

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

Department: Planning		Agenda Date:
Category: Timed Agenda Item – 11:00 a.m.		March 21, 2017
Contact: Darrell Lacy	Phone: 775-751-4249	Continued from meeting of:
Return to: Darrell Lacy	Location: Tonopah Planning	Phone: 775-751-4249
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$ ) and terms)		
a. MP-2017-000003: Public hearing, discussion, deliberation and possible decision on a (Major) Master Plan Amendment application to change 40-acres from the Rural Density Residential (RDR) land use category to the Rural Industrial Area (RIA) land use category, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.		
b. ZC-2017-000012: Public hearing, discussion, deliberation and possible decision on a Zone Change application to change 40-acres from the Light Industrial (LI) zoning district to the Heavy Industrial (HI) zoning district, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.		
c. CU-2017-000035: Public hearing, discussion, deliberation and possible decision on a Conditional Use Permit application to allow an Asphalt Plant on a 40-acre parcel located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.		

**Complete description of requested action:** (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Staff recommendation is to approve MP-2017-000003, ZC-2017-000012, and CU-2017-000035 as per the recommendation of the RPC.

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

**Expenditure Impact by FY(s):** (Provide detail on Financial Form)

No financial impact

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	<input checked="" type="checkbox"/> Place on Agenda

## Board of County Commissioners Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # 10

NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT

Meeting Date: March 21, 2017

AGENDA ITEMS

- a. **For Possible Action – MP-2017-000003:** Public hearing, discussion, deliberation and possible decision on a (Major) Master Plan Amendment application to change 40-acres from the Rural Density Residential (RDR) land use category to the Rural Industrial Area (RIA) land use category, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.
- b. **For Possible Action – ZC-2017-000012:** Public hearing, discussion, deliberation and possible decision on a Zone Change application to change 40-acres from the Light Industrial (LI) zoning district to the Heavy Industrial (HI) zoning district, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.
- c. **For Possible Action – CU-2017-000035:** Public hearing, discussion, deliberation and possible decision on a Conditional Use Permit application to allow an Asphalt Plant on a 40-acre parcel located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27.

GENERAL INFORMATION SUMMARY

These applications were heard by the Pahrump Regional Planning Commission on February 15, 2017.

The RPC voted 6-0 to recommend the Board approve the applications.

RPC MINUTES

**RPC Minutes (from the February 15, 2017 RPC meeting):**

Mr. Osborne reviewed his staff report. Applicant wants to install and operate an asphalt plant in an existing gravel pit. Nye County code requires an asphalt plant to be in a heavy industrial zone and requires a CUP. The Master Plan amendment is because HI requires the land use designation of Rural Industrial Area. Public Works is requesting a ROW dedication. If the asphalt plant operates past December 31, 2017 or any new industrial development occurs the applicant has to submit a Water Impact Plan for each of those uses including the asphalt plant and those require approval of the Water District. On the CUP staff suggests if the asphalt plant continues past December 31, 2017 the applicant must submit for a site development plan, if it ceases to operate before December 31, 2017 the CUP shall become void.

Commissioner Hafen stated condition #1 for the CUP would require a site development plan and paved access would be addressed. Is that not a requirement at this time, only after December 31, 2017?

Mr. Osborne stated correct.

Commissioner asked for clarification that paving would be required after December 31<sup>st</sup> as a requirement of the site development.

Mr. McKee stated yes.

Commissioner Clark asked for clarification on what a Water Impact Plan is.

Mr. Lacy stated the water impact plan sets the total water usage, waste water disposal or any potential contaminates. There is a Community Source Water Protection Plan that identified public water systems and their potential capture areas for those and recommendations for best management practices.

Commissioner Clark asked if this property is anywhere near a location where it could possibly...

Mr. Lacy stated the backup states this isn't within a capture area of a well but a mile or more upstream from a well.

Ron Murphy, applicant stated everything is covered.

Commissioner Hafen asked if the applicant is okay with the conditions of approval. Mr. Murphy stated yes.

Public comment opened and closed at 8:02 pm with no comments.

Commissioner Adams motioned to recommend approval to the BOCC MP-2017-000003, ZC-2017-000012 and CU-2017-000035 based on staff findings, subject to the conditions outlined in the staff report. Seconded by Commissioner Oscarson.

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

**Yes:** Gregory T. Hafen II, Joel Oscarson, Leah-Ann DeAnda, Paul Carr, Robert Adams, Vincent Clark.

## RECOMMENDATION

**Recommended BOCC Motion:** "I motion to approve MP-2017-000003, ZC-2017-000012, and CU-2017-000035 as per the recommendation of the RPC."



NYE COUNTY, NV  
PAHRUMP REGIONAL PLANNING COMMISSION  
REGULAR MEETING – FEBRUARY 15, 2017

Staff Report  
Agenda Item No. 17 a, b & c

CASE DESCRIPTION(S):	Master Plan Amendment, Zone Change and related Conditional Use Permit (CUP) Application(s):  a. <b>For Possible Action – MP-2017-000003:</b> Public hearing, discussion, deliberation and possible decision on a (Major) Master Plan Amendment application to change 40-acres from the Rural Density Residential (RDR) land use category to the Rural Industrial Area (RIA) land use category.  b. <b>For Possible Action – ZC-2017-000012:</b> Public hearing, discussion, deliberation and possible decision on a Zone Change application to change 40-acres from the Light Industrial (LI) zoning district to the Heavy Industrial (HI) zoning district.  c. <b>For Possible Action – CU-2017-000035:</b> Public hearing, discussion, deliberation and possible decision on a Conditional Use Permit application to allow an Asphalt Plant.
LOCATION:	Located at 381 W. Tiffany Street
APN NUMBER(S):	AP# 027-221-27
LEGAL DESCRIPTION(S):	T19S R53E S4-NW SE P#5141 40AC
PROPERTY OWNER(S):	Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant.
APPLICANT(S):	Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant.
AGENT(S):	N/A
STAFF CONTACT:	Steve P. Osborne, AICP, Principal Planner – (775) 751-4249
PROJECT SYNOPSIS:	Applicant is proposing to install and operate an asphalt plant inside of an existing gravel pit. Per Nye County Code §17.04 an asphalt plant requires Heavy Industrial (HI) zoning and the issuance of a Conditional Use Permit.
Conclusions	– Upon extensive review of the applications, staff finds sufficient justification to make a recommendation of approval for the Master Plan Amendment, Zone Change and Conditional Use Permit.
RECOMMENDED MOTION(S):	Motion to <u>APPROVE</u> MP-2017-000003, ZC-2017-000012 and CU-2017-000035 (or Motion to recommend <u>DENIAL</u> of MP-2017-000003, ZC-2017-000012 and CU-2017-000035 based on staff findings; or an alternate recommendation based on findings as established by the RPC.)

Findings for MP-2017-000003 as required under NCC 17.04.930.J.2 of the Nye County Code:

1. *The proposed Master Plan amendment promotes the adopted policies related to housing, safety, streets & highways, and adequate public facilities, and the amendment does not adversely affect the policies and action programs of the Master Plan.* The proposed Rural Industrial Area (RIA) land use designation is intended for industrial activities in a rural environment. The RIA designation should be located in areas that are compatible with rural residential or rural commercial activities; the subject parcel is located in a rural area where adjacent parcels are undeveloped or used as gravel pits. Adjacent properties are zoned Light Industrial (LI) and Rural Homestead (RH-9.5). There is no high density/multi-family (VR-8, MF, MH) or low density (VR-10, VR-20) zoning adjacent to the subject property. The property is not located in a flood hazard area. Goal 13 of the Master Plan states that the “future land use plan should accommodate uses that preceded the Master Plan when possible.” Further, Policy 1 states: Designate land uses throughout the community, which consider existing land uses, valid and legal Deed Restrictions, Development Agreements and CC&R’s. The previous/existing land use is a heavy industrial use (gravel pit).
2. *The proposed Master Plan Amendment addresses an oversight, inconsistency, scrivener’s error or land use related inequity in the plan without adversely impacting the public health, safety or welfare.* As stated in Finding #1 above, Goal 13 of the Master Plan states that the land use plan should accommodate uses that preceded the Master Plan when possible and land uses should be designated which consider existing land uses, when appropriate. The RIA designation is appropriate because the existing use is industrial, the current zoning is industrial, the area is rural, and therefore it can be argued that the RIA designation would be an appropriate for this area.
3. *The proposed Master Plan Amendment addresses significant changes that have occurred in a particular area since the adoption of the Master Plan, or represents a more desirable utilization of land.* The proposed amendment may be more desirable than the existing land use plan due to: the existing use is industrial, the current zoning is industrial, the area is rural, the Master Plan states that the land use plan should accommodate uses that preceded the Master Plan, and the property is not located in a flood hazard area.
4. *The proposed Master Plan Amendment: (a) provides for land uses compatible with existing and planned adjacent land uses; (b) promote the desired pattern of orderly physical growth of the Planning District based on projected population growth with the least amount of impairment to the natural resources, and; (c) provide for the efficient expenditure of funds for public services.* The proposed amendment would be compatible with existing uses of land promotes orderly physical growth. Adjacent properties are zoned Light Industrial (LI) and Rural Homestead (RH-9.5). There is no high density/multi-family (VR-8, MF, MH) or low density (VR-10, VR-20) zoning adjacent to the subject property.
5. *The proposed Master Plan Amendment constitutes an overall improvement to the Master Plan, and is not solely beneficial to a particular landowner or owners at a particular point in time.* The proposed amendment is an overall improvement to the Master Plan based on compatibility with existing uses of land, current zoning classifications in the vicinity, the policy to accommodate uses that preceded the Master Plan, and locating industrial uses on property which is not located in a flood hazard area.
6. *The proposed Master Plan Amendment does not adversely impact all or a portion of the planning area by: (a) altering acceptable land use patterns to the detriment of the Master Plan, or; (b) requiring public expenditures for larger and more expensive infrastructure, such as street improvements, sewer, or water systems than are needed to support the proposed land uses.* The proposed amendment would not require public expenditures for larger and more expensive infrastructure, such as street improvements and flood control. The property is not located in a flood hazard area. The proposed RIA is consistent with existing land uses and is compatible with current zoning districts in the vicinity.
7. *The proposed Master Plan Amendment will not adversely impact planned uses because of increased traffic.* The proposed Master Plan Amendment does not adversely impact planned uses due to increased traffic. The number of employees, customers, deliveries, etc., does not increase by changing 40-acres to Rural Industrial Area (RIA) on a property that is already zoned Light Industrial (LI) - which can currently be used for any permissive use in the LI zone.

8. *The proposed Master Plan Amendment would not adversely affect the livability of the area or the health or safety of present and future residents.* The proposed Master Plan Amendment does not adversely affect the livability of the area due to increased water consumption, traffic, noise, outdoor lighting, etc. The subject property is already zoned Light Industrial (LI) which can currently be used for any permissive use in the LI zone subject to Site Development Plan approval. All development standards such as parking, lighting, landscaping, etc., which currently apply to the LI zone would also apply to any future heavy industrial uses. The proposed amendment would be compatible with existing uses of land. Adjacent properties are zoned Light Industrial (LI) and Rural Homestead (RH-9.5). There is no high density/multi-family (VR-8, MF, MH) or low density (VR-10, VR-20) zoning adjacent to the subject property.
9. *The proposed Master Plan Amendment will not adversely impact the natural environment or scenic quality of the area in contradiction to the Master Plan.* The proposed Master Plan Amendment will not adversely affect the natural environment or scenic quality of the area; the proposed amendment is compatible with existing uses of land, current zoning classifications in the vicinity, the property is not located in a flood hazard area; there are no open space/parks or conservation designations on or near the subject parcel.
10. *The proposed Master Plan Amendment is consistent with the specific goals and policies contained within the Master Plan.* Yes, as noted in Findings #1 - #10 above.
11. *The proposed Master Plan Amendment will not be better addressed through an amendment of the Zoning Ordinance.*
12. *The proposed Master Plan Amendment does not cause potential conflicts with other policies or action programs of the Master Plan.*
13. *The proposed Master Plan Amendment will not require an amendment of the Zoning Ordinance or other planning, zoning or building related ordinance.* A Zoning Ordinance amendment is not required as a result of the Master Plan amendment, although there is a zone change application accompanying the master plan amendment application.

Findings for ZC-2017-000012 as required under NCC 17.04.895.I of the Nye County Code:

1. *The proposed zone change does not conform to the existing Master Plan, however, should the Master Plan Amendment be approved the requested zoning will conform.* The proposed HI zoning does not conform to the Rural Density Residential (RDR) land use designation of the Master Plan; the applicant is requesting to amend the Master Plan to the RIA designation which would allow for the HI zoning district. If the Master Plan is amended to the RIA designation for the subject property, then the zone change to HI will conform to the Plan.
2. *The uses allowed on the subject property under the new zone will be compatible with the surrounding land uses and zoning districts.* If the Zone Change to HI is approved, it will allow for uses that would be compatible with the existing land uses (gravel pits) and existing zoning of Light Industrial and Rural Homestead (RH-9.5).
3. *Growth and development factors in the community indicate the need for, or the appropriateness of the zone change.* The proposed zone change may be necessary or appropriate based on growth or development factors in the community, including the need for additional areas to allow for the production of asphalt for new road construction.
4. *Street or highway facilities providing access to the property are not adequate in size to meet the requirements of the proposed zone change.* The existing streets are not adequate for the proposed zone change of 40-acres of Heavy Industrial uses; however, for only a temporary asphalt plant staff believes the existing access is acceptable. Staff has proposed a condition that if the asphalt plant is used beyond December 31, 2017, then Site Development Plan and compliance with development standards (including any necessary road improvements) will be required.
5. *Public facilities are adequate to meet the requirements of the proposed zone change.* Central water and sewer facilities are not available at the site. Public facilities are adequate for the proposed temporary use (asphalt plant). However, future use of the property with respect to water, sewer and fire suppression will need to be addressed by the applicant

to show that any future proposed development in fact can be adequately served (at the time of proposed development/site development plan). Existing roads and flood control facilities are adequate to meet the requirements of the proposed (temporary) use of the property. Staff has proposed a condition that if the asphalt plant is used beyond December 31, 2017, then Site Development Plan and compliance with development standards (including any necessary road improvements) will be required.

Findings for CU-2017-000035 as required under NCC 17.04.920.L of the Nye County Code:

1. *The conditional use is (or will be) harmonious with and in accordance with the objectives of the currently adopted Master Plan, Zoning Map and Zoning Ordinance.* The proposed Asphalt Plan requires HI zoning; currently the property is zoned Light Industrial (LI). The proposed HI zoning does not conform to the Rural Density Residential (RDR) land use designation of the Master Plan; the applicant is requesting to amend the Master Plan to the RIA designation which then allows for the HI zoning district. If the Master Plan is amended to the RIA designation for the subject property, then the zone change to HI will conform to the Plan; which would then allow for the CUP for the Asphalt Plant.
2. *The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.* The proposed conditional use will not change the essential character of the area; the asphalt plant is proposed inside of an existing gravel pit. Other gravel pits are in the vicinity.
3. *The conditional use poses potential disturbances or may be hazardous to existing or future neighboring uses.* The proposed asphalt plant itself is a use which inherently has a potential to be disturbing to neighboring uses; however, in this particular case, adjacent properties are zoned Light Industrial (LI) and Rural Homestead (RH-9.5), and there is no high density/multi-family (VR-8, MF, MH) or low density (VR-10, VR-20) zoning adjacent to the subject property. Most of the adjacent parcels are large, undeveloped parcels; and there are several other gravel pits in the vicinity.
4. *The conditional use may be a substantial improvement to property in the immediate vicinity and to the community as a whole.* The proposed use could be a benefit to the immediate vicinity and the community as a whole. All environmental requirements of NDEP such as securing any required Air Quality permits must be obtained. Granting the CUP could result in a benefit to the public due to cost savings, reduction of truck vehicle trip miles and emissions; and reduction of the overall construction timeline of the road project.
5. *The conditional use is adequately served by essential public facilities and services (highways, streets, police and fire protection, drainage structures, refuse disposal, schools).* Existing roads and flood control facilities are adequate for the proposed (temporary) use. Staff has proposed a condition that if the asphalt plant is used beyond December 31, 2017, then Site Development Plan and compliance with development standards (including any necessary road improvements) will be required.
6. *The conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.* The proposed Asphalt Plant will not require additional County public facilities or services.
7. *The conditional use may involve uses, activities, processes, materials and equipment, and conditions of operation that are detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors.* The proposed use could be disturbing to neighboring uses; however, in this particular case, adjacent properties are zoned Light Industrial (LI) and Rural Homestead (RH-9.5), and there is no high density/multi-family (VR-8, MF, MH) or low density (VR-10, VR-20) zoning adjacent to the subject property.
8. *The conditional use is consistent with the intent and purposes of this Chapter.*

LAND USE MATRIX			
	CURRENT ZONING	MASTER PLAN DESIGNATION	CURRENT LAND USE
SITE	LI Light Industrial	Rural Density Residential	Gravel pit
NORTH	RH-9.5	Rural Density Residential	Gravel pit
SOUTH	LI Light Industrial	Rural Density Residential	Gravel pit
EAST	LI Light Industrial	Rural Density Residential	Vacant/undeveloped
WEST	LI Light Industrial	Rural Density Residential	Vacant/undeveloped

## DISCUSSION

**Background:** The subject property was rezoned from Open Use (OU) to Light Industrial (LI) by the Board of County Commissioners on June 20, 2007 with the Comprehensive Rezoning. The 2014 Master Plan Update designated the subject parcel in the land use plan as Rural Density Residential. No further history follows.

**Area Characteristics:** The subject property is a 40-acre parcel located at the northeast corner of Nellie Street and Austin Street. Property in the vicinity is vacant undeveloped land and several gravel pits. The subject property is located within flood zone X (unshaded), which corresponds to areas outside of the 500-year flood hazard area as indicated by the Flood Insurance Rate Map (FIRM).

**External Comments:** The Town of Pahrump, Emergency Services (Sheriff's Departments), the Nye County School District offer no comments. Nye County Public Works comments:

1. **MP-2017-000003 (Ron Murphy):** Public Works supports any facts, findings or conditions determined by the Pahrump Regional Planning Commission (PRPC) at this time, reserving the right to provide additional facts, findings and conditions upon the submission of the improvement plans for any commercial/industrial development of the property and/or complying with Nye County Code.
2. **ZC-2017-000012 (Ron Murphy):** Public Works requests the offer and dedication of 30' (thirty feet) fronting the east property line on N. Leanna Street, 30' fronting the south property line on W. Austin Street, 30' fronting the west property line on N. Nellie Street, and 30' fronting the north property line on W. Tiffany Street. Public Works supports any facts, findings or conditions determined by the Pahrump Regional Planning Commission (PRPC) at this time, reserving the right to provide additional facts, findings and conditions upon the submission of the improvement plans for any commercial/industrial development of the property and/or complying with Nye County Code.
3. **CU-2017-000035 (Ron Murphy):** If the asphalt plant is operating past December 31, 2017 they will be required to go through the site development review and approval process. Public Works supports any facts, findings or conditions determined by the Pahrump Regional Planning Commission (PRPC) at this time, reserving the right to provide additional facts, findings and conditions upon the submission of the improvement plans for any commercial/industrial development of the property and/or complying with Nye County Code.

## ANALYSIS

**Application Details:** Applicant is proposing to install an Asphalt Plant, which requires a CUP in the Heavy Industrial zone.

Master Plan Amendments require a super majority vote of the Planning Commission and go on to the Board of County Commissioners for final action. Zone Changes and Conditional Use Permits require a simple majority vote of the Planning Commission.

**Zoning:** The Heavy Industrial zone regulations:

### 17.04.440: HI HEAVY INDUSTRIAL:

A. Scope: The following regulations shall apply to the HI heavy industrial zones. No new building or structure shall be erected, or parcel developed in an HI heavy industrial zone unless in conformance with the provisions identified herein.

B. Purpose: The HI heavy industrial zone is intended to provide for more intense industrial uses engaged in basic processing or manufacturing of products from raw materials and with tolerable levels of noise, dust, odor, vibration or smoke and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment. The HI heavy industrial zone is appropriate in locations which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.

C. Height, Lot And Setback Requirements:

Minimum lot size	1 acre
Minimum lot width (interior lot)	150 feet
Maximum building height	40 feet

### MINIMUM BUILDING SETBACKS

Use	Front	Side	Rear	Street Side
All principal and accessory structures	20 feet	10 feet	20 feet	25 feet

Note:

1. 20 feet when adjacent to residential uses.

D. Permissive Uses:

All permissive uses allowed in the light industrial zone.

Automobile repair facility.

Cellular towers and related facilities.

Cemeteries, pet.

Freight terminals.

Heavy manufacturing, processing, assembly, fabricating, and similar uses.

Outdoor storage provided that:

1. Any area(s) dedicated to such use are screened from public view, subject to article VI of this chapter.

2. Drive aisles are paved or treated with an acceptable dust palliative.

Warehousing, distribution and ancillary office uses.

E. Uses Subject To A Conditional Use Permit: The following are subject to a conditional use permit as provided for in articles V and VIII of this chapter:

Asphalt or concrete batch plants.

Automobile wrecker/salvage yard.

Bulk fuel station.

Chemical manufacturing.

Cold storage facilities.

Fireworks, retail, wholesale and manufacturing.

Foundry.

Gravel/sand pit.

Junkyards.

Landfills.

Manufactured home storage and construction/demolition.

Manufacturing of hazardous, noxious, or corrosive products; byproducts of fish, meat or animals including slaughterhouses, fertilizer, glue, etc.

Manufacturing, processing, transfer or storage of explosives or certain other highly hazardous substances.

Matches manufacturing.

Milling.

Mining.

Motor freight terminal.

Off road/motor cross track or driving school.

Ore dump.

Outdoor manufacturing.

Oxygen manufacturing.

Paint manufacturing.

Plastic product manufacturing.

Public, quasi-public and institutional uses.

Quarry, stone.

Racetrack, auto and motorcycle.

Rock crushing and stripping.

Sexually oriented businesses.

Storage of hazardous materials.

**Water:** Analysis of the potential impact of the proposed project on community water resources:

1. **Community Source Water Protection Plan (CSWPP):** Proximity of the proposed project to Public Water System(s)/Source Water Protection Area(s): The proposed project is not located within any public well Capture Zone. The nearest public well is approximately one (1) mile south of the subject location, County View Estates UICN public well W03 (*see map below from Nye County Community Source Water Protection Plan*).
2. **Water Quality. Impact on Existing Groundwater Quality:** Could the proposed project/land use potentially cause or contribute to the degradation of groundwater quality/is the proposed land use considered a Potential Contaminant Source? (Yes/No – Table E-1): Yes.

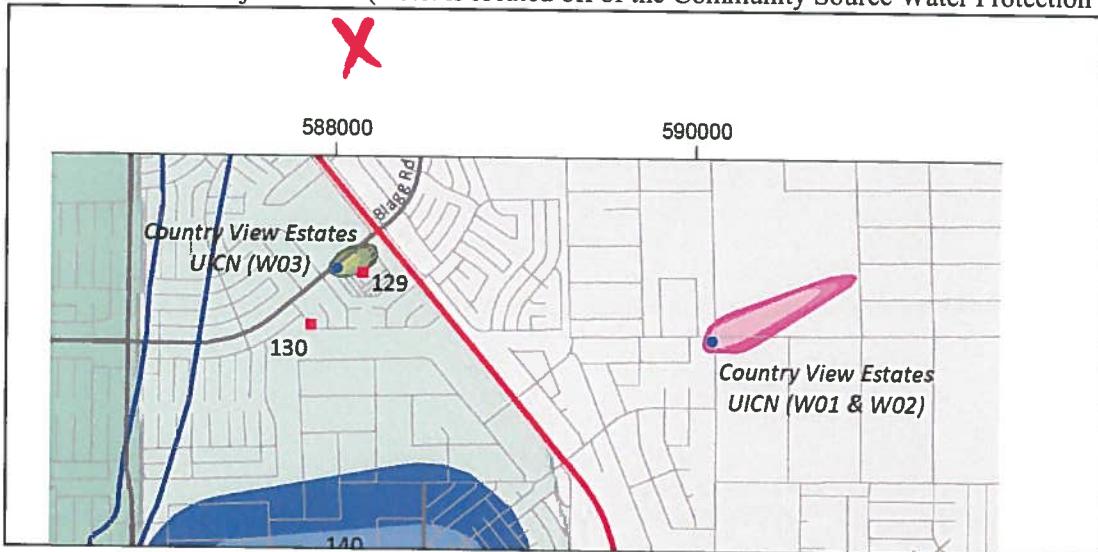
Class: Industrial. Source: Manufacturing/Asphalt Plant. Risk Level (Low/Moderate/High) = High.

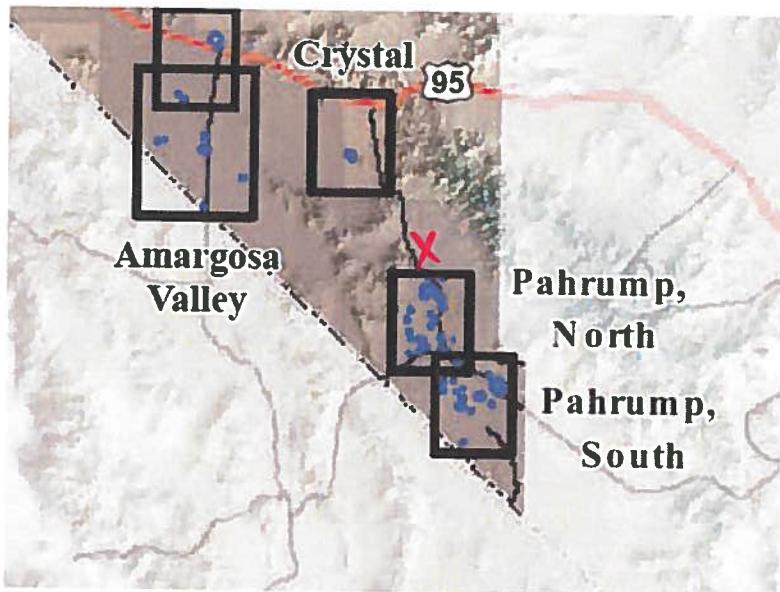
Asphalt Plant = A  
Industrial/Manufacturing = A, B and C

Contaminant Categories: A = Volatile Organic  
B = Synthetic Organic Compound  
C = Inorganic Contaminant  
D = Microbiological  
E = Radionuclides

3. **Water Quantity. Estimated Water Use:** Water usage estimate not calculated for the proposed use.

Approximate location of Subject Parcel (Note: is located off of the Community Source Water Protection Mapped Area):





## CONCLUSIONS

Upon extensive review of the applications, staff finds sufficient justification to make a recommendation of approval for the Master Plan Amendment, Zone Change and Conditional Use Permit.

Should the Regional Planning Commission desire to approve the applications, the following **SPECIAL CONDITIONS OF APPROVAL** are suggested subject to the discretion of the Regional Planning Commission:

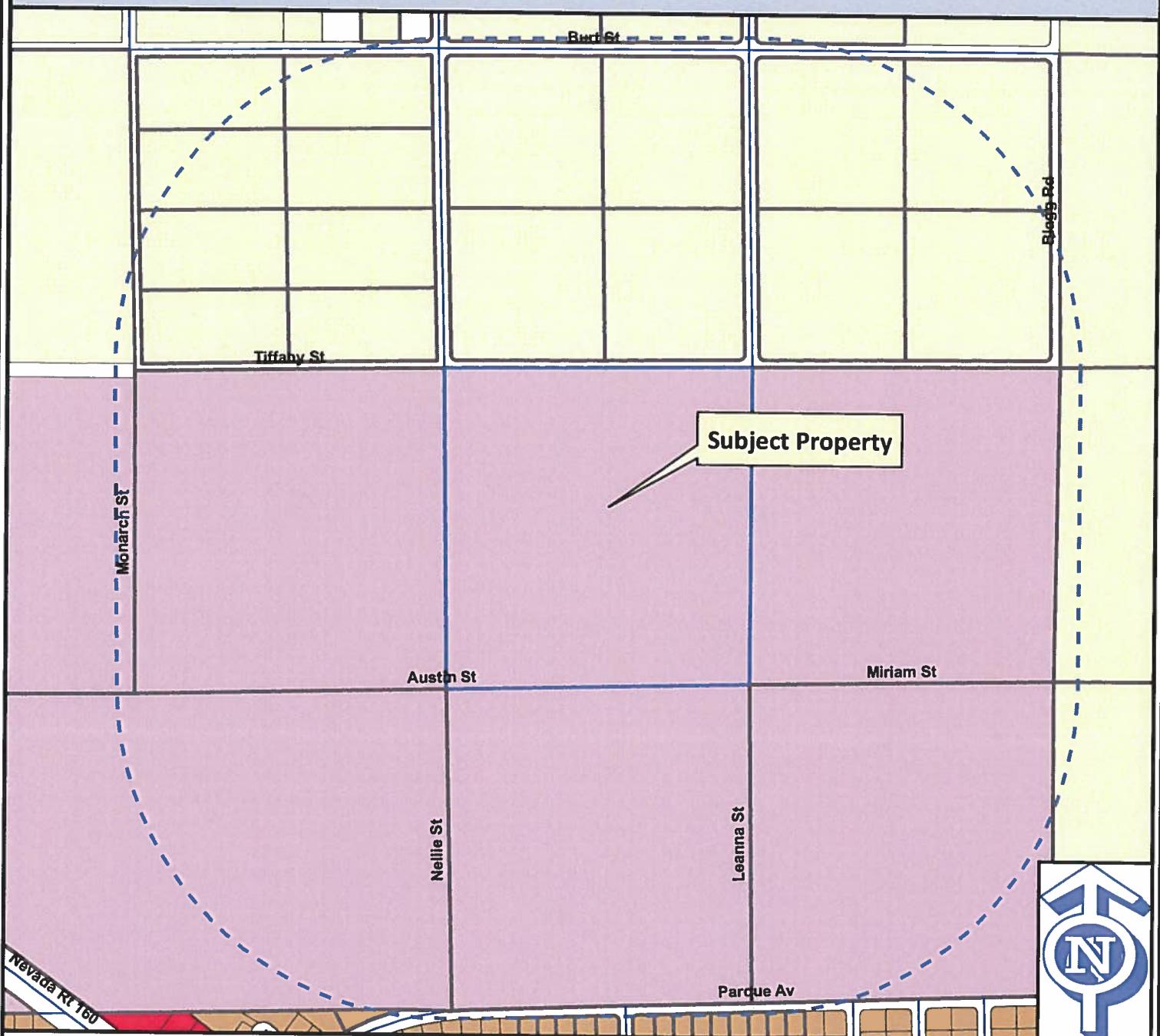
### **SPECIAL CONDITIONS OF APPROVAL – ZONE CHANGE**

1. Property Owner shall dedicate to Nye County, right-of way in the amount of 30' (thirty feet) fronting the east property line on N. Leanna Street, 30' fronting the south property line on W. Austin Street, 30' fronting the west property line on N. Nellie Street, and 30' fronting the north property line on W. Tiffany Street.
2. If the asphalt plant operates past December 31, 2017, then the Applicant/Property Owner shall submit a Water Impact Plan and obtain the approval of the Nye County Water District Governing Board.
3. Prior to any new industrial development or use of the property after December 31, 2017, the Applicant/Property Owner must submit a Water Impact Plan and obtain the approval of the Nye County Water District Governing Board.

### **SPECIAL CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT**

1. If the asphalt plant operates past December 31, 2017, the Property Owner shall be required to submit an application and obtain approval through the site development plan process.
2. If the asphalt plant ceases to operate prior to December 31, 2017, the Conditional Use Permit shall become void.
3. If the asphalt plant operates past December 31, 2017, then the Applicant/Property Owner shall submit a Water Impact Plan and obtain the approval of the Nye County Water District Governing Board.
4. Applicant/Property Owner must comply with all applicable federal, state and county regulations and obtain all required operating permits, including NDEP air quality permits.

**PRPC Hearing -- 15 Feb 2017 -- Item #15**  
**MP-2016-000003, ZC-2017-000012 & CU-2017-000035 -- 381 W. Tiffany St. -- APN 027-221-27**  
**Ron & Sally Murphy Mgr PV Pits -- Property Owners / Applicants**



**Exhibit "A" -- Area Zoning**

<input type="checkbox"/>	Subject Property	<input type="checkbox"/>	RH-9.5; Rural Homestead Residential
<input type="checkbox"/>	Notified Properties	<input type="checkbox"/>	VR-8; Village Residential
<input checked="" type="checkbox"/>	1400 Foot Buffer	<input type="checkbox"/>	GC; General Commercial
<input type="checkbox"/>	LI; Light Industrial		

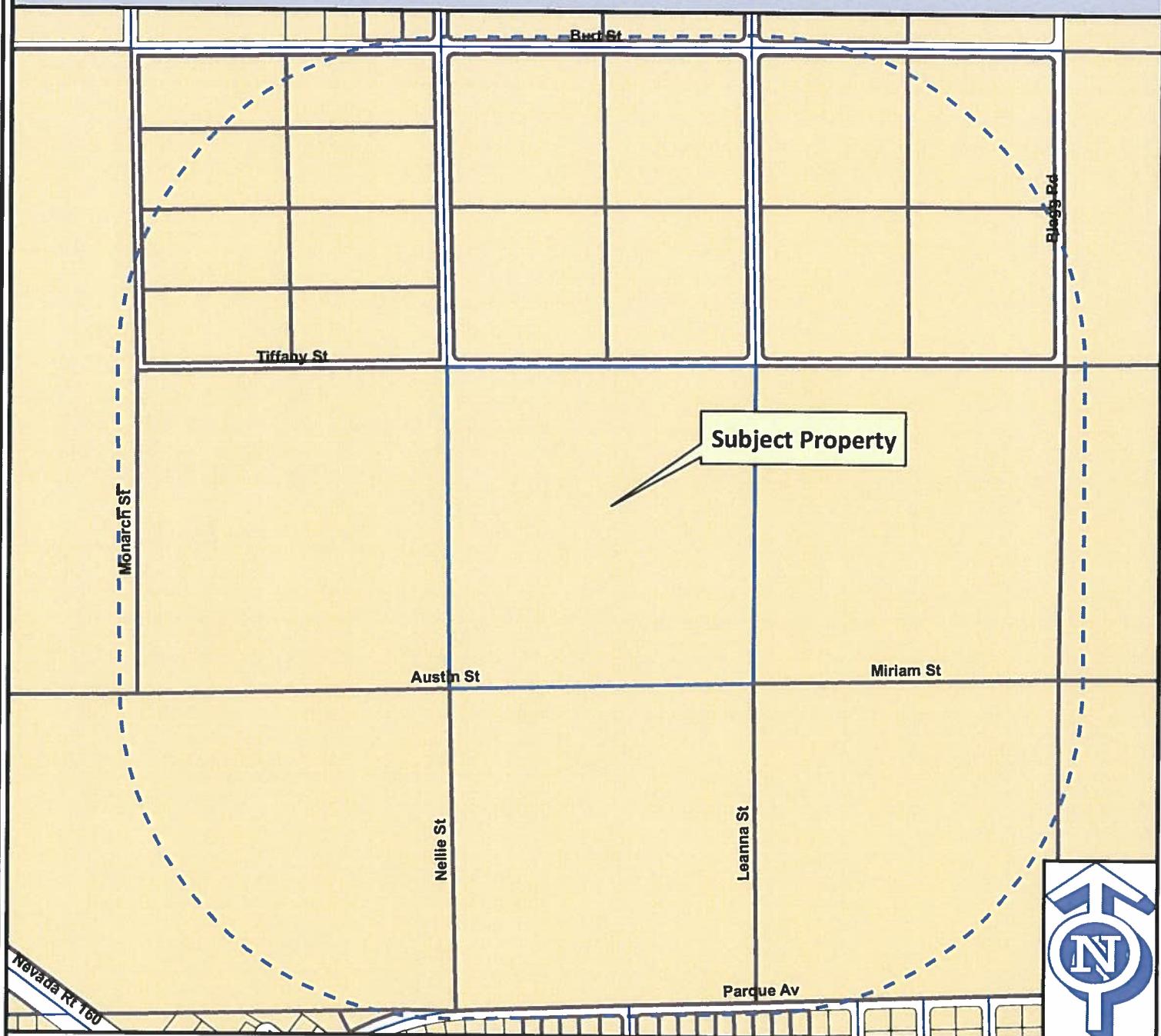


DEPARTMENT OF PLANNING  
 Pahrump Regional Planning District  
 (PRPD)

The information shown hereon is approximate and for exhibit use only. Nye County is not responsible for any claims, injuries or liabilities resulting from the use of this document beyond the purpose for which it is intended.

This drawing is not to scale.

**PRPC Hearing -- 15 Feb 2017 -- Item #15**  
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**Ron & Sally Murphy Mgr PV Pits -- Property Owners / Applicants**



**Exhibit "B" -- Master Plan Category**

- Subject Property
- Notified Properties
- 1400 Foot Buffer

RDR



DEPARTMENT OF PLANNING  
 Pahrump Regional Planning District  
 (PRPD)

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PRPC Hearing -- 15 Feb 2017 -- Item #15  
MP-2016-000003, ZC-2017-000012 & CU-2017-000035 -- 381 W. Tiffany St. -- APN 027-221-27  
Ron & Sally Murphy Mgr PV Pits -- Property Owners / Applicants

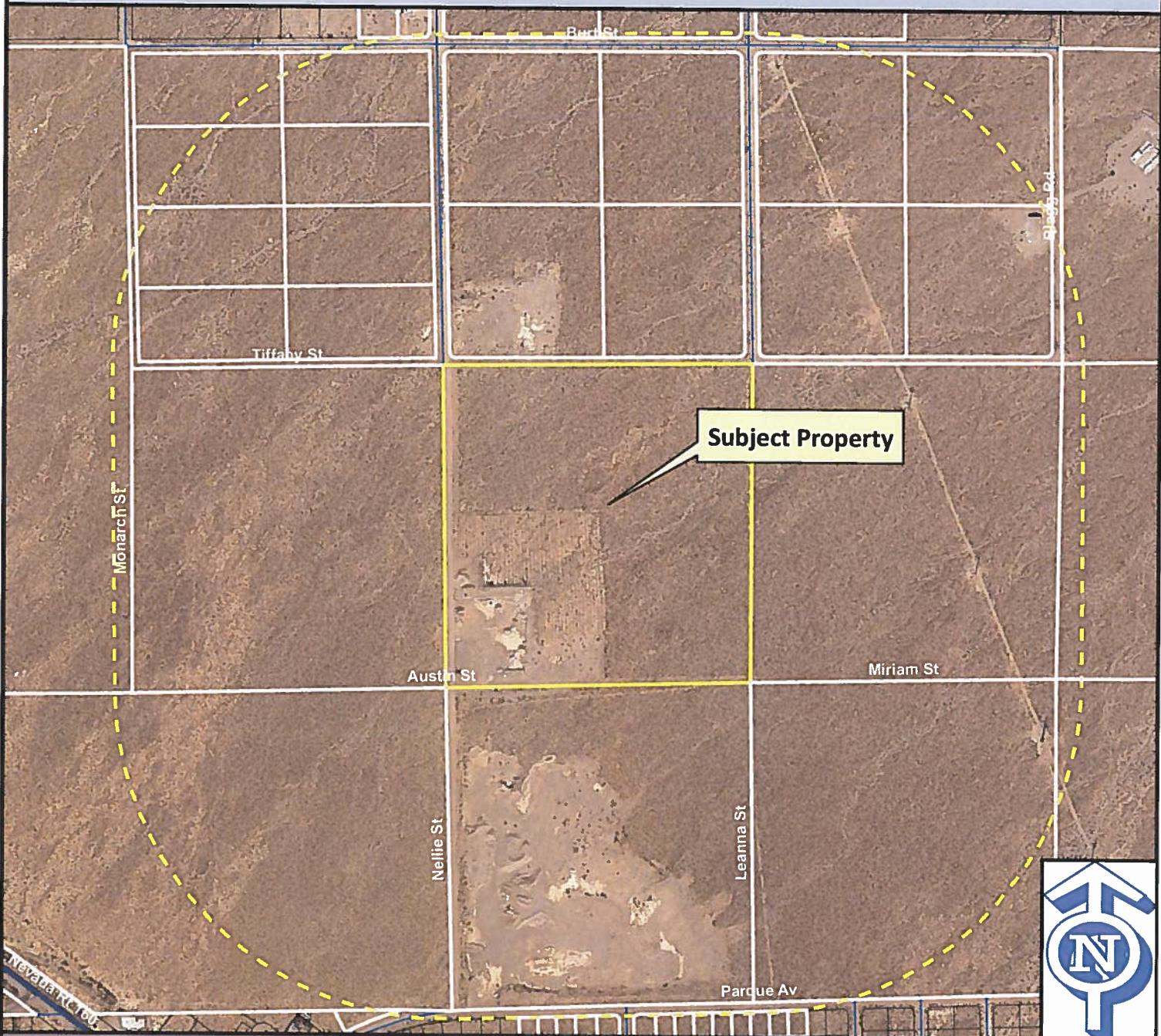


Exhibit "C" -- Aerial Perspective

- Subject Property
- Notified Properties
- 1400 Foot Buffer



DEPARTMENT OF PLANNING  
Pahrump Regional Planning District  
(PRPD)

The information shown hereon is approximate and for exhibit use only. Nye County is not responsible for any claims, injuries or liabilities resulting from the use of this document beyond the purpose for which it is intended.

This drawing is not to scale.

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Exhibit "D" -- Close-up Aerial

Subject Property



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# Ron Murphy Construction, Inc.

## Pahrump Valley Gravel

1641 S. Highway 160  
Pahrump, NV. 89048  
Phone: 775-727-6090  
Fax: 775-727-8700

License 24172-A

License 24252-A

Limit \$750,000

### Justification Letter

Application request to allow for the operation of an asphalt plant in the gravel pit to make, process and supply asphalt to pave roads, including necessary screening, crushing, washing equipment and scales etc. to produce asphalt (see attached A) The property is remotely located and in a zoned LI area.

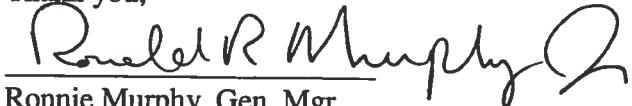
The property was purchased to be a gravel pit in 1997 and has been continuously used as such since then.

Impact to adjacent properties is not expected to be much different than the current use with the exception of increased equipment and trucks during processing and production. Road and highway builders has a contract for approx 90,000 ton of asphalt scheduled over approx 40 days. Approx 60 trucks per day. This location is positioned outside of town and in the middle of the road project. This will lower project costs, reduce trip miles, vehicle emissions and traffic that would otherwise go through the center of town. Other options would likely be located on the south end of town resulting in an added burden on our roadways.

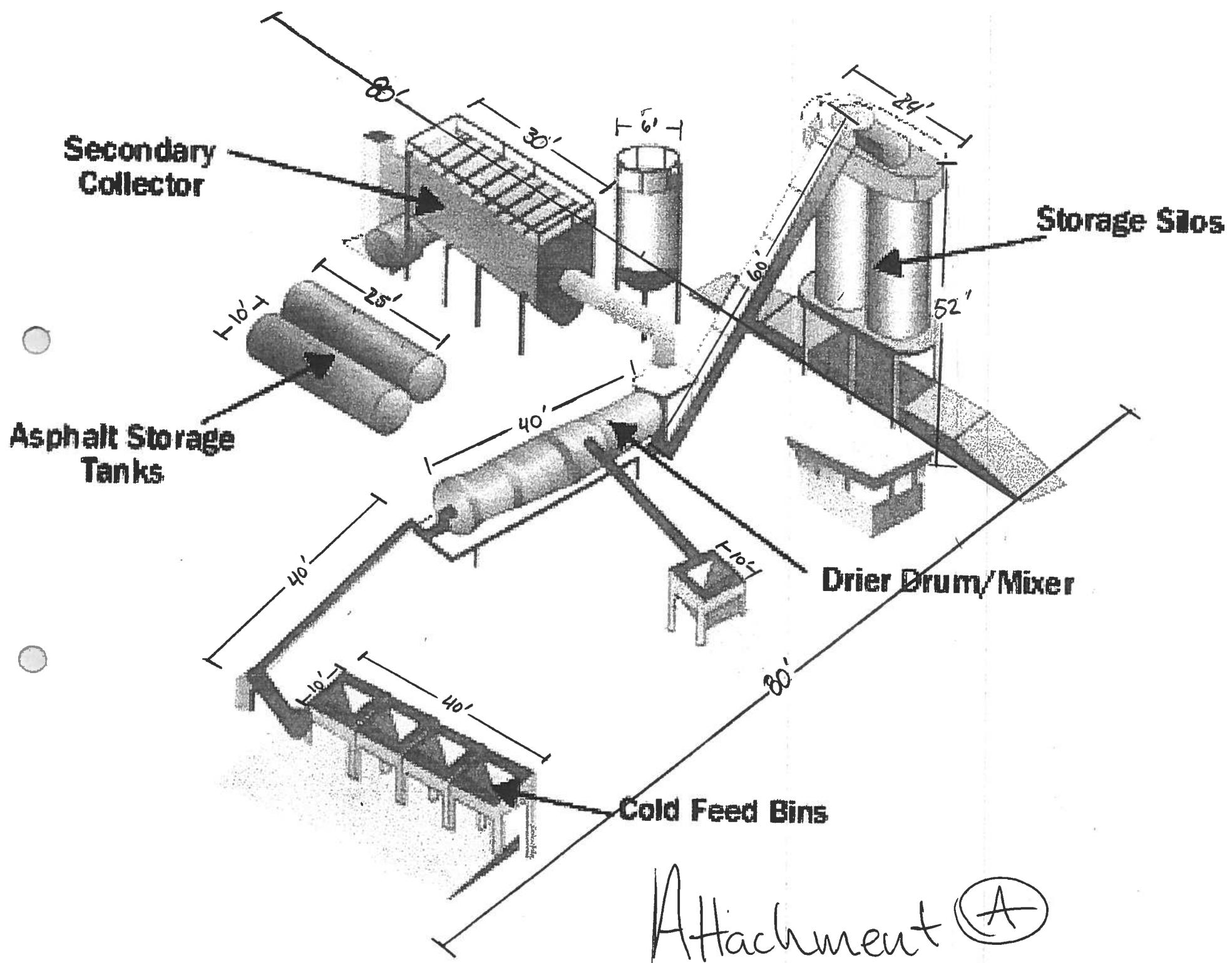
No impact to schools, parks, fire or sheriff is anticipated from the operation of an asphalt plant.

MSHA requirements will be met for both gravel pits and asphalt which include safety and first aid training.

Thank you,

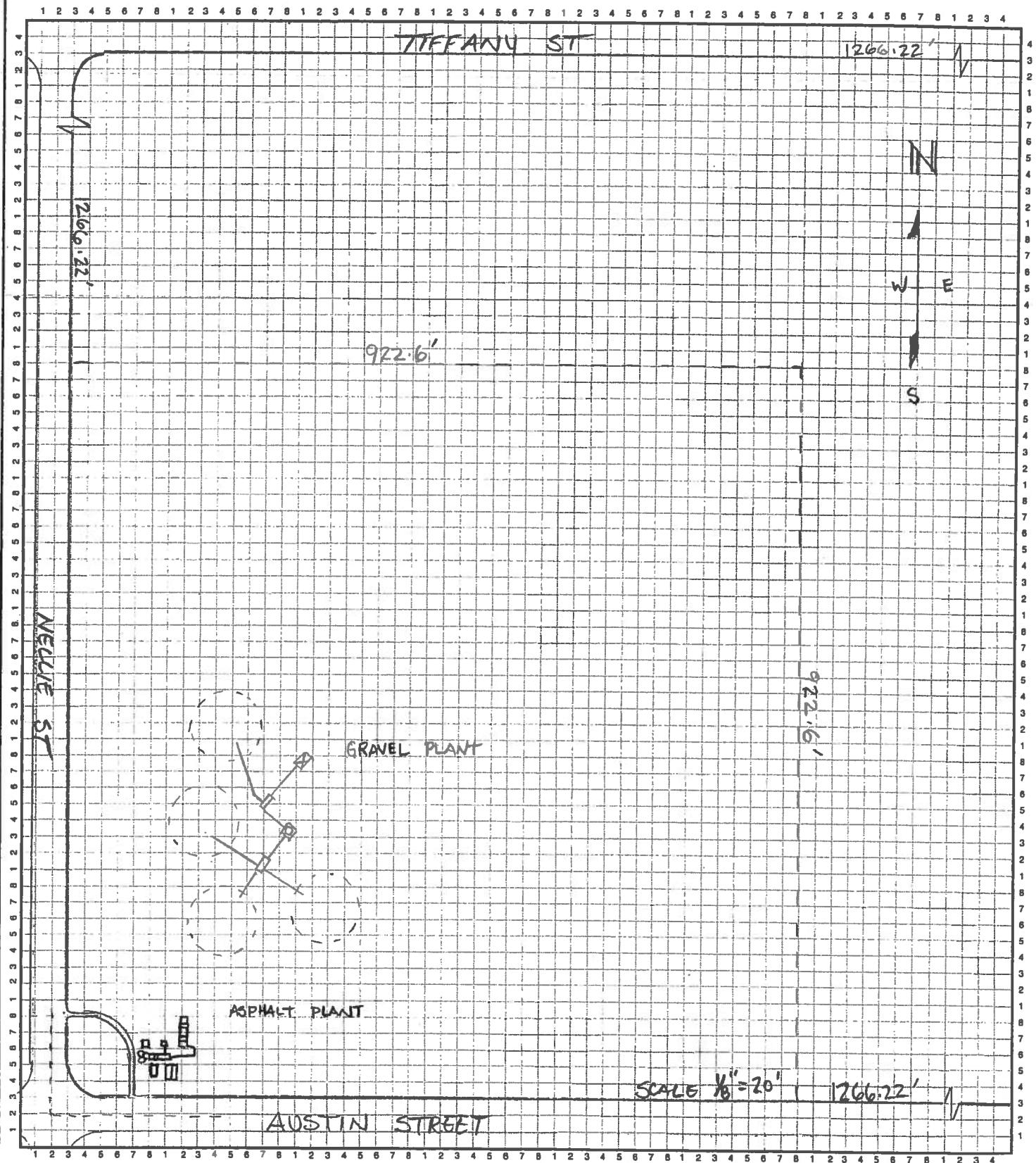
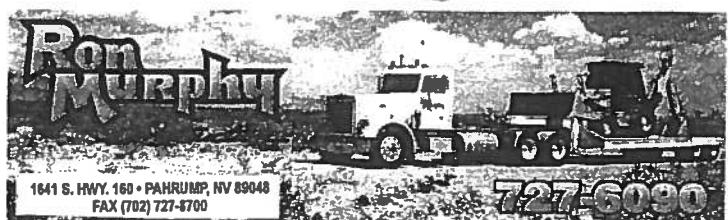


Ronnie Murphy, Gen. Mgr.  
Ron Murphy Construction



## Site Plan

JOB NAME RMC NORTH PIT  
SUBDIVISION T19S R53E 54 NWSE 40 ac  
UNIT \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
APN# 27-221-27 DATE 1-23-17  
ADDRESS 381 W. TIFFANY ST



**Celeste Sandoval**

**From:** Toni Johnson <xo4everciliberti@yahoo.com>  
**Sent:** Friday, February 10, 2017 4:06 PM  
**To:** Planning  
**Subject:** Pahrump Regional Planning Commision: MP-2017-000003  
**Attachments:** Nye County Planning Dept.pdf

Nye County Planning Department

My husband and I were disappointed when we received the attached notice from the Nye County Planning Department.

We purchased 5 acres of residential land in Pahrump located at 7661 N. Monarch Street. We did not imagine our land or land near our parcel could or would be re-zoned.

Whether directly on or near our land we do not want the area re-zoned allowing an Asphalt Plant to be built.

It was in good faith that we and others in the community purchased this residential property and believed it would retain its value. Please vote no to the re-zoning,

Thank you,

Don and Toni Johnson  
702-274-0905

In accordance with Nevada Revised Statutes and Nye County Code as an owner of property that is located within 300 feet of the subject property, you are hereby notified that a Public Hearing will be held on the matter referenced below. The Pahrump Regional Planning Commission of the County of Nye, State of Nevada, will hold a Public Hearing on Wednesday, February 15, 2017 at 6:00 p.m. or soon thereafter.

**Location:** Commissioner's Chambers  
2100 E. Walt Williams Drive  
Pahrump, Nevada.

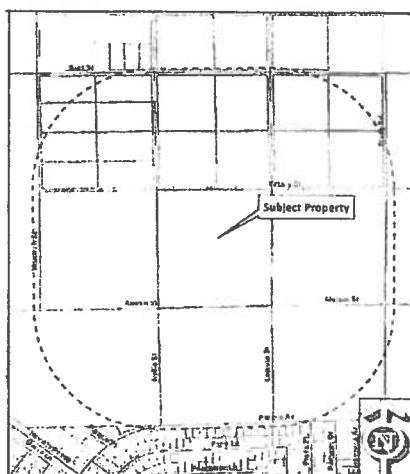
7661 Monarch

**NOTICE IS HEREBY GIVEN** that applications will be heard by the Pahrump Regional Planning Commission MP-2017-000003: Public hearing, discussion deliberation and possible decision on a (Major) Master Plan Amendment application to change 40-acres from the Rural Density Residential (RDR) land use category to the Rural Industrial Area (RIA) land use category, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27. ZC-2017-000012: Public hearing, discussion, deliberation and possible decision on a Zone Change application to change 40-acres from the Light Industrial (LI) zoning district to the Heavy Industrial (HI) zoning district, located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27. CU-2017-000035: Public hearing, discussion, deliberation and possible decision on a Conditional Use Permit application to allow an Asphalt Plant on a 40-acre parcel located at 381 W. Tiffany Street. Murphy, Ron & Sally Mgr PV Pits – Property Owner/Applicant. AP# 027-221-27 (The Pahrump Regional Planning Commission makes a recommendation on these item. Final Action by the Board of County Commissioners is scheduled for March 21, 2017 at 11:00 a.m., or soon thereafter, unless otherwise announced.

Written comments may be addressed to the Nye County Planning Department, 250 N Highway 160, Suite 1, Pahrump, Nevada, 89060, or by e-mail to [planning@co.nye.nv.us](mailto:planning@co.nye.nv.us) (please place the application number[s] indicated in this notice in any correspondence). Written comments must be received no later than the Tuesday the week before the meeting to be included in the Planning Department staff report supplied to the Planning Commission.

Whether or not you choose to comment in writing you always have the option to appear and make your comments verbally.

\*\*\*PLEASE CONTACT NYE COUNTY PLANNING SHOULD YOU HAVE ANY QUESTIONS\*\*\*  
Phone 775-751-4248.



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