

**REQUEST FOR LEGISLATIVE ACTION**  
**EXECUTIVE OFFICE**

**Version 6/10/19**


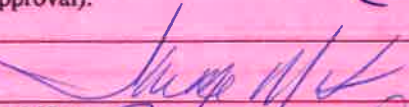
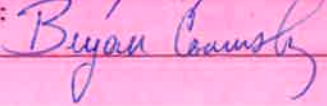

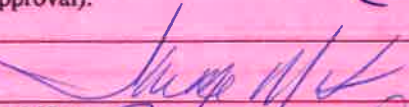
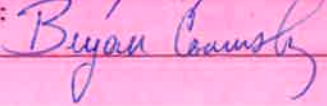

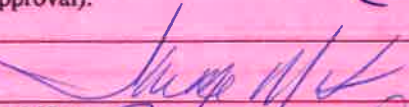
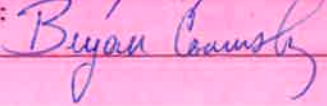
Completed by County Counselor's Office:

~~Res~~ Ord No.: 5271

Sponsor(s): Tony Miller

Date: September 30, 2019

SEP 23 2019

SUBJECT	<p>Action Requested  <input type="checkbox"/> Resolution  <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: UDC Amendment - Medical Marijuana Uses and Facilities - LA-2019-037</p>										
BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td>\$</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required)  <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract:          Department: _____ Estimated Use: _____</p> <p>Prior Year Budget (if applicable): _____          Prior Year Actual Amount Spent (if applicable): _____</p>	Amount authorized by this legislation this fiscal year:	\$	Amount previously authorized this fiscal year:		Total amount authorized after this legislative action:	\$	Amount budgeted for this item * (including transfers):	\$	Source of funding (name of fund) and account code number:	\$
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Source of funding (name of fund) and account code number:	\$										
PRIOR LEGISLATION	<p>Prior ordinances and (date): _____          Prior resolutions and (date): _____</p>										
CONTACT INFORMATION	<p>RLA drafted by: RLA drafted by Randy Diehl, Administrator, Development Division, 881-4577</p>										
REQUEST SUMMARY	<p>Requesting sections 24002, 24004 and 24005 in the Jackson County Unified Development Code (County Code, Chapter 240) be amended to incorporate regulations relating to medical marijuana facilities.          On November 6, 2018, Missouri voter approved article XIV to the Missouri constitution, which legalized the use of medical marijuana in Missouri. Section 7(11) of article XIV grants Missouri local governments the authority to "enact ordinances as regulations not in conflict with this section, governing the time, place and manner of operation of (marijuana) facilities in the locality".          The Jackson County Plan Commission September 19, 2019 held a public hearing and accepted testimony pertaining to medical marijuana facilities.          The Jackson County Plan Commission voted 5 to 0 to recommend <b>APPROVAL</b> to the County Legislature.</p>										
CLEARANCE	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing &amp; Department)  <input type="checkbox"/> Business License Verified (Purchasing &amp; Department)  <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)</p>										
COMPLIANCE	<p><input type="checkbox"/> MBE Goals  <input type="checkbox"/> WBE Goals  <input type="checkbox"/> VBE Goals</p>										
ATTACHMENTS	<p>See Attachment to RLA-2</p>										
REVIEW	<table border="1"> <tr> <td>Department Director: Brian D. Gaddie, P.E. Director of Public Works </td> <td>Date: 9-20-19</td> </tr> <tr> <td>Finance (Budget Approval): <i>If applicable</i></td> <td>Date: N/A</td> </tr> <tr> <td>Division Manager: </td> <td>Date: 9-23-19</td> </tr> <tr> <td>County Counselor's Office: </td> <td>Date: 9/26/19</td> </tr> </table>	Department Director: Brian D. Gaddie, P.E. Director of Public Works 	Date: 9-20-19	Finance (Budget Approval): <i>If applicable</i>	Date: N/A	Division Manager: 	Date: 9-23-19	County Counselor's Office: 	Date: 9/26/19		
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Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the \_\_\_\_\_ Fund in \_\_\_\_\_.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # \_\_\_\_\_
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.



**Randy Diehl gave the staff report:**

**September 19, 2019**

**RE: LA-2016-035**

**Applicant: Jackson County Public Works Department – Development Division  
Medical Marijuana Facilities**

**Request:** Requesting sections 24002, 24004., and 24005. Jackson County Code be amended/revised to incorporate regulations relating to medical marijuana facilities.

On November 6, 2018, Missouri voter approved article XIV to the Missouri constitution, which legalized the use of medical marijuana in Missouri. Section 7(11) of article XIV grants Missouri local governments the authority to "enact ordinances as regulations not in conflict with this section, governing the time, place and manner of operation of (marijuana) facilities in the locality".

*Cultivation Facilities* would be a permitted use within Districts AG (Agricultural), LI (Light Industrial), and HI (Heavy Industrial), except platted subdivisions (within District AG) improved with a residence.

District RR (Residential Ranchette) would be a permitted with a Conditional Use Permit.

*Dispensary Facilities* would be a permitted use within Districts GB (General Business), LI (Light Industrial), and HI (Heavy Industrial), and with a Conditional Use within District LB (Local Business), except as to a property (within District GB) improved with a residential dwelling unit.

District LB (Local Business) would be permitted with a Conditional Use Permit, except as to a property (within District LB) improved with a residential dwelling unit.

*Testing Facilities* would be a permitted use within Districts LI (Light Industrial), and HI (Heavy Industrial).

*Manufacturing Facilities* would be a permitted use within Districts LI (Light Industrial), and HI (Heavy Industrial).

Any facility, without regard to whether it is a permitted or conditional use, must comply with the following conditions:

- a. All such facilities must be licensed by the Missouri Department of Health and Senior Services.
- b. No such facility may be initially located within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church.

Respectfully submitted,

Jackson County Public Works  
Development Division  
Randy Diehl, Administrator

Discussion

Mr. Crawford: For example, Trophy Estates is an subdivision with Ag zoning.

Mr. Diehl: That is correct. There are quite a few subdivisions platted prior to the UDC that are within District AG (Agricultural). Salem East and that area have single, two, and multi-family zonings.

Mr. Tarpley: Is there any limit to how much they can cultivate?

Mr. Diehl: That would more than likely fall into the States regulations.

Mr. Crawford: What about enforcement?

Mr. Diehl: Whatever is adopted on the County level, we can enforce If it requires a Conditional Use Permit or not, they still have to have the State licensing.

Mr. Tarpley: Whether we approve or deny, is that all we do here?

Mr. Diehl: This is the same procedure as a zoning, it will be taken up by the County Legislature.

Mr. Crawford: Could there be any non-compliance issues?

Mr. Diehl: We only received questions on three or four properties that might be locations for dispensaries. They were in commercial zoned areas.

Mr. Haley: Is all the cultivation inside buildings?

Mr. Diehl: I believe that's an option. Those that are planning on having those, more than likely have an idea on how to do it and have an inside facility.

Mr. Antey: In Colorado, I notice that most of the formerly vacant building were being utilized.

Mr. Diehl: Some cities are requiring that, I didn't find any specific one for another county that required indoor growing.

Motion to take under advisement.

Mr. Tarpley moved to take under advisement. Mr. Crawford seconded.

*Discussion under advisement*

Mr. Tarpley moved to approve. Mr. Crawford seconded

Mr. Tarpley	Approve
Mr. Crawford	Abstain
Ms. Query	Approve
Mr. Haley	Approve
Mr. Gibler	Approve
Chairman Antey	Approve

Motion Carried 5 – 0

STAFF REPORT

PLAN COMMISSION  
September 11, 2019

RE: LA-2016-035

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Development Division  
Randy Diehl, Administrator