

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

FILE NO.: SUP-15-027

AGENDA ITEM: F-6

STAFF AUTHOR: Susan Dorr Pansky, AICP
Planning Manager

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

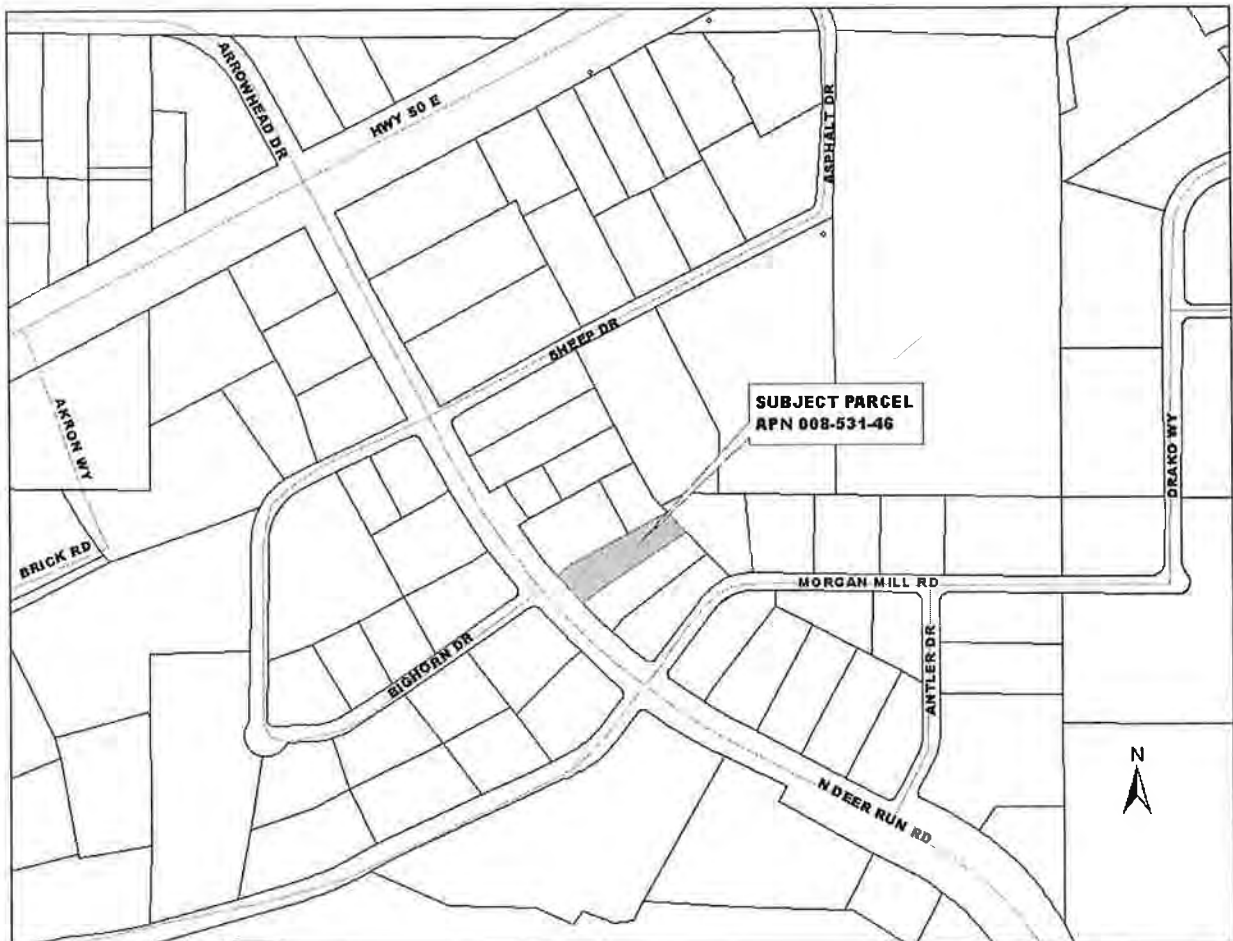
APPLICANT: BioNeva Innovations Carson City, LLC

OWNER: Desert Investment Capital Group, LLC

LOCATION: 2919 Deer Run Road

APN: 008-531-46

RECOMMENDED MOTION: “I move to approve SUP-15-027, a Special Use Permit request from BioNeva Innovations Carson City, LLC (property owner: Desert Investment Capital Group, LLC) to allow a Medical Marijuana Cultivation Facility on property zoned General Industrial, located at 2919 Deer Run Road, APN 008-531-46, based on the findings and subject to the conditions of approval contained in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

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

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

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

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

13. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any Building Permit application.
14. All projects and improvements must be performed in accordance with Nevada Revised Statutes (NRS) 623 and 624 and Carson City Municipal Code Section 15.05.020.
15. Repairs, replacements and alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code or 2012 International Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical Code, 2012 Fuel Gas Code, 2011 Electrical Code, and 2012 Northern Nevada Amendments.
16. All contractors are required to carry State and local licenses.
17. The project must comply with 2012 IFC and Northern Nevada Fire Amendments.
18. An emergency access easement must be recorded for the fire access road on APN 008-531-56.
19. Provide an AutoTurn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. The current drawing does not appear to be a wide enough radius for fire apparatus design. It should be designed to 30 feet inside radius and 50 feet outside radius.
20. If the gate shown on the fire access road in Item 3 will have electronic controllers, a Knox key switch must be provided.
21. A Knox box must be provided on the front and rear of the building at a location approved by CCFD.
22. Horn strobe notification devices will be required for waterflow notification per the Northern Nevada Amendments.
23. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
24. The facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18, Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).
25. After meeting with applicants and receiving further details on some of the processes, this facility may also be required to install a sampling manhole between the facility and the City sewer connection.

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

26. All effluent discharges from this facility must meet all Federal, State and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410.
27. If any bulk containers of chemicals, herbicides, fungicides and/or fertilizers are to be used as part of the cultivation and/or production processes, secondary containment will need to be provided for the chemicals per CCMC 12.06.248, and Appendix 18, Division 15.5.
28. Please provide Safety Data Sheets for all chemicals and/or fertilizers that will be used at this facility. This will be required at the Building Permit stage of the project as well as throughout the life of the use. Updated Safety Data Sheets shall be provided as chemicals and fertilizers are modified.
29. The Special Use Permit for this Medical Marijuana cultivation facility is only valid at the location specified in this application for the operator who obtains the Nevada State certificate for this facility. The Special Use Permit approval shall expire and become null and void if the operator loses or otherwise forfeits his or her State certificate to operate this facility. Special Use Permits for Medical Marijuana Establishments are non-transferable between operators and locations within Carson City.
30. All cultivation facility operations shall conform to NRS and NAC 453A and the Adopted Regulations of the Division of Public and Behavioral Health of the Department of Health and Human Services, LCB File No. R004-14, as may be modified from time to time.
31. Medical marijuana or medical marijuana-infused products intended for disposal shall be rendered unusable and disposed of off-site at the Carson City Landfill as medical material for immediate burial. Temporary exterior on-site storage of product for disposal shall be prohibited. This method of disposal is subject to change and may be modified by Carson City at any time.
32. No consumption of medical marijuana or medical marijuana-infused products shall occur on the premises of this cultivation facility, including the parking lot and surrounding area.
33. The sale of medical marijuana products to the general public from this facility is prohibited.
34. Outdoor display and sales of medical marijuana merchandise is prohibited.
35. Medical marijuana products shall not be visible from outside the cultivation facility at any time.
36. The applicant shall maintain a ventilation and filtration system at all times to prevent offensive odor discharge from the building that could impact the surrounding properties. Failure to maintain this system, as well as the detection of medical marijuana odors in the vicinity may result in citation and possible revocation of this Special Use Permit.
37. Any expansion or significant modification to the existing building beyond what is proposed under this Special Use Permit will require additional review and approval by the Planning Commission.

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

MASTER PLAN DESIGNATION: Industrial (I)

PRESENT ZONING: General Industrial (GI)

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

SURROUNDING ZONING AND LAND USE INFORMATION:

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

ENVIRONMENTAL INFORMATION:

- FLOOD ZONE: Zone X (areas of minimal flooding)
- EARTHQUAKE FAULT: Zone II
- SLOPE/DRAINAGE: Site has been previously developed and is being used as an outside storage area for the adjacent glass company. The topography is relatively flat.

SITE DEVELOPMENT INFORMATION:

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

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

- VARIANCES REQUESTED: None

PREVIOUS REVIEWS:

None

HISTORY:

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

subject to specific development standards.

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

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

DISCUSSION:

The applicant is proposing to operate a medical marijuana cultivation facility in a new 14,000 square foot building on Deer Run Road. Under a separate Special Use Permit application, the applicant also proposes to operate a medical marijuana production facility in the same new building. The cultivation facility will occupy approximately 9,878 square feet of the new building and the production facility will occupy approximately 3,868 square feet. The production facility will be heard on the same agenda as this item. The cultivation facility will grow medical marijuana for use in the applicant's medical marijuana production facility as well as for distribution to other medical marijuana production facilities and dispensaries in Nevada.

The cultivation facility will consist of a large vegetation room and a large cultivation room, a drying room and a shipping area. The applicant indicates that the cultivation process will be accomplished through hydroponics process that is outlined in detail in the information provided in the application package. The cultivation facility is proposed to employ six people.

The applicant estimates water usage for the cultivation facility to be 4,680 gallons per day, which is under the threshold of 7,500 gallons per day that would require Growth Management Review. The estimated sewer flow for the cultivation facility is approximately 972 gallons per day. The Engineering Division has reviewed the anticipated water and sewer usage for the facility and does not have objections to the proposed operation.

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

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

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

To mitigate concerns of medical marijuana odor from the facility, the application states that the applicant will use a closed growing environment that has zero exchange of indoor and outdoor air. A second control point will include carbon filtration systems throughout the building that will continuously scrub indoor air and reduce indoor odor, thereby decreasing the potential for outdoor odor in the local community. The applicant also intends to employ an on-call Community Outreach Coordinator that will work with the community to monitor odor issues and intends to work diligently to address issues that may arise. As is required by both the State of Nevada's application requirements and the Carson City Development Standards, staff has recommended a condition of approval that no odor may be detected outside the building. The applicant will be required to ensure that their ventilation system meets this requirement as a part of the Special Use Permit.

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

- Pursuant to Carson City Municipal Code, Section 18.04.150, General Industrial Conditional Uses, a Medical Marijuana Establishment requires the approval of a Special Use Permit subject to Carson City Development Standards, Section 1.20, Medical Marijuana Establishments.

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

1.20 Medical Marijuana Establishments.

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

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

Staff has recommended a condition of approval outlining these requirements.

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

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

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

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

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

Outside display and sales is not proposed with the cultivation facility. Staff has recommended a condition of approval to address this requirement.

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

Outside storage is not proposed with this cultivation facility.

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

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

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

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

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

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

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

- (1) Cultivation Facilities. One space per 1,000 square feet of gross floor area.

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

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

This item is not applicable to medical marijuana cultivation facilities.

- k. A MME shall not be located within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 or within 300 feet of a facility that provides day care to children, a public park, a playground, a public swimming pool, a center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents, that existed on the date on which the application for the proposed MME was submitted to the State Health Division, measured on a straight line from the nearest school or community facility property line to the front door or primary entrance of the MME.

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

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

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

Not applicable to medical marijuana cultivation facilities.

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

Not applicable to medical marijuana cultivation facilities.

- c. Drive-through service is prohibited.

Not applicable to medical marijuana cultivation facilities.

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

Not applicable to medical marijuana cultivation facilities.

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

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

Not applicable to medical marijuana cultivation facilities.

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

Not applicable to medical marijuana cultivation facilities.

Staff finds that the proposed cultivation facility meets the applicable development standards required. With the recommended conditions of approval and findings provided by the applicant, staff is in support of this Special Use Permit application. Staff recommends that the Planning Commission approve SUP-15-027 based on the required findings as noted on the following pages.

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

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

Building Division:

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

Fire Department:

1. The project must comply with 2012 IFC and Northern Nevada Fire Amendments.
2. An emergency access easement must be recorded for the fire access road on APN 008-531-56.
3. Provide an AutoTurn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. The current drawing does not appear to be a wide enough radius for fire apparatus design. It should be designed to 30 feet inside radius and 50 feet outside radius.
4. If the gate shown on the fire access road in Item 3 will have electronic controllers, a Knox key switch must be provided.
5. A Knox box must be provided on the front and rear of the building at a location approved by CCFD.
6. Horn strobe notification devices will be required for waterflow notification per the Northern Nevada Amendments.

Engineering Division:

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

Health and Human Services:

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

Environmental Control Authority:

1. All effluent discharges from this facility must meet all Federal, State and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410.
2. If any bulk containers of chemicals, herbicides, fungicides and/or fertilizers are to be used as part of the cultivation and/or production processes, secondary containment will need to be provided for the chemicals per CCMC 12.06.248, and Appendix 18, Division 15.5.
3. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
4. The facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18, Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).

5. After meeting with applicants and receiving further details on some of the processes, this facility may also be required to install a sampling manhole between the facility and the City sewer connection.

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

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

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

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

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

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

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

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

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

The proposed cultivation facility will be located in a newly constructed building that will house both cultivation and production facilities. It will be required to connect to city water and sewer, but is not anticipated to have a significant impact on these systems. The applicant estimates water usage of 5,400 gallons per day for the combined facility, with approximately 90 percent (4,860 gallons per day) being used for the cultivation process alone. In addition, the applicant estimates that the sewer discharge from the combined

facility will be approximately 1,080 gallons per day, with approximately 972 gallons per day coming from the cultivation facility. Storm drainage is not anticipated to be dramatically impacted, but the Engineering Division has recommended a condition of approval that a Technical Drainage Study be required as a part of the Building Permit submittal for the new building.

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

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

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

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

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

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

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

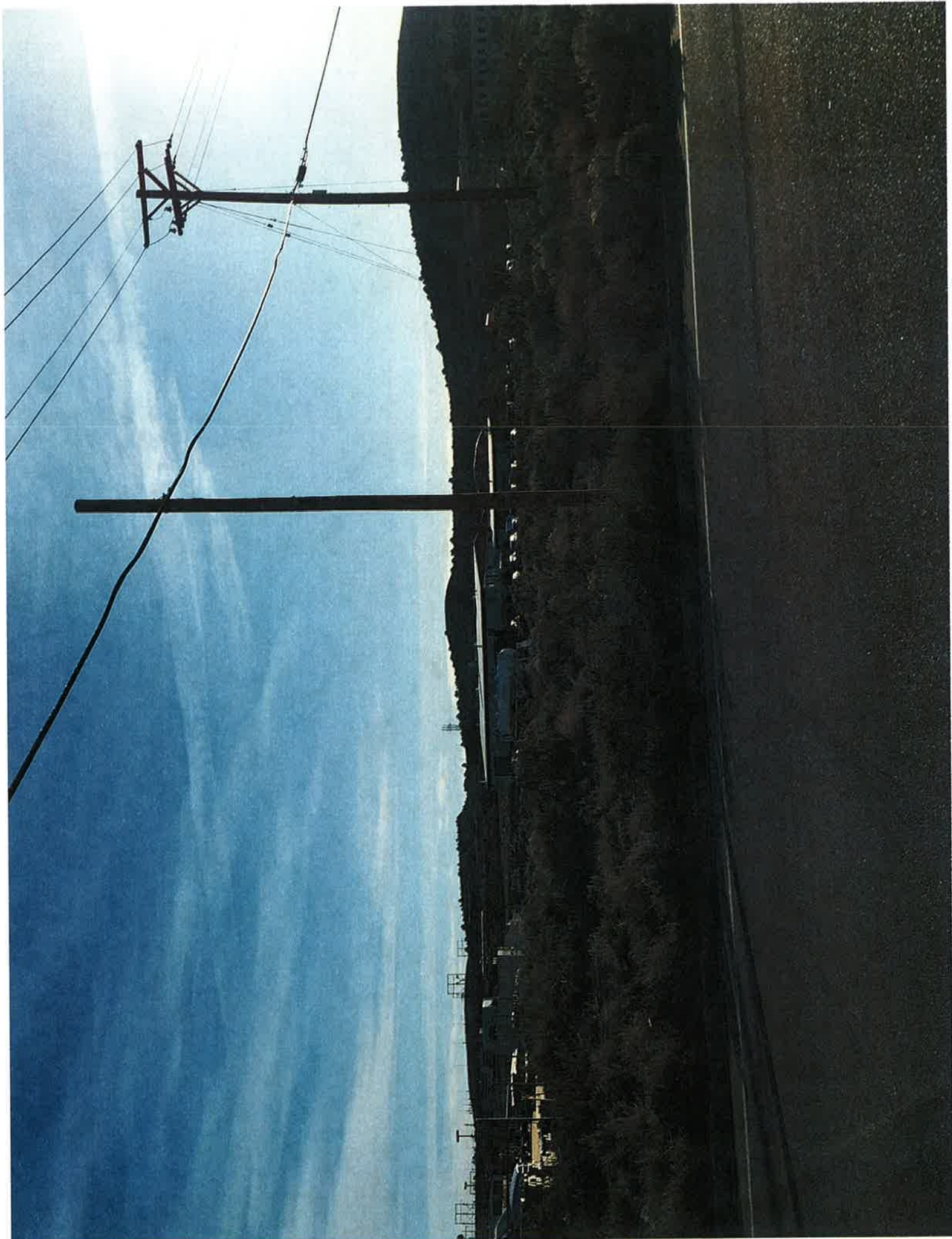
Attachments:

Site Photos
Zoning Letter
Building Division Comments
Fire Department Comments
Engineering Division Comments
Health and Human Services Comments
Environmental Control Division Comments
Application (SUP-15-027)











Carson City Planning Division

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Carson City, Nevada 89701
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planning@carson.org
www.carson.org/planning

August 6, 2014

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

ZONING CERTIFICATE

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

Dear Mr. Turner:

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

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

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

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

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

to make the final determination on the classification of this facility as a part of their certificate selection process. However, based on staff's review of the preliminary site plan provided, the proposed Cultivation Facility meets the setback requirement of 300 feet regardless.

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

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

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

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

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

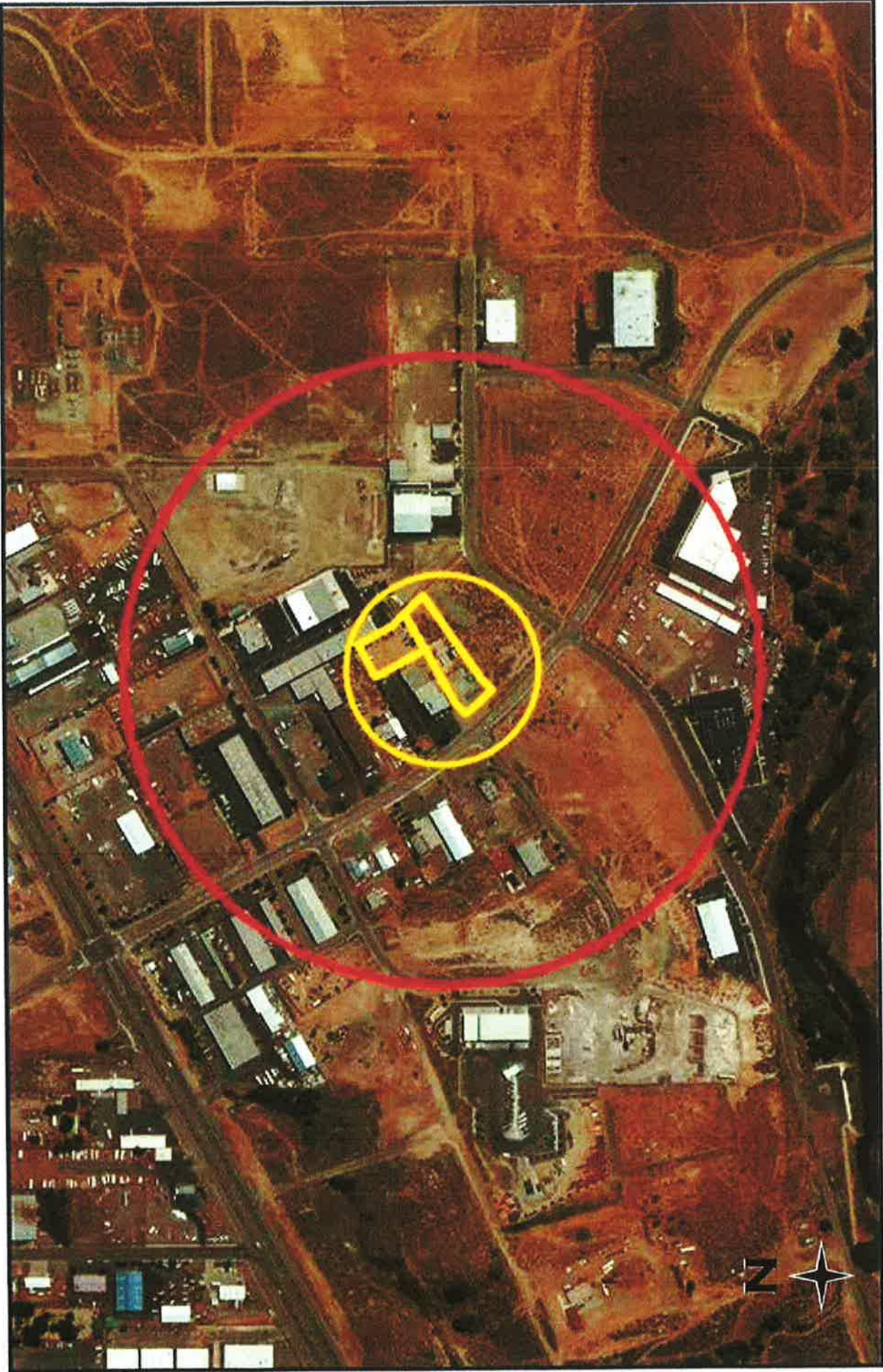
If you have any questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,
Community Development Department, Planning Division



Susan Dorr Pansky, AICP
Planning Manager

Attachment - Setback Map

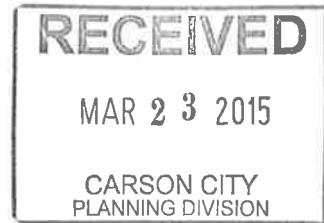


2951 N. Deer Run Rd., APNs 008-531-46 and 008-531-56

Red Circle = 1,000 foot Setback from Schools

Yellow Circle = 300 foot Setback from Community Facilities

March 23, 2015



SUP-15-027:

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

Thanks.

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

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

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

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Susan Dorr Pansky

From: Dave Ruben
Sent: Thursday, April 02, 2015 11:08 AM
To: Susan Dorr Pansky
Subject: SUP 15-027 2919 Deer Run Rd Cultivation

SUP 15-027 comments:

1. Project must comply with 2012 IFC and Northern Nevada Fire Amendments.
2. Record an emergency access easement for the fire access road on APN 008-531-56.
3. Provide autoturn exhibit showing the left hand turn from the fire access road on APN 008-531-46 onto the fire access road on APN 008-531-56. Current drawing does not appear to be a wide enough radius for fire apparatus design. Should be designed to 30' inside radius and 50' outside radius.
4. If gate shown on fire access road in item 3 will have electronic controllers, a Knox key switch must be provided.
5. A Knox box must be provided on the front and rear of the building at a location approved by CCFD.
6. Horn strobe notification devices will be required for waterflow notification per Northern Nevada Amendments.

Dave Ruben

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

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

**Engineering Division
Planning Commission Report
File Number SUP 15-027**

TO: Planning Commission

FROM: Rory Hogen, E.I.

DATE: March 30, 2015

MEETING DATE: April 29, 2015

SUBJECT TITLE:

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

RECOMMENDATION:

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

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

DISCUSSION:

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

CCMC 18.02.080 (2a) - Adequate Plans

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

CCMC 18.02.080 (5a) - Master Plan

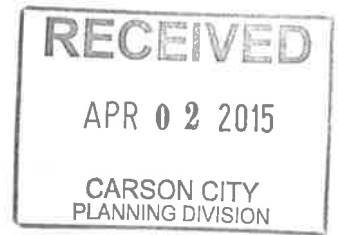
The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will not affect traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

Existing facilities appear to be adequate for this project.



April 2, 2015

Carson City Health and Human Services

SUP 15-027

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

Dustin Boothe, MPH, REHS
Carson City Health and Human Services
900 E. Long St.
Carson City, NV 89706
(775) 887-2190 ext. 7220

April 1, 2015

Major Project Review Committee

Re: # SUP 15-027

Dear Susan,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP 15-027 @ 2919 Deer Run Rd. Cultivation Facility located at 5250 Hwy 50 East project:

1. All effluent discharges from this facility must meet all Federal, State, and local waste water discharge limits. Ref 40 CFR 403, and CCMC 12.06.410
2. If any bulk containers of chemicals, herbicides, fungicides, and or fertilizers are to be used as part of the cultivation and or production processes secondary containment will need to be provided for these chemicals per CCMC 12.06.248, and Appendix 18 Division 15.5
3. Please provide Safety Data Sheets for all chemicals or fertilizers that will be used at this facility.
4. Facility will need to meet all other applicable codes found in Title 12.06 and Appendix 18 Division 15 of the Carson City Municipal Code (CCMC) and all applicable codes found in the 2012 Uniform Plumbing Code (UPC).
5. After meeting with applicants and receiving further details on some of the processes this facility may also be required to install a sampling manhole between facility and City Sewer connection.

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

Sincerely;

Mark Irwin
Environmental Control Officer 3

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

Kathe Green

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

Dear Planning Commissioners,

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

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

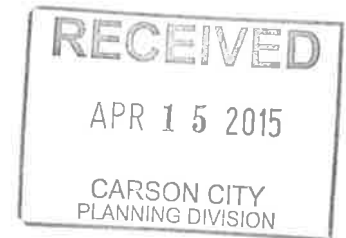
The cultivation and use of marijuana remains a violation of federal law. It appears to me a snub of the U.S. Government agencies which have located at this industrial park to permit a nearby use which is entirely contradictory to federal law. There are visitors to both these facilities by Washington,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

Martin M Eisenberg

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

650 638 2373

<mailto:martinmeisenberg@gmail.com>



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

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

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

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

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

1. We are concerned about the type of security measures needed and planned, and the types of activities that will be performed at the proposed site.
2. Any increase in foot or vehicle traffic from the general public in an industrial area is a concern to our operation. Increased traffic leads to an increase in potential criminal activities, potential safety concerns involving truck traffic and any "perceived" exposure risks to people unfamiliar with smells, noises, storage, and operating hours of manufacturing facilities. Members of the general public (non-employees) walking around this area are a concern to us.
3. We selected this business location more than 20 years ago because this location was on the farthest edge of the G1 zoned industrial area and adjacent to BLM land. Our purpose and desire 20 years ago remains the same today: we specifically want to stay away from the general public.

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

FOR OFFICE USE ONLY:
 CCMC 18.02

FILE # SUP - 15 -

SPECIAL USE PERMIT

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

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

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

EMAIL ADDRESS
 dan@capitalglassnv.com

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

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

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

EMAIL ADDRESS
 greg@capitalglassnv.com

Application Reviewed and Received By:

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

Submittal Deadline: See attached PC application submittal schedule.

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

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.

EMAIL ADDRESS
 rob.lauder@rl-engr.com

| | | |
|--|--------------------------------------|-------------------|
| Project's Assessor Parcel Number(s): 08-531-046 | Street Address 2919 Deer Run Road | ZIP Code 89706 |
|--|--------------------------------------|-------------------|

| | | |
|---|--------------------------------|---|
| Project's Master Plan Designation Industrial | Project's Current Zoning GI | Nearest Major Cross Street(s) Morgan Mill Road |
|---|--------------------------------|---|

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

Medical marijuana establishment for cultivation.

PROPERTY OWNER'S AFFIDAVIT

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

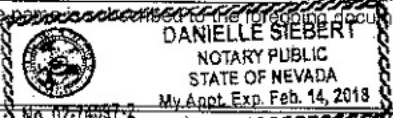
Signature: [Signature] Address: 2951 N. Deer Run Rd Date: 3/17/15

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

STATE OF NEVADA
 COUNTY Washoe

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

Notary Public: Danielle Siebert



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

SPECIAL USE PERMIT APPLICATION

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

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| 4 | APPLICANT ACKNOWLEDGMENT | 9 |

SECTION 2 - PROJECT DESCRIPTION

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

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

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

The project will include the following improvements:

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

SECTION 3 - QUESTIONNAIRE AND RESPONSES

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

Explanation A:

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

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

Chapter 4: Equitable Distribution of Recreational Opportunities

- I. The proposed use neither provides, not removes, opportunities to expand parks and recreation opportunities in accordance with Goal 4.1b.

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

Chapter 5: Economic Vitality

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

Chapter 6: Livable Neighborhoods and Activity Centers

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

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

Chapter 7: A Connected City

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

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

Explanation A:

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

Explanation B:

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

Explanation C:

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

Explanation D:

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

Explanation E:

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

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

Explanation A:

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

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

Explanation B:

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

Explanation C:

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

Explanation D:

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

Explanation E:

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

Explanation F:

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

Explanation G:

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

Explanation H:

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

Explanation I:

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

ACKNOWLEDGMENT OF APPLICANT

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

Daniel Larkin - Daniel Larkin
Applicant

3/17/15
Date

Marc B. Turner Marc B. Turner
Applicant

3/17/2015
Date

**ADDENDUM NO. 1
SPECIAL USE PERMIT APPLICATION**

APPLICATION: SUP-15-027 – Medical Marijuana Cultivation Facility

APPLICANT: BioNeva Innovations Carson City

APPLICANT’S REPRESENTATIVE: RL Engineering

OWNER: Desert Investment Group LLC

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

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

1. General cultivation process overview:

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

Cultivation

Once developed, the site will offer a safe and secure facility for the production of high-quality *Cannabis* medicines. The facility will be designed to complement and in many cases improve the surrounding neighborhood. The design considers all essential planning elements, including parking and traffic control, ADA access, ambient lighting, signage, security, and air and water quality.

BioNeva plans to streamline the plant production process so that it is entirely self-sustained and does not rely on bringing in outside plants. Our objective is to re-create nature in an indoor environment and enforce a low-waste policy by using organic, reusable gardening systems and methods.

The basic components of our cultivation process are as follows. A flowchart of the process is included as Figure 1 (see next page).

a. Obtaining Initial Strains

BioNeva will work with sources within the state of Nevada to secure our initial strain offerings. A variety of strains will be selected for cultivation based on a number of factors, including medicinal applications, growing characteristics, yield, taste and smell, and perceived marketability. Strains will be obtained both as seeds and as cuttings (clones) from existing stocks of female *Cannabis* plants.

BioNeva’s Director of Operations for Cultivation is experienced in strain selection and development. In fact, the 2012 High Times Cannabis Cup for Best Sativa was awarded to one of

his signature strains, Premium Jack. BioNeva is excited to bring that level of expertise to the Nevada project.



Figure 1 - Flowchart of the Cultivation Process

b. Propagation and Vegetative Growth

Seedlings and/or cuttings (clones) obtained above will first need to be propagated into multiple plants to fill the cultivation area of the proposed facility. To achieve this, select seedlings and cuttings will be grown vegetatively and additional cuttings will be taken from the new growth shoots. Cuttings, or areas of new growth on a mature female plant, are cut and then planted to make new plants. This vegetative reproduction process, commonly referred to as ‘cloning,’ allows for large-scale propagation of a genetically identical plant. This process will be repeated until there is sufficient inventory to fill the subsequent cultivation areas of the proposed facility.

Healthy, rooted cuttings are placed into a designated area of the vegetation room where they will grow into full-sized plants under a vegetative lighting cycle. Since a plant usually will grow an extra few inches during the flowering process, the optimal size for a vegetative plant is between 2-3 feet, depending on the medicinal variety. Seedlings, cuttings, and vegetative plants will be sampled regularly and tested for microbiological contamination and general plant health. Seedlings, cuttings, and vegetative plants that pass the Quality Assurance (QA) tests and show healthy root growth will move along the cultivation process. Those that do not pass the QA test will be disposed of.

c. Flowering

The flowering (blooming) portion of the proposed facility is arguably the most important. Plants are exposed to twelve hours of light and twelve hours of darkness in these rooms to induce flower production. All environmental aspects of the flowering rooms are tightly controlled to ensure vigorous growth and to prevent contamination.

Once the plants are placed into the flowering rooms, the lighting cycle is changed from the vegetative lighting cycle to the flowering lighting schedule, or twelve hours of light and twelve hours of darkness, to induce flowering. The flowering cycle of each strain will range typically from fifty-two days to seventy-two days.

Flowering plants will be sampled regularly and analyzed by visual inspection and microbiological screening for general plant health. Plants will randomly undergo chemical screening to verify the absence or presence of pesticides. Plants that do not pass these QA tests will be disposed of.

Proper nutrient intake is critical during the flowering stage of plant growth. As the plants begin to produce flowers, they will be closely monitored for general plant health. Nutrient feeding schedules will be adjusted as needed. BioNeva has developed a highly integrated nutrient regimen that is designed for optimally growing flowering plants. Plants need different variations of organic nutrients according to the amount of time they have spent flowering. For example, all plants need more phosphorus during flowering and generally require less nitrogen. Gradually throughout the flowering process, the phosphorus of the nutrient mix is adjusted significantly to meet those specific needs.

Once the plants begin to mature during the last four weeks of flowering, they will start forming resin glands on the flowers. These resin glands are where the vast majority of the cannabinoids (e.g., THC and CBD) are found. During the last two weeks of flowering, any excess nutrients will be flushed out of the growing system. If nutrients are not flushed, the resulting finished products can be harsh and cause discomfort to the lungs when inhaled.

BioNeva will rely on a calendar tracking system to determine when plants are ready to harvest. Visual indicators will also be taken to determine when to harvest. For example, when the white hairs on the plants begin turning color, it is an indicator that the plant is done flowering and is ready for harvest. If the plants are not harvested in a timely manner, they can begin to deteriorate, so precise timing is essential. When the plants have completed the flowering process, they are ready to be harvested and dried.

d. Harvesting and Drying

Once a plant has completed its flowering cycle, it is ready to be harvested, or cut and hang dried. The harvesting area of the facility is a temperature-controlled room with minimal humidity and adequate air circulation. It is important that the finished plants are not dried too quickly, as this can affect the final product's smell and taste. Similarly the plants should not dry too slowly, as this can attract mildew and mold.

During harvesting, the finished plants are cut at their main branch and hung upside down on racks to dry out excess water weight. Each plant is placed at least 4 feet above the ground and

spaced a few inches apart to allow for adequate airflow. The total drying process takes approximately one to two weeks before the *Cannabis* flowers are ready to be trimmed. When the plants' *Cannabis* flowers are dry and crisp, the plants are ready to be trimmed and manicured.

Harvested plants will be sampled regularly and analyzed by visual inspection, moisture analysis, microbiological screening, and chemical screening. Harvested plants that do not pass quality specifications will either be disposed of or sent to extraction. Harvested plants that pass quality specifications will be trimmed, manicured, and packaged.

e. Trimming and Manicuring

After the harvested plants are fully dried, they are ready for trimming and manicuring. The trimming area of the facility is a large, sterile room filled with ample lighting, tables, and chairs. Cleanliness and general hygiene standards are of the utmost importance during the trimming process. All surfaces and utensils must be cleaned regularly; all employees will wear gloves, masks, and hairnets.

During trimming, the harvested plant is trimmed of any remaining plant matter (leaves, stems, etc.). Much of the removed plant matter is useful for extractions since it has a suitable cannabinoid level.

Trimming will be performed by both automated machines and by trained professionals with hand instruments. Automated machines are helpful for initial trimming and can save time when handling large plant volumes. Hand instruments are still necessary for manicuring the highest-grade products.

The dried and trimmed flowers will be sampled regularly and analyzed by visual inspection, microbiological screening, chemical screening, moisture analysis, and cannabinoid profiling. Trimmed flowers that meet quality specifications are ready for packaging and labeling. Trimmed flowers that fail quality specifications are sent either to extractions or are disposed of. The trimming room will also be inspected regularly and swabbed for environmental testing to ensure cleanliness.

f. Quality Assurance

All final trimmed and manicured *Cannabis* flowers will be subject to the strict Quality Assurance and Product Safety standards. Flowers will be tested for potency and contaminants and either packaged for wholesale distribution to a state-licensed retail establishment or distributed to a state-licensed medical marijuana establishment for the production of edibles and infused-products. Any remaining plant material will be disposed of.

2. Cultivation vs. production areas - see attached floor plan.
3. Landscape areas - see attached revised plan.
4. Block - the exterior walls will be a combination of smooth and split-face CMU. Complementary earth-tone colors will be selected.
5. Estimated water use for the production facility is 540 gpd (10% of total facility flow of 5400 gpd). Estimated wastewater discharge flow for the production facility is 108 gpd (10% of total facility flow of 1080 gpd).
6. The estimated number of employees for the cultivation component of the facility will be 6.

7. The proposed hours of operation are 7 days per week: M-F 9:00 a.m. to 5:00 p.m., Sat-Sun 10 a.m. to 2:00 p.m.
8. Cultivation employee traffic is estimated at 24 trips per day (6 employees times 4 trips). Truck delivery and shipment trips is estimated to be 8 per week (4 trucks in and out) for cultivation and production combined.
9. Security measures are outlined below:

- a. Fire Safety

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

- b. Security

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

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

10. See No. 1 above for an explanation of the process and the chemicals to be used. No CO₂ is used in cultivation.

Pesticide Use

- Pesticides used in cultivation operations must be one of the following:

- Approved for use on *Cannabis* by the US EPA;
- Identified by the US EPA as exempt;
- Permitted for use on *Cannabis* in other countries as long as the pesticide is also permitted for application to one or more food crops by the US EPA.
- Personnel must follow the manufacturer's application and storage recommendations, and disposal recommendations for the pesticide product.
- Personnel must follow the EPA Worker Protection standards and/or manufacturer's printed instructions when preparing and applying pesticides.
- Personnel must comply with the pesticide manufacturer's published re-entry interval time periods when applying pesticides.

BioNeva has an integrated pest management strategy to minimize the risk of pests in our cultivation facility. A detailed description of our policies was given in our State application.

11. Ventilation measures: The cultivation facility will be a "closed system" with little (less than 10%) to no air exchange with the outside. Carbon filters will be located throughout the ventilation system to manage odor.

Odor

BioNeva is committed to minimizing odor from our proposed facility. We have made significant design considerations to this end. First, our cultivation operation will utilize a closed growing environment that has zero exchange of indoor and outdoor air. Though it is nearly impossible to have a 100% airtight seal in our building and our complex HVAC systems, as a second control point, the facility will have carbon filtration systems throughout that will continuously scrub the indoor air and reduce indoor odor, thereby decreasing the potential for outdoor odor in the local community. Our on-call Community Outreach Coordinator will work with the community to monitor odor issues, and we will work diligently to address any issues that may arise.

12. At this time there is no intention to provide signage other than building numbering as required by the fire code.
13. 20 copies of the original submittal, this addendum, and attachments have been provided.
14. A CD with plans, reports and addendum is provided.
15. A check in the amount of \$2,450.00 for the Special Use Permit application fee has been provided.

PROJECT IMPACT REPORT

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

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| ATTACHMENT "A" - FIRMETTE OF SITE | | 4 |

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

TRAFFIC

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

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

DRAINAGE

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

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

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

WATER

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

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

FIRE PROTECTION

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

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

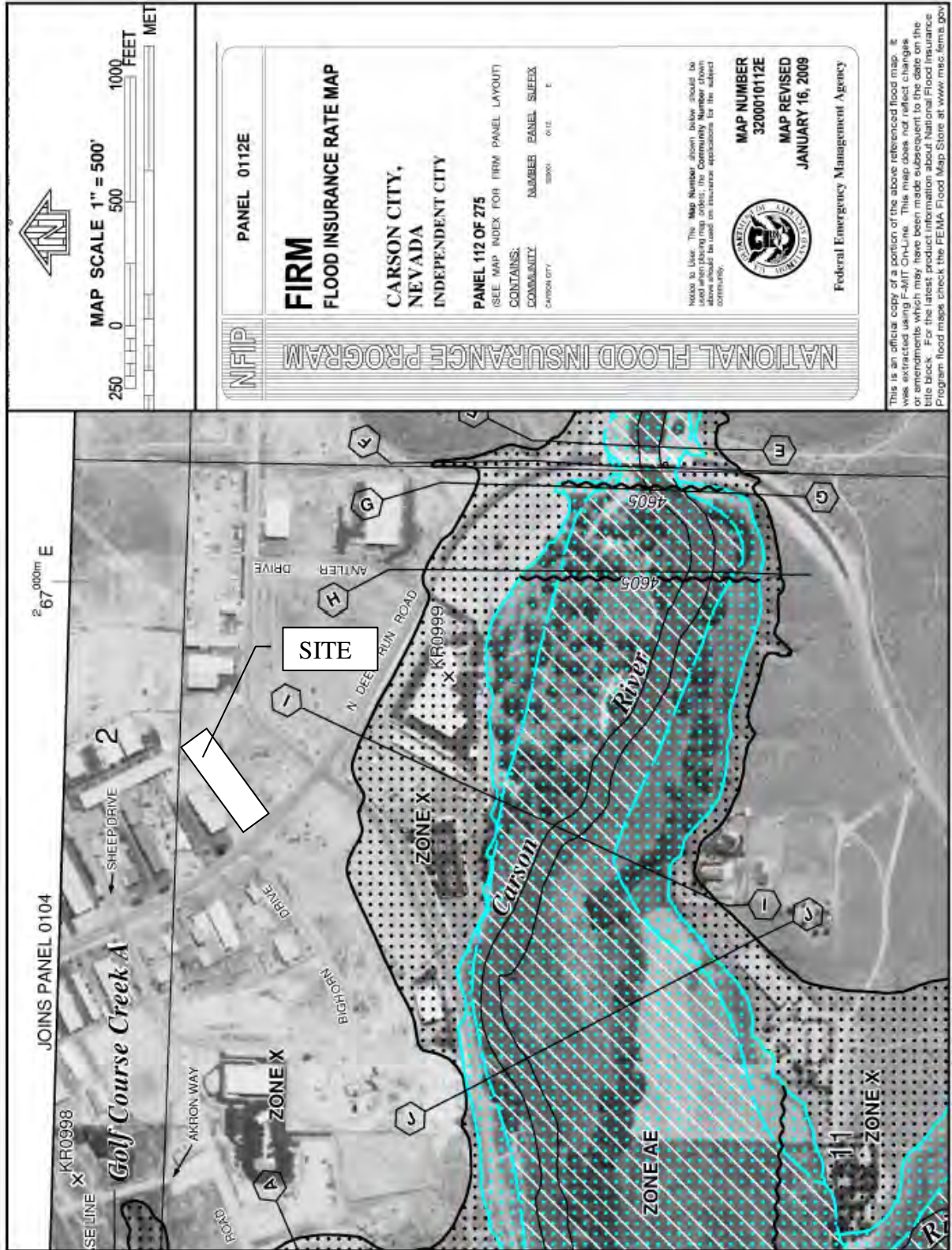
SANITARY SEWER

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

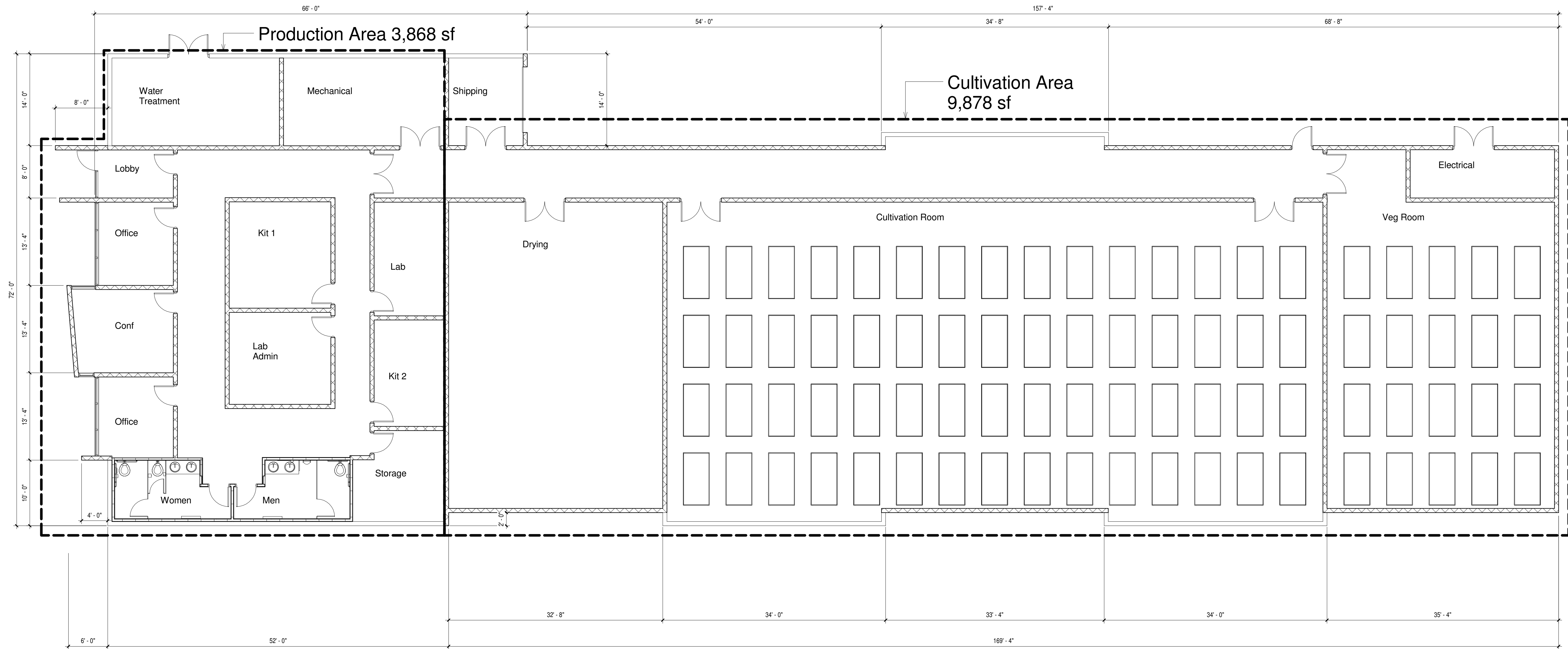
Wastewater flow from the hydroponic system was conservatively estimated at 20% of water use, or 1,080 gallons per day (gpd). Wastewater from the bathrooms will be comparatively nominal and negligible.

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

ATTACHMENT "A"



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



| Rev# | Rev Date | Revision Description |
|------|----------|----------------------|
| | | |

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

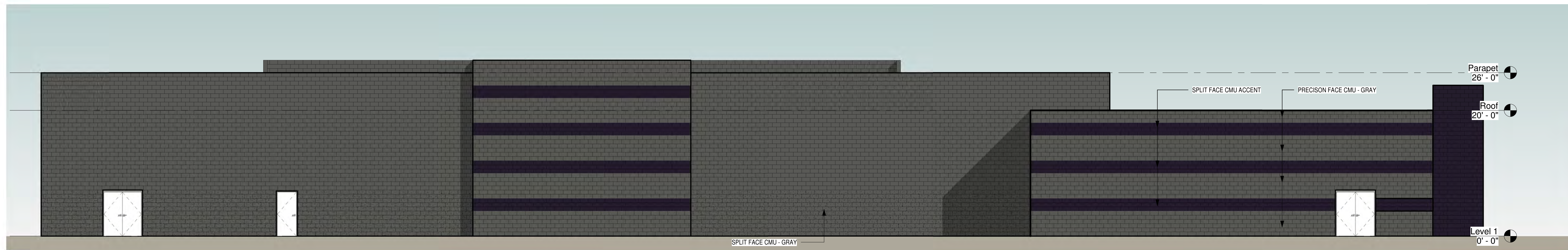
For Permit
 3/26/2015 2:44:30 PM

drawing title
 Level 1 Floor Plan

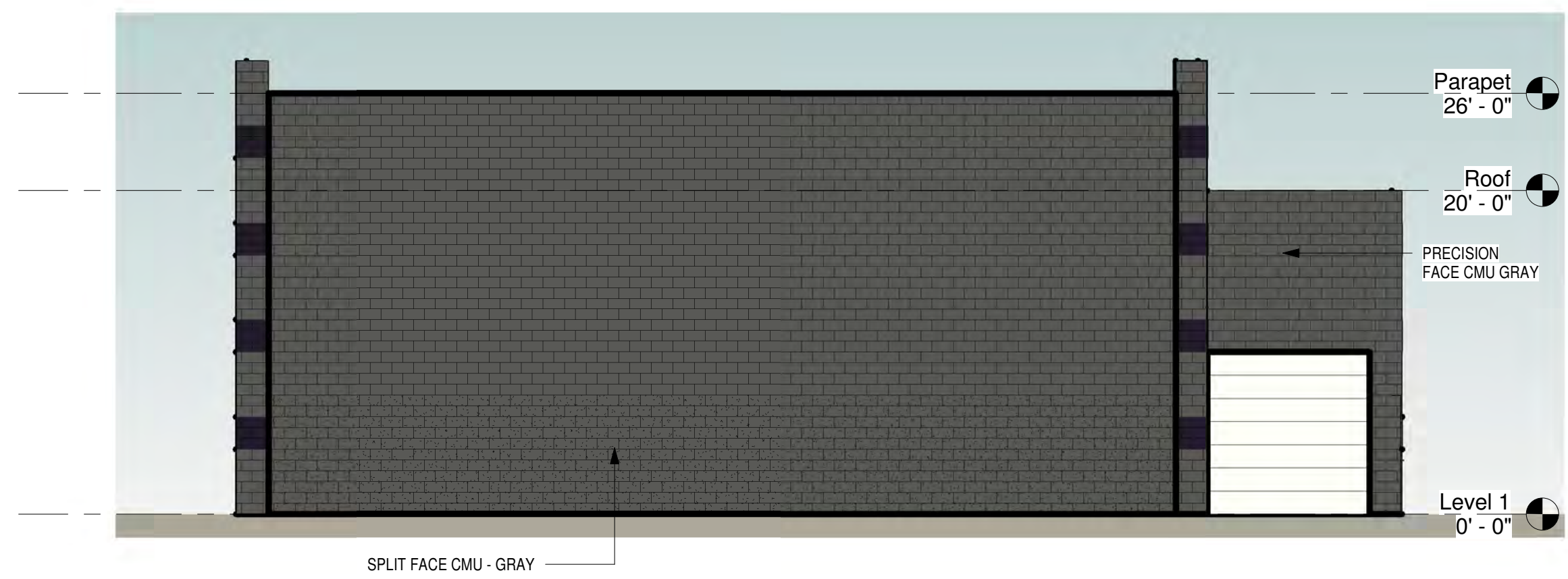
job number
 15-04

date
 03-15-2015

drawing number
A1.1



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



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



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



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

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

| Rev# | Rev Date | Revision Description |
|------|----------|----------------------|
| | | |

FRAME
ARCHITECTURE
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 8985 Double Diamond Parkway
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 Reno, NV 89521
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For Permit
 3/27/2015 9:38:33 AM

drawing title

Building Elevations

job number
 15-04

date
 03-15-2015

drawing number

A2.1