



# Department of Conservation and Development

## County Planning Commission

Wednesday, May 23, 2018 – 7:00 .P.M.

### STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	County Cannabis Ordinance
<b>County File:</b>	ZT18-0003 and RZ18-3242
<b>Applicant/Owner:</b>	County Initiated
<b>Project Location:</b>	Countywide
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt per Section 26055(h) of the Business and Professions Code.
<b>Project Planner:</b>	Ruben Hernandez, Principal Planner (925) 674-7785
<b>Staff Recommendation:</b>	Recommend Approval to the Board of Supervisors (See Section II for Complete Recommendation)

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### **I. INTRODUCTION**

A hearing on a County initiated zoning text amendment for adoption of a *County Cannabis Ordinance* regulating the establishment of commercial cannabis uses in the unincorporated areas of the County including retail sales, cultivation, delivery, manufacturing, testing and distribution of both medical and recreational cannabis. The ordinance will also regulate the outdoor cultivation of cannabis for personal use. The zoning code amendment involves the creation of a "Cannabis Exclusion" zoning district overlay to prohibit the establishment of commercial cannabis uses on specific parcels in the County and the rezoning of specified properties into the *cannabis exclusion* zoning district overlay. The ordinance has been prepared in accordance with the Framework for Regulating Cannabis in the Unincorporated Areas of Contra Costa County (Attachment A) as approved by the Board of Supervisors on April 24, 2018.

## **II. RECOMMENDATION**

Staff recommends that the County Planning Commission:

- A. OPEN the public hearing on a zoning ordinance regulating commercial cannabis activities, establishing the Cannabis Exclusion zoning overlay district, and excluding commercial cannabis activities from the Bethel Island, Sandmound Slough, Saranap, Acalanes Ridge, Contra Costa Centre and Alamo areas; RECEIVE testimony; and CLOSE the public hearing.
- B. ADOPT a motion recommending that the Board of Supervisors take the following actions:
  1. FIND, for the purposes of compliance with the California Environmental Act (CEQA) and State and County CEQA Guidelines that the proposed zoning text amendment is exempt from CEQA under Business and Professions Code section 26055(h) and CEQA Guidelines section 15061(b)(3);
  2. FIND that the proposed zoning text amendment does not conflict with the County 2005-2020 General Plan;
  3. ADOPT the zoning ordinance regulating commercial cannabis activities and establishing the Cannabis Exclusion Combining (zoning overlay) district;
  4. ADOPT the rezoning ordinance to apply the Cannabis Exclusion Combining District to the Bethel Island, Sandmound Slough, Saranap, Acalanes Ridge, Contra Costa Centre and Alamo areas; and
  5. DIRECT the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

## **III. EXECUTIVE SUMMARY**

After more than a year of public meetings, public outreach, and coordination between various County Departments, on April 24, 2018, the Board of Supervisors approved the attached *Framework for Regulating Cannabis in the Unincorporated Areas of the County* (Attachment A). The Framework provides the basis for the development of County regulations addressing the establishment of both medicinal and recreational commercial cannabis uses including retail sales, cultivation, delivery, manufacturing, testing and commercial distribution of cannabis and cannabis products. The Framework also addressed other cannabis related uses such as outdoor personal cultivation, public health and safety regulations, enforcement considerations, fees and

cannabis taxation. In order to prevent the establishment of commercial cannabis uses in areas of the County where strong opposition to cannabis exist, or areas where oversight and enforcement could be challenging, the Framework also describes the establishment of an zoning overlay district that would prohibit the establishment of commercial cannabis uses in specific areas of the County.

The Framework is the result of a coordinated effort between the Board of Supervisors, the Department of Conservation and Development and various other County departments including the County Administrator's Department, County Counsel, the Sheriff's Office, District Attorney, Health Services Department (HSD), Probation, Treasurer-Tax Collector and Agriculture.

In addition to the input provided by the Board and other County departments, the Framework incorporated input and comments received during the public outreach process of developing the Framework. Public outreach was organized in accordance with the Public Outreach Plan as approved by the Board on November 14, 2017. The Public Outreach Plan directed staff to obtain public input and comment on the Framework by sharing the Framework with local City Councils as well as with County Municipal Advisory Committees and the Alcohol and Other Drugs Advisory Board. In all, a total of 26 public outreach meetings were held throughout the County on the Framework between February and April 2018. The input and comments received during the public outreach process were compiled and summarized and presented to the Board at their April 24, 2018 meeting.

The Framework provides regulatory guidance for most of the major issues surrounding cannabis regulation for the County. The Framework addresses regulatory issues such as zoning, uses to be permitted, caps on the number of permits, the selection and permitting process and buffer zones for cannabis uses. The Framework also discusses the establishment of a cannabis exclusion overlay district which is to be used to prevent the establishment of commercial cannabis uses within specific areas. Other issues discussed within the Framework include describing regulations for the outdoor cultivation of cannabis for personal use, cannabis enforcement considerations, health and safety regulation and taxation.

Based on direction from the Board, the Framework indicates that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. It is expected that a County cannabis tax initiative will be considered by voters at the next General Election in November 2018. The tax measure would provide funding for a variety of public purposes, including but not limited to enhanced public safety, improved public health, drug treatment and education, and

enhanced code enforcement capability.

#### IV. BACKGROUND

The current effort by the County to regulate commercial cannabis activities began in December 2015, shortly after the Governor of California approved the Medical Marijuana and Safety Act (MMRSA) in October of 2015. In response to the approval of MMRSA, the Board of Supervisors directed staff to prepare an urgency ordinance prohibiting the cultivation and delivery of medical marijuana in the County. On February 2, 2016, the Board adopted Ordinance No. 2016-04, prohibiting the cultivation and delivery of medical marijuana in the unincorporated areas of the County. The urgency ordinance was extended twice pending the outcome of Proposition 64 (Adult Use of Marijuana Act) which was placed on the ballot in November of 2016.

In November of 2016, Proposition 64 was approved by 57% of California voters (61% in unincorporated Contra Costa County). In response to approval of Proposition 64, on January 17, 2017 the Board of Supervisors directed County staff to evaluate potential regulatory options for cannabis regulation in the unincorporated areas of the County. In the meantime, the urgency ordinance prohibiting cannabis uses was extended to January 30, 2018 and was eventually replaced by a permanent ordinance (Ordinance No. 2017-26) regulating the personal indoor cultivation of cannabis and prohibiting commercial cannabis activities and outdoor personal cultivation. The current cannabis prohibition ordinance was adopted to ensure that no cannabis uses are established after expiration of the urgency ordinance, and to allow time for the development of comprehensive cannabis regulations. **Currently, all commercial cannabis activities and the outdoor cultivation of cannabis for personal use are prohibited** in the unincorporated areas of the County. The current prohibition ordinance will remain in place until it is repealed and replaced by the ordinance currently under consideration by the Planning Commission.

#### V. ENVIRONMENTAL REVIEW

According to section 26055(h) of the Business and Profession Code, CEQA does not apply to the adoption of an ordinance, by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. The proposed County Cannabis Ordinance requires approval of a land use permit prior to the establishment of any commercial cannabis activity, which is consistent with the provision of 26055(h).

## **VI. CANNABIS ZONING TEXT AMENDMENTS**

Upon approval of the *Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County* by the Board of Supervisors on April 24, 2018, Conservation and Development staff, in conjunction with County Counsel, began the process of developing a Cannabis Ordinance and other related amendments to the County Zoning Code needed to implement the provisions of the Framework. The zoning text amendments needed in order to implement the provision of the Framework include: the adoption of a “Cannabis Ordinance” that would establish the regulations for the permitting and operation of commercial cannabis uses within the County; the amendment of multiple zoning district to identify specific commercial cannabis uses as uses permitted with a land use permit; and the establishment of a new “Cannabis Exclusion” district (-CE), which would exclude the establishment of commercial cannabis uses within specific areas of the County (Attachment B).

### **a. Cannabis Ordinance**

The zoning text amendment will include the incorporation of a Cannabis Ordinance (Chapter 88-28) chapter into the existing zoning code. The Cannabis Ordinance provides standards for the selecting, permitting, operation and oversight of commercial cannabis operations. The Cannabis Ordinance also includes provisions addressing the cultivation of six (6) or fewer cannabis plants at a private residence for personal use.

#### **i. Commercial Cannabis Uses**

The commercial cannabis uses authorized by the proposed ordinance include:

- **Retail Sales (with or without delivery services)**
- **Delivery Only Retail Sales (no storefront)**
- **Commercial Cultivation**
- **Manufacturing of Cannabis Products**
- **Cannabis Testing Facilities**
- **Wholesale Distribution Facilities**
- **Vertically Integrated Cultivation and Manufacturing Facilities**

The ordinance incorporates standard operational criteria for all commercial cannabis facilities as well as specific development and operational criteria for each of the specific uses.

**ii. Land Use Permit Requirement**

Per the Framework, all commercial cannabis uses would be subject to the land use permitting requirements of Article 26-2.20 of the County Code, which require, among other things, a public hearing and notification of the hearing being sent to all residents and property owners within 300-feet of the subject property.

**iii. Caps on Specific Commercial Cannabis Uses**

In addition to being subject to the existing land use permitting requirements, Section IV of the Framework discusses the establishment of limits or “caps” on the number of permits which could be issued for specific commercial cannabis activities.

According to the Framework, the commercial cannabis activities that should be subject to a cap, and the recommended cap number, are shown in Table 1 below.

**Table 1: Caps on Uses**

<b>Storefront Retail</b>	Maximum of <b>four (4)</b> during the initial two years. The cap limit may be revised thereafter.
<b>Cultivation</b>	Maximum of <b>ten (10)</b> during the initial three-years. The cap may be revised thereafter.
<b>Manufacturing</b>	For manufacturing uses that are within an agricultural zoning district and are not associated with a cultivation permit, a maximum of <b>two (2)</b> may be permitted during the initial three years. The cap may be revised thereafter.

The Framework does not include caps on delivery-only retail establishments, manufacturing facilities (other than a manufacturing use that is within an agricultural zoning district and not associated with a cultivation operation), cannabis distribution centers and cannabis testing facilities.

According to the Framework, commercial cannabis uses that are subject to the caps described above, would be subject to an additional selection process described in the Framework as a “Request for Proposal” or “RFP process (Section 88-28.404).

**iv. Request for Proposal (“RFP”) Selection Process (Section 88-28.404)**

Under the RFP selection process, the County would solicit proposals for establishment of the capped commercial cannabis activities. The proposals submitted in response to the RFP would be scored utilizing a pre-defined, Board-approved scoring system. The proposals with the highest scores would then be invited to submit a formal land use permit application, the application would be processed under the County LUP process and would be subject to denial, or conditional approval, by the County Zoning Administrator, County Planning Commission or Board of Supervisors.

Due to the controversial nature surrounding the establishment of commercial cannabis uses, the Planning Commission may want to consider one or more of the following options as they relate to which hearing body is appropriate for approving land use permits for cannabis uses:

- a) All land use permits for commercial cannabis uses could be heard and approved by the Zoning Administrator and appealed to the County Planning Commission and then to the Board of Supervisors which is consistent with the current LUP process.
- b) Require that all land use permits for commercial cannabis uses be approved by the Planning Commission and/or the Board of Supervisors only.
- c) Require that land use permits for commercial cannabis uses which are subject to the RFP selection process be approved by the Planning Commission and/or Board of Supervisors only.

**v. Zoning**

The Cannabis Ordinance identifies the zoning districts in which each of the specific commercial cannabis uses may be established (Table 2). The ordinance also establishes a new “Cannabis Exclusion” zoning district **(-CE)** which prohibits the establishment of any commercial cannabis uses within its boundary (Chapter 84-86).

In addition to creation of a “Cannabis Ordinance”, the The zoning text amendment involves modifying the “permitted uses with a land use permit” portions of each of the zoning districts where commercial cannabis uses could be established.

Table 2 identifies the zoning districts and corresponding commercial cannabis uses which could be permitted in those districts.

**(Document continues on next page)**

**Table 2: Commercial Cannabis Use Table**

<u>Zoning District(s)</u>	<u>Cannabis Uses Permitted w/Land Use Permit</u>
<b>All Agricultural Zoning Districts (A- ):</b>	<b>Cultivation* and Manufacturing**</b>
<b>Area Wide Planned Unit District (P-1)***</b>	<b>Cultivation, Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery****</b>
<b>Retail-Business (R-B)</b>	<b>Retail Delivery and Retail Storefront with or w/out Delivery</b>
<b>General Commercial (C)</b>	<b>Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery</b>
<b>Controlled Manufacturing (C-M), Light-Industrial (L-I), Heavy-Industrial (H-I)</b>	<b>Cultivation, Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery</b>
<p><b>*Additional Requirements for Cultivation in A- Districts:</b> 100% Renewable Energy and served by a public water agency or irrigation district; Maximum 22, 000 sf of canopy area; Maximum 10,000 sf new structure or in existing structure; Greenhouse only inside ULL or within 1 mile of ULL; Maximum 2-acre outdoor cultivation area.</p> <p><b>**</b> In conjunction with cultivation permit only. Unless selected through an RFP to apply for one of 2 available permits for manufacturing on ag w/out cultivating at the same premises.</p> <p><b>***</b>Area Wide P-1's include Bay Point, Rodeo, El Sobrante, Montalvin Manor and North Richmond</p> <p><b>****</b>For P-1 zoning districts development plans must be modified to allow commercial cannabis uses.</p> <p>.....</p>	

**vi. Buffer Zones**

In order to reduce the influence of cannabis use on specific sensitive populations, the framework requires that specific commercial cannabis uses be located a specific distance from identified sensitive sites.

The sensitive site identified in the Framework include **K-12 school; day care center or youth center; and drug treatment shelters.**

The buffer distance required between a commercial cannabis use and sensitive site identified in the Framework is **1,000-feet**. The Framework also identified a **500-foot** buffer between storefront cannabis retailers.

**vii. Personal Cultivation**

In accordance with the provisions of State law and with Section XII of the Framework, the indoor and outdoor cultivation of cannabis for personal use is exempt from the permitting requirements of the ordinance as long as the specific condition found in Section 88-28.406 of the proposed Cannabis Ordinance are met.

**b. Cannabis Exclusion Combining District (-CE) Rezoning (Chapter 84-86)**

During public outreach for the Framework, it became apparent that opposition to the legalization and regulation of cannabis was stronger in some communities than in others. These areas included most of the communities in the southern portions of the County such as San Ramon, Alamo, Saranap, Contra Costa Centre, Lafayette, Moraga and Orinda.

In order to prevent the establishment of commercial cannabis uses in these areas, as well as in areas that are difficult to access by law enforcement and fire agencies, such as Bethel Island and Sandmound Slough, the establishment of a new zoning combining district was included in the Cannabis Framework document. The combining district will be identified as the "Cannabis Exclusion (-CE) Combining District" and would apply to all properties in the Bethel Island, Sandmound Slough, Saranap, Acalanes Ridge, Contra Costa Center and Alamo areas. Maps of the proposed Cannabis Exclusion Combining District are attached (Attachment C).

**c. Delivery from Outside the County**

In accordance with the Framework, the ordinance includes a provision (Section 88-28.406(b)) that allows a licensed and permitted commercial cannabis delivery business located outside of the County to deliver cannabis or cannabis products to persons in unincorporated Contra Costa County after obtaining a County business license.

**d. Fees/Cost Recovery**

Fees for the processing of commercial cannabis applications will be established by a separate process and will be approved by the Board. Fees for the processing of commercial cannabis applications will be similar the fee structure for other applications which include payment of a pre-determined deposit amount which will be used to pay for staff time and material cost. Additional time and material cost beyond the deposit amount will be billed to the applicant. The initial deposit/fee for commercial cannabis applications will be based on the projected staff time for processing the applications and potential additional enforcement activities.

**e. Health Department Regulations**

Due to the complex nature of regulating commercial cannabis uses, the County Health Services Department (HSD) has been fully engaged in the preparation of the Framework since the start. After much discussion and analysis of the issues surrounding commercial cannabis regulations, it became evident that separate County Health Department regulations would need to be adopted in order to ensure the health and safety of cannabis products and the safety of commercial cannabis facilities. The discussion on the preparation of a local health ordinance can be found in Section IX of the Framework.

**VII. CANNABIS TAX**

A major component of adopting commercial cannabis regulations will be the approval of a cannabis tax by voters within the unincorporated areas of the County. ***The Cannabis Ordinance and related zoning code amendments will be contingent upon approval of the cannabis tax by the residents of the unincorporated areas of the County.*** If the tax fails, the cannabis ordinance and related measures will not come into effect.

The County Administrator's Office has been working in parallel with DCD in analyzing and preparing a cannabis tax measure for placement on the ballot for the November General Election. The County Administrator's Office, with the help of a consultant (HDL Companies) has prepared multiple reports analyzing potential commercial cannabis tax structures. At the May 8, 2018, meeting of the Board, the CAO's office presented a Framework for Cannabis Taxation Ordinance for consideration by the Board. A copy of the May 8, 2018 Tax Framework for Cannabis is attached (Attachment AA).

## **VIII. CONCLUSION**

Staff has determined that the proposed zoning text amendments regulating commercial cannabis uses, the personal cultivation of cannabis for personal use and establishing a "Cannabis Exclusion" (-CE) combining district is consistent with the *Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County* as approved by the Board of Supervisors on April 24, 2018. Therefore, staff is recommending that the Planning Commission adopt a motion recommending that the Board adopt the proposed zoning text amendments.

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RLH

# **ATTACHMENT A**

**APRIL 24, 2018**

**APPROVED FRAMEWORK FOR REGULATION  
CANNABIS IN THE UNINCORPORATED AREA OF  
CONTRA COSTA COUNTY WITH MAPS**



**FRAMEWORK FOR  
REGULATING CANNABIS IN THE  
UNINCORPORATED AREA OF  
CONTRA COSTA COUNTY**

**Approved by the Board of Supervisors on April 24, 2018**



**PREPARED FOR THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS  
BY  
THE CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT**

**30 Muir Road  
Martinez, CA 94553  
(925) 674-7775**

## **I. Introduction**

In response to California voter approval of Proposition 64 (Adult Use of Marijuana Act) in November 2016, the Contra Costa County Board of Supervisors has directed the County staff<sup>1</sup>, to initiate the process of preparing regulations for the establishment of commercial cannabis businesses in the unincorporated areas of the County. The regulations will also address cultivation of cannabis for personal use at home.

This document is intended to provide an overview of potential cannabis regulations being formulated for the unincorporated areas of the County based on guidance from the County Board of Supervisors at previous meetings. The draft zoning ordinance will reflect the general provisions described in this document.

In addition to preparation of land use and health regulations for commercial cannabis uses, the Board has also initiated the process of analyzing and preparing a potential taxing program for the various commercial cannabis uses. It is anticipated that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. A County cannabis tax initiative could be considered by voters at the next General Election in November 2018, so regulations permitting commercial cannabis uses are not expected to become effective until that time at the earliest.

No decision to adopt regulations to implement this Framework has been made by the Board. Currently, and unless or until new regulations are approved by the Board of Supervisors, the commercial cultivation, distribution, storage, manufacturing, processing, and sale of medical cannabis and adult use cannabis and the outdoor cultivation of cannabis for personal use ***are prohibited*** within the unincorporated areas of the County.

## **II. Types of Commercial Cannabis Uses to be Permitted**

The County is considering regulating and permitting the establishment of various commercial cannabis uses. The types of commercial cannabis uses to be permitted include:

- **Commercial Cultivation**-Refers to the growing of cannabis for commercial use, including artificial, mixed light and natural light cultivation (i.e. indoor, greenhouse and outdoor).

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<sup>1</sup> Staff from the following County Departments have been involved: County Administrators Office, County Counsel, Sheriff's Office, District Attorney, Health Services Department (HSD), Probation, Treasurer-Tax Collector, Agriculture, and Conservation and Development (DCD). DCD is taking the lead with respect to developing land use regulations. HSD is taking the lead with developing health regulations.

- **Retail Storefront-** Refers to the sale of cannabis to retail customers from a storefront that sells only cannabis products. Deliveries from the storefront business to retail customers would also be allowed.
- **Delivery-Only Retail-** Refers to a business that delivers cannabis from a non-storefront facility to retail customers. The premises would not be open to the public and customers would not be able to purchase cannabis on-site. Permits will include provisions to help ensure deliveries are only made to those adults legally able to purchase cannabis. [Staff to provide more information when the draft ordinance returns to the Board on state requirements and how delivery requirements will be enforced]
- **Manufacturing/Processing-** Involves the processing of cannabis or cannabis products into various marketable forms. Manufacturing may include the extraction of cannabinoid oils from the raw plant as well as the infusion of those oils into products intended for human consumption and/or topical use. Some examples of infused products include: edibles, beverages, oils, and tinctures. Since non-volatile processing techniques are safer, only non-volatile processing, as defined in state regulations, are proposed to be allowed.
- **Distribution Center-** A cannabis distribution center refers to a site where cannabis or cannabis products are warehoused and distributed to licensed cannabis retailers. The retail sale of cannabis or cannabis products is not permitted from cannabis distribution centers.
- **Testing-** A cannabis testing facility is a facility where cannabis and cannabis products are tested for potency, quality, and health and safety requirements.

### **III. Land Use Permitting Process**

All applications for commercial cannabis uses are proposed to be subject to the County *Land use Permitting Process* (Article 26-2.20 of County Code). Under the land use permitting process, applications for all commercial cannabis uses would be subject to the following procedures:

- Review of application for completeness.
- Solicitation of comments from other County, State, and community agencies/organizations.
- Review of project for compliance with the California Environmental Quality Act.

- Mailing of public hearing notice to all property owners within 300-feet of property where use is proposed.
- Public hearing before the County Zoning Administrator.
- Discretionary decisions would be made by the County Zoning Administrator who could approve or deny applications. Zoning Administrator decisions can be appealed to the County Planning Commission and decisions by the Planning Commission can be appealed to the County Board of Supervisors.
- Applications for retail storefront, commercial cultivation and certain manufacturing permits would only be accepted in response to a Request for Proposals issued by the County in order to enforce caps on the numbers of these types of businesses (see below for additional detail).
- All decisions to issue permits would need to be supported by findings that the proposed use is consistent with defined standards. In addition to typical findings required for all land use permits, staff recommends additional findings be required for cannabis uses to prevent adverse impacts to neighbors and communities. These findings will include demonstration that the use will not impact a broad array of sensitive receptors, including but not limited to parks and libraries.

Each permitted use would be subject to specific conditions intended to protect public health, safety and welfare (further discussion of key examples of protections is provided below). The permits would be subject to suspension or termination under specific circumstances, including, for example, where a State license is suspended or revoked, or where the business is operated in such a way as to cause a public nuisance. A permit would have an initial 5-year term. A permit could be renewed for one or more successive five-year terms if certain conditions are met. A compliance review approved by the Zoning Administrator would be required one, two and four years after the issuance of the initial land use permit. If a land use permit were issued to continue a previously-approved use for an additional five-year term, the zoning administrator would require compliance review two and one-half years into the five-year term. These reviews would generally be performed without the necessity of convening a public hearing, except that a public hearing before the Zoning Administrator would be required for the first such review of any business as well as for any review in which the Zoning Administrator determines the business is not in compliance. Local Health Licenses or operator permits for retailers and edible manufacturing may be required on an annual basis to be consistent with how the Division of Environmental Health regulates and inspects other consumer good businesses.

It is important to note that additional permits from the County (as well as a state license) will be required. For example, Environmental Health is proposing to require applicants to seek and

receive a local health license, consistent with the handling and sales of consumer goods (see Section IX). Business licenses would also be required. Building permits may also be required.

The permitting sequence would be as follows:

- 1) Land use permit (which would be conditioned to require subsequent granting of other permits and licenses)
- 2) State license
- 3) Local health license
- 4) Business license and any necessary building permits

#### **IV. Potential Cap on Number of Permits**

In order to help ensure the establishment of safe, orderly and accessible commercial cannabis businesses, caps will be placed on the number of retail storefronts and commercial cultivation sites. The cap amount will be reviewed and possibly adjusted after an initial three year period. Due to the lesser impact of specific commercial cannabis uses such as testing, manufacturing, delivery-only retail and distribution, no caps on these uses will be established initially.

- **Commercial Cultivation**-- Maximum of ten (10) during the initial three-years. This cap will be reviewed thereafter.
- **Retail Storefront**- Maximum of four (4) during the initial two years. This cap will be reviewed thereafter.
- **Delivery-Only Retail** – No limit initially.
- **Manufacturing**-- No limit initially for all manufacturing uses other than a manufacturing use that is within an agricultural zoning district and not associated with a cultivation operation. For manufacturing uses that are within an agricultural zoning district and are not associated with a cultivation permit, a maximum of two (2) may be permitted during the initial three years. This cap will be reviewed thereafter.
- **Distribution Center**-- No limit initially.
- **Testing Facility**-- No limit initially.

#### **V. Applicant Selection Process**

As described in Section II, in order to ensure the establishment of safe and accessible commercial cannabis uses, all applications for commercial cannabis uses would be subject to

the County's land use permitting (LUP) process and any other applicable regulations (e.g. Environmental Health permits and building permits). For the commercial uses subject to a cap (Retail Storefront, Commercial Cultivation and certain Manufacturing), the Board will in the future establish a selection process to determine how available permits will be allocated and facilitate permitting of projects with more benefits and fewer impacts.

Under the future selection process, the County would solicit proposals for establishment of certain commercial cannabis uses utilizing a request for proposals (RFP). The proposals submitted in response to the RFP would be scored utilizing a pre-defined, Board-approved scoring system. The scoring system is recommended to be based on criteria that reflect the County's public safety, land use and health policy goals with respect to cannabis, such as providing well-regulated access to adults while avoiding proximity to youth and discouraging abuse, compatibility with neighboring land uses and minimization or avoidance of potential impacts to public health, safety and welfare (proximity to sensitive receptors, particularly those not included in the selected buffer scenario B, will be a criterion). The proposals with the highest scores would then be invited to submit a formal land use permit application, the application would be processed under the County LUP process and would be subject to denial, or conditional approval, by the County Zoning Administrator, County Planning Commission or Board of Supervisors. If a permit was denied, the highest ranked proposal just below the initial cut-off could be invited to apply until the cap on permits is reached. The screening process could be done in phases. For instance, the County could initially invite submission of concise and simple pre-proposals (less detailed and costly to complete than full proposals), review and rank the pre-proposals, then invite the proponents with the highest ranking pre-proposals to submit full proposals which would be screened again to determine who would be invited to submit a formal land use permit application (this is similar to some grant selection processes).

Please note, applications for a land use permit for commercial cannabis uses would only be accepted for qualifying properties located within the appropriate zoning district, outside of any approved buffer areas and outside any exclusion areas (see Sections VI and VII, below).

## **VI. Eligible Locations**

The County has prepared a matrix and Preliminary Cannabis Use Maps [include link to maps here] identifying the zoning districts where specific commercial cannabis uses could be eligible to apply for a discretionary permit. The draft matrix is below. The draft maps are in an attachment.

(Document continues on next page)

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (in conjunction with cultivation permit only, unless selected through an RFP to apply for one of 2 available permits for manufacturing on ag w/out cultivating at the same premises)			
Area-Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M); Light Industrial (L-I); Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	100% Renewable Energy and served by a public water agency		Served by a public water agency		Potential limits on number of employees/trips outside ULL			
Key Considerations and Limitations by Use	Maximum 22, 000 sf		Max 2 acres	only within ULL	Potential limits on number of employees/trips outside ULL	only within ULL	only within ULL	only within ULL
	Ag Districts: maximum 10,000 sf structure or in existing structure		Greenhouse only inside ULL or within 1 mile of ULL	Cultivators may distribute own produce to retailers				500 ft from another retail location

Note: 1: ULL refers to Urban Limit Line

Note 2: Microbusinesses (operations that grow, process and sell cannabis products to retail customers at a small-scale site) are also under consideration where cultivation is allowed inside the ULL.

Note 3: For the area-wide P-1 zoning districts in North Richmond, El Sobrante, Rodeo, and Bay Point, suitable areas for commercial cannabis are limited to those with underlying General Plan land use designations of Business Park, Commercial, Commercial Recreational, Light Industrial, Heavy Industrial, and Mixed Use. Subsequent to approval of the zoning ordinance, the County would need to draft and approve amendments to the site-specific provisions of each of these districts. These amendments would establish precisely which commercial cannabis uses would be allowed where in these five area-wide P-1 districts. As these amendments and associated detailed site analysis have yet to be performed, the current draft maps show in yellow all of the areas within these five P-1 districts that have a General Plan land use designation that is compatible with one or more commercial cannabis use, but do not specify precisely which commercial cannabis use is proposed to be eligible on any given parcel within the yellow area. Contra Costa Centre also has an area-wide P-1, but the Board has determined that no commercial cannabis is to be allowed in this area and therefore the associated P-1 zoning district will not be amended.

Properties with incompatible zoning could apply to be rezoned, but this is a long and complex process requiring Board approval. Outside of the Area-Wide P-1 zoning districts that cover the former Redevelopment Areas and El Sobrante (and that may be eligible for cannabis uses per the above matrix), other lands that are zoned P-1 (Planned Unit Development) could go through a process other than rezoning to become eligible for cannabis uses if they have a compatible General Plan designation. They could apply for a Development Plan modification to include a cannabis use as an eligible use, which would require separate approval but not necessarily by the Board. It is recommended that new P-1 zones outside the ULL not be eligible for commercial cannabis.

**Exclusion areas: overlay zone to further restrict commercial cannabis:** To restrict eligible sites for retail storefront, delivery-only retail, manufacturing, distribution centers and testing to areas near the two primary freeways serving the shoreline areas of the County where development of new industries has been targeted by the County, to separate these uses from less compatible communities, and to avoid siting in remote areas that are more difficult to oversee and are far from most of the customer base, staff recommends an overlay be added to the Retail Business, P-1 and General Commercial zoning districts that are located more than four miles from Highway 4 or Interstate 80. Such zoning districts are located in Alamo, Saranap, Contra Costa Centre, Bethel Island and Hotchkiss Tract in between Oakley and Bethel Island. No commercial cannabis uses would be permitted in these districts within the overlay.

## **VII. Buffer Zones**

In addition to being located within compatible zoning districts and outside of exclusion areas covered by a zoning overlay, all commercial cannabis uses would be subject to specific buffer

requirements in order to protect certain sensitive uses from potential cannabis influence or to prevent cannabis businesses from being located too close to each other.

Under current State law a buffer of 600 feet is required between any cannabis business licensed by the State and any K-12 school, day care center or youth center. A County ordinance may include more or larger buffers. A County ordinance may also establish buffers between cannabis businesses.

For comparison purposes, the County Code currently restricts the establishment of new tobacco retail establishments within 1,000 feet of any school, playground, park or library and within 500 feet of any existing tobacco retailer.

The Preliminary Cannabis Use Maps attached to the April 24 Board report show three alternatives.

- Option A reflects the state-mandated 600 foot buffers from any K-12 school, day care center or youth center.
- Option B reflects 1000 foot buffers from any K-12 school, day care center or youth center, as well as 1000 foot buffers from drug treatment shelters.
- Option C reflects 1000 foot buffers from schools, day care centers, youth centers, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters, 500 foot buffers from residential zoning districts. Option C closely mirrors the most comprehensive buffer scenario contemplated in the Board's November 2017 Preliminary Framework, while also accounting for the state regulations regarding minimum buffers from day care and youth centers.

County staff recommends Option B combined with 500 foot buffers between retail storefront establishments. The Board concurred with Option B.

### **VIII. Security and Nuisance Abatement Requirements**

In order to ensure that commercial cannabis uses are operated in a safe and secure manner, commercial uses are proposed to be subject to substantial security measures incorporated into the regulations. Examples of security measures may include (the below are examples only—many additional measures could be considered during development of the detailed regulations):

- Require that cannabis establishments be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties. Require submission and approval of an odor management plan.

- Require design measures and an enforceable security plan to ensure the applicant will secure the premises twenty-four hours per day, seven days per week. Require approval and submission of a security plan demonstrating compliance with all security measures set forth in state regulations and any additional security measures outlined in County regulations. Examples of security measures that may need to be included in security plans include: security cameras; establishing limited access areas accessible only to authorized personnel; storing all finished cannabis products in a secured and locked room; preventing off-site impacts to adjoining or near properties; and limiting the amount of cash on the premises.

Examples of operational conditions of approval include:

- Requiring permitted facilities (other than retail space in storefronts) to be closed to the general public; prohibiting transporter deliveries and pick-ups between the hours of, for example, 7:00 p.m. and 8:00 a.m.
- No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted.
- Operational requirements and standards to prevent underage persons from acquiring cannabis that equal or exceed state standards.

## **IX. Public Health Safeguards**

Contra Costa Health Services recommends that the Board adopt a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and enforce appropriate state and local laws pertaining to the cannabis industry. The primary reasons for crafting a local regulatory health ordinance are:

- Provide authority for local environmental health staff to inspect and enforce the numerous state laws pertaining to: i) the manufacturing of food and beverage products that contain cannabis (termed “edible cannabis products” ); and ii) the retail sale and dispensing of cannabis products including, but not limited to, leaf, bud, edibles, beverages, tinctures, candies, etc.

- Provide local authority to establish, inspect, and enforce additional rules and restrictions on the manufacturing and sale of consumer products which contain cannabis.
- Provide local authority to restrict use of cannabis in public places and smoking of cannabis in multi-unit housing. Currently, the County has a second hand smoke ordinance that bans the smoking of cannabis products in the unincorporated area of the County in all of the same places where tobacco smoking is prohibited. Additionally, in March of 2018 the Board adopted a prohibition on smoking in multiunit residences that is inclusive of the use of cannabis. The current and proposed smoking prohibitions also restrict the use of electronic smoking devices (vaping). In addition, the County could consider an outright ban on the use of cannabis in any form at certain public events and venues.

Specific examples of the kinds of safeguards that are being considered for inclusion in new regulations include the following:

- Consider limiting the sale of edible cannabis products to those where dosing is a maximum of 10mg THC/dose and packaged as a single dose. Consumers would be allowed to purchase up to the limit allowed in state law.
- Prohibit sale of flavored leaf and bud.
- Consistent with recent legislation in Colorado, consider prohibiting the sale of edible products that mimic the shape and appearance of animals, humans, or fruit, including gummy bears.
- Prohibit sale of flavored e-juices.
- Establish a limit on the number of edible products that can be purchased in a single transaction.
- Prohibit all self-service vending of all cannabis and products which contain cannabis.

A report from Contra Costa Health Services with detailed recommendations and analysis of health issues is available on the County webpage about cannabis in the section with materials from the Board meeting on October 24, 2017 or by clicking this [link](#).

## **X. Cost Recovery**

The County will establish fees on cannabis businesses to cover County costs associated with application review and monitoring compliance with permit conditions. To apply for and maintain a land use permit, applicants will be required to cover the full costs of the County to review the application and oversee compliance with a resulting permit. Costs of a land use permit are typically covered through a \$2700 initial deposit and payment of County costs on a time and materials basis thereafter. For those prospective businesses responding to the RFP an earlier initial deposit will be required to cover County costs in administering the

selection process. If County costs do not reach the amount of the deposit when reviewing a proposal or land use permit application, the difference will be refunded.

## **XI. Taxation**

A ballot measure to seek approval for taxes on certain commercial cannabis uses is under consideration. It is anticipated that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. A County cannabis tax initiative could be considered by voters at the next General Election in November 2018. The tax measure could provide funding for a variety of public purposes, including but not limited to enhanced public safety, improved public health, drug treatment and education, and enhanced code enforcement capability.

## **XII. Personal Cultivation**

In addition to providing comprehensive regulations for the establishment of commercial cannabis uses, the County cannabis ordinance will also address cultivation for personal use. Under current County cannabis regulations, limited indoor cultivation is permitted. The current regulations for personal indoor cultivation have been provided below.

- **Indoor Personal Use Cultivation**- *Under the County's current cannabis regulations*, six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
  1. The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with applicable zoning, building, electrical, and plumbing codes and permitting requirements.
  2. All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
  3. The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

The final regulations are proposed to continue the current restrictions on indoor cultivation for personal use and include new provisions to allow for limited outdoor cultivation for personal use.

- **Outdoor Personal Use Cultivation**- Suggestions on restrictions on outdoor cultivation for personal use that could be considered in lieu of outright prohibition include:
  1. Not more than three marijuana plants are cultivated outdoors at one time (total indoor and outdoor may not exceed six).
  2. No part of the plants being cultivated is within ten feet of any property line.
  3. Plants must never exceed five feet in height.
  4. Plants must not be visible from streets or public areas.
  5. Plants must be inside a fenced area with locked gates

### **XIII. Enforcement**

In order to ensure the orderly establishment of commercial cannabis uses and to prevent and discourage the establishment of unregulated cannabis uses, robust enforcement capacity should be a component of the regulatory program. County staff is working to more fully explore the most effective enforcement mechanisms and to better identify enforcement roles and resource needs.

### **XIV. Retail delivery from businesses established outside the unincorporated area of Contra Costa County**

The state may require that retail delivery businesses located outside of the unincorporated area of the County be able to make deliveries to customers within the unincorporated area without violating county regulations. To address this and provide clarity, staff recommends that such licensed business that are operating in compliance with state and local law and permits and incorporate measures to ensure deliveries are only made to those adults legally able to purchase cannabis, be authorized to make deliveries in the unincorporated area of the County.

**Map  
1B**

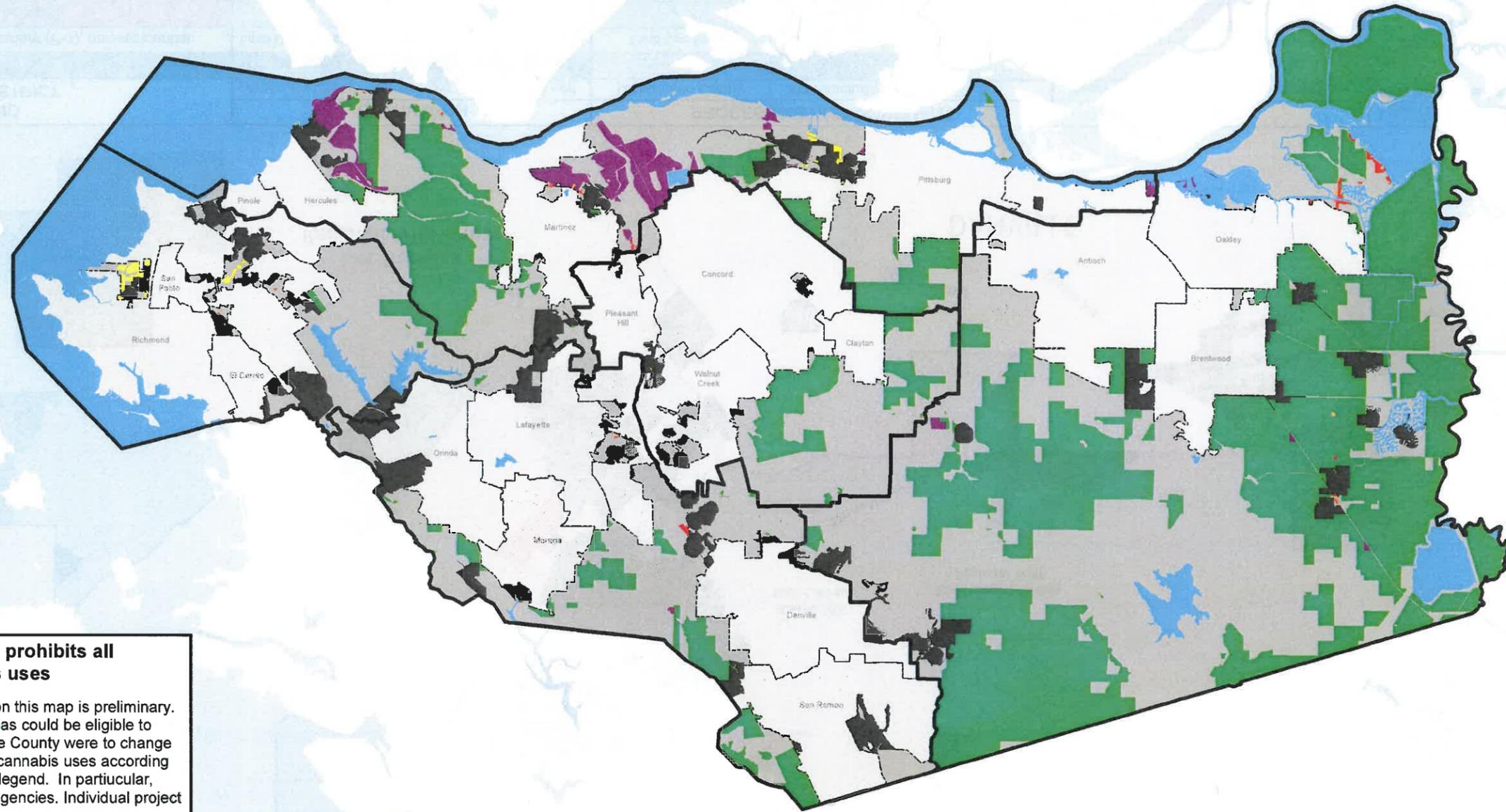
**Buffer Option B  
Expanded State Buffers  
Unincorporated Contra Costa Area**

 **Parcels within Expanded State Buffer**

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

**Other Potential Restrictions**

Commercial Cultivation is proposed to be restricted to properties served by a public water agency. Retail Business and General Commercial zoning in the Alamo, Saranap, and Bethel Island Areas are proposed to be ineligible for commercial cannabis uses.



 **The County currently prohibits all commercial cannabis uses**

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

 **Areas with Incompatible Zoning District or General Plan Land Use Designation**

 **City Limits**



# Map 2B

## Buffer Option B Expanded State Buffers Alamo Area

**Parcels within Expanded State Buffer**

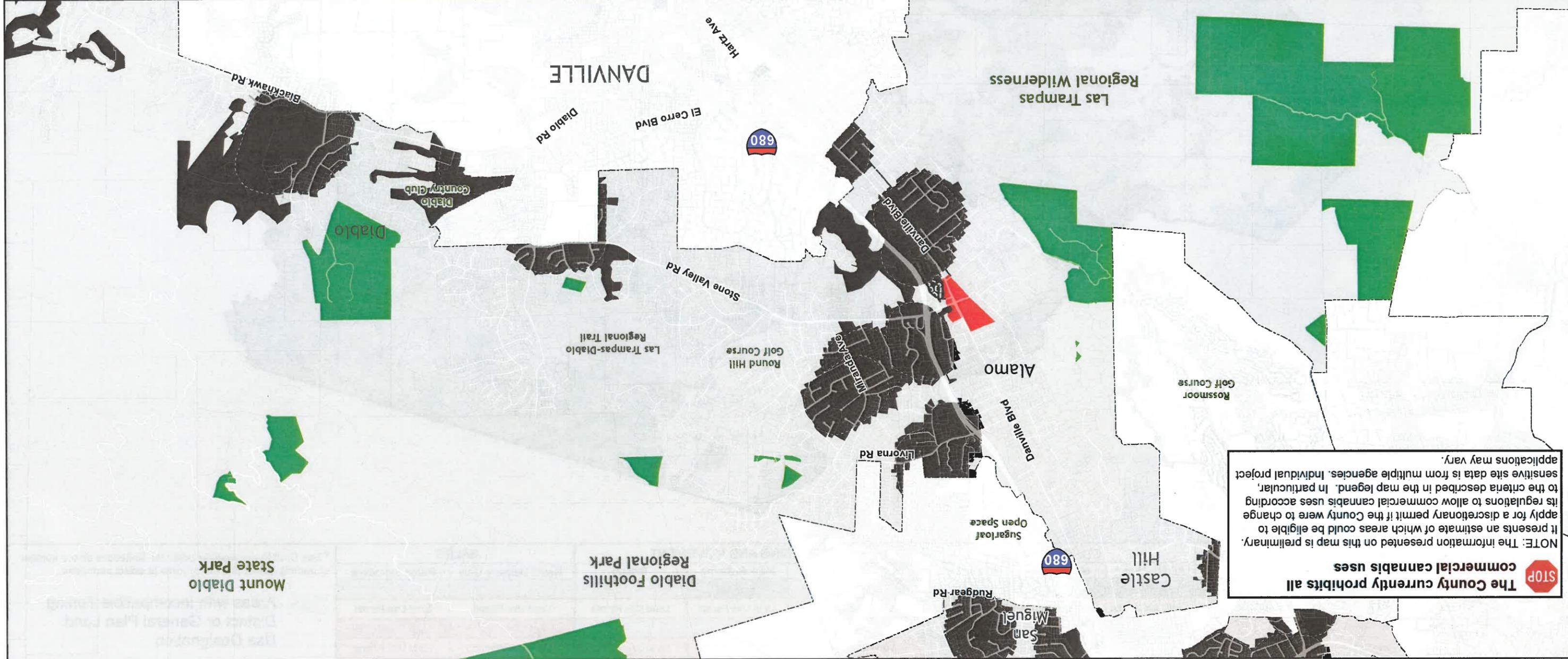
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

**Other Potential Restrictions**

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.  
Retail Business zoning in the Alamo Area is proposed to be ineligible for commercial cannabis uses.

**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND		CULTIVATION		PROCESSING AND MOVEMENT		SALES	
Agricultural Zoning Districts (A-)		Artificial Light	Natural Light	Distribution Center	Manufacturing	Retail Storefront	Retail Storefront
Area Wide Planned Unit Development (P-1), non-residential		Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							
General Commercial (C)							
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)		Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements		Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply					
Key Considerations and Limitations by Use		Non-Ag Districts: Maximum 22,000 sq ft or in existing structure	Ag Districts: Max. 10,000 sq structure	Maximum 2 acres Greenhouse only in non-ag districts	Cultivators may distribute own product to retailers Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

**City Limits**

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 3B

## Buffer Option B Expanded State Buffers Bay Point and Clyde Areas

**Parcels within Expanded State Buffer**

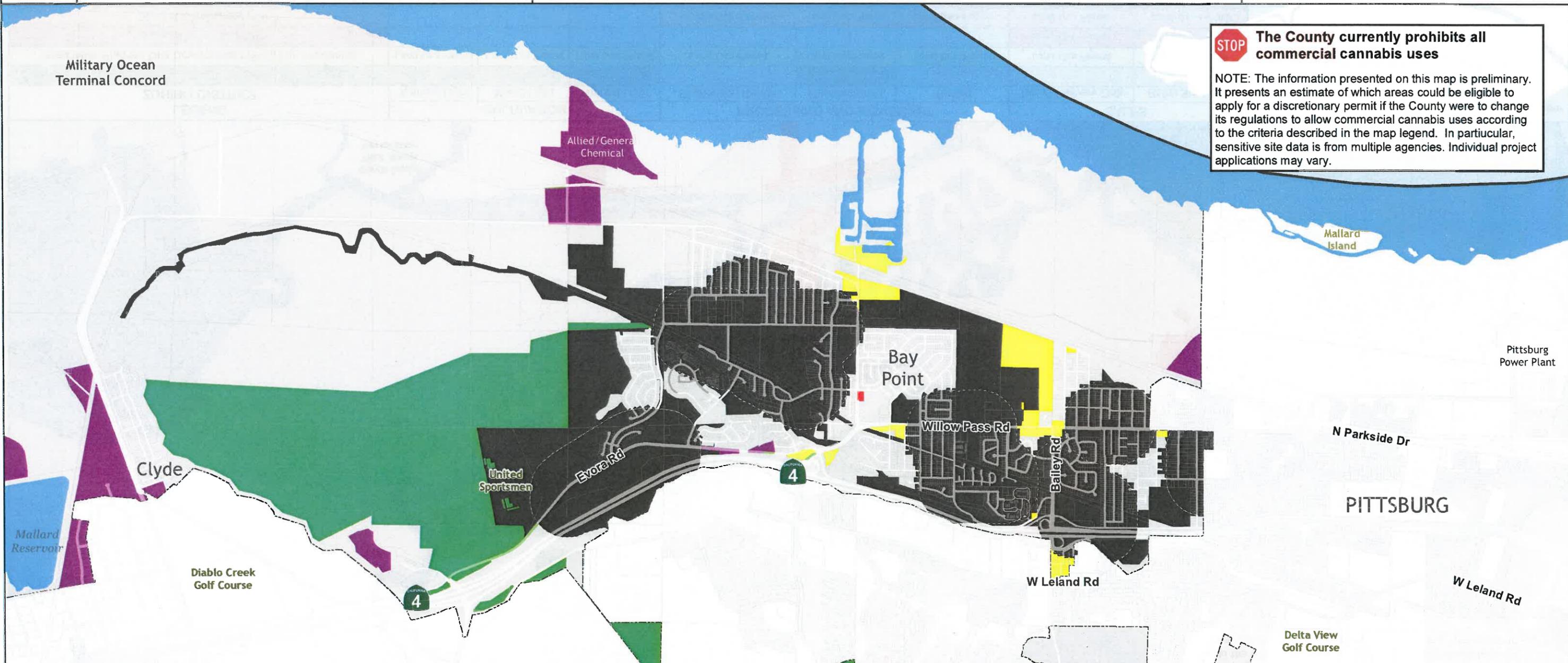
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP The County currently prohibits all commercial cannabis uses**

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

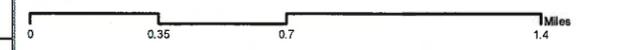


LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 4B

## Buffer Option B Expanded State Buffers Bethel Island Area

Parcels within Expanded State Buffer  
 Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

**Other Potential Restrictions**  
 Commercial Cultivation is proposed to be restricted to properties served by a public water agency.  
 Retail Business and General Commercial zoning in the Bethel Island Area is proposed to be ineligible for commercial cannabis uses.

**STOP**  
 The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND		CULTIVATION		PROCESSING AND MOVEMENT		SALES			
ZONING DISTRICT		Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)		Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential		Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)									
General Commercial (C)									
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)		Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements		Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use		Non-Ag Districts: Maximum 22,000 sq ft or in existing structure	Ag Districts: Max. 10,000 sq structure	Maximum 2 acres w/in 1-mile of ULL	Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL	Cultivators may distribute own product to retailers	Only within ULL	Potential limits on number of employees/trips outside ULL
									Only within ULL
									500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

**Map 5B**

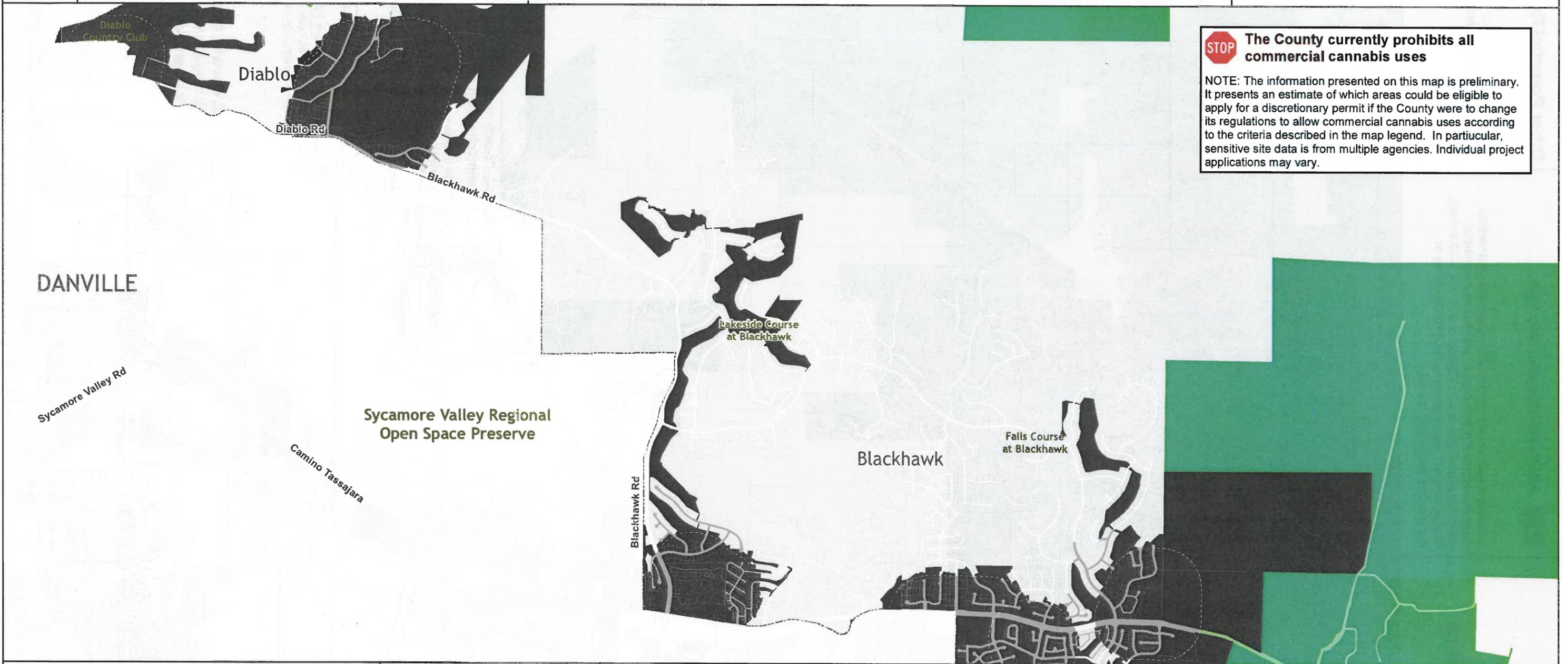
**Buffer Option B  
Expanded State Buffers  
Blackhawk Area**

 **Parcels within Expanded State Buffer**

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

**Other Potential Restrictions**

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



 **The County currently prohibits all commercial cannabis uses**

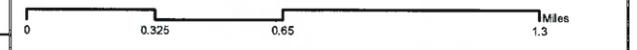
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

 **Areas with Incompatible Zoning District or General Plan Land Use Designation**

 **City Limits**



# Map 6B

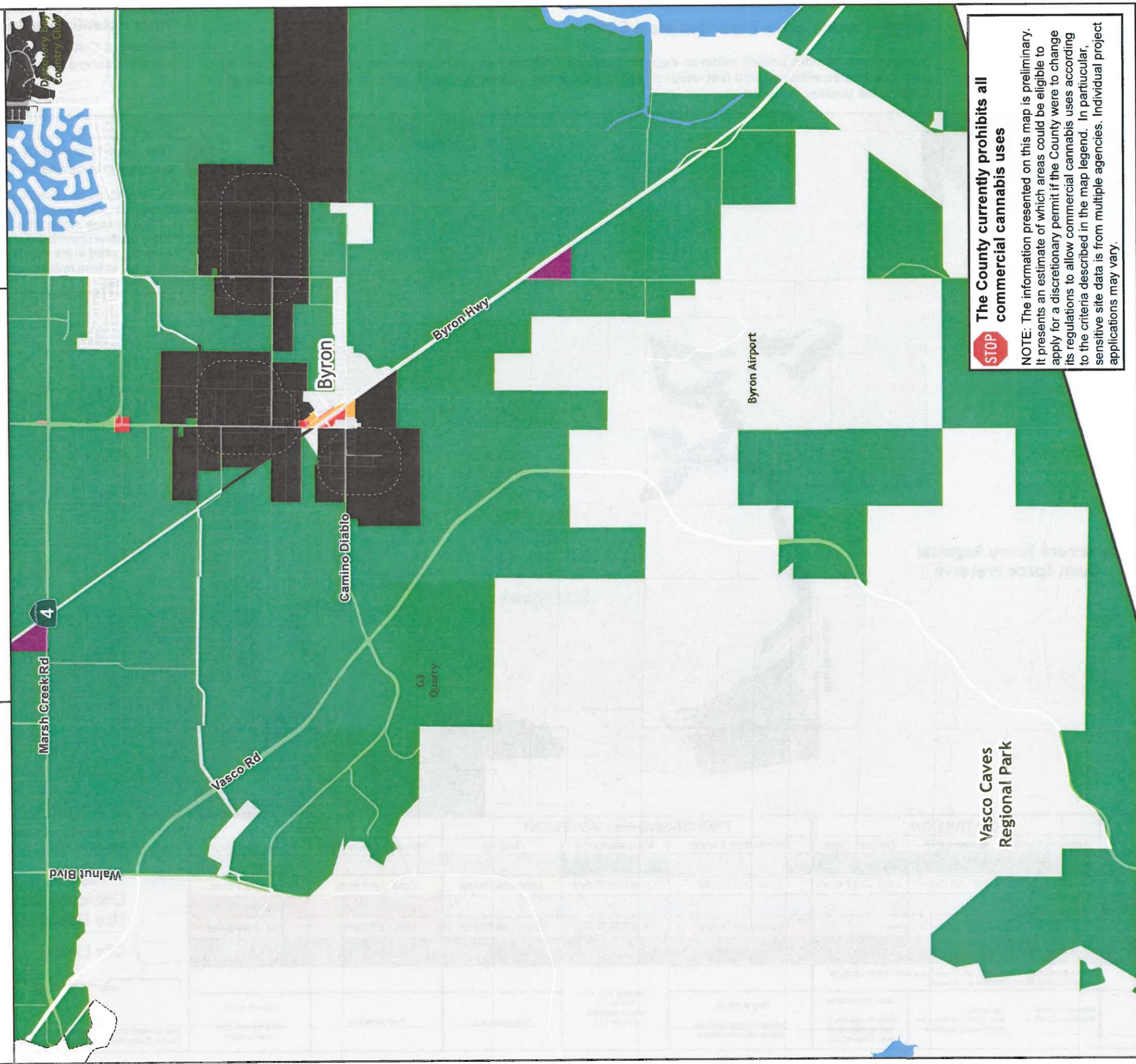
## Buffer Option B Expanded State Buffers Byron Area

Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT				SALES		
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront		
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)					
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)				Land Use Permit			Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply				Potential limits on number of employees/trips outside ULL					
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf			Only within ULL		Only within ULL				
	Ag Districts: Max. 10,000 sf structure or in existing structure			Cultivators may distribute own product to retailers		Only within ULL	Only within ULL	Only within ULL	Only within ULL	500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 7B

## Buffer Option B Expanded State Buffers Contra Costa Centre Area

Parcels within Expanded State Buffer

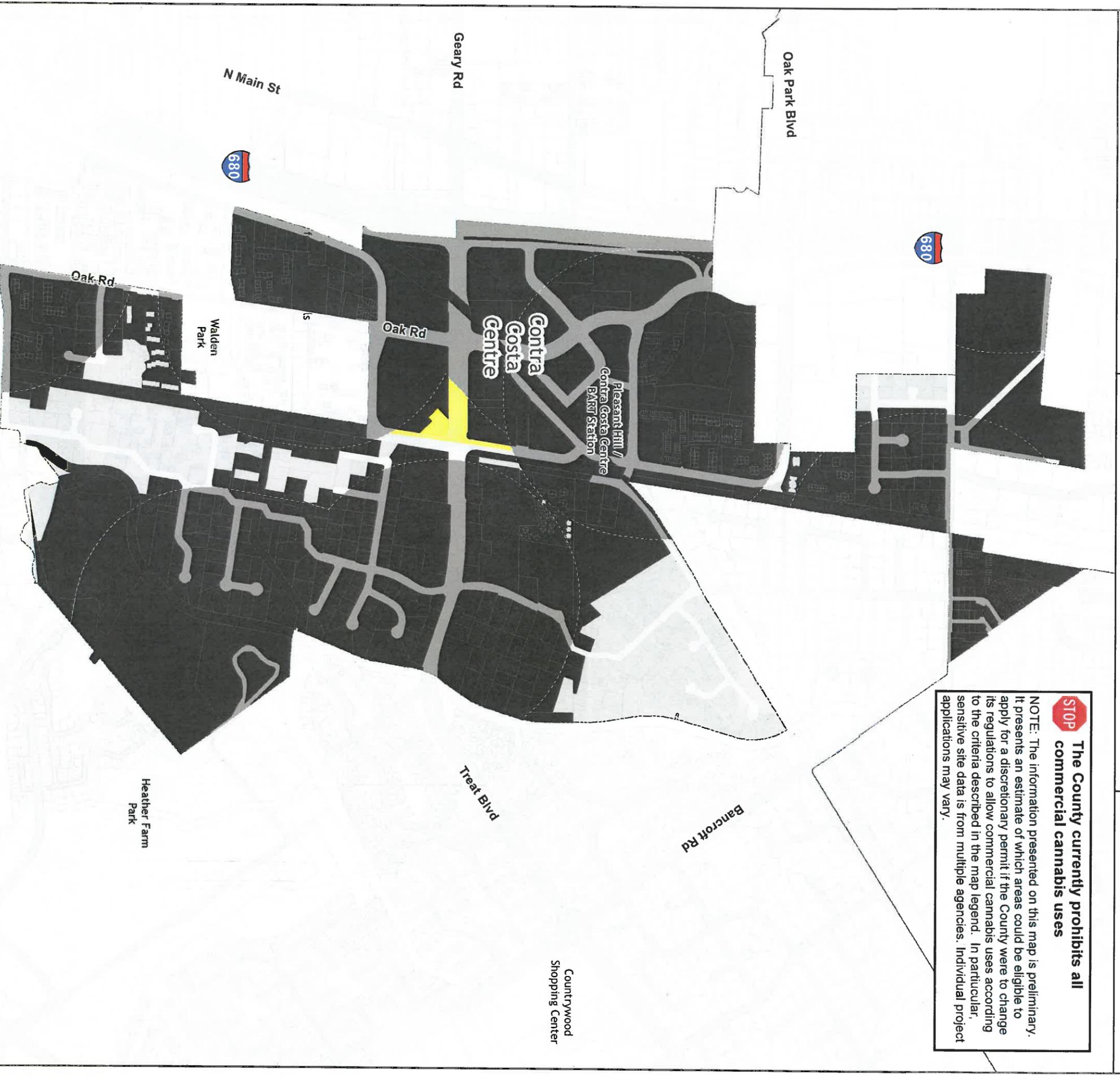
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP**  
The County currently prohibits all commercial cannabis uses

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)				
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	
Retail- Business (R-B)							Land Use Permit	Land Use Permit	
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply								
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf		Max 2 acres	Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL	
	Ag Districts: Max. 10,000 sf structure or in existing structure		Only in green-houses in non-ag districts or if within 1 mile of ULL	Cultivators may distribute own product to retailers					Only within ULL 500 ft from another retail location

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development



# Map 8B

## Buffer Option B Expanded State Buffers Discovery Bay Area

■ Parcels within Expanded State Buffer

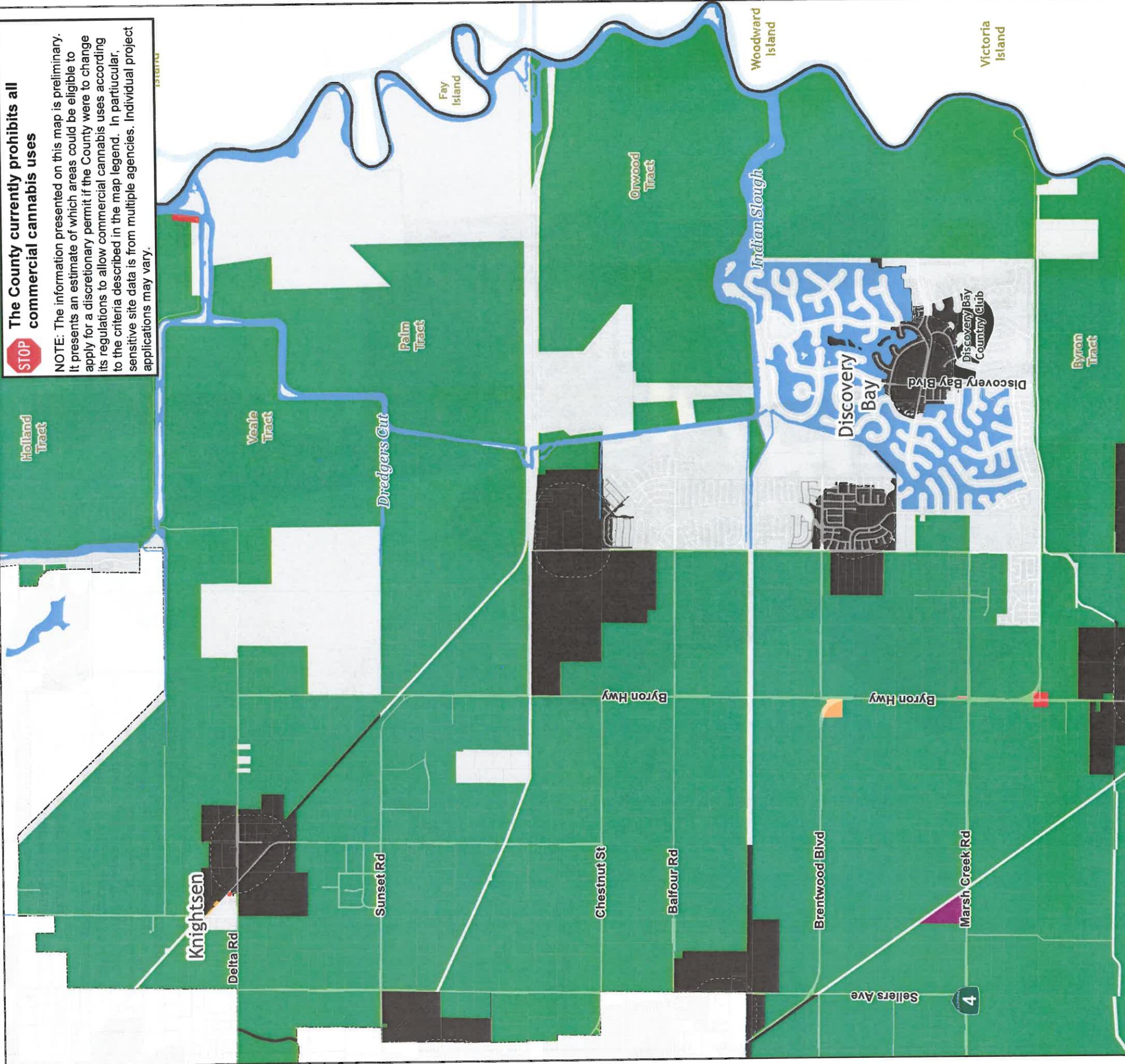
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

### STOP The County currently prohibits all commercial cannabis uses

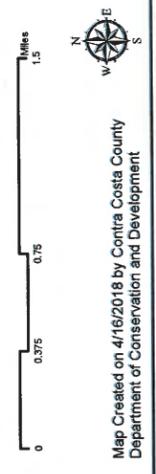
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT				SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)				
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)				Land Use Permit			Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Non-Ag Districts: Maximum 22,000 sf	Max 2 acres	Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL
Key Considerations and Limitations by Use	Ag Districts: Max. 10,000 sf structure or in existing structure	Only in green-houses in non-ag districts or if w/in 1 mile of ULL		Cultivators may distribute own product to retailers		Only within ULL	Only within ULL	Only within ULL	500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

■ Areas with Incompatible Zoning District or General Plan Land Use Designation  
 □ City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 9B

## Buffer Option B Expanded State Buffers El Sobrante Area

**Parcels within Expanded State Buffer**

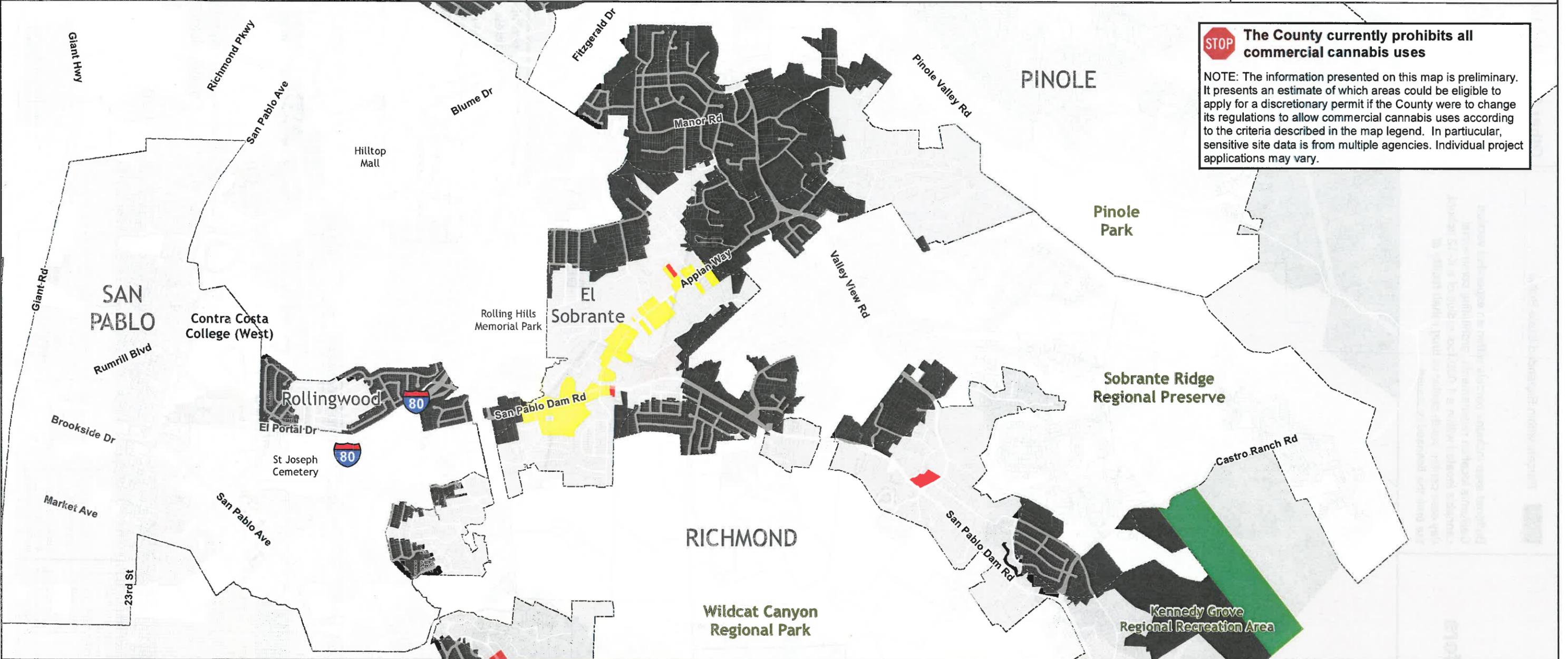
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP The County currently prohibits all commercial cannabis uses**

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

0 0.3 0.6 1.2 Miles

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 10B

## Buffer Option B Expanded State Buffers Kensington Area

Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**The County currently prohibits all commercial cannabis uses**

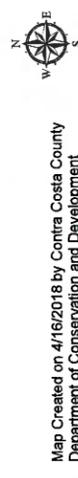
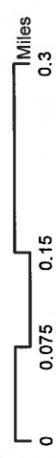
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT				SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)				
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M) Light Industrial (L-1), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply								
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf				Potential limits on number of employees/trips outside ULL				
	Ag Districts: Max. 10,000 sf structure or in existing structure			Only within ULL Cultivators may distribute own product to retailers		Only within ULL	Only within ULL	Only within ULL	Only within ULL
			Max 2 acres Only in green-houses in non-ag districts or if w/in 1 mile of ULL						500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 11B

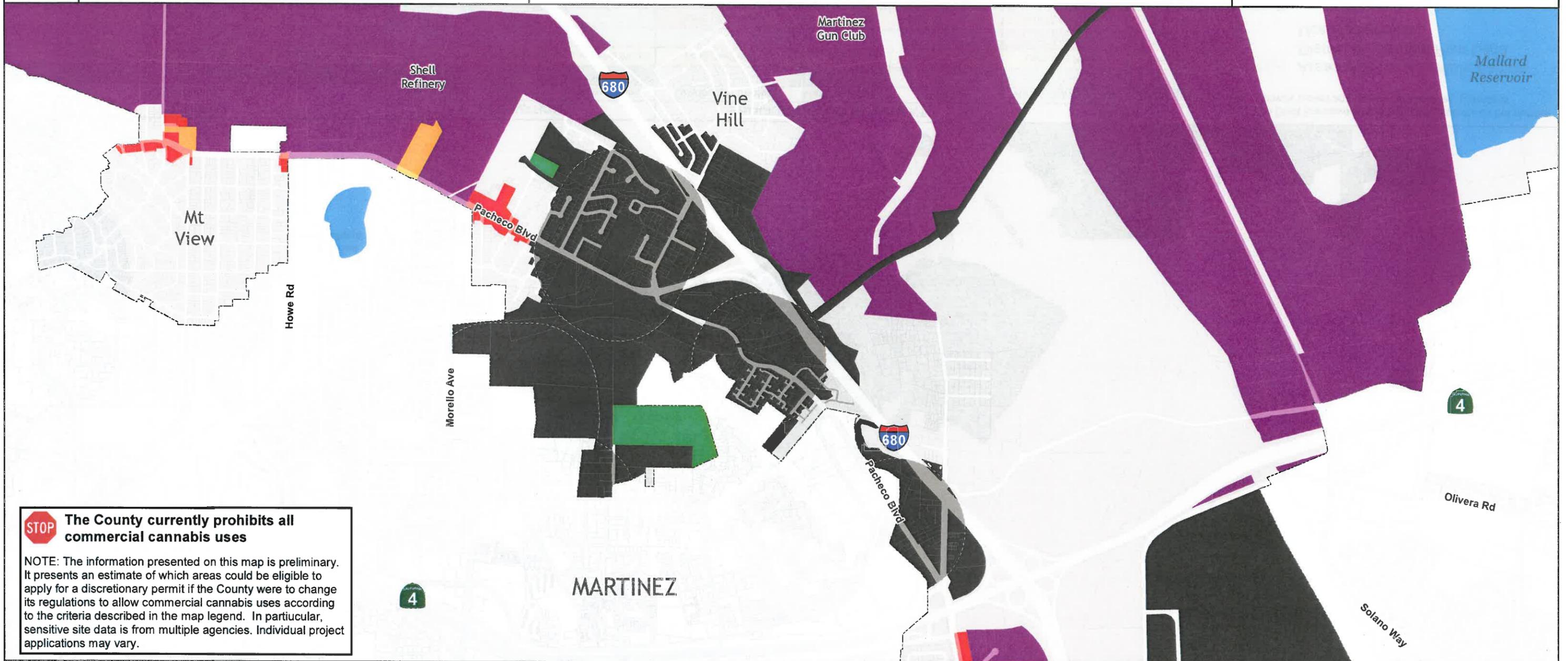
## Buffer Option B Expanded State Buffers Martinez Area

**Parcels within Expanded State Buffer**

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or w/in 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



# Map 12B

## Buffer Option B Expanded State Buffers

### Montalvin Manor, Bay View, & Tara Hills Areas

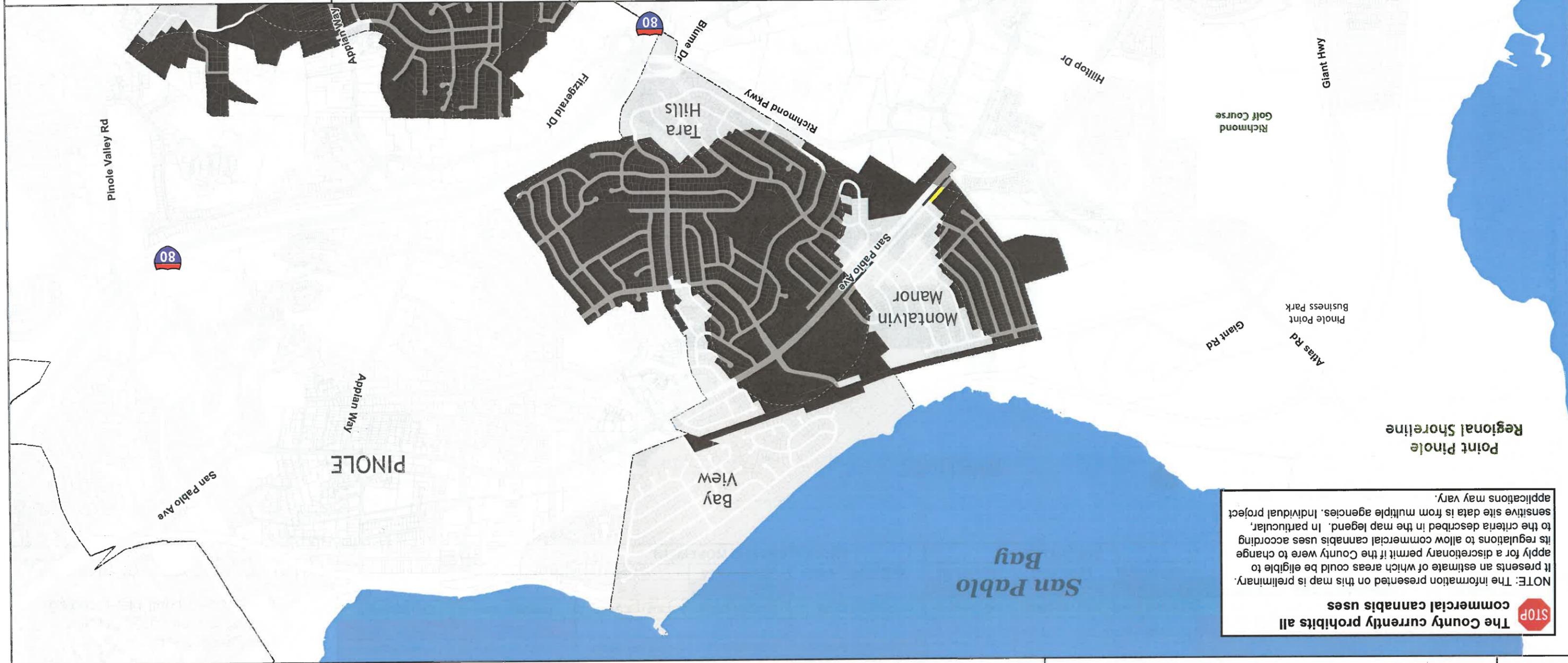
Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the license is issued.

**Other Potential Restrictions**  
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND		CULTIVATION		PROCESSING AND MOVEMENT		SALES	
Agricultural Zoning Districts (A-)		Artificial Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Storefront
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)							
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply						
Key Considerations and Limitations by Use		Non-Ag Districts: Maximum 22,000 sq ft or in existing structure	Ag Districts: Max. 10,000 sq structure	Greenhouse only in w/in 1-mile of ULL	Maximum 2 acres	Cultivators may distribute own product to retailers	Only within ULL
		Potential limits on number of employees/trips outside ULL		Only within ULL		Only within ULL	
		500 ft from another retail location		Only within ULL		Only within ULL	

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

**City Limits**

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 13B

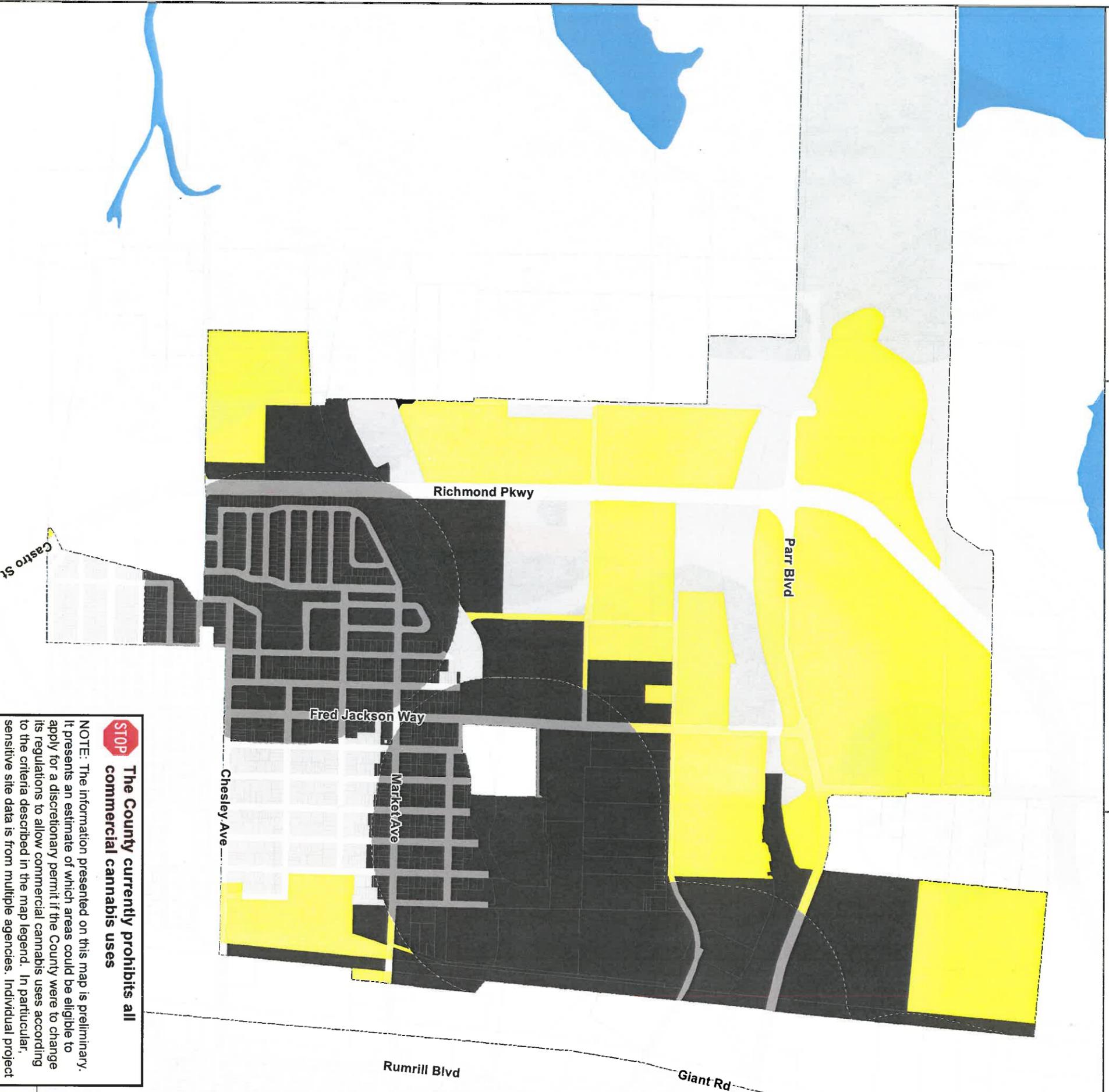
## Buffer Option B Expanded State Buffers North Richmond Area

Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



Map Created on 4/16/2018 by Corina Costa County Department of Conservation and Development



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M); Light Industrial (L-1); Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency, or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf		Max 2 acres	Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL
	Ag Districts: Max. 10,000 sf structure or in existing structure		Only in green-houses in non-ag districts or if with 1 mile of ULL	Cultivators may distribute own product to retailers				500 ft from another retail location

# Map 14B

## Buffer Option B Expanded State Buffers Pacheco Area

Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP**  
The County currently prohibits all commercial cannabis uses

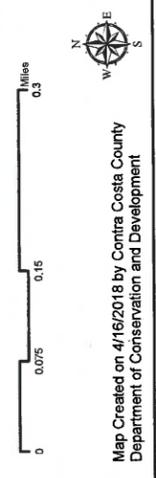
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES		
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)				
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)				Land Use Permit			Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply								
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf								
	Ag Districts: Max. 10,000 sf structure or in existing structure			Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL
			Max 2 acres	Cultivators may distribute own product to retailers					500 ft from another retail location
			Only in green-houses in non-ag districts or if w/in 1 mile of ULL						

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



# Map 15B

## Buffer Option B Expanded State Buffers Rodeo, Crockett and Port Costa Areas

**Parcels within Expanded State Buffer**

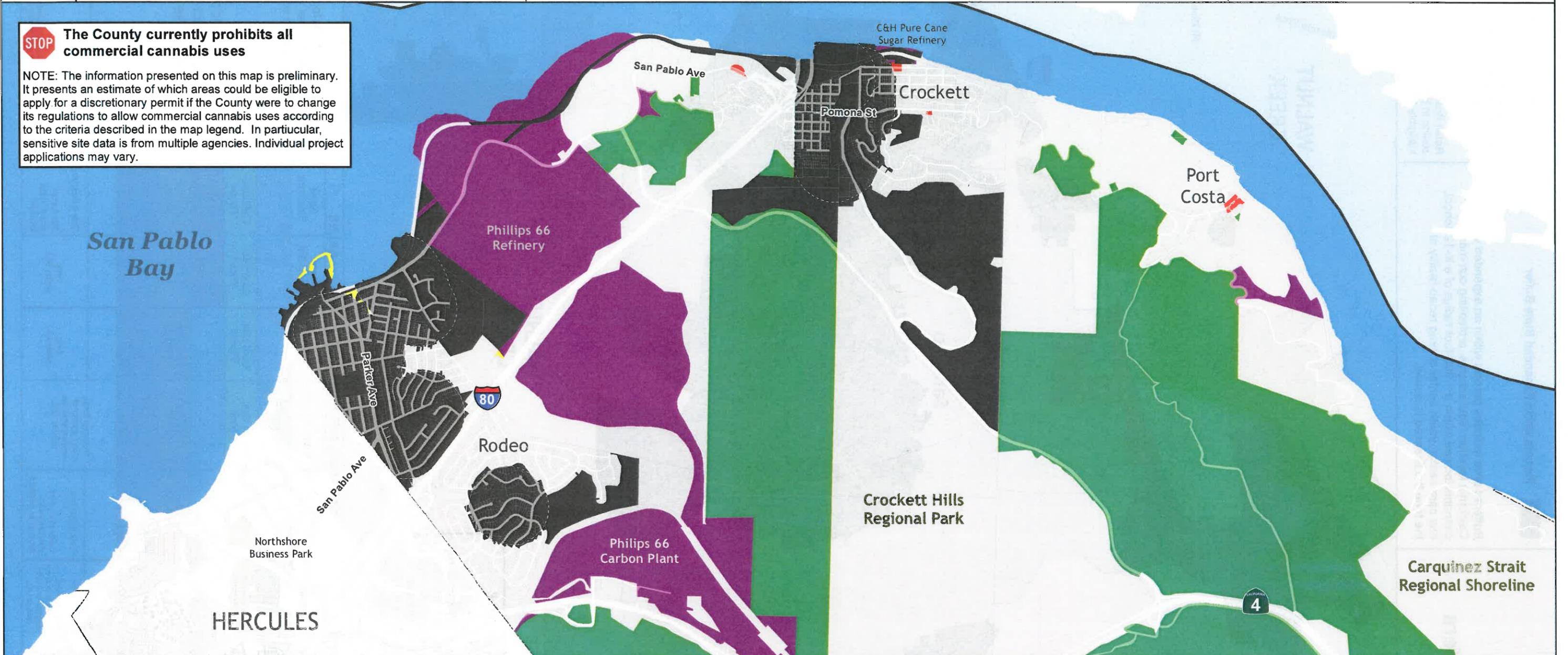
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ Cultivation Permit)			
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heaving Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf	Ag Districts: Max. 10,000 sf structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# Map 16B

## Buffer Option B Expanded State Buffers Saranap Area

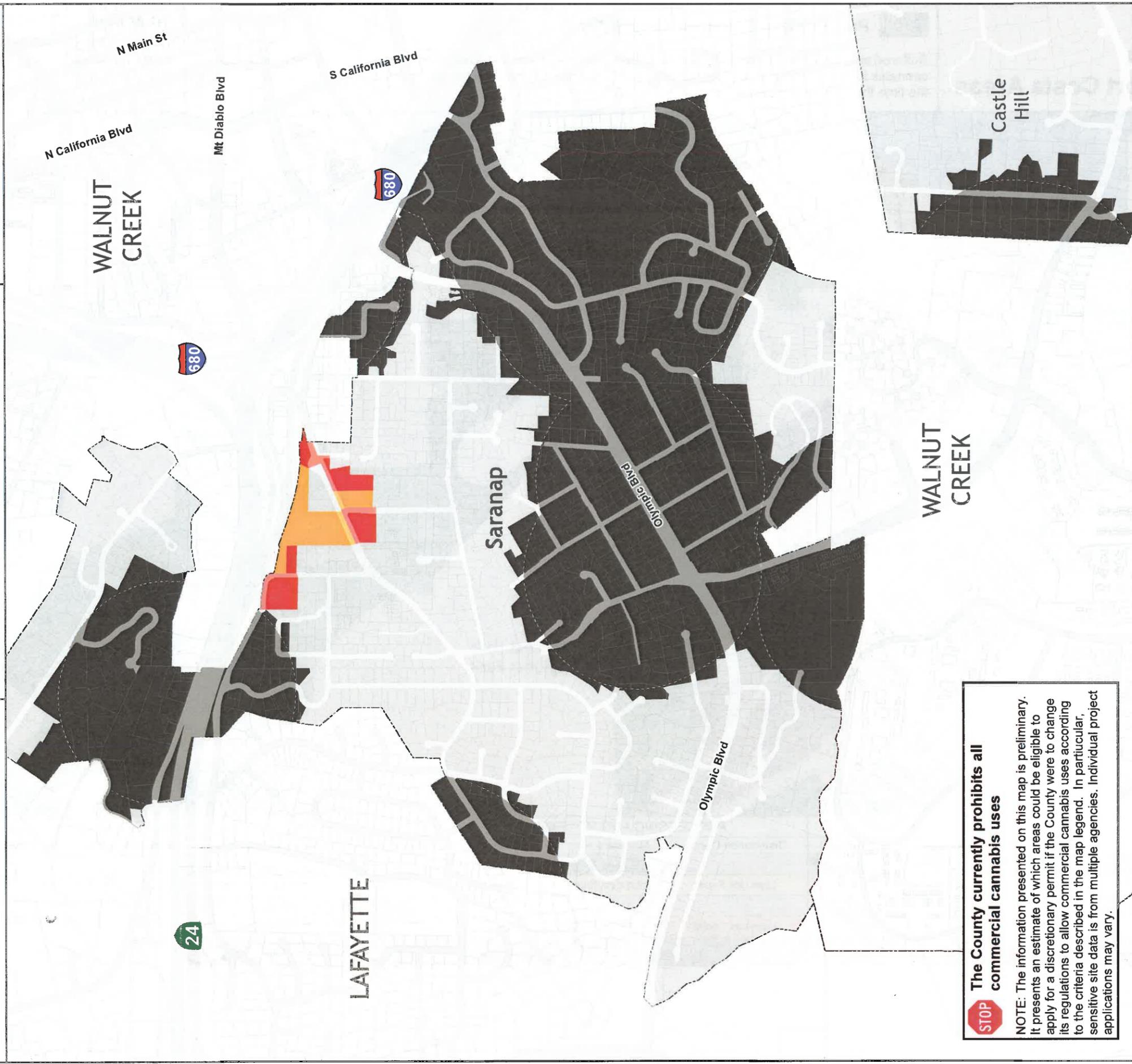
■ Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

Retail Business and General Commercial zoning in the Saranap Area is proposed to be ineligible for commercial cannabis uses.



**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT				SALES		
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	Other	
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)					
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M) Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply									
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf									
	Ag Districts: Max. 10,000 sf structure or in existing structure			Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL	500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development

# **ATTACHMENT B**

**DRAFT CANNABIS ORDINANCE**

**ORDINANCE NO. 2018-\_\_ (DRAFT)**

**(Cannabis Regulation)**

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code).

**SECTION 1. Summary.** This ordinance establishes regulations to govern the establishment of businesses engaged in one or more commercial cannabis activities. This ordinance allows commercial cannabis activities in certain zoning districts under a land use permit. This ordinance also prohibits commercial cannabis activities within certain areas of unincorporated Contra Costa County. This ordinance becomes effective January 1, 2019, only if a measure approving the Contra Costa County Cannabis Business Tax Ordinance (Ordinance No. 2018-\_\_) is approved by the voters voting on the tax measure at the November 6, 2018 statewide general election.

**SECTION 2. Findings.** The Board of Supervisors finds as follows:

- (a) In 1996, California voters approved Proposition 215, the Compassionate Use Act. The purpose of the Compassionate Use Act is to enable persons who are in need of marijuana for specified medical purposes to obtain and use marijuana under limited circumstances. The Compassionate Use Act (Health and Safety Code (“HSC”) § 11362.5) established a limited defense for qualified patients and their primary caregivers to the crimes of possessing or cultivating marijuana.
- (b) In 2003, the Legislature enacted the Medical Marijuana Program. The Medical Marijuana Program (HSC §§ 11362.7-11362.83) established regulations and procedures regarding the issuance of identification cards to patients qualified to use medical marijuana, and clarifies what is a “reasonable” amount of marijuana for personal medical use. The Medical Marijuana Program also established a defense to criminal liability for the collective or cooperative cultivation of marijuana. (HSC § 11362.775.) Medical marijuana dispensaries began opening throughout the state as medical marijuana collectives under the Compassionate Use Act and the Medical Marijuana Program.
- (c) In 2008, the Board of Supervisors adopted Ordinance No. 2008-05 to prohibit the establishment of medical marijuana dispensaries in the unincorporated area of Contra Costa County.
- (d) The federal Controlled Substances Act (Title 21, United States Code § 801 et seq.) prohibits, except for certain research purposes, the possession, distribution, and manufacture of marijuana, and there is no medical necessity exception to prosecution and conviction under the Controlled Substances Act.

ORDINANCE NO. 2018-\_\_ (DRAFT)

- (e) The California Supreme Court in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, held that neither the Compassionate Use Act nor the Medical Marijuana Program expressly or impliedly preempt the authority of California counties and cities, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana. Similarly, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that nothing in the Compassionate Use Act nor the Medical Marijuana Program preempts California counties and cities from exercising their police powers to prohibit the cultivation and sale of marijuana within their jurisdictions.
- (f) The Medical Marijuana Regulation and Safety Act, later renamed the Medical Cannabis Regulation and Safety Act, was signed by the Governor on October 9, 2015. The purpose of the act was to regulate the cultivation, dispensing, manufacturing, distribution, and transportation of medical marijuana. The act affirmed the authority of counties and cities to regulate commercial medical marijuana activities through the adoption of land use ordinances.
- (g) On November 8, 2016, the voters of the State of California adopted Proposition 64, which enacted the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”). AUMA took effect November 9, 2016. AUMA makes it legal under California law for anyone 21 years of age or older to possess, plant, cultivate, harvest, dry, and process up to six marijuana plants per private residence for personal use (the “Personal Use Grows”), subject to certain restrictions. (HSC, §§ 11362.2 & 11362.3.) AUMA also makes it legal under California law for anyone 21 years of age or older to do all of the following:
  - (1) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than 28.5 grams of marijuana not in the form of concentrated cannabis;
  - (2) Possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever, not more than eight grams of marijuana in the form of concentrated cannabis, including as contained in marijuana products;
  - (3) Smoke, except where smoking is prohibited, and ingest marijuana and marijuana products; and
  - (4) Possess, transport, purchase, obtain, use, manufacture or give away marijuana accessories to persons 21 years of age or older without any compensation whatsoever. (HSC, § 11362.1.)
- (h) Under state law, living plants of Personal Use Grows, and marijuana from those plants in excess of 28.5 grams, must be kept in a locked space, enclosed, and must not be visible by normal unaided vision from a public place. (HSC, § 11362.2(a).) Cities and counties

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also may enact and enforce reasonable regulations to regulate Personal Use Grows, and they may prohibit Personal Use Grows outdoors. (HSC, § 11362.2(a)(1), (b)(1) & (b)(3).)

- (i) On June 27, 2017, the Governor signed Senate Bill 94, the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), which went into effect immediately. MAUCRSA combined the state’s medical cannabis regulations with the adult-use cannabis rules in AUMA. Under MAUCRSA, state commercial cannabis licenses will be available January 1, 2018, for various activities, including cultivation, manufacturing, testing, retailing, distributing, and microbusiness, as long as the activities are allowed in the local jurisdiction where the activity would be located. Applicants for state cannabis licenses may apply for medical or adult-use licenses in any category.
- (j) Under MAUCRSA, cities and counties retain local authority to license, regulate, limit, or completely ban marijuana businesses within their jurisdictions. (BPC, § 26200.) A state license will not be issued to a business if the business cannot lawfully be established in the city or county in which it intends to locate. (BPC, § 26055(d).)
- (k) Pursuant to Article XI, section 7 of the California Constitution, Contra Costa County may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

**SECTION 3.** Chapter 88-28 (Cannabis Regulation) of the Contra Costa County Ordinance Code, enacted by the adoption of Ordinance No. 2017-26 on October 24, 2017, is hereby repealed and replaced with new Chapter 88-28 (Cannabis Regulation) to read as follows:

### **Chapter 88-28**

### **CANNABIS REGULATION**

#### **Article 88-28.2 General**

**88-28.202 Purpose.** The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transportation, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act. The requirements of this chapter are in addition to all other applicable requirements of this code and all applicable State laws and regulations. (Ord. No. 2018- \_\_, § 3.)

#### **88-28.204 Prohibited activities.**

- (a) Commercial cannabis activities not expressly authorized by this chapter are prohibited in all zoning districts.

- (b) Temporary commercial cannabis events are prohibited in all zoning districts.

(Ord. No. 2018- \_\_, § 3.)

**88-28.206 Definitions.**

- (a) Except as otherwise provided in subdivision (b), the definitions set forth in Division 10 of the Business and Professions Code, and the definitions set forth in Health and Safety Code section 11362.7, apply to this chapter.
- (b) The following terms have the following meanings for purposes of this chapter:
- (1) “Bureau” has the meaning set forth in Business and Professions Code section 26001(e).
  - (2) “Business” means a business engaged in one or more commercial cannabis activities under a State license and a permit issued under this chapter.
  - (3) “Commercial cannabis activity” means any of the following: the retail sale of cannabis or cannabis products under Section 88-28.412 of this chapter; the commercial cultivation of cannabis under Section 88-28.414 of this chapter; the manufacturing of cannabis or cannabis products under Section 88-28.416 of this chapter; cannabis testing under Section 88-28.418 of this chapter; and the distribution of cannabis or cannabis products under Section 88-28.420 of this chapter.
  - (4) “Deliver” or “delivery” means the commercial transfer of cannabis or cannabis products from a retailer to a customer.
  - (5) “Delivery retailer” means a retailer that conducts retail sales of cannabis or cannabis products exclusively through deliveries.
  - (6) “Department” means the Department of Conservation and Development.
  - (7) “Director” means the Director of Conservation and Development, or designee.
  - (8) “Retailer” means a State-licensed retailer of cannabis or cannabis products. A retailer may be a delivery retailer or a storefront retailer.
  - (9) “State license” or “license” means a license issued pursuant to Division 10 of the Business and Professions Code, sections 26000 through 26231.2
  - (10) “Storefront retailer” means a retailer that conducts retail sales of cannabis or cannabis products in whole or in part at a facility that is open to the public.

- (11) “Temporary commercial cannabis events” means those activities described in and covered by Business and Professions Code section 26200(f), and Sections 5600 through 5603 of Title 16 of the California Code of Regulations.
- (12) “Vertically-integrated business” means a business that includes two or more of the following commercial cannabis activities: the retail sale of cannabis and cannabis products under Section 88-28.412 of this chapter; the commercial cultivation of cannabis under Section 88-28.414 of this chapter; the manufacturing of cannabis or cannabis products under Section 88-28.416 of this chapter; and the distribution of cannabis or cannabis products under Section 88-28.420 of this chapter.
- (13) “Volatile solvent” means any solvent that is or produces a flammable gas or vapor that, when present in sufficient quantities, will create explosive or ignitable mixtures, including but not limited to butane, hexane, and propane.

(Ord. No. 2018- \_\_, § 3.)

#### **Article 88-28.4 Permit Requirements**

##### **88-28.402 Land use permit required.**

- (a) Permit required. Except as provided in section 88-28.404, a land use permit is required for all commercial cannabis activities in the unincorporated areas of the County.
- (b) Permit term. A permit issued under this chapter shall have an initial term of five years. A permit may be renewed for additional five-year terms, one additional term at a time, as set forth in Section 88-28.424.
- (c) Limits on storefront retailer, commercial cultivation, and cannabis manufacturing permits.
  - (1) No more than four (4) permits for storefront retailers under Section 88-28.412 will be in effect at any one time.
  - (2) No more than ten (10) permits for commercial cultivation under Section 88-28.414 will be in effect at any one time.
  - (3) No more than two (2) permits for cannabis manufacturing within an agricultural zoning district under Section 88-28.416 will be in effect at any one time. The permit limit in this Section 88-28.402(c)(3) does not apply to either of the following:
    - (A) Cannabis manufacturing within a zoning district that is not an agricultural zoning district.

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- (B) A vertically-integrated business in an agricultural zoning district that includes both cannabis cultivation and cannabis manufacturing.
- (4) A permit issued for a vertically-integrated business that authorizes both (A) a retailer under Section 88-28.412, and (B) commercial cultivation under Section 88-38.414, does not count toward the commercial cultivation 10-permit limit in subsection (c)(2). Except as specifically provided in the preceding sentence or elsewhere in this Section 88-28.402(c), a permit issued for a vertically-integrated business counts toward the permit limit for each commercial cannabis activity involved in the vertically-integrated business.

(Ord. No. 2018- \_\_, § 3.)

**88-28.404 Selection process for specified commercial cannabis activities.**

- (a) Solicitation. An application for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c) may be submitted only after the conclusion of a solicitation process conducted in accordance with this section. In advance of a solicitation, the Board of Supervisors will approve the solicitation and adopt forms and procedures necessary to implement the solicitation process, including the form of a request for proposals. The solicitation process approved by the Board of Supervisors will be administered by the Director. An application to renew a permit issued under this chapter is not subject to the requirements of this section.
- (b) Notification lists. Notification lists may be established to maintain lists of persons that have expressed an interest in obtaining a permit for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c). Notification lists are to assist the County in providing notice of solicitations to interested persons. A person's inclusion on a notification list confers no priority or advantage with respect to any solicitation under this section. A person's inclusion on a notification list does not guarantee the person will receive notice about any solicitation.
- (c) Issuance of request for proposals. After the Board of Supervisors approves a solicitation for a commercial cannabis activity that is subject to a permit limit in Section 88-28.402(c), the Director will issue a request for proposals on a form approved by the Board. Persons on an applicable notification list may be notified of the availability of the request for proposals. Notice of the availability of the request for proposals also may be provided to other persons, or in any other manner, as determined by the Board of Supervisors.
- (d) Proposal submission deadline. All proposals must be submitted by the proposal submission deadline specified in the request for proposals.

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- (e) Evaluation of proposals. All proposals timely submitted in response to a request for proposals will be evaluated by a panel using scoring criteria specified in the request for proposals. All proposals will be ranked according to the scores determined by the panel.
- (f) Invitation to apply for a permit. Following the evaluation of proposals, the persons who submit the highest scoring proposals will be provided written notice that they may apply for a permit under this chapter. The notice will specify the application deadline. The number of persons receiving notice will not exceed the number of permits available for the applicable commercial cannabis activity. If the Department does not receive a timely submitted application from a person invited to apply for a permit, the person who submitted the proposal with the next highest score may be invited to apply for a permit. If a request for proposals specifies a minimum score needed to be eligible to be invited to apply for a permit, persons who receive scores below the minimum score will not be invited to apply for a permit.

(Ordinance No. 2018-\_\_, § 3.)

**88-28.406 Exemptions from permitting requirements.**

- (a) Personal cultivation.
  - (1) A permit under this chapter is not required for a person 21 years of age or older to cultivate six (6) or fewer cannabis plants at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met.
    - (A) The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
    - (B) All living cannabis plants cultivated indoors, and all cannabis in excess of twenty-eight and one-half grams produced by cannabis plants cultivated on the grounds of a private residence, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
    - (C) The private residence must be lawfully occupied by the person 21 years of age or older who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.
    - (D) Notwithstanding anything to the contrary, up to three (3) of the cannabis plants cultivated under this subsection (a)(1) may be cultivated outdoors

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on the grounds of a private residence, if all of the following conditions are met.

- (i) The edge of each cannabis plant canopy must be at least 10 feet away from property lines of the lot on which the private residence is located.
  - (ii) No cannabis plant may exceed a height of five (5) feet above ground level.
  - (iii) No cannabis plant may be visible from a right-of-way, street, sidewalk, or other place accessible to the public.
  - (iv) All cannabis plants cultivated outdoors must be enclosed by fencing, and all gates and other points of entry to the outdoor growing area must be locked at all times.
- (2) Personal cultivation by qualified patients and primary caregivers is subject to the restrictions set forth in Business and Professions Code section 26033 and Health and Safety Code section 11362.77, and the requirements of subsection (a)(1).
- (b) Deliveries originating outside of the unincorporated County.
- (1) A licensed and permitted commercial cannabis delivery business located outside of the County may travel on public roads within the County for the purpose of delivering cannabis or cannabis products to persons in jurisdictions other than the County, where the delivery of cannabis and cannabis products is authorized.
  - (2) A licensed and permitted commercial cannabis delivery business located outside of the County may deliver cannabis or cannabis products to persons in unincorporated Contra Costa County, as long as all of the following requirements are met.
    - (A) The business possesses a County business license.
    - (B) The business shall ensure that the employees, upon request, provide the following documentation to law enforcement officers and to employees of State and local agencies enforcing this chapter and the requirements of State laws and regulations:
      - (i) A copy of the business' current permits, licenses, and entitlements authorizing the business and deliveries.
      - (ii) The employee's valid government-issued identification.

- (iii) A copy of each delivery request.
- (iv) Chain of custody records for all cannabis or cannabis products being delivered.
- (C) All vehicles used to deliver cannabis and cannabis products must be owned by the business. The business shall ensure that its drivers do not deliver cannabis or cannabis products on the business' behalf using any vehicles other than vehicles provided by the business.
- (D) All drivers who deliver cannabis and cannabis products on behalf of the business must be employed by the business. The business may not utilize independent contractors to deliver cannabis or cannabis products. The business shall ensure that each of its drivers possesses a valid State driver's license.
- (E) The business shall ensure that its employees who deliver cannabis or cannabis products require customers to show State-issued identification at the time a delivery is made. The business shall ensure that its employees deliver cannabis and cannabis products only (i) to persons who are 21 years of age or older, or (ii) to persons who are 18 years of age or older and either possess a physician's recommendation, or are primary caregivers.

(Ord. No. 2018- \_\_, § 3.)

**88-28.408 Permit application requirements.**

- (a) Requirements for all applications. Each person applying for a permit authorizing commercial cannabis activities under this chapter shall include the following information in the permit application:
  - (1) The type of State license that the applicant will obtain.
  - (2) Proof of ownership of the property where the business will be located. If the applicant is not the owner of the property where the business will be located, a notarized, written authorization from each owner of the property that is the subject of the application consenting to the application and the operation of the proposed commercial cannabis activity on the subject property. In the authorization, each owner shall expressly agree that it will evict a person who violates the requirements of this chapter or a permit issued under this chapter.
  - (3) The address and assessor's parcel number of the property or properties where the business will be located.

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- (4) The name and address of each person or entity responsible for the operation of the commercial cannabis activity, which includes but may not be limited to each manager, each corporate officer, each individual with an ownership interest, each member of a board of directors, each general or limited partner, and each member of a decision-making body for the commercial cannabis activity.
- (5) Site plans, floor plans, conceptual improvement plans, and a general description of the nature, size, and type of commercial cannabis activities being proposed.
- (6) An operating plan that includes all of the following information:
  - (A) A standard operating procedures manual detailing how operations will comply with State and local regulations; how safety and quality of products will be ensured; record keeping procedures for financing, testing, and other items records required to be kept by State law; and product recall procedures.
  - (B) Proposed hours of operation.
  - (C) Waste disposal information.
  - (D) Medical recommendation verification procedures, if applicable, and youth access restriction procedures.
  - (E) A record keeping policy that ensures records will be kept in accordance with State laws and regulations.
  - (F) A description of track and trace measures that will be implemented.
  - (G) Sustainability measures that will be utilized at the business, including water efficiency measures, energy generation and efficiency measures, high efficiency mechanical systems, and alternative fuel transportation methods.
  - (H) An odor control plan that describes how the business will prevent odors from impacting neighboring parcels or creating a public nuisance.
  - (I) Size, height, colors, and design of any proposed signage at the business.
  - (J) A parking plan that establishes how all off-street parking requirements will be met.
  - (K) A security plan that establishes how all security requirements in State laws and regulations will be satisfied.

- (L) Details regarding how cannabis and cannabis products will be received, stored, handled, transported, and secured to prevent theft and trespass.
- (7) Information describing how any conditions specified in a request for proposals will be satisfied.
- (b) Retailer applications. In addition to the information required in subsection (a), an application for a retailer permit must include in its operating plan information describing how the requirements in Section 88-28.412 will be satisfied.
- (c) Commercial cultivation applications. In addition to the information required in subsection (a), an application for a commercial cultivation permit must include in its operating plan information describing how the requirements in Section 88-28.414 will be satisfied, and the following additional information:
  - (1) A floor plan or site plan identifying the location, dimensions, and boundaries of all proposed canopy areas, taking into account space needed for ongoing care of plants, and a description of the proposed method of physically delineating those boundaries at the site.
  - (2) Proof of water service availability from a retail water supplier, as defined in Water Code section 13575.
- (d) Cannabis manufacturing applications. In addition to the information required in subsection (a), an application for a cannabis manufacturing permit must include in its operating plan information describing how the requirements in Section 88-28.416 will be satisfied, and the following additional information:
  - (1) Information on products used in the manufacturing process, including the liquids, solvents, and agents, used in the manufacturing process.
  - (2) Identification of each solvent used in the manufacturing process, the quantities of solvents used, and the maximum quantities of solvents that will be stored onsite.
  - (3) Protocol for storing products used in the manufacturing process and a hazard response plan.
  - (4) Manufacturing quality control measures.
- (e) Cannabis testing laboratory applications. In addition to the information required in subsection (a), an application for a testing laboratory permit must include in its operating plan information describing how the requirements in Section 88-28.418 will be satisfied, and the following additional information:

- (1) Details about how cannabis will be received, secured, tested, and destroyed upon completion of testing, all in accordance with State laws and regulations.
  - (2) A copy of a certificate of ISO/IEC 17025 accreditation from an accreditation body. If a certificate is not available at the time of application or before a permit is issued, providing a copy of the certificate to the Department will be required as a condition of operating the testing laboratory.
  - (3) Procedures for record keeping, including chain of custody control.
- (f) Cannabis distribution applications. In addition to the information required in subsection (a), an application for a cannabis distribution permit must include in its operating plan information describing how the requirements in Section 88-28.420 will be satisfied, and the following additional information:
- (1) The location and physical layout of parking, loading, and storage areas.
  - (2) A cannabis storage and handling plan that ensures quality control.
- (g) Vertically-integrated businesses. In addition to the information required in subsection (a), an application for a vertically-integrated business permit must include all information this section requires for each type of commercial cannabis activity that will be included in the vertically-integrated business.

(Ord. No. 2018- \_\_, § 3.)

**88-28.410 Standards applicable to all commercial cannabis activities.**

The standards in this section apply to all commercial cannabis activities.

- (a) Health permit and State license required. No business may operate under a permit issued under this chapter unless and until the permittee possesses both (1) a State license authorizing the same commercial cannabis activities that are authorized under the permit, and (2) a health permit issued under chapter \_\_ of this code. Before a business begins operating, a permittee shall provide the Department (1) a copy of the permittee's State license and a copy of the State license application, and (2) a copy of the permittee's County health permit. A permittee shall provide the Department a copy of each renewed license and renewal application within 30 days after a State license is renewed. A permittee shall provide the Department a copy of each renewed County health permit within 30 days after the permit is renewed. All requirements of the permittee's State license shall be deemed to be incorporated as requirements of the permit issued under this chapter.

(b) Location requirements.

- (1) Notwithstanding anything to the contrary in this chapter or elsewhere in this code, no commercial cannabis activities may be located within a cannabis exclusion (-CE) combining district.
- (2) All commercial cannabis activities shall be located within the urban limit line established pursuant to Chapter 82-1 of this code, except as follows:
  - (A) A business engaged in outdoor commercial cultivation, or a vertically-integrated business that includes outdoor cultivation, must be located outside of, and at least one mile from, the urban limit line.
  - (B) A business engaged in indoor commercial cultivation, or a vertically-integrated business that includes indoor commercial cultivation, may be located within an agricultural zoning district outside the urban limit line.
  - (C) A business engaged in manufacturing, or a vertically-integrated business that includes manufacturing, may be located outside the urban limit line.
  - (D) No vertically-integrated business that includes a retailer may be located outside of the urban limit line.
- (3) A business shall meet the following buffer requirements:
  - (A) A business may not be located within 1,000 feet of any of the following located in the unincorporated County or in a city: a school providing instruction in kindergarten or any grades 1 through 12; a day care center; or a youth center; or a drug treatment center.
  - (B) A storefront retailer may not be located within 500 feet of any other storefront retailer located in the unincorporated County or in a city.

All distances specified in this section shall be the horizontal distance measured in a straight line from nearest property line to nearest property line.

- (c) Vertically-integrated businesses. A vertically-integrated business must satisfy all requirements that apply to each commercial cannabis activity in which the business is engaged under this chapter. A permit for a vertically-integrated business will include all permit requirements that apply to each category of commercial cannabis activity in which the business is engaged.
- (d) Prohibited activities. A business that is permitted under this chapter may not sell tobacco or alcoholic beverages.

- (e) Age restrictions. No persons under the age of 18 may be present on the premises of any business that has a State M-license. No persons under the age of 21 may be present on the premises of any business that has a State A-license, but does not have a State M-license. No person under the age of 21 may be present on the premises of any testing business.
- (f) Inspections. The County shall have the same rights of access that the bureau has under Title 16 of the California Code of Regulations, section 5800. A permittee shall allow access to its business and records if requested by the County, its officers, employees, or agents. A permittee, upon request, shall submit to an inspection by the County for the purpose of verifying the permittee is operating its business in compliance with the requirements of this chapter, the terms of a permit issued under this chapter, the State license, and all applicable requirements of this code and State laws and regulations. A permittee, upon request, shall provide the County with copies of records that the County requires to verify the permittee's compliance with this chapter and other applicable requirements of this code and State laws and regulations. A permittee must pay the applicable inspection fees for each County inspection.
- (g) Records. A permittee shall maintain all records in accordance with Business and Professions Code sections 26160 through 26162.5. The County shall have the same powers as licensing authorities under Business and Professions Code sections 26160 through 26162.5.
- (h) Compliance review. The Department may perform a compliance review at any time during the term of a permit to determine whether a permittee is complying with the permit's terms and conditions, the requirements of this chapter, and all applicable laws and regulations. The Department will perform a compliance review at least once in each of the first, second, and fourth year during the initial five-year term of a permit issued under this chapter. If a permit is renewed under this chapter for one or more additional five year terms, the Department will perform a compliance review after the first two and one-half years of each renewal term. A permittee shall cooperate with the Department to complete the compliance review and must pay all applicable compliance review fees.
- (i) CEQA Compliance. The issuance of a permit under this chapter is a discretionary activity that is subject to environmental review under the California Environmental Quality Act (CEQA). A permit will not be issued under this chapter unless and until the County has completed all applicable CEQA environmental review. An applicant shall pay all costs that the County incurs to satisfy the requirements of CEQA. A permit issued under this chapter shall include appropriate measures to mitigate the impacts of commercial cannabis activities, as determined by the County during CEQA environmental review.
- (j) Unique identification protocol. A permittee must comply with all applicable track-and-trace systems developed by the State for reporting the movement of cannabis and cannabis products throughout the distribution chain.

- (k) **Indemnity.** As a condition of issuance of a permit under this chapter, an applicant shall be required to enter into an indemnification agreement with the County that requires the applicant to indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a land use permit, the County's discretionary approvals for the commercial cannabis activities, the County's actions pursuant to CEQA and planning and zoning laws, and the operation of the commercial cannabis activities, regardless of when those liabilities accrue.
- (l) **Notifications.** A permittee shall provide written notice to the Department within five days after receiving any of the following from the bureau: a notice to comply, a citation, an interim order to suspend any license or impose any restrictions upon any permittee, an order revoking a license, or any other writing informing the permittee of any disciplinary action proposed to be taken or actually taken against the permittee.

(Ord. No. 2018- \_\_, § 3.)

**88-28.412 Standards applicable to retailers.**

The standards in this section and the standards in Section 88-28.410 apply to retailers.

- (a) **Location requirements.** A retailer may be located only in the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when retailers are permitted by the development plan; retail-business (R-B); general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I). No retailer may be located outside of the urban limit line.
- (b) **Hours of operation.** A delivery retailer may not be open to the public. A storefront retailer's hours of operation may not begin earlier than 8:00 a.m., and they may not end later than 9:00 p.m.
- (c) **Security.** A retailer shall implement and maintain the security measures required by Business and Professions Code section 26070(j). At the same time that a retailer provides notice to a licensing authority and law enforcement under Business and Professions Code section 26070(k), the retailer shall provide that same notice to the Department.
- (d) **Deliveries.**
  - (1) A storefront retailer may deliver cannabis or cannabis products. An application for a storefront retailer permit must indicate whether the storefront retailer will provide deliveries in accordance with the requirements of this subsection (d). Deliveries of cannabis may only be provided by retailers that operate under

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permits issued under this chapter. A delivery retailer shall conduct sales exclusively by delivery and may not conduct any retail sales at the premises of the storefront.

- (2) If a retailer provides deliveries, the retailer shall ensure that its employees who deliver cannabis or cannabis products possess the following documentation while making deliveries, and the retailer shall ensure that the employees, upon request, provide the following documentation to law enforcement officers and to employees of State and local agencies enforcing this chapter and the requirements of State laws and regulations:
  - (A) A copy of the retailer's current permits, licenses, and entitlements authorizing the retailer and deliveries.
  - (B) The employee's valid government-issued identification.
  - (C) A copy of each delivery request.
  - (D) Chain of custody records for all cannabis or cannabis products being delivered.
- (3) All vehicles used to deliver cannabis and cannabis products must be owned by the retailer. A retailer shall ensure that its drivers do not deliver cannabis or cannabis products on the retailer's behalf using any vehicles other than vehicles provided by the retailer.
- (4) All drivers who deliver cannabis and cannabis products on behalf of the retailer must be employed by the retailer. A retailer may not utilize independent contractors to deliver cannabis or cannabis products. A retailer shall ensure that each of its drivers possesses a valid State driver's license.
- (5) A retailer that provides deliveries shall ensure that its employees who deliver cannabis or cannabis products require customers to show State-issued identification at the time a delivery is made. A retailer shall ensure that its employees deliver cannabis and cannabis products only (A) to persons who are 21 years of age or older, or (B) to persons who are 18 years of age or older and either possess a physician's recommendation, or are primary caregivers.
- (e) Products. A retailer shall ensure that all cannabis and cannabis products at the premises of the retailer are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with all applicable state and local laws, regulations, and ordinances, including this chapter.

(Ord. No. 2018- \_\_, § 3.)

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**88-28.414 Standards applicable to commercial cultivation.**

The standards in this section and the standards in Section 88-28.410 apply to commercial cultivation businesses.

- (a) **Location requirements.** Commercial cultivation may be located only in the following zoning districts outside of a cannabis exclusion (-CE) combining district: general agricultural (A-2); heavy agricultural (A-3); A-20 exclusive agricultural; A-40 exclusive agricultural; A-80 exclusive agricultural; planned unit (P-1) when commercial cultivation is permitted by the development plan; controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I). A business engaged in commercial cultivation may cultivate cannabis outdoors only if the business is located in a general agricultural (A-2), heavy agricultural (A-3), A-20 exclusive agricultural, A-40 exclusive agricultural, or A-80 exclusive agricultural zoning district located outside of a cannabis exclusion (-CE) combining district.
- (b) **Indoor cultivation.** All indoor commercial cultivation must be conducted within a building, as defined in Section 82-4.210, or within a greenhouse. No indoor commercial cultivation may be conducted indoors within a residential building.
- (c) **Security.** A commercial cultivation business must include security measures to both deter and prevent unauthorized entrance into areas of the business used for cultivation, including the following measures.
  - (1) Indoor cultivation areas must be locked, and no cannabis plants may be visible from outside of the indoor cultivation areas. Outdoor cultivation areas and greenhouses must be fenced and all gates must be locked. Fencing surrounding outdoor cultivation areas and greenhouses must be designed and maintained to ensure those areas and greenhouses are not visible from adjacent lots, private roads, and public rights of way.
  - (2) Access to the premises must be limited to authorized personnel.
  - (3) The premises must include an alarm system and security cameras to monitor all cultivation areas and all entryways. The alarm system and security cameras must be monitored 24-hours per day by a licensed alarm company operator.
- (d) **Water.** Where feasible, water conservation measures, water capture systems, or grey water systems must be incorporated in cannabis cultivation operations in order to minimize use of water. Water service for a commercial cultivation business must be provided by a retail water supplier, as defined in Water Code section 13575.

- (e) Energy systems. An indoor commercial cultivation business shall satisfy its electricity demands by (1) providing onsite renewable energy generation, or (2) purchasing electricity that is generated entirely from renewable sources, or a combination of (1) and (2).
- (f) Size limits.
  - (1) Indoor cultivation.
    - (A) The total canopy size for indoor cultivation in other than agricultural zoning districts may not exceed the lesser of (i) 22,000 square feet, or (ii) the maximum size authorized by the State license for the business.
    - (B) Indoor cultivation in an agricultural zoning district may not be located in any building that is larger than 10,000 square feet of floor area.
  - (2) Outdoor cultivation. The total canopy size for outdoor cultivation may not exceed the lesser of (A) two acres, or (B) the maximum size authorized by the State license for the business.
- (g) Distribution. A vertically-integrated business that includes both cultivation and distribution may transport its cultivated cannabis from its cultivation site to another permitted and licensed business, unless a permit under this chapter requires the permittee to use a licensed and permitted commercial cannabis distributor to transport its cultivated cannabis from its cultivation site to another business.

(Ord. No. 2018- \_\_, § 3.)

**88-28.416 Standards applicable to cannabis manufacturing.**

The standards in this section and the standards in Section 88-28.410 apply to cannabis manufacturing businesses.

- (a) Location. A cannabis manufacturing business may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when manufacturing cannabis or cannabis products is permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I); general agricultural (A-2); heavy agricultural (A-3); A-20 exclusive agricultural; A-40 exclusive agricultural; and A-80 exclusive agricultural.
- (b) No volatile solvents. Cannabis manufacturing that will require a State “Type 7” license, or will use volatile solvents, is prohibited.

ORDINANCE NO. 2018-\_\_ (DRAFT)

- (c) **Security.** A cannabis manufacturing business shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products, including an alarm system and security cameras that monitor all manufacturing areas and entryways and that are monitored 24-hours per day by a licensed alarm company operator.
- (d) **Products.** A cannabis manufacturing business shall ensure that all manufactured cannabis products are cultivated, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full conformance with State laws and regulations and the applicable requirements of this chapter. A cannabis manufacturing business shall maintain adequate quality control measures to ensure cannabis and cannabis products manufactured at the site meet applicable requirements of State laws and regulations.
- (e) **Employee training.** A cannabis manufacturing business shall ensure that all employees of the business operating potentially hazardous equipment are trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure.
- (f) **Rural infrastructure.** A cannabis manufacturing business located outside the urban limit line shall include measures to avoid and minimize impacts on rural infrastructure, including but not limited to water, sewer, and transportation infrastructure.
- (g) **Distribution.** A vertically-integrated business that includes both manufacturing and distribution may transport its manufactured cannabis products from its manufacturing business to another permitted and licensed business, unless a permit issued under this chapter requires the permittee to use another licensed and permitted commercial cannabis distributor to transport its manufactured cannabis products from its manufacturing business to another permitted and licensed business.

(Ord. No. 2018- \_\_, § 3.)

**88-28.418 Standards applicable to testing laboratories.**

The standards in this section and the standards in Section 88-28.410 apply to testing laboratories.

- (a) **Location.** A testing laboratory may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when cannabis testing laboratories are permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I).
- (b) **Restrictions.** No person may simultaneously hold a cannabis testing laboratory permit and another permit issued under this chapter. A testing laboratory shall not employ any person who is simultaneously employed by another business engaged in commercial cannabis activities.

ORDINANCE NO. 2018-\_\_ (DRAFT)

- (c) Testing procedures. A testing laboratory shall comply with all applicable State laws and regulations, including but not limited to the requirements of Title 16 of the California Code of Regulations, sections 5700 through 5739.

(Ord. No. 2018- \_\_, § 3.)

**88-28.420 Standards applicable to cannabis distribution.**

The standards in this section and the standards in Section 88-28.410 apply to cannabis distribution businesses.

- (a) Location. A cannabis distribution business may be located only within the following zoning districts located outside of a cannabis exclusion (-CE) combining district: planned unit development (P-1) when cannabis distribution is permitted by the development plan; general commercial (C); controlled manufacturing (C-M); light industrial (L-I); and heavy industrial (H-I).
- (b) Security. A cannabis distribution business shall implement and maintain sufficient security measures to both deter and prevent unauthorized entrance into areas containing cannabis or cannabis products. These security measures include but are not limited to the following:
  - (1) Measures to prevent individuals from loitering on the premises of the distribution business.
  - (2) Designation of limited access areas accessible only to authorized distribution business personnel.
  - (3) Storage of cannabis and cannabis products in a secured and locked room, safe, or vault, and in a manner as to prevent diversion, theft, and loss.
  - (4) An alarm system and security cameras that monitor all storage areas and entryways and that are monitored 24-hours per day by a licensed alarm company operator.
- (c) Distribution. A cannabis distribution business may transport cannabis and cannabis products only between permitted and licensed businesses. A cannabis distribution business shall maintain copies of all shipping manifests during transportation, and shall require employees to make the manifest available for inspection upon request by the County, its officers, employees, contractors, and agents enforcing the requirements of this chapter, including law enforcement.
- (d) Records. A cannabis distribution business shall maintain appropriate records of transactions and shipping manifests in accordance with State laws and regulations.

- (e) Testing and inspections required. A commercial cannabis distributor shall inspect cannabis and cannabis products for quality assurance before the cannabis and cannabis products are distributed. Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of State laws and regulations.
- (f) Vehicle fleet. All vehicles used to distribute cannabis and cannabis products must be owned by the cannabis distributor. A cannabis distribution business shall ensure that its drivers do not distribute cannabis or cannabis products on the business's behalf using any vehicles other than the vehicles provided by the business.
- (g) Drivers. All drivers that distribute cannabis and cannabis products on behalf of the cannabis distribution business must be employed by the business. A cannabis distribution business may not utilize independent contractors to distribute cannabis and cannabis products on behalf of the business. A cannabis distribution business shall ensure that each of its drivers possesses a valid State driver's license.

(Ord. No. 2018- \_\_, § 3.)

**88-28.422 Permit conditions and issuance.**

- (a) The County may include, in a permit issued under this chapter, reasonable conditions of approval related to the impacts of the commercial cannabis activity.
- (b) All of the findings in Section 26-2.2008 and all of the following findings must be made before a permit is issued under this chapter:
  - (1) The application for commercial cannabis activities has been reviewed pursuant to all appropriate environmental laws and regulations, including the California Environmental Quality Act (CEQA).
  - (3) All mitigation measures identified by the County during CEQA environmental review are included as permit terms.
  - (4) A finding that the permit includes conditions to avoid adverse impacts to surrounding communities, neighborhoods, and sensitive receptors, including but not limited to libraries and parks.
  - (5) A finding that the permit includes conditions to fully mitigate the effects of a commercial cannabis activity that may pose a significant threat to the public or to neighboring uses from explosion, or from the release of harmful gases, liquids, or substances. If any of those threats cannot be fully mitigated, a permit under this chapter will not be issued for the commercial cannabis activity giving rise to that threat.

- (6) The applicant has entered into an indemnity agreement that meets the requirements of Section 88-28.410(m).
  - (7) The applicant has paid all applicable fees and costs charged by the County and made all deposits required by the County, including but not limited to the application fee, all fees and costs required to complete CEQA environmental review, and all compliance review fees and deposits. The permit will require payment of all fees for compliance reviews and inspections of the business.
- (c) The denial of a permit under this chapter may be appealed pursuant to Article 26-2.24 of this code.

(Ord. No. 2018- \_\_, § 3.)

**88-28.424 Permit renewal.**

- (a) Eligibility for renewal. A permit issued under this chapter may be renewed for one or more five-year terms, one term at a time, only if the following requirements are met as of the date the renewal request is made:
  - (1) The permittee is in compliance with all of the terms of the permit being renewed, and there are no grounds to suspend or revoke the permit under this chapter or under Article 26-2.20.
  - (2) The commercial cannabis activity authorized under the permit is authorized by this code as of the date the renewal request is made.
  - (3) The permittee maintains a current State license and current County health permit for each commercial cannabis activity authorized by the permit being renewed.
- (b) Timing of request. A permit renewal request must be submitted to the Department at least 60 days before the expiration of the permit's current term.
- (c) Required submittals. A permit renewal request must be made on forms provided by the Department. A permit renewal request must be submitted with all of the following:
  - (1) A copy of the permit being renewed.
  - (2) A copy of a current State license authorizing each commercial cannabis activity that is authorized under the permit being renewed.
  - (3) A copy of the original permit application.
  - (4) A copy of any environmental document that was certified for the permit.

- (d) Approval of renewal request. A permit renewal request will be approved by the zoning administrator, after the zoning administrator determines all of the following:
- (1) The permit renewal request and all required submittals were timely received.
  - (2) The permit is eligible for renewal under this Section 88-28.424.
  - (3) The applicant has paid all applicable fees required by the County, and has made all deposits required by the County, including but not limited to a renewal application fee and a condition compliance fee deposit.

(Ord. No. 2018- \_\_, § 3.)

#### **Article 88-28.6 Suspension, Revocation, and Enforcement**

##### **88-28.602 Grounds for Suspension or Revocation.**

In addition to the grounds for permit suspension or revocation set forth in Article 26-2.20, a permit issued under this chapter may be suspended or revoked on any of the following grounds:

- (a) A permittee has not complied with one or more of the conditions of the permit issued under this chapter.
- (b) A permit was issued under this chapter based on any false material information, written or oral, given by the permittee.
- (c) A permittee has not complied with the requirements of this chapter, any other applicable requirements of this code, or any requirements of State laws or regulations.
- (d) A permittee's State license has been suspended or revoked.
- (e) A permittee's County health permit has been suspended or revoked.
- (f) A permittee has possessed or delivered any form of illegal drugs without proper legal authorization.
- (g) A permittee fails to pay any fee, or make any deposit, required by the County as a condition of permit issuance, including but not limited to all condition compliance fees and deposits required by the County.

(Ord. No. 2018- \_\_, § 3.)

**88-28.604 Modification, suspension, and revocation.** A permit issued under this chapter may be modified, suspended, or revoked in the same manner as other conditional use permits under Article 26-2.20. (Ord. No. 2018- \_\_, § 3.)

ORDINANCE NO. 2018-\_\_ (DRAFT)

**88-28.606 Enforcement.** The County may enforce this chapter by any remedy allowed under this code and any other remedy allowed by law. (Ord. No. 2018- \_\_, § 3.)

**SECTION 4.** Chapter 84-86 is added to the County Ordinance Code to read as follows:

**Chapter 84-86  
CANNABIS EXCLUSION (-CE) COMBINING DISTRICT**

**84-86.202 Cannabis exclusion combining district.** All land within a land use district combined with a cannabis exclusion (-CE) combining district is subject to the additional regulations set forth in this chapter. (Ord. No. 2018- \_\_, § 4.)

**84-86.204 Applicability.** The cannabis exclusion (-CE) combining district applies to all property in all zoning district in the following communities and geographic areas of the county.

- (a) Bethel Island.
- (b) Sandmound Slough.
- (c) Saranap.
- (d) Acalanes Ridge.
- (e) Alamo.
- (f) Contra Costa Centre.

(Ord. No. 2018- \_\_, § 4.)

**84-86.206 Priority.** If there is any conflict between the requirements of this chapter and those of the underlying zoning district, the requirements of this chapter govern. (Ord. No. 2018- \_\_, § 4.)

**84-86.208 Definitions.** For the purposes of this chapter, the term “commercial cannabis activities” has the same meaning as in chapter 88-28. (Ord. No. 2018- \_\_, § 4.)

**84-86.210 Permitted uses.** Except as provided by Section 84-86.212, all uses allowed in the underlying zoning district are permitted within the -CE district. (Ord. No. 2018- \_\_, § 4.)

**84-86.212 Prohibited uses.** Commercial cannabis activities are prohibited within the -CE district, regardless of the underlying zoning district. (Ord. No. 2018- \_\_, § 4.)

ORDINANCE NO. 2018-\_\_ (DRAFT)

**SECTION 5.** The following sections of the Ordinance Code are amended as follows, to allow commercial cannabis activities with a land use permit under Chapter 88-28 of this code.

- (a) Section 84-38.404 of the County Ordinance Code is amended to add the following subsection (26) as a permitted use within an A-2 district under a land use permit:

“(26) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (b) Section 84-40.404 of the County Ordinance Code is amended to add the following subsection (3) as a permitted use within an A-3 district under a land use permit:

“(3) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (c) Section 84-52.404 of the County Ordinance Code is amended to add the following subsection (16) as a permitted use within a R-B district under a land use permit:

“(16) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (d) Section 84-54.404 of the County Ordinance Code is amended to add the following subsection (8) as a permitted use within a C district under a land use permit:

“(8) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (e) Section 84-56.404 of the County Ordinance Code is amended to add the following subsection (3) as a permitted use within a C-M district under a land use permit:

“(3) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (f) Section 84-58.404 of the County Ordinance Code is amended to read as follows:

**“84-58.404 Uses—Requiring land use permit.**

- (1) All of the uses in the following districts are permitted after the granting of land use permits: single-family residential districts, multiple family residential districts, retail business districts, neighborhood business districts, general commercial districts, agricultural districts and forestry recreation districts.

(2) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (g) Section 84-66.402 of the County Ordinance Code is amended to add the following subsection (5) as a permitted use within a P-1 district under a land use permit:

“(5) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

- (h) Section 84-80.404 of the County Ordinance Code is amended to add the following subsection (22) as a permitted use within an A-20 exclusive agricultural district with a land use permit:

“(22) Commercial cannabis activities that meet the requirements of Chapter 88-28.”

(Ord. No. 2018- \_\_, § 5.)

**SECTION 6. Publication.** Within 15 days after passage, this ordinance shall be published in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of supervisors voting for and against it.

**SECTION 7. Effective Date.** This ordinance shall become effective on January 1, 2019, only if a measure approving the Contra Costa County Cannabis Business Tax Ordinance (Ordinance No. 2018- \_\_) is approved by the voters voting on the tax measure at the November 6, 2018 statewide general election.

PASSED on \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

DAVID J. TWA  
Clerk of the Board of Supervisors  
and County Administrator

\_\_\_\_\_  
Board Chair

By:

\_\_\_\_\_  
Deputy

[SEAL]

SMS

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# **ATTACHMENT C**

**CANNABIS EXCLUSION**

**ORDINANCE MAPS**

# Findings Map

D-13	D-14	D-15	D-16	D-17	D-18	F19m			F25m				F28m				
E-13	E-14	E-15	E-16	E-17	E-18	E-19	E-20	F19m		F25m		E-26	E-27	E-28			
F-13	F-14	F-15	F-16	F-17	F-18	F-19	F-20	F-21	F-22	F-23	F-24	F25m		F28m			
G-13	G-14	G-15	G-16	G-17	G-18	G-19	G-20	G-21	G-22	G-23	G-24	G-25	G-26	G-27	G-28		
H-13	H-14	H-15	H-16	H-17	H-18	H-19	H-20	H-21	H-22	H-23	H-24	H-25	H-26	H-27	H-28		
J-13	J-14	J-15	J-16	J-17	J-18	J19m			J-22	J-23	J-24	J-25	J-26	J-27	J-28		
K-13	K-14	K-15	K-16	K-17	K-18	M19m			M22m		K-23	K-24	K-25	K-26	K-27	M28m	
L-13	L-14	L-15	L-16	L-17	L-18	M19m			M22m		L-23	L-24	L-25	L-26	L-27	M28m	
M-13	M-14	M-15	M-16	M-17	M-18	M-19	M19m			M22m		M-23	M-24	M-25	M-26	M-27	M-28
N-13	N-14	N-15	N-16	Q16m		Q19m		N-20	Q19m	Q22m	N-23	N-24	N-25	N-26	N-27	N-28	
P-13	P-14	P-15	Q16m		Q19m		P-20	P-21	P-22	P-23	P-24	P-25	P-26	P-27	P-28		
Q-13	Q-14	Q-15	Q-16	Q-17	Q19m		Q-20	Q19m	Q22m	Q-24	Q-25	Q-26	Q-27	Q28m			
R-13	R-14	R-15	R-16	R-17	T16m	T19m			T22m		T25m		T28m				
T13m	S-14	S-15	S-16	S-17	S-18	T19m			T22m		T25m		T28m				
	T-14	T-15	T-16	T-17	T-18	T-19	T-20	T22m		T25m		T28m					
W13m	U-15	U-16	U-17	U-18	U-19	U-20	W19m	W22m		W25m		W28m					

Rezone from R-B -S-2 to R-B -S-2 -CE **Acalanes Ridge, Saranap, Alamo, Contra Costa Centre Bethel Island and Sandmound Slough** Areas

I, Duane Steele Chair of the Contra Costa County Planning Commission, State of California do hereby certify that this is a true and correct copy of pages F-25m, E-26, E-27, E-28, F-27, F-28, G-27, G-28, L-14, N-13, R-14 and R-15 of the County's 2005 zoning map.

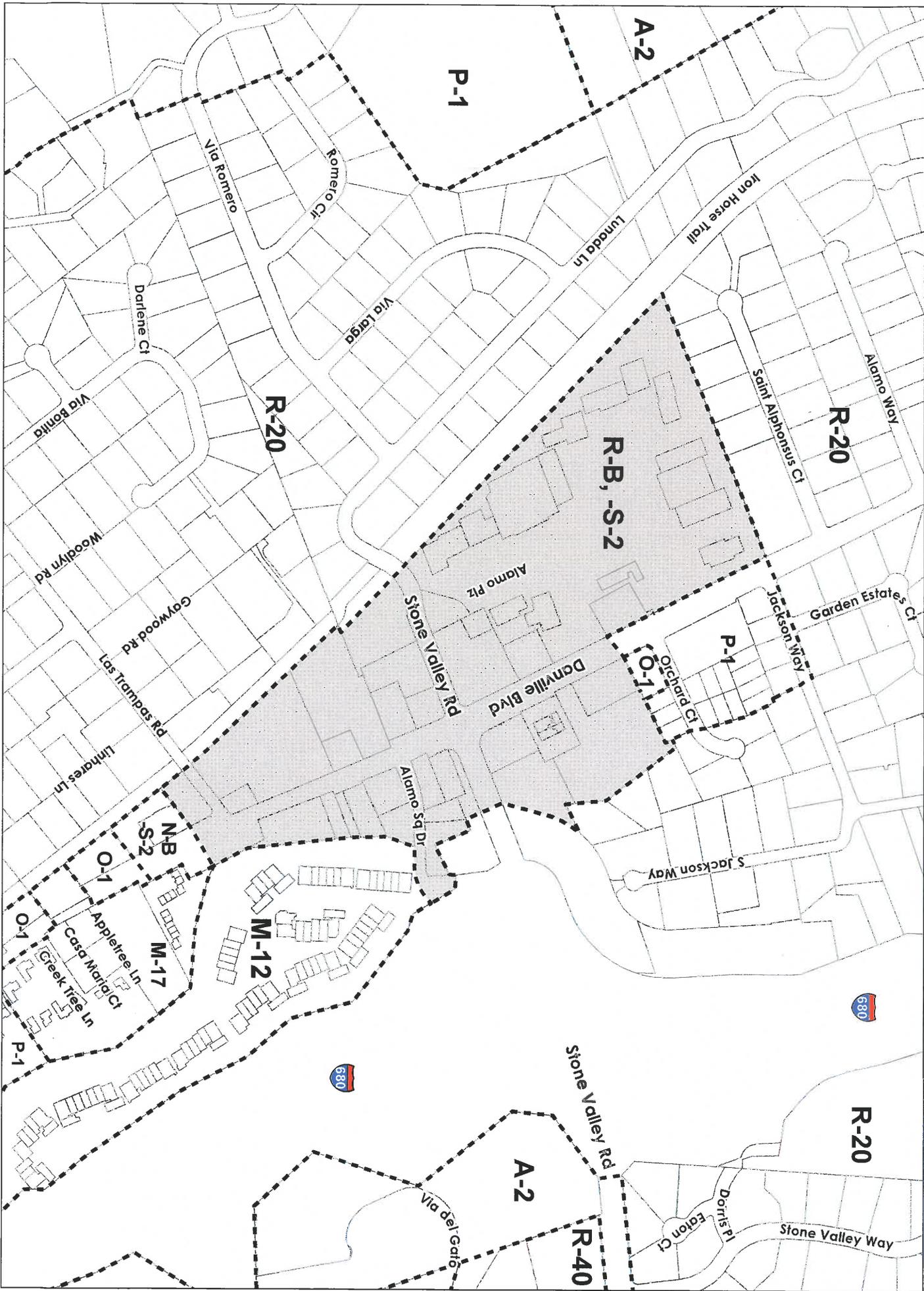
indicating thereon the decision of the Contra Costa County Planning Commission in the matter of \_\_\_\_\_

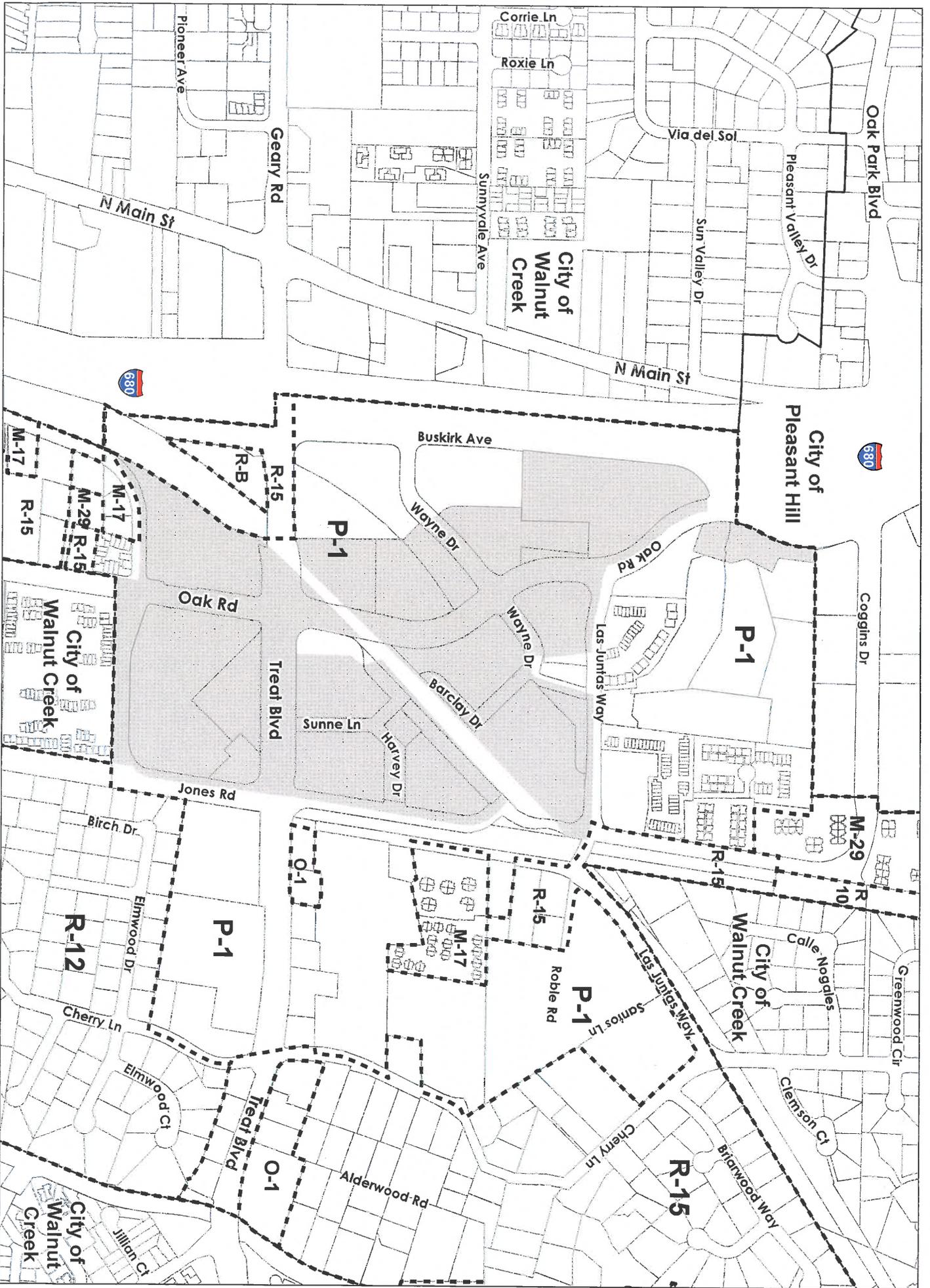
Cannabis Exclusion Combining District - RZ18-3242

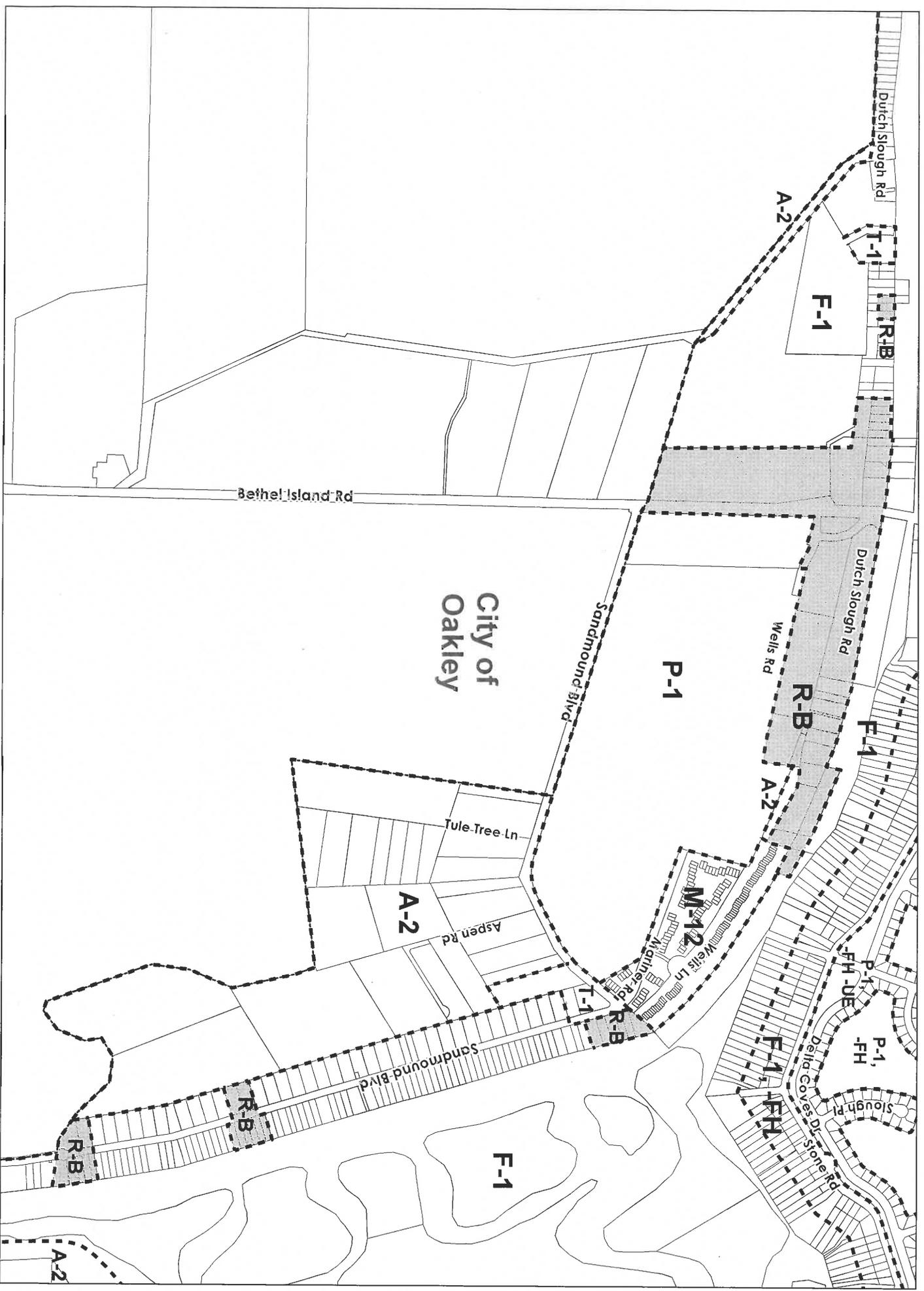
ATTEST:

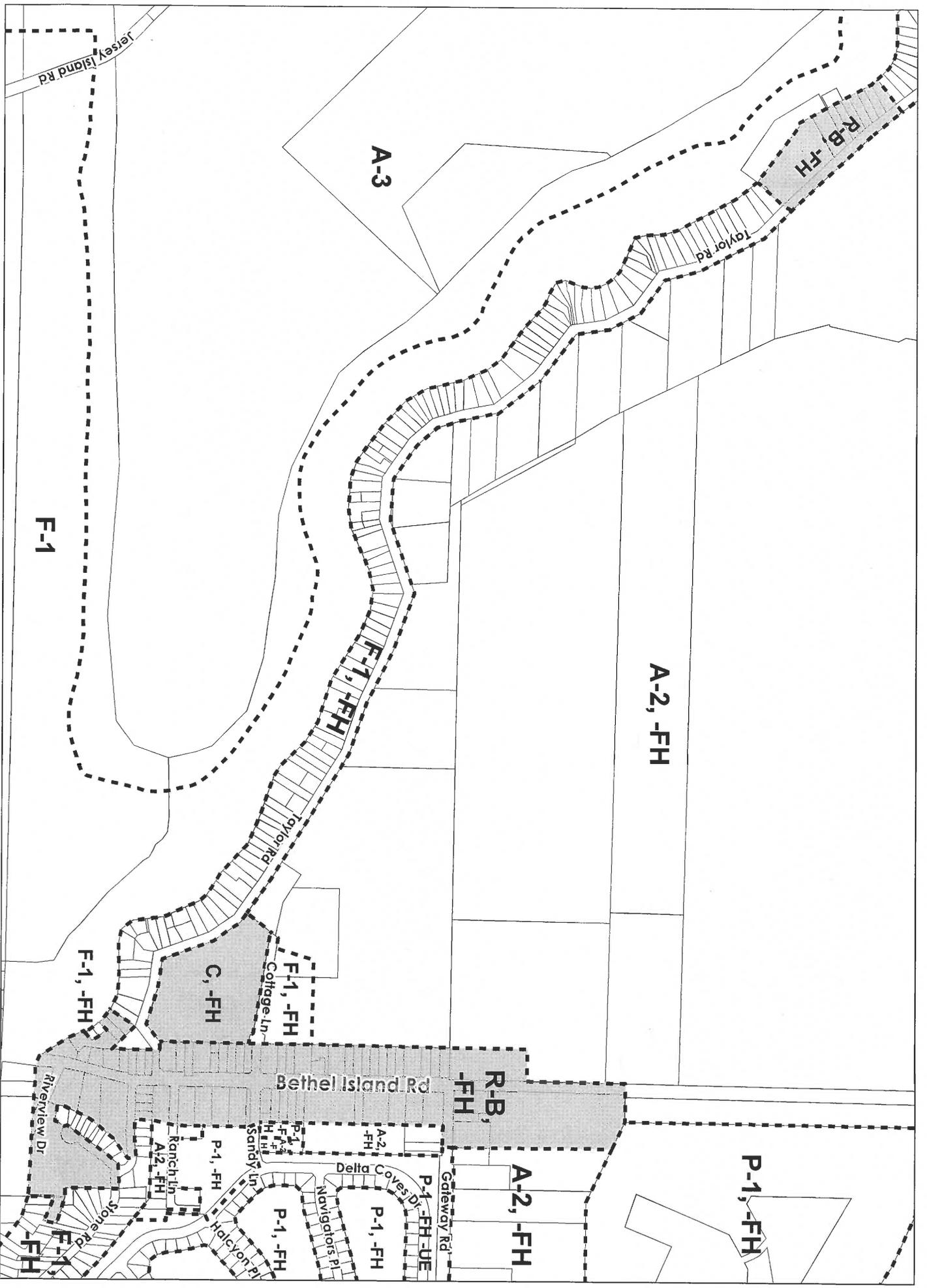
Secretary of the Contra Costa County Planning Commission, State of California



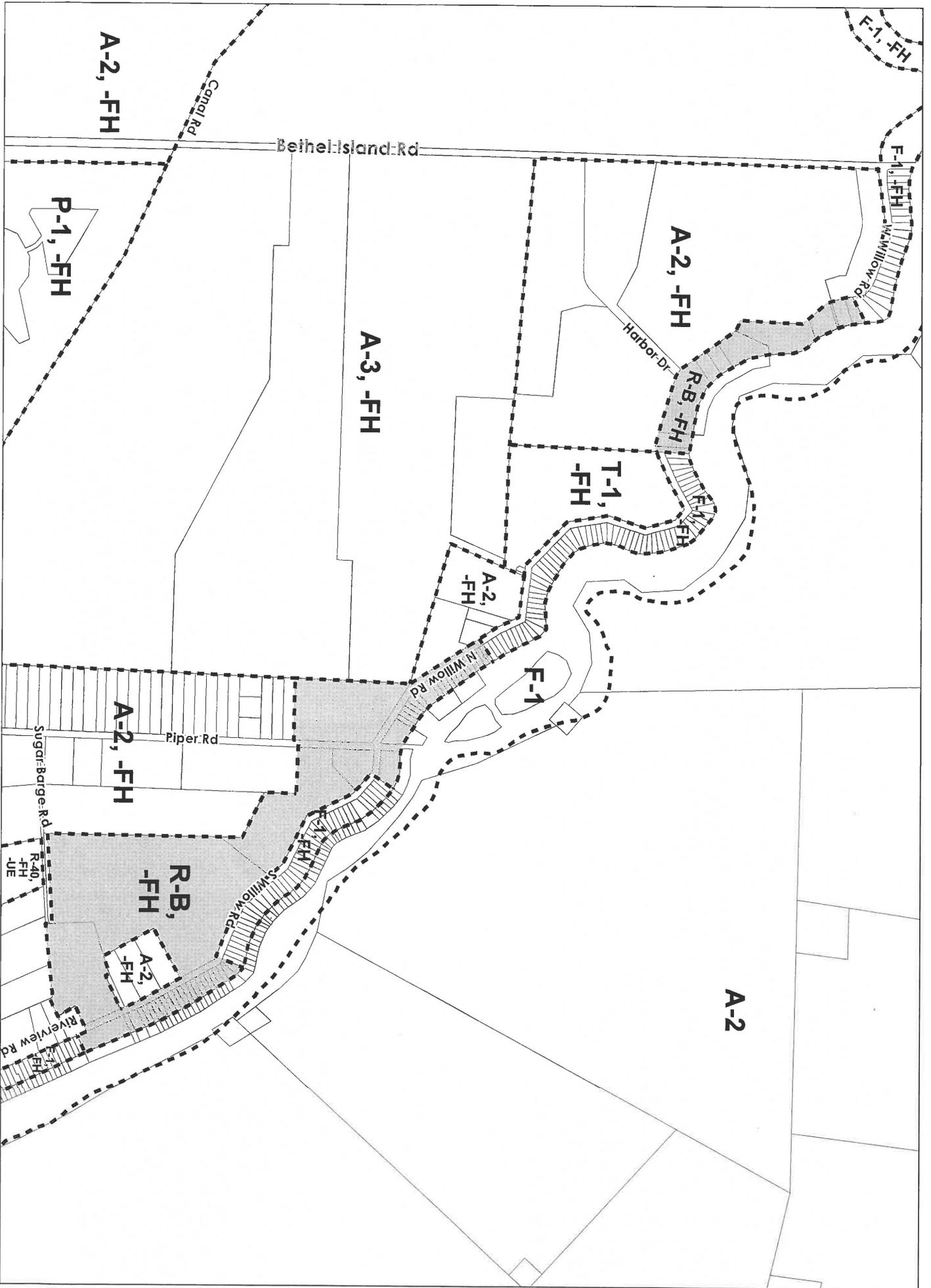












# **ATTACHMENT D**

**APRIL 25, 2017**

**DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT BOARD ORDER**



**Contra  
Costa  
County**

To: Board of Supervisors  
 From: John Kopchik, Director, Conservation & Development Department  
 Date: April 25, 2017  
 Subject: Cannabis Regulation Workshop

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**RECOMMENDATION(S):**

A. CONDUCT public workshop discussion on Proposition 64 and cannabis regulation in Contra Costa County.

B. PROVIDE initial, general, direction to staff from the Department of Conservation and Development in conjunction with staff from the Department of Health, Department of Agriculture, District Attorney's Office, County Counsel, Office of the Sheriff, Treasurer-Tax Collector, the Probation Department and the County Administrator's Office on the preparation of one or more ordinances regulating the cultivation, delivery, manufacturing and distribution of cannabis within the unincorporated areas of the County or request specific additional information on potential cannabis regulation.

**FISCAL IMPACT:**

In accordance with the provisions of Proposition 64, if the Board were to decide to prohibit all commercial marijuana related activities, specific grant funding would not be made available to the County and no new tax revenue would be generated. With or without a County wide prohibition on commercial cannabis activities the establishment of illicit or unpermitted cannabis related activities is to be expected and the cost of enforcement would

APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **04/25/2017**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 25, 2017

Contact: Ruben  
Hernandez (925) 674-7785

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

be born solely by the County under a prohibition. The amount of state funding that would be made available to the County if commercial cannabis activities were to be permitted and regulated is uncertain at this time.

Adoption of an ordinance permitting and regulating various marijuana related commercial activities, as well passage of a tax measure or imposition of new fees, could result in additional revenues for the County in addition

## FISCAL IMPACT: (CONT'D)

to qualifying the County to access to grant funding as provided for in Proposition 64.

Estimated staff cost of preparing one or more ordinances to regulate and permit commercial cannabis and other provisions is expected to be within the \$100,000 - \$150,000 range but could be higher or lower depending upon the amount of additional research required, the complexity of regulatory approach chosen and the type and duration of the public process. Preparation of a ballot measure to adopt a Countywide cannabis tax would incur additional cost. Enforcement cost would vary with the regulatory approach chosen, which cannot be estimated at this time, but could be significant.

## BACKGROUND:

On January 17, 2017, the Board of Supervisors directed the Department of Conservation and Development to schedule a Board workshop to discuss potential marijuana regulations. The workshop was requested in response to voter approval of Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Marijuana Act or the Adult Use of Marijuana Act (AUMA). Prior to the approval of Proposition 64, in October 2015, Governor Brown approved the Medical Cannabis Regulation and Safety Act (MCRSA), formerly known as MMRSA (Medical Marijuana Regulation and Safety Act), which, like Proposition 64, provided local jurisdictions an opportunity to adopt ordinances regulating the cultivation, delivery, dispensing, sale, transport and manufacturing of marijuana and marijuana related products. The purpose of the workshop is to provide the Board with an opportunity to discuss potential marijuana regulation and obtain input and comments from various County Departments. The workshop is also intended to provide the Board with an update on anticipated new activities of County departments as a result of AUMA.

## Existing County Marijuana Regulation

The County currently has two separate cannabis related ordinances in effect. The first one, Ordinance #2008-05, was adopted by the Board of Supervisors in February 2008. The ordinance prohibited the establishment of any use that violated State or Federal law, as well as explicitly prohibiting the establishment of medical marijuana dispensaries in the unincorporated areas of the County. The second active ordinance is Urgency Interim Ordinance #2017-03 which was adopted by the Board on January 17, 2017. The ordinance continued the interim prohibition on the cultivation, delivery and sale of marijuana and marijuana products until January 30, 2018 and was a continuation of two previous urgency interim ordinances. The urgency ordinance was adopted in response to the approval of the Medical Cannabis Regulation and Safety Act (MCRSA) which was signed into law by the Governor in October of 2015.

## Medical Cannabis Regulation and Safety Act (MCRSA)

The Medical Cannabis Regulation and Safety Act (MCRSA), which was signed into law

by Governor Brown in October of 2015, was the precursor to Proposition 64. Like Proposition 64, MCRSA established a comprehensive structure for the licensing and enforcement of medical marijuana cultivation, product manufacturing, testing, transportation, storage and distribution. MCRSA established a dual licensing system where applicants for state licenses had to provide evidence of local approval of a medical marijuana use prior to issuance of the state license. MCRSA permitted local control of medical marijuana uses and allowed local jurisdiction to prohibit or regulate medical marijuana uses as they saw fit. MCRSA also resulted in the establishment of the State Bureau of Medical Cannabis Regulation, which was subsequently changed to the Bureau of Marijuana Control with the approval of Proposition 64.

### **Proposition 64 (Adult Use of Marijuana Act or AUMA)**

Proposition 64 was approved by California voters on November 8, 2016 with 57% of the vote. In Contra Costa County, 61% of the voters in the unincorporated areas and 60% of voters Countywide voted for Proposition 64. The proposition legalized the recreational use of marijuana for adults over the age of 21 and established a broad range of new legislation regulating the cultivation, manufacture, distribution, transportation laboratory testing, sale and taxation of marijuana and marijuana related products.

Proposition 64 requires the establishment of a state licensing program that would be responsible for the issuance of state licenses for the cultivation, manufacturing, testing, retailing and distribution of marijuana and marijuana related products including hemp<sup>[1]</sup>. The newly formed Bureau of Medical Cannabis Regulation, California Department of Food and Agriculture and the California Department of Public Health will issue licenses. According to Proposition 64, state licensing agencies have until the beginning of 2018 to have licensing programs in place and to begin issuing state licenses. In order to protect local interest, Proposition 64 established a dual-licensing system, where applicants for state licensing are required to provide evidence of local approval of marijuana related use prior to issuance of a state license.

[1] The term “Hemp” is typically used to describe cannabis that is grown for the production of fiber used for the making of rope and other fabrics. Under federal law hemp is a form of cannabis, which is identified as a Schedule 1 controlled substance, and is treated the same way. In California, hemp is also identified as a type of cannabis and is subject to the same regulations as medical/recreational cannabis or marijuana. The County could explore regulating hemp differently from other forms of cannabis but there may be some enforcement challenges that would need further consideration.

Proposition 64 provides local jurisdictions with significant control over the regulation of commercial marijuana related uses. Under Proposition 64, local jurisdictions have the authority to regulate or prohibit most marijuana related uses, including cultivation, manufacturing, distribution, testing and retail sales. If a local jurisdiction takes no action by the time the state starts issuing licenses (beginning of 2018), the state becomes the default licensing authority and may issue licenses if the use is not explicitly prohibited

within that jurisdiction. For personal use, Proposition 64 permits the indoor cultivation of up to six plants. Additionally, Proposition 64 allows local jurisdictions to prohibit outdoor cultivation for personal use and to also adopt "reasonable" regulations for the indoor and/or outdoor cultivation of up to six plants by an adult over the age of 21 within a private residence. However, a local jurisdiction cannot completely ban indoor cultivation. Other than that, almost every aspect of commercial marijuana related activities can be regulated or prohibited by local jurisdictions. This includes, but is not limited to, prohibiting or limiting the size, scale and number of commercial marijuana businesses within the jurisdiction, adoption of strict security and safety measures and the levying of marijuana taxes.

### **Key Aspects of Cannabis Regulation Under MCRSA and AUMA**

An overview of some of the key provisions, issues, timelines and considerations related to cannabis regulation under MCRSA and AUMA is provided below.

### **Categories of Cannabis Use**

Under MCRSA and AUMA local governments have the authority to regulate or prohibit the following cannabis related uses (both medical and adult-use or recreational):

- **Indoor/outdoor personal cultivation of cannabis or hemp (Personal indoor grow of up to 6 plants must be allowed per AUMA);**
- **Indoor/outdoor commercial cultivation or nursery[1] of cannabis or hemp;**
- **Commercial manufacture of cannabis;**
- **Laboratory testing of cannabis;**
- **Retail sales of cannabis; Retail delivery[2] of cannabis;**
- **Commercial distribution[3] of cannabis;**
- **Cannabis microbusiness[4].**

[1] For remainder of this report, "cultivation" is intended to be inclusive of nursery uses.

[2] While the County does have the ability to prohibit or restrict the establishment of delivery businesses in the unincorporated area that deliver cannabis to customers, staff does not believe the County would have the practical ability to enforce a prohibition on actual deliveries (for instance, from a business legally established in a neighboring jurisdiction to an unincorporated area).

[3] "Distribution" as used in AUMA is a facility where wholesale cannabis is received and distributed to retail cannabis outlets such as dispensaries. Under AUMA, retail sale of cannabis is not permitted with a "distributors" license.

[4] "Microbusiness" under AUMA is a small retailer with a farm not exceeding 10,000 square feet and could be compared to a farm stand where products grown on a property are available for retail sale at the same property.

### **Licensing and Permitting**

- Both the Medical Cannabis Regulation and Safety Act (MCRSA) and the Adult Use

of Marijuana Act (AUMA) require a dual licensing system requiring both a state and local license or permit with revocation of one resulting in revocation of the other.

- Medical (MCRSA) and recreational (AUMA) cannabis uses can be regulated separately or together.
- County can adopt an ordinance that "reasonably" restricts personal indoor cultivation of up to six plants for personal use but cannot completely ban.
- A County cannabis ordinance may impose significant health and safety requirements, location restrictions, operational requirements, environmental protections, etc.
- A limit may be placed on the number of permitted commercial cannabis uses by ordinance (eg. The City of Richmond allows a maximum of 3 cannabis collectives and 3 cannabis product manufactures within city boundaries at any time).
- By ordinance, a selection or request for proposal (RFP) process may be established giving the County the ability to screen and select the most qualified and thorough applicants/applications.

### **Timeframe**

- In order to avoid the possible establishment of cannabis businesses or uses not regulated by the County, permanent County ordinances regulating cannabis uses should be adopted prior to the start of the issuance of licenses by the State, which is expected to begin on January 1, 2018. If the County does not have permanent regulations in effect prior to expiration of the County's urgency interim ordinance on January 30, 2018, the State would become the sole licensing authority. The County could adopt new regulations on commercial cannabis after January 30, 2018, but any state licensed cannabis activities or businesses established in the meantime would be "grandfathered-in" as legal non-conforming uses and could be difficult to do away with, if desired.
- Any permanent regulations adopted by the County prior to January 30, 2018 can be modified thereafter to be more restrictive or permissive. However, once a cannabis use is legally established under the permanent regulations, revoking or rescinding such use could be challenging.

### **New Federal Administration May Change Approach to Cannabis**

According to Federal Law, cannabis is listed as a Schedule 1 controlled substance, making the possession of cannabis a violation of federal law. Under the previous administration, enforcement of the Controlled Substances Act, with regard to cannabis, was identified as a low priority according to the "Cole Memo" issued on August 29, 2013 by Deputy Attorney General James M. Cole.

The Cole Memo provided guidance in regards to state ballot initiatives that legalize under state law the possession of marijuana and the regulation of its production, processing and sale. The memo also indicated that, in furtherance of its objectives, the Department of Justice had focused its efforts on certain enforcement priorities such as preventing:

- Distribution of marijuana to minors

- Revenue from cannabis related businesses going to criminal enterprises or other illegal activity
- Distribution to other states where it is not legal under state law
- Violence and the use of firearms in the cultivation and distribution of marijuana
- Drugged driving and the exacerbation of other adverse public health consequences
- Growing and or possession of marijuana on public land and federal property

The Department of the Treasury Financial Crimes Enforcement Network (“FinCEN”) has issued guidance similar to the Cole Memo to clarify Bank Secrecy Act (“BSA”) expectations for financial institutions. This FinCEN guidance clarifies how financial institutions can provide services to marijuana related businesses consistent with their BSA obligations. A financial institution providing financial services to a marijuana related business that it reasonably believes does not implicate one of the Cole Memo priorities or violate state law should file a “Marijuana Limited” suspicious activity report identifying information and addresses of the subject and related parties. Furthermore, the financial institution should specify the fact that the filing is solely because the subject is engaged in marijuana related business and that no additional suspicious activity has been identified.

Under the new administration, there have been some indications that the Controlled Substances Act would be strictly enforced. Strict enforcement of the controlled substance act would have significant impacts on the cannabis industry and local regulation. It is important to note that the guidance of FinCEN and the Cole Memo does not limit the Department of Justice’s authority to enforce federal law related to marijuana, regardless of state law.

### **Statewide and Local Response to Proposition 64**

In response to approval of Proposition 64 many jurisdictions throughout the state have adopted urgency interim ordinances which prohibit the cultivation, sale, delivery, transportation and manufacture of cannabis and cannabis related products. A few jurisdictions have adopted permanent ordinances regulating and taxing personal and commercial cannabis activities including Sonoma County, the City of Los Angeles and the City of San Diego. In Sonoma County, Los Angeles and San Diego, a special ballot measure was put before the voters of those cities to allow for the taxation and regulation of commercial cannabis activities. All three measures were approved by voters.

Locally, San Joaquin and Solano Counties have adopted urgency interim ordinances generally prohibiting the cultivation, distribution, manufacturing and delivery of cannabis and cannabis related products and are deliberating on the impacts of potential cannabis prohibition, regulation and taxation.

Alameda County allowed dispensaries prior to approval of Proposition 64 and is now deliberating on modifying their existing code to conform with AUMA including expanding on the number of dispensaries permitted within their jurisdiction. [check on

other uses and summarize here]

In Napa County all cannabis related uses are prohibited under their current code, with the exception of indoor personal cultivation, which was the case prior to Proposition 64, but the County Board of Supervisors is currently discussing Countywide perspectives on the passage of AUMA.

Within Contra Costa County, prior to approval of Proposition 64, the City of Richmond permitted the cultivation, dispensing, distribution, manufacturing and taxing of medical cannabis prior to approval of Proposition 64. Prior to Proposition 64, the city of Martinez does permitted the establishment of medical cannabis dispensaries. For both cities, the passage of Proposition 64 has not yet led to a change in cannabis regulations.

### **Taxing and Revenue**

In order to pay for the implementation, oversight and enforcement of AUMA, and to provide some funding for specific drug rehabilitation and educational grant programs, AUMA includes provisions for the taxation of recreational cannabis. AUMA also included provisions which allow local jurisdictions the opportunity to levy additional taxes on the cultivation, sale and distribution of cannabis and cannabis related products.

AUMA included a state tax on growing and an excise tax on the retail price of marijuana and marijuana products. The state tax on growing is \$9.25 per ounce of dried marijuana flowers and \$2.75 per ounce of dried marijuana leaves. A state excise tax of 15% of the retail price of marijuana and marijuana products also applies.

Under AUMA portions of the State revenue generated have been allocated for the following specific purposes:

- Starting in 2018-2019, \$10 million will be allocated for grants for certain services such as job placement assistance and substance use and disorder treatment in communities most affected by past drug policies. Funding for this purpose is expected to grow to \$50 million by 2022-2023.
- \$10 million annually will be allocated to study the effects of AUMA.
- \$3 million will be allocated to create and adopt methods to determine whether someone is driving while impaired, including by marijuana.
- \$2 million will be allocated annually to study the risk and benefits of medical marijuana.
- Of the remaining revenue, 60% will allocated for youth programs; 20% for cleanup and prevention of environmental damage resulting from illegal growing of marijuana and 20% for (a) programs designed to reduce driving under the influence of alcohol, marijuana and other drugs and (b) a grant program designed to reduce any potential negative impacts on public health or safety resulting from the measure.
- If a city/county bans commercial cultivation, or personal outdoor cultivation, or retail sales of cannabis or cannabis products, it is ineligible to receive state grant

monies funded through the new state excise taxes that take effect on January 1, 2018.

## Local Taxes

Existing state and local sales tax applies to the cultivation and sale of non-medical marijuana only. In addition to state and local sales tax, AUMA authorizes local governments to tax virtually all other commercial marijuana activities including, but not limited to, cultivating, dispensing, producing, processing, preparing, storing, selling and distributing. Such additional taxes would require voter approval. Below please find examples of taxes that have been passed to date:

**Richmond:** Business tax of \$50.00 for every \$1,000 of gross receipts

**Sonoma:** Business Tax (% gross receipts): Manufacturers: 5% starting rate, 10% maximum rate; Nurseries, Distributors, Transporters, Labs and Dispensaries 0% starting – 10% max rate.

Cultivation Tax (per square foot): Outdoor cultivators: \$0.50-\$5.00 starting rate, \$10.00 maximum rate; Indoor cultivation: \$1.88 - \$18.75 starting rate, \$38.00 max rate; Mixed-Light Cultivation: \$1.08 - \$10.80 starting rate, \$22.00 maximum rate (Measure A).

**San Diego:** Initial cannabis business tax starts at 5% of gross receipts, increase to 8% on January 1, 2019 with a maximum rate of 15% (Measure N).

**Stockton:** Business tax for medical cannabis dispensaries \$25.00 for every \$1,000 of gross receipts; non-medical cannabis business tax is \$100.00 for every \$1,000 of gross receipts.

**Los Angeles:** Business tax of \$100.00 per each \$1,000 gross receipts for cannabis sales; \$50.00 per for medical cannabis sales; \$10.00 per for cannabis transportation, testing, or research and \$20.00 per for cannabis manufacturing, cultivation or other commercial cannabis activity (Measure M).

**West Sacramento:** In the City of West Sacramento instead of putting forth a ballot measure to establish a tax on cannabis, the city and the operator of a cannabis distribution facility entered into a development agreement which required the operator of the distribution facility to pay 2.5% of the gross receipts generated by the facility to the city. Execution of the development agreement was done in conjunction with the review and approval of a land use permit for the facility and adoption of a zoning text amendment identifying a “wholesale cannabis logistics, distribution and transportation facility” as a use requiring approval of a land use permit. This approach could be likened to the “Community Benefit Agreement” process executed by the County with other business

entities in the County.

## **Code Enforcement**

At the state and local level the enforcement of cannabis related laws has become increasing difficult with the approval of Proposition 215 in 1996 and Proposition 64 in 2016.

If the County were to consider adoption of an ordinance allowing and taxing specific cannabis uses, it may be helpful to include cannabis specific enforcement measures. The ordinance could include fines for violators possible criminal charges and/or automatic seizure of product/crop for those who operate any type of commercial cannabis activities without proper County and State approvals.

The current process for the enforcement of zoning code violations provides property owners with sufficient time to address on-going violations, sometimes up to two months, eventually leading to the application of administrative fines of up to \$14,300 per month. Allowing illicit cannabis operations to continue to operate for two months, or longer, before fines are imposed provides minimal motivation for complying with potential regulations since harvest time could occur in less than 60 days depending on the time of year of age of the plants.

Enforcement cost should be a consideration when determining the direction of cannabis regulation. Significant additional enforcement staff could be required for enforcement of any new cannabis regulations, specifically in a situation where cannabis activities are permitted, which could necessitate an increase in enforcement activities with regard to illegal/unpermitted operations.

In the City of Richmond, anyone who is caught violating the City's cannabis ordinance could be deemed guilty of a misdemeanor punishable of a fine of not more than one thousand dollars or by imprisonment for not more than 12 months.

## **Inter-Departmental Coordination for Cannabis Regulation**

To assist with adapting to the changes in state law and to prepare for this workshop, four inter-departmental meetings were held to share knowledge and discuss potential impacts of cannabis regulation on County departments and their areas of responsibility. The inter-departmental meetings were attended by staff from the County Administrator's Office, Office of the Sheriff, District Attorney's Office, Health Services Department (including the Divisions of Behavioral Health, Environmental Health, Hazardous Materials and Public Health), Treasurer/Tax Collector's Office, Department of Agriculture, County Counsel, Department of Probation and the Department of Conservation and Development. The knowledge, experience and counsel of the involved staff has been invaluable. Many participants have attended state-wide briefings and trainings relevant to their particular disciplines on the emerging issue of cannabis

regulation and brought that new knowledge to the table. The staff group is capable at Board direction to provide additional detailed information and analysis beyond what is contained in this staff report, which was intentionally drafted as a high level summary.

### **Implications for County Departments (Regardless of Regulatory Approach Adopted by the County)**

After numerous meetings and extensive discussion on cannabis regulation, Conservation and Development staff requested that each participating department provide a summary of their department's concerns, issues or opinion on cannabis regulation, including any thoughts on the County's potential approach. The input received is as follows:

#### **Office of the Sheriff**

Medical marijuana centers and marijuana grow facilities are primarily a cash only business. This poses a significant safety risk for the owners, employees, and patrons who are at risk of being robbed either at the business, in the parking lot, or while being followed to another location. As recently as March of 2017, a brazen daylight burglary took place at a legal marijuana grow facility located in North Richmond.

Over the last year, the Office of the Sheriff has investigated over 650 cases that are associated with either the sales, use, or possession of marijuana. The range of crimes include homicide, robbery, burglary, and aggravated assault. The increase of marijuana use, as expected under legalization, has also led to an increased number of arrests for driving under the influence (DUI).

The Office of the Sheriff would like a policy that builds a collaborative effort of code enforcement inspectors, planners, county counsel, the district attorney's office, public health, health, environmental health and probation to establish land use agreements and a licensing or permitting system to insure public safety and the wellness of our community.

#### **Health Services Department**

Contra Costa Health Services anticipates an increase in demand for its services across a wide array of both regulatory and clinical service areas. This includes but is not limited to:

##### **-Division of Environmental Health**

The Division of Environmental Health anticipates a need to have substantial and ongoing role with licensing/permitting, regulatory inspections and enforcement of products sold at retail and edible cannabis product manufacturing sites. This is particularly germane to foods, beverages, cosmetics, tinctures, oils and other consumer products infused with cannabis. These functions may also be performed for cities as well, if State Law provides oversight regulatory authority to local DEH,

similar to other food and beverage products. This would include permitting for special events where the event sponsors propose to offer use or consume products on site that are infused with cannabinoids. In addition, DEH anticipates having a role with owner/employee education, as well as with public health investigations associated with cases and clusters of illness or toxicity. There will also be many complaints related to illegal operations where Environmental Health will need to assist law enforcement to understand the “legality” of the operation. In addition, DEH will have an ongoing role related to plan review, approval and ongoing inspection of sanitation and food handling components of operating a business where food and beverages are sold. An early estimate is that will require between 2-4 new FTE to perform these additional regulatory functions [note from John: only if retail sales and/or edible cannabis product manufacturing are allowed?], and additional staff should these functions be performed on behalf of cities. Licensing/permitting and inspection fees are anticipated to cover the majority of the associated cost. A health ordinance would also be needed, similar to what has been adopted by Sonoma and Los Angeles Counties, especially if the County allows dispensaries in the unincorporated area of the County or if the County allows the manufacturing of edibles or other products for human consumption or use.

#### **-Hazardous Materials:**

This Division will have an ongoing permitting and inspection role with aspects of cultivation and raw material extraction and manufacturing, particularly for those businesses using volatile as defined by Proposition 62 Health & Safety Code Section 11362.3(a)(8). The regulatory oversight would be for the handling of hazardous materials and the generation of hazardous waste as codified in State law.

#### **-Division of Behavioral Health:**

The Division of Behavioral Health anticipates a surge in demand for substance use detoxification, outpatient & residential treatment for youth and adults, regardless of the County allowing or prohibiting commercial marijuana activity. At the present, there is no medical detoxification services specifically tailored for youth in Contra Costa, this may become an area of acute need. Our Division projects that there will also be increased need for public information, both in regards to the hazards and warnings associated with the potential for misuse, abuse and addiction as well as information regarding available treatment and ongoing therapy. AUMA makes specific provisions for mandatory evidence based marijuana specific educational sessions for youth. Alcohol and Other Drugs (AOD) will need to develop an age appropriate curriculum and program conveniently covering all regions in our county. Since we anticipate an increase in court ordered mandatory group educational sessions for youth who violate the provisions of their probation, we will require additional staff dedicated to this program and/or funding to support programming in the community to satisfy the requirement. Lastly, as indicated by the Sheriff's Office, there will be a substantial increase in the number of DUIs, which would need

a collaborative approach for the direct referrals of individuals onto the right alcohol and other drugs level of care, this will support the individual and increase community safety.

The cost associated with the increase of substance use treatment needs and implementation of the mandatory evidence based educational sessions for youth will still be incurred, independently of the actions taken by the Board to prohibit all the commercial aspects of marijuana. Because of the prevalence of marijuana in neighboring jurisdictions, AOD services will still be required.

### **-Division of Public Health**

The Public Health Division anticipates having a role in the licensing/permitting, regulation and enforcement of commercial sales of marijuana products, similar to its current role relative to tobacco retail licensing. Issues such as product labeling, prohibitions on flavored products, storefront advertising, and compliance with other aspects of Health and Safety Code including bans on the use of products in public places and protections from 2<sup>nd</sup> hand smoke exposure. In addition, the Public Health Division will be the key player in investigation outbreaks of clusters of illness associated with exposure to, use of and/or consumption of products containing cannabis. Additionally, the Division anticipates an increase in demand for public information, including periodic reports on the public health impacts of recreational use of marijuana and issuing periodic health advisories. Lastly, the Division anticipates a surge in demand for Medical Marijuana ID Cards as members of the public seek to avoid taxation associated with the recreational regulatory structure if the State ID Card program remains in place. The Governor proposed the elimination of the program in his Trailer Bill that was released in early April. Additionally, Prop 64 limited the fees that can be charged to administer the Medical Marijuana ID program to \$100 per client, which is less than the true cost of administering this program. Recommendation from staff is to sunset the ID Card Program, if the State dispenses with the program. The Division anticipates the need for 2-3 additional full time staff to address the associated work load issues spread across all areas of the Division from Communicable Disease Control to Vital Records and from Epidemiology to Community Education and Information.

Revenue to cover the anticipated increase in demand for services could partially be covered from the adoption of a Cannabis Retail License if renewed on an annual basis and/or from tax revenue generated from the growth and/or sales of product. Identifying a source of revenue to cover the cost of public education, reports and data tracking is an important consideration.

Even if the County happens to prohibit all commercial aspects of recreational marijuana the Public Health Division anticipates an increased volume of illness and/or toxicity clusters, the need for public information, health advisories and an increase in demand for clinical and counseling services that may impact both

Behavioral Health as well as CCRMC's inpatient and outpatient services. From 2004 through 2015 there were 389 deaths in California that were related, in part, to the use of marijuana. Additionally, from 2008 through 2014 there were 291 non-fatal cases of youth seeking care in Contra Costa Emergency Rooms due to overdose related to the use of marijuana. These numbers are expected to increase in the wake of Proposition 64, with legalization of adult recreational use of marijuana.

Similar to our Environmental Health colleagues the Public Health Division recognizes the need for and advantages of having a separate County Health Ordinance to address a myriad of regulatory issues, especially if the County allows retail dispensaries and/or the manufacturing of any form of edible products, tinctures, ointments, etcetera.

### **-Emergency Medical Services (EMS) Division**

EMS anticipates an increase in EMS calls related to manufacturing as well as personal use associated intoxication, overdose and being under the influence while operating a motor vehicle. This includes providing supportive care for intoxication including needing sedation for anxiety or psychosis. This may include an increase in 5150 related calls. Toxicity related trauma associated with an increase in motor vehicle collisions from alterations in perception and motor dysfunction. Research suggests that 25-40 % of DUI related incidents are likely to involve cannabis alone, hence with increased recreational use we should anticipate an increase in DUI. This level of increase may have a system-wide EMS impact necessitating an increase in ambulance hours to meet new level of service demand. Other Health related concerns are an increase in burns if the use of combustible solvents are permitted during the extraction/manufacturing process. In addition, we might anticipate an increase in Pediatric and Adult accidental ingestions (poisonings) associated with edibles.

In addition the EMS Agency acts as the local entity responsible for certification, licensure and accreditation of prehospital personnel. In that capacity the EMS Agency is responsible for certification and licensure actions such as suspension, probation and revocation of licenses and certification in the event the public safety is threatened. Under Title 22 any use of drugs or alcohol that comes to the attention of the EMS Agency associated with prehospital personnel that is a violation of the law is subject to discipline. It is anticipated that the number of disciplinary cases associated with the legalization of recreational marijuana will substantially increase. The EMS Agency will be compelled to take action and monitor increased numbers of prehospital personnel. This is anticipated to require additional 1-2 FTE to address certification/license suspension issue and manage the probationary requirements associated with these cases. The EMS Agency is currently managing certification actions and probation for approximately 24 substance related cases per month and anticipates this number may double.

## Treasurer/Tax Collector

The County Treasurer/Tax Collector has the following comments on potential tax issues related to cannabis businesses:

- If County becomes involved in collecting or accepting monies from cannabis related businesses, there are many challenges associated with the federal Controlled Substances Act and the unwillingness of banks and other financial institutions to accept funds from these businesses.
- There is current legislation under consideration (AB 148) that would enable County Treasurers to collect cannabis tax revenue on behalf of the Board of Equalization.
- Additional security may be necessary due to the cash only business activities of marijuana related businesses and related tax payments to County.
- County assets may be in jeopardy under federal laws if collecting taxes on marijuana related businesses is approved.
- Increased costs would result due to the need for additional staffing, equipment and security.
- Potential new business license fees for cannabis business could include; \$100 Flat Fee per Business; \$10 per Full-Time Employee; Cannabis Retailers License (Similar to Tobacco or Alcohol Retailers License).
- Potential secured property taxes for cannabis uses could include real property taxes, special taxes and assessments and ad valorem taxes and assessments.
- Potential unsecured taxes for cannabis uses could include business property taxes and taxes on some fixtures.
- County sales tax could be added on top of 15% State excise tax.

## Department of Agriculture

The permitting of cannabis related uses, whether by the County or by cities within the County, could result in additional staff workload for the Department of Agriculture including additional staff and industry training as well as safety awareness. Estimated additional hours and expense could be approximately \$50,000 annually. Additional staff time could be required in the following areas:

### **-Weights & Measures Involvement**

- Inspecting weighing device used for commercial purposes, suitability of scale, type-approval, testing, and sealing.
- Price verification enforcement for products sold on shelves such as candy bars, vape/e-cig, oils, creams, baked products, prepacked unprocessed cannabis.
- Checking net contents of packaged products for accuracy of labeled weights.
- Labeling requirements inspection on packed goods: identity, responsibility, and net contents.
- Test purchase based on consumer complaint of short weight.

### **-Agriculture Pesticide Use Enforcement Involvement**

- Training of staff and cultivators on the identification and use of pesticides

- Issue pesticide permits.
- Monitor pesticide applications particularly in greenhouse operations.
- Inspect pesticide storage sites and perform record audits.
- Field Worker inspections for compliance with new Federal Worker Protection Standards.
- Investigate pesticide complaints.
- Investigate pesticide exposure reports of occupational illness.

#### **-Crop Report Statistics**

- Contact annually for financial production values

### **Probation Department**

The Probation Department supervises juveniles and adults who will be impacted by AUMA. Juveniles referred to Probation for possessing marijuana in violation of H&S 11357 or 11362.3 will be required to complete a four hour evidence based drug education program pursuant to H&S 11362.4. This is a resource that will need to be made available in the community. Juveniles on Probation will still be required to follow all laws, and if they use marijuana, Probation violation petitions will be filed with the court.

There is concern that Prop 64 may result in an increase in the use of marijuana for youth in general, and more specifically at risk youth who are in jeopardy of entering the juvenile justice system and those youth already involved in the juvenile justice system.

Prior to Proposition 64, adults on Probation Supervision were not allowed to use marijuana absent a court order allowing such. At the present time, Probation violations are not being filed for the use of marijuana unless the court specifically prohibits use of the drug.

### **County Administrator's Office**

The County maintains an alcohol and drug free work place. We will continue to follow POST guidelines and County Policy with regard to the possible use of marijuana by employees. POST guidelines to be followed include:

- The manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited in the workplace. Violations can lead to disciplinary action.
- An employee will not be disciplined for voluntarily requesting assistance for a substance abuse problem.
- Employees remain responsible to meet the County's performance, safety, and attendance standards.

### **District Attorney's Office**

In accordance with the provisions of Proposition 64, the Office of the District Attorney is recommending that the Counties' prohibition on the retail sale, delivery, cultivation and manufacture of cannabis-based products remain in effect until greater certainty regarding the future of legalized marijuana is attained.

The preparation of the scheme of ordinances that will be required to properly regulate these activities, and the personnel and infrastructure that will be required to enforce the regulations, will be extremely expensive. There is no reliable statistical information that tax revenues and fees generated from these activities will be commensurate with the cost of regulation and oversight by the County. Additionally, as federal law prohibits the receipt of revenue derived from illegal substances by federally insured banking institutions, the County will be required to create its own secure banking system for the revenue that is generated from these activities and the County may violate federal law by receiving that revenue.

This federal prohibition on the receipt of cash generated by marijuana-related activities creates cash-rich marijuana retail, delivery and cultivation sites that are prime targets for robberies and burglaries. This creates the very real risk of an increase in violent crime in our County and no provision has been made to increase law enforcement or prosecutorial personnel. This risk for the increase in violent crime will continue until the federal banking prohibition has been resolved by the federal government.

The indoor and outdoor commercial cultivation of marijuana has the potential for significant negative environmental impact due to the large-scale use of insecticides, fungicides, and fertilizers, both locally and regionally with runoff into the Delta and the Bay. No provision has been made for the investigation and prosecution of cultivators who become environmental polluters.

Marijuana continues to be a controlled substance under federal law. If the United States Attorney General chooses to enforce federal law in the State of California, the Counties expenditure of resources to permit Proposition 64 – related activities will have been pointless.

Proposition 64 gives local jurisdictions the authority to make decisions regarding the implementation of its measures. Contra Costa County should accept that authority and make decisions only once these significant issues have been resolved.

### **Department of Conservation and Development**

The Department of Conservation and Development, being the department responsible for overseeing land use in the County, anticipates a significant role in any cannabis regulation. Any cannabis ordinance to be considered should take into account the impacts such uses could have on the overall quality of life of the residents of the County as well as impacts such uses could have on neighboring and nearby properties. Additional consideration should be given to the additional cost in staff time to be required for

preparation, implementation and enforcement of any future cannabis ordinance.

### **Preparation of County Regulations on Cannabis**

A purpose of this workshop is to provide Board members with summary information regarding the implications, impacts and provisions of MCRSA and AUMA to inform policy decisions. A desired outcome of this workshop is for the Board to provide county staff with initial, broad direction on how to proceed in terms of preparing permanent cannabis regulations for the County or on what additional information the Board requests from staff prior to providing such direction.

For discussion purposes, staff has framed three distinct hypothetical or sample options in order to stimulate discussion. These options describe different approaches to the distinct types of cannabis uses. Because each type of use could be regulated and taxed many different ways, these sample options do not come close to exhausting the range of regulatory approaches the County could approve. Likewise, to keep sample options simple, we have not attempted to delve into detail, such as distinguishing hemp uses from consumption uses, distinguishing medical from adult uses, or of contrasting the sample options in terms of detailed conditions. Attachment 3 provides a detailed overview of the different cannabis uses as well as potential challenges and mitigation measures associated with each. That information was placed in Attachment 3 because it is so detailed, but a quick review of that information may make the below options more clear.

Sample Option 1 would be the most conservative approach and would involve the following:

#### **Sample Option 1**

Prepare an ordinance generally prohibiting all medical and non-medical cannabis related uses. This ordinance would be similar to the existing urgency interim ordinance. With this option, all cannabis related uses would be prohibited with the exception of the personal indoor cultivation of up to 6 plants as provided for in Proposition 64.

Sample Option 2, an intermediate approach, would involve the following:

#### **Sample Option 2**

Prepare an ordinance permitting the establishment of a limited number of commercial cannabis-related uses. Such an ordinance would designate the types of cannabis uses that may be permitted (and the types prohibited), designate eligible zoning districts (and perhaps other eligibility criteria such as distance from schools), include an application process, safety standards, operational standards and establish an application selection process similar to a Request for Proposal (RFP) process. The County would accept multiple applications/proposals for the establishment of commercial cannabis activities and select the most beneficial/least impactful application. This is the process used in a number of jurisdictions within the State where a cap has been placed on the number of commercial cannabis activities to be permitted. For example, Alameda County currently

allows three (3) dispensaries throughout the County and is considering expanding that amount to four (4) dispensaries and up to four (4) cultivation sites. The City of Richmond currently allows three (3) dispensaries and three (3) manufacturing facilities. The City of Richmond has no limit on the number of cultivation facilities which can be established in specific light industrial or mixed use zoning districts.

In this intermediate Sample Option 2, the following categories of commercial activities could be deemed permissible and invited to submit proposals:

- Commercial indoor or outdoor cultivation
- Manufacturing
- Distribution
- Testing

--A specific cap could be set for each category

--Staff could explore mechanisms for including a pre-defined, fixed term to the approval of the selected businesses (e.g. limit the approval to, say, 5 or 10 years)

--Categories not included in Option 2 are retail sales (dispensary), retail delivery business and microbusiness

--Cultivation for personal use could be expanded to be more permissive with this option, for example, by allowing outdoor cultivation of up to six plants.

### **Sample Option 3**

Adoption of a zoning text amendment allowing the establishment and taxation of all various cannabis related uses and expanding personal cultivation. Please find additional detail on this option below:

- In this more permissive Sample Option 3, the following categories of commercial activities could be allowed in designated zoning districts and under specified conditions:
  - Retail sales
  - Retail delivery business
  - Micro business
  - Commercial indoor or outdoor cultivation
  - Manufacturing
  - Distribution
  - Testing
- Any proposed ordinance permitting and regulating commercial cannabis activities would include adoption of significant regulations and application requirements meant to protect the health, safety and quality of life of the residents of the County.
- An annual use tax of, for example, \$10 per square foot of cultivation, could be collected and a flat tax of 2.5%-5% (or more) of gross receipts could be collected for the manufacturing and distribution operations. A tax could also be imposed on retail sales.
- Any cannabis tax would require voter approval. A special tax to secure dedicated funding for specified purposes would require a 2/3 majority. A general tax would

require a simple majority. There would be additional cost and effort to develop a measure and bring it to the voters.

- An expansion of the personal cultivation provisions of Proposition 64 could be incorporated into this approach also (e.g. outdoor personal cultivation, etc.).

### **Evaluating the Sample Options**

The anticipated pros and cons associated with the sample options are summarized in Table 2. In short, the preliminary comparison of the sample options demonstrates there may at times be tradeoffs between important goals such as facilitating legal access, minimizing substance abuse, reducing the black market, encouraging economic activity, maintaining safety and security, minimizing enforcement costs, generating revenue for services/cost recovery and ensuring public health.

An approach similar to Option 1 would maintain the current status of cannabis uses as provided for with the urgency interim ordinances, resulting in minimal staff costs for preparation of a new ordinance, likely less enforcement costs, less risk of new land use impacts, no risk of conflict with potential changes to enforcement of federal law, least facilitation of cannabis use, least facilitation of cash businesses which present a security risk and no cost recovery. An approach similar to Option 1 could be employed as a first step in a “phase-in” approach, and would be the recommended initial step if deliberation and development of regulations to permit some uses needs to extend into 2018. A benefit of a step-wise approach is that once a use is approved it can be difficult to subsequently prohibit it.

An initial approach such as Option 2 would also enable the County to proceed in a stepwise fashion and would initially permit only certain commercial uses through a request for proposals process. Based on the County’s location within the greater Bay Area, availability of underutilized agricultural/commercial/industrial space, staff believe there would be a market and suitable lands for cannabis uses such as commercial cultivation, distribution and manufacture. Uses related to retail sales have a different and perhaps more complicated set of advantages and disadvantages and would not be permitted initially but could be phased in based on an assessment of initial experience.

An initial approach such as Option 3 would enable applicants to apply for permits to establish all types of commercial cannabis uses according to yet-to-be-defined conditions and zoning restrictions and also would involve developing a potential local tax measure to generate revenue for cost recovery and services. Relative to the other sample options, Option 3 would have the best chance of curtailing black market activities, would increase oversight of health concerns related to manufacture and sales, improve access to a legal product for residents, promote economic activity and generate the most revenue.

### **Public Outreach and Engagement**

Since the approval of Proposition 64, staff has been contacted by numerous

organizations, property owners, business owners and individuals expressing interest in the County's plans for cannabis regulation. Most of the people who have contacted staff were supportive of allowing some forms of cannabis related businesses, but a few called to express concerns with potential uses.

In terms of potential business operators, staff was directly contacted by the representative of two potential business owners looking to establish a cannabis business in the unincorporated area of the County. One business owner was interested in establishing a cannabis oil extraction facility (manufacturer) on an agricultural property and the other was a property owner looking to cultivate within existing greenhouses on an agricultural property in the County. According to the business descriptions provided for each business, both operators owned property in the unincorporated area of the County and are eager to start operating if the Board decides to allow such uses.

In order to encourage public participation in this process staff created a webpage within the County's website that includes updated information on the County's progress on cannabis regulation as well as an email sign-up form where those interested in County cannabis regulation can be placed on a mailing list to be informed of future meetings or hearings. A week prior to this hearing date approximately 60 people had signed up on the email list.

Additional public outreach and involvement will be helpful as the County proceeds with formulating its cannabis policy. Various industry groups, public health advocates, property owners and any other groups or organizations that could be impacted by potential cannabis regulation will have valuable input to offer. Staff would appreciate direction from the Board on which approach(es) to public involvement the Board wishes to implement. For discussion purposes, below please find some alternative approaches (some of which could be implemented in tandem):

- Continue to have all formal discussion occur at the full Board of Supervisors meetings and continue to invite public participation.
- Direct staff to convene focused public meetings with representatives of affected constituencies.
- Convene a follow-up workshop with panelists from affected constituencies.
- Refer this matter to a standing or ad hoc committee of the Board for further detailed discussion and public involvement.
- Seek input from existing, relevant advisory committees, such as the Alcohol and Other Drugs Advisory Board, Municipal Advisory Committees and the P-Zone Committees.
- Seek input from cities.
- Continue to update County's notification list for this issue and notify interested parties of opportunities to participate in discussion of this topic.

### **Next Steps**

- Ask questions of staff

- Hear from the public
- Identify additional information to be requested from staff
- Consider providing initial preliminary guidance to staff on which approach(es) to start work on or explore further
- Consider providing direction on public outreach and engagement

### CLERK'S ADDENDUM

*Speakers: Javier Quezoda & Ilianna Inzonza, Friday Night Live; Ashley Bargaquast, Tully & Weiss Attorneys at Law; Wayne Reeves, Contra Cost County Farm Bureau; Patty Hoyt, ADAPT San Ramon Valley; Ryan Orihood, DROC; Catherine Taughinbaugh, Alcohol and Other Drugs Advisory Board; Brian Eliff, Delta Organic; Timothy Byars, resident of Concord; Rebecca Byars, resident of Concord (handout attached); Jaime Rich, ADAPT Lamorinda; Steve Mick, resident of Alamo; Eric Thomas, resident of Briones; Tom Aswad, resident of Walnut Creek; Tyson Griffin, La Corona Wellness; Eric Rehn, CCIM; Brian Mitchell, La Corona Wellness; Ricardo Munoz, resident of Brentwood; Chris Niewiarowski, resident of Martinez; Nbila Sher, Alcohol, Marijuana, Prescription Drug Coalition; Ryan Doronila, DVC Horticulture Program (book attached); Lucy Cheng; Guita Bahramipour, resident of Moraga; Jenny Jennings, Support Recovery; Joe Partansky, resident of Concord. The Department of Conservation and Development and other departments will return in mid-summer with an outline of options and additional information on the following:*

- 1. An outreach plan to hold workshops and town halls for input from the cities and unincorporated areas*
- 2. The appropriate and/or desirable areas in which to allow indoor cultivation, outdoor cultivation, manufacturing, testing, and distribution centers*
- 3. The appropriate and/or desirable location of retail dispensaries to best serve the public, particularly those with disabilities, with the support of the nearby city(s)*
- 4. The use of the tobacco ordinance as a model for regulation of sales of cannabis products and preventing access by youth*
- 5. The use of the urban farms ordinance as a model for the zoning in the siting of cannabis-related businesses*
- 6. Regulation of delivery of cannabis products to residences*
- 7. Information on models used by other areas where programs and regulations are already in place for medicinal or recreational cannabis*
- 8. Information on the cultivation of hemp or cannabis as a crop*
- 9. Information on environmentally friendly and responsible production and construction, such as the use of solar power, recycled water, and the use and management of pesticides and herbicides*
- 10. Information on revenues (taxes and fees) feasible from transactions of cannabis cultivation, testing, manufacturing, distribution and retail sales, particularly as related to funding for youth drug use prevention and treatment, and public safety services - law enforcement and fire protection*
- 11. Information and recommendations in regard to cannabis-related industry siting in the Northern Waterfront Initiative area*
- 12. Information on the handling of banking transactions and revenue collection employed in other regions*
- 13. Further information on the health effects of cannabis use*
- 14. Further information on providing public education on a) youth access b) responsible adult use*

## ATTACHMENTS

Attachment 1- Table 1: Preliminary Evaluation of Cannabis Uses

Attachment 2 - Table 2 Preliminary Evaluation of Sample Regulatory Options

Attachment 3 - Considerations for Different Cannabis Use Types

Attachment 4- Powerpoint Presentation

Attachment 5 - Contra Costa County Urgency Ordinance No. 2017-03

Attachment 6 - Contra Costa County Marijuana Ordinance

Attachment 7 - Alameda County Memo and Draft Cannabis Ordinance

Attachment 8 - Sonoma County Cannabis Ordinance

Attachment 9 - Bureau of Medical Cannabis Regulation FAQ's

Attachment 10 - CalCannabis Flyer

Attachment 11 - Colorado Health Institute Report

Attachment 12 - The Battle Over Hemp Article

Attachment 13 - Colorado Revenue Article

Attachment 14- Colorado Legalization Study 2016

# **ATTACHMENT E**

**PRELIMINARY EVALUATION OF CANNABIS USES**

**Table 1: Preliminary Evaluation of Cannabis Uses**

	PROS	CONS	COST / REVENUE IMPLICATIONS
<b>Expanded Personal Cultivation(outdoor/more)</b>	<ul style="list-style-type: none"> <li>-Reduces need for retail cannabis businesses</li> <li>-Reduces cost of use and increases individual control</li> <li>-Outdoor uses less power &amp; has fewer building risks</li> </ul>	<ul style="list-style-type: none"> <li>-Potential impacts to adjacent residents, especially odor</li> <li>-Safety/security concerns</li> <li>-Black market risk. Is more than 6 plants needed?</li> </ul>	<ul style="list-style-type: none"> <li>-No tax or grant revenue</li> <li>-Enforcement costs depend on complaints. Outdoor may generate more complaints.</li> </ul>
<b>Commercial Outdoor Cultivation</b>	<ul style="list-style-type: none"> <li>-Abundance of available agricultural land in County</li> <li>-Valuable crop; may benefit agricultural economy</li> <li>-Agricultural jobs</li> <li>-Suitable climate in County</li> <li>-Reduction of black market</li> <li>-Ability for cannabis used in County to be locally grown</li> </ul>	<ul style="list-style-type: none"> <li>-Odor Impacts</li> <li>-Visual impacts (security fencing)</li> <li>-Security Concerns (valuable crop, potential cash on hand may induce criminal activity)</li> <li>-Pesticide / water use (different than other crops?)</li> <li>-Regulation could be complex</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount could vary drastically depending on the amount of cultivation permitted in County and what types of taxes are in place.</li> <li>-Cost to regulate could be high if permitting is widespread and if illegal grow was pursued aggressively.</li> </ul>
<b>Commercial Indoor Cultivation</b>	<ul style="list-style-type: none"> <li>-Less visible and potentially more secure than outdoor</li> <li>-Year-round harvest (more revenue)</li> <li>-Increases demand for industrial buildings</li> </ul>	<ul style="list-style-type: none"> <li>-Security concerns (valuable crop / cash on hand)</li> <li>-Odor impacts (perhaps more controllable than outdoor)</li> <li>-High energy usage (mitigate w/requirement for solar?)</li> <li>-Drinking water might be used (Adequate supply? Best use?)</li> <li>-Wastewater? Challenge for sanitary districts?</li> <li>-Pesticide use (indoor use a greater risk for workers?)</li> </ul>	<ul style="list-style-type: none"> <li>- Similar to outdoor cultivation, though it seems likely the scale of outdoor cultivation could be potentially be much larger than indoor, meaning indoor may have a lower ceiling on overall enforcement costs. The difference in terms of revenue is less clear as indoor may be far more lucrative per acre and the risk of tax requirements driving activity to the black market may be higher with outdoor.</li> </ul>
<b>Manufacturing</b>	<ul style="list-style-type: none"> <li>-County has substantial industrial land and this use may be compatible with other industrial uses</li> <li>-Potential to generate significant economic activity/jobs</li> <li>-Modest space requirements (relative to cultivation)</li> <li>-Local permitting would provide improved health and safety oversight and might help curb illegal uses</li> </ul>	<ul style="list-style-type: none"> <li>-Safety hazards (some processes use volatile compounds)</li> <li>-Health/Safety concerns of products</li> <li>-Zoning and Health Ordinance may be required</li> <li>-Security concerns similar to other uses</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount would vary depending on the amount of manufacturing permitted in County and what types of taxes are in place. Potential high revenue per acre / per business.</li> <li>-Health and safety enforcement could have significant cost.</li> </ul>
<b>Testing Facility</b>	<ul style="list-style-type: none"> <li>-Emerging industry, similar benefits to manufacturing but with perhaps less economic potential &amp; fewer risks.</li> <li>-Contributes to safety of cannabis industry</li> </ul>	<ul style="list-style-type: none"> <li>-Safety/hazard issues</li> <li>-Security concerns</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to manufacturing, but probably with less revenue potential and less enforcement cost.</li> </ul>
<b>Distribution*</b>	<ul style="list-style-type: none"> <li>-Modest impacts to neighboring properties</li> <li>-County has suitable, centrally located industrial land</li> <li>-Warehousing and trucking jobs</li> </ul>	<ul style="list-style-type: none"> <li>-Security concerns (valuable crop / cash on hand)</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to manufacturing and testing, but probably with intermediate revenue potential and less enforcement cost.</li> </ul>
<b>Retail Sales</b>	<ul style="list-style-type: none"> <li>-Product made available locally. Easier / closer access.</li> <li>-Completes County supply chain</li> <li>-Potential to generate significant economic activity and retail jobs</li> <li>-Local permitting of retail would provide improved health/safety oversight and might help curb illegal uses</li> </ul>	<ul style="list-style-type: none"> <li>-Safety / security concerns (cash on hand / valuable product)</li> <li>-High profile / high traffic</li> <li>-Unsavory image/many neighborhoods may not want</li> <li>-May stimulate greater use, abuse &amp; related societal impacts.</li> <li>-Zoning and Health ordinances may be required</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount could vary drastically depending on the amount of retail permitted in County and what types of taxes are in place.</li> <li>-Cost to regulate could be high if permitting is widespread and if crime / community impacts are serious. Higher treatment costs.</li> </ul>
<b>Retail Delivery** Business</b>	<ul style="list-style-type: none"> <li>-Similar to retail sales but with less neighborhood impact/stigma</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to retail sales but impacts more distributed</li> <li>-Harder to enforce age limitations</li> </ul>	<ul style="list-style-type: none"> <li>- Similar to retail sales. Possible to recoup taxes that may otherwise be received only by those jurisdictions that do allow.</li> </ul>
<b>Micro-business***</b>	<ul style="list-style-type: none"> <li>-Encourages local "Artisan" or "Boutique" small business</li> <li>-Complete integration of business</li> </ul>	<ul style="list-style-type: none"> <li>-Impact to neighboring properties</li> <li>-Zoning and Health ordinances may be required</li> <li>-Increased cannabis exposure</li> </ul>	<ul style="list-style-type: none"> <li>-Due to the nature of "microbusinesses" the potential tax receipts generated by this type of use would be limited</li> <li>-Similar to retail/cultivation, cost to regulate could be high if widespread.</li> </ul>

\* "Distribution" as used in AUMA is a facility where wholesale cannabis is received and distributed to retail cannabis outlets such as dispensaries. Under AUMA, retail sale of cannabis is not permitted with a "distributors" license.

\*\* While the County does have the ability to prohibit or restrict the establishment of delivery businesses in the unincorporated area that deliver cannabis to customers, staff does not believe the County would have the practical ability to enforce a prohibition on actual deliveries (for instance, from a business legally established in a neighboring jurisdiction to an unincorporated area).

\*\*\* "Micro-business" under AUMA is a small retailer with a farm not exceeding 10,000 square feet and could be compared to a farm stand where products grown on a property are available for retail sale at the same property.

# **ATTACHMENT F**

PRELIMINARY EVALUATION OF  
SAMPLE REGULATORY OPTIONS

**Table 2: Preliminary Evaluation of Sample Regulatory Options**

	PROS	CONS	COST/REVENUE IMPLICATIONS
<b>Option 1 (Continued Prohibition)</b>	<ul style="list-style-type: none"> <li>-Discourages cannabis use</li> <li>-Avoid complications with federal law</li> <li>-Avoids impacts to neighboring properties that may be generated by commercial cannabis uses</li> </ul>	<ul style="list-style-type: none"> <li>-Highest potential for encouraging illicit operations</li> <li>-Difficult for residents to purchase a legal substance</li> <li>-Economic activity might happen elsewhere (in cities or other counties)</li> </ul>	<ul style="list-style-type: none"> <li>-Not eligible for state grant funds</li> <li>-No change in local tax revenue</li> <li>-Ordinance preparation and enforcement costs would be lower, though extent of need for illegal grow enforcement need would be a factor</li> <li>-Likely lower cost for substance use treatment, etc.</li> </ul>
<b>Option 2 (Limited Permitted Uses)</b>	<ul style="list-style-type: none"> <li>-Generates economic activity and jobs by focusing on those uses for which the County may have competitive assets (e.g. industrial and agricultural land) and that probably have fewer impacts</li> <li>-RFP process provides the County with most control over how many uses get established and where they get established</li> <li>-Expanding personal grow to the outside option may ameliorate power consumption and structure risks</li> </ul>	<ul style="list-style-type: none"> <li>-Somewhat facilitates cannabis use in County (which could lead to increased abuse and other societal concerns; however, without retail sales, the amount of facilitation is expected to be minor)</li> <li>-Some impacts on surrounding properties</li> <li>-Some increased security risk</li> <li>-Difficult for residents to purchase a legal substance</li> <li>-May conflict with potential changes in enforcement of federal law</li> </ul>	<ul style="list-style-type: none"> <li>-Eligible for state grant funds related to cannabis</li> <li>-Intermediate amount of tax receipts (amount would number/size of uses permitted)</li> <li>-Intermediate cost to prepare and enforcement new ordinance(s)</li> <li>-Intermediate cost for substance use treatment, etc.</li> </ul>
<b>Option 3 (Expanded Permitted Uses)</b>	<ul style="list-style-type: none"> <li>-Aggressively generates economic activity and jobs in various sectors (industrial, agricultural and retail)</li> <li>-Provides more and easier access to a legal substance for County residents and may help curb illegal uses</li> <li>--Local permitting of retail &amp; edibles manufacture would provide improved health/safety oversight</li> <li>-Expanded personal grow to include outside option enables some residents to avoid the high power consumption and structural risks of growing inside and the expanded quantity may moderate the need for retail sales</li> </ul>	<ul style="list-style-type: none"> <li>-Facilitates greater cannabis use in County (which could lead to increased abuse and other societal concerns)</li> <li>-Requires extensive regulation/enforcement</li> <li>-More impacts on surrounding properties</li> <li>-More increased security risk</li> <li>-May conflict with potential changes in enforcement of federal law</li> </ul>	<ul style="list-style-type: none"> <li>-Eligible for state grant funds related to cannabis</li> <li>-Most tax receipts (amount would depend on number/size of uses permitted and the amount of tax approved by voters)</li> <li>-Tax receipts potential difficult to determine</li> <li>-Most cost to prepare and enforce new ordinance(s) and to prepare tax measure and collect new taxes</li> <li>-Likely higher cost for substance use treatment, etc.</li> </ul>

# **ATTACHMENT G**

**CONSIDERATIONS FOR DIFFERENT  
CANNABIS USE TYPES**

## **ADDITIONAL CONSIDERATIONS FOR DIFFERENT CANNABIS USE TYPES**

### **Commercial Cultivation**

Considerations for indoor:

- Indoor grows less visible to the public. Possible for security to be tighter. If allowed, require security cameras and other measures.
- Odor/neighbor impacts better able to be mitigated. Should require carbon filters and/or other mechanisms to minimize odors.
- Water used likely to be treated, potable water. A burden on supply or infrastructure?
- Significant power for lighting would be required. Mitigate burden on electrical generation by requiring solar power to be developed to offset? Maximize skylights?
- Relatively more/better employment opps?

Considerations for outdoor:

- Outdoor grows more visible to the public. Harder for security to be tight.
- Odor/neighbor impacts may only be mitigated with siting and buffers.
- Would generally be able to rely on untreated water.
- Little or no power needs.
- Relatively fewer/worse employment opps?

Additional considerations:

- If allowed, specify eligible zoning districts – perhaps Agricultural Zoning (A- ) for outdoor; Heavy-Industrial (H-I), Light-Industrial (L-I), General Commercial (C) for indoor
- Limit size of grow (sq ft) or acreage
- Cultivation Operations plan
- Display cultivation permit
- If allowed, consider limit on # of commercial cultivation operators (no limit on outdoor?) and consider RFP selection process of operator (indoor only?).
- Pesticide and herbicide use
- Establish a 1500 feet buffer zone from schools, playgrounds, residential zoning districts, other cultivation sites, etc.
- Require all workers to be at least 21 years of age or older

### **Personal Cultivation**

Personal cultivation for medical or recreational use can be regulated under MCRSA and AUMA. Under MCRSA local jurisdictions may prohibit all cultivation of medical marijuana for personal but under AUMA local jurisdictions can adopt "reasonable" regulations for the indoor cultivation of up to six plants, by an adult over the age of 21, within a private residence, but cannot completely ban indoor cultivation.

Considerations:

- Continue provisions of urgency ordinance (which comply with the minimum requirements set by state but also include requirements for renters to have permission from property owner, etc.)
- Or, expand to allow outdoor grow under certain conditions
- Typical restrictions on outdoor personal cultivation include allowing a maximum 100 sf of canopy area, limit on # of plants, setback from property lines, height limitation (10 ft), not visible from public right of way.
- Typical restrictions on indoor cultivation include: maximum of 50 sf of anopy area, limit on # of plants (6), grow area must be locked, building code requirements for electrical system,

### **Manufacturing**

The manufacturing of cannabis and cannabis related products is a growing industry which is expected to continue growing based on the approval of Proposition 64. The processing/manufacturing of certain cannabis products is similar to the processing/manufacturing of other agricultural products. Cannabis manufacturing facilities could be permitted within agricultural zoning districts with a land use permit. Staff has been made aware of business owners interested in establishing manufacturing business in agricultural area of County.

Considerations, if allowed at all:

- Limit the # of manufactures in unincorporated areas-RFP selection process
- Could be allowed in specific zoning districts such as Light-Industrial (L-I), Heavy-Industrial (H-I), General Commercial (C)
- Establish 1500 feet buffer zones from schools, playgrounds, residential zoning districts, other cultivation sites, etc.
- Cannabinoid extraction methods –THC, CBD. Some methods may be “safer” than others in terms of Hazardous Materials. Some methods may offer “cleaner” extraction – that is less chance of contamination with pesticides, herbicides.
- Determine Occupational safety exposure level
- Product labeling/warning
- Comply with track and trace requirements
- Waste disposal plan
- Odor mitigation requirements
- Security and safety requirements (e.g. security cameras)
- Require all workers to be at least 21 years of age or older

### **Testing**

Considerations, if allowed at all:

- Place a limit on the # of testing facilities in unincorporated areas - RFP selection process
- Lab testing for THC, Pesticides etc.
- Could be allowed in specific zoning districts such as Retail-Business (R-B), Neighborhood-Business (N-B), Commercial (C)

- Establish 1500 feet buffer zones from schools, playgrounds, residential zoning districts, other cultivation sites, etc.
- Weights and Measures
- Waste disposal plan
- Security and safety requirements
- Require all workers to be at least 21 years of age or older

### **Retailing/Dispensaries**

Considerations, if allowed at all:

- Place a limit the # of retail/dispensing businesses in unincorporated areas - RFP selection process.
- Could be allowed in specific zoning districts such as Retail-Business (R-B), Neighborhood-Business (N-B), Commercial (C)
- Establish 1500 feet buffer zones from schools, playgrounds, residential zoning districts, other cultivation sites, etc.
- Odor mitigation requirements
- Security and safety requirements
- Prohibit storefront product advertising. Signage limited to place of business only.
- Restrict product sales to marijuana related products only and prohibit other food, beverage, sundries, clothing etc.
- Prohibit sale of flavored leaf/bud and flavored e juices
- Prohibit all vending sales of any and all marijuana related products.
- Prohibit on site consumption due to concerns of being “under the influence”.
- Require all workers to be at least 21 years of age or older

### **Distribution**

Considerations, if allowed at all:

- Allow limited number (2 or 3) of regional distribution facility with RFP process
- Development Agreement opportunity
- Tax on volume distributed
- Discrete markings on transport vehicle

### **Microbusiness**

- A microbusiness is a small retailer with a farm not exceeding 10,000 square feet.

Establish pilot program for microbusinesses through RFP??

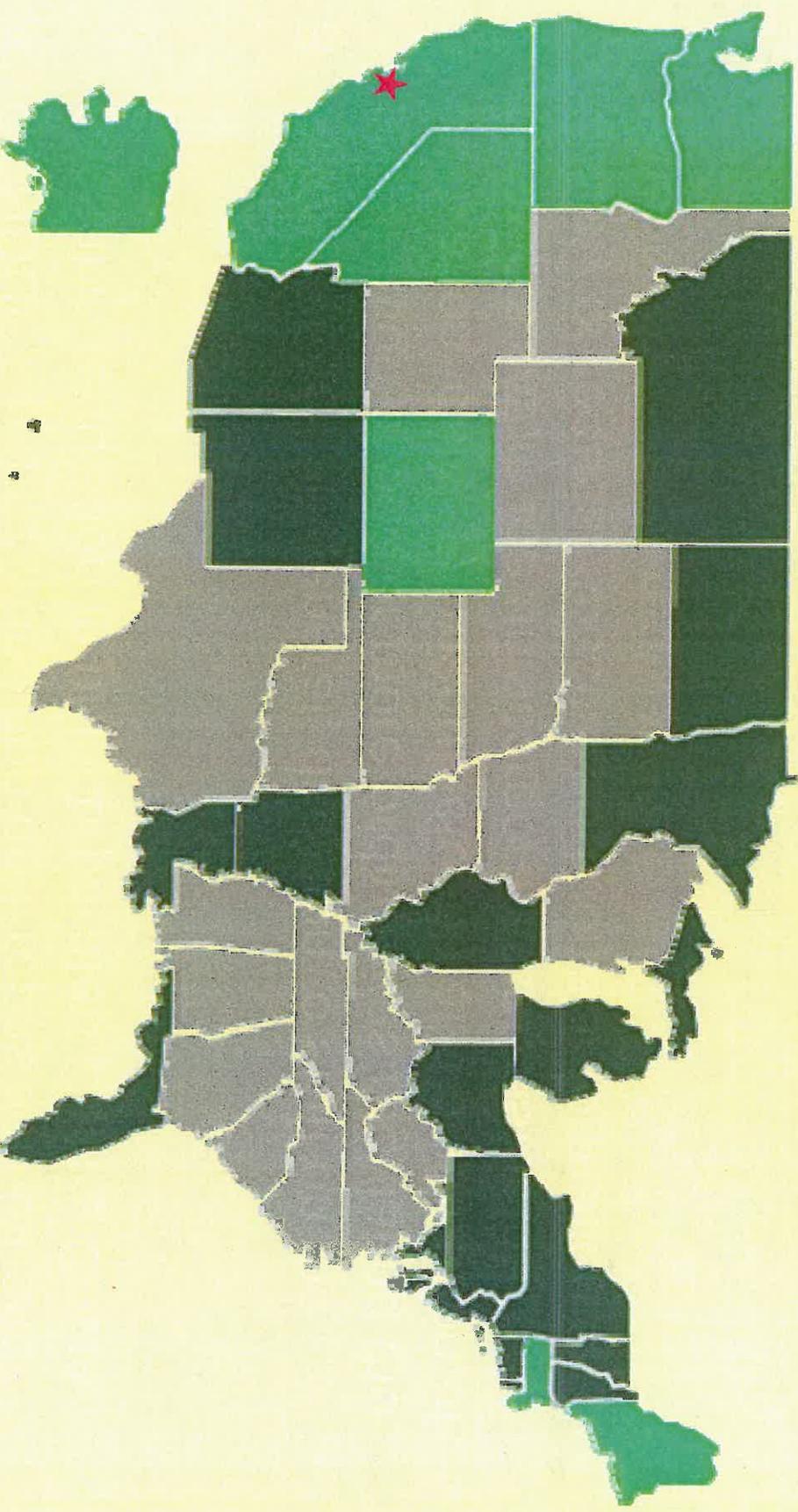
# **ATTACHMENT H**

APRIL 25, 2017

BOARD OF SUPERVISORS

POWERPOINT PRESENTATION

# Cannabis Regulation Workshop



- Medical marijuana broadly legalized
- Marijuana legalized for recreational use
- No broad laws legalizing marijuana

**Contra Costa County  
Board of Supervisors  
April 25, 2017**

# Recommendations

- A. CONDUCT public workshop on Proposition 64 and cannabis regulation in unincorporated Contra Costa County.
- B. PROVIDE initial, general, direction to staff on the preparation of one or more ordinances regulating the cultivation, delivery, manufacturing and distribution of cannabis within the unincorporated areas of the County or request specific additional information on potential cannabis regulation.

## Fiscal Impact

- Estimated cost to prepare ordinance(s) depends upon complexity and process used, but an initial estimate is \$100k-\$150k
- Costs for permitting, inspecting, code enforcement, public education, treatment programs, and administration are likely to increase, partly dependent upon what approach the County chooses
- Revenue may also increase, depending upon approach. State will pass through some of its new cannabis tax revenue as grants to local agencies that permit commercial cannabis. Increased revenue from new/existing local taxes also possible.

# Background

On January 17, 2017 the Board of Supervisors requested a workshop to discuss potential marijuana regulations, in response to voter approval of Proposition 64, to:

- Provide the Board with an opportunity to discuss potential marijuana regulation and
- Obtain input and comments from various County Departments
- Provide the Board with an update on anticipated new activities of County departments as a result of AUMA
- Hear from the public
- Provide direction to staff on general approach, additional information requested, and approach to public involvement

# Current County Cannabis Ordinances

- Ordinance #2008-05, (February 2008): Prohibited the establishment of any use that violated State or Federal law, as well as explicitly prohibiting the establishment of medical marijuana dispensaries in the unincorporated areas of the County.
- Urgency Interim Ordinance #2017-03 (January 17, 2017): The ordinance prohibited the cultivation, delivery and sale of marijuana and marijuana products until January 30, 2018 and was a continuation of two previous urgency interim ordinances.

# MEDICAL CANNABIS REGULATION AND SAFETY ACT (MCRSA)

- Precursor to Proposition 64 signed by Governor in October 2015. Established comprehensive structure for the licensing and enforcement of *medical* marijuana activities.
- Established a dual licensing system where applicants for state licenses had to provide evidence of local approval of a medical marijuana use prior to issuance of the state license.
- Permitted local control and discretion over regulation of medical marijuana uses.
- Resulted in the establishment of the State Bureau of Medical Cannabis Regulation (agency name will change to the Bureau of Marijuana Control due to the approval of Proposition 64).

# PROPOSITION 64

## (Adult Act or AUMA)

- Approved by California voters in November 2016 with 57% of the vote (the approval margin was 60% in Contra Costa County, 61% in unincorporated area).
- Legalized the recreational use of marijuana for adults over the age of 21 and provides for regulating a range of commercial activities.
- For personal use, permits the indoor cultivation of up to six plants.
- Requires the establishment of a state licensing program for the cultivation, manufacturing, testing, retailing and distribution of marijuana and marijuana related products.
- Established a dual-licensing system: local approval is a prerequisite for state licensing.
- Provides local jurisdictions with significant control over the regulation of commercial marijuana related uses.

# Potential Areas of Regulation

- Indoor/Outdoor personal cultivation of medical or recreational cannabis (Personal indoor grow of up to 6 plants must be allowed per AUMA);
- Commercial indoor/outdoor cultivation of medical or recreational cannabis;
- Commercial manufacture of medical or recreational cannabis;
- Laboratory testing of medical or recreational cannabis;
- Commercial retailing (including delivery\*) of medical or recreational cannabis;
- Commercial distribution of medical or recreational cannabis;
- Cannabis microbusiness.

# Indoor Personal Cultivation

- Proposition 64 mandates that indoor cultivation of up to six plants be allowed.
- However, reasonable restrictions may be imposed (e.g. secure location, building owner approval required for renters, compliance with building codes)



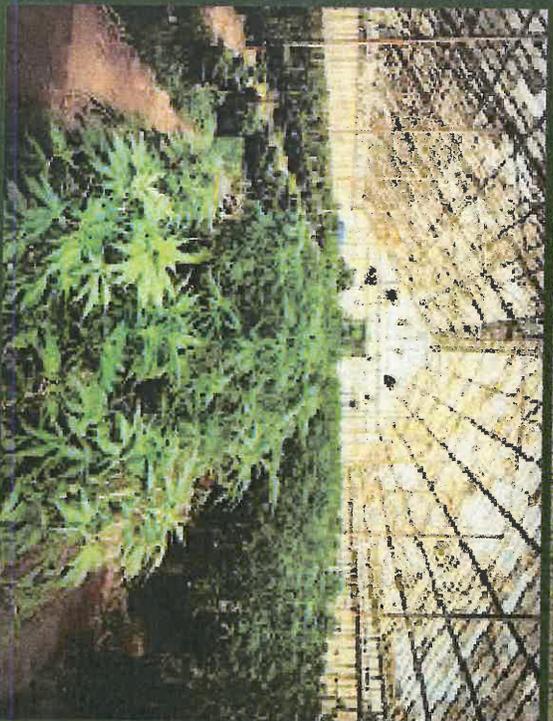
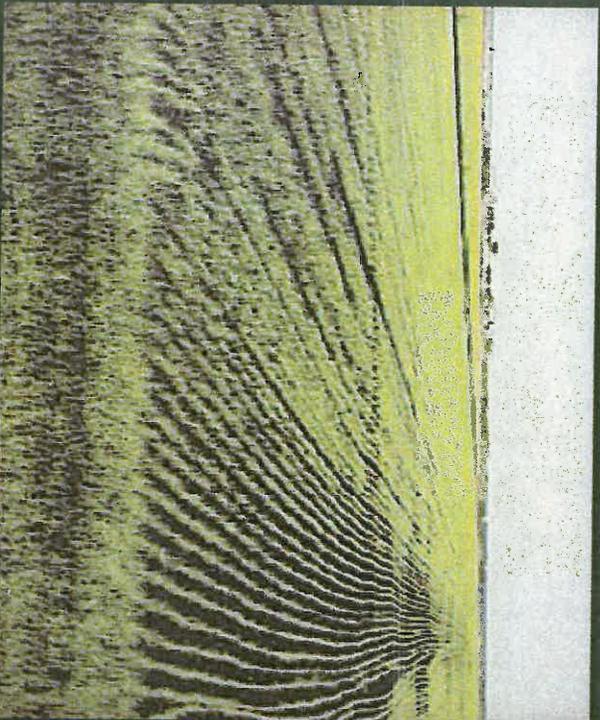
# Outdoor Personal Cultivation



- Neither permitted nor prohibited under Proposition 64
- Outdoor uses less power & has fewer building risks
- Potential impacts to adjacent residents (e.g. odor, security)

# Outdoor Commercial Cultivation

For purposes of this workshop, outdoor commercial cultivation is meant to describe various cultivation practices, including outdoor farming, greenhouses and nurseries.



# Commercial Indoor Cultivation



- Controlled growing environment
- Generally utilizes artificial lighting
- Typically established in existing commercial or industrial buildings
- Popular cultivation option due to improved security and year-round harvest

# Manufacturing



Involves preparing cannabis or its by-products for commercial retail and/or wholesale, including, but not limited, to the processes of drying, cleaning, curing, packaging, and extraction of the active ingredients of cannabis in order to create marijuana-related products and concentrates.

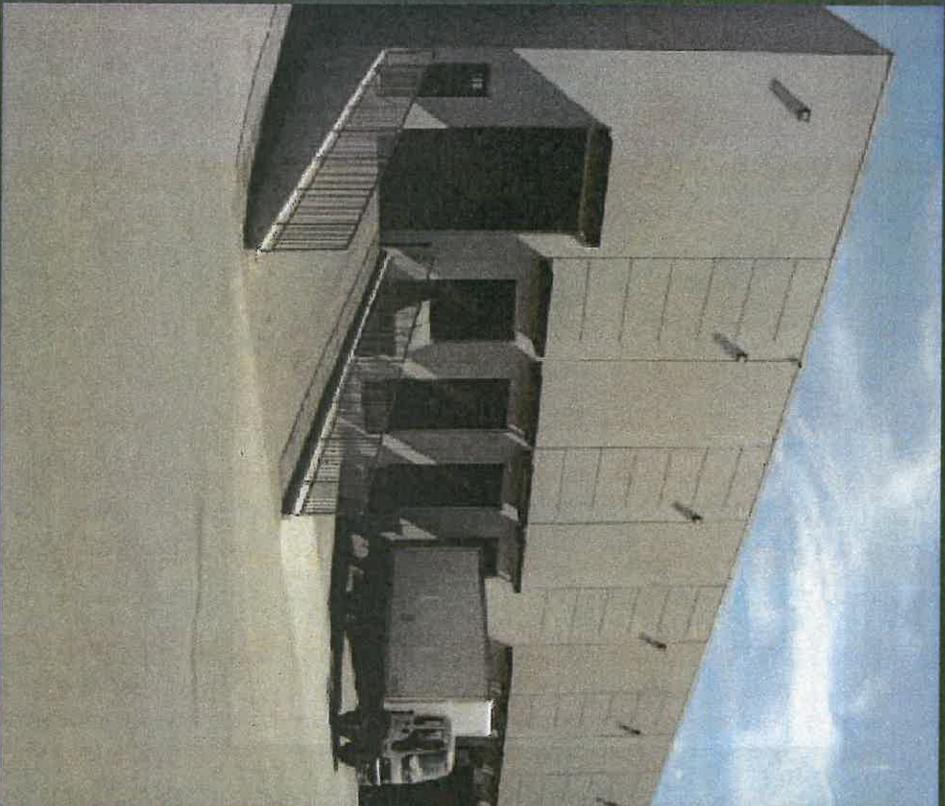


# Testing Facility for Medical or Adult-Use Cannabis

- Testing of cannabis and cannabis products for potency and pesticides is required under AUMA and MCRSA
- Testing laboratories must be accredited by independent accrediting body that is independent from all other persons involved in the medical cannabis industry in the State
- Testing laboratories must be registered with the State Department of Public Health



# Commercial Distribution of Medical or Recreational Cannabis



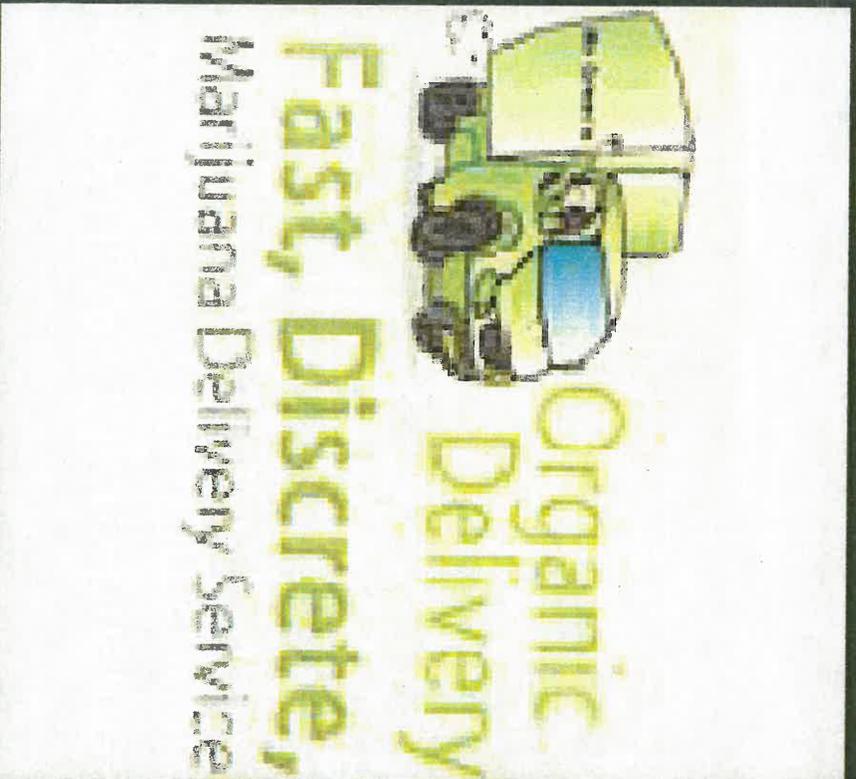
- “Distribution” as used in AUMA is a facility where wholesale cannabis is received and distributed to retail cannabis outlets such as dispensaries. Under AUMA, retail sale of cannabis is not permitted with a “distributors” license.
- Distribution facilities can purchase from licensed cultivator or manufacturer only

# Commercial Retailing of Medical or Recreational Cannabis



- Facility where cannabis, cannabis products or devices for the use of cannabis are offered for retail sale
- Possible that retail business could be cannabis-only (e.g. dispensary model) or could also sell other products

# Commercial Delivery of Medical or Recreational Cannabis



- Delivery can be made from dispensaries if permitted by local ordinance.
- Also possible to have retail delivery business that only delivers, no physical storefront.
- Direct sale from delivery vehicle not permitted

# Cannabis Micro-business

Under AUMA, Micro-business is a small retailer with a farm not exceeding 10,000 square feet and could be compared to a farm stand where products grown on a property are available for retail sale at the same property.



# Timing Considerations

## If County regs adopted before....

Regulations adopted by the County prior to January 30, 2018 can be modified thereafter to be more restrictive or permissive. However, once a cannabis use is legally established, revoking or rescinding such use could be challenging.

## State Licensing Jan 2018

If the County does not have permanent regulations in effect prior to expiration of the County's urgency interim ordinance on January 30, 2018, the State would become the sole licensing authority (unless and until County regulations were subsequently adopted).

## If County regs adopted after....

The County could adopt new regulations on commercial cannabis after January 30, 2018, but any state licensed cannabis activities or businesses established in the meantime would be "grandfathered-in" as legal non-conforming uses and could be difficult to do away with, if desired.

## Other Important Aspects of Regulation

- Medical (MCRSA) and recreational (AUMA) cannabis uses can be regulated separately or together.
- A county cannabis ordinance may impose significant health and safety requirements, location restrictions, operational requirements, environmental protections, etc.
- A limit may be placed on the number of permitted commercial cannabis uses by ordinance
- By ordinance, a selection or request for proposal (RFP) process may be established, giving the County the ability to screen and select the most qualified and thorough applicants/ applications.
- A county may impose a tax on any of the following cannabis activities: cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, and distributing.
- A tax on cannabis would be subject to voter approval.

# Impacts of New Federal Administration

- As a Schedule 1 controlled substance, possession of cannabis is a violation of federal law. The previous administration identified cannabis as a low priority and the Department of Justice decided to focus its efforts on the following priorities:
  - Distribution of marijuana to minors
  - Revenue from cannabis related businesses going to criminal enterprises
  - Distribution to other states where it is not legal under state law
  - Violence and the use of firearms in the cultivation and distribution of marijuana
  - Drugged driving and the exacerbation of other adverse public health impacts
  - Growing and or possession of marijuana on public land and federal property
- “FinCEN” has issued guidance similar to the Cole Memo to clarify Bank Secrecy Act expectations for financial institutions.
- Under the new administration, there have been some indications that the Controlled Substances Act would be strictly enforced.

# Statewide and Local Response to Proposition 64

- Many jurisdictions throughout the state have adopted urgency interim ordinances which prohibit the cultivation, sale, delivery, transportation and manufacture of cannabis and cannabis related products.
- A few jurisdictions have adopted permanent ordinances regulating and taxing personal and commercial cannabis activities. Sonoma County, and the cities of Los Angeles and San Diego all passed a cannabis tax.
- Within Contra Costa County, prior to approval of Proposition 64, the City of Richmond permitted the cultivation, dispensing, distribution, manufacturing and taxing of medical cannabis; and the City of Martinez permitted the establishment of medical cannabis dispensaries.

# Taxes Established by Proposition 64

In order to pay for the implementation, oversight and enforcement of AUMA, and to provide some funding for specific drug rehabilitation and educational grant programs, AUMA includes provisions for the taxation of recreational cannabis:

- Allows local jurisdictions the opportunity to levy additional taxes on the cultivation, sale and distribution of cannabis and cannabis related products.
- Permits a State tax on growing and an excise tax on the retail price of marijuana and marijuana products:

Activity	State Tax (per AUMA)
Growing cannabis flowers	\$9.25/oz.
Growing cannabis leaves	\$2.75/oz.
Retail of cannabis and related products	15%

# Proposition 64

## Statewide Revenue Allocation

- Starting in 2018-2019, \$10 million for grants for job placement assistance and substance use and disorder treatment in communities most affected by past drug policies. Funding for this purpose is expected to grow to \$50 million by 2022-2023.
- \$10 million annually will be allocated to study the effects of AUMA.
- \$3 million will be allocated to create and adopt methods to determine whether someone is driving while impaired, including by marijuana.
- \$2 million will be allocated annually to study the risk and benefits of medical marijuana.
- Of the remaining revenue, 60% will allocated for youth programs; 20% for cleanup and prevention of environmental damage resulting from illegal growing of marijuana and 20% for (a) programs designed to reduce driving under the influence of alcohol, marijuana and other drugs and (b) a grant program designed to reduce any potential negative impacts on public health or safety resulting from the measure
- Access to grant funding will be made available to jurisdictions that permit commercial cannabis activities and outdoor personal cultivation.

# Local Taxes

Existing state and local sales tax apply to the cultivation and sale of non-medical marijuana only. AUMA authorizes local governments to tax virtually all other commercial marijuana activities. Examples below:

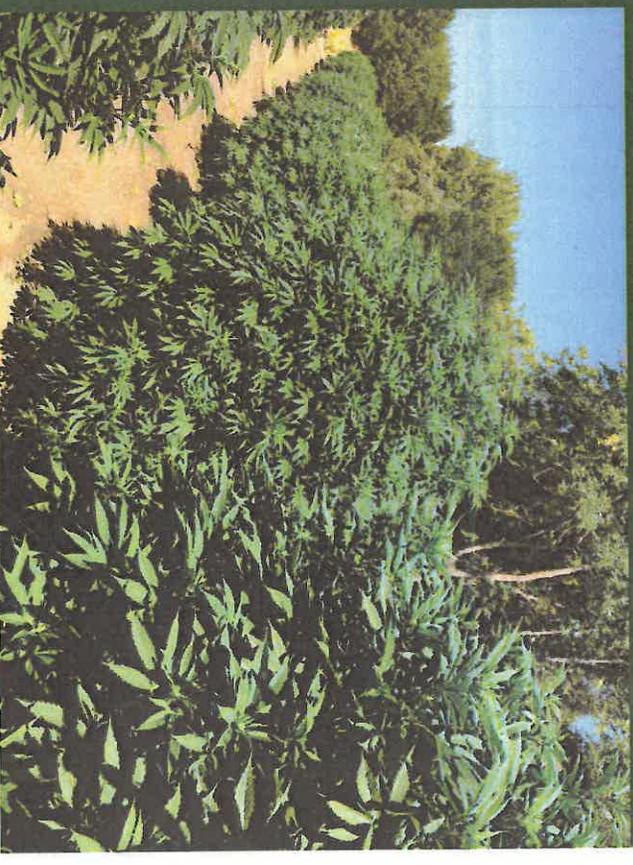
Jurisdiction	Business Tax (% per Gross Receipts)	Cultivation Tax (per square foot)
Richmond	<ul style="list-style-type: none"> <li>\$50 per \$1,000</li> </ul>	N/A
Sonoma	<ul style="list-style-type: none"> <li>Manufactures: 5% - 10%;</li> <li>Nurseries, Distributors, Transporters, Labs and Dispensaries: 0% - 10%</li> </ul>	<ul style="list-style-type: none"> <li>Outdoor: \$0.50 - \$10</li> <li>Indoor: \$1.88 - \$38</li> <li>Mixed-Light: \$1.08 - \$22</li> </ul>
San Diego	<ul style="list-style-type: none"> <li>5% current,</li> <li>Increase to 8% - 15% on 1/1/19</li> </ul>	N/A
Stockton	<ul style="list-style-type: none"> <li>Medical: \$25 per \$1,000</li> <li>Non-medical: \$100 per \$1,000</li> </ul>	N/A
Los Angeles	<ul style="list-style-type: none"> <li>Medical: \$50 per \$1,000</li> <li>Non-medical: \$100 per \$1,000</li> <li>\$10 per for transportation, testing, research</li> </ul>	<ul style="list-style-type: none"> <li>\$20 per for manufacture, cultivation, commercial activity</li> </ul>

# Code Enforcement

Has become increasingly difficult with the approval of Proposition 215 in 1996 and Proposition 64 in 2016.

Authorization and taxation of specific cannabis uses should be paired with adoption of a cannabis-specific violation and enforcement ordinance, including fines for violators and possible criminal charges for those who operate in violation of County laws.

The current process for enforcement of zoning code violations, which can provide up to two months for correction, would not be effective for illicit cannabis operations.



# Interdepartmental Coordination for Cannabis Regulation

- Four inter-departmental meetings were held to share knowledge and discuss potential impacts of cannabis regulation on County departments and their areas of responsibility.
- The knowledge, experience and counsel of the involved staff has been invaluable. Many participants have attended state-wide briefings and trainings relevant to their particular disciplines on the emerging issue of cannabis regulation and brought that new knowledge to the table.
- The staff group is capable to provide additional detailed information and analysis beyond what is contained in this staff report, which was intentionally crafted as a high level summary.
- Each department also provided a section for the staff report forecasting impacts (regardless of County approach) and summarizing input.

# Interdepartmental Coordination

- **County Administrator Office**
  - Julie Enea, Lara Delaney
- **Agriculture Department**
  - Beth Slate, Matt Slattengren, Larry Yost
- **Sheriff's Office**
  - Mike Casten
- **District Attorney's Office**
  - Mary Knox
- **Treasurer/ Tax Collector**
  - Brice Bins
- **County Counsel**
  - Thomas Geiger, Stephen Siptroth
- **Conservation and Development**
  - John Kopchik, Ruben Hernandez, Aruna Bhat
- **Health Services**
  - Daniel Peddycord, Marilyn Underwood, Fatima Matal Sol, Lisa Diemoz, Randy Sawyer, Denice Dennis
- **Probation**
  - Leshia Roth

## Comments: Office of the Sheriff

### The Office of the Sheriff anticipates:

- An increase in crimes associated with either the sales, use, or possession of marijuana. The range of crimes include driving under the influence, homicide, robbery, burglary, and aggravated assault.
- An increase in demands for enforcement of local laws and codes.

The Office of the Sheriff would like a policy that builds a collaborative effort of code enforcement inspectors, planners, county counsel, the district attorney's office, public health, health, environmental health and probation to establish land use agreements and a licensing or permitting system to insure public safety and the wellness of our community.

# Comments: Health Services

## Emergency Medical Services anticipates:

- An increase in emergency calls related to manufacturing- as well as personal use- associated intoxication, overdose, and being under the influence while operating a motor vehicle.
- An increase in burns from butane and other combustible solvents used during the extraction/manufacturing process, if permitted.
- An increase in Pediatric and Adult accidental ingestions (poisonings) associated with edibles.
- An increase in ambulance hours to meet new level of service demand.

# Comments: Health Services

## Hazardous Materials anticipates:

- An ongoing permitting and inspection role with aspects of raw material extraction and manufacturing, particularly for those businesses utilizing volatile or highly flammable solvents. The regulatory oversight would be for the handling of hazardous materials and the generation of hazardous waste as codified in State law.

## Behavioral Health anticipates:

- A surge in demand for detoxification, outpatient & residential treatment for youth and adults.
- An increased need for public information, both in regards to the hazards and warnings associated with the potential for misuse, abuse and addiction as well as information regarding treatment and ongoing therapy.
- An increase in court-ordered mandatory group educational sessions for youth who violate the provisions of their probation.

# Comments: Health Services

## Public Health anticipates:

- A role in the licensing/permitting, regulation and enforcement of commercial sales of marijuana products, similar to its current role relative to tobacco retail licensing.
- Being the key player in investigation outbreaks of clusters of illness associated with exposure to, use of and/or consumption of products containing cannabis, and public education in that regard.
- A surge in demand for Medical Marijuana ID Cards as members of the public seek to avoid taxation associated with the recreational regulatory structure.

## Environmental Health anticipates:

A substantial and ongoing role with licensing/permitting, regulatory inspections and enforcement of products sold at retail, particularly foods, beverages, cosmetics, tinctures, oils and other consumer products infused with cannabinoids.

# Comments: Treasurer-Tax Collector

If County becomes involved in collecting or accepting monies from cannabis related businesses, there are many issues and challenges associated with the federal Controlled Substances Act and the unwillingness of banks and other financial institutions to accept funds from these businesses:

- Pending legislation (AB 148) that would enable County Treasurers to collect cannabis tax revenue on behalf of the Board of Equalization.
- County assets may be in jeopardy under federal laws if collecting taxes on marijuana related businesses is approved.
- Increased costs would result due to the need for additional staffing, equipment and security (risks associated with cash-only transactions).
- Potential new business license fees for cannabis business could include; \$100 Flat Fee per Business; \$10 per Full-Time Employee; Cannabis Retailers License (Similar to Tobacco or Alcohol Retailers License).
- Potential secured property taxes for cannabis uses could include real property taxes, special taxes and assessments and *ad valorem* taxes and assessments.
- Potential unsecured taxes for cannabis uses could include business property taxes and taxes on some fixtures.

# Comments: Dept. of Agriculture

## Weights & Measures anticipates:

- A need for an inspecting weighing device used for commercial purposes, suitability of scale, type-approval, testing, and sealing.
- Price verification enforcement for products sold on shelves such as candy bars, vape/e-cig, oils, creams, baked products, and pre-packed unprocessed cannabis.
- An increase in standard inspection and testing activities.

## Agriculture anticipates:

- An increase standard pesticide permitting, inspection, testing, and complaint resolution activities.
- Additional monitoring of pesticide applications, particularly in greenhouse operations.
- Field Worker inspections for compliance with new Federal Worker Protection Standards.
- Additional investigation of pesticide exposure reports of occupational illness.

## Comments: Probation Dept.

The Probation Department supervises juveniles and adults who will be impacted by Proposition 64. Juveniles referred to Probation for illegal possession of marijuana will be required to complete a four hour evidence-based drug education program.

### Probation anticipates:

- An increase in the use of marijuana for youth in general, and more specifically at-risk youth who are in jeopardy of entering the juvenile justice system and those youth already involved in the juvenile justice system.

Prior to Proposition 64, adults on Probation Supervision were not allowed to use marijuana absent a court order allowing such. At the present time, Probation violations are not being filed for the use of marijuana unless the court specifically prohibits use of the drug.

# Comments: District Attorney

The District Attorney is recommending that the Counties' prohibition on the retail sale, delivery, cultivation and manufacture of cannabis-based products remain in effect until greater certainty regarding the future of legalized marijuana is attained.

The preparation and enforcement of ordinances required to properly regulate these activities will be extremely expensive and there is no assurance that tax revenues and fees generated from these activities will be sufficient.

Federal law prohibits the receipt of revenue derived from illegal substances by federally insured banking institutions and the County will be required to create its own secure banking system and may violate federal law by receiving that revenue.

Cash-rich commercial marijuana activities present a real risk of an increase in violent crime in our County and no provision has been made to increase law enforcement or prosecutorial personnel.

Cultivation of marijuana has the potential to degrade local waters and the Bay due to use of insecticides, fungicides, and fertilizers and no provision has been made for the investigation and prosecution of cultivators who become polluters.

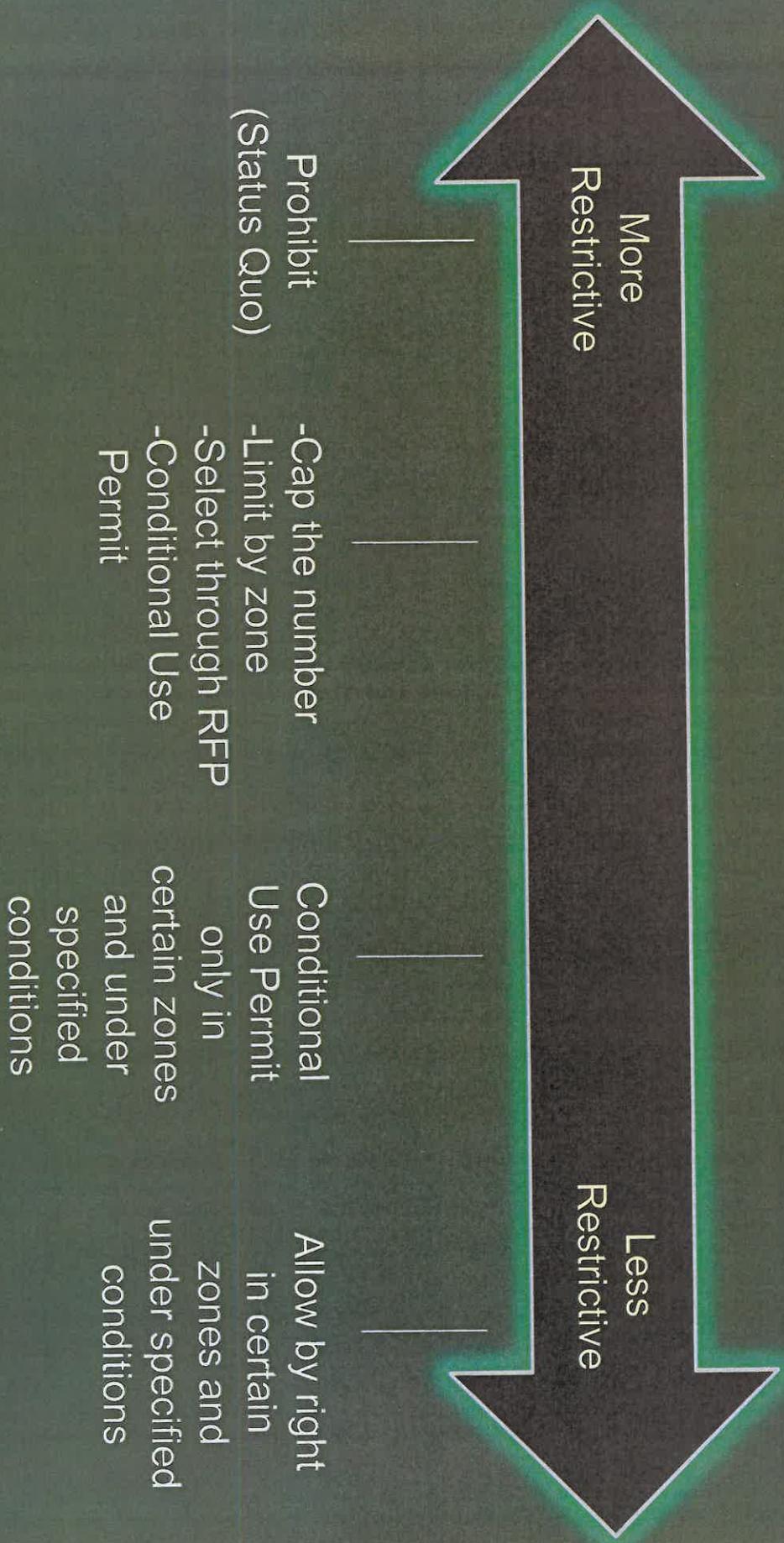
If the United States Attorney General chooses to enforce federal law in the State of California, the Counties expenditure of resources to permit Proposition 64 – related activities will have been pointless. The County should wait until these issues are resolved.

## Comments: County Administrator

The County remains committed to maintaining a drug-free workplace:

- The manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited in the workplace. Violations can lead to disciplinary action.
- An employee will not be disciplined for voluntarily requesting assistance for a substance abuse problem.
- Employees remain responsible to meet the County's performance, safety, and attendance standards.

# Spectrum of Land Use Regulatory Options



**Table 1: Preliminary Evaluation of Cannabis Uses**

	<b>PROS</b>	<b>CONS</b>	<b>COST / REVENUE IMPLICATIONS</b>
<b>Expanded Personal Cultivation(outdoor/more)</b>	<ul style="list-style-type: none"> <li>-Reduces need for retail cannabis businesses</li> <li>-Reduces cost of use and increases individual control</li> <li>-Outdoor uses less power &amp; has fewer building risks</li> </ul>	<ul style="list-style-type: none"> <li>-Potential impacts to adjacent residents, especially odor</li> <li>-Safety/security concerns</li> <li>-Black market risk. Is more than 6 plants needed?</li> </ul>	<ul style="list-style-type: none"> <li>-No tax or grant revenue</li> <li>-Enforcement costs depend on complaints. Outdoor may generate more complaints.</li> </ul>
<b>Commercial Outdoor Cultivation</b>	<ul style="list-style-type: none"> <li>-Abundance of available agricultural land in County</li> <li>-Valuable crop; may benefit agricultural economy</li> <li>-Agricultural jobs</li> <li>-Suitable climate in County</li> <li>-Reduction of black market</li> <li>-Ability for cannabis used in County to be locally grown</li> </ul>	<ul style="list-style-type: none"> <li>-Odor Impacts</li> <li>-Visual impacts (security fencing)</li> <li>-Security Concerns (valuable crop, potential cash on hand may induce criminal activity)</li> <li>-Pesticide / water use (different than other crops?)</li> <li>-Regulation could be complex</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount could vary drastically depending on the amount of cultivation permitted in County and what types of taxes are in place.</li> <li>-Cost to regulate could be high if permitting is widespread and if illegal grow was pursued aggressively.</li> </ul>
<b>Commercial Indoor Cultivation</b>	<ul style="list-style-type: none"> <li>-Less visible and potentially more secure than outdoor</li> <li>-Year-round harvest (more revenue)</li> <li>-Increases demand for industrial buildings</li> </ul>	<ul style="list-style-type: none"> <li>-Security concerns (valuable crop / cash on hand)</li> <li>-Odor impacts (perhaps more controllable than outdoor)</li> <li>-High energy usage (mitigate w/requirement for solar?)</li> <li>-Drinking water might be used (Adequate supply? Best use?)</li> <li>-Wastewater? Challenge for sanitary districts?</li> <li>-Pesticide use (indoor use a greater risk for workers?)</li> </ul>	<ul style="list-style-type: none"> <li>- Similar to outdoor cultivation, though it seems likely the scale of outdoor cultivation could be potentially be much larger than indoor, meaning indoor may have a lower ceiling on overall enforcement costs. The difference in terms of revenue is less clear as indoor may be far more lucrative per acre and the risk of tax requirements driving activity to the black market may be higher with outdoor.</li> </ul>
<b>Manufacturing</b>	<ul style="list-style-type: none"> <li>-County has substantial industrial land and this use may be compatible with other industrial uses</li> <li>-Potential to generate significant economic activity/jobs</li> <li>-Modest space requirements (relative to cultivation)</li> <li>-Local permitting would provide improved health and safety oversight and might help curb illegal uses</li> </ul>	<ul style="list-style-type: none"> <li>-Safety hazards (some processes use volatile compounds)</li> <li>-Health/Safety concerns of products</li> <li>-Zoning and Health Ordinance may be required</li> <li>-Security concerns similar to other uses</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount would vary depending on the amount of manufacturing permitted in County and what types of taxes are in place. Potential high revenue per acre / per business.</li> <li>-Health and safety enforcement could have significant cost.</li> </ul>
<b>Testing Facility</b>	<ul style="list-style-type: none"> <li>-Emerging industry, similar benefits to manufacturing but with perhaps less economic potential &amp; fewer risks.</li> <li>-Contributes to safety of cannabis industry</li> </ul>	<ul style="list-style-type: none"> <li>-Safety/hazard issues</li> <li>-Security concerns</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to manufacturing, but probably with less revenue potential and less enforcement cost.</li> </ul>
<b>Distribution*</b>	<ul style="list-style-type: none"> <li>-Modest impacts to neighboring properties</li> <li>-County has suitable, centrally located industrial land</li> <li>-Warehousing and trucking jobs</li> </ul>	<ul style="list-style-type: none"> <li>-Security concerns (valuable crop / cash on hand)</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to manufacturing and testing, but probably with intermediate revenue potential and less enforcement cost.</li> </ul>
<b>Retail Sales</b>	<ul style="list-style-type: none"> <li>-Product made available locally. Easier / closer access.</li> <li>-Completes County supply chain</li> <li>-Potential to generate significant economic activity and retail jobs</li> <li>-Local permitting of retail would provide improved health/safety oversight and might help curb illegal uses</li> </ul>	<ul style="list-style-type: none"> <li>-Safety / security concerns (cash on hand / valuable product)</li> <li>-High profile / high traffic</li> <li>-Unsavory image/many neighborhoods may not want</li> <li>-May stimulate greater use, abuse &amp; related societal impacts.</li> <li>-Zoning and Health ordinances may be required</li> </ul>	<ul style="list-style-type: none"> <li>-Tax &amp; grant receipts possible. Amount could vary drastically depending on the amount of retail permitted in County and what types of taxes are in place.</li> <li>-Cost to regulate could be high if permitting is widespread and if crime / community impacts are serious. Higher treatment costs.</li> </ul>
<b>Retail Delivery** Business</b>	<ul style="list-style-type: none"> <li>-Similar to retail sales but with less neighborhood impact/ stigma</li> </ul>	<ul style="list-style-type: none"> <li>-Similar to retail sales but impacts more distributed</li> <li>-Harder to enforce age limitations</li> </ul>	<ul style="list-style-type: none"> <li>- Similar to retail sales. Possible to recoup taxes that may otherwise be received only by those jurisdictions that do allow.</li> </ul>
<b>Micro-business***</b>	<ul style="list-style-type: none"> <li>-Encourages local "Artisan" or "Boutique" small business</li> <li>-Complete integration of business</li> </ul>	<ul style="list-style-type: none"> <li>-Impact to neighboring properties</li> <li>-Zoning and Health ordinances may be required</li> <li>-Increased cannabis exposure</li> </ul>	<ul style="list-style-type: none"> <li>-Due to the nature of "microbusinesses" the potential tax receipts generated by this type of use would be limited</li> <li>-Similar to retail/cultivation, cost to regulate could be high if widespread.</li> </ul>

\* "Distribution" as used in AUMA is a facility where wholesale cannabis is received and distributed to retail cannabis outlets such as dispensaries. Under AUMA, retail sale of cannabis is not permitted with a "distributors" license.

\*\* While the County does have the ability to prohibit or restrict the establishment of delivery businesses in the unincorporated area that deliver cannabis to customers, staff does not believe the County would have the practical ability to enforce a prohibition on actual deliveries (for instance, from a business legally established in a neighboring jurisdiction to an unincorporated area).

\*\*\* "Micro-business" under AUMA is a small retailer with a farm not exceeding 10,000 square feet and could be compared to a farm stand where products grown on a property are available for retail sale at the same property.

# Comparing Cannabis Land Uses

Generally less impacts to address

- Indoor personal cultivation, (must allow up to 6 plants per AUMA)
- Outdoor personal cultivation
- Indoor commercial cultivation
- Outdoor commercial cultivation
- Distribution
- Retail delivery business\* (probably unable to prohibit deliveries from being made within unincorporated area if the business is permitted elsewhere)
- Manufacturing\*
- Retail sales\*

\*Health Department recommends an additional local permit for these uses be required to protect public health

Generally more potential to generate economic activity

# REVENUE OPTIONS AND CONSIDERATIONS

## Prohibit commercial cannabis uses

- Not eligible for state cannabis funds
- No increase in local revenues

## Permit commercial uses

- Eligible for state cannabis funds
- Potential (likely minor) increase in local sales and property tax

## Permit commercial uses and develop additional cost recovery

- Eligible for state cannabis funds
- Potential (likely minor) increase in local sales and property tax
- Develop additional cost recovery measures such as fees to cover additional services (needs further study)

## Permit commercial uses and voters approve local excise tax

- Eligible for state cannabis funds
- Potential (likely minor) increase in local sales and property tax
- Excise tax revenue used for general or specified purpose

More revenue

Generally less costs (enforcement, admin., treatment)

# Developing Cannabis Regulations: Sample Options

- Staff has framed three distinct hypothetical or sample options in order to stimulate discussion.
- These options describe different approaches to the distinct types of cannabis uses, but do not come close to exhausting the range of regulatory approaches.
- The sample options are simple. They do not distinguish:
  - hemp uses from consumption uses
  - medical from adult uses
  - specific safety, location or health requirements

## Sample Option 1: Status Quo / Most Restrictive

- Generally prohibit all medical and non-medical cannabis related uses, similar to the existing urgency interim ordinance.
- With this option, all cannabis related uses would be prohibited with the exception of the personal indoor cultivation of up to 6 plants as provided for in Proposition 64.

## Sample Option 2: Limited Commercial, No Retail

- Permit the establishment of commercial cannabis-related uses, limited by type and zone:
  - Commercial indoor or outdoor cultivation
  - Manufacturing
  - Distribution
  - Testing
- No retail sales, retail delivery business or microbusiness
- Cap the number of uses and select through a Request for Proposal process
- Explore mechanisms for including a pre-defined, fixed term to the approval (e.g. limit the approval to, say, 5 or 10 years)
- Develop additional cost recovery measures such as fees to cover additional services (needs further study)
- Expand cultivation for personal use to allow outdoor cultivation of up to six plants.

## Sample Option 3: Commercial and Retail

- Allow the establishment and taxation of various cannabis related uses (*cultivation, manufacturing, testing, distribution, retail, retail delivery, microbusiness*) within specifically identified zoning districts and subject to specified conditions.
- Adoption of significant regulations and application requirements meant to protect the health, safety and quality of life of the residents of the County.
- Expand the personal cultivation provisions to include outdoor and more than 6 plants
- Taxation to cover costs of additional County services and community impacts. Any cannabis tax would require voter approval. A special tax to secure dedicated funding for specified purposes would require a 2/3 majority. A general tax would require a simple majority. There would be significant costs to develop a measure and bring it to the voters.

# Summary of Options

Commercial Cannabis Uses	Prohibit	Select Through RFP	Conditional Use Permit	Allow by Right
<ul style="list-style-type: none"> <li>Indoor or Outdoor Cultivation</li> <li>Manufacturing</li> <li>Testing</li> <li>Distribution</li> <li>Retail Delivery Business</li> <li>Microbusiness</li> <li>Retail Sales</li> </ul>	Option 1	Option 2	Option 3	
	Option 1 & 2		Option 3	
				Option 3

Personal Grow Limitations	Up to 6 plants indoor	Up to 6 plants indoor or outdoor	More than 6 plants indoor or outdoor
	Option 1	Option 2	Option 3

Revenue	None	Eligible for state grants/potential for more sales & property tax	Additional cost recovery/fees	Voter approval of excise taxes
	Option 1	Option 2	Option 2	Option 3

## Evaluating the Sample Options

Tradeoffs between important goals such as:

- facilitating legal access,
- minimizing substance abuse,
- reducing the black market,
- encouraging economic activity,
- maintaining safety and security,
- minimizing enforcement costs,
- generating revenue for services/cost recovery
- public health assurances

**Table 2: Preliminary Evaluation of Sample Regulatory Options**

	PROS	CONS	COST/REVENUE IMPLICATIONS
<p><b>Option 1</b> <b>(Continued Prohibition)</b></p>	<ul style="list-style-type: none"> <li>-Discourages cannabis use</li> <li>-Avoid complications with federal law</li> <li>-Avoids impacts to neighboring properties that may be generated by commercial cannabis uses</li> </ul>	<ul style="list-style-type: none"> <li>-Highest potential for encouraging illicit operations</li> <li>-Difficult for residents to purchase a legal substance</li> <li>-Economic activity might happen elsewhere (in cities or other counties)</li> </ul>	<ul style="list-style-type: none"> <li>-Not eligible for state grant funds</li> <li>-No change in local tax revenue</li> <li>-Ordinance preparation and enforcement costs would be lower, though extent of need for illegal grow enforcement need would be a factor</li> <li>-Likely lower cost for substance use treatment, etc.</li> </ul>
<p><b>Option 2</b> <b>(Limited Permitted Uses)</b></p>	<ul style="list-style-type: none"> <li>-Generates economic activity and jobs by focusing on those uses for which the County may have competitive assets (e.g. industrial and agricultural land) and that probably have fewer impacts</li> <li>-RFP process provides the County with most control over how many uses get established and where they get established</li> <li>-Expanding personal grow to the outside option may ameliorate power consumption and structure risks</li> </ul>	<ul style="list-style-type: none"> <li>-Somewhat facilitates cannabis use in County (which could lead to increased abuse and other societal concerns; however, without retail sales, the amount of facilitation is expected to be minor)</li> <li>-Some impacts on surrounding properties</li> <li>-Some increased security risk</li> <li>-Difficult for residents to purchase a legal substance</li> <li>-May conflict with potential changes in enforcement of federal law</li> </ul>	<ul style="list-style-type: none"> <li>-Eligible for state grant funds related to cannabis</li> <li>-Intermediate amount of tax receipts (amount would number/size of uses permitted)</li> <li>-Intermediate cost to prepare and enforcement new ordinance(s)</li> <li>-Intermediate cost for substance use treatment, etc.</li> </ul>
<p><b>Option 3</b> <b>(Expanded Permitted Uses)</b></p>	<ul style="list-style-type: none"> <li>-Aggressively generates economic activity and jobs in various sectors (industrial, agricultural and retail)</li> <li>-Provides more and easier access to a legal substance for County residents and may help curb illegal uses</li> <li>--Local permitting of retail &amp; edibles manufacture would provide improved health/safety oversight</li> <li>-Expanded personal grow to include outside option enables some residents to avoid the high power consumption and structural risks of growing inside and the expanded quantity may moderate the need for retail sales</li> </ul>	<ul style="list-style-type: none"> <li>-Facilitates greater cannabis use in County (which could lead to increased abuse and other societal concerns)</li> <li>-Requires extensive regulation/enforcement</li> <li>-More impacts on surrounding properties</li> <li>-More increased security risk</li> <li>-May conflict with potential changes in enforcement of federal law</li> </ul>	<ul style="list-style-type: none"> <li>-Eligible for state grant funds related to cannabis</li> <li>-Most tax receipts (amount would depend on number/size of uses permitted and the amount of tax approved by voters)</li> <li>-Tax receipts potential difficult to determine</li> <li>-Most cost to prepare and enforce new ordinance(s) and to prepare tax measure and collect new taxes</li> <li>-Likely higher cost for substance use treatment, etc.</li> </ul>

# Public Outreach and Engagement

- Many inquiries by organizations, property owners, business owners and individuals expressing interest in the County's plans for cannabis regulation.
- Inquiries by representatives of two potential business owners looking to establish a cannabis business in the unincorporated area of the County:
  - a cannabis oil extraction facility (manufacturer) on an agricultural property
  - cultivation on an agricultural property in the County.
- Staff has initiated the outreach process with the establishment of an on-line form within the Department of Conservation's webpage, where those interested in County cannabis regulation can be placed on a mailing list to be informed of future meetings or hearings.

# Public Outreach Options

Part of the process of preparing a permanent cannabis ordinance should involve some public outreach as well as outreach to the various industry groups, stakeholders, property owners and any other groups or organizations that could be impacted by potential cannabis regulation.

- Continue to have all formal discussion occur at the full Board of Supervisors meetings and continue to invite public participation.
- Direct staff to convene focused public meetings with representatives of affected constituencies.
- Convene a follow-up workshop with panelists from affected constituencies.
- Refer this matter to a standing or ad hoc committee of the Board for further detailed discussion and public involvement.
- Refer this matter to the Alcohol and Other Drugs Advisory Committee for discussion and input

## Recommended Next Steps

- Ask questions of staff panel
- Hear from the public
- Identify additional information to be requested from staff
- Consider providing initial preliminary guidance to staff on which approach(es) to start work on or explore further
- Consider providing direction on public outreach and engagement

# **ATTACHMENT I**

**JULY 18, 2017**

**DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
BOARD ORDER**



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: July 18, 2017

Subject: Report on Preliminary Regulatory Framework and Options for Cannabis uses within the Unincorporated  
Contra Costa County

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**RECOMMENDATION(S):**

1. ACCEPT report on the preliminary framework and options for cannabis regulation within unincorporated areas of the County;
2. PROVIDE direction to staff to develop land use and health ordinances;
3. PROVIDE direction to staff on the approach to public outreach on this matter including methods and timing;
4. DIRECT the Department of Conservation and Development to prepare an ordinance that would prohibit the establishment of certain cannabis-related uses until an ordinance to regulate the cultivation, delivery, manufacturing, and dispensing of medical and recreation cannabis is completed.

**FISCAL IMPACT:**

Adoption of a cannabis ordinance, in conjunction with a cannabis tax measure presented to

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APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 07/18/2017  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 18, 2017

Contact: Ruben  
Hernandez (925) 674-7785

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

voters of the County, would result in additional revenue for the County and would also result in increased costs through increased demand for certain services. Additionally, adoption of a County cannabis ordinance that includes provisions for commercial cannabis uses as well as outdoor cultivation for personal use would make the County eligible for specific State grant funding to assist with law enforcement, fire protection, or other County programs addressing public health and safety

## FISCAL IMPACT: (CONT'D)

associated with the implementation of the California Adult Use of Marijuana Act (AUMA).

Estimated staff cost of preparing one or more ordinances to regulate and permit commercial cannabis and other provisions is expected to be within the \$100,000 - \$150,000 range but could be higher or lower depending upon the amount of additional research required, the complexity of regulatory approach chosen and the type and duration of the public process. Preparation of a ballot measure to adopt a Countywide cannabis tax would incur additional cost. Enforcement cost would vary with the regulatory approach chosen, which cannot be estimated at this time, but could be significant.

## BACKGROUND:

### I. INTRODUCTION

On April 25, 2017 the Board of Supervisors held a public workshop on Proposition 64 and potential cannabis regulation for the County. County staff from the Department of Conservation and Development, Health Department, Sheriff's Office, District Attorney, County Counsel, Department of Agriculture, Treasurer Tax Collector, Probation Department and the County Administrators Office were present to answer any questions of the Board.

After accepting public comments, the Board members discussed issues and concerns related to Proposition 64 and cannabis regulation and questioned staff on various aspects of potential regulations for the County. Upon conclusion of the discussion, the Board provided staff with general direction and guidance for the preparation of County wide cannabis regulations. The Board requested that staff return with an initial outline of potential regulations related to commercial cannabis land uses, personal cultivation and health protection.

Staff from multiple departments have been approaching this through four focused but coordinated work areas: land use regulation, health regulation, public outreach and taxation. The first three areas are discussed in this report and taxation is discussed in a separate report for the July 18th meeting from the County Administrator.

In preparing the regulatory framework and options presented herein, staff utilized the input received at the April 25, 2017 Board workshop, as well as input from various County Departments and members of the public. Staff suggests the following draft principles to guide development of the County's regulatory approach:

- **Health and Safety**: The local regulatory framework should ensure that cannabis cultivation, distribution, manufacturing, testing and retail will not have an adverse

impact on the health and safety of the people of Contra Costa County.

- **Access**: The local regulatory framework should, to the extent possible, provide the residents of Contra Costa County equitable access to medical and recreational cannabis and cannabis products and keep economic activity related to medical and recreational cannabis in the County.
- **Revenue**: The local regulatory framework should permit the establishment of safe and secure commercial cannabis businesses that would result in the collection of taxes which could be used to provide a source of revenue for the County which could be used for drug prevention and recovery programs, responsible use programs, law enforcement, fire protection and other Board priorities.
- **Environmental Protection**: The local regulatory framework should include conditions and requirements that protect the environment and promote conservation of valuable resources such as land, water and energy.
- **Security**: The local regulatory framework should include required security measures for all cannabis uses that prevent cannabis and cannabis products from getting into the hands of minors and that protect the safety and well-being of neighborhoods and commercial cannabis employees and customers.
- **Outreach/Community Involvement**: Public participation in the process of developing the County's local regulatory framework should be encouraged. Input from community organizations, advisory councils, neighborhood groups, youth and homeless organizations should be solicited throughout the process.
- **Economic Stimulation**: The local regulatory framework should promote economic activity by encouraging the use of underutilized land and buildings within the County and should promote job growth for residents within Contra Costa County including creating job opportunities for residents having a difficult time re-entering the workforce.
- **Equity of Opportunity**: The County's local regulatory framework should encourage the spirit of entrepreneurship within the County and promote the establishment of safe, responsible successful commercial cannabis businesses, both large and small. The establishment of non-profit, co-ops, women and minority owned small businesses shall be encouraged and promoted with the ordinance.
- **Compatibility with AUMA**: The County's local regulatory framework shall be consistent with the provisions of the California Adult Use of Marijuana Act (AUMA) and should work in conjunction with state law in order to ensure that the commercial success of cannabis growers and producers from Contra Costa County.

## **II. LAND USE PERMITTING PROCESS**

Staff offers the following general recommendations and observations related to cannabis land use regulation for Board consideration.

### **a. Land Use Permit**

Prior to the establishment of any commercial cannabis use, approval of a land use permit is recommended. The land use permit process involves submittal of an application, public notification and a public hearing prior to approval. Land use permits are discretionary entitlements that may be approved or denied and are subject to various State and County standards in terms of the application process, review process and final determination. Decisions on a land use permit are made by the County Zoning Administrator, County Planning Commission or Board of Supervisors. In order for a hearing body to approve a land use permit specific land use permit findings must be made. All land use permit applications are also subject to the provisions of the California Environmental Quality Act (CEQA) in order to determine potential environmental impacts of the project, if any.

### **b. Standard Requirements and Conditions of Approval**

Since the Board is still in the process of determining the overall direction of cannabis regulations, at this point staff has focused on identifying the appropriate zoning districts for the various cannabis related uses. Moving forward, a key component of the actual ordinance will be the incorporation of specific security and safety measures and well as operating conditions for each of the cannabis related uses. It is anticipated that the zoning ordinance will set minimum standards and individual land use permits will set site-specific conditions. Staff has prepared preliminary thoughts on potential standards and conditions and included these in Attachment B.

### **c. Buffer Zones**

In order to protect sensitive receptors from exposure to cannabis and cannabis related uses, buffer zones from sensitive receptors are recommended for specific cannabis uses. The proposed buffer zones could be consistent with the County's tobacco control ordinances, which require a 1,000-foot buffer from schools, parks, playgrounds and libraries for new tobacco retailers and a 500-foot buffer between tobacco retailers. Other buffers could also be considered, including adding drug treatment centers to the sites to be buffered, using larger or smaller buffers or varying the buffers by cannabis use. Buffered discussed further below in Section III.

### **d. Potential Limits on the Number of Specific Commercial Establishments and Request For Proposals (RFP) Process**

Setting a cap on the number of certain types of commercial cannabis establishments that could be issued a land use permit is an option to consider. A Request For Proposals (RFP) process to select the applications eligible for permitting is also an option. Retail sales is probably the category of commercial use where such an approach may be most useful as such uses may be the most sensitive to site. Other jurisdictions, such as Alameda County are considering this approach. The Board may also wish to set duration limits on some or all permits.

#### **e. Timing Considerations**

Staff recommends that the Board authorize staff to prepare a land use ordinance to continue the restrictions currently in place as a result of urgency interim ordinance 2017-03. The urgency interim ordinance expires on January 30, 2018. If the County's comprehensive ordinance to permit and regulate cannabis is not effect by that time, it is possible that commercial uses could be established without County approval and such uses would then be grandfathered in. Given the complexity of the topic, the need for a careful deliberative process, as well as the need for environmental review, staff believes it would be prudent to begin to develop a simple ordinance to continue the current restrictions beyond January 30, 2018 and until such time as the County's ordinance to permit and regulate cannabis can take effect. Such ordinance would be reviewed by the Planning Commission before coming to the Board.

In addition, the County should consider coordinating the timing of a new ordinance to permit and regulate cannabis uses with the timing of any potential tax measure. This issue is also discussed in the report on taxation. The Board may wish to make regulations that would permit commercial uses contingent upon passage by the voters of a tax measure.

### **III. PRELIMINARY ZONING MAPS FOR COMMERCIAL CANNABIS USES**

One of the major considerations in preparing the proposed cannabis regulation framework and options was identifying the appropriate zoning districts where each of the specific commercial cannabis related uses could be established. After evaluating and analyzing each of the types of commercial cannabis uses, staff began the process of identifying the zoning districts that were most appropriate and compatible for each of the uses. In identifying the most appropriate and compatible zoning districts, staff also took into consideration the direction of the Board as provided at the April 25, 2017 cannabis workshop meeting.

Once potentially suitable zoning districts were identified for each of the specific commercial cannabis uses, staff initiated the process of preparing preliminary zoning maps identifying the areas where each of the specific uses could be established based on zoning and the buffer zones as discussed elsewhere in this board order.

Attachment A to this Board Order provides a brief staff analysis of the suitable zoning

districts and buffer zones for each of the commercial cannabis uses. Attachment A also includes zoning analysis maps that identify the areas where each of the specific commercial cannabis uses could be established (with a land use permit) based on the suitable zoning district and buffer areas. A range of options is presented for each use category.

The zoning maps found in Attachment A identify parcels that meet the zoning and buffer criteria of the preliminary zoning framework as presented to the Board today and should be viewed with some reservations. Simply because a parcel is shown on the map as a parcel that meets the preliminary zoning and buffer requirements does not mean that the identified commercial cannabis use could or would be established on any of the identified parcels, since the maps provide no analysis of the existing uses on each parcel, the surrounding uses, the parcel size, etc. These, and numerous other considerations, would be taken into account during the land use permit process and applications in eligible areas could be rejected.

#### **IV. PERSONAL CULTIVATION**

##### **a. Indoor Cultivation for Personal Use**

Proposition 64 authorizes adults over the age of 21 to cultivate, for personal use, up to six (6) cannabis plants per residence, indoors, within a private residence. Proposition 64 does authorize local jurisdictions to place “reasonable” restrictions on the indoor cultivation for personal use, but it cannot be prohibited entirely. Indoor personal cultivation as authorized by Proposition 64 can occur within any private residence in any zoning district.

The urgency interim ordinances adopted by the Board to prohibit the cultivation, delivery and sale of cannabis and cannabis related products included conditions for the indoor personal cultivation of cannabis that are consistent with Proposition 64. The conditions on personal indoor cultivation found in the County's urgency interim ordinances are recommended to be continued in future regulations. The conditions include:

- i. A maximum of six (6) cannabis plants per residence for personal use may be cultivated indoors.**
- ii. The residence, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.**
- iii. All living marijuana plants, and all marijuana in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other**

place accessible to the public.

**iv. The residence must be lawfully occupied by the person who cultivates the marijuana plants within the residence. If the residence is not owner-occupied, written permission from the owner of the residence must be obtained before marijuana plants may be cultivated.**

**b. Outdoor Cultivation for Personal Use**

Proposition 64 authorizes local jurisdictions the ability to prohibit or regulate the outdoor cultivation of cannabis for personal use. Although outdoor cultivation for personal use may be prohibited, Proposition 64 includes a provision that would deny local jurisdictions access to specific cannabis related grant funding if outdoor personal cultivation is completely prohibited [Revenue and Taxation Code Section 34019(f)(3)(C)].

In order to ensure access to specific cannabis-related grant funding, the proposed cannabis regulations could include provisions permitting the limited outdoor cultivation of cannabis for personal use. Outdoor personal cultivation has potential benefits and disadvantages. Growing outdoors would conserve energy and avoid potential strains on residential structures, but it would also potentially have odor and security implications. Based on similar limitations placed on personal outdoor cultivation in other jurisdictions, the limitations on personal outdoor cultivation could include:

- i. A limit of four (4) mature plants may be grown outdoor for personal use (6 plants total per residence)**
- ii. Plants must be located behind the residence and not visible from any street or roadway or public area.**
- iii. Plants cannot be located closer than 10-feet from any property line.**
- iv. Plants shall not exceed 6-feet in height at any time.**

**V. HEALTH CONSIDERATIONS AND RECOMMENDATIONS FOR A COUNTY HEALTH ORDINANCE**

The Health Services Department recommends that a separate County health ordinance be developed and adopted, particularly if commercial uses such as cannabis retail and manufacturing are allowed. The Health Services Department has prepared a report on health considerations, parts of which outlines key potential provisions of a health ordinance. That report is attached as Attachment C.

**VI. PUBLIC OUTREACH AND ENGAGEMENT**

As evidenced by the public testimony at the April 25, 2017 public workshop conducted by the Board, there is significant public interest and a diversity of opinions on the matter of cannabis regulation. In order to encourage public participation in this process, staff created a webpage within the County's website that includes updated information on the County's progress on cannabis regulation as well as an email sign-up form where those interested in County cannabis regulation can be placed on a mailing list to be informed of future meetings or hearings. As of July 12, 2017, approximately 200 people have requested to be on the email list. Additional public outreach and involvement will be helpful as the County proceeds with formulating its cannabis policy. Various industry groups, public health advocates, property owners and any other groups or organizations that could be impacted by potential cannabis regulation will have valuable input to offer.

The Board initiated discussion on the approach to future public outreach and engagement on April 25. The Board discussed various approaches, including outreach to the cities via the Mayor's Conference, additional public workshops, input from existing advisory committees as well as other approaches. The Board determined that it would be better to have more refined policy options or preliminary regulations prior to directing staff to broaden the public meeting venues beyond Board of Supervisors meetings.

Based on the Board discussion from April 25, staff has developed a refined list of public involvement approaches, some of which are occurring already. Staff would appreciate direction from the Board on which approaches to public involvement the Board wishes to implement.

a) Continue to update County's notification list for this issue and notify interested parties of opportunities to participate in discussion of this topic.

b) Maintain and refine the County's website as a means for the public to access information on this topic and learn of ways to provide feedback and participate in discussions

c) Continue to discuss this topic and refine proposals at televised open public meetings of the full Board of Supervisors meetings.

d) Seek input from cities, including by requesting time to discuss this issue at the Mayors' Conference.

e) Develop an online survey. Several cities in the County have employed this approach and the County has the existing capability to conduct such surveys. Such approach would not provide a statistical estimate of overall public sentiment (a scientific public interest poll would be required for that), but it would provide a means to gather input from a large number of people.

f) Seek input from existing, relevant advisory committees, such as the Alcohol and

Other Drugs Advisory Board, Municipal Advisory Committees (MAC) and the P-Zone Committees.

g) Consider scheduling one or more evening public workshops, possibly under the auspices of an “All-MAC” meeting for each Supervisorial District.

h) Conduct a public interest poll. If the County were to consider a tax initiative related to cannabis, a public survey may be helpful to determine feasibility and voter preference. In addition to questions about potential taxes, the poll could also determine respondents’ opinions on the topic of cannabis regulation. This approach would require the County to retain an outside expert to conduct the poll, but may be an option to consider in the future as work on this topic progresses.

With respect to the timing of expanding the scope of the County’s public discussion of this topic beyond Board of Supervisors meetings (e.g., the timing for initiating some or all of items d through g in the above list), staff suggests the following timing options:

- 1) Seek input on the preliminary regulatory framework and options presented in this report, as refined by Board of Supervisors discussion at July 18 meeting.
- 2) Seek input on draft ordinances after being developed by staff and reviewed and revised by the Board of Supervisors.

There are tradeoffs with either approach. Option (1) would accelerate public input but would be requesting input on concepts and options rather than a specific proposal, so the input will also be less-specific. An alternative would be to perhaps initiate an online public survey soon asking for input on general concepts (not on the staff materials to date) as well as requesting an initial discussion with Mayor’s Conference to explain where the County is in the process, but delaying evening public meetings and referrals to advisory committees until after draft ordinances have been developed. (e.g., start items d & e soon, but consider f, g & h later).

#### CONSEQUENCE OF NEGATIVE ACTION:

If a permanent prohibition on the cultivation, delivery, manufacturing and delivery of medical and recreational cannabis is not adopted by the County prior to the issuance of commercial cannabis licenses by the State, which is expected to start at the beginning of 2018, the commercial cannabis uses could be established with a State license but without County approval.

#### CHILDREN'S IMPACT STATEMENT:

The County's cannabis regulations would be intended to support the Children's Report Card outcome #5) Communities are safe and provide a high quality of life for children and families.

## CLERK'S ADDENDUM

*Item D.5 and D.6 were considered together. Speakers: Rod Schuman, resident of Clyde; John Thiela, Jim Gonzalez & Associates (handout attached); Gita Dombrowski, Firebrand; Mat Fogarty, Bliss Distribution; Eric Rehm, CCIM; Ashley Bargaquast, Sean Casey, First 5 Coalition; Hakkim Jabbar, Weedonit Collective; Tina Larson, Weedonit; Patty Hoyt, ADAPT San Ramon Valley; Thomas Nunes, resident of Martinez; Elijah Dominguez, resident of Martinez; Jim Birmingham, resident of Richmond; Dana Richardson, Weedonit Collective. The following did not speak, but left written comments for the Board: Mark Unterbad, resident of Brentwood; Celine Gonzales, resident of San Ramon; Brian Eliff, resident of Knightsen; Justina Henry, Weedonit Collective; Debbie Berndt, resident of Orinda; Eric Thomas, resident of Briones; ACCEPTED the report; DIRECTED staff to prepare a permanent ordinance for adoption substantially the same as the interim ordinance now in place, prohibiting all commercial uses and prohibiting personal cultivation except for indoor growth, that would be effective before January 1, 2018, to prevent default to state regulations, and until an ordinance to regulate the cultivation, delivery, manufacturing, and dispensing of medical and recreational cannabis is completed; DIRECTED staff not to proceed with any outreach efforts to the public yet, to seek updated information in regard to the City of Concord's recent poll of other jurisdictions as to their intended direction related to cannabis business related ventures, and from organizations such as the Public Managers Association and regional planning directors, as possible; DIRECTED the Department of Conservation and Development to develop land use and health ordinances, and return to the board with the further information on the following concerns: 1) maps showing details for options of buffer areas of varying size for cannabis industries and sales 2) recommendations on where vertical integration of cannabis industries is allowable or desirable 3) recommendations on where the various types of industry (cultivation, distribution, manufacture, testing, retail sales) is deemed most appropriate 4) the implementation of caps on the number of permits per area 5) whether the use of temporary or permanent permits is advisable, particularly in the sense of its effect on investment dollars 6) giving permit priority to already established businesses in the unincorporated area 7) information on the number of fires in East Contra Costa directly attributable to indoor growing operations. The Board stated it's desire that the implementation of the new land use ordinance be directly tied to the success of a tax measure on the November 2018 General Election ballot, to ensure there is funding for county services and enforcement in relation to cannabis industry; if the taxing measure fails, the new ordinance will not be implemented.*

## ATTACHMENTS

Attachment A- Preliminary Zoning Analysis

Attachment B- Additional Considerations

Attachment C - Health Conditions

# **ATTACHMENT J**

**PRELIMINARY ZONING ANALYSIS  
(INCLUDING MAPS)**

## ATTACHMENT A

# CONTRA COSTA COUNTY PRELIMINARY ZONING ANALYSIS FOR CANNABIS USES

July 18, 2017

## **1. COMMERCIAL OUTDOOR AND INDOOR CANNABIS CULTIVATION**

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The control and regulation of commercial cannabis cultivation is a major consideration within Proposition 64. Under Proposition 64 local jurisdictions are authorized to prohibit or regulate all commercial cannabis cultivation activities. If local jurisdictions fail to prohibit or regulate commercial cultivation activities prior to the issuance of licenses by the state, which is expected to start at the beginning of 2018, then the state will become the sole licensing authority for the commercial cultivation activities within that jurisdiction.

At the April 25, 2017 Cannabis Workshop, the Board of Supervisors expressed an interest in permitting and regulating the commercial cultivation of cannabis. In response staff has analyzed and identified the zoning districts in which both outdoor and indoor commercial cannabis cultivation is potentially suitable. Based on the contrasting needs of outdoor cultivation and indoor cultivation, they have been classified separately.

### **a. Zoning for Commercial Outdoor Cultivation**

There are a significant number agricultural parcels within the unincorporated areas of the county located within prime farmland, as well as small and large tracts of underutilized land in former industrial areas that are suitable for commercial outdoor cannabis cultivation. Most of the agricultural parcels are located within one of the agricultural (A- ) zoning districts. However, there are also industrial properties located within former redevelopment areas such as North Richmond and Bay Point, both of which are located within Planned Unit District (P-1) zoning districts, which may also be suitable.

Staff recommends that greenhouse and nursery commercial uses be considered as outdoor cultivation for the purposes of crafting regulation.

Based on staff's initial analysis of the zoning districts where commercial outdoor cannabis cultivation could be considered compatible, staff is recommending that the following zoning districts be evaluated further for eligibility:

- **General Agricultural (A-2)**
- **Heavy Agricultural (A-3)**
- **Agricultural Preserve (A-4)(with contract amendment)**

- **Exclusive Agricultural (A-20; A-40 and A-80)**
- **Planned Unit District (P-1) with Commercial, Industrial, Mixed-Use and Agricultural General Plan Designations only**
- **Potentially Permitted in the Heavy-Industrial (H-I), Light-Industrial (L-I) and Controlled-Manufacturing (C-M) zoning districts)**

**b. Zoning for Indoor Commercial Cultivation**

Statewide, most legally established indoor commercial cannabis cultivation facilities operate from within existing small to medium sized industrial or commercial buildings. Due to the additional security measures and potential odor issues related to indoor cultivation, indoor cultivation is not considered compatible with typical high traffic retail center/strip mall uses and should therefore be restricted to other industrial and commercial areas.

Commercial and industrial buildings that meet the size, location and configuration needs of commercial indoor cannabis cultivation operations are likely to be located in one of the many commercial and industrial areas found throughout the County. Due to the fact that commercial indoor cultivation would likely require access to public utilities such as water and wastewater services, no commercial indoor cultivation is recommended outside of the County Urban Limit Line (ULL).

Based on staff's initial analysis of the zoning districts where commercial indoor cannabis cultivation could be considered compatible, staff is recommending that the following zoning districts be evaluated further for eligibility:

- **Light Industrial (L-I)**
- **Heavy Industrial (H-I)**
- **Controlled Manufacturing (C-M)**
- **Planned Unit Development (P-1) with Commercial, Industrial and Mixed-Use General Plan Designations only**

**c. Sensitive Receptor Buffers**

In order to ensure outdoor or indoor commercial cannabis cultivation does not occur near the identified sensitive receptors, or impact nearby properties, buffer zones from the uses are recommended. Sensitive receptors include residential zoning districts, schools, playgrounds, neighborhood and community parks, libraries and drug treatment centers.

**d. Mapping**

Preliminary zoning maps for commercial indoor and outdoor cultivation have been prepared utilizing the zoning districts and buffers identified above. In order to provide the Board with a range of options as well as to provide some context on the impact buffer zones have on the number of parcels meeting the proposed criteria for commercial cannabis cultivation, three separate zoning maps have been prepared for comparison purposes.

- **Map #1a** depicts the most restrictive scenario and identifies all of the eligible parcels for commercial outdoor and indoor cultivation utilizing the zoning districts listed above (outdoor cultivation within the Heavy-Industrial (H-I), Light-Industrial (L-I) and Controlled-Manufacturing (C-M) zoning districts is not included) with a **2,000-foot buffer from schools, parks, playgrounds, libraries and drug treatment centers and 1,000-foot buffer from residential zoning districts.**
- **Map #1b** depicts all of the eligible parcels for commercial cultivation utilizing the zoning districts listed above including the “Under-Discussion” parcels where outdoor cultivation within the P-1, Heavy-Industrial (H-I), Light-Industrial (L-I) and Controlled-Manufacturing (C-M) zoning districts, with a **1,000-foot buffer from schools, parks, playgrounds, libraries and drug treatment centers and 500-foot buffer from residential zoning districts.**
- **Map #1c** depicts all eligible parcels for commercial outdoor and indoor cultivation utilizing the listed zoning districts **without any buffers** (buffers of some size are recommended, but this map does provide context on the effect of buffers on the map).

#### **e. Additional Potential Restrictions for Commercial Outdoor Cultivation**

Since this will be the County’s first time regulating commercial outdoor cultivation of cannabis, restrictions on cultivation area are suggested. The restrictions on cultivation area have been added in order to control potential negative impacts to communities and neighboring properties that could result from extensive commercial cultivation activities. The restrictions on cultivation area could be relaxed or further restricted (for future permits) in the future if found necessary.

The proposed restrictions on cultivation areas are as follows:

- Lots less than 5 acres, maximum 5,000 square feet of canopy area;
- Lots between 5 and 10 acres, maximum 10,000 square feet of canopy area;
- Lots larger than 10 acres, maximum 20,000 square feet of canopy area.

#### **f. Cannabis Microbusiness**

Another category of commercial cannabis cultivation that could be considered is the establishment of cannabis microbusinesses. A cannabis microbusiness is a small retailer that sells cannabis and cannabis products at the same location where the cannabis is grown, with a maximum cultivation area of 10,000 square feet. Cannabis microbusinesses are similar in nature to the many farm/grower stands found throughout the eastern parts of the County.

Microbusinesses cultivation sites for cannabis can be indoor or outdoor and therefore could theoretically be established in both agricultural and commercial/industrial areas of the County. However, staff recommends a cautious approach on microbusiness as this use could lead to retail sales and manufacture in remote locations that would be difficult to regulate, particularly at the outset.

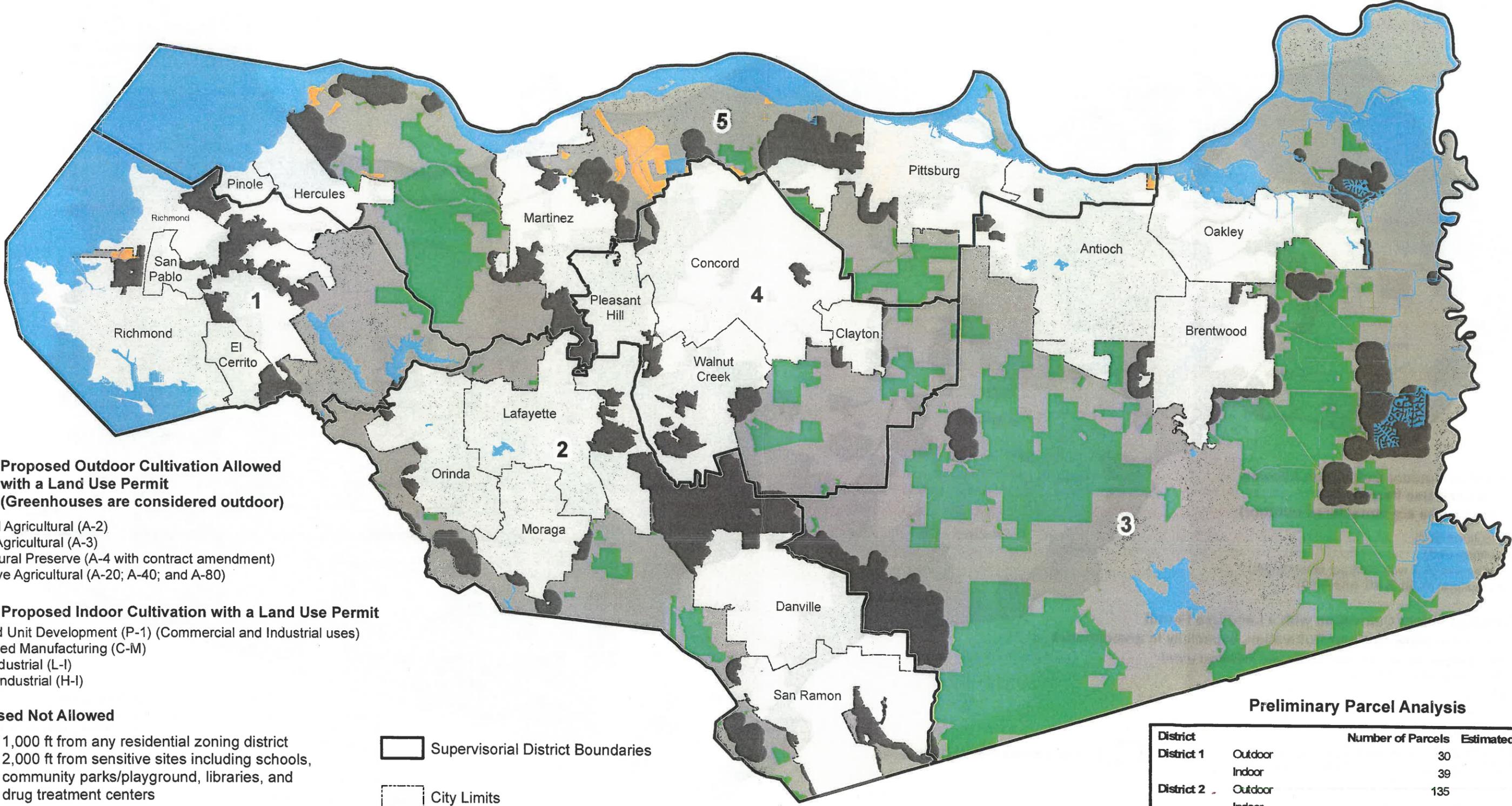
**(SEE MAPS ON NEXT PAGE)**

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# MAP 1a - COMMERCIAL INDOOR AND OUTDOOR CULTIVATION SMALLER AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller Medium Larger



**Proposed Outdoor Cultivation Allowed with a Land Use Permit (Greenhouses are considered outdoor)**

- General Agricultural (A-2)
- Heavy Agricultural (A-3)
- Agricultural Preserve (A-4 with contract amendment)
- Exclusive Agricultural (A-20; A-40; and A-80)

**Proposed Indoor Cultivation with a Land Use Permit**

- Planned Unit Development (P-1) (Commercial and Industrial uses)
- Controlled Manufacturing (C-M)
- Light Industrial (L-I)
- Heavy Industrial (H-I)

**Proposed Not Allowed**

- 1,000 ft from any residential zoning district
- 2,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
- Incompatible Zoning District or General Plan Land Use Designation

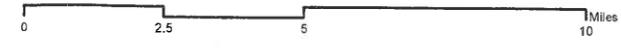
Supervisory District Boundaries

City Limits

Note: the green indicates eligible areas. The following maximum cultivation area are proposed per parcel:  
 Lots < 5 acres: 5,000 sq. ft. of canopy area  
 Lots between 5 - 10 acres: 10,000 sq. ft. of canopy area  
 Lots > 10 acres 10,000 sq. ft. per acre

**Preliminary Parcel Analysis**

District		Number of Parcels	Estimated Acres
District 1	Outdoor	30	700
	Indoor	39	125
District 2	Outdoor	135	2,395
	Indoor	-	-
District 3	Outdoor	1973	65320
	Indoor	1	50
District 4	Outdoor	83	370
	Indoor	-	-
District 5	Outdoor	355	12975
	Indoor	101	2060

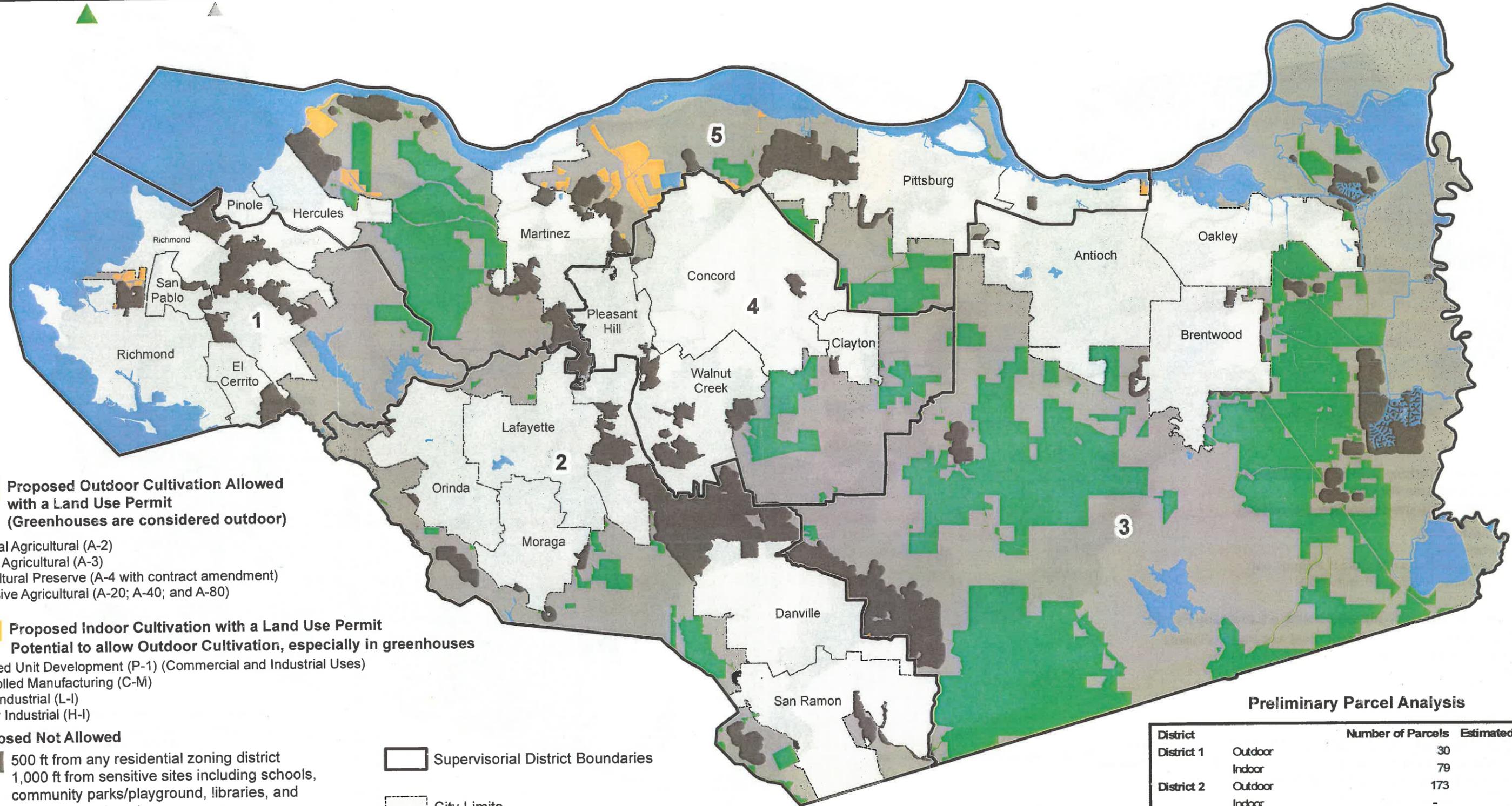


Map Created on July 13, 2017 by Contra Costa County Department of Conservation and Development

# MAP 1b - COMMERCIAL INDOOR AND OUTDOOR CULTIVATION MEDIUM AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller **Medium** Larger



**Proposed Outdoor Cultivation Allowed with a Land Use Permit (Greenhouses are considered outdoor)**

- General Agricultural (A-2)
- Heavy Agricultural (A-3)
- Agricultural Preserve (A-4 with contract amendment)
- Exclusive Agricultural (A-20; A-40; and A-80)

**Proposed Indoor Cultivation with a Land Use Permit Potential to allow Outdoor Cultivation, especially in greenhouses**

- Planned Unit Development (P-1) (Commercial and Industrial Uses)
- Controlled Manufacturing (C-M)
- Light Industrial (L-I)
- Heavy Industrial (H-I)

- Proposed Not Allowed**
- 500 ft from any residential zoning district
  - 1,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
  - Incompatible Zoning District or General Plan Land Use Designation

Supervisory District Boundaries  
City Limits

Note: the green indicates eligible areas. The following maximum cultivation area are proposed per parcel:  
 Lots < 5 acres: 5,000 sq. ft. of canopy area  
 Lots between 5 - 10 acres: 10,000 sq. ft. of canopy area  
 Lots > 10 acres 10,000 sq. ft. per acre

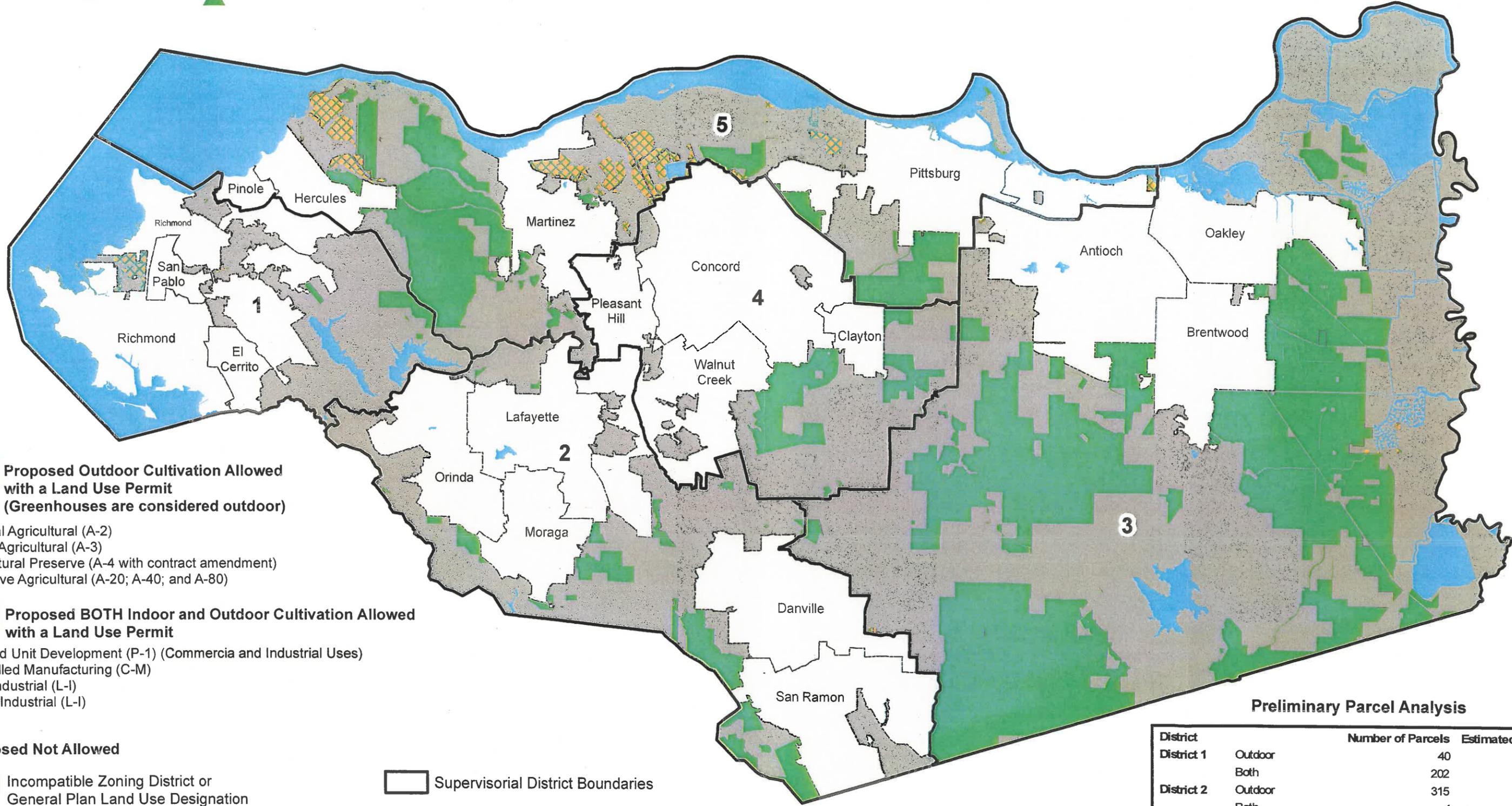
**Preliminary Parcel Analysis**

District		Number of Parcels	Estimated Acres
District 1	Outdoor	30	700
	Indoor	79	225
District 2	Outdoor	173	3,130
	Indoor	-	-
District 3	Outdoor	2152	68,135
	Indoor	13	55
District 4	Outdoor	88	4,180
	Indoor	-	-
District 5	Outdoor	368	13920
	Indoor	130	2720

# MAP 1c - COMMERCIAL INDOOR AND OUTDOOR CULTIVATION LARGER AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller Medium **Larger**



**Proposed Outdoor Cultivation Allowed with a Land Use Permit (Greenhouses are considered outdoor)**

- General Agricultural (A-2)
- Heavy Agricultural (A-3)
- Agricultural Preserve (A-4 with contract amendment)
- Exclusive Agricultural (A-20; A-40; and A-80)

**Proposed BOTH Indoor and Outdoor Cultivation Allowed with a Land Use Permit**

- Planned Unit Development (P-1) (Commercial and Industrial Uses)
- Controlled Manufacturing (C-M)
- Light Industrial (L-I)
- Heavy Industrial (L-I)

**Proposed Not Allowed**

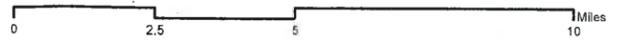
Incompatible Zoning District or General Plan Land Use Designation

Supervisory District Boundaries

City Limits

Note, the green indicates eligible areas. The following maximum cultivation area are proposed per parcel:

- Lots < 5 acres: 5,000 sq. ft. of canopy area
- Lots between 5 - 10 acres: 10,000 sq. ft. of canopy area
- Lots > 10 acres 10,000 sq. ft. per acre



Map Created on July 13, 2017 by Contra Costa County Department of Conservation and Development

### Preliminary Parcel Analysis

District		Number of Parcels	Estimated Acres
District 1	Outdoor	40	830
	Both	202	400
District 2	Outdoor	315	5,825
	Both	1	1
District 3	Outdoor	2595	78,510
	Both	77	310
District 4	Outdoor	101	4,980
	Both	3	2
District 5	Outdoor	479	17,525
	Both	312	4,800

## 2. CANNABIS DISTRIBUTION, MANUFACTURING, TESTING AND RETAIL DELIVERY

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### a. Description of Uses

After analyzing the needs and impacts of commercial cannabis manufacturing, distribution, testing and retail delivery, staff has determined that the potentially suitable zoning districts and buffer zones for the mentioned uses are similar and therefore can be combined and discussed together in terms of eligible zoning districts and buffers.

A brief description of each of the uses is provided below.

- i. **Cannabis Distribution**: A commercial cannabis distribution facility is a facility where commercial cannabis and cannabis products are received from licensed cultivators and manufacturers and distributed to licensed dispensaries. Per state law (AUMA), all cannabis and cannabis products must be delivered to dispensaries from licensed cannabis distribution centers, making distribution centers a necessary use in the supply chain.

Based on research, commercial cannabis distribution centers will likely operate out of warehouse/distribution center type buildings typically found in commercial and industrial zoning districts. These types of buildings, and properties where these types of buildings would be appropriate, can be found within various industrial and commercial areas throughout the County.

- ii. **Cannabis Manufacturing**: A cannabis manufacturing facility is a facility that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products. The size of cannabis manufacturing businesses could vary significantly from small “mom and pop” operations to larger manufacturing facilities with numerous employees, equipment and vehicles.
- iii. **Cannabis Testing**: A cannabis testing facility is a business where tests are performed on cannabis and cannabis products to determine potency, purity and other characteristics of the products.

Properly regulated, testing facilities could be discrete operations with minimal external impacts. A comparable use would be medical testing/laboratory facilities.

- iv. **Delivery-Only Dispensary**: State law permits the establishment of delivery only dispensaries which operate from a fixed location without a storefront. If permitted, any proposed County ordinance permitting delivery only dispensaries could prohibit all outward signage or advertisements of the business. Properly regulated delivery only dispensaries are likely to have little negative impact on surrounding uses.

## b. Zoning

Since commercial cannabis manufacturing, distribution, testing and retail delivery do not involve onsite cultivation or direct retail sales at a fixed location, staff is recommending that all of these uses be considered for the same or similar zoning districts and buffers.

Based on preliminary analysis of the appropriate zoning districts where cannabis distribution, manufacturing and testing facilities as well as delivery only dispensaries could be considered compatible and appropriate, staff has determined that the following zoning districts should be evaluated further for eligibility:

- **Light-Industrial (L-I)**
- **Heavy Industrial (H-I)**
- **Controlled-Manufacturing (C-M)**
- **Commercial (C)**
- **Planned Unit District (P-1) within the ULL with Commercial, Industrial and Mixed-Use (M-5 and M-5) General Plan Designations only**

## c. Sensitive Receptor Buffers

In order to ensure that the listed commercial cannabis uses do not occur near sensitive receptors, or impact nearby properties, buffer zones from the uses are recommended. Sensitive receptors include residential zoning districts, schools, playgrounds, neighborhood and community parks, libraries and drug treatment centers.

## d. Mapping

Preliminary zoning maps for the commercial cannabis uses listed above have been prepared utilizing the identified zoning districts and buffers. In order to provide the Board with a range of options as well as to provide some context on the impact buffer zones have on the number of parcels meeting the proposed criteria for the specific commercial cannabis uses, three separate zoning maps have been prepared for comparison purposes.

- ***Map #2a*** depicts all of the eligible parcels for commercial cannabis distribution, manufacturing, testing and delivery utilizing the zoning districts listed above, and **with a 2,000-foot buffer zone from schools, parks, playgrounds, libraries and drug treatment centers and 1,000-foot buffer from residential zoning districts.**
- ***Map #2b*** depicts all of the eligible parcels for commercial cannabis distribution, manufacturing, testing and delivery utilizing the zoning districts listed above, **with**

**a 1,000-foot buffer zone from schools, parks, playgrounds, libraries and drug treatment centers and 500-foot buffer from residential zoning districts.**

- **Map #2c** depicts all of the eligible parcels for commercial cannabis distribution, manufacturing, testing and delivery utilizing the zoning districts listed above, **without any buffer zones** (buffers of some size are recommended, but this map does provide context on the effect of buffers on the map).

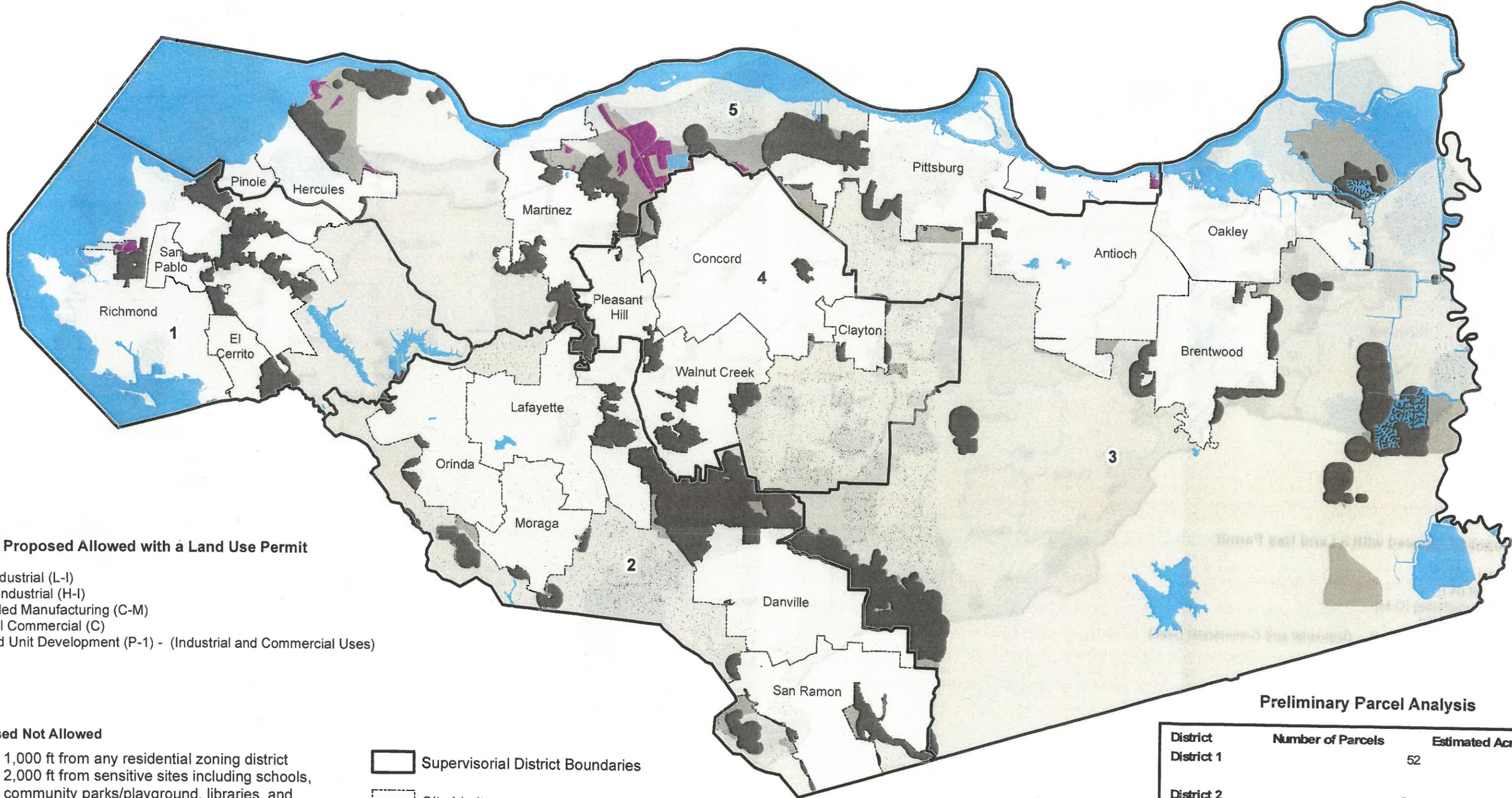
**(SEE MAPS ON NEXT PAGE)**

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# Map 2a - DISTRIBUTION, MANUFACTURING, TESTING AND RETAIL DELIVERY SMALLER AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller Medium Larger



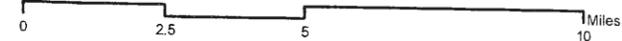
Proposed Allowed with a Land Use Permit

- Light Industrial (L-I)
- Heavy Industrial (H-I)
- Controlled Manufacturing (C-M)
- General Commercial (C)
- Planned Unit Development (P-1) - (Industrial and Commercial Uses)

**Proposed Not Allowed**

- 1,000 ft from any residential zoning district
- 2,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line

- Supervisorial District Boundaries
- City Limits



Map Created on July 13, 2017 by Contra Costa County Department of Conservation and Development

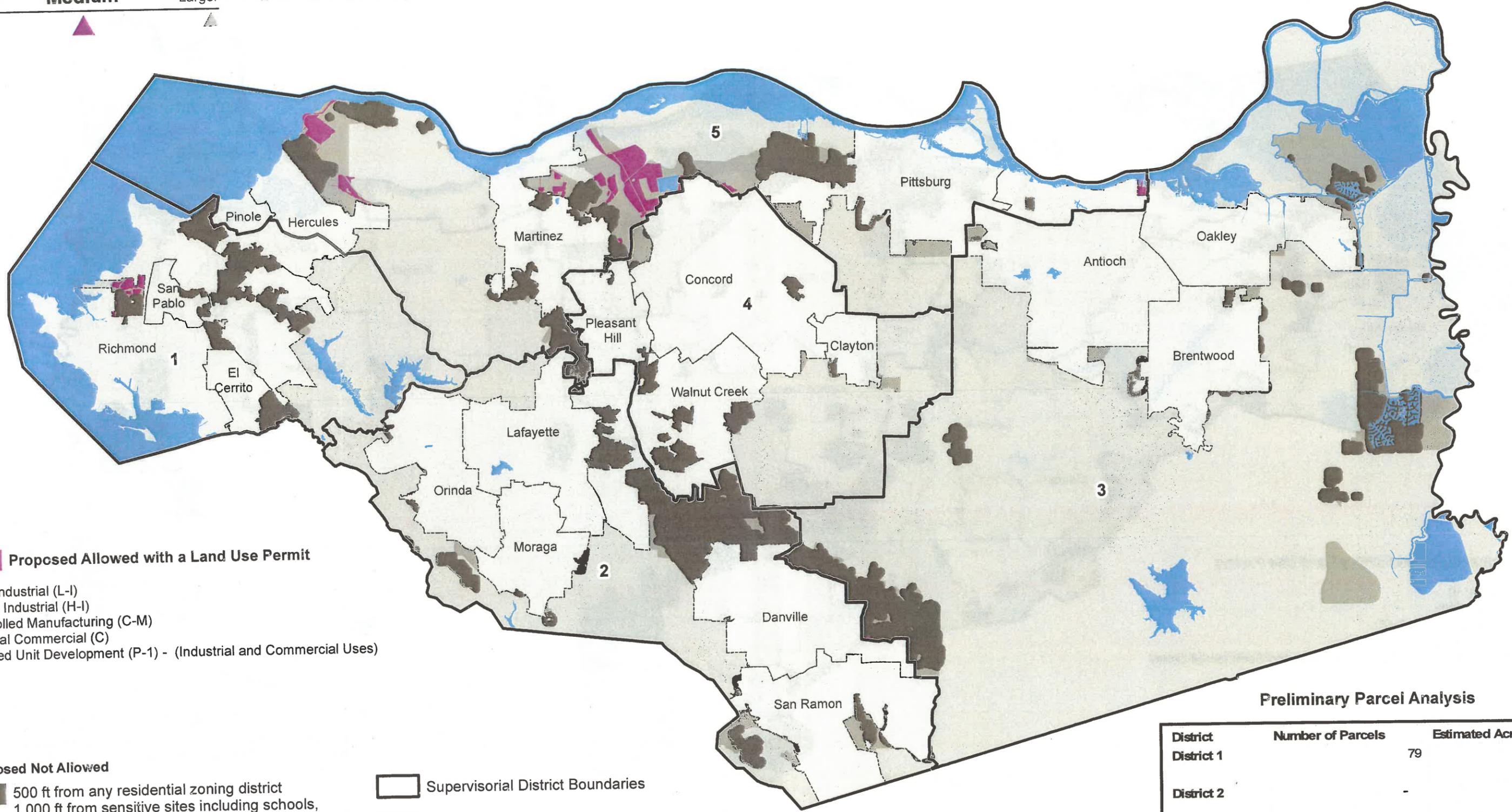
**Preliminary Parcel Analysis**

District	Number of Parcels	Estimated Acres
District 1	52	201
District 2	-	-
District 3	1	51
District 4	-	-
District 5	143	2,082

# Map 2b - DISTRIBUTION, MANUFACTURING, TESTING AND RETAIL DELIVERY MEDIUM AREA ALLOWED

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller **Medium** Larger



**Proposed Allowed with a Land Use Permit**

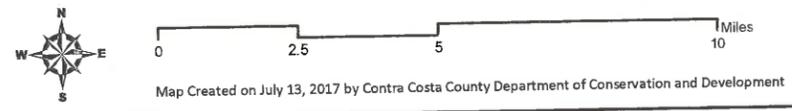
- Light Industrial (L-I)
- Heavy Industrial (H-I)
- Controlled Manufacturing (C-M)
- General Commercial (C)
- Planned Unit Development (P-1) - (Industrial and Commercial Uses)

**Proposed Not Allowed**

- 500 ft from any residential zoning district
- 1,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line

Supervisory District Boundaries

City Limits



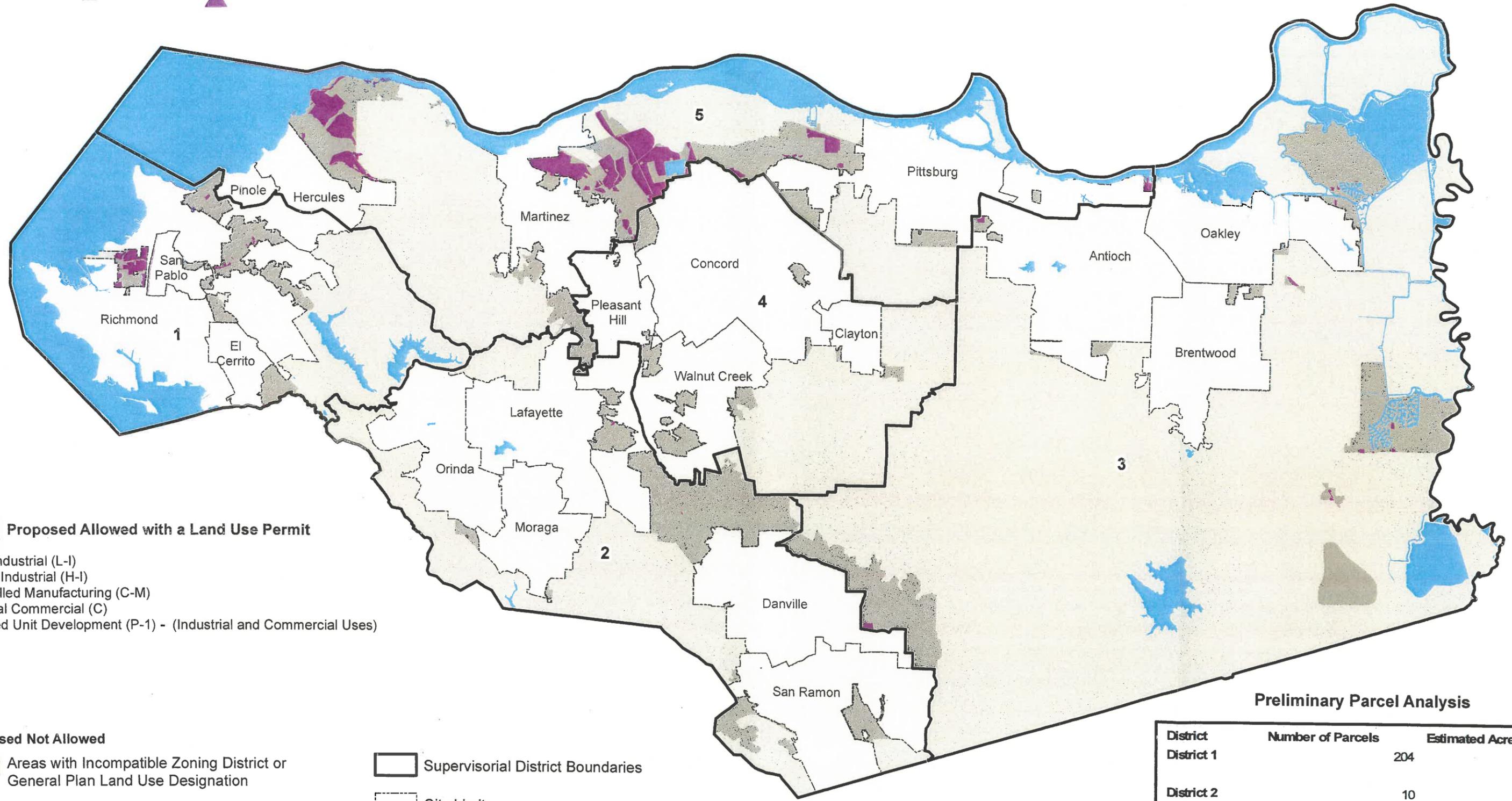
**Preliminary Parcel Analysis**

District	Number of Parcels	Estimated Acres
District 1	79	225
District 2	-	-
District 3	14	65
District 4	1	3
District 5	169	2,745

# Map 2c - DISTRIBUTION, MANUFACTURING, TESTING AND RETAIL DELIVERY LARGER AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller      Medium      **Larger**



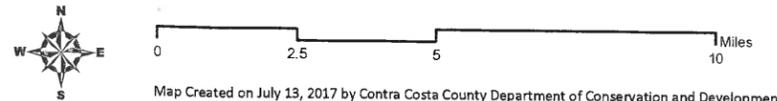
**Proposed Allowed with a Land Use Permit**

- Light Industrial (L-I)
- Heavy Industrial (H-I)
- Controlled Manufacturing (C-M)
- General Commercial (C)
- Planned Unit Development (P-1) - (Industrial and Commercial Uses)

**Proposed Not Allowed**

- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line

Supervisorial District Boundaries  
City Limits



**Preliminary Parcel Analysis**

District	Number of Parcels	Estimated Acres
District 1	204	420
District 2	10	12
District 3	90	335
District 4	4	5
District 5	399	4,840

### 3. RETAIL CANNABIS DISPENSARIES

---

#### a. Zoning

Retail cannabis dispensaries are businesses where cannabis and cannabis products would be sold directly to adults over the age of 21 from a storefront location. In order to provide local access to cannabis and cannabis products, dispensaries are typically located in or near retail centers in urbanized areas. Staff recommends that retail sales of cannabis is allowed at storefronts, that the business be dedicated solely to cannabis and cannabis related products (eg. no sales at liquor stores, etc.). Based on staff's initial analysis of the zoning districts where retail cannabis dispensaries could be considered compatible and appropriate with a land use permit, the following zoning districts should be evaluated further for eligibility:

- **Retail-Business (R-B)**
- **Commercial (C)**
- **Planned Unit District (P-1) inside the ULL with Commercial, Industrial and Mixed-Use (M-5 and M-10) General Plan Designations only**
- **Potentially Permitted within the Controlled-Manufacturing (C-M); Light-Industrial (L-I) and Heavy-Industrial (H-I) zoning districts.**

#### b. Sensitive Receptor Buffers

In order to ensure that dispensaries do not occur near sensitive receptors, or impact nearby properties, buffer zones from the uses are recommended. Sensitive receptors include residential zoning districts, schools, playgrounds, neighborhood and community parks, libraries and drug treatment centers.

#### c. Mapping

Preliminary zoning maps for cannabis dispensaries have been prepared utilizing the identified zoning districts and buffers. In order to provide the Board with a range of options as well as to provide some context on the impact buffer zones have on the number of parcels meeting the proposed criteria for dispensaries, three separate zoning maps have been prepared for comparison purposes.

- ***Map #3a*** depicts all of the eligible parcels for cannabis retail dispensaries utilizing the zoning districts listed above, outside the ULL, **with a 2,000-foot buffer zone from schools, parks, playgrounds libraries and drug treatment centers and 1,000-foot buffer from residential zoning districts.**
- ***Map #3b*** depicts all of the eligible parcels for retail dispensaries utilizing the zoning districts listed above, including the "Under-Discussion" zoning districts,

Controlled-Manufacturing (C-M), Light-Industrial (L-I), and Heavy-Industrial (H-I), with a 1,000-foot buffer zone from schools, parks, playgrounds, libraries and drug treatment centers and 500-foot buffer from residential zoning districts.

- **Map #3c** depicts all of the eligible parcels for retail dispensaries utilizing the zoning districts listed above, inside the ULL, without any buffers and permitted in the Controlled-Manufacturing (C-M), Light-Industrial (L-I), and Heavy-Industrial (H-I) zoning districts (buffers of some size are recommended, but this map does provide context on the effect of buffers on the map).

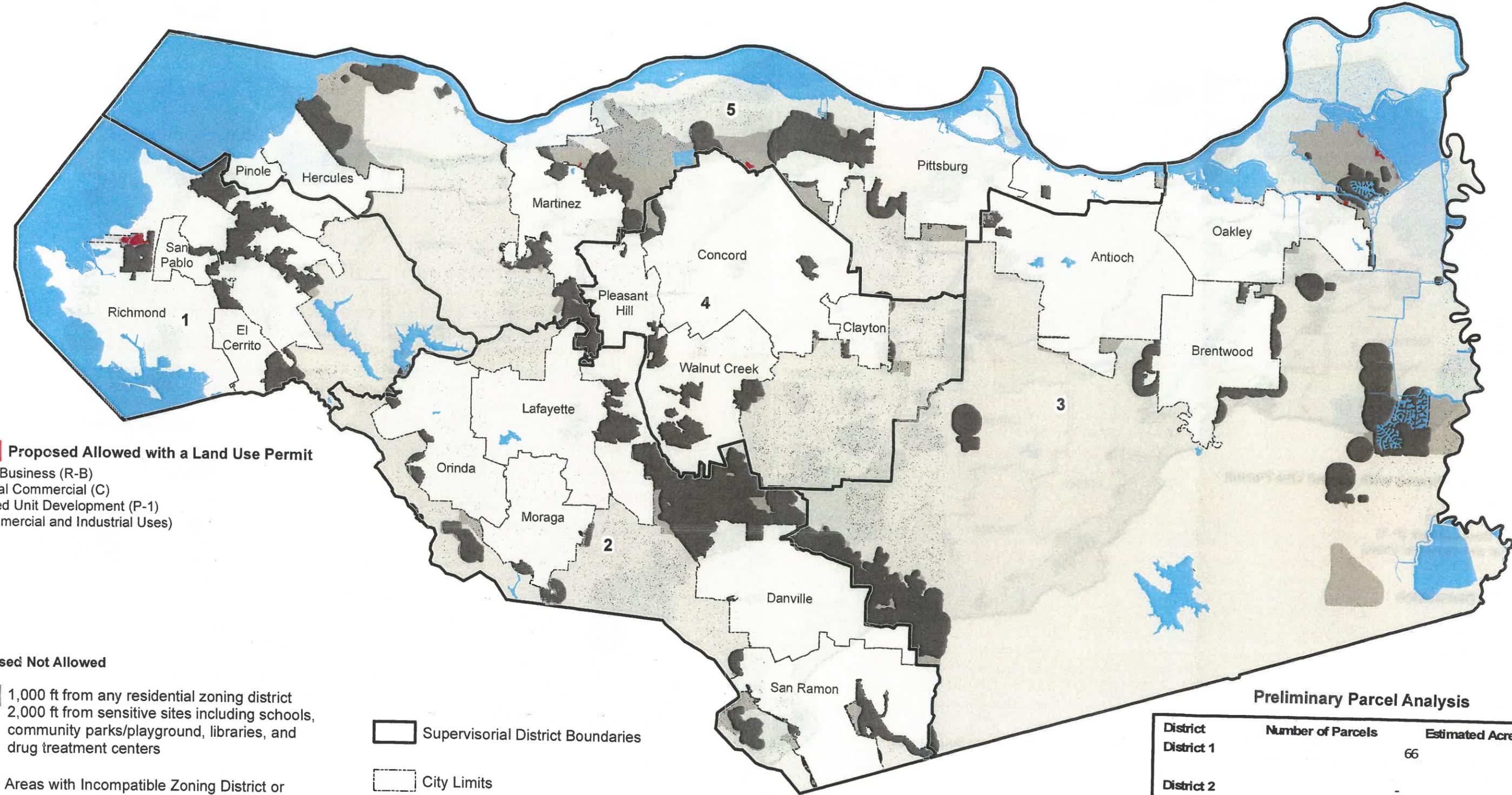
(SEE MAPS ON NEXT PAGE)

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# MAP 3a - DISPENSARIES SMALLER AREA ALLOWED

Smaller Medium Larger

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.



**Proposed Allowed with a Land Use Permit**  
 Retail-Business (R-B)  
 General Commercial (C)  
 Planned Unit Development (P-1)  
 (Commercial and Industrial Uses)

**Proposed Not Allowed**

- 1,000 ft from any residential zoning district
- 2,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line
- 500 feet from any parcel occupied by a cannabis dispensary

Supervisorial District Boundaries  
 City Limits

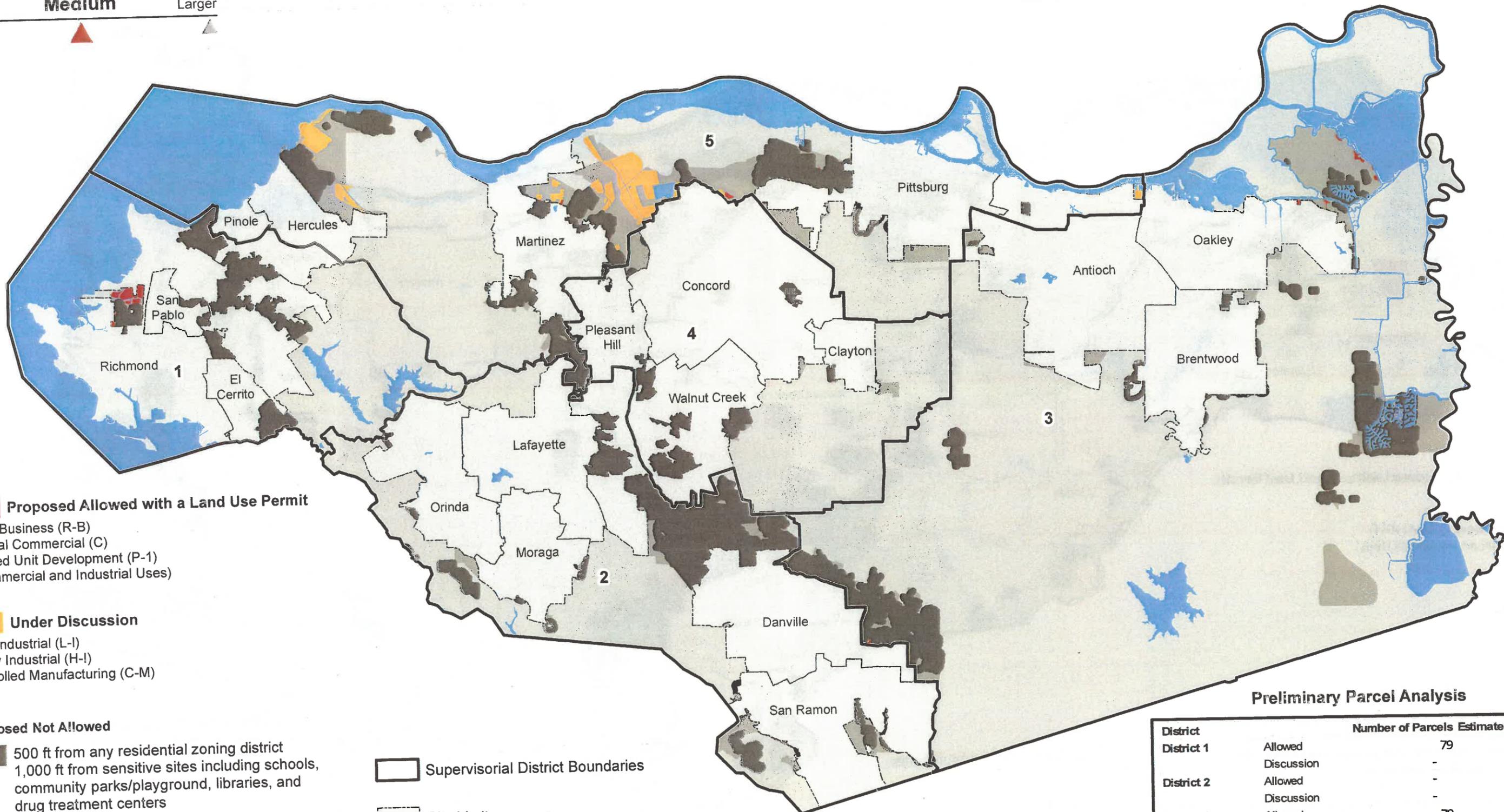
**Preliminary Parcel Analysis**

District	Number of Parcels	Estimated Acres
District 1	66	210
District 2	-	-
District 3	67	75
District 4	-	-
District 5	38	20

# MAP 3b - DISPENSARIES MEDIUM AREA ALLOWED

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.

Smaller **Medium** Larger



**Proposed Allowed with a Land Use Permit**

- Retail-Business (R-B)
- General Commercial (C)
- Planned Unit Development (P-1)
- (Commercial and Industrial Uses)

**Under Discussion**

- Light Industrial (L-I)
- Heavy Industrial (H-I)
- Controlled Manufacturing (C-M)

**Proposed Not Allowed**

- 500 ft from any residential zoning district
- 1,000 ft from sensitive sites including schools, community parks/playground, libraries, and drug treatment centers
- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line

Supervisorial District Boundaries

City Limits

**Preliminary Parcel Analysis**

District	Allowed	Discussion	Number of Parcels	Estimated Acres
District 1	79	-	225	
District 2	-	-	-	-
District 3	79	1	80	50
District 4	1	-	3	-
District 5	42	129	25	2,720



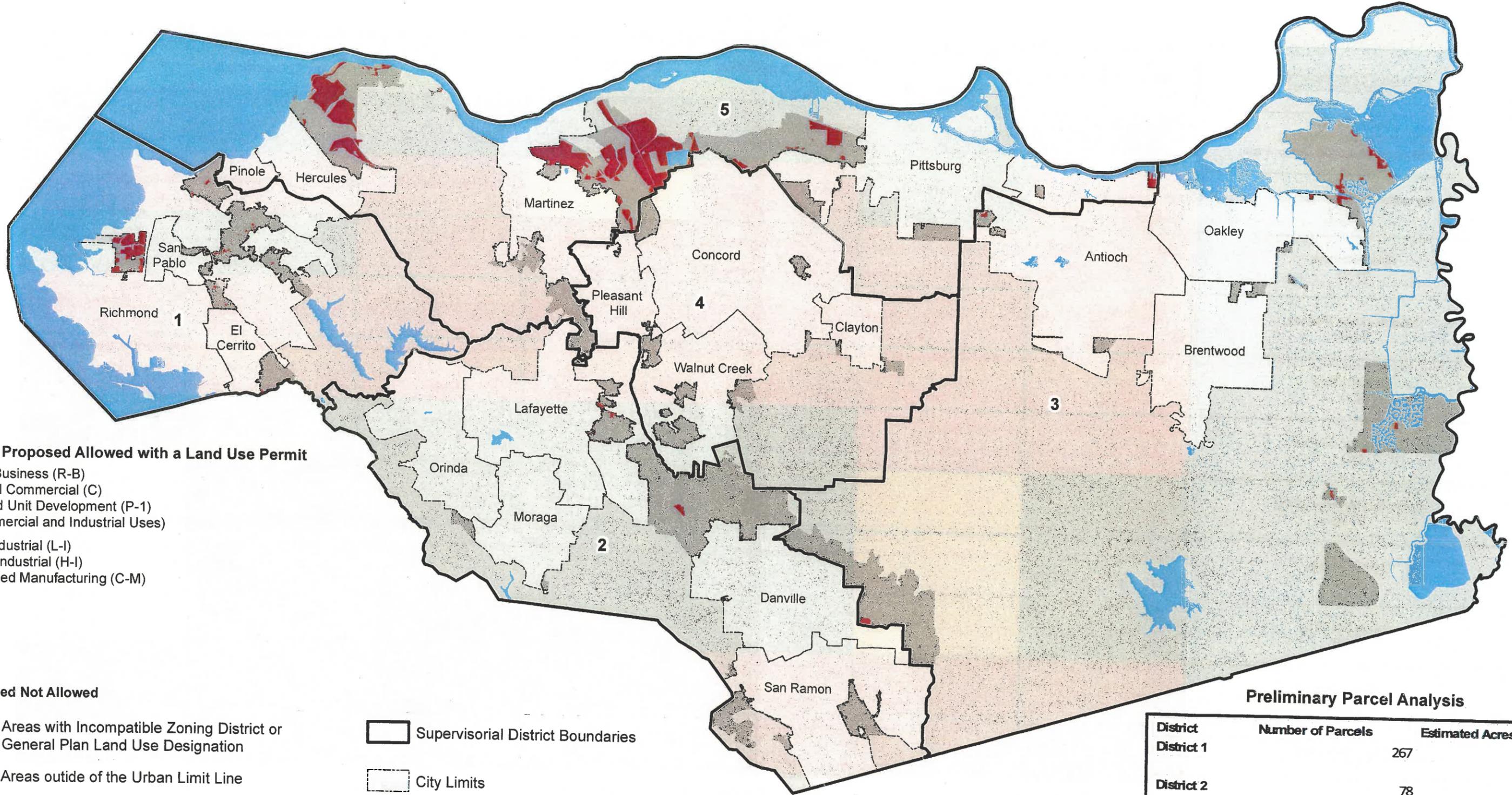
Map Created on July 13, 2017 by Contra Costa County Department of Conservation and Development

500 feet from any parcel occupied by a cannabis dispensary

# MAP 3c - DISPENSARIES LARGER AREA ALLOWED

Smaller Medium Larger

**NOTE:** The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. The County currently prohibits all commercial cannabis uses.



**Proposed Allowed with a Land Use Permit**

- Retail-Business (R-B)
- General Commercial (C)
- Planned Unit Development (P-1)  
(Commercial and Industrial Uses)
- Light Industrial (L-I)
- Heavy Industrial (H-I)
- Controlled Manufacturing (C-M)

**Proposed Not Allowed**

- Areas with Incompatible Zoning District or General Plan Land Use Designation
- Areas outside of the Urban Limit Line
- 500 feet from any parcel occupied by a cannabis dispensary

Supervisorial District Boundaries

City Limits

**Preliminary Parcel Analysis**

District	Number of Parcels	Estimated Acres
District 1	267	425
District 2	78	60
District 3	271	500
District 4	4	5
District 5	581	20

# PRELIMINARY COMMERCIAL CANNABIS LAND USE MATRIX

JULY 2017

ZONING DISTRICT	Indoor Cultivation	Outdoor Cultivation (including nurseries and greenhouses)	Distribution Center	Manufacturing	Testing	Delivery Only (Fixed Location)	Dispensary
Planned Unit with Commercial, Industrial, Mixed-Use, Agricultural GP Designation (P-1)	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit
Agricultural Zoning Districts (A- )	Not Eligible	Proposed Eligible With Land Use Permit	Not Eligible	Potentially Eligible (not as suitable as zoning districts marked "green")	Not Eligible	Not Eligible	Not Eligible
Retail-Business (R-B)	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit
Neighborhood Business (N-B)	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible
Limited Office (O-1)	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible
General Commercial (C)	Not Eligible	Not Eligible	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit
Controlled Manufacturing (C-M)	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")
Light Industrial (L-I)	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")
Heavy Industrial (H-I)	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Proposed Eligible With Land Use Permit	Potentially Eligible (not as suitable as zoning districts marked "green")
Unrestricted (U)	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible
Forestry Recreation (F-R)	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible	Not Eligible

Proposed Eligible With Land Use Permit
  Not Eligible
  Potentially Eligible (not as suitable as zoning districts marked "green")

NOTE: The information presented on this chart is preliminary. It presents zoning districts where applications for discretionary permits could be eligible if the County were to change its regulations to allow commercial cannabis uses. The County currently prohibits all commercial cannabis uses.

# **ATTACHMENT K**

**ADDITIONAL CONSIDERATIONS**

# ATTACHMENT B

July 18, 2017

## ADDITIONAL CONSIDERATIONS FOR DIFFERENT CANNABIS USE TYPES

### Commercial Cultivation

Considerations for indoor:

- Indoor grows less visible to the public. Possible for security to be tighter. If allowed, require security cameras and other measures.
- Odor/neighbor impacts better able to be mitigated. Should require carbon filters and/or other mechanisms to minimize odors.
- Water used likely to be treated, potable water. A burden on supply or infrastructure?
- Significant power for lighting would be required. Mitigate burden on electrical generation by requiring solar power to be developed to offset? Maximize skylights?
- Relatively more/better employment opps?

Considerations for outdoor:

- Outdoor grows more visible to the public. Harder for security to be tight.
- Odor/neighbor impacts may only be mitigated with siting and buffers.
- Would generally be able to rely on untreated water.
- Little or no power needs.
- Relatively fewer/worse employment opps?

Additional considerations:

- Limit size of grow (sq ft) or acreage
- Cultivation Operations plan
- Display cultivation permit
- If allowed, consider limit on # of commercial cultivation operators (no limit on outdoor?) and consider RFP selection process of operator (indoor only?).
- Pesticide and herbicide use
- Establish a 1500 feet buffer zone from schools, playgrounds, residential zoning districts, other cultivation sites, etc.
- Require all workers to be at least 21 years of age or older

### Manufacturing

The manufacturing of cannabis and cannabis related products is a growing industry which is expected to continue growing based on the approval of Proposition 64. The processing/manufacturing of certain cannabis products is similar to the processing/manufacturing of other agricultural products. Staff has been made aware of business owners interested in establishing manufacturing business in agricultural area of County.

Considerations, if allowed at all:

- Consider whether or not to limit the # of manufactures in unincorporated areas-RFP selection process

- Cannabinoid extraction methods –THC, CBD. Some methods may be “safer” than others in terms of Hazardous Materials. Some methods may offer “cleaner” extraction – that is less chance of contamination with pesticides, herbicides.
- Prohibit extraction methods utilizing volatile materials/compounds.
- Determine Occupational safety exposure level
- Product labeling/warning
- Comply with track and trace requirements
- Waste disposal plan
- Odor mitigation requirements
- Security and safety requirements (e.g. security cameras)
- Require all workers to be at least 21 years of age or older

### **Testing**

Considerations, if allowed at all:

- Consider whether or not to place a limit on the # of testing facilities in unincorporated areas (RFP selection process?)
- Lab testing for THC, Pesticides etc.
- Weights and Measures
- Waste disposal plan
- Security and safety requirements
- Require all workers to be at least 21 years of age or older

### **Retailing/Dispensaries**

Considerations, if allowed at all:

- Consider whether or not to place a limit the # of retail/dispensing businesses in unincorporated areas (RFP selection process).
- Odor mitigation requirements
- Security and safety requirements
- Prohibit storefront product advertising. Signage limited to place of business only.
- Restrict product sales to marijuana related products only and prohibit other food, beverage, sundries, clothing etc.
- Prohibit sale of candy/fruit flavored products
- Prohibit packaging that is similar to candy packaging or appealing to children.
- Prohibit all vending sales of any and all marijuana related products.
- Prohibit on site consumption due to concerns of being “under the influence”.
- Require all workers to be at least 21 years of age or older.

### **Distribution**

Considerations, if allowed at all:

- Consider whether or not to place a limit on the number of regional distribution facilities (RFP process?)
- Development Agreement opportunity
- Tax on volume distributed
- Discrete markings on transport vehicle
- Safety and security measures similar to other uses

# **ATTACHMENT L**

OCTOBER 24, 2017

DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
BOARD ORDER



Contra  
Costa  
County

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: October 24, 2017

Subject: Adoption of Ordinance 2017- 26 Prohibiting Cannabis Cultivation and Commercial Uses and an Update on Preliminary Cannabis Regulatory Framework

**RECOMMENDATION(S):**

1. OPEN the public hearing on Ordinance No. 2017-26, ACCEPT public testimony, and CLOSE the hearing.
2. ADOPT Ordinance No. 2017-26, regulating the personal cultivation of cannabis and prohibiting commercial cannabis activities.
3. ADOPT findings in support of Ordinance No. 2017-26
4. FIND that adoption of Ordinance No. 2017-26 is exempt from the California Environmental Quality Act (CEQA) per section 15061(b)(3) of CEQA guidelines.
5. DIRECT the Director of the Department of Conservation and Development to file the Notice of Exemption with the County Clerk.
6. ACCEPT report from HdL Companies on Fiscal Analysis of the Potential Commercial Cannabis Industry in Contra Costa County.

<input checked="" type="checkbox"/> APPROVE	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RECOMMENDATION OF CNTY ADMINISTRATOR	<input type="checkbox"/> RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 10/24/2017  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
 Candace Andersen, District II Supervisor  
 Diane Burgis, District III Supervisor  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 24, 2017

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Ruben Hernandez,  
(925) 674-7785

By: , Deputy

cc:

7. ACCEPT report from staff on Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County, including report from the Health Department on potential

## RECOMMENDATION(S): (CONT'D)

regulations to protect public health and safety.

8. PROVIDE direction to staff regarding potential development of a cannabis tax measure for November 2018, refinement of the Preliminary Regulatory Framework and conducting additional public outreach on the matter.

## FISCAL IMPACT:

Preparation of regulations on the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and on cultivation for personal use, is expected to cost approximately \$100,000 to \$150,000 in staff time and consulting fees.

## BACKGROUND:

### **I. Ordinance 2017-26**

Per direction received at the July 18, 2017 Board of Supervisors meeting, the Department of Conservation and Development has prepared an ordinance prohibiting commercial cannabis uses and regulating cultivation for personal use (Ordinance 2017-26) to replace the current urgency ordinance (Ordinance No. 2017-03) which is set to expire on January 30, 2018. The restrictions in the proposed ordinance are identical to those in the current urgency ordinance. Adoption of the proposed ordinance is critical in order to ensure that no unauthorized commercial cannabis uses are established within the unincorporated areas of the County after expiration of the existing urgency ordinance. Also, beginning on January 1, 2018, it is anticipated that the State of California will begin issuing licenses for commercial cannabis uses and if no local regulations are in effect at that time, the State would become the sole licensing authority for such uses. Ordinance 2017-26 could be replaced in the future by a different set of regulations if and when the Board approves a new ordinance. Adopting Ordinance 2017-26 now would enable the County to adjust regulations later without new businesses being permitted by the state in the meantime.

In summary, Ordinance No. 2017-26 would regulate the personal cultivation of cannabis by allowing the cultivation of six or fewer plants indoors for personal use. The ordinance also allows the cultivation of six or fewer plants inside a fully-enclosed and secured accessory structure to a private residence, such as a greenhouse, located on the grounds of a private residence. The ordinance prohibits the outdoor cultivation of cannabis. The ordinance further prohibits all commercial cannabis activities, including the commercial cultivation, distribution, transport, storage, manufacturing, processing and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult use cannabis products.

### **II. County Planning Commission Meeting**

Ordinance 2017-26 was heard before the County Planning Commission on October 11, 2017. At the Commission hearing several members of the public provided testimony on the ordinance. Many of the comments related to concerns with limitations on indoor and outdoor personal cultivation and providing for expanded indoor and outdoor personal cultivation was recommended. Additional comments were received on the proposed timeline for preparation of the County's future cannabis ordinance and how important it is that the County adopt the cannabis regulatory ordinance sooner rather than later due to the potential for prospective cannabis businesses to end up behind those in other jurisdictions where commercial cannabis uses are legal. Testimony was also received in support of the proposed cannabis prohibition and in support of the process of preparing comprehensive cannabis regulations as discussed at the previous cannabis workshops.

After accepting public testimony, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt Ordinance No. 2017-26 with a recommendation that the Board establish a deadline of June 30, 2018 for adoption of comprehensive cannabis regulations and that the Board consider expanding the number of plants that can be grown indoors for personal consumption and establishing a pre-application process that would allow potential cannabis business owners to apply for a permit to operate a cannabis business prior to the County ordinance taking effect so that the businesses could start operation almost immediately once the ordinance becomes effective. Please note, the preliminary schedule is attached and the timing issue is briefly discussed in the Preliminary Regulatory Framework.

### **III. HdL Report on Cannabis Tax For County**

The County enlisted the services of HdL Companies to develop a draft fiscal analysis (Exhibit #) of the commercial cannabis industry for Contra Costa County. The HdL analysis identifies tax options and revenue estimates for the various types of cannabis businesses that could operate in the unincorporated County, and identifies local economic impacts of the cannabis industry. The analysis also considers financial constraints, including the overall tax and regulatory burden, which may affect both the industry's long-term stability and its ability to successfully transition to a legal, regulated paradigm that can outcompete the existing black market. The analysis also provides initial information on estimated costs of regulation and enforcement. HdL will present the report and respond to questions. Staff will seek additional Board guidance on this matter.

### **IV. Working Draft Preliminary Framework for Regulating Cannabis**

Based on direction provided by the Board at its April and July meetings, staff has prepared a Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County. In addition to summarizing the general regulatory approach outlined by the Board in previous meetings, the document also includes new concepts or unresolved issues intended to stimulate discussion and feedback. Many of the more significant areas that will require board input are highlighted

in yellow. Once the document has been refined to a level satisfactory to the Board, staff would suggest that we utilize it as a tool for stimulating additional feedback from the public.

## **ADDITIONAL INFORMATION**

**Health Services Report-** The County Health Department has provided a report identifying Health Department concerns and providing some recommendations for potential Health Department cannabis regulations and requirements. The report is attached.

**Maps-** In response to input and comments made by Board members at the prior meetings, and in response to input and comments provided by members of the public who are interested in establishing cannabis businesses within the County, changes have been made to the preliminary land use maps previously presented to the Board. The changes include expanding the recommended allowed uses in some of the zoning districts, such as the agricultural zoning districts, that would allow for some “vertical integration” of allowed uses. For example, manufacturing and distribution are now recommended to be permitted within the agricultural zoning districts in order allow cannabis farmers the ability to process, manufacture and distribute their cannabis products directly to retailers. In addition to the previously mentioned changes, all uses have been consolidated into one map, detailed maps have been provided for many areas and buffer options have been consolidated from three options to two options.

**Schedule-** A preliminary draft schedule is attached. This is an initial projection and will be refined.

**Table 1 (Caps and Selection Process)-** Table 1 provides additional analysis of this issue which is discussed in Framework document.

**Concord Survey-** A copy of a September 27, 2017 Cannabis Planning Survey prepared for the City of Concord is attached. The scientific survey collected input from 1,155 likely November 2020 voters on potential cannabis regulations for the City of Concord.

**Vertical Integration of Uses-** The issue of permitting “vertical integration” of some cannabis uses, such as allowing cultivation and manufacturing at the same site, was raised by Board members at the prior meeting and by members of the public who have shown interest in operating a commercial cannabis business in the unincorporated area of the County. It appears likely that vertical integration of cannabis uses would be permitted under State cannabis regulations and therefore can be permitted and regulated by local jurisdictions. By permitting some vertical integration of specific cannabis uses, a number of inefficiencies could be eliminated from the production process by allowing cultivators to process and manufacture their cannabis crop on-site instead of delivering it to a separate manufacturing or processing facility and by allowing cultivators to distribute their crop to retailers.

The vertical integration of some commercial cannabis uses had been incorporated into the attached Preliminary Framework. As can be seen in the Framework, multiple commercial cannabis uses can be established on properties located within the Agricultural (A- ) and industrial (L-I and H-I) zoning districts, as well as within the area wide P-1's (N. Richmond, Rodeo, El Sobrante and Bay Point). Staff recommends that if vertical integration is allowed in rural areas then safeguards should be established to ensure that processing and distribution activities reflect rural constraints, such as lack of sewer and treated water and rural road conditions.

**Promoting Sustainability-** The issue of energy and water consumption, particularly when it comes to cultivation of cannabis, has been identified as an area of concern during this process. In order to encourage "green" operating practices for commercial cannabis uses, that County regulations could require reusable energy generation to offset new demand and could require a demonstrated sustainable water supply that doesn't harm overburdened ground water supplies, impact natural springs or seeps or tax municipal water supplies. In addition, if the County were to incorporate a scoring system into the selection process, cannabis businesses would receive credit if they incorporate "green" business practices, such as utilizing solar, therefore increasing their competitiveness.

**Supporting Local Businesses-** At one of the cannabis workshop meetings, the issue of supporting local businesses already operating in the unincorporated areas of the County was brought to the attention of staff. In order to provide support for local businesses looking to get into cannabis, the scoring system discussed in the Preliminary Framework could provide additional points for applicants who currently operate a business within the County. Additional points could be given to local County farmers looking to get into cannabis cultivation.

## V. Next Steps

Once the Board is satisfied with the refinement of the Preliminary Cannabis Regulatory Framework document, the Board may direct staff to expand the public outreach process for the County's proposed cannabis regulations and taxation. This could include sharing the Preliminary Framework with community groups, other cities within the County, County Municipal Advisory Councils (MACS), alcohol and drug prevention groups, cannabis advocate groups and any other organizations that might be interested in the County's regulations. The Board may also direct staff to begin advertising and holding public community workshops on the proposed regulations.

County staff continues to monitor and coordinate with city staff as their jurisdiction contemplate updating cannabis regulations. Staff will be prepared to provide a verbal update on October 24th.

## CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not adopt Ordinance No. 2017-26, prohibiting the establishment of specific cannabis uses, upon expiration of the current urgency ordinance prohibiting cannabis uses, which is set to expire on January 30, 2018, it could be possible to establish certain cannabis uses without County approvals or authorization.

## CHILDREN'S IMPACT STATEMENT:

N/A

## CLERK'S ADDENDUM

*Speakers: Tom Aswad, Support4Recovery; John A. Thiella, JG & Associates (handout attached); Jim Gonzalez, JG & Associates ; Andrea Bari, SELF; Boaz Benzakry, resident of Martinez; Jennifer Faddis, Center for Human Development; Jaime Rich, Center for Human Development; Ali Wohlgemuth, Bay Area Community Resources; Ed Breslin, ; Arielle Sumilhig, resident of Fairfield; Tiffany Kelly; Nicole McNab, resident of Concord; Mark Unterbad, resident of Brentwood; Sharon golden; Debbie Berandt, resident of Orinda. Written comments were provided by Dr. Anne Sutherland, Alcohol and Other Drugs Advisory Board (attached). CLOSED the hearing; ADOPTED Ordinance No. 2017-26, regulating the personal cultivation of cannabis and prohibiting commercial cannabis activities. 3. ADOPT findings in support of Ordinance No. 2017-26; FOUND that adoption of Ordinance No. 2017-26 is exempt from the California Environmental Quality Act (CEQA) per section 15061(b)(3) of CEQA guidelines; DIRECTED the Director of the Department of Conservation and Development to file the Notice of Exemption with the County Clerk; ACCEPTED report from HdL Companies on Fiscal Analysis of the Potential Commercial Cannabis Industry in Contra Costa County; ACCEPTED report from staff on Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County, including report from the Health Department on potential regulations to protect public health and safety; and DIRECTED staff to investigate safety and health impacts of outdoor growth and whether grant money is contingent upon allowing outdoor cultivation; and DIRECTED staff to bring back on the consent calendar, the Preliminary Regulatory Framework document as revised today, and an outreach plan, for Board review and approval. Staff will develop a packet of reference materials and set up a tour in each district for the Supervisor.*

## ATTACHMENTS

Ordinance No. 2017-26

Findings for Ordinance 2017-26

HdL's Fiscal Analysis of the Potential Commercial Cannabis Industry for Contra Costa County

Preliminary Working Draft Regulatory Framework

Report from Health Services

Maps

Schedule

Table 1- Regarding Caps and Selection Process

Concord 2017 Survey

# **ATTACHMENT M**

**ORDINANCE No. 2017-26**

ORDINANCE NO. 2017-26

(CANNABIS REGULATION)

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance regulates the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act.

**SECTION II.** Chapter 88-26 is added to the County Ordinance Code, to read:

**Chapter 88-26  
CANNABIS REGULATION**

**88-26.002 Purpose.** The purpose of this chapter is to regulate the personal cultivation of cannabis, and the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products, as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and by the Medicinal and Adult Use Cannabis Regulation and Safety Act. (Ord. 2017-226 § 2.)

**88-26.004 Allowed Use.**

- (a) Six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
- (1) The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with all applicable zoning, building, electrical, and plumbing codes and permitting requirements.
  - (2) All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.
  - (3) The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

- (4) No cannabis plants may be cultivated outdoors.
- (b) For purposes of this section, the following terms have the following meanings:
  - (1) "Cannabis" has the meaning set forth in Health and Safety Code section 11018.
  - (2) "Private residence" has the meaning set forth in Health and Safety Code section 11362.2(b)(5). (Ord. 2017-26 § 2.)

**88-26.006 Prohibited Uses.**

- (a) All commercial cannabis activities are prohibited in all zoning districts of the County.
- (b) For purposes of this section, "commercial cannabis activities" has the meaning set forth in Business and Professions Code section 26001(k). (Ord. 2017-26 § 2.)

**88-26.008 Use of Public Roads.** It is not a violation of this chapter for any person employed by a licensed cannabis delivery service to travel on a public road within the unincorporated area of the County for the purpose of delivering cannabis or cannabis products to persons located in a city or county where the delivery of cannabis is not prohibited. (Ord. 2017-26 § 2.)

**SECTION III.** Section 82-2.022 of the County Ordinance Code is deleted in its entirety.

**SECTION IV.** Section 82-4.292 of the County Ordinance Code is deleted in its entirety.

**SECTION V. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage must be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED ON \_\_\_\_\_ by the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:

ATTEST: DAVID J. TWA,  
 Clerk of the Board of Supervisors  
 and County Administrator

\_\_\_\_\_  
 Board Chair

By: \_\_\_\_\_  
 Deputy

[SEAL]

TLG:  
 H:\2017\Conservation and Development\marijuana ord - final.docx

# **ATTACHMENT N**

**REGARDING CAPS AND SELECTION PROCESS**

**Table 1: OPTIONS FOR SETTING LIMITS ON THE GRANTING OF DISCRETIONARY LAND USE PERMITS FOR COMMERCIAL CANNABIS**

**(DRAFT)**

Contra Costa County Department of Conservation and Development  
Board of Supervisors  
October 24, 2017

I. OPTIONS FOR NUMBER OF PERMITS TO BE ISSUED		PROS	CONS	STAFF RECOMMENDATION
A.	<b>No Limit</b> (LUP for cannabis use may be approved on any qualifying parcel)	<ul style="list-style-type: none"> <li>-Promotes Cannabis Businesses</li> <li>-Maximum Revenue Potential</li> <li>-Open to All Businesses Large and Small</li> </ul>	<ul style="list-style-type: none"> <li>-Risk of Proliferation of Cannabis Uses/Influence</li> <li>-Community Impact/Nuisance/Crime Issues</li> <li>-More Extensive and Less Predictable Enforcement Demands</li> </ul>	Consider for Manufacturing, Distribution, Testing
B.	<b>Hard Cap</b> (permanent limit on # of each type of cannabis use)	<ul style="list-style-type: none"> <li>-Limits Cannabis Influence</li> <li>-Restricts Proliferation of Cannabis Uses</li> <li>-County Maintains Control</li> <li>-Limits Impacts on Communities</li> </ul>	<ul style="list-style-type: none"> <li>-Possibly Cumbersome Selection Process</li> <li>-Restricts Cannabis Related Businesses and Access</li> <li>-Limits Revenue Potential</li> </ul>	Consider for commercial cultivation and retail sales
C.	<b>Gradual Annual Increase</b> (aka "Ramp-up") (increase # of permits over time <u>with or w/out</u> hard limit)	<ul style="list-style-type: none"> <li>-County Maintains Control of # of Cannabis Uses</li> <li>-Restricts Proliferation of Cannabis Uses</li> <li>-Allows Enforcement Capability to Keep Pace with New Uses</li> </ul>	<ul style="list-style-type: none"> <li>-Slows Approval of Commercial Cannabis</li> <li>-Restricts Cannabis Related Businesses</li> <li>Less revenue over the near term</li> </ul>	Consider for all commercial uses
II. OPTIONS FOR APPLICANT SELECTION PROCESS		PROS	CONS	STAFF RECOMMENDATION
A.	<b>1<sup>ST</sup> Come, 1<sup>ST</sup> Served</b> (cannabis applications processed like other Land Use Permits on a 1 <sup>st</sup> come 1 <sup>st</sup> served basis; cut-off is based on time application is deemed complete)	<ul style="list-style-type: none"> <li>-Uses Established Process (in part)</li> <li>-Simple. Minimizes # of Decisions to be Made</li> <li>-Deemed Complete Cut-off Favors Capable Applicants</li> </ul>	<ul style="list-style-type: none"> <li>-Applicants May Race Each Other</li> <li>-Less County Discretion, Though Still Able to Deny</li> <li>- No Ability to Prioritize Applications</li> </ul>	2 <sup>nd</sup> choice
B.	<b>RFP with Scoring</b> ("Request for Proposal" process with scoring system where County requests that qualified applicants submit proposal by specified date to be selected by County through a criteria-based review)	<ul style="list-style-type: none"> <li>-Additional Layer of Discretion for County</li> <li>-Encourages Professionalism and "Good" Business Practices</li> <li>-May be able to pursue policy priorities through scoring system</li> </ul>	<ul style="list-style-type: none"> <li>-More Staff Work to Develop and Implement</li> <li>-Establishes New Process and Learning Curve</li> <li>-May be Perceived as not Objective</li> <li>-Developing Scoring System May Be Controversial Process</li> </ul>	Consider for any use category that will have a hard-cap or an interim cap
C.	<b>Lottery</b> (Project proponents selected to apply by a lottery process)	<ul style="list-style-type: none"> <li>-Transparent Selection Process</li> <li>-Simple Selection Process</li> </ul>	<ul style="list-style-type: none"> <li>-Less County Discretion Though Still Able to Deny</li> <li>-Less Desirable Proposals May Be Invited to Apply and Receive Approvals</li> </ul>	3 <sup>rd</sup> choice

# **ATTACHMENT O**

**NOVEMBER 14, 2017**

**DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
BOARD ORDER**



**Contra  
Costa  
County**

To: Board of Supervisors  
From: John Kopchik, Director, Conservation & Development Department  
Date: November 14, 2017

Subject: Draft Framework for Regulating Cannabis in the Unincorporated Area and Public Outreach Plan.

**RECOMMENDATION(S):**

1. APPROVE Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County (Framework), reflecting changes requested by the Board on October 24, 2017, and
2. DIRECT the Director of the Department of Conservation and Development to implement Public Outreach Plan to solicit public input on the Framework.

**FISCAL IMPACT:**

Preparation of regulations on the commercial cultivation, distribution, transport, storage, manufacturing, processing, and sale of medical cannabis and medical cannabis products, and of adult-use cannabis and adult-use cannabis products,

APPROVE  OTHER  
 RECOMMENDATION OF CNTY ADMINISTRATOR  RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 11/14/2017  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Karen Mitchoff, District IV  
Supervisor

ABSENT: Diane Burgis, District III  
Supervisor  
Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 14, 2017

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Jamar Stamps, (925)  
674-7832

## FISCAL IMPACT: (CONT'D)

as authorized by the Control, Regulate, and Tax Adult Use of Marijuana Act, and on cultivation for personal use, is expected to cost approximately \$100,000 to \$150,000 in staff time and consulting fees.

## BACKGROUND:

On October 24, 2017, the Board received presentations from County staff and consultants on the development of cannabis regulations, financial analysis and the Preliminary Working Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County (“Draft Framework”). The Board provided input on the Draft Framework for staff to incorporate and indicated the importance of public input. This Board Order includes a revised Draft Framework (Exhibit A (clean version) and Exhibit B (track changes version)).

The Board also provided guidance on public outreach. Based on that input staff developed a draft Public Outreach Plan (Exhibit C). The Draft Framework, once approved, will be used in future public outreach efforts. Staff will also offer field visits for Board Members.

On October 24, the Board requested that staff confirm the following:

### Maximum number of cannabis plants.

Under state law, the maximum number of cannabis plants that may be cultivated for personal use is six. State law requires that local agencies allow up to six cannabis plants to be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, subject to any reasonable regulations the local agency may enact. A local agency may, but is not required to, allow outdoor cultivation at a private residence. (H&S Code, § 11362.2.) Accordingly, Ordinance No. 2017-24, adopted by the Board on October 24, allows six or fewer cannabis plants to be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence. Outdoor cultivation is prohibited under the ordinance.

Under state medical cannabis laws, a qualified patient or primary caregiver may maintain no more than six mature or 12 immature cannabis plants per qualified patient. (H&S Code, § 11362.77.) A local agency may allow the cultivation of cannabis plants for medical purposes, but the courts have held that a local agency may also ban this type of cultivation. Under Ordinance No. 2017-24, the indoor cultivation of six or fewer cannabis plants may be for personal use or medical purposes.

### Eligibility for grant funding.

Local agencies may regulate or ban commercial cultivation of cannabis, personal outdoor cultivation of cannabis, and the retail sale of cannabis or cannabis products. If a local agency bans all commercial cultivation, personal outdoor cultivation of cannabis, or the retail sale of cannabis or cannabis products, the agency is not eligible for state grants to assist with law enforcement, fire protection, or other local programs addressing public health and safety associated with the implementation of Proposition 64. (R&T Code, § 34019.) Staff will follow development of the regulations concerning the grant program to learn the details of how the state will interpret and enforce these provisions.

#### Voter approval of cannabis tax in unincorporated area.

Counties are authorized to impose a tax on the privilege of cultivating, manufacturing, producing, process, preparing, storing providing, donating, selling, or distributing marijuana or marijuana products. (R&T Code, § 34021.5.) If a county establishes a tax on one or more of those activities, the tax is imposed on state licensees. The Board of Supervisors by ordinance sets the tax rate and specifies the activities subject to the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance. If the Board specifies that the tax applies in the unincorporated area, then the electorate voting on the tax would be registered voters in the unincorporated area.

#### Information on cannabis transaction limits in other states.

Contra Costa Health Services has prepared a table comparing state limits on cannabis transactions (Exhibit D).

#### CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not act in the affirmative on the above recommendations, County staff will not disseminate the Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County and the Public Outreach Plan will not be implemented.

#### ATTACHMENTS

Exhibit A - Preliminary Cannabis Regulatory Framework 11-14-17 clean version

Attachment 1 to Exhibit A-Preliminary Maps

Attachment 2 to Exhibit A - Report from Health Services

Exhibit B - Preliminary Cannabis Regulatory Framework 11-14-17 compared to 10-24-17

Exhibit C- Draft Public Outreach

Exhibit D - Comparison of State Limits on Cannabis Transactions

# **ATTACHMENT P**

APRIL 24, 2018

DEPARTMENT OF CONSERVATION AND  
DEVELOPMENT  
BOARD ORDER



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: April 24, 2018

Subject: Cannabis Framework Public Outreach Update and Report on Proposed Cannabis Regulations for the Unincorporated Areas of Contra Costa County

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**RECOMMENDATION(S):**

- A. ACCEPT staff's update on public outreach for the Cannabis Framework;
- B. APPROVE the Final Draft of the Framework for Regulating Cannabis in the Unincorporated Areas of the County; and
- C. DIRECT Department of Conservation and Development staff to prepare an ordinance based on the Final Draft of the Framework.

**FISCAL IMPACT:**

Preparation of a zoning ordinance regulating commercial cannabis uses and personal cultivation is expected to cost in the range of \$150K-\$250K in staff time. This expense has been anticipated in the current Department Budget.

APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 04/24/2018  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 24, 2018

Contact: Ruben  
Hernandez, (925) 674-7785

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc:

## **BACKGROUND:**

On November 14, 2017, the Board approved the Preliminary Working Draft for Regulating Cannabis in the Unincorporated Area of Contra Costa County along with a public outreach plan for obtaining public comment and input on the Framework. This action was preceded by detailed Board discussions on October 24, 2017, July 18, 2017 and April 25, 2017. Proposed revisions to the Framework are included in Exhibit A. Two versions are included, one clean and one tracking changes from the November 2017 version.

The public outreach plan directed the Department of Conservation and Development to engage in an effort to obtain input and comment on the Preliminary Framework from various organizations including local Municipal Advisory Committees (MAC), the Alcohol and Other Drug Advisory Board, and working with Supervisor District offices on other outreach including to City Councils. Beginning with the Alamo MAC on February 6, 2018, Department staff presented a Cannabis Framework Power Point to each of these groups. The presentation included background on current County cannabis regulations, potential regulation for commercial cannabis uses, maps, and other pertinent information related to the establishment of cannabis regulations as described in the Framework. The presentation also identified specific areas where public input was particularly needed, including obtaining input on overall reaction to the Framework, the use and extent of buffers, caps on the number of commercial cannabis uses and addressing outdoor personal cultivation. A cannabis regulation survey addressing these same four topics was also prepared and shared with the public at each of the meetings. The survey was also posted on the County's cannabis web page and respondents were able to complete and submit it online.

## **COMMUNITY INPUT**

In order to provide the Board with a understanding of the range of comments received throughout this process, the comments have been summarized in attachments to this Board Order.

Exhibit B, the slides to be presented on April 24, contains a high-level summary of the input received from the various bodies and from the survey. Exhibits C-H provide more detailed summaries.

## **CHANGES TO FRAMEWORK**

After taking into consideration the input received during the public outreach process and after additional staff analysis, a number of proposed modifications to the Preliminary Draft of the Framework have been made. The proposed revised Framework is included in Exhibit A (one clean version, one version tracking changes from November 2017). Revised maps with three buffer scenario options are provided in Attachment 1 to Exhibit A. A summary of the major changes listed below is included in Exhibit B (the slides to

be presented on April 24).

- General Permit Terms
- Caps and Applicant Selection Process
- Revised Zoning Matrix
- Exclusion Areas
- Buffer Zones
- Outdoor Personal Cultivation
- Retail Delivery From Outside County

### CONSEQUENCE OF NEGATIVE ACTION:

If the Board were not to approve the Draft Framework, staff would not have direction to prepare a draft ordinance.

### CHILDREN'S IMPACT STATEMENT:

Approval of the revised Framework would allow preparation of a Countywide cannabis ordinance to move forward. Approval of a cannabis ordinance could potentially allow access to State grant funding and new revenue streams from the future County cannabis tax which could be used for drug prevention education, additional law enforcement services and health services.

### ATTACHMENTS

- Exhibit A1-Draft Cannabis Framework-Clean Version
- Exhibit A2- Redline Version Cannabis Framework Document
- Exhibit A-Attachment 1- Maps
- Exhibit B-PowerPoint Presentation 4-24-18
- Exhibit C-MAC Comments Summary
- Exhibit D- AOD Advisory Board Comments Summary
- Exhibit E- Youth Town Hall Meeting Comments Summary
- Exhibit F- CCC Council on Homelessness Draft Meeting Minutes Excerpt
- Exhibit G- Public Survey Comments Summary
- Exhibit H- Comment Letters

# **ATTACHMENT Q**

**APRIL 24, 2018**

**BOARD OF SUPERVISORS**

**POWERPOINT PRESENTATION**



BOARD OF SUPERVISORS MEETING

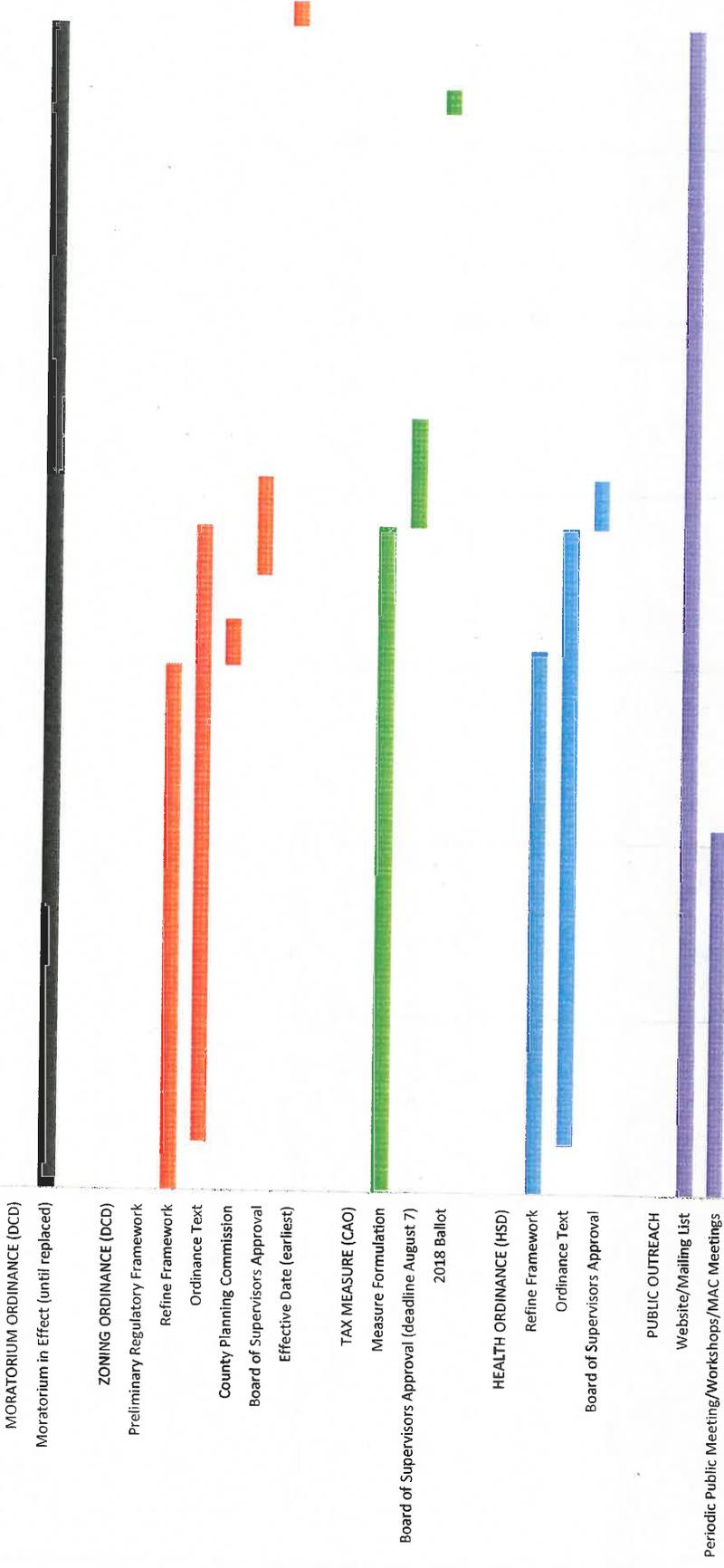
TUESDAY, APRIL 24, 2018

# UPDATE ON COMMUNITY OUTREACH AND RECOMMENDATIONS FOR REVISING CANNABIS REGULATORY FRAMEWORK RELATED TO ZONING

## FOCUS FOR THIS BOARD MEETING: ZONING

- Staff hopes to receive direction from the Board today on refining the Draft Regulatory Framework for Cannabis as it relates to zoning
- Staff is developing a draft zoning ordinance based on the Framework and plans to present a draft zoning ordinance reflecting Board direction from today to the County Planning Commission on May 23, 2018
- Other key dates in proposed schedule:
  - May 8, 2018: Board guidance on potential tax measure. Guidance on health ordinance will also be requested, either on May 8 or a subsequent meeting.
  - June 26, 2018: Board to consider adoption of zoning ordinance
  - July 10, 2018: Board to consider adoption of health and tax measure ordinances

January 2018      February 2018      April 2018      May 2018      July 2018      September 2018      October 2018



## OVERVIEW OF COMMUNITY OUTREACH EFFORTS

- November 14, 2017-Board Approved Draft Framework & Public Outreach Plan
- First community outreach meeting with Alamo Municipal Advisory Council (MAC) took Place on February 6, 2018
- Most recent public outreach meeting was held on Monday, April 16 with Crockett Improvement Association
- During that time period County Board members and staff presented the Draft Framework and solicited input on it at 27 meetings
- 618 people are presently included on the County's cannabis notification list
- The County's cannabis home page includes an updated schedule for all outreach meetings, an online public comment survey, the Draft Framework and other documents

# PUBLIC MEETING INPUT – MUNICIPAL ADVISORY COUNCILS HIGHLIGHTS

\*MORE DETAILED SUMMARY OF COMMENTS IN EXHIBIT C

## ■ Framework Reaction

- Overall reaction mixed from MAC to MAC and within MACs. Some suggestions shared at some MACs:
  - Strict safeguards to prevent marketing to children
  - LUP applications routed to MACs
  - Include schools, parks churches as sensitive sites
  - No delivery of non-medical cannabis
  - “Return-to-source” taxation
  - Social equity considerations

## ■ Buffers

- Residential: 500’-1,000’ (2 miles also proposed)
- Sensitive Site: 1,000’
  - Consistent with tobacco ordinance also recommended

## ■ Caps

- Yes. Can review and modify over time if warranted

## ■ Outdoor Personal Grow

- Generally “yes” to allow, some suggested complete ban. For those that supported, common ideas:
  - Max: 3-6 plants
  - Not visible from public right-of-way
  - 5-foot setbacks from property line

	Alamo	Bay Point	Bethel Island	Byron	Contra Costa Centre	Crockett	Diablo
<b>Framework Reaction</b>	Advanced safeguards Apply Second Hand Smoke Ord. Ban nonmedical delivery	Include Schools and Parks, and Churches as sensitive sites	sustainable water uses use of tax revenue "small guy vs outsider/corporate interest"	Outdoor grows should be in an enclosed area and not visible by neighbors or the road	Reasonable	Concerns about importing criminal activity Tax revenue should be spent on public safety and hospitals	Agricultural zones should not allow cultivate/manufacture re/distribute Ban nonmedical delivery
<b>Buffers</b> (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	600' residential//1000' sensitive sites	Use same buffers as Tobacco Ordinance	500ft with 1,000ft notification area	1,000 feet for sensitive sites and 500 feet for residential	Should be consistent with the County Tobacco Ordinance (1,000')	Buffer zones are "ridiculous"; don't make a difference. Kids can drive and still access.	1,000' within sensitive site and 500' within residential
<b>Caps</b> (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	Restrict the number of permits issued related to the establishment of safe, orderly and accessible cannabis businesses limited to three (3) plants	Yes	Yes	Include caps with a review after 1 year	Place limited caps in the beginning and revisit after 3 years	(see "Framework Reaction")	Start with small number of permits and after 1-3 years of data adjust the number as warranted.
<b>Outdoor Personal Grow</b> (Should it be allowed by right? Number of plants? Other requirements?)	20' setback from all property line(s) not visible from public ROW or adjacent parcel	Six (6) plants maximum	Allow personal grows	6 indoor or outdoor plants	Allow by right; 6 plants max; create policies to discourage nuisance to neighbors; grow as close to the building as possible and secure	(see "Framework Reaction")	Three (3) plants max Not visible from public ROW or adjacent parcel; 5 foot setbacks

	Discovery Bay	El Sobrante	Kensington	Knightsen	North Richmond	Pacheco	Rodeo
<b>Framework Reaction</b>	Well thought through. Good to have one. "Devil's in the details"	Discussion and questions about zoning, possibility of allowing currently legal plants to grow outside, taxation of businesses, distribution of taxes, etc.	No major "red flags," no strong objections A lot of Framework wouldn't apply to Kensington	Concerns with enforcement, return to source taxation, theft and smell	Research experiences from other communities Support businesses that give back to the community Tax revenue should "return-to-source"	Well thought through.	Keep out of Bayo Vista Housing Project and YMCA Too restrictive for these businesses to thrive
<b>Buffers</b> (What distances should cannabis uses be buffered from sensitive and/or residential sites?)	Two miles from Discovery Bay	(see "Framework Reaction")	(see "Framework Reaction")	Approve proposed Framework standards	Yes	1,000' buffers for sensitive sites and residential	(see "Framework Reaction")
<b>Caps</b> (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	In the beginning keep caps tight, then release slowly as circumstances warrant	(see "Framework Reaction")	(see "Framework Reaction")	Yes; cap at 0 "zero"	Yes	Yes	(see "Framework Reaction")
<b>Outdoor Personal Grow</b> (Should it be allowed by right? Number of plants? Other requirements?)	Should be prohibited in Discovery Bay	(see "Framework Reaction")	Discussion around whether it would be appropriate to have combination of regulated indoor and outdoor personal grow; reached no conclusion	Maximum of six (6) plants	(no response)	Yes, with restrictions	(see "Framework Reaction")

## PUBLIC MEETING INPUT – CITY COUNCIL HIGHLIGHTS

- **Framework Reaction**
  - Cities in south County and Lamorinda generally prohibit commercial cannabis and thought the County should be consistent
  - However, cities appreciated that the County had developed a draft Framework and was seeking input
  - Consider experiences of other cities/states
  - Policies consistent with neighboring city's regulations
  - Avoid allowing cannabis activities near sensitive sites
  - Continue to coordinate with Contra Costa cities
  - Concord suggested concept of cannabis storefront being more likely to operate well if sited in visible areas.
- **Buffers**
  - If allow at all, generally reasonable
  - Consider making consistent with neighboring city buffers
- **Caps**
  - If allow at all, impose caps
  - Consider “phasing” caps –if County allows anything, should start slow
- **Outdoor Personal Grow**
  - Generally not supported, though members in one city pointed out some positive tradeoffs with outdoor

	Concord	Danville	Lafayette	Moraga	Orinda	San Ramon	Walnut Creek
<b>Framework Reaction</b>	<p>Concerned w/ locations that are not visible enough</p> <p>Medical should be allowed at a minimum</p> <p>Coordination on borders needed. City input needed on nearby projects.</p> <p>Concern with County getting revenue and city getting impacts.</p>	<p>Council banned commercial cannabis and generally thought County should too. Additional comments were offered in the event not possible to ban. Tax potential should not drive decision.</p> <p>Concerns with edibles, access by children and environmental impact</p>	<p>Suggest adopting an approach to match cities in neighborhoods near those cities.</p> <p>Lafayette banned commercial cannabis and generally recommended the County do the same.</p>	<p>Majority view: County's regulations should mirror the Town's very strong anti-marijuana regulations.</p> <p>Dissenting opinion: Marijuana has legitimate medical uses; layering on taxes too heavily could drive more of the industry underground.</p>	<p>Key that County policy is consistent with City policy</p> <p>Not an agricultural community</p> <p>No cultivation, distribution, testing</p>	<p>Should not have any uses around San Ramon. Keep away from children</p> <p>Maintain prohibition as currently exists</p>	<p>Generally, members felt it was reasonable.</p> <p>Tax vote idea good.</p> <p>City intends to permit up to two medical-only, delivery-only dispensaries and outdoor personal, but nothing else.</p>
<b>Buffers</b> (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	<p>Residential areas may be sensitive as sensitive sites; need security</p>	<p>Request County use City buffers (County's too small)</p>	<p>If allowed, need solid buffer zones</p>	<p>Encourage ban everywhere in the County.</p>	<p>City prohibits and general suggestion was consistency.</p>	<p>City prohibits and general suggestion was consistency.</p>	<p>Consider additional sensitive sites</p>
<b>Caps</b> (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	<p>Caps are good</p>	<p>Yes to caps, slower ramp up (2x)</p>	<p>If allowed, cap retail at a very small number</p>	<p>Encourage ban everywhere in the County.</p>	<p>City prohibits and general suggestion was consistency.</p>	<p>City prohibits and general suggestion was consistency.</p>	<p>Consult with city you're close to</p>
<b>Outdoor Personal Grow</b> (Should it be allowed by right? Number of plants? Other requirements?)	<p>Outdoor grows are a concern</p>	<p>Outdoor cultivation - notification radius</p>	<p>No outdoor personal grow</p>	<p>Encourage ban everywhere in the County.</p>	<p>City prohibits and general suggestion was consistency.</p>	<p>No outdoor personal grow</p>	<p>Generally supported.</p>

## CAP/BUFFER/RFP/TERM COMPARISON CHART

CITY/COUNTY	CAPS	BUFFERS	RFP	PERMIT TERM	NOTES
Alameda County	<p><i>Medical Dispensaries:</i> Limit of 3 dispensaries in "west" county and 3 in "east" county.</p> <p><i>Commercial Cultivation:</i> Maximum 2 indoor and 4 mixed-light cannabis cultivation operations Countywide.</p>	<p><i>Dispensaries:</i> <b>1,000 feet</b> from any school, any licensed child or day care facility, public park or playground, drug recovery facility or recreation center. <b>1,000 feet</b> from other dispensaries.</p> <p><i>Commercial Cultivation:</i> <b>1,000 feet</b> from any school for pre-K to 12<sup>th</sup> grade students, licensed child or day care facility, public park or playground, drug or alcohol recovery facility or public recreation center; <b>300 feet</b> from residence on adjacent property; <b>50 feet</b> from property line.</p>	RFP process for dispensaries and cultivation	Two (2) years	<p>Only 5 retail and 6 cultivation sites total permitted.</p> <p>No other commercial cannabis uses permitted.</p>
Richmond	<p><i>Medical Dispensaries:</i> Maximum of 3</p> <p><i>Cultivation/Manufacturing:</i> No limit</p>	<p><i>All Marijuana Businesses:</i> <b>1,500 feet</b> from any public or private high school and a minimum of six hundred feet (600') from any kindergarten, elementary, middle or junior high school, pursuant to State law.</p> <p><i>Manufacturing/Cultivation:</i> <b>500 feet</b> from any park, community center, youth center, public or private child-care center or nursery school</p> <p><i>Marijuana Collective Dispensaries:</i> <b>500-feet</b> from any park, community center, youth center, public or private child-care center or nursery school</p>	RFP process for dispensaries only	No permit term limits	
Emeryville	<p>1 dispensary/retailer allowed within city Limits.</p> <p>Unlimited permits for manufacturing, testing, distribution, transportation, delivery and research and development</p> <p><i>Medical Dispensary (delivery only):</i> City council adopted a cap of 2 delivery-only medical dispensaries</p>	<p><i>Dispensary/Retail:</i> <b>250 feet</b> from sensitive sites</p> <p><b>No buffer</b> for manufacturing, testing, distribution, transport, or research and development</p>	RFP Process required for retail dispensary only.	Permits valid for <b>one (1) year</b> . Renewal application required 60 day prior to expiration	
Walnut Creek		TBD	TBD	TBD	As approved by City Council vote on February 20, 2018.
Oakland	<p><i>Dispensary:</i> No more than 8 new permits per year (half to equity applicant).</p> <p><i>Cultivation, distribution, manufacturing, testing and transporting:</i> No limit</p>	<p><i>Dispensary:</i> <b>600-feet</b> of a K-12 public or private school, another dispensary or youth center. The distance between facilities shall be measured via path of travel from the closest door of one facility to the closest door of the other facility.</p> <p><i>Cultivation, distribution, manufacturing, testing and transporting:</i> <b>600-feet</b> from any k-12 public or private school. The distance between facilities shall be measured via path of travel from the closest door of one facility to the closest door of the other facility.</p>	RFP for four (4) regular dispensary permits Drawing for four (4) equity applicant permits	1 year for dispensaries	
El Cerrito	<p><i>Dispensary:</i> Maximum two (2) allowed (retail storefront or retail delivery)</p>	<p><i>Dispensary Buffers:</i> <b>600-feet</b> from public and private schools and areas with youth populations, including: 1. A public or private kindergarten, elementary, middle, junior high, or high school. 2. A library open to the public. 3. A publicly owned park (excluding the Ohlone Greenway and pocket parks as defined in the San Pablo Avenue Specific Plan) or recreation facility including, but not limited to, a clubhouse, community center, or public pool.</p>	RFP for dispensaries	Maximum of three (3) years.	No other commercial cannabis uses permitted.

# PUBLIC MEETING INPUT – ALCOHOL AND OTHER DRUGS ADVISORY BOARD

\* MORE DETAILED SUMMARY IN EXHIBIT D

- **Caps** good idea across the board; monitoring system; permitting process; favors RFP process
- **Revenue** to help treatment and prevention services; area residents and potential/tendencies toward impacts;
- Need strict regulations on verifying **point of sale transactions**; mobile delivery a concern
- County should have a "**liaison**" to ensure regulations are implemented properly; w/ knowledge in substance abuse & regulations.
- **A.O.D. needs opportunity to comment on all LUP apps** (in same manner as alcohol permit LUP apps);
- **Social Host ordinance** lacks enforcement -- needs revenue.
- Anorexia and AIDS patients and chemo patients are only scientifically proven to benefit; wants to ensure disadvantaged/elderly population has **safe access**
- **Concentrations of cannabis activities a concern**
- **Disadvantaged communities** could be in danger; language barriers an issue - need lots of education
- Health ordinance should be **adopted concurrently** w/ other policy approvals
- How do you prevent **odor impacts**?

## PUBLIC MEETING INPUT – YOUTH TOWN HALL

\* MORE DETAILED SUMMARY IN EXHIBIT E

- **Marijuana should not be allowed to be put into food**
- **Children** cannot tell if the candy has drugs or not, and it can affect kids a lot
- Should not be within **5000 ft.** of kids K-12
- Facilities should have **maximum security**
- Some mention of positive medical and other impacts of cannabis
- Cannabis should be limited to **agricultural and medicinal use**
- **Cap** on the THC level in cannabis
- **Limit** to how many retail stores are allowed
- Outdoor cultivation should not be allowed...**only greenhouse** and specific outdoor places should be permitted
- Should **allow testing**
- Keep out of **disadvantaged communities**

# PUBLIC MEETING INPUT – INTERJURISDICTIONAL COUNCIL ON HOMELESS

\* MORE DETAILED SUMMARY IN EXHIBIT F

- **Tax revenue** from commercial cannabis activities should **return to the communities** where they are generated, not to County General Fund.
- Ordinance should **utilize caps on commercial uses** to avoid proliferation and excessive influence of cannabis
- The County should **consider implementing equity programs** for commercial cannabis businesses similar to those used in Oakland and San Francisco
- Cannabis ordinance should **prioritize local business owners** and employment
- Placement of caps on commercial cannabis uses would **inhibit growth of local businesses** and **limit potential tax revenue**

# PUBLIC INPUT – SURVEY & TESTIMONY HIGHLIGHTS (COMMENTS IN OPPOSITION)

\* MORE DETAILED SUMMARY IN EXHIBIT G

- Particularly harmful to children and teenagers
- Should be completely prohibited
- “Toxic” substance; odor impacts; triggers asthma
- Brings crime and violence, gangs and cartels
- Destroys environment; risk to public health and safety
- Will increase ER visits (see: Colorado)
- Limited to no benefit
- Recreational use damages workforce
- The more available and accepted it is, the more abuse will occur, particularly by children.
- Irresponsible use of agricultural resources
- Framework is not ready; need more careful examination of experience in other communities and analysis of studies on its impacts
- Still a controlled substance on Federal level
- Will consider moving if allowed in neighborhood
- Reduces property values, quality of life
- “Dubious” economic benefit
- Will exacerbate “black market”
- More socially-responsible ways to generate tax revenue
- Leads to abuse of other drugs

# PUBLIC INPUT – SURVEY & TESTIMONY HIGHLIGHTS (COMMENTS IN SUPPORT)

\* MORE DETAILED SUMMARY IN EXHIBIT G

- Improve economy, increases tax revenue; “Return-to-Source” taxation
- Medical benefits; need to improve access for medical users
- Regulations will help eliminate “black market”
- County voters voted in favor of legalization
- Cap retailers, not cultivators
- Buffers too restrictive; distance between dispensaries should be same as alcohol retailers
- Benefits to making a legal product safely available to the community
- Agriculturally zoned properties should be allowed to cultivate “by right”
- Outdoor grows should not be visible from public right-of-way, setback from property line
- Look at success stories from other cities and states
- Permits should be reviewed at regular intervals
- Allow vertical integration (“micro-businesses”)
- Be consistent with State regulations
- Safer than alcohol, tobacco

## MAJOR TAKEAWAYS FROM PUBLIC OUTREACH

- Cannabis is still a polarizing topic and many in the community are passionately for or against.
- Those in favor discuss medicinal and other values and point out advantages of well-regulated access as opposed to black market.
- Those opposed are concerned that governmental acceptance and additional availability will lead to broad social harm, including greater abuse, particularly by children.
- Results of Proposition 64 indicated broad general support for legal cannabis throughout the County. However, locating a cannabis business in a community is still likely to provoke significant opposition.
- Opposition is consistently strongest in southern and southwestern areas of the County.
- Communities in the northern and western areas are generally more receptive.
- Buffers seen as not sufficient in communities that are more opposed and too limiting in areas that support.

## RECOMMENDED CHANGES TO THE FRAMEWORK

- Based on the public input and further analysis by staff, a number of revisions to the Framework are recommended.
- The details of these proposed revisions are reflected in the track changes version of the Framework document and the attached maps.
- The following slides summarize the more significant proposed revisions and compare the approaches of nearby jurisdictions on some key questions.

**RECOMMENDED CHANGES TO THE FRAMEWORK:  
-- GENERAL PERMIT TERMS (SIGNIFICANT CHANGE #1)**

- Manufacturing processes related to extraction are recommended to be limited to non-volatile processing techniques.
- Applications for retail storefront and commercial cultivation permits would only be accepted in response to a Request for Proposals (RFP)
- Require additional findings be made when approving cannabis permits to prevent adverse impacts to neighbors and communities
- Limit permits to five year terms with a process to renew
- Compliance review annually for three years, then every three years thereafter. First compliance review and any review that determines non-compliance will be public hearings.

## RECOMMENDED CHANGES TO THE FRAMEWORK: -- CAPS AND APPLICANT SELECTION PROCESS (SIGNIFICANT CHANGE #2)

- The following initial caps recommended :
  - Retail Storefront—Maximum of four (4) for first three years. Re-evaluate thereafter.
  - Commercial Cultivation—Maximum of ten (10) for first three years. Re-evaluate thereafter.
  - Delivery-Only retail—No limit initially
  - Manufacturing—No limit initially
  - Distribution center—No limit initially
  - Testing facility—No limit initially
- Low caps on the two most sensitive uses are based on the principle of starting slow and building oversight capacity. Possible that there are more interested applicants than cap space and that a free market could support more than these initial cap amounts. It should also be noted that future demand for these uses, their products and their product prices may be volatile.
- No caps or limit recommended initially on other uses because these uses are expected to have fewer impacts. Also, helpful to minimize the number of time-consuming and challenging applicant selection processes (RFP process).
- For uses requiring an RFP and an applicant selection process, recommend a scoring system be developed before RFP is issued that reflects the County's public safety, land use and health policy goals.

**RECOMMENDED CHANGES TO THE FRAMEWORK:  
-- REVISED ZONING MATRIX (SIGNIFICANT CHANGE #3)**

- Staff is recommending a series of revisions to the matrix.
- These recommendations reflect public input and additional staff analysis and are intended to increase clarity and specificity on some key proposed restrictions.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit <u>(in conjunction with cultivation permit only)</u>			
Area-Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	<u>100% Renewable Energy and Sustainable Water Supply served by a public water agency</u>		<u>Sustainable Water Supply Served by a public water agency</u>		Potential limits on number of employees/trips outside ULL			
Key Considerations and Limitations by Use	Maximum 22, 000 sf		Max 2 acres	only within ULL				only within ULL
	Ag Districts: maximum 10,000 sf structure or in existing structure		Greenhouse only <u>in non-ag districts inside ULL or within 1 mile of ULL</u>	Cultivators may distribute own produce to retailers	Potential limits on number of employees/trips outside ULL	only within ULL	only within ULL	500 ft from another retail location

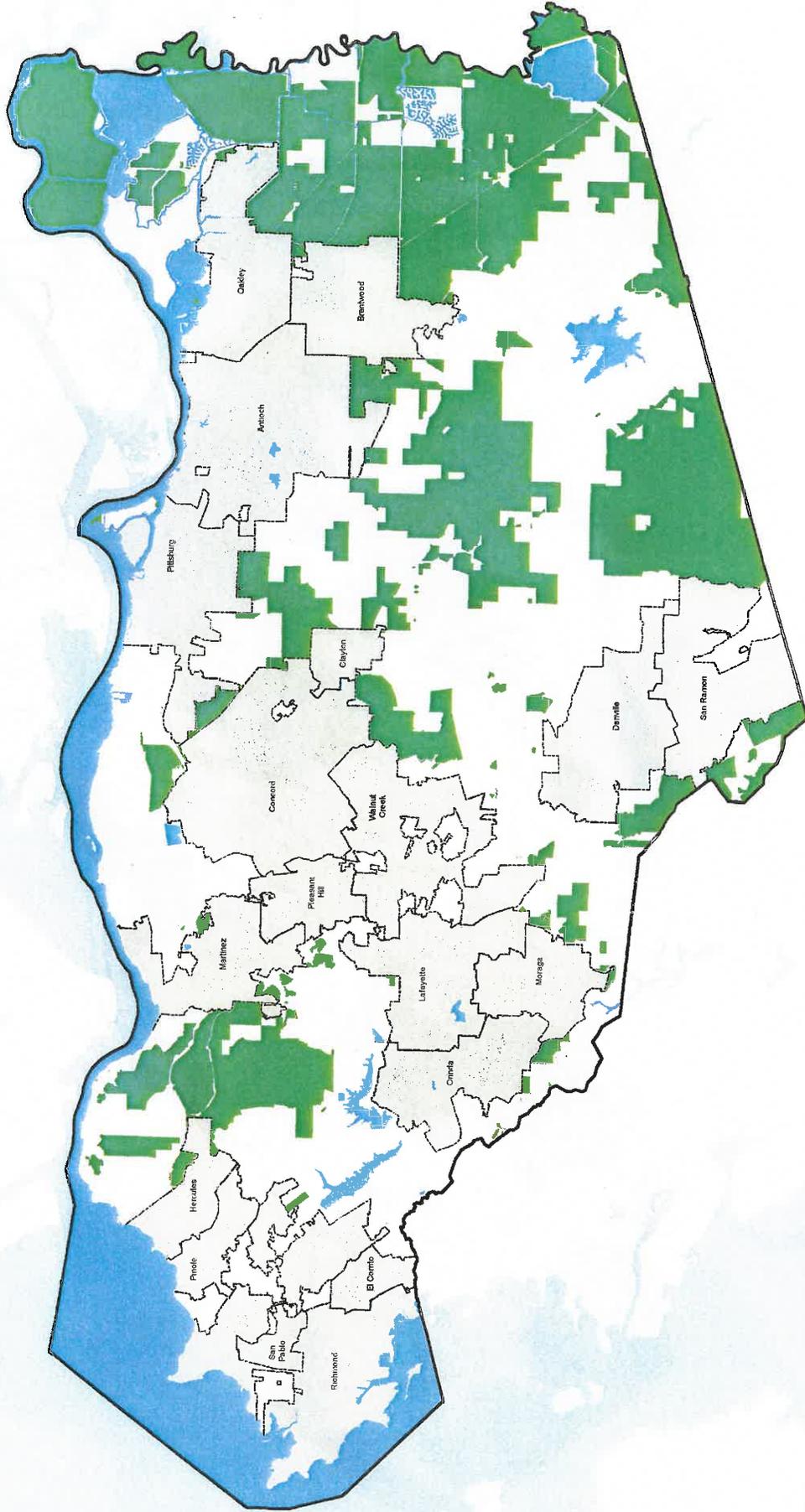
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Note 1: ULL refers to Urban Limit Line

Note 2: Microbusinesses (operations that grow, process and sell cannabis products to retail customers at a small-scale site) are also under consideration where cultivation is allowed inside the ULL.

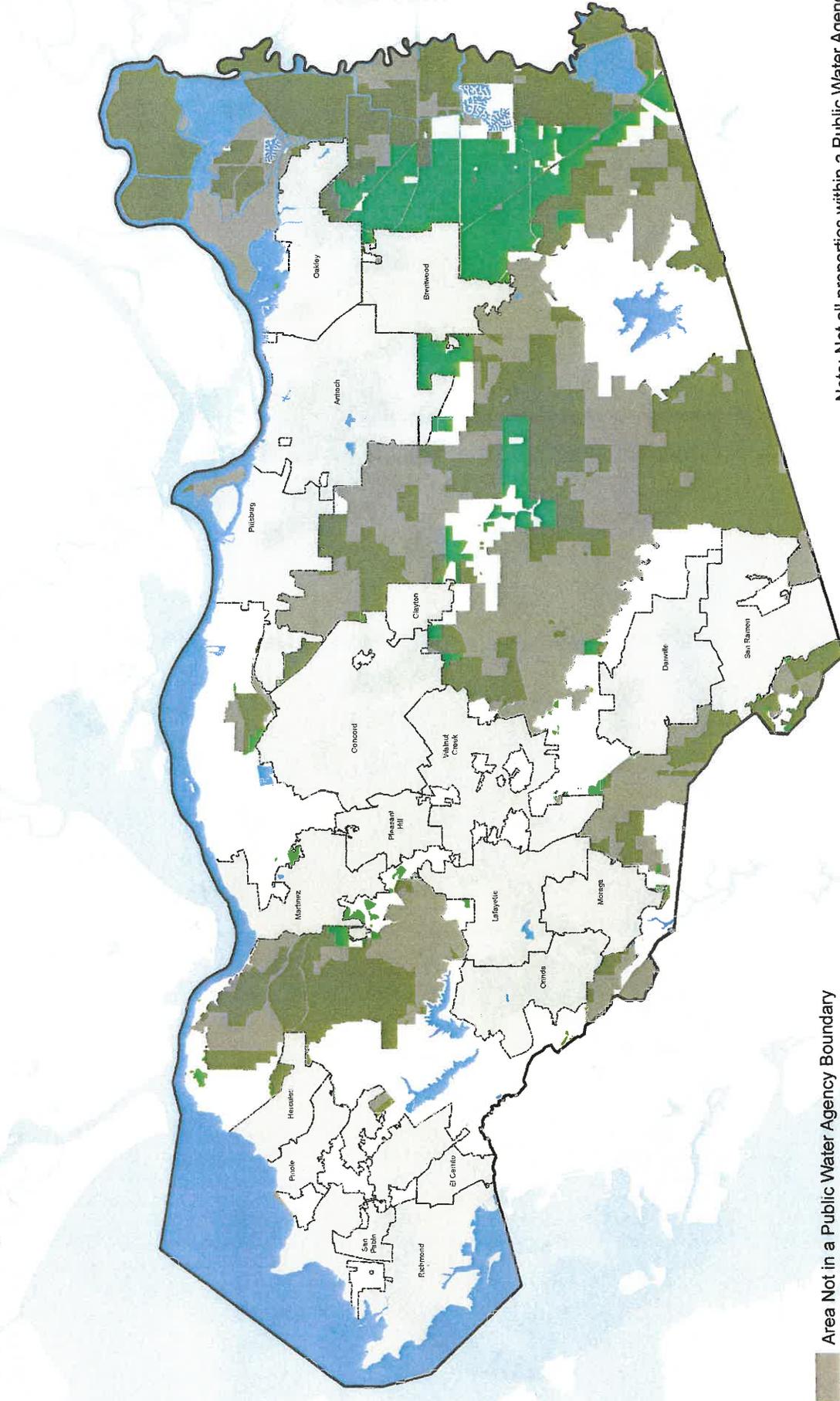
Note 3: For the area-wide P-1 zoning districts in North Richmond, El Sobrante, Rodeo, Contra Costa Centre and Bay Point, suitable areas for commercial cannabis are limited to those with underlying General Plan land use designations of Business Park, Commercial, Commercial Recreational, Light Industrial, Heavy Industrial, and Mixed Use. Subsequent to approval of the zoning ordinance, the County would need to draft and approve amendments to the site-specific provisions of each of these districts. These amendments would establish precisely which commercial cannabis uses would be allowed where in these five area-wide P-1 districts. As these amendments and associated detailed site analysis have yet to be performed, the current draft maps show in yellow all of the areas within these five P-1 districts that have a General Plan land use designation that is compatible with one or more commercial cannabis use, but do not specify precisely which commercial cannabis use is proposed to be eligible on any given parcel within the yellow area.

**Agricultural Zoning Districts**



Agricultural Zoning Districts

# Public Water Agency Boundaries and Agricultural Zoning Districts



Area Not in a Public Water Agency Boundary  
Agricultural Zoning Districts

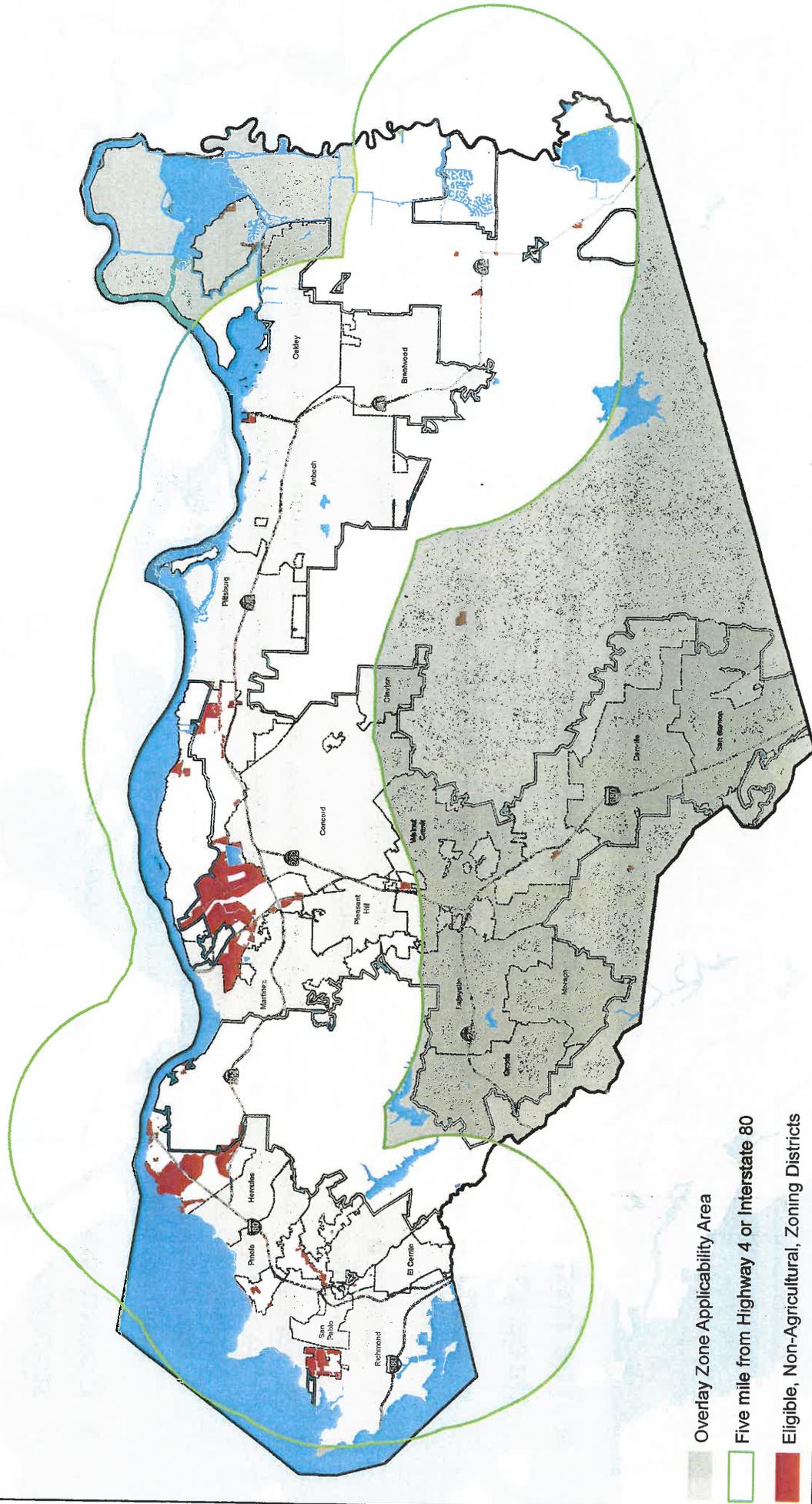
Note: Not all properties within a Public Water Agency Boundary are served by the Agency

## RECOMMENDED CHANGES TO THE FRAMEWORK: -- EXCLUSION AREAS (SIGNIFICANT CHANGE #4)

- Staff recommends an overlay be added to the Retail Business and General Commercial zoning districts that are located more than five miles from Highway 4 or Interstate 80.
- Such zoning districts are located in Alamo, Saranap, Bethel Island and Hotchkiss Tract in between Oakley and Bethel Island.
- No commercial cannabis uses would be permitted in these districts within the overlay.
- Rationale:
  - Restrict eligible sites for retail storefront, delivery-only retail, manufacturing, distribution centers and testing to areas near the two primary freeways serving the shoreline areas of the County where development of new industries has been targeted by the County
  - Separate these uses from less compatible communities
  - Avoid siting these uses in remote areas that are more difficult to oversee and are far from most of the customer base,



# Potential Exclusion of Certain Non-Agricultural Zoning Districts



- Overlay Zone Applicability Area
- Five mile from Highway 4 or Interstate 80
- Eligible, Non-Agricultural, Zoning Districts
- Urban Limit Line

## RECOMMENDED CHANGES TO THE FRAMEWORK: -- BUFFER ZONES (SIGNIFICANT CHANGE #5)

- The Preliminary Cannabis Use Maps attached to the April 24 Board report show three alternatives.
- Option A reflects the state-mandated 600 foot buffers from any K-12 school, day care center or youth center.
- Option B reflects 1000 foot buffers from any K-12 school, day care center or youth center, as well as 1000 foot buffers from drug treatment shelters.
- Option C reflects 1000 foot buffers from schools, day care centers, youth centers, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters, 500 foot buffers from residential zoning districts. Option C closely mirrors the most comprehensive buffer scenario contemplated in the Board's November 2017 Preliminary Framework, while also accounting for the state regulations regarding minimum buffers from day care and youth centers.
- County staff recommends Option B combined with 500 foot buffers between retail storefront establishments.

# Map 1A

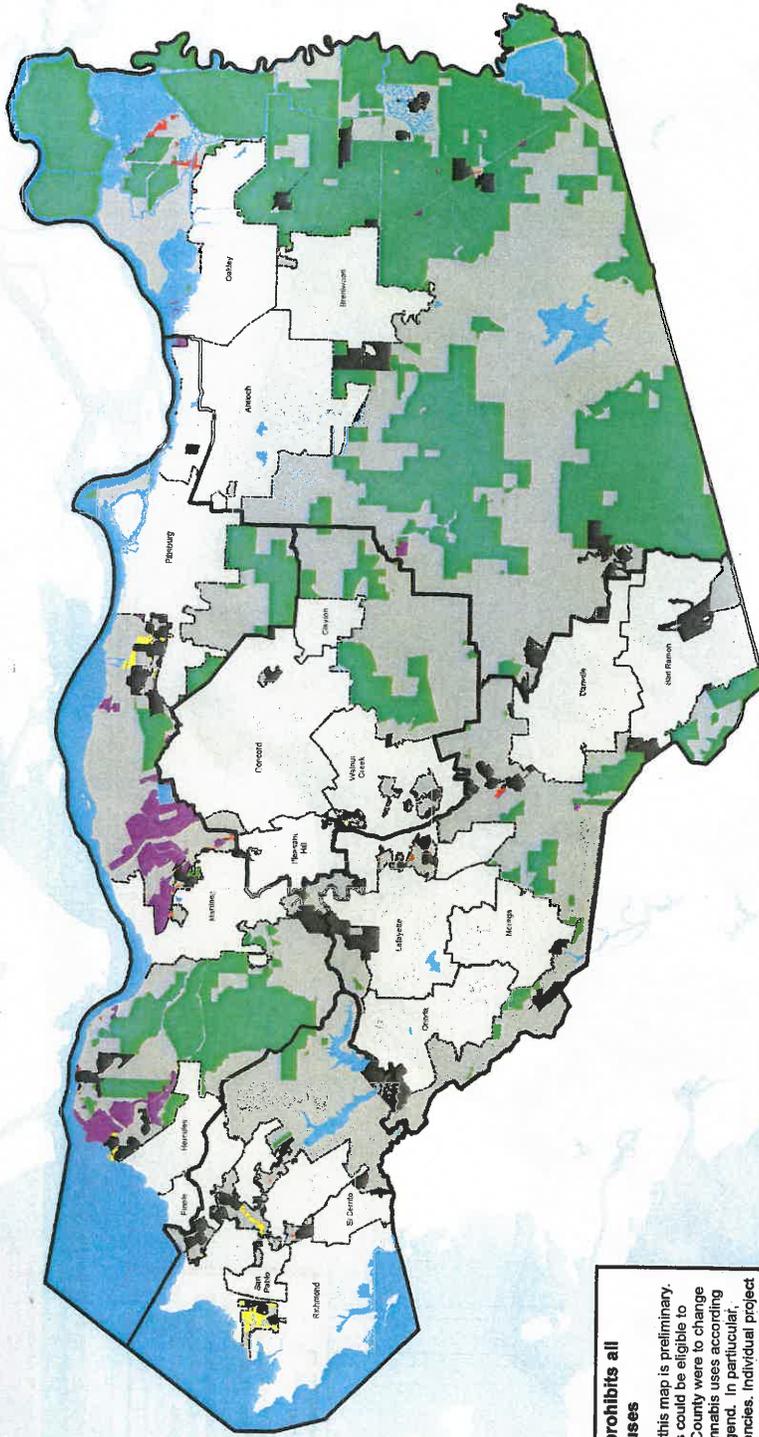
## Buffer Option A State-Mandated Buffers Unincorporated Contra Costa Area

Parcels within 600 feet of State Buffer Sites

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency. Retail Business zoning in the Alamo Area is proposed to be ineligible for commercial cannabis uses.

Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.



**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Natural Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Testing Land Use Permit	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-1, R-2)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (CM), Light Industrial (LI-1, LI-2), Heavy Industrial (HI-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Ag Districts: Maximum 2,000 sf of above ground structure or in existing structure	Maximum 2 acres Cultivators may in energy districts with 1-mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on employees/site outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location
Key Considerations and Limitations by Use								

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



# Map 1B

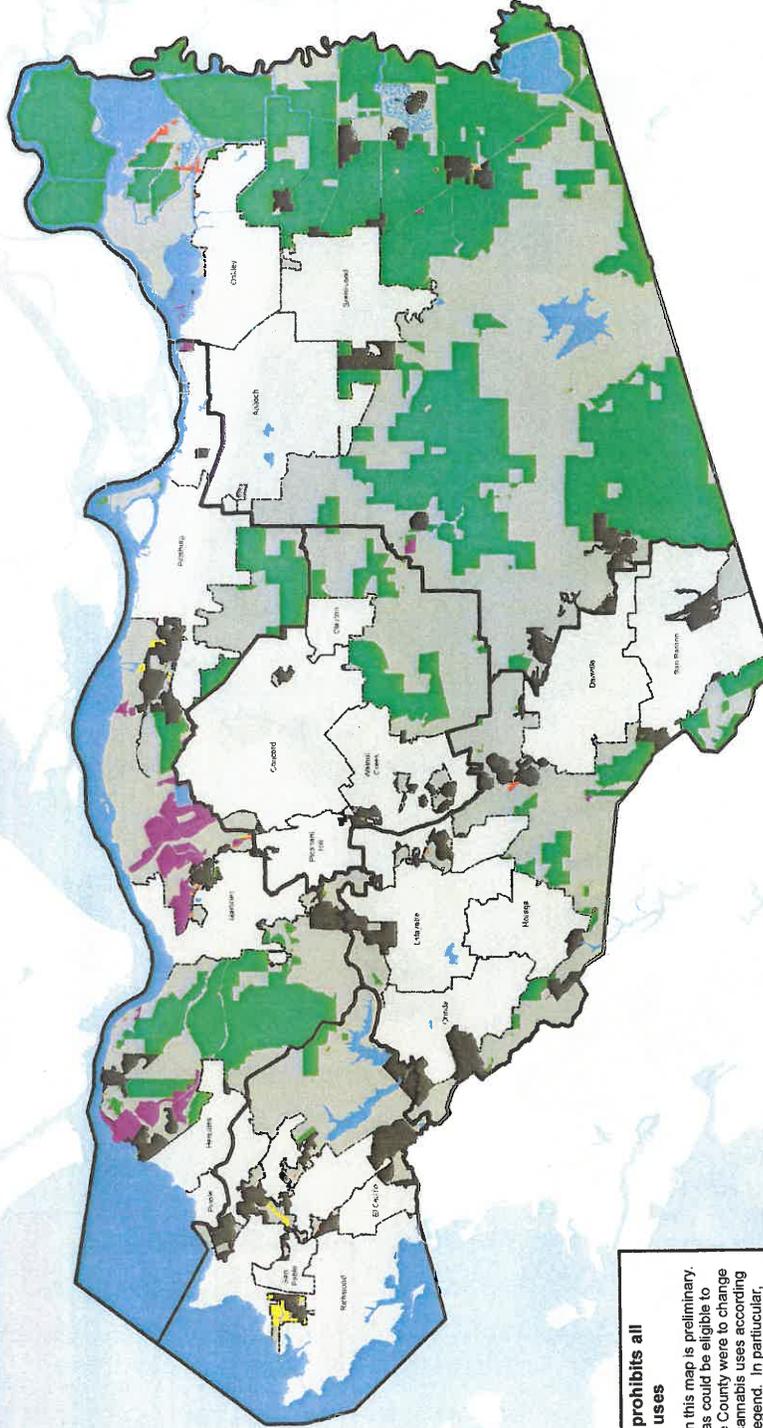
## Buffer Option B Expanded State Buffers Unincorporated Contra Costa Area

### Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency. Retail Business and General Commercial zoning in the Alamo, Saranac, and Bethel Island Areas are proposed to be ineligible for commercial cannabis uses.



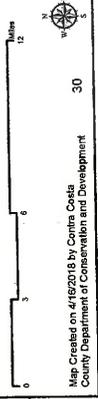
**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND	CULTIVATION		PROCESSING AND MOVEMENT			SALES		
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Natural Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Testing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
<b>ZONING DISTRICT</b>								
Agricultural Zoning Districts (A-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Centennial Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Ag Districts: Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Ag Districts: Maximum 22,000 sq ft of structure or in existing structure	Maximum 2 acres greenhouse only in non-ag districts or with 1-mile of ULL	Only within ULL Calluses may distribute own product to retailers	Potential limits on number of employees outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location
Key Considerations and Limitations by Use								

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



# Map 1C

## Buffer Option C More Comprehensive Buffers Unincorporated Contra Costa Area

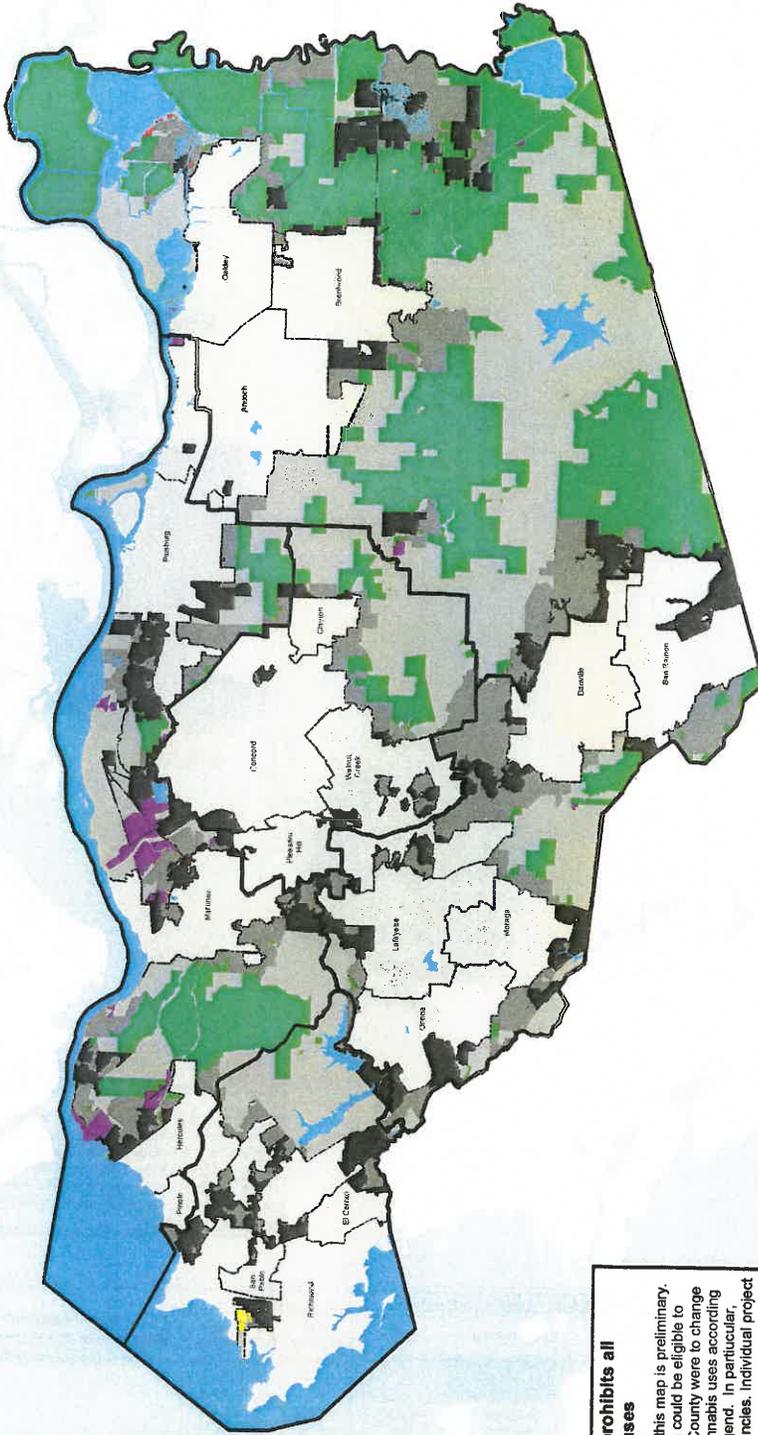
Parcels within 1,000 feet from a State Site or Sensitive Site

Buffered area includes parcels located within 1,000 feet of a State site (school, child care facility, youth center) or additional sensitive sites (community parks/playground, library, homeless shelter, or drug rehabilitation facility), and 500 feet of a residential zoning district.

Parcels within 500 feet of Residential Zoning

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.  
Retail Business zoning in the Alamo Area is proposed to be ineligible for commercial cannabis uses.



**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

ZONING DISTRICT	ARTIFICIAL LIGHT		MIXED LIGHT		NATURAL LIGHT		PROCESSING AND MOVEMENT				SALES	
	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront	
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (CM), Light Industrial (L-1), Heavy Industrial (H)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or County demonstrates sustainable water supply	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf	Ag Districts: No Ag Districts: Maximum 22,000 sf
Key Considerations and Limitations by Use	Maximum 2 acres Greenhouse only in non-ag districts or within 1-mile of ULL		Maximum 2 acres Greenhouse only in non-ag districts or within 1-mile of ULL		Maximum 2 acres Greenhouse only in non-ag districts or within 1-mile of ULL		Only within ULL Cultivators may distribute own product to retailers	Potential lack in number of employees/sites outside ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

City Limits

Map Created on 4/16/2018 by Centre Costs  
County Department of Conservation and Development

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# Map 13A

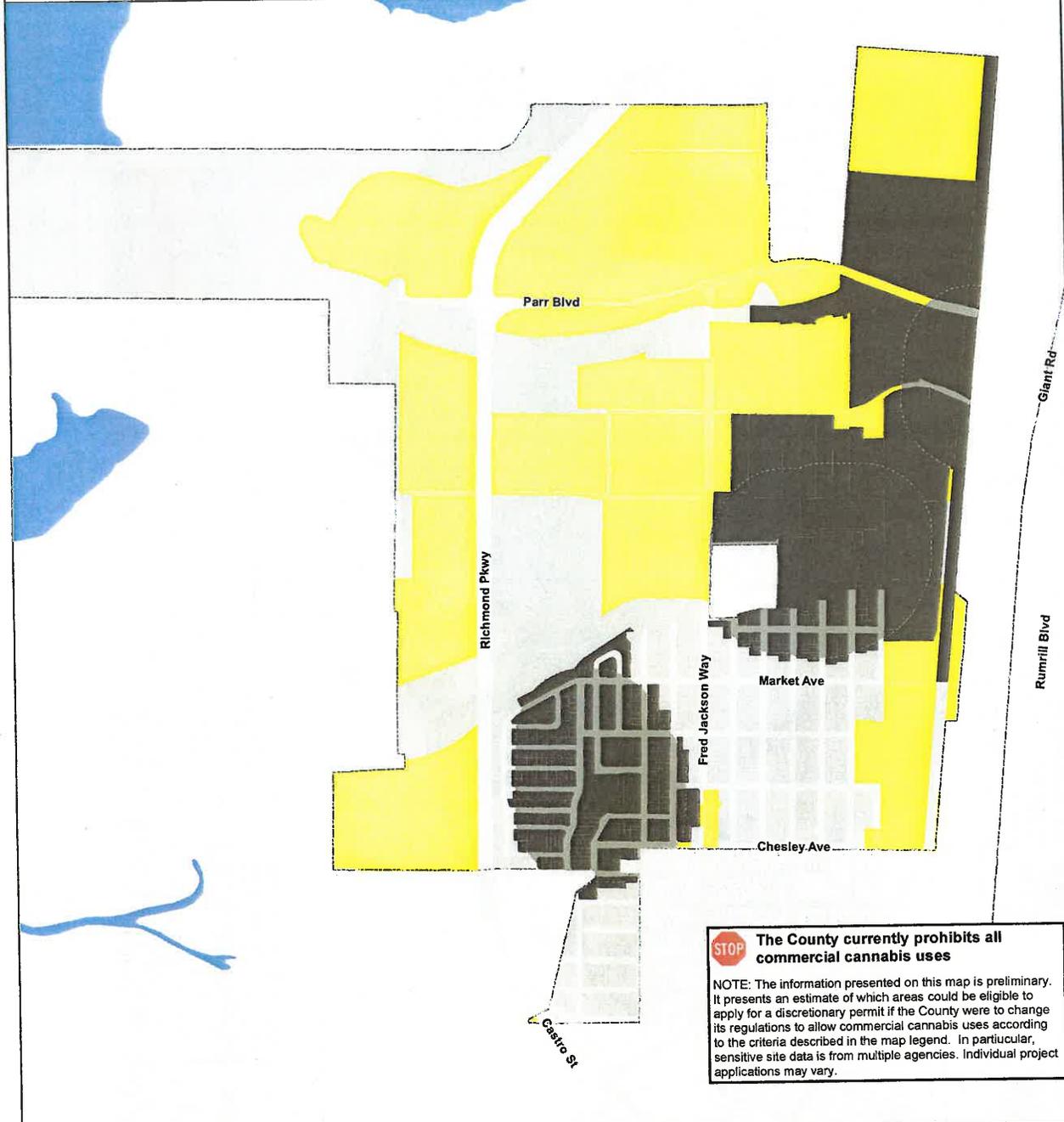
## Buffer Option A State-Mandated Buffers North Richmond Area

 Parcels within 600 feet of State Buffer Sites

Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP** The County currently prohibits all commercial cannabis uses

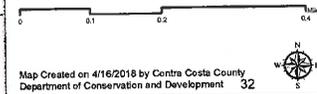
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in green-houses in non-ag districts or if w/in 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from other retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

 Areas with Incompatible Zoning District or General Plan Land Use Designation

 City Limits



# Map 13B

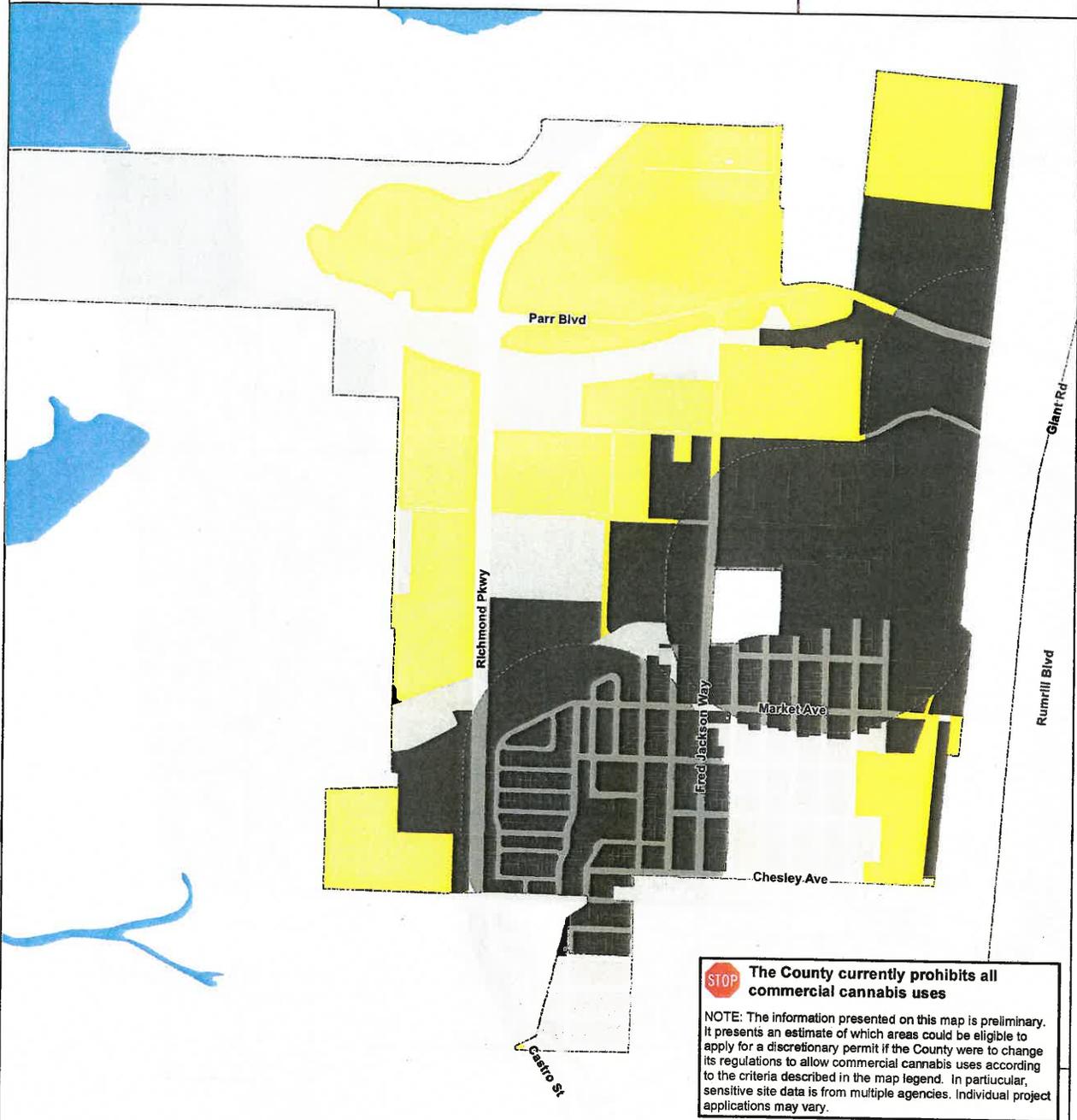
## Buffer Option B Expanded State Buffers North Richmond Area

 Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

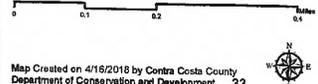
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ substitution permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in green-houses in non-ag districts or if within 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

 Areas with Incompatible Zoning District or General Plan Land Use Designation  
 City Limits



# Map 13C

## Buffer Option C More Comprehensive Buffers North Richmond Area

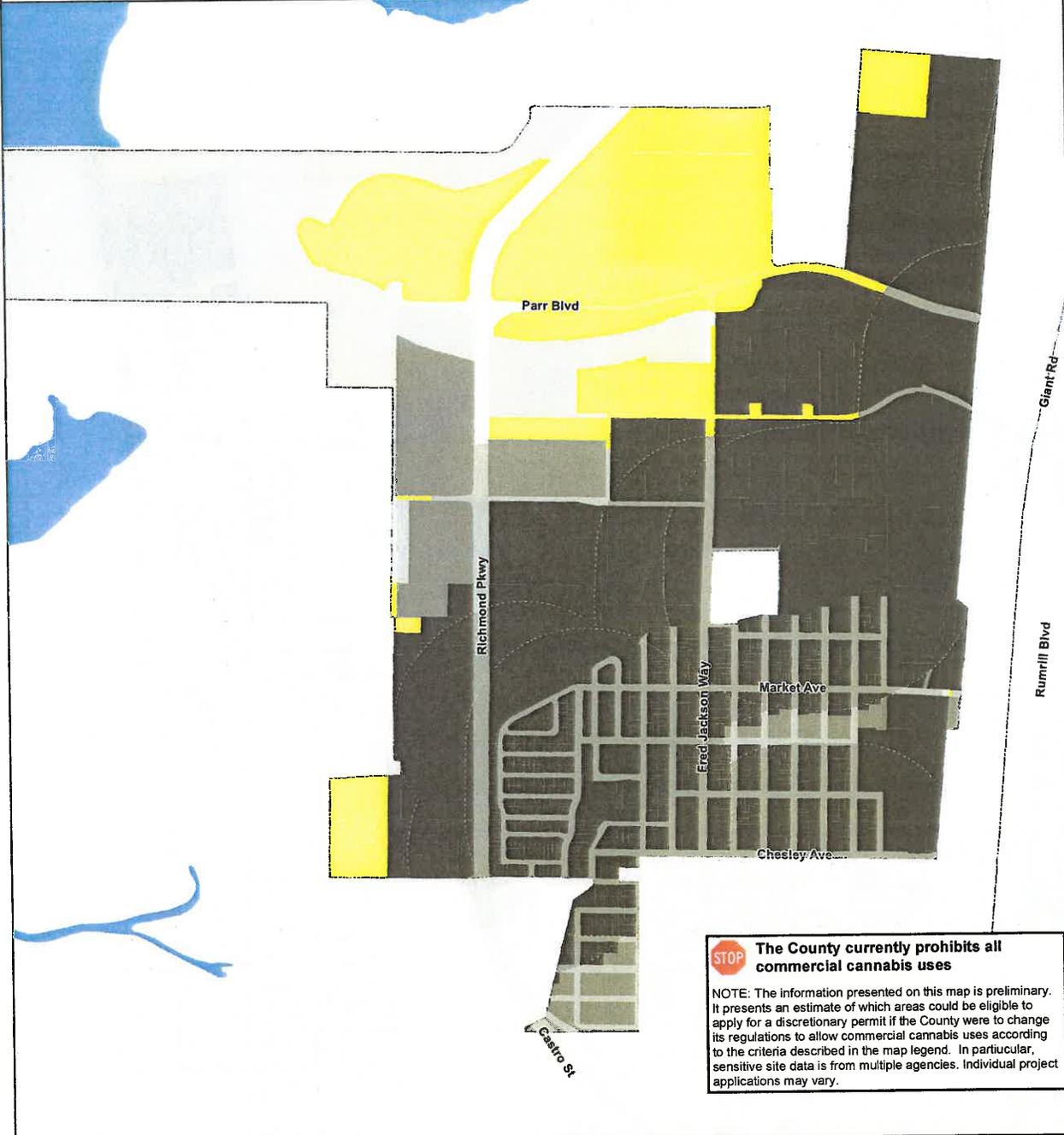
Parcels within 1,000 feet from a State Site or Sensitive Site

Parcels within 500 feet of Residential Zoning

Buffered area includes parcels located within 1,000 feet of a State site (school, child care facility, youth center) or additional sensitive site (community parks/playground, library, homeless shelter, or drug rehabilitation facility), and 500 feet of a residential zoning district.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP** The County currently prohibits all commercial cannabis uses

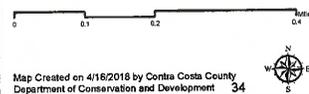
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in greenhouses in non-ag districts or if win 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from other retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



# Map 9A

## Buffer Option A State-Mandated Buffers EI Sobrante Area

**Parcels within 600 feet of State Buffer Sites**

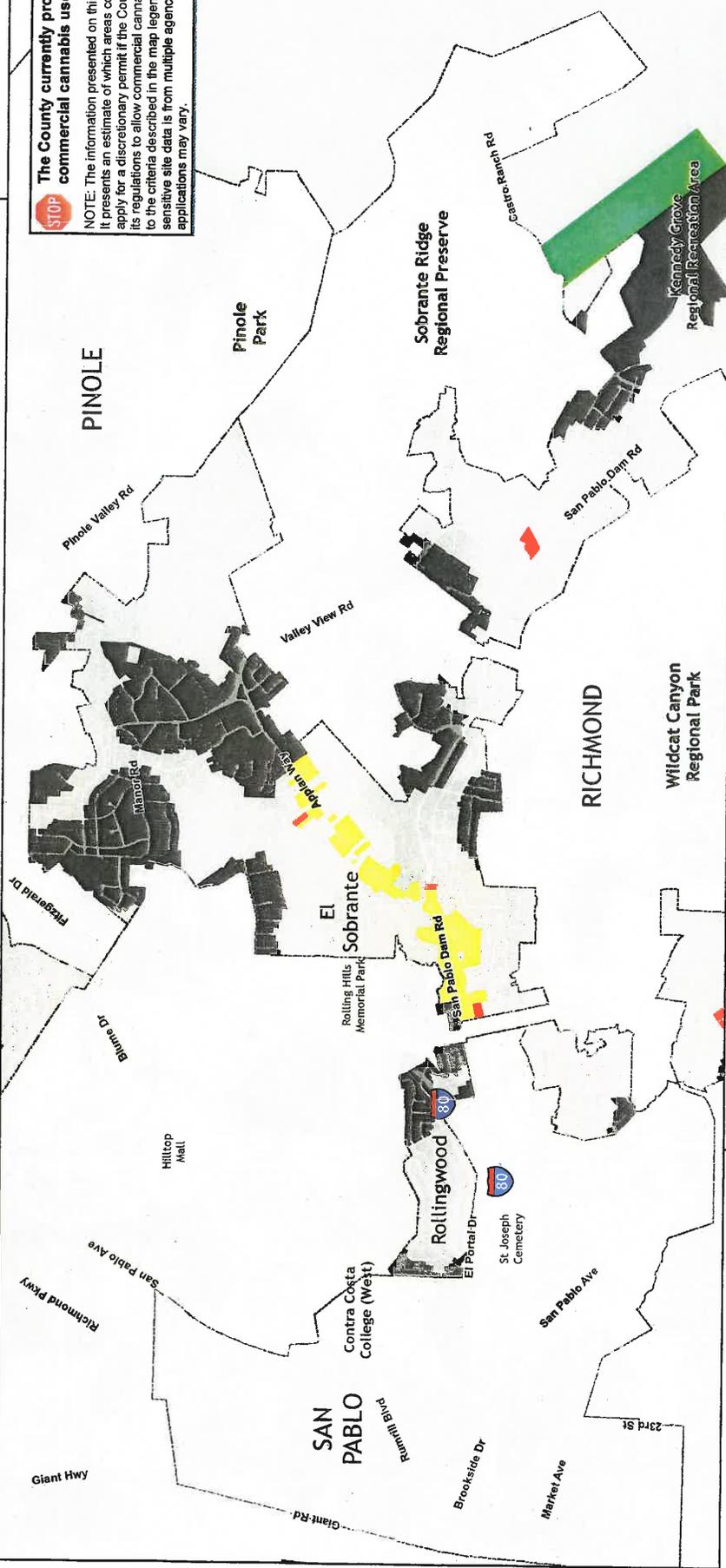
Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP**  
The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Natural Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Testing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail, Business (R, B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (CM), Light Industrial (L-1), Heavy Industrial (H-1)	Renewable Energy, if applicable, and served by a public water agency or county demonstrates sustainable water supply	Ag Districts: Maximum 2,000 sq ft of structure or in existing structure	Non-Ag Districts: Maximum 2,000 sq ft of structure or in existing structure	Only within ULL Cultivators may distribute own product to retailers	Potential limits on employees/acre outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location
Potential Sustainability Requirements								
Key Considerations and Limitations by Use								

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

City Limits

Map Created on 4/18/2018 by Corbin Costa  
County Department of Conservation and Development

Scale: 0, 0.3, 0.6, 1.2 Miles

35

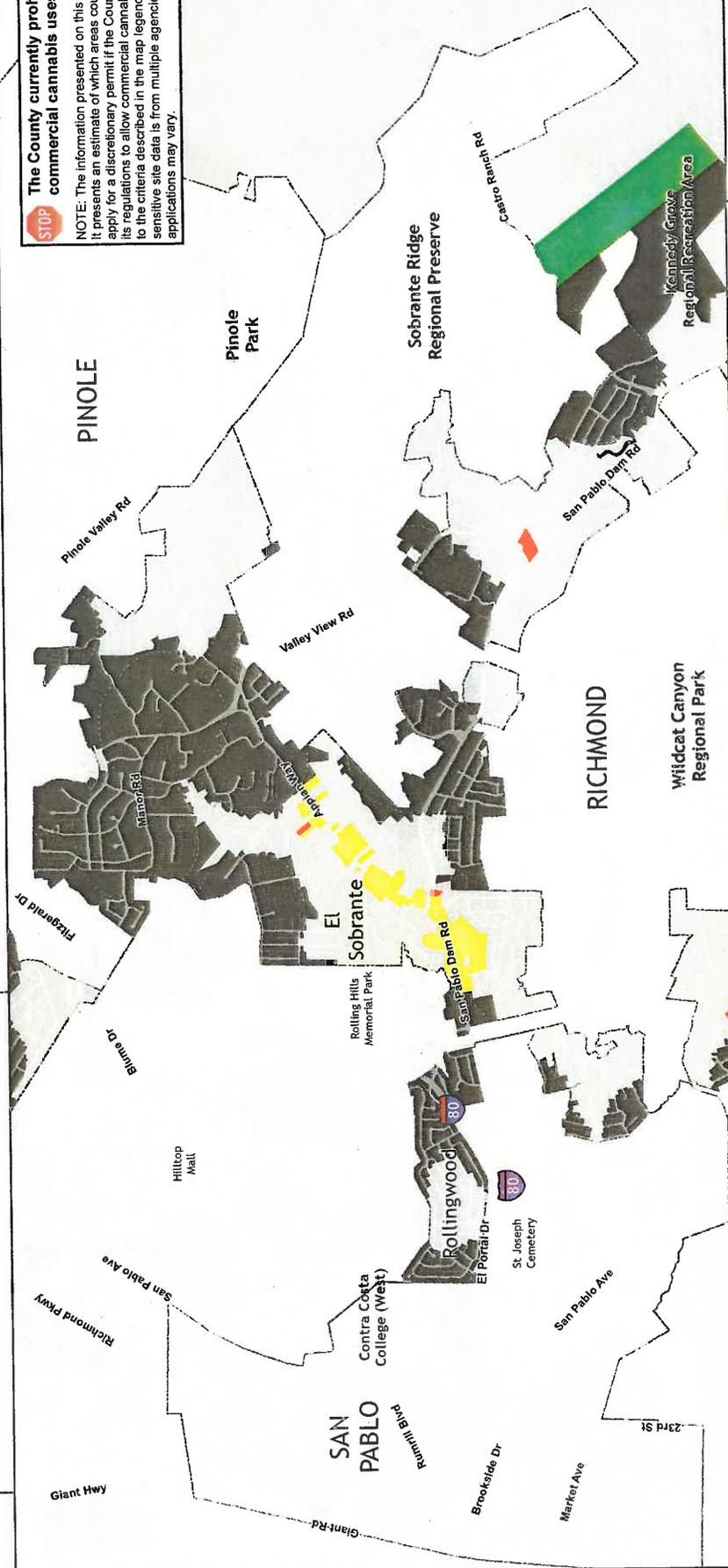
**Map 9B**

**Buffer Option B  
Expanded State Buffers  
El Sobrante Area**

**Parcels within Expanded State Buffer**  
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

**Other Potential Restrictions**  
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP**  
**The County currently prohibits all commercial cannabis uses**  
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND	CULTIVATION		PROCESSING AND MOVEMENT		SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
<b>ZONING DISTRICT</b>	Agri-Mixed Zoning Districts (A-1)	Natural Light Land Use Permit	Testing	Ag-Specialty Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Contributor Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or county demonstrates sustainable water supply	Ag Districts: Max 10,000 of structure Maximum 22,000 of or in existing structure	Only within ULL Cultivators may distribute own product to visitors	Potential limits on number of employees outside ULL	Only within ULL	Only within ULL 500 ft from another retail location
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 of structure	Maximum 2 acres Overlapped with existing structures with 1-mile of ULL				

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

**City Limits**

Map Created on 4/18/2018 by Corina Costa  
County Department of Conservation and Development

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# Map 15A

## Buffer Option A State-Mandated Buffers Rodeo, Crockett and Port Costa Areas

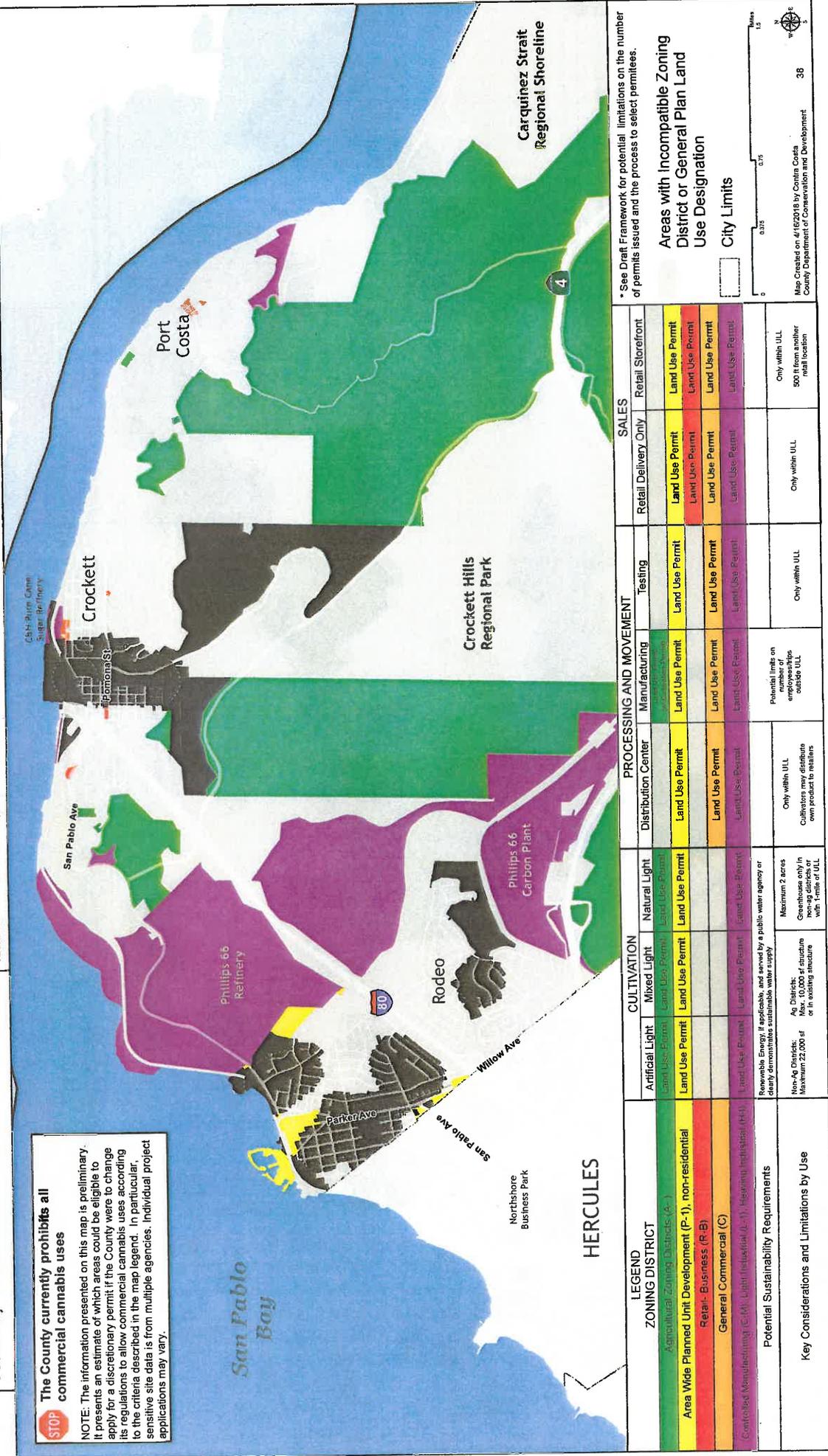
Parcels within 600 feet of State Buffer Sites

**Other Potential Restrictions**  
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.

**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND	CULTIVATION		PROCESSING AND MOVEMENT		SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
ZONING DISTRICT						
Agricultural Zoning Districts (A-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Regional Industrial (R-1)	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Ag Districts of up to 20 acres or 22,000 sq ft of existing structure	Only within ULL Cultivate new products or own product to retailers	Potential limits on number of permits outside ULL	Only within ULL	Only within ULL 500 ft from another retail location
Potential Sustainability Requirements	Non-Ag Districts: Maximum 2 acres	Greenhouse only in non-ag districts or of ft existing structure				
Key Considerations and Limitations by Use						

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

**City Limits**

Scale: 0, 0.75, 1.5 Miles

Map Created on: 4/16/2018 by Center Costa  
County Department of Conservation and Development

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# Map 15B

## Buffer Option B Expanded State Buffers Rodeo, Crockett and Port Costa Areas

**STOP**  
The County currently prohibits all commercial cannabis uses

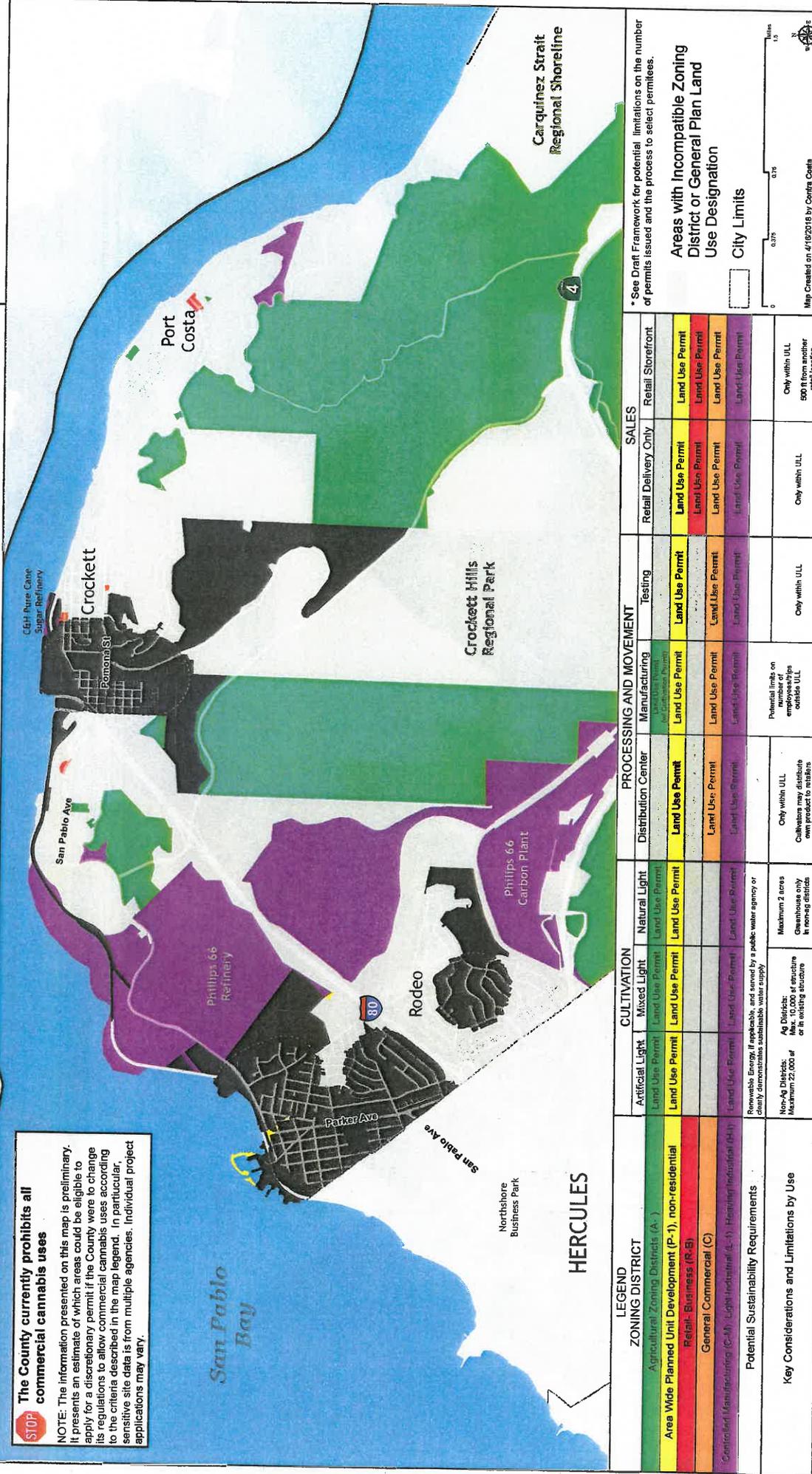
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

### Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

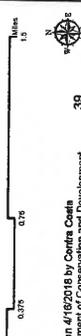
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



LEGEND	CULTIVATION		PROCESSING AND MOVEMENT		SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
ZONING DISTRICT						
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Contingent Manufacturing (CM), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Ag Districts: Maximum 2,000 sq ft or in existing structure Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Ag Districts: Maximum 2 acres Greenhouse only in non-ag districts	Only within ULL Cultivators may distribute own product to markets	Potential limits on employees to be outside ULL	Only within ULL	Only within ULL 500 ft from another retail location
Key Considerations and Limitations by Use						

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



# Map 15C

## Buffer Option C More Comprehensive Buffers Rodeo, Crockett and Port Costa Areas

Parcels within 1,000 feet from a State Site or Sensitive Site

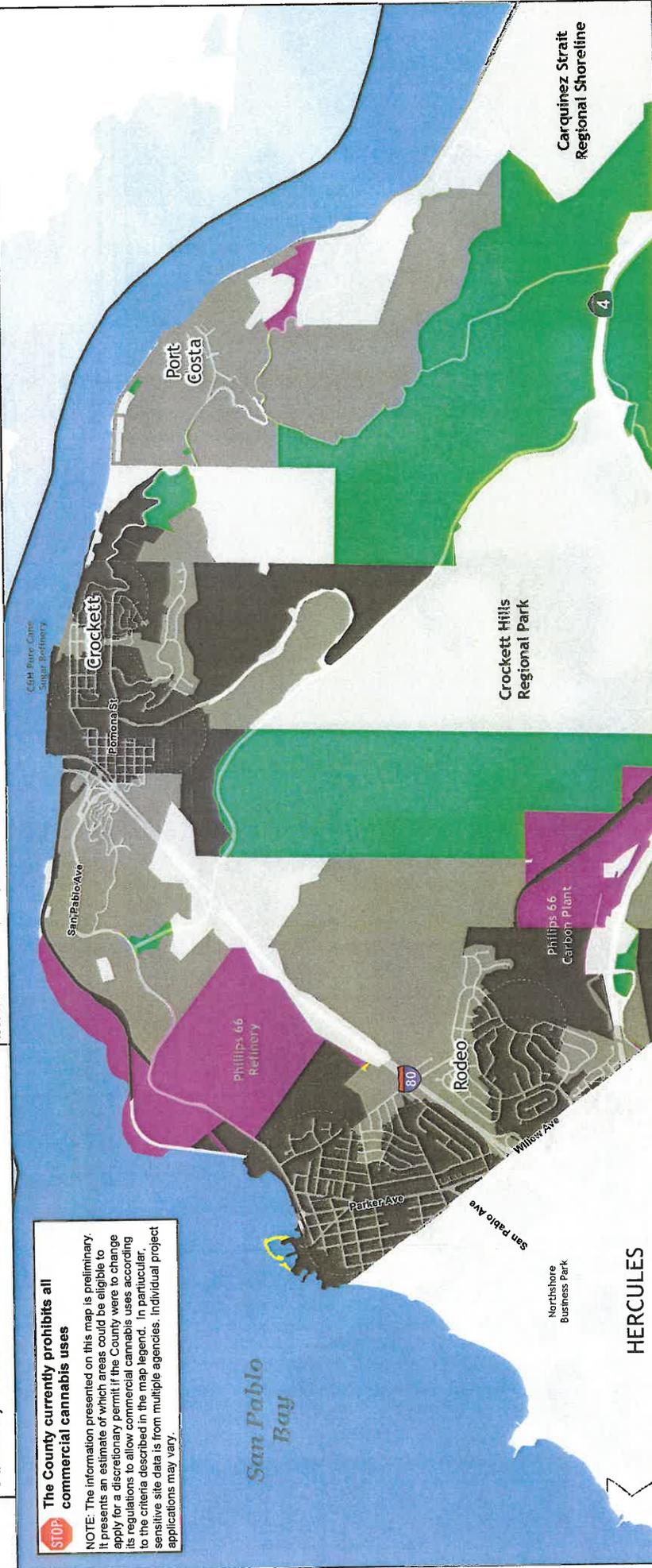
Parcels within 500 feet of Residential Zoning

Buffered area includes parcels located within 1,000 feet of a State site (school, child care facility, youth center) or additional sensitive sites (community parks/playground, library, homeless shelter, or drug rehabilitation facility), and 500 feet of a residential zoning district.

**Other Potential Restrictions**  
Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

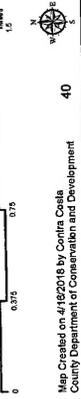


LEGEND	CULTIVATION				PROCESSING AND MOVEMENT			SALES			
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Natural Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Testing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
<b>ZONING DISTRICT</b>											
Agricultural Zoning Districts (A-1)											
Area Wide Planned Unit Development (P-1), non-residential											
Relax-B Business (R-B)											
General Commercial (C)											
Centennial Manufacturing (C-10), Light Industrial (L-1), Heavy Industrial (H-1)											
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrated sustainable water supply	Ag Districts: Ag 10,000 of structure or 10 existing structures Non-Ag Districts: Maximum 2,000 of structure or 10 existing structures	Maximum 2 acres Greenhouse only in non-ag districts or with 10% of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on employees signs outside ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL	Only within ULL	500 ft from another retail location
Key Considerations and Limitations by Use											

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



Map Created on 4/19/2016 by Corinne Coakle  
County Department of Conservation and Development

# Map 14A

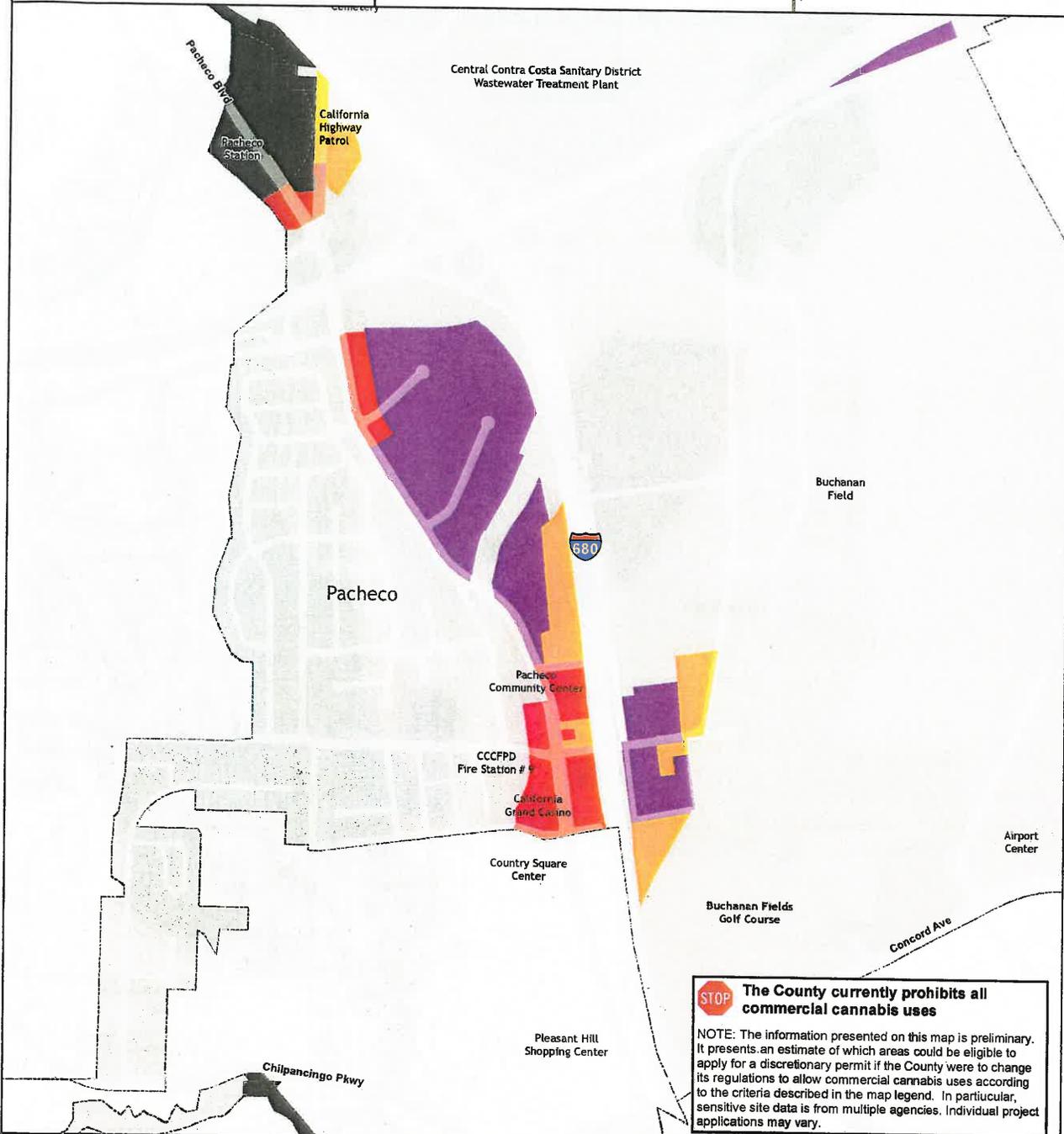
## Buffer Option A State-Mandated Buffers Pacheco Area

 Parcels within 600 feet of State Buffer Sites

Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP** The County currently prohibits all commercial cannabis uses

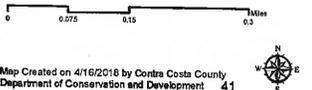
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure	Max 2 acres Only in green-houses in non-ag districts or if w/in 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL		Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

 Areas with Incompatible Zoning District or General Plan Land Use Designation

 City Limits



# Map 14B

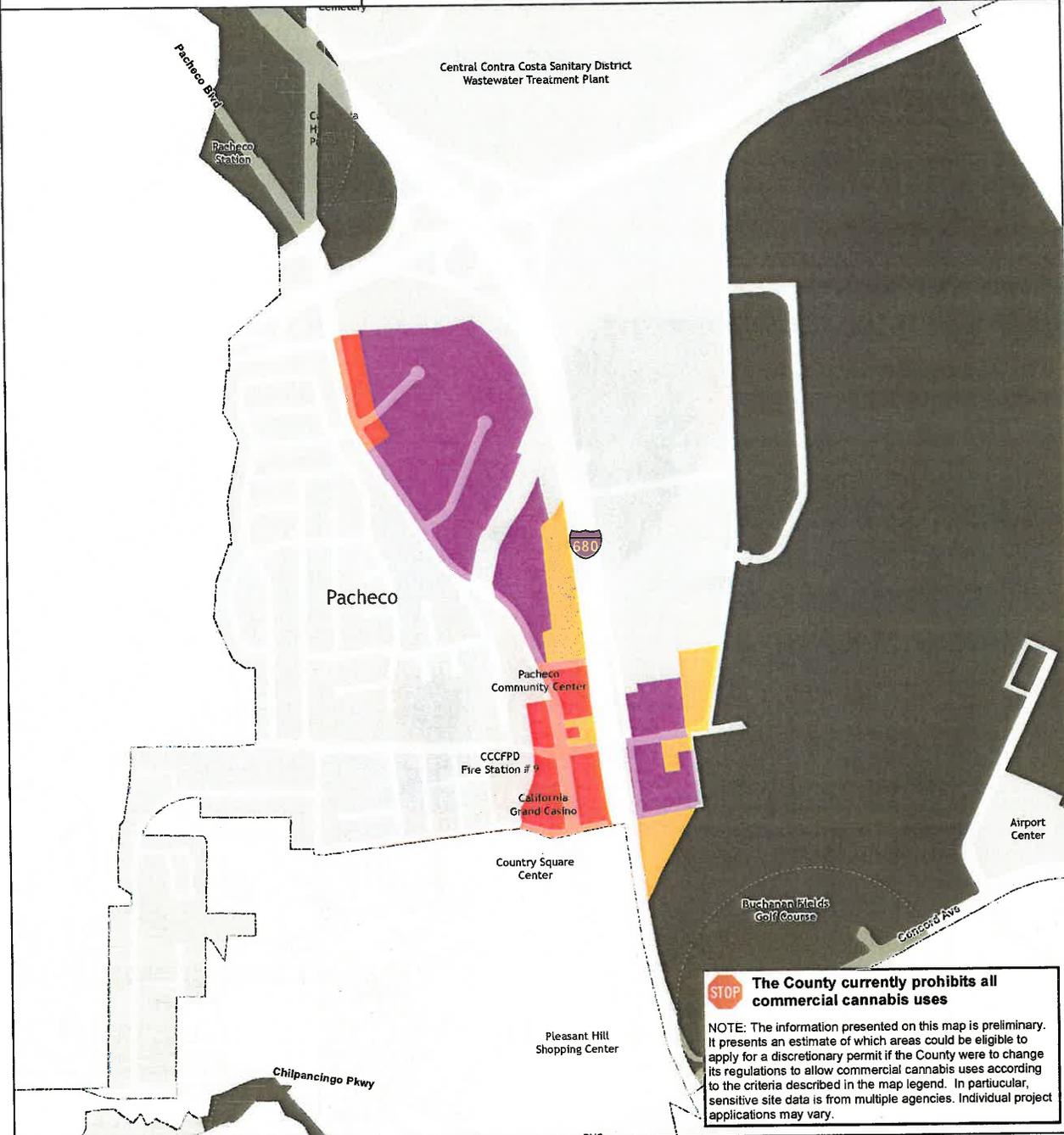
## Buffer Option B Expanded State Buffers Pacheco Area

Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in greenhouses in non-ag districts or if within 1 mile of ULL	Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits

Map Created on 4/16/2018 by Contra Costa County Department of Conservation and Development 42

# Map 14C

## Buffer Option C More Comprehensive Buffers Pacheco Area

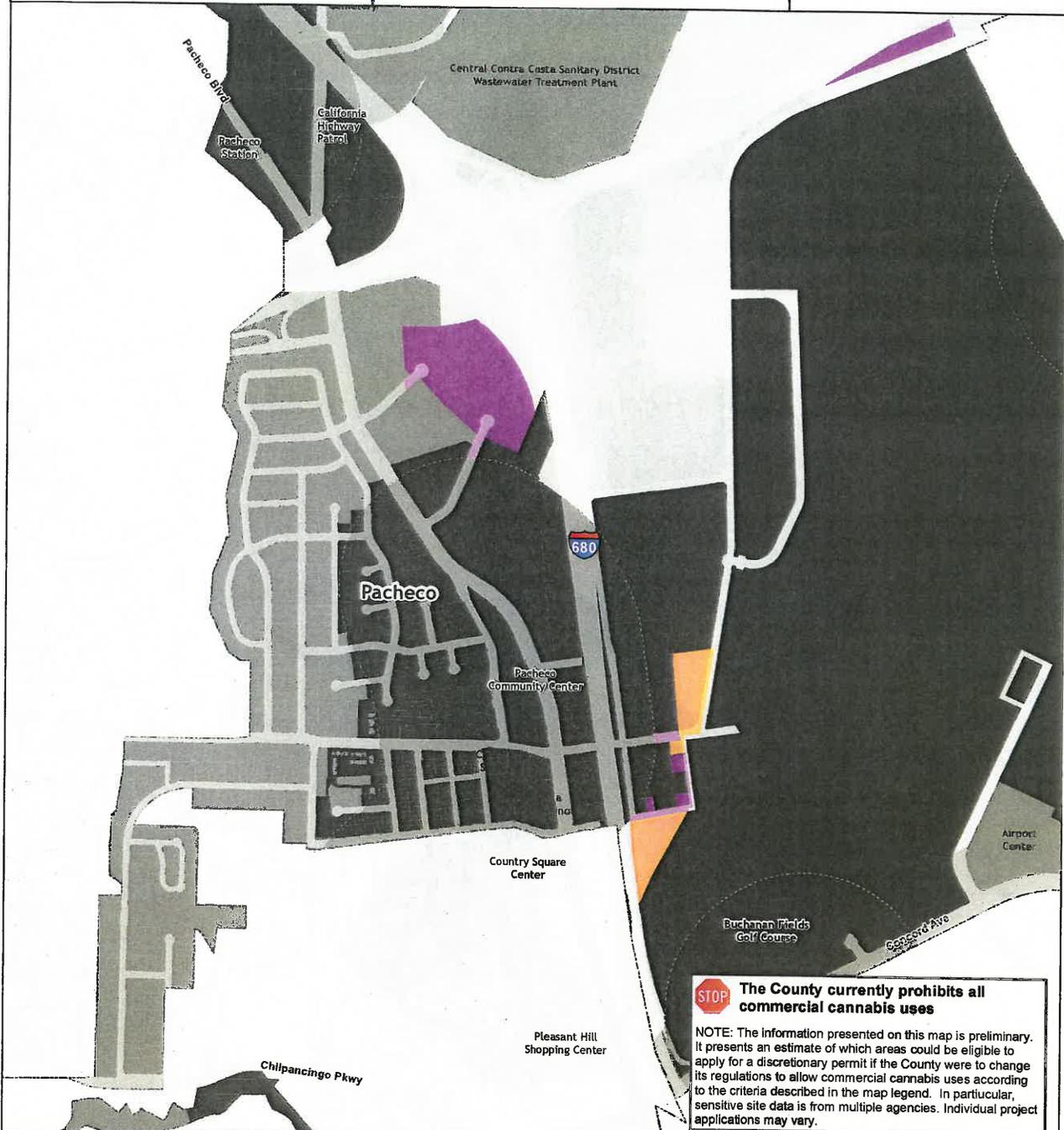
Parcels within 1,000 feet from a State Site or Sensitive Site

Parcels within 500 feet of Residential Zoning

Buffered area includes parcels located within 1,000 feet of a State site (school, child care facility, youth center) or additional sensitive sites (community parks/playground, library, homeless shelter, or drug rehabilitation facility), and 500 feet of a residential zoning district.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



**STOP** The County currently prohibits all commercial cannabis uses

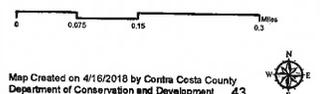
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (HI)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure	Max 2 acres Only in greenhouses in non-ag districts or if within 1 mile of ULL		Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from other retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



# Map 7A

## Buffer Option A State-Mandated Buffers Contra Costa Centre Area

Parcels within 600 feet of State Buffer Sites

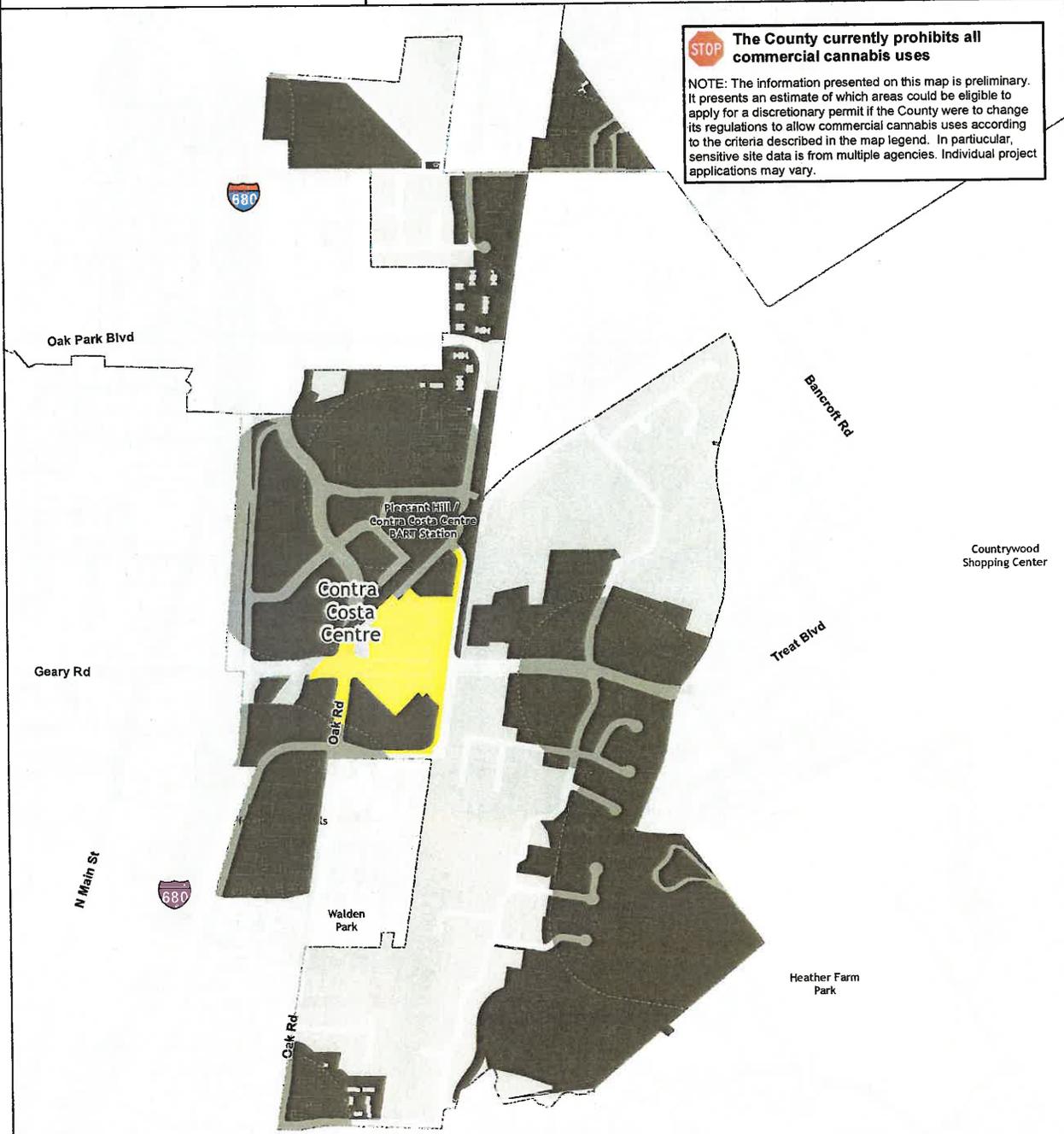
Buffered area meets California location requirements which prohibit commercial cannabis located within a 600-foot radius of a K-12 school, day care center, or youth center that is in existence at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

**STOP** The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

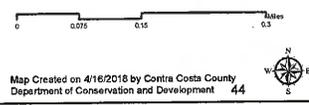


LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (M) Light Industrial (L) Heavy Industrial (HS)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in green-houses in non-ag districts or if w/in 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits



# Map 7B

## Buffer Option B Expanded State Buffers Contra Costa Centre Area

 Parcels within Expanded State Buffer

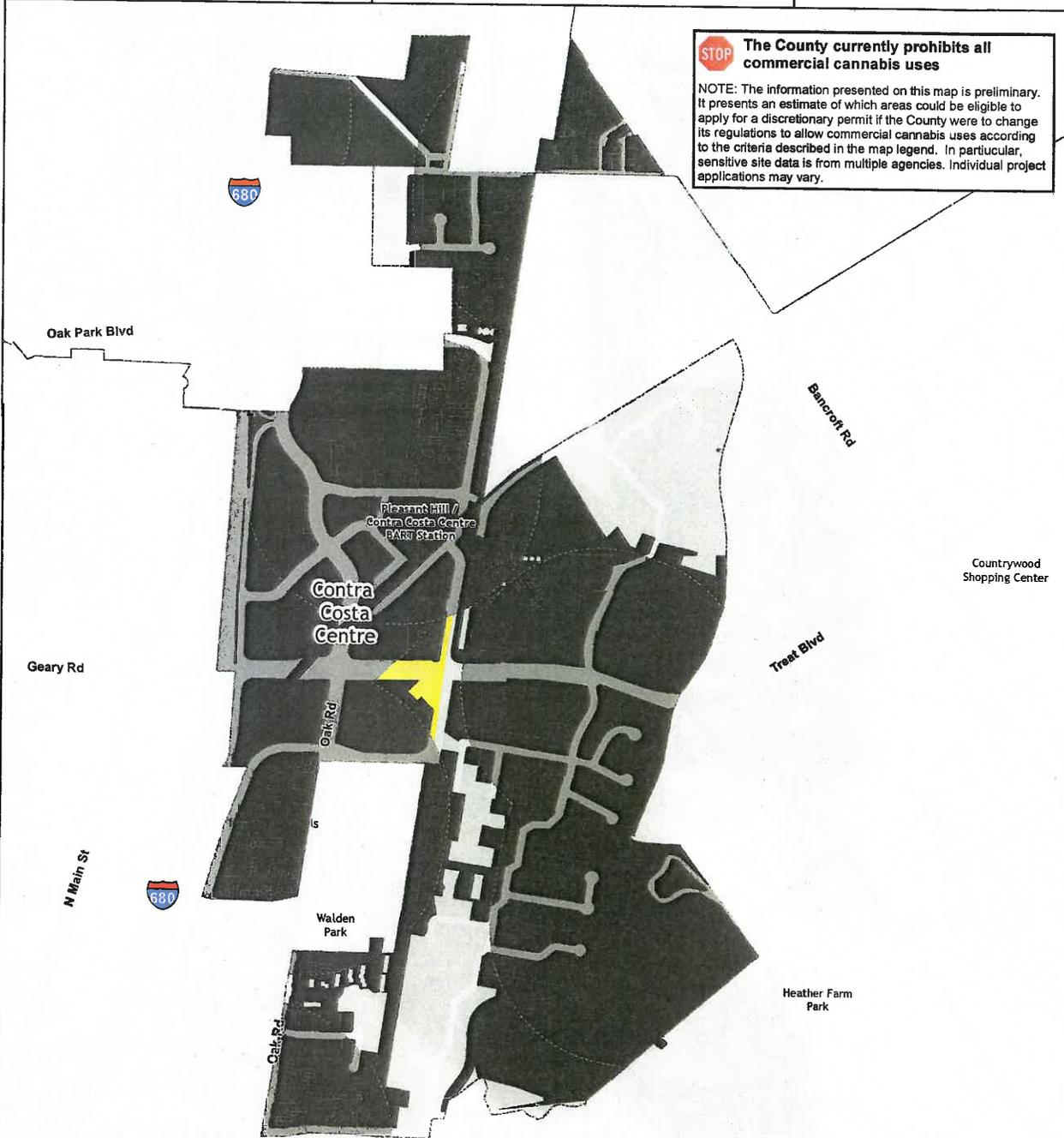
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the license is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

 **The County currently prohibits all commercial cannabis uses**

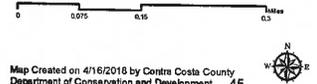
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf Ag Districts: Max. 10,000 sf structure or in existing structure		Max 2 acres Only in greenhouses in non-ag districts or if within 1 mile of ULL	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL 500 ft. from another retail location

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

 Areas with Incompatible Zoning District or General Plan Land Use Designation  
 City Limits



# Map 7C

## Buffer Option C Most Comprehensive Buffers Contra Costa Centre Area

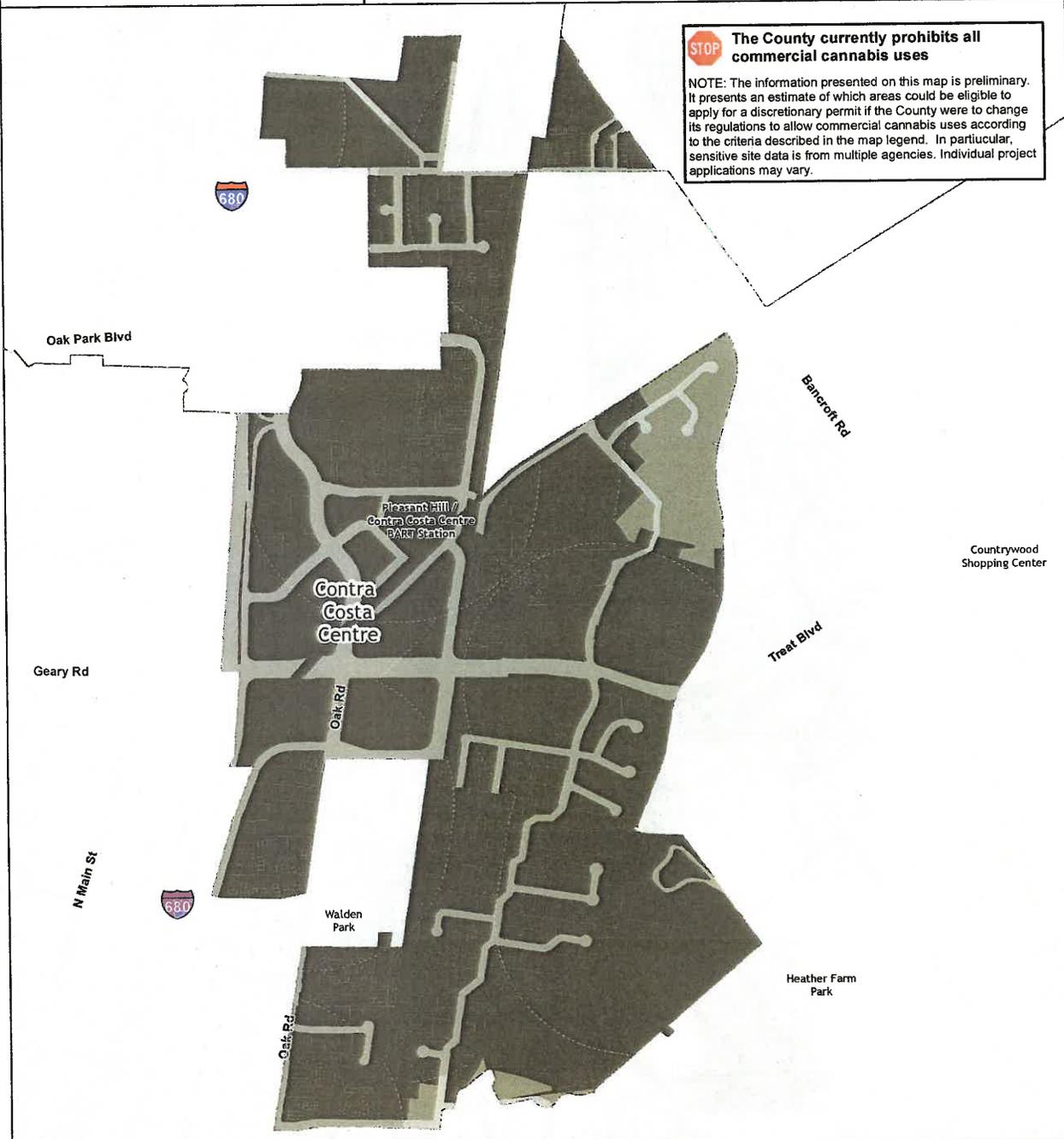
Parcels within 1,000 feet from a State Site or Sensitive Site

Parcels within 500 feet of Residential Zoning

Buffered area includes parcels located within 1,000 feet of a State site (school, child care facility, youth center) or additional sensitive site (community parks/playground, library, homeless shelter, or drug rehabilitation facility), and 500 feet of a residential zoning district.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A- )	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (w/ cultivation permit)			
Area Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail- Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply							
Key Considerations and Limitations by Use	Non-Ag Districts: Maximum 22,000 sf		Max 2 acres	Only within ULL	Potential limits on number of employees/trips outside ULL	Only within ULL	Only within ULL	Only within ULL
	Ag Districts: Max. 10,000 sf structure or in existing structure		Only in green-houses in non-ag districts or if w/in 1 mile of ULL	Cultivators may distribute own product to retailers				

\* See Draft Framework for potential limitations on the number of permits issued & the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation

City Limits





# Map 3B

## Buffer Option B Expanded State Buffers Bay Point and Clyde Areas

### Parcels within Expanded State Buffer

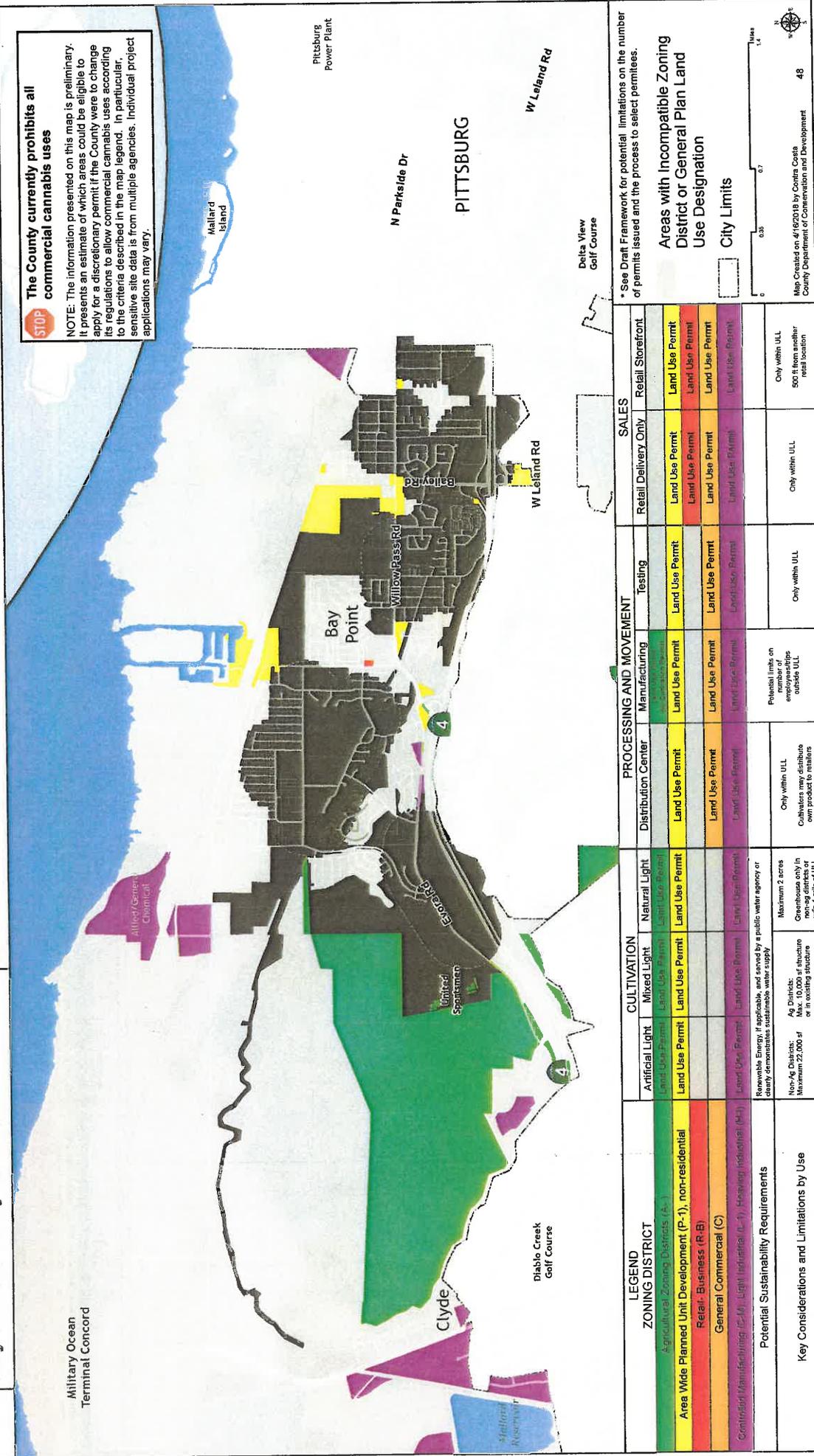
Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.

### STOP The County currently prohibits all commercial cannabis uses

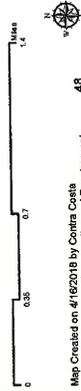
NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.



LEGEND	CULTIVATION		PROCESSING AND MOVEMENT			SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Natural Light Land Use Permit	Distribution Center	Testing	Retail Delivery Only	Retail Storefront
<b>ZONING DISTRICT</b>							
Agricultural Zoning Districts (A-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail Business (R-B)							
General Commercial (C)							
Continued Manufacturing (C-M), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and served by a public water agency or clearly demonstrates sustainable water supply	Ag Districts: 100,000 sq ft of structure or in existing structure	Maximum 2 acres Greenhouse only in non-ag districts or with 1/4 acre of ULL	Only within ULL Cultivation facilities own product to retail	Potential limits on number of facilities outside ULL	Only within ULL	Only within ULL 500 ft from another retail location
Key Considerations and Limitations by Use							

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

Areas with Incompatible Zoning District or General Plan Land Use Designation  
City Limits



# Map 3C

## Buffer Option C More Comprehensive Buffers Bay Point and Clyde Areas

### Parcels within Expanded State Buffer

Buffered area includes parcels within an expanded version California location requirements, prohibiting commercial cannabis located within a 1,000-foot radius of a K-12 school, day care center, youth center or drug rehab facility at the time the licensed is issued.

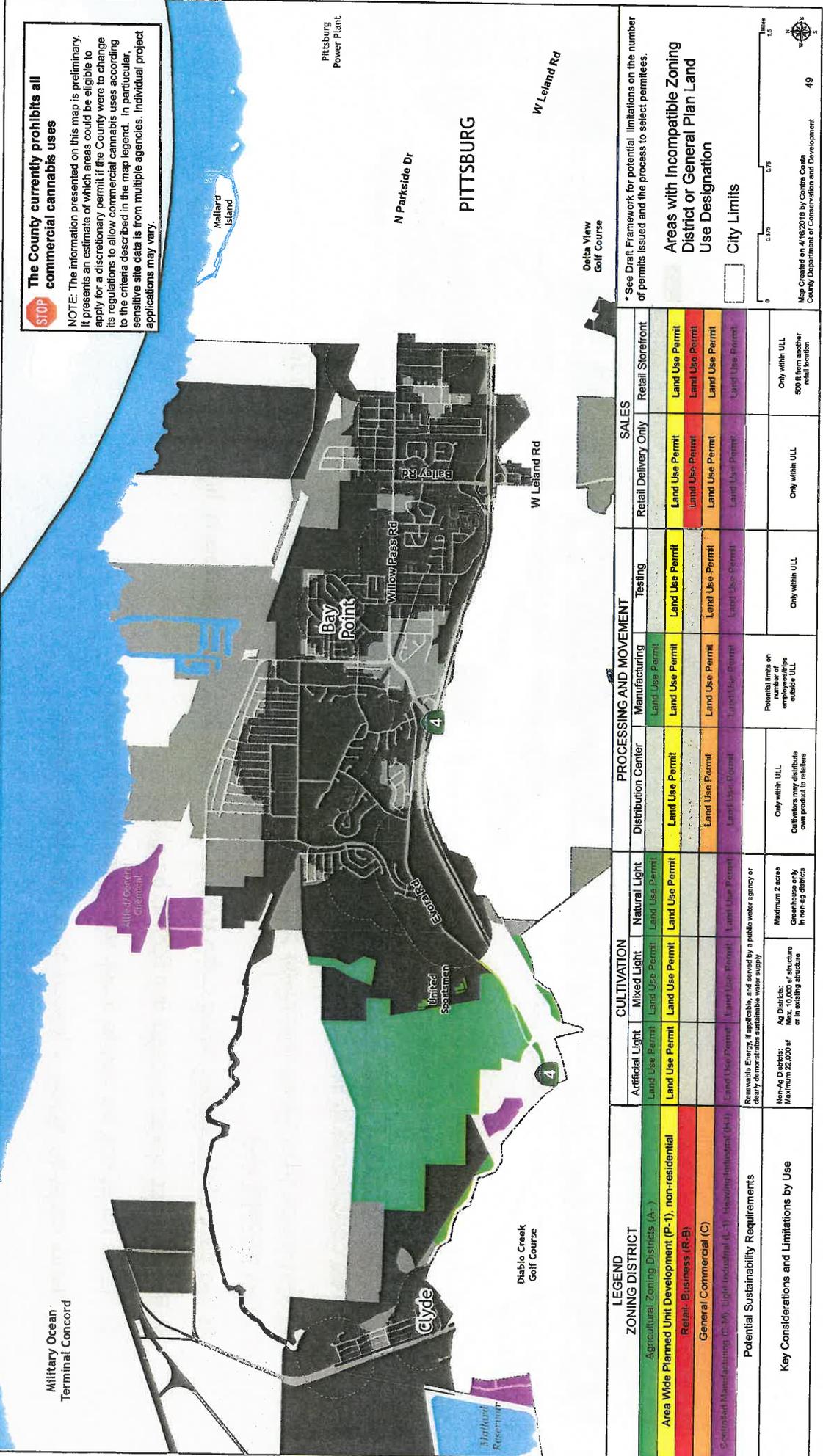
### Other Potential Restrictions

Commercial Cultivation is proposed to be restricted to properties served by a public water agency.



### The County currently prohibits all commercial cannabis uses

NOTE: The information presented on this map is preliminary. It presents an estimate of which areas could be eligible to apply for a discretionary permit if the County were to change its regulations to allow commercial cannabis uses according to the criteria described in the map legend. In particular, sensitive site data is from multiple agencies. Individual project applications may vary.

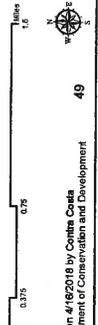


ZONING DISTRICT	CULTIVATION		PROCESSING AND MOVEMENT		SALES	
	Artificial Light Land Use Permit	Mixed Light Land Use Permit	Distribution Center Land Use Permit	Manufacturing Land Use Permit	Retail Delivery Only Land Use Permit	Retail Storefront Land Use Permit
Agricultural Zoning Districts (A-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Area Wide Planned Unit Development (P-1), non-residential	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail, Business (R-B)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
General Commercial (C)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Executive Manufactures (C-3), Light Industrial (L-1), Heavy Industrial (H-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	Renewable Energy, if applicable, and owned by a public water agency or clearly demonstrates sustainable water supply					
Key Considerations and Limitations by Use	Ag Districts: Max. 10,000 sf of structure Maximum 25,000 sf	Maximum 2 acres Greenhouse only In non-ag districts	Only within ULL Cultivators may distribute own product to retailers	Potential limits on number of permits outside ULL	Only within ULL	Only within ULL 500 ft from another retail location

\* See Draft Framework for potential limitations on the number of permits issued and the process to select permittees.

**Areas with Incompatible Zoning District or General Plan Land Use Designation**

City Limits



## RECOMMENDED CHANGES TO THE FRAMEWORK: -- OUTDOOR PERSONAL CULTIVATION (SIGNIFICANT CHANGE #6)

Staff recommendation, based on staff's general sense of the preponderance of opinion among the Municipal Advisory Councils:

- Continue the current restrictions on indoor cultivation for personal use and include new provisions to allow for limited outdoor cultivation for personal use.
- **Outdoor Personal Use Cultivation**- Suggestions on restrictions on outdoor cultivation for personal use that could be considered in lieu of outright prohibition include:
  - 1) Not more than three marijuana plants are cultivated outdoors at one time (total indoor and outdoor may not exceed six).
  - 2) No part of the plants being cultivated is within ten feet of any property line.
  - 3) Plants must never exceed five feet in height.
  - 4) Plants must not be visible from streets or public areas.
  - 5) Plants must be inside a fenced area with locked gates

**RECOMMENDED CHANGES TO THE FRAMEWORK:  
-- RETAIL DELIVERY FROM OUTSIDE COUNTY (SIGNIFICANT CHANGE #7)**

- The state may require that retail delivery businesses located outside of the unincorporated area of the County be able to make deliveries to customers within the unincorporated area without violating county regulations.
- To address this and provide clarity, staff recommends that such licensed business that are operating in compliance with state and local law and permits, be authorized to make deliveries in the unincorporated area of the County.

## STAFF RECOMMENDATION

A. ACCEPT staff's update on public outreach for the Cannabis Framework;

B. APPROVE the Final Draft of the Framework for Regulating Cannabis in the Unincorporated Areas of the County;  
and

C. DIRECT Department of Conservation and Development staff to prepare an ordinance based on the Final Draft of the Framework

# **ATTACHMENT R**

## **MAC COMMENTS SUMMARY**

# Exhibit C Municipal/Town Advisory Council and Community Services District Comment Summary

MAC/TAC/CSD	Framework Reaction	Buffers (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	Caps (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	Outdoor Personal Grow (Should it be allowed by right? Number of plants? Other requirements?)
Alamo	<p>The following safeguards be considered for inclusion in the County's cannabis regulations:</p> <ul style="list-style-type: none"> <li>Consider limiting the sale of edible cannabis products to those where dosing is a max. of 10mg THC/dose and packaged as a single dose. Consumers would be allowed to purchase up to the limit allowed in state law.</li> <li>Prohibit sale of flavored leaf and bud.</li> <li>Consistent with recent legislation in CO, consider prohibiting the sale of edible products that mimic the shape and appearance of animals, humans, or fruit, including gummy bears.</li> <li>Prohibit the sale of flavored e-juices.</li> <li>Prohibit all self-service vending of all cannabis and products which contain cannabis.</li> </ul> <p>Recommend adherence to a County Land Use Process that is discretionary and remain that way for all cannabis applications within the unincorporated areas of the County.</p> <p>Recommend 'No Smoking' of cannabis in all public venues and to restrict the use of cannabis and smoking of cannabis in multi-unit housing. Currently, the County has a second hand smoke ordinance that bans the smoking of cannabis products in the unincorporated areas of the County in all of the same places as tobacco. This is to be strictly enforced.</p> <p>Recommended that all delivery of nonmedical cannabis and cannabis products in Alamo be prohibited.</p> <p>Request that the DRAFT Ordinance Regulating Cannabis in the Unincorporated Area of Contra Costa County be recirculated back before them prior to a decision being made by the Board of Supervisors if at all possible.</p>	<p>600' residential/1000' sensitive sites</p>	<p>Restrict the number of permits issued related to the establishment of safe, orderly and accessible cannabis businesses</p>	<p>Regulations on the establishment of indoor or outdoor personal cultivation be limited to three (3) plants whether indoor or outdoor with</p> <p>20' setback from all property line(s)</p> <p>No plants are visible from either public right-of-way or neighboring adjacent parcel</p> <p>Absolutely no front yard grows are to be established anywhere on the property.</p>
BayPoint	<p>Make sure to include Schools and Parks, and Churches should be included</p>	<p>should use the same buffers as are used for the Tobacco Ordinance</p>	<p>Yes</p>	<p>Recommend 6 maximum</p>
Bethel Island	<p>Other issues brought up include sustainable water uses, use of funds (in particular in relation to location of potential commercial cannabis operations), and "small guy vs outsider/corporate interest"</p>	<p>500ft with 1,000ft notification area</p>	<p>Yes</p>	<p>Motion to allow personal grows PASSED.</p>

## Exhibit C Municipal/Town Advisory Council and Community Services District Comment Summary

MAC/ITAC/CSD	Framework Reaction	Buffers (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	Caps (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	Outdoor Personal Grow (Should it be allowed by right? Number of plants? Other requirements?)
Byron	outdoor grows should be in an enclosed area and not visible by neighbors or the road	1,000 feet for sensitive sites and 500 feet for residential	include caps with a review after 1 year	Motion for 6 indoor or outdoor plants PASSED
Contra Costa Centre	Reasonable	Should be consistent with the County Tobacco Ordinance (1,000')	Place limited caps in the beginning and revisit after 3 years	Allow by right, 6 plants max, create policies to discourage nuisance to neighbors, grow as close to the building as possible and secure
Crockett	Concerns about people coming from out of state to commit robberies on businesses that have cannabis and worried about the security of the community. Raised concerns about testing laboratories or warehouses and crime.  Concerned about people driving high and more accidents happening and if the County has done a study on the effects it will have on other services like the hospital and sheriff.  If the tax measure passes, what would the money be spent on-would like to see it be spent on public safety and hospital services.  Environmental impacts-will these businesses still need to be reviewed for their environmental impacts before they begin to operate.	Buffer zones are ridiculous because they don't make a difference. Kids can drive and still access drugs even with buffer zones.	(see "Framework Reaction")	(see "Framework Reaction")
Diablo	No objection to Framework.  Add a requirement that the local MAC be consulted before a Cannabis Land Use Permit is issued in that District.  Agricultural zones in densely populated areas, like Diablo, should not be allowed to cultivate/manufacture/distribute cannabis commercially because of the narrow roads and pedestrian traffic situation.  Manufacturing permits should be granted only where property already has a commercial manufacturing permit or there is ample space and low traffic to absorb the additional buildings/traffic.  Consider eliminating delivery distribution for non-medical marijuana.	Agree w/ County recommendation of 1,000' within sensitive site and 500' within residential	Cap the number of cannabis permits issued and caps should apply to each commercial use. Start with small number of permits and after 1-3 years of data adjust the number as warranted. Look at other counties for the permit ratios of retail (small) to cultivation (largest) and manufacturing (medium). E.g., Alameda County should have good information on what is working and what is not. Permits should have reasonable expiration date.	Agree w/ County examples (for no other reason that we have no other data to compare it with)  1) Not more than 3 plants at one time;  2) Plants shall not be visible from public ROW or adjacent parcel,  3) 5 foot setbacks from property line.

## Exhibit C Municipal/Town Advisory Council and Community Services District Comment Summary

MAC/TAC/CSD	Framework Reaction	Buffers (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	Caps (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	Outdoor Personal Grow (Should it be allowed by right? Number of plants? Other requirements?)
<i>Discovery Bay</i>	Well thought through. Good to have one. "Devil's in the details"	Cultivation should be two miles from Discovery Bay	In the beginning keep caps tight, then release slowly as circumstances warrant	Should be prohibited in Discovery Bay
<i>El Sobrante</i>	Discussion and questions about zoning, possibility of allowing currently legal plants to grow outside, taxation of businesses, distribution of taxes, etc. No major "red flags," no strong objections	(see "Framework Reaction")	(see "Framework Reaction")	(see "Framework Reaction")
<i>Kensington</i>	A lot of Framework wouldn't apply to Kensington Discussion around regulating medical delivery, how is it enforced across jurisdictional boundaries	(see "Framework Reaction")	(see "Framework Reaction")	Discussion around whether it would be appropriate to have combination of regulated indoor and outdoor personal grow; reached no conclusion
<i>Knightsen</i>	Concerns with enforcement, return to source taxation, theft and smell	Approve proposed Framework standards	Yes, cap be 0 "zero"	Motion to approve current state maximum of 6 plants outdoor PASSED
<i>North Richmond</i>	Framework open-ended; did not get indication that research of other communities with cannabis regulations was done. (MAC discussed a number of topics and raised the issue of social equity and return to source of taxes but no recommendations on other aspects agreed upon. Numerous individual survey responses received from participants.)	Yes	Yes	(see "Framework Reaction")
<i>Pacheco</i>	Well thought through.	1,000' buffers for sensitive sites and residential	Yes	Yes, with restrictions

# Exhibit C Municipal/Town Advisory Council and Community Services District Comment Summary

MAC/ITAC/CSD	Framework Reaction	Buffers (What distance should cannabis uses be buffered from sensitive and/or residential sites?)	Caps (Should we include caps on the number of permits? If so, how many? What uses should caps be applied to?)	Outdoor Personal Grow (Should it be allowed by right? Number of plants? Other requirements?)
Rodeo	They do not want to see any cannabis activities within Bayo Vista Housing Project.			
	The Rodeo MAC wants to make sure that all day care facilities are included, even the day care facilities that are within residential homes.			
	Do not want to see any cannabis activities near the YMCA in Rodeo.	(see "Framework Reaction")	(see "Framework Reaction")	(see "Framework Reaction")
	Concerns about being too restrictive for these businesses to thrive because it can bring in some revenue but at the same time, they are concerned about the access for children.  Community concerns about potential thefts and burglaries because the Sheriff's Department is already spread too thin.			

# **ATTACHMENT S**

**AOD ADVISORY BOARD COMMENT SUMMARY**

# Exhibit D

## Contra Costa Health Service Department

### CONTRA COSTA COUNTY ALCOHOL AND OTHER DRUGS ADVISORY BOARD MEETING MINUTES

Wednesday, February 28, 2018

Diablo Valley College

321 Golf Club Road, Diablo Room, third floor of the HFS Building,  
Pleasant Hill, CA, 94523

Anne Sutherland M.D. introduced Kristen Solseng and Jamar Stamps, staff from the Department of Conservation and Development (DCD) who gave a presentation on the Proposed Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County. A few key points from the presentation were as follows:

- In November 2016, California residents passed Proposition 64, the Adult Use of Marijuana Act. In doing so it approved a dual permitting process in which businesses need both a local approval and state approval in order to operate.
- Contra Costa County Health Services is working on a separate Public Health Ordinance.
- The Board of Supervisors are considering creating caps on the allowed number of cannabis businesses within each supervisorial district, but before implementing them they wanted to conduct public outreach.
- The early estimate is that Contra Costa County could gain anywhere from \$1million - \$10 million if a tax is put in place.
- There is currently a tax measure being prepared for the 2018 ballot.
- DCD is considering imposing either a 1,000 feet buffer from sensitive sites such as schools, parks, playgrounds, homeless shelters, and Substance Use Disorder (SUD) Treatment programs, and/or a 500 feet buffer from residential areas.
- DCD is also looking at imposing a 500 feet buffer between cannabis businesses.

Following the presentation Anne Sutherland M.D. opened the floor for public comment on the presentation. Public Comment was as follows:

- Michael Collins wanted to know if it can anticipated that the Health Ordinance is completed at the same time as the land use ordinance. He believes it is critical that the two ordinances are implemented simultaneously.
- Sam Yoshioka stated that Contra Costa County has a little over 1 million residents. He is curious to know how many people live in unincorporated communities. Sam added that there are counties that have similar demographics like Alameda and Sacramento and he was interested to know what those counties are doing about recreational marijuana.
- Denise Haverty commented that she believes that setting a cap on cannabis businesses is a great idea, and asked if there will be an application process.

# Exhibit D

## Contra Costa Health Service Department

- Antwon Cloird asked where the money from the cannabis taxes will be going within unincorporated Contra Costa County. Antwon indicated that Richmond will only allow three (3) businesses resulting from concerns of oversaturation in the community. He also said that people need to benefit from the businesses in their neighborhood. Antwon asked that DCD look at the areas where they are planning to place businesses, in order to determine how many patrons they can handle.
- Kathryn reported that she is a parent of a student at Miramonte who suffers from an addiction to marijuana. She said that some students have medical marijuana cards and are selling products to other students. She believes that if we bring in recreational marijuana businesses, we are sending the message to our youth that “marijuana is cool.” She believes that there needs to be strict regulations, specifically around mobile cannabis deliveries which, she believes, is how youth are accessing marijuana currently.
- Victor Lecha said that he wants to make sure there is a fair process for the implementation of permits. He wanted to know how the county will determine who applies for a permit. Mr. Lecha stated that he would prefer a Request for Proposals (RFP) process.
- A community member stated that in Richmond there is a dispensary within 100 feet of Albany Hill Park and youth steal the marijuana once disposed. The same community member was also concerned about how police will be able to tell when people are under the influence of Cannabis.
- Kennedy reported that Cannabis is not a gateway drug, it is the most commonly used illicit substance. He stated that people can use Cannabis to wean themselves off of prescription medications. He also stated that to keep Cannabis out of the hands of kids we need to put good regulations in place. It is his belief that if the County bans marijuana, it will increase the black market operations.
- Brian shared that his friends consume CBD oil and they consider it a miracle drug. Personally he considers marijuana to be a gateway drug. He also recommended that Contra Costa County should have a liaison who is knowledgeable on this topic, so regulations can be done right. Brian believes that 500 feet is too close, because that is just across the street.
- Guita Bahramipour said that she believes that the majority of Cannabis tax revenue goes to the Police Department. She added that she would like to make sure funds go to prevention and treatment services.
- Discussion ensued about establishing a similar procedure for Marijuana licenses in which the AOD Board provides input and recommendations in relationship to alcohol licenses anytime a new alcohol license application is submitted to the Department of Conservation and Development.

# Exhibit D

## Contra Costa Health Service Department

- Peter wanted to know how businesses can be prevented within the city limits.
- Tom Aswad said that buffer zones of 1,000 feet should be the minimum. He also stated that in 1996 he took part in a study on adolescent treatment and saw how underserved they are as a demographic. He believes that tax money should go to fund adolescent treatment services.
- Jaime Rich commented that youth are already inundated with marijuana messaging. She also shared that at the Youth Town Hall attendees asked that cannabis businesses be at least 5,000 feet away from youth sensitive areas. Jaime believes that we do not need any more marijuana businesses. Most cities have banned everything so she is interested to know why the County is looking at allowing businesses. Jaime also pointed out that delivery should not be allowed and shared that Concord now allows delivery, as a result they are now experiencing people stealing from the vehicles.
- A community member said that she believes that banning medical marijuana is a bad idea because they see that it is already hurting the community. She stated that there are people who count on marijuana as their medicine, who have not had access to it since January 1st when the dual licensing structure went into effect.
- Kathryn affirmed that opioids cannot be refilled for 30 days. She would like to have the County regulate how much marijuana people can have in their possession at any time.
- Patty Hoyt reported that she has been going to the Municipal Advisory Council Meetings and City Council meetings within the San Ramon Valley and there has been a lot of opposition to marijuana businesses. She believes that the 6 plants allowed to be grown indoors are enough and that the county should not allow outdoor cultivation. She expressed concern about how to prevent youth from accessing outdoor grows. Patty also reported that she is working to add marijuana to the Social Host Ordinance in Danville and San Ramon and that she would like Contra Costa County to do the same.
- Victor reported that it is good to talk about regulation in order to vacate the black market. He is interested to learn how much of the funds from Colorado go to law enforcement vs. treatment.
- Fatima Matal Sol stated that the county has a Social Host Ordinance, but the problem is that it is not being consistently enforced. She believes that we need to advocate for the enforcement of such Ordinance.
- Greg, a representative from the National Organization for the Reform of Marijuana Laws (NORML), stated that the evidence shows that marijuana is not a gateway drug. He shared that NORML would like to see the overall negativity related to marijuana change. He also pointed out that a 600 feet buffer is what NORML recommends.
- Erin commented that the disease of addiction is personal, but it should not be what drives the regulations. She believes that the tax money should go towards funding

# Exhibit D

## Contra Costa Health Service Department

prevention services to teach students elementary age through college age about the risks of Cannabis use and brain development.

- Guita stated that youth are trying substances and that is where addiction starts. She would like to focus the attention on preventing youth use.
- Anne Sutherland M.D. stated that she believes we are a disease oriented society and not prevention oriented. She believes that the best way to keep youth safe is to educate them on the harms.
- A community member was curious to know who will make the decision on where the tax revenue will go.
- One community member shared some statistics from the Journal of School and Health declaring that cannabis is not a gateway drug. She shared that the National Institute on Drug Abuse (NIDA) reported the majority of people who use marijuana do not go on to use other substances. She also stated that it is important to look at where the data is coming from to see if it is valid.
- Talia Moore reported that she lives in El Sobrante and she does not want to see her community as the part of the county where everyone travels to, in order to buy marijuana. She also believes that there needs to be a serious conversation about where the money from the tax dollars will go.
- Ricardo Simental reported that he represents the Monument Corridor, in Concord, where the community sees themselves as a “dumping ground.” The community feels like marijuana can be destructive in the family, so the community would like to see more education for youth and parents.

# **ATTACHMENT T**

**YOUTH TOWN HALL MEETING  
COMMENTS SUMMARY**

**Exhibit E**  
**Contra Costa Health Service Department**  
**Youth Town Hall**  
**February 27, 2018**

Food is very popular in the world and people are easily drawn to it across all ages. Therefore so that it doesn't affect the community, marijuana should not be allowed to be put into food. So I ask that you don't allow marijuana into food.

I think that people should stop making the gummies and they should stop putting marijuana because it is bad for humans. Children cannot tell if the candy has drugs or not, and it can affect kids a lot. Food with drugs is affecting people in the community and that is not good.

Around our neighborhood some people smoke marijuana. Because of this, children around my neighborhood are affected by the bad odor it produces. So, I believe marijuana shops should be at least 5000 ft. away from schools.

Around our neighborhood some people smoke something that smells very bad and there are kids in this neighborhood including my 8 month old brother. This is why there should not be allowed marijuana shops close to schools.

Gummy bears with marijuana shouldn't really be produced anymore because children can't tell the difference between the ones with weed. Therefore, I believe edibles that are produced in the form that are appealing to children shouldn't be allowed to have marijuana put in them.

Gummy bears should not have marijuana put in them it's hard for kids our age to tell the difference between normal gummy bears and marijuana gummy bears. Therefore I think marijuana should not be allowed to be put in edibles.

Gummy bears, what are they you ask? Well they are bad for humans and kids. I think you should not sell gummy bears because of the weed.

The experience I have had with cannabis is that many students buy & sell illegally. It seems very accessible to students. It is already so easy for young adults to get it.

Question: How much are they selling? What are the doses? If they set up the stores, is there going to be security? Will it be regulated?

Marijuana should not be within 5000 ft. of kids K-12 because if you are an adult and you want to make those choices to smoke that's on you, but it isn't fair to kids that have no choice but to be exposed to it.

Facilities that will produce marijuana should be at least 300 feet away from school, neighborhoods, city's, etc.

The facilities should have maximum security in case of someone breaking in.

## Exhibit E

### Contra Costa Health Service Department

Marijuana should not be produced in the form of edibles that kids might mistake them for candy.

If someone was given permission to grow the drug in their house, they should have a license or paper signed by all members of the Board of Supervisors.

Cannabis can mess you up and also my football teammates would smoke it. My friends have overdosed on it and nearly died. It makes me sad when I see this and I think that it should be within 5000 ft. radius. I do believe we can do something about this. It even makes consequences higher for the teens doing this. It is horrible how kids are getting more hooked and hooked every year. My school smokes a lot and around my neighborhood it is a normal thing for people to do. They are getting hooked and it hurts to see this.

For the eligible locations for example agricultural will the farmers around there want to farm near marijuana that is being farmed?

Comments: I have a friend that smokes weed and he said it calms himself down.

Also a family member of mine smokes weed too and she said that it helps her with her surgery aftermath. (Like it relaxes her)

So, I think it should be legal but I think it shouldn't because it still kills your lungs.

Hello, my name is William Latimer and I am a strong advocate for strict cannabis restrictions in Contra Costa County. I believe that marijuana sales should be limited to medical needs. Although the sale of weed can put back money into the economy, it presents little benefit to those that consume it. I've seen the effects that this addictive drug can have on young influential people that are the same age of me. They have been able to obtain marijuana in way too easy of a fashion. In an effort to spare time, I'll present my thoughts on cannabis in a straight forward manner. As of now, the proposed areas of legalized weed growth are restricted to 500-1000 ft. within youth sensitive areas. I believe that this is much too close to very influential individuals. I hope to see these spots for the growth of legalized cannabis moved to at the very least 4,000 ft. I ask you to consider substantially raising the amount of feet that legalized weed growth are required to be from youth sensitive areas. I thank you for your time and hope you consider my feedback.

It is bad how kids are outside playing and adults come outside to smoke, cannabis, weed, and cigarettes and kids have to smell it.

I think that the people that sell Ice Cream, they should not be selling cannabis in the Ice Cream truck (a thought)

I think that use of cannabis should be limited to agricultural and medicinal use because if allowed to be sold commercially in retail stores and grown for personal use, there could be an increase in crime from teen and adults alike who try to break in to steal cannabis.

## Exhibit E

### Contra Costa Health Service Department

After how many years would one's cannabis permit expire? (could possibly coincide w/ population growth and proximity changes b/w commercial sites and schools, residential areas, libraries etc.)

Question: Can cannabis make your lungs black and your teeth and gums black too?

Statement: More recently, I have had many encounters with drugs, more than last year. Whether that's others around me smoking, or being offered it. And I've found that it takes one person. One person who has it in their possession, and they share it with the group. Smoking and vaping are more evident now than ever before, and it's only going to increase. Especially if it's within reach. That's why I request that marijuana not be sold within 5 miles of any family-oriented locations. Thank you.

Marijuana is used to relieve your stress and who does not want to be stressful. Marijuana is addictive, although almost half of all Contra Costa youth do not believe marijuana is addictive, but in fact minorities that was arrested for marijuana increased after legislation in Colorado, both young and adult. The accessibility to get marijuana is easy. 500 foot is not that far. People are able to walk there and use it somewhere else. Students can get it from their parents or other people. It is hard in semester 2 in school, but using marijuana will lower your brain function (motivation, learning, attention, and etc.). Between 2013 and 2015 in CA, youth using marijuana within the past 30 days increased with grade level; 22% of eleventh grade students surveyed reporting past 30 day use. Parents too are able to make mistake. One incident where parent gave an alcopop (soda contain alcohol) to the kid and did not know that I was an alcopop. Now another incident where parent give gummy bear that contained marijuana to the kid. It is the same thing with different substances. Young people are able to access it in early age and once it gets addictive, it will be hard for them to stop (gaming addictive). It is only 1000 foot away from schools, community parks, libraries, and etc. It is like 3 football fields and it does not take a long time to get 1000 foot away from school. From De Anza, my high school, I can walk for 17 minutes and get to a tobacco retailer and by law it should be 1000 foot away from school. It should be more than 2,000 foot away from sensitive area and 1000 foot away from another retailer.

- Perhaps we can make time limit of when you can smoke marijuana, like people are not allowed to smoke at afternoon when students go to home.

- If a minor is caught with cannabis, will an adult get punished for it? There could be some sort of "letter of intent" signed by the adult that states that they will not give the cannabis to any minors.

- Will there be a cap on the THC level is on cannabis?

There should be a limit to how many retail stores are allowed in. Also that they are more spread out in areas, then focusing in one certain areas. Like should at least be 2,000 or more feet away from schools and same for neighborhoods.

Another thing we need to check is what kind of products that the marijuana are selling. For example if they're selling fake weed or they're mixed with tobacco. And for candy that are infused with weed

## Exhibit E

### Contra Costa Health Service Department

maybe they should look a little more different like making them look like popular everyday snack they should look like bootleg version of them so it's easier to tell the differences.

Another thing that we need to consider is what neighborhoods we are putting the dispensary in. Like North Richmond, that has high crimes rates and then we decide to put dispensaries there. It doesn't really make sense. So the locations of these stores are very important to consider.

Good evening. My name is Sania and I go to Pinole middle school. I am here to talk about Marijuana Dispensary locations. I believe that we should not put them near schools grounds because young people will see them and become curious. This will make them want to test it out. It has been proven that the more youth has access to marijuana it increases how often and how much they will use it. So, we ask you to please have youth in mind when you are making these decisions. 1,000 feet away from schools.

- Buffer zones: 500 feet is not enough, bare minimum of distance should be at least a bare minimum distance of 3 blocks from residential areas, 2,000 feet distance from a youth sensitive area (influence on kids/gummy bear story)
- Stricter policies on who can buy CBD and THC infused edibles and where they are sold
- Stricter and vetting processes on dispensaries (stop sales of synthetic and fake marijuana)
- Dispensary and "plantation" limits (maximum of 5)
- Private growth of recreational use and illegal distribution

#### Protocol for Minors caught with cannabis (non-medical)

I believe that consequences for those who are underage. Who are caught with marijuana should be worse. Instead of merely citing them, officers should arrest them and impose a fine on them. This will greatly discourage youth from using/transporting/growing/ etc. marijuana. Although this will probably be combated by having minors find new ways to have cannabis, this new policy will make it severely harder for minors and cannabis usage. The less that use a harmful drugs the better.

#### Buffer Zone

I believe that the feet that the current buffer zone requires should be increased from 1,000 to at least 3,000. Science and studies have proven the various negative effects of cannabis on the human body both physically and mentally. The longer the buffer zone is from youth sensitive and residential areas the better.

Regulating cannabis in the unincorporated area of Contra Costa County to me is a great plan because when I walk by the park people are openly smoking marijuana. This make me feel unsafe. I would feel safer if they were 1,000 feet away.

## **Exhibit E**

### **Contra Costa Health Service Department**

#### Marijuana Speak Up

- When I was younger during lunch a girl came up to me and asked me if I wanted a gummy and to me I didn't look like a normal gummy bear so I asked her what was in it and she said that there was marijuana in it and luckily my mom always told me to never eat something that doesn't look normal. So my question is how exactly did a middle schooler get marijuana when she is not of age to even vote? Did her relatives give it to her? Did her friends give it to her?
- Almost half of all Contra Costa youth surveyed do not believe that marijuana is addictive while 1 in 6 teens who use marijuana will become addicted
- I also want to mention that "Neighborhoods with a high density of liquor stores have been shown to experience higher rates of alcohol-related hospitalizations, drunk driving accidents, pedestrian injuries, childhood accidents, assaults, child abuse injuries, crime and violence"

I am happy that I came;

1. Why is marijuana even allowed in the community?
2. Can marijuana kill you?
3. Can it affect your lungs really badly?

Question

- Can weed be made in to a drink?

What protocol is under place if a minor is caught abusing/possessing marijuana?

If you take away cannabis clubs, kids will still get it. But it's dangerous because they can get laced.

Should allow testing. Should let store sell

Don't restrict where to smoke

While marijuana accessibility is a commonly debated topic, research from the California Healthy Kids Survey depicts that in the past thirty days usage of marijuana increased 22% of in eleventh grade students. Moreover, in 2014-2015, a school in Colorado reported that abusing Drugs accounted for 41% of all expulsions, 31% of all law enforcement referrals, and 6% of all suspensions. As the health consequences of marijuana increase through research the California department of public health released research indicated that marijuana has THC levels of 30% and that it has doubled since the 1990's.

Not only can marijuana affect individuals during consumption but literature has shown that it can disrupt brain functions crucial to motivation, memory, learning, judgement, and behavioral control. Through the research that has been performed it is clear and prevalent that marijuana catalyzes youth development problems, and increases poor performance in school.

# Exhibit E

## Contra Costa Health Service Department

### Questions

- 1) Will stores be able to sell cannabis to people with medical permission?
- 2) Will you propose a limit on how many dispensing or stores to the cities?
- 3) The buffer should be extended to 1,000 or 2,000.
- 4) Would the deliveries be for medical use or for personal?
- 5) If deliveries are made, should the person show their medical cannabis card? Verify

- Commercial cannabis use is prohibited including storage, cultivation & distribution
- Cannabis has many use:
  - Oils
  - Medicine
  - Etc.
- Discussion of self-regulation

### Questions

- 1) Are you going to put a cap of potency of cannabis?
- 2) Concerns about outside farms. How's the security?
- 3) If cannabis is grown for personal use, can they sell?
- 4) Will stores be able to sell cannabis products such as oils, lotion, or edibles?

# Exhibit E

## Contra Costa Health Service Department

### Responses to Cannabis Regulation Surveys (Actual Surveys Attached) (1)

1. What is your overall reaction to the County's Preliminary Cannabis Framework?

Neutral

2. If permitted, which buffer distance from sensitive uses such as schools and parks do you think is appropriate for commercial cannabis uses?

2,000 feet

3. If permitted, should a buffer be required between residential uses and commercial cannabis uses such as retailing, manufacturing, distributing or testing?

Other: 2,000 feet

4. If permitted, should the County place a cap on the number of commercial cannabis uses such as retailers, manufacturers, cultivators, etc.?

Yes

5. Should **outdoor cultivation for personal use** be allowed? (6 plant maximum per State law)

No

# Exhibit E

## Contra Costa Health Service Department

### Cannabis Regulation Survey (2)

1. What is your overall reaction to the County's Preliminary Cannabis Framework?

Somewhat Agree

Comments: Certain aspects are very vague; words such as "could" = more discussion necessary

2. If permitted, which buffer distance from sensitive uses such as schools and parks do you think is appropriate for commercial cannabis uses?

1,000 feet

3. If permitted, should a buffer be required between residential uses and commercial cannabis uses such as retailing, manufacturing, distributing or testing?

Yes

1,000 feet

4. If permitted, should the County place a cap on the number of commercial cannabis uses such as retailers, manufacturers, cultivators, etc.?

Yes

5. Should **outdoor cultivation for personal use** be allowed? (6 plant maximum per State law)

Other                      Lots of grey space, how would personal use be regulated? Can't simply rely on testimony from neighbors. Permit expiration: I left another comment suggesting that permit expiration could coincide with significant population growth and residential development in proximity to commercial cannabis sites (i.e. 5 years!)

# Exhibit E

## Contra Costa Health Service Department

### Cannabis Regulation Survey (3)

1. What is your overall reaction to the County's Preliminary Cannabis Framework?

Neutral

The packet doesn't really speak specific information.

2. If permitted, which buffer distance from sensitive uses such as schools and parks do you think is appropriate for commercial cannabis uses?

1,500+ feet

3. If permitted, should a buffer be required between residential uses and commercial cannabis uses such as retailing, manufacturing, distributing or testing?

Yes

1,000 feet

4. If permitted, should the County place a cap on the number of commercial cannabis uses such as retailers, manufacturers, cultivators, etc.?

Yes

5. Should **outdoor cultivation for personal use** be allowed? (6 plant maximum per State law)

Yes

I think that people should be allowed to have their own plants, but it should be LESS than 6.

Additional Comments: I think that there should also be a limit on the THC amount in cannabis. This can prevent over dose and things like that.



**Exhibit E**  
**Contra Costa Health Service Department**

# **ATTACHMENT U**

CCC COUNCIL ON HOMELESSNESS  
DRAFT MEETING MINUTES EXCERPT

# Exhibit F

## Contra Costa Health Service Department

Contra Costa Council on Homelessness

Draft Meeting Minutes Excerpt: *Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County*

- I. Cannabis Regulation Presentation (Ruben Hernandez)
  - A. 2016 - Prop 64 to allow the commercial cultivation and use of cannabis
  - B. November 2017 - BOS voted to prohibit to commercial cannabis uses
    1. Summer 2017 looking to establish regulations around commercial uses
  - C. Zoning Districts - different districts represented by different colors
    1. Green - Agricultural Zoning - looking to allow cultivation; also looking to allow some manufacturing in those districts
    2. Planned Unit (P-1) - have all different types of uses. Thinking of allowing all different uses.
    3. Retail - not a lot available after applying buffets.
    4. General - allow sales and manufacturing
    5. Industrial - thinking of allowing most everything
  - D. To sum it up, cannabis will be regulated like alcohol, so every gram or ounce will tracked and regulated (ideally)
  - E. Identifying sensitive sites and then buffering those sensitive sites. Would like to keep sites free from cannabis - this being promoted at state level
    1. Include: Schools, homeless shelters, others
    2. Buffers of 1,000 feet of a sensitive site.
    3. Also thinking of having a 500 ft buffer in residential site (state does not have residential buffer)
  - F. Also working with health dept to come up with some health standards.
  - G. Being considered because of taxes
    1. Local jurisdictions can tax. State is also collecting money and grant money will be available only to the jurisdictions that allow sale/cultivation of cannabis.
  - H. Ballot in November - will ask voters if they would like to approve a cannabis tax (not sure about amount). If that measure passes then the ordinance goes through. But if it fails the ordinances will go away. The BOS has indicated they don't want anything to do with it if there won't be revenue attached.
    1. Cannabis tax will only be for unincorporated areas of Contra Costa County.
  - I. Going to about 27 community groups throughout the county. Will go to BOS on April 24 to provide update on the outreach.
    1. Shortly after (May) go to County Planning with Draft Ordinance, then go to BOS in June/July with Ordinance to be ready in November.

# Exhibit F

## Contra Costa Health Service Department

### J. Community Input

1. Can go to County's website to fill out a survey:  
[www.cccounty.us/cannabis](http://www.cccounty.us/cannabis). Can also sign up to get
2. Q: How much are permits and how much will the county make?
  - a) Haven't discussed cost. A lot of jurisdictions are 3-7% but a lot of jurisdictions lowering
3. Q: Do you have a sense of where the tax would go?
  - a) It will be general fund
  - b) State money will go toward law enforcement, prevent youth drug use but county will be for anything.
4. Q: Are there buffers for alcohol? Do those mirror what you present for cannabis?
  - a) There is a buffer for tobacco but not for alcohol.
5. Q: You identified that homeless shelters are a sensitive sites, how many homeless shelters are in unincorporated areas?
  - a) Jaime - There are some but I don't know if there are any county ones.
6. Q: Does the buffer only apply up to incorporated area?
  - a) Buffer will stop at jurisdictions lines
  - b) Most jurisdictions adopting buffers but sensitive sites varies
7. Q: I'm curious about the caps and the inclusion of caps when you don't know what the flow will be?
  - a) Alameda adopted cap of 5 or 6 commercial cultivation and 5 retail sites for unincorporated for Alameda.
  - b) Main reason is that we don't want a proliferation of 4 retail sites in a row. Might reassess.
  - c) We are definitely evaluating and doing outreach to see how the community feels.
8. Q: Is the Board considering any language around earmarking tax funds for specific purposes?
  - a) This is coming up more and more. BOS is telling this will be general fund so it's simple majority; if specific use tax it needs  $\frac{2}{3}$  approval.
  - b) Patrice - My concern is that the County is jumping the gun. Really consider having a fine balance and don't be so quick to place limitations. Balance with the revenue source that this can be to support programs.

# Exhibit F

## Contra Costa Health Service Department

c) Alejandra - Take opposite approach and be more conservative.

What have communities been saying?

(1) Bay Point community was concerned about it. But you have some more interested than others.

(2) South County have lots of opposition but OK with outdoor personal cultivation. Pacheco seemed to be OK with it. North Richmond hesitant but if there's money wants it to come back to them.

d) In Unincorporated CCC, 63% voted in favor of Prop 64.

9. Q: Doing any equity analysis around who is getting permits? Looking at disparities and inequities in who might be prohibited.

a) Got this comment in North Richmond, so starting to look at it.

b) Oakland and SF did reports on these, you should look at these.

10. Q: What is the the prioritization of local residents vs outside residents in the permitting cap process? Are you looking at prioritizing businesses in this county?

a) We haven't started to analyze this yet.

b) John B. - Missing opportunity to not have specialized funding; hesitant to make this a general fund tax. Don't runaway from this.

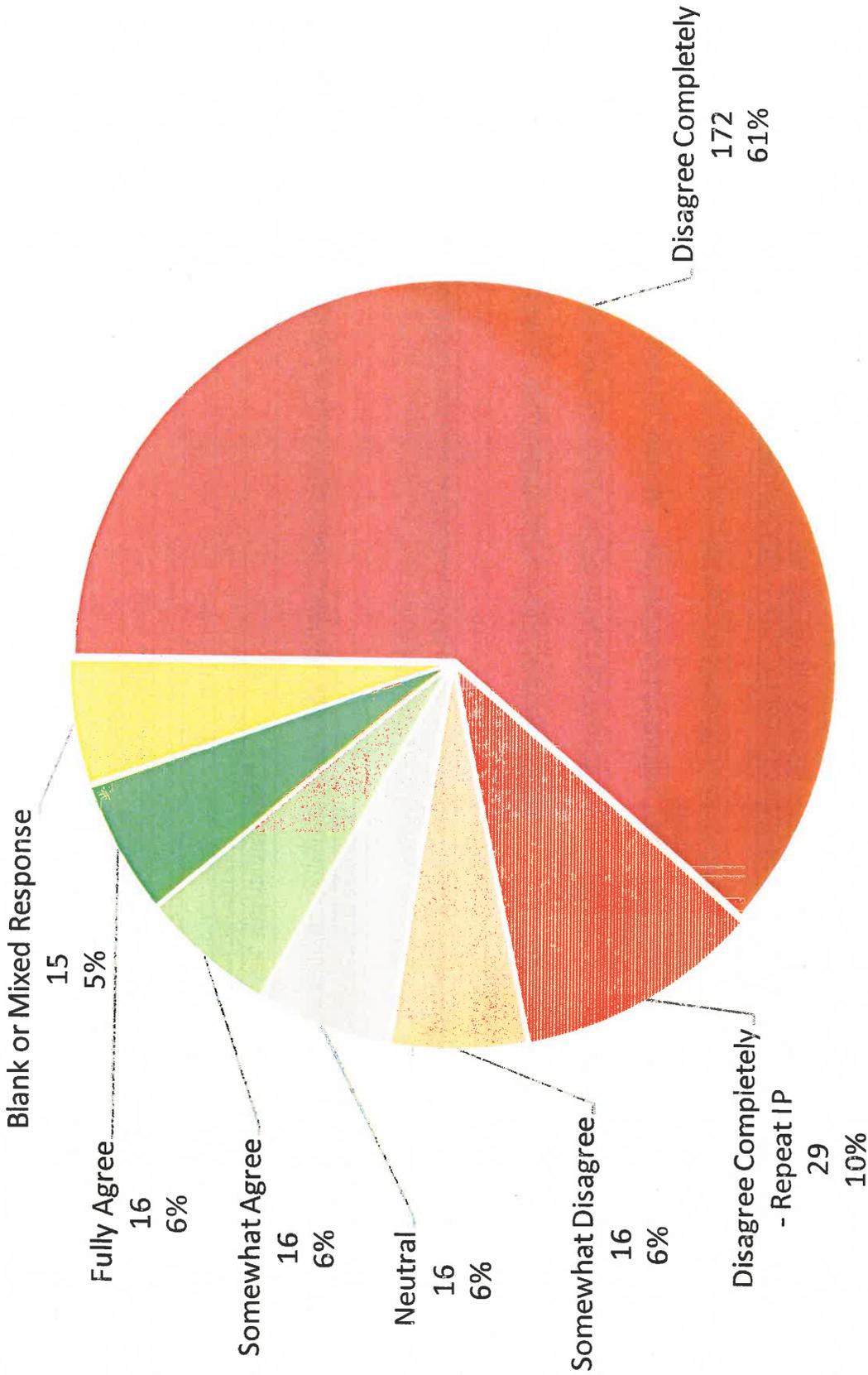
# **ATTACHMENT V**

## **PUBLIC SURVEY COMMENTS SUMMARY**

# Exhibit G: Public Survey Comment Log

## Framework Reaction

1b. Comments about your reaction answer



Note: There were two IP addresses that answered just the first question 14 or 15 times – these responses are separated for context

1. dubious economic value; 2. unproven formula with huge uncertainty and downside risk; 3. Orinda can afford to wait till a winning formula emerging instead of become early guinea pig to try it out

1. its harmful to children. 2. drug dealer, cartels may get involved.

## Exhibit G: Public Survey Comment Log

1000' buffer is a mistake
Absolutely NO.
As a former smoker (1954-1985), I have seen and experienced the long-term results of mood-altering inhalants. These include nicotine delivered through cigarettes, cigars and pipes as vehicles. From the late 1950s to date, scientists have worked to document the negative results of tobacco use. Albeit slowly we have made notable steps away from ingesting smoke of any kind into our lungs, at least here in the US. Part of the process is education but also in the development local regulations about where tobacco may be used. Having made this 'progress', why would we offer regulations/ordinances permitting the farming and distribution of that very toxin we have tried to lead our children away from? Ask yourself, "Is it because I want more money in the County coffers at the expense of the health of our residents?" Don't let the "PROFIT AT THE EXPENSE OF HEALTH" lead us to an early and painful death.
Based on our limited resources, Cannabis should not be allowed in Contra Costa County anywhere other than is legally required.
Be careful cannabis to your living environment
Because commercial cannabis cultivation can improve economic development, increase residents' welfare and improve the living standard of residents. Can have medical effects, pain relief, fight cancer.
Bethel Island is a small community which already is fighting drug use and homelessness. The new framework would allow cultivation on nearly all of the island.
Cannabis business can help bring a lot of income tax, and will increase a lot of employment! Cannabis also has a lot of use in medical, can help cancer patient reduce pain!
Cannabis cultivation is conducive to the development of economy, increase employment opportunities, increase income tax, cannabis also medical use, analgesia, fight against cancer.
Complete prohibition
Concerns about crime, addiction, and adolescent safety can be more than adequately addressed with research provided by the many peer-reviewed studies that are available. Bans and other restrictions fuel a dangerous black market and hurt the people who are being helped by cannabis.
Contra Costa county should embrace all cannabis avenues.
Contra County residents voted ---overwhelming---for access to cannabis. The current bans effectively eliminate local access and suppress the will of the voters.
Create a lot of employment, and income tax, and medical use!
do not want commercial cannabis in my neighborhood
Dont like indoor grows. Too many fires
Don't like legal cannabis
Don't want cannabis in the area. It brings crime and fights.
Grow areas are too large and too close to residential areas
Growing cannabis will destroy your living environment
I agree there needs to be some regulated buffer distances for schools, parks etc.
I am a 64-year old female who wants access to and might like to cultivate my own personal use marijuana. I voted for legalization. I would defer to what seems to be working in other states.

## Exhibit G: Public Survey Comment Log

<p>I am a cancer patient and it is VERY inconvenient for me to have to drive into Berkeley to be able to go to a dispensary to get the medical marijuana that I use and that help me with pain.</p>
<p>I am against any commercial cultivation of cannabis whether in the towns and cities or in unincorporated areas. Whatever tax bump we receive will need to be spent on the increased ill weed brings (more pot related ER visits, increased drug related crime and homelessness, gangs and cartels). One need only look at Oregon to get a good idea of the unintended consequences. See this article: <a href="http://fortune.com/pot-marijuana-colorado/">http://fortune.com/pot-marijuana-colorado/</a></p>
<p>I am against to any cannabis activities</p>
<p>I am as open to new regulation but I still have more questions than answers. For example, could you open a commercial kitchen for edibles but also be a vitamin store? Joint business ventures often do better commercially since one acts like a crutch for the other during slow times of the year.</p>
<p>I am deeply concerned and don't see the benefit of this to Lamorinda residents. With Colorado as an example, a lot of things went wrong. These were called unexpected, but leading supporters of marijuana cultivation and manufacturing in incorporated area changing their mind. Such experience should be seriously considered. The potential but immaterial Benefit should not be the focus. At least, we should not rush into a decision. Instead, observe how it goes in the neighboring communities in the Bay Area first, and learn from their experience. Bottom line, I don't see how it could be justified that we have to become the first batch of guinea pigs when we don't know where we are heading for.</p>
<p>I am mostly interested in personal cultivation so most of the commercial regulations are of no importance to me.</p>
<p>I am not familiar with the existing framework.</p>
<p>I can think of no reason to permit any cannabis sales in Contra Costa County. My experience (33 years) in the Navy and in the private sector (30 years) have demonstrated nothing but bad results can come, especially for long people and skilled workers. results from recreational use of cannabis</p>
<p>I don't agree with the county limiting the number of growing areas. Anyone who gets proper permit should be allowed to grow and let the market determine the demand.</p>
<p>I don't want my kids to close then addict to drugs!</p>
<p>I don't want the stuff anywhere near me. It is already becoming a problem. People think because it's legal they can smoke it where ever and when ever they want, even next door. The smell is nauseous to me and triggers my Asthma.</p>
<p>I feel our county's agriculture resources; land, water, compost, and sunlight should be used to produce food, to create a sustainable county. Allowing cannabis farming on productive food ag. land, when will still have hunger issues and water shorages, is irresponsible.</p>
<p>I felt that the proposed buffers were too restrictive to development.</p>
<p>I have serious concerns over allowing marijuana cultivation and manufacturing in unincorporated areas around Lamorinda. The decision should be centered by community rather than being politically correct or pursuing uncertain fees. The possible undesirable impact on the community, including but not limited to safety, education, house value, both short term and long term, should be carefully considered. Experience from other communities, e.g., lessons learned from Colorado (<a href="http://fortune.com/pot-marijuana-colorado/">http://fortune.com/pot-marijuana-colorado/</a>) should be considered. We could have the excuse of not knowing the consequence, but we cannot use the same excuse of "unexpected" effect since these already happened elsewhere following similar initiatives.</p>
<p>Before a careful and detailed plan is provided to address similar issues, the framework is not ready.</p>
<p>I oppose any commercial cannabis business in unincorporated contra costa county areas</p>

## Exhibit G: Public Survey Comment Log

I oppose any use of unincorporated county area for cannabis purposes.
I oppose commercial marijuana activities in CCC.
I support complete ban of commercial cannabis activities in contra costa county.
I think the county should compliment the state regulations concerning cannabis businesses. Zoning seems sparse for retailers; especially considering nonstorefront retail. Zoning should be different for storefront vs considering retailers. The buffer for residential seems excessive. I think that should be removed altogether.
I would like to comment that county on a solid proposal.
I would like to see strict measure to ensure non medical usage is completely banned. Harvesting in the county is exposing grave danger to children and young people, not to mention possible crimes and damages related to that. Safe environment is important to everyone, especially family and children, which is the main driving force of the prosperity of the county.
I'm a cannabis user
If allowed commercial users, we'd not have qualified soldiers to protect our country..... Total disaster!
Improve the economy and increase welfare. Pain relief, fight cancer.
In my experience, marijuana users are much calmer, quieter and less a bother than people who drink alcohol and are loud, boisterous and sometimes violent. Some I have spoken with seem to believe that marijuana is a gateway drug to the addictive and dangerous drugs that present serious problems. I think our household medicine cabinets and household alcohol cabinets are often much more a gateway to these problems. I think this should be taken into consideration and that marijuana sales should be treated similar to alcohol sales.
It can bring a lot of tax, and also bring a lot of employment to us, and help patient treatment!
It harms environment, increases crimes, and not good example setting for kids.
It help develop the economy, also help a lot of patient!
It is bad for the teenagers.
It is kind of murder of ourselves
It is much better to regulate cannabis, than let the black market control it. Plus setting the age to 21 is much better, as cannabis when used recreationally by minors is very damaging to them. so I fully support.
It is pretty open ended and I did not get an understanding that there was research done across the nation of other communities grappling with this. Would have found more value in the framework if clear pinpointed solutions from other communities would have been identified.
It is shocking to know that Walnut Creek is considering making it legal.
It is still a controversial plant. It is not suitable in the populated neighborhood area.
It is still illegal federally, so it cannot be legalized in the state
It should not be in populated residential area.
it will bring gangs, make kids easier access of cannabis. the cost of regulation, law enforcement will also increase.
It will bring in illegal transaction/activities in the community, promote the marijuana use to our kids, affect the environment, increase the drought problem, damage the soil. No benefit at all!
It will destroy our community completely by poisoning our kids.
It would cause a lot of problems.
It's going to cause lots problems for teenage health if they can get it easily.

## Exhibit G: Public Survey Comment Log

<p>Items about controlling the number of stores is not useful. Stores will come and go based on quality, cost, and service. Same with land use. There may be an initial rush but people will still grow walnuts. It is now a legal substance similar to alcohol. Should be sold at DB Safeway. Safeguards look reasonable, IMHO.</p>
<p>It's been legalized; why prevent your constituents from receiving the tax money they voted that they wanted? It will only help to improve the community and get rid of black market transactions</p>
<p>It's harmful to everybody in public uses of the cannabis.</p>
<p>It's ok for people who need it for medical use under doctor's prescription. If now we plan to open to public, do we think about people who will mis-use, and combine with alcohol, gun, by the end, it will create more complicate situation between neighbors, and also make more difficult situations for police officers to handle it under law enforcement.</p>
<p>It's premature to discuss commercial cannabis without better understanding the impact from the recently legalized recreational use.</p>
<p>Just because the prop is passed doesn't mean it's a good idea to grow it in our backyard.</p>
<p>Just do a math. The benefit from planting and trading marijuana will be way much than the unbelievable costs. May way beyond we could imagined that would be inevitable adding to our communities and families. Think about how easily it may poison our teenagers and young people and increase possibility of severe traffic accidents which may kills numerous of lives and harmness on public safety. Which we all could not afford! Why we want to risk our lives for the small benefit from it.</p>
<p>Just keep the Cannabis Regulation 2017-26 in effect and don't change anything. I don't want any cannabis to be manufactured, distributed, or grown in our county. I believe this will only pave the way for big commercial growers to buy up land to cultivate it and create big agribusiness cannabis monopolies that will eventually lead to undesirable consequences in our community associated with it. Consequences like our youth thinking it's o.k. to indulge in the use of a hallucinogen because their parents use it, second hand smoke inhalation by children in the homes of users, adults driving under the influence of it, law enforcement associated with its use etc.</p>
<p>Largely overlooked the negative impact on environment and society safety.</p>
<p>Lead to more Crimes, Traffic Accidents, Education Problems</p>
<p>Many factors.</p>
<p>Marijuana is banned at the federal level. Cultivation, possession and selling marijuana are considered federal crimes and prosecuted by the FBI. We don't want our community become an FBI target. Our neighborhood will become unhealthy and unsafe.</p>
<p>Medical use, bring a lot of income tax!</p>
<p>My family moved to Orinda for its high quality school district. Marijuana use among students is a big concern for my family. If cannabis cultivation is allowed, my family will consider moving to another area.</p>
<p>Need stricter limits on proximity to residential neighborhoods and schools. Need lower limits on quantity of plants for commercial farming.</p>
<p>Requires direct taxation and other levies to support increased police patrols and enforcement burden.</p>
<p>Need to be more specific</p>
<p>Need to include stronger language that any and all costs associated with safety, security, enforcement and compliance should be entirely covered by fees and/or possible taxes levied on cannabis businesses/uses.</p>
<p>No cannabis cultivation in CCC</p>
<p>No cannabis in CCC!</p>
<p>No cannabis in my back yard.</p>

## Exhibit G: Public Survey Comment Log

No cannabis is appropriate
No commercial cannabis business in CCC
No large scale cultivation should be allowed in cc
No permit
No, I don't want to have cannabis growing from my neighbor or my own backyard.
No, this does not raise the value of the property or enrich the area. Discovery Bay is unincorporated and do not have the additional coverage needed for enforcement of regulations for this industry. Making access closer for youth that are already challenged enough with underaged selling at "smoke shops" with addictive vaping, tobacco. Remember, Discovery Bay Safeway's gas station has been shut down for selling to under legal age how many times? Go to a city that can afford the "extra" activity that comes with this.
The numbers of grow houses that exist and have been busted are not run by people for the best interest of the community - They are pursuing income under the cover of a residential neighborhood by converting a family dwelling into a hydroponic "grow house".
This industry can be anywhere- the customer base is prevalent- They will drive, to the source. There should be zero sales unless in an industrial complex with plenty of parking out of residential shopping centers for community. The smoke shop at Sandy Cove shopping center is unnecessary and stories of lude behavior toward female employees by owner are numerous. Please restrict selling medicinal marijuana to an industrial site only, IF the need exists in the Discovery Bay community, a Dmv licensed adult can go to like they go to get their car repaired. The additional alcohol and customers to "Aloha Club" have already attracted more violence, drunk driving and deaths. With a location that can be seen from the street with festive lights that compete with traffic lights. One would hope a "club" could have been a great restaurant but the profit margin on a bar is so much more. Marijuana is already projected to make 8 billion in tax revenue for Ca. Please consider the extracurricular activities that come with legalized substances and keep separation of the licensing for dispensing of marijuana from the highly profitable alcohol dispensaries.
Only brings in crime
Outdoor grow shouldn't be allowed. Prohibits all commercial cannabis uses
outdoor grows should be permitted with the number limited to 6 plants
Please no commercial use in the home town, no cannabis cultivation in the backyard. We care about children safe, family save and community save. Economic profit is countable, but the huge security risks are uncountable. This is some side effect of taking marijuana which obviously put a nice and peaceful home town into uncountable risks: "Short-term side effects may include a decrease in short-term memory, dry mouth, impaired motor skills, red eyes, and feelings of paranoia or anxiety. [21][24][25] Long-term side effects may include addiction, decreased mental ability in those who started as teenagers, and behavioral problems in children whose mothers used cannabis during pregnancy. [21] Studies have found a strong relation between cannabis use and the risk of psychosis." (side effect informations come from Wikipedia)
Please not in our country. Too dangerous for kids

# Exhibit G: Public Survey Comment Log

Properties within agriculturally zoned areas should be allowed to engage in agricultural practices within the bounds of the current zoning as follows:

84-38.402 - Permitted.

Uses permitted in the A-2 district shall be as follows:

(1) All types of agriculture, including general farming, wholesale horticulture and floriculture, wholesale nurseries and greenhouses, mushroom rooms, dairying, livestock production, fur farms, poultry raising, animal breeding, aviaries, apiaries, forestry, and similar agricultural uses. (2) Other agricultural uses, including the erection and maintenance of buildings for the storage of agricultural products and equipment; sheds; warehouses; granaries; dehydration plants; hullers; fruit and vegetable packing plants; and agricultural cold storage plants on parcels at least ten acres in size. (3) A grower stand or farm stand.

Cannabis is a cash crop and should be treated as such in a fashion similar to other cash crops within the boundaries of state law. The zoning allows for farm stands etc, this should be no different, again, within the bounds of state law. Processing of crops is an allowable use under this zoning as well and no special use permits are required. Cannabis is just another crop. Let farmers farm and read your zoning ordinance relative to agricultural endeavors. Why is this crop being treated differently from any other crop other than as it pertains to state law? While it is understandable that there should be some sort of regulation and taxation, what is the rationale for making it difficult for agricultural landowners to produce a cash crop that will actually allow them to farm profitably? A wine grape grower can grow grapes and produce a consumable on site with no restrictions on who can and who cannot grow wine grapes and who can or cannot produce wine. Are they as heavily regulated??

regarding outdoor personal use & growing, we as a society should not impede on the natural and low cost personal cultivation of (6) plants. These (2) items seem very appropriate: The plants are not visible from a public right-of-way or adjacent parcel.

3. No part of the plants being cultivated are within five feet of any property line.

People need their medicine and we should not create unnecessary barriers to growing their own medicine. Costs are already high for people who need medications and we should support compassion. Additionally indoor only growing could pose fire risks with inadequate electrical wiring or other potential fire hazards. I don't feel it is right to force people inside when there already are limits to living spaces and access to proper lighting. Outdoors does not have those issues. You pretty much eliminate a lot of risk with allowing outdoor growing.

Shocking to hear about the framework

strongly disagree

strongly disagree with the proposal of cannabis in incorporated in Contra Vosta county.

Taxes killing me

The extreme caution is unnecessary. Look at how cannabis has been dealt with in Oregon and the other states AND how the cities of Sacramento, Oakland, Berkeley and San Francisco have successfully dealt with this.

The proposed framework is too restrictive with respect to retail sales, commercial growing and buffer distances. This is an important new industry. Its development should be nurtured and encouraged, not burdened with unnecessary restrictions

## Exhibit G: Public Survey Comment Log

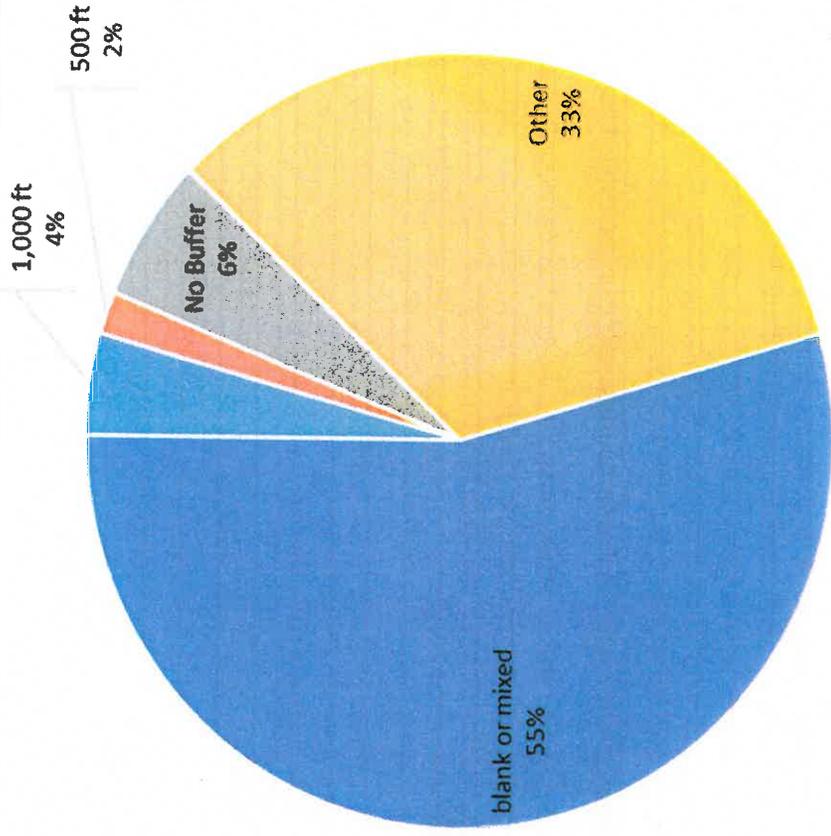
There is no merit to introduce substance
To our neighborhood no comp
Think about our kids, and what cannabis is going to bring to our community, don't understand anybody would agree to the frame work
This frame work may seem to be beneficial to certain extent in the short term, but in the long run, it will have foreseeable negative consequences in education, community health, house values, public facilities and government tax income.
This is a great start but should not be so difficult for growers zoned A-2 and not effecting the community. Regulation is needed to stave off the black-market.
Today's gun disaster will be the future if we do not prohibit of Marijuana
Traffic safety and kids influence concerns.
We don't need marijuana in our county, where there are lots of kids, barely any water, really bad traffic, worsening safety!
we don't need this type of things in our neighborhood! please spend your time and effort on something meaningful and bringing positive change for our community, no this cannabis business - a negative impact in our county.
We moved to Orinda for its residential atmosphere and high quality school district. Marijuana use in school is a big concern for us. If cannabis cultivation is permitted, we'll consider moving to other places.
We should allow commercial businesses. We should allow as many as it can handle. If there are too many, they won't survive. We should allow outdoor growing of six plants county-wide, as it is more environmentally-friendly and less costly than indoor growing. If there are problems with outdoor growing by neighbors, they should be complaint driven with mediators rather than law enforcement. Personal grows should not require any special permitting. It's just six plants!
We will face more crime, traffic accidents, unsafe neighborhoods, worse air, addicted children
What are we doing to ourselves, young adults, teenagers and young children? Do we really want to deal with marijuana caused deaths on the highway? What are we setting ourselves up for?
Why aren't you guys making money on this and let me grow or open a dispensary in Bethel Island please?
Why don't bring in some good business and let us feel proud of you and ourselves. You know there can be really bad consequences of marijuana business in the neighboring unincorporated lands. How can you be so easily convinced that all the good promises can materialize while the bad things won't happen.
With some modifications, of course, but this is the right direction if taxes are low, outdoor gardens are allowed and we get ventilated on-site adult consumption sites.
with the amount of people in this county it is only rational to have cannabis businesses where the citizens of this county can actually reach them. the preliminary map show very little land allocated to sale of cannabis (and land where it is allocated is very far from the majority population). also where to individual delivery services come into play in this? now a-days most citizens live very busy lives and don't have the time or energy to go to a storefront to receive their cannabis. look at hospital pharmacies for example, I personally have my medication shipped to my house because I don't have the time to pickup my meds while they are open. I think this map should be reevaluated with cooperation from cities on where storefronts/deliveries should be allowed.
Worried, concerned, angry 3000
You guys are dragging your feet you need to release permits for people to get their meds.
You need to respect the will of the voters who overwhelmingly voted in for legalization and retail.

# Exhibit G: Public Survey Comment Log

Permitting number for cultivation should coincide with population density, i.e. more permits in lower density parts of county.

## Sensitive Site Buffers (other than 1000')

1. If permitted, which buffer distance from sensitive uses such as schools and parks do you think is appropriate for commercial cannabis uses?



# Exhibit G: Public Survey Comment Log

2b. If other, what is that distance
150ft
3 Miles
100ft
5 miles
5 miles
1 mile
out of our county
2000 feet
5000
5000
10000ft
10000ft
10000 ft
10000 ft
Cannabis farms should be located out of the public's sight. Our communities should not be subject to living in environments where cannabis is seen or smelled.
5 miles
2 miles
As far as we can, may be 1000 miles away
The, further, the better
1 mile
>50 miles
One mile
10 miles
1 mile
1 mile
5 miles
2 miles
5000
1 mile
1mile
15 miles
1000 miles
5000 ft
do not let public grow cannabis

# Exhibit G: Public Survey Comment Log

1 mile
At lease 1 Mile
5,000 ft
Completely NO!!
As far as possible.
As far as possible.
100 mile
10,000 feet
5 miles
Do not support any land use for cannabis
as far as possible
100 miles
5 miles
10000 feet
25miles
10miles
50miles
At least 20 miles
10000ft
should completed prohibited in the residential area
10miles
Whatever the standard distance is for establishments that sell alcohol and prescription drugs.
The state regs are sufficient.
Schools 1,000; parks 500.
What buffer exists for beer, wine and liquor sales?
Commercial cultivation should be restricted to property parcels of 20 plus ac. Set backs inforced of 100feet.
600 ft.
2000 ft
Our cities should be considering buffers on businesses that distribute sugar, the number one health threat to our children and opioids, the number one drug threat to our community.
no distance is far enough
5000 ft
3000
To be studied
A 10 miles
1000 miles

# Exhibit G: Public Survey Comment Log

1000 miles
Don't allow it at all
5 miles
100000000 feet
5miles
1 mile
5000
cannabis shouldn't be allowed to planted in the county
1000 miles
5 miles
10 miles
As far away as possible
At least 1 mile
5000 miles
10 miles
20 miles
15miles
As far as possible.
Please don't permit that
Please don't give the permit for commercial cannabis uses.
3000 feet, if unfortunately it permitted.
3000 feet if unfortunately permitted
5 miles
5 MILES
5 miles
No buffer. Should not be permitted.
*School is misspelled* I think there is an opportunity for the framework to give suggested guidelines as to the buffer distance. It looks like North Richmond is a community that can potentially be surrounded by Cannabis, would prefer that cannabis sales is not visible within schools and neighborhoods.
Cannabis should not be allowed anywhere near sensitive areas such as schools or parks. No buffer at all, buffers don't work!
Next county
It should not be allowed whatsoever
2-5 miles
2 miles200
More than 1000 from school
Try mile(s)

# Exhibit G: Public Survey Comment Log

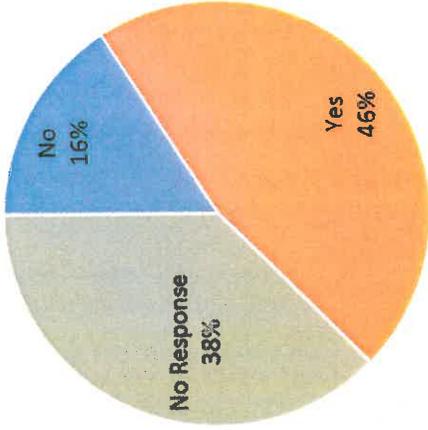
Complete prohibition
two miles
7.5 to 10 Miles
50 miles
5 miles
5mi
Should not be allowed
Completely out of the Town of Moraga!
100 miles or don't allow in first place
250 ft.
I think 1000 ft is not far enough from a school.
Against allowing commercial cultivation
500 ft

## Residential Buffers (other than 500')

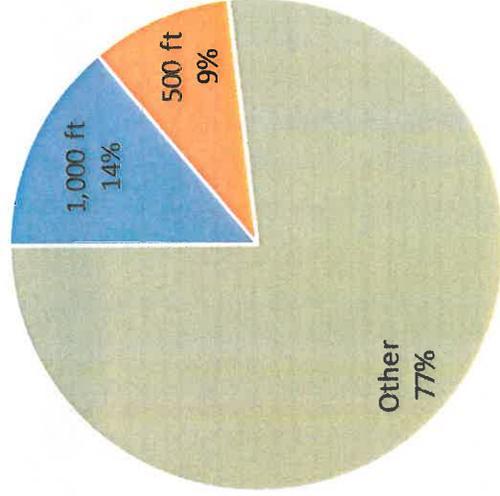
3a. If permitted, should a buffer be required between residential uses and commercial cannabis uses such as retailing, distributing or testing? If Yes, what distance

# Exhibit G: Public Survey Comment Log

3a. Should a buffer be required between residential and commercial cannabis uses?



3b. If yes, what distance



# Exhibit G: Public Survey Comment Log

<b>If other, what is that distance?</b>
3 Miles
5 miles
10miles
1 mile
out of our county
5000
5000
10000ft
10000ft
8000 ft
8000 ft
maximum possible
5 miles
1 mile
1000 miles away
The further the better
1mile
50 miles
10 miles
3000 ft
One mile
5 miles
2 mikes minimum
5000
1mile
1mile
10 miles
1000 miles
5000 ft
do not let public grow cannabis
1 mile
At lease 1 Mile
5,000 ft
As far as possible.
As far as possible.

# Exhibit G: Public Survey Comment Log

100 mile
10,000 feet
1 mile
2 miles
Do not support any land use for cannabis
100 miles
5 miles
20miles
19 miles
25miles
10miles
50miles
â%â10 miles
1 mile
10000ft
20 Miles
10 miles
A commercial farm should be able to have tasting and retail shop on farm sameas winnery
2000
no distance is far enough
5000 ft
3000
2miles
As far as possible
TBD
10miles
1000 miles
1000 morningmiles
Don't allow it at all
3 miles
1000000 feet
5 miles
5 miles
1 Mile
5000
not within county limit

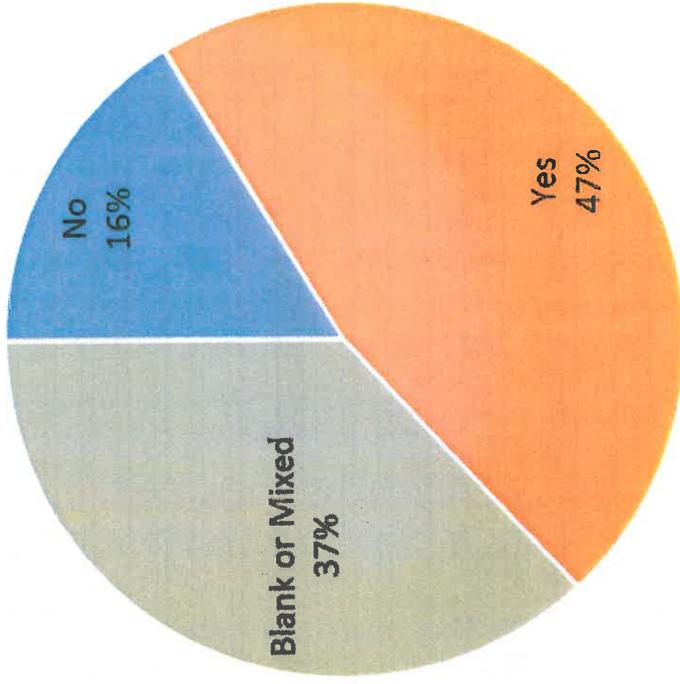
# Exhibit G: Public Survey Comment Log

1000 miles
5miles
As far as possible.
As far away as possible
At least 1 mile
5000 miles
10 miles
10 miles
As far as possible.
no distance is good enough
Please don't give the permission
3000 feet if unfortunately it gets permitted.
3000 feet
5 miles
5 MILES
5 miles
Should not be near any Residential area.
Again, need deeper understanding of what other communities are doing in terms of buffer. Is this the county can research and share with the community as to what others may be engaging/grappling with?
Should NOT be permitted. Buffer zones do not work. Prohibition does. Do not permit this activity.
5 miles
1,000,000 feet away
2-5 miles
2000 ft
Again miles, adults can drive to go get it, shouldn't be close to residential areas
10000
7.5-10 Miles.
50 miles
5 miles
5mi
Should not be allowed
Just READ 1b above.
100 miles
250 ft.
Against allowing commercial cultivation
should be allowed in industrial, commercial and mixed districts, not in residential only areas

# Exhibit G: Public Survey Comment Log

## Caps

4. If permitted, should the County place a cap on the number of commercial cannabis uses such as retailers, manufacturers, cultivators, etc?

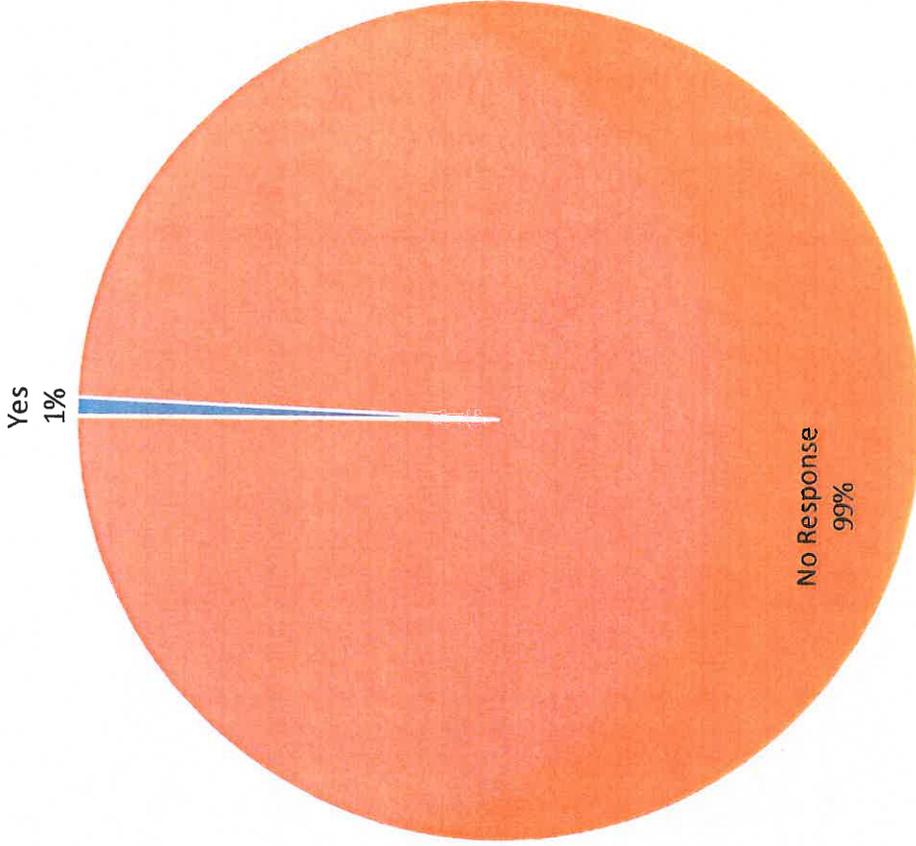


# Exhibit G: Public Survey Comment Log

## Outdoor Personal Grow

(Should it be allowed by right? Number of plants? Other requirements?)

### 5b. Comments about Outdoor Cultivation for Personal Use



While I do believe that indoor cultivation is the more perfect solution in terms of concealment of smell. The price of cultivating plants indoors is very expensive in California at \$.18 /Kw it costs \$300 just to run lights for the plants over the course of the grow. This doesn't include a/c or dehumidifying either. The carbon footprint is quite immense. This is why I believe outdoor cultivation is a reasonable solution. Outdoor cultivation completely removes the carbon footprint, and with only 3 plants the smell will be very minimal.

## Exhibit G: Public Survey Comment Log

I think outdoor cultivation should be allowed. having personally been around outdoor cultivation this plant really doesn't smell until the last 4 weeks of its life. And even then the odor is minimal.
Who's going to verify that it's 6 plants or under? And who's going to verify it's for personal use only? It adds more burden on the police force and increase cost.
Rome didn't fall in a day. Passing such a regulation is a start.
Seriously, people will wonder what we were talking about in a year or so.
not allowed
outdoor cultivation should not be allowed on the east side of the county, because it is the area of agriculture core.
Against!
Very bad idea! It will be visible. A hint to kids that it's okay and an invitation for crime.
Bad idea! It will invite crime to our neighborhood as it can be visible.
THIS WILL ATTRACT MORE CRIMES TO OUR COMMUNITY
This will ATTRACT CRIMES to our community.
Outdoor cultivation put neighbor youth at risk and lowers home values.
Kids will go in backyard and help themselves
No more than 3
To provide dirty business
Negative externality to community
Shouldn't permitted
It wastes resources, and it is harmful to the environment and society at large.
It will arise much more troubles between neighbors
Not allowed. It's very difficult and no effective way to secure the amount per permit to plant
Cap at 3 plants maximum.
Should not be allowed
It should be forbidden
Pot growing is water and pesticide intensive. It should be banned in our county. People can purchase via mail order so it doesn't curtail their right to use it.
He will make it commercial
Do we have regulations to ensure such outdoor cultivation is limited to personal use? If not, we are not there yet.
How can we ensure this will be limited for personal use?
personal use can become commercial use
No!!!!
Shouldn't be allowed.
Shouldn't be allowed.
Do not like it
Don't support

## Exhibit G: Public Survey Comment Log

Do not support any land use for cannabis
Will create easy access for under age users.
it's impossible to prove and guarantee its personal use. If the cultivators sell it sneakily, it will take huge efforts and resource for law enforcement to find out.
We are in drought. We can't afford wasting water resources on drugs!
Prohibit use in any schools, public parks, museum, or facilities. Especially for those places with lots of kids activities like school, park, playground and etc.
Since this is still a controversial matter, growing it outdoor will graphically amplify it.
Not allowed
Our children and juveniles will take marijuana as acceptable behavior, have easier access, and eventually double the risk of getting addictive or even worse becoming drug-addictive.
I'm allergic to sycamore trees. They grow 50 feet high. There's nothing to stop my neighbors from planting them. Also, I hate the smell of curry. Guess what? That's my problem. State regs sufficiently govern outdoor grows.
Some strains just do better in natural light.
State law
Not visible from public right of way
Allowing outdoor cultivation would be a money saver as the citizen would not have to buy power and special equipment. It is a good idea with some common sense regulations, such as setbacks from neighbors and not visible from beyond the property.
The plots on the Bethel Island are generally too small for personal use cultivation.
People should be allowed to grow cannabis on their property just as they do other plants and vegetables.
Indoor cultivation only.
No objection to personal use, concerned about outdoor cultivation due to safety reason
Visual symbol of controversial topic in open area is not suitable in the neighborhood
Don't bring cannabis to CCC!
No cannabis at all
No!
No cannabis at all
It should not be allowed
It has lots of potential risk to environment and community and it's hard to keep the limit so it shouldn't be permitted.
absolutely no outdoor cultivation
it's almost impossible for LE to check outdoor cannabis plant number cultivated.
No outdoor cultivation for personal use.
the smell affects neighborhood health
Will attract criminals
It's a kind of drug. I don't think it's wise to plant or use it as wish.
second hand inhale of that is harmful

## Exhibit G: Public Survey Comment Log

it's harmful to people, the public environment
Outdoor cultivation of cannabis leads to same negative impact to the wellbeing and safety of the community, disregard the purpose
Drug cultivation will lead to similar damage to community, disregard whether or not it is for personal use or business use
NO OUTDOOR GROWING RESIDENTIAL OR COMMERCIAL
NO OUTDOOR CULTIVATION OF ANY KIND
home break-ins will go through the roof. Crime will increase with no consequences
Not permitted.
Not sure.
Should not be allowed. Invites crime and theft. Places neighbors in harms way.
There are so many healing properties in cannabis that I think if you need it you should be able to grow it.
Abuse as will happen
Again, crime will increase as Thieves will go into people's backyards and steal their plants, Once the criminals know the homeowner is growing they will then break into the house
This is a small number of plants and the number of outdoor cultivators is unlikely to be significant.
This could be an invitation to theft.
Once again, it is illegal in the US by the federal government, therefore it is not legal in the state
Personal quantity only
They can grow it indoors or in their garage
Complete prohibition no cannabis
Should be able to grow for personal use outside as long as not visible from street
It will be in all our neighborhoods. Terrible idea!
Medicinal Marijuana can be helpful for some citizens with seizures among other ailments. They should be able to benefit and be allowed to exercise their full rights within the law. Personal use is a necessity for some patients, for relief of pain etc. Growing their own could be more economical & perhaps organic. Making it harder for a self grower could be considered inhumane. A plant still needs to be nurtured, pruned etc- not everyone is equipped for gardening their medicinal marijuana. People that are should be allowed use of Sunshine that could raise their vitamin D & increase other healthy benefits of Mother Nature in CA. Research has shown some people's brains do not benefit over longtime use, but for many, this choice works best compared to other prescribed medications and pharmaceutical's that may have adverse side effects.
Depends on location to neighbors and/or 'smell' issues.
I am a senior citizen on a fixed income who just built a small "forever house" in El Sobrante. I don't have room to designate as an indoor grow area and I wouldn't be able to afford the electricity to grow. Also using artificial light is not environmentally wise. We have a small house on a large (1/3 acre) so we could discreetly grow a few plants if we wanted to if the county allowed us to. I am allergic to most prescription pain pills, and anxiety medication which even if I could tolerate them there are too many serious side effects. There are no side effects with cannabis and no one has ever died.
It's environmentally cleaner and CoCo won't lose the tax income as long as we don't ban.
Very important and would help the bee populations.

## Exhibit G: Public Survey Comment Log

Absolutely. It's silly to allow indoor, which is much more resource intensive, creates fire hazards, and other potentially unsafe conditions without allowing outdoor personal cultivation.
Yes why do you guys want to stand in the way for people to grow there own? We grow vegetables its natural let us grow please
It smells terrible. Don't allow any cultivation.
It is discriminatory to make people grow indoors. It is environmentally better and less costly to grow outdoors. We should have that right.
Indoor cultivation is energy intensive, and adds to global warming. The biggest issue with outdoor cultivation in residential areas is theft. Stolen plants would have a high likelihood being taken by and distributed to the children in the area, thus if an individual wants to cultivate in their backyard, the county may want the grower to provide some type of approved security. I do not want law enforcement to be focusing on the theft of cannabis plants by locals.
should NOT be allowed
People growing six plants for personal use should be able to do so.
Outdoor and indoor cultivation should be measured by canopy size not number of plants. One could grow huge plants for unnecessary large yields, when other hobbyists may like to have 20 little plants that would yield far less than 6 massive unregulated size plants.
We as a society should not impede on the natural and low cost personal cultivation of (6) plants. These (2) items seem very appropriate: The plants are not visible from a public right-of-way or adjacent parcel.
3. No part of the plants being cultivated are within five feet of any property line.
People need their medicine and we should not create unnecessary barriers to growing their own medicine. Costs are already high for people who need medications (Bog Pharma) and we should support compassion. Additionally, indoor only growing could pose fire risks with inadequate electrical wiring or other potential fire hazards. I don't feel it is right to force people inside when there already are limits to living spaces and access to proper indoor lighting. Outdoors does not have those issues. You pretty much eliminate a lot of risk and financial impacts with allowing outdoor growing.
Regulate outdoor cultivation to secure covered greenhouses; do not require heavy regulation as it may be a barrier for some that simply want to enjoy what's legal

Additional Comments
5. Additional Comments
Commercial marijuana is planted outdoors and affected by the seasonal climate. It should be planted outdoors in April-May and harvested in October. We hope to speed up the identification of planting, ensure planting and harvesting this year, and delay the time. The loss this year will be enormous.
Because of the outdoor planting in early May, the October harvest, the government should as soon as possible to ensure that can be planted this year, once the delay time, this loss is very serious. Cause social unrest
We hope we can get cannabis's license as soon as possible, we hope we can start cultivate cannabis at May 2018, because outdoor cultivation time is May to October!
San Ramon, Danville are prestigious communities in the US. It takes hundred years to build such wonderful places. Introducing marijuana into these neighborhoods is brainless. Our kids should compete in STEM nationally and internationally. They should not be surrounded by

## Exhibit G: Public Survey Comment Log

<p>marijuana no matter what excuses adult legislators could come up. When marijuana is in, school will be down, our valuable engineer families and other mid class families will move out, marijuana consumers will move in, house price down, real estate tax down, public facilities maintenance is down, School funding reduced, etc. etc. it is a foreseeable chain reaction in a death spiral.</p>
<p>What really is the issue? Not many people can grow anything, much less marijuana. Six plants—who is worried?</p>
<p>No, No, No to this cannabis framework.</p>
<p>PLEASE BUILD A BETTER COMMUNITY FOR OUR KIDS</p>
<p>Please build a better neighbourhood for our kids.</p>
<p>The key issue is keeping those 21 and under away from pot. If allowed as a landscape plant, it will be nearly impossible. I would also like to see stern laws created to fine/arrest people adults/youth who knowingly or accidentally provide cannabis to youth.</p>
<p>The framework does not address the need for and the cost of police patrols and enforcement activities, which should be expected to be very significant costs. The framework must impose direct taxation, license fees, and fines for every residential and commercial grower to address these costs. These revenue streams must cover MORE than the cost of police services, and produce net improvements to police services for the unincorporated county areas. The framework must support auditing and automatic increases (but not decreases) in revenue should costs become higher than expected.</p>
<p>EBMUD must be consulted regarding water conservation restrictions and costs. Cannabis is a very demanding crop and requires far more water than is currently supported in this water district.</p>
<p>The framework must also plan for increased traffic, whether industrial or commercial, to and from the farms and retail locations. These costs must also be imposed directly on the growers and retailers.</p>
<p>Set firmly against this proposal</p>
<p>We love California because of its beautiful landscape and clean air. Our community is calm and safe. It is important to keep this place great for our children, and beyond. We do not want to see cannabis cultivation/recreation in any sort. It is a disgrace to collect money from this business. It took generations and so many lives to fight with the cigarette industry, it is astonishing to see state is legalizing something even worse. At least, a driver smoking cigarette is not DUI!</p>
<p>It should absolutely not allowed to have outdoor or indoor cultivation at residential area, especially at townhouse or condominium. It will avoid potential lawsuits between homeowners for property damage due to mis planting at garage or any sharing wall with neighbors</p>
<p>NO NO!</p>
<p>The framework should also include regular review/ revisiting of the regulations. For example, a yearly review for the first 3-5 years after adoption and biannual review after that.</p>
<p>Do not end up on the wrong side of history. Despite your personal biases this will move forward with or without you. However we will remember your actions come election.</p>
<p>What are the basis for the distance? How was it assumed that a distance like 1000 ft is enough to prevent impact on students and school routines?</p>
<p>We need fully functional people for our society, cannabis can destroy people's neural system</p>
<p>Do not support any land use for cannabis</p>
<p>Disagree Completely</p>

## Exhibit G: Public Survey Comment Log

<p>Cannabis is not without risk; Marijuana smoke was identified as a human carcinogen by the state fo CA since 2009, when it was put on the proposition 65 list.</p> <p>A well regulated cannabis business would be welcomed by the citizens. We voted for it and won by a significant margin. Most city councils seem to believe that they know what is best for us in spite of how we voted. It is not up to them to decipher the votes. Implement what we voted on in a timely manner. I've seen the county's presentation and it was fine, though it contained NOT ONE positive impact of cannabis.</p> <p>There are over 25K cannabis studies published in the medical literature. There have been over 100 clinical studies with human subjects. Consider that most FDA-approved drugs undergo 1-2 clinical studies before approval.</p> <p>These studies demonstrate that cannabis can help treat symptoms related to neurological and psychological disorders, and to gastrointestinal, infectious, and inflammatory diseases. These studies demonstrate that cannabis is safe and effective.</p> <p>Yet currently, because of bans and moratoriums, there are no legal cannabis companies in Contra Costa County. Your residents call us everyday because they can no longer find the products that are helping them.</p> <p>Harry J. Anslinger was the first commissioner of the Federal Bureau of Narcotics, which was the predecessor to the DEA. Anslinger was able to convince congress to pass the Marijuana Tax Act of 1937. At the Senate Hearing on marijuana, he testified that:</p> <p>" ... the primary reason to outlaw marijuana is its effect on the degenerate races."</p> <p>He went on:</p> <p>“There are 100,000 total marijuana smokers in the U.S., and most are Negroes, Hispanics, Filipinos and entertainers. This marijuana causes white women to seek sexual relations with Negroes, entertainers and any others.”</p> <p>And later:</p> <p>“Reefer makes darkies think they’re as good as white men.”</p> <p>The fact is, cannabis prohibition laws were never about the plant, but rather about who was using it. It remains so to this day.</p> <p>According to the Attorney General, in 2016 alone, over 3000 kids were arrested in California for cannabis-related misdemeanors. These are simple possession arrests. Over 70% of those arrests were children of color. We don’t need cannabis laws to protect our children. We need to protect our children from the cannabis laws.</p> <p>It should be noted that the Colorado Department of Public Health and Environment has stated that cannabis use among middle and high school students has remained unchanged since legislation passed there in 2012.</p> <p>Make no mistake: when you vote to extend your ban, you’re voting for a racist and nativist legacy: 80 years of misinformation, persecution,</p>
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## Exhibit G: Public Survey Comment Log

<p>and incarceration. And, you're preventing access for people who use cannabis to alleviate stress and suffering, to help with sleep, pain, anxiety, and depression.</p>
<p>If at all possible, can the council please consider grouping these types of businesses together such as manufacturing, cultivating, and testing in industrial complexes. That way it is easier for the company's to go Green with green energy as well as water supplies. The more people who chip in the lesser the cost is to the individual and the quality and durability go up. It's better to build once and maintain something rather than having to replace low quality time and time again.</p>
<p>OREGON. Wash. Col. Is failing 90% of all farms r closing folding as we speak.t</p>
<p>In my opinion, pot is legal and is going to be used wherever legal to smoke - if I understand correctly. We have a lot of Ag land in East County. It will be grown, manufactured and sold somewhere...why not garner some income while we can. I live in Knightsen. We will never have another source of income, such as new housing, etc. This is an opportunity like none other. It's unfortunate the town council can't see the big picture. I vote we at least are able to cultivate in Knightsen. The council is aware (I was not) that it's already grown all over town. Why then can't we benefit from it? Their logic made no sense to me.</p>
<p>The County should be considering studies from peer-reviewed journals that discuss how a local cannabis industry is healthful for the community: It reduces crime, DUIs, provides important job opportunities in the health sciences industry, and provides a community with safer alternatives to NSAIDs, opioids, and other harmful drugs. It does not increase adolescent use and addiction. This information is widely cited, even by anti-cannabis agencies like NIDA, yet we've never seen a municipality or a County refer to those very important resources when developing policy. Prohibition is extremely dangerous and it hurts the very people you're intending to protect.</p>
<p>Contra Costa County will attract undesirables trying to make money associated with the new law. Please make every effort to overturn further laws encouraging it before our state falls into the hands of unscrupulous crime bosses bent on making a fortune with no regard for our families and our community's future.</p>
<p>I agree the County should place a cap on the number of commercial cannabis retailers and manufacturing sites. I do not believe there should be a cap on the number of cultivator growth sites.</p>
<p>we really need to consider the potential risk a community that allows cannabis planting and circulation. Especially the long term negative impact on our children.</p>
<p>No marijuana in contra costa!</p>
<p>it will bring in illegal transaction/activities in the community, promote the marijuana use to our kids, affect the environment, increase the drought problem, damage the soil. No benefit at all.</p>
<p>Please don't give the permission to the commercial cannabis uses</p>
<p>From surface, cannabis cultivation seems harmless, but the truth is opposite: it could result in a devastating outcome: undermine the safety of the community, turn the county into a vulnerable area for criminals, drug dealers, inevitably it will jeopardize the houses' value, the housing market, eventually it will undermine the county's economic system, an outcome that is opposite to the purpose of establishing commercial cannabis business.</p>
<p>If permitted, it will definitely undermine the entire wellbeing of CCC, it is just a matter of time.</p>
<p>Real Estate Values will plummet. Any type of knowledge of any type of growing will become a permanent disclosure item in any Real Estate transaction.</p>

## Exhibit G: Public Survey Comment Log

<p>I AM VERY CONCERNED ABOUT HOME INVASIONS. THEY OFTEN HIT THE WRONG HOUSE. CRIME INCREASE. SMELL IS HORRENDOUS.</p>
<p>How about we just keep it out of Discovery Bay. we are a small residential community with a lot of weekenders. lets not become the place to live and play as well as grow weed.</p>
<p>Why add to the issues we already have with Cannabis</p>
<p>It seems like many of the parcels within North Richmond which have potential for cannabis sale are within 1,000 feet of residential and school sites. North Richmond cannabis sales would be too close to the community and in fact, surrounded by this business. There are other unincorporated areas in Contra Costa, and I hope that we adopt a framework that values the needs of North Richmond as the other unincorporated areas. Meaning, if community members of other unincorporated sites are asking for a certain buffer zone, that we also apply those wishes to a community that does not often have many of it's residents engaging with this topic.</p>
<p>If however, the community decides that they do want commercial cannabis businesses surrounding North Richmond, it is my hope that the county is thinking about a North Richmond Community Foundation or trust that funnels generated funds back into the community.</p>
<p>In addition, besides the buffer zones, it will be important to support cannabis businesses who give back to the community. With that, I think it's important for Cannabis businesses who land in North Richmond to commit to funding the arts and culture in North Richmond. The profits of the sale can then beautify North Richmond and add to the arts, culture and history.</p>
<p>Contra Costa should restrict this activity wherever possible. The one thing that is known is there is not enough law enforcement to enforce any zoning or buffering requirements.</p>
<p>This is an absolute disgrace the Contra Costa County has forced this measure into our community, why not allow our community to vote on this matter, why is it up to the politicians to decide? Are small quiet community will be in flexed with gangs and criminals</p>
<p>As to #4, capping the number of commercial cultivators and retailers etc. merely invites corruption, monopolistic practices and similar ills. While not everyone should be able to receive a licence for the asking, of course, responsible, qualified persons who demonstrate the capacity to comply with reasonable regulatory requirements should be able to obtain one without excessive red tape and unnecessary barriers or complications. The law should not artificially limit the number of persons or firms who want to enter and compete in this new marketplace.</p>
<p>In general, I favor a regulatory regime roughly similar to that applied to the production, purchasing and consumption of alcohol and tobacco, both of which are far more harmful and have fewer, if any, beneficial uses.</p>
<p>Do not allow any growing or use in our wonderful county. It is ILLEGAL</p>
<p>Knowing information from CO why are we doing this? Medical marijuana for those needing it is OK with me and that's it. Now look what has happened since this has been legalized. Push! Push! Push for the next thing!</p>
<p>Outdoor growing is the preferred way for personal cultivation, less costly and more environmentally friendly. Should be regulated by location not general assumptions</p>
<p>I, and all the others attending the meeting on Wednesday night, March 15 led by Ruben (sorry I can't remember his last name) were so impressed with his presentation. Job well done. Thank you for giving us a voice in this matter.</p>
<p>We need to reduce the stigma that has been foisted on cannabis by normalizing it. Any added taxes have to be minimal for us to rein in the underground marketplace, not more than 2-3% max. El Sobrante needs more than one retail site and the whole county could use some</p>

## Exhibit G: Public Survey Comment Log

<p>ventilated on-site consumption sites like coffee houses where people can go out to socialize instead of just drinking bars where nobody can consume it.</p>
<p>It is very important to me that there would be designations in the cannabis tax that earmark funds it generates from commercial cannabis to return them into the budget of the communities where the taxes are collected; schools, parks, open spaces, perhaps a community center! I think 60% of the funds should go to the communities from which the funds come, and 40% can go to the counties general fund.</p>
<p>I have no issue with legal, permitted activities related to cannabis in or around my community. Growing for personal use on your property should just follow state law (no additional local law needed)</p>
<p>I have seen young lives ruined and bad mistakes made in various industrial processes as a result of cannabis use.</p>
<p>Cannabis is now legal in California and it was greatly supported by 61% of voters for Prop. 64. We should honor that and bring the industry to Contra Costa. We certainly can use the tax revenue. We deserve to have good access to quality products nearby so we don't have to drive very far and waste gas and fighting traffic to get it. We also should allow on-site consumption, like cannabis lounges, so people will have a place to consume cannabis socially. Many people live in restricted multi-family dwellings and rentals that could prevent them from using it at home. We deserve equal rights to our alcohol drinking peers who can go to bars to consume. We should have the same right to consume in places outside the home as well. Rehab centers should not be considered "sensitive use," as cannabis is known to be a harm reduction measure to enable people to step off opiates and alcohol. Studies show that there are fewer opioid-related deaths and use in medical marijuana states.</p>
<p>I would oppose to allowing commercial marijuana growing now in Orinda for the following reasons: first, the economic benefits are dubious. Second, granting marijuana growing now means using Orinda as a guinea pig in a risky experiment. Finally, as an affluent town, Orinda can afford to pursue the more prudent and responsible option of waiting before jumping on the marijuana bandwagon.</p>
<p>The distance between commercial or medical cannabis dispensaries and residential areas, parks etc. should be the same as required for alcohol sales in my opinion. Also, its important to NOT get greedy with permit fees and taxes ... revenue from these can benefit our communities but if the amounts charged are too high, cannabis revenue will be driven into the black market and underground. The final regulations should make it easier and more attractive to do business openly than it would be to move into the "underground". Testing and support for open businesses should be strong to ensure that the criminal element is at a disadvantage.</p>
<p>Suggest 50sqft indoor and 100sqft outdoor</p>
<p>As the citizens of Contra Costa County have voted high in favor of Prop 64, we should honor that and not heavily regulate personal use growing. There are many positives w/ growing your own medicine that include those folks who really want to grow organic cannabis. We should pave the way to allow for those opportunities.</p>
<p>No limit on testing sites. Market will determine need. Buffer for sensitive sites should be treated exactly the same as alcohol sales. 10mg/THC does in a single package is much too low. 25mg minimum. Packaging would be wastful at 5mg per dose.</p>

# **ATTACHMENT W**

COMMENT LETTERS



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

**SDLF Gold-Level of Governance**



President – Kevin Graves • Vice-President – Bill Mayer • Director – Robert Leete • Director – Bill Pease • Director – Chris Steele

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March 22, 2018

Director John Kopchik  
Contra Costa County  
Department of Conservation & Development  
30 Muir Road  
Martinez, California 94553

Director Kopchik:

Thank you for providing information on the "Preliminary Framework for Cannabis Regulation in Unincorporated Contra Costa County" before the Discovery Bay CSD Board of Directors at their regular Board Meeting on February 28, 2018 and March 7, 2018. You requested input and comment from the Board and the Board has authorized the following responses:

1. What is your overall reaction to the Framework
  - A. The framework was "well thought through."
2. Sensitive Site/Residential Buffers: What distance?
  - A. Cultivation should be two (2) miles away from Discovery Bay.
3. Caps: How many?
  - A. In the beginning keep caps tight, then release slowly as circumstances warrant.
4. Outdoor Personal Grow: Should it be allowed by right?
  - A. Do not permit outdoor personal grows in Discovery Bay.
5. Additional Comments
  - \* We are against Microbusiness sales in and around Discovery Bay
  - \* We support maps and zoning that show no sales in Discovery Bay
  - \* The county should look at prohibiting outdoor personal use in Discovery Bay

If you have questions, please feel free to contact me.

Sincerely,

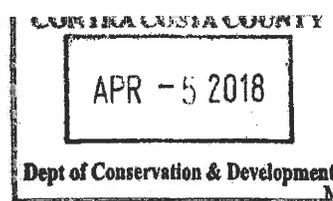
Michael R. Davies  
General Manager

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Telephone • 925.634.1131 • Fax • 925.513.2705

[www.todb.ca.gov](http://www.todb.ca.gov)



March 19, 2018

To those invested in Contra Costa County's regulatory framework on marijuana,

The CourAGE Youth Health Coalition, is a youth activated leadership group that addresses and focuses on health related issues that are prevalent in Contra Costa County. Members from CourAGE including: Rita Ewaz, Kalyn Stuart, Rose Tyree, Ryan McNevin, and Jason Cangjaya attended the Youth Marijuana Regulations Town Hall meeting at the Contra Costa County Office of Education on February 27th, 2018. The Coalition would like to thank you for the opportunity of hosting and having us attend the Town Hall meeting, as it was a valuable learning experience for all of us. However, as a youth health coalition we would like to express our discontent with the Town Hall, as we did not find it to be representative of the change we could have imposed on our local public officials.

Firstly, we would like to address the presentation's lack of communicating efficient information to the student audience. The PowerPoint presentation was not suitably understandable for middle/high school students, therefore, making it difficult to comprehend the material. The complex information presented about the issue of marijuana made it misleading for the students, as it created a confusing space for us to share out our questions and comments. In the future, having a concise and comprehensible presentation geared towards a younger audience would attract a variety of students, bringing out their opinions on the subject.

Furthermore, we would like to discuss the environment in which the students held their discussion in. The experts that were invited to the Town Hall meeting conveyed with a very one sided dialogue with the students. Rather than informing the students with credible information on the topic of marijuana, they imposed a biased opinion within their answer. The "safe space" that was reiterated throughout the meeting was not apparent within the questions and answers section. In addition, there was not a discussion portion of the Town Hall meeting where individuals could express how marijuana has affected their lives. The research that some of the CourAGE members have conducted could not have been expressed clearly within the framework of the meeting. There was no clear distinction as to when students could elaborate on the work they have prepared for the Town Hall Meeting. We wish we were able to share our recommendations on increasing retailer buffer zones, banning youth products, and commercial growing etc.

Thank you for taking the time to read the letter and assisting us in this matter. The CourAGE Coalition has been very invested in this topic and our contribution to this issue has given us the opportunity to raise awareness within our community. The Coalition is happy to meet and discuss the matter furtherly, and can be reached at [CourAGEcyhc@gmail.com](mailto:CourAGEcyhc@gmail.com).

Signed,

*Kalyn Stuart, Rita M. Ewaz*

*Ryan McNevin*

*Jason Cangjaya*

*Rosetta Zuroo*

April 17, 2018

**By E-mail to Ruben.Hernandez@dcd.cccounty.us**

Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA. 94553

**Attr:** Ruben Hernandez  
**Re:** Cannabis Regulation

Dear Rueben:

This letter is being submitted regarding County regulation of cannabis and is being submitted by the Alamo Improvement Association on behalf of its members and constituents.

As background, Alamo is a community that takes great pride in having and maintaining its semi-rural character. Many residents live here because of Alamo's nature and character. Alamo, of course, has a variety of commercial enterprises in which it takes pride, but these are typically not large in nature, and not of the scale found in the surrounding communities of Walnut Creek and Danville.

Alamo is bounded by Walnut Creek at one end and Danville on the other. We understand that both Walnut Creek and Danville are planning to adopt strict local controls on cannabis, to the extent permitted by law. We are concerned that Alamo may become the "sweet spot" in this region to which commercial cannabis businesses are attracted, if the surrounding communities regulate these businesses closely.

In addition, due to the constraints of Federal Law, we understand that the cannabis business is basically a cash business, for both buyers and sellers. Thus, we are concerned that commercial operations of cannabis may attract a criminal element seeking to prey on both sellers or suppliers who deal only in cash, not to mention buyers or customers who must carry cash to transact business.

Based on the foregoing reasons, among others, we urge the County to:

- 1) Ban all cannabis dispensaries and all commercial growing of cannabis to the extent permitted by state law.

2) Ban outdoor growth of cannabis, even for personal use.

We understand that cannabis as it grows may give off a strong odor, which is unpleasant to the point of repugnant to many people. Thus, in addition to banning all commercial growth of cannabis, outdoor growth of cannabis, even for personal use, should be banned. (This would also help eliminate the problem of individuals who would like to help themselves to the plants growing outside.)

One neighbor should not be forced from their own backyard because of the odor coming from cannabis being grown outside by a neighbor next door. Of course, personal growth of cannabis indoors would still be permitted as specified in state law.

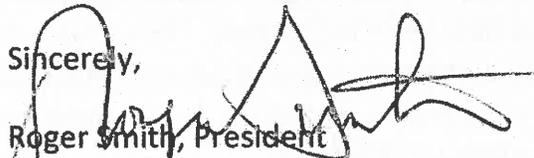
3) Ban all deliveries of commercial or non-medical cannabis. (Again, a cash business with the suppliers and the sellers as potential targets).

However, delivery of medical marijuana/cannabis should continue to be allowed. One need only consider the needs of a homebound, pain filled cancer patient to understand why home deliveries of medical marijuana/ cannabis, which deliveries have been taking place in the past, should be continued.

4) We do understand that other communities within the County may have different needs and priorities than Alamo. While not ideal, we recognize that one set of County regulations for the entire County of Contra Costa may not be viable, and that one size may not fit all. If that is the case, we request that the County provide different regulations for different areas or communities, and that in Alamo, cannabis is regulated as described above.

Thank you for considering our views.

Sincerely,

  
Roger Smith, President

cc: Supervisor Andersen (by e-mail)

Alamo MAC Chair/S. Rock ( " )

AIA Board of Directors ( " )

# **ATTACHMENT X**

**MAY 8, 2018**

**HEALTH SERVICES**

**BOARD ORDER**



Contra  
Costa  
County

To: Board of Supervisors  
From: Anna Roth, Health Services Director  
Date: May 8, 2018

Subject: Recommendations for a Cannabis Health Ordinance

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**RECOMMENDATION(S):**

ACCEPT report on Health Services Department staff recommendations on the establishment of local health regulations for commercial cannabis activities.

DIRECT the Health Services Department to prepare a health ordinance to regulate commercial cannabis activities consistent with staff recommendations.

**FISCAL IMPACT:**

The impact on the County General Fund is anticipated to be minimal if regulatory and inspection fees are adopted to offset the true cost of implementation and enforcement of local health regulations.

However, Contra Costa Health Services anticipates some cost related to physical and behavioral health needs as the use of cannabis becomes more prevalent with subsequent increase in related injury, health impacts and substance misuse. Contra Costa Health Services also anticipates an increase in demand and related cost for reports on population and youth health impacts following the legalization of adult use cannabis.

APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 05/08/2018  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 8, 2018

Contact: Dan Peddycord,  
925-313-6712

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Josh Sullivan

## BACKGROUND:

On April 24, 2018, the Board of Supervisors accepted the staff report from the Department of Conservation and Development and approved the final draft of a framework for regulating cannabis in the unincorporated areas of the County. Staff was directed to prepare a land use ordinance based on the framework and subsequent discussion. Additionally the Board directed that Contra Costa Health Services provide a report to the Board, at the May 8, 2018 Board meeting to consider recommendations related to the drafting of a Health Ordinance for the purpose of further regulating the commercial cannabis industry in the unincorporated areas of the County.

On November 17th, 2017, the Preliminary Framework for regulating cannabis was presented to the Board of Supervisors as a consent item following conversation and direction given at the October 24th Board meeting.

On October 24, 2017, the Board of Supervisors received a report on considerations related to cannabis taxation as well as an update and proposed framework applying local land use and other policy considerations for the regulation of the commercial cannabis industry. On that date, the Board also adopted an ordinance which prohibited the establishment of any commercial cannabis activity, both medicinal and recreational, in the unincorporated jurisdiction of the County.

On July 18, 2017, the Board of Supervisors received a report on local policy and regulatory considerations in the wake of voter approved Proposition 64 (Prop 64), which legalized adult recreational use of marijuana. During this presentation information was provided that highlighted some of the health concerns related the use of cannabis.

Of particular interest to Contra Costa Health Services is the ability to locally regulate the manufacture and retail sale of cannabis and consumer products which contain cannabis. Adopting a local health ordinance will also allow County staff to inspect, regulate and enforce appropriate state and local laws pertaining to the cannabis industry.

In light of the newness of regulating the commercial cannabis industry and the evolving landscape of cannabis regulation, Contra Costa Health Services recommends a cautionary approach to local regulation that emphasizes protections for consumers, the public, and at-risk groups such as youth and individuals challenged with substance use disorders.

## CONSEQUENCE OF NEGATIVE ACTION:

Failure to accept the report and consider recommendations as the drafting of a local Cannabis Health Ordinance may delay information the Board has requested and may delay the development of the Ordinance.

## CHILDREN'S IMPACT STATEMENT:

The use of cannabis by youth has been documented to impact both cognitive and behavioral development. Development of a local Cannabis Health Ordinance is, in part, intended to help provide additional protections for youth and sensitive populations. Adoption of a local Ordinance would support the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School;" "Families that are Safe, Stable, and Nurturing;" and "Communities that are Safe and Provide a High Quality of Life for Children and Families." Primarily in that the recommendations for the Ordinance reflect proposals to prohibit products and flavors that are appealing to youth and recommend specific warnings.

#### ATTACHMENTS

Report

New England Journal Article

# **ATTACHMENT Y**

HEALTH SERVICES DEPARTMENT REPORT

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HEALTH SERVICES DIRECTOR

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To: Contra Costa Board of Supervisors  
From: Daniel Peddycord, Director Public Health  
Marilyn Underwood, Director of Environmental Health  
Randy Sawyer, Chief Environmental Health and Hazardous Materials Officer

Re: Staff Report on considerations for a Cannabis Health Ordinance

Date: 5/8/18

### I. Background

On April 24<sup>th</sup>, 2018, the Board of Supervisors accepted the staff report from the Department of Conservation and Development and approved the final draft of a framework for regulating cannabis in the unincorporated areas of the County. Staff was directed to prepare a land use ordinance based on the framework and subsequent discussion. Additionally the Board directed Contra Costa Health Services to provide a report at the May 8<sup>th</sup>, 2018 Board meeting, to consider recommendation related to the drafting of a cannabis Health Ordinance for the purpose of further regulating the commercial cannabis industry in the Unincorporated areas of the County.

On November 17<sup>th</sup>, 2017, the Preliminary Framework for regulating cannabis was presented to the Board of Supervisors as a consent item following conversation and direction given at the October 24<sup>th</sup> Board meeting.

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On July 18, 2017, the Board of Supervisors received a report on local policy and regulatory considerations in the wake of voter approved Proposition 64 (Prop 64), which legalized adult recreational use of marijuana. During this presentation information was provided that highlighted some of the health concerns related the use of cannabis.

On July 11<sup>th</sup>, 2017 Ordinance No. 2016-01 was introduced to the Board of Supervisors establishing restrictions on the retail sale of emerging and flavored tobacco products and establishing distance and density restrictions in proximity to youth sensitive areas. The ordinance also established a cap on the total number of tobacco retailers in the unincorporated area of the County. The Ordinance as adopted on July 18, 2017.

Of particular interest to Contra Costa Health Services is the ability to locally regulate the manufacture and retail sale of consumer products and to align regulations with recently adopted tobacco policy to the extent feasible. While many aspects of local regulation may be addressed



through land use rules, Contra Costa Health Services recommends that the Board consider a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and support enforcement of appropriate state and local laws pertaining to the cannabis industry.

In light of the newness of regulating the commercial cannabis industry and the evolving landscape of cannabis regulation, Contra Costa Health Services recommends a cautionary approach to local regulation that emphasizes protections for consumers, the public, and at-risk groups such as youth and individuals challenged with substance use disorders.

## **II. Summary of Health Benefits and Health Concerns:**

Over the course of the past 10 months the Board has heard testimony and been provided with various articles, reports and research from both the public and staff related to the health benefits and concerns of cannabis. Individuals and coalitions from both sides of the debate are passionate in their convictions. In June of 2014 an article (attachment 1) was published in the New England Journal of Medicine related to the Adverse Health Effects of Marijuana Use. However, the article also recognized some of the clinical conditions to which the use of cannabinoids may be beneficial. Those conditions include, Glaucoma, Nausea, AIDS- associated anorexia and wasting syndrome, Chronic pain, Inflammation, Multiple sclerosis and Epilepsy. Conversely the article emphasized that there are also numerous adverse effects of marijuana use including; risk of addiction, clear evidence of negative effects of brain development, effect on school performance and lifetime achievement, possible role as a gateway drug, relationship to mental illness – including, anxiety, depression and schizophrenia, and clear association with increased risk of motor vehicle accidents. The article also discussed association with cancer and cardio-vascular disease, including stroke, hypertension and myocardial infarction. The article also discussed the gaps in knowledge as to the full effects on nursing and pregnant mothers and their unborn child. On this later issue Contra Costa Health Services recommends an abundance of caution and that all nursing and pregnant women be informed of the potential risk of harm and to be advised to avoid the use of cannabis during their pregnancy and while nursing. It is also important to note that the article cites that some 1 in 6 or approximately 17% of teens who experiment with cannabis will become addicted to its use and as many as 50% of adult daily users. Additionally many experts, clinicians and researchers in the field of mental health are increasingly confident that the burden of psychosis will increase as a result of the legalization of cannabis and the predictable increased in use. This includes a likely increase in conditions such as schizophrenia.

It is from this cautionary approach that Contra Costa Health Services recommends many of the specific health regulations designed to help protect youth, and other sensitive populations from the potential adverse effects of cannabis use.

## **III. Recommendations for Local Health Ordinance:**

The following matrices identify the health and regulatory concerns related to specific facilities or sectors of the commercial industry that may be allowed, the state law and regulation that address these concerns, and recommendations for additional requirements that will be incorporated into the health ordinance. Please note that some of the health concerns (odors, distance from cannabis



facility to sensitive facilities, capping the number of retail sales locations, security to keep minors out) have already been addressed in the land use ordinance, and will not be repeated here. Testing facilities would not seem to pose health concerns beyond the ones addressed in the land use ordinance. Cultivation has health concerns and since the local Agriculture Commissioner will have the authority to enforce both indoor and outdoor cultivation, we will work with them to address those concerns.

<b>Cultivation</b>
<b>Health Concerns: (To the extent that the Cultivator packages or labels cannabis products)</b>
<b>Packaging or product looks attractive to minors</b>
<b>Food safety for edibles</b>
<b>State Law and Regulation that Address Health Concerns</b>
<ul style="list-style-type: none"> <li>• Similar as for Infusion Manufacturing - (see below)</li> </ul>
<b>Recommendations for Additional Requirements in the Health Ordinance</b>
<ul style="list-style-type: none"> <li>• Similar as for Infusion Manufacturing - (see below).</li> </ul>

<b>Manufacturing - Extraction</b>
<b>Health Concerns:</b>
<b>Danger of explosion, fires, chemical releases to air, land or surface water</b>
<b>Waste product disposal or reuse</b>
<b>State Law and Regulation that Address Health Concerns:</b>
<ul style="list-style-type: none"> <li>• CUPA program in Hazardous Materials Division has oversight if certain amounts of chemicals are used on-site and if any hazardous waste is generated.</li> <li>• Occupational injury/exposure reports submitted to Cal OSHA</li> <li>• Waste material from extraction must have certain low levels of any THC like material and then can be disposed as green waste, solid waste or hazardous waste.</li> <li>• State Law provides HazMat the authority to issue an annual permit and to inspect if the business is subject to one of the CUPA programs.</li> </ul>
<b>Recommendations for Additional Requirements in Local Health Ordinance:</b>
<ul style="list-style-type: none"> <li>• Limit chemical extraction methods to the use of Non-volatile solvents that would include closed loop Carbon Dioxide gas extraction, mechanical extraction and Ethanol Extraction to the extent deemed non-volatile by appropriate State Agencies..</li> <li>• Extend CUPA program to cover facilities that use smaller quantities of chemicals</li> <li>• Labeling and storage of cannabis oils prepared for post extraction manufacturing</li> <li>• Occupational exposure/injury be submitted to local Public Health</li> <li>• Extend same regulatory requirements for mobile or on-site extraction, if the Board, at a later date permits this</li> <li>• Adoption or application of appropriate fees.</li> </ul>
<b>Manufacturing- Infusion</b>
<b>Health Concerns:</b>
<b>Packaging or product looks attractive to minors</b>
<b>Food safety for edibles</b>



**State Law and Regulation that Address Health Concerns:**

- Standardized dosage of cannabinoids in consumable products may not exceed 10 milligrams of THC per serving
- Edible cannabis products shall not contain more than 100 milligrams of THC per package, with each serving identified
- Packaging of edibles must be opaque and not attractive to children, child resistant, and tamper proof
- Packaging has requirements that must be written in English in a minimum font size, a universal symbol that means it contains cannabis, the THS and CBD content per serving, other ingredients including allergens, and certain nutrition information, and a specific statement that includes a warning about the product containing cannabis and to keep out of reach of children and animals and use during pregnancy or breastfeeding may be harmful.
- Prohibited cannabis products include: alcoholic beverages, dairy products except for **butter**, any product that is not shelf stable except for certain juices and beverages, meat products except for certain dried meat products, seafood products, products that can be easily confused with a commercially available food that does not contain cannabis, is attractive to children, and is in the shape of a human being, either realistic or caricature, animal, insect, or fruit.
- Testing at a state certified lab is required to address potency of portions in edibles and other manufactured products
- No on-site use or consumption by staff
- All employees at an edible manufacturing location must have a current food handler card
- Cannabis waste must be evaluated to see if it qualifies as a hazardous waste and according to the results dispose of according to applicable laws and regulations

**Recommendations for Additional Requirements in Local Health Ordinance:**

- Annual Health permit and inspections required from Environmental Health
- Environmental Health conduct regular and complaint based inspections. The manufacturer may not manufacture flavored leaf, bud, e-juices or any other product that is designed for smoking or use with electronic smoking devices.
- Adoption or application of appropriate fees.

**Distribution**

**Health Concerns: (To the extent that the Distributor packages or labels cannabis products)**

**Packaging or product looks attractive to minors**

**Food safety for edibles**

**State Law and Regulation that Address Health Concerns**

- Same as for Infusion Manufacturing above

**Recommendations for Additional Requirements in the Health Ordinance**

- Same as for Infusion Manufacturing above.



## Lab Testing

### Health Concerns:

**Laboratory quality and accuracy of measurements of chemical and contaminant contents**

### State Law and Regulation that Address Health Concerns:

- Quality Controls vetted at State Public Health Lab in Richmond. Ongoing regulatory oversight deferred to Bureau of Cannabis Control.

### Recommendations for Additional Requirements in the Health Ordinance:

- None

## Retail Sales - Storefront

### Health Concerns:

**Selling to minors**

**Overdosing**

**Addiction**

**Adverse Health effects on Youth.**

**Adds potential criminal element to neighborhood**

**Loitering and partaking nearby**

**Advertisements are not wanted, seen as promoting drug and potentially lead to loitering**

**Giving product away and Consumption of product on-site**

**Edibles may not be handled properly for "food" safety reasons**

**Specific products may be attractive to youth (lessons learned from Tobacco)**

### State Law and Regulation that Address Health Concerns

- Lawful ID required for admission to facility
- Must be 21 for admission for adult-use only store
- Must be 18 and have a valid physician's recommendation for medical store or mixed store
- Employees must be 21 and over.
- A limited access area must be established by the retailer with restricted access to authorized individuals.
- Product cannot be given away, including no sampling
- No on-site use or consumption by staff or patrons, except in some cases related to medical cannabis.
- Limits to single/daily transactions:
  - 28.5 grams of cannabis bud/leaf
  - 8.0 grams of concentrated cannabis
- Returned good must be destroyed/disposed of as waste.
- Organic certification program will be phased in
- All products must be sold in a child resistant packaging or placed in one before leaving the store
- Retailer must not package, repackage or label cannabis goods.
- Cannabis goods shall only be displayed in the retail area.
- No sale of tobacco or alcohol from premise



- No use, including electronic vaping devices in or on the grounds of any public facility, park, library or side-walk
- No use in public buildings or buildings accessible to the public

#### **Recommendations for Additional Requirements in the Health Ordinance**

##### **Related to Permitting:**

- Require Annual Environmental Health Operator Permit.
- Allow Environmental Health to review and approve initial plans for sales of consumer and consumable products, with subsequent inspection, semi-annual inspection and re-inspections due to findings.
- 
- Approve or apply appropriate fees.

##### **Related to Display/Advertising/Warnings:**

- No storefront product advertising.
- Require posting of large font Warnings related to use by pregnant and nursing women and Warnings related to Accessibility to Youth at entrances and exits of Facility.
- Prohibit false product claims: A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption

##### **Related to Products:**

- Prohibit the sale of flavored leaf, bud, e-juices or any other product that is designed for smoking or use with electronic smoking devices.
- Prohibit the sale of non-shelf stable juices.
- Limit the daily sales to 800 milligrams of THC in total per for edible/consumable products.
- No sale of any non-cannabis food or beverage products or sundries.
- Require all products to be placed in a secondary child resistant package before leaving the store
- No promotional items may be offered in association with the sales transaction.

##### **Related to Access:**

- The County Cannabis Zoning Ordinance should consider a requirement for physical separation between the entrance Lobby and the retail/display area.
- Recommend that the Health Ordinance stipulate that retail service be limited to single customer to single retail assistant at a time. Hence, may not serve multiple customers simultaneously, and that other customers must wait in the lobby until called back for service.
- ID and Age must be verified both upon entry into lobby area and prior to service in the retail area.

##### **No vending machines**

- No self-service vending machines for cannabis products of any kind.



## Retail Sales- Delivery

### Health Concerns:

#### Selling to minors

#### Overdosing

Advertisements are not wanted, seen as promoting drugs

#### Giving product away

Edibles may not be handled properly for "food" safety reasons

### State Law and Regulation that Address Health Concerns

- Delivery must be to a physical address and may not be made to any publicly owned facility or lands. This includes Tribal Lands, unless specially authorized by applicable tribal law.
- Employees must be 21 and over.
- Lawful ID required for delivery.
- Must be 21 for receipt of adult-use delivery
- Must be 18 and have a valid physician's recommendation for medical or mixed use delivery
- Product cannot be given away, including no sampling
- No on-site use or consumption by staff
- Delivery Vehicles must be equipped with a dedicated and operational GPS Tracking system at all times.
- Delivery Vehicles
  - A delivery receipt must be conveyed at the time of delivery.
  - The delivery route may be from licensed premise of non-storefront retailer to delivery address and from delivery address to delivery address only. No deviation from route is permitted, with limited exceptions, due to road conditions, vehicle repair, rest stops, fuel. GPS System shall be use to track and data available to the Bureau for inspection.
- Limits to single/daily transactions –
  - 28.5 grams of cannabis bud/leaf
  - 8.0 grams of concentrated cannabis
- Organic certification program will be phased in
- All products must be sold in a child resistant packaging or placed in one before being delivered

### Recommendations for Additional Requirements in the Health Ordinance

#### Related to Permitting:

- Same as for retail storefront
- Restricted to locations and hours of operation consistent with proposed zoning ordinance.

#### Related to Access:

- ID and age must be affirmed by lawful proof of Identification.
- Delivery must be made in person, person to person and only to the age appropriate person who initiated the transaction.

#### Related to Warnings:

- The delivery employee must offer a separate written warning of accessibility by youth and warning to avoid use by pregnant and nursing women.



**Related to Products:**

- Same as for retail storefront.
- No promotional items may be offered in association with the sales transaction.

**Mico-Business**

**Health Concerns:**

Same as for retail, and manufacturing.

**State Law and Regulation that Address Health Concerns**

- To be eligible the licensee must engage in at least three of the following commercial activities: cultivation, manufacturing, distribution and retail sales.
- Presumably, same requirements as other commercial sectors; manufacturing, retail sales.

**Recommendations for Additional Requirements in the Health Ordinance**

Consistent with recommendations from DCD, do not allow at this time.

**If Micro-Business later becomes authorized under County Land Use Ordinance:**

- Apply same requirements and restrictions as for extraction and infusion manufacturing.
- Apply similar requirements and restrictions as for retail storefront.

**Temporary Cannabis Events:**

**Health Concerns:**

Same as for retail.

Considerable concern for intoxication at event and operation of a motor vehicle post event.

**State Law and Regulation that Address Health Concerns**

- Numerous requirements specific to event organizer.
- Requires a State temporary event license.
- Events limited to a 4 day duration.
- Sale of goods and consumption limited to persons age 21 and older.
- Sales of product limited to same as for Retail environment and limited to a retailer or microbusiness already authorized by State and Local Government.
- Sale and consumption of Alcohol and Tobacco is prohibited.
- Exit packaging required.
- Free Cannabis Goods are permitted, with some limitations.

**Recommendations for Additional Requirements in the Local Health Ordinance**

Consistent with recommendations from DCD, prohibit Special or Temporary events at this time.

**However if Board wishes to consider at a later date:**

- Limit event to 2 day duration
- Require local Health permit



- Limit products to same as for storefront retail.
- Limit access to event to persons 21 and older, both patrons and event employees
- Require posting of warnings regarding use by pregnant and nursing women and "Keep out of reach of children"
- Prohibit Advertising of event to a distance no less than 2,000 feet from all youth sensitive areas, including K-12 Schools, youth centers, parks, day care facilities, and drug treatment centers.
- Prohibit Free or discounted goods.
- Limit transaction sales on cannabis products to same as for storefront retail.
- Require "designated driver" and establish limits to cannabis service to those individuals.

## Public Use:

### Health Concerns:

Increased visibility of public use may lead to increased normalization effecting perception of risk of harm by youth. Second hand smoke from Cannabis has associated health risk.

### State Law and Regulation that Address Health Concerns

#### Proposition 64 – Prohibits:

- Smoke, vaporize or ingest cannabis or cannabis products in any public place.
- Smoke or vaporize cannabis in any non-smoking area or within 1,000 feet of a school, day care or youth center while children are present, except privately at a residence.
- Consume cannabis or possess an "open container" of cannabis while driving or riding as a passenger in any motor vehicle, boat, or airplane.

### Recommendations for Additional Requirements in the Health Ordinance

Other than consideration of prohibiting the smoking of cannabis on public sidewalks, which is not included in current tobacco control policy, most other uses in public places is currently banned under the County Tobacco Control Ordinance.

### County Tobacco Product Control Ordinance – Division 445

- Product Definition Includes smoking of cannabis and use of electronic smoking devices

### SECTION II. Section 445-4.004 of the County Ordinance Code :

**445-4.004 Prohibition of Smoking.** Smoking is prohibited in the following places within the unincorporated area of Contra Costa County:

- (a) Enclosed places of employment.
- (b) Enclosed public places.
- (c) Service areas.
- (d) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed places of employment, except while passing on the way to another destination.
- (e) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed public places, except while passing on the way to another destination.
- (f) The following outdoor areas:
  - (1) Outdoor dining areas at bars and restaurants.
  - (2) Outdoor lounges and outdoor dining areas at places of employment.



(3) Public trails and public parks.

(4) Public event venues.

(g) All multi-unit residence common areas, except that a landlord may designate a portion of an outdoor common area as a smoking area. A designated smoking area of an outdoor common area of a multi-unit residence must not overlap with any area where smoking is otherwise prohibited by local, state, or federal law; must be located at least twenty-five feet in all directions from non-smoking areas; must not include areas used primarily by children; must be no more than twenty-five percent of the total outdoor common area; must have a clearly marked perimeter; and must be identified by conspicuous signs.

(h) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of multi-unit residences, except while passing on the way to another destination.

(i) All outdoor balconies, porches, decks, patios, and carports of multi-unit residences.

(j) All dwelling units in any multi-unit residence, except as otherwise provided in Section 445-4.006. (Ords. 2018-07 § 2, 2010-10 § 3, 2006-66 § 5, 91-44 § 2).

## Taxation

**Consider if a portion of local tax should be allocated to address Health concerns and impacts:**

### Local Health Service Concerns:

- Increase in demand for data and reports on County wide health impacts, including impacts on schools, youth and adult health, EMS and local health delivery system.
- As adult use increases so too will number of number of individuals seeking addiction treatment services. This will likely also effect youth and the demand for youth treatment services.
- Anticipate a demand for public information and public messaging regarding the potential adverse health effects.
- Predicable increase in psychosis associated with increased use of cannabis.

### Specific Suggestions:

- Fund a half time (or half the cost) of an Epidemiologist in Health Services dedicated to tracking injury related data and local impacts of cannabis use by youth and impacts on the larger health system. Require an annual report to Family and Human Services.
- Allocate \$50-100K annually to a public information and awareness campaign for the first 3 years following the effective date of the proposed Health ordinance. Reconsider thereafter.
- Fund a full time position in Behavioral Health, dedicated to ongoing coordination of Health Service efforts related to cannabis, including efforts and outreach to improve screening for persons at risk for cannabis related psychosis. Additionally this position would involve working with data, compiling reports, advising the public information campaign, facilitating public meetings, reporting to the Board and Sub- Committees and working with community stakeholder groups. As Behavioral Health anticipates an increase in demand for a person(s) with clinical responsibilities and skills related to early intervention / first onset Psychosis clinic, First Hope, the position proposed for consideration would best be served by an individual with clinical skills.





# **ATTACHMENT Z**

**NEW ENGLAND JOURNAL ARTICLE**

## REVIEW ARTICLE

Dan L. Longo, M.D., Editor

## Adverse Health Effects of Marijuana Use

Nora D. Volkow, M.D., Ruben D. Baler, Ph.D., Wilson M. Compton, M.D.,  
and Susan R.B. Weiss, Ph.D.

**I**N LIGHT OF THE RAPIDLY SHIFTING LANDSCAPE REGARDING THE LEGALIZATION of marijuana for medical and recreational purposes, patients may be more likely to ask physicians about its potential adverse and beneficial effects on health. The popular notion seems to be that marijuana is a harmless pleasure, access to which should not be regulated or considered illegal. Currently, marijuana is the most commonly used “illicit” drug in the United States, with about 12% of people 12 years of age or older reporting use in the past year and particularly high rates of use among young people.<sup>1</sup> The most common route of administration is inhalation. The greenish-gray shredded leaves and flowers of the *Cannabis sativa* plant are smoked (along with stems and seeds) in cigarettes, cigars, pipes, water pipes, or “blunts” (marijuana rolled in the tobacco-leaf wrapper from a cigar). Hashish is a related product created from the resin of marijuana flowers and is usually smoked (by itself or in a mixture with tobacco) but can be ingested orally. Marijuana can also be used to brew tea, and its oil-based extract can be mixed into food products.

The regular use of marijuana during adolescence is of particular concern, since use by this age group is associated with an increased likelihood of deleterious consequences<sup>2</sup> (Table 1). Although multiple studies have reported detrimental effects, others have not, and the question of whether marijuana is harmful remains the subject of heated debate. Here we review the current state of the science related to the adverse health effects of the recreational use of marijuana, focusing on those areas for which the evidence is strongest.

## ADVERSE EFFECTS

## RISK OF ADDICTION

Despite some contentious discussions regarding the addictiveness of marijuana, the evidence clearly indicates that long-term marijuana use can lead to addiction. Indeed, approximately 9% of those who experiment with marijuana will become addicted<sup>3</sup> (according to the criteria for dependence in the *Diagnostic and Statistical Manual of Mental Disorders*, 4th edition [DSM-IV]). The number goes up to about 1 in 6 among those who start using marijuana as teenagers and to 25 to 50% among those who smoke marijuana daily.<sup>4</sup> According to the 2012 National Survey on Drug Use and Health, an estimated 2.7 million people 12 years of age and older met the DSM-IV criteria for dependence on marijuana, and 5.1 million people met the criteria for dependence on any illicit drug<sup>1</sup> (8.6 million met the criteria for dependence on alcohol<sup>1</sup>). There is also recognition of a bona fide cannabis withdrawal syndrome<sup>5</sup> (with symptoms that include irritability, sleeping difficulties, dysphoria, craving, and anxiety), which makes cessation difficult and contributes to relapse. Marijuana use by adolescents is particularly troublesome. Adolescents' increased vulnerability to adverse long-term outcomes from marijuana use is probably related

From the National Institute on Drug Abuse, National Institutes of Health, Bethesda, MD. Address reprint requests to Dr. Volkow at the National Institute on Drug Abuse, 6001 Executive Blvd., Rm. 5274, Bethesda, MD 20892, or at [nvolkow@nida.nih.gov](mailto:nvolkow@nida.nih.gov).

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**Table 1. Adverse Effects of Short-Term Use and Long-Term or Heavy Use of Marijuana.****Effects of short-term use**

Impaired short-term memory, making it difficult to learn and to retain information

Impaired motor coordination, interfering with driving skills and increasing the risk of injuries

Altered judgment, increasing the risk of sexual behaviors that facilitate the transmission of sexually transmitted diseases

In high doses, paranoia and psychosis

**Effects of long-term or heavy use**

Addiction (in about 9% of users overall, 17% of those who begin use in adolescence, and 25 to 50% of those who are daily users)\*

Altered brain development\*

Poor educational outcome, with increased likelihood of dropping out of school\*

Cognitive impairment, with lower IQ among those who were frequent users during adolescence\*

Diminished life satisfaction and achievement (determined on the basis of subjective and objective measures as compared with such ratings in the general population)\*

Symptoms of chronic bronchitis

Increased risk of chronic psychosis disorders (including schizophrenia) in persons with a predisposition to such disorders

\* The effect is strongly associated with initial marijuana use early in adolescence.

to the fact that the brain, including the endocannabinoid system, undergoes active development during adolescence.<sup>6</sup> Indeed, early and regular marijuana use predicts an increased risk of marijuana addiction, which in turn predicts an increased risk of the use of other illicit drugs.<sup>7</sup> As compared with persons who begin to use marijuana in adulthood, those who begin in adolescence are approximately 2 to 4 times as likely to have symptoms of cannabis dependence within 2 years after first use.<sup>8</sup>

**EFFECT ON BRAIN DEVELOPMENT**

The brain remains in a state of active, experience-guided development from the prenatal period through childhood and adolescence until the age of approximately 21 years.<sup>9</sup> During these developmental periods, it is intrinsically more vulnerable than a mature brain to the adverse long-term effects of environmental insults, such as exposure to tetrahydrocannabinol, or THC, the primary active ingredient in marijuana. This view has received considerable support from studies in animals, which have shown, for example, that prenatal or adolescent exposure to

THC can recalibrate the sensitivity of the reward system to other drugs<sup>10</sup> and that prenatal exposure interferes with cytoskeletal dynamics, which are critical for the establishment of axonal connections between neurons.<sup>11</sup>

As compared with unexposed controls, adults who smoked marijuana regularly during adolescence have impaired neural connectivity (fewer fibers) in specific brain regions. These include the precuneus, a key node that is involved in functions that require a high degree of integration (e.g., alertness and self-conscious awareness), and the fimbria, an area of the hippocampus that is important in learning and memory.<sup>12</sup> Reduced functional connectivity has also been reported in the prefrontal networks responsible for executive function (including inhibitory control) and the subcortical networks, which process habits and routines.<sup>13</sup> In addition, imaging studies in persons who use cannabis have revealed decreased activity in prefrontal regions and reduced volumes in the hippocampus.<sup>14</sup> Thus, certain brain regions may be more vulnerable than others to the long-term effects of marijuana. One study showed that selective down-regulation of cannabinoid-1 (CB1) receptors in several cortical brain regions in long-term marijuana smokers was correlated with years of cannabis smoking and was reversible after 4 weeks of abstinence.<sup>15</sup> Changes in CB1 receptors were not seen in subcortical regions.

The negative effect of marijuana use on the functional connectivity of the brain is particularly prominent if use starts in adolescence or young adulthood,<sup>12</sup> which may help to explain the finding of an association between frequent use of marijuana from adolescence into adulthood and significant declines in IQ.<sup>16</sup> The impairments in brain connectivity associated with exposure to marijuana in adolescence are consistent with preclinical findings indicating that the cannabinoid system plays a prominent role in synapse formation during brain development.<sup>17</sup>

**POSSIBLE ROLE AS GATEWAY DRUG**

Epidemiologic and preclinical data suggest that the use of marijuana in adolescence could influence multiple addictive behaviors in adulthood. In rodents exposed to cannabinoids during adolescence, there is decreased reactivity of the dopamine neurons that modulate the brain's reward regions.<sup>18</sup> The exposure of rodents to

cannabis in utero alters the developmental regulation of the mesolimbic dopamine system of affected offspring.<sup>19</sup> If reduced dopamine reactivity in the brain's reward regions does follow early exposure to marijuana, this effect could help to explain the increased susceptibility to drug abuse and addiction to several drugs later in life, which has been reported in most epidemiologic studies.<sup>20</sup> This theory is also consistent with animal models showing that THC can prime the brain for enhanced responses to other drugs.<sup>21</sup> Although these findings support the idea that marijuana is a gateway drug, other drugs, such as alcohol and nicotine, can also be categorized as gateway drugs, since they also prime the brain for a heightened response to other drugs.<sup>22</sup> However, an alternative explanation is that people who are more susceptible to drug-taking behavior are simply more likely to start with marijuana because of its accessibility and that their subsequent social interactions with other drug users would increase the probability that they would try other drugs.

#### RELATION TO MENTAL ILLNESS

Regular marijuana use is associated with an increased risk of anxiety and depression,<sup>23</sup> but causality has not been established. Marijuana is also linked with psychoses (including those associated with schizophrenia), especially among people with a preexisting genetic vulnerability,<sup>24</sup> and exacerbates the course of illness in patients with schizophrenia. Heavier marijuana use, greater drug potency, and exposure at a younger age can all negatively affect the disease trajectory (e.g., by advancing the time of a first psychotic episode by 2 to 6 years).<sup>25</sup>

However, it is inherently difficult to establish causality in these types of studies because factors other than marijuana use may be directly associated with the risk of mental illness. In addition, other factors could predispose a person to both marijuana use and mental illness. This makes it difficult to confidently attribute the increased risk of mental illness to marijuana use.

#### EFFECT ON SCHOOL PERFORMANCE AND LIFETIME ACHIEVEMENT

In the 2013 Monitoring the Future survey of high-school students,<sup>26</sup> 6.5% of students in grade 12 reported daily or near-daily marijuana use, and this figure probably represents an underesti-

mate of use, since young people who have dropped out of school may have particularly high rates of frequent marijuana use.<sup>27</sup> Since marijuana use impairs critical cognitive functions, both during acute intoxication and for days after use,<sup>28</sup> many students could be functioning at a cognitive level that is below their natural capability for considerable periods of time. Although acute effects may subside after THC is cleared from the brain, it nonetheless poses serious risks to health that can be expected to accumulate with long-term or heavy use. The evidence suggests that such use results in measurable and long-lasting cognitive impairments,<sup>16</sup> particularly among those who started to use marijuana in early adolescence. Moreover, failure to learn at school, even for short or sporadic periods (a secondary effect of acute intoxication), will interfere with the subsequent capacity to achieve increasingly challenging educational goals, a finding that may also explain the association between regular marijuana use and poor grades.<sup>29</sup>

The relationship between cannabis use by young people and psychosocial harm is likely to be multifaceted, which may explain the inconsistencies among studies. For example, some studies suggest that long-term deficits may be reversible and remain subtle rather than disabling once a person abstains from use.<sup>30</sup> Other studies show that long-term, heavy use of marijuana results in impairments in memory and attention that persist and worsen with increasing years of regular use<sup>31</sup> and with the initiation of use during adolescence.<sup>32</sup> As noted above, early marijuana use is associated with impaired school performance and an increased risk of dropping out of school,<sup>27,29</sup> although reports of shared environmental factors that influence the risks of using cannabis at a young age and dropping out of school<sup>33</sup> suggest that the relationship may be more complex. Heavy marijuana use has been linked to lower income, greater need for socioeconomic assistance, unemployment, criminal behavior, and lower satisfaction with life.<sup>2,34</sup>

#### RISK OF MOTOR-VEHICLE ACCIDENTS

Both immediate exposure and long-term exposure to marijuana impair driving ability; marijuana is the illicit drug most frequently reported in connection with impaired driving and accidents, including fatal accidents.<sup>35</sup> There is a relationship between the blood THC concentration

and performance in controlled driving-simulation studies,<sup>36</sup> which are a good predictor of real-world driving ability. Recent marijuana smoking and blood THC levels of 2 to 5 ng per milliliter are associated with substantial driving impairment.<sup>37</sup> According to a meta-analysis, the overall risk of involvement in an accident increases by a factor of about 2 when a person drives soon after using marijuana.<sup>37</sup> In an accident culpability analysis, persons testing positive for THC (typical minimum level of detection, 1 ng per milliliter), and particularly those with higher blood levels, were 3 to 7 times as likely to be responsible for a motor-vehicle accident as persons who had not used drugs or alcohol before driving.<sup>38</sup> In comparison, the overall risk of a vehicular accident increases by a factor of almost 5 for drivers with a blood alcohol level above 0.08%, the legal limit in most countries, and increases by a factor of 27 for persons younger than 21 years of age.<sup>39</sup> Not surprisingly, the risk associated with the use of alcohol in combination with marijuana appears to be greater than that associated with the use of either drug alone.<sup>37</sup>

#### RISK OF CANCER AND OTHER EFFECTS ON HEALTH

The effects of long-term marijuana smoking on the risk of lung cancer are unclear. For example, the use of marijuana for the equivalent of 30 or more joint-years (with 1 joint-year of marijuana use equal to 1 cigarette [joint] of marijuana smoked per day for 1 year) was associated with an increased incidence of lung cancer and several cancers of the upper aerodigestive tract; however, the association disappeared after adjustment for potential confounders such as cigarette smoking.<sup>40</sup> Although the possibility of a positive association between marijuana smoking and cancer cannot be ruled out,<sup>41</sup> the evidence suggests that the risk is lower with marijuana than with tobacco.<sup>40</sup> However, the smoking of cigarettes that contain both marijuana and tobacco products is a potential confounding factor with a prevalence that varies dramatically among countries.

Marijuana smoking is also associated with inflammation of the large airways, increased airway resistance, and lung hyperinflation, associations that are consistent with the fact that regular marijuana smokers are more likely to report symptoms of chronic bronchitis than are nonsmokers<sup>42</sup>; however, the long-term effect of low levels of marijuana exposure does not ap-

pear to be significant.<sup>43</sup> The immunologic competence of the respiratory system in marijuana smokers may also be compromised, as indicated by increased rates of respiratory infections and pneumonia.<sup>44</sup> Marijuana use has also been associated with vascular conditions that increase the risks of myocardial infarction, stroke, and transient ischemic attacks during marijuana intoxication.<sup>45</sup> The actual mechanisms underlying the effects of marijuana on the cardiovascular and cerebrovascular systems are complex and not fully understood. However, the direct effects of cannabinoids on various target receptors (i.e., CB1 receptors in arterial blood vessels) and the indirect effects on vasoactive compounds<sup>46</sup> may help explain the detrimental effects of marijuana on vascular resistance and coronary microcirculation.<sup>47</sup>

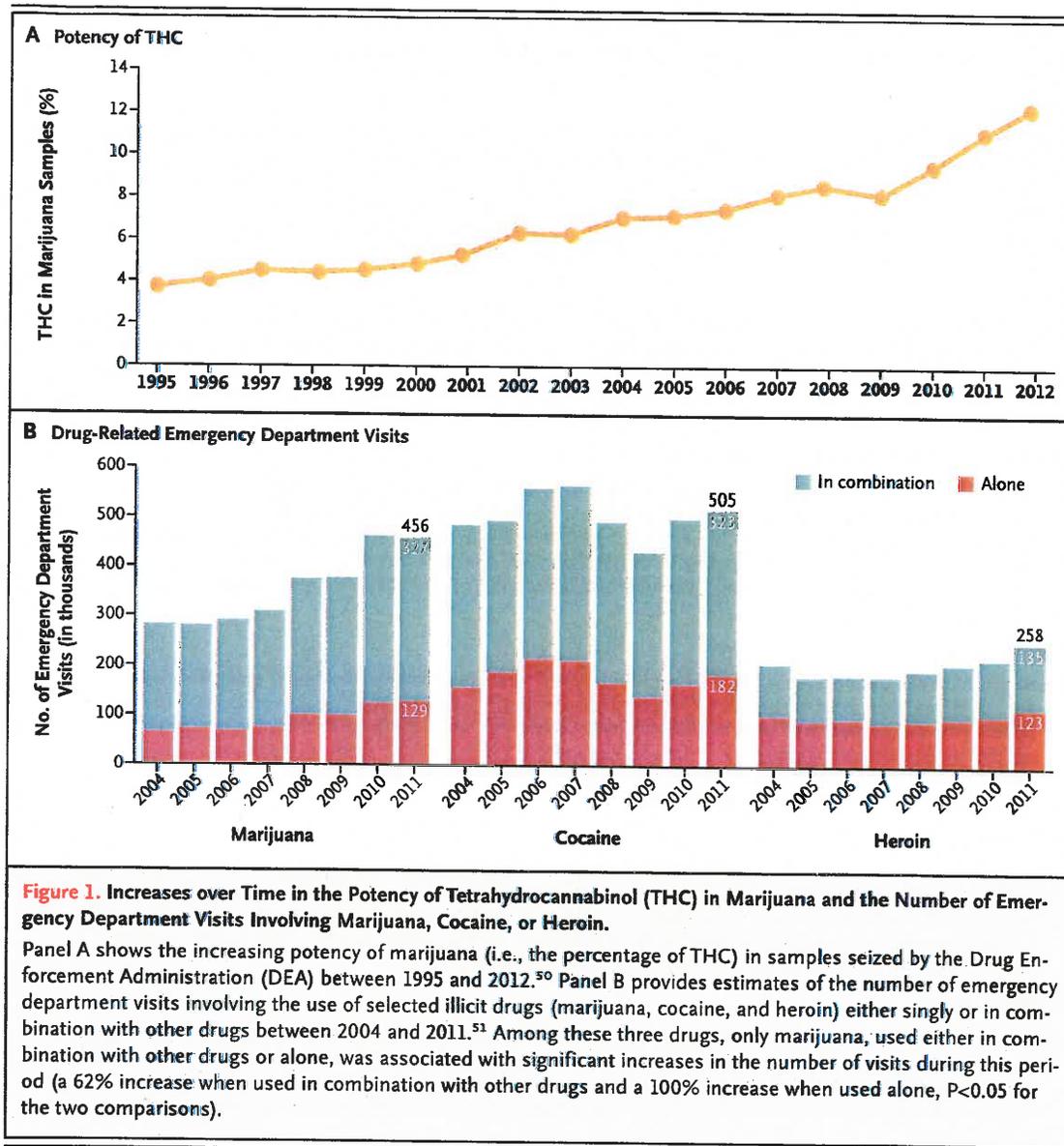
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#### LIMITATIONS OF THE EVIDENCE AND GAPS IN KNOWLEDGE

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Most of the long-term effects of marijuana use that are summarized here have been observed among heavy or long-term users, but multiple (often hidden) confounding factors detract from our ability to establish causality (including the frequent use of marijuana in combination with other drugs). These factors also complicate our ability to assess the true effect of intrauterine exposure to marijuana. Indeed, despite the use of marijuana by pregnant women,<sup>48</sup> and animal models suggesting that cannabis exposure during pregnancy may alter the normal processes and trajectories of brain development,<sup>49</sup> our understanding of the long-term effects of prenatal exposure to marijuana in humans is very poor.

The THC content, or potency, of marijuana, as detected in confiscated samples, has been steadily increasing from about 3% in the 1980s to 12% in 2012<sup>50</sup> (Fig. 1A). This increase in THC content raises concerns that the consequences of marijuana use may be worse now than in the past and may account for the significant increases in emergency department visits by persons reporting marijuana use<sup>51</sup> (Fig. 1B) and the increases in fatal motor-vehicle accidents.<sup>35</sup> This increase in THC potency over time also raises questions about the current relevance of the findings in older studies on the effects of marijuana use, especially studies that assessed long-term outcomes.



There is also a need to improve our understanding of how to harness the potential medical benefits of the marijuana plant without exposing people who are sick to its intrinsic risks. The authoritative report by the Institute of Medicine, *Marijuana and Medicine*,<sup>52</sup> acknowledges the potential benefits of smoking marijuana in stimulating appetite, particularly in patients with the acquired immunodeficiency syndrome (AIDS) and the related wasting syndrome, and in combating chemotherapy-induced nausea and vomiting, severe pain, and some forms of spasticity. The report also indicates that there is some evidence for the benefit of using marijuana

to decrease intraocular pressure in the treatment of glaucoma. Nonetheless, the report stresses the importance of focusing research efforts on the therapeutic potential of synthetic or pharmaceutically pure cannabinoids.<sup>52</sup> Some physicians continue to prescribe marijuana for medicinal purposes despite limited evidence of a benefit (see box). This practice raises particular concerns with regard to long-term use by vulnerable populations. For example, there is some evidence to suggest that in patients with symptoms of human immunodeficiency virus (HIV) infection or AIDS, marijuana use may actually exacerbate HIV-associated cognitive deficits.<sup>75</sup> Simi-

**Clinical Conditions with Symptoms That May Be Relieved by Treatment with Marijuana or Other Cannabinoids.\*****Glaucoma**

Early evidence of the benefits of marijuana in patients with glaucoma (a disease associated with increased pressure in the eye) may be consistent with its ability to effect a transient decrease in intraocular pressure,<sup>53,54</sup> but other, standard treatments are currently more effective. THC, cannabinol, and nabilone (a synthetic cannabinoid similar to THC), but not cannabidiol, were shown to lower intraocular pressure in rabbits.<sup>55,56</sup> More research is needed to establish whether molecules that modulate the endocannabinoid system may not only reduce intraocular pressure but also provide a neuroprotective benefit in patients with glaucoma.<sup>57</sup>

**Nausea**

Treatment of the nausea and vomiting associated with chemotherapy was one of the first medical uses of THC and other cannabinoids.<sup>58</sup> THC is an effective antiemetic agent in patients undergoing chemotherapy,<sup>59</sup> but patients often state that marijuana is more effective in suppressing nausea. Other, unidentified compounds in marijuana may enhance the effect of THC (as appears to be the case with THC and cannabidiol, which operate through different antiemetic mechanisms).<sup>60</sup> Paradoxically, increased vomiting (hyperemesis) has been reported with repeated marijuana use.

**AIDS-associated anorexia and wasting syndrome**

Reports have indicated that smoked or ingested cannabis improves appetite and leads to weight gain and improved mood and quality of life among patients with AIDS.<sup>61</sup> However, there is no long-term or rigorous evidence of a sustained effect of cannabis on AIDS-related morbidity and mortality, with an acceptable safety profile, that would justify its incorporation into current clinical practice for patients who are receiving effective antiretroviral therapy.<sup>62</sup> Data from the few studies that have explored the potential therapeutic value of cannabinoids for this patient population are inconclusive.<sup>62</sup>

**Chronic pain**

Marijuana has been used to relieve pain for centuries. Studies have shown that cannabinoids acting through central CB1 receptors, and possibly peripheral CB1 and CB2 receptors,<sup>63</sup> play important roles in modeling nociceptive responses in various models of pain. These findings are consistent with reports that marijuana may be effective in ameliorating neuropathic pain,<sup>64,65</sup> even at very low levels of THC (1.29%).<sup>66</sup> Both marijuana and dronabinol, a pharmaceutical formulation of THC, decrease pain, but dronabinol may lead to longer-lasting reductions in pain sensitivity and lower ratings of rewarding effects.<sup>67</sup>

**Inflammation**

Cannabinoids (e.g., THC and cannabidiol) have substantial antiinflammatory effects because of their ability to induce apoptosis, inhibit cell proliferation, and suppress cytokine production.<sup>68</sup> Cannabidiol has attracted particular interest as an antiinflammatory agent because of its lack of psychoactive effects.<sup>58</sup> Animal models have shown that cannabidiol is a promising candidate for the treatment of rheumatoid arthritis<sup>58</sup> and for inflammatory diseases of the gastrointestinal tract (e.g., ulcerative colitis and Crohn's disease).<sup>69</sup>

**Multiple sclerosis**

Nabiximols (Sativex, GW Pharmaceuticals), an oromucosal spray that delivers a mix of THC and cannabidiol, appears to be an effective treatment for neuropathic pain, disturbed sleep, and spasticity in patients with multiple sclerosis. Sativex is available in the United Kingdom, Canada, and several other countries<sup>70,71</sup> and is currently being reviewed in phase 3 trials in the United States in order to gain approval from the Food and Drug Administration.

**Epilepsy**

In a recent small survey of parents who use marijuana with a high cannabidiol content to treat epileptic seizures in their children,<sup>72</sup> 11% (2 families out of the 19 that met the inclusion criteria) reported complete freedom from seizures, 42% (8 families) reported a reduction of more than 80% in seizure frequency, and 32% (6 families) reported a reduction of 25 to 60% in seizure frequency. Although such reports are promising, insufficient safety and efficacy data are available on the use of cannabis botanicals for the treatment of epilepsy.<sup>73</sup> However, there is increasing evidence of the role of cannabidiol as an antiepileptic agent in animal models.<sup>74</sup>

\* AIDS denotes acquired immunodeficiency syndrome, CB1 cannabinoid-1 receptor, and CB2 cannabinoid-2 receptor, HIV human immunodeficiency virus, and THC tetrahydrocannabinol.

larly, more research is needed to understand the potential effects of marijuana use on age-related cognitive decline in general and on memory impairment in particular.

Research is needed on the ways in which government policies on marijuana affect public health outcomes. Our understanding of the ef-

fects of policy on market forces is quite limited (e.g., the allure of new tax-revenue streams from the legal sale of marijuana, pricing wars, youth-targeted advertising, and the emergence of cannabis-based medicines approved by the Food and Drug Administration), as is our understanding of the interrelated variables of perceptions about

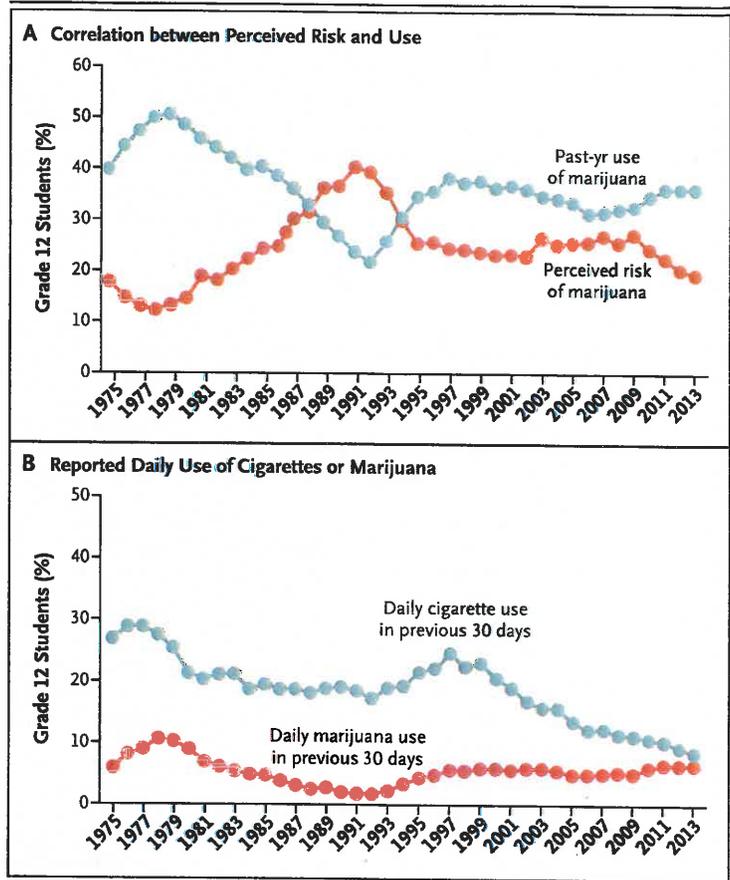
**Figure 2. Use of Marijuana in Relation to Perceived Risk and Daily Use of Tobacco Cigarettes or Marijuana among U.S. Students in Grade 12, 1975–2013.**

Panel A shows the inverse correlation between the perception of the risk associated with marijuana use and actual use. Perceived risk corresponds to the percentage of teenagers who reported that the use of marijuana is dangerous. Panel B shows the percentage of students who reported daily use of tobacco cigarettes or marijuana in the previous 30 days. Data for both graphs are from Johnston et al.<sup>26</sup>

use, types of use, and outcomes. Historically, there has been an inverse correlation between marijuana use and the perception of its risks among adolescents (Fig. 2A). Assuming that this inverse relationship is causal, would greater permissiveness in culture and social policy lead to an increase in the number of young people who are exposed to cannabis on a regular basis? Among students in grade 12, the reported prevalence of regular marijuana smoking has been steadily increasing in recent years and may soon intersect the trend line for regular tobacco smoking (Fig. 2B). We also need information about the effects of second-hand exposure to cannabis smoke and cannabinoids. Second-hand exposure is an important public health issue in the context of tobacco smoking, but we do not have a clear understanding of the effects of second-hand exposure to marijuana smoking.<sup>76</sup> Studies in states (e.g., Colorado, California, and Washington) and countries (e.g., Uruguay, Portugal, and the Netherlands) where social and legal policies are shifting may provide important data for shaping future policies.

CONCLUSIONS

Marijuana use has been associated with substantial adverse effects, some of which have been determined with a high level of confidence (Table 2). Marijuana, like other drugs of abuse, can result in addiction. During intoxication, marijuana can interfere with cognitive function (e.g., memory and perception of time) and motor function (e.g., coordination), and these effects can have detrimental consequences (e.g., motor-vehicle accidents). Repeated marijuana use during adolescence may result in long-lasting changes in brain function that can jeopardize educational, professional, and social achievements. However, the ef-



**Table 2. Level of Confidence in the Evidence for Adverse Effects of Marijuana on Health and Well-Being.**

Effect	Overall Level of Confidence*
Addiction to marijuana and other substances	High
Abnormal brain development	Medium
Progression to use of other drugs	Medium
Schizophrenia	Medium
Depression or anxiety	Medium
Diminished lifetime achievement	High
Motor vehicle accidents	High
Symptoms of chronic bronchitis	High
Lung cancer	Low

\* The indicated overall level of confidence in the association between marijuana use and the listed effects represents an attempt to rank the strength of the current evidence, especially with regard to heavy or long-term use and use that starts in adolescence.

fects of a drug (legal or illegal) on individual health are determined not only by its pharmacologic properties but also by its availability and social acceptability. In this respect, legal drugs

(alcohol and tobacco) offer a sobering perspective, accounting for the greatest burden of disease associated with drugs<sup>77</sup> not because they are more dangerous than illegal drugs but because their legal status allows for more widespread exposure. As policy shifts toward legalization of marijuana, it is reasonable and probably prudent

to hypothesize that its use will increase and that, by extension, so will the number of persons for whom there will be negative health consequences.

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Disclosure forms provided by the authors are available with the full text of this article at NEJM.org.

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# **ATTACHMENT X**

**MAY 8, 2018**

**HEALTH SERVICES**

**BOARD ORDER**



Contra  
Costa  
County

To: Board of Supervisors  
From: Anna Roth, Health Services Director  
Date: May 8, 2018

Subject: Recommendations for a Cannabis Health Ordinance

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**RECOMMENDATION(S):**

ACCEPT report on Health Services Department staff recommendations on the establishment of local health regulations for commercial cannabis activities.

DIRECT the Health Services Department to prepare a health ordinance to regulate commercial cannabis activities consistent with staff recommendations.

**FISCAL IMPACT:**

The impact on the County General Fund is anticipated to be minimal if regulatory and inspection fees are adopted to offset the true cost of implementation and enforcement of local health regulations.

However, Contra Costa Health Services anticipates some cost related to physical and behavioral health needs as the use of cannabis becomes more prevalent with subsequent increase in related injury, health impacts and substance misuse. Contra Costa Health Services also anticipates an increase in demand and related cost for reports on population and youth health impacts following the legalization of adult use cannabis.

APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

---

Action of Board On: 05/08/2018  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 8, 2018

Contact: Dan Peddycord,  
925-313-6712

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc: Tasha Scott, Marcy Wilhelm, Josh Sullivan

## BACKGROUND:

On April 24, 2018, the Board of Supervisors accepted the staff report from the Department of Conservation and Development and approved the final draft of a framework for regulating cannabis in the unincorporated areas of the County. Staff was directed to prepare a land use ordinance based on the framework and subsequent discussion. Additionally the Board directed that Contra Costa Health Services provide a report to the Board, at the May 8, 2018 Board meeting to consider recommendations related to the drafting of a Health Ordinance for the purpose of further regulating the commercial cannabis industry in the unincorporated areas of the County.

On November 17th, 2017, the Preliminary Framework for regulating cannabis was presented to the Board of Supervisors as a consent item following conversation and direction given at the October 24th Board meeting.

On October 24, 2017, the Board of Supervisors received a report on considerations related to cannabis taxation as well as an update and proposed framework applying local land use and other policy considerations for the regulation of the commercial cannabis industry. On that date, the Board also adopted an ordinance which prohibited the establishment of any commercial cannabis activity, both medicinal and recreational, in the unincorporated jurisdiction of the County.

On July 18, 2017, the Board of Supervisors received a report on local policy and regulatory considerations in the wake of voter approved Proposition 64 (Prop 64), which legalized adult recreational use of marijuana. During this presentation information was provided that highlighted some of the health concerns related the use of cannabis.

Of particular interest to Contra Costa Health Services is the ability to locally regulate the manufacture and retail sale of cannabis and consumer products which contain cannabis. Adopting a local health ordinance will also allow County staff to inspect, regulate and enforce appropriate state and local laws pertaining to the cannabis industry.

In light of the newness of regulating the commercial cannabis industry and the evolving landscape of cannabis regulation, Contra Costa Health Services recommends a cautionary approach to local regulation that emphasizes protections for consumers, the public, and at-risk groups such as youth and individuals challenged with substance use disorders.

## CONSEQUENCE OF NEGATIVE ACTION:

Failure to accept the report and consider recommendations as the drafting of a local Cannabis Health Ordinance may delay information the Board has requested and may delay the development of the Ordinance.

## CHILDREN'S IMPACT STATEMENT:

The use of cannabis by youth has been documented to impact both cognitive and behavioral development. Development of a local Cannabis Health Ordinance is, in part, intended to help provide additional protections for youth and sensitive populations. Adoption of a local Ordinance would support the following Board of Supervisors' community outcomes: "Children Ready For and Succeeding in School;" "Families that are Safe, Stable, and Nurturing;" and "Communities that are Safe and Provide a High Quality of Life for Children and Families." Primarily in that the recommendations for the Ordinance reflect proposals to prohibit products and flavors that are appealing to youth and recommend specific warnings.

#### ATTACHMENTS

Report

New England Journal Article

# **ATTACHMENT Y**

HEALTH SERVICES DEPARTMENT REPORT

ANNA M. ROTH, RN, MS, MPH  
HEALTH SERVICES DIRECTOR

DAN PEDDYCORD, RN, MPA/HA  
DIRECTOR OF PUBLIC HEALTH



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PUBLIC HEALTH  
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DANIEL.PEDDYCORD@HSD.CCCOUNTY.US

To: Contra Costa Board of Supervisors  
From: Daniel Peddycord, Director Public Health  
Marilyn Underwood, Director of Environmental Health  
Randy Sawyer, Chief Environmental Health and Hazardous Materials Officer

Re: Staff Report on considerations for a Cannabis Health Ordinance

Date: 5/8/18

### I. Background

On April 24<sup>th</sup>, 2018, the Board of Supervisors accepted the staff report from the Department of Conservation and Development and approved the final draft of a framework for regulating cannabis in the unincorporated areas of the County. Staff was directed to prepare a land use ordinance based on the framework and subsequent discussion. Additionally the Board directed Contra Costa Health Services to provide a report at the May 8<sup>th</sup>, 2018 Board meeting, to consider recommendation related to the drafting of a cannabis Health Ordinance for the purpose of further regulating the commercial cannabis industry in the Unincorporated areas of the County.

On November 17<sup>th</sup>, 2017, the Preliminary Framework for regulating cannabis was presented to the Board of Supervisors as a consent item following conversation and direction given at the October 24<sup>th</sup> Board meeting.

On October 24<sup>th</sup>, 2017, the Board of Supervisors received a report on considerations related to cannabis taxation as well as an update and proposed framework applying local land use and other policy considerations for the regulation of the commercial cannabis industry. On that date, the Board also adopted an Ordinance which prohibited the establishment of any commercial cannabis activity, both medicinal and recreational, in the unincorporated jurisdiction of the County.

On July 18, 2017, the Board of Supervisors received a report on local policy and regulatory considerations in the wake of voter approved Proposition 64 (Prop 64), which legalized adult recreational use of marijuana. During this presentation information was provided that highlighted some of the health concerns related the use of cannabis.

On July 11<sup>th</sup>, 2017 Ordinance No. 2016-01 was introduced to the Board of Supervisors establishing restrictions on the retail sale of emerging and flavored tobacco products and establishing distance and density restrictions in proximity to youth sensitive areas. The ordinance also established a cap on the total number of tobacco retailers in the unincorporated area of the County. The Ordinance as adopted on July 18, 2017.

Of particular interest to Contra Costa Health Services is the ability to locally regulate the manufacture and retail sale of consumer products and to align regulations with recently adopted tobacco policy to the extent feasible. While many aspects of local regulation may be addressed



through land use rules, Contra Costa Health Services recommends that the Board consider a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and support enforcement of appropriate state and local laws pertaining to the cannabis industry.

In light of the newness of regulating the commercial cannabis industry and the evolving landscape of cannabis regulation, Contra Costa Health Services recommends a cautionary approach to local regulation that emphasizes protections for consumers, the public, and at-risk groups such as youth and individuals challenged with substance use disorders.

**II. Summary of Health Benefits and Health Concerns:**

Over the course of the past 10 months the Board has heard testimony and been provided with various articles, reports and research from both the public and staff related to the health benefits and concerns of cannabis. Individuals and coalitions from both sides of the debate are passionate in their convictions. In June of 2014 an article (attachment 1) was published in the New England Journal of Medicine related to the Adverse Health Effects of Marijuana Use. However, the article also recognized some of the clinical conditions to which the use of cannabinoids may be beneficial. Those conditions include, Glaucoma, Nausea, AIDS- associated anorexia and wasting syndrome, Chronic pain, Inflammation, Multiple sclerosis and Epilepsy. Conversely the article emphasized that there are also numerous adverse effects of marijuana use including; risk of addiction, clear evidence of negative effects of brain development, effect on school performance and lifetime achievement, possible role as a gateway drug, relationship to mental illness – including, anxiety, depression and schizophrenia, and clear association with increased risk of motor vehicle accidents. The article also discussed association with cancer and cardio-vascular disease, including stroke, hypertension and myocardial infarction. The article also discussed the gaps in knowledge as to the full effects on nursing and pregnant mothers and their unborn child. On this later issue Contra Costa Health Services recommends an abundance of caution and that all nursing and pregnant women be informed of the potential risk of harm and to be advised to avoid the use of cannabis during their pregnancy and while nursing. It is also important to note that the article cites that some 1 in 6 or approximately 17% of teens who experiment with cannabis will become addicted to its use and as many as 50% of adult daily users. Additionally many experts, clinicians and researchers in the field of mental health are increasingly confident that the burden of psychosis will increase as a result of the legalization of cannabis and the predictable increased in use. This includes a likely increase in conditions such as schizophrenia.

It is from this cautionary approach that Contra Costa Health Services recommends many of the specific health regulations designed to help protect youth, and other sensitive populations from the potential adverse effects of cannabis use.

**III. Recommendations for Local Health Ordinance:**

The following matrices identify the health and regulatory concerns related to specific facilities or sectors of the commercial industry that may be allowed, the state law and regulation that address these concerns, and recommendations for additional requirements that will be incorporated into the health ordinance. Please note that some of the health concerns (odors, distance from cannabis



facility to sensitive facilities, capping the number of retail sales locations, security to keep minors out) have already been addressed in the land use ordinance, and will not be repeated here. Testing facilities would not seem to pose health concerns beyond the ones addressed in the land use ordinance. Cultivation has health concerns and since the local Agriculture Commissioner will have the authority to enforce both indoor and outdoor cultivation, we will work with them to address those concerns.

<b>Cultivation</b>
<b>Health Concerns: (To the extent that the Cultivator packages or labels cannabis products)</b>
<b>Packaging or product looks attractive to minors</b>
<b>Food safety for edibles</b>
<b>State Law and Regulation that Address Health Concerns</b>
<ul style="list-style-type: none"> <li>• Similar as for Infusion Manufacturing - (see below)</li> </ul>
<b>Recommendations for Additional Requirements in the Health Ordinance</b>
<ul style="list-style-type: none"> <li>• Similar as for Infusion Manufacturing -( see below).</li> </ul>

<b>Manufacturing - Extraction</b>
<b>Health Concerns:</b>
<b>Danger of explosion, fires, chemical releases to air, land or surface water</b>
<b>Waste product disposal or reuse</b>
<b>State Law and Regulation that Address Health Concerns:</b>
<ul style="list-style-type: none"> <li>• CUPA program in Hazardous Materials Division has oversight if certain amounts of chemicals are used on-site and if any hazardous waste is generated.</li> <li>• Occupational injury/exposure reports submitted to Cal OSHA</li> <li>• Waste material from extraction must have certain low levels of any THC like material and then can be disposed as green waste, solid waste or hazardous waste.</li> <li>• State Law provides HazMat the authority to issue an annual permit and to inspect if the business is subject to one of the CUPA programs.</li> </ul>
<b>Recommendations for Additional Requirements in Local Health Ordinance:</b>
<ul style="list-style-type: none"> <li>• Limit chemical extraction methods to the use of Non-volatile solvents that would include closed loop Carbon Dioxide gas extraction, mechanical extraction and Ethanol Extraction to the extent deemed non-volatile by appropriate State Agencies..</li> <li>• Extend CUPA program to cover facilities that use smaller quantities of chemicals</li> <li>• Labeling and storage of cannabis oils prepared for post extraction manufacturing</li> <li>• Occupational exposure/injury be submitted to local Public Health</li> <li>• Extend same regulatory requirements for mobile or on-site extraction, if the Board, at a later date permits this</li> <li>• Adoption or application of appropriate fees.</li> </ul>
<b>Manufacturing- Infusion</b>
<b>Health Concerns:</b>
<b>Packaging or product looks attractive to minors</b>
<b>Food safety for edibles</b>



**State Law and Regulation that Address Health Concerns:**

- Standardized dosage of cannabinoids in consumable products may not exceed 10 milligrams of THC per serving
- Edible cannabis products shall not contain more than 100 milligrams of THC per package, with each serving identified
- Packaging of edibles must be opaque and not attractive to children, child resistant, and tamper proof
- Packaging has requirements that must be written in English in a minimum font size, a universal symbol that means it contains cannabis, the THS and CBD content per serving, other ingredients including allergens, and certain nutrition information, and a specific statement that includes a warning about the product containing cannabis and to keep out of reach of children and animals and use during pregnancy or breastfeeding may be harmful.
- Prohibited cannabis products include: alcoholic beverages, dairy products except for **butter**, any product that is not shelf stable except for certain juices and beverages, meat products except for certain dried meat products, seafood products, products that can be easily confused with a commercially available food that does not contain cannabis, is attractive to children, and is in the shape of a human being, either realistic or caricature, animal, insect, or fruit.
- Testing at a state certified lab is required to address potency of portions in edibles and other manufactured products
- No on-site use or consumption by staff
- All employees at an edible manufacturing location must have a current food handler card
- Cannabis waste must be evaluated to see if it qualifies as a hazardous waste and according to the results dispose of according to applicable laws and regulations

**Recommendations for Additional Requirements in Local Health Ordinance:**

- Annual Health permit and inspections required from Environmental Health
- Environmental Health conduct regular and complaint based inspections. The manufacturer may not manufacture flavored leaf, bud, e-juices or any other product that is designed for smoking or use with electronic smoking devices.
- Adoption or application of appropriate fees.

**Distribution**

**Health Concerns: (To the extent that the Distributor packages or labels cannabis products)**

**Packaging or product looks attractive to minors**

**Food safety for edibles**

**State Law and Regulation that Address Health Concerns**

- Same as for Infusion Manufacturing above

**Recommendations for Additional Requirements in the Health Ordinance**

- Same as for Infusion Manufacturing above.



## Lab Testing

### Health Concerns:

**Laboratory quality and accuracy of measurements of chemical and contaminant contents**

### State Law and Regulation that Address Health Concerns:

- Quality Controls vetted at State Public Health Lab in Richmond. Ongoing regulatory oversight deferred to Bureau of Cannabis Control.

### Recommendations for Additional Requirements in the Health Ordinance:

- None

## Retail Sales - Storefront

### Health Concerns:

**Selling to minors**

**Overdosing**

**Addiction**

**Adverse Health effects on Youth.**

**Adds potential criminal element to neighborhood**

**Loitering and partaking nearby**

**Advertisements are not wanted, seen as promoting drug and potentially lead to loitering**

**Giving product away and Consumption of product on-site**

**Edibles may not be handled properly for "food" safety reasons**

**Specific products may be attractive to youth (lessons learned from Tobacco)**

### State Law and Regulation that Address Health Concerns

- Lawful ID required for admission to facility
- Must be 21 for admission for adult-use only store
- Must be 18 and have a valid physician's recommendation for medical store or mixed store
- Employees must be 21 and over.
- A limited access area must be established by the retailer with restricted access to authorized individuals.
- Product cannot be given away, including no sampling
- No on-site use or consumption by staff or patrons, except in some cases related to medical cannabis.
- Limits to single/daily transactions:
  - 28.5 grams of cannabis bud/leaf
  - 8.0 grams of concentrated cannabis
- Returned good must be destroyed/disposed of as waste.
- Organic certification program will be phased in
- All products must be sold in a child resistant packaging or placed in one before leaving the store
- Retailer must not package, repackage or label cannabis goods.
- Cannabis goods shall only be displayed in the retail area.
- No sale of tobacco or alcohol from premise



- No use, including electronic vaping devices in or on the grounds of any public facility, park, library or side-walk
- No use in public buildings or buildings accessible to the public

#### **Recommendations for Additional Requirements in the Health Ordinance**

##### **Related to Permitting:**

- Require Annual Environmental Health Operator Permit.
- Allow Environmental Health to review and approve initial plans for sales of consumer and consumable products, with subsequent inspection, semi-annual inspection and re-inspections due to findings.
- 
- Approve or apply appropriate fees.

##### **Related to Display/Advertising/Warnings:**

- No storefront product advertising.
- Require posting of large font Warnings related to use by pregnant and nursing women and Warnings related to Accessibility to Youth at entrances and exits of Facility.
- Prohibit false product claims: A licensee shall not include on the label of any cannabis or cannabis product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects on health of cannabis consumption

##### **Related to Products:**

- Prohibit the sale of flavored leaf, bud, e-juices or any other product that is designed for smoking or use with electronic smoking devices.
- Prohibit the sale of non-shelf stable juices.
- Limit the daily sales to 800 milligrams of THC in total per for edible/consumable products.
- No sale of any non-cannabis food or beverage products or sundries.
- Require all products to be placed in a secondary child resistant package before leaving the store
- No promotional items may be offered in association with the sales transaction.

##### **Related to Access:**

- The County Cannabis Zoning Ordinance should consider a requirement for physical separation between the entrance Lobby and the retail/display area.
- Recommend that the Health Ordinance stipulate that retail service be limited to single customer to single retail assistant at a time. Hence, may not serve multiple customers simultaneously, and that other customers must wait in the lobby until called back for service.
- ID and Age must be verified both upon entry into lobby area and prior to service in the retail area.

##### **No vending machines**

- No self-service vending machines for cannabis products of any kind.



## Retail Sales- Delivery

### Health Concerns:

**Selling to minors**

**Overdosing**

**Advertisements are not wanted, seen as promoting drugs**

**Giving product away**

**Edibles may not be handled properly for “food” safety reasons**

### State Law and Regulation that Address Health Concerns

- Delivery must be to a physical address and may not be made to any publicly owned facility or lands. This includes Tribal Lands, unless specially authorized by applicable tribal law.
- Employees must be 21 and over.
- Lawful ID required for delivery.
- Must be 21 for receipt of adult-use delivery
- Must be 18 and have a valid physician’s recommendation for medical or mixed use delivery
- **Product** cannot be given away, including no sampling
- No on-site use or consumption by staff
- Delivery Vehicles must be equipped with a dedicated and operational GPS Tracking system at all times.
- Delivery Vehicles
- A delivery receipt must be conveyed at the time of delivery.
- The delivery route may be from licensed premise of non-storefront retailer to delivery address and from delivery address to delivery address only. No deviation from route is permitted, with limited exceptions, due to road conditions, vehicle repair, rest stops, fuel. GPS System shall be use to track and data available to the Bureau for inspection.
- Limits to single/daily transactions –
- 28.5 grams of cannabis bud/leaf
- 8.0 grams of concentrated cannabis
- Organic certification program will be phased in
- All products must be sold in a child resistant packaging or placed in one before being delivered

### Recommendations for Additional Requirements in the Health Ordinance

#### Related to Permitting:

- Same as for retail storefront
- Restricted to locations and hours of operation consistent with proposed zoning ordinance.

#### Related to Access:

- ID and age must be affirmed by lawful proof of Identification.
- Delivery must be made in person, person to person and only to the age appropriate person who initiated the transaction.

#### Related to Warnings:

- The delivery employee must offer a separate written warning of accessibility by youth and warning to avoid use by pregnant and nursing women.



**Related to Products:**

- Same as for retail storefront.
- No promotional items may be offered in association with the sales transaction.

**Mico-Business**

**Health Concerns:**

**Same as for retail, and manufacturing.**

**State Law and Regulation that Address Health Concerns**

- To be eligible the licensee must engage in at least three of the following commercial activities: cultivation, manufacturing, distribution and retail sales.
- Presumably, same requirements as other commercial sectors; manufacturing, retail sales.

**Recommendations for Additional Requirements in the Health Ordinance**

**Consistent with recommendations from DCD, do not allow at this time.**

**If Micro-Business later becomes authorized under County Land Use Ordinance:**

- Apply same requirements and restrictions as for extraction and infusion manufacturing.
- Apply similar requirements and restrictions as for retail storefront.

**Temporary Cannabis Events:**

**Health Concerns:**

**Same as for retail.**

**Considerable concern for intoxication at event and operation of a motor vehicle post event.**

**State Law and Regulation that Address Health Concerns**

- Numerous requirements specific to event organizer.
- Requires a State temporary event license.
- Events limited to a 4 day duration.
- Sale of goods and consumption limited to persons age 21 and older.
- Sales of product limited to same as for Retail environment and limited to a retailer or microbusiness already authorized by State and Local Government.
- Sale and consumption of Alcohol and Tobacco is prohibited.
- Exit packaging required.
- Free Cannabis Goods are permitted, with some limitations.

**Recommendations for Additional Requirements in the Local Health Ordinance**

**Consistent with recommendations from DCD, prohibit Special or Temporary events at this time.**

**However if Board wishes to consider at a later date:**

- Limit event to 2 day duration
- Require local Health permit



- Limit products to same as for storefront retail.
- Limit access to event to persons 21 and older, both patrons and event employees
- Require posting of warnings regarding use by pregnant and nursing women and "Keep out of reach of children"
- Prohibit Advertising of event to a distance no less than 2,000 feet from all youth sensitive areas, including K-12 Schools, youth centers, parks, day care facilities, and drug treatment centers.
- Prohibit Free or discounted goods.
- Limit transaction sales on cannabis products to same as for storefront retail.
- Require "designated driver" and establish limits to cannabis service to those individuals.

## Public Use:

### Health Concerns:

Increased visibility of public use may lead to increased normalization effecting perception of risk of harm by youth. Second hand smoke from Cannabis has associated health risk.

### State Law and Regulation that Address Health Concerns

#### Proposition 64 – Prohibits:

- Smoke, vaporize or ingest cannabis or cannabis products in any public place.
- Smoke or vaporize cannabis in any non-smoking area or within 1,000 feet of a school, day care or youth center while children are present, except privately at a residence.
- Consume cannabis or possess an "open container" of cannabis while driving or riding as a passenger in any motor vehicle, boat, or airplane.

### Recommendations for Additional Requirements in the Health Ordinance

Other than consideration of prohibiting the smoking of cannabis on public sidewalks, which is not included in current tobacco control policy, most other uses in public places is currently banned under the County Tobacco Control Ordinance.

### County Tobacco Product Control Ordinance – Division 445

- **Product Definition Includes smoking of cannabis and use of electronic smoking devices**

### SECTION II. Section 445-4.004 of the County Ordinance Code :

**445-4.004 Prohibition of Smoking.** Smoking is prohibited in the following places within the unincorporated area of Contra Costa County:

- (a) Enclosed places of employment.
- (b) Enclosed public places.
- (c) Service areas.
- (d) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed places of employment, except while passing on the way to another destination.
- (e) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of enclosed public places, except while passing on the way to another destination.
- (f) The following outdoor areas:
  - (1) Outdoor dining areas at bars and restaurants.
  - (2) Outdoor lounges and outdoor dining areas at places of employment.



(3) Public trails and public parks.

(4) Public event venues.

(g) All multi-unit residence common areas, except that a landlord may designate a portion of an outdoor common area as a smoking area. A designated smoking area of an outdoor common area of a multi-unit residence must not overlap with any area where smoking is otherwise prohibited by local, state, or federal law; must be located at least twenty-five feet in all directions from non-smoking areas; must not include areas used primarily by children; must be no more than twenty-five percent of the total outdoor common area; must have a clearly marked perimeter; and must be identified by conspicuous signs.

(h) All areas within twenty feet of doors, windows, air ducts, and ventilation systems of multi-unit residences, except while passing on the way to another destination.

(i) All outdoor balconies, porches, decks, patios, and carports of multi-unit residences.

(j) All dwelling units in any multi-unit residence, except as otherwise provided in Section 445-4.006. (Ords. 2018-07 § 2, 2010-10 § 3, 2006-66 § 5, 91-44 § 2).

## Taxation

**Consider if a portion of local tax should be allocated to address Health concerns and impacts:**

### Local Health Service Concerns:

- Increase in demand for data and reports on County wide health impacts, including impacts on schools, youth and adult health, EMS and local health delivery system.
- As adult use increases so too will number of number of individuals seeking addiction treatment services. This will likely also effect youth and the demand for youth treatment services.
- Anticipate a demand for public information and public messaging regarding the potential adverse health effects.
- Predicable increase in psychosis associated with increased use of cannabis.

### Specific Suggestions:

- Fund a half time (or half the cost) of an Epidemiologist in Health Services dedicated to tracking injury related data and local impacts of cannabis use by youth and impacts on the larger health system. Require an annual report to Family and Human Services.
- Allocate \$50-100K annually to a public information and awareness campaign for the first 3 years following the effective date of the proposed Health ordinance. Reconsider thereafter.
- Fund a full time position in Behavioral Health, dedicated to ongoing coordination of Health Service efforts related to cannabis, including efforts and outreach to improve screening for persons at risk for cannabis related psychosis. Additionally this position would involve working with data, compiling reports, advising the public information campaign, facilitating public meetings, reporting to the Board and Sub- Committees and working with community stakeholder groups. As Behavioral Health anticipates an increase in demand for a person(s) with clinical responsibilities and skills related to early intervention / first onset Psychosis clinic, First Hope, the position proposed for consideration would best be served by an individual with clinical skills.





# **ATTACHMENT Z**

**NEW ENGLAND JOURNAL ARTICLE**

## REVIEW ARTICLE

Dan L. Longo, M.D., Editor

## Adverse Health Effects of Marijuana Use

Nora D. Volkow, M.D., Ruben D. Baler, Ph.D., Wilson M. Compton, M.D.,  
and Susan R.B. Weiss, Ph.D.

**I**N LIGHT OF THE RAPIDLY SHIFTING LANDSCAPE REGARDING THE LEGALIZATION of marijuana for medical and recreational purposes, patients may be more likely to ask physicians about its potential adverse and beneficial effects on health. The popular notion seems to be that marijuana is a harmless pleasure, access to which should not be regulated or considered illegal. Currently, marijuana is the most commonly used “illicit” drug in the United States, with about 12% of people 12 years of age or older reporting use in the past year and particularly high rates of use among young people.<sup>1</sup> The most common route of administration is inhalation. The greenish-gray shredded leaves and flowers of the *Cannabis sativa* plant are smoked (along with stems and seeds) in cigarettes, cigars, pipes, water pipes, or “blunts” (marijuana rolled in the tobacco-leaf wrapper from a cigar). Hashish is a related product created from the resin of marijuana flowers and is usually smoked (by itself or in a mixture with tobacco) but can be ingested orally. Marijuana can also be used to brew tea, and its oil-based extract can be mixed into food products.

The regular use of marijuana during adolescence is of particular concern, since use by this age group is associated with an increased likelihood of deleterious consequences<sup>2</sup> (Table 1). Although multiple studies have reported detrimental effects, others have not, and the question of whether marijuana is harmful remains the subject of heated debate. Here we review the current state of the science related to the adverse health effects of the recreational use of marijuana, focusing on those areas for which the evidence is strongest.

## ADVERSE EFFECTS

## RISK OF ADDICTION

Despite some contentious discussions regarding the addictiveness of marijuana, the evidence clearly indicates that long-term marijuana use can lead to addiction. Indeed, approximately 9% of those who experiment with marijuana will become addicted<sup>3</sup> (according to the criteria for dependence in the *Diagnostic and Statistical Manual of Mental Disorders*, 4th edition [DSM-IV]). The number goes up to about 1 in 6 among those who start using marijuana as teenagers and to 25 to 50% among those who smoke marijuana daily.<sup>4</sup> According to the 2012 National Survey on Drug Use and Health, an estimated 2.7 million people 12 years of age and older met the DSM-IV criteria for dependence on marijuana, and 5.1 million people met the criteria for dependence on any illicit drug<sup>1</sup> (8.6 million met the criteria for dependence on alcohol<sup>1</sup>). There is also recognition of a bona fide cannabis withdrawal syndrome<sup>5</sup> (with symptoms that include irritability, sleeping difficulties, dysphoria, craving, and anxiety), which makes cessation difficult and contributes to relapse. Marijuana use by adolescents is particularly troublesome. Adolescents' increased vulnerability to adverse long-term outcomes from marijuana use is probably related

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**Table 1. Adverse Effects of Short-Term Use and Long-Term or Heavy Use of Marijuana.**

<p><b>Effects of short-term use</b></p> <p>Impaired short-term memory, making it difficult to learn and to retain information</p> <p>Impaired motor coordination, interfering with driving skills and increasing the risk of injuries</p> <p>Altered judgment, increasing the risk of sexual behaviors that facilitate the transmission of sexually transmitted diseases</p> <p>In high doses, paranoia and psychosis</p> <p><b>Effects of long-term or heavy use</b></p> <p>Addiction (in about 9% of users overall, 17% of those who begin use in adolescence, and 25 to 50% of those who are daily users)*</p> <p>Altered brain development*</p> <p>Poor educational outcome, with increased likelihood of dropping out of school*</p> <p>Cognitive impairment, with lower IQ among those who were frequent users during adolescence*</p> <p>Diminished life satisfaction and achievement (determined on the basis of subjective and objective measures as compared with such ratings in the general population)*</p> <p>Symptoms of chronic bronchitis</p> <p>Increased risk of chronic psychosis disorders (including schizophrenia) in persons with a predisposition to such disorders</p>
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\* The effect is strongly associated with initial marijuana use early in adolescence.

to the fact that the brain, including the endocannabinoid system, undergoes active development during adolescence.<sup>6</sup> Indeed, early and regular marijuana use predicts an increased risk of marijuana addiction, which in turn predicts an increased risk of the use of other illicit drugs.<sup>7</sup> As compared with persons who begin to use marijuana in adulthood, those who begin in adolescence are approximately 2 to 4 times as likely to have symptoms of cannabis dependence within 2 years after first use.<sup>8</sup>

#### EFFECT ON BRAIN DEVELOPMENT

The brain remains in a state of active, experience-guided development from the prenatal period through childhood and adolescence until the age of approximately 21 years.<sup>9</sup> During these developmental periods, it is intrinsically more vulnerable than a mature brain to the adverse long-term effects of environmental insults, such as exposure to tetrahydrocannabinol, or THC, the primary active ingredient in marijuana. This view has received considerable support from studies in animals, which have shown, for example, that prenatal or adolescent exposure to

THC can recalibrate the sensitivity of the reward system to other drugs<sup>10</sup> and that prenatal exposure interferes with cytoskeletal dynamics, which are critical for the establishment of axonal connections between neurons.<sup>11</sup>

As compared with unexposed controls, adults who smoked marijuana regularly during adolescence have impaired neural connectivity (fewer fibers) in specific brain regions. These include the precuneus, a key node that is involved in functions that require a high degree of integration (e.g., alertness and self-conscious awareness), and the fimbria, an area of the hippocampus that is important in learning and memory.<sup>12</sup> Reduced functional connectivity has also been reported in the prefrontal networks responsible for executive function (including inhibitory control) and the subcortical networks, which process habits and routines.<sup>13</sup> In addition, imaging studies in persons who use cannabis have revealed decreased activity in prefrontal regions and reduced volumes in the hippocampus.<sup>14</sup> Thus, certain brain regions may be more vulnerable than others to the long-term effects of marijuana. One study showed that selective down-regulation of cannabinoid-1 (CB1) receptors in several cortical brain regions in long-term marijuana smokers was correlated with years of cannabis smoking and was reversible after 4 weeks of abstinence.<sup>15</sup> Changes in CB1 receptors were not seen in subcortical regions.

The negative effect of marijuana use on the functional connectivity of the brain is particularly prominent if use starts in adolescence or young adulthood,<sup>12</sup> which may help to explain the finding of an association between frequent use of marijuana from adolescence into adulthood and significant declines in IQ.<sup>16</sup> The impairments in brain connectivity associated with exposure to marijuana in adolescence are consistent with preclinical findings indicating that the cannabinoid system plays a prominent role in synapse formation during brain development.<sup>17</sup>

#### POSSIBLE ROLE AS GATEWAY DRUG

Epidemiologic and preclinical data suggest that the use of marijuana in adolescence could influence multiple addictive behaviors in adulthood. In rodents exposed to cannabinoids during adolescence, there is decreased reactivity of the dopamine neurons that modulate the brain's reward regions.<sup>18</sup> The exposure of rodents to

cannabis in utero alters the developmental regulation of the mesolimbic dopamine system of affected offspring.<sup>19</sup> If reduced dopamine reactivity in the brain's reward regions does follow early exposure to marijuana, this effect could help to explain the increased susceptibility to drug abuse and addiction to several drugs later in life, which has been reported in most epidemiologic studies.<sup>20</sup> This theory is also consistent with animal models showing that THC can prime the brain for enhanced responses to other drugs.<sup>21</sup> Although these findings support the idea that marijuana is a gateway drug, other drugs, such as alcohol and nicotine, can also be categorized as gateway drugs, since they also prime the brain for a heightened response to other drugs.<sup>22</sup> However, an alternative explanation is that people who are more susceptible to drug-taking behavior are simply more likely to start with marijuana because of its accessibility and that their subsequent social interactions with other drug users would increase the probability that they would try other drugs.

#### RELATION TO MENTAL ILLNESS

Regular marijuana use is associated with an increased risk of anxiety and depression,<sup>23</sup> but causality has not been established. Marijuana is also linked with psychoses (including those associated with schizophrenia), especially among people with a preexisting genetic vulnerability,<sup>24</sup> and exacerbates the course of illness in patients with schizophrenia. Heavier marijuana use, greater drug potency, and exposure at a younger age can all negatively affect the disease trajectory (e.g., by advancing the time of a first psychotic episode by 2 to 6 years).<sup>25</sup>

However, it is inherently difficult to establish causality in these types of studies because factors other than marijuana use may be directly associated with the risk of mental illness. In addition, other factors could predispose a person to both marijuana use and mental illness. This makes it difficult to confidently attribute the increased risk of mental illness to marijuana use.

#### EFFECT ON SCHOOL PERFORMANCE AND LIFETIME ACHIEVEMENT

In the 2013 Monitoring the Future survey of high-school students,<sup>26</sup> 6.5% of students in grade 12 reported daily or near-daily marijuana use, and this figure probably represents an underesti-

mate of use, since young people who have dropped out of school may have particularly high rates of frequent marijuana use.<sup>27</sup> Since marijuana use impairs critical cognitive functions, both during acute intoxication and for days after use,<sup>28</sup> many students could be functioning at a cognitive level that is below their natural capability for considerable periods of time. Although acute effects may subside after THC is cleared from the brain, it nonetheless poses serious risks to health that can be expected to accumulate with long-term or heavy use. The evidence suggests that such use results in measurable and long-lasting cognitive impairments,<sup>16</sup> particularly among those who started to use marijuana in early adolescence. Moreover, failure to learn at school, even for short or sporadic periods (a secondary effect of acute intoxication), will interfere with the subsequent capacity to achieve increasingly challenging educational goals, a finding that may also explain the association between regular marijuana use and poor grades.<sup>29</sup>

The relationship between cannabis use by young people and psychosocial harm is likely to be multifaceted, which may explain the inconsistencies among studies. For example, some studies suggest that long-term deficits may be reversible and remain subtle rather than disabling once a person abstains from use.<sup>30</sup> Other studies show that long-term, heavy use of marijuana results in impairments in memory and attention that persist and worsen with increasing years of regular use<sup>31</sup> and with the initiation of use during adolescence.<sup>32</sup> As noted above, early marijuana use is associated with impaired school performance and an increased risk of dropping out of school,<sup>27,29</sup> although reports of shared environmental factors that influence the risks of using cannabis at a young age and dropping out of school<sup>33</sup> suggest that the relationship may be more complex. Heavy marijuana use has been linked to lower income, greater need for socioeconomic assistance, unemployment, criminal behavior, and lower satisfaction with life.<sup>2,34</sup>

#### RISK OF MOTOR-VEHICLE ACCIDENTS

Both immediate exposure and long-term exposure to marijuana impair driving ability; marijuana is the illicit drug most frequently reported in connection with impaired driving and accidents, including fatal accidents.<sup>35</sup> There is a relationship between the blood THC concentration

and performance in controlled driving-simulation studies,<sup>36</sup> which are a good predictor of real-world driving ability. Recent marijuana smoking and blood THC levels of 2 to 5 ng per milliliter are associated with substantial driving impairment.<sup>37</sup> According to a meta-analysis, the overall risk of involvement in an accident increases by a factor of about 2 when a person drives soon after using marijuana.<sup>37</sup> In an accident culpability analysis, persons testing positive for THC (typical minimum level of detection, 1 ng per milliliter), and particularly those with higher blood levels, were 3 to 7 times as likely to be responsible for a motor-vehicle accident as persons who had not used drugs or alcohol before driving.<sup>38</sup> In comparison, the overall risk of a vehicular accident increases by a factor of almost 5 for drivers with a blood alcohol level above 0.08%, the legal limit in most countries, and increases by a factor of 27 for persons younger than 21 years of age.<sup>39</sup> Not surprisingly, the risk associated with the use of alcohol in combination with marijuana appears to be greater than that associated with the use of either drug alone.<sup>37</sup>

#### RISK OF CANCER AND OTHER EFFECTS ON HEALTH

The effects of long-term marijuana smoking on the risk of lung cancer are unclear. For example, the use of marijuana for the equivalent of 30 or more joint-years (with 1 joint-year of marijuana use equal to 1 cigarette [joint] of marijuana smoked per day for 1 year) was associated with an increased incidence of lung cancer and several cancers of the upper aerodigestive tract; however, the association disappeared after adjustment for potential confounders such as cigarette smoking.<sup>40</sup> Although the possibility of a positive association between marijuana smoking and cancer cannot be ruled out,<sup>41</sup> the evidence suggests that the risk is lower with marijuana than with tobacco.<sup>40</sup> However, the smoking of cigarettes that contain both marijuana and tobacco products is a potential confounding factor with a prevalence that varies dramatically among countries.

Marijuana smoking is also associated with inflammation of the large airways, increased airway resistance, and lung hyperinflation, associations that are consistent with the fact that regular marijuana smokers are more likely to report symptoms of chronic bronchitis than are nonsmokers<sup>42</sup>; however, the long-term effect of low levels of marijuana exposure does not ap-

pear to be significant.<sup>43</sup> The immunologic competence of the respiratory system in marijuana smokers may also be compromised, as indicated by increased rates of respiratory infections and pneumonia.<sup>44</sup> Marijuana use has also been associated with vascular conditions that increase the risks of myocardial infarction, stroke, and transient ischemic attacks during marijuana intoxication.<sup>45</sup> The actual mechanisms underlying the effects of marijuana on the cardiovascular and cerebrovascular systems are complex and not fully understood. However, the direct effects of cannabinoids on various target receptors (i.e., CB1 receptors in arterial blood vessels) and the indirect effects on vasoactive compounds<sup>46</sup> may help explain the detrimental effects of marijuana on vascular resistance and coronary microcirculation.<sup>47</sup>

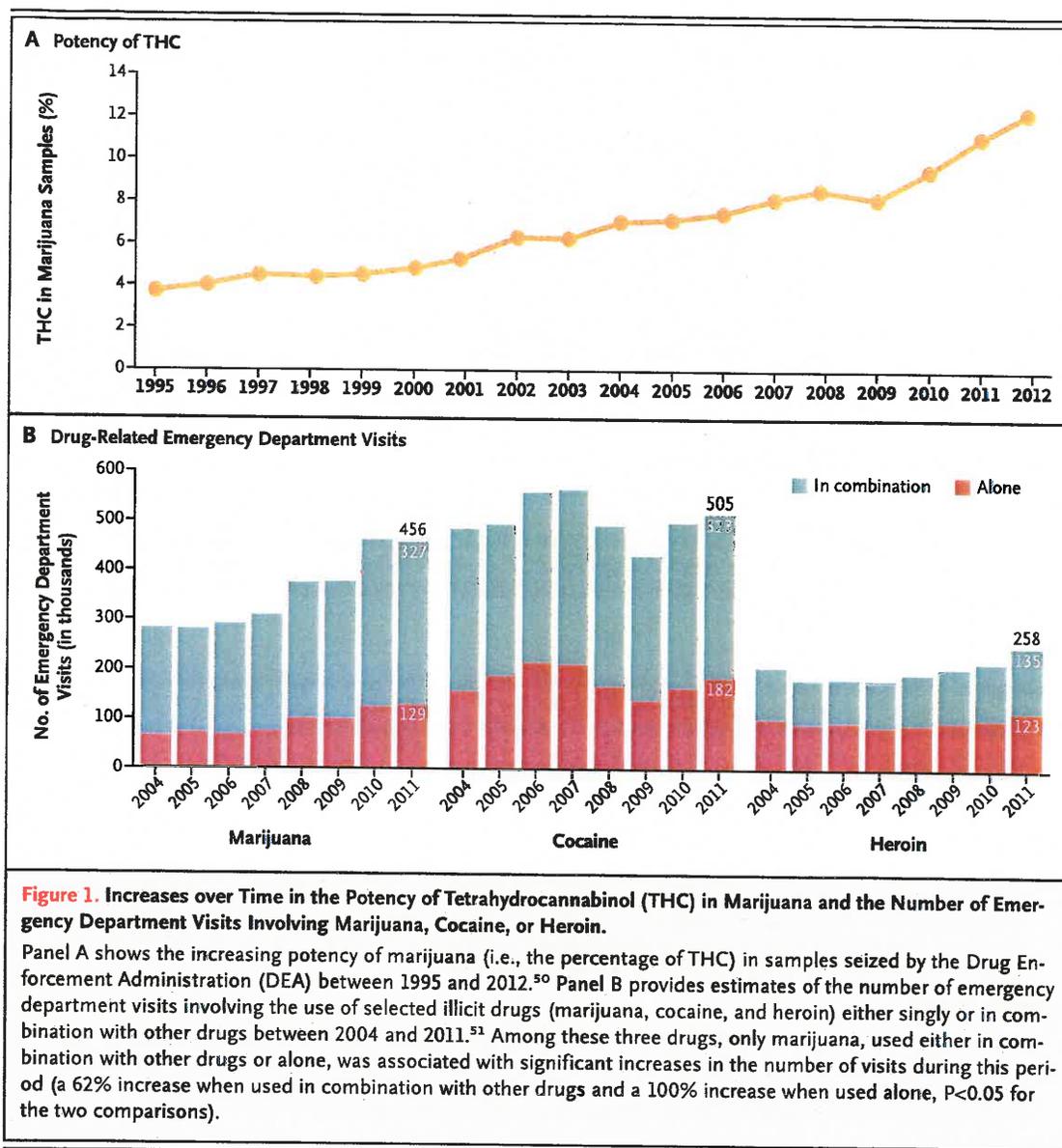
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#### LIMITATIONS OF THE EVIDENCE AND GAPS IN KNOWLEDGE

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Most of the long-term effects of marijuana use that are summarized here have been observed among heavy or long-term users, but multiple (often hidden) confounding factors detract from our ability to establish causality (including the frequent use of marijuana in combination with other drugs). These factors also complicate our ability to assess the true effect of intrauterine exposure to marijuana. Indeed, despite the use of marijuana by pregnant women,<sup>48</sup> and animal models suggesting that cannabis exposure during pregnancy may alter the normal processes and trajectories of brain development,<sup>49</sup> our understanding of the long-term effects of prenatal exposure to marijuana in humans is very poor.

The THC content, or potency, of marijuana, as detected in confiscated samples, has been steadily increasing from about 3% in the 1980s to 12% in 2012<sup>50</sup> (Fig. 1A). This increase in THC content raises concerns that the consequences of marijuana use may be worse now than in the past and may account for the significant increases in emergency department visits by persons reporting marijuana use<sup>51</sup> (Fig. 1B) and the increases in fatal motor-vehicle accidents.<sup>35</sup> This increase in THC potency over time also raises questions about the current relevance of the findings in older studies on the effects of marijuana use, especially studies that assessed long-term outcomes.



There is also a need to improve our understanding of how to harness the potential medical benefits of the marijuana plant without exposing people who are sick to its intrinsic risks. The authoritative report by the Institute of Medicine, *Marijuana and Medicine*,<sup>52</sup> acknowledges the potential benefits of smoking marijuana in stimulating appetite, particularly in patients with the acquired immunodeficiency syndrome (AIDS) and the related wasting syndrome, and in combating chemotherapy-induced nausea and vomiting, severe pain, and some forms of spasticity. The report also indicates that there is some evidence for the benefit of using marijuana

to decrease intraocular pressure in the treatment of glaucoma. Nonetheless, the report stresses the importance of focusing research efforts on the therapeutic potential of synthetic or pharmaceutically pure cannabinoids.<sup>52</sup> Some physicians continue to prescribe marijuana for medicinal purposes despite limited evidence of a benefit (see box). This practice raises particular concerns with regard to long-term use by vulnerable populations. For example, there is some evidence to suggest that in patients with symptoms of human immunodeficiency virus (HIV) infection or AIDS, marijuana use may actually exacerbate HIV-associated cognitive deficits.<sup>75</sup> Simi-

**Clinical Conditions with Symptoms That May Be Relieved by Treatment with Marijuana or Other Cannabinoids.\*****Glaucoma**

Early evidence of the benefits of marijuana in patients with glaucoma (a disease associated with increased pressure in the eye) may be consistent with its ability to effect a transient decrease in intraocular pressure,<sup>53,54</sup> but other, standard treatments are currently more effective. THC, cannabidiol, and nabilone (a synthetic cannabinoid similar to THC), but not cannabidiol, were shown to lower intraocular pressure in rabbits.<sup>55,56</sup> More research is needed to establish whether molecules that modulate the endocannabinoid system may not only reduce intraocular pressure but also provide a neuroprotective benefit in patients with glaucoma.<sup>57</sup>

**Nausea**

Treatment of the nausea and vomiting associated with chemotherapy was one of the first medical uses of THC and other cannabinoids.<sup>58</sup> THC is an effective antiemetic agent in patients undergoing chemotherapy,<sup>59</sup> but patients often state that marijuana is more effective in suppressing nausea. Other, unidentified compounds in marijuana may enhance the effect of THC (as appears to be the case with THC and cannabidiol, which operate through different antiemetic mechanisms).<sup>60</sup> Paradoxically, increased vomiting (hyperemesis) has been reported with repeated marijuana use.

**AIDS-associated anorexia and wasting syndrome**

Reports have indicated that smoked or ingested cannabis improves appetite and leads to weight gain and improved mood and quality of life among patients with AIDS.<sup>61</sup> However, there is no long-term or rigorous evidence of a sustained effect of cannabis on AIDS-related morbidity and mortality, with an acceptable safety profile, that would justify its incorporation into current clinical practice for patients who are receiving effective antiretroviral therapy.<sup>62</sup> Data from the few studies that have explored the potential therapeutic value of cannabinoids for this patient population are inconclusive.<sup>62</sup>

**Chronic pain**

Marijuana has been used to relieve pain for centuries. Studies have shown that cannabinoids acting through central CB1 receptors, and possibly peripheral CB1 and CB2 receptors,<sup>63</sup> play important roles in modeling nociceptive responses in various models of pain. These findings are consistent with reports that marijuana may be effective in ameliorating neuropathic pain,<sup>64,65</sup> even at very low levels of THC (1.29%).<sup>66</sup> Both marijuana and dronabinol, a pharmaceutical formulation of THC, decrease pain, but dronabinol may lead to longer-lasting reductions in pain sensitivity and lower ratings of rewarding effects.<sup>67</sup>

**Inflammation**

Cannabinoids (e.g., THC and cannabidiol) have substantial antiinflammatory effects because of their ability to induce apoptosis, inhibit cell proliferation, and suppress cytokine production.<sup>68</sup> Cannabidiol has attracted particular interest as an antiinflammatory agent because of its lack of psychoactive effects.<sup>58</sup> Animal models have shown that cannabidiol is a promising candidate for the treatment of rheumatoid arthritis<sup>58</sup> and for inflammatory diseases of the gastrointestinal tract (e.g., ulcerative colitis and Crohn's disease).<sup>69</sup>

**Multiple sclerosis**

Nabiximols (Sativex, GW Pharmaceuticals), an oromucosal spray that delivers a mix of THC and cannabidiol, appears to be an effective treatment for neuropathic pain, disturbed sleep, and spasticity in patients with multiple sclerosis. Sativex is available in the United Kingdom, Canada, and several other countries<sup>70,71</sup> and is currently being reviewed in phase 3 trials in the United States in order to gain approval from the Food and Drug Administration.

**Epilepsy**

In a recent small survey of parents who use marijuana with a high cannabidiol content to treat epileptic seizures in their children,<sup>72</sup> 11% (2 families out of the 19 that met the inclusion criteria) reported complete freedom from seizures, 42% (8 families) reported a reduction of more than 80% in seizure frequency, and 32% (6 families) reported a reduction of 25 to 60% in seizure frequency. Although such reports are promising, insufficient safety and efficacy data are available on the use of cannabis botanicals for the treatment of epilepsy.<sup>73</sup> However, there is increasing evidence of the role of cannabidiol as an antiepileptic agent in animal models.<sup>74</sup>

\* AIDS denotes acquired immunodeficiency syndrome, CB1 cannabinoid-1 receptor, and CB2 cannabinoid-2 receptor, HIV human immunodeficiency virus, and THC tetrahydrocannabinol.

larly, more research is needed to understand the potential effects of marijuana use on age-related cognitive decline in general and on memory impairment in particular.

Research is needed on the ways in which government policies on marijuana affect public health outcomes. Our understanding of the ef-

fects of policy on market forces is quite limited (e.g., the allure of new tax-revenue streams from the legal sale of marijuana, pricing wars, youth-targeted advertising, and the emergence of cannabis-based medicines approved by the Food and Drug Administration), as is our understanding of the interrelated variables of perceptions about

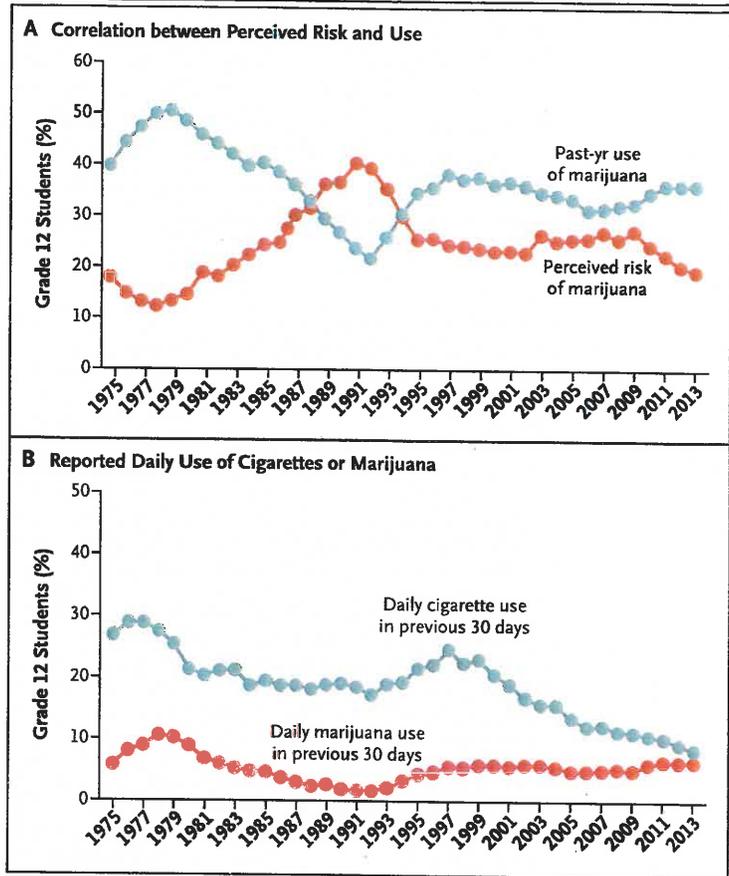
**Figure 2.** Use of Marijuana in Relation to Perceived Risk and Daily Use of Tobacco Cigarettes or Marijuana among U.S. Students in Grade 12, 1975–2013.

Panel A shows the inverse correlation between the perception of the risk associated with marijuana use and actual use. Perceived risk corresponds to the percentage of teenagers who reported that the use of marijuana is dangerous. Panel B shows the percentage of students who reported daily use of tobacco cigarettes or marijuana in the previous 30 days. Data for both graphs are from Johnston et al.<sup>26</sup>

use, types of use, and outcomes. Historically, there has been an inverse correlation between marijuana use and the perception of its risks among adolescents (Fig. 2A). Assuming that this inverse relationship is causal, would greater permissiveness in culture and social policy lead to an increase in the number of young people who are exposed to cannabis on a regular basis? Among students in grade 12, the reported prevalence of regular marijuana smoking has been steadily increasing in recent years and may soon intersect the trend line for regular tobacco smoking (Fig. 2B). We also need information about the effects of second-hand exposure to cannabis smoke and cannabinoids. Second-hand exposure is an important public health issue in the context of tobacco smoking, but we do not have a clear understanding of the effects of second-hand exposure to marijuana smoking.<sup>76</sup> Studies in states (e.g., Colorado, California, and Washington) and countries (e.g., Uruguay, Portugal, and the Netherlands) where social and legal policies are shifting may provide important data for shaping future policies.

## CONCLUSIONS

Marijuana use has been associated with substantial adverse effects, some of which have been determined with a high level of confidence (Table 2). Marijuana, like other drugs of abuse, can result in addiction. During intoxication, marijuana can interfere with cognitive function (e.g., memory and perception of time) and motor function (e.g., coordination), and these effects can have detrimental consequences (e.g., motor-vehicle accidents). Repeated marijuana use during adolescence may result in long-lasting changes in brain function that can jeopardize educational, professional, and social achievements. However, the ef-



**Table 2.** Level of Confidence in the Evidence for Adverse Effects of Marijuana on Health and Well-Being.

Effect	Overall Level of Confidence*
Addiction to marijuana and other substances	High
Abnormal brain development	Medium
Progression to use of other drugs	Medium
Schizophrenia	Medium
Depression or anxiety	Medium
Diminished lifetime achievement	High
Motor vehicle accidents	High
Symptoms of chronic bronchitis	High
Lung cancer	Low

\* The indicated overall level of confidence in the association between marijuana use and the listed effects represents an attempt to rank the strength of the current evidence, especially with regard to heavy or long-term use and use that starts in adolescence.

fects of a drug (legal or illegal) on individual health are determined not only by its pharmacologic properties but also by its availability and social acceptability. In this respect, legal drugs

(alcohol and tobacco) offer a sobering perspective, accounting for the greatest burden of disease associated with drugs<sup>77</sup> not because they are more dangerous than illegal drugs but because their legal status allows for more widespread exposure. As policy shifts toward legalization of marijuana, it is reasonable and probably prudent

to hypothesize that its use will increase and that, by extension, so will the number of persons for whom there will be negative health consequences.

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Disclosure forms provided by the authors are available with the full text of this article at NEJM.org.

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# **ATTACHMENT AA**

**MAY 8, 2018**

**COUNTY ADMINISTRATOR'S OFFICE**

**BOARD ORDER**



Contra  
Costa  
County

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: May 8, 2018

Subject: FRAMEWORK FOR CANNABIS TAXATION ORDINANCE

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**RECOMMENDATION(S):**

CONSIDER options for the taxation of cannabis activities in the County's unincorporated area and PROVIDE direction to staff on development of a County ordinance and ballot measure.

**FISCAL IMPACT:**

State law authorizes counties to recover the costs of implementing a cannabis licensing and regulatory program (permitting and inspections) through fees. Taxes may be used to pay for other associated costs related to tax administration, code enforcement, law enforcement, health impacts and education, environmental cleanup and mitigation, and other costs borne by the County that are not directly attributable to services provided to a permittee.

Implementation of cannabis regulatory and taxation programs will have associated new costs and revenues that cannot be accurately predicted. The amount of tax revenue that might be generated is uncertain because the number of permitted businesses, the size of each cultivation and the amount of gross receipts generated by each business is largely

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APPROVE

OTHER

RECOMMENDATION OF CNTY  
ADMINISTRATOR

RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: 05/08/2018  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 8, 2018

Contact: Julie DiMaggio  
Enea (925) 335-1077

David J. Twa, County Administrator and Clerk of the Board of  
Supervisors

By: , Deputy

cc: CAO, DCD, Treasurer-Tax Collector, County Counsel

unknown. Gross receipts alone may vary based on variables such as crop yields and wholesale prices. Estimating the size of an illegal market is difficult, as is estimating how many

## FISCAL IMPACT: (CONT'D)

consumers will switch to the legal market when it is available.

While the revenue can be significant over time, it takes a lead time to develop. Revenues increased gradually in other jurisdictions, both as consumers became familiar with the new system and after state and local authorities spent time and money setting up new frameworks and regulatory infrastructure.

With that preface, revenue estimates are attached as **Exhibits 5 and 6**, and developed based on analyses prepared by the County's consultant, HdL Companies, Inc. These estimates are provided primarily to illustrate the number of variables involved in estimating cannabis tax revenue and speculative nature of assumptions that must be made to develop any cannabis tax revenue estimate. **The Board is advised to not to rely on these estimates for purposes of budgeting for critical public services.**

## BACKGROUND:

On April 25, 2018, the Board approved the Draft Framework for Regulating Cannabis in the Unincorporated Area of Contra Costa County, and received a staff report covering zoning and health issues. This action was preceded by detailed Board discussions on November 14, 2017, October 24, 2017, July 18, 2017 and April 25, 2017, and a robust public outreach program that comprised nearly 30 public presentations throughout the county. The Board, in April 2018, made revisions to the general permit terms; placed limits on the number of cultivation permits, retail storefront permits, and stand-alone manufacturing permits in a agricultural zone, and decided to use a Request for Proposals process for those activities; selected buffers from other sensitive land uses; selected criteria for outdoor personal cultivation; and authorized delivery of cannabis in the unincorporated county area, among other changes to the earlier draft regulatory framework.

On July 18, 2017, the Board of Supervisors reviewed options for a cannabis taxation study and authorized the hiring of consultant Hinderliter, de Llamas & Associates (dba HdL Companies) to prepare a study with recommendations on taxation of various permitted activities. On October 24, 2017, the Board received a presentation by Hinderliter de Llamas (HdL) on the fiscal analysis (**Exhibit 1**) they prepared for the County on cannabis taxation options. The HdL analysis identified tax options and revenue estimates for the various types of cannabis businesses that could operate in the unincorporated County, and identified local economic impacts of the cannabis industry. The analysis also considered financial constraints, including the overall tax and regulatory burden, which may affect both the industry's long-term stability and its ability to successfully transition to a legal, regulated paradigm that can outcompete the existing black market. The analysis also provided initial information on estimated costs of regulation and enforcement.

With the April 25 approval of the zoning regulatory framework, staff and HdL have prepared a presentation (**Exhibit 2**) for the Board's discussion today regarding the development of a County unincorporated area cannabis taxation program and ballot initiative for the November 2018 election. Specifically, staff is looking for the Board's direction on the following policy and administrative questions, as well as guidance on any other issues that might pertain to development of a tax ordinance:

1. Does the Board prefer to base a cultivation tax on canopy size (s/f) or gross receipts (\$\$)?
2. If the Board chooses to tax cultivation based on canopy size, will it be the maximum canopy permitted or only on the area cultivated each quarter?
3. At what rate(s) will the Board tax cannabis businesses, e.g., level of taxation for each activity within the supply chain?
4. Will the initial tax levy be set equal to the maximum taxing authority or at lesser, introductory rates?
5. If the initial tax levy will be at rates lower than the maximum rates, does the Board prefer to phase increases on a fixed schedule or leave it open to future consideration?
6. To what extent, if any, does the Board want to do outreach to, and tax enforcement of, known or discovered unregulated cannabis businesses?
7. Tax appeal process: Shall the Tax Administrator's decision be final or shall there be a second and final level of appeal to the Board of Supervisors?
8. Will the Board appropriate revenue to cover department administrative and enforcement costs not recoverable through fees?

## **1. Method for Taxing Cannabis Cultivators**

The primary methods for taxing cultivation are by square footage of the canopy and by gross receipts. Following is a discussion of both methods. HdL has recommended a canopy tax.

Square Footage of Canopy. This is a tax rate applied to the square footage allowed by the approved permit. The tax can be designed to apply to either the permitted canopy or the actual canopy being grown on a particular day in a tax reporting quarter. State law defines canopy as the designated area described in the license (or permit) that will contain mature plants at any point in time. The advantage of a canopy tax to the County is that the revenue is predictable, stable and, comparatively, simpler to administer.

A disadvantage for growers involves the effective tax rate, or the amount of tax when compared to a cultivator's revenue. With a canopy tax, the effective tax varies depending on the amount produced (volume), the quality of the product, the wholesale price and other environmental impacts. For example, cultivators starting out, cultivators producing a lower quality product, or cultivators producing a strain with less density will experience a higher effective tax rate because their revenues are low. The result is a regressive tax system. However, the regressive nature of the tax dissipates as the cultivator's revenue reaches a certain breakeven point.

With a canopy tax, there is no guarantee the cultivator's business produces enough

resources to pay the tax. This is especially true during the first year harvest. A few mitigating suggestions include delaying the tax just for cultivation for one year, timing the tax payment with the harvest season or including a payment deferral program.

Some growers have argued that a canopy tax is unfair because it forces growers to pay the tax even if they experience crop losses, such as with a fire or other natural disaster. Another argument often voiced by growers in opposition of a canopy tax is that a tax based on the permitted square footage of their facility instead of the actual square footage cultivated ignores those permits which contain square footage expressly included for future expansion. Also, another argument against is that a canopy tax does not account for growers who cultivate and harvest for a fraction of a year. If the Board so chooses to mitigate those concerns, the County ordinance could include provisions for temporary relief from the tax requirement when a disaster causes crop losses or when the full permitted canopy will not be cultivated.

Gross Receipts. This is a tax on the gross receipts of the cultivator similar to that imposed on retail dispensaries, manufacturers and distributors. Tax revenue will fluctuate depending on production levels, product quality, crop yield, wholesale prices and other environmental factors. One negative aspect of the gross receipts method is that it is sensitive to the growing cycle, which would cause cyclical revenue streams and tax revenues throughout the fiscal year. This could create a cash flow problem if tax revenues fund recurring costs like salaries and benefits.

Gross receipt taxes are progressive in that cultivators pay taxes only on the product they produce, sell, and which generate revenue. The levy of a gross receipts tax is in proportion to each operator's revenue. However, every dollar of revenue earned by the cultivator carries a tax burden to the County; there is no cap on taxes like there is with the canopy tax. As a result, the effective tax rate may be higher under a gross receipts tax for high producing growers than it might be under a canopy tax.

Note the gross receipts tax is on gross receipts and not on profits.

## **2. Cultivation Tax Based on Canopy Size: Permitted Canopy or Cultivated Canopy**

This decision applies only to a canopy tax and not a gross receipts tax. Generally, the decision distills to choosing a tax that is predictable, stable and easy to administer, but not sensitive to a grower's revenue cycle vs. a tax that is sensitive to the grower's revenue cycle but more difficult to administer and forecast. With the Board's previous decision to cap cultivation to 10 for the first two years, the choice between these two methods may be less relevant, as it is much more likely that the 10 approved businesses will cultivate the full canopy.

Permitted Canopy. The simplest method based on the definition of canopy in state law would be to apply the tax to the permitted canopy. The permitted canopy is a known factor and would be the simplest to administer. This method produces a predictable and

stable level of tax because the tax applies without regard to production or sales. As a predictable and stable method of taxation, the County can responsibly direct tax revenues towards recurring expenses resulting from cannabis impacts and is generally simple to calculate and administer. It results in a fixed cost for the cultivator. Once reaching a break-even point, additional gross receipts of the cultivator contribute directly to the business's other costs or add to its profits.

A tax on the full canopy may present a hardship for cultivators who, for whatever reason, do not plant the full canopy. However, the canopy tax could be set low enough initially to provide ease of entry into this market and a fixed and known cost for cultivators. A significant advantage is knowing the tax burden prior to license approval. In addition, this method indirectly caps the tax because of state laws limiting canopy sizes.

Cultivated Canopy. The square footage of the cultivated canopy can vary greatly from quarter to quarter, particularly for an outdoor cultivation. There may be many reasons why the full permitted canopy is not cultivated at any given time. Some will argue that this creates a complex tax structure difficult to administer and resulting in unpredictable tax revenues year after year. How can the County select a point in time from which to measure the canopy and calculate the tax that will produce fair and equitable results for all growers in Contra Costa County? The answer is we cannot if we are basing the tax on the actual cultivated canopy. This tax method would require cultivators to declare in advance the square footage to be cultivated and may require inspections to validate the cultivated area. This method would be more complex to administer and susceptible to underreporting, but may be viewed as the fairer method by cultivators.

### **3. Tax Rate for Each Activity**

The distinct license types enable taxation at many points throughout the supply chain, including cultivation, lab testing, distribution, manufacturing, retail and delivery. Tax rates can be set to incentivize or discourage different activities. The County should establish tax rates high enough to produce sufficient revenues to offset the cost of administering the tax and enforcing the unregulated market. Conversely, the County should set the tax rates low enough to avoid overtaxing this new and emerging industry. If the tax burden combining local and state taxes is too high, it may lead to an unsustainable cannabis industry in Contra Costa County. Some businesses may opt to relocate their businesses to a lower taxing jurisdiction or seek out the black market for sale of their product. **Exhibit 3** illustrates the tax program that HdL has recommended for Contra Costa County. **Exhibit 4** illustrates the cumulative state and local tax burden should the Board decide to adopt HdL's recommended tax rates. Industry experts generally agree that the maximum cumulative tax burden should not exceed 30% to create a sustainable legal cannabis market.

Another policy decision is setting the rate low or eliminating the tax altogether for license types that are desirable in our County. Another consideration is to set a tax rate that discourages migration to other lower taxing jurisdictions or at least nullifies the impact

between adjacent jurisdictions.

#### **4 & 5. Introductory and Maximum Tax Rates and Phasing in Increases**

Other options commonly under consideration when choosing a cannabis tax rate include:

- Set the tax rate low with the option of the Board of Supervisors to increase the rate, sometimes after the expiration of a certain number of years to allow the industry to stabilize.
- Index the tax rate for inflation, also after a number of years.
- Set a minimum and a maximum tax rate and allow the Board of Supervisors to select the appropriate tax rate given the circumstances and experience.

The tax rate on cannabis businesses may be phased in, starting lower and increasing incrementally over a number of years before reaching the final amount. Initially, there are likely to be substantial startup costs for companies coming into compliance, and a lower introductory tax rate could help to offset these expenses and encourage more businesses to enter the legal market. By proposing a phased approach initially, the County need only go to the voters once as opposed to each time it looks to increase the tax rate. Another option is to obtain approval from the voters to tax at a higher rate and then voluntarily tax the industry at a lower rate during the startup phase.

Staff advises building flexibility into the taxing framework allowing adjustments if needed over time as this industry matures. Such a framework makes the tax rate scalable and responsive to what happens in our county. The Board will have discretion to raise rates in the future up to a voter-approved maximum.

#### **6. Tax Enforcement**

There will be a significant financial incentive for cannabis businesses to obtain an adult-use permit and pay taxes: they must do so to obtain a valuable state license to operate in California. Even so, enforcement is the foremost method of deterring illegal operations and tax avoidance. The Board is asked to provide direction on what additional resources should be directed to engaging unpermitted businesses.

#### **7. Tax Appeal Process**

The Board is asked to decide if it shall be the final hearing body for cannabis tax appeals or if that responsibility shall be delegated to the Treasurer-Tax Collector. Generally, the appeal process is envisioned as two levels: first appeal to the Treasurer-Tax Collector and second/final appeal to the Board of Supervisors, whose decision would be final and conclusive. However, the Board may choose to establish only one level of appeal, to be administered either by the Treasurer-Tax Collector or the Board.

Level 1: Administrative Hearing before the Treasurer-Tax Collector (TTC)

- Hearing request within 15 days of receiving notice of taxes due
- TTC to hold hearing, with notice, within 35 days of request

- Written notice of TTC decision

## Level 2: Hearing before the Board of Supervisors

- Hearing request within 15 days of receiving final decision of TTC
- Clerk of the Board shall schedule hearing and give written notice
- Board decision shall be final and conclusive

## 8. Revenue Appropriation for Department Administrative and Enforcement Costs

Staff anticipate additional work and costs should the County enact cannabis regulatory and tax programs. While much of the new work can be funded through permit and service fees, there will be new and additional work that cannot be funded with fee revenue. Examples of such activities include:

- Code enforcement response to unpermitted activities and neighborhood complaints, including regarding personal cultivation
- Sheriff response to increased criminal activity and neighborhood complaints
- Investigation of illegal cannabis businesses
- Sheriff security for County regulators and Tax Administrator during cannabis inspections
- Investigation of environmental damage (unravel LLC companies to determine who is responsible for cleanup costs following environmental damage)
- Eradication of environmentally damaging illegal marijuana farms
- Fire suppression and investigation
- Seeking payments for environmental cleanup and mitigation
- Youth substance abuse education and treatment programs
- Outreach and tax levy to known cannabis businesses operating illegally
- Cannabis tax appeal process

The effort that will be required of County departments to assume these new and additional responsibilities is difficult to predict. Other than identify what types of activities might be necessary, County departments have been reluctant to attempt to quantify what resources might be necessary because doing so would be highly speculative at this point. For this reason, staff suggests that the Board consider making a provision in the budget for these types of activities and consider allocating those resources to the affected departments once more is known about increased workload. The earliest cannabis tax revenue is not anticipated to be received before the fall of 2019. The Board could consider directing an appropriate amount of the early proceeds to support additional workload of County departments and allocating them as needed.

### CONSEQUENCE OF NEGATIVE ACTION:

If the Board were not to provide clear direction on cannabis taxation, staff would lack the necessary policy guidance to prepare a draft ordinance and ballot measure language and resolution for the November 2018 election.

### ATTACHMENTS

Exhibit 1: HdL Fiscal Analysis of Contra Costa Cannabis Market

HdL Powerpoint Presentation: California Cannabis Status

Exhibit 2: Powerpoint Presentation

Exhibit 3: HDL Recommended Cannabis Tax Rates for Contra Costa County

Exhibit 4A: HDL Cumulative Tax Analysis for Maximum Tax Levy

Exhibit 4B: HdL Cumulative Tax Analysis for Initial Tax Levy

Exhibit 5: Revenue Estimate Comparing Canopy Tax to Gross Receipts Tax Method for Cultivation

Exhibit 6: Estimated Cannabis Tax Revenue Summary for All Permit Types

# **ATTACHMENT BB**

POWERPOINT



# Contra Costa County Cannabis Ordinance



County File #ZT18-0003 and RZ18-3242

County Planning Commission

May 23, 2018

## Ordinance Background

- ▶ Proposed Ordinance Prepared in Accordance with Parameters of the Board Approved Framework for Regulating Cannabis in the Unincorporated Area Of Contra Costa County (Attachment A)
- ▶ Provides for the Regulation of Both Medicinal and Recreational Commercial Cannabis Activities and Personal Cultivation of Cannabis for Personal Use
- ▶ Ordinance Contingent Upon Approval of Cannabis Tax Measure on November 2018 General Election Ballot

## Timeline

- ▶ November 8, 2016-California Voters Approved Proposition 64 (Adult Use of Marijuana Act).
- ▶ January 17, 2017-Board Directed Staff to Evaluate Long Term Regulatory Options for Cannabis
- ▶ July 18, 2017-Preliminary Framework and Options for Regulating Cannabis Presented to the Board
- ▶ November 14, 2017-Board Approved Preliminary Draft of Framework and Public Outreach Plan
- ▶ February-April 2018- Preliminary Draft of Framework Presented at 26 Public Meetings
- ▶ April 24, 2018-Board Approves Framework for Regulating Cannabis in the Unincorporated Area of County
- ▶ **May 23, 2018-Cannabis Ordinance Hearing with County Planning Commission**
- ▶ June 2018-Ordinance to be Presented to Board of Supervisors for Adoption
- ▶ November 13, 2018-Cannabis Tax Measure on Ballot for General Election

## Overview of Cannabis Ordinance

- ▶ Ordinance Regulates the Following Commercial Cannabis Activities:
  - Retail Sales (with or without delivery services)
  - Delivery Only Retail Sales (no storefront)
  - Commercial Cultivation
  - Manufacturing of Cannabis Products
  - Cannabis Testing Facilities
  - Wholesale Distribution Facilities
  - Vertically Integrated Cultivation and Manufacturing Facilities
- ▶ Land Use Permit (LUP) Required for all Commercial Cannabis Activities
- ▶ Ordinance Includes Standard Operation Criteria for All Commercial Cannabis Facilities and Specific Development and Operational Criteria for Each Use

# Zoning for Commercial Cannabis Uses

Zoning District(s)	Cannabis Uses Permitted w/Land Use Permit
All Agricultural Zoning Districts (A- )	Cultivation* and Manufacturing**
Area Wide Planned Unit District (P-1)***	Cultivation, Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery****
Retail-Business (R-B)	Retail Delivery and Retail Storefront with or w/out Delivery
General Commercial (C)	Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery
Controlled Manufacturing (C-M), Light-Industrial (L-I), Heavy-Industrial (H-I)	Cultivation, Distribution, Manufacturing, Testing, Retail Delivery and Retail Storefront with or w/out Delivery

**\*Additional Requirements for Cultivation in A-Districts:** 100% Renewable Energy and served by a public water agency or irrigation district; Maximum 22,000 sf of canopy area; Maximum 10,000 sf new structure or in existing structure; Greenhouse only inside ULL or within 1 mile of ULL; Maximum 2-acre cultivation area for outdoor cultivation

**\*\*** In conjunction with cultivation permit only. Unless selected through an RFP to apply for one of 2 available permits for manufacturing on ag w/out cultivating at the same premises.

**\*\*\***Area Wide P-1's include Bay Point, Rodeo, El Sobrante, Montalvin Manor and North Richmond

**\*\*\*\***For P-1 zoning districts development plans must be modified to allow commercial cannabis uses.

## Caps on Commercial Cannabis Uses

<b>Storefront Retail</b>	Maximum of four (4) during the initial two years. The cap limit may be revised thereafter.
<b>Cultivation</b>	Maximum of ten (10) during the initial three-years. The cap may be revised thereafter.
<b>Manufacturing</b>	For manufacturing uses that are within an agricultural zoning district and are not associated with a cultivation permit, a maximum of two (2) may be permitted during the initial three years. The cap may be revised thereafter.

## Request for Proposal (RFP) Requirement

- ▶ Ordinance Defines Application Selection Process for Cannabis Uses Subject to Caps
- ▶ Details of RFP process to be Established by Board at Future Date
- ▶ RFP Process would Include Scoring System for Ranking Proposals

## Buffer Zones

- ▶ Ordinance includes Buffer Zones to Protect Sensitive Site from Potential Cannabis Influence
- ▶ 1,000-Foot Buffer Required for Cannabis Uses from Sensitive Sites, including;
  - K-12 Schools
  - Day Care or Youth Centers
  - Drug Treatment Centers
- ▶ 500-Foot Buffer Required between Storefront Cannabis Retailers

## Cannabis Exclusion (-CE) Combining District

- ▶ Establishment of New Cannabis Exclusion (-CE) Combining District
- ▶ -CE Combining District Prohibits Establishment of Commercial Cannabis Activities in these Specific Areas:
  - Bethel Island
  - Hotchkiss Tract
  - Saranap
  - Alamo

## Regulations for Personal Cultivation

- ▶ The Cannabis Ordinance Permits the Personal Cultivation of up to Six (6) Cannabis Plants Per Residence by a Person over the Age of 21 (Section 88-28-406)
- ▶ Plants Must be Grown Indoors and must conform to other Specific Requirements as Described in the Ordinance
- ▶ Up to three (3) of the Plants May be Grown Outdoors
- ▶ Plants Grown Outdoors Must Meet Setback, Height, Visibility and Other Requirements as Described in the Ordinance

## Health and Safety Regulations

- ▶ The County Health Services Department (HSD) has been fully engaged in the preparation of the Framework and Ordinance since the start
- ▶ The Health Department is Currently in the Process of Preparing a Cannabis Health Ordinance to be Adopted by the Board Around the Same Time as the Zoning Ordinance
- ▶ The Potential Health Ordinance Requirements Can be Found in the attached May 8, 2018 Health Services Department Report to the Board (Attachment Y)

## Delivery from Outside the County

- ▶ Ordinance Allows licensed and permitted commercial cannabis delivery business located outside of the County to deliver cannabis or cannabis products to persons in unincorporated Contra Costa County after obtaining a County business license.

## Cannabis Tax

- ▶ Cannabis Ordinance is Contingent on Approval of Cannabis Tax by Residents of the Unincorporated Areas of the County
- ▶ Cannabis Tax Measure is Expected to be on November 13, 2018 Ballot
- ▶ On May 8, 2018 County Administrator's Office Provided the Board with a Report on Potential Tax Framework (Attachment AA)

QUESTIONS?

