

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 15, 2022

FILE NO: ZA-2022-0403

AGENDA ITEM: 6.D

**STAFF CONTACT:** Heather Ferris, Planning Manager

**AGENDA TITLE:** For Possible Action: Discussion and possible action regarding an application from Will Adler on behalf of Green Thumb Industries Inc. ("Applicant") for a recommendation to the Board of Supervisors ("Board") regarding an ordinance adding marijuana retail stores and medical marijuana dispensaries to the Retail Commercial ("RC") use district and amending the location requirements for medical marijuana dispensaries and marijuana retail stores in the General Commercial ("GC") and General Industrial ("GI") use districts. (Heather Ferris, hferris@carson.org)

Staff Summary: The Applicant has provided two different options for the Planning Commission's consideration. With option 1 the Applicant is proposing to amend Carson City Municipal Code ("CCMC") 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a conditional use in the RC use district; and amend CCMC 18.04.135 and 18.04.150 to allow marijuana retail stores and medical marijuana dispensaries in the GC and GI use districts, as a conditional use, without being limited by specific Section, Township and Range. With option 2 the Applicant is proposing to amend CCMC 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a condition use in the RC use district in specific Sections, Townships and Ranges; and amend CCMC 18.04.135 and 18.04.150 to expand the Sections, Townships and Ranges where marijuana retail stores and medical marijuana dispensaries are allowed in the GC and GI use districts. Per CCMC 18.02.075, the Planning Commission makes a recommendation to the Board regarding a request for a zoning code amendment. The Board is authorized to amend the CCMC.

### PROPOSED MOTIONS:

"I move to recommend to the Board of Supervisors denial of the requested zoning code amendment based on the inability to make the findings as outlined in the staff report."

**LEGAL REQUIREMENTS:** CCMC 18.02.050 (Review); CCMC 18.02.075 (Zoning map amendments and zoning code amendments); CCMC 18.04.135 (General Commercial), CCMC 18.04.150 (General Industrial) and Nevada Revised Statutes ("NRS") 278.260.

**KEY ISSUES:** Is the request to modify the allowable locations of marijuana retail stores and medical marijuana dispensaries appropriate?

### BACKGROUND:

In 2013 the Medical Marijuana Act was signed into law authorizing Medical Marijuana Establishments ("MMEs") in Nevada, including dispensaries, cultivation facilities, production facilities, and testing labs. The law also provides local jurisdictions with the right to prohibit or allow these establishments and if allowed the ability to regulate the location of MMEs through zoning and business license requirements.

On June 19, 2014 the Board, on first reading, introduced an ordinance allowing for medical marijuana establishments including dispensaries, cultivation and production facilities, and testing laboratories. The ordinance included the requirement for a special use permit ("SUP") and limitations not only on the zoning districts within which these establishments may be located, but also the specific Sections, Townships, and Ranges where they may be located. These locational requirements were added to the recommended ordinance specifically to address the concerns that were raised by members of the public regarding the ability to locate in areas that are more residential in nature. On July 3, 2014, the Board adopted the ordinance.

In 2016, Nevada voters passed The Regulation and Taxation of Marijuana Act (codified as NRS Chapter 453D and later amended and recodified as NRS Title 56), legalizing recreational marijuana in Nevada. In 2017, the Board adopted an ordinance to allow for recreational marijuana establishments, including recreational marijuana stores, cultivation and production facilities and testing laboratories. The ordinance mirrored the requirement for the SUP and the locational requirements adopted with the 2014 ordinance.

Medical marijuana dispensaries and marijuana retail stores are limited to the GC and GI use districts. Within the GC zoning district (CCMC 18.04.135(3)) dispensaries are limited to the following:

*“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).”*

FIGURE 1: South Carson Street vicinity.

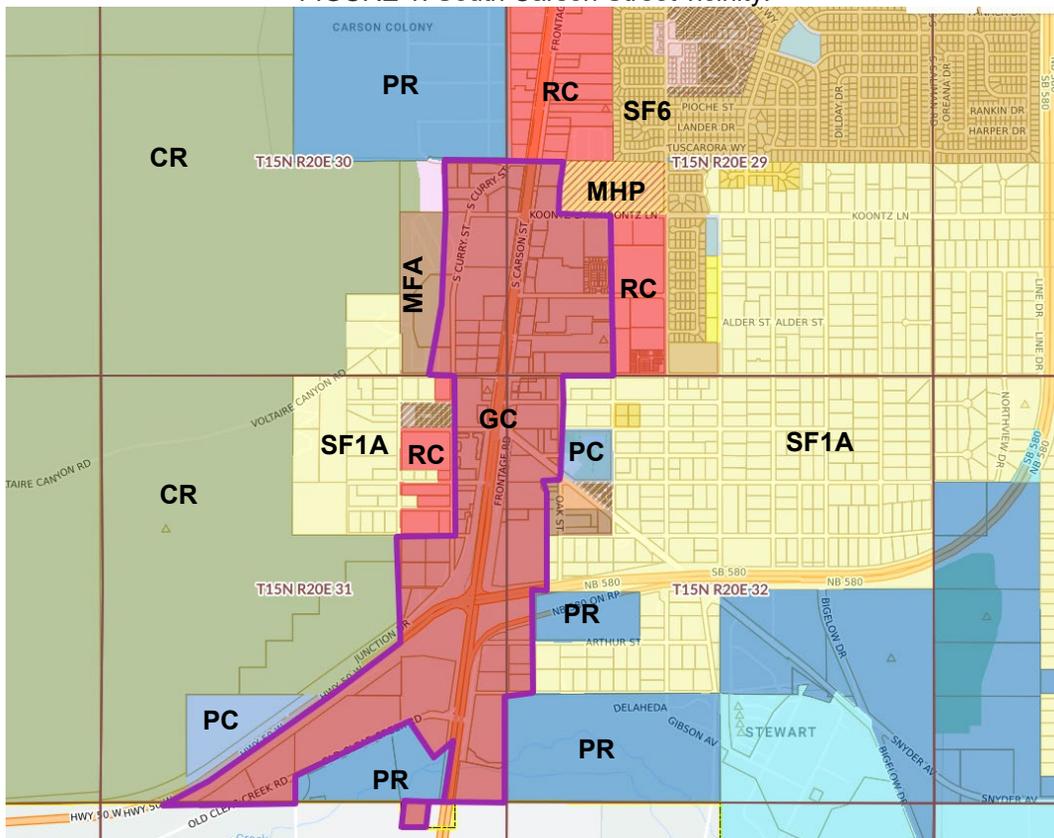
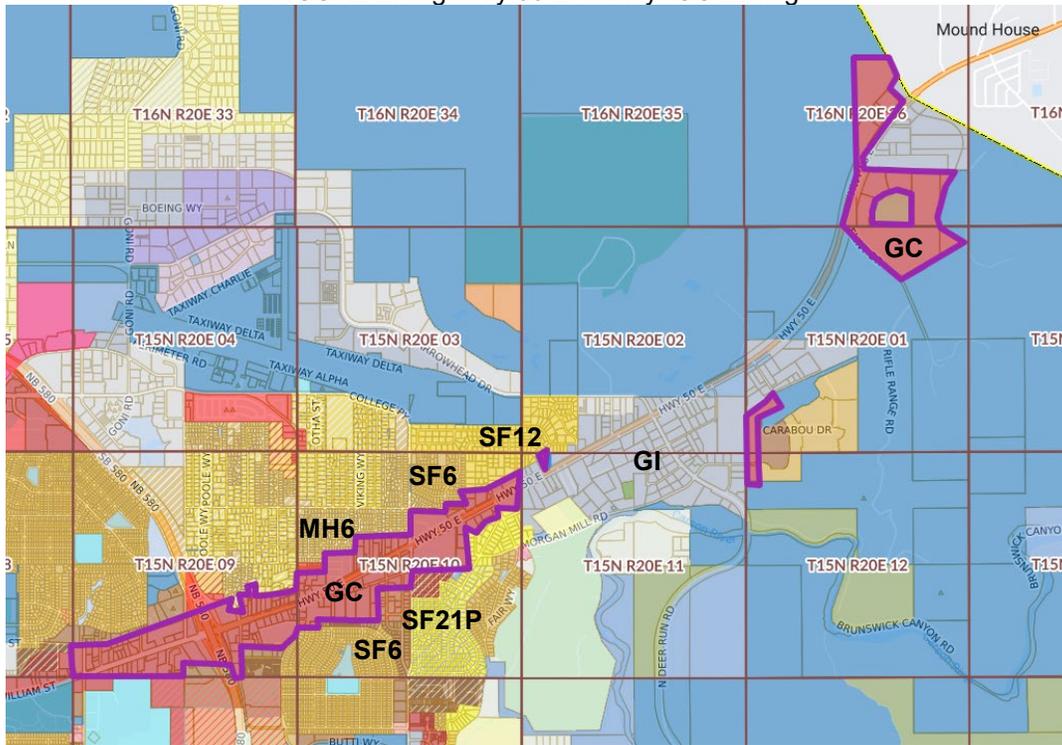


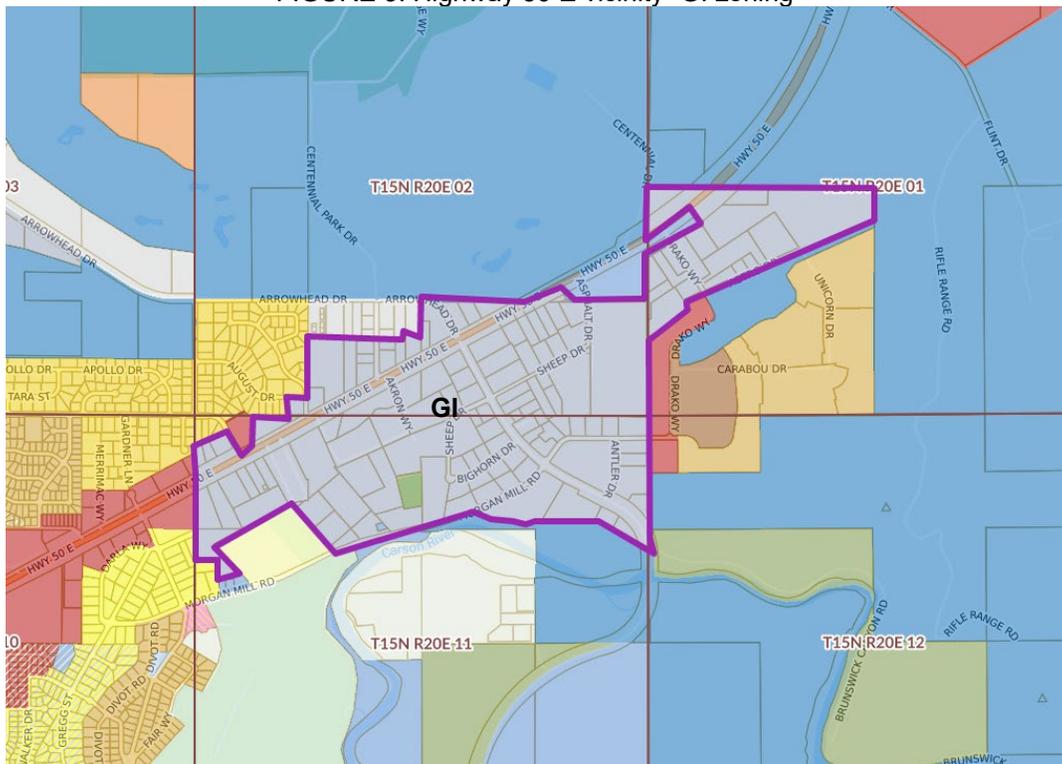
FIGURE 2: Highway 50 E vicinity- GC zoning



Within the GI zoning district (CCMC 18.04.150(3)) dispensaries are limited to the following:

*“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).”*

FIGURE 3: Highway 50 E vicinity- GI zoning



Figures 1 through 3 depict the areas within which a medical marijuana dispensary or a marijuana retail store can be located in the GC and GI zoning districts. There are additional locational requirements found in Carson City Development Standards (“CCDS”) 1.20, regarding distance from preschools and schools, daycares, park and other facilities whose primary service is to provide recreational opportunities to children, and proximity from residential zoning districts. These locational criteria are evaluated at the time of a SUP application.

While there have been some changes to the marijuana establishment regulations since 2017, the locational requirements have not changed.

#### **DISCUSSION:**

With the recent adoption of the ordinance increasing the number of allowable marijuana retail stores in Carson City, the Applicant believes that the original concerns of the Board of Supervisors in 2014, which led to the current locational criteria, are no longer relevant. The Applicant has requested an amendment to CCMC Title 18 (Zoning) to modify the locations in which marijuana retail stores and medical marijuana dispensaries are allowed. The Applicant has provided two different options for the Planning Commission’s consideration.

- Option 1: amend Carson City Municipal Code (“CCMC”) 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a conditional use in the RC use district; and amend CCMC 18.04.135 and 18.04.150 to allow marijuana retail stores and medical marijuana dispensaries in the GC and GI use districts, as a conditional use, without being limited by specific Section, Township and Range; and
- Option 2: amend CCMC 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a conditional use in the RC use district in specific Sections, Townships and Ranges; and amend CCMC 18.04.135 and 18.04.150 to expand the Sections, Townships and Ranges where marijuana retail stores and medical marijuana dispensaries are allowed in the GC and GI use districts.

As outlined in the application material, as of October 2022 there were no available properties in Carson City that would accommodate a marijuana retail store within the current zoning limitations and required setbacks from schools, residential zoning districts, etc. The Applicant is requesting this amendment to provide for a wider range of properties available for a medical marijuana dispensary or marijuana retail store in Carson City, while continuing to meet the setbacks from schools, residential zoning districts, and facilities whose primary purpose is to provide recreational opportunities to children.

Per CCMC 18.02.075(5), the Applicant for the zoning code amendment shall have the burden of proof to provide facts supporting the proposed zoning code amendment. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Planning Commission and the Board. Additionally, the Applicant shall provide adequate information in the application to substantiate the findings required in this section.

The Board has the authority to approve zoning code amendments following a recommendation from the Planning Commission. In considering a zoning code amendment, the Planning Commission must consider the three required findings as identified in CCMC 18.02.075.

Pending further direction from the Planning Commission, an ordinance may be drafted.

**NOTICING & PUBLIC COMMENTS:**

Noticing was completed consistent with NRS and CCMC. As of the completion of this staff report, 4 written public comments have been received (attached). Any additional 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 of the Carson City Community Development Department.

**OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:**

The application was routed to commenting agencies and no comments were received.

**FINDINGS:**

The Planning Commission, in forwarding a recommendation to the Board for approval of a zoning code amendment, shall make all findings of fact found in CCMC 18.02.075(5) in the affirmative. 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.**

Both options presented by the applicant for a text amendment to CCMC Title 18 (Zoning) to modify the locations in which marijuana retail stores and medical marijuana dispensaries are allowed does not conflict with any goals or policies of the Master Plan. Goal 2.3 of the Master Plan encourages the city to provide opportunities for a range of retail services; and Guiding Principle 5: *A Strong Diversified Economic Base* encourages the City to maintain and enhance the base of primary jobs and provide a broader range of retail services to serve residents of Carson City as well as those in surrounding counties. The state has authorized Medical Marijuana Establishments and Marijuana Establishments as a legal use in Nevada. In order to implement those uses in Carson City, the City must provide for any applicable regulations.

**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.**

Based on the information contained in the application, staff cannot make this finding. The Applicant has the burden of proof to provide facts supporting the proposed zoning code amendment. The Applicant has not provided adequate information to substantiate this finding. The Applicant has made the argument that with the recent adoption of the ordinance allowing four marijuana retail stores in Carson City, the original concerns of the Board of Supervisors in 2014, which led to the current locational criteria, are no longer relevant. Additionally, using the current locational criteria, there are no available properties in Carson City to house another marijuana retail store.

When the Board first adopted regulations for medical marijuana establishments the ordinance included the requirement for an SUP and limitations on the allowable zoning districts as well as specific Sections, Townships and Ranges where marijuana establishments may be located. These specific locational requirements were added to the recommended ordinance specifically to address the concerns that were raised by members of the public regarding the ability to locate in areas that are more residential in nature. The ordinance that was adopted in 2017 to address recreational marijuana mirrored the requirement for the SUP and the locational requirements adopted with the 2014 ordinance. While there have been some changes to the marijuana establishment regulations since 2017, the locational requirements have not changed.

On September 15, 2022 the Board of Supervisors adopted the ordinance allowing four marijuana retail stores, consistent with state law. In approving this ordinance, the Board of Supervisors determined that the additional stores would not have detrimental impacts to other properties in the vicinity or negatively impact public services or facilities or adversely impact public health, safety and welfare. However, this evaluation was based on the current regulations in place, including the locational criteria and the requirement for each store to be evaluated at the time a future applicant applies for an SUP.

**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.**

The Applicant has requested an amendment to CCMC Title 18 (Zoning) to modify the locations in which marijuana retail stores and medical marijuana dispensaries are allowed. The applicant has presented two options. Option 1 the proposes to amend Carson City Municipal Code (“CCMC”) 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a conditional use in the RC use district; and amend CCMC 18.04.135 and 18.04.150 to allow marijuana retail stores and medical marijuana dispensaries in the GC and GI use districts, as a conditional use, without being limited by specific Section, Township and Range. Option 2 proposes to amend CCMC 18.04.130 to allow medical marijuana dispensaries and marijuana retail stores as a conditional use in the RC use district in specific Sections, Townships and Ranges; and amend CCMC 18.04.135 and 18.04.150 to expand the Sections, Townships and Ranges where marijuana retail stores and medical marijuana dispensaries are allowed in the GC and GI use districts.

Neither of the two options would result in a direct impact on public services or public health, safety and welfare. Each new retail marijuana store will be required to obtain an SUP, at which time the project will be evaluated for project specific impacts.

Attachments:

- 1) ZA-2022-0403 revised application packet
- 2) Public comments

RECEIVED

SEP 16 2022

For Office Use Only:

# ZONING CODE AMENDMENT

CARSON CITY  
PLANNING DIVISION

FEE: \$3,250.00 + noticing fee

- Application Form, Written Project Description and Supporting Documentation
- 5 Completed Application Packets (1 Original + 4 Copies)

Application Reviewed and Received By:

Submittal deadline: Planning Commission application submittal [schedule](#).

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

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

## FILE #

APPLICANT  
Green Thumb Industries Inc.

MAILING ADDRESS, CITY STATE, ZIP  
204 S. Minnesota St., Carson City, NV 89703

PHONE #  
775) 230-0247

FAX #

EMAIL ADDRESS  
[will@ssgr.us](mailto:will@ssgr.us)

Requested Amendment to Development Standards: \_\_\_\_\_ or Title 18 .04.135 & .04.150

Revise provisions of Title 18.04.135 and Title 18.04.150  
to remove limitations on locations for marijuana dispensary.

Required Findings: Title 18 of the Carson City Municipal Code (CCMC) requires that the applicant must present evidence justifying the revision to the Code, that the proposed addition/deletion will be consistent with the objectives of the Master Plan and will not be detrimental to the surrounding properties. A statement relative to findings from Page 2 **MUST** be included herewith, or on an attached sheet.

Please remember that the requested code revision will affect all of Carson City and not only your parcel of land. Present your statement with that in mind. In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal.

See attached.

### ACKNOWLEDGMENT OF APPLICANT:

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.



Applicant's signature

September 15, 2022

Date

## Description of Amendment

This amendment seeks to bring Carson City Municipal Code Title 18 into conformation with the recent actions of the Carson City Board of Supervisors' decision to double the number of Retail Cannabis Stores in Carson City. This Amendment looks to accomplish this in two ways. Primarily this amendment asks for the elimination of references to Township districts in G/C zoning for retail cannabis stores. Secondly, this amendment looks to mirror the language currently found in Title 18.04.135 into Title 18.04.130. This would effectively allow Retail Cannabis stores to be zoned within R/C zoning, under the same restrictions as they have been previously allowed in G/C and industrially zoned districts.

The current zoning for Retail Cannabis Stores was established in 2014, when the industrial cultivation and sale of Cannabis were an unknown variable to Carson City. With the recent actions of the Carson City Board of Supervisors, to allow twice the number of Retail Cannabis Stores to operate in Carson City, it was made clear that none of the concerns from the original 2014's zoning restrictions have come to pass. As stated, Cannabis has had no documented detrimental impact to Carson City, its economy or its plans for future growth. As the number of retail cannabis outlets was limited to 2 in 2014 it is consistent with the comments of the council that the zoning of 2014 should be expanded as they have recessed the appropriate number of cannabis outlets to also have expanded to 4.

As of October 2022, no properties meeting the criteria to operate a successful Retail Cannabis Store could be located within the zoning currently allowed under Carson City Municipal Code Title 18. As the Board of Supervisors intends to have 4 operational retail cannabis stores, this petition amendment is an attempt to rectify the current lack of appropriate locations for a retail cannabis store. As Carson City divides its commercial space into General Commercial and Retail Commercial space, this amendment takes the logical progression of allowing additional retail cannabis stores to be zoned in retail commercial locations, similar to other jurisdictions across Nevada.

### Justification for Amendment

The Carson City Municipal Code (CCMC 18.02.075) sets out the required findings.

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

The proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan. We believe this amendment will provide the opportunity for the revitalization of areas of Carson City in need of development, and improve shared infrastructure, and security/safety elements. Additionally, it supports the masterplans goals of continued growth and success of Carson City and can assist with city finances by potentially providing additional tax revenue.

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.

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. Through our discussions with law enforcement and other stakeholders, we are confident this amendment will be in alignment with the health and welfare interests of the public, as well as surrounding businesses and property owners.

Following the Carson City Board of Supervisors meeting on September 15, 2022, with the adoption of Bill No. 118, Ordinance No. 2022-19, the number of permitted retail marijuana stores in Carson City has doubled. The Board of Supervisors took these actions after deep deliberation over the impacts marijuana has had in Carson City. It was found that marijuana has had a neutral or positive impact in the past and there was no perceived risk of future impacts with additional licenses. As The Board found marijuana to have no detrimental impact on Carson City and they then stated their intent to see the opening of two new retail marijuana store licenses in Carson City, it does not appear the Board of Supervisors' actions in 2014, which restricted cannabis to G/C zoning and the select Township ranges previously identified, continue to remain necessary or relevant today.

As Carson City divides its commercial space into G/C and R/C zoning the expansion of additional G/C locations would be of limited utility. This amendment seeks to keep the intent of the 2014 Board of Supervisors concerns, by leaving all previous zoning restrictions, while taking into account the actions taken by the Board of Supervisors at the September 15th, 2022 meeting, doubling the number of retail cannabis locations in Carson City, by also allowing additional zoning locations for the retail cannabis locations. It is felt this limited expansion within R/C will have no impact on the public and surrounding property owners as R/C zonings use and appearance to the general public is seldom differentiated from the uses in G/C zoning.

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.

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. Through our discussions with law enforcement and other stakeholders, we are confident this amendment will be in alignment with the health and welfare interests of the public, as well as surrounding business and property owners.

#### Text of Amendment

Below is the amendment to Title 18.04.130, 18.04.135 and Title 18.05.150. Sections in bold blue italics are proposed for addition. Sections in bold italic red strikethrough are proposed for deletion.

#### **18.04.130 - Retail commercial (RC).**

The purpose of the RC District is to preserve a commercial district limited primarily to offices and retail sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some service uses which are compatible with the zone. All uses within the RC District shall be conducted within a building, and aside from display windows, be screened from view. Outdoor display and storage of autos, recreational vehicles, or mobilehomes in conjunction with an existing business with sales of autos, recreation vehicles and mobilehomes is allowed in accordance with [Division 2](#) of the Development Standards and provided the vehicles or mobilehomes do not encroach into City or State Right-of-Way without an approved encroachment permit and are screened from adjacent parcels. Temporary 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 to Title 18.02.115.8 (Outdoor Sales and Activities).

...

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

- Amusement Arcade
- Bar
- Bed and Breakfast Inn (only within the Historic District, and limited to Single Family 6000, Residential Office and Retail Commercial zoning districts, subject to the provisions of Title 18 Development Standards Division 1.7 Bed and Breakfast Inns)
- Building Materials (indoor only)
- Bus Passenger Depot
- Child Care Facility
- Community/Regional Commercial or Office Center
- Congregate Care Housing/Senior Citizen Home
- Facial Cosmetic Shading, Permanent
- Farmers Market

- Funeral Home, Mortuary
- Gaming (unlimited)
- Golf Course and Driving Range
- Hospital
- Hotel Residence
- Janitorial and Building Cleaning Service
- Kennel
- *Medical Marijuana Dispensary or Marijuana Retail Store subject to the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.20 (Medical Marijuana Establishments and Marijuana Establishments);*
- Miniature Golf Course
- Mobilehome Park
- Municipal Well Facility
- Newspaper Print Office
- Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)
- Personal Storage/Retail/Office Complex subject to Division 1 and 1.10 Personal Storage of the Development Standards
- Printer and/or Publisher
- Recreational Vehicle Park
- Schools, K-12, College, University or Vocational
- Single Family, Two-Family and Multi-Family Dwelling
- Skating Arena
- Storage containers (permanent) subject to Division 1 and 1.10 Personal Storage of the Development Standards
- Street Vendors are limited to the DT-MU and RC zoning districts, subject to Division 1 and 1.11 Street Vendors of the Development Standards
- Tattoo Parlor
- Tennis or Swimming Facility
- Trailer or Truck Rental
- Utility Substation
- Veterinary Clinic
- Youth Recreation Facility

**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 pursuant to subsection 8 of CCMC 18.02.115, which establishes provisions relating to 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 twelve thousand (12,000) square feet.

b) All outside storage containers or other similar enclosures shall be screened to public rights-of-way by a maintained one hundred percent (100%) sight obscuring fence or wall permanently installed and maintained at a minimum height of six (6) 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 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.

**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 set forth in this section are prohibited in the Limited Industrial and Air Industrial Park districts unless specifically identified as a use in those sections.

...

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 one thousand (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 two hundred fifty (250) feet of a residential zoning district or use;
- Lubrication compounds, manufacturing;
- Marijuana Distributor (subject to the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.20 (Medical Marijuana Establishments and Marijuana Establishments));
- Matches, manufacturing;
- Meat packer;
- Medical Marijuana Cultivation Facility or Marijuana Cultivation Facility (subject to the provisions of Title 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 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 Product Manufacturing Facility or Marijuana Product Manufacturing Facility (subject to the provisions of Title 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 or Marijuana Testing Facility (subject to the provisions of Title 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.

## Description of Amendment

This amendment seeks to bring Carson City Municipal Code Title 18 into conformation with the recent actions of the Carson City Board of Supervisors' decision to double the number of Retail Cannabis Stores in Carson City. This Amendment looks to accomplish this in two ways.

Primarily this amendment asks for the expansion of Township districts that currently allow retail cannabis stores within G/C zoning districts. Secondly, this amendment looks to mirror the language that would be found in Title 18.04.135 into Title 18.04.130. This would effectively allow Retail Cannabis stores to be zoned within R/C zoning, under the same restrictions as they have been previously allowed in G/C and industrially zoned districts.

The current zoning for Retail Cannabis Stores was established in 2014 when the industrial cultivation and sale of Cannabis were an unknown variable to Carson City. With the recent actions of the Carson City Board of Supervisors, to allow twice the number of Retail Cannabis Stores to operate in Carson City, it was made clear that none of the concerns from the original 2014's zoning restrictions have come to pass. As stated, Cannabis has had no documented detrimental impact on Carson City, its economy or its plans for future growth. As the number of retail cannabis outlets was limited to 2 in 2014, it is consistent with the comments of the council that the zoning of 2014 should be expanded as they have recessed the appropriate number of cannabis outlets to also have expanded to 4.

As of October 2022, no properties meeting the criteria to operate a successful Retail Cannabis Store, could be located within the zoning currently allowed under Carson City Municipal Code Title 18. As the Board of Supervisors intends to have 4 operational retail cannabis stores, this petition amendment is an attempt to rectify the current lack of appropriate locations for a retail cannabis store. As Carson City divides its commercial space into General Commercial and Retail Commercial space, this amendment takes the logical progression of allowing additional retail cannabis stores to be zoned in retail commercial locations, similar to other jurisdictions across Nevada.

### Justification for Amendment

The Carson City Municipal Code (CCMC 18.02.075) sets out the required findings.

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

The proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan. We believe this amendment will provide the opportunity for the revitalization of areas of Carson City in need of development, and improve shared infrastructure, and security/safety elements. Additionally, it supports the masterplans goals of continued growth and success of Carson City and can assist with city finances by potentially providing additional tax revenue.

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.

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. Through our discussions with law enforcement and other stakeholders, we are confident this amendment will be in alignment with the health and welfare interests of the public, as well as surrounding businesses and property owners.

Following the Carson City Board of Supervisors meeting on September 15, 2022, with the adoption of Bill No. 118, Ordinance No. 2022-19, the number of permitted retail marijuana stores in Carson City has doubled. The Board of Supervisors took these actions after deep deliberation over the impacts marijuana has had in Carson City. It was found that marijuana has had a neutral or positive impact in the past and there was no perceived risk of future impacts with additional licenses. As The Board found marijuana to have no detrimental impact on Carson City and they then stated their intent to see the opening of two new retail marijuana store licenses in Carson City, it does not appear the Board of Supervisors' actions in 2014, which restricted cannabis to G/C zoning and the select Township ranges previously identified, continue to remain necessary or relevant today.

As Carson City divides its commercial space into G/C and R/C zoning the expansion of additional G/C locations would be of limited utility. This amendment seeks to keep the intent of the 2014 Board of Supervisors concerns, by leaving all previous zoning restrictions, while taking into account the actions taken by the Board of Supervisors at the September 15th, 2022 meeting, doubling the number of retail cannabis locations in Carson City, by also allowing additional zoning locations for the retail cannabis locations. It is felt this limited expansion within R/C will have no impact on the public

and surrounding property owners as R/C zonings use and appearance to the general public is seldom differentiated from the uses in G/C zoning.

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.

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. Through our discussions with law enforcement and other stakeholders, we are confident this amendment will be in alignment with the health and welfare interests of the public, as well as surrounding business and property owners.

#### Text of Amendment

Below is the amendment to Title 18.04.130, 18.04.135 and Title 18.05.150. Sections in bold blue italics are proposed for addition. Sections in bold italic red strikethrough are proposed for deletion.

#### **18.04.130 - Retail commercial (RC).**

The purpose of the RC District is to preserve a commercial district limited primarily to offices and retail sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some service uses which are compatible with the zone. All uses within the RC District shall be conducted within a building, and aside from display windows, be screened from view. Outdoor display and storage of autos, recreational vehicles, or mobilehomes in conjunction with an existing business with sales of autos, recreation vehicles and mobilehomes is allowed in accordance with [Division 2](#) of the Development Standards and provided the vehicles or mobilehomes do not encroach into City or State Right-of-Way without an approved encroachment permit and are screened from adjacent parcels. Temporary 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 to Title 18.02.115.8 (Outdoor Sales and Activities).

...

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

- Amusement Arcade
- Bar
- Bed and Breakfast Inn (only within the Historic District, and limited to Single Family 6000, Residential Office and Retail Commercial zoning districts, subject to the provisions of Title 18 Development Standards Division 1.7 Bed and Breakfast Inns)
- Building Materials (indoor only)
- Bus Passenger Depot
- Child Care Facility
- Community/Regional Commercial or Office Center
- Congregate Care Housing/Senior Citizen Home

- Facial Cosmetic Shading, Permanent
- Farmers Market
- Funeral Home, Mortuary
- Gaming (unlimited)
- Golf Course and Driving Range
- Hospital
- Hotel Residence
- Janitorial and Building Cleaning Service
- Kennel
- ***Medical Marijuana Dispensary or Marijuana Retail Store subject to the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.20 (Medical Marijuana Establishments and Marijuana Establishments), limited to those areas zoned Retail Commercial within Sections 29 through 32 of Township 15 N., Range 20 E., Section 20 of Township 15 N., Range 20 E., west of Roop Street (South Carson Street vicinity), within Sections 1, 2, 9, 10, 11 and 12 of Township 15 N., Range 20 E., Section 36 of Township 16 N., Range 20 E., east of the I-580 freeway (Highway 50 East vicinity), within Sections 5 and 6 of Township 15 N., Range 20 E. and Section 8 of Township 15 N., Range 20 E. north of Winnie Lane and west of Roop Street (North Carson vicinity);***
- Miniature Golf Course
- Mobilehome Park
- Municipal Well Facility
- Newspaper Print Office
- Permanent Outdoor Sales subject to Title 18.02.115.8 (Outdoor Sales and Activities)
- Personal Storage/Retail/Office Complex subject to Division 1 and 1.10 Personal Storage of the Development Standards
- Printer and/or Publisher
- Recreational Vehicle Park
- Schools, K-12, College, University or Vocational
- Single Family, Two-Family and Multi-Family Dwelling
- Skating Arena
- Storage containers (permanent) subject to Division 1 and 1.10 Personal Storage of the Development Standards
- Street Vendors are limited to the DT-MU and RC zoning districts, subject to Division 1 and 1.11 Street Vendors of the Development Standards
- Tattoo Parlor
- Tennis or Swimming Facility
- Trailer or Truck Rental
- Utility Substation
- Veterinary Clinic
- Youth Recreation Facility

### 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 pursuant to subsection 8 of CCMC 18.02.115, which establishes provisions relating to outdoor sales and activities.

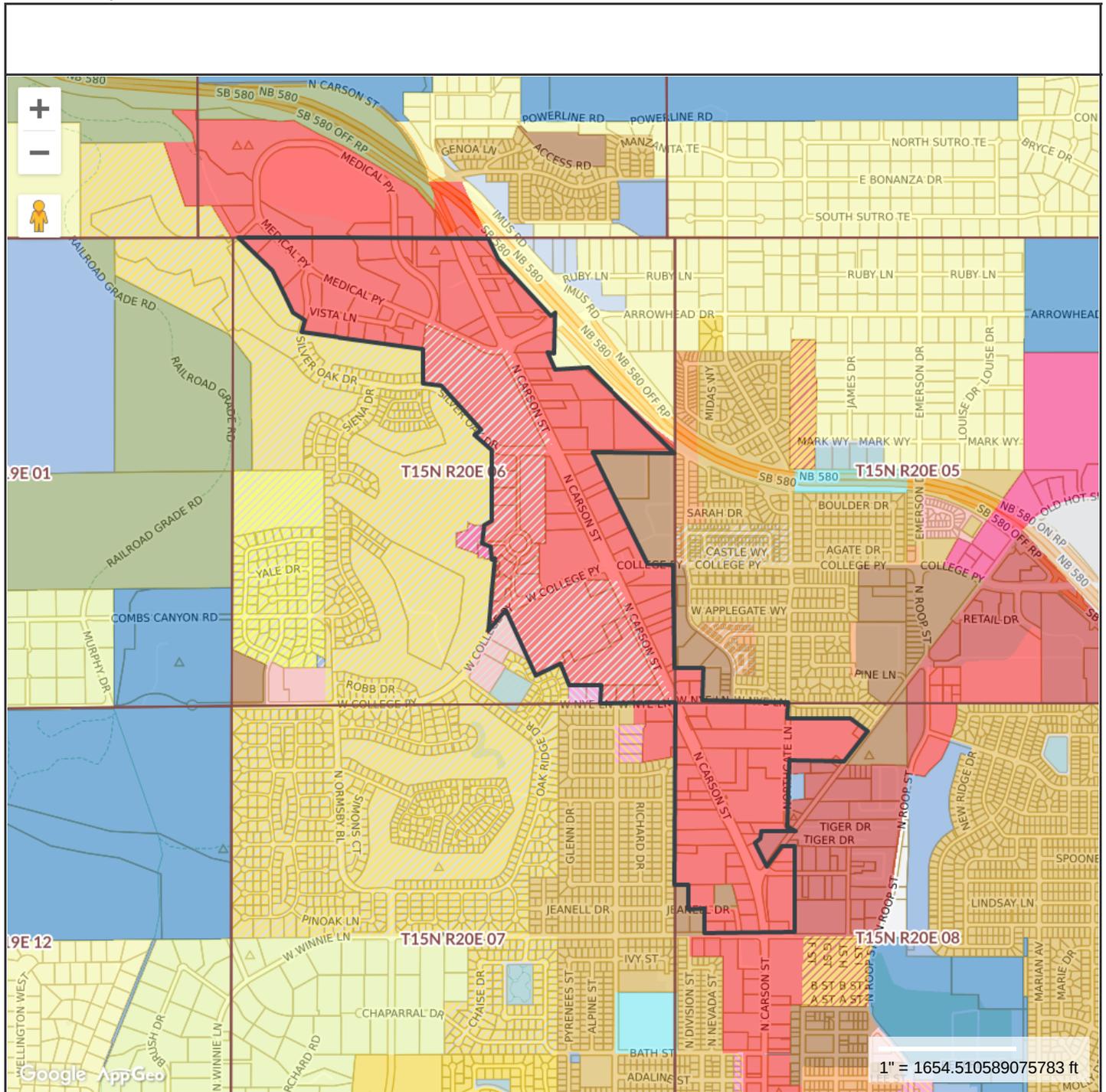
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3. The Conditional Uses in the GC District which require approval of a Special Use Permit are:

- 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 twelve thousand (12,000) square feet.
  - b) All outside storage containers or other similar enclosures shall be screened to public rights-of-way by a maintained one hundred percent (100%) sight obscuring fence or wall permanently installed and maintained at a minimum height of six (6) 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 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~~ and Section 20 of Township 15 N., Range 20 E. west of Roop 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), *within Sections 5 and 6 of Township 15 N., Range 20 E., and Section 8 of Township 15 N., Range 20 E. north of Winnie Lane and west of Roop Street (North Carson 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.



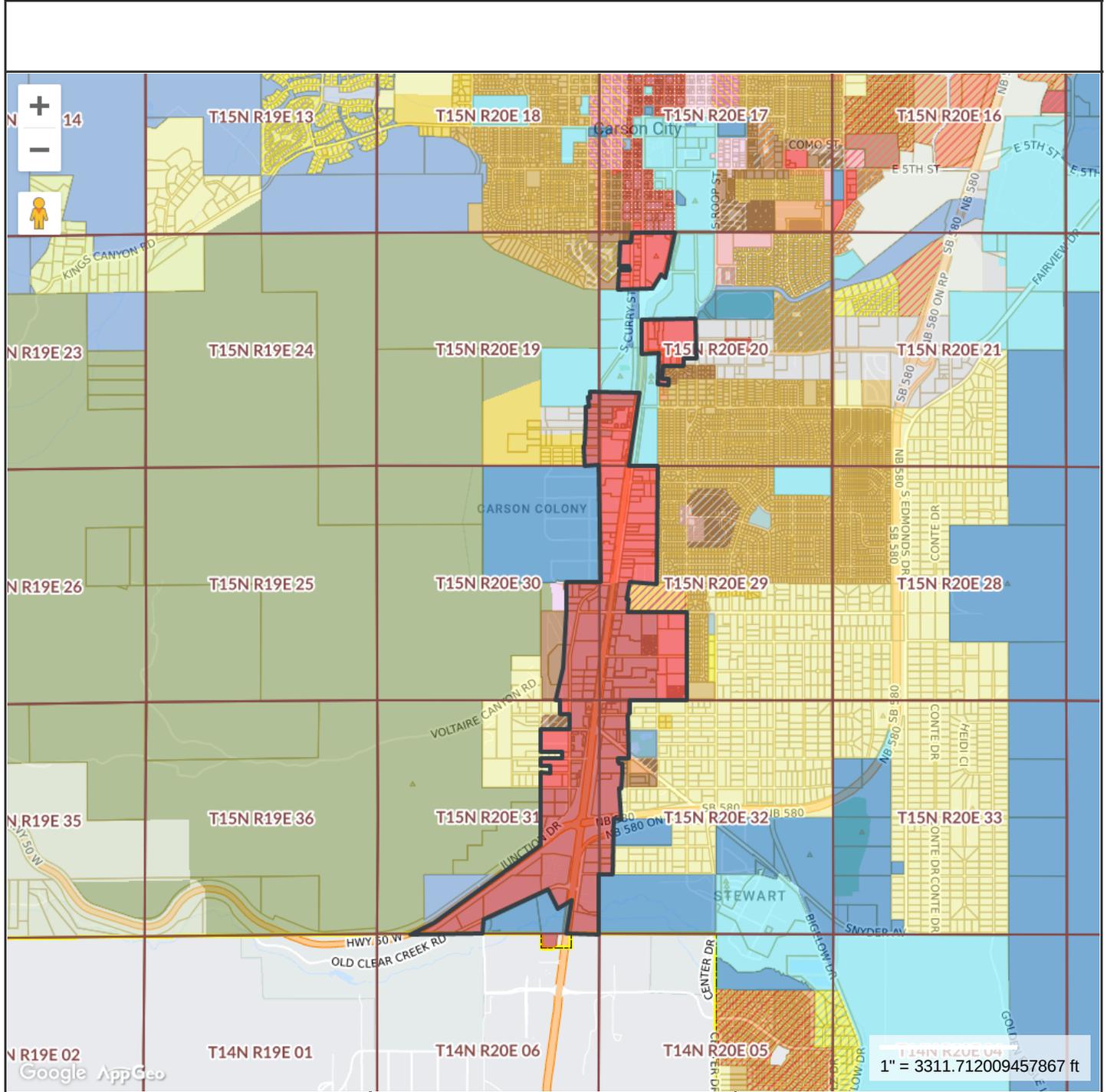
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# Silver State Government Relations



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October 27, 2022

Members of the Carson City Planning Commission,

Re: Correction to the record

During the October 26, 2022 meeting of the Carson City Planning Commission, I had stated a licensed retail cannabis establishment may not be located within 1,500-feet of an unrestricted gaming establishment. In conversations with attorneys subsequent to the meeting, it was suggested I may have misspoken and this restriction only applies in counties with a population of more than 100,000. Upon review of NRS 678B.250(3)(a)(2)(II):

“... if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board.”

In researching the legislative history of this section of this NRS, the population cap was placed in this section of law through AB 533 (2019).<sup>1</sup> During the conversations on this legislation, much concern had been expressed by the gaming community, in particular with regard to their relationship with federal law enforcement officers and the potential impacts of cannabis access on that relationship. In fact, the gaming community sought to strengthen and clarify this setback through amendments to AB 533 (2019) which did not include a population cap.<sup>2</sup> While an early iteration of the bill did not contain a population cap for jurisdictions where the 1,500-foot setback was applicable, the final bill passed by the Legislature and signed by the Governor did.

Other locational restrictions and setbacks exist state law pursuant to NRS 678B, which include:

- Property of an airport;
- Within 1,000 feet of a public or private school;
- Within 300 feet of a facility that provides day care to children;
- Within 300 feet of a public park;
- Within 300 feet of a playground;
- Within 300 feet of a public swimming pool;

<sup>1</sup> <https://www.leg.state.nv.us/Session/80th2019/Reports/history.cfm?DocumentType=1&BillNo=533>

<sup>2</sup> <https://www.leg.state.nv.us/Session/80th2019/Exhibits/Assembly/JUD/AJUD1254F.pdf>

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- Within 300 feet of a center or facility whose primary purpose is to provide recreational opportunities to children or adolescents, or
- Within 300 feet of a church, synagogue or other building, structure or place used for religious worship or other religious purpose.

None of the above restrictions require the same population cap as does the unrestricted gaming license. Indeed, through previous conversations with other local jurisdictions and licensees within those jurisdictions it was believed the 1,500-foot setback from a nonrestricted gaming establishment applied to all counties, similar to the above restrictions, and not only in Clark and Washoe Counties.

As I had previously informed our real estate team of 1500 zoning barrier around gaming properties as a current impediment, I do not feel my comments at the planning commission were less than the situation as we perceived it as that time. I hope this clarification helps the Planning Commission in your deliberation and I regret any confusion my comments may have caused.

Will Adler  
Principal  
Silver State Government Relations