

REGIONAL PLANNING COMMISSION SPECIAL MEETING MINUTES

The Humboldt County Regional Planning Commission Special Meeting was held on August 27, 2009 at 5:30 p.m. in the County Meeting room of the Humboldt County Courthouse located at Fifty West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Pam Wickkiser	Joyce Cox
Stephen Nye	Richard Brown
Walter Lee	Bob Edwards

COMMISSIONERS ABSENT

Ray Olsen

STAFF PRESENT

Betty Lawrence	Dana Toth
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LEGAL COUNSEL

Russell Smith

PUBLIC PRESENT

John Milton	Kay Austin	Clyde Wayland
Robert Austin	Sebastian Betes	Stephen W. Dick
Melissa K. Betes	Kristee Brinkerhoff	Cheryl Robinson
Irene Joy Fullenwider	Roberta Rothwell	Bob Dolan
Annie Drake	Tami Vetter	Jeanne M. Moritz
Kris L. Kelly	Fred Baryol	Fred Baryol
Faye Baryol	Mike Bell	Dee Holzel
Tara Christison	Marlene Brissenden	Michael K. Meagher
Michael P. Liberatore	Cleve Mallory	Dee Mallory
Robert Howard	Stephen D. Nye	Vicki Nye
Jackie Kearns	Sandy Cipra	Diane J. Kearns
Norma R. Kearns	Pat Canter	Jim Seward
Laura Bento	Lisa R. Bento	

Richard called the meeting to order at 5:30 pm. Richard explained the process of election of officers. Stephen nominated Ray Olsen for Chairman; second by Pam. Motion carried unanimously. Bob mentioned he did not think Ray could serve again. Betty explained that after researching the subject it was found that he could serve again as there was a change approved in 2006. Pam nominated Richard for Vice Chairman; second by Bob. Motion carried unanimously. Stephen nominated Bob for Secretary; second by Pam. Motion carried unanimously.

Richard asked if there were any corrections to the June 11, 2009 minutes. Bob motioned to approve the minutes from June 11th; second by Joyce. Motion carried with Walter abstaining. Richard asked if there were any corrections to the June 25, 2009 minutes. Bob motioned to approve the minutes from June 25th; second by Pam. Motion carried unanimously with Richard and Walter abstaining.

Richard asked for if there were any postponement of agenda items. Betty reported that item PH-09-06 under the consent agenda has been requested to be postponed by Desert

Mountain Surveying on behalf of John and Jhona Bell and UW-09-06 under public hearing discussion and action has been withdrawn by the applicant. Bob asked if they were going to be removing the RV since they've withdrawn their application. Betty stated she would send a letter if the RV is still there in 1 week.

II. CONSENT AGENDA/DISCUSSION & ACTION

Richard asked Betty to read the consent agenda items. Betty read the following consent agenda items, gave a brief overview and recommend approval of each:

- A. Extension request for **PH-08-09** A parcel map application submitted by Desert Mountain Surveying on behalf of Illyssa I. Fogel for Stoho Enterprises, LLC to divide property located South of Sage Heights Road off of Lasa Drive within the SE ¼ of Section 4, T47N, R38E, McDermitt into 4 lots; assessor's parcel #03-171-03.
- B. **PW-09-04** A parcel map application submitted by Desert Mountain Surveying on behalf of Richard Miller utilizing merger and resubdivision to divide property located between Golconda Street and Sonoma Street; assessor's parcel #15-025-01.

(Item "C" postponed)

- D. **LP-09-04** A large parcel map application submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property located 4.5 miles SW of Pronto, Section 31, T35N, R35E into 13 lots; assessor's parcel #05-441-33.

Richard asked if there were any questions of staff. Richard asked if anyone on the board wished to bring an item down for discussion. Richard asked if anyone in the public wished to ask any questions of the consent agenda items. There were no questions. Bob motioned to approve PW-09-04, LP-09-04 and the extension request for PH-08-09; second by Stephen. Motion passed unanimously.

III. PUBLIC HEARING/DISCUSSION & ACTION

Richard stated that item "A" of this portion of the meeting has been withdrawn.

Richard read the following item:

- B. A request to modify **UH-06-04**, a Conditional Use Permit held by Cleve and Dee Mallory, dba Sand Dune C-Store & Bar, in order to remove the convenience store and expand the existing bar. Property is located at 3165 Bruce Drive (8815 Memory lane); assessor's parcel #06-621-26 & 27.

Bob stepped down from the item stating the applicants also have applications in with the BLM. Richard excused Bob. Richard asked if anyone in the public had any comments on the application. There were none. Richard asked for a motion. Pam motioned to approve UH-06-04; second by Joyce. Motion passed unanimously. Richard asked Betty to explain to the applicants what happened. Betty explained to the applicants the plan to remove the

c-store and replace entirely with a bar was approved and reminded them to change their business license with the clerk.

Bob returned to the meeting.

Richard read the following item:

- C. **SP-09-02** A site plan review application submitted by RH Construction Services, LLC on behalf of Western Big R of Winnemucca to construct a 71,250 sq. ft. store located on property at 3270 W. Railroad Street; assessor's #15-254-06 & 15-254-11.

Richard asked if staff had anything to add. Betty explained that staff has reviewed the application, the applicants have put in an application for a variance allowing an 8' fence and staff recommends approval of the site plan. Richard asked if there were any questions of staff. Richard then asked if the public had any questions regarding this application. Robert Dolan approached the table. Mr. Dolan asked if a turning lane would be installed. Richard stated it was not on the site plan application and it would have to do with the road department. Richard asked if there was any feedback. Betty replied there was no feedback from the city. Richard stated it was not part of the site plan review although ingress and egress are part of our (RPC's) responsibility. Mr. Dolan asked if his comments were then out of order. Richard stated they weren't. Mr. Dolan discussed the access to Wal-Mart and felt there would be a backup of traffic. Richard felt the situation is similar to that of Fourth and Hansen in that there would have to be enough incidences to cause something to be done. Richard noted Mr. Dolan's comment adding that one may be needed later. Richard asked for any other comments from the public. There were none. Richard asked if the applicant was present. Robert Howard of RH Construction Services representing Big R approached the table. Mr. Howard explained there are no plans to put a turn lane in however he has been in touch with the city regarding accommodating a larger area there and a waiver for curb gutters and sidewalks to accommodate turning in and out of this property. Richard asked if they were working with Steve West on this. Mr. Howard replied they have been. Richard asked Mr. Dolan if he heard the comment from Mr. Howard. There were no further questions from the board. Pam motioned to approve SP-09-02; second by Stephen. Motion passed unanimously.

IV. PUBLIC COMMENTARY

Richard explained how the process public commentary works and asked if anyone from the public would like to come speak. Annie Drake approached the table and asked for an explanation of why there is not an agenda item related to the Jungo Landfill as many people may be unaware. Richard turned it over to D.A. Russell Smith. Mr. Smith explained that the item on the August 13, 2009 agenda was for a review of a letter that was to be sent to Jungo Land & Investments asking for a response to a petition submitted by Dolan Law LLC that requests the revocation of their use permit due to alleged misrepresentations of facts. Mr. Smith reported that a response has already been submitted by the company (Jungo Land & Investments) therefore there is no longer a need to send a letter asking them to submit a response. Richard stated copies of the response are available to the public. Ms. Drake then read a prepared statement. Ms. Drake asked for a show of hands of the people that

were in attendance because of opposition of the Jungo Landfill. Ms. Drake had many questions regarding the landfill and the impact it would have adding that the people want accurate and honest answers. Ms. Drake urged the RPC to become involved in a suggested Town Hall Meeting which was suggested to the County Commissioners and the City Council. (Ms. Drake's prepared statement is attached as part of the record.) Richard asked if there were any other comments. Roberta Rothwell approached the table asked why the meeting was being taped and what it was going to be used for. Fred Weinberg stated the media has the right to tape. Ms. Rothwell asked if taping could be done without signatures. Mr. Weinberg replied yes. Ms. Rothwell stated she was the voice opposition of most everyone in the room. Ms. Rothwell stated that Richard, Betty and Mike Bell answered many questions she had when she stayed the evening of the canceled meeting on August 13, 2009. She wished everyone else had stayed as well adding that it calmed a lot of her fears and concerns. Ms. Rothwell stated she took advantage of the notes and minutes that were not secret and went out to look at the location of the proposed landfill. Ms. Rothwell felt the RPC did nothing wrong. Ms. Rothwell stated that although she does not like the idea of trash coming in from any other state, not just California, the land out there will never be developed. Ms. Rothwell felt there is no reason the county should not take advantage of the money from the landfill. Ms. Rothwell felt this is a good opportunity to allow them to pay for our next landfill since ours will be lost in the next 25 years or so. (5:53pm) Richard asked if anyone else in the public wished to make a comment. Kay Austin then approached the table. Mrs. Austin stated her family uses the Jungo Playa for recreation. Mrs. Austin commented on the wildlife on the playa. Mrs. Austin commented on the quality of life in Humboldt County and the desire to maintain it. Mike Meagher then approached the table. Mr. Meagher discussed a report by the USDA regarding the soils and the ponding of water on the site. Mr. Meagher felt it would become a mess. He stated that by going to about.com and looking under Recology it would be found that the people the permit was issued to are not the nicest bunch of people as they have had problems with bribery and FBI investigations. He added that they have had several violations at other sites. Mr. Meagher felt the permit should have never been issued. He then asked about procedure for publication of the RPC agendas in the newspaper. Richard stated he could not answer that question at this time but suggested checking with staff in the office in the morning. Richard asked if there were any other comments. Robert Dolan then approached the table. Mr. Dolan stated he was not sure what was decided between the board and counsel regarding the failure to agendaize item for the landfill but that there will be other meetings in the future. Mr. Dolan stated the board reserves the right to review the permit annually and the permit itself consists of the application, which contains factual representations that were presented in support of the application, an acceptance form and comments of staff. Mr. Dolan stated he sent a copy of the second petition to the board members. He stated that the response is part of the misrepresentations being made. Mr. Dolan called attention to the bold print on the bottom of page 3 which states Jungo explicitly informed the Planning Commission that it planned to receive solid waste at Jungo Landfill including c & d debris, tires, sludge and asbestos containing materials. Mr. Dolan defied any RPC member to find any reference to the word asbestos in the application or the minutes. He stated he found the word asbestos in the application to the Department of Environmental Protection. Mr. Dolan felt they are playing a game with the board and are insulting their intelligence by saying they explicitly informed the Planning Commission that asbestos would be deposited there. Mr. Dolan pointed out that they also claim there will be no effect on abutting properties. He felt this is a material misrepresentation. Mr. Dolan asked that the

board review the use permit as he feels the equities balance substantially in favor of revoking the CUP. Richard asked if there was anyone else wishing to make a statement. There were none.

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

Mr. Smith obtained a copy of Ms. Drake's prepared statement.


VII. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

Richard stated that he spoke with Ray and he is at home doing well.

Bob asked if there was still a vacancy on the board. Betty explained that the County Commissioners and the City Council are moving forward to reduce the membership from 8 down to 7. Betty also explained that legal did some research and has determined that a vacancy on the board reduces the quorum. Mr. Smith agreed with the determination.

Stephen prepared a paper on access requirements for large parcel maps. A copy was given to the members and to legal counsel. Richard stated the research would be accepted and placed on the agenda for next month for discussion and action on access to large parcels. Betty stated the ordinance would have to be adopted first. Richard stated that it would just be put on the agenda so there would not be any violation of laws. Stephen stated he understood how it would work. Mr. Smith asked the board if they would like legal to look at it. It was stated the board would welcome legal's opinion.

Richard asked if there was any other business. There was none. Richard adjourned the meeting at 6:15 pm until September 10, 2009.



Ray Olsen, Chairman