

Call to Order

Pledge of Allegiance

1. Approval of Minutes:

- a. October 12, 2011
- b. November 9, 2011
- c. December 14, 2011

Commissioner Hafen made a minor correction to the October 12, 2011 minutes. Item 11, WV-11-0008 states Commissioner Hafen asked if pond was put in for fire suppression; actually asked if it were for recreational purposes.

Commissioner Hafen made a motion to approve the October 12, 2011 regular meeting minutes. Commissioner Koenig seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski yes; Motion Passes 6-0

Commissioner Hafen made a correction to the November 9, 2011 minutes. Item 8b. ZC-11-0012, Commissioner Goode stated some properties will be affected; actually asked if properties would be required to connect to utilities. Approval of minutes should be changed from Commissioner Koenig's name to Commissioner Hafen's name as the Secretary/Clerk.

Commissioner Hafen made a motion to approve the November 9, 2011 regular meeting minutes with said corrections. Commissioner Koenig seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski yes; Motion Passes 6-0.

Commissioner Hafen made a motion to table the December 14, 2011 regular meeting minutes to the January 11, 2012 meeting. Commissioner Koenig seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

2. Approval of / Modifications to the Agenda: Approval of the Agenda after Considering Requests to Rearrange, Hold or Remove Items.

There were none.

3. Correspondence and Announcements

Commissioner Hand introduced our new commissioner, Mr. Walt Grudzinski.

Commissioner Hand stated a letter was submitted from Commissioner Marvin Minnick giving his resignation from the RPC, effective today.

4. **Public Comment**

Steve Morgan commented there was no right turn lane from southbound Highway 160 on to C.A.A.S. Road.

Public Comment closed: 6:07 P.M.

5. **Commission Reports:**

a. BOCC Liaison Report - BOCC Liaison "Butch" Borasky

Commissioner Borasky stated in the upcoming BOCC meeting on January 17, 2012, going to propose an impact fee change, which will be on the February 21, 2012 BOCC agenda for action. Any comments or questions, contact Commissioner Borasky.

b. Pahrump Town Board Liaison Report - PTB Liaison Vicky Parker

There were none.

c. Capital Improvements Plan Advisory Committee – John Koenig

There will be a meeting in February and he will report back at the next meeting in February or March.

d. Southern Nevada Chapter of the American Planning Association

There were none.

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

There were none.

Revocation Hearing:

7. **Revocation Hearing concerning Waiver WV-11-0006:** Public Hearing to determine if any of the Conditions associated with Waiver WV-11-0006 have been violated; if any of the Conditions of the Waiver have been violated, the Waiver shall be revoked. WV-11-0006 allows for a Residential Kennel with a maximum of 14 dogs, on a 2.25-acre parcel, zoned Village Residential (VR-20), located at 6411 Gills Way. Martin To – Property Owner. Tjeng (Dora) To – Applicant/Grantee. AP# 45-121-26.

Ms. Beth Lee referred to the staff report. Gave history of when the WV-11-0006 was approved; allowing 14 dogs where a maximum of 10 was allowed. October 17, 2011 Nye County Animal Control responded to a complaint on the property of too many dogs. The responding Animal Control officer was granted access to the property, where 21 dogs were counted outside. Access to the interior of the house was denied, but the responding

officer stated she her multiple dogs barking inside. Copy of the Animal Control report is in the back-up. This hearing is to determine if the conditions of approval of the waiver have been violated. If the RPC determines there has been a violation, Nye County Code states the waiver shall be revoked.

Animal Control inspected the subject property on January 10, 2012 and the applicant has gotten back down to 14 dogs on the property. The officer was granted access to the exterior and interior of the property. There were 14 dogs, no puppies, no lactating females, indicative of new litters.

Commissioner Hand asked if there was a representative from the agencies present.

Susan Ryhal, Nye County Animal Control Officer, came to the microphone.

Commissioner Hand asked Ms. Ryhal if she could discuss the inspections for the RPC.

Ms. Ryhal stated she was the responding office on October 17, 2011. Was allowed to inspect the exterior of the property and counted 21 dogs. Could hear numerous dogs barking in the interior, but was not granted access.

Commissioner Hand verified Ms. Ryhal physically inspected 21 dogs outside.

Ms. Ryhal stated that is correct.

Mr. Charles Watkins, District Attorney's office asked Ms. Ryhal if she could define outside the property.

Ms. Ryhal stated that was outside the house. It was on the property, within the confines of her property, but outside of the house.

Mr. Watkins asked Ms. Ryhal how she could tell it was within the confines of the subject property?

Ms. Ryhal stated the property is fully fenced.

Mr. Watkins asked Ms. Ryhal if it was within that fenced in area.

Ms. Ryhal stated that is correct.

Commissioner Hand asked if the applicant wished to say anything at this time.

Ms. Dora Tjeng To apologized for the inconvenience in this matter caused by her having more dogs than what was allowed for her to have. Due to an unexpected circumstance, which was in the letter she submitted, she had a pet store that closed and had a friend take some of the dogs. That friend could no longer take care of the dogs, so she got the dogs back, and she's in the process of trying to find them homes. After the Animal Control

inspection, she has taken 8 dogs to the animal shelter; gave 10 dogs to people. Asked the RPC to show her leniency and allow her to keep the dogs she has.

Commissioner Hafen stated the Animal Control report states there were 21 dogs outside but no indication of how many were inside the house. How many were actually inside the house at that time?

Ms. To stated about 10.

Commissioner Hafen asked you don't know how many dogs you had inside?

Ms. To stated about 10. She also stated there is one more person she will be giving a dog to, so the number of dogs she will have on the property will go down to 13.

Public Comment

Karen Lane, President, Las Vegas Valley Humane Society. Also Humane Representative for the Clark County Animal Advisory Committee. She's not here in that capacity, rather here as the President of the Las Vegas Valley Humane Society. In Clark County, they are putting down 30,000 animals a year. We've worked very hard to reduce the number of animals being euthanized at local shelters. We've adopted a spay/neuter ordinance for every jurisdiction.

Very concerned about this item and urged the RPC to follow through with the revocation of the waiver. Help us stop breeders from Pahrump bringing dogs to the Las Vegas Valley, and compounding the problem that already exists.

Jackie Casano, resident of Pahrump and volunteer at Animal Shelter. Verified they've gotten a lot of Ms. To's dogs. Has a lengthy history of not following what she's supposed to do and been mandated. Ms. To was previously thrown out of Las Vegas because conditions were awful. Ms. To has a history of irresponsibility with her dogs. Many of the dogs she has brought to the animal shelter have been euthanized because of her irresponsibility. Please do not let her continue; please revoke this.

Annette McNaughton, representing Symphony Animal Foundation and also assistant sheltie rescue coordinator of Southern Nevada. Before the RPC granted a waiver, you should have done a background check on her in the county she came from. There are violations on pet stores. Against Ms. To getting any kind of waiver, and it should be revoked based on her past history.

Public Comment closed: 6:24 P.M.

Ms. Dora To stated the dogs she takes to Vegas are not babies, they are 2 to 3 years old. She said she has to comply so the dogs she takes over there are going to a good home, and people are begging for her dogs.

All the animals she takes to the animal shelter aren't just dumped there. She calls first to make sure they have room to take her dogs. Follows up with the shelter and if the dogs aren't adopted she'll take them back.

Ms. To stated complaints were filed about sick dogs where there were no sick dogs. She didn't need the aggravation so she chose to close her store. People are following me around constantly complaining about me when there's no reason, it's almost personal. A lot of the complaints and things being said are not true.

Commissioner Hand stated that we have to determine if there has been a violation of the waiver. The waiver was for 14 dogs. Animal Control testified there were 21 outside and an unknown number on the inside. It's up to us to make the determination if it was violated or not.

Mr. Charles Watkins advised the commissioners that there has been a lot extraneous testimony about histories and it would be improper to make your decision based on that. We're here to see whether on October 17, 2011, testimony given about that date, if there was a violation and would ask that any other testimony you disregard in making your decision.

Commissioner Hand stated we need to determine if the waiver was violated. If it was, then we have no choice but to revoke.

Commissioner Koenig made a motion to revoke WV-11-0006 based upon testimony which affirmed that there was a violation of conditions of approval. Commissioner Hafen seconded.

Commissioner Parker stated this is a very hard vote because she can see the applicant is very sincere in her love for her dogs, however, there was a violation and she must vote aye.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

Zone Change (ZC) and Conditional Use (CU) Permit Applications:

8. a. **ZC-11-0013:** (Conforming) Zone Change application to change approximately 18.37-acres from the Rural Homestead Residential (RH-4.5) zoning district to the Neighborhood Commercial (NC) zoning district, for property located at 2370 & 2470 E. Thousandaire Blvd., AP#'s 44-551-39 & 44-551-40. Cliffwood Realty Nevada LLC – Property Owner. Megalith Consulting LLC – Applicant. Darrin Pappa – Agent.
- b. **CU-11-0016:** Conditional Use Permit (CUP) application to allow for development of a Recreational Vehicle Park, per NCC 17.04.310.E., for property

located at 2370 & 2470 E. Thousandaire Blvd., AP#'s 44-551-39 & 44-551-40. Cliffwood Realty Nevada LLC – Property Owner. Megalith Consulting LLC – Applicant. Darrin Pappa – Agent.

Ms. Beth Lee referred to the staff report. Both applications were approved previously on separate dates. Both applications had 3 year expiration dates. The three years lapsed on those approvals. The applicant is presenting the same plan as before and is requesting the approvals same as before. Staff is recommending approval of both applications subject to the conditions as outlined in your staff report.

Commissioner Hafen stated the Conditional Use Permit was approved September 16, 2010 with a 3 year time limit, yet expired and it's not been 3 years.

Ms. Lee stated that is correct. Nye County Code states that a zone change approved subject to conditions expires and any subsequent applications expire with it as well. The Zone Change is the superior application and the Use Permit is the subsequent application, therefore all of them expired when the zone change expired.

Commissioner Hafen stated he had some questions about the conditions of approval and didn't know if this was the appropriate time to address them.

Commissioner Hand said let's wait until after we hear from the applicant.

Commissioner Hand asked if Public Works had any comments on this application.

Mr. Dave Fanning stated none at this time.

Darrin Papa, Megalith Consulting, LLC, this is pretty much the identical application as before. Previous approvals inadvertently expired and we're just trying to obtain the zoning and same conditional use for the 275 lot RV park.

Commissioner Koenig stated in looking at your plan, it says there are 275 sites; guest parking provided for 164. Where is the guest parking?

Mr. Papa directed Commissioner Koenig to the lots at the top which have 2 driveways and some towards the bottom that have single driveways. The plans are schematic at this time and the extra driveways are for guest parking and they don't have to park in the street.

Commissioner Koenig agreed that is a problem.

Public Comment

Public Comment closed: 6:38 P.M.

Commissioner Hafen stated he doesn't find it appropriate for us to add additional conditions to a zone change. Doesn't believe in the state of Nevada we have the authority to do that, but will address that when he makes his motion.

Commissioner Hand asked for clarification, do you mean we don't have the right for any conditions of approval or special conditions of approval?

Commissioner Hafen stated he doesn't believe we have any authority to add any conditions to a zone change, standard or special.

Commissioner Hafen stated in the Conditional Use Permit standard conditions of approval there is the design guidelines for engineering submissions and his understanding is that those are part of the subdivision ordinance in the Nye County Code, and doesn't feel we need to repeat specific sections of the Nye County Code in conditions of approval.

Conditional Use Permit special conditions of approval #27 is requiring applicant to improve at this time Thousandaire and Oakridge. Struggled to find where we have the authority to require that. Understands a traffic study will be required and believes at that time the traffic study will deem the public improves that will be required. Asked staff or Public Works to clarify where we have the authority to require those road improvements.

Mr. Dave Fanning stated that the standard conditions and guidelines have been a part of what's been approved by the BOCC to build and design roads to a standard. It's a standard that's been in place since 2006 and been applied since then. These conditions are not anything more than what was asked for the first time around.

Commissioner Hand stated what has us confused is "(at this time)". That doesn't mean they have to asphalt it tomorrow, right?

Mr. Dave Fanning stated there will be conditions before they record their map and they move through for the final C of O, they will have to meet these conditions.

Commissioner Hand asked but not at this time?

Mr. Dave Fanning stated that is correct. It will be at the time the project is moving forward and actually being built.

Commissioner Hand asked why "at this time" is in there?

Mr. Dave Fanning replied "at this time" means when it is actually being built.

Commissioner Hand stated he believes that wording is what's throwing everyone off. Asked Commissioner Hafen if that answered his question.

Commissioner Hafen replied not exactly. He asked Mr. Fanning if this applicant will be required to do a traffic impact analysis.

Mr. Fanning replied that is correct.

Commissioner Hafen asked in that analysis it will specify exactly what the applicant will be required to do and it will be approved by your office, is that correct?

Mr. Dave Fanning replied they will look at the analysis the engineer submits to them.

Commissioner Hafen asked if Thousandaire and Oakridge will be addressed at that time and it will specify exactly what types of improvements are needed, correct?

Mr. Dave Fanning stated that is correct.

Commissioner Hafen asked why it's being included here, now when it will be addressed in the future in the traffic impact analysis?

Mr. Dave Fanning stated we try to make it more pronounced so people are aware of what will be required of them to do; trying to make everyone aware of requirements so there are no surprises.

Commissioner Hafen asked without the actual traffic impact analysis how do we know 2 moving lanes of asphalt will actually be required?

Mr. Dave Fanning stated because of the ADTs of the subdivision. 100 ADT will trip the traffic impact analysis.

Commissioner Hafen verified that 100 ADTs will trip the traffic impact analysis but not the 2 moving lanes of asphalt. The specifics of what will be required will be stated in the traffic impact analysis, correct?

Mr. Dave Fanning stated correct.

Mr. Charles Watkins stated there is a lot of confusion about conditions. We've got conditions on zoning and rezoning, which conditions on private rezoning is illegal, but in general conditions of approval are fine. This is a conditional use permit and under Nye County Code 17.04.920.2 we have the ability to add a lot conditions of approval, so there's nothing improper about that.

Commissioner Koenig asked if it would clear things up to change the language to remove "at this time" and change "owner will be required" to "owner may be required dependent on traffic impact analysis".

Mr. Dave Fanning stated the guidelines are in front of the DA for review and will wait for the response from the DA before answering that question.

Commissioner Borasky asked if removing "at this time" would help clarify the condition.

Mr. Fanning stated they will make sure “at this time” is not in future comments.

Commissioner Grudzinski asked Mr. Watkins if we are legally sufficient in this document with the verbiage as it is now?

Mr. Watkins stated we are.

Commissioner Hafen made a motion to approve ZC-11-0013 with no conditions of approval. Commissioner Koenig seconded.

Roll Call Vote: Parker, no; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 5-1.

Commissioner Hafen made a motion to approve CU-11-0016 striking conditions of approval 20 and 27. Motion fails for lack of second.

Commissioner Koenig motioned to approve CU-11-0016 changing condition of approval #27 to remove “at this time”. Commissioner Parker seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, no; Grudzinski, yes; Motion Passes 5-1.

9. **CU-11-0015:** Conditional Use Permit (CUP) application to allow for a Towing Service in the Commercial Manufacturing (CM) zoning district, per NCC 17.04.330.E., for property located at 1060 E. Third Street. AP# 35-307-07. Pahrump Valley Granite LLC – Property Owner. Mike Armstrong/Aquarius Towing – Applicant.

Ms. Beth Lee referred to the staff report. Zoning allows for towing services with the approval of a conditional use permit. The existing development is grandfathered and has been continuously used for automotive repair. Staff is recommending approval.

Commissioner Grudzinski stated there was nothing in the back-up from the property owner stating he was OK with this use.

Ms. Beth Lee stated the application requires the property owner’s notarized signature, which is on file, and we don’t require anything more than that from the property owner.

Commissioner Hand asked if Public Works had any comments.

Mr. Dave Fanning stated no.

Commissioner Borasky asked the applicant if he read and understands the conditions of approval.

Mr. Mike Armstrong stated he hadn't received any of this so he doesn't know what the conditions of approval are.

Commissioner Hand stated we will take a 10 minute recess so applicant can read the conditions of approval and go over them with staff if there are any questions.

Reconvened: 7:08 P.M.

Commissioner Hand asked the applicant if he has read and agrees with the conditions of approval.

Mr. Armstrong stated he has, he fully understands them and he agrees with them. He clarified the technical definition of "impound yard" and won't be a junkyard. Will only keep vehicles for at most 15 days.

Commissioner Hand asked if the impounds were part of the agreement with the owner.

Mr. Armstrong stated that is correct.

Public Comment

Frank Incopero stated he owns several properties near the subject property is in favor of this business.

Public Comment closed: 7:13 P.M.

Commissioner Hafen commented on the condition requiring the guidelines for engineering submissions; didn't see the need to duplicate what's already in Nye County Code.

Commissioner Koenig made a motion to approve CU-11-0015 based on findings as outlined in the staff report and subject to conditions.

Commissioner Hand asked if he would be willing to amend his motion to remove condition #9.

Commissioner Koenig amended his motion to remove condition of approval #9. Commissioner Goode seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

10. **CU-11-0017:** Conditional Use Permit (CUP) application to allow a weekly Farmer's Market/Swap Meet on a portion of an approximately five (5) acre parcel in the Commercial Manufacturing (CM) zoning district, per NCC 17.04.330.G, located at 851

S. Lola Lane. AP# 35-354-14. Dennis and Elizabeth Vehe, Trustees – Property Owner/Applicant.

Mr. Steve Osborne referred to the staff report. Zoning allows this use with a conditional use permit. Proposed use will not change the essential use of the subject property nor the adjacent properties. Staff is recommending approval.

Commissioner Hand asked if Public Works had any comments.

Mr. Dave Fanning stated there were none.

Mr. Dennis Vehe, applicant, reviewed his request. He recently graveled the area of the lot that was not graveled. Feels the area needs something like this; there's no low cost venue to set up and have an event like this. Many businesses get their start at activities like swap meets.

Commissioner Grudzinski asked the applicant if he has read and understand the conditions of approval.

Mr. Vehe stated he has read them and understands them. Has a question about the condition requiring obtain a business permit; stated he already has one and will establish another business if the town requires it.

Commissioner Parker commented that there will be requirements with the health department regarding food vendors. Recommended he set up an appointment with Mr. Al Balloqui of the town to discuss these issues and work through them and have them all addressed prior to opening.

Mr. Vehe addressed the food vendor portion and how the state handles sales tax for this type of thing.

Public Comment

Public Comment closed: 7:24 P.M.

Commissioner Hafen commented on portions of County Code requirements being part of the conditions.

Commissioner Hafen motioned to approve CU-11-0017 with the removal of condition #9. Commissioner Grudzinski seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

11. **Hafen Ranch Road/Santovito Street Area Study:** Presentation of report and possible decision to initiate zone change(s) and/or other land use procedures pertaining to parcels located within the area east of Hafen Ranch Road, west of Evans Road, south of Moonachie Street and north of Santovito Street.

Mr. Steve Osborne referred to the staff report. The subject area was studied and staff believes it would be appropriate to change the zoning of these parcels from VR-20 to RE-1 and that would be staff's recommendation; for you to direct staff to initiate a Master Plan Amendment and Zone Change for this.

Commissioner Hafen asked if the property owners have been notified of this study presentation.

Mr. Steve Osborne stated the property owners will be notified when the Master Plan and Zone Change are on the agenda.

Commissioner Koenig made a motion to direct staff to bring back a Master Plan Amendment to change the land use category from Medium Density Residential to Low Density Residential and a Zone Change to change the subject parcels from VR-20 to RE-1. Commissioner Goode seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

12. **Park Model Recreational Vehicle Study:** Presentation of report and possible decision to initiate Zoning Ordinance amendment procedures pertaining to the use of Park Model recreational vehicles as dwelling units within the Pahrump Regional Planning District.

Mr. Steve Osborne referred to the staff report. Staff looked at State of Nevada definition of Manufactured Home and also RV Park Recreational Trailer. It is staff's opinion that these type of park model trailers are intended for temporary or seasonal use in an RV park, and Nye County Code already allows for that.

The two types of units already allowed on a residential lot are a manufactured home and a site built home, built to building code, and we feel that's what should remain in the code.

Commissioner Hafen asked staff if we currently allow a park model RV in certain zones just not in a single family residential zone.

Mr. Steve Osborne stated that's correct. A park model RV is allowed anywhere an RV is allowed, which is an RV Park or certain circumstances, but they're all temporary.

Commissioner Hand mentioned the Park Model RV Park in our Code.

Mr. Steve Osborne stated that's correct. The Park Model RV Park only allows park model RVs.

Commissioner Hand commented that these don't meeting IBC, doesn't meet HUD requirements.

Mr. Steve Osborne stated Park Model RVs are built to a different standard. They're not inspected or certified by HUD. They only certify Manufactured Homes. Some manufacturers will build to HUD standards, but those aren't inspected or certified by HUD.

Commissioner Hand stated he does not believe these belong in single family residential areas.

Commissioner Koenig made a motion to direct staff to not proceed with a text amendment to allow park model units within residential zoning districts. Commissioner Grudzinski seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

13. **Discussion and Direction Concerning Items for Future Meetings/Workshops; Set Date, Location and Time of Future Pahrump Regional Planning Commission Meetings.**

Ms. Beth Lee referred to a map in the supplemental folder covering 32 parcels ranging in size from 1 acre to 20 acres, located north of Kellogg, south of Bridger, west of Jane and east of Quarterhorse. These parcels are zoned VR-20 and are surrounded by parcels zoned RE-1, RE-2 and RH-4.5, and VR-20 to the east.

Commissioner Hafen made a motion to direct staff to investigate the area presented to us for proper rezoning. Commissioner Koenig seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

Commissioner Hand asked if there was a way we could review all the VR-20 parcels that are 1 acre or larger?

Mr. Steve Osborne stated he felt that is something that could be handled during the Master Plan update which is currently in progress.

Commissioner Hand stated if we get it done, then the Master Plan committee has less to worry about.

Mr. Steve Osborne stated it is fine to initiate these and change them when they come up.

Commissioner Hand asked if we have a way of identifying these parcels.

Commissioner Hafen commented that the Master Plan Steering Committee is only looking at the Master Plan, not the zoning, so any zone change would have to come back in front of this board.

Mr. Steve Osborne verified are you asking to look at these all together instead of as they come up?

Commissioner Hand asked if we could divide the valley into quadrants and look at the quadrants and see how many VR-20s we know are wrong.

Commissioner Koenig suggested separating the valley into quadrants same as we've done in the past.

Mr. Steve Osborne stated we could do that.

Commissioner Parker stated we've done this before.

Commissioner Hafen made a motion to direct staff to bring back a proposal to review the VR-20 zoned parcels throughout the PRPD. Commissioner Grudzinski seconded.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

Commissioner Koenig suggested discussing standard condition of approval #9 regarding design guidelines for engineering submissions and the necessity of having that in the conditions of approval.

Commissioner Hand asked if it's County Code do we need it in the conditions of approval.

Mr. Steve Osborne replied that Commissioner Hafen has a valid point, that we don't necessarily need it in the conditions if it's part of code, but as Mr. Fanning stated it's almost like a notification to the applicant.

Mr. Charles Watkins stated you have to follow the laws no matter what. He suggested perhaps we could put these in here more as a courtesy notice than as a condition of approval.

Commissioner Hafen asked if we can get more general such as “applicant must comply with all state, county and federal laws.”

Mr. Charles Watkins stated he saw nothing wrong with that proposal.

Commissioner Hand asked if staff would like direction to study these to do away with them.

Mr. Dave Fanning stated these are standards. If we’re going to wipe out that, let’s look at them all. There are many others that are the same as the guidelines in the standard conditions, so let’s not single one out, let’s look at them all.

Commissioner Borasky commented on the standard condition about liquor license.

Commissioner Hafen made a motion to ask the District Attorney for a legal opinion on whether or not the guidelines are enforceable under County Code and would therefore not be needed in the conditions of approval, or is it permissible to leave them there. Commissioner Koenig seconded.

Commissioner Grudzinski asked where else do applicants get these conditions or reminders. Concerned that if we take them out of here, where else will they see these?

Mr. Steve Osborne stated we have pre-development meetings with applicants for large projects, but we don’t necessarily go over standard conditions of approval. The meetings are geared more towards what a specific project is required to do. Getting a zone change or CUP is usually the first step in the development process and it’s a good idea to have these here, but they don’t necessarily need to be conditions, they could be a list.

Mr. Dave Fanning stated the conditions are out there so that your Board can make a decision on keeping these or adding additional conditions. We have worked with Planning and have checklists we go over and hand out at these pre-development meetings.

Commissioner Koenig said he understands that, but he would like a decision to either keep them or make them go away.

Roll Call Vote: Parker, yes; Goode, yes; Koenig, yes; Hand, yes; Hafen, yes; Grudzinski, yes; Motion Passes 6-0.

Next meeting is February 15, 2012.

14. Adjournment.

Meeting adjourned at 6:53 P.M.

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



Gregory T. Hafch II, Secretary/Clerk
Pahrump Regional Planning Commission