

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on Thursday, July 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

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

COMMISSIONERS ABSENT

STAFF PRESENT

Betty Lawrence Lenora Turney

LEGAL COUNSEL

Richard Haas

PUBLIC PRESENT

Jim French
Melanie Oliver
Bruce Delaney
Lenora Madrid

Betty Olsen
Brienna Overhart
John Torok
Jennifer Lewis

Dolores Mallory
Mark Delaney
John Milton
Doug Lewis

Cleve Mallory
Shirley Delaney
Margel Dinino

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 to review, correct and approve the minutes from May 9th, 2013 and June 13th 2013. Giovette asked for a motion for the May 9th minutes, Vickie motioned to approve the May 9th, 2013 minutes; second by Lewis. Motion passed; with Giovette, Ray and Theresa abstaining. Vickie stated there was a correction on the June 13th minutes. Theresa made a motion to approve the minutes from June 13th, with the noted correction; second by Ray. Motion passed, with Vickie abstaining.

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

II. CONSENT AGENDA/DISCUSSION & ACTION

Giovette read the following items:

- A. **SN-13-05** A request from Desert Mountain Surveying as agent for Chris J and Sonya Mitchell to reserve names for streets within their development. The property is located off of Water Canyon Road; assessor's parcel #010-671-29. The Regional Street Naming Committee recommends the following street names: **Sparrows Song Drive and Hummingbird Court.**

- B. **PH-13-22** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Chris J and Sonya C. Mitchell to divide property off of Water Canyon Road into 4 parcels; assessor's parcel #010-671-29.
- C. **PH-13-23** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Chris J and Sonya C. Mitchell to divide property off of Water Canyon Road into 3 parcels; assessor's parcel #010-671-29.
- D. An extension request submitted by Desert Mountain Surveying as agent for Robert D. Stitser for parcel map applications PH-12-16 thru 24. The parcel maps were approved at the July 12, 2012 RPC meeting.

Giovette asked if there were any questions from the board on the consent agenda items. Lewis stated he would like all the items on the consent agenda pulled down for Public Hearing.

III. PUBLIC HEARING/Discussion & Possible Action

- A. **SN-13-05** A request from Desert Mountain Surveying as agent for Chris J and Sonya C. Mitchell to reserve names for streets within their development. The property is located off of Water Canyon Road; assessor's parcel #010-671-29. The Regional Street Naming Committee recommends the following street names: **Sparrows Song Drive and Hummingbird Court.**

Giovette read this item. She asked if staff had any comments. There were none. She asked if there were any questions or comments from the board. Lewis stated there are subsequent items related to this item; should we be approving street names for a project that may not be approved. Theresa stated it is her understanding that we are only reserving names. Betty confirmed this. Giovette asked if there were any other comments from the board. Seeing none she took it out to the public. Seeing none she brought it back to the board. Lewis motioned to approve SN-13-05; second by Ray motion passed unanimously.

- B. **PH-13-22** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Chris J and Sonya C. Mitchell to divide property off of Water Canyon Road into 4 parcels; assessor's parcel #010-671-29

Giovette read this item. She asked if staff had any additional information. Betty stated she received comments from Steve West to be read into record. "It is my understanding that the RPC will be reviewing parcel map applications in the Water Canyon Road area at tonight's meeting. The city remains somewhat concerned about the approval of individual septic disposal systems in the Water Canyon Road area due to the associated potential nitrate contamination of the aquifer. We recognize, however that this area is located about 2 miles up gradient from the nearest municipal well and that the proposed lots are 5 acres in size; not very concentrated. If the new parcels are approved we

recommend that they would be required to install de-nitrification units on their septic systems in order to reduce the amount of nitrogen allowed to percolate into the ground.” Betty indicated that if the board does approve the application; to add this as an additional condition. Giovette asked if the board had any questions or comments. Lewis stated that this item and item PH-13-23 appear to divide land into 7 parcels. Lewis cited the case of Groso vs. Lyon County which the court gave the discretionary authority of a planning commission to approve subsequent parceling and at the same time also gave the discretionary authority of the planning commission to require compliance with the subdivision requirements. Lewis read the NRS.278.330 statute on subdivision. Lewis stated he would like to suggest we have sufficient circumstances in this application and the PH-13-23 application, to require compliance with the subdivision statute and with the subdivision ordinance for parcel divisions of 5 or more. Lewis stated the reasons for this proposal are due to the fact it is a high fire hazard area; there has been recent seismicity in the Pumpernickel Valley, septic, recharge and drainage issues. Lewis handed out and read from reports he gathered on well investigations regarding nitrate contamination. One report concluded with a recommendation “activities that are known to release nitrate into ground water should be carefully scrutinized or discouraged.” Lewis indicated it would be a benefit for everyone to have the application go through the subdivision process so the state NDEP can take a look and make a recommendation as to which kind of specific de-nitrification septic system is most appropriate in that area. Mr. John Milton approached the Board as agent for Chris J and Sonya C. Mitchell. Mr. Milton clarified subsequent parcel maps under NRS 278.462 which states: “requirements which may be imposed by the governing body for a second or subsequent parcel map with respect to: a single parcel; or a contiguous tract of land under the same ownership, may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.” Mr. Milton said this (NRS) talks about improvements, not making the individual submit a parcel map for review as a subdivision. There was discussion between Mr. Milton and Lewis. Giovette asked if there were any other comments or questions from the Board. Vickie asked where the recharge area for the primary aquifer is. Mr. Milton indicated the City of Winnemucca sits astride two different groundwater basins, the Winnemucca ground water basin and the Grass Valley groundwater basin. Mr. Milton said this property is in the Grass Valley ground water basin and clarified the boundaries of both water basins. Vickie stated she is concerned we are not using subdivision regulations. Mr. Milton stated it’s up to the Board to request that de-nitrifying septic tanks be installed. He said that to his knowledge there are no de-nitrifying septic tanks on residential properties in Humboldt County. Mr. Milton said when he was on the County Commissioners Board they were given a lot of information on de-nitrified septic tanks, but the reasons they did not require them were: they require maintenance; have to have a power source; have to be maintained; if they are not maintained then they can be worse polluters than a regular septic. The issue was how to make sure they are maintained. There was discussion among the Board. Giovette took this item out to the public for any questions or comments. Melanie Oliver approached the Board. She asked to hear counsel’s opinion whether this property was being singled out for special conditions based on the location. Counsel stated in reading

the statutes it gives the Board discretion to ask these questions. Giovette asked if there were any other questions from the public. Seeing none, she brought this item back to the Board. There was more discussion regarding clarification on parcel map vs. subdivision; Lewis asked if using the parcel map application is the right tool to use to divide land or should the subdivision application be used. Mr. Milton said that decision is made by the applicant not by the Planning Commission. Mr. Milton stated since he has been a licensed land surveyor he has filed around 1,400 parcel maps in 4 different counties, and the majority of those have been subsequent parceling. He has never had a parcel map application turned down or a subsequent parcel map. Giovette asked for a motion. Lewis motioned to disapprove staff report PH-13-22; second by Vickie, motion fails. Lewis motioned to approve PH-13-22, with the additional condition that all of the parcels have a NDEP approved de-nitrifying septic system; second by Ray. Lewis, Pam, Theresa, Giovette, Ray and Stephen voted aye; with Vickie voting nay.

- C. **PH-13-23** A subsequent parcel map application submitted by Desert Mountain Surveying as agent for Chris J and Sonya C. Mitchell to divide property off of Water Canyon Road into 3 parcels; assessor's parcel #010-671-29.

Giovette this item and asked if staff had any additional comments. Betty stated there were none. Giovette asked if there were any questions from the Board. There were none. Giovette asked if there were any questions from the public. Seeing none Giovette brought this item back to the Board. Lewis motioned to approve PH-13-23 with the additional condition that all parcels have a NDEP approved de-nitrifying septic system; second by Theresa. Lewis, Pam, Theresa, Giovette, Ray and Stephen voting aye; with Vickie voting nay.

- D. An extension request submitted by Desert Mountain Surveying as agent for Robert D. Stitser for parcel map applications PH-12-16 thru 24. The parcel maps were approved at the July 12, 2012 RPC meeting.

Giovette read this item and asked if staff had any comments. There were none. Giovette asked if there were any questions from the Board. Lewis stated if one year was sufficient for the extension. Betty stated on a parcel map application one year is the maximum. Giovette asked if there were any questions from the public. Seeing none, Giovette brought it back to the Board. Pam made a motion to approve the extension request PH-12-16 thru 24; second by Ray. Motioned passed unanimously.

- E. **UH-13-08** An amended conditional use permit application submitted by John Torok on behalf of Southwest Land & Minerals Corp. to allow a mining and production of sand & gravel product in the M-3 (Open Land Use) zoning district. Subject property is located

west of the frontage road off of I-80 in Golconda; assessor's parcel #'s 008-581-12,13,29,30 & 32.

Giovette read this item and asked if staff had any questions. Betty stated Bobby Thomas, the County Building inspector had comments "Permits will be required for all structures and electrical on site improvements; restrooms will be required and a commercial water well and septic system will be required." Betty stated the planning department received a fax from a property owner to the west of the proposed gravel pit. Her concern was access to her property. The property owner has since spoken to Mr. Torok who stated there is access to her property. Giovette asked if there were any questions from the Board. Seeing none, Mr. Torok approached the Board. He stated there would be access. Giovette asked if there were any questions from the Board. Seeing none, she took it out to the Public. Margel Dinino approached the Board. Ms. Dinino stated she owns a 10 acre parcel to the southeast of the proposed gravel pit site. Her concern would be the possibility of an eyesore and pollution created by a sand and gravel pit. Betty stated to the northwest of this property there is a State gravel pit. There are about 60 acres from the proposed gravel pit to Ms. Dinino's property. Mr. Torok stated there are other gravel pits in the area and that his proposed gravel pit can be operated in a manner that creates little exposure. Mr. Torok stated there would be a berm around the gravel pit as a visual barrier. Stephen asked about the depth of the pit. Mr. Torok stated probably 50 feet. Giovette asked if there were any other questions or comments from the public. Melanie Oliver approached the Board. Her concern was how to address the noise and the hours of operation. Ms. Oliver stated she had lived near a gravel pit in Alaska and with the daylight almost 24 hours there was continual noise. Mr. Torok stated it's doubtful the pit would be operational more than 8 to 10 hours in the day. With the berm in place and the deeper the gravel pit, the noise level lessens. Lewis asked Mr. Torok about the hours of operation. He stated the hours would vary for winter and summer. Mr. Torok stated there is also a fair amount of topography between his parcel and Ms. Dinino's parcel that would obscure her view. Giovette asked if there were any other questions from the Board. Seeing none, she asked if there were any other questions from the public. Seeing none, Giovette brought it back to the Board. Lewis made a motion to approve UH-13-08 with the additional condition of operational rock crushing or similar noise activities during the winter hours of October 1st-March 31st, 8am-4pm and summer hours, April 1st -September 30th, 7am-5pm; second by Vickie. Motion passed unanimously.

- F. **UH-13-12** A conditional use permit application submitted by Lowell Nelson as agent for Commnet of Nevada, LLC to allow for the construction and placement of an 80' communication pole with two panel antennas; electronic cabinets on the ground in the M-3 zoning district. Subject property is located at 31500 Pumpnickel Road; assessor's parcel #008-521-03.

Giovette read this item and asked if staff has any questions. Betty stated there were none. Giovette asked if the Board had any questions or comments. Lewis asked if there was a reason this item was not on the consent agenda. Betty stated this application is a use permit; a notice of public hearing is mailed to property owners. Giovette asked if there were any questions or comments from the public. Seeing none, she brought this item back to the Board. Theresa made a motion to approve UH-13-12 per staff recommendation; second by Ray. Motion passed unanimously.

- G. **AH-13-02** An abandonment request submitted by Cleve and Delores Mallory to abandon approximately 614.45 feet of the existing named easement, Memory Lane, between Bruce Drive and Warner Drive. Assessor's parcel #006-621-26 & 27.

Giovette read this item she asked if staff had any questions. Betty stated she received comments from the County Building inspector, Bobby Thomas. "Abandonment shall not affect any existing easements. A survey of the property will be required to record the new property boundary lines. Access to the remainder of Memory Lane for residents living to the north on Memory Lane will be maintained at all times now and in the future." Vickie asked how the easement was put there. Betty stated on the parcel map that was recorded on March 7th, 2005. Betty said it was recorded as an existing roadway and utility easement previously offered for dedication to Humboldt County per parcel map 1996-426. Cleve and Delores Mallory approached the Board. Mr. Mallory said the map he has is dated 2004. Mr. Mallory said they would like to abandon the easement from Warner Drive south to Bruce Drive that it has no use to anyone but us. Theresa asked Mr. Mallory if the property owners who live on Memory Lane north of Warner Drive would still have access. Mr. Mallory said they would still be able to use that portion of Memory Lane. The only portion of Memory Lane to be abandoned is from Warner Drive south to Bruce Drive. Lewis asked Betty to pass around the March 7th 2005 recorded map. Mrs. Mallory stated no one has done anything with the property since 2005. Mr. Mallory said they have been paying taxes on it and we would like to have it back. Lewis had a question on the dates of the map. Betty stated the application was submitted in 2004, but the map that created the 3 parcels and Memory Lane was filed and recorded in 2005. Giovette asked if there were any other questions or concerns. Seeing none she took it out to the public. Doug and Jennifer Lewis approached the Board. They live on Memory Lane north of Warner Drive. Mr. Lewis said his only concern about the easement abandonment is fire hazards. Any properties to the north would be subject to one entry and one exit. There is no access to Hwy 95 or anywhere else. The corner of Warner and Memory Lane would not be accessible to any heavy fire equipment or ambulances, the garbage trucks have problems getting there. Mr. Lewis passed around photos of the easement from both sides of Memory Lane, where it already has been posted private property, no trespassing and road closed. Mr. Lewis said another concern was the County closed Bruce Drive. Betty stated, the County did not close Bruce Drive NDOT closed Bruce Drive. He stated if there could be a possibility in the future of reopening Bruce Drive. There was discussion regarding Bruce Drive. Mr. Mallory said

none of the roads out there are up to fire standards, which were adopted by the County. Betty stated those roads were never taken into the system because they were not brought up to County standards. Mrs. Lewis indicated her concern is the limited access on Memory Lane for emergency vehicles. Mr. Lewis asked how can you justify closing roads off Hwy 95; closing roads within the community, which would create a bottleneck. Betty stated Memory Lane, which is shown on the map, is nowhere near the 30 foot wide easement that runs along the property. It is about 60 feet away from the property line further to the west. Theresa clarified that the existing road is not necessarily effected by this abandonment. Betty confirmed this, but a survey of the easement would need to be done. Mr. Mallory stated there needs to be better access for the people who live to the north end of the development. Stephen asked Mrs. Lewis how she accesses her home. Mrs. Lewis stated from Delaney, I take Norma, from Norma I take Warner and then Warner curves to the right; that little tiny narrow road is the only access to my house. Norma used to go all the way up to the property, but the sand dune has eaten it. There's no other access; that little tiny road. Vickie asked for clarification of where Mrs. Lewis' property is located. Mrs. Mallory stated they are not closing the part of Memory Lane going to Mrs. Lewis' house only to the south. Mrs. Lewis again voiced her concern about the access on the road for emergency vehicles. Vickie asked if the area could be wider would that make Mrs. Lewis happy. Mrs. Lewis said if there was a wider area for emergency vehicles she would be thrilled. Mr. Mallory stated he put in the road that is currently being used as Memory Lane, but it is to the west of the easement. Betty reminded the board that if the abandonment were to be approved, a survey would have to be done to determine the 30 foot width and the length. Theresa stated even though the easement is not usable now, there are people who want to use it. Just because it's not passable doesn't mean it's not wanted by other community members. Betty said no one has utilized that 30 foot wide easement since the Mallory's have been there. Mr. Mallory stated it was never made to begin with. Betty stated it is a paper easement. Vickie asked if the easement were properly maintained would it be used rather than the road the Mallory's created. Mr. Mallory indicated that no one has stepped up in almost ten years to do anything with the easement; it's time to give it back to us. Lewis asked that he would like to hear from Mrs. Delaney as to why the easement was set up in the first place. Mrs. Shirley Delaney approached the Board. She said her only concern is for everyone to have access to their property. She wasn't sure why Memory Lane was set up, but at the time Bruce Drive was opened. Lewis asked if the fire department had any comments. Betty stated she spoke to Mr. Schrempp, Rural Fire Chief, and he had no comment. Giovette asked if there were any other questions or concerns from the public. Doug Lewis asked whose responsibility would it be to provide a turn-off on to Bruce Drive. Giovette stated it would be NDOT. There was more discussion regarding Bruce Drive. Mrs. Mallory stated this is not about Bruce Drive; we are trying to remove the easement. Giovette asked if there were any other questions or concerns from the public. Seeing none she brought it back to the Board. Lewis stated there are a number of residents who have a desire to keep it open especially for emergency purposes and is reluctant to delete an access that they would like to have. Lewis stated he would like to hear Mr. Olsen's comments regarding this application; he was here when this last came

before the commission. Ray stated the applicants have a right to do with their property as they see fit as long as there is legal access for the people who live north of Warner Drive on Memory Lane. There shouldn't be any reason why the abandonment shouldn't be approved. Lewis stated since there is divergent testimony and staff did not have a recommendation, the board should forward this to the County Commission. Lewis made a motion to forward to the County Commission for their review and determination with no recommendation; second by Ray. Lewis, Ray, Pam, Theresa, Giovette and Vickie voting aye; with Stephen voting nay.

H. **TH-13-01** A text amendment/update to the Master Plan Document for Humboldt County/City of Winnemucca.

Giovette read this item and asked if staff had any comments. Betty stated this is at a stage where the board has reviewed, comments have been submitted from the City and County; which were talked about at the last meeting, and this will be forwarded onto the County Commissioner's and the City Council for final approval. There was discussion about the language on some water related comments, if those parts need further review. There was discussion that a considerable amount of time and work has been put in and it should move forward. It was agreed if the County or City has any concerns then it can be amended. Giovette asked for a motion. Theresa made a motion to approve TH-13-01; second by Ray. Motioned passed unanimously.

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

A. Water Management plan for Humboldt County-is there a need; committee to work with staff to research.

Giovette read this item. Ray stated there is a need and summarized the research he did on the Southern Nevada Water Authority. Lewis discussed who should develop the committee and what firms could possibly be involved. Ray stated the Committee has to decide what entity will be responsible but we haven't agreed on the best way to form the committee, how to decide what entities should be involved and who would serve; a mix of individuals from different entities and not only the Regional Planning Commission. Giovette took this item out to the public. Mr. Jim French approached the board. Mr. French stated the way to start is to have a water workshop to get the stakeholders together one time, in this room and involve George Ball and some of the people who created past water quality studies for Winnemucca. Mr. French stated to start with a co-operative City, County workshop to flush out the issues, then determine who's best suited to sit on the Committee. Betty asked the board to include item B. on the agenda to have a combined motion. The board agreed. Lewis motioned to recommend to the

County Commission that a water workshop be held on the 4th Thursday of a month, preferably next month if it can be put together involving, the County Commission the City Council, the Humboldt Development Authority Board of Directors and the Regional Planning Commission, and anyone from the public who would like to attend. Stephen asked if counsel should also be present. Lewis stated the District Attorney, the Council for the Humboldt Development Authority, the City Attorney and possibly members of their staff; second by Theresa. Motion passed unanimously.

B. Possible water workshop with County, City and Humboldt Development Authority.

This item was combined with item A. above.

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

Giovette read this item and asked if staff any comments. Betty stated the elections will be on the agenda for the August meeting.

VI. PUBLIC COMMENTARY

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

Giovette adjourned the meeting at 8:27 PM until 5:30 PM, August 8, 2013.



Giovette Cassinelli, Chairperson