

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on August 11, 2011 at 5:30PM in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Giovette Cassinelli Ray Olsen
Pam Wickkiser Vickie Rock
Stephen Nye

COMMISSIONERS ABSENT

Lewis Trout Theresa Mavity

STAFF PRESENT

Betty Lawrence Dana Toth

LEGAL COUNSEL

Joel Taylor

PUBLIC PRESENT

John Milton Stephen West

I. OPENING

Pam called the meeting to order at 5:30PM.

Pam asked if there was anyone who wanted to make public comment. None was offered.

Pam asked if there were any concerns or corrections for the minutes of June 23, 2011. There were none. Pam asked for a motion. Giovette motioned to approve the minutes of June 23rd; second by Ray. Motion carried with Vickie abstaining. Pam asked if there were any concerns or corrections for the minutes of July 14, 2011. Ray motioned to approve the minutes of July 14th as written; second by Stephen. Motion carried unanimously.

Pam asked if there were any requests for postponement of agenda items. Betty reported there had been no postponement requests.

II. CONSENT AGENDA/DISCUSSION & ACTION

Pam read the consent agenda process and the following agenda items:

- A. LP-11-02 A large parcel map application submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property into 15 lots. The subject property is located approximately 1+/- mile south of Jungo Road to Pronto and 2+/- miles southeast to Section 15, T35N, R35E; assessor's parcel #005-441-18.

Ray requested to pull item LP-11-02 down to the public hearing portion of the meeting.

III. PUBLIC HEARING/DISCUSSION & ACTION

Pam opened up discussion on item LP-11-02. John Milton of Desert Mountain Surveying came to the table. Ray verified there was not a minerals lease on the subject property. Ray asked if there was a possibility for heavy truck and equipment traffic. Milton explained that there is not a minerals lease and the property is located south of Jungo Road, three miles

from Pershing County. Milton then showed the board a map of the property; he explained the roads in the vicinity. Pam asked for additional comments on LP-11-02. There were none. Pam called for a motion. Ray motioned to approve LP-11-02 per staff recommendation; second by Stephen. Motion carried unanimously.

Pam read the following agenda item:

- A. PH-11-14 An appeal filed by Desert Mountain Survey on behalf of Patrick and Joyce Morrissey of conditions placed on the administrative approval of the parcel map application.

Stephen West, City Manager/Engineer, came to the table. He reviewed a memorandum he had prepared for the RPC which explained the issues the city had with the matter. West spoke about the sphere of influence that cities have; he explained that the sphere of influence triggered the county to create an ordinance requiring certain development standards consistent with city standards within said influence zone. He noted the ordinance gives the county the right to waive the development standards. West explained that it was his understanding that the city street development standards apply to any development on the subject property unless it is waived by the County Commissioners. West spoke about the possibility of annexation in the future. He explained that due to the alignment issue with Stuart Street he felt the parcel map application did not guarantee legal access to the subject property. West felt that legal access should be required to serve the property as a stipulation for the parcel split. West spoke about the street planning process noting that the arterial streets are generally planned every 2-3 miles, major collectors are to be every ½-1 mile and minor collectors every ¼-½ mile. He then reviewed the street master plan map. West felt it was important that when property owners develop their property into parcels that they know the city has the need long term to provide the access through or around the properties. West noted that the larger lots do not always allow easements or right-of-ways to accommodate utility extensions to serve adjacent properties. He explained that the only time the local government has to address some of the issues is during parcel splits or a subdivision which is why with the application at hand it is important to look at the long term future of the city. West then mentioned recent court opinions on takings issues. He mentioned that some of the stipulations he placed on the application may not be legally enforceable due to the potential takings issue but also mentioned that there may not be another opportunity to obtain the appropriate easements and ROWs unless there is another parcel map filed on the subject property in the future. Stephen asked about requiring the property owner to obtain the easements prior to any construction. West explained that every property owner, no matter the size of the lot, has the ability to build 1 house without the city having the ability to require anything of them; only when they divide the property the city has an opportunity to do so. There was discussion regarding the city street master plan. Joel explained that the decision before the RPC was the big 80 acre parcel wherein all that could be required is a 30' easement around the parcel. John Milton came to the table explaining that the parcel map had already been approved; that no new conditions could be placed on the parcel map. He explained that the reason for the matter was because he had filed an appeal on existing conditions for a previously administratively approved parcel map. Milton explained that because the property is an 80 acre parcel Mr. Morrissey asked Milton to divide the property in order to make it more manageable to begin the process of development. He explained that the BLM had already been contacted regarding access to the subject property and Morrissey will give 30' across the north boundary even though it is not a requirement of

the parcel map. Milton stated he felt that condition #5 made it sound like they were going to have to align up with Stewart Street to access the property which is impossible to do because Stuart Street does not line up with the property. He explained that Mr. Morrissey would then have to purchase property from the adjoining property owner in order to make the connection, which would be unreasonable if access is available in another form. West mentioned that the alignment would be possible with double curves as long as it was not an offset street intersection. Ray asked for better wording on condition #5. Milton requested to address condition #10 first. He asked to have #10 changed to state that the applicant shall acknowledge that possibly someday Offenhauser Drive will come through. West explained the importance of Offenhauser mentioning that it could be re-routed by double curves to a better location for the applicant. Milton stated he spoke with Mr. Morrissey who told him that he was willing to provide any necessary right-of-ways for the Stuart Street extension and Whitaker across the north boundary. He continued explaining that there is a potential for future problems with obtaining the easements from other property owners for the continuation of Stuart Street but because Mr. Morrissey wants to work with the city he may be willing to give a complete 60' easement on the southern 2 parcels. After some discussion Vickie motioned to modify condition #5 to state "Applicant will provide necessary right-of-ways along the north and west boundaries for future legal access.", to modify condition #10 to state "Applicant shall provide written acknowledgement for possible extension of Offenhauser Drive through parcel A.", modify condition #7 to reflect county verses city and to remove conditions #6 & #12; motion was seconded by Ray and carried with one nay vote from Stephen. Stephen felt that the access should be obtained at this time as there may not be another opportunity unless another parcel map is filed in the future.

IV. COMMISSION/STAFF/LEGAL COMMENTS/COMMITTEE REPORTS-Discussion & Action

Pam then read the following agenda item:

A. Review of Medical Health Hardship Permit Procedure

Betty told the board that the issue was only for discussion as legal still needed to review it further. She explained that the purpose of a variance is different from that of a conditional use. She pointed out that the medical health hardships have been going on since 1980 and an ordinance was never passed, noting that there had been several discussions regarding the matter and there are currently 4 active health hardships. Betty stated that upon checking with neighboring counties health hardships are considered a conditional use not a variance. She explained that under each zoning ordinance medical hardship would have to be listed under the conditional use section and under the conditional use ordinance a section dedicated to medical health hardship would need to be added outlining the requirements of the permit. Betty described health hardship requirements as provide by another county as well as the currently utilized Humboldt County policy that has no ordinance. She reviewed the current active health hardship permits as well as staff's attempts to organize them into active and inactive. Betty felt that there is potential for an increase in requests for health hardship permits and something should be done to properly address the issue. There was some discussion regarding District Attorney reviewing the matter as well as the current health hardship permits. Betty explained that the issue was just something for the RPC to think about; that it would help clean up things. Ray stated that nothing could be done until

the D.A. had time to review the matter. Betty felt the RPC could put their thoughts out on the issue. Ray felt it would be a good idea to change the ordinance to state a conditional use permit would be required. There was discussion regarding the difference between a guest house and an additional dwelling unit for a medical health hardship. There was a general consensus to convert the medical health hardship variance into a medical health hardship conditional use permit.

B. Master Plan Review-McDermitt

Ray reviewed the planned meeting date and time for the McDermitt Master Plan Review. Explained that staff needed to know who was planning to go in order to ensure there was adequate room for everyone.


V. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion

Stephen requested to have access issues placed on the next agenda.

VI. PUBLIC COMMENTARY

Pam read the public commentary process and asked for comments. There were no comments offered.

Pam adjourned the meeting at 6:40 PM until 5:30 PM September 8, 2011.


Giovette Cassinelli, Co-Chairperson