

Discussion of Local Cannabis Policies

Background

- ▶ Nov. 2017 adopted a moratorium which prohibits uses other than allowed medical cannabis dispensaries; expires Oct 31, 2018, unless extended
- ▶ December 2017 Town-sponsored panel discussion on cannabis
- ▶ December 2017 Town conducted on-line survey
- ▶ March 7, 2018 Town Council narrowed the uses to consider
- ▶ May 30th conducted forum on cannabis for Q&A
- ▶ July 18th Council discussion
- ▶ August 1st Council discussion
- ▶ August 15th Special Meeting



Cannabis Policy Discussion- Issues

1. Eliminated categories of uses
2. Commercial medical retailers
3. Cannabis Temporary Events
4. Personal/medical cultivation
5. Cannabis Deliveries (outside retailers)
6. Microbusinesses
7. Non-medical cannabis retailers
8. Limit the number of retailers
9. Buffer zones/locations
10. Standards- defer discussion
11. Tax revenues- defer discussion

Eliminated Categories of Use

Categories

- ▶ Manufacturing of cannabis
- ▶ Distribution of cannabis products
- ▶ Commercial cannabis cultivation
- ▶ Cannabis testing laboratories

Council Direction: Confirmed the elimination of these uses for further consideration. One councilmember wanted more info on testing labs

Commercial medical cannabis dispensaries/retailers

Policy consideration: Does the Town want to continue to allow medical cannabis dispensaries?

Council Direction: Continue to allow.

Cannabis Temporary Events

Policy consideration: If such events can occur in town, does the Council want to allow them?

Council Direction: Prohibit cannabis temporary events (majority)

Personal/Medical Cultivation

Policy considerations: *Amend local regulations to clarify that up to 6 cannabis plants may be grown indoors (required by state law) and outdoors for adult, non-medical use? If not, does the Town want to ban outdoor cultivation of cannabis for adult use?*

Council Direction: *Up to 6 cannabis plants, whether for medical or non-medical purposes, may be grown indoor and/or outdoors so long as the total number of plants does not exceed 6 plants per parcel.*

- *Discussion on definition of plant*
- *Revise medical cultivation ordinance*
- *Planning Commission to address details*

Cannabis Delivery

Policy Consideration: Does the Council want to allow non-medical cannabis deliveries? Is it ok if the delivery standards are the same for both medical and non-medical cannabis?

Council Direction:

- *Consensus reached on the issue that delivery standards should be the same for non-medical and medical cannabis.*
- *Allow both medical and non-medical deliveries*
- *Should non-medical retailers be limited to delivery only.*
- *Consider with discussion of non-medical retail policy.*

Micro-Businesses

Policy Consideration: Does the Council want to allow microbusinesses? If so, does the Council want to impose additional restrictions such as eliminating the cultivation option?

Council Direction: The Council requested additional information.

- Some Councilmembers indicated that since the Town was eliminating a majority of the components of microbusinesses (i.e., commercial cultivation, distribution, manufacturing), microbusinesses should not be allowed.
- Another concern cited was the unknown scale of microbusinesses. Please note all activities performed by the microbusiness must occur on the same licensed premises
- Some Councilmembers indicated they were open to the concept of limiting the scope of microbusiness such as no cultivation.

Non-Medical Cannabis Retail

Policy consideration: Does the Town want to allow non-medical cannabis retailers? Does the Town want retail to be restricted to delivery only with no storefront operation? Can a dispensary/retailer sell both medical and non-medical cannabis?

Council Direction: *There was no Council consensus on this issue.*

- *The majority of the Council seem to support some form of non-medical cannabis retail in Town.*
- *The specific type and limitations would be influenced by the discussion of the other policy issues.*

Limit the Number of Retailers

Policy Consideration: Does the Council want to set a limit on the number of non-medical cannabis retailers? Does the Council want to set a combined maximum of non-medical and medical retail dispensaries? If a business is both a medical and non-medical cannabis retailer should that be combined as 1 or considered as 2 toward the maximum limit?

Council Direction:

- *While consensus was not reached, the majority of the Council reflected a desire to set a limit somewhere between 2-4 retailers.*
- *Allowing a specific number of retailers to be both medical and non-medical retailers.*
- *There was limited discussion on whether these limits would also apply to non-storefront retailers.*

Limit the Number of Retailers

- ▶ Require application process since limited number permitted
- ▶ Establish criteria and selection process (e.g., San Rafael)
- ▶ Need to address how to handle and count cannabis delivery only operations

Buffer Zones/Locations

Policy Consideration: Does the Town want to modify the buffer zone restrictions (i.e., distance and/or uses)? Does the Town want to modify the existing buffer zone for medical cannabis dispensaries? Should the buffer zones for medical and non-medical retailers be different?

Council Direction:

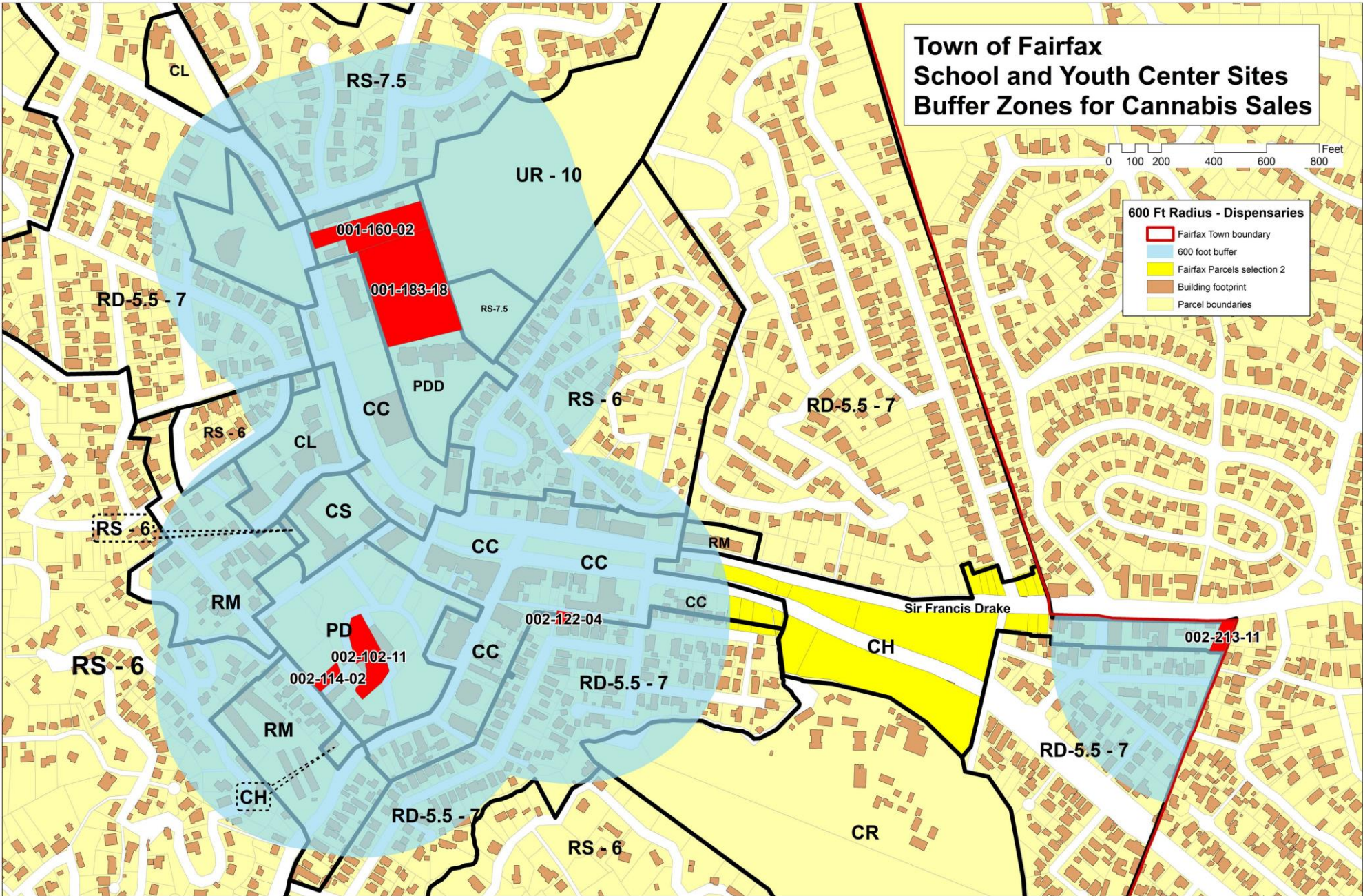
- *Requested the creation of a map, without the buffer zones, which identifies the potential commercial areas for cannabis uses and identifies schools, day care, parks, and youth centers near the commercial areas.*
- *Determine if there are commercial locations that are better suited for cannabis uses than what is allowed using the state buffer zone*

Town of Fairfax School and Youth Center Sites Buffer Zones for Cannabis Sales

0 100 200 400 600 800 Feet

600 Ft Radius - Dispensaries

- Fairfax Town boundary
- 600 foot buffer
- Fairfax Parcels selection 2
- Building footprint
- Parcel boundaries

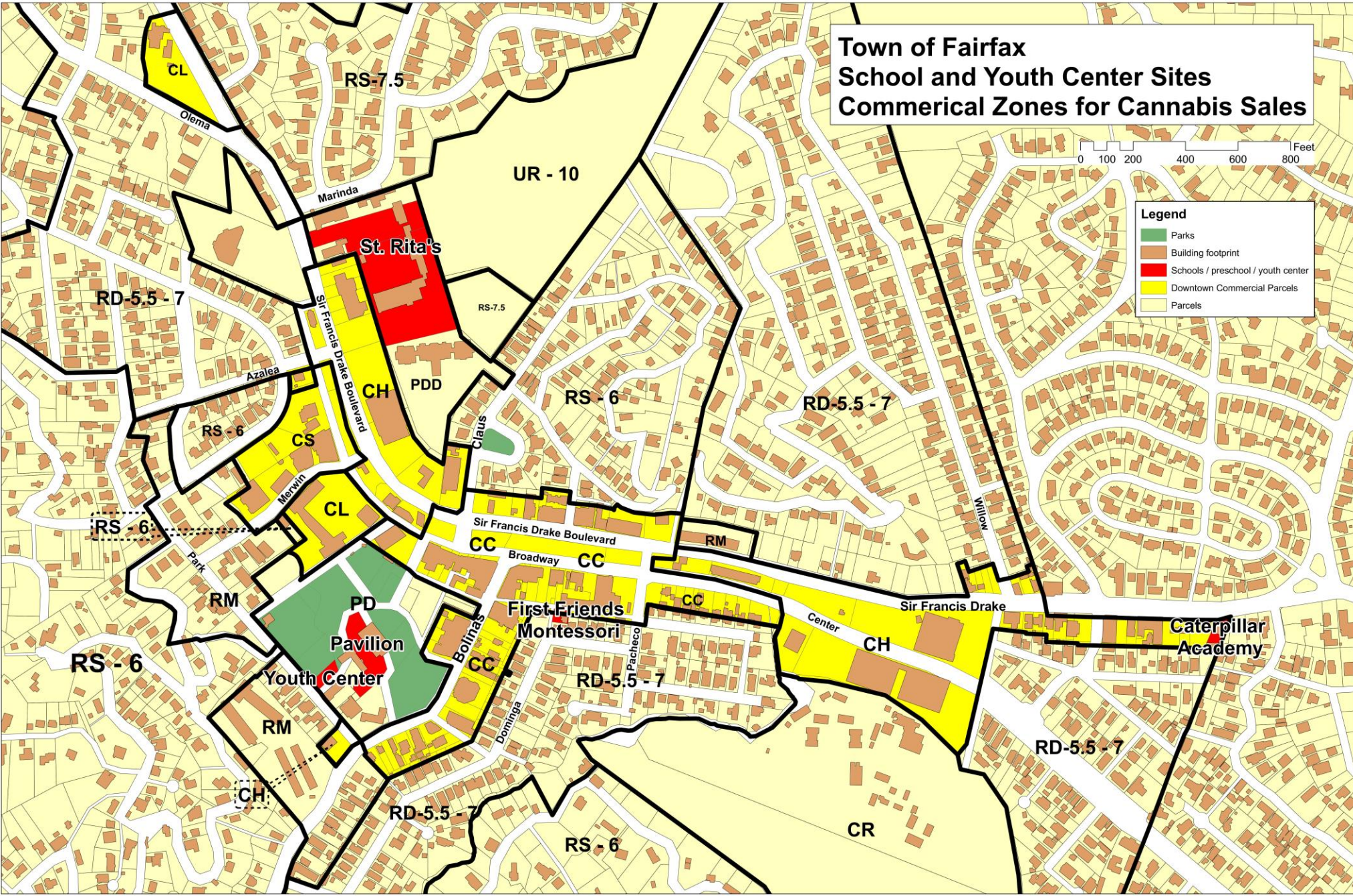


Town of Fairfax School and Youth Center Sites Commerical Zones for Cannabis Sales



Legend

- Parks
- Building footprint
- Schools / preschool / youth center
- Downtown Commercial Parcels
- Parcels



Buffer Zone/Locations

- ▶ Proposed BCC permanent regulations allow communities to locate cannabis uses within the State Buffer Zone.
- ▶ Technically, we would not be modifying the State Buffer Zone, but allowing uses in the buffer zone pursuant to local requirements.

Standards

Policy consideration: Should we just revise the Town's cannabis regulations to accommodate non-medical cannabis retailers?

Council Direction: Defer this discussion until the Council provided direction on the other policies.

- ▶ One base assumption is that the allowed uses would only be allowed in commercial zones.
- ▶ To extent possible, modify existing Town regulations.

Tax Revenues

Policy consideration: Defer this discussion until there is an ordinance prepared for the Council's consideration.

- The amount of revenue is uncertain and would depend on the type, number, size, and success of the cannabis establishments.
- Any local taxes imposed on cannabis businesses would be subject to Proposition 218 and require approval by the local voters.

Next Steps

- ▶ Return to Council in September with summary of policy actions to date and continue discussions, or
- ▶ Refer matter to Planning Commission based on Council policy
- ▶ Due to timing, Council will want to extend moratorium in October

