

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE JUNE 19, 2019 SPECIAL MEETING**

Members in Attendance:     Beth Lee  
                                      Leah-Ann DeAnda  
                                      Carol Curtis  
                                      Thomas Duryea  
                                      Pamela Tyler  
                                      Robert Thomas, III

Members Absent:

Planning Staff:               Steve Osborne  
                                      Brett Waggoner  
                                      Cheryl Beeman  
                                      Joseph Ehrheart

District Attorney's Staff:   Bradley Richardson

Public Works Staff:         Tim Dahl

Other Attendees:             Commissioner Koenig

Acronyms Used:

AP	=	Assessor Parcel Number
B & S	=	Building and Safety
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvements Plan
CUP	=	Conditional Use Permit
DA	=	District Attorney
GC	=	General Commercial
HS	=	High School
MH	=	Manufactured Home
NC	=	Neighborhood Commercial
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
RDR	=	Rural Density Residential
ROW	=	Right of Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
TUP	=	Temporary Use Permit
WV	=	Waiver
ZC	=	Zone Change

---

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 / Modifications to the Agenda:** Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.  
None.
4. **Correspondence and Announcements**  
None.
5. **Commission/Committee/Director Reports:**
  - a. BOCC Liaison Report - BOCC Liaison – John Koenig  
None.
  - b. Director’s Report  
None.
6. **Ex Parte Communications and Conflict of Interest Disclosure Statements**  
None.
7. **For Possible Action – AP-2019-000019:** Public Hearing, discussion, deliberation and possible action on an appeal of the Zoning Administrator’s determination that multiple violations of Nye County Code exist at 3320 E. Commerce Street, including the operation of a gravel/sand pit, storage yard and rock crushing yard. Assessor Parcel Number 027-461-53. Daniel & Dawn Murphy - Property Owner/Appellant. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or otherwise announced.) (SO)**

Mr. Waggoner stated code compliance had received complaints on activity on the property. In addressing the complaints a Cease and Desist was placed on the property. They tried to determine if they were operating a gravel pit. In the definitions is an open area of land where sand gravel and rock fragments are mined or excavated for sale or off tract use. The material was being excavated and hauled to a few jobs sites in town, one being Pleasant Valley and the other Artesia. They met with the applicant at their site, they claimed they were doing excavating for future development. If that is the case then that would require grading permits. Determination was made to issue the cease and desist so they could proceed with a ZC or CUP for a gravel pit or if a construction project it would then require a site development and grading plan. Staff reviewed and made the recommendation to either affirm or overturn the decision. They do have some additional back up they would like the board to accept.

Commissioner Thomas motioned to accept additional back up. Seconded by Commissioner Tyler.

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

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

Chris Phillips, Attorney representing the applicants. He stated Mr. Waggoner did in fact meet with the Murphy’s at the property and even after reviewing the back up and the additional back up the dates of the complaints are prior to the meeting with the Murphy’s at the property. At the end of the meeting there was an agreement made that the Murphy’s would have 60 days to submit a grading and engineering plan. 60 days from that meeting would be Monday and we are meeting before the 60 days have been met. They have the plans with them and were prepared yesterday for submittal on Monday. The Murphy’s were working under representations by the Planning department that as long as they continued to work on their space, not work after hours and maintain dust control that they could continue to work for the 60 days before the plans were for submitted for approval. The cease and desist was dated May 13<sup>th</sup>, less than 30 days after the meeting. They understand that a grading plan needs to be submitted, they understand a ZC may

be necessary and the Planning Department represented that they would have 60 days to do that. They were working within the parameters of the representation. As Mr. Waggoner stated a CUP may be necessary and they are happy to do that. But at the April 24<sup>th</sup> meeting there was no mention of having to submit a CUP, just the engineering and grading plan. They were given 60 days and were issued a Cease and Desist before those 60 days were up. At the April 24<sup>th</sup> meeting they were told they would receive a Memorandum of Understanding, but they received a Cease and Desist. He asks the Commission to allow the Murphy's to continue working while the county reviews the grading plan which will be submitted Monday. He asks the commission to lift the Cease and Desist and allow them the option to continue working and stated they have done everything the county has asked them to do.

Commissioner Curtis asked if the plan they are submitting is for development of the property or are they going to continue to removing gravel as staff reported as being transported to another location. And asked what their plans are.

Mr. Phillips stated his understanding is the intent is to only remove the gravel so they can grade the lot to connect the roads on either side of the property. The roads on either side of the property are at a much different grade then the lot. The Murphy's don't yet have an intent for the property and have no actual development plan. The grade is so unlevel it is essentially land locked and doesn't connect to the roads.

Mr. Phillips asked the Murphy's if that is correct.

Mrs. Murphy stated yes.

Commissioner Duryea stated they have no documentation of the meeting in April and from their perspective it is a he said she said.

Mr. Phillips stated a MOU was supposed to be supplied, the meeting was recorded and he has a copy of that and can make it available.

Mr. Waggoner stated in the staff report, he did visit the site with Director Dahl. They did discuss the possibility of the MOU. It has been done for certain situations in the past, never this one. At that time of the meeting they felt there was a possibility they could do that. They did pursue that with the DA's office and the opinion of the DA's office was that it isn't recommended so they did not go that route.

Commissioner Tyler asked staff if they typically allow people an extension of time to run their business when they were never given formal approval?

Mr. Waggoner stated no. There have been some recent situations where this exact thing happened and jobs were shut down for not having proper permitting. Back before his time there were early grading permits but that was done when everything was submitted but may be missing a document or drainage study so sometimes they would do that and hasn't been done in any recent past. We use MOUs for Code Enforcement issues if they need extra time to get things done with their case.

---

Mr. Richardson stated he was involved with the request for the MOU and they determined it was not appropriate and they could not agree to extensions like this. It creates a precedence that knows no bounds and he advised Mr. Waggoner they could not do this and immediately started working on the Cease and Desist.

Commissioner Thomas asked Mr. Waggoner if the decision not to pursue a MOU was conveyed to the Murphy's or the Attorney.

Mr. Waggoner stated to the Murphy's, yes but not the attorney.

Commissioner Thomas asked if anything was provided in writing.

Mr. Waggoner stated no, it was just in phone conversation.

Commissioner Thomas stated the attorney said the gravel removal was because of the terrain of the property. And asked if there was a need to connect the roads to grade the property.

Mr. Waggoner stated he can only attest that it is a rough area and the roads are not county maintained. He isn't an engineer and can't tell anyone what would be necessary to make it work.

Commissioner Thomas asked if the information conveyed in this meeting conveyed before zoning trial level.

Mr. Waggoner stated no. All we had to go off was what we could see with our own eyes. It appeared to be a gravel pit and they aren't crushing or processing rock. They are bulldozing, loading and hauling it to wherever. They did stockpile some construction debris that is why it is listed in the Cease and Desist. They had no future plans and they said they aren't running a gravel pit but that is the only evidence they have to go on with the exceptions if they submit plans Friday that show they are moving towards some development. They need permits, a grading permit, grading plan review and engineered plans. As far as a CUP it won't be necessary unless the land use requires it. The CUP comes in if they want to run a gravel pit, and it would require a zone change to HI. Until we know what the land use will be we won't know if a CUP would be required or not.

Commissioner Thomas stated the lack of an MOU was never conveyed until they received a Cease and Desist. He asked for clarification why this shouldn't be remanded so the initial trial of fact can have a complete record to operate off of.

Mr. Waggoner stated he doesn't have an opinion on that. When the MOU isn't a feasible solution to the problem per the DA's office the Ceases and Desist is, it was and is a code violation.

Commissioner Thomas stated shouldn't it been conveyed to the Murphy's per the DA's office that the MOU wasn't appropriate so they could either Cease and Desist based upon the conversation or they can get a letter that orders them Cease and Desist.

Mr. Waggoner stated that is what a Cease and Desist is, it was served on the property and through the mail.

Commissioner Thomas stated they were expecting an MOU shouldn't an email, letter or something in writing say you won't pursue an MOU and they have a choice to voluntary Cease and Desist or they will be served with a Cease and Desist.

Mr. Richardson stated Director Waggoner stated that he informed them orally that there would be no MOU and a written Cease and Desist followed. It would be very evident to them there would be no MOU forthcoming they were told that orally. For clarification there is a pit out there that isn't allowed and Director Dahl may have other things that were revealed during the visit with the Murphy's that can add to this discussion.

Mr. Dahl stated during the visit it was obvious it was a gravel operation. You don't just clear off a lot and do what they were doing. The intent was they were clearing off a lot, put it to a certain grade to make the lot appealing to a potential buyer, that is the story they were told. When you visit the site there was construction equipment, they were mining gravel and hauling off the gravel. The lot does have three roads that surround it, with the far east towards the mountain having no road behind it, so there is no reason in his eyes to cut that down to meet any meet road

elevation. The west side may be the case, but you don't have to take a lot down to the road surface, you can have a sloped driveway.

Commissioner Thomas asked if there were photographs taken reflecting your observations.

Mr. Dahl stated he didn't find it necessary to take photographs. He is sure it is worse today due to more material being taken off of there and you can see the visual today. He received complaints of construction vehicles driving down Winery Road. They were still hauling off plenty of material the day of the meeting. The story they received on site at the time of the meeting was that they planned to excavate 5 or 6 feet on the west side and 12 to 15 feet on the far east side of the property which would make it an inconvenience for the other neighboring property owners to develop those lots with such a dramatic drop in elevation from this property to the next properties.

Mr. Richardson stated in the back up supplied by the Murphy's in their appeal they indicate it is a weekend project and in the observation of both the directors it is quite to the contrary.

Mr. Richardson asked Mr. Dahl if he indicated to him they were selling the material.

Mr. Dahl stated the complaints he received was all hours of the day and night and there were construction activities and obviously selling material to other subdivisions to build pads. That is how the complaints he received over the phone were being explained.

Commissioner Thomas stated the Murphy's attorney has stated the opposite. The only picture they have in the back up is an aerial photo.

Mr. Waggoner asked if he went by and visited the site in preparation for the meeting to know what you're talking about.

Commissioner Thomas stated no.

Mr. Dahl stated there is Pictometry you can look at on the GIS website that will give you all four different directions of the property and any property in town.

Commissioner Thomas stated the record has to be before them in written form and in theory he isn't supposed to go out and do his own research. Why shouldn't this be sent down to the trial court to make the findings.

Commissioner Duryea stated this isn't the court of law, the rules here aren't the same as the legal court of appeals.

Mr. Richardson stated that is correct.

Mr. Phillips stated he agrees there is a concern with respect of lack of communication they received regarding the MOU and Commissioner Tyler's question about whether or not the County traditionally does these or do we make them available. He understands that Mr. Waggoner spoke to the DA and they determined it wasn't an appropriate remedy.

Commissioner Tyler stated he has that mistaken, she did not ask if they traditionally make the MOU's available, she asked if we traditionally allow people to continue to operate as a business when we haven't given approval in the first place.

Mr. Phillips stated he stands corrected, and the comments are relevant at the meeting it was explained to the Murphy's they would be able to continue to operate until the MOU was provided and until the 60 days they were offered to create and submit the grading and engineering plan.

The MOU would have been in place to memorialize the understanding to continue to operate, and no they weren't advised of that until they received the Cease and Desist letter. He stated Mr. Dahl mentioned the pit next door is owned by Mr. Murphy's father and is unfair to the board to consider the gravel pit that is adjacent.

Mr. Dahl stated he wasn't referring to a pit next door, he was referring to this property as appearing to be a gravel pit.

Mr. Phillips stated there is a significant pit next door, the operation the Murphy's are conducting on their land is with respect to grading the land so it can be accessed by both sides to make the property usable.

Mr. Waggoner stated there was stockpiles on the property and the dust plan includes stockpiling and having items stockpiled on the yard is beyond what they have been permitted to do.

Mr. Waggoner stated for clarification it isn't the gravel being mined, he is talking about concrete from a demolition project being stored on the property. Stockpiling doesn't allow you to treat a property as a land fill in that regards. It is common for a gravel pit to haul in asphalt or concrete to process, and it isn't being processed. That is what he is referring to on stockpiling.

Danny Murphy stated some of the concrete that is there his father pushed in the road way, and he moved it out of the road way and some of the concrete, not all of it was from his father's operation that was pushed over there. He told his father he wouldn't push the concrete into the road way because it was put on his property and that he planned on hauling it to the dump.

Mr. Richardson stated for clarification they told Director Waggoner there would be no MOU and any agreement they would enter into would not have a provision allowing continued operation.

Mr. Phillips stated the MOU was presented as an option apparently before speaking with the DA's office. It would have been prudent to figure out before the site inspection and conversation presenting a MOU and continuing to work for 60 days.

Commissioner Lee stated in regard to the Cease and Desist, #1 says provide copies of all state license and permits for the property address as listed above, the address is 3320 E. Commerce St. The documents provided are for 3751 Percheron. How does the business license cover that property?

Dawn Murphy stated with any business she runs them out of her home, all the records are handled there. She isn't operating a business there.

Commissioner Lee stated if they aren't operating a business there why didn't you respond back with that instead of submitting that business license.

Mrs. Murphy stated she was asked for a business license and her gravel business was hauling the gravel off of there, so she assumed that was the business they wanted to see. As soon as they received the Cease and Desist they have stopped work.

Mr. Murphy stated they aren't digging a hole, they are starting at the road and going 1% straight back, they aren't making a gravel pit or a hole. They want to flatten the land out. They bought PCI to make concrete septic tanks and they eventually want to see if they can move that plant over there. They are making money off the gravel but that is the American way. Doing this helps with flood control with the water coming from the fan.

Mr. Dahl stated those are some of the things turning in a grading permit will help them identify.

Commissioner Lee stated the business license for PCI Sand and Gravel is done as a home occupation from your home. The Town of Pahrump has you listed as retail home and garden, septic tanks, manufacture and delivery and part of that is gravel delivery. Where does PCI Sand and Gravel get its gravel.

Ms. Murphy has a BLM pit right next to the county pit. They buy gravel from other companies, they have another source of gravel.

Mr. Murphy stated they just want the land flat.

Commissioner Lee asked where their dust control sign is up there.

Mr. Murphy stated if it has blown away it is on the power pole at the back of the property. He intends to get back up there and correct that.

Commissioner Lee stated it needs to be on posts as indicated in the dust control plan. Stating their dust control plan they applied for well, power and clearing as a weekend project. Clearing and grubbing is removing vegetation has that been done yet.

Mr. Murphy stated they are working on that as needed.

Mrs. Murphy stated there is also an application for dust control modification where she changed the product description well, power, grading the lot to 2% slope. When she did that she was given a piece of paper, stating batch plant grade flat 1%, from the Dust Department.

Commissioner Lee asked where the asphalt chunks came from.

Mr. Murphy stated it is concrete chunks and a lot of it came from his father's property. He wanted to haul the concrete off but had gotten shut down before he could do it.

Commissioner Lee stated the NDEP permit shows your driving directions have you driving from one road to another parallel road. It may be something you need to look at.

Mr. Murphy stated their goal is to flatten the parcel out to Parsons and then go right across the property to the next road.

Commissioner Lee asked Mr. Dahl if Parsons is a developed road or will they need to develop the road.

Mrs. Murphy stated it isn't dedicated to the county.

Mr. Dahl stated it is his understanding it was all parceled with a record of survey from 1983 which has statements to dedicate but the owner certificate states all roads are private. They are owned by the original developer and no one has the authority to do anything with the roads until ownership has been determined by each property owner. He can put an overhead aerial of the property he can provide that if they would like.

Commissioner Lee stated yes.

Amanda VanHouten, Code Enforcement Officer, stated she also has pictures of the property when the cease and desist was posted.

Commissioners Duryea and Thomas stated yes they would like to see it.

Ms. VanHouten stated the date the C & D was served was May 13<sup>th</sup>.

Mr. Richardson asked Ms. VanHouten to depict the part of the property they are seeing and the relevance of each photo.

Ms. VanHouten stated the first picture is taken right at the corner of Butler and Commerce, the South West corner. When the Cease and Desist was served she was accompanied by Christina Sandoval, a deputy with the NC Sheriff office.

Commissioner Lee asked if the second picture was from on the property or on the ROW.

Ms. VanHouten stated it was from the road going towards Tortious Hill.

Commissioner Thomas stated the picture looks like a hill and a flat area leading up to the hill. What is the hill in the background?

Ms. VanHouten stated piles of gravel and dirt.

Commissioner Thomas asked if that is natural contour or has it been pushed up.

Ms. VanHouten stated that it was pushed up, one other picture shows the ridges in the gravel piles. There is no vegetation on these piles and the surrounding area does, so it has been recently done.

Commissioner Thomas stated half way up on the far-right side of the photograph the dirt is darker. Is that the natural grade?

Ms. VanHouten stated she believes so, yes.

Mr. Richardson stated they would like to add and would need an motion these and prepare the still copies after the meeting.

Commissioner Lee asked if they want these added as additional back up.

Mr. Richardson stated correct.

**Motion:** To add photos as additional back up, **Action:** Accept, **Moved by** Pamela Tyler, **Seconded by** Robert Thomas, III.  
Motion passed unanimously.

Commissioner Lee asked Mr. Richardson if they would want that to be done with the aerial maps that Mr. Dahl will be showing them as additional back up.

Mr. Richardson stated yes, that is their request.

Commissioner Lee asked for a motion to accept the aerial maps that Mr. Dahl will be showing as additional back up.

Commissioner Thomas stated as so moved but requested a 10 minutes recess to look at them.

Commissioner Lee asked if he wanted them as print outs.

Commissioner Thomas stated yes.

Commissioner Lee asked if staff had access to print the photos.

Ms. Sandoval stated she can print to the Admin Xerox, if Commissioner Koenig has access to it.



Seconded by Commissioner Duryea.

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

**Yes:** Beth Lee, Carol Curtis, Leah-Ann DeAnda, Pamela Tyler, Robert Thomas, III, Tom Duryea. Commissioner Lee clarified that the motion and second was to view and have hard copies for the board before proceeding.

Mr. Richardson stated yes, and that would allow for Director Dahl to discuss his overhead.

Meeting went into recess at 7:01 pm.

Commissioner Lee asked the board if they have had sufficient time to look at the photos.

Meeting reconvened at 7:19 pm.

Mr. Dahl stated this is the GIS that is available on the Nye County website that anyone can pull up property information. He has highlighted the 10 acre parcel for everyone to see and discussed some roads in the area for reference.

Commissioner Lee asked Mr. Dahl when the GIS photos taken.

Mr. Dahl stated these are from March 2018 and reviewed the aerials.

Mr. Richardson asked Mr. Dahl if there was a discussion with what they were doing while you were out at the property meeting with Mr. Waggoner.

Mr. Dahl stated yes, Dawn and Danny said they were selling the materials but not to who.

Commissioner Curtis asked about the compliant of working at 10 pm at night.

Mr. Murphy stated he had a brother helping him and was trying to impress him. He didn't know he was doing that and once he found out he put a stop to it. Mr. Dahl was on the property when the trucks were coming in and getting loaded. He told him at that time and it is on the recording that he wouldn't let that happen again. They put weekends on the plan just in case they wanted to work then.

Commissioner Curtis asked when they started doing this.

Mr. Murphy stated 2 months ago.

Mrs. Murphy stated March 27<sup>th</sup>.

Mr. Murphy stated they were able to work for a month before they got the cease and desist.

Commissioner Curtis asked who did the recording.

Mr. Murphy stated on his wife's cell phone.

Commissioner Curtis asked if it was told to anyone.

Mr. Murphy stated they checked with their lawyer and were told they didn't have to. Sometimes they have to protect themselves.

Commissioner Curtis asked for clarification that they stated the adjoining property has a 10 or 12 foot bank.

Mr. Murphy stated there is a 30 foot embankment they won't do that just wanting to level it flat. It won't effect the neighboring properties.

Commissioner Thomas asked Mr. Waggoner if he had access to the photographs they were just provided to us and the GIS Mr. Dahl provided.

Mr. Waggoner stated yes and based off of personal observation. He went up to look for himself to make the determination.

Commissioner Thomas asked if he used the photographs and what they represent as part of his decision of the Zoning Administrator.

Mr. Waggoner stated yes.

Commissioner Thomas asked if he provided the photos and GIS to the Murphy's so they would know what you considered.

Mr. Waggoner stated, no he physically visited the property with the Murphy's and they explained exactly what they were doing. There was no need to provide the photographs that were taken at that point.

Commissioner Thomas stated Mr. Dahl said the photographs depict significant drainage on the property and asked if he saw that too.

Mr. Waggoner stated yes they also discussed it with the Murphy's on site at the property.

Commissioner Thomas asked what the conversation was on the drainage issues.

Mr. Waggoner stated that is where the engineered grading plans would come into play from the aerial there appears to be significant drainage that goes through the property and could possibly need to be mitigated, that would need to be determined by the engineer. Per NCC if you are going to grade more than 50 cubic feet of property you are supposed to have an engineered grading plan. Which could also require a drainage study.

Commissioner Thomas asked if the drainage altered or changed in any significant way.

Mr. Waggoner stated yes. All of the natural grade on the property that would come out to Butler is gone. You can no longer see any of the natural water flow now.

Commissioner Lee asked how the meeting with staff and the Murphy's originated.

Mr. Waggoner stated Danny called the office requesting the meeting. He believes he also called Director Dahl as well and that is why they came out together.

Commissioner Curtis asked if there has been any indication that the applicant would request to rezone or is that not at all considered.

Mr. Waggoner stated not to him yet, he doesn't believe from what they are telling him they don't intend to run a gravel pit. Until they state they intend to run a gravel pit, there is no need for the zoning until we know exactly what their final plan for the property is.

Commissioner Curtis asked if Monday they plan on submitting those plans.

Mr. Phillips stated yes, at this time it doesn't make sense to submit a zone change because there is no other intended use for the property other than grading the lot.

Mr. Waggoner stated the engineered grading plan is required and would be reviewed by Nye County's engineer to issue the grading permit and done typically prior to grading the property.

Public comment opened at 7:35 pm.

Chris Spross stated he was one of the individuals filing a code compliance complaint. Even if they have a grading plan ready to submit there is a lengthy process to get that grading plan approved. It isn't proper to continue to let someone continue to work if they don't have the proper permits in place.

Mr. Richardson asked who his employer is or if he is self employed

Mr. Spross stated he is the President of Wulfenstein Construction.

Mr. Richardson asked what he based his complaint on and what did he observe.

Mr. Spross stated he observed truck traffic driving down the road and what he believed was a operating gravel permit. He came to the zoning department to see if it was zoned for a gravel permit and it was zoned Light Industrial and it needs to be Heavy Industrial it wasn't and so he filed his complaint.

Mr. Richardson asked Mr. Spross what specific observations did he make that caused him to conclude in his experience that a gravel operation was under way and how long did he have the observations? Was it March, April and May and for how long?

Mr. Spross stated he observed it for 2 or 3 weeks. He followed some trucks out, saw trucks being loaded with a loader, saw what appeared to be a grizzly to sort materials, he could be wrong. He knew the roads were private so he stayed a distance away to avoid being on private property.

Mr. Richardson asked if he knew where those materials went, what the destination was.

Mr. Spross stated they were delivered to a couple subdivisions here in town.

Public comment closed at 7:38 pm

Mr. Murphy stated Wulfenstein is his competition and the trucks were hauling to them. The Superintendent came to him and asked him to haul out of there and he said yes. It was an opportunity that arose, they came to him. He stated he could have either pushed the dirt into his dad's hole on the next property or he could make money one it.

Mrs. Murphy stated they never had a grizzly on the property. They are the competition and their business always get every single contract for Nye County so she doesn't feel so bad.

Commissioner Lee asked what a grizzly is.

Mrs. Murphy stated it is a square screen that doesn't have any moving parts that you can make gravel on.

Mr. Phillips stated Mr. & Mrs. Murphy don't disagree or dispute that they are moving gravel, or that they need a grading plan or an engineering plan. Their concerns are that the county represented that they had time to present those documents and would be allowed to work until that time and they weren't allowed to do so.

Commissioner Tyler stated her concern is that we don't traditionally let any kind of grading without permits and if we chose to let them move forward and continue operation without properly approved permits we would set a precedence and let everyone else that does that type of work to do it anywhere else they chose in our county.

Mr. Richardson stated you have to give the administrator deference in his decision. He directed the board to the language on the last page of the staff report before voting, item #5 top of page 18. The audio disc was not offered and he would have objected it, he hasn't had a chance to authenticate it. He is dismayed that the officials were invited out there and then recorded.

Ms. VanHouten stated for clarification that the definition of a gravel pit is on the second page of the staff report, and stated the appellants has stated several times that is in deed what they were doing.

Commissioner Duryea motioned to affirm the decision of the Zoning Administrator. Seconded by Commissioner Tyler.

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

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

Commissioner Thomas stated he voted aye because the Murphy's admitted to selling the materials, absent that admission he would have voted no.

Commissioner Lee stated the appellants have the right to appeal to the BOCC and have 30 days to do so.

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

Ms. Beeman stated the demographic information that is based off the Census isn't going to be available and that is the information we should be using for that.

Commissioner Lee stated the Census won't be available till next year and data not available wholly for a year or two. It is feasible there are items that could be updated but anything updated on Census data probably won't be available till the next update in 5 years.

Commissioner Koenig stated on page 33, Water Availability - something needs to be added that states water usage estimated at 72,343 afa add a comment that we only get 20,000 afa coming in. It is a definite problem.

Mr. Waggoner asked if the water board has any up to date information than what was done back then?

Commissioner Koenig stated the present information comes from the State Engineer and he changed that from 12,000 afa and he changed that to 20,000 afa if you can recapture the 8,000 that runs into California. We can't use 72,343 afa without pumping the aquifer dry. We need something in there that talks about the water problems we are facing today.

Ms. Beeman stated that is a worst case scenarios projection if all potential lots for domestic wells were drilled. We can amend this, the bulk information related to water is in chapter 6 and they both need to be dovetailed.

Commissioner Thomas stated this paragraph needs to be clarified and updated to current water availability, then it can say see chapter 6 for cross reference. On page 48 he doesn't see how they can support 101,765 people much less half a million.

Mr. Waggoner stated he is trying to get direction where to get actual data not just conversation.

Commissioner Koenig stated to contact Oz he is the director of the Water Board.

Commissioner Duryea stated on page 30, Growth in the Pahrump Valley second paragraph, Economist is with a capital E and it should be a lowercase and plural, economists. At the bottom of the page, Land use designation table, do they need updated.

Ms. Beeman stated it will have to be updated.

Commissioner Duryea asked if the RDR addresses agriculture in the valley or does there need to be a separate line.

Ms. Beeman stated she will need to have a conversation with the Assessor's office to see what their database says and use their land use codes to separate it out.

Commissioner Duryea stated on page 37, at the top the BLM disposal and the 1998 Las Vegas Resource Management Plan. As far as he can figure out BLM hasn't updated the 1998 plan yet. On page 39 the graphic states proposed trail head on Kellogg, that needs updated and if any others are active proposals or completed. One page 45 the same for the graphic update that if needed. One page 51 Objective B, Policy 1, it refers to NRS 410. Has that been implemented yet.

Ms. Beeman stated that has not been done.

Commissioner Koenig on page 48 – build out comparisons needs to be updated based on what we know.

Commissioner Duryea stated page 52, Goal 8 Objective A – develop nuisance ordinances that define undesirable land uses etcetera. Have we done that?

Mr. Richardson stated they just did a new ordinance on panhandling, vagrancy and disorderly conduct.

Commissioner Duryea stated that is still a work in progress so we can leave it as is.

Commissioner Lee stated on page 41, second bullet point after second paragraph. Are the sensitive areas defined by Planning, the developer, or Fish and Wildlife.

Ms. Beeman stated that would need to be defined.

Commissioner Lee stated there are tortoises and those are under the Fish and Wildlife. We could put an example like the desert tortoises.

Commissioner Tyler asked if they will get to look at the document again before the recommend adoption.

Commissioner Lee stated yes. They will review chapter by chapter then as a document before recommendation.

Mr. Richardson stated Director Waggoner asked him about the statement directed to the Murphy's on Item 7 about time to appeal. Code states it is written notice to decision and their

time from appeal runs. He hasn't had a chance to check the number of days and who made the statement.

Commissioner Lee stated it was probably her.

Celeste Sandoval stated it is 10 days.

Mr. Waggoner stated what he will do is also notify them ahead of the FAM with some sort of certified delivery that it as misstated and clarify that once they do receive the FAM they then have 10 days and spell out the appeal process.

Public comment opened at 8:05 pm.

Debra Strickland asked if they would consider in the water availability section, page 33 if they would use reference material which is also a revolving document, which is The Ground Water Management Plan, the Pumpage Inventory from DWR and DRI does water monitoring.

Public comment closed at 8:06 pm.

Commissioner Curtis stated in regard to impact fees, she feels we are losing income because we aren't applying impact fees on the mobile warehousing. If they were to build a warehouse, they would pay impact fees, but using the containers they are circumventing the system.

Commissioner Koenig stated that is a decision for the CIP board.

Commissioner Thomas motioned to have staff consider the comments made and especially Commissioner Koenig and Commissioner Strickland's comments about water. Seconded by Commissioner Duryea.

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

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

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

Next meeting July 10<sup>th</sup> at 6:00 pm. We will have a CIP workshop before the regular meeting.


**Public Comment:**

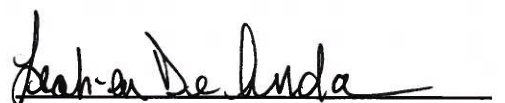
10. **Public Comment (second)** – No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)  
Public comment opened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

Public comment opened and closed at 8:10 pm with no comments.

11. **Adjournment.**

Meeting adjourned at 8:10 pm.

  
Elizabeth Lee, Chairman  
Pahrump Regional Planning Commission

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