

Gardnerville Town Board
AGENDA ACTION SHEET



1. **Not For Possible Action:** Presentation by Partnership of Community Resources on Question 2 (Initiative to Regulate and Tax Marijuana) on the November ballot to educate business leaders, neighborhoods, parents, seniors and the community. Appearances by Partnership for Community Resources, Douglas County Sheriff's office, Juvenile Probation/Douglas County School District, District Attorney's Office and First Responders

2.

3. **Recommended Motion: Presentation only**

Funds Available: Yes N/A

4. **Department: Administration**

5. **Prepared by: Tom Dallaire**

6. **Meeting Date: September 6, 2016 Time Requested: 30 minutes**

7. **Agenda:** Consent Administrative

Background Information: To be presented at meeting.

8. **Other Agency Review of Action:** Douglas County N/A

9. **Board Action:**

- Approved Approved with Modifications
 Denied Continued



REQUEST FOR PLACEMENT ON THE AGENDA

FOR THE GARDNERVILLE TOWN BOARD

Teri Clark, Prevention Coordinator

Name: Partnership of Community Resources Telephone: 782-8611

Mailing Address: PO Box 651 Minden 89423

Physical 1517 Church St. G'ville 89410

Nature of Request and Approximate Amount of Time Needed: 15 minutes

Education only / Awareness of Question 2
on the November ballot

Signature: Teri Clark

ORIGINAL REQUEST
Date: SENT 7-27-16

The Gardnerville Town Board meets on the first Tuesday of each month. Please submit any pertinent information regarding your request at least 15 days prior to the Board meeting date.

Agendas are posted three days prior to the meeting. You will receive a copy of the Agenda in the mail informing you of the approximate time you will appear before the Board.

Louthan, Carol

From: Teri Clark <pcrclark@partnership-resource.org>
Sent: Wednesday, August 31, 2016 11:43 AM
To: Louthan, Carol
Subject: RE: agenda application
Attachments: ToG AGENDA REQUEST(1).pdf

Carol, please let me know if you need anything else. I need to let you know, due to circumstances beyond our control, our partners will be unable to attend. The good thing is, we will not be using a Power Point. Instead we will have an interactive, much more interesting/fun "Quiz" that will also take less time! It will be strictly educational and basically take the issue of marijuana itself out of the presentation. No controversy ... the facts, ma'am, just the facts!

Teri Clark, Prevention Coordinator
Partnership of Community Resources
1517 Church Street
Gardnerville, NV 89410
782.8611

From: Louthan, Carol [<mailto:CLouthan@douglasnv.us>]
Sent: Wednesday, August 31, 2016 11:23 AM
To: Teri Clark
Subject: agenda application

Teri,
Attached is the agenda request application and also the agenda for the 6th.

Thanks,

Carol Louthan

Administrative Services Mgr.
Town of Gardnerville
1407 Highway 395 N
Gardnerville, NV 89410
775-782-7134 Phone
775-782-7135 Fax

Partnership of Community Resources Draft for agenda requests

- I. PCR or Representative Speaks to an overview
 - a. It's on the ballot
 - b. No grows within 25 miles of a dispensary
 - c. If passed, the Initiative is not amendable for 3 years
 - d. There is NO county opt out
- II. District Attorney's Office - Possible impact:
 - a. Interpretation of Initiative language
 - b. Work place policies
 - c. Law suits
 - d. Drug testing
 - e. Lack of hireable employees
- III. Juvenile Probation / Douglas County School District - Possible impact:
 - a. Possible impact on youth
 - i. Edibles
 - ii. Number of youth currently in treatment and comparison of marijuana to alcohol and/or other drugs
 - iii. MJ taken out of DARE curriculum – only education for prevention is through questions
 - iv. Possible increase in # of students expelled
 - v. Decision making: unwanted pregnancy, disease, trauma
- IV. Douglas County Sheriff's Office – Possible impact:
 - a. Enforcement of DUI's
 - b. Increase of crossing state line issues
 - c. Enough funding for increase of law enforcement training, equipment, officers?
- V. First Responders – Possible impact:
 - a. Number of marijuana related calls currently made to Douglas County Dispatch – Statistical data out of Colorado, pre-recreational marijuana and post
 - b. Number of marijuana related ER visits currently made to Douglas County Dispatch – Statistical data out of Colorado, pre-recreational marijuana and post
- VI. Possibly someone speaking to how the taxes will flow
- VII. PCR completing the overview
 - a. With the medical marijuana initiative, counties had the ability to opt out of dispensaries, labs, and grows.
 - b. With Question #2, counties DO NOT have the ability to opt out
 - c. Enforcement of smoking in public
 - d. Smoking on private property i.e. the huts on the ski slopes
- VIII. Last Slide
 - a. Questions?
 - b. Your questions will be made available to our Panel of Experts
 - c. October 19 (or 20) – location TBD
 - d. Write out your questions now
 - e. Go to the Partnership of Community Resources website and submit your questions

APR 23 2014

INITIATIVE TO REGULATE AND TAX MARIJUANA

SECRETARY OF STATE

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. Short Title. Sections 1 to 18, inclusive, of this act may be cited as the Regulation and Taxation of Marijuana Act.

Sec. 2. Preamble.

In the interest of the public health and public safety, and in order to better focus state and local law enforcement resources on crimes involving violence and personal property, the People of the State of Nevada find and declare that the use of marijuana should be legal for persons 21 years of age or older, and its cultivation and sale should be regulated similar to other legal businesses.

The People of the State of Nevada declare that the cultivation and sale of marijuana should be taken from the domain of criminals and be regulated under a controlled system, where businesses will be taxed and the revenue will be dedicated to public education and to the enforcement of the regulations in this act.

The People of the State of Nevada proclaim that marijuana should be regulated in a manner similar to alcohol so that:

- (a) Marijuana may only be purchased from a business that is licensed by the State of Nevada;
- (b) Business owners are subject to a review by the State of Nevada to confirm that the business owners and the business location are suitable to produce or sell marijuana;
- (c) Cultivating, manufacturing, testing, transporting, and selling marijuana will be strictly controlled through state licensing and regulation;
- (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;
- (e) Individuals will have to be 21 years of age or older to purchase marijuana;
- (f) Driving under the influence of marijuana will remain illegal; and
- (g) Marijuana sold in the state will be tested and labeled.

Sec. 3. Definitions. As used in sections 1 to 18, inclusive, of this act, unless the context otherwise requires:

1. "Community facility" means a facility licensed to provide day care to children, a public park, a public 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, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.

2. "Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.

3. "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.

4. "Department" means the Department of Taxation.

5. "Dual Licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to Chapter 453A of NRS and a license to operate a marijuana establishment under sections 1 to 18, inclusive, of this act.

6. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. "Excluded felony offense" does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or

(b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to Chapter 453A of NRS, except that the conduct occurred before the effective date of Chapter 453A of NRS, or was prosecuted by an authority other than the State of Nevada.

7. “Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.

8. “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

9. “Marijuana cultivation facility” means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

10. “Marijuana distributor” means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

11. “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

12. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

13. “Marijuana products” means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

14. “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

15. “Marijuana testing facility” means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

16. “Process” means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

17. “Public place” means an area to which the public is invited or in which the public is permitted regardless of age. “Public place” does not include a retail marijuana store.

18. “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

19. “Unreasonably Impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 4. Limitations. 1. Sections 1 to 18 do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:

(a) Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana;

(b) Knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person under 21 years of age, unless:

(1) The recipient is permitted to possess marijuana pursuant to Chapter 453A of NRS; or

- (2) The person demanded and was shown bona fide documentary evidence of the majority and identity of the recipient issued by a federal, state, county, or municipal government, or subdivision or agency thereof;
- (c) Possession or use of marijuana or marijuana paraphernalia on the grounds of, or within, any facility or institution under the jurisdiction of the Nevada Department of Corrections;
- (d) Possession or use of marijuana on the grounds of, or within, a school providing instruction in preschool, kindergarten, or any grades 1 through 12; or
- (e) Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.

2. Sections 1 to 18 do not prohibit:

- (a) A public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under sections 1 to 18, inclusive, of this act;
- (b) A state or local government agency that occupies, owns, or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana in that building;
- (c) A person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property; or
- (d) A locality from adopting and enforcing local marijuana control measures pertaining to zoning and land use for marijuana establishments.

3. Nothing in the provisions of sections 1 to 18, inclusive, of this act shall be construed as in any manner affecting the provisions of Chapter 453A of NRS relating to the medical use of marijuana.

Sec. 5. Powers and duties of the Department. 1. Not later than 12 months after the effective date of this act, the Department shall adopt all regulations necessary or convenient to carry out the provisions of sections 1 to 18, inclusive, of this act. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

- (a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;
- (b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;
- (c) Requirements for the security of marijuana establishments;
- (d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;
- (e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;
- (f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;
- (g) Requirements for record keeping by marijuana establishments;
- (h) Reasonable restrictions on signage, marketing, display, and advertising;
- (i) Procedures for the collection of taxes, fees, and penalties imposed by sections 1 to 18, inclusive, of this act;
- (j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;
- (k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;
- (l) Procedures to establish the fair market value at wholesale of marijuana; and
- (m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of section 13 of this act.

2. The Department shall approve or deny applications for licenses pursuant to section 9 of this act.
3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of Chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of sections 1 to 18, inclusive, of this act or for a violation of a regulation adopted by the Department pursuant to this section.
4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of sections 1 to 18, inclusive, of this act, or knowingly purchases marijuana from any person not licensed pursuant to sections 1 to 18, inclusive, of this act or to Chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.
5. To ensure that individual privacy is protected:
 - (a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and
 - (b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.
6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.
7. The Department shall inspect marijuana establishments as necessary to enforce sections 1 to 18, inclusive, of this act or the regulations adopted pursuant to this section.

Sec. 6. Personal Use and Cultivation of Marijuana. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, it is lawful, in this State, and must not be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess, use, consume, purchase, obtain, process, or transport marijuana paraphernalia, one ounce or less of marijuana other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana;
2. Possess, cultivate, process, or transport not more than six marijuana plants for personal use and possess the marijuana produced by the plants on the premises where the plants were grown, provided that:
 - (a) Cultivation takes place within a closet, room, greenhouse, or other enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and
 - (b) No more than 12 plants are possessed, cultivated, or processed at a single residence, or upon the grounds of that residence, at one time;
3. Give or otherwise deliver one ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana without remuneration to a person provided that the transaction is not advertised or promoted to the public; or
4. Assist another person who is 21 years of age or older in any of the acts described in this section.

Sec. 7. Marijuana Paraphernalia Authorized. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

Sec. 8. Lawful operation of marijuana establishments. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, or the regulations adopted pursuant to section 5 of this act, it is lawful and must not, in this

State, be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess marijuana and marijuana products, purchase marijuana from a marijuana cultivation facility, purchase marijuana and marijuana products from a marijuana product manufacturing facility, return marijuana or marijuana products to a facility from which they were purchased, transport marijuana and marijuana products to or from a marijuana testing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, or sell marijuana and marijuana products to consumers, if the person conducting the activities described in this subsection has a current, valid license to operate a retail marijuana store or is acting in the person's capacity as an agent of a retail marijuana store.
2. Cultivate, harvest, process, package, or possess marijuana, sell marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store, transport marijuana to or from a marijuana cultivation facility, a marijuana product manufacturing facility, or a marijuana testing facility, use the services of a marijuana distributor to transport marijuana to or from marijuana establishments, or purchase marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an agent of a marijuana cultivation facility.
3. Package, process, manufacture, or possess marijuana and marijuana products, transport marijuana and marijuana products to or from a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, sell marijuana and marijuana products to a retail marijuana store or a marijuana product manufacturing facility, purchase marijuana from a marijuana cultivation facility, or purchase marijuana and marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an agent of a marijuana product manufacturing facility.
4. Possess marijuana and marijuana products and transfer and transport marijuana and marijuana products between marijuana establishments, if the person transporting the marijuana and marijuana products has a current, valid license to operate as a marijuana distributor or is acting in his or her capacity as an agent of a marijuana distributor.
5. Possess, process, repackage, transport, or test marijuana and marijuana products if the person has a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an agent of a marijuana testing facility.
6. Lease or otherwise allow property owned, occupied, or controlled by any person, corporation, or other entity to be used for any of the activities conducted lawfully in accordance with this section.

Sec. 9. Contracts pertaining to marijuana enforceable. It is the public policy of the People of the State of Nevada that contracts related to the operation of marijuana establishments under sections 1 to 18, inclusive, of this act should be enforceable, and no contract entered into by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, or by those who allow property to be used by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

Sec. 10. Certification of marijuana establishments. 1. No later than 12 months after the effective date of this act, the Department shall begin receiving applications for marijuana establishments.
2. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall only accept applications for licenses for retail marijuana stores, marijuana product manufacturing facilities, and marijuana cultivation facilities pursuant to sections 1 to 18, inclusive, of this act,

from persons holding a medical marijuana establishment registration certificate pursuant to Chapter 453A of NRS.

3. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall issue licenses for marijuana distributors pursuant to sections 1 to 18, inclusive, of this act, only to persons holding a wholesale dealer license pursuant to Chapter 369 of NRS, unless the Department determines that an insufficient number of marijuana distributors will result from this limitation.

4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

- (a) Issue the appropriate license if the license application is approved; or
- (b) Send a notice of rejection setting forth the reasons why the Department did not approve the license application.

5. The Department shall approve a license application if:

(a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to section 12;

(b) The physical address where the proposed marijuana establishment will operate is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property;

(c) The property is not located within:

(1) 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 marijuana establishment was submitted to the Department; or

(2) 300 feet of a community facility that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department;

(d) The proposed marijuana establishment is a proposed retail marijuana store and there are not more than:

(1) 80 licenses already issued in a county with a population greater than 700,000;

(2) 20 licenses already issued in a county with a population that is less than 700,000 but more than 100,000;

(3) 4 licenses already issued in a county with a population that is less than 100,000 but more than 55,000;

(4) 2 licenses already issued in a county with a population that is less than 55,000;

(5) Upon request of a county government, the Department may issue retail marijuana store licenses in that county in addition to the number otherwise allowed pursuant to this paragraph;

(e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and

(f) The persons who are proposed to be owners, officers, or board members of the proposed marijuana establishment:

(1) Have not been convicted of an excluded felony offense; and

(2) Have not served as an owner, officer, or board member for a medical marijuana establishment or a marijuana establishment that has had its registration certificate or license revoked.

6. **Competing applications.** When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.

Sec. 11. Expiration and renewal. 1. All licenses expire one year after the date of issue.

2. The Department shall issue a renewal license within 10 days of receipt of the prescribed renewal application and renewal fee from a marijuana establishment if its license is not under suspension or has not been revoked.

Sec. 12. Fee schedule. 1. The Department shall require each applicant for a marijuana establishment license to pay a one-time application fee of \$5,000.

2. The Department may require payment of an annual licensing fee not to exceed:	
For the initial issuance of a license for a retail marijuana store.....	\$20,000
For a renewal license for a retail marijuana store.....	\$6,600
For the initial issuance of a license for a marijuana cultivation facility.....	\$30,000
For a renewal license for a marijuana cultivation facility.....	\$10,000
For the initial issuance of a license for a marijuana product manufacturing facility.....	\$10,000
For a renewal license for a marijuana product manufacturing facility.....	\$3,300
For the initial issuance of a license for a marijuana distributor.....	\$15,000
For a renewal license for a marijuana distributor.....	\$5,000
For the initial issuance of a license for a marijuana testing facility.....	\$15,000
For a renewal license for a marijuana testing facility.....	\$5,000

Sec. 13. Marijuana establishment operating requirements. In addition to requirements established by rule pursuant to section 5 of this act:

1. Marijuana establishments shall:

- (a) Secure every entrance to the establishment so that access to areas containing marijuana is restricted to persons authorized to possess marijuana;
- (b) Secure the inventory and equipment of the marijuana establishment during and after operating hours to deter and prevent theft of marijuana;
- (c) Determine the criminal history of any person before the person works or volunteers at the marijuana establishment and prevent any person who has been convicted of an excluded felony offense or who is not 21 years of age or older from working or volunteering for the marijuana establishment.

2. All cultivation, processing, and manufacture of marijuana must take place at a physical address approved by the Department and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access the area. The area may be uncovered only if it is enclosed with security fencing that is designed to prevent unauthorized entry and that is at least 8 feet high.

3. All cultivation, processing, and manufacture of marijuana must not be visible from a public place by normal unaided vision.

4. All cultivation, processing, and manufacture of marijuana must take place on property in the marijuana establishment's lawful possession or with the consent of the person in lawful physical possession of the property.

5. A marijuana establishment is subject to reasonable inspection by the Department, and a person who holds a marijuana establishment license must make himself or herself, or an agent thereof, available and present for any inspection required by the Department. The Department shall make reasonable accommodations so that ordinary business is not interrupted and safety and security procedures are not compromised by the inspection.

Sec. 14. Penalties. 1. Restrictions on personal cultivation.

(a) Except as otherwise provided in 453A of NRS, any person who:

- (1) Cultivates marijuana plants within 25 miles of a retail marijuana store licensed pursuant to sections 1 to 18, inclusive, of this act, unless the person is a marijuana cultivation facility or a person acting in his or her capacity as an agent of a marijuana cultivation facility;
 - (2) Cultivates marijuana plants where they are visible from a public place by normal unaided vision; or
 - (3) Cultivates marijuana on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property;
- (b) Is guilty of:
- (1) For a first violation, a misdemeanor punished by a fine of not more than \$600.
 - (2) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.
 - (3) For a third violation, a gross misdemeanor.
 - (4) For a fourth or subsequent violation, a category E felony.

2. A person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.
3. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.
4. A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess marijuana pursuant to Chapter 453A NRS and the marijuana establishment is a dual licensee.
5. A person who manufactures marijuana by chemical extraction or chemical synthesis, unless done pursuant to a marijuana product manufacturing license issued by the Department or authorized by Chapter 453A of NRS, is guilty of a category E felony.
6. A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.
7. A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.
8. Notwithstanding the provisions of sections 1 to 18, inclusive, of this act, after the effective date of this act, the legislature may amend provisions of this act to provide for the conditions in which a locality may permit consumption of marijuana in a retail marijuana store.

Sec. 15. Marijuana excise tax. 1. An excise tax is hereby imposed and must be collected by the State respecting wholesale sales of marijuana in this State by a marijuana cultivation facility at a rate of 15 percent of the fair market value at wholesale of the marijuana. The tax imposed pursuant to this subsection:

- (a) Is the obligation of the marijuana cultivation facility; and
- (b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

Sec. 16. Any tax revenues, fees, or penalties collected pursuant to sections 1 to 18, inclusive, of this act, first must be expended to pay the costs of the Department and of each locality in carrying out sections 1 to 8, inclusive, of this act and the regulations adopted pursuant thereto. The Department shall remit any remaining money to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 17. Severability. If any provision of this act, or the application thereof to any person, thing, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 18. Effective Date. This act shall become effective on October 1, 2015 if approved by the legislature, or on January 1, 2017 if approved by the voters.

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DESCRIPTION OF EFFECT

The initiative proposes statutory amendments that would regulate and tax marijuana similar to alcohol. If passed, persons at least 21 years old would be allowed to possess and use a limited amount of marijuana. Giving or selling marijuana to minors, driving under the influence of marijuana, and marijuana use in public would remain prohibited.

The Nevada Department of Taxation would issue licenses to marijuana retailers, suppliers, testing facilities, and distributors. The Department would determine the qualification for licensure, security, packaging, labeling and testing of marijuana. Counties, cities, and towns would control marijuana business locations. Marijuana businesses would not be able to operate near schools, childcare facilities, houses of worship, or certain other community facilities. Retail licenses will be limited in number. The Department would oversee marijuana businesses and licensees. Licensees who engage in certain conduct, including selling marijuana to minors, allowing minors on their premises, or permitting on-site marijuana consumption would be subject to penalties.

An excise tax of 15% would be imposed on wholesale sales of marijuana. The existing sales tax would apply to retail sales of marijuana. Net revenue generated under this proposal would be deposited in the Distributive School Account and used for support of K-12 education.

County of _____ **(Only registered voters of this county may sign below)**
 Petition District: _____ **(Only registered voters of this petition district may sign below)**

This space for Office Use Only

1	PRINT YOUR NAME (first, initial, last)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY PETITION DISTRICT
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DESCRIPTION OF EFFECT

The initiative proposes statutory amendments that would regulate and tax marijuana similar to alcohol. If passed, persons at least 21 years old would be allowed to possess and use a limited amount of marijuana. Giving or selling marijuana to minors, driving under the influence of marijuana, and marijuana use in public would remain prohibited.

The Nevada Department of Taxation would issue licenses to marijuana retailers, suppliers, testing facilities, and distributors. The Department would determine the qualification for licensure, security, packaging, labeling and testing of marijuana. Counties, cities, and towns would control marijuana business locations. Marijuana businesses would not be able to operate near schools, childcare facilities, houses of worship, or certain other community facilities. Retail licenses will be limited in number. The Department would oversee marijuana businesses and licensees. Licensees who engage in certain conduct, including selling marijuana to minors, allowing minors on their premises, or permitting on-site marijuana consumption would be subject to penalties.

An excise tax of 15% would be imposed on wholesale sales of marijuana. The existing sales tax would apply to retail sales of marijuana. Net revenue generated under this proposal would be deposited in the Distributive School Account and used for support of K-12 education.

County of _____

(Only registered voters of this county may sign below)

Petition District: _____

(Only registered voters of this petition district may sign below)

This space for Office Use Only

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County of _____ **(Only registered voters of this county may sign below)**
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18	PRINT YOUR NAME (first, initial, last)	RESIDENCE ADDRESS ONLY		
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County of _____

(Only registered voters of this county may sign below)

Petition District: _____

(Only registered voters of this petition district may sign below)

This space for Office Use Only

Table with 4 columns: Name, Date, City/County/District, and Office Use Only. Rows 19 and 20.

AFFIDAVIT OF CIRCULATOR

(To be signed by circulator in the presence of a notary public)

STATE OF NEVADA)
County of _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of Circulator

Subscribed and sworn to or affirmed before me this

_____ day of _____, _____, by _____.

Notary Public



Partnership
of Community Resources

775.782.8611



partnership-resource.org



www.facebook.com/pcrnv

Question #2 Initiative to Regulate and Tax Marijuana

Are You Educated?

1. If Question 2 is passed, marijuana businesses will be licensed, regulated, and inspected by:
 - a) The Nevada Department of Health and Human Services
 - b) Nevada Division of Public and Behavioral Health
 - c) Local County Liquor Board
 - d) The Department of Taxation
 - e) The Nevada Pharmaceutical Board

2. The 15% excise tax on fair market value of wholesale marijuana:
 - a) Will go directly to Education
 - b) Will go directly to Law Enforcement
 - c) Will go directly to the Department of Taxation

3. If Question 2 is passed, individual counties can choose to have marijuana be illegal:
 - a) True
 - b) False

4. If Question 2 is passed:
 - a) Possession of marijuana will be legal as of January 1, 2017.
 - b) Possession of marijuana will not be legal until Section 5 (*regulations, taxation, and quality control*) is implemented.

5. Decriminalizing marijuana means
 - a) I can grow my own plants
 - b) There are no longer penalties involved with use or possession
 - c) I can share my marijuana

APR 23 2014

SECRETARY OF STATE

INITIATIVE TO REGULATE AND TAX MARIJUANA

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. Short Title. Sections 1 to 18, inclusive, of this act may be cited as the Regulation and Taxation of Marijuana Act.

Sec. 2. Preamble.

In the interest of the public health and public safety, and in order to better focus state and local law enforcement resources on crimes involving violence and personal property, the People of the State of Nevada find and declare that the use of marijuana should be legal for persons 21 years of age or older, and its cultivation and sale should be regulated similar to other legal businesses.

The People of the State of Nevada declare that the cultivation and sale of marijuana should be taken from the domain of criminals and be regulated under a controlled system, where businesses will be taxed and the revenue will be dedicated to public education and to the enforcement of the regulations in this act.

The People of the State of Nevada proclaim that marijuana should be regulated in a manner similar to alcohol so that:

- (a) Marijuana may only be purchased from a business that is licensed by the State of Nevada;
- (b) Business owners are subject to a review by the State of Nevada to confirm that the business owners and the business location are suitable to produce or sell marijuana;
- (c) Cultivating, manufacturing, testing, transporting, and selling marijuana will be strictly controlled through state licensing and regulation;
- (d) Selling or giving marijuana to persons under 21 years of age shall remain illegal;
- (e) Individuals will have to be 21 years of age or older to purchase marijuana;
- (f) Driving under the influence of marijuana will remain illegal; and
- (g) Marijuana sold in the state will be tested and labeled.

Sec. 3. Definitions. As used in sections 1 to 18, inclusive, of this act, unless the context otherwise requires:

- 1. "Community facility" means a facility licensed to provide day care to children, a public park, a public 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, or a church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.
- 2. "Concentrated marijuana" means the separated resin, whether crude or purified, obtained from marijuana.
- 3. "Consumer" means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.
- 4. "Department" means the Department of Taxation.
- 5. "Dual Licensee" means a person or group of persons who possess a current, valid registration certificate to operate a medical marijuana establishment pursuant to Chapter 453A of NRS and a license to operate a marijuana establishment under sections 1 to 18, inclusive, of this act.
- 6. "Excluded felony offense" means a conviction of an offense that would constitute a category A felony if committed in Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. "Excluded felony offense" does not include:
 - (a) A criminal offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed more than 10 years ago; or
 - (b) An offense involving conduct that would be immune from arrest, prosecution, or penalty pursuant to Chapter 453A of NRS, except that the conduct occurred before the effective date of Chapter 453A of NRS, or was prosecuted by an authority other than the State of Nevada.

7. “Locality” means a city or town, or, in reference to a location outside the boundaries of a city or town, a county.

8. “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” does not include:

(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or

(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

9. “Marijuana cultivation facility” means an entity licensed to cultivate, process, and package marijuana, to have marijuana tested by a marijuana testing facility, and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

10. “Marijuana distributor” means an entity licensed to transport marijuana from a marijuana establishment to another marijuana establishment.

11. “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a retail marijuana store.

12. “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana, manufacture, process, and package marijuana and marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

13. “Marijuana products” means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

14. “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

15. “Marijuana testing facility” means an entity licensed to test marijuana and marijuana products, including for potency and contaminants.

16. “Process” means to harvest, dry, cure, trim, and separate parts of the marijuana plant by manual or mechanical means, such as sieving or ice water separation, but not by chemical extraction or chemical synthesis.

17. “Public place” means an area to which the public is invited or in which the public is permitted regardless of age. “Public place” does not include a retail marijuana store.

18. “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and to sell marijuana and marijuana products to consumers.

19. “Unreasonably Impracticable” means that the measures necessary to comply with the regulations require such a high investment of risk, money, time, or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Sec. 4. Limitations. 1. Sections 1 to 18 do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:

(a) Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana;

(b) Knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person under 21 years of age, unless:

(1) The recipient is permitted to possess marijuana pursuant to Chapter 453A of NRS; or

(2) The person demanded and was shown bona fide documentary evidence of the majority and identity of the recipient issued by a federal, state, county, or municipal government, or subdivision or agency thereof;

(c) Possession or use of marijuana or marijuana paraphernalia on the grounds of, or within, any facility or institution under the jurisdiction of the Nevada Department of Corrections;

(d) Possession or use of marijuana on the grounds of, or within, a school providing instruction in preschool, kindergarten, or any grades 1 through 12; or

(e) Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.

2. Sections 1 to 18 do not prohibit:

(a) A public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under sections 1 to 18, inclusive, of this act;

(b) A state or local government agency that occupies, owns, or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana in that building;

(c) A person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property; or

(d) A locality from adopting and enforcing local marijuana control measures pertaining to zoning and land use for marijuana establishments.

3. Nothing in the provisions of sections 1 to 18, inclusive, of this act shall be construed as in any manner affecting the provisions of Chapter 453A of NRS relating to the medical use of marijuana.

Sec. 5. Powers and duties of the Department. 1. Not later than 12 months after the effective date of this act, the Department shall adopt all regulations necessary or convenient to carry out the provisions of sections 1 to 18, inclusive, of this act. The regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable. The regulations shall include:

(a) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a marijuana establishment;

(b) Qualifications for licensure that are directly and demonstrably related to the operation of a marijuana establishment;

(c) Requirements for the security of marijuana establishments;

(d) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;

(e) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;

(f) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;

(g) Requirements for record keeping by marijuana establishments;

(h) Reasonable restrictions on signage, marketing, display, and advertising;

(i) Procedures for the collection of taxes, fees, and penalties imposed by sections 1 to 18, inclusive, of this act;

(j) Procedures and requirements to enable the transfer of a license for a marijuana establishment to another qualified person and to enable a licensee to move the location of its establishment to another suitable location;

(k) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location;

(l) Procedures to establish the fair market value at wholesale of marijuana; and

(m) Civil penalties for the failure to comply with any regulation adopted pursuant to this section or for any violation of the provisions of section 13 of this act.

2. The Department shall approve or deny applications for licenses pursuant to section 9 of this act.
3. The Department may by motion or on complaint, after investigation, notice of the specific violation, and an opportunity for a hearing, pursuant to the provisions of Chapter 233B of NRS, suspend, revoke, or fine a licensee for the violation of sections 1 to 18, inclusive, of this act or for a violation of a regulation adopted by the Department pursuant to this section.
4. The Department may immediately suspend the license of any marijuana establishment if the marijuana establishment knowingly sells, delivers, or otherwise transfers marijuana in violation of sections 1 to 18, inclusive, of this act, or knowingly purchases marijuana from any person not licensed pursuant to sections 1 of 18, inclusive, of this act or to Chapter 453A of NRS. The Department must provide an opportunity for a hearing pursuant to the provisions of NRS 233B.121 within a reasonable time from a suspension pursuant to this subsection.
5. To ensure that individual privacy is protected:
 - (a) The Department shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and
 - (b) A retail marijuana store must not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.
6. The Department shall conduct a background check of each prospective owner, officer, and board member of a marijuana establishment license applicant.
7. The Department shall inspect marijuana establishments as necessary to enforce sections 1 to 18, inclusive, of this act or the regulations adopted pursuant to this section.

Sec. 6. Personal Use and Cultivation of Marijuana. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, it is lawful, in this State, and must not be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess, use, consume, purchase, obtain, process, or transport marijuana paraphernalia, one ounce or less of marijuana other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana;
2. Possess, cultivate, process, or transport not more than six marijuana plants for personal use and possess the marijuana produced by the plants on the premises where the plants were grown, provided that:
 - (a) Cultivation takes place within a closet, room, greenhouse, or other enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and
 - (b) No more than 12 plants are possessed, cultivated, or processed at a single residence, or upon the grounds of that residence, at one time;
3. Give or otherwise deliver one ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana without remuneration to a person provided that the transaction is not advertised or promoted to the public; or
4. Assist another person who is 21 years of age or older in any of the acts described in this section.

Sec. 7. Marijuana Paraphernalia Authorized. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

Sec. 8. Lawful operation of marijuana establishments. Notwithstanding any other provision of Nevada law and the law of any political subdivision of Nevada, except as otherwise provided in sections 1 to 18, inclusive, of this act, or the regulations adopted pursuant to section 5 of this act, it is lawful and must not, in this

State, be used as the basis for prosecution or penalty by this State or a political subdivision of this State, and must not, in this State, be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

1. Possess marijuana and marijuana products, purchase marijuana from a marijuana cultivation facility, purchase marijuana and marijuana products from a marijuana product manufacturing facility, return marijuana or marijuana products to a facility from which they were purchased, transport marijuana and marijuana products to or from a marijuana testing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, or sell marijuana and marijuana products to consumers, if the person conducting the activities described in this subsection has a current, valid license to operate a retail marijuana store or is acting in the person's capacity as an agent of a retail marijuana store.

2. Cultivate, harvest, process, package, or possess marijuana, sell marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store, transport marijuana to or from a marijuana cultivation facility, a marijuana product manufacturing facility, or a marijuana testing facility, use the services of a marijuana distributor to transport marijuana to or from marijuana establishments, or purchase marijuana from a marijuana cultivation facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an agent of a marijuana cultivation facility.

3. Package, process, manufacture, or possess marijuana and marijuana products, transport marijuana and marijuana products to or from a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, sell marijuana and marijuana products to a retail marijuana store or a marijuana product manufacturing facility, purchase marijuana from a marijuana cultivation facility, or purchase marijuana and marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this paragraph has a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an agent of a marijuana product manufacturing facility.

4. Possess marijuana and marijuana products and transfer and transport marijuana and marijuana products between marijuana establishments, if the person transporting the marijuana and marijuana products has a current, valid license to operate as a marijuana distributor or is acting in his or her capacity as an agent of a marijuana distributor.

5. Possess, process, repackage, transport, or test marijuana and marijuana products if the person has a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an agent of a marijuana testing facility.

6. Lease or otherwise allow property owned, occupied, or controlled by any person, corporation, or other entity to be used for any of the activities conducted lawfully in accordance with this section.

Sec. 9. Contracts pertaining to marijuana enforceable. It is the public policy of the People of the State of Nevada that contracts related to the operation of marijuana establishments under sections 1 to 18, inclusive, of this act should be enforceable, and no contract entered into by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, or by those who allow property to be used by a licensee, its employees, or its agents as permitted pursuant to a valid license issued by the Department, shall be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

Sec. 10. Certification of marijuana establishments. 1. No later than 12 months after the effective date of this act, the Department shall begin receiving applications for marijuana establishments.

2. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall only accept applications for licenses for retail marijuana stores, marijuana product manufacturing facilities, and marijuana cultivation facilities pursuant to sections 1 to 18, inclusive, of this act,

from persons holding a medical marijuana establishment registration certificate pursuant to Chapter 453A of NRS.

3. For 18 months after the Department begins to receive applications for marijuana establishments, the Department shall issue licenses for marijuana distributors pursuant to sections 1 to 18, inclusive, of this act, only to persons holding a wholesale dealer license pursuant to Chapter 369 of NRS, unless the Department determines that an insufficient number of marijuana distributors will result from this limitation.

4. Upon receipt of a complete marijuana establishment license application, the Department shall, within 90 days:

- (a) Issue the appropriate license if the license application is approved; or
- (b) Send a notice of rejection setting forth the reasons why the Department did not approve the license application.

5. The Department shall approve a license application if:

- (a) The prospective marijuana establishment has submitted an application in compliance with regulations adopted by the Department and the application fee required pursuant to section 12;
- (b) The physical address where the proposed marijuana establishment will operate is owned by the applicant or the applicant has the written permission of the property owner to operate the proposed marijuana establishment on that property;
- (c) The property is not located within:
 - (1) 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 marijuana establishment was submitted to the Department; or
 - (2) 300 feet of a community facility that existed on the date on which the application for the proposed marijuana establishment was submitted to the Department;
- (d) The proposed marijuana establishment is a proposed retail marijuana store and there are not more than:
 - (1) 80 licenses already issued in a county with a population greater than 700,000;
 - (2) 20 licenses already issued in a county with a population that is less than 700,000 but more than 100,000;
 - (3) 4 licenses already issued in a county with a population that is less than 100,000 but more than 55,000;
 - (4) 2 licenses already issued in a county with a population that is less than 55,000;
 - (5) Upon request of a county government, the Department may issue retail marijuana store licenses in that county in addition to the number otherwise allowed pursuant to this paragraph;
- (e) The locality in which the proposed marijuana establishment will be located does not affirm to the Department that the proposed marijuana establishment will be in violation of zoning or land use rules adopted by the locality; and
- (f) The persons who are proposed to be owners, officers, or board members of the proposed marijuana establishment:
 - (1) Have not been convicted of an excluded felony offense; and
 - (2) Have not served as an owner, officer, or board member for a medical marijuana establishment or a marijuana establishment that has had its registration certificate or license revoked.

6. Competing applications. When competing applications are submitted for a proposed retail marijuana store within a single county, the Department shall use an impartial and numerically scored competitive bidding process to determine which application or applications among those competing will be approved.

Sec. 11. Expiration and renewal. 1. All licenses expire one year after the date of issue.

2. The Department shall issue a renewal license within 10 days of receipt of the prescribed renewal application and renewal fee from a marijuana establishment if its license is not under suspension or has not been revoked.

Sec. 12. Fee schedule. 1. The Department shall require each applicant for a marijuana establishment license to pay a one-time application fee of \$5,000.

2. The Department may require payment of an annual licensing fee not to exceed:

For the initial issuance of a license for a retail marijuana store.....	\$20,000
For a renewal license for a retail marijuana store.....	\$6,600
For the initial issuance of a license for a marijuana cultivation facility.....	\$30,000
For a renewal license for a marijuana cultivation facility.....	\$10,000
For the initial issuance of a license for a marijuana product manufacturing facility.....	\$10,000
For a renewal license for a marijuana product manufacturing facility.....	\$3,300
For the initial issuance of a license for a marijuana distributor.....	\$15,000
For a renewal license for a marijuana distributor.....	\$5,000
For the initial issuance of a license for a marijuana testing facility.....	\$15,000
For a renewal license for a marijuana testing facility.....	\$5,000

Sec. 13. Marijuana establishment operating requirements. In addition to requirements established by rule pursuant to section 5 of this act:

1. Marijuana establishments shall:

- (a) Secure every entrance to the establishment so that access to areas containing marijuana is restricted to persons authorized to possess marijuana;
- (b) Secure the inventory and equipment of the marijuana establishment during and after operating hours to deter and prevent theft of marijuana;
- (c) Determine the criminal history of any person before the person works or volunteers at the marijuana establishment and prevent any person who has been convicted of an excluded felony offense or who is not 21 years of age or older from working or volunteering for the marijuana establishment.

2. All cultivation, processing, and manufacture of marijuana must take place at a physical address approved by the Department and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access the area. The area may be uncovered only if it is enclosed with security fencing that is designed to prevent unauthorized entry and that is at least 8 feet high.

3. All cultivation, processing, and manufacture of marijuana must not be visible from a public place by normal unaided vision.

4. All cultivation, processing, and manufacture of marijuana must take place on property in the marijuana establishment’s lawful possession or with the consent of the person in lawful physical possession of the property.

5. A marijuana establishment is subject to reasonable inspection by the Department, and a person who holds a marijuana establishment license must make himself or herself, or an agent thereof, available and present for any inspection required by the Department. The Department shall make reasonable accommodations so that ordinary business is not interrupted and safety and security procedures are not compromised by the inspection.

Sec. 14. Penalties. 1. Restrictions on personal cultivation.

(a) Except as otherwise provided in 453A of NRS, any person who:

- (1) Cultivates marijuana plants within 25 miles of a retail marijuana store licensed pursuant to sections 1 to 18, inclusive, of this act, unless the person is a marijuana cultivation facility or a person acting in his or her capacity as an agent of a marijuana cultivation facility;
- (2) Cultivates marijuana plants where they are visible from a public place by normal unaided vision; or
- (3) Cultivates marijuana on property not in the cultivator’s lawful possession or without the consent of the person in lawful physical possession of the property;

(b) Is guilty of:

- (1) For a first violation, a misdemeanor punished by a fine of not more than \$600.
- (2) For a second violation, a misdemeanor punished by a fine of not more than \$1,000.
- (3) For a third violation, a gross misdemeanor.
- (4) For a fourth or subsequent violation, a category E felony.

2. A person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.

3. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.

4. A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess marijuana pursuant to Chapter 453A NRS and the marijuana establishment is a dual licensee.

5. A person who manufactures marijuana by chemical extraction or chemical synthesis, unless done pursuant to a marijuana product manufacturing license issued by the Department or authorized by Chapter 453A of NRS, is guilty of a category E felony.

6. A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

7. A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

8. Notwithstanding the provisions of sections 1 to 18, inclusive, of this act, after the effective date of this act, the legislature may amend provisions of this act to provide for the conditions in which a locality may permit consumption of marijuana in a retail marijuana store.

Sec. 15. Marijuana excise tax. 1. An excise tax is hereby imposed and must be collected by the State respecting wholesale sales of marijuana in this State by a marijuana cultivation facility at a rate of 15 percent of the fair market value at wholesale of the marijuana. The tax imposed pursuant to this subsection:

- (a) Is the obligation of the marijuana cultivation facility; and
- (b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

Sec. 16. Any tax revenues, fees, or penalties collected pursuant to sections 1 to 18, inclusive, of this act, first must be expended to pay the costs of the Department and of each locality in carrying out sections 1 to 8, inclusive, of this act and the regulations adopted pursuant thereto. The Department shall remit any remaining money to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 17. Severability. If any provision of this act, or the application thereof to any person, thing, or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this act as a whole or any provision or application of this act which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 18. Effective Date. This act shall become effective on October 1, 2015 if approved by the legislature, or on January 1, 2017 if approved by the voters.

[The remainder of this page is blank.]

DESCRIPTION OF EFFECT

The initiative proposes statutory amendments that would regulate and tax marijuana similar to alcohol. If passed, persons at least 21 years old would be allowed to possess and use a limited amount of marijuana. Giving or selling marijuana to minors, driving under the influence of marijuana, and marijuana use in public would remain prohibited.

The Nevada Department of Taxation would issue licenses to marijuana retailers, suppliers, testing facilities, and distributors. The Department would determine the qualification for licensure, security, packaging, labeling and testing of marijuana. Counties, cities, and towns would control marijuana business locations. Marijuana businesses would not be able to operate near schools, childcare facilities, houses of worship, or certain other community facilities. Retail licenses will be limited in number. The Department would oversee marijuana businesses and licensees. Licensees who engage in certain conduct, including selling marijuana to minors, allowing minors on their premises, or permitting on-site marijuana consumption would be subject to penalties.

An excise tax of 15% would be imposed on wholesale sales of marijuana. The existing sales tax would apply to retail sales of marijuana. Net revenue generated under this proposal would be deposited in the Distributive School Account and used for support of K-12 education.

County of _____
 Petition District: _____

(Only registered voters of this county may sign below)

(Only registered voters of this petition district may sign below)

This space for
Office Use Only

1	PRINT YOUR NAME (first, initial, last)	RESIDENCE ADDRESS ONLY			
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	
2	PRINT YOUR NAME (first, initial, last)	RESIDENCE ADDRESS ONLY			
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This space for
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19	PRINT YOUR NAME (first, initial, last)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	PETITION DISTRICT
20	PRINT YOUR NAME (first, initial, last)		RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	COUNTY	PETITION DISTRICT

AFFIDAVIT OF CIRCULATOR

(To be signed by circulator in the presence of a notary public)

STATE OF NEVADA)
)
 County of _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

 Signature of Circulator

Subscribed and sworn to or affirmed before me this

____ day of _____, _____, by _____.

 Notary Public

Gardnerville Town Board

AGENDA ACTION SHEET



1. **For Possible Action:** Discussion on additional information provided about the flood plain requirements that was not presented in the previous hearing in July regarding the request from Martin Stahl for the board to reconsider the motion of denying the development application DA 16-036 & DA 16-037 requesting a Master Plan Amendment and Zoning Map Amendment to change the master plan designation from Commercial to Multi-Family Residential and to change the zoning designation from Neighborhood Commercial to Multi-Family Residential (maximum density of 16 units per acre; $1.66 \times 16/\text{acre} = 26.56$ units; min net lot area = 9,000) The subject property is located at 1378 N Hwy 395, Gardnerville, (APN 1220-04-101-029) within the Minden/Gardnerville Community Plan. Presentation by Keith Ruben, Senior Planner, RO Anderson Engineering; with public comment prior to Board action.
2. **Recommended Motion:** Uphold the previous motion denying the proposed Master Plan and Zoning map amendments to multi-family housing as the property fronts Hwy 395

Funds Available: Yes N/A

3. **Department:** Administration

4. **Prepared by:** Tom Dallaire

5. **Meeting Date:** September 6, 2016 **Time Requested:** 45 minutes

6. **Agenda:** Consent Administrative

Background Information: An application was submitted this month from RO Anderson Engineering with additional information from the applicant pertaining to the flood zone and their inability to raise the base Flood Elevation (BFE) are claiming that the requests made in our letter to the planning condition recommendation was not physically possible and they will need to build a garage under the unit to allow flood waters to enter the structure to ensure the BFE will not raise after the site improvements are made. They added an exhibit to clear up the crosswalk requirement. Please see the application as submitted to the town staff and the letter town staff provided to the County staff for the Planning Commission meeting.

7. **Other Agency Review of Action:** Douglas County N/A

8. **Board Action:**

- Approved Approved with Modifications
 Denied Continued



August 3, 2016

Attn: Heather Anderson, Associate Planner
Douglas County Community Development Department
PO Box 218
Minden, NV 89423

RE: A request by Martin Stahl for a Master Plan Amendment and Zoning Map Amendment (DA 16-036 & DA 16-037) requesting to change the master plan designation from Commercial to Multi-Family Residential and to change the zoning designation from Neighborhood Commercial to Multi-Family Residential (maximum density of 16 units per acre; $1.66 \times 16/\text{acre} = 26.56$ units; min net lot area = 9,000) The subject property is located at 1378 N Hwy 395, Gardnerville, in the Minden/Gardnerville Community Plan. (APN 1220-04-101-029)

The Gardnerville Town Board heard both items at the August 2, 2016 meeting and recommends **denial** for both the Master Plan Amendment and Zoning Map Amendment request DA 16-036 and 037.

The Town board does recognize the need for additional Multi Family Residential apartments within the town, but they did not feel like this was the best location for the use and had three issues to address:

1. Follow the recommended use as described in the 2006 Plan for Prosperity as Mixed Use Commercial (MUC) along the Highway 395 corridor specifically to the "S" curve. An alternative discussed during the meeting was to provide the closest building to Highway 395 with the ground floor for commercial/retail usage and apartments above; and leave the other two apartment buildings as currently proposed. This will maintain the commercial feel along the Highway 395 corridor.
2. The Board is concerned about pedestrian access and the crosswalk locations to the site and having to cross Highway 395 to access shopping, schools and parks.
3. The Board did not feel that the change in Master Plan and Zoning map met finding D which specifically referencing "*reflects a logical change to the boundaries of the area in that it allows infrastructure to be extended in efficient increments and patterns, it creates a perceivable community edge as strong as the one it replaces*". There is not a proposed access from Kingslane to the site as an extension of the existing MFR zoning, thereby not meeting finding D. The proposed use does isolate the two adjacent commercial buildings on either side of the project, creating a mixed use of sorts, but the Board desires to follow the Plan for Prosperity.

If you have any questions or comments or require additional information, please do not hesitate to contact me at 782-7134.

Sincerely,

Thomas A. Dallaire, P.E., Gardnerville Town Manager



Above:

There are important investment opportunities along Main Street including infill development sites and historic buildings that can be renovated.

Below Left and Right:

The Ezell Mansion and historic storefront buildings in Old Town reflect the traditional craftsmanship and scale desired in new infill development.

- Traffic should be calmed and directed to make shopping in Gardnerville comfortable and safe.

1.3 Goals and Policies

The community identified goals and policies for various segments of the US 395 corridor. These included policies for land use, circulation and design for each segment.

Old Town

There is an opportunity to revitalize Gardnerville's traditional Main Street area with a vibrant mixed-use commercial district using preserved historic buildings and compatible new structures, friendly and comfortable places to walk, and parking that supports economic objectives. Old Town should become a cultural destination that draws visitors.

GOAL 1: Revitalize Old Town

To revitalize Old Town Gardnerville as a mixed-use community center serving residents

and visitors.

Policy 1.1: Old Town Land Use

Old Town should include a variety of civic, commercial and residential uses that support the creation of a lively Carson Valley destination and a central place for Gardnerville.

Policy 1.2: Old Town Circulation

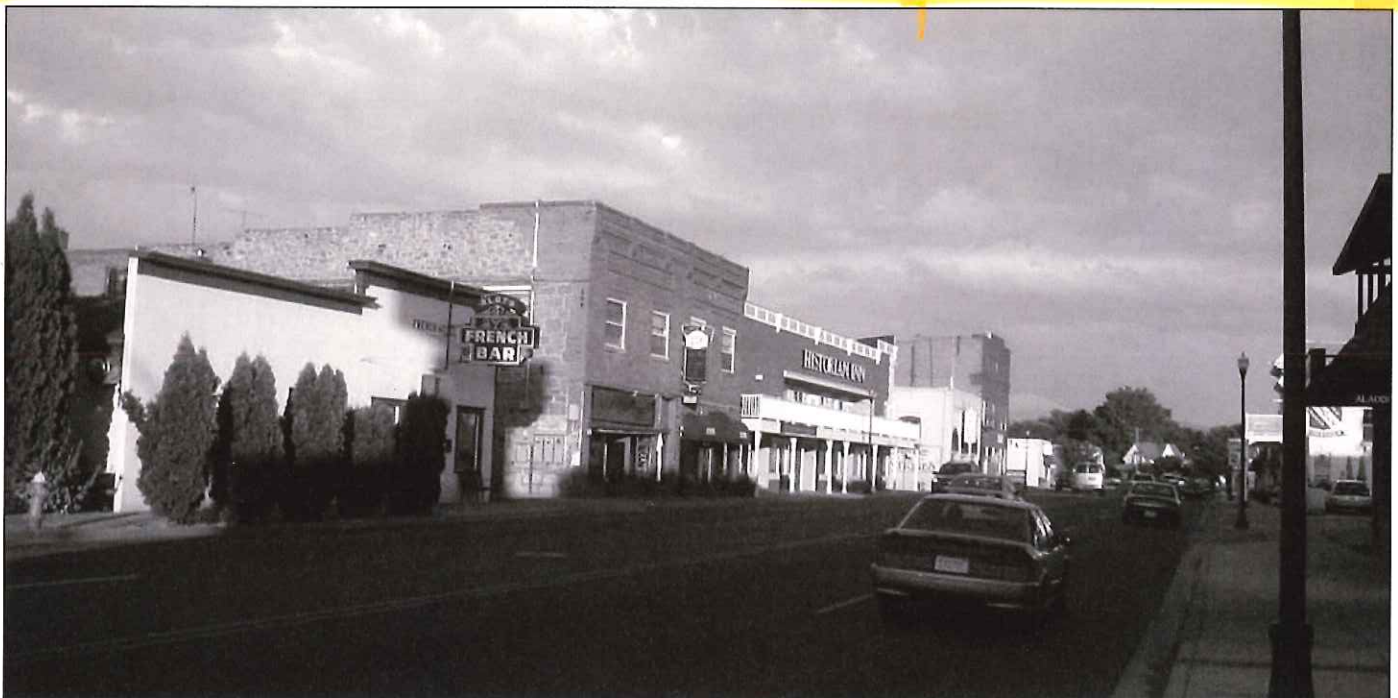
Public and private investment in Old Town should enhance pedestrian access, calm and slow traffic, providing convenient parking,

Policy 1.3: Old Town Urban Design

New development should reflect the pedestrian scale, orientation and character of Gardnerville's traditional commercial, residential and mixed-use buildings.

The 'S' Curve

The community views the curve in US 395, where historic Main Street met Douglas Road, as an area with



opportunities for reinvestment. Commercial uses including retail, office, and hotels were identified as most desirable. New landscaping and architecture that resembles Gardnerville's older buildings was recommended.

GOAL 2: Create a New 'S' Curve
To redevelop the 'S' Curve as a visually pleasing mixed-use project.

Policy 2.1: 'S' Curve Land Use
Redevelop the 'S' Curve as a mixed-use extension and entry for Old Town with visitor, commercial, and residential uses.

Policy 2.2: 'S' Curve Circulation
New investment should resolve the roadway safety of the curve and enhance pedestrian connections to adjacent neighborhoods and Old Town.

Policy 2.3: 'S' Curve Urban Design
New development should incorporate historic buildings, hide parking and make an esthetic thematic connection to Old Town.

Millerville/North Town Commercial

The strip commercial area between Minden and Gardnerville is an area that can be improved as a commercial address. There is an opportunity to create a more seamless connection to Minden with quality commercial that caters to both locals and visitors on US 395.

GOAL 3: Improve Relationship to Minden

To improve the esthetic and land use continuity for Gardnerville's northern entry along US 395.

Policy 3.1: Millerville Land Use
Gardnerville's northern entry should include commercial and institutional uses that take advantage of US 395 regional visibility.

Policy 3.1: Millerville Circulation
New investment should reduce the number of pedestrian and auto conflicts.

Policy 3.3: Millerville Urban Design

Site planning and building design should reflect the traditional character of Gardnerville's adjacent commercial and residential areas.

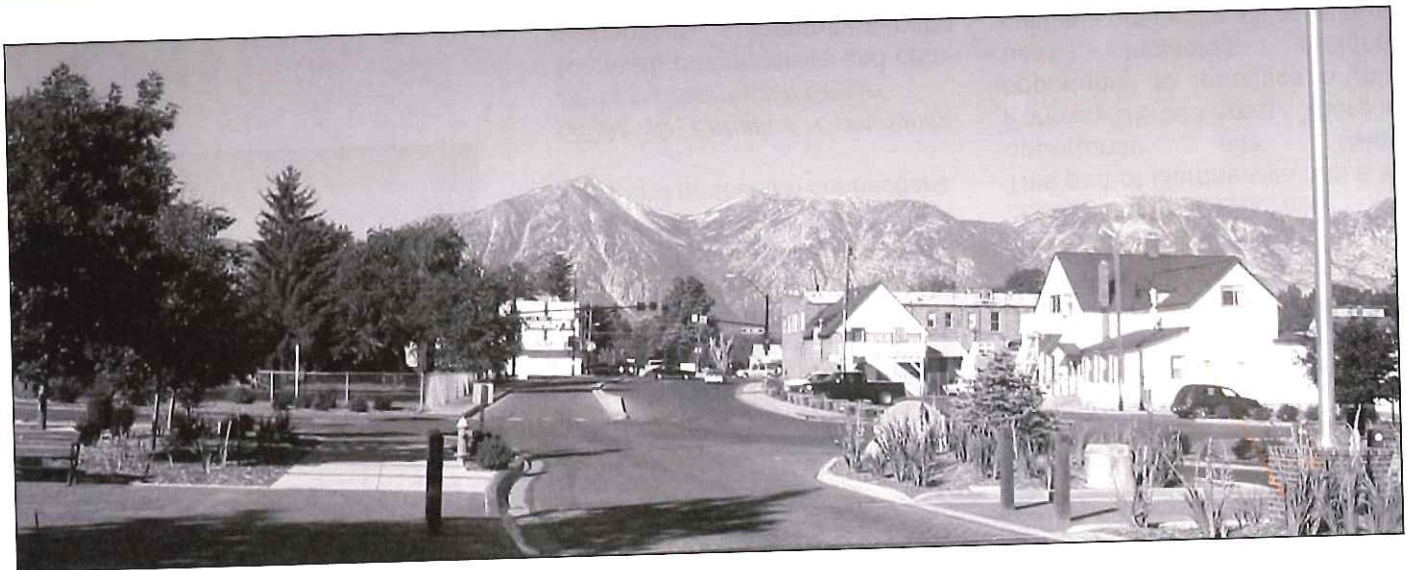


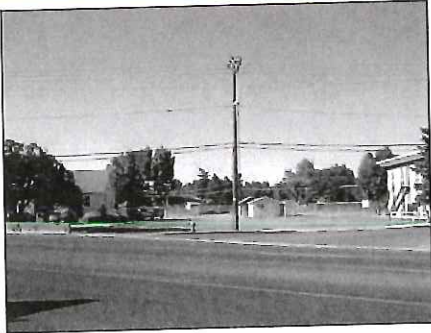
Above:

Heritage park represents a significant investment by the Town to create a civic space that can be programmed and act as a catalyst for new investment. There are several important infill sites that edge the park. Development of these sites should activate and shape the parks edges with pedestrian-friendly projects.

Below:

Gilman Street is an important civic street passing through Heritage Park. It creates Old Town's "number one" corner on Main Street.





Above:

The 'S' Curve's revitalization linked to Old Town is important to the Town. Resolving traffic engineering problems and developing mixed-use projects that activate the street edge while creating walkable residential neighborhood is an overall goal.

Commercial Quad

The intersection of US 395 and Waterloo is an important community commercial address. It can provide for contemporary retail services and designed to reflect the scale and character of Gardnerville's traditional Old Town with an emphasis on landscaping and pedestrian connections.

GOAL 4: Enhance Community-Serving Commercial Center

To create a competitive and comprehensive community-serving commercial center.

Policy 4.1: Commercial Quad Land Use

New commercial uses located in the Commercial Quad area should enhance its role as a sub-regional and community-serving address.

Policy 4.2: Commercial Quad Circulation

The development of projects in the Commercial Quad area should have easy access for automobiles and safe pedestrian connection between parcels and adjacent areas.

Policy 4.3: Commercial Quad

Urban Design

New development in the Commercial Quad area should contribute to the overall character of the district as a convenient and comfortable shopping experience.

South-Central Gardnerville

This part of Gardnerville has a large opportunity site (Stodick Parkway/US 395 area). There is an opportunity to introduce a mix of uses including residential, cultural/community, office and retail. This area can be planned as a connected and pedestrian-scaled neighborhood.

GOAL 5: Provide Commercial Services for Residential Uses

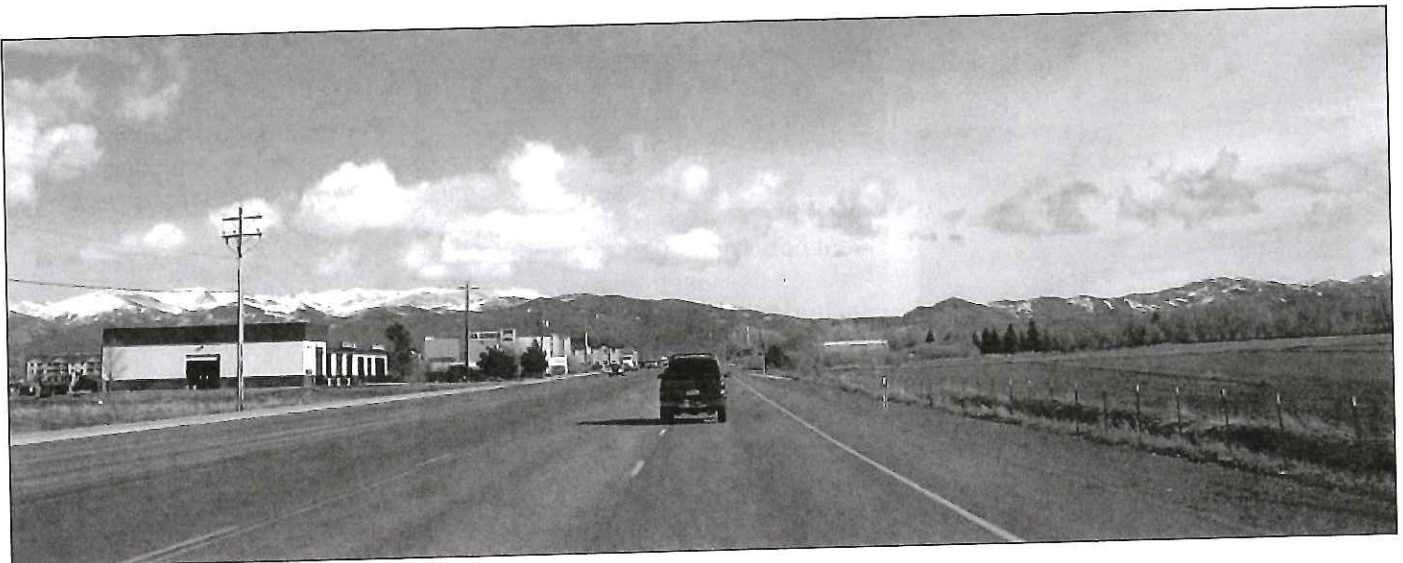
To develop US 395 frontage with connected and complementary commercial services uses for adjacent residential neighborhoods.

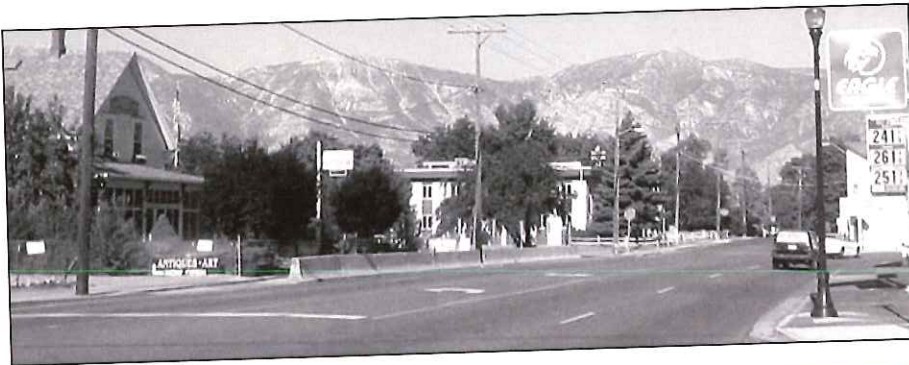
Policy 5.1: South-Central Land Use

New development on US 395 frontage should include commercial and residential uses that compliment and serve adjacent subdivisions.

Below:

The southern entry to Gardnerville needs new investment that improves the entry experience. The goals and policies for this area emphasizes infill mixed-use projects with commercial frontage.





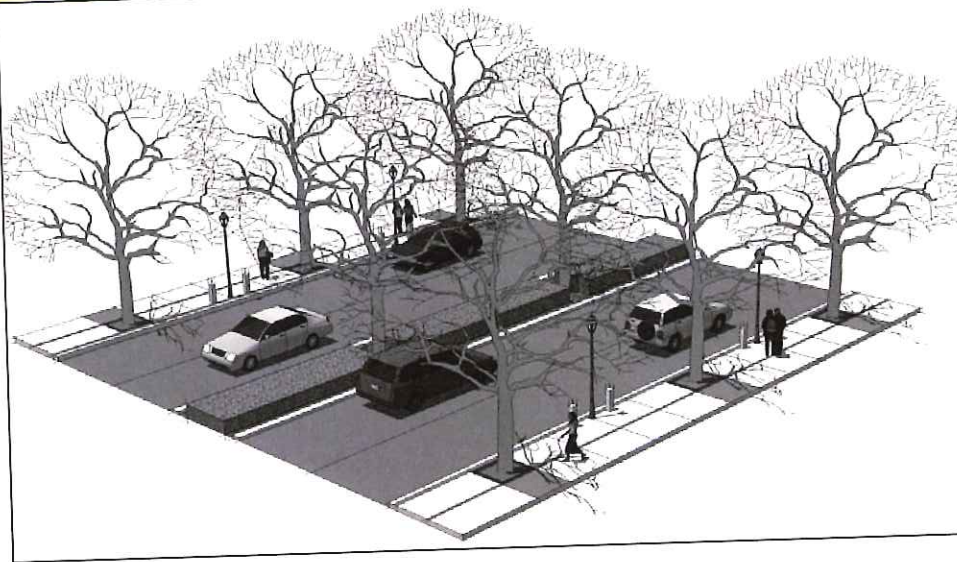
Left:

The 'S' Curve and Main Street section of US 395 have the greatest need for pedestrian safety and amenities. The roadway concepts for these areas include the highest level improvements consistent with pedestrian shopping districts.

Section 2: North Entry

Features

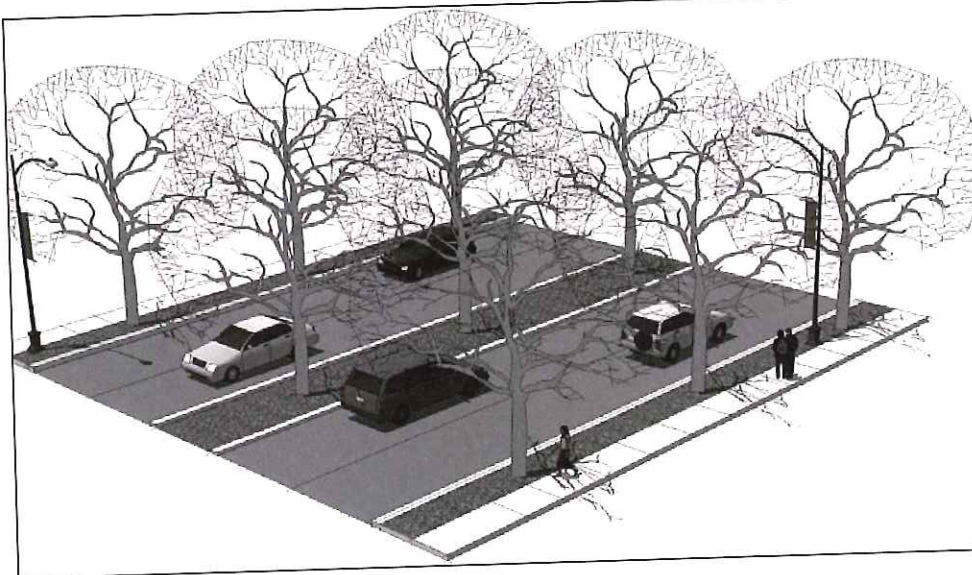
- 80' ROW (illustrated)
- 4 travel lanes
- Turn lane at major intersections
- Median
- 12' Sidewalk with tree pockets
- Canopy trees and shrubs in median
- Canopy trees in sidewalk tree pockets
- Pedestrian-scaled lighting



Section 3: Commercial Quad/Stodick and 395

Features

- 80' ROW (illustrated)
- 4 travel lanes
- Turn lane at major intersections
- Median
- 6' Planting strip
- 6' Sidewalk
- Canopy trees in planting strip and median
- Vehicular-scaled lighting



cy in the Gardnerville Plan for Prosperity is to calm traffic and improve the comfort and safety of pedestrians. Gilman Street is an important cross street and connection to Heritage Park and the Chichester Neighborhood north of Old Town. This street also provides access to side streets and parking. Local side streets have traditionally provided access to residential neighborhoods and parking located in the rear of commercial parcels. The circulation concept reinforces this access pattern and discourages curb cuts that interrupt traffic flow and sidewalks.

One of the most important features in the planning for Old Town is the formation of a parking district. The land use concept requires creating a pool of on-street and eventually off-street public parking. An in-lieu fee program would be developed to support the management and capital improvements necessary to sustain a parking district. The parking concept identifies existing and future on-street inventory of 270 spaces and potential off-street lots and structures with up to 600 spaces.

Old Town Urban Design Concept

Central to the urban design concept for Old Town is building on the traditional scale and character of historic buildings and streets. The urban design concept enhances four important places in Old Town.

Storefront District: Enhancing Gardnerville's Traditional Main Street

Main Street's walking edges and continuity is patched and enhanced by new investment. Transparent storefronts edge the street and commercial uses provide interest.

Heritage Park: Activating Edges

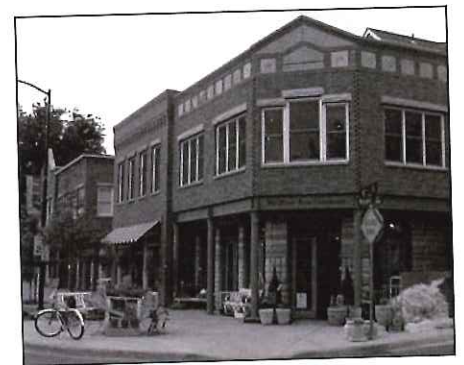
Heritage Park's south side is activated with mixed-use development that enjoys views of the park and mountains. The other side would also be mixed-use development at the Gilman/Ezell edges. These residents will provide "eyes-on-the-park" security and spatially enclose it as originally envisioned.

Gilman Gateway: Reinforcing Gardnerville's "Number One Corner"

There are parcels at Gilman and Main Street that can be redeveloped into larger mixed-use projects, possibly including hotels, a use traditionally found at this intersection. A combination of renovation and new development would provide a three-story street facade and ground floor uses that activate the pedestrian edge.

'S' Curve Gateway: Changing the Image of the Curve

New investment facing the 'S' Curve would reflect the scale and massing of the existing historic house. Two-story commercial and residential uses would be designed to activate the Main Street edge and also include internal courtyards.



Above:
Mixed-use infill is envisioned along main Street that has ground floor commercial with residential or office above



Above:
Horizontal mixed-use development is envisioned for the park edges. This includes commercial uses at the corners and townhouse residential uses that create a walkable neighborhood.

Section Two



Above:
Opportunity site at the 'S' Curve

the land use concept continues to emphasize the pedestrian scale and street-oriented design found in historic storefront and residential buildings. Commercial frontage is envisioned along Main Street and Heritage Park. Visitor uses, such as restaurants and hotels, are also to be concentrated in Old Town. Residential uses are to be located above commercial uses in the Main

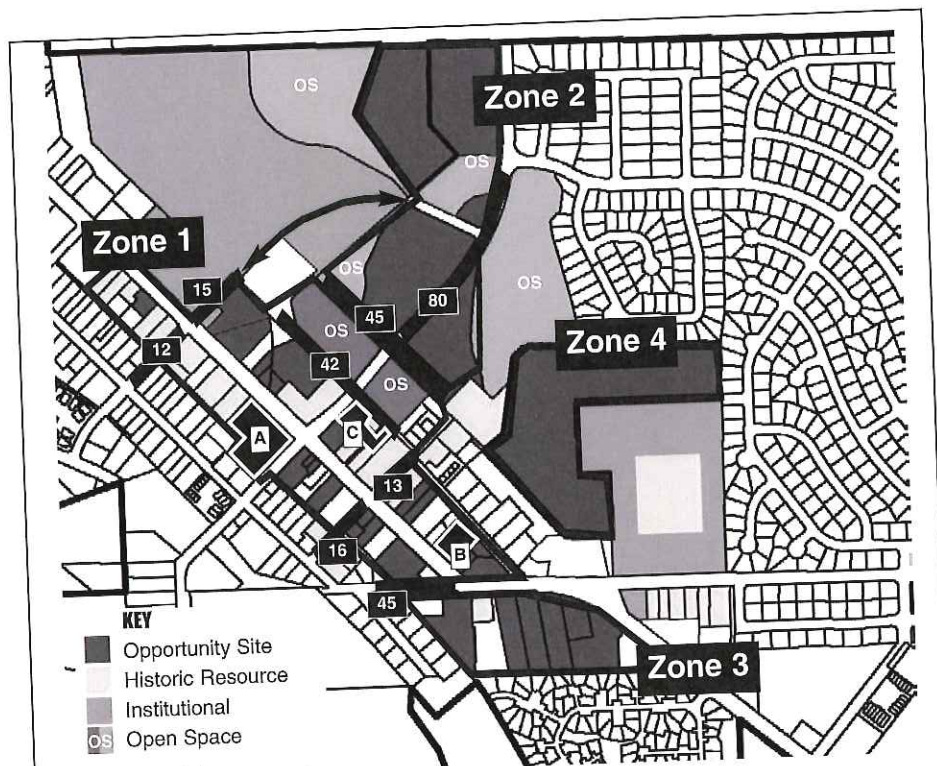
Street area and in townhouse densities north of Heritage Park and adjacent to commercial frontage at the 'S' Curve.

Old Town Circulation Concept

Old Town has always been focused around Main Street/US 395. As the highway has been widened, it has displaced on-street parking and narrowed sidewalks. An important poli-

Right:

The parking concept identifies existing and future on-street inventory of 270 spaces and potential off-street lots and structures with up to 600 spaces. This will support an additional 225,000 SF of commercial uses (at four spaces per 1,000 SF of development) and visitor parking for 380 units of housing (at one space per four units).

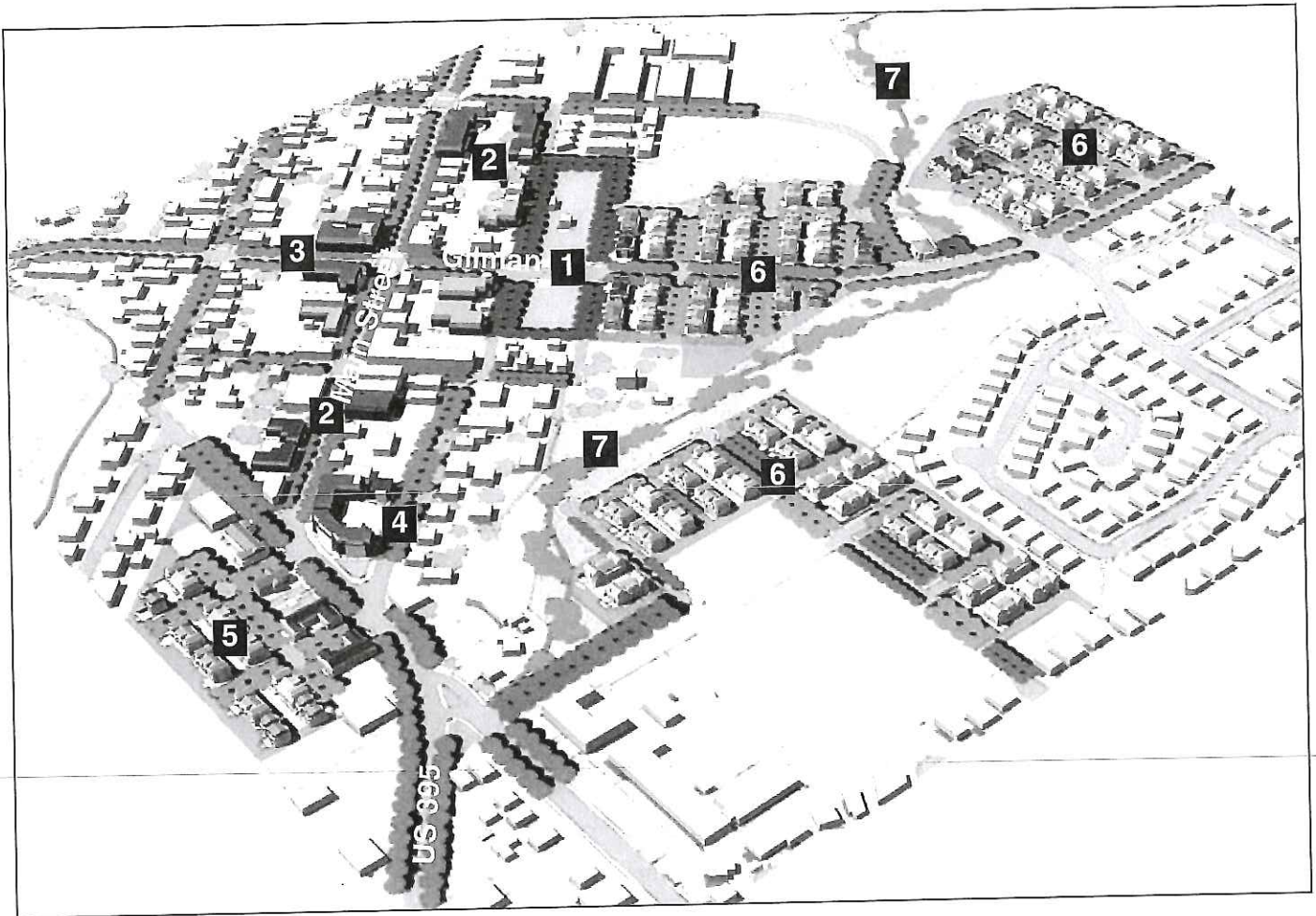


Old Town Public Parking Concept

	<u>On-Street Parking</u>	<u>Phase 2 Parking Lot</u>	<u>Phase 3 Parking Structure</u>	<u>Build-out Demand*</u>
Zone 1: Main Street	143 spaces	Lot A-177 new spaces Lot B-26 new spaces	Lot A-260 new spaces Lot C-60 new spaces	489 spaces (505 potential new)
Zone 2: Gilman Avenue	80 spaces	NA	NA	53 visitor spaces 40 comm. spaces
Zone 3: 'S' Curve	45 spaces	NA	NA	18 visitor spaces 40 comm. spaces
Zone 4: Hellwinkel Ranch	0 spaces	NA	NA	24 visitor spaces

* Assumptions:
50% off-site spaces for commercial uses
100% new storefront buildings in mixed-use areas
visitor parking (1/4 du's) for residential

Section Two

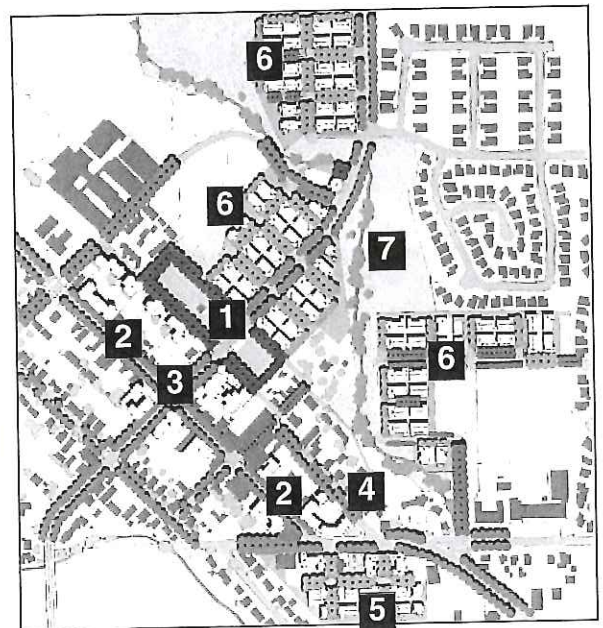


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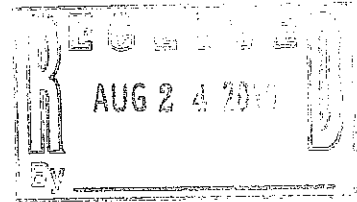
This graphic is an aerial view of a 3-D model of Old Town and the 'S' Curve district. The view is from the south.

KEY

1. Heritage Park mixed-use projects
2. Infill mixed-use projects along Main Street/US 395
3. Redevelopment of the Sharkeys opportunity sites with a mixed-use and parking project
4. 'S' Curve vertical mixed-use project, plaza and parking
5. 'S' Curve horizontal mixed-use development with commercial frontage and townhouse neighborhood
6. Townhouse neighborhood with commercial uses facing Heritage Park at Gilman
7. Open space corridor



Town of Gardnerville
1407 Highway 395 North
Gardnerville, Nevada 89410
(775) 782-7134
(775) 782-7135 facsimile
www.gardnerville-nv.gov



Ch # 3209

PROJECT REVIEW APPLICATION

Location

Street Address: 1378 N. Hwy 395 Gardnerville, NV
Assessor's Parcel Number: 1220-04-101-029
Current Zoning Designation: Neighborhood Commercial
Current Master Plan Designation: Commercial; Flood Zone Designation: AO D1 and AE

Project Description

A Master Plan Amendment to change the Master Plan Designation from Commercial to Multi-Family Residential and the Zoning designation from Neighborhood Commercial to Multi-Family Residential, on a 1.66 acre parcel, located within the town of Gardnerville.

Applicant:

Name: Martin Stahl
Address: 287 Shadow Mountain Rd. Gardnerville, NV 89460
Telephone Number: (775) 690-5965 Fax Number: ()

Owner:

Name: Martin Stahl
Address: 287 Shadow Mountain Rd. Gardnerville, NV 89460
Telephone Number: (775) 690-5965 Fax Number: ()

Engineer:

Name: R.O. Anderson Engineering, Inc.
Address: 1603 Esmeralda Ave. Minden, NV 89423
Telephone Number: (775) 215-5015 Fax Number: ()

By signing this application, the applicant agrees to reimburse the Town of Gardnerville for all expenses reasonably incurred by the town in the process of reviewing the application, including, but not limited to, engineering and legal expenses. A \$75 deposit is included with this application.

Applicant or Applicant's Representative:

Keith Ruben, AICP
Director of Planning & Entitlements
Printed Name


Signature

8/23/16
Date

{When projects are located or proposed to be located within the Town of Gardnerville, Douglas County requires review and comment by the Town Board before making a final decision on the project. The Town of Gardnerville makes recommendations to Douglas County on all development to be located within the township boundaries. Douglas County will not render a decision until a letter of recommendation has been submitted by the Town.}

(Application and all materials related to the project review need to be submitted to the Town office by the Friday two weeks before the Board meeting. Town board meetings are held the first Tuesday of each month)

August 24, 2016

Tom Dallaire, P.E.
TOWN OF GARDNERVILLE
1407 Highway 395 North
Gardnerville, Nevada 89410

Stahl Master Plan Amendment Request for Rehearing

Dear Mr. Dallaire,

On behalf of our client, Martin Stahl, please consider this letter the Owner's request for a rehearing of this development application for a master plan amendment and zone change from Commercial/Neighborhood Commercial to Multifamily/Multifamily Residential.

This rehearing is requested and necessary based on the findings from our recently completed evaluation of the Special Flood Hazard Area (SFHA) of the Martin Slough, which effects Mr. Stahl's parcel as well as the adjacent parcels. Our evaluation, a copy of which is attached, demonstrates that it is impossible for Mr. Stahl to develop the property as suggested the Town's Plan for Prosperity - Mixed Use Commercial with the ground floor being used for retail purposes. As we understand it, the Town Board has interpreted the Plan for Prosperity as requiring the zoning district for this parcel to be Mixed Use Commercial and, furthermore, that each individual parcel must be developed to incorporate both commercial and multifamily uses. The Town suggested in its letter dated August 3, 2016 to County Planner Heather Anderson that "An alternative discussed during the meeting was to provide the closest building to Highway 395 with the ground floor for commercial /retail with apartments above".

This particular parcel, and the area in general, is affected by a highly constrained portion of the Martin Slough floodplain that cannot be developed with "ground floor" retail without adversely affecting adjacent properties. Essentially, to avoid adverse impacts to adjacent properties and structures, flood flows must pass through the structure in order to not precipitate a rise in the base flood elevation. This typically is addressed by placing open parking areas on the ground floor that allow flood flows to pass under the structure. With retail space on the ground floor this is simply not possible. There is no demand for second story retail in this area and developing unused/undesirable commercial space would do little to accomplish the Town's goals and objectives of the Plan for Prosperity. We would also note that the preliminary development plan provided by the Owner with this application is conceptual in nature and, as you know, Design Review-level plans and details will be submitted for review and comments by the Town Board prior to moving forward with any development of this site.

The other reason for the Board's recommendation, concern about the proximity of the site to pedestrian access and the crosswalk locations is addressed with the included exhibit. This exhibit demonstrates the location of sidewalks relative to the existing crosswalk at Kingslane and Raley's supermarket located on opposite sides of U.S. Highway 395. There is a clear path from the proposed

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Mr. Tom Dallaire, P.E.
Town of Gardnerville
August 24, 2016
Page 2 of 2

site utilizing the existing sidewalks to gain access to this crosswalk. The Owner, based on the Town's stated concerns, is willing to cooperate with the Town to apply for an NDOT encroachment permit and, if approved, make a contribution to the cost of constructing flashing pedestrian signals at this location, similar to those found in the Town of Minden near the ARCO service station. The Owner will also construct the sidewalk if permitted within the existing right-of-way or easements, connecting the terminus of the existing sidewalk at the Kingslane entrance at U.S 395 to the sidewalk which terminates along at the southern end of Kingslane. (See attached graphic).


Due to the site constraints that are peculiar to this location, development of Mixed Use Commercial, which requires ground floor habitable space in order to be economically viable would cause impacts to the flood plain and the adjacent owners that cannot be mitigated. Development of this site without impacting adjacent properties necessitates construction techniques that allow flood flows to pass unimpeded. This physical and administrative constraint is best addressed by a multifamily development with habitable space on the second floor and parking spaces on the ground floor allowing flood flows to pass through the structure.

Accordingly, we respectfully request the opportunity to present the results of this hydraulic analysis to the Board and, based on those results, ask the Board to re-consider its denial of the MPA/ZC request.

Thank you for your consideration regarding this matter. It is our hope that this matter can be placed on the September agenda for the Town Board to reconsider.

Sincerely,

R.O. ANDERSON ENGINEERING, INC.



Keith E. Ruben, AICP
Director of Planning & Entitlements

Cc: Heather Ferris, Senior Planner
Martin Stahl

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Mr. Erik Nilssen, PE, CFM, WRS
August 23, 2016
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The results of the hydraulic modeling are graphically depicted on the attached exhibits for your review.

Conclusions

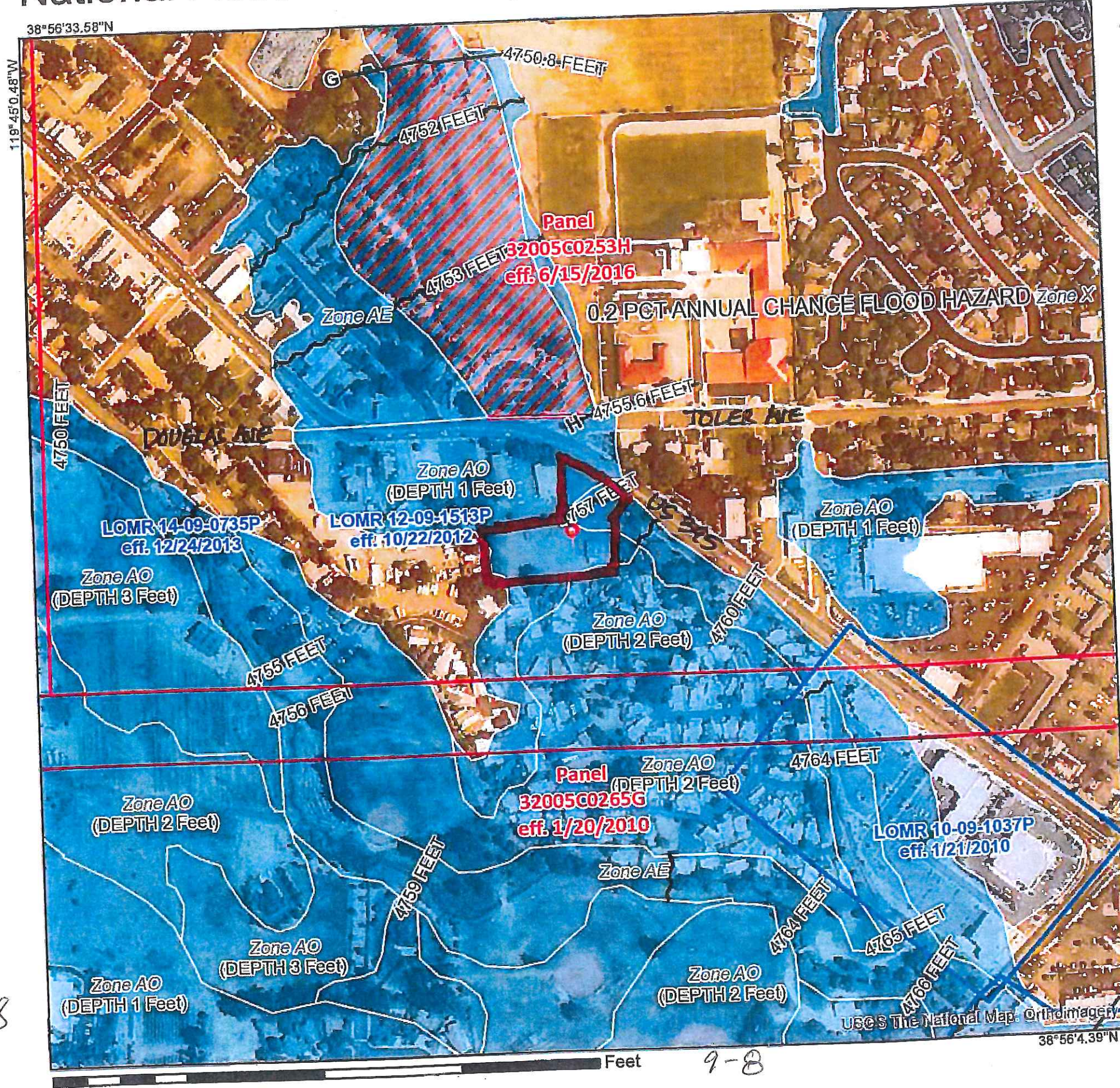
- The subject parcel is in FEMA-designated SFHA and therefore FEMA and Douglas County floodplain regulations apply.
- The proposed project with the first floor at or just above the existing ground will have an appreciable impact on the adjoining properties with base flood water surface elevations rising by as much as a foot in the immediate vicinity of the project site. Therefore, a mixed-use commercial layout with retail use on the first floor and apartments on the second floor cannot be achieved.
- The second alternate with buildings elevated on columns, which offers no impediment to floodwaters, will have no adverse impacts on the floodplain and does not raise the BFEs in the immediate vicinity of the project site. Therefore, the option of building elevated multi-family residential units with flood-proofing infrastructure improvements below the BFE as required by FEMA is achievable and may be a feasible alternative.

End of Memorandum

Attachments

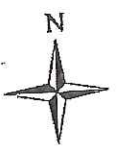
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National Flood Hazard Layer FIRMette



Legend

- Cross-Sections
- ~ Base Flood Elevations
- Flood Hazard Zones**
- 1% Annual Chance Flood
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee
- LOMRs**
- Effective
- Map Panels**
- Digital Data
- Unmodernized Maps
- Unmapped



This map complies with FEMA's standards for the use of digital flood maps. The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. The base map shown complies with FEMA's base map accuracy standards.

The NFHL is a living database, updated daily, and this map represents a snapshot of information at a specific time.

Flood risks are dynamic and can change frequently due to a variety of factors, including weather patterns, erosion, and new development. FEMA flood maps are continually updated through a variety of processes. Users should always verify through the Map Service Center (<http://msc.fema.gov>) or the Community Map Repository that they have the current effective information.

NFHL maps should not be created for unmapped or unmodernized areas.



FEMA

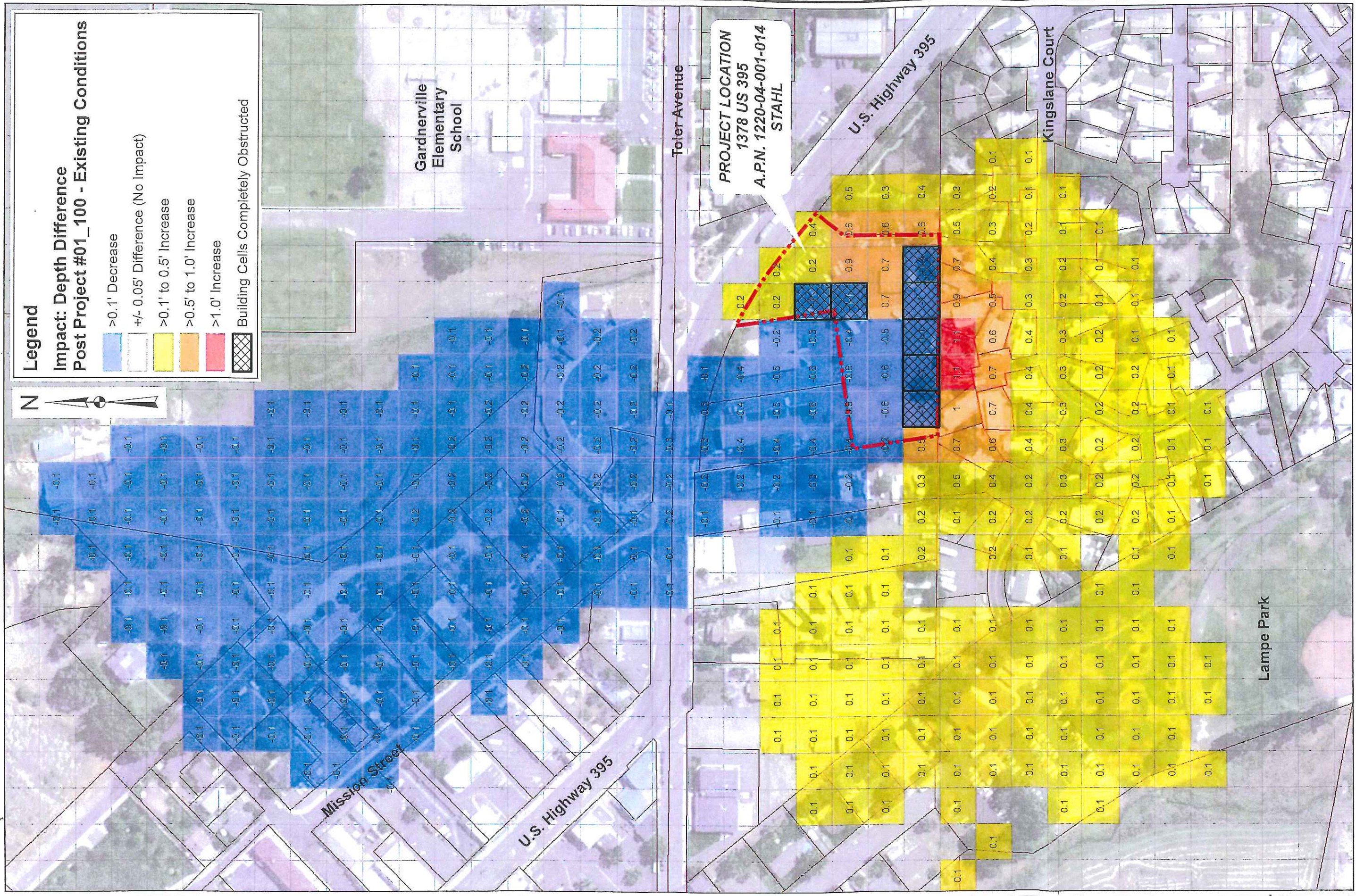
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Douglas County, Nevada: A.P.N. 1220-04-001-014

Martin Stahl Master Plan Amendment and Zone Change: Flood Impact Analysis

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Legend

Impact: Depth Difference

Post Project #01_100 - Existing Conditions

- >0.1' Decrease
- +/- 0.05' Difference (No Impact)
- >0.1' to 0.5' Increase
- >0.5' to 1.0' Increase
- >1.0' Increase
- Building Cells Completely Obstructed

PROJECT LOCATION
1378 US 395
A.P.N. 1220-04-001-014
STAHL

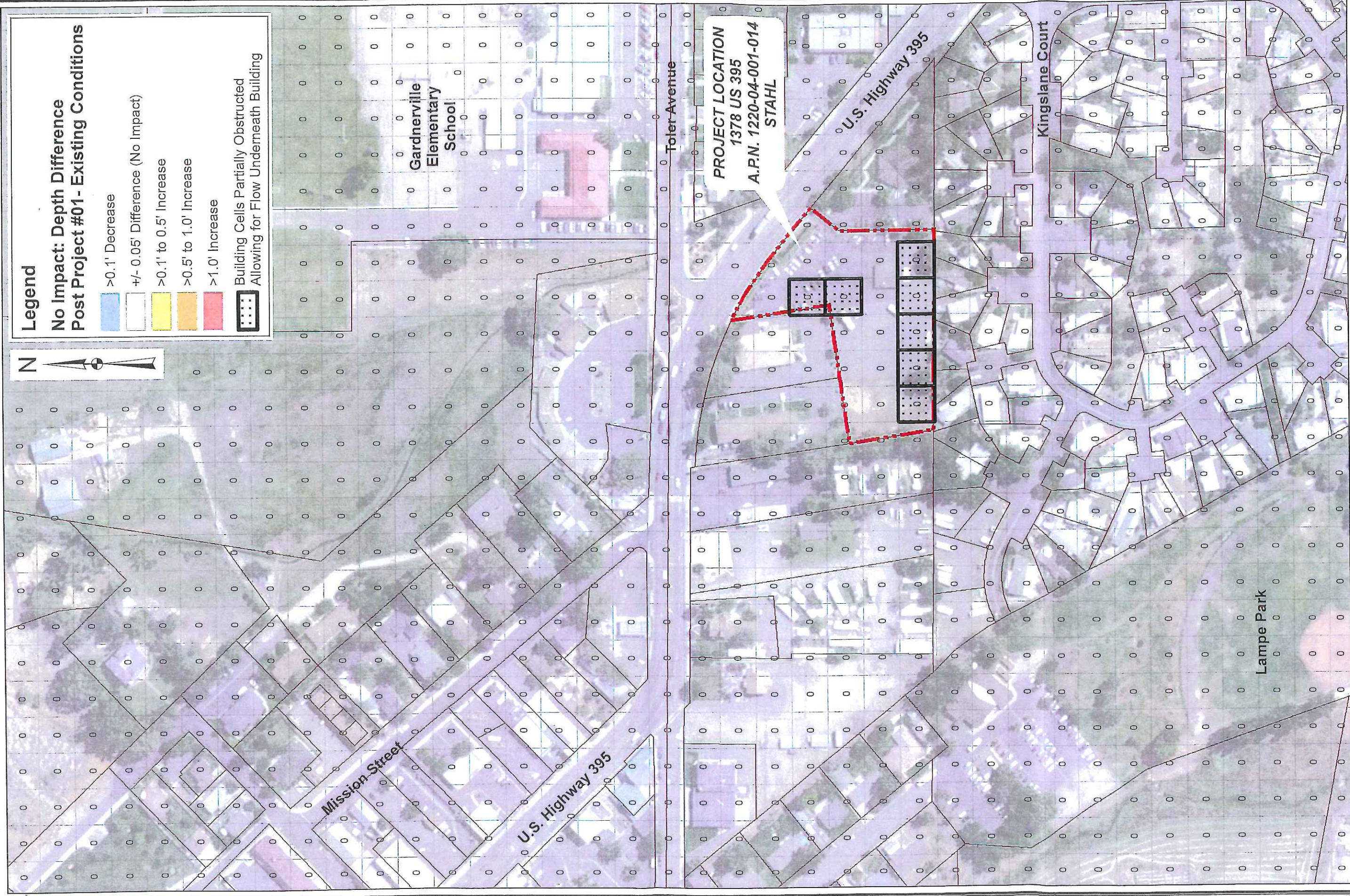
Impact: Depth Difference

0 75 150 300

Douglas County, Nevada: A.P.N. 1220-04-001-014

Martin Stahl Master Plan Amendment and Zone Change: Flood Impact Analysis

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CONCEPT GRAPHICS SCHEDULE

SYMBOL	NOTES
	PROPOSED CROSSWALK WARNING LIGHTS
	EXISTING SIDEWALK
	EXISTING PEDESTRIAN CROSSINGS
	PROPOSED SIDEWALK

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OFFSITE PEDESTRIAN CIRCULATION

APN 1220-04-101-029
 MARTIN STAHL MPA & ZMA

09157-005

08/24/16