

## REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on March 11, 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  
Richard Brown                Walter Lee  
Joyce Cox

### COMMISSIONERS ABSENT

Pam Wickkiser

### STAFF PRESENT

Betty Lawrence

### LEGAL COUNSEL

Angie Elquist

### PUBLIC PRESENT

John Milton	Dee Mallory	Celve Mallory
Lianne Iroz	Tami Vetter	Mark Delaney
Shirley Delaney	Lindsay Erb	Andrew Beall
Jason Butler	Fred Fosbinder	Michael P. Liberatore
John Cappell	Douglas Lewis	Helen Behlow
Ken Wright	Martha Delaney	

Ray called the meeting to order at 5:30 p.m. Ray announced Stephen Nye's resignation. He asked if there were any corrections or concerns with the February 11, 2010 minutes. There were none. Ray asked for a motion. Bob motioned to approve the minutes from the February 11<sup>th</sup> meeting; second by Joyce. Motion passed unanimously. Ray asked if there were any postponements to the agenda items. There were none.

## II. CONSENT AGENDA/DISCUSSION & ACTION

Ray read the consent agenda description and process. He then read the following agenda item descriptions:

- A. **LP-10-02** A large parcel map application submitted by Desert Mountain Surveying on behalf of CBD Development Group Of Northern Nevada, LLC to divide property located approximately 10+/- miles northwest of Pronto into 15 lots; Section 1, T36N, R33E; assessor's parcel # 005-331-06.
- B. **LP-10-03** A large parcel map application submitted by Desert Mountain Surveying on behalf of Finance All to divide property located approximately 1.5+/- miles North of Jungo Road into 15 lots; Section 19, T36N, R36E; assessor's parcel # 005-361-21.

Ray asked if there were questions or concerns with the items. Bob requested to pull down item A. Ray then asked the public if there were any concerns. There were none. Ray brought it back to the board and called for a motion for item B LP-10-03. Bob motioned to approve LP-10-03, second by Walter. Motion carried unanimously.

### III. PUBLIC HEARING/DISCUSSION & ACTION

Ray read the following item that was pulled down from the consent agenda:

**LP-10-02** A large parcel map application submitted by Desert Mountain Surveying on behalf of CBD Development Group Of Northern Nevada, LLC to divide property located approximately 10+/- miles northwest of Pronto into 15 lots; Section 1, T36N, R33E; assessor's parcel # 005-331-06.

He then turned it over to Bob. Bob wanted to ask Milton a question. John Milton came to the table. Bob asked about access to the property. Milton explained that in the northwest corner there is existing access. He also pointed out that there is an existing grazing fence on the property that was incorporated to line up with the proposed parcel lines. Ray asked if there were any more questions. There were none. Ray asked the public if there were any concerns. There were none. Ray then asked for a motion. Bob motioned to approve LP-10-02; second by Walter. Motion passed unanimously.

Ray then read the following item:

- A. **RW-10-02** A rezone application submitted by the City of Winnemucca to change the R-1-6 zoning district (Single-Family Residential District; 6,000 sq. ft. minimum lot size) to the R-3 zoning district (Multiple-Family Residential District) on a 2.12 acre parcel located off Minor Street; assessor's parcels #016-171-06.

Ray asked the board if they had any questions or comments. There were none. Ray then asked the public for any concerns or questions. Mike Liberatore approached the table. He expressed concerns that a multi-story unit may be constructed on the site. Richard explained the application is for a rezone and it is unknown at this time what type of building would be constructed in the future. Liberatore continued to explain he is concerned that people may be able to look into yards and homes. He was concerned that if the rezone is approved to allow this project it may open up doors to future projects such as this and there will be a fight to keep apartment type building from being built right up against the fence. Richard explained this is the last 2.5 acre piece behind Railroad Subdivision. Betty explained the property is being rezoned by the City of Winnemucca to build senior housing units; the rezone is required to apply for grants. He asked if the property in between this one and the Railroad Subdivision is privately owned. Richard explained that it is the only acreage there; this is a rezone and it is unknown what type of building is going to be put there. Ray told Liberatore that the time to come in and express concern is when they put in for their site plan. Liberatore thanked the board for their time. Ray asked if anyone else in the public had comments or concerns. He asked the board. There were none. Ray asked for a motion. Walter motioned to approve RW-10-02 as per staff recommendations; second by Joyce. Motion passed unanimously.

Ray then read the following item:

- B. **SP-10-01** A site plan review application submitted by CTA Architects Engineers on behalf of Humboldt County Health District to improve the parking/site as well as an addition to include a new medical office building, (as a second story), for Humboldt

General Hospital; assessor's parcel #016-041-17.

Ray asked for questions and comments. Richard felt the map was too hard to read. Betty told the board the representatives from CTA were present and likely had a better map. Jason Butler, architect for the project, and Lindsay Erb approached the table and produced a larger map. Butler gave an overview of the project. He explained the City Council approved a variance for parking. Richard asked if it would be for offices. Butler stated it is for medical office clinic space and a new front entrance to the hospital. Bob asked if the modular shown on the map was the same that is currently there. Butler confirmed it was. Bob asked about the helicopter pad. Butler explained there is a negotiation going on to lease some of the railroad property across the street. Ray asked how the patients would be brought across the street. Butler told the board they would be transported via ambulance as they are now. There was some discussion regarding parking. There were no further questions. Ray asked if the public had any concerns with SP-10-01. Fred Fosbinder questioned where the helicopter pad will be. Ray told Fosbinder it would be on railroad property across the street. He questioned why it cannot be installed on the roof of the hospital. Ray stated he did not know and asked Butler to return to the table. Butler explained that scenario is being looked at though it is costly and there are several safety issues with it. Ray asked for additional questions and comments. There were none. Ray then asked for a motion. Walter motioned to approve SP-10-01 as per staff recommendations; second by Joyce. Motion passed unanimously.

Ray then read the following item:

- C. An amendment to existing conditional use permit **UH-07-01** submitted by Quirt Monchamp on behalf of N.A. Degerstrom to allow placement and utilization of an office trailer, lubricants storage, construction of a 40' x 60' storage building and the installation of a 500 gallon fuel tank. Property zoned M-3 (Open Land Use District) and is located at 11505 West Rose Creek Road; assessor's parcel #005-552-07.

Ray asked if anyone on the board had questions. Ray called the applicant to the table and asked for some information on the project. John Chappell approached the table as a representative for N.A. Degerstrom. Chappell explained that a 40'x60' unit to store components is proposed; the lubricants storage will be contained in a containing storage. Ray asked what type. Chappell stated it would be an overhead and lined. He stated there would also be a 500 gallon fuel tank. Ray asked if a permit was needed for that. Betty explained that if it is over 250 gallons they have to get a building permit. Chappell stated they are looking into that. He asked if Ben Garrett is on the council. Betty explained he is the Road Superintendant and is present. Chappell questioned the paving of the approached. Ben Garrett then approached the table and stated he anticipates increased traffic load with the additions to the property. He explained the increased traffic load on a dirt approach will have a tendency to break the roadway down verses a paved approached. He also explained the paved approach will shed gravel from the graveled lot from tires as they head toward the travel lanes making it safer for public. (5:54:56) Chappell did not believe that there would be an increase in traffic as there is only going to be one employee in and out of the yard. Richard felt that it should be paved because it is on Rose Creek Road. Chappell stated he had counted 30 access points that are not paved. Richard questioned whether they are commercial uses or if they have use permits. Chappell stated he was not sure. There was some discussion regarding the paving condition. Bob questioned who would be using the

fuel in the 500 gallon tank. Chappell told the board it is for storage as jobs end or begin. Bob explained his concern was that if the property is sold the next owner may have increased traffic. Ray felt the recommendation from the Road Department should be considered. Bob agreed. There was discussion regarding adding the paving of the approach as a condition of approval. Chappell asked if it could be put off until Monchamp returned to discuss the issue. Richard told Chappell the board was going to vote either for it or against it, but the application could be withdrawn at any time. Bob asked Ray if the matter could be tabled. Ray stated they would have to re-file. Ray asked if anyone else had any questions. Ray asked if anyone in the public had any concerns. There was none. Ray asked the board if they had any further comments or questions. There was none. Ray asked for a motion. Richard motioned to approve UH-10-01 with item #9 in the staff recommendations as per Ben Garrett, County Road Superintendant, to pave the approach; second by Bob. Motion passed unanimously. Betty told Chappell that a letter would be sent to Monchamp letting him know of the approval with the condition.

Ray then read the following agenda item:

- D. **AH-10-01** An abandonment request submitted by Cleve and Delores Mallory to abandon a 731.21 ft. portion of Memory Lane, a 30 foot easement, lying north of Bruce Drive, next to and within the easterly boarder of assessor's parcel #'s 006-621-26 & 006-621-27.

Ray asked the board for questions or concerns. Bob stated that it could become problematic when abandoning an easement that was created for a reason. Richard stated he was not in favor of abandoning easements either adding that the easement was created when the property was divided to allow access—that's what it should be there for. Ray expressed NV Energy's concerns. Betty passed out folders containing pictures and a statement that were prepared by a resident of the neighborhood that is opposed to the abandonment. Richard commented that it appeared someone had dug a ditch in easement. Delores and Celve Mallory approached the table. Ray asked what the ditch was all about. Mrs. Mallory stated that is their 30' easement and they were going to put in a fence post. Richard stated it was a big fence post. Mr. Mallory stated it was just a railroad tie. Richard felt it was a big hole for a railroad tie. Mr. Mallory explained he dug it with his backhoe. Richard felt it appeared to be a hole to block the easement. Mr. and Mrs. Mallory stated it does not block the easement. Mr. Mallory pointed out the utility easement showing the guide wire on a power pole. He stated the easement was put on the property after he had already made a deal with Delaney on the property. Richard asked if the Mallory's owned lot 25. It was clarified that they owned only 006-621-26 and 006-621-27. There was some discussion regarding the utilities. Richard felt it was obvious why they wanted the easement there. Mrs. Mallory explained that Norma Drive is shown on the map as going up to Helen's property and she has to build her driveway. Betty stated the map was recorded with the easement on March 7, 2005. Richard commented that it is recorded and asked who did it. Betty stated that Mr. Milton did for Mr. and Mrs. Delaney. Richard stated that it was their property when they recorded the map. Mr. Mallory felt it was their property, (the Mallory's) as they had already made a deal. (6:10:06) Richard stated that the only person who could put an easement on the property is the registered owner of the property at the time. Mr. Mallory stated they had already made a deal. Richard stated again the only person who can do it is the registered owner. Mr. Mallory felt Norma Drive should be developed all the way up to where the map shows it goes

then Helen could have access there. He then spoke about his neighbor to the north, Mr. Fosbinder, obtaining access through either Highway 95 or through an easement from the north. Mr. Mallory told the board that after Bruce Drive was closed residents were using the road through Sweeney's property as access and Helen blocked it off, later Mr. Sweeney blocked it off as well. He stated Helen had him, (Mr. Mallory), take his backhoe and dig a trench to block off the road because of the traffic and speeding. Mr. Mallory told the board there is 15' from the tie wire to the post hole, 15' from the post hole to the property line, that continuing south there is no reason to keep the easement. Bob was concerned that Fred Fosbinder would no longer have legal access if the easement is abandoned. Mr. Mallory felt that Fosbinder could get access from the highway. Bob asked the Mallory's if they had access problems with their property. They stated Bruce Drive was taken out when they applied for their use permit. Richard stated you (Mallory) took out Bruce Drive. Mr. Mallory stated he did not take out Bruce Drive. Mrs. Mallory stated they called Jim Delaney who told them to tell Ken Wright to go put a load of dirt to block Bruce Drive—that they did not do it. Bob felt that without an alternate recorded easement for Fred Fosbinder he could not vote for approval of the abandonment of this easement. Mr. Mallory suggested abandoning from Warner down leaving an easement for Fosbinder. Bob did not agree. Walter asked what the power company would do as their wire is in the middle of the easement. There was some discussion regarding partial abandonment of Memory Lane and the removal of Bruce Drive. Walter asked why Bruce Drive was taken out. Mr. Mallory stated he did not know; they've done everything they were supposed to do. (6:18:24) Joyce commented on creating landlocked parcels. Ray excused the applicants in order to open up public comments. Betty read into record a letter of opposition for the proposed abandonment dated 3-11-2010 from Reverend L. Allan Peavy Jr. at 3210 Bruce Drive. (see letter attached as Exhibit A) Ray asked for comments from the board. There were none. Ray asked the public for comments. Fred Fosbinder approached the table and introduced himself as the owner of 8655 Memory Lane. He stated he did not want his land to become deadlocked (landlocked). He stated that he was advised by his attorney to notify the board that the 30' easement stays or he sues and began to read a list of those he planned to sue. Richard told Mr. Fosbinder he could speak to the board's attorney at a later time. Ray asked for more public comments. Helen Behlow then came before the board. (Behlow prepared the folders that were previously handed out.) Behlow stated the road was closed to the north when they put the weights in and to keep people from coming up just to turn around and to keep people from getting stuck in the sand. She stated that the Delaneys put the easement in for access to the properties; access to her lot on the back side from where Norma was supposed to go is not feasible as there is a 45' sand dune. Behlow stated she cannot get her horse trailer in or out because of the guide wire and the hole that he dug in October. Bob questioned which property was hers. There was some discussion regarding property the configuration. There was clarification that Memory Lane was blocked off at the end of the easement at Sweeney's property line. Ray asked for additional comments. Douglas Lewis approached the table. He requested the easement stay open as there are children that use the easement to go back and forth from the bus stop. Lewis expressed concern about the berm of dirt blocking Memory Lane from Bruce Drive; specifically there are no guards or reflective markers. He was also concerned about the hole dug near the power pole stating that it has been there since October, kids walk there, there is traffic there and he has already scraped his suburban on the wire because of it. Fred Fosbinder came before the board and explained how long he has owned his property; he believes someone moved a corner pin; gave examples of the type of traffic in the area as well as on the easement and explained some of his future development plans. Ray asked for other comments. Ben Garrett, Road Department Supervisor, stated

he had done an inspection of the easement in relation to the pole. He told the board the pole is actually on the Warner side of the property corner and on the Memory Lane corner; the guide wire comes out into Memory Lane. Garrett stated that without doing a survey, 30' out from the property corner with a tape puts the hole on Mr. Mallory's property outside of the easement; there is about 10-12 feet between the guide wire and the edge of the easement. He commented on items placed in the easement such as a bus; that there are utilities in the easement; that there is a berm that is not negotiable at this time as it would have to be cut and the road put in. Richard asked how the hill blocking Memory Lane came about. Garrett stated he did not know; that part of the road may have been developed at some point but the usage has since been abandoned south of Warner for some time. He stated he cannot tell if the road continuing north stays within the easement as one of the pins has been removed. Bob asked who would be the one to take responsibility to call the power company to tell them about the wire in the middle of the easement. Garrett replied they are aware of it but they are not going to take it out without some financial aid. Mr. Mallory then returned to the table. He felt there is a misunderstanding; that he only wanted to abandon from Warner Drive south. He explained the berm came about the as a result of flattening out a big sand dune similar to the one on Helen's property. Betty showed a map that was turned in with the application showing the original proposed abandonment. Mr. Mallory stated he only wanted to abandon from Warner south. Ray asked for other public comment. There was none. Ray asked for more board discussion. Bob stated he was not comfortable without the exact description of what is to be abandoned; that he does not like to abandon easements as it can create problems later on. Ray and Joyce agreed with Bob. Walter felt the easement should remain no matter what. Ray reported that staff recommended denial. Ray called for a motion. Richard motioned to concur with staff recommendations and deny AH-10-01; second by Joyce. Motion passed unanimously. Betty explained the application was denied. Mrs. Mallory asked if she could obtain a copy of the CD for the meeting. Betty told her she could if she came to the office to request one.

Richard was excused from the meeting at 6:46 pm.

IV. PUBLIC COMMENTARY: Public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. All public comment may be limited to three (3) minutes per person, at the discretion of the Commission.

Ray read the above public commentary guidelines and asked the public if anyone wanted to speak. There was none. Ray asked the board. There was none.

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

##### A. Determination of November 2010 Regional Planning Commission meeting date.

Betty explained that the second Thursday in November is Veteran's Day so the meeting has to be rescheduled. Ray suggested the 18<sup>th</sup> of November. Betty stated she would make sure the room would be available.

# EXHIBIT A

March 11, 2010

Humboldt County Regional Planning Commission  
Humboldt County Courthouse  
Winnemucca, Nevada 89445

Dear Commission Members,

I humbly apologize for my inability to attend the meeting regarding the AH-10-01 abandonment request submitted by Cleve and Delores Mallory next to and within the easterly boarder of assessor's parcel #'s 006-621-26 & 006-621-27.

As a Pastor in this community I have previous responsibilities that inhibit my ability to attend.

As a resident and property owner at 3210 Bruce Dr. since 1999 I feel I must register my opposition to the abandonment request.

I don't feel this request is to the benefit of myself or the property owners inconvenienced and contend with the claim that the road involved did not exist prior to being 'developed' by Mr. & Mrs. Mallory.

I further contend that the business related to this request is not what it was initially claimed to be and that the closing of Bruce Dr. access to Hwy. 95 as a result was an regrettable consequence.

While I do not wish any problem's for the Mallory's I don't think the request for the abandonment serves the best interest of all the residents of this area.

We were told initially that the business was to be a convenience store and an RV park. It has now become only a Bar and I question the wisdom of having a Bar in a residential area like ours.

Sincerely,



Rev. L. Allen Peavy Jr.  
3210 Bruce Dr.  
Winnemucca, Nevada 89445  
(775)-623-1936 or (775) - 304-6407

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Angie requested everyone RSVP for the Ethics Training. She also told the board the Deputy Attorney General will be coming to do an Open Meeting Law Class at 3:00 pm on a Monday; that it would be 1 ½ - 2 hours long on one of three dates—April 9<sup>th</sup>, May 3<sup>rd</sup> or May 17<sup>th</sup>. It was decided to try for the May 17<sup>th</sup> date.

VI. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

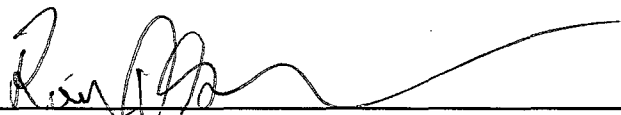
Ray asked Betty if there had been any correspondence.

A. Review of 2010/2011 budget submitted to Comptroller February 19, 2010

Ray stated he reviewed the budget and it looks good. Betty stated the travel budget was dropped to zero. Bob questioned how the city was involved with the budget. It was unclear.

Ray asked if there was anything else.

Ray asked if there was any other business. There was none. Ray adjourned the meeting at 6:53pm until 5:30PM on April 8, 2010.

  
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Ray Olsen, Chairman