

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, September 10, 2015 at 5:30 p.m. in the Meeting Room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Brad Bauman
Ken Hladek
Jean Kinney
Jennifer Legarza
Vickie Rock
Lewis Trout
Mike White

COMMISSIONERS ABSENT

STAFF PRESENT

Betty Lawrence

Niki Linn

LEGAL COUNSEL

Anthony Gordon

PUBLIC PRESENT

Bill Sims
Debra Gay
Ann Ellifritz
Pamela Brooks
Johnathan Kenison
Dawn Principe
Jason Principe
Steve West
Eddie Booth
Carol Aldous
Danielle Garrett
Michael DeSilva

Dave Merdiola
Jason Wallace
Jennifer Wardell
Millie Custer
Christina Kenison
Janet Atkins
Synthia Kenison
Randy McCoy
Eric Aldous
Leticia Barringer
Roger Lundvall

I. OPENING

A. Chair Rock called the meeting to order and led members and guests in the Pledge of Allegiance. She mentioned that Anthony Gordon, Deputy District Attorney, was serving as legal counsel for this meeting.

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

~~C. Public Commentary~~

Chair Rock called for public comments and hearing none, closed the public comment period.

D. Review, Correction and Approval of Minutes of August 13, 2015

Chair Rock asked if there were any corrections to the August 13, 2015 minutes. Hearing none, Mr. White made a motion to approve the minutes as submitted. Mr. Trout commended staff for a thorough job on the minutes. Ms. Kinney seconded the motion, which carried with all in favor.

E. Requests for Postponement of Agenda Items

Chair Rock asked if there were any requests for postponement of agenda items. Ms. Lawrence stated there were no requests.

II. PUBLIC HEARING - Discussion & Possible Action

- A. UH-15-05** A conditional use permit application submitted by Jason Wallace (dba Wallace Bros., Inc.) to allow a stockpile site and transfer station for clay materials. Subject property is located at the corner of Herschell Road and DiGiorgio Lane; assessor's parcel #3537-19-200-001.

Chair Rock asked if staff had comments on this item. Ms. Lawrence stated that she received comments from Nevada Division of Environmental Protection (NDEP) after the packets had been distributed. She read the comments into record, which basically stated that the applicant could apply for an air quality permit.

Chair Rock invited the applicant to speak. Mr. Wallace introduced himself and explained that Wallace Bros., Inc. is a small family-owned business. He stated that they have been doing this mining project since 1983. The material removed is called hectorite and its main purpose is to retain moisture in facial cosmetics, lotions, sun screen, etc. He reported that currently the clay is being stockpiled in Lovelock; however, the project site is to be sold.

Chair Rock called for questions from Commissioners. Mr. Trout asked Ms. Lawrence if the comment from NDEP would necessitate an additional condition for approval. Ms. Lawrence stated it would not; the issue was already covered. Mr. Trout mentioned that three employees are anticipated for the project and asked if a septic system would be installed. Mr. Wallace explained that employees would not be onsite all the time; portable restrooms will be utilized. Mr. Trout asked about the hours of operation. Mr. Wallace stated that hours would be approximately 6:00 a.m. to 6:00 p.m. Mr. Trout asked what type of fencing would be used around the property. Mr. Wallace stated it would be barbed wire; he added that the processing is regulated by the Federal Food and Drug Administration (FDA) so no contamination can occur. Ms. Lawrence stated that for this zoning, there is no fencing requirement.

Mr. Hladěk asked if the Lovelock site has an air quality permit. Mr. Wallace stated that the landowner has a permit.

Chair Rock called for public comments. Debra Gay, who lives at the corner of Herschell and Rose Creek, asked how many trucks are anticipated during the summer. Mr. Wallace stated that approximately six truckloads per day are anticipated. Ms. Gay stated her concern is the potential impact to the unpaved road. She also asked how big the plant would be. Mr. Wallace clarified that there would be no building, just a stockpile (100' x 60' x 15') and no chemicals would be used. Ms. Lawrence reported that Ben Garrett, Roads Superintendent, was asked to provide comments on the project. Mr. Garrett had no concerns; his comment was that the applicant would need to obtain an encroachment permit and his crews would take care of sweeping and cleaning as needed. Ms. Gay summarized that her concerns are safety and road maintenance based on six trucks per day using the roads.

Chair Rock called for additional comments. Hearing none, Mr. Hladek made a motion to approve UH-15-05 per staff's recommendation. Mr. White seconded the motion, which carried unanimously. Ms. Lawrence stated that the applicant would receive notification of approval.

- B. **UW-15-06** A special use permit application submitted by Synthia Kenison (dba Small Wonders Childcare) to allow childcare in her home for up to six (6) children. Subject property is located at 460 Aron Court; assessor's parcel #3638-19-333-001.

Chair Rock invited the applicant to come forward. Ms. Kenison reported that she has been involved in child care for a long time and her intent is to provide care in her home for up to six children. She added that there are currently only three other home child care businesses in the area. Chair Rock called for questions from commissioners.

Mr. Trout asked about the proposed hours of operation, which is indicated as 6:00 a.m. to 5:00 p.m. Monday through Friday. Ms. Kenison stated that is correct. Chair Rock called for questions or comments from the public.

Jennifer Wardell, who lives behind Ms. Kenison, stated her concern is that there is no privacy fence between the properties. She showed pictures of her 6 foot containment wall and Ms. Kenison's white picket fence and stated that she is concerned because they share a yard and safety issues. Ms. Kenison stated that she has a 3 1/4 year old son, who has never tried to get over the fence; the extent has been a couple of lost balls over the fence. She added that she would be watching the children at all times when outside.

Chair Rock asked how much of the day children are expected to be outside in good weather. Ms. Kenison stated that by State regulation, children have to be outside 15 minutes twice per day depending on weather. The children will be outside from 10:30 to 11:30 a.m. maximum and from 3:00 p.m. until parents pick up or at least 15 minutes.

Chair Rock stated that the RPC approved a child care business on Offenhauser, which had 5 or 6 foot fencing. Ms. Lawrence stated that the RPC does not have the authority to require fencing. Ms. Kenison stated that the State performs an initial safety inspection and follow-up and if the fence is inadequate, it will be fixed.

Mr. Bauman made a motion to approve UW-15-06 per staff's recommendation. Ms. Legarza seconded the motion, which carried unanimously.

- C. **MP-15-01** A master plan amendment application submitted by Roberto M. Fierro to change the master plan designation on a 1.25 + acre portion of his property from COMM (Commercial) to HDR (High Density Residential). Subject property is located at 4510 West Winnemucca Boulevard; assessor's parcel #3537-02-403-004.

Chair Rock asked if this item and the next could be combined for discussion. Ms. Lawrence stated they could; however, a separate motion would be needed for each. She added that the Master Plan amendment needs to be approved prior to the Rezone.

- D. **RH-15-02** A zone change application submitted by Roberto M. Fierro to change the zoning designation on a 1.25 ± acre portion of his property from C

(Commercial) to RR-1.25 (Rural Ranchette 1.25 acre minimum lot size); change the zoning designation of the remaining 1.38 ± acre portion of his property from C (Commercial) to GC (General Commercial). Subject property is located at 4510 West Winnemucca Boulevard; assessor's parcel #3537-02-403-004.

Ms. Lawrence provided a brief background, stating that Mr. Fierro has had a residence and a business on his dual-use property. Mr. Fierro's request is to parcel out 1.25 acres for his residence to enable him to get a loan on his home.

Ms. Lawrence referred to comments from Dave Lindeman, Nevada Department of Transportation (NDOT), voicing opposition to dividing the property because of access issues. She stated that she spoke with Brittany Barto, NDOT, and explained the history of the property and proposed access from Winnemucca Boulevard. Ms. Barto stated that if the existing Winnemucca Boulevard access is utilized, NDOT is okay with the proposal.

Chair Rock asked about the zoning; Ms. Lawrence stated that the C (Commercial) zoning is old and no longer recognized.

Mr. Hladek asked for clarification that the subject residence has been in place for awhile. Ms. Lawrence stated that there was previously a mobile home on the property. She added that under C zoning, the applicant was allowed to have a business and residence on the property. She stated that the purpose of the application is to allow the owner to obtain a loan on the residence, as well as for resale purposes. Chair Rock reminded members that Ms. Lawrence was asked to work on changing the properties with C zoning to an applicable zoning designation.

Chair Rock called for public comments. Eric Aldous, who lives behind the applicant on Debra Lane, stated that homeowners in the area are concerned with the future of the property if approved, i.e. whether apartments could be built. Ms. Lawrence stated that RR-1.25 (Rural Ranchette, 1.25 acres) only allows for a single-family residence. If the property remained C-zoned, the owner could do whatever he wishes. Mr. Aldous asked for clarification that the property would remain as is, which Ms. Lawrence stated is correct.

Mr. Trout made a motion to recommend approval by the Humboldt County Commission (HCC) of MR-15-01 per staff's recommendation. Mr. Hladek seconded the motion, which carried unanimously.

Mr. Trout made a motion to recommend approval by the HCC of RH-15-02 per staff's recommendation. Ms. Kinney seconded the motion, which carried unanimously.

E. UH-15-03 Continuation of conditional use permit application submitted by Jimmy Trikeriotis with Nevada Mining Resources to allow an ore processing facility, which will include production of blocks and bricks. Subject properties are located at the corner of Westmoreland Road and W. Commander Drive (assessor's parcel # 3537-15-400-006); the corner of W. Commander Drive and Jays Road (assessor's parcel #3537-15-400-007).

Ms. Lawrence read letters into the record that were received after the agenda packets were posted (copies on file). Letters of opposition based on dust, noise, chemicals, traffic, decreased property values and water use were received from:

- Heather McCoy

- Ann Ellifritz
- Jason and Dawn Principe
- David and Debra Dunham
- Clint Garrett
- Ryan Murphy
- Michon Leal
- Farris Embry
- Christina Kenison
- Johnathan Kenison

Chair Rock asked Bill Sims, Humboldt Development Authority (HDA) Coordinator, if he would like to speak on this item. Mr. Sims reported that he exchanged emails with the applicant, Mr. Trikeriotis, urging him to attend. Ms. Lawrence stated that she emailed Mr. Trikeriotis as well. Mr. Sims stated that the applicant was in Hong Kong and could not be present.

Chair Rock summarized that the concerns addressed include chemical use that might create water contamination, lighting issues and serious noise for residents. She asked if members in the audience had concerns other than those mentioned.

Christina Kenison stated that she did a lot of research in preparation for this meeting and spoke with Joe Sawyer, Nevada Division of Environmental Protection (NDEP), about the proposed project. She stated that Mr. Sawyer told her that NDEP has a regulation that this sort of facility cannot be located within 1,000 feet of a residence and that the applicant would be required to secure air quality permits. She distributed information to the Board.

Ms. Lawrence clarified that notification of the application was provided to NDEP and the only comment received was that a water pollution control permit would be required prior to construction.

Mr. Trout asked where the regulation Ms. Kenison spoke of could be found. Ms. Kenison referred to Nevada Administrative Code (NAC) 445A.433 and mentioned that Mr. Sawyer told her that it is strictly enforced. Mr. Hladek stated that his understanding from the last RPC meeting was that water was not a concern because a dry process is planned; however, dust was an issue. He asked for clarification. Ms. Kenison stated that she researched the process and that is not correct. She added that her husband could better explain the process.

Mr. Trout made a point of order that this type of question should be asked of the applicant; not an opponent of the project. He mentioned that questions of whether the process is a closed loop system, safety concerns, reliability, containment, etc. should be addressed by the applicant.

Johnathan Kenison explained how the process works and added that mercury is a big concern. Mr. Trout reiterated that the applicant needs to be present to address the concerns being voiced and to explain possible mitigation measures.

Chair Rock called for additional comments from the public.

Mr. Trout stated that he was contacted by others with additional concerns over night lighting ("Dark Sky Friendly Lighting") and vibration.

Chair Rock asked Legal Counsel if the item could be continued for a second time. Mr. Gordon stated it could. Ms. Rock again summarized the issues.

Mr. Hladek explained that the subject area was designated as an industrial complex in 1990. He added that the earliest residential purchases were made in 1995 and therefore, buyers were aware that there was an industrial complex and airport across the road. Buyers doing their due diligence would understand this and be willing to take the risk. He clarified that he was unsure whether this location would be appropriate because we do not have all the answers; however, industrial businesses should be expected.

Ms. Kinney stated that she heard two concerns; one being access to the property and the other that this is a start-up business that could possibly be abandoned.

Chair Rock called for additional public comments. Dawn Principe stated that homeowners are aware that the subject property is in the industrial park and they do not oppose businesses coming into the area and bringing jobs. She explained that the concern is quality of life, i.e. noise, chemicals, etc.

Mr. Bauman stated given that this agenda item has been continued once and based on public opposition and lack of attendance by the applicant, he makes a motion to deny UH-15-03. Ms. Kinney seconded the motion.

Mr. Trout stated that Mr. Sims has made a good faith effort to get the applicant to attend the meetings; however, he has been unable. He asked if the RPC votes to deny the application, could the applicant bring the application back to address the questions. Ms. Lawrence stated that he could reapply or appeal the decision by 5:00 p.m. Thursday, September 17 to the HCC.

Mr. Trout stated that he understands Mr. Bauman's comment and frustration; however, he believes that continuance of the item would enable the applicant to answer questions. He added that we do not want to oppose jobs coming into the community, possibly at a different location. He summarized that there are many unanswered questions that need to be addressed by the applicant.

Chair Rock asked for legal guidance on the time limit for the item. Ms. Lawrence stated that action has continued on the item. Mr. Trout stated that his understanding is that there is a 60-day timeframe, in which action must be taken or the item would be automatically approved. Mr. Bauman stated that he stands behind his motion.

~~Mr. Hladek stated that he is concerned because not enough information is known about the process to deny it. He clarified that the RPC would be denying the application, not the process. Mr. Trout stated that he shares Mr. Hladek's viewpoint. Ms. Kinney asked if a continuation would be a basis to reset the "clock" on the item. Mr. Gordon stated that a continuation is not a decision.~~

Chair Rock called for a roll call vote on the motion, which carried unanimously. Ms. Rock thanked the public for their research and information presented. She also invited those interested in receiving RPC meeting notification to fill out a form.

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

Ms. Lawrence had nothing to report.

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

Ms. Lawrence reported that Ms. Linn was nominated Humboldt County's Employee of the Month for August. Members congratulated Ms. Linn.

V. PUBLIC COMMENTARY

Chair Rock called for comments from the public and hearing none, adjourned the meeting at 6:47 p.m. until October 8, 2015 at 5:30 p.m.



Vickie Rock, Chair

HUMBOLDT COUNTY