

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE JULY 11, 2018 MEETING**

Members in Attendance: Gregory T. Hafen II  
Beth Lee  
Leah-Ann DeAnda  
Derek Fowler  
Tom Duryea  
Carol Curtis

Members Absent: Gary Bennett

Planning Staff: Joe Ehrheart  
Celeste Sandoval  
Brett Waggoner  
Cheryl Beeman

District Attorney's Staff: Ronni Boskovich

Public Works Staff: Cody McKee

Other Attendees: Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
DA	=	Development Agreement
DCP	=	Dust Control Plan/Dust Control Permit
MH	=	Manufactured Home
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
RE	=	Rural Estates Residential
RH	=	Rural Homestead Residential
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
VR	=	Village 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 and closed at 6:02 pm with no comments.

**3. For possible action - Annual Election of Officers: Nomination and Election of Officers for the current fiscal year (July 1, 2018 to June 30, 2019). The election of an Officer shall be by affirmative vote of not less than four (4) members of the Planning Commission.**

**a. Nomination and Election of Chairman**

Commissioner DeAnda nominates Commissioner Hafen. Seconded by Commissioner Fowler.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

**Yes:** Beth Lee, Carol Curtis, Derek Fowler, Leah-Ann DeAnda, Tom Duryea.

**Abstain:** Gregory T. Hafen II.

- b. Nomination and Election of Vice-Chairman  
Commissioner Fowler nominates Commissioner Lee. Seconded by Commissioner DeAnda.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

**Yes:** Carol Curtis, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Tom Duryea.

**Abstain:** Beth Lee.

- c. Nomination and Election of Secretary/Clerk  
Commissioner Lee nominates Commissioner DeAnda. Seconded by Commissioner Fowler.

**Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

**Yes:** Beth Lee, Carol Curtis, Derek Fowler, Gregory T. Hafen II, Tom Duryea.

**Abstain:** Leah-Ann DeAnda.

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

- a. PRPC Meeting – June 13, 2018

Commissioner Lee stated she provided typographical corrections submitted to staff.

Commissioner Lee motioned to approve the minutes including the typographical corrections submitted to staff. Seconded by Commissioner DeAnda.

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

**Yes:** Beth Lee, Carol Curtis, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Tom Duryea.

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

Commissioner Hafen stated there has been a request to move item 11 to the end of the agenda due to a possible presentation.

6. **Correspondence and Announcements**

Commissioner Hafen welcomed the two new Commissioners to the RPC.

Commissioner Lee stated on August 4<sup>th</sup> from 9 am to 1 pm at Smiths, Albertsons and Walmart VEA will be holding their annual fill the bucket school supply drive and taking donations in the lobby through August 3rd.

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

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

- b. Director's Report  
Brett Waggoner stated applications that have been received through the Planning Department was 166 last month. Building Permits went down to 39 for SFR and 14 for MH. He has no complete number on Code Enforcement at this time.

Commissioner Koenig asked if they can also bring a dollar total back with the numbers.

Mr. Waggoner stated yes.

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

Commissioner Lee stated she is employed by VEA and they have an operations and maintenance agreement with Gridliance that owns the 230 kilovolt transmission line that ARES will tie into if they proceed to fruition of the project. This has no impact or bearing on her decision and will participate in the discussion tonight.

Commissioner Fowler for Item #12 his insulation business has done work on the property and he has no pecuniary interest in the item and doesn't stand to benefit from anything.

**9.**

- a) **For Possible Action – CU-2018-000050 (Continued from the June 13, 2018 RPC Meeting:** Public hearing, discussion, deliberation and possible action on an application for a Conditional Use Permit for a swap meet/farmer's market on a Neighborhood Commercial (NC) zoned parcel, on approximately 1.20 acres of property located at 2401 S. Homestead Road, Calvada Valley Unit 1, Block 1, Lot 3, APN 042-391-17. Bertha Galan Kern – Property Owner/Applicant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) CB**
- b) **For Possible Action - ZC-2018-000050:** Public hearing, discussion and deliberation on an application for a Conforming Zone Change from Neighborhood Commercial (NC) to General Commercial (GC), on approximately 1.20 acres located at 2401 S. Homestead Road, Calvada Valley Unit 1, Block 1, Lot 3, Assessor Parcel Number 042-391-17. Bertha Galan Kern – Property Owner/Applicant. **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for August 21, 2018 at 11:00 a.m., or soon thereafter, unless otherwise announced.) CB**

Cheryl Beeman reviewed her staff report. Staff recommends approval of the application subject to the conditions of approval. Parking of the clients at the swap meet need to be on property and not in the ROW. The applicant has indicated they don't plan on connecting into public water or sewer at this time, and the county has no requirement for a swap meet to provide such connection. Improved parking will be a requirement and requires an all-weather surface. The use will be subject to Site Development if approved. The property does have two code violations, there are two structures that have been added to the property with no permits. Staff requests a condition that they file for Site Development within 30 days to bring the property into conformance.

Commissioner Hafen stated condition #2 and 16 are the same.

Ms. Beeman stated they are duplicates.

Commissioner Hafen asked for clarification that staff would like to modify condition #17, to say shall submit?

Ms. Beeman stated to state within 30 days of final approval, applicant shall file a site development review.

Commissioner Hafen asked for clarification that final approval would be of the zone change.

Ms. Beeman stated yes.

Commissioner Lee asked if the applicant is clear on special condition #3 of the zone change that they can't start operation until they're through site development and have code compliance violations resolved.

Ms. Beeman stated they have met with the applicant several times but can't speak for the applicants.

Commissioner Hafen stated condition #3 states operation shall begin within 3 years of the date.

Ms. Beeman stated yes, because #1 has a three-year time frame they carried it over. Once a SD is approved there is a time line they have to get that done, there is also a timeline that they have to begin operating and implementing that as well.

Commissioner Hafen stated for clarification that is a begin date, they have to file within 30 days and within 3 years start business or zone change reverts back.

Commissioner Lee stated conditional use permit condition of approval #7 states all off street parking shall be paved. Condition of approval #14 states all unpaved parking areas meet dust control. Does 17.04 or 15.28 prevail.

Ms. Beeman stated because we haven't seen a SDP we don't know how much parking will be needed, and they aren't anticipating the entire lot to be paved so there may be portions unpaved but still have to comply with DC.

Commissioner Lee asked for clarification that parking isn't allowed on unpaved areas.

Ms. Beeman stated they would have to put down an all-weather surface for parking.

Commissioner Curtis asked if this is the only zone that the use is permitted in.

Ms. Beeman stated it may be permitted in the CM zone, but not in the NC zone.

Commissioner Hafen stated the least restrictive would be GC.

Commissioner Curtis asked for clarification that is the ZC is granted and they do not do the flea market then any use in GC would be permitted in the future.

Ms. Beeman stated yes.

Bertha Kern, property owner.

Ms. Kern stated she wanted to open a swap meet, and stated it is good for the community. She will do some improvements, the parking isn't paved yet, she made some lines to designate parking. She will only be open every Friday and Saturday.

Commissioner Hafen asked if she has seen the staff report and conditions that staff is recommending.

Ms. Kern stated not yet.

Commissioner Hafen stated to Ms. Kern that one of the requirements would be to pave the parking lot.

Ms. Kern stated she'll do that.

Commissioner Hafen asked for a 5-minute break so the applicant can review the conditions.

Meeting went into recess at 6:27 pm.

Meeting reconvened at 6:30 pm.

Commissioner Hafen stated there was an error on the agenda for the item and we will continue this item to the next meeting.

Ms. Kern asked if she can get a certificate for a deep well for water, since she has to pay \$38,000 for water and sewer for the area. She wants to know if she can put in a deep well, the water company told her no.

Commissioner Hafen stated that would be up to them not the RPC.

Ms. Kerns stated whatever is required to start the business she will do it.

Commissioner Hafen stated they will try and do a special meeting to correct the mistake.

Public comment opened at 6:32 pm.

Debra Stickland stated she is concerned with the 30-day requirement. She suggests extending the date to 60 days to allow the applicant to perform.

Public comment closed at 6:33 pm.

Commissioner Hafen stated to Ms. Kerns that staff will be in touch with the special meeting date.

- 10. For Possible Action - DA-2018-000006:** Discussion and deliberation and recommendation to the BOCC on an application for a Development Agreement with ARES Nevada LLC as the developer of the Regulation Energy Management Project on approximately a six-acre portion of Bureau of Land Management (BLM) managed land located within the Carpenter Canyon area, east of Pahrump at the Nye and Clark County line, further described as; T21S, R54E, S1. Assessor Parcel # 047-011-13. Bureau of Land Management – Owner, ARES Nevada, LLC – Lessee and Applicant/Agent. **(The RPC will provide a recommendation regarding this matter to the BOCC for their action at the July 17<sup>th</sup>, 2018 meeting.) (CB)**

Ms. Beeman stated the applicants are here and are willing to give a presentation to provide the public an opportunity and the RPC information on the project. This project occupies land in Nye County and Clark County. The operations control maintenance facility will be located in Nye County.

Commissioner Koenig stated he asked for this to be put off to the end is because a DA isn't in the purview of the RPC.

Tom Ashton, works for Potelco Inc., Mark Soetenga, an Executive with the EPC contractor, and Howard Trott is the representative for ARES Nevada owners of the project.

Mr. Ashton stated he is the project manager for the project. They will build 6 miles of rail road track that goes up Carpenter Canyon. On the track will be a series of locomotives with loaded cars to generate a lot of weigh. The connect to the power grid that passes by and this will absorb power and send it back to the grid. It will be at times of low demand then they take power and move the trains to the top and store potential energy in the trains. Where there is high demand, the grid calls for it they roll the trains back down and put power back into the grid.

Mr. Soetenga stated this is a unique project and has never been built. This is a battery that is using gravity as a potential energy. When there is a peak in solar or wind energy and there is no demand the train will operate. The train is electric and low speed.

Mr. Trott stated this has been aired on BBC World and they have gotten calls about it from around the world. Their total spend will be north of \$55 million and a lot of it is local.

Mr. Waggoner asked how many jobs it will create once done.

Mr. Trott stated this must be monitored 24 hours with people on site. They will have local employees.

Mr. Soetenga stated they are anticipating 16 permanent jobs.

Mr. Ashton stated approximately 100 construction jobs for the duration of the construction project which would be 1 year.

Commissioner Hafen asked for clarification that there won't be any interference with the ATV access routes up Carpenter Canyon.

Mr. Soentenga stated trails and roads will all be maintained and there will be guarded grade crossings in the locations where the trails cross the future tracks.

Commissioner Fowler asked how often they anticipate the trains going up and down.

Mr. Trott stated they all work independently. Depending on the load they may go up or down a little and stop. There may be times they are all 6 run up at the same time.

Commissioner Koenig stated it may never come all the way down.

Commissioner Fowler asked if they foresee more renewable energy development in the area.

Mr. Trott stated yes.

Commissioner Duryea asked for clarification that this is located on lower Carpenter Canyon road and this won't affect recreation in the Canyon. The concern is it intersects with Carpenter Canyon road and the train sitting on the road for 5 hours and blocking access to the canyon.

Mr. Soentenga stated it is controlled with sensors that the train won't block the road. They are subject to the PUCN and can't block a road for more than 30 minutes at a time. The sensor will move the train away from the crossing. The trains are only about 500 feet long.

Public comment opened and closed at 7:18 pm with no comments.

Commissioner Hafen asked for clarification that they don't intend to use any long-term water or plan to put any landscaping in.

Mr. Trott stated correct.

11. **For Possible Action – CU-2018-000051:** Public hearing, discussion, deliberation and possible action on an application for a Conditional Use Permit to allow a Fireworks Sales Establishment on a Mixed Use (MU) zoned parcel, located at 3640 S. Nevada Highway 160. Assessor Parcel Number 042-451-12. Interest Income Partners LP – Property Owner. Red Apple Fireworks Company, Ltd. /Applicant. Douglas Burda – Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

Ms. Beeman stated there has been a request to continue to the August 15, 2018 meeting. This application needs to be coupled with a waiver request.

Commissioner Hafen asked what the waiver is for.

Ms. Beeman stated the waiver is for the fireworks establishment within 1500 feet of a residence.

Commissioner Hafen asked the applicant if he is okay with the waiver request.

Doug Burda stated yes. All back up for the waiver has been submitted for the waiver. The building that they are requesting the waiver for is farther away from the residence that was subject to the concern 8 years ago. They do already have their C of O and have been operating.

Commissioner Duryea motioned to continue to the next RPC meeting. Seconded by Commissioner DeAnda.

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

**Yes:** Beth Lee, Carol Curtis, Derek Fowler, Gregory T. Hafen II, Leah-Ann DeAnda, Tom Duryea.

12. **For Possible Action:** Discussion, deliberation and possible direction to staff and/or recommendation to the Board regarding a Draft Bill 2018-20 relating to relating to Section 17.04.910 Zoning Review Required. (**The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners has not yet been scheduled.**) (JE)

Mr. Waggoner stated this is for clarification on what we have been requesting for many years. Everyone has the same information and requirements. There is information required to obtain permits for septic systems or a well and in order for Planning to do the proper review they need to know where existing stuff lies in relation to proposed locations are. That information is generally included for the septic permit and by having it all on one application now the Planning Department can make an informed decision and the applicant can take that same plot plan to the Building Department to pull permits. There are some suggestions he recommends, on page #2, item #14 it has three documents they will accept, he would like to change item #3 to read approval from DWR to drill a domestic well or proof of relinquishment of water rights for the domestic well. The second amendment would be strike item # 17. He is working on a bill draft in regard to Impact Fee's.

Commissioner Hafen asked for clarification that they are recommending striking #17 and modifying 14 Sub 3.

Mr. Waggoner stated yes.

Commissioner Hafen reached out to PW to talk about the encroachment process. If applicable, then the encroachment permit could be pulled prior to the zoning review.

Cody McKee stated they would like it to state a final encroachment permit must be obtained before the C of O approval. They have a problem with encroachment permits not being finalized because they aren't being checked.

Mr. Waggoner agrees, but the zoning review isn't the place for that. There should be an affidavit or verbiage on the encroachment permit to cover that and we need to address it in the building permit process. At zoning approval this will be received before pulling any building permits. It wouldn't do any good to have it in this part.

Commissioner Hafen stated if we have a portion that talks about C of O's that is where it should go.

Public comment opened at 6:45 pm.

Dawn Murphy stated she does pretty much all of this except putting wells on there. Under A – why do they needs a ZR for a sunshade, if she purchases a sunshade she won't do a ZR or for delivering gravel. If she wants to put gravel on her yard, she will not get approval for it. HOA approval should be between the HOA and the property owner. On # 16 if drilling a well or

installing a septic – this adds more work to contractors that have to fill out plot plans. When she fills out her ISDS it asks all this, and she already does it. She also has issues with the requirement to amend only within 30 days. If the ZR is good for 180 days, and they have issues they should be able to amend it reasonably. Another issue is a lot of these that are being proposed they have started implementing before they brought it here. She stated has been mistreated through the zoning department.

Debra Strickland stated Item #11 is in the body of #14. She is happy they are striking Item #17.

Scott Shoemaker stated according to this he will spend all his time at Planning. Sunshades are put up for animals, and all would require a zoning review. If he has to put a shade cloth over one of his enclosures he shouldn't need approval for that. or fencing or enclosures made of chain link. When it states inground pools, it hopefully means inground pools all his tigers have stock tanks and are buried in the ground, solar panels, does that mean solar water heaters. For the section on the dust control plan it should probably add if the area of disturbance is more than ½ acre.

Gerald Schulte is all for striking #17 for impact fees. Impact fees shouldn't be imposed on affordable housing. Someone who is building a \$400,000 house should pay more than someone buying a \$50,000 house.

Public comment closed at 6:55 pm.

Commissioner Hafen asked for clarification on inground pools.

Mr. Waggoner stated yes, under item #15 spells out swimming pools.

Commissioner Hafen asked if they wanted to build a lake would they need a ZR.

Mr. Waggoner stated yes.

Commissioner Koenig stated they would have to do more than a ZR.

Commissioner Hafen asked for clarification on spas. Do above ground spas require a ZR.

Mr. Waggoner stated the intent is inground. A ZR is for anything that generally requires a permit. He wanted clarification that one day shades require a ZR and building permits and inspections.

Commissioner Hafen stated can we reference the section of code that explains that. Putting a shade up for a horse or animal shouldn't require a ZR. If it is a one day shade it should require it.

Mr. Waggoner stated yes, a shade cloth isn't referenced as a structure.

Commissioner Koenig asked if they can just reference if it requires a permit it requires a ZR.

Commissioner Hafen stated under C-1 if it is something minor they can extend the deadline for an amendment. Under item #16, in regards to septic's, would it suffice to submit the distance from the ISDS like is currently being submitted. Or is this in addition to.

Mr. Waggoner stated the better way to say that is the setbacks. The way the NAC is written the requirements are to verify the setbacks of any existing well or septic on adjacent properties. It would have to be the best of their knowledge. There is one other clarification in regards to what has been required in the past and what has been required in the last 6 months. Staff did research back and pull several zoning applications all the way back to 2001. Setbacks for septic's or wells on adjacent properties were included on many applications. Any zoning applications that involved a well or septic whether it be just a well or septic have been included on these applications. They have always been a requirement.



Commissioner Hafen stated he agrees that the recommendation to modify #14 and strike #17.

Commissioner Fowler stated he agrees they are trying to strike a balance.

Commissioner Hafen stated direction to staff is to bring changes back to the next RPC meeting.

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

The next meeting will be August 15<sup>th</sup> at 6:00 pm.

Commissioner Hafen stated for a future meeting the final encroachment permit being required for the C of O. If Public Works could work with Planning to figure out where it needs to be and bring that back. Bring back adequate water bill, Signage and exotic animals. He would also like to try and schedule a special meeting to hear the Swap Meet and Red Apple items.

**Public Comment:**

- 14. 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 7:24 pm.

Debra Strickland stated to Mr. McKee that maybe the Building Department starts handing all the encroachment permits all together.

Public Comment closed at 7:25 pm.

**15. Adjournment.**

Meeting was adjourned at 7:25 pm.

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

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