

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, September 11, 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

Brad Bauman
Ken Hladek
Jean Kinney
Dave Mendiola
Ray Olsen
Vickie Rock
Lewis Trout

COMMISSIONERS ABSENT

STAFF PRESENT

Betty Lawrence

Niki Linn

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Clifford Olson
Joyce Sheen
Kathryn Hageman
Jennifer Kemp

Patrick Schommer
Michelle Ellis
John Milton

Dennis Verner
Melanie Oliver
Chad Kemp

I. OPENING

- A. Chairman Trout called the meeting to order. Mr. Hladek 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 August 14, 2014** - Chairman Trout asked if there were any concerns or corrections to the minutes of August 14, 2014. Mr. Olsen made a motion to approve the minutes as submitted. Ms. Rock seconded the motion, which carried with all in favor. Mr. Bauman and Mr. Hladek abstained from voting.
- F. **Requests for Postponement of Agenda Items** - Chairman Trout asked if there were any requests for postponement of agenda items. Ms. Lawrence stated that no requests were received.

II. CONSENT AGENDA - Discussion & Possible Action

- A. **PW-14-22** A parcel map application submitted by Desert Mountain Surveying, as agent for Aaron and Tara Hapgood, to parcel property into 2 lots. Subject property is located on Great Basin Avenue between East Winnemucca Boulevard and Kluncy Canyon Road; assessor's parcels 3638-21-376-001 and 3638-21-376-002.
- B. **PH-14-23** A parcel map application submitted by Desert Mountain Surveying, as agent for Chris and Sonja Mitchell, to parcel property into 4 lots. Subject property is located on Sparrows Song Drive off of Water Canyon Road; assessor's parcel #3538-03-100-007.
- C. **PH-14-25** A subsequent parcel map application submitted by Desert Mountain Surveying, as agent for Chris and Sonja Mitchell, to parcel property into 3 lots. Subject property is located on Sparrows Song Drive off of Water Canyon Road; assessor's parcel #3638-03-100-007.

Chairman Trout asked commissioners, staff and the public if there were any requests to pull down any items from the Consent Agenda for discussion. He requested pulling down items B and C for discussion.

Mr. Olsen made a motion to approve application PW-14-22 per staff's recommendation. Mr. Mendiola seconded the motion, which carried unanimously.

Chairman Trout suggested combining items B and C for discussion although a separate motion would be required for each. Ms. Carr agreed that would be acceptable.

John Milton, Desert Mountain Surveying, explained that on July 13, 2013 three parcel maps were submitted to the RPC, which were approved with a stipulation to install denitrification septic systems. The Humboldt County Commission removed the stipulation in September. Mr. Milton explained other aspects of the parcel maps related to roads and signage, which he summarized are now in order. He added that while the Mitchells were out of town, the parcel maps expired, which is the reason for tonight's request. He invited questions from the Board.

Mr. Milton referred to the letter from Steve West and stated that in speaking with Mr. West, he was unaware that they were the same lots previously approved although he did want the letter to remain on file.

Chairman Trout also spoke with Mr. West, who expressed his concern over percolation, which is not identified at this time. Mr. West's concern was that nitrate levels could be increased; however, in the absence of specific data, we can only speculate. Chairman Trout added that Mr. West did not have a recommendation to approve or disapprove the maps. Ms. Lawrence stated that she too spoke with Mr. West, who recommended neither approval or disapproval.

Chairman Trout called for comments or questions from the public. Hearing none, Mr. Mendiola made a motion to approve application PH-14-23 per staff's recommendation. Mr. Olsen seconded the motion, which carried unanimously.

Ms. Rock made a motion to approve application PH-14-25 per staff's recommendation. Mr. Hladek seconded the motion, which carried unanimously.

III. PUBLIC HEARING - Discussion & Possible Action

- A. UH-14-12** A conditional use permit application submitted by Michelle Ellis for Complete Wireless, Inc. to allow the placement of a 100' monopole tower with 6 antennas and appurtenant structures and equipment. Subject property is located at 7305 Grass Valley Road; a 50'x50' portion of assessor's parcel #3537-13-126-005.

Chairman Trout read this item and asked if the applicant was present or had anything to add. Michelle Ellis, representing Verizon Wireless, stated she is seeking approval of a conditional use permit (CUP). She stated that Verizon has many customers so improved coverage is needed, which is the reason for the additional tower.

Mr. Hladek asked about the noise. Ms. Ellis explained that an independent contractor conducted the noise study, which found the project to be in complete compliance with the regulations.

Mr. Olsen asked about the fuel tank, which Ms. Ellis stated is double-lined. Mr. Olsen mentioned a possible failure of the towers. Ms. Ellis explained that they were designed by an experienced third-party engineer and that they are regularly monitored.

Chairman Trout referred to Steve West's recommendation (on behalf of the Airport Board) to include a light on top of the tower to alert air traffic (especially helicopters). Ms. Ellis stated that as a condition of approval, a flashing red light will be installed.

Chairman Trout called for further questions or comments from the Board or the public. Hearing none, Ms. Rock made a motion to approve application UH-14-12. Mr. Olsen seconded the motion, which carried unanimously.

- B. RH-14-05** A zone change application submitted by Brad Holgate, Transfuels Retail Operations, LLC and Lucille Maga to change the zoning from C (Commercial) to M-1 (Industrial District). Subject property is located at 4505 West Winnemucca Boulevard; assessor's parcel #3537-02-401-001.

Ms. Lawrence explained that C (Commercial) is basically an obsolete zoning designation, which is not included in the ordinances. She added that Lucille Maga, owner, was agreeable to the zoning being changed to M-1 (Industrial), which would make it consistent in the area. She added that the property is currently used for trucking, which is consistent with the planned use.

Chairman Trout asked if the zone change request would promote compliance with the Master Plan, which Ms. Lawrence stated it would. He called for further questions or comments from the board or the public.

Ms. Rock made a motion to approve application RH-14-05 per staff's recommendation. Mr. Bauman seconded the motion, which carried unanimously.

- C. MP-14-03** A Master Plan Amendment request submitted by John Milton, as agent for Randolph L. Smith Family Trust, to reclassify property in the Master Plan from MHDR (Medium High Density Residential) to COMM (Commercial) on a 3.74-acre portion of this parcel. Property is located off of US Highway 95; a portion of assessor's parcel #3638-19-276-003.

John Milton stated he was requesting this plan amendment on behalf of the Randolph Smith Family Trust. He explained that the property fronts Highway 95 and is currently Master Planned MHDR, but is used as residential. His request is to amend the Master Plan to zone the property Commercial. Mr. Olsen pointed out a couple of incorrect references to the "General Plan", which Mr. Milton agreed to change.

Chairman Trout called for comments or questions from the public.

- Kathryn Hageman asked for clarification of the parcel in question, which was shown to her. She asked about the different uses allowed by the different zoning designations. Ms. Lawrence clarified that this item is a request for a Master Plan amendment; the rezone request would be heard next. Ms. Lawrence explained that "commercial" allows many uses and includes residential. Ms. Hageman asked if the purpose is to put businesses along Highway 95. Ms. Lawrence stated there is a trend of "commercial" zoning along Highway 95. Ms. Hageman asked if access would be allowed from Highway 95. Mr. Milton clarified at this time, he is only requesting a Master Plan amendment and rezone; if the property were to be developed, issues such as access, sewer and water would have to be addressed. Ms. Lawrence added that neighboring property owners would be notified in such case. Chairman Trout added that Nevada Department of Transportation (NDOT) would also have to approve access. He added that the first step in the process is to request a Master Plan amendment and rezone.

Chairman Trout called for further comments from the public or the RPC. Ms. Rock made a motion to approve application MP-14-03 per staff's recommendation. Mr. Olsen seconded the motion, which carried unanimously.

- D. RW-14-04** A zone change application submitted by Desert Mountain Surveying, as agent for Randolph L. Smith Family Trust, to change the zoning from R-1-9 (Single-family residential 9,000 square foot minimum lot size) to G-C (General Commercial) on a 3.74-acre portion of this parcel. Property is located off of US Highway 95; a portion of assessor's parcel #3638-19-276-003.

Chairman Trout invited Mr. Milton to present this item. Mr. Milton apologized for further references to the General Plan versus Master Plan and agreed to correct the errors.

Chairman Trout called for comments or questions from members or the public. Ms. Rock made a motion to approve application RW-14-04 per staff's recommendation. Mr. Hladek seconded the motion, which carried unanimously.

- E. MP-14-02** A Master Plan Amendment request submitted by Patrick Schommer to reclassify property on the Master Plan from COMM (Commercial) to IND (Industrial) on this parcel. Property is located off of US Highway 95 across from Ford New Holland; assessor's parcel #3638-19-276-001.

Chairman Trout invited Mr. Schommer to address the Board with any additional information. Mr. Schommer referred to staff's recommendation to deny this request. He explained that there are several industrial uses in the area and added that Ford New Holland should be zoned industrial; however, it is zoned general-commercial. (Staff explained that the business preceded the zoning so it was grandfathered in.)

Mr. Schommer reported that his family owns several businesses in town, which include trucking and towing, PDQ automotive and a car wash. He explained that he has outgrown their existing property and in order to keep it looking nice, more land is needed to accommodate future businesses to include truck parking, truck repair, a truck wash, warehouse and truck terminal. He stated that he selected the subject property, which is a 10-acre lot for future expansion if needed. He added that certain aspects of the trucking industry fall into the Commercial zoning criteria. He added that a truck stop should be located on a federally-funded highway versus in the city.

Chairman Trout asked Mr. Schommer if he was aware of Steve West's comments on the application, which he was. Mr. Schommer stated that he did not want an unsightly "gateway" to Winnemucca and added that landscape would be provided. He also mentioned that in 1989, PDQ and the car wash were some of the first businesses in town to put in landscaping. He added that his family's properties were clean and suggested that other businesses in town have to meet aesthetic requirements.

Mr. Schommer reported that the property on Highway 95 is close enough to municipal water and sewer to make the project feasible. Chairman Trout stated he did not disagree; however, the concern is what could happen to the property in the future if the zoning designation was changed. Mr. Schommer stated that based on the depth and setbacks of the property, any development would be very limited.

Ms. Lawrence explained that some of the industrial-zoned businesses in the area predated the zoning designations. She stated that by allowing this property to be zoned Industrial, it would be "spot zoning" in the middle of commercially zoned properties. Mr. Schommer mentioned that there are many areas of spot zoning and added that by opening more local warehouses, transportation of goods into Winnemucca would be easier and reduce costs.

Mr. Olsen asked Mr. Schommer how long he has owned the property, which he explained is currently in escrow. He added that he is doing his due diligence by applying for a zone change.

Discussion ensued over access and nearby properties. Mr. Schommer explained that owners of the abutting properties are in support of his plan and application.

Chairman Trout suggested that Mr. Schommer speak with Bill Sims, Humboldt Development Authority (HDA) for some possible suitable properties for this type of business. He mentioned that the airport industrial area might be an appropriate location. Mr. Schommer stated that he looked into that area; however, municipal sewer is not available and a commercial septic system could not handle the volume of water being discharged from a truck wash. Options of recycling or reusing the gray water were discussed. Mr. Schommer also mentioned that residents in the area would likely not appreciate trucks driving through their neighborhoods to get to a truck facility.

Mr. Olsen explained that the RPC performed an extensive update to the Master Plan in 2011, at which time consensus was reached that Highway 95 would remain commercially master planned. He added that there is no appropriate reason to change the property to industrial. Mr. Schommer stated that the Master Plan reflects the desperate need for industrial land and added that Highway 95 is not a good place for residential building. Ms. Rock added that commercial zoning is generally used and

serves as a buffer between the highway and residential areas.

Chairman Trout called for public comments or questions.

- Dennis Verner stated that he owns 18 acres behind the subject property and his sister and Mr. Smith own the other adjacent properties. He stated that Mr. Schommer has an awesome reputation of developing nice properties, which they support.
- Melanie Oliver stated that she commutes on Highway 95 and would like to see it remain commercial.
- Chad Kemp stated he has lived in Sage Heights for 15 years and believes with this type of project, traffic would double or triple so he does not believe it is an ideal location for such a business.

Mr. Schommer explained that NDOT would require a traffic study if this request was approved and added he could only dream of doubling the amount of traffic. He stated that 20 to 30 trucks per day would be fabulous.

Mr. Hladek stated he understands why Mr. Schommer would like to offer all the proposed services in one location; however, he asked if it would be feasible to locate different services in more appropriate areas. Mr. Schommer agreed that would be possible; however, would be more expensive to operate separate facilities.

Mr. Olsen stated that Flying J and Pilot both have truck washes in Winnemucca and questioned the need. Mr. Schommer corrected Mr. Olsen and stated that the nearest truck wash is located in Fernley.

Chairman Trout called for additional comments. He stated that the RPC supports business, however, he has not heard a compelling argument to go against staff's recommendation to deny the application based on the location and zoning.

Ms. Rock made a motion that the RPC recommend denial of this request for a Master Plan Amendment of assessor's parcel #3638-19-276-001 from COMM to IND designation to the City Council. Mr. Olsen seconded the motion, which carried unanimously.

- F. **RW-14-03** A zone change application submitted by Patrick Schommer to change the zoning from G-C (General Commercial) to M-1 (Industrial) on this parcel. Property is located off of US Highway 95 across from Ford New Holland; assessor's parcel #3638-19-276-001.

Chairman Trout asked Mr. Schommer if he would like to continue with this item, which Mr. Schommer stated he would. Chairman Trout explained that the next step for this and the previous item would be to go to City Council for possible action.

Chairman Trout invited questions from members. Hearing none, he asked Mr. Schommer if he had additional comments.

Mr. Schommer stated that most everything was covered; however, he added that people seem to believe that trucks are problematic but everything in our local stores is

brought in by truck.

Further discussion ensued on the possibility of utilizing the airport industrial area.

Chairman Trout invited comments from the public.

Mr. Olsen made a motion that the RPC recommend denial of this zone change application to rezone this property fronting US Highway 95 from G-C to M-1 to the City Council. Mr. Hladek seconded the motion, which carried unanimously.

Ms. Lawrence explained the next step in the process would be for the Winnemucca City Council (WCC) to hear the items at their October 7, 2014 meeting, for which she will provide an agenda to Mr. Schommer.

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

A. Reminder of Special Regional Planning Commission meeting September 18, 2014 to continue review of Medical Marijuana Establishments (MMEs)

Ms. Lawrence stated that agendas for the special meeting would be posted and sent out the next day (September 12). She added that a map will be provided at the meeting showing areas where MMEs would be prohibited by statute in the incorporated area. She stated that between the grammar school and junior high alone, the 1,000 foot buffer eliminates most properties in the City.

Ms. Carr suggested running the meeting by breaking down discussion on each of the possible MME zoning designations for the City and the County. Members could make a recommendation for each, which would then be drafted into an ordinance. The ordinance would then be brought back to the RPC for recommendation to the HCC and WCC, which would set a public hearing for adoption.

Ms. Carr stated that the County Ordinance could be more restrictive than the State; however, it could not be less restrictive.

Discussion ensued over whether to hear the County or City zoning discussion first. Mr. Olsen summarized that the meeting is scheduled for September 18 at 5:30 p.m. Ms. Lawrence clarified that the meeting would be a Special Meeting of the RPC.

B. Review of a model ordinance to establish a process for a renewable energy generation project conditional use permit and an expedited renewable energy generation project permit.

Ms. Lawrence reported that Nevada Association of Counties (NACO) met with stakeholders on this issue and developed a model ordinance. She added that the hope is to keep Humboldt County's ordinance as close as possible to the model ordinance.

Chairman Trout made a motion to direct Planning and District Attorney staff to prepare a model ordinance to establish a process for a renewable energy generation project conditional use permit and an expedited renewable energy generation project permit.

Mr. Olsen seconded the motion, which carried unanimously.

- C. Review of model language for master plan amendment and ordinance for aboveground utility transmission lines and corridors.

Chairman Trout made a motion to direct Planning and District Attorney staff to prepare model language for a master plan amendment and ordinance for aboveground utility transmission lines and corridors. Ms. Rock seconded the motion, which carried unanimously.

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

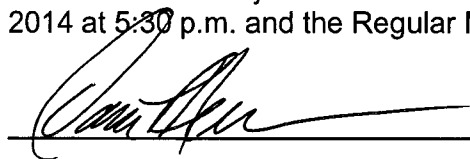
Ms. Lawrence stated that she had not received any correspondence.

Mr. Mendiola mentioned a previous request the he work with Ms. Linn to draft a letter to the School Superintendent inviting student participation in the RPC. He stated that he spoke with the Superintendent who requested a meeting rather than a letter. Mr. Mendiola summarized that he would schedule a meeting in a couple of weeks. Chairman Trout cautioned that no more than three RPC members should attend in order to avoid a quorum.

VI. PUBLIC COMMENTARY

Chairman Trout called for comments from the public or commissioners. He reported that he would be out of town during the October 9 RPC meeting; however, Mr. Mendiola offered to chair the meeting.

Chairman Trout adjourned the meeting at 7:33 p.m. until the Special Meeting on September 18, 2014 at 5:30 p.m. and the Regular Meeting on October 9, 2014 at 5:30 p.m.



Dave Mendiola, Co-Chairman
Mendiola

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