

AGENDA TOPICS 10.

TO: Mayor & City Council
FROM: Jon Boynton, City Planner, Planning and Codes
DATE: December 14, 2021
RE: Second Reading – Adult Use Marijuana Ordinance Amendments

REQUESTED COUNCIL ACTIONS

The Council, at its meeting of December 7, 2021, conducted the First Reading regarding proposed amendments associated with adult use marijuana facilities. At this meeting, the Council approved the first reading of the ordinance amendment with some minor edits to the section on fees.

The following is an outline of actions the Council will need to consider.

Action # 1: The Council should conduct the public hearing. The Planning and Code Department ran the required notice in the Republican Journal for the papers printed on December 9 and December 16, 2021.

Action # 2: Council should vote on the ordinance amendment proposals considered at the public hearing.

The Council should vote to accept, reject, table, or amend the Ordinance amendments to Chapter 82 and Chapter 102 to allow cultivation, testing, and manufacturing adult use marijuana facilities in Belfast.

Affirmative motion:

Motion to adopt the proposed ordinance amendment to allow cultivation, testing, and manufacturing adult use marijuana facilities to the City Code of Ordinances Chapter 82 Shoreland and Chapter 102 zoning.

Affirmative motion with edits:

Motion to adopt the proposed ordinance amendment with the identified edits of the City Council meeting of December 21, 2021, to allow cultivation, testing, and manufacturing adult use marijuana facilities to the City Code of Ordinances Chapter 82 Shoreland, and Chapter 102 zoning.

Dissenting motion:

Motion to table the adoption of ordinance amendment for the cultivation, testing, and manufacturing of adult use marijuana facilities and to continue the second reading at a future City Council meeting.

BACKGROUND INFORMATION (Note - This information is essentially a repeat of the information I presented to the Council for your December 7, 2021 meeting).

Summary of actions to date:

- The Planning Board met five times between September and November 17.
- The Planning Board held its public hearing on October 27, 2021. I had an error on this date in my last memo to the Council. The Planning Board received one comment from Origins Cannabis in support of the amendment.
- The City Council had its first reading of the ordinance amendment at the meeting of December 7, 2021.

Earlier this Summer, City Staff were approached by Origins Cannabis to locate a Tier 4 Cultivation facility at 248 Northport Ave, commonly known as the old Moss Tent Building. Since September, Planning and Code staff and the Planning Board have worked on the Adult Use Marijuana ordinance language for your consideration.

The Planning Board identified three themes for adult use cultivation.

1. Small scale. The Board identified zoning districts outside the bypass to allow for adult use cultivation tiers 1, 2, and nursery cultivation. The Board identified allowing testing and manufacturing where cultivation is allowed. Small scale cultivation allows for up to 2,000 square ft of mature plant canopy.
2. Large scale. The Board has some concerns with odors and, as such, has limited larger cultivation facilities, tiers 3 and 4 in the Route 1 South and Searsport Ave Commercial zoning districts. These two districts will also allow for small scale cultivation. Large scale cultivation allows anywhere from 7,000 square ft. to 20,000 square ft of mature plant canopy.
3. Inside the Bypass. The Board said no to any Adult Use Marijuana activities for zoning districts inside the bypass.

The developer for the proposed cultivation facility requested the ordinance to be complete by the end of this year. We should be able to meet this deadline unless there is a major change to the ordinance language provided.

I have prepared a Map showing the three themes described above.

Overview of Marijuana Legalization Act

As you are aware, Maine Voters passed adult use marijuana in the 2016 election. The State took several years to figure out how to implement adult use marijuana. The Marijuana Legalization Act requires all municipalities to "opt in" which is the purpose of this ordinance amendment.

The State requires all marijuana establishments to receive licenses from the Office of Marijuana Policy. I have left the rigorous review to the State for issues like security, odors, and operations. This ordinance does require the applicant to provide this information as part of any permit with the City.

The State has identified five different tiers for cultivation.

Tier 1 allows for 30 mature plants or 500 sq ft of mature plant canopy.

Tier 2 allows for up to 2000 sq ft of mature plant canopy.

Tier 3 allows for up to 7000 sq ft of mature plant canopy.

Tier 4 allows up to 20,000 sq ft of mature plant canopy.

Nursery cultivation allows up to 1000 sq ft of mature plant canopy and an unlimited number of marijuana seedlings.

As with Medical Marijuana Caregiver Retail Stores, the State requires municipalities to set a minimum setback distance from schools. The difference with Adult Use is the setback applies to all marijuana activities like testing and cultivation, not just retail like a Caregiver Retail Store for Medical.

Recap

Overall, the changes proposed are straightforward. Small scale cultivation allowed in the rural zoning districts, large scale (Tiers 3 and 4) in Rte. 1 South and Searsport Ave Commercial. Testing and manufacturing are allowed where cultivation is allowed—no Adult Use Marijuana activities inside the bypass.