

## REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on Thursday, May 9, 2013 at 5:30PM in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

### COMMISSIONERS PRESENT

Lewis Trout  
Pam Wickkiser  
Stephen Nye  
Vickie Rock

### COMMISSIONERS ABSENT

Ray Olsen  
Theresa Mavity  
Giovette Cassinelli

### STAFF PRESENT

Betty Lawrence

### LEGAL COUNSEL

Mike Macdonald

### PUBLIC PRESENT

Marlene Brissenden  
John Milton  
Joyce Sheen  
Carolyn Romero  
Pastor Allen Peavy

Charles Azzarello  
Eddie Booth  
Michael Michaelsen  
Elizabeth Cribb  
Elder E.W. Ragsdale

Sandy Harshbarger  
Colleen O'Brien  
Sal Romero  
Terrence Cribb  
Eddie Booth

Judy Dossey  
Sadie Russell  
Carla Peavy  
Robert Frederick Osti

### I. OPENING

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

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

Lewis pointed out that there was not a quorum of the members present at the April 11, 2013 meeting. The approval of these minutes will be held over until the June 13, 2013 meeting.

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

### II. CONSENT AGENDA DISCUSSION & ACTION

Lewis read the following items:

- A. **SN-13-03** A request from Jan Schade to rename Maple Avenue to Husker Street. This is in conjunction with parcel map applications (PW-13-04 thru PW-13-09) which were approved by the RPC April 11, 2013. The portion of Maple Avenue to be renames is located west of Welch Drive; APN: 015-041-08 thru 14 and 015-101-01. The RSNC recommends approval of renaming Maple Avenue west of Welch Drive to Husker Street.
- B. **PW-13-13** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Miguel and Adela Solorio to divide property into 4 lots. Subject property is located off of Nancy Street; assessor's parcel # 010-373-29.

- C. **PW-13-14** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Miguel and Adela Solorio to divide property into 2 lots. Subject property is located off of Nancy Street; assessor's parcel # 010-273-29.

Lewis asked if anyone on the planning commission wants to pull down any items on the consent agenda items, seeing none he then asked if anyone from the public wanted to pull down an item from the consent agenda, seeing none he brought these items back to the board. Vickie motioned to approve items A through C on the consent agenda, second by Pam. Motion passed unanimously.

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

- A. **UW-13-04** A conditional use permit application submitted by Chuck Azzarello as owner of Azzarello's Ready Mix Concrete to allow a concrete batch plant, rockery and storage yard in the M-1 zoning district. Subject property is located at 4680 Etchart Lane; assessor's parcel #010-271-02.

Lewis read this item. He asked if there were any questions from the board. Before comments or questions from the board he asked if staff had any comments or additional information. Betty asked that, after having spoken with Ben Garrett the county road superintendent, an additional condition be placed on the conditional use permit. She indicated that there is a question of whether Etchart Lane is county or private. This is being looked into. The additional condition would read: "Any improvements required (traffic study, etc) Humboldt County will not incur any costs. Property owner of APN: 010-271-02 will satisfy any NDOT requirements present or future." Lewis asked if the board had any questions. Vickie asked about a possible missing page in this report comparing it to the staff report for UH-13-07. It appears the conditions for the conditional use permit are missing. Mr. Macdonald indicated that the staff recommendations in the report are the conditions. He asked if the copy she is referring to could be a copy of the ordinance. It was found that the additional page in question were comments from the building department specific to that application (UH-13-07). Vickie then asked if when a use permit is approved is it in perpetuity or does it have a life. Betty explained that unless a specific time is set for the use, which is typically not done, the use permit is reviewed annually to verify the use is still active. If Mr. Azzarello were to sell the property and/or business and the use remained the same the use permit would still be valid. The new owner would need to contact the planning department to update the file. The applicant, Chuck Azzarello came forward and commented on the hours of operation in the staff report. Mr. Azzarello indicated that there could be times when work would be done after the hours indicated in the application. The business hours stated in the application are general hours of operation. Lewis asked if there was a need to address this in the conditions. Betty pointed out that the application states proposed hours, there are no definite hours listed so this would be covered. Lewis asked about the 5 employees and how this would apply to item C of the staff report (analysis) stating there would minimal traffic. Lewis asked if there were any questions from the public, seeing none he brought this item back to the board. Pam motioned to approve this item, second by Vickie. Motion passed unanimously.

- B. **UW-13-06** A special use permit application submitted by Colleen O'Brien as representative of Stewart Title Co., to allow a title insurance office in the R-3 (Multiple-Family Residential District). Subject property is located at 810 S. Bridge Street; assessor's parcel #016-062-01.

Lewis read this item and asked if there was any additional information received by staff. Betty indicated that no additional information has been received but that she would like to point out to the board that this property has a history of commercial use combined with residential use. Lewis asked if there were any questions from the board. The applicant, Colleen O'Brien approached the board. Lewis asked about the number of employees (1-2) related to the number of offices (4). Ms. O'Brien explained that there is one true office, reception area, and 2 very small offices that cannot really be classified as offices. One room will be used for storage with the other room being used minimally by the business development officer. Lewis asked if there were any questions from the public, seeing none he brought this item back to the board. Stephen motioned to approve this item, second by Pam. Motioned passed unanimously.

- C. **UH-13-07** A conditional use permit application submitted by Leumoin Peavy as Bishop of Christlife Family Ministries to allow for the construction of a church facility in the RR-13 zoning district. Subject property is located at 4405 W. Thomas Canyon Road; assessor's parcel #013-381-17.

Lewis read this item and asked if there were any questions or comments from the board. Vickie indicated that she had called the building department and asked about the handicap parking requirement in the staff report. Betty indicated that she had spoken with Mr. Thomas, county building inspector. Mr. Thomas stated that the whole parking lot did not need to be paved. The only spaces required to be an all-weather surface would be the three accessible parking spaces and the path into the building. Lewis commented on Jeff Johnson's, county assessor, comments and stated that he had checked the Secretary of State records and the church is registered and is in active status with the Secretary of State. Lewis asked if there were any questions or comments from the public, seeing none he brought this item back to the board. Lewis asked if the applicant was present and did he have any additional information or comments regarding this application. Pastor Allen Peavy approached the board. He stated that at this time he had no comments or questions. Mike Macdonald asked Betty if the additional information provided regarding the accessible parking be an additional condition to the application. Betty indicated that this would be a requirement of the building department. Mike clarified that it would be a requirement of the building department prior to signing off anything. Lewis again asked if there were any comments or questions from the board. Vickie motioned that additional language be placed in the conditions regarding the required accessible parking spaces. There was discussion regarding the motion from Vickie regarding the additional conditions. It was determined that there was not a need for this additional condition as it was addressed in the staff report. The staff report states that the applicant will work with the building department regarding parking lot design and the required handicap parking; the applicant will obtain all necessary permits including a building permit. There was further discussion regarding the applicant's compliance with the requirements from the different entities. Vickie withdrew her motion to add the additional language. Vickie motioned to approve this item, second by Pam. Motion passed unanimously.

Betty, at this point in the meeting, reminded the board that the following applications are zone change requests. The planning commission is a recommending body and will recommend approval or denial on the following items. Lewis clarified the wording of the motion and that the final decision is by the County Commission or City Council.

- D. **RW-13-03** A zone change request submitted by Desert Mountain Surveying as agent for Dawneen and Blake Lambert to rezone properties from R-1-6 (Single Family Residential 6,000 square foot minimum lot size district) to G-C (General Commercial District). Subject property is located at 670 W. Sixth Street and 560 Hanson Street; assessor's parcel #'s 015-384-06 and 015-384-08.

Lewis read this item and asked if the board had any questions or comments. Lewis then asked if staff has received any additional information or has any comments regarding this item. Betty stated that no additional comments have been received and staff has no additional comments. John Milton approached the board and gave additional information regarding the zoning designations of the parcels from Winnemucca Boulevard to the railroad tracks. There are 28 parcels that front on Hanson Street; 1 is zoned M-1, 2 Public Facility, 2 are zoned R-2, 4 are zoned R-1-6 and the other 19 are zoned general commercial. Vickie asked what the applicants plans are for the property. Betty indicated that they will probably continue to park the existing vehicles on the property. Mr. Milton agreed and stated that the current zoning does not allow the types of vehicles currently parked on the property. He stated that this is why the zone change request was submitted. Lewis clarified that not only would the zone change allow for a commercial potential in the future, in a commercial area, it would be abating the current noncompliance use on the property. Mike pointed out that with the zone change the zoning designation would meet the master plan designation in the area. Lewis asked if there were any comments or questions from the public, seeing none he brought this item back to the board. Pam motioned to recommend approval of this item, second by Vickie. Motion passed unanimously.

- E. **RH-13-04** A zone change request submitted by Salvador Romero to rezone his property from RR-13 MH (Rural Ranchette 13,000 square foot minimum lot size district with a mobile home overlay) to R-5 (Multiple-Family Residential District). Subject property is located at 3050 Sunny Drive; assessor's parcel #010-342-03.

Lewis read this item and asked if there was any additional information or comments from staff. Betty stated that there were none. Lewis then asked if the board had any questions or comments. Mr. and Mrs. Romero approached the board. Mr. Romero stated he is asking for this zone change to get his property to meet what the development is like in the area. He stated that the neighbors next door have 4 mobile homes as well as a permanent home; on the other side there are two homes so it is currently multi. Up the street two duplexes were recently built on small lots; across the street behind Khoury's the property is zoned for mobile home sites. Lewis pointed out that this property is served by City water and sewer even though it is located outside of the city limits. Lewis asked if anyone in the public had any questions or comments, seeing none he brought this item back to the board. Vickie motioned to recommend approval of this item, second by Stephen. Motion passed unanimously. Betty explained to the applicant that this item would be on the County Commission agenda for May 20<sup>th</sup>.

- F. **RW-13-05** A zone change request submitted by Donald Smit with Project One as agent for the City of Winnemucca to rezone property from G-C (General Commercial District) to P-F (Public Facility District). Subject property is located at 1078 E. Winnemucca Boulevard; assessor's parcel #016-273-24.

Lewis read this item and asked if staff had any additional information or comments regarding this item. Betty stated that there was no additional information or comments

from staff. Lewis then asked if the board had any questions or comments. Seeing none he asked if anyone from the public had any questions or comments. Michael Michaelson approached the board and asked where the property is located. Lewis brought this item back to the board. Vickie motioned to recommend approval, second by Pam. Motion passed unanimously.

- G. **RH-13-01** A zone change request submitted by Wynn L. and Chandra H. Allred to rezone property from RR-2.5 TPZ (Rural Ranchette 2.5 acre minimum lot size with an airport overlay) to RR-1.25 TPZ (Rural Ranchette 1.25 acre minimum lot size with an airport overlay). Subject property is located at 4285 Rainbow Road; assessor's parcel #013-341-14.

Lewis read this item and asked if there was additional information or comments from staff. Betty indicated that both she and Mr. Macdonald have spoken with Mr. Deist, County Administrator and Mr. Milton. Both gentlemen pointed out that the Division of Water Resources addressed the depletion of the Grass Valley water basin by mandating that the county amend the minor subdivision ordinance to require 2 acre feet of water be relinquished to the state if lots under 5 acres are created. Mike indicated he had spoken with Bill Deist, County Administrator, regarding the test wells in the Grass Valley area. None of these test wells are near the property in question. The wells closest to this area have not shown any problems or raised any concerns as far as the testing. There is no information from the test wells for this location. Stephen asked if the water from the test wells was tested for arsenic. Mike indicated that he does not know what they are tested for. Lewis asked if there were any other comments from staff, there were none. Lewis then asked if there were any comments for questions from the board. Vickie pointed out that we know there is a problem in this area; we know that in 2009 the water commission turned down some facilities in this area through ruling # 5946. Mike stated that he was not familiar with this ruling. Betty stated that she believed this was when there was a proposal for a park, golf course, and ballpark. It was pointed out that this is one lot, not a park facility. Vickie stated she is aware of this but we are going from one size to another size lot and her concern is that there is a water problem in this area. There is no sewage system. Why are we exasperating the problem? Pam asked for confirmation that the wells in this area are ok, Mike confirmed that the test wells have shown no problems and there have been no concerns. Mike explained that the water depletion issue has been addressed by our ordinance requiring the property owner to acquire 2 acre feet of water to be relinquished to the State of Nevada. There was discussion regarding water/sewer and the affect of the zone change, plus the steps to parcel the property. Lewis read from some of the reports regarding the 8 monitoring wells he obtained from the Administrators Office. He wants to see a map of the Grass Valley area with the 8 test wells plotted. He would also like the map to show the relationship of these wells to the property in question. Lewis asked if there were any comments from members of the public or was the applicant here. Seeing no one from the property or the applicant Lewis asked for a motion on this item. Lewis pointed out, again, that this is one additional lot. Seeing no motion from the board, Mr. Trout stated that he would like to see this application continued to the next meeting to allow staff to get the base map and data for the 8 monitoring wells. Mike asked for confirmation that this application has been continued once before. Stephen again asked if the water from the test wells is tested for arsenic levels. Lewis stated that this is a question to be asked of the Administrators office and the lab doing the monitoring and testing of the water. There was discussion regarding what the city tests for, and that we do know some of the items the water is tested for from the test wells.

Lewis suggested that staff be directed to obtain this information from the Administrator's office. Mike read the ordinance which indicates that if there is no action from the RPC within 30 days of the public hearing the application goes to the County Commission as a denial recommendation. There was discussion regarding the interpretation of the ordinance. Mike voiced concern that the applicant is not present and should have a say in the continuation of this application. There was further discussion regarding the test wells and their location in relation to this property. Lewis asked if there were any questions or comments from the board. Stephen stated that he feels it is proper to ask for more information from the sources within the county before the board votes on this item. Vickie motioned to continue the public hearing on this item to the June 13, 2013 meeting with staff providing a map of the aquifer denoting the location of the wells and the status of those wells with respect to this property, second by Stephen. Motion passed with Stephen, Vickie and Lewis voting aye; Pam voting 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.

Lewis stated that since Ray and Giovette are not in attendance and they are on the Master Plan Committee, this item should be moved to the June 13, 2013 meeting. Vickie indicated that she will not be at the June meeting.

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

Betty said that there has been a request/question regarding the possibility of the RPC going paperless like the County Commission for agenda items. According to Jeff Johnson, County Assessor, the cost would be about \$2,100.00 and another laptop would need to be purchased since there are only 6 for the County Commissioners. No packets would be sent to the board, either via e-mail or mail. She explained that each board member would be responsible to go to the County website and view the agenda items prior to the meeting. There was discussion about the pros and cons of doing this. Lewis asked for comments from the public. Michael Michaelson stated that he has had no problems, the couple of times he has tried, accessing the county's website. Joyce Sheen approached the board. Mrs. Sheen stated that she gets on the website regularly to get the materials for her news items. She said that this same question came up when she was on the Winnemucca Convention and Visitors Authority Board. She did not think it was worth the money to have to buy the extra laptops, etc. Betty pointed out that in the 5 years she has been in the planning department there have been very few requests from the public for copies of items on the agenda. The board receives packets and if someone would like copies of the reports for agenda items, they can request copies from staff. Vickie asked why we would need to purchase 1 or 2 more laptops. Mike explained the necessity to use laptops which can hook into the county's system and keep out viruses etc as opposed to using personal computers. Betty stated that she is neither for nor against this suggestion. Her concern is it worth spending the \$2,100 + when there have been minimal requests for information from the public. Vickie stated that she is in favor of full disclosure and transparency. She feels that some of the issues in the past may not have been issues if information was more accessible to the public. At this time this is only for discussion as there are 3 board members absent. Stephen said he does not understand why they could not use their

personal laptops. Mike said that the items could be downloaded to your own laptop. The county laptops hook into the network, to do that with individual machines could pose some concerns for security. Lewis said he shares Mrs. Rock's point of view regarding transparency. He likes paper but would support going paperless. Mike and Betty will check with the IT department and the administrator on how they feel about non-county laptops being used.

Lewis asked Mike about an item that was presented to him several months back. This question was whether the RPC members are considered public officers in terms of the state ethics commission. This would be for filing of the acknowledgement form that they have read the state ethics code and they intend to comply with it. He asked Mike if he had been able to complete his research. Mike indicated that he thought he had provided that information a couple of years ago. He will check and Betty said she would also check. Lewis asked if Mike remembered what his conclusion was. Mike said he did not, but he could be thinking about discussions when he previously worked in the DA's office.

Stephen asked if there would be any special equipment needed if he were to utilize his own laptop for the meetings. Mike explained how the county's system works.

Betty let the board know that Frontier Village has sent out VIP invitations to the open house for the subdivision on May 16<sup>th</sup> from 4:30 to 6:30. There is a general public open house on Saturday the 18<sup>th</sup>. Lewis asked if there would be an ethics problem if 4 or more planning commission members attended. Mike explained there would not be as this is a social event, unless you started discussing planning commission business.

Betty let the board know that interviews for the vacant position in the planning department will be held on Tuesday, May 14<sup>th</sup>. There are 6 people to be interviewed out of 20 applications.

#### VI. PUBLIC COMMENTARY

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

Lewis adjourned the meeting at 7:02 PM until 5:30 PM June 13, 2013.

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Giovette Cassinelli, Chairperson