January 17, 2023

To: Planning Commission and City Council

From: Josh Johnson, Director of Development Services

RE: UDO Amendment for Recreational Marijuana

The voters approved recreational marijuana through a constitutional amendment, known as Amendment 3, in a November 8, 2022 election. Amendment 3 allows for recreational marijuana sales to begin on February 6, 2023. The UDO and other City codes are proposed for changes to address legal issues associated with Amendment 3. City staff is packaging up various code amendments to meet the February deadline. The schedule is to have the Community and Economic Development Committee vote on the UDO amendment on January 11, 2023 with Planning Commission and City Council votes occurring on January 17, 2023.

The UDO amendment is organized into four sections. A similar process occurred when medical marijuana was approved. At that time, the City decided to make medical marijuana a conditional use, not requiring public hearings for the various uses associated with medical marijuana. There were two reasons for this approach. One, state licensure is a difficult process and there is a limit on the number of dispensaries allowed by congressional district. Two, the buffer from schools, churches and daycares of 1,000 feet limits the placement of medical marijuana uses.

The buffer from schools, churches and daycares does not change with the new amendment. Buffer measuring techniques are clarified with both Amendment 3 and staff's UDO ordinance. The 1,000 feet is measured along the shortest legal walking path. The City requires a survey showing how the business meets these requirements when applicants apply for a business license.

New uses were introduced in Amendment 3. Staff has placed the new uses in the zoning code to line up with similar medical marijuana uses.

Finally, the definitions section of the UDO has been simplified to create two major distinctions. Medical marijuana facility and marijuana facility with the later covering all the recreational uses. Exhibit A attached to this packet documents all UDO changes in detail.