

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE AUGUST 11, 2021 REGULAR MEETING**

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

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: Tyler Mulvey

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 Statues
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 –July 14, 2021

Celeste Sandoval requested the minutes are continued to the September meeting.

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

Motion: Continue the minutes to the September 15 RPC meeting. , **Action:** Continue, **Moved by** Pamela Tyler, **Seconded by** Leah-Ann DeAnda.

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

Yes: Beth Lee, Carol Curtis, Gina Meredith, Leah-Ann DeAnda, Pamela Tyler, 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

None.

Public comment opened and closed at 6:03 pm with no comments.

Motion: approve the agenda as posted, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

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

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

5. **Correspondence and Announcements**

None

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

a. BOCC Liaison Report

Commissioner Carbone stated there are 5 items from the RPC to be heard at the BOCC next week.

b. Director's Report

Brett Waggoner stated planning applications received was 132, and 140 processed. Building permits we had 30 which is a decrease of 17 from last month and increase from last year in July of 25. Multi-family had 4 permits, which was an increase of 4 from last month. MF had 5 permits which is 15 less than last month. Total permits issued all categories were 155, that is a decrease of 62 from last month. Total inspections all categories were 415, 86 less than last month.

Code compliance had 26 new complaints and closed 22.

Previous items heard by the RPC, ZC-2021-000061 was recommended for approval for next BOCC on 8/17/2021 but the applicant withdrew the application because they didn't want to go through site development.

Master plan amendment was on the 7/14/2021 agenda and went along with ZC-2021-000062 they were recommended for approval and will be heard at the BOCC meeting on 8/17/2021.

7. **For Possible Action - CU-2021-000120:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow a childcare facility for up to 24 children on a Village Residential (VR-20)

zoned parcel, located at 2141 S. Cortina St. Assessor Parcel Number 042-731-11. Kathleen Carter – Property Owner. Kristine Miller-Anderson, Neverland Nursery & Navigational Academy – Applicant. (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners.**) QM

Qiana Medici stated there was an additional letter of opposition received that she would like accepted in as back up.

Motion: accept the additional back up, **Action:** Accept, **moved by** Pamela Tyler, **Seconded by** Leah-Ann DeAnda.

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

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

Mrs. Medici reviewed her staff report stating the applicant has submitted a CUP for a 24/7 Child Care facility with a not to exceed more than 24 children. The location was previously known as Pahrump Valley Preschool and licensed by the Town of Pahrump in July 2009. The current applicant has a CUP at 3581 S. Margarita which was approved in 2019 but wants to change to their new home on Cortina. The property is zoned VR-20 and are required to obtain a CUP for the day care facility. The existing driveway will require a circular driveway, adequate parking and follow the ADA regulations for businesses. The project will be required to go through Site Development to address the circular driveway.

Commissioner Lee asked if the applicant incurred any code violations while on Margarita Street?

Mr. Waggoner stated the only violation would have been not complying with the original CUP for the circular driveway, but they came back before the RPC for a reconsideration and that was approved.

Kristine Miller – Anderson reviewed her qualifications and has been providing childcare for 10 years and has not been written up for any violations for any of the time.

Commissioner Meredith asked about pool in back yard

Mrs. Anderson stated the property has an inground pool that was installed by the previous owner and has a gate around it. When it comes to state daycare licensing will have to abide by as well as the Town of Pahrump code.

Commissioner Meredith asked when they will install the fencing around the pool.

Mrs. Anderson stated the fence already exists around the pool.

Commissioner Meredith asked if they have intentions to put up a shade structure for the playground equipment they are installing?

Mrs. Anderson stated she has proposed trees and shade for playground. According to state daycare requirements they are required so much square feet of shade per child.

Commissioner Meredith asked if their staff are CPR certified.

Mrs. Anderson stated yes, everyone is CPR certified as well as more certifications required by state.

Commissioner Lee asked about the future development labeled on the site plan. What is the time frame for that?

Mrs. Anderson stated the time frame depends on how long the county is willing to work with her, maybe about 6 months. There is already an existing circular driveway, and she isn't sure if they can have type 2,

cement or gravel. But she will adhere to whatever she has to. There will be parking structures if anyone needs to come in and speak with her as well as having handicap parking.

Commissioner states she is not permitted to have type 2 gravel per code 17.04.700 paragraph 10, A states that it must be a paved circular driveway.

Mrs. Anderson stated that isn't a problem.

Commissioner Lee asks public works if she is permitted to have cars backing up onto the street. Is it prohibited for them to do that?

Tyler Mulvey with Public Works stated they usually do not allow that, no.

Mrs. Anderson stated she will work something out to fix that.

Commissioner Lee asked Mrs. Anderson if she has read, understood and agree to the conditions of approval.

Mrs. Anderson stated yes.

Commissioner Lee referred to NCC 17.04.700 subparagraph B regarding the fenced playground shall be used from 8 am to 6 pm and asked the applicant if that is something they can agree to.

Mrs. Anderson stated for the daycare children yes, but they do have their own play area for their children.

Commissioner Lee asked the commissioners to consider adding that as a condition #12, that the children in the day care shall not be outside in the play area before 8am and not after 6pm.

Commissioner Curtis asked for clarification that her own children are not included in the 24.

Mrs. Anderson stated no, they aren't. She requested 24 because she wanted the flexibility because having the 12 children with 3 before and after school, they transport to 4 different schools.

Commissioner Carbone asked if it is a normal practice for them to ask for prepayment to hold spaces for children during the pandemic.

Mrs. Anderson it is in her contract and one contract is 26 pages long. In there it states, pre-covid, that vacations, a family emergency on the parents end they will pay a 3-day minimum to hold the spot. Most daycares around her charge full cost. There is also a \$50 non-refundable annual deposit to hold the spot.

Commissioner Carbone stated the previous CUP they had they came in and they requested to have the circular driveway changed, are they going to have the same problem with this building?

Mrs. Anderson stated no. The previous house was owned by someone else, and they needed her approval to do the work, they were unable to get her to come to the house to sign the notarized documents to do it.

Commissioner Carbone stated some folks believe this is a lot of noise. Has anyone in the neighborhood come to you to speak to you about the noise issue.

Mrs. Anderson stated she has not had anyone complain about noise. In her opinion the noise has always been there, the previous owner had 6 of their own children and the prior owner that ran the day care has 7 of their own children. She isn't sure how respectful they were for their neighbors, but she is very respectful.

Mr. Waggoner asked for clarification that they were still required even during covid to make these payments to hold their spots.

Mrs. Anderson stated per the Governor daycares were still allowed to be open and, in the contract, it states there is a 3-day minimum deposit is to hold the spot the \$50 is every January, and she will remain open unless the governor says otherwise.

Mr. Waggoner stated some people at home during Covid, and didn't need the expense of day care, teachers for instance, it seems a little odd when they were not needing the service that they still had to pay.

Commissioner Carbone stated knowing those people couldn't pay, they were penalized.

Mrs. Anderson stated they were not penalized, she did not charge a late fee and worked with everyone who came in during covid.

Commission Turner asks if there is a zoning or planning for CUP that those answers or questions have effect on?

Mr. Waggoner says they are pertinent to business practice.

Commissioner Lee stated the last time she worked with childcare regulations there were thresholds for home daycare. Is staff familiar with those regulations and what is required.

Mr. Waggoner stated he personally isn't, and he understands why that is a concern. The previous location they asked for 12 kids, and there are concerns when this is being ran out of a residential home as far as the disturbance. There are State regulations, he believes.

Commissioner Lee stated she believes they capped all the daycares at 12 – 15 because once you exceed 15, and the regulations may have changed, once you went over 15 you went over a school or academy and those didn't meet residential zoning.

Meeting went into recess at 6:34 pm to allow staff to find the information.

Meeting reconvened at 6:44 pm.

Mrs. Medici stated reviewed NAC 432A.523 regarding Child Care Institutions requirements for "requirement of the number of caretakers per children".

Mr. Waggoner stated NRS 432A.180 states inspections are supposed to be done on a yearly basis; are these being done.

Mrs. Anderson stated yes, there is also a food program that comes out to make sure I am serving food to our food menu. These certifications are all for the Margarita address, but she needed to come here first for the new address, and she can provide those if needed.

Commissioner Tyler asked if the Margarita location is still open while she is in the process of getting the new address licensed?

Mrs. Anderson stated no, they moved out.

Mr. Waggoner asked where they are operating today.

Mrs. Anderson stated they have just a few children at their current home on Cortina.

Public comment opened at 6:49 pm.

Kenneth Frickey with this many children and state required staff he is concerned about the increase in traffic and parking congestion, causing major inconvenience, and traffic hazards to the residents there. He has

concerns about privacy, a lot of elderly residents have cameras and a 24-7 business will cause the devices to activate at all hours causing un-needed fear to the elderly residents in the area. Noise caused by these many kids and cars will be a nuisance. He believes there are many commercial properties for this day care other than the one she is looking at. He is against this in the VR-20 zoning.

Maxine Brown stated her property backs up to the subject property and there used to be a daycare there when she purchased her home in 2007, the noise was bad. She didn't buy the house to have childcare next to her. She is concerned the value of her house will go down. She is against it and does not want to deal with traffic.

Laura Frickey stated she knows the need for quality daycare. A lot of people speed on the street, and she does not want a child to get out and run-in front of a car. She believes this daycare would be better set in a different zone rather than a residential one.

Public comment closed at 6:57 pm.

Shea Anderson stated he has looked at commercial spaces and they were too expensive. The place they are looking at now, it's reasonable and there's other businesses in the area. Traffic staggers in a daycare. No children are allowed outside, there is a policy set that the circular driveway is a one way, parents go through one entrance stop at the front, drop their children off, then drive forward after their children have been received. The children can't get out the gate. He stated they will do concrete for the driveway.

Commissioner Lee stated the previous CUP you agreed to do a concrete driveway, they came back and asked for a reconsideration and that is how you got that driveway, that is why she asked right off the bat. NCC requires a paved circular driveway, 20 feet in width with a minimum inside radius of 20 feet, a minimum of 30 feet from the entrance of the facility for a specific reason, for the safety of the children. If they can't do the driveway, they need to have the discussion now.

Mr. Anderson stated they will do concrete and match the existing with stamps.

Commissioner Lee stated as far as the backing up for parking, the CUP is a privileged approval and there are additional requirements that you will be held to that other Commercial business will not be because they don't have this approval.

Commissioner Curtis asked if the applicants if they will be okay with remaining at 12.

Mrs. Anderson stated the reason she asked to go to 24 is because she has a waiting list. There is a huge need she is the only one in Nye County that is open 24 hours. If she gets approved for 24 it doesn't mean she will have 24 at one time, the need will fluctuate. She has two clients that get dropped off at 2:45 am and they drop them off at school and are gone by 8:30 am. They staff accordingly. She has 5 staff members currently.

Commissioner Curtis asked the ages of the children.

Mrs. Anderson stated the youngest she has is 2 ½ and the oldest is 10. The State of Nevada only requires one hour of outside time a day. It doesn't mean they will be all out at one time; she is willing to do it in shifts or split the hour up to ½ hour in the morning pre lunchtime pre nap time, which is mandated to 2 hours a day 12:30 to 2:30. And they can do a ½ hour from 3 – 4pm.

Commissioner Curtis asked if they have dogs.

Mrs. Anderson stated yes, they have two.

Commissioner Meredith asked where the dogs are when the children are there.

Mrs. Anderson stated they are inside the home. The previous owner took the existing 3 car garage and converted it into the daycare. The only way they get into the house is to walk around to the front or through the laundry room. The dogs are either outside, in their room or in the house.

Motion: approve CU-2021-000120 based on findings and subject to the conditions of approval with the addition of condition #12 the children outside play hours are between the hours 8 am to 6 pm and that the applicant understands under no confusion the circular driveway has to be paved, **Action:** Approve, **moved by** Walt Turner, **Seconded by** Gina Meredith.

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

Yes: Beth Lee, Carol Curtis, Gina Meredith, Pamela Tyler, Robert Blackstock, Walt Turner.

No: Leah-Ann DeAnda.

8. **For Possible Action – 2021 PRPD Master Plan Update:** Review and possible recommendations regarding assignment of appropriate Master Plan Designation(s) to that area of the community commonly known as the Gateway Master Plan. Those properties are Master Planned as Special Plan of Development (SPD) and the Development Agreement has expired.

Cheryl Beeman stated they decided to move the Gateway discussion to this meeting so everyone could provide their thoughts and options.

Commissioner Turner stated under item 8 option 1, bordering all GC areas either having High Density Residential or have CDA zoning or BIA in the smaller portions. To give the pad leading up to low density residential. He likes option #1 because it has a nice flow from Commercial to Low Density, so you don't have situations where you have business next to LDR and stated he kept the south side of 160 the same on his document provided to staff.

Commissioner Turner reviewed his recommendations based on Ms. Beeman's document she provided.

Commissioner Tyler asked if he wants to use the HDR as a buffer.

Commissioner Turner stated yes.

Commissioner Lee stated she understands the need for industrial parks, but she doesn't want a junk yard at the gateway to our community.

Commissioner Meredith stated we need to remember there is a proposed college in that area where the high density is.

Commissioner Lee stated there needs to be development standards in place for the gateway whether it is high density or low density. If they are having BIA is there a limit to how tall the building can be, how intense it can be, it does get a little counter production to the Master Plan.

Commissioner Tyler made a disclosure that they have a personal interest in a 5-acre parcel in the area that they have under contract with the County and are planning a vineyard 2.5 acres on it and have plans to put a production facility in the future. She doesn't want special consideration for that reason, but she would like them to recognize that is going to happen.

Commissioner Turner asked for clarification from the board that they agree that BIA is a bad idea and will be removed and asked for recommendation on what to change it to either low density or high density.

Commissioner Curtis likes the Open Space option.

Commissioner Lee agreed.

Commissioner Turner asked if there were any thought on the SW side and if there were good with BIA and CDA or if they would like to see anything different.

Commissioner Curtis likes option 2 instead. She likes the OS option. She agrees with HDR close to the college but there are so many uses that can be done in OS.

Commissioner Turner stated when you are dealing with over 20 parcels you don't know what would go in there.

Ms. Beeman reviewed what the Craft Distillery proposed bill would allow. Family Farm / Small winery would be the RH zoning districts and are options they should consider.

Mr. Waggoner stated that bill was adopted.

Commissioner Turner stated he would like to poll the board to see what options they like.

Commissioner Blackstock stated he likes option 3 the way it stands. He isn't a HDR person, and he believes in the future we will have a LDR water problem in town. He isn't a condo fan and doesn't want that to be what people see coming into town. He'd like to see some OS and parks as well. This gateway would be good to see coming into town.

Commissioner Curtis and Commissioner DeAnda agree with option 3.

Commissioner Turner stated we have three that like option three.

Commissioner Lee stated the BIA south of the highway she isn't sure about.

Commissioner Turner questioned staff on why there was so much BIA.

Ms. Beeman stated the discussion was large enough areas of land where infrastructure could be brought in where the warehousing, industrial business center. Without those development guidelines then we really are subject to the zoning on the property. Right now, we are safe because there isn't zoning.

Commissioner Lee asked Ms. Beeman if they are seeing an overabundance of development that likes the area but are being deterred because they must jump through hoops for MP and Zoning?

Ms. Beeman stated no, the major deterrent is the lack of infrastructure, they would have to annex into one of the utility systems and build roads.

Commissioner Turner asked for clarification that everyone has agreed on #3 and they should focus on that as their next step.

Commissioner Lee stated yes, but we will open public comment first.

Public comment opened at 7:40 pm

Gregory Hafen II representing Pahrump Utility Company. He stated Pahrump Utility has the same concerns with the BIA on what may or may not go there. In staff's back up, points to different categories of master plan that's a possibility. The CDA offers a wide variety of development from your small residential lots all the way to CM, GC and LI. Industrial is allowed in the CDA designation the only difference he can see with the CDA and BIA is the HI. That is the biggest concern for the water quality in the area, not being connected to central wastewater treatment. RDA designation also allows for Neighborhood Commercial and Commercial Manufacturing and questioned why Heavy Industrial is being proposed for the South East section.

Tim Bohannon stated he will refer to the East gateway is up by college and the West is in the valley. Housing by East gateway is a good option. There will be an element that will live by the college. From gateway perspective, having racetrack and agriculture is an option, as they are looking at developing the west side is an option, if you get too far down south gets into difficult development ground.

Closed at 7:49 pm

Commissioner Curtis stated she has investigated Clark County and what they have planned for the County line what looks to be residential.

Commissioner Turner stated the reason he liked option #1 is because of all the commercial in front of it. He pictured a casino and gas station in that area, but he does like option #3 as well.

Commissioner Lee stated the area along the highway does need commercial there. If we get an anchor development that would help guide how the area develops and if they get to the point where Great Basin College starts, they will need housing. She'd like to see housing interspersed with walking trails, parks and greenspace. She stated she likes option #3 if they change BIA to either CDA or RDA.

Commissioner Curtis stated staff has recommended a new MP designation of Business Development Area and we can incorporate this into Option #3 where BDA can provide your commercial development.

Public Comment re-opened at 7:56 pm

Jenney Sartin CEO of the Pahrump Valley Chamber of Commerce. She stated we should consider the importance of master planning and looking at the direction of the gateway entrance of the community of what it will do for our community. She stated she agrees on being focused on the overall appearance of the community as well as the use. Development and growth are coming, and we can hop on now or development will make that decision for us. She does not want to see large industrial scale development at the gateway entrance. Public comment closed at 8:00 pm.

Ms. Beeman stated this is worth taking a look at this area along with the matrix to review the new area they discussed but made no decision on. They can pull up the Community Source Water Protection that Mr. Hafen referred to, she can get recommendations from PW on what potential street alignments could be in that area and if there are any mapped minor county roads for trails etcetera.

Commissioner Turner recommends continuing to next month's agenda for decision.

Motion: to the next RPC meeting, **Action:** Continue, **Moved by** Walt Turner.

Commissioner Tyler asked if he would amend his motion to include a revision to option #3 showing BDA instead of BIA in the area.

Motion: continue to the next month's RPC meeting to focus on option 3 with the adjustment of BDA in place of BIA, **Action:** Amend, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

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

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

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

Next meeting is September 15th at 6:00 pm.

Public Comment:

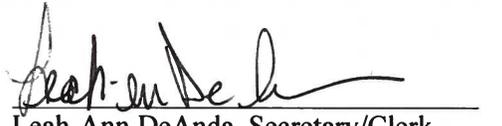
10. **Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 8:04 pm with no comments.

11. **Adjournment.**

Meeting adjourned at 8:04 pm.


Elizabeth Lee, Chairman
Pahrump Regional Planning Commission


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