

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE April 11, 2012 MEETING**

The meeting was called to order at 6:00pm in the Nye County Commissioners Chambers, Pahrump NV.

Members in Attendance: Terry Hand                      John Koenig  
   Joseph Goode                      Gregory Hafen II  
   Vicky Parker                      Jennifer McCall

Members Absent:                      None

Planning Staff:                      Steve Osborne                      Beth Lee

District Attorney's Staff: Charlie Watkins  
Building & Safety Staff: None  
Public Works Staff: None  
Other Attendees: Butch Borasky, Darryl Lacy  
Acronyms Used:

- ADT                                      =                      Average Daily Traffic
- ARC                                      =                      Architectural Review Committee
- BLM                                      =                      Bureau of Land Management
- BOCC/BOC                              =                      Board of County Commissioners
- CAA                                      =                      Charles Abbott Associates
- CUP                                      =                      Conditional Use Permit
- DOR                                      =                      Deed of Restrictions
- CCO                                      =                      Code Compliance Officer
- CC&R                                      =                      Covenants, Conditions & Restrictions
- DRC                                      =                      Development Review Committee
- FEMA                                      =                      Federal Emergency Management Agency
- NBHPS                                      =                      Nevada Bureau of Health Protection Services
- NCC                                      =                      Nye County Code
- NCSD                                      =                      Nye County School District
- NDEP                                      =                      Nevada Division of Environmental Protection
- NDWR                                      =                      Nevada Division of Water Resources
- NDOT                                      =                      Nevada Department of Transportation
- NRS                                      =                      Nevada Revised Statues
- PRPD                                      =                      Pahrump Regional Planning District
- PRPC/RPC                                      =                      Pahrump Regional Planning Commission
- PTB                                      =                      Pahrump Town Board
- PUD                                      =                      Planned Unit Development
- USFS                                      =                      United States Forest Service
- ROW                                      =                      Right-of-Way
- SFR                                      =                      Single-Family Residential
- SOB                                      =                      Sexually Oriented Business
- TIA                                      =                      Traffic Impact Analysis
- TPC                                      =                      Transportation Planning Committee
- UBC                                      =                      Uniform Building Code

## **Call to Order**

### Pledge of Allegiance

#### **1. Approval of Minutes:**

- a. March 14, 2012

Commissioner Hafen made a motion to approve the minutes; Commissioner Parker seconded.

*Roll Call Vote: Parker, yes; McCall, abstain; Koenig, yes; Hand, yes; Hafen, yes; Goode, yes; Motion passes 5-0-1.*

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

There were no changes or modifications.

Commissioner Goode made a motion to approve the agenda; Commissioner Parker seconded.

*Roll Call Vote: Goode, yes; Hafen, yes; Hand, yes; Koenig, yes; McCall, yes; Parker, yes; Motion passes 6-0.*

#### **3. Correspondence and Announcements**

Commissioner Hand introduced our newest Commissioner, Miss Jennifer McCall.

Commissioner Hand announced that Commissioner Grudzinski has tendered his resignation from the Regional Planning Commission effective immediately.

#### **4. Public Comment (first)**

This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). 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.)

No comments.

Public Comment closed: 6:04 PM.

#### **5. Commission Reports:**

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

The Independence Day Parade will be held on Wednesday July 4, 2012, beginning at 9:00 AM at the Calvada Eye.

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

Discovered July 18, 2012 is the 50<sup>th</sup> Birthday of the Town of Pahrump. Item will be on the next Town Board agenda, and Commissioner Parker is looking for people to help.

c. Capital Improvements Plan Advisory Committee – John Koenig

CIPAC met in March. Some additional monies were found for Capital Improvements to fix roads. The recommendations of previous street improvements were reviewed and some reprioritizing was done.

Commissioner Hand asked what “fix roads” meant; is it repairing, chip sealing or what?

Commissioner Koenig replied it is major repairs using the impact fee money.

Commissioner Borasky discussed the recommendations with Commissioner Koenig. Said he would push the item at the BOCC level.

d. Master Plan Steering Committee – Gregory Hafen, II

Commissioner Hafen stated that the Master Plan Steering Committee met in March. Staff provided a revised Master Plan Designation map. Specific sections of the map will be reviewed at the next few meetings. Overall picture is to get away from confusion between Zoning and Master Plan designations.

e. APA Luncheon

Ms. Lee was unable to attend.

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

There were none.

**Parcel Map (PM) and Conditional Use Permit Application(s):**

7. a. **MP-12-0004:** (Minor) Master Plan Amendment application to change approximately 2,029.63 acres on 181 individual parcels from Medium Density Residential Land Use Category to Low Density Residential Land Use Category for various properties.

b. **ZC-12-0005:** (Non-Conforming) Zone Change application to change approximately 2,029.63 acres on 181 individual parcels from the Village Residential (VR-20) Zoning District to the Rural Estates (RE-1) Zoning District for various properties.

Mr. Steve Osborne stated this is the Zone 2 area of the VR-20 parcels, which is south of Harris Farm Road and north of Basin Avenue. Staff has changed their recommendation to request the Commission to hold the public hearing and hear

the public comment on this item, but we're recommending no action be taken tonight on this item, due to the Master Plan Steering Committee is preparing to start the land use category revisions, and it would be appropriate for them to finish that first before we proceed with the zone changes. Would like tonight to be more for questions and discussion and provide that information to the Master Plan Steering Committee.

### **Public Comment**

Mr. Wolfgang Lettow, living at 3100 Vassar Street and owns 2940 E. Simkins, APN 027-341-03, wants to know staff recommendation of zone change.

Mr. Steve Osborne replied that the current recommendation is for RE-1, but would like to have the Steering Committee review and possibly recommend something different.

Mr. Lettow stated he would prefer RE-1 or RH-4.5 zoning on his property.

Mr. Derick Zorin, representing 1450 N. Leslie. How many parcels will there be after the change? Starting with 181, so how many will there be afterwards?

Mr. Steve Osborne explained there would be no change in the number of parcels; we're not dividing any of these parcels, just proposing to change the zoning.

Mr. Zorin asked what the zone change would mean.

Mr. Steve Osborne what the zoning districts would allow.

Commissioner Hand explained in detail the difference between VR-20 and RE-1 zoning and why we are doing this zone change.

Commissioner Hafen explained this zoning would allow for horses and would make it a more horse friendly environment.

Susan Wright, lives at 3100 Vassar, commented that the public hearing notice she received stated the zone change was for VR-20 to RE-1. Last meeting saw some parcels changing to other zones, and those owners were never notified that other zoning districts could be considered. Ms. Wright suggested that future public hearing notices include all zoning districts being considered for the subject parcels.

Mr. Steve Osborne stated that originally the direction to staff was to change the parcels from VR-20 to RE-1, so that's how it was noticed. After further analysis, staff thought some of the larger parcels would be better served by the RH-4.5 zoning district. Since the RPC is the applicant in this case, that the applicant does have the ability to rezone to something different as long as it's a larger size than

what was noticed. Ms. Wright's suggestion is good and we'll look into doing that next time.

Chris Dingell, 3455 Cliff Shadows Parkway, LV, NV, representing Focus Group and referenced the letter submitted stating they would like to be excluded from the rezoning consideration.

Public comment closed 6:23 PM.

Commissioner Hafen extended an invitation to attend the next Master Plan Steering Committee meeting to anyone that has concerns or questions. Everything north of Basin Avenue will be reviewed at that meeting, scheduled for April 25, 2012 at 2:00 PM at the BOCC Chambers.

Darryl Lacy commented that the process was to address mistakes and inconsistencies from previous zoning and master planning. Staff feels low density is appropriate for larger, more rural lots.

Commissioner Parker likes the attempt to match the zoning to the infrastructure.

Commissioner Hafen asked that comments from this meeting be brought to the next Master Plan meeting.

Commissioner Koenig made a motion to table these applications indefinitely, pending the review of the Master Plan Steering Committee. Commissioner Hafen seconded.

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

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

Next meeting will be May 9, 2012.

Commissioner Koenig asked if the other zones would be tabled based on what happened tonight.

Mr. Steve Osborne stated correct.

Ms. Beth Lee discussed her involvement with the Animal Advisory Committee regarding the updating of Title 6. She compared Title 6 with Title 17, found discrepancies, most of which have been worked through; there are just a couple more items to be worked on by the AAC and a couple the AAC requested input from the RPC.

The first item is regarding previous discussion and conditions restricting the number of litters per year that commercial kennels are allowed to have. The discussion with the AAC representative stated that honest breeders do a lot of preparation work, and the total process is about 25 weeks, inherently limiting the number of litters per female to 2 per year. However, when you have a large number of dogs, the females having 2 litters per year, with 3 dogs per litter, you can get to 75 dogs on a property very quickly. The AAC understands is in agreement that a restriction is a good idea. Is there anything you would like added to Title 6 limiting number of litters per year? Number of dogs that can have litters? Or would you like to continue reviewing this on a case by case basis when commercial kennel applications come through?

Commissioner Parker asked if the AAC has a recommendation?

Ms. Lee stated the AAC will follow the RPC decision. Everyone is very well aware of the animal situation regarding the numbers that are in shelters and euthanized every year, so they would like to limit the number of litters to help control that.

Commissioner Parker asked if there is a limit put in the code how do you enforce it?

Ms. Lee stated she doesn't have an answer to that question. She will be attending the next AAC meeting on May 3, so the question of enforcement will be brought up and she will report back at the May 9, 2012 RPC meeting. We have a great working relationship with Animal Control and can bring recommendations from them each time we have a commercial kennel application.

Commissioner Hand wants an Animal Control or AAC recommendation to accompany any commercial kennel applications.

Commissioner Hafen asked if when developing Title, was the animal code for any other jurisdictions reviewed to see how they handle the number of litters per year. Also, is there a limit to the number of dogs allowed on a property at any one time?

Ms. Lee stated she was not involved in the very beginning of drafting Title 6 but will look into that and bring back an answer to the May meeting. Regarding the number of dogs allowed on a property, Title 6 defers to Title 17 and the existing categories for residential kennel and commercial kennel.

Ms. Lee stated the second question is regarding the need for something between residential kennel, allowing up to 10 dogs for personal pleasure and a commercial kennel which allows more dogs and commercial activities, such as breeding, boarding or training. The AAC wonders if the RPC would consider a "hobby breeder" category which would allow more than 10 dogs for personal pleasure.

Commissioner Parker stated that she feels the hobby breeders are where you have problems with puppy mills and over breeding. She doesn't think she could go with a hobby breeder category, but maybe a personal kennel rather than commercial kennel.

Commissioner Hand stated if we have this new category of hobby breeder, he feels this will just open up an invitation for trouble.

Commissioner Koenig stated he has a problem with giving blanket permission to anyone in town to have 15 dogs on 2 acres. If people want that many dogs, they can apply to us for a waiver or use permit, we'll listen to them and their neighbors, and take it on a case by case basis and make a decision from there.

Commissioner Goode asked what about cats? Doesn't anyone complain about cats?

Ms. Lee stated that the category definitions include cats, but dogs come up more because we've had a lot of dog breeders relocate to Pahrump recently, and have had a lot more applications for commercial kennels for dogs.

9. **Public Comment (second)** – This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). 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 closed 6:46 PM.

10. **Adjournment**

Meeting adjourned at 6:45 pm.

Approved Date:

Attest:



Terry Hand, Chairman  
Pahrump Regional Planning Commission



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