

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE AUGUST 31, 2022 REGULAR MEETING**

Members in Attendance: Beth Lee
Gina Meredith
Robert Blackstock
Pamela Tyler
Walt Turner
Debra Hayden

Members Absent: Jacob Skinner

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
BOCC	=	Board of County Commissioners
CUP	=	Conditional Use Permit
MP	=	Master Plan
NCC	=	Nye County Code
SFR	=	Single-Family Residential
ZC	=	Zone Change

1. Pledge of Allegiance/Call to Order

Meeting called to order at 6:01 pm.

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

Public comment opened at 6:02 pm.

Ammie Nelson stated she has tried to make a complaint online but doesn’t know the address and would like to make a complaint for a political sign on a vacant lot, there is no address for that lot she can find, and there still is a campaign sign. Maybe someone can take a look into that, all the other signs have been taken down, besides this one.

Mr. Waggoner stated they would take care of it.

Public comment closed at 6:04 pm.

3. For possible action - Approval of Minutes:

- a. PRPC Meeting – July 13, 2022

Public comment opened and closed with no comments at 6:04 pm

Motion: to approve the minutes as presented, **Action:** Approve, **Moved by** Gina Meredith, **Seconded by** Walt Turner.

Motion passed unanimously.

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

Mr. Waggoner stated they would like to remove item #14 from agenda.

Public comment opened and closed with no comments at 6:05 pm

Motion: removal of item 14, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

Motion passed unanimously.

5. **Correspondence and Announcements**

None

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

- a. BOCC Liaison Report

Frank Carbone stated they had a successful opening at the Animal Shelter. There are about 300 dogs that need homes.

- b. Director's Report

Mr. Waggoner stated total planning applications received for July was 219 which was decrease of 27, Total applications processed was 119 which was 45 less than the previous month. Building permits was 26 SFR which was 19 less than previous month, there was 1 MF which was 4 less than the previous month and total permits all categories was 178 which was a decrease of 4 and total inspections all categories was 415 which was 57 less than previous month. Code compliance had 27 new complaints which was an increase of 1. They closed 3 which was a decrease of 23 from the previous month.

Previous items heard by this board Text Amendment for 17.04.700 board recommended approval to BOCC and will be heard 9/7/22 BOCC agenda.

7. **For Possible Action – CU-22-28:** Public Hearing, discussion, and deliberation on a request to allow a Tattoo artist to conduct business within “Essential Evolution Massage & Bodywork” located at 1231 E. Basin Avenue. Assessor’s Parcel Number 038-221-04. Victory Plaza LLC – Property Owners. Orlando Lara - Applicant (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.**) (QM)

Amanda Marshall stated the application is to allow the applicant to be a tattoo artist within the business. Body work is permissive with a CUP in the GC zoning district. Staff is recommending approval of the application.

Orlando Lara stated its pretty straight forward process to go through, I believe I have all my boxes checked.

Commissioner Lee asked the applicant if they have you read and understood the conditions of approval in the staff report.

Mr. Lara stated yes.

Public Comment opened and closed with no comments at 6:12 pm

Commissioner Carbone asked the applicant if there are any renovations on the inside of the building?

Orlando Lara stated no, he just had to bring a standalone sink and hot water heater.

Mr. Waggoner stated he will have to get a fire and life inspection scheduled.

Orlando Lara stated the building itself was renovated 4 or 54 months ago and are still waiting for the fire and safety inspection.

Motion: approve CU-22-28 based on staff's findings and subject to the conditions of approval, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Gina Meredith.

Motion passed unanimously.

8. **For Possible Action – CU-22-29:** Public Hearing, discussion, and deliberation on a Conditional Use Permit application to restore the Grandfathered Use of an auto sales lot located at 4800 S. Pahrump Valley Blvd. Assessor's Parcel Number 044-231-10. Carl J & Mona Lisa Dickerson – Property Owners. Victoria Burger / Pahrump Auto Sales - Applicant (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.**) (QM)

Steve Osborne stated there was a previous auto sales business and ceased operations in March 2020 since it was closed for more than 6 months it lost the grandfathered status. Applicant is applying to reinstate the previous auto sales business. Staff is recommending approval subject to the conditions of approval.

Commissioner Turner asked if the Master Plan RDA permits something like this or similar.

Mr. Osborne stated it is RDR and the most intensive zoning for that category is NC so they would have to do a master plan amendment and rezone to GC.

Victoria Burger stated she has previously had auto sales in Florida, she would like to offer affordable autos to the community.

Commissioner Turner asked if they will be new and used or just used cars?

Ms. Burger stated just used.

Commissioner Lee states have you read and understood the conditions of approval?

Victoria Burger states yes.

Mr. Waggoner stated the applicant should get in touch with Building and Safety for a life safety inspection.

Public Comment opened and closed with no comments 6:18 pm

Motion: move to approve CU-22-29 based on the findings and subject to the conditions in the staff report, **Action:** Approve, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

Motion passed unanimously.

9.

- a. **For Possible Action – ZCMP-22-15:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately 100 acres from Rural Homestead (RH-4.5) to Rural Homestead (RH-9.5), located at 3751 W. Betty Avenue, to allow

for a 20-megawatt solar photovoltaic energy generating facility. Assessor's Parcel Number 027-541-25. Kennington-Pahrump NV, LLC – Property Owner. Consolidated Edison Development, Inc – Applicant (**The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for September 20, 2022, or as otherwise announced.**) (SO)

- b. **For Possible Action – WV-22-16:** Public Hearing, discussion, and deliberation on a Waiver application to waive the requirements of Nye County Code Sections 17.04.720 – 730 Parking & Loading Facilities, 17.04.740 Landscaping, 17.04.440.D Fence Height and Fence Setback, and 17.04.210 Structure Height, relating to a proposed 20-megawatt solar photovoltaic energy generating facility at 3751 W. Betty Avenue. Assessor's Parcel Number 027-541-25. Kennington-Pahrump NV, LLC – Property Owner. Consolidated Edison Development, Inc – Applicant (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.**) (SO)

Commissioner Lee disclosed she works for Valley Electric Association, and they are working on the Interconnection agreement with the applicant however she is not involved in the process and doesn't believe there is a conflict of interest and will participate in the items.

Steve Osborne states solar facilities are not allowed in the current RH-4.5 zone, also required per Nye County Code 17.10, for projects involving an electric generating facility or system that uses renewable energy as its primary source of energy to generate electricity, for all areas within Nye County, including those areas within the Pahrump Regional Planning District, the approval of a Special Use Permit (SUP) is also required, which the applicant has applied for, and which is scheduled to be heard by the BoCC on September 20, 2022. Approval of the ZC doesn't authorize the construction of the proposed solar facility they also have to have approval of the SUP.

Commissioner Blackstock asked for clarification on the water, it says they are getting water from another source, what is that other source?

Mr. Osborne stated they aren't constructing a well so they are going to have get it off site but it would have to be an approved source, the applicant could discuss that further.

Robby Jay stated they have been retained by the applicant to represent the project. They have reviewed and are in agreeance with the conditions that staff has provided. They are still working on finding a local source but it would be someone who has water rights or has the rights to release water.

Commissioner Turner asked if it will be water delivery to the site.

Mr. Jay stated yes.

Commissioner Turner asked what the expected water draw is.

Mr. Jay stated during construction it will be 20-acre feet total and then during operational it will be 2-acre feet annually but they expect it to be much less.

Commissioner Turner asked what the primary use of the water will be.

Mr. Jay stated it will be to wash the panels.

Commissioner Blackstock asked how often the panels will be cleaned.

Mr. Jay stated he doesn't have the answer to that, it depends on the panels the applicant chooses to use on the project.

Commissioner Blackstock stated there will be 100 acres of dust and he sees the 2-acre feet becoming 4 acre feet quickly and that is a contention of his.

Commissioner Lee asked Mr. Osborne for clarification that they state they want to use chain link with privacy slats and asked if that is allowed under NCC.

Mr. Osborne stated it would be allowed.

Commissioner Turner asked the applicant how many acres of the 100 are planned for panels.

Mr. Jay stated they are planning on using most of the site and right now the design is preliminary, but they are trying to determine how they can maximize capacity.

Commissioner Turner asked if it could be 90 to 95% if they are able to maximize capacity.

Mr. Jay stated with setback requirements, yes.

Commissioner Turner asked if they are planning on doing it all at once or in phases.

Mr. Jay stated there will be one phase and taking 8 -12 months to construct.

Commissioner Lee asked if any environmental studies have been done.

Mr. Jay stated yes, and there have been no significant findings on the site.

Commissioner Lee asked staff if they can make a condition to accept the materials in Nye County Code and not accepted elsewhere and transported here.

Mr. Waggoner stated not through the ZC process but could be addressed through the SUP process. And regarding the water they are going to require an engineers estimate not just a statement, something showing actual data what water will be required of construction and what water will be required through maintenance.

Commissioner Lee asked if they will be able to ask for quarterly reports on where the workforce will be coming from.

Mr. Waggoner stated yes.

Commissioner Lee asked if they will post placards on the fencing.

Mr. Jay stated yes they will adhere to the NEC requirements for posting.

Commissioner Meredith asked about the exterior lighting.

Mr. Jay stated right now they are still figuring it out but understand the code. The control enclosures or maybe the invertors will have downward lighting for maintenance but that maintenance would be scheduled during the day so they would not be lit up.

Commissioner Turner asked what the request is for the height of the fence? What is it in code and what they are requesting?

Mr. Osborne stated NCC height is 6 ft they are asking for 7 ft.

Commissioner Turner asked if there will be barb or electric wire.

Mr. Jay stated externally no, but around the switch yard internally they plan on putting barb wire.

Commissioner Turner asked for clarification that this is just for approval of the ZC and the waiver and before approval of the project there will be another meeting, correct.

Mr. Osborne stated the ZC and SUP will go before the BOCC.

Commissioner Carbone asked the applicant if they are planning on leasing the property or are they planning on buying it.

Mr. Jay stated they have a lease option, but the plan is to buy the property.

Commissioner Tyler stated they are connecting to the VEA power grid and asked where the power is going.

Mr. Jay stated they don't have a power purchase agreement at this time, they are interconnecting into VEA they have done a system impact study to see what types of upgrades will be needed to the facilities and they are hoping VEA acquires and keeps the power locally.

Commissioner Tyler asked what happens if they are approved and don't have a power purchase agreement, what happens to the power.

Mr. Jay stated before they construct they will work on obtaining a power purchase agreement.

Commissioner Turner asked what the longevity of the site is?

Mr. Jay stated they are anticipating 20 years of operational life.

Commissioner Turner asked what the options are after that. Would they change complete purpose or restock items or come in with new equipment and redo it all?

Mr. Jay stated he will address that with the applicant.

Commissioner Turner asked what benefits does a project like this do for the local community.

Mr. Jay stated they would hope the local work force would provide those support resources, property taxes and goods and services through the impact of the construction. They believe this is the highest and best use for this land, it is in a flood zone and bring a lot of economic impact to the project.

Commissioner Turner asked once the project is up and running are there any benefits at that point that would be using to highlight for the project.

Mr. Jay stated 2 – 3 full time on site personnel for maintenance and on going property taxes that the property would incur for the local economy.

Public comment opened at 6:36 pm.

Dee Mounts spoke in opposition and stated she is getting multiple questions from residents asking how the Planning Commissioners are appointed and don't they live here in Pahrump. Everyone keeps throwing solar farms at them and they keep trying to come back and fight them. They were told VEA doesn't even know about this solar farm. These property values will dump when this is recommended to the BOCC and she is asking for them to not recommend approval to the BOCC. It isn't good for us, for the property values or the water. And stated she is against the fence waiver as well.

Allen Sanders stated his concern is that they are putting the whole farm together and asked if there have been geological studies and what it will do to our water table. There are a lot of things they didn't account for and one of those is the weight of the solar farm on the water table and this is a flood zone. The major concern is a health concern some have heart conditions, and his wife has respiratory conditions.

Ammie Nelson stated she has documents that show the 200 acres in Boulder City 8 months ago took 20 million gallons of water in 2 months during construction to keep dust down and it didn't work. They were fined because it didn't control the dust. What will the photovoltaic panels be manufactured from and what chemicals will contaminate the ground water. If you use the scale from Boulder City it will take at least 1 acre feet of water in 2 months not 12 months to keep the dust down on this particular project. The amount of dust we already get is going to be accelerated from the construction of these panels. The lights are going to be on automatic and an animal or rabbit will turn them on in the middle of the night. It will disrupt everyone in the area there are people that have homes that are 3 feet from the fence. If Valley Electric is going to be involved at all we should know where this power will be used.

Linda Clark stated she objects to the project and no one wants it in their back yard. They don't benefit from this and it will all go to California.

Bruce Herman stated is against this project, the fence will obstruct his view of the mountains. The lights will bother them, when there is 100 acres of lights it will disturb everyone.

Darryl Lackey stated the current solar farm distracts you when the sun hits it, they don't move so it doesn't work properly to absorb the sun. The whole thing is ridiculous to put by people's houses.

Ramsey Deverux stated he is against this project. No one wants it unless you profit from it.

Claudia Holmes stated she has COPD and these solar farms will not be beneficial for her or others like her and she is against this project.

Joyce Scarelli stated she lives right across the street from this solar farm. She is against this project and the reflection from the panels and dust from the construction will be an eye sore. This is ruining her property value. There is all this land between her and Vegas they should but it out where one one lives.

Bernice Acosta-Walker stated she came out here for a place to retire. It is peaceful and they can see the beautiful mountains. She is against the project and asked why they would choose land in a subdivision by homes. This will bring noise that they don't want to hear.

Tim Bohannon stated they heard a lot around the homes, what he hasn't seen in the information is what other projects have they put this close to houses and why. Did they get the same feedback, is this really the right thing to do? He hasn't seen anything on what benefits will be to Nye County and Pahrump. Tax dollars are one thing but what about the housing, the people and the environment. There are a lot of weaknesses and things that need to be looked at.

Mike Fender stated the variances are a big thing here, he doesn't want the variances to be approved because if they are they will set the record for other solar farms to be built on private lands within the townsite of Pahrump, Nye County. There was a PEIS drawn up in 2012 by DOJ and BLM regarding solar farms.

Carolyn Tarver stated she didn't know anything about this until she got her notice in the mail. She really doesn't want this thing here, it is literally up against her property.

Jeanie King stated she couldn't believe how Strickland could say this would be a good thing in the middle of town. If she doesn't want them on the perimeter, why would you want it in the middle of town. Zoning laws are to protect the people. She is asking that they not recommend this to move forward.

Joey Barishman stated she can't believe they would even consider changing the zoning. It is wrong for Pahrump and the people that live right next to it. Their property will be worth nothing now. It is unhealthy and unhealthy for Pahrump. She doesn't agree with this project or any others like it that come to Pahrump.

Ed LeBanc stated once you let the solar farms come into the confines for Pahrump it will be a domino effect. He doesn't want to see it and is opposed to it.

Joe Davis stated he has solar panels on his house but they won't sell the power what VEA is selling power for. They only work 19 – 20 % of the time then the power bills will go up. He is against the project.

Michael Selbach stated he is a local real estate broker and stated he would be crushed if they put a solar farm by him. This will hurt the property values, he isn't against the solar plants but doesn't like the location it is all wrong.

Marvin Shemp stated this solar farm will be right outside his property. He is against this project as well.

Bryan Osterman stated he just moved here in June and wants them to vote no on this. No questions are even being addressed adequately.

Robert Behrman stated this will disrupt his life and home. He disagrees with it 100%. The average water usage for a solar plant is 350,000 gallons to 750,000 gallons a year. What will that do to their water table?

Sean Carter stated when he leaves for work in Las Vegas in the mornings he sees big water trucks leaving 160 and heading out to the big solar plant out of town. They come into Pahrump to get their water.

William Lee stated he has meet over 35 neighbors in the last two weeks that are against this.

James Johnson stated he is from Portland, OR and this is the desert. The water table is supporting the community and you want them to come in and disrupt your living etc,

Public Comment closed 7:21 pm.

Mr. Jay stated they heard a lot of great comments here and he thinks a lot of them aren't fully vetted or educated yet. If anyone would like to meet with them they would like to get together with them and answer any questions.

Commissioner Lee asked staff what the difference is between the existing RH-4.5 and the requested RH-9.5 district.

Mr. Osborne stated RH-4.5 doesn't allow for solar facilities. That is the main difference.

Commissioner Lee stated they looked very similar but that seemed to be the only difference. On the waiver can they split up the items or is it one waiver they are asking for.

Mr. Osborne stated it is one waiver but has multiple parts to it.

Commissioner Turner asked staff if the waiver would be something best heard with the SUP since it is related with site development.

Mr. Waggoner stated this is standard and in order to develop their plan to move forward they need to get through this waiver portion first.

Commissioner Tyler stated since we are in the middle of looking at our master plan and if they chose to hold off and not grant any changes to zoning do they still have to deal with the waiver?

Mr. Waggoner stated they aren't final action on the zone change, so all they are doing is making a recommendation. The waiver stands alone on its own. If the board decides not to grant the waiver, they can change the design standards they are going to work with.

9. A

Motion: recommend approval of zone change ZCMP-22-15 to BOCC, **Action:** Recommend, **Moved by** Walt Turner, **None seconded.**

Motion died for a lack of second.

Motion: recommend denial of the zone change ZCMP-22-15 on the grounds they are currently redoing the Master Plan and doesn't see any reason to change zoning when they might want to take another look at in another month or so, **Action: Recommend, Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

Motion passed unanimously.

9.B

Motion: to deny WV-22-16 stating she doesn't see the need for a 7 ft fence or any of the other waivers, **Action:** Deny, **Moved by** Pamela Tyler, **Seconded by** Gina Meredith.

Mr. Waggoner stated as part of the motion she needs to state the findings as part of the motion.

Commissioner Tyler stated her findings were that there is no need for a 7-foot fence and other waivers on the existing lot. They see no basis for approving waivers for this when they aren't recommending approval of the zone change.

Mr. Waggoner stated they may want to ask the DA if that is sufficient because we have to be careful when we are contradicting the findings in the staff report.

Michelle Nelson, DDA stated that was stated just fine.

Motion passed unanimously.

Meeting went into recess at 7:34 pm.

Meeting reconvened at 7:45 pm.

10.

a. **For Possible Action – ZCMP-22-11:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately 1.9 acres from Neighborhood Commercial (NC) to Commercial Manufacturing (CM) on property located at 771 W. Mesquite Avenue. Assessor's Parcel Number 035-091-09. Michael Selbach and Jason Gettle – Property Owners/Applicants **(The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for September 20, 2022, or as otherwise announced.) (SO)**

b. **For Possible Action – CU-22-27:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow a Caretaker's Residence on property located at 771 W. Mesquite Avenue. Assessor's Parcel Number 035-091-09. Michael Selbach and Jason Gettle – Property Owners/Applicants **(This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.) (SO)**

Mr. Osborne stated the applications are to allow an automotive repair shop and a caretaker's residence on the property. Rezoning is in conformance with the Master Plan and NCC allows for automotive service facilities in CM and a caretaker's residence is permissive with the approval of a CUP. In the conditions #4

states the applicant is required to submit a Cat 2 site development plan application for the repair facility and #12 they have to get a State of Nevada DMV license for the repair facility. Staff recommends approval to the BOCC of the Zone Change and approval of the CUP.

Commissioner Turner asked if the SFR on the property that is going to be the caretaker's residence is under 1500 sq ft.

Mr. Osborne stated that is only a requirement for a guest residence. There is not a size requirement on a watchman's quarter.

Commissioner Lee asked about the conditions # 2 and # 6 it states both will expire when the use changes or the proposed use is sold?

Mr. Osborne stated they can delete #2 that isn't a typical condition they would have.

Commissioner Lee asked what about condition #6.

Mr. Osborne stated the CUP would run with the land and it can be deleted too. He stated deleting the sold, transferred, or reassigned would be acceptable.

Commissioner Lee asked if there were any code cases on this.

Mr. Waggoner stated there is a code case and these applications are coming forwarded to rectify this issue.

Commissioner Lee asked if this could have been grandfathered.

Mr. Waggoner stated no, to his knowledge it hasn't been an auto repair facility in its past life. Without proof of a licensed legal operating auto repair facility grandfathering wouldn't be applied. And we didn't get any proof of that, we place the burden of proof on the applicant, and he believes that is why we are at this point now.

Commissioner Turner asked when you say that, that means an actual business license with the town and state.

Mr. Waggoner stated yes.

Commissioner Turner stated and even if it was being used as that if they weren't licensed?

Mr. Waggoner stated it wasn't legal then, no.

Commissioner Lee stated grandfathering is legal non-conforming so it has to be legally operating at some point.

Michael Selbach stated from 1994- 2017 it was operated as Spring Auto & Air as an auto repair and air conditioning repair shop. Whether they were licensed or not he isn't 100% sure, but would have to look into that. The property was then bought by Ozzy John and he operated it as an auto repair facility as well and he wasn't a legal operating shop at all. He knows staff tried to get Mr. John to come into compliance and that just didn't happen. They are cleaning up the property and have removed 17 abandoned vehicles from the property. They are in the middle of remodeling the house as well. He feels they are jumping through a lot of hoops but he is willing to do it.

Commissioner Lee asked Mr. Selbach if he has read and understand the conditions of approval and the modifications?

Mr. Selbach stated yes but asked staff if it changes use they would lose what they are doing but what if 5 years down the road and he wants to sell the property as an auto shop he can still do that.

Mr. Waggoner stated yes if the conditions aren't removed then yes. He does still have to make the new buyer aware of the conditions that goes along with that.

Commissioner Turner asked staff if #2 and #6 aren't removed it could stay an auto shop.

Mr. Waggoner stated if they were removed. If #2 was removed and #6 wasn't the CUP would still be in place. He stated for clarification of his previous statement that a legal auto shop hasn't existed on the property.

Commissioner Carbone asked if the hot rodding will continue on the road.

Mr. Selbach stated that employee isn't with them anymore and that will not happen again.

Commissioner Turner asked for clarification again that removing just #2 that means upon sale it could stay an auto shop but would lose the CM.

Mr. Waggoner stated no if you leave condition #2 and the property was sold, the CM zoning would revert to NC. And by removing #6 the CUP would stay in place for an auto shop.

Commissioner Turner asked if the CUP goes away would the auto shop be grandfathered?

Mr. Waggoner stated CM allows certain permissive uses and uses by a CUP. If the zoning remained the same as the property was sold and the use stays the same and the zoning allows it they can do it and may it may require a new CUP. If changing back to NC it would be technically grandfathered in, and legal with the CUP that is in place as the auto shop.

Public Comment opened at 8:02 pm.

Sean Carter stated he isn't sure what is going on with the 771 address because on the property it has a Buckboard address and stated when Bob and Mary owned it, it was Spring Mountain Air and they worked on his car, so it was a mechanic shop maybe not legal and a scooter shop and when Mr. John owned it, it turned into a junk yard. He asked if there will be hours of operation? Maybe like 9 – 5, it is a neighborhood.

Michael Selbach stated Jason the mechanic normally gets there about 6 am to about 4 or 5 in the afternoon. Maybe something like 6 am to the latest about 6 pm.

Mr. Waggoner stated the board could always add conditions for operating hours.

Public Comment closed at 8:06 pm

Commissioner Turner asked about the current noise ordinance for residential areas. Does the same noise ordinance apply to commercial.

Mr. Waggoner stated they apply everywhere but suggests adding a condition.

Commissioner Turner asked what the current ordinance states for times.

Mr. Waggoner stated there is none. It just states excessive noise which can be interpreted any way.

Commissioner Meredith stated to Mr. Selbach that she has noticed parking across the street in the dirt lot on Mesquite. Will that be put a stop to?

Mr. Selbach stated he will address that with Jason.

Commissioner Turner asked if he has plan to take inflow of customers at the current entrance or further down at the next gate.

Mr. Selbach stated he can open up a second gate on the side. They have never really thought about it but they can discuss it.

Motion: recommend approval to BOCC of ZCMP-22-11 based on the findings and subject to the conditions of approval in the staff report, removing special condition #2 and #6 with the addition of hours of operation restricted to 6 am to 10 pm.

Commissioner Lee asked for clarification that he wants to remove condition #6 not just the sold transferred or reassigned portion.

Commissioner Turner stated he would take recommendations.

Commissioner Lee stated if you strike the entire thing it will lose the CUP for the Auto repair if you remove it they can change the use.

Commissioner Turner stated his motion for the CUP to strike sold, transferred or reassigned with the addition of hours of operation to be restricted.

Commissioner Lee stated we are just talking about the ZC right now and the two conditions of approval are worded a bit differently. The ZC # 2 states the zone change shall immediately expire for the following reasons: The proposed use changes or the property for the proposed use is sold. That one is okay striking completely. And # 6 for the CUP it states the Conditional Use Permit shall automatically expire if the property where the proposed use is located is sold, transferred or reassigned, the proposed use changes or ceases to operate. So that is just the portion.

Commissioner Turner restated his motion to be, “recommend approval to BOCC of ZCMP-22-11 based on the findings and subject to the conditions of approval in the staff report with the changes to CUP special condition #2 to be stricken and removing the portion of #6 “sold, transferred or reassigned” and adding in hours of operation to be from 6 am to 10 pm.

Mr. Waggoner stated we are on the ZC. The only condition that applies to the ZC are condition#1 and Special condition #2 and #3. You want to leave everything else out.

Commissioner Turner restated his final motion to be:

Action: Recommend approval to BOCC of ZCMP-22-11 based on the findings and subject to the conditions of approval in the staff report striking condition #2, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.

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

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

No: Beth Lee.

Item #10 B

Motion: approve CU-22-27 based upon the findings and subject to the conditions in the staff report with the change to condition #6, by removing the verbiage sold, transferred, and reassigned and adding a condition of approval for operating hours of between 6 am to 10 pm.

Commissioner Carbone asked why hours till 10 pm. There are people around the facility.

Commissioner Turner stated he amends his motion for hours of operation to 6 am to 8 pm.

Action: Approve, **Moved by** Walt Turner, **Seconded by** Pamela Tyler.
Motion passed unanimously.

11.

- a. **For Possible Action – ZCMP-22-10:** Public Hearing, discussion, and deliberation on an application for a (Conforming) Zone Change to change one (1) parcel totaling approximately .46 acres from Neighborhood Commercial (NC) to General Commercial (GC) on property located at 2020 S. Cortina Street. Assessor’s Parcel Number 042-712-04. Dirt to Surf, LLC – Property Owner. George Romero – Applicant (**The Pahrump Regional Planning Commission makes a recommendation on this item. Final Action by the Board of County Commissioners is scheduled for September 20, 2022, or as otherwise announced.**) (SO)
- b. **For Possible Action – WV-22-13:** Public Hearing, discussion, and deliberation on a Waiver application to waive the requirements of Nye County Code Sections 17.04.770.I(6), (7) (a-d), and (8) (c-d) to allow an Off-Premises Sign, located at 2020 S. Cortina Street. Assessor’s Parcel Number 042-712-04. Dirt to Surf, LLC – Property Owner. George Romero – Applicant (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.**) (SO)
- c. **For Possible Action – CU-22-23:** Public Hearing, discussion, and deliberation on an application for a Conditional Use Permit to allow an Off-Premises Sign on property located at 2020 S. Cortina Street. Assessor’s Parcel Number 042-712-04. Dirt to Surf, LLC – Property Owner. George Romero – Applicant (**This item is Final Action by the Pahrump Regional Planning Commission unless appealed to the Board of County Commissioners, or as otherwise announced.**) (SO)

Steve Osborne stated the property is CDA and rezoning to GC is in conformance with the MP and allows for off premise signs with a CUP. This sign potentially was installed prior to the adoption of NCC sign requirements the property owner had applied for a grandfathered use determination, and it was determined that property owner didn’t supply sufficient documentation to verify the date it was originally installed on the property. There are a few waivers that are necessary based on the required sign separation requirements for off premise signs. Staff is recommending approval and recommending approval of the ZC to the BOCC.

Commissioner Turner asked if the house behind it has the childcare?

Mr. Osborne stated at Cortina and Omaha, he isn’t sure that is the one.

Applicant was not present at the meeting.

Public comment opened and closed with no comments at 8:23 pm.

11.A Motion: recommend approval to the BOCC for ZCMP-22-10 based upon the staff findings and subject to the recommended conditions of approval, **Action:** Recommend, **Moved by** Pamela Tyler, **Seconded by** Walt Turner.

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

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

No: Beth Lee.

11. B & C: Motion: CU-22-23 and WV-22-13 upon the staff findings and with the recommended conditions of approval, **Action:** Approve, **Moved by** Pamela Tyler, **Seconded by** Walt Turner.

Motion passed unanimously.

12. **Continued from the July 13, 2022 - For Possible Action – Text Amendment TA-4:** Discussion, deliberation, and possible direction to staff regarding amending NCC 17.04.240 to possibly allow for the keeping of chickens under specific conditions on Village Residential (VR-20) zoned parcels of land 20,000 square feet or larger. (QM)

Mr. Waggoner stated we had many public commentors on this. We took that information and sent research out to the RPC on other information we found. Summary of the comments people had issues with the setback of the coop from the property lines and roosters, they want the roosters. If you have read what is presented it is consistent with rooster. Most jurisdictions don't allow roosters because of the noise factor. One jurisdiction wanted the roosters over 2 months old had to be in soundproof enclosure during the night. If we are talking about possibly changing the code to allow roosters on VR-20 the center of town the VR-20s are pretty much developed and it is very important that it remains in there if they move forward. Most of the codes prohibit roosters over a certain age. Most of the jurisdictions require chickens to be kept in a predator proof coop. People were saying the roosters keep the owners alerted to predators. It is a good requirement that they stay in a coop on the property. The setbacks could have a little leniency. We were suggesting limits of 10 and some limited them far more than that with the number they are allowed to keep. What brought this about is we have a lot of VR-20s that aren't the half acre in size. If we want to move forward it would be better to base the limit on some sort of measurable acreage. We are in the process of the MP amendment, and we can't change zoning, but we can identify areas around town that need fixed to match the Zoning or vice versa. There will never be a consensus, He lives on a VR-20 and he wouldn't want them by him and there are some properties that do and he hears the roosters and even turkeys. He advises personally that they don't move forward with any of it.

Commissioner Lee was in favor of this because of subsistence farming but the Master Plan is a big issue and there is a big conflict with VR-20 being zoned property. She thinks this should die at this point in time and finish the MP and address the VR-20 issues.

Commissioners Turner asked if there are any outstanding code issues.

Mr. Waggoner stated yes there are code compliance cases on VR-20's with chickens.

Commissioner Tyler stated one thing they were trying to accomplish is to allow something in an area where it currently isn't allowed and yet that message was lost. Maybe they don't truly want it there because we haven't opened public comment and there aren't many people here that aren't staff. It is best they figure out the MP with VR-20 and revisit this issue.

Commissioner Turner stated he agrees, and asked staff if they save it for later can it stay at this point so they are still close and he can add in notes so he doesn't forget. Like recommendations and numbers to fix the problem. So when we come back it is already in the recommendation.

Mr. Waggoner stated unless you are wanting to put them on the record, he can email them to him.

Commissioner Turner stated he would like them on the record. He wants the number of chickens to be based off the number of residents on the property on ½ acre for example 6 chickens per person in the home. But to set a number.

Mr. Waggoner stated there was an example in the backup he believes it is 2 per person in the household.

Commissioner Hayden stated she has chickens and has a much larger lot. 6 is way too many per residents. She has 5 and they have more than enough eggs and they are giving them away to family and friends. Someone made the comment that they are taking the money out of their pockets, that means they are selling them, and she isn't. She agrees it should be a predator proof coop and there is a huge fly problem so she'd not want to impose that on the neighbor and the setbacks should stay the same. She thinks 10 is too many and she thinks it should be 6.

Public Comment opened 8:40 pm.

Tim Bohannon stated he has done some research and stated in Davis County, in South Weber Utah the animal regulations use a point system per half acre. They assign points per small, medium and large

animals. He suggests Yucca Valley they have a comprehensive look at addressing the square footage and the number of animals on the lots. He can email Mr. Waggoner the link. The point system seems to be common in rural communities.

Public Comment closed 8:44 pm.

Commissioner Turner would like to see this brought back after the Master Plan has been discussed.

Commissioner Carbone stated part of this was people being fined and summoned on the properties. He'd like to know what the Planning Director is going to do about that. Are we going to follow through for people having animals on the property.

Mr. Waggoner stated we will continue to enforce the code as it is written today.

Commissioner Carbone stated he hopes the sheriff understands what you just said.

Mr. Waggoner stated luckily, she isn't involved in it, it would be code compliance. As it stands today VR-20 or less doesn't allow livestock or chickens.

Commissioner Carbone stated they will have a lot of public comment on it.

Mr. Waggoner stated there will be a lot less than you would if they recommend taking this forward.

Public Comment reopened at 8:46 pm

Sharon Wehrly stated she has a question on the ordinance and asked if they changed that animals couldn't live on one parcel while you lived on another. Because that was in the ordinance it said you have to live on the same parcel that their home is. There are some VR-20s that have two and animals are on one and they live on another.

Public Comment closed at 8:47 pm.

Commissioner Lee clarified that there is direction from the board to bring this back after the Master Plan is done.

13. **For Possible Action – Text Amendment TA-6:** Discussion, deliberation, and possible direction to staff regarding a draft Bill proposing to amend NCC 17.04.925.C.6, 17.04.925.J.4, 17.04.925.K.4 and 17.04.925.L.C by removing “personally delivering a copy of the written notice to the permittee” from the code and adding “the written notification may be sent to the permittee by personal service, registered or certified first class mail to the permittee’s address as specified on the temporary use permit application or by electronic delivery within the on-line application portal or via email.” **(QM)**

Mr. Osborne stated the reason for this bill is for the Open Gov portal system we have now where applicants apply online electronically and notices get sent back to them online. They want to change it so it is done electronically email or through the online system.

Commissioner Turner asked if the email system can be confirmed it is being opened.

Mr. Osborne stated through Open Gov the notices are issued and it is all through there.

Public Comment opened and closed with no comments at 8:51 pm.

Motion: Recommend approval of TA-6 to the BOCC, **Action:** Recommend, **Moved by** Pamela Tyler, **Seconded by** Walt Turner.

Motion passed unanimously.

14. **For Possible Action:** Discussion, deliberation, and possible direction to staff regarding the Pahrump Regional Planning District Master Plan Update; project status, proposed workshops, and schedule for completion. (SO, QM)

Item was removed from agenda.

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

The next meeting will be September 14 at 6:00 pm.

Mr. Waggoner stated due to the technical difficulties they had last time and the lack of use on the phone system they are keeping the phone system for staff, board members and the DA to participate, but will no longer utilize it for the public.

Public Comment:

16. **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 8:53 pm.

Tim Bohannon stated as part of their standardbred project he would like to bring forward a presentation with information about the large Animal Vet Hospital and rehabilitation center they are planning, sometime in October or November. They are very active in raising money and getting the project ready to go.

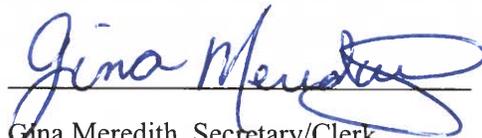
Public comment closed at 8:55 pm.

17. **Adjournment.**

Meeting adjourned at 8:55 pm.



Elizabeth Lee, Chairman
Pahrump Regional Planning Commission



Gina Meredith, Secretary/Clerk
Pahrump Regional Planning Commission