

# NYE COUNTY AGENDA INFORMATION FORM

Action    
  Presentation    
  Presentation & Action

<b>Department: Planning</b>		<b>Agenda Date:</b>	
<b>Category: Timed Agenda Item – 10:00 a.m.</b>		<b>August 6, 2019</b>	
<b>Contact: Brett Waggoner</b>	Phone: 775-751-4249	Continued from meeting of:	
<b>Return to: Brett Waggoner</b>	<b>Location: Pahrump Planning</b>	Phone:	
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms) <p>Public Hearing, discussion and deliberation on SU-2019-000058: An application for a Special Use Permit to allow a marijuana establishment (retail store/dispensary) located at 2370 and 2380 S. Homestead Road, Pahrump, NV. Assessor Parcel Numbers 042-312-12 and 042-493-16. GNSL Pahrump, LLC/Trevor Gasser – Property Owner. Nevada Organic Remedies, LLC – Applicant. Andrew Jolley – Agent.</p>			
<b>Complete description of requested action:</b> (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.			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

**Routing & Approval (Sign & Date)**

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

Place on Agenda

ITEM # 10

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

**Meeting Date:** August 6, 2019

**AGENDA ITEMS**

**10:00 - For Possible Action – SU-2019-000058:** Public Hearing, discussion and deliberation on an application for a Special Use Permit to allow a marijuana establishment (retail store/dispensary) located at 2370 and 2380 S. Homestead Road, Pahrump, NV. Assessor Parcel Numbers 042-312-12 and 042-493-16. GNSL Pahrump, LLC/Trevor Gasser – Property Owner. Nevada Organic Remedies, LLC – Applicant. Andrew Jolley – Agent.

**GENERAL INFORMATION SUMMARY**

The applicant is requesting approval of a special use permit to allow a marijuana retail store/dispensary.

The subject parcel is located within the Pahrump Regional Planning District (PRPD) and is zoned Business Opportunity Overlay (BO) 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 (license), 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 subject property consists of two lots, each 0.47 acres, for a total land area of approximately 0.94 acres (40,946 square feet), located at 2370 and 2380 S. Homestead Road, Pahrump. The PRPD Master Plan designates the subject property as LDR (Low Density Residential). Both lots are zoned Business Opportunity Overlay (BO). The proposed use of a marijuana retail store/dispensary is permissive in the BO zone, subject to approval of a special use permit.

The property is currently undeveloped with no existing buildings or utilities at this time.

The applicant proposes to construct a 3,500 to 5,000 square foot building. (See applicant's proposed floor plan and site plan attached).

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 for central sewer and water service.

<p style="text-align: center;"><b>STANDARDS FOR APPROVAL / FINDINGS</b></p>
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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 has extensive experience in other jurisdictions in the marijuana industry.***
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). A site development plan and building permit will be required prior to construction of the facility.***
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 immediate surrounding area is generally developed with various retail, offices and***

*other commercial services existing in the general vicinity. The proposed use (retail store) would not be out of character with the area and would be compatible with the Business Opportunity Overlay zoning district.*

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. ***The proposed location would provide convenient access to customers, given the location is in close proximity to the intersection of State Highway 160 and Homestead Rd.***

<b>RECOMMENDATION</b>
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**Recommended BOCC Motion:** "I motion to \_\_\_\_\_ (options include: **approve, deny, continue, or take no action on**) Special Use Permit Application SU-2019-000058 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.

# nevada

## ORGANIC REMEDIES

2009 E. Windmill Lane, Las Vegas, NV 89123 | 3705 E. Post Rd., Las Vegas, NV 89120

April 29, 2019

**Via Hand Delivery**

Department of Planning  
250 N. Highway 160, Ste 1  
Pahrump, NV 89060  
Phone: 775-751-4249  
Fax: 775-751-4324

***RE: Justification Letter for Nye County Recreational Marijuana Establishment Business License Application Justification Letter***

To Whom It May Concern:

Nevada Organic Remedies, LLC (NOR, LLC) is applying for a Nye County Recreational Marijuana Establishment Business License to operate a retail marijuana dispensary at 2370-2380 Homestead Rd., Pahrump, NV 89048 (APN: 42-312-12 and 42-493-16). The proposed location is a 0.94 acre lot. It is centrally located and, shall operate as a secure and convenient location for customers to purchase retail cannabis.

*Explain the proposed use, operating characteristics, number of employees, hours of operation, etc.*

Nevada Organic Remedies, LLC proposed use is a retail marijuana dispensary. The proposed dispensary will operate in accordance with all State of Nevada and Nye County requirements pursuant to NRS 453D, NAC 453D, and Nye County Code Title 5 and Title 17.

Nevada Organic Remedies estimates that it will employ ~35 employees at the dispensary and will operate between the hours of 8am and 11pm Monday – Sunday.

*Does the proposed use comply with all applicable provisions of the development code?*

This proposed location meets all State of Nevada and Nye County requirements pursuant to NRS 453D and Nye County Code Title 17. It is zoned C-2 (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 453D Nye County Code 17.06.20B. It is also more than 300 feet from any existing residential dwelling unit.

The proposed dispensary will be within an existing enclosed building. The proposed location will have signage in compliance with Nye County Code Title 17.06.30D(5) and NRS 453D. The dispensary 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.

# nevada

## ORGANIC REMEDIES

2009 E. Windmill Lane, Las Vegas, NV 89123 | 3705 E. Post Rd., Las Vegas, NV 89120

*Explain why a special use permit should be granted?*

The proposed location is large enough to house a 3,500 – 5,000 sq. ft. retail dispensary with adequate room for parking. Adjacent properties are vacant lots, which shall have no substantial or undue adverse effect as the facility will maintain stringent security and will comply with all State of Nevada and Nye County regulations. The proposed use shall not result in a substantial or undue adverse effect on the public health, safety, or general welfare. It will dispense affordable, high-quality retail cannabis to eligible customers.

There are currently adequate public utilities in the area and there will not be an undue burden by this proposed use. The proposed use will be adequately serviced by the current public improvements, facilities, and services. As detailed in the security plan submitted as part of this application, this location will have a comprehensive security system.

In conclusion, the proposed use will be in harmony with the purpose, goals, and objectives of the Nye County Code Title 17 and will not have any adverse effect on the public health safety and general welfare, and will be adequately serviced by public improvements, facilities and services. The proposed use is expected to contribute significant tax revenue to Nye County.

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

Sincerely,  
Nevada Organic Remedies, LLC

By:   
Brandon Wiegand  
Director of Operations



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STATE OF Utah )  
 ) ss.  
COUNTY OF Davis )

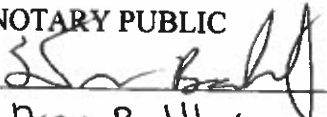
The undersigned, Trevor Gasser, after first being duly sworn on oath states:

1. I am an authorized representative of the property owner, GNSL PAHRUMP, LLC, of the property known as APN 42-312-12 and APN 42-493-16, which are adjacent parcels located on Homestead Road near its intersection with NV-160.
2. The property known as APN 42-312-12 and APN 42-493-16 is to be sold (or potentially leased for a period prior to closing of such sale) to Nevada Organic Remedies, LLC, tenant.
3. The property owner is aware that the tenant's proposed use of subject property is for a Retail Marijuana Establishment.
4. Specifically, the property owner is aware that tenant, Nevada Organic Remedies, LLC, proposes to utilize the property known as APN 42-312-12 and APN 42-493-16 for a retail marijuana dispensary.

  
 \_\_\_\_\_  
 TREVOR GASSER  
 AUTHORIZED REPRESENTATIVE OF  
 GNSL PAHRUMP, LLC

Subscribed and sworn to before me this 26 day of April, 2019 by  
Trevor Gasser

My Commission Expires:  
5/18/19

NOTARY PUBLIC  
  
 \_\_\_\_\_  
 Dan Baddley



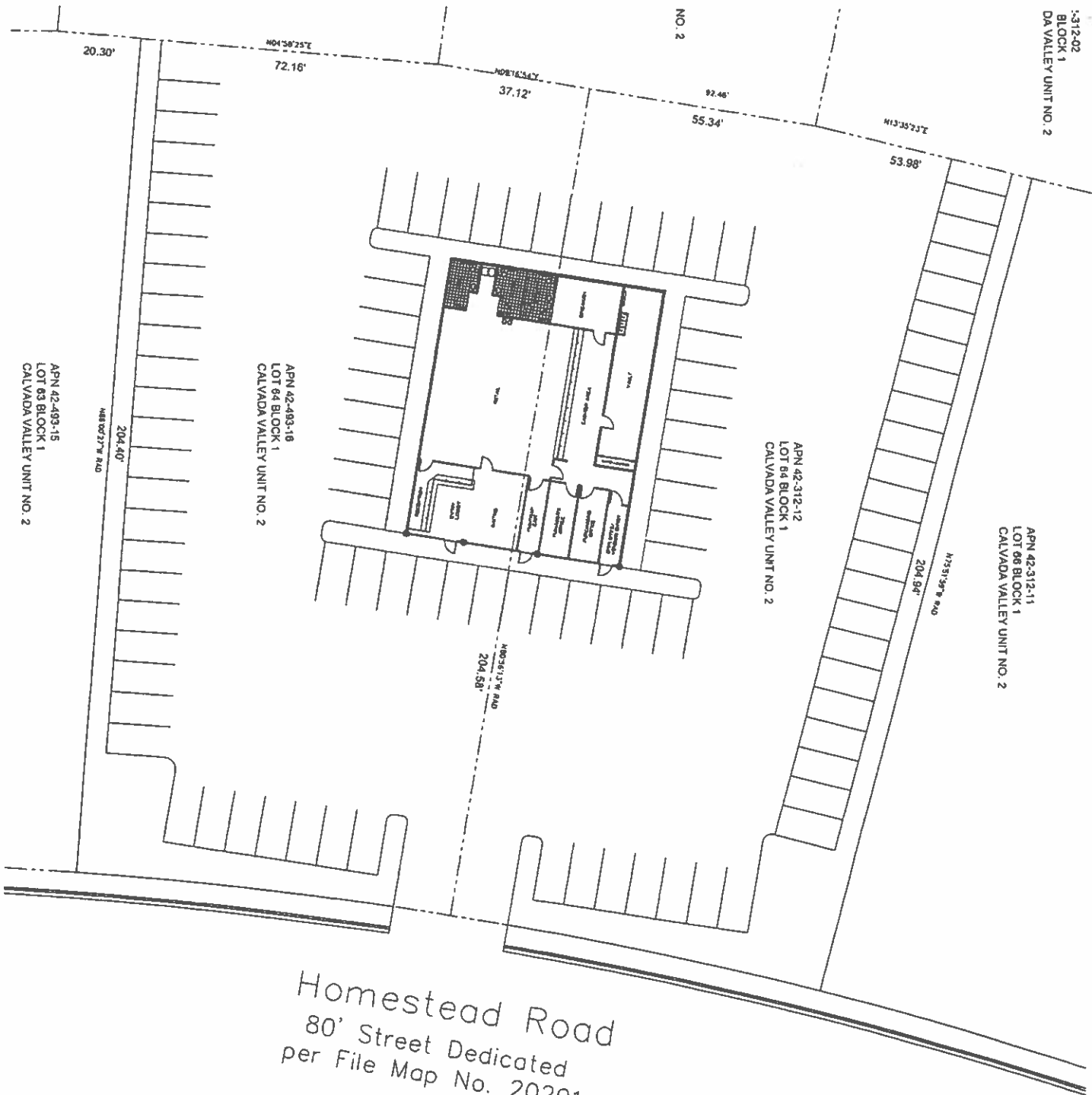
APN 42-312-02  
BLOCK 1  
DA VALLEY UNIT NO. 2

APN 42-312-11  
LOT 66 BLOCK 1  
CALVADA VALLEY UNIT NO. 2

APN 42-312-12  
LOT 64 BLOCK 1  
CALVADA VALLEY UNIT NO. 2

APN 42-493-18  
LOT 64 BLOCK 1  
CALVADA VALLEY UNIT NO. 2

APN 42-493-15  
LOT 63 BLOCK 1  
CALVADA VALLEY UNIT NO. 2




Homestead Road  
80' Street Dedicated  
per File Map No. 20291

**BOCC Hearing -- 6 August 2019**  
**SU-2019-000058 -- APNs 042-312-12 & 042-493-16**  
**GNSL Pahrump, LLC/Trevor Gasser -- Owner**  
**Nevada Organic Remedies, LLC -- Applicant / Andrew Jolley -- Agent**



**Exhibit "D" -- Close-up Aerial Perspective**

 Subject Properties






The information shown herein is advisory in nature and for informational use only. The County is not responsible for any claims, injuries or liabilities resulting from the use of this document beyond the purpose for which it was prepared.

This drawing is not to scale.

BOCC Hearing -- 6 August 2019  
SU-2019-000058 -- APNs 042-312-12 & 042-493-16  
GNSL Pahrump, LLC/Trevor Gasser -- Owner  
Nevada Organic Remedies, LLC -- Applicant / Andrew Jolley -- Agent



**Exhibit "C" -- Aerial Perspective**

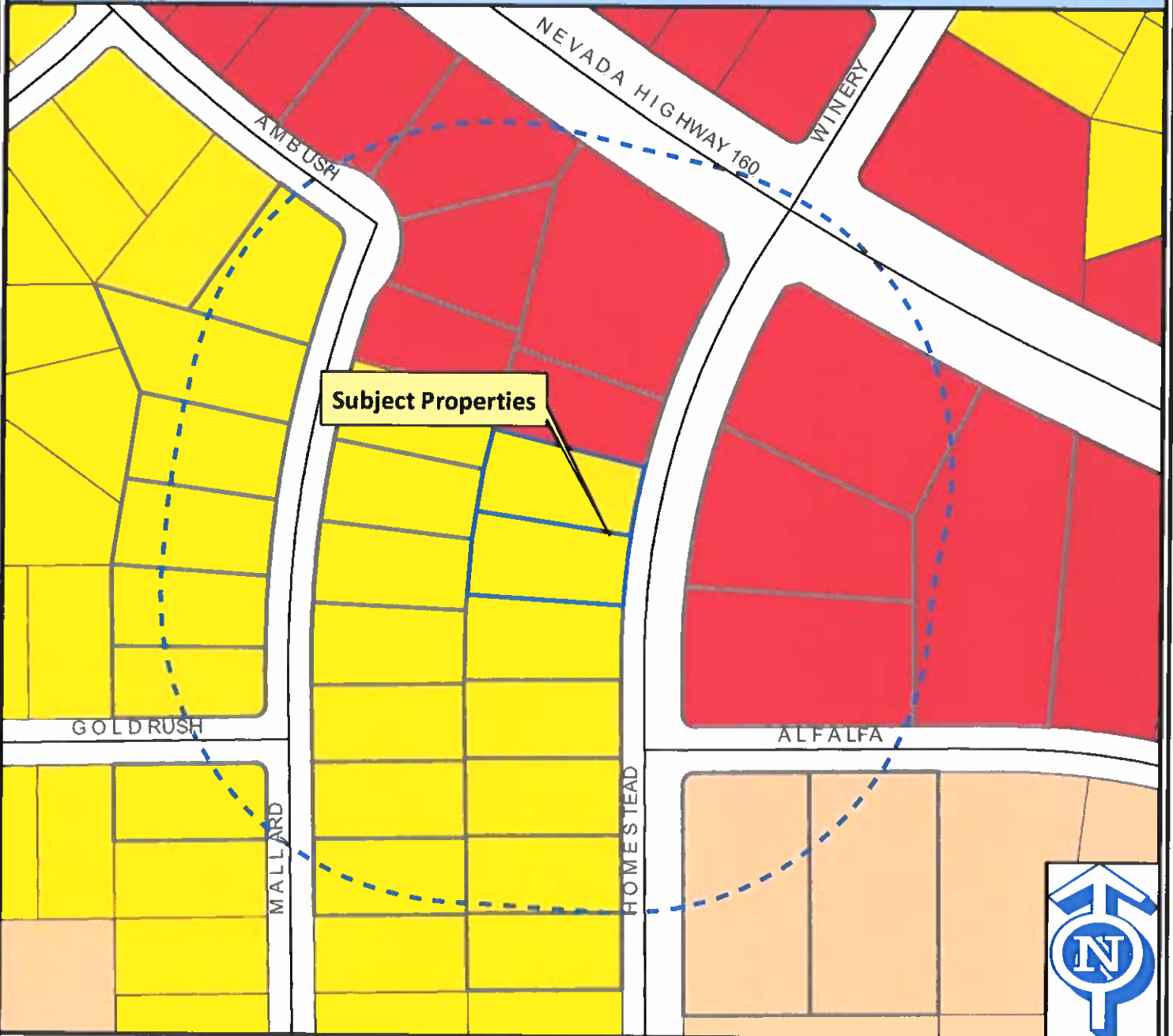
-  Subject Properties
-  Notified Properties
-  400 Foot Buffer









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BOCC Hearing -- 6 August 2019  
 SU-2019-000058 -- APNs 042-312-12 & 042-493-16  
 GNSL Pahrump, LLC/Trevor Gasser -- Owner  
 Nevada Organic Remedies, LLC -- Applicant / Andrew Jolley -- Agent



**Exhibit "B" -- Master Plan Categories**

- |   |                     |   |     |
|---|---------------------|---|-----|
|  | Subject Properties  |  | LDR |
|  | Notified Properties |  | CDA |
|  | 400 Foot Buffer     |  | RDR |

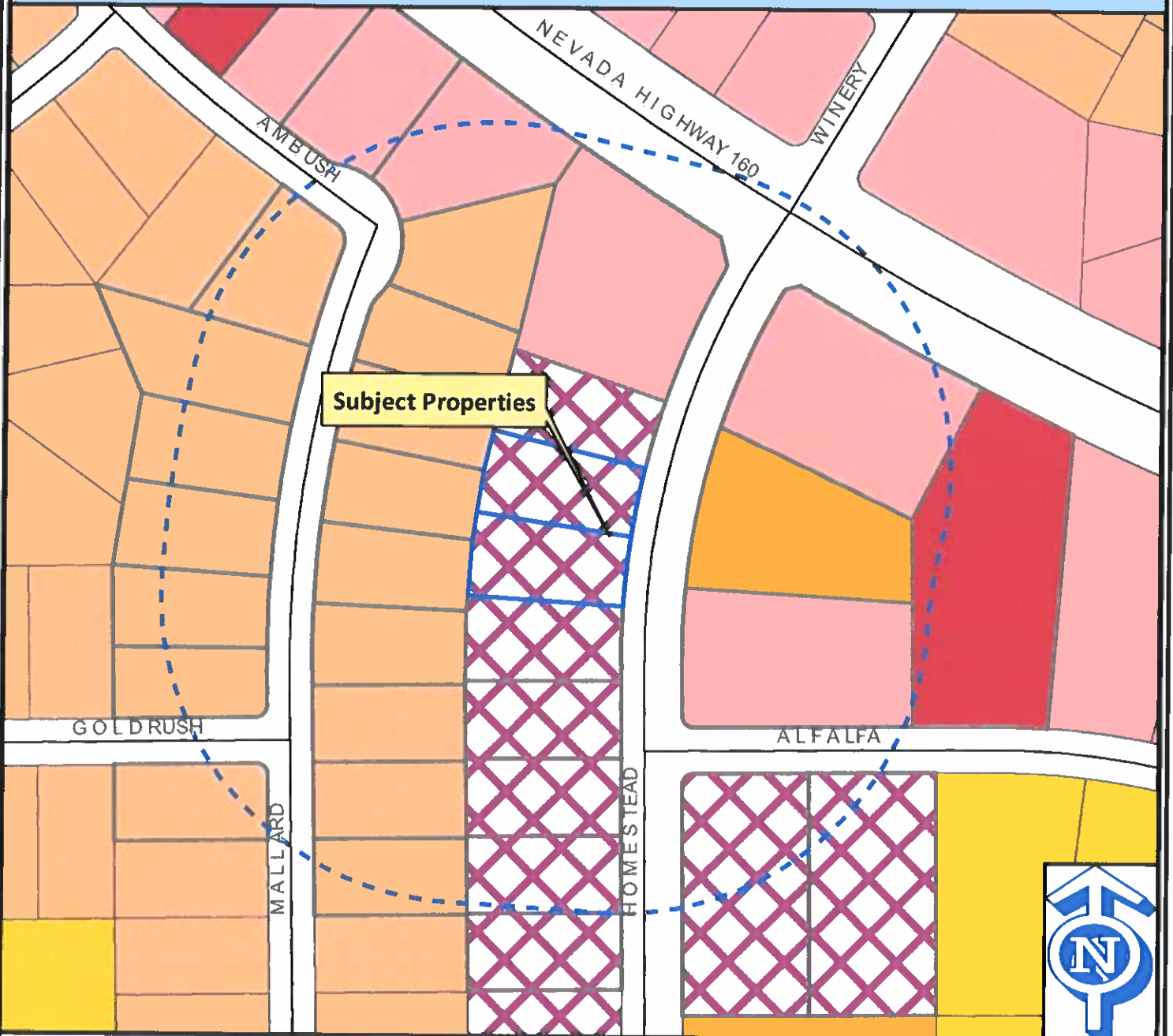


DEPARTMENT OF PLANNING  
 Pahrump Regional Planning District (PRPD)

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BOCC Hearing -- 6 August 2019  
 SU-2019-000058 -- APNs 042-312-12 & 042-493-16  
 GNSL Pahrump, LLC/Trevor Gasser -- Owner  
 Nevada Organic Remedies, LLC -- Applicant / Andrew Jolley -- Agent



Subject Properties

**Exhibit "A" -- Area Zoning**

- |  |   |
|--|---|
|  Subject Properties               |  GC; General Commercial          |
|  Notified Properties              |  MU; Mixed Use                   |
|  BO: Business Opportunity Overlay |  RE-1; Rural Estates Residential |
|  NC; Neighborhood Commercial      |  VR-20; Village Residential      |



DEPARTMENT OF PLANNING  
 Pahrump Regional Planning District (PRPD)

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This drawing is not to scale.

**Celeste Sandoval**

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**From:** Pilar Aldecoaotalora <josu\_pilar@yahoo.com>  
**Sent:** Tuesday, June 11, 2019 8:22 PM  
**To:** Planning  
**Subject:** Public Hearing SU-2019-000058

We are not in agreement to allow a marijuana establishment close to residential areas. They should relocate to commercial real estate away from family areas. We certainly do not want anything like that in close proximity to our children and grandchildren.

Thank you for allowing us to voice our concern.

Sincerely,

Josu and Pilar Aldecoaotalora  
2400 S.Homestead Road

Sent from my iPad