

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on April 8, 2010 at 5:30 p.m. in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Ray Olsen
Richard Brown
Pam Wickkiser
Walter Lee
Giovette Cassinelli

COMMISSIONERS ABSENT

Bob Edwards
Joyce Cox

STAFF PRESENT

Betty Lawrence
Dana Toth

LEGAL COUNSEL

Angie Elquist

PUBLIC PRESENT

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| Dennis Wrestler | John Wilson | Barbara Urriola |
| Chuck Ricker | Timothy D. Yost | Richelle Shupe |
| Terry Escoffier | Lianne Iroz | Jerry Hooper |
| Michel K. Meagher | | |

Ray called the meeting to order at 5:30 p.m. He asked if there were any corrections or concerns with the March 11, 2010 minutes. There were none. Ray asked for a motion. Dana asked if the minutes could be approved with two members having to abstain. There was discussion regarding whether a quorum existed for the purpose of approving the minutes. It was decided to wait until the next meeting to approve the minutes of March 11, 2010. 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. **PH-10-07** A parcel map application submitted by Desert Mountain Surveying on behalf of John and Joyce Sherrill to divide property located in Section 23, T36N, R36E, north of Jungo Road into 4 lots; assessor's parcel #005-366-14.
- B. **PH-10-08** A parcel map application submitted by Desert Mountain Surveying on behalf of Daniel Tams to divide property located north of Jungo Road within Section 29, T36N, R36E into 4 lots; assessor's parcel #005-624-03.
- C. **LP-10-04** 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 8 miles NW of Pronto, into 15 lots; Section 11, T36N, R33E; assessor's parcel #005-331-11.
- D. An extension request submitted by Paula Lawton on behalf of Complete Wireless Consulting, Inc. who represents Tenant (Verizon Wireless) for **UH-09-01** A conditional

use permit application submitted to allow for the construction of an 85' monopole, a 12' x 20' prefab masonry equipment building, and an 8' chain link security fence. The property is located at 710 Pioneer Drive, McDermitt; assessor's parcel #003-061-10.

Ray asked if anyone on the board had any questions or comments for staff. There were none. Ray then asked the public for questions or concerns for the items read. There were none. Ray asked for a motion. Pam motioned to approve A-D of the Consent Agenda as read; second by Walter. Motion passed unanimously.

III. PUBLIC HEARING/DISCUSSION & ACTION

Ray then read the following public hearing item:

- A. **UH-10-02** A conditional use permit application submitted by Roger Benson to allow him to install a 14' x 48' highway billboard sign with lighting on property zoned M-3 (Open Land Use District) and located at 10100 Conservation Road; assessor's parcel #005-483-01.

Ray asked if there were any concerns with the item. Richard stated that his concern is that although the ordinance allows billboards there are other ordinances and codes that do not allow the billboards. Betty stated the applicant is aware of this, adding that he will have to get his permits from NDOT and the state. She went on to clarify that commercial uses are allowed in M-3 with a use permit; this would be verified to NDOT if they need to contact us. Richard stated that Dave Lindeman of NDOT made a comment. Ray asked if they made the same determination in 2006 when Mr. Benson first attempted to put up a billboard. Betty stated he approached them to do so. She then read the NDOT requirements, sent from Dave Lindeman, for billboards. NDOT only permits billboards on property that have industrial or commercial zoning. Ray asked about federal laws regarding the billboard facing the interstate. Betty reviewed the federal requirements. She stated she spoke with Kent Maher who felt it was an allowed use; Benson would have to contact NDOT for their permits, NDOT would contact the county to verify that it is an allowed use even though it is zoned M-3. Richard clarified that the RPC would approve it, but NDOT's concerns are out of the RPC scope. Betty stated she explained the situation to Mr. Benson but he did not want to withdraw his application nor appear before the board. (5:39:41) Ray asked if anyone in the public had any concerns. There were none. Ray noted for the record the applicant was not present. Ray called for a motion. Walter motioned to approve UH-10-02 as per staff recommendation; second by Pam. Motion passed unanimously.

Ray read the following item description:

- B. **UH-10-04** A conditional use permit application submitted by Timothy D. Yost to allow him to operate a towing business out of an existing shop/office on property that also has two existing dwellings. The property is located at 7560 Airport Road; assessor's parcel #013-274-05.

Ray asked the board for concerns or questions for staff. Richard was concerned that the shop was not fully in compliance, there are two dwelling units on the lot and the lot is small. He didn't like the idea of allowing a towing business before everything is brought up to

standard. Pam questioned where he would be towing the vehicles. Richard stated they would be towed to the site. Betty stated that it would be only storage for the vehicles. Walter asked if the shop would be used for repairs. Betty stated it would not. Betty explained the site plan sketch to the board. Ray asked if NDOT had responded. Betty stated NDOT is only requiring a name change on the existing approach; that there used to be a drilling business on the property. There was some discussion regarding the lot size and the fencing. Betty stated the applicant was present. Ray called the applicant to the table. Timothy Yost approached the table. Yost explained the history of the shop construction. He stated that his father now owns the property and explained that upon speaking with Bobby Thomas it was determined that if the use permit goes through the building will be brought up to code. Yost explained there will be no repairs done on the property; he is not a dismantler or an auto repair shop, rather a tow company. He stated that in the future he will apply with the state for a CPCN which will allow him to conduct business with law enforcement agencies. Yost explained that the front 250 sf. of the shop will be used as an office and is already set up as so. He explained the company number goes straight to his cell phone and someone would then be dispatched to meet the customer at the office to sign paperwork and retrieve their vehicle; the office will not be staffed. He stated that state law requires the paperwork to be on site with the vehicles. There was discussion regarding the personal classic project cars on the property. Richard asked about leakage from wrecked vehicles. Yost stated that a drip cloth would be placed down; the vehicles for the most part are only going to be there for a few hours or a few days. Richard asked if every crunched up vehicle would be placed on a drip cloth. Yost explained that he has been in the towing business for a few years with Cal Nevada Towing and explained the use of absorbent materials. Richard spoke of his environmental concerns with towing over time. Yost stated that the property is his father's therefore it will be maintained properly. He went on to explain that by the time he gets the vehicle to the yard he will be able to see what type of condition it is in by looking at the bed of his truck; that 90% of the fluids would have leaked out by the time it reaches the yard. Yost explained that he has about another month before he turns the application into the state and it is a 3-6 month process to obtain a CPCN. He stated at this time he would like to have his use permit approved so he can obtain a county business license in order to tow for motor clubs which would involve towing vehicles to repair shops. Yost then spoke about the tow trucks already purchased and reviewed some of the bids for the fencing adding that he plans to stick around for a while and contribute to the community in a positive way. There was discussion regarding the fencing type. Betty reported NDEP responded to the review request stating that an industrial general storm water permit may be required. Ray asked if there were any other questions for the applicant. There were none. Ray asked the public for comments or concerns. John Milton, representative for Robert Stitser, approached the table. Milton stated his concerns were that there are already two dwelling units on the property when the zoning only allows one per permitted use, the zoning does not specifically list the proposed use, the outside unscreened storage of unlicensed vehicles is a violation of the nuisance ordinance and the possible contamination of groundwater as Stitser has water rights that could possibly be utilized by a new well for the industrial park and airport. Milton felt that a requirement for a sight obscuring fence should be imposed. There was some discussion regarding the storm water permit with NDEP and the fencing. Yost returned to the table. He stated that he could drive around the county for an hour and find plenty of other places that have vehicles on their property. Richard felt it wouldn't even take an hour. He stated that there are plans for the vehicles currently on the property. Yost explained that the fence will be encompassing the entire area where the vehicles will be stored and it will be sight obscuring. He stated that he will not be doing any repairs or dismantling rather a tow in and tow out storage facility only; he

felt the business fits more under warehousing than auto wrecking adding that warehousing in his opinion is an appropriate use in M-1. There was some discussion regarding the difference between towing and wrecking. (6:06:22) Ray asked the applicant if he had received anything from NDEP. Yost stated he had not. There were no further questions. Ray asked Milton if he had anything further. Milton returned to the table and mentioned that the vehicles are a nuisance, that it is not a nuisance until someone files a complaint but it needs to be addressed. He explained that M-1 requires sight obscuring fences for outside storage and felt that this requirement should be added to the staff recommendations as #8. Richard asked if everyone concurred that the requirement of the sight obscuring fence be added as a condition. Pam stated he was going to do it anyhow. It was decided to add it as a condition. Ray asked for further public concerns and comments. There was none. Ray asked the board if there were any more questions or concerns. There was none. Richard motioned to approve UH-10-04 as per staff recommendations with the added conditions of requiring a sight obscuring fence and either a letter from NDEP stating the storm water permit would not be required or a copy of the storm water permit; second by Joyce. Motion passed unanimously. Betty explained to the applicant he was approved. Richard clarified to Yost that he cannot start bringing vehicles to his property for storage until the sight obscuring fence is up and the storm water permit issue is addressed.

Ray then read the following item description:

- C. **UH-10-05** A conditional use permit application submitted by Steve Chastain on behalf of Ruby Pipeline, LLC to allow for the construction of a meter station for a gas pipeline project. The property is located in the Paradise Ranchos Subdivision; assessor's parcel #'s 006-174-13 & 006-174-14.

Betty reported that NDEP had responded regarding a general storm water permit; that the packets had a list of permits that Ruby Pipeline is obtaining including the storm water permit. Ray asked the board if there were any questions or concerns with the item. There were none. Ray asked if the applicant was present. John Wilson approached the table as representative for Ruby Pipeline. Ray asked Wilson to explain the project. Wilson told the board this is the largest domestic gas pipeline project in the United States right now, that it starts in Wyoming and ends 675 miles away in Oregon, it is 42" pipe and will transfer 1.3-1.5 billion cubic feet of gas per day. He stated that approximately 98% of the right-of-ways in Humboldt County have been obtained at this time and they hope to start construction sometime between August and October. Ray asked how big the meter station would be. Wilson confirmed it would be 8' x 20' with above ground pipe. Ray asked if anyone else on the board had further questions. There were none. Ray asked the public for comments or concerns. There were none. Ray asked the board for further discussion. There was none. Ray asked for a motion. Pam motioned to approve UH-10-05 as per staff recommendations; second by Walter. Motion passed unanimously.

Ray then read the following agenda item:

- D. **UH-09-12** A conditional use permit application submitted by John Wilson on behalf of Ruby Pipeline, LLC to allow for the construction of the Desert Valley Compressor Station. The 25.3 acre portion of the parcel to be utilized is located off Bottle Creek Road just south of HWY 140; assessor's parcel #002-541-01

Ray asked the board for comments or concerns with the application. Betty pointed out one of the conditions includes the requirement of obtaining the right-of-way permit from the BLM before work begins. She clarified that no building permits could be signed off until the right-of-way is granted. Ray asked how long it would take. Betty asked the applicant if they had heard anything from the BLM regarding a time frame. Wilson stated not as of yet. Betty explained that Mr. Seidlitz stated the EIS is out for public comment until early April 2010 and the proposed pipeline is not approved via a right-of-way. She stated the BLM agreed to let Ruby Pipeline pursue the permit as so not to be held up. Ray then asked the public for any concerns. Milton asked if the site would be manned. Wilson stated someone would go out there only for occasional maintenance. There was some discussion regarding water rights. Ray asked if there was anyone else wishing to make comment. Ray asked for a motion. Giovette motioned to approve UH-09-12 as per staff recommendation; second by Richard. Motion passed unanimously.

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.

Mike Meagher approached the table and introduced himself as a resident off of Grass Valley Road and as part of the group against the dump site. He commented on not seeing any of the RPC members at the County Commissioners Meeting regarding the CUP extension. He questioned the transparency of the matter when water rights information would not be produced to the RPC by the applicants for the Jungo Landfill Project at the extension request hearing. He wanted to know why the extension was granted when the information was not provided. Ray stated they followed all the conditions set forth in the beginning. Meagher stated the question was asked by the RPC whether they had enough water and the applicants told the board they could not say at this time which means no transparency. Meagher stated that under Humboldt County ordinance chapter 2.20 he is going to ask the board to resign or he is going to start a recall because the transparency wasn't there. He felt the board should not have granted the extension at all. Betty stated that they are likely under contract with whomever they are purchasing the water rights from and until the deed is recorded it is considered private confidential information and it is not something that this board has a right to know. Meagher stated there is still no transparency as the question was asked and they refrained from giving an answer meaning they are hiding something and not being transparent. Betty stated she believed they are bound by confidentiality with whomever they have the contract to purchase the water rights from. Meagher stated that won't fly. He commented on not seeing any of the RPC members present at the commissioner's meeting trying to defend actions and wanted to know why. Richard explained the planning board is a recommending board to the County Commissioners, once the recommendation is sent up to the County Commissioners it is up to their board at that point to do whatever they want to with that application and the RPC's job is done. Meagher again stated the entire thing was not transparent. Ray explained the RPC took their action and stand by it; the County Commission took their action and that's the way the system works. He then dismissed Meagher.

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

A. Review of proposed changes to Fees- Chapter 17.78

Betty explained that the proposed changes would involve increases of about \$25-\$40, that Humboldt County is the lowest charging in the state. She told the board she could have something put together for the board next month. Richard asked how much a CUP is right now. Betty stated \$95. Richard asked what it would be raised to. Betty proposed raising it to \$125. Richard asked about charging for copies. Betty explained Angie is working on that as it needs to be consistent for the entire courthouse. Richard asked if the increases were calculated by a percentage or a dollar amount. Betty told Richard it was by a dollar amount. Richard asked what it would look like doing an across the board percentage increase rounded up to the nearest \$5. Betty stated she would create something for the board to review at the next meeting and noted the last time the fees were changed was in 2004.

There was some discussion regarding ordinance fixes that need to be addressed.

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

Betty reported the suggested changes from the last meeting were given to Angie who added her own suggestions. Angie asked the board to take the Rules, Policies and Procedures home for review and mentioned her suggested changes were to make reference to NRS regarding open meeting law and ethics and keeping the document as reference to how the meetings are to be conducted. Ray stated that Mr. Maher advised the board to put the open meeting law and ethics information in. Angie stated she could speak with him regarding the matter. Richard commented on how the document lets new board members know what they can or cannot say should or should not say.

There was discussion regarding serial communications and the ethics meeting.

VI. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

Ray welcomed new board member Giovette Cassinelli.

Ray asked if there was any other business. There was none. Ray adjourned the meeting at 7:00 pm until 5:30PM on May 13, 2010.



Ray Olsen, Chairman