

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MAY 12, 2021 REGULAR MEETING**

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

Members Absent: Robert Blackstock
 Walt Turner

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

District Attorney’s Staff: Michelle Nelson
 Marla Zlotek

Public Works Staff: Tyler Mulvey

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 – April 14, 2021**
Commissioner Lee stated she turned in some minor typographical changes to staff.

Public comment opened and closed at 6:03 with no comments.

Motion: Motion to approve with minor changes submitted by Commissioner Lee, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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.
None.

Public comment opened and closed at 6:04 pm with no comments.

Motion: Approve agenda as shown, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Motion passed unanimously.

5. **Correspondence and Announcements**

Commissioner Lee thanked Commissioner Duryea for his service on the RPC.

Brett Waggoner stated they are close on starting OpenGov, user training will start the first of June and they are hoping to get the software launched in July.

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

- a) **BOCC Liaison Report**

Commissioner Carbone stated they continued a Mt. Falls map to the June meeting.

Mr. Waggoner stated there was a tentative map approved back in 2017 when the RPC had the authority to approve them for PA 8.

- b) **Director's Report**

Mr. Waggoner stated total planning applications received was 220 which was 35 less than the previous month, total applications processed was 266 which was a increase of 55 from previous month. Since July 1st there has been 1787 applications received and 265 new code compliance complaints. At this time, the previous FY there was 1450 applications and 242 code cases.

Building permits there were 48 SFR which was 15 less than the previous month, 2 more MF, 16 MH which was 16 less than the previous month. Total permits all categories was 208 which is a decrease of 82. And total inspections was 490 which was an increase of 10. Since July 1st there have been 409 SF and 280 MH compared to previous FY at this time there was 262 SF and 246 MH.

Code Compliance had 26 new complaints which is 21 less than the previous month and closed 37 which is 21 more than the previous month.

Previous items heard by the RPC MP-2021-000016, ZC-2021-000057 and ZC-2021-00058 were heard and recommended for approval at the 3/10/2021 RPC meeting and the items were approved at the 4/20/2021 BOCC meeting. ZC-2020-000054 was heard and recommended for approval at the 4/14/2021 RPC Meeting and will be heard at the 5/18/2021 BOCC meeting.

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

None

8. **For Possible Action – CU-2021-000113:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow a public recreation area, on property located at 351 W Bunarch Road. Assessor Parcel Number 029-642-19. Nature Health Farms, LLC – Property Owner. Alex de Jong- 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 and stated staff is recommending approval of the application. If approved the applicant will be required to submit a site development plan, meet current development standards and be subject to inspections by Nye County Code Compliance and Animal Control.

Commissioner Curtis asked the applicant about the parking on the site plan and if it is off site.

Alex de Jong stated that it is onsite parking.

Mr. Waggoner asked what the antique store entails.

Mr. de Jong stated it is a personal collection that they display and if someone wants to purchase something they can.

Mr. Waggoner stated the way this is proposed it isn't being as a commercial type of business there but a petting zoo, more educational use. If it is more in line of a gift shop trying to raise money but if it is an antique store that would actually be in a general commercial type of area it wouldn't fit your plan with the zoning you have.

Mr. de Jong stated it is to raise money for the farm, but it isn't an actual antique store. They took the existing garage that had two awnings in the front and the back and they converted them by putting walls up and it will look like a barn to be the display.

Mr. Waggoner asked if he was aware that if they are creating a commercial building that will potentially have public in it will require building permits, inspections, and other codes. If it was built as a garage it wasn't built to have public in it so that is something they will have to address.

Commissioner Curtis stated they mentioned having events, where will they be held.

Mr. de Jong stated what is showing on the site plan is only half of the property. They will hold them on the other part of the property.

Mr. Waggoner asked them to define events.

Mr. de Jong stated right now they are just doing birthday parties.

Tatiana Malyarov stated the events are more of birthday parties for friends that donate something so they can continue doing this for educational purposes.

Commissioner Lee asked what the limit is for an event permit.

Mr. Waggoner stated 1000 people. He is just trying to gauge with the Site Development what this impact will have on roads, etcetera on a day-to-day basis.

Commissioner Curtis asked if they are presently growing hemp on the parcel now.

Mr. de Jong stated no, but they will be in the next month.

Commissioner Lee asked if they have read, understand, and agree to the conditions of approval listed in the staff report.

Mr. de Jong stated yes.

Public comment opened and closed at 6:24 pm with no comments.

Commissioner Curtis stated there is a condition of approval for an onsite disposal system.

Mr. de Jong stated he isn't aware of that.

Commissioner Lee stated they will have to install a commercial septic system.

Mr. de Jong asked why it is necessary.

Mr. Waggoner stated there is a residential well and septic on the property. What they are proposing is a commercial use for a residential septic.

Ms. Malyarov asked if portable restrooms are acceptable.

Mr. Waggoner stated if the septic system will be used for public use, it will need to be a commercial septic.

Mr. de Jong stated right now they are using Joe's Sanitation for out houses.

Mr. Waggoner stated he doesn't know if there is a requirement to provide public restrooms but that could come up and if it is the case, it would not be portable restrooms, it would be flushing toilet restrooms and that will all come through from the Building Department in the review process. If the Building Department says you will need public restrooms that septic will need to be upgraded to a commercial septic.

Commissioner Curtis asked if he is aware of the water rights?

Mr. de Jong stated yes, they already have 3.5-acre feet.

Motion: Approve CU-2021-000113 with conditions of approval as listed in the staff report, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.

Motion passed unanimously.

9.

- a) **For Possible Action** – CU-2021-000114: Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow a Fireworks Warehouse and Retail Facility on property located at 5621 and 5765 S. Nevada Highway 160. Assessor Parcel Numbers 047-021-05 & -11. D & T Partners, LLC – Property Owner. 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)**
- b) **For Possible Action** – WV-2021-000131: Public Hearing, discussion, and deliberation on a Waiver application to waive the 1,500-foot distance requirement between a Fireworks Warehouse and Retail Facility and residential properties, for property located at 5621 and 5765 S. Nevada Highway 160. Assessor Parcel Numbers 047-021-05 & -11. D & T Partners, LLC – Property Owner. 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)**

Steve Osborne reviewed his staff report stating this is for a retail store and firework warehouse. NCC requires a CUP for fireworks use and the waiver is required because the fireworks retail store is less than 1500 feet from residential properties. Staff is recommending approval of both items based on the findings and subject to the conditions listed in the staff report.

Commissioner Curtis asked if the establishment is already located in Pahrump.

Mr. Osborne stated Blackjack is already existing on Hwy 160 and this would be their new warehouse and retail store.

Commissioner Curtis asked what the required notice to the property owners is.

Mr. Osborne stated it is 300 feet minimum and 30 separate parcels minimum.

Commissioner Curtis stated on the North side of Carpenter Road if you look at the aerial photo it shows a designated area with streets for development of homes. Have they been noticed?

Mr. Osborne stated the notices went out 700 ft to obtain the 30 parcels minimum. So, it doesn't extend to the subdivision.

Commissioner Curtis asked why we haven't sent notices to people at 1500 ft?

Mr. Waggoner stated because we aren't required to by statute.

Commissioner Curtis asked if the properties by carpenter canyon road are outside the notification area.

Mr. Waggoner stated correct, and it is also noticed in the newspaper.

Commissioner Curtis stated when she looked at the fire response time to this area it was 15 – 20 minutes. Is there any consideration to extend Kellogg to the highway or consideration to establishing another fire hall?

Mr. Waggoner stated not with this, but there is a desire to put another fire station on the highway probably by the racetrack area.

Commissioner Tyler stated this is closer to the fire station on Kellogg and it would be more like 10 minutes.

Tyler Mulvey stated the extension of Kellogg Road isn't on any lists as of yet.

Mr. Waggoner stated one of the things they have done with the fire work facilities now is that they are all under a CUP and one condition to solve the container storage is that they are required to build a warehouse or a warehousing solution to do that with a timeframe of 2 years to submit and 3 years to construct. So, the applicant is trying to comply with that condition.

Public comment opened at 6:41pm.

Mark Bowman stated he owns a property in the area that is close to the 160 area. He is not in favor of the waiver; how does this benefit the residents that have put effort into owning and paying taxes on their property year after year. If they come down from the fire department on the N side that runs along Carpenter Canyon Road it is all gravel. Response time for a residential fire on pavement is good but this is a product that is explosive by nature and judging by the size of the property there

is more than sufficient space for both buildings to be placed without the need for the waiver at all. They could naturally move their building sites to accommodate this.

Hans Christensen stated he is a property owner that is within the 700 feet and they are dealing with explosive materials that burning uncontrollable spread quickly and you end up with detonations. They should put the warehouse on the back of the lot and stated the warehouse does not need to be so close to 160.

Brent Crowther stated he owns a property across the street from this one. He submitted a letter regarding these applications last week. When they first started the businesses in Pahrump, they set 1500 feet for reason and would you build your homes next to this. Accidents can happen and no one plans for them. He assumes they will have fire suppression when they build the warehouse.

Commissioner Lee stated she did text Fire Chief Scott Lewis and he stated response time from the Kellogg station to the racetrack area is 7 to 8 minutes and it is staffed 24 – 7.

Public comment closed at 6:52 pm.

Dave Richards, agent for the applicant stated he understands the concerns of residences that exist, the residential subdivision to the NW isn't within the 1500 ft. The two houses exist are built within the GC area and across the highway and it is questionable whether they would apply or not but they are residences so that is why they are asking for the waiver. Safety and fire concerns have been specifically dealt with the project. The Site Development plans have already been submitted and under review with NC and will be under review with the Fire Marshall so all safety concerns will be delt with. Do we want these warehouses downtown or on the outskirts of town? Traffic studies have been submitted to NC and NDOT and they will have to put in turn lanes on the highway so there will be adequate transition lanes provided.

Commissioner Duryea asked if they have an opposition to moving the warehouse to the back line of the property?

Mr. Richards stated it would be the warehouse is in support of the retail store that is on the highway, and it needs to be close to that.

Mr. Waggoner stated in the back up there is a section that is included from the ATF on their requirements. All of the existing companies now have applied for this waiver and are as close as 80 feet.

Commissioner Curtis stated Blackjack does a lot of online sales and do they anticipate 18 wheelers and are they doing online sales and is that why there is the need for the warehouse.

Mr. Richards stated they are putting truck docks on the warehouse, but he can't tell them if they will have that type of traffic. That is just for delivery, they have facilities in several locations around the US and he is sure they have online sales but doesn't know how they deal with it.

Commissioner Curtis asked if it is possible to put an earth berm to manage an explosion.

Mr. Richards stated a berm if you put it 30 – 40 feet in the air, they won't have this type of explosion.

Commissioner Tyler stated the residences were there prior to zoning and it seems they want reassurance they will be protected. Is there anything they can do to show some reassurance to the homeowners?

Mr. Richards stated if the applicant wanted to volunteer something they could. What they are providing is adequate, the highway is an adequate separation.

Herminia Jones, they do not have online sales everything is done in store and have made sure all fire safety precautions will be followed. She can speak to the owners and go over different schematics.

Commissioner Carbone asked what the setback from 160 is for the retail store.

Mr. Richards stated from the road is 75 feet from the road minimum 60 ft, from the property line is required at 25 feet but they are also putting in parking so that is even further than that.

Commissioner Carbone asked if the people have the right to appeal to the BOCC.

Mr. Waggoner stated yes.

Commissioner Carbone stated they will appeal this to the BOCC so they need to look for more safety measures for the people to feel comfortable.

Mr. Waggoner stated according to the site plan the closest point to the road is 104 feet on one corner and a little over 110 feet on the other. This type of facility is the most stringent construction type by construction code by nature of what is being stored there.

Ms. Jones stated she will talk to Doug and Tim with D & T Imports about every measure they can take to talk to the property owners and show them the schematics down to even the safety codes they have to follow.

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

Mr. Richards stated yes.

Commissioner Duryea recommended tabling this to the next meeting so the owners, Civilwise and property owners can discuss this further.

Ms. Jones stated that would be fine.

Motion: Continue both items to the June 9th RPC Meeting, **Action:** Continue, **Moved by** Tom Duryea, **Seconded by** Pamela Tyler.

Motion passed unanimously.

10. For Possible Action - 2021 PRPD Master Plan Update: Public Hearing, discussion, deliberation, and possible decision by the RPC:

- a) Establish findings by which the RPC will follow in making recommended changes to the land use map.
- b) Review, evaluation, and recommended changes to Tables 4.2 and 4.3 of the Master Plan and Zoning Ordinance Conformity Tables.
- c) Establish priority order for review and possible recommended changes to the 2014 Master Plan Designations as currently mapped.

Cheryl Beeman reviewed her staff report that gives background on the Masterplan. One page 2 of the staff report she pulled from NCC the criteria to look at when doing a MP amendment, they can choose to use them or modify them if you feel they are reasonable criteria to use.

Item 10 a)

Public comment opened and closed at 7:25 pm with no comments.

Commissioner Tyler stated she thinks this is a good start to the review.

Ms. Beeman stated if they try to meet all the criteria, they will back themselves up against the wall, they need to look at if it promotes the policies of the Master Plan and they know they have oversight and inconsistencies which is covered under #2, land use compatibility and the pattern they are looking for in the community in terms of what makes sense. Not everything needs to be commercial zoned and if so, how will it be laid out and if the plan they are laying out show an overall improvement to the plan to the benefit of the community and not just a particular landowner.

Commissioner Lee clarified that it would be 1, 2, 4 and 5. She believes those are also the important ones in the Masterplan.

Motion: Approve item 10A for recommendation of procedures 1, 2, 4 and 5, Moved by Pamela Tyler, **Seconded by** Tom Duryea.

Motion passed unanimously.

Item 10 b)

Ms. Beeman stated the conformity table is what they use to determine if something is a conforming zone change or not. The table was created with the last Masterplan. They have noted some problems with the zoning district that some districts aren't mapped. Should they be on the books, can they remove some that they haven't used? Maybe they tried to be too flexible or is it working out from their point of view. On RDA they have a mobile home designation and when they adopted that there was a caveat that it is only appropriate in RDA if we can come up with rural standards for that and they haven't done that.

Commissioner Lee stated she agrees with Commissioner Tyler she likes the reduction of the commercial centers. Has there been a benefit of having the extra commercial grouping of commercial zoning districts?

Ms. Beeman stated no, there hasn't been very much benefit, they haven't implemented any of them except maybe Town Center.

Commissioner Duryea stated some of the gravel pits are in HI what would they be if not HI.

Ms. Beeman stated some gravel pits actually fit in RH-9.5 with a CUP.

Commissioner Lee stated she has received comments on Medical and Medical Support from homeowners in the hospital area. Are you looking for recommendations or for comments or things to remove or add? Is there opportunity for additional public comments?

Ms. Beeman stated yes, this is for discussion and obtain the public comments.

Public comment opened at 7:37 pm.

Tim Bohannon stated he looks for a good town center that is recognizable as so. What are we doing to preserve the town center look and feel as you redefine and streamline the codes? He is in favor of streamlining and reducing where we can but would like to also make sure we have a strong town center look and feel.

Commissioner Carbone stated at the Ad-Hoc meetings they wanted the center of town in a specific place but they have already identified it on Calvada and asked Mr. Waggoner if they have removed the Town Center from Calvada to where they want to move it.

Mr. Waggoner stated no, currently the only town center zoning is on Calvada.

Commissioner Carbone asked if they plan on making any changes to move it to the highway.

Mr. Waggoner stated that is why we are looking at this.

Commissioner Tyler stated one thing they all look for is where can we get development that fits. They don't have the nice downtown where you can walk from store to store and restaurants.

Public comment closed at 7:41 pm.

Ms. Beeman stated it came with a set of design guidelines that were not adopted but left on as a recommendation if someone did any development and the few that have been developed the guidelines weren't that helpful.

Mr. Waggoner stated there has been a discussion of a highway corridor going through town and no waivers of development standards but it didn't touch on architectural standards but the TC standards did.

Motion: direct staff to review which ones to combine and which to remove, **Moved by** Tom Duryea, **Seconded by** Pamela Tyler.

Motion passed unanimously.

10 c)

Ms. Beeman stated we have some problem areas and she has provided the maps of the masterplan designations as they are mapped. They have already had discussions on the Special Plan of Development this is where we have had a Development Agreements and they have fallen through even though they are showing as SPD. We need to look at how development the RDA areas are and if they are situation to get some rural development on them.

Commissioner Lee asked if we will be looking at these designations will they be looking at them in conjunction with utility infrastructure.

Ms. Beeman stated a lot of the utility companies aren't very forth coming with that information.

Commissioner Lee stated if we have zoning districts or development areas that are required as a basis of that masterplan designation to connect into utilities, they need to place it into an area that utilities exist.

Mr. Waggoner stated a lot of the masterplan designations and zoning that was designated was done to fit what already existed in certain areas as well as some building designation that don't make sense in certain areas.

Public comment opened and closed at 7:54 pm with no comments.

Motion: recommends looking at SPD, BIA, HDR, RDA, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.

Motion passed unanimously.

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

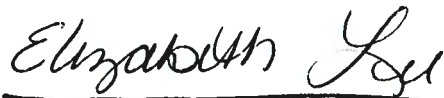
The next meeting will be June 9th with call in options available still.

Public Comment:

12. **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 7:57pm with no comments

13. **Adjournment.**
Meeting adjourned at 7:57 pm.



Elizabeth Lee, Chairman
Pahrump Regional Planning Commission



Leah-Ann De Anda, Secretary/Clerk
Pahrump Regional Planning Commission