

Stutsman County Planning & Zoning Commission Minutes – February 21, 2018

Meeting was called to order at 8:00 am by Vice Chairman Dale Marks. Roll call taken. Present were Dale Marks, Paul Bensch, Thomas Schultz, Dave Schwartz, Katie Anderson, Tyler Perleberg. Not present was: Dan Buchanan, Brian Amundson, and Duane Anderson.

Others in attendance: Jeff Mitchell, Tami Dillman, Arnie Rummel, Nicole Meland, Jessica Alonge, and Josh Bond.

A motion was made by Dave Schwartz to approve the meeting minutes from March 14, 2017. Motion seconded by Paul Bensch. Motion carried.

Dale Marks began by stating that this was a public hearing to discuss Stutsman County's zoning ordinance for medical marijuana facilities.

Tyler Perleberg, Zoning Administrator, opened by introducing Stutsman County's ordinance draft for the zoning of medical marijuana. He stated that when the medical marijuana measure was passed, the state left the local jurisdictions in charge of the zoning for these facilities.

Perleberg stated that he had met with several county employees from different departments such as the Sheriff's office, BCI, Emergency Management, ND Department of Health when drafting the ordinance. Perleberg stated that McKenzie County's medical marijuana ordinance was approved by their commission and it was used as a template when drafting the Stutsman County ordinance. This template was adjusted to fit Stutsman County's particular needs.

Katie Anderson asked about the 15 townships in Stutsman County that currently have their own zoning jurisdictions and how they would handle their zoning for medical marijuana. She stated that they would have to relinquish their zoning rights to the county, adopt the County's ordinance, or adopt their own ordinance. Perleberg stated those townships have not been contacted yet, but would be immediately after the ordinance has been adopted by the County Commission.

Katie Anderson also brought up some of the language in the ordinance regarding dispensaries and distribution centers. Perleberg stated that the terms are synonymous, and mean the same thing. Perleberg stated that he would clean up the language in the ordinance and refer to them all as dispensaries, per the statute.

Setbacks were discussed, and Perleberg made note that a request for a variance is always an option for specific situations.

Nicole Meland stated that there were concerns about the odor from the manufacturing facilities, and that was one of the reasons for the larger setbacks.

Dale Marks asked what the penalty would be if there was dust and/or odors from the manufacturing facilities. Perleberg stated that it is a class B misdemeanor per century code, and infractions would be determined by the discretion of the Sherriff's department.

The building permit fee for the facilities was also discussed. Perleberg stated that there has not been a fee set yet, and that it is hard to determine what it should be because the cost to the county for these facilities has not been determined yet. These costs could include the extra law enforcement presence that may be needed, such as the costs for additional staff or any other additional costs that the county could incur. Nicole Meland stated that the Stutsman County Sherriff has recommended a fee similar to what the state is requiring for dispensaries and manufacturing facilities.

Perleberg reiterated that whatever the county's cost is to monitor or facilitate these facilities is what the building permit fee should be. The Planning & Zoning Commission discussed gathering input from the Stutsman County Sherriff before deciding on a permit fee.

There was some general discussion about the possible locations for future facilities.

A motion was made by Katie Anderson to approve the medical marijuana zoning ordinance, including the updates to change the language of "distribution centers" to "dispensaries". Motion seconded by Paul Bensch. All present members vote aye. Motion carried.

Motion was made by Dave Schwartz to adjourn meeting. Motion seconded by Katie Anderson. Motion approved. Meeting adjourned at 8:30 am.