

November 17, 2023

To whom it may concern,

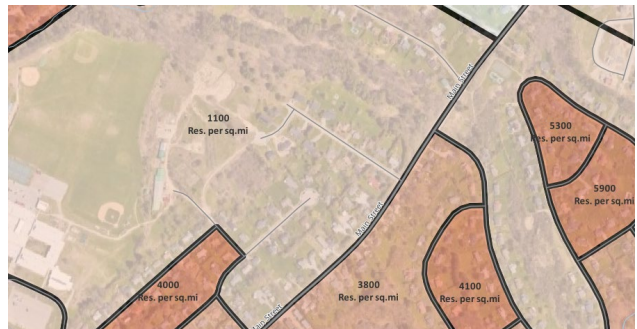
On October 31, 2023, The Essex Junction City Council president submitted a letter to state legislators regarding a request for legislative changes related to the regulation of outdoor cannabis cultivation in urban areas.

Several metrics can be used to define urban areas for this purpose, each with strengths and weaknesses.

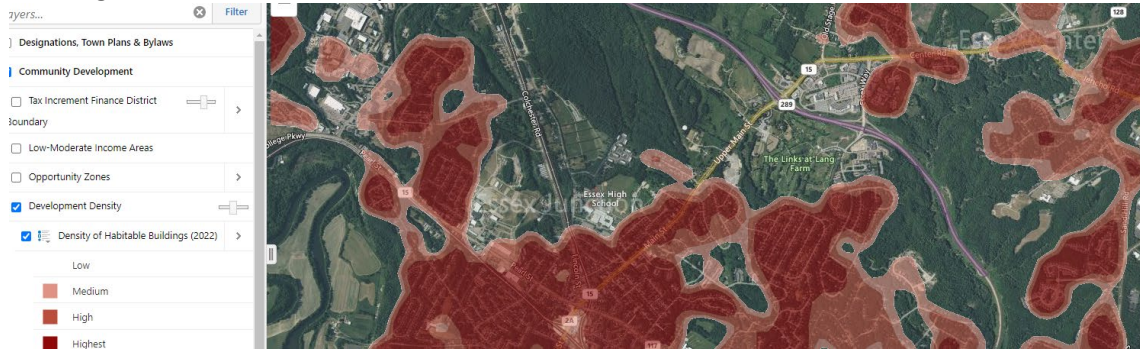
1. **Population Density** – In theory, this measure closely correlates with the potential cumulative impacts of a noxious land use on neighbors, there are many practical barriers to its effective use.

Firstly, population density fluctuates, and municipalities rarely have access to accurate, timely data at the right scale to determine if an area falls within a density threshold. The finest-grain data available is the decennial census, which reports population by census block. This density data is reasonably accurate at start of each decade, but the Census Bureau only conducts limited sampling to produce estimates in the intervening years.

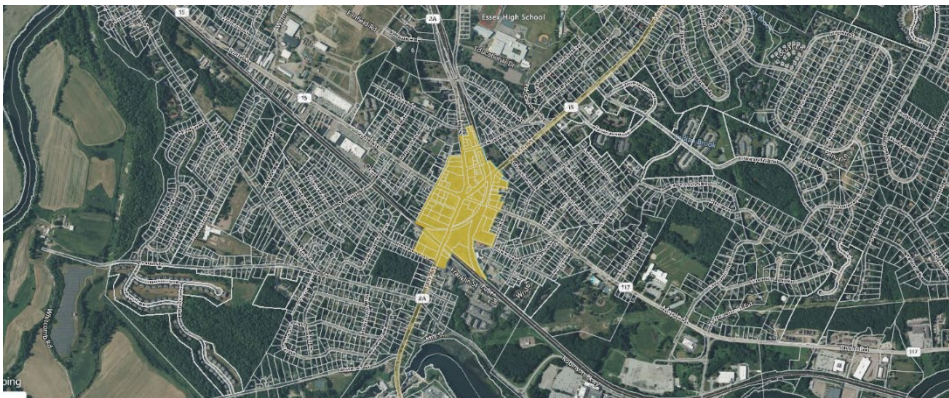
Secondly, some larger census blocks include a strip of high density, adjacent to a large area of low density making the overall block density a poor indicator of the development pattern near a specific address. In the example below (in Essex Junction), aerial photos show nearly indistinguishable development patterns on the west and east sides of Main Street. In our opinion, both sides are equally unsuitable for commercial outdoor cannabis cultivation, but since the census block on the west side includes the high school property with no overnight residents, that census block only has 1,100 residents per square mile while the block to the east has 3,800. A density standard set low enough to include all urban residential areas may also inadvertently include truly rural areas that are reasonably suitable for cannabis cultivation. Conversely, a density standard set high enough to exclude rural areas, may inadvertently exclude some urban residential areas.



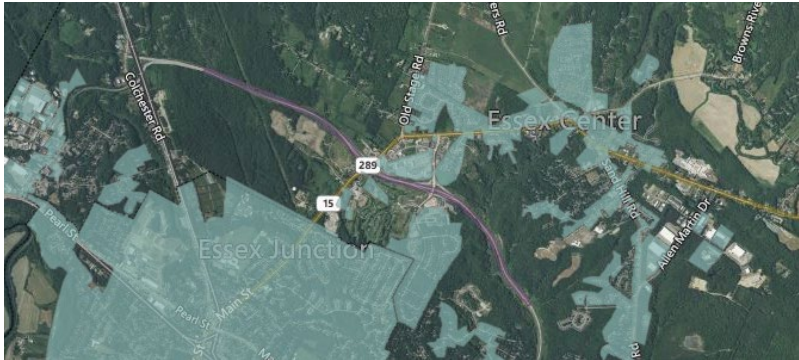
2. **Residential Unit Density** – This measure uses the number of residential units per acre (within a specified radius) rather than the actual number of residents who live there. As a result, it is more stable, but its practical use is contingent on the quality of municipal and regional planning agency data. We think it is better than population density for the purpose of cannabis regulation. Below is a screenshot from the Vermont Department of Housing and Community Development’s planning atlas showing residential unit density.



3. **State Designated Areas** – The State of Vermont offers development incentives within state designated Downtowns, Village Centers, New Town Centers, Growth Centers and Neighborhood Development Areas. These areas all have high current or future residential densities, but only cover a small portion of the state and excludes most existing residential areas. The map below shows the extent of the designated areas in Essex Junction.



4. **Municipal Water and Sewer** – In our opinion, this is the most practical proxy to define urban areas for the purposes of cannabis regulation. Municipalities have a financial incentive to limit sewer and water service areas only to areas that currently have moderate to high densities. This metric is already used extensively in the Vermont HOME Act of 2023, Act 47 to define areas where all municipalities are required to allow for additional residential development. The use of this measure for cannabis regulation would align with the policy goals of the HOME Act of increasing housing supply through infill development. The example below, from the Essex Junction and the Town of Essex, shows the areas that are served by municipal sewer service.



Residential Unit Density, State Designated Areas, and municipal sewer areas are all available for viewing on a interactive map here: <https://maps.vermont.gov/ACCD/Html5Viewer/index.html?viewer=PlanningAtlas>

Sincerely,

Christopher Yuen,
Community Development Director
City of Essex Junction