

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE APRIL 25, 2018 MEETING**

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

Members Absent: Derek Fowler
Gary Bennett

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

District Attorney's Staff: Ronni Boskovich

Public Works Staff: Cody McKee

Other Attendees: Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
ATB	=	Amargosa Town Board
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
DA	=	Development Agreement
DDA	=	Deputy District Attorney
MH	=	Manufactured Home
MHP	=	Manufactured Home Park
NCC	=	Nye County Code
NRS	=	Nevada Revised Statues
PRPD	=	Pahrump Regional Planning District
PUC	=	Public Utilities Commission
RE	=	Rural Estates Residential
RH	=	Rural Homestead Residential
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
VR	=	Village Residential

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:00 pm.

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

Public comment opened and closed at 6:01 pm with no comments.

3. For possible action - Approval of Minutes:

a. PRPC Meeting – March 14, 2018

Commissioner Lee stated she turned in some minor typos to Celeste.

Commissioner Lee motioned to approve including the corrections submitted to staff. Seconded by Commissioner DeAnda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

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Commissioner Hafen stated there are some items that need withdrawn and asked staff if those will be done at the time of the item.

Brett Waggoner stated yes, those will have to be opened and withdrawn.

5. **Correspondence and Announcements**
None.

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

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

- b. Director's Report

Mr. Waggoner stated the total applications received and processed at the counter for the Month of March was 145. Building Permits were lower than last month. 24 SFR and 26 MH permits were pulled. There is no report for Code Enforcement this month because we have been doing some purging. Previous items are Bill drafts and three were presented to the BOCC at the April 17th meeting that received approval and will be going into effect May 7th. One was the Bill 2018-02 Temporary Use Permits.

Commissioner Hafen asked for clarification that there was a minor deletion by the BOCC to make things a little more flexible.

Mr. Waggoner stated there was and that has been made. The other Bills were 2018-05 Accessory Structures and 2018-06 Start of Construction definition.

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

Commissioner Adams stated he has no financial stake but uses the Spring Mountain Recreation area regularly, by OHV. This plan could impact his access to be able to ride from his garage to the public land.

Commissioner Hafen stated when they get to the item he will address the issue and make sure it is still accessible by OHV.

8. **For Possible Action – WV-2018-000066 (continued from the March 14, 2018 Meeting):**
Public hearing, discussion and deliberation on a Waiver Application to allow a ten foot (10') front setback for a detached accessory structure (carport) where a twenty foot (20') front setback is required, and to allow a five foot (5') building separation between the proposed carport and the existing single-family residence where a ten foot (10') separation is required, for property located at 5971 E. Grain Mill Road, further known as Cottonwoods at Hafen

Ranch Subdivision Phase 2, Block 4, Lot 9, zoned Village Residential (VR-20). Assessor Parcel Number 043-122-09. Joseph W. Lakoskey Revocable Trust – Property Owner/Applicant. Cunningham Construction / Allen Cunningham – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

Steve Osborne stated this item has been resolved administratively and the applicant has requested it to be withdrawn and staff is recommending the item be withdrawn.

Commissioner Hafen asked if this needs to be withdrawn without prejudice.

Mr. Osborne stated it can be but they have no intentions of reapplying for this waiver.

Commissioner Lee motioned to withdraw WV-2018-000066 without prejudice based on the request of the applicant and staff's recommendation. Seconded by Commissioner DeAnda.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

9. **For Possible Action – ZC-2018-000021:** Public hearing, discussion and deliberation on an application for a Conforming Zone Change from General Commercial (GC) to Rural Estates Residential 1-acre minimum (RE-1), on approximately 1.07 acres of property located at 2841 E. Silver Street, Calvada Valley Unit 14, Block 27, Lot 10, Assessor Parcel Number 041-363-06. Paul C. Fowler – Property Owner/Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for May 15, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced.) (CB)**

Cheryl Beeman stated the applicant has requested to withdraw the application and that is staff's recommendation.

Public comment opened at 6:10 pm.

Paul Fowler stated the reason for his withdraw request is after speaking with the neighbors who have 7 lots around his think it is worth more as commercial and not residential. It doesn't have water rights if it is commercial and it would if it is residential. He doesn't want his neighbors upset with him so he has requested to withdraw.

Commissioner Hafen asked Mr. Fowler if he would like it withdrawn without prejudice.

Mr. Fowler stated he doesn't know what that means.

Commissioner Hafen stated it means he can come back within a year if he so chooses.

Mr. Fowler stated that is fine.

Public comment closed at 6:11 pm.

Commissioner Adams motioned to accept the withdrawal of ZC-2018-000021 without prejudice. Seconded by Commissioner Lee.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

10.

- a. **For Possible Action – MP-2018-000008:** Public hearing, discussion and deliberation on an application for a Minor Master Plan Amendment to change approximately 604.86 acres from BLM Disposal Nomination to Special Plan of Development on property generally located at 2831 S. Nevada Highway 160, Pahrump, Nevada. A portion of Assessor Parcel Number 027-441-09. United States Department of the Interior, Bureau of Land Management – Property Owner. Nye County – Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for May 15, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced.) (CB)**

- b. **For Possible Action – ZC-2018-000022:** Public hearing, discussion and deliberation on an application for a Conforming Zone Change from Reserve (R) to Heavy Industrial (HI) with Special Projects Overlay (SO) on approximately 604.86 acres of property generally located at 2831 S. Nevada Highway 160, Pahrump, Nevada. A portion of Assessor Parcel Number 027-441-09. United States Department of the Interior, Bureau of Land Management – Property Owner. Nye County – Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for May 15, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced.) (CB)**

Cheryl Beeman reviewed her staff report. The parcel is over 13,000 acres and abuts quite a few properties in the Pahrump area. The portion is 604 acres of this property that is being proposed for change. It is in Flood Zone X and is alluvial fan flooding in the new preliminary maps from FEMA and remains in Zone X. As Development happens it will go through the development processes. This will require a super majority vote.

Ronni Boskovich stated that is correct, it will require all 4 members to vote in the affirmative.

Ms. Beeman stated in the application to the BLM they were concerned with water use related to land use. They have added 5 special conditions of approval with the help of Spring Mountain Raceway to help assure the BLM that they too are committed to low water type of development.

Commissioner Hafen stated he does see the 5 special conditions and would like those read into the record.

Ms. Beeman stated #1 there shall be no additional single-family residential development on the subject land. #2 Development must be compatible with a motorsports racetrack, adjacent single family residential development and potential development of the community college. #3 To assure compatibility of development of the racetrack, the Developer shall be required to provide buffers between adjacent disparate uses. #4 Maximum allowed water use on the entire 604 acres shall be restricted to 50 acre-feet annual. Compliance with the Groundwater Management Plan dedication of water rights or mitigation of all water use shall be required at the Site Development Plan Review stage. #5 Development shall require a Development Agreement, Amending the existing Development Agreement or a Conditional Use Permit, (no permissive uses).

They are going on record with the BLM to say even though it is HI with the SO there are no permissive uses.

Commissioner Hafen stated if he understands the staff report correctly the land that is being changed and MP being proposed is 13,000 acres.

Ms. Beeman stated the entire BLM parcel, yes.

Commissioner Hafen stated though the portion that Spring Mountain has a BLM application is only 600 acres not the 13,000 acres.

Ms. Beeman stated that is correct.

Commissioner Hafen stated any new development would have to come to the RPC for a CUP or the BOCC for a Development agreement. There are no permissive uses.

Ms. Beeman stated within the 604 acres, correct. The rest of the property remains under BLM ownership and it is in our Masterplan as disposal. She hasn't looked at the BLM RMP to see what the status of this parcel is. Any transfer of the BLM land outside of the 604 acres would have to go through the ZC and MP process to transfer to private ownership.

Commissioner Hafen stated including this land.

Ms. Beeman stated yes this land is already in that process.

Commissioner Hafen clarified that all 13,000 acres if any of it wants to be developed has to come back before the RPC or BOCC.

Ms. Beeman stated yes, the community would be noticed.

Commissioner Hafen stated he wanted to ensure that of the 13,000 acres that there still will be OHV access. He would like to see a condition that any development shall preserve the current OHV access points and/or move them so there still is access. He understands these 13,000 acres includes Wheeler Pass, South Wheeler Pass and Carpenter. He believes that isn't included in what Spring Mountain wants to do.

Commissioner Adams stated the best way to address this is designated OHV routes on Wheeler, South Wheeler and Carpenter that they would be losing that riding area that is going to be developed.

Mr. Waggoner asked for clarification that Commissioner Hafen was asking staff if the proposed zone change was for the whole 13,000 acres. The ZC is specific to 604 acres in this 13,000-acre parcel.

Commissioner Hafen stated the maps in the back up show the subject property which is 13,000 acres.

Mr. Waggoner stated they are not changing the zone on the whole parcel.

Commissioner Hafen asked if any of the roads will be affected.

Joel Oscarson, representing Spring Mountain Raceway. They will not be infringing on any of the ROWs. Their property doesn't encroach on any of the roads.

Commissioner Hafen stated he understands and believes there is no need for a special condition.

Commissioner Koenig stated on condition of approval #1 would it be any problem to change that to no additional residential development instead of Single Family Development.

Mr. Waggoner stated staff has no problem with that.

Commissioner Hafen stated if they do approve this they will strike single family.

Commissioner Adams would like to add they are compliant with the federal dark skies legislation.

Commissioner Hafen stated that is already in county code and they would be subject to it.

Commissioner Lee asked for clarification that they will be connecting to water and sewer and not on well and septic.

Mr. Oscarson stated this will not be on well and septic.

Commissioner Lee asked if the 50-acre feet annually is sufficient for the proposed uses.

Mr. Oscarson stated yes, they are amenable to those terms.

Public comment opened at 6:32 pm.

Richard Cantino asked why Cheryl is recommending to the BLM for future disposal of the 13,000 acres.

Commissioner Hafen stated this is public comment they will address the comment later.

Mr. Cantino stated he is against the 13,000 acres to be disposable.

Bonnie Brown asked what is planned down the future and asked if they can show exactly where on the map shown where the property is. A university was mentioned and she wanted to know when that will happen.

Ron Strand stated he recently acquired property on Zuni. He stated he is a mile and ½ away from the 600 acres. He purchased the property so he can enjoy the BLM land. Heavy Industrial can allow serious things that affect every resident in Pahrump. When you take 13,000 acres and put in HI and put it on the Masterplan it will affect people years from now.

Vivian Wilkinson stated the map was erroneous and is concerned with the Heavy Industrial zoning. She would like the categorization by Nye County. BLM disposal on the 13,500 acres is not the place. It should never be on the disposal by the BLM. The rezoning to Reserve to HI might set a precedence for all types of noxious industries.

Heather Gang stated she agrees with Richard and Vivian. We don't need to dispose of more BLM land. More development leads to more water use. When private owners are being asked to buy water rights it is a slap in the face. There should be more desert landscaping and no more artificial lakes on that property.

Public comment closed at 6:44 pm and reopened.

James Snelling stated on the property he sees people who work out there kill coyotes all year. How many gun shots are they going to have now.

Public comment closed at 6:46 pm.

Commissioner Hafen stated he pulled up the masterplan and he doesn't believe all 13,000 acres is for disposal nominations. Are we talking about changing the whole 13,000 designated for disposal or just the 605 acres for disposal?

Mr. Waggoner stated at this point the 13,000 acres is not on a list for disposal by the BLM. All that is being asked right now is the 604 acres that is being asked for by Spring Mountain.

Commissioner Hafen asked for clarification that BLM will not dispose of any of the 13,000 acres unless a ZC and MP amendment come back for the remaining acreage.

Mr. Waggoner stated that is his understanding. Anything they dispose of they do want restrictions on especially when it comes to water usage. That's where the 50-acre feet annually is being added as a condition.

Commissioner Hafen stated one of the conditions, that has been adopted and not effective till May 7th, the Groundwater Management Plan was adopted by the BOCC and this property will be subject to that. The concern for excessive water usage will be addressed by the NCWD and the BOCC. The RPC recommended the passage of very strict water conservation ordinance that has been approved and in effect. Great Basin College was mentioned and would about this. This land was granted to the campus by the government.

Commissioner Koenig stated this is costing us \$16,000 and would like Russ Meads to address this issue.

Russ Meads stated a typical cost of a zone change for this size parcel would cost around \$17,000 and rather than making the county and citizens absorb that cost they want to make sure they take care of the cost.

Commissioner Hafen stated hopefully that can be taken care of in the DA.

Mr. Meads stated he thinks it has to actually become disposable to do that.

Commissioner Koenig stated it will be brought up when it gets to the BOCC.

Commissioner Hafen stated he doesn't want this to be a condition and leave it to the DA to address it.

Mr. Oscarson stated they are going through surveys from the US Fish and Wildlife Service and certified biologists to go through the land and identify burrows, endangered species and endangered plants or wildlife and archeological surveys and those will be mitigated and placed in areas that are approved by the US Fish and Wildlife Service. In addition to the desert landscape it will be continuous with what they are doing now, the

racetrack uses very low water usage. The lake is open to the general public as an amenity.

Commissioner Hafen stated the map Mr. Oscarson displayed showed a tortoise fence.

Mr. Oscarson stated the entire property will have to be tortoise fenced.

Commissioner Hafen stated any tortoise found will be removed along with their burrows and placed in a safe location.

Mr. Oscarson stated there will be additional retention basins that will replenish the water table.

Commissioner Hafen asked for clarification that they are storm water retention basins and not lakes.

Mr. Oscarson stated not lakes, they are retention basins for flood waters.

Cody McKee stated PW would like to add some language so that ROW on the boundary of the 605 acres is given. It also has alignment with Gamebird, Chromium on the South side that they would like ROW from. Possible S. Nye Street which lies N & S. He isn't sure where the layout of the track will conflict with the ROW but they would like some vague language assuring that they can get ROW where needed.

Commissioner Koenig stated he was in a meeting where he thought Chromium was going away.

Mr. Oscarson stated Chromium is halfway dedicated as is.

Mr. McKee stated there is 30 feet on the Southside.

Commissioner Hafen stated he would prefer this conversation happen in the DA process.

Commissioner Adams stated PW concerns is vaguely addressed under finding #4, by the cost being incurred by the developer.

Commissioner Hafen stated Commissioner Koenig recommended revised language to the special conditions to strike single family under #1 and making sure there shall be no additional residential development on the land.

Commissioner Adams motioned to recommend approval to the BOCC MP-2018-000008 and ZC-2018-00022 based on the findings shown below and the conditions in the report.

Commissioner Hafen stated the motion was to recommend approval subject to the special conditions of approval as amended by Commissioner Koenig.

Seconded by Commissioner Lee.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 4).

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

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

The next meeting will be May 9th at 6:00 pm.

Commissioner Koenig would like something on a future agenda to address the Master Plan. It is getting close to the 5 years we need to have a discussion on how we can get a Masterplan to have a smaller population number so the MP and GWMP agree with population size.

Commissioner Hafen stated they would like to include the Design Corridor as well.

Public Comment:

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

Public comment opened at 7:04 pm.

Bonnie Brown stated within the Masterplan that is going to be reviewed that the term Heavy Industrial uses comes up. It can scare people from moving into the area.

Commissioner Hafen asked Mr. Waggoner to look at a special racetrack zoning that is similar in language to HI that allows them to do the racetrack facilities but not the stigmatism of the HI use on the parcels.

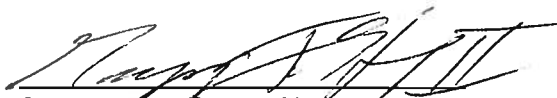
Mr. Waggoner stated for clarification that the special overlay was added to limit what they can put on the property.

Vivian Wilkinson stated she would like to see the 13,000 acres off the disposal list. If we don't get rid of Heavy Industrial be reworded to not be so negative.

Public comment closed at 7:11 pm.

13. Adjournment.

Meeting was adjourned at 7:11 pm


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


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