

The Impact of Commercial Cannabis Grows in Siskiyou County

Summary

When the 2021/2022 Grand Jury began looking into Code Enforcement in Siskiyou County, it became apparent that issues relating to illegal cannabis crops required different investigative techniques, different resources, and different solutions in order to reach any constructive conclusions. Therefore, this report is a narrow look into only those concerns impacting code enforcement. The reader will see the far-reaching impact to our Siskiyou County resources, environment and lifestyle. The Grand Jury has isolated only a few of the more obvious enforcement issues facing our County at this time.

The Grand Jury learned that during the recession in 2009, to reduce the County's budget, massive cuts were made across all County departments, including the elimination of code enforcement positions. Exacerbating this decision were legislative changes. In 2015, Medical Marijuana Use and Safety Act was passed. The passing of Proposition 64, Adult Use of Marijuana Act, took effect in 2018. The catastrophic wildfires in California created even more changing circumstances. There was an increase in illegal camping, people living in cars, tents, and trailers on their property or squatting on someone else's property. There was also an increase in complaints for assaults and theft.

Whether you agree or disagree with the use of marijuana, the production of this crop without proper controls and restrictions is harmful to Siskiyou County. Siskiyou County is a wonderful place to live. We have an everchanging view of Mt. Shasta and never fail to appreciate the land around us in all its beauty. As Native Americans do, we should hold the land as a sacred trust. We should not allow substantial amounts of litter to be deposited on the land, nor harmful chemicals to be spilled onto it. We certainly cannot allow the ground water to be depleted for the cultivation of illegal plants.

Some people have come here to grow cannabis. They have found areas where the price of land is cheap. Their neighbors are distant and law enforcement numbers are few for the size of the area. Growing cannabis can be legally done if you grow a small number of plants (12) as prescribed by the County law. In this report, the Civil Grand Jury does not

target law compliant cannabis growers nor the use of cannabis. We do not cast blame on any one group of growers but rather are focused on the large commercial cannabis grows which are illegal in Siskiyou County. They grow thousands, and even tens of thousands of cannabis plants in violation of the law. Much of Siskiyou County is an arid high desert where water is in short supply. The land struggles to support the water demands for growing thousands of cannabis plants.

The illegality of this specific crop pales in comparison to all the other dangers associated with the cultivation. The current process of cannabis cultivation in Siskiyou County is turning parts of the county into unsightly and polluted lands. Garbage, human waste, and chemicals discarded onto the ground while growers are illegally camping is damaging Siskiyou County. Growers avoid prosecution by using the legal process to hide ownership of their properties. Guard dogs are used as a form of low-cost security and are then abandoned when the grow season ends. Growers intimidate their neighbors. Many growers have no intention of living in Siskiyou County long term but are here to grow cannabis for a few seasons, make a lot of money and leave. They are not unlike the 49ers who came into California and destroyed the land seeking gold. Miners damaged streams and rivers, destroying fish habitats and water quality. Their greed and lack of concern for the land decimated areas in California. Eventually, laws were passed limiting the mining processes to save the land. We still have miners seeking gold today, but they do not destroy the land or water ways. Cannabis growers seeking to cultivate their crops must also follow the laws to safeguard Siskiyou County. Siskiyou County was challenged to address the impacts of large-scale cannabis cultivation due to inadequate ordinances and lack of staff. But there is hope. With the passage of AB2164 agencies involved in the enforcement of Siskiyou County ordinances are working together to remedy the impacts of illegal cannabis cultivation.

Background

When the 2021-2022 Siskiyou County Civil Grand Jury assembled and started investigating Code Enforcement, it became obvious that the problems directly tied to commercial cannabis cultivation were a unique challenge for Code Enforcement to correct. Code Enforcement investigates violations of County ordinances dealing with



zoning, building permits, abandoned vehicle abatement, and various health and environmental issues. For the Jury to address these issues without recognizing the huge problems in our rural residential subdivisions was impossible. Cannabis cultivation is the root of most code enforcement problems in many subdivisions

throughout the County. It is estimated there are 5,000 large scale grow sites and many more temporary greenhouses in Siskiyou County.

Unlawful cannabis cultivation needs to be addressed and curtailed. Code Enforcement officers were finding that most of their code violations were directly tied to cannabis cultivation in rural subdivisions, including, but not limited to, Mt. Shasta Vista, Klamath River Country Estates, Irongate Estates, Shasta Forest Estates, and Pleasant Valley.

Many unlawful growers use pesticides and herbicides that are improperly stored, labeled and/or illegally managed. Growers of unlawful cannabis are often living in unpermitted structures, driving un-registered vehicles, or camping without proper County permits.



250-gallon caged water container used as an illegal sewage septic system.

Currently in Siskiyou County, it is unlawful to camp on private property for more than 30 days annually, without first obtaining a county permit. There is a rash of illegal activity associated with camping on private property. In some cases, property owners living outside the County are unaware that there are people camping on their property. Homeowner

Associations (HOAs) try to track who is camping legally or illegally within their subdivision. Camping is not the primary issue. Uncontained litter and garbage, dumping of raw sewage, numerous broken-down vehicles, and, at times, cultivation of cannabis are environmental hazards. Those camping on private properties refuse to move when asked to do so by some HOAs. Multiple County agencies have been known to issue or extend 30 day permits several times, unaware of the HOA's prior efforts to evict campers from the private property.



Unpermitted buildings used as living quarters for cannabis growers

Many of these property sites do not have water sources or have drilled unpermitted wells. Most sites do not have septic systems for proper sanitation. Obtaining water by any

means is vital to produce cannabis crops.

Huge unpermitted “greenhouses” made of poly plastic sheeting (AKA poly-tunnels) are being erected on private property. People who choose to use the temporary greenhouse



Unpermitted buildings – living quarters for growers

loophole to grow year-round violate County ordinances. These ordinances are in place to establish a community standard of healthy and safe living.

Many growers come to Siskiyou County from other states with the intent to grow unlawful cannabis. The majority of the growers have no intention of

living here permanently, but rather to occupy land only during the cannabis growing season.

Many do not obtain a California driver’s license nor register their vehicles in California. A new resident has 10 days to obtain a California Driver’s License and 20 days to register their vehicle in California. By not registering their vehicles, they are depriving the State and County of tax revenue for government and roads. Few establish residency through home rental, home purchase, or new home construction. Many raising cannabis crops camp here under the most appalling circumstances, without sewer, water, or heat.



2020 view of Shasta Vista – blue dots indicate water wells

The crop is not the sole problem. The problem is the methods surrounding the production of the crop that are problematic. To the left, you will find two photographs taken of the Mt. Shasta Vista subdivision. The first shows the area before the introduction of cannabis crops. Mt. Shasta Vista was a rural

remote subdivision with limited infrastructure which was difficult to access, and largely unpopulated. It was a sandy region of juniper trees with lava filled gullies and ridges.



2021 view of Mt. Shasta Vista – approximately 2,500 to 3,000 grow sites represented by white dots

The second photo was recently taken of the same area. The 2,500 to 3,000 white dots are poly-tunnel greenhouses where allegedly illegal cannabis is grown. Most of the juniper trees have been removed. In an area of slightly more than six square miles, there are roughly 1,640 parcels

with approximately 84 legally permitted residences. These figures demonstrate the scope of Code Enforcement’s challenges.



Improper storage and labeling of unknown chemicals at illicit cannabis grow sites

Methodology

The Grand Jury conducted eighteen interviews of people affected by rampant unlawful cannabis cultivation, including County law and Code Enforcement employees. County codes were reviewed, and photographic evidence was examined. The Jury also heard personal stories from residents who were too intimidated to report their concerns to Siskiyou County officials.



Discussion

Recognizing the Many Problems

While as an agency Code Enforcement is responsible for many aspects of code enforcement, the impact of commercial cannabis cultivation is the largest prevailing concern. Many large-scale cannabis growers do not abide by Siskiyou County ordinances. Cannabis growers are here for a short duration for the purpose of growing massive amounts of unlawful cannabis, making a lot of money and then return to their homes.

Most commercial growers have chosen not to establish legal residency in California. In an attempt to avoid fines and liens, they will quitclaim deed their property to others. This results in Enforcement agencies having to begin the lien/fine process over again. They consider themselves visitors for the duration of the growing season and shortly after



Massive expansion of poly-tunnel greenhouses on the north side of Hwy A-12 outside of the Mt. Shasta Vista Subdivision

harvest, many leave the area.

The County, in an attempt to correct the illegal activity, has enacted several new County ordinances dealing primarily with water. Movement of water pumped out of the ground for growers to irrigate their cannabis crop has been a big problem. Nearby domestic wells have gone dry, due to the huge quantities of water pulled from agricultural wells. The County passed an ordinance forbidding the movement of water on certain County roads. Law enforcement stepped in and wrote citations and seized water trucks of those violating the new ordinance. The Federal Court placed an injunction on the enforcement of the new code because it only identified certain roads within the County. The ordinance also did not discriminate between water for personal use and water for agricultural use in areas not zoned for commercial uses.

Code of Silence

In areas where commercial cannabis cultivation is rampant, there is a code of silence among the growers. Law and Code Enforcement personnel can drive around the County rural subdivision roads and see thousands of unpermitted poly-tunnel greenhouses where thousands of cannabis plants are being cultivated. Law enforcement cannot take any action without a search warrant. Law enforcement needs positive proof of wrongdoing before they can enter property to enforce the law. Code enforcement, without a complaint stating the facts, cannot enter private property to inspect anything. When a complaint is received and can be substantiated from evidence gathered, a warrant is obtained allowing both Law Enforcement and Code Enforcement to enter the property. These warrant actions have resulted in multiple County code violations at each site.

The Many Hazards of Cannabis Farms



Improper storage and labeling of unknown chemicals and/or red diesel

The use of hazardous chemicals for deterring animals, and the use of fertilizers and pesticides is widespread, penetrating the soil, and eventually seeping into ground water. At this time, no agency is monitoring the numerous chemicals found at cannabis grow sites. Many of these chemicals are known cancer-causing substances. The Grand Jury learned that many of the 55-gallon drums found on grow sites, still labelled with their original chemical content, are being used to store red diesel. Red diesel fuel is an untaxed fuel. This fuel is used to operate generators, heaters, and water trucks. The unknown actual content of these drums possesses a significant risk



Unknown substances & garbage left behind or buried in ground in Mt. Shasta Vista

to emergency responders. There is often an uninhabitable living situation for growers living on the properties. Propane heaters are used by the residents, which are not designed for indoor use, creating both a fire hazard and a carbon monoxide danger. The use of generators for electricity can also increase the carbon monoxide danger. There have already been some carbon monoxide deaths associated with cannabis cultivation.

At most grows no sanitation is available unless there is a portable chemical toilet (porta potty) brought onto the property. It was stated by residents that nobody is pumping out the portable toilets and they often get blown over or tipped over, spilling their chemical contents onto the ground. Illegal septic systems are

designed by growers using 275-gallon caged water tanks in the ground for septic waste. Growers have also created their own dumps, rather than utilizing proper County dump sites. Currently no agency is conducting site cleanup.

Animal Control is a part of Code Enforcement. Cannabis cultivation has increased the use of guard dogs in grow sites around the County. These dogs are often malnourished, treated poorly and are vicious. Some dogs come from local shelters. Dogs from shelters are properly vaccinated, but what about the other dogs? Do they have the proper vaccinations, such as Rabies and Distemper? Dogs found on grow sites are commonly referred to as Drug Dogs. They are rarely licensed or vaccinated. The number of calls for Animal Control has more than doubled in the past few years. More than six hundred dogs are expected to be housed in the animal control compound this year. This has added yet

another financial burden to the County. To say that these sites are out-of-control would be underestimating the situation.

Are We Safe in Our Own Homes?

One longtime resident told the Civil Grand Jury that the family decided to move when gunfire was heard outside at night with cars speeding away. Law enforcement was not notified for fear of retaliation. This resident put their home up for sale and within days it was sold for well over market value. Homeowner Associations (HOAs) are limited on what they can do to help the property owners who are intimidated by growers. Cannabis growers have successfully taken over several HOAs by means of intimidation, harassment, threats, and unlawful demands to recall present board members. However, on a positive note, two HOAs have successfully regained control of their communities through civil litigation in the Siskiyou County Court. (i.e.: in 2018 CVCV2018-1641; 2018 CVCV2018-336)

Code Enforcement is responsible for enforcing County ordinances and citing violations under civil law. Law Enforcement can seize plants and cite violators under the criminal law. The District Attorney then has the responsibility to prosecute. However, Code Enforcement's objective is to follow the County ordinances that will ensure a healthy and safe lifestyle in Siskiyou County.

Conclusion

Is there Hope?

There is hope. As the Civil Grand Jury interviewed and investigated, they learned of Assembly Bill 2164 (AB2164) which amends Government Code Section 53069.4. This bill will allow the ordinance to "provide for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis, except as specified." As a result of AB2164 Siskiyou County has adopted a fine of \$5,000.00 per violation per day for violations of such ordinances. Humboldt County has enacted a similar ordinance and they assigned a fine of \$10,000.00 per violation per day. Siskiyou County's share of fine monies could be

used to support a multi-enforcement agencies. With AB2164, County agencies involved in the enforcement of the Siskiyou County Ordinances have begun working together with the goal of correcting the problems associated with illegal cannabis cultivation.

Findings

- F1: The lack of participation, communication, and enforcement, since 2009, among several County departments have caused these issues mentioned in the report.
- F2: The overall failure to address unregulated commercial growth of cannabis in Siskiyou County has resulted in a deterioration of the quality of life for its citizens.

Recommendations

- R1: The Board of Supervisors should direct County agencies to meet, maintain ongoing communication, and coordinate procedures necessary to eliminate the problems discussed in this report, by November 1, 2022.
- R1b: In addition, the Board of Supervisors should include other outside agencies as they establish a procedure to best gain control of these problems. Possible agencies to consider would be the California Highway Patrol, California Fish and Wildlife, and other appropriate State and Federal agencies, by November 1, 2022.
- R1c: The Board of Supervisors should ensure that the expanded ring, regulations available under AB2164 are utilized by County Counsel and coordinating agencies to its fullest extent, by November 1, 2022.
- R1d: The Board of Supervisors should earmark Siskiyou County's portion of fine monies received from AB2164 and all other citations issued for illegal activity connected to cannabis, to supplement enforcement efforts and cleanup, by November 1, 2022.
- R2: The Board of Supervisors must immediately review and strengthen all ordinances addressing the negative effects of commercial cannabis grows in Siskiyou County, including illegal camping, greenhouse poly tunnel loopholes, and water transportation issues by November 1, 2022.

Request For Responses

The following responses are required pursuant to Penal Code sections 933 and 933.05:

From the following governing bodies:

Board of Supervisors: Recommendations R1 through R1d; R2

From the following individuals:

Sheriff of Siskiyou County: Recommendations R1; R1b

Invited responses

Director of Community Development: Recommendations R1 through R1d

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.