

## REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on Thursday, April 11, 2013 at 5:30PM in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

### COMMISSIONERS PRESENT

Ray Olsen  
Theresa Mavity  
Giovette Cassinelli  
Pam Wickkiser  
Stephen Nye  
Vickie Rock

### COMMISSIONERS ABSENT

Lewis Trout

### STAFF PRESENT

Betty Lawrence      Jennifer Wright

### LEGAL COUNSEL

Mike Macdonald

### PUBLIC PRESENT

Marlene Brissenden	Jim White	Daniel Gay	Kim McCreary
John Milton	Dean Horn	Michael Casey	Eric Barnard
Joyce Sheen	Alan Means	Troy Adams	Jim White
Jim Arbonies	Dawn Arbonies	Debra Gay	Laura Bento
Tracy Openlander	Don Openlander	Janet Sorensen	Russell Kennison
Danny Gay	Paul Miller		

### I. OPENING

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

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

Giovette asked if there were any concerns or corrections for the minutes of March 14, 2013. Ray motioned to approve the minutes as for March 14, 2013; second by Theresa with Pam Abstaining. Motion passed unanimously.

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

Giovette read the following

### II. CONSENT AGENDA/DISCUSSION & ACTION

Giovette read the following items:

- A. **SN-13-02 A** request from Jan Schade to reserve street names within his development. Parcel Map applications (PW-13-04 thru PW-13-09) have been submitted which reflect the proposed street names. The property is located off of Maple Street; portions of APN: 015-041-08 thru 14 and 015-101-01. The RSNC recommends approval of the names **Binder Street and Planter Street**.

- B. **PW-13-04** A parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property near Mesa Way and Maple Street into four lots utilizing merger and resubdivision; portions of assessor's parcel #'s 015-041-08 thru 015-041-14.
- C. **PW-13-05** A parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property near Mesa Way and Maple Street into 4 lots; portions of assessor's parcel #'s 015-041-08 thru 015-041-14.
- D. **PW-13-06** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property near Mesa Way and Maple Street into 4 lots; portions of assessor's parcel #'s 015-041-12 thru 14 and 015-101-01
- E. **PW-13-07** A parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property south of Maple Street into 4 lots; a portion of assessor's parcel #015-101-01.
- F. **PW-13-08** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property near Mesa Way and Maple Street into 4 lots; a portion of assessor's parcel # 015-101-01.
- G. **PW-13-09** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Schade Construction et al to parcel property west of Mesa Way into 4 lots; a portion of assessor's parcel #015-101-01.

Giovette asked if there were any questions from the board on the consent agenda items, seeing none she took it to the public, seeing none she brought these items back to the board. Pam motioned to approve items A through G on the consent agenda, second from Stephen. Motion passed unanimously.

### III. PUBLIC HEARING/Discussion & Possible Action

- A. **UW-13-03** A conditional use permit application submitted by Eric Barnard as agent for Neilsen Barnard Drilling & Blasting, Inc and Envirotech Drilling, LLC to allow the placement of a 5<sup>th</sup> wheel recreational vehicle on property to be used as a watchman's quarters. Subject property is located at 900 E. Fourth Street; assessor's parcel #015-341-02.

Giovette read this item. She asked if there were any questions from the board. The applicant, Eric Barnard came forward and answered questions from the board. Giovette asked if there were any questions from the public, seeing none she brought this item back to the board. Theresa motioned to approve this item, second from Vickie. Motion passed unanimously.

- B. **SP-13-02** A site plan review application submitted by Alan Means as agent for New Vision Development, LLC for the construction of a restaurant/bar/casino. Subject property is located off of E. Winnemucca Boulevard; assessor's parcel #016-651-06.

Giovette read this item and asked if there were any questions from the board. Seeing none she asked if there were any questions from the public, seeing none she brought this item back to the board. Pam motioned to approve this item, second from Ray.

Motioned passed unanimously.

- C. **RH-13-02** A zone change application submitted by Desert Mountain Surveying as agent for Rose Creek, LLC to change the zoning from M-3 (Open Land Use) to RR-1.25 Rural Ranchette 1.25 acre minimum lot size assessor's parcel #005-485-01; from AG-5 (General Agriculture 5 acre minimum lot size) to RR-1.25 (Rural Ranchette 1.25 acre minimum lot size) assessor's parcel # 014-011-03. Subject property is located off of West Rose Creek Road near the Rose Creek Exit 168.

Giovette read this item and asked if the board had any questions. John Milton approached the board as representative of the applicant. Mr. Milton handed out some photos of the property and surrounding area. He pointed out other parcels owned by the applicant and told the board the current uses on those properties. He explained why the applicant was requesting this zone change. One of the reasons of the rezone request is to get rid of the M-3 and AG-5 zoning designations. Mining is allowed in M-3, single wide mobile homes with no age restrictions are allowed in both M-3 and AG-5, as well as RVs. They would like to rezone the ranch property so that it can only be used for single-family units. Vickie pointed out that the board had just completed a review of the Master Plan. Why wasn't any of this brought up for review for rezoning during this time? Mike explained that was a Master Plan review, zoning and Master Plan are two different things. There was discussion regarding the difference of zoning and Master Plan. Vickie asked if the properties were to be rezoned, what is the intended use for the land. John explained that the requested zoning of RR-1.25 allows single-family dwellings. Vickie asked if the applicant would then come back later and ask for another zone change to allow smaller parcels. John explained that the Master Plan would not allow anything less than the requested 1.25 acre minimum lot size. Vickie then pointed out that this area has been and is being used for agriculture. What are the levels of nitrates in the water? She asked if there could be a similar situation as in Grass Valley if smaller lots are allowed to be created. John explained the history of the parcels that would be affected by the zone change. Vickie asked if there was any information regarding the nitrate levels in this area. Betty explained that once the applicant submits an application to parcel, utilizing subsequent parceling; NDEP and other state agencies would be notified. Vickie then asked how many parcels could be created with the two parcels to be rezoned. John said you would take out about 25% for roads. A lot depends on what the average parcel size would work out to be once a survey has been done. At this point applicant has identified ground that could be rezoned and utilized for residential use. Vickie state that her biggest concern is the level of nitrates, of which there is no information at this point and is it going to be effectively used for that purpose. John explained that the Master Plan has been reviewed by the County and the Master Plan currently allows parceling down to 1 acre. Mr. Milton then explained what process the applicant would have to go through to parcel the property if the zone change were approved. There was further discussion of the pros and cons and effects of the zone change. Giovette asked if there were any other questions from the board, seeing none she asked for any public comments or questions.

Russell Kennison approached the board and said he lives on Buffalo Road just above this property. He leases a piece of property from Paul Miller that is adjacent to this property. He stated that his issue is with the water table in that area. He has been losing water annually. He explained the history of the property being leased and issues with the water table. Mr. Kennison also spoke of property that he owns in the area. John Milton explained about water rights that are certified and how they are monitored.

There was discussion regarding the ground water basin. Laura Bento approached the board. Her concern is with the decrease through the years of water being available to have a lawn, garden, etc. John explained how the Division of Water Resources monitors water rights and use in ground water basins. Mrs. Bento suggested that possibly testing be done prior to proceeding with this zone change or parceling. Her concern is that people buy the property with no knowledge of what the water may be like. Mr. Milton indicated that the developer would most likely have the water tested prior to trying to sell as that would be a question of a buyer to the seller. Paul Miller approached to board. Mr. Miller's concerns are about the water table. There was discussion about the current well on his property and concerns he has. Mr. Miller stated that he is here to protest this zone change. Debra Gay approached the board. She lives on W. Rose Creek Road and is against the zone change. She suggested that the parcels not be smaller than 10 or 5 acres due to problems with the water. Dean Horn approached the board and indicated that he lives on Wild Horse Road across the street from one of the parcels. He stated his concern is with the water issues that have been previously discussed. He also has concerns about access to the parcels and current unusable roads in the area. John explained about the requirements for roads within parceled areas. A lot of the roads in this area were created through parcel maps in the 50's and there were no road standards. Mr. Milton also explained at what point the County would take a road(s) into the system to be maintained by the County. There was discussion as to who is responsible for the maintenance of roads not within the County maintained system. Danny Gay approached the board and stated that he is against the zone change. Tracy Openlander approached the board and stated that she and her husband are opposed to the zone change. Her concerns are with the water, access, fire and resources (i.e. fire, sheriff, ambulance). Have any of these concerns been addressed regarding growth in this area?

Betty read, from the application, the reason listed for requesting the zone change. She indicated that there is a RR-2.5 zoning designation which fits the MDR Master Plan designation. Betty stated that an option to the board could be to recommend a zone change from M-3 to RR-2.5, the AG-5 to RR-2.5. This would keep the minimum lot size to 2.5 acres and bring the property currently zoned AG-5 into compliance with the Master Plan designation of Medium Density Residential. Giovette asked if there were any more questions or concerns from the board. Stephen said that he feels we should maintain the active use, agriculture, on the property. Mr. Macdonald pointed out that the two parcels in question are currently not being utilized for agriculture and are in fact vacant. There was discussion regarding the current uses in this area, taking agriculture uses away and the proposed use for these parcels. Theresa asked about the statement Betty made regarding the RR-2.5 zoning. Betty explained the difference in the uses allowed in M-3 and AG-5 compared to RR-2.5. Pam asked for clarification of the differences. Giovette indicated that her concern is the water table and how it is dropping. Bringing in more people could harm the area. Betty pointed out that on the property zoned M-3 the applicant could still parcel down to 2.5 acres. Jim Arbonies approached the table and stated that he is against the zone change with his concern being the water. Giovette asked if there were any other questions from the board. Theresa asked John if he had any comments on the 2.5 versus the 1.25. John stated that the applicants are asking for the 1.25. They may consider if the board's recommendation is the 2.5. Ray reminded everyone that the Master Plan designation for this property is MDR. When we did the Master Plan review there was no comment or request for changing that. Therefore, we have to follow the law and the designation of the Master Plan and bring the zoning into compliance with the Master Plan. Betty

pointed out that the properties that are south of the 97 acre parcel are zoned M-3, not AG-5 and have a minimum lot size of 2.5 acres. She explained where these parcels are on the map. Vickie stated that even though the minimum lot size is 2.5 they would not have to allow 2.5. Why couldn't the board recommend RR-5? There was discussion regarding zoning designations and Master Plan designations. There was also discussion regarding the recent Master Plan workshops in the communities regarding the maps and the actual Master Plan document. Giovette asked for a motion on RH-13-02. Stephen motioned to recommend denial, second by Vickie. Stephen, Giovette, Pam and Vickie voted aye; Ray and Theresa voted nay.

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

- A. Review of the updated Master Plan Document with comments from the Humboldt County Commissioners and Winnemucca City Council.

Ray stated that since Mr. Trout is not in attendance and he is on the Master Plan Committee, this item should be moved to the May 9, 2013 meeting. Theresa indicated that she will not be at the May meeting.

#### V. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Possible Action

Betty let the board know that today is Jennifer's last day.

#### VI. PUBLIC COMMENTARY

Giovette asked if the public had any comments. None were offered.

Giovette adjourned the meeting at 7:01 PM until 5:30 PM May 9, 2013.

  
Giovette Cassinelli, Chairperson

WINDY BUREAU