

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, August 14, 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

Jean Kinney
Dave Mendiola
Ray Olsen
Vickie Rock
Lewis Trout

COMMISSIONERS ABSENT

STAFF PRESENT

Betty Lawrence

Niki Linn

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Marlene Brissenden
Ken Hladek
Robert Dolan
Joyce Sheen

Rich Johnson
Matt Hilbish
Anthony Gordon

Tracey Thom
Alissa Sanchez
Theresa Mavity

I. OPENING

A. Chairman Trout called the meeting to order. Mr. Mendiola led members and guests in the Pledge of Allegiance.

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

C. Public Commentary

Chairman Trout called for public comment and hearing none, closed the public comment period.

D. **Review, Correction and Approval of Minutes of July 10, 2014** - Chairman Trout asked if there were any concerns or corrections to the minutes of July 10, 2014. He mentioned that he had called with a couple of minor corrections, which were made on the official minutes to be signed by the Chair. Mr. Mendiola made a motion to approve the minutes as corrected. Ms. Rock seconded the motion, which carried with all in favor.

F. **Requests for Postponement of Agenda Items** - Chairman Trout asked if there were any requests for postponement of agenda items. Ms. Lawrence stated that item III.C was withdrawn by the applicant.

II. CONSENT AGENDA - Discussion & Possible Action

Chairman Trout asked for clarification of the process to "pull down" items from the "Consent Agenda" section to the "Public Hearing" portion of the agenda. Ms. Carr explained that if an item is moved from the Consent Agenda to the Public Hearing portion of the agenda, it does

not mean that the item technically becomes a Public Hearing; it is simply pulled down for discussion. Chairman Trout thanked Ms. Carr for her clarification.

- A. **SN-14-11** A request to reserve a new street name submitted by Rodney Sample. The request is to name an existing 60' wide right-of-way off of Kluncy Canyon Road; assessor's parcel #3638-28-226-006. The Regional Street Naming Committee recommends approval of **Race Way**.

Chairman Trout asked commissioners, staff and the public if there were any requests to pull down any items from the Consent Agenda for discussion. Hearing none, Mr. Olsen made a motion to approve Consent Agenda item SN-14-11 per staff's recommendation. Mr. Mendiola seconded the motion, which carried unanimously.

III. PUBLIC HEARING - Discussion & Possible Action

- A. **RH-14-02** A zone change request submitted by Wallace Baum to change the zoning on his property from AG-5 (General Agricultural 5-acre minimum lot size) to M-1 (Industrial). Subject property is located off of Westmoreland Road; assessor's parcel #3537-15-200-001.

Ms. Lawrence reported that Mr. Baum submitted an application to rezone a parcel to bring it into compliance with the Master Plan. Mr. Mendiola mentioned that there are a number of parcels that are not properly zoned in the City and County and expressed his appreciation for Mr. Baum submitting the application.

Chairman Trout called for public comments, of which there were none.

Ms. Rock made a motion to approve application RH-14-02 per staff's recommendation. Mr. Mendiola seconded the motion, which carried unanimously.

- B. **UW-14-09** A special use permit application submitted by Rich Johnson with Complete Wireless Consulting, Inc. to allow the placement of a wireless communication facility to include a 100' monopole tower with 6 antennas and associated equipment. Subject property is located near the corner of Dancing Bear Boulevard and US Hwy 95; a portion of assessor's parcel #3638-19-252-009.

Ms. Lawrence reported that the RPC approved a parcel map for the subject property at its June 12, 2014 meeting.

Chairman Trout invited the applicant to speak. Rich Johnson thanked the RPC for its consideration of his application. He invited questions from members.

Ms. Rock stated that NV Energy is ranked number one in the nation for renewable energy. She asked if the generator to recharge batteries might in the future be switched to solar. Mr. Johnson stated that it is possible; some locations have switched to solar. He explained that based on the elevation of Winnemucca, the generator is best-suited for the 40-acre parcel.

Mr. Olsen mentioned the fuel storage tank. Mr. Johnson stated that the entire site is enclosed by fencing and the tank is double-lined.

Chairman Trout called for public comments, of which there were none.

Ms. Rock made a motion to approve item UW-14-09 per staff's recommendation. Mr. Olsen seconded the motion, which carried unanimously.

- C. ITEM WITHDRAWN - UH-14-10** A conditional use permit application submitted by Jason Evans, as representative for Transfuels Retail Operations, LLC, to allow a 16,000-gallon above-ground liquid natural gas tank with a dispenser to be used for fueling heavy duty trucks. Subject property is located at 4505 Reinhart Lane; assessor's parcel #3638-17-426-002.
- D. UH-14-11** A conditional use permit application submitted by Alissa Sanchez, as Environmental Permitting & Compliance Manager for Allied Nevada Gold, to allow for a mine expansion. The expansion is for the proposed construction of a rail spur and associated storage/load out, a lined tailings storage facility, a utility pipeline & access road expansion of Bay Area, Brimstone & Center Pits, modification to authorized waste rock facilities & backfill locations, installation of up to 11 new wells with supporting infrastructure, relocate the upper fresh water pond, and construct growth media stockpiles. Subject property is located within T35N, R29E Sections 13, 14, 22, 23, 24, 25, 26, 27, 33, 34, 35, 36; assessor's parcel #'s 3529-16-400-001; 3529-36-400-002,001; 3529-24-700-001, 002, 003; 3529-25-300-001; 3529-25-700-001, 002, 003, 004; 3529-35-200-001, 002; 3529-35-700-001; 3529-36-100-001; 3529-36-700-001, 002, 003, 004, 005, 006, 007, 008, 009, 010. Within T45N, R30E Sections 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32; assessor's parcel #'s 3530-15-300-001; 3530-19-700-001, 003; 3530-30-700-001, 002, 003, 004; 3530-31-700-002, 001.

Chairman Trout invited the representatives of Allied Nevada Gold to make a presentation. Tracey Thom and Alissa Sanchez distributed copies and provided an overview of a PowerPoint presentation, "Hycroft Mill Expansion Prefeasibility Update" (copy on file). Some of the highlights include:

- Health, safety and environmental compliance record has improved dramatically over the past year.
- Construction is anticipated to begin during the first quarter of 2015.
- Hycroft expects to add approximately 120 new employees for the full mill operation.
- A 1.3 mile rail spur will be built, which will reduce the volume of traffic on Jungo Road.
- During the peak construction period, 850 on-site construction workers are anticipated.
- A construction (man) camp was set up in east Winnemucca to reduce the burden of a high influx of contractors during the initial construction period; however, it did not open as expected. It is planned to open when construction begins in 2015 and can accommodate up to 470 people.
- The Phase 2 Supplemental Environmental Impact Statement (EIS) is in progress.

Board members discussed the expansion briefly. Chairman Trout called for comments from the public.

Ken Hladek made several inquiries and comments about the heap leach operation and the rail spur.

Robert Dolan made comments as a shareholder of Allied Nevada Gold and basically stated that he thought the presentation painted a brighter picture than reality and questioned whether anything would actually be produced. He added that stock prices continue to decline, which he has addressed at shareholder's meetings. He also mentioned that he thought Jungo Road is the most dangerous road he has travelled, as workers drive 60 to 70 miles per hour. He stated if the rail spur helps to reduce traffic, he is all for it. He summarized by wishing the company well.

Chairman Trout mentioned that Hycroft has a new management team since 2013 and seems to be making progress. He mentioned that Hycroft's business operation is not the RPC's issue; only the land use aspect.

Ms. Kinney asked about the use of trains with the rail spur. Ms. Thom explained that traffic is anticipated to be reduced by at least 50% with one to two unit trains coming and going from the mine every other week.

Mr. Mendiola agreed with Mr. Dolan that Jungo Road is very dangerous because trucks travel over the speed limit. Ms. Thom stated that Hycroft mandates that workers travel to and from work on buses so the traffic is produced by management and contractors. She stated that she would address the issue with management and employees.

Ms. Rock made a motion to approve item UH-14-11 per staff's recommendation. Mr. Olsen seconded the motion, which carried unanimously.

Ms. Thom thanked the Board and invited members to visit the mine.

- E. TH-14-01** A text amendment prohibiting medical marijuana establishments in any zoning district within the unincorporated areas of Humboldt County.

Ms. Lawrence clarified that the RPC was being asked to provide a recommendation on the text amendment, not to approve it.

Significant discussion ensued on the medical marijuana establishment (MME) text amendment. Some of the basic comments were:

Mr. Olsen suggested that every "Prohibited uses" section of the ordinance should include "unincorporated" along with the zoning designation, in addition to the inclusion of 17.10.100, which is included in every section and refers to the "unincorporated" area. He gave an example of what if in the future McDermitt decided to incorporate; it would be prohibited from MMEs because of this ordinance. Ms. Lawrence explained that the new city or town of McDermitt could adopt its own ordinance. Mr. Olsen was also concerned that by only reviewing the County Ordinance and not knowing what the City would do, it would create a double standard.

Chairman Trout suggested referring the issue to the RPC's Subcommittee on Ordinance and Fees. Ms. Lawrence stated that Nevada Association of Counties (NACO) has a deadline for the ordinance of August 18, 2014. She added that City of Winnemucca's text amendments on MME would come before the RPC at the September 11, 2014

meeting. She mentioned that the Humboldt County Commission (HCC) has a public hearing set for the text amendments on August 18, 2014. She stated that one option would be to approve the ordinance and amend it at a later date. She added that the majority of rural Nevada counties are adopting similar ordinances.

Ms. Carr explained that the RPC's task is to make a recommendation on the ordinance to the HCC.

Ms. Rock stated that she disagreed that MMEs should be prohibited in the county. She suggested that the ordinance should be presented from a positive perspective.

Chairman Trout reiterated that the issue could also be referred to the subcommittee and added that the HCC could defer action. He invited comments from members or the public.

Bob Dolan made a number of comments in favor of allowing MMEs in Humboldt County based on the health benefits.

Mr. Mendiola stated that the RPC has the option of recommending or opposing the ordinance tonight. He added that he lived in Colorado for 21 years and was very concerned because numerous problems arose after legalization of marijuana.

Chairman Trout disagreed that a decision has to be made tonight; he stated that the RPC could vote with conditions, such as referring the ordinance to the subcommittee. The subcommittee members are Mr. Olsen Chair, Mr. Trout, Ms. Kinney and Mr. Mendiola (*Note: Ms. Rock signed up after the meeting*). The meeting will be scheduled for the fourth Thursday of the month, August 28, 2014.

Ms. Carr cautioned members that a motion to oppose the ordinance would need to be very specific as to the reason for opposition. She mentioned that current law allows MME card holders to grow marijuana for their own use.

After a number of attempts at a motion, Ms. Rock made a motion on item TH-14-01 as follows:

- Given that language used in the ordinance update proposed as TH-14-01 is vague and such language needs clarification/revision (in that it fails to specifically state in each proposed section revision to the Humboldt code that the proposed absolute prohibition applies to "unincorporated areas"— the absence of which could be construed or argued to imply that even if a community should "incorporate," such marijuana establishments would remain expressly prohibited);
- Given that there are multiple types of "Medical Marijuana Establishments" that include (1) independent testing laboratories, (2) cultivation facilities, (3) production facilities for edible marijuana or marijuana-infused products, (4) medicinal marijuana dispensaries, or (5) businesses encompassing a combination facilities defined by (2), (3) and (4), and that absolute prohibition of such "establishments" represents lost revenue to the County as well as lost opportunities to develop jobs that might provide income opportunities for County residents;
- Given that absolute prohibition in all "unincorporated" areas throughout the county fails to improve medical outcomes for patients by potentially reducing the time delays

needy patients incur in gaining access to Medical Marijuana (for those who are unable to cultivate their own), and/or in charges incurred to obtain medicinal marijuana (because of potentially higher incorporated shipping charges);

- Given that the absolute prohibition county-wide forecloses any potential opportunities for providing independent testing for cultivators in neighboring counties or states, or even for private patients who grow their own to ensure what they're growing is actually safe from contaminants or that what they're growing will best meet their needs;
- Given that agriculture composes a major portion of economic activity in Humboldt County, that most of that agricultural activity occurs in unincorporated areas through the county, and that it would not be unreasonable for an enterprising farmer to opt to make a portion of his livelihood creating a secure and legal Medical Marijuana "cultivation facility"; and
- Given that the Regional Planning Commission has not yet seen any proposed ordinance change(s) from the City of Winnemucca as to how "Medical Marijuana Establishments" might be handled or prohibited;

We, the members of the Regional Planning Commission (RPC), recommend that the Humboldt County Commission (HCC) "continue" action to a subsequent meeting, to review ordinance updates outlined in TH-14-01. Such action will allow the RPC to refer this proposal to its Ordinance Subcommittee for modification/clarification/revision and resubmission to the HCC. Absent the HCC's agreement to "continue" action on TH-14-01 to a subsequent meeting, we recommend disapproval of TH-14-01 as it is currently written.

Lewis Trout seconded the motion, which carried unanimously.

- F. TH-14-02** Text amendments to increase the maximum height of a fence or wall from six (6) feet to seven (7) feet in Humboldt County Code Chapter 17.10 General Provisions, Chapter 17.20 AG General Agricultural District, and Chapter 17.44 M-3 Open Land Use District, and to increase the maximum height of a fence, wall or other obstruction above street level within twenty feet of an intersection on any corner lot from three (3) feet to four (4) feet in Chapter 17.44 M-3 Open Land Use District.

Ms. Lawrence stated that this text amendment would bring the maximum fence height into compliance with the National Building Code used by the County.

Mr. Mendiola made a motion to approve text amendment TH-14-02 per staff's recommendation. Ms. Kinney seconded the motion, which carried unanimously.

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

Mr. Mendiola provided a brief update on the previously discussed issue of updating some old zoning designations that are no longer used. He stated that he met with Ms. Lawrence and Steve West, who will ask Mayor Putnam to encourage Kent Maher, City Attorney to move forward with the issue.

Ms. Carr offered to work with Planning staff to revise the wording of the Consent Agenda

item for the next meeting.

A. Outreach and coordination with Lowry High School and Great Basin College regarding possible student participation on the Regional Planning Commission as non-voting members.

Mr. Olsen previously suggested sending a letter to the Superintendent of the school district inviting participation by students in the RPC meetings. He stated that the superintendent could share the letter with the principal and teachers.

Mr. Mendiola and Ms. Linn will work on a draft letter to be reviewed by Mr. Olsen.

B. Update on proposal, by Lewis Trout, to amend NRS 278.462.

Mr. Trout stated that this item is a placeholder for the legislature to review the statute. He stated the he planned to meet with Ms. Lawrence and the district attorneys to discuss the issue.

Ms. Rock requested that future staff reports include a checkbox for action, i.e. "approve" or "recommend". Ms. Lawrence agreed to make the addition. Chairman Trout clarified that 90% of the items presented to the RPC are for recommendation.

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

Ms. Lawrence stated that she had not received any correspondence.

VI. PUBLIC COMMENTARY

Chairman Trout called for comments from the public or commissioners, of which there were none.

Chairman Trout adjourned the meeting at 8:38 p.m. until 5:30 p.m. on Thursday, September 11, 2014.



Lewis Trout, Chairman