

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE MARCH 10, 2021 TELECONFERENCE**

Members in Attendance: Beth Lee  
Leah-Ann DeAnda  
Carol Curtis  
Pamela Tyler  
Robert Blackstock  
Walt Turner  
Tom Duryea

Members Absent:

Planning Staff: Brett Waggoner  
Celeste Sandoval  
Qiana Medici  
Cheryl Beeman  
Steve Osborne

District Attorney's Staff: Michelle Nelson  
Marla Zlotek

Public Works Staff: Tyler Mulvey  
Tom Bolling

Other Attendees: Commissioner Carbone

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
FEMA	=	Federal Emergency Management Agency
GC	=	General Commercial
MH	=	Manufactured Home
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
ROW	=	Right-of-Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
ZC	=	Zone Change

**1. Pledge of Allegiance/Call to Order**

Meeting called to order at 6:00 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 and closed at 6:02 pm with no comments.

**3. For possible action - Approval of Minutes:**

a. PRPC Meeting – February 10, 2021

Commissioner Lee stated she provided staff with some minor typographical corrections.

Public comment opened at 6:03 PM.

Don Miller stated he received a flyer on a change of zoning.

Commissioner Lee directed him to the appropriate time to speak during that item.

Public comment closed at 6:04 pm

**Motion:** approve with changes as submitted to staff, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Robert Blackstock.  
**Motion passed unanimously.**

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 stated we need to pull item 10 a and b for a noticing error.

Public comment opened at 6:05 pm.

Commissioner Turner asked if we could clarify if this was the item Mr. Miller was wanting to speak on.

Don Miller stated this isn't the item he was waiting to speak on.

Public comment closed at 6:05pm.

**Motion:** Approve the agenda as submitted and removing item #10 to be heard at a later date, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.  
**Motion passed unanimously.**

5. **Correspondence and Announcements**

Mr. Waggoner stated the Planning Department is reopening to the public on April 15<sup>th</sup>, still following COVID-19 protocols.

6. **Commission/Committee/Director Reports:**

a. BOCC Liaison Report  
None.

b. Director's Report

Mr. Waggoner stated total Planning applications received for February were 171 which was 31 more than last month, total applications processed was 173 which was 72 more than last month, Building Department there was 38 SFR which was 8 more than last month, MF was, 0, MH was 26 which was 3 less than last month and total permits issued was 188 which was 13 more than last month, Total inspections all categories was 480 which was 32 less than last month.

Since July 1<sup>st</sup> to date there have been 309 SFR and 238 MH permits pulled which was more than this time last year which had 223 SFR and 210 MH.

Code compliance had 16 new complaints which was 2 more than last month and they closed 17 which is 13 less than last month.

Previous items heard by the RPC TA-2020-000027 Penalties for unpermitted work 15.16.110 Penalties adding subsection B for unpermitted work and heard on 10/14/2020 the RPC recommended approval and was heard 2/17/2021 by the BOCC and was approved. WV-2020-000126 was appealed to the BOCC to allow for a chain link fence instead of a block wall and a paved driveway off Alfalfa, it was heard by the BOCC on 2/16/2021 and they approved the application, and the decision was overturned, and the waivers granted. ZC-2020-000052 and ZC-2020-000053 were all heard by the BOCC on 2/17/2021 BOCC and they were approved. MP-2021-000015 and ZC-2021-000055 were heard by the RPC on 2/10/21 and recommended for approval and will be heard by the BOCC on 3/16/2021.

7. **Ex Parte Communications and Conflict of Interest Disclosure Statements**

None.

8. **For Possible Action – WV-2021-000128:** Public Hearing, discussion, and deliberation on an application for Waiver from Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Article III. Zoning Districts; Establishment and General Provisions: 17.04.200 Residential Districts; 17.04.240 VR-20; Village Residential – D. Permissive Uses & E. Uses Subject to a Conditional Use Permit. Currently NCC 17.04.240(D)(E) does not allow for Subsistence farming for the growing of field crops or raising of livestock for food for household use as a permissive use. 17.04.910 Zoning Review Required for the existing chicken coop that was built without prior approval by the previous owner located at 3341 Zolin Ave. Assessor Parcel Number 045-084-10. Grimaldo, Juan L – Property Owner/Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (QM)**

Qiana Medici reviewed her staff report the aerial views from 2018 show an open roof structure connected at the rear of the MH, prior to the Grimaldo's purchasing the property in June of 2020. That was used as a chicken coop according to the Grimaldo's when they moved in. The property does have an active code compliance case and the owners are asking for a waiver of code and staff finds sufficient justification to approve the application.

Commissioner Lee asked if there was any research into grandfathering the chicken coop. Or was the 2018 aerial the only thing they have.

Mrs. Medici stated the 2018 the only aerial photo that shows the chicken coop on the property.

Mr. Waggoner stated they had a similar situation a few meetings ago, the circumstances were similar but the parcel size on that property was .46 acres where this one is .91. This property is an area they will be discussing to review a possible zoning error, that is why they are recommending approval of the application, he believes this could be an error in zoning.

Commissioner Lee stated she agrees the VR-20 isn't applicable and believes it needs to have an area study, but she doesn't believe under NCC they have the authority to grant this use. The code states they don't have the authority to grant a use for one zoning district that is permissive in another zoning district.

Mr. Waggoner stated one finding that has to be made to support a waiver is the fact there is some particular characteristics of the parcel that doesn't exist in the same zone properties in other places. It does meet the criteria for a RE-1 property.

Commissioner Lee stated she disagrees, and she doesn't think they have the authority to approve this.

Commissioner Turner asked if the physicians letter gives it a different angle to allow approval?

Commissioner Lee stated this is a zoning issue.

Commissioner Turner asked if the applicant can gather the neighbors for a zone change and then proceed with this?

Commissioner Lee stated there are a few options she sees. They can move forward and deny it and the applicant can appeal to the BOCC they can direct staff to rezone the area or the applicant can discuss with staff to rezone the property or they can continue it till there is a rezoning on the property.

Mr. Waggoner stated they could also follow the recommendation of the Planning Department and choose to approve this.

Commissioner Lee stated she believes that approving this will violate Nye County Code.

Mr. Waggoner referred to the DA's office.

Marla Zlotek stated if the chair believes the code doesn't allow for the action and the Director interprets the code to allow for the action her only recommendation is to do the research on what the intent of the code is. If the motion is to continue pending the DA's office opinion, she will talk with the Director to obtain the correct questions and concerns.

Public comment opened at 6:34 pm.

Tim Bohannon asked for clarification on when grandfathering would occur, and if this could have potentially grandfathered for the continuance next month.

Commissioner Lee stated they will address grandfathering next month.

Public comment closed at 6:35 pm.

**Motion:** Continue to the April RPC meeting pending the DA's research and opinion, **Action:** Continue, **Moved by** Walt Turner, **Seconded by** Leah-Ann DeAnda.

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

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Tom Duryea, Walt Turner.

9. **For Possible Action – WV-2021-000129:** Public Hearing, discussion, and deliberation on an application for Waivers/Exceptions from Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Article VI, Development Standards: A waiver from 17.04.740.A to allow a commercial development to use rock landscaping with no live plant material and, a waiver from 17.04.740.F.1.b.(1) to allow the use of a chain link fencing with slats as acceptable full screening for the development of a proposed mini-storage facility with a caretaker's unit, on property zoned Rural Estates Residential (RE-1) with the Business Opportunity Overlay (BO) and located at 3820 S. Homestead Road. Assessor Parcel Number 041-222-17. Wallin Family Trust & Justin Wallin - Property Owners. Kurt Wallin. – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (CB)**

Cheryl Beeman reviewed her staff report and stated staff is recommending approval of a portion of the application related to the waiving of the landscaping requirements and recommending denial portion of the application relating to the waiving of the opaque fencing. The waiver of landscaping does meet the Goals, Policies, and Objectives of the Masterplan but the fencing waiver does not meet standards or uphold the zoning ordinance therefore staff is unable to recommend approval of that portion of the waiver. NCC development standards call out special purposes for opaque walls and fences that buffering is encouraged to create visual harmony when different land uses abut each other. In this situation Commercial abutting the SF residential to the rear. The property will have a caretakers residence and ministorage facility and such a use will require a connection into a permanent water and wastewater disposal and a condition of the application is to submit a merger resubdivision map to merge the properties to provide utilities for the entire

development. State law is strict when it talks about service lines crossing parcel lines. They are unaware of any commercial buildings that have not been connected to commercial water or sewer.

Commissioner Lee asked if there is anything acceptable in the code for the substitute of opaque fencing other than a block wall.

Ms. Beeman stated no, the code just states opaque with no definition to determine opaqueness.

Justin Wallin, applicant stated they are working with the neighbor behind them for the chain link fence and are trying to get that in writing. They had a misunderstanding with one of their previous waivers for two lots down that they thought included the chain link fence but the way they filled out the application doesn't resemble that. That was a mistake on their part and a little bit of ignorance. They have looked at other storage facilities that have chain link fences and though they don't know when they were approved, but they are against residential properties. They believe the opaque fencing they want meets all the criteria. The merger of the lots isn't an issue, the only thing that needs utilities is the caretaker's residence, there will be no public utilities and they are working with NDEP and DWR to use the existing well and septic that is there for strictly the caretaker's residence. If that changes and they have to make it a larger well and purchase water rights and commercial septic it won't make sense for the couple to make a living there. If the lots are merged what will become of the existing conditions for the other properties, will these conditions then go to all those properties? They don't mind giving up ROW for the new buildouts but the existing facility there is fencing and stuff there that would be expensive to move. The only home currently built is only behind the original facility and that has a chain link fence. They are willing to install an 8 ft tall privacy fence across that back property line.

Commissioner Lee asked staff if they can hear this waiver since the original MP and ZC haven't been heard by the BOCC yet.

Ms. Beeman stated they had that conversation with Mr. Wallin and she doesn't believe so. It can move through the process piece meal but not ideal.

Mr. Waggoner stated if the findings were in favor of the applicant for the waiver the condition that is on the MP and ZC for the block wall can be updated and they can remove that. But a waiver has to go before the RPC first. He would like to address some things addressed by the applicant. The issue with the chain link and slats is that code doesn't offer other options, but it does specifically say in this instance it says chain link with slats is not considered opaque fencing. Other areas of code for other uses it says chain link with slates is acceptable opaque fencing. For whatever reason a commercial use that borders a residential use it specifically says it is not. That is where staff's findings are coming from. The second part the applicant stated that there was a chain link fence on the other parcel for over a year. That chain link fence was installed illegally, it was not submitted or approved on the site development plan by the applicant and approved by the technical review committee. The fact that they have gotten away with it for a year is moot point.

Commissioner Turner asked staff what the process for opaque fencing that some areas it qualifies and some it does not. What is the procedure when definitions differ, is this something that needs to be remedied across all ordinances?

Mr. Waggoner stated it would be a code amendment and it can't happen as an action with this agenda item. The applicant can offer to do anything outside a block wall other than a chain link with slats to meet the opaque requirement.

Commissioner Turner asked the applicant if the caretaker's residence is planned to go on 041-222-17, correct?

Mr. Wallin stated yes.

Commissioner Turner asked Mr. Wallin where the well was currently located.

Mr. Wallin stated the well and septic are on located on APN – 17.

Mr. Waggoner stated with the merger of the parcels should have been required prior to any of these approvals like any other commercial property there could potentially be access issues with them if they stay separate and since it hasn't went to SD or through building permits there could possibly be a requirement in the building code that there is a public restroom facility based on the occupancy of the property.

Commissioner Curtis asked Mr. Waggoner if the plans are approved for the new development would it include a separate access for the development and is the fence they are discussing only for the rear lot line that is adjacent to residential and the appeal that was heard on Hwy 160 did it go before the BOCC and did they approve the chain link?

Mr. Waggoner stated the access would come through site development process, depending on fire or emergency access they may require a second access, the BOCC unfoundedly reversed the decision of the RPC with no findings to support it and allowed the chain link fence that was denied by the RPC. Yes, this would only affect the property line to the rear of the parcel that abuts a residential zoned property.

Public comment opened and closed at 7:13 pm with no comments.

Mr. Wallin asked if the properties are merged would the ROW be required for the property that is already done and asphalted and would the rear property line still require a block wall. If the properties require a block wall there is no way for them to have drainage on the property and put a block wall on the existing property.

Tyler Mulvey, Public Works – stated if there are existing block walls on properties there have been instances where holes have been put in the wall to allow for drainage and the ROW for the Merger Resub would depend on what the PW Director would like but most likely it would require the ROW for the existing parcel at that time.

**Motion:** Approve as recommended the waiver for the rock landscaping and deny the waiver request for the chain link fencing, **Action:** Approve and deny, **Moved by** Carol Curtis, **Seconded by** Walt Turner.

**Vote:** Motion passed (summary: Yes = 6, No = 1, Abstain = 0).

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea, Walt Turner.

**No:** Robert Blackstock.

10.

a. **For Possible Action – ZC-2020-000054:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change 10.4 acres from Light Industrial (LI) to Heavy Industrial (HI), to allow an excavating gravel pit, located at 3320 E. Commerce Street. Assessor Parcel Number 027-461-53. Daniel & Dawn Murphy – Property Owners. David A. Richards, Civilwise Services, Inc. – Applicant/Agent. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on April 20, 2021, or as otherwise announced.) (SO)**

b. **For Possible Action – CU-2021-000111:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow an excavating gravel pit, on property located at 3320 E. Commerce Street. Assessor Parcel Number 027-461-53. Daniel & Dawn Murphy – Property Owners. David A. Richards, Civilwise Services, Inc. – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Item pulled from agenda and will be heard at the April meeting.

11.

- a. **For Possible Action – MP-2021-000016:** Public Hearing, discussion, and deliberation on a Minor Master Plan Amendment application to change 4.79 acres from the Rural Density Residential (RDR) land use designation to the Community Development Area (CDA) land use designation, located at 170, 200, 230 & 260 E. Basin Avenue. Assessor Parcel Numbers 035-561-22 thru 035-561-25. Dave Walnum – Property Owner. Western Trade Constructions – Applicant/Agent. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 20, 2021, or as otherwise announced.) (CB)**
- b. **For Possible Action – ZC-2021-000057:** Public Hearing, discussion, and deliberation on a Zone Change application to change 4.79 acres from the Rural Homestead (RH-4.5) zone to the General Commercial (GC) zone, located at 170, 200, 230 & 260 E. Basin Avenue. Assessor Parcel Number 035-561-22 thru 035-561-25. Dave Walnum – Property Owner. Western Trade Constructions – Applicant/Agent. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 20, 2021, or as otherwise announced.) (CB)**
- c. **For possible action – CU-2021-000109:** Public Hearing, discussion, and deliberation on a Conditional Use Permit application to allow multi-family use located at 170, 200, 230 & 260 E. Basin Avenue. Assessor Parcel Number 035-561-22 thru 035-561-25. Dave Walnum – Property Owner. Western Trade Constructions – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (CB)**

Ms. Beeman reviewed her staff report and stated staff finds sufficient justification to approve all three applications subject to conditions. Public Works made a comment on the Regional Flood Control Plan and staff is recommending they add a condition to the CUP is support of PW's comments.

Commissioner Curtis stated #11 in the conditions of approval states the CUP expires in 4 years but the ZC expires in 3 years.

Ms. Beeman stated that is current Nye County Code.

Commissioner Curtis asked if fencing is required around the property.

Ms. Beeman stated the properties to the North and East are commercial and to the South they are BO and residential. When we go through site development and a block wall is required then they will require it.

Charlie Concoby, representative of Western Trades Construction he stated he does have plans for a block wall with potential iron on top.

Public Comment opened at 7:33 PM.

Anne Johnson, Architect for the applicant is present for any additional questions.

Donald Miller asked for clarification what they are defining as multi use. Is it condominiums, townhomes or apartments? If it is apartments, he is opposed because it will affect the current property values at Cottage Grove Development and the surrounding homes. They will either start out as section 8 housing or be converted to that thus bringing into the area lower property values to the surrounding homes. This brings vandalism, theft, burglaries and assault crimes. He would like to see an environmental impact study done, traffic studies and impact on surrounding streets, roads and highways. He asked if any lighting or noise impact reports that would impact the surrounding

area to be reviewed and a review of the public safety such as curbs, sidewalks, crosswalks and lighting.

Public comment closed at 7:37 pm.

Anne Johnson stated yes these are for apartments that are planned to provide local workers, locals and seniors with housing and the Site Review process will review traffic, lighting, and streets.

**Motion:** Recommend approval of MP-2021-000016 to the BOCC, **Action:** Recommend Approval, **Moved by** Tom Duryea, **Seconded by** Carol Curtis.  
**Motion passed unanimously.**

**Motion:** Recommend approval of ZC-2021-000057 to the BOCC based on findings and subject to conditions of approval, **Action:** Recommend Approval, **Moved by** Tom Duryea, **Seconded by** Carol Curtis.  
**Motion passed unanimously.**

**Motion:** Motioned to approve CU-2021-000109 based on findings and subject to the conditions of approval including the PW request for drainage easement, **Action:** Approve, **Moved by** Tom Duryea, **Seconded by** Carol Curtis.  
**Motion passed unanimously.**

12.

- a. **For Possible Action – ZC-2021-000058:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change 1.2 acres from Neighborhood Commercial (NC) to General Commercial (GC), to allow a hotel, located at 2401 S Homestead Road. Assessor Parcel Number 042-391-17. Square Trade Holdings – Property Owners. Derrick Takara – Applicant/Agent. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on April 20, 2021, or as otherwise announced.) (CB)**
- b. **For Possible Action – CU-2021-000110:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow a hotel, on property located at 2401 S Homestead Road. Assessor Parcel Number 042-391-17. Square Trade Holdings – Property Owners. Derrick Takara – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (CB)**

Ms. Beeman reviewed her staff report stating staff is recommending approval of the applications subject to conditions.

Derrick Takara, architect representing the owners. He stated the current zoning is NC and they are requesting GC to meet additional requirements that are not covered under NC. They believe the proposed use would be beneficial and appropriate to the vicinity and adjacent commercial services.

Commissioner Curtis asked what the maximum stay is for the guests.

Mr. Takara stated currently they are still determining the maximum stay. They do not expect it to be long term.

Mr. Waggoner stated that is an important question when it comes to room tax. When there are stays over 28 days it could affect the room tax payments to the Town and County.

Mr. Takara stated they haven't discussed the time duration of the guests. They would like the guest to stay for extended times of a week or two at a time. Their intent is to market those that are planning to



visit for days or weeks. They don't expect it to be one or two months ahead. As they continue to work with the client they will work out the restrictions they have to meet if it is beyond 28 days and put in protocols to not allow extended stays.

Mr. Waggoner would like the RPC to consider adding in a condition to limit stays to 28 days or less.

Commissioner Curtis asked Mr. Waggoner if this will affect the 40-foot height when the current allowed is only 32 feet.

Mr. Waggoner stated if the height restrictions is being exceeded, they would need to apply for a waiver. The board could add in a condition that they obtain an approval of a waiver if the proposed height is 40 feet.

Ms. Beeman stated the GC maximum building height is 48 feet.

Public comment opened at 7:54 pm

Tim Bohannon asked if there is a car limit per room and stated the parking looks thin. He asked if there was enough parking for full capacity and employees.

Public comment closed at 7:57 pm.

Charlie Concoby stated when they toured facilities here, they have people staying 1 week to 2 weeks max. They have no problems with 28 days or less. The size of rooms are double the size of a standard hotel room. They want it to have an Air B&B type with a small kitchenette. The parking spaces are 37 required and they have 40 parking spaces they are providing. Minimal management on staff but will be high-tech to check in and out and getting in and out of the building.

Commissioner Turner asked if there are plans for RVs or off-road vehicles when guests come in with trailers.

Mr. Concoby stated on the East side of the property they will have a pull in and out type parking on that side.

Commissioner Tyler **Motion:** motioned to recommend approval ZC-2021-000058 to the BOCC and approve CU-2021-000110 subject to the conditions of approval adding a limit on stays to 28 days or less, **Action:** Recommend Approval, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.

**Motion passed unanimously.**

13. **For Possible Action – ET-2021-000039:** Public Hearing, discussion, and deliberation on an Extension of Time application to extend for an additional two (2) years, Conditional Use Permit CU-2018-000053, which allows a Fireworks Storage facility in the Mixed Use (MU) zone, and Waiver WV-2018-000075, which allows the Fireworks Storage facility to be less than 1,500 feet from residential properties, located at 3490 S. Nevada Highway 160. Assessor Parcel Number 042-391-01. Jeff G. Yalun – Property Owner. Red Apple Fireworks Company, Ltd. - Applicant. Douglas Burda – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Steve Osborne reviewed his staff report stating the original CUP and WV were heard by the RPC in 2018 which was a 3 -3 vote which was determined a denial and it was appealed to the BOCC and was overturned. There were conditions placed on the items and one condition was that the owner applicant had 2 years to submit site plans of a new warehouse and complete the warehouse within 3 years from the date of approval. If these are approved staff is suggesting 6 months to submit plans and 2 years to complete the fireworks warehouse.

Commissioner Curtis asked staff if the extension is approved what will the dates be.

Mr. Osborne stated it would be from the action today. They would have until September 2021 to get the SD approved and then 2 years from today, March 2023 to complete the warehouse.

Commissioner Custis asked if they will need a zone change for a warehouse on the site.

Mr. Osborne stated this is just for the CUP for the storage of the property on Alfalfa. The new property will require a CUP and WV as well for the proposed warehouses.

Mr. Waggoner stated it is the pleasure of the board to approve the 6 months. These conditions expired in December and these conditions can be amended and agreed on by good faith of the applicant.

Commissioner Lee asked if this was the first extension applied for at this property.

Mr. Osborne stated yes.

Commissioner Duryea stated to the applicant they were promised 2 years ago for the warehouse. What guarantees are there that they will get this done or will they be back asking for more extensions.

Doug Burda stated if all the moving parts were in his control the building would be done already. They have run into delays and COVID has set him back quite a bit. He does have conceptual site plans that have been addressed with staff and Commissioners. It is their intentions to be in the warehouse and out of these conditions as quickly as possible. They have a contractor and site plans in the works now.

Commissioner Curtis asked for clarification that there will not be any retail sales from this site.

Mr. Burda stated correct.

Commissioner Lee asked if they are in a position to submit site plans in 6 months.

Mr. Burda stated yes, if all the moving parts to get to the point were in his control he could, but 6 months is reasonable.

Commissioner Carbone asked what these moving parts are.

Mr. Burda stated he has to delegate the drawing of the Site Plan out and if he could do them himself, he would have them submitted already, he has to work with the contractor's deadlines.

Commissioner Carbone stated you have had 2018 to now and they still have a problem.

Mr. Burda stated there are no problems, they are moving along well. The delays are less than optimal, and they are moving ahead.

Public comment opened and closed at 8:15 pm with no comments.

Doug Burda stated the onus is on the contractor to provide the site plan in the time frame and the engineers are acting as they speak and are working to get the site development plan submitted.

Mr. Waggoner stated the onus isn't on the contractor it is on the owner and the CUP permittee that is obtaining the permit has to abide by the conditions. He thinks they should go by what was agreed upon 2 years ago and stick with the dates it should have happened by for deadlines of any future actions.

Mr. Burda stated from the contractual standpoint the onus would be on the contractor to get those done and he agrees it would be on them to submit within the stated time frame.

**Motion:** Motion to approve ET-2021-000039 for 6 months to submit plans and 2 years to construct the warehouse and subject to the conditions of approval, **Action:** Approve, **Moved by** Carol Curtis, **Seconded by** Pamela Tyler.

**Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Walt Turner.

**No:** Tom Duryea.

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

Next meeting will be April 14<sup>th</sup> at 6:00 PM.

Mr. Waggoner stated he would like to follow suit with the way the BOCC meeting is being held, they can allow the public abiding by the social distancing and a maximum of 50 people in the chambers. The only challenge would be accommodating the RPC because we have 7.

Commissioner Lee stated if they do that for April, they will still have the ability to call in, correct.

Mr. Waggoner stated yes.

Michelle Nelson, DDA, stated at the BOCC there is someone to disinfect the facility when someone speaks. If a Commissioner has a medical exception, they can take it to HR and provide it to them and HR would evaluate and they could possibly just have to wear a full face shield but that would be for HR to determine.

Ms. Beeman stated they are moving forward on the Master Plan and they will bring forward in April to go through some items and make a priority list for the next steps forward.

**Public Comment:**

- 15. 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 8:27 PM with no comments.

**16. Adjournment.**

Meeting adjourned at 8:27 pm.

  
Elizabeth Lee, Chairman  
Pahrump Regional Planning Commission

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

