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MAY 24 2010

**TRINITY COUNTY
SUPERIOR COURT**

**TRINITY COUNTY GRAND JURY
2009-2010**

FILED

MAY 27 2010


 CLERK OF THE SUPERIOR COURT
COUNTY OF TRINITY
BY: STACI WARNER, DEPUTY CLERK

**DEVELOPMENT AND ENVIRONMENTAL COMMITTEE
DER2009/2010-001
Final Report**

**Trinity County Marijuana Industry
Community Impact Assessment**

This Report Was Approved
on May 27, 2010

Approved May 4, 2010


Ronald D. Ward

2009-2010 Trinity County Grand Jury

Development and Environmental Committee

Trinity County Marijuana Industry Community Impact Assessment

Summary

The Trinity County Grand Jury chose to assess public sentiment in southern Trinity County relative to the proliferation of marijuana agriculture in the area. Members of the Development and Environmental Committee interviewed civic leaders of Hayfork Valley and south county communities and determined there to be an adverse impact resulting from an unregulated marijuana production industry.

Background

In 1996 the State of California approved Proposition 215, the Compassionate Use Act. The Act allowed the possession and cultivation of marijuana (cannabis) by qualified medical patients and primary caregivers. Since that time marijuana cultivation has flourished on both private and public lands. Indoor and outdoor production, with and without permit and in excess of permit limits, has increased conflict in medical, moral and the general well being of residents in the area.

Method of Investigation

Investigation was accomplished by means of private interviews with civic leaders in the County, representing a cross section of professions and backgrounds. Two specific questions were asked of the interviewees: What are the impacts of the marijuana industry upon you (1) personally and (2) as a business. Obviously, responses included much in the way of opinion, which can have no basis in law, but much was related revealing very real concerns of the citizenry about the observable impacts of the industry upon homes and schools.

Discussion

While no specific complaint has been filed as yet with the Grand Jury, verbal and written jousting between interested parties has escalated in the newspapers and at public meetings. The general well being of the citizens in some parts of the County has come into question. County officials attempted to address marijuana production conflicts by way of a proposed Nuisance Abatement Ordinance. This effort has recently been

abandoned. There are simply too many potential “nuisances” and abatement enforcement is too broad in scope. This Grand Jury assessment has been undertaken independent of the Board of Supervisors actions, but with the common goal to support compliance with the law and the well being and safety of the citizenry.

School age children appear susceptible to the lure of marijuana use. Elementary youth in several districts have dropped marijuana paraphernalia (pipes, etc) on school buses en route to school and some appear “stoned” (to be under the influence) during morning classes. Some high school age students have indicated to friends or staff their intent to come to class under the influence. There have been no reports of use or sales on either of the campuses visited.

Loss of skilled labor jobs in the mining, timber and livestock industries has had the unintended result of enabling the expansion of marijuana production in relative privacy on public lands. A significant proportion of the population appears unable or unprepared to move elsewhere for employment resulting in the establishment of an “Appalachia West” culture. Law enforcement personnel acknowledge the presence of organized crime in the marijuana production industry. To make matters more difficult, many persons so employed are non-English speaking, resulting in increased potential danger to both forest visitors and emergency services personnel.

An influx of persons entering the County, particularly in the more rural areas, for the express purpose of illegally participating in the highly profitable marijuana production industry may have inflated property values in recent years. Raw land values exceed that sustainable by most traditional natural resource use, which is placing those traditional industry people at risk for survival, and pressured to sell out. Buildings likewise are selling for what appear inflated prices and some dwellings are converted to indoor grow sites, reducing an already scarce housing and business property availability.

In some remote areas building construction and water-well drilling have been booming recently. Local businesses supplying goods and services in demand by the grower population have often prospered from marijuana industry activity. Indirectly the County is receiving some benefit from legitimate employment to meet grower demand.

Most marijuana industry money remains hidden and tax free, while placing a burden upon law enforcement, fire, and medical services. One local clinic reports most growers report no income, although a few come by the clinic in the fall to pay bills in cash, often in large denomination bills.

Findings/Recommendations

Finding 1:

Marijuana production is flourishing largely unchecked in many areas of the County, including residential areas. This results in increased tension and conflict between growers and neighboring non-growers. There appears a window of opportunity to improve public safety, and reduce tension in residential and public gathering areas by zoning regulations defining compatible, and non-compatible, uses in such areas. The

current Land Use Element of the County General Plan dated 1988 utilizes 15 minute quadrangle mapping dated to the 1950's, providing inadequate definition to current areas of habitation.

Recommendation 1:

County officials should give consideration to a much-needed update of the Land Use Element of the County General Plan, particularly associated zoning definitions, which go hand-in-hand with land use designations. Marijuana production should be considered a non-compatible use within areas zoned for village and one-acre minimum residential. Buffer zones should be enforced around schools, child-care, civic, teen or medical centers and parks, etc.

Finding 2:

The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Recommendation 2:

Protection may be improved by provision for a second medical opinion, at County request by County approved physician, to ascertain medical need.

Finding 3:

The presence and production of marijuana in the home has been documented to have significant impact upon children of the household from pre-school age through high school. Aroma from backpacks from growers' homes is at times, in the fall, sufficiently strong to produce a second hand smoke "buzz" on others nearby. The resulting lethargy and lure of the easy money close to home, appears to result in a growing spirit of apathy and a lack of interest in higher education among high school students, some of whom aspire to participate in the marijuana industry.

Recommendation 3:

Hayfork High School appears to have an effective program of interaction with youth to encourage them to consider higher education and careers. Local school districts should adopt and implement this program. Evidence of drug abuse by elementary youth should result in vigorous action by Child Protective Service, (CPS) and education follow-up. Law enforcement should become a familiar education presence in schools.

Finding 4:

Severe reduction in resource industry activity on public lands within the County has resulted in loss of good paying skilled labor jobs in these industries and related support businesses. A non-measurable but significant proportion of local populations, having familiarity with the forest, have turned to marijuana for an unreported, tax-free, cash income source. In some cases growers in the marijuana workforce continue to draw public assistance such as welfare and food stamps.

Recommendation 4:

Health and Human Services should make more diligent efforts to screen between those truly in need, and those playing the system, while enjoying the fruits of illegal cash income.

Finding 5:

While the District Attorney and Sheriff are aware of the presence of organized crime in marijuana production, reports from several interviewees support that awareness with several pertinent footnotes. Much of the organized marijuana workforce appears non-native in origin and often non-English speaking.

Recommendation 5:

While recognizing the very real limits of manpower and funding that law enforcement is operating under, priority should be given to the safety of emergency responders.

Finding 6:

Stockmen, hunters, hikers and forest workers report concerns for personal safety when in the woods, and periodic confrontation with threatening and sometimes armed people, particularly in the fall of the year. Stockmen traditionally armed for “snake killing” take their firearms more seriously for self-defense. Hunters and hikers are increasingly giving up areas of outdoor activity in response to real or perceived threat. There are reports of firearms brandishing in public, and at least one reported shooting. Some residential area dwellers report increased levels of anxiety with regard to grower neighbors during harvest season.

Recommendation 6:

None.

Finding 7:

Marijuana industry investment has artificially elevated values of raw land and improvements in susceptible parts of the County. Likewise, some businesses providing goods or service in demand by industry people have profited.

Recommendation 7:

None.

Conclusion

A vigorous and sizeable marijuana industry presence in the County has created widespread anxiety in the general population. It has further created a great burden upon traditional services, beyond that which the County is able to adequately respond, particularly in the short term with current law enforcement staff levels. However, this County has a history of adjusting to major swings in the economy and employment opportunities and this time will probably be just one more bump in the road. In the meantime, county and civic leaders need to have a long-term plan, starting with current manpower and budget constraints, to safeguard the citizens and traditional sustainable resource industries.

Responses Required

In accordance with California Penal Code 933.05 a response is required as indicated below.

| <u>Respondent</u> | <u>Finding/Recommendation</u> | <u>Due Date</u> |
|-------------------------|-------------------------------|-----------------|
| Board of Supervisors | 1,2,3,4,5,6,7 | 90 days |
| Planning Department | 1 | 60 days |
| CAO | 1,2,3,4,5,6,7 | 60 days |
| District Attorney | 2,4,5,6 | 60 days |
| Health & Human Services | 2,3,4 | 60 days |
| Behavioral Health | 2 | 60 days |
| Supt. of Schools | 3 | 60 days |
| Sheriff | 3, 5 | 60 days |

The governing bodies indicated above should be aware that comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Bibliography

Calif. Proposition 215 Compassionate Use Act (1996)
Calif. Govt. Code 65302 (a) "Land Use Element"

RECEIVED

AUG 20 2010

**TRINITY COUNTY
SUPERIOR COURT**

RECEIVED

JUN 08 2010

TO: The Honorable James P Woodward,
Presiding Judge of the Superior Court

FROM: Noel J. O'Neill LMFT, Director of Trinity County Behavioral
Health

Trinity County
Board of Supervisors
By: _____

SUBJECT: Response to Recommendations of 2009/2010
Grand Jury Report Titled:

"Trinity County Marijuana Industry Community Impact
Assessment"

June 2, 2010

The Grand Jury has requested a written response to the report mentioned above within 60 days of the release which was 6/3/2010. Trinity County Behavioral Health was asked to respond to "Finding #2". In my capacity as Director of Trinity County Behavioral Health Services, (TCBHS) I am forwarding the following Agency Response:

Finding #2: The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Response: Agree

Recommendation #2: Protection may be improved by provision for a second medical opinion, at County request by County physician, to ascertain medical need.

Response: Disagree

While the problems stated in the Grand Jury report are real, and the general public does experience widespread anxiety caused by the underground marijuana industry, it is doubtful that requiring a second medical opinion will bring the desired outcomes. It is also likely that there would be legal challenges by 215 card-holders. If the local governing body had passed ordinances with similar requirements such as are being proposed here, it may have given this strategy more of a legal foundation. As it is, attempting to change the system by requiring a second opinion is like “closing the barn doors after the horses have escaped”.

It has been the opinion of Trinity County Behavioral Health for some time now that the prolific use of marijuana is causing more damage to the mental health of county residents than has been previously understood. The suggestion that TCBHS believes will most effectively deal with any substance abuse is public education and immediate intervention to those addicted that desire treatment. There is no easy answer but strategic education, especially in the schools, targeting young people, may generate the best results.

RECEIVED

AUG 26 2010

TRINITY COUNTY
SUPERIOR COURT



Trinity County
Planning

Reviewed
8/27/10
[Signature]

Memo

To: Trinity County Grand Jury
From: Richard Tippet, Planning Director [Signature]
Frank Lynch, Senior Planner
Date: August 25, 2010
Re: Response to Recommendations of 2009-2010 Grand Jury Development and Environmental Committee Final Report.

The Grand Jury Development and Environmental Committee has requested a written response to the final report on Trinity County Medicinal Marijuana Industry, Community Impact Assessment. In my capacity as Director of the Planning Department, my responses are as follows;

Finding 1:

Marijuana production is flourishing largely unchecked in many areas of the County, including residential areas. This results in increased tension and conflict between growers and neighboring non-growers. There appears a window of opportunity to improve public safety, and reduce tension in residential and public gathering areas by zoning regulations defining compatible, and non-compatible, uses in such areas. The current Land Use Element of the County General Plan dated 1988 utilizes 15 minute quadrangle mapping dated to the 1950's, providing inadequate definition to current areas of habitation.

I agree that the County General Plan provides an inadequate definition to the current areas of habitation and that there is an opportunity to use zoning and building laws to improve public safety and reduce tensions.

Recommendation 1:

County officials should give consideration to a much-needed update of the Land Use Element of the County General Plan, particularly associated zoning definitions,

which go hand-in-hand with land use designations. Marijuana production should be considered a non-compatible use within areas zoned for village and one-acre minimum residential. Buffer zones should be enforced around schools, child-care, civic, teen or medical centers and parks etc.

While the County acknowledges that the General Plan warrants updating to address a wide variety of issues, the reality is that such efforts require resources that are difficult for all jurisdictions across the County. Changes in social, political, economic and a variety of other new “realities” all need to be addressed within any Land Use Element update. No one knew in 1988, when the last update of the Land Use Element was completed, that we would be dealing with issues related to marijuana, the threat of global warming, the opportunities and challenges of the advancement of electronic communication of all types, and many other issues we are grappling with today.

Specific to marijuana, production is not legal per Federal and State law. However within California, propositions have been passed by the electorate that has provided immunity from prosecution under some specific conditions. The Compassionate Use Act (Proposition 215) provides for medical marijuana use and cultivation under certain circumstances. Regardless, this does not change the legal status of marijuana as a currently illegal substance and County Counsel has advised that expressly providing some legitimacy to marijuana growing operations by either providing specific areas or permits for such action would be beyond the local agencies authority.

While the marijuana issues remains controversial and mired in legal challenge, the County does recognize that it has a responsibility to address other issues related to grow operations. Hence the County has been an active participant, along with other State agencies, in actions to enforce other environmental based laws related to land use. The County has taken an active role in two recent code enforcement outreach programs targeting land owners who do not comply with land use and management laws related to timber removal, septic and water permits, and building/zoning regulations including those related to temporary occupancy of recreational vehicles and anticipate continuing with these actions until there is full compliance.

It is simply because this area of the law, pertaining to the legalization of marijuana, is in such a state of flux, via re-prioritization of Federal law enforcement and constant wrangling at the State level, we have found greater efficiencies in local efforts can be gained by utilizing established law requiring growers to be compliant with local zoning and building laws.

RECEIVED

JUN 15 2010

TRINITY COUNTY
SUPERIOR COURT



OFFICE OF THE SHERIFF
TRINITY COUNTY

101 Memorial Drive, P.O. Box 1228
Weaverville, CA 96093
(530) 623-2611

LORRAC CRAIG, Sheriff/Coroner
ERIC PALMER, Undersheriff

Date: June 15, 2010

To: James P. Woodward
Judge of the Trinity County Superior Court

From: Lorrac Craig
Sheriff, Trinity County

Re: Grand Jury Report 2009-2010
"Trinity County Marijuana Industry Community Impact Assessment"

*Reviewed
MM 6/17/2010
FOR FILE*

Finding #3:

Marijuana use in households appears to have an effect on motivation of school students

Response #3:

This agency did at one time have an officer assigned to be a resource for all the counties schools. That program proved to be fairly effective. Due to funding cuts, that program was discontinued to put more uniformed officers on the street.

Finding #5:

Recognizing that large marijuana gardens are sponsored and manned by Drug Trafficking Organizations, is there an awareness of the dangers

Response #5:

The Sheriff and his staff are acutely aware of the dangers presented by DTOs during the growing season. Every effort is made to minimize these dangers when attempting to eradicate DTO gardens.

To date, there have been no known violent confrontations with DTO workers when confronted in their gardens. There have been reports of hunters being asked to leave by armed workers, but the confrontations were "peaceful" without violence.



Trinity County

OFFICE OF EDUCATION

<http://www.tcoe.trinity.k12.ca.us>

*Reviewed
7/29/10
JFh*

To: The Honorable James P. Woodward, Superior Court Judge July 23, 2010
From: Jim French, Trinity Co. Supt. Of Schools *JFh*
Subject: Grand Jury Report Response

I am in receipt of the 2009-2010 Grand Jury Report, "Trinity County Marijuana Industry Community Impact Assessment". I have been asked to respond to finding, and recommendation #3.

I would agree that the current interpretation, (largely unregulated) of the Compassionate Use Act Of 1996 has had a great impact on our communities, our people, and our young people. As you may know our schools have been aggressively involved in anti-drug education for the past 25 years. It's always been an uphill battle fighting drugs living within the Emerald Triangle. The medicinal marijuana laws have not assisted us in that endeavor, as large numbers of our families are involved with marijuana production. Sadly kids learn what they live.

This past year I have given ample input to the Board of Supervisors regarding proximity of medicinal gardens to our public schools.

Regarding Career Education: all of our high schools have programs similar to Hayfork High School that encourage college enrollment, and lifelong learning through vigorous career counseling.

Additionally schools get occasional in-service from Child Protective Services regarding their services.

Finally I would agree that law enforcement should become a familiar education presence in the school. To that end, we have periodically had a Juvenile Officer in the schools when budgets allowed for it. Some years the position is fundable through grant resources, and sometimes it is not fundable.

If recreational marijuana use is passed by the voters in November, our challenges serving youth, regarding drug use, will increase dramatically.

James B. French, Trinity County Superintendent of Schools

P.O. Box 1256 • 201 Memorial Drive • Weaverville California 96093-1256 • (530) 623-2861 Fax (530) 623-4489

OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF TRINITY

MICHAEL B. HARPER
District Attorney

Eric L. Heryford, Deputy D.A.
Matthew L. Hudson, Deputy D.A.



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Weaverville, CA 96093
(530) 623-1304
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RECEIVED

JUN 28 2010

TRINITY COUNTY
SUPERIOR COURT

To: Honorable James P. Woodward
Judge of the Superior Court

From: Michael B. Harper
District Attorney

Date: June 28, 2010

Re: 2009 – 2010 Trinity County Grand Jury Report
“Trinity County Marijuana Industry Community Impact Assessment”

The following are my responses, pursuant to Penal Code section 933.05, to the requested findings and recommendations that pertain to the District Attorney’s Office:

Finding #2:

Respondent agrees with the finding that legislature may have overlooked potential adverse impacts on smaller, marijuana producing counties in the State, such as Trinity County.

Recommendation #2:

The recommendation requires further analysis by County Counsel as to the legality of the recommendation. The County cannot pass laws that are more restrictive than a proposition passed by the voters of this State, and this recommendation looks to be more restrictive, so County Counsel would need to research the legality of such an ordinance.

Finding #4:

Respondent agrees with the finding.

Recommendation #4:

The recommendation does not apply to the District Attorney’s Office. However, the District Attorney’s Office is committed to prosecuting, to the fullest extent of the law, any person caught committing criminal public assistance fraud.

Finding #5:

Respondent agrees with the finding.

Recommendation #5:

The recommendation is continually implemented in that law enforcement will continue to place priority to the safety of emergency responders.

Finding #6:

Respondent agrees with the finding.

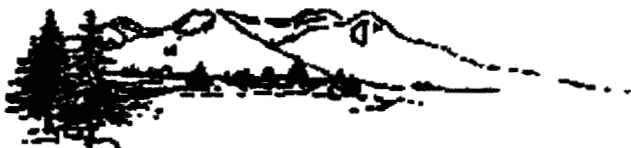
Recommendation #6:

Nothing stated for a response.

RECEIVED

JUL 28 2010

TRINITY COUNTY
SUPERIOR COURT



*Reviewed
JAW
8/5/10*

Linda Wright, Director
51 Industrial Park Way, #1,
P.O. Box 1470
Weaverville, CA 96093-1470
Phone: (530) 623-8250 or (800) 851-5658
Fax: (530)-623-1425

Trinity County Health and Human Services Department

TO: The Honorable James P. Woodward,
Presiding Judge of the Trinity Superior Court

CC: Wendy Tyler, Deputy County Administrative Officer/
Clerk of the Board

FROM: Linda Wright, Director

SUBJECT: Response to Recommendations of 2009-10
Grand Jury Committee Final Report
Re: Trinity County Marijuana Industry Community Impact Assessment

DATE: July 27, 2010

The Grand Jury Development and Environmental Committee has requested a written response to their final report on the Trinity County Marijuana Industry Community Impact Assessment. In my capacity as Director of Trinity County Health and Human Services, my response is as follows:

Finding #2: The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Response: I agree.

Recommendation #2: Protection may be improved by provision for a second medical opinion at County request by a County approved physician, to ascertain medical need

Response: Health and Human services is charged with adhering to the law as currently written. We will only implement this recommendation if the State of California sees fit to amend the current law.

Finding #3: The presence and production of marijuana in the home has been documented to have significant impact upon children of the household from pre-school age through high school. Aroma from backpacks from growers' homes is, at times, in the fall, sufficiently strong to produce a second hand smoke "buzz" on others nearby. The resulting lethargy and lure of the easy money close to home, appears to result in a growing spirit of apathy and a lack of interest in higher education among high school students, some of whom aspire to participate in the marijuana industry.

Response: I agree in part, but feel evidence based research on Trinity County youth is needed to substantiate these concerns.

Recommendation #3: Hayfork High School appears to have an effective program of interaction with youth to encourage them to consider higher education and careers. Local school districts should adopt and implement this program. Evidence of drug abuse by elementary youth should result in vigorous action by Child Protective Services (CPS) and education follow-up. Law enforcement should become a familiar education presence in schools.

Response: Health and Human Services Child Protective Services Unit works closely with Probation and the Sheriff's department when reports of substance abuse involving children and/or their parents are made. In addition, when funding allows, we have assisted in providing a juvenile officer, to work with youth on school campuses. We support encouraging youth to pursue higher education and have had the recent pleasure of assisting 7 of 8 of our foster youth graduating from high school, with their plans to continue on to college.

Finding #4: Severe reduction in resource industry activity on public lands within the county has resulted in loss of good paying skilled labor jobs in these industries and related support businesses. A non-measurable but significant proportion of local populations, having familiarity with the forest, have turned to marijuana for an unreported, tax-free, cash income source. In some cases growers in the marijuana workforce continue to draw public assistance such as welfare and food stamps.

Response: I agree in part. Health and Human Services is mandated by State law to screen all applicants to determine eligibility for assistance. This includes determining their source of income. While we are as diligent as possible in ascertaining legitimate need there have been occasions of abuse.

Recommendation #4: Health and Human Services should make more diligent efforts to screen between those truly in need, and those playing the system, while enjoying the fruits of illegal cash income.

Response: Health and Human Services always strives to be as thorough as possible in screening applicants for all assistance programs. In an effort to be more proactive, we are currently recruiting to fill a fraud investigator vacancy which will help overcome deficiencies in this area.



TRINITY COUNTY

Office of the County Administrator

DERO B. FORSLUND

County Administrative Officer

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613

PHONE (530) 623-1382 FAX (530) 623-8365

TO: The Honorable Anthony Edwards,
Presiding Judge of the Superior Court

FROM: Dero B. Forslund, CAO

SUBJECT: Response to Recommendations of 2009-10
Grand Jury Development and Environmental Committee Final Report
Re Trinity County Marijuana Industry – Community Impact Assessment

DATE: July 19, 2010

The Grand Jury Development and Environmental Committee has requested a written response to their final report on the Trinity County Marijuana Industry – Community Impact Assessment. In my capacity as County Administrative Officer, my response is as follows:

Finding 1:

Marijuana production is flourishing largely unchecked in many areas of the County, including residential areas. This results in increased tension and conflict between growers and neighboring non-growers. There appears a window of opportunity to improve public safety, and reduce tension in residential and public gathering areas by zoning regulations defining compatible, and non-compatible, uses in such areas. The current Land Use Element of the County General Plan dated 1988 utilizes 15 minute quadrangle mapping dated to the 1950's, providing inadequate definition to current areas of habitation.

Response: We concur in part – there does appear to be an opportunity implement zoning regulations defining compatible and non-compatible uses. We do not agree that the use of 15 minute quadrangle mapping provides inadequate definition to current areas of habitation. The current zoning of each zoned parcel is described at the parcel level.

Recommendation 1:

County officials should give consideration to a much-needed update of the Land Use Element of the County General Plan, particularly associated zoning definitions, which go hand-in-hand with

land use designations. Marijuana production should be considered a non-compatible use within areas zoned for village and one-acre minimum residential. Buffer zones should be enforced around schools, child-care, civic, teen or medical centers and parks, etc.

Response: We concur – the County has taken several steps to update the Land Use Element as well as the General Plan. The most recent being a grant application for a Prop 84 planning grant to update the County General Plan

Finding 2:

The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Response: We concur in part – the Compassionate Use Act (Prop 215) may have overlooked potential adverse impacts the Act was not adopted by the legislature but by a vote of the people and can only be amended by a vote of the people.

Recommendation 2:

Protection may be improved by provision for a second medical opinion, at County request by County approved physician, to ascertain medical need.

Response: We concur that a second medical opinion might improve the conditions such a change would take a vote of the people and not within the authority of the County

Finding 3:

The presence and production of marijuana in the home has been documented to have significant impact upon children of the household from pre-school age through high school. Aroma from backpacks from growers' homes is at times, in the fall, sufficiently strong to produce a second hand smoke "buzz" on others nearby. The resulting lethargy and lure of the easy money close to home, appears to result in a growing spirit of apathy and a lack of interest in higher education among high school students, some of whom aspire to participate in the marijuana industry.

Response: We concur

Recommendation 3:

Hayfork High School appears to have an effective program of interaction with youth to encourage them to consider higher education and careers. Local school districts should adopt and

implement this program. Evidence of drug abuse by elementary youth should result in vigorous action by Child Protective Service, (CPS) and education follow-up. Law enforcement should become a familiar education presence in schools.

Response: We concur – recent budget cuts have made the presence of Law enforcement in the Schools. A review of other ways it implement the recommendation within this fiscal year.

Finding 4:

Severe reduction in resource industry activity on public lands within the County has resulted in loss of good paying skilled labor jobs in these industries and related support businesses. A non-measurable but significant proportion of local populations, having familiarity with the forest, have turned to marijuana for an unreported, tax-free, cash income source. In some cases growers in the marijuana workforce continue to draw public assistance such as welfare and food stamps.

Response: We concur

Recommendation 4:

Health and Human Services should make more diligent efforts to screen between those truly in need, and those playing the system, while enjoying the fruits of illegal cash income.

Response: We concur

Finding 5:

While the District Attorney and Sheriff are aware of the presence of organized crime in marijuana production, reports from several interviewees support that awareness with several pertinent footnotes. Much of the organized marijuana workforce appears non- native in origin and often non-English speaking.

Response: We concur

Recommendation 5:

While recognizing the very real limits of manpower and funding that law enforcement is operating under, priority should be given to the safety of emergency responders.

Response: We concur

Finding 6:

Stockmen, hunters, hikers and forest workers report concerns for personal safety when in the woods, and periodic confrontation with threatening and sometimes armed people, particularly in the fall of the year. Stockmen traditionally armed for “snake killing” take their firearms more seriously for self-defense. Hunters and hikers are increasingly giving up areas of outdoor activity in response to real or perceived threat. There are reports of firearms brandishing in public, and at least one reported shooting. Some residential area dwellers report increased levels of anxiety with regard to grower neighbors during harvest season.

Response: We concur

Recommendation 6:

None.

Finding 7:

Marijuana industry investment has artificially elevated values of raw land and improvements in susceptible parts of the County. Likewise, some businesses providing goods or service in demand by industry people have profited

Response: We concur

Recommendation 7:

None.



TRINITY COUNTY
Office of the County Administrator
DERO B. FORSLUND
County Administrative Officer
P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093-1613
PHONE (530) 623-1382 FAX (530) 623-8365

RECEIVED

SEP 13 2010

TRINITY COUNTY
SUPERIOR COURT

*Received
MFC
9/13/10*

TO: The Honorable Anthony Edwards,
Presiding Judge of the Superior Court

FROM: Dero B. Forslund, CAO *10*

SUBJECT: Response to Recommendations of 2009-10
Grand Jury Development and Environmental Committee Final Report
Re Trinity County Marijuana Industry – Community Impact Assessment

DATE: July 19, 2010

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Response: We concur in part – there does appear to be an opportunity implement zoning regulations defining compatible and non-compatible uses. We do not agree that the use of 15 minute quadrangle mapping provides inadequate definition to current areas of habitation. The current zoning of each zoned parcel is described at the parcel level.

Recommendation 1:

County officials should give consideration to a much-needed update of the Land Use Element of the County General Plan, particularly associated zoning definitions, which go hand-in-hand with land use designations. Marijuana production should be considered a non-compatible use within areas zoned for village and one-acre minimum residential. Buffer zones should be enforced around schools, child-care, civic, teen or medical centers and parks, etc.

Response: We concur – the County has taken several steps to update the Land Use Element as well as the General Plan. The most recent being a grant application for a Prop 84 planning grant to update the County General Plan

Finding 2:

The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Response: We concur in part – the Compassionate Use Act (Prop 215) may have overlooked potential adverse impacts the Act was not adopted by the legislature but by a vote of the people and can only be amended by a vote of the people.

Recommendation 2:

Protection may be improved by provision for a second medical opinion, at County request by County approved physician, to ascertain medical need.

Response: We concur that a second medical opinion might improve the conditions such a change would take a vote of the people and not within the authority of the County

Finding 3:

The presence and production of marijuana in the home has been documented to have significant impact upon children of the household from pre-school age through high school. Aroma from backpacks from growers' homes is at times, in the fall, sufficiently strong to produce a second hand smoke "buzz" on others nearby. The resulting lethargy and lure of the easy money close to home, appears to result in a growing spirit of apathy and a lack of interest in higher education among high school students. some of whom aspire to participate in the marijuana industry.

Response: We concur

Recommendation 3:

Hayfork High School appears to have an effective program of interaction with youth to encourage them to consider higher education and careers. Local school districts should adopt and implement this program. Evidence of drug abuse by elementary youth should result in vigorous action by Child Protective Service, (CPS) and education follow-up. Law enforcement should become a familiar education presence in schools.

Response: We concur – recent budget cuts have made the presence of Law enforcement in the Schools. A review of other ways it implement the recommendation within this fiscal year.

Finding 4:

Severe reduction in resource industry activity on public lands within the County has resulted in loss of good paying skilled labor jobs in these industries and related support businesses. A non-measurable but significant proportion of local populations, having familiarity with the forest, have turned to marijuana for an unreported, tax-free, cash income source. In some cases growers in the marijuana workforce continue to draw public assistance such as welfare and food stamps.

Response: We concur

Recommendation 4:

Health and Human Services should make more diligent efforts to screen between those truly in need, and those playing the system, while enjoying the fruits of illegal cash income.

Response: We concur

Finding 5:

While the District Attorney and Sheriff are aware of the presence of organized crime in marijuana production, reports from several interviewees support that awareness with several pertinent footnotes. Much of the organized marijuana workforce appears non- native in origin and often non-English speaking.

Response: We concur

Recommendation 5:

While recognizing the very real limits of manpower and funding that law enforcement is operating under, priority should be given to the safety of emergency responders.

Response: We concur

Finding 6:

Stockmen, hunters, hikers and forest workers report concerns for personal safety when in the woods, and periodic confrontation with threatening and sometimes armed people, particularly in the fall of the year. Stockmen traditionally armed for “snake killing” take their firearms more seriously for self-defense. Hunters and hikers are increasingly giving up areas of outdoor activity in response to real or perceived threat. There are reports of firearms brandishing in public, and at least one reported shooting. Some residential area dwellers report increased levels of anxiety with regard to grower neighbors during harvest season.

Response: We concur

Recommendation 6:

None.

Finding 7:

Marijuana industry investment has artificially elevated values of raw land and improvements in susceptible parts of the County. Likewise, some businesses providing goods or service in demand by industry people have profited

Response: We concur

Recommendation 7:

None.



TRINITY COUNTY

Board of Supervisors

P.O. BOX 1613, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1217 FAX (530) 623-8365

TO: The Honorable James Woodward,
Presiding Judge of the Superior Court

FROM: Trinity County Board of Supervisors

SUBJECT: Response to 2009-10 Trinity County Grand Jury
Development and Environmental Committee
Trinity County Marijuana Industry Community Impact Assessment Final Report

DATE: September 7, 2010

The Grand Jury Development and Environmental Committee has requested a written response to their final report on the Trinity County Marijuana Industry Community Impact Assessment. The Board of Supervisors' response is as follows:

Finding #1: Marijuana production is flourishing largely unchecked in many areas of the County, including residential areas. This results in increased tension and conflict between growers and neighboring non-growers. There appears a window of opportunity to improve public safety, and reduce tension in residential and public gathering areas by zoning regulations defining compatible, and non-compatible, uses in such areas. The current Land Use Element of the County General Plan dated 1988 utilizes 15 minute quadrangle mapping dated to the 1950's, providing inadequate definition to current areas of habitation.

Response: The Board agrees with the finding.

Recommendation 1: County officials should give consideration to a much-needed update of the Land Use Element of the County General Plan, particularly associated zoning definitions, which go hand-in-hand with land use designations. Marijuana production should be considered a non-compatible use within areas zoned for village and one-acre minimum residential. Buffer zones should be enforced around schools, child-care, civic, teen or medical centers and parks, etc.

Response: Will be implemented, as funding allows, and subject to legal review. The Board is fully aware that the County's General Plan is in need of updating and in fact, spent countless hours and funds over the past 3 years in an attempt to do that update. Unfortunately, funding is shrinking and priorities are growing. As to the use of the General Plan to regulate marijuana cultivation, that is a matter that requires a legal opinion. Consequently, the Board of

JUDY PFLUEGER
DISTRICT 1

JUDY MORRIS
DISTRICT 2

ROGER JAEGEL
DISTRICT 3

HOWARD FREEMAN
DISTRICT 4

WENDY OTTO
DISTRICT 5

Supervisors cannot make any commitment regarding the General Plan absent review by the County Counsel.

Finding 2: The State of California, in its Compassionate Use Act, has made provision for those benefiting from the medical use of marijuana to be able to do so within the constraints of the Act. In its zeal for compassion for the user population, the legislature may have overlooked potential adverse impacts upon the non-involved populations of marijuana producing areas of the state, such as the Emerald Triangle (Trinity, Humboldt and Mendocino Counties).

Response: The Board agrees with the finding.

Recommendation 2: Protection may be improved by provision for a second medical opinion, at County request by County approved physician, to ascertain medical need.

Response: Will not be implemented. While the Board appreciates that the “unintended consequences” of Proposition 215 and the Compassionate Use Act clearly exist, legally the County has no authority to impose the request that patients holding a 215 recommendation get a second medical opinion nor does the County have the authority or funds if it did have the authority to select an “approved physician” to ascertain such need.

Finding 3: The presence and production of marijuana in the home has been documented to have significant impact upon children of the household from pre-school age through high school. Aroma from backpacks from growers' homes is at times, in the fall, sufficiently strong to produce a second hand smoke "buzz" on others nearby. The resulting lethargy and lure of the easy money close to home, appears to result in a growing spirit of apathy and a lack of interest in higher education among high school students, some of whom aspire to participate in the marijuana industry.

Response: The Board both agrees and disagrees with the finding. While the effects of marijuana in the home on pre-school through high school kids is well-documented, the rest of the finding “assumes” facts that are not supported with enough evidence provided for the Board to agree with them.

Recommendation 3: Hayfork High School appears to have an effective program of interaction with youth to encourage them to consider higher education and careers. Local school districts should adopt and implement this program. Evidence of drug abuse by elementary youth should result in vigorous action by Child Protective Service,(CPS) and education follow-up. Law enforcement should become a familiar education presence in schools.

Response: Will not be implemented. The Board of Supervisors would certainly conceptually support the expansion of a program that interacts positively with the youth to encourage them to consider higher education possibilities as well as careers; however, the school districts in Trinity County are independent districts, with individual elected Boards of Directors and therefore not under the authority of the Board of Supervisors. CPS has a proven history of action and follow-up to reports of drug abuse by elementary youth. Prior to funding being cut, the Trinity County Sheriff's Department had a Juvenile Officer who worked with the schools. Assuming a restoration of funding for the position, the Board would certainly encourage the Sheriff to reinstate the position.

Finding 4: Severe reduction in resource industry activity on public lands within the County has resulted in loss of good paying skilled labor jobs in these industries and related support businesses. A non-measurable but significant proportion of local populations, having familiarity with the forest, have turned to marijuana for an unreported, tax-free, cash income source. In some cases growers in the marijuana workforce continue to draw public assistance such as welfare and food stamps.

Response: The Board both agrees and disagrees with the finding. The severe reduction in the resource industry and the subsequent loss of well-paying jobs including the related support businesses is well documented and the Board agrees with that portion of the finding. However the statements made in the finding regarding the non-measurable portion of the population turning to marijuana for an unreported tax free cash income source as well as growers in some cases continuing to draw on public assistance is not supported by evidence in this finding. Therefore, the Board must conclude that those statements are an assumption and not supported by facts, so the Board can not agree with that portion of the finding.

Recommendation 4: Health and Human Services should make more diligent efforts to screen between those truly in need, and those playing the system, while enjoying the fruits of illegal cash income.

Response: Has been implemented. Trinity County Health & Human Services is mandated by State law to screen all applicants in order to determine eligibility for assistance. While the Board acknowledges that cases of fraud exist within the system, Health & Human Services staff works diligently to ensure that does not occur on a large scale basis, and has requested permission from the Board to fill a fraud investigator position as a further means of being committed to assisting those who are truly in need.

Finding 5: While the District Attorney and Sheriff are aware of the presence of organized crime in marijuana production, reports from several interviewees support that awareness with several pertinent footnotes. Much of the organized marijuana workforce appears nonnative in origin and often non-English speaking.

Response: The Board agrees with the finding.

Recommendation 5: While recognizing the very real limits of manpower and funding that law enforcement is operating under, priority should be given to the safety of emergency responders.

Response: Has been implemented. Subject to availability of law enforcement to respond to back-up emergency responders, priority is given to the safety of the emergency personnel. Unfortunately, there may not always be a law enforcement person available to send to the outlying areas of the County to assist emergency responders. When funding is allocated by the Board to the County law enforcement, recommendations are always offered regarding expending those funds in the outlying areas of the County.

Finding 6: Stockmen, hunters, hikers and forest workers report concerns for personal safety when in the woods, and periodic confrontation with threatening and sometimes armed

people, particularly in the fall of the year. Stockmen traditionally armed for "snake killing" take their firearms more seriously for self-defense. Hunters and hikers are increasingly giving up areas of outdoor activity in response to real or perceived threat. There are reports of firearms brandishing in public, and at least one reported shooting. Some residential area dwellers report increased levels of anxiety with regard to grower neighbors during harvest season.

Response: The Board agrees with the finding.

Recommendation 6: None.

Response: None

Finding 7: Marijuana industry investment has artificially elevated values of raw land and improvements in susceptible parts of the County. Likewise, some businesses providing goods or service in demand by industry people have profited.

Response: The Board agrees with part of the finding. Some businesses providing goods or services in demand by the industry have profited. However, the Board must disagree with the portion of the finding that states "the marijuana industry has artificially elevated values of raw land and improvements in susceptible parts of the County". There is no evidence of that statement being true although an assumption along those lines can certainly be made.

Recommendation 7: None.

Response: No response