

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning		Agenda Date:	
Category: Timed Agenda Item – 10:00 a.m.		July 16, 2019	
Contact: Brett Waggoner	Phone: 775-751-4249	Continued from meeting of:	
Return to: Brett Waggoner	Location: Pahrump	Phone:	
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) Public Hearing, discussion and deliberation on SU-2019-000063: An application for a Special Use Permit Change of Location to allow an existing marijuana establishment (cultivation facility) located at 9680 S. Oakridge Avenue, to relocate to 301 S. Oxbow Avenue, Unit 13, Pahrump, NV. Assessor Parcel Number 038-244-09. Eugene and Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda / Pejman Bady – Applicant.			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form) <div style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</div>			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date <i>wa</i>
4.	Date	9. Finance	Date <i>na</i>
5.	Date	10. County Manager	Date

Place on Agenda

ITEM # 12

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Meeting Date: July 16, 2019

AGENDA ITEMS

10:00 - For Possible Action – SU-2019-000063: Public Hearing, discussion and deliberation on an application for a Special Use Permit Change of Location to allow an existing marijuana establishment (cultivation facility) located at 9680 S. Oakridge Avenue, to relocate to 301 S. Oxbow Avenue, Unit 13, Pahrump, NV, Assessor Parcel Number 038-244-09. Eugene and Nelda Fay Toy Trust – Property Owner. Nye Natural Medicinal Solutions, LLC dba NuVeda / Pejman Bady - Applicant.

GENERAL INFORMATION SUMMARY

The applicant is requesting approval of a special use permit to relocate an existing marijuana cultivation facility.

The applicant proposes to change the location of an existing marijuana establishment (cultivation facility) currently located at 9680 S. Oakridge Avenue., to relocate to 301 S. Oxbow Avenue, Unit 13.

There is currently a marijuana establishment (production facility) located at 301 S. Oxbow Avenue, Unit 13, which is proposed to be relocated to a site on Charleston Park Avenue.

The subject parcel is located within the Pahrump Regional Planning District (PRPD) and is zoned General Commercial (GC) which allows for all marijuana establishments in accordance with NCC 17.06.030.

17.06.040: REQUIREMENT TO OBTAIN A SPECIAL USE PERMIT:

Any marijuana establishment shall require the approval, and be conducted in compliance with the terms and conditions, of a special use permit.

If the Special Use Permit is approved, the applicant will be required to obtain approval of a site development plan, water impact plan, security and transportation plan, applicable State of Nevada Department of Taxation approvals, building permit, Certificate of Occupancy, Nye County marijuana licenses for cultivation and production, and a Town of Pahrump business license, prior to operating the facility.

ANALYSIS

The PRPD Master Plan designates the subject property as CDA (Community Development Area). The parcel is zoned General Commercial (GC). The proposed use of a marijuana cultivation facility is permissive in the GC zone, subject to approval of a special use permit.

The site complies with the separation requirements, i.e., is not located within one thousand feet (1,000') of a public or private school, and not within three hundred feet (300') of any other community facility such as a park, playground or church.

17.06.030: MARIJUANA ESTABLISHMENT ZONING REQUIREMENTS:

Marijuana establishments, including retail marijuana and medical marijuana, shall be allowed within the light industrial (LI), heavy industrial (HI), general commercial (GC), commercial manufacturing (CM), and business opportunity overlay (BO) zones if located within the Pahrump regional planning district or in any other area outside of the Pahrump regional planning district that permits general commercial, manufacturing, light industrial and/or heavy industrial uses, subject to compliance with the distance separation requirements and other restrictions contained herein and upon the approval of a special use permit as required in this chapter. (Ord. 511, 2017)

The subject property is located within Great Basin Water Company's utility service area and is currently provided with central sewer and water service.

<p style="text-align: center;">STANDARDS FOR APPROVAL / FINDINGS</p>

The following criteria shall be evaluated by the Board:

1. Sufficiency and viability of the financial plan showing the resources of the applicant and proof the applicant has adequate funds to support the business plan as presented. ***A business plan and financial information has been provided by applicant. The applicant currently has two marijuana facilities approved in Nye County.***
2. Sufficiency and viability of an electronic verification system, inventory control system, adequate building security and fire protection measures. ***A security and transportation plan will be required to be submitted and approved by Nye County as a condition of approval (mandatory condition #17).***
3. Adequacy of a conceptual transportation plan that addresses product security during the transport of marijuana from seed to sale. ***A security and transportation plan will be required to be submitted and approved by Nye County as a condition of approval (mandatory condition #17).***
4. Capability to provide safe and secure packaging of marijuana products that would assist in reducing the exposure of children to the dangers of marijuana. ***The specific requirements relating to packaging of marijuana products is regulated by the State of Nevada.***
5. Whether the design of the marijuana establishment maintains a professional appearance and is compatible with existing uses or future uses in the proposed area of development. The proposed building already exists, previously and currently operating as a retail store. ***The surrounding area is generally developed with various retail, offices and other commercial services in the general vicinity, including car dealership, hotel/restaurant, auto repair facility. The proposed use would not be out of character with the area and would be compatible with the General Commercial zoning district and CDA master plan designation.***

6. Whether crime or other factors in the area of a proposed marijuana establishment pose an undue threat to the security of the proposed establishment, its product, employees or prospective patrons and the proposed mitigating strategy incorporated into the physical or other security plan to deter or negate that threat. ***A security and transportation plan will be required to be submitted and approved by Nye County.***
7. Whether dispensaries will provide convenient access to those authorized to use marijuana to a sufficient distribution of marijuana. ***N/A.***

RECOMMENDATION

Recommended BOCC Motion: "I motion to _____ (options include: **approve, deny, continue, or take no action on**) Special Use Permit Application SU-2019-000063 subject to the conditions of approval:

MANDATORY CONDITIONS OF APPROVAL

1. The special use permit grantee must provide to the planning director a copy of the approval document issued by the state of Nevada prior to commencing operations.
2. The establishment must continue to meet all requirements for a marijuana establishment to qualify for and maintain its State approval as set forth by state law.
3. The establishment must comply with all operating procedures required by state law.
4. The establishment must prohibit anyone from consuming marijuana on the premises.
5. For production and cultivation establishments: If the establishment has on-site signage, the signage shall be limited to one wall sign not to exceed two (2) square feet in size. On-site signs for dispensaries shall not exceed 25 square feet in size. All signage must obtain approval from the State.
6. The establishment must prohibit anyone under the age of eighteen (18) years on the premises.
7. The establishment must prohibit marijuana activities including, without limitation, cultivating, growing, processing, displaying, selling or storage from being conducted outdoors.
8. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed facility.
9. The establishment must prevent marijuana or paraphernalia from being displayed or kept in a manner that is visible from outside the facility.
10. The establishment must install security surveillance cameras that monitor all entrances, along with the interior and exterior of the premises. Recordings from these cameras must be maintained in a retrievable manner for at least thirty (30) days from the date recorded. Surveillance systems shall include a lighting system. The system must be available to the Nye County Sheriff's Office for real time surveillance and response.
11. The establishment must install and maintain in good working condition robbery and burglary alarm systems
12. The establishment must install a properly designed, sized, and maintained ventilation and air quality control system appropriate for the square footage of the facility and number of plants to control air quality and odor from the establishment.
13. The establishment must post a legible sign inside the facility stating that:

- a. The use or distribution of marijuana is a violation of federal law.
 - b. Consumption of marijuana on the premises is prohibited.
 - c. No one under the age of eighteen (18) years is permitted on the premises.
14. The special use permit grantee shall record a notarized affidavit in which the grantee acknowledges that the operation of a marijuana establishment is a violation of federal law.
 15. The special use permit grantee shall record a notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the marijuana establishment that is the subject of the special use permit.
 16. The special use permit grantee shall submit a Water Impact Plan showing the proposed water use and wastewater disposal methods for review and comment by the Nye County Water District Governing Board, for consideration by the Board of County Commissioners, prior to issuance of the initial marijuana license; and grantee shall submit an annual report to the Water District Governing Board for review and comment. A written summary of the Water District Governing Board comments shall be provided to the Board of County Commissioners for consideration prior to approval of any annual license renewal.
 17. Security: The special use permit grantee shall submit a Security and Transportation Plan compliant with NRS 453A and the Nye County Security Checklist detailing the proposed security for the site, buildings, and transportation vehicles, including proposed security cameras, fencing, building access and security policies and procedures for review and comment by the Nye County Sheriff, for consideration by the Board of County Commissioners, prior to issuance of the initial marijuana license; and grantee shall provide annually a written security report to the Board of County Commissioners for consideration prior to approval of any annual license renewal.
 18. Waste Disposal:
 - a. The proposed method and procedures of marijuana waste disposal shall be described in the Security and Transportation Plan.
 - b. A description and process for separation, storage and disposal of product lots which do not meet the requirements for marijuana (i.e., failed test product) must be developed, monitored and approved. The location of the area where the failed test products will be stored, such as quarantine rooms, shall be specified in the Security Plan.

SPECIAL CONDITIONS OF APPROVAL

1. If the State of Nevada does not grant a license for operation of the establishment for which the special use permit is granted within 18 months from the date of BOCC approval, then the special use permit(s) will expire.
2. Property owner/applicant/grantee shall obtain all required local and state approvals, building permits, plan reviews, inspections, etc., for the establishment.
3. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized affidavit in which the grantee acknowledges that the operation of the marijuana establishment is a violation of federal law.
4. The special use permit grantee shall provide to the Planning Department prior to commencement of the establishment a copy of the recorded notarized statement in which the grantee agrees to hold Nye County harmless against any federal law enforcement actions that may result from the activities of the marijuana establishment.
5. Grantee shall comply with all site development standards and requirements of the Pahrump Regional Planning District for commercial/industrial development projects.

BOCC Hearing -- 16 July 2019
 SU-2019-000063 -- APN 038-244-09
 Eugene & Nelda Fay Toy Trust -- Owner
 Penjamin Bady -- Applicant

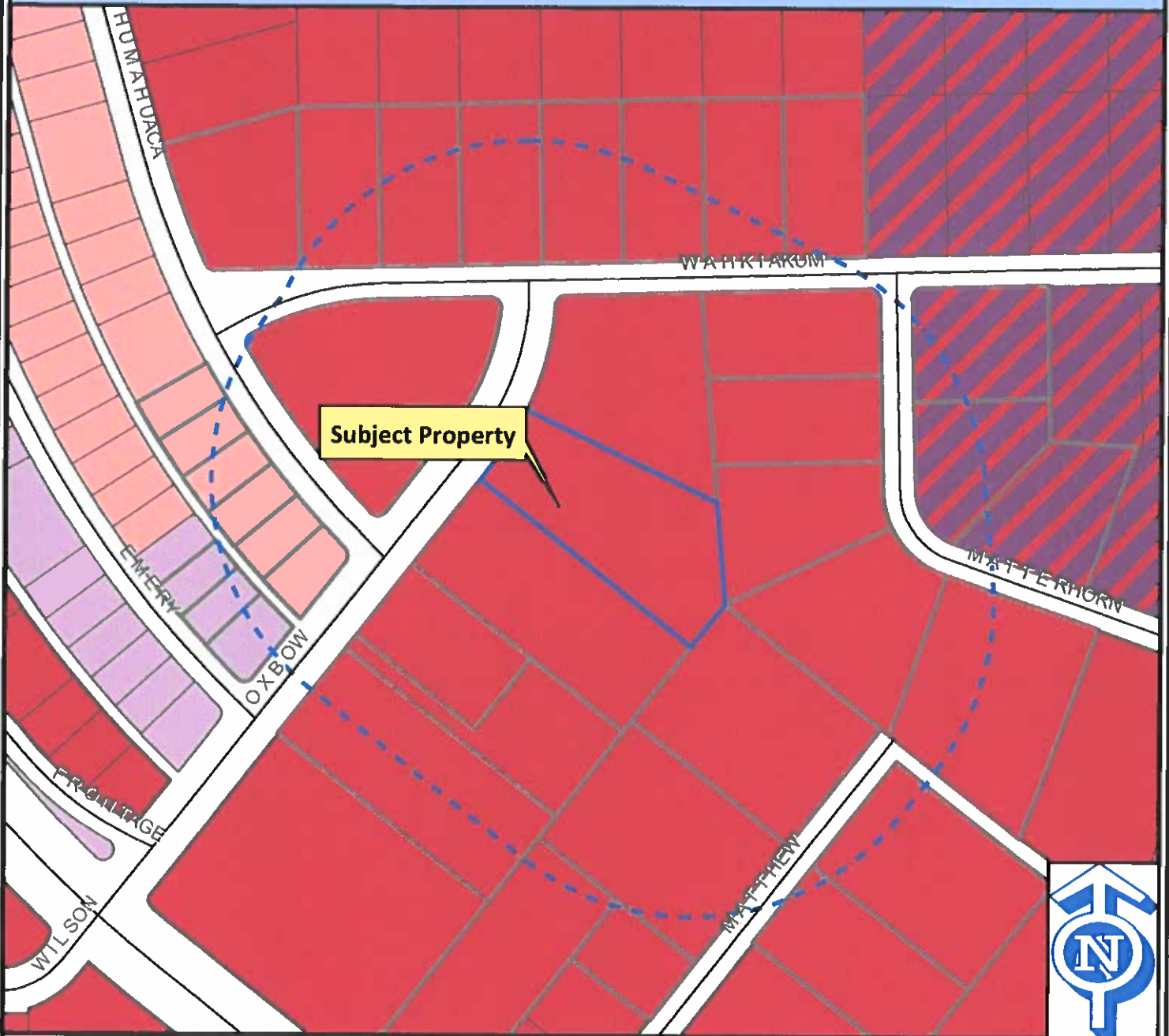









Exhibit "A" -- Area Zoning

- | | |
|--|--|
|  Subject Property |  NC; Neighborhood Commercial |
|  Notified Properties |  CM; Commercial Manufacturing |
|  500 Foot Buffer |  LI; Light Industrial |
|  GC; General Commercial | |



DEPARTMENT OF PLANNING
 Pahrump Regional Planning District
 (PRPD)

The information shown hereon is approximate and for exhibit use only. Nye County is not responsible for any claims, injuries or liabilities resulting from the use of this document beyond the purpose for which it is intended.

This drawing is not to scale.

BOCC Hearing -- 16 July 2019
SU-2019-000063 -- APN 038-244-09
Eugene & Nelda Fay Toy Trust -- Owner
Penjamin Bady -- Applicant

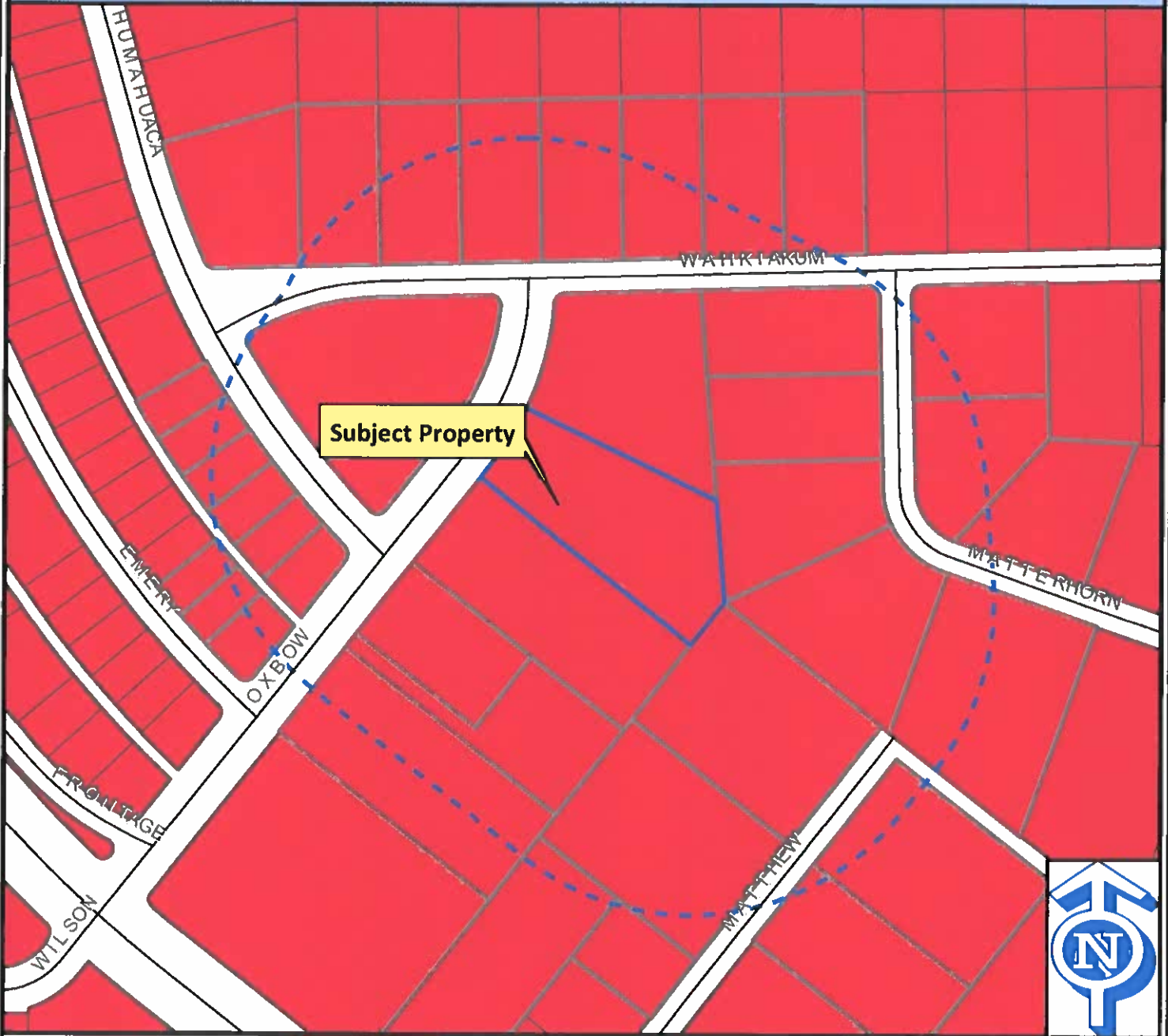






Exhibit "B" -- Master Plan Category

-  Subject Property
-  Notified Properties
-  500 Foot Buffer
-  CDA



DEPARTMENT OF PLANNING
Pahrump Regional Planning District
(PRPD)

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BOCC Hearing -- 16 July 2019
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Eugene & Nelda Fay Toy Trust -- Owner
Penjamin Bady -- Applicant

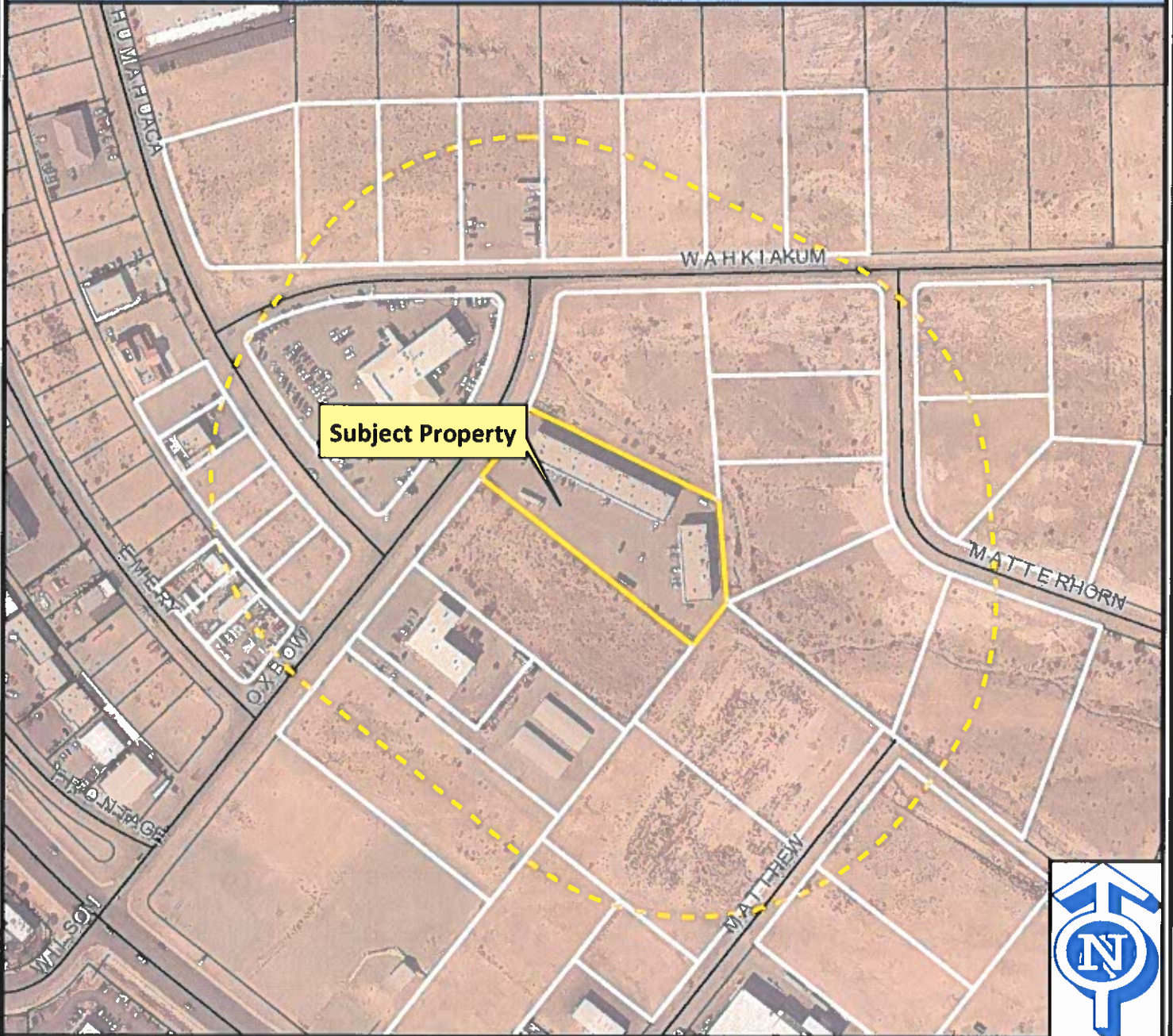





Exhibit "C" -- Aerial Perspective

-  Subject Property
-  Notified Properties
-  500 Foot Buffer



DEPARTMENT OF PLANNING
Pahrump Regional Planning District
(PRPD)

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
This drawing is not to scale.

BOCC Hearing -- 16 July 2019
SU-2019-000063 -- APN 038-244-09
Eugene & Nelda Fay Toy Trust -- Owner
Penjamin Bady -- Applicant



Subject Property

Exhibit "D" -- Close-up Aerial Perspective

 Subject Property



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This drawing is not to scale.



Special Use Permit

Initial Application Amendment/Modification of Existing Special Use Permit

Nye Natural Medicinal Solutions, LLC

301 S. Oxbow Avenue, Unit 13, Pahrump NV 89048

038-244-09

Existing Zoning: GC

Gross Acres: 2.2

Marijuana Indoor Cultivation Facility

Change of location

Eugene & Nelda Fay Toy Trust	Company
19288 Monterey Street	City: Apple Valley
CA 92308	Phone: 760-559-2749
	Email: garyetoy@aol.com
Pejman Bady	Company: Nye Natural Medicinal Solutions, LL
PO Box 6255	City: Pahrump
NV 89041	Phone: 310-863-4488
	Email: pbady@me.com

I, the undersigned, do hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that the same is true and correct to the best of my knowledge and belief. I am the owner of the property described herein, or I am the authorized agent of the owner of the property described herein, and I am duly qualified to execute this application. I HEREBY FILE THIS APPLICATION WITH THE PLANNING DEPARTMENT OF THE COUNTY OF CLATSOP, OREGON.

APPROVED BY:

Bady

Pejman Bady

CREATED/PRINTED:

Print Name

Date Filed: 6/13/19	Application Number: SU-2019-000063	Received By: <i>fo</i>
Processed By: <i>fo</i> \$1500.00	MEETING DATES: BOCC: 7/16/19	PHN Mailed:
Receipt #: CC	Advertise Date:	FAM Issued:
Code Compliance on File? Yes No N/A	Related Case Numbers:	
Case #		
STAFF NOTES:		

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NuVeda, LLC, PO BOX 6255 Pahrump, NV 89041

June 13, 2019

Via Hand-Delivery

Nye County Planning Department Pahrump Office
250 N. Highway 160, Suite 1
Pahrump, NV 89060

***Re: Specification Letter for Special Use Permit Relocation Medical/Recreational
Marijuana Cultivation Facility to 301 S Oxbow Avenue, Unit 13 (APN 038-244-09)***

To Whom it may concern:

I am writing this letter on behalf of our license (C166) Nye Natural Medicinal Solutions, LLC at 9680 S. Oakridge Avenue (APN 044-851-30). We are applying to move our current Cultivation License to 301 Oxbow Ave, Unit 13 (APN 038-244-09). This location is currently approved for use with our cultivation license.

Sincerely,

Digitally signed by
Pejman Bady
DN: cn=Pejman Bady, o=NuVeda, LLC

Pejman Bady
NuVeda, LLC
Owner CEO
License Holder: Nye Natural
Medicinal Solutions, LLC



NuVeda, LLC, PO BOX 6255 Pahrump, NV 89041

June 13, 2019

Via Hand-Delivery

Nye County Planning Department Pahrump Office
250 N. Highway 160, Suite 1
Pahrump, NV 89060

***Re: Justification Letter for Special Use Permit Relocation Medical/Recreational
Marijuana Cultivation Facility to 301 S Oxbow Avenue, Unit 13 (APN 038-244-09)***

To Whom it may concern:

I am writing this letter on behalf of our license (C166) Nye Natural Medicinal Solutions, LLC currently located at 9680 S. Oakridge Avenue (APN 044-851-30). We are applying to move our current Cultivation License to 301 S. Oxbow Avenue, Unit 13 (APN 038-244-09). Our general business hours will be from 8am-5pm Monday through Friday, with occasional after hours and weekend work based on volume.

The proposed use is consistent with any applicable standards of approval.

This proposed location meets all State of Nevada and Nye County requirements pursuant to NRS 453A and Nye County Code Title 17. It is zoned GC (General Commercial) and is more than 1,000 feet from the closest school. It is more than 300 feet from a community facility as defined in NRS 453A and Nye County Code 17.06.20B.

The proposed cultivation facility will be located in an existing enclosed building designed for growing plants indoors. If the proposed location has signage it will be in compliance with Nye County Code Title 17.06.30D(5) and NRS 453A. The facility will comply with all operating procedures required by State law as well as all of the Mandatory Conditions of Approval as stated in Nye County Code Title 17.06.30D. In accordance with Nye County Code 17.06.30D, the proposed location will have security surveillance cameras and robbery and burglary alarm systems.

The proposed use will be adequately serviced by public improvements, facilities and services and will not impose an undue burden.

The proposed use will be adequately serviced by the current public improvements, facilities and services. Furthermore, there will be ample security at this location. As will be



NuVeda, LLC, PO BOX 6255 Pahrump, NV 89041

detailed in the security plan submitted as a party of the business license, this location will have a comprehensive security system. The proposed use will not impose an undue burden.

In conclusion the proposed use will be in harmony with the purpose, goals, objectives and standards of the Nye County Code Title 17 and will not have any adverse effect on the public health safety and general welfare. The applicant, Nye Natural Medicinal Solutions, LLC, respectfully requests approval of this special use permit application.

If you have any questions, please do not hesitate to contact me.

Sincerely,


DocuSigned by
Pejman Bady
68EAB70174643C

Pejman Bady
NuVeda, LLC
Owner CEO
License Holder: Nye Natural
Medicinal Solutions, LLC

STATE OF NEVADA)
) ss.
COUNTY OF NYE)

The undersigned, Andy Jordan, after first being duly sworn on oath states:

1. I am the property manager of the property located at 301 S. Oxbow Avenue, Suite 13, Pahrump, Nevada 89048.
2. The property owner is aware that the proposed use of subject property is for a Marijuana Establishment.
3. Specifically, the property owner is aware that Nye Natural Medicinal Solutions, LLC, proposes to utilize the property located at 301 S. Oxbow Avenue for marijuana cultivation facility.



Andy Jordan
Authorized Representative

Subscribed and sworn to before me this _____ day of _____, 2019 by Andy Jordan.

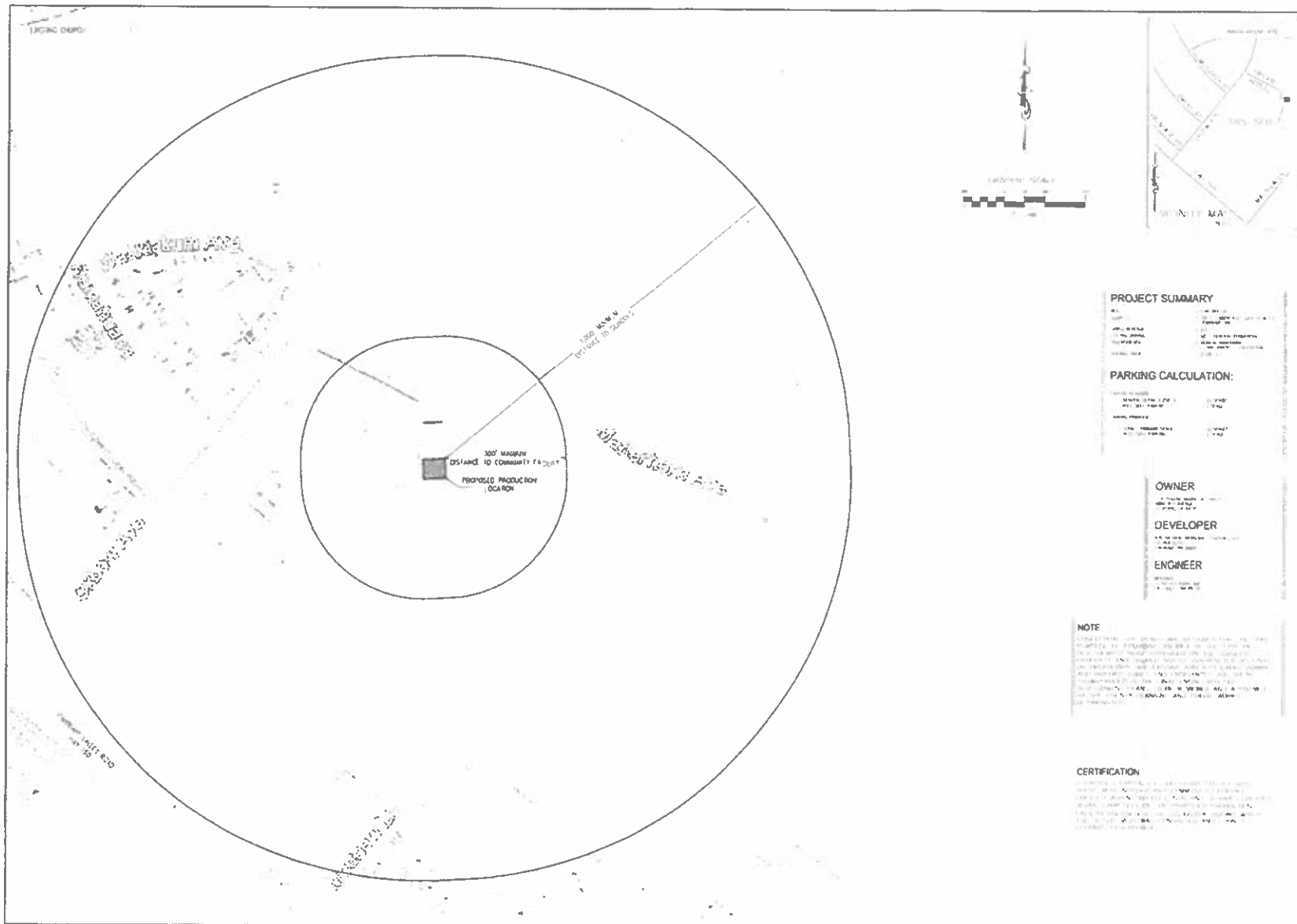


Notary Public



My Commission Expires:

Jun 5, 2021



Megacon	
Nye Natural Medicinal Solutions, LLC	PROJECT NO. 2024-001
STRAIGHT-LINE DRAWING	
DATE: 08/20/2024	SCALE: AS SHOWN
DRAWN BY: [Name]	CHECKED BY: [Name]
SL-1	

PROJECT SUMMARY

PROJECT NO: 2024-001
 PROJECT NAME: Nye Natural Medicinal Solutions, LLC
 PROJECT LOCATION: [Address]
 PROJECT TYPE: [Type]

PARKING CALCULATION:

TYPE OF USE	PER 94A.02(2)
MAXIMUM PERMITTED	1:100
ACTUAL PROVIDED	1:100
DEFICIENCY	0

OWNER

Nye Natural Medicinal Solutions, LLC

DEVELOPER

[Name]

ENGINEER

[Name]

NOTE

1. THIS DRAWING IS A STRAIGHT-LINE DRAWING AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS INTENDED FOR INFORMATIONAL PURPOSES ONLY. ALL DIMENSIONS AND LOCATIONS ARE SUBJECT TO FIELD SURVEY. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND NO OBVIOUS DISCREPANCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREIN.

CERTIFICATION

I, the undersigned, being a duly licensed Professional Engineer in the State of Massachusetts, do hereby certify that I am the author of this drawing and that I am a duly licensed Professional Engineer in the State of Massachusetts.