

Monday, April 16, 2012

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, April 16, 2012, at 10:00 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Mike Bell, Commissioners Jim French, Dan Cassinelli, Tom Fransway and Garley Amos Jr., District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**PUBLIC COMMENTS:** Chairman Bell asked for public comments. None were offered.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 5, 2012 REGULAR MEETING, MARCH 19, 2012 REGULAR MEETING AND APRIL 2, 2012 REGULAR MEETING:**

**REGULAR MEETING:** Chairman Bell asked for corrections/additions for the minutes of March 5, 2012; none offered. The following motion was made by Commissioner French and passed unanimously:

*To accept as written.*

Chairman Bell asked for corrections/additions for the minutes of March 19, 2012; none offered. The following motion was made by Commissioner Amos and passed unanimously:

*To approve minutes for March 19<sup>th</sup>.*

Chairman Bell asked for corrections/additions for the minutes of April 2, 2012; none offered. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve April 2, 2012 minutes.*

**CONSENT AGENDA:** The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. Request for Adjustment to the Humboldt County Tax Roll: Request 11-12-37 was provided for the Board's review. *Recommendation: That the Commission approve the adjustments as recommended by the Treasurer and Assessor.*

The following motion was made by Commissioner Amos and passed unanimously:

*To approve the consent agenda as presented.*

**SOLID WASTE MATTERS:** Administrator Deist noted that there would be a Landfill Committee meeting at 3:00 p.m. this afternoon.

**PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE PROPOSED**

**ACTIONS:** Administrator Deist stated that he had nothing on this item.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

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**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist noted that April 24<sup>th</sup> was being looked at as a potential date for the annual meeting of the Tri-County Commissions. Administrator Deist informed the Board that input had been received from County residents related to an item at the prior meeting at which the Board had reviewed a proposal for the Eggers to purchase additional property from the BLM and given the concerns expressed he recommended that an item be placed on the next agenda for further discussion prior to any letter of support being sent; after discussion the Board concurred. Administrator Deist continued updating the Board on the Paradise Valley Weed District storage shed and providing information related to the Denio Trap Range and the letter approved by the Board supporting the trap range. Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES**

**THEY SERVE ON:** Commissioner Fransway noted that the Nevada Association of Counties (NACO) would be holding a Board of Directors meeting in Winnemucca at the County Meeting Room on May 4<sup>th</sup>.

**CLAIMS FOR EXPENDITURES OF COUNTY FUNDS:** The following motion was made by Commissioner Fransway and passed unanimously:

*To approve the expenditure of county funds as submitted.*

**NUISANCE ISSUES:**

**SET TO PUBLIC HEARING - An alleged nuisance on Parcel #43 Grass Valley Ranchos, Assessor's Parcel Number 05-562-04, legal owner - Kirk & Deborah Thompson:** Provided to the Board for review was a copy of the nuisance complaint with the investigation report from the Building Official finding that a nuisance exists at the location. Clerk Spero noted that service of the nuisance complaint on the property owners had been accomplished. The following motion was made by Commissioner Fransway and passed unanimously:

*To set to public hearing.*

**SET TO PUBLIC HEARING - An alleged nuisance at 8425 Prairie Dog Avenue, Winnemucca, Nevada on property owned by Robert & Beverly A. Shell:** Provided to the Board for review was a copy of the nuisance complaint with the investigation report from the Building Official finding that a nuisance exists at the location. Complainant Jackie McGowan addressed the Board noting that the issue is 80% cleaned up but it is not done yet. The following motion was made by Commissioner Fransway and passed unanimously:

*To set to public hearing.*

**APPOINTMENT TO THE WESTERN NEVADA DEVELOPMENT DISTRICT BOARD OF**

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**DIRECTORS:** Administrator Deist reviewed the request for appointment to the Western Nevada Development District Board of Directors of a Commissioner and a representative from the private sector. Discussion occurred regarding what the program offers and that the Humboldt Development Authority participates. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To appoint Mike Bell to Western Nevada Development District Board of Directors and to discuss the private sector appointee with the Humboldt Development Authority.*

**PLANNING MATTERS:** Betty Lawrence, Senior Planning Technician for the Planning Department, appeared before the Board.

**PUBLIC HEARING RH-12-02 - A zone change request submitted by Desert Mountain Surveying as agent for Maximiliano and Maria Elida Herrera to rezone property from RR-13 MH (Rural Ranchette 13,000 square foot minimum lot size with a mobile home overlay) to R-1-6 MH (Single-Family Residential 6,000 square foot minimum lot size with a mobile home overlay). The parcel is located at 4315 Warmoth Lane, in Winnemucca, NV; APN 10-391-38:** Provided to the Board for review was a copy of the application with a map of the location, the Staff Report from the Planning Department recommending approval and a copy of the Notice of Public Hearing. John H. Milton III of Desert Mountain Surveying appeared as agent for the applicants. Mrs. Lawrence reviewed the request and recommended approval. Chairman Bell asked for comments/questions from the Commissioners. None offered. Chairman Bell asked for public comment. Mr. Milton addressed the Board explaining the applicant's plans for the lot. Commissioner French asked if Planning had received any comments from the public. Mrs. Lawrence confirmed they had not. Mr. Milton noted that a lady had voiced concern at the RPC meeting but that he had discussed the plans with her to alleviate her concerns. Chairman Bell asked for additional public comment; none offered. The following motion was made by Commissioner Amos and passed unanimously:

*To approve the zone change on RH-12-02.*

*(Ordinance No. 04-16-12)*

**VH-12-09 - A Medical-Health Hardship Variance application submitted by Jackie McGowan to allow for a second dwelling, a travel trailer, on the property for a friend. Variance would allow the applicant's friend, Eldon Sandsness, to reside on the property to act as a caretaker when the applicant has to leave the state (months at a time) to care for her daughter. The site is located at 8380 E. Wagon Wheel Avenue, APN 10-512-08:** Provided to the Board for review was a copy of the application with a map of the location, a copy of the Notice of Public Hearing and the Staff Report from

the Planning Department recommending that this application be denied as it does not conform to the requirements of the Humboldt County Variance Regulations as outlined in section 17.66.020 A thru D. Applicant Jackie McGowan appeared before the Board. Mrs. Lawrence reviewed the application and recommended denial as the second residence is not required for an infirm person requiring applicant's care or for a care giver for the applicant; she discussed the research done into these types of variances and that no record of this type of request/approval could be found. Chairman Bell asked for questions from the Commissioners. Commissioner Fransway confirmed that it did not meet the definition of the ordinance. Mrs. Lawrence responded that it does not meet the established guidelines which have been in place for the last 30/40 years. Commissioner Fransway concurred noting that if the Commission does something in opposition to the ordinance it could be precedence setting. Mrs. Lawrence reviewed options that were available to the applicant including parceling the lot and placing another residence on the new parcel; she noted that a RV could not be allowed or the issuance of a use permit for the garage as a guest house. Applicant McGowan spoke in support of her request explaining the issues related to the property when she is out of state caring for her ill daughter and the need for an on-site caretaker including being on the property 24/7 to take care of her home and animals, her effort to make sure that the property had two wells and septic, how often she is away from her home, that the person is currently living on the site in an RV, why the person cannot live in her home and that there are other properties in her neighborhood with RVs being used as residences. Discussion occurred regarding why the Planning Department contacted Ms. McGowan regarding the RV and how and when the Department pursues RVs illegally parked on properties. Chairman Bell noted the offered feasible alternatives. Ms. McGowan noted the financial issues with purchasing a house. Discussion occurred regarding what is allowed with RVs. Commissioner French asked about use of the garage as a guest house noting the Board's understanding of what the applicant is going through but their problem with setting precedence. Discussion occurred regarding the applicant's current use of the garage as her living quarters, the option to have a permit issued for that location after an additional mobile home is brought on the property, that RVs are not allowed as living quarters under the current zoning, the need for separate living quarters for the applicant and her caretaker and that the variance would only be until her daughter was well. Commissioner French noted that the best long term solution is the parceling with another legal residence placed on the other parcel as it is very difficult for the Board to make an exception which would not comply with the wording of the ordinance. Discussion occurred regarding placing a legal residence on the current parcel and obtaining a special use permit to utilize the garage as a guest house as it has no kitchen so it meets the

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requirements. Commissioner Fransway stated that there is simply no mechanism to allow the variance. Ms. McGowan asked for a time frame for when the caretaker has to move off the property so she could find something to use as a legal residence. Administrator Deist asked District Attorney Macdonald if it would be feasible for the Commission to deny the Medical-Health Hardship Variance application, ask that she continue to work with Planning staff to find a feasible alternative and allow this RV to remain on the property during that period of time not to exceed "x". District Attorney Macdonald stated that he thought that would be a reasonable accommodation for the applicant based on her circumstances as it is a function of the enforcement side and often there are accommodations made as to how long it would take to rectify the situation. Discussion occurred regarding the time frame. The following motion was made by Commissioner Fransway and passed unanimously:

*That VH-12-09 be denied but due to extreme hardship by the applicant the Commission asks that staff work with her to allow a temporary situation for six months and that staff comes back before the Commission with a report in six months.*

**SET TO PUBLIC HEARING RH-12-03 - A zone change request submitted by Desert Mountain Surveying as agent for Echeverria Construction to rezone property from RR-13 MH (Rural Ranchette 13,000 square foot minimum lot size with a mobile home overlay) to R-3 (Multiple Family Residential). The parcel is located at 4370 Sunny Drive (southwest corner of Sunny Drive and Bonfield Street) in Winnemucca, Nevada, APN 10-391-23:** The following motion was made by Commissioner Amos and passed unanimously:

*To set RH-12-03 to public hearing.*

**REQUEST FROM DESERT MOUNTAIN SURVEYING AS AGENT FOR MAXIMILIANO AND MARIA HERRERA FOR A WAIVER OF THE IMPROVEMENT REQUIREMENTS WITHIN 1/2 MILE OF THE CITY OF WINNEMUCCA FOR PAVING, CURB, GUTTER AND SIDEWALKS. SAID WAIVER WOULD APPLY TO PARCEL MAP PH-12-13:** John H. Milton III

appeared before the Board as the agent for Maximiliano and Maria Herrera. Mr. Milton stated that in order to get this parcel map approved, under the existing ordinance, curbs and gutters would need to be installed as the street is already paved. He continued stating that the reason a waiver is being requested is that there are no curb and gutters in this portion of the Warmoth, the nearest is about 1000 feet away and because of the placement of fences, power poles and water meters the location of any curb and gutters would be in the existing pavement; he reviewed the location and the easements and offered that the waiver should include language such as the City has done in the past directing a note be placed on the

parcel map indicating that future owners would not oppose the creation of an assessment district. Discussion occurred regarding the easement issues, the location of the parcels and the access to the parcels. The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the waiver with a notice to placed on the parcel map that there would be no objection to assessment districts by future owners.*

**ROAD MATTERS:** Road Superintendent Ben Garrett appeared before the Board.

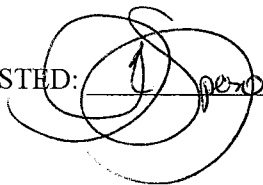
**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett gave an update on the US 95 State projects including the Reinhart acceleration lane and the grind and fill; he noted that the County would receive the grindings from that project. Superintendent Garrett continued reviewing ongoing road grading and the status of the installation of the bookmobile generator in late May or early June. Discussion occurred regarding the installation occurring after the final budget approval and how that would affect the purchase of a new bookmobile if it was needed and the dust issue with the current vehicle.

**MISCELLANEOUS ROAD RELATED MATTERS:** Commissioner Fransway noted that a street sign was missing at the corner of Sunny Drive and the street between Bonnefield and Turner. Commissioner Cassinelli inquired about the fill at the Paradise Valley Fire Department lot related to the Weed District Board.

**PUBLIC COMMENTS:** Chairman Bell asked for public comment. Ken Hladek addressed the Board stating his appreciation for the work that Ben and the Road Department do to keep the roads maintained. Chairman Bell asked for additional public comment. None offered.

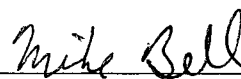
**ADJOURNMENT:** Chairman Bell adjourned the meeting at 11:20 a.m.

ATTESTED:



Clerk

APPROVED:



Chairman

MEMORANDUM

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TO: COMMISSIONERS  
FROM: ADMINISTRATOR  
DATE: April 10, 2012  
SUBJECT: CONSENT AGENDA

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**ACTION:** Approval of the consent agenda is requested pursuant to the following staff recommendations:

1. Request for Adjustment to the Humboldt County Real Property Tax Roll: Attached are request 11-12-37.

Recommendation: That the Commission approve the adjustments as recommended by the Treasurer and Assessor.

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## MEMORANDUM

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**TO:** COUNTY COMMISSIONERS  
**FROM:** COUNTY ADMINISTRATOR  
**DATE:** April 10, 2012  
**SUBJECT:** OTHER INFORMATION AND UPCOMING MEETINGS

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### OTHER INFORMATION:

1. Eggers property purchase: At your last meeting you reviewed a proposal for the Eggers to purchase additional property from the BLM to expand their operation. Since that time I along with some of you have received input from other citizens in this area regarding this proposal. The concerns are related to potential lost of AUM on grazing allotments, Impact on the water table with additional wells, type of sale, i.e. competitive versus direct versus Desert Land entry. At this point prior to sending a letter of support for the sale, as you were planning on, I believe it is appropriate to give the other citizens an opportunity to address you with their concerns before you take any action.
  
2. PVW D storage shed: On April 4, 2012 Ben Garrett, Bobby Thompson and I met with members of the Weed District and the facilities committee to discuss the new storage facility. We viewed the preferred site next to the new Fire House. I have asked Ben to do an estimate on the fill requirement; we have received some information on proper storage practices related to design and planning of these type facilities from the Department of Agriculture and will be reviewing them. Bobby will work with us on the code requirements as we move forward. We may also visit a Douglas County Weed District storage facility to get ideas as to what they have done. We will keep you advised as we proceed.
  
3. Denio Trap Range: This is already a part of the RP&P lease for the overall facility. In discussion with the Sheriff it appears they want to improve what they have and have a grant to do so. We will be getting a letter out for them in the near future.

### UPCOMING MEETINGS:

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| 1. April 16, 2012 | Landfill Committee |
| 2. April 17, 2012 | Newmont Breakfast  |
| 3. April 19, 2012 | Foundation Team    |



- 4. April 23, 2012 NACO Public Lands Committee
- 5. April 26-27, 2012 POOL/PACT Annual Meeting
- 6. May 4, 2012 NACO BOARD (maybe)
- 7. May 7, 2012 Commission

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