

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on January 14, 2010 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

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

COMMISSIONERS ABSENT

Pam Wickkiser

STAFF PRESENT

Betty Lawrence Dana Toth

LEGAL COUNSEL

Angie Elquist

PUBLIC PRESENT

Tami Vetter John Milton Lianne Iroz
Michael P. Liberatore Stephen Dick Michael Meagher
Donald R. Lykke

Ray called the meeting to order at 5:30 p.m. Ray asked if there were any corrections or concerns with the December 10, 2009 minutes. Stephen noted a type-o. Ray asked for any other concerns or a motion. Walter then motioned to approve the minutes as per read; second by Joyce. Motion passed unanimously. Ray asked if there were any postponements to the agenda items. Betty reported there were no postponements.

II. CONSENT AGENDA/DISCUSSION & ACTION

Ray read the Consent Agenda description and process. He then read the following agenda items:

- A. **LP-09-08** A large parcel map application submitted by Desert Mountain Surveying on behalf of Blue Sky Acquisitions, LLC to divide property located +/-6 miles NE of Redhouse, Section 3, T36N, R43E into 14 lots; assessor's parcel #07-301-03.
- B. **LP-09-09** A large parcel map application submitted by Desert Mountain Surveying on behalf of Finance All, LLC to divide property located along Redhouse Road, Section 25, T36N, R42E into 12 lots; assessor's parcel #07-291-09.
- C. An extension request for **LP-08-17** A large parcel map application submitted by Desert Mountain Surveying on behalf of Paul D. Riggie, Nichole A. Fair, and Tao Jensen to divide property located approximately 2.5 miles north of Jungo Road into 15 lots; Section 9, T36N, R37E; assessor's parcel #10-011-10.
- D. An extension request for **PW-09-01** A parcel map application submitted by Desert Mountain Surveying on behalf of T.G. Sheppard 1995 Family Ltd. Partnership to divide property located within the SE1/4 of Section 30, T.36N., R.38E., M.D.B.&M., along Anderson and W. Sixth Streets into 2 lots; assessor's parcel #015-381-03.

- E. An extension request for **UW-08-11** 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 #016-071-11.

Ray asked if the board had any concerns regarding the consent agenda. There were none. Ray asked if the public wanted to pull any consent agenda item down. There was no request. Ray called for a motion on the consent agenda. Walter motioned to approve the consent agenda as read; second by Bob. Motion carried unanimously. Betty explained to the applicant that a letter would be sent out.

III. PUBLIC HEARING/DISCUSSION & ACTION-None

IV. PUBLIC COMMENTARY-None

Ray read the public commentary guidelines and asked if anyone present wished to address the board. There were no comments.

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

Ray asked if there were any additional comments from staff or legal. Richard asked Angie about training on open meeting law. Angie explained there is a current case before the gentleman that would be coming to do the training and it has been suggested to hold off until a decision is made on that particular alleged violation.

Ray read the following item:

- A. Review and possible rescission of decision made at the 12/10/09 RPC meeting regarding a compliance issue at 3635 Brown Lane pertaining to the use of a recreational vehicle as a dwelling unit. Property is owned by Donald Lykke; assessor's parcel #13-553-17.

Richard excused himself from the board. (5:38 pm) Ray asked if the application need to be gone over. Angie clarified that she is requesting that the board vote to rescind the decision and give proper notice to Mr. Lykke as there are some legal issues adding that this would take the appeal to the County Commissioners off their calendar. Stephen asked for specific reasons to rescind the decision. Angie explained that Mr. Lykke was not given proper notice that a decision would be made on that particular date. Ray felt the decision should be rescinded and it should be scheduled for a public hearing. Stephen agreed. Bob questioned rather or not he should participate in the vote to rescind as he was not present at the previous meeting when the decision was originally made. It was decided that a quorum would still exist with Bob abstaining. Ray asked Mr. Lykke and his council to the table. Jack Bullock approached the table as representative for Mr. Lykke. Bullock stated he agreed with Angie adding that the rescission would speed up the process of bringing the issue back to the RPC and allow time to work something out with legal. Richard Brown then approached the

table. Brown verified the rescission would not approve the recommendations from last month but there would be a re-vote on the issue next month. Angie stated she recalled that they were to look into some other possibilities, maybe a variance. Angie stated that her request is to have a legal meeting to discuss the legal options; then a hearing would be held to get a factual record made as to why the decision is for or against. Brown felt the board at the last meeting voted to uphold the zoning ordinance. Brown asked if this is what would be voted on again. Angie stated she doesn't know yet. Brown felt that he was alright with it as long as it will be revisited again. Angie stated it would be as though nothing had been done yet, like starting over. Brown stated he was good with that. Ray asked for other comment from the public. There was none. Ray called for a motion to rescind the decision made 12/10/09 by the RPC on parcel #13-553-17, the property is located at 3635 Brown Lane. Joyce motioned to rescind; second by Walter. Motion passed unanimously with Bob abstaining. Betty asked when the issue should be placed on the agenda as Mr. Lykke will have to be notified. Angie stated she would like to set up a legal meeting before the next meeting. Brown asked what the legal meeting stuff was for. Angie explained that she would like to meet with the board to discuss the issue. Richard Brown then rejoined the board. (5:47pm)

Ray read the following item:

- B. Workshop—Review of proposed changes to the Rules, Policies and Procedures of the Humboldt County Regional Planning Commission.

Ray asked about the changes made. Betty reported that in the packets there was a copy of the Rules, Policies and Procedures of the Humboldt County Regional Planning Commission (RPP) with the requested changes made in red. Betty explained that the item in blue was questioned, but found to be a standard practice throughout Nevada. There was discussion regarding changing the meeting date from the 2nd Thursday of each month to the 1st Thursday. It was decided to leave the regularly scheduled meetings on the 2nd Thursday of each month and change the RPP to reflect this. There was then discussion regarding language stating that special meetings would be scheduled on the 4th Thursday. Staff suggested that special meetings be held as needed and not assigned to the 4th Thursday of the month. Ray agreed. Richard agreed. There was discussion regarding what type of issues would trigger a special meeting. Angie suggested referencing 281A on page 1 and removing language stating "the members of the RPC are not public officers as defined...". Angie stated she needed to look into how 281 applies or does not apply to the RPC. She pointed out the same issue on page 2 stating that #2 should be removed and state "all meetings shall conform with NRS 241". Angie went on to point out where NRS should be referenced. Angie felt that because some portions of the RPP are already requirements per NRS that they do not need to be included in the RPP. There was discussion regarding changing the speaking time limit addressed in #7 on page 3. Angie suggested removing #7 as it is required to be specifically stated on the agenda. Bob questioned the chairman's ability to change speaking time limits. Angie explained it would be specific to the agenda. There was discussion regarding sharing minutes. Betty asked Angie if she wanted #7 removed because it is covered by 241. Angie stated this was her suggestion. Angie reported that the AG's office is urging to get away from Robert's Rules of Order because it is limiting and causes more chaos. Betty pointed out that the handbook from Nevada State Lands has a guideline on how the meetings are to be run and it's pretty basic. Angie agreed they should be basic. Richard asked what else there was. Angie felt the referencing to what constitutes a quorum should be removed as it is covered in NRS. Bob questioned Angie regarding previous legal advice telling the RPC that

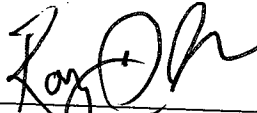
the quorum requirements stay the same although a member has to abstain or step down. Angie clarified that if a member abstains from a vote it reduces the membership and thus the number required to have a quorum. Angie felt that #10 should site to statute and not state voting requirements. Richard felt that the RPP would be nothing but a reference to NRS and not a guideline for the board. Angie stated that policies and procedures can be used in potential legal arenas. Richard asked if #9 is correct. Angie replied that it was but in 2 years, if NRS changes, it will have to be changed in the RPP. Richard asked about #10. Angie felt this is the same situation. Ray announced that Richard had to leave. Richard left the meeting at 6:10 pm. Ray asked if they wanted #9 removed. Joyce stated she wanted to. Stephen agreed. Angie stated it could be sited to show the differences. Betty explained that's probably why it was in there because the RPC doesn't get copies of NRS. Bob stated the RPP is a great training tool for new members as well as older members that may have forgotten something. Betty agreed adding that it is given to member when they join and it is easier to read than having to go online and look up NRS. Angie felt this was fine but siting to open meeting law on 3 pages is unnecessary. Bob questioned #12 as he felt the chairman should be allowed to second a motion. Angie stated a chairman could make a motion as well, adding that there is nothing in statute stating the contrary rather it was Roberts Rules of Order. Betty asked if the changes should be removed and it should simply remain as "the chairman shall vote on all matters". Bob felt it shouldn't even be a question—whether the chairman is able to vote, but it should be left in the RPP for future reference. Betty felt the RPP is a good guideline for people joining the board that have no previous experience. Angie stated it was up to the board's discretion to state that the chairman may vote, motion and second or simply vote. Ray felt that a small board sometimes needs a motion and second by a chairman. Joyce agreed. Bob suggested removing the previously suggested changes and leave #12 as "The chairman may vote on all matters." Bob questioned #14's legality. Angie felt it was ok as a majority vote is required to approve an item. Betty asked the board to clarify what they wanted to see for #15. Angie felt that #15 should be rephrased to state something along the lines that the board is not required to take action on items that do not have a required action time limit per NRS. Betty asked if the language should remain as it was. Ray gave examples of when the RPC would not take action. Angie asked to have more time to mess with the language on #15. Ray stated that was fine, but asked Angie to keep in mind that in 2004 when the RPP was written the RPC was told they could not postpone any item. Angie did not know why. She then spoke about her concern with automatic approvals due to time limitations. Ray felt this is why special meetings are sometimes held. Angie then read the following suggestion: "On actions governed by NRS timelines they may postpone with applicants approval." There was some discussion regarding the language. Bob questioned #13, the motion to end deliberation. Betty and Ray explained the reasoning for a motion, second and vote to end deliberation. Bob agreed with the addition. Angie suggested referencing to the Humboldt County Code under the Officers of the RPC section. Bob felt that the RPP should include something covering solicitation (serial communications and/or walking quorums) to RPC members on matters that are coming before the board. It was decided that something should be included even though it is covered by open meeting law. Angie suggested attaching exhibits to the RPP, such as the brochures provided by the state, which would reflect the constant changes to laws. There was discussion about the need for more legal meetings and inconsistency in advice from different legal counsel over the years. Ray thanked Angie for communicating with the board members as this hasn't always happened in the past. Angie then addressed the Records and Documents section of the RPP stating that it is all covered under open meeting law. There was discussion regarding the time requirements for retention of the RPC's audio CD's. Ray asked Angie if she was

planning to put her thoughts down for review. Angie asked if the board wanted to talk about it again. Betty explained that it needs to be cleaned up, reviewed and voted on before going into effect. Ray wanted it cleaned up. Betty asked Angie to draft down her thoughts and send it to her adding she would do the same. Angie agreed. Stephen requested that #4 be kept in on the last page. There was then more discussion on retention of the audio CD's. Dana asked if this was to be a workshop with discussion and action at the next meeting. Angie stated she would suggest that.

Betty then gave the board an update on the Felland rezone that was denied explaining that the County Commissioners want the age requirements for mobile homes updated. Betty told the board the County Commissioner's Retreat is in Paradise Valley and will start at 9:00am. Ray asked about travel expenses. Bob stated he wasn't too concerned about it. Ray stated he wrote a letter to the County Commissioners stating that Bob, Stephen and Pam would be attending the meeting. Betty stated the County Commissioners approved that. Bob asked if this was the authorization to speak for the board. Ray stated it was.

VI. CORRESPONDENCE/BUDGET/PERSONNEL Discussion & Action

Ray asked if there was any other business. Angie suggested having a legal meeting. There was discussion regarding when the meeting would take place. It was decided to hold the meeting on Thursday, January 28, 2010 at 5:30pm. Ray asked if there was any other business. There was none. Ray adjourned the meeting at 6:50 pm until February 11, 2010.



Ray Olsen, Chairman