

PAHRUMP REGIONAL PLANNING COMMISSION MINUTES OF THE SEPTEMBER 12, 2012 MEETING

The meeting was called to order at 6:00 pm 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:

Planning Staff: Steve Osborne Beth Lee
 Celeste Sandoval

District Attorney's Staff: Charlie Watkins

Building & Safety Staff: None

Public Works Staff: None

Other Attendees: Darrell Lacy

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
NCWD	=	Nye County Water District
NDEP	=	Nevada Division of Environmental Protection
NDWR	=	Nevada Division of Water Resources
NDOT	=	Nevada Department of Transportation
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PRPC/RPC	=	Pahrump Regional Planning Commission
PTB	=	Pahrump Town Board
PUD	=	Planned Unit Development
PWS	=	Public Water System
USFS	=	United States Forest Service
ROW	=	Right-of-Way
SFR	=	Single-Family Residential
SOB	=	Sexually Oriented Business
SWP	=	Source Water Protection
TIA	=	Traffic Impact Analysis
TPC	=	Transportation Planning Committee
UBC	=	Uniform Building Code

Call to Order

Meeting was called to order at 6:00 pm.

1. Approval of Minutes:

a. August 15, 2012

Commissioner Hafen states that he has a couple grammatical corrections that he presented to staff.

Commissioner Hafen motions to approve. Commissioner Koenig seconds.

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

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

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

Commissioner Koenig motions to approve, seconded by Commissioner Hafen.

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

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

3. Correspondence and Announcements

There was 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.)

George Romero stated that he is here to address the properties at Humahuaca Street from Oxbow down to Basin. His concern is that it had been incorrectly zoned when the Master Plan had been amended. He states that Commissioner Borasky had to get it modified but those lots have been changed from Light Industrial to Neighborhood Commercial instead of General Commercial. If you stand anywhere on that street and do a 360 there are all businesses and no homes within a mile in either direction. It is his understanding that the members can ask planning to do a study to see if it merits the zoning change. He would respectfully ask for that study to be done. It will benefit him but any new business that might try to come to Pahrump. Maybe they aren't coming now but in the future if there is a company that requires a General Commercial zoning the first thing they run into is a brick wall and they have to file for a Zone Change and a Master Plan amendment. This is

something that turns businesses off from moving in here. It is in everyone's benefit to change the lots to General Commercial.

Public comment closed at 6:05 p.m.

5. Commission Reports:

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

Commissioner Borasky stated he had nothing at this time.

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

The Fall Festival is the 27th – 30th of September.

c. Capital Improvements Plan Advisory Committee - John Koenig

The next meeting will be September 25th at the BOCC chambers at 2 p.m. Representatives from NDOT will be there proposing changes on intersections on Hwy 372.

d. PRPD Master Plan Update Steering Committee - Gregory T. Hafen II

Master Plan Steering Committee will meet again on September 26th at 2 p.m. to continue working on the update. At the last meeting they continued their discussion on transportation. The Capital Improvements discussion will lead right into their next meeting.

6. Ex Parte Communications and Conflict of Interest Disclosure Statements

Commissioner Hafen states he is abstaining from voting on Item #7. The company he works for, and is also owned by his family, is listed as a preparer of the document. Therefore he feels there could be perceived conflict of interest.

7. For Possible Action – Presentation, discussion, review and possible action concerning the following:

a. Presentation by the Nye County Community Source Water Protection Team on the Draft "Community Source Water Protection Plan for Public Water Systems in Nye County, Nevada" (May 2012);

Mr. Lacy states that he oversees several offices within Nye County that have participated in this. There seems to be confusion at the Pahrump Town Board and others as to what this plan is and the purpose of this plan. This is a joint effort with groups within the local communities of Nye County. Many groups within the Town of Pahrump including some of the local utilities and well as town and county departments have participated in this. This is a planning and information

gathering exercise that will provide additional information that the RPC could use in making future decisions.

One request the NCWD asked in the past was that the group include information on water quality issues and water resource issues in its decision making process. This water protection plan that was funded by the State has a large amount of data that will help as you start looking at Master Planning, Zoning, Conditional Use Permits, and other issues that come in front of the RPC that would be beneficial by having the information available and staff reviewing it. The information has already been developed and we are asking the RPC for comments on how it can be improved and how it can be incorporated into the Planning process. There are no regulations in this document it is strictly for information purposes.

Rachel Kryder with BEC Environmental presented on behalf of the team that created the document. The plan was developed to ensure all public water systems in Nye County have a delineated sources water protection area for each water source in our case we are talking about wells, and that potential contaminant sources within the protection areas are identified and managed to ensure a quality and sustainable water source into the future.

Ms. Kryder states that Well Head Protection and Source Water Protection are interchangeable for their purposes. The terminology was changed to incorporate surface water but we don't have to worry about surface water as far as a drinking water source. The State definition of a Public Water System is a system that regularly serves 25 people or 15 connections. The scope of this program is to include all public water systems in Nye County with the exception of those of Federal Facilities. This does include non-community systems, like restaurants, churches and RV parks. This program does not include domestic wells; that is outside the scope of this program.

Ms. Kryder states the process was the formation of the team, delineation of those source water protection areas, once those were identified there's an inventory of potential contamination sources, development of management strategies on what was found and development and implementation of the action plan.

NDEP solicited the participation from the NCWD in February 2010. The planning team was then formed in April and May of 2010. Once the team was formed and then the source water protection areas were mapped, the potential contaminant areas inventoried, and a work plan was developed based on that.

On page 6 of the Executive Summary in the Draft Plan there is a blank where the Water District has designated a person in the staff to be responsible for maintaining the plan. It has been filled for the final version.

Ms. Kryder reviews Pahrump Maps that are included within the plan. Map for within the entire county are in Appendix A of the plan. The first maps are of Pahrump – North. When they talk about what a Public Water System is Nye County is unique because there are so many Public Water systems within the

County. Just in Pahrump there are 47 PWS and 73 drinking water systems delineated as part of this program in 47 PWS. The different colors on all the maps indicates the different methods of delineation, also the different color gradations reflect the different times of travel, theoretically for a water particle to get to a well.

The second Map is the Central portion of Pahrump; the greenish color is the FEMA flood zones. The third map is for Pahrump – South and the fourth map is the extreme South part of Pahrump, showing the rest of the Public Water Systems.

Once the SWP areas were delineated they went and did an inventory on the ground and desktop research. Within and adjacent to the SWP areas in Pahrump 124 sites were identified as potential contaminated sources, generally the ones of most concern are those that are automotive related. An important point is that no potential contaminated sources were identified as an immediate concern. The purpose of this plan is so it doesn't get to that point, so there is no immediate concern or threat to the drinking water. Although NDEP does consider septic systems potential contaminant sources they were not included in this 124 site identify. It is unclear the level of risks that poses the team has decided to not identify them. County wide 244 sites were identified. Natural occurring contaminants like fluoride and arsenic that some of the water systems that parts of the County have to deal with are not part of this program.

The work plan outlines are compiled from previous plans; there were 6 approved Well Head Protection plans for Nye County covering various communities but none of them covering the entire County. This is done as a county wide basis rather than as individual water systems, which is how Well Head Protection used to be dealt with on the State level. Public Water systems, communities, or a whole coalition of communities can get together and apply for funding for these various work plan items. Water systems that have similarities with water resources can get together in order to have the best shot at getting funding and getting work plans done.

NDEP will only consider projects for grant funding from State endorsed community water source protection plans, and they have to be included in the work plan to be considered by the State for funding. All the work plan elements are resource permitting. The endorsement of the plan and support of the plan in no way obligates the RPC, County, Water District or any public water systems within the county for any financial obligation. This is creating opportunities to get funding to do these work plan elements but it isn't an obligation to do that. There are no new regulations or rules that are being proposed in this draft plan. It is a Planning document and to be used as a tool for various organizations.

Ms. Kryder states that one of the main components of the work plan is the Public Education Plan. The Public Education Plan within this draft plan identifies a primary and secondary audience. The primary audience is governing advisory boards and community leaders, the secondary audience being public water systems operators and users. This plan is intended to be a community effort, not

something a consultant will do. Once the comments from various boards are collected they will go back to the Water District board, collect their comments and then present a final draft to the BOCC then hopefully be recommended for endorsement by the State. Once that is done then the implementation of the items will be moved forward and the various entities can try to receive funding. New potential contaminant sources or public water systems are some of the items that should be updated in the maintenance of the plan.

Commissioner Koenig asks how much public participation there was at the previous meetings.

Ms. Kryder stated not as much as they would have liked. They had very little public participation. Most of the time they didn't have anyone show up that wasn't already part of the team. They did have team members speaking to neighbors and colleagues about the plan.

- b.** Discussion and comments from the Pahrump Regional Planning Commission on the Draft Plan; and

Commissioner Hand asks for questions or discussions from the Commission.

Commissioner Hand asks Ms. Kryder about the Executive Section, page 6 at the bottom, it is mainly to do with the Planning Department. They are already doing this with the regulatory reviews, they are already recommending to us if we need to have additional conditions. Commissioner Hand states that he doesn't want it to go where they are tasking them to do more things than they already do now.

Mr. Lacy states that gives them more information. When this stage before this report came out they would have not have known that a parcel of land that was subject to a zoning change was in a source water protection zone for a community well.

Commissioner Hand states that most of our development, for commercial properties is already in a water district. If a factory comes in it will have to have water and sewer.

Mr. Lacy states that if a proposed development or a commercial business is close to a well for that utility it then brings it to their attention and then it may warrant some additional scrutiny if it is in a SWP zone, and it may make additional conditions appropriate for that parcel of land. Like additional monitoring, information exchanges as to what exact chemicals they will be using, additional sampling on the well as we move forward.

Commissioner Hand asks if he is talking about additional requirements other than what the EPA would require.

Mr. Lacy stated that it is information that you can use to determine what is appropriate. In some cases it could be helpful with zoning changes in a certain

area and maybe it will help show it isn't a good area for industrial activities because it is in a capture zone for one of the main wells for a utility. He strongly recommends that staff bring this information to you when it comes forward. In most cases it won't be an issue but having the information available due to the fact that everyone in the valley drinks well water and it is important that we understand where the potential problems are.

Commissioner Hand stated he understands but doesn't want to introduce another level of regulations because we are already covered by the IBC, the EPA. If someone want to move in, for example on Hwy 160 by the well and they meet the requirements of building, Planning does the regulations, and if there are concerns it will be addressed if what they might be doing could affect the water table.

Commissioner Hand asks how far the Maverick gas station is from a well.

Ms. Kryder states that it isn't anywhere near a public water system.

Commissioner Hand states he doesn't want to add another obstruction for new businesses to come in.

Mr. Lacy states that they aren't asking to add regulations. This is an information document that's for your decision making process, as information comes to you and you decide that something isn't worth adding additional restrictions on that is up to you.

Commissioner Hand states he was talking about site development. That is Planning's job and he doesn't want to have another level to go through.

Mr. Lacy states that if they identify something that could be a potential problem then it could potentially come to the RPC. That is always an option with site development plans if you have a problem with one, what is the process to go forward if you have a problem.

Mr. Osborne states if there was something was a requirement and the applicant didn't agree with it they could appeal it. It might go to the RPC but he will have to look. Usually that is something that is a requirement in the code, if there is an issue they could either file a waiver or an appeal.

Commissioner Koenig states that has generally nothing to do with Well Head Protection. He isn't an engineer, but if a dog kennel wants to move in next to a restaurant he then has to worry about the well for the restaurant. He isn't qualified to make the decision to issue a variance or whatever they want.

Ms. Kryder states this is a reason why the Source Water Protection Areas have been delineated. So that they already have the tools and it is a matter of just looking. They aren't proposing any new regulations or rules. Some of the things can be as simple as handing out a brochure stating they are going to be right next

to a Public Water Systems and some best management practices you can be aware of.

Mr. Lacy stated that this group will also be looking at the Master Plans and changes in zoning to large areas. If you take an area that is currently zoned Rural Residential and it has a well and if someone comes to you with a subdivision or a zoning change for Industrial for that area it behooves us to know that information and so we can ask questions, like what chemicals will be using on his site, the volume of the chemical and are those things that have a potential problem if they were to get into the well water. If we decide to give the applicant the zoning change that they request it will give you the opportunity then ask questions or bring in staff. We do have Geologists and Hydrologists on staff that you could ask questions of or send it to the Water District and say you don't think you are qualified to make these decisions can you please make recommendations to us.

Commissioner Hand asks Mr. Osborne if he is comfortable with this and if it would be putting new burdens on potential people.

Mr. Osborne states yes, that it sounds like the most of the potential contaminant businesses like gas stations which would require a Conditional Use Permit anyways which come to the RPC. It wouldn't be too hard to add a section into the staff report that describes the location of the nearest community source water.

Mr. Lacy states that the only other recommendation Ms. Kryder had from that was that if there was a well nearby that they notify or ask the well owner for comments. The normal notification may only be 300 ft and if it is appropriate we notify the adjacent well owner.

Commissioner Koenig asks that if the well is within 300 ft wouldn't they be notified anyway.

Mr. Lacy states that if it is within 300 ft they will be notified but it isn't within 300 ft that they still are notified also.

Ms. Kryder states when we are talking about restaurants or churches their pumping rate isn't very large so their capture zones aren't very big but when you talk about other utility companies their capture zones are a lot larger.

Commissioner Hand asks for a motion.

Mr. Watkins states it is an action item and public comment needs to be heard.

c. Discussion and possible action to approve a letter of support for the Draft Plan.

Public Comment opened and closed at 6:45 p.m. with no comments.

Commissioner McCall motions to approve a letter of recommendation for the Draft Plan.

Commissioner Koenig seconds.

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

Yes: Goode, Hand, Koenig, McCall, Parker.

Abstain: Hafen.

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

Next meeting will be October 10th.

Commissioner Hand asks if we did or did not do a study on Humahuaca.

Mr. Osborne stated yes they did, it was recommended and determined that those lots really should be Neighborhood Commercial and not General Commercial based on their size. General Commercial is intended for larger lots like Walmart. The decision was to go with Neighborhood Commercial.

Commissioner Hand asks for Mr. Osborne to review that to make sure.

Commissioner Parker stated she believes they went to Neighborhood Commercial was because with the size of the lots it was impossible to meet the General Commercial setbacks.

Mr. Lacy stated that was one of the issues and staff has discussed ways to resolve that. Had discussions with PW for on street parking as an alternative and making a special commercial zone in that area. There are more issues to resolve before bringing it before the board for approval.

Commissioner Hand stated that they would like information and not an action item to look at it. If there is something they can do they will do it but if there isn't then they can't.

Commissioner Koenig asks what the Master Plan committee is doing with that area.

Commissioner Hafen asks Mr. Osborne if that is part of the area they haven't looked at yet.

Mr. Osborne states that is part of the core area and they haven't finished the review on that area yet.

Commissioner Hafen stated that will be looked at soon.

Mr. Lacy asks if Neighborhood Commercial and General Commercial could fall into the same master plan zone.

Mr. Osborne stated yes, Neighborhood Commercial allows a lot of office, restaurant and retail, but not check cashing businesses.

Mr. Lacy stated that as Commissioner Parker stated that the lots are too small for General Commercial that is why they looked at maybe a special district there that might include some on street parking or some other changes to meet the unique requirements.

Commissioner Parker stated that we changed it which meant a used car lot couldn't go there. It then came back to RPC and it was changed two different times.

Mr. Lacy stated that there are several other areas in town that are within the legacy of Preferred Equities that have small commercial lots that it might behoove us to find a different zoning district to meet their needs.

Commissioner Hand asks Mr. Osborne if he has anything on the two items that they tasked him with last time.

Mr. Osborne stated no, that they should have something for them next month.

9. **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.)

Opened at 6:50 p.m.

George Romero stated that if you look into the types of businesses that fit into General Commercial, retail, and coffee shops you are saying they don't meet the requirements due to parking. A lot of the parking issues with the Planning Department and Building Department are based on occupancy you have to look into that also, not just because the lots are smaller doesn't mean they aren't going to meet the parking requirements because it is based on the occupancy. There are a lot of things he thinks are inconsistent with that area, you can have all your requirements with the parking and still have it General Commercial for all the businesses and potential businesses that want to come there. You can say you have to have a certain amount of parking and they would have to accommodate by buying another lot. That would be in the future part of the development. The other thing that GC allows is to build lot line to lot line. GC has no set backs on either side. When you have a small business that has to have GC zoning they come down here and just run into a brick wall.

Public comment closed at 6:52 p.m.

10. **Adjournment.**

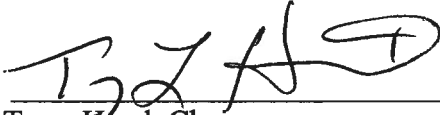
Commissioner Koenig motions to adjourn, and Commissioner Hafen seconds.

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

Meeting adjourned at 6:53 p.m.

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



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