

1 FRANKLIN COUNTY PLANNING AND ZONING
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 SECOND FLOOR COMMISSION CHAMBERS
4 400 EAST LOCUST STREET
5 UNION, MISSOURI 63084
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8 TRANSCRIPT OF PROCEEDINGS
9 FRANKLIN COUNTY COMMISSION
10 AUGUST 1, 2019
11 (COMMENCING AT 1:30 P.M.)
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18 Reported by:
19 Patsy A. Mayberry, C. R.
20 Alaris Litigation Services
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1 A P P E A R A N C E
2 COUNTY COMMISSION MEMBERS:
3 TIM BRINKER, CHAIRMAN
4 DAVE HINSON, COMMISSIONER
5 TODD BOLAND, COMMISSIONER
6 PLANNING AND ZONING STAFF:
7 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
8 COUNTY LEGAL COUNSEL:
9 MARK PIONTEK, COUNTY ATTORNEY
10 ALARIS LITIGATION SERVICES:
11 PATSY A. MAYBERRY, C. R.
12 711 NORTH 11TH STREET
13 ST. LOUIS, MISSOURI 63101
14 (314) 644-2191

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P R O C E E D I N G S

1 (AUGUST 1, 2019)

2 CHAIRMAN BRINKER: All right.
3 I'd like to call this public hearing to order of the
4 County Commission today, Thursday, August 1st, at 1:30
5 p.m. The Commission is present. We have two items on
6 the agenda.

7 Scottie, Planning and Zoning Director,
8 take it away.

9 MS. EAGAN: At this time, I
10 would like to place into the record the Franklin
11 County Unified Land Use Regulations as Exhibit A, the
12 official Zoning Map as Exhibit B, the official Master
13 Plan as Exhibit C, and the case file for each case as
14 Exhibit D for all the cases to be heard at this
15 hearing.

16 (Thereupon, evidence was
17 marked for identification and
18 submitted for the record as
19 Exhibits A, B, C, and D.)

20 As each case is opened, a staff report
21 will first be read by the Planning and Zoning
22 Department, followed by Commissioners' questions for
23 the staff.

24 Then if anyone in the audience would like
25 to speak or comment during the hearing, they must

1 first print their name on the sign-in sheet provided,
2 and then be sworn in.

3 When it is your turn to speak, you will
4 come to the front of the room to address the
5 Commission and only the Commission, not anyone in the
6 audience, with any questions or comments.

7 Generally the applicant is allowed to
8 speak first, followed by those in support and then
9 those opposed. The applicant may speak again after
10 comments from the general public to address any
11 questions or issues brought up during the hearing.

12 At the conclusion of all questions,
13 comments, and discussion concerning each case, the
14 public hearing for each case will conclude.

15 The decision will generally be made by
16 Commission Order at a later date during the County
17 Commission's regular meeting time.

18 This is File 190152.

19 The applicant is seeking to amend the
20 Unified Land Use Regulations of Franklin County. The
21 proposal includes amendments to Article 2,
22 Definitions.

23 There are two areas I want to address
24 with you guys and their definitions.

25 The first are the major ones which are

1 all the definitions for marijuana, marijuana infused
2 products, dispensing, cultivation, qualifying medical
3 conditions, qualifying patient. All of those
4 definitions were taken directly from the state
5 regulations. We're just putting them in ours.

6 The other definition I'm proposing to
7 change is on page 2.2. It's acreage and net. We had
8 a little disagreement over our definition a while ago,
9 so we wanted to go ahead and clarify the definition.
10 So now the definition reads:

11 "The total acreage of a
12 lot, tract, or parcel of land,
13 excluding land in existing
14 roads, streets, roadway easement
15 or rights-of-way. The use of
16 the term acreage in these
17 regulations is referring to
18 acreage net."

19 Those are the only changes to Article 2.

20 CHAIRMAN BRINKER: Okay. Thank
21 you, Scottie.

22 Anybody in the audience wish to speak in
23 favor of the proposed changes?

24 (NONE)

25 Seeing or hearing none, anybody in the

1 audience wish to speak in opposition to said proposed
2 changes?

3 (NONE)

4 Commissioner commentary, any?

5 COMMISSIONER HINSON: I have a
6 question. Why do we need to put the qualifying
7 medical conditions within our compliance policy?

8 MS. EAGAN: Yeah, the only
9 reason why I put qualifying medical condition and
10 qualifying patient is because the other definitions,
11 you know, cultivation, dispensing, manufacturing, all
12 refer to the qualifying patient or qualifying
13 condition.

14 COMMISSIONER HINSON: Thank
15 you.

16 MS. EAGAN: I don't think we'll
17 ever have to use them, but I thought it would be best
18 to have them in there.

19 COMMISSIONER HINSON: I have no
20 further questions.

21 COMMISSIONER BOLAND: I have
22 none.

23 CHAIRMAN BRINKER: All right.

24 Thank you very much. That will conclude
25 that particular case.

1 Next.

2 MS. EAGAN: I will start with
3 the procedures again.

4 At this time, I would like to place into
5 the record the Franklin County Unified Land Use
6 Regulations as Exhibit A, the official Zoning Map as
7 Exhibit B, the official Master Plan as Exhibit C, and
8 the case file for each case as Exhibit D for all the
9 cases to be heard at this hearing.

10 (Thereupon, evidence was
11 marked for identification and
12 submitted for the record as
13 Exhibits A, B, C, and D.)

14 As each case is opened, a staff report
15 will first be read by the Planning and Zoning
16 Department, followed by Commissioners' questions for
17 the staff.

18 Then if anyone in the audience would like
19 to speak or comment during the hearing, they must
20 first print their name on the sign-in sheet provided,
21 and then be sworn in.

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23 come to the front of the room to address the
24 Commission and only the Commission, not anyone in the
25 audience, with any questions or comments.

1 Generally the applicant is allowed to
2 speak first, followed by those in support and then
3 those opposed. The applicant may speak again after
4 comments from the general public to address any
5 questions or issues brought up during the hearing.

6 At the conclusion of all questions,
7 comments, and discussion concerning each case, the
8 public hearing for each case will conclude.

9 The decision will generally be made by
10 Commission Order at a later date during the County
11 Commission's regular meeting time.

12 This is File 19053.

13 The applicant is seeking to amend the
14 2001 Unified Land Use Regulations of Franklin County.
15 The proposal includes amendments to Article 7, Zoning
16 Districts.

17 This is where we are placing all those
18 different categories of dispensing, manufacturing,
19 cultivation, and testing.

20 In relation to manufacture- -- or medical
21 marijuana cultivation, we did stipulate that it's
22 indoor only, and we are permitting that in the
23 Non-Urban and Agricultural zoning district, the
24 Community Development zoning district, Commercial
25 Activity 3, and Industrial zoning.

1 For medical marijuana dispensing, we are
2 permitting in Community Development, Commercial
3 Activity Highway Service, Commercial Activity 3 and
4 Industrial.

5 As far as manufacturing, if you have five
6 or fewer employees, we are permitting you in the
7 Non-Urban and Agricultural zoning district, the CD, or
8 Community Development, Commercial Activity 3 and
9 Industrial.

10 If you have more than five employees with
11 medical marijuana manufacturing, it's a condition use
12 permitted in Non-Urban and Agricultural and Community
13 Development, and then permitted in Commercial Activity
14 3 and Industrial.

15 And then medical marijuana testing is
16 permitted in Community Development, Commercial
17 Activity Highway Service, Commercial Activity
18 Community Business, and Industrial.

19 And those are the changes.

20 CHAIRMAN BRINKER: Thank you.
21 A question regarding the medical marijuana cultivation
22 itself.

23 If a patient or a prescriber allowed by
24 law to grow, are they allowed to grow outside their
25 home in their yard or no on these things versus indoor

1 only?

2 COUNTY ATTORNEY PIONTEK: I
3 think -- if I'm not mistaken, Commissioner, I think
4 under state law, it has to be in a locked environment.

5 CHAIRMAN BRINKER: Okay.

6 COUNTY ATTORNEY PIONTEK: It
7 has to be basically indoors secured and locked. So it
8 would have to be indoors.

9 CHAIRMAN BRINKER: I did not
10 know.

11 Any other questions of the Commission?

12 COMMISSIONER HINSON: I have
13 nothing.

14 COMMISSIONER BOLAND: I have
15 none.

16 CHAIRMAN BRINKER: Anybody in
17 the audience wish to speak in favor of the
18 proposition?

19 (NONE)

20 Seeing and hearing none, anybody in the
21 audience wish to speak in opposition to the
22 proposition?

23 (NONE)

24 Seeing none. Nothing additional. That
25 will conclude this public hearing.

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(THEREUPON, THE PROCEEDING
CONCLUDED AT 1:38 P.M.)

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CERTIFICATE OF REPORTER

I, PATSY A. MAYBERRY, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that: the aforementioned was held at the time and in the place previously described; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Mayberry

Patsy A. Mayberry, Court Reporter
Notary Public, State of Missouri



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