

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF AUGUST 7, 2018
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED AUGUST 02, 2018 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Brad Rickelman, Chair
Ariel Ross, Vice-Chair
Dusty Lane, Member
Mike Buchert, Member
Cindy Thielman-Braun

MEMBERS ABSENT

STAFF PRESENT

Dennis McGrath, Assistant City Attorney
Paula Dennison, Development Services Director
Lanc Gross, Development Review Manager
Ashley Camren, Administrative Assistant

1. CALL MEETING TO ORDER.

Chair Rickelman called the meeting to order at 5:30 PM.

2. PUBLIC HEARINGS:

- a. City of Stillwater, **TEXT AMENDMENT (TXT18-04)**, requesting review and approval of a Text Amendment to Chapter 23, Land Development Code, Article V, Use Categories and Limitations, Division 1, Section 23-96 Definitions; to Article V, Use Categories and Limitations, Division 3, New Section 23-115 Medical Marijuana; to Article VI, Land Use Classifications, Division 4, Section 23-151, CS Commercial Shopping District, Section 23-152, CB Commercial Business District, Section 23-153 CG Commercial General District; to Article VI Land Use Classifications, Division 5, Section 23-160 IL Light Industrial District, Section 23-161 IG General Industrial District; to Article VI Land Use Classifications, Division 6, Section 23-170 A Agriculture District; to Appendix 1 Form Based Codes, Article IV, Section 4.10 Architectural provisions, Table 17 Specific Function and Use.

Paula Dennison, Development Services Director, presents staff's report and findings.

Paula asks if there are any questions and advises that this text amendment will put the City of Stillwater in compliance with the State Laws as soon as they go into effect.

Commissioner Lane asks if indoor growing facilities will only be allowed in the Agricultural zoning districts. Paula confirms.

Mr. John Dorman, City Attorney, advises that this is specific for commercial growing. The State Law has a provision for those who have a permit to consume medical marijuana can grow it in their own home and the City of Stillwater will not be involved in that.

Paula advises that any recommendation the Planning Commission makes will go to the City Council on the 20th and then be published.

Mr. Dorman advises that their office will, most likely, attach an emergency clause on to the Text Amendment to make it effective immediately following publication.

Commissioner Lane asks if we currently have any dispensaries in town. Paula advises that we do not currently have any medical marijuana dispensaries but have interest from a number of retailers and one grower.

Commissioner Thielman-Braun states that the CBD dispensaries have said that due to the content of their product that this will not affect them and asks if that changed under State Question 788.

Mr. Dorman advises that unless the product has some form of THC content then it will not apply to them.

Commissioner Thielman-Braun states that she couldn't make that distinction within the text and that it seems that the State is still struggling.

Mr. Dorman states that we will have to treat medical marijuana the same as any other use under the zoning laws. Other changes are also being made such as possession laws, paraphernalia laws, and having to deal with it as a workplace issue in terms of when an employee starts to use the product and fails a drug screen.

Chair Rickelman opens the public hearing and advises that there is no one present in the audience to speak in favor or in opposition of the item. Chair Rickelman closes the public hearing and asks for staff's alternatives.

Paula presents alternatives, which are:

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Accept findings and recommend that the City Council approve the proposed Text Amendment with identified changes.
3. Find that the Text Amendment is not appropriate based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the proposed Text Amendment.
4. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Paula asks if there are any other questions for her.

Commissioner Thielman-Braun asks about the definition of "medical marijuana dispensary" and where it states in the definition "grower" and wants to know if it should say "dispensary". Paula advises that the term within the definition should be "retailer". Mr. Dorman states that they will make that change.

Commissioner Thielman-Braun also asks about the language in Title 63.

Mr. Dorman states that there are two sections. The amendments that were adopted in State Question 788 were changes to Title 63 which is the public health code for Oklahoma. In Section 310 of the proposed Text Amendment are health department regulations and both have been incorporated. We are

trying to make sure the City has full coverage with all the State's changes.

Commissioner Thielman-Braun states that there is no definition of marijuana within the proposed text and wants to know if we are allowed to define it.

Commissioner Buchert states that the Planning Commission should not define that term.

Commissioner Thielman-Braun asks if the lack of a definition for marijuana will have an effect on the current CBD businesses and if they will be at risk on being in non-compliance.

Mr. Dorman advises that he does not believe that it does. This proposed Text Amendment is referring to the State for the definitions. The permits issued by the State should not have anything to do with the CBD dispensaries.

Commissioner Thielman-Braun states that there seem to be legal loopholes and she doesn't want to close any loopholes or create legal problems for the City of Stillwater.

Mr. Dorman states that we have to give the State a chance to fix the issues first and if they do not and the City of Stillwater does discover loopholes new text amendments will be placed before the Planning Commission.

Commissioner Buchert states that we found some "Scrivener's Errors" and asks if he makes a motion to accept findings and the Text Amendment as presented if that will include the correction of the errors or if they have to identify each Scrivener's Error.

Mr. Dorman states that it will not be a problem as the Planning Commission is not recommending an ordinance. The Planning Commission is just providing a recommendation to the City Council stating this proposed text is consistent with the State and what the City of Stillwater can do at this time with this particular topic. Once the ordinance is written all the Scrivener's Errors will be fixed.

Commissioner Buchert moved, Vice-Chair Ross seconded to accept findings and recommend that the City Council approve the proposed Text Amendment as presented.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Yes

Time: 18 minutes

3. APPROVAL OF THE MEETING SUMMARY:

- a. Approval of the regular meeting summary of July 10, 2018.

Commissioner Lane moved, Vice-Chair Ross seconded to approve the regular meeting summary of July 10, 2018.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Yes

Time: 1 minute

- b. Approval of the regular meeting summary of July 17, 2018.

Commissioner Thielman-Braun moved, Vice-Chair Ross seconded to approve the regular meeting summary of July 17, 2018.

Roll call:	Rickelman	Ross	Lane	Buchert	Thielman-Braun
	Yes	Yes	Yes	Yes	Yes

Time: 1 minute

4. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY:

- a. Next Planning Commission meeting August 21, 2018.

5. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Buchert, seconded by Commissioner Lane at approximately 5:49 p.m. on August 7, 2018 with all members present in agreement, the next regularly scheduled meeting will be held August 21, 2018 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 S. Lewis Street.

Prepared by – Ashley Camren, Administrative Assistant

Approved by - _____
Stillwater Planning Commission

