

**LEWISTON CITY COUNCIL WORKSHOP AGENDA**

**CITY COUNCIL CHAMBERS, CITY HALL**

**TUESDAY, FEBRUARY 12, 2019**

**6:00 p.m. Workshop**

Pledge of Allegiance to the Flag.

**WORKSHOP**

1. Amendments to Community Development Block Grant Loan Programs.
2. Lake Auburn Alum Treatment.
3. Land Development Code Design Guideline Review.
4. Marijuana Regulation.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, FEBRUARY 12, 2019  
6:00 PM

1. Amendments to Community Development Block Grant Loan Programs.

Our current CDBG loan programs are intended to support a vibrant urban community. These loan programs require updating to conform to certain changes implemented by the US Department of Housing and Urban Development and to bring these programs into a closer match with potential borrower needs. Please see the attached memorandum from Linc Jeffers.

2. Lake Auburn Alum Treatment.

The Fiscal Year 2020 Capital Improvement Plan includes a request for funding for an immediate treatment to Lake Auburn to address last summer's algae bloom and the issue of phosphorus in lake water, which is the underlying cause of such blooms. Treating the lake with an application of Alum will serve to capture a portion of the phosphorus in lake water and reduce the likelihood of algae blooms for an estimated 5 to 10 years. During that time watershed sources of phosphorous would continue to be evaluated and reduced, to the extent possible. Water division staff have been evaluating this approach and would like to brief the Council on this proposal, especially given the recent interest in Lake Auburn water quality. Please see the attached information.

3. Land Development Code Design Guideline Review

The City is currently engaged in selecting a consultant to assist in the review of our Land Development and Historic Preservation code design guidelines. As part of that process, we would like to request that the Council establish a committee of interested parties to work with our staff and the consultant on this project. Please see the attached from the Planning Office.

4. Marijuana Regulation

The City Council recently adopted ordinance language that places a freeze on the establishment of any caregiver retail stores, registered dispensaries, marijuana testing facilities, or manufacturing facilities. At this time, the only allowed marijuana operations in Lewiston are registered caregiver grow operations for up to 30 mature plants and, through grandfathering, currently operating registered caregiver retail stores. We would like to continue the discussion of a regulatory framework for both medical and adult use marijuana. The attached memo from David Hediger outlines some recommendations and areas where the Council will need to make decisions and provide guidance on items such as zoning districts in which certain operations will be allowed and the performance standards that must be met.

# Economic and Community Development

Lincoln Jeffers

Director



## Workshop

**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: Amendments to Commercial Loan Programs**  
**Date:** February 6, 2019

### Background

Lewiston is a HUD Community Development Block Grant Entitlement Community. The CDBG Entitlement Program provides annual grants on a formula basis to Entitlement cities and counties to develop viable urban communities by providing decent housing, suitable living environments, and expanding economic opportunities, principally for low- and moderate-income persons. The city has established a Revolving Loan Fund that was initially capitalized, and occasionally is recapitalized, with CDBG funds.

ECD staff are increasingly receiving requests for funding which do not meet our current façade, life safety, or commercial loan program guidelines. Additionally, HUD recently changed certain expectations and rules that have rendered parts of our existing programs non-compliant with HUD regulations. To remedy this, we have taken several steps.

Economic Development Specialist Heidi McCarthy researched successful programs in similar CDBG communities and worked with Jayne Jochem and Misty Parker to evaluate our current programs against the new guidelines to identify aspects which are still relevant. This summer, Heidi surveyed business owners to gain insight into what parts of our programs work well or not so well for our community. Using the feedback from business owners, our HUD representative, and the CDBG guidelines, we have created programs that will be more helpful to business owners while aligning with CDBG requirements. These programs will increase vibrancy in the target area through job creation, increased economic opportunities for low-income residents, utilize mixed-use spaces in collaboration with the city's residential programs, and attract commercial uses to increase the tax base.

## **Proposed Economic Development Business Assistance Programs**

Microenterprise Program: This program will allow small business owners with 1-5 employees to access funds for a variety of uses including working capital, business plan support, training to increase capacity, and rehabilitation to make a space ready for the business. In order to access these funds, business owners must either create jobs for low- to moderate-income individuals or be low- to moderate-income.

Economic Development Loan: This loan allows business owners to use funds for acquisition, working capital, machinery, equipment upgrades, furniture and fixtures, or interior construction that addresses code violations. The business must either create jobs for low- to moderate-income individuals or serve a population that is 51% or more low- to moderate-income.

## **Commercial Rehabilitation, Historic and Façade Improvements**

Façade Deferred Loan for Commercial Buildings: This allows business owners, or those leasing a business space, to improve the exterior of the commercial portion of their space. The business must serve people who are 51% or more low- to moderate-income. Eligible uses can include exterior lighting, signage, awnings, masonry, landscaping, painting, or windows to improve energy efficiency.

Façade Deferred Loan for Historic Properties: Work under this category can only be completed if the structure is listed or is eligible to be listed on the National Register of Historic Places; listed on a State or local inventory of historic places; designated as a State or local landmark or historic district by appropriate law or ordinance; or a contributing structure within an historic district. Eligible uses are similar to a commercial building loan but can also include roof repairs related to structural improvements that hold a façade in place and architectural design.

## **Residential Loan Program in Mixed-Use Properties**

We have many underutilized mixed-use buildings in the target area. This program will allow building owners to open upper floors for residential uses. Eligible uses include correction of code violations, lead remediation, plumbing and heating upgrades, installation of security devices, and costs to remove architectural barriers that restrict the mobility and accessibility of elderly or severely disabled persons.

## **Summary**

The proposed amendments to the city's commercial loan programs are the first changes proposed in many years. The changes are driven by the expressed needs of business and building owners; feedback received from users of our programs on how they can be improved; and the need to bring our programs into compliance with changes in HUD regulations.

Also attached is a schedule of fees to be paid by the city, utilizing HUD grant funds, and fees to be paid by users of the program.

A PowerPoint elaborating on the structure of the programs will be presented at the workshop. City Council discussion and feedback on the proposed changes is desired. The council is scheduled to take action to adopt the new programs at their February 19<sup>th</sup> meeting.

## Appendix (INSERT NUMBER HERE)

### Fee Schedule for Economic Development Programs

#### General Program Costs:

	Investor/Owner Costs	City Costs
City Code Enforcement Initial and Final Inspections		In-kind service
Lead Inspection		\$375 for single family \$375 for 1 <sup>st</sup> unit of multi-family \$300 each additional unit
Lead Design Plan		\$500 per unit
Lead Clearance Testing		\$265 per unit <sup>1</sup>
Environmental Review		In-kind service
Environmental Assessment, if required		\$9300

#### Closing Costs:

	Investor/Owner Costs	City Costs
Application Fee	\$50	
Appraisals, if required by program	100% of amount	
Credit Check	\$25 for each investor/owner with 20% or greater ownership of the business	
Title Update	Up to \$200 for in-house preparation <sup>2</sup>	
Loan Underwriting Fee	\$350 or 1% of loan origination	
Recording Fee	\$19 first page, \$2 each additional page	
Discharge Fee	\$19	
Attorney Fees, if applicable	100% of amount	

Fees may be waived on a case-by-case basis at the discretion of the Loan Qualification Committee. Applicant must submit Hardship Waiver Request Form.

<sup>1</sup> If re-testing is necessary because of failed results, the contractor will be responsible for additional fees

<sup>2</sup> If Title must be prepared by title attorney, investor/owner is responsible for 100% of attorney fees.



## Department of Public Works

Dale Doughty, C. G.  
Director



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TO: Dale Doughty, Director  
FROM: Kevin A. Gagne, Deputy Director  
SUBJECT: Alum Treatment of Lake Auburn  
DATE: February 8, 2019

Lake Auburn is the only source of public drinking water for the Cities of Lewiston and Auburn. In 1899, the City of Lewiston installed piping and began using Lake Auburn as its drinking water source, moving away from the Androscoggin River due to water quality issues. Since 1899 both communities of Auburn and Lewiston have relied on Lake Auburn as their only source of drinking water. In 1992, the Auburn Water District and the City of Lewiston made a very focused and conscious effort to apply for and received a "waiver from filtration" allowing the Auburn Water District and the City of Lewiston to protect the watershed and closely monitor water quality to ensure Lake Auburn meets raw surface water standards to continue to provide drinking water without filtration.

Since 1992, the Auburn Water District and the City of Lewiston have made many advances in watershed protection to ensure the water quality of Lake Auburn meets drinking water standards including installing a joint intake in 1996, stabilizing numerous properties in the watershed, and responsible forestry to maintain healthy diverse tree growth and forest understory. However, we continue to experience and see threats to water quality and our waiver from filtration due to natural and human activities such as sea gulls, road maintenance and operations, run off from both natural and developed properties, and septic disposal systems. Since 2010, we have also seen higher algae numbers in the lake and experienced an algae bloom with fish kill in 2012.

The construction of the UV Treatment facility, completed in 2012, provided us with the latest in water treatment technology to meet safe drinking water standards and continues to provide excellent water treatment and quality benefits. However, with the recent taste and odor experience in 2018 and 2019, there have been questions raised about Lake Auburn water quality, what can be done to prevent further taste and odor issues, and what the long term plan is for the Lake.

In 2014 a "*Diagnostic Study of Lake Auburn and its Watershed*" was completed by CDM Smith and it looked at the options to maintain water quality of Lake Auburn to continue to meet safe drinking water standards and maintain the communities "waiver from filtration." In the study, CDM Smith details the nutrients that contribute to algal growth and sources of nutrients coming into Lake Auburn. It was determined that Phosphorus is the major contributor to turbidity and algal growth in the lake. Sources of phosphorus come from the watershed through run off and tributary streams. Over history, phosphorus has also been deposited in the sediment. So the available sources of phosphorus for algae growth exists in the water, in the sediment, and from new sources flowing into the lake. The only way phosphorus leaves the lake is from water withdrawal

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(flow out Bobbin Brook and AWD/LWD drinking water use). In order to remove phosphorus (P) from the Lake, we could stop the inflow of P, strip P from water with alum, and/or lockup P in the sediment with alum. The study details the options for the following: watershed management, in-lake management, and a monitoring program.

Watershed management has been and will continue to be the focus for the Lake Auburn Watershed Protection Commission, City of Lewiston, and the Auburn Water District. Without watershed protection, drinking water standards would not be met and loss of waiver would result. Further, even with filtration as a tool to clean the water for drinking water purposes, it would become more expensive and more difficult to treat as lake water quality degrades. So, the best and most cost effective option is continued watershed protection.

Methods of in-lake management were considered as a way to prevent further algal blooms, prevent high turbidity, protect the cold water fishery, and ultimately continue to meet filtration waiver requirements. The in-lake management options considered were dredging, hypolimnetic oxygenation of the lake, and phosphorus inactivation (alum treatment). CDM Smith recommended oxygenation of the lake and alum treatment be considered. Dredging was eliminated as an option due to its much higher cost.

Since 2014 and as recommended by CDM Smith, the City of Lewiston, Auburn Water District, and the LAWPC have continued to monitor the lake and continued watershed protection efforts. We have not found a specific source of phosphorus that could be addressed to eliminate the incoming phosphorus, the primary cause of algae growth in recent years. We have found phosphorus in certain streams and areas where stormwater enters into the lake; however, these sources are considered non-point sources. We have also looked at background phosphorus in Lake Sediments and tributary streams that flow into Lake Auburn.

We have been evaluating the option of in-lake treatment for 'phosphorus inactivation' through the use of alum. Such a treatment would not only address last summer's algae bloom, but would also remove phosphorus from the lake water, the underlying cause of such blooms. Treating the lake with an application of alum will serve to capture a portion of the phosphorus and reduce the likelihood of algae blooms for an estimated 5 to 10 years. During that time, sources of phosphorus in the watershed would continue to be investigated and projects to remove or prevent phosphorus from entering the Lake would be completed as part of the long term plan.

When considering oxygenation of Lake Auburn, it is an expensive option and it does not do anything to remove or reduce the problem causing algal growth. Oxygenation will not remove phosphorus from the tributaries or from the lake. A diffused oxygen distributor system would only stop the release of internal phosphorus in lake sediments, which contributed to the issue in 2012. The recent taste and odor issues caused by algae in 2018 were from phosphorus already in the water column, and no additional phosphorus was believed to be coming from these sediments. The design life of an oxygenation system is about 10 years with annual operational costs.

**What does Alum do?**

Much like in your garden, phosphorous is an essential nutrient for photosynthesis. The old standard 5:10:10 fertilizer is 5% nitrogen: 10% phosphorous: 10% potassium. Without phosphorous there is no green plant/algal growth. Alum (aluminum sulfate) treatments are used in many lakes to bind with phosphorous and are used in many conventional drinking water treatment plants to reduce turbidity. It is not intended to kill algae or other aquatic organisms, it is intended to stunt their growth by removing an essential nutrient. When Alum is added to a lake water, it reacts with water and forms aluminum hydroxide and that compound settles through the water column capturing the phosphorous and forming another insoluble compound at the bottom of the lake called aluminum phosphate. You may also use aluminum hydroxide in your home, as it is a common component in antacids.

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The Auburn Water District and Lewiston Water staff have been working with Dr. Ken Wagner of Water Resource Services of Massachusetts since the 2012 CDM Smith study. We have been in detailed dialog with Dr. Wagner, as he is a leader in the algae field regarding identification, action plans, and treatment options. Dr. Wagner has helped train our staff to identify algae, sample algae, and collect algae counts to help understand the health of the lake along with other micro-organisms that affect the water quality of Lake Auburn. Dr. Wagner assisted us by developing the 2018 algaecide treatment plan and is working with us to develop the proposed alum treatment plan for 2019.

It takes approximately 7 years for Lake Auburn to flush phosphorus out of the lake. It has been Dr. Wagner's opinion that in order to have time to remediate the sources of phosphorus coming into Lake Auburn, the best and most cost effective option is a treatment of alum in Lake Auburn to removed phosphorus from the water column. The alum will settle to the bottom and lock up the phosphorus. We are not currently proposing a higher dose of alum that would lock up the phosphorus currently in the sediment. We expect the proposed dose of alum to provide lower turbidity and reduced algal growth for about 5 to 10 years, giving AWD/LWD and LAWPC time to complete projects to reduce phosphorus coming in from erosion and tributaries. If we do not dose alum early this summer, we can expected to have more frequent algae issues similar to or worse than the 2018 algae issues.

We are recommending applying a dose of alum treatment to a portion of Lake Auburn in June of 2019 to prevent algae growth and turbidity and to maintain our waiver from filtration. We estimate the cost of such a treatment will be \$750,000, with Lewiston's share estimated at \$375,000. A placeholder for this project can be found on page 110 of the LCIP with a total cost of \$2,400,000. Working with our consultant since then, we have refined the need and the scope of work, which has allowed us to reduce the initial cost estimate.

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**CITY OF LEWISTON**

**Department of Planning & Code Enforcement**

**TO: Mayor Bouchard and the Lewiston City Council**

**FROM: Douglas Greene, AICP, RLA; Deputy Director/City Planner**

**DATE: February 12, 2019**

**RE: Resolve to Establish an Ad-Hoc Advisory Committee for the Update of Design Regulations**

The process of selecting a consultant to assist the city in updating design regulations is underway. Proposals have been received and a Consultant Selection Committee is reviewing the proposals in anticipation of final interviews. The Consultant Selection Committee will forward a recommendation to the Finance Committee that will then consider hiring the recommended consultant. Once under contract, the update process can begin.

An important part of this work will be to have a group of interested parties who can work closely with the consultant and staff to offer advice and guidance on the project. The attached resolution suggests involvement and representation from the Planning Board, Historic Preservation Review Board, the City Council, the Development Community, someone to represent the interests of Downtown Lewiston, along with staff from Economic Development and Planning. This well rounded group will offer knowledge and experience that is relevant to design and land use and help create regulations that will produce quality and cost effective development.



COUNCIL RESOLVE

**Resolve,** Establishing an Ad-Hoc Advisory Committee for the Update of Design Regulations

Whereas, the City has discussed updating its design regulations for some time, doing so is recommended in the City's comprehensive plan, and this would implement the goal of promoting quality development; and

Whereas, recently, the Staff presented a proposal to do so to the City's Planning Board and Historic Preservation Review Board, both of which indicated their support; and

Whereas, the proposal was subsequently presented to the City Council at a workshop where the Council also expressed support for the elements of the proposal; and

Whereas, funding for comprehensive plan implementation is available and can be used to hire a land use design consultant to update the city's design regulations; and

Whereas, the Council is now interested in establishing a group made up of various interested parties that will lend relevant experience and expertise to assist in this effort;

**Now, therefore, be It Resolved by the City Council of the City of Lewiston** that

There is hereby established an Ad-Hoc Advisory Committee to assist in the Update of Lewiston's Design Regulations.

1. Purpose.

The purpose of this committee shall be to update design regulations relating to the Historic Preservation Design Manual and any design related regulations found in the city's Zoning Ordinance including, but not limited to, the Site Plan and Design Guidelines. The Committee is hereby charged with recommending updated design regulations that will address typical architectural and site design elements in a manner relevant to Lewiston, be easy to understand, implement, be graphically oriented, and strike a balance between quality and cost effective development.

2. Duties. The committee shall
  - a. Work with the selected design consultant to evaluate current regulations,
  - b. Discuss and define the goals of design regulation updates,
  - c. Develop alternatives to the current design regulations for site plan review, form based code or character districts, design standards, performance standards or guidelines, and graphics,
  - d. Recommend updated design regulations that should be adopted by the City Council, and
  - e. If recommended, determine how such design updates should be implemented.

3. Composition and Appointment. The Committee shall be composed of eight regular members to be appointed by the Mayor as follows:
  - a. The Director of Planning and Code Enforcement;
  - b. The Deputy Director and City Planner of Planning and Code Enforcement;
  - c. A City Council member;
  - d. An employee from the City's Economic Development Division;
  - e. A member of the Planning Board;
  - f. A member of the Historic Preservation Review Board;
  - g. A representative of Development Community;
  - h. A representative of the interests of Downtown Lewiston.

The Mayor shall designate one member of the Committee to serve as Committee Chair.

4. Vacancies. Should a vacancy occur on the Committee, the vacancy shall be filled by the Mayor in accordance with the requirements of section 3 above.
5. Term. The Committee shall submit its final report and recommendations no later than January 31, 2020, at which time it will cease to exist unless its tenure is extended by action of the City Council.
6. Staff Support. The City Administrator and/or his designee shall be responsible for supporting the work of the committee and handling the Committee's logistics.
7. Quorum. A majority of the members of the committee shall constitute a quorum.



**CITY OF LEWISTON**

**Department of Planning & Code Enforcement**

**TO: Planning Board**  
**FROM: David Hediger, Director of Planning and Code Enforcement**  
**DATE: February 6, 2019**  
**RE: Discussion regarding medical and adult use marijuana uses**

On December 4, 2018, the Council adopted language amending the Code of Ordinances, Article XV, Medical Marijuana – Distribution and Cultivation, to remove references to registered dispensaries and clarify that the city has not opted in under state law to authorize registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities. That action resulted in only registered caregiver grow operations (up to 30 mature plants) being allowed as a permitted use in four zoning districts: Highway Business, Office Service, Industrial, and Urban Enterprise. Any registered caregiver retail stores currently existing are now legally nonconforming (i.e. grandfathered).

At the December meeting, Councilor’s made clear their desire to continue the discussion of where and what type of marijuana operations should be allowed in Lewiston. Staff is recommending the discussion include medical marijuana and the regulation of adult use marijuana. Adult use marijuana and medical marijuana are governed by two separate statutes, the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B). While each statute contains distinct language on local authority to regulate marijuana used and distribution for each particular purpose, staff is proposing the two uses be regulated similarly from a local zoning, licensing, and performance standards perspective.

**What may municipalities regulate?**

Municipalities may regulate adult use marijuana establishments locally. This includes cultivation facilities, products manufacturing facilities, testing facilities, and stores. Cultivation facilities are further divided into four tiers based on the square footage of plant canopy. There is also a fifth category of cultivation facility called a “nursery cultivation facility.” Nurseries may only cultivate up to 1,000 square feet of plant canopy, but they are authorized to sell immature plants, seedlings, and seeds directly to consumers without a separate store license. Municipalities may regulate home cultivation, but may not generally prohibit, zone, or license the activity.

Municipalities may regulate medical marijuana establishments locally. This includes registered caregiver retail stores, registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities. Municipalities cannot prohibit or limit number of caregivers.

Municipalities may not allow a marijuana store licensee that is also a registered caregiver or a registered dispensary to sell or offer for sale to consumers adult use marijuana and adult use marijuana products within the same facility or building in which the licensee also sells or offers for sale to qualifying patients marijuana and marijuana products for medical use pursuant to the Maine Medical Use of Marijuana Act, pursuant to 28-B M.R.S. §504.5

**What does Lewiston currently regulate?**

Lewiston allows registered caregiver grow operations (up to 30 mature plants) as a permitted use in four zoning districts: Highway Business, Office Service, Industrial, and Urban Enterprise. Any registered caregiver retail stores currently existing are legally nonconforming (i.e. grandfathered). Prior to November 20, 2018, the city allowed registered caregiver retail stores in the 11 zoning districts in which medical clinics were allowed. Currently, the city has issued 31 local caregiver licenses to grow, grow and sell, or sell medical marijuana. Of those 31 licenses, 15 sites have been approved for the retail sale or the combined sale and grow of medical marijuana. All caregivers are required to obtain a local license and properties must receive a use permit. There are no approved registered dispensaries, marijuana testing facilities, or marijuana manufacturing facilities operating in Lewiston at this time.

**Recommendations for the council’s consideration**

Staff is recommending the following:

1. Adult use and medical marijuana should be regulated similarly. Staff is recommending medical marijuana and adult use marijuana establishment be subject to the same local licensing, zoning, and performance standards. At this time, we do not believe there needs to be a distinction between the two uses, other than drafting definitions that reference the specific state statute definitions contained in the Adult Use Marijuana Act (28-B M.R.S. §§ 101-1504) and the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421-2430-B).

Adult Use Marijuana Act	Medical Use of Marijuana Act	Proposed Lewiston Ordinance
Cultivation facilities	Not defined	Marijuana business
Manufacturing facilities	Marijuana manufacturing facilities	Marijuana business
Testing facilities	Marijuana testing facilities	Marijuana business
Stores	Caregiver stores	Marijuana stores
Nursery cultivation facilities	Not defined	Marijuana business

2. Zoning districts must be reviewed for suitability of marijuana uses. Staff recommends determining which zoning districts would be appropriate for marijuana business and marijuana stores. Districts in which the city currently permits industrial and light industrial uses (i.e. Industrial, Urban Enterprise, Mill, Highway Business and Office Service) would be considered for marijuana businesses. Marijuana stores may be considered in those districts that currently permit retail uses (i.e. Riverfront, Downtown Residential, Community Business, Highway Business, Centreville, Urban Enterprise and Mill).

3. Performance standards must be adopted. Recognizing not all zoning districts may be appropriate for marijuana businesses or stores when considering existing use and development patterns, specific performance standards should be adopted, such as:
  - Odor: ensuring all uses are equipped with the air handling and treatment equipment necessary to ensure that odor from marijuana plants or other marijuana products will remain confined within the premises and not be detectable off-site of the premises that are not under the custody or control of the establishment
  - Locational requirements:
    - Require setbacks from school, religious facilities, daycare facilities, and city owned parks and open space (i.e. 500'-1,000').
    - Require setbacks from any legally existing nonconforming residential use and/or residential zoning districts (500'-1000').
    - Require setbacks/separation between the property lines of businesses and/or stores and the outside perimeter of leased space of businesses and/or stores.
  - Limit the size of businesses and stores.
  - Limit the hours of operation.
  - Prohibit drive-through operations.
  - Ensure sufficient and appropriate security measures are in place and operating.
  - Develop sign provisions limiting the area dedicated to images of marijuana and related products.
  - Develop criteria that will automatically disqualify an applicant from obtaining a local license, including:
    - Felony conviction within the past 10 years;
    - Misdemeanor convictions (or equivalent local ordinance violations) involving a controlled substance, dishonesty, theft, or fraud within the past 5 years;
    - Knowingly submitting an application that contains false information;
    - Failure to demonstrate the ability to maintain adequate premises liability and casualty insurance;
    - Failure to meet other criteria established by the State;
    - Bankruptcy proceedings within the past 7 years;
    - Tax delinquency issues at the local, state, or federal level.
4. Amend the existing local licensing provisions to make specific reference to zoning districts and performance standards. Everything about marijuana would be in our licensing ordinance, with the Zoning and Land Use Code simply referencing any use involving marijuana to the licensing ordinance.
5. Amend the existing fee structure for licensing marijuana uses. The current license application fee is \$550 annually. Given the unforeseen number of existing establishments and the potential for more, as well as the amount of time and resources involved by various departments in processing and inspecting establishments (i.e. clerks, police, fire, planning/code enforcement) there is a justifiable need to increase the fee.

Staff is looking for direction from the council on how they would like staff to proceed with the above referenced recommendations.