

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MARCH 14, 2012 MEETING**

The meeting was called to order at 6:04 pm in the Nye County Commissioners Chambers, Pahrump NV.

Members in Attendance: Terry Hand John Koenig
 Joseph Goode Gregory Hafen II
 Vicky Parker Walt Grudzinski

Members Absent: None

Planning Staff: Steve Osborne Beth Lee

District Attorney's Staff: Charlie Watkins
Building & Safety Staff: None
Public Works Staff: Tim Dahl
Other Attendees: Cheryl Beeman, Butch Borasky
Acronyms Used:

ADT	=	Average Daily Traffic
ARC	=	Architectural Review Committee
BLM	=	Bureau of Land Management
BOCC/BOC	=	Board of County Commissioners
CAA	=	Charles Abbott Associates
CUP	=	Conditional Use Permit
DOR	=	Deed of Restrictions
CCO	=	Code Compliance Officer
CC&R	=	Covenants, Conditions & Restrictions
DRC	=	Development Review Committee
FEMA	=	Federal Emergency Management Agency
NBHPS	=	Nevada Bureau of Health Protection Services
NCC	=	Nye County Code
NCSD	=	Nye County School District
NDEP	=	Nevada Division of Environmental Protection
NDWR	=	Nevada Division of Water Resources
NDOT	=	Nevada Department of Transportation
NRS	=	Nevada Revised Statues
PRPD	=	Pahrump Regional Planning District
PRPC/RPC	=	Pahrump Regional Planning Commission
PTB	=	Pahrump Town Board
PUD	=	Planned Unit Development
USFS	=	United States Forest Service
ROW	=	Right-of-Way
SFR	=	Single-Family Residential
SOB	=	Sexually Oriented Business
TIA	=	Traffic Impact Analysis
TPC	=	Transportation Planning Committee
UBC	=	Uniform Building Code

Call to Order

Pledge of Allegiance

1. Approval of Minutes:

- a. December 14, 2011
- b. January 11, 2012
- c. February 15, 2012

Motion: Approving the minutes from December 14, 2011 and January 11, 2012 **Action:** Approve, **Moved by Hafen, Seconded by Koenig** **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

Commissioner Grudzinski wanted to change the first paragraph of page 4 beginning with Commissioner Grudzinski. He would like to add one of his concerns was increased traffic to that area.

There were no other corrections.

Motion: approve changes to the February 15, 2012 minutes, **Action:** Approve, **Moved by Grudzinski, Seconded by Koenig.**

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

2. Approval of / Modifications to the Agenda: Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.

There were no changes or modifications.

Motion: Approval of Agenda, **Action:** Approve, **Moved by Hafen, Seconded by Parker.**

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

3. Correspondence and Announcements

There were none.

4. Public Comment

No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a future agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

No comments.

Public Comment closed: 6:08 PM.

5. **Commission Reports:**

- a. BOCC Liaison Report - BOCC Liaison "Butch" Borasky

There were none.

- b. Pahrump Town Board Liaison Report - PTB Liaison Vicky Parker

There were none.

- c. Capital Improvements Plan Advisory Committee – John Koenig

Meeting was rescheduled, Commissioner Koenig will report at the next meeting.

- d. Master Plan Steering Committee – Gregory Hafen, II

Meeting rescheduled to end of March, Commissioner Hafen will report at next meeting.

- e. APA Luncheon

Luncheon has been moved to the last Wednesday of March. Beth Lee will report at the next meeting.

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

There were none.

Parcel Map (PM) and Conditional Use Permit Application(s):

7. a. **MP-12-0001:** (Minor) Master Plan Amendment application to change approximately 80.15 acres on 21 individual parcels from the Medium Density Residential Land Use Category to the Low Density Residential Land Use Category, for properties described as Parcels 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22 of File Map #84221, Parcels 1, 2, 3 and 4 of File Map #310778 and Parcels 1, 2, 3 and 4 of File Map #134187, located at 6281, 6341, 6401, 6351, 6451, 6471, 6601 and 6661 S. Hafen Ranch Road, 6280, 6340, 6400, 6460, 6530, 6600 and 6660 S. Evans Road, 6110 and 6111 E. Bridger Street and 6100, 6130, 6160, 6220 E. Santovito Street. AP#'s 045-131-06, 07, 08, 10, 11, 12, 14, 15, 16, 20, 21, 22, 29, 30, 31, 32, 43, 44, 45, 46 and 47. Pahrump Regional Planning Commission – Applicant.
- a. **ZC-12-0001:** (Non-Conforming) Zone Change application to change approximately 80.15 acres on 21 individual parcels from the Village Residential (VR-20) Zoning District to the Rural Estates (RE-1) Zoning District, for properties described as Parcels 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22 of File Map #84221, Parcels 1, 2, 3 and 4 of File Map #310778 and Parcels 1, 2, 3 and 4 of File Map #134187, located at 6281, 6341, 6401, 6351, 6451, 6471, 6601 and 6661 S. Hafen Ranch Road, 6280, 6340, 6400, 6460, 6530, 6600 and 6660 S. Evans Road, 6110 and 6111 E. Bridger Street and 6100, 6130, 6160, 6220 E. Santovito Street. AP#'s 045-131-06, 07, 08, 10, 11, 12, 14, 15, 16, 20, 21, 22, 29,

30, 31, 32, 43, 44, 45, 46 and 47. Pahrump Regional Planning Commission – Applicant.

Beth Lee stated that the application was brought before the commission based on study of the area for the February 15, 2012 meeting. Staff reviewed and based on lot sizes and existing conditions in the area staff recommends a zoning change to RE-1. However due to larger parcel sizes, commission should consider larger zoning districts for some of those parcels. No letters of opposition from staff have been received.

No questions of staff or related agencies.

Public Comment

Ms. MacDonald stated she received a notice regarding property wanted a zone change; she asks what does this mean and what is planned?

Beth Lee stated the current zoning district didn't allow horses. The RPC was approached to review those properties to see if a larger zoning district was more appropriate for existing and future developments. Staff brought forth the study and they directed staff to come back with a zone change. There are no plans of development this is just Planning Commission and staff reviewing them and making appropriate adjustments to zoning districts.

Ms. MacDonald stated that she remembers that in the past there have been horses on the properties.

Beth Lee stated it is possible that there are some that were grandfathered in and they have contacted those property owners and one of the properties exists prior to the zoning and grandfathered in but there have been other owners since that time wanting to put horses on their properties but the VR-20 zoning doesn't allow that.

Robert Garrett asked what else can be done to the property with the zone change besides adding horses.

Beth Lee stated that the RE-1 zoning that is proposed is a low density single family residential district. One primary residence, guest house up to 1500 sq. ft, accessory buildings, horses, with approval of an additional use permit. That is the extent of the commercial development you will see in the area. Primary function is a low density residential district.

Mr. Garrett asked if that meant you can't build an apartment complex and Beth Lee stated that is correct it would need another zone change and come before the RPC again.

Commissioner Hand stated that when they did the original master plan they did this as VR-20, meaning that a home that would sit on 20,000 sq ft. Much of the lots are much bigger than that and should have been put with 2 houses could go on an acre or 4 houses on 2 acres. We are trying to get the master planning right so that it isn't a high density and it is low density, so one lot can have only one home on it.

Commissioner Koenig says that people can assume that if they own 1.5 acres they can have a horse when in reality that land is zone VR-20. Legally they can't own a horse even they own 1.5 acres or 5 acres. The only way to make things legal is to rezone.

Mr. Garrett's concern is that they can't come back unless they ask for another zone change because he moved here for the purpose of the rural atmosphere and the commission stated that is correct

Commissioner Parker stated that if he is looking for more rural this zoning has more advantages because right now you can put a house on every half acre and this changes it to one house per lot to change the zoning keeping it more rural.

Mr. Garrett asks if they have 5 acres they can only put one house on there or they would have to break the acres up.

Commissioner Parker stated no, that right now it is one house per lot.

Mr. Osborne wanted to clarify that if someone owns a 5 acre parcel whether in the VR-20 or RE-1 zoning that they can in the future come back to the Planning Commission and ask to divide that and create more parcels.

Commissioner Hand refers to the rest of the commissioners for comment.

Commissioner Koenig wanted to get a fill in from the commissioners that due to the last comment they might want to consider less dense; RH- 4.5 for the 5 acre lots there are 13 of them, RE-2 for 2 ½ acre lots there are 4 of them. Should we just go with strict 1 acre lots?

Commissioner Hafen stated that looking at the current area zoning the rural homestead 4.5 is that the current zoning at Santovito between Evan's and Hafen Ranch. Everything along the north of that along Hafen Ranch is VR-20 which is the Cotton Wood subdivision and everything East of Evans is VR-8 with the Multi Family above that. This is being mentioned for discussion and maybe we would want to look at the homes on Santovito Street to consider RH-4.5 and look at the rest of the lots from there.

Commissioner Hafen asks staff if the only difference of RH-4.5 and RE-1 is just the size of the lot and Mr. Osborne says yes the only difference is the minimum lot size 4.5 acres vs. 1 acre.

Commissioner Hafen asks if we put everything in RE-1 they would be able to do everything they could if we were to consider RH-4.5, and Mr. Osborne says all the uses are the same but there is difference in building set back requirements. RH has larger set back requirements. But basically they are one single family residence, horses essentially the same zoning as far as use.

Commissioner Grudzinski asks if RH-4.5 is done, what is the impact on the 5 acre parcels?

Mr. Osborne answers if you take a 5 acre parcel and change the zoning from VR-20 to RH-4.5 you are only allowing one residence on a 5 acre parcel where as RE-1 you could come back and do a parcel map to divide that 5 acres into 5 - 1 acres parcels and have residence on each 1 acre parcel.

Cheryl Beeman wanted to bring in the Proposed Master Plan that has been working on and wanted to say that it has based on the criteria to assign land uses our proposal for this is a low density residential. Which fits in the RE-1 but not the RH designations. The master plan that is being proposed has mechanism within it that the most restrictive relevant zoning would be applied which would be RE-2.

Commissioner Hand asks about the least restrictive zoning which would be RE-2 and there are 4 parcels that are 1 ¼ acres so he asks if those would be RE-2?

Ms. Beeman states that under the master plan they would be non-conforming nothing else would change for them since they are developed lots, they would just not meet the minimum lot size and not conform to the master plan.

Commissioner Koenig made a motion to approve MP-12-0001 and ZC-12-0001 based upon the findings with the exception of the 13 – 5 acre lots he would like to make those RH-4.5 and the 4 – 2 ½ acre lots he would like to RE-2 and the rest would be RE-1. Second by Commissioner Grudzinski

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

Yes: Goode, Grudzinski, Hafen, Hand, Koenig.

No: Parker.

Public Comment was closed at 6:29 P.M.

8. **MP-12-0003:** (Minor) Master Plan Amendment application to change approximately 148.19 acres on 32 individual parcels from the Medium Density Residential Land Use Category to the Low Density Residential Land Use Category, for properties described as Parcel 1, 2, 3, and 4 of File Map #8734; Parcel 1, 2, 3 and 4 of File Map #70079; Parcel 1, 2, 3 and 4 of File Map #72632; Parcel 1, 2, 3 and 4 of File Map #82986; Parcel 1, 2, 3 and 4 of File Map #183073; Parcel 1, 2, 3 and 4 of File Map #439204; Parcel 1, 2, 3, and 4 of File Map #114361; Parcel 1 of File Map #46871; the Northeast ¼ of the Northwest ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17; the Northwest ¼ of the Northeast ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17; and the Southeast ¼ of the Northwest ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17, located at 6501, 6553, 6681 and 6741 S. Quarterhorse Ave.; 6641 Libra St., 6640, 6641 and 6701 S. Capricorn St., 4060 and 4061 E. Samuel St., 4095, 4201 and 4301 E. Bridger St., 6530, 6850 and 6600 S. Jane Ave., 4060, 4155, 4200, 4201, 4310, 4311, 4360, 4361, and 4401 Santovito St., 4060, 4156, 4200, 4310, 4360, 4400, and 4450 E. Kellogg Rd. AP#'s 45-171-05 thru -07; 45-171-09 thru -10; 45-171-12; 45-171-14 thru -31; and 45-171-52 thru -59. Pahrump Regional Planning Commission – Applicant.

ZC-12-0004: (Non-Conforming) Zone Change application to change approximately 148.19 acres on 32 individual parcels from the Village Residential (VR-20) Zoning District to the Rural Estates (RE-1) Zoning District, for properties described as Parcel 1, 2, 3, and 4 of File Map #8734; Parcel 1, 2, 3 and 4 of File Map #70079; Parcel 1, 2, 3 and 4 of File Map #72632; Parcel 1, 2, 3 and 4 of File Map #82986; Parcel 1, 2, 3 and 4 of File Map #183073; Parcel 1, 2, 3 and 4 of File Map #439204; Parcel 1, 2, 3, and 4 of File Map #114361; Parcel 1 of File Map #46871; the Northeast ¼ of the Northwest ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17; the Northwest ¼ of the Northeast ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17; and the Southeast ¼ of the Northwest ¼ of the Southwest ¼ of Township 21 South, Range 54 East, Section 17, located at 6501, 6553, 6681 and 6741 S. Quarterhorse Ave.; 6641 Libra St., 6640, 6641 and 6701 S. Capricorn St., 4060 and 4061 E. Samuel St., 4095, 4201 and 4301 E. Bridger St., 6530, 6850 and 6600 S. Jane Ave., 4060, 4155, 4200, 4201, 4310, 4311, 4360, 4361, and 4401 Santovito St., 4060, 4156, 4200, 4310, 4360, 4400, and 4450 E. Kellogg Rd. AP#'s 45-171-05 thru -07; 45-171-09 thru -10; 45-171-12; 45-171-14 thru -31; 45-171-52 thru -59. Pahrump Regional Planning Commission – Applicant.

Commissioner Hand refers to staff.

Ms. Beth Lee referred to the staff report. Staff reviewed the subject area. The properties are single family residence with lot sizes ranging from 1 acre to 20 acres with one legal non-conforming business in the area. During staff review staff didn't livestock on any of the properties and no land use applications or development plans submitted for any of the parcels. Staff has received two letters of opposition; one is from the owner of the 20 acres at the corner of Kellogg and Quarter Horse who has expressed interest in developing the property commercially in the future. The second is from property owner Brian Kellogg who states he is happy with the current VR-20 zoning they have. Based on conditions staff recommends approval however due to the larger lot sizes on some parcels the RPC might want to consider a larger zoning district for those as well.

Commissioner Hafen asked about the property on 4156 and asked Mrs. Lee to point it out on the map so they can see where it located.

There were no additional questions for staff.

Public Comment

Public comment opened at 6:35 pm.

Clayton Lutes addressed the commission as the owner of the property of 4156 E. Kellogg and he is in opposition of the zone change. He says his property is the most valuable at the current zoning and he thinks the zone change will devalue his property.

Commissioner Hafen addressed Mr. Lutes and asked him to verify that staff was correct as to where his property was located.

Mr. Lutes verified he was right next to the 20 acre parcel not two properties over.

Commissioner Hafen wanted to clarify that the change would discuss whether or not to have horses on the property. Commissioner Hafen asked if Mr. Lutes has horses and Mr. Lutes stated he does and that he was grandfathered in under the current zoning.

Commissioner Hafen stated although under the current grandfather clause he wouldn't be able to bring additional horses to the property, without changing the zone. By changing the zone to RE-1 it will allow additional horses to be brought to the property up to the maximum RE-1 zone.

Mr. Lutes asks if he would still be grandfathered in whether the zone changes or not and Commissioner Hafen stated that if he has two horses now and he had two horses prior to the zoning then Mr. Lutes could never have more than two horses on the property, if additional horses were wanted the property owner would have to come fill out a application to change the zoning to RE-1 which would allow additional horses onto the property.

Tim McCall addressed the commission and wanted to make some issues clear to those that are opposed to the zone change. If this remains as a VR-20 and they want to sell the property in the future he will be non-conforming as a 5 acre parcel and it will be hard to sell the property. It would be beneficial to change the zone. Mr. McCall asked, "If the property sells under VR-20 being non-conforming can the next property owner have horses?"

Mr. Osborne addressed the chairman and stated that legal non conforming uses does run with the land and can be sold to a new owner and they can continue on with the legal non-conforming use. However if the use were to cease for 6 months or longer they would lose the non-conforming privilege.

Commissioner Hand asked, "If the new owner didn't have horses but a year later wanted to get horses they would be non-conforming?"

Mr. Osborne stated that, that was correct they would have already lost their non-conformance and couldn't put horses on the property.

Public comment closed at 6:41 P.M

Commissioner Borasky asked that if the gentleman that wanted to keep his parcel at VR-20 if there is a way to only change the other parcels and Commissioner Grudzinski answered yes.

Ms. Beeman stated that she opposes spot zoning. The spot zoning would not benefit anyone to have 1 – 4 acre parcel zoned VR-20 along Kellogg Rd. development along that parcel would require utilizes and water rights etc.

Commissioner Hafen addressed Ms. Beeman's concern but it is right next to the 20 acre parcel that has a request to not rezone, which would however make 25 acres surrounding each other that would potentially stay VR-20 and the surrounding would be rezoned. Not leaving it as spot zoning with it being 25 acres.

Commissioner Goode states that the area should be kept commercial rather than residential due to the fact it has a gas station and mini mart nearby and on a busy street. He agrees with what Commissioner Borasky suggests.

Ms. Beeman stated that the current master plan doesn't have it master planned in the fashion.

Commissioner Borasky states that those two parcels should be left alone and if in the future they want to come back at a later time and address the commission for zoning then they can.

Commissioner Grudzinski motions to change MP-12-0003 and ZC-12-0004 to RE-1 except for the two parcels in opposition, parcels 4060 and 4156 Kellogg which will stay VR-20. Mr. Hafen seconds for further discussion.

Commissioner Hafen was looking at the arial map and that there is a manufacturing plant behind 4156 Kellogg and wanted to clarify that the rezoning from VR-20 to RE-1 that we would not be affecting his grandfathered status and Ms. Lee stated that was correct and it wouldn't affect the status.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).
Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

Mr. Osborne wanted clarification that the zoning was for RE-1 for other parcels and Commissioner Hand stated that was correct.

9. **MP-12-0002:** (Minor) Master Plan Amendment application to change approximately 2,397.06 acres on 111 individual parcels from the Medium Density Residential Land Use Category to the Low Density Residential Land Use Category, for properties described below.

ZC-12-0003: (Non-Conforming) Zone Change application to change approximately 2,397.06 acres on 111 individual parcels from the Village Residential (VR-20) Zoning District to the Rural Estates (RE-1) Zoning District for properties described below:

	<u>APN:</u>	<u>Street Address:</u>	<u>Property Owner:</u>
1.	027-201-68	7870 N. Eva Street	PV Investors LLC
2.	027-201-69	7871 N. Eva Street	PV Investors LLC
3.	027-201-70	7621 N. Eva Street	PV Investors LLC
4.	027-201-71	7620 N. Eva Street	PV Investors LLC
5.	027-201-72	7380 N. Eva Street	PV Investors LLC
6.	027-201-73	7381 N. Eva Street	PV Investors LLC
7.	027-201-74	7131 N. Eva Street	PV Investors LLC
8.	027-201-75	7130 N. Eva Street	PV Investors LLC

9.	027-251-28	1750 W. Mae Rd	Muller, Mary Lou Trustee
10.	027-251-29	6690 N Gahn Dr	Porter, William S & Vivian M
11.	027-251-40	1821 W. Mae Rd	Colignon, James & Marilyn
12.	027-251-41	1941 W. Mae Rd	Boeckman, Larry M & Susan M Trst
13.	027-261-01	871 E. Parque Ave	Tyndall, Robert A & Sydney N Trs
14.	027-261-02	631 E. Parque Ave	Becker, Ernest A Investment Co
15.	027-261-03	371 E. Parque Ave	Hong, Sung Pyo
16.	027-261-04	181 E. Parque Ave	Davis, Gregory G Trustee
17.	027-261-05	6871 N. Blagg Rd	Housing Assistance Council
18.	027-261-06	6810 N. Ben St	Abangan, Donald C Trustee
19.	027-261-07	6630 N. Ben St	VTL Trs & To, N&S&Hua,T&P&Huang, J
20.	027-261-08	6681 N. Ben St	Brizendine, George A Trustee
21.	027-261-10	6561 N. Ben St	Brizendine, George A Trustee
22.	027-261-11	561 E. Jent Rd	Olden, Alvin & C Aplan Elinor TTE
23.	027-261-13	811 E. Jent Rd	Town of Pahrump
24.	027-261-14	941 E. Jent Rd	Equity Trust Co.
25.	027-261-64	811 E. Panther Way	BR 40 LLC
26.	027-261-65	6680 N. Blackrock Ave	BR 40 LLC
27.	027-261-66	6560 N. Blackrock Ave	BR 40 LLC
28.	027-261-67	810 E. Jent Rd	BR 40 LLC
29.	027-271-01	1381 E. Parque Ave	Toren, Zeev & Simha
30.	027-271-02	1131 E. Parque Ave	Cederbaum, Fella
31.	027-271-03	6371 N. Blackrock Ave	Painter, Mona Y Trust
32.	027-281-01	2061 E. Parque Ave	Miller, Gary J & Cynthia K
33.	027-281-02	2191 E. Parque Ave	Twiligher LLC Series One
34.	027-281-05	2811 E. Parque Ave	Tsuneyoshi, Kurt
35.	027-281-06	2941 E. Parque Ave	Riggs, Kimberly & Becker, E & B Trs
36.	027-281-08	6631 N. Becky Ln	Pahrump Becky 40 LLC & Ross, Doug
37.	027-281-09	6381 N. Becky Ln	Moore, Raydell R & Freida M Trst
38.	027-281-10	2311 E. Jent Rd	Moore, Freida M Trustee
39.	027-281-11	2411 E. Jent Rd	Caplan, Donald Barry Trust
40.	027-281-12	2561 E. Jent Rd	Stump, James W & Mildred M
41.	027-281-13	2691 E. Jent Rd	Chollar, William B & Laurene M TRS
42.	027-281-16	2440 E. Fort Churchill Rd	Frias, Phyllis M Trst
43.	027-281-17	2310 E. Fort Churchill Rd	Frias, Phyllis M Trust
44.	027-281-18	2130 E. Fort Churchill Rd	Tran, Hang Cam & VTL Trust
45.	027-281-19	2940 E. Fort Churchill Rd	Guimera, Rainier & Almirante, Lucil
46.	027-281-20	2810 E. Fort Churchill Rd	Almirante, Lucila N.

47.	027-281-21	2690 E. Fort Churchill Rd	Nimmo, Walter & Oksun Trust
48.	027-281-22	2560 E. Fort Churchill Rd	Romero, Ma&Ruby&Ho, Yusi&Rhoginie
49.	027-281-23	2381 E. Parque Ave	Deleon, Jose V
50.	027-281-24	2380 E. Jent Rd	Pena, Rene & Lydia & Juarini, Romeo&N
51.	027-281-25	2811 E. Jent Rd	Emerald Peaks Investments LLC
52.	027-281-26	2941 E. Jent Rd	Emerald Peaks Investments LLC
53.	027-281-27	2810 E. Moses Rd	Emerald Peaks Investments LLC
54.	027-281-28	6351 N. Crest Ave	Emerald Peaks Investments LLC
55.	027-281-29	2561 E. Parque Ave	Gerstler Family Trust
56.	027-281-30	2691 E. Parque Ave	Gerstler Family Trust
57.	027-281-31	6851 N. Sharpe Ave	Gerstler Family Trust
58.	027-281-32	2690 E. Laura Rd	Gerstler Family Trust
59.	027-281-33	6631 N. Sharpe Ave	Lindkvist Trading Company Inc
60.	027-281-34	6630 N. Crest Ave	Lindkvist Trading Company Inc
61.	027-291-03	2871 E. Fort Churchill Rd	Moler, Keith Eric & Sary, Pharonia
62.	027-291-07	2630 E. Harris Farm Rd	Baal, John M Jr Trustee Etal
63.	027-291-08	5350 N. Sharpe Ave	Lee, Feng-Ao & Chien, Wen-Hui
64.	027-291-09	2351 E. ???	Schuepbach, David G & Donna Trst
65.	027-291-10	2310 E. Harris Farm Rd	Hetzel, David R & Joanne S TTEES
66.	027-291-11	2130 E. Harris Farm Rd	State of Nevada Division of Land
67.	027-291-13	5230 N. Boa St	Hetzel, David R & Joanne S TTEES
68.	027-291-14	2440 E. Harris Farm Rd	Nye Co Board Cnty Commissioners
69.	027-291-15		Bureau Land Management
70.	027-291-16	2870 E. Harris Farm Rd	State of Nevada Div of Land
71.	027-291-17	5371 N. Sharpe Ave	Ulit, Gaudencio T & Gloria D
72.	027-291-18	2681 E. Zorro Ln	Kennedy, John R Trust
73.	027-291-19	2801 E. Zorro Ln	Equity Trust Company
74.	027-291-20	2931 E. Zorro Ln	Ngayan, Baltazar U & Trinidad G
75.	027-291-21	2631 E. Fort Churchill Rd	Riggs, Kimberly & Becker, Ernest
76.	027-291-22	5801 N. Sharpe Ave	Regency Summit Development LLC
77.	027-291-23	5681 N. Sharpe Ave	Gilbert, Michael & Natividad & Larry
78.	027-291-24	5561 N. Sharpe Ave	Encarnacion, Rey C & Maria Rosario
79.	027-291-25	2001 E. Fort Churchill Rd	Sison, Tonie
80.	027-291-27	2331 E. Fort Churchill Rd	Moghbel, Shahin
81.	027-301-01	1941 E. Fort Churchill Rd	Quinn, James & Sharon M
82.	027-301-02	1811 E. Fort Churchill Rd	Han, Chelsea Eunhae
83.	027-301-03	1631 E. Fort Churchill Rd	Roumanos, M&P&R&Calderaro,J
84.	027-301-05	1311 E. Fort Churchill Rd	Taksel, Gail F

85.	027-301-06	1091 E. Country Place Rd	Ross, Douglas A
86.	027-301-07	1151 E. Country Place Rd	Stewart, Kenneth L & Gail A Trust
87.	027-301-08	1211 E. Country Place Rd	Giesecke, Yone Trust
88.	027-301-10	5381 N. Blackrock Ave	Evergreen Family Ltd Partnership
89.	027-301-11	1130 E. Harris Farm Rd	Evergreen Family Ltd Partnership
90.	027-301-14	5560 N. Becky Ln	Guerguy, Hazel Trust
91.	027-301-15	5690 N. Becky Ln	Guerguy, Hazel Trust
92.	027-301-16	5810 N. Becky Ln	Bosshart, Robert P & Madeleine Trs
93.	027-301-17	5811 N. Pyramid St	Trinidad, Patrick & Lorna
94.	027-301-18	5691 N. Pyramid St	Raghoo, Ashley
95.	027-301-19	5690 N. Pyramid St	Bailey, John & Marie Trustees
96.	027-301-20	5691 N. Rob Roy St	Bailey, John & Marie Trustees
97.	027-301-21	5561 N. Rob Roy St	Souvannaphong, Frank&Phommathep,
98.	027-301-22	5560 N. Pyramid St	Oxman & Smilow & Cohen
99.	027-301-23	5561 N. Pyramid St	Gromer, Samarng D Trust
100.	027-301-26	1281 E. Fort Churchill Rd	Racoma, Agapito & Estela Trust
101.	027-301-27	1451 E. Fort Churchill Rd	Fleiss, Paul
102.	027-301-28	5811 N. Eva St	Institutional Foodservice Mgmt
103.	027-301-29	5810 N. Rob Roy St	Oberson, Sonia R
104.	027-301-30	5691 N. Eva St	Jotiprayon, Ajay & Titinantana
105.	027-301-31	5690 N. Rob Roy St	Roumanos, Robert & Patsy
106.	027-301-32	1280 E. Hardscrabble St	King, Mohamad A & Karima
107.	027-301-33	1450 E. Hardscrabble St	Skrinjaric, Nikola & Vanessa TRS
108.	027-301-34	5691 N. Blackrock Ave	Clark, Arnold D & Cindy S Trust
109.	027-301-35	5631 N. Blackrock Ave	Clark, Arnold D & Cindy S Trust
110.	027-301-36	5561 N. Blackrock Ave	Freeman, Jacki
111.	027-301-37	1150 E. Hardscrabble St	Sabanas,Pat&Ben&Phil&Devries, M.

This action initiated at the direction of the Pahrump Regional Planning Commission to change the Zoning from VR-20 to RE-1 and the Land Use Category from Medium Density Residential to Low Density Residential.

Commissioner Hand refers to staff. Mr. Osborne suggests the RPC should consider changing RE-4.5 or RE-9.5 zoning instead of RE-1 there aren't any parcels less than 4.3 acres. There was one letter of opposition stating they purchased their properties with intent of future development and would like to keep the VR-20 zoning on their property, for PV Investors which total 300 acres.

Commissioner Parker asks about the lots sizes for the two lots inbetween the PV Investors and the Mona Y. Painter Trust.

Mr. Osborne states they are 40 acre parcels. Commissioner Parker is inclined to leave the current zoning for the two areas that are blocked off on the map and the two lots in between and just change the rest.

Commissioner Hafen wanted to make sure all 111 property owners have been properly notified. Mr. Osborne stated that they had.

Public Comment

Chris Vero on behalf of PV Investors, BR 40 LLC and the Mona Painter Trust. The one letter of opposition you received was his client. His client owns about 537 acres total, consisting of 8 parcels that just over 300 acres and the 2 smaller parcels that are 237 acres, they were purchased with the intent to developing in the future and oppose the zone change and would like to stay VR-20. Mr. Hand asks about the properties represented. The 8 properties on top, the larger one beneath it and the 2 - 40 acre parcels beneath and MR. Vero stated he doesn't represent the 2 - 40 acres beneath.

Don Ruch asks if they are talking about the 10 small parcels and the larger parcel on the bottom? If that is the area he opposes and would like to keep it VR-20, he has property across from Black Rock and he bought out there because he didn't want animals.

Ms. Parker asks what parcel that he owns and he states he is in the Fort Church hill subdivision and is located on Meadow Creek Lane and his property backs up to Black Rock.

Commissioner Hand asks if he agrees with Mr. Vero on keeping those VR-20 for High Density and Mr. Ruch stated yes he agrees.

Loraine Jorgensen they live on Black Rock and have several questions. She wants to know when the address was changed from Black Rock Ave. to Black Rock Road.

Commissioner Borasky stated that the Pahrump Valley Fire Rescue sets the address and stated she should contact them on that. Commissioner Borasky states it could just be an error and asked for her address and that he would look into that issue for her.

Ms. Jorgensen also addressed the blank spaces on the map and asks if commercial is going to be out in the area. It is commercial down Hwy 160 and it is all open land across from them. She was told when they bought the land that a California Land company subdivided the land and they were 5 acre or more plots you would have to buy. She doesn't know what Low Density is and they are each on ½ acres.

Commissioner Hafen stated they are not there to discuss changing anything to general commercial today.

Commissioner Hand stated the proposal is to change from High Density Residential to Low Density Residential.

Ms. Jorgensen asked for the definition of Low Density and Commissioner Hafen stated that it is to consider looking at going from ½ acre lots to 1 acre lots minimum size.

Ms. Jorgensen asked if that would include apartment houses and Commissioner Hafen stated no it would be exact same as single family residence but the 1 acre size would allow horses and the ½ acre lots do not allow horses. Ms. Jorgensen thought the blank spaces were going to be a small shopping mall or something.

Commissioner Hand stated that this is strictly residential.

Cheryl Beeman asked Ms. Jorgensen that when she bought her property it stated Black Rock Avenue and Ms. Jorgensen stated yes. Ms. Beeman stated that per the assessor records it still shows Black Rock Ave. the county could have made a mistake and none of the maps show it as Black Rock Road. Ms. Jorgensen's issue is that on the Street sign it is shown as one word and on her deed it is two words.

Tim Dahl asked if there was any signs saying Black Rock Road and Ms. Jorgensen stated it shows on the road sign as Blackrock Ave. but the deed states Black Rock Ave. (two words for Black Rock). Mr. Hand stated Commissioner Borasky will look into that for her.

Public comment closed at 7:12 P.M.

Commissioner Koenig motioned to approve MP-12-0002, ZC-12-0003 based upon findings and leaving out APNs 027-201-68 through 027-201-75 and 027-261-64 through 67 and 027-271-03. Mr. Hand asks if he is asking about taking out the 2 – 40 acre parcels that Commissioner Parker was talking about to make it continuous?

Commissioner Hand referred to staff.

Mr. Osborne believes those are 027-271-01 and 027-271-02.

Commissioner Koenig added to also include in his motion parcels 027-271-01 and 027-271-02. Commissioner Parker seconds the motion.

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

10. **ZC-12-0002:**(Conforming) Zone Change application to change approximately 18.87 acres from the General Commercial (GC) Zoning District to the Commercial Manufacturing (CM) Zoning District for property Master Planned as General Commercial, known as Parcel #1 of File Map #674131, Township 20 South, Range 53 East, Section 13, located at 2400 E. Charleston Park Ave., at the northwest corner of Charleston Park Avenue and Powerline Road. Charleston Powerline, LLC – Property Owners/Applicant. Al Balloqui – Agent. APN 35-271-53.

Commissioner Hand refers to staff.

Beth Lee states the property was rezoned from Open Use to General Commercial in 2006. Subsequent to that there was a Site Development Plan submitted to Planning and Public Works Departments for review for development of the property. It is our understanding the owners are working with a prospective tenant and based on the use that the tenant would like to do with the location the Commercial Zoning District is necessary and appropriate. Because of the surrounding industrial zones to the East and the General Commercial to the West staff feels this would be an appropriate change to go to the Commercial Manufacturing Zone District at this property. Staff is recommending approval subject to conditions outlined in the staff report.

Commissioner Koenig asks didn't we get a legal opinion that said we will not do conditions of approval on zoning changes?

Mr. Watkins stated that is correct, but under certain circumstances that it is ok as long as we don't do it for private gain and that it is for a public purpose it is ok. What courts have found illegal about it is that they don't want private interest coming in taking over your roll and having you do things based solely on their private interest. If there is a public reason to add the conditions then those are found to be ok. If it is found to be in a public interest rather than just private interest, than it is ok.

Commissioner Koenig understands, however he recalls a memo that says they aren't allowed for just specifically zoning changes.

Mr. Watkins says that is correct but that is his recollection of the memo.

Commissioner Hafen asks Mr. Watkins if Las Vegas, North Las Vegas, Henderson and Clark County place any conditions upon Zone Changes. They allow their current Zoning Codes to act as the enforcers?

Mr. Watkins stated that is incorrect. He spoke with an attorney for North Las Vegas that he convinced his folks there in North Las Vegas that they shouldn't be placing conditions but Mr. Watkins research suggests that if it isn't for private interest but for something that benefits the public it is ok.

No questions for staff.

Applicant Al Balloqui is present for questions. Mr. Hand asks for him to explain what his project is and why he wants the zone change.

Mr. Balloqui states the project was first started under General Commercial Zoning. There were a lot of different procedures and ordinances they followed. The project was designed to be better fit under the current Manufacturing Zoning. Back up provided shows all the studies started with 20 acres and conditions have given up 1 ½ acres to permit for large road ways. In order to precede with the project the correct zoning needs to be established to build the facilities that have been engineered for the project.

Commissioner Hafen states that Mr. Balloqui stated for this specific project that he feels that it is necessary to dedicate this additional right of ways, Special condition # 11 is to dedicate 10 additional feet of Powerline road to total a 40 ft right of way instead of the 30 feet ROW and 30 feet on Purdel avenue for the subject property. It is Mr. Hafens understanding that Mr. Balloqui is volunteering to do this because it is required for the project.

Mr. Balloqui states it is very generous and it is something that was requested by Public Works when the plans were originally done. In lieu of that they received waivers due to the fact the design and engineering had already been completed on the setbacks of the building and in lieu they were willing to give up the additional footage.

Commissioner Hafen asks if that was already submitted plans on the site development plan that has already been approved? He also asks if there is really any need for us to include any sort of conditions for that.

Mr. Balloqui states no, he states that it was agreed upon and the plan were all engineered to give what public works was now asking, and he has no problems conforming to what had already been engineered.

Public Comment

Opened at 7:25 pm and closed with no comments

Mr. Watkins asks to address his memo with his conclusion and ask they be read into the record. Starting with paragraph 3 and giving a brief overview. There is no direct law on contract zoning or conditional zoning. He has concluded that the RPC has a wide latitude to do things with lands so there could be some implied authority to actually do that. He cautions to air on the side of not doing contract zoning and concludes with his recommendations to the board if rezoning appears to be the result of deal making that favor a particular applicant is should be avoided. A rezoning based on a promise to not do something that will be permitted by others similarly zone may be considered suspect. A rezoning event that is a private party but appears to be contrary to public interest may be considered contract zoning. Zoning could be nullified but a court. He suggest if we want to put conditions on things we have to make emphasize on the record the public benefit of doing so.

Commissioner Koenig asks Tim Dahl "if this was going to be voted to be approved without the special conditions are those things covered somewhere else?"

Mr. Dahl states yes, they are covered under the site plan that has been submitted from the developer. As far as the dedication design of Furdel, Poweline and although Charleston Park is already a county road it has already been engineered as well. There are substantial drainage issues coming across Poweline that will impact the very corner of the property. They feel it is extremely important to address at anytime and it has been addressed in the site development plan. Yes there are other avenues that are implemented on paper for the dedication of both the roads; the encroachment permits are required by anyone that works in the right-of-ways Nye County code 1208 covers all that. In 2007 a

final action memo from PRPC on a tentative map submitted for this project had conditions of approval on it. They were # 25 a 30 ft easement on parcel 1 (Furdel) tenant must approve ½ right of way on Charleston Park and Poweline and Furdel Avenue and that was condition # 26. Public Works would consider cash in lieu of doing those improvements. They would submit plans and those improvements can be done when necessary. If no one is going to be traveling Furdel, Al can have a driveway he can access on the last phase of that development then that would be more a more appropriate time to build Furdel than now. There are provisions in place, like the cash in lieu, the agreement to participate in future improvements which is the restrictive covet running with the land.

Motion: moves to approve ZC-12-0002 to change approximately 18.87 acres from the General Commercial Zoning to the Commercial Manufacturing Zoning district for Parcel 1, file map 674131 located at 2400 E. Charleston Park Ave. based on staff recommendations and eliminating all conditions of approval, **Action:** Approve, **Moved by Hafen, Seconded by Koenig.**

Mr. Hand asks if that eliminates standard and special conditions. Mr. Hafen states correct it does based on the legal opinion of Mr. Watkins.

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

11. **CU-12-0002:** Conditional Use Permit (CUP) application to allow the expansion of an existing legal non-conforming sign on property in the General Commercial (GC) Zoning District, per NCC 17.04.770 Signage Requirements, located at 1621 S. Nevada Highway 160, described as Parcel 8, Block 1 of Calvada Valley Unit 10. Harris, Ltd., Dan Harris – Property Owner/Applicant. AP# 42-012-08.

Commissioner Hand refers to staff.

Mr. Osborne states they are requesting to add a new opposing face that is 45 degrees from the existing sign. The subject property is zoned General Commercial which allows for off premise signs. The existing sign as well as the proposed portion do comply with many of the requirements for off premise signs, including the height limit and opposing face as long as it isn't more that 45 degrees from the parallel. It meets the front set back requirements which are 10 feet and this sign is 14 feet from the property line. Staff feels that proposal does comply with the requirements for a new off premise sign and should be allowed to be added to the opposing face. Staff recommends approval.

Commissioner Hand states that we did have one letter of opposition and Mr. Osborne stated that was correct. There is one that states they need more information, doesn't seem really a letter of opposition but requests more information. They are asking for a continuation of the matter for 90 days.

Commissioner Grudzinski asks for clarification on the sign, after looking at the sign it already exists and there won't be any new construction, but adding a north side section of the sign. Mr. Osborne states that is correct. There is a code compliance case against the

sign because it was done without the proper approval. This is being done to resolve the case against them.

Commissioner Hafen asks that one of the conditions of approval is that the property owner must obtain a permit from the Planning Department within 30 days, the way the sign is being proposed will that be possible.

Mr. Osborne states that is correct as long as they are granted a Conditional Use permit by the RPC than Planning can issue the sign permit.

Mr. Harris (applicant) for Harris Limited, states the reason this came about is that he was approached for someone wanting to advertise on his sign. Mr. Harris didn't know that he needed permission to approve an existing sign that has been there since 1993. So he went and constructed the new side of the sign and then received a letter from Code Compliance and they needed a sign permit application. He then called Mr. Osborne and they went to look at the existing structure and Mr. Osborne stated he needed to apply for the Conditional use Permit and present it before the RPC. Mr. Harris states they were in error by constructing the sign prior to getting the sign permit. They are prepared to go forward with the sign permit with the approval of the Conditional Use Permit.

Public Comment

Public comment opened at 7:39 pm.

Cheryl Beeman she understands that the sign is with compliance sign regulations. Ms. Beeman wants to point out Section 1704, 700 section I. There has been no analysis of the surface area of the sign so that information is missing. There is no information if we are trying to put name of the manufacturer displayed on the sign which we are trying to do within the community so that if there are problems with the sign we have contact information to get a hold of the owner. There has been no sign separation analysis as outlined in the code. It does talk about earth tone colors indigenous to Pahrump Valley shall be used to paint the signs supports and the maxim number of supports that are permitted is two. Ms. Beeman doesn't feel the sign is in substantial compliance. There has been a committee within the community working to deal with the signs within the community. Signs have become a blemish and a visual clutter making a negative impact on the economic viability of the shopping districts along Hwy 160 and Hwy 372.

Commissioner Hafen asks for verification if she is acting on her own behalf or as part of the Nuclear Waste Repository Office and Ms. Beeman states she is here as a citizen.

Commissioner Hand asks Mr. Harris if he has any more comments. He states that Ms. Beeman is correct the sign is a four post sign that was constructed back in 1993 and there were no regulations. He is prepared to put his contact information onto the sign for submittal and approval. It is currently painted white and doesn't think the color is an issue. It is an existing sign and they are just trying to improve it. If you are driving south on Hwy 160 you see the back side of the sign and this would improve the look of the sign.

Commissioner Goode asks if anything had been clarified with letter that was received by Mr. Daniel L. Goodkin.

Mr. Osborne stated the letter was received via email and there hadn't been any contact with him.

Commissioner Hand asked if the property owners had proper notification and Mr. Osborne stated yes.

Commissioner Hafen asked if they had every opportunity to get further information on the proposal and Mr. Osborne stated correct.

Action: Motion to approve CU-12-0002 Conditional Use Permit to allow expansion of an existing non-conforming sing based upon the findings by staff, **Moved by Koenig, Seconded by Grudzinski.**

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

12. Discussion and Possible Direction to Staff Concerning Revision of the Planning Department's Land Use Application Form to Include a List of Potential Development Requirements.

Commissioner Hand refers to staff.

Mr. Osborne explains they took the Land Use Application and changed page 2 and added a sentence saying the undersigned acknowledges that have read the attached list of potential Nye County development requirements. They also added on pages 4 and 5 the list of potential requirements which is 1 through 20. They have taken the standard conditions of approval and special conditions that we typically have and add to that the general comments we receive from Public works it gives us a list of 20 main requirements.

Commissioner Hand asks if by doing it this way we are bringing up potential development requirements to the applicant right from the beginning so they don't have any surprises when they come before the RPC.

Mr. Osborne states yes.

Commissioner Hand asks unless there is anything specific to the project.

Mr. Osborne states that is correct.

Commissioner Hand asks if this takes away the general conditions of approvals they ask the applicant since it is in writing.

Mr. Osborne states yes.

Commissioner Koenig states that this doesn't preclude the RPC in certain cases they can still add special conditions, but get rid of the normal conditions with Zoning Changes, and Master Plan amendments and Conditional Uses.

Commissioner Grudzinski asks if this meets Public Works requirements to inform an applicant of requirements.

Mr. Dahl states that Mr. Fanning hasn't had a chance to review the application. Once Mr. Fanning reviews Mr. Dahl would like him to answer the RPCs questions. Mr. Dahl does agree with the potential requirements for development. Commissioner Hafen suggests obedience to all state laws, Nye County Codes and Town ordinances and stating that as #1. Also throughout the document it states "may". Items #7, 9, 12, 15 and 16 use the word shall and must. He suggests to be more consistent to use "may require" or "maybe" or "may include" throughout the document.

13. **Discussion and Direction Concerning Items for Future Meetings/Workshops; Set Date, Location and Time of Future Pahrump Regional Planning Commission Meetings.**

The next meeting will be April 11th, 6:00pm at the BoCC chambers.

14. **Adjournment**

Motion: Adjourn, Moved by Koenig, Seconded by Hafen.

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

Yes: Goode, Grudzinski, Hafen, Hand, Koenig, Parker.

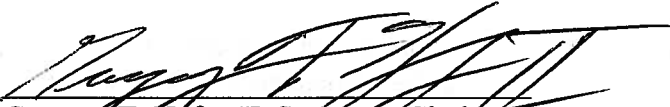
Meeting adjourned at 7:53 pm

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



Gregory T. Hafen II, Secretary/Clerk
Pahrump Regional Planning Commission