

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE MARCH 14, 2018 MEETING**

Members in Attendance: Gregory T. Hafen II
Beth Lee
Gary Bennett
Leah-Ann DeAnda
Leonardo Blundo
Robert Adams
Derek Fowler

Members Absent:

Planning Staff: Brett Waggoner
Steve Osborne
Joe Ehrheart
Celeste Sandoval
Darrell Lacy

District Attorney's Staff: Ronni Boskovich

Public Works Staff: Cody McKee

Other Attendees: Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
ATB	=	Amargosa Town Board
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
DA	=	Development Agreement
DDA	=	Deputy District Attorney
MH	=	Manufactured Home
MHP	=	Manufactured Home Park
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PUC	=	Public Utilities Commission
RE	=	Rural Estates Residential
RH	=	Rural Homestead Residential
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
VR	=	Village Residential

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:00 pm.

- 2. Public Comment (first)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)
Public comment opened and closed at 6:01 pm with no comments.

3. For possible action - Approval of Minutes:

- a. PRPC Meeting – February 14, 2018

Celeste Sandoval stated she had received some minor changes from the DA's office and Commissioner Lee.

Commissioner Lee motioned to approve with typographical changes submitted to staff. Seconded by Commissioner Bennett.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Beth Lee, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

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

Brett Waggoner stated he would like to remove item 10. They don't have a draft ready to present to the RPC at this time.

5. **Correspondence and Announcements**
None.

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

a. BOCC Liaison Report - BOCC Liaison – John Koenig
None.

b. Director's Report
Mr. Waggoner stated total applications received for February was 122, of the 122, 100 were processed. Building Department Permits: Single Family Residence: 49, Manufactured Homes: 21. We don't have code enforcement data, our code enforcement officer has been out with an injury. Dust Control had 7 new complaints and have been noticed. Past items: CU-2017-000045 was denied by the RPC and was appealed at the BOCC and it was approved and overturned by the BOCC. ZC-2017-000020 Mega Motors was heard by the BOCC on 2/20/2018 and approved. Bill 2018-02 TUP and Bill 2018-05 Accessory Use and Bill 2018-06 Start of Construction have been scheduled for public hearing on the 4/17/18 agenda.

7. **Ex Parte Communications and Conflict of Interest Disclosure Statements**

Commissioner Fowler stated he recuse himself from item #8, he does work for Mr. Cunningham. He doesn't now but may in the future have a monetary interest in that building. Agenda Item #9 he is a regular customer at the One Stop Shop and will participate in the item.

Commissioner Blundo stated for item #9 the land owner is his landlord but will be recusing himself from the item.

Commissioner Hafen stated for item #8 his employer provides service to the property, his family did previously own the property, three owners ago, and his family and the utility own commercial property across from this and stated that he will participate in the item.

Commissioner Lee stated for item #9 she is employed by VEA who owns the high voltage facility that is adjacent to the subject property however has no pecuniary interest in it and will not affect her judgement and will participate in the item.

Regular Agenda Items: Action may be taken by the Regional Planning Commission on the following items:

8. **For Possible Action – WV-2018-000066:** Public hearing, discussion and deliberation on a Waiver Application to allow a ten foot (10') front setback for a detached accessory structure (carport) where a twenty foot (20') front setback is required, and to allow a five foot (5') building separation between the proposed carport and the existing single-family residence where a ten foot (10') separation is required, for property located at 5971 E. Grain Mill Road, further known as Cottonwoods at Hafen Ranch Subdivision Phase 2, Block 4, Lot 9, zoned Village Residential (VR-20). Joseph W. Lakoskey Revocable Trust – Property Owner/Applicant. Cunningham Construction / Allen Cunningham – Agent. Assessor Parcel Number 043-122-09. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

Steve Osborne reviewed his staff report and stated the applicant would like to build a detached 4 car garage, and a car port. The VR-20 zone requires a 20-ft. front setback and the carport is proposed to be 10 ft. from the property line. He stated the 5-ft. building separation between the car port and residence, there is a proposed code amendment that is being recommended to the BOCC to change the separation to 5 ft. It would be in conformance with the proposed code amendment. There isn't an issue with that aspect of the waiver. After reviewing the findings, they don't believe there are special conditions or conditions that apply to the property that justify the front setback of 10 ft. Staff recommends denial of the application.

Allen Cunningham, Cunningham Construction, he has been here 23 years and this is his first experience requesting a variance. He is surprised on the amount of effort to have a 10-ft. variance for an improvement to the property. The buildings would match his existing home and would allow Mr. Lakoskey who is in a wheelchair, to have a more level surface when he gets out of his car.

Commissioner Blundo asked if staff was aware that there was a handicap/disability issues.

Mr. Cunningham stated he didn't specify that in the application. He didn't realize it would be considered a special circumstance. He thought it would be straight forward being that the property was a model home at one time with parking lot in front. He does have a picture to show the board of the visualization of the posts.

Commissioner Blundo stated the letter from the HOA supplied in the back up doesn't have their approval.

Mr. Cunningham stated it has been approved and he has a copy of the letter with him.

Commissioner Bennett asked the DA's office if the ADA comes into play with this.

Ronni Boskovich, DDA, stated she would have to look into that and get back to him.

Commissioner Hafen asked staff for clarification that there isn't anything preventing them from expanding the driveway and pouring concrete to level it out.

Mr. Osborne stated that is correct.

Commissioner Hafen stated to Mr. Cunningham as part of the staff report on page two there are certain findings that staff has to find to approve the waiver. Staff hasn't been able to find those and if there is something he would like to bring forward to speak in favor of this this would be the opportunity to make those statements.

Mr. Cunningham stated he doesn't understand what a special circumstance would be. This was a model home and it would be an improvement. If he wanted to collect junk cars and have 10 cars

out there, there wouldn't be any push back or challenge. He doesn't know what the board wants to hear that would consider an improvement to the property. If this was a vacant lot and he would have built this home all the considerations would have been taken into consideration.

Commissioner Hafen asked if there are any circumstances that apply to this lot that don't apply to the adjacent lots in the Cottonwood subdivision.

Mr. Cunningham stated it is a pretty square lot.

Mr. Lakoskey, the setback is more like 14 feet not 10. It is setback 24 feet from the road. If you look at the picture it won't be in the way from someone seeing the corner.

Mr. Cunningham stated he has pictures that will give them a good idea.

Mr. Lakoskey stated right now it is a parking lot in front of his house and pouring concrete won't look good.

Commissioner Hafen stated the other findings they are required to find is the granting of the waiver or exception will not substantiate justice to the applicant or owner(s) of the property. And asked the applicant if there are any other findings that they would like to address.

Mr. Cunningham described the pictures showing where the columns will be and shows what is going on with the property.

Commissioner Blundo stated he would like to hear if there are any conflicts with the ADA.

Ms. Boskovich stated the ADA does not cover private housing. There would be no issues with this as far as the ADA is concerned.

Mr. Lakoskey stated every time he pulls into his house he has to circle around, back in so his wheel chair doesn't roll away from him, it has happened twice to him.

Public comment opened at 6:22 pm.

Jack Michnovetz, he is Joe's next-door neighbor. He has personally witness his difficulties getting out of his vehicles at its current location. He knows what he is speaking of and it isn't theoretical. If you look at the two white marks that his contractor was pointing to, you can see the corner of his lot, the big white post used to be a sign for the house itself. He recommends they reconsider their request on this.

Public comment closed at 6:24 pm.

Mr. Cunningham stated the rest of the people are his neighbors and are in support of putting the structure up as well.

Mr. Waggoner asked the applicant if the structure is 48' x 26'.

Mr. Cunningham stated correct.

Mr. Waggoner asked if they could downsize and still fit the needs so they are not only 10 foot. The 10 foot they are going from is the ROW of the road and still possibly only 20 feet from the edge of the pavement. Suggestion of question would be could they downsize at all since it is 26 feet.

Mr. Cunningham stated his ideal situation would be to have the structure regardless, part of the width is to have two vehicles at one time and to be able to have two doors open on one vehicle and get around it in a wheelchair.

Commissioner Hafen asked for clarification on the North South dimensions were. Its 48' by?

Mr. Cunningham stated by 26' wide.

Commissioner Hafen stated North South would be 26'.

Mr. Cunningham stated yes.

Commissioner Hafen asked if it would be a possibility to abut it to the house, and reduce the 26 to 21 and then there would be no need for a waiver.

Mr. Lakoskey stated if they went closer to the patio and 5 feet from the house it would work.

Commissioner Hafen stated we are agendized for the 10-foot building separation and they could approve a 2 or 3-foot separation tonight and not the waiver for 10 feet off ROW.

Mr. Lakoskey stated if they had a waiver where we have five feet from the building it would be okay.

Commissioner Hafen asked if they need a waiver to be adjoined to the building.

Mr. Waggoner stated no.

Commissioner Hafen stated they could give a waiver for 2-feet or whatever.

Commissioner Koenig asked Mr. Cunningham what the distance is from the post to the property line.

Mr. Cunningham stated 12-feet. The 10 feet is with the overhang.

Mr. Waggoner stated the setback would be to the foundation.

Commissioner Adams asked Mr. Cunningham if he has spoken to building and safety about attaching it.

Mr. Cunningham stated no.

Mr. Lakoskey stated it would be hard to add it on by the way the garage was built.

Mr. Cunningham stated if they put the front corner 5 feet off the courtyard it will give them 8 feet off the home.

Commissioner Adams asked if they could compress the width?

Mr. Cunningham stated he wouldn't want to cut into his existing structure.

Commissioner Adams stated since there are no special circumstances that if we approve this it will open it up for neighbors to request this too.

Commissioner Koenig stated the HOA approved it.

Commissioner Hafen asked if the setback would be 25 feet requirement since this is a nonresidential use or are we saying it is an accessory use.

Mr. Osborne stated it is an accessory use.

Commissioner Blundo motioned to continue to the next meeting. Seconded by Commissioner Lee.

Commissioner Hafen asked staff if it would possible to continue one and vote on one item, or is it one item. Do we need a 5-minute break?

Ms. Boskovich asked for 5 minutes.

Commissioner Blundo withdrew his motion.

Commissioner Lee withdrew her second.

Meeting went into recess at 6:35 pm.

Meeting reconvened at 6:44 pm.

Ms. Boskovich stated based on the way the item is written it is one item and needs to be taken as one.

Commissioner Blundo motioned to continue to the next meeting in its entirety. Seconded by Commissioner Lee.

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

Yes: Beth Lee, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Leo Blundo, Robert Adams.

Abstain: Derek Fowler.

9. **For possible action – CU-2018-000046:** Public hearing, discussion, deliberation and possible action on a Conditional Use Permit application to allow The One Stop Shops, LLC on property zoned General Commercial (GC) to hold bi-weekly flea market/swap meets located at 1531 S. Nevada Highway 160, further described as Calvada Valley Unit 10, Lots 1, 2, 3 & 4, Block 1, Assessor Parcel Numbers 042-012-13, 042-012-12, 042-012-11, and 042-012-10. Murphy, Ron & Sally MGR PV Rental - Owner. Christina Nilson - Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (JE)**

Joseph Ehrheart reviewed his staff report. The proposed use conforms to the MP designation for the property. Staff received external comments and those have been referenced in the staff report and staff recommends approval of the application.

Commissioner Hafen asked if the applicant has been provided the conditions of approval.

Mr. Ehrheart stated yes and they have responded that they read and understood.

Commissioner Hafen stated he would like to amend condition #2 to state “applicant must comply with all federal, state and county regulations, including but not limited to NCC 17.04.700. (19).” He wants to make it clear all county code has to be adhered to. Item #13 he would like to remove the reference to the letter and only list the four conditions that are in the letter from VEA.

Christina Nilson, Applicant stated they will comply with all conditions that VEA asks for.

Public comment opened and closed at 6:52 pm with no comments.

Commissioner Koenig asked if based on condition #4 that they have to pave, and is the applicant aware of that.

Commissioner Hafen stated or double layer chip seal.

Commissioner Koenig stated right now it is all gravel and he wants the applicant to understand what they have to do based on the condition.

Commissioner Hafen stated the board has accepted PW recommendation for the Design Corridor for this area and that doesn't allow for waivers and it is part of the county code to pave the parking.

Cody McKee stated that is correct and it is also consistent with 15.20.100 which is specific to his item which requires paving, chip seal is another option as well.

Commissioner Hafen stated item #4 is a notice to applicant that it is part of county code.

Ms. Nilson asked for clarification that they will have to pave where the cars are going to park, it is all rock back there.

Commissioner Hafen stated pursuant to county code the surface must be chip sealed or 2" of asphalt.

Ms. Nilson stated okay, she will work on that.

Commissioner Koenig stated item #11 address unpaved parking areas. If she complies with #4 then she doesn't need #11. This needs to be clarified.

Mr. Ehrheart stated item #4 was added at the recommendation of PW.

Commissioner Hafen asked if item #11 should be stricken.

Mr. Ehrheart stated dust control measures to be on any commercial property so if there are dust control complaints it is reference in the conditions.

Commissioner Koenig stated the place has gravel, is it sufficient to satisfy what they want. Is the gravel okay or not?

Brett Waggoner stated per the code it does require the asphalt.

Mr. McKee stated 15.28.100 it allows for a 2" gravel, for anything over 5,000 Sq Ft of parking surface however 17.04.730 which is more Site Development, Commercial Use is more stringent to what is allowed for a dust palliative.

Commissioner Hafen stated in the past when anyone has wanted gravel in the GC zoning they have applied for waivers.

Mr. McKee stated yes, but they were also going through site development.

Mr. Waggoner stated they added the condition based upon the approval from PW. If there was construction it would have went through site development. This is more of a specialized use, and there are strict restrictions on frequency that they can use the property. This is only going to have traffic every two weeks for two days a week not 5 days a week.

Commissioner Koenig stated we could just go with #11 and if they receive three complaints it is an immediate cancellation of the CUP.

Ms. Nilson stated she can live with the no dust.

Commissioner Fowler asked how many paved parking spots they have on the property.

Ms. Nilson stated 25, and it will probably be sufficient for the flea market.

Commissioner Koenig asked that they are paved.

Ms. Nilson stated yes.

Commissioner Hafen asked if the driveway is paved.

Ms. Nilson stated yes, all the way to the street and she has handicap parking spaces.

Commissioner Fowler asked if they get below 5,000 sq. ft. of parking then the chip seal is no longer applicable, correct.

Mr. McKee stated for 15.28 yes, but 17.04.730 does not have square footage attached to it.

Commissioner Lee asked about the site plan submitted. It looks like the parking is on the street and asked the applicant if she understands that there shall be no parking on the street.

Ms. Nilson stated absolutely.

Commissioner Lee on the VEA letter there is a condition that there shall be no signage or other items may be attached to VEA structures or the block wall. The structures also include the utility poles anywhere.

Ms. Nilson stated she understands that.

Commissioner Hafen stated that is also part of the code.

Ms. Nilson stated she has also received a copy of the sign ordinance.

Commissioner Hafen stated condition #4 parking will be on the paved portion, the applicant has stated there are 25 spots and shall be sufficient for the business, condition #11 shall apply for when they are driving on the gravel to do set up.

Mr. McKee stated technically the drive aisles for onsite when they are setting up would need to be surface treated. If they want to restrict it to parking on the #13 parcel where there is striped parking, that would be fine and adhering to their recommendation the other parcels maybe for over 5,000 sq. ft. doing the dust palliative and they are okay with 2" of gravel, and feel that is a dust palliative then that is appropriate and meets both sections of the code. If the whole site is gravel then their drive aisles would be gravel.

Commissioner Adams motioned to approve CU-2018-000046 based on findings and subject to the conditions of approval with changes, #2 all county code be added, item #11 drive aisle with 2" of gravel, #13 no set up or anything be done within 10 feet of Valley Electric fence, no signs be put on Valley Electric fence or poles, adding port-a-potties be allowed based on the number of customers that would be there as #14.

Commissioner Lee stated she will second if Commissioner Adams amends his motion to include the two conditions from Valley Electric that were left off. #15 there shall be no blocking of the facility entrance and #16 absolutely no parking within any area of parcels 035-371-11, 035-371-12, 035-371-13 and/or 042-011-02 at any time.

Commissioner Adams amended his motion.

Commissioner Hafen stated for clarification they are amending #2 to including but not limited too, amending #11 to include the drive aisles can use the dust control measure that include 2” of gravel adding a condition for port-a-potties as needed. Modifying #13 or deleting it.

Commissioner Adams asked Commissioner Lee if she wants the conditions all separate for VEA or as one.

Commissioner Lee stated all separate.

Mr. Ehrheart asked for clarification on the APN numbers it states 042-011-02 and it should be 042-012-10.

Commissioner Lee stated the APN should not be changed, they specifically put those APN numbers because that is a high voltage facility and they may not park along the southern, eastern or the northern block wall.

Commissioner Hafen asked what parcel the substation is located on.

Celeste Sandoval stated the substation is # 11, 12 and 13.

Commissioner Hafen asked if the substation is located on three different parcels.

Ms. Sandoval stated yes.

Commissioner Hafen asked where the other parcel that is referenced -02 is.

Ms. Sandoval stated that is the back portion of the property.

Commissioner Lee stated that it just barely touches the southeastern corner of the substation, it is almost a parallelogram.

Commissioner Hafen would like clarification of the APN#s for the record. He asked if VEA owns all the parcels referenced.

Ms. Sandoval stated yes, they own all parcels they referenced.

Ms. Boskovich asked for clarification if they are leaving item #13 and adding 4 more or removing #13.

Commissioner Koenig stated they are replacing #13 with the first condition from VEA and adding 14, 15 and 16 are items 2, 3 and 4 from VEA.

Mr. McKee stated for the drive aisles for 12, 11 and 10. There is no encroachment so they would have to adhere 12.08.010.A for a driveway unless they can produce an existing encroachment permit that gives them access to those parcels and construct a commercial approach per the encroachment standards.

Commissioner Hafen asked if they can access them from the other lot, from the pavement.

Mr. McKee stated then they would need a cross access easement.

Commissioner Hafen stated for the record, any new encroachment would need an encroachment permit.

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

Yes: Beth Lee, Derek Fowler, Gary Bennett, Gregory T. Hafen II, Leah-Ann DeAnda, Robert Adams.

Abstain: Leo Blundo.

10. **For possible action:** Discussion, deliberation and possible direction to staff regarding proposed changes to the Sign Regulations. (CB)
Item Pulled

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

Next meeting is April 11, 2018 at 6:00 pm.

Commissioner Hafen stated the sign regulations will be back he has provided some input of areas he would like extended.

Commissioner Fowler asked when they will sit as the CIP.

Commissioner Hafen stated we should make sure we adhere to all the requirements of the CIP committee. He isn't sure if it is quarterly or annually.

Commissioner Koenig stated quarterly.

Commissioner Hafen stated he had a request to open up Correspondence and Announcements.

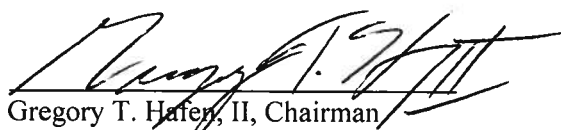
Commissioner Blundo stated the Baker to Vegas run is this weekend and stated for everyone to be more aware of them. He also stated he has tendered his resignation from the RPC as he is running for the BOCC

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 7:20 pm with no comments.

13. **Adjournment.**
Adjourned at 7:20 pm.



Gregory T. Hafen, II, Chairman
Pahrump Regional Planning Commission



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