

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE JULY 13, 2022 REGULAR MEETING**

Members in Attendance: Jacob Skinner
 Gina Meredith
 Robert Blackstock
 Pamela Tyler
 Walt Turner

Members Absent: Beth Lee
 Debra Hayden

Planning Staff: Mr. Waggoner
 Steve Osborne
 Amanda Marshall
 Celeste Sandoval
 Amber Randle

District Attorney’s Staff: Michelle Nelson

Public Works Staff: Tyler Mulvey

Other Attendees: Commissioner Carbone

Acronyms Used:

AP	=	Assessor Parcel Number
BDA	=	Business Development Area
BOCC	=	Board of County Commissioners
CIP	=	Capital Improvement Plan
CUP	=	Conditional Use Permit
FEMA	=	Federal Emergency Management Agency
GC	=	General Commercial
MH	=	Manufactured Home
NCC	=	Nye County Code
NRS	=	Nevada Revised Statutes
PRPD	=	Pahrump Regional Planning District
PW	=	Public Works
ROW	=	Right-of-Way
RPC	=	Regional Planning Commission
SFR	=	Single-Family Residential
ZC	=	Zone Change

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:05 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 at 6:07 pm.

Nicole Walters stated there is a new news channel in town and wanted to let everyone know and discussed child sex trafficking, and stated messing with local farmers isn’t supported.

Laura Larsen stated they need to stick together as a community there are a lot of issues going on in the US and they have to stay with the local communities and stop going out to the commercial companies.

Closed at 6:11 pm.

3. **For possible action - Annual Election of Officers:** Nomination and Election of Officers for the current fiscal year (July 1, 2022 to June 30, 2023). The election of an Officer shall be by affirmative vote of not less than four (4) members of the Planning Commission.

a. Nomination and Election of Chairman

Motion: Nominates Beth Lee, **Action:** Nominate, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Motion passed unanimously.

b. Nomination and Election of Vice-Chairman

Motion: Nominates Pam Tyler, **Action:** Accept, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Gina Meredith, Jacob Skinner, Robert Blackstock, Walt Turner.

Abstain: Pamela Tyler.

c. Nomination and Election of Secretary/Clerk

Motion: Nominates Gina Meredith, **Action:** Accept, **Moved by** Robert Blackstock, **Seconded by** Jacob Skinner.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Jacob Skinner, Pamela Tyler, Robert Blackstock, Walt Turner.

Abstain: Gina Meredith.

4. **For Possible action – Approval of Minutes:**

a. PRPC Meeting – May 11, 2022

Public Comment opened at 6:14 pm and closed with no comments.

Motion: accept as written, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Vote: Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1).

Yes: Gina Meredith, Pamela Tyler, Robert Blackstock, Walt Turner.

Abstain: Jacob Skinner.

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

Brett Waggoner asked if they can move item #11 to first item.

Motion: Amend agenda to move Item #11, **Action:** Amend, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Gina Meredith, Jacob Skinner, Pamela Tyler, Robert Blackstock, Walt Turner.

Reopened item #5 at 6:17 pm.

Public Comment opened at 6:17 pm.

Tim Bohannon agreed to moved item #11 up.

Dwight Lilly stated this is a Nye County Ordinance and Nye County doesn't have a board that covers all of Nye County and he questions the legality of the bill.

Michelle Nelson stated Public Comment is only for item #5 and he can speak when item #11 is up.

Public comment closed at 6:20 pm.

6. **Correspondence and Announcements**

None

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

a. BOCC Liaison Report

None

b. Director's Report

Brett Waggoner stated for the month of May there were 241 applications received which was an increase of 61, total applications processed was 190 which was 47 more than previous month. For the month of June there was 246 applications received which was an increase of 5. Total applications processed was 163 which was a decrease of 27. Since 7/1/2021 through 6/30/2022 there were 2308 new planning application received and 330 new code compliance cases compared to the previous year with 2206 planning applications and 340 code compliance cases.

Building permits for the month of May there were 41 SFR which was 4 less than the previous month, Multi Family was 1 which was 2 less than previous month. Total permits all categories was 262 increase of 32, total inspections were 511 which was 39 more than previous month. June there were 30 SFR which was a decrease of 11, MF had 1, total permits all categories was 262 and total inspections was 502 which was 9 less than May.

Since 7/1/2021 – 06/30/2022 there were 491 SFR, compared to 486 the previous year, total permits issued was 2662 compared to 2553 over year prior. Total inspections 5266 compared to 5388 over previous year.

Code Compliance for May there were 29 new complaints which was a decrease of 6, closed was 18 which was 11 more than previous month. June new complaints was 26 which was a decrease of 3 and closed 27 which was an increase of 9.

Updated on previous items heard by the RPC ZCMP-22-3 was heard by the RPC on 4/13/22 and recommended for approval to the BOCC. It was heard on 6/22/22 and was approved. ZCMP-22-1 was heard by the RPC on 3/9/22 and recommended for approval to the BOCC 6/22/2022 and was approved. ZCMP-22-5 was heard by the RPC on 5/11/2022 and was recommend for approval, it was heard by the BOCC 6/22/22 and was approved. ZCMP-22-7 was heard by the RPC on 5/11/22 and was recommend to the BOCC for approval. It was heard 6/22/22 by the BOCC and was approved.

8. **Presentation:** Presentation by Tim Bohannon, President of the Nevada Standardbred Association, Inc., regarding a possible project to build an equine performance center in Pahrump.

Meeting went into recess at 8:43 pm.

Meeting reconvened at 8:51pm.

Tim Bohannon stated they have been working on a project in Pahrump for 2 years. This presentation is for information purposes only and are subject to change. From the summary tonight they will talk about manure management, smell and flies. They intend to bring out the Pahrump Valley Equine Performance Center of Excellence for racing of standardbred horses, the first standardbred track in Nevada ever. They will have porters that they have been working with, a race secretary who is on the consulting team and a representative from Century Downs from Alberta on the consulting team as well. He showed the presentation and showed the phases of the project.

Mike Hyde reviewed the presentation and manure management for the facility.

Paul Cross reviewed the slides of the presentation it would take residual from the region to be processed undercover to create healthy high-quality shavings and nonwoody biomass. He reviewed information

regarding the project and reviewed the slides. They are trying to make sure they are compliant with any permanent waste regulations in Nevada and reduce the burning, composting and take all the waste out of the landfill.

Mr. Bohannon stated they often get questions on keeping the aquifer safe and making sure the quality of water is solid. With the approach they are discussing it addresses it, correct.

Mr. Cross stated yes. They will trap the water with thermodynamic drying and will produce 1 million gallons of water they can reuse. They want to build county awareness for sustainability, promote innovation through agritourism and hire within the community so they are hiring and buying local to stimulate the local economy. The building will be an L shape one side manure one side compost and larger section for the processing, they are all segregated buildings with solar panels, carbon filtration and negative air pressure to create the carbon neutral operation. It prevents odor, dust and noise. If they bring waste from outside the area what they will be doing is using covered hauling trucks.

Mr. Bohannon asked if this is just for equine manure or can they use other elements as well?

Mr. Cross stated they do work with the equestrian waste bedding and it can be used for other bedding and other waste. What they would like to suggest is the waste bedding they create into recycled brand new bedding can be used in the equestrian industry for chickens, ducks for anything in the local region. For multiple different animals. One thing this doesn't use is additional water and it retains the water from the bedding it is processed back into the cooling towers that can be used for irrigation, self dust or be put back to the community for potable water.

Cory Smallegange stated the main qualities of the bedding are they are hypoallergenic, antibacterial, antifungal and highly absorbent as well as being dust free. From a health perspective they are going to mitigate a lot of the problems that large horse show grounds and racetracks have to control when using other bedding of poor quality. Their shavings will help mitigate health risk factors.

Mr. Bohannon asked Mr. Cross about how they will make sure they are sustaining the project.

Mr. Cross stated what is good for the County, good for the industry for the pocketbook and making sure it is always best management practices for waste management and written into the plan so they will always have a sustainable approach.

Mr. Hyde stated taking what is in the barns, getting it to the site, the majority of the water and urine will be used will be sent underground. They will transport everything from every stall using a vacuum controlled unit and taken and dumped into the plant. They will open up the idea for this facility to be used by the community for those that want to use this type of shaving.

Commissioner Turner asked if they have an idea on how many local jobs this will create.

Mr. Cross stated they will hire 9 people per shift and an additional 5 staff in marketing, finance and administration. So, there will be about 15 and 20 staff per facility they build.

Mr. Bohannon stated that is per shift and asked if they can do more than one shift per day.

Mr. Cross stated yes, the second shift is a lot more profitable than the first shift. They will do 2 shifts 5 days a week and in the heart of the season when the horses are racing some months are higher than others and they push 24 hours a day if they need to. Then they have enough bedding in the off season to work with further field regions.

Commissioner Turner referred to the statement that they are recycling the water and the usage would only be about the amount of a single house are they talking 2-acre feet for the entire facility?

Mr. Cross stated they are running about 5 – 8 gpm.

Commissioner Blackstock stated since this is wood based is this something they can set up for other types of wood. Not counting salt cedars.

Mr. Cross stated yes. Working with green waste they can also put 30% in plastic bags. The horse industry covers their bedding in plastic before it goes in because it is safer. They will take it back and run it back through which will create electricity.

Commissioner Tyler asked if this is their first facility or if they have one in operation somewhere.

Mr. Cross said they built the first prototype facility in 2015 about 1.5 hrs North of Seattle and that was using old technology and it works and has been fully tested. They built prototypes in 2017 and 2020 their first full facility will be in West Palm Beach, Florida where within an 8-mile radius they have over 200,000 tons of waste and this will be the second and third in the process including the United Kingdom.

Mr. Hyde stated this is sustainable in regards that it feeds itself, they won't utilize an outside source but utilizing what they already produce.

9. **For Possible Action – CU-22-22:** Public Hearing, discussion, and deliberation on a Conditional Use Permit application to allow a storage yard for construction equipment for Western Tri-State Equipment located at 131 S. Frontage Road. Assessor's Parcel Number 038-234-23. Nye3, LLC – Property Owner. Alan Leavitt / Western Tri-State Equipment - Applicant/Agent. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (QM)**

Mr. Osborne reviewed the staff report and stated a CUP is required in this zoning district. A Site Development plan will be required and it is a condition in the staff report. Staff is recommending approval subject to the conditions of approval.

Commissioner Turner asked if during the Site Development will there be any requirements for paving.

Mr. Osborne stated yes all the parking areas will have to be paved.

Commissioner Turner asked if the display areas for the tractors need paved.

Mr. Osborne stated there is certain types of equipment that wouldn't require paving.

Applicant was not present.

Public comment opened and closed at 9:39 pm with no comments.

Commissioner Carbone asked if they are looking at putting a different type of material down on the property?

Mr. Osborne stated they haven't stated that in the application.

Commissioner Carbone stated how would we not know what they will put down, they need to know something.

Mr. Waggoner stated that would be addressed in the Site Development process. As it stands with no waivers it will have to meet the development standards. But he is aware that he needs to go through site development.

Commissioner Carbone asked if they come in for site development and it doesn't meet the requirements what will they do.

Mr. Waggoner stated they will have to apply for waivers of the requirement, or they will be held to the code.

Motion: approve CU-22-22 based on findings and subject to the conditions of approval, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Jacob Skinner.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Gina Meredith, Jacob Skinner, Pamela Tyler, Robert Blackstock, Walt Turner.

10. **For Possible Action – AB-22-1:** Public Hearing, discussion, and deliberation on a request to Vacate and Abandonment 35,229 square feet along S. Eberhard Road for the proposed roundabout improvements at Highway 160 and Manse Road. **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (QM)**

Mr. Osborne reviewed his staff report stating the reason for this is the existing ROW alignment isn't a 90-degree angle where it intersects with Hwy 160 and the new alignment will be. Staff recommends approval of the application subject to the conditions of approval.

Commissioner Blackstock asked if there will be a roundabout at Manse and Eberhard?

Mr. Osborne stated no the roundabout will be at Manse.

Commissioner Blackstock asked why this won't be coming off Manse where the roundabout is going to be instead of from another point on 160.

Tyler Mulvey, Nye County Public works, stated NDOT requires certain access to be 90 degrees. The current ROW doesn't allow for that. They will abandon that and rerecord with the curve like Manse. The roundabout is privately developed and not funded by us at this time.

Commissioner Turner asked what the distance between Manse Rd and the proposed new roundabout is. And asked if it meets the NDOT requirements.

Mr. Mulvey stated NDOT has specific numbers. But he isn't NDOT so he would assume so.

Vicki Hafen Scott applicant stated Eberhard access does meet NDOT requirements, speeds will be reduced in the area, it is somewhere around 480 feet which will be a right in right out access and has been designed with NDOT guidelines. Eberhard is a major section line road and provides access to a number of properties to the west and part of the development plan.

Public comment opened at 9:48 pm.

Maryann Hollis stated Mr. Waggoner explained the roundabout and she has made multiple Public Records Requests for the completed traffic study done in 2005 and it cannot be found. The belief that it was done is just a belief and she would like to see it. At this point she can believe there is no traffic study that is mandated in the agreement on page 8 and 46 that must be done. She just wanted it to reflect on the record that they need to speak to the developer to produce this report. The speed on Hwy 160 is 70 mph and they will be entering into the roundabout. Why can't there be a traffic light. It was stated they don't have a cost but isn't it up to Nye County to maintain it.

Mr. Mulvey stated we don't have an upfront cost, but NDOT requires them to be the applicant because it is in Nye County.

Ms. Hollis stated she has made a call to the Dept of PW and she was told she would be called back and no one has called her. It has went to several other people and to date it still hasn't been produced.

Public comment closed at 9:55 pm.

Commissioner Tyler stated she thinks the reason they would entertain a traffic circle over a light is because it has been proven they are safer.

Commissioner Skinner asked staff if the traffic study question will it be a barrier to approve the recommended motion.

Mr. Waggoner stated no, it doesn't have anything to do what this agenda item is about.

Motion: approve AB-22-1 based on findings and subject to the conditions of approval, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.
Motion passed unanimously.

11. For Possible Action: Discussion, deliberation, and possible direction to staff regarding a draft Backyard Chicken Ordinance. (QM)

Mr. Waggoner stated they have some comment letters received to the Planning department and a clearer draft of the zoning district to show what is being changed that staff would like accepted into the back up.

Motion: accept additional back up, **Action:** Accept, **Moved by** Walt Turner, **Seconded by** Gina Meredith.
Motion passed unanimously.

Mr. Waggoner stated there have been many false communications on social media and in the audience that he would like to clear up. Through previous items through this board there have been complaints on properties in the VR-20 zoning district because the district doesn't allow chickens and it has been that way since it was adopted in 2004. What staff has done by the request by the RPC to come up with a draft that will allow chickens in the VR-20 zoning district. They have written this to now allow chickens in the VR-20 zoning where chickens today are not allowed. They researched other municipalities and chose parts that they think would work in the town. This draft only applies to the VR-20 no other zoning district will be affected with this draft. On page 2 under the minimum building setbacks, they did add the setbacks under accessory buildings. There is some argument on if a chicken coop is an accessory structure or not. If it is permanently affixed to the land on a concrete slab and stick built it is considered an accessory structure. Considering some neighbors don't like chickens next to their house we tried to put a buffer to make it more amicable for the neighbor that doesn't want the chickens. They added line #4 as a suggested minimum setback. There is an entire new section in blue that has to do with chickens. VR-20 is ½ acre or larger so that is why they wrote it at 20,000 gross, no more than 10 chicken hens, no roosters. No roosters because the lots are smaller and population control can be an issue on the smaller lots. Coops are restricted to the rear of the lots, zoning reviews are required prior to construction, no person shall engage in selling of poultry, eggs or commercial farming, persons conducting commercial farming are not exempt from nuisance ordinance. In all the residential zoning districts commercial operations are prohibited with the exception of a home-based business. In the research they have done to commercially sell eggs there are requirements from the Department of Agriculture they have to be of a certain quality. There isn't anything that says they can't give their eggs away to neighbors. This is an ordinance that is trying to lessen the restrictions as they are written today. Without this ordinance you don't have chickens today and legally if they do receive a complaint, they have to address it because chickens aren't allowed.

Commissioner Tyler stated she knows there have been instances that people that live in VR-20 that have chickens have been before them for a code complaint and they had no method to allow the RPC to allow them to keep the chickens. That is why they directed staff to build something that will protect those homeowners that would like to have chickens in their yard.

Commissioner Turner stated they have received many complaints on chickens in VR-20, this is in draft form for discussion. What would be a good assistance for the board is when they speak in public comment is to remember they aren't taking anything away, they are adding to the VR-20. If something works or doesn't, please let them know and they can reach a happy medium.

Commissioner Skinner stated many us here we own chickens and this is important. In the way the language is written it says chicken coops shall be constructed 10 feet. In the minimum building setbacks

are we talking about accessory building chicken coops or are we talking about structures that house chickens that may not be accessory buildings.

Mr. Waggoner stated it would be more structures that house chickens. That comes with trying to not impede on your neighbors' rights that may not want chickens.

Commissioner Skinner suggested to further define that so there is more clarity there. In section D #1 his concerns are that they may be muddying the waters a bit. He feels it is speaking to VR-10 or others when using that language and asks it get updated to only reference VR-20 and not reference to other categories.

Mr. Waggoner stated he doesn't see that it does, it is a code amendment that is only going to reside in any other district and only specific to VR-20. He stated we don't have any other lots in PRPD that are less than 20,000 gross feet that are not zoned VR-20.

Commissioner Skinner stated that does clarify for him.

Commissioner Turner asked if he is referring to "shall be restricted to lots that are zoned VR-20 and a minimum lot size of 20,000".

Commissioner Skinner stated that is correct but what if you own a property that is 10,000 sq feet.

Mr. Waggoner stated it would not be zoned VR-20 it would be VR-8 or 10.

Commissioner Skinner asked if in that category they would have something that speaks to chickens as well?

Mr. Waggoner stated no they don't.

Commissioner Tyler stated since staff was working under our direction everyone that has come across their desk have been in the VR-20 zoning. And they have to tell them no it isn't allowed and they want to be able to find them a way to say yes it is allowed, and they need to still be respectful to the neighbors.

Commissioner Skinner asked Mr. Waggoner how many chickens they need to own before they become commercial.

Mr. Waggoner stated he doesn't know, they just put a limitation of 10 because it was a consistent number in many areas that have smaller lots. Like Boulder City they have a limit of 10, and an ordinance that was adopted is in the backup and they had 12. Some even said only 8.

Commissioner Skinner stated he has seen some areas where commercial operations started with 1000 chickens and other jurisdictions if there was greater than 99. There needs to be clarity for the people here.

Mr. Waggoner stated he thinks that does with the limit of 10.

Commissioner Tyler asked how many VR-20 lots there are in Pahrump.

Mr. Waggoner stated he doesn't have an exact number and there are several that need fixed because they are incorrectly zoned. If you are on a RE or RH property there is no limits for chickens as long as you aren't selling them commercially then you aren't considered to be running a commercial business. Unless you are trying to run a business.

Mr. Waggoner stated you have to remember these are residential lots and even home-based businesses don't allow for the public to come do business at your home.

Commissioner Skinner stated with some families they take those eggs and sell them. He wants clarification that this isn't what this is about.

Mr. Waggoner stated no, they can take them to the Farmer's Market or wherever, but they don't want you selling them from your home.

Commissioner Skinner asked why no roosters when we have a nuisance law?

Mr. Waggoner stated it is more about the reproductive part of the equation, it is about the limit of the production. He wants to remind the audience that this is for the VR-20 property and nothing to do with any other zoning.

Public comment opened at 7:00 pm.

Laura Larsen stated in section D wouldn't that go to the HOA since they have limitations, it should be dealt with in the HOA and not here. How can they say they can't have roosters and allow them to have 10 chickens, you don't know if you are going to get roosters until they grow up. You can't limit roosters. If the HOA wants to put it in there let them. You can't limit in certain areas. People should be able to do whatever they want on their properties.

Pat Kerby stated his concerns are that there are food shortages are coming and he appreciates they are allowing them to sell at farmer's market and everyone should grow their own food. What isn't written here is that they have to ask permission to develop their land.

Ammie Nelson stated the definition of VR-20 should be changed instead of putting this in. We are not a suburban environment as the VR-20 states. The items in section D - #5 addresses the commercial farming and will limit people with even just 10 eggs from selling them or using eggs as sustenance for their family. She isn't for the ordinance because of the restrictions or non-restrictions there are other ways for people to have these issues by having the zone changed instead of all the restrictions.

Dwight Lilly stated he has chickens that he has raised from scratch and a rooster. He wants to see who these people are that have complained about the chickens. He doesn't want people coming in and telling them they can't have livestock and chickens.

Micah Wittenborn stated he is one of the properties that has a judgement against him for chickens and in a VR-20. He kept his chickens, and he doesn't plan on getting rid of them. For reproduction you have to keep the eggs, if you aren't keeping the eggs and you're eating them, why do you have to get rid of the roosters.

Catherine McLeroy stated she doesn't live in a VR-20 but if you look at Santa Monica, CA. they are high density, small lots with multiple buildings that have chickens. They're multi-level and they are allowed to have 13 and roosters are okay. If the eggs sit they will be reproduced but if you gather them you won't have that.

Kimberly Yelle is a rescuer out here for disabled chickens. She is for the bill to allow the chickens but we can't restrict them. Roosters are meant to reproduce and alert for danger and protect the flock. You need 2 – 4 sq ft per chicken and 1 rooster per 10 hens. The rooster controls the flock. To go commercial, you have to have over 20,000 chickens.

Cindy Lake stated she moved here for the freedom and not for a limit of 10 chickens on a 1/2 acre. It looks like there are 5,000 VR-20 properties and asked how many complaints there have been on the VR-20 lots. If they do anything with this, allow chickens on the private property.

Collin Reber representative with the Nevada Farm Bureau Federation and here on behalf of the Central Nevada Farm Bureau express concerns that individuals have the right to farm these proposals reduce the people's rights to farm and produce food. They are concerned with the ban of roosters and the limit of 10 chickens this is too small of a number. It won't produce enough eggs to feed most families. Another

concern is the ban on selling and commercial farming, it is written where it would also possibly prohibit selling produce at a local farmers market. If someone obtains their egg handlers certification or producers certificate with the Department of Agriculture, they should be able to sell their eggs and produce.

Diana Stegeman stated she has been able to take the eggs from her chickens and trade them at the farmers market for bread when covid hit because she couldn't get anything for her family. She has chickens where she isn't supposed to and when she purchased her home the zoning changed before she was able to move in. When the pandemic hit she took eggs and corn from her garden to those neighbors that kept reporting her to be neighborly.

Karen Cvjetkovich is concerned if you place restrictions on VR-20 will they then change the zoning on other properties to be VR-20 and then have restrictions where they aren't currently restricted. When requiring permits will people then have to come up with money to get permitting whereas this will only help people who have money. Laying hens only lay for 4 years. They have become pets after that, do they suggest them being killed. You will get an accidental rooster, this can be taken care of with ordinances that are already there, roosters should be allowed.

Nicholas Cvjetkovich agrees with everyone's points that have been made. They got their daughter two chickens during the pandemic because she missed her friends one of the chickens happened to be a rooster and it was the best mistake they made. The chickens have made their child happy.

Paul Beneux stated he moved his business and bought a piece of property out here to have his chickens and his garden. He gives away enough for five family and doesn't want creeping incrementalism to destroy the ruralness of Pahrump.

Michele Pearl stated she likes living in a rural area, if these little ordinances start taking root in the little areas eventually it will get bigger.

Heather Birmingham stated she isn't personally affected by the ordinance. Since last months proposed meeting of the livestock limits two of the local farms have closed because of the possible limits. Please take into consideration the consequences of the proposed back yard chicken ordinance because Pahrump has already lost two companies, and this could further deteriorate the economy.

Kristen Gray stated she isn't in the VR-20 but is here because of the government overreach. If you want to have freedom and let them have chickens just simply say poultry shall be allowed. The need for permits increase the cost and make it so only wealthy can do it.

Sharon Wehrly stated inch by inch we are taking away their freedom and she believes there are already laws on the books that will take care of the problem. To tell people they can have chickens on a small property but can't have a rooster so therefore they aren't self-sustaining, it is too much.

Tim Bohannon stated he buys eggs at the farmers market, eggs are very important, if staff is going to do this there are animal keeping ordinances that are for rural communities. We aren't Las Vegas and they enjoy the community and they want to keep our rural community.

Dave Boruchowitz stated he lives in a VR-20 and he has chickens. He wants them to be realistic about the approach to the ordinance. He can go to Tractor Supply and buy hundreds of chickens and not have as rooster. He hears roosters on the street behind him that isn't a VR-20 that crows all day and he has one that doesn't. If there is a concern with zoning and what is allowed the first step should be rezoning. The fact he can't have chickens and the person behind him can is illogical.

Diane Davis stated introducing this ordinance and opening it to areas that now allow chickens you will have new people that don't know how to control the count. The boards first concern should be the residents.

Reeca Esfahani stated one of the biggest issues is that there wasn't a clarification in the draft and it did help. She doesn't see that most of the town would be against the VR-20 from having chickens. The drafts need to be very clear, and trying to find and understand the zoning map is difficult. What happens when someone buys the home and then it is rezoned, what happens then.

Barbara Avery stated when she moved back to Pahrump she went to her neighbors and stated she needed to do chickens. She went to her neighbors and asked them, she provides eggs to many people that rely on her. What she doesn't eat in her garden she gives away too.

Jared Houston stated he currently isn't in a VR-20 and he has multiple farm animals and of the 25 chickens he has that is a total of about 53 that he has had for the past year. That is either because of the heat, coyotes or a hawk. He appreciates the clarification that it currently doesn't allow and that this would change that. He thinks 10 could be expanded out.

Janice Six stated she lives in Tonopah and she loves this valley because it reminds her of Vegas when she was young. She would hate to see small restrictions come in because eventually that could turn it into Vegas.

Joseph Hans stated he has lived somewhere that they allowed 12 chickens, when one would die and if you wanted to replace the chicken you have to pay them \$5. That is where he sees this going, this is about the roosters. He lives where there are roosters, and they don't bother him.

Ken McLeroy stated he would like clarification that the VR-20 is for 20,000 size or smaller or it can be a 50 or 15 acre ranch. What is the difference and why is it VR-20.

Mr. Waggoner stated that is because whoever owns the property has never requested a zone change. Back when the zoning was applied in 2004 and since that point it has been VR-20 and there have been people come in wanting zoning more appropriate to the size of the lot.

Mr. McLeory asked if the VR-20 zoning could be changed to another zoning to have their chickens.

Mr. Waggoner stated yes if the size of the lot is big enough. VR-20 is designed for ½ acre lots.

Mr. McLeory asked if anything 20,000 or less can never be changed to a zoning besides VR-20.

Mr. Waggoner stated correct.

Derek Bayer stated he understands most of this applies to ½ acre but a solution would be changing the wording. You can state "a resident shall have any number of small farm animals either for pets or sustenance but not too many to affect the health and welfare to the person or the animal". Apply this to all the zoning then you can eliminate the headache and remove the limits.

Kimberly Maxim stated there are going to be extreme food shortages, she doesn't sell her eggs but she gives them to her friends. Keeping people from having roosters is just trying to starve people out. She does have neighbors that are in a VR-20 and they have goats, chickens and a turkey. They shouldn't be restricted either.

Denise Arceo stated her concern is that one thing moves into another. Once covid hit that is when people started getting chickens for a food source. If you say you only are allowed to have a certain number you aren't going to want to kill your old ones off.

Richard May stated he is on a lot bigger than a VR-20, and he doesn't even have chickens. Let people have their chickens.

Victoria Riccardelli stated she miss understood until it was clarified. She suggests everyone have chickens and those that complain can leave.

Public comment closed at 8:12 pm.

Commissioner Turner asked what the numbers of chickens in some of the other ordinances. Santa Monica states roosters are only allowed if kept quiet, permits are needed for more than 13 birds. He'd like to see keeping the rooster as well. Is there a reasonable number we can put out if people want free eggs they can have 13 – 15 and those that want the larger operations have a system where it is permitted. Permits have always been around, if you have money for feed you have money for permits. He asked Mr. Waggoner how much permits were.

Mr. Waggoner stated the only thing that would need permits is if it is over 200 Sq Ft. A Zoning Review is \$25.

Commissioner Tyler asked for clarification that for the permit it has to be with a foundation but if you buy a coop not permanently affixed to the ground no concrete it wouldn't need the \$25 permit.

Mr. Waggoner stated no, we are using wrong terminology. This would require a Zoning Review the same as if you put up a fence, built a house or a pump house. To ensure it meets the setback requirements, that is the \$25 application fee. No building permit would be required unless it was a 200 sq ft chicken coop.

Commissioner Tyler asked for clarification that if it was a 10 x 20 you'd need a building permit.

Mr. Waggoner stated correct.

Commissioner Meredith stated she hears that they give her neighbors eggs so it is considered gifting and not a commercial operation.

Mr. Waggoner stated correct.

Commissioner Turner liked the gentleman's comments of on small animals, it doesn't have to be verbatim but worked in somehow. Chicken number increased, roosters allowed. The exact gentleman that brought this very issue to us came and spoke and they didn't find it fair that he couldn't have his chickens so they want to put something together to fix that.

Commissioner Skinner stated how the ordinance is written it is too restrictive and in general it needs to be simplified. He suggested striking B #'s 2, 3 and 4 except for the zoning review required if you are building an accessory structure. In section C #4 needs clarification on what a chicken coop is, chicken coop that isn't an accessory structure should be allowed to have a 5 ft setback. Coops shouldn't be restricted to rear or side yards.

Commissioner Turner stated striking #2 then coming back and trying to put a number on it will create a lot more comments. If we start with 15 and there are comments that come back wanting more we can look at bringing it back to be less strict.

Commissioner Tyler stated there needs to be some quantifiable number in there not to restrict everyone but to give staff direction so if they do get a complaint they have guidance.

Commissioner Turner suggested adding 18 chickens.

Commissioner Skinner stated he disagrees. We can't just pick arbitrary numbers, 10 and 18 are too few. He prefers to strike it and pass a less restrictive ordinance and if we have to come back and put a number we can.

Commissioner Turner stated if we do that and then come back and restrict them it will be a mad house.

Mr. Waggoner stated there a couple things to consider, if this was adopted in whatever fashion it is, if they put a number to it of 20, or 8, whatever number if it is adopted and permissive a waiver can be

applied for. They can state the number won't work for them and ask for more. The waiver allows them to put conditions in place to keep it in a manageable state and if there are complaints it gives them an avenue to rectify the problem. If they adopt the ordinance today there may be people that purchased property in VR-20 because they don't want to be around farm animals. By adopting we are now imposing that on them. There are a lot of things to consider, he understands both Commissioner points.

Commissioner Tyler stated they don't necessary need to model other ordinances but research animal husbandry. Maybe we can partner with Dept. of Ag and come up with reasonable guidelines that address how much chickens or turkeys need. Maybe they need to have in there if you have X amount of chickens you need X amount of size or you can't have that many chickens.

Mr. Waggoner stated as you heard the Sheriff say we have no noise ordinance or a very weak one but we have a nuisance ordinance. You can't rely on that code, it is unreliable. The BOCC knows this and it has to be fixed.

Commissioner Blackstock stated they have had people come up stating they are on VR-20 and have animals and won't get rid of them. If they have over the number are they grandfathered in?

Mr. Waggoner stated no, it isn't legal today. If they have 1 or 20 chickens today it isn't allowed and it would be illegal today. They would not be grandfathered.

Commissioner Blackstock asked if they can try the change for 2 years, see if there are complaints and change restrictions.

Mr. Waggoner stated once it becomes an ordinance it can always be changed but if a trial run is what the goal is, and they discovered everything is fine or there are issues it can be changed at a later date. But without this ordinance there are no chickens allowed in VR-20 today.

Commissioner Turner asked to bring it back next month, pull information on other ordinances for them when it comes to number of chickens.

Mr. Waggoner stated that will not get you the information you are looking for because it is going to vary. If there is some sort of a guideline like commented of 2 – 4 feet and coming up with a number like that. That would be the way to go.

Commissioner Turner stated that would be his suggestion to bring back information that they can base their count on.

Mr. Waggoner stated they can bring back another draft with the few changes and bring the info to some point this is the third discussion on this and they either need to let this die and go away or move in a direction that we can get somewhere.

Commissioner Skinner stated it will be difficult for the Planning Commission to come to a consensus on this. What they need to focus on is making this allowable and no longer illegal for those in the VR-20 to have chickens. His direction to staff bring back a draft that has less fewer restrictions and address the comments that have been said and get to the crux of what they are trying to do here.

12. For Possible Action: Discussion, deliberation, and possible direction to staff regarding a text amendment to NCC 17.4.700.A.49 Sexually Oriented Business. (AM)

Amanda Marshall stated it is cleaning up the brothel code in that zoning district. It was never supposed to be GC it should have been LI all along.

Mr. Waggoner stated it isn't the brothel code it is sexually oriented business in general. There was a typo in the code that doesn't match the zoning. The GC doesn't allow sexually oriented business as a permissive or a conditional use so this is to correct that.

Commissioner Tyler wanted to clarify that there are currently no sexually oriented businesses in GC, correct.

Mr. Waggoner stated no.

Public comment opened and closed with no comments at 10:02 pm.

Commissioner Turner directed staff to take this on to the BOCC.

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

Next meeting will be August 10th at 6 pm.

Mr. Waggoner stated he will bring back the Master Plan update to review for the new members and refresh the board on where we are and what our plan is to move forward. The goal is to have the document to the BOCC by the end of the year.

Public Comment:

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

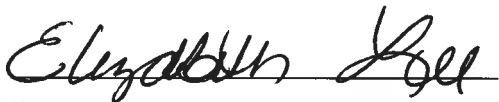
Public comment opened at 10:04 pm.

John Koenig stated he will not eat chicken again.

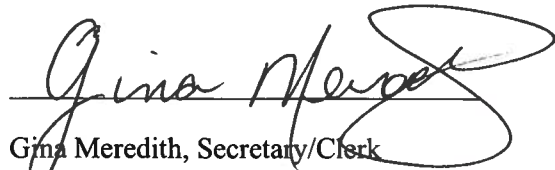
Public comment closed at 10:05 pm

15. Adjournment.

Meeting adjourned at 10:05 pm.



Elizabeth Lee, Chairman
Pahrump Regional Planning Commission



Gina Meredith, Secretary/Clerk
Pahrump Regional Planning Commission