



Agenda Item 8C

Development Code Amendment

Case# WDCA18-0003

(Recreational Marijuana)

March 6, 2018

Washoe County Planning Commission



BACKGROUND

- **Medical Marijuana Act ballot initiative is passed by voters in 2000**
- **In 2013 the Nevada Legislature approves the legal use of medical marijuana by qualified patients**
- **Washoe County approves ordinances to establish procedures and regulations for the establishment of medical marijuana businesses**
- **First medical marijuana dispensary in the unincorporated county opens in 2015**



BACKGROUND

- **Majority of regulations adopted by the county are in chapter 25 of WCC – business license regs**
- **However; chapter 110 (the Development Code) was also amended to:**
 - **Create new use types and development standards for medical marijuana businesses**
 - **Identify the regulatory zones where each type of medical marijuana business would be allowed**



BACKGROUND

- **Adopted county regulations generally mirror state law provisions regarding:**
 - **Zoning – MME businesses only allowed in Commercial and Industrial zones**
 - **Required distances from “community facilities”**
 - **Definition of “community facilities” (but added additional clarification for public pools and child day care facilities)**



BACKGROUND

- **A community facility is:**
 - **A licensed day care for children**
 - **Public park, playground, or swimming pool**
 - **School**
 - **Church / religious assembly**
- **A MME business cannot be located closer than 1,000 feet from a school; or 300 feet from all other community facilities**



BACKGROUND

- **Adopted amendments to the Development Code created four MME use types:**
 - **Medical Marijuana Cultivation Facility**
 - **Facility for the Production of Edible Marijuana or Marijuana Infused Products**
 - **Independent Marijuana Testing Laboratory**
 - **Medical Marijuana Dispensary**



BACKGROUND

- Dispensaries are allowed in all commercial (i.e. GC, NC, and TC) and industrial regulatory zones
- All other MME uses are allowed only in General Commercial or Industrial

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--



BACKGROUND

- **Adopted county regulations allow all MME businesses “by right” – Privileged Bus. Lic.**
- **Only the approval of a business license is required – no special use permit / discretionary review**
- **Robust agency review and sign off on business licenses (Sheriff, Air Quality, Fire, etc.)**
- **Agency review is in addition to regulation and review by the state (e.g. signage, background checks, seed to sale tracking, etc.)**



BACKGROUND

- In 2016 Nevada voters approved a ballot initiative to legalize consumption and use of marijuana by adults aged 21 and over (regulate like alcohol)
- On January 1, 2017 the recreational use of marijuana became legal in the state of Nevada
- The state subsequently adopted emergency temporary regulations (“quick start” program”)
- County also adopts temporary license regulations to enable recreational sales by July 1, 2017



BACKGROUND

- **Only existing businesses with state certification for medical marijuana were allowed to apply for the temporary recreational business license**
- **The Development Code was not amended at this time to ensure that any changes to county code would be based on permanent state regulations**
- **The BCC directed staff to update county codes as required, but in the context of the state's permanent regulations**



PROPOSED AMENDMENTS

- **The state has now adopted permanent regulations; therefore, staff is bringing forward necessary amendments to the Development Code**
- **The BCC has provided direction to regulate recreational marijuana the same as medical marijuana (to the extent possible)**
- **Therefore, substantial changes to existing policy / regulatory framework are not proposed**



PROPOSED AMENDMENTS

- **On December 19, 2017 the BCC initiated code changes for Chapter 25 (Business License), Chapter 53 (Miscellaneous Crimes), and Chapter 110 (Development Code)**
- **Amendments to Chapter 25 and 53 go straight to the BCC**
- **Amendments to Chapter 110 must first be approved by the Planning Commission before first and second reading at the BCC**



PROPOSED AMENDMENTS

- **Proposed amendments primarily involve changing existing medical marijuana terminology to the new terms used by the state in NRS 453D**
- **All marijuana businesses are now referred to by the state regs as “Marijuana Establishments”**
- **The new use definitions encompass both medical and recreational marijuana businesses**
- **One new use has been created by the approved ballot initiative; a Marijuana Distributor**



PROPOSED AMENDMENTS

- Regulations governing zoning, location, and the approval / review process for new marijuana businesses would remain the same
- The definitions for “community facilities” would remain the same
- Required distances from community facilities would not change
- Approval / review would remain a business license function / process – single licensure



PROPOSED AMENDMENTS

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	
Medical Marijuana Establishments																			
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	
Facility for the Production of Edible Marijuana or Marijuana-infused Products Marijuana Product Manufacturing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	
Independent Testing Laboratory Marijuana Testing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	
Medical Marijuana Dispensary Retail Marijuana Store / Medical Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--	
Marijuana Distributor	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	

Note: A Marijuana Distributor can only deliver wholesale directly to other marijuana businesses





PROPOSED AMENDMENTS

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	
Medical Marijuana Establishments																			
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products Marijuana Product Manufacturing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Independent Testing Laboratory Marijuana Testing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Medical Marijuana Dispensary Retail Marijuana Store / Medical Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--	--
Marijuana Distributor	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--

Proposed:

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	
Medical Marijuana Establishments																			
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--	--

Existing:



PROPOSED AMENDMENTS

- **The use definitions in Article 304 for Medical Marijuana Establishments (MME) will be revised to incorporate new state definitions**
- **Now referred to as just Marijuana Establishments**
- **Encompasses both medical and adult use recreational businesses**
- **County code will require that businesses be licensed for both uses (no stand-alone recreational only businesses)**



PROPOSED AMENDMENTS

Example:

~~Medical Marijuana Establishments. Medical~~ A marijuana establishment ~~use type~~, as defined and authorized by NRS 453A and NRS 453D, refers to commercial establishments, facilities, or places of business primarily engaged in the cultivation, production, acquisition, ~~testing~~, supply, sale or distribution of ~~medical~~ marijuana products and related supplies and services, ~~either for medical or adult recreational use~~. All ~~medical~~ marijuana establishments must be registered and/or certified with the State Division of Public and Behavioral Health of the Department of Health and Human Services "Division" licensed by the Department of Taxation ("Department"). A business may register be licensed with the Division Department to act as more than one of the ~~medical~~ marijuana establishment use types listed below in subsections one (1) through ~~four~~ (4) **Five (5)**. **Marijuana Establishments are not allowed as home based business.** The following are ~~medical~~ marijuana establishment use types:

- (1) ~~Medical Marijuana Cultivation Facility. Medical~~ A marijuana cultivation facility, as defined by NRS 453A and/or 453D, refers to a business that ~~acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to medical marijuana dispensaries, facilities for the production of edible marijuana products or marijuana-infused products, or other cultivation facilities licensed as either a medical marijuana cultivation facility or as a marijuana cultivation facility, or both, which is authorized to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores / medical dispensaries, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.~~



PROPOSED AMENDMENTS

- The terminology in Article 410 (Parking and Loading) has also been updated

Medical Marijuana Establishments			
Medical Marijuana Cultivation Facility		1	
Facility for the Production of Edible or Infused Marijuana Products Marijuana Product Manufacturing Facility		1	
Independent Testing Laboratory Marijuana Testing Facility		1	
Medical Retail Marijuana Store / Medical Dispensary	35	1	

- A slight increase in required parking for NEW retail dispensaries is proposed



PUBLIC NOTICE / CAB WORKSHOP

- **Notice was published in the newspaper at least 10 days prior to this meeting**
- **The chairs and membership of all Citizen Advisory Boards were likewise notified**
- **A public workshop was held on February 7, 2018 to offer the general public the opportunity to comment on the proposed amendments (extensive noticing)**
- **Staff did not receive any substantive comments in regard to the Chapter 110 amendments**



RECOMMENDATION (Page 5)

It is recommended that the Washoe County Planning Commission recommend approval of WDCA18-0003, to amend Washoe County Chapter 110 (Development Code) at Article 302, Table of Allowed Uses, Article 304, Use Classification System, and Article 410, Parking and Loading.



POSSIBLE MOTION (Page 5)

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA18-0003, to amend Washoe County Chapter 110 (Development Code) at Article 302, Table of Allowed Uses, Article 304, Use Classification System, and Article 410, Parking and Loading; and, to update these sections within the Development Code. I further move to authorize the Chair to sign the resolution contained as Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan;
2. Promotes the Purpose of the Development Code;
3. Response to Changed Conditions; and,
4. No Adverse Affects.