

**PAHRUMP REGIONAL PLANNING COMMISSION  
MINUTES OF THE OCTOBER 10, 2012 MEETING**

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

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

Members Absent:

Planning Staff:                      Steve Osborne                      Beth Lee

District Attorney's Staff: Charlie Watkins

Building & Safety Staff: None

Public Works Staff:                      Tim Dahl

Other Attendees:                      Darrell Lacy

Acronyms Used:

ADT	=	Average Daily Traffic
ARC	=	Architectural Review Committee
BLM	=	Bureau of Land Management
BOCC/BOC	=	Board of County Commissioners
CAA	=	Charles Abbott Associates
CUP	=	Conditional Use Permit
DOR	=	Deed of Restrictions
CCO	=	Code Compliance Officer
CC&R	=	Covenants, Conditions & Restrictions
DRC	=	Development Review Committee
FEMA	=	Federal Emergency Management Agency
NBHPS	=	Nevada Bureau of Health Protection Services
NCC	=	Nye County Code
NCSD	=	Nye County School District
NDEP	=	Nevada Division of Environmental Protection
NDWR	=	Nevada Division of Water Resources
NDOT	=	Nevada Department of Transportation
NRS	=	Nevada Revised 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. Approval of Minutes:**

#### **a. September 12, 2012**

Commissioner Hafen motions to approve minutes, Commissioner Koenig seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

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

There were none.

Commissioner Koenig motions to approve the agenda as written, Commissioner Hafen seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

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

There was 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.)**

Commissioner Hand opened public comment at 6:02 pm.

Judith Holmgren asked to read an excerpt from a book; Commissioner Hand stated that this was for public comment only. She will make a copy of the book available to the committee.

Closed at 6:05 pm.

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

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

Commissioner Borasky has nothing to report from the Commissioner, but he has been appointed to the NACO committee on transportation and will bring back quarterly reports after the meetings.

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

Commissioner Parker has nothing to report.

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

Commissioner Koenig states they have a follow up meeting regarding the presentation on October 30<sup>th</sup> and will bring additional information back at the next meeting.

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

Commissioner Hafen stated they won't be complete till 2013 and the next meeting is October 24<sup>th</sup> at 2 pm.

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

There were none.

**Conditional Use (CU) Permit Applications:**

- 7. CU-12-0014:** Conditional Use Permit (CUP) application to allow a Check Cashing, Payday Loan or Similar Use in the General Commercial (GC) Zoning District, per NCC 17.04.320.E, located at 1441 E. Highway 372, further known as Calvada Valley Unit 6, Block 6, Lot 8. Mario & Rachele Zanetti Trust – Property Owners. Nevada Title and Payday Loans, Inc – Applicant. Civilwise Services, Inc. - Agent. AP# 38-291-08.

Ms. Lee reviewed the staff report; there are no plans to expand the building so staff isn't going to require a site development plan. Based on findings staff recommends approval.

Commissioner Hand refers to Public Works; there still is a question on the traffic circulation. Mr. Dahl stated if Mr. Osborne has determined that it isn't necessary to have the additional two feet that is fine, they just wanted to bring up that Nye County Code requires 24 feet for two way traffic.

Commissioner Hafen asks Mr. Watkins if per code the business is a different use than Gentry Finance that is only 1,425 ft away.

Mr. Watkins stated that after reading the staff report he agrees.

Commissioner Koenig stated that 1425 ft away there is a loan and finance company, and now we have a new one that is a check cashing business. To him they are similar uses.

Mr. Watkins states that check cashing services and check cashing loans are two different things, they are under different licenses under the NRS.

Commissioner Hand refers to the applicant.

Dave Richards, Civilwise Services, representing the applicant had no comments they presented the information and can answer questions.

Public Comment opened and closed with no comments at 6:12 pm.

Commissioner Parker motions to approve CU-12-00014 to allow a check cashing/payday loan or similar use in the GC zoning district based on staff and legal findings. Commissioner Goode seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, Joseph Goode, Terry Hand, Vicky Parker.

**No:** John Koenig.

8. **CU-12-0015:** Conditional Use Permit (CUP) application to allow the expansion of an existing legal non-conforming use of land, specifically to add a 40' x 80', 50' x 100' and 60' x 100' shade structures to existing concrete slabs, on property in the Heavy Industrial (HI) Zoning District, per NCC 17.04.905.B Grandfathered Uses, located at 1470 E. Mesquite Avenue, described as Parcel 4 of File Map #64746, Section 35, Township 19 South, Range 53 East. Creekside Investments, LLC – Property Owner. Pahrump Valley Disposal – Applicant/Agent. AP# 27-413-15.

Mr. Osborne reviewed the staff report, and project description; add three shade structures to the subject property. Staff is recommending approval of the CU and subject to the conditions of the staff report.

Commissioner Hand refers to applicant.

Robert Grossbeck on behalf of the applicant, they just want to add shade structures for the employees. There are no changes to the operation, they simply want to provide a better environment for the employees.

Commissioner Goode asks if they are metal buildings and states they aren't new.

Mr. Grossbeck stated that is correct.

Commissioner McCall asks if they have read and understand the special conditions of approval that they have been recommended.

Mr. Grossbeck stated he does and they agree.

Public Comment opened at 6:17 pm.

Butch Clendenen stated he lives at 2480 Kitty Hawk Drive. His concern isn't with the buildings as long as they aren't 40 ft tall. His major concern is that they are metal, and they then become an echo chamber and then it becomes a noise issue.

Commissioner Hand stated that they aren't putting up a metal building but they are shades.

Mr. Clendenen stated he is aware of what they are doing the shades direct the sound.

Mrs. Clendenen states that the shades are loud and wouldn't mind if they were wood.

Public comment closed at 6:21 pm.

Mr. Grossbeck stated that the sound shouldn't be enhanced whatsoever. He can't speak for the competitor down the street but they try to be good neighbors. From an engineering, safety and construction stand point they can't put up wood structures. They have the steel in line to be put up if the plans are approved.

Commissioner Hand asks if they are working at 11 at night.

Mr. Grossbeck stated they don't work double shifts.

Commissioner Borasky asks if Mr. Grossbeck will look into putting Styrofoam under the canopy.

Mr. Grossbeck stated that they will look into that.

Commissioner Koenig stated if you spray the underside with rubber it will help also.

Commissioner Parker motions to approve CU-12-0015 to allow an expansion of an existing legal non-conforming use of land to add 40 x 80, 50 x 100, 60 x 100 shade structures to the property per staff findings and grandfathered uses. Commissioner Hafen seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

9. **CU-12-0016:** Conditional Use Permit (CUP) application to allow the expansion of an existing legal non-conforming use of land, specifically to add a 24' x 60' modular office to an existing church (Heritage Bible Church), on property in the Village Residential (VR-20) Zoning District, per NCC 17.04.905.B Grandfathered Uses, located at 3061 E. Heritage Drive, described as Parcel 3 of File Map #238367, Section 7, Township 21 South, Range 54 East. Living Waters Bible Church dba Heritage Bible Church – Property Owner/Applicant. AP# 45-081-27.

Ms. Lee reviewed the staff report and project description; the applicant wants to add a 1440 sq ft modular building to be used as offices. Staff is recommending approval based on the findings in the staff report and the conditions.

Commissioner Hafen asks if Ms. Lee knows if the applicant has a commercial well or septic.

Ms. Lee stated she does not know.

Paster Ed Dreese, applicant, stated that they have a commercial well and septic due to the new building that was put on the property in 2001. Everything was done with the proper permits and ordinances.

Public comment opened and closed at 6:28 pm with no comments.

Commissioner McCall asks the applicant if he has read and understood the proposed Special Conditions of Approval.

Mr. Dreese stated yes.

Commissioner Koenig motions to approve CU-12-00016 based on staff findings. Commissioner Hafen seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

#### **Zone Change (ZC) Applications:**

10. **ZC-12-0008:** (Conforming) Zone Change application to change approximately 9.63 acres from the Village Residential (VR-20) Zoning District to the Mobile Home Park (MH) Zoning District for property described as Parcel 2 of File Map #135959, the Southwest ¼ of the Southwest ¼ of Section 3, Township 20 South, Range 53 East, located at 1221 N. Blagg Road. Middleton LLC – Property Owner/Applicant. Civilwise Services – Agent. AP# 035-041-19.

Mr. Osborne reviewed staff report and project description; applicant would like to rezone a 9.63 acre parcel from VR-20 to MH. Site Plan of Development will have to be submitted for review by Planning and Public Works. Staff recommends approval subject to conditions outlined in the staff report.

Commissioner Goode asks why a mobile home park is being put where it is surrounded by residential and why are we changing it now in this case. Trailer parks are normally away from residential areas.

Mr. Osborne stated the applicant is proposing the mobile home park. It is Master Planned Medium Density Residential.

Commissioner Goode stated there are 240 residences in the park.

Mr. Osborne stated they are proposing 120 residences in the conceptual plan. 129 is what is allowed under the MH zone.

Commissioner Goode stated exhibit A is showing it backing up to residential houses.

Commissioner Hand stated it is backing up to residential which is Low Density Residential. Exhibit B is the subject area and is Medium Density Residential which can be a mobile home park.

Commissioner Hafen asks if during the Site Plan Review process is when staff will determine if there is adequate setbacks, etcetera.

Mr. Osborne stated that is correct.

Commissioner Borasky asks if the client intends on starting the project in the near future.

Dave Richards, Civilwise Services, representing the applicant, as far as he knows the client will start the project and his intentions are to move forward.

Commissioner Koenig asks staff to add to the special conditions of approval to add that if they don't start within three years it goes back to what it was.

Mr. Osborne asks if the Commission feels it as necessary it can be added.

Commissioner Hand states it can be added in the motion.

Commissioner Hand refers to the applicant.

Mr. Richards stated that he has no comments, what you are looking at is the conceptual site plan. Right now they are just asking for what is approved by the master plan. Once they get approval they will move forward with the rest of the work. They included the required setbacks, parking and landscaping in the site plan.

Commissioner Hand asks if under the conceptual design that they are realistically that they are all going to be a single wide.

Mr. Richards stated that is what they have been asked to do. If they do make room for doublewides they will take two units and put them together and the density will go down.

Commissioner Hand asked the applicant if there will be 120 residences max.

Mr. Richards stated that is correct.

Public comment opened at 6:40 pm.

Fred Smith, 200 Stagecoach, is against this plan. Half the houses on Stagecoach will back up against this property. They wanted to live in Pahrump due to the location and it is quiet. You add a few hundred people to the area and it is now pointless.

Tonya Schneider, 200 Stagecoach, and she is against the plan. She doesn't believe that you should throw Medium Density Residential in with the Low Density Residential.

Commissioner Hand asks Ms. Schneider when she bought the property and if she checked with Planning on what the zoning was before you moved.

Ms. Schneider said she has been here a year and she did check with Planning.

Commissioner Hand stated the zoning was in place at that time and hasn't changed.

Mr. Smith stated that they were told it was residential area and that it stopped at Irene, they must have been told incorrectly the zoning by the realtor.

Mr. Richards states that this applicant has a property that was master planned properly and it just so happens that it ended at the residential area.

Public comment closed at 6:46 pm.

Commissioner Hafen asks Mr. Watkins if we legally can put a three year time limit on the application as Mr. Koenig is asking.

Mr. Watkins stated he doesn't know that answer to that he would have to look at the statute.

Commissioner Hafen asks if we have done this previously.

Mr. Watkins stated yes we have in the past.

Commissioner Parker stated they have added it as a condition, and they have had applicants come in asking for a renewal of their CUP because the three years was up and in some cases it has been as much as 5 years for commercial items.

Mr. Osborne stated that in Nye County Code there is a provision that allows for a three year time limit and if not developed in accordance with the plan submitted within the time limit the zoning reverts back to the previous code.

Commissioner Hand stated that if it is Nye County Code than we don't have to make it a condition. If we change zoning in three years and it isn't developed then it reverts back.

Mr. Osborne stated you have to make it a special condition otherwise it won't apply.

Mr. Watkins stated if it is a Nye County Code then it wouldn't be put in as a special condition. Nye County Code is a code and it is there to be followed and by everyone it doesn't get activated by making it a condition. He would have to review the exact language.

Mr. Osborne stated he thinks it was put in the code before the comprehensive rezoning. At that point the individuals coming in asking for rezoning had to develop in three years.



Once the comprehensive rezoning was done they didn't revert back, so at this point it would make sense to apply to individual cases.

Commissioner Hafen asks what part of the code it is in.

Mr. Osborne stated in the zone change process.

Commissioner Hafen asks Mr. Watkins if there was a conversation that zone changes should not have conditions and if it is law it is law and it should be followed by everyone.

Mr. Watkins states they talked about contractual conditional zoning, the commission shouldn't give up their power to zone things. Everything falls under the Master Plan and to proper zoning, he doesn't think it is a contractual zoning violation.

Commissioner Koenig motions to approve ZC-12-0008 based on staff's findings and to add special condition of approval #4, if development has not commenced within three years the property will revert to the previous zoning. Commissioner McCall seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Terry Hand, Vicky Parker.

**No:** Joseph Goode.

#### **Master Plan (MP) Amendment and Zone Change (ZC) Applications:**

#### **11.**

- a. **MP-12-0007:** (Minor) Master Plan Amendment to change the land use designation from Business Park/Light Industrial to Heavy Industrial for nine (9) parcels totaling approximately 60.0 acres (gross), generally located north of Basin Avenue, east of Oyster Street, and west of Panorama Road. PV Raceway LLC; Wulfco & Wulfenstein Trust; PDMV1 LLC; and Wulfenstein, Ray & Irene Trust – Property Owner(s). Nye County Zoning Administrator – Applicant. AP#'s 035-191-45, -51, -52, -53, -54, -58, -59, -60, and -61.
- b. **ZC-12-0009:** (Non-Conforming) Zone Change application to change approximately 60.0 acres (gross) from the Light Industrial (LI) Zoning District to the Heavy Industrial (HI) Zoning District for nine (9) parcels totaling approximately 60.0 acres (gross), generally located north of Basin Avenue, east of Oyster Street, and west of Panorama Road. PV Raceway LLC; Wulfco & Wulfenstein Trust; PDMV1 LLC; and Wulfenstein, Ray & Irene Trust – Property Owner(s). Nye County Zoning Administrator – Applicant. AP#'s 035-191-45, -51, -52, -53, -54, -58, -59, -60, and -61.

Mr. Osborne reviews the staff report, and project description. There is a proposed propane production and cylinder filling facility to be on parcel #54, which requires Heavy Industrial zoning. Staff recommends approval of the Zone change and the Master Plan amendment.

Commissioner Hafen asks Mr. Osborne if the existing businesses that are operating there are legal both under Heavy and Light Industrial or do they need to be rezoned Heavy Industrial to continue to operate outside of the grandfathered clause.

Mr. Osborne stated they are legal under the grandfathered clause but they normally would require Heavy Industrial.

Public comment opened and closed with no comments at 6:56 pm.

Commissioner Koenig motions to approve MP-12-0007 and ZC-12-0009 based on staff findings. Commissioner Parker seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

### **Parcel Map (PM) Applications:**

12. **PM-12-0006:** Parcel Map application to divide a 40 acre parcel into two parcels, one 26.96 acres and the other 11.67 acres, Zoned General Commercial (GC) and Master Planned General Commercial, located at 1941 E. Basin Avenue, further described as the East ½ of the East ½ of the Northeast ¼ of Section 14, Township 20 South, Range 53 East. William G. Goff, Jr., Trustee – Property Owner/Applicant. Civilwise Services, Inc. – Agent. AP# 035-291-01.

Ms. Lee reviewed the staff report and project description. Staff is recommending approval.

Commissioner Hafen asks if this parcel has the state required dedication of 2 acre feet or water rights for a new parcel if they are in a utility service area.

Ms. Lee stated they are within the Utilities Inc. service area and are required to give water rights to that utility at the time of development.

Commissioner Goode asks if there is a mathematical error in the division of the parcels, because the numbers don't add up in the application.

Ms. Lee stated that it is a technicality and they must have interchanged the net acreage with gross acreage and it will be corrected before the map records.

Dave Richards, Civilwise Services, representing the applicant, have no comments.

Public Comment opened at 7:12 pm.

Commissioner Hafen asks if Mr. Richards has seen the two pages of conditions and if they are okay with them.

Mr. Richards stated yes.

Public comment closed at 7:13 pm.

Commissioner Koenig motions to approve PM-12-0006 based on staff findings. Commissioner Hafen seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

**13. Humahuaca – Emery Street Area Study.**

Ms. Lee stated staff was directed to study whether or not the lots were properly zoned NC or should they be GC. After review and based on the existing lots sizes that are roughly 5,000 sq ft in the area that are zoned NC and the GC lots that average 25,000 sq ft staff feels the properties are zone appropriately. To offer an alternative solution it is suggested that they could look into adding check cashing to the NC zoning district with a Conditional Use Permit.

Commissioner Hand asks staff to review the history and see if anyone in NC that had tried to do a change and see if it was ever turned down.

Commissioner Parker believes there was an automotive business that couldn't open because it wasn't GC.

Commissioner Hand asks if they go along with this text they wouldn't be stepping on anyone.

Ms. Lee stated that is correct, most places that want to open a check cashing business they check with the Planning Department and seek out the GC properties. She doesn't believe there has been a existing business that after the comprehensive rezoning and then asked for a use that wasn't compatible.

Commissioner Hand states the Master Plan Steering Committee hasn't visited this area yet.

Commissioner Hafen stated that is correct.

Commissioner Hand has no objection to changing the text to add check cashing.

Commissioner Hafen asks Ms. Lee if the reason that staff believes that it isn't adequate to change from NC to GC is due to lot sizes. These lots would not fit the lot size description of GC.

Ms. Lee stated that is correct.

Commissioner Hafen asks if there is a requirement for spacing between residential homes or schools under current check cashing payday loans or similar use CUPs?

Ms. Lee stated there is no separation requirement from that use to a church, school or library or anything of that nature. The separation is from one business to the next and they have to be separated by 1500 feet.

Commissioner Hafen stated that NC is a less intense use and will be more surrounded by a residential area and it may be something that needs to be looked into.

Ms. Lee stated that with it being a CUP requirement it does have to come before the RPC, there are certain requirements that have to be met and if there is a large amount of public that are against it the RPC does still have control of how far into the residential neighborhood it can go.

Commissioner Koenig asked the commissioners how many check cashing businesses do they want in the town of Pahrump.

Commissioner Koenig motions to take no further action on the item.

Commissioner Hafen stated this isn't an action item, it is a presentation by staff for direction at the end of the meeting.

Commissioner Hand stated there was a motion to leave things the way they are.

Commissioner Hafen seconds the motion.

**Vote:** Motion carried by unanimous roll call to take no further action.

vote (**summary:** Yes = 6).

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

14. **Discussion and Possible Direction to Staff to Initiate a Zoning Ordinance Text Amendment** to require a Public Vote prior to any future decrease to the current 50,000 foot (9.5 miles) separation requirement between Residential Zoning Districts and Incarceration Facilities. Referendum 2012/Judith E. Holmgren – Petitioner.

Mr. Osborne stated this is a request from a citizen asking for the RPC to consider a text amendment to the CF zone. Legal council has done research on the item.

Mr. Watkins stated this is not the correct form to address this. The board is not permitted to hand their powers over to the people at will and this needs to be taken to the State Legislature and convince the legislature to take the powers away from the board and put it before a vote. The board doesn't have the jurisdiction to get rid of or delegate the powers delegated by the State Legislature.

Commissioner Hand stated then they can't recommend approval because they can't give away rights.

Mr. Watkins stated that is correct.

Ms. Holmgren stated they didn't request any action to take place, but Commissioner Schinhofen directed them to ask the RPC to word the item so that the Commissioners can take a vote. They wanted the staff that works with zoning would better word the item upon they wanted to take a vote.

Commissioner Hand stated the BOCC can't give up rights given to them by the State Legislature.

Mr. Watkins stated that is correct, that is only up to the Legislature.

Commissioner Hand states that the RPC and BOCC can't change the wording. You will have to petition the Legislature for the change.

Mr. Watkins stated the State Legislature would have to say they are taking away the powers of the board and we are letting the people vote on the items. Our local assemblyman would be the one to work with.

Public comment opened at 7:28 pm.

Butch Clendenen stated the issue with the prison is a concern that the property was bought and then rezoned or Master Planned without the public's knowledge or a vote. There has been state and county confusion in regards to how to proceed.

Public comment closed at 7:31 pm with no action.

15. **Nomination of a member of the Pahrump Regional Planning Commission to serve on the Capital Improvements Plan (CIP) Advisory Committee** for a 2-year term beginning January 1, 2013 and expiring on December 31, 2014.

Commissioner McCall motions to nominate John Koenig for the CIP. Commissioner Hafen seconds.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, Joseph Goode, Terry Hand, Vicky Parker.

**Abstain:** John Koenig.

16. **Update Concerning Changes to Exotic Animals Ordinance in Clark County, Nevada.**

Mr. Osborne stated they are amending Title 10, they will look at the qualifications in terms of experience the applicant has in dealing with the types of animals, and they will require liability insurance and varies on the species. Care requirements for the animals, housing of the animals and varies with the species of animals, and information on how animals are transported. Revising the process on how they are handled. Currently it is through their Planning Commission and they are amending Title 30 to add that an exotic animal permit will go before the County Commissioners and not the Planning Commission.

Commissioner Hand stated that this had more to do with the total qualifications and not just zoning. The Planning commission can only deal with zoning and the County Commissioners can deal with both the zoning and qualifications.

Commissioner Hafen asks if this will be retroactive to any one that has exotic animals or if there is a grandfather clause.

Mr. Osborne stated that there is a section for grandfathered provisions stating that anyone with exotic animals prior to July 1, 2002 would be grandfathered.

Commissioner Parker states she doesn't like the liability limits that Clark County has. It goes down to as low as \$10,000 that is too low.

Mr. Watkins states that we are talking about grandfathering under the animal control regulations as to grandfathering of permits and not land use grandfathering.

Commissioner Hand stated they have asked staff to keep an eye on this issue and these are possible issues. Once they become final staff will let the commission know and then the RPC can decide what to do.

Commissioner Hafen stated he brought up the grandfathered issue because it has been mentioned before that we might get people from Clark County moving out here and we should proactively look at it before Clark County does anything.

Commissioner Koenig states he believes we should proactively go with this and beat Clark County to it.

Commissioner Borasky stated if the RPC wants to rewrite it and take it before the board that is okay with him.

Commissioner Parker stated before anything is brought to the RPC the exotic animal owners should be spoken to for some input.

Commissioner Hand stated along with the Counties animal control input.

Commissioner Koenig motions for staff to be proactive in revising our rules on exotic animals, to get with the responsible people in the community.

Commissioner Hand asks if the motion also includes zoning.

Mr. Watkins stated that we are a land use board on zoning and we are getting away from our duties on going into animal control issues. It is an Animal Control issue. They are the ones that say what you can have and what is permitted. We are the ones that say where you can have them.

Commissioner Hand stated what Clark County is doing is taking it away from their Planning Commission and putting it on the Board of County Commissioners. What the RPC is looking at is to look at the zoning issues, where the Commissioners can also look

at qualifications and zoning issues together. That is why they took it away from their Planning.

Commissioner Hafen seconds the motion.

Commissioner Hafen asks Mr. Watkins to clarify that they can't direct staff to do anything more than just zoning issues.

Mr. Watkins stated part of the direction to staff is to put something together to go to the BOCC to maybe take the RPC out of the loop of the zoning and to put that upon the BOCC so that they decide the use and zoning.

Commissioner Hafen asks for clarification from Commissioner Koenig that the motion is to remove it from this board and to give it to the County Commissioners.

Commissioner Koenig stated that is the ultimate goal. What he has from Clark County is from the Director of the Comprehensive Planning Department of Clark County and he is asking our Director of Planning to do the same thing.

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

**Yes:** Gregory T. Hafen II, Jennifer McCall, John Koenig, Joseph Goode, Terry Hand, Vicky Parker.

17. **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 November 14, 2012 at 6:00 pm.

Commissioner Koenig asks staff to get a map showing the locations of agenda items and he would like to start receiving it again.

Mr. Osborne stated they will start to supply that again.

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

Public Comment opened and closed at 7:46 pm with no comments.

19. **Adjournment.**

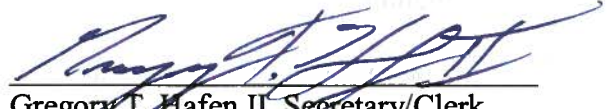
Commissioner motions to adjourn at 7:47 pm.

Approved Date:

Attest:



Terry Hand, Chairman  
Pahrump Regional Planning Commission



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