


**ORDER: APPROVE SETTING A PUBLIC HEARING FOR JUNE 20, 2022 ON
AMENDMENTS TO THE LAFAYETTE COUNTY ZONING
ORDINANCE REGARDING MEDICAL CANNABIS USES**

Motion was made by Chad McLarty, duly seconded by Larry Gillespie, to approve setting a Public Hearing for June 20, 2022 on amendments to the Lafayette County Zoning Ordinance regarding Medical Cannabis uses.

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes
Supervisor Larry Gillespie, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 16th day of May, 2022.


Mike Roberts, President
Board of Supervisors


Sherry Wall, Clerancy Clerk

Recommendation for the classification and zoning of medical cannabis uses.

Dispensaries, testing, and research facilities:

Section 19 (3) of the Mississippi Medical Cannabis Act states, "A dispensary, cannabis research facility or cannabis testing facility may be located in any area in a municipality or county that is zoned as commercial or for which commercial use is otherwise authorized or not prohibited provided that it being there does not violate any other provision of this chapter."

My recommendation is that we classify medical cannabis dispensaries, testing, and research facilities as an conditional use in the Commercial Medium Density (C-2) District.

According to the Lafayette County Zoning Ordinance, "The purpose of this district is to promote the development of well-planned shopping centers and independent commercial uses within carefully selected areas of Lafayette County. The commercial activities permitted in this district include uses of a higher intensity than those first allowed in Commercial Low Density (C-1)."

Due to the high level of security required by the State of Mississippi for medical cannabis dispensaries and the customer traffic volume that is certain to be anticipated, it is safe to classify these facilities as "higher intensity."

There are eight areas in Lafayette County designated as C-2. These areas are dispersed along several major corridors in the County that are mostly adjacent to the city limits where adequate utilities are available. The largest area is on CR 101 from the city limits to the Industrial Park. There is another small area of C-2 at the intersection of CR 101 and 122. Along Hwy 30 there is an area just east of the city limits and another at all corners of the Hwy 30, CR 217, and CR 215 intersection. Along Hwy 6 East there are two large areas. The first is at the former Ray's Truck Stop just east of the city limits and the other is in front of the Jefferson. There is only one area, Williams Equipment, on Hwy 6 West. On Hwy 7 South, both sides of Hwy 7 are designated as C-2 at the Hwy 328 intersection. In Harmontown, all four corners of the Hwy 310, CR 515 and CR 517 intersection are designated as C-2. Altogether, there are approximately 390 acres designated as C-2.

Because C-2 uses may be permitted in the Rural (A-1) and the Agricultural (A-2) Districts as a conditional use, I also recommend amending the Zoning Ordinance to prohibit medical cannabis dispensaries, testing facilities, and research facilities in these districts. It would not be unusual to prohibit certain uses in the A Districts. We already have a list of prohibited uses in the A-1 District such as commercial feedlots, commercial poultry farms, salvage yards, I-2 uses, and manufactured housing subdivisions. If there are any concerns that Lafayette County has issued conditional use permits for C-2, C-3 and even I-1 uses in the A Districts, those concerns should be alleviated by understanding that none of the conditional uses that were permitted involved the potential traffic volume and certainly do not require the same level of security mandated by the State of Mississippi.

Cultivation and Processing:

Section 19 (3) of the Mississippi Medical Cannabis Act states, "A cannabis cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned as agricultural or industrial or for which agricultural or industrial use is otherwise authorized or not prohibited, provided that it being there does not violate any other provision of this chapter. A cannabis

cultivation facility and/or cannabis processing facility may be located in any area in a municipality or county that is zoned commercial or for which commercial use is otherwise authorized or not prohibited, provided that the municipality or county has authorized the entity to be located in such area and that it being there does not violate any other provision of this chapter.”

Although medical cannabis cultivation sounds agricultural, I would argue that the State of Mississippi’s regulations on the industry make it more closely related to an industrial use. For example, the Mississippi Medical Cannabis Act requires cultivation and processing establishments to, in accordance with Section 20 (4), “implement appropriate security measures designed to deter and prevent the theft of medical cannabis and unauthorized entrance into areas containing medical cannabis.” And, Section 20 (5) states, “All cultivation, harvesting, processing and packing of medical cannabis must take place in an enclosed, locked and secure facility....” There are no other agricultural uses so regulated by the State of Mississippi. This is especially true for other horticulture uses.

According to the Lafayette County Zoning Ordinance, the purpose of the Rural (A-1) District is, “to preserve areas for non-intensive agricultural uses...” This is the reason for the prohibitions I mentioned earlier. Although a feed lot is an agricultural use, it is considered too intensive for the A-1 District. Therefore, considering the intensive nature of the regulations imposed on medical cannabis cultivation and processing by the State of Mississippi, these uses should also be prohibited in the A-1 District.

According to the Lafayette County Comprehensive Plan, the areas depicted as Agricultural on the Future Land Use Map are, “expected to remain predominantly agricultural with no significant concentrations of residential, commercial, industrial or other development...” These same areas are depicted as A-2 on the Lafayette County Zoning Map. Knowing that the State of Mississippi has places requirements on medical cannabis cultivation and processing that require these practices to take place in an enclosed secure building and that this will require artificial lighting and irrigation and will require large quantities of electricity and water, and even further, that typical horticulture and row crop uses do not require security mandated by the State of Mississippi, it is my recommendation that medical cannabis cultivation and processing be classified as an Heavy Industrial (I-2) use.

According to the Lafayette County Zoning Ordinance, the purpose of the I-2 District is, “to provide areas for the exclusive development of industrial uses involving manufacturing activities that are conducted out-of-doors or storage of materials out-of-doors. This district also includes manufacturing uses that use large amounts of water to process products or discharge large volumes of wastewater into the sewage system. These industrial uses generally have extensive space requirements and/ or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics.”

Unlike many potential Heavy Industrial uses, medical cannabis cultivation and processing is required to take place in an enclosed facility. It will, however, require large amounts of water and produce large amounts of wastewater. It is also subject to create odors and with the security concerns, it could most definitely be said to possess objectionable characteristics.

There are only two areas in Lafayette County designated as I-2. The Lafayette County Industrial Park on CR 101 and approximately 430 acres north of the Industrial Park on CR 101 that includes the Roseburg and Wilson Art property and approximately 70 acres of private property. The Industrial Park has access to City of Oxford water and sewer. The other properties have access to City of Oxford water. No areas designated Agricultural have this same access quality utilities.