

Retail Marijuana Ordinance: Review and Discussion

Erie Planning Commission

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Aug. 7, 2024



Presentation Overview

- Background
- Community Survey Results
- Nearby Municipalities
- Ordinance Overview:
 - Location requirements
 - Licensing process and procedures
- Next steps



Background: Retail Marijuana Moratorium

- **2012:** Cannabis sales permitted in Colorado; Board of Trustees chooses not to permit sales in Erie.
- **2017:** Board of Trustees votes to continue the ban, following the formation of an ad hoc committee.
- **2021:** Economic Development staff presents to the Board in Feb., and April Community survey results indicate 59% of residents are supportive of ending the moratorium.
- **2023:** Community survey results show 67% of residents are supportive of ending the moratorium. Staff presents to council in Dec.



Community Survey Results, 2021

- In 2021, 59% of Erie residents indicated they strongly or somewhat supported ending the moratorium on retail marijuana sales
- 41% either strongly or somewhat opposed ending the moratorium.

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?

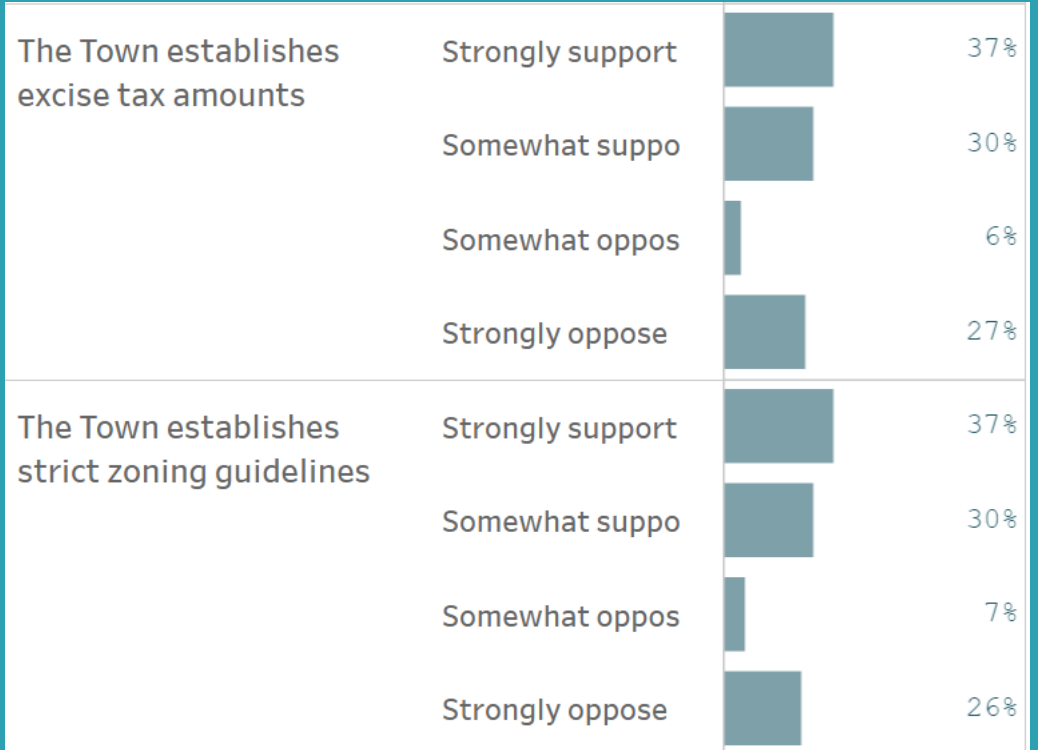




Community Survey Results, 2023

- 67% of Erie residents either strongly or somewhat supported ending the moratorium, imposing an excise tax and establishing strict zoning guidelines.
- 27% were opposed to the imposition of an excise tax;
- 26% were opposed to establishing strict zoning guidelines.

Please indicate your level of support for the Town of Erie to focus on ending the marijuana moratorium if...





Nearby Municipalities

| City | Sales | Cultivation | Manufacturing | Testing | Delivery | Tax Information |
|-------------|-------|-------------|---------------|---------|----------|--|
| Berthoud | ✓ | | | | | 7% sales and excise tax on retail sales |
| Boulder | ✓ | ✓ | | ✓ | | 5% excise tax, 3.5% sales tax |
| Broomfield | ✓ | | | ✓ | ✓ | 5% excise tax |
| Fort Lupton | ✓ | | | | | 3.1% sales tax with authority up to 10% |
| Lafayette | ✓ | ✓ | ✓ | ✓ | | sales and excise tax 5%; up to 10% |
| Longmont | ✓ | | | | | 3.5% sales tax; 3% excise tax with authority up to 15% |
| Louisville | ✓ | ✓ | | ✓ | | 5% excise tax on cultivation |
| Lyons | ✓ | ✓ | ✓ | ✓ | | 3.5% sales; 5% excise tax; both up to 10% |
| Milliken | ✓ | ✓ | ✓ | ✓ | | occupation tax up to \$10/transaction |
| Nederland | ✓ | ✓ | ✓ | | | 3.75% sales tax |
| Northglenn | ✓ | ✓ | ✓ | | ✓ | 4% sales tax, up to 10% |
| Superior | ✓ | | | | ✓ | Sales legal as of 8/2023 |
| Thornton | ✓ | | | ✓ | ✓ | 5% sales tax |



Ordinance Overview

- Town Council to review ordinance in September.
- Zoning requirements based on best practices and examples from neighboring municipalities.
- Store limit based on capacity of both the Police Department and Town Clerk's office.
- Licensing requirements closely follows liquor licensing.
- Robust licensing section that outlines the roles and responsibilities of all departments involved.



Proposed Zoning Requirements

- **Separation of uses**
 - 1,000 feet away from any school activity
 - 250 feet away from residential zoning
- **Separation of stores**
 - No store should be located within 1,000 feet of another.
 - Limited to 2 stores in Erie.



Proposed Zoning Requirements

- Facility Size: no greater than 5,000 sq. ft. for single or combined use
- Ventilation measures required so odor is not perceptible from the exterior.
- Permitted use by right in the following zoning districts:
 - “CC-Community Commercial”
 - “RC-Regional Commercial”
 - “B-Business”



Licensing Requirements

Similar to liquor licensing:

- An application must be filled out, specific documents need to be provided, and background checks must be completed.
- The Town Clerk reviews the application for completeness, schedules a hearing, and issues a license after there is approval from the State and local authorities (Municipal Court).



Licensing Requirements

How it differs from liquor licensing:

- Applicant will need to provide “proof of the State’s finding of suitability”
- Application is submitted with the State first, then sent to the local authority
- Local authority creates their own application forms in addition to the State application
- Applicant must notify the Town of its intent to renew its license at least 45 days prior to the expiration.



Licensing Requirements

Documentation differs:

- Determination of social equity licensing eligibility (optional, issued by the State)
- Report from a certified industrial hygienist
- Business plan, details of overall management and operations, commitments to staffing establishment with diverse and inclusive workforce, experience operating licensed marijuana business in CO, community engagement plan, security plan, sustainability plan, disposal plan, ventilation plan



Next Steps

- Ordinance is presented to Council for adoption, with a public hearing (Sep. 24). **The ordinance will not be enacted unless the excise tax measure passes in November.**
- Election day (Nov. 5)
- If the ballot measure passes, the Town Clerk's office will start accepting license applications (Jan. 1, 2025)

Questions & Discussion

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