THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission
Prince George's County Planning Board | Office of the Chairman

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June 16, 2025

The Honorable Edward P. Burroughs, III
Chair. Prince George's County Council
Wayne K. Curry Administration Building
1301 McCormick Drive
Largo, MD 20774

RE: LDR-78-2025

Dear Chair Burroughs:

As required by the County's legislative amendment process for amendments to the Zoning Ordinance (Section 27-3501), the Planning Board held a public hearing on June 12, 2025, to receive comments on proposed Legislative Drafting Request LDR-78-2025.

Following discussion of LDR-78-2024, and in consideration of public comments on this proposed legislation, the Planning Board approved a motion to support LDR-78-2024 with the amendments recommended in the enclosed technical staff report, as well as additional comments provided by the Board during the June 12, 2025 public hearing.

Hearing Summary:

At the hearing two (2) speakers provided public testimony on the bill:

- Jordan Little spoke in opposition to the bill. Mr. Little is in the process of obtaining final approval for a Cannabis Micro-Grower social equity license. He owns an Agricultural and Preservation (AG) zoned property in Prince George's County on which he intends to grow cannabis. Mr. Little raised the following issues with the bill:

    - The bill should permit cannabis processor, cannabis micro-processor and cannabis micro-dispensary uses to co-locate in the AG zone. Mr. Little believes that the requirement to segregate cannabis uses imposes an undue financial burden on licensees. Mr. Little would like to allow other cannabis social equity licensees, particularly processors and micro-dispensaries, to operate on his property.

    - The10-acre minimum net lot area for the Cannabis Grower use in the AG zone should be removed. He stated that this places an undue burden on Cannabis Micro-Grower licensees when they seek to convert their state licenses to a standard cannabis grower license, as allowed by the Maryland Cannabis Administration.

- Derwin A. Pritchett (Renee's Sun LLC) spoke in opposition to the bill and agreed with Mr. Little on the importance of allowing co-location in the AG zone. He cited social equity and safety concerns for licensees as reasons for his stance. Specifically, he noted that security issues arise when Cannabis Growers must transport cannabis off-site to be processed. Like

Mr. Little, Mr. Pritchett is seeking to grow and/or process cannabis on AG zoned land within Prince George's County. He noted that liberalizing the locations for cannabis licenses in agricultural areas would allow for the productive use of family-owned farmland in the County.

Additional details of Mr. Little's and Mr. Pritchett's remarks are provided in the Planning Board proposed amendments section below.
After hearing from two speakers, the Planning Board elected to make the motion described above.

The link to the public hearing video may be found under the hearing date at https://www.mncppc.org/883/Watch-Meetings.

Planning Board Proposed Amendments:

Following review of LDR-78-2025, the Department offered the necessary technical drafting convention edits for this proposed bill in Section II of the attached Technical Staff Report. As to the substantive aspects of the bill, the Department proposed the following comments and amendments with which the Planning Board concurs:

- In its position letter to the County Council on CB-13-2024, dated February 29, 2024, the Planning Board stated: "The Planning Board finds that the proposed setbacks for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors, may unduly burden Cannabis licensees because they are unnecessary in that these uses do not entail the same additional negative externalities (i.e., sights, smells, security etc.) as outdoor growing operations and dispensaries. Even if these setbacks do not constitute an undue burden, the Planning Board finds that the standard setbacks in the zones in which these uses will be permitted are sufficient for indoor Cannabis Growers and Cannabis Micro-Growers, as well as Cannabis Processors and Cannabis Micro-Processors." Based on the above reasoning:
    - Insert the words <u>An outdoor</u> at page 7, lines 7 and 31;
    - Delete provision (ii) at page 5, lines 16 – 19; page 6, lines 9 – 12; and provisions (i) and (ii) at page 8, lines 23 – 30, and page 9, lines 1 – 4, 12 – 23.
- Consider immediate effectiveness given that this bill reconciles county law with current state law. And thus, edit page 16, lines 1 – 2.
- The provisions of State law limiting cannabis advertising provide: "A cannabis business may place exterior signage on the premises of the business for the limited purpose of identifying the business to the public." Therefore, consider removing provision (4) at page 7, lines 17 – 18; provision (iii) at page 8, lines 16 – 17.

In addition to the foregoing, the Planning Board recommends the following additional amendments based on the testimony heard at its June 12, 2025 public hearing on the LDR:

- **Insert Principal Use Table for Rural and Agricultural, and Residential Base Zones before pg. 2, ln. 3 and mark Cannabis Processor and Cannabis Micro-Processor as permitted in the AR and AG zones**. The prior Medical Cannabis Grower and/or Processor use was permitted in the AG and AR zones, allowing cannabis growers and processors to collocate. Currently, these uses may not collocate in the AR and AG zones, as the cannabis grower uses are permitted in these zones, but the cannabis processor uses are not. Per the remarks of Mr. Little and Mr. Pritchett at the June 12, 2025 Planning Board Hearing, allowing cannabis processor and grower

uses to collocate could reduce start-up costs, thereby lowering the barrier to entry into the cannabis market for cannabis social equity licensees. Additionally, when cannabis growers cannot collocate with cannabis processors, cannabis must be transported off-site for processing, creating security and public safety issues due to vulnerability to robbery during transport.

The Planning Board notes that State law disallows zoning regulations that unduly burden cannabis licensees. State law specifies that an undue burden includes: "adopting an ordinance prohibiting outdoor cannabis cultivation on a premises that was properly zoned for outdoor cannabis cultivation on or before June 30, 2023." Prior to June 30, 2023, outdoor cannabis cultivation was allowed on the same premises as cannabis processing in the AG and AR zones. Currently, it is not. Allowing Cannabis Processor and Cannabis Micro-Processor in the AG and AR zones would restore the regulations for outdoor cannabis cultivation as stood on June 30, 2023, as intended by state law.

Even if disallowing cannabis processing and outdoor cultivation at the same premises does not violate the above quoted express prohibition, as noted in the technical staff report, an undue burden also might be found where a zoning regulation goes beyond addressing the potential harms associated with the applicable use or fails to provide suitable locations for the use. As noted, preventing cannabis processors and growers from collocating in the AG and AR zones imposes additional security risks and startup costs on cannabis licensees, especially social equity licensees. Therefore, unless the County Council finds that there is some specific harm associated with allowing cannabis processing in the AR and AG zones, Cannabis Processor and Cannabis Micro-Processor should be allowed in those zones. Analogously, Farm-Based Alcohol Production is permitted in the AG and AR zones.

- **Insert Principal Use Table for Rural and Agricultural, and Residential Base Zones before pg. 2, ln. 3 and mark Cannabis Micro-Dispensary as permitted in the AR and AG zones.** The Planning Board recommends that Cannabis Micro-Dispensary be permitted in the AR and AG zones. A Cannabis Micro-Dispensary does not operate out of a storefront, meaning that customers will not visit. Rather, a Cannabis Micro-Dispensary operates: 1) by picking up cannabis and cannabis products from standard dispensaries and delivering them directly to customers; and/or 2) by holding an inventory of cannabis and cannabis products that it delivers directly to customers. The Maryland Cannabis Administration's regulations expressly allow a Cannabis Micro-Dispensary to store its inventory in "[a] storage facility controlled and operated by a licensed grower, processor, or incubator space." See COMAR 14.17.12.03. Disallowing the Cannabis Micro-Dispensary use in the AR and AG zones where the cannabis grower uses are permitted thwarts the intent of this regulation. Accordingly, the Planning Board recommends that Cannabis Micro-Dispensary also be permitted in the AR and AG zones so that Cannabis Micro-Dispensaries may share storage facilities with licensed cannabis growers in those zones. In addition to making the Zoning Ordinance more consistent with State regulations, allowing Cannabis Micro-Dispensary in the AR and AG zones will reduce startup costs for cannabis licensees, especially social equity licensees, by allowing greater opportunities for collocation.

- **Delete "within a facility operated by a Cannabis incubator" at page 6, ln. 23–24, page 8, ln. 15, and page 10, ln. 3.** To effectuate the intent of the above changes, the Planning Board further recommends deletion of the requirement that Cannabis Micro-Processor, Cannabis Micro-Dispensary, and Cannabis Micro-Grower uses may only collocate within a facility owned by a Cannabis Incubator. A Cannabis Incubator is an "entity licensed under the Alcoholic Beverages & Cannabis Article, Annotated Code of Maryland, to operate a facility within which Cannabis

micro-dispensaries; Cannabis micro-growers; and/or Cannabis processors may operate." Zoning Ordinance § 27-2500. The intent of this license under state law was to reduce startup costs for social equity licensees by providing them a physical location. At the June 12, 2025 hearing, the Planning Board heard that Maryland Cannabis Administration has issued social equity licenses but has not issued any Cannabis Incubator licenses. The Maryland Cannabis Administration's license dashboard confirms this: https://cannabis.maryland.gov/Pages/Data-Dashboard.aspx. Because no Cannabis Incubators exists, the Planning Board understands that social equity licensees are seeking to acquire locations where they can collocate on their own. Removing the requirement that the various "micro" cannabis uses may collocate only in a facility run by a Cannabis Incubator would facilitate this. The Planning Board further points out that multiple principal uses generally may collocate on the same property.

- **Delete "In the AG zone, the minimum net lot area is 10 acres" at page 5, ln. 20.** The Planning Board recommends deletion of the requirement that Cannabis Grower only be permitted on properties with a net lot area of 10 acres or more in the AG zone. At the June 12, 2025 hearing, the Planning Board heard that the Maryland Cannabis Administration allows Cannabis Micro-Growers to convert their licenses to standard grower licenses after two years. The Maryland Cannabis Administration's regulations confirm this. See COMAR 14.17.07.08. Because there is no minimum net lot area for Cannabis Micro-Growers, the 10-acre minimum lot size effectively requires a Cannabis Micro-Grower to purchase more land when it seeks to convert its license. For additional context, a micro-grower license allows for up to 40,000 square feet (less than 1 acre) of outdoor cannabis canopy. Any additional canopy requires a standard license. As noted above, an undue burden includes imposing zoning restrictions that go beyond addressing the potential harms of the applicable use. The 10-acre minimum lot area for Cannabis Grower serves as a barrier to small cannabis businesses seeking to upgrade their licenses and expand, but it is not clear what potential harm associated with growing cannabis on a lot less than 10 acres. The Planning Board notes that the Maryland Cannabis Administration's regulations contain security and screening requirements for cannabis growers that include perimeter fencing, alarms, and video surveillance. COMAR 14.17.10.02.

Legislative Amendment Decision Standards:

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Council sitting as the District Council and is not controlled by any one factor. Within each zone listed in the Classes of Zones (Section 27-4102), the district council may regulate the construction, alteration, and uses of buildings and structures and the uses of land, including surface, subsurface, and air rights. The provisions for each zone shall be uniform for each class or kind of development throughout the zone, and no legislative amendment may create different standards for a subset of properties within a zone, unless such standards are necessary to implement development policies within the applicable Area Master Plan, Sector Plan, development policies of the General Plan, or other approved development district; however, any differentiation of a subset of properties within a zone shall be reasonable and based upon the public policy to be served.

The Department finds that LDR-78-2025 meets the criteria that the provisions for each zone shall be uniform for each class or kind of development throughout the zone because the amendment does not create different standards for a subset of properties Countywide, regardless of zoning. The proposed amendments in LDR-78-2025 would be consistently applied to each affected zone across the County.

As always, Planning Department staff members are available to work with the Council and your legislative staff on any pertinent legislative matters. Please let us know if we may be of further assistance.

Should you have questions, please do not hesitate to contact the Office of the Planning Director at 301-952-3594. Thank you again for your consideration.

Sincerely,

Peter A. Shapiro
Chair

Attachments