

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on June 3, 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
Bob Edwards
Walter Lee
Giovette Cassinelli

COMMISSIONERS ABSENT

Pam Wickkiser

STAFF PRESENT

Betty Lawrence
Dana Toth

LEGAL COUNSEL

Russell Smith

PUBLIC PRESENT

Jerry Day
Rod Glinsmann
Dan Thompson
Mike Sheppard
Michael P. Liberatore

John Milton
Kent Barrett
Tom Heskett
Carmalen Gillilan

Jim Stanton
Gail Thompson
Tyler Turnipseed
Steve Hixon

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 or April 8, 2010 minutes. There were none. There was some discussion regarding who would have to abstain from approving minutes. Richard motioned to approve the minutes for April 8, 2010; second by Walter. Motion passed. Ray then asked for the correction or approval for the March 11, 2010 minutes. Bob motioned to approve the minutes of March 11, 2010; second by Richard. Motion passed. Ray stated for the record that the approval of the minutes for March 11th and April 8th were unanimous.

Ray asked if there were any requests for postponements for 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. **PW-10-09** A parcel map application submitted by Desert Mountain Surveying on behalf of Tallman Lumber Company, Inc. to divide property located at 105 S. Bridge Street into 2 lots; assessor's parcel #015-147-14.
- B. **PW-10-10** A parcel map application submitted by Desert Mountain Surveying on behalf of Business Properties Companies, LLC and T.G. & Elaine Sheppard to divide property located at the intersection of Dancing Bear Boulevard and US 95 into 4 lots; assessor's parcel #15-051-12.
- C. **LP-10-05** A large parcel map application submitted by Desert Mountain Surveying on

behalf of Finance All, LLC, to divide property into 15 lots. Property is located approximately 8 miles SW of Valmy, Section 27, T33N, R42E; assessor's parcel #007-451-28.

Ray asked the public for comments or concerns with the consent agenda. There were none. He asked the board for comments or concerns with the consent agenda. There were none. Ray then called for a motion. Giovette motioned to approve per staff recommendation PW-10-09, PW-10-10 and LP-10-05; second by Bob. Motion passed unanimously.

III. PUBLIC HEARING/DISCUSSION & ACTION

Ray then read the following public hearing item:

- A. **RH-10-03** A rezone application submitted by Desert Mountain Surveying on behalf of Maximiliano G. & Maria E. Herrera to change the RR-13 (Rural Ranchette - 13,000 sf. minimum lot size) to the R-1-6 (Single-Family Residential- 6,000 sf. minimum lot size) zoning district on two (2) parcels located on Walther and Turner Lanes; assessor's parcels #010-364-03 & 04.

Ray asked the board for questions or concerns regarding the item. There were none. Ray then asked the public for concerns. There were none. Ray then brought it back to the board and asked for a motion. Bob motioned to approve RH-10-03; second by Walter. Motion passed unanimously.

Ray then read the following agenda item:

- B. **RW-10-04** A rezone application submitted by Nevada Restaurant Services, Inc. to change the zoning from M-1 (Industrial Zoning District) to L-M (Limited Manufacturing District) on property located at 3405 Construction Way; assessor's parcel #015-331-15.

Ray asked the board for questions or concerns with the item. There were none. Ray then asked the public if there were any concerns. There were none. Ray then called the applicant to the table. Carmalen Gillilan approached the table as representative for Nevada Restaurant Services, a chain of small casinos. Gillilan explained that the casinos have no televisions, no loud music, all drinks are served to the table, and they are a small gaming venue that usually plays to a neighborhood crowd. There was discussion regarding the decor and atmosphere of the casino. There was discussion regarding cigarette and alcohol sales. Ray asked the board for any other questions or comments. There were none. Ray dismissed the applicant. Mike Sheppard approached the table to explain a variance application for setbacks has been submitted for the project. He explained that Wal-mart requires a certain number of parking stalls for the development. Sheppard also spoke about the visibility at the site stating that the truckers parked along the road cause more of an issue than the building would. Sheppard then gave a little history on the property's previously proposed developments. He added that he felt the building would be an improvement over the political signs and weeds. Bob felt the discussion had moved too far from the rezone application; that the use permit application would be discussed later. Ray then asked the public for further concerns. There were none. Ray then brought it back to the board. Richard motioned to approve RW-10-04 as per staff recommendations; second by Giovette.

Motion passed unanimously.

Ray then read the following agenda item:

- C. **HW-10-11** A home-based business/special use permit application submitted by Brandon Esch, dba Parabellum Tactical, to allow him to sell firearms, knives and flashlights with the majority of business conducted via e-commerce and telephone. The residence is located at 632 Castle Way; assessor's parcel #015-451-08.

Ray asked the board for questions. Bob asked if the applicant would be coming forward. Ray asked if the applicant was present. The applicant was not present. Ray asked the public for concerns with the item. There were none. Ray brought it back to the board. Walter motioned to approve HW-10-11 as per staff recommendation; second by Richard. Motion passed unanimously.

Ray read the following agenda item:

- D. **RH-10-05** A rezone application submitted by Jeremiah Day to rezone property located at 6985 W. Rose Creek Road from M-1 TPZ (Industrial zoning district with a Traffic Pattern Zone Overlay) to NC-R TPZ (Neighborhood Commercial/Rural zoning district with a Traffic Pattern Zone Overlay); assessor's parcel #'s 013-251-20 & 013-251-21. **Please note there was a reversion to acreage recorded on May 19, 2010 for these parcels. (5:49:04)*

Ray asked if anyone on the board had any concerns. Richard questioned what the rezone was for. Betty explained the applicant wanted to be able to place a home on the property. Richard asked if there were plans to do a business out of the home. Betty replied she didn't know; that his request was to rezone to place a home on the property. Richard stated he would ask the applicant. Ray asked if there were other questions for staff. There were none. Ray asked if the applicant was present. Jeremiah Day came to the table. Richard asked Day if he was the mobile car painter. Day confirmed he was. Richard asked if he planned to do the mobile car painting from the Rose Creek property. Day stated no; that the application is so that he can put a home on the property for his in-laws. There was some discussion regarding the type of home to be placed on the property. Richard asked if a paint business could be run out of the property if it is rezoned. Betty stated no. The applicant stated no. Richard questioned mobile painting. Betty stated a home-based business is allowed. Richard confirmed that the applicant could not do auto sales or painting unless he has a commercial piece of property. Betty agreed adding that it would also be allowed in the M-1 zoning. Bob stated he is giving up M-1 zoning. Day stated he is on this property but he owns others. There was discussion regarding the properties Day owns in the area. Richard asked what the address will be for the properties that had a reversion to acreage. Day stated it would be 6985 Rose Creek Rd. Richard questioned if there was a Pine Road address. Day stated there was never an address on Pine Road issued. Ray asked if the board had any further questions. There were none. Ray asked if anyone in the public had any concerns with RH-10-05. Dan Thompson introduced himself as a neighbor across Rose Creek Road from Day. Thompson stated he bought the property because of the peace, solitude and quietness and he would really like to see it stay that way. He was concerned that commercial business may stir up the bug dust in the area. Thompson questioned why he should have to modify his life to accommodate Day if the property is rezoned to commercial.

He strongly recommended the board not approve the application. Bob explained that the M-1 zoning permits more uses than NC-R. Betty then read the permitted uses on M-1 and NC-R. Richard commented on his concerns with Day's businesses, thus he questioned him earlier. Thompson commented on it not being necessary to have a commercial permit to put a house up. Richard explained that in commercial or industrial you are not allowed to put a dwelling unless you have a business but the NC-R will allow a dwelling without a business; what will happen with it (the property) now is a lot less than what it could have been. Bob explained again that the applicant wanted to place a house up there and the Master Plan is COMM. There was discussion regarding the commercial master plan designation in the area. Thompson had no other comments. Rod Glinsmann approached the table and introduced himself as a neighbor of Day's. Glinsmann stated he was concerned that there had been excavation on the property causing bug dust. He questioned whether the proper permits were pulled on for all the electrical and sewer upgrades recently done. He stated that upon speaking with the Building Department a while back it was a surprise to them. Glinsmann stated that there are other properties Day owns in which a house could be placed. He felt the property should be rezoned residential if Day wants to place a home, not commercial; adding that if a master plan rezone may be needed. Glinsmann spoke about the agricultural feel of the area and the increase in use of ATVs in the area. He finished by stating he opposed the rezone; adding that he owns 4 other lots in the vicinity. Ray asked Glinsmann if he knew what the zoning was on his property. Glinsmann stated his property is zoned M-1. Ray asked if he was doing any business out there. Glinsmann replied he does an AG based business--a small amount of feed sales and a primary residence are on his property. He spoke about the requirements of installing a well and septic. There was some discussion regarding the permits and types of systems required for commercial properties. Richard told Glinsmann more information would be available at the state health office. Glinsmann had no further comments. Ray asked if anyone else in the public had concerns. There were none. Ray asked if the board had any further questions. Bob requested the applicant return to the table. Jeremiah Day stated his name for the record. Bob questioned the reversion to acreage in order to place a residence. Day explained it was for access to Rose Creek Rd.; that if left as two parcels, in order to place a home on the back lot (on Pine Rd.), he would have had to bring Pine Road up to standards; that if Pine Road was brought up to standards he would be taking away land from a neighbor and the right-of-way would be in the middle of his (Day's) front room. (6:06:15 PM) There was some discussion regarding where the new home would be placed and the zoning on the surrounding parcels. Bob felt parcel 21 could be rezoned and an easement through parcel 20 created to get access out to Rose Creek. Day stated that he just obtained a state commercial right-of-way that allows access for both. Bob explained the neighbors are afraid of something surprising going in on parcel 20. Day pointed out that if the zoning is left as M-1 he could put any business he could think of on it. Bob had no further questions. Richard asked if a lot size of 1.25 or greater was required to place a house. Betty stated no. Betty explained the history of a previously withdrawn application by Day. Richard stated he was concerned that Day would still be using Pine Road as access. There was discussion regarding existing residences using Pine Road as access. Ray asked for further comments. There was none. Ray asked for a motion. Richard motioned to approve RH-10-05; second by Walter. Motion passed with two (2) nay votes from Bob and Giovette.

Ray then read the following agenda item:

- E. **UW-10-06** A special use permit/site plan application submitted by Nevada Restaurant Services, Inc., dba Dotty's, to allow for the construction and operation of a 24/7 tavern with non-restricted gaming at 3405 Construction Way; assessor's parcel #015-331-15.

Ray asked the board for any concerns. There were none. Ray asked the public for concerns with the item. There were none. Ray noted for the record that Mr. Sheppard already stated what kind of business it was and gave a little history on it. Ray brought it back to the board and asked for a motion. Giovette motioned to approve per staff recommendation; second by Richard. Motion passed unanimously. Betty explained the timeline for approval of the applications filed Nevada Restaurant Services.

IV. PUBLIC COMMENTARY

Ray read the description of public commentary from the agenda and asked if anyone in the public had any comments. There was none. Ray brought it back to the board. Richard discussed procedure including making motions in the positive. Bob stated he did not want to be in the position of having to make a motion in the positive if he is planning on voting against it. There was discussion regarding RPC recommendations and votes. Russell felt that not every motion can be made in the positive.

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

Russell gave an update on the pending legal issues related to the Jungo Landfill.

Richard asked Betty to give an update from the Scenario Planning Workshop. There was discussion regarding the time of the high school graduation. Russell stated he didn't believe that Angie was aware the items regarding ordinances would be on the agenda.(6:30:50) Betty explained they were for discussion only; that the board needed to look at them and review it; Angie has copies. Russell requested they be discussed at the next meeting. It was decided to review the fees.

- A. Review of proposed fee changes- Humboldt County Code 17.78.010; Winnemucca Municipal Code 17.12.050.

Betty reviewed the proposed changes to fees. There was some discussion regarding the proposed changes.

Ray announced the board was in agreement to discuss the remaining ordinances at the July meeting.

- B. Review of progress for the creation of Humboldt County Code Chapter 16.18- Large Parcel Ordinance.- **This item postponed.**
- C. Review of proposed changes to Humboldt County Code Chapter 16.50- Standards for Development of Dedicated Roads. -**This item postponed.**

VI. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Action

It was noted the election for the RPC would be during the July meeting.

Ray adjourned the meeting at 6:38 pm until 5:30PM on July 8, 2010.



Ray Olsen, Chairman

UNOFFICIAL