

LATE MATERIAL

Meeting Date: 08/03/17

Item #: 15a

July 30, 2017

To:

Carson City Mayor and Board of Supervisors

From:

Kevin and Fran Hull

2566 Kelvin Rd, Carson City, NV 89706

RE: Public Comment on Title 18 Zoning Code Amendments

Marijuana Establishments and Ordinance Changes; ZCA-17-100

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JUL 31 2017

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We are long-time Carson City residents and value our semi-rural lifestyle here.

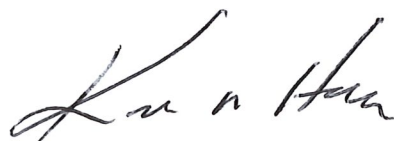
We have read the documents prepared by the Planning Department, read public comment letters and attended the recent Planning Commission Meeting to hear additional public comment.

We Adamantly Oppose the inclusion of any Marijuana Establishment or Industry in Carson City and:

- Recommend that the Board respect and support Carson City's NO vote on Question 2 from November 2016;
- Recommend the Board apply the Ordinance to Prohibit RME's Alternative on the Planning Decision Tree; (drug use is Not a "recreational" activity)
- Recommend that the stricter use standards effective to the GI Airport region be applied to all of Carson City for as long as Marijuana is Prohibited by Federal Law;
- Carson City should not rush to permit or authorize additional Marijuana business ventures until the physical, fiscal and social impacts of these ventures are fully explored.

Rather than repeat the well-stated issues and facts written by our neighbors and other Carson City citizens, we support and echo their concerns and opposition. Their research raises numerous questions that should be answered prior to jeopardizing Carson City's Quality of Life emphasis.

Respectfully,



Fran Hull

July 30, 2017

Vicki Van Pelt
1128 Gambrel Drive
Carson City, NV 89701
vanpeltv1@outlook.com
July 31, 2017

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Board of Supervisors
City Hall
Carson City

HAND DELIVERED

Dear Supervisors:

I am writing this letter with respect to item 15A on the agenda for the Board of Supervisors meeting to be held on August 3. The item is the first reading of amendments to CCMC Title 18 (Zoning) to allow for the establishment of various types of structures relating to recreational marijuana.

I attended the Planning Commission meeting last week where, in the spirit of compromise after much public input, the Commission amended its recommendation to the Board to specify that marijuana distribution facilities be a *conditional* use of property zoned Limited Industrial. Prior to the amendment marijuana distribution facilities had been permitted use of Limited Industrial land. I'm pleased to see on the agenda for the August 3 meeting that it is the amended change that the Board of Supervisors will be reading.

Please be aware that from my perspective the best scenario would be for Carson City to opt out of the recreational marijuana business at this time. Legalized recreational use of marijuana is a fairly new phenomenon in this country and is, in fact, prohibited by federal law. It seems to me that we can afford to wait for a few years, while recreational marijuana will be available in the rural areas of the state, to assess the effects of marijuana availability, before we commit the state capital to such a change.

If, however, the Board determines to go ahead with the changes to the ordinance, I would urge that distribution centers for recreational *not* be allowed under any circumstances in Limited Industrial areas. All of the other types of facilities associated with recreational marijuana are confined to General Commercial or General Industrial areas, and are permitted only conditionally.

Finally, if the Board determines to go ahead with the changes to the ordinance, and further concludes that Limited Industrial zoned areas are appropriate for recreational marijuana distribution centers, then I would urge the Board to make that use *conditional* upon the issuance of a special use permit, as stated in the proposed ordinance.

Sincerely,



Vicki Van Pelt



Dear Board of Supervisors, Members and Planning Division:

If someone would have told me that I would be fighting for my rights as a home owner, trying to have a voice in having a marijuana establishment attached to my back yard, I would not have believed it. If I would have known my home was in jeopardy of having a marijuana establishment in my neighborhood and community and now I have to 'deal with it,' I wouldn't have believed it. But here I am writing and fighting for my rights as a home owner to have the Board of Supervisors strike the Limited Industrial zoning areas out of ZCA-17-100, allowing Marijuana establishments, including, but not limited to: marijuana dispensaries, marijuana cultivation establishments, product manufacturing establishments and testing laboratories, that will be located yards away (sometimes only feet) from homes, neighborhoods and communities. I am further asking the Board of Supervisors to not allow further expansion for SUP-17-082.

Approving the Limited Industrial areas affects ALL of Carson City. It stretches from Highway 50 to Highway 395. It literally stretches throughout the whole city from North to South, East to West.

While I fully understand that there is already a marijuana cultivating, production, dispensary establishment in the Limited Industrial area, I propose to allow those to stay as grandfathered in, as is, and no future marijuana establishments be allowed in the Limited Industrial areas.

Before attending the public meeting I researched and researched, trying to find ANY article ANY where a marijuana establishment came in and how wonderful it has been for the community and neighborhoods. How the marijuana establishments are an asset to the neighborhoods, how the property values have increased, how the crime has gone down, where there are no nuisances and quality of life remains the same. I have not read, through researching, how all these great things were happening to the neighborhoods and communities because of marijuana establishments. I could not find ONE; Not ONE! What I found was the opposite.

When I was at the public hearing, (in which we were limited to three (3) minutes. Three (3) minutes to be heard about the impact this would have on us and our neighborhoods), I stated that this year alone, a home owner's property went down in value 10% because of the smell of skunk (because that is literally what it smells like) coming from a marijuana cultivating, production and dispensary establishment located in Spokane. After my time was up, one of the Members of the board asked about the requirements and codes regarding odors coming from the marijuana establishments in Carson City. He was told, from an advocate for the marijuana establishments, that NO odors can come from ANY marijuana establishment and if there is, they are shut down.

There is NO way to keep ALL the odors eliminated. It permeates the air. The more plants allowed for cultivating, the more opportunity there is for stronger odors.

Just before, the hearing on ZCA-17-100, SUP-17-082 was recommended for approval by the Members for expansion. That marijuana establishment is 100 yards away from a mobile home park! Do any of the Members realize that the plants can get the size of Citrus Trees? These plants are far from 'little.' AND with the current cultivating/production/dispensary plant expanding and desiring to 'extract the oils,' in more of a production style, (as a conveyor belt and such, right now it's manual per owner's own words), 1000 gallon propane tanks are used in the extracting process for marijuana oil which poses additional

dangers to surrounding neighborhoods/homes. It is known that tanks have blown up. It has the explosion as a meth lab when one explodes. Is anyone of our Members that represent Carson City, doing any research on this, because if they are – I could not tell. There is a reason, low income and elderly communities are targeted.

The staff who are defending/supporting these marijuana establishments, stated that they are 'hidden,' no signage, that hardly anyone knows where they were or what they were. How long do you think this will last? It has barely been 10 months.

I propose marijuana establishments only be allowed in the General Industrial zoning districts. There is more land and that land does not back up to neighborhoods.

Zoning laws are here to protect people. To make area's safe. To ensure quality of life in neighborhoods. When did this change? Would you buy a home where a marijuana establishment of any kind is connected to your back yard? Would you? What about children and adults who are extremely sensitive or even allergic to certain smells, including but not limited to marijuana? Is this not one more thing they have to 'deal with? This is actually the attitude of individuals now, "it's now legal and you just get to deal with it."

I know what cliental goes with drugs and so do many others; you even do. I have personally lived it. My children have/are personally living it. Ask any police officer, probation officer, homeless shelter, soup kitchen, correctional officers in Carson City – what do 99.99% of all crimes have in common and you will find that drugs of some kind are involved and you are considering putting these literally joined to residents backyards. Some of these neighborhoods are already stressed with crime.

By putting this type of business establishment in the Limited Industrial zones, also lends to increased traffic in the neighborhoods. There are elderly in the neighborhoods, the disabled, children and families that walk and play. What zoning safeties are in place for heavier traffic in our neighborhoods?

There is virtually little, to no criminal activity in my neighborhood. I moved to this neighborhood because it was small, knowing that there really wasn't a lot of room for expanding. It is relatively a small street where my home is – a short street. Even the street (Sunset opposite of August) is relatively small. I love being close to the mountains and the park. I enjoy being by the airport (hearing and seeing the planes. It reminds me of when I was growing up) and I don't mind Highway 50. I can run on the hills, come out in the morning and at night and breathe fresh air. My neighborhood is peaceful. There are many elderly people and some children in my neighborhood. By allowing this zoning to pass, the criminal element will become more prevalent and so would traffic. The marijuana establishment would literally be joined to my back yard (and others). I would step in my back yard, and there it will be. What is stopping someone from doing harm at this facility and then take off running through the neighborhood putting more people in danger? What is stopping people from loitering around the building? What is stopping them? Laws? Restrictions? Not a chance.

I would be hesitant to let my elderly mom go on her walks and feel secure that she will be safe. She is at the house alone during the day, while I am at work and now I would have to think about her being safe. My mom is one year into recovering from a double stroke. I am now her care giver. My mother would be virtually defenseless to a person who is out to harm, steal or in a fight or flight mode. Zoning for this type of business establishment, has the potential to change the way we live in our home and neighborhood.

In 2015 in one county alone, there have been four fatal shootings all related to medical marijuana grow sites that are nestled alongside communities. Colorado is also seeing commercial industrial grow sites being robbed as well as many fatal shootings in medical marijuana dispensaries and recreation retail sites.

Just the other day on the news three (3) people were shot and killed because a criminal was demanding medical marijuana from them and these are only a few examples.

I'm not sure why our Board of Supervisors would want to – on purpose – put our neighborhoods at risk of more danger than they already are. Are you not here to protect us at the forefront?

I would have never bought my house where it is if I had known I would be in jeopardy of having a marijuana establishment behind me. I can't believe, and am honestly in shock, that you all are seriously considering allowing this to happen to our neighborhoods in Carson City.

What safety measures are you taking to prevent further crime to seep into our neighborhoods when you allow a marijuana establishment to move in? What are you doing right now to protect the neighborhood where you already approved and allowed a marijuana establishment to move in only 100 yards away? I did not hear one... not ONE member stated ANY safety measure(s) they had in place. In fact, Kathy Lee, a homeowner in the Limited Industrial area spoke and asked – with passion – what is going to stop someone from robbing and jumping her fence? She said, 'I want an eight (8) ft. concrete fence separating my home from that business.' The Members reaction was surprising as if they had not thought something like this would happen. Well, we could consider putting in restrictions and would recommend to the Board of Supervisors, which is where the Special Use Permit comes in.

Another gentleman stood and spoke for the senior community in his area. He even had approximately 150 signatures; 150 citizens of Carson City telling the Members to strike out the Limited Industrial zones and that still was not good enough.

Watching the Members was as if they were recommending something to be passed without considering the consequences and having a plan in place. These are grown adults. For our Members and Board of Supervisors to even consider placing these marijuana establishments next to a neighborhood, wouldn't educated, intelligent people be researching what has happened in other states, in other neighborhoods? For the Members to recommend this and then for the Board of Supervisors to say yes and have no plan of action for safety is carelessness. I don't understand.

Everybody at the meeting who spoke about the location of the marijuana establishments scheduled to be zoned, did NOT want any marijuana establishment by their neighborhood, by their community which is the Limited Industrial zones. Not one of us objecting to the Limited Industrial zone, objected to the General Industrial areas. We were all there being a voice for our neighborhoods. Even the Members considered striking the Limited Industrial zones out completely. AND only because of the marijuana establishments already there, they decided to leave it with the recommendation that future marijuana establishments apply for a Special Use Permit (SUP).

This means that if you don't stop it at the Board of Supervisors level, homeowners will once again have to fight for their rights and attend each meeting when a marijuana establishment files for a business license in these areas.

The Members could have recommended that the Limited Industrial zones be stricken and the marijuana establishments that have already been built, be grandfathered in, as is. There are ways around anything. I am asking the Board of Supervisors to do just that.

The proposed ZCA-17-100, does not protect home owners, neighborhoods, communities, children, the elderly, the disabled, single families and multi-families. It's as if we don't have any say so on what goes on in or around our neighborhood(s).

I am asking you, pleading with you, to do more research on what has happened to the neighborhoods and communities – to the marijuana establishments, of all kinds, - what has happened in the states that has legalized medical marijuana and legalized recreational marijuana. I am not talking statistics.

Statistics can be manipulated. I'm asking you to research through articles, home owners, police reports – all of it and do a full and thorough research on the impact of these marijuana establishments in and/or near neighborhoods. To do nothing less, is carelessness.

If you have the ability to save one life, to save one family – I am asking you to. I am asking that you take out the Limited Industrial zones. The Limited Industrial zones, 99.99% of the time, are around neighborhoods and communities AND even back up to people's back yards (including mine).

Please do not allow SUP-17-082 to happen. Keep the cultivating/production/dispensary plant the size it is now. AND please do not allow ZCA-17-100 to happen. I propose to allow those marijuana establishments to stay grandfathered in, as is, and no future marijuana establishments be allowed in the Limited Industrial areas. Please help protect our neighborhoods from further crime.

I love my home, my neighborhood and community. Please stop these two (2) Actions presented before you.

Thank You,

Kathleen McFarlin
4901 August Drive
Carson City, NV 89706

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To the Board of Supervisors,

I am enclosing the commentary by Shelly Aldean, which you probably have read in the Nevada Appeal. I agree with her comments.

My husband and I will be out of town on Aug. 3, so cannot be present at the Board Meeting to voice our opinions. We are against marijuana sales in Carson City. Kindly, think with your brains and not your pocketbooks when dealing with this matter.
Nathia Healy

more unto the breach ...'



**Shelly
Aldean**

disheartened by the lack of participation in this important decision-making process by the 12,741 residents of Carson City who voted against this ill-conceived idea in the last election. Democracy is a participatory process and without the involvement of the people, elected officials have no choice but to substitute their own judgment for the judgment of those they represent. Apathy is the enemy of

an open and honest discussion and whether you're successful or not at changing the outcome of a vote by an elected body, you need to exercise your right to be heard.

On Aug. 3, the Board of Supervisors will consider the adoption on first reading of an ordinance to amend our zoning code to permit the retail sale of marijuana in Carson City. Now is the time to act on behalf of yourselves, your families and the health of your community.

Although the large urban areas of the state caused Question 2 to pass, Carson City isn't legally obligated to change its zoning laws to accommodate the recreational sale of a drug that has caused a surge in visits to Colorado ERs and

urgent care centers by marijuana-intoxicated teenagers; that has caused large Colorado businesses to hire out-of-state residents because of an inability to find workers who can pass the pre-employment drug test; and that has resulted in an exponential increase in the number of homeless people frequenting communities where pot is available for recreational consumption.

In an October 2016 survey of judges by the National Judicial College, an "overwhelming majority of the 260 judges who left comments said they opposed legalization" not for moral reasons but because "marijuana is a gateway to harder drugs." Thirty of these

respondents self-identified as drug-court judges. So, be wary of those who try to persuade you pot is benign. In the words of Thomas Paine, whose incendiary writings stoked the flames of the American Revolution, "A long habit of not thinking a thing is wrong gives it a superficial appearance of being right."

Laws matter, but in the absence of laws that make sense, public opinion matters. So, on Thursday, exercise the rights bequeathed to you by our founders — let your opinion be known.

Shelly Aldean is a former Carson City Supervisor and local business owner.