

**JOINT MEETING OF THE PAHRUMP REGIONAL PLANNING COMMISSION AND THE  
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE  
MINUTES OF THE JANUARY 13, 2021 TELECONFERENCE**

Members in Attendance: Beth Lee  
Leah-Ann DeAnda  
Carol Curtis  
Pamela Tyler  
Tom Duryea  
Robert Blackstock  
Walt Turner

Members Absent:

Planning Staff: Brett Waggoner  
Celeste Sandoval  
Steve Osborne  
Qiana Medici

District Attorney's Staff: Michelle Nelson  
Marla Zlotek

Public Works Staff: Tyler Mulvey  
Tom Bolling

Other Attendees: Commissioner Carbone

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
FEMA	=	Federal Emergency Management Agency
GC	=	General Commercial
MH	=	Manufactured Home
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
ROW	=	Right-of-Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
ZC	=	Zone Change

**1. Pledge of Allegiance/Call to Order**

Called to order at 6:01 pm.

**Roll Call.**

**Present:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Tom Duryea, Walt Turner.

- 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 6:04 pm with comments.

**3. For possible action - Approval of Minutes:**

- a. PRPC Meeting – November 18, 2020
- b. PRPC Meeting – December 9, 2020

Commissioner Lee stated she turned in some minor corrections to staff.

Public comment opened and closed at 6:05 pm with no comments.

**Motion:** minutes with corrections as stated, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded** by Robert Blackstock.  
Motion passed unanimously.

**4. For possible action - Approval of / Modifications to the Agenda:** Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.  
None

Public comment opened and closed at 6:06 pm with no comments.

**Motion:** as posted, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Leah-Ann DeAnda.  
Motion passed unanimously.

**5. Correspondence and Announcements**

None.

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

- a. BOCC Liaison Report - BOCC Liaison – Frank Carbone  
None
- b. Director’s Report

Planning applications received for December was 136 which was 4 less than last month. Total applications processed 177 which was 76 more than last month.

Building Permits for December: 66 SFR which is 36 more than last month, 2 MH which was the same as last month. MH had 33 which is 7 less than last month and total applications all categories was 231 which is 3 less than last month. Total inspections were 512 which was 139 more than last month. Since July 1 they have had 241 SFR permits, 183 MH permits. This time last year they only had 173 SFR and 139 MH.

Code Compliance there was 19 new cases which was 5 more than last month and closed 20 which was 10 less than last month.

Previous items heard by the RPC: TA-2020-000025 amending the Dust Control Regulations – definitions defining the compliance review committee was recommended for approval at the 10/14/2020 RPC meeting, TA-2020-000026 amending Title 17.04.070 Enforcements and Penalties adding in subsection E, was recommended for approval at the 10/14/2020 RPC Meeting these two were heard at the 12/15 BOCC meeting and approved. TA-2020-000027 Penalties for Unpermitted work amending title 15.16.110, subsection B was recommended for approval at the 10/14/2020 RPC meeting and has been continued to the second meeting in February. ZC-2020-000048 and ZC-2020-000051 were recommended for approval at the

11/18/2020 RPC meeting, were both heard at the 12/15/2020 BOCC meeting and approved. ZC-2020-000050 was heard at the 12/09/2020 BOCC meeting and was recommended for denial, this item will be heard by the BOCC at the 1/20/2021 BOCC meeting. CU-2020-000106 and WV-2020-00125 were heard at the 12/9/2020 RPC meeting and were denied. These items have been appealed to the BOCC and will be heard at the 1/20/2021 BOCC meeting. WV-2020-000126 was heard at the 12/9/2020 RPC Meeting and was approved with a recommended condition as stated in the staff report. We have received an appeal application to appeal the RPC decision and the applicant is now not happy with the conditions even though he agreed to them on the record. It will be heard at the second BOCC meeting in February.

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

None

8. **Public Hearing - AC-2020-000020:** Discussion, deliberation and possible action on an Address Renumbering for 344 parcels on Mount Charleston Drive for the following affected APN's: 038-574-13 through -24; 038-601-01 through -13; 038-611-01 through -19; 038-621-67 through -86; 038-691-14 through -23; 039-512-01 through -16; 039-521-01 through -13; 039-532-12 through -20; 039-632-14 through -22; 039-642-08 through -16; 039-762-10 through -15; 040-011-01; 040-012-12 through -22; 040-062-13 through -25; 040-131-07 and -08; 040-142-13 through -25; 040-192-14 through 22; 040-231-06 and -07; 040-232-04; 040-351-18; 040-362-11; 042-081-11 through -14; 042-091-01 through -08; 042-193-13 through -23; 042-181-01 through -36; 042-213-01 through -07; 042-284-05 through 08; 042-285-06 through -10; 042-291-18 through -34; 042-352-01 through -08; 042-361-34 through -56; 042-462-01; 042-462-02 through -10; 042-471-12 through -24; 042-472-01 through 12; 042-482-02 through -12; 042-503-01; 042-544-01 through -06; 042-521-01; 042-531-01 through -07. Nye County Assessor – Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners.) (BF)**

Byron Foster stated the RPC previously determined that a major addressing issue existed along Mt Charleston drive. All 357 addresses on Mt. Charleston Drive are not up to the Nye County Addressing standards. Anyone can appeal the decision of the RPC to the BOCC within 30 days of the action of the RPC.

Commissioner Lee asked for clarification that this is primarily because of a safety issue with 911 responders having issues finding the addresses in conjunction with mail and package deliveries.

Mr. Foster stated that is correct.

Commissioner Lee asked Mr. Foster if approved how these changes will go out to the appropriate agencies.

Mr. Foster stated the USPS are notified to update their database, FedEx and UPS usually obtain the USPS database to update their records. Google has not signed a user disclosure statement to obtain the data. Anyone effected will have to contact anyone that would need to be updated. The BOCC will make the final determination. If no one protests it will go forward and the property owners will receive a letter. The USPS will forward mail for up to one year.

Commissioner Lee asked if there are other areas in the Pahrump Valley that will need to be readdressed.

Mr. Foster stated yes, if it is 10 addresses or less he can clean it up, unfortunately this isn't the case. Most other areas he can do 10 at a time and aren't major.

Public comment opened at 6:32 pm.

Gene Donlan resides on Mt. Charleston Drive and stated he wrote in letters against the change. It will take thousands of dollars to change all his legal documents, and update everything with his doctor's etcetera.

Public comment closed at 6:40 pm.

Mr. Foster stated he hasn't spoken to Mr. Donlan and this isn't a duplicate address issue, it is a pre- and post-directional issue. There have been multiple times that people who are for this change have mentioned if they call 911 they end up getting a call back from 911 because they can't find the address. The county will not pay for any of the changes, it is part of the process when issues are identified and need to be fixed for 911 purposes or other issues. As far as current loans, yes you need to let them know of the new address, prior loans nothing changes. Title addresses don't change title it is done by legal only. APNS don't change or transfer title only legal.

**Motion:** Approve the addressing change AC-2020-000020 as presented, **Action:** Approve, **Moved by** Carol Curtis, **Seconded by** Walt Turner.

**Motion passed unanimously.**

9. **For Possible Action – ZC-2020-000052:** Public Hearing, discussion and deliberation on an application for a (Conforming) Zone Change to change 9.19 acres from Village Residential (VR-20) to Rural Homestead (RH-9.5), located at 2561 S. Bannavitch. Assessor Parcel Number 027-581-18. JIPH Land LLC – Property Owner/Applicant. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on February 17, 2021, or as otherwise announced.) (QM)**

Qiana Medici reviewed her staff report stating the intent to rezone is to come into conformance with the property size. When it was zoned it was zoned VR-20 and that isn't what the property owner wants. Staff is recommending approval of the application.

Commissioner Dureya asked if RH-9.5 allows for Commercial agricultural activities.

Mrs. Medici stated under a CUP.

Mr. Waggoner stated yes, with and without a CUP.

Phyllis Pike, applicant stated what Qiana said is exactly what they want to do. Just a zone change from VR-20 to RH-9.5.

Public comment opened and closed at 6:52 pm with no comments.

Commissioner Lee asked Mrs. Pike if she has read, understood and agrees to the conditions of approval in the staff report.

Mrs. Pike stated yes.

**Motion:** recommend approval of ZC-2020-000052 to the BOCC, **Action:** Recommend, **Moved by** Pamela Tyler, **Seconded by** Walt Turner.

**Motion passed unanimously.**

10. **For Possible Action – ZC-2020-000053:** Public Hearing, discussion and deliberation on an application for a (Conforming) Zone Change to change 9.7 acres from Rural Estates Residential (RE-1) to Rural Homestead (RH-9.5), located at 5330 S. Golden Valley. Assessor Parcel Number 045-114-02. Blair Iversen Family Trust – Property Owner. Linda Mickelson – Agent. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on February 17, 2021, or as otherwise announced.) (QM)**

Qiana Medici reviewed her staff report stating the intent is to change 9.7 acres and is located in the Squaw Valley re-study area and the purpose was to conform the zoning to the parcel sizes it was only discussed a while back. The property owner has water rights for the parcel and would like to allow uses such as churches and assisted living. Staff is recommending approval of the application.

Linda Mickelson, agent for the applicant stated Mr. Iverson has received certification of his water rights and they are in good standing. He just wants to have the property changed over so he can start doing something with it.

Commissioner Lee stated all the items listed in the justification letter are allowed in the RE-1 zoning district. What is enticing about changing it to RH-9.5?

Ms. Mickelson stated it fits the property better, it is 9.7 acres and if he wants to grow something it makes it easier.

Public comment opened at 6:59 pm.

Julianne Monjie would like to know what the property owner is doing with the property. Will there be increased traffic and what the intended use is.

Commissioner Lee stated it does not sound like the applicant has any specific use in mind. They can have churches, a farm or hobby breeding and anything further related to animals or intensive uses they are required to get a CUP and it would come back before the board and she would get a public notice.

Mrs. Monjie asked for clarification that it doesn't state what the use is for.

Commissioner Lee stated that is correct but they are limited to what is outlined in the parameter of the zoning district

Mrs. Monjie asked for clarification that the parcel won't be divided.

Commissioner Lee stated that is correct.

Mrs. Monjie asked if they will have to come back before the board if it will become a commercial development.

Commissioner Lee stated they can't start without development standards and coming back before the board for approval.

Mrs. Monjie asked if there is a single well or multiple.

Commissioner Lee stated they are allowed to have one well and that is based on DWR and what they require and what the development is.

Mr. Waggoner stated this zoning allows for one SFR and a guest residence and one well. They could do an AG well. Commercial uses other than an agricultural commercial use would require a ZC.

Closed at 7:04 pm.

**Motion:** Recommend approval of ZC-2020-000053 to the BOCC based on findings and subject to the conditions in the report, **Action:** Recommend, **Moved by** Walt Turner, **Seconded by** Pamela Tyler. **Motion passed unanimously.**

## AND THE PAHRUMP REGIONAL PLANNING COMMISSION

### \*\*\*WORKSHOP\*\*\*

- 11. Workshop:** Review and discussion of RPC Commissioners' duties and responsibilities pertaining to applications heard during RPC meetings, and also when sitting as the CIP Advisory Committee; and related subject matters.

Commissioner Lee stated this isn't for action but just for review for Commissioners, so they know their responsibilities when sitting as the RPC and CIPAC. The applications they review when sitting as the RPC are land use applications some are final at the RPC some are final at the BOCC. The RPC decision is based on findings, NCC establishes finding for each application they see. Each application has unique findings that have to be made. Staff does their research they make their findings and come to a conclusion and that is where their recommended motion comes from. If after public comment and comments in the back up you find yourself in agreement with staff and want to follow their recommendation there is a recommended motion on page 1 and you read that motion. If you disagree with staff's findings and you want to make a different motion you need to look at these findings and you need to make the alternate findings and an alternate motion is also listed on page 1. You need to state your alternate findings. For the conditions of approval included in the staff report, there are some sections of code that have required conditions, for example the CUP. There are standard conditions of approval and don't change. If there is a time limit when the approval expires it will be stated in code. CUPs are privileged approvals, and they can suggest any conditions they deem necessary for the approval.

If a requested ZC conforms to the MP it isn't considered spot zoning even if it doesn't match the surrounding zonings. Spot zoning would be something that changes the zoning and master plan that is different then the area. They don't get involved with CC&Rs they don't play into their decisions, they can be informed of HOA approvals and the CC&Rs but it shouldn't be a factor in decisions or findings.

When it comes to disclosing, recusing and abstaining those topics are dictated by NRS and OML you all should have the OML in your binders so you can go back to reference it at any point in time.

Mr. Waggoner stated when it comes to the staff reports it is for their education, staff puts the information together so you can make an informed educated decision. We need to be careful when there is a motion made to go against the recommendation made based on the findings that staff has presented to the board. You need to have findings to support your recommendation to go against staff's recommendation. There are a lot of opinions on subjects and they weigh into decision that are made, that isn't good enough. You need to have findings to support your recommendation to go against staff's recommendations. If the board makes the determination that something isn't a detriment to the community you have to explain why you are going against staff. You can't say it has been done in the past or it is a silly requirement. You have to base your decisions off the code as it is today.

Commissioner Curtis asked if there is a lot of negative public comment on an item how much do they let that play into their decision.

Commissioner Lee stated it all boils down to the land use. They have to make those findings based on the land use.

Commissioner Curtis stated that is where they bring up the traffic or dust issues.

Commissioner Lee stated that is where they can place the conditions of approval. If staff or the board can make the findings in favor of the application and there are complaints it can be conditioned to mitigate the issues. Conditions of approval can only be applied to the property that is subject to the application that is front of them. Nothing can be added to a neighboring property they may own if it isn't part of the application.

The CIP is the Capital Improvements Plan Advisory Committee. The BOCC appointed the RPC to sit as the CIP, NRS dictates the duties and states they need to review the CIP in its entirety once every 3 years and they may make changes and they aren't required to change anything when it is reviewed. The last review and update was in 2005. We have a few options on review and updating the plan, it can be done by staff or we can go out to bid and have a professional firm do the work.

Tom Bolling, Assistant Public Works Director stated it definitely needs to be reviewed and they are still trying to decide the best course of action whether they put it out to bid or do it in house it will take a lot longer if they do it in house because they are busy with other work and it will be more expensive to put it out to bid, but it depends on how fast they want to get it done.

Commissioner Turner asked if portions of this CIP can be done in house and other portioned out.

Commissioner Lee reviewed what parts of the impact fees benefit different sections such as roads and the fire department. If the review of the plan is kept in house with Planning or Public Works or if they want a sub-committee it can be addressed later.

Commissioner Blackstock stated they may have documents that are pertinent, professionals who do these updates have experience and capabilities and can get it done quickly. The cost can be high but we are paying for their expertise.

Commissioner Turner asked what the ball park figure is and where does the money come from.

Commissioner Lee stated they would have to go out for an RFP to see where the dollar figures are at. They aren't under an obligation to accept one if it is too high.

Mr. Osborne stated a few years ago they obtained quotes and they were around \$50,000 to update.

Commissioner Turner requested for the CIPAC to meet again at the next meeting.

Adjourned as CIP 7:57 pm.

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

Commissioner Lee stated the next meeting will be 2/10/2021 at 6 pm, and it will be a joint CIP meeting.

Cheryl Beeman is hoping in February to bring back an action plan for updating the Master Plan.

**Public Comment:**

**13. 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 8:01 pm

Tim Bohannon stated he has a few questions on the racetrack that was denied. Was there a reason it was denied on 12/9?

Commissioner Lee stated there were staff findings made to recommend denial. When it goes to the BOCC the minutes to the meeting will be part of the back up or you can reach out to staff to get answers.

Mr. Waggoner stated the recommendation from staff was to approve. The RPC went against staff recommendations. The minutes for the meeting are part of this meeting or he can reach out to the department and we can forward them to him as well.

Rodica Croitor asked Public Works if they can do some work on Bannavitch St.

Mr. Bolling stated he will ask staff to give her a call.

Public comment closed at 8:07 p.m.

**14. Adjournment.**

Meeting adjourned at 8:07 pm.

  
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Elizabeth Lee, Chairman  
Pahrump Regional Planning Commission

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