

CHURCHILL COUNTY PLANNING COMMISSION
CHURCHILL COUNTY, NEVADA
155 N. Taylor Street, Suite 194
Fallon, NV 89406
(775) 423-7627
(775) 428-0259 Fax
E-mail: planning@churchillcounty.org

NOTICE OF PUBLIC MEETING

PLACE OF MEETING: Churchill County Administration Complex, 155 North Taylor Street, Conference Room 102, Fallon, Nevada.

DATE & TIME: Tuesday, 25th February 2014 at 6:30 p.m.

TYPE OF MEETING: Regularly scheduled Planning Commission Workshop Meeting

Notes:

1. *These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.*
2. *Action will be taken on all agenda items, unless otherwise noted.*
3. *The Commission may combine two or more agenda items, remove an item from the agenda, delay discussion relating to an item on the agenda, or act upon agenda items in a different order than is stated on this notice.*
4. *In the interest of time, the Planning Commissioners reserves the right to impose uniform time limits upon matters devoted to public comment: The limit is three (3) minutes; participants are encouraged to submit written comments for inclusion in the public record.*
5. *Persons providing public comment are respectfully encouraged to refrain from the provision of unduly repetitious comment.*
6. *Any statement made by a member of the Planning Commissioners during the public meeting is absolutely privileged.*

Agenda:

CALL TO ORDER

1. **Verification of the posting of the Agenda.**
2. **Review and Adoption of Agenda:** Action to approve the agenda as submitted or revised.
3. **Pledge of Allegiance.**
4. **Public Comment:** Comment upon matters not on agenda.
5. **Consideration and possible action re: Discussion of possible Ordinance Amendments dealing with Medical Marijuana Facilities and Master Plan Updates dealing with overhead utility corridor.**
6. **Public Comment:** Comment upon matters not on agenda.
7. **General updates**

ADJOURNMENT

AFFIDAVIT OF POSTING

STATE OF NEVADA)

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COUNTY OF CHURCHILL)

I, Debi Kissick, Administrative Aide, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the 19th day of February 2014, at the following locations in Churchill County, Nevada:

1. City Hall;
2. Administration Building;
3. Churchill County Road Department;
4. Churchill County Law Enforcement Center;
5. Churchill County Library;
6. Website @ www.churchillcounty.org.

Debi Kissick

Debi Kissick, Administrative Aide

SUBSCRIBED and SWORN to before me this 19th day of February 2014, by Debi Kissick.

Angela Moyle
Notary Public



Endnotes:

Disclosures:

- *Churchill County is an equal opportunity provider and employer.
- * "In accordance with Federal law and U.S. Department of Agriculture policy, Churchill County is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs). To file a complaint of discrimination, write USDA, Director, Office of Equal Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3972 (voice), or (202) 720-6382 (TDD)."

Accommodations:

- *Churchill County will make all reasonable efforts to assist and accommodate physically handicapped persons desiring to attend. Persons who are disabled and require special assistance may contact the Churchill County Planning Department, in writing at 155 N. Taylor Street, Suite 194, Fallon, Nevada 89406, or by calling (775) 423-7627.

Procedures:

- *The schedule of regular meetings of the Planning Commissioners is provided for by Title 2, Chapter 2.20 of the Churchill County Code.
- *The public meetings may be conducted according to rules of parliamentary procedure.
- *Persons providing public comment will be asked to state their name for the record.
- *The Planning Commissioners reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.

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Bill 2014-XX
Ordinances 12 and 32

TITLE: AN ORDINANCE REGULATING MEDICAL MARIJUANA FOR CULTIVATION FACILITIES, TESTING LABORATORIES, PRODUCTION/INFUSION FACILITES, AND DISPENSARIES WITHIN CHURCHILL COUNTY.

SUMMARY: ADOPTION OF AN ORDINANCE REGULATING MEDICAL MARIJUANA ESTABLISHMENTS WITHIN CHURCHILL COUNTY IN ACCORDANCE WITH SENATE BILL 374 (2013), WHICH WAS INCORPORATED INTO NRS 453A, MEDICAL USE OF MARLUANA, ALLOWING FOR THE COMMERCIAL PRODUCTION AND USE OF MARIJUANA FOR MEDICAL PURPOSES, INCLUDING CULTIVATION, TESTING LABORATORIES, AND PRODUCTION/INFUSION FACILITIES, AS WELL AS COMMERCIAL SALES THROUGH DISPENSARIES, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Churchill County, Nevada is a political subdivision of the State of Nevada; and,

WHEREAS, the Nevada Legislature approved Senate Bill 374 (77th Session, 2013) which is now part of Chapter 453A of the Nevada Revised Statutes, permitting the licensing of medical marijuana establishments in the State of Nevada; and,

WHEREAS, the Board of County Commissioners finds that the introduction of medical marijuana establishments into Churchill County will have an impact on the health, safety and general welfare of its residents; and,

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to have local oversight in the location and establishment of medical marijuana establishments in Churchill County; and,

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THEREFORE, THE BOARD OF COUNTY COMMISSIONERS hereby ordain that:

CHURCHILL COUNTY CODE TITLE 16 CONSOLIDATED DEVELOPMENT CODE is hereby amended as follows:

Chapter 16.16 DEVELOPMENT STANDARDS

16.16.020: SITE DEVELOPMENT STANDARDS:

16.16.020.7: OTHER DEVELOPMENT STANDARDS FOR SPECIFIC LAND USES:

16.16.020.7.G is added as follows and all other sections to remain the same:

Comment [DM1]: Sterling Codifiers suggested that we add this wording for clarification to them that no other sections of this section should be amended, deleted, or changed.

G. Medical Marijuana Establishments: Unless otherwise indicated, the provisions of this section shall apply to medical marijuana establishments as approved pursuant to Nevada Revised Statute Chapter 453A. A comprehensive policy dealing with medical marijuana is vital to the protection of the public's health, safety, and general welfare. All permits/licenses from the State of Nevada must be acquired and a copy provided to the Planning Department prior to submitting an application for a special use permit.

1. Definitions:

COMMUNITY FACILITY: A facility that provides day care to children; a public park; a playground; a public swimming pool; a center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents; and a church, synagogue or other building, structure or place used for religious worship or other religious purpose.

CULTIVATION FACILITY: A business that is registered with the Division pursuant to NRS 453A.322 and acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to medical marijuana dispensaries, facilities for the production of edible marijuana products or marijuana-infused products, or other cultivation facilities.

EDIBLE MARIJUANA PRODUCTS: Products that contain marijuana or an extract thereof; are intended for human consumption by oral ingestion; and are presented in the form of foodstuffs, extracts, oils, tinctures, and other similar products.

FACILITY FOR THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA-INFUSED PRODUCTS: A business that is registered with the Division pursuant to NRS 453A.322 and acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

INDEPENDENT TESTING LABORATORY: A facility as described in NRS 453A.368 that tests marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State.

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MARIJUANA: All parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin per NRS 453.096.

MARIJUANA-INFUSED PRODUCTS: Products that are infused with marijuana or an extract thereof, and are intended for use or consumption by humans through means other than inhalation or oral ingestion.

MEDICAL MARIJUANA DISPENSARY: A business that is registered with the Division pursuant to NRS 453A.322 and acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

MEDICAL MARIJUANA ESTABLISHMENT: An independent testing laboratory, a cultivation facility, a facility for the production of edible marijuana products or marijuana-infused products, a medical marijuana dispensary, or a business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 2, 3 and 4 of NRS 453A. There are four distinct categories of medical marijuana establishments: cultivation facilities, testing laboratories, production/infusion facilities, and dispensaries.

MEDICAL USE OF MARIJUANA: The possession, delivery, production or use of marijuana; the possession, delivery or use of paraphernalia used to administer marijuana; or any combination of the acts described in subsections 1 and 2 of NRS 453A, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her chronic or debilitating medical condition.

2. *Regulations General. All medical marijuana establishments shall comply with all applicable Churchill County, Nevada State, and Federal codes, regulations, and necessary permits.*
 - a. *Cultivation Facilities:*
 - 1) *Must comply with state statutes and regulations.*
 - 2) *May only be located in the C-1, C-2, or Industrial (I) land use districts within Churchill County.*
 - b. *Testing Laboratories:*
 - 1) *Must comply with state statutes and regulations.*
 - 2) *May only be located in the C-1, C-2, or Industrial (I) land use districts within Churchill County.*
 - c. *Production/Infusion Facilities:*
 - 1) *Must comply with state statutes and regulations.*
 - 2) *May only be located in C-2, or Industrial (I) land use districts.*

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- d. *Dispensaries:*
- 1) *Must comply with state statutes and regulations.*
 - 2) *May only be located in the C-1 land use district.*
 - 3) *Must look like a pharmacy or medical office and have professional signage that is consistent with the traditional style of signage for pharmacies and medical offices. Copies of architectural drawings signed off by the state must be submitted with the special use permit application.*
 - 4) *Hours of operation can be determined by the business and must be within 6:00 a.m. to 12:00 a.m. (midnight). Days of operation shall be determined by the medical marijuana dispensary.*
3. *Special Use Permit (SUP). Medical marijuana establishments shall be allowed only upon the granting of an SUP. Granting of a special use permit is contingent upon completion of an SUP application, which must include the following:*
- a. *State Approval. Proof of approval from the State of Nevada for the type of facility.*
 - b. *Federal Approval. A written grant of prosecutorial immunity issued by the U.S. Department of Justice for the proposed medical marijuana establishment. (Effective until medical marijuana is removed from the list of schedule I controlled substances in the Comprehensive Drug Abuse Prevention Act.)*
 - c. *Site Plan: In addition to the requirements in the SUP, also include approximate distances to schools and community facilities. Medical marijuana establishments must be located at least one thousand feet (1000') from any existing schools, including pre-schools through twelfth (12th) grade, and three hundred feet (300') from any community facility pursuant to NRS 453A.322.3(a)(2)(II). For dispensaries, if an SUP is granted, architectural drawings approved by the state must be submitted to the Building Department upon request for a building permit.*
 - d. *Signed Acknowledgement. A signed acknowledgement stating the applicant is aware that the use, possession, distribution, manufacturing, or cultivation of medical marijuana or related products may subject the applicant to federal prosecution. (Effective until medical marijuana is removed from the list of schedule I controlled substances in the Comprehensive Drug Abuse Prevention Act.)*
4. *Business License. A business license is required after approval of a special use permit as outlined in section 5.00.020.*
5. *Facility Development and Performance Standard. Unless otherwise stated in this section, each restriction and requirement shall apply to all medical marijuana establishments. It is recognized that the standards herein are neither exclusive, nor exhaustive. In instances where a health or safety concern is known to exist with regard to any medical marijuana establishment, additional proportional mitigating conditions may be imposed on the facility by Churchill County. The following shall apply as indicated above:*
- a. *Building Permit. In addition to the requirements set forth by this section, applicants shall be required to obtain a Churchill County Building Permit prior to construction*

Comment [DM2]: The suggestion is C-1 zoning ONLY in order to keep these closer to the city limits where legal enforcement may be more centralized.

Comment [DM3]: Wording suggested by Ben, or we could just state that the County will not be held liable for prosecution by the federal government for allowing these establishments approved by the State of Nevada.

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of any facility, and prior to remodel of an existing building, if required by the Churchill County Building Department. For dispensaries, architectural drawings approved by the state must be submitted to the Building Department.

- b. **Transfer of Entitlement.** *A medical marijuana establishment owner shall notify the Planning Department of the sale or transfer of the property or facility in whole or in part to any person, partnership, joint venture, firm, company, or corporation. The new owner/operator will be provided a copy by the Planning Department of all Notices of Decision regarding the facility and shall be required to acknowledge receipt of such notice(s). This provision shall not apply to financing transactions or any transfer to an affiliate of the owner. The new ownership must comply with all State of Nevada licensing requirements and be able to show proof of compliance. The transfer of title must be approved through the State of Nevada Division in charge of medical marijuana regulations and copies of approval must be given to the planning department for the SUP file.*

Comment [DM4]: Eleanor thought the state regulations prohibited sale or transfer. Need to ensure we meet same regulations.

- 6. **Enforcement Procedures.** *All enforcement procedures are outlined in [title 1, chapter 1.12](#), "Code Enforcement", of this code.*

Comment [DM5]: Copied wording from 16.04.070.

- 7. *County not responsible for deleterious outcomes. The County shall not be responsible for any deleterious outcomes from the use, possession, distribution, cultivation, or manufacturing of any medical marijuana or related products by any person or business.*

DATED: This _____ day of _____, 2014.

This Ordinance shall be effective on the _____ day of _____, 2014.

THOSE VOTING AYE: _____

THOSE VOTING NAY: _____

APPROVED: _____

CARL ERQUIAGA, Chair
Board of County Commissioners

ATTEST:

Kelly G. Helton
Clerk of the Board