

NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Planning		Agenda Date:	
Category: Timed Agenda Item – 11:00 a.m.		April 3, 2018	
Contact: Brett Waggoner	Phone: 775-751-4249	Continued from meeting of:	
Return to: Brett Waggoner	Location: Planning	Phone: 775-751-4249	

Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)

- a. Public Hearing, discussion and deliberation on Special Use Permit Application SU-2018-000049: A request for a Special Use Permit to allow an expansion of an existing marijuana establishment (cultivation), to add 228,000 square feet of new outdoor cultivation areas located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/Applicant.

- b. Public Hearing, discussion and deliberation on Waiver Application WV-2018-000067: A request for a Waiver to allow the cultivation of marijuana outdoors, where Nye County Code currently requires all marijuana to be cultivated inside of an enclosed building located at 950 E. Anvil Road, Amargosa Valley, NV. Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/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)

No financial impact

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date N/A
4.	Date	9. Finance	Date N/A
5.	Date	10. County Manager	Date

Place on Agenda

ITEM # 10

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

Meeting Date: April 3, 2018

AGENDA ITEMS

- a. 11:00 - For Possible Action — Special Use Permit Application SU-2018-000049: Public hearing, discussion and deliberation on a request for a Special Use Permit to allow an expansion of an existing marijuana establishment (cultivation), to add 228,000 square feet of new outdoor cultivation areas, located in Amargosa Valley at 950 E. Anvil Road, Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/Applicant.

- b. 11:00 - For Possible Action — Waiver Application WV-2018-000067: Public hearing, discussion and deliberation on a request for a Waiver to allow the cultivation of marijuana outdoors, where Nye County Code currently requires all marijuana to be cultivated inside of an enclosed building, located in Amargosa Valley at 950 E. Anvil Road, Assessor Parcel Number 019-751-03. Acres Cultivation, LLC – Property Owner/Applicant.

GENERAL INFORMATION SUMMARY

Acres Cultivation has been approved by Nye County for both medical and recreational marijuana cultivation and production on the subject property.

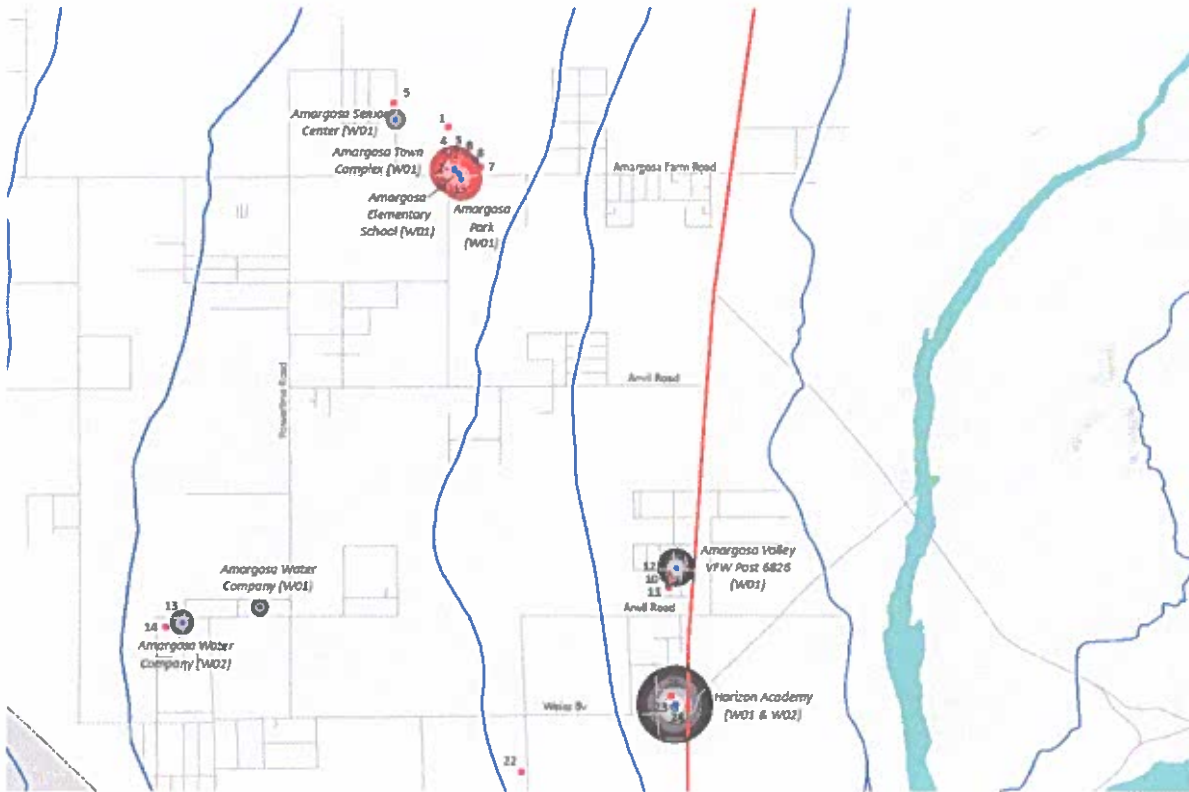
Applicant was approved by the BOCC on February 6, 2018 to amend their special use permits to allow for an expansion of the facility adding an additional nine (9) greenhouse structures for cultivation, additional trimming/drying metal buildings, and additional production areas.

The current applications are to add 228,000 square feet of new outdoor cultivation areas, which will be covered with a polycarbonate roof material. Since Nye County Code currently requires all marijuana to be cultivated inside of a completely enclosed building, a Waiver application has also been submitted to allow the cultivation of marijuana outdoors.

See attached justification letter and supporting documents from Acres Cultivation for specific details.

Water: Analysis of the potential impact of the proposed project on community water resources:

Community Source Water Protection Plan (CSWPP): Proximity of the proposed project to Public Water System(s)/Source Water Protection Area(s): The proposed project is not located within any public well Capture Zone. The nearest public wells are located more than one (1) mile from the subject property (*see map below from Nye County Community Source Water Protection Plan*).



Nye County Community Source Water Protection Plan

Water Quality. Impact on Existing Groundwater Quality: Could the proposed project/land use potentially cause or contribute to the degradation of groundwater quality/is the proposed land use considered a Potential Contaminant Source? (Yes/No – Table E-1): Yes.

Class: Agricultural. **Source:** Chemical Application (e.g. pesticides, fungicides, & fertilizers).

Risk Level (Low/Moderate/High): High.

Contaminant Categories: B and C

B = Synthetic Organic Compound

C = Inorganic Contaminant

Water Quantity. Estimated Water Use: Information provided by Acres Cultivation: Acres currently has 74 acre feet of water on the existing property. Acres believes they are using about 7 acre feet for 42,000 sq. ft. of greenhouse and buildings. Applicant estimated they would be using about 35 acre feet total after expansion of the greenhouses. Currently, total approved cultivation area is approximately 248,000 square feet. With the additional 228,000 square feet of new outdoor cultivation area, the total area of cultivation would be approximately 476,000 square feet. Acres indicates that their 74-acre feet of water rights is sufficient to supply the requested expansion.

RECOMMENDATION

Recommended BOCC Motions:

Special Use Permit application:

"I motion to _____ (options include: **approve, deny, continue, or take no action on**) Special Use Permit Application SU-2018-000049."

Waiver application:

"I motion to _____ (options include: **approve, deny, continue, or take no action on**) Waiver Application WV-2018-000067."



SPECIAL USE PERMIT APPLICATION NYE COUNTY, NEVADA

See Reverse for Submittal Requirements
AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>3-6-18</u>	APPLICATION NUMBER: <u>SU-2018-000049</u>
<input checked="" type="checkbox"/> SPECIAL USE PERMIT	PROCESSED BY: <u>ADD</u>	BOCC MEETING DATE: <u>4-3-18</u>
AMENDMENT - EXPANSION USE THIS FORM FOR ALL SPECIAL USE PERMIT APPLICATIONS IN NYE COUNTY	FEE: <u>\$ 750.00</u>	ADVERTISE DATE:
	RECEIPT #: <u>7622</u>	PROPERTY OWNERS NOTIFIED:
	SECTION / TOWNSHIP / RANGE:	
	RELATED CASE NOS: <u>WV-2018-000067</u>	
	FINAL ACTION MEMORANDUM ISSUED:	DOES THE PROPOSED PROJECT CONFORM TO THE APPLICABLE LAND USE PLAN DESIGNATION? <u>Yes</u>

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Acres Cultivation, LLC
 APPLICANT: Acres Cultivation, LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO:

NAME: John Mueller
 ADDRESS: 2325 Western Ave Ste 12
 CITY: Las Vegas STATE: NV ZIP CODE: 89102
 TELEPHONE: 816) 914-2200 FAX/CELL: same

ASSESSOR'S PARCEL NUMBER(S): 019-751-03
 LEGAL DESCRIPTION: T16S R49E S28 F#530461 P.1 37.72 AC Sect/Lot 28 Town/Block 16
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 950 Arvil Rd. Farm road Range 49E
 GROSS/NET ACREAGE: 37.72 Acres

IS THE SUBJECT PROPERTY LOCATED WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT (PRPD)? YES NO
 CURRENT ZONE CLASSIFICATION (IF PROPERTY IS LOCATED WITHIN THE PRPD): N/A
 EXISTING LAND USE: medical marijuana cultivation facility
 PRESENT LAND USE PLAN DESIGNATION (CHECK APPLICABLE BOX AND INDICATE EXISTING LAND USE PLAN DESIGNATION):
 NYE COUNTY COMPREHENSIVE/MASTER PLAN LAND USE DESIGNATION:
 PRPD MASTER PLAN LAND USE DESIGNATION:
 AMARGOSA VALLEY AREA PLAN LAND USE DESIGNATION:
 OTHER ADOPTED LAND USE PLAN DESIGNATION (TONOPAH, BEATTY, ETC.):

PROVIDE A BRIEF SUMMARY OF YOUR REQUEST: (PROVIDE A DETAILED DESCRIPTION IN AN ATTACHED JUSTIFICATION LETTER)
Expansion of existing facility / allow outdoor cultivation. Add new outdoor cultivation of 228,000 sq. ft.

***** Prior to submitting this application, please call (775) 751-4249 (Pahrump Office) or to schedule an appointment *****

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.



Property Owner Signature

John Mueller

Print or Type Property Owner Name

Notary

State of Kansas

County of Johnson

Signed and sworn to (or affirmed) before me on this 5th day of March 2018 by John Mueller
Day Month Year Name of person



Krystal Wright
Notary Public

Documents Required for Submitting Special Use Permit Applications

APPLICATION TYPE	Application	Site Plan	Property Owner Affidavit	Deed	Business Plan	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Information	Application Fee
Special Use Permit	1	1 ⁵	1 ¹¹	1 ⁷	1 ¹⁰	1 ⁸	4 ¹⁴	1 ⁹	1 ¹⁶	\$350 + \$175 advertising and noticing fee
Marijuana Applications	1	1 ⁵	1 ¹¹	1 ⁷	1 ¹⁰	1 ⁶	4 ¹⁴	1 ⁹	1 ¹⁶	\$1,500.00
Marijuana Amendments	1	1 ⁵	1 ¹¹	1 ⁷	1 ¹⁰	1 ⁶	4 ¹⁴	1 ⁹	1 ¹⁶	\$750.00

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Special Use Permit Applications

Procedures for Filing Special Use Permit Applications:

- A. After assembling the required materials as outlined above, schedule an appointment by calling the Nye County Planning Department at (775) 751-4249 (Pahrump Office) or (775) 482-8181 (Tonopah Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- B. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY – you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D. A letter indicating the Board's decision and all conditions of approval will be sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. The Board's decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 16.36.
- E. The Board has the authority to impose conditions, restrictions, safeguards and date of expiration on any special use permit that is granted to ensure the health, safety and welfare of the public. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.

Nye County Planning Department

www.nyecounty.net

PAHRUMP OFFICE
 250 N. Highway 160, Suite 1
 Pahrump, NV 89060
 Phone: (775) 751-4249

LAND USE APPLICATION
Pahrump Regional Planning District
See Reverse for Submittal Requirements
AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: <u>3-6-18</u>	APPLICATION NUMBER: <u>WV-2018-000067</u>
<input type="checkbox"/> CONDITIONAL USE PERMIT	PROCESSED BY: <u>AW</u>	MEETING DATES RPC: <u>N/A</u> BOCC: <u>4-3-2018</u>
<input type="checkbox"/> EXTENSION OF TIME (Original application #)	FEE: <u>\$ 525.00</u>	ADVERTISE DATE:
<input type="checkbox"/> RECONSIDERATION (Original application #)	RECEIPT #: <u>7624</u>	PROPERTY OWNERS NOTIFIED:
<input type="checkbox"/> STREET NAME CHANGE	SECTION / TOWNSHIP / RANGE:	
<input checked="" type="checkbox"/> TEXT AMENDMENT	RELATED CASE NOS: <u>SU-2018-000049</u>	
<input type="checkbox"/> VACATION & ABANDONMENT	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN? <u>Yes.</u>
<input checked="" type="checkbox"/> WAIVER	STAFF USE ONLY	
<input type="checkbox"/> ZONE CHANGE	MAPS COMPLETED _____ PHN MAILED _____	

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Access Cultivation, LLC

APPLICANT: Access Cultivation, LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: John Mueller

ADDRESS: 2325 Western Ave Ste 12

CITY: Las Vegas STATE: NV ZIP CODE: 89102

TELEPHONE: (816) 914-2200 CELL: (816) 914-2200 EMAIL: john@accesscannabis.com

ASSESSOR'S PARCEL NUMBER(S): 019-751-03

LEGAL DESCRIPTION: T16S 249E 3AB F#530461 P.1 37.72AC Sect/Lot 28 Twp/blk 10 Range 49E

PROPERTY ADDRESS AND NEAREST CROSS STREETS: 950 Anvil Rd. Farm 2000

GROSS/NET ACREAGE: 37.72 acres PRESENT ZONE CLASSIFICATION: _____

DESIRED ZONE CLASSIFICATION: _____ CURRENT LAND USE: medical marijuana Cultivation Facility

**** DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS.**

PLEASE ATTACH YOUR REQUEST TO THIS APPLICATION ON A SEPARATE PAGE.

*** Prior to submitting this application, please call (775) 751-4249 to schedule an appointment ***

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application. **FURTHER, THE UNDERSIGNED HEREBY ACKNOWLEDGES THAT HE/SHE IS AWARE OF AND HAS READ THE ATTACHED "LIST OF POTENTIAL NYE COUNTY DEVELOPMENT REQUIREMENTS."**

Property Owner Signature

Print or Type Property Owner Name

Notary

State of Kansas
County of Johnson

This instrument was signed and sworn before me on

March 24, 2015
Date

by John Mueller
Name of person



Krystal Wright
Signature of Notarial Officer

Documents Required for Submitting Land Use Applications

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight-line Drawing	Supplemental Information	Application Fees
Conditional Use Permit	1	1	4	1 ⁸		1 ¹⁰	4 ¹¹	1 ¹²	1 ¹³	Refer to Fee Schedule
Extension of Time	1			1 ⁸		1 ¹⁰				\$250.00 + \$175 Noticing fee
Reconsideration of Conditions of Approval	1					1 ¹⁰				\$450.00 + \$175 noticing fee for Public Hearing, \$250 for Non-Public Hearing items
Street Name Change*	1					1 ¹⁰				Refer to Fee Schedule
Text Amendment	1					1 ¹⁰				\$750.00
Vacation and Abandonment	1		4	1 ⁸	1 ⁸	1 ¹⁰				\$500 + \$175 noticing fee
Waiver	1	1	4			1 ¹⁰				\$350 + \$175 noticing fee
Zone Change	1	1	4	1 ⁸	1 ⁸	1 ¹⁰	4 ¹¹		1 ¹³	\$550.00 plus \$25.00 per acre + \$175 Noticing fee

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications

Procedures for Filing Land Use Applications:

- A After assembling the required materials as outlined above, please call the Nye County Planning Department at (775) 751-4249 **TO SCHEDULE AN APPOINTMENT FOR SUBMITTAL**. Only completed applications will be accepted for processing.
- B Review the Summary of Required Reviews or Hearings for your application type. **ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY** – you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- C Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- D A letter indicating the Commission's decision and all conditions of approval will be sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary of Required Reviews or Hearings.
- E Any person may appeal, in writing, to the Board within 30 calendar days from the date of Decision. Appeal applications must be received no later than by 4:00 p.m. on the 30th calendar day.
- F Appeals of Decisions of the Zoning Administrator must appeal in writing not more than ten (10) days after the date notified of the final decision.
- G The Planning Commission has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.
- H Zone Changes, Waivers, CUPs and Master Plan Amendments are half price of the original application fee if combined with applicable applications.
- I Public Hearings have a \$175 advertising and noticing fee in the cost of the application fees.



Date: March 5th, 2018

To: Nye County Director of Planning

Regarding: Acres Cultivation, LLC, 950 Anvil Rd, Amargosa Valley, NV 89020

Acres Cultivation is a fully operational cultivation and production facility operating within all the guidelines established in Nye County and the State of Nevada. Acres Cultivation is currently in the construction process to complete the previously approved environmentally controlled greenhouses and production building. Our General Contractor has been hired, civil engineering is almost complete and the architect is 60% complete at which point we will submit for construction permits. This will produce high grade products, which harvest 3 times per year, for all sale to licensed dispensaries throughout Nevada.

Acres Cultivation is requesting an expansion into "Outdoor Cultivation" as defined by NRS code. This code includes added security measures including a double fencing system, motion sensors and camera system. This product is specifically cultivated for one grow cycle a year and will predominately be sold into licensed extraction operations, which is currently in high demand in the State of Nevada.

As approved by the Amargosa Valley Town Board, Acres will be installing a poly roof to protect the plants from the extreme environment in the Valley, such as dust storms and excessive heat. Acres currently has sufficient on-premise water rights (74 acre feet) to supply this expansion.

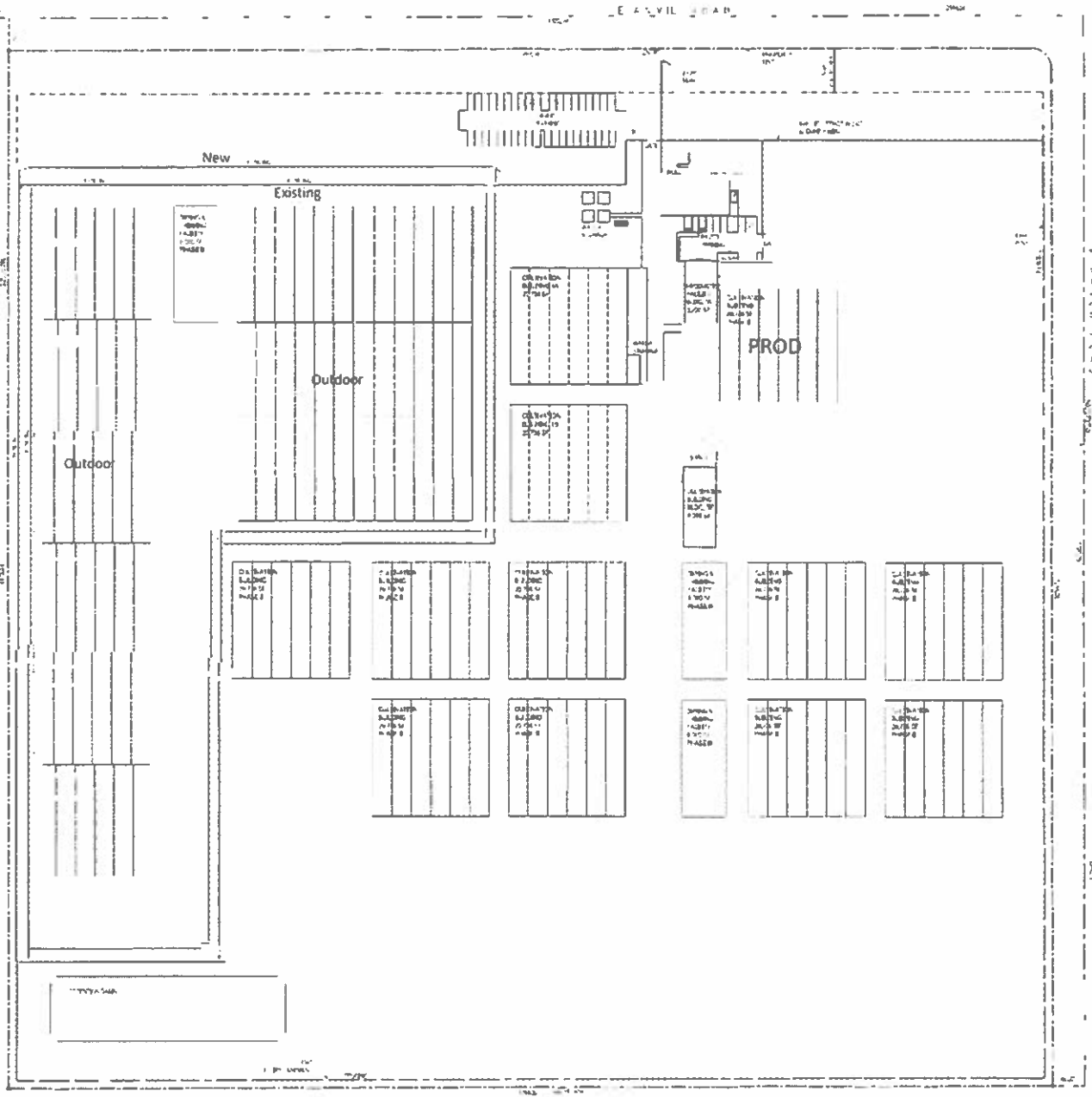
Acres Cultivation is requesting to expand the operation to meet the demands of the Nevada extraction market, with the following:

- Add new Outdoor Cultivation Space of 228,000 sft, with covered poly roof and trimming/drying building.
- With the expansion, Nye County will see an increased tax revenue.
- With the expansion, Amargosa Valley will see increased tax revenue.
- With the expansion, Acres will be adding in excess of 25 good paying employees.

We appreciate your efforts to support Acres expansion of the existing business and the development of the Amargosa Valley community.

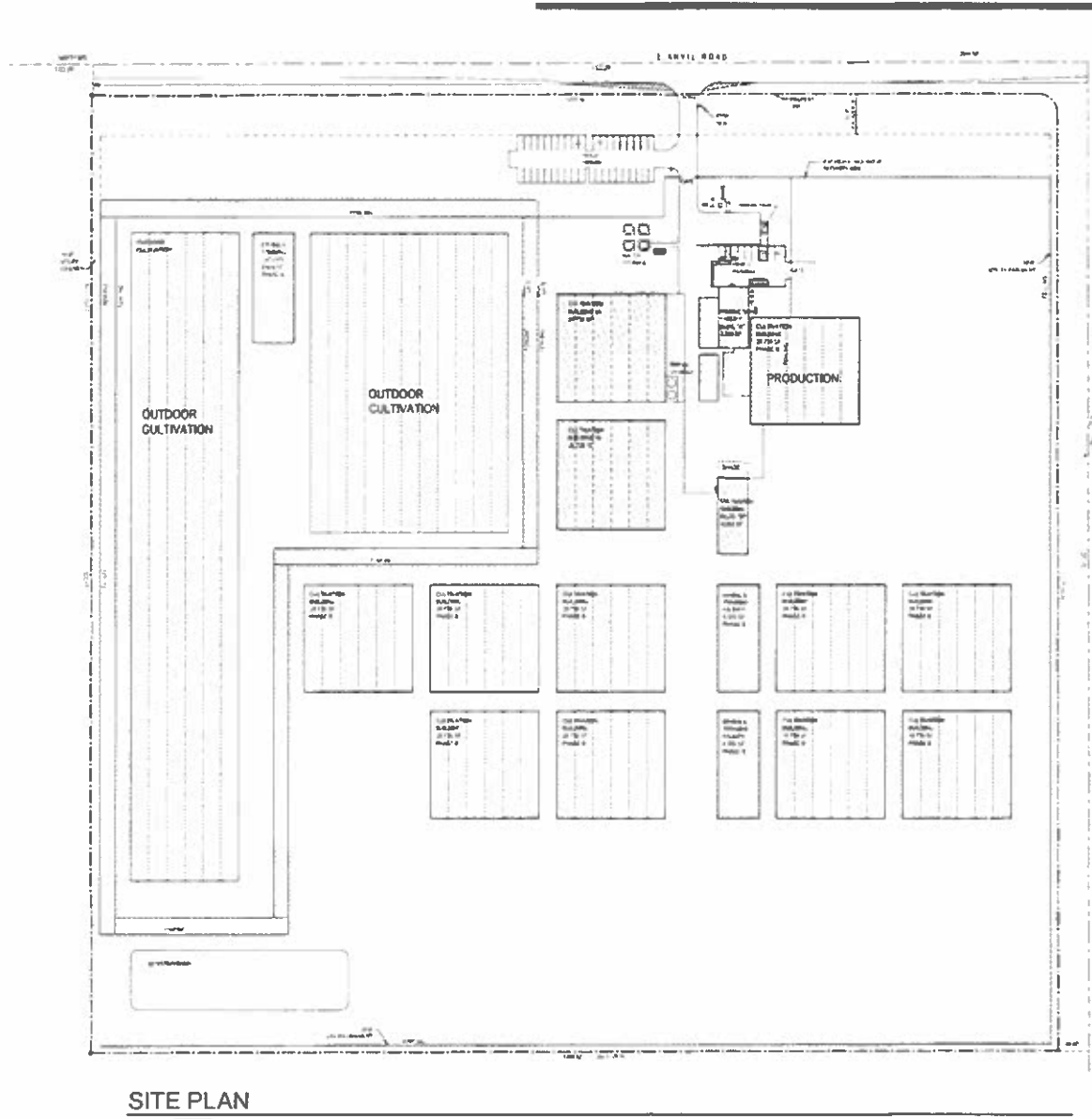
Best Regards,

John Mueller
Manager | Acres Cultivation



SITE PLAN





SITE PLAN

Architectural
Solution

7000 Alameda Way
Las Vegas, Nevada 89128
702.378.3019
info@architecturalsolution.com

ACRES CULTIVATION LLC

APN: 019 751 03
NEW COUNTRY ROAD
930 E. ARVILL ROAD
AMARGOSA VALLEY, NV 89020

SITE PLAN

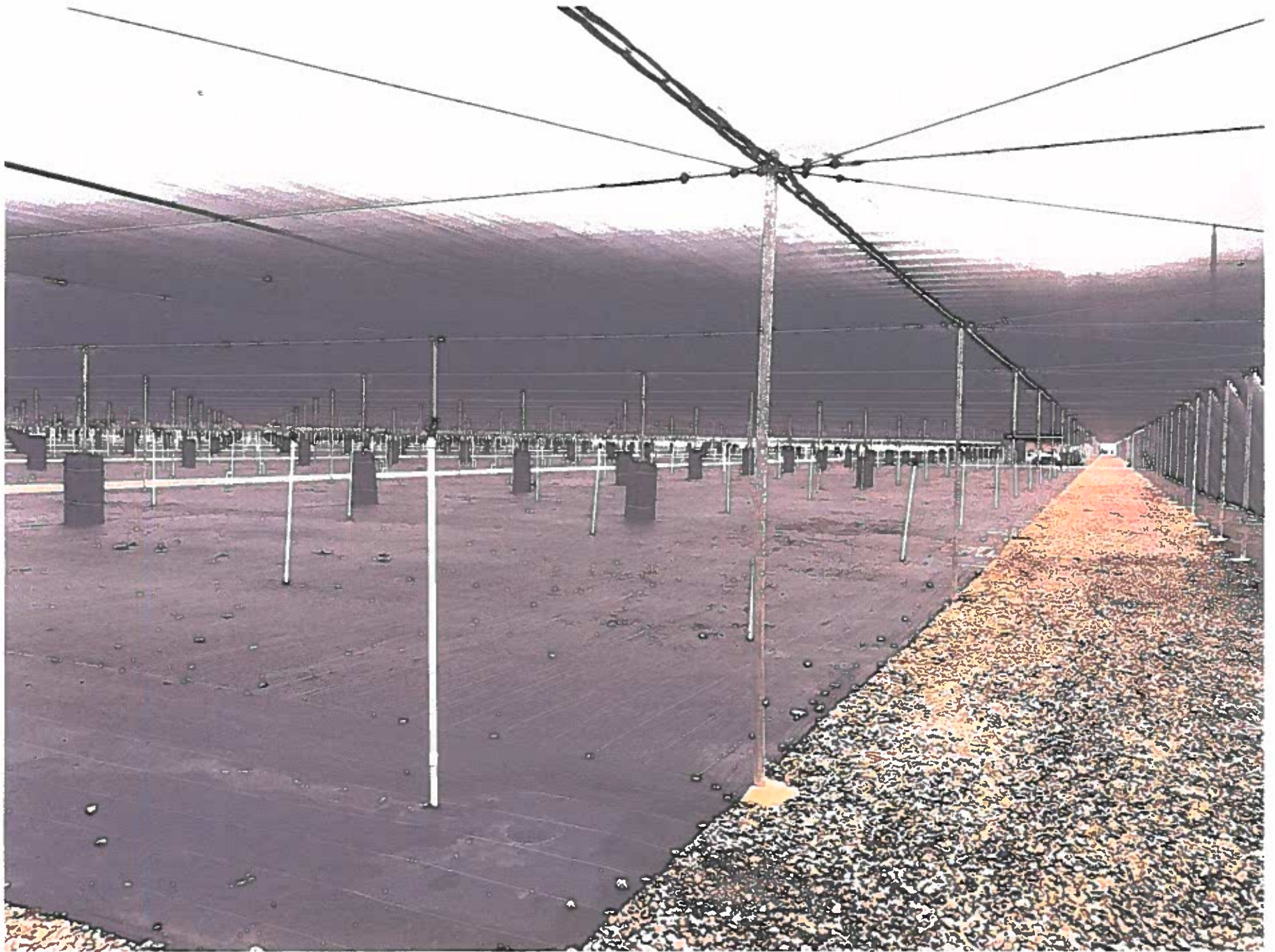
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Concept Design



Concept Design