
MEMORANDUM

TO: Erie Board of Trustees
Malcolm Fleming, Town Administrator

FROM: Lucas Workman

SUBJECT: Town of Erie Marijuana Policy follow up to “Marijuana Sales –
Pros & Cons” study session ([21-055](#)) on 2/2/21

DATE: April 26, 2021

Issue: At the February 2nd, 2021 Study Session staff presented information regarding the pros and cons to permitting the sale of recreational and medicinal marijuana within Erie. The Trustees directed staff to conduct additional research to address the Trustees questions.

Town Staff has prepared thorough responses to the Trustees questions.

Questions & Responses:

1. The ED and Marketing & Communications Departments have prepared two questions in regards to a potential marijuana policy for the 2021 Community Survey.
 - a. To what extent would you support or oppose ending Erie’s current moratorium on retail marijuana businesses and instead establish strict zoning guidelines and regulations to permit Recreational and Medicinal Cannabis retail stores in specified locations within the Town of Erie?
 - i. ☐ Strongly support ☐ Somewhat support ☐ Somewhat oppose
☐ Strongly oppose ☐ Don’t know
 - b. If Cannabis retail stores were permitted within the Town of Erie, to what extent would you support or oppose the adoption of an additional local excise tax on the sale of cannabis products similar to those taxes currently imposed in neighboring communities? (e.g., Boulder, Lafayette, Louisville 5% excise tax, Longmont 3% excise tax).
 - i. ☐ Strongly support ☐ Somewhat support ☐ Somewhat oppose
☐ Strongly oppose ☐ Don’t know
2. What statutory Towns are bringing in revenue from marijuana sales from excise tax
 - a. Vic prepared a spreadsheet for marijuana uses by CO municipality. In general, most cities are charging a 5% excise tax in addition to their city base rate.
 - i. Attachment – “Marijuana Regulation in Colorado 2021” (Excel)
3. Best practices for restrictions?
 - a. Deb and her team has prepared a best practices comparison spreadsheet and drafted recommendations for the Board to consider.
 - i. Attachment – 4.5.21 Planning & ED Meeting Memo, MMJ Spreadsheet – Planning best practices comparison
 - b. Kendra provided Winter Park’s draft ordinance as a good example of a recent ordinance
 - i. Attachment – “Marijuana Adoption – Winter Park”
4. High-level breakdown of the \$22 per capita net revenue

- a. Candice provided a spreadsheet with her methodology to derive the \$22 per capita net revenue. The city names are not listed to comply with State law regarding confidentiality of sales tax information (some locals have so few vendors it would be possible to identify individual establishment's sales).
 - i. Attachment – "Marijuana Revenue Comparison"
5. Medical vs Recreational – What authority does the Town have to regulate the potency, quantity sold, etc.?
 - a. Kendra and her team addressed these questions.
 - i. Attachment – "Kendra responses" & "BVSD Resolution Supporting a cap on THC..."
6. More comprehensive overview of local vs state authority
 - a. Addressed in Attachment "Kendra's Responses"
7. More detail on how delivery works. Who receives the tax revenue?
 - a. Addressed in Attachment "Kendra's Responses" (See #3)
8. Liquor vs Marijuana historical incidences
 - a. Chief Stewart provided a thorough analysis along with responses to some additional questions the Board asked her.
 - i. Attachment - "Chief's response – Marijuana Info"
9. What would the community engagement plan look like to educate residents and help them understand that this process is similar to a liquor establishment?
 - a. The State of CO has educational materials on the topic of retail marijuana. The Communications Department will tailor these materials to Erie's needs.
10. Marijuana's effects on public health
 - a. Boulder County's Public Health Specialist provided many documents and data to provide info on background and trends
 - i. Attachment – "marijuana public health information"
 1. See BCPH Marijuana Docs folder in Share File for attachments

Recommendation:

Staff will respond to any further questions on this information in the June 1 study session, and then staff requests Board direction on the action the Board desires on the Town's marijuana policy.

Attachments:

Due to the size of the attachments, you can access the documents via this link:

<https://erieco.sharefile.com/home/shared/fo7148e4-c086-4d98-8fff-5656adfb41eb>

1. Marijuana Regulation in Colorado 2021 – Excel
2. Kendra responses
3. FW BVSD Resolution Supporting a cap in THC...
4. Marijuana Adoption-Winter Park
5. Chief's Response – Marijuana Info
6. Marijuana public health information
 - a. BCPH Marijuana Docs folder
7. 4.5.21 Planning & ED Meeting Memo
8. MMJ Spreadsheet – Planning best practices comparison