

STATE OF ALABAMA
SHELBY COUNTY
SHELBY COUNTY PLANNING COMMISSION MINUTES

October 17, 2022 – 6:00 PM

Shelby County Services Building, Second Floor Community Room
1123 County Services Drive, Pelham, AL 35124

Members Present: Jim Davis, Chairman; Michael O’Kelley, Vice Chairman; Joe Little; Samuetta Nesbitt; Bill Norton; Ken Wilder; Brett Winford

Members Absent: None

Staff Present: Chad Scroggins, County Manager; Christie Hester, Director of Development Services; Josh Osborne, Manager of Planning & Community Development; Sharman Brooks, Supervisor of Planning & MS4; Kristine Goddard, Senior Planner; Chanelle Blaine, Principal Planner; Andrew Harris, Planner; Brenda Hungerford, Administrative Assistant

PUBLIC HEARING

Jim Davis, Chairman, called the meeting to order at 6:00 pm. Following roll call, **Commissioner Davis** stated there was a quorum with seven Commissioners present. He introduced the Commissioners and staff and reviewed the meeting procedures. There were six audience members.

1. Approval of the Minutes of the October 3, 2022, Planning Commission Regular Meeting

Commissioner O’Kelley made a motion to approve the meeting minutes of October 3, 2022; **Commissioner Norton** seconded the motion. **Commissioner Davis** called for a vote and the Planning Commission unanimously approved the meeting minutes of October 3, 2022, with a vote of seven to zero (7-0).

Note: The signed minutes retained by the Shelby County Development Services Department will have a complete meeting information packet including staff reports attached.

2. SN22-001 – A Resubdivision of Lot 37 of The Ranches at Shelby Lakes (West)

This is a request from J. Michael Short on behalf of Alabama Acreage Development, Inc., property owner, for approval of a final plat to subdivide Lot 37 of The Ranches at Shelby Lakes, containing 20.02 acres, into two residential lots to be known as A Resubdivision of Lot 37 of The Ranches at Shelby Lakes (West).

The subject property is unzoned and located on County Road 37 approximately one-quarter mile north of the intersection with County Road 42; Parcel Identification Number 58-29-6-14-0-000-001.007.

Kristine Goddard gave a presentation on the request for agenda item #2 based on the written staff report provided in the meeting information packet. She confirmed this preliminary plat meets all the requirements of the *Subdivision Regulations of Shelby County*.

Responding to a question by **Commissioner Norton**, Kristine Goddard confirmed Ironwood Lakes was incorporated into the Ranches at Shelby Lakes when its Master Plan was voided in October 2021.

Commissioner Davis invited the applicant to speak.

Mike Short stated he appreciated staff’s help in working through everything required for this subdivision request and he had nothing to add unless there were questions.

Commissioner Davis opened the floor for public comment. No one spoke in favor or in opposition to this request.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O’Kelley** made a motion in **Case SN22-001 – A Resubdivision of Lot 37 of The Ranches at Shelby Lakes (West)** that the evidence presented in the written staff report and presentation warrants Approval with the conditions outlined by staff; **Commissioner Norton** seconded the motion. On a unanimous vote of seven to zero (7-0), the Planning Commission approved the following resolution:

WHEREAS, J. Michael Short, on behalf of Alabama Acreage Development, Inc., property owner, has petitioned the Shelby County Planning Commission for approval of a final plat to subdivide Lot 37 of The Ranches at Shelby Lakes, containing 20.02 acres, into two residential lots to be known as A Resubdivision of Lot 37 of The Ranches at Shelby Lakes (West); and,

WHEREAS, the subject property is unzoned and located on County Road 37 approximately one-quarter mile north of the intersection with County Road 42; Parcel Identification Number 58-29-6-14-0-000-001.007; and,

WHEREAS, The Ranches at Shelby Lakes is a subdivision development including 38 lots that range in size from 20 to 30 acres and recorded in Map Book 55, Pages 24A-I on November 11, 2021; and,

WHEREAS, The Ranches at Shelby Lakes is defined as a major subdivision because it contains more than five recorded lots and further subdivision of recorded lots in a major subdivision requires approval from the Planning Commission; and,

WHEREAS, the subdivision of Lot 37 of The Ranches at Shelby Lakes will reduce each lot area of the proposed lots to less than 20 acres; and,

WHEREAS, the subdivision meets the requirements of the *Shelby County Subdivision Regulations*; and,

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the request from J. Michael Short, on behalf of Alabama Acreage Development, Inc., property owner, for approval of a final plat to subdivide Lot 37 of The Ranches at Shelby Lakes, containing 20.02 acres, into two residential lots to be known as A Resubdivision of Lot 37 of The Ranches at Shelby Lakes (West), and located on County Road 37 approximately one-quarter mile north of the intersection with County Road 42; Parcel Identification Number 58-29-6-14-0-000-001.007 be, and the same is hereby *Approved* subject to compliance with the regulations, policies and guidelines of Shelby County.

3. ZAM22-001 – The Amendment of Article IV. Definitions, Section 1. Generally and the Addition of New Article VII-3, MCF, Medical Cannabis Facilities

The proposed amendment to the Zoning Regulations of Shelby County is intended to define and regulate medical cannabis facilities in order to promote the health, safety, and general welfare of the citizens of Shelby County; and to establish reasonable and uniform regulations to allow medical cannabis land uses in appropriate areas without harm to the County’s residential, commercial, and industrial neighborhoods. The Medical Cannabis Facility District may be applied to any lands which the Planning Commission finds appropriate for the cultivation, processing, and secure transportation of medical cannabis and/or for the location of a state testing laboratory.

Chad Scroggins, County Manager, introduced this amendment by discussing the charge given to Sharman Brooks in the near term related to researching and drafting a variety of amendments and updates to different zoning and subdivision regulations. In this particular instance, Mr. Scroggins explained the proposed amendment to establish a zoning classification specific to medical cannabis facilities is prudent in order to provide for a public hearing before the Planning Commission, asserting this proposed zoning classification is a good opportunity to protect current property owners should a facility come into Shelby County. He talked about other zoning cases such as apartment complexes, dog kennels, and a veterinary clinic that involved a large public participation, noting when there is a proposal to change the use of property that could impact nearby residents, holding public hearings is in the best interest of our residents. Mr. Scroggins reiterated this zoning classification is only related to land in zoned areas of unincorporated Shelby County—and has nothing to do with unzoned property or the distribution of medical

cannabis; the State requires a county to opt in to the sale or distribution of medical cannabis and the Shelby County Commission has not opted in.

Sharman Brooks gave a presentation on the proposed amendment to the *Zoning Regulations of Shelby County* for agenda item #3 based on the written staff report provided in the meeting information packet. Ms. Brooks explained this amendment is in response to the Darren Wesley “Ato” Hall Compassion Act (AL Act 2021-450 [the Act]) signed into law by Governor Kay Ivey last year. She discussed how this new district is intended to balance varied interests and lessen potentially harmful effects on neighboring properties for what will be a new use of property within Shelby County. Ms. Brooks stated the Planning Commission will be able to regulate the time, place, manner and number of medical cannabis facilities within the zoned areas of Shelby County through the proposed MCF district.

If this amendment is approved, Sharman Brooks stated she would then review the site plan section of the *Zoning Regulations of Shelby County*, noting that she is continuing to learn so much related to this new law and medical cannabis facilities. Ms. Brooks stressed her commitment to being proactive in order to be prepared for any applications that may be received to ensure staff is able to provide accurate information to our citizens and the Planning Commission has information necessary to make decisions under its purview.

In response to questions by **Commissioners Davis and O’Kelley**, Ms. Brooks reiterated the proposed MCF district only applies to zoned property in unincorporated Shelby County. She stated staff continues to work with the county attorney regarding the impacts of the Act and hopes to provide guidelines for medical cannabis facilities on unzoned properties in the near future, citing various situations with regulations applying county-wide on all properties—zoned or unzoned—such as manufactured homes and sanitation.

In discussing the proposed amendment, the Planning Commissioners and staff talked about security and odor concerns, industrial building requirements for a growth facility, building permits, code compliance, sewer services, business license applications, and the difference between zoned and unzoned properties related to public hearings.

Responding to a question by **Commissioner Nesbitt** regarding the roles of the Planning Commission and County Commission related to medical cannabis, Mr. Scroggins explained the Planning Commission is responsible for land zoning decisions and the County Commission is responsible for decisions related to dispensing medical cannabis.

In response to a question by **Commissioner O’Kelley** regarding the application process, Chad Scroggins explained that if the State of Alabama approves an application for a medical cannabis facility, Shelby County is responsible for handling local decisions and the Planning Commission would need to consider an application to change the classification of zoned property to this new zoning classification of MCF district—this would require the County to notify adjoining property owners of a public hearing prior to approval of a request to rezone land to the MCF district.

Responding to questions by **Commissioner Norton**, Sharman Brooks stated the very first step in response to this new law is for the Planning Commission to determine if the County should adopt a new district just for a medical cannabis facility; if the proposed amendment is approved, the Shelby County Commission will be asked to ratify this decision. Once this is adopted, Ms. Brooks continued, she would begin a review process of the site plan section of the *Zoning Regulations* and, most likely, present a subsequent amendment for consideration related to medical cannabis facility site plans.

Commissioner O’Kelley summarized the purpose of this amendment in stating that the Planning Commission will not be asked to *allow a medical cannabis facility*, rather the Commission will be asked to *allow a facility in an appropriate location*.

Following discussion, there was concurrence among the Planning Commissioners in modifying the proposed amendment to (1) reference the Shelby County Comprehensive Plan in Article VII-3. Section 1, (2) increase the setback distance from 1000 feet to 2000 feet in Section 3.2, (3) change pharmaceutical facility to pharmaceutical use facility in Section 3.3, and (4) add a security plan that meets or exceeds State requirements to Section 3.4.f.

Commissioner Davis opened the floor for public comment and asked if anyone wanted to speak in favor of this amendment.

Rob Nadine stated he is a father of two, veteran, attorney, native Houstonian, and currently a professional cannabis grower. He provided his business address as Southern Crop located at 209 South 49th Street in Meridian, Mississippi. Mr. Nadine offered Southern Crop's expertise as a resource to Shelby County related to implementation of medical cannabis and he mentioned they are partnering with Southern Organics, located near Shelby County's landfill on unzoned property. He described his own journey into the field of medical cannabis and Southern Crop's work in Mississippi.

Mr. Nadine then transitioned to Alabama and, specifically, with respect to what the Planning Commission was considering, he wanted to help the Commission understand the medical cannabis industry by answering any questions. He talked about their partnership with Southern Organics and, while their facility is not subject to this amendment because it is on unzoned land, he wanted to offer advice from their expertise, both him and his Compliance Officer, Kat Salmon, who was also present. In introducing Ms. Salmon, he stated she had been a compliance officer with another national operator prior to joining Southern Crop; she has worked in 14 or 15 different states in approximately 300 jurisdictions, assisting local bodies like the Planning Commission. He acknowledged the Planning Commission and staff know Shelby County much better than he, but asserted their facility will be unzoned and in a very good location next to the landfill, mentioning the use of methane gas which benefits the environment. Mr. Nadine noted while odor from outside crops would be offensive to any local residents, an indoor facility as required provides a buffer regarding odor and security. He then described the very strict, tight security measures throughout the country's cannabis growth facilities.

Responding to Mr. Nadine's reference to available methane gas, Mr. Scroggins noted methane generated at Shelby County's landfill would not be available to Southern Organics.

Mr. Nadine offered the following comments related to the proposed amendment:

- Section 3.1—The minimum requirement of a 20-acre parcel is generally appropriate but he wondered if they wanted to control the competition to be only larger facilities since 20 acres might limit smaller growers.
- Section 3.2—While the distance from a school or church is probably right, a good way to control whatever number you require as a setback is to allow the entity to be intruded on to ask for a variance rather than put the responsibility on the facility site. Most states allow this since the growing operation must be completely enclosed in a climate-controlled facility.
- Section 3.3—Requiring a pharmaceutical grade facility is problematic in his opinion and he suggested the correct standard to use is CGMP—Certified Good Management Practices—noting that doctors and engineers are required to look at these plans.
- Section 3.4—The initial phase in the application process is to get licensed by the State of Alabama; after licensing, the Planning Commission should get all the plans before giving a final permit. He opined that requiring submission of the list of documents before licensing is like 'putting the cart before the horse' and he was concerned about the burden on the Planning Commission and staff to review hundreds, if not thousands, of pages of documents prior to granting a rezoning to the MCF district since only five total licenses will be awarded throughout the whole state.

Kat Salmon stated she is the Chief Compliance Officer for Southern Crop and provide the business address of 209 South 49th Street in Meridian, Mississippi. Ms. Salmon summarized her experience in that she has worked to bring states on line with medical cannabis the last three years. She talked about the Alabama market being different because there will only be 25 licenses approved for the entire state, so the application process will be extremely competitive with approximately 650 businesses competing. She talked about the importance of regulation at the county level. Noting the application deadline of December 30, 2022, and the application documentation containing hundreds or thousands of pages, Ms. Salmon asserted this amendment to require zoning approval for a MCF district before a license is approved is 'putting the cart before the horse' since the state's approval is not anticipated before

July 2023. Ms. Salmon recommended a good stopgap for those with zoned property would be to allow a conditional approval and hold off on the formal zoning request until an applicant receives license approval from the State. She asserted the County still gets control but it saves time and money by not requiring this process in the beginning. Ms. Salmon then talked about the Alabama Medical Cannabis Commission contracting the scoring of applications to a third-party specialist with knowledge of security and odor related to this new industry in the state.

In conclusion, Kat Salmon talked about her first experience touring a facility in which she was amazed at the security regulations and protocol in place. If approved, she asserted their facility could be the most secure facility in Shelby County. She again suggested letting the State approve an application prior to requiring the rezoning and offered to answer any questions of the Planning Commission.

Commissioner Norton asked for clarification regarding the process in that the local zoning approval is required from the city or county as part of the application to the state. Sharman Brooks confirmed the zoning is required as part of the application. She noted 25 licenses to grow or to grow and process medical cannabis will be issued—it does not include distribution. While some cities and counties have opted in to allow a dispensary, the Shelby County Commission has not opted in for unincorporated Shelby County.

Roy Gilbert stated he resides at 5410 Saddlecreek Lane in Birmingham and has been a life-long resident of Shelby County. Mr. Gilbert stated he is the business partner with Stewart Farming that operates Southern Organics mentioned earlier by Mr. Nadine. He believes this is a good location for a medical cannabis facility due to its proximity to the Shelby County landfill where they have been farming for a very long time; this 28-acre parcel is secure and has room to grow which is why they were approached by Southern Crop.

Chad Scroggins praised their business operation, opining the Southern Organics produce is very high quality. He noted the proposed amendment being considered does not impact Stewart Farming's facility because it is on unzoned property.

Responding to the public comments, Mr. Scroggins stated that:

- Under the *Zoning Regulations of Shelby County* a variance request has always been the responsibility of the applicant/property owner for the subject parcel, and the suggestion to put the burden of asking for a variance on a church or school adjacent to a potential MCF district absolutely cannot be considered.
- It does not make sense to add an accreditation requirement, such as CGMP certification, to the MCF district zoning process because the Planning Commission zones a piece of property and has nothing to do with the inside of a building.
- It is imperative to be consistent in all zoning requirements. He disagreed with the suggestion that the MCF district rezoning should be required only after an applicant has received State approval to operate the medical cannabis facility, noting many other facilities require buffer requirements prior to a rezoning approval.

Commissioner Davis agreed it is imperative to have the MCF district zoning prior to submitting their state application since it is his understanding the correct local zoning is a requirement set by the State.

Commissioner Norton expressed appreciation for the way the State of Alabama has set up the application process. Mr. Scroggins agreed, noting that it has served Shelby County well to have local people making local decisions.

In response to the public comment regarding the burden placed on the Planning Commission and staff to review hundreds or thousands of pages of information, Sharman Brooks explained staff will not review the content of the requirement documents and plans; rather staff will verify the plan document has been submitted, citing an odor control plan as an example; the State, in its review, will look at the plan detail and determine if it meets the state requirements.

With no further discussion, **Commissioner Davis** called for a motion. **Commissioner O’Kelley** made a motion in **Case ZAM22-001 – The Amendment of Article IV. Definitions, Section 1. Generally and the Addition of New Article VII-3, MCF, Medical Cannabis Facilities** that the evidence presented in the written staff report and presentation warrants Approval with the inclusion of the four changes discussed to (1) reference the Shelby County Comprehensive Plan in Article VII-3. Section 1, (2) increase the setback distance from 1000 feet to 2000 feet in Section 3.2, (3) change pharmaceutical facility to pharmaceutical use facility in Section 3.3, and (4) add a security plan that meets or exceeds State requirements to Section 3.4.f.; **Commissioner Norton** seconded the motion. On a unanimous vote of seven to zero (7-0), the Planning Commission approved the following resolution:

WHEREAS, the proposed amendment is a proactive response to the State of Alabama’s implementation of the Darren Wesley “Ato” Hall Compassion Act (AL Act 2021-450) signed into law by Governor Kay Ivey on May 17, 2021; and,

WHEREAS, the State Legislature intended to provide a safe medical cannabis product to qualified Alabama patients and to accomplish that goal by setting up opportunities for medical cannabis to be cultivated, processed, transported, tested and dispensed in Alabama; and,

WHEREAS, AL Act 2021-450 (“the Act”) establishes a process through which applicants will compete for a limited number of licenses in the categories of (1) Cultivator, (2) Processor, (3) Dispensary, (4) Integrated facility (which can cultivate, process, transport, and dispense medical cannabis under one license), and (5) a to-be-determined number of licenses for secure transport and testing laboratories; and,

WHEREAS, according to the Alabama Attorney General, “the Act requires, prior to the issuance of a license to a dispensing site, that the county commission authorize the site’s operation in unincorporated areas. If the county commission fails to grant permission, the Cannabis Commission does not have authority to issue a dispensing site license. The resolution/ordinance prerequisite only applies to those licensees that can operate a dispensing site, namely, a dispensary or an integrated facility. Accordingly, there is no resolution/ordinance requirement for cultivators, processors, secure transporters, or state testing laboratories”; and,

WHEREAS, the Shelby County Commission did not entertain or approve such a resolution to permit a dispensary to operate a dispensing site or integrated facility that includes a dispensary in unincorporated areas of the county; and,

WHEREAS, dispensing sites are not allowed in unincorporated areas of Shelby County; and,

WHEREAS, many jurisdictions across the country are treating the cannabis industry (commercial/retail, recreational or medical) as a totally new land use category; and,

WHEREAS, the MCF, Medical Cannabis Facility District, will represent a completely new land use category in the unincorporated, zoned areas of Shelby County; and,

WHEREAS, the *Zoning Regulations of Shelby County* were first adopted in 1975 and fully implemented in 1982; and,

WHEREAS, the proposed amendment to the *Zoning Regulations of Shelby County* is intended to (1) define and regulate medical cannabis facilities and (2) establish reasonable and uniform regulations for medical cannabis land uses in appropriate areas; and,

WHEREAS, medical cannabis is typically cultivated in controlled environments that make it easier to meet state regulatory requirements, and the design of a successful indoor cannabis facility is a very complex space, requiring careful consideration of many needs and characteristics unique to the product and the indoor growth environment; and

WHEREAS, the MCF, Medical Cannabis Facility District, may be applied to any lands the Shelby County Planning Commission determines appropriate for the cultivation, processing and secure transportation of medical cannabis and/or for the location of a state testing laboratory; and,

WHEREAS, through the MCF district, the Planning Commission will be able to regulate the time, place, manner and number of medical cannabis facilities within the zoned areas of Shelby County; and,

WHEREAS, the new definitions are taken directly from AL Act 2021-450, as signed into law, and reflect the words used in the new district; and,

WHEREAS, the new definitions should be added to **Article IV. Definitions, Section 1. Generally** of the *Zoning Regulations of Shelby County*; and,

WHEREAS, the new district should be added as a new article of the *Zoning Regulations of Shelby County* as **Article VII-3, MCF, Medical Cannabis Facilities**; and,

WHEREAS, the proposed amendments to the *Zoning Regulations of Shelby County* and notice of the Public Hearing were published in the Shelby County Reporter, a newspaper of general circulation, on October 2, 2022; and,

WHEREAS, a synopsis of the initial notice was advertised in the Shelby County Reporter on October 9 and 16, 2022; and,

WHEREAS, on October 17, 2022, the Planning Commission held a public hearing at which time all individuals, in opposition to or in support thereof, had the opportunity to speak regarding the proposed amendment to the *Zoning Regulations of Shelby County*; and,

WHEREAS, the Planning Commission found the evidence and testimony presented warrants the approval of the proposed amendment to the *Zoning Regulations of Shelby County*, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Shelby County Planning Commission that the *Zoning Regulations of Shelby County*, be, and the same are hereby resolved to be amended and read as follows:

(~~STRIKEOUT~~ AND INSERT)

ARTICLE IV. DEFINITIONS

(22-10-17-XX)

Section 1. Generally.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

Cannabis. All parts of any plant of the genus cannabis, whether growing or not, including the seeds, extractions of any kind from any part of the plant, and every compound, derivative, mixture, product, or preparation of the plant. This term does not include industrial hemp or hemp regulated under AL Code Article 11 of Chapter 8 of Title 2.

Enclosed Facility. A fully floored, walled, roofed, locked and secured building, room, greenhouse, or warehouse facility, for cultivating, storing, processing, or dispensing cannabis or medical cannabis, at which security is maintained and that is accessible only to persons who are employed or contracted by a licensee, or who have been given permission to come onto the premises and have provided state or federally issued photo identification.

Medical Cannabis Cultivator (Cultivator). An entity licensed by the Department of Agriculture and Industries under AL Code Section 20-2A-62 authorized to grow cannabis pursuant to Article 4.

Medical Cannabis Dispensary (Dispensary). An entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-64 authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Article 4.

Medical Cannabis Dispensing Site (Dispensary Site). A site operated by a dispensary licensee or an integrated facility licensee pursuant to Article 4.

Medical Cannabis Integrated Facility (Integrated Facility). An entity licensed under AL Code Section 20-2A-67 authorized to perform the functions of a cultivator, processor, secure transporter and dispensary pursuant to Article 4.

Medical Cannabis. A medical grade product in the form of any of the following, as determined by rule by the Alabama Medical Cannabis Commission that contains a derivative of cannabis for medical use by a registered qualified patient pursuant to this chapter:

- Oral Tablet, capsule or tincture;
- Non-sugarcoated gelatinous cube, gelatinous rectangular cuboid or lozenge in a cube or rectangular cuboid shape;
- Gel, oil, cream or other topical preparation;
- Suppository;
- Transdermal patch;
- Nebulizer; or
- Liquid or oil for administration using an inhaler.

The term does not include any of the following:

- Raw plant material;
- Any product administered by smoking, combustion or vaping; or
- A food product that has medical cannabis baked, mixed or otherwise infused into the product such as cookies or candies.

Medical Cannabis Facility. Any facility or land associated with a facility of a licensed cultivator, processor, secure transporter, dispensary or integrated facility licensed by the Alabama Medical Cannabis Commission pursuant to Article 4.

Medical Cannabis Processor (Processor). An entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-63 authorized to purchase cannabis from a cultivator and to extract derivatives from, dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Article 4.

Medical Cannabis Secure Transport (Secure Transport). An entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-65 authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site.

Medical Cannabis State Testing Laboratory (State Testing Lab). An entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-66 authorized to test cannabis and medical cannabis to ensure product meets safety qualifications as required.

ARTICLE VII-3. MCF, MEDICAL CANNABIS FACILITY DISTRICT
(22-10-17-XX)

Section 1. Generally.

The regulations set forth in this article or set forth elsewhere in this ordinance, when referred to in this article, are the regulations for the MCF, Medical Cannabis Facility District. It is the purpose of this Article to be consistent with the Shelby County Comprehensive Plan; to regulate medical cannabis facilities to promote the health, safety, and general welfare of the citizens of Shelby County; and to establish reasonable and uniform regulations to allow medical cannabis land uses in appropriate areas without harm to the County’s residential, commercial, and industrial neighborhoods. The Medical Cannabis Facility District may be applied to any lands which the Planning Commission finds appropriate for the cultivation, processing, and secure transportation of medical cannabis and/or for the location of a state testing laboratory.

Section 2. Use regulations.

(a) Permitted Uses. Within the MCF, Medical Cannabis Facility District, only the following uses and structures designed for such uses and that meet the requirements of applicable state law shall be permitted:

- (1) Medical Cannabis Cultivation Facility.
- (2) Medical Cannabis Processing Facility.
- (3) Medical Cannabis Secure Transportation Facility.
- (4) Medical Cannabis Integrated Facility that does NOT include a Medical Cannabis Dispensary.
- (5) Medical Cannabis State Testing Facility.

(b) Prohibited Uses. Within the MCF, Medical Cannabis Facility District, the following uses and structures designed for such uses shall NOT be permitted:

- (1) Medical Cannabis Dispensary.

Section 3. Area and dimensional regulations.

Medical Cannabis Facilities shall meet the following requirements:

- (1) Minimum 20 acres required for a medical cannabis facility;
- (2) The property shall not be located within 2,000 feet of a public or private school, child care center, church, public park, or property zoned as a residential district. The method of measurement that shall be used is a straight line measured from the property line of the site of the proposed facility to the closest property line that is already occupied by the above uses.
- (3) Must operate completely within an enclosed, climate controlled, pharmaceutical use facility;
- (4) The applicant submits the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to:
 - a. An operating plan;
 - b. A conceptual site plan including buffers, security fencing and access plan;
 - c. A waste management plan;
 - d. An odor control plan; and
 - e. All standard operating procedures (SOP); and,
 - f. A security plan.

Section 4. Associated Definitions.

The following words, terms and phrases, when used in relation to medical cannabis facilities, shall have the meanings ascribed to them as follows:

- (1) Church means church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities.
- (2) Enclosed Facility means a fully floored, walled, roofed, locked and secured building, room, greenhouse, or warehouse facility for cultivating, storing, processing, or dispensing cannabis or medical cannabis, at which security is maintained and that is accessible only to persons who are employed or contracted by a licensee, or who have been given permission to come onto the premises and have provided state or federally issued photo identification.

- (3) Medical Cannabis Cultivation Facility means an entity licensed by the Department of Agriculture and Industries under AL Code Section 20-2A-62 authorized to grow cannabis pursuant to Article 4.
- (4) Medical Cannabis Dispensary means an entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-64 authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Article 4.
- (5) Medical Cannabis Integrated Facility means an entity licensed under AL Code Section 20-2A-67 authorized to perform the functions of a cultivator, processor, secure transporter and dispensary pursuant to Article 4.
- (6) Medical Cannabis Secure Transport (Secure Transport) means an entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-65 authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site.
- (7) Medical Cannabis State Testing Facility means an entity licensed by the Alabama Medical Cannabis Commission under Section 20-2A-66 authorized to test cannabis and medical cannabis to ensure product meets safety qualifications as required.
- (8) Public or private school means any kindergarten, elementary school, primary school, middle school, junior high school, high school or alternative or other secondary school whether public, private or parochial.
- (9) Public Park means a green space or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, swimming pool, athletic field, basketball or tennis courts or other similar public land that is under the control, operation or management of Shelby County.
- (10) Residential district means A-R, E-1, E-2, R-1, R-2, R-4, R-5 and SD, where residential is the primary use, and any other district where residential uses are the primary intended purpose of the district.

AND BE IT FURTHER RESOLVED that, while the proposed amendment is a proactive response to the State of Alabama’s implementation of the Darren Wesley “Ato” Hall Compassion Act (AL Act 2021-450), the proposed new district should continue to evolve as the State of Alabama and Shelby County become more confident in the licensing, implementation and enforcement of the Alabama Medical Cannabis Commission (AMCC) Rules.

4. 2023 Planning Commission Meeting Schedule

Josh Osborne presented the proposed 2023 Planning Commission Meeting Schedule included in the meeting information packet. Mr. Osborne noted the schedule reflects meeting dates based on the Commission’s regular annual schedule, with the first meeting of 2023 being on a Tuesday due to the Martin Luther King holiday.

Following review and discussion, **Commissioner O’Kelley** made a motion to approve the **2023 Planning Commission Meeting Schedule** and **Commissioner Norton** seconded the motion. By a unanimous vote of seven to zero (7-0), the Planning Commission approved the 2023 Planning Commission Meeting Schedule.

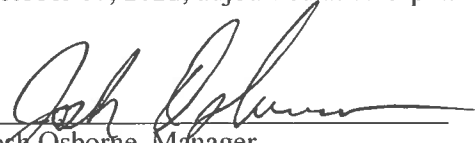
DISCUSSION ITEMS

- **Next Meeting of the Planning Commission**

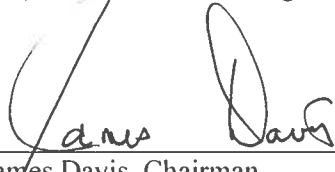
Josh Osborne stated because no cases are ready for a public hearing on November 7, the next regularly scheduled meeting of the Planning Commission would be November 21, 2022.

County Manager Chad Scroggins expressed appreciation to the Planning Commissioners for their commitment to serving the residents of Shelby County through their service on the Planning Commission.

There being no further business, **Commissioner Winford** made a motion to adjourn and **Commissioner Norton** seconded the motion. By a unanimous vote of seven to zero (7-0) in favor, the Planning Commission meeting of October 17, 2022, adjourned at 7:23 pm.



Josh Osborne, Manager
Planning & Community Development



James Davis, Chairman
Shelby County Planning Commission