

**PAHRUMP REGIONAL PLANNING COMMISSION
MINUTES OF THE JULY 11, 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 Joseph Goode Vicky Parker	John Koenig Gregory Hafen II Jennifer McCall	Dave Richards
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Members Absent: None

Planning Staff: Steve Osborne Beth Lee

District Attorney's Staff: Charlie Watkins

Building & Safety Staff: None

Public Works Staff: Tim Dahl

Other Attendees: Butch Borasky

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
HOA	=	Home Owner's Association
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

Meeting was called to order at 6:00 pm

1. **Election of Officers pursuant to Section II.B, PRPC Bylaws adopted as revised 11/10/04** (Note: The Bylaws require the affirmative vote of not less than four (4) members of the Commission to elect Officers.)

a. Election of Chairman

Commissioner Koenig motions to nominate Terry Hand for the Chairman position. Commissioner Parker seconds.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Hand.

b. Election of Vice-Chairman

Commissioner Hafen motions to nominate John Koenig for Vice-Chairman., seconded by Commissioner Richards.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Koenig.

c. Election of Secretary/Clerk

Commissioner Koenig motions to nominate Greg Hafen for Secretary/Clerk, seconded by Commissioner Parker.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Hafen.

2. **Approval of Minutes:**

a. June 13, 2012

Commissioner Parker motions to approve the minutes of June 13, 2012 as written, seconded by Commissioner Hafen.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

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

Abstain: Richards.

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

There were none.

Commissioner Richards motions to approve, seconded by Commissioner Koenig.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

4. Correspondence and Announcements

There were none.

- 5. 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.)

Public comment opened at 6:05 and closed with no comment.

6. Commission Reports:

- a.** BOCC Liaison Report - BOCC Liaison “Butch” Borasky

There was none.

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

Town of Pahrump birthday party is July 21st, and it is free at Petrack Park.

- c.** Capital Improvements Plan Advisory Committee - John Koenig

Meeting with NDOT was rescheduled to August 1st.

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

The committee has met twice and a majority of the valley has been gone through. The next meeting we should be reviewing the document again and there is one more section of town to finish. We are looking at about an additional 4 months.

7. Ex Parte Communications and Conflict of Interest Disclosure Statements

There were none.

Conditional Use (CU) Permit Applications:

- 8. CU-12-0011:** Conditional Use Permit (CUP) application to allow an Assisted Living Facility in the Village Residential (VR-10) Zoning District, per NCC 17.04.245.E, located at 1550 S. Java Avenue, further known Calvada Valley Unit 7, Block 25, Lot

175. Pahrump Land Development, LLC – Property Owner. Brock Metzka – Applicant. AP# 38-631-22.

Commissioner Hand referred to staff.

Beth Lee stated that the application is to incorporate a recently acquired piece of property into the approved assisted living facility development. Incorporating the property will create a wider divided driveway entrance and additional parking on site. In the staff backup is the previous approved site plan layout and modified layout showing the acquisition of the property and how it will incorporate into the development. Staff is recommending approval based on the findings and research outlined in the staff report and subject to the special conditions of approval.

Mr. Osborne stated there have been a number of questions that have come up in regards to CUPs and findings and what the RPC is allowed to consider and not allowed to consider in reviewing a CUP.

Mr. Osborne goes over Nye County Code 17.04.920, under Intent, Paragraph 4 – states that when the Planning Commission finds the application for Conditional Use Permit demonstrates that the standards and requirements in the code have been met, the Planning Commission shall issue the permit. However there can be added conditions that are deemed necessary by the Planning Commission.

Paragraph 5 states if the RPC finds that the application doesn't meet the standards then the application shall be denied. Conditions can be added if the Commission believes it will make the CUP application meet the standards. Each RPC member is the judge for themselves if the CUP application meets the standards. On page 2 under findings there are court cases that have reviewed that matter and the important issue is that is a decision of a CUP is challenged the court will look at the evidence that supports the findings and whether or not the decision was supported by findings and if there is evidence in record what the findings were. Nye County Code states that the Planning Commission shall find adequate evidence showing the proposed use. There are 8 findings the RPC must use and are listed within the code. The RPC members don't have to agree with the staff findings and it is up to each RPC member based on the 8 findings in the code to make their own decisions.

Commissioner Hand refers to the applicant.

Chris Engle states that the request is for a CUP on an adjacent lot to a previously approved assisted living facility that is currently under construction. When the applicant, Pahrump Land Investors originally had their CUP approved the entrance was adjacent to the existing day care facility. They then went out and purchased the adjacent lot to reconfigure the front and to add additional parking spaces. A grading plan will be submitted if the CUP is approved. It will reconfigure the front and will move the entrance away and straighten it out allowing for an additional eight parking spaces. The applicant agrees with all staff conditions.

Commissioner Parker asks if the road is one way or two-way going around the perimeter of the building.

Mr. Engle states it will be one way.

Brin Gibson attorney at Lionel Sawyer and Collins on behalf of Creakmore, who owns Pahrump Health Care LLC.

Mr. Gibson is requesting additional information from the applicant. Mr. Gibson wants to know if the Assisted Living Facility requires a Certificate of Need Approval from the State. If they do whether the applicant has applied and received approval. Under NRS 439A.100 if the facility offers any health services they must apply for and be granted a Certificate of Need by the Nevada Health Division.

Commissioner Hand states that the RPC has no jurisdiction over what Mr. Gibson is asking.

Mr. Gibson stated that he is just trying to create a record of their objection or request for clarification.

Charlie Watkins with the DA's office states that is correct. Mr. Watkins stated that he will be available to speak with Mr. Gibson off the record to answer any questions he might have.

Public comment closed at 6:21.

Commissioner Koenig motions to approve CU-12-0011 based upon staff findings, seconded by Commissioner Parker.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

9. **CU-12-0012:** Conditional Use Permit (CUP) application to allow a Temporary Living Facility in the Village Residential (VR-10) Zoning District, per NCC 17.04.245.E, located at 2100 S. Dandelion Street, further known as Calvada Valley Unit 3, Block 14, Lot 47. Kathi Morissette – Property Owner/Applicant. AP# 42-131-11.

Commissioner Hand refers to staff.

Mr. Osborne states this is a request for a temporary living facility which is a 39ft recreational vehicle. Per Nye County Code the recreational vehicle does meet the definition of temporary living facility. The property is zoned VR-10 and allows a temporary use facility with a CUP.

Mr. Osborne states in the findings #4, the conditional use will be a substantial improvement to property in immediate vicinity and the community as a whole.

Mr. Osborne states that the RV is only temporary so it doesn't quite fit into finding #4. The RV will have to be removed after the expiration of the CUP. Special Condition #7 states that CUP will be valid for 1 year and could be renewed going through the

application process again. Staff felt with the conditions that were added and that it is a temporary permit that they would recommend approval.

Commissioner Richards asks who enforces the temporary nature of the permit.

Mr. Osborne states that all the conditions would be enforced by the Planning Department. If the CUP is approved with the condition of one year the Planning staff would need to verify they have complied with the conditions.

Commissioner Richards asked if the Planning Department is able to do that.

Mr. Osborne states they would go out and see if they removed the RV at that time.

Commissioner Richards would like to know if there is a process in place to assure the RPC that it will be done.

Mr. Osborne stated that it would be placed on the calendar, and then staff would go out and verify that it was removed. If it isn't then it would become a Code Compliance case and they would go through the process that is outlined for compliance. They would start with violation notices, and then go on from there if they don't reply.

Commissioner Richards asks what the County's track record with Code Compliance in issues of this nature is.

Mr. Osborne stated that he is only aware of one recent case involving a dog kennel where they didn't comply with the number of dogs. There was a limit of 14 dogs and they had 24. The item was brought back to the RPC to revoke the CUP. If you are in violation of your conditions there will be a hearing to revoke the CUP.

Commissioner Koenig asks Mr. Osborne to talk about special conditions #4 and #5.

Mr. Osborne stated those conditions were brought forth by Public Works and they should answer on those conditions.

Tim Dahl from Public Works states that those were put on in an effort to continue with a policy and configuration of the streets in Pahrump by not parking in the right-of-way. The director of Public Works asks that they be placed on this and many other CUPs.

Commissioner Hand asks if this will be seen from now on and Mr. Dahl stated that is yes.

Commissioner Koenig stated they can then park on the county right of way right next to his property if there is no sign there.

Mr. Dahl stated that is the reason they put condition #6 in. If there are no signs up and in the event the county determines there are parking in the right of way that create a hazard the signs have to go up before the sheriff's office will enforce no parking in the county right of way.

Commissioner Koenig states he has county ROW in front of his house and doesn't understand why this person is now being told there is to be no parking in the ROW when the person next to them can park in front of their house in the ROW.

Mr. Dahl states that they can't ask every person to put up no parking signs in the lots. They can however ask them through the development process to put signs up in the event that it becomes a problem.

Commissioner Hafen asks if there is anywhere else in the county where someone has a no parking sign in front of their home which would be a residential lot.

Mr. Dahl states no, not at this time but due to the fact that the speed limit is 45 mph they don't see it safe to park in the right of way.

Commissioner Hafen asks for clarification from Mr. Dahl that he doesn't know of any other residential home that has a no parking sign in front of it and Mr. Dahl states that is correct.

Commissioner Hafen questions staff as to how long the RV has been on the property and being used as a residence.

Mr. Osborne stated that there was a code compliance case in 2011 where the owner complied and removed the two RVs in January 2012. Sometime between January 2012 and today they moved the RV back.

Commissioner Hafen clarifies with Mr. Osborne that there had been a code compliance violation with this applicant with recreation vehicles on this property.

Mr. Osborne stated that is correct.

Commissioner Hafen asks if there is a reason why the applicant is asking for the Conditional Use Permit, are they in the process of building.

Mr. Osborne states that they are not building but that they needed to live in the RV until they could overcome financial problems.

Commissioner Hafen asks they never stated that they were going to build on the location, and isn't the intent of the Ordinance to allow someone to live on the property while they are building.

Mr. Osborne stated that you can get a temporary use permit over the counter at Planning which is separate from that.

Kathi Morissette as the applicant states she has an empty lot and allowed someone to park his RV on the lot, which the owner came down and paid for a permit and she wasn't aware of any problems until they had notified her and he moved off the lot. She is losing her house and she bought a trailer so she has a roof over her head. She didn't realize she had to go through all the steps to get a permit since it is her property. She isn't living on the property yet, septic and water has just been added to the property.

Ms. Morissette was told at Planning that she could live there for 6 months without a permit and then she would have to get a permit for anything after 6 months.

Commissioner Hand questions that she isn't living there but has an office and two storage sheds.

Ms. Morissette stated the storage sheds are for her personal items, the office is storage for her books and filing cabinets as she is a counselor and works in Las Vegas.

Commissioner Hand asks if she does counseling from the office and Ms. Morissette stated that she doesn't.

Commissioner Richards asks if she plans on building on the lot.

Ms. Morissette stated that at this time she isn't in a position to build. She might place a manufactured home on the property. The RV is just temporary until she knows what she is going to do.

Commissioner Richards asks if she will need a renewal on the permit.

Ms. Morissette stated she might need one in the future but she isn't quite sure.

Commissioner Borasky asks if she read and understood the special conditions of approval.

Ms. Morissette stated yes.

Commissioner Hafen asks staff or Mr. Watkins to clarify the definition for the renewal.

Commissioner Hafen says the definition of a temporary structure states that it isn't to exceed 1 year in duration and it to entirely be removed at the expiration of the permit. Does that mean that they can't renew the Conditional Use Permit after one year and the RV would have to be removed from the property?

Mr. Osborne stated that one item that was addressed with legal council was on page three of the staff report is the definition of structure. A structure is any construction except a fence, tent, trailer or vehicle. If a RV fits into that then it wouldn't be a structure. Which then, the definition of temporary structure wouldn't apply.

Commissioner Koenig states that the statement before that in regards to a temporary living facility, states any structure including a recreational vehicle, travel trailer, mobile or manufactured home.

Mr. Osborne states that the condition can state the CUP is valid for one year and doesn't have to state it could be renewed.

Commissioner Koenig asks Ms. Morissette if she decides to build on the property will she keep the RV on the property.

Ms. Morissette stated that she would because it would then be for traveling.

Public Comment opened at 6:49 and closed with no comment.

Commissioner Hafen feels that Condition #4 “parking in an area owned by the county” is too broad. He asks that it be stricken and states that Condition #3 covers it and it is also part of the Nye County Code. It is also unreasonable to ask a residential property owner, whether it be a temporary structure of not to place a no parking sign in front of their residence. Based on the discussion of whether or not the permit can be renewed Commissioner Hafen suggests Condition #7 remove the portion where it can be renewed, and state the CUP will be valid for one year from the date of approval, and not addressing whether or not it can or cannot be renewed.

Commissioner Hafen motions to approve CU-12-0012 based on the finding as shown on page two and subject to the special conditions of approval as outlined in the staff report excluding #4, #5 and rewording #7 to read “The CUP will be valid for one year from the date of approval.” Commissioner Koenig seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

10. **CU-12-0013:** Conditional Use Permit (CUP) application to allow an Animal Rescue (Symphony Animal Foundation) in the Rural Estates (RE-2) Zoning District, per NCC 17.04.220.E, located at 2171 E. Bond Street, further described as Parcel 3 of File map #410452. Leon L. Kind Trust – Property Owner. Symphony Animal Foundation – Applicant. Laraine Harper – Agent. AP# 44-851-19.

Commissioner Hand refers to staff.

Ms. Lee stated that this is an application to operate a domestic no kill animal rescue on the subject property while construction continues at the original location of their permanent facility. The property that is the subject of the CUP application already has fencing and structures to house the animals and an office building.

Ms. Lee talked with Tim McCarty of Animal Control regarding the applicant utilizing the property and Mr. McCarty stated that upon approval of the permit and application to Animal Control the property will be appropriately inspected.

Ms. Lee states Mr. McCarty doesn't foresee any problems from his perspective on the use commencing at this location. Staff has received three letters in opposition to this application which are included in back up. Staff is recommending approval of the application based on the findings and research as outlined in the staff report and subject to the special conditions of approval.

Commissioner Parker states there are no numbers mentioned, do we know how many animals or is there a maximum in the applications.

Ms. Lee states that previous applications have been for commercial kennel uses where there has been breeding of animals with specific limitations or applicants have brought forth specific numbers. At the time of the application they don't have specific numbers; because it is a no kill facility the need is great for this. The numbers are something that can be better addressed by inspection of animal control and the applicant.

Commissioner Richards asks if we know what the facility has a capacity for.

Ms. Lee stated that she was hoping to get that from Animal Control but at the time she spoke with them they hadn't been out to the property. Upon Animal Controls inspection they could set the limit based on the size of the property, available acreage, and structures for housing of the animals.

Commissioner Hafen addresses his question to Public Works and asks if the current road conditions on Bond Street will be adequate for the traffic to the rescue.

Mr. Dahl states that Bond Street is a dedicated public right of way but not the responsibility of Nye County at this time.

Commissioner Borasky addresses staff on Special Condition #6, it states that there shall be no animal with special conditions allowed on the property at any time. What is trying to be said with that statement?

Ms. Lee stated that Nye County Code specifically identifies a group of animals called Animal Special Conditions as animals that could be viewed as harmful to the public or dangerous based on predisposition breeding. They had in mind lions, wolves, hybrids and it is spelled out under the Nye County Code definitions.

Lorraine Harper addressed the commission stating what Symphony Animal Foundation is to secure a temporary location while they build out the location at Wheeler Pass; they have construction being donated out to them so they now have to wait for the paying jobs to be finished before theirs can be completed. What she is trying to do is just secure a temporary location.

Commissioner Hafen asks Ms. Harper how many animals are currently being projected to be moved to the location at this time.

Ms. Harper stated that she is planning to walk the location with Mr. McCartney so he can see the square footage of the buildings. She doesn't want to crowd the animals and they aren't looking at boarding a large amount of animals and not having a facility they have placed over three hundred animals just through fosters and they don't plan on discontinuing the fosters. It gives them a facility they can take in an animal to place in a home or give proper care to.

Commissioner Hafen asks if she is aware what the capacity is.

Ms. Harper stated she is not and she would specifically follow the direction of Animal Control.

Commissioner Richards asks that he can be assured there won't be a complaint of noise or odor anytime during the day or night.

Ms. Harper stated that they don't want noise or odor either because it isn't good for the animals or public coming in as potential adopters, they will operate an extremely clean facility and disinfect more than what is required. In visiting animal sanctuaries and rescues on the East coast they play music to help calm the animals. She already has the music and just need to get someone to wire in the speakers. It is a combination of giving them a comfortable clean environment, giving them the attention that they need and the exercise they require. In doing this noise shouldn't be a problem.

Commissioner Richards noted that one of the special conditions of approval is to have a 24 hour care taker on the property, and asks if there are facilities for someone to be there for 24 hours.

Ms. Harper stated that is correct, there is building that can be converted and there are also hook up for a modular or RV.

Commissioner Hand asks if Ms. Harper has read and understood the special conditions.

Ms. Harper stated that she had.

Commissioner Goode asks what the duration of time for the temporary location will be.

Ms. Harper stated it will be a maximum of two years.

Commissioner Koenig stated that Special Condition #9 states that it will expire in 1 year.

Ms. Harper is hopeful that the permanent facility will be built quickly and it is taking longer due to the fact the services are being donated.

Public hearing opened at 7:06 pm

Karen Jackson owner of KNYE radio is speaking in support of the facility. She has had several people approach her that are becoming homeless and have nothing to do with their animals and are just dumping them. She states that she believes that Ms. Harper will get the facility up and running in a timely manner. This is something our community needs.

Debra Harden lives at 2221 Bond immediately East of the facility and is against the facility coming in. Ms. Harden asked why there was never a hearing on the temporary facility coming in. The property was just cleaned up and the buildings that are there now are just sheds and they aren't insulated. She is concerned about the noise. She is also stating the ground is still infected from the previous situation that was there. The number of animals that were there she is guessing there were over 80 and because of that she is unable to let her house cats out because they get sick due to the infected ground. Ms. Harden is also concerned about the road because it will need a four wheel drive vehicle. She used to maintain the road and the county won't maintain it. The post office

won't deliver her mail because of how bad the road is. Ms. Harden has asked the road department to trim the mesquite trees that stick out into the road on the corner of Bond and Vicki Ann.

Denise Arceo is speaking in support of the facility. She has housed a few horses on the property. The fencing does have barb wire on the top of it to keep the animals in and other animals from coming in. The road is passable and as far as the noise there are cattle and other dogs in the area and it isn't a disturbance right now.

Barb Jorgensen states she is in favor of the facility and wanted to assure Ms. Harden that this won't turn into the same situation that was there before.

Carol Borkenhagen states she loves the idea of the no kill facility but isn't in favor of the location. However she bought her home as a retirement home and understands that there are dogs in the neighborhood but they are worried about what will happen to the property value of the home. The economy has already lowered the value and if there is a kennel with lots of barking dogs during the day and evening and someone comes to look at their home they could have problems selling it. There were 8 different finding conditions and there has been so many of the findings that will be violated by having the rescue. The noise, odor and traffic issues are against the findings.

Jane Schmidt states she lives at 2301 N. Linda St. and wants to remind everyone it is a temporary facility and is in favor of the facility. She has heard dogs barking in the neighborhood and it isn't a problem to her.

Carla Clayton states her back side of the property meets the backside of the rescue property. She is against the facility due to the noise and the music will be an issue. The cat sanctuary was an issue with odor and this will be an issue with noise.

Julia Musall states she is in support of the facility and reminds the public it is for rescuing animals and is only temporary.

Holly Griffiths states she has lived on the property next to the property in question for the last 10 years and the property is right next door to the facility. She believes this is a case of the right intentions but the wrong place. The best intentions can't control dozens of barking dogs, nor keep out the stench out or the property values from plummeting. There were CC&Rs that were provided to them with their disclosure packets. Ms. Griffiths spoke of the staff condition #2. Ms. Griffiths read from the letter from Mr. and Mrs. Parko the original owners of the property who subdivided the property and signed the CC&Rs into effect. She states "they had bought the property and had intended the property to be residential and not for businesses. This type of business isn't compatible with the existing home sites in the area and will decrease the home and land values in the area. The noise, smell and commotion of the animals will be very detrimental to the adjoining neighbors, not to mention the quality of life. Voting in favor overrides the rights of the individual rendering the CC&Rs worthless and under minds the communities trust in the disclosure documents and the home buying process."

Ms. Griffiths mentions the road is a single lane road and the county isn't responsible for it. Also, there hasn't been a distinction of how many animals will be on site and the answers will affect her life and the life of her neighbors.

Colleen Landay states she is for the facility and this facility is completely fenced in, has all the lattice that goes through all the fencing. It isn't bad to look at, has barbed wire on the top of the fence to keep the animals in. She stresses that the facility is temporary, and they are saving animals that are being dumped in the desert to die.

Karen Gottschall spoke in favor of the facility stating the animals deserve a home and shouldn't be killed because they don't have a home. They deserve more than what they are getting now.

Ms. Harper stated the buildings are 12 by 30 and are insulated and if the roads are an issue she can see about getting them graded. They will do anything they can to minimize all their objections. Any complaints can be addressed to Ms. Harper at anytime.

Commissioner Hand stated he has witnessed that the road is an issue and the motorists aren't driving on the rocks they are driving on the dirt. It is a big concern. Commissioner Hand also has a concern that there is no limit set for the amount of animals that will be there. With that amount of acreage and buildings it could be in the hundreds. There has been rescue groups come to the commission in the past and they have limited to three animals on their property.

Ms. Harper states that the number of animals will be to the recommendation of Animal Control.

Commissioner Hand stated that since Mr. McCartney hasn't been out to the facility yet, and if he goes out and approves 200 animals the RPC wouldn't have approved that.

Ms. Harper states that they don't have enough buildings for 200 animals. They rescue large animals such as horses and they would have to build a barn and put up temporary shade on the raw acreage. Buildings would be for dogs, cats and rabbits. There are only 15 of the 12 x 30 buildings. They won't be able to get 200 animals in those buildings. They are very proactive in getting the animals adopted out. Symphony will not do anything to put an animal in harm's way such as putting more animals where you have space for is doing that. She realizes the property has had that history and she wasn't involved in that. Symphony is a business and she runs it as a business and will make business decisions that are for the best of the animals.

Public comment closed at 7:34.

Commissioner Hand asks staff to address the conveyance.

Ms. Lee stated it was brought to their attention that there was CC&Rs recorded under document number 358247. Ms. Lee had a conversation with Mr. Watkins of the District Attorney's Office. They did have some questions about the CC&Rs. In Nye County Code 17.04.095 it states that they acknowledge CC&Rs but they don't get involved in

the decisions. One question in regards to the CC&Rs that was brought up was at the beginning of page one (1) it does state the description of lands to be parceled, "A portion of the southwest quarter of Section 36, Township 21S, Range 53E, Nye County, Nevada, being a re-division of parcel 4 of map number 71471".

Ms. Lee stated that map 71471 doesn't exist. When the parcel map referenced in the CC&Rs was recorded it was in 1978 the recording sticker that was written on the map is actually 71474. It looks like it was a Scribner's error that had been brought over through the years. Parcel 4 of the map is not the subject property of the application. It is a different piece of property and this parcel map was recorded in 1978 the subject property wasn't created until a different parcel map was recorded in 1996. Based on the discussions with Mr. Watkins the CC&Rs don't have anything to do with the subject property or application that was brought forth to you today.

Commissioner Hafen asks staff for clarification that what Ms. Lee is stating the CC&Rs don't pertain to this piece of property.

Ms. Lee stated that is correct.

Commissioner Hafen also stated that when Ms. Lee started her conversation with saying it isn't the board's duty or responsibility to address CC&Rs they will acknowledge that there may or may not be CC&Rs but they can't take those into consideration with their decision.

Ms. Lee stated that is correct.

Commissioner Hafen stated that there is a Home Owners Association for that.

Ms. Lee stated that is correct, the board is tasked with reviewing Nye County Code and uses of land based upon zoning districts, conditional use requirements and things like that. They can acknowledge CC&Rs but they are an enforcement issue and the board has no authority to enforce anything that is established in CC&Rs or Deed Restrictions. Enforcement comes by creation of a Home Owners Association and if there is no Home Owners Association in effect it then becomes a civil matter between neighbors.

Commissioner Hafen asks if these CC&Rs apply to this property.

Ms. Lee stated that based on reviewing the maps and CC&Rs with Mr. Watkins that the CC&Rs don't pertain to the subject property of the application before you tonight.

Commissioner Hand has an issue with the road that is going to create a lot of problems and he isn't sure they can put it as a condition or not.

Commissioner Hafen questions whether or not the Symphony Animal Shelter even has the right to maintain the road since the County owns it or that a private organization actually has the right to maintain it since it is county owned. Commissioner Hafen suggest Mr. Dahl could answer,

Mr. Dahl stated that he doesn't want to answer the question without consulting his director or Mr. Watkins.

Mr. Watkins stated that he would have to look at the legal documents that created the road and determine who owns the road and what the legal position is.

Commissioner Hand asks Mr. Watkins if he does acknowledge that there is a problem.

Mr. Watkins does believe the commission is acknowledging it as a concern of theirs.

Mr. Watkins asks if the concern falls under Findings #3.

Commissioner Hand states yes.

Commissioner Hafen asks Commissioner Hand what the number he would feel as appropriate to have on the property. It is the understanding of Commissioner Hafen that under the current zoning they can put 10 animals on the property without a Conditional Use Permit.

Commissioner Hand states that under a sanctuary they can put more than that.

Ms. Lee states that animal rescues, animal sanctuaries and commercial kennels do require a CUP approval under this zoning district. What they are allowed to have without approval is to have a residential kennel as a permissive use that allows 10 dogs or cats for personal use. There is no limit of livestock so they could under the zoning district without any other approval have any number of horses, cows, goats, pigs or anything falling under the term livestock.

Commissioner Hafen states that due to the way the property is zoned that they could have up to 200 animals on the property but could only have 10 dogs or cats if they aren't an animal rescue.

Ms. Lee states that is correct. Of course then what has to go with it is that Animal Control faction and as soon as the care and conditions of animals comes into question Animal Control will step in. The animals have to be properly fed, watered and sheltered. If there is any concern Animal Control will step in.

Commissioner Hand questions Ms. Lee's statement that Animal Control will go out and inspect and he will determine how many animals will be allowed.

Ms. Lee understands that when there is an application for a kennel, sanctuary or rescue Animal Control will go out and do an initial inspection and based on the types of animals, the shelter, the size of the animals and what they require Animal Control will then let the applicant know what is an appropriate number and sustainable on the property.

Commissioner Hand asks if this is something the applicant should have done prior to coming before the board?

Ms. Lee stated yes however when she talked with Mr. McCarty the applicant had not made application before Animal Control and he was unaware of the item. He was unable to make it to the RPC meeting due to scheduling.

Commissioner Richards asks if the personal employment of the animal not be accessory to a residential use on the site.

Ms. Lee states that it could be termed as accessory but when the adopted the animal ordinance and the definitions into Title 17, they did allow people to have more than one cat or dog. They are allowed to have more animals on larger properties and yes the personal enjoyment of the animal could be accessory to a single family residence on the development.

Commissioner Richards asks could be or should be accessory? You can't just bring 50 horses and 50 goats to 10 acres of property and then call that personal use without having a home on there can you?

Ms. Lee states that personal enjoyment portion pertains to a residential kennel which limits the number of dogs and cats you can have on the property to 10. It's either 10 dogs, 10 cats or the combination of the two but not to exceed 10. The personal enjoyment portion was placed in the definition to differentiate between a commercial kennel and the act of breeding for a commercial purpose. If you just have 5 dogs and 5 cats you are allowed to have that, if you do not own those for breeding as a commercial purpose.

Commissioner Richards asks if having or those animal's accessory to your residence or can you just put those animals on vacant property?

Ms. Lee stated it is accessory to your single family residence. They wouldn't allow someone to put 10 animals on a property if they aren't living there and not be present to care for them.

Commissioner Parker states that they have done a lot with animal problems before but so far it has just been with one species at a time and it was easy to limit the animals when you are dealing with one species, but she doesn't see how the board can set a limit on animals because the number of horses versus the number of cats is different. We have to rely on Animal Control to set a number, and maybe suggest more frequent inspections.

Commissioner Koenig agrees but the problem is going to be the number of dogs. She can have 50 horses, 100 cats and those won't annoy the neighbors but 50 dogs can annoy the neighbors.

Commissioner Hafen speaks on the conversation with limiting the animals. He doesn't think it is appropriate if they are to approve this to limit the number of animals more than what an individual can do on the property. The individual can have up to 10 cats or dogs or any combination with an unlimited number of livestock as long as the living conditions are met. He doesn't feel putting a total limit on it lower than what any individual resident in that vicinity could possibly do is fair. If the board wanted to put a

limit on dogs and cats like the current ordinance is, that maybe is something that could be agreeable.

Commissioner Hand stated that isn't what they are talking about, that is for personal use. They are talking about an animal rescue that will have more than that.

Commissioner Hand stated that Animal Control will do an inspection and determine what the maximum number will be and asks staff if that is correct.

Ms. Lee states that is her understanding.

Commissioner Parker asked if we can request more frequent inspections by Animal Control to make sure that the proper number of animals is not exceeded after the determination. The determination can vary due to the fact they have a number of horses and when those get adopted out that will make room for more dogs so the numbers of animals and species will fluctuate a lot. That is why she is asking for more frequent inspections so they will have the proper use of the property at any given time.

Commissioner Hand asks Mr. Watkins if that can be put in place as a condition.

Mr. Watkins states that it could put it as a condition but you can't control what another agency does. We can force them to abide by Animal Controls rules and numbers.

Commissioner Hafen states that in condition #2 it states the applicant shall receive the appropriate inspections and licensing through the Nye County Animal Control. Does the Animal control then set the number of animals in the licensing process?

Ms. Lee states that it has been her experience in the past with commercial kennels they have set their own limits or enforced the limits we have set. As far as rescues go the number can fluctuate but if there is only so much space for animals they can't all be in the same area so there could be certain limitations placed on it.

Commissioner Richards asks if the previous animal sanctuary that was on the property had received previous approval by the RPC.

Ms. Lee stated that the previous use of the property started prior to the implementation of the amendments to Title 17 under Nye County Code which governed the requirement for approvals of Conditional Use Permits for Rescues, sanctuaries animal special conditions and the like. So that was something that existed prior to the particular ordinance that we are dealing with this use.

Commissioner Richards asks if the short answer is, no it didn't receive approval.

Ms. Lee stated that is correct because it wasn't required at that time.

Commissioner Richards states so there was no deliberation by this board to approve it or not.

Ms. Lee stated that is correct.

Commissioner Parker motions to approve CU-12-0013 based on the findings of staff with the special conditions of approval and the recommendation Animal Control and Mr. McCarty inspect more frequently than required.

Commissioner Hand asks for an addition to the motion of the Conditional Use to expire after one year.

Commissioner Parker states that is in the conditions.

Commissioner Hand states that #9 states after one year the applicant must apply for renewal or relocate and he would like it to just state one year.

Commissioner Parker states she would feel bad if they need additional two months and it states to expire after one year.

Commissioner Hand states the reason why he says that is because 2 years isn't temporary and it isn't a temporary situation and they have stated it is a temporary situation.

Commissioner Hafen seconds the motion.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

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

No: McCall, Richards.

11. **PM-12-0003:** Parcel Map application to divide a 2.3 acre parcel into two parcels, one 1.10 acres and the other 1.19 acres, Zoned General Commercial (GC) and Master Planned General Commercial, known as Calvada Valley Unit 11, Block 8, Lot 4, located at 371 S. Oxbow Avenue. D&D Tire, Inc – Property Owner. Civilwise Services – Applicant. AP# 38-244-11.

Commissioner Hand refers to staff.

Mr. Osborne stated it is a proposal to divide the 2.3 acres parcel into 2 parcels. The rear parcel would be considered to be a flag lot and Nye County Code does allow for a flag lot under certain circumstances. One circumstance is that the flag lot is a minimum of 1 acre in size and that doesn't include the flag access way. The flag lot can't be further divided in the future and you can have a flag lot only if there is no other access to that rear portion and all those requirements are met in that case. There is one issue that there is an existing sign that is free standing that would be located within the flag lot access drive way. One of the special conditions is the existing sign has to be removed. Staff is recommending approval subject by the conditions that are outlined in the staff report.

Commissioner Hand refers to Public works.

Mr. Dahl has no comments other that what has already been provided.

Commissioner Hand refers to the applicant Dave Richards.

Mr. Richards states that the sign removal is the only solution however the dimension that is shown on the drawing was just a measurement to assemble on the map. The actual dimension to the post of the sign is close to 20'. However maybe the bolts down at the bottom where the foundation is maybe further in and could be closer to 19'. If it would please the commission he would take more precise measurements of the sign to make sure it is in compliance and if it isn't he proposes to widen the flag stem to a wider distance, they are allowed to have up to 50' for the flag stem so he will move it out so there is 20 ft of clearance to assure the 20' driveway. Special Condition #2 says the sign that is in the 30' access driveway must be removed to allow 24' wide drive aisle, minimum. That doesn't agree with the conditions and code regarding the flag and drive way requirements.

Mr. Richards doesn't think it is appropriate and it should be 20' clearance at a height of 13' 6".

Mr. Richards doesn't believe they want to take down the sign but just to get the flag lot in appropriate dimensions. They would just as soon widen it to 31' or 32' to assure the 20' clearance for the driveway. If that is acceptable, but he would like to make more precise measurements and if it isn't in compliance he will do whatever needs to be done.

Mr. Osborne states that the commission could state in that condition that the sign would have to be removed unless the applicant can provide more accurate measurements and if they are able to meet the 20' clearance side to side or if they widen the flag drive way by adding a foot or two. If they do any other alternative method to comply you could that into the conditions.

Commissioner Hand would like to know why this wasn't done prior to coming before the commission.

Mr. Richards stated he believed they have the clearance and he thinks they are just going by a number on the map that says a 11ft sign, and that wasn't intended on the clearance. He thinks they could further define it and had they received the comments a few weeks ago they could have had the exact numbers.

Commissioner Hafen states that he understands the client doesn't agree with Condition #2 as stated and asks if the client has read all three pages of Conditions of Approval.

Mr. Richards states yes, and the rest of the conditions are fine, and if Special Condition #2 is as they have discussed and not as stated at the 24ft because if that is an error that would be also be acceptable. They don't want the only solution to be in compliance is to remove the sign because the sign has been there for a very long time and if it has to be removed for 2 inches so they would rather widen the flag to 31 or 32 feet to get the appropriate clearance.

Public Hearing opened at 8:20 and closed with no comments.

Commissioner Parker would like to reconfirm that Mr. Richards would like to have Special Condition #2 removed and have a substitute added to widen the flag to 31' or 32'to hit the 20' or 24' clearance.

Mr. Osborne stated it is a 20' clearance for a flag lot, and isn't sure where Public Works came up with the 24'.

Mr. Dahl stated that was a mistake on his part from two lanes of traffic within the site development.

Commissioner Parker asks if 20' is acceptable.

Mr. Dahl stated that is correct.

Commissioner Hafen states in regards to Commissioner Parkers comment he would give them the option of removing the sign to give the 20' of access or widening the flag lot to allow 20' of access as long as there is 20' of access.

Mr. Richards states that is fine, he would like the opportunity to measure and add the appropriate amount of feet needed.

Commissioner Koenig ask Mr. Richards if the following would be acceptable, "the existing sign that is in the 30 ft flag lot access driveway must be removed to allow a 20' (two moving lane wide drive aisle), minimum or widening the flag lot access to allow the 20'."

Mr. Richards agrees that is acceptable.

Mr. Dahl states that had a chance to review the maps prior to the meeting and he doesn't believe the R2 reference is appropriate for the southern portion of the properties. And wanted to ask Mr. Richards if that is still the case or was he wrong in assuming this was Mathew lane closer down by Taco Bell.

Mr. Richards states that is an error on the map, Mathew Lane exists on the other side of the lots. All the maps along there look the same and the drafter must have been confused as to where the Lane was there is no road easement there. It will be removed but the reference number 2 must stay because they have used it in control for survey reasons.

Mr. Dahl asks if the easement will be removed from the map.

Mr. Richards states that is correct.

Commissioner Hafen asks if Special Condition #1 still adequate because it states the applicant shall remove the details in the drawing and the reference R2 on this proposed Parcel Map in reference to the 30' easement.

Mr. Richards states that is correct.

Commissioner Koenig motions to approve PM-12-0003 based upon the findings as shown on page 2, and subject to conditions delivered in the report changing Special Condition of Approval # 2 to say "the existing sign that is in the 30' flag lot access driveway must be removed to allow a 20' (two moving lane) wide drive aisle minimum or widening the flag lot access width to allow a 20' (two moving lane) wide drive aisle, minimum".

Commissioner Richards seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

12. **PM-12-0004: Parcel Map application to divide a 20.49 acre parcel into four parcels, one 3.41 acres, the second 17.08 acres, the third .024 acres, and the fourth .011 acres, Zoned**

Specific Plan (SP) and Master Planned Medium Density Residential, located at the intersection of Mountain Falls Boulevard and Mountain Falls Parkway, further described as Parcel A of File map #482651. Mountain Falls, LLC – Property Owner. Taney Engineering – Applicant. AP# 45-501-04.

Commissioner Hand refers to staff.

Ms. Lee states these properties are part of the Mountain Falls Master Plan Development they were previously not developed and at this time the parcel map has been submitted to divide the parcels to facilitate future development in the area. Staff is recommending approval based on the findings and research and subject to the Special Conditions of Approval and Standard Conditions of Approval.

Commissioner Hafen addresses his question to Mr. Watkins. Special Condition #24 states that Public Works asks the Commission to ensure Parcel Map approval conditions are consistent with the Settlement Agreement between the Board of County Commissioners and the Developer, effective 11/15/2011. Why is this commission in charge of insuring the conditions are consistent? Is this appropriate to be there or not?

Mr. Watkins states that this is a zoning and rezoning situation and this is a parcel map division and we can place any conditions on this that we see fit to do.

Commissioner Hafen asks if it would be more appropriate to reword it than. Public Works is asking the commission to do something not the applicant but yet it is a condition of approval.

Mr. Watkins states yes it really isn't a condition.

Commissioner Hafen states that it should maybe say "this parcel map approval does not void or matter" and directs the rest of the comment to Mr. Watkins.

Mr. Watkins states they could take out the Public Works request part and say "this approval condition settlement agreement with the Board of County Commissioners will be followed as condition of this approval".

Commissioner Hand states they have not been made aware of the settlement agreement that was made.

Commissioner Hafen states that maybe Public Works can further address it. Maybe the wording that was intended was that "this approval of the parcel map doesn't nullify or void the settlement agreement between the Board of County Commissioners and the developer".

Mr. Dahl states that he would agree with that. It was their intent to insure that the settlement agreement with the developer and the County didn't get ignored.

Mr. Dahl states that it would have been more beneficial for the Commission to be a little more familiar with the settlement agreement with the County and the developer and he should have provided it to them. There are specific conditions within the agreement that the County and the developer both need to adhere to in order to finalize some other things from previous dealing between the two. He isn't an attorney he can't interpret it and doesn't want to try to interpret it the settlement agreement but to bring it to the forefront and to ensure that we weren't approving something that was against the agreement.

Ms. Lee states perhaps we could reword that condition to something along the lines of “approval of this parcel map shall be consistent with the settlement agreement between the Board of County Commissioners and the developer effective November 15, 2011”.

Commissioner Hafen states except the board doesn't know if it is consistent or not consistent.

Commissioner Hand states that staff wrote it and asks staff if it is.

Ms. Lee states she doesn't have all the details of the settlement agreement either.

Mr. Watkins states that he doesn't know either, it is a private settlement agreement and the parties aren't allowed to discuss with third parties.

Commissioner Hand asks if this is a confidential settlement agreement that this board isn't purvey to.

Mr. Watkins states that it could be and could be a possibility.

Commissioner Hafen states maybe it is something that staff could eliminate and not address it.

Mr. Watkins states that not knowing what it says it is a hard question for him to answer.

Commissioner Hand suggests maybe moving this to the next meeting to have some answers. He feel comfortable doing something to ensure that it is in accordance with when he doesn't know what it is to be in accordance with is.

Mr. Watkins stated that he thinks that would be wise.

Commissioner Richards stated that the new language places the responsibility on the owner and not this board and not on Public Works. While he isn't privileged to the information that is contained in the settlement either he thinks the new language put the responsibility with the applicant. Public Works isn't required to do anything and neither is the board. Why would they become involved in the agreement or determining whether or not the approval is in compliance with the agreement? The condition is now placed in the appropriate format and is the responsibility of the owner to comply with it.

Commissioner Richards is also in favor of tabling the approval or if you need more information but isn't sure if there is a time factor in the approval. He doesn't want the applicant to expect approval and then the board finds something an error on the board's part and it delays them for a month. He thinks there is no reason to delay at this point given that it is now the responsibility of the applicant to comply with the settlement agreement given the approval of this.

Commissioner Hand asks Ms. Lee to reread her statement from earlier.

Ms. Lee states “approval of this parcel map shall be consistent with the settlement agreement between the Board of County Commissioners and the developer effective November 15, 2011”.

Commissioner Hand refers to Mr. Watkins for approval.

Mr. Watkins states if the applicant is here and agrees to it, that should be a condition and they will comply. He is sure the applicant would know what the conditions were.

Commissioner Hand refers to the applicant.

Ms. Mudano is unaware of the agreement. She is a representative of Taney Engineering and she doesn't know what the settlement agreement states, and she is sure the client intent is to follow whatever agreement has been made.

Commissioner Hafen stated that the wording that Ms. Lee provided goes both ways. If there was something in the agreement, for example Condition #6 was part of the settlement agreement that the County would not impose upon the developer than the way that Ms. Lee read it and rewording the condition that would void the condition and the settlement agreement would supersede any conditions of approval that wasn't public.

Mr. Watkins making those conditions part of this if they were violated then the board could come in and revoke what they are doing here. Most likely the settlement agreement has all the provisions in it and the parties are bound by that agreement and any violations would be enforced in the court of law by any party bound to that agreement.

Commissioner Richards states he has a problem with this because Public Works, the owner, District Attorney, Staff nor the Commission know what the settlement is, yet it is a condition of approval. He doesn't understand why they are being asked to approve something that no one knows anything about, except that putting it in there suggests that someone knows something that we should be enforcing. It doesn't mean anything to anyone or no one understands why it is in there it either should be gone or shouldn't have been brought to our attention in the first place.

Commissioner Hand asks Public Works if they know what it is about.

Mr. Dahl states that they know the agreement is out there between the board and the developer. It is Public Works position to bring any facts that they know about to the attention of the board so as to better make a decision on any land use application.

Commissioner Hand states that this has nothing to do with them making a decision but it is asking them to enforce something that they don't know about.

Mr. Dahl states he isn't asking them to enforce anything but to base your decision consistent with the settlement agreement with Board of County Commissioners and the Developer.

Ms. Mudano is presenting the parcel map where they are going to create four parcels. Two of which they are separating for future development, and then create two landscape medians and offer for dedication of right of way.

Commissioner Hafen asks if she has read the conditions of approval.

Ms. Mudano states she has read the conditions and they are standard for a development project.

Commissioner Hafen states specifically item #26 reads that Public Works will not support either lot 3 or 4 to be dedicated to the County. It is recommended that both lots are dedicated to the Homeowner's Association for this subdivision.

Commissioner Hafen asks if that is acceptable to the applicant and does the applicant want to keep the parcels or dedicate the parcels to the Home Owner's Association?

Ms. Mudano states that not knowing what the clients intent is for future development she can't say if they would oppose to it.

Commissioner Hafen asks if she knows if they are in favor or opposed to it.

Ms. Mudano stated she believes they are in favor of it because they asked them to include it on the map.

Commissioner McCall stated she thinks they should consider tabling the item until the applicant who can let them know what their intentions are towards the concerns with 24 and 26.

Commissioner Parker asks if parcels 3 & 4 are the medians and that is why the county doesn't want them because they want the Home Owner's Association to maintain the medians.

Ms. Mudano stated that is correct.

Public hearing opened at 8:43 and closed

Commissioner Hafen agrees with Commissioner Richards that if they are to move forward with this than Condition # 24 should be stricken and removed and he also feels Condition # 26 should be reworded. Commissioner Hafen doesn't believe that they should be required to dedicate to the Home Owner's Association. Land development in the past, developers have kept a lot of the open space and parcels under their own ownership and not deeded them to the HOA for specific reasons and if they want to keep them under their names they shouldn't have to dedicate them to the HOA.

Commissioner Parker states that is says recommended and not that they have to.

Commissioner Hafen states that he understands that but as a Condition of Approval it should be reworded. He doesn't believe that is how conditions are typically written, that it is recommended to do something.

Commissioner Parker asks if it would be acceptable to Commissioner Hafen to eliminate the second sentence.

Commissioner Hand states if the county doesn't to worry about it period, let them worry about it.

Commissioner Hafen states that is acceptable to eliminate the second sentence and the beginning of the first sentence. Lot three and four shall not be dedicated to the County.

Commissioner Parker agrees.

Mr. Watkins states that it is his understanding that the Board of County Commissioners are the ones to accept or reject a property on behalf of the county. It would be their purview if they wanted to offer the dedication the BoCC would accept or reject it as they see fit. He is a little confused as to why we would say this is a condition you are not going to dedicate or you have to dedicate.

Commissioner Parker suggests eliminating Conditions # 24 and 26.

Mr. Watkins states that council would be okay with that. Looking at #24, this contract and agreement is private law and doesn't have to be made a condition of approval of this board. It just needs to be stated it is privately enforceable whether this board makes the condition of not.

Commissioner Hafen asks Mr. Watkins if he is saying the board doesn't have to have conditions of this parcel map if they don't want to.

Mr. Watkins stated that is up to the board, but it isn't necessary to have Special Condition #24.

Commissioner Koenig motions to approve PM-12-0004 based upon the findings on page 2 and subject to the conditions on page 3 & 4 with the exception of Special Conditions of Approval numbers 24 and 26 are stricken.

Commissioner Parker seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

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

The next meeting will be August 15th.

Mr. Osborne asks if the board would like to discuss the possibility of a special RPC meeting between this and the next meeting. We have an applicant with the extreme need of approval for a CUP as soon as possible. It has been done before and we just need to see if other members are available. It would be between 2 or 3 weeks from today.

Commissioner Hand states that without going into detail it could be a public safety issue that they might want to hear before the next meeting.

Commissioner Hand states there are no objections and for Mr. Osborne to go ahead and schedule the meeting.

Commissioner Hafen states that was brought to his attention in reviewing the parcel maps that applicants weren't provided the Special Conditions prior to the agenda coming out. Previously it has been modified so those conditions were given up front for zone changes. Is it the board's desire to direct staff to do something similar to that for parcel maps and land divisions? Anything we can give the applicant up front is better than at the tail end so they know what they are getting themselves into.

Commissioner Koenig agrees with that.

Commissioner Borasky asks staff if we are getting the applicants to sign off that they have read and understood.

Mr. Osborne stated that they do have to sign it and it is notarized.

Commissioner Hand stated the reason we have them read and understood is so we don't have something like what happened tonight happen. There will be special conditions that are added later but the major stuff will be taken care of already.

Commissioner Hafen motions to direct staff to include Division of Lands, Parcel Maps etc. into the new language being used for Zone changes and Conditional Use Permits. Commissioner Koenig seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

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

14. **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.)

Opened at 8:55 and closed with no comment.

15. **Adjournment.**

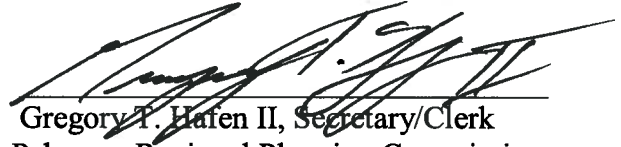
Commissioner Koenig motions to adjourn. Meeting is adjourned at 8:56 pm.

Approved Date:

Attest:



Terry Hand, Chairman
Pahrump Regional Planning Commission



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