

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, May 8, 2014 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
Lewis Trout
Stephen Nye
Vickie Rock
Giovette Cassinelli

COMMISSIONERS ABSENT

Theresa Mavity
Dave Mendiola

STAFF PRESENT

Betty Lawrence
Niki Linn

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Marlene Brissenden	M. Hesse Dolan	Joyce Sheen
John Krmpotic	Mark Sullivan	Patrick Morrissey
Julie Wilson Key		

I. OPENING

A. Lewis called the meeting to order at 5:30 p.m.

B. Roll call was taken; there was a quorum present.

C. Lewis asked if there was anyone who wished to make public comment. Betty introduced Gabrielle Carr, Civil Deputy in the District Attorney's Office, who recently came to work for Humboldt County. She stated that Ms. Carr comes from City of Reno and has approximately 15 years of legal experience with local government. Members welcomed Ms. Carr.

D. Lewis asked if there were any concerns or corrections to the minutes of April 10, 2014. He referred to page 2 of 5, Item III.A., paragraph 3 and stated that he believed the second sentence should read, "The clay mine has *an estimated 20-year life.*" Upon review by staff, the sentence stands as previously submitted. He next referred to page 5 of 5, paragraph 5 and stated that the following sentence should be corrected to, "Theresa called for further comments on this item." He next referred to the sentence, "...news director of KELK-KNEV because an agenda item was worded *vaguely, did not refer to specifics, and changed the agenda item during the meeting.*" Staff reviewed the recording and revised the sentences as suggested by Lewis.

Lewis called for additional comments or corrections to the minutes and hearing none, asked for a motion to approve the minutes subject to a check by staff of his suggested revisions. Vickie made a motion to approve the minutes with the pending changes. Giovette seconded the motion. Ray suggested that approval of the minutes be postponed to the next meeting based on Lewis' suggested edits. Vickie withdrew her motion and made a new motion to

table approval of the minutes to the next meeting pending changes. Ray seconded the motion, which passed unanimously.

E. Lewis asked if there were any requests for postponement of agenda items. Betty stated that there were none.

Lewis read the following:

II. CONSENT AGENDA - Discussion & Possible Action

A. **SN-14-09** A street naming request submitted by JR Hildebrand with TEC Engineering Consultants, as agent for Patrick and Joyce Morrissey, to reserve street names for the proposed Hunter Ridge Subdivision. Subject property is located at the extension of Offenhauser Drive to the east and south of Stuart Street; assessor's parcel #3638-33-226-001. The Regional Street Naming Committee recommends approval of **Pointer Road, Pintail Road, Mallard Road, Canvasback Way, Greenhead Street, Partridge Court, Widgen Way, Covey Court, Swan Court, Gadwall Road, Pheasant Street.**

Lewis asked if there were any requests to pull down any of the consent agenda items to the public hearing portion of the agenda. Vickie requested pulling down this item to item D after item C was heard since this item is related. Betty explained that this item is simply to reserve street names. Lewis stated that he believed Vickie's suggestion had merit and stated the item would be moved to Public Hearing item III.D. Ms. Carr explained that this is a consent item and is not agendaized for public hearing. She added that if it is to be heard as a public hearing item, it would need to be noticed as such. Lewis read the wording for the agenda item and stated that the provision advertises the option for processing the Consent Agenda items. He clarified that Vickie requested moving the item and administratively we are permitted to do so.

Ms. Carr asked for clarification that the item would still be a consent item. Lewis stated no, it would be heard as a public hearing item.

III. PUBLIC HEARING - Discussion & Possible Action

A. **UH-14-04** A conditional use permit application submitted by Julie Wilson Key, owner of the Royal Peacock Opal Mine, Inc. to allow the continued business of opal digging, gift shop and RV park. Subject property is located at 72330 Virgin Valley Road, Denio, NV; assessor's parcel #4525-25-700-001 (#001-111-05).

Betty noted that a correction was made to page 2, number 5 of the staff report and provided copies of the corrected page to commissioners. She stated that the item was corrected to read, "Staff recommends approval of this conditional use permit for continued use business of opal digging gift shop and RV park." Vickie suggested that in the future when corrections are made, they be shown in italics for ease in finding them, with which Betty agreed.

Betty reported that the Royal Peacock Opal Mine has been in operation since 1960; this application is simply to bring the operation into compliance with the County Ordinance.

Lewis asked if there were any questions from commissioners and hearing none, he invited Ms. Wilson Key, Owner of the Opal Mine, to speak. She stated that the staff

report covered it and she had nothing to add. Lewis called for public comment. Hearing none, he called for comments or questions from commissioners.

Ray asked if the mine is a seasonal operation. Ms. Wilson Key stated yes, it operates from May 15 to October 15. Ray explained that customers dig for opals, which is very interesting. Ms. Wilson Key agreed and added that the State of Nevada recognized the black opal, which is mined at Royal Peacock, as the State Precious Gemstone. Giovette complimented Ms. Wilson Key on the opals, which she's seen in the jewelry store.

Vickie stated that she planned to visit the mine and asked if there is a website. Ms. Wilson Key stated there is at www.royalpeacock.com.

Ray made a motion to approve application UH-14-04 per staff's recommendation. Vickie seconded the motion, which carried unanimously.

- B. UW-14-05** A special use permit application submitted by Mark Sullivan, on behalf of Sierra Pacific Power Company (dba NV Energy), for the installation of a 45-foot monopole with a 28-inch dish antenna and related electrical equipment. Subject property is located at 500 West McArthur Avenue; assessor's parcel #3638-29-151-006 (#016-192-15)

Mark Sullivan, Land Use Consultant for Sierra Pacific Power Company (dba NV Energy), provided an overview of the proposed project, which was included in the staff report. Ray asked if the pole would be fenced. Mr. Sullivan explained that the site is fenced but not the pole specifically. He explained the purpose of the monopole, which is to provide a redundant system of communication. He stated that the power company recently completed a 235-mile 500kW line from Ely to Las Vegas; the line also goes from Ely to Winnemucca's sub-station. He summarized that the new line connected the entire state together. According to Mr. Sullivan, the National Energy Regulatory Commission (NERC) requires a redundant communication system for protection. Mr. Sullivan referred to pictures of the site and invited questions from the commission.

Ray asked if the pole footing would be standard. Mr. Sullivan stated it would be 10% plus 2 feet deep, which is standard. He added that the power company has extensive experience in setting poles.

Vickie asked what type of information would be broadcast, to which Mr. Sullivan stated that the primary purpose is for protection of power operation, including opening and closing switches as needed. Vickie asked if it would be connected to the Smart Meters, to which Mr. Sullivan stated no. Vickie asked if Mr. Sullivan knew when Smart Meters would be available for solar power, to which he stated he did not but could inquire. He offered to provide the information to Betty.

Lewis called for further questions or comments from commissioners, staff and the public and hearing none, called for a motion to approve. Vickie made a motion to approve application UW-14-05 per staff's recommendation. Stephen seconded the motion, which carried unanimously.

Prior to hearing the next item, Lewis provided some background on the Regional Planning Commission's authority and responsibilities, including determination that a proposed project complies with the Master Plan as adopted, complies with the zoning as adopted and deals with

the proposal and its location and perhaps physical impacts on adjacent property. He added that business decisions made by a proponent to proceed with a project are outside the scope of the RPC's concern and are solely the responsibility of the applicant. He stated that if an applicant wishes to risk his capital on a project, that is the prerogative of the applicant and is outside the matters that the RPC may consider.

- C. SW-13-01** A subdivision map application for the review of the tentative map. This application is for the development of a 3-phase subdivision to be known as Hunter Ridge. Subject property is located at the Offenhauser Drive extension to the east and south of Stuart Street; assessor's parcel #3638-33-226-001 (010-148-04).

Lewis read this item. Betty reported that the tentative map has been reviewed by the Division of Water Resources, Nevada Division of Environmental Protection (NDEP) and Soil Conservation Service. The recommendations were tentative approval of water quality as required by statutes based on water service by City of Winnemucca Utilities Department. Final approval as to water quantity requires an original will-serve letter addressed to the State Engineer from the purveyor stating sufficient, uncommitted water rights are available. She reported that John Krmpotic, KLS Planning & Design, submitted a letter to Steve West in response to comments made by Mr. West. One of the possible conditions was the addition of a neighborhood park, which Mr. Krmpotic included in his letter dated May 8, 2014. Betty read the letter into the record (copy on file).

Betty stated that per Nevada Revised Statute (NRS), when a tentative map is approved, the final map must be filed within four years in order for the project to proceed. The applicant can also file for a 2-year extension for any phase so the final map could be delayed for six years. Lewis asked if based on the preliminary map for a three-phase project, the application for a final map for the first phase would satisfy the requirements. Betty stated it does and added that the final map for Phase 1 could be filed up to 2018. She added that Phases 2 and 3 would be subject to a 2-year anniversary for the final maps. Lewis clarified that the third phase final map could be delayed for eight years from the Phase 1 final map.

Betty read Humboldt County Ordinance 16.16 and stated that the tentative map meets the steps required by the RPC. She read the ordinance (copy on file).

Lewis clarified that action taken tonight does not approve the subdivision development; it allows the proponent to proceed. Betty agreed and added that the applicant would be required to continue to work with NDEP, Soil Conservation and Water Resources. Lewis called for questions and hearing none, he invited Mr. Krmpotic to address the commission.

Mr. Krmpotic stated that this is his fourth appearance before the RPC for this project and added that he has been working with Patrick Morrissey for approximately 6 to 8 months. He reported that he has spent a lot of time on the master plan and zoning requirements for the proposed project. He explained that the map provided to staff complies with all of the necessary codes and ordinances. He said that the subject property is bordered by the Gabica, Dolan, Mitchell and Bureau of Land Management (BLM) properties. He also mentioned that he'd spoken with Steve West and has no problem with the conditions. He explained the planned neighborhood park information, including location, size and possible amenities. Discussion ensued over the lots to be used for the park. Lewis

summarized that the neighborhood park would be a little more than a half-acre and located within the subdivision. Mr. Krmpotic agreed. He added that Mr. West also stated that the City might not want a park in the subdivision; perhaps a different location might be preferred. If that were the case, the developer, Mr. Morrissey, has the right to reclaim the lots. Mr. Krmpotic invited questions.

Vickie stated that she does not believe a new development is needed at this time. She reported that currently there are 80 to 90 stick-built homes and 60 to 70 manufactured homes on the market. The average is 180+ days on the market. She stated that she called Humboldt Development Authority; there is not a lot of new business scheduled. The next "Futures Forum" is scheduled for the following week and she was told that the expectation is to try to stay where we are (with the economy). She asked who the homes would be sold to and how would the developer address possible impacts to the existing home market if the development goes "belly up".

Lewis reiterated that the business decision on phasing is solely based on the owner. He added that based on the four-year timeframe to present the Phase 1 final map to the RPC, market conditions could be in a different situation. He stated that this proposal is not to break ground immediately on fifty units; the purpose is to get the entitlement to the subdivision approved so that at a future point a final map could be submitted. Mr. Krmpotic stated that is a great answer. He added that it is a paper project at this point; however, it is in preparation for when the opportunity exists. He stated that Mr. Morrissey is not pursuing funding at this time. He added that given the current conditions, financing might not be possible.

Vickie stated that she moved here from Columbus, Ohio and lost \$150,000 worth of equity on her house in "that bad market" and does not want to do that again with her local home.

Lewis mentioned that when Alan Means, New Frontier Development, appeared before the RPC, he provided an outlined phasing schedule based on the market conditions.

Vickie stated that there are currently three approved projects in the area. Stephen stated that he is opposed to the proposed dense population. Lewis agreed that it is a dense project for the area; however, the City Council has determined that the Master Plan Amendment requested by Mr. Krmpotic and Mr. Morrissey has been approved; they modified their zone request after the RPC unanimously recommended denial of the R-1-9 proposal to include a mixed zone of R-1-9 with buffers at R-1-12. He mentioned that in looking at the map, some of the adjacent lots are larger than 1/2-acre lots so the buffer requirement was met. Lewis clarified that he is not an advocate of this project; however, the applicant has gone through all of the steps required, as well as receiving approval by the City Council. He reiterated that the proposed project is in conformance with the Master Plan and the zoning ordinance.

Mr. Krmpotic mentioned that the RPC's previous concerns were addressed in this tentative map. He added that a buffer was created in compliance with the City, as well as a park plan provided. Vickie asked when the groundbreaking would occur. Mr. Morrissey stated hopefully in his lifetime. Vickie asked Betty when groundbreaking could occur. Betty explained that the final map would have to be approved by the RPC prior to breaking ground. Ray added that a grading permit from the City would be required. Ray mentioned that the final map for each phase would have to be approved.

Vickie stated her role is to protect existing consumers.

Lewis disagreed and stated that the RPC's role is to determine if the tentative map is in compliance with the Master Plan, which it is. He stated that it meets the zoning requirements and includes the buffers required by City Council. The applicants are willing to work with the City on a neighborhood park. He added that he does not like the density of the project; however, that is beyond the scope of the RPC.

Stephen stated that the attorneys are "putting us into a corner; we're not being advised." Lewis mentioned that the City and County attorneys met with the RPC to discuss the role of the RPC. Giovette agreed and added that all members were present, except Dave Mendiola because he was not yet appointed.

Lewis invited additional questions or comments from the applicant, public, staff and the commission. Hearing none, he called for a motion to approve the Staff Report SW-13-01 with the terms and conditions recommended by staff. Ray motioned to approve this item per staff recommendation; second by Giovette. Lewis asked for a roll call vote, the results of which were:

Olsen – Aye
Cassinelli – Aye
Nye – Nay
Trout – Aye

Rock – Stated she abstained. Betty advised that she could not abstain from the vote. Lewis explained the grounds for abstention, based on the Attorney General. He stated that unless Vickie has a partnership interest in the project, in which case she would have had to recuse herself from prior discussion. He asked for her vote. She stated aye. The motion carried with four in favor and one opposed.

- D. (This item was pulled down from the Consent Agenda) SN-14-09** A street naming request submitted by MR Hildebrand with TEC Engineering Consultants as agent for Patrick and Joyce Monissey to reserve street names for the proposed Hunter Ridge Subdivision. Subject property is located at the extension of Offenhauser Drive to the east and south of Stuart Street; assessor's parcel #3638-33-226-001. The Regional Street Naming Committee recommends approval of **Pointer Road, Pintail Road, Mallard Road, Canvasback Way, Greenhead Street, Partridge Court, Widgeon Way, Covey Court, Swan Court, Gadwall Road, Pheasant Street**

Lewis asked for commissioner, staff or public questions or comments. Hearing none, he asked for a motion to approve Staff Report SN-14-09 as submitted by staff. Giovette made a motion to approve per staff's recommendation. Ray seconded the motion, which carried unanimously.

Mr. Krmptotic thanked the RPC for their support. Betty asked Mr. Krmptotic for a copy of the revised map he presented at the meeting, which he provided to her.

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

A. Public Comment period information provided for RPC review with possible

direction to the Rules/Policies subcommittee.

Lewis stated that Mike Macdonald, District Attorney (DA), had offered to provide information on Public Comment; however, he was not present. He asked Ms. Carr if she had information to present on public comment times or structure of meetings. Ms. Carr mentioned that she has only worked for Humboldt County DA's office for one week. She stated that she did not prepare a report; however, she did speak with Mr. Macdonald about the topic. She explained that the RPC is not prohibited from changing the time limit for public comment; however, if a different time limit for public comment was implemented, it would have to be applied to everyone equally. She stated that it could also be kept on the agenda so that the Chairman has the discretion to change the time limit for comments if desired. She stated that it is common throughout the state and in some of the larger cities to require request to speak cards; however, it might not be needed for the RPC at this point.

Vickie asked if the RPC has a timer or a stopwatch available and suggested that staff have one on hand. Ray brought out a timer that he brings to the meetings, which has been utilized on occasion.

Lewis reported that he did some online research on public comment of 6 counties, and the cities within those counties, for a total of 19 boards and commissions and found the following:

- Six entities do not list a time limit.
- Of the remaining thirteen, 7 have a 3-minute limit, which may be extended or shortened; five have a 5 minute limit, which may be extended or shortened; and one has up to 10 minutes for the representative of a group, although the basic time limit is 3 minutes.
- Some rural counties mandate completion of a request to speak card. Washoe County requires that a speaker card be filled out and in some cases the person chooses not to speak but can provide written comments.

Lewis reported that at the next Humboldt County Commission meeting, a large audience is expected; therefore, comment cards will be required so that one person does not do all of the speaking.

Lewis commended Ray for his process while chairing the RPC meetings in that if many people had the same comment, a show of hands could express the sentiment without every person repeating the same thing.

Lewis summarized that the DA's office is very busy and should not be pressured by the RPC to address issues that should be done by the RPC itself. He added that he believed it would be premature to schedule a meeting for the Rules and Procedures Sub-Committee at this time. He suggested continuing further discussion of the issue until the next RPC meeting. Ms. Carr stated that is acceptable.

Lewis referred to the unique wording implemented by Ray, when he served as RPC Chairman, on the agenda for the "Consent Agenda", "...Unless there is a request from a member of the Planning Commission or from the public to move any agenda items to

the public hearing portion of the agenda, these applications are read as listed,..." He stated that this allows maximum opportunity for public participation and added that the wording is not found elsewhere.

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

None

VI. PUBLIC COMMENTARY

Lewis asked if the public or commissioners had any comments. Stephen asked how the commission decides to apply the time limits. Lewis stated that the Chair can make a recommendation; however, it could be overruled by commissioners.

Ray referred to Lewis' invitations tonight for a "motion to approve" and suggested simply calling for a motion so there is no appearance of influencing the board. Lewis agreed that is a valid point. Ms. Carr stated that is a valid point and suggested it might be better to say, "I will entertain a motion on this staff report", without mention of approval or disapproval. Lewis agreed with the suggestion and thanked Ray.

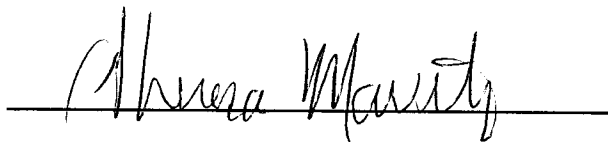
Vickie reported that the Humboldt County Commission is meeting on Monday, May 19th. Lewis mentioned the Futures Meeting scheduled for May 15th. Betty stated that she sent an email to commissioners inviting them to the Futures Forum. She added that participants need to RSVP. She mentioned that presenters would include the mining industry, Recology, Mr. Means for New Frontier and others.

Lewis mentioned election of officers for the coming term, which starts July 1, 2014. He stated that the procedures manual states that the election would regularly be scheduled in June. Betty suggested it might be better to postpone until July after termed-out members have determined whether they would reapply. Lewis suggested that members whose term is due to expire contact Lorrie Haaglund at City Hall at 623-6333 to advise of their desire to continue to serve.

Vickie reiterated her comment that the County Commission would meet on May 19th. She reported that the meeting would be split into two meetings; the evening portion at 6:00 p.m. to discuss BLM land transfers.

Lewis asked Ms. Carr if she would be attending all RPC meetings, to which she responded she was unsure. He thanked her and added that he was happy to have her present.

Lewis adjourned the meeting at 6:49 p.m. until 5:30 p.m. on Thursday, June 12, 2014.



Theresa Mavity, Chairperson