

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE APRIL 14, 2021 REGULAR MEETING**

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

Members Absent:

Planning Staff: Brett Waggoner
 Celeste Sandoval
 Qiana Medici
 Cheryl Beeman
 Steve Osborne

District Attorney's Staff: Michelle Nelson
 Marla Zlotek

Public Works Staff: Tim Dahl

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 6:00 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 10, 2021

Commissioner Lee stated she supplied staff with some minor typographical errors.

Public comment opened and closed at 6:02 pm with no comments.

Motion: to approve with corrections submitted to staff, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Tom Duryea.
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.

Brett Waggoner stated they are pulling item 9 a and b, the applicant has requested a withdrawal of the applications.

Public comment opened and closed at 6:04 pm with no comments.

Motion: Approve as amended, **Action:** Amend, **Moved by** Pamela Tyler, **Seconded by** Robert Blackstock.
Motion passed unanimously.

5. **Correspondence and Announcements**

a. Community Technical Partnership

Cheryl Beeman stated they have joined with FEMA and have been accepted as a Community Technical Partnership and have been awarded a \$275,000 grant and the first grant project we are working on is a Risk Map project for the south portion of Pahrump that is affected by the AO flood hazard.

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

a. BOCC Liaison Report

Frank Carbone stated there are a few items for the next BOCC meeting that were recommend from the RPC.

b. Director's Report

Mr. Waggoner stated we have had 255 applications which is an increase of 115 over last month. Total applications processed 207 which was increase of 106. Since July 1st, 2021 we have had 1631 Planning applications received and 247 new Code Compliance complaints received. At this same time last year 1384 planning applications and 232 Code Compliance complaints.

Building permits issued for the month of March was SF had 63 which was an increase of 25, MF was 4 which was an increase of 4, MH was 34 which was an increase of 8. Total permits issued was 290 which was an increase of 102 and total inspections all categories was 480 which was 32 less than the previous month. Code Compliance new cases was 47 which was an increase of 33 from February and cases closed was 16 which was 14 less than the previous month.

Previous items heard by the RPC MP-2021-000015 and ZC-2021-000055 were heard at the 2/10/2021 RPC meeting and recommended approval to the BOCC, it will be heard at the 3/16/2021 BOCC meeting. MP-2021-000016, ZC-2021-000057 and ZC-2021-000058 were heard at the 3/10/2021 RPC meeting and recommended for approval to the BOCC. They will be heard at the 4/20/2021 BOCC meeting.

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

Commissioner Duryea stated he will be recusing himself from Items 10 a and b he has a business relationship with the applicants.

8. **Continued from March 10, 2021 - For Possible Action – WV-2021-000128:** Public Hearing, discussion, and deliberation on an application for Waiver from Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, Article III. Zoning Districts; Establishment and General Provisions: 17.04.200 Residential Districts; 17.04.240 VR-20; Village Residential – D. Permissive Uses & E. Uses Subject to a Conditional Use Permit. Currently NCC 17.04.240(D)(E) does not allow for Subsistence farming for the growing of field crops or raising of livestock for food for household use as a permissive use. 17.04.910 Zoning Review Required for the existing chicken coop that was built without prior approval by the previous owner located at 3341 Zolin Ave. Assessor Parcel Number 045-084-10. Grimaldo, Juan L – Property Owner/Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (QM)**

Mr. Waggoner stated he spoke with the DA's office and they are in agreement that the RPC can't approve this because it isn't a permissive use in the district. They have been discussing this area and will bring this area back for a study to possibly change the zoning under the Masterplan update due to the fact the property is zoned improperly. We will put the code compliance case on hold for now as well. He asked the DA's office for an opinion if they should continue this item indefinitely until the item can be rezoned.

Marla Zlotek stated this item has come up in the past and does concur that it isn't allowable to approve the item. She recommends that they decide this and either motion to approve or not and consider bring back an item to refund possibly the fees that were paid.

Mr. Waggoner stated if the board moves forward with a decision and subsequently a refund, that would have to go to the BOCC, correct?

Ms. Zlotek stated yes.

Commissioner Duryea stated this property is .91 and it keeps being referred to as 1 acre we can't approve this because it is against NCC. Why are we trying to approve this when it is on VR-20 like the one previously that we disapproved?

Mr. Waggoner stated the property has had chickens for many years, that is why they bought it. The .91 is net acreage after all easements have been taken out they go off of gross acreage.

Commissioner Tyler stated the previous property they were discussing was an ½ acre or less, correct.

Mr. Waggoner stated yes, it is in a ½ acre subdivision and its acreage is .46 which is also net acreage.

Public comment opened at 6:25 pm.

John Koenig stated it is unfair to turn this down when it could be rezoned in the next few months to a RE-1 zoning. If they turn it down because they don't want to put it off, that means they have to take it down, and 6 months from now they rezone it then he turns back around and rebuilds.

Tim Bohannon stated this property has had originally had chickens before. He stated from a grandfathering standpoint they have already had chickens on that property it isn't a significant change in zoning.

Mr. Waggoner stated to Mr. Bohannon they have had this conversation before in regard to grandfathering. What would make grandfathering apply was if it was a legal non-conforming use, meaning if the chickens were there prior to code change. They can't date the chickens back to 2004 when zoning was adopted but

they can trace it back to 2018 prior to when they bought the property. It isn't a legal non-conforming use at that point.

Public comment closed at 6:29 pm.

Commissioner Tyler stated when a homeowner purchased the property there had already been chickens there you have a reasonable expectation that it would be something they could continue with. And because they are going to be looking at modifying that zoning and it would be appropriate it would be a shame to get rid of their flock and then reinstate it. It would be in the applicants and communities' benefit to look at a time frame, not indefinitely but perhaps a year and they can revisit it if it hasn't been rezoned at that point.

Commissioner Turner asked if they had a timeline when it would be rezoned.

Mr. Waggoner stated no it will be a topic of the Master Plan update.

Motion: continue the item for a period of no longer than one year, **Action:** Continue, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

- 9.
- a. **For Possible Action – MP-2021-000017:** Public Hearing, discussion, and deliberation on a Minor Master Plan Amendment application to change 2.3 acres from the Rural Density Residential (RDR) land use designation to the Community Development Area (CDA) land use designation, located at 2790 E. Camellia Street, further known as Homestead Gardens, Lot 8, Block 2, Section 36, Township 21 South, Range 53 East. Assessor Parcel Number 044-811-08. Vasili Platunov / Est-Alfa K-9 Security Service, LLC – 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 18, 2021, or as otherwise announced.) (SO)**
 - b. **For Possible Action – ZC-2021-000059:** Public Hearing, discussion, and deliberation on a Zone Change application to change 2.3 acres from the Rural Estates (RE-2) zone to the General Commercial (GC) zone, located at 2790 E. Camellia Street, further known as Homestead Gardens, Lot 8, Block 2, Section 36, Township 21 South, Range 53 East. Assessor Parcel Number 044-811-08. Vasili Platunov / Est-Alfa K-9 Security Service, LLC – 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 18, 2021, or as otherwise announced.) (SO)**

Item was pulled, applicant has requested to withdraw the applications.

- 10.
- a. **For Possible Action – ZC-2020-000054:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change 10.4 acres from Light Industrial (LI) to Heavy Industrial (HI), to allow an excavating gravel pit, located at 3320 E. Commerce Street. Assessor Parcel Number 027-461-53. Daniel & Dawn Murphy – Property Owners. David A. Richards, Civilwise Services, Inc. – Applicant/Agent. **(This item is a recommendation by the Pahrump Regional Planning Commission. The Board of County Commissioners is scheduled to take Final Action on May 18, 2021, or as otherwise announced.) (SO)**
 - b. **For Possible Action – CU-2021-000111:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow an excavating gravel pit, on property located at

3320 E. Commerce Street. Assessor Parcel Number 027-461-53. Daniel & Dawn Murphy – Property Owners. David A. Richards, Civilwise Services, Inc. – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Commissioner Duryea left the meeting.

Mr. Osborne reviewed his staff report stating the property is designated as Business Industrial Area in the Master Plan and this would be a conforming zone change. The HI zone allows for a gravel pit with a CUP. Staff finds sufficient justification to recommend approval of the applications subject to the special and standard conditions of approval in the staff report.

Dawn Murphy, applicant stated they will follow all the rules.

Public comment opened at 6:39 pm.

Tim Robinson stated they live on Tortoise hill land that is adjacent to the property. They have had 10 years of quite, in 2019 it was excavated as a gravel pit. The noise made it uncomfortable to be outside, and it would go from before 6 am everyday to dark and sometimes as late as midnight or 2 am. There aren't a lot of homes but they are some by the property. The roads in the area are inadequate and not strong enough for the heavy trucks.

Public comment closed at 6:43 pm.

Mr. Waggoner stated the concerns for operating hours has been brought up to the department and they are trying to become legal to be there. Condition #13 does limit operating hours.

Mrs. Murphy stated they owned the property at 3141 Justin Lane and when she bought it her Father-in-Law had a gravel pit right behind the house. It wasn't that loud, she raised three kids there and there were gravel trucks all the time. He is entitled to his comments, but he moved into a Light Industrial area. The property across the street from him is Heavy Industrial. There are pits all around them and construction companies up there. The house he bought is zoned Light Industrial, the roads up there are dedicated but haven't been accepted the only reason there is chip seal up there is because of her husband and his family. They don't run out of the pit all the time, they do have another pit they run out of.

Commissioner Lee asked if the times for sunrise to sunset amenable or have a set time.

Mrs. Murphy stated they prefer to be free to get it when they need to do it.

Commissioner Curtis asked if they have lighting on the property

Mrs. Murphy stated no.

Motion: Recommend approval of ZC-2020-000054 to the BOCC with all listed conditions of approval, **Action:** Recommend, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Tom Duryea.

Motion: approve CU-2021-000111 subject to findings and listed conditions of approval. **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Tom Duryea.

Commissioner Duryea returned to the meeting.

11. Presentation –Next steps for the 2021 PRPD Master Plan Update:

- a. Establish priority order for review - 2014 Master Plan Designations -as currently mapped. Discussion of such shall be placed on a future RPC agenda for action.
- b. Review and evaluation of Table 4.2 the Master Plan and Zoning Ordinance Conformity Table. Review, evaluation, and discussion of such shall be placed on a future RPC agenda for action.
- c. Review and evaluation of the Master Plan Designations Purposes and Descriptions for continued relevancy to mapped areas. Review, evaluation, and discussion of such shall be placed on a future RPC agenda for action.
- d. Establishment of the findings by which the RPC will follow in making recommended changes to the land use map. Establishment of such shall be placed on a future RPC agenda for action.

Ms. Beeman reviewed the purpose of a Masterplan and the improvements they made in the 2014 update. Item A is the maps, she provided an overall copy of the map and has broken them down the land use designations as they are mapped separate to see if there is anything that can be unified and changed. Item B is the table of land use classifications and there are some problems with it. Staff has several comments they want to bring forward for discussion at a later date. Item C she pulled out the purpose and intent statements for each classification, are they still relevant, do we need to make any changes? Item D - when we get to look at land use changes, they need some rules set and what are they based on.

They need to determine what are we trying to do, are they trying to create urban areas or rural preservation areas and if so what is the criteria going to be so they can write down and use and have the decisions meet that text when they move forward.

Commissioner Blackstock asked if the new administration will be sending down BLM issues like restrictions?

Ms. Beeman stated not that she is aware of. The BOCC is looking for disposal land and submits those annual for disposal nominations annually to the BLM.

Commissioner Blackstock stated the Feds have been talking about coming into rural areas and changing zoning to get people there. Has that come about through Planning?

Ms. Beeman stated she isn't familiar with the federal government come in and told a community their zoning was incorrect.

Commissioner Tyler stated our Master Plan doesn't set zoning just what is appropriate for an area. The Federal Government only controls BLM area not private ownership.

Commissioner Turner stated what he is seeing is incentives for higher density building with interest rates for loans and grants to federally backed loans for those wanting to build low-income high-density buildings.

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

The next meeting is May 12th at 6 pm.

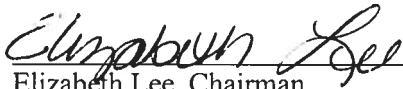
Public Comment:

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 and closed at 7:08 pm with no comments.

14. Adjournment.

Meeting adjourned at 7:08 pm.



Elizabeth Lee, Chairman
Pahrump Regional Planning Commission



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