

**JOINT MEETING OF THE PAHRUMP REGIONAL PLANNING COMMISSION AND THE  
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE  
MINUTES OF THE FEBRUARY 10, 2021 TELECONFERENCE**

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

Members Absent:             Tom Duryea

Planning Staff:             Brett Waggoner  
                                  Celeste Sandoval  
                                  Cheryl Beeman  
                                  Steve Osborne

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**

Meeting called to order at 6:01 pm

**Roll Call.**

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

**Absent:** Tom Duryea.

- 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 at 6:04 pm.

Tim Bohannon has general questions on Masterplan map and if there has been an update since 2014 and if there any movement on the Southern Airport beltway loop and the proposed airport location RMPP lease has there been any movement on that at this time.

Brett Waggoner stated for Mr. Bohannon to reach out to him via email.

Public comment closed at 6:06 pm

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

**a. PRPC Meeting – January 13, 2021**

Commissioner Lee stated she sent in some minor typographical changes.

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

**Motion:** with corrections submitted, **Action:** Approve, **Moved by** Leah-Ann DeAnda, **Seconded by** Walt Turner.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Robert Blackstock, Walt Turner.

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

Mr. Waggoner stated there are none.

Public comment opened and closed with no comments at 6:07 pm.

**Motion:** Accept the agenda as presented, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Leah-Ann DeAnda.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5).

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Robert Blackstock, Walt Turner.

**5. Correspondence and Announcements**

None

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

**a. BOCC Liaison Report**  
None

**b. Director's Report**

Mr. Waggoner stated total Planning applications received for January were 160 which was 20 more than last month, total applications processed was 132 which was 31 more than last month, Building Department there was 30 SFR which was 36 less than last month, MF was 0 which was 2 less than last month, MH was 29 which was 4 less than last month and total permits issued was 175 which was 56 less than last month, Total inspections all categories was 512 which was 165 less than last month.

Since July 1<sup>st</sup> to date there have been 271 SFR and 212 MH permits pulled which was more than this time last year which had 192 SFR and 165 MH.

Code compliance had 16 new complaints which was 2 more than last month and they closed 29 which is 1 less than last month.

Previous items heard by the RPC TA-2020-000027 Penalties for unpermitted work 15.16.110 Penalties adding subsection B for unpermitted work. On 10/14/2020 the RPC recommended approval. It is continued to the BOCC meeting this month due to questions by other towns. ZC-2020-000050 was recommended for denial and heard by the BOCC at 1/20/21 and the ZC was approved. An appeal was filed for CU-2020-000106 and WV-2020-000125 that was heard at the 12/9/20 RPC and was denied. It was heard at the 1/20/21 by the BOCC and the RPC decision was overturned, and conditions were modified by one of the Commissioners that the Planning Department had recommended. WV-2020-000126 was heard at the 12/9/20 RPC and approved and it has been appealed to the BOCC regarding the requirement for a block wall on the rear property line and will be heard by them on 2/17/21. ZC-2020-000052 and ZC-2020-000053 were both heard at the 1/13/21 RPC meeting and recommend for approval and will be heard at the 2/17/21 BOCC meeting.

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

None

8.

a. **For Possible Action – MP-2021-000015:** Public Hearing, discussion and deliberation on an application for a Minor Master Plan Amendment to change 1.19 acres from the Rural Density Residential (RDR) plan designation to Rural Development Area (RDA), in support of application ZC-2021-000055, on property, located at 3820 S. Homestead Road. Assessor Parcel Number 041-222-17. Wallin Family Trust– Property Owner. Kurt and Justin Wallin, Homestead Storage, LLC – Applicant. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on March 16, 2021, or as otherwise announced.) (CB)**

b. **For Possible Action – ZC-2021-000055:** Public Hearing, discussion and deliberation on an application for a (Non-Conforming) Zone Change to change 1.19 acres from Business Opportunity Overlay (BO) to Neighborhood Commercial (NC), on property Master Planned as Rural Density Residential (RDR), located at 3820 S. Homestead Road. Assessor Parcel Number 041-222-17. Wallin Family Trust– Property Owner. Kurt and Justin Wallin, Homestead Storage, LLC – Applicant. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on March 16, 2021, or as otherwise announced.) (CB)**

(Commissioner Tyler is now present.)

Cheryl Beeman reviewed her staff report and stated the property is located in the GBWC tariff area but there doesn't appear to be utilities in the area and the Family Dollar down the street is on a Commercial well and septic. The uniform plumbing code states a private plumbing system etcetera must be located on the same lot it is providing service to, which is why staff recommendations is to merge the two parcels which is condition #7. PW is requesting a 20-foot ROW dedication along western half of Homestead road for the entire length of the property and has not been added as a condition and staff would like the condition to be added. Protest was received from an abutting property owner.

Commissioner Lee asked for clarification on the changes for Medical Marijuana.

Ms. Beeman stated the property is currently zoned BO and it was amended in 2019 and included into the list of zoning districts that allow retail and medical marijuana establishments. The entire frontage of Homestead from Hwy 160 to Gamebird is essentially where the BO zoned has been placed.

Commissioner Lee asked if the master plan and zone change are approved would that eliminate the possibility for medical marijuana to develop at this location if the mini storage facility ceases to exist?

Ms. Beeman stated that is correct NC doesn't allow for it but GC does.

Commissioner Lee asked if the MP designation of RDA would allow GC?

Ms. Beeman stated RDA doesn't allow for GC.

Commissioner Curtis #8 refers to a waiver that shall be filed for the existing chain link fence that doesn't meet code, what is the interpretation of that.

Ms. Beeman stated the first expansion of the mini storage that is located to the south of the original development they came in with their SD and it showed a block wall and when staff went out to do the site inspection it was a chain link fence with slats. NCC has one section stating chain link with slats isn't appropriate and another section that states it is in certain instances. It has been determined that the existing fence is likely to need this waiver for the development to be compliant.

Commissioner Curtis asked if the chain link that could be in violation be replaced by a block wall.

Mr. Waggoner stated what this has to do with is that the SD was submitted and reviewed by the technical committee. They specified and indicated they would build a block wall on the rear property line that abuts the residential properties. That isn't what happened, and they installed a chain link fence with slats and that isn't what was approved. Had they wanted to deviate from the development standards they would have needed an approved waiver from that deviation. Planning can't approve that and it isn't something he will be in support of, because a plan was submitted and shown with a block wall being built. In the landscaping standards it states chain link fencing with slats isn't considered opaque fencing. Our code requires opaque fencing and when they submitted the plan with a block wall that was acceptable as opaque fencing.

Commissioner Curtis stated the RPC can make it a condition to replace that chain link fence with a block wall, correct.

Mr. Waggoner stated yes.

Commissioner Lee asked if that condition would apply to properties not part of this application or just to this property.

Mr. Waggoner stated it could affect this application, but he isn't necessarily stating to withhold their application, but it needs to be addressed but can be made a condition that all violations on adjacent properties need to be brought into compliance.

Justin Wallin, applicant stated he would like to discuss Director Waggoners concerns. They completed an expansion at 3890 Homestead and the concerned neighbor is directly behind the original facility. The previous owners had gates that were left open and then closed at dark. They have automatic gates and they are from 6am – 6pm and will not operate after that time. The fencing concern of the 3890 expansion they were told they needed a block wall and one visit to the B & S department said they didn't need a block wall and stated his ignorance with the B & S department probably put the cart before the horse in installing the chain link fence. But they told him a chain link with slats was acceptable. They had another landscape waiver on this property that was approved and he was almost certain that the chain link fence was included in that and after speaking with Cheryl today she stated it wasn't and he stated it is very possible his

paperwork wasn't filled out correctly. They keep the property maintained well and they are willing to do what they are asking for is behind an existing facility built in 2004 and this property just touches the corner of their property and they are willing to put in slats there on the original location very easily on the original buildings built in 2004.

On this project they are asking for approval everything with the conditions of approval looks fine with them except for condition #4 it states, "An operational approved, permanent water source sufficient for fire protection covering all 3 properties (APNs: 041-222-15, 16 & 17), is required prior to issuance of a Certificate of Occupancy for the development of the subject parcel". There is existing water storage on the property. There is no water or sewer on 3860 or 3890 either that is why they asked for the waiver before. The reason why they bought the subject parcel at 3820 property is because it has an existing residential well and septic. There are no facilities, and they want a care takers residence there in the expansion and will not be providing a public restroom and want to keep the residential well and septic. Everything else is fine with them.

Kurt Wallin, applicant stated he agrees with what Justin has addressed.

Commissioner Lee asked if they have an issue with dedicating the Right of Way that Public Works has requested.

Mr. Wallin stated no, they had to do that on the 3890 property as well.

Public comment opened at 6:44 pm.

Cassie Cavasso stated they are the neighbor directly behind Homestead Storage, the biggest issue is the privacy and the previous owners didn't have as much business and closed up at 3 pm. The dumpster is by their back fence and it is visited a lot and there is trash that gets blown into their yard. They were happy they put the slats up on their new addition and wondered why it wasn't carried over to the existing property it would be nice for them. There are a lot of cars and trucks stored along the back fence. There have been exceptions when people have been there late at night, they can hear people taking and moving around. It would be good if the fence was taller or more privacy.

Public comment closed at 6:47 pm.

Justin Wallin stated they want to be good neighbors and with this expansion they can move the dumpster away from the residential properties in the back and if this is approved they have no issue putting in privacy slats at all for them.

Commissioner Curtis asked if not requiring a block wall for this case would be in conflict with the appeal for the property on Hwy 160.

Mr. Waggoner stated yes it would, but that item isn't part of this item. For this property unless a waiver is applied for and approved removing the block wall option when site development comes through for the expansion they would not approve the plan that doesn't adhere to NCC requirements. The last SD that they submitted for their last expansion was approved with a block wall, it wouldn't have been approved with a chain link fence without an approved waiver. They need to either build a block wall that was approved on the plan submitted by the applicant or apply for a waiver from the RPC then submit a revised SD plan after the waiver is approved showing the change.

Mr. Wallin stated they didn't just put the chain link fence in because they thought they could. They were very aware that there was a block wall on the plans that they submitted and stated it is their ignorance that they were told by contractors in Pahrump that it wasn't required. They put the fence in because they were told they could. They weren't aware that there were other requirements

if they did do that. If they are telling them they need to put a block wall behind 3890 they will do that but that won't make the people behind the property at 3860 happy.

Mr. Waggoner stated behind the last expansion and behind this proposed expansion there isn't a residence yet, but that doesn't mean there couldn't be one built there. So a decision today could affect someone later. Even with the waiver that was approved here last November for landscaping that was another thing that was indicated on the plan that there would be artificial landscaping and through the development it was later decided it wouldn't be installed and came back later and applied for a waiver to get that approved. Again, they had a plan that showed artificial landscaping and a block wall installed and it wasn't approved that way. Coming back after the construction to ask forgiveness for not following a plan that you had approved isn't the proper way to do things. There are other storage facilities in town that did get waivers for landscaping, of the block wall requirements but done through the proper channels and approved. That is what needs to happen regardless.

Mr. Wallin stated the waiver for the landscaping deviation was done after the fact because he was told by the locals, his contractors and even staff that the artificial landscaping would be stolen.

Commissioner Curtis motioned to recommend approval of MP-2021-000015 and ZC-2021-000055 with conditions of approval and adding a block wall to be built at the rear of the property.

Commissioner Lee asked if she wanted to add in PW request for a ROW dedication.

Commissioner Curtis stated yes.

Mr. Waggoner stated he would like it stated that the block wall be built to the applicable NCC standards and stated for clarification that this only applies for the rear property line only.

Commissioner Curtis modified her motion.

**Motion:** recommend to the BOCC for approval of MP-2021-000015 and ZC-2021-000055 with conditions of approval as stated and an added condition of a rear block wall be built as applicable per NCC and Public Works ROW dedication request, **Action:** Recommend, **Moved by** Carol Curtis, **Seconded by** Pamela Tyler.

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

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

#### **SITTING AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

- 9. For Possible Action:** Discussion and direction to staff to obtain quotes from outside sources to update the Capital Improvements Plan in its entirety.

Commissioner Lee stated last meeting they discussed the pros and cons with staying in house or doing an RFP. We can direct the PW staff to develop an RFP and bring back proposals for us to review. We are under no obligation to enter into a contract, but it will give us a cost of what it would be.

Commissioner Curtis asked if is necessary to get this study done at this time, is it to get federal grants?

Commissioner Lee stated they are required under NRS to review the plan every 3 years and possibly update it. What they can do with the RFP is a have professional firm review and see if there are updates that need to be made. To this point they haven't reviewed the plan in its entirety. They need to determine if they will have staff review and bring it back to them or initiate an RFP and have a professional firm do it. Their review may result that there may not be many modifications that need to be made but there could be a lot and things that don't apply and need to be updated.

Commissioner Blackstock stated it needs to be done by an outside firm and this will be time consuming for staff. Everything in there is outdated and old and things have changed dramatically. It costs quite a bit more but up to date with today's standards.

Commissioner Lee stated they need to decide if they want to pay for it by having a professional firm do it and have a shorter turnaround time or pay for it in staff time where they will have to split their time doing their daily work and this review and could potentially drag this out a lot longer. Staff can write the RFP for whatever they want.

Public comment opened and closed at 7:14 pm with no comments.

**Motion:** Direct staff to go out for an RFP, **Action:** Direct staff, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

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

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

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

The next meeting will be March 10<sup>th</sup> at 6:00 pm as a teleconference unless otherwise noticed.

**Public Comment:**

- 11. 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 7:17 pm with no comments.

**12. Adjournment.**

Meeting adjourned at 7:18 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