



WASHOE COUNTY

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CM/ACM	_____
Finance	_____
DA	_____
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Other	<u>N/A</u>

STAFF REPORT

BOARD MEETING DATE: October 25, 2016

DATE: October 19, 2016

TO: Board of County Commissioners

FROM: Kevin Schiller, Assistant County Manager
328-2008, kschiller@washoecounty.us

THROUGH: John Slaughter, County Manager,
328-2060, jslaughter@washoecounty.us

SUBJECT: Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager (Commission District 4)

SUMMARY

Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager (Commission District 4)

Washoe County Strategic Objective: Proactive Economic development and diversification.

PREVIOUS BOARD ACTION

On May 13, 2014, the Board discussed a request by the City of Reno to increase the City's medical marijuana dispensary allocation. The County Commissioners stated that it was premature at this time to consider increasing any one local government jurisdiction's

allocation of dispensaries and the Commission would consider the matter at a future date when appropriate. The Board of County Commissioners continued the item on June 17, 2014.

On June 24, 2014, the Board received an update and approved an ongoing process for updates from staff including a process to review potential dispensary locations within the County related to future action on dispensary allocation.

The Board received an update on July 8, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation, and requested a presentation on process for applicants.

The Board received an update on July 22, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation.

On August 12, 2014, the Board took action to direct staff to notify the State of Nevada of the request for an allocation of five dispensaries for Washoe County, three for the City of Reno, and two for the City of Sparks.

The Board of County Commissioners received an update on December 9, 2014 on medical marijuana establishment regulations and processes for the State of Nevada and for unincorporated Washoe County.

On July 14, 2015, the Board directed staff to contact the State of Nevada, Division of Public and Behavioral Health to request that the State issue a provisional registration certificate to the sixth ranked medical marijuana dispensary pursuant to the provisions of Senate Bill 276. The Board also discussed the public review process for future MME location changes as outlined in Senate Bill 276.

On September 22, 2015, the Board directed staff to amend Washoe County Code Chapter 25 to for compliance with State Law changes resulting from the 2015 Nevada State Legislative Session.

On December 8, 2015, the Board received a presentation and gave direction to staff on Recreational Marijuana Establishments and related matters in Washoe County; and acknowledged an update on Medical Marijuana Establishments and provided direction to staff on related matters within unincorporated Washoe County.

On January 26, 2016, the BCC approved the request for the relocation of a medical marijuana dispensary from 10 Stateline Road in Crystal Bay to 5105 Sun Valley Boulevard within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015.

On September 13, 2016 the Board held a public hearing and took action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The Board approved the request from Washoe Dispensary, LLC to move a medical marijuana

dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04).

BACKGROUND

During the 2015 Legislative Session, Senate Bill 276 was passed amending NRS 453A. The bill was signed into law and was effective on June 9, 2015. NRS.453A.350 (3) enables a medical marijuana dispensary with a current State provisional registration certificate to request a move to another qualified location within unincorporated Washoe County. The Board may approve the move at a public meeting for which notice in writing is provided 7 working days prior to the approval. Staff is requesting direction on a process for approval of any requested moves from existing locations by an applicant.

NRS 453A.350(3) “A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location regardless of the distance from original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.”

Regulatory Notice:

The Official Notice of Hearing was mailed to residents within the designated required notification area on October 7, 2016. The Official Notice of Hearing follows to include notification of a community meeting on October 18, 2016.

SPANISH SPRINGS COMMUNITY MEETING OCTOBER 18, 2016

A request to move a medical marijuana dispensary with an approved State of Nevada provisional marijuana registration certificate from **754 Mays Blvd, #12 in Incline Village** to **15 Eagle Canyon Drive in Spanish Springs (APN 532-132-01)** has been received by Washoe County. Join a representative from the Washoe County Manager’s Office and the project applicant at a community meeting on October 18, 2016 to learn more about the request and to submit your concerns and questions.

What: Spanish Springs Community Meeting
When: 5:30 p.m., October 18, 2016
Where: 7100 Pyramid Way, Sparks, NV 89436

A public hearing to consider the relocation of the medical marijuana dispensary will occur before the Washoe County Board of Commissioners on October 25, 2016.

Comments from the Spanish Springs meeting will be shared with County Commissioners at that public hearing. To review the Board of Commissioner’s meeting agendas please visit www.washoecounty.us/bcc or submit your comments online at www.washoecounty.us/contact.php.

For additional information on regulating medical marijuana in Washoe County please visit www.washoecounty.us/mme

The request is from GTI Nevada, LLC dba Rise Incline Village Washoe Dispensary, LLC For a move from the currently approved location issued a State of Nevada provisional medical marijuana certificate at at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). The newly requested location meets all County required regulatory zoning requirements pursuant to Washoe County Code (WCC) Chapter 25 (Business License Ordinance) and Chapter 110 (Development Code) as amended in April 2014 to regulate Medical Marijuana Establishments (MME) in unincorporated Washoe County. Per previous direction from the Board, a public meeting was scheduled and held as follows:

Location: Washoe County Spanish Springs Library
October 18, 2016
5:30 – 6:30 pm
7100 Pyramid Way, Sparks, Nevada 89436

Panel: Anthony Georgiadis and Alicia Ashcraft representing GTI Nevada, LLC dba Rise Incline Village, and Kevin Schiller, Assistant County Manager.

Attendees: 42 residents, plus applicant representatives and staff from Office of the County Manager and the Truckee Meadows Fire Protection District.

Notice: Noticing for the Neighborhood Meeting used the regulatory process outlined for special use permit as a guideline for noticing. In addition staff distributed information in county news email system, Washoe County Website and through local partners. Washoe County notified 41 residents by postcard, increased distribution through county news email distribution and notification to local citizen advisory board members.

Resident Concerns:

Resident concerns centered around the impact on culture of the community as it relates to children, traffic and public safety. Specific questions and statements included:

- Parking within the designated business area
- Access (ingress/egress)
- Proximity to children who congregate in the shopping center/on the main road to the middle school and high school
- Traffic
- Notification was not extensive enough, and did not include neighboring businesses
- Why location parcel was selected
- Number of card holders to support the designated parcel location
- Diminished capacity of driving under the influence of marijuana and public safety concerns

- Security of facility and access to the facility for criminal activity
- Support of MME Dispensary but not in the proposed location.
- Process for obtaining a Medical Marijuana patient card and the potential for loop holes for individuals not in need
- Implications of moving from medical to recreation marijuana use
- Concerns on Adult Use/Recreational Sales within the MME dispensary location

Primary concerns outside of opposition to the dispensary were specific to the traffic issues at the intersection of Eagle Canyon and Pyramid Highway. The vendor is interested in reviewing possible solutions to the issues based on the concerns brought forward. The panel addressed general questions the history related to legalization of MME facilities and the process by which vendors were selected, to include regulations and subsequent Washoe County Code approval. The panel also answered several questions on the delivery of products, security, employment requirements, local review and State review processes specific to all regulations.

FISCAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDATION

It is recommended that the Washoe County Board of County Commissioners hold a Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. Manager (Commission District 4)

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to take possible action to the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from GTI Nevada, LLC dba Rise Incline Village to move a medical dispensary from the location issued a State of Nevada provisional medical marijuana certificate at 745 Mays Blvd, #12 in Incline Village, Nevada (APN 132-201-07) to 15 Eagle Canyon Drive, Spanish Springs, Nevada (APN532-132-01). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request.”

key piece of information that I heard is that the medical marijuana product is the same as the recreational marijuana product.

These facts are important. The proposed location is on the only road leading to my children's middle school/high school. It is in a location that middle school and high school students now use to get food from 7-11 and to "hang out". There are no closer businesses within walking distance of their school.

This puts my children and others at risk. In Colorado, a 170 page federal report on the impact of legalizing marijuana found the following:

- Within 1 year, marijuana related traffic deaths increased by **32 %**
- Traffic deaths from marijuana doubled from 10% to almost 20% of all traffic related deaths
- Colorado teenagers now rank #3 in the nation for marijuana use and 56% higher than the national average
- School resource counselors in Colorado report pot is having a tremendous impact inside of schools, and the kids are getting the pot from people who purchased it legally

The Nevada Department of Transportation has a very tangible and visible commitment to zero fatalities. What has happened in Colorado demonstrates that introducing marijuana dispensaries does impact traffic and traffic related fatalities. The intersection of Eagle Canyon and Pyramid Highway is dangerous, and it is the only choice for parents and students attending these schools. This decision should not be made in haste, and safety should come first. Zero fatalities should mean something in Nevada.

Furthermore, it is unrealistic to think that a dispensary will not impact the tweens and teens congregating at this location. Again, school resource counselors in Colorado warn that kids get the pot from people purchasing it legally. This location puts marijuana customers and kids in direct contact on a regular basis.

To keep our children and our roads safe, I implore you to vote against the proposed dispensary location at 15 Eagle Canyon Drive.

Thank you for your consideration.

Sincerely,

Jill Valdez, long-time resident and parent in Washoe County