

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2023 Legislative Session, Legislative Day No.: June 13, 2023


Resolution No.: 344

Introduced by: Mr. Callahan, Ms. Haythe, Ms. Mielke, Mr. Stepp

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS, SITE PLANS, PERMITS, AND OTHER AUTHORIZATIONS FOR THE LOCATION, CONSTRUCTION, AND/OR OPERATION OF BUSINESSES ENGAGED IN GROWING, PROCESSING, AND/OR SELLING CANNABIS FOR A PERIOD OF NINE (9) MONTHS TO ALLOW THE COUNTY SUFFICIENT TIME TO ENACT REASONABLE, THOUGHTFUL, AND LAWFUL ZONING REQUIREMENTS AND OTHER REGULATIONS PERTAINING THERETO AS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE

By the Council: June 13, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 11, 2023 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order: 
Susan W. Moran, Secretary

A RESOLUTION TO ADOPT A TEMPORARY MORATORIUM ON THE PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS, SITE PLANS, PERMITS, AND OTHER AUTHORIZATIONS FOR THE LOCATION, CONSTRUCTION, AND/OR OPERATION OF BUSINESSES ENGAGED IN GROWING, PROCESSING, AND/OR SELLING CANNABIS USE FOR A PERIOD OF NINE (9) MONTHS TO ALLOW THE COUNTY SUFFICIENT TIME TO ENACT REASONABLE, THOUGHTFUL, AND LAWFUL ZONING REQUIREMENTS AND OTHER REGULATIONS PERTAINING THERETO AS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 10-324, Talbot County, Maryland (the "County"), as a Charter county, may enact local laws relating to zoning and planning to protect and promote public safety, health, morals, and welfare; and

WHEREAS, following a State referendum and ballot measure approved in the 2022 Statewide election, the Maryland General Assembly enacted comprehensive cannabis reform statutes during the 2023 legislative session pursuant to House Bill 556 and Senate Bill 516; and

WHEREAS, on May 3, 2023, the Governor of Maryland signed into law the Maryland Cannabis Reform Act, Chapter 254, Acts of Maryland ("Chapter 254"), effective July 1, 2023, which regulates the legalization of non-medical adult use cannabis and, *inter alia*, provides political subdivisions with the power to establish zoning requirements and otherwise regulate cannabis subject to certain limitations; and

WHEREAS, the County Council of Talbot County (the "County Council") recognizes the significant planning, zoning, property, economic, and secondary effects arising from or related to the location, construction, and operation of businesses engaged in growing, processing, and/or selling cannabis; and

WHEREAS, the County Council considers the public interest to be best served by sufficiently deliberated regulatory schemes regarding businesses engaged in growing, processing, and/or selling cannabis; and

WHEREAS, the County currently lacks regulations regarding businesses engaged in growing, processing, and/or selling cannabis; and

WHEREAS, the County Council recognizes the potential negative impacts of regulations regarding businesses engaged in growing, processing, and/or selling cannabis use stemming from inadequate and hurried deliberations; and

WHEREAS, the County Council has determined that enacting hastily prepared regulations prior to the full understanding of Chapter 254 and the State regulations promulgated pursuant thereto, including the elements of social equity distribution and the Community Reinvestment and Repair Fund ("CRRF"), would fail to meet the spirit and intent of Chapter 254 while potentially creating confusion, unintended consequences, unreasonable and inequitable

outcomes, and litigation, and would otherwise be prejudicial to the public health, safety, and welfare; and

WHEREAS, the County Council requires sufficient time for appropriate study and public input to ensure the establishment of effective and durable zoning text amendments and other necessary regulations applicable to businesses engaged in growing, processing, and/or selling cannabis; and

WHEREAS, the County Council has determined that a temporary moratorium, for a term of (9) nine months, to be a reasonable length of time for the due consideration of zoning text amendments and other regulations for the safe, practical, and legal implementation of Chapter 254 in the County.

NOW, THEREFORE, BE IT RESOLVED by the County Council for Talbot County, Maryland, that:

1. Moratorium established. A temporary moratorium is hereby established on the processing, review, and approval of applications, site plans, permits, and other authorizations, including but not limited to zoning, occupancy, and building certificates and permits and approvals, for businesses engaged in growing, processing, and/or selling cannabis for a period of nine (9) months.

2. Recommendations and legislation. This temporary moratorium is established to allow a reasonable time within which County staff, with the assistance of subject matter experts where appropriate, can prepare recommendations for review by the Planning Commission; the Planning Commission can prepare recommendations for the County Council; and the County Council can consider and enact legislation to:

- (a) Efficiently and fairly establish zoning requirements and other regulations for cannabis;
- (b) Promote the policies articulated in the State's cannabis legalization statutes as approved by Governor Wes Moore on May 3, 2023; and
- (c) Consider such other related matters as the County Council, the Planning Commission, and County staff deem appropriate.

3. Applications. During the duration of this temporary moratorium, the County shall not process, review, or approve any application, site plan, permit, or other authorization, including but not limited to any zoning, occupancy, or building certificate or permit within the County's jurisdiction, for a business engaged in growing, processing, and/or selling cannabis. This temporary moratorium shall apply to applications currently pending before the County as well as applications filed after the effective date.

4. Effective date. This temporary moratorium shall be effective immediately upon adoption of this Resolution.

5. Extension. The County Council reserves the right to extend or modify this temporary moratorium for such additional period(s) and upon such terms and conditions as it deems necessary to protect the public health, safety, and welfare.

6. Severability. If any section, subsection, sentence, clause, or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution, which can be given effect without the invalid section, subsection, sentence, clause, or phrase, and to that end, all provisions of this Resolution are hereby declared to be severable.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 344 having been published, a public hearing was held on Tuesday, July 11, 2023 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: **July 11, 2023**

By Order: *Susan W. Moran*
Susan W. Moran, Secretary

Callahan - Aye

Stepp - Aye

Leshner - Nay

Mielke - Aye

Haythe - Aye

Effective: **July 11, 2023**