

# NYE COUNTY AGENDA INFORMATION FORM

Action     Presentation     Presentation & Action

Department: Planning	Agenda Date:	
Category: Regular Agenda Item	June 15, 2010	
Contact: Steve Osborne	Phone: 775-751-4029	Continued from meeting of:
Return to: Steve Osborne	Location: Pahrump Planning	Phone: 775-751-4029

Action requested: (Include what, with whom, when, where, why, how much (\$), and terms)

Discussion, deliberation and possible decision on a request to set a date, time and location for a Public Hearing on Nye County Bill No. 2010-08: A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, adding definitions of Renewable Energy, Renewable Energy Generating Facility, and Solar Photovoltaic Facility-20 Megawatts Maximum, adding Renewable Energy Generating Facility as a Permissive Use in the Light Industrial (LI) Zoning District, and adding Solar Photovoltaic Facility-20 Megawatts Maximum as a Permissive Use in the Rural Homestead (RH-9.5) Zoning District, and other matters properly related thereto.

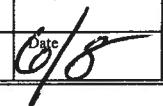
**Complete description of requested action:** (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

**Expenditure Impact by FY(s):** (Provide detail on Financial Form)

No financial impact

**Routing & Approval (Sign & Date)**

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager 	<input type="checkbox"/> Place on Agenda 

**Board of County Commissioners Action**

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # 9p2

**NYE COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING DEPARTMENT STAFF REPORT**

**Meeting Date:** June 15, 2010

**AGENDA ITEMS**

**Request to Set a Date, Time and Location for a Public Hearing on Bill No. 2010-08:**

Discussion, deliberation and possible decision on a request to set a date, time and location for a Public Hearing on Nye County Bill No. 2010-08: A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, adding definitions of Renewable Energy, Renewable Energy Generating Facility, and Solar Photovoltaic Facility-20 Megawatts Maximum, adding Renewable Energy Generating Facility as a Permissive Use in the Light Industrial (LI) Zoning District, and adding Solar Photovoltaic Facility-20 Megawatts Maximum as a Permissive Use in the Rural Homestead (RH-9.5) Zoning District, and other matters properly related thereto.

**GENERAL INFORMATION SUMMARY**

This Bill has been reviewed and recommended for adoption by the Pahrump Regional Planning District at their May 12, 2010 meeting (see RPC minutes below).

Staff recommends setting the Public Hearing for July 22, 2010 in Pahrump.

**RPC MINUTES**

**RPC Minutes (from the May 12, 2010 RPC meeting):**

Beth Lee reviewed the staff report and project synopsis; Title 17 of the Nye County Code, known as the Pahrump Regional Planning District Zoning Ordinance, was established under Ordinance 229 and became effective in September of 2000. Since its inception, the Zoning Ordinance has been amended on at least thirty-six separate occasions. The purpose of this text amendment is to identify shortcomings with the current Code to allow for renewable energy developments. Staff is moving to recommend adoption of Bill 2010-08 to the Board of County Commissioners.

Commissioner Tolladay asked if twenty megawatts of energy be generated with this technology on one 9.5-acre parcel, or will it take more area than that?

Darrell Lacy stated they are looking at 8 to 10 acres per megawatt, so this would require about 160 acres total to get to that size.

Commissioner Tolladay stated 8 to 10 acres per megawatt.

Darrell Lacy stated that is correct.

**Public Comment – 7:55 p.m.**

Lucy Ivins stated as a community and business advocate she became highly encouraged when she read the agenda. She fully supports TA-10-0006. She read a statement into the record.

Darrell Lacy stated his wife works for Nevada Energy, one of the companies in that valley that has been looking to build a renewable energy project. There have been dozens in here looking over the last year. One of the common comments has been that they did not have enough land zoned to support renewable energy in the Valley.

Commissioner Parker questioned why they are limiting this to Light Industrial (LI), is there any reason why it cannot go into the Heavy Industrial (HI) areas also?

Beth Lee stated they put it in the Light Industrial (LI) district to make it allowable in there and the Heavy Industrial (HI), the way the code is already written, allows all of the Light Industrial (LI) permissive uses in the Heavy Industrial (HI) zone.

**Public Comment Closed – 7:59 p.m.**

*Commissioner Kimball motioned to approve TA-10-0006 based on the recommendations of the staff and the significant testimony of the individual who spoke on behalf of the legislation. Commissioner Tolladay seconded. Roll call vote: Parker, yes; Kimball, yes; Tolladay, yes; Masterson, yes; Minnick, yes; Opatik, yes. Motion to approve passes 6-0.*

**RECOMMENDATION**

**Recommended BOCC Motion:** “I motion to set the date, time, and location for a Public Hearing regarding Nye County Bill No. 2010-08 for July 22, 2010 at 11:00 a.m., in Pahrump, Nevada.”

NYE COUNTY ORDINANCE NO. \_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code Title 17, the Pahrump Regional Planning District Zoning Ordinance, adding definitions of Renewable Energy, Renewable Energy Generating Facility, and Solar Photovoltaic Facility-20 Megawatts Maximum, adding Renewable Energy Generating Facility as a Permissive Use in the Light Industrial (LI) Zoning District, and adding Solar Photovoltaic Facility-20 Megawatts Maximum as a Permissive Use in the Rural Homestead (RH-9.5) Zoning District, and other matters properly related thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 17, THE PAHRUMP REGIONAL PLANNING DISTRICT ZONING ORDINANCE, ADDING DEFINITIONS OF RENEWABLE ENERGY, RENEWABLE ENERGY GENERATING FACILITY, AND SOLAR PHOTOVOLTAIC FACILITY-20 MEGAWATTS MAXIMUM, ADDING RENEWABLE ENERGY GENERATING FACILITY AS A PERMISSIVE USE IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT, AND ADDING SOLAR PHOTOVOLTAIC FACILITY-20 MEGAWATTS MAXIMUM AS A PERMISSIVE USE IN THE RURAL HOMESTEAD (RH-9.5) ZONING DISTRICT, AND OTHER MATTERS PROPERLY RELATED THERETO.

**WHEREAS**, pursuant to NRS 278.020, for the purpose of promoting the health, safety and the general welfare of the residents of Nye County, the Nye County Board of County Commissioners (Board) is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures; and

**WHEREAS**, any such regulation, restriction and control must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

**WHEREAS**, on July 18, 2000, the Board adopted Ordinance 229 establishing Title 17 of the Nye County Code and adding Section 17.04, which provides regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District (PRPD); and

**WHEREAS**, on June 16, 2004, the Board adopted Ordinance 285 amending Title 17, Section 17.04 of the Nye County Code, by establishing general development standards within the PRPD in order to comply with the Goals, Objectives and Policies of the November 19, 2003 Master Plan Update for the PRPD; and

**WHEREAS**, the Board hereby finds that adoption of the regulations contained herein will result in further promoting the goals and objectives of the County in regards to land use and development;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby adopt, promulgate and order compliance therewith within the Pahrump Regional Planning District, the following amendments and regulations:

**NYE COUNTY CODE 17.04. IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions** shown in underscored blue font:

## 17.04.110 DEFINITIONS

Solar Photovoltaic Facility-20 Megawatts Maximum. A facility which uses solar cells to convert solar radiation into electricity, generating a maximum of 20 Megawatts of power.

Renewable Energy. Energy which comes from natural resources such as sunlight, wind, rain, tides, and geothermal heat, which are naturally replenished.

Renewable Energy Generating Facility. Any facility or installation such as a wind generator, hydroelectric unit or solar collecting or concentrating array, which is designed and intended to produce energy from natural resources for primarily offsite use.

## RH-9.5 – RURAL HOMESTEAD RESIDENTIAL

- A. Scope. The following regulations shall apply to the RH-9.5 Rural Homestead Residential Zones. No new building or structure shall be erected, or parcel developed in an RH-9.5 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The RH-9.5 Rural Homestead Residential Zones are intended to provide low density uses with a minimum lot size of nine and one-half (9.5) gross acres, where animals may be kept as well as accessory buildings in a quiet, rural setting without maintaining a large agricultural operation. The RH-9.5 Rural Homestead Residential Zone is appropriate in rural areas where urban services will not be provided for an extended period of time.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	9.5 gross acres
Minimum Lot Width	300'
Minimum Lot Depth	300'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	50'	25'	100'	50'
Principal Buildings for Non-Residential Uses*	50'	50'	50'	50'
Accessory Buildings	50'	10'	10'	50'

\* Principal buildings include institutional uses, quasi-public, churches, etc.

- D. Permissive Uses.

Accessory buildings not to be used for residential purposes provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 100,000 square feet.

Buildings for the sale and display of products grown/raised on the premise

Churches, Temples, Mosques and related facilities and accessory uses

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Family Ranch (Ord. 346, 2007)

Home Occupations, home-based businesses and residential industry ( subject to the General Provisions for Residential Zones section) (Ord. 353, 2008)

Keeping of livestock or other large animals for commercial or household use, not including commercial slaughtering

Kennel, Residential (Ord. 346, 2007)

Recreational Vehicles or Mobile Homes as temporary residences subject to the issuance of a temporary use permit in Article VIII of this Chapter.

One Guest Residence not to exceed 1,500 square feet

One Single Family Residence per lot

Public, quasi-public and institutional uses

Solar Photovoltaic Facility – 20 Megawatts Maximum

#### **17.04.430 LI – LIGHT INDUSTRIAL**

- A. Scope. The following regulations shall apply to the LI Light Industrial Zones. No new building or structure shall be erected, or parcel developed in an LI Zone unless in conformance with the provisions identified herein.
- B. Purpose. The LI Light Industrial Zone is intended to provide for corporate offices, research and development facilities, office parks and compatible light industrial uses in attractive planned developments that can accommodate complimentary neighborhood-scale commercial uses. The LI Light Industrial Zone is appropriate in locations, which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	0.5 acre
Minimum Lot Width (interior lot)	100'
Maximum Building Height	40'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
All Principal and Accessory Structures	20'	10'*	20'	20'

\*20' when adjacent to residential or commercial uses

D. Permissive Uses.

Animal Shelter, Government Operated (Ord. 346, 2007)

Fast food restaurants with drive-thru

Fuel dispensing facilities

Call centers

Light manufacturing, processing, assembly, fabricating, auto repair facility and similar uses provided that: (Ord. 325, 2006)

1. All such uses and related activities take place indoors
2. No use shall disseminate smoke, gas, dust, odor or other atmospheric pollutant outside of buildings
3. No use creates offensive noise, vibration, heat or glare
4. Uses generate a minimum amount of truck traffic, relative to shipping needs

Indoor recreation facilities, fitness centers, gyms

Office parks

Renewable Energy Generating Facility

Research and development facilities

Warehousing and ancillary offices under 100,000 square feet in size

Public, quasi-public and institutional uses

Limited neighborhood-scale complimentary commercial uses including but not limited to the following:

Bakeries

Coffee Shops

Convenience stores

Cafes and restaurants

Copy shops and printing services

Daycare center

Dry Cleaning, pick up and drop off

Other similar uses

Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Proposed on the 15<sup>th</sup> day of June, 2010

Proposed by: Commissioner \_\_\_\_\_

Adopted on the 22<sup>nd</sup> day of July, 2010

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_

Gary Hollis, Chairman  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Sandra "Sam" Merlino  
Clerk and Ex-Officio  
Clerk of the Board