

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MAY 9, 2012 MEETING**

The meeting was called to order at 6:00pm in the Nye County Commissioners Chambers, Pahrump NV.

Members in Attendance: Terry Hand John Koenig
 Joseph Goode Gregory Hafen II
 Vicky Parker Jennifer McCall

Members Absent: None

Planning Staff: Steve Osborne Beth Lee

District Attorney's Staff: Charlie Watkins

Building & Safety Staff: None

Public Works Staff: None

Other Attendees: 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. April 11, 2012

Commissioner Hafen made a motion to approve the minutes; Commissioner Koenig seconded.

Roll Call Vote: Parkers, yes; McCall, yes; Koenig, yes; Hand, yes; Hafen, yes; Goode, yes; Motion passes 6-0.

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.

Commissioner Koenig made a motion to approve the agenda; Commissioner McCall seconded.

Roll Call Vote: Goode, yes; Hafen, yes; Hand, yes; Koenig, yes; McCall, yes; Parker, yes; Motion passes 6-0.

3. Correspondence and Announcements

There were none.

4. Public Comment (first)

This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). 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.)

No comments.

Public Comment closed: 6:03 PM.

5. Commission Reports:

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

There was none.

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

There was none.

- c. Capital Improvements Plan Advisory Committee - John Koenig

Some committee members met with Mary Martini and others from NDOT to try and move ahead on fixing intersections in Pahrump. We should have feedback in 4 to 6 weeks and will report back at that time.

- d. PRPD Master Plan Update Steering Committee – Gregory T. Hafen II Reviewing Northern half of the valley and master planning in regards to that area. They will be making a recommendation to the board for that area to consider at a later date once the valley is completed. There are two sections left to review. Mr. Osborne stated we are looking at another 2 months till completion.
- e. APA Luncheon

Ms. Lee was unable to attend this month.

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

Commissioner McCall has a conflict of interest for item # 9.

Conditional Use (CU) Permit Applications:

- 7. **CU-12-0003: Conditional Use Permit (CUP) application to allow a Bed & Breakfast Inn in the Rural Estates (RE-1) Zoning District, per NCC 17.04.240.E, located at 4640 S. Whirlwind, further known as Lot 150 of Manko Subdivision. Kathleen A. Mueller – Property Owner/Applicant. AP# 44-092-20.**

Commissioner Hand referred to staff. Ms. Lee stated the RE-1 zoning allows for the Bed and Breakfast Inns with the approval of the Conditional use permit. The applicant isn't proposing any new construction of structures on the property and will maintain the residential character of the property. Under the Nye County Codes she does meet all the existing requirements. After review, staff finds justification to recommend approval of the use permit subject to the special conditions outlined in the staff report.

Commissioner Koenig asks if the commercial business require a commercial well and septic?

Ms. Lee stated that the code doesn't require the applicant to apply for a commercial well nor convert her exiting well and after consultation with Mr. Osborne that would be a question better suited for the Nevada Division of Water Resources.

Commissioner Hafen stated the condition #3 limits the number of rooms that can be rented and asks where the limitations came from.

Ms. Lee stated the limitation came right out of the applicant's justification letter stating she only intended to rent out one or two rooms.

Kathleen Mueller introduced herself for comments.

Commissioner Hafen asks Ms. Mueller if she would be ok with the limitations being set forth if the permit is approved to only rent out a maximum of two rooms. Ms. Mueller stated that she is ok with that.

Commissioner Hafen also asked Ms. Mueller if she was happy with the new application forms with new development requirements.

Ms. Mueller stated that she feels the process was very positive and commended staff for their help with the process.

Public Comment

Opened and closed at 6:13

Commissioner Koenig motions to approve based upon the findings in the staff report and subject to special conditions of approval outlined in staff report, Commissioner Parker seconds.

Roll Call Vote: Parker, yes; McCall, yes; Koenig, yes; Hand, yes; Hafen, yes; Goode, yes; Motion passes 6-0.

8. **CU-12-0004: Conditional Use Permit (CUP) application to allow a Swap Meet in the General Commercial (GC) Zoning District, per NCC 17.04.320.E, located at 1397 and 1421 S. Loop Road, further described as Parcels 2 and 3 of File Map #182508. Thousandaire, Inc. – Property Owner. Dan Harris – Applicant/Agent. AP# 35-571-18 & 35-571-19.**

Commissioner Hand refers to staff. Ms. Lee states that Nye County Code does allow the Swap Meet with the approval of a Conditional Use Permit. Ms. Lee makes a comment about the staff report page three, the zoning section. The applicant has agreed to water the site before and after the swap meet to control dust. It was agreed to by the applicant to get a 60-day extension on his code compliance case pending the outcome of this approval. The Nye County Air Quality Control Officer has since been out and did an opacity test on the site and determined the water could be reduced to once a week at the discretion of the Air Quality Officer. After review staff has found justification for approval subject to the special conditions of approval outlined in the report.

Commissioner Koenig asks if this is a code compliance case because there is presently a swap meet there? Ms. Lee states that is correct.

Commissioner Hand asks about the special conditions #3, there will be no parking on or within the right of way on Loop road, how will it be enforced? Will signs be required and require enforcement by the swap meet owner to call the tow company?

Ms. Lee stated that if someone is parked in the right of way they would call Public Works. If the board would like to address enforcement or if you want to require no parking signs it would be up to the board.

Commissioner Hand stated that since no one is present from Public Works, we are unable to ask them if we can require an applicant to put up no parking signs on county right of way. Ms. Lee stated they would have to go through Public Works. Should it be a requirement of the Board it would be up to Public Works and what they require.

Commissioner Hafen asks if there is county code that prohibits parallel parking in the right of ways?

Ms. Lee states under parking regulations 17.04.730 it does prohibits utilizing county right of way and pulling out from a drive way onto a county right of way from a commercial property. It is a safety issue and that is why the Parking ordinance doesn't allow use of the right of way. Public Works is not in favor of parking in the right of ways. Ms. Lee can do further research on the subject and get specifics as to which ordinance the no parking in the right of way falls under.

Dan Harris is the owner/applicant and stated it is a code compliance issue and explained that he was approached by Patty the operator of the swap meet and Mr. Harris instructed her to get the proper approval and she could use his property. Mr. Harris was unaware they needed a Conditional Use Permit and is now seeking approval. Two issues that are important is safety and dust control. He has agreed to water before and after pending approval. Mr. Harris would like the board to consider him not having to water before and after. If there is a dust issue they will water as needed. They have put up no parking signs on the north and south sides of Loop Road and it is difficult to manage those people still parking there. A parking sign has been installed for people to park on the east in the swap meet site. Mr. Harris would like some direction as to handle the right of way issue.

Patti Butler is the operator of the swap meet and Ms. Butler stated if this permit is approved she will hire someone to help with the parking issues.

Commissioner Hand asks if she has a business license for the swap meet? Ms. Butler stated she does.

Commissioner Hand asked how she received a town business license without planning signing off on it. Ms. Butler stated she has a business license for Sunflower Fashions, and when she renewed her license she renewed it as Sunflower Fashions and Sunflower Swap Meet.

Ms. Lee stated that when it is an annual renewal of a business license it doesn't require an additional review by the planning department. It is only if a new business or change of address/change of location that the town requires a business license review to go through the planning department. Because she was renewing an annual license the town didn't require a second review from the planning department.

Commissioner Hand stated it wasn't annual renewal it was a new business. This requires a new business license from the town.

Ms. Lee stated she did it at the same time she renewed the annual license for Sunflower Fashion. The Town of Pahrump may have made an error.

Commissioner Parker stated because it was the same address it slid right through, Commissioner Hand stated that it should have been done properly and for each business at a property they need a separate business license.

Ms. Butler stated her State business license was the one that was changed and the Town of Pahrump business license isn't up for renewal until October and she was unaware she needed one for the swap meet.

Commissioner Hand asked if the swap meet had a business license? Ms. Butler stated that she does not have one for the town of Pahrump just through the State of Nevada.

Commissioner Goode asks if the parking was up towards Loop Road and the displays were up where the parking was shown on the drawing would that eliminate the parking on Loop Road?

Mr. Harris stated they have talked about adding parking just off Loop Road. But there could still be an issue.

Commissioner Goode stated the parking layout could be chalked out so that the customers know where to park.

Commissioner Hafen asked how many no parking signs are up along the parcel?

Mr. Harris stated he has 4 on the North and the South side had 4 but have since been knocked down by the wind. They will be installing stronger signs.

Commissioner Hafen asked if Mr. Harris owns the property that the signs are up on and Mr. Harris stated that is correct but they are on the right of way on Loop Road.

Ms. Butler asked the commission if she is legally able to tell people that she can have their cars towed if they park on the road.

Commissioner Hand stated that they will make a condition of approval to have Mr. Harris get together with Public Works to work out the parking.

Public Comment

Public comment opened at 6:36 and closed with no comments.

Commissioner Hafen would like to discuss special condition #3 and would like to suggest to limiting it to signage and anything more would be over and beyond what it would generate in traffic.

Commissioner Koenig questioned staff on the analysis on watering, and suggests that to water as needed and he would like it to be changed upon approval.

Ms. Lee stated she believe if it is worded, applicant shall be required to water as needed or under the direction of the Air Quality Control Officer would be sufficient.

Commissioner Koenig asked if it would then be a condition for approval and Ms. Lee stated she believes it doesn't need to be a condition of approval due to the fact the applicant has been fully compliant.

Commissioner Parker motions that we approve CU-12-0004 based on staff report and add water as needed or at the direction of the Air Quality Control Officer and add special condition #5 that the applicant meet with Public Works to work on the traffic control problem on Loop Road. Commissioner Goode seconds.

Roll Call Vote: Parker, yes; McCall, yes; Koenig, yes; Hand, yes; Hafen, yes; Goode, yes; Motion passes 6-0.

9. **CU-12-0005: Conditional Use Permit (CUP) application to allow Fireworks Sales in the General Commercial (GC) Zoning District, per NCC 17.04.320.E, located at 4551 S. Nevada Highway 160, further described as a portion of Section 3, Township 21 South, Range 54 East. American Properties, LLC – Property Owner. Ninja Fireworks – Applicant. Anthony McKoy – Agent. AP# 45-011-11.**

Commissioner McCall stated that she recuses herself from this item.

Mr. Osborne stated that with the approval of a Conditional Use Permit, Nye County does allow the sale in General Commercial Zoning Districts. The requested use does conform to the master plan and zoning map. The proposal is for a temporary event from June 1, 2012 to July 4, 2012. The applicant is proposing to utilize an existing paved area previously used for Fireworks sales in the past. They want to install a 7200 sq ft tent and will be required to meet the building and fire code requirements. Fire code is to be fire rated flame retardant material with proper labeling. Staff recommends approval subject to special conditions outlined in the staff report.

Mr. Borasky asked if the tent would have to have sprinklers? Mr. Osborne stated if it meets the fire retardant requirements it doesn't have to have sprinklers installed, they do have to have a certain number of fire extinguishers on site, entrances and exits have requirements and it is one of the conditions attached.

Jeffrey Shaner, attorney and Matilda Sanchez, legal assistant on behalf of the applicant. Mr. Shaner stated this would be an opportunity for 10 – 15 jobs for the town.

Commissioner Hafen stated that it shows there is a well and septic on the property and asks if it is a commercial well and septic. Mr. Shaner stated he believes that they are but they are owned by a third party.

Commissioner Hand states that the plan says they will provide portable restrooms and Mr. Shaner stated that it easier to provide portable restrooms.

Public Comment

Opened at 6:46

Matilda Sanchez wanted to thank Beth Lee for her timely help with this matter.

Public comment closed at 6:48

Commissioner Hafen suggests adding to condition #13 that signage be removed within that 10 day period.

Commissioner Hafen asks Mr. Watkins if there are any legal issues with approving this as the conditions are written. Mr. Watkins stated there were none.

Commissioner Hafen motions to approve CU 12-005 with staff findings and with the addition to special condition #13 to include the removal of signage along with trash debris and the tent. Commissioner Koenig seconds.

Roll Call Vote: Goode, yes; Hafen, yes; Hand, yes; Koenig, yes; Parker, yes; McCall, Abstain, Motion passes 5-0.

Waiver (WV) Application(s):

10. **WV-12-0002: Waiver application to allow a ten foot (10') street side building setback for a proposed accessory building (carport) where a twenty-five feet (25') street side building setback is required, per NCC 17.04.225.C, on property located at 1020 E. Fremont Street, further known as Mesa Oeste Estates, Unit 3, Block 5, Lot 24. Paula D. Lynch – Property Owner/Applicant. AP# 44-702-09.**

Mr. Osborne stated that the applicant would like to build a 400 sq ft detached carport. The site plan shows it being 10 ft from the side property line, which is the Pahrump Valley Blvd. right of way boundary. The zoning ordinance requires a 5 ft side setback for accessory structure, except when there is a street adjacent to the side there is a 25 ft setback. In this case where the proposal is, it will line up with existing structures. There would be no issues with obstruction based on the location of the proposed carport. They also have a gate adjacent to the residence. If they met the 25 ft set back it would block the gate. Staff is recommending approval without any conditions.

Commissioner Hand asks if where they are proposing to build it is already framed. Mr. Osborne stated that is correct and the contractor suggested they contact the Planning department to see if it meets the setback requirements.

Commissioner Goode asks where the driveway going to be located to get off the property? Will it be on the front of the house or off Pahrump Valley Blvd?

Mr. Osborne stated he isn't quite sure; the applicant should have an answer to the question. But Mr. Osborne doesn't believe the entrance will be off Pahrump Valley Blvd.

Paula D. Lynch as applicant, states the access will be off Fremont Street which is the existing entrance to the property and there will be no other change to accessing the property.

Public Comment

Open at 6:55 and closed with no comment.

Commissioner Koenig motions to approve WV-12-0002 based upon staff findings. Commissioner Parker seconds.

Roll Call Vote: Goode, yes; Hafen, yes; Hand, yes; Koenig, yes; McCall, yes; Parker, yes, Motion passes 6-0.

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

Commissioner Hafen wants to discuss the list of potential Nye County Development requirements that were attached to the applications that were presented in the supplemental backup. Commissioner Hafen believes that this is a good direction for the County to have the information up front with any applicant for any development so they know the requirements. However potential requirement #16 might be out of place and be reworded or removed. It can be rewritten to say these things may be required or require review from Public Works. This would make it more consistent with the document.

Mr. Osborne stated the condition will be looked at to either reword or remove from the document.

Commissioner Borasky stated he knows the Commission asks the applicant if they read the special standards of approval, and now you want to add another requirement for #16 and it might confuse the applicants.

Commissioner Borasky also is concerned about the Commercial well and septic conversation. If someone doesn't know whether it is commercial or not, then some language should be added to approve use of the property with or without a commercial well and septic. If the applicant comes in and the Planning Department knows it is commercial property they should ask the applicant the question and they prove whether it is or not. It could come back on the county and put them in a potential lawsuit.

Commissioner Hand agrees that it should be done prior to coming before the commission.

Commissioner Koenig stated the new forms the applicant sign states they have read and understood the requirements and it is notarized.

Commissioner Borasky stated he still believes it should be a courtesy to the public to ask them again if they understand.

Commissioner Hafen wants to clarify to Mr. Borasky that prior to the list of potential requirements they were added as standard conditions and therefore required to follow. Whether or not they applied to the application or not they were a requirement. Now it is written that if the county code or state law requires it then it will be required. Commissioner Hafen stated he agrees that we need to make sure the applicant fully understands the codes and laws.

Commissioner Goode wanted to clarify on the temporary fireworks facility regarding the commercial septic they do have in the drawing they will be providing portable restrooms.

Ms. Lee has a follow up to last month regarding the questions and concerns that were brought up by the Animal Advisory Committee. Last month they talked about the term hobby breeder and the RPC didn't want to explore hobby breeder definitions or add it to the Nye County Code. However, Ms. Lee attended the animal advisory committee meeting last week she was informed that there was a Senate bill 299, effective October 1, 2011 which defined a breeder and specifically identifies that the term doesn't include a person that breeds cats or dogs as a hobby. Senate Bill 299 as interpreted by the Animal Advisory Committee effectively created a breeder and hobby breeder. That is why they asked the RPC wanted to add a hobby definition or identify that in the county code. The Animal Advisory Committee in updating Title 6 has defined commercial breeder and hobby breeder. Ms. Lee will be happy to do more research and work with Mr. Osborne and others to come up with language for the RPC if inclined. Senate Bill 299 is included in the supplemented back up.

Commissioner Koenig asks if we can be more restrictive than the state and Mr. Watkins stated that is correct.

Ms. Lee stated that in Senate Bill 299 they do identify a hobby breeder but don't define it.

Commissioner Hand asks if we don't identify a hobby breeder than it doesn't exist? Ms. Lee stated that would be a question for Mr. Watkins.

Mr. Watkins wouldn't feel comfortable answering that without further reading on it. Commissioner Hand has asked Mr. Watkins to follow up on the topic.

Commissioner Parker states the definition of a commercial breeder needs to have a county hobby breeder definition is a lot more graphic.

Ms. Lee stated the Animal Advisory Committees idea was to define a commercial breeder as someone who trades or sells 25 or more puppies a year and a hobby breeder is 24 or less.

Ms. Lee stated if we don't define them in 17.04 and Title 6 is defined which title will take preference.

Commissioner Hafen stated if we decide to move forward in asking staff to create a hobby breeder definition the suggestion would be to limit the number of dogs on the property to correlate with the current ordinance and not allow a hobby breeder to have additional dogs on premise.

Ms. Lee stated that any property owner can have up to 5 dogs. 6 – 10 dogs is considered a residential kennel and a permissive use in only some zoning districts. The cut off is RE-1 zoning district and larger, ½ acre parcels and smaller it isn't allowed.

Next meeting is June 13 at 6:00pm

12. **Public Comment (second) – This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)**

Public Comment opened at 7:15 and closed.

13. **Adjournment**

Commissioner Koenig motions to adjourn, Commissioner Hafen seconds.

Roll Call Vote: Goode, yes; Hafen, yes; Hand, yes; Koenig, yes; McCall, yes; Parker, yes, Motion passes 6-0.

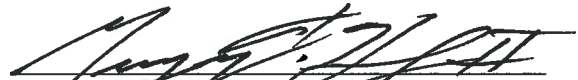
Meeting adjourned at 7:16 pm.

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



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