

January 31, 2017

The County Commissioners of Queen Anne's County met this date pursuant to its last adjournment and there were present:

Stephen Wilson
James J. Moran
Jack N. Wilson, Jr.
Robert Charles Buckey
Mark A. Anderson

MEETING CALLED TO ORDER:

The meeting was called to order at 6:00 p.m.

Commissioner Moran not present during this part of the meeting.

MINUTES:

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed to approve the Regular minutes of the January 24, 2017 meeting, as amended and the Closed Session minutes of the January 24, 2017 meeting and ordered them stand as recorded.

PRESS AND PUBLIC COMMENTS:

The following persons spoke to the Commissioners on subjects of interest to them:

1. Roy Kirby

WEEKLY CORRESPONDENCE AND PRESENTATION OF DOCUMENTS FOR SIGNATURE:

The Board reviewed various correspondence with Mr. Gregg Todd, County Administrator.

SENATE BILL 212 & HOUSE BILL 173:

On a motion made by Commissioner Buckey, seconded by Commissioner Anderson, the Board unanimously agreed to sign the support letters for Senate Bill 212 and House Bill 173. As part of the motion, a discussion was held between Commissioners J. Wilson and S. Wilson on this topic.

Please consider this letter of support for Senate Bill 212. The bill proposes to amend the Economic Development Article; Section 13-303 to add Queens Anne's County as a voting member of the Baltimore Metropolitan Council (BMC).

In November of 2016, Queen Anne's County received and accepted an invitation to join the BMC. Queen Anne's County believes that the BMC provides a valuable platform to work collaboratively on issues of mutual interest within the region such as transportation, housing, mapping, purchasing, public involvement and economic development. Membership to the BMC will also allow Queen Anne's County to assist in coordinating federal transportation investment within our region.

Thank you for the opportunity to support this legislation. We appreciate the opportunity to work with the other members of the BMC to plan for the future to improve our region for all of our citizens.

Commissioners	Yes	No
Moran	absent	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

JONES FARM SOLAR, LLC NOTICE TO INTERVENE:

Commissioner Moran arrived during this portion of the meeting.

Christopher Drummond, Esquire, presented to the Board for their review and approval, Jones Farm Solar, LLC notice to intervene.

As you know, Jones Farm Solar, LLC filed an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission in mid-December, 2016. The application seeks approval to construct a 56.7 MW solar generating facility on about 337 acres of land near Millington.

Solar generating facilities are permitted in Queen Anne's County with conditional use approval. Jones Farm Solar, LLC's application to the Public Service Commission indicates that it intends to seek conditional use approval from the Board of Appeals. However, the Department of Planning and Zoning has not received a conditional use application and has not had any substantive discussions about the proposal with representatives of Jones Farm Solar, LLC. The CPCN application materials do not mention compliance with either the State or County forest conservation standards. Forest conservation compliance has become a major source of friction between solar developers and local and State regulatory agencies. In the Jones Farm Solar proposal, forest conservation standards would require the protection of existing woodlands or the creation of new woodlands across an area approaching 100 acres.

The Department of Planning and Zoning wishes to be involved in the CPCN review and approval process at the Public Service Commission. To do so, the County Commissioners will need to intervene as parties in the Public Service Commission case. A Motion To Intervene is attached. If the County is added as a party to the proceedings, the Commissioners and the Department of Planning and Zoning may offer comments, exhibits and testimony at hearings. Becoming a party does not require the County to participate in hearings. However, if for example, Jones Farm Solar, LLC does not seek conditional use approval and claims it is not required to do so under a preemption theory, the County will want to assert the effectiveness of the Zoning Code before the Public Service Commission. The same considerations apply to compliance with forest conservation requirements.

We can expect more large scale solar facilities in Queen Anne's County given the very strong opposition to them in Kent and Talbot Counties. Actively participating in the CPCN process probably makes sense, particularly as preemption arguments and lack of compliance with forest conservation standards have become the norm for solar developers.

On a motion made by Commissioner J. Wilson, seconded by Commissioner Buckey, the Board unanimously agreed that Patrick Thompson, Esquire and Christopher Drummond, Esquire sign the Jones Farm Solar, LLC motion to intervene. As part of the motion, a discussion was held between Commissioners Anderson and J. Wilson on this topic.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

MEDICAL CANNABIS LEGISLATIVE ANALYSIS:

Mr. Michael Wisnosky, AICP, PP, Director and Mr. Stan Kosick, Senior Planner for Planning & Zoning presented to the Board for their review, Medical Cannabis Legislative Analysis.

PURPOSE

This memorandum provides an analysis of existing Queen Anne's County Codes as they pertain to medical cannabis and provides recommendations to the Board of County Commissioners on how to proceed to address the growing, processing, and dispensing of medical cannabis within Queen Anne's County. This memo will answer the following questions: 1) should Queen Anne's County address medical cannabis growing, processing, and dispensary facilities, and; 2) if the Board of County Commissioners decides to regulate medical cannabis, how should the regulations be formulated?

The answer is yes, it is time to establish regulations for medical cannabis. Such regulations must be applicable today as well as address potential future developments.

Highlights of this memorandum include:

- Proposed definitions pertaining to Medical Cannabis;

- Proposed locations for Licensed Growing Operations, Licensed Processing, and Licensed Dispensaries;
- Proposed text amendments pertaining to Medical Cannabis, and;
- Mapping of these proposals.

BACKGROUND

In April 2014, the Maryland Legislature passed House Bill 881, sponsored by the Natalie M. LaPrade, Maryland Medical Cannabis Commission (MMCC) that permits the growing, processing, and dispensing of medical cannabis. Governor O'Malley signed the bill and it went into effect June 1, 2014.

In September 2015, the MMCC completed and published regulations pursuant to the directives of the law. These regulations are published in the Annotated Code of Maryland (COMAR) Title 10, Subtitle 62.

In February 2016, Department of Planning and Zoning staff polled Eastern Shore counties, neighboring counties, towns, and adjacent Western Shore counties to discover how those jurisdictions, counties, and towns planned to regulate medical cannabis in their respective areas. A few Eastern Shore jurisdictions have elected to not adopt new regulations while others have chosen to modify existing regulations, and even proposed and adopted new regulations altogether.

More recently, the Department of Planning and Zoning received two separate inquiries regarding locations for a licensed medical cannabis processing facility and a licensed medical cannabis dispensary.

ANALYSIS

- At this time, only Anne Arundel and Baltimore Counties have adopted regulations for growing, processing and dispensing Medical Cannabis.
- On the Eastern Shore, the Town of Cambridge is the only local jurisdiction to have produced and passed regulations for the growing and processing of medical cannabis. The Town established medical cannabis growing and processing as conditional uses within the industrial zoning designation.
- Some jurisdictions are not planning any new regulations to address medical cannabis, opting to use current zoning regulations to govern the growing, processing, and dispensing.
- The existing practice is to permit the growing and processing of medical cannabis in Agricultural and Industrial zoning designations and to permit dispensing of medical cannabis through retail establishments in appropriate commercial zoning districts.

CONCLUSIONS

The Department of Planning and Zoning compared these practices and regulations with existing Queen Anne's County Chapter 18.

We found the following:

- There are properties in the Agriculture (AG) zoning district throughout Queen Anne’s County that meet the proposed criteria for growing medical cannabis.
- There are properties in the Light Industrial Highway Service, Suburban Commercial, Suburban Industrial, Urban Commercial, and Suburban Industrial Business Employment (LIHS, SC, SI, UC and SIBE) zoning districts throughout Queen Anne’s County that meet the proposed criteria for processing medical cannabis.
- There are properties in the Urban Commercial (UC) zoning district that meet the proposed criteria for medical cannabis dispensaries
- There are properties identified in the Grasonville Gateway Medical Center (GGMC) zoning district that meet the proposed criteria for medical cannabis dispensaries.

RECOMMENDATIONS: GROWING

Agriculture (AG) District

Amend Chapter 18:1-14 to allow Medical Cannabis Licensed Growers as a conditional use in the Agriculture (AG) Zoning District. Conditions are as follows:

- a) Shall be located on a property comprised of twenty (20) acres or more;
- b) Shall not be located within 1000 feet of any public or private pre-, elementary, middle, or high school, and;
- c) If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).

RECOMMENDATIONS: PROCESSING

Light Industrial Highway Service, Suburban Commercial, Suburban Industrial, Urban Commercial, Suburban Industrial Business Employment (LIHS, SC, SI, UC, SIBE)

Amend Chapters 18:1-21, 18:1-22, 18:1-23, 18:1-24 and 18:1-35 to allow Medical Cannabis Licensed Processors as a conditional use in the Suburban Commercial, Suburban Industrial, & Light Industrial Highway Service, Urban Commercial and Suburban Industrial Business Employment (SC, SI, LIHS, UC, SIBE) zoning districts: The conditions are:

1. Shall not be located within 1000 feet of any public or private pre-, elementary, middle, or high school, and;
2. If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).

RECOMMENDATIONS: DISPENSARY

Grasonville Gateway & Medical Center (GGMC)

Amend Chapter 18:1-35 to allow Medical Cannabis Licensed Dispensaries as a permitted use in the Grasonville Gateway & Medical Center (GGMC) Zoning District subject to the following rules:

- a) Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
- b) Shall be located at least 1,000 feet from of any public or private church, school, or correction facility;
- c) Shall be located on a property at least 100 feet from any residential dwelling;
- d) Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;

Urban Commercial (UC)

Amend Chapter 18:1-22 to allow Medical Cannabis Licensed Dispensaries as a conditional use in the Urban Commercial (UC) Zoning District. Conditions are as follows:

- Shall not be located on a property that abuts any property with an existing residential use;
- Shall be located at least 500 feet from of any public or private church, licensed daycare, school, or municipal facility;
- Shall be located on a property at least 100 feet from any residential dwelling;
- Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;
- Shall Comply with COMAR Title 10:62;
- Shall take access from a public right-of-way that meets or exceeds Queen Anne's County Public Road Standards;
- Shall be located more than 2,500 feet from another Medical Cannabis Dispensary;
- Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis;
- Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
- The use shall be limited to Medical Cannabis and related products.

MEDICAL CANNABIS DISPENSARY PRESENTATION:

Stephen Meehan, Esquire, presented to the Board for their review and approval, Hippocratic Growth, LLC, Medical Cannabis Dispensary Presentation.

Mr. Meehan reviewed the location and how the building would be secured. He also gave his views on the county's ordinance 17-06 Medical Cannabis.

LEGISLATIVE SESSION: COUNTY ORDINANCE 17-01

Commissioner Moran introduced County Ordinance 17-01:

A BILL ENTITLED

AN OMNIBUS ACT CONCERNING the repeal and readoption of the Queen Anne's County Zoning Maps to include various rezonings of parcels of land in in Queen Anne's County;

FOR THE PURPOSE of repealing the Queen Anne's County Zoning Maps and adopting replacement Zoning Maps that are compiled from digitally generated and geo-referenced parcel layer maps which include the rezoning of various parcels or parts of parcels of land in Queen Anne's County to correct drafting errors discovered during the transition from State-generated tax maps to the digitally generated parcel layer maps all of which are consistent with the 2010 Comprehensive Plan;

BY REPEALING AND READOPTING the official Queen Anne's County Zoning Maps.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the eighty one (81) Zoning Maps adopted January 13, 2004, as amended from time to time, are hereby REPEALED and the eighty-one (81) Zoning Maps attached hereto are hereby ADOPTED in their place and stead.

SECTION II

BE IT FURTHER ENACTED that the following parcels or parts thereof are rezoned as specified to correct drafting errors revealed in the transition from State-generated tax maps to digitally generated parcel layer maps:

1. Tax Map 57 Parcel 23: .20 acres from Neighborhood Conservation 8 (NC-8) to Chester Master Plan Development (CMPD)
2. Tax Map 56 Parcel 254: 1.01 acres from Suburban Industrial (SI) to Suburban Estate (SE)
3. Tax Map 6 Parcel 98: 5.11 acres from Neighborhood Conservation 1T (NC1T) to NC 2T
4. Tax Map 5 parcel 144: 6.53 acres from Neighborhood Conservation 1T (NC-1T) to Agriculture (Ag)
5. Tax Map 70 parcel 40: 0.97 acres from Neighborhood Conservation 2 acres (NC-2) to Agriculture (Ag)
6. Tax Map 43 parcel 102: 1.31 acres from Neighborhood Conservation 2 acres (NC-2) to Agriculture (Ag)
7. Tax Map 37, parcel 35, Lot 1: 0.32 from Neighborhood Conservation 1 acre (NC-1) to Agriculture (Ag)

COUNTY ORDINANCE 17-02

Commissioner Moran introduced County Ordinance 17-02:

A BILL ENTITLED

AN ACT CONCERNING the Disposition of Pending Matters upon Adoption of new Critical Area Maps;

FOR THE PURPOSE of providing for the disposition of certain pending matters in accordance with the boundaries of the Chesapeake Bay Critical Area as delineated on the Critical Area Maps then in effect;

BY ADDING a new Section 14:1-20 to the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S

COUNTY, MARYLAND that a new Section 14:1-20 be ADDED to the Code of Public Local Laws of Queen Anne's County to read as follows:

...
§ 14:1-20 (~~Reserved~~)-Disposition of pending matters.

Any of the following matters filed prior to May 1, 2017 shall be processed and/or decided in accordance with the boundaries of the Chesapeake Bay Critical Areas as delineated in the official Critical Area maps then in effect:

- a. Completed applications for building permits;
- b. Completed applications for subdivision approval, other than applications involving major subdivisions;
- c. Completed applications for major subdivisions, provided the application received preliminary approval from the Planning Commission prior to May 1, 2017;
- d. Any matter on appeal to the Queen Anne's County Board of Appeals.

COUNTY ORDINANCE 17-05

Commissioner Moran introduced County Ordinance 17-05:

A BILL ENTITLED

AN OMNIBUS ACT CONCERNING the repeal and readoption of the Queen Anne's County official Critical Area **Overlay** Maps.

FOR THE PURPOSE of repealing the Queen Anne's County Critical Area Maps and adopting replacement Critical Area **Overlay Maps** that are compiled from digitally generated and geo-referenced parcel layer maps;

BY REPEALING AND READOPTING the official Queen Anne's County **Critical Area Overlay** Maps.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the official Critical Area **Overlay** Maps maintained in the Department of Planning and Zoning, as amended from time to time, are hereby REPEALED and the Critical Area Overlay Maps attached hereto are hereby ADOPTED in their place and stead.

COUNTY ORDINANCE 17-06

Commissioner Moran introduced County Ordinance 17-06:

A BILL ENTITLED

AN ACT CONCERNING Medical Cannabis in Queen Anne's County, Maryland.

FOR THE PURPOSE of regulating the growing, processing and dispensing of medical cannabis in Queen Anne's County; permitting the growing of cannabis as a conditional use in the Agricultural (AG) zoning district, permitting the processing of medical cannabis as a conditional use subject to certain conditions in the Light Industrial Highway Service (LIHS), Suburban Commercial (SC), **Suburban Industrial Business Employment (SIBE), Urban Commercial (UC)** and Suburban Industrial (SI) zoning districts; providing for medical cannabis dispensaries as a conditional use in the Urban Commercial (UC) zoning district; providing additional standards for such conditional uses; providing for medical cannabis dispensaries as a permitted use subject to certain development standards in the Grasonville Gateway and Medical Center (GGMC) zoning district; providing for certain definitions relating to medical cannabis; and generally regulating, restricting and providing for medical cannabis activities in Queen Anne's County.

BY AMENDING and ADDING TO Sections 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24, 18:1-35 and 18:1-35.1 and ADDING Section 18:1-95 U. and certain definitions to Chapter 18:App-1 of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-14, 18:1-21, 18:1-22, 18:1-23, 18:1-24 18:1-35 and 18:1-35.1 be are and hereby AMENDED to read as follows:

Section 18:1-14 Agricultural (AG) District:

...

C. Conditional uses.

- (1) *Agricultural conference facilities.*
- (2) *Aquaculture, with more than two ponds created by extraction, or any single pond greater than five acres in size created by extraction, on any single lot.*
- (3) *Campgrounds.*
- (4) *Commercial apartments; allowed only in conjunction with a country store.*
- (5) *Country inn.*
- (6) *Country store.*
- (7) *Major extraction and dredge disposal.*
- (8) ***Medical Cannabis Licensed Growing. This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of***

the property shall be Intensely Developed Area (IDA).

~~(8)~~ (9) Minor extraction and dredge disposal uses:

...

Section 18:1-21 Suburban Commercial (SC) District:

C. Conditional uses.

- (1) Campgrounds.
- (2) Commercial forestry.
- (3) First-floor commercial apartments.
- (4) Light industrial.
- (5) Marinas.
- (6) Medical Cannabis Licensed Processing. This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).
- ~~(6)~~ (7) Minor extraction and dredge disposal uses.
- ~~(7)~~ (8) Public utilities.
- ~~(8)~~ (9) Telecommunications facilities.

...

Section 18:1-22 Urban Commercial (UC) District:

...

C. Conditional uses.

- (1) Commercial forestry.
- (2) First-floor commercial apartments.
- (3) Marinas.
- (4) Medical Cannabis Licensed Dispensary.
- (5) Medical Cannabis Licensed Processor.
- ~~(4)~~ (6) Minor extraction and dredge disposal uses.
- ~~(5)~~ (7) Private airports.
- ~~(6)~~ (8) Public utilities.
- ~~(7)~~ (9) Telecommunications facilities.

...

Section 18:1-23 Suburban Industrial (SI) District:

...

C. Conditional uses.

- (1) Agriculture.
- (2) Aquaculture.
- (3) Commercial forestry.
- (4) Major extraction and dredge disposal.
- (5) Heavy industrial.
- (6) Marinas.
- (7) Medical Cannabis Licensed Processing. This use shall not be located within 1000 feet of any institutional use. If proposed in the critical area, the classification of

the property shall be Intensely Developed Area (IDA).

- ~~(7)~~(8) Outdoor recreation.
- ~~(8)~~(9) Private airports.
- ~~(9)~~(10) Public heliports and airports.
- ~~(10)~~(11) Public utilities.
- ~~(11)~~(12) Telecommunications facilities.
- ~~(12)~~(13) Truck stops and travel plazas.

Section 18:1-24 Light Industrial Highway Service (LIHS) District:

C. Conditional uses.

- (1) Aquaculture, with more than two ponds created by extraction, or any single pond greater than five acres in size created by extraction, on any single lot.
- (2) Commercial forestry.
- (3) Major extraction and dredge disposal.
- (4) Heavy industrial.
- (5) Medical Cannabis Licensed Processing. This use shall not be located within 1000 feet of any school, church or municipal use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).
- ~~(5)~~(6) Outdoor recreation.
- ~~(6)~~(7) Private airports.
- ~~(7)~~(8) Public heliports and airports.
- ~~(8)~~(9) Public utilities.
- ~~(9)~~(10) Telecommunications facilities.
- ~~(10)~~(11) Truck stops and travel plazas.

...

Section 18:1-35 Suburban Industrial Business Employment District:

B. Permitted uses

...

(3) Light industry uses including:

- (a) Blacksmith shops;
- (b) Boat building;
- (c) Bulk materials or machinery storage (fully enclosed);
- (d) Business cluster facilities (an incubator facility offering space and support services for early stage companies engaged in the development of products or services with commercial potential);
- (e) Contractors' offices and equipment storage yards;
- (f) Dry-cleaning and laundry plants serving more than one outlet;
- (g) Food processing and packing plants;
- (h) Fuel oil (storage and sales);
- (i) Furniture refinishing shops;
- (j) Incidental retail stores, not to exceed 25,000 square feet of gross floor area, associated

- with building and plumbing supply distribution operations;
- (k) Manufacturing/warehousing (including the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products) in plants with fewer than 500 employees on a single shift;
 - (l) Materials sales;
 - (m) **Medical Cannabis Processing This use shall not be located within 1000 feet of any school, church or municipal use. If proposed in the critical area, the classification of the property shall be Intensely Developed Area (IDA).**
 - (n) Ornamental iron workshops;
 - (o) Printing plants;
 - (p) Scientific (e.g., research, testing or experimental) laboratories;
 - (q) Showrooms;
 - (r) Trade shops (including cabinet, carpentry, planing, plumbing, refinishing and paneling);
 - (s) Truck terminals; and
 - (t) Wholesale business and storage.

...

Section 18:1-35.1 Grasonville Gateway and Medical Center (GGMC) District:

...

B. Permitted uses.

- (1) Assisted living facilities.
- (2) Banks and other financial institutions.
- (3) Barbershop/hair dresser.
- (4) Business and professional offices.
- (5) Carry-out food service.
- (6) Coffee shop.
- (7) Commercial apartments.
- (8) Diagnostic centers.
- (9) Domiciliary care facilities.
- (10) Dry cleaner.
- (11) Emergency center.
- (12) Fitness center.
- (13) Funeral home.
- (14) Group day-care center.
- (15) Hospital.
- (16) Hotels.
- (17) Institutional, residential serving five or fewer residents.
- (18) Institutional, nonprofit.
- (19) Institutional, for-profit.
- (20) **Medical Cannabis Licensed Dispensary.**
- (20) (21) Medical offices and clinics.
- (21) (22) Medical training facilities.

- ~~(22)~~ **(23)** *Medical specialties and medical support services.*
- ~~(23)~~ **(24)** *Minor multifamily development.*
- ~~(24)~~ **(25)** *Non-fast-food restaurants.*
- ~~(25)~~ **(26)** *Nursing homes.*
- ~~(26)~~ **(27)** *Professional offices.*
- ~~(27)~~ **(28)** *Pharmacy or formulary associated with medical offices.*
- ~~(28)~~ **(29)** *Public service uses.*
- ~~(29)~~ **(30)** *Rehabilitation centers.*
- ~~(30)~~ **(31)** *Retail pharmacy.*
- ~~(31)~~ **(32)** *Scientific (e.g., medical, research, testing or experimental) laboratories.*
- ~~(32)~~ **(33)** *Veterinary offices.*

...

D. *Development standards.*

...

4. Medical Cannabis Licensed Dispensary in GGMC

- a) *Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;*
- b) *Shall be located at least 1,000 feet from of any public or private church, school, or correction facility;*
- c) *Shall be located on a property at least 100 feet from any residential dwelling;*
- d) *Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;*

...

SECTION II

BE IT FURTHER ENACTED that a new Section 18:1-95 U. be ADDED to the Code of Public Local Laws to read as follows:

Section 18:1-95 Additional standards for specified conditional uses.

...

U. Medical Cannabis- Grower, Processor, and Dispensary

1. Medical Cannabis Licensed Grower:

- a. *Shall be located on a property that comprises twenty (20) acres or more;*
- b. *Shall not be located within 1000 feet of any public or private day care, pre-, elementary, middle, or high school, , and;*
- c. *If proposed in the critical area, the classification shall be Intensely Developed Area (IDA).*

2. Medical Cannabis Licensed Processor:

- a. *Shall not be located within 1000 feet of any public or private day care, pre-, elementary, middle, or high school, and;*
- b. *If proposed in the critical area, the classification shall be Intensely Developed Area*

(IDA).

3. Medical Cannabis Licensed Dispensary:

- a. Shall not be located on a property that abuts any property with an existing residential use;
- b. Shall be located at least 500 feet from of any public or private church, day care, school, or correction facility;
- c. Shall be located on a property at least 100 feet from any residential dwelling;
- d. Shall be located on a property designated sewer service S-1 or S-2 as identified by the 2011 Comprehensive Water & Sewerage Plan;
- e. Shall Comply with COMAR Title 10:62;
- f. Shall take access from a public right-of-way that meets or exceeds Queen Anne's County Public Road Standards;
- g. Shall be located more than 2,500 feet from another Medical Cannabis Dispensary;
- h. Shall not have an on-site physician for the purpose of issuing written certifications for medical cannabis;
- i. Signage shall be limited to one, internally illuminated sign not exceeding twelve (12) square feet, and;
- j. The use shall be limited to Medical Cannabis and related products.

SECTION III

BE IT FURTHER ENACTED that the following definitions be ADDED to Chapter 18:
App – 1.

Definitions for Chapter 18 App-1 Definitions.:

...
“Medical Cannabis” is any product containing usable cannabis or medical cannabis finished product.

“Medical Cannabis Finished Product” is any product containing a medical cannabis concentrate or a medical cannabis-infused product packaged and labeled for release to a qualifying patient.

- (a) “Medical cannabis-infused product” is oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into other material.
- (b) “Medical cannabis-infused product” does not include a food as that term is defined in Health-General Article, §21-101, Annotated Code of Maryland.

“Medical Cannabis Licensed Dispensary” is an entity licensed by the Maryland Medical Cannabis Commission that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing medical cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.

“Medical Cannabis Licensed Processor” is an entity licensed by the Maryland Medical Cannabis Commission that:

- (a) Transforms the medical cannabis into another product or extract; and*
- (b) Packages and labels medical cannabis.*

...

SECTION IV

BE IT FURTHER ENACTED that, upon introduction, this Ordinance be referred to the Queen Anne’s County Planning Commission for investigation and recommendation.

SECTION V

THIS Ordinance is declared to be emergency legislation, affecting the health, safety and welfare of the County and upon the affirmative votes of four-fifths of the total membership of the Board of County Commissioners, shall be effective immediately upon its passage.

County Ordinance 17-06 will be forwarded to the Planning Commission for review and recommendation.

RESOLUTION 17-06

Commissioner S. Wilson introduced and read into record, County Ordinance 17-05:

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY MEDICAL MARIJUANA FACILITIES

A RESOLUTION regarding the Queen Anne's County Department of Planning and Zoning's responsibilities to comment upon the applicability of the Queen Anne's County Zoning Code (Title 18:1) to potential medical marijuana growing, processing, and dispensing facilities within Queen Anne's County.

WHEREAS, in May, 2015, the State of Maryland finalized legislation authorizing the growing, processing, and dispensing of medical marijuana, and

WHEREAS, the State of Maryland has indicated that local jurisdictions must allow medical marijuana facilities to be located in their jurisdiction whether or not such facilities are supported by the citizens, and

WHEREAS, the Commissioners do not support the establishment of medical marijuana facilities in Queen Anne's County but may be prohibited by State law from banning them completely, and

WHEREAS, on December 16, 2016, the Maryland Medical Cannabis Commission issued pre-approval notices for medical marijuana growing, processing, and dispensing licenses, and

WHEREAS, the recipients of the pre-approval notices may now seek final licensing approval, and

WHEREAS, a recipient of pre-approval for a processing facility and a recipient of preapproval for a dispensary have expressed interest in locating in Queen Anne's County, and

WHEREAS, the process for seeking final licensing approval is set forth in COMAR 10.62.25.07 and must be concluded by December 16, 2017, and

WHEREAS, the issuance of final licensing approval requires applicants to demonstrate a variety of financial, security, land use, professional, and operational qualifications, and

WHEREAS, the criteria for final licensing approval bear directly upon the health, safety, and welfare of the citizens of Queen Anne's County, and

WHEREAS, the County Commissioners are unable to fully assess the effect of licensed medical marijuana processing and dispensing facilities upon the health, safety, and welfare of the Queen Anne's County citizens without full access to completed applications for final licensing approval, and

WHEREAS, the County Commissioners have authority to protect the health, safety, and welfare of Queen Anne's County citizens through the planning and zoning authority conferred upon them in the Land Use Article of the Annotated Code of Maryland, and

WHEREAS, until the full parameters of licensed medical marijuana processing and dispensing facilities are available for study, the County Commissioners are unable to make fully informed decisions regarding land use policies and initiatives, and

WHEREAS, the County Commissioners believe a cautious approach to the land use implications of licensed medical marijuana processing and dispensing facilities is prudent,

NOW, THEREFORE, BE IT RESOLVED this 31st day of January, 2017 that the County Commissioners of Queen Anne's County hereby direct the Queen Anne's County Department of

Planning and Zoning (1) to maintain close contacts with the Maryland Medical Cannabis Commission, (2) to request copies of all documents, plans, and studies submitted to the Cannabis Commission by applicants for final licensing approval that wish to locate in Queen Anne's County, (3) to study the submissions made by such applicants for the reasonably expected land use impacts of medical marijuana facilities, and (4) to refrain from issuing any zoning approvals or statements regarding the permissibility of medical marijuana processing and dispensing facilities pending the issuance of a report by the Department on the land use implications of such facilities in Queen Anne's County.

BE IT FURTHER RESOLVED that the Department of Planning and Zoning shall submit its report to the Cannabis Commission on or before October 1, 2017 provided the Department is satisfied that the submissions made to the Cannabis Commission by applicants seeking to locate in Queen Anne's County are sufficient to assess the land use implications of medical marijuana processing and dispensing facilities in Queen Anne's County.

On a motion made by Commissioner Moran, seconded by Commissioner Buckey, the Board unanimously agreed to adopt Resolution 17-06.

Commissioners	Yes	No
Moran	x	
J Wilson	x	
S Wilson	x	
Buckey	x	
Anderson	x	

PRESS AND PUBLIC COMMENTS:

The following persons spoke to the Commissioners on subjects of interest to them:

1. Jamie Fleetwood
2. Warren Wright
3. Cathy Wright
4. Jennifer Moore
5. Mary Bourbon
6. Michael Cuches
7. Ashley Hara
8. Charlie McCardy
9. Tammy Sauders
10. Heather Sinclair
11. Sheriff Hofmann
12. Eugene Casey
13. Joe Brannon
14. Kiely Ship

15. Kevin Waterman

There being no further business, they adjourned at 8:15 p.m. to meet again on Tuesday, February 14, 2017.

EXECUTIVE ASSISTANT

PRESIDENT