

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE JANUARY 10, 2018 MEETING**

Members in Attendance: Gregory T. Hafen II
Beth Lee
Derek Fowler
Leah-Ann DeAnda
Leonardo Blundo
Robert Adams

Members Absent: Gary Bennett

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

District Attorney's Staff: Ronni Boskovich

Public Works Staff: Tim Dahl

Other Attendees: Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
C of O	=	Certificate of Occupancy
CUP	=	Conditional Use Permit
DA	=	Development Agreement
DDA	=	Deputy District Attorney
FAM	=	Final Action Memorandum
GC	=	General Commercial
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PUC	=	Public Utilities Commission
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
SUP	=	Special Use Permit

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:00 pm.

2. Public Comment (first) – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Opened and closed at 6:01 pm with no comments.

3. For possible action - Approval of Minutes:

- a. PRPC Special Meeting – November 21, 2017

Commissioner Lee motioned to approve with changes given to staff. Seconded by Commissioner Blundo.

Commissioner Adams stated on page 3, he meant to say “we can’t change the code but we do have the discretion to look at provisions of code.”

Celeste Sandoval stated she would go back and listen to the recording.

Commissioner Lee amended her motion. Commissioner Blundo amended his second.

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

Yes: Beth Lee, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Leonardo Blundo, Robert Adams.

Absent: Gary Bennett.

b. PRPC Meeting – December 13, 2017

No minutes provided for approval.

4. For possible action - Approval of / Modifications to the Agenda: **Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.**

Commissioner Hafen will be pulling and removing Item # 14, this item was heard by the BOCC.

5. **Correspondence and Announcements**

Commissioner Bennett is not in attendance due to illness.

Commissioner Adams stated on the 16th at 5 pm the BLM is having an RMP public input session at the Pahrump Nugget. The 2014 RMP has been brought back but has had a number of significant changes, and can be viewed at the BLM website.

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

a. BOCC Liaison Report - BOCC Liaison – John Koenig
None.

b. Director’s Report

Brett Waggoner stated they have been putting up orange stickers on signs that are in violation. Planning staff went out and concentrated on Calvada Blvd and Hwy 160. Signs that were removed were in the road ROW or on BLM property. There were other signs that were stickered as being in violation. He does believe there will be a press release. They are going to concentrating on businesses that are no longer here as well as those creating a danger by being in the ROW. Staff will also implement monthly planning department activity report within the Directors report. This will update the commission on what we are currently working on. There is a 2017 summary for applications. We processed 1524 applications in total. There were 347 building permits issued that were tied to some of those applications. Code enforcement had catching up with old complaints, new complaints were 388 that were touched. This report will come to the board on a monthly basis. As a follow up there was a MP-2017-000007 with ZC-2017-000018 RPC recommended approval and BOCC approved both of those. CU-2017-000045 had a refund request to the BOCC which was denied.

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

None.

8. **For possible action – CU-2017-000040 (Continued from the December 13, 2017 meeting):** Public hearing, discussion, deliberation and possible action on a Conditional Use Permit application to allow a Body Art establishment on property zoned General Commercial (GC). This will allow the High Class Smoke Shop to expand its current operations to include Body Art (Tattoo) services located at 1500 E. Nevada Hwy. 372. The establishment is in the General Commercial (GC) Zoning District, further described as Calvada Valley U.6 Lot 16 Block 2, AP# 038-271-03. Bedson LTD Partnership – Owner. Khair Pash Fazal – Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (JE)**

Joseph Ehrheart reviewed his staff report, the RPC requested a re-inspection and stated the Fire Chief found that the employee break room was corrected, the storage area that the employee was sleeping in was corrected but found a couple other things that hadn't been addressed and a concern that they were not fixed. Those were the blocked electrical circuit panels, partially locked rear emergency exit door and extension cords used as fixed wiring in the show cases. There was no reason these should have been ignored and not corrected. Staff has received an email that the High Class Smoke Shop was for sale and the ad is included in the back up. Mr. Fazal came into the office and it was discussed, it was asked if he was selling the whole business and Mr. Fazal stated yes. The ad states there are tattoo spaces but doesn't mention that a CUP has been issued or approved, and it currently hasn't. Staff is recommending denial of the application.

Commissioner Blundo asked if the fire inspection was approved?

Mr. Ehrheart stated Chief Lewis did not state if they passed but that there was still infractions.

Commissioner Adams stated we are looking at appropriate land use, correct.

Mr. Ehrheart stated correct.

Commissioner Adams stated these other matters will be addressed by Chief Lewis and by Building and Safety. There are four departments he needs to go through for this and clear.

Khair Fazal, applicant stated he was there last week and talked with the inspector with the few violations that he didn't know until he reminded him. He went back and fixed them and they aren't a big deal. There were only a couple cases by the door and those were moved and have plenty of space. There is another sink for tattoo and he put the business for sale. If he doesn't get the tattoo it is too big for just the smoke shop and he will sell it.

Commissioner Fowler asked the applicant if he has read and understood the conditions of approval, and that they are amenable.

Mr. Fazal stated yes.

Commissioner Adams stated to the applicant the approval of the CUP doesn't allow him to lease the area for the tattoos, he will have to have Chief Lewis and Building and Safety come out and the Health Department will be involved and permits obtained.

Mr. Fazal stated he has been in business for a long time, he is familiar with the inspections and rules. He is ready for any inspection that comes in the future.

Commissioner Hafen asked if the applicant has seen the staff report recommending denial.

Mr. Fazal stated yes.

Commissioner Hafen asked if the applicant has seen the findings that the board needs to find in favor or in objection.

Mr. Fazal stated definitely.

Commissioner Hafen stated he finds it hard to find findings for the business after the items that were asked to be addressed haven't been by the meeting.

Commissioner Blundo asked Mr. Fazal if he was attempting to sell with tattoo or stating you have the ability to go into the tattoo business.

Mr. Fazal stated he was hoping to get the license to continue his business. The building is too big, he needs to put another business in there. His lease says he is allowed to have a tattoo. He knew he had to be prepared to sell it if he didn't get the license.

Public comment opened and closed at 6:21 pm with no comments.

Mr. Fazal stated he would like the board to give him the opportunity to do tattoos and continue his business.

Commissioner Blundo motioned to deny CU-2017-000040 based upon findings in the staff report. Seconded by Commissioner DeAnda.

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

Yes: Beth Lee, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

9. **For possible action – ZC-2017-000020:** Public hearing, discussion, deliberation and possible action on an application for a Zone Change from Mixed Use (MU) to General Commercial (GC), on approximately 1.1 acres of property located at 3400 S. Nevada Highway 160, further known as Calvada Valley Unit 1 Subdivision, Block 1, Lot 16, Township 20 South, Range 54 East, Section 30. Assessor Parcel Number 042-391-04. Rockingham Capital Nevada, LLC – Property Owner. Mega Motors – Applicant. Christopher Howard and Gueorqui Gantchev – Agents for Mega Motors. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for February 20, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced) (SO)**

Steve Osborne reviewed his staff report, they are requesting a ZC to GC for an auto sales lot. The requesting zone change is in conformance with the existing Master Plan. Staff is recommending approval of the application.

Christopher Howard, agent. They have three businesses in Las Vegas and bringing a business to Pahrump. They will offer \$4,000 to \$40,000 midrange trucks, primarily diesel. They are looking to employ 3 to 4 people within the community and an inventory of 25 to 35 car inventory. Hours of operation will be 9 am to 7 pm, Monday through Saturday in compliance with DMV.

Commissioner Hafen asked staff if they will still have to go through site development and meet all landscaping, and lighting codes with the property.

Mr. Osborne stated correct, and meet all building codes and receive a C of O.

Commissioner Hafen stated he would just like to make sure the applicant understands they are only starting here, there are more steps to complete.

Mr. Howard stated they found out about the MU zoning after signing the lease. They dealt with Dr. Gunter with the lease agreement and they are coming to the board first then proceed to the other parties involved.

Commissioner Blundo asked if there are any affiliation between them and with Affordable Auto.

Mr. Howard stated no they are two separate business completely. They will run under a DBA of Mega Motors.

Public comment opened and closed at 6:31 pm with no comments.

Commissioner Hafen stated for the record he would like to disclose that Dr. Gunter is a standby customer of his under a different LLC and Rockingham Capital is in the process of annexation with him and he will recuse himself from voting on this matter.

Commissioner Blundo motioned to approve ZC-2017-000020 based upon findings and subject to everything in the report. Seconded by Commissioner Lee.

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

Yes: Beth Lee, Derek Fowler, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

Abstain: Gregory T. Hafen II.

10. For possible action: Discussion, deliberation and possible direction to staff regarding the definition of “start of construction.”

Mr. Ehrheart stated this is a draft form of previous conversations and it presented for the boards review.

Commissioner Hafen asked if this has been before the BOCC yet.

Mr. Ehrheart stated no.

Commissioner Hafen asked staff if the implementation of this would be moving forward or retroactive.

Mr. Waggoner stated it would be moving forward as soon as it was ratified by the board.

Commissioner Koenig stated he has an issue with substantial, he doesn't know what substantial is. We don't define it, but more questions answered before it gets to the BOCC the better.

Commissioner Hafen asked if he recommends they strike substantial and just put includes improvements?

Commissioner Koenig stated because he doesn't know what substantial means he doesn't know what the intent was.

Commissioner Fowler stated they clearly defined what construction doesn't include, it would behoove the BOCC if we brought them specific language with a specific point in construction that an applicant must reach when we hold them to that standard.

Commissioner Hafen stated he thinks we would be okay removing the word substantial. We further define the intent and meaning of the actual start date. What isn't included is the installation of streets.

Commissioner Lee stated she isn't sure if it is the building code or not, but something defines substantial improvements at 50% of the value of the structure or the dwelling. There is a benchmark out there in another code. They could state if what they are doing is 50% of the value of the structure you are doing a substantial improvement. And set that as the benchmark and it would fall in line with other codes we follow.

Commissioner Hafen asked staff if we took the FEMA definition, do we want to add in the definition of substantial improvement.

Commissioner Lee stated yes.

Brett Waggoner stated there is a point where they will have a building permit, but the first inspection that would be required is before they pour the slab, which is a logical place to start.

Commissioner Adams asked if the 180 days from the zoning approval or the issuance of a building permit.

Mr. Ehrheart stated from when the building permit was issued.

Commissioner Adams stated to put that language in there.

Commissioner Lee stated the way she interpreted substantial improvements pertained to existing structures or existing development on a property. If someone has an existing structure you won't have them pouring a slab and triggering start of construction.

Commissioner Hafen stated their intent was they didn't want people pulling a grading permit, moving shrubs and then not doing anything else.

Commissioner Hafen stated Pahrump Utility Company has a CUP for a waste water treatment plan, your comment that 50% is probably too much. His facility is built to 800 thousand gallons a day. They have approval for 2.6 million between the CUP with Nye County and through NDEP, they aren't at 50%.

Commissioner Adams stated an exception might be an RV park, a slab won't be going down, but infrastructure will be the biggest expense. A big RV park won't be done in 180 days.

Commissioner Hafen stated he would like to see this come back and there isn't an understanding of substantial. He would like the statement under "permanent construction does not include" to strike streets. If we can obtain streets it should count as a substantial improvement.

Commissioner Blundo asked staff to have a tiered system so they have a barometer instead of a one size fit all on the 50%.

11. **For possible action:** Discussion, deliberation and possible direction to staff regarding the permitting and construction of accessory buildings & structures prior to establishing the principal dwelling on residential parcels.

Mr. Ehrheart stated this was discussed last month and the board requested they revise the section 17 – C. They changed the start of construction, it was removed, put in accessory use building, structures, storage of RVs are allowed prior to the installation of principal structures only when all applicable permits have been issued and impacts have been paid in conjunction of the construction of the principal structure.

Commissioner Hafen stated some of the farms have been zoned Residential. Most farms out here don't have a home on them, just a barn or a shop. He would like to see an exemption for farms.

Commissioner Adams stated some farms are on multiple parcels with the main home on a different parcel than the barns.

Mr. Waggoner stated principal structure isn't defined.

Ms. Boskovich stated that is one issue that the DA's office found.

Commissioner Hafen stated they need a definition of principal structure and an exemption for active farms.

Mr. Waggoner stated there are also waivers.

Commissioner Koenig stated he still has issues with 17 – B. If someone wants to store their motorhome on their lot but it doesn't fit so they want to build a garage on their other piece of property, but they won't be able to.

Commissioner Hafen stated if we are bringing this back we need to define principal structure.

Meeting went into recess at 6:55 pm.

Meeting reconvened at 7:02 pm.

12. **For possible action:** Discussion, deliberation and possible direction to staff regarding NCC 17.04.925 Temporary Use Permits.

Mr. Osborne stated under page 2 paragraph C, during permanent construction of a dwelling has been clarified. As long as you are building the house and have a valid building permit you can continue to stay in the RV. The TUP is good for one year and renewable for as long as you are making progress on the house and have a valid building permit. On page 3 – if you want to live on your property without a TUP you can stay for 7 days. If you want to stay for longer than 7 days you need a TUP and have water supply and sewer disposal. The industrial hemp section has been removed. Under page 4 there were changes, farmers market and events are 52 days per year. RV, boat and auto sales were changed to match the DMV with 6 times per year, Christmas tree lots changed from 40 to 50 days. For clarification the Dust Control regulations within the PRPD even a temporary sales event cannot be on a dirt lot.

Commissioner Hafen stated pumpkins and maybe Christmas tree sales in regards to the dust ordinance. Can parking be on pavement and the lot be dirt where the pumpkins or trees will be.

Mr. Osborne stated area for vehicle parking must have the dust palliative, pavement etcetera.

Commissioner Hafen asked for clarification if it were RV sales it would also have to have dust control.

Mr. Osborne stated yes.

Commissioner Blundo asked for clarification on page 3 recreational vehicle within residential districts. Will this have any impact on current RV parks?

Mr. Osborne stated this wouldn't be for an RV park, but an individual lot zoned residential.

Commissioner Koenig asked how this effects the snowbirds coming in for 3 or 4 months who owns his own land with utilities.

Mr. Osborne stated it would affect them, it is written for 28 days per year, maximum. It could be increased though.

Commissioner Adams stated as long as they have a principal building on the parcel there isn't a problem.

Commissioner Hafen asked if there was a recommendation to increase the 28 days.

Commissioner Koenig stated 4 months sounds good to him.

Mr. Waggoner stated the concern is the disposal of waste.

Commissioner Koenig stated it would have to be contingent that all the utilities are on the lot. If he is parking on a bare piece of land 28 days is too many.

Commissioner Hafen stated it states anything longer than 7 days shall require connection to a permanent waste water disposal system and an approved permanent water system. He is fine with the 4 months.

Commissioner Blundo stated he would like it to change to 180 days.

Commissioner Koenig asked if they can renew the permit.

Mr. Osborne stated there is a renewal under the permanent dwelling construction.

Commissioner Koenig stated there should be something in there because they will try and renew it. Whether there is one renewal or none.

Commissioner Hafen stated for clarification they can use the RV for 7 days, not exceeding 28 days per year without a TUP. Anything between 28 days and 120 days would require the TUP, any occupancy over 7 days would require connection to a waste water disposal system and permanent water supply.

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

Commissioner Blundo motioned to recommend approval with changes to the BOCC. Seconded by Commissioner Adams.

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

Yes: Beth Lee, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

13. For possible action: Discussion, deliberation and possible direction to staff regarding Sign Regulations.

Cheryl Beeman stated she supplied an annotated version of the existing sign regulations 17.04.770 with staff comments. The City of Henderson has a very good sign ordinance and that has been included in back up with highlights that we could possibly pick up in our ordinance.

Commissioner Hafen stated he appreciates the efforts that have been taken to look at this and placing orange stickers and removing the illegal signs that have been put up.

Commissioner Lee stated on page 2 where the comment is about improving the language, in addition can there be something included on the brightness of illuminated signs.

Commissioner Hafen agreed with Commissioner Lee stating he would also like the lighting ordinance brought back as well in the next few months.

Commissioner Koenig stated some parts of the Henderson Ordinance is applicable to Pahrump, and we could incorporate some of their code into ours.

Ms. Beeman stated we don't have a design review committee so that won't be taken over, we don't regulate window signs, those portions of the Henderson code we could delete and not worry about at this time. They have a good abandon sign section.

Commissioner Hafen stated he likes the language on graffiti signs. We don't have a clear enough definition.

Commissioner Blundo stated he would like staff to look through a rural lens and remember this is Pahrump.

Commissioner Fowler stated under Maintenance requirements in the Henderson Code after damage, it says repair must be done immediately. Some mom and pop shops may not have liquid cash to repair something like that immediately and if we can set 30 days to repair instead.

Commissioner Hafen agreed, we need to provide longer than 24 hours to fix the problem.

Ms. Beeman stated she will have something prepared for next month's meeting.

14. **For possible action:** Discussion, deliberation and possible direction to staff regarding domestic wells/water supply requirements.
Item pulled.

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

Commissioner Hafen stated they will have the Code Compliance Manual on the next meeting. He would like an overview of how things are being followed up.

Next meeting is February 14, 2018 at 6:00 pm.

Commissioner Fowler stated he will be traveling for work that week and will be unavailable for the next meeting.

Mr. Waggoner stated in talking with Mr. Lacy if the RPC would like to entertain something ordinance wise that might require a disclosure for real estate sales as to what the water situation is, If there are water rights tied to the parcel or not, or if they are in a Utility Service area.

Commissioner Hafen asked for clarification that they are asking the applicant when they submit to provide us with the permit number acknowledging the water right situation or are they asking for staff to determine whether or not water is associated with the parcel.

Mr. Waggoner stated he is looking for something that would require a disclosure to a buyer on a parcel of land what the water situation is.

Commissioner Adams stated a disclosure in the sale contract.

Mr. Waggoner stated correct.

Commissioner Koenig stated for any buyer looking to buy a home through a realtor, he isn't sure we would want to go there.

Commissioner Hafen stated he attended a realtors meeting and they are already working on a document. This isn't something the RPC should be involved in.

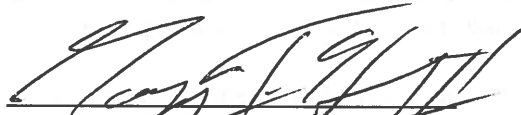
Public Comment:

16. **Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 7:33 with no comments.

17. **Adjournment.**

Meeting adjourned at 7:33 pm.



Gregory T. Hafen, II, Chairman
Pahrump Regional Planning Commission



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