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 with no comments at 6:01 pm.

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

   a. PRPC Meeting – May 15, 2019.

   Commissioner Lee stated she submitted typographical errors to staff.

   Commissioner Thomas motioned to accept as amended. Seconded by Commissioner Bennett.

   **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
   **Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

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 items 15, 16 and 17 will be opened but they will pull two and withdraw the third per the applicants request.

5. **Correspondence and Announcements**

   Mr. Waggoner stated next month there is an appeal item on a Cease and Desist and have requested a special meeting if possible next week.

   Commissioner Lee stated they can cover that under item #18.

   Commissioner Bennett stated this will be his final meeting per his resignation last month.

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

   a. BOCC Liaison Report - BOCC Liaison – John Koenig

   None.

   b. Director’s Report

   Mr. Waggoner stated for the Month of May total applications for Planning 256, which is 47 more than last month, total applications processed was 182. Building Permits – SFR 68 issued which is an increase of 37, MH – 28 which was 7 fewer than last month, Total permits issued 230. Total inspections 615, which was 68 more than last month.

   Code Compliance new complaints was 18 and closed 48 cases. Previous items by the RPC ZC-2019-000033 was approved by the BOCC at the 5/21 meeting. Bill 2019-09 – amending Title 17.04.750 Lighting and Bill 2019-10 to amend Title 17.04.407 AO zone will be on the 6/18 meeting to set a public hearing date of 7/16. Last month the appeal of the zoning administration discussion that the RPC affirmed to uphold, is being appealed to the BOCC for 7/16.

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

   Commissioner Thomas disclosed he is a member of Front Sight and has no financial interest.
8. **For Possible Action – WV-2019-000097:** Public hearing, discussion and deliberation on an application for a Waiver from NCC 17.04.700 to allow a Fireworks Retail/Wholesale Store and Storage Facility (Blackjack Fireworks) less than 1,500 feet from residential properties, located at 1161 and 1181 S. Nevada Highway 160. Assessor Parcel Numbers 035-381-12 and 035-381-13. D & T Partners, LLC – Property Owner. D & T Partners, LLC / Timothy McKoy - Applicant. Justin Casey Steinhart – Agent. **(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. They were approved for a CUP at the March 20th RPC meeting condition upon the applicant submitting and obtaining a waiver for the residential separation requirement. Earlier today Commissioner Thomas had met with staff and asked what happens if there is a fireworks fire inside a container. The Fire Chief stated when there is a fireworks fire there is a lot of visual effects, but there isn’t an explosion that occurs. The fire is contained within the cargo container itself. The nearest property 714 feet and building is 932 feet from the subject property. Staff is recommending approval of the waiver.

Commissioner Bennett asked if the people in the duplex had been notified and how do they feel about it.

Mr. Osborne stated the notification area was 600 feet and they are beyond the noticing area. They go out as far as required to meet the 30 nearest properties.

Commissioner Thomas stated exhibit C, there are RVs in the Best Western RV lot. Were each of those noticed or only Best Western.

Mr. Osborne stated only the property owner would have been notified.

Commissioner Thomas stated he expressed his concern to Mr. Osborne that RVs are less substantial than stick built homes. His perspective is that the permanent residents in the RV park should be notified. He would invite staff and Commissioner Koenig to consider noticing the individuals in the RV parks.

Commissioner Lee stated the code addresses residential zoned properties and the RV parks are zoned commercial. Each individual RV space doesn't typically have their own mailing address and they are required by state law to notify only the property owners.

Commissioner Thomas is concerned that this could adversely affect them they could come back with an equal protection law suit.

Commissioner Lee stated that would defer to legal counsel on that, but they do get notification staff meets state law they notify 300 feet or 30 property owners or go out a larger area to get 30 property owners and it is noticed in the newspaper of circulation. They meet all requirements of state law for public hearing notices.

Mr. Waggoner stated they could talk to the property owner it should be their responsibility to notify their tenants.

Commissioner Curtis stated condition #15 implies that they must come before us and obtain approval for construction in a zone that warehousing isn’t permitted. The second half should be stricken.
Commissioner Koenig stated that is so in three years the container goes away and they have to build a building, they want the containers to go away.

Commissioner Curtis stated this is giving them an implied consent to do warehousing in a General Commercial district, which isn’t allowed.

Commissioner Lee stated she doesn’t read that condition that way, it just tells them they need to obtain approval and it isn’t specific to this property.

Commissioner Curtis stated her issue is it states site development and building construction plans to warehouse. Warehousing isn’t permitted in the GC district.

Commissioner Lee stated they aren’t required to build the warehouse on the property. They can find a properly zoned piece of property or work in conjunction with the other fire work store owners and build together.

Commissioner Curtis stated just as long as this doesn’t imply that they have to build it here.

Justin Steinhart, representing Black Jack fireworks. He obtained the CUP approval and he was unaware at that time they needed to get a waiver for residential properties within 1500 feet.

Public comment opened at 6:23 pm.

Arlie Garmon stated he grew up in Las Vegas and when the plant in Henderson that blew up called Pep Con. The concussion of the explosion is what caused all the damage. Fireworks might not burn but what about the concussion of the explosions.

Public comment closed at 6:24 PM.

Commissioner Tyler stated the Pep Con explosion was rocket fuel which is highly combustible and creates a concussion, these types of fireworks typically do not. The firework shows that are shot off are concussive but what he is storing is not.

Commissioner Tyler motioned to approve WV-2019-000097 with recommended conditions. Seconded by Commissioner Duryea.

Commissioner Lee asked the applicant if he has read, understood and agree to the conditions of approval.

Mr. Steinhart stated yes.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

9. **For Possible Action – RC-2019-000003:** Public hearing, discussion and deliberation on an application for Reconsideration of Conditions of Approval related to Conditional Use Permit CU-2019-000060 and Waiver WV-2019-000086 which allow a Fireworks Retail/Wholesale and Storage Facility (Area 51 Fireworks) on three (3) contiguous parcels zoned General Commercial (GC), located at 1381, 1361 and 1341 E. Nevada Highway 372. Assessor Parcel Numbers 038-291-05, 038-291-04 and 038-291-03. Applicant is requesting reconsideration of Condition #16 which requires the removal of the cargo containers from 1380 E. Arrowhead Street within 30 days of approval of the Conditional Use Permit. D & T Partners, LLC; McKoy, Timothy and Frank, Jr.; and F & T, LLC and Castelblanco, Luis – Property Owners. D & T Partners, LLC /
Timothy McKoy - Applicant. Justin Casey Steinhart, General Manager, Area 51 Fireworks – Agent. (This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)

Mr. Osborne stated condition #16 requires the removal of all of the storage containers on the Arrowhead lot not later than 30 days following approval of the CUP. The applicant is asking for additional time not to remove the application. This lot isn’t a part of the CUP that was approved. Staff recommended 30 days to remove the violation.

Commissioner Lee asked if there is a current code compliance case on the property.

Mr. Osborne stated yes.

Commissioner Thomas stated the 30 days requested by Mr. Steinhart would place the date at August 9th but it would actually be the 10th.

Mr. Waggoner stated the requirement that all the fencing be completed has not been met either.

Cody McKee stated there are no encroachment permits on file and are required for the property and they would like that added to the conditions.

Justin Steinhart stated at the last meeting he asked for 30 days past the season end, it was discussed and not given. After the meeting he asked staff what to do and they suggested to bringing it back and ask for the 30 days. They have discussed and decided to remove the containers and have slowly been moving things off of there and they can have it completed before August 9th. He didn’t know they needed an encroachment permit but he will take care of that.

Commissioner Curtis stated approval was done in March, why did it take you 3 months to apply for a change.

Mr. Steinhart stated when he spoke to the department and asked when it would be on the agenda. He didn’t get it in to make the May agenda, so it would be on the June agenda.

Commissioner Curtis stated with all the activity they have some containers must be empty.

Mr. Steinhart stated they do have some in the back that are ready to be moved.

Commissioner Curtis asked how many containers they have.

Mr. Steinhart stated with the storage trailers that they put other stuff other than fireworks they have just under 100.

Commissioner Duryea stated on March 20th it has been 90 days and there have been no movements. You are in violation of special condition #16 and you are in violation of special condition #19 which is correcting the fencing problems. The Planning Director has also mentioned there is a Code Violation on the property. You are causing a neighbor a financial hardship because you have failed and refused. You sat there and said you read and understood and agree to the conditions and you now have failed and refused to follow them. It was brought up the 100 foot clearance, condition 20 that you have failed and refused to do that. He has no motivation to approve this at all.

Mr. Steinhart stated he is 100 feet from habitable occupancy. He left the meeting and it was supposed to be 30 days after this was approved. He had come in by the next month to file for the
extension. They are busy and can't just stop everything and get it all taken care of. As far as the fencing this is the first he has heard of it.

Commissioner Duryea stated no it isn't because they said they read and agreed.

Mr. Steinhart stated they have screened around the containers and done a bunch of stuff. He stated if he has missed somewhere he will fix it. He thought they had done it.

Mr. Waggoner stated the containers that are fronting Hwy 372 have no fencing around them at all, they have screening material.

Mr. Steinhart stated there is a fence there.

Mr. Waggoner stated screening tied to the container, there is no fence, there is a gate.

Mr. Steinhart stated there is a fence along the front of it.

Mr. Waggoner stated as of 5 pm tonight there is no fence in front of those containers that front the highway.

Mr. Steinhart stated he isn't disagreeing.

Mr. Waggoner stated the code compliance case is what brought on the CUP. The part that is left is the lot we are taking about in the back, which was a separate violation.

Commissioner Duryea stated he believes that it would cost the business a lot of money to move the containers and that they are asking Nye County to subsidize the business.

Mr. Steinhart stated when they were first notified of the violations on all the properties he would at a certain period of time get together with planning and work through all those. They are willing to comply with everything.

Mr. Waggoner stated for clarification the part he is referring to are the new containers you have been bringing in over the last few months.

Mr. Steinhart stated he will fence them, and they will all be gone by the 7th or 10th of July.

Commissioner Curtis asked if the containers have serial numbers.

Mr. Steinhart stated yes, they aren't used for tracking.

Commissioner Curtis asked if they pay for licensing of each container.

Mr. Steinhart stated no.

Public comment opened at 6:42 pm.

Dan Weeks representing the property owners adjacent to the Arrowhead property and asked for his comments be recorded in the minutes. MLL Inc purchased the MF property in 2006 with the intent to develop a multi-family structure. In 2011 Area 51 started using the property at 1380 Arrowhead as a fireworks storage facility. Area 51 has been allowed to disregard the zoning violations that were brought before them. After Area 51 improperly moved flammable material to the property there has been one fire which consumed the entire container and the fence that touches his client's property. No one will provide insurance or a construction loan as long as the
incendiary products are within 100 feet of the residence making the property unbuildable until Area 51 is forced into compliance. The applicant agreed to moving the containers when the CUP was granted and has failed to do so and moved more to the lot since that time. March 5th they were granted a CUP with a stipulation to remove all the containers from the subject property within 30 days, they agreed to the condition and obviously had no intentions of moving the containers but has moved more containers to that lot since that time. If this board allows an extension it would appear to set a good case of selective enforcement. Area 51 should have the CUP revoked until they can show they can come into compliance. When laws and regulations go enforced by elected and appointed officials they are only good ideas and intentions.

Public comment closed at 6:46 pm.

Mr. Steinhart stated he wasn’t here prior to 2011 so he won’t comment on the containers, but the property was bought by the owner and used prior to 2011. When they were first cited that they needed a CUP they have done everything they needed to do to come into compliance. They haven’t put anything new on the property for years now. They will move them off to comply. It was his mistake for not making sure the 30 days past the season wasn’t approved. They just want the 30 days from after the season and they will remove them all. He will fence the rest of it for the next 30 days so they can get the containers that are just temporary out of there.

Commissioner Curtis asked what revenue they generate benefits the County?

Mr. Steinhart stated he helped getting the shoot site open and they collect a $5 permit fee from every customer and it goes to the county estimating over the last few years probably well over $250,000 just on permit fees.

Commissioner Thomas asked if the containers are removed from the Arrowhead property will the remaining containers be more than 100 feet from the client’s property, so they can get insurance.

Mr. Waggoner stated they currently not 100 feet from the properties, but code reads 100 feet away from a residential structure. Currently there isn’t any within 100 feet. If the client wants to build there they would have to be moved.

Commissioner Bennett asked what other holidays people buy fireworks.

Mr. Steinhart stated New Years, Labor Day, Black Friday, Memorial Day, Fourth of July. They stay busy all year long, the fall is slow time.

Commissioner Curtis asked Mr. Steinhart how they can get Mr. Weeks and his client get insurance and a loan.

Mr. Steinhart stated he is in a commercial zoned location and the store isn’t going away, depending on where they plan on building they will work with him.

Commissioner Curtis asked what they could do to help these people.

Mr. Steinhart stated that they are trying to work with them right now by moving containers off of one section. Warehousing isn’t permissive where they are, and they need to keep fireworks accessible. They sell a lot of cases and do a lot of wholesale it is different than just retail. There are certain conditions of their business that make it more difficult than others to comply with everything someone else wants to do.

Commissioner Curtis asked for clarification that they are asking for an extension to August 11th.
Mr. Steinhart stated yes. By the 10th they normally have inventory done and can start moving everything around and having all containers off that property.

Commissioner Koenig stated the shooter site takes in $140,000 a year. He isn't advocating for or against this because he has problems with saying they will do something and not doing it.

Commissioner Lee stated to Mr. Steinhart that regardless of what the RPC decides tonight they are still bound by the conditions of approval of the previous CUP and wants him to be very aware Condition of approval #11 it is your responsibility to comply with the conditions and failure to comply with any conditions imposed may result in the implementation of revocation procedures.


Vote: Motion passed (summary: Yes = 5, No = 2, Abstain = 0).
Yes: Beth Lee, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Tom Duryea.
No: Carol Curtis, Robert Thomas, III.

10. For Possible Action – ZC-2019-000034: Public Hearing, discussion and deliberation on a (Conforming) Zone Change application to change 2.22 acres from the Neighborhood Commercial (NC) zone to the Commercial Manufacturing (CM) zone, for property located at 3961 N. Leslie Street, Assessor Parcel Number 029-401-01. Jim & Maria Trust – Property Owner. James S. Arntz – Applicant. (The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for July 16, 2019, or otherwise announced.) (CB)

Ms. Beeman reviewed her staff report. This property is proposed to be used as a air condition and heating business. PW is asking for additional ROW to be dedicated on Leslie and Simkins Rd. The property is developed but will be required to go through site development and the staff report conditions state category 2 but it will more than likely be a category 3. There is a commercial well and has commercial water rights and been assigned 1-acre foot for commercial use. Staff is recommending a change to Standard Condition #2 from a Category 2 to a Category 3 Site Development.

Commissioner Duryea asked how much ROW they will be required to dedicate, and will it impact the existing building.

Cody McKee stated they are asking for 40 feet and he doesn't think it will impact the building in any way but can potentially be an issue with the pump house.

Commissioner Thomas stated it appears in exhibit D and by his drive by today if they give up 40 feet it will wipe out the pump house and go to the front door.

Commissioner Lee stated per the GIS layer it is looking like there has been a dedication already made is the GIS layer not correct or do we just not have it recorded.

Mr. McKee stated it is an ingress/egress a utility easement and the map he has which is a map of survey 2009 the dedicated portion of this map refers to Gally.

Commissioner Lee stated if they were to give up 40 feet of ROW it would be from the center of the road to what being reflected as the current property line.

Mr. McKee stated it would be 40 feet from their current property line.
Commissioner Lee stated looking at Simkins Rd exhibit D and GIS reflect the ROW to already have been given.

Mr. McKee stated on Simkins yes, the GIS is reflecting that.

Commissioner Lee asked if it would just be formalizing that Offer of Dedication, so it would be from the center line to what is appearing to be his property line.

Mr. McKee stated the Simkins side property line would not move.

Commissioner Lee stated Leslie from center line to the alignment of the other properties.

Mr. McKee stated yes.

Commissioner Duryea stated on Leslie it looks like it would affect the pump house then he would have to put in a new well.

Mr. McKee stated without surveying it and knowing where everything lies it is a possibility.

James Arntz, applicant stated if he has to move the well it will definitely kick the property out. He needs to know if that is a fact, and if it is he will not be proceeding with the property.

Mr. McKee stated they could do a grant of easement agreement which allows the applicant to occupy the easement until such time they go to expand and at that time it will be his expense to relocate the well. They have done that in the past.

Mr. Arntz asked when they plan on expanding the roads.

Mr. McKee stated it wouldn’t be any time soon. The RTC could prioritize a road in that area if they choose, it is possible but not on a priority list to do.

Mr. Arntz asked what it takes to do this.

Mr. McKee stated the ROW dedication and they would follow up with a grant of easement agreement.

Mr. Arntz asked what it will take to get the grant of easement.

Mr. McKee stated it is an agreement with the property owner and the county. It is filled out with the legal description of the property and it is signed and notarized.

Mr. Arntz stated the road is 66 feet wide, in the center it is 33 feet off the center and you want another 40 feet off of that 33 feet.

Mr. McKee stated the property lines goes out to the center of Leslie and it would be past center line and probably be in the middle of the opposite lane. Which is about where the physical location of the road is. That is just an estimate without having a survey.

Mr. Arntz stated from that point you want 40 feet.

Mr. McKee stated yes.

Mr. Arntz stated when he took the measurement 38 feet is from the pump house to the edge of the pavement.
Mr. McKee stated he did an aerial measurement and it is about 55 feet from the pump house and the property line. So you may be outside the 40 feet, but it could be possible because sometimes the aerials are skewed. If you are outside of that then the agreement and relocation of the pump house aren’t necessary.

Mr. Arntz asked if there is code how close to the easement that the well can be.

Mr. McKee referred to Planning but stated there are setbacks requirements, but he isn’t sure if it would deal with structures after a ROW dedication.

Mr. Arntz stated if he is outside the 40 feet then the well can stay and if he is inside it then the well has to move.

Mr. McKee stated someday not now, but there would be the agreement that would go into place and you wouldn’t have the financial burden right now.

Commissioner Thomas asked if anyone has measured from the west end of this property in to figure out exactly where the grant to the county would run.

Mr. McKee stated there is a 16-foot buffer roughly by the aerial estimation but once an actual surveyor goes out and surveys the area they will know.

Commissioner Lee stated the applicant the grant of easement that does not come back to this board the applicant deals with PW staff directly.

Mr. McKee stated the grant of easement is an agreement with the county and it would have to come back before the BOCC.

Public comment opened at 7:15 pm.

Arlie Garmon asked if a person applies for a commercial property do they as the public have a right to know if it will be a retail or wholesale outlet or just a service facility to store his vehicles.

Commissioner Lee stated the details of the business are dictated on what is permitted or by CUP in the zoning district. The back up in the staff report has the CM zoning details on what is allowed and what requires a CUP. It doesn’t look like a store front that type of use is allowed but defers to staff.

Mr. Garmon stated he is just concerned about the increase of traffic. There is no fencing and asked if it is zoned to allow oil changes miscellaneous vehicle repairs.

Commissioner Lee stated it wouldn’t be a Jiffy Lube or anything but what they are asking for according to the letter is service based business where they do a majority of the work in the field.

Mr. Garmon asked about regulating how high the signs can be.

Commissioner Lee stated there is a sign ordinance that is in place and they have to get Planning Department approval and there are limitations on the type of signage they can have.

Mr. Garmon asked if this will be a regular business hour operation or will it be all hours of the night and if there were restrictions on that.
Commissioner Lee stated they don’t dictate the hours of operations for a business unless there are extenuating circumstances.

Mr. Garmon stated he has no problems with the air condition services being there but just as long as the applicant is aware it is a residential area and there are children.

Public comment closed at 7:20 pm.

Commissioner Duryea asked how many service vehicles will be on site.

Mr. Arntz stated he currently has 4 service vans and 2 service trucks.

Mr. McKee stated he asks standard condition of approval #2 be revised to exclude the category designation to allow that designation be made by the technical review group as outlined by NCC during predevelopment meeting or submittal meeting.

Commissioner Duryea motioned to recommend approval ZC-2019-000034 to the BOCC subject to the conditions of approval.

Commissioner Tyler asked for clarification that it includes the condition by PW.

Commissioner Duryea stated yes.

Seconded by Commissioner Tyler.

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

**Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

11. **For Possible Action – CU-2019-000076:** Public hearing, discussion and deliberation on an application for a Conditional Use Permit to allow a Mobile Food Vending Unit/Food Truck (Front Sight Café) to be stationary in one location for more than 12 hours per day up to seven (7) days per week, located at 1 Front Sight Road, Assessor Parcel Number 045-481-06. Front Sight Management, LLC – Property Owner. William A. Cookston – Applicant/Agent for Front Sight Firearms Training Institute. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (SO)

Mr. Osborne reviewed his staff report, this is only going to be open to the staff and students of the facility and not open to the public, it will not generate additional traffic or noise, and stated staff is recommending approval subject to the conditions.

Bill Cookston stated there was a vendor on site prior to applying for the CUP, they are now taking that over. They aren’t planning on operating the food truck off their property.

Commissioner Thomas stated he is a Front Sight member and doesn’t receive any income from them and doesn’t believe he has any conflicts. He asked the applicant if Beach Café is off site now.

Mr. Cookston stated not since the beginning of the year.

Commissioner Thomas asked if it will be located where the Beach Café was previously, by the class rooms.
Mr. Cookston stated for now, in the future they may move it as they build.

Commissioner Thomas stated the site plan submitted shows a septic line from the food trailer to a location that eventually has a grease trap and a 500-gallon septic tank. What is the connection between the trailer and septic.

Mr. Cookston stated it is temporary connection they aren’t allowed to have a food truck that has permanent connections to that. They are in the process of creating a prep kitchen that is required to be there and will be tied into the septic.

Commissioner Curtis asked if this is available to the public.

Mr. Cookston stated to be on property you have to be taking a class.

Commissioner Curtis asked that this will be for the membership to have food.

Mr. Cookston stated correct.

Public comment opened at 7:29 and closed with no comments.

Commissioner Lee stated they will need to obtain a Town of Pahrump business license and a fire inspection.

Mr. Cookston stated they aren’t allowed to have their food license until some of those things are done and before it is open they will have all of their permits.

Commissioner Curtis asked if they will have to come back in 3 years for a CUP again.

Mr. Osborne stated no, as long as they don’t make any changes to what they are applying for and follow all the conditions.

Commissioner Lee asked if the applicant has read, understood and agree to the conditions of approval.

Mr. Cookston stated yes.

Commissioner Tyler motioned to approve CU-2019—000076 with recommendations. Seconded by Commissioner DeAnda.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

Meeting went into recess at 7:31 pm.

Meeting reconvened at 7:43 pm

**For Possible Action – ZC-2019-000035:** Public Hearing, discussion and deliberation on a (Conforming) Zone Change application to change 1.9 acres from the Neighborhood Commercial (NC) zone to the Commercial Manufacturing (CM) zone, for property located at 941 W. Mesquite Road, Assessor Parcel Number 035-091-03. MAD Living Trust – Property Owner. Walt Turner – Agent. Rick Ater – Applicant. *(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for July 16, 2019, or otherwise announced.)* (CB)
Ms. Beeman reviewed her staff report. Staff has received letters of opposition and they are included in the backup; the nature of the complaints are for noise. The first sentence in the application details needs to be struck, it is not applicable. Standard condition of approval #2 according to PW they are asking for site development category 2, redevelopment of this would meet the category 3 site development.

Commissioner Koenig stated on page 3 of 7, under analysis the second paragraph regarding this matter. If you look at item 10 and page 3 is the same paragraph as Gunnys.

Ms. Beeman stated the last sentence there needs to be struck.

Commissioner Koenig stated the water is the same as the other one, does that need struck as well.

Ms. Beeman stated that is correct, she isn’t sure it reflects correct information regarding this application.

Commissioner Thomas stated the site plan shows there is a well and a 10,000-gallon water tank on the property. He doesn’t know if there is commercial water on the property or not.

Ms., Beeman stated correct, that is information she wasn’t able to pull up on the NDWR website.

Walt Turner, agent for the applicant. The use of the property will be for sheet metal fabrication and will all be used indoors. Inside one building and the other will be used for storage, hours will be from 9 am to 5 pm. He has sent a video to staff at their current location in California showing the reduction of noise. There won’t be anything larger than a standard F250 delivering. Mr. Turner played the video for the board to hear the noise the machines run. This owner wants to invest and be a part of the community and will take the necessary steps. Inside the 4000 sq ft building he plans on putting the machinery there is insulation. As far as the water he will contact DWR and if they don’t have appropriate water rights they do have them available and they would be more than happy to purchase to bring the water issue into resolution.

Commissioner Lee asked if this is just for metal fabrication.

Mr. Turner stated correct.

Commissioner Koenig stated part of the confusion is under project synopsis it says commercially developed property automotive service facility and use the property for the same. It won’t be used for this use.

Mr. Turner stated previous use was automobile restoration.

Commissioner Koenig asked for clarification that they aren’t using it for the same.

Mr. Turner stated correct, it will be for light manufacturing, processing, assembly and fabricating. They are not mechanics. There will be very minimal outdoor storage if any and it will be temporary.

Commissioner Tyler asked if there will be any other than the punch press will there be any other processes.

Mr. Turner stated they have a 33-station punch press, a 6-foot press break, a 6-foot shear and the most common item made is 12-gauge galvanized steel panels.
Commissioner Tyler asked how the machine operates. Mr. Turner stated with an air compressor.

Commissioner Duryea asked where the compressor will be located. Mr. Turner stated indoors.

Commissioner Curtis asked how many employees Mr. Turner stated under 12.

Commissioner Curtis asked if they will be paving the parking lot. Mr. Turner stated the parking lot is paved.

Commissioner Bennett asked if the compressors will be turned off during the night. Mr. Turner stated yes.

Commissioner DeAnda asked if the clients would be willing to add more insulation. Mr. Turner stated yes.

Commissioner DeAnda stated there is a big difference between the video they played which is a cement block building and the steel building here. It will make a lot of noise.

Commissioner DeAnda asked what the size is. Mr. Turner stated a 33-station punch press.

Commissioner DeAnda asked what the tonnage is. Mr. Turner stated he doesn’t know but can find out. The client plans on reinforcing the insulation and each building is set back from the fence line at least 75 feet.

Commissioner DeAnda stated she has been more than a quarter mile from a 100-ton punch press and that rattled the ground.

Commissioner DeAnda asked what the tinsel strength on the aluminum is? Mr. Turner stated he doesn’t know but will also find that out. He requests or offers up after the first month seeing how the noise is. It is a reinforced metal building and insulated.

Commissioner Lee asked what the normal business hours that are is stated in the letter. Mr. Turner stated 9 – 5 or 8 – 5 at the earliest.

Public comment opened at 8:04 pm

Heidi Tatum is the manager of First Choice Self Storage which is located right next door. She has been there 9 years. She doesn’t know of a cement pad; her bedroom window is right outside the main building they are moving the facility to. The building on the corner that door that slides open, opens directly across from her bedroom window. There is no insulation in that building, anything inside a metal building carries sound. Personally, some of her main concerns are the
terminology used of filing, cutting, burning, hammering, sawing, welding and cutting. Smell can also be an issue as well as the lighting is an issue, the lights shine straight into her bedroom window. Her main concern is the noise, normal business hours aren’t everyone’s hours. Her husband works nights and sleeps during the day. It will affect his sleeping schedule.

Mr. Turner asked which lights need fixed, he will get that taken care of now.

Dana Lee Chapman stated he lives directly across the street on Linda. His issues are the sound, noise and manufacturing could be of anything. Right now, they are stating what they are doing but once it is zoned they can manufacture anything. Once the noise is there it can only get worse. Metal carries and you can hear everything. He read his email sent into the record (included in back up). He requests that the application is denied.

Jacklyn Chapman bought the property in 1979. She stated the driveway is right across from her property entrance and she wants her grandchildren to ride safely down the road. They stated there is a paved parking for 12 people which is incorrect. Her mother is very ill and can’t take the noise and if they work till 8 pm like stated will be a hazard for her. The building isn’t insulated, they have called multiple times to complain about noise. All the noise will resonate over to their home.

Brooks Jones has lived here 19 years and owns the storage facility next door to the facility. He asked if the company was to fail would changing the zoning leave it open for other auto facilities to show up? There is a big storage issue next door and in the past they have let people just store multiple vehicles there. The lighting is an issue like Heidi stated, the large roll up door is a megaphone of noise that faces his properties. If it is NC why does it need to be changed.

Commissioner Lee stated the RPC isn’t the final approval, it will go to the BOCC for final approval and the zoning runs with the land not with the use. One applicant may be compatible with the neighborhood but if something else comes in it may not be compatible.

Mr. Jones asked if this business goes out and the owner decides to lease it to an auto shop do they need permission.

Commissioner Lee stated if it is permissive in the manufacturing zone no they wouldn’t.

Ms. Chapman asked for clarification on who the last approval is.

Commissioner Lee stated the BOCC, they will hear this July 16th.

Ms. Chapman stated there are three people that didn’t get notification of the meeting and someone had to call them, they didn’t find out till June 6th and asked if there is an email to send the comments to the board.

Commissioner Lee stated staff will verify if your name and address is on the mailing list. And if you do have comments you can submit in writing. What you have submitted will be forwarded to the BOCC and you can come forward at the meeting to speak as well.

Celeste Sandoval stated she would like to clarify that when she did receive an email from Ms. Chapman about the notification she does have the affidavit of mailing she double checks against the notices that went out. In the past it has happened when they come back from the post office destroyed.

Ms. Chapman asked if only one mailing gets sent out.
Ms. Sandoval stated correct and stated the planning email that Ms. Chapman emailed her concerns to before she can respond to that email.  
Public comment closed at 8:23 pm.

Mr. Turner stated the lighting will be handled right away. The ZC isn’t because he wants to change zoning, he came to get his BL they were told that he needed it because of what he wanted to do. If the owner could only receive a use permit without getting a zone change and operate his business, he knows the owner would go that route. The press break is 100 tons pressure for bending and tinsel strength steel, stainless and aluminum 53,700 psi but they work with sheet only.

Commissioner DeAnda stated a T20 aluminum isn’t soft and you go down in number it does make a lot of noise. The blade press won’t make much noise but when shearing and pump press it will make a little bit.

Commissioner Lee stated the property is zoned NC and doesn’t allow this, the next intensive commercial zoning is GC and it doesn’t allow this, so CM or industrial categories. This is the least intensive zoning district.

Mr. Turner stated the land use with the Assessor is GC.

Commissioner Lee stated it is Master Planned RDA. Their 400 category is Assessor use only and has nothing to do with Planning and Zoning.

Commissioner Koenig stated NC doesn’t allow auto repair so he doesn’t understand why it was allowed.

Ms. Tatum asked if those auto repair facilities were there illegally.

Ms. Sandoval stated that is correct, the auto repair shops were there illegally and we did have code compliance cases on the property and left because of those.

Commissioner Koenig stated if we rezone it to what they want it allows auto repair.

Mr. Turner asked if there is an option for a permissive use.

Commissioner Lee stated the CM zone has light manufacturing, metal fabricating, automotive restoration and automotive service facilities are permissive. If the BOCC approves this, it leaves it open for any of these to come in with no additional approvals.

Mr. Turner asked if this could be under a conditional use.

Commissioner Lee stated no, they do have the ability to add special conditions of approval to mitigate some of the instances.

Mr. Turner read some of the permissive uses in the NC zoning district. The name of the company is Diamond Metal Tech Inc. and currently located in Groover Beach California.

Mr. McKee stated their comments provided don’t specifically identify site development a category as stated. They would like the category to be stricken and left for the Technical Review Committee to determine at the time of the Pre-Development Meeting.

Commissioner Thomas asked Mr. McKee how it should be phrased on #2.
Mr. McKee stated the property owner shall submit to Nye County a site development plan application for the proposed permissive redevelopment of the property should be sufficient.

Commissioner Koenig stated he has serious concerns, based on the staff report. In analysis, purpose of change it states air conditioning and heating operation, it's not. It states allow manufacturing of duct work, not. It is a copy from the other staff report. He has a problem deciding if they can make a decision based on the way it was written. He asked the DA if it is written wrong can they make a decision.

Marla Zlotek stated it can be clarified at this time by the creator.

Ms. Beeman stated for clarification there are errors in the staff report. Their application has asked for in the justification letter. They are a precision sheet metal fabrication shop which requires CM zoning district.

Commissioner Lee stated they will take a 10 minutes recess.

Meeting went into recess 8:37 pm.

Meeting reconvened at 8:45 pm.

Commissioner Koenig stated he spoke to the DA and per the Open Meeting Law the agenda has to be clear and concise the DA said the agenda is correct, the back up is wrong and we have discussed with the applicant and the neighbor the true intent of the back up and we can vote on it.

Ms. Beeman stated for clarification the application is for a ZC from NC to CM. They intend to use the property as a precision sheet metal fabrication company of first generation parts. They create electrical boxes, chassis, various brackets and similar items of construct. They have no need to change the way the property is built, all equipment and materials will be stored inside. The materials are used, scraps are recycled or use on the next product. There will be very little consumer traffic. They operate during normal business hours and there will be no added traffic after dark.

Commissioner Thomas asked staff if there are conditions for sound proofing.

Ms. Beeman stated no they don’t have a standard condition for noise abatement, but he could add a special condition.

Commissioner Thomas motioned to recommend approval of ZC-2019-000035, modifying #2 as requested by PW, adding condition #6 that the applicant mitigate lighting issues, and adding condition #7 to add soundproofing sufficient that it is no louder on the edge of the property than a modern car driving by would create.

Motion died for a lack of second.

Commissioner Duryea motioned to recommend denial of ZC-2019-000035. Seconded by Commissioner Bennett.

Vote: Motion failed (summary: Yes = 3, No = 4, Abstain = 0).
Yes: Beth Lee, Gary Bennett, Tom Duryea.
No: Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III.

Commissioner Lee stated this item will be sent to the BOCC with no recommendation from the RPC.
12. **For possible action – CU-2019-000077**: Public hearing, discussion and deliberation on a Conditional Use Permit (CUP) application for Never Forgotten Animal Society Inc., located within the General Commercial (GC) zoning district on property located at 520 S. East Street, and further described as Assessor Parcel Number 035-301-01. George Knott LLC – Owner. Pat E. Leming – Applicant. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (CB)

Ms. Beeman stated they were able to meet with the applicants and have gotten clarification on what exactly will be taking place and this location will only be used as a corporate office for their non-profit. They are an animal rescue, but the animal rescue does not take place at this site. They do pick up animals and dropped off for the low cost spay and neuter. This location is only used as a pick up and drop off. In the GC district all NC permissive uses are also allowed. In the NC an indoor commercial kennel is a permissive use. The staff report recommends continuation. The item has been resolved and we don’t need to move forward and we need to withdraw the application.

Pat Leming, applicant and Executive Director of Never Forgotten Animal society. They are a 501c3, Rescue Spay, Neuter educational program. They have reached an understanding and agreement with Planning there is an MOU that has been drawn and signatures will be available within the next few days. She considers this matter solved.

Public comment opened and closed at 8:59 pm with no comments.

Commissioner Tyler motioned to withdraw CU-2019-000077. Seconded by Commissioner Duryea.

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

**Yes**: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

13. **For possible action – AP-2019-000018**: Discussion and deliberation regarding an Appeal of a decision of the Zoning Administrator that a Conditional Use Permit is required for Tails of Nye County after having determined that at least one of the functions of the facility falls under the definition of “Animal Rescue.” Located at 520 S. East Street, Assessor Parcel Number 035-301-01. George Knott LLC – Property Owner. Denise Scherer / Tails of Nye County – Applicant/Appellant. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (CB)

Ms. Beeman stated they sat down with the client and the NCSO and have reached an MOU on the exact business operations and understanding that in NC a Commercial Kennel is permissive and ask for this application to be withdrawn.

Commissioner Lee asked if Tails of Nye County and Never Forgotten Animal Society are working together sharing the property.

Commissioner Thomas stated Ms. Leming was shaking her head no at that comment and requests clarification.

Ms. Leming stated that they are two distinct entities that just reside next door to each other and are not affiliated in any other way.
Commissioner Lee asked for clarification that they are just sharing the property.

Ms. Leming stated yes.

Public comment opened and closed at 9:02 pm with no comments.

Commissioner Tyler motioned to withdraw AP-2019-000018. Seconded by Commissioner DeAnda.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

14. **For Possible Action – CU-2019-000078:** Public hearing, discussion and deliberation on an application for a Conditional Use Permit to allow a Phased Multi-Family Residential Development on a 20.5-acre parcel zoned General Commercial (GC) and located at 1915 E. Wahkiakum Avenue, Assessor Parcel Number 035-291-37. Ace in the Hole LLC – Property Owners. Pahrump Senior Housing - Applicant. Roy Mankins – Agent. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (CB)

Ms. Beeman stated the applicant has asked to withdraw this application they no longer wish to proceed with the application.

Public comment opened and closed at 9:04 pm with no comments.

Commissioner Tyler motioned to withdraw CU-2019-000078. Seconded by Commissioner DeAnda.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

15. **For Possible Action – CU-2019-000079:** Public hearing, discussion and deliberation on an application for a Conditional Use Permit for Neverland Daycare & Navigational Academy within the Rural Estates Residential (RE-1) zoning district on property located at 3581 S Margarita Avenue and further described as Assessor Parcel Number 041-113-04. Beesnest, LLC – Owner. Kristine Miller-Anderson – Applicant. *(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.)* (SO)

Mr. Osborne stated the applicant currently has a childcare facility on this property. They only are allowed to have 4 children and are asking to expand up to 12 which allow a CUP. The state allows childcare in a private home and they are required to obtain a State of Nevada childcare license and it is in the conditions of approval. One item to note, NCC requires a Childcare facility to have a paved circular driveway and they currently have a circular driveway but it is gravel. The applicant agrees to pave the driveway in accordance to NCC and it has been added as a condition, giving them 1 year to comply or they can apply for a waiver.

Mr. Duryea stated they will go from 4 cars twice a day to 12 cars twice a day, dust is a big issue and giving them 1 year is generous.

Mr. Osborne stated that is something he could discuss with the applicant about a less amount of time they would agree too.
Commissioner Duryea stated 12 cars a day is also a lot of traffic on the street and a neighbor is concerned about that.

Kristine Miller-Anderson, applicant. She stated she is the owner and director of the Neverland Nursery and Navigational Academy. She is requesting to expand from 4 to 12 children.

Commissioner Lee asked where the entrance to the day care is.

Ms. Miller-Anderson stated through the front door.

Commissioner Lee stated looking at the site plan they follow the walkway by the dining room?

Ms. Miller-Anderson stated yes.

Commissioner Lee stated one of the conditions of the paved driveway also requires it be a minimum 30 feet from the entrance. Is that 30 feet from the entrance.

Ms. Miller-Anderson stated yes.

Commissioner Bennett asked what a Navigational Academy is.

Ms. Miller-Anderson stated navigational is to guide Pre-K children and parents into the right direction prior to assessment and she would eventually like to assess children especially with special needs before they get into the school system.

Commissioner Curtis asked if they have employees.

Ms. Miller-Anderson stated her current employee is her husband.

Commissioner Curtis asked if they will require more.

Ms. Miller-Anderson stated yes, it is a 6 to 1 ratio for the state.

Commissioner Curtis asked if these 12 separate children will be from 12 separate families.

Ms. Miller-Anderson stated no, some are in school and are just transport. Or they are brothers and sisters.

Commissioner Duryea stated he understands daycare is important in this community, his concern is dust. Would they shorten the time frame to get the driveway paved?

Shae Anderson stated they have no problem paving and they don’t know yet. Being that they are leasing they will talk with Provenza to see if they would be willing to pitch in since it will improve their property and help them.

Commissioner Duryea asked PW about alternatives for dust abatement that they could use in the year before they can pave.

Mr. McKee stated there are sections in the code that allows for certain dust palliatives. It depends if they are required to go through site development.

Commissioner Lee stated the condition to pave comes from another section of the code and would have to apply for a waiver.
Commissioner Koenig stated the other palliatives become more expensive than paving.

Mr. McKee stated there are alternatives for dust palliatives however when they tie into the county ROW being a commercial business they probably have a paved approach which isn’t a requirement of the SRF, which allows gravel. There may be no way to get out of the paving requirement unless they get a waiver. Some other dust palliatives could be cheaper.

Commissioner Curtis asked for clarification on how long they have been in business at this location.

Ms. Miller-Anderson stated they have been at this location since March 2017. They spoke with Steve and let him know the staff report was incorrect.

Commissioner Curtis asked if the property owner approves of the use.

Ms. Miller-Anderson stated they approved, they found the property for us.

Mr. Anderson stated moving to 12 kids they can have State licensing and offer to low end people who can’t afford daycare, and they qualify for the food program.

Commissioner Lee stated with daycare they can have up to 4 and it is looked at like babysitting with fewer requirements and do it without a CUP and once you go to 5 – 12 it is a different bracket and allows for additional students before and after school. And if you go beyond 15 you have school requirements.

Mr. Anderson stated in the two years they have been there they haven’t had any complaints on dust or traffic.

Commissioner Lee asked PW if they need to see them for an encroachment permit when they do the paved circular driveway.

Mr. McKee stated yes.

Commissioner DeAnda asked staff if they can put a sunset date on the CUP.

Mr. Osborne stated yes.

Commissioner Duryea stated if they say 5 years they come back to us and if all is well they just reapprove it. The concern is if they move they don’t want people to just move in.

Mr. Anderson stated if they do make it 5 years does that qualify them for a waiver of the pavement.

Commissioner Lee stated they could apply for a waiver and stated they should have a conversation with Planning about that.

Public comment opened at 9:21 pm.

Rhonda Wood stated the driveway does have type 2 currently and one of the conditions of the applicant is that a state license has to be maintained, the state license if she moves go with her so the CUP would be negated at that time according to the conditions that are listed. Unless someone moves in with a state license.
Rick Tretter stated he lives next door, they have run a daycare there for 2 years and they have always been responsible and he has never had any problems or noise issues.

Public comment closed at 9:24 pm.

Mr. Anderson stated one of their concerns is that the name was incorrect and the time they have been there. It states Neverland Daycare in the case description. Will that be corrected.

Ms. Miller-Anderson stated it is Neverland Nursery and Navigational Academy.

Mr. Osborne stated the CUP application states Neverland Daycare Navigational Academy. Their letterhead states Neverland Nursery, but we go by the application form. It just needs clarified for the record. The Town and State license state Neverland Nursery.

Mr. Mckee stated for clarification on what he stated earlier to Commissioner Duryea, He stated the section of the code was in the Dust section and it is actually in the Home Based Business 17.04.800.9 for additional parking areas. He misstated his last quote.

Commissioner Thomas motioned to approve CU-2019-000079 with conditions of approval as stated on page 6. Seconded by Commissioner Duryea.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).
Yes: Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

16. **For Possible Action: Discussion, deliberation and possible action regarding updating the PRPD Master Plan Update – Chapter 4.**

Ms. Beeman stated they have provided the chapter for review.

Commissioner Koenig stated if they decide to have a special meeting that can be addressed by proceeding to item 18 and continue to the special meeting.

Commissioner Lee stated she agrees.

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

Commissioner Lee stated the next regular RPC meeting is July 10th at 6:00 pm and they have a request for the CIP to meet and have a workshop by the PW director.

Ms. Sandoval stated we have 10 items for next meeting.

Commissioner Lee asked about noticing for the special meeting.

Ms. Sandoval stated it doesn’t need noticing because it is an appeal of the Administrators Decision.

Commissioner Lee asked if the 19th or 26th of June.

Ms. Sandoval stated they requested within the week.

Commissioner Lee stated that would be the 19th.
Ms. Sandoval stated if the chambers are available that will work.

Commissioner Tyler motioned to hold a special meeting on June 19th for the appeal and updated of chapter 4. Seconded by Commissioner DeAnda.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
**Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

Commissioner Lee asked when the sign ordinance is coming back or if it is still being worked on.

Mr. Osborne stated he doesn’t know the status of that.

Commissioner Koenig stated he saw a request for comment on the website.

Commissioner Lee clarified that the motion was for hearing the appeal and chapter 4 of the Master Plan.

**Public Comment:**

18. **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 9:35 pm with no comments.

Ms. Sandoval stated as soon as she hears from Jaynee on the availability of the chambers she will confirm the day.

Commissioner Lee asked if they should amend the motion to state as the chambers are available.

Ms. Zlotek stated yes.

Commissioner Tyler amended her motion to provide for an alternate date based on the availability of the chambers. Commissioner DeAnda amended her second.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).
**Yes:** Beth Lee, Carol Curtis, Gary Bennett, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea.

19. **Adjournment.**
Meeting adjourned at 9:37 pm.

[Signatures]

Elizabeth Lee, Chairman
Pahrump Regional Planning Commission

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