

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF JULY 26, 2017

**FILE NO:** ZCA-17-100

**AGENDA ITEM:** F-8

**STAFF AUTHOR:** Lee Plemel, Community Development Director

**REQUEST:** Action to make a recommendation to the Board of Supervisors regarding an ordinance amending Title 18, Zoning; Chapter 18.03, Definitions, to add and amend definitions regarding marijuana establishments; amending Chapter 18.04, Use Districts, to adopt regulations to allow marijuana dispensaries as a conditional use within the General Commercial and General Industrial zoning districts within certain areas of the City; to allow marijuana cultivation establishments, product manufacturing establishments, and testing laboratories as a conditional use in the General Industrial and General Industrial Airport zoning district within certain areas of the City; to allow marijuana distribution establishments in the Limited Industrial and General Industrial zoning districts; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, to establish development standards for Marijuana establishments.

**APPLICANT:** Carson City Planning Division

**RECOMMENDED MOTION:** "I move to recommend to the Board of Supervisors approval of an ordinance amending Title 18, Zoning; Chapter 18.03, Definitions, to add and amend definitions regarding marijuana establishments; amending Chapter 18.04, Use Districts, to adopt regulations to allow marijuana dispensaries as a conditional use within the General Commercial and General Industrial zoning districts within certain areas of the City; to allow marijuana cultivation establishments, product manufacturing establishments, and testing laboratories as a conditional use in the General Industrial and General Industrial Airport zoning district within certain areas of the City; to allow marijuana distribution establishments in the Limited Industrial and General Industrial zoning districts; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, to establish development standards for Marijuana establishments."

**LEGAL REQUIREMENTS:** CCMC 18.02.075 (Zoning map amendments and zoning code amendments).

### KEY ISSUES:

- On June 6, 2017, the Board of Supervisors gave direction (by a 3-2 vote) to staff to draft zoning regulations for recreational marijuana establishments ("Marijuana Establishments") that generally follow the current zoning regulations for medical marijuana establishments.
- On June 6, 2017, the Board of Supervisors introduced an ordinance (an Amendment to Title 4.04, Business License, by a 3-2 vote) to allow existing, operational Medical Marijuana Cultivation and Product Manufacturing facilities (two of each in Carson City) to begin wholesaling recreational marijuana, and to allow Distributors to begin transporting recreational marijuana between marijuana facilities.
- The applicable State laws allow the City to create regulations for Marijuana Establishments regarding their location (zoning), signs (advertising), and other regulations related to zoning and business licensing. At the direction of the Board of

Supervisors, the Planning Commission should make recommendations regarding the appropriate zoning regulations for marijuana establishments.

**DISCUSSION:**

The Regulation and Taxation of Marijuana Act, the Act to legalize recreational marijuana, was passed by Nevada voters during the general election on November 8, 2016. The Nevada Department of Taxation has adopted temporary regulations for existing, operational Medical Marijuana Establishments (MMEs) to submit applications to begin selling recreational or “retail” marijuana as of July 1, 2017, in accordance with the provisions of SB 487 adopted during the 2017 Nevada Legislature session.

At the direction of the Board of Supervisors, staff has drafted zoning regulations for recreational marijuana establishments (“Marijuana Establishments” or “MEs”) that generally follow the existing regulations for Medical Marijuana Establishments (MMEs). These regulations include the following:

- New definitions for Marijuana Establishments, including Marijuana Distributors who are licensed to transport marijuana between MEs.
- Adding Marijuana Retail Stores as a conditional use in the same zoning districts and locations as existing Medical Marijuana Dispensaries, including limiting the number of Marijuana Retail Stores to two as with Dispensaries and requiring Retail Stores to be co-located with Dispensaries. (State law allows up to four Marijuana Retail Stores in cities with a population over 55,000, including Carson City.)
- Adding Marijuana Cultivation, Product Manufacturing and Testing Facilities as a conditional use in the General Industrial and General Industrial Airport zoning districts, limited to certain areas.
- Adding Marijuana Distributors as a permitted use in the Limited Industrial and General Industrial zoning districts (similar to liquor distributors, who are allowed by State regulations to be licensed to distribute marijuana).
- Adding Marijuana Establishments to the list of uses that are required to comply with the Development Standards established for MMEs.

Refer to the attached draft ordinance for the details on the proposed zoning regulations related to Marijuana Establishments. Also refer to the attached maps showing the areas in which the various types of Marijuana Establishments would be permitted under the proposed ordinance.

The Board of Supervisors will also be considering an ordinance related to Business License regulations (Title 4) for Marijuana Establishments in conjunction with the proposed zoning ordinance. State legislation adopted this year authorizes a city or county to impose a business license fee of up to 3% of the facility’s gross revenues. The Planning Commission does not have authority to make recommendations regarding Title 4 amendments, but it should be noted that this will be proposed concurrently with the Commission’s recommendations regarding the zoning regulations.

If you have questions regarding this item, contact Lee Plemel at [lplemel@carson.org](mailto:lplemel@carson.org) or 283-7075.

**PUBLIC COMMENTS:**

Public notice of this proposed ordinance was published in the newspaper, posted on the City's website, and mailed to all property owners within and surrounding the affected zoning districts pursuant to the provisions of NRS and CCMC. As of the writing of this staff report, no public comments were received. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

**FINDINGS:**

The Commission, in forwarding a recommendation to the Board for approval of a Zoning Code Amendment, shall make the findings of fact found in CCMC 18.02.075(5). The following findings are recommended by staff:

1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.

*Staff response: The proposed project is consistent with the following applicable goals of the Master Plan:*

*Goal 2.3 – Provide opportunities for a range of retail services.*

*The State has authorized MEs as a legal use in Nevada and in order to implement those uses in Carson City the City must amend the zoning ordinance to specifically allow them and provide for any applicable regulations. The proposed uses are not in direct conflict with any goals or policies of the Master Plan.*

2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

*Staff response: The proposed ordinance, in conjunction with the State regulations for operating MEs, requires that MEs have a similar appearance to and operate similar to pharmacies and medical offices. The ordinance would allow for MEs only in those areas zoned appropriately for higher intensity commercial and industrial uses, so the proposed land uses will be very similar to surrounding uses permitted in those zoning districts. With the required appearance and security standards that will have to be implemented with the development of any ME, the proposed land uses will be compatible with other properties in the vicinity.*

3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

*Staff response: The proposed uses will not negatively impact existing or planned public services in that adequate water and sewer services exist to accommodate such uses, such uses will be limited in number, and the uses will be similar to other permitted uses such as pharmacies and manufacturing. The uses will not generate traffic dissimilar from other commercial or manufacturing uses. The proposed standards in the Carson City Municipal Code and the State regulations for MEs are intended to ensure that the proposed uses do not adversely impact the public health, safety, and welfare, including specific building security measures and marijuana product inventory controls.*

Attachments:

- 1) Draft ordinance
- 2) Maps of Zoning Districts where certain Marijuana Establishments would be permitted
- 3) July 6, 2017, presentations to the Board of Supervisors
- 4) Public Comments

Summary: An ordinance establishing various provisions for the location of certain marijuana establishments, other than medical marijuana establishments, within certain zoning districts.

BILL NO. \_\_\_\_

ORDINANCE No. 2017 - \_\_\_\_

AN ORDINANCE RELATING TO MARIJUANA; ESTABLISHING VARIOUS PROVISIONS TO ALLOW MARIJUANA RETAIL STORES AS A CONDITIONAL USE WITHIN THE GENERAL COMMERCIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS LOCATED WITHIN CERTAIN AREAS OF CARSON CITY; ESTABLISHING VARIOUS PROVISIONS TO ALLOW MARIJUANA CULTIVATION ESTABLISHMENTS, MARIJUANA PRODUCT MANUFACTURING ESTABLISHMENTS AND MARIJUANA TESTING LABORATORIES AS A CONDITIONAL USE WITHIN THE GENERAL INDUSTRIAL AND GENERAL INDUSTRIAL AIRPORT ZONING DISTRICTS LOCATED WITHIN CERTAIN AREAS OF CARSON CITY; ESTABLISHING VARIOUS PROVISIONS TO ALLOW MARIJUANA DISTRIBUTORS WITHIN THE GENERAL INDUSTRIAL ZONING DISTRICT; REVISING CERTAIN PROVISIONS RELATING TO DEVELOPMENT STANDARDS CONCERNING LAND USE AND SITE DESIGN GOVERNING MEDICAL MARIJUANA ESTABLISHMENTS TO INCLUDE MARIJUANA ESTABLISHMENTS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.03 (Definitions), Section 18.03.005 (Definitions generally) is hereby amended (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

**18.03.005 – Definitions Generally.**

~~[Except where specifically defined herein, all words used in this title shall carry their customary meanings as defined in Webster's dictionary. Words used in the present tense include the future, and the plural includes the singular; the word "shall" or "must" is always mandatory; the word "may" denotes a use of discretion in making a decision.]~~ **As used in this Title and Title 18 Appendix (Carson City Development Standards),**

**unless the context otherwise requires, the words and terms defined in CCMC 18.03.010 have the meanings ascribed to them as set forth in that section.**

**SECTION II:**

That Title 18 (Zoning), Chapter 18.03 (Definitions), Section 18.03.010 (Words and terms defined) is hereby amended as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**18.03.010 Words and Terms Defined.**

"Abandoned" means concerning a building or use, not having been developed or maintained for a stated period of time.

"Abutting commercial and industrial corridors to Carson City" means all portions of property within 200 feet from U.S. Highway 50 East; William Street; U.S. Highway 395 or Carson Street lying between the Carson City county lines and the designated Carson City redevelopment area boundary.

"Access" means a clear and unobstructed usable approach of not less than 12 foot width (residential), 15 foot width (one way commercial), or 24 foot minimum width (two-way) to a legally dedicated public way.

"Accessory building" or "accessory structure" means a detached usual and customary building or structure associated with a permitted or conditional use, subordinate to the primary use on the same lot, including but not limited to storage, tool shop, children's playhouse, guest building, greenhouse, garage, swimming pools or similar structures 30 inches or more above ground. In calculating the size of an accessory structure, any space with a ceiling 7 feet 6 inches or higher shall be considered habitable space and used in determining total size. An accessory building connected to a main building by a roof, breezeway or other means which is not habitable space is considered an accessory structure attached to a primary building. Each structure must meet standard setback requirements.

"Accessory farm structure" or "accessory farm building" means a structure or building used for the housing of farm equipment or animals usually associated with a farm, including cows, horses, chickens, pigs, sheep, etc., including, but not limited to barns and coops.

"Accessory use" means a use of the land that is associated with and dependent upon the existing permitted or conditional use of that parcel. An accessory use must not take place until the permitted or conditional use.

"Action" means the decision made by the reviewing authority on a land use application; the determination made and any conditions of approval.

**Pages of CCMC 18.03.010, Definitions, Words and Terms Defined  
that do not include modifications to any definitions  
are intentionally omitted to save printing**

"Lot width" shall be the average distance between side lot lines measured at right angles to the lot depth.

"Machine shop" means a workshop where various materials, especially metals, are cut, shaped and worked, often to tight specifications using machine tools.

"Magazine sales" means the retail sale of publications issued at regular intervals, usually weekly or monthly, containing articles, stories, photographs, advertisements, and other features, with a page size that is usually smaller than that of a newspaper but larger than that of a book.

"Main building" means a building devoted to the principal use of the lot on which it is situated. On any lot in a residential district, the term refers to the principal dwelling located on that lot.

"Maintenance" means the upkeep of property, building, structures, amenities, parking facilities, landscaping, or lot including repair, painting, trimming, pruning, as well as watering and other ongoing activities that are associated with maintenance.

"Manufactured building" includes any modular building or any building constructed using 1 or more modular components.

"Manufactured home" means a factory-built, single-family structure that is manufactured under the authority of 42 USC section 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in 1 or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch, or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

"Manufacturing" means the use of land, building or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

**"Marijuana" has the meaning ascribed to it in subsection 8 of NRS 453D.030 and means all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:**

**1. The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems except the resin extracted therefrom, fiber, oil or cake, the sterilized seed of the plant which is incapable of germination; or**



**2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.**

**“Marijuana cultivation facility” has the meaning ascribed to it in subsection 9 of NRS 453D.030 and means an entity licensed to cultivate, process and package marijuana, to have marijuana tested by a marijuana testing facility and to sell marijuana to a retail marijuana store, to a marijuana product manufacturing facility and to other marijuana cultivation facilities, but not to consumers.**

**“Marijuana distributor” has the meaning ascribed to it in subsection 10 of NRS 453D.030 and means a person licensed to transport marijuana from a marijuana establishment to another marijuana establishment.**

**“Marijuana establishment” has the meaning ascribed to it in subsection 11 of NRS 453.030D and means a marijuana cultivation facility, marijuana testing facility, marijuana product manufacturing facility, marijuana distributor or retail marijuana store.**

**“Marijuana product manufacturing facility” has the meaning ascribed to it subsection 12 of NRS 453D.030 and means an entity licensed to purchase marijuana, manufacture, process and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana, but not to consumers.**

**“Marijuana products” has the meaning ascribed to it in subsection 13 of NRS 453D.030 and means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.**

**“Marijuana retail store” or “retail marijuana store” has the meaning ascribed to “retail marijuana store” in subsection 18 of NRS 453D.030 and means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.**

**“Marijuana testing facility” has the meaning ascribed to it in subsection 15 of NRS 453D.030 and means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.**

"Massage therapy" means the act of rubbing, kneading or otherwise touching the human body with the hands, feet or any device so as to stimulate circulation or make muscles supple, for a fee, gratuity or other consideration. Massage therapy includes "aesthetician" or "esthetician," as defined in NRS 644 Cosmetology. The term "massage" does not include acts, treatments or services within the meanings of "practice of medicine," "osteopathy," "chiropractic," "physical therapy" or

"naturopathic healing" as defined by the Nevada Revised Statutes and does not include the offering of sexually oriented services.

"Meal" means unpackaged food prepared on site, but does not include muffins, fruit, desserts or similar items.

"Mechanical equipment building" means a structure which houses equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilation, air conditioning and similar purposes.

"Median" means a paved or planted area separating a street or highway into 2 or more lanes of travel in opposite directions.

"Medical marijuana cultivation facility" [~~means a business having the meaning ascribed in state law, registered with the State of Nevada, which acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells marijuana and related supplies to medical marijuana dispensaries, medical marijuana production facilities, or other medical marijuana cultivation facilities.~~] **has the meaning ascribed to the term "cultivation facility" in NRS 453A.056 and means a business that:**

**1. Is registered with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322; and**

**2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:**

**(a) Medical marijuana dispensaries;**

**(b) Facilities for the production of edible marijuana products or marijuana-infused products; or**

**(c) Other cultivation facilities.**

"Medical marijuana dispensary" [~~means a business having the meaning ascribed in state law, registered with the State of Nevada, which acquires, possesses, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to the holder of a valid state registry identification card.~~] **has the meaning ascribed to it in NRS 453A.115 and means a business that:**

**1. Is registered with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322; and**

**2. Acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card as that term is defined in NRS 453A.140.**

"Medical marijuana establishment" means [~~any medical marijuana cultivation facility, medical marijuana dispensary, medical marijuana production facility, or medical marijuana testing laboratory.~~] ;

- 1. A medical marijuana testing facility;**
- 2. A medical marijuana cultivation facility;**
- 3. A medical marijuana product manufacturing facility; or**
- 4. A medical marijuana dispensary.**

"Medical marijuana [~~production~~] **product manufacturing** facility" [~~means a business having the meaning ascribed in state law, registered with the State of Nevada, for the production of edible marijuana products or marijuana-infused products and acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.~~] **has the meaning ascribed to the term "facility for the production of edible marijuana products or marijuana-infused products" in NRS 453A.105 and means a business that:**

- 1. Is registered with the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 453A.322; and**
- 2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.**

"Medical marijuana testing laboratory" [~~means a business having the meaning ascribed in state law, registered with the State of Nevada, which tests marijuana, edible marijuana products, and marijuana-infused products.~~] **has the meaning ascribed to the term "independent testing laboratory" in NRS 453A.107.**

"Messenger service" means a place wherein communications or other items are taken for eventual delivery to another place, or have been already delivered from another place to be receive at place, but in no event does said definition include a place where wages or bets are placed for delivery to another place where receipts from wages or bets have been delivered from other places.

"Metal storage container" means a fully enclosed unit, excluding semi-truck trailers, that houses storage items in the industrial, commercial and public districts. In addition, used temporarily at a construction site.

"Miniature golf course" means an area of land or a building, structure or premises or part thereof, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

"Mobilehome" means any nonmotive but mobile facility with or without wheels, so designed contrived to permit occupancy thereof, for permanent living or sleeping purposes, when connected to utilities. Mobilehome does not include a travel trailer,

**Pages of CCMC 18.03.010, Definitions, Words and Terms Defined  
that do not include modifications to any definitions  
are intentionally omitted to save printing**

"Wrecking yard" means any place where more than 1 damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

"Yard, front" means a yard lying between the main building and the front lot line and extending across the full width of the lot or parcel. The front yard of a corner lot may face either street frontage.

"Yard, side" means a yard lying between the side lot line and the main building and extending from the front yard line to the rear yard line.

"Yard, rear" means a yard between the main building and the rear lot line and extending across the full width of the lot or parcel. The rear yard of a corner lot is that portion of the lot opposite to the front.

"Yard, street side" means a yard, abutting a street and lying between the street side lot line and the main building and extending from the front yard line to the rear yard line.

"Yards" means an open space on the same lot or parcel with a building and extending from the building to the nearest lot line.

"Youth recreation facility" means an indoor or outdoor facility designed and equipped for the conduct of sports, leisure time activities and other customary and usual youth recreation activities. Programs designed for the users may include leadership programs, education and career guidance, health and life skills, arts, sports, fitness, recreation, and other specialized youth programs.

"Zoo" means a park where live wild animals from different parts of the world are kept in cages or enclosures for people to come and see, and where they are bred and studied by scientists.

## SECTION II:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), Section 18.04.135 (General Commercial (GC)) is hereby amended (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

### **18.04.135 General Commercial (GC).**

The purpose of the GC District is to preserve a commercial district limited primarily to retail and wholesale sales of new and used material, repair and service facilities, and offices. Temporary unscreened outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director [subject] **pursuant to [Title 18.02.115.8 (Outdoor Sales and Activities)] subsection 8 of CCMC 18.02.115, which establishes provisions relating to outdoor sales and activities.**

1. The Primary Permitted Uses in the GC District are retail and wholesale uses as set forth below, ~~[listed below, plus]~~ in addition to other uses of a similar nature. ~~[All]~~ Except for those uses described in subsection 3 of CCMC 18.04.135 which establishes general commercial conditional uses that require a Special Use Permit, retail commercial uses as described in CCMC 18.04.130 ~~[Retail Commercial Uses]~~ are allowed ~~[unless listed as conditional in GC district, except those appearing in section 18.04.135.3 General Commercial Conditional uses which require a Special Use Permit]:~~

Animal Hospital  
Appliance Repair Shop  
Archery Range  
Assayer  
Assembly (of product incidental to sales use and limited to 30% of the primary uses floor area)  
Auction Sales  
Automobile Repair  
Ballroom  
Billiard or Pool Hall  
Bookbindery  
Diaper Service  
Display Designer  
Express Office  
Facial Cosmetic Shading, Permanent  
Lithographer, Screen Printer  
Nightclub  
Parcel Delivery Service, Branch (off-street loading only)  
Pawn Shop  
Personal Storage Within An Enclosed Building (no storage of paints or chemicals)  
Plumbing and Heating Equipment and Supplies  
Second Hand Business  
Sign Painting and Lettering  
Sport Playing Field  
Sports Arena  
Taxidermist  
Thrift Store  
Tire Sales, Repair and Mounting  
Upholstery (Wholesale, Retail, Installation and Incidental Manufacturing)  
Warehouse

2. The Accessory Permitted Uses incidental to Primary Permitted Uses in the GC District are:

Automobile Pawn (accessory to automobile sales)

Home Occupation

Outside Storage (subject to Division 1 and 1.12 Outside Storage of the Development Standards)

Temporary Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)

3. The Conditional Uses in the GC District which require approval of a Special Use Permit are:

Ambulance Service and Garage

Armored Car Service and Garage

Automobile Body Repair, Painting, Towing Service and Garage (vehicles must be stored within enclosed sight-obscured area). The following conditions shall apply to auto body repair in addition to all other requirements in this Chapter.

- a. Required minimum land area in the GC District for auto body repair shall be 12,000 square feet.
- b. All outside storage containers or other similar enclosures shall be screened to public rights-of-way by a maintained 100% sight obscuring fence or wall permanently installed and maintained at a minimum height of six feet.

Automobile Pawn (not accessory to automobile sales)

Bus Line Office, Service and Storage Garage

Cabinet Shop (manufacturing)

Cemetery, Mausoleum, Sarcophagus, Crypt

Child Care Facility

Community/Regional Commercial or Office Center

Congregate Care Housing/Senior Citizen Home

Crematorium

Equipment Rental (outside storage)

Farmers Market

Flea Market (indoor)

Golf Course and Driving Range

Hospital

Hotel, Residence

Medical Marijuana Dispensary **or Marijuana Retail Store** (subject to the provisions of Title ~~[18.16]~~ **18 Appendix (Carson City** Development Standards), Division 1.20 (Medical Marijuana Establishments **and Marijuana Establishments**)), limited to those areas zoned General Commercial within Sections 29 through 32 of Township 15 N., Range 20 E., south of Moses Street (South Carson Street vicinity) and within Sections 1, 2, 9, 10, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of Township 16 N., Range 20 E., east of the I-580 freeway (Highway 50 East vicinity).

Mobilehome Park

Municipal Well Facility

Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)

Recreational Vehicle Park  
 Recycling Collection Center  
 Schools, K-12, College or University  
 Single Family Two-Family and Multi-Family Dwelling  
 Utility Substation  
 Welding Supplies and Gases (Retail and Wholesale sales) (no filling or repair of cylinders)  
 Youth Recreation Facility

### SECTION III:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), Section 18.04.145 (Limited Industrial (LI)) is hereby amended (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

**18.04.145 Limited Industrial (LI).** The LI District is established to preserve an industrial district restricted to a use engaged in the assembly or manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Temporary unscreened outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director ~~subject~~ **pursuant** to ~~[Title 18.02.115.8 (Outdoor Sales and Activities)]~~ **subsection 8 of CCMC 18.02.115, which establishes provisions relating to outdoor sales and activities.** Unless a use is specifically listed ~~set forth~~ in this section, uses listed in the General Industrial district are prohibited in the ~~[Limited Industrial district]~~ **LI District.**

1. The Primary Permitted Uses in the LI District are ~~[this list plus]~~ **the uses set forth below, in addition to** other uses of a similar nature. ~~[All]~~ **Except for residential uses, all general commercial uses** ~~[permitted]~~ **as described in Section CCMC 18.04.135** ~~[General Commercial which]~~ **that** are not listed as LI conditional uses ~~[and except for residential uses]~~ **are allowed.** Residential uses are not permitted or conditionally permitted in the LI zone. A watchman's quarters is permitted pursuant to the requirements of this title in conjunction with a primary permitted use.

Assembly, fabricating and manufacturing of products and materials in accordance with the purpose of this section.

Bottling plant/brewery facility

Grinding and sharpening of tools

**Marijuana Distributor**

2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the LI District are:



- Machine shop (limited to in house products or internal use)
  - Outside Storage (subject to Division 1 and 1.12 Outside Storage of the Development Standards);
  - Storage containers (subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards);
  - Temporary Outdoor Sales and Activities (subject to Title 18.02.115.8 (Outdoor Sales and Activities)).
3. The Conditional Uses in the LI District which require approval of a Special Use Permit are:
- Auto body repair, painting, towing (vehicles must be stored within enclosed sight obscured area)
  - Child care facility
  - Flea market (indoor only)
  - Golf course and/or driving range
  - Government facilities
  - Loading Space(s) within 250 feet of a residential zoning district or use
  - Metallurgical lab
  - Municipal well facility
  - Outside storage (as a primary permitted use) subject to Division 1 and 1.12 Outside Storage of the Development Standards
  - Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)
  - Storage business (outside storage within enclosed sight obscured area)
  - Tattoo parlor (body piercing, accessory)
  - Utility Substation
  - Welding supplies and gases (retail and wholesale sales)
4. The following uses are prohibited within the LI District:
- Residential Uses (except Watchman's Quarters as described in 18.04.145.1)
  - Schools (except vocational), K-12, College or University

#### SECTION IV:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), Section 18.04.150 (General Industrial (GI)) is hereby amended (**bold, underlined** text is added, ~~[stricken]~~ text is deleted) as follows:

**18.04.150 General Industrial (GI).** The GI District is established to preserve an industrial district for uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Specific uses ~~[listed]~~ **set forth in** this section are prohibited in the

Limited Industrial and Air Industrial Park districts unless specifically ~~[listed]~~ **identified** as a use in those sections.

1. The Primary Permitted Uses in the GI District are ~~[this list plus]~~ **the uses as described below, in addition to** other uses of a similar nature. Any permitted or conditional uses ~~[listed]~~ **described** in any commercial **district** or limited industrial ~~[zone]~~ **district** which are not ~~[listed]~~ **identified** as GI conditional uses, but not outdoor recreational use or facility nor any residential use except as watchman's quarters in conjunction with those uses permitted exclusively in GI District.

Automobile pawn shop

Automobile storage (no dismantling)

Blacksmith shop

Building material (bulk)/lumber storage yard and sales

Butane, propane storage and sales

Cannery

Cement or direct products sale

Cesspool cleaner yard

Contractor's large equipment, sales, repair, supplies, or storage

Crane storage yard

Crating and hauling depot or storage

Crop dusting equipment yard

Die casting

Distillation of liquor

Dog training school

Dry cleaning plant

Equipment storage yard

Farm products storage

Grain elevator

House mover

Industrial service firms

Laboratories (chemist, veterinarian, and research)

Machine shop

**Marijuana Distributor (subject to the provisions of Title 18 Appendix  
(Carson City Development Standards)**

Metal working plant, plating, shaping and bending process

Paving contractor large equipment, sales, service and storage

Planing mill

Power plant (electrical or gas)

Radio studio or TV station with antenna towers

Recycle center

Road building equipment sales and storage

Septic tank service

Sheet metal shop

Stone grinding

- Tattoo Parlor (body piercing, accessory)
  - Termite or pest control
  - Tire rebuilding, retreading
  - Tractor service
  - Tree service
  - Truck depot, parking, repair
  - Welding shop
  - Wood storage yard screened from view from public right-of-way with six foot sight obscuring fence or wall
2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the GI District are:
- Mechanical equipment building
  - Storage containers subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards
3. The Conditional Uses in the GI District which require approval of a Special Use Permit are:
- Acetylene manufacturing and sale
  - Acid manufacturing and sales (including class H products)
  - Adult entertainment facility (no adult entertainment facility shall be located within 1,000 feet of a park, church, school, residential use district or other adult entertainment facility or in any general industrial district located west of the east boundary of Sections 21, 28 and 33 of T.16 N., R. 20 E. , M.D.B.M., Sections 4, 9, 16, 21, 28 and 33 of T. 15 N., R. 20 E., M.D.B.M. and Sections 4 and 9 of T.14 N., R. 20 E.) No outcall performers are permitted outside of this area
  - Ammunition manufacturing
  - Asphalt manufacturing
  - Auto wrecking yards
  - Bulk station (fuel)
  - Chemical manufacturing
  - Child care facility (accessory use to a business within the main building or within an accessory building)
  - Chromium plating
  - Coal and coke yard
  - Concrete batch plant
  - Contractor's wrecking yard
  - Creosote manufacturing
  - Disinfectant manufacturing
  - Dye manufacturing
  - Dump refuse or disposal yard
  - Electroplating works
  - Explosive manufacturing

Flea market  
 Foundry  
 Excavation/mining, gravel pit  
 Hide and tallow processing  
 Incineration of animals and garbage  
 Insecticide manufacturing  
 Junk dealer's yard  
 Leather tanning  
 Loading space(s) within 250 feet of a residential zoning district or use  
 Lubrication compounds, manufacturing  
 Matches, manufacturing  
 Meat packer  
 Medical Marijuana Cultivation Facility or Marijuana Cultivation Facility  
 (subject to the provisions of Title ~~[48.16]~~ **18 Appendix (Carson City**  
**Development Standards)**, Division 1.20 **(Medical Marijuana Establishments**  
**and Marijuana Establishments)**), limited to those areas zoned General  
 Industrial east of the I-580 freeway and north of the north boundary of  
 Sections 13 through 18 of Township 15 N, Range 20 E, except on any  
 property that shares any portion of a boundary with the Carson City Airport,  
 until such time the use is not prohibited under federal law or regulation  
 Medical Marijuana Dispensary or Marijuana Retail Store (subject to the  
 provisions of Title ~~[48.16]~~ **18 Appendix (Carson City**  
**Development Standards)**, Division 1.20 **(Medical Marijuana Establishments**  
**and Marijuana Establishments)**), limited to those areas zoned General Industrial within  
 Sections 1, 2, 11 and 12 of Township 15 N., Range 20 E., and Section 36 of  
 Township 16 N., Range 20 E (Highway 50 East vicinity).  
 Medical Marijuana ~~[Production]~~ Product Manufacturing Facility or Marijuana  
Product Manufacturing Facility (subject to the provisions of Title ~~[48.16]~~  
**18 Appendix (Carson City**  
**Development Standards)**, Division 1.20 **(Medical**  
**Marijuana Establishments**  
**and Marijuana Establishments)**), limited to those  
 areas zoned General Industrial east of the I-580 freeway and north of the north  
 boundary of Sections 13 through 18 of Township 15 N, Range 20 E, except on  
 any property that shares any portion of a boundary with the Carson City  
 Airport, until such time the use is not prohibited under federal law or  
 regulation  
 Medical Marijuana Testing Facility ~~[Laboratory]~~ or Marijuana Testing Facility  
 (subject to the provisions of Title ~~[48.16]~~ **18 Appendix (Carson City**  
**Development Standards)**, Division 1.20 **(Medical Marijuana Establishments**  
**and Marijuana Establishments)**), limited to those areas zoned General  
 Industrial east of the I-580 freeway and north of the north boundary of  
 Sections 13 through 18 of Township 15 N, Range 20 E, except on any  
 property that shares any portion of a boundary with the Carson City Airport,  
 until such time the use is not prohibited under federal law or regulation  
 Metal ore reduction  
 Milling company  
 Motorcycle race track

- Ore dump
- Oxygen manufacturing
- Paint Manufacturing
- Plastic products manufacturing
- Quarry, stone
- Rendering works
- Rock crushing and stripping
- Scrap metal processing
- Sewer service equipment yard
- Slaughterhouse
- Stockyard
- Tannery
- Topsoil stripping
- Tire manufacturing
- Utility Substation
- Water, oil, gas or geothermal drilling operations

Other conditional uses requiring a special use permit are those which may produce excessive noise, gaseous byproducts, obnoxious odors, by or of an inflammable or explosive nature, cause dust which may be offensive to adjoining property owners, or which the planning commission may consider to be detrimental to the public's health, safety and welfare.

4. The following uses are prohibited within the GI District:  
 Any use or facility on any property that shares any portion of a boundary with the Carson City Airport and which is prohibited under federal law or regulation, until such time the use is not prohibited under federal law or regulation  
 Churches  
 Institutions  
 Outdoor recreational use or facility  
 Residential uses  
 Schools (other than vocational)

#### SECTION V:

That Section III of Ordinance No. 2017-5, which amended Title 18 (Zoning), Chapter 18.04 (Use Districts), by adding thereto a new Section 18.04.152 (General Industrial Airport) is hereby amended (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

**18.04.152 General Industrial Airport (GIA).** The GIA District is established to preserve an industrial district which combines the uses engaged in the assembly or manufacture of products from previously prepared materials with the uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, while continuing to promote accessory airport and support services due to the proximity of the district to the Carson City Airport.

1. The Primary Permitted Uses in the GIA District are any permitted or conditional uses specifically listed in the General Industrial, Limited Industrial and Air Industrial Park districts which are not listed as GIA conditional uses, plus other uses of a similar nature. Any permitted uses listed in any commercial district including outdoor recreational use or facility and any residential use are prohibited, with the exception of watchman's quarters in conjunction with those uses permitted exclusively in the GIA District.
2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the GIA District are:
  - Mechanical equipment building
  - Storage containers subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards
3. The Conditional Uses in the GIA District which require approval of a Special Use Permit are:
  - Acetylene manufacturing and sale
  - Acid manufacturing and sales (including class H products)
  - Ammunition manufacturing
  - Asphalt manufacturing
  - Auto wrecking yards
  - Bulk station (fuel)
  - Chemical manufacturing
  - Child care facility (accessory use to a business within the main building or within an accessory building)
  - Chromium plating
  - Coal and coke yard
  - Concrete batch plant
  - Contractor's wrecking yard
  - Creosote manufacturing
  - Disinfectant manufacturing
  - Dye manufacturing
  - Dump refuse or disposal yard
  - Electroplating works
  - Explosive manufacturing
  - Flea market
  - Foundry
  - Excavation/mining, gravel pit
  - Hide and tallow processing
  - Incineration of animals and garbage
  - Insecticide manufacturing
  - Junk dealer's yard
  - Leather tanning
  - Loading space(s) within 250 feet of a residential zoning district or use
  - Lubrication compounds, manufacturing

Matches, manufacturing

Meat packer

Medical Marijuana Cultivation Facility or Marijuana Cultivation Facility (subject to the provisions of Title ~~[18.16]~~ **18 Appendix (Carson City Development Standards)**, Division 1.20 ~~(Medical Marijuana Establishments and Marijuana Establishments)~~, limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E, except on any property that shares any portion of a boundary with the Carson City Airport, until such time the use is not prohibited under federal law or regulation

Medical Marijuana ~~[Production]~~ **Product Manufacturing Facility or Marijuana Product Manufacturing Facility** (subject to the provisions of Title ~~[18.16]~~ **18 Appendix (Carson City Development Standards)**, Division 1.20 ~~(Medical Marijuana Establishments and Marijuana Establishments)~~, limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E, except on any property that shares any portion of a boundary with the Carson City Airport, until such time the use is not prohibited under federal law or regulation

Medical Marijuana Testing **Facility** ~~[Laboratory]~~ **or Marijuana Testing Facility** (subject to the provisions of Title ~~[18.16]~~ **18 Appendix (Carson City Development Standards)**, Division 1.20 ~~(Medical Marijuana Establishments and Marijuana Establishments)~~, limited to those areas zoned General Industrial east of the I-580 freeway and north of the north boundary of Sections 13 through 18 of Township 15 N, Range 20 E, except on any property that shares any portion of a boundary with the Carson City Airport, until such time the use is not prohibited under federal law or regulation

Metal ore reduction

Milling company

Motorcycle race track

Ore dump

Oxygen manufacturing

Paint Manufacturing

Plastic products manufacturing

Quarry, stone

Rendering works

Rock crushing and stripping

Scrap metal processing

Sewer service equipment yard

Slaughterhouse

Stockyard

Tannery

Topsoil stripping

Tire manufacturing

Utility Substation

Water, oil, gas or geothermal drilling operations

Other conditional uses requiring a special use permit are those which may produce excessive noise, gaseous byproducts, obnoxious odors, by or of an inflammable or explosive nature, cause dust which may be offensive to adjoining property owners, or which the planning commission may consider to be detrimental to the public's health, safety and welfare.

4. The following uses are prohibited within the GIA District:
  - Adult Entertainment Facility
  - Any permitted use listed in any commercial district
  - Any use or facility on any property that shares any portion of a boundary with the Carson City Airport and which is prohibited under federal law or regulation, until such time the use is not prohibited under federal law or regulation
  - Churches
  - Institutions
  - Medical Marijuana Dispensary
  - Outdoor recreational use or facility
  - Residential uses
  - Schools (other than vocational)

#### SECTION VI:

That Title 18 (Zoning), Chapter 18.16 (Development Standards), Division 1 (Land Use and Site Design), Section 1.20 (Medical Marijuana Establishments), is hereby amended as (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

#### **1.20 Medical Marijuana Establishments and Marijuana Establishments.**

The following standards are intended to establish minimum standards and Special Use Permit review criteria for Medical Marijuana Establishments **and 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 **and Marijuana Establishments:-**
  - a. All Medical Marijuana Establishments ~~[(MMEs)]~~ **and Marijuana Establishments** require ~~[approval]~~ **the issuance** of a Special Use Permit. Special Use Permits for ~~MMEs~~ **Medical Marijuana Establishments and Marijuana Establishments** are only valid at ~~[a given]~~ **the specific** location for ~~which [the operator who obtains the Nevada State certificate for that facility]~~ **a person has obtained the required approval through the applicable state agency to operate as a Medical Marijuana Establishment or Marijuana Establishment.** ~~[The]~~ **A** Special Use Permit ~~[approval shall expire and become]~~ **that is issued in accordance with this**



Division automatically expires and shall be deemed null and void if the [MME] **Medical Marijuana Establishment or Marijuana Establishment** [operator] loses or otherwise forfeits [his or her State certificate to operate that facility] **the required state approval to operate.** A Special Use [Permits are non-transferable] **Permit issued in accordance with this Division is not transferable** between operators and locations within Carson City. **Except as otherwise provided in this Division and notwithstanding any other provision of CCMC, a separate Special Use Permit is not required for a Medical Marijuana Establishment or Marijuana Establishment that will be established in an existing location at which a Medical Marijuana Establishment or Marijuana Establishment in good standing already operates. The expansion of any location of a Medical Marijuana Establishment or Marijuana Establishment that will result in an increase of more than ten (10) percent of the space in which the Medical Marijuana Establishment or Marijuana Establishment has been approved to operate requires the issuance of an amended Special Use Permit.**

- b. ~~[No]~~ **The** consumption of ~~[Medical Marijuana]~~ **marijuana** products ~~[shall occur]~~ **is prohibited** on the premises of any ~~[MME]~~ **Medical Marijuana Establishment and Marijuana Establishment.**
- c. All business activities related to ~~MMEs~~ **Medical Marijuana Establishments and Marijuana Establishments**, including, **without limitation**, cultivation, ~~[shall]~~ **must** be conducted indoors, **and** within a permanent building. The use of ~~[office trailers]~~ **an office trailer** or other temporary ~~[structures]~~ **structure** is prohibited. All ~~[MMEs shall have]~~ **Medical Marijuana Establishments and Marijuana Establishments must at all times maintain an interior and exterior appearance** ~~[, both as to the interior and exterior, which]~~ **that** is professional, orderly, dignified, and consistent with the traditional style of pharmacies and medical offices.
- d. ~~[Outside]~~ **The outdoor** display or ~~[sales]~~ **sale** of ~~[MME]~~ **any Medical Marijuana Establishment or Marijuana Establishment** merchandise **or product** ~~[shall be]~~ **is** prohibited.
- e. Accessory outside storage for ~~[MMEs shall]~~ **Medical Marijuana Establishments and Marijuana Establishments must** comply with **the provisions of** Title ~~[48.16]~~ **18 Appendix (Carson City Development Standards)**, Division 1.12 **(Outside Storage)**.

- f. Access to ~~[the MME shall be restricted in compliance]~~ **Medical Marijuana Establishment or Marijuana Establishment must comply** with ~~[State]~~ **all applicable state and federal laws and regulations.**
- g. ~~[No MME-related products shall]~~ **Medical Marijuana Establishment and Marijuana Establishment merchandise and products must not** be visible **when viewed** from outside the building **in which the Marijuana Establishment or Marijuana Establishment is located.**
- h. ~~[Sign Requirements.]~~ All MME signage shall **for Medical Marijuana Establishments and Marijuana Establishments must** 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]~~ **signage for Medical Marijuana Establishments and Marijuana Establishments must satisfy the requirements set forth in Division 4, [Development Standards, Division 4,]** except that **the height of a** freestanding sign ~~[height]~~ for ~~[Cultivation Facilities, Production Facilities, and Testing Laboratories shall be]~~ **the following facilities is** limited to **not more than ten (10) feet, as** consistent with sign height requirements for industrial uses~~[,]~~ :
- (1) Medical Marijuana Cultivation Facility and Marijuana Cultivation Facility.**
  - (2) Medical Marijuana Product Manufacturing Facility and Marijuana Product Manufacturing Facility.**
  - (3) Medical Marijuana Testing Facility and Marijuana Testing Facility.**
- i. ~~[Parking Requirements. Parking shall]~~ **Off-street parking must** be provided for ~~[MMEs as follows]~~ **Medical Marijuana Establishments and Marijuana Establishments in accordance with the following:**
- (1) For Medical Marijuana Dispensaries and Marijuana Retail Stores: [-One] A minimum of one** space ~~[per]~~ **for every** 300 square feet of gross floor area.
  - (2) For Medical Marijuana Cultivation Facilities and Marijuana Cultivation Facilities: [-One] A minimum of**

one space ~~[per]~~ for every 1,000 square feet of gross floor area.

(3) ~~[Production]~~ For Medical Marijuana Product Manufacturing Facilities~~[-One]~~ and Marijuana Product Manufacturing Facilities: A minimum of one space ~~per~~ for every 500 square feet of gross floor area.

(4) For Medical Marijuana Testing ~~[Laboratories. One]~~ and Marijuana Testing Facilities: A minimum of one space ~~[per]~~ for every 400 square feet of gross floor area.

j. ~~[No]~~ Notwithstanding any other provision of CCMC, not more than two Medical Marijuana Dispensaries ~~[shall be permitted]~~ are allowed to operate at the same time in Carson City.

k. Marijuana Retail Stores may only be co-located with a Medical Marijuana Dispensary that is operating in good standing.

[k] 1. A ~~[MME shall not be located]~~ Medical Marijuana Establishment or Marijuana Establishment is prohibited 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, and any other center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, ~~[that existed]~~ which already exists on the date ~~on~~ which the application for the proposed ~~[MME was]~~ Medical Marijuana Establishment or Marijuana Establishment is submitted to the ~~[State Health Division]~~ applicable state agency for approval to operate, as measured on a straight line from the property line of the nearest such school or ~~[community]~~ facility ~~[property line]~~ to the front door or primary entrance of the ~~[MME]~~ Medical Marijuana Establishment or Marijuana Establishment.

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

a. A single point of secure public entry ~~[shall]~~ must be provided and identified.

b. Hours of operation ~~[shall be]~~ are limited to between 7:00 a.m. ~~[to]~~ and 8:00 p.m., ~~[seven days per week]~~ daily.

c. Drive-through service is prohibited.

- d. A Medical Marijuana Dispensary ~~shall not be located~~ **or Retail Marijuana Store is prohibited** on any property, or within a shopping center with frontage, **that is located** on the same street on which a residentially-zoned property is **also** located unless the ~~Dispensary~~ **dispensary or store** is located more than 300 feet from the residential property, **as** measured on a straight line from the nearest residential property line abutting the street right-of-way to the front door of the ~~Dispensary~~ **dispensary or store**.
3. ~~[Special Use Permit review standards. The]~~ **In addition to the required findings for a Special Use Permit, the** following ~~[shall]~~ **standards must also** be considered in the review of ~~[any]~~ **a request for a Special Use Permit for a Medical Marijuana Dispensary or Marijuana Retail Store to be** located within the General Industrial zoning district ~~[in addition to the required Special Use Permit findings]:~~
    - a. That the proposed Medical Marijuana Dispensary **or Marijuana Retail Store** is located where sufficient, convenient and safe access is provided to the public.
    - b. That the proposed location has adequate lighting and street improvements for a use providing public access.

## SECTION VII:

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2017.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2017.

VOTE: AYES: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

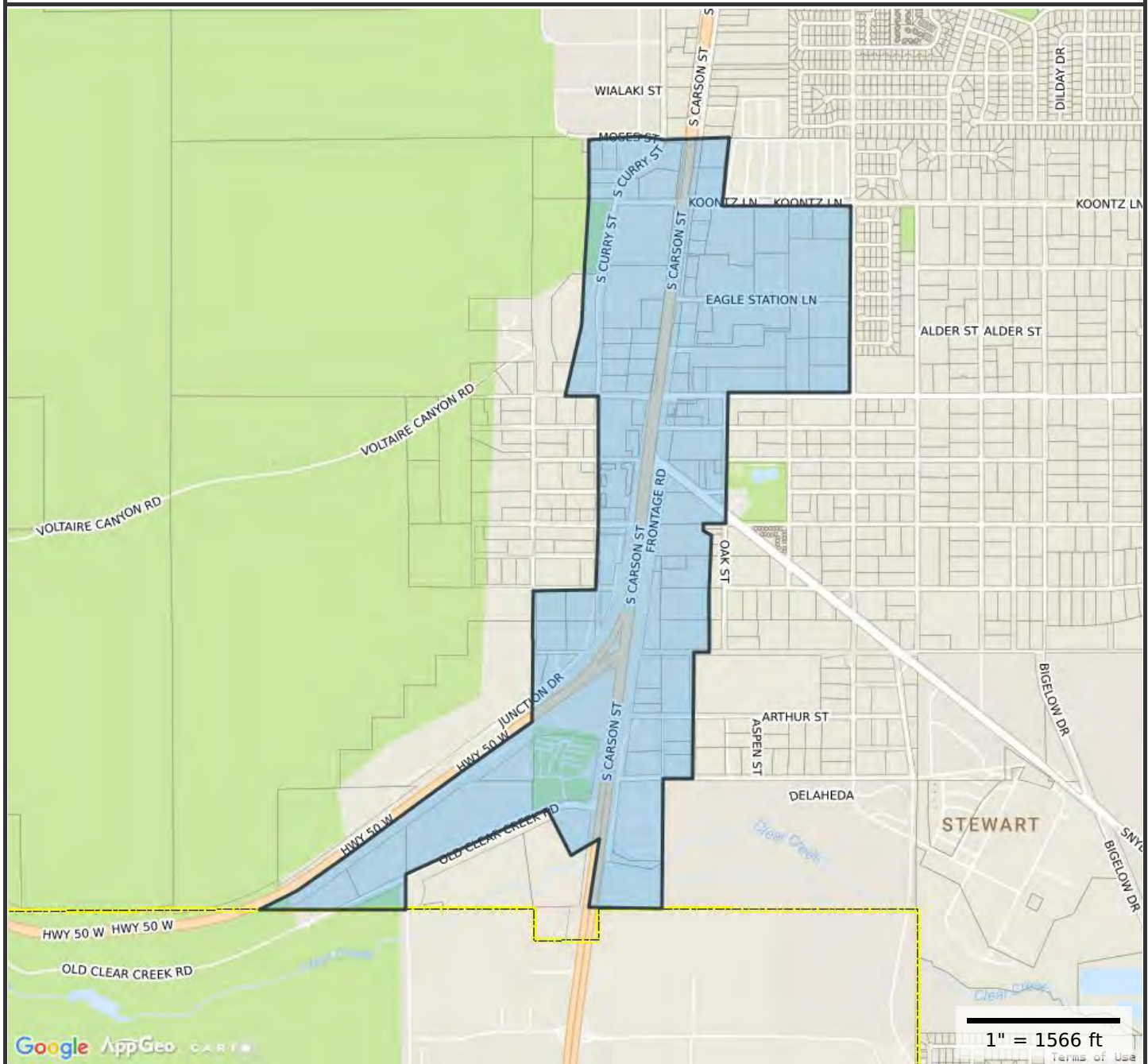
\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
SUE MERRIWETHER  
CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

## Permitted Zoning for Marijuana Retail Stores (South)



### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 07/13/2017  
Properties updated 07/13/2017

## Permit Zoning for Marijuana Retail Stores (East)

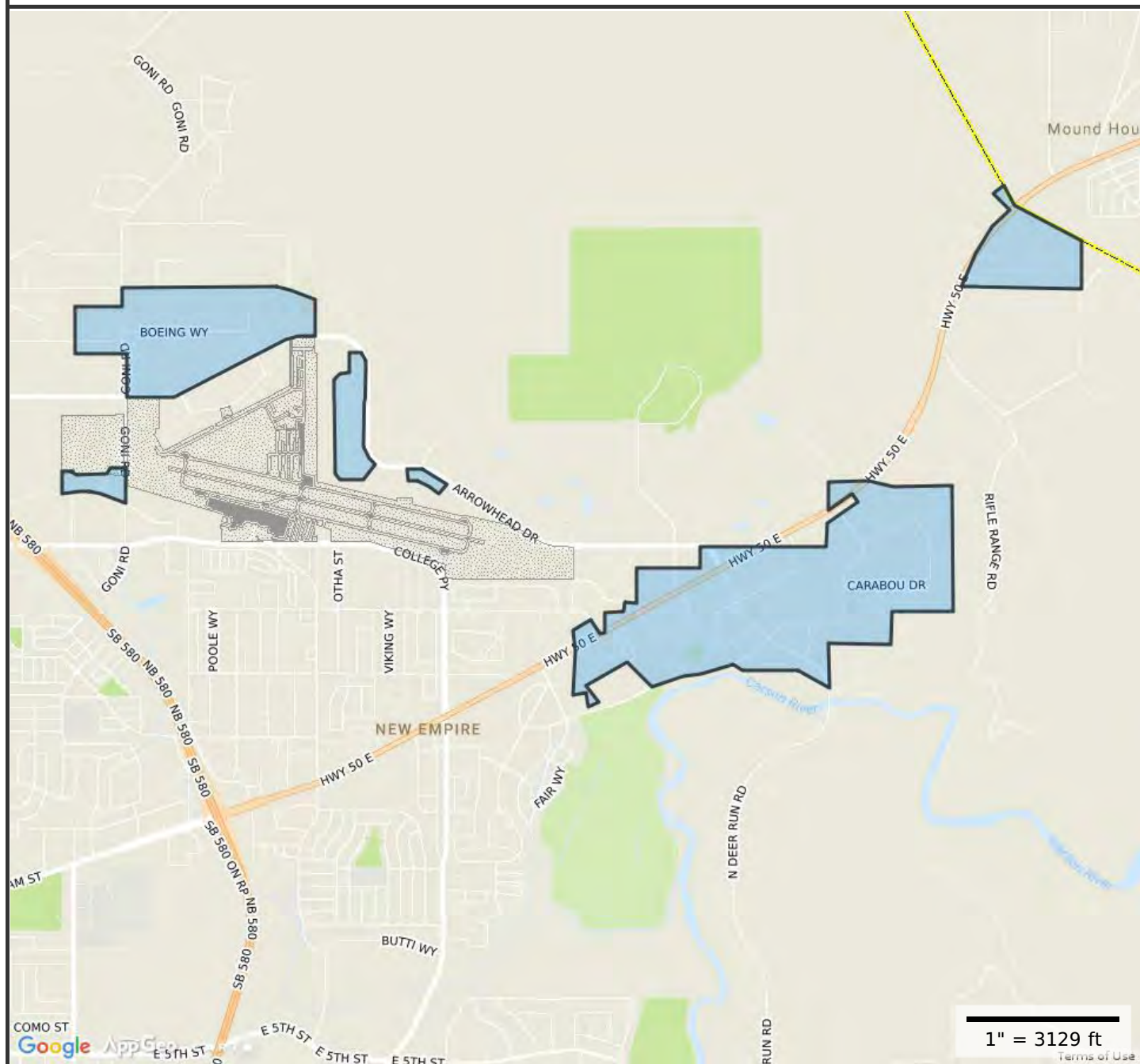
**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Carson City, NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 07/13/2017  
Properties updated 07/13/2017



## Permitted Zoning for Marijuana Cultivation, Product Manufacturing, Testing, and Distribution Facilities



### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

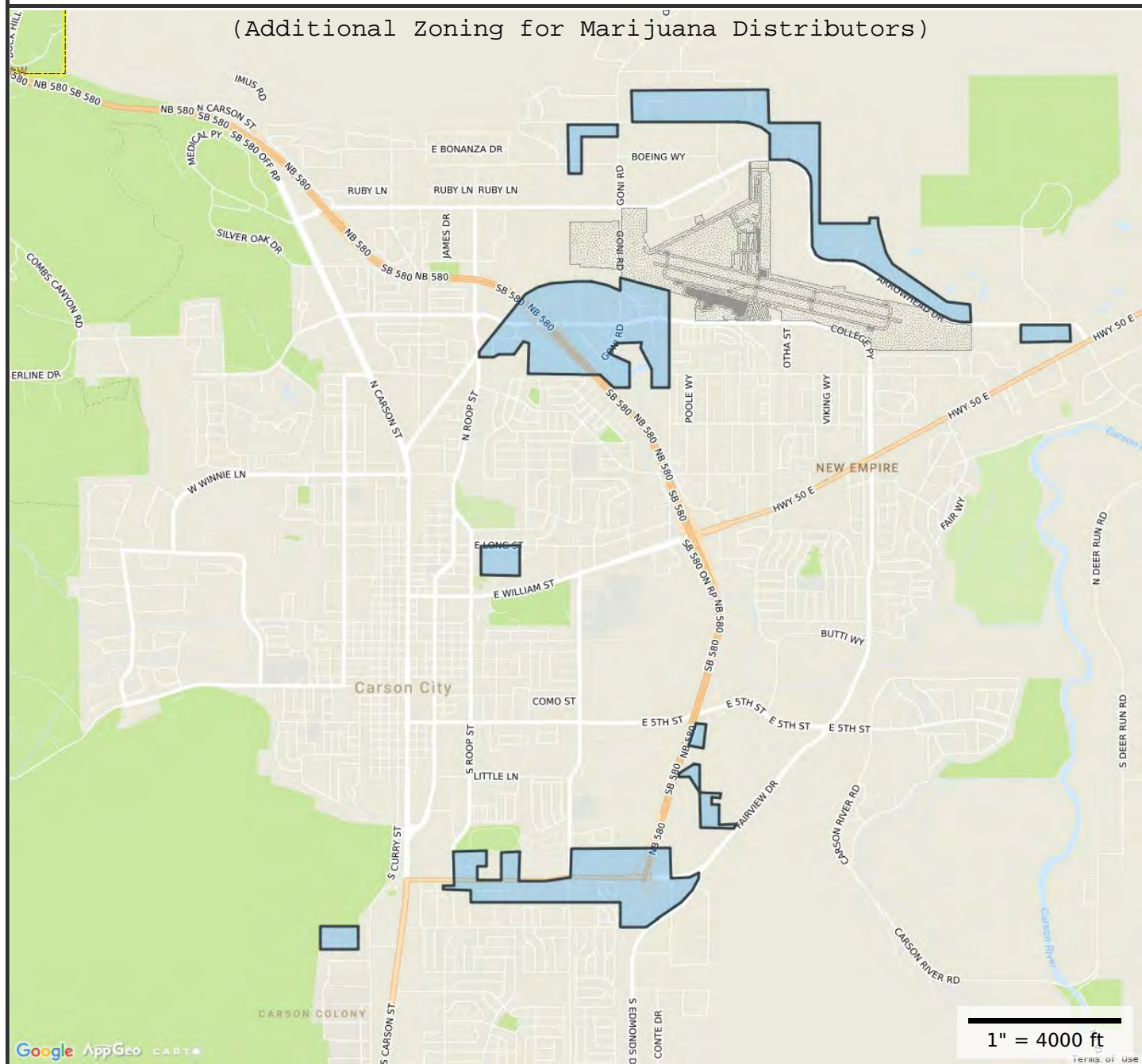
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Parcels updated 07/13/2017  
Properties updated 07/13/2017



## Limited Industrial Zoning District

(Additional Zoning for Marijuana Distributors)



### MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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Parcels updated 07/13/2017  
Properties updated 07/13/2017

## OVERVIEW OF MARIJUANA LAWS AND LEGISLATION (2017)

*Presented by the Nevada Association of  
Counties (NACO)*



### IT'S LEGAL IN NEVADA

- Medical Marijuana
- Question 2 (IP2) passed by the voters of Nevada in 2016
- Legislation ~ State laws, passed in the 2017 Session of the Nevada Legislature
- State regulations to implement Question 2

**QUESTION 2 ~ MARIJUANA IS NOW LEGAL TO POSSESS AND CONSUME THROUGHOUT NEVADA**

- One Oz or less or
- 6 plants (12 max per home) if not within 25 miles of a dispensary
- No public consumption
- Must be 21 years old to purchase and use
  - Driving under the influence is illegal

**QUESTION 2 ~ THE SALE AND CULTIVATION OF MARIJUANA IS LEGAL**

- IF a local government decides to permit marijuana businesses in their jurisdiction
- The State of Nevada will license all businesses that produce, sell or handle marijuana
- The State of Nevada will strictly regulate all marijuana businesses
  - Security
  - Seed to sale tracking of marijuana
  - Screening of owners as well as employees
  - 21 or older to work or enter into MJ businesses
- The product (MJ) will be tightly regulated, tested, and labeled
- Q2 stipulates that employers still have the right to set policies for employees restricting marijuana use

## CITY/COUNTY ROLE IN REGULATING MARIJUANA BUSINESSES

- Cities/Counties can decide whether they will allow businesses that sell, grow, and process MJ
- Location
- Health, safety, and welfare of residents
- Local business license and regulation
- Locals can impose a 3% fee on gross revenues of businesses, all other taxes and fees that are assessed return to the State

## MJ LEGISLATION PASSED IN THE 2017 LEGISLATURE

- Local govt. may create regulations on MJ business that are more strict than the State in many areas.
- Packaging of the product – significant restrictions on packaging to attempt to keep away from kids, especially edibles
- Enable law enforcement to remotely access establishment video systems
- Establishments are the only places you can legally buy, from a real person
- Significant Limitations on advertising, to ensure it isn't marketed to children, mostly markets over 21, not at sporting events, public transit
- Marijuana events “social clubs” were not permitted, there will be no allowed public consumption of MJ

### WHAT ARE OTHER COUNTIES DOING?

- Southern Nevada
  - Washoe County
  - Other Rural Counties
- 
- *TOTAL NUMBER OF MJ DISPENSARIES?*

### MJ ON TRIBAL LANDS

- Similar to States, Tribes may allow use, production, and sale of marijuana if they choose
- Governor Sandoval signed a bill to allow the State of NV to enter into agreements with tribes – goal of similar regulatory structure and oversight

## TIMELINE

- Medical MJ dispensaries may be able to receive licenses from the State to sell recreationally as early as July 1
- Local Jurisdictions on their own timeline
- Early 2018 the State expects to have regulations in place to license additional permanent recreational MJ businesses

*QUESTIONS?*

*~ THANK YOU ~*



## Community Development Department

### Current Zoning and Business License Regulations for Medical Marijuana Establishments

Community Development Department

1



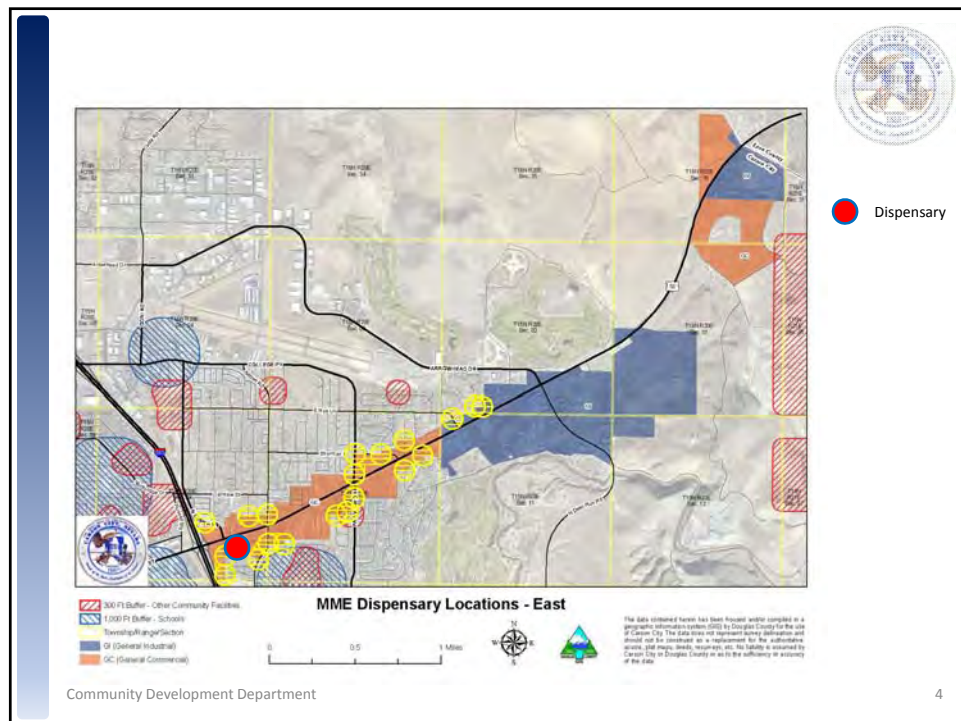
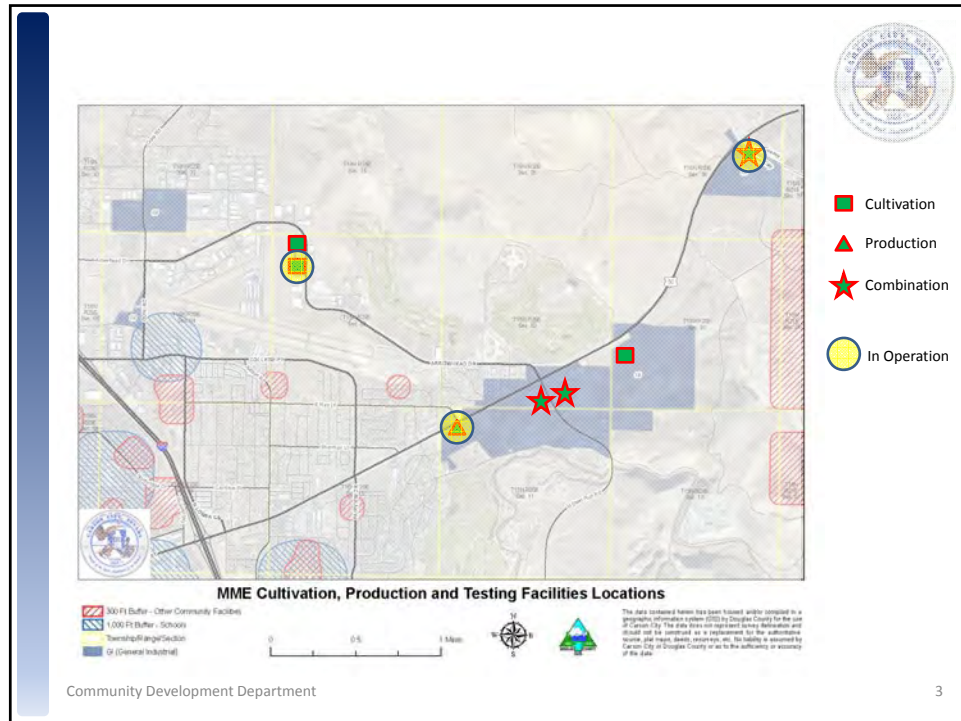
## What Uses Are Permitted?

- Medical Marijuana Establishments
  - Cultivation
  - Product Manufacturing
  - Testing labs
  - Dispensaries (limited to 2 facilities)
- Only allowed in certain areas and certain zoning districts.
- Only allowed with approval of a Special Use Permit.

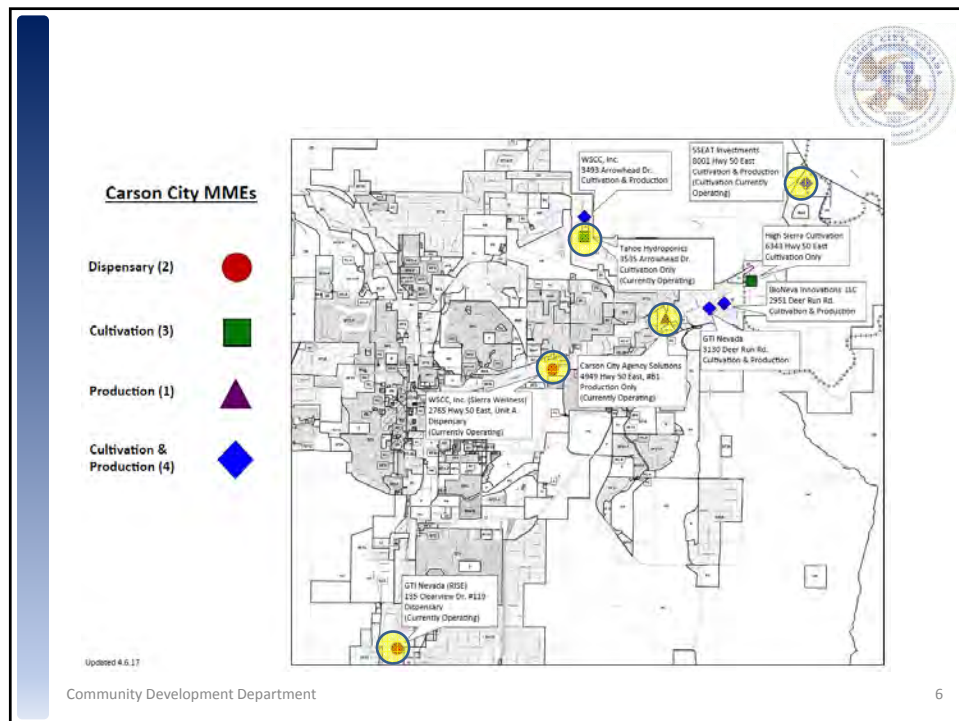
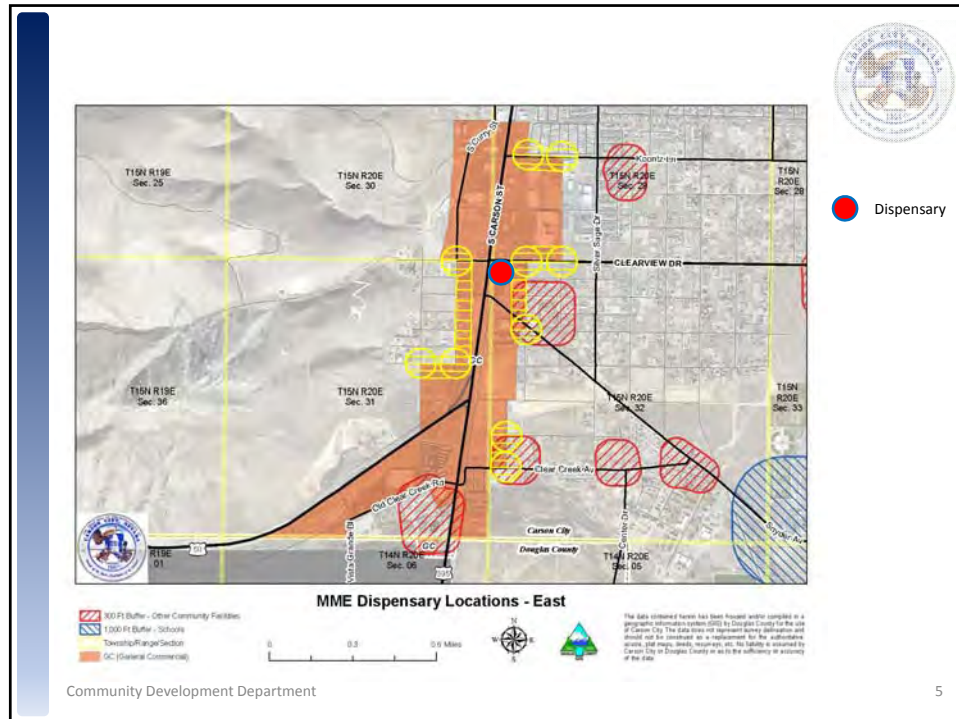
Community Development Department

2









## Current MME Business License Fees



- Dispensary           \$25,000/yr.
- Cultivation       \$20,000/yr.
- Production       \$15,000/yr.
- Testing           \$ 5,000/yr.
  
- Existing businesses have paid \$100,000+ in 2017

Community Development Department

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## Additional MME Zoning Requirements



- No consumption on the premises.
- Only in permanent, professional-looking buildings.
- Professional signage like pharmacies; no marijuana logos.
- No outside displays.
- No merchandise visible from outside.
- Dispensaries:
  - Hours of operation limited to 7 AM to 8 PM.
  - Drive-through service is prohibited.
  - Separation requirements on adjacent residential streets.

Community Development Department

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## Possible Zoning Issues to Consider

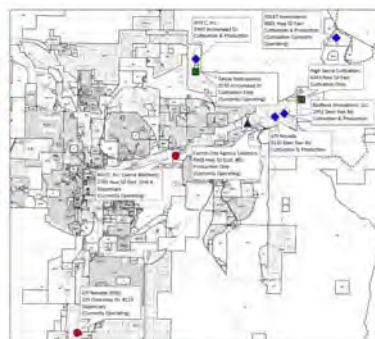


- Location of establishments
- Number of establishments
- Separation of establishments
- Colocation with MMEs
- Similar standards to MMEs

- How should the City pay for anticipated fiscal impacts?

Carson City MMEs

- Dispensary (2) ●
- Cultivation (3) ■
- Production (1) ▲
- Cultivation & Production (4) ◆



Community Development Department

## Workshop Comments Summary



- Comments against recreational marijuana facilities generally included:
  - Secondary "black market" sales from increased access and availability of products.
  - The "normalization" of marijuana in the community, especially with regard to kids.
  - Advertising at sites viewed by kids.
  - Unknown fiscal impacts of prohibiting it versus allowing it.
  - Lack of City's ability to require training of marijuana establishment employees.
  - Lack of City's ability to control product labeling.
  - Teenagers don't "go low, go slow" when dealing with intoxicating substances.
  - Facilities located near residential areas; facilities should not be concentrated in lower-income areas.
  - "Quality of life" is the issue the City should be concerned with.
- Comments for recreational marijuana facilities generally included:
  - Marijuana is legal to consume here whether sold here or not.
  - Licensee fee revenues could be used to mitigate potential negative impacts.
  - Legal, tightly regulated marijuana products could reduce the demand for black market marijuana products.

Community Development Department

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## Fiscal Summary

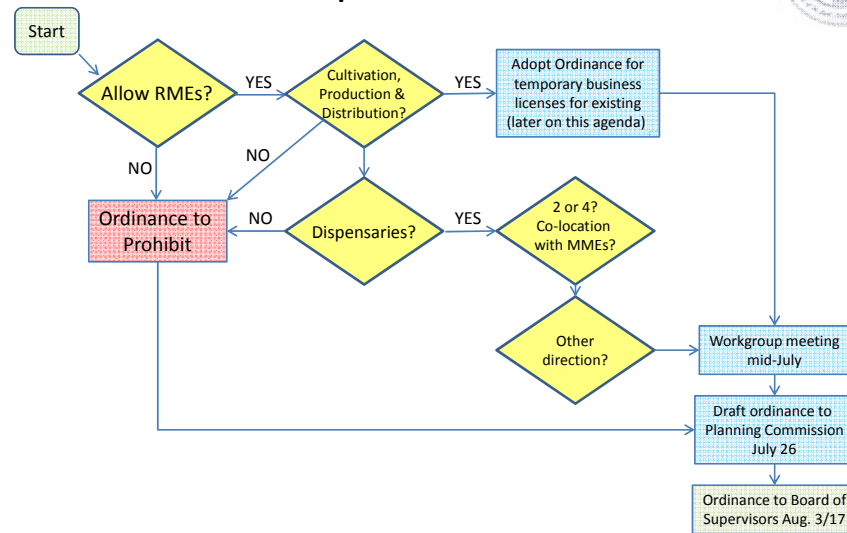


- Estimated costs to the City from having RMEs in the City (annual):
  - Fire, Health, Code Enforcement inspections labor: \$ 16,000
  - Sheriff Deputies, 2 FTEs: \$250,000
  - District Attorney, 1 FTE: \$150,000
  - \$416,000
- Estimated costs do not include:
  - Community education
  - Additional medical response
  - Community counseling/rehabilitation
  - Public health services
- Projected revenues (existing establishments only, based on establishments' own estimates):
  - Cultivation: \$120,000 (\$4 million gross revenue)
  - Product manufacturing: \$ 90,000 (\$3 million gross revenue)
  - Dispensaries: \$450,000 (\$15 million gross revenue)
  - \$660,000 (plus \$330,000 = 2.25% of sales tax to GF)

Community Development Department

11

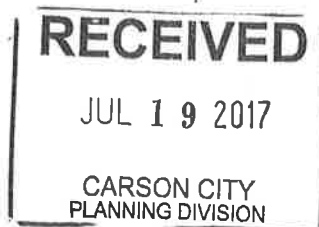
## Board of Supervisors Alternatives



Community Development Department

12

**From:** Amy Blethen <amyblethen@gmail.com>  
**Sent:** Tuesday, July 18, 2017 5:46 PM  
**To:** Planning Department  
**Subject:** Public hearing comments for L1 zoning meeting July 26th



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Good afternoon,

I received a letter from the Carson City Planning Commission in the mail today that the planning commission was considering opening for L1 zoning property within 300 feet of my property for Marijuana dispensaries. I live in the millennium housing tract on Molly drive in Carson City. It gave this email to provide public comments and I appreciate the opportunities to voice my opinions on the issue.

I am extremely opposed to this zoning. It would lower the property value of my home and my neighbors homes, invite criminal activity and unwanted traffic and litter, trash and people intoxicated and under the influence on my street making the street and neighborhood less safe to drive in and to walk my dog in.

Not only that, it is a route that many Carson City High School students walk to and from their way to school on my street, and neighboring Long street.

I am opposed to any marijuana dispensaries in my neighborhood, in Carson City and in Nevada in general and voted against the legalization of marijuana in Nevada.

I will vote against any elected city officials who facilitate the contamination of our neighborhood and city with marijuana dispensaries.

--

*Amy Blethen Molly drive home owner.*

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**From:** Judy Welch <711welch@gmail.com>  
**Sent:** Monday, July 17, 2017 8:06 AM  
**To:** Planning Department  
**Cc:** Bob Crowell; kbowd@carson.org; Lori Bagwell; barrettejohn66@yahoo.com; Brad Bonkowski  
**Subject:** Public Comment on Zoning code amendment Title 18, chapter 18.03  
**Attachments:** rezoning.pdf

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July 17, 2017

This letter is in response to the Official Notice of Public Hearing regarding a Zoning Code amendment application amending Title 18, Zoning; Chapter 18.03 and possibly adding to or amending the definition of marijuana establishments.

We are opposed to amending the definition which would allow marijuana establishments in the proposed areas. At this time we are opposed to any marijuana establishments in Carson City. The Fairview corridor and the Long Street locations are particularly troublesome. These areas are close to Freemont School and Pioneer schools and have dense residential populations immediately surrounding the areas. Recent presentations in Carson City by the Denver District Attorney suggest that cash marijuana businesses are likely to lead to a significant increase in crimes. Until Carson City has gained experience with cash rich business (or Federal policies allow the use of credit cards and banks) we believe zoning changes near residential properties and schools is unwise.

We own two residential properties in the Capitol Village subdivision and feel our property values would be adversely affected. Once the freeway is completed, Fairview will be less traveled and opportunity for neighborhood businesses may increase but a marijuana establishment is not compatible to the surrounding residential neighborhood and family businesses.

We believe that Carson City could learn from others regarding implementation of the new marijuana laws and adjust. Accordingly, the City should adopt a policy of moving incrementally rather than making irreversible decisions that may be both detrimental and costly to manage. To wit, all these zoning amendments do not need to be implemented now.

Thank you for taking our concerns under consideration.

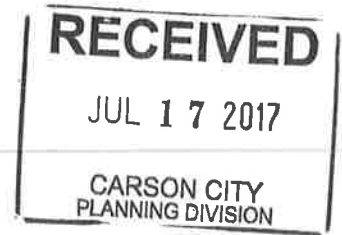
Respectfully,

Judy and Alan Welch  
2474 Roxbury Way  
Carson City, NV 89703  
775-721-1731; 775-315-5556



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**From:** Planning Department  
**To:** Lee Plemel  
**Subject:** FW: Zoning Code Amendment - File NO: ZCA-17-100



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**From:** ROBERT A MCINTOSH [<mailto:rmcin3@bellsouth.net>]  
**Sent:** Sunday, July 16, 2017 7:13 AM  
**To:** Planning Department  
**Subject:** Zoning Code Amendment - File NO: ZCA-17-100

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To: Planning Commission

There are too many residential areas that will be affected by this amendment. There are many senior citizens in this area and this will affect the traffic and crime with possible attacks on these citizens. Just because the rest of the world is going to hell in a hand basket doesn't mean we have to follow them. Jesus Christ blesses those who obey him and this amendment does not follow the commandments of God. You are opening doors for more trouble. How many people who are on the Board live in these areas? Probably none!!

Robert A McIntosh  
1321 Bandtail Dr  
Carson City, NV 89701

**From:**  
**Sent:**  
**To:**  
**Subject:**

ROBERT A MCINTOSH <rmcin3@bellsouth.net>  
Wednesday, July 19, 2017 8:59 AM  
Planning Department  
Zoning Code Amendment File No: ZCA-17-100



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Gentlemen:

After sending you the previous email I became aware of a website about use of Marijuana in Nevada - the website is [knowmj.com](http://knowmj.com). Please take a look at it before you make a decision on this re-zoning and note that one of the areas is across the street from a school. The following is only a small part of information from this website.

## Impact on Youth

- A recent study found those who used marijuana heavily as adolescents and continued through adulthood showed a permanent drop in IQ points.<sup>1</sup>
- More Nevada teens are in treatment for marijuana dependence than for all other illicit drugs combined.<sup>2</sup>
- 1 in 6 teens who use marijuana will become addicted, and the number rises to 1 in 4 teens who try it in 8<sup>th</sup> grade or younger.<sup>3</sup>
- THC, the psychoactive ingredient in the marijuana plant, alters the brain which can lead to:<sup>4</sup>
  - Short-term memory loss
  - Decreased motivation
  - Poor attention
  - Poor judgment
  - Loss of coordination
  - Depression
  - Psychotic episodes
- Common risk factors include the availability of drugs, whether your peers and friends use drugs, parental attitudes and acceptance of drug use.<sup>5</sup>
- Long-term studies conducted in Australia and New Zealand found that individuals who used marijuana on a daily basis before the age of 17 are 60% less likely to graduate high school, along with being 7 times more likely to commit suicide and 8 times more likely to become addicted to other illicit drugs.<sup>6</sup>

The following is information on this website about the results of marijuana on the community.

## Community

- Annual crime rates were declining in Colorado until 2012 when the trend began to reverse and steadily climb in 2013, including homicide (+7.4%), rape (+41.3%), other assaults (+3.6%), larceny (+2.3%) and auto theft (+3.8%).<sup>1</sup>
- According to the Denver District Attorney, Mitch Morrissey, crime in Denver has increased by 41% in 2015 including burglaries, aggravated assault, vehicle thefts, and homicide is at a 10-year high.<sup>2</sup>
- Less than one-tenth of one percent of prisoners are incarcerated for marijuana possession with no prior convictions.<sup>3</sup>
- Only 6% of state prisoners are incarcerated for drug possession.<sup>3</sup>
- 8% of federal prisoners that were sentenced for drug offences were for drug trafficking, not drug possession.<sup>3</sup>
- Fatal car crashes that involved marijuana tripled in the last ten years.<sup>4</sup>
- Drugged driving puts everyone at risk: the driver, the passengers and those sharing the road.<sup>5</sup>



- In 2005, a study showed that 45% of motorist pulled over for reckless driving (who were not impaired by alcohol) tested positive for marijuana.<sup>6</sup>
- The black market for marijuana has not disappeared in Colorado as anticipated. Marijuana is still sold on the streets because users don't want to pay taxes.<sup>7 & 8</sup>
- You may think potential marijuana proceeds will fund schools, but they likely won't. In Colorado, NO new schools have been built with marijuana tax proceeds.<sup>9</sup>

Thank you for your attention

Robert McIntosh  
1321 Bandtail Dr  
Carson City, NV 89701

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**From:** Kevin Honkomp <krhonkomp@yahoo.com>  
**Sent:** Wednesday, July 19, 2017 10:09 AM  
**To:** Planning Department  
**Cc:** Tony Grasso; GALE LUNDEEN; yroc45@charter.net; Wecker Mary; Mattress King Inc.; Susan Barton  
**Subject:** Zoning Code Amendment to allow marijuana facilities on LI (Limited Industrial) Zoning.

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Please consider this written testimony on File No. ZCA-17-100. I have a long-planned trip out of town and will not be available to testify at the hearing on July 26, 2017. .

I own APNs 009-082-04 and 009-0082-05. Those parcels are zoned RC. There is one (and only one) other parcel on that small block. Sorry, I do not have the number, but it is located on the corner of South Roop Street and Industrial Park Drive. It is zoned LI, the zoning class being changed to allow for marijuana facilities.

It does not seem appropriate that marijuana facilities be located next to retail facilities because of the heightened potential exposure to children. Same reason it's not allowed near schools or in residential area.

The fix could be as simple as amending the proposed language by adding something like, "unless the specific parcel is immediately adjoining a parcel where the use would not be allowed."

Thanks for your consideration.

Kevin Honkomp  
775-671-8404



## Rea Thompson

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**From:** Scott Cooley <scottmcooley@hotmail.com>  
**Sent:** Wednesday, July 19, 2017 1:56 PM  
**To:** Planning Department  
**Cc:** 'Rick Cooley (rfcooleysr@gmail.com)'  
**Subject:** Written Comments - ZCA-17-100 - Zoning Code Amendment - Marijuana - Rhodes St.  
**Attachments:** SummerhawkBrochure.pdf; Carson Planning - ZCA-17-100 - Comments.pdf

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

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Please accept this as a submission of comments to be read and studied by the planning commission as it relates to ZCA-17-100. See attached letter and supportive brochure. Please confirm receipt.

Thank you,  
Scott

Scott M Cooley  
408-829-4130  
[www.cooleycommercial.com](http://www.cooleycommercial.com)





July 19, 2017

Re: ZCA-14-025 – Zoning Code Amendment

Owner of APN# 009-031-05, 009-031-07, 009-031-08 and 009-031-29

To: City of Carson / Planning Department

**This letter is to oppose the zoning code amendment allowing for a medical marijuana dispensary and grow on or around the divisions of Rhodes St., Curry St. and Betts St. I am the owner of the 80+ acres of property (4 parcels) on the hillside for which these streets feed to. The hillside is known as the Summerhawk Development for which there is a tentative subdivision Map 06-203 (recently expired). I hope to build this development in the years to come once the housing market can again support it. Rhodes St is the main artery to this future development. I have extensive experience with medical marijuana facilities and their impact on commercial and residential real estate in the vicinity.**

**As a background, I am the owner of these Carson lots for which I purchased them with full intention of building 110+ executive style homes as the city previously accepted as part of the proposed Summerhawk Development. I also own commercial buildings in and around Reno along with over 12,000 acres on the outskirts of Reno. I reside in Los Gatos, California. In Silicon Valley, I own and manage 6 commercial properties totaling 300,000 square feet of office, light industrial and heavy industrial types. In total, I have around 90 different properties and 20,000 acres throughout California and Nevada. I have family in Carson and will be represented to the city by my brother, Rick Cooley.**

**As further background, I am currently in legal dispute with two dispensaries near my industrial commercial properties at 2121-2159 South Tenth Street, San Jose, CA. Through this process, I**



**Cooley Commercial | 15900 Kennedy Rd. Los Gatos, CA 95032. [www.cooleycommercial.com](http://www.cooleycommercial.com)  
408-829-4130 / 408-273-6929fax**

have gained extensive experience with the affects of marijuana dispensaries and grows on property values and impacts on the neighborhood.

**From a commercial realty standpoint, very few tenants of any type are willing to move into a building that has a marijuana dispensary or grow within the building or within a block. The affect is that any existing tenants will eventually move out and new tenants will be hard to find. It is akin to being next to a strip club. While there are those firms that might tolerate such, they are few and far between. I have given innumerable tours of my units located next to the two dispensaries and without regard to the price, prospective tenants simply say, "no way". They refuse to open their own business anywhere near a dispensary. This has forced me to dramatically lower my rents and still, my spaces sit empty costing me approximately \$30,000 per month. Hence, the lawsuit I am filing attempting to force their eviction. Two blocks away in every direction, rents are much higher. I know for a fact that once they are evicted, my rents will return to market rate rather than be far under market value as they are today. For commercial real estate, your rent rates determine the value of your property. Because the marijuana dispensaries sit near my units, the value of my property is about 30% below market. The impact can run into the millions. These dispensaries claim to follow various laws but the bottom line is that no one wants to be near them. While I have no issues with marijuana use, I do believe there are proper places for such dispensaries. I relate them most closely to a liquor store or a strip club. We don't place such establishments very near residential homes or where families and children congregate.**

**My goal is to place 99+ executive style homes on the hillsides behind the proposed location of the dispensary. Imagine walking your young child to school every day past the dispensary. Just who would ever buy a home in a location where every day their children must walk past a dispensary on their way to/from school? Another issue is the type of people that from my experience, hang out at the dispensaries. Yes, there are those legitimate patients of cancer and such that are well served by a dispensary. However, it's been my first hand experience that this is less than 10% of the customers. The other 90% tend to be younger people in their 20's and 30's that have a number of other drug addictions. Most of the purchasing is not actually for medical use. Often, they will drive a block or two away and park anywhere possible and smoke their just purchased pot. This creates a constant amount of people getting high in their cars in the immediate vicinity. While the dispensary discourages such, they can't control what happens on the property of others and have no control of their clients. The general complaint that marijuana is a gateway drug seems to have some legitimacy from what I've witnessed. A fair percentage of the clients are heroin and crack users as well. I see them loitering around, some looking for handouts. Even the trash bins are constantly subject to the addicted and the homeless going through them looking for discarded pot. I've even seen well-to-do high school kids going through the trash bins of the dispensary at night.**



An additional issue is the constant attempt at break-ins to the dispensary and grows. It seems that teens just love the idea of breaking in to steal the marijuana. It's a constant threat and they are always casing the joint late at night. Of course, the dispensary has extensive alarm systems but the process continues. It causes overflow as the criminals case easier targets nearby. We can expect crime in the immediate vicinity to increase significantly. Not much can be done about it though the police must patrol the area much more often, causing the city to expend extra resources.

There are a number of business issues. Banks aren't allowed to make loans on buildings that house a dispensary. If the building has additional tenants, they too can't get a loan. Dispensaries also can't get hazard insurance. My building is currently uninsured against any fire that occurs within a dispensary or grow. It's in the fine print. It seems almost every week there is a reported fire in San Jose related to a grow. The equipment used in grows use a tremendous amount of power and often start fires. Insurance companies will not cover such damage. This again affects any other tenant in the same building who can't obtain legitimate fire insurance when a grow exists in the same building. The City would be smart to insure solid fire breaks around any grow facility and that it does not share the building with any other businesses. Dispensaries are not legal at the federal level so any legitimate business that operates on a national basis is unlikely to work with a dispensary. Because the two dispensaries are in the same building as my units, I am unable to obtain insurance and can't obtain a loan from a bank for my units. Thus, I am forced to own my units free and clear.

It's also been my experience that the owners of the dispensary are rarely upstanding citizens. In my building, the building inspectors are constantly coming out. There have been numerous citations for electrical violations, illegal construction, illegal HVAC, etc. We also have polluted water that has seeped into the ground. The fertilizers used as part of the grow process are highly polluting. The owners of the dispensary have no assets and as such, any lawsuits against them are useless. There is no money there for cleaning up the ground water pollution from the dumped fertilizers. For each grow cycle, the potting soil is dumped anywhere nearby where there is open ground. Such soil can be toxic. We are having to ground test under the building because of the constant water being allowed to soak into the soil. If the results are positive, the clean-up costs will run into the hundreds of thousands of dollars for which again, there are no assets for such. Property owners downhill from the grow can have their properties contaminated. Since dispensaries are an all-cash business any actual profits are quickly pocketed. Since all of the clients walking into the dispensary have significant cash on hand, they are also a target for being mugged. After all, any client either has cash or pot, both very attractive to muggers.



There is also the constant smell of the marijuana. For many, it is offensive. In the same building or buildings nearby, clients of the business constantly smell it and complain about it. It seems particularly offensive to mothers of young children as I've had strong complaints from mothers. The strong smell drifts downwind and seems to penetrate walls. No tenant can be located next to such a location as the smell will drive away their clients. The types of tenants a landlord really wants, will be the last ones to occupy near a dispensary. This would include athletic uses, day care centers, medical uses, etc. Finally, imagine the children walking to school every day smelling the marijuana grow.

I have offered to lease the units that house the dispensaries at slightly above market rate but neither landlord has any interest. I believe the reason they are willing to forgo a better lease rate and not have all the legal problems, is that they are being paid cash under the table. The common rule is that dispensaries pay three times the normal rate to landlords willing to rent to them but most of this is cash under the table. Thus, the landlord gets income tax free and earns far higher amounts they could find elsewhere. It's the neighbors that affectively pay a steep price. The reason we know of the under the table payments is because I offered to lease their units at amounts higher than the written lease with the dispensary. However, the landlords refuse to talk to any other potential tenants at any price.

The city of San Jose has made attempts to shut down the operation but have been unable to. It's become a game of cat and mouse for the city. While the city will file legal proceedings against the owners, the owners will simply change ownership among family members before anything legally can take place. Once the location is open, it's virtually impossible to get them to move or close. Changing ownership allows them to thwart most legal steps made by the city. Once a new owner is in place, the legal process to close the operation must start all over again. The city of San Jose also has a game of "whack the mole" where every time they get one dispensary closed, another one opens if not in the same spot then nearby. Most dispensaries are considered illegal today and yet, there are hundreds in operation. Let's not forget that the DEA can come in at anytime and raid the place bankrupting the dispensary and leaving a mess to deal with for the property owner.

Regarding zoning, medical marijuana is a both a food product and a medical product, both of which require zoning that support such uses. Placing food and medical product production near auto paint booths, chemical uses, manufacturing and other types of industrial uses can contaminate the production of productions from marijuana. If there is a grow, then every issue related to farming is important. Airborne contaminates from nearby light and heavy industrial users can create toxins within the marijuana plant. As such, it's recommended marijuana grows would not be anywhere near an industrial area as today we don't place farms next to chemical plants, nuclear plants and other industrial uses.



My goal for developing the lots above Rhodes Street would be dramatically impacted by any dispensary on the roads leading to my property. It is my belief that if a dispensary was allowed to be built, there is no way I could sell any of the homes. The impact on my use of my property would be dramatic. My experiences above are very real and I've been in this battle for two years. In short, dispensaries make great money and all of it at great expense to their neighbors. There would be liability to the dispensary, land owner and perhaps the city. I believe that the best location for a dispensary is on the very outskirts of town where there are no nearby residential neighbors. They should never be located near a residential area nor an active commercial area. Both would be heavily impacted. I am pleading with the city to not allow any marijuana related uses in and around Rhodes Street so as to preserve a family environment. Take the lessons of other cities and provide a zoning just for dispensaries where they can be tightly regulated from a location standpoint. Consider them similar to adult entertainment, bars or gambling locations. They should not be near Rhodes St. San Jose won't allow them within 1000 feet of any facility that supports children and near any residential area. Please consider the dramatic plights of other cities that are going through great expenses in dealing with the problems the dispensaries and grows create.

As the landowner, I will go to great lengths to protect the value of my property. I will do what I can legally to insure no dispensary is located anywhere near my property. If required, I will file suit to gain back the lost value of my property because of the presence of a new marijuana facility. I will seek out other nearby property owners to join me. Please do not allow a marijuana grow or dispensary anywhere near my property.

Thank you,



Scott Cooley

Owner, Cooley Commercial





# Summerhawk Carson City, NV

*Proposed Lots FOR SALE* **\$175,000**



**78.49 Acres**

APNs :

009-031-07 and 009-031-29

**COMMERCIAL PARTNERS**  
OF NEVADA

*Commercial Real Estate Services*

**Loopnet ID: 16633461**

5310 Kietzke Ln | Ste 204 | Reno, NV

T [775]329-4000 F [775]329-8526

**Ron Cobb**  
ron@commercialpartnersnv.com

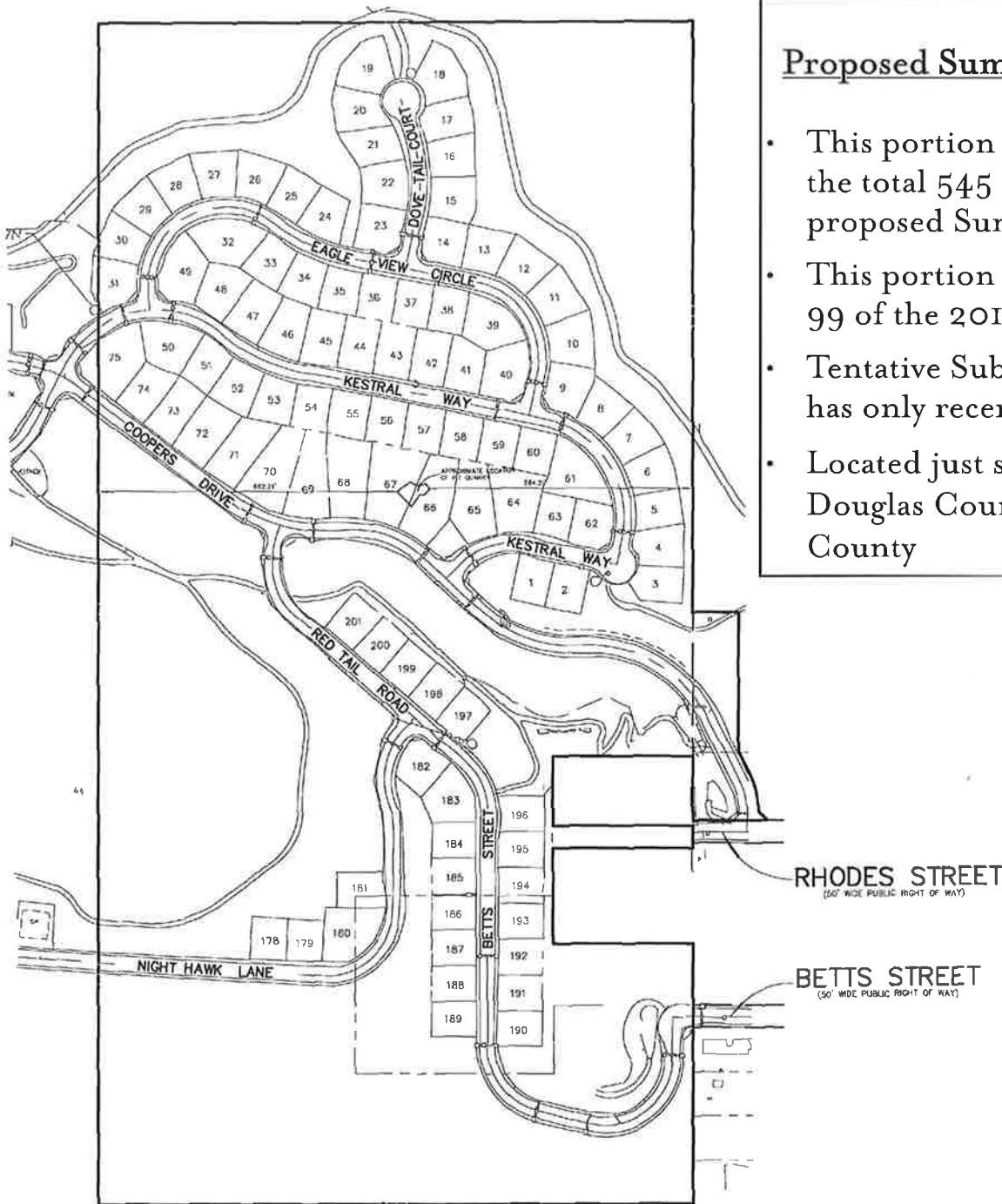
www.COMMERCIALPARTNERSNV.COM

**Peter Ghishan**  
peter@commercialpartnersnv.com

All information is deemed accurate but is not guaranteed. You and your tax and legal advisors should conduct your own investigation of the property and transaction.

# Summerhawk

## Carson City, NV



### Proposed Summerhawk Development

- This portion includes 78.52 acres of the total 545 acres that make up the proposed Summerhawk Development
- This portion supports approximately 99 of the 201 total proposed units
- Tentative Subdivision Map 06-203 has only recently expired
- Located just south of the Carson/Douglas County line in Douglas County

**COMMERCIAL PARTNERS**  
OF NEVADA

Commercial Real Estate Services

Loopnet ID: 16633461

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ron@commercialpartnersnv.com

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Peter Ghishan  
peter@commercialpartnersnv.com

All information is deemed accurate but is not guaranteed. You and your tax and legal advisors should conduct your own investigation of the property and transaction.

# Southgate Shopping Center

South Carson Street  
Carson City, NV 89701

July 18, 2017

MS SUSAN PANSKY  
CARSON CITY COMMUNITY DEVELOPMENT  
BUSINESS LICENSE DIVISION  
108 E PROCTOR STREET  
CARSON CITY NV 89701

RE: Ordinance amending Carson City Municipal Code, Title 4

Dear Susan:

In response to the Division's request for input in connection with the draft Business Impact Statement dealing with amendments to Title 4 as they relate to marijuana establishments, please accept the following comments.

The draft Business Impact Statement does a thorough job of identifying the numerous direct and indirect adverse effects of expanding the availability of marijuana beyond its current medicinal uses. Given these adverse impacts, it is difficult to understand why the City would ever consider expanding the availability of this drug for non-medical consumption. The decision appears to be based almost exclusively on the unsubstantiated presumption that the detrimental effects on Carson City of the sale of recreational pot in Washoe County can only be mitigated by making recreational marijuana available locally and taxing it.

As owners of property at the Southgate Shopping Center located immediately north of the Rise dispensary on Clearview Drive, we are deeply concerned about the additional costs we may incur (and by extension, our tenants) in an effort to protect our property, our customers and our retailers against the detrimental impacts of a likely increase in crime and homelessness in and around our area.

Today, even in the absence of a local source of recreational marijuana, we are routinely dealing with an often belligerent transient population that panhandles, urinates and defecates on our sidewalks and in our parking lot, and builds makeshift shelters and campfires in our detention

basin. Pueblo, Colorado has seen a 10-fold increase in its homeless population (from an average of 1,500 to an average of 15,000) since the legalization of recreational pot. They are lured by the ready availability of this narcotic often selling their food vouchers for cash or panhandling to raise money to feed their habits. Instead of spending \$45,600 annually on private security, we are now looking at potentially doubling that investment by extending existing hours of coverage in order to safeguard our property and ensure that our customers have a pleasant shopping experience while contributing tax dollars to the City's General Fund.

In addition, if the response to the availability of recreational pot is as overwhelming as some people predict, we question the adequacy of parking at the Clearview Center to handle the increased demand for product. Insufficient onsite parking will most likely result in the unauthorized use of parking at the Southgate Shopping Center which, by deed restriction, is reserved for customers and employees of our center. Countering this impact will require that we institute a more aggressive parking enforcement program, again, **at our expense**.

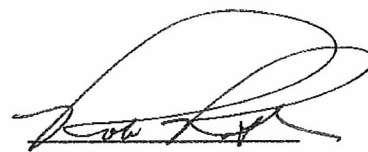
Given our good corporate citizenship and our substantial investment in this community, we would hope that the deference shown to our concerns would be equal, if not greater, than the deference being shown to the recreational pot industry which is imposing itself on a city that rejected its overtures at the ballot box in 2016.

Thank you for the opportunity to comment.

Sincerely,



Shelly Aldean  
President  
The Glenbrook Company



Rob Rothe  
President  
Carson Southgate LLC