

**JOINT MEETING OF THE PAHRUMP REGIONAL PLANNING COMMISSION AND CAPITAL  
IMPROVEMENTS ADVISORY COMMITTEE  
MINUTES OF THE MARCH 9, 2022 REGULAR MEETING**

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

Members Absent: Pamela Tyler

Planning Staff: Mr. Waggoner  
Steve Osborne  
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 was called to order at 6:01 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 at 6:01 pm

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

a. PRPC Meeting – February 9, 2022

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

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

**Motion:** to accept minutes with changes to staff, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Leah-Ann DeAnda. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

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

None.

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

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

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

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

5. **Correspondence and Announcements**

Brett Waggoner stated there have been a couple of promotions in our office. Qiana Medici has been promoted to Principal Planner and Steve Osborne to Assistant Director.

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

a. BOCC Liaison Report

Commissioner Carbone states Vet Extravaganza went great.

b. Director's Report

Mr. Waggoner stated there were 228 planning applications which was an increase of 2 from last month. Total applications processed was 160, which was 16 less than last month.

There were 1585 planning applications received and 237 code compliance received this year compared to 1588 application received and 192 code compliance received this time last year.

Building permits: 69 SFR which was 31 more last month, 3 MF which was a decrease of 5 last month, total permits issued was 222, which was 16 more than last month. There were 400 inspections which is 21 more than last month. Since July 1<sup>st</sup>, there have been 310 SFR and 309 this month.

Code compliance had 28 new cases which was 3 more than last month and 3 closed cases which was 7 less than last month.

Previous items heard by the RPC were ZCMP-21-24 and ZCMP-21-25 for Red Apple Fireworks, the RPC board voted 6-0 for approval and will be heard at the BOCC meeting next month.

## SITTING AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

7. **Discussion, deliberation, and possible action to:** 1) Award the project to CA Group, Inc in the amount of \$59,640.00 to update the Nye County Capital Improvement Plan; 2) Fund from 10250 Impact Fee Fund; or 3) Reject quote and direct Public Works to source more quotes.

Tom Bolling stated in the back up is a list from the Comptroller showing of all the funds that have been collected and put into the fund 10250 since its inception and explained how the CIP fund works. They have 4.5 million dollars to use to update the CIP.

Commissioner Lee stated for clarification the reason we went this route was because it was going to cost us time or money if we have staff do it. It will take staff a lengthier time to update the CIP, getting a quote, you know what your cost is going to be and how many hours it would take.

Commissioner Turner asked if the Comptroller requires direction from this board to request the money from the CIP?

Mr. Bolling stated no.

Commissioner Turner asked if there was certain time of year the majority of the funds go in?

Mr. Bolling stated he's not sure if there's a certain time when the funds get deposited in. But the current balance in the account is 4.5 million dollars.

Commissioner Lee stated her concern is that she doesn't want it to take away from another project.

Mr. Bolling stated it will not.

Mr. Waggoner stated for fiscal year 2022, that's a year-to-date number and we still have a few more months of this year to go through, so that number will go up. Roughly \$60,000.

Public comment opened and closed at 6:16 pm with no comments.

Commissioner Meredith asked Mr. Waggoner on a scale of 1-10, how crucial this project is for you? How better effectively would this allow you to do your job?

Mr. Waggoner stated this project has outdated me, I've been here a little over 4 years trying to do it with staff and a decision was made many months ago and we need to farm this out to get it done. We are required by NRS to update this plan every 3-5 years, and we are quite a bit over that time.

Commissioner Turner asked if they will have access to the raw data separated out as well that they collect for other uses, like traffic patterns, etc. Would that be broken down as well as in the full CIP use on other projects.

Mr. Bolling stated yes.

**Motion:** Award the project to CA Inc group in the amount of \$59,640 to update the CIP and fund from 10250 impact fee fund **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.  
**Motion passed unanimously.**

Adjourned as the CIP Committee at 6:20 pm

8. **For Possible Action – WV-22-1:** Public Hearing, discussion, and deliberation on an application for a Waiver from NCC 15.28.100 Unpaved Parking and Storage Areas and 17.04.730 – Parking, Section D – Construction and Design Requirements, Subsection.4 – Surface, in conjunction with the development

of a driveway and an approximate 5.88-acre construction storage yard on a portion of the property located at 4801 S Homestead Road, Assessor Parcel Number 045-041-04. Patrick & Karen Rily – Property Owners, Civilwise Services - Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners.) (QM)**

Qiana Medici stated there is an updated justification letter that she would like to submit for acceptance into the record.

**Motion:** accept the updated justification letter into back up, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

**Motion passed unanimously.**

Mrs. Medici stated the property was the subject of a masterplan amendment MP-2019-000014 and zone change ZC-2019-000041 applications were both approved by the BOCC at the December 17<sup>th</sup>, 2019, meeting subject to conditions of approval and final action included in back up. At the RPC meeting on this matter on November 13<sup>th</sup>, 2019, the applicant stated that the 30-foot access would be paved. The justification letter included a request to waive the prior driveway. Since the adoption of the dust control regulations in 2004, the Pahrump valley has seen a significant improvement in air quality which has been achieved through paving or chip sealing road waves and monitoring of construction site showing that annual concentrations are regulated particulate remain below the annual standard. This application is a request for a waiver from the development standards that are outlined in Nye County code 15.28.100 and 17.04.730. If approved it would allow for the development of an unpaved driveway and construction storage yard, on about 5.88 acres of a 28-acre parcel.

Commissioner Turner stated he has a disclosure to make, he was the real estate agent involved with the selling to the property owners and believes he can move forward in an impartial way and the previous action will not persuade my decision.

Patrick Rily, owner, stated they are not asking to not pave the entire thing, They don't mind paving the 80 ft that adjoins Homestead, to the east. They want a wavier to not pave the driveway, which is 30 ft wide and goes back to the property where they are going to have their shop. The equipment they're loading, and unloading is steel tracked and it would just ruin the pavement, it would be a waste to spend that much money to pave that kind of situation.

Mr. Waggoner asked the applicant if the equipment, as it comes back or leaves your storage yard, is it going to be on a row boy? You're not driving track equipment out of the property without it being on some sort of trailer, right?

Mr. Rily stated correct.

Mr. Waggoner asked for clarification if they are asking for the waiver where the actual equipment will be parked and loaded to remain as compacted gravel? Anywhere regular vehicles will be moving, will be paved?

Mr. Rily stated yes. There are asking from Homestead, approximately 80 ft to the East, which would be our driveway, they will pave that part and the rest to remain gravel.

Commissioner Turner asked what the size of the equipment storage area, is that the part behind the VFW?

Mr. Rily stated yes, the part behind the trees is where our shop will be and that's where the loading and unloading will happen.

Commissioner Turner asked aside from storage, do they plan on doing maintenance or moving equipment to the shop to fix stuff?

Mr. Riley stated yes, we will be moving stuff around where our shop will be. The driveway goes from Homestead back to the tree line.

Commissioner Lee asked how far back does the 80 ft go, just back to the tree line?

Mr. Riley stated no, the tree line is approximately 400 ft back from Homestead.

Public Comment opened and closed at 6:31 pm with no comments.

Commissioner Lee stated the BOCC approved the 2018 International Fire Code, under section 202 general definitions is defined: “for fire apparatus access road, as a road that provides fire apparatus access from a fire station to a facility building or portion thereof.” This is a general term inclusive of all other terms such as fire lane, public street, private street, public lot lane and access roadway. Under the 2018 IFC, section 503, fire apparatus access road section 503.2.3 surface; it states that “fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.” In appendix D, section D-102, D-102.1 access and loading: “Facilities, buildings or portions of buildings hereafter instructed shall be accessible to fire department apparatus by way of improved fire apparatus access road, with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.” She doesn’t know that this board has the authority to waive the access road from the fire code. Who has the authority to waive that?

Mr. Waggoner stated that would come from the AHJ, the authority having jurisdiction. Which would be the county. He understands the equipment parking area as being problematic and would possibly get destroyed moving the equipment around. Staff recommendation would be to require the whole entire driveway and if they are going to put a building there, at least all the way to the building with whether proof surface.

Commissioner Lee stated she thinks this puts them into a conundrum based on the approved fire code requirements and that we don't have the ability to waive that portion. She just has a concern about waiving the paving for the access road.

Mr. Riley stated this is the first time he’s heard about the fire department needing a paved access road. Jason Cooper with Civilwise, engineered the driveway with a foot of pit run on underneath and then type 2, to accommodate the weight of fire trucks and whatnot.

Commissioner Lee stated the challenge that she has is that the IFC requires all whether driving capabilities and specifically talks about asphalt, concrete, or other approved driving surfaces. She doesn’t know if the pit run, and the type 2 is an approved driving surface that can support the weight of the apparatus.

Mr. Riley stated that’s what he got from Civilwise that the pit run, and type 2 is all weather approved.

Mr. Waggoner stated no, that’s not what that is referring to. It’s referring to concrete or asphalt surface. The only one who can agree to waive that is the Fire Chief. Our recommendations aren’t based off of fire code, they are based off of development standards. And our development standards do call for pavement driveways. He understands the parking area with the equipment, but anywhere where there is going to be daily travel with the interest of dust control, that’s where the pavement comes from. If they want to pursue the issue with the fire code, we will have to get the fire chief involved.

Commissioner Carbone stated without having the fire chief’s evaluation, it doesn’t look like your going to go any further.

Mr. Waggoner stated there is a site development review in which the fire chief is involved in, and he at that point can say that's not going to work. Regardless of what the board decides today. It would be best to get his input prior to decision or you agree to paving it all the way up, when you have that conversation with him, you submit your plan that way and if he's good with it, then we can amend that.

Mr. Riley asked if he would have to go to the fire chief on my own and get permission from him?

Mr. Waggoner stated if they were amicable to it, they can continue this item and try to get his input prior to it coming back before the board. Or you go with whatever they approve.

Mr. Riley stated this whole process is slowing him down. He would like to continue the item.

Mr. Waggoner stated he appreciates that they are trying to comply, but our findings as the Planning Department have to follow the code requirements, which is where our recommendations came from. It's up to the board to grant you your waiver.

Commissioner Turner asked staff how long of a delay would this be if they were to continue this and get the fire chief involved? Because they still must do the site review.

Mr. Waggoner stated no in order for the Planning Department to approve a site plan review without asphalt or without meeting the development standards, you would have had to have a waiver done first before they can approve it.

Mr. Riley asked if they are going to ask this question to the fire chief?

Mr. Waggoner stated if you would like for us to continue it, you can request that for 30 days in April. And in that period of time, they will have a discussion with the fire chief and see if he will support that.

Mr. Riley stated okay, but their building is scheduled to be here this month. Is there any way they can skip coming here again and the board can approve it on condition the fire chief approves it.

Commissioner Lee stated is it possible to do a special meeting to help speed things up?

Mr. Waggoner stated, until the site development is certified you cannot get a building permit yet. We can certainly do a special meeting within a couple weeks.

Mr. Riley asked if he has to be involved in the meeting?

Mr. Waggoner stated if he would like to be. The driveway right now as you explained it, is shown on the plan right now?

Mr. Riley stated the plan that we have right now from Civilwise does not include asphalt.

Mr. Waggoner stated he will set up a call with Scott Lewis and Patrick Riley.

Mr. Riley stated he would like to continue the item.

**Motion:** Continue to a special meeting date, upon the chamber availability, **Action:** Continue, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

**Motion passed unanimously.**

9. **For Possible Action – WV-22-3:** Public Hearing, discussion, and deliberation on a Waiver application to waive the requirements of Nye County Code Section 17.04.225.C to allow a ten (10) foot rear setback where a forty (40) foot rear setback is required in the Rural Estates (RE-1) Zoning District, for property located at 70 S. David Street. Assessor's Parcel Number 036-271-01. Robin Kirk & Cheri Mund Living

Trust – Property Owners. Cheri Mund – 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)**

Steve Osborne stated the applicant wants to place a MH on their property. The house is facing David Street and the property has a David address. They're proposing to put the house backed up to the rear property line, so it's only a 10-foot rear set back in the RE-1 zone that requires a 40-foot rear set back. Staff doesn't find that there were really any special circumstances that make compliance difficult. In our view the house could be repositioned on the lot and still meet the Nye County code set back requirements for RE-1. This is a corner lot, so per Nye County code, the applicant could ask for a property address change and change the address to Basin Street. That would make Basin the front of the property and so there's definitely other ways to be able to position the house and still meet all of the setback requirements. It doesn't meet the requirements outlined in the code for a waiver, so our recommendation is denial of this application.

Gerald Schulte speaking for the applicant stated with the design of the building there's a stairstep in two directions and the back door for the back yard is in one corner which basically is going to be the North West corner. It is still not the back of the home but the side of the home, so the configuration of this building fits where it's at right now based on that configuration the level stairstep on both sides. It could be moved anywhere else, but putting it where it is, having the 10-foot set back, it meets all the fire codes. We don't see any reason why somebody would want to turn down their desires on this beautiful building. This is going to compliment the area. Putting the roadblocks in front of it would be detrimental. What does a 40-foot setback mean? What's it going to allow if we even do that. It's not going to allow anything different; it's just going to allow more and better than landscaping in the front of the house and a proper backyard to the side of the house.

Commissioner Curtis stated the narrow end of the lot normally gets the address. In other words, it was addressed on David maybe it should have been addressed on Basin to begin with.

Mr. Waggoner stated it could be the case, but you could always change your address especially on a corner lot.

Mr. Schulte stated it wouldn't make any difference at all if the unit is set far back from Basin, it compliments more of the side street of David. It makes sense to have a David address.

Public Comment opened 6:59 pm.

Tim Bohannon, stated if they were going to expand Basin and David, is 10 ft enough? My concern is that it won't be. I know we have a requirement of 40, and that would be an impact there. I don't think more than 20 would be necessary if there's a waiver.

Public comment closed at 7:00 pm.

Commissioner Turner asked for clarification that changing of the address is not a solution?

Mr. Waggoner stated not where the house is being proposed to be located at, no. Because it would still be 10 ft off the property line. And to clarify on some confusion on the last public comment. This would have no effect on street widening because it's on the interior property line.

Commissioner Meredith asked Mr. Waggoner if this would be okay with the electric lines and everything else back there? Like if the cable company has to come in, is the right of way going to be affected by this?

Mr. Waggoner stated he's going to guess the power lines are probably running along what would be considered, the side property line, which is the rear of the properties behind it and down the street so no

I don't think that would affect that. Even so, a rear property line set back is always going to be at least a minimum of 10 feet to allow for the electrical line easement for overhead powerlines.

Commissioner Turner asked if combining lots would serve nothing at all for this? It looks like the property to the west would be crossing that 10 ft with their driveway.

Mr. Waggoner stated that's the concern if that property sells, their driveway encroaches into this property. But a merger re-sub wouldn't be a solution.

**Motion:** Deny based on the findings on the staff report, **Action:** Deny, **Moved by** Walt Turner, **Seconded by** Robert Blackstock.

**Motion passed unanimously.**

10. **For Possible Action – ZCMP-22-1:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately 4.844 acres from VR-20 to RH-4.5 located at 401 W Bunarch Rd. APN 029-642-18. Robert Sanchez Owner/Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 19, 2022, or as otherwise announced.) (QM)**

Mrs. Medici stated this is a request for conforming zone change one parcel to 4.844 acres from VR-20 to RH-4.5 to allow a family hobby farm with livestock. Staff finds sufficient justification to recommend approval of this application. The master plan is RDR, Rural Density Residential, so rezoning the parcel to RH 4.5 within the in conformance with master plan. The RH 4.5 zones are intended to provide low density uses of the minimum lot size of 4.5 gross acres, where animals may be kept as well as accessory buildings and quiet rule setting without maintaining a large agricultural operation. The RH-4.5 homestead residential zone is appropriate in rural areas where urban services will not be provided for an extended period of time.

Mr. Waggoner stated he would like to add this is another similar situation that we have been discussing the past couple meetings these are all 5 acre, 2 acre, 1 acre plus lots and that's another big area in the valley that got zoned VR-20.

Public comment opened and closed at 7:08 pm with no comments.

**Motion:** recommend approval to the BOCC based on the findings and subject to the conditions, **Action:** Recommend, **Moved by** Walt Turner, **seconded by** Gina Meredith

**Motion passed unanimously.**

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

The next meeting will be April 13<sup>th</sup> at 6 pm.

Commissioner Meredith asked Mr. Waggoner how the chicken ordinance is going?

Mr. Waggoner stated we have been doing some research on that.

Commissioner Lee asked staff if after the VR-20 Zolin area, should we start looking at other areas and start addressing VR-20?

Mr. Waggoner stated yes, I do think that's appropriate.

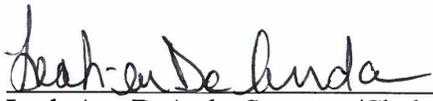
**Public Comment:**

12. **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 7:11 pm with no comments.

13. **Adjournment.**  
Meeting adjourned at 7:11 pm.

  
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Elizabeth Lee, Chairman  
Pahrump Regional Planning Commission

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