

MEMO

DATE: March 1, 2019

TO: Planning Commission Members

FROM: Patrick R. Zenner, Development Services Manager

Re: Medical Marijuana Text Amendment Overview

With the passage of Amendment #2, to the Missouri Constitution the growing, product manufacturing, testing, and sale of marijuana for medical purposes was authorized. Amendment #2 includes provisions that obligate the State to promulgate regulations related to this activity as well as authorized local municipalities to create regulations that would provide for the orderly integration of this new activity into their communities. In light of the passage of Amendment #2, the City of Columbia's leadership believes that development of regulations compliant with those to be created by the State are necessary to protect the public health, safety, and general welfare of the city's residents and visitors.

The regulations believed necessary to adequately address this new land use and business activity are proposed to be integrated into the Unified Development Code (UDC) and would likely result in the creation of amended or new definitions, potential new land use categories, and new use-specific standards. Amendment #2 authorizes local governments to enact ordinances governing the "time, place, and manner of operation" of these facilities as long as they do not conflict with the Constitution or the States regulations, and do not make the operation of these facilities "unduly burdensome."

Given that the thrust of initial activity will occur within the context of the UDC, it is the responsibility of the Planning Commission to offer recommendations to the City Council on appropriate amendments. To this end, staff will provide the Commission with information to assist in the formulation of appropriate regulatory language to allow for integration of this new use into our land use controls.

Amendment #2 provides for four types of facilities that will be associated with medical marijuana. These four types of facilities are:

1. Medical Marijuana Cultivation Facility
2. Medical Marijuana-Infused Products Manufacturing Facility
3. Medical Marijuana Testing Facility
4. Medical Marijuana Dispensary Facility

Before beginning the process of developing specific regulatory standards to address this topic, staff desires to engage the Commission in discussion on how it believes this new use can be integrated into the community from a land use perspective. Following our discussion, staff will begin the process of preparing regulatory standards for the Commission to review.

As is procedurally required, a public hearing will need to be held on any proposed revisions. It is staff's belief that in addition to the procedurally required public hearing that one or more "public listening" sessions may be appropriate on the proposed regulations. Such sessions would ensure that adequate public dialogue and vetting of the proposed regulations has occurred prior to forwarding a final Commission recommendation onto Council for their consideration.

At this point, the staff has not established a specific schedule for these listening sessions or a public hearing. It is likely that given the complexity of the topic and the issues needing to be addressed that a preliminary draft of the proposed regulations could be produced by the early to mid-April. This draft would be shared with the Commission in a work session followed by an advertised listening session that would become part of a regular Planning Commission meeting.

As part of Amendment #2 there were specified dates for which the State is to complete particular tasks associated with medical marijuana. These dates are:

January 5, 2019 Pre-filed application fees will begin to be accepted for all four types of facilities
June 4, 2019 Application forms and instructions will be made available
July 4, 2019 Applications for identification cards will begin to be accepted
August 3, 2019 Facility applications will begin to be accepted

Given these dates and the desire for the City to have its regulatory amendments completed prior to facility applications being accepted, staff will work with the Commission to ensure that discussion, listening sessions, and a recommendation are completed before the end of June or mid-July. This schedule is tentative and subject to adjustment which may include special-called meetings.

Staff has attached a copy of the approved Amendment #2 text, now Article XIV of the Missouri Constitution, for your review. Additionally, there is correspondence from Attorney Dan Viets, co-author of the Amendment #2, and an FAQ publication provided by the Law Department that can be used as a quick reference to several questions regarding the passage of Amendment #2.

Staff looks forward to discussing this matter with the Commission at the upcoming work session. If you should have questions please contact me or Jose Caldera.