

## Ordinance Rewrite Committee (ORC)

### Agenda for the October 24, 2019 Meeting & Meeting Notes/Recommendations from the October 8, 2019 Meeting

October 24, 2019  
5:30 p.m. Council Chambers

#### Agenda

##### Review 10/8 Meeting Notes

##### Continue 10/8 Marijuana Ordinance Amendments Discussion

- Finalize the changes necessary to ensure compliance with state regulations.
  - Hours of operation for businesses located in the Downtown District.
  - Replace the term “cannabis” with “marijuana” where appropriate.
  - Fixing a numbering error in Section 7-343.
  - Other?
  
- Determine the process for transitioning from medical to adult use retail sales.
  - See 10/8 notes for description of options. Are these options exhaustive?
  - Review information regarding city’s intent in this area, including council minutes, legal advice, and task force recommendations.
  
- Amendments to Other Districts
  - Amend Business A District to allow for marijuana related business activities in mixed-use buildings, provided certain standards are met. See 10/8 notes.
  - Discussion of Councilor Wynne’s recommendations. See 10/8 notes.
  
- Other Marijuana-related Issues?

Next Meeting

Date/Time: \_\_\_\_\_

Topics: Marijuana, if necessary.  
Snow removal in the Downtown District.  
Time limits on advertising signs.

## October 8, 2019 Meeting Notes & Recommendations

**Members Present:** Maureen AuCoin, Kate Dufour (Chair), Michael Frett, Danielle Obery, and Pam Perry

**Staff Present:** Nate Rudy, City Manager and Amy Tchao, City Solicitor

### Notes:

The committee's review of the city's existing adult use and medical marijuana ordinances focused on: (1) the changes to existing ordinances necessary to ensure compliance with state statutes, rules and regulations; (2) the process for obtaining an adult use license to conduct retail sales in the Downtown District; and (3) changes to marijuana-related authorized activities in all districts. After an informative discussion, which included feedback from members of the public, the committee made progress in the following areas:

### Compliance

- The city's ordinances allow retail businesses located in the Downtown District (DT) to operate from 6 a.m. to 11 p.m., while state law limits hours of operation to 7 a.m. to 10 p.m. The committee also received, but did not have an opportunity to discuss, a request from Councilor Wynne to limit business operations to 9 p.m. Existing state regulations allow municipal ordinances to be more restrictive, thereby reducing hours of operation to 9 p.m. is an authorized action. The committee recommends amending the city's ordinance to comply with state statute, and will discuss Councilor Wynne's request at its Oct. 24 meeting.
- At the advice of the city's solicitor and where applicable, the term "cannabis" will be replaced with the term "marijuana." The committee recommends directing city staff to make those changes for review and consideration by the city council.

### Transition from Medical to Adult Use.

- Most of the committee's discussion focused on the process for allowing the holder of a medical marijuana business license to transition to an adult use business license. It is an understatement to suggest that there is confusion around this issue. While some of the interested parties believe the city's intent was to automatically allow existing license holders to transition from medical to adult use sales, other interested parties raised concern that the existing process provided an advantage to medical license holders over those interested only in obtaining an adult use license. At the time the city conducted the lottery for the two DT district retail licenses, the state had not started issuing adult use licenses. The committee discussed four possible outcomes:
  1. Allow the two existing medical licensees, if granted state licenses, to be licensed to sell adult use products in the DT district.

2. Retain the two existing licenses and conduct a lottery only if an existing holder surrenders its medical license or is no longer eligible for state licensure.
3. Provide for a third license in the DT district and allow a current license holder to participate in the lottery for an adult use license **without surrendering** an existing medical license.
4. Provide for a third license in the DT district and allow a current license holder to participate in the lottery for an adult use license **only upon surrendering** an existing medical license.

Based on the information received during the public comment portion of the meeting, the committee will finalize its recommendation at its Oct. 24 meeting.

### **Authorized Use in Other Districts**

- At the request of a business owner, the committee discussed amending the Business A (BA) District to allow for the sale of adult use or medical marijuana in mixed-use buildings. Under the existing ordinance, marijuana related business are authorized to operate in commercial buildings in the BA district and not in residential buildings, creating a gray area for mixed-use developments. The committee favors amending the ordinance to allow marijuana related businesses to operate in mixed use building in the BA district, provided the ratio of commercial to residential use does not exceed a certain percentage (e.g., 75% of the building must be used for a commercial purpose). The committee will finalize its recommendation at its next meeting.
- The committee also received a request from Councilor Wynne to make cannabis retail stores a permitted use in BB, BC, and BD (currently it is a conditional use in BD). His concern is that by not allowing retail cannabis in our business zones, the stores are driven into the Rural Farm district. The RF has a much more residential constituency than the business zones and the most recent comprehensive plan clearly lays out the goal of revitalizing agriculture in the RF. Encroachment of retail stores inhibits agricultural uses and is therefore inconsistent with the city's comprehensive. plan. This is true of any retail store, but other genres of retail are not being driven by ordinance to the RF.