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Great Basin Boulevard
Ely, NV

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DATE	DESCRIPTION

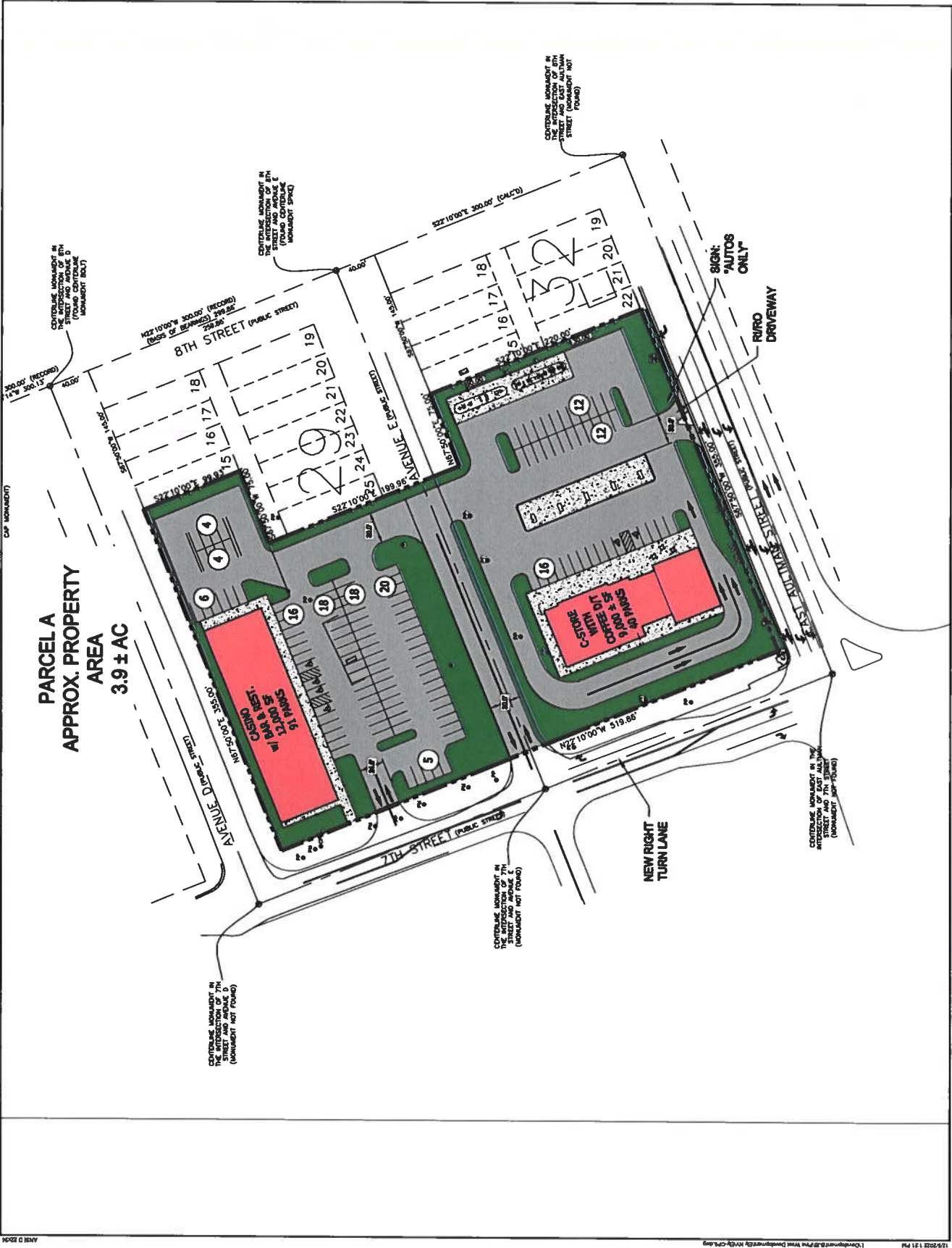


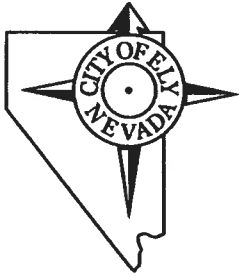
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Prepared by: [Name]
Checked by: [Name]
Reviewed by: [Name]
Date: [Date]

CONCEPT SITE PLAN

CP-5





CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430

December 8, 2022

TO: Mayor Robertson
Council Members
City Clerk Lee

FROM: Leo Cahoon, City Attorney

RE: Cannabis Lounge Licensing

Background

Cannabis Consumption Lounges were authorized by Assembly Bill 341 (“Bill”) during the 81st Nevada Legislative Session in 2021. The City of Ely received a letter from the Cannabis Compliance Board on September 1, 2022, inquiring whether the City intends on permitting business licenses for cannabis consumption lounges. The City’s response to the letter is no longer required because it was automatically opted-in to this licensing phase.¹ However, it is still incumbent on the City to decide whether or not it will permit cannabis lounges within the City.

Law

Currently, Ely City Code prohibits consumption of marijuana in public, including in marijuana establishments. 3-15-6 and 3-15-26. Ely Code also makes it unlawful to have more than one recreational marijuana establishment within City limits. 3-15-3(G). State law limits the number of recreational marijuana establishments to two per county whose population is less than 55,000. NRS 678B.260. Lounges can only be associated with recreational establishments. This means the City is limited to issuing only one more recreational license. If the City chooses to permit cannabis lounges, its Code must be amended to authorize such activities. However, the likelihood of a recreational establishment seeking to open a cannabis lounge in the City is slim.

Demand

Pursuant to the AB 341, the State of Nevada is only authorized to issue, with exceptions, a total of 20 lounge licenses for “Independent Cannabis Consumption Lounges,” (a cannabis lounge not attached or immediately adjacent to a marijuana retail store).² All available

¹ This means that the Cannabis Compliance Board views the City of Ely as a cooperating jurisdiction.

² The other type of authorized lounge is a “Retail Cannabis Consumption Lounges,” which are defined as a marijuana establishment with a cannabis consumption lounge attached or immediately adjacent to the retail store). There is no limit on the number of Retail Lounges. Section 12.4 of the Bill

The City of Ely is an equal opportunity provider and employer.

Independent licenses have been issued. Additionally, Section 12.7 of the Bill prohibits the issuance of more than one Independent or Retail lounge license to any one business.

Since only one additional recreational establishment is allowed within the county, the only way a retail lounge could operate in the City is if the local establishment, Curaleaf, was granted a state lounge license, or if a new recreational establishment came to Ely that didn't already have a lounge elsewhere in the State.

Impaired Driving

The issue of impaired driving is addressed by Cannabis Consumption Lounge Regulation 15.080, which provides that each lounge shall develop a plan to mitigate the risk of impaired driving, to include making information readily available to the consumer about transportation options; and that each lounge shall adopt practices that discourage impaired driving, such as a 24-hour no tow policy and/or a potential partnership with ride share to offer discounted rides both to and from the premises to consumers.

Conclusion

Even if the City amended its Code to allow cannabis lounges, it is limited to a total of two lounges, and the likelihood of the City receiving an application is slim due to the one lounge per business constraint. The City can decide at any time whether it wants to amend its Code to allow for cannabis lounges, there is no time limit on when it has to make that decision, and the City can always change its mind later.

states that if on or before June 30, 2022, the Board issues 20 such licenses, the Cannabis Compliance Board is authorized to issue additional licenses, so long as the total number of adult-use cannabis establishment licenses for an independent cannabis consumption lounges does not, at any time, exceed the number of adult-use cannabis establishment licenses for a retail cannabis consumption lounge issued by the Board.

Dept. of Transportation Thriving Communities Program – Background and Application Instructions

November 21, 2022

Background

- The Thriving Communities Program (TCP)—is designed to provide technical assistance, planning, and capacity building support to advance a pipeline of transportation and community revitalization activities that increase mobility, reduce pollution from transportation sources, expand affordable transportation and housing options, improve health outcomes, facilitate efficient land use, preserve or expand jobs, and enhance connections to health care, education, and food security to benefit disadvantaged populations and communities.
- The TCP will also support and build local capacity to improve project acceleration, access to and management of Federal funding, and deployment of local hiring, workforce development and inclusive community engagement practices.
- Communities interested in receiving this type of assistance can submit letters of interest to DOT no later than Dec 6, 2022
 - DOT is using this LOI process to select at least 30 recipients of comprehensive planning, technical assistance, and capacity building support.
 - Recipients will be composed of coalitions of organizations from a geographic region. Selected recipients will be matched with TCP Capacity Builders to receive support over two years.
- Over a two-year period (calendar years 2023-2025), TCP recipient communities will have access to:
 - Direct, individualized deep-dive technical assistance, planning, and capacity building support including assistance with grant applications, project scoping, planning and predevelopment activities, and pre-engineering studies.
 - As applicable, assistance is also provided through project development, project funding and financing, and project delivery.
 - A Community of Practice comprised of local and national partners to advance policies, practices, and projects informed by meaningful public involvement and partnership.
 - Targeted technical support as part of the national TCP capacity building network.
- The TCP is setup to provide assistance to three types of recipients (categorized by DOT as ‘Communities of Practice’ or COPs).
 - Rural communities may apply under the Main Streets COP, which is focused on Tribal and rural communities and the interconnected transportation, housing, community, and economic development issues they face.

How to Apply

- DOTs guidance on the TCP outlines the application process, in which the City will need to complete a web form on DOTs website.
 - The City can prepare its answers to the web form’s questions using the worksheet below.
 - Page 4 of DOTs guidance provides additional details for each section of the worksheet.

Thriving Communities Program Letter of Interest (LOI) Worksheet

This worksheet is designed to help lead applicants and their partners prepare for LOI submission to apply to receive support through the Thriving Communities Program (TCP). The fields in this worksheet reflect the fields that will be required for a complete LOI. The worksheet can be used to collect, draft, and workshop responses to the questions. When you're ready, submit your LOI through the webform available at <https://www.transportation.gov/thriving-communities-program-letter-of-interest>. You do not need to submit this worksheet.

You must submit your Letter of Interest no later than 11:59 p.m. (EST) on December 6, 2022.

Lead Applicant Organization

Required Information	Applicant Response
Organization name	City of Ely
Organization type Reminder - the lead applicant must be one of the following: <ul style="list-style-type: none"> • State, local, or Tribal government • United States territory • Metropolitan planning organization (or rural transportation planning organization) • Transit agency • Other political subdivision of state or local government 	Local government
Primary staff contact name Reminder: the primary staff contact will act as the point of contact to coordinate with the assigned Capacity Builder, community partners, and the Build America Bureau	Jennifer Lee
Business email	Cityclerk@cityofelynv.gov
Business phone number	775-289-2430

TCP Community of Practice

You must select **one** Community of Practice in your LOI based on your community's size, location, needs, and priorities. The three Communities of Practice are described in detail in section E.3 of the [Call for Letters of Interest](#) and include:

- **Main Streets** – Focused on Tribal and rural communities and the interconnected transportation, housing, community, and economic development issues they face.
- **Complete Neighborhoods** – Focused on urban and suburban communities located within metropolitan areas working to better coordinate transportation with land use, housing, and economic development.

- **Networked Communities** – Focused on those communities located near ports, airports, freight, and rail facilities to address mobility, access, environmental justice, and economic issues including leveraging their proximity to these facilities for wealth-building and economic development opportunities.

Required Information	Applicant Response
To which Community of Practice are you seeking to apply?	Main Streets

Community Partners

Those submitting an LOI for Thriving Communities Program assistance must identify a lead applicant and **two** key community partners. A key partner is one who can help with implementation activities and community engagement during the two-year period. You can find more details about Community Partnerships in section E.1 of the [Call for Letters of Interest](#). You will not be able to submit the form without completing the required information for both community partners.

Community Partner #1

Required Information	Applicant Response
Community Partner name	Nevada Northern Railway Foundation
Type of organization In your LOI submission, you can choose between the following types of organizations: government, non-profit organization, private sector, philanthropy, community-based organization, Tribe, or other. If you select "other," you must specify the type of organization.	Non-profit organization
If applicable, indicate if the organization is any one of the following: <ul style="list-style-type: none"> • Minority-owned, woman-owned, or other disadvantaged business enterprise (DBE) • Minority-Serving Institution (for example, a historically Black college or university, a Hispanic-serving institution, a Tribal college or university, an Asian American and Native American Pacific Islander-serving institution, and others) • Non-profit organization located within the community that is identified as playing a capacity building role <p>This question is optional.</p>	<ul style="list-style-type: none"> • Non-profit organization located within the community that is identified as playing a capacity building role
If applicable, note any additional organization attributes that may affect priority consideration. This question is optional .	

Community Partner #2

Required Information	Applicant Response
<p>Community Partner name</p>	
<p>Type of organization</p> <p>In your LOI submission, you can choose between the following types of organizations: government, non-profit organization, private sector, philanthropy, community-based organization, Tribe, or other. If you select "other," you must specify the type of organization.</p>	<p>White Pine Main Street</p>
<p>If applicable, indicate if the organization is any one of the following:</p> <ul style="list-style-type: none"> • Minority-owned, woman-owned, or other disadvantaged business enterprise (DBE) • Minority-Serving Institution (for example, a historically black college or university, a Hispanic-serving institution, a Tribal college or university, an Asian American and Native American Pacific Islander-serving institution, and others) • Non-profit organization located within the community that is identified as playing a capacity building role <p>This question is optional.</p>	<ul style="list-style-type: none"> • Non-profit organization located within the community that is identified as playing a capacity building role
<p>If applicable, note any additional organization attributes that may affect priority consideration.</p> <p>This question is optional.</p>	

Additional Community Partners (optional)

Required Information	Applicant Response
<p>If your team includes more than two community partners, please list the names and type of the additional community partners (e.g., Acme Industries, Private Sector). If applicable, please indicate if the organization is a minority-owned, woman-owned, or other DBE; a Minority Serving Institution; or a non-profit organization located within the community that is identified as playing a capacity building role.</p> <p>This question is optional.</p>	

Additional Information

Required Information	Applicant Response
<p>Provide the lead applicant organization’s prior year fiscal budget (in dollars).</p>	<p>\$4,475,738</p>
<p>Provide any clarification on the budget (any additional notes that will help provide context for the budget provided in the question above, if needed).</p> <p>This question is optional.</p>	
<p>Indicate the number of staff at the lead organization who work primarily on transportation planning, public engagement, and/or grant application and administration. The form provides the following options:</p> <ul style="list-style-type: none"> • 0 staff • 1-5 staff • 6-30 staff • 31-50 staff • 51+ staff 	<p>1-5 staff</p>
<p>Describe the geographic area that will receive the TCP support.</p> <p>Reminder: this should be the community within which the program’s activities for comprehensive community- and data-driven transformative infrastructure and community development activities will take place. The community definition can be based upon locally understood boundaries and transportation patterns and needs. See section E.2 of the Call for LOIs for more information.</p>	<p>From the City of Ely up to the Transcontinental Railroad connection, 121 miles north</p>
<p>Indicate if the defined geographic area includes disadvantaged populations or census tracts. If it does, estimate whether a majority or less than a majority of the geographic area is disadvantaged.</p> <p>Reminder: Section E.2 of the Call for LOIs contains information on which tools can be used to verify. All Tribes and United States territories qualify as Justice40 disadvantaged communities and should check “Yes, with a majority.”</p>	<p>Majority: Health and Transportation Services</p>

Required Information	Applicant Response
<p>If the geographic area that will receive the TCP support includes disadvantaged populations or census tracts, please indicate which tool(s) were used to verify. You can use any of the following tools:</p> <ul style="list-style-type: none"> • <u>DOT mapping tool for Historically Disadvantaged Communities</u> • <u>Areas of Persistent Poverty Table</u> • Other Federally designated community development zones (for example: <u>Empowerment Zones, Promise Zones, or Choice Neighborhoods</u>) <p>You also have the option to indicate:</p> <ul style="list-style-type: none"> • I am a Tribe or United States territory and do not need to verify status • N/A: The geographic area does not include a disadvantaged community 	<p>DOT mapping tool for Historically Disadvantaged Communities</p>
<p>Is the lead applicant or focus area of TCP support located in a rural area?</p> <p>Reminder: Appendix A of the Call for LOIs includes a definition for “rural”</p>	<p>Yes</p>
<p>Describe the lead applicant’s experience with DOT discretionary grant funding by indicating one of the following:</p> <ul style="list-style-type: none"> • My organization has never applied for a DOT grant • My organization has applied but has been unsuccessful in obtaining a DOT grant (i.e., has never received a DOT grant) • My organization has been awarded one or more DOT grants at some point in the past <p>If you choose the last option, you must list the most recent grant(s) and award year.</p>	<p>My organization has applied but has been unsuccessful in obtaining a DOT grant (i.e., has never received a DOT grant).</p>
<p>Has the lead applicant received Federally funded technical assistance in the past, or is the lead applicant currently receiving Federally funded technical assistance?</p> <p>If yes, you must indicate granting Federal agency and type of technical assistance.</p>	<p>No</p>

Needs and Vision Statement

The lead applicant and its community partners should collectively develop a needs statement and a vision statement which will be submitted by the lead applicant through the webform that makes the case for seeking TCP technical assistance.

Needs Statement

The needs statement must be **500 words or less** and describe the following:

- Key challenges or needs (transportation, equity, environmental, health and safety, housing, and/or economic) that the identified community faces, including those caused by harmful historic or current policies (e.g., displacement, discrimination, segregation, exclusionary zoning) that could be addressed through the TCP.
- Technical or capacity challenges the applicant or community has faced when seeking Federal funding or delivering transportation projects, or in trying to coordinate infrastructure projects with broader community and economic development efforts.
- Any infrastructure projects that may be planned or underway, and specific or anticipated challenges your team may face in funding or implementing these projects (if applicable).

The goal of the community is to open the Nevada Northern Railway once again from Ely Nevada to the connection with the transcontinental railroad that is located 121 miles north of Ely. The railroad was built in 1906 to serve the community and the copper industry in the region. The last freight train operated in 1999.

Once freight service ended the railroad track was never removed, it still exists but it needs to be rehabilitated. Opening the railroad to freight service would give an economic boost to the community. City of Ely is located in remote east-central Nevada, hundreds of miles from the nearest interstate highway. The community has been bypassed twice on proposed interstate Highways. The local airport is not serviced by any commercial airlines. Opening the railroad is the community's best chance to be connected to the national transportation grid.

This is especially important with the resurgence of the copper industry and the oil refinery in the area. Currently both industries use trucks to haul their product in and out which is energy inefficient and damaging to the environment. The most inexpensive way to move freight on land is by rail. Both industries need to move large quantities of materials. When the railroad was active, it handled 60-70 car trains for the copper industry. The oil refinery is a new customer that needs raw materials shipped in and refined product shipped out.

Moving from trucks to rail, will address environmental issues while at the same time be exceedingly cost efficient. A freight railroad helps to preserve the environment and helps to mitigate climate change. A freight train can, on average, move one ton of freight nearly 500 miles per gallon of fuel, making rail the most fuel-efficient way to move freight over land.

A perennial problem the community has faced is housing. We have a community housing shortage. Opening the railroad to freight would assist in this endeavor too. Building materials could be brought in by rail lowering the cost of construction in the area allowing a house to be built in an economic manner which would help alleviate the housing shortage.

The community has applied for federal funding to open the railroad in the past with no success. Economic studies have been done proving that opening the railroad is vital to the economic success of the community. It is a goal of the community to open the railroad. We need help to address developing this community asset in regards to funding and successfully completing the important infrastructure project.

Vision Statement

The vision statement must be **500 words or less** and describe the following:

- Community and/or organizational goals to be advanced through participation in the TCP.
- Why the key community partners were chosen and how the assembled team will be able to successfully work together to meet identified goals.
- Ways in which traditionally underrepresented voices and community stakeholders, including but not limited to those with Limited English Proficiency and those with disabilities, will be engaged in the technical assistance, planning, and capacity building process throughout the two-year period.

The goal of the community is to open the railroad for the betterment of the community and to improve economic opportunity in the area. Partnering with the City of Ely in this goal is the Nevada Northern Railway Foundation and White Pine Main Street, our downtown revitalization group.

The City of Ely and the Nevada Northern Railway Foundation have worked together in the past applying for and receiving previous federal grants. With assistance from the TCP, we feel confident that we can successfully apply for and receive grants that will open the railroad that will create an economic renaissance in the area.

White Pine Main Street is a broad-based local community group focusing on improving the quality of life in Ely. Main Street represents building owners, merchants and community participants looking for ways to enhance downtown Ely. Improving downtown Ely is critical for building a quality of life for the community. One of the goals of Main Street is to increase housing opportunities in the downtown using current structures that are either underutilized or need renovation. Once these living areas are rehabilitated, there will be housing opportunities for a broad base of the community.

The broad vision of the community is to open the railroad for freight service and at the same time maintain its tourist trains. This would give the community the best of both worlds. The community could take advantage of the increased tourism and the increased economic development opportunities that the railroad would make available once it could haul freight again.

The development of the tourism business and other businesses would provide jobs for the community.

The Nevada Northern Railway Foundation has been responsible for increased tourism in White Pine County. This increased tourism has led to the building of two hotels.

In the past businesses have expressed an interest in locating to White Pine County in its industrial park, but these plans never came to fruition because of the transportation issues. The development of new business in the existing White Pine County Industrial Park would create jobs for a broad range of people at all income levels, from entry level jobs to management.