

MONTEREY COUNTY PLANNING COMMISSION
FEBRUARY 14, 2018
AGENDA ITEM NO. 3



Additional Correspondence

REF150048 – Cannabis Regulations - Setbacks

FOR ADDITIONAL INFORMATION CONTACT:

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McDougal, Melissa x5146

From: Spencer, Craig x5233
Sent: Tuesday, February 13, 2018 4:17 PM
To: McDougal, Melissa x5146
Cc: Swanson, Brandon xx5334; Donlon, Kelly L. x5313
Subject: FW: Future Cannabis Businesses in the Carmel Rancho Area

From: Jaime Schragebeck [mailto:jaime@precisionnails.com]
Sent: Tuesday, February 13, 2018 4:04 PM
Subject: Future Cannabis Businesses in the Carmel Rancho Area

HEARING SUBMITTAL	
PROJECT NO / AGENCY NO	REF 150048 #3
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Dear Members of the Planning Commission:

As a neighbor of Big Sur Cannabotanicals, my business has had a very positive experience thus far. The commitment and investment of the owners Aram Stoney and John Defloria should serve as a model for others to follow.

However, I am strongly opposed to the approval of any additional cannabis businesses within our immediate area (Carmel Rancho), especially if doing so requires changes to current regulations. In the interests of fair competition and greater diversity in the types of businesses available to residents, I would prefer that the planning commission reject any applications that encroach on the location of an existing business.

Thank you for your time and consideration.

Jaime Schragebeck, Ph.D.
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George R. Walker, Esq. (Retired)
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HEARING SUBMITTAL	
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Via Email, and
U.S. Mail

February 8, 2018

Carl Holm, AICP, RMA Director
Monterey County RMA
1441 Schilling Place, South 2nd Floor
Salinas, CA 93901

Author's Email Address:
HReed@walkerandreed.com

Re: Monterey County Planning Commission Meeting February 14, 2018 Cannabis Regulation Updates; Ordinance Amending Title 21 and the Monterey County Coastal Implementation Plan Part 1 of the Monterey County Code

Dear Mr. Holm:

I am sending this letter to you on behalf of my Salinas Valley farming clients that have several concerns about the upcoming amendments to the Monterey County Cannabis Regulations. At the February 14, 2018 Planning Commission Meeting the following two items are to be heard:

1. Setback Requirements Between Cannabis Retailers:

In order to best protect all the citizens of the County of Monterey, it is best if the 1,500-foot distance between cannabis retailers is dispensed with. Although this sounds good, there should not be a significant distance between cannabis retailers; it is safer to have all retail dispensaries contained within close proximity to each other and within a certain geographical zoning overlay. The law enforcement and policing of unlawful activities, that can and will arise because of the cannabis dispensaries, will be significantly improved if all cannabis retail dispensaries are located within a small geographical area.

The policing of cannabis dispensaries that have significant distances between them will take many more resources than if all cannabis retail dispensaries are located within a small geographical zoning overlay.

Creating a pocket of cannabis dispensaries will improve law enforcement abilities.

WALKER+REED
ATTORNEYS AT LAW P.C.

February 8, 18

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2. Setback Requirements Between All Commercial Cannabis Activities from Schools, Parks, Playgrounds, Daycare Centers and Youth Centers.

In the hierarchy of good, a community should protect its children above the business interests of others. My clients urge the Planning Commission to recommend that cannabis retail facilities, cultivation sites, manufacturing facilities, testing facilities, and distribution facilities all be a significantly greater distance than 600 feet from any school, public park (including city, county and regional parks), playground, daycare center and youth center. My clients request that the Planning Commission recommend that at least a 1,500-foot distance be implemented.

It is critical to implement an increased setback now, before a significant number of Cannabis Permits are issued and the ability to adequately protect the children Monterey County is diminished.

Very truly yours,


Hansen P. Reed

HPR/bhs

CC: Clients

Monterey County Planning Chair, Vice Chair, Secretary and Commissioners

Brandon Swanson, Planning Services Manager

Craig Spencer, Senior Planner

Jackie Nickerson via email NickersonJ@co.monterey.ca.us

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HEARING SUBMITTAL	
PROJECT NO./AGENDA	REF 150048 #3
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Health equity policies

Points to ask for in the proposed ordinance:

Me:

MCHD recommends you use a public health approach to regulating and controlling commercially legalized cannabis. While we recognize legal marijuana use isn't going to lead to the reefer madness presented in the 1930's we'd also like to point out it should be approached with the forethought afforded by years of managing other addictive substances such as alcohol and cigarettes.

practical + pragmatic

Regulation will provide oversight of a market that is currently uncontrolled and can help address the unforeseen effects of marijuana legalization, in particular mechanisms to control marijuana production, sales, and use while advancing the public health goals of preventing access by children and youth, protecting and informing consumers of legalized marijuana, and protecting third parties from unwanted consequences of legalized marijuana use.

Cannabis use is associated with significant public health impacts. The past 20 years of research has produced considerable evidence that marijuana use is significantly linked with: addiction, heart and lung health complications, mental illness, car crashes, IQ loss and poor school outcomes, poor quality of life outcomes, low birth weight, cognitive issues from fetal exposure, and poor job performance. And we are very concerned about the future impacts on today's youth. In 2016, 1.2 million first time users in the US were adolescents between ages 12 and 17. And 23% of Monterey County 11th graders reporting having used marijuana in the past month.

The significant health impacts are particularly seen in youth that start young and have heavy use. And studies are now coming in from Colorado that there are public health concerns about increases in property crime in neighborhoods where marijuana outlets are located. - p4 consequences for having cannabis disp. in your neighborhood → criminal activity

This ordinance is the first step in getting it right to reduce youth access and significant health impacts for county residents. If we take a cautious approach we can modify later. If we are too wide open in our approach, we may find it very difficult to introduce more cautious measures.

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Because of the significant public health effects of marijuana use, it is important that our ordinances provide appropriate safeguards to protect our population, especially our most vulnerable children and youth. For these reasons we request you consider the following modifications to the proposed ordinance:

1. To reduce impacts on youth: The proposed draft ordinance requests in section 2.2 and several subsequent sections a setback of six hundred feet radius of a school providing instruction in kindergarten or any grades 1 through 12. We recommend that staff add Transitional Kindergarten, libraries, and colleges to the school setback requirements; we also recommend that staff add back in drug recovery or treatment facility to the facilities requiring setback. *and change daycare to childcare*
2. We request that for Section 3.3 the draft ordinance be changed to say 'all five of the following criteria are met' and for 3.3.d please separate out Monterey County Health Department to a separate line in order for the public health experts to have some authority separate from the Sherriff in determining potential impacts for location of retail establishments.
3. In addition for Section 3.3, we recognize there are some considerations for distances between licensed establishments. We request that you continue to follow our county's original guideline of not licensing facilities within one thousand five hundred feet of another dispensary.
4. This is an opportunity for our local government to get the regulatory framework right. Therefore, in addition, I'd like to suggest for your consideration several other factors that could be in an ordinance to reduce health impacts. Health Department staff with expertise in tobacco control and Health in All Policies would be interested in discussing with staff developing a separate ordinance or additions to this ordinance that consider the setting and product types (such as no soda products), in-store product warnings being provided and displayed at the facilities, including caps on number of retailers, having no on-site consumption, no adult use delivery, limits on the number and types of edibles, having a specialized store model only, ~~and~~ limits on concentrations of THC in products. *and*

DR. M:

1. GENERAL STATEMENT ABOUT PUBLIC HEALTH AND CANNABIS USE. There is a public health effort to raise awareness of the impacts of cannabis use on children, youth, and adults and we would be happy to provide more information to you and staff on phrasing to include in an ordinance in order to protect public health. Today recognize have a specific ordinance in front of you related to licensing of cannabis retail establishments and have recommendations specific to it.

analyses of ratio scenarios

across neighborhoods equity of benefits + disproportionate negative impacts on some communities as were seen for alcohol tobacco

SSB
P5

5. To reduce impacts on youth: The proposed draft ordinance requests in section 2.2 and several subsequent sections a setback of six hundred feet radius of a school providing instruction in kindergarten or any grades 1 through 12. We recommend that staff add Transitional Kindergarten, libraries, and colleges to the school setback requirements; we also recommend that staff add back in drug recovery or treatment facility to the facilities requiring setback.
6. To reduce impacts on youth and neighborhood safety, section 2.2 and several subsequent sections currently requires a setback of 600 feet radius from a playground. We request that staff also list this setback requirement from all public parks.
7. To reduce impacts on youth and neighborhood safety, section 2.3 and several subsequent sections revised the distance between dispensaries from 1,500 feet to have a determination instead of the facility having to show it serves a public convenience or necessity. The original distance of 1,500 feet was designated to reduce densities of facility. We request that staff not modify this geographic distance requirement from the ordinance. If the Commission proceeds forward with an ordinance that instead calls for determination of a dispensary serving a public convenience or necessity, then the Health Department requests that the criteria used to determine such necessity be modified such that for Section 3.3 change the wording to 'all five of following criteria are met' and for 3.3.d please separate out Monterey County Health Department to a separate line.
8. We'd be happy to work with staff to incorporate our requested modifications to the proposed ordinance as well as work with them on any other ordinances related to cannabis cultivation and retail sales in order to ensure we protect the public's health and get it right the first time.