

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MAY 11, 2022 REGULAR MEETING**

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

Members Absent: Beth Lee

Planning Staff: Brett Waggoner
Steve Osborne
Celeste Sandoval
Qiana Medici
Amber Randle

District Attorney's Staff: Michelle Nelson

Public Works Staff: Tyler Mulvey

Other Attendees:

Acronyms Used: CUP = Conditional Use Permit
GC = General Commercial
NC = Neighborhood Commercial
WV = Waiver

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:02 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 6:02 pm with no comments.

3. For possible action - Approval of Minutes:

- a. PRPC Meeting – April 13, 2022
- b. PRPC Meeting – April 27, 2022

Motion: to approve minutes of April 13th and April 27th, **Action:** Approve, **Moved by** Carol Curtis, **Seconded by** Walt Turner. Motion passed unanimously.

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

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

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

Motion: Approve the agenda as presented, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Motion passed unanimously.

5. Correspondence and Announcements

Commissioner Turner states there is a Southern Nye County Summit Housing event by Professor from Reno speaking at the community center from 9 am - 4pm on Thursday and 9 am - 12:30 on Friday

Mr. Waggoner stated he suggests going to that.

Mr. Waggoner stated they are changing the evaluation of fees for building permits from 1997 to the 2018 evaluation fee. Section 2004-29 stated the County is to adopt the most current publication of the building construction cost status sheet, which is part of the building code part of the IBC. Effective July 1st of this year and then each year it'll be reviewed on July 1st and automatic adoption of the newest one. The code cycles every 3 years.

6. Commission/Committee/Director Reports:

a. BOCC Liaison Report

Frank Carbone stated there are a lot of items on the agenda on the 17th for veterans, if anyone would like to join in.

b. Director's Report

Mr. Waggoner stated since April total planning application received were 180 which was 48 less than last month and total application processed were 143, which was 51 less than last month. New code complaints were 35 which was 6 more than last month and 7 complaints closed which was 7 less than last month. Since July 1st, there have been 1572 planning applications received and 274 new code complaints received. Compared to 1787 planning applications and 265 code compliance complaints for the same time last year.

Since April, there were 45 SFR permits which was 20 less than last month and 5 MF permits which was 2 less than last month. Total permits issued all categories were 262 which was 32 less than last month and total inspections all categories were 472 which was 62 less than last month. Since July 1st, there have been 420 SFR permits so far compared to 409 SFR permits at the same point last year.

Update on previous items heard by the PRPC was ZCMP-22-1 this item was heard by this board on the 3/9 agenda and was recommended for approval. This item was heard by the BOCC on the 4/19 agenda and after board discussion it was continued to the June 21 agenda.

ZCMP-22-6 This item was heard by the RPC on the April 13th agenda and was recommended for denial. This application will be heard by the BOCC on 5/17 for final action. ZCMP-22-3: this item was heard by this commission on the April 13th agenda and recommended for approval. This item is scheduled to be heard by the BOCC on the May 17th agenda.

We are currently working on a draft amendment to allow a temporary use permit for the sign review but not require it to be a public hearing application anymore, and it would put time limits on them.

- 7. a. For Possible Action – ZCMP-22-5:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately 1.1 acres from Neighborhood Commercial (NC) to General Commercial (GC) on property located at 3760 E. Alfalfa Street. Assessor's Parcel Number 042-451-08. 3760 E Alfalfa St Pahrump NV, LLC – Property Owner. Red Apple Fireworks – Applicant. Mark H. Fiorentino – Agent. **(The Pahrump Regional Planning Commission**

makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for June 21, 2022, or as otherwise announced.)

- b. **For Possible Action – WV-22-4:** Public Hearing, discussion, and deliberation on a Waiver application to waive the requirements of Nye County Code Section 17.04.700.A(18)(b) to allow a permanent new warehouse for the storage of fireworks on property less than one thousand five hundred feet (1,500') from residential properties, located at 3760 E. Alfalfa Street. Assessor's Parcel Number 042-451-08. 3760 E Alfalfa St Pahrump NV, LLC – Property Owner. Red Apple Fireworks – Applicant. Mark H. Fiorentino – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.)**
- c. **For Possible Action – CU-22-9:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow the construction of a permanent new warehouse for the storage of fireworks on property located at 3760 E. Alfalfa Street. Assessor's Parcel Number 042-451-08. 3760 E Alfalfa St Pahrump NV, LLC – Property Owner. Red Apple Fireworks – Applicant. Mark H. Fiorentino – 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)**

Steve Osborne stated Red Apple Fireworks added a 4th parcel, the previous 3 parcels did get approval for the zone change, waiver, and the conditional use permit. This is for the new proposed warehouse location. The conditions that they proposed are the same conditions as the other 3 parcels. They must submit a building permit application for the warehouse by August 1st, 2022, and other deadlines dates. The Board of County Commissioners meeting is going to be June 22nd, 2022, and based on the conditions, staff is recommending the approval of the 3 applications.

Commissioner Curtis stated one of the special conditions is the zone change shall expire, if this zone change conforms to the master plan, even if they don't build on it, why would we want to change it back?

Mr. Osborne stated the reason we wanted to go back is its currently NC that's also conforming to the master plan. We generally don't want to have a zone change that increases the intensity in the possible uses on the property without having a project going forward.

Commissioner Curtis asked if they want to relay a project to the zone change?

Mr. Osborne stated yes, that's correct.

Mr. Waggoner stated in the past to not allow perspective zone changes to try to increase property values. In order to make sure it goes through proper review and through the proper channels, it's best to revert it back, so if somebody else wants to do some kind of GC type development on that property, it goes back through that review process.

Commissioner Curtis stated she doesn't understand the wording, it says start construction of the warehouse by September 1st or two weeks following the date of receiving building permits. What does that exactly mean?

Mr. Osborne stated they must start construction by September 1st but if they don't get their building permits until after that date then it would be two weeks after getting their building permits.

Commissioner Curtis asked do they get a penalty if they don't start before September 1st?

Mr. Osborne stated they must submit their building permit by August 1st. it's hard to say when they will get their building permit, so whenever they get their permits, they will start construction to give them some flexible time.

Commissioner Tyler stated if they submit by August 1st, we're giving them some leeway.

Mr. Osborne stated yes.

Commissioner Turner asked for this additional property, will it increase size of the proposed building already or be used for parking?

Mr. Waggoner stated they plan on future expansions, right now in site development they have phase 1 and phase 2.

Commissioner Turner asked for that phase 2, will it require parking or curbing on the 4th parcel?

Mr. Waggoner stated no.

Commissioner Curtis asked Mr. Waggoner to explain why they can't take sign down again?

Mr. Waggoner stated the only sign that can't be removed, which is a complicated issue, is the billboard sign that's on the plaza property, it's owned by somebody else, not the Plaza owner. Back when the Edwards Plaza was approved, that billboard was supposed to come down, but it's been battled back and forth in court and it's just complicated.

Commissioner Curtis stated there's 3 signs out there

Mr. Waggoner stated the other signs will come down.

Commissioner Curtis stated she has concerns about Alfalfa Street, semi traffic. They have areas where semi's will be unloading, and they will be very close to Alfalfa Street. Are you planning on the semi's using that street, what's going to restrict them from doing that?

Mr. Waggoner stated the way the project is design is the trucks will be entering in and exiting onto the highway and there's driveways that go around to the loading dock area and then back out. The only thing Alfalfa Street will be allowed, I'm sure Public Works will be in on this, is for emergency access.

Commissioner Curtis stated will there be no parking signs on Alfalfa streets?

Tyler Mulvey stated currently there aren't any in any of the other areas for these emergency access, but it can be something to look at, right now it's not on the plans.

Commissioner Curtis stated it currently gets so busy with overflow parking.

Tyler Mulvey stated that's part of the reason for the 4th parcel, they added more parking.

Mr. Waggoner stated there's going to be adequate parking on site for this whole development.
Commissioner Curtis stated she is concerned this will be a stash house, again.

Mr. Waggoner stated it will not be a stash house.

Mark Fiorentino, representing applicant, stated they are adding the 4th parcel and all of the conditions with it.

Commissioner Tyler asked the applicant if they have read and understand and agree to the conditions of approval?

Mark Fiorentino stated yes.

Public comment opened and closed at 6:39 pm with no comments.

Motion: Recommend approval to the BOCC of ZCMP-22-5 as written with all conditions in report,
Action: Recommend, **Moved by** Walt Turner, **Seconded by** Gina Meredith.
Motion passed unanimously.

Motion: approve CU-22-9 and WV-22-4 subject to the conditions as stipulated, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

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

No: Carol Curtis.

8.

- a. **For Possible Action – ZCMP-22-7:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately 0.78 acres from Light Industrial (LI) to General Commercial (GC), located at 340 S. Emery Street. Assessor’s Parcel Number 038-233-16. Dean Love Trustee – Property Owner. Carolyn Walker – Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for June 21, 2022, or as otherwise announced.)**
- b. **For Possible Action – CU-22-19:** Public Hearing, discussion, and deliberation on a Conditional Use Permit application to allow a Pawnshop on property located at 340 S. Emery Street. Assessor’s Parcel Number 038-233-16. Dean Love Trustee – Property Owner. Carolyn Walker – Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Mr. Osborne stated the applicant is proposing to open a pawn shop at this location. Pawnshops requires GC zoning only. The code also requires a CUP, this would be a conforming zone change based on the master plan designation of community development area. This is an existing building, that’s approximately 12,000 sq ft. It was built in 1998, two story, already has paved parking for 45 vehicles. This is currently the adult superstore. Staff is recommending approval of both items based on the findings and the zone change will be heard by the board on June 22nd.

Commissioner Turner stated his disclosure of transaction of this property years ago, but no current deal.

Mr. Waggoner stated it would be nice to see that sign painted on the wall removed and something more conforming and nicer up there.

Carolyn Walker, applicant, stated Dean Love Trust is no longer the owner and she and her husband own it now.

Public comment opened and closed at 6:45 pm with no comments.

Motion: Recommend approval to the BOCC of ZCMP-22-7 as written by staff and subject to any conditions as stipulated in the report, **Action:** Recommend, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Motion passed unanimously.

Motion: Approve CU-22-19 as stated by staff and subject to conditions in the staff report, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Motion passed unanimously

9. **For Possible Action – CU-22-18:** Public Hearing, discussion, and deliberation on a Conditional Use Permit application to allow a caretaker’s residence for the purpose of providing on site security at the property located at 2530 E. Commerce Street. Assessor’s Parcel Number 035-401-23. Alexander & Aneta Mackovski – Property Owner. Mackovski Builders – 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)

Qiana Medici stated this application is a request for a CUP to allow for one caretaker's residence for the purpose of providing on site security for proposed project, that includes 300 self-storage units and 45 covered RV parking spaces. Commercial manufacturing and a caretaker's residence is permissive with an approved CUP. The applicant has taken into consideration existing views of the residential homes in the area and proposes single story development. The proposed use would be an improvement to the area and has little traffic or noise that would disrupt the neighborhood. It will be required to adhere to category one site development plan to ensure that it meets Nye County Code. Staff finds the requested CUP complies with the requirements of Nye County Code and recommends approval of the application.

Alexander Mackovski, applicant, stated he's happy with approval.

Commissioner Tyler asked the applicant if they have read, understand and agree to the conditions of approval.

Alexander Mackovski stated yes.

Public comment opened and closed at 6:50 pm with no comments.

Motion: Approve CU-22-18 based on staff findings as outlined in report subject to the conditions of approval in the staff report, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.
Motion passed unanimously.

- 10. For Possible Action – ETSU-22-5:** Public Hearing, discussion, and deliberation on an application for a six (6) month Extension of Time of CU-2021-000117 to obtain approval and begin construction on the proposed assisted living project on property located at 2531 S. Homestead Road. Assessor's Parcel Number 042-392-05. Athan Ray Development, LLC – Owner. Benjamin Torrella, Designland, PLLC – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (QM)**

Mrs. Medici stated this request is for an extension of time of CU-2021-000117. The CUP was approved by the RPC at its July 14th, 2021, meeting, with the condition that the applicant would submit and obtain approval of the site development plan within 12 months approval. The original expiration is July 14th, 2022. Due to delays and financial constraints encountered during the COVID-19 pandemic the applicant is requested an 8-month extension of time. Staff suggests a 6-month extension of time to submit and obtain an approved site development plan by January 14th, 2023, with construction to begin no later than January 14th, 2024. The Planning Commission must approve any modifications and approved conditional uses.

Commissioner Meredith stated why do they need the extra 2 months?

Mrs. Medici stated the applicant is in the audience and can answer that.

Benjamin Torrella, applicant, stated they are trying to get an 8-month extension, we were engaged after the February 14th meeting, so I was pushing the owner to get all the consultants together and my understanding is the plan checking process almost 2-3 months so removing that time plus the time for design and submittal, I was trying to play it safe with scheduling to handle, we will do our best with the 6 months. I understand from the utilities and power it's going to take time.

Commissioner Carbone stated I thought I understood from the planner the issues were because of covid and other issues but what I'm hearing it sounds like more other issues, can someone elaborate?

Mr. Torrella stated budget wise it's covid. He's talking about the 6 months your giving; I'd like to get 8 because of the plan checking process.

Mr. Waggoner stated he understands the concerns with the time of approval for site development but that's dictated more on your side, not the county side. Any delays of the construction side have nothing to do with the application.

Mr. Torrella stated I understand what you are talking about. I'm just thinking of the sequence.

Mr. Waggoner stated if you get your civil plans and building plans, that's the full package to be submitted before you get your permits.

Commissioner Turner asked MR. Torella if he is supplying civil plans for them?

Mr. Torella stated they are doing the civil and structural plans for them.

Commissioner Tyler asked the applicant if they have read, understand and agree to the conditions of approval?

Mr. Torrella stated yes.

Public comment opened and closed at 7:01 pm with no comments.

Motion: Approve ETSU-22-5 to extend the time to 6 months, to submit and obtain an approved site development plan modifying it from January 14th, 2023, to January 14th, 2024, with the standard conditions of approval by staff, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Motion passed unanimously.

11. For Possible Action: Discussion, deliberation, and possible direction to staff regarding a draft Backyard Chicken Ordinance.

Mrs. Medici stated they will be adding this to the VR-20 Zoning. Under 17.04.240, permissive uses, under home occupations, keeping of chickens under the following conditions. The keeping of chickens shall be restricted to lots that are a minimum size of 20,000 gross square feet in size. 2) no more than 10 chicken hens will be allowed on each lot. 3) No Roosters shall be permitted. 4) Chicken coops shall be restricted to the rear yard area of the lot and meet the required setbacks for accessory structures and zoning review is required prior to construction. 5) No person shall be permitted to sell meat. 6) Persons or property engaged in keeping of chickens are not exempt from nuisance ordinances 7) All failed eggs must comply with the Nevada department of agricultural regulation. For the number 5, no person shall be permitted to sell meat, we did that on purpose so that no one is slaughtering chickens and has more than the required amount. Our intent was if they're going to use them for their personal use that's fine. No Roosters will be allowed. Within 17.04.910 zoning review required that's going to give you what your setbacks are going to be for the type of chicken coop that can be used. Anything over 200 sq ft would require building permit so that would be inspected by the building department and then they also double check to make sure the setbacks are being met.

Mr. Waggoner stated he in RE-1 and RE-2 it allows for subsistence farming, which doesn't allow for any kind of commercial type operation. So, he would suggest adding that no person shall be permitted to sell meat and or eggs because they don't want a bunch of commercial businesses popping up on half acre type subdivisions and if we don't allow it in RE-1 and RE-2 why would we allow it in VR-20.

Commissioner Meredith stated she doesn't want to hinder people selling to their neighbors.

Mr. Waggoner stated they don't want commercial business in VR-20. It's subsistence farming, these are meant to provide eggs for their family. It doesn't mean they can't take him to a farmers' market or something.

Commissioner Turner stated regarding the setbacks, I understand it's going with the standard ones on the 5 ft back and set towards the back is closer to your neighbor. Then it becomes the neighbor's problem especially

if they cut their house back a little further and have more of a front yard than backyard. Is there a way to maybe go at least 10 ft?

Mr. Waggoner stated if you would like to make that as a suggestion you can.

Commissioner Turner stated yes, I'd like to see that setback 10 ft at least.

Commissioner Tyler asked for clarification in a VR-20, they don't allow any other livestock other than chickens?

Mrs. Medici stated that's correct.

Mr. Waggoner stated nor would this override any CCR's if there were any that would apply to that subdivision. Like for instance we have a subdivision that was approved for a tentative map, for half acre lots. If they have in their CCR's, you can't have this type of activity on the property that's perfectly their right to do that. We've had applicants before this board for chickens, had waiver application denied for it as well as the one we've been discussing for the last year. It's probably not going to be eliminated from it happening and even my neighborhood, but if we could regulate it a little bit, that's kind of what we're aiming to do rather than have code compliance cases all over the place.

Commissioner Meredith stated she thinks this is fair for everyone and appreciates the draft that's written up.

Commissioner Carbone stated now animal control will be involved making sure they have only 10 chickens.

Mr. Waggoner stated no, because it does not require a title 6 permit, animal control will only be involved if someone calls for a welfare check on the chickens. The number of chickens will fall under Code Compliance.

Commissioner Tyler stated she likes there are guidelines for someone who wants to keep chickens rather than before when there was not. There have been complaints all across the board for chickens and rooster.

Public comment opened at 7:18 pm.

John Koeing asked if existing roosters would be grandfathered?

Mr. Waggoner stated a suggestion is we can put a sunset provision in this code to give people that do have Roosters today in VR-20, a certain amount of time to come into compliance.

Public Comment closed at 7:20 pm.

Commissioner Turner stated he would like to make direction to staff to bring this back for next month's agenda.

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

Next meeting is June 15th, 2022, at 6 pm.

Mr. Waggoner stated next month we should have a livestock ordinance that should address a BOCC agenda item with a nuisance complaint.

Public Comment:

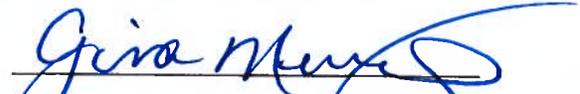
- 13. Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Public comment opened and closed at 7:26 pm with no comments.

14. Adjournment.

Meeting adjourned at 7:27 pm.


Elizabeth Lee, Chairman
Pahrump Regional Planning Commission


Gina Meredith, Secretary/Clerk
Pahrump Regional Planning Commission