijuana and I believe there is a real benefit here. But, all pot plants need to be regulated.

Stay strong. Think of everyone in our county.

Debbie Porter  
10701 Sharmiden Way  
Grass Valley, CA

JAN 08 2018

**Julie Patterson-Hunter**

**From:** Julie Patterson-Hunter  
**Sent:** Monday, January 8, 2018 12:15 PM  
**To:** All BOS Board Members  
**Cc:** Rick Haffey; Alison Barratt-Green; Alison Lehman; Sean Powers; Mali Dyck  
**Subject:** FW: CAG Cannabis Recommendations

**NEVADA COUNTY  
BOARD OF SUPERVISORS**

Dist 2 resident

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**From:** Ed Scofield  
**Sent:** Monday, January 8, 2018 12:04 PM  
**To:** Julie Patterson-Hunter <Julie.Patterson-Hunter@co.nevada.ca.us>  
**Subject:** FW: CAG Cannabis Recomendations

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**From:** Paul Mellette [<mailto:eagleridgeranch1@yahoo.com>]  
**Sent:** Monday, January 08, 2018 11:09 AM  
**To:** Ed Scofield; Dan Miller; Heidi Hall; Hank Weston; Richard Anderson  
**Subject:** CAG Cannabis Recomendations

Dear Supervisors

I am writing you to voice my opposition to the CAG recommendations you are scheduled to receive tomorrow. As reported in the Union, it appears that all parcels could have some type of grow. All parcels of at least 5 acres could have grows of up to 50 plants. This means that the "divisions" in my area (Lodestar, Sunshine Valley and Golden Oaks) could have grows of up to 50 plants on every parcel! Where is the water going to come from for this? Wells in this area are already very stressed. I have already had to have my well deepened to the tune of \$13,000. And so much for smelling the pine trees this fall.

What has happened to the restrictions like having to have a legal residence on the parcel, fencing, no terracing, 20 plant limits on largest parcels, etc. Our divisions were approved by the County to be divided up for residences, not to grow drugs. Also, ANY regulations must have a way to be reliably enforced. I urge you to protect our residences and property values by rejecting the CAG recommendations as way, way too permissive.

Paul and Sharon Mellette  
South County