

Call to Order

Meeting was called to order at 6:00 pm.

1. Approval of Minutes:

a. July 11, 2012

Commissioner Koenig motions to approve, seconded by Commissioner Hafen.

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

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

b. July 27, 2012

Commissioner Hafen states he gave some typographical corrections to staff and motions to approve the minutes. 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.

There were none.

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 6:06 and closed with no comments.

5. Commission Reports:

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

Thursday, October 4th from 6 – 8 PM at the Pahrump Nugget will be candidates' night for the Town Board, County Commissioners, Justice of the Peace, and District Court. Doors open at 5:30 and questions can be turned into Commissioner Borasky up until 2 weeks before the event.

There is an item coming before the BOCC on August 21st for the clothing optional ordinance and the request was by two of the town board members not for all. There was additional information that was not provided or incorrect information provided.

Commissioner Borasky will have a resolution on the BOCC meeting on the 21st it came from Elko County and they are requesting that all County Government, City Government and Town Government to support it. It is a “Joint resolution by Elko County Board of County Commissioners with cities, counties and local government entities across Nevada in support of post secondary education services provided by Great Basin College to the Nevada citizens in rural Nevada”. Commissioner Borasky understands that the State Legislature wants to cut 34% of the budget and a bunch of them are jumping on board and the Town of Pahrump will present a resolution to their board too.

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

None

c. Capital Improvements Plan Advisory Committee - John Koenig

The meeting with NDOT is now scheduled for the end of August so by next month’s meeting he should have more information.

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

The Master Plan Steering Committee met with the RTC in a Joint Meeting. The RTC will make their suggestions and comments on changes to the transportation section of the plan including a possible option for a beltway to be included into the master plan.

Commissioner Hand asks if we are still looking for another three months.

Commissioner Hafen states that the RTC doesn’t meet until October therefore the Master Plan Steering Committee won’t be able to make changes to the plan until after that.

6. Ex Parte Communications and Conflict of Interest Disclosure Statements

There were none.

Conditional Use (CU) Permit Applications:

7. **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, on an 18.28-acre (net) parcel, 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.

Mr. Osborne states that this matter was heard by the RPC on June 13th and the hearing resulted in a 3-3 tie vote so this is a rehearing. The staff report is essentially unchanged from the last meeting except there are some special conditions of approval that have been added based upon comment and discussion from the last hearing.

On page 7 of 7, the first 11 conditions are the same and conditions 12-15 have been added.

Condition 12 states that they must obtain a Town of Pahrump business license. They did contact the town and they indicated the business license will be required.

Condition 13 is that the CUP is not transferrable. If it is approved it is only for this property and the current tenant.

Condition 14 is that the CUP will expire after three years, based on discussion at the previous hearing and the applicant can apply for renewal prior to expiration.

Condition 15 is that the height, material and design of all the cages, fencing and animal enclosures must comply with all requirements deemed appropriate by Nye County Animal Control. That was added in case Animal Control thought changes needed to be made to the animal enclosures and they can require that to be done by the applicant.

Going back to page 2 of the Staff Report he wanted to remind the members that it is important to discuss the findings. When you get to the deliberation phase when the matter is discussed focus on the items 1 – 8 so we have a clear record as to what the issues the RPC has.

Page 6 under Nye County Code 17.04.700 it is the Conditions and Safeguards for CUP's and when you focus on findings 1 - 8 you also focus your deliberations on these requirements which are required for a Animal Sanctuary and Animal Special Conditions.

Commissioner Hafen states that on page 2 of findings it says "the conditional use will be a substantial improvement to the property and immediate vicinity and to the community as a whole". What evidence and facts do you have if any to support that?

Mr. Osborne states that is one finding that is subjective in nature and it isn't clear as to what the improvement would be and it would be a matter that is up to each commission member to decide if it is an improvement or not.

Commissioner Hand asks how you can make a statement saying it makes a substantial improvement when you have no facts or findings.

Mr. Osborne states that when it talks about it as an improvement to the community and the vicinity as a whole it is a difficult finding to make in some cases and it is a tough finding to make and he isn't sure he can give you a correct answer on it.

Commissioner Koenig asks why in special condition #12 would the applicant need a Town of Pahrump business license when the applicant has stated he isn't a business.

Mr. Osborne stated that when they asked the Town of Pahrump about the application and they stated that in their view this particular use required a town business license. He isn't sure how they arrived at this conclusion.

Commissioner Koenig states that under findings #3 it says that the Conditional Use shall not be hazardous or disturbing to the existing or future neighborhood uses. He believes that if someone owns property right next to the applicant and they want to build it would be disturbing to them.

Mr. Osborne states that he believes that is why it would be important to have a condition that will limit the time frame so that when the time frame comes up for expiration you can then look at the area to see if there has been development and to see if there have been any plans for development that weren't there before. Then you can determine whether or not to extend it.

Commissioner Koenig somewhat agrees with that except if you own one of those lots and you decide to build a house it might be disturbing to you if you saw what was there, and you might not want to build there then.

Commissioner Parker asks for clarifications because she believes those lots adjacent are too small for a well and aren't serviced by a utility.

Mr. Osborne states that they are ½ acre lots you would be required to have a 1 acre lot to have a well and septic. You could combine two parcels into one and then you could get approval for well and septic.

Commissioner Koenig states that there is a house within view of his home and he has a septic and a tank that gets filled up regularly so there are ways to get around not having a well.

Mr. Osborne states that you can't say they are unbuildable there are ways to build on those lots.

Commissioner Hand refers to the applicant, Mr. Mitchell

Mr. Mitchell states that he would like to discuss the previous question in regards to the buildable or unbuildable status of the lots adjacent to the property. A ½ acre lot is theoretically an unbuildable lot unless you can erect a water tank and drive water in. He doesn't know if the county would approve that. He hasn't had anyone in the two years he has been there no one has come to develop those properties. He went to Utilities Inc. and they told him it would be \$500,000 to bring utilities down there and as of now no one has approached them to develop.

The issue of someone's rights to build a house and whether it would or wouldn't be a good thing is subjective. This is about the land use and whether or not this is the correct spot for this to happen according to your staff and your rules. The second part is if it is safe, animal control has been there and it has been ruled safe and it has been ruled to be in the proper place. What could happen or what might happen isn't this board's purview. It is the board's responsibility to determine whether it is safe or if it is the proper place.

Mr. Mitchell states that as they are a shelter under the terms of NRS 574 that a shelter is exempt from a CUP. If this issue goes to a district judge, they feel it would be found

they would be correct and be exempt. As a shelter they are exempt, as a private shelter with these animals they qualify for this land use. There are 5 other facilities that do not have CUPs because they are grandfathered.

Mr. Mitchell doesn't believe he should be the example because of issues that are outside of the purview and perimeter of this condition.

Mrs. Mitchell states that they do have papers signed by a judge stating they are a shelter not a sanctuary; they have an application that shows they went to the utilities company, and a business license.

Commissioner Hand asks where they are getting their information that they don't need a CUP for a shelter.

Mr. Mitchell states that it is in the rule books on a definition of a shelter.

Commissioner Hand is looking at RH-4.5 Rural Homestead, for permissive uses and it isn't anywhere in there.

Mr. Osborne states that he believes Mr. Watkins has reviewed this with Mr. Mitchell.

Commissioner Hand refers to Mr. Watkins.

Mr. Watkins states that he has went over this on several occasions with Mr. Mitchell and he is absolutely not exempt under the law. The same issue has been gone over several times and it is Mr. Watkins final legal conclusion he is not exempt.

Mr. Mitchell states that the decision would be made by a judge of competent jurisdiction and not the District Attorney on that part.

Commissioner Hand states that right now we are considering a CUP for an Animal Sanctuary, with special condition animals, and asks if that is what Mr. Mitchell applied for.

Mr. Mitchell stated no, that it is not.

Mr. Osborne stated that his application was for an Animal Sanctuary with exotic animals, which are special condition animals. That is what the application was that they received.

Mr. Mitchell states that the definition of a Sanctuary is not what they are under his reading of the definition.

Mrs. Mitchell states that they have had Mr. McCarty on the property on several occasions and he verified and stated that they are safe and the animals are under pad lock and a double perimeter fence.

Commissioner Goode asks if they carry any type general liability insurance in case they do get out.

Mr. Mitchell states he does, he carries a \$2 million dollar personal general liability policy, he also has capture equipment that is provided by his veterinarian. It may or may not be effective but they have it on hand. They have never had to use it in the 20 years of having the animals.

Commissioner Parker states that she noticed on her visit that there were no homes in the immediate area. The closest house is quite a distance away. Do those people in the house have problems with you having exotic animals?

Mr. Mitchell stated the people in the house actually have exotic animals and they are grandfathered in and aren't required to have a CUP. They haven't voiced an opposition to Mr. Mitchell in any form.

Commissioner Hafen states he would like to clarify that Mr. Mitchell's statement that the board doesn't have purview to look into anything in the future. One of the requirements is that the board finds facts or findings that this CUP will not be hazardous or disturbing to future or existing neighborhood uses. This board does have to look into this.

Public Comment opened at 6:30

Harley Kulkin states that he was looking through the letters in opposition and as an elected official he knows that people against things come out in a larger force than those people for it and the people for it always come out winning. The letters he is reading in opposition look like they are the same letter and just signed by different people.

Mr. Kulkin states that he used to be on the RPC and he states the Rural Homestead zone is because of him. He copied the San Bernardino Rural Living zone and he lives on Rural Homestead. When he came up with the zone was that it was a very permissive zone and had the least amount of rules you can have. This property fits right in.

Mr. Kulkin states that the board doesn't have experience on you aren't hauling water to your house because you don't have a well. The health department won't permit it. Those lots are in a service area, 1/2 acre lots. Unless you go to the State and request to get out of the service area you won't haul in water and can't put in a septic.

Mr. Kulkin went to the property and it is pretty removed from any neighbors and the animals didn't pay any attention to him at all. They are well taken care of and happy in their environment. He envisions Pahrump as being a town that has unique things to draw tourists to. This fits right in to our environment. You can't move into an area where something is existing and then complain about it being there. If you choose the zone to move into than you understand.

Mr. Kulkin states that Mr. Mitchell isn't trying to put something in a zone that doesn't belong he is trying to put it in a zone where it does belong. A CUP is a perfect example of helping people out. He doesn't believe those 1/2 acre lots are RH and the property value being affected is impossible. Those properties are unbuildable and there are plenty of lots you can build on that are for sale and they haven't sold.

Becky Calkins states the most beautiful animals she has seen here in Pahrump are the tigers. They are well taken care of; we need to know if Pahrump can handle something like this. If you go out there the beautification is explained. She is here to support them and it is an addition to Pahrump.

Fred Rogers states that he would like to comment on the security. For the past thirty years he was a security specialist in the military. He believes the facility is secure and safe and the tigers are beautiful.

John Bushko has volunteered to help Ray at any time. He has been the caretaker of the property for many years and except for the property behind them the area has been unchanged since then. He has put a lot of time and effort into making it a beautiful property. When Mr. Mitchell stated he needed a place for his animals they all got together and decided this is the perfect property. He has worked with Mr. Mitchell in caring for the animals and the place is beautiful. He believes that it is a positive thing for Pahrump.

Martina Bernstein is here as a concerned citizen and for PETA. What she has noticed with the comments and staff report is that we are treating this applicant and the application as a blank slate. In this case Mr. Mitchell isn't a blank slate he has history.

Commissioner Hand states that this is a Land Use item and this has nothing to do with the history of the applicant and he will not accept testimony to that. If she has testimony with the land use or the CUP he will hear that but will not hear background information on an applicant. That is not what they are here for.

Ms. Bernstein states she understands and the point she wants to make is that the Commission is entrusted with making sure there are no hazards and that the permit will not pose a safety hazard. The only point she intended to make is that sometimes tragedy happens and tragedy happens without people having notice of the danger.

In this case the current situation, the current manner in which these animals are kept, the fencing alone is insufficient and it is half the height of what fences for these dangerous predatory type animals should be according to the National Zoo and Aquarium Association. The staff report points out that one of the focus of the Commission will be the requirements of an Animal Sanctuary. In the zoning code in its definition of Animal Sanctuary requires that it is a licensed organization with its primary purpose being the care and comfort of animals.

Ms. Bernstein notes the staff report that has the definition of the animal sanctuary as in NCC 17.34.110. She states that in this case there can be no finding that this is the primary function of this business. The primary function of this business is to raise funds by using these animals for the entertainment of visitors. She has check the website as of today and it says "Come out and have an experience with these animals for a \$500 donation." These animals are being used for props for photo shoots and photo opportunities. This is a business less there is any doubt their primary function is not to provide the comfort for the animals. There have been numerous violations of animal welfare violations. To that extent that is relevant because to meet the definition of an

Animal Sanctuary the primary purpose has to be to provide lifetime care and comfort for animals. She believes that hasn't been made and cannot be made.

Frankie Mendez stated that it has been proven that animals in captivity have a longer life span. Mr. and Mrs. Mitchell have provided constant and responsible care for these tigers. If these large cats were to be released into the wild statistically only two are guaranteed to survive. They are providing a great service to the animal kingdom, preserving of the tiger species. Currently there are less than 10,000 Bengal tigers in the wild. The tigers in questions have not shown a threat to the public. However everyday humans show threats to each other. Humans are more lethal to us than the tigers are.

Ana Madrid states she visited Mr. Mitchell's property and when she first heard of Mr. Mitchell she feared there could potentially be an animal that got loose and attacked someone. When she was on the property she did not feel threatened or afraid. She did notice they have a large perimeter fence; the tigers are enclosed with the second perimeter fence around them. They seem to be happy, calm there was clean cages, and they didn't seem a threat to her. While visiting with her child, safety was her number one concern and she felt safe. It was a great educational experience for her son.

Debra Aitken she sometimes volunteers at the sanctuary. She has never seen where the tigers have tried to escape or get out. Everything has been clean and in order. From time to time she sees people in the area outside. Mr. Mitchell will approach them to see why they are there and to make sure they aren't a threat to the animals. The interior is safe and outside the cages, the fencing isn't an issue.

Ray Mallow Mielzynski is the property owner and states that he has spoken with Mr. Watkins and believes that another appearance might persuade some.

Mr. Mielzynski states that he has dealt in real estate for many years. It isn't easy to put improvements on a piece of property. The power company will not put establish power until you have a well and septic in or contracted and money paid. There is no way to get power to these properties even though he has power to his property the adjoining properties can't hook into his line. It is miles away from any improvements that are coming in as far as water and sewer. The bond was set up by Preferred Equities and they never complied with bringing power to these lots. This property is secluded and pristine the adjoining lots with the exception of the 20 acre lot next to his, the rest of the lots are all owned by people that live out of state and unbuildable lots.

Mr. Mielzynski stated that his brother set this property up as an Animal Rescue type of situation. Mr. Mitchell has this property set up safely and he would be in jeopardy if anything were to happen there. He also has \$100,000 insurance on the property. Mr. Mitchell was first being run out of town he volunteered to let Mr. Mitchell use his property. He isn't making any money or rent from Mr. Mitchell. The only money involved was for the caretaker that lived there for free and she is renting the mobile home to Mr. Mitchell and he is paying her rent. Mr. Mitchell takes care of any improvements to the property. In his opinion he doesn't believe there is any jeopardy to the property. This is something that is good for the community and the world by saving these endangered animals.

Tim McCall states to the issue of the property in the vicinity and community as a whole. He believes this would be a negative to the ½ acre lots. They aren't worth a lot now but there are people that have bought, sold or traded. There are people that intend to live out there in the future. You can get a revisionary map with the state and get a temporary well until such time services are available. This would be somewhat detrimental to those property owners. He wouldn't like to see someone put a house in the area with 3 or 4 kids and see one of the cats get loose; it is also an attractive nuisance to kids and young adults living in the area. Property issues are the main issue. In real estate anybody trying to sell the property would have to disclose a potential hazard so that would be another issue.

Mr. Mitchell addresses Ms. McCall and asks that Tim McCall is her father. Mr. Mitchell just wanted to disclose that the man that just made his testimony, his daughter sits on the commission and he has expressed an opposition to it. He asks that Ms. McCall doesn't vote since her father has been on record for opposition to this.

Commissioner Hand states that it is every ones right to make public comment whether you agree with it or not. If his wife made a comment you would say for me to be dismissed.

Mr. Mitchell stated that he would ask if your wife made a comment he would ask for him to abstain from the vote to show you aren't biased by any shape or form by your family ties.

Commissioner Hand states that by doing that you would be saying he has no character.

Mr. Mitchell stated he would be eliminating the question if he had no character.

Commissioner Hand states that he asked at the beginning of the meeting if there were any conflicts of interest.

Mr. Mitchell asks if she knew he was going to speak on this topic.

Commissioner Hand stated he is not sure if she knew or not.

Mr. Mitchell stated he just wants to have it on record so that everyone understands when they are talking about being biased. He asks that due to the volume of the number of people that came and asked for you to issue the proper land use that you listen to them and the recommendations of staff to approve this.

Commissioner Parker questions an email she received saying that a falling down wooden fence wasn't going to protect anyone from tigers.

Commissioner Parker asks if that is his main fence.

Mr. Mitchell states he doesn't have a falling down wooden fence nor does he have a fence made of wood anywhere on the property. The perimeter fence is constructed by steel, metal, chain link per Nye County code. He could go to the AACPA, or Fred and they can tell you a 20 ft fence is okay for a prison but not high enough for animals. A 12

foot fence could be high enough, it is all subjective. It is up to county code and it has been inspected and said to be safe.

Commissioner Parker states that there has been talk that your fences aren't high enough, and if the top of the cages are all chain link is the height of the cages really an issue.

Mr. Mitchell states no, the fact is they are completely enclosed and there is shade on top of the top so the chain link material and it was Mr. Jones that originally inspected it and approved it. With a three year CUP it is going to be hard to invest big money into higher fences if they have a CUP for the length of time they will want to be there they would probably put \$100,000 out to put in higher fences.

Public comment closed at 6:59.

Commissioner Hafen states it is his understanding from staff that it is their responsibility to provide enough evidence for these findings in here to approve this. One of his concerns that he bought up prior was that this condition will be a substantial improvement to the property in the immediate vicinity and to the community as a whole. He states he still doesn't know that he has heard evidence that supports that. There is a statement saying that it will be however he doesn't have any evidence in front of him.

Commissioner Hand states if we have all these properties that were 18 acres around here he wouldn't hesitate but that isn't the case. We have hundreds of properties within $\frac{3}{4}$ of a mile from here, there are 74 properties within 500 ft and we have 20 properties that border on this property. It may not be buildable but people own them and invested in them. The commission has to look at conditional use being designed for existing and intended character of the vicinity. An Animal Sanctuary wasn't in the general vicinity when these hundreds of people bought this property and still own it and pay taxes. We have to also make sure it isn't hazardous or disturbing to existing or future endangering uses. If we had RH-4.5 all the way around it wouldn't be that we have to look at the other property owners also.

Commissioner Parker states we also should consider the fact that there are all ready existing exotic animals already there. Would the addition of more make that big of a difference.

Commissioner Hand asks if they are bordering the property.

Commissioner Parker states his closest neighbor has exotic animals.

Mr. Mitchell states that property runs along the front Leslie but backs up to the start of those Calvada $\frac{1}{2}$ acre properties. It is a nine acre piece of property.

Commissioner Hafen states he is looking at the staff report at all the properties on the Land Use Matrix on page two. There isn't a single property that abuts this property that is considered to have a Sanctuary or Rescue. He doesn't see how this other property that is somewhere in the vicinity has any relevance to the adjacent properties.

Commissioner Hand states it isn't adjacent to the property it is down the road to the North and West. It's not on the matrix or it wouldn't be adjacent.

Commissioner Parker motions to approve CUP CU-12-0007 based on staff findings and the conditions for Animal Sanctuary and special conditions. Commissioner Koenig seconds.

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

Yes: Parker.

No: Goode, Hafen, Hand, Koenig, McCall.

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

Commissioner Parker would like to talk about findings #4. It seems to have been a problem and we never looked at it this with substantial improvement, we just approved at the last meeting a lady allowing her to live in her RV. That certainly wasn't a substantial improvement to the property and the vicinity. We have never looked at this item that closely before and maybe we should discuss this in the future. Because a good deal of what we have isn't a substantial improvement to property. That's part of the Nye County Code as we can't change it but we can make recommendations.

Mr. Osborne states that we can make changes if it is something that needs to be clarified or expanded on. We can do a code amendment, to address that issue it is something that we would maybe look at in the future.

Commissioner Parker states that it seems capricious, she has been on the board for several years and this is the first time this has been used as a basis for denying people. Some things we have approved have not been substantial improvements in fact they haven't been improvements in the neighborhood at all. She feels they are being arbitrary and capricious in this case, she thinks we need to look at this very carefully.

Commissioner Hand states that he doesn't believe that anything was denied or held against it.

Commissioner Parker states it was brought up several times in the findings.

Commissioner Hafen asks if we are opening this up again for discussion or are we trying to discuss things for future meetings.

Commissioner Parker states this is direction to staff.

Commissioner Hand states it is direction to staff and Commissioner Parker is asking us to look at Nye County Code 17.04.920.

Commissioner Parker states that if we are giving a CUP to a person living in an RV in a residential neighborhood it isn't a substantial improvement in the neighborhood. We need to be consistent.

Mr. Watkins states as legal counsel someone that is living on a piece of property and using it instead of it being vacant can be a substantial improvement to that property. He thinks that is a legitimate finding that can be made.

Commissioner Hand asks Commissioner Parker if she would like to direct staff or make a recommendation to staff.

Commissioner Parker states yes, it can be a hang up on quite a few things.

Commissioner Hand asks if she is talking about all the findings or just #4.

Commissioner Parker states just to look at #4 she is also willing to have them look at all of them.

Commissioner Borasky states if the board should come up with things in the code that they don't agree with that they can be forwarded to the County Commissioners.

Commissioner Hand asks Mr. Osborne if he would like to look at this.

Mr. Osborne stated yes if that is what members would like, would you like them to look at all of the findings 1 – 8?

Commissioner Hand asks for a motion.

Commissioner Parker motions to start with #4. Commissioner Koenig seconds.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

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

Mr. Osborne states that there is a hand out that was printed in the LVRJ newspaper last week that talks about the same issue we just dealt with. Clark County treats their exotic animal issue the same way we do which is a land use issue, CUP. They have recommended changing their code to make it more of a license so they can review the owner's qualifications. This is something that maybe worth discussing.

Commissioner Hand asks if they made it more of not just a land use item but looking at land use and everything else.

Mr. Osborne stated that is correct they looked at verifying the education expertise so if someone that wants to own exotic animals that is something we don't have now. There are 7 bullet points now that they want to do.

Commissioner Koenig stated they are basically trying to change it to include things that someone was trying to talk about before which we can't talk about because we are land use strictly. Clark County wants to get into the background of the people who are going to have the animals, take care of the animals. It is a good idea because it means more to him than anything else does.

Commissioner Hand states qualifications.

Mr. Osborne states he can propose something to the BOCC and go through the DA's office to work with them to come up with something. We can go to the BOCC and let them know the RPC has discussed this and feels it is something important and something they should consider.

Commissioner Koenig motions to direct staff look at the way Nye County exotic animals, ownership and the use of exotic animals and consider treating it more like how Clark County treats it.

Commissioner Parker asks if this includes grandfathered ones, meaning you could pull permits off grandfathered ones, which is a question for Mr. Watkins.

Mr. Watkins states he would say no, they probably have a constitutional protected interest in the grandfathered. Without actually doing the research he can't give a definite answer.

Commissioner Parker states then we would be coming up with something aimed at just one person, Mr. Mitchell correct?

Mr. Watkins states the general law would be for the whole community.

Commissioner Koenig state that wasn't the intention of his motion, this is looking toward the future. Mr. Mitchell will do what Mr. Mitchell wants to do. If there is a new person that wants to come in they will have to go to the Commissioners instead of the RPC they will get examined as to their background and their suitability to take care of an animal.

Commissioner Parker states no offence to Commissioner Borasky but do you really feel that the Commissioners would be in a position to be able to judge the qualifications of someone or do you think it should be through Animal Control or someplace else.

Commissioner Koenig states Animal Control reports to the Commissioners as part of their job. They're going to get this one anyways and they can't decide on whether it is qualifications till later on. He has a lot of here say information.

Commissioner Hand states with Clark County cracking down they are going to start coming here. He thinks it is something that we need very solid where when someone does come out it isn't just a land use item. That is exactly what we have at this point is a land use item. Clark County their Commissioners have taken in where it permitting and they take in consideration the land use and verify the education.

Commissioner Parker thinks the state will take it over.

Commissioner Hafen asks if this something we would want to add to County Code 17.04.700 A 252 under Animal Sanctuaries or 253 Animal Special Conditions which are safeguards that this board shall use in deciding upon the application. Is this something

the County Commissioners would use or is this something the County Commissioners would prefer this board to use?

Commissioner Hand states all this board can look at is Land Use. We can't look at anything else. In the future other things can be looked at.

Commissioner Parker states that we are looking at more than Land Use because they have to be vetted by Animal Control already; she feels Commissioner Hafen is correct. You can be adding more conditions for Animal Control to investigate. We have to rely as would the Commissioner on someone with expertise in that area, we haven't got it.

Commissioner Koenig motions, and Commissioner Hafen seconds the motion.

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

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

Commissioner Parker states that the way it looks now it would be impossible for someone to get a permit for exotic animals because there will always be a lot adjacent to it that it would negatively affect. Maybe we should outlaw future ones if it is impossible for them to get permits.

Commissioner Hafen ask if the board would like a legal opinion from the DA's office whether or not if we move forward with adjusting the County Code whether these items in the future should go before the County Commission or the RPC.

Commissioner Hand states that was in the motion.

The next meeting will be September 12, 2012.

9. **Public Comment (second)** – This time is devoted to comments by the general public, pursuant to NRS 241.020(2)(c)(3). No action will be taken on matters raised under public comment until the matter itself has been included on an agenda as an action item. (Three-minute time limit per person and speakers are requested to limit comments to items not on the agenda.)

Harley Kulkin states that he saw some closed minds tonight. He states that Commissioner Hafen stated that he needed a justification to approve, Mr. Kulkin thought you needed a justification to not to approve. CUP is just that, a temporary permit and you could have imposed any type conditions you wanted too.

Commissioner Hand states that he is stopping Mr. Kulkin from speaking on items that have to do with the agenda. Public comment is for items not on the agenda.

Mr. Kulkin stated that it has already been voted on and you discussed it afterward.

Commissioner Hand stated they discussed it as a commission for a future item. If he has something that doesn't have to do with the agenda item then he can go ahead.

Mr. Kulkin states he would like to see a lot of progress happen in Pahrump and when we have closed minds, your attitude should be how we can make this happen and not how can I stop things. He is tired of talking to people that want to do things here but run into hurdles and then run off. He believes some of the problems are the County laws you have to follow and some of it is the attitude. He knows the Town Board gets blamed for lots of stuff that comes under the jurisdiction of the County. The town is only responsible for the ambulance, fire, cemetery and parks. And most of the complaints that people have are what comes out of this board and the County. You have to have an open mind if you want to have progress.

10. Adjournment.


Commissioner Koenig motions to adjourn, Commissioner Hafen seconds the motion.

Meeting adjourned at 7:22.

Approved Date:

Attest:


Terry Hand, Chairman
Pahrump Regional Planning Commission


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