

What's going on?!: An Overview of Calaveras Cannabis Policy

CCA has received many questions about the new Urgency Ordinance passed on May 10th in Calaveras County.

This ordinance involves a moratorium of any new grows, as well as mandatory registration of pre-existing grows with the county by June 30th.

For many, it feels as if the new regulations came out of nowhere, and involve restrictions that are intimidating or unfair.

This document has been drafted to explain the following:

1. The process by which the new regulations came to be
2. The reasons/origins for some of the more intimidating restrictions
3. The dangers of not following the law
4. The benefits of registering

CCA will be holding weekly workshops to walk local growers through the new regulations and registration process. Workshops will include informational packets, checklists, and multiple Q and A sessions. For the schedule of CCA workshops, see calaverascannabis.com

Background:

In April of 2015 the Calaveras Board of Supervisors (BOS) held a meeting to consider banning cannabis.

Calaveras growers showed up in impressive numbers at that meeting, made a strong case, and convinced the county not to ban.

Soon after, CCA launched a multi-month campaign to educate our government and humanize growers to the county in the hopes of convincing them to allow and regulate cultivation in the county for good. We did this with emails, letters, meetings, garden tours, and other efforts.

Six months later, thanks to the hard work from Calaveras growers, the same BOS who had considered a ban the year before ended up voting to pass a cannabis ordinance that was widely considered to be the best yet drafted in the state. This ordinance, referred to as the “permanent ordinance” was passed with a 5-0 vote.

However, soon after passing, it was revealed that the permanent ordinance could not be implemented without first going through a costly environmental review that would take over a year to complete.

This left the county in a dangerous situation. Not only did Calaveras have an advertised friendliness to cannabis with no actual regulations on the books, it also had unprecedented property vacancy due to the butte fire. In a state where upwards of 90% of all counties had banned cultivation, this made Calaveras an oasis and cultivators started flocking in at alarming rates.

After two months of this influx, the community and government became extremely concerned. Complaints were coming in at unprecedented rates; the public comment period of every Board of Supervisors meeting featured numerous concerned citizens giving speeches on the evils of cannabis. With these complaints, the anti-cannabis opposition started to grow.

In response to this urgent situation, county council brought forth a draft of an urgency ordinance in April 2016. (Urgency Ordinances are implemented in response to an emergency situation, and as such can be implemented immediately without environmental review). However, the original draft of this ordinance was voted down by the Board of Supervisors due to workability issues.

The BOS then directed that a working group be put together to take a second shot at an urgency ordinance. CCA was invited to consult with this working group along with members of the opposition, county department heads and law enforcement. The ordinance produced by those meetings was passed on May 10th.

Current Situation:

To those who have not been involved in the political process in Calaveras, there is sometimes a perception that Calaveras has been an inherently cannabis-friendly county for many years now. The reality is much more complicated.

Over the course of the past 6 years, multiple officials have attempted to ban cannabis cultivation in Calaveras. Each time, a small group of highly effective advocates managed to mobilize and educate our government such that the county voted down a ban.

The reason we can cultivate in Calaveras is not because cannabis isn't controversial in Calaveras County, or because there isn't pressure to ban cultivation in our local government. It is because Calaveras has an extremely effective advocacy network that has been able to convince people of the value of our community when it counts, and because we are lucky enough to have a government who gives us a fair chance to make our case.

After 6 years of fighting for cannabis cultivation in Calaveras, things have finally boiled over in the past few months thanks to the influx. Tempers and tensions are at an all-time high, the anti-crowd is more organized than ever before, and our government and community are exhausted with the cannabis issue. They are very close to refusing to work with us on allowing cannabis to be grown in Calaveras County.

Due to the complaints associated with the influx, by the time CCA was called in to consult on this urgency ordinance, pressure was extremely high to create regulations that would be very hard on growers. Our goal during this process was to advocate for Calaveras Growers so that the new regulations hurt as few growers as possible. In some instances, we believe, we were quite successful. In others we were not.

CCA believes that this urgency ordinance represents what is likely our last chance to avoid an outright ban. We're going to get one shot to show our community and our government that we deserve a place here. If the growers of Calaveras fail to do this, we believe it is likely that the government will opt instead for a ban on all cultivation.

For most, this ordinance will require us to take on a few additional expenses and do previously unanticipated work on our farms, but we will be ok. We'll be allowed to grow legally and the ordinance will have minimum impact on our livelihoods. For some, the standards of the urgency ordinance will be more serious, requiring that they downsize their gardens, reducing income. A small portion of us will be cut out entirely.

In regards to those that will be affected the most, it is important to note that the majority of policies in the new ordinance that are serious problems for some growers actually come from a new state law called the Medical Marijuana Regulation and Safety Act (MMRSA).

Signed into law this past October, MMRSA creates comprehensive regulation for all aspects of cannabis industry in California, including cultivation, manufacturing, transport, distributions, etc. and is scheduled to be fully implemented by sometime in 2018, effectively replacing prop 215.

Some important things to know about MMRSA:

1. When it passed it required counties to develop their own ordinances
2. It required that those ordinances be compatible with MMRSA.
3. It allows county ordinances to be more strict than state law, but not less strict.

That means that as of this past October, not only were all counties required to pass a local ordinance relating to cannabis, but these ordinances were required to be compatible with MMRSA and include MMRSA restrictions.

MMRSA puts cultivation into 2 categories: personal/caregiver and commercial. Any garden over 500 square feet is considered commercial. Personal and caregiver grows are only allowed to have a maximum of 100 sq ft of canopy per patient. Caregivers are only allowed to grow for a maximum of 5 patients. Additionally, the term "caregiver" will likely be rigorously defined. Many may not qualify.

If you grow cannabis and you do not fit these criteria, you are now considered a "commercial" grower by the state.

For the record, CCA opposes these definitions. However, because these regulations are a matter of state law, neither the county nor CCA has the ability to change them. There

are state level groups fighting this, and if they are successful, we will have a good chance of changing things here in Calaveras, but until then our hands (and the county's hands are tied.

The relationship between county regulations and state law is also important to note in regards to one other common question CCA often hears: "why didn't you guys just fight to maintain the status quo? Things were fine the way they were!"

Firstly, as covered above, things were not fine. Politically, our county was very unstable in regards to cannabis policy, and there was overwhelming pressure for a ban.

Additionally, fighting for the continuation of the status quo was not an option, because unlike before, as of 2016 MMRSA REQUIRED that the county pass some type of ordinance, either regulation or a ban.

When other counties in California were faced with this same decision, approximately 90% of them decided to ban rather than attempt to throw something together under the ridiculous timeline set forth by MMRSA. Calaveras was one of the few counties that even tried and this in itself was a huge victory.

In the end, growers in Calaveras will be faced with a decision:

To register or not to register.

Obviously, we at CCA think that you should. Here's why:

1. If you don't sign up, you probably won't get away with it.

In order to enforce their ordinance, the county will be taking satellite images of the county, and running the images through a program that identifies grows and links them to Parcel Numbers.

If you grow cannabis in Calaveras and you do not register with the county under the urgency ordinance, they will absolutely know about it.

Those grows that do not register under the Urgency Ordinance will be considered permanently irreconcilably illegal for the purposes of any future local regulations on Cannabis. That means that if you don't sign up for this urgency ordinance, you will never be allowed to grow in Calaveras ever again.

Additionally, the county will be sharing this data with the state. Under MMRSA, any grower who has a history of local non-compliance will not be issued licensure with the state.

When you put this all together here's what it means: If you do not sign up for this urgency ordinance in the time allotted, you will never be allowed to grow legally in the state of California at any point in the future.

If you choose to take the risk and try to run in the black market, here's what you're facing: Criminal penalties, garden eradication, and fines. BUT it is also possible that they may not even choose to visit you. Instead, they may simply take a satellite picture, mail you notices, fines, and orders to cease and desist, and put a Lien on your property without ever actually setting foot on your land.

For the record, this is not science fiction. The state is already doing this in pilot programs in other counties, and it is working.

On the flip side of this, if you register with the county, the system is designed to be fair to you. You will be subject only to civil processes, meaning only citations and fines. You will have a right to appeal, which means you can legally challenge any decision made by the county relative to your operation and have it overturned. Also, you will be awarded all rights and privileges assigned to legal businesses in Calaveras and the state of California, including being able to call the sheriff if you are harassed or robbed. Also, if the system treats you unfairly, CCA will be there to back you up.

Lastly, if you register, you will be a legal operator in one of the first counties to contribute to the state market. This means you will be given first crack at meeting state demand and supplying retailers.

For more in depth information go to calaverascannabis.com where you will find the following list of resources:

- Ordinance Overview
- CCA guidance packet (step by step instructions for compliance and registration)
- Workshop schedule.