

Victoria Davis - Fwd: Input for CFC hearing tomorrow

From: PBS PBS
To: Victoria Davis
Date: 9/6/2017 1:34 PM
Subject: Fwd: Input for CFC hearing tomorrow

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>>> <jude@cchange.org> 9/6/2017 1:31 PM >>>
9/7/17

TO: Mendocino Planning Commission

FR: Jude Thilman, Board member, Mendocino Cannabis Industry Association
Owner, Dragonfly Wellness Center

Feedback on OA_2017_001 Cannabis Facilities Code (CFC)

Honorable Commissioners,

Thank you for your hard work on behalf of our county and in support of a rational cannabis policy whose effect will be to spur economic development and growth. We appreciate the great effort being taken to move these regulations along so that we can all participate in a vibrant cannabis industry that will become a driving economic engine in Mendocino County.

This current proposal to create a Cannabis Facilities Code, however, represents a step backwards from the progress we made several months ago and is not in line with the new regulatory state rules that are currently being integrated into the MAUCRSA that Governor Brown signed on June 27th. As the Planning Commission memo itself states on page 2, paragraph 3, "...the State has indicated that the robust public comments they have received will be incorporated into MAUCRSA

Regulations.” All our indications from stakeholders in Sacramento are that the following recommendations to the county ordinance are in alignment with upcoming state regulations.

Overarching themes that need to be addressed have largely to do with zoning and use classifications. By restricting permits based on zoning and land use, the county *de facto* limits robust industry development and places “unreasonable restraints on competition by creating or maintaining unlawful monopoly power” as is warned against in the General Plan. Policy DE-48 of the General Plan directs the “Support [of] business creation, expansion, retention and redevelopment [that] serve local and regional needs...”

Specifically, the following aspects of the county draft ordinance need to be addressed to catch up with the statewide adjustments currently taking place.

1. **The ordinance must govern all sectors of the cannabis industry in the Coastal Zone as well as inland.** To fail to do so would leave coastal cultivators and entrepreneurs in the untenable position of not being able to proceed with a viable business plan based on securing state licenses, which is dependent on the ability to apply for and secure local permits and licenses. This would drive businesses away to Sonoma County and other places and negatively impact cannatourism and the general economic health of the coast. We suggest that the county provide immediate overlay zones and other appropriate allowances to head off a discriminatory lack of a local regulatory green light.
2. Return to the spring zoning allowances as previously discussed by **grandfathering all existing dispensaries into commercial zones with zoning clearances.**
3. **Permit processing and non-volatile manufacturing in commercial zones C1 and C2 with use permits.**
4. **Permit home cottage production of cannabis products.**
5. **Avoid excessive use permits with cannabis activities** which will only clog the system and unnecessarily restrict business growth.
6. **Continue to support provision of free samples for patients of medical dispensaries.**
7. **Support the continued flourishing of farmers’ markets** in our county as important to the health of our local marketplace.
8. Correct Chapter 20.243.030 definition of “customer” as a natural person 21 years of age or over for adult-use purchase of cannabis products and **natural persons 18 years of age or over for purchase of medical cannabis products.**
9. **Remove ethanol from the definition of volatile solvent under 20.243.030 in line with the new state guidelines. To wit:**

The language in the recently signed SB94, MAUCRSA, has been left purposely general so that the CDPH and the BCC can add in the specific language at which they arrived after holding statewide public testimony. SB94 now reads “‘Volatile solvent’ means a solvent that is or produces a flammable gas vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.” There has been a great deal of evidence that ethanol does not pose that hazard when used in the standard way it has been used to purge cannabis extractions.

As former county Director of Environmental Health, Dave Jensen, testified in the spring Board of Supervisors meeting at which this was first considered, he is open to broadening the acceptable list of “volatile” solvents to include ethanol. He said “I am comfortable with approving volatile solvents with the guidelines stated in the state regs.”

10. **Align with state guidelines regarding delivery of medical cannabis products as allowable via any technology platform as long as there is a premise at which inventory is kept.** Such delivery entities need not be tethered to a functioning, licensed dispensary.
11. Under 20.243.080 extend provisional operations to all medical cannabis facilities that have been operating with approved business licenses prior to the effective date of these regulations.
12. ZONING TABLE 1 of Chapter 20.243.060 Suggested changes:
 - a. Allow Processing in C1 and C2 zones with ZC
 - b. Allow Manufacturing non-volatile in C1 and C2 with UP
 - c. Allow Manufacturing volatile in industrial zones with MUP
 - d. Existing dispensaries can remain in C1 and C2 with ZC compliance
 - e. New dispensaries may be in C1 and C2 zones with ZC.
 - f. Allow Manufacturing volatile in RC with MUP.

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