PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE APRIL 10, 2019 MEETING

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

Members Absent:

Planning Staff:  Steve Osborne
Brett Waggoner
Cheryl Beeman
Joseph Ehrheart

District Attorney’s Staff:  Marla Zlotek

Public Works Staff:  Tim Dahl

Other Attendees:  Commissioner Koenig
Byron Foster

Acronyms Used:

AP  =  Assessor Parcel Number
B & S  =  Building and Safety
BOCC  =  Board of County Commissioners
CUP  =  Conditional Use Permit
DA  =  District Attorney
GC  =  General Commercial
MH  =  Manufactured Home
NC  =  Neighborhood Commercial
NCC  =  Nye County Code
NRS  =  Nevada Revised Statues
PRPD  =  Pahrump Regional Planning District
PW  =  Public Works
RDR  =  Rural Density Residential
ROW  =  Right of Way
RPC  =  Regional Planning Commission
SFR  =  Single-Family Residential
TUP  =  Temporary Use Permit
WV  =  Waiver
ZC  =  Zone Change

1. **Pledge of Allegiance/Call to Order**
Meeting called to order at 6:02 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 6:03 pm.

John Pawlak stated he is the chair of the Nuclear Waste and Environmental Advisory Committee for the Town of Pahrump. They have been having discussion with people that are picking up trash and debris around town and discussing how to stop the flow of trash. They are looking for an avenue for recommendations on placing signage. They have a Facebook page called Clean Up Pahrump and spend a hour a day cleaning up Pahrump.
April 20th at the Shadow Mountain Church is the annual Earth Day. They will have information on recycling and environmental issues happening within our town. They will have a shredding machine and Bank of America will bring a truck

Public comment closed at 6:07 pm.

3. **For possible action - Approval of Minutes:**
   
a. **PRPC Meeting – February 20, 2019**

   Commissioner Lee and Commissioner Tyler stated they provided staff with typographical corrections.

   Commissioner Duryea motioned to approve the minutes with corrections. Seconded by Commissioner Tyler.

   **Vote:** Motion passed (summary: Yes = 6, No = 0, Abstain = 1).
   **Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.
   **Abstain:** Robert Thomas, III.

4. **For possible action - Approval of / Modifications to the Agenda:** Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.
   
   None

5. **Correspondence and Announcements**
   
   Commissioner Lee welcomed Pamela Tyler and Robert Thomas III newly appointed RPC members.

6. **Commission/Committee/Director Reports:**
   
a. **BOCC Liaison Report - BOCC Liaison – John Koenig**

   None.

   b. **Director’s Report**

   Brett Waggoner stated for the month of March total Planning applications is 186, 50 more than last month. Total applications that were processed 148 and was 40 more than last month. Building Permits SFR 58, increase of 25, MH was 19 and total permits issued 197 was increased by 30. Total inspections 423 and was 48 over the prior month.

   Code Enforcement had 21 new complaints and were able to close out 13.

   Previous item update: The next agenda will have a draft of the sign ordinance that has been approved through the DA’s office and the lighting ordinance will be presented on the next agenda as well.

7. **Ex Parte Communications and Conflict of Interest Disclosure Statements**
   
   None.

8. **These items are continued from the March 20, 2019 PRPC meeting:**
   
a. **For Possible Action – CU-2019-000066:** Public Hearing, discussion and deliberation on a Conditional Use Permit application to allow an Off-Premise Sign for Lennar Homes

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)

Cheryl Beeman reviewed her staff report and stated she did get a determination from the DA’s office on whether or not they can approve something that isn’t allowable by code for this zoning district. The DA’s office agreed with staff recommendation to deny the application because it is not an allowable use under a CUP for the CM zoning.

Commissioner Duryea asked if it would be appropriate to have the property rezoned to GC?

Ms. Beeman stated the main use of the property is for a utility facility, so the CM zoning works for that use.

Commissioner Thomas stated he looked at the property and is concerned that it is within 500 feet of residential areas. At Manse there are two, three post signs in less than 500 feet from residences. He is seeing an inconsistency he doesn’t understand.

Mr. Waggoner stated there isn’t an inconsistency, that aspect is being addressed through the waiver, that is the same way those signs were addressed through a waiver. The issue and recommendation of denial is because the sign isn’t a permissive use for the zoning district, it has nothing to do with the waiver.

Commissioner Thomas asked if they have asked the Hafen family or Lennar if they want to table this so they can apply for a zoning change or variance.

Mr. Waggoner stated that it isn’t up to us to apply for a zoning change. This same issue was on the meeting last month, it is up to the property owner to pursue a zone change.

Commissioner Tyler asked what makes this a more intensive use on CM this is a temporary sign. If it is commercial, manufacturing is more intense then general commercial. She doesn’t understand staff’s position.

Mr. Waggoner stated our position is because code today states it isn’t a use allowed in this zoning district. There is a section of code that states the zoning administrator can make a determination and he would be inclined to do that based on the fact it is temporary and based on how the code is written it isn’t a permissive use.

Commissioner Tyler asked if this will be something we look at next month with the sign draft.

Mr. Waggoner stated it could certainly be addressed.
Tim Hafen stated as property owner they would not object to a rezoning providing the water well that exists will still be allowed.

Tony Elder, applicant stated Lennar would like a sign somewhere along Hafen Ranch from Manse to Kellogg. He thought this was an adequate property. There is another property that is zoned GC and he would have to apply for a new CUP and WV for that sign.

Commissioner Lee asked if Lennar would be willing to wait for a ZC? They don’t have the authority to take final action on a ZC it goes to the BOCC for final action. That is a 60-day process and depends on when staff can get it on the next agenda.

Mr. Elder asked if it can be continued to the next meeting.

Commissioner Koenig suggested that we change it to allow it in the CM zoning and can be done at the next meeting.

Mr. Waggoner stated no, it would come to the RPC for discussion and recommendation and then go to the BOCC.

Commissioner Koenig stated he isn’t talking about zoning but changing the permissive uses.

Ms. Beeman stated a text amendment is recommendation by the RPC and final by the BOCC which is two public hearings.

Commissioner Koenig stated that can happen in the same month if it is coordinated, he is trying to not make them wait three months.

Mr. Waggoner stated in the section of the zoning administrator determination that pertained to it having to be a similar use to what is permitted there. He would have no problem with allowing it but it would have to be conditioned if we allow the CUP. But this isn’t similar to any other use that is permitted either conditionally or without a CUP. If it is allowed temporarily he would be okay with allowing it provided that nothing else can be done on the property if the sign exists.

Commissioner Thomas asked if he means no other uses or no uses.

Mr. Waggoner stated they have an existing utility on the property and if they wanted to come put a different business on the property that would be permissive per the code as written today that we don’t do that while the sign exists.

Commissioner Thomas asked for clarification that they can use the barn on the property still.

Mr. Waggoner stated whatever they are using the property for today and asked for DA’s confirmation.

Marla Zlotek stated she is questioning the word district, because we are talking about a district or are we talking about the zoning district. When was this sub G imposed, how was it imposed, how was it created and what was the intent of it. She doesn’t know what district we are talking about at a zone. It has never been used before and what is the history of the phrase.

Mr. Waggoner stated it is an inconsistency with terminology. Some jurisdictions refer to them as zoning districts and others just zoning.

Ms. Zlotek asked if it is dependent on the property it is commercial it is put on or the surrounding residential properties or the property the sign goes on.
Mr. Waggoner stated the property it is being placed on.

Ms. Beeman stated our code is broken down into Residential Zoning Districts, Mixed Use Zoning Districts and Commercial Zoning Districts. And CM is under Commercial Zoning Districts.

Commissioner Tyler asked if the language says district and it falls under the commercial zoning district because it is CM and it fits within the parameters of the zoning district.

Ms. Beeman stated no, an off-premise sign isn’t listed as permissive or allowed by CUP in the CM district at this time the way the code is written today.

Commissioner Koenig stated CM District, GC District, HI District are all districts by themselves. He doesn’t understand why there is a confusion on what a zoning district is because they have all been called that for as long as he has been here.

Mr. Waggoner stated his concern is that we will set a precedent and however he thinks it would fit for this situation, he doesn’t think it will fit on every CM zoned parcel, that is the only concern by allowing it, but conditions can be added to make it specific to this parcel.

Public comment opened at 6:32 pm.

Dwight Lilly stated the sign looks professional and it isn’t blocking traffic, not a safety hazard and doesn’t affect the safety or well being of people. This is a problem if we have regulation in place but ends up costing them 3 months of their business and keeps them from making money is silly. There has to be a way for the RPC to turn it over to the BOCC that meets next week and can be accomplished, this is temporary.

Public comment closed at 6:34 pm.

Commissioner Curtis asked if this could be mobile.

Commissioner Lee stated no mobile.

Mr. Waggoner stated since this isn’t a permissive use for this zoning it probably should have never been taken in. If they are to decide you still don’t want to grant this through Sub G, and they are willing to go to another piece of property we will transfer all fees that have been paid to the new application if they are willing to do that.

Commissioner Lee asked the applicant if they would be amenable to finding another property.

Mr. Elder stated he would have to speak to the land owner to see if they would allow it.

Commissioner Curtis asked about the rezoning availability.

Commissioner Lee stated the challenge with that is that it is at least 60 days before they can get approval.

Mr. Beeman stated the fact is that the master plan category is RDA which doesn’t allow the intensity of use for a sign so it would be a Master Plan Amendment possibly and a ZC.

Commissioner Duryea stated Mr. Waggoner’s solution is better than rezoning if the property owner is amenable.

Mr. Elder stated he would like to check with the property owner that has the GC property and submit new applications.
Commissioner Bennett asked how fast they could get it back to the Planning Department.

Commissioner Tyler asked for clarification that if he does apply for the GC property will he still need a waiver.

Mr. Waggoner stated depending on where the property is he doesn’t know if it is within 500 feet of a residential property but for the three post issue yes.

Commissioner Lee asked if they were able to get the applications on the next month's meeting.

Mr. Waggoner stated yes.

Commissioner Curtis asked if this requires a public hearing.

Commissioner Lee stated yes.

Commissioner Thomas asked what the possibility of asking Mr. Waggoner to provide the language to make this work and if the land owner wants to make an application that is administrative. We then give ourselves two routes at the next meeting.

Commissioner Lee stated the challenge to what Mr. Waggoner is suggesting is a text amendment. That is drafted, reviewed by the DA’s office the public hearing starts with us, it then goes to the BOCC for a hearing. The fastest route is 60 days or more.

Mr. Elder stated he spoke to the land owner and it is zoned GC and he will resubmit the applications for that property.

Commissioner Lee stated they will get this on next month's meeting.


**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

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

9. **These items are continued from the March 20, 2019 PRPC meeting:**


**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 stating this was continued because we needed to
determine whether there was a discrepancy on an additional waiver needed for sign
separation. We worked with Mr. Elder and have addressed those issues. Staff is
recommending approval of the applications.

Public comment opened and closed at 6:45 pm with no comments.

Commissioner Tyler motioned to approve CU-2019-000067 and WV-2019-000092 based
on staff’s recommendations. Seconded by Commissioner Thomas.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert
Thomas, III, Tom Duryea.

10. For Possible Action – ZC-2019-000033: Public Hearing, discussion and deliberation on a
(Conforming) Zone Change application to change 4.80 acres from the General Commercial (GC)
zone to the Rural Homestead Residential (RH-4.5) zone, located at 1410 E. Manse Road,
Assessor Parcel Number 044-201-10. Midland Trust Company as Custodian FBO Richard
Warrington – Property Owner. Dawn Reali/Dragonfly Tranquility, LLC – Applicant. (The
Pahrump Regional Planning Commission makes a recommendation on this item. Final
Action by the Board of County Commissioners is scheduled for May 21, 2019, or otherwise
announced.) (SO)

Steve Osborne reviewed his staff report and one minor correction under finding #4 where it states
additional County ROW of 10 feet to be dedicated is a typo and can be removed and stated staff is
recommending approval of the application.

Commissioner Thomas asked if notice is required to the neighbors and what was done to notice
them.

Mr. Osborne stated yes notice was sent out and it is required to send notices to 30 surrounding
properties and they are notified with a postcard in the mail of the proposed ZC.

Commissioner Thomas asked if there was any response received.

Commissioner Curtis stated hemp is allowed in the RH-4.5 zone if it is outside and, in the GC, if
it is indoors. Is that correct?

Mr. Osborne stated no, it is only allowed in the RE-RH and SE zone. GC allows for marijuana
cultivation.

Public comment opened and closed at 6:51 pm with no comments.

Commissioner Curtis asked if the applicant has water rights.

Dawn Reali, applicant stated yes, and it doesn’t take much to water hemp.

Commissioner Curtis asked if they have adequate water rights.

Ms. Reali stated yes.

Commissioner Curtis motioned to recommend approval ZC-2019-000033 based on findings.
Seconded by Commissioner Bennett.

Vote: Motion passed (summary: Yes = 4, No = 2, Abstain = 1).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Pamela Tyler.
No: Leah-Ann DeAnda, Tom Duryea.
Abstain: Robert Thomas, III.


Byron Foster, Nye County Mapping Administrator. The attached maps show an addressing problem at Hwy 160 South at intersection of Winery Road, Homestead and 160 on the North side it is the 200 range and the South range is the 3000. It is incorrect and per the code 15.24 when there is more than 10 addresses it has to come before the RPC to determine what we do with this. Between the two blue lines on the map are a lot of businesses. His recommendation is to start at the second blue line and run it out to the county line. It would impact the least amount of businesses. The main business impacted would be Spring Mountain Raceway.

Commissioner Thomas stated second paragraph on the document provided second line states, “may cause problems in the feature” and asked for clarification that it should say future.

Mr. Foster stated it is both, we have features on the map, it is a GIS term and we could say it could cause problems in the future.

Commissioner Thomas asked if there has been any question to the Post Office on their input since they deliver mail.

Mr. Foster stated the post office doesn’t have any say, I am the addressing administrator. They take our addresses and change it and they won’t change it without the authority from me.

Commissioner Curtis asked if anyone has consulted with the businesses to see what their feelings are.

Mr. Foster stated that would be addressed at the setting of the Public Hearing then they are noticed.

Commissioner Koenig asked how it would address the GPS. The race track states GPS already has a hard time finding them. Would this fix it?

Mr. Foster stated no addressing is addressing, you can have any address. Some other areas in Nye County make up their own addresses and it is a nightmare. Google, BING and Map Quest don’t get our address changes. There is no one to contact. He has reached out and no one responds.

Commissioner Bennett asked how long Mr. Foster has been doing mapping.

Mr. Foster stated for 2.5 years in the GIS department for Nye County.
Commissioner Bennett asked Mr. Foster for his comments and recommendation.

Mr. Foster stated his recommendation is to change addresses before 42-451-01 not be changed but changed the 47 addresses after 42-451-01 because a lot of the area to the South isn't developed at this time. What caused this was when Silverton Casino created their parcel split and it was a fluke he found this issue. He wanted this addressed before he gives them their address. This is the easiest solution to not affecting a lot of businesses.

Commissioner Tyler asked for clarification that the 6 APNs listed on top of the list would get address changes and 47 below that would also change but only 3 of those are businesses.

Mr. Foster stated the 6 listed on top would not change, just the 47 addresses below. The three businesses are Spring Mountain Raceway, Spring Mountain Commercial and Silverton Ranch.

Public comment opened at 7:09 pm.

Russ Meads stated he is there representing the racetrack and Silverton group. The issues aren't so much the address is changing but the timing. SMR is a world-wide advertiser and they do annual budgets 7 months in advance and print their materials that far in advance as well. They are okay with a change and request giving them a 90-day grace period once the address is assigned to get the information out and materials changed. 90 days is the quickest they can do it. Most everyone else was looking for 5 to 6 months.

Commissioner Lee stated because it is more than 10 parcels this board would have to make a determination that there is an addressing issue and set a date time and location for the hearing. And asked Mr. Foster if a 90-day grace period would be doable once the address is assigned.

Mr. Foster stated he would have to look at the code, they usually allow 60 days, but he would be fine with 90 days. In Amargosa we are allowing them 1 year. 90 days is more appropriate.

Mr. Meads stated it all depends on timing and the issue they are trying to determine is that they are in a 45-day negotiation period for extending the new contract with General Motors for the driving school and will be a 5-year contract. They want the address corrected by the time the contract is done. They asked if they continue the contract under the current address and move forward, he isn't sure what the legal ramifications for having an address change. They have a lot of licenses they would need to change the address on and businesses under that address. After talking with John and the GM contact they think they can have the majority of that take care of in the 90 days.

Mr. Meads asked Mr. Foster if they have a preliminary address assigned.

Mr. Foster stated yes, it is on the sheet provided. If after the public hearing there is someone that objects to the change, they have 30 days to appeal to the BOCC.

Mr. Meads stated they came to the County about 10 years ago for an address correction because 3601 in a search engine pops up at Red Apple Fireworks. They would like to see it happen in 60 days. Spring Mountain Commercial is looking to print materials and submit in the next few months.

Mr. Waggoner stated in the code it does allow the 90 days.

Commissioner Thomas motioned to set the public hearing for the May 15th meeting. Seconded by Commissioner Tyler.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

12. **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.

Ms. Beeman stated the study area shows 129 parcels zoned VR-20. 96 of them are under separate owners, 67 are developed SFR, one mini storage business and a Valley Electric substation. The recommendation is shown on the maps, one is a map of the area showing adjacent utility service area, flood rate maps, current zoning of the property along with the proposed zoning districts of the VR-20.

Commissioner Lee asked if there is a lot of active development in the area that would warrant the RPC doing the change other than having the property owners coming in themselves.

Ms. Beeman stated most of the developed properties are SFR on 1 acre of greater. If they want to have animals today under the VR-20 it wouldn't necessarily be permissive.

Commissioner Lee stated there has been 1 person in the last year in this area. She isn't inclined to have the county take the time and effort to do this.

Commissioner Thomas asked what staff is asking for.

Commissioner Lee stated this is a study to review an area where the zoning is inconsistent with the current lot sizes.

Mr. Waggoner stated there was a gentleman that had to do a zone change to grow crops on his property. The board asked for staff to put together material to look at the area because VR-20 doesn't let them grow crops.

Commissioner Tyler asked for clarification that staff did this at their direction.

Commissioner Thomas asked what the effect is if they do nothing and if they move to adopt the proposed study area what affect does it have.

Ms. Beeman stated the major effect is if there is a property owner with 10 acres or more they could come in with a subdivision map and subdivide the property. Without the infrastructure to support it, it is difficult and anyone wanting livestock would not be allowed. We could leave this at VR-20 and we can let the property owners come in individually to change their zoning if they want the livestock.

Commissioner Curtis stated they are master planned Rural Density Residential, but the county doesn't want to do that.

Ms. Beeman stated the BOCC didn't have an appetite to implement the master plan when it was adopted. Rather let the property owners make the application to correct it.

Commissioner Koenig stated in 2014 when the new master plan was finally implemented the new master plan they made a conscious decision to not rezone the entire PRPD to come up the completely different master plan they had redone.

Commissioner Curtis asked if it is served by a utility.
Ms. Beeman stated no.

Commissioner Lee asked if most lots are large enough that they can put in a well and septic and be used for residential properties.

Ms. Beeman stated yes.

Commissioner Curtis asked for clarification on less than an acre.

Ms. Beeman stated 1 acre is the smallest parcel size within the study area.

Commissioner Lee stated that is where this study came from the minimum lot size is half acre or 20,000 sq. ft. and all of these far exceed that.

Commissioner Koenig stated when you are going through the new Master Plan is look at areas like this and change the master plan to match what the parcels really are.

Commissioner Lee stated they will leave it as is.

13. **Discussion Item:** Discussion regarding hemp; zoning districts which allow for the growing of agricultural crops and hemp cultivation.

Mr. Waggoner stated this is another item the RPC asked to be brought back because an applicant asked why hemp cultivation is only allowed in RE or RH zones and marijuana is allowed in most commercial districts and RH with a BO overlay.

Commissioner Lee stated hemp is still considered a crop and marijuana is regulated by the state. The zoning regulations still look at hemp as no different from alfalfa, cotton, corn or any other crop they want to grow.

Mr. Waggoner stated marijuana within the PRPD is required to be grown indoors only, hemp can be grown as an outdoor crop.

Commissioner Curtis asked the earlier applicant for her input.

Dawn Reali stated she disagrees as far as marijuana and hemp being completely different. Hemp and marijuana are the same plant and hemp is regulated by the department of agriculture. She can’t grow hemp like tomatoes or cotton. It is regulated the same as marijuana, the only difference is the department regulating it.

Commissioner Koenig stated the state has told us not to regulate hemp, therefore hemp is treated differently than marijuana. We are told to regulate marijuana, but we can’t tell you how to grow hemp.

Ms. Reali stated what she disagrees with is that hemp is the same as growing tomatoes.

Commissioner Koenig stated within the PRPD it is the same as far as we are concerned. We can’t regulate either of those two. He stated they wish they could regulate hemp because it smells, and people object to that.

Ms. Reali stated she has a warehouse and stated they are being told they can’t grow it in the warehouse. She is being told she must rezone, because she is zoned GC and can’t grow hemp indoors or she would.
Commissioner Koenig stated that is the reason why they are here, he doesn’t believe they should be able to grow hemp on RE 1 or 2 properties and they should have water rights.

Public comment opened at 7:39 pm.

Sarah Chapman, chairman of the Nye County Cannabis Association they are against changing the marijuana zoning to match the hemp zoning. There is a risk of cross pollination increases if they are next door to one another and the odor is an issue as well.

Dwight Lilly agrees that no hemp should be grown outside. He believes there is a regulation that hemp can’t have a THC factor of a certain percentage and you don’t want either of them too close together. Even if it is grown indoors pollen gets in the air and if the filtering system isn’t correct you can smell it. Maybe they need to look at a distance requirement for growing marijuana and growing hemp. He doesn’t want to smell someone’s hemp and doesn’t want it by his home.

Jim McCoy the senior advisory for the University of Nevada Hemp Advisory Council, he’s president of the Pharmaceutical Research Centers of North America which holds two hemp growers permits, one in Amargosa and one in Pahrump. He also owns and operates the All About Hemp store located at 1400 S Hwy 160 in Pahrump. What is being farmed as hemp or marijuana in Pahrump is the same crop with the exception of meeting the federal guidelines of meeting the less than .3% of THC in the hemp. What he doesn’t understand is restricting hemp from being grown in a controlled environment that would stop the pollen and stop the smell like they do in the marijuana.

Phillip Boggs stated he was the applicant here to change his zoning. There will be more value in the hemp medical side of the cannabis plant then there will be in the marijuana side. THC comes with maturity of the plant so if the plant is harvested before it matures then you have a medical grade or non-THC grade of cannabis.

Mark Warrington stated the Department of Agriculture comes out 15 – 30 days before you harvest. If your product tests high, it is the same as marijuana and you have to destroy the crop. Cross pollination and possible a product that is higher than federally allowed, and that won’t happen. Marijuana and hemp are the same plant hemp is just a lower THC version.

Commissioner Koenig stated he understands what everyone is saying. They are stating if they can grow indoors in GC which it is a 5-acre site and you won’t have a 5-acre building. The marijuana people don’t want it changed to be allowed to grow next door because if there is a male plant in the hemp field it can potentially kill an entire marijuana crop. It is a battle between the two and needs further study. Somewhere we need to be able to say you need water rights to do this. He wants staff to get ahold of the Dept. of Agriculture and further investigate what they mean by you can’t control hemp. One question is can we control it by zoning it out to RE-2 or can we control it other ways by saying they have to have water rights. It is conditioned upon the use.

Mr. Waggoner stated the difference with marijuana being grown in commercial districts is that it is regulated and lots of conditions placed upon them that aren’t being placed on hemp. At this point we don’t know that we can do that if we could or were allowed to do a CUP or SUP then he would never see an issue.

Commissioner Lee agrees clarification from the state would be good since this is a discussion item they will leave it to staff to review and provide comments later on.

14. **Discussion Item:** Discussion regarding possible amendments to the Airport Overlay (AO) zoning district.
Commissioner Lee asked if this is only a discussion item will it come back later as an action item to give staff direction.

Mr. Waggoner stated he thought it was agendized for discussion and possible recommendation, but they can bring it back for recommendation.

Mr. Waggoner stated at the airport if someone wants to build a hanger prior to a principal residence it isn’t allowed because a hanger is considered an accessory structure. They were asked to come up with a draft to address that issue, so they don’t have to ask for a waiver. In addition, they were approached by the HOA to address some of the obstructions along the taxi ways. From a planning perspective there are a lot of things being addressed outside of the land use.

Commissioner Lee stated we don’t usually have development standards in the zoning district. But because it is for an overlay zone and only applicable to one specific area would it be better served having the development standards in the separate area and not identified in the zoning district.

Commissioner Thomas asked why a hanger is an accessory structure.

Mr. Waggoner stated it is an airport community with the lots zoned single family and commercial with the airport overlay. You can build a house, a hanger or a hanger with living quarters in it. It is a fly in community.

Commissioner Koenig stated it was designed as a private airport and it isn’t private anymore.

Commissioner Duryea stated on the table on the bottom of page 2 it states fifteen eet, it is a minor typo, missing the f.

Commissioner Curtis asked for if the HOA is active and stated they have their own restrictions.

Mr. Waggoner stated they do and we don’t enforce CC & R’s that is why they want us to include it in our zoning or development standards. Some language they want us to add is straight from the FAA. If the CC & R’s go away at any point, then we are responsible for regulating this.

Commissioner Curtis asked if they are a registered HOA or common interest community within the State of Nevada.

Mr. Waggoner stated yes.

Commissioner Curtis stated they have to govern themselves.

Commissioner Bennett asked if they can look at another community airport that is similar to ours that we can look at and see if we can adopt some of their code.

Mr. Waggoner stated it’s possible, but the underlying reason for this is to really address the accessory building issue. If the board suggests we take a lot of the other stuff out and address only the accessory issue it is an option.

Commissioner Tyler asked for clarification that the accessory building issue can only be addressed through ordinance.

Commissioner Lee stated yes.

Commissioner Duryea stated the maximum gross weight is 12,500 which is a single engine prop and that is how they want to keep it so the dirt run way doesn’t get torn up.
Meeting went into recess at 8:03 pm

Meeting reconvened 8:12 pm.

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

a. Chapter 2

Commissioner Lee stated when they adopted the 2014 master plan it was a major rewrite from before. How has this been working and are there any issues over the last 5 years.

Ms. Beeman stated the BOCC wanted flexibility written into the master plan, we changed the master plan designations, so they didn’t match exactly what the zoning districts were also named. They intensified the CDA district. We also wanted to say multi family, GC, NC giving a variety of uses. Developing more goals and policies that the RPC continues to make their decisions. The Master Plan is the policy document which we should put our basis of our land use decisions upon. A document that changes and evolves as the community changes and evolves.

Commissioner Thomas stated on page 15 it talks about LEEDs. First question is has the town or the county signed or received grant money that requires LEEDs to be used.

Commissioner Tyler stated LEED is a voluntary thing that building owners choose to do and are design standards and aren’t something the county would participate in. There are some tax credits for buildings that do it but have to meet very stringent criteria. It isn’t generally enforced by the building department or government. They are standards that respect our resources and create sustainable buildings.

Ms. Beeman stated another way the county could incentivize like the LEED program would be reduction of impact fees for buildings.

Commissioner Thomas stated a google search of articles on LEED buildings and what assessments have been done after they have been built are dismal failures. LEED certified buildings perform worse than buildings in general. He is all for promoting environmental standards but what has happened with this design standard and it has been a disaster except for the builder or developer who gets tax credits. It is a cash cow for builders but not a responsible use for consumers of the space. He has done a lot of internet research on LEEDs and doesn’t deliver what it promises.

Commissioner Tyler stated as a building operator she has had the opposite viewpoint and has seen it in operation and seen it perform very well. Using a lot of the LEEDs standards at a casino she was at in Washington cut the utility usage in half. So the cost and kilowatt reduction was worth the effort. She likes that we call out the dark night skies and protecting our natural resources in chapter 2.

Commissioner Thomas stated his concern was the LEEDs and is glad it is voluntary, he likes 15A attachment.

Commissioner Duryea on page 10 – water supply and demand. It has a lot of references and he doesn’t know what they are. He was able to locate the US drought monitor and it shows that the Pahrump Valley is no longer in a drought situation. But we do have water concerns and we do need to conserve. On page 11 – community gateways, he asked Cody McKee what is going on with the fountain. When it isn’t’ on why isn’t it on.
Codey McKee stated he doesn't think it is operated by PW. He thinks it is buildings and grounds department maintain it.

Commissioner Lee stated she thinks in an effort to conserve water when it is windy it is turned off.

Commissioner Duryea stated on page 11 - on 372 there is artwork on the roundabout and it adds, to the gateway but we need something on Hwy 160 at Bell Vista. On page 13 it talks about land division regulations from 98 as amended in 2004, has it not been amended since then or is it in the works?

Ms. Beeman stated it isn't and it has been piecemealed. The document is in very much need of attention.

Commissioner Curtis asked if there is a central business district.

Ms. Beeman stated we do have a town center area and a town center guideline, and some is centered around the Calvada eye. But we haven't had any development in that area. Public Works has talked about a Design Corridor down the highway and could be something that evolves into an area plan or a subset of the Master Plan.

Mr. McKee spoke about the Design Corridor.

Commissioner Curtis stated some communities have a central theme. Has that been discussed or even feasible.

Ms. Beeman stated that is a regulatory aspect of land use planning. That hasn't been the direction that the county has taken our department. If that is going to be a direction that the board would like us to go it would come through the board through the system.

Commissioner Bennett stated some town have enhanced their name, has there ever been any discussion, maybe Pahrump Springs.

Commissioner Lee stated on page 9 where it discussed population density she assumes staff will update that appropriately. How receptive have developers been to xeric landscaping.

Ms. Beeman stated it has been successful and we have seen the benefit of that.

Commissioner Lee stated on the goals and policies are we working to incorporate these policies into the zoning ordinance for example under Goal 1, Objective B, Policy 1 are there any incentives put in place for higher density in field development?

Ms. Beeman stated no, we don't.

Commissioner Lee asked if any developers have come forward asking for incentives?

Mr. Waggoner stated commercial developers have inquired about them, some towns offer them but Nye County doesn't.

Commissioner Lee stated under Goal 2, Practicing good urban design principles, policy 3 have we investigated the development of rural reserve or priority areas.

Ms. Beeman stated no. Those would be good aspects of a neighborhood plan or an area plan.
Commissioner Lee under page 19, goal 4 she asked if the code enforcement manual is still being worked on and moving forward.

Mr. Waggoner stated they are working on moving away from the code enforcement manual and working on Code Enforcement provisions.

Ms. Beeman stated code enforcement has removed about 160 illegal signs from our streets.

b. Chapter 3

Commissioner Duryea stated on page 23, Nye County Government complex, it talks about all the county and town offices to move into one location. Is there any future plans for the Planning office to move there?

Mr. Waggoner stated no, not since they have reevaluated the cost of remodeling the building there, but it may be the cost of building a new building.

Commissioner Duryea suggests adding the Town of Pahrump office is included in the government complex, on page 25 one utility company needs updated, and the photo credit needs updated too.

Commissioner Lee stated there have been changes with agencies referenced, for example Animal Control is now under the Sheriff. Please verify they are all under the appropriate places and update, Station 2 is getting attention from the Fire Department as well. On page 27, Goal 6 – above ground utility corridors. Is staff working with BLM? The BLM is working on utility corridors as well.

Ms. Beeman stated it probably should be updated they did adopt 17.10 under special use process and will need to update the maps and coordinate with BLM.

Commissioner Curtis stated she has a concern over the fire department facilities being adequate to handle the race track or the Silverton casino because of the distance.

Mr. Waggoner stated that is being discussed, there originally was a 5-acre parcels by Mt. Falls and the fire chief wasn’t happy with the location so they are looking for something closer to the highway.

Commissioner Curtis asked if it was a possibility that the race track could give us property to develop.

Mr. Waggoner stated it could be a possibility.

Public comment opened at 8:47 pm.

Dwight Lilly stated he is the President of the Private well owner’s cooperative. There has been no discussion with the people on how they see the future of Pahrump. The original master plan had community meetings and studies and it was determined to leave Pahrump a rural town. Right now, there is a lawsuit in the Supreme Court regarding the fair water here. He has a well and uses 636,000 acres (sic) of water last year and moved here so he can use it as a rural area and that we had the largest aquifer. We already have too many people for the amount of water we have here. There are 8000 lots that have a legal right to water. The master plan originally said for 500,000 people in Pahrump, that was irresponsible and now there are figures of 200,000. He invited staff and the board to come meet with the cooperative to hear what they have to say about the master plan.
Commissioner Duryea motioned to direct staff to incorporate input by Commissioners have given for chapters 2 and 3. Seconded by Commissioner Thomas.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

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

The next meeting is May 15, 2019 at 6:00 pm.

Commissioner Lee asked to have Chapter 4 of the Master Plan on a future meeting and asked if the AO will come back at a future date.

Mr. Waggoner asked what the direction would be if they brought another draft back.

Commissioner Curtis stated to build a hanger without a residential building.

Mr. Waggoner asked if they want it back for discussion and possible direction.

Commissioner Lee stated yes.

**Public Comment:**

17. **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 with no comments at 8:58 pm.

18. **Adjournment.**
Meeting adjourned at 8:58 pm.

Beth Lee, Chairman
Pahrump Regional Planning Commission

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