



WASHOE COUNTY

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CM/ACM	✓
Finance	✓
DA	✓
Risk Mgt.	✓
HR	N/A
Other	_____

STAFF REPORT BOARD MEETING DATE: July 12, 2016

DATE: July 6, 2016

TO: Board of County Commissioners

FROM: Kevin Schiller, Assistant County Manager
328-2008, kschiller@washoecounty.us

THROUGH: John Slaughter, County Manager,
328-2060, jslaughter@washoecounty.us

SUBJECT: Recommendation to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from the Clinic Nevada, LLC to move a medical marijuana dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09) and direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. (Commission District 5)

SUMMARY

Recommendation to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from the Clinic Nevada, LLC to move a medical marijuana dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request.

Washoe County Strategic Objective: Proactive economic development and diversification. (Commission District 5)

PREVIOUS BOARD ACTION

On May 13, 2014, the Board discussed a request by the City of Reno to increase the City's medical marijuana dispensary allocation. The County Commissioners stated that it was

premature at this time to consider increasing any one local government jurisdiction's allocation of dispensaries and the Commission would consider the matter at a future date when appropriate. The Board of County Commissioners continued the item on June 17, 2014.

On June 24, 2014 the Board received an update and approved an ongoing process for updates from staff including a process to review potential dispensary locations within the County related to future action on dispensary allocation.

The Board received an update on July 8, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation, and requested a presentation on process for applicants.

The Board received an update on July 22, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation.

On August 12, 2014 the Board took action to direct staff to notify the State of Nevada of the request for an allocation of five dispensaries for Washoe County, three for the City of Reno, and two for the City of Sparks.

The Board of County Commissioners received an update on December 9, 2014 on medical marijuana establishment regulations and processes for the State of Nevada and for unincorporated Washoe County.

On July 14, 2015, the Board directed staff to contact the State of Nevada, Division of Public and Behavioral Health to request that the State issue a provisional registration certificate to the sixth ranked medical marijuana dispensary pursuant to the provisions of Senate Bill 276. The Board also discussed the public review process for future MME location changes as outlined in Senate Bill 276.

On September 22, 2015 the Board directed staff to amend Washoe County Code Chapter 25 to for compliance with State Law changes resulting from the 2015 Nevada State Legislative Session.

On December 8, 2015 the board received a presentation and gave direction to staff on Recreational Marijuana Establishments and related matters in Washoe County; and acknowledged an update on Medical Marijuana Establishments and provided direction to staff on related matters within unincorporated Washoe County.

On January 26, 2016 the BCC approved the request for the relocation of a medical marijuana dispensary from 10 Stateline Road in Crystal Bay to 5105 Sun Valley Boulevard within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015.

BACKGROUND

During the 2015 Legislative Session, Senate Bill 276 was passed amending NRS 453A. The bill was signed into law and was effective on June 9, 2015. NRS.453A.350 (3) enables a medical marijuana dispensary with a current State provisional registration certificate to request a move to another qualified location within unincorporated Washoe County. The Board may approve the move at a public meeting for which notice in writing is provided 7 working days prior to the approval. Staff is requesting direction on a process for approval of any requested moves from existing locations by an applicant.

NRS 453A.350(3) "A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location regardless of the distance from original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing."

The Clinic Nevada has requested approval for the relocation of a medical marijuana dispensary within unincorporated Washoe County. The request is to move a medical marijuana dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09).

Notice pursuant to NRS 453A.350(3)

Notice of the request to move the medical marijuana dispensary from 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09). The Washoe County Community Services Division distributed public notification post cards of the Board of County Commissioners meeting scheduled for July 12, 2016. The distribution followed the special use permit guidelines and was posted on July 1, 2016.

In addition, noticing included contact to the Citizen Advisory Board members, cMail informational distribution, and posting on the medical marijuana webpage hosted on www.washoecounty.us/mme.

In accordance with previous direction from the Board, a public meeting was scheduled within and held as follows:

Location: North Valley Community Meeting
May 26, 2016
5:30 – 6:30 pm
Washoe County North Valleys Library
1075 North Hills Boulevard, Suite 340

Panel: Hugh Hempel, Clint Cates plus multiple applicant representatives.

Attendees: 10 residents, plus multiple applicant representatives and staff from Office of the County Manager and Washoe Sheriff's Office

Notice: Followed the special use permit guidelines for notifying Washoe Valley residents notifying 137 residents by postcard, and increased notification by contacting local citizen advisory board members by mail, email and phone.

Resident Input:

Resident input included concerns surrounding the increase in traffic concerns on Lemmon Drive and the ability of the community to respond to increased demand for social services including medical care. The applicant provided details on the site and how they would be addressing traffic to and from the facility within their design. Specific questions statements included:

- Questions regarding why this particular location was chosen.
- Traffic concerns specific to the need to currently do a U-turn on Lemmon Valley Drive and current concerns regarding accessing the parcel.
- Traffic concerns with proposed development in the area compounded by future commercial development. Concerns regarding our current practice for identifying traffic impacts.
- Concern regarding the impact on medical facilities with increase in use of medical marijuana. Reference data from other states.
- Concern regarding the potential impact on social and emergency services.
- Questions regarding site security.
- Questions regarding the impact of recreational marijuana if legalized.
- Questions regarding the ability to usurp the regulatory process to obtain medical marijuana cards to create issues similar to opiate abuse.
- Questions regarding the annexation process and the current cap on medical marijuana facilities by jurisdiction.
- General questions regarding the federal legalization process and potential for future intervention.

The panel addressed general questions on the delivery of products, security, employment requirements, local review and State review processes specific to all regulations. In addition a slide presentation was provided including discussion on experience and

commitment to being a successful business member within the Lemmon Valley Community.

FISCAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDATION

It is recommended that the Washoe County Board of County Commissioners approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from the Clinic Nevada, LLC to move a medical marijuana dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from the Clinic Nevada, LLC to move a medical marijuana dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 17025 Mt. Rose Highway to two parcels directly north of and adjacent to 300 Lemmon Drive, located at the intersection of Lemmon Drive and Buck Drive (APNs 552-190-08 and 552-190-09) and direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request.”