



Planning & Zoning Roundtable

03.31.21

6:00 pm to 7:30 pm

Planning Commissioners +

Municipal Officials Roundtable

Agenda

- Welcome and Introductions
- Cannabis is Coming
- Roundtable Discussion

Cannabis is Coming



Introduction to Act 164:
recent legislation establishes a retail marijuana market
Prevention Planning:
municipalities can be partners in supporting healthy communities
Local Regulation:
Aspects may be regulated through adoption of local ordinances

Cannabis is Coming



Intro: Act 164

- Act 164 Link:
<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT164/ACT164%20As%20Enacted.pdf>
- Retail sales will only be allowed in communities that vote to opt-in
 - proposed bill S.25: ballot question no later than March 8, 2023
 - any municipality not voted deemed to permit the operation of cannabis retailers
- Other aspects of market (cultivation, testing, warehousing, and distribution) not subject to any municipal opt-in

Intro: Act 164

- Empowers creation of local cannabis control commissions (ccc's)
 - issuance of a local licenses for cannabis establishments
- Municipalities cannot issue blanket prohibitions of cannabis establishments via ordinance or zoning
- Uses are subject to zoning pursuant to 24 V.S.A, section 4414
- Cannabis shall not be regulated as “farming”
 - not be considered an agricultural product or agricultural crop under relevant State laws
 - municipalities will have power to regulate cannabis cultivation through zoning, unlike traditional agricultural practices and agricultural structures

Timeline

April 1, 2021: Cannabis Control Board makes recommendations to the General Assembly regarding resources necessary for implementation of the program
Update: appointments were just made

June 1, 2021: Board begins formal rulemaking for cannabis establishments, medical program, and dispensaries

March 1, 2022: Final adoption of rules for cannabis establishments, medical program, and dispensaries

May 1, 2022: Licenses issued for small cultivators, testing labs, integrated licensees (latter may begin selling cannabis and cannabis products to the public)

Oct. 1, 2022: Licenses issued for retailers (selling cannabis and cannabis products to the public)

Take aways:

Opt in or Opt Out?

Local Cannabis Control Commissions

Additional Local Regulatory Options

Planning First!

Details still in flux

Be prepare to take action

Issuance of Local Licenses

Ordinances, Zoning Bylaws

Awareness, education, understand community support (or lack of)

Regulatory Approaches should be grounded in municipal plan

Understand the concerns and public health impacts

Informed Planning and Zoning:

What to know about Act 164:
Commercial Retail Cannabis in
Vermont

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Building Healthy Communities

Central Vermont New Directions Coalition

Encouraging healthy behavior and decreased substance use among youth in Washington County since 1998

- Alcohol
- Tobacco
- Cannabis
- Prescription Drugs

Regional Prevention Partnerships funding from VT Dept of Health to address youth alcohol and cannabis use

Schools, healthcare providers, policymakers, parents, youth, businesses, law enforcement, recreation, community organizations serving special populations, municipal planners



Act 164:

Local Level Considerations for a Public Health Approach

- What is your vision for your town?
- Think about community norms, access, availability
- Create cannabis-free retail zones near schools and other places where kids gather
- Promote cannabis-free spaces, parks, and family-friendly events
- Think about reducing or eliminating adult-only advertising in locations accessed by kids (Cannabis, Tobacco, Alcohol)
- Create a health and wellness committee
- Add a public health component to your Town Plan
- Be an Advocate for vulnerable populations, youth, recovery

Act 164:

Local Level Considerations

- Towns can work on existing and future zoning and advertising and planning before licenses are issued.
- Towns cannot prohibit any licenses for cannabis businesses other than retail.
- If voted to opt in, towns cannot prohibit cannabis retail through local ordinances or permits
- The CCBoard is behind schedule (6-8 weeks) and so we still don't know what all the rules will be.
- Localities may establish a Local Cannabis Control Commission that can issue and administer local control licenses, oversee compliance with local laws and can suspend or revoke a local control license for violations.

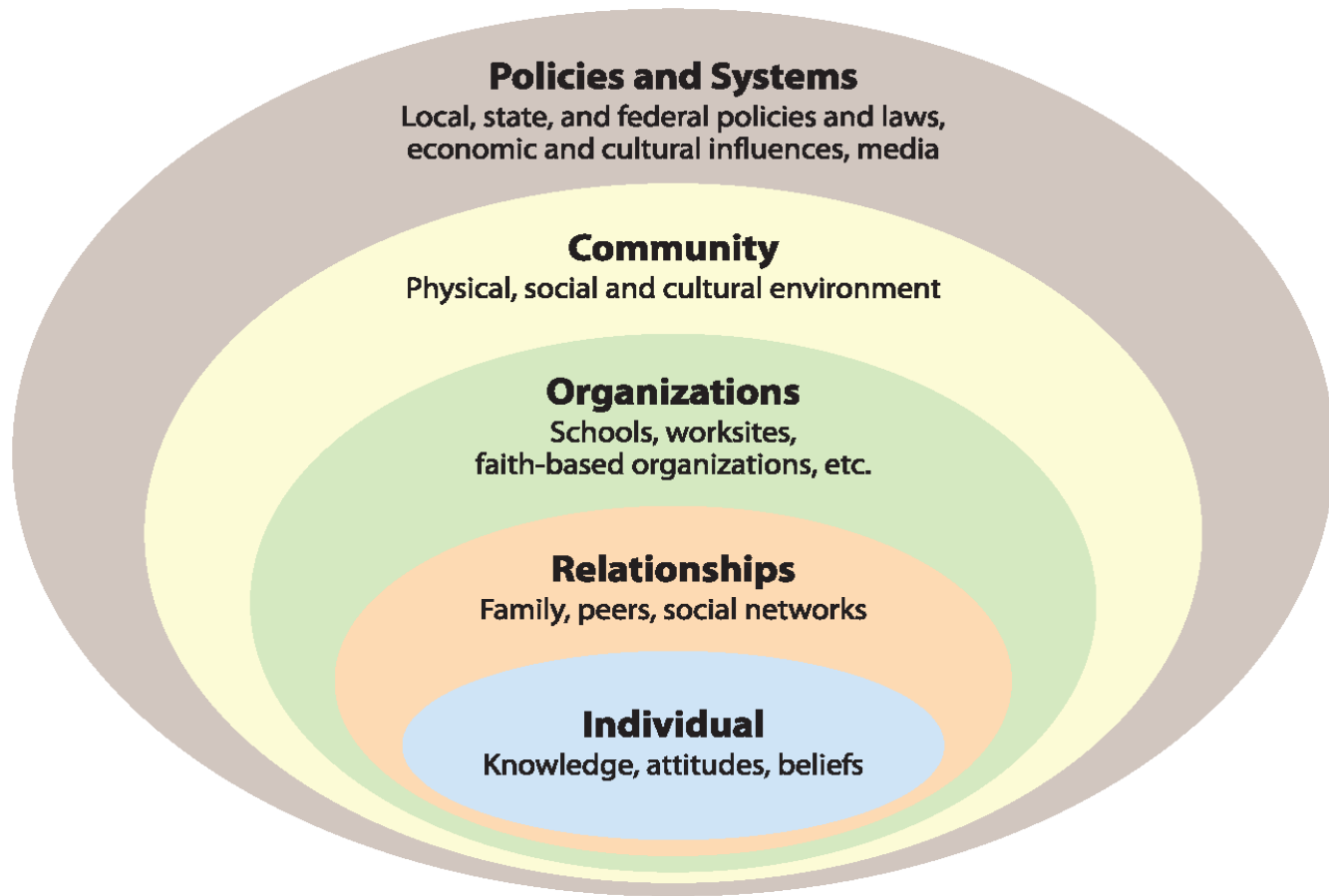
LOCAL CANNABIS CONTROL COMMISSIONS (Your town's CCC)

- Towns with retail cannabis stores may establish a Cannabis Control Commission, but a local CCC is not required - Sec. 863(b)
- A local CCC gives towns a say in who gets a retail license and under what conditions
- Commissioners may be members of Selectboard or Liquor Control Commission –or may include others, with relevant expertise
- If a town has a local CCC, an applicant for a retail license must obtain a local control license before the state CCB will issue a license – sec. 863(c)

YOUR TOWN'S Cannabis Control Commission CAN:

- Decide whether to add conditions to retail cannabis licenses through:
 - a bylaw adopted pursuant to 24 V.S.A. § 4414, or
 - ordinances regulating signs or public nuisances adopted pursuant to 24 V.S.A. § 2291
- (In the absence of a local CCC, existing zoning and ordinances may still apply to retail cannabis)*
- Determine whether to suspend or revoke a local control license if license conditions are violated
- Administer rules furnished to them by the state Cannabis Control Board

Why Think about Prevention?



VERMONT PREVENTION MODEL

● Prevention Strategies

- Healthy Community Design, Environmental Strategies
- Address Risk Factors and Protective Factors
- Reduce Access and Availability
- Increase Perception of Harm
- Limit Marketing and Advertising (Content Neutral)
- Remember Adolescent Brain is Still Developing
- Delay Use of Any Substance

Risk: Access and Availability

70% of Washington County students (grades 9-12) reported: If they wanted to access **ALCOHOL**, it would be sort of **easy or very easy** (Compared to 67% of Vermont students)

64% of Washington County students (grades 9-12) reported: If they wanted to access **CANNABIS**, it would be sort of **easy or very easy** (Compared to 62% of Vermont HS students.

(50% 9th, 76% 12th)



EASY ACCESS
ALREADY EXISTS

Risk: Low Perception of Harm

48% of Washington County students (grades 9-12) reported:
They think it is wrong or very wrong for someone their age to use marijuana
(Compared to 51% of Vermont high school students)

74% of Washington County students (grades 9-12) responded that:
Their parents or guardians feel it would be wrong for the student to use
marijuana (Compared to 75% of Vermont HS students.)
(84% 9th, 63% 12th)



PARENTS
GUARDIANS VIEWS
MATTER

Risk: Current Cannabis Use Among Vermont Youth

30% of Washington County report currently using vs 27% in Vermont

(Past 30 day use in Grades 9-12) (18% 9th gr, 41% 12th grade)

45% report Ever using cannabis vs 40% in Vermont)

Primarily vaping when using cannabis has increased from 2% in 2017 to 17% in 2019.



Washington County
Rates are already higher
than the State of VT

Current cannabis use among VT students increased from 24% to 27%

2017 and 2019 VT Youth Risk Behavior Survey

Risk: Young Adult Substance Use Rates

Vermonters aged 18-25 National rankings:

1st --Marijuana use in the past month (51% vs US 35%)

2nd--Marijuana use in the past year

2nd--Alcohol use in the past month (70% vs US 56%)

4th-- Binge alcohol in the past month (48% vs US 36%)

Past month cannabis use among adolescents (12-17 yrs old)

14.5% Vermont teens

10.8% New England region

6.8% National average

National Survey on Drug Use and Health (NSDUH) 2017/2018 , 2019



VT Rates are higher
than most of the US

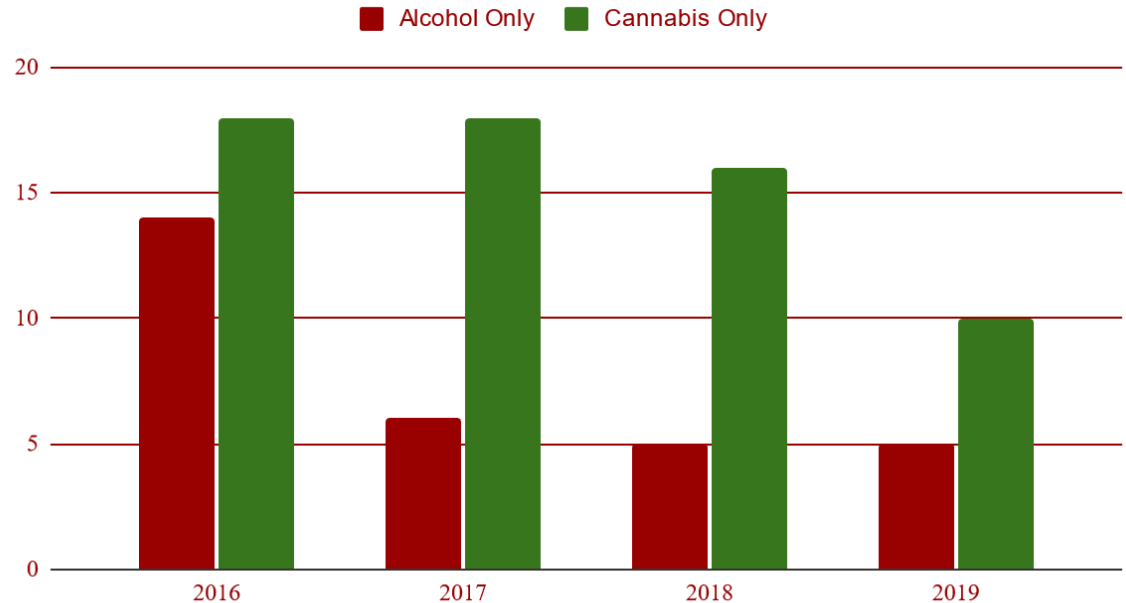
Risk: Impaired Driving

Vermont Highway Safety has reported an **increase in fatal accidents involving cannabis**

For the last 4 years cannabis has surpassed alcohol.

This could be due to the lack of education and awareness of the effects of cannabis while driving, as well as the lower perception of harm that is reported in the YRBS and YAS (Young Adult Survey).

Fatal Accidents Involving Alcohol or Cannabis



Resources for health vision and language in Plans

- **Community Planning Toolkit from Healthy Lamoille Valley**

<https://8b3.8b9.myftpupload.com/wp-content/uploads/HLVToolkit-For-Web.pdf>

- **Health Policy Clearinghouse**

Our partners at Mount Ascutney Prevention Partnership have helped create a [Health Policy Clearinghouse](#) which is an excellent resource

- **Template for a Health Chapter in a Town Plan**

Guide for Municipal Planning Commissions wishing to incorporate health-related language into their town plans. Compiled by the Two Rivers-Ottauquechee Regional Commission and Mt. Ascutney Prevention Partnership, February 2019

<https://docs.google.com/document/d/1wbPuTp571bzdi2vpcxt4eTg-u3H9hQkw/edit>

2018 East Montpelier Town Plan

Chapter 4 Community Resources

A. TOWNSPEOPLE

B. COMMUNITY HEALTH (Page 27)

Vermont is one of the healthiest states in the nation. Nevertheless, health is becoming an increasing concern at the individual, municipal and state level. ...

- Preventing Smoking and Substance Abuse: Smoking and substance abuse are significant health problems in Vermont. Some Vermont towns, such as Montpelier, prohibit smoking both in public buildings and outdoor public spaces. East Montpelier prohibits smoking in public buildings. While East Montpelier has very limited outdoor public spaces, these policies should be considered, especially as East Montpelier Village grows.

Vermont Department of Health Resources:

- **VDH Youth Risk Behavior Survey results**
<https://www.healthvermont.gov/health-statistics-vital-records/population-health-surveys-data/youth-risk-behavior-survey-yrbs>
- **Let's Talk Cannabis**
<https://www.healthvermont.gov/alcohol-drugs/lets-talk-cannabis>
- **Parent Up** <https://parentupvt.org/>
- **802 Quits for Smoking/Vaping Cessation**
<https://802quits.org/>

Local Regulation:
Aspects may be regulated through adoption of local ordinances



Additional planning considerations

- Cultivation likely in warehouses (industrial/commercial zones) and greenhouses vs. open fields (ag zones)
- Possible impacts:
 - Light pollution
 - Odor
 - Dry pockets = increased retail sales in opt-in communities
 - long lines, parking, hours of operations

Greenlighting Cannabis – What every Planning Department Needs to Know – APA article
<https://www.planning.org/planning/2021/winter/greenlighting-cannabis-what-every-planning-department-needs-to-know/>

- Evaluate and explore potential benefits and impacts in planning process

Regulatory Options

- Source: VLCT's Vermont Municipal Regulation of Alcohol and Tobacco and Alcohol and Tobacco Advertising <https://www.ccrpcvt.org/wp-content/uploads/2016/01/VLCT-CCRPC-Study-11-21-FINAL.pdf>
- Municipal vote on retail sales
 - Similar “dry towns”
 - Don't use zoning to ban retail sales
- Municipal authority to approve licenses with conditions
 - like liquor license
- Enactment of ordinances
 - Address usage of substances in municipal facilities (such as alcohol and tobacco)

Regulatory Options

- § 4411. Zoning bylaws

(a) A municipality may regulate land development in conformance with its adopted municipal plan and for the purposes set forth in section 4302 of this title to govern the use of land and the placement, spacing, and size of structures and other factors specified in the bylaws related to public health, safety, or welfare

Regulatory Options: Zoning

- Commercial and industrial definitions
 - “light industry” “fermentation or distillation of alcoholic beverage” [Stowe]
- Specific sub-class of retail
 - “tobacco retailer” “only in light industrial zones...” “not within [XXXX] ft of boundary to res. zone or parcel occupied by a school” [model language, Center for Public Health and Tobacco Policy at New England Law]
 - “neighborhood grocery store” “...sale of tobacco products and/or alcoholic beverages shall not in combo, comprise of greater than 15% of available floor space or 15% of the stock in trade...” [Bennington]

Thank you:
Melanie Needle,
CCRPC

- **Resources:**
- Vermont Municipal Regulation of Alcohol and Tobacco and Alcohol and Tobacco Advertising. Report Prepared by Garrett Baxter, Senior Staff Attorney, VLCT
- <https://www.ccrpcvt.org/wp-content/uploads/2016/01/VLCT-CCRPC-Study-11-21-FINAL.pdf>
- Prioritizing Health in the Built Environment A Municipal Planning Look at Preventing Substance Use in Chittenden County. Report prepared by Chittenden Prevention Network September, 2020
- <https://studiesandreports.ccrpcvt.org/wp-content/uploads/2020/10/MunicipalPlanningLookatPreventingSubstanceAbuseinCCFinal.pdf>
- Greenlighting Cannabis — What Every Planning Department Needs to Know. Article, American Planning Association Winter 2021
- <https://www.planning.org/planning/2021/winter/greenlighting-cannabis-what-every-planning-department-needs-to-know/>
- Marijuana Land Use Regulations webpage, Washington County, Oregon
- <https://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/medical-marijuana.cfm>
- Act 164 Link:
<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT164/ACT164%20As%20Enacted.pdf>



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