

Caitlin Schafer - Coastal Facilities Recommendations to Planning Commission

From: jude cchange.org <jude@cchange.org>
To: Ted Williams <williamst@mendocinocounty.org>, John McCowen <mccowen@mend...>
Date: 7/13/2019 3:21 PM
Subject: Coastal Facilities Recommendations to Planning Commission
Cc: "hannahnelson@hannahnelson.net" <hannahnelson@hannahnelson.net>, CaseyO'...
Attachments: Testimony to BoS 042319.docx

Coastal Cannabis Facilities -- Issues re Staff Recommendations to Planning Commission

Esteemed elected officials and county staff:

In looking at the Proposed amendments to the county cannabis ordinance offered by staff to be presented to the Planning Commission on Thursday the 18th, we noticed that several of our most important issues were not addressed.

At the April 23, 2019 Board of Supervisors meeting, suggestions made that were considered implementable as they would contribute to meeting the county's stated goal of opening up some of the permitting restrictions that have currently caused a number of our small non-cultivation businesses to shut down or move out of county. (See attached testimony with a list of some items offered 4/23/19)

Three issues with which we have been especially concerned are not addressed in the staff proposal:

- 1. Permit level 1, non-volatile, manufacturing activities in coastal commercial zones.**
- 2. Create practical and expanded permit processes for independent distribution operations in commercial zones.**
- 3. Processing activities limited to simply rolling pre-rolls for packaging do not need to be tied to cultivation or retail activities. They can be included in Distribution activities easily. (see state reg §5303. Packaging, Labeling, and Rolling cited below.)**

In the discussion on April 23rd, for example, it was noted that a way to allow additional uses would be to issue a Coastal Use Permit, pending approval of the Coastal Commission. Could we include this option in the staff proposal for the Planning Commission?

The California Coastal Commission memo of 4/29/19 offers a long list of ways to include provisions that might both allow for expanded use and protect coastal resources.

One example:

"...LCPs could include provisions that are protective of coastal resources, including...

Requiring additional development standards and procedures as part of the Coastal Development Permit process for vertical integration (e.g. where one cannabis operation

proposes more than one cannabis activity on one site, such as manufacturing in addition to cultivation.)..."

The CCC provides a list of counties and cities who have dealt with commercial cannabis on the coast in a number of ways, including amended LCPs. Could we do the same?

Here are the specifics:

DISTRIBUTION

From Ch 20.538.020

(E) Distribution Facility.

1. (1) A distribution facility as defined herein, shall be principally permitted as a coastal industrial use type and conditionally permitted as a coastal agricultural use type, and shall be a site or location where distribution, as defined herein, occurs.

From testimony 4/23/19:

1. **Distribution.** Please create practical and expanded permit processes for independent distribution operations in commercial zones. Using the coastal checklist guarding against excessive traffic, noise, unsightliness, and other potential affronts to our beautiful coast communities, we don't need to impose a lengthy and expensive Use Permit requirement. Smaller, less impactful distribution activities can fit well under a Zoning Clearance or Coastal Development Permit.

MANUFACTURING

1. (1) Manufacturing Level 1 (Non-volatile), as defined herein, shall be principally permitted as a coastal industrial use type.

Testimony before the BoS 4/23/19 – Cited by supervisors to be included in directive to staff:

2. **Permit level 1, non-volatile, manufacturing activities in coastal commercial zones.** We have auto body shops, hair salons, and other businesses that produce worse odors and more toxic fumes than anything you'll find in these benign processes. It does little good to allow level 1 manufacturing in industrial zones when there are not enough industrial zones or facilities in those zones to meet the need.

DISTRIBUTOR AND PRE-ROLL FOR PACKAGING

Can we become consistent with state regs regarding an aspect of packaging cannabis by distribution entities?

BCC State regs: § 5303. Packaging, Labeling, and Rolling.

(b) A licensed distributor shall not process cannabis, but may roll pre-rolls that consist exclusively of any combination of flower, shake, leaf, or kief. Pre-rolls shall be rolled prior to regulatory compliance testing.]

County current language in Ch. 20.538.020 has no allowance for simple rolling of pre-rolls by permitted distributors.

Thank you all for your hard work on this. We are greatly appreciative of all you do. We join with you in working to create a regulated commercial cannabis sector of our county that helps to drive economic development on the coast as well as inland.

With respect,

Jude Thilman

Jude Thilman
dragonflywellness.org
PO Box 1274
Fort Bragg, CA 95437
c [415.517.2833](tel:415.517.2833)

23 April 2019

To: Mendocino County Board of Supervisors
CC: Brent Schultz, Julia Acker Krog, Matthew Kiedrowski
FR: Jude Thilman, Executive Member, Mendocino Cannabis Alliance
Dragonfly Wellness Center
RE: Coastal Cannabis Facilities Code

Good Morning. We are incredibly gratified to see the county taking up the issue of cannabis facilities on the coast. It's been a bit of a wait.

While the staff recommendations are getting us going in the right direction, they aren't going to save many of our heritage cannabis craftspeople, who are dropping out almost daily.

My first concern, as always, is that many of our patients are losing the medicines that we have been able to provide them at Dragonfly for eight years now. We have several cancer patients, someone with ALS, arthritis sufferers, someone with a rare disease called porphyria -- all of them experienced healing effects when they were taking the finest, local heritage CBD tinctures and oils that we can no longer obtain.

I know specifically of eight medicine makers who have not been able to either obtain a permit or afford the mandated requirements. One is moving to Sonoma County, one to Colorado, one to New Mexico, and the others have had to simply stop making their products.

Beyond saving our family farms, which is the lead domino affecting all the rest of us, here's what we need:

1. **Permit level 1, non-volatile, manufacturing activities in coastal commercial zones.** We have auto body shops, hair salons, and other businesses that produce worse odors and more toxic fumes than anything you'll find in these benign processes. It does little good to allow level 1 manufacturing in industrial zones when there are not enough industrial zones or facilities in those zones to meet the need.
2. **Shared Facilities.** Fast-track permitting of shared use facilities where non-volatile manufacturers can take turns using the same space and equipment, similar to commercial kitchens.
3. **Distribution.** Please create practical and expanded permit processes for independent distribution operations in commercial zones. Using the coastal checklist guarding against excessive traffic, noise, unsightliness, and other potential affronts to our beautiful coast communities, we don't need to impose a lengthy and expensive Use Permit requirement. Smaller, less impactful distribution activities can fit well under a Zoning Clearance or Coastal Development Permit.
4. **Processing activities** limited to trimming and packaging in particular do not need to be tied to cultivation or retail activities. They can be included in Distribution activities easily. (§5303. Packaging, Labeling, and Rolling)
5. **Loosen the restrictive language concerning Microbusinesses in commercial zones.** For example, what is the rationale of tying all the allowed microbusiness activities to retail as a primary use?
6. Finally, kudos for the green light on **Cannabis Events**. We are into tourist season now; in order to capture that market, folks need to be lining up events and tours now. Please expedite those regulations.

Thank you for your kind attention.