PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MARCH 20, 2019 MEETING

Members in Attendance: Beth Lee
Leah-Ann DeAnda
Carol Curtis
Gary Bennett
Thomas Duryea
Pamela Tyler

Members Absent:

Planning Staff: Steve Osborne
Brett Waggoner
Cheryl Beeman

District Attorney’s Staff: Marla Zlotek

Public Works Staff: Tim Dahl

Other Attendees: Commissioner Koenig

Acronyms Used:

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1. **Pledge of Allegiance/Call to Order**
   Meeting called to order at 6:04 pm.

2. **Public Comment (first)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

   Public comment opened at 6:04 pm.

   Jeremy Reali stated he is here to ask the commissioners to make a change to the zones for industrial hemp. He proposes to have some or all the 5 zones that allow marijuana to also include industrial hemp or to allow current zones for industrial hemp to allow for the cultivation and production on the same property.

   Public comment closed at 6:07 pm.

3. **For possible action - Approval of Minutes:**
a. PRPC Meeting – February 13, 2019. Commissioner Lee stated she submitted some minor typographical errors to staff. Commissioner Tyler motioned to approve the minutes. Seconded by Commissioner Duryea. Vote: Motion carried by unanimous roll call vote (summary: Yes = 6). Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

4. For possible action - Approval of / Modifications to the Agenda: Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.

Brett Waggoner recommended continuing the two discussion items from this meeting to the April 10th.

Commissioner Duryea motioned to continue items 20 and 21 a & b to the April 10th, 2019 meeting. Seconded by Commissioner Bennett. Vote: Motion carried by unanimous roll call vote (summary: Yes = 6). Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

5. Correspondence and Announcements
Commissioner Duryea stated last Friday he was at the annual Ethics and Open Meeting Law training and it was very informative.

Commissioner Bennett stated he wanted to thank Commissioner DeAnda for all the help with his Non-profit Sleep in Heavenly Peace and that the Moos Lodge will be doing a dinner on March 30th at 4:30 – 6:30 pm and donate 100% of proceeds to this nonprofit that helps the children in the community.

6. Commission/Committee/Director Reports:

a. BOCC Liaison Report - BOCC Liaison – John Koenig

They will speak about the online training again and it was recorded and that new members have to take the training.

Commissioner Bennett asked if it is annual or every two years.

Commissioner Koenig stated the BOCC are to take it every year and NRS is every other non-even year.

b. Director’s Report

Mr. Waggoner stated for the month of January Planning took in 136, processed 138. Building permits were down SFR 33, MH at 29 and total permits issued for all categories 167 and 375 inspections performed. Code Compliance we had 18 new complaints and closed 16. He has no updates on old items this month.

7. Ex Parte Communications and Conflict of Interest Disclosure Statements
Commissioner DeAnda stated her son worked for both companies during high school and living in her home but she will not be abstaining.

8. For Possible Action – ZC-2018-000030 (This item is continued from the January 16, 2019 PRPC meeting): Public Hearing, discussion and deliberation on a (Conforming) Zone Change application to change two contiguous parcels totaling 17.3 acres from the Mixed Use (MU) zone to the Suburban Estates Residential (SE) zone, located at 440 and 450 E. Wilson Road. Assessor Parcel Numbers 035-321-52 (5.0 acres) and 035-321-56 (12.3 acres). Wilson Capital Nevada
Land, LLC – Property Owner. Jeffrey Gunter, Manager - Applicant. Heather J. Wilson – Agent. (The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 16, 2019, or otherwise announced.) (SO)

Steve Osborne stated the applicant has requested to withdraw their application.

Commissioner Lee asked if they asked to withdraw with or without prejudice.

Mr. Osborne stated they did not state either way.

Mario Quiroga stated the have changed their plans and no longer wish to use the Wilson property to cultivate on.

Mr. Osborne stated it sounds like they have no intentions to restart the application, so we would just need it withdrawn.

Commissioner Tyler motioned to withdraw ZC-2018-000030. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

9. For Possible Action – ZC-2018-000031 (This item is continued from the February 13, 2019 PRPC meeting): Public hearing, discussion and deliberation on a (Conforming) Zone Change application to change two contiguous parcels totaling 18.37 acres from the Neighborhood Commercial (NC) zone to the Suburban Estates Residential (SE) zone, for the purpose of hemp cultivation on property located at 2370 and 2470 E. Thousandaire Blvd. Assessor Parcel Numbers 044-551-39 (9.40 acres) and 044-551-40 (8.97 acres). Cliffwood Realty Nevada, LLC – Property Owner. Jeffrey Gunter, Manager - Applicant. Heather J. Wilson – Agent. (The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 16, 2019, or otherwise announced.) (SO)

Mr. Osborne stated the intent of this zone change is to allow hemp cultivation. It is allowed in the SE zone however the SE zone is nonconforming to the RDA master plan designation and the zones conforming are RE-1, RE-2, RH-4.5 and RH-9.5. The least intensive zone would be RH-9.5, so that is what staff is recommending the property be rezoned to.

Commissioner Lee asked for clarification that because it was noticed at a more intensive zone change and it is recommended to a less intensive zone change we wouldn’t need to renotice the application, correct.

Mr. Osborne stated yes.

Commissioner Koenig stated someone came forward earlier that stated there was only one zone allowing hemp and now he is being told there is more.

Mr. Osborne stated he believes he said RE and RH.

Commissioner Koenig stated so it’s inclusive.

Mr. Osborne stated yes.
Commissioner Curtis asked why the applicant didn’t request approval for RH-9.5.

Mr. Osborne stated they probably would have if they would have known that RE or RH would have been a conforming zone change.

Mario Quiroga representing Jeffrey Gunter, Heather Wilson for Nevada Crest. They are requesting permission for a zone change to expand their hemp cultivation area.

Commissioner Lee asked if they are amenable to the different zoning that staff is recommending.

Mr. Quiroga stated yes.

Commissioner Duryea stated a complaint they get around the community is odors. What are the plans to mitigate the odors from coming off your crop?

Mr. Quiroga stated hemp is grown outdoors and there will be a smell from the crop as it flowers.

Commissioner Curtis asked if there is a lot of consideration for the amount of water for that many acres of growth.

Mr. Quiroga stated the property owner has already allocated the proper amount of water rights for the growth.

Commissioner Lee asked if they have read, understood and agree to the conditions of approval.

Mr. Quiroga stated yes.

Public comment opened and closed at 6:23 pm with no comments.

Commissioner Koenig stated on page 4 he assumes the permit that was rejected has gone away and you’ll use the other two.

Mr. Quiroga stated no.

Tracie Reiss stated all the water permits have been extended to December 2019 form his property management companies and the water rights people. That is why they can move those around.

Commissioner Koenig stated he is in the condition of use it or lose it.

Ms. Reiss stated he is.

Commissioner Curtis asked if there are enough water rights to cover the acreage.

Ms. Reiss stated yes there is, and he has water rights on other properties that can be move around.

Mr. Quiroga stated the property owners have multiple water rights around town and will move them around if they need to.

Commissioner Curtis asked if she has to make a motion to deny his request.

Commissioner Lee stated no, you could recommend approving the 9.5.

Commissioner Curtis motioned to recommend approval of the rezoning to RH-9.5 based on the findings and subject to the conditions. Seconded by Commissioner Bennett.
Vote: Motion passed (summary: Yes = 4, No = 2, Abstain = 0).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Pamela Tyler.
No: Leah-Ann DeAnda, Tom Duryea.

10.

a. **For Possible Action – CU-2019-000060:** Public hearing, discussion and deliberation on an application for a Conditional Use Permit to allow a Fireworks Retail/Wholesale and Storage Facility (Area 51 Fireworks), on three (3) contiguous parcels zoned General Commercial (GC), located at 1381, 1361 and 1341 E. Nevada Highway 372. Assessor Parcel Numbers 038-291-05, 038-291-04 and 038-291-03. D & T Partners, LLC; McKoy, Timothy and Frank, Jr.; and F & T, LLC and Castillo (mi), Luis – Property Owners. D & T Partners, LLC / Timothy McKoy - Applicant. Justin Casey Steinhart, General Manager, Area 51 Fireworks – Agent.

b. **For Possible Action – WV-2019-000086:** Public hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.700 (Conditions and Safeguards for Issuance of Conditional Use Permits) to allow a Fireworks Retail/Wholesale and Storage Facility (Area 51 Fireworks) less than 1,500 feet from residential property, located at 1381, 1361 and 1341 E. Nevada Highway 372. Assessor Parcel Numbers 038-291-05, 038-291-04 and 038-291-03. D & T Partners, LLC; McKoy, Timothy and Frank, Jr.; and F & T, LLC and Castillo (mi), Luis – Property Owners. D & T Partners, LLC / Timothy McKoy - Applicant. Justin Casey Steinhart, General Manager, Area 51 Fireworks – Agent. *(These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (SO)

Mr. Osborne stated this is a CUP for fireworks sales and storage. It is permissive with a CUP in the GC zoning. The waiver application is due to several residences within the 1500 feet of the property. We received a letter from the public that is available to attend and asked for it to be read into the record.

Commissioner Bennett motioned to accept the additional back up. Seconded by Commissioner Tyler.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

Mr. Osborne read the letter form Michael Lach into the record.

Mr. Osborne stated there are several special conditions and #16 states the applicant would have to remove all containers that are on the multi-family residential lot on Arrowhead not later than 30 days following approval of the CUP. #17 states within 3 years the applicant would have to start construction of a permanent building to house the fireworks and we would like to add #19 that all fencing must be brought into compliance by installing opaque screening. There is screening on the fence but isn’t in compliance with the requirements.

Commissioner Lee asked what the current separation from a residential property is.

Mr. Osborne stated the closed residential property which is the Arrowhead properties is 84 feet. Which is property line to property line.

Commissioner Curtis asked if the surrounding residential properties have been noticed.
Mr. Osborne stated the notices that went out are a 300 ft buffer, exhibit C shows the properties within the yellow dotted line show noticed. Arrowhead properties have been noticed but the other properties are outside the notification area.

Casey Steinhart GM for Area 51 fireworks stated they were asked years ago to meet with Darrell Lacy and Scott Lewis and they talked about the third property and they stated they would like them to move the containers back away from 372, move the containers 50 feet from the building and to fence and make sure there were drives all the way around. They have a fire hydrant on site and they have accommodated all the request.

Mr. Waggoner stated he would like to concur on behalf of Code Compliance, they issued notices of violation and he is trying to do the right thing.

Commissioner Curtis asked the applicant if they anticipate further growth of online sales.

Mr. Steinhart stated they anticipate further growth in the business, the Pahrump market has grown quickly in the last 5 years. They don’t do a lot of online sales, we aren’t allowed to ship so the online sales they have to come and pick up.

Commissioner Curtis asked what type of shipping they use for online sales.

Mr. Steinhart stated common carrier, it is on a pallet and shrink wrapped on large trucks.

Commissioner Curtis asked if they have looked into building a traditional warehouse?

Mr. Steinhart stated yes but the cost has been fairly expensive.

Commissioner Curtis asked if they would be prepared to build in 3 years.

Mr. Steinhart stated they are working towards that. They are looking at different locations to do that.

Commissioner Bennett asked if they are completely up to standard with regulations and zoning with all the properties.

Mr. Steinhart stated yes, with the exception with what they are requesting now. There is one property that is zoned residential that they are working towards moving them off and haven’t decided if they would do a zone change or move everything off but once the season is over they would take care of the issue. The one they aren’t asking for right now will be taken care of, but the 30 days makes it difficult for them. They hoped for 30 days after the 4th of July they could clear off the back part of that parcel.

Commissioner Bennett stated they don’t have a completion date but are hoping for 30 days after the 4th of July.

Mr. Steinhart stated that is what they are trying to do, they are starting to get quite a few containers in and set up for the season and they need to find another location to move the containers to.

Commissioner DeAnda stated 18 years ago there was a warehouse fire and the fire hydrant didn’t work. Has that been rectified.

Mr. Steinhart stated yes it works.
Commissioner DeAnda asked when the last time it was checked.

Mr. Steinhart stated the beginning of July last year, but they use it multiple times a year to water down the dirt. If it needs to be added as a condition to checked more regularly than they are fine with that.

Commissioner DeAnda stated she would like it checked more frequently than once a year.

Mr. Steinhart stated he would do that.

Mr. Waggoner stated that is a yard hydrant and fire code requires checking once a year.

Commissioner Tyler asked if there is a third party that checks the fire hydrant.

Mr. Waggoner stated yes.

Commissioner Curtis stated Mr. Lach requested the containers be set back 100 feet from the property lines. Is that even possible.

Mr. Steinhart stated no two of the parcels aren’t that wide.

Commissioner Koenig stated from property line to property line it is 84’ and you need a 16-foot drive aisle then nothing should have to move. If we make that a condition, they are satisfying Mr. Lach’s insurance company problem and it won’t affect you at all.

Commissioner Lee states his property is adjacent to Area 51, the properties are back to back. Is his property undeveloped or developed property?

Mr. Waggoner stated he owns the undeveloped property adjacent to the property with the yellow lines around it.

Commissioner Lee stated that doesn’t solve his insurance issue.

Mr. Waggoner stated no, not with the containers that would be located right behind him. Drive aisle position could be changed and put the drive aisle at back of the property. He needs 150-foot stretch.

Public comment opened and closed at 6:55 pm with no comments.

Mr. Steinhart stated looking at the conditions of approval the issue would be the 30 days and asked if it could be extended to 30 days after the 4th.

Commissioner Lee asked for clarification that they have read and agree to all the additional conditions.

Mr. Steinhart stated yes.

Commissioner Lee asked if they understand that failure to comply will continue the code case and if the CUP is approved and you fail to comply with conditions they run the risk of the CUP to be revoked.
Mr. Steinhart stated he understands but he isn’t the owner of the company and he can’t agree for the owners to remove the containers in three years.

Commissioner Lee stated they do have the opportunity to ask for an extension of time. She can’t say it would be granted in the future.

Mr. Steinhart stated the possibility is there that it could be granted then he can agree to it, because that is what they will be working towards that.

Commissioner Tyler motioned to approve subject to the conditions and adding special condition that clearance from the current property to any storage container be 100 feet. And that all fencing be brought into compliance.

Commissioner Lee asked for clarification that she wants to add condition #20 that there is a 100-foot separation between the containers.

Commissioner Tyler stated and the existing residential properties so that he could comply if you don’t take the fence line into consideration.

Commissioner Lee stated the person that submitted the letter the properties are back to back.

Commissioner Tyler stated with it being back to back and to bring the fence into compliance he doesn’t know how he could come up with the 100 feet with the size of the lots.

Ms. Beeman asked for clarification that the motion was clearance from property line to containers of 100 feet.

Commissioner Tyler stated from the developed property line to any storage container has to be 100 feet.

Mr. Waggoner stated he would suggest stating there will not be any storage containers within 100 foot of any habitable structures.

Commissioner Tyler amended her motion. Seconded by Commissioner Bennett.

Vote: Motion passed (summary: Yes = 5, No = 1, Abstain = 0).
Yes: Beth Lee, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.
No: Carol Curtis.

11. **For Possible Action – CU-2019-000061:** Public hearing, discussion and deliberation on an application for a Conditional Use Permit to allow a Fireworks Retail/Wholesale and Storage Facility (Blackjack Fireworks), on two (2) contiguous parcels zoned General Commercial (GC), located at 1161 and 1181 S. Nevada Highway 160. Assessor Parcel Numbers 035-381-12 and 035-381-13. D & T Partners, LLC – Property Owner. D & T Partners, LLC / Timothy McKoy - Applicant. Justin Casey Steinhart – Agent. (This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)

Mr. Osborne reviewed his staff report and stated there was no public comment on this application. They are suggesting adding condition #19 stating all fencing must be brought into compliance by installing opaque screening. Upon further review of the application they have determined there are residential properties within 1500 feet of the Blackjack property. Behind
Saddle West Casino there are several multifamily properties approximately 900 feet and a waiver is required in addition to the CUP. It has been added as a condition #18 that the applicant shall submit a waiver application and get approval of the waiver within 90 days of the CUP.

Commissioner Curtis asked if RV parks are considered residential.

Mr. Osborne stated RV parks are under commercial classification.

Mr. Waggoner stated they are portable and can be relocated easily in an emergency.

Casey Steinhart for Blackjack Fireworks, the reason why they didn’t apply for the waiver was because as far as they knew there was no residential 1500 feet. These parcels are across Hwy 160 and they will apply for a waiver application. The fencing isn’t a problem, the problem with the screening is the wind blowing and bending the fencing.

Commissioner Lee stated staff is recommending they apply for the waiver within 90 days.

Mr. Steinhart stated they will do that.

Commissioner Lee asked if he has read and understood all the conditions of approval.

Mr. Steinhart stated yes.

Public comment opened and closed with no comments at 7:09 pm.

Commissioner Duryea motioned to approved CU-2019-000061 including the conditions of approval adding condition #19. Seconded by Commissioner Tyler.

Vote: Motion passed (summary: Yes = 5, No = 1, Abstain = 0).
Yes: Beth Lee, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.
No: Carol Curtis.


b. For Possible Action – WV-2019-000087: Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, to be located less than five hundred feet (500') from a residential zone boundary, and to be located more than one hundred feet (100') from Highway 372 or Highway 160, located at 3211 E. Manse Road. Assessor Parcel Number 045-091-28. International Church of the Foursquare Gospel - Property Owner. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC – Agent.
(These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (CB)

Ms. Beeman reviewed her staff report stating she has a correction that PW provided comments and they are provided in the staff report but she failed to include them in the
conditions of approval. They are requesting a Dedication of Right of Way for the southern half of East Manse road and along South Hawkins added as a condition.

Tony Elder, Impact Sign & Graphics, stated they will make sure the sign is far enough away from the PW ROW.

Commissioner Tyler asked if the applicant understood they were asking for a dedication of ROW.

Mr. Elder stated yes.

Commissioner Curtis stated at a previous meeting there was a time limit.

Commissioner Lee stated it is listed as a condition of approval under #6.

Commissioner Lee asked the applicant if they have read, understood and agree to the conditions of approval including the added dedication of ROW.

Mr. Elder asked for clarification that they just apply for a dedicated ROW.

Mr. Waggoner stated they property owner needs to contact the Planning Department to file that and it will go to the BOCC for acceptance.

Public comment opened at 7:15 pm.

David Ettleman asked if the sign will be lit.

Mr. Elder stated no.

Mr. Ettleman asked what the time limit is.

Mr. Elder stated up to 2 years.

Public comment closed at 7:15 pm.

Commissioner Duryea motioned to approve CU-2019-000062 and WV-2019-000087 subject to the conditions of approval and adding condition of approval for the dedication of ROW. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6). Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

13.


b. **For Possible Action – WV-2019-000088:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, to be located less than five hundred feet (500') from a residential
zone boundary, and to be located more than one hundred feet (100') from Highway 372 or Highway 160, located at 6940 S. Homestead. Assessor Parcel Number 044-561-21. Kellogg 10, LLC - Property Owner. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC - Agent. (These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (CB)

Ms. Beeman reviewed her staff report stating staff recommends approval of the application.

Commissioner Duryea asked if the amendment of code to allow three support columns is coming.

Mr. Waggoner stated there is a draft in review at the DA's office now.

Public comment opened and closed at 7:19 pm with no comments.

Commissioner Lee asked the applicant if he has read, understood and agrees to the conditions of approval.

Mr. Elder stated yes.


Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.


b. **For Possible Action – WV-2019-000089:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, and to be located less than five hundred feet (500') from a residential zone boundary, located at 5151 S. Nevada Highway 160. Assessor Parcel Number 047-041-26. Manse Crossing, LLC - Property Owner. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC – Agent. (These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)

Mr. Osborne reviewed his staff report stating PW is requesting a 10-foot ROW under condition #4 and staff is recommending approval.

Commissioner Lee asked if the applicant has read, understood and agrees to the conditions of approval.

Mr. Elder stated yes.

Public comment opened and closed with no comments at 7:23 pm
Commissioner Duryea motioned to approve CU-2019-000064 and WV-2019-000089 subject to the conditions of approval. Seconded by Commissioner Tyler.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6).
**Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

15.  


**For Possible Action – WV-2019-000090:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, to be located less than five hundred feet (500') from a residential zone boundary, and to be located more than one hundred feet (100') from Highway 372 or Highway 160, located at 5030 S. Nevada Highway 160. Assessor Parcel Number 047-031-18. Manse Crossing, LLC - Property Owner. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC – Agent. (These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)

Mr. Osborne reviewed his staff report and stated PW is asking for 50 feet of ROW under condition #4, the applicant stated the sign will not be 500 feet of a residential zone, so they don’t need the waiver for that, but they do need it for the other items, and staff is recommending approval.

Commissioner Duryea stated they are asking for a waiver because it isn’t on Hwy 160, but the address is Hwy 160.

Mr. Osborne stated the address is Hwy 160, but the sign would be located more than 100 feet from the ROW of Hwy due to the configuration of the lot.

Commissioner Lee asked if they have read, understood and agree to the conditions of approval.

Mr. Elder stated yes.

Public comment opened and closed at 7:27 pm with no comments.

Commissioner Bennett motioned to approve CU-2019-000065 and WV-2019-000090 based on staff findings and subject to the conditions of approval.

**Vote:** Motion passed (summary: Yes = 5, No = 1, Abstain = 0).
**Yes:** Beth Lee, Carol Curtis, Gary Bennett, Pamela Tyler, Tom Duryea.
**No:** Leah-Ann DeAnda.

16.  

b. **For Possible Action – WV-2019-000091:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, to be located less than five hundred feet (500') from a residential zone boundary, to be located more than one hundred feet (100') from Highway 372 or Highway 160, and to be located on property zoned Commercial Manufacturing (CM), located at 5971 E. Santovito Street. Assessor Parcel Number 045-151-31. Hafen Family Ltd Partnership - Property Owner. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC – Agent. (These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (CB)

Ms. Beeman stated they are recommending denial of the applications. CM doesn’t allow for off-premise signs and they didn’t include that in their waiver application. Staff feels the RPC doesn’t have the authority to approve a use that is not in a permitted zoning district. That is the basis for the recommendation for denial.

Commissioner Duryea asked if staff suggests that they continue the item to the April meeting, so they can apply for the waiver.

Ms. Beeman asked for advice from the DA’s office. She doesn’t believe we have the authority to waiver and grant a use variance.

Marla Zlotek asked for clarification on the waiver of the use statement.

Ms. Beeman stated the CM zone doesn’t allow for off-premise sign.

Ms. Zlotek stated that is the use under the CU 16.A.

Ms. Beeman stated correct can they apply for a waiver that isn’t typically allowed under that zoning district.

Ms. Zlotek asked if it would be the applicant to apply for the waiver or her.

Ms. Beeman stated the applicant. Can they apply for a waiver for a use that isn’t allowed in a zoning district?

Ms. Zlotek if it is allowed by the waiver uses in the code. The use for the CUP is a separate issue which has been addressed, can the waiver be applied to and be applicable to a use which isn’t allowed for the zoning which is the CUP issue. The CUP issue is clear. The issue becomes can a waiver be applied to separately for that reason. The question is can he make application for that waiver.

Ms. Beeman stated correct.

Ms. Zlotek stated they can continue the application for her to research that because she doesn’t have an answer off the top of her head.

Ms. Beeman stated it has been properly identified in the agenda item that they did ask for a waiver to allow for a sign in the CM zoning where the CM zoning doesn’t apply for off-premise signs. Staff understands that you can’t apply for a use variance.

Ms. Zlotek stated to give the time would be appropriate since planning has made the recommendation with understanding it could not be done. She would like a little time in
case it is a new issue we need to address it opposed to prior practice. So the need for clarification would be appropriate.

Public comment opened at 7:35 pm.

Tim Hafen property owner stated what is agreeable to try and work the situation out the property owner is agreeable to what ever needs to be done to make it work.

Public comment closed at 7:36 pm.

Commissioner Bennett motioned to continue to the April 10th meeting. Seconded by Commissioner DeAnda.

VOTE: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

17.  


b. **For Possible Action – WV-2019-000092:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.770, Signage Requirements, to allow an Off-Premise Sign to have three (3) support columns where a maximum of two (2) support columns are allowed, located at 4080 S. Frontage Road. Assessor Parcel Number 037-231-03. Moore, Raydell R. & Frieda M. - Property Owners. Lennar Homes - Applicant. Tony Elder, Impact Sign & Graphics, LLC – Agent.

(These items are Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)

(CB)

Ms. Beeman reviewed her staff report and stated staff is recommending denial. Using the GIS database the sign could not be located 750 feet from the existing sign on Crazy horse and Hwy 160.0 They are willing to consider a continuance with the applicant providing us with a stamped surveyed drawing showing they can meet the requirement. Based on the setbacks for signs it seems the sign would only be 745 feet away. The recommendation would be to continue or amend the application.

Mr. Elder stated after talking with Ms. Beeman they did notice his site map didn’t show the existing billboard, measuring on the GIS to almost the north property line is 760 feet. The site map is revised with the measurements and he is 10 feet of the property line.

Commissioner Lee asked if the amended site map was sent to staff.

Ms. Beeman stated it was sent to her today, and she didn’t accept it, so it would need to be accepted into the record with copies.

Commissioner Lee stated they would need to accept it and be provided with 20 copies. She asked the applicant if he had that available.

Mr. Elder stated no.

Commissioner Lee stated they would not be able to accept additional back up.
Commissioner Tyler asked if it would cause undo hardship if they continued it.

Mr. Elder stated no, that would be fine.

Commissioner Lee stated continuing it would give staff the time to determine if it could be within an Administrative waiver.

Public comment opened and closed with no comments at 7:42 pm.

Commissioner Tyler motioned to continue the items to the April 10, 2019 meeting. Seconded by Commissioner Duryea.
Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

Meeting went into recess at 7:43 pm.

Meeting reconvened at 7:54 pm

18. **For Possible Action – CU-2019-000068:** Public Hearing, discussion and deliberation on a Conditional Use Permit application to allow a Warehousing Complex on a 2.5-acre parcel zoned Commercial Manufacturing (CM), located at 3591 W. Bell Vista Avenue. Assessor Parcel Number 028-231-06. Top Notch Carrier, LLC - Property Owner/Applicant. Marcel Pontbriand – Agent. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (SO)

Mr. Osborne stated this property was rezoned in 2018 the purpose was to start a truck and freight business. The property owner now requests to build warehouses on site and it requires a CUP. Staff is recommending approval of the application.

Valerie Martel, applicant.

Commissioner Bennett asked what will be stored in the warehouses.

Ms. Martel stated they are in the trucking business and they have a contract with Halliburton, Xerox, and the US Army that will use their freight terminal and warehousing for transiting.

Commissioner Bennett asked what the square footage is.

Ms. Martel stated the first phase is 100’ x 110’. They will do phase 1 first then do a second phase if need be and that would also be 100’ x 110’.

Commissioner Lee asked if the applicant has read, understood and agree to the conditions of approval.

Ms. Martel stated yes.

Public comment opened and closed with no comments at 7:58 pm.

Commissioner Duryea motioned to approve CU-2019-000068 subject to the conditions of approval. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

19. **For Possible Action – MP-2019-000012:** Public hearing, discussion and deliberation on a Minor Master Plan Amendment application to change 2.73 acres from the Rural Density Residential (RDR) land use designation to the Community Development Area (CDA) land use designation, located at 681 E. Bell Vista Avenue. Assessor Parcel Number 029-622-01. Marichelle Gray – Property Owner/Applicant. Civilwise Services, Inc. – Agent. *(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 16, 2019, or otherwise announced.)* (CB)

b. **For Possible Action – ZC-2019-000032:** Public hearing, discussion and deliberation on a Zone Change application to change 2.73 acres from the General Commercial (GC) zone to the Commercial Manufacturing (CM) zone, to allow Warehouse Wholesaling and Distribution and an indoor shooting range on property located at 681 E. Bell Vista Avenue. Assessor Parcel Number 029-622-01. Marichelle Gray – Property Owner/Applicant. Civilwise Services, Inc. – Agent. *(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 16, 2019, or otherwise announced.)* (CB)

c. **For Possible Action – CU-2019-000070:** Public Hearing, discussion and deliberation on a Conditional Use Permit application to allow a Warehousing/Wholesaling/Distribution Facility located at 681 E. Bell Vista Avenue. Assessor Parcel Number 029-622-01. Marichelle Gray – Property Owner/Applicant. Civilwise Services, Inc. – Agent. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (CB)

d. **For Possible Action – WV-2019-000093:** Public Hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.740 Landscaping, to allow the use of artificial landscaping where living vegetation is required, and a Waiver from NCC 17.04.730 Parking, to allow the use of stone pavers where asphalt or double-layer chip seal paving is required, located at 681 E. Bell Vista Avenue. Assessor Parcel Number 029-622-01. Marichelle Gray – Property Owner/Applicant. Civilwise Services, Inc. – Agent. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (CB)

Ms. Beeman stated the MP and ZC do have to do to the BOCC for final action and the RPC will be final action for the CUP and WV. There is adjacent CDA to the North, so we can support that. The ZC is only for the warehouse, wholesaling, and distribution facility which requires the CUP. The agenda blurb states it is for a shooting range but that is a permissive use under CM, if approved. The waiver is for landscape vegetation and there is alternative landscape decorations that are being proposed to used and a waiver to use pavers where code calls out specific asphalt or chip seal. Staff is recommending approval of the applications.

Commissioner Bennett asked if there are conditions on item D for the artificial landscaping they are proposing.

Ms. Beeman stated conformance to the plans approved for which the waiver is sought is required. That is item #9.
Commissioner Bennett stated he likes the idea of artificial. But it tends to weather fast and not look well.

Commissioner Lee asked if there are guidelines in the landscaping ordinance that requires artificial landscaping maintained.

Ms. Beeman stated not anything specific to artificial.

Mr. Waggoner stated they can add language that it remains maintained if it is allowed.

Commissioner Duryea asked if they approve A & B it goes to the BOCC do we need to make C & D conditional on the BOCC approving A & B.

Ms. Beeman stated yes, she recommends a vote on items individually.

Commissioner Tyler asked the applicant if they put in 12 manufactured palm trees and if there is a cost difference with the PVC to real palm trees.

Eric Gray representing the applicant. The initial cost is $32,000 for artificial and $21,000 for natural trees. The reasons are no water usage and no maintenance, and they have a 10-year warranty. The palm frans are replicable at a cost if they get destroyed.

Commissioner Lee asked Public Works if the pavers will affect storm control and water runoff.

Mr. Dahl stated he has no experience with pavers and referred to the applicant. The code does call for asphalt or dust palliative, he believes pavers suffice but the best is asphalt due to minimal maintenance. He isn’t confident the material between the pavers will stay there.

Commissioner Koenig stated 17.04.740 landscaping standards, under #4 it talks about the number of trees being reduced if 10% of the parking lot is covered with a permeable surface or pavers.

Commissioner Lee asked the applicant and agent if the permeability of the water thought he pavers for flood control and if this will stay level for ADA parking requirements.

Mr. Gray explained how the pavers are laid out. They will allow for water drainage to go back to the water table. You are able to remove and replace pavers if they get damaged easily.

Mr. Waggoner asked if they can be stripped.

Mr. Gray stated according to the contractor yes.

Commissioner Lee asked if the applicant has read, understood and agree to the conditions of approval.

Mr. Gray stated yes.

Public comment opened and closed with no comments at 8:16 pm.

Mr. Dahl stated he doesn’t have experience with pavers and he isn’t sure if they will have track out or not.

Commissioner Koenig stated he would like some sort of reassurance that they will not exit on Hwy 160.
Mr. Gray stated he has his word.

Commissioner Bennett asked about the shooting range if he has talked with the Sheriff or the prison to see if they will work with them.

Mr. Gray stated yes, he has.

Commissioner Bennett asked how many lanes they would have.

Mr. Gray stated initially 10 or 11 lanes. There is enough room for another building that could have an additional 10 or 11.

Commissioner Tyler stated in the green building standards pavers are an approved parking lot surface due to the recapture of groundwater.

Commissioner Lee stated Hwy 160 and Bell Vista is a very difficult intersection. If the traffic impact analysis and traffic study come back that there are needed improvements are you prepared to handle those financially.

Mr. Gray stated yes.

Dave Richards, agent stated they understand the intersection and the resolutions will be very expensive and can’t be born by one project. Everyone including the State are looking at the intersection on what to do about it. This applicant can’t be the solution to that if they needed improvements on the highway he doesn’t know what would happen there. They will look at the traffic and traffic mitigation. The traffic impact would be small for this development. The traffic impact on Hwy 160 would be small.

Commissioner Lee stated she just wanted the applicant to be aware of the substantial requirements that come from the traffic study.

Mr. Gray stated if they get that much traffic he wouldn’t have a problem contributing.

Commissioner Bennett asked the applicant if they are self-finance or a backer.

Mr. Gray stated they have been preapproved with the bank.

Commissioner Lee asked for clarification on the CUP and WV due to them being conditional on the MP and ZC being approved they wouldn’t go into effect until they are approved by the BOCC.

Ms. Beeman stated that is correct and she missed putting that as a condition on the applications.

Commissioner Koenig stated they could make them conditional until the MP and ZC are approved by the BOCC.

Commissioner Bennett asked if they should continue C & D to the April meeting.

Commissioner Koenig stated no.

Commissioner Tyler motioned to approve MP-2019-000102 with staff’s recommended conditions. Seconded by Commissioner Duryea.
Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

Commissioner Lee stated a recommendation will go forward to the BOCC for approval.

Commissioner Duryea motioned to approve ZC-2019-000032 subject to conditions of approval. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

Commissioner Lee stated they will forward a recommendation of approval to the BOCC.

Commissioner Tyler motioned to approve CU-2019-000070 with staff conditions and adding it will become null and void if items A & B are not approved at the BOCC. Seconded by Commissioner Bennett.

Commissioner Lee asked if they want to address a condition of approval to only allow access off Bell Vista.

Commissioner Tyler stated she didn’t believe that would fall under the CUP but the ZC.

Brett Waggoner stated it could be added as a condition of the CUP but doesn’t believe if could be added as a condition of the ZC. It can also be addressed at the Site Development stage as well.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

Commissioner Duryea motioned to approve WV-2019-000093 subject to the conditions and it being contingent on items A & B being approved at the BOCC. Seconded by Commissioner Tyler.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.

20. **VR-20 Squaw Valley Area Study** - Discussion, deliberation and possible action regarding those parcels zoned Village Residential – 20,000 sq. ft. lot minimum located in SE Pahrump Valley, primarily located south of Gamebird Avenue and situated east of S. Whirlwind Avenue and west of S. Jane Avenue and possible recommendation of a zoning district in conformance with the adopted 2014 Master Plan Update and/or in conformance with the existing land use.

Continued to the April 10th meeting.

21. **For Possible Action:** Discussion, deliberation and possible action regarding updating the PRPD Master Plan Update.

a. Chapter 2
b. Chapter 3

Continued to the April 10th meeting.

22. **Future Meetings/Workshops:** Discussion and Direction Concerning Items for Future Meetings/Workshops; Set Date, Location and Time.

April 10th, 2019 at 6:00 PM.
Commissioner Lee stated we will hear the continued items and asked if Mr. Waggoner wanted to come back regarding changing zonings for Industrial Hemp growing.

Mr. Waggoner stated it is something that could be looked at. He doesn’t know that a blanket approval would be a fix, agricultural use wouldn’t fit into every industrial, commercial manufacturing zone. With marijuana cultivation it is allowed in those zones they are indoor operations and hemp is an outdoor crop in most cases. He isn’t sure he would support it at this point. It could be approved on a circumstantial basis instead a blanket change in code. It can be added as a discussion item for next month.

Commissioner Curtis stated she has an article from Idaho that the police would receive money to help buy equipment to distinguish hemp from marijuana and asked if Marijuana and Hemp are that different that they can’t be distinguished.

Mr. Waggoner stated the plant form isn’t that difficult to distinguish, but when it is harvested and dried it is very hard to determine. Generally, that is done through a laboratory. Hemp is grown in more of a bush than a long stalk like marijuana.

Public Comment:

23. Public Comment (second) – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 8:33 pm with no comments.

Meeting adjourned at 8:33 pm.

Beth Lee, Chairman
Pahrump Regional Planning Commission

Leah-Ann DeAnda, Secretary/Clerk
Pahrump Regional Planning Commission