

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on September 10, 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

Joyce Cox
Stephen Nye
Walter Lee
Ray Olsen
Richard Brown
Bob Edwards

COMMISSIONERS ABSENT

Pam Wickkiser

STAFF PRESENT

Betty Lawrence
Dana Toth

LEGAL COUNSEL

Angie Elquist

PUBLIC PRESENT

John Milton
John Bell
Michael Michaelsen
Mike Sheppard
Massey K. Mayo
Ruthe Michaelsen
Jhona Bell
Bob Dolan

Ray called the meeting to order at 5:30 pm. Ray asked if there were any corrections to the August 27, 2009 minutes. Bob motioned to approve the minutes from August 27, 2009; second by Stephen. Motion carried. Ray asked if there were any postponements to the agenda items. Betty reported that no contact has been received from Donald Lykke and he was not present at the meeting.

II. CONSENT AGENDA/DISCUSSION & ACTION

Ray read the following agenda items:

- A. **UW-08-11** Review of a special use permit application submitted by Kent Henderson & Sallena Pool, as project manager, dba Winnemucca Dental Care, to allow for the construction and use of a dental/medical office building in the R-3 (multiple family residential district). Property is located at 806 Lay Street; assessor's parcel #16-071-11.
- B. **LP-09-05** A large parcel map application submitted by Desert Mountain Surveying on behalf of Moana Investments, LLC to divide property located approximately 2+/- miles north of Jungo Road and 8+/- miles northeast of Pronto into 4 lots; Section 9, T36N, R36E; assessor's parcel #05-361-10.

Ray asked if anyone on the board wanted to pull an item down. Ray then asked if anyone in the public would like to pull an item down. Bob motioned to approve UW-08-11 and LP-09-05, second by Stephen. Motion passed unanimously.

III. PUBLIC HEARING/DISCUSSION & ACTION

Ray then read the following item:

- A. **UW-09-08** A special use permit application submitted by John H. Milton III, as agent for

Humboldt Human Development Services, to allow administrative offices and a work area for clients. Property is zoned R-3 (Multiple-Family Residential District) and is located at 307 E. Fourth Street; assessor's parcel #15-235-10.

Ray asked if anyone on the board had any comments or concerns. Stephen requested to step down so that he could speak as part of the public. Stephen was dismissed. There were no further concerns of the board. Ray opened the item for public comment. Stephen Nye (planning commission member) then approached the table. Stephen stated he had previously worked with clients in similar circumstances and felt that programs such as these are a necessity for the community. Michael Michalesen then approached the table. Mr. Michaelson was concerned with the use permit because he wasn't clear on what exactly it is for, questioning the work area type and location. John Milton then approached the table. Mr. Milton explained that any work to take place would be inside the building. Mr. Milton explained the work area is for shredding paper and making crafts that are sold off site at craft fairs. Mr. Michaelson questioned what type of clients this business would have. Mr. Milton explained the clients are disabled people that would be brought to the facility to work and would not be driving themselves. Mr. Michaelson questioned the length of the use permit. Mr. Milton explained the use permit would be valid as long as the use continued. Mr. Michaelson stated that all his questions were answered and thanked the board for their time. Ray asked if there were any other concerns. There were none. Walter motioned to approve UW-09-08; second by Joyce. Motion passed unanimously. Stephen returned.

Ray then read the following agenda item:

- B. **RW-09-02** A rezone application submitted by the City of Winnemucca to change to the zoning from R-1-9 (Single Family Residential, 9,000 sq. ft. min.) to P-R (Parks-Recreation District) on property located at 380 E. Haskell St. & 1365 Mizpah St.; assessor's parcel #'s 16-011-01 & 16-081-13.

Ray asked if anyone on the board had any concerns. Richard asked why the rezone was being done. Betty explained that in 2000 this issue was originally addressed but put on hold to create a P-R Zoning District. There were no further concerns from the board. Ray then asked if there was anyone in the public wishing to make comment. Mike Sheppard then approached the table and stated he and his wife live on Minor Street across from the golf course. Mr. Sheppard explained that he was in favor the zoning change adding that the golf course was in place 15 years before zoning ordinances were, it is a public facility and not a residential lot. Mr. Sheppard stated that his concern is that the city utilizes the corner, and has for the last approximately 15 years, as a transitional garbage dump. Mr. Sheppard stated this was formerly the local fishing derby as part of the public facility. He recognized that golf courses need to have a shop, lawn mowers and all of the utilitarian things a golf course needs—a place to store sand, a place to put cuttings from the golf course. He does not believe it should have a garbage dump or construction machinery like heavy loaders and large trucks which are not typical equipment used at a golf course. Mr. Sheppard provided to the planning commission several photos of the subject location. Mr. Sheppard stated that he and his wife do not agree with the city taking debris from around the city and dumping it across from their house. He explained that he does not believe the NDEP would want household garbage at the location. Mr. Sheppard spoke of the type of trash at the location. He felt that if the land is rezoned there should be some type of provision that would prohibit a dump from being across from his house. Ray asked Mr. Sheppard if he had discussed this with Steve West.

Mr. Sheppard stated there has been open dialogue and sometimes battle with Mr. West, predecessors, and City Council for approximately 10 years. He stated the City Council does not want to respond because it is not a policy issue. Mr. Sheppard stated he never gets anywhere with them. Mr. Sheppard stated there is sometimes trouble with the work crew too as they, (the Sheppards) are looked at as a thorn in the side. Mr. Sheppard explained that he does not feel the use of a transitional garbage dump should be allowed if the rezone is granted. Ray explained this is a rezone and as far as planning is concerned this is a good rezone to do. Mr. Sheppard agreed the rezone is a good idea. Ray suggested getting other concerned citizens together to get some action adding that the pictures show it doesn't look very good back there. Ray asked about the installation of a sight obscuring fence. Mr. Sheppard stated there is a 4' fence that somewhat screens it, but does not change what they are doing there. Mr. Sheppard noted that transitional dump is not a permitted use in the proposed zoning. Richard commented that sometimes the ordinances do not list all prohibited uses as a reasonable man would not put garbage there. Richard stated he agreed with Ray in that there isn't much the RPC can do but in a public forum you can come and speak. Richard stated he did not agree with this practice either. Mr. Sheppard explained issues like these arise when there is an application entered. He stated that had he delivered the evidence earlier to Betty, there may have been a city representative at the meeting adding he would have been pleased to hear their testimony. Mr. Sheppard thanked the board for their time and stated he supported the zone change. Betty then read an emailed statement from Steve West. Mr. West's email stated the city does not use the corner property across from the Sheppards' home for anything but golf course/ Vesco Park operations. Mr. West's email stated that waste is not trucked in from other sites, piles are allowed to accumulate until there is a load large enough to warrant a trip to the dump, only low pile height of sand is stored, the property is never left unsightly, and the only exception is immediately after a wind storm when limbs are drug to this staging area. Mr. West wrote that the senior citizens are allowed to use some of this wood and it is cleaned up in a timely manner. Mr. West commented that the Sheppards have made several complaints in the past which were looked into, this area has been utilized as such for many years, and the city has made every attempt to be a good neighbor but has no other economical option. His email concluded stating that the city wishes to bring the zoning of the property into compliance with what it has been used for since the 1950's. There was then discussion on the need to clean up the property. Richard asked if a condition could be added to the rezone as a recommendation. Ray suggested a letter from the board be sent. Richard felt there should be a recommendation of no more than 1 dump truck load of debris allowed at the site. Stephen agreed. Bob asked Mr. Sheppard when the pictures were taken. Mr. Sheppard replied some were dated from last year, some were more recent and he also has more at home going back about 10 years. Mr. Sheppard stated the city does not strictly use this for the golf course. Ray asked if anyone else in the public had a concern. There were none. Richard asked legal if a condition could be put on the rezone. Angie replied no, but a suggestion could be made. Ray suggested tabling the item. Richard agreed to table the item as there were questions for the applicant. Angie asked Mr. Sheppard if he was in favor of the rezone. Mr. Sheppard stated he was but the City Manager stated there is not a dump there and he feels there is a dump there. Angie asked if the issue was relevant to the zoning change. Bob did not feel it was though he sympathized with Mr. Sheppard. (6:01pm) Bob felt the rezone should be allowed and a letter should be written requesting a city official appear before the RPC to discuss the garbage. There was discussion regarding whether or not to table the item or approve the rezone and submit a letter to the city regarding the staging area/garbage dump. Stephen motioned to table the item until the October meeting; second by Walter. Motion passed with one nay vote from Bob.

Ray then read the following item:

- C. **RH-09-03** A rezone application submitted by John and Jhona Bell to change the M-3 zoning district (Open Land Use District) to the NC-R zoning district (Neighborhood Commercial/Rural district) on property located off Highway 8B in Paradise Valley; assessor's parcel # 's 04-531-22, 04-531-23 & a .46 acre portion of 04-531-24.

Ray asked the board if they had any comments or questions. Richard asked about the minimum lot size. Ray asked if anyone in the public had any concerns with the item. Ray asked if the applicants were present. John and Jhona Bell approached the table. Ray asked if they were looking to create 1 acre lots for commercial. Mr. Bell stated it would be for residential purposes. Ray asked if it would be for rentals. Mr. Bell replied it would not be for rentals but for stick built homes. John Milton explained that the applicants' property is outside the sewer district, the system is at capacity and the master plan is high density residential which allows .25 acre lots if a sewer system is available. He went on to explain that because they cannot hook up to the sewer they are looking for a zoning designation that would allow them to go down to 1 acre. Ray thanked the applicants for coming in and asked for a motion. Walter motioned to approve RH-09-03 per staff recommendations; second by Richard. Motion passed unanimously.

IV. PUBLIC COMMENTARY

Ray gave an overview of public commentary process and asked if anyone from the public would like to speak. Massey Mayo approached the table. Ms. Mayo spoke of the important role the RPC has in the community and the tools it has to influence. Ms. Mayo felt that one of the tools the RPC has is to review use permits as stated in conditions. (6:15pm) Ms. Mayo believed that the review process is an option when there is a change of circumstances or as facts change. Ms. Mayo urged the RPC, with public involvement, to utilize the review process on the use permit issued for the Jungo Landfill site. Ms. Mayo stated she hopes the RPC will potentially revoke the use permit based upon the facts stated in the first and second petitions.

Robert Dolan then approached the table to discuss the landfill issue. Mr. Dolan told the RPC they had the right to put the issue (landfill) on the agenda to review the conditional use permit adding he hopes the item is placed on the agenda and revoked. Mr. Dolan felt there are grounds for the review and denial of the use permit. Mr. Dolan noted he has petitions with nearly 800 signatures and signature are increasing daily. He discussed his view on the potential lawsuit the county could face if the permit is revoked stating that because there is factual information to warrant a revocation of the use permit the RPC would be acting within their powers to do so.

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

- A. Review of compliance issue at 3635 Brown Lane regarding use of recreation vehicle as a dwelling unit. Property is owned by Donald Lykke; assessor's parcel #13-553-17.
-this item postponed.
- B. Review of issue regarding possible requirement of access to large parcels to be included as part of a future Large Parcel Ordinance.

Stephen began by discussing the neighboring counties' requirements for access. He felt that access requirements could help protect those who purchase land. John Milton then approached the table. Mr. Milton told the board that Pershing County does not require easements, rather two track roads. He added that he has divided 14 sections in Pershing County in the last 6 months and there were no requirements because they all had access by a accessory or a minor county road. Stephen questioned how they meet state requirements of having established roads on the property for access for emergency vehicles. Stephen did not feel that two tracks meet this requirement. Mr. Milton explained that this is a requirement when the division is creating 16 or more parcels but is optional for the creation of 15 or fewer parcels. Mr. Milton told the board that Pershing County follows this guideline. He then asked if a minor county road would be considered legal access under Stephen's suggested requirements. Stephen thought it would have to be a 30' road. Mr. Milton explained that NRS does not describe the type of road. Mr. Milton then explained the process of declaring a minor county road. He offered his opinion that the roads used for access by ranchers and for recreation are open to the public, have been used by the public for many years and are considered access. Richard asked about the parcel size requirements in Pershing County. There was some discussion on various requirements in Pershing County. There was also some discussion regarding the parcel map requirements in Lander, Eureka and Elko Counties. Mr. Milton reported that parceling in Eureka and Lander Counties is not as common as it once was. Stephen felt that access requirements would not limit property owners' rights rather the requirements would provide protection to the public. Stephen stated he knows someone who has spent their life savings on a property that has no access. Mr. Milton commented that there are several properties that have no access. There was discussion regarding minor county roads and BLM lands. Stephen brought up the point that other counties have placed requirements listed in NRS pertaining to parcel maps creating 16 or more lots on parcel maps that create 15 or fewer parcels. (6:38pm) Stephen felt that Humboldt County should also instigate this policy by requiring access easements to the property being divided. Mr. Milton asked Bob how long it would take to get an access easement on an existing road through BLM property. Bob stated a year or two. Mr. Milton explained this is a problem because you only have a year to file a map. There was discussion regarding people doing their due diligence when purchasing property. Bob suggested that Stephen give his research to staff for review and distribution. Bob also suggested the language be considered in the future when composition of a large parcel ordinance resumes. Mr. Milton concluded with the importance of maintaining open roads in Nevada. Angie questioned if a committee was lined up to work on the ordinance. There was discussion on who was on the committee and the process of creating the ordinance.

VI. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

Ray asked if there was any other business. There was none. Ray adjourned the meeting at 6:54 pm until October 8, 2009.



Ray Olsen, Chairman