



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	05/18/2022	<b>Department</b>	Planning/Economic Dev
<b>Agenda Item</b>	4.f) Consideration of a Second Read & possible adoption on the proposed Land Use Ordinance amendments to the City's Marijuana Products Manufacturing		
<b>Est. Cost</b>	n/a		

**Background Information**

The state Medical Marijuana Law requires special approval for marijuana manufacturing facilities that use inherently hazardous substances. The law defines an inherently hazardous substance as "a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including but limited to, butane, propane and diethyl ether." The definition specifically excludes any form of alcohol or ethanol. The state law establishes additional requirements for any marijuana extraction using inherently hazardous substances.

Staff suggested that a note be added to the Land Use Table in Section 7 indicating that the manufacturing of marijuana products that does not involve the use of inherently hazardous substances is allowed in conjunction with a licensed cultivation facility. The Ordinance Review Committee prepared the attached amendments to do this. The draft amendments create a definition of "inherently hazardous substance" in the context of marijuana regulation, create a note to be added to the Table of Uses in Section 7, and indicates to which uses in the table the Note applies. The Planning Board held a public hearing on the proposed amendments and is recommending that the amendments be adopted.

<b>Requested Action</b>	"I move to approve adoption on the proposed Land Use Ordinance amendments to the City's Marijuana Products Manufacturing."
<b>City Manager and/or Finance Review</b>	Acting City Manager approves the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

To: City Council  
From: Planning Board and Ordinance Review Committee  
Subject: Marijuana Products Manufacturing  
Date: April 22, 2022

The state Medical Marijuana Law requires special approval for marijuana manufacturing facilities that use inherently hazardous substances. The law defines an inherently hazardous substance as “a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including but limited to, butane, propane and diethyl ether.” The definition specifically excludes any form of alcohol or ethanol. The state law establishes additional requirements for any marijuana extraction using inherently hazardous substances.

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Proposed Amendments to the Land Use Ordinance  
Relating to the Manufacturing of Marijuana Products

Proposed amendments to the ordinance are underlined.

1. Amend Section 17 Definitions by adding a definition of “inherently hazardous substance” in proper alphabetical order to read:

**Inherently Hazardous Substance:** As the term relates to the regulation of marijuana establishments, a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including but limited to, butane, propane and diethyl ether. Inherently hazardous substance does not include any form of alcohol or ethanol.

2. Amend the Notes to the Land Use Table in Section 7.6 to add a new note 16 to read:

**16. The manufacturing of marijuana products that does not involve the use of inherently hazardous substances is allowed as an accessory use for a licensed marijuana cultivation facility.**

3. Amend the Table of Land Uses in Section 7.6 by adding a superscript 16 to the following uses:
  - a. Medical Marijuana Cultivation Facility – Tier 1
  - b. Medical Marijuana Cultivation Facility – Tier 2
  - c. Marijuana Cultivation Facility – Tier 3
  - d. Marijuana Cultivation Facility – Tier 4