

**JOINT MEETING OF THE PAHRUMP REGIONAL PLANNING COMMISSION AND CAPITAL
IMPROVEMENTS ADVISORY COMMITTEE
MINUTES OF THE FEBRUARY 23, 2022 REGULAR MEETING**

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

Members Absent:

Planning Staff: Mr. Waggoner
 Steve Osborne
 Cheryl Beeman
 Celeste Sandoval
 Amber Randle
 Qiana Medici

District Attorney’s Staff: Michelle Nelson

Public Works Staff: Tyler Mulvey
 Thomas Bolling

Other Attendees: Commissioner Carbone

Acronyms Used:

| | | |
|------|---|-------------------------------------|
| AP | = | Assessor Parcel Number |
| BDA | = | Business Development Area |
| 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 6:01

- 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 – January 12, 2022

Commissioner Lee stated she submitted some minor typographical errors to staff.

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

Motion: Approval of Minutes with changes. **Moved by** Pamela Tyler, **Seconded by** Leah-Ann DeAnda.

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.

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

Motion: Approval of the Agenda as is, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Leah-Ann DeAnda.

Motion passed unanimously.

5. **Correspondence and Announcements**

Commissioner Carbone stated on March 4th from 10 am - 2 pm there will be a Veterans extravaganza at the Bob Ruud Community center.

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

- a. BOCC Liaison Report
None

- b. Director's Report

Mr. Waggoner stated total applications received was 226, which is 94 more than last month. Total applications processed was 176 which was 64 more than last month. Since July 1st there have been 1357 planning applications received and 209 new code compliance complaints received. Compared to 1093 Planning Applications and 175 Code compliance complaints for the same time period last year.

Code Enforcement had 22 new complaints which was 13 more than last month and closed 10 cases which was 221 less than last month. We had 38 building permits; 9 MH permits that was 8 more than last month. 241 building permits since July 1 compared to 271 last year.

SITTING AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

7. **For Possible Action:** Discussion, deliberation and direction to staff on a quote received from CA Group, Inc., on updating the Capital Improvements Plan with a not to exceed amount of \$59,640.00.

Tom Bolling, Acting Public Works Director stated last year we were approved for not to exceed \$50,000, but with the on call group which is the best group to do the job, they are asking for \$59,640.00 for approval to not to exceed.

Commissioner Lee asked how long will it take to complete this?

Tyler Mulvey stated it only mentions 383 hours of work.

Public comment opened and closed 6:14 pm with no comments.

Commissioner Turner asked for clarification on this quote, is there anything that is being done that either we didn't ask for or we get some bonus stuff like extra information or studies that come with it, that you might be able to use somewhere else?

Mr. Bolling stated no, they will be updating the existing CIP plan that we have. The one thing that we are doing in house is the PCI is for the actual roads add so this number would have been a lot higher if we asked them to do so.

Commissioner Carbone stated its \$59,000, you asked for fifty, do we have the funds to cover the \$59,640?

Mr. Bolling stated he doesn't know, they do in the CIP though. I will have to double check that's where the funds are coming from.

Commissioner Turner motioned to verify if funds are available.

Mr. Waggoner stated he is a bit confused on how this is worded. We had a not to exceed amount authorized up to \$50,000 got a bid for \$59,000 but the way it is agendized it's asking you to accept the quote, not increase it. I just can't tell if it's asking to increase the not to exceed amount to \$59,640 and then we need another agenda item to accept the quote?

Commissioner Lee asked if we should direct staff to verify funds are available then we can come back to direct staff?

Commissioner Carbone stated the quote exceeds the approved amount of money. Now go see if you have the money. Next thing is you have to accept the proposal.

Commissioner Tyler stated next time you bring this to us can you also bring up the current CIP because as I seem to recall we have quite a bit of funds sitting in that, so that will give everyone more peace of mind if we have that so we can look at what is sitting there in our capital improvement fund for us to draw this out of.

Mr. Bolling stated he doesn't know the exact amount in there but last time he checked there was 4.5 million dollars in there but will bring it back next meeting.

Michelle Nelson from the DA's office stated this agenda item is to not increase over \$59,640 so the amount is not to exceed that we could not make a motion for greater than that dollar amount.

Commissioner Lee asked the DA if they could make a motion to accept the bid of not to exceed \$59,640 pending the verification by staff that the money is in the fund to go that high.

Ms. Nelson stated that is correct.

Commissioner Turner amended his previous motion.

Motion: approve the quote of a not to exceed of \$59,6040 pending staff approval of the available funds. **Action:** Approve, **Moved by** Commissioner Turner, **Seconded by** Commissioner Tyler. Motion passed unanimously.

Adjourned as the CIP and convened as the RPC.

8. **The following items are continued from the January 12, 2022 RPC meeting:**

- a. **For Possible Action – ZCMP-21-34:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change four (4) parcels totaling approximately 4.4 acres from Neighborhood Commercial (NC) to General Commercial (GC) on property located at 3670 E. Alfalfa Street, 3700 E. Alfalfa Street, 3730 E. Alfalfa Street and 3760 E Alfalfa St. Assessor’s Parcel Numbers 042-451-08, 042-451-09, 042-451-10 and 042-451-11. Pinewood Company, 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 March 15, 2022, or as otherwise announced.)**

- b. **For Possible Action – WV-21-161:** 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 3670 E. Alfalfa Street, 3700 E. Alfalfa Street, 3730 E. Alfalfa Street and 3760 E Alfalfa St. Assessor’s Parcel Numbers 042-451-08, 042-451-09, 042-451-10 and 042-451-11. Pinewood Company, 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-21-141:** 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 3670 E. Alfalfa Street, 3700 E. Alfalfa Street, 3730 E. Alfalfa Street and 3760 E Alfalfa St. Assessor’s Parcel Numbers 042-451-08, 042-451-09, 042-451-10 and 042-451-11. Pinewood Company, 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 the applicant had asked for these to be continued to include a 4th parcel but they were unable to provide updated justification letter or site plan in time for the backup materials. Staff is only making a recommendation for the 3 parcels not the 4. Staff would like to recommend changing special condition of approval #3, by deleting #3 A-H and replace with standard zone change language. “The zone change shall expire in 3 years unless the use has commenced, or construction is completed.” Change condition #5-A and add 5 months for the building permit to August 2022 and add in APN numbers.042-451-09, 042-451-10 and 042-451-11.

Change condition of approval 5-D start of construction would then add from April to September (added 5 months) delete 5-E all together. Conditional use permit 9-A change the date to August 1st 2022 and add the APNs for permanent location. Condition # 9-D change from April to September and delete condition 9-E.

Commissioner Lee stated on the conditions of approval under zone change special conditions of approval number two and would it be worth it to identify the APN's under that conditions of approval?

Mr. Osborne stated yes.

Commissioner Lee stated so that’s adding 042-451-09, 042-451-10 and 042-451-11?

Mr. Osborne stated yes.

Commissioner Blackstock asked staff, on page 5, the spread of the poundage of fireworks. Shouldn't there be some separation in the powder of these containers.

Mr. Osborne stated that is in regard to explosives not fireworks the applicant has which is 4g fireworks.

Mr. Waggoner stated that refers to the 1.3 G fireworks that you see at harvest fest or Fourth of July.

Commissioner Curtis asked how did they get address to Alfalfa Street what's the history of that?

Ms. Beeman stated the Preferred Equity Corporation who subdivided that area did come through and they fronted that residential subdivision onto Alfalfa St and that was their plan that those homes would be backed up on the highway, but in reality, when we look at commerce, people wanted to take advantage of a highway access so it's been developed in a flip.

Commissioner Curtis stated the definition of inhabited buildings really has nothing to do with residential only and stated buildings regularly occupied in whole or in part as a habitation for human beings or in a church, schoolhouse, railroad station, store, or other structure where people are accustomed to assembling and then they make the exception for the fireworks people. She was in that in that development this afternoon and the casino must have had twenty cars parked obviously inhabiting that building and the amount of cars that were parked in that whole development probably was 30 or 40 or so cars. How do you address that, because that is referred to the table of distances which you have made exhibit?

Mr. Osborne stated that refers to explosives not fireworks. That doesn't meet the definition of explosives.

Commissioner Curtis stated the word fireworks is stated in this request and believes it should be precluded with the word consumer fireworks because, that consumer fireworks is 1.3 G right? And if it just says fireworks in the warehouse could conceivably have the display fireworks in there and it would be approved according to this?

Mr. Waggoner stated the fireworks stores in Pahrump, that are licensed, are not allowed to sell 1.3 G, they're only allowed to sell 1.4 for storage.

Commissioner Tyler asked Mr. Waggoner if that is a requirement for the ATF regulated by the federal government?

Mr. Waggoner stated yes. They also need a permit through the state fire marshal for what they do store in there and all their hazardous material. But they are not allowed to have 1.3.

Commissioner Curtis asked if they don't think the proximity of the commercial buildings next door is important.

Mr. Waggoner stated he does not see it as a huge concern, no.

Commissioner Curtis stated consumer fireworks are considered hazardous materials by the post office, HazMat, DOT transportation, they have all their trucks must be specially marked in order to transport them. So, there's a bit of confusion, it's a very thin line between explosives and hazardous materials.

Mr. Waggoner stated he is not lobbying for the fireworks industry, but Home Depot has many products that have those placards on them. That are required by DOT, that's the way I look at it. There's a bunch of placards for different things.

Commissioner Curtis stated she doesn't have a problem with the fireworks retail. She is very concerned about the size of the storage areas that they like to use or need. We for instance, had a request before the Planning Commission last year for another fireworks storage and there was a lot of discussion because that was only 1400 feet from the nearest residential area and it was approved. Now we're being asked to approve something that's only 300 feet from residential, what a difference.

Mark Fiorentino, representative, stated they appreciate and understand the effort they're making in the challenge the difficulty in trying to achieve a balance between the interest of these small business owners who has already discussed a little bit make substantial contributions to the county's economy. But also, their legitimate desire to move away from the temporary storage facilities. That facility will meet or exceed all of the applicable standards as already noted the staff report. To make the record absolutely clear, they will not and cannot do those explosive fireworks. They're only talking about consumer fireworks. These items are the land use applications that would be necessary for them to build a permanent facility they have accepted the change to remove parcel #8 tonight. The primary interest here is to get the fireworks stored in a safe building and out of temporary storage so we want to make sure that we have ultimately plenty of space to do that. The building will be designed in a way so that it could be phased, so it won't hold up the process of getting us under construction. For tonight's purposes that fourth parcel is, as staff has pointed out as, not properly in front of you. So, first idea get those Land Use in place to build the permanent facility so we can get moving on our building. The second concept obviously, which is embodied in the conditions of staff read to you and we accept those conditions and are grateful for their work on them. They require us alternately that to remove the temporary storage the goal that you've been trying to achieve for some time now. The conditions as you'll see set some very specific timelines at milestones to ensure that we're making steady progress towards that completion. These first items are for the permanent facility. The next group of items is to temporarily put the land use approvals back in place for the temporary storage while we complete the building.

Commissioner Curtis stated they have what's called the Red Apple stash houses, which is around the country. Will this location be considered a stash house? Will you be allowing consumers with their U-Haul trucks or vehicles with trailers picking up in addition to the semis delivering and unloading?

Mr. Fiorentino stated he is not familiar with the term stash house. It is his belief that, no one will be able to come in and help buy and remove truckloads of fireworks.

Commissioner Curtis stated the term stash house comes from red apple, another firework company doing online sales. And when they have these huge orders from consumers, they stash them in the stash house and the consumer comes to pick them up and I was wondering if this was going to be a stash house.

Mr. Fiorentino stated they absolutely serve customers online. So, you can order online and come pick up. He doesn't believe there will be pickups at the warehouse facility.

Mr. Waggoner stated the warehouse is to store all the fireworks. Where they have fireworks stored in shipping containers across different parcels going down the highway. This is going to replace the need of those containers. And any retail type sales will be done through the retail store like it is today. They can't go to shipping containers today and fill up their trucks. They take it from the shipping containers to the store and then on to the consumer.

Commissioner Turner asked for clarification that the warehouse will strictly be for employees and staff. You don't plan on serving the public out of this warehouse?

Mr. Fiorentino stated that is his understanding.

Commissioner Carbone stated Mr. Fiorentino made comments twice they are going to meet or exceed the building requirements. Is it going to exceed the building requirements?

Mr. Fiorentino stated that is just lawyer speak. I can't site you any specifics, there might be some, but I haven't seen the details any of the building applications yet. It's to ensure there are fire codes, safety codes, that apply to the storage of these types of products that we will meet or exceed them.

Commissioner Carbone stated we have been moving this thing around for years instead of months. So, is this going to stabilize and stay in one place or getting it done per what's being said storing it here under the conditions of approval?

Mr. Fiorentino stated that's the point, that's why it's taken the, this long to get to this point, so they could firm up possible dates that everybody was comfortable with and commit to. He totally understands the history and the efforts that they all have tried to make. To a certain extent, they have recognized the challenges of the industry. These are substantial investments for them to make in the pretty turbulent times and so it's probably taking longer than all of us wanted to get to this point, but they've worked very hard with Mr. Waggoner on those conditions to make that very specific and there's not a lot of wiggle room. It is absolutely the last intent.

Commissioner Carbone stated knowing that we have problems with building material. Are you positive that we are going to meet those schedules with problems of delivery of those materials?

Mr. Fiorentino stated he's as positive as he can be. The reason they adjusted the conditions and, removed the condition on the completion date, so that the conditions now focus on things within our control. The filing of a building permit and the commencement of construction. It could very well be once we commenced construction that we do hit some delays that it takes us longer to build the building than we thought, with availability and roadway blockages and those kinds of things, but that's the reason they made the adjustments they did was to be very tight on the things that they can control, filing a permit and commencing construction.

Public comment opened at 6:57 pm.

John Koenig stated they were here for the same thing a few years ago, he thinks he said something that was guaranteed it would be done in a couple years. It needs to get done, we've been waiting for this, storing stuff in containers is not the way you go. They have to go over to the containers pick stuff up, take it and go over to the store. It just cost them money to do it. As far as bad circumstances that we are going through in this time, I think that if you noticed the lines in front of the fireworks stores during these bad circumstances were outrageous, they sold more than anybody.

Public comment closed 6:58 pm.

Commissioner Curtis asked what are the unique circumstances?

Mr. Osborne stated that's for the waiver, in order for the waiver to get approved there must be something unusual about it. Having a firework stand is unusual, not a lot of communities even have that. That's where that is coming from. The actual facility itself and the use. And having that type of separation requirement is not a typical requirement.

Mr. Fiorentino, stated in terms of the uniqueness of this situation is that he suspects it would be very difficult to find any parcel in Pahrump that would meet your various different criteria. So,

in other words, it is eligible for the appropriate zoning and 1500 feet away from residential and has good access, like along the freeway and is close enough to the retail, but I would suggest for safety, far away enough, so you don't have a substantial amount of transportation between the storage and the retail because the more you move it around.

Commissioner Lee asked staff if there is anything in the conditions of approval where it says the waiver and the CUP become effective when the zone change is approved? Is it applicable in this stage?

Mr. Osborne stated he doesn't think it's in there but if you'd like to add it in there you can.

Motion: Recommend approval to the BOCC for ZCMP-21-34 based on staff findings and with the approved agreed upon conditions **Action:** Recommend, **Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

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

Yes: Beth Lee, Gina Meredith, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Walt Turner. **No:** Carol Curtis.

Motion: Approve CU-21-141 and WV-21-161 based on staff findings with the previously stated edits **Action:** Approve, **Moved by** Commissioner Turner, **Seconded by** Gina Meredith.

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

Yes: Beth Lee, Gina Meredith, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Walt Turner. **No:** Carol Curtis.

9. The following items are continued from the January 12, 2022 RPC meeting:

- a. **For Possible Action – ZCMP-21-35:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change two (2) parcels totaling approximately 2.2 acres from Neighborhood Commercial (NC) to General Commercial (GC) on property located at 3550 E. Alfalfa Street and 3580 S. Nevada Highway 160. Assessor's Parcel Numbers 042-451-15 and 042-451-14. Pinewood Company, 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 March 15, 2022, or as otherwise announced.)**
- b. **For Possible Action – WV-21-162:** 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 the temporary storage of fireworks on property less than one thousand five hundred feet (1,500') from residential properties, located at 3550 E. Alfalfa Street and 3580 S. Nevada Highway 160. Assessor's Parcel Numbers 042-451-15 and 042-451-14. Pinewood Company, 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-21-139:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow for the temporary storage of fireworks on property located at 3550 E. Alfalfa Street and 3580 S. Nevada Highway 160. Assessor's Parcel Numbers 042-451-15 and 042-451-14. Pinewood Company, 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)

Mr. Osborne stated this is where the temporary trailers are currently located and staff has some recommended changes of the conditions of approval. They are going to leave the expiration dates under the zone change conditions so they will expire under there once the temporary

trailers are removed. Under condition #2-A change the date from March to August and specify the APN's 042-451-09, 042-451-10 and 042-451-11, for Condition # 2-D change date from April to September and delete Condition #2-E, under Waiver Conditions of approval #4-A clarify the APN's 042-451-09, 042-451-10, 042-451-11 and change date to August and Condition # 4-D start construction of the permanent ware house and change date to September and delete Condition #4-E, under Condition use permit #7-A add APNs 042-451-09, 042-451-10 and 042-451-11 and change 7-A from March to August 1st 2022, #7-D change construction of permanent warehouse date to September 2022 and remove #7-E.

Commissioner Lee asked if they are already storing fireworks in the containers and if they have a TUP approved?

Mr. Osborne stated yes, but the last one has expired.

Mr. Waggoner stated this is to rectify a code compliance issue, still tie it to the new construction. There was a temporary use permit for the firework season and containers were supposed to be removed. With the shipping logistics issues that we experienced and are still experiencing today, a lot of the product did come in late after that 4th July holiday so it is being stored in those containers but rather than do another temporary use permit he wants to try to put a little more teeth to it this time and that's why we've got everything kind of tide together. Once that warehouse is done all those containers are gone.

Commissioner Lee asked if they still have a conditional use permit or temporary use permit on 3490 and 3460 highway 160?

Mr. Osborne stated yes, they have a conditional use permit.

Commissioner Lee asked if they have a conditional use permit for those 2 lots, are they trying to build a warehouse on the other 3 lots and now they need a CUP for 2 more lots?

Mr. Osborne stated yes, from my understanding all those temp trailers will be removed once the new warehouse is completed.

Mr. Waggoner stated the previous CUP you're talking about already have those conditions to where the CUP goes away once the warehouse is done.

Mr. Fiorentino representing red apple which is the applicant. Just to reiterate and make sure the record is clear that the whole point is to get the permanent facility built that was the subject of your last items and then to remove all of these storage containers. The request is not to add new storage containers and not to expand any that are currently there, it's just to get them in compliance while we build the permanent facility.

Public comment opened and closed with no comments at 7:17 pm.

Commissioner Lee asked Mr. Fiorentino if he has read and understands the modification of the conditions tonight and if he agrees to them.

Mr. Fiorentino stated yes, he does understand and agrees to them.

Motion: Recommend approval to the BOCC for ZCMP-21-35 based on staff recommendations and agreed to amend conditions, **Action:** Recommend, **Moved by** Pamela Tyler, **Seconded by** Commissioner Turner.

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

Yes: Commissioner Lee, Gina Meredith, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Walt Turner. **No:** Carol Curtis.

Motion: Approve WV-21-162 & CU-21-139 based on staff findings and agreed to amend conditions, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Gina Meredith, Leah-Ann DeAnda, Pamela Tyler, Robert Blackstock, Walt Turner. **No:** Carol Curtis, Beth Lee

10. **For Possible Action – CU-21-142:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow rental of U-Haul trucks at a grandfathered self-storage facility located at 900 E Simkins Rd. Assessor Parcel Number: 029-731-16. Highway 160 Self Storage LLC – Property Owner. Jeff Gorden – 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.)** (CB)

Cheryl Beeman stated this is an expansion of a grandfathered storage facility to add U-Haul rentals. It is zoned GC, but it doesn't state "Rental" vehicles in the code. Staff is recommending approval of this matter.

Mr. Mulvey stated in 2004 they had encroachment permit for a driveway that was not meant to be parking spots. Per our code, off street parking is designed for them backing out into parking spaces. Public Works is wanting a special condition to remove parking spots or relocate.

Mr. Waggoner stated there was no site development back in 2004. It wasn't something that needed to be reviewed. This is the first time I've ever heard asking to remove parking. Especially paved parking of all things. I understand where Public Works is coming from, where you are not allowed, other than for residential, cars backing into the right of way. But Simkins road isn't what I would consider a major traffic road, especially beyond this. So, I would take that into consideration. I'd hate to see us not allow somebody to utilize paved parking because it's something we get asked to waive all the time. My understanding or staff's understanding, they will be stored in the fenced area. They aren't going to be stored out front so you shouldn't have that traffic.

Commissioner Turner asked if adding onto business wouldn't that mean more parking spots?

Mr. Waggoner stated you only need 1 spot for a mini storage facility, and they already exceeded that.

Ms. Beeman stated their site is fenced and asphalted. They do have the adequate area for additional vehicles.

Commissioner Blackstock stated in the letter it mentioned about having it paved and I think on the conditions of approval it has gravel. Does it make any difference since it's going to be trucks and not just trailers and stuff?

Mr. Waggoner stated for the gravel, it's actually where the U-Haul's will be parking, inside the fenced area.

Commissioner Lee stated with these parking spaces, the asphaltting and identifying these parking spaces, that was done. They asphalted under an encroachment permit, and it was done before we had those requirements. I just want to make sure we're not putting them into a position where we know about this but we're not doing anything so now suddenly they're talking to code compliance I just want to make sure there isn't that kind of a situation.

Mr. Waggoner stated, unless they were to expand the facility, then they would have to go through site development.

Ryan Wills, applicant has no comments.

Commissioner Turner asked if they have an area where they will be storing the U-Hauls?

Mr. Wills stated, in the picture we provided, there is a cinder block wall on the left of the building they will be stored there. As far as pulling in and backing out, we have intended where the customers will pull straight out, they won't even be parking equipment in front of the business, so they won't even have a need to back out at all. Once they claim it's returned it will put it in the back storage behind the walls and then when it's rented it'll be pulled out so that way it won't have anyone pulling out onto Simkins at all.

Public Comment opened 7:31 pm

Tim Bohannon, asked if there would be pods stored on the facility.

Mr. Wills stated no, it will only be truck rental.

Andrea Vanderslice asked if there will be after hours for returning.

Mr. Wills stated yes, they do have programs implemented where customers can return after hours should they want to or they have secured drop boxes customers can place keys in there and then in the morning or return the equipment and we retrieve the keys from the boxes. Customers will have a plan on where they can drop off so that way we're not repeating any traffic or anything.

Public comment closed 7:33 pm.

Motion: Approve CU-21-142 based on staff findings and the conditions of approval, **Action:** Approve, **Moved by:** Walt Turner, **Seconded by** Pamela Tyler.

Motion passed unanimously.

11. **For Possible Action – CU-22-1:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to reinstate the grandfathered use on property located at 821 & 941 N. Oyster St. Assessor Parcel Numbers 035-191-33 & 32. Ronald & Charlotte Floyd Trust – Property Owner. Mike Floyd, Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners.)** (CB)

Ms. Beeman stated this parcel has been operating as a gravel pit since the 1990's. Grandfathered use can be restored under the approval of the conditional use permit. This property is two separate properties. One is LI, one is NC. The subject area is Master Planned to business industrial area, gravel pits are uses allowed by conditional use permit in the RH-9.5 in the HI zoning districts and of course we know the reasons for conditional permit and so staff has found sufficient justification to recommend approval and we did receive quite a few phone calls who wanted to know what was actually going on in this property and then once I was able to explain to them what it was everybody seemed to calm down and no one expressed any opposition to the matter at all.

Mr. Mulvey stated we were looking to add the condition for the road use and remediation agreement between the applicant and Nye County to identify the access road to silver. Limited to that access road. They're not just going to get to go everywhere and tear up everything. They are going to stay on one road that they have use to access, which I believe is Oyster. The roadways are ours; the roads are dedicated to us. It would keep the applicant, if the road gets damaged worse than it already is, they would be required to fix it back up to these standards at the time of the agreement and that's why we're

asking for an increase if it's being used more now than it is before then it's going to be an increase in heavier travel.

Commissioner Turner asked if the access roads were verified to be Oyster or Panorama and Kelly?

Mr. Mulvey stated the access road will be determined in the agreement.

Commissioner Lee asks Mr. Floyd if he read and understands the conditions of approval?

Mike Floyd, applicant, stated yes he understands and asked as far as the surface treatment, are we going to talk about that? I'm not going to get stuck with paving a mile road to the pit?

Mr. Mulvey stated no.

Public comment opened and closed at 7:43 pm with no comments.

Motion: CU-22-1 staff approved conditions based on staff findings and add condition from Public Works for road use and damage remediation, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

Motion passed unanimously.

12. **For Possible Action – CU-22-5:** Public Hearing, discussion, and deliberation on an application for Reconsideration of Conditions of Approval of Conditional Use Permit CU-21-137 which allows a Commercial Kennel. The request is to remove the condition that requires approval of a Site Development Plan. Located at 2281 E. Winona Way on 2.6-acres zoned Rural Estanted (RE-2). Assessor's Parcel Number 035-266-04. Nye County Planning – Applicant. Catherine Peterson - Property Owner. **(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 this was approved in November and one of the conditions was that a SD would be required and it was researched that Commercial Kennels in the residential districts didn't have a requirement for a SD but processed through a Zoning Review. Staff is recommending approval for changing condition #3 for site development and condition #17 and #18 to be removed.

Commissioner Turner asks the previous ones didn't require a site development, correct?

Mr. Osborne stated yes, we looked back at previous commercial kennels in a residential zone and they didn't require site development.

Commissioner Turner stated he thought if it was a commercial kennel it would trigger the site development because it's commercial.

Mr. Osborne stated it is a commercial kennel and that's why it was put in as a condition. But because it's a residential property, it would be more appropriate to treat it as a residential structure because it's zoned residential.

Commissioner Turner asked if you remember the reason why we put it on there originally?

Mr. Waggoner stated it was a staff recommendation at that time. Just having a title for that permit that's called a commercial kennel, the trigger for the CUP, is also in our code called commercial kennel, so it's being looked at as a commercial project. If you look at staff findings number 2, on one of the findings we have to make, is that it'll be harmonious and appropriate and appearance with the existing or intended character of the general vicinity by requiring paid parking lots and those kinds of development requirements, now would not be harmonious with the residential neighborhood. Due to the number of animals on the property triggered this requirement.

Katherine Peterson, owner, had nothing to add.

Public comment opened and closed at 7:52 pm with no comments.

Motion: CU-22-5 amending condition #3 and removing condition 17 and 18 based on staff findings and recommendation, **Action:** Approve, **Moved by** Commissioner Turner, **Seconded by** Gina Meredith.

Motion passed unanimously.

13. Presentation, discussion, and possible direction to staff regarding the Village Residential Zoning of properties in the Zolin Ranch Area. (This item is a Recommendation by the Pahrump Regional Planning Commission and must be scheduled for action by the Board of County Commissioner TBD at a later date.)

Ms. Beeman stated we should stop and think, why are we doing this and do we just need a backyard chicken ordinance? Do we open it up for a VR-20 neighborhood?

Commissioner Lee stated looking at Zolin Avenue and where this came from, even though we wrestled with VR-20 in this area for quite a long time is when you look at those streets it's parceled 1 acre lot I believe, they cannot be subdivided. So could we give them the proper zoning from APN 045-084-02 on the western side down to the east at Squaw Valley at on 045-084-16.

Ms. Beeman stated are you saying take the Zolin ones and apply a RE-1?

Commissioner Lee stated because they are developed, they are not doing to be subdivide into anything smaller. The other areas that are 1 acre off of Thousandaire, that is not developed yet like Zolin. We have people living on Zolin Street.

Commissioner Lee stated that's what people want when they come here. They want the large lots with horses and livestock and the people who don't are the ones who go into Master Planned communities with HOA who aren't living next to livestock.

Mr. Waggoner stated I think that's a good suggestion. He reminded the board of the reason we are looking at this area which is the lack of infrastructure to even support the VR-20 zoning. When something is being marketed as VR-20, anybody that's a bit savvy is going to do a little research, they're going to realize I can buy a 40 acre parcel and subdivide that into 8 lots. I just think it's deceptive and misleading the way it is today. If we were to put this out to the public as part of our process, maybe they've got a different feeling about it but in just looking at the infrastructure and the feasibility of even giving infrastructure to support a subdivision of half acre lots are not feasible.

Commissioner Lee stated that is a good point about the VR-20 being deceptive, they need to correct it.

Commissioner Carbone asked how did they were zoned to VR-20?

Ms. Beeman stated there was a big problem with densification of our community back with the masterplan rezoning. That zoning district got applied in many instances and inappropriate instances and this is one of them.

Commissioner Carbone stated he purchased his property as a VR-20 now it's a RE-1. It's the idea that we do masterplan overlay, we've done all kinds of things to try to make things better. Cheryl's trying to do several things to try to make these things happen but now we just have to say, what do we really want to do? Those are 1 acre lots already set up the right coding on those as well and we know what those are we have to codes.

Mr. Waggoner stated and that would be the suggestion. We are not looking to apply a blanket of RE-1 zoning to all this study area. It would be zoned correctly. If I recall, even the VR-20 zoning doesn't comply with the masterplan of that area. That's the other goal is to get it in conformance with the masterplan.

Commissioner Turner asked if this was the area we were going to do a workshop on? No? Okay.

Commissioner Lee stated we give staff direction and then they'll either bring back the study or they'll bring back an actual actionable item for the agenda, public hearing notices will go out, get public comments and then we make a recommendation to go on the BOCC.

Commissioner Turner stated for direction taking number 3 for Squaw Valley West and Mickey South to Thousandaire.

Commissioner Lee stated the boundaries for the first part is Mickey Street to the North, Western border Homestead, Eastern border Squaw Valley and Southern border is Thousandaire.

Commissioner Turner stated the direction would be the planning process for that section number 3, as RE-1.

Cheryl Beeman stated number 2 would be hitting where section 1 is. Direct staff to rezone process for specific identified parcels to a zoning district of the characteristics of the area is what he had discussed.

Commissioner Turner stated Yes.

Commissioner Turner stated do you want to split the second and third area right now, so we know what it is for the future? I think everything east of our current area which is the remaining 3 little blocks is area 2 and then area three is everything remaining on the North End of our regional area 1 that makes sense?

Commissioner Lee stated No, can you give me street names and boundaries?

Commissioner Turner stated yes, so Mickey to the South boundary, Malibu is the east, the top section of Gene is included in that area. And the section North of Mickey and South of Manse.

Commissioner Lee stated okay so we have some direction to staff.

Meeting went into recess at 8:17 pm

Meeting Reconvened at 8:25 pm.

14. Presentation, discussion, and possible direction to staff regarding recently enacted "tiny homes" legislation.

Mr. Waggoner stated there was an assembly bill that was passed to require local governments to include a zoning in our district to allow for tiny homes. There are different regulations based on different population areas. We fall under the one where we must pick a zoning in our ordinances that will allow this or have a tiny home park. Today the building code does allow a tiny home that is 80 sq ft. This is trying to address the more modular type home that's street worthy and can't be fixed to the ground. It's treated more like personal property. He recommends looking at this like a mobile home park or an RV park to allow those types of things. Our code has so many different things that we have to change to allow these to be used as an accessory dwelling unit. We do have guest houses that are allowed but there's certain restrictions on those. By allowing this we'd have to revamp the code. Why would we allow a tiny home in somebody's backyard as a full-on accessory dwelling unit, when we put the restrictions on somebody that wants to have a guest house, that is real property that the county does

see a tax benefit from. My recommendation would be that if we were to move forward with something that we want to look at it more like an RV park or Mobile Home Park and kind of follow those development standard zoning requirements that would allow those types of things.

Commissioner Lee stated 17.04.785 Park Model Recreational Vehicle Parks, can we use that as a base and modify that to work with tiny homes because they are not too far apart? I think that's the better way to go and I had so many questions and issues classifying them as a dwelling unit.

Mr. Waggoner stated our code today allows for a guest home, but it's not really meant to be a permanent residence. It's designed to be a guest home. It does require a septic system and a meter on the well. I just think there would have to be a total overhaul of our zoning code. A good start would be to designate an area as to where they would be allowed.

Commissioner Lee stated the difference between a guest house is that it's temporary, but an accessory dwelling unit implies that you are going to dwell there for time uncertain and these could turn it into MF. It seems like a domino effect or ripple we do not want to create.

Mr. Waggoner stated by allowing them in a park type model, then that would allow somebody with affordable living. It would give him a nice home and in a lot of the discussions I've heard, a lot of the people in these tiny home communities, they like the community aspect of it. I think there could be some nice little parts that we could maybe lighten up the standards a little bit for development standards. It could be set up more of a community. Like that one that I toured in Las Vegas, that is exactly what it is. They have a nice little common area that people can go to, they have picnic tables, barbecues, etc.

Commissioner Turner asks if there is a limit to how many bathrooms a SFR can have with 1 septic?

Mr. Waggoner stated yes, the typical septic system out here is 1250-gallon tank, that is meant to support a 3-4 bedroom house and 2 ½ bathrooms. Anything more is a 3000-gallon tank.

Commissioner Curtis asks if you can restrict the occupancy in these tiny homes?

Mr. Waggoner stated no, we don't even do that in an SFR.

Commissioner DeAnda stated she does like the idea of putting them in a park so they can have their own little community. And then have that as part of the development standards.

Mr. Waggoner stated you still have to look at them as they are potentially another family. If you were to stick build your tiny home at 80 square feet or 500 square feet or whatever you consider a tiny home, there's impact fees and everything that come along with that because it does put impacts on the streets and the fire or the police. Where if it's not attached to that property, there is no compensation for that.

Commissioner Curtis stated when I looked at tiny home communities they're not privately owned there like a rental park. Then you would have the landlord making the rules and regulations that we can not

Mr. Waggoner stated that's where the code amendment puts development standards on that property. I'm suggesting a mobile home park with some rental spaces.

Public comment opened at 8:44 pm.

John Koenig stated when he checked the NRS they changed their rules. He checked Lyon County, they are defining tiny homes as the home could be fashioned in modular or off-site sections from the factory. Assembled off site and placed on a foundation. I don't know what the NRS or the legislature

did here. I can't find where they really defined what a tiny home is. It's supposed to be 400 sq ft or smaller and has a bathroom and kitchen which makes it different than an accessory building. So, I don't know what it really is. We need to define it then continue to have the conversation on where it needs to go. If you go down by where I live on Blagg, on the left-hand side there's a tiny home. It looks nice on 1 acre and there is another tiny home on one acre, but they are there and I'm sure they are in other places along with maybe junk.

Mr. Waggoner stated that is his point, it has to be permanently fixed to the ground per the code.

Gerald Schulte, stated there will probably never be another mobile Home Park built in Southern Nevada ever because of the cost. The average single wide rent in Vegas is \$1250 a month. So, there's no such thing as affordable housing anymore. People come into my dealership, and they still want to see a \$50,000 double wide. Since we're not going to get mobile home parks or any parks which is basically the same park that's going to accommodate tiny homes, the rent would have to be \$350-\$400 a month just for that little space. Where we have our lease spaces, we will accommodate the tiny homes if people want to do that kind of home. Tiny homes are just a fad. They're not practical by any means. You go down to Mesa or Yuma, and they buy a park model. It's built under standards and it's safe. They are the best thing out there for casita and for secondary housing, affordable housing, and it's cheaper than a tiny home. Tiny home averages \$60-70,000 dollars built on a utility trailer. You have to own a 1-ton truck to pull the thing. They are very top heavy and if you're not going fix it to the property, it's going to blow over. So, we will probably never see enough tiny homes that's going to grasp something like this. For years, we have had the need to invent something in a way a park model or small hut built manufactured homes that look like a park model home, so they can put it in the backyard. You got this little double wide on an acre and you have all this land there. And you have a family member that needs some housing. People right now, that work for \$12-\$15 an hour can't afford an apartment. We need some more affordable housing. We have the opportunity to do it here. We have got a lot of people that come in and \$1,000,000 that we spend \$500,000 on a stick built house or they can go to Vegas and spend \$1,000,000 in the same house but they want to get more housing for money.

Daryl Lackey, stated there's lots of things about tiny houses. They call tiny house about anything you can imagine. But one of the things that they're making them out of is shipping containers. Shipping containers costs about 6 grand you know by the time you get one. It's difficult to work with, you can't put decent doors in. The other small, tiny houses are sheds. There's just a shed with a window, with shutters over the windows to make it look cute. It's just a shed. Why not do these things correctly so that it's super-efficient.

Talisha Pena, stated she has actually seen the effect of what Covid has done and all of these dramatic price increases. She sees people every day that come in, they have their parents, they have their kids, they don't have anywhere to go. They can't qualify for a good enough loan because now in order to do full development on one of our pieces of property and one of our cheaper homes, you're looking about \$260,000. Two years ago, it used to be 140,000. Whenever you do a park model, they want to go onto their parents' property or their children property or a friend, you know no matter what it maybe you can do a title loan.

Public comment closed 8:58 pm.

Commissioner Turner asked behind the winery, what are those?

Commissioner Lee stated it's a combination of park models and RV spaces/casitas.

Commissioner Turner asked, so that is considered a park model?

Commissioner Lee stated it's either a park model that allows RV's or it's an RV park that allows park models.

Commissioner Turner stated to him when I thought of tiny homes, he thought of those.

Mr. Waggoner stated I don't know how that happened honestly. But you are correct.

Commissioner Turner stated the park models remind him of tiny homes. So could those be referenced under a park model for their requirements?

Mr. Waggoner stated we do have parts of our code to address park models.

Commissioner Tyler stated they set some kind of a mandate on the county and yet they don't give you clear direction and they certainly don't give you funding for it to put something into place. We have no power as planning or even the planning department or the county commissioner, to fund something like this to say this is what's going to go there. So, we're having to have define that and we can say this is what we will allow, but then how are you going to get a developer a group of owners together and say okay, we are going to put in the infrastructure for this. This is the quandary the state has left us in by vague direction and not a lot of direction. So, we can beat to death what defines a tiny home, but at some point somebody has to fund a place to put them. Because we don't have a place to put them. Are you going to go after preferred RV and say hey by the way we want you to allow some tiny homes? it's not part of their business model, why would they do that? That's not fair of us or the county commissioners to impose that upon the business owner. That's what this boils down to. We can have all the discussions we want; we just have to figure out which direction to give staff in case someone wants to do something like this.

Mr. Waggoner stated what they are requiring the county or cities to do is to define tiny homes however they want. The building codes adopted by the county does allow tiny homes. It doesn't really require an ordinance adoption. It doesn't say it has to be permanently fixed to the ground.

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

The next meeting will be March 9th, 2022 at 6 pm.

Commissioner Meredith asked for staff to bring back a backyard chicken ordinance for review.

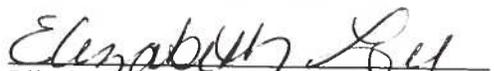
Public Comment:

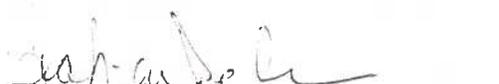
15. **Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Opened and closed at 9:15 pm with no comments.

16. **Adjournment.**

Meeting adjourned at 9:18 pm.


Elizabeth Lee, Chairman
Pahrump Regional Planning Commission


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