

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF APRIL 29, 2015

FILE NO.: SUP-15-026

AGENDA ITEM: F-5

STAFF AUTHOR: Susan Dorr Pansky, AICP
Planning Manager

REQUEST: To consider a request from BioNeva Innovations Carson City, LLC (property owner: Desert Investment Capital Group, LLC) to allow a Medical Marijuana Production Facility on property zoned General Industrial (GI), located at 2919 Deer Run Road, APN 008-531-46.

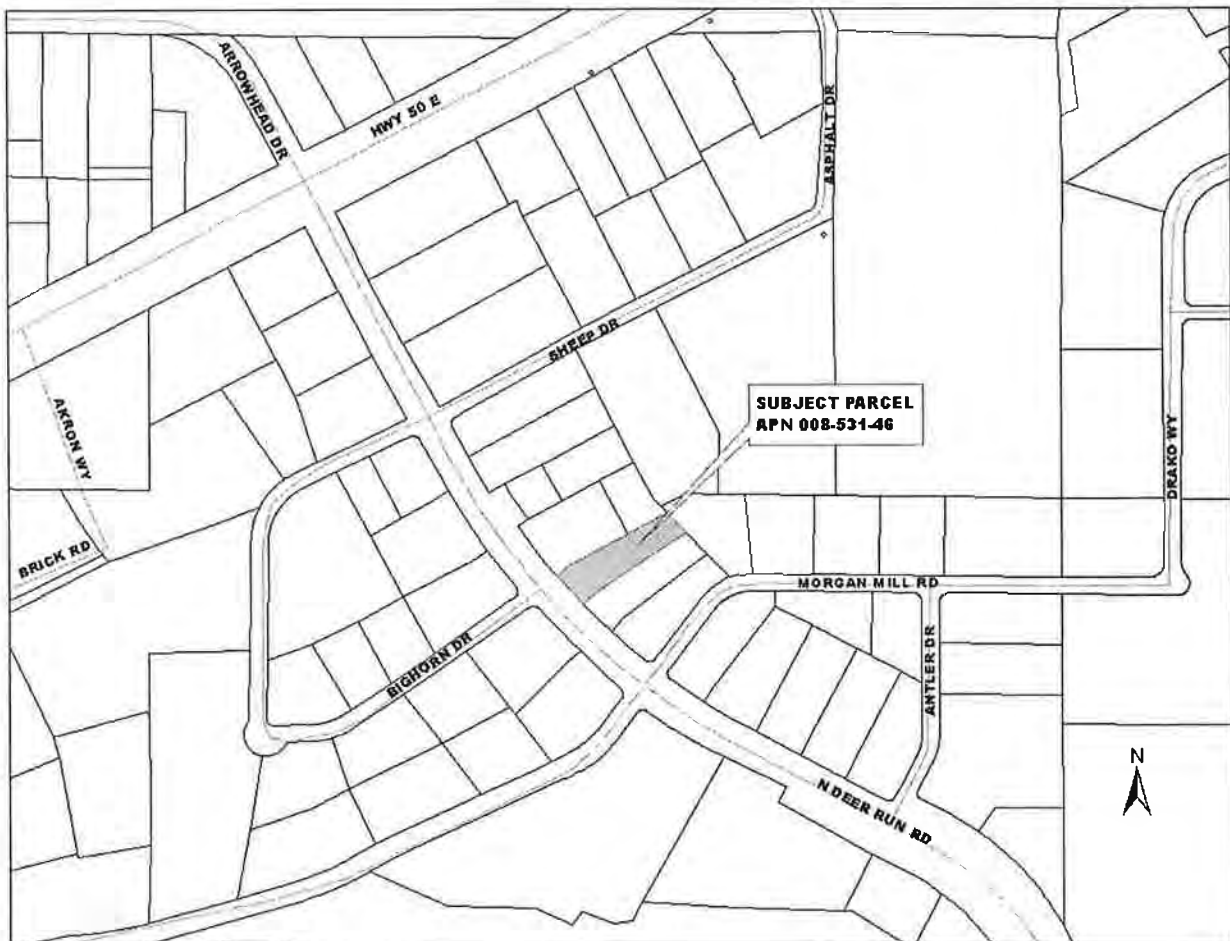
APPLICANT: BioNeva Innovations Carson City, LLC

OWNER: Desert Investment Capital Group, LLC

LOCATION: 2919 Deer Run Road

APN: 008-531-46

RECOMMENDED MOTION: "I move to approve SUP-15-026, a Special Use Permit request from BioNeva Innovations Carson City, LLC (property owner: Desert Investment Capital Group, LLC) to allow a Medical Marijuana Production Facility on property zoned General Industrial, located at 2919 Deer Run Road, APN 008-531-46, based on the findings and subject to the conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. All on- and off-site improvements shall conform to NRS and NAC 453A and the Adopted Regulations of the Division of Public and Behavioral Health of the Department of Health and Human Services, LCB File No. R004-14, as applicable at the time of development.
5. The use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be requested in writing to the Planning Division thirty days prior to the one year expiration date. Should this permit not be initiated (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.
6. The applicant shall maintain a State certificate to operate a Medical Marijuana Establishment, specifically a production facility, at the subject location prior to commencement of operation. Failure to maintain this certificate will render this Special Use Permit null and void.
7. The applicant shall obtain and maintain a valid Carson City Business License for the operation of a Medical Marijuana production facility.
8. The project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
9. The applicant shall provide parking lot lighting consistent with Carson City Development Standards.
10. The applicant shall provide landscaping consistent with the Carson City Development Standards, Division 3 – Landscaping.
11. The applicant shall provide architectural detail on the front of the building in compliance with Carson City Development Standards, Division 1 – Land Use and Site Design for review and approval by the Planning Division.

12. Should the applicant desire signage, the applicant shall submit proposed signage to the Planning Division for review and approval prior to installation. A Sign Permit may be required depending on the nature of the proposed signage. All signage shall conform to Division 1.20 and Division 4 of the Carson City Development Standards, as applicable.

The following conditions shall be completed with any Building Permit application:

13. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any Building Permit application.
14. All projects and improvements must be performed in accordance with Nevada Revised Statutes (NRS) 623 and 624 and Carson City Municipal Code Section 15.05.020.
15. Repairs, replacements and alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.
16. All contractors are required to carry State and local licenses.
17. The project must comply with 2012 IFC and Northern Nevada Fire Amendments.
18. An emergency access easement must be recorded for the fire access road on APN 008-531-56.
19. Provide an AutoTurn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. The current drawing does not appear to be a wide enough radius for fire apparatus design. It should be designed to 30 feet inside radius and 50 feet outside radius.
20. If the gate shown on the fire access road in Item 3 will have electronic controllers, a Knox key switch must be provided.
21. A Knox box must be provided on the front and rear of the building at a location approved by CCFD.
22. Horn strobe notification devices will be required for waterflow notification per the Northern Nevada Amendments.
23. Alcohol or other flammable/combustible liquid extractions where the liquid is boiled, distilled, or evaporated shall be in compliance with Carson City Fire Prevention Code and the most current edition of NFPA 30. The solvent used in the process (typically alcohol) must be identified by the applicant. The operation must be conducted under a hazardous exhaust hood that is rated for exhausting flammable vapors; electrical equipment used (including hot plates) shall be rated for use in flammable vapor atmospheres. Heating flammable liquids over an open flame is prohibited. Details of the proposed equipment must be submitted for approval. Note that a heating element that is not rated for flammable atmospheres may be approved where documentation from the manufacturer or an approved testing laboratory shows that it is rated for heating flammable liquids.

24. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
25. If the Production Facility will be preparing food products, a properly sized grease interceptor will be required. Ref CCMC 12.06.245 and CCMC 18 Division 15.5. A grease trap is not allowed per NAC 443.430.
26. The facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18, Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).
27. After meeting with applicants and receiving further details on some of the processes, this facility may also be required to install a sampling manhole between the facility and the City sewer connection.

The following conditions shall be applicable throughout the life of the use:

28. Alcohol or other flammable/combustible liquid extractions where the liquid is boiled, distilled, or evaporated shall be in compliance with Carson City Fire Prevention Code and the most current edition of NFPA 30. The solvent used in the process (typically alcohol) must be identified by the applicant. The operation must be conducted under a hazardous exhaust hood that is rated for exhausting flammable vapors; electrical equipment used (including hot plates) shall be rated for use in flammable vapor atmospheres. Heating flammable liquids over an open flame is prohibited. Details of the proposed equipment must be submitted for approval. Note that a heating element that is not rated for flammable atmospheres may be approved where documentation from the manufacturer or an approved testing laboratory shows that it is rated for heating flammable liquids. This will be required at the Building Permit stage of the project as well as throughout the life of the use.
29. All effluent discharges from this facility must meet all Federal, State and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410.
30. If any bulk containers of chemicals, herbicides, fungicides and/or fertilizers are to be used as part of the cultivation and/or production processes, secondary containment will need to be provided for the chemicals per CCMC 12.06.248, and Appendix 18, Division 15.5.
31. Please provide Safety Data Sheets for all chemicals and/or fertilizers that will be used at this facility. This will be required at the Building Permit stage of the project as well as throughout the life of the use. Updated Safety Data Sheets shall be provided as chemicals and fertilizers are modified.
32. The Special Use Permit for this Medical Marijuana production facility is only valid at the location specified in this application for the operator who obtains the Nevada State certificate for this facility. The Special Use Permit approval shall expire and become null and void if the operator loses or otherwise forfeits his or her State certificate to operate this facility. Special Use Permits for Medical Marijuana Establishments are non-transferable between operators and locations within Carson City.

33. All production facility operations shall conform to NRS and NAC 453A and the Adopted Regulations of the Division of Public and Behavioral Health of the Department of Health and Human Services, LCB File No. R004-14, as may be modified from time to time.
34. Medical marijuana or medical marijuana-infused products intended for disposal shall be rendered unusable and disposed of off-site at the Carson City Landfill as medical material for immediate burial. Temporary exterior on-site storage of product for disposal shall be prohibited. This method of disposal is subject to change and may be modified by Carson City at any time.
35. No consumption of medical marijuana or medical marijuana-infused products shall occur on the premises of this production facility, including the parking lot and surrounding area.
36. The sale of medical marijuana products to the general public from this facility is prohibited.
37. Outdoor display and sales of medical marijuana merchandise is prohibited.
38. Medical marijuana products shall not be visible from outside the production facility at any time.
39. The applicant shall maintain a ventilation and filtration system at all times to prevent offensive odor discharge from the building that could impact the surrounding properties. Failure to maintain this system, as well as the detection of medical marijuana odors in the vicinity may result in citation and possible revocation of this Special Use Permit.
40. Any expansion or significant modification to the existing building beyond what is proposed under this Special Use Permit will require additional review and approval by the Planning Commission.

LEGAL REQUIREMENTS: CCMC 18.02.080 (Special Use Permits), CCMC 18.04.150 General Industrial (GI), CCMC DS 1.20 Development Standards for Medical Marijuana Establishments.

MASTER PLAN DESIGNATION: Industrial (I)

PRESENT ZONING: General Industrial (GI)

KEY ISSUES: Will the proposed Medical Marijuana Production Facility be compatible with the surrounding neighborhood and be in keeping with the standards of the Carson City Municipal Code?

SURROUNDING ZONING AND LAND USE INFORMATION:

- EAST: General Industrial/Vacant Parcel
- WEST: General Industrial/General Industrial Warehouse Use (Roofing Company)
- NORTH: General Industrial/General Industrial Warehouse Use (Glass Company)
- SOUTH: General Industrial/Vacant Parcels

ENVIRONMENTAL INFORMATION:

- FLOOD ZONE: Zone X (areas of minimal flooding)

- **EARTHQUAKE FAULT:** Zone II
- **SLOPE/DRAINAGE:** Site has been previously developed and is being used as an outside storage area for the adjacent glass company. The topography is relatively flat.

SITE DEVELOPMENT INFORMATION:

- **LOT SIZE:** .82 acres
- **EXISTING STRUCTURE SIZE:** None
- **PROPOSED STRUCTURE SIZE:** 14,000 square feet
- **EXISTING PARKING:** None
- **PROPOSED PARKING:** 23 spaces
- **SETBACKS:**

	Front	Side	Street Side	Rear
Required	30 feet	0 feet	0 feet	0 feet
Proposed	93 feet	1 foot	N/A	70 feet

- **VARIANCES REQUESTED:** None

PREVIOUS REVIEWS:

None

HISTORY:

Senate Bill (SB) 374, commonly referred to as the “Medical Marijuana Act,” was adopted by the Nevada Legislature and signed into law in 2013, authorizing Medical Marijuana Establishments in Nevada. In July 2014, the Carson City Board of Supervisors adopted zoning regulations to allow Medical Marijuana Establishments in the General Commercial and General Industrial zoning districts in certain locations in Carson City with the approval of a Special Use Permit and subject to specific development standards.

In addition to the Special Use Permit requirements set forth by Carson City, any Medical Marijuana Establishment applicants are also required to apply to the State of Nevada for a certificate to operate a Medical Marijuana Establishment in Nevada. All applications for Medical Marijuana Establishments for 2014 were submitted and provisional certificates were issued by the State on November 3, 2014. A provisional certificate is a preliminary certificate issued by the State that is contingent on applicants receiving all local zoning and business license approvals. Once those approvals have been verified, the State will issue an official certificate to successful Medical Marijuana Establishment operators.

The applicant for this Special Use Permit to operate a Medical Marijuana Establishment, in this case a production facility, has received a provisional certificate from the State. As a result, a condition of approval has been recommended as a part of this staff report that the applicant must maintain their certificate to operate a Medical Marijuana Establishment in Carson City in order for this Special Use Permit to remain valid. The failure to maintain a certificate to operate from the State would result in the Special Use Permit becoming null and void.

DISCUSSION:

The applicant is proposing to operate a medical marijuana production facility in a new 14,000 square foot building on Deer Run Road. Under a separate Special Use Permit application, the applicant also proposed to operate a medical marijuana cultivation facility in the same building.

The production facility will occupy approximately 3,868 square feet of the new building and the cultivation facility will occupy approximately 9,878 square feet. The cultivation facility is scheduled to be heard on the same agenda as this item. The production facility will consist of two kitchens, two laboratories, a mechanical room, a water treatment room, offices, conference area, storage room and restrooms. The production facility will utilize medical marijuana grown in the cultivation facility and will extract usable cannabis that will then be formulated into customized proportions of various cannabinoids. These cannabinoids will then ultimately be infused into products such as sweet and savory foods, topical ointments and salves, oral sprays and electronic vaporizers. These infused products will then be available for distribution to medical marijuana dispensaries throughout Nevada. The production facility is expected to employ six people.

The applicant estimates water usage for the production facility to be 540 gallons per day, which is under the threshold of 7,500 gallons per day that would require Growth Management Review. The estimated sewer flow for the production facility is approximately 108 gallons per day. The Engineering Division has reviewed the anticipated water and sewer usage for the facility and does not have objections to the proposed operation.

The application indicates that traffic volumes are anticipated to be lighter than what would typically be expected for a general industrial use in a facility of this size. Based on six full time employees, the applicant expects that 24 daily trips will be generated, plus an additional eight trips per week for deliveries into and out of the facility.

Staff notes that because this is a new building, all applicable Carson City Development Standards for new construction will be required, including site design, landscaping, parking areas, etc. The applicant has shown proposed landscape areas on the included site plan as well as proposed architecture of the new building as a part of the application. Staff has recommended conditions of approval that reiterate the requirement to meet all applicable development standards for new construction.

The applicant states that they intend to achieve the highest level of security by contracting with a local security firm to design, stall and maintain state-of-the-art monitoring and control systems throughout the facility. The system will feature highly visible high-definition cameras, appropriate lighting, security warning signs, strict access control measures, secured entry systems, surveillance monitoring, a centrally located safety center, intrusion detection technology, 24-hour monitoring services and secure storage safes. All medicine, money and other valuables will be stored in secure storage safes within the center of the location to ensure adequate layers of protection to inventory and income.

To mitigate concerns of medical marijuana odor from the production facility, the applicant intends to use ventilation systems with carbon filters through the production system. Ventilation hoods in the kitchen areas will have carbon filter capabilities that can be utilized if necessary. As is required by both the State of Nevada's application requirements and the Carson City Development Standards, staff has recommended a condition of approval that no odor may be detected outside the building. The applicant will be required to ensure that their ventilation system meets this requirement as a part of the Special Use Permit.

A Special Use Permit is required for the proposed project for the following reason:

- Pursuant to Carson City Municipal Code, Section 18.04.150, General Industrial Conditional Uses, a Medical Marijuana Establishment requires the approval of a Special

Use Permit subject to Carson City Development Standards, Section 1.20, Medical Marijuana Establishments.

As stated above, Medical Marijuana Establishments are subject to specific criteria outlined in the Carson City Development Standards, Section 1.20 – Medical Marijuana Establishments. These development standards and how the proposed production facility meets them are addressed below:

1.20 Medical Marijuana Establishments.

The following standards are intended to establish minimum standards and Special Use Permit review criteria for Medical Marijuana Establishments, including Cultivation Facilities, Dispensaries, Production Facilities, and Testing Laboratories, as defined in Title 18 and NRS, in addition to other standards for commercial and industrial development.

1. The following standards apply to all Medical Marijuana Establishments.

- a. All Medical Marijuana Establishments (MMEs) require approval of a Special Use Permit. Special Use Permits for MMEs are only valid at a given location for the operator who obtains the Nevada State certificate for that facility. The Special Use Permit approval shall expire and become null and void if the MME operator loses or otherwise forfeits his or her State certificate to operate that facility. Special Use Permits are non-transferable between operators and locations within Carson City.

Staff has recommended a condition of approval outlining these requirements.

- b. No consumption of Medical Marijuana products shall occur on the premises of any MME.

Consumption on the premises of the production facility is not proposed. Staff has recommended a condition of approval to address this requirement.

- c. All business activities related to MMEs, including cultivation, shall be conducted indoors, within a permanent building. The use of office trailers or other temporary structures is prohibited. All MMEs shall have an appearance, both as to the interior and exterior, which is professional, orderly, dignified, and consistent with the traditional style of pharmacies and medical offices.

The business activities for the production facility are proposed to be conducted inside a new permanent building that will also house a medical marijuana cultivation facility. Production activities are in line with industrial-type activities, in buildings that are not accessible by the public. Therefore, a building such as the one proposed is appropriate for this use, rather than a building that is consistent with the traditional style of pharmacies and medical offices. The building is required to be professional, orderly and dignified nonetheless, and be required to meet Carson City Development Standards related to exterior design, landscaping, parking lot lighting, and all other requirements associated with new construction.

- d. Outside display or sales of MME merchandise shall be prohibited.

Outside display and sales is not proposed with the production facility. Staff has

recommended a condition of approval to address this requirement.

- e. Accessory outside storage for MMEs shall comply with Title 18.16 Development Standards, Division 1.12 Outside Storage.

Outside storage is not proposed with this production facility.

- f. Access to the MME shall be restricted in compliance with State regulations.

A condition of approval has been recommended that the production facility maintain compliance with all State regulations.

- g. No MME-related products shall be visible from outside the building.

Based on the nature of this production operation, MME-related products are not anticipated to be visible from outside the building. Staff has recommended a condition of approval to address this requirement.

- h. Sign Requirements. All MME signage shall be discreet, professional, and consistent with the traditional style of signage for pharmacies and medical offices. All MMEs shall follow the sign regulations for Office Uses in the Development Standards, Division 4, except that freestanding sign height for Cultivation Facilities, Production Facilities, and Testing Laboratories shall be limited to 10 feet consistent with sign height requirements for industrial uses.

The applicant is not proposing signage with this application. Staff has recommended a condition of approval that will require that signage be reviewed and approved by the Planning Division prior to installation, should the applicant decide to pursue signage.

- i. Parking Requirements. Parking shall be provided for MMEs as follows:

- (2) Production Facilities. One space per 500 square feet of gross floor area.

The proposed new building will house co-located medical marijuana production and cultivation facilities. The production portion of the building is expected to be approximately 3,868 square feet, which would require eight parking spaces based on the requirement of one space per 500 square feet of gross floor area. The required parking for the cultivation facility, estimated at 9,878 square feet, is 10 spaces based on one space per 1,000 square feet of gross floor area. Together, the total parking requirement is 18 spaces. The applicant is proposing to provide a total of 23 spaces, which exceeds the minimum parking space requirement.

- j. No more than two Dispensaries shall be permitted in Carson City.

This item is not applicable to medical marijuana production facilities.

- k. A MME shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of 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, that existed on the date on which the application for the proposed MME was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the MME.

Staff has verified that the proposed production facility meets the minimum distance requirements outlined in this standard. This is further substantiated with the zoning letter provided by staff to the applicant on August 6, 2014 for submission with their State application. The zoning letter is attached to this staff report for reference.

2. The following standards apply to all Medical Marijuana Dispensaries.

- a. A single point of secure public entry shall be provided and identified.

Not applicable to medical marijuana production facilities.

- b. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., seven days per week.

Not applicable to medical marijuana production facilities.

- c. Drive-through service is prohibited.

Not applicable to medical marijuana production facilities.

- d. A Dispensary shall not be located on property or within a shopping center with frontage on the same street on which a residentially-zoned property is located unless the Dispensary is located more than 300 feet from the residential property, measured on a straight line from the nearest residential property line abutting the street right-of-way to the front door of the Dispensary.

Not applicable to medical marijuana production facilities.

3. Special Use Permit review standards. The following shall be considered in the review of any Dispensary located within the General Industrial zoning district in addition to the required Special Use Permit findings:

- a. That the proposed Dispensary is located where sufficient, convenient and safe access is provided to the public.

Not applicable to medical marijuana production facilities.

- b. That the proposed location has adequate lighting and street improvements for a use providing public access.

Not applicable to medical marijuana production facilities.

Staff finds that the proposed production facility meets the applicable development standards required. With the recommended conditions of approval and findings provided by the applicant, staff is in support of this Special Use Permit application. Staff recommends that the Planning Commission approve SUP-15-026 based on the required findings as noted on the following

pages.

PUBLIC COMMENTS: Public notices were mailed to 30 adjacent property owners within 300 feet of the subject site on April 10, 2015. As of the writing of this report, one comment was received from a property owner in the vicinity against the proposed use (see attached email from Martin Eisenberg). Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on April 29, 2015, depending on the date of submission of the comments to the Planning Division.

OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: The following comments were received by various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Building Division:

1. All projects and improvements must be performed in accordance with Nevada Revised Statutes (NRS) 623 and 624 and Carson City Municipal Code Section 15.05.020.
2. Repairs, replacements and alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.
3. All contractors are required to carry State and local licenses.

Fire Department:

1. The project must comply with 2012 IFC and Northern Nevada Fire Amendments.
2. An emergency access easement must be recorded for the fire access road on APN 008-531-56.
3. Provide an AutoTurn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. The current drawing does not appear to be a wide enough radius for fire apparatus design. It should be designed to 30 feet inside radius and 50 feet outside radius.
4. If the gate shown on the fire access road in Item 3 will have electronic controllers, a knox key switch must be provided.
5. A knox box must be provided on the front and rear of the building at a location approved by CCFD.
6. Horn strobe notification devices will be required for waterflow notification per the Northern Nevada Amendments.
7. Alcohol or other flammable/combustible liquid extractions where the liquid is boiled, distilled, or evaporated shall be in compliance with Carson City Fire Prevention Code and the most current edition of NFPA 30. The solvent used in the process (typically alcohol) must be identified by the applicant. The operation must be conducted under a hazardous exhaust hood that is rated for exhausting flammable vapors; electrical equipment used

(including hot plates) shall be rated for use in flammable vapor atmospheres. Heating flammable liquids over an open flame is prohibited. Details of the proposed equipment must be submitted for approval. Note that a heating element that is not rated for flammable atmospheres may be approved where documentation from the manufacturer or an approved testing laboratory shows that it is rated for heating flammable liquids.

Engineering Division:

1. A reduced pressure backflow preventer must be installed near the water meter as part of this project.
2. Building fire sprinklers will likely be required. A fire flow study will be required as a part of any permit submittal.
3. A Technical Drainage Study will be required as part of the permit submittal.

Health and Human Services:

The applicant has obtained approval from the State of Nevada Division of Public and Behavioral Health. No concerns with this application as submitted.

Environmental Control Authority:

1. All effluent discharges from this facility must meet all Federal, State and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410.
2. If any bulk containers of chemicals, herbicides, fungicides and/or fertilizers are to be used as part of the cultivation and/or production processes, secondary containment will need to be provided for the chemicals per CCMC 12.06.248, and Appendix 18, Division 15.5.
3. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
4. If the Production Facility will be preparing food products, a properly sized grease interceptor will be required. Ref CCMC 12.06.245 and CCMC 18 Division 15.5. A grease trap is not allowed per NAC 443.430.
5. The facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18, Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).
6. After meeting with applicants and receiving further details on some of the processes, this facility may also be required to install a sampling manhole between the facility and the City sewer connection.

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. **Will be consistent with the master plan elements.**

Chapter 5: Economic Vitality, Goal 5.1d – Industrial Specializations

The addition of a medical marijuana production facility meets the Master Plan goal of promoting a variety of industrial specializations. The proposed production facility will provide medical marijuana products to retail dispensary outlets in the region and will help to support the needs of current and future medical marijuana patients.

2. **Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.**

The proposed production facility will be located in a newly construction building. The nature of the business is in line with general industrial uses and is not expected to cause objectionable noise, vibrations, fumes, dust, glare or physical activity, aside from that which will be caused during normal construction operations. The production facility does have the potential to produce medical marijuana plant odors that may be detected from outside the facility. To address this concern, the applicant proposes a ventilation system to control odors. Staff has also recommended a condition of approval to address potential odor concerns.

3. **Will have little or no detrimental effect on vehicular or pedestrian traffic.**

The proposed production facility is anticipated to generate very low levels of vehicular traffic and essentially no additional pedestrian traffic. The applicant indicates that the production portion of the facility will employ six employees. The applicant estimates that up to 24 average daily trips will be generated per day for employees of the production facility with an additional eight trips per week for deliveries into and out of the facility. The proposed traffic level is lower than what is generally anticipated for general industrial uses and is not expected to have a detrimental impact.

4. **Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.**

The proposed production facility will be located in a newly constructed building that will house both cultivation and production facilities. It will be required to connect to city water and sewer, but is not anticipated to have a significant impact on these systems. The applicant estimates water usage of 5,400 gallons per day for the combined facility, with approximately 10 percent (540 gallons per day) being used for the production process alone. In addition, the applicant estimates that the sewer discharge from the combined facility will be approximately 1,080 gallons per day, with approximately 108 gallons per day coming from the production facility. Storm drainage is not anticipated to be dramatically impacted, but the Engineering Division has recommended a condition of approval that a Technical Drainage Study be required as a part of the Building Permit submittal for the new building.

There is no anticipated impact on schools and the impacts on police and fire protection are unknown at this time as this is a new use in Nevada. The applicant has proposed security measures that are intended to supplement police services so that impacts to such services would be minimal.

- 5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.**

Medical Marijuana Establishments are a conditional use in accordance with Title 18.04.135 General Industrial Conditional Uses and require a Special Use Permit. With the approval of this Special Use Permit and recommended conditions of approval, the project will meet the definition and specific standards required to support this use in the General Industrial zoning district.

- 6. Will not be detrimental to the public health, safety, convenience and welfare.**

The proposed production facility will be located in an inconspicuous, secure space with limited access by only those employed by the facility or authorized to enter it. This facility will not be open to the public and is not anticipated to be detrimental to the public health, safety, convenience and welfare.

- 7. Will not result in material damage or prejudice to other property in the vicinity.**

The production facility is proposed in an existing building within the General Industrial zoning district. The operation will not be accessible by the public and is intended to be inconspicuous and unobtrusive as all operations will be conducted inside. It is not anticipated to result in material damage or prejudice to other property in the vicinity.

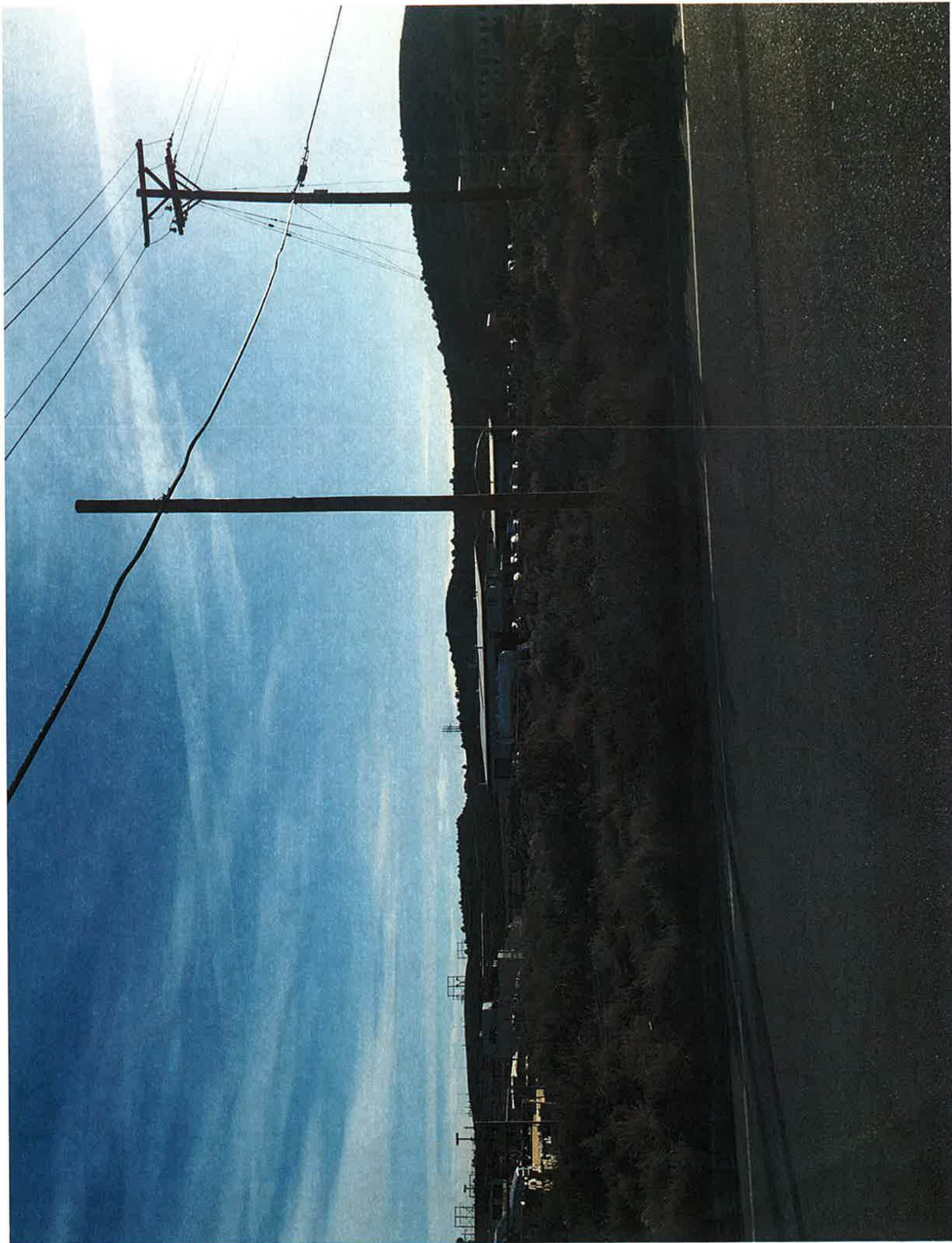
Attachments:

Site Photos
Zoning Letter
Building Division Comments
Fire Department Comments
Engineering Division Comments
Health and Human Services Comments
Environmental Control Division Comments
Application (SUP-15-026)











Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

August 6, 2014

Mr. Mark Turner
BioNeva Innovations Carson City, LLC
1027 S. Carson Street, Suite L
Carson City, NV 89701

ZONING CERTIFICATE

**RE: Medical Marijuana Establishment – Production Facility
2951 N. Deer Run Road
APNs 008-531-46 and 008-531-56**

Dear Mr. Turner:

In response to your request concerning the proposed placement of a Medical Marijuana Production Facility on property located at 2951 N. Deer Run Road in Carson City, please be advised of the following:

1. Pursuant to Carson City Municipal Code, Section 18.04.150, a Medical Marijuana Cultivation, Production or Laboratory Facility may be located in those areas zoned General Industrial (GI), east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E.

The subject property is located in a General Industrial (GI) zoning district approved for Medical Marijuana Cultivation, Production or Laboratory Facilities. Approval of a Special Use Permit is required.

2. Pursuant to Carson City Development Standards, Division 1.20, a Medical Marijuana Establishment shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of 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, that existed on the date on which the application for the proposed Medical Marijuana Establishment was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the Medical Marijuana Establishment.

The Planning Division has verified by physical inspection that, as of the date of this letter and based on the preliminary site plan provided, the proposed facility on the subject property meets the minimum setback requirements set forth in the Carson City Development Standards. Please note that there is a gymnastics facility (Silver State Gymnastics) that is located within 300 feet of the subject property. Staff believes that this facility could fall under the definition of a community facility, as a "center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents," as set forth in NRS 453A.322 and perpetuated in Carson City Development Standards. Staff would look to the State to make the final determination on the classification of this facility as a part of their

certificate selection process. However, based on staff's review of the preliminary site plan provided, the proposed Production Facility meets the setback requirement of 300 feet regardless.

3. Pursuant to NRS 453A.322, the location of a Medical Marijuana Establishment may not be within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division, or within 300 feet of a community facility that existed on the date on which the application for the proposed medical marijuana establishment was submitted to the Division.

The Planning Division has verified by physical inspection that, as of the date of this letter and based on the preliminary site plan provided, the proposed facility on the subject property meets the minimum setback requirements set forth in NRS 453A.322. Please note that there is a gymnastics facility (Silver State Gymnastics) that is located within 300 feet of the subject property. Staff believes that this facility could fall under the definition of a community facility, as a "center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents," as set forth in NRS 453A.322. Staff would look to the State to make the final determination on the classification of this facility as a part of their certificate selection process. However, based on staff's review of the preliminary site plan provided, the proposed Production Facility meets the setback requirement of 300 feet regardless.

The Carson City Planning Division finds that the proposed Production Facility location meets all general state and local zoning and setback requirements as shown on the preliminary site plan submitted, and the site will be considered acceptable for a Production Facility upon approval of a Special Use Permit by the Planning Commission.

A Business License will also be required prior to the commencement of operation for any Medical Marijuana Establishment in Carson City. The Business Licensing process will include review of any proposed Medical Marijuana Establishment building(s) for compliance with applicable code requirements including, but not limited to, building, engineering, fire, health, and environmental control.

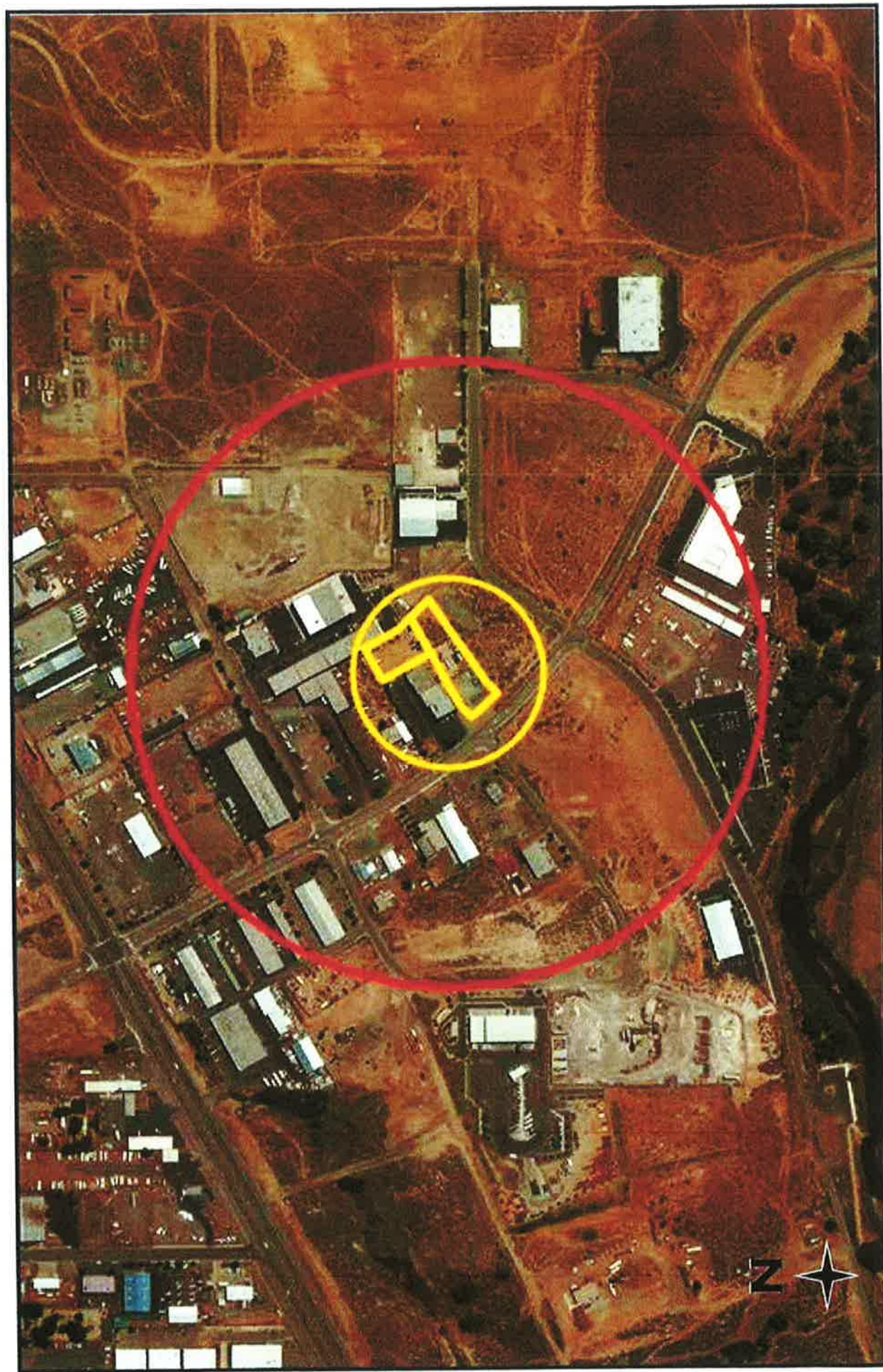
Per your request, we would also like to note that your team attended all public meetings and provided input as Carson City created its Medical Marijuana Establishment zoning ordinances. Additionally, your team has engaged staff regularly to share your plans for development of the industry and of your proposed facilities in Carson City.

If you have any questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,
Community Development Department, Planning Division


Susan Dorr Pansky, AICP
Planning Manager

Attachment - Setback Map

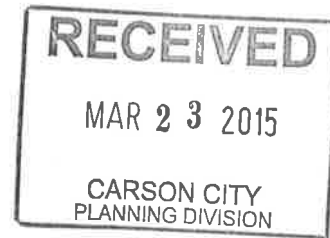


2951 N. Deer Run Rd., APNs 008-531-46 and 008-531-56

Red Circle = 1,000 foot Setback from Schools

Yellow Circle = 300 foot Setback from Community Facilities

March 23, 2015



SUP-15-026:

1. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 624 and Carson City Municipal Code (CCMC) 15.05.020.
2. Repairs, Replacement, and Alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, Adopted International Energy Conservation Code, and 2012 Northern Nevada Amendments.
3. All Contractors are required to carry State and local license.

Thanks.

Shawn Keating

Chief Building Official
Carson City Community Development
108 E. Proctor Street
Carson City, NV 89701

Main 775-887-2310
FAX 775-887-2202

Shawn Keating CBO

Building Official
Carson City Community Development Department
Office 775-887-2310
Fax 775-887-2202
Cell 775-230-6623
skeating@carson.org

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Susan Dorr Pansky

From: Dave Ruben
Sent: Thursday, April 02, 2015 11:11 AM
To: Susan Dorr Pansky
Subject: SUP 15-026 2919 Deer Run Rd processing

SUP 15-026 comments:

1. Project must comply with 2012 IFC and Northern Nevada Fire Amendments.
2. Record an emergency access easement for the fire access road on APN 008-531-56.
3. Provide autoturn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. Current drawing does not appear to be a wide enough radius for fire apparatus design. Should be designed to 30' inside radius and 50' outside radius.
4. If gate shown on fire access road in item 3 will have electronic controllers, a knox key switch must be provided.
5. A knox box must be provided on the front and rear of the building at a location approved by CCFD.
6. Horn strobe notification devices will be required for waterflow notification per Northern Nevada Amendments.
7. Alcohol or other flammable/combustible liquid extractions where the liquid is boiled, distilled, or evaporated shall be in compliance with Carson City Fire Prevention Code and the most current edition of NFPA 30. The solvent used in the process (typically alcohol) must be identified by the applicant. The operation must be conducted under a hazardous exhaust hood that is rated for exhausting flammable vapors; electrical equipment used (including hot plates) shall be rated for use in flammable vapor atmospheres. Heating flammable liquids over an open flame is prohibited. Details of the proposed equipment must be submitted for approval. Note that a heating element that is not rated for flammable atmospheres may be approved where documentation from the manufacturer or an approved testing laboratory shows that it is rated for heating flammable liquids.

Dave Ruben
Fire Marshal
Carson City Fire Department
777 S. Stewart Street
Carson City, NV 89701

Direct 775-283-7153
Main 775-887-2210
FAX 775-887-2209

**Engineering Division
Planning Commission Report
File Number SUP 15-026**

TO: Planning Commission

FROM: Rory Hogen, E.I.

DATE: March 30, 2015

MEETING DATE: April 29, 2015

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from Bioneva Innovations Carson City LLC to establish a medical marijuana production facility at 2919 N Deer Run Rd, apn 08-531-46.

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request. The following item must be addressed:

1. A reduced pressure backflow preventer must be installed near the water meter as part of this project.
2. Building fire sprinklers will likely be required. A fire flow study will be required as part of any permit submittal.
3. A Technical Drainage Study will be required as part of the permit submittal.

DISCUSSION:

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. All construction and improvements must meet the requirements of Carson City and State of Nevada Codes and Development Standards.

CCMC 18.02.080 (2a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will not affect traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

Existing facilities appear to be adequate for this project.

April 1, 2015

Major Project Review Committee

Re: # SUP 15-026

Dear Susan,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP 15-026 @ 2919 Deer Run Rd. Production Facility located at 5250 Hwy 50 East project:

1. All effluent discharges from this facility must meet all Federal, State, and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410
2. If any bulk containers of chemicals, herbicides, fungicides, and or fertilizers are to be used as part of the cultivation and or production processes secondary containment will need to be provided for these chemicals per CCMC 12.06.248, and Appendix 18 Division 15.5
3. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
4. If the Production Facility will be preparing food products a properly sized grease interceptor will be required. Ref CCMC 12.06.245, and CCMC 18 Division 15.5. A grease trap is not allowed per NAC 443.430.
5. Facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18 Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).
6. After meeting with applicants and receiving further details on some of the processes this facility may also be required to install a sampling manhole between facility and City Sewer connection.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin
Environmental Control Officer 3

c: David Bruketta, Utility Manager.
Kelly Hale, Environmental Control Supervisor.

April 1, 2015

Carson City Health and Human Services

SUP-15-026

Applicant has obtained approval from the State of Nevada Division of Public and Behavioral Health. No concerns with the application as submitted.

Dustin Boothe, MPH, REHS

Carson City Health and Human Services

900 E. Long St.

Carson City, NV 89706

(775) 887-2190 ext. 7220

Kathe Green

From: Martin Eisenberg <martinmeisenberg@gmail.com>
Sent: Wednesday, April 15, 2015 1:21 PM
To: Planning Department
Subject: Application of Bio Neva Innovations for SUP -- File #SUP-15-026

Dear Planning Commissioners,

I am a co-trustee and the administering trustee of the trusts which own property at 5665 Morgan Mill Road, Carson City. I respond by this email to the Notice of Public Hearing concerning the referenced application for special use permit.

The proposed SUP site is located perhaps 200 feet from the 5665 Morgan Mill Road property. 5665 Morgan Mill Road is the Carson City location of a large district office of the U.S. Bureau of Land Management. The facility employs some 130 local residents and is a meaningful contributor to the local economy. Adjacent to the 5665 Morgan Mill property is another office location of a U.S. Government agency, namely the Coast and Geodetic Survey which houses several dozen more U.S. Government employees.

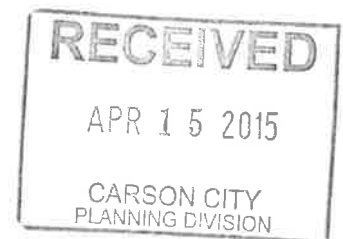
The cultivation and use of marijuana remains a violation of federal law. It appears to me a snub of the U.S. Government agencies which have located at this industrial park to permit a nearby use which is entirely contradictory to federal law. There are visitors to both these facilities by Washington, D.C. based officials. The immediate environs of this proposed site is the wrong place for the cultivation and production of marijuana-based products. I oppose the proposed use permit.

Martin M Eisenberg

Law Office of
Martin M. Eisenberg
177 Bovet Road Suite 600
San Mateo CA 94402

650 638 2373

<mailto:martinmeisenberg@gmail.com>



SUP-15-026



To: Carson City Planning Commission - for consideration at public hearing April 29, 2015.

Written Comments on: File No. SUP-15-026 and 027

Medical Marijuana growing and production facility to be located at 2919 N. Deer Run Road.

From: Taiyo America, 2675 Antler Drive, on the corner of Deer Run Rd. and Antler Dr. across from USGS.

Taiyo America, Inc. is genuinely concerned and generally opposed to a medical marijuana cultivation and production facility locating in the immediate proximity of our business for the following reasons:

1. We are concerned about the type of security measures needed and planned, and the types of activities that will be performed at the proposed site.
2. Any increase in foot or vehicle traffic from the general public in an industrial area is a concern to our operation. Increased traffic leads to an increase in potential criminal activities, potential safety concerns involving truck traffic and any "perceived" exposure risks to people unfamiliar with smells, noises, storage, and operating hours of manufacturing facilities. Members of the general public (non-employees) walking around this area are a concern to us.
3. We selected this business location more than 20 years ago because this location was on the farthest edge of the GI zoned industrial area and adjacent to BLM land. Our purpose and desire 20 years ago remains the same today: we specifically want to stay away from the general public.

Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FILE # SUP - 15 -

APPLICANT PHONE #
BioNeva Innovations Carson City, NV 844-246-6382

MAILING ADDRESS, CITY, STATE, ZIP
1027 S. Carson St., Carson City, NV 89701

EMAIL ADDRESS
dan@capitalglassnv.com

PROPERTY OWNER PHONE #
Desert Investment Group LLC 775-883-6401

MAILING ADDRESS, CITY, STATE, ZIP
2951 Deer Run Road Suite 1, Carson City, NV 89706

EMAIL ADDRESS
greg@capitalglassnv.com

APPLICANT AGENT/REPRESENTATIVE PHONE #
RL Engineering 775-884-3205

MAILING ADDRESS, CITY, STATE, ZIP
675 Fairview Drive #223, Carson City, NV 89701

EMAIL ADDRESS
rob.lauder@rl-engr.com

FOR OFFICE USE ONLY:

CCMC 18.02

SPECIAL USE PERMIT

FEE: \$2,450.00 MAJOR
\$2,200.00 MINOR (Residential
zoning districts)

+ noticing fee

SUBMITTAL PACKET

- ☐ 8 Completed Application Packets
(1 Original + 7 Copies) including:
- ☐ Application Form
- ☐ Written Project Description
- ☐ Site Plan
- ☐ Building Elevation Drawings and Floor Plans
- ☐ Proposal Questionnaire With Both Questions and
Answers Given
- ☐ Applicant's Acknowledgment Statement
- ☐ Documentation of Taxes Paid-to-Date (1 copy)
- ☐ Project Impact Reports (Engineering) (4 copies)
- ☐ CD containing application digital data (to be submitted
once the application is deemed complete by staff)

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal
schedule.

Note: Submittals must be of sufficient clarity and detail such
that all departments are able to determine if they can support
the request. Additional information may be required.

Project's Assessor Parcel Number(s):

08-531-046

Street Address ZIP Code

2919 Deer Run Road

89706

Project's Master Plan Designation

Industrial

Project's Current Zoning

GI

Nearest Major Cross Street(s)

Morgan Mill Road

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and
proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal
Code (CCMC) Section: _____, or Development Standards, Division _____, Section _____, a request to allow
as a conditional use is as follows:

Medical marijuana establishment for production.

PROPERTY OWNER'S AFFIDAVIT

Keith Harkins, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have
knowledge of and I agree to the filing of this application.

Signature

Address

Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY Washoe

On March 17, 2015, Keith Harkins, personally appeared before me, a notary public,
personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she
executed the foregoing document.

Notary Public



DANIELLE SIEBERT
NOTARY PUBLIC
STATE OF NEVADA
My Appt. Exp. Feb. 14, 2019

NOTE: If your project is located within the historic district, the project must be scheduled before the Historic Resources
Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning
Commission. Planning personnel can help you make the above determination.

SPECIAL USE PERMIT APPLICATION

BIONEVA INNOVATIONS CARSON CITY, LLC
MEDICAL MARIJUANA ESTABLISHMENT – PRODUCTION FACILITY
PROJECT ADDRESS: 2919 DEER RUN ROAD, CARSON CITY, NV

TABLE OF CONTENTS

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3	QUESTIONNAIRE AND RESPONSES	3-8
4	APPLICANT ACKNOWLEDGMENT	9

SECTION 2 - PROJECT DESCRIPTION

This project consists of a Medical Marijuana Establishment (MME) for the joint purposes of cultivation and production of medical marijuana. No dispensary facilities are included.

The project is located at 2919 Deer Run Road, a 0.82-acre undeveloped parcel approximately 1/4-mile south of U.S. Highway 50, on the east side of the road. Adjacent properties to the east, west, and south are vacant. The adjacent properties to the north (2951 Deer Run Road and the vacant property behind it) are occupied by Capital Glass, Inc., the principals of which also own the subject property and the 2 properties to the north.

The site and surrounding properties are in the general industrial (GI) land use zone.

The project will include the following improvements:

1. An approx. 14,000-Square feet single story masonry building. The building will be fully sprinklered.
2. Asphalt paved driveways and parking areas.
3. A truck unloading zone as required by Carson City development standards.
4. A security system including fences, lighting, and monitoring cameras.
5. Landscaping consistent with Carson City development standards.
6. Buried utilities including power, telephone, water and sewer. Separate water service lines for building and irrigation will be provided. Water service lines will include an above-grade reduced-pressure type back flow preventer. There will be a separate fire sprinkler service line with backflow preventer vault and fire department connection.
7. One new fire hydrant at the front of the property.
8. Concrete commercial driveway approach, sidewalks, and curb and gutter as needed for proper drainage.
9. Drainage facilities including curb and gutter, detention basin, and discharge structure.

SECTION 3 - QUESTIONNAIRE AND RESPONSES

Question 1: How will the proposed development further and be in keeping with, and not be contrary to, the goals of the Master Plan Elements?

Explanation A:

Chapter 3: A Balanced Land Use Pattern (Master Plan Policy Checklist)

- I. The project is neutral on the provisions of the Growth Management Ordinance as it is not a residential development.
- II. The project meets Goals 1.1e and 1.1f The building will be constructed with sustainable building materials and construction techniques to promote water and energy conservation.
- III. The location is not currently in an identified priority area.
- IV. To the best of the applicant's knowledge there are no adjacent public lands and no required pathways at the location. If the City determines that pathway is required, the applicant will provide an appropriate pathway per Goal 1.4a.
- V. The site is currently not landscaped and has no mature trees or other character defining features.
- VI. The location is almost two miles from the nearest county border and should not cause land use conflicts with adjacent properties.
- VII. The location is not a designated Mixed-Use area and so is not required to meet the intent of the Mixed-Use Evaluation Criteria.
- VIII. The project meets all set-back requirements. The location is in the middle of a neighborhood zoned General Industrial.
- IX. To the best of the applicant's knowledge, the location is not in an Environmentally Sensitive Area and as such is not required to meet related set-back requirements.
- X. The location is not within the 100-year floodplain (ref. FIRM Map No. 3200010112E Rev. Jan. 16, 2009 by FEMA) or any other hazard area, including identified active earthquake faults. The nearest mapped Holocene fault is approximately 1 mile to the west (ref. Earthquake Hazard Map, New Empire Quad, by Trexler and Bell, published 1979 By Nevada Bureau of Mines and Geology).
- XI. The project provides for levels of services consistent with the Land Use designation and adequate for the proposed development. The location meets the criteria for its Land Use designation of General Industrial. The project is a new building to be used solely for the cultivation and production of medical marijuana and may include warehousing, distribution, indoor storage, and other uses typical of business located in areas designated Industrial.
- XII. The location is not within an identified Specific Plan Area and so the associated policies are not applicable.

Chapter 4: Equitable Distribution of Recreational Opportunities

- I. The proposed use neither provides, nor removes, opportunities to expand parks and recreation opportunities in accordance with Goal 4.1b.

- II. The proposed use and location are consistent with the Open Space Master Plan and Carson River Master Plan as described in Goal 4.3a.

Chapter 5: Economic Vitality

- I. The proposed use and location will neither encourage, nor discourage, a citywide housing mix consistent with the labor force and non-labor force population. The location is not located in or near residential or mixed-use areas, and the proposed use does not pertain to housing.
- II. The proposed use and location do not encourage the development of regional retail centers. Due to the nature of the proposed use (medical marijuana cultivation), the location is not intended to be near such regional retail centers. The applicant does not wish to attract the presence of unauthorized or non-licensed persons.
- III. The proposed use does not encourage or discourage the reuse or redevelopment of underused retail space because the proposed use is not retail and not located in retail space.
- IV. The proposed use is unrelated to heritage tourism activities, but is located so as to discourage the presence of unauthorized or non-licensed persons on the premises.
- V. The location is not in the Downtown core and thus does not promote revitalization of that area.
- VI. The location is not in the Downtown core and thus does not encourage the incorporation of additional housing in and around that area.

Chapter 6: Livable Neighborhoods and Activity Centers

- I. The building exterior will be concrete masonry units, a common highly-durable building material.
- II. Per state regulations the project does not encourage visual interest and variety in accordance with Goals 6.1b and 6.1c. State regulations require a nondescript aesthetic that already exists at the location and that the applicant intends to maintain. Further, state medical marijuana regulations require a design that is "discreet," mandating that any signs to be displayed are first approved by the Division of Public and Behavioral Health. The applicant intends to follow these mandates.
- III. The building has been designed with articulated (off-set) building elements to enhance the building's visual interest. Different colors and patterns of block will be used to enhance the appearance. Landscaping will be designed to create an attractive entrance to the facility. The front entrance will be clearly defined. The shipping entrance is hidden from view so as not to detract from the overall appearance.
- IV. The proposed use is compatible with surrounding development. The neighborhood is industrial and consists of numerous warehouses. The location does not border any residential areas and should not impact the character of any establishment or existing neighborhoods per Goals 9.3b and 9.4a.
- V. The location is not in an identified Mixed-Use Activity Center.
- VI. The project is not located downtown.

- VII. The proposed use and location will neither encourage, nor discourage, an appropriate mix of housing models and densities based upon the location, size and surrounding neighborhood context. The location is not located in or near residential or mixed-use areas, and the proposed use does not pertain to housing.

Chapter 7: A Connected City

- I. The location is near a major corridor (Highway 50). The use should have little impact on existing transit. The only travel to and from the site will consist of employees, shipments and deliveries.
- II. The location and use are neutral on promoting enhanced roadway connections and networks consistent with the Transportation Master plan as described in Goal 11.2c. The applicant does not expect significant increases of traffic.
- III. To the best of the applicant's knowledge there are no required pathways at the location. If the City determines that a pathway is required, the applicant shall provide an appropriate pathway per Goals 12.1a and 12.1c.

Question 2: Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

Explanation A:

The parcel and all neighboring parcels are zoned General Industrial. The proposed use is consistent with use of other properties in the immediate area.

Explanation B:

The project is similar to existing development in the neighborhood, which is entirely General Industrial. It will not hurt property values, but may increase them via the increased security presence of the applicant's 24-hr video surveillance for parking areas and exterior. The one potential nuisance neighboring property owners may fear is odor, and any odor that is detectable outside of the facility is expressly prohibited by state regulations (LCB File No R004-14 Sec. 72(3)(b)). As such, in order to remain in good standing with the Division of Public and Behavioral Health, the applicant must prevent such a nuisance from occurring in the first place. Nuisances resulting from the construction period will be mitigated by normal construction dust control methods (watering, blanketing, etc.) that will capture dust as necessary. The project will not involve any uses that are not contained within a building. The applicant's waste disposal plan requires all waste to be stored within the facility until such time waste may be removed as permitted by law. The project itself will not differ in appearance from any neighbors. The neighborhood is composed similar industrial/commercial buildings, and the applicant does not plan to change this aesthetic.

Explanation C:

The project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood, as both the surrounding properties and the general neighborhood are similarly zoned General Industrial. Operation hours are expected to be normal business hours (8-5). The applicant expects limited noise created by the project, but any noise, such as from the construction process, will occur during normal business and construction hours. The applicant is already required by the State to minimize odor, and intends to minimize other potential nuisances.

Explanation D:

There is limited pedestrian traffic near the location due to its General Industrial zoning. The location is about ¼ - mile from a heavily trafficked corridor (Highway 50), but the project will not significantly affect existing traffic due to the small size of the workforce (up to 10 full-time positions in the first year of operations). Nothing about the project will cause emergency vehicle response times to existing business in the immediate area to change. Estimated travel time for emergency vehicles from Carson City Fire Station 2, 2400 E. College Parkway, to the site is 5 minutes (3 miles via College Parkway, Highway 50 and Deer Run Road).

Explanation E:

Short-term benefits will include jobs during construction. Purchase of locally-sold construction materials will benefit the local business community. Long-term benefits will include the site appearance, employment, and generation of income and tax revenue. The vacant lot will be cleared of stored materials and improved with building, paving and landscaping, improving the appearance of the neighborhood in general. The applicant expects to benefit the community in the following ways, both in the short- and long-term: economic impact (creation of permanent jobs and multiple temporary jobs, projected generation of excise tax revenue and the redirection of income from neighboring prohibition jurisdictions into Carson City); patient accessibility impact (access to affordable, high-quality, lab-tested medicine, removal of the burden of home-growing, and access to a variety of proprietary medicines); educational impact (provision of accurate marijuana awareness education for community members; operational transparency with local government and law enforcement officials, and support for existing prevention and anti-diversion efforts); and charitable impact (in-house donation drives, foundational support for community organizations and staff volunteer service.)

Question 3: Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?

Explanation A:

The project will likely not affect the school district at all, as the applicant does not cater to minors, nor are minors (with the very rare exception of a licensed patient in the presence of his or her caregiver, as permitted by state law) allowed on the premises. The applicant intends to hire locally, and thus does not plan to cause an influx of new families to the community. The only foreseeable impact on the school is the future foundational support by the applicant of

community organizations that provide services to local students. Nor does the applicant foresee any negative impact on the Sheriff's Office.

Explanation B:

The project will result in the covering of land area. Drainage will be routed to the right-of-way via concrete gutters and a detention basin in accordance with Carson City development standards. Details of the drainage design are addressed in the engineering impact report attached to this application.

Explanation C:

The water supplies serving the project are adequate for its needs without degrading supply and quality to others in the area, including adequate water pressure. Static water pressure at the project site is roughly 100 psi. No updates to the water system are necessary for this project.

Explanation D:

There is adequate capacity in the sewer main in Deer Run Road that will be connected in order to serve the project. No updates to the sewer system are necessary for this project.

Explanation E:

No road improvements are needed to accommodate the project. Increased use to existing roads will be nominal.

Explanation F:

The source of the information used in this application is the construction expertise of the applicant in consultation with private engineers. The owners and operations of the applicant business have backgrounds in the construction industry, including management of LEED – certified projects using recycled and environmentally safe building materials. They have personally designed and will oversee the remodeling of the existing building.

Explanation G:

This project includes outdoor lighting. Lighting will be designed to meet City standards in terms of down-lighting and not lighting adjacent properties.

Explanation H:

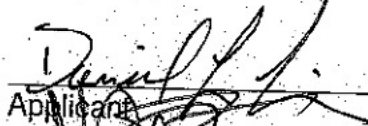
The site is presently not landscaped. The property will be fully developed in 1 phase, including the building, paved parking and driveways, and pervious landscaped areas designed in accordance with Carson City development standards. Landscaping will include plantings as required, but will be xeri-scaped as much as possible with gravel and bark mulch to conserve water.

Explanation I:


Paved parking for 23 vehicles is proposed, versus a minimum of 19 required (see parking analysis based on proposed building use areas as listed on the site plan). Dimensions and location are shown on the site plan.

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violations of any of the conditions of approval. I further understand that approval of this application does not exempt me from all city code requirements.

 - Daniel Larkin
Applicant

3/17/15
Date

 MARK B. TURNER
Applicant

3-17-2015
Date

ADDENDUM NO. 1
SPECIAL USE PERMIT APPLICATION

APPLICATION: SUP-15-026 – Medical Marijuana Production Facility

APPLICANT: BioNeva Innovations Carson City

APPLICANT’S REPRESENTATIVE: RL Engineering

OWNER: Desert Investment Group LLC

PROJECT APN/ADDRESS: 008-531-46/2919 Deer Run Road

This addendum addresses questions raised during the initial completeness review of the application. Responses to those questions appear below:

1. General production process/extraction method:

The proposed facility is intended to house two medical marijuana establishments in an integrated operation, with cultivation and infused product production under one roof. This section describes the operational aspects of the production process.

Production of infused products is broken into three major processes: acquisition, extraction, and product infusion.

A. Acquisition of Cannabis

Useable *Cannabis* will primarily be obtained from our co-located cultivation facility. In the event that we are not successful in obtaining a cultivation license, our infused products facility will need to acquire usable *Cannabis* from a third-party state-licensed cultivation center. We will employ a *Cannabis* acquisition team to obtain material for use in our infused product facility. Regardless of where we obtain usable *Cannabis* for infused products all materials will be subject to the strict Quality Assurance and Product Safety standards. A detailed record of all *Cannabis* brought into our facility will be maintained in our Inventory Control System.

Our extraction process can utilize by-products of the *Cannabis* cultivation process. Small flowers and leaves, commonly referred to as “trim”, that are not packaged for sale to patients are the perfect source material for our extraction process.

B. Extraction Process

Extraction is the process of chemically and/or physically isolating specific compounds from a raw, whole-plant matrix. In the proposed facility, BioNeva will utilize a highly advanced and tightly controlled extraction of active cannabinoids from *Cannabis* plants from our cultivation department. Our proprietary extraction process was developed by internationally recognized experts in the fields of botany and chemistry.

All extractions will be performed in a laboratory specifically designed for this purpose, complete with safety controls such as fire suppressant systems, chemical spill containment systems, and

eye-wash/personnel shower systems. Extractions will be performed by skilled and highly trained scientists who are capable of managing the complex equipment and safety systems within a laboratory setting.

a. De-bulking

Dried *Cannabis* plant material will be “de-bulked” using a proprietary physical process that removes the resin glands (where the vast majority of the active cannabinoids are located) from the bulk plant matter. This process removes a significant portion of undesirable plant substances, such as chlorophyll, from the concentrate.

b. Extraction

During the actual extraction stage, the de-bulked material is dissolved into an ethanol solution under tightly controlled physical conditions that allow us to leverage the differences in solubility between the active cannabinoids. The ethanol solution used is food grade and approved for human consumption. Ethanol is the only solvent used in our extraction process.

c. Formulation

During the formulation stage, our scientists are able to create customized proportions of the various cannabinoids. This allows us to create concentrates that are higher in a specific cannabinoid and lower in another. The formulation process also allows us to create concentrates within a very tight quality specification. For example, we may desire a concentrate that is 60% CBD, 30% THC, and 10% other plant terpenes. The formulation process allows us to do just that on a consistent basis.

d. Solvent Removal

The final step in the extraction process is solvent removal. Our scientists achieve this by varying temperature and pressure using a variety of precision laboratory equipment. The resulting product is completely free of excess solvents. To verify, the resulting concentrates will be sent to a third-party, Nevada-based laboratory for excess solvent analysis.

e. Finished Product Quality Assurance

All final concentrates will be subject to strict Quality Assurance and Product Safety standards. Final concentrates will be tested for potency, excess solvents, and contaminants and either packaged for distribution or used in the production of infused products. Any remaining plant material will be disposed of. Any concentrates that do not pass independent testing will be disposed of.

C. Infused Products

BioNeva is committed to manufacturing and distributing the highest quality *Cannabis*-infused products possible. To this end, BioNeva has engaged one of the leading product development

scientists in the *Cannabis* industry as Co-Director of Operations for production. BioNeva's co-Director of Operations has extensive experience developing formulations and labels for infused products. In fact, he was instrumental in developing the nation's first infused product with a hard-printed nutritional fact panel and co-chaired the first ever infused product quality assurance panel at the 2009 International *Cannabis* and Hemp Exposition in San Francisco, CA. Since 2009 he has assisted in the development of countless infused products, some of which have won national acclaim. BioNeva therefore has the in-house capacity to develop innovative, effective, and consistent infused products for our patients.

BioNeva has purposefully not licensed any existing infused product brands for use in Nevada. We prefer to use our in-house expertise to develop products that are unique for the emerging Nevada market. BioNeva will perform market analysis and patient interviews to determine the most effective and most desirable product classes. Attention will be given to identifying a wide variety of products in flavor profile, delivery mechanisms, potency, and medicinal applications.

A detailed product specification will be developed for each identified infused product. Each specification will include detailed information regarding:

- The amounts and minimum quality attributes of required ingredients;
- The instruments and processes used to manufacture the product;
- The roles and responsibilities of each employee during the production process;
- The procedures for cleaning and sanitizing production areas;
- The minimum quality attributes of the finished product; and
- The packaging and storage requirements.

Product specifications will be reviewed and updated periodically to ensure quality and consumer safety.

Initial concepts for infused products include both sweet and savory foods, topical ointments and salves, oral sprays, and electronic vaporizers. BioNeva's Co-Director of Operations has extensive experience researching and developing such products in other legal medical marijuana markets, including California and Arizona.

All products will be developed and manufactured using Good Manufacturing Practices in strict compliance with the quality specifications developed for each individual product. All infused products produced in our facility will be subject to the strict Quality Assurance and Product Safety standards. Final products will be tested for potency and contaminants and packaged for distribution. Any products that do not pass independent testing will be disposed of.

All employees working within the infused-products department will be required to attend courses in or demonstrate knowledge of food handling and safety. At a minimum, employees handling food products must understand the following:

- The link between disease prevention and good hygiene;
- The hazards of raw or under-cooked meat, poultry, and eggs;
- Appropriate cooking temperatures and times for various products;

- Appropriate cleaning and sanitizing practices; and
- Appropriate storage methods for various ingredients and finished products.

2. The production facilities will include the following equipment:

A. Production Facilities

The production facility will consist primarily of the two physical spaces: one for the extraction process and one for infused products production.

a. Extraction Lab

The extraction will be equipped with sophisticated laboratory equipment similar to that found in university and/or commercial labs. Items will include:

- i. A fire-rated solvent storage locker
- ii. A fume-hood with activated carbon filters
- iii. Closed-loop solvent removal systems capable of removing and recycling solvents (e.g., rotary evaporators)
- iv. Incubators
- v. Vacuum ovens
- vi. Sink
- vii. Eyewash station and shower

The solvent of choice is 200-proof Ethanol.

b. Infused Products Lab – Kitchen

Infused products will be produced in a facility akin to a commercial kitchen. Employees will be trained in food handling and safety protocols. The facility will include the following items:

- i. Commercial oven
- ii. Commercial stovetop
- iii. 3-compartment sink with grease trap
- iv. Hand sinks
- v. Refrigerator
- vi. Freezer
- vii. Appropriate floor detailing with floor drains as necessary
- viii. Appropriate food storage closet and/or shelving

B. Waste Management

Recyclable non-*Cannabis* solid waste will be recycled using local waste management services. Re-usable non-*Cannabis* materials that are no longer of use in our facility will be donated to local re-use organizations such as the Salvation Army, Goodwill, or the Re-Use Stores. Compostable non-*Cannabis* waste will be composted either on site or with a local composting facility. Any non-*Cannabis* solid waste that is not recyclable, reusable, or compostable will be disposed of using local waste management services. Hazardous non-*Cannabis* waste will be

disposed of using local hazardous waste management services. Detailed records will be kept of all waste materials.

All *Cannabis* waste will be rendered unusable prior to leaving our facility for disposal. The allowable method to render *Cannabis* plant waste unusable is by grinding and incorporating the *Cannabis* plant waste with other ground materials so the resulting mixture is at least fifty percent non-*Cannabis* waste by volume. Materials used to render *Cannabis* plant waste unusable will be compostable and will include food waste, yard waste, vegetable grease or oils, paper waste, cardboard waste, and soil. The ground material will be disposed of using local waste management services. Detailed records of all *Cannabis* waste will be kept in our Inventory Control System.

3. Cultivation vs. production areas - see attached floor plan.
4. Landscape areas - see attached revised plan.
5. Block - the exterior walls will be a combination of smooth and split-face CMU. Complementary earth-tone colors will be selected.
6. Estimated water use for the production facility is 540 gpd (10% of total facility flow of 5400 gpd). Estimated wastewater discharge flow for the production facility is 108 gpd (10% of total facility flow of 1080 gpd).
7. The estimated number of employees for the production component of the facility will be 6.
8. The proposed hours of operation are 7 days per week: M-F 9:00 a.m. to 5:00 p.m., Sat-Sun 10 a.m. to 2:00 p.m.
9. Production employee traffic is estimated at 24 trips per day (6 employees times 4 trips). Truck delivery and shipment trips is estimated to be 8 per week (4 trucks in and out).
10. Security measures are outlined below:

A. Safety and Security

a. Fire Safety

- All rooms in which flammable materials or electrical control panels are located will be constructed with a minimum of a one-hour firewall assembly.
- At least two operating fire extinguishers will be in the each extraction and production room.
- Fire extinguishers will be easily accessible to employees from every room and in each hallway of the facility.
- Fire extinguishers will be maintained annually or as otherwise specified by the manufacturer.
- Fire extinguishers will be of the appropriate class rating for the type of fire associated with the functions being performed in the facility (i.e., electrical, chemical).
- Flammable products will be stored in a properly marked fire containment cabinet or area.
- Signage that complies with National Fire Protection Association (NFPA) standards will be placed at entrances to exposure areas.

b. Security

One of the major focuses of the operation is the safety and security of our patients, staff, and local community. It is imperative that the facility is secure and we will spare no expense or effort to ensure that patients, employees, visitors, and the local community are kept from harm's way at all times. Our Security Plan is based on deterring threats before they occur by staffing a highly visible and capable security staff. This, coupled with state-of-the-art security technology, will enable us to identify, discourage, and prevent bad behaviors.

In order to achieve the highest level of security while maintaining an inviting and caring atmosphere, BioNeva will contract a local security firm to design, install, and maintain state-of-the-art monitoring and control systems throughout the proposed facility. The system will feature highly visible high-definition cameras, appropriate lighting, security warning signs, strict access control measures, secured entry systems, surveillance monitoring, a centrally located safety center, intrusion detection technology, 24-hour monitoring services, and secure storage safes. All medicine, money, and other valuables will be stored in secure storage safes within the center of the location to ensure adequate layers of protection to inventory and income.

11. See No. 2 above for an explanation of the process and the chemicals to be used.
12. Production facility ventilation systems will have carbon filters throughout the system to manage odor. The ventilation hood, if required, in the kitchen will have carbon filtration capabilities.
13. At this time there is no intention to provide signage other than building numbering as required by the fire code.
14. 20 copies of the original submittal, this addendum, and attachments have been provided.
15. A CD with plans, reports and addendum is provided.
16. A check in the amount of \$2,450.00 for the Special Use Permit application fee has been provided.
17. A check for \$17.40 has been provided for envelopes and postage.

PROJECT IMPACT REPORT

SPECIAL USE PERMIT APPLICATION
MEDICAL MARIJUANA ESTABLISHMENT – PRODUCTION FACILITY
BIONEVA INNOVATIONS CARSON CITY, LLC
PROJECT ADDRESS: 2919 DEER RUN ROAD, CARSON CITY, NV

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5	SANITARY SEWER	3
ATTACHMENT "A" - FIRMETTE OF SITE		4

Prepared By:
RL Engineering
Civil and Structural Design
675 Fairview Drive #223, Carson City, NV 89701
(775)884-3205 Fax (775)884-3265

TRAFFIC

The business is expected to employ 5-10 people, generating a maximum of 40 1-way vehicle trips per day. Deliveries and shipments are expected to generate 4-8 trips per week.

These traffic volumes are relatively low and in line with other business of this size.

DRAINAGE

This 0.82-acre site is currently vacant except for storage of miscellaneous building materials. The direction of drainage is roughly north – to – south, towards the Carson River. Currently all drainage is overland flow to gutters in Deer Run Road.

The site lies outside the 100-year floodplain as shown on FIRM Map No. 3200010112E Revised Jan. 16, 2009 by FEMA. See attached Firmette.

The conceptual site plan indicates paved areas plus building (impervious area) will be approximately 0.74 acres, with the remaining 0.08 acres being pervious landscaping. All drainage will be routed to an on site detention basin at the south corner of the property adjacent to the street. Outlet structures will be designed to limit out flow to the pre-development flow from the 5-year, 24-hour design storm. Provision will be made so that outflow from the 100-year, 24-hour design storm is accommodated.

WATER

The project will use hydroponic growing facilities for plant production. Production water will be treated onsite and recycled to minimize water use. Net water use is estimated to average 5400 gallons per day, based on 80 growing trays. This is likely a very high and conservative estimate because the operator intends to use a new nutrient injection system which uses a water optimization system. The system is in use elsewhere, but has not been in use long enough to generate long-term usage rates.

The property is served by an existing 12-inch water main in Deer Run Road. Static water pressure is estimated to be approx. 100 psi (4880 pressure zone minus highest site elevation of 4650 feet AMSL). Due to the size of the main and proximity to the water production well on Morgan Mill Road, it is expected that the city water system will be more than adequate to supply the project.

FIRE PROTECTION

The new building will be approximately 14,000 square feet in size, with 8-inch exterior CMU walls, and interior wood-framed walls and roof, resulting in a Type V-B construction classification. Due to the size of the building, automatic sprinklers will be required. Given these parameters, a fire flow of 1,625 gpm for 3 hours will be required (50% of 3,250 gpm – see 2012 IFC Table B105.1).

A new hydrant will be placed at the front of the lot. Existing fire hydrants are located on Morgan Mill Road east of the site, and on-site at 2951 Deer Run Road next door.

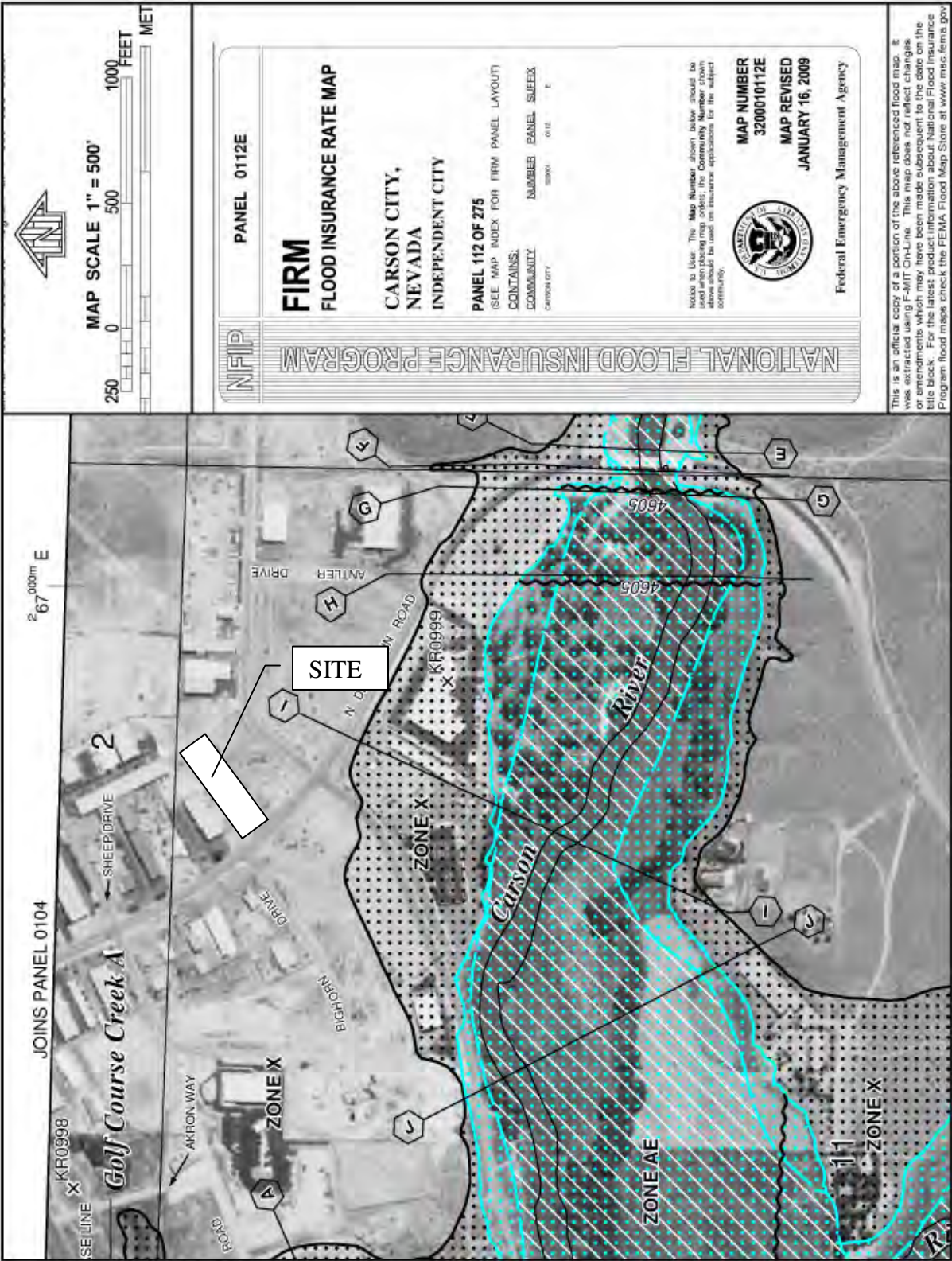
SANITARY SEWER

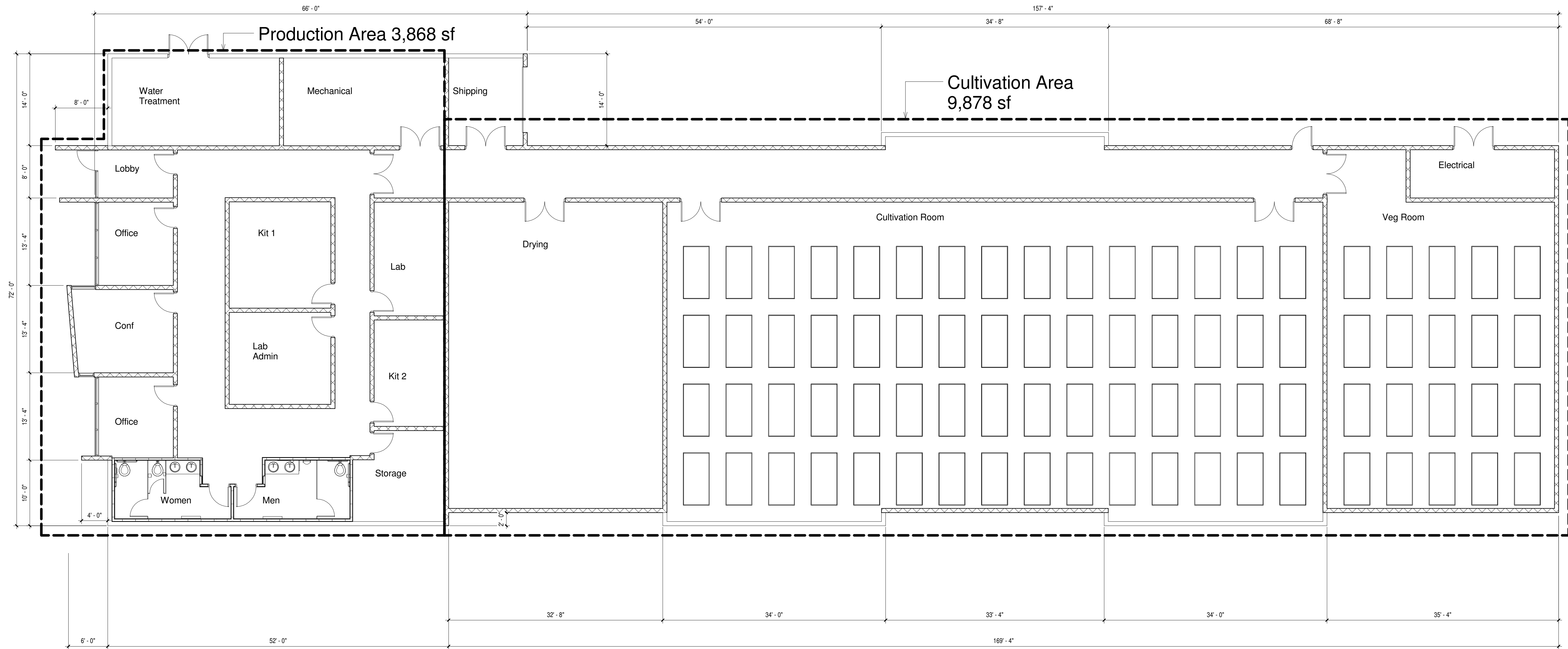
Sewer flows will be generated from 1 men's and 1 women's bathroom, and by backwash water from the hydroponic water treatment units.

Wastewater flow from the hydroponic system was conservatively estimated at 20% of water use, or 1,080 gallons per day (gpd). Wastewater from the bathrooms will be comparatively nominal and negligible.

The project is served by an existing 8-inch PVC sewer in Deer Run Road. The flow capacity of the sewer was estimated based on the sewer being 8" PVC. The existing slope was estimated at 0.26% based on record plan and profile sheets obtained from Carson City Public Works Department. Using a Manning's "n" of 0.013 and slope of 0.26%, flow capacity half-full is estimated to be 199,121 gpd. The estimated wastewater contribution from this site will be only 0.54% of the above capacity, indicating that the sewer likely has capacity to serve this project.

ATTACHMENT "A"





MME Cultivation and Production Facility
North Deer Run Road
Carson City, NV

Rev#	Rev Date	Revision Description
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FRAME
ARCHITECTURE
INC

8985 Double Diamond Parkway
Suite B8
Reno, NV 89521
775 827 9977 p - 775 490 0018 f

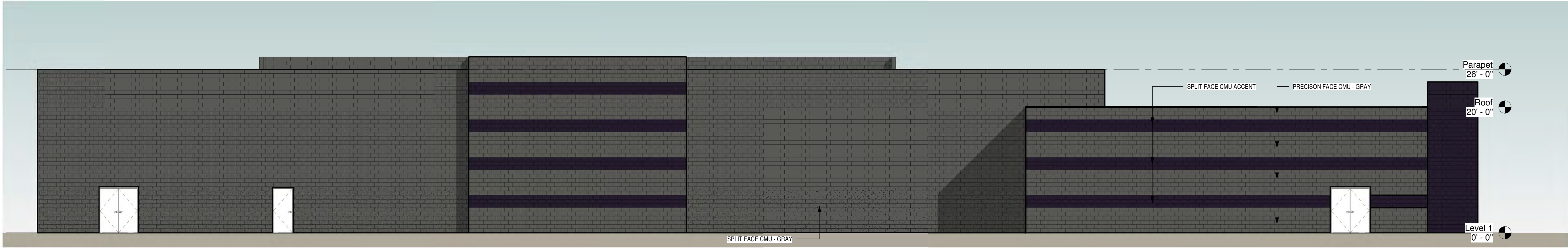
For Permit
3/26/2015 2:44:30 PM

drawing title
Level 1 Floor Plan

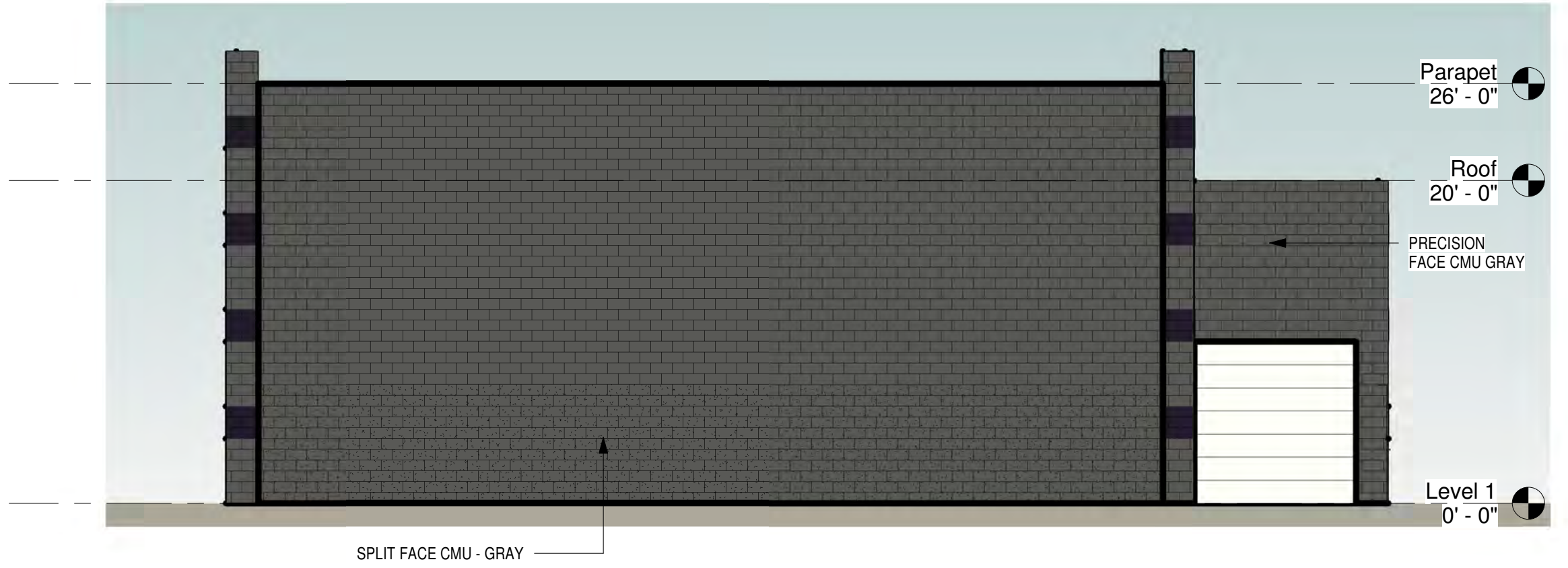
job number
15-04

date
03-15-2015

drawing number
A1.1



1 North
1/8" = 1'-0"



2 East
1/8" = 1'-0"



3 South
1/8" = 1'-0"



4 West
1/8" = 1'-0"

MME Cultivation and Production Facility
North Deer Run Road
Carson City, NV

Rev#	Rev Date	Revision Description
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FRAME
ARCHITECTURE
INC

8985 Double Diamond Parkway
Suite B8
Reno, NV 89521
775 827 9977 p - 775 490 0018 f

For Permit
3/27/2015 9:38:33 AM

drawing title

Building Elevations

job number

15-04

date

03-15-2015

drawing number

A2.1