

An in-depth look at Yolo's cannabis policy so far

By Hans Peter, Daily Democrat

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Meeting after meeting, Yolo County continues to foster what could be a prime example of the cannabis industry working in tandem with local economy and law — that is, if policy can be tailor-made for Yolo's diverse needs.

As most Californians know, Proposition 64, which passed in November 2016, legalized recreational use of marijuana within the state's borders. However, that proposition adamantly encouraged local governments to create customized policies on cannabis growth, cultivation, licensing and sales.

That said, county and city officials have the ability to ban cultivation outright or create no parameters at all.

So far, they've adopted something in between.

Tuesday's Board of Supervisors meeting epitomized the struggle to create meaningful policy around the plant, which must still hoist itself out of stigmatized and often illegal circles. Yolo's been challenged with squeezing the cannabis industry into the agriculture-based county, making way for growers while also respecting existing farmers and homeowners.

Here's what the county has required so far per their FAQ web page:

- A "track and trace" program that monitors cannabis from seed to end product
- Fenced enclosures for cannabis grows
- Testing (for mold, pesticides, etc.) on both raw and processed cannabis
- Growers must hold cultivation permits; pay subsequent fees
- Grow sites cannot exceed 100 square feet
- Grows must be a minimum of 75 feet from a residence, 1,000 from "youth-oriented facility"

A county steering committee, tasked with researching interim policy and advising county supervisors, presented findings during Tuesday's packed meeting.

What they found

Agricultural Commissioner John Young has worked with growers and farmers to create rules and regulations from the ground up. Likewise, District Attorney Office investigator Heidi D'Agostino has tried

to tie those rules to enforceable laws. Together, they highlighted some of the successes and failures of policy thus far.

The pair encouraged supervisors to continue in a similar direction while adjusting some key points. Among their suggested changes, they firmly advised written language that would allow the county to nip grow issues in the bud.

“We need to be able to revoke licenses,” Young said. “We also need to be able to increase penalties.”

Young referred to this ability as the “ultimate hammer,” which would not only keep illegal growing at bay, it would also encourage growers to govern one another and keep their image — and licenses — intact.

D’Agostino said illegal grows have been one of the main hindrances to creating enforcement. She said in terms of illegal grow sites, there are “more than ten” in the county, and that those ill-kept locations aren’t helping the industry’s image.

“Things are getting lumped together that don’t belong together,” D’Agostino said, referring to how illegal sites are tarnishing legal ones. The image isn’t all that suffers.

“(Illegal growers) are 100 percent going to the black market and undercutting legal growers,” she said.

A task force has performed both announced and surprise visits to some known grow sites to gauge compliance and report back to officials. Some of those visits consisted of worker record checks, product testing and monitoring of the “track and trace” program, which currently identifies about 54,000 cannabis plants in the county. All of these checks have taken place since March 2016, when interim policy adhered to 64 permitted growers.

To better enforce laws, Young and D’Agostino said they would likely spend an estimated \$190,000 on a geographic information system that would render a working map of all the county’s terrain, providing information on grow sites, farms, residencies and flood zones, among other data.

“We feel very good about this purchase,” D’Agostino said.

Young added that the Sheriff’s Office’s Aero Squad could also be equipped to survey areas from above to identify illegal sites and monitor any expansion of legal sites. Topography changes could also be seen by overhead drones.

The steering committee also encouraged supervisors to shift toward land-use policy, which would address some of the key issues regarding grow site locations.

Housing crops?

Also, Young suggested the county adopt provisions on behalf of greenhouse grows and eliminate outdoor grows over time.

“Outdoor grows are the main issue,” he said.

Most residential complaints about grow sites have revolved around the unsightly fences around outdoor crops, as well as the odor of the cannabis itself. Young said greenhouses could tackle both concerns, all the while allowing growers more control over their crops.

“Greenhouse” falls under a state-appointed definition, according to Young. It can range from a plastic-covered “hoop house” or an environmentally controlled structure that can cost up to \$10 million.

Greenhouses occupy less space, but allow a greater canopy density. Growers who seek to use greenhouses would sacrifice a small amount of canopy space for a better product with a higher market price.

Another plus, Young pointed out, was the fact that a greenhouse would be a commercial structure tied to the property, not the builder. This would increase the land’s value while also creating a superior product. Should a grower go out of business or elect to sell the property, the structure would likely be scooped up by another grower or farmer instead of remain abandoned. The up-front cost of greenhouse would also suggest a measure of grower investment in the space.

Covering costs

The debut of this interim policy has cost the county a fair amount of money. Supervisors expressed concerns over whether or not the basic fee structure in place would be able to fund the robust enforcement required to keep it on the up-and-up.

According to the steering committees findings, medical cannabis providers have been able to fund themselves with a series of fees, but cracking down on illegal growers will require a slew of one-time costs and law enforcement funding.

A general or specific tax measure could fill in the gaps, and based on Tuesday’s meeting, supervisors intend to create a tax measure by the time ordinance resurfaces to the public in September. That tax measure will appear on the June 2018 ballot.

In addition to funding law enforcement, the tax would support community health campaigns that warn the public of any negative cannabis effects.

‘We are farmers’

The hotbed issue drew a long string of public comment for Tuesday’s meeting, and several growers and cannabis users made appearances to help legitimize their efforts. Opposers also showed up to describe some of their concerns with both legal and illegal grows.

Local grower Justin Bird opened the public comment section explaining some of the positives the industry would bring — and how strict policy could strangle young businesses.

“We are farmers ... and we believe in cannabis” Bird said, explaining that he himself uses the plant for chronic pain. “It has helped me be a better person.”

He then explained that his grow has poured most of its money into local farms, ranches and equipment providers.

“These are the numbers you won’t see in your reports,” he said.

Other grower’s speeches resonated the same point, expressing a desire to be engaged, not alienated from the farms and businesses they catered to.

Buck Baker, a local farmer, contested this point, saying people have bought plots of land next to his farm and have never knocked on his door.

“I look out my front window,” he said, “And I used to be able to see neighboring farms. Now I see a fence. I don’t know who my neighbors are anymore.”

He went on to say that “cannabis appears to want to be friendly,” but he only saw the adverse effects of traffic.

Other comments came from people regarding the health effects. A woman named Lisa Hawkins said that her daughter was able to fend off an aggressive form of cancer using THC, the chemical provided by cannabis. She also said they needed to source that specific product outside of the county because there simply wasn’t enough produced locally.

Later, Farmer Dru Rivers of Full Belly Farms explained that she’s worried about the sheer concentration of growers in the Capay Valley. She said a three-mile radial search around her farm yielded 21 grow sites — the number is believable, as the Capay Valley has many small zones of land for small farms.

“I want to be proud of our county,” Rivers said, claiming the county should focus on farmland and food before shelling out prime farmland for grow sites that may only use a small portion of the acreage for their one-acre allowance.

The county has also considered additional measures that would allow additional aspects of cannabis cultivation. They may consider additional policy to envelop cannabis nurseries and drying/trimming locations.

Dan Grace, owner of Dark Heart Nursery has had his eye on Yolo County for an expansion of his efforts. Currently based in Oakland, Grace said his nursery has been unable to keep up with the recent demand and needs to branch out into proper farmland.

“It’s a special kind of torture, farming in a factory,” he said. “Yolo is home to some of the best agricultural minds in the world; That’s why we’re excited about the opportunity.”

He then encouraged the county to consider a pilot nursery program.

The supes' say

After public comment, supervisors had the opportunity to express their individual concerns; one by one they opined on the issue.

"It's a plant," began District 3 Supervisor Matt Rexroad. "It's inert; it's not going to blow up, it's not going to fall on anyone."

Rexroad went on to explain that he thought the amount of red tape in place could be overkill and had the potential to support black market growing operations.

He also said that setbacks that separate grows from residents would be a moot point if only growers could locate their efforts to one large parcel of land in a place with little community impact. This would also create efficiencies for enforcement and production.

Moreover, he opposed grow fences, which the county requires. He said this only draws attention to the sites. Young said he agreed; the fence policy may have been a step in the wrong direction.

District 1 Supervisor Oscar Villegas said the county should be "surgical" with their approach, and rely on the community of legal growers to help weed out illegal operations.

"Fees are doing exactly what they were intended to do," he said, referring to how the industry should be able to support itself.

District 5 Supervisor Duane Chamberlain, a farmer himself, said growers should be required to go through the planning committee, which could mean fewer grows in a concentrated location and prerequisite contact with neighboring properties.

In addition, he said fines and fees should be somehow tied to the land, working with a tangible asset. This would mean the county could more easily collect fines and encourage growers to invest long-term.

In disagreement with Rexroad, he said a grow should not be treated as a farm.

"It's a medication," he said, "not a food product."

District 4 Supervisor Jim Provenza also adopted a more hesitant approach, listing some of the health risks associated with the plant. He said as policy takes shape, the county must ensure they're protecting the public on all fronts.

"It's not as if there aren't health consequences," he said.

In the past, Provenza has favored cannabis as a proscribed form of medicine over its use as a recreational pastime.

He also said he favored a tax as a “precondition” to growing, as the county will need to spend big money to go after illegal growers.

District 2 Supervisor Don Saylor, who has shown the industry great support, said a land-use approach should be adopted, which would solve some of the zoning ordinance issues. Likewise, growers should be in compliance with one another and nearby residents, making contact before major operation changes.

County Administrator Patrick Blacklock said that despite their differences within existing policy, supervisors would need to issue a “clarifying motion” to vote on. They opted to agree with the steering committee’s suggestion in a 4-1 vote with Rexroad opposed.