



#### IV. PUBLIC COMMENTARY-None

Ray asked if anyone present wished to address the board. There were no comments.

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

Ray read the following item:

- A. Review of compliance issue at 3635 Brown Lane regarding use of recreational vehicle as a dwelling unit. Property is owned by Donald Lykke; assessor's parcel #13-553-17.

Richard addressed the Chairman stating he needed to excuse himself from the board as he had a bias on the issue. Richard stated he would be joining the public. Ray asked if he was going to comment. Richard replied he was. Ray announced that Richard excused himself and a quorum still existed. Ray read a memo from himself, as Chairman, to the board regarding an inspection of Lykke's property on November 24<sup>th</sup> and a recommendation. (See Exhibit A) Ray asked if anyone on the board had any questions. There were none. Ray asked if anyone in the public had any comments or questions. Richard Brown approached the table. Brown asked staff for a copy of the zoning ordinance. Betty produced a letter sighting the ordinance. Dana left to get an ordinance book. Brown quoted the language in the letter—per Zoning Ordinance 17.23.050 Prohibited Uses lists recreational vehicles as a permanent dwelling unit. Ray explained that the Building Department said that if he gets a mounting permit and anchors down the pad they would approve it. Brown stated that whether or not the Building Department approves it, it is prohibited by the zoning ordinance adding that if Mr. Lykke wants to have our ordinances changed then he can come follow the process to have changed. Ray asked what the difference is between a recreational vehicle being turned into a home and a trailer. Brown stated it is a recreational vehicle. Ray stated so is a trailer. Brown explained that the trailer he raised his family in was a 14' x 52' 1981 trailer that was brought in on wheels, the wheels were taken off and it was set on runners and blocks. Brown stated this is a 1970's travel trailer. Ray stated that it has no wheels. Brown stated it does not matter as it was built for recreational use. Ray explained it is sitting on blocks on a cement pad. Brown told of how he has tried to explain to Lykke over the years that the RV is prohibited and it has never moved. Brown explained there is a 14' x 70' trailer sitting on his property that was lived in before he moved into that property. Brown felt that Lykke should reside in the trailer rather than have a prohibited use. Brown questioned where the Building Department and the RPC Chairman have the right to go out and decide that this would be a good thing to do. Ray explained that the board decided that we should go out and investigate. Brown asked why the Building Department official was not present adding that this whole thing has been a travesty since the start. Ray agreed. Ray stated that this has been going on for several years and was never reported. Brown stated that he doesn't complain about the junk on the other side of his property but he does go down every couple of years to ask if he can buy the old trailer on their property so he can haul it off. Brown stated he doesn't want to file a nuisance complaint against his neighbors adding that what set it off with Lykke is that he is doing other things that are not right such as having two fifth wheels hooked up to the septic system at one point. Ray stated that the single wide is not habitable. Brown asked when that happened. Ray stated it has leaks in the roof. Brown stated that is not his problem adding that the last person to live in there was a young lady with a 6 month old baby and it was habitable then. Brown questioned how the Lykke could have a guest room

and bathroom in the trailer if it is not habitable. Ray stated he has a washroom and a toilet in the back of the shop. Brown questioned where he has it hooked up as there is only one septic tank on the property and it is located too far away from the shop to have a toilet hooked up. Brown stated he knows where the septic tank is located as he installed it. Brown felt that further investigation is necessary as Lykke could potentially have a bathroom not hooked into a septic tank or a second septic tank on the property. Brown felt that this is just another example of how out of compliance he is. Brown asked Ray if he noticed while up there that Lykke has claimed property outside his lot as his own. Brown told the board that he has posts at the end of the road with a wire going between. Brown felt there should be further investigation. Ray told Brown to file his complaint. Brown stated he would. Ray stated this is his recommendation and we are not getting anywhere. Brown suggested bringing it to the board for a vote. Ray stated we can do that. Ray then asked Brown if he was ready to do so or would he like more investigation. Brown stated he did not care but would like to have the board act now and see where the chips fall. Betty added that we do have a definition of recreational vehicles also. Ray and Pam asked Betty what the definition for recreational vehicle is. Betty read the description of a recreational vehicle as stated in section 17.16.750. Betty then read the definition of a manufactured or mobile home as stated in section 17.16.605. Pam asked if Mr. Lykke would meet those requirements. Betty stated that he is in a recreational vehicle. Pam asked if the ordinance stated he cannot have a recreational vehicle as a permanent dwelling no matter what. Betty stated that a recreational vehicle cannot be used as a permanent dwelling. Ray asked if there were any other questions. There were none. Ray asked for a motion. Stephen stated he agreed with Brown as not following regulations lowers property values adding that Lykke has shown no inclination to do anything no matter how many times people say something. Stephen felt that the codes should be followed. Stephen then motioned that Lykke is simply out of compliance and cannot be brought into compliance with a recreational vehicle so we should reject this (the Chairman's recommendations) and give him the circumstances of it. Ray asked if this was clear enough. Ray asked Brown if this was clear enough. Brown stated it was. Pam seconded. Motion passed with 1 naye vote by Ray. Joyce asked if he is able to fix the trailer to make it livable. Ray stated he was going to have to now. Dana asked how this was to be handled now, are we going to ask him to comply and give him a timeline. Ray stated to tell Lykke that the recommendation by the Building Department and the Planning Commission Chairman have been disapproved by the Planning Commission Board and he must comply with the zoning as per written. There was discussion on the timeframe. Stephen suggested January 31<sup>st</sup> because of the holiday.

Richard rejoined the board. (5:48 pm)

B. Review of Rules, Policies, and Procedures of the Humboldt County Regional Planning Commission.

Ray explained that on February 5, 2004 some of the language and rules were changed and approved and it is time to review it again to see if any changes are necessary. Ray began to read the intro and general policies of Rules Policies and Procedures of the Humboldt County Regional Planning Commission. Ray stopped and asked if the board wanted to go down line by line. Richard suggested going page by page. Ray agreed. Richard asked if everyone had time to review the document. Richard then asked if anyone had any questions on page 1. There were none. Richard asked if there were any questions on page 2. There

were none. Richard asked if there was anything on page 3. Betty suggested a change on page 3 item number 3 which states the RPC meets the first Thursday of each month when it actually meets the second Thursday of each month. Ray stated this needs to be corrected as it was changed for some of the members of the board or the meetings could go back to the first Thursday of the month. Richard suggested striking 'first Thursday' and leaving it to state 'shall meet once a month'. Richard also suggested changing the language stating when specifically special meetings are to be held and what would warrant holding such a meeting. Richard asked if everyone understood and agreed. There were sounds of agreement. Ray suggested the language 'meetings of the RPC will be held at least once a month. Meetings will be tentatively scheduled the second Thursday of each month. Any additional meetings will be scheduled for the third Thursday of the month if necessary.' Stephen added 'and only for time sensitive issues'. Ray thought that it should be included. Betty agreed. Brown and Pam thought the meetings should be changed to the first Thursday and the special meetings held on the third Thursday to allow time for notices. Richard felt that item 6b on page 3 should be reviewed. Richard explained that he had spoke with Dana about this and explained the process of agenda distribution. Dana explained to the board that after 6 months is up a request to renew form is sent out, if they return the form and still want to receive agendas they are put on the list for another 6 months. Richard stated he understood that but wanted to know if it is legal because we are soliciting adding that he knows it is done out of courtesy but wants to get some legal clarification on it so that it is done per NRS. Dana stated we could look into it. Betty asked if they wanted her to see how the Clerk's Office does it. Richard just wanted some clarification. Richard asked if there were any other questions on page 3. There were none. Richard then asked for questions on page 4. Richard was concerned with number 14. Richard stated an item cannot be tabled unless the applicant agrees to it. There was discussion regarding the tabling process. Stephen suggested changing the language to 'with the applicant's agreement the RPC can postpone action'. Richard felt that was good, suggesting 'the RPC is not required to take action on and may postpone any item on the agenda'. Pam asked if the RPC is required to take action. Richard stated that once an item is on the agenda the RPC is required to take action. Pam felt the language should read 'The RPC is required to take action on, and may postpone any item on the agenda with the applicant's approval.' Everyone agreed to the change to number 14. Betty addressed number 12 which states 'The Chair shall vote on all matters'. Betty explained that in the Nevada Planner it states the Chair cannot make a motion but does not address the seconding of a motion. Richard stated that in Roberts Rules of Order the Chairman cannot make nor second a motion and should not vote unless it's a tie breaker. Betty stated that the RPC is an advising board not a governing board therefore it is looked at differently and the Chairman can vote. Richard stated that the Chairman cannot make a second. Betty suggested clarifying that. Richard agreed. Richard asked for anything else on page 4. Ray asked if there needed to be any changes to the order of business. Richard felt it worked real well. Ray asked about page 5. Stephen asked about number 2 under Procedure for Consent Agenda Items. Richard clarified that the Chairman asks the board if they want to bring an item down then asks the public the same as they may wish to comment on an application. (6:02 pm) Ray then read number 3 to clarify the procedure. Ray then asked if there were any other concerns. There were none. Ray then asked if there were any concerns with page 6. Richard expressed concern about having an applicant and an opposed party to the applicant both at the chair. He felt that there should be language stating that those addressing the board are to address the board not the audience/ public. There was discussion regarding things that had happened in past meetings. There was discussion on the difference between public commentary and public comment on an agenda item. Ray

read the top portion of the agenda regarding comments. Richard stated he did not agree with it but legal put it on there. Ray stated that it is per NRS. Richard asked if there were any more questions on public commentary. Betty suggested adding the step of closing deliberation to include a motion and second to end deliberation and move on to decision in order to aid in resolving confusion. Betty read the closing of deliberation as covered in the Nevada Planner's Guide. Richard felt it was a good idea and asked where it would fit in. Betty suggested after number 11 on page 6. Ray felt closing of deliberation should be included as item b under number 11. Ray asked if they were done with page 6. Ray asked about page 7. There were no comments on page 7. Ray asked about page 8. There were no comments. Richard asked about page 9. Ray asked how long we have to hold onto tapes of the meetings. Betty stated they were to be held onto for 1 year. Ray asked if that should be changed. Betty stated that was NRS. Richard stated we can keep them longer if desired but cannot keep them shorter. Ray felt they should be kept for 2 years. Richard stated they could be kept in a file cabinet. Betty stated they were. Dana stated they were stacked by the year in the file drawer. There was discussion regarding tapes verses CDs. Richard asked if the CDs/tapes are for public use. Betty and Dana told him they are and can be requested. There was discussion regarding the difference between what is in the written minutes verses audio recordings. Betty told of how going back and using the recordings to clarify has been helpful in the past. There was discussion on keeping the CD's for two years. Betty asked the board if they wanted to change the wording from 'in accordance with NRS 241.0354A' to 'for two years'. The board agreed. Dana asked if they were wanted to get rid of the old ones. Richard stated not unless there is a storage issue. Dana stated there is plenty of room; and noted that the County Commissioner's audio is gone after 1 year. Dana told the board that she has audio going back to 2006 and does not plan to destroy any recordings. Richard felt that because legal likes to refer to NRS that maybe the wording on number 4 should be '...in accordance with NRS 241.0354A plus 1 year'. Betty questioned keeping the audio tapes as there may soon no longer be a machine to listen to it. Stephen asked how long ago the audio went to CD. Dana told him in 2007 the change was made. There was discussion regarding keeping CDs that are associated with controversial issues. (6:26 pm) Stephen asked if members could motion to keep copies of the CD's to any particular decision made by the board. Richard stated that everything should be read into record that way it would be in print not on the CDs. Betty stated a motion could work as staff cannot write everything down verbatim. Stephen felt that a record of the whole meeting could exist without having to transcribe it if the CD's were kept. Ray stated the transcription is the other party's responsibility not the board's. Richard agreed. Dana stated there is a difference between doing the minutes and a transcription, adding that she is not certified to do transcriptions but could go into more detail with the minutes if the board wanted. Richard stated the minutes are just fine. Joyce agreed. Stephen felt this is why the CDs should be kept—so the meetings don't have to be transcribed but could be if requested. Richard stated he was having a hard time understanding why the RPC would want to do that because the CDs would be kept for two years. Dana stated the written record is required to be kept for sometime, microfilmed minutes go back to the 1970's. Richard stated they are minutes not transcriptions of the meetings. Stephen felt that if a copy of the CDs were made there would be no questions. Pam felt this could work for or against you. Richard agreed. Pam stated that if it only has to be kept for a year, then it should only be kept for a year. Richard wanted to speak about motions. Stephen asked if a motion could be made to keep the CDs. Richard moved on to state that he felt motions should be made in the positive and gave an example. Ray asked about a situation where someone wanted to motion to not approve something. Richard explained that if someone motioned to approve and a second is not

made the motion dies, in the case of the Consent Agenda the item would then move down to the Public Hearing portion of the meeting. (6:33 pm) Richard went on to explain that if a board member at this stage of the meeting wished to decide against staff recommendations a reason must be clearly stated. Richard then spoke about adding conditions to approvals. Stephen asked if everyone was still on page 9. Richard replied they were. Stephen suggested changing 'Tapes' to 'Recordings' on number 4. Everyone agreed. Stephen also again suggested including 'Members may propose with motion and second that a copy of the recordings be kept with the minutes of that meeting.' Richard asked where the copy would be kept. Stephen asked about the copies of the minutes. Richard told Stephen that they are kept in a book. Stephen suggested keeping the CDs in a pouch in the binder. Joyce felt the book would get too thick. Richard agreed. Stephen stated it would be by special request only, not for every meeting. Betty suggested asking to retain the minutes for longer than NRs plus 1 year. Ray agreed. Richard thought this would require a special minutes binder in addition to the regular yearly minutes binder. Dana suggested keeping a copy of the CD in the application file of the controversial issue if so requested by motion and second. Joyce felt the minutes covered the meetings and it may be better off not keeping them forever. Stephen felt that it would be helpful to keep some copies. Joyce felt that sometimes it could cause more controversy. Pam agreed. There was discussion regarding ending review of the document. Betty suggested that staff type up the changes then RPC could approve. Ray stated that legal would have to approve. Richard asked to get a consensus on the board's opinion of keeping an extra copy of the CDs. Joyce clarified that Stephen wants to keep the CDs for certain applications/issues for reference indefinitely but staff had explained that so long as there is storage room the CDs would not be destroyed. Stephen again asked for his request. Richard disagreed. Ray directed staff to include it in the changes; that the board would vote on it later when it is all put together. Stephen agreed. Dana asked if they would like to have this on the next agenda. There was discussion regarding placing the revisions to the Rules, Policies, and Procedures of the Humboldt County Regional Planning Commission on the next agenda. Ray asked that it be listed as a workshop. Richard did not want the suggestion proposed by Stephen included in the revision; he asked the Chairman for a consensus again. Ray approved. Stephen then motioned to include a permanent recording when requested and voted on by the board. Ray asked for a second. There was no second. Richard reported the motion failed and pointed out to the board that because there was no second the motion dies. Betty asked about the January schedule. Richard felt the meetings should be moved to the first Thursday starting in February. There was discussion regarding the availability of the meeting room.

#### VI. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

Ray asked if there was any other business. Richard asked for Walter if there was a resolution to be signed for the compliance issue. Betty explained there was not. Pam asked if the deadline of January 31<sup>st</sup> could be extended as it is winter. Richard felt that it has been decided and over with it could not be discussed. Betty explained that he could appeal it to the County Commissioners. There was no further business. Ray adjourned the meeting at 6:49 pm until January 14, 2010.

  
Ray Olsen, Chairman

## EXHIBIT A

# MEMO

December 4, 2009

To: Regional Planning Commission

Re: Complaint 3635 Brown Lane/Lykke

On 11/24/09 Mr. Bobby Thomas/County Building Department and Ray Olsen/RPC Commissioner did an on-site inspection of Mr. Lykke's property at 3635 Brown Lane. We recommended to Mr. Lykke that he comply with the following building code requirements:

Water & sewer lines to be hard lines.

Single wide is to be disabled and used for storage and occasional guest room use.

Needs to get a disabled permit from the Building Department.

The 5<sup>th</sup> wheel in on a cement pad but needs to be secured as per instructions from the Building Department.

Needs to get placement permit from Humboldt County for the 5<sup>th</sup> wheel which will become the legal residence at this address.

It is my opinion that these recommendations will bring the property at 3635 Brown Lane into zoning compliance. We gave Mr. Lykke a deadline of January 31, 2010.

Thank you

  
Ray Olsen

RPC Commissioner/Chairman