

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE JUNE 13, 2012 MEETING**

The meeting was called to order at 6:00 pm 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, Mr. McCarty

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 Statutes
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. May 9, 2012

Commissioner Hafen motions to approve the minutes of May 9th, 2012. Commissioner Koenig seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Hafen, Hand, Koenig, McCall, Parker.

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

Commissioner Koenig motions to approve the agenda, Commissioner Parker seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Hafen, Hand, Koenig, McCall, Parker.

3. Correspondence and Announcements

There were none.

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.)

Opened at 6:02 PM and closed with no comment.

5. Commission Reports:

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

Mr. Borasky stated there will be a Fourth of July parade on July 4th at the Calvada Eye. There will be a pancake breakfast at 7am. Kickoff for the parade is 9am sharp. The route for the parade will be coming off Honeysuckle and coming around the Calvada Eye and then go back. Anyone wanting to participate should contact Mr. Borasky at butchborasky@yahoo.com.

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

Ms. Parker stated that July 21st is Pahrump's birthday party at Petrack Park. There will be a free movie, free swimming and free food.

c. Capital Improvements Plan Advisory Committee - John Koenig

Follow up meeting with NDOT to go over previous discussions. NDOT will further investigate to try and fix some of the intersections in town on Hwy 372 and Hwy 160. The next meeting is in 4 weeks.

d. PRPD Master Plan Update Steering Committee – Gregory T. Hafen II

The last meeting was cancelled and it pushed back the deadline for the update for another few months.

e. APA Luncheon

Ms. Lee was unable to attend.

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

There were none.

Conditional Use (CU) Permit Applications:

7. **CU-12-0006: Conditional Use Permit (CUP) application to allow a Bed & Breakfast Inn in the Village Residential (VR-20) Zoning District, per NCC 17.04.240.E, located at 2181 E. Winery Road, further known as Calvada Valley Unit 10, Block 11, Lot 7. Gary & Maria Nova – Property Owners/Applicants. AP# 42-742-07.**

Commissioner Hand referred to staff. Beth Lee stated that the property has been developed as a single family dwelling with a casita both constructed in 2003. A detached garage added in 2005. The subject property is connected to water and sewer lines. The property is zoned Village Residential and Nye County Code allows for Bed and Breakfast Inns in the zoning district with the approval of a Conditional Use Permit. The applicant's letter states they propose to rent three to five rooms but not to exceed 10 guests based on double occupancy in those rooms. Parking is ample in the front and back of residence. Based on staff findings, staff recommends approval of the application subject to the special conditions of approval.

Commissioner Hand refers to the applicants Maria Nova and Tom Russell.

Commissioner Parker states if they should be approved tonight she recommends that they contact the Town office and speak with Arlette to get their business on the state website.

Mr. Russell states he has already spoken with the State Health Department and they have approval only based on the approval of the RPC. They have also been working

with Pahrump Building and Safety to follow protocol to make sure everything has been done properly.

Commissioner Hand asks if the house is occupied at this time. Ms. Nova stated that no one is living there right now. Commissioner Hand asks who will be running the business and Ms. Nova stated they will be and Commissioner Hand ask if they will be moving into the house. Ms. Nova stated yes, she will be living there.

Commissioner Goode asks the applicant if they have a Pahrump Business license.

Ms. Nova stated they will have one.

Commissioner Goode also asked if they had a state license and Ms. Nova stated yes she does.

Public Comment

Opened at 6:11 and closed with no comment.

Commissioner Parker motioned to approve CU-12-0006 based on staff findings. Commissioner Koenig seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Hafen, Hand, Koenig, McCall, Parker.

8. **CU-12-0007: Conditional Use Permit (CUP) application to allow an Animal Sanctuary containing Special Conditions Animals (Bengal Tigers, Ligers) in the Rural Homestead (RH-4.5) Zoning District, per NCC 17.04.215.E, located at 6061 N. Woodchips Road, further described as Parcel 4 of File Map #56470. Raymond Mielzynski – Property Owner. Karl Mitchell – Applicant. AP# 27-241-26.**

Commissioner Hand refers to staff. Steve Osborne stated that the Nye County Code allows for special condition animals as well as animal sanctuaries within the RH-4.5 zone. The property is zoned RH-4.5 and approximately 20 gross acres in size. The Nye County Animal Control office has inspected the property, and found it secure and within county code. Mr. McCarty is present to answer any animal control questions they Commission has. There have been three letters of opposition of the application and two letters of support. Since the staff report preparation there have been additional letters that have come in also. Staff recommends approval of the application based on the special conditions in the staff report.

Commissioner Hand asks Mr. Osborne a question in regards to the staff findings on the conditional use. Commissioner Hand asks staff why they feel that this will not create excessive noise?

Mr. Osborne stated that the applicant stated that it won't be open to the public and it won't be open on a daily basis so there will be minimal traffic to the area. Based on the

size of the property there is minimal existing development in the facility. There are no existing dwellings within 600 ft of the tigers on the property. The current lots are not developed around the property.

Commissioner Hafen asks Mr. Osborne to explain the finding #3 in the staff report being that it is Low Density Residential surrounding the parcel.

Mr. Osborne stated the property is also zone Low Density Residential and the property is compatible with the potential uses that could occur.

Commissioner Goode questions the fencing around the property.

Mr. Osborne stated that there isn't just one perimeter fence, the site plan shows multiple enclosures for the animals and maybe the question should be directed to Animal Control to give more details.

Tim McCarty from Nye County Animal Control addresses Commissioner Goode's questions regarding fencing.

Mr. McCarty stated that their main focus is the caging of the animals with a roof on top of the cages. It isn't ideal but it is more than adequate based on current code.

Mr. McCarty doesn't see any threat of safety. He has been to the property on four different occasions to view the progress of the property. Mr. Mitchell has been very upfront with the Animal Control and in contact with Animal Control.

Commissioner Goode asks if the animals are caged or roaming the property.

Mr. McCarty stated the animals are caged in a large area with a secondary fence around those cages then there is a property fence around the perimeter. There has been no reported incident threatening escape on his property or any other special condition property within the valley.

Commissioner Parker asks Mr. McCarty if he would feel comfortable living near the property.

Mr. McCarty stated that there a number of special condition facilities some are exemplary and he wouldn't feel comfortable living next to them. Mr. McCarty stated there is nothing for quite some distance by the property; you have to travel a great distance on a gravel road to reach another home.

Karl Mitchell approached the board and stated that he needs this conditional use permit to keep the peace within the community. The property is to be a primary residence for himself and his big cats.

Commissioner Borasky asks Mr. Mitchell how long he has lived on the property and why he is now coming to ask for a permit?

Mr. Mitchell stated he has been living there for 1 year and that he has been in negotiations with the District Attorney's office for more than 8 months on whether or not he needed a conditional use permit and then applied when it became evident to him he would need one.

Commissioner Goode asks Commissioner Borasky if the revision of Title 6 will affect the outcome of the permit?

Mr. McCarty stated that it will not affect the outcome, the standards he is living by and special condition permit holders are being put into place now. They have been applying these changes administratively since the beginning however they didn't have any footing but now they will if Title 6 passes. All the permit holders have been abiding by the standards that Animal Control set for them.

Commissioner McCall refers to Special Condition #9. Commissioner McCall asked if Mr. Mitchell's website is still up today and Mr. Mitchell stated his website is an educational and informational website and it was negotiated with a Federal Judge.

Commissioner McCall questions that on his website he will accept a \$500 donation for someone to see the animals and is that not considered exhibiting the animals?

Mr. Mitchell states due to the notoriety of the animals being on national television that they had to put a price on seeing the animals as to discourage the public from wanting to see the animals. Mr. Mitchell doesn't believe that solicits exhibiting the animals.

Commissioner Hand states that it is on 20 acres and it is bordered by ½ acre unbuildable lot. If the permit is granted, the properties will become worthless. Mr. Mitchell believes that is not the case and the selling of the properties will not be affected due to his Special Conditions Permit.

Commissioner Hand asks if Mr. Mitchell is planning on staying on the property for a short time and Mr. Mitchell replies that is debatable. Commissioner Hand asks if he only wants a short term permit, and Mr. Mitchell stated he was under the understanding the Permits have a time limit on them. Mr. Osborne stated the CUP have no time limit on them but a time limit can be imposed.

Mr. Mitchell stated that within ½ mile from his house that there is another Cat facility on 9 acres and he can't hear the other animals. So there shouldn't be a noise issue.

Commissioner Borasky asked Mr. Mitchell if tigers can jump twice as high as they can stand? Mr. Mitchell stated that is correct.

Commissioner Hafen asks the applicant if he currently has a license through the Nevada Wildlife Department or the USDA?

Mr. Mitchell states those aren't required.

Commissioner Hafen states per 17.04.110 the definition states otherwise. One of the conditions of approval is that the licenses be submitted to Animal Control.

Mr. Mitchell states that tigers are not regulated by the Department of Wildlife and not a requirement to have a USDA license for tigers. So the definition doesn't apply.

Commissioner Hand asks if it is possible for Mr. Mitchell to become licensed.

Mr. Mitchell states if it is required than yes it is possible.

Mr. Kimball states that they have been working on various different levels with animals with special conditions and the USDA requirements which are included in Title 6 are vague. What is clear is to exhibit animals would require a license. The issue with Mr. Mitchell has always been if he was exhibiting the animals. When you read the USDA requirements is that whether or not we allow animals with Special Conditions will be the judgment call of the RPC, input from the public and Animal Control will be required. If a Conditional Use Permit is violated the permit needs to be revoked.

Mr. Hafen asks if the new Title 6 addresses most of the issues he is raising.

Mr. Kimball states that it will only address some of those issues with Special Condition animals and the primary safeguard with these animals is in the CUP processes and that is a land use designation under Title 17. Title 6 was obsolete and needed to be rewritten. You won't see anything in Title 6 that will change the discussion at this meeting.

Commissioner Hafen addresses Mr. Mitchell and asks if they were to approve this permit tonight does he anticipate having additional animals or just the animals he currently has on the property.

Mr. Mitchell states at this point just the animals on his property but to be mindful that he does have an animal rescue and those numbers can change, but the projected plan is for animals that are there.

Commissioner Hafen asks if Mr. Mitchell would be ok with limiting it to just the animals that are there.

Mr. Mitchell states that it might not be okay because of the rescue and he might need to take in other cats for the County who need to place a cat somewhere.

Commissioner Hafen asks if this was to go to vote and be approved would Mr. Mitchell be okay with a time limit and once it expires he would have to come back before the RPC?

Mr. Mitchell stated it will depend on what the time limit is.

Commissioner Hafen asked if a 3 year time frame is okay and Mr. Mitchell stated that would be fine.

Commissioner Hafen also asks Mr. Mitchell about special conditions #9 in regards to the exhibiting of the animals.

Commissioner Hafen states that even if it is a donation there shall not be any exhibit of the animals and asked if Mr. Mitchell understands all of the conditions.

Mr. Mitchell stated that he does.

Commissioner Koenig addresses the exhibiting issue. He asks Mr. Mitchell to explain what he thinks exhibiting means.

Mr. Mitchell states that exhibiting means charging a fee, having hours of operations, and having the animals on display.

Commissioner Koenig asks if he comes to Mr. Mitchell and offers \$1000 to pet his animal would that be exhibiting?

Mr. Mitchell states that on his website he mentions on his website that they are not open to exhibit and he places a price tag to discourage people from continually asking to see his animals.

Commissioner Koenig states that because it says on the website that they will take a donation to pet the animals it is exhibiting.

Mr. Mitchell states he doesn't advertise that. He advertises that he educates and he can be contacted.

Commissioner Koenig states if it is posted on the website it is exhibiting.

Commissioner Parker asks how many people come in and pay him \$1000 to see the animals.

Mr. Mitchell stated that he had a television show come to see the cats, and it will air on Nat Geo Wild.

Commissioner Parker states that we need to define exhibiting since he does have television shows coming to video the animals, and asks if there were any individuals that pay the \$1000 to see the animals.

Mr. Mitchell stated that there have been two people to come and see the animals in the time he has been there. The USDA ruled that it is not exhibiting.

Commissioner Parker asks the commission if they should pursue to exclude media provided the animals don't go off the property?

Commissioner Koenig is fine with that but has a problem with people paying \$1000 to see the animals and advertising for that.

Commissioner Parkers states we could exclude the \$1000 people and take that away as exhibiting and just leave the press and media as exhibiting.

Commissioner Hand stated that is something that can be dealt with in deliberations.

Commissioner Hafen asks what the current height of the fences are?

Mr. Mitchell states he has two fences. A 4 ft fence around the perimeter of the 20 acres, there is a 8 ft fence around the cats and the cats cages are 10 to 12 ft high.

Public Comment

Opened at 6:51 pm

Louie DeCanio stated he is speaking for his family and believes that the exotic animals are a good way to promote Pahrump. Mr. DeCanio believes the Town of Pahrump and Nye County should work with the exotic animal owners to make Pahrump a planned stop with the tour companies. The animals are an asset to the community.

Ray Mielzynski owns the property where Mr. Mitchell has his tigers. The property has been an animal sanctuary since 1994. Mr. Mielzynski has never had tigers on the property but has had many other animals. Mr. Mitchell has 8 tigers and he is doing a service by taking care of the animals.

Steven A. Benson is a member of the Animal Advisory Board. Mr. Benson has an animal sanctuary for mustangs. He has known Mr. Mitchell for quite some time and is an exemplary trainer. Mr. Benson believes it would be a crime to take Mr. Mitchell away from the animals. Mr. Benson stated exhibiting is when you have public and set hours where they can come see and touch the animals. The movie companies will attract tourist to the community and improve revenue.

Mr. Mitchell asks that the commission accept the recommendations of staff and approve the CUP.

Public comment closed at 6:58 pm.

Commissioner Hand is concerned with the development in the future. The current owners have sent in some letters of opposition.

Commissioner Parker believes there should be a 3 to 5 year time limit on the CUP. She doesn't see power or water service coming in to the area anytime soon. Commissioner Parker asks Commissioner Hand if he see's any development in the next few years.

Commissioner Hafen agrees with Commissioner Hand and Commissioner Hafen recommends to the Commission that they place a time limit on the CUP and at the time of expiration he would have to come before the RPC again and start the process over. Commissioner Hafen sees the property developing in the future.

Commissioner Parker motions to approve CU-12-0007 to allow an animal sanctuary containing special condition animals, as subject to special conditions with a three year limit. Commissioner Koenig seconds.

Vote: Motion failed (**summary:** Yes = 3, No = 3, Abstain = 0).

Yes: Hafen, Koenig, Parker.

No: Goode, Hand, McCall.

Commissioner Hand addressed Mr. Mitchell and stated he can file an appeal in 30 days if he chooses.

9. **CU-12-0008: Conditional Use Permit (CUP) application to allow the expansion of a grandfathered use of land in accordance with NCC 17.04.905.B by allowing the addition of a 1,440 square foot classroom building for adult education and Sunday school classes at the Central Valley Baptist Church, located at 3170 S. Blagg Road, further known as Starlight Manor Unit 1, Lot 6. Ronald Fairbairn – Property Owner/Applicant. AP# 35-474-11.**

Commissioner Hand refers to staff. Mr. Osborne states the property is zoned RE-1 and allows for churches and related uses. Because the property was developed prior to county adoption of zoning it doesn't currently meet the development standards and is considered to be grandfathered. Due to this he must apply for a Conditional Use Permit to add a building onto the site. Two letters of opposition were received. Staff is recommending approval subject to the special conditions addressed in the staff report.

Commissioner Hafen asks if with the conditional use permit of the expansion of the building require them to pave parking for the new building. Mr. Osborne stated that it will not but can be added as a special condition.

Ronald Fairbairn as applicant states they were donated a 24 x 60 commercial building from UNLV and they would like to set the building up for Adult Bible study and Sunday school classes.

Commissioner Hafen stated one concern that was relayed to the board is that the current facility has a residential septic and not a commercial septic. There are concerns the residential septic wouldn't be adequate.

Mr. Fairbairn stated that he has been there since 2007 and he has not had any problems with the existing septic, and there are three facilities on the property.

Commissioner Hafen asks if the addition of the building will require additional facilities and Mr. Fairbairn stated that it doesn't because they are just classrooms.

Mr. Osborne stated there is a letter of opposition that would like to be read into record, The letter states "I am opposing Central Valley Baptist Church from building a 1440 sq ft Sunday school on Blagg and Lexis Lane. There was no 30 day notice, there is not

adequate parking, no commercial septic tank and they don't want the congestion from a school". Letter was from Mr. and Mrs. Clyde Means.

Mr. Fairbairn stated he was contacted by Mrs. Means and she asked Mr. Fairbairn if he was willing to purchase their property.

Commissioner Koenig stated there was another letter from the immediate neighbor that takes offence to the metal storage shed and the trash that are lying up against it. Commissioner Koenig asks if he could move the shed to give the neighbor his view back.

Mr. Fairbairn stated that they have no problem to clean up the area; the trash lying against it is actually materials for their use.

Commissioner Hafen asks if Mr. Fairbairn is willing to accept a special condition that states the materials next to the storage shed are to be removed within 60 days. Mr. Fairbairn stated that he will accept that.

Commissioner McCall asks if they are planning on having adult education how late into the evening will people be coming in and out of the property and how many participants are expected.

Mr. Fairbairn stated usually around 8pm and will expect 24 people at one time.

Commissioner Parker asks Mr. Fairbairn to clarify an issue in the letter of opposition that they don't want the congestion of a school, and asks if it is a school or was the sender misinformed.

Mr. Fairbairn stated it is an adult bible study and not a school being created.

Public Comment

Open at 7:15 pm

Stacy Smith, Executive Director of Nye Communities Coalition, spoke in favor of Pastor Fairbairn. Mrs. Smith stated that when they were in need of a facility for meetings he offered his facilities. Mrs. Smith stated that the Nye Communities Coalition has a youth leadership group and a youth works team and if he needs thing cleaned up that they will make sure the materials are cleaned up in the next 60 days.

Bill Verbeck spoke to support Pastor Ron and his wife Judy for all the work they do for the community. This building would provide a much needed expansion for the community and the bible studies.

Charlton Pratt has been a member of the church for 2 years now; he and his wife work with the youth on Thursday nights. They start at about 7:15 and are done by 8:30. They have bible studies, pizza or movie nights, guest speakers and the building will be used as a bible study and not a school. The church is running out of room and with the

growing amount of people coming in on Sundays the building will give opportunities to serve the youth of the valley.

Michael Mack is with New Hope Fellowship Church and what Mr. Fairbairn is doing is a good thing for the community and he hopes the Permit will be approved.

Nick Tiordano is a member of the Central Valley Baptist Church. The building is important in providing for our youth. Most of the youth that come on Thursday nights are from broken homes and this gives them the opportunity to bring other children and in approving the permit it will give the children an opportunity for these children to grow as adults.

Preta Padilla has known Mr. Fairbairn for several years. He has helped Mrs. Padilla and her husband with their Spanish Ministries; Mr. Fairbairn bought the property and they then became Central Valley. Mrs. Padilla states the building will be beneficial for the growth.

Ida Dasis has seen a change in the children that have been coming to the church. Due to the rise in participants the building is much needed.

Public Comment closed at 7:24 pm

Commissioner Koenig motions to approve CU-12-0008 based upon staff findings and adding on special condition #4 stating "That the materials next to the storage shed shall be removed within 60 days." Commissioner Parker seconds the motion.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Hafen, Hand, Koenig, McCall, Parker.

10. **CU-12-0009: Conditional Use Permit (CUP) application to allow an Animal Sanctuary for domestic housecats in the General Commercial (GC) Zoning District, per NCC 17.04.320.F, and to allow the expansion of a grandfathered use of land by adding a modular building to be used for the keeping of the domestic housecats, for property located at 1740 Irene Road, further described as Parcel 3 of File Map #420395. Linda Bowker – Property Owner/Applicant. APN# 36-031-31.**

Commissioner Hand refers to staff. Beth Lee stated the property is developed as single family residence with well and septic added in 1999. The application is a sanctuary for 40 domestic house cats. All cats are vaccinated, spayed and neutered and have regular visits with a veterinarian. The applicant has no interest in visits from the public and will not be taking in anymore cats. The application is also to allow a grandfathered use to allow the addition of a modular building to be used by the cats to live in. This will provide shelter and will be climate controlled. The perimeter will be fenced in addition to a fenced pen for the cats. Animal Control stated they have had no complaints regarding the property nor have they visited the property. If the applicant is granted permit Animal Control will inspect the property and the applicant will be required to

comply with any and all requirements set forth by Animal Control. Animal Control will conduct an initial inspection and a year inspection of the property.

There have been three letters of opposition, 3 phone calls of opposition and one call of support. Ms. Lee has also received that she would like read into record. Ms. Lee states the letter is from Denise Gustufson "Ms. Gustufson and her husband are against the sanctuary for the following reasons. Odor, animals being dumped and male cats when the females are in heat in general in agreement with Neil Couch per his email."

Ms. Lee stated staff is recommending approval based on staff findings as stated and subject to the Special Conditions of Approval.

Commissioner Hand asks if the letter from Neil Couch be read in record? Mr. Borasky stated he has that letter and Mr. Couch wanted it read into record.

The letter from Mr. Couch reads "This letter serves as our statement of opposition to allow an animal sanctuary for house cats. The letter was submitted by Linda Baulker. We have owned and resided at 1700 W. Irene for over 17 years and our property is adjacent to the subject property. Neil Couch conducted an informal survey of 30 residences in the affected area. More that 90% surveyed were in opposition to the sanctuary the remaining 10% had no opinion but no one was in support. This is a well established residential community and denial is requested."

Commissioner Hand stated that this is being referred to as an animal sanctuary and that these cats are actually all the applicant's cats.

Ms. Lee stated that is correct but by the definition of an Animal Sanctuary as defined in the Nye County Code 17.04.110 is what she is ultimately doing. She isn't going to take in anymore cats, she won't breed them, and she isn't open to the public. The cats are hers; she is providing care and life time shelter for them on her property.

Mark Kimball stated that the reason this is being put forth as a Sanctuary is that she exceeds the number of animals to be considered a residential kennel. If she had 10 cats it would be a residential kennel. Due to the fact that she has a larger number she then has to go through the Conditional Use Permit. She can either be a rescue or a sanctuary. At a rescue animals can be adopted out or brought in. She is not trying to be a business but just have them live with her.

Commissioner Hand stated the reason why he asked the questions is due to the fact that sanctuary scares some people. She could come ask for a kennel and ask for a waiver with the amount of animals.

Ms. Lee stated that is possible and she went over all the possibilities and that this is the best fit for what she is doing.

Mr. Kimball stated that commercial kennel would have alerted the public's attention and wanted to help with her protection in the application for the general public and the applicant.

Commissioner Hand stated that he had calls with misunderstandings towards what a sanctuary would be.

Mr. Kimball stated that they told the applicant very explicitly that she needed to control the numbers and not take any more animals in.

Commissioner Koenig stated that in the Nye County Code it states that the sanctuary needs to be owned or operated by a licensed nonprofit or profit organization. Commissioner Koenig doesn't believe the applicant is either of those. He has a problem with the sanctuary portion. He is fine with a waiver for the additional cats but it doesn't seem that is something they can do. Commissioner Koenig doesn't believe she fits in the legal definition of a sanctuary.

Ms. Lee stated she doesn't believe she is licensed as a profit or non-profit organization. When you take out that portion and look at what she is doing sanctuary fits better with what she is doing on the property.

Commissioner Hand stated that in the special conditions that staff is approving is that the applicant will receive appropriate inspections and licensing through Nye County Animal Control. Would she then become a licensed?

Mr. Kimball stated that she would become permitted at that point. Animal Control will issue a permit. If the commission was considering doing a waiver the thing to waive would be that she doesn't have to be a profit or non-profit organization and that she would have to do a permitting process through Animal Control.

If the cats have to be licensed that is a different issue. She would get a permit through Animal Control.

Commissioner Hand stated that it can be changed from licensing to permitting without a problem.

Commissioner Parker asked if the cats are already on the property and how long they have been there. Ms. Lee stated yes they are and she thinks they have been there a month or two.

Commissioner Parker asks if the cats have created any problems in the neighborhood to Ms. Lee's knowledge. Ms. Lee stated to her knowledge no. She has spoken to Animal Control and they haven't received any complaints.

Commissioner Hafen asked if by definition of a animal sanctuary would the applicant be required to get a county business license.

Ms. Lee stated that at this time she would not need one under what the town regulates because she wouldn't be doing any type of business activities.

Commissioner Hafen asked about a state business license. Ms. Lee stated she doesn't believe she would need one at the state level either.

Commissioner Parker stated she believes she would need the \$27,000 a year income threshold on the cats.

Commissioner Hand refers to the applicant Linda Bowker. Ms Bowker stated all her cats are spayed and neutered. She isn't a hoarder and was in a rescue business in Indian Springs. They were all kittens and they were adopted out and the mothers were released after they were spayed. The reason she has so many because they were all ill and Pets Smart wouldn't adopt them out unless they were all well. After 3 years she couldn't give them away, they are her family.

Commissioner Hand wanted to double check that once they are spayed the cats can no longer go into heat and Ms. Bowker stated that is correct.

Commissioner Hafen referred to a question that was raised earlier and asks how long the cats have been on the property. Ms. Bowker states they have been there about 30 days.

Commissioner Goode asks if the cats are all inside the 68x14 trailer. Ms. Bowker stated she has a 7ft fence up and the cats are in the yard. She has been living in the same trailer with the cats. She has the cats fenced and they are indoor and outdoor cats. Commissioner Goode asks if the mobile home is where the cats stay and Ms. Bowker stated that is correct.

Commissioner Goode asks if the floor is all open and has water. Ms. Bowker stated the home was used as a classroom at a church and has two 30 ft rooms in it and a couple small storage areas, and she doesn't have any water there she just carts it back and forth between her homes.

Commissioner Koenig stated two of the complaints have come up regarding odors. How is the odor problem going to be controlled?

Ms. Bowker stated she cleans the litter pans 2 – 3 times a day. If they are in the yard she cleans up the yard when needed.

Commissioner McCall stated that since 40 cats are a lot of cats for one person to care for at once is there someone to take care of the animals when Ms. Bowker goes out to town.

Ms. Bowker stated she has before gone out of town and had someone living at her home. She doesn't have anyone right now to take care of them but she doesn't leave them alone.

Commissioner Hafen asked if the cats scale the 7ft fence.

Ms. Bowker stated she has 1 out of 40 that gets out.

Public Comment

Opened at 7:58 pm

Heath Campbell stated that he is in opposition to the sanctuary. His concern is that 40 cats is a lot of cats and once people find out about the sanctuary who is going to be in control of the people that start dropping off cats there. If cats are dropped off who is to say she won't take care of them. Mr. Campbell lives less than a block away and he has family members who are allergic to cats. The mobile home is already on the property and on reading the application it says upon approval the mobile home will be moved on to the property.

Commissioner Hand stated that the provision to the permit if it was approved is the maximum number of cats to be allowed on the property will be 40. If any cats are removed for any reason can't be replaced. If she were to have 41 cats her CUP will be revoked and she would have to have 10 cats under a residential kennel.

Mr. Campbell asked if Animal control will come out and monitor the cats to make sure there is no more than 40?

Commissioner Hand stated she doesn't want any more cats and she just wants a place to put her cats.

Mr. Campbell is just concerned that someone will just dump off cats knowing someone at the property will take care of them.

Commissioner Koenig stated that there was another instance with a CUP where animal control noted the person had more dogs than what was authorized and Animal Control removed the additional dogs. If Ms. Bowker goes over her 40 cats the CUP will be revoked and she must go down to 10 cats.

Closed at 8:02 pm

Commissioner Hand states that Special condition # 2 should be changed to take out licensing and put in permitting.

Commissioner Parker suggests putting in licensing/permitting.

Commissioner Parker motions to approve CU-12-0009 Conditional Use Permit to allow an Animal Sanctuary for domestic house cats and to allow the expansion to a grandfathered use land by adding a modular building to keep the domestic house cats based on staff findings and amending special condition of approval from licensing to licensing/permitting.

Commissioner Koenig seconds.

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

Yes: Goode, Hand, Koenig, McCall, Parker.

No: Hafen.

11. **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 July 11th, 2012.

Commissioner Hand believes we are doing a disservice to the community by not legal noticing everything the commission does. The Zone Changes and Master Plans are legal noticed but these CUPs weren't placed in the legal notices. Some of these items were more than 300 ft. For example the CUP on the tiger sanctuary it did affect people farther than 300 ft. We should do like it has been done in the past where zone changes, master plan changes, CUP and waivers are put in the legal section of the paper.

Mr. Osborne stated that for the record the county did do the proper legal notice as required by Nye County Code and NRS on all of these. Newspaper notice is not required and it was done in the past because it might have been they didn't know it wasn't required. In some instances the zone change and CUP are together so you have to do a legal notice in the paper, so staff did them together. In this instance it was all CUPs so it wasn't required.

Commissioner Hand asks for discussion on placing them in the legal notices.

Mr. Osborne stated we should discuss with the DA's office and he isn't sure we can do notice beyond what is required. If the county code states that for CUPs you have to send out a notice by mail to all property owners within 300 ft and when that is done if we can also do additional notices beyond that.

Commissioner Hand stated that in the past legal notices that CUPs were posted in the legal section and a lot of the CUPs affect more people beyond 300 ft. Mr. Osborne stated that administratively that is how it was handled in the past.

Mr. Kimball clarifies that if the history is studied we will see that if a CUP was noticed in the paper was because it was attached to a Master Plan or Zone Change. Mr. Kimball stated this is the first time he can recall where all that was on the agenda was just CUPs. It is also important to point out that the rule isn't just notice within 300 ft it is 300 ft or 30 residences. In one case tonight they had to go out 1500 ft. It is a valid point that CUPs affect the entire community.

Mr. Watkins stated that it wouldn't be a problem to send out additional notice to the public to come in and sit in on the meetings.

Commissioner Koenig asks for an agenda item for the next meeting to direct staff to take action. Commissioner Boraksy asked for an email so he can take it to the Board of County Commissioners.

Commissioner Hafen states that if we are going to direct staff to bring forth the issue to the RPC that they also bring forth the budgetary impact that this would have on the Planning Department.

12. **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 opened at 8:13 pm

Tim McCall addresses the noticing situation. He believes that the posting would be beneficial to not only the property owners that live out of state or outside of Pahrump but to the realtors and he recommends posting them.

Public comment closed at 8:14.

13. **Adjournment**

Commissioner Koenig motioned to adjourn with Commissioner Hafen seconding.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Goode, Hafen, Hand, Koenig, McCall, Parker.

Meeting adjourned at 8:15 pm.

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



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