

**PAHRUMP REGIONAL PLANNING COMMISSION and MASTERPLAN WORKSHOP
MINUTES OF THE MARCH 15, 2023 MEETING**

Members in Attendance: Walt Turner, Robert Blackstock
Beth Lee, Gina Meredith
Debra Hayden, Pamela Tyler

Members Absent:

Planning Staff: Brett Waggoner, Qiana Medici, Amanda Marshall
Steve Osborne, Celeste Sandoval

District Attorney’s Staff: Michelle Nelson

Public Works Staff: Tyler Mulvey

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
CUP	=	Conditional Use Permit
DWR	=	Division of Water Resources
FEMA	=	Flood Emergency Management Association
GC	=	General Commercial
MP	=	Master Plan
NCC	=	Nye County Code
NDEP	=	Nevada Div. of Environmental Protection
RPC	=	Regional Planning Commission
SDP	=	Site Development
SPD	=	Special Plan of Development
SFR	=	Single-Family Residential
ZC	=	Zone Change

1. Pledge of Allegiance/Call to Order

Meeting 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.

John Koenig stated he would like the Deputy District Attorney to address what would happen tonight if there was a tie vote on any of the agenda items tonight.

Michelle Nelson stated because our board doesn’t consist of entirely elected officials if there is a tie vote it would be a failed vote and then it would be at the discretion of staff to bring it back at a future meeting it wouldn’t automatically roll to any future meetings.

Dwight Lilly stated he is there speaking about the puff dust and dust blowing around and the lack of mitigation of the construction companies in Pahrump. He has an article on the problem we have and he attended a public workshop dealing with dust problems and there were only two people there. He went to a building being built and a hemp field both blowing dust and no mitigation being placed. No item on the agenda has a mention of

dust or dust mitigation and he thinks they are in violation of the Federal clean air act to not do something about the dust. He knows the state lifted the mandate in Pahrump but that doesn't mean they aren't under the same mandates of the US Government. They need to look at the developments coming before them and see what they are doing to mitigate the dust.

Maryann Hollis stated she is confused about the tie vote being a passing vote. At a BOCC meeting a tie vote fails or passes. Mr. Sutton stated the tie vote passes, OML and Roberts Rules say a tie vote fails.

Ms. Nelson stated it fails, because this isn't a fully elected board.

Public comment closed at 6:06 pm.

3. For possible action - Approval of Minutes:

a. PRPC Meeting – February 15, 2023

Commissioner Lee stated she turned in some minor typographical corrections to staff.

Public comment opened and closed at 6:06 pm with no comments.

Motion: to approve the minutes with changes submitted to staff, **Action:** Approve, **Moved by** Walt Turner, **Seconded by:** Gina Meredith

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Beth Lee, Debra Hayden, Gina Meredith, 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.

Public comment opened and closed at 6:07 pm with no comments.

Motion: approve as stated, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Beth Lee, Debra Hayden, Gina Meredith, Robert Blackstock, Walt Turner

5. Correspondence and Announcements

None

6. Commission/Committee/Director Reports:

a. BOCC Liaison Report

b. Director's Report

Brett Waggoner stated February Planning applications received 222 which was an increase of 60 over last month. Total applications processed was 127 and was 32 more than last month. Since July there have been 1436 planning applications received and 252 new code compliance complaints. Compared to 1416 applications and 211 Code Compliance complaints for the same period last year. Building Permits had 21 SFR permits which was 8 more than last month, there was 1 MF permit which was the same as last month and there were 14 commercial permits last month. Total permits all categories was 153 which was 14 more than last month and total inspections all categories was 388 which was 40 more than last month. Since July 1st there have been 169 SFR compared to 310 at this same point last year. Code Compliance had 41 new complaints which was 2 more than last month and closed was 24 which was 9 less than last month.

Previous items heard by the board Bill 2022-12 amending chapter 17.04.805 Mobile Food Vending has been scheduled for a public hearing with the BOCC on March 21, 2023. ZCMP-22-24 and ZCMP-22-26 were both heard by this board at the February 15, 2023 meeting and were recommended for approval to the BOCC. They will be heard at the March 21st BOCC meeting.

Mr. Waggoner stated he would like to explain to everyone what the staff reports mean and what staff is doing by putting them together and coming up with a recommendation to the board. Per code they are required to make certain findings that dictate whether they recommend approval or denial. It isn't a personal opinion it is completely based on the findings that they present to the board to make their decision.

7.

- a. **For Possible Action – ZCMP-23-2:** Public Hearing, discussion, and deliberation on an application for a (Minor) Master Plan Amendment of approximately 2.17 acres from Rural Density Residential (RDR) to Rural Development Area (RDA) for property located at 3620 W. Bell Vista Ave. Assessor's Parcel Number 028-245-33. Top Notch Carrier LLC – Property Owner; Valerie Martel - Applicant/Agent. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 18, 2023, or as otherwise announced.) (AM)**
- b. **For Possible Action – ZCMP-23-3:** Public Hearing, discussion, and deliberation on an application for a Zone Change to change 2.17 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM) for property located at 3620 W. Bell Vista Ave. Assessor's Parcel Number 028-245-33. Top Notch Carrier LLC – Property Owner; Valerie Martel - Applicant/Agent. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for April 18, 2023, or as otherwise announced.) (AM)**
- c. **For Possible Action – CU-23-1:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow Mixed use developments for property located at 3620 W. Bell Vista Ave. Assessor's Parcel Number 028-245-33. Top Notch Carrier LLC – Property Owner; Valerie Martel - 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.) (AM)**
- d. **For Possible Action – WV-23-1:** Public Hearing, discussion, and deliberation on an application for a Waiver from 17.04.750 Lighting, 17.04.740 Landscaping requirements, 17.04.760 F. 1. b - Screening, Walls and Fences to allow 6 ft chain link fencing without opaque screening, and to waive 15.28.100: Unpaved Parking and Storage Areas for property located at 3620 W. Bell Vista Ave. Assessor's Parcel Number 028-245-33. Top Notch Carrier LLC – Property Owner; Valerie Martel - 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.) (AM)**

Amanda Marshall stated there was a noticing error with this item. The public hearing notices that went out had the wrong year and will need to be re-noticed and re-agendized.

Commissioner Lee asked if the applicant has been made aware of this.

Mrs. Marshall stated yes.

Commissioner Lee asked if they are okay with moving this to the April meeting.

Celeste Sandoval stated Mr. Ehrheart did speak with Ms. Martell and she is okay with it moving on, and if we can have a special meeting she would prefer that. With noticing requirements, the earliest they can have the meeting is April 3rd.

Public comment opened at 6:18 pm.

Jim Petell stated he would hate to see this development without pavement on Bell Vista. It should be remedied; he knows Mr. Martell and doesn't think he would want to spend the money on the pavement.

Public comment closed at 6:20 pm.

Commissioner Turner asked if they know of anything that would keep the applicant from attending the April 12th meeting.

Mrs. Sandoval stated she didn't state she had any issues with going to the 12th as far as being there. Time is of the essence she has a tenant that want to move in, she still has to go to the BOCC and submit Site Development as well.

Commissioner Turner asked if hearing it on the 3rd get it to the BOCC sooner.

Mr. Waggoner stated no.

Motion: hear the item at the April 12th RPC meeting. **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Beth Lee, Debra Hayden, Gina Meredith, Robert Blackstock, Walt Turner

8. **For Possible Action – CU-23-2:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow Multi-Family Residential units on 12.52 acres located at 4090 and 4120 N. Blagg Road. Assessor's Parcel Numbers 043-141-10 and 043-141-13. Mrkulic Investments, LLC – Property Owner. Civilwise Services, Inc – Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Commissioner Meredith stated she has a disclosure to make, she signed the petition, and it was done before the meeting. Stating she has no pecuniary interest in the property or business and no one in her family does. She hasn't spoken to anyone in the last few weeks on this subject outside of signing the petition. She has no business relationships.

Michelle Nelson, Deputy DA asked Commissioner Meredith if she will be participating in the item.

Commissioner Meredith stated yes, she will be, she believes she can be unbiased in the situation.

Steve Osborne reviewed his staff report stating the applicant is wanting 159 residential dwelling units, the property is zoned GC and Master planned SPD. MF units are allowed with the approval of a CUP. There will be 29 apartment buildings at 5,000 sq ft and either contain 6 - 1 bedroom or 5 - 2 bedroom units. There will be 70 units will be 1 bedroom/1 bath unit at 800 sq ft and 89 will be 2 bedroom/2 bath at 1000 sq ft units. If approved the applicant will be required to submit a category I site development plan and start construction of the project by March 15th 2024 of the CUP expires.

Commissioner Lee asked about the zoning history of the property.

Mr. Osborne stated both properties were rezoned by the BOCC in 2007 as part of the comprehensive rezoning of Pahrump.

Commissioner Lee asked if this needs to go through NDEP or DWR for approval if this is in Desert Utilities tariff area.

Mr. Osborne stated he believes that would be handled through Desert Utilities.

Mr. Waggoner stated it does have to go to NDEP and have the sewer and water line plans. The water rights are dictated by the tariff as long as the utility requires per their tariff it won't have to go to DWR for approval of water rights.

Commissioner Lee asked if they will be required to merge the two properties.

Mr. Osborne stated yes, and that would be during the SD process.

Commissioner Lee stated Condition of approval #9 states the applicant shall perform a stop warrant analysis at the Blagg and Simkins intersection, and asked for clarification of what that entails.

Mr. Osborne stated that is a PW condition it is basically a review of the intersection for traffic and movements and studies what improvements may be required there.

Mr. Waggoner stated he believes it includes the intersection of Hwy 160 and Simkins, Blagg and Simkins and possible another one as well.

Commissioner Lee asked if this needs to go before the Water District Governing Board or because it is in a Utility Tariff area it doesn't.

Mr. Waggoner stated there is no code requirement requiring it to go before them.

Commissioner Meredith asked how much of the \$480,000 will Public Works take for streets out of that?

Mr. Osborne stated that is the total of impact fees, streets, fire, police, parks and schools. So probably 80% of that.

Mr. Waggoner stated \$1298 per unit to be exact.

Mrs. Sandoval stated she has additional back up that needs to be accepted into the back up.

Motion: accept additional back up, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Beth Lee, Debra Hayden, Gina Meredith, Robert Blackstock, Walt Turner

Commissioner Lee asked if because of the proposed size of the development is there any consideration of a development agreement.

Mr. Osborne stated it is a possibility, but it is voluntary by the developer.

Commissioner Hayden stated on page 2 under item 5. The developer is required to pay impact fees, is the \$480,000 a onetime payment.

Mr. Osborne stated yes at the time of the building permit they would pay the fee.

Commissioner Hayden asked if after that the County picks up the additional costs for police and fire.

Mr. Osborne stated yes, it is a onetime fee and no impact fees after that.

Commissioner Blackstock asked if they will have any low flow items for the showers, landscaping etc.

Mr. Osborne stated he isn't aware of that, the applicant may be able to address that.

Mr. Waggoner stated the water conservation plan would have to be followed. It addresses low flow fixtures and drought tolerant landscaping. And would be addressed through the building permit and site development process.

Commissioner Lee stated Commissioner Tyler joined the meeting 6:33 pm.

Bill Cookston with Civilwise Services representing the owner, he stated the owner has read, understands and agrees to the special conditions. Including the stop study and will be part of the traffic study that will have to be done, he clarified when they originally wrote the intent letter it isn't intended for section 8 or public housing. This is for affordable housing, the smaller units can be rented at a lower price. Regarding the Sheriff's comment – it is going to be at least 300 total, he stated more than that. The units are one story, not any taller than an SFR, landscaping will be drought tolerant as well as the trees. The water rights are available to give to the utility company, there will be an increase in traffic, that is what the traffic study will show for the contractor to improve the area.

Commissioner Lee asked what the annual acre feet of water usage will be.

Mr. Cookston stated no, they didn't prepare that for the meeting. He has been told water for apartments is 325-gallon range per day which is less than a SFR.

Mr. Waggoner stated he believes the allocation per unit for MF is .34 of an acre foot per year.

Commissioner Hayden asked who Mrkulic Investments are.

Bobby Mrkulic with Mrkulic Investments LLC stated it is less than 40-acre feet of water rights that are needed for the entire complex.

Commissioner Hayden asked what type of experience Mrkulic Investments have with this type of project.

Mr. Mrkulic stated he and his father have been in business since 1996, they build custom homes, commercial buildings and 26 years in the construction trade.

Commissioner Hayden asked if they have built anything this size.

Mr. Mrkulic stated they are building right now 40 homes right now. They have a lot of people behind them and financial support and knowledge as well.

Commissioner Hayden asked if they have references that could be made available to the committee.

Mr. Mrkulic stated yes.

Commissioner Hayden asked if there are any proposed plans to what the units will look like.

Mr. Cookston stated in the backup it shows what the layout will be.

Commissioner Hayden asked if the parking spaces are next to the building.

Mr. Cookston stated there are six units and the little strips are in front of that.

Commissioner Hayden asked why 159 units.

Mr. Mrkulic stated the north end of town is starting to grow and it is a good area because the schools are there as well as the nursing home, gas station and post office. Close enough to town and Hwy 160.

Commissioner Hayden stated that is a lot of units in that space. She doesn't know that the bus service can accommodate 159 units of additional people, there are no sidewalks, people drive like maniacs down Simkins. It isn't close to any of the major stores. What is the difference between section 8 housing and low-income housing.

Mr. Mrkulic stated this isn't low income it is for middle class people. They will be 1-bedroom apartments roughly will be \$950 a month and the 2 bed/2 bath roughly around \$1100 a month. It isn't for low income or section 8. This is affordable living for people. This is so the average middle class working families can afford the rent.

Commissioner Hayden asked if any of the funding is coming from the Federal Government or grants.

Mr. Mrkulic stated no.

Commissioner Hayden asked if the proposed plan have any other amenities like a playground etc. Is this just apartment with parking.

Mr. Cookston stated correct just apartments and parking, there is no laundry facilities because they all will have washers and dryers.

Commissioner Hayden asked if there is any type of security for the site.

Mr. Mrkulic stated there will be an onsite superintendent and property maintenance.

Commissioner Hayden stated she lives near this proposed development and stated there is a spotted burrowing owl that lives on the property, and it is protected under the migratory treaty bird act.

Commissioner Meredith stated what she is having a hard time getting past is the impact fee. She can't get behind it, when she hears streets gets 80% of the almost \$500,000, it won't even cover a cost of a unit out the door. She feels that this may be a slap in the face to the fire fighters to do more work. She asked how the developer will help us have the conversation as a community with the fire fighters to make them understand that this won't cause more work.

Mr. Cookston stated part of the problem that he sees is that the developers come in and follow the rules that are laid down by the county code and pay the fees that to build. The comments are noted, and he stated whatever the number of people are coming in there are SFR's that are being built that are also paying the impact fees.

Commissioner Meredith stated she thinks the new housing and development should be on pause until we get our public safety figured out.

Mr. Waggoner stated for clarification out of the total impact fees per unit \$1298 goes to streets. The rest goes to police, parks and fire. It is nowhere 80% more like 40%. That is where a development agreement comes in, you can't condition this to be required but could be a suggestion. That is how the offset could be addressed. Staff reaches out to the Sheriff, the School, Public Works and Fire Dept., our due diligence is being done.

Commissioner Turner stated for clarification the current section 8 voucher for a 1 bedroom including electric is \$939. For section 8 to be allowed in those units the price would have to be \$840. He asked if the developer plans on keeping the price of the units above the section 8 line.

Mr. Mrkulic stated yes.

Public comment opened at 6:59 pm.

Laura Larsen spoke against the item and asked for her comments to be included in the minutes. "I Laura Larsen, oppose this project due to the Adverse Effect on the surrounding neighborhood. the property value in the surrounding areas will be reduced as no one wants to live near public housing, thereby lowering the value of the properties for homeowners. Adding a turning lane and taking Simkins and Blagg and three lane roads will reduce the property owner's taxable property. This will reduce my usable amount of property. Studies point out that building low-income housing could affect local crime by attracting individuals from

other neighborhoods who might be more prone to criminal activity. There is some evidence to suggest that the physical design of low-income housing itself, and in particular high density public housing, may foster criminal activity within the project (Newman 1973). This behavior is rarely confined to the housing project themselves. This crime will radiate into surrounding neighborhoods. Thus, causing the crime in the area to rise and the need to increase police patrol. Crime will increase requiring a larger police force to properly patrol this area. This will also require the City and County to increase fire and ambulance service in the area without the needed resources. The water table in this area will be affected by the increased draw and may cause homeowners wells to go dry across the area affecting my entire neighborhood. It will put a burden on the infrastructure in the area and increasing the taxpayer's property taxes. Service rates as a result of this application will cause an increase to cover the cost of upgrading the infrastructure of Belle Vista subdivision. Please do not approve this project; the people do not want it. I would like to submit this and a study supporting my reasoning for the record and the additional petition signatures added to the exiting that I already submitted.

Payton Larsen spoke against the item and asked for her comments to be included in the minutes. "Hi my name is Payton Larsen I live at 201 West Simkins Road. I don't want apartments across the street due to the fact that my family would be forced to sell our property. We would no longer be safe in our own home. Losing all of my mothers and deceased fathers hard work in building up our property. If we are forced to move to another location for safety and wellbeing, we would be forced to give up our beloved one year old Akita puppy named Kody. I would like to submit this for the record."

Chloe Jones stated not only will this affect Manse elementary, but this will also affect teenagers when they are already having a hard time keeping their grades up with this income, she believes more kids from Vegas will come in which isn't good for the HS here because the principal is still having issues with obedience. Having new housing in the area will cause traffic for the learners, who some are still struggling we don't need to add to the problem.

Dwight Kirk spoke against the item and stated they corrected what was in the packet, it said the project will help middle to low-income families. That was the assumption he was going off of. He is concerned about the children. The elementary school is 2 miles away, are we doing the right thing for the citizens that we are going to have living in this town that can't speak for their selves. There are no lights on the streets in the area. He isn't against affordable housing but a disservice to the children.

Jim McAnally spoke against the project and stated the property would be directly out his front door, he isn't okay with that. If it was single family homes, he would be okay with that, but not multi family. He has a feeling that if anyone moves in there will be graffiti around.

Dwight Lilly stated the Sheriff mentioned about the problem they could have with crime and drugs with a high density project like that coming into peoples neighborhoods that don't exist right now. He reviewed an article from 2014 regarding dust and problems with the middle school. A lot of retired people buy their forever home and move into a rural neighborhood that they anticipate a large-scale apartment complex move into their neighborhood. The apartment complexes in Pahrump are located not too far from here and not by neighborhoods with horses and rural properties. These developers don't live in your neighborhoods, they live in Vegas. He doesn't hear about section 8 housing being eliminated from this and as soon as the economy drops it will open up to them. He would hesitate recommending approving a project like this.

Mike Ryan stated he would like his comments included into the minutes. "The Census Bureau says 2.4 people per household nationwide. The USGS says each person uses about 80 gallons of water a day and of that about 50-60% turns into wastewater. Let's do some math. Desert Utilities serves 500 homes - that is 1200 people that are currently averaging about 90,000 gallons of water and they are treating about 45,000 gallons of wastewater per day. Last year North Canyon Estates was turned down for his project of 67 homes built on 16 acres. Commissioners sighted concerns about the water and sewer but approved 32 homes. Additionally Desert Trails is completing the survey work for the approved 30 more homes in their next phase. If we add the proposed 159-unit apartment building into this mix of projects, when completed Desert Utilities will be doing 132,000 gallons of water and 66,000 gallons of wastewater per day. To add some perspective this is a total of about 50 million gallons of water (153 a/f) and 24 million gallons of wastewater per year - or about

50% more capacity than currently supplying. This is not counting the 200,000 gallons, per day, to the school and Simkins park to keep the grass alive during the summer months. In October 2021 the Commissioners were offered the chance to buy Desert Utilities. 10 months later they declined Public Works Utilities Superintendent Darrin Tuck reported, "I've done several tours of the facility equipment, well houses, a lot of electrical upgrades, so I am a little uncomfortable getting a utility with so many major upgrades needed". Comptroller Savannah Rucker added, "The infrastructure is aging and there have not been capital investments year-over-year to keep the facility up to date. So not only would the purchase be a substantial out of pocket cost, we'd also be dealing with capital investments that could drive the utility rates up for that particular utility." Commissioner Bruce Jabbour stated, "Even if they were to give this to the county, we'd already be in the negative " I suggest that this utility is not in any shape to service 217 more houses without a lot of upgrades. Adding 50% more stress to a utility that the county wouldn't take for free can only lead to disaster. Please keep this in mind as this request for approval process proceeds.

Joan Ryan stated she along with Sheriff McGill and many others oppose this application. North Canyon Homes just up the street was approved for no more than 2 homes per acre on 16 acres. What makes sense to allow 159 units on 12.5 acres. That amounts to 12.72 households per acre. That is an impaction, she moved into a neighborhood of SFRs and would like it to stay that way. It would drop the property values, huge increase in traffic, high noise levels, crime and drugs that come along with low-income housing.

John Koenig stated his dissatisfied with the application. He reviewed the definition of CUP out of NCC. When something states permissive with a CUP, that isn't permissive. When you put it "with" something it no longer is permissive. He reviewed the findings as outlined in NCC and staff's comments in the staff report pertaining to those. He stated the general vicinity is rural residential mostly 1 plus acre plots with stick-built homes, it is changing something. There are stick built homes directly across the street, and a stick built subdivision a quarter of a mile down the road. He strongly disagrees with staff's comments that it is an improvement to the area. He stated our sheriff disagrees that it will be adequately serviced by public services. The Sheriff states with the increase of residents it will undoubtedly increase the calls for services for law enforcement and traffic. He guesses the small fire department on Harris Farm will probably want to get bigger. He highly recommends they deny the application.

Jim Petell stated he stated they don't want this in their back yard, they have a problem with the public health, safety and welfare and talked about the two schools that are being impacted with the children which are the most important assets in our lives and community. The commercial entities around the area will have to include their impacts by building bigger places to serve the public that will hamper the community. He is about 3 miles north and he desperately doesn't want to watch a possible conundrum that will happen. This place doesn't have walls to keep people from coming in and out, it doesn't have gates and lights like other developments that have passed through the RPC. He opposes the entire thing.

Maryann Hollis stated she doesn't live near this development and her first experience on how things go and who the players are was based on the last development that went through. She heard the same thing that they didn't mean that it was low-income, and she is hearing that now. What bothers her is how it got to this point. She stated the presentation tonight was unprofessional and juvenile. She did some research on Mrkulic and they are into a lot of things, investments and housing. Their address supports three licenses to do business under different names. This development is for times the size of the largest complex which is out on Homestead and Dandelion. She feels badly for the residents that about this. The letter submitted says low income households, the figures from Desert Utilities she will leave that to the experts. She opposes this application.

Helene Williams stated she is the chair of the Water District Governing Board. The USGS estimates the average person uses 100 gallons per day, for indoor home use only. Using the 477 persons estimated by the Sheriff they have to remember many homes with 2 bedrooms there are always more than two children in those rooms. After all the math 477 persons at 100 gallons per day comes to 53.5-acre feet. That isn't what these documents say. This doesn't have to go to the Nevada State Engineers office and is taken care of by an agreement by the owner of the rights, and that has in her understanding with the conversation she had with the manager of Desert Utilities need to be increased.

Sam Jones stated the Commissioners two years ago made Nye County a sanctuary county for the Bill of Rights. They don't want this kind of stuff here, send it back to Vegas and let them build in Vegas. The sheriff's office and fire department have a hard time now dealing with their jobs now. They are going to have this as affordable housing or section 8; however, they want to word it. It isn't for Nye County or Pahrump. He wants the board to vote no on this.

Public comment closed at 7:30 pm.

Commissioner Lee stated there is additional back up for the item.

Motion: accept additional backup, **Action:** Accept, **Moved by** Pamela Tyler, **Seconded by** Walt Turner.

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

Yes: Beth Lee, Debra Hayden, Gina Meredith, Pamela Tyler, Robert Blackstock, Walt Turner

Commissioner Turner stated one thing good he saw about this and what this community needs is for the single parents and retirees who are on a state income. That is the promise he saw with a development like this. He understands both sides. He runs Access Realty and doesn't have anything to do with this project whatsoever but sees the rental prices and right now there are no one bedrooms and there haven't been for over a year and a half. So the retirees on state income and social security where their money goes down to the dime he is trying to find something like this to help them, this showed promise. There are two sides and he has taken this into consideration.

Commissioner Lee stated she agrees with several of her colleagues on the board. They do need some type of housing, it is an issue and this an awfully intense, dense project and this kind of density comes with a subdivision. When we have this type of subdivision it comes with a Development Agreement or they can have one with it that gives them the mechanism to talk to and work out the requirements with the FD, the Sheriff, School District and various other agencies. With a subdivision comes a Subdivision improvement agreement and a bond for those things and this project doesn't have that. She stated struggles with how we will have those assurances and adequacy address the Sheriff, the Fire Department and emergency responders and infrastructure.

Commissioner Turner asked if there is a line that hits a subdivision.

Mr. Waggoner stated what he believes he is asking if there are provision in the code regarding subdivisions. There are provision in the code that if they go for zoning less than VR-20 which is a ½ acre they are required to do a development agreement for anything smaller. This development they aren't subdividing anything.

Commissioner Lee stated the code doesn't address density.

Commissioner Turner stated he was wondering if there was a density max that once it is hit it requires a subdivision plan or agreement or something similar to.

Mr. Waggoner stated not at this point, no.

Commissioner Turner asked if that is something that can be done.

Mr. Waggoner stated it isn't in the code today as a requirement based on density unless you are doing a subdivision and subdividing the property. But maybe a suggestion that can be made after this.

Commissioner Hayden stated she is in agreement with the colleagues on the board that she isn't opposed to helping people and can appreciate it being single family or elderly on a fixed income, but you don't stick them in the middle of nowhere. There are no sidewalks, there aren't a lot of supplies at Horizon Market to shop from and it is out of character with the existing neighborhood. If we are going to help these people, lets

put them somewhere in the center of town where they can walk to the places they need. She doesn't think a turn lane will be enough for that volume. This is an awful lot of people in a small amount of space.

Commissioner Tyler has concerns about the development itself she has concerns that there isn't a lot of public open space that isn't dedicated to detention basins and other things. With no curb and gutter and not real amenities you are putting a lot of people into the acreage without giving them other opportunities. She doesn't believe this is a good location for the project.

Commissioner Blackstock stated the density is too high and the water usage will be higher. He doesn't know how this will impact the outdoor wastewater plan they have either.

Motion: deny CU-23-2 based on public testimony, **Action:** deny, **Moved by** Gina Meredith,

Commissioner Lee asked Ms. Nelson if those were sufficient findings.

Ms. Nelson asked if they could take a 5 – 10 minute break she can go over with the Commissioner to establish findings.

Meeting went into recess at 7:43 pm

Meeting reconvened at 7:53 pm.

Motion: deny CU-23-2 based upon the finding that the use not be harmonious and appropriate in appearance with the existing and intended character of the general vicinity, because this is a low density residential area currently and the density of the units is so much larger and that the Conditional Use would be hazardous or disturbing to existing or future neighboring uses due to public testimony, **Action:** Deny, **Moved by** Pamela Tyler,

Ms. Sandoval stated Commissioner Meredith had a motion on the table if we can get that withdrawn.

Commissioner Meredith withdrew her previous motion.

Commissioner Lee asked Ms. Nelson if those findings were sufficient.

Ms. Nelson stated yes.

Commissioner Tyler's motion was **Seconded by** Robert Blackstock.

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

Yes: Beth Lee, Debra Hayden, Gina Meredith, Pamela Tyler, Robert Blackstock, Walt Turner.

9. **For Possible Action – WV-23-2:** Public Hearing, discussion, and deliberation on an application for a Waiver of NCC 17.04.730 D.4 to waive the requirement of asphalt drive aisles and 17.04.320 H.1 a waiver to allow chain link fencing with non-mesh privacy slats in lieu of block wall on properties located at 2840, 2880, and 2790 N. Nevada Highway 160. Assessor's Parcel Numbers 029-621-04, 029-621-03, and 029-621-05. Robert A Little – Property Owner/Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (AM)**

Amanda Marshall reviewed her staff report stating the applicant is requesting a waiver of development standards outlined in 17.04.320 D.4 and 17.04.320 H.1. The zoning is not in conformance with the master plan and should be readdressed on a future agenda. Upon review of the agenda staff is unable to recommend approval of the application under standards for waivers. if they do find sufficient justification for approval staff has supplied conditions of approval in the back up.

Commissioner Turner asked about the nonconformance issue.

Mrs. Marshall stated the parcels were created in 1970 and the MP was applied in Dec 2014 and the GC zoning district applied in 2007. When those were applied the MP didn't match the zoning at that time either.

Commissioner Lee asked if this was approved would the applicant be required to update the MP designation.

Mrs. Marshall stated that wasn't placed in the waiver requirements as it was something when the MP and Zoning were created.

Bill Cookston with Civilwise Services, representing the applicant, stated he is proposing to gravel the drive aisles instead of paving and instead of a block wall he would like to use the non-mesh privacy slats.

Robert Little – Property owner.

Commissioner Tyler asked the applicant if they want to use connex boxes or storage containers to be used in lieu of an actual mini storage building.

Mr. Little stated yes.

Commissioner Hayden asked the applicant why he doesn't want to pave.

Mr. Little stated it is better for the environment to use #2 gravel, he is going to combine the three parcels into one, and frontage road that runs parallel he will pave and the two drive aisles that lead to his property line and the aisles between the buildings will be gravel.

Commissioner Blackstock asked if the Masterplan Amendment should be done first.

Mr. Waggoner stated the MP issues isn't his issue, zoning doesn't match the MP that is there. It is just something done back when the MP was adopted. It isn't a burden on the applicant to fix, but for us as we are updating our MP.

Commissioner Blackstock stated he doesn't think there should be type 2 because there is going to be a lot of drainage. Hard surface is a lot better especially in a storage area. The block wall is a visual thing, who wants to look at connex boxes through a chain link fence.

Mr. Cookston stated with the type 2 if you pave the whole thing you will have the water drain off the property. The gravel lets the rainwater absorb back into the ground. The privacy fence is a non-mesh privacy and would have a blockage from seeing the connex boxes.

Commissioner Hayden asked how tall the fence will be.

Mr. Little stated it will be between 5 ft 11" and 7 feet depending on what the County likes. The storage containers are 8 ft tall.

Commissioner Hayden asked for clarification that the slats will be in the fencing.

Mr. Little stated yes.

Commissioner Hayden asked if there will be landscaping?

Mr. Little stated yes, they can put some drought tolerant landscaping.

Mr. Cookston stated they haven't submitted the site plan to the Planning Department yet.

Mr. Waggoner stated landscaping is a requirement as part of the development standards and it has to be included in the plan since it isn't being requested to be waived.

Commissioner Turner asked what they did with the last one they approved, was it for a partial block wall where residences were?

Mr. Waggoner stated that doesn't have anything to do with that application because he doesn't recall. NCC requires a block wall for any property line that abuts a residentially zoned property.

Mr. Cookston stated the intent was to have slatted chain link all the way around the property.

Mr. Waggoner stated which would require the waiver of the block wall. The only part you are asking a waiver from is the requirement of a block wall at the back of the property that abuts the residential property. The sides are commercial and don't require the block wall.

Public comment opened at 8:15 pm.

Jim Petell stated the gravel would be an improvement, it would be nice to have it there for storage for the area.

Sam Jones stated he lives across the street from Wimpey's storage and there is nothing wrong with the containers or chain link fence or gravel between the containers for the road, it is better than asphalt. The water goes through the gravel and back into the aquifer.

Laura Larsen stated she thinks they should approve this, she has type 2 on her property. Make a requirement for the weight of the containers, the 40 ft containers she has had she had to put on a concrete slab to counter the weight.

Chloe Jones asked what the weight limits will be since they will be on gravel.

Public comment closed at 8:20 pm.

Commissioner Hayden asked staff what best supports the large containers. Is type 2 gravel going to be sufficient.

Mr. Waggoner stated he isn't an engineer and couldn't answer that.

Commissioner Tyler stated in regard to Ms. Jones questions, that isn't within the Planning Commissioner purview because they aren't engineers. Her bigger concern regarding the project isn't the type 2 it is that they are shipping containers on Hwy 160. When tourism returns they get 750,000 tourists that turn at Bell Vista to go to Death Valley, she doesn't want that to be considered as an appropriate design standard on our highway or chain link with slats that also deteriorate with the sun.

Mr. Waggoner stated there is an industry in town that has a retail business on Hwy 160 that have been required to build warehouses to get rid of their shipping containers from the Highway.

Commissioner Tyler stated it doesn't seem fair for them or the BOCC to require that industry to get rid of those and allow it for another industry.

Mr. Cookston stated the owner's intent is to put the connex's on top of slabs.

Mrs. Marshall stated for clarification that the use is permissive use on the property. The only thing they want a waiver for is the type 2 drive aisles and the fencing instead of a block wall at the rear of the property.

Commissioner Turner asked if shipping containers are a permissive use for storage?

Mrs. Marshall stated that would have to go through the site development process and be approved on their site development plan.

Motion: deny WV-23-2 based on the findings as outlined in the staff report, **Action:** Deny, **Moved by** Gina Meredith, **Seconded by** Pamela Tyler.

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

Yes: Beth Lee, Debra Hayden, Gina Meredith, Pamela Tyler, Robert Blackstock, Walt Turner.

PAHRUMP REGIONAL PLANNING COMMISSIONER – MASTER PLAN WORKSHOP

10. For Possible Action – Public Hearing, Discussion, deliberation regarding Master Plan Chapter 6.

Mrs. Medici reviewed the changes made in Chapter 6 and stated it was sent to the WD for their review and received an email back from Mr. Weeks that they were not in a position to support or oppose the proposed language. DWR is currently reviewing Basin 162 yield and recharge numbers with the DA and the BOCC. For general knowledge they do have Air Quality Compliance where they take in complaints and do inspections. The Streets and Highways CIP and the Nye County Streets and Highways plan are being reviewed and updated currently. In 2020 Nye County became a community technical partner with FEMA for the Pahrump Phase I Risk Map project and work began in 2021 and is scheduled to be completed in June of 2023 and then the document will be sent to FEMA for approval. There will be a public hearing when that is completed, and new flood maps wouldn't be available till 2025. The renewable energy section is currently under review at the BOCC.

Mr. Waggoner stated the BOCC has asked them to map out the solar farms, and they haven't done much on this section.

Mrs. Medici stated she updated the Pahrump population numbers from the state demographer. She has added information about order 1293 and 1293A. She stated that currently there are no municipally operated water and sewer systems in Pahrump. She added information about the Water Districts water measurement level program. She reviewed the changes in the goals, objectives, and policies in the draft document. They have moved some from previous chapters to the water section because they made more sense there.

Commissioner Blackstock stated he thinks they need to have a legend in the document with the acronyms. In the water section there needs to be an emphasis on the water coming from one spot. Page 21 - the recycled water needs to be looked at and see if once treated it can be used for dirt work. Page 3 of 22 – historic FIRM panels what is that. Project descriptions on page 4 of 22 – aerial mapping he stated a flood event can change the maps.

Mrs. Medici stated it is Flood Insurance Rate Maps.

Commissioner Lee stated page 20 of 22 on goal #12 – regarding water master planning. Are any of these things that need to be incorporated into findings when reviewing applications for CUPs zone changes or different type of developments. She believes it is something we should start bringing into findings.

Mr. Osborne stated they could always change what the required findings are and add some of these into that.

Public comment opened at 8:54 pm.

Jim Petell stated he would like to make a request of the RPC, he would like a hard copy of this report amended with changes and on the RPC hard copies of the agendas.

Public comment closed at 8:55 pm.

Mrs. Medici stated they are still on task to bring the complete document back next month.

Commissioner Turner asked how often they do studies on the aquifer if they can get this information before the next meeting.

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

Next meeting is April 12th at 6 pm.

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 at 8:58 pm.

John Koenig stated for Commissioner Turner to contact John Klenke regarding the aquifer. He also has a request for staff to remove Multi Family as a permissive use with a CUP from Neighborhood Commercial.

Laura Larsen reviewed headlines in the news that Silicon Valley pledged nearly \$74 million to black lives matter. She suggests everyone prepare for the worst, the banks are looking for bail outs.

Jim Petell stated the county has no idea how they will get food, water, medical to anyone in the county other than what we have been through for the last 50 years.

Public comment closed at 9:02 pm.

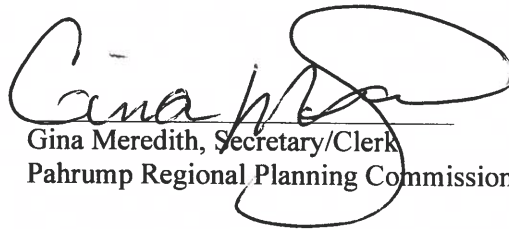
Commissioner Tyler stated she was able to participate in for Clark County reviewing their Master Plan by going to transformclarkcounty.com/participate. You can see their update and see what they have planned, it is very informational.

13. Adjournment.

Meeting adjourned at 9:03 pm.



Elizabeth Lee, Chairman
Pahrump Regional Planning Commission



Gina Meredith, Secretary/Clerk
Pahrump Regional Planning Commission