

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on October 27, 2011 at 5:30PM in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Giovette Cassinelli Ray Olsen
Vickie Rock Theresa Mavity
Stephen Nye Lewis Trout

COMMISSIONERS ABSENT

Pam Wickkiser

STAFF PRESENT

Betty Lawrence

LEGAL COUNSEL

Mike Macdonald

PUBLIC PRESENT

Gavin Jangard Randy Largent Linda Ames Brad Wigglesworth
Stephen West Jim French John Milton Ben Garrett
Sue Hawkins Linda Fetters

I. OPENING

Giovette called the meeting to order at 5:30PM.

Giovette asked if there was anyone who wanted to make public comment. None were offered.

Giovette asked if there were any concerns or corrections for the minutes of September 8, 2011. There were none. Giovette asked for a motion. Ray motioned to approve the minutes of August 11th; second by Vickie. Motion carried unanimously.

Giovette asked if there were any requests for postponement of agenda items. Betty reported there had been no postponement requests.

II. CONSENT AGENDA/DISCUSSION & ACTION

Giovette read the consent agenda process and the following agenda item:

- A. PH-10-21 an extension request submitted by Terry R. Crawforth for parcel map application administratively approved 11/2/2010 to divide property into 4 parcels. Subject property is located along the south boundary of Thacker Pass Road; assessor's parcel #03-301-01.

Giovette asked if there was anyone on the board wishing to pull the item down. Vickie asked to pull item PH-10-21 down to the public hearing portion of the meeting. She then asked if anyone in the public wanted to pull the item down. There was none.

III. PUBLIC HEARING/DISCUSSION & ACTION

Giovette read the following agenda item:

- A. PH-10-21 an extension request submitted by Terry R. Crawford for parcel map application administratively approved 11/2/2010 to divide property into 4 parcels. Subject property is located along the south boundary of Thacker Pass Road; assessor's parcel #03-301-01.

Vickie asked about the condition regarding an access from the BLM for Thacker Pass Road. Betty explained this was the reason for the extension. Giovette asked for a motion, Theresa motioned to approve PH-10-21 as written; second by Ray. Motion carried unanimously.

Giovette read the following agenda item:

- B. RH-11-02 a rezone application submitted by Robert and Tammie Quilici to change the zoning from RR-13-MH (Rural Ranchette-13,000 sf minimum lot size with a Mobile Home Overlay) to R-3 (Multiple-Family Residential) on property located at 4205 & 4205 ½ Center Street; assessor's parcel #'s 010-361-20 & 010-361-29.

Giovette asked if there were any questions from the board. Vickie had a questions regarding access to parcel # 010-361-29 referring to aerial picture provided in packet. Betty pointed out this is not a question for a rezone application. Lewis pointed out that the lots were adjacent and with a site plan access would need to be provided. There was discussion regarding the future possibility of a site plan. Betty pointed out that what the applicant is proposing would not require a site plan review. The access issue could be addressed prior to a building permit being signed off by planning staff. Giovette asked if the applicant was present, Betty stated he was not. Giovette then opened it to the public. Linda Fetters, who owns property adjacent to applicant's, approached the board. Ms. Fetters voiced concerns she has currently with the property. She feels that an apartment building would create additional traffic. Ray asked if she had spoken with Mr. Quilici regarding her concerns, no she has not. She questioned what would happen to what is on the property now if something was to be built on the 2 parcels. Ms. Fetters pointed out that there is access off of Center Street onto the property which is currently being used by Mr. Quilici to access his property. Ray pointed out that what is being applied for is a rezone. Betty indicated what is allowed under the R-3 zoning designation. Ms. Fetters voiced more concern on what is currently on the applicant's property. Lewis asked if there had been any other concerns received by staff, Betty

stated there had not. Stephen asked if this was all private residence. Betty explained there are a manufactured home and a shop on one parcel. Lewis asked if some of the nuisance issues voiced by Ms. Fetters could be reviewed. Ray stated that he felt the item could be tabled to a later date so the applicant could attend as well as Ms. Fetters. Ms. Fetters asked if Mr. Quilici had indicated what his intent was. Betty said he is inquiring, as many people are as to what could be done with his property. Ray stated for the record that this item was being tabled for further investigation. Giovette asked for a second, Vickie seconded; motion carried.

Giovette read the following agenda item:

- C. RW-11-03 A rezone application submitted by John Krmpotic, KLS Planning & Design as agent for Mike and Kimberly Snow to change the zoning from R-1-12 (Single-Family Residential 12,000 sf minimum lot size) to R-1-9 (Single-Family Residential 9,000 sf minimum lot size) on property located at the S/E corner of Offenhauser Drive and Great Basin Avenue intersection; assessor's parcel #016-591-01.

Giovette asked if the board has any questions regarding this application. Betty read correspondence from the applicant into the record (attached and made a part of). Vickie had a question from a previous application in this area regarding the connection of Offenhauser Drive to Stuart Street. She asked Steve West if the proposed project would resolve this issue. Steve indicated from the audience that the issue would be resolved through a parcel map application, not the rezone. Vickie asked Steve about Whittaker Drive, would it go away or work something out and extend Frontier, Paiute and Stuart Streets to meet up with Offenhauser Drive if were to go across the top of this property. Steve indicated this would be addressed by the City Council if parcel map application received. It could result in Whittaker becoming a half-street. There was discussion regarding the possibility of double frontage with an extension of Offenhauser through this property and Whittaker Drive to the north.

Lewis asked Steve West if the rezone would create any specific problems with the process going forward to the City Council. Steve indicated the size of the lots would not make a difference; you would still be dealing with the same issue of access. Giovette asked if anyone in the public would like to make a comment, there were none. She moved it back to the board for comment.

Stephen feels that the original issue of access has not been resolved. Ray pointed out that this is a request for a rezone the other issue will be resolved when they do a site plan. Stephen still voiced concern. Mike Macdonald stated that the issue remains even after the rezone. A rezone is not the time to try and address the access issue; it is when

the maps are presented concerning dedication of the streets. There was more discussion regarding the access. Lewis asked if verbiage could be added stating access issued to be coordinated with the City Engineer as part of the design development process. Betty explained that this would be addressed through a parcel map application which goes before the RPC for approval. Mike indicated he did not feel that such a statement would add anything because that is part of the process for a parcel or subdivision map. Stephen asked if the planning staff could be asked to notify Steve West when parcel map application received. Betty indicated that notification to different departments is part of the process. Lewis asked if Steve West would require any supplemental language to the approval of the rezone. Mr. West indicated there would be none required. Giovette asked if there were any other questions from the board, being none she asked for a motion on the application. Vickie motioned to approve, second by Ray; motion carried unanimously.

Giovette read the following agenda item:

- D. SN-11-08 An access route naming request submitted by Linda Ames to extend named portion of Sierra Pass Road into T37N, R36E Section 32 and to name the intersecting road within T37N, R36E Section 32 Riata Road.

Giovette asked if anyone on the board had any questions. Betty indicated comments from the BLM had been received. Betty passed a copy of the comments out to the board and read the comments into the record (attached and made a part of). Giovette asked again if there were any questions from the board. Ray asked if the agreement between BLM and Ames was still standing. Betty indicated we have a copy. Ray then asked about comment, via fax on 9/20/11, received from Brian Iverson with Newmont. He asked if we need a signed agreement. Betty indicated we do not but there are representatives from Newmont in the audience. Lewis referred to the statement on the memo to the RPC referring to the fact that the RSNC (Regional Street Naming Committee) has yet to receive a completed agreement from Newmont. Giovette asked if there were any more questions from the board. Vickie asked if the road already exists and they are just naming it. Ray explained that the existing road name was being extended. Lewis pointed out that both the BLM documents show that there is not a connected road from the last county right-of-way. There was discussion regarding the lack of connection between the two portions to be renamed. Ray stated, and Lewis concurred that the board needs to hear from Newmont.

Giovette asked if the applicant was present; Linda Ames approached the board. Mrs. Ames indicated that Newmont has granted them an easement. It is in the process of being notarized. The document should be recorded in the next week. Ray asked that Mrs. Ames provide a copy of the recorded easement to the planning department. Mrs.

Ames indicated she would provide the planning department with a copy as soon as it is recorded.

Giovette asked if there was anyone else in the public who wished to make a comment. Ben Garrett, County Road Superintendent approached the board. He passed out a map of the area in question. Mr. Garrett explained in which section the county has a right-of-way. He explained that his big concern right now is the lack of a right-of-way across the property owned by Newmont and if in the future the existing road would need to be re-aligned and the possibility of having to change the name. Lewis asked why the name would have to be changed. Ben explained that if there was a change in configurations of the road that any change could possibly not satisfy the criteria set forth in the Street Naming Manual for the directions of roads. There was discussion and clarification of the application before the board. Lewis asked Mr. Garrett what his recommendation would be. Mr. Garrett indicated there would be no action unless there was a dedicated right-of-way across the property owned by Newmont. Without that easement there would be no connectivity to name Riata. Vicki asked if the item should be tabled. Lewis pointed out that there was more testimony from the public.

Giovette asked if anyone else from the public had comments. Randy Largent and Gavin Jangard, representatives of Newmont Mining, approached the board. Mr. Jangard is regional legal counsel for Newmont. Mr. Largent presented a map showing the Sandman Mining Project to the board. He pointed out the section owned by Newmont and the section owned by Finance All which Mrs. Ames is purchasing. Mr. Largent also pointed out the road in question. Lewis asked what form of document has been issued to Mrs. Ames. Mr. Jangard stated that a document was sent to Mrs. Ames approximately 10 days ago. He read Section 2, entitled Scope of the Easement into the record:

"Ames shall use the access solely for ingress and egress to the Ames section and for no other purpose. Ames shall not authorize or allow use of firearms, open fires or camping on the Newmont property by their invitees, agents or contractors. Ames shall use only the existing road on the property and shall make no improvement or alteration thereon without the written approval of Newmont, first obtained. Nothing herein shall be construed to create a real covenant or covenant running with the land. Newmont expressly reserves the right to terminate this access easement at any time or to require the access roadway be realigned to accommodate Newmont's use and enjoyment of it's surface rights, sub-surface mineral rights on and under the Newmont section and within the Sandman Project area."

Mr. Jangard summed up that Newmont was willing to grant a right of access. It does not run with the land because of the fact that operations will require roads to be changed. Newmont has concerns about traffic and safety during mine operations. Mr. Jangard stated that access roads typically will be altered as the project progresses. Lewis asked

about the legal description used in the easement document. Mrs. Ames provided a metes and bounds description which was incorporated into the easement document.

Lewis asked Mike Macdonald, based on comments made by Newmont and Mr. Garrett, if the RPC approved the renaming of the road as requested by the applicant, and in the future the situation developed which would require a renaming of the road due to a change in configuration how would portions of the re-alignment be handled? Mike indicated that this has been done in several locations within the county. Notification would be sent regarding a name change to property owners and then would go before the commission. Mike explained the criteria required to necessitate the need to rename a road. There was discussion as to what would necessitate the need to rename the Sierra Pass Road or Riata Road due to realignment of the roads. Ray explained a road, street or intersections require a name in order to obtain an address. Ray asked the Newmont representatives if Mrs. Ames agreed with the terms and conditions of the access agreement. They indicated that they do not have a signed agreement back, but Mrs. Ames had verbally indicated that she agreed. Lewis asked if Newmont had any objections to the renaming of the road. They have stated their primary concern of the possible realignment of the road. Stephen asked Mr. Garrett if he had any concerns. His only concern was the connectivity. Mike pointed out that these roads are not dedicated for public use and are outside of the county maintained system, basically a private lane. Lewis asked about the placement of street signs. Mr. Jangard stated that was something Newmont could discuss with Mrs. Ames. Lewis voiced a concern about the lack of signage in case of emergency.

Giovette asked if there was any other public comment. Seeing none, Giovette brought the item back to the board. No additional questions or concerns from the board were presented. Giovette then asked for a motion. Lewis motioned to approve per staff report; second by Theresa. Motion carried. Lewis thanked Mrs. Ames and the representatives from Newmont for coming and clarifying some concerns.

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

Giovette read the following agenda item:

- A. Report on Master Plan Review meetings held in Orovada, Paradise Valley and Paradise Hills

Ray gave a brief report about the Master Plan Review meetings in Orovada and Paradise Valley. He also included the Paradise Hills area since this review meeting took place October 20. Basically everyone would like to see things stay the same, no changes. There was a large turn out to the Paradise Hills meeting. Some of the property owners questioned the zoning and the desire to rezone their AG-5 property to AG-10. As a whole they were good meetings with a good response.

Giovette read the following agenda item:

B. New date for Golconda Master Plan Review meeting

After discussion it was agreed that the Golconda Master Plan Review meeting will be held Thursday, January 26, 2012. Betty will contact someone in Golconda.

Giovette read the following agenda item:

C. Update from District Attorney on Stitser rezone and AH overlay

Mike provided the board with copies of a memorandum prepared. The issue presented to the DA's office by Mr. Stitser's representative was whether notice was sufficient when the Airport Hazard Combining District ordinance was adopted in 2006. Mike explained the changes made to the 2006 ordinance compared to the ordinance which existed at that time. Mike went through the memorandum and explained his findings. His conclusion is that to properly adopt the ordinance to amend the previously existing Airport Hazard Combining District to the new version personal notice by mail was necessary as well as the other notice(s) required by law. Mike believes that the Airport Hazard Combining District that was attempted to be adopted in 2006 has no effect because there was not sufficient notice. To correct this we would have to send out the proper notice and reconsider it to make it a valid ordinance. Thereby allowing the individual property owners to appear and state their concerns and allow the boards to take that into consideration and weigh the pros and cons of some of the changes. As it relates to Mr. Stitser's property Mike spoke with Betty and to consider the rezone application findings will be based upon the previously existing Airport Hazard Combining District ordinance as well as the underlying zoning and the Master Plan. The 2006 Airport Hazard District ordinance will not be considered in the analysis of Mr. Stitser's application. Ray questioned that even though the RPC, airport board, County Commissioners and City Council approved the 2006 ordinance along with the advice from the attorney at that time that it is negated. Mike explained that if we tried to enforce the 2006 ordinance and it was reviewed in District Court, the District Court would say the 2006 ordinance was not properly noticed and has little to no effect. To give it proper effect the ordinance has to be sent back to the governing body or property noticed hearing. Mike explained the notification of property owner process. Betty clarified that notice goes to property owners only at the RPC level. All other public hearings would be notification in the paper. Mike explained some of the zoning districts would not be greatly affected by the 2006 ordinance. He pointed out the zoning districts which would have some major changes by the 2006 ordinance. Lewis asked if it is the 1979 Airport Hazard Combining District that is in force. Mike stated that he feels that is correct. His recommendation to staff is to proceed with amending the current staff report for the Stitser rezone application and the analysis will look at the Master Plan, the old Airport Hazard Combining District ordinance and the existing,

underlying zoning designations. Betty pointed out that the 1979 ordinance was updated in 1987. Lewis asked that the board be provided with copies of the ordinance. Mike explained that it essentially referred to the underlying permitted uses, conditional uses, accessory uses and prohibited uses. Lewis asked if the adopted Airport Master Plan could be looked at as part of the analysis. Mike asked when the Airport Master Plan was approved; Lewis stated May 31, 2005. Mike will look into if the Airport Master Plan approved in 2005 should be made a part of the staff report analysis. Ray asked John Milton if he was agent for Mr. Stitser in 2002. John said he would have to go back and look. Ray reminded John that he was a County Commissioner and John agreed and that he signed the ordinance. He has had this discussion with Mike and how there are several amendments to ordinances and zoning that were handled as text changes in the past. Mike went through some of the references to statute in his memorandum regarding publication. He believes that with significant changes to permitted uses notice has to be sent to property owners. Mike indicated that the concerns regarding the use of a text change as opposed to an amendment to the ordinance has been around for some time. John said he feels that along with the public hearing notification the property owners should also receive a map of the proposed overlay. Most people do not realize the scope of this overlay. Mike pointed out that statute does indicate a map of the proposed change should be provided. Lewis asked Steve West how he sees the RPC proceeding as the airport manager. Steve indicated that this is a major issue with airports across the country. Property owners trying to rezone to create a higher density residential development around airport areas. It is unfortunate that they tried to do the right thing and very unfortunate that because of a technicality the process wasn't followed per NRS. He did question if the 1987 amendment was noticed correctly. Mike does not know as far as the process regarding the adoption. Mike said this is something he can check. Betty indicated that she thinks that through her research it did indicate that the property owners were notified. Steve pointed out that there have been numerous rezone applications that the airport board objected to. Lewis asked Steve if it was still his position that he was requesting a joint meeting between the airport board and the RPC at the meeting when this is agendaized. Steve said it might be appropriate even though the airport board would not be taking any action but it is a substantial issue and may be appropriate to hear all of the airport board's comments. Ray asked what if this was reviewed under the Master Plan review. The RPC could do an Airport Master Plan review with the airport Board and the Planning Commission. Do research and develop findings and present it for public hearing. Steve indicated that they have issued a memorandum that summarizes what they would like to see included in the Master Plan. Betty clarified that process to change the ordinance would have to be done. Ray indicated that it would. Betty stated that Mr. Stitser's application cannot be held off until that time. His application for a rezone will be on the December agenda. Ray asked John Milton if Mr. Stitser was going to proceed. John indicated that he was. Lewis asked if Mr. Stitser would be at the meeting in December, John stated he would probably not be at the meeting.

Vickie asked if a date needed to be set for a Master Plan Review meeting with the airport board. Ray asked Steve when the airport board meetings were held. Steve indicated that typically they are held the second Monday of the month. Steve said that he can get with Betty and they can come up with a date for a joint meeting. Steve asked if this would be a separate meeting from the regularly scheduled RPC meeting. Lewis stated he felt that was what the discussion was. It was decided that the airport portion of the Master Plan would be reviewed prior to looking at the re-adoption of the 2006 Airport Hazard Combining District ordinance. There was discussion about which day would work best for a joint meeting. It was suggested that the review of the airport portion of the Master Plan be placed as a workshop on the agenda for the November 10th meeting. Lewis asked if this would be a joint meeting with the airport board. Steve and Ray agreed that there should be a good representation but the entire airport board did not need to be at this meeting. There was discussion if the airport board attendance should be agendized.

Giovette read the following agenda item:

- D. Review and set for public hearing county ordinance text amendments: TH-11-01 thru TH-11-17

Betty stated that a spread sheet with the text amendments the board has already reviewed was included in their packet. Also included was a memo and copies of the ordinances which would have changes regarding the reference to the planning director. Betty indicated that the definition of a Home Based Business would not be looked at now. She and Mike are doing some research. After some discussion it was decided that the definition can stay as is. The ordinance for Home Based Businesses covers what is acceptable, what type of business does not require a permit. The requirement of a Home Based Business permit is taken on a case by case basis as it is presented to the planning department. Betty pointed out that in the definition of the planning director is does state "...or a dually authorized substitute." Is it necessary to add additional verbiage to any reference to planning director since it is covered under the definition of a planning director. After some discussion it was decided that the additional verbiage is not necessary. The planning director is adequately defined under the definition of a planning director. Lewis motioned to set proposed text changes TH-11-01 thru TH-11-17 to public hearing at the November 10th meeting; second by Steve. Motion carried unanimously.

Stephen asked Mike if he was aware of a case before the state supreme court where they made a decision regarding a taking and would be coming out with a formal decision which could affect other counties in the state. Mike indicated he is not familiar with the case. Stephen and Lewis discussed the case. Mike said he would take a look into it.

V. Correspondence/Budget/Personnel

Betty let the board know that the application time for the Administrative Clerk IV Position in the planning department has closed. Both she and Bill Deist have reviewed the applications. After Brenda reviews the applications, they will all meet to discuss if there are any eligible applicants.

Lewis asked about the postage budget and if there are enough funds if public hearing notification had to be sent out for the Airport Hazard Combining District ordinance. Betty can look into what the current balance is.

VI. Public Comment

Giovette read the public commentary process and asked for comments. There were no comments offered.

Giovette adjourned the meeting at 7:30 PM until 5:30 PM November 10, 2011



Pam Wickkiser, Chairperson

Giovette Cassinelli, co chair person