

MINUTES

LOWER SWATARA TOWNSHIP PLANNING COMMISSION

**REGULAR MEETING
June 23, 2016 7:00 P.M.**

Meeting was called to order by Chauncey Knopp at 7:00 P.M. with the following present:

Chauncey Knopp, Chairman
Eric A. Breon, Vice Chairman
Christopher DeHart
Paul Wagner
Peter Henninger, Solicitor
Diane Myers-Krug, Dauphin County Planning Commission
Robert Greene, Planning & Zoning Coordinator
Tonya Condran, Recording Secretary

Absent:

Kimber Latsha

MINUTES

A motion was made by Mr. DeHart and seconded by Mr. Breon to approve the Minutes of the May 26, 2016 meeting. Motion unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS:

MEDICAL MARIJUANA ORDINANCE – Review and discuss for recommendation to the Board of Commissioners, an ordinance for the newly passed bill of Medical Marijuana as it pertains to Lower Swatara Township.

Mr. Henninger started off by saying that we have the County's Model Ordinance so we will give the floor to Diane Myers-Krug of the Dauphin County Planning Commission to explain what this is.

Ms. Myers-Krug said that they recently updated the Model because they had gotten some input from the Pennsylvania Medical Cannabis Industry Group. The updated ordinance is online, very minor changes. One of the main things that was removed was the reference to Drug Free Zones. This is in response to the recent legislation that was passed regarding medical marijuana. There had been a couple of inquiries from the municipalities about what to do so Dauphin County Planning Commission put together a model ordinance based on some research that was done in other areas of the country where they have medical

marijuana laws in place; so this is kind of a combination of what our state law provides and input from other areas in the nation that have addressed the same thing. She went on to say that the law doesn't speak a whole lot to the local municipalities as to what is needed to be addressed. There are a couple of things like the separation distance between dispensaries and schools and churches. It requires the regulations in the Commercial or Manufacturing to be the same as any other use permitted in those districts, so stricter regulations cannot be imposed. The dispensaries and the grower/processors are not allowed to be on the same site. And that is pretty much it. They tried to take a look at what the industry was going to bring along in terms of impacts on local municipalities and land use, and they put together this model ordinance.

Mr. Henninger asked if it was Ms. Myers-Krug's understanding that the law says we have to permit this in all Commercial and Industrial districts.

Ms. Myers-Krug replied that the law just references Commercial and Manufacturing Districts but it doesn't say you have to permit it only in those Districts.

Mr. Henninger then asked if we can allow it in Commercial Highway but not allow in Commercial Neighborhood, is that something that can be challenged by someone.

Ms. Myers-Krug was not sure on this. She said she wasn't quite sure the legislators looked that closely into the zoning aspect of it. She also stated that it would be the best way to go to only permit it in the Zoning Districts that make sense.

Mr. Henninger pointed out that he doesn't feel we should allow it in the Commercial Neighborhood District.

Mr. DeHart had a question about the growers. Would it be all inside warehouse growing or would outside be allowed in the fields?

Ms. Myers-Krug stated that it would be all inside in a secure facility.

Mr. Breon asked if it could only be 20,000 square feet or less, as he was reading the model ordinance.

Ms. Myers-Krug said no, that was one of the highlighted items that was just offered up for discussion. There is no regulation in the law that talks about the building's square feet or footprint. She added that one of the comments they received was that 20,000 sq. ft. was probably a minimum and not a maximum.

Mr. Henninger added that with the law saying we cannot be more restrictive than the other uses within the zoning district, we have our Industrial District which allows 100,000 sq. ft. warehouses, we could not say you can only have a 20,000 sq. ft. for that type of use.

Ms. Myers-Krug stated that you would take into consideration setbacks and parking requirements to come up with whatever that building footprint would need to be for the district regulations.

Mr. Henninger asked Ms. Myers-Krug if with the removal of the “Drug-Free Zones” does that mean that the 1000 feet distance is what was removed or if it is the entire Drug-Free Zone.

Ms. Myers-Krug replied that it was the entire provision.

Mr. Henninger then asked about the lighting. He asked if it was a state law provision that the lighting must be shielded or can we just use our own lighting standards.

Ms. Myers-Krug said we could just use our own standards already in place.

Mr. DeHart then questioned the security side of it all, LST does not require anyone to have burglar alarms. Will there be a requirement that alarms be installed in these types of facilities?

Ms. Myers-Krug believes that the Department of Health will be specifying the types of security and tracking and documentation and all. They will be defining the security that will be necessary.

Ms. Myers-Krug also added that there is a limited number of licenses for dispensaries and grower/processors that the State is going to issue. She does not know yet how those are being determined in terms of location within the state.

Mr. Wagner asked if a greenhouse structure would qualify for a grower facility.

Ms. Myers-Krug replied that as long as it was determined secure. So because greenhouses were mostly made of glass or plastic, they probably would not be considered secure enough.

Mr. Henninger suggested that we include wording in our Ordinance to the effect that it would have to be in a secured environment as defined by the Department of Health regulations.

Mr. Henninger added that clinical research centers, medical marijuana growers and processors, delivery vehicles, and dispensaries are by-right permitted in Commercial and Industrial Zones, period. And if that is the case, you cannot treat them any differently than those zones; he wonders if you can conditional use them in other zones with restrictions.

Mr. Breon asked about the note stating that the Agricultural District will be permitted.

Ms. Myers-Krug didn't know if that was a good idea.

Mr. Henninger said that we are not required to allow it, but you can. But maybe with allowing it in the Agricultural Zone, it could possibly help out the Family Farmer. One of the things they've done in Londonderry Twp. was enact the Family Farm Ordinance to allow the farmer more opportunities to continue in farming by having other avenues of income. This may be one of those things where we could come up with something to help with the limitations of the zoning.

Ms. Myers-Krug added that it is very expensive to start up a Medical Marijuana business. It is thousands of dollars just for the permit to be a grower or a dispensary.

Mr. Henninger pointed out that LST is pretty much a perfect location for transportation because of its location to the highway system and the availability of some open land.

Mr. Breon asked if there was anyway the township could say no.

Mr. Henninger said that we cannot say no.

Mr. Greene added that we will have to act to place it in specific or several districts.

Ms. Myers-Krug said that in the Municipalities' Planning Code, you have to provide for the use in your municipality and since this is a brand-new legal use, you must provide for it somewhere.

Mr. Henninger pointed out that the State Law says Commercial Districts and Manufacturing Districts. So the Commercial for LST would be both our Commercial Districts (CH and CN) but Manufacturing could be limited because it doesn't say "Industrial" so that one is not as clear.

Mr. Breon then asked if we are better off sticking it in the Agricultural District. We don't have to put it in Commercial.

Mr. DeHart added that if we would put it in the Agricultural District, and they need to build a warehouse, the same people who were against the warehouses before will be against this as well.

Mr. Breon asked Ms. Myers-Krug what other municipalities were doing with this.

Ms. Myers-Krug responded that this is all brand-new but there are quite a few municipalities that are looking at this right now as well.

Mr. Breon asked for clarification if it is NOT required to go in Commercial or Industrial; that is just the recommendation.

Ms. Myers-Krug replied that the only thing that the “Law” talks about for zoning is Commercial and Manufacturing. It says “A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing, and production facilities that are located in the same zoning district. A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.” So they are classifying the growers/processors as manufacturing and dispensaries as commercial.

Mr. Breon added that if it were in Agricultural, it would be an additional approved use.

Discussion then ensued on where in the township in the Commercial Neighborhood Districts that a dispensary could be placed.

Ms. Myers-Krug offered to have a map done for the township with buffers drawn in where the dispensaries could not be located in a Commercial Neighborhood District. (Dispensaries cannot be located within 1000 feet of any public, private, or parochial schools.)

Mr. Henninger pointed out that really the only place that would be acceptable to have a dispensary in the township would either be on Fulling Mill Road or Route 230 or Eisenhower Blvd.

Mr. Henninger said that he would send everyone a copy of the Family Farm Support Business Ordinance from Londonderry Twp. so that we could take a look to see about considering adding in the Agricultural District.

Mr. Wagner added that in the Agricultural circles, they are talking about growing hemp again. Hemp and marijuana are cousins, so could be coming down the line as well. And that would be another option for the small farm owners.

Mr. Henninger said that 57 out of the 57 people who were at the Comp Plan meetings agree that they would like to maintain the Agricultural Districts as much as possible. So these are ideas to help the small farmer maintain the farm.

A revised copy of the Model Ordinance and a copy of the Family Farm Support Business Ordinance will be emailed to each Planning Commission Member for review for next month’s meeting.

OTHER PERTINENT BUSINESS

None.

ADJOURN

A motion was made by Mr. Breon and seconded by Mr. Wagner to adjourn the meeting. Motion unanimously approved.

Meeting adjourned at 7:46 P.M.

Respectfully Submitted,

Robert S. Greene, Jr.
Planning and Zoning Coordinator