

## REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, November 12, 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  
Jennifer Legarza  
Vickie Rock  
Lewis Trout  
Mike White

### COMMISSIONERS ABSENT

Jean Kinney

### STAFF PRESENT

Betty Lawrence

Niki Linn

### LEGAL COUNSEL

Gabrielle Carr

### PUBLIC PRESENT

Glenda Deputy  
Gary Echevarria  
Boni Miller  
Maxl Willis  
Linda Moon  
Dennis Acorda  
Tina Gast  
Jim Rackley  
Liz Chabot  
Jerry Harper  
Duane Boggio  
Woodie Bell  
Kevin Moss-Kern  
Bryn Echevarria  
David J. Cassinelli  
Cathy Schwartz  
Will Hall  
Dale Enochson  
Gary L. Bengochea  
Pat Echevarria  
Suzanne Wade  
David Mendiola  
Chris Gardner  
Heather Hall  
Lisa Kemper  
Andy Mathews  
Kathi Marvel  
Echo Mathews  
Susan Gavica

David Buckingham  
Steve Lucas  
Harvey T. Fenton  
Russel L. Bonnet  
Rick Moon  
Mike Gast  
Dan Collins  
Ronald E. Schrempp  
Pete Ferraro  
Frances R. Peterson  
Tom Cassinelli  
Lilla Bell  
Rick Graham  
Mary Fenton  
Charles J. Stempeck  
Rolfe Schwartz  
Cheryl Hall  
Maryanna Enochson  
Marty Echevarria  
Roger Wade  
Margaret Morris  
Amar Singh  
Joyce Sheen  
Todd Meyers  
Tim Chabot  
Camma Marvel  
Pete Marvel  
Richard F. Gavica  
Gurvinder (sp? Illegible)

### I. OPENING

- A. Chair Rock called the meeting to order and led members and guests in the Pledge

of Allegiance.

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 October 22, 2015**

Chair Rock asked if there were any corrections to the October 22, 2015 minutes. Hearing none, Mr. Bauman made a motion to approve the minutes as submitted. Mr. White 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. **SP-15-03** A Site Plan Review application submitted by Elizabeth Hunt, on behalf of Maverik, Inc. for the construction of a Maverik store with fuel sales. Subject property is located at 605 W. Haskell Street, APN 3638-29-307-002.

Chair Rock read into the record the Site Plan Review application process and requirements of the RPC. She then asked if staff had any additional information to present. Ms. Lawrence stated that the applicant had changed the site plan to not include high-flow diesel but will instead include an RV fueling lane.

Chair Rock invited the applicant to speak. Todd Meyers, Maverik Incorporated, reported that after reviewing the traffic patterns, the site plan was revised to include RV lanes instead of a high-flow diesel lane that would have included semi-truck parking. He stated that the site includes approximately 50 parking spaces; the large number is based on Maverik's increased fresh food offerings. Picnic areas are also included in the plan. He added that Maverik has reviewed the conditions for approval in the staff report and consents to the recommendations.

Chair Rock asked if an RV dumping station would be included. Mr. Meyers stated there would be a dumping station on the north boundary of the site. Mr. Trout asked how blowing trash would be minimized. Mr. Meyers stated that landscaping and railing would help contain trash. He added that there is a 6 to 8 foot concrete wall along the east property line. Mr. White asked if that wall is the existing one, to which Mr. Meyers stated it is. The building and landscaping will serve as a noise and light barrier between the gas pumps and adjacent properties. He added that Maverik complies with Dark Sky Friendly Lighting.

Mr. Hladek asked if there were to be a requirement for right turns only, would it impact fuel truck deliveries. Mr. Meyers stated that turning templates would be developed and implemented. He added that Maverik uses GPS sensors on the fuel vehicles to develop the templates.

Chair Rock invited questions from the RPC and hearing none, called for public comment.

Chris Gardner, representing Amar Singh, owner of Hanson Street Liquor and City Gas, spoke in opposition to the placement of the Maverik Store. He focused on the declining economy in Winnemucca due to employment losses in the mining industry, which has negatively impacted business. He stated that it is not practical to force multiple small businesses in the region to close due to one large corporation consuming all local business. He clarified that no one is opposed to Maverik as a competing business; however, many small businesses who are located within the same, small area would experience and suffer further decline of sales revenue. He stated that Maverik is a well-funded large corporation who can easily take business away from local small operations. He stated there is no reasonable expectation that small businesses will survive. He went on to say that local families, customers and the community will suffer.

Mr. Gardner stated that there would be future costs to taxpayers when it is realized that the traffic at the Hanson and Haskell intersection is not able to handle such business. The area will become unsafe and taxpayers will have to pay to solve the problem. He reiterated that he is not asking that Maverik not be allowed; however, he is asking that it not be allowed at this location.

Mr. Trout asked Mr. Gardner if he knows the lowest grade gasoline sold at Mr. Singh's store, which Mr. Gardner stated is 87. Mr. Gardner stated the lowest grade gas sold at Maverik is 85. Mr. Trout stated that the products are different, with Mr. Singh offering a superior product and therefore the businesses can compete. Mr. Gardner agreed but stated that based on the proposed location, three businesses would directly suffer and once again suggested that Maverik consider a different location.

Mr. Trout explained the RPC's role in this application, which is to address the site plan and its terms and conditions. He stated that based on the current zoning, a commercial activity of this type is allowed. He added that he has been a customer of Mr. Singh for a number of years and would continue to be a customer.

Mr. Gardner mentioned safety based on the volume of traffic. Mr. Trout agreed that safety is a big concern, which is why a comprehensive traffic study is required prior to construction.

Chair Rock mentioned that the entrances were planned further away from the intersection than those currently on the property. She also mentioned that when Walmart was proposed, the same economic concerns were expressed; however, she still shops at Khoury's and Ridley's.

Chair Rock called for additional questions or comments. Hearing none, Mr. Trout made a motion to approve SP-15-03 including all nine recommendations under the terms and conditions from staff. Mr. Hladek seconded the motion, which carried unanimously. Chair Rock explained that per Winnemucca Municipal Code, this decision is final unless appealed to the City Council within five business days, at which point they will decide whether to overturn or abide by the decision. Ms. Lawrence reiterated that any appeal would need to be submitted to the City Clerk by 5:00 p.m. on November 19<sup>th</sup>.

- B. UH-15-08** A Conditional Use Permit application submitted by Gary Echevarria, President of the Paradise Valley New Building Fund, to allow construction of a

70'x125' steel building to be used as a sports center or gymnasium to be known as the Paradise Valley Sports Center. Subject property is located at 110 West Bridge Street, Paradise Valley, NV; APN 4239-25-156-006.

Chair Rock asked if staff had received additional correspondence since the packet was distributed. Ms. Lawrence stated that five additional letters in opposition and twenty letters of support were received. She explained that the letters addressed basically the same issues as those received previously and that legal counsel did not require that every letter be read into record. She added that the letters would be available in the file.

Ms. Carr reminded Chair Rock that if public comment was to be limited to three minutes, that determination should be mentioned at this point. She also recommended that if a number of people have the same comment, it should be addressed efficiently.

Mr. Trout asked if any communication had been received from the Humboldt County School District, to which Ms. Lawrence stated no.

Chair Rock stated that a large number of written comments were received on this item, which included concerns on use of the building as a sports center/gymnasium versus a community center. She explained that this application is for a conditional use permit for a sports center or gymnasium and nothing else. If down the road, another use is desired, it would require a new or modified use permit. She reiterated that the RPC could only make a decision on the application to build a sports center/gymnasium on a specific piece of property.

Chair Rock reported that were several comments that the facility should be built at another location; however, that suggestion cannot be discussed at this meeting. Mr. Trout asked for clarification that it is possible that a gymnasium could be built on this site but end up in a position that the facility could never be used as a community center. Chair Rock stated that is correct.

Chair Rock summarized some of the concerns voiced in opposition along with her comments as follows:

- A sports center is not appropriate in a residential neighborhood – she stated that the property is zoned M-3 and the use is not prohibited or specifically allowed.
- Parking issues – big dually trucks are too big for the parking lot – she stated that big trucks currently attend events and asked where they currently park.
- Paradise Valley doesn't need anything new.
- Noise and light pollution could affect neighbors.
- Trash and litter
- Homes in area would be devalued based on a non-residence building.
- Who owns and will be responsible for the building?
- Traffic and prevailing wage concerns
- Fire access

Chair Rock next summarized some of the pros presented as follows:

- The sports center would allow Paradise Valley to host home games with a regulation-size court.
- Located near the school and park

Mr. White disclosed that the company he works for donated equipment to the Building Fund crab feed; however, he did not believe it would prevent him from impartially participating in the discussion or action on this item.

Ms. Lawrence stated that parking stall requirements per Humboldt County Code for one-way traffic at 90 degrees are 9' in width x 18.5' in length. She stated that per Bobby Thomas, County Building Inspector, bollards can be placed next to the building to prevent vehicles from hitting the building. She added that Mr. Thomas stated that there is also a requirement for a 20' wide emergency vehicle lane; however, what is shown on the current site plan reflects approximately 17.5'.

Ms. Legarza disclosed that she and her husband have also made a small donation to the Building Fund and participated in the crab feeds; however, she felt that she could participate impartially in discussion and action upon this item.

Chair Rock invited the applicant to speak. Gary Echevarria introduced himself, Dr. Rolfe Schwartz and Richard Gavica. He stated that he is the President, Secretary/Treasurer of the Paradise Valley New Building Fund, which is a 501(c)(3), non-profit organization. He explained that he is applying for a use permit to build a gymnasium for the children of Paradise Valley at 110 West Bridge Street, which they feel is the best location for the facility. He explained that the current school was built in 1936 and has not had any major improvements. He added that the gym is inadequate and other schools do not come to Paradise for games.

Mr. Echevarria stated that he firmly believes that most of the town is in favor of building a sports center, although not at the proposed location. He stated that the Building Fund owns the proposed property, which is approximately 420 feet from the school. He added that the Building Fund preferred the smaller lot in order to reduce the required maintenance.

Mr. Echevarria explained that he would adhere to all County Codes, including lighting and parking for the benefit of the kids. He added that he just learned about the required 20' emergency vehicle lane earlier in the day. Chair Rock asked if the required changes to the building would result in no bleachers. Mr. Echevarria stated there would be bleachers similar to Oroveda's gym. He reiterated that he still believes this is the best location for the gym based on the proximity to the school.

Mr. Echevarria stated that his wife and he went through all of the letters at 10:00 a.m. that morning and made a list of the senders, which resulted in 74 in favor and 44 opposed.

Chair Rock invited questions or comments from the RPC. Mr. Trout referred to the plot plan showing the Adobe property and asked how the overhanging branches from the adjacent property would be addressed. Mr. Gavica stated that if branches interfere with any utility lines, the utility company would take care of them. Chair Rock clarified that utility companies maintain branches, etc. within their rights-of-way. Mr. Echevarria stated that residents in Paradise Valley take care of any such issues; i.e., if something needs to be done, someone does it. Mr. Trout stated that he assumes the Building Fund members would perform maintenance of the building.

Mr. Trout mentioned that in reviewing the letters, he did not see anything from the school district regarding an agreement to utilize the facility. Dr. Schwartz stated that the

applicants did not approach the school board; however, he could. He added that in Denio, Orovada and Kings River, the school district is fine with using the facilities so he does not anticipate any issues. Mr. Trout suggested that the school board or its legal counsel need to be on record that they support utilizing the facility. Chair Rock clarified that even if the use permit were approved, it does not mean the facility must be built so if there is no interest in using the facility, the applicant would not have to build it.

Mr. Trout stated that in addition to comments about the gymnasium, comments were made about evening meetings or special projects and asked what those might be. Mr. Echevarria stated that his initial response would be anything that is currently done in the school gymnasium, such as Parent Teacher Organization (PTO) meetings. He added that Paradise Valley does not have a Boys and Girls Club or exercise facility so evening sports might occur. Mr. Trout stated that under Code 17.16.45, recreational use can occur; however, for a school it would fall under Code 17.16.780, which provides for additional uses. He stated that we might be looking at Phase I of a two phase project, the second of which might be use as a community center. He reiterated that if the use permit is approved for a gymnasium, the ability to become a community center may not ever occur.

Mr. Echevarria reiterated that his request is to build a gymnasium for the kids; beyond that he does not care what it is used for. He added that the plan is that once the facility is built, it would be donated to Paradise Valley Community, Inc. which in-turn would deed it to the County. The County then leases it back and it is up to the community to maintain the facility.

Mr. Hladek stated that he did not see any requirement in the Conditions that the applicant engage the school board prior to beginning construction. Mr. Echevarria stated that he is willing to work with the school and added that he has informally talked to the rural principal, Rob Lindsey, who saw no problem with the proposal.

Mr. Hladek referred to the Conditions, which state that any stage or phase of construction will commence within 12 months and asked Mr. Echevarria if that is feasible. Mr. Echevarria stated it is feasible and added that he expects to be able to begin construction in the spring and hopefully the gymnasium could be operational in about a year.

Mr. Bauman stated that the Paradise Valley Fire Protection District submitted a letter; he asked Mr. Echevarria if he had spoken with the Fire Chief. Mr. Echevarria reiterated that he spoke with Ms. Lawrence about the fire lane and added that he is willing to accept any requirements. He stated that Paul Miller, the contractor, has been in touch with Mr. Thomas, the Building Inspector. Mr. Bauman asked if the parking requirement of 22 spaces could still be met with the revised plan. Mr. Echevarria stated it would and added that originally 32 spaces were planned. He added that if approved, this parking lot will be the only one in Paradise Valley. Mr. Hladek clarified that the plan before the RPC meets the Codes and Requirements, regardless of the size of vehicles.

Mr. Trout stated that the plot plan presented at tonight's meeting does not meet the 20' fire department Fire Code requirement. Chair Rock asked staff for clarification that the plan would have to comply prior to construction. Ms. Lawrence stated that the final plans would have to be approved by the Building/Fire Inspector.

Chair Rock stated that public comment would be limited to three minutes per person and discouraged repeat comments. She invited the public to make comments.

Glenda Deputy, Vice President of the Community Board and Vice President of the Humboldt County School Board, explained that the school board must remain neutral because this issue is a community endeavor, not a school endeavor.

Marty Echevarria, Paradise Valley School teacher, stated that she is a child advocate and is advocating for the school children. She stated that currently there are 38 students, grades kindergarten through eighth, with 28 upcoming in the next few years. She stated that the location would be great based on easy and safe access from the school. She added that the children and parents deserve a place to play sports and exercise. She urged members to grant the use permit allowing construction of the sports center for the good of children, families and the community.

Jerry Harper asked for clarification that a 20' buffer around the building is required. Ms. Lawrence stated that a 20' roadway for emergency vehicles around the building is required. She added that the roadway would be in addition to the parking spaces around the building, which are approximately 20'. Mr. Echevarria showed the layout of the building and lot, which will provide an approximate 36' buffer between the building and the Gast property.

Mr. Harper stated that he has spoken with adjacent property owners who have great concern related to fire. He suggested that prior to considering granting approval, fire safety be considered.

Mike Gast, adjacent property owner, addressed the size of the building and asked Mr. Echevarria how high the building would be. Mr. Echevarria stated that the sidewalls would be 12' for the first 25' of the building where the kitchen would be located; for the gym area the sidewalls will be 20'. He added that the snow load dictates the required pitch of the roof. Mr. Trout stated that he was unaware of a kitchen area. Mr. Echevarria showed where the kitchen is planned, which would be used as a concession area. Ms. Lawrence cautioned that if food is to be served, the State Health Department would have to grant approval.

Mr. Gast stated that when he walks out his front door, he will look at a 20' wall that will be at least 26' tall. He stated that it will be the tallest building in Paradise Valley, which will directly affect everyone around the property. He reported the following property distances from the site:

- Gonzales – 91'
- Edwards – 82'
- Rackley – 126'
- Ferrari – 187'
- Adobe – 150'

Chair Rock asked other than the height of the building, if there was something that would be done outside of what is allowed in the M-3 zoning. Mr. Gast stated no. Chair Rock explained that the RPC is constrained by ordinances and regulations so if the proposal is in conformance with the laws of the state of Nevada, the RPC cannot deny or they could be sued. Mr. Gast referred to the code, which states that the "building could be approved as long as it wasn't in detriment of the people around it." He clarified, "There shall be no interference with the peace, contentment and general welfare of the area."

Mr. Trout referred to County Code 17.44.060 in the M-3 zone, which states there are no height limitations.

Tina Gast, adjacent property owner, stated that she understands the RPC's duty; however, she felt that Ms. Rock's tone of voice at the beginning was rather cavalier and pre-decisional. She stated that she and many participants in the room do not take it cavalierly. She added the metal building that Mr. Echevarria is planning, which is going to morph into other activities, such as meetings, Zumba, adult walking and night-time basketball, will affect her peace, contentment and general welfare of the area. She stated that there are 48, maybe an additional 38 kids who will use the building during the day, after school and in the evening. She stated that when she bought her house twenty years ago, they knew what they were getting into being across from Fireman's Park when events occur and it gets rowdy, trash gets left and noise keeps them up at night. She stated that the cumulative effects of having the park across from the building will result in more trash, noise and lights. She asked why the school district is not building the gym if it will be used for school children. Her kids in Winnemucca had to walk to other locations for activities.

Ms. Gast stated that many people in the audience would not be able to speak based on the sideboards put in place; however, there will be adverse effects. She added that she felt it is a "done deal". Mr. Trout made a point of order that he did not believe Chair Rock's tone was cavalier; her tone was informal in an effort to put everyone at ease. He stated that Chair Rock takes matters very seriously and wants to hear all points of view regardless of the eventual conclusion.

Lisa Kemper, a parent of children that would benefit from this building, stated that she appreciated the attitude and tone presented because she was nervous coming in but was put at ease. She added that she agrees with Marty Echevarria's comments. She stated that Paradise is much smaller than Winnemucca and is not comparable. She lives 6 miles outside of Paradise and has an empty 14-acre parcel next to her; however, there is a chance someone could build something there. She stated that living in town is a choice and if noise, light and trash are issues, one might choose to live out of town.

Shane Hall reported that in 1990 he went to kindergarten at Paradise Valley School and remembers how small the gym was. He stated that regardless of the location, he wants a building built so his children can utilize it. He reminded everyone to keep it in perspective, this building is for the kids. He added that he hopes this proposal does not cause rifts in the community. Mr. Trout stated that in his review of all the letters received, he did not recall any that opposed a gymnasium for the children; it seems unanimous that a facility is needed.

Tom Cassinelli stated that for this building, we are talking about location and expectations. He stated that everyone expects the building to become a community hall. He added that we were told there would be a kitchen in the building. He asked the RPC to consider this building as a community building, not just a gymnasium. He stated that he is a contributor to the Building Fund and he expects that a request to use the facility as a community hall will come back to the RPC. Chair Rock stated that would require a separate or amended use permit. She reiterated that the RPC could only consider what is included in the application before the RPC. Mr. Cassinelli cautioned that it would be a big mistake to approve this without looking to the future. He added that there are other location options.

Gary Bengochea stated he is aware that we cannot discuss other locations at this time;



however, there has been a lot of talk about other property being donated but Mr. Echevarria's goal is to get this project moving. He stated that if another property were available, he thinks Mr. Echevarria would consider it. He summarized that Mr. Echevarria is trying to do something for the kids and community.

Cathy Schwartz reported that when this property was donated, it was for the purpose of giving it to Mr. Echevarria for the Building Fund. She added that Mr. Echevarria had offered to purchase the property; however, it was donated. She explained that if the building is not approved, the property would remain M-3 and she assumes Mr. Echevarria would give it back to the property owner, who could do whatever he likes with the property. She added that if it were used for a private residence, there are no parking or height requirements. She stated that living on property next to the school, some things are tossed over the fence (i.e., balls, etc.) and they toss it back. She mentioned that when the cemetery is messy, residents clean it up. She stated she understands the concerns and added that with this proposal, maintenance would be provided by the community.

Steve Lucas, owner of the property east of the proposed building, stated that the trees mentioned earlier are his trees that follow the property line. He stated that he doesn't understand why we would approve a building that is "barely"- it barely fits, etc. He stated that the building is not large enough for bleachers. He stated that a 70' x 125' by 30' tall building is mind-boggling for that size lot. He reiterated that parking would be an issue, especially based on most residents having large trucks.

Mr. Lucas stated that at the Community Board meeting of June 5, the Building Fund was presented with an offer of donated property almost 2 acres in size. He stated the offer was agreed upon as reflected in the minutes. He said Mr. Echevarria advised him that he was not going forward with it with no explanation. Chair Rock apologized and stated that the RPC cannot act on that issue, only on the application before it. Mr. Lucas stated that if approved tonight, an appeal would be made to the County Commissioners.

Chair Rock called for additional public comments. Hearing none, Mr. Trout suggested that since the proposal before the RPC does not comply with the Fire Code, the item should be continued until December. He stated that he is not comfortable voting on this matter tonight. Ms. Lawrence reported that the application was received on October 12. Chair Rock explained for the public that if an application is not acted upon within 65 days, the item is automatically approved.

Ms. Carr referred to Mr. Trout's comment about not being able to approve the item tonight and explained that in the recommendation by staff, the Conditions of approval include that in order to proceed, the building must comply with all fire and other code requirements, local, state and federal. She summarized that from a legal perspective, she does not see it as a reason to delay. Mr. Trout stated that is an excellent point although he still has reservations. He suggested that an additional condition be added to number two or added as number eight, "Any proposed change of use for the gymnasium, such as a community center, must be submitted to the Planning Department and approved by the Planning Commission." Ms. Carr agreed with that suggestion.

Ms. Carr referred to an earlier comment that this was a "done deal" and stated that the RPC must remain objective and consider all evidence and facts prior to making a determination. It is not a "done deal". The RPC must determine whether or not this application complies with the zoning requirements and is consistent with the Master Plan;

if evidence or facts are presented by anyone showing that it is not, it cannot be approved. She stated that she is hearing some assumptions that this will adversely affect the welfare or peace; however, the RPC needs to know facts to show that affect. She invited members of the public to present any such findings.

Mr. Trout asked Ms. Carr about the Fire Code issues, which are primarily a function of the Building Department, and the planning and zoning issues that are a function of the RPC, if a redesign would have to be submitted and in compliance with the Fire Department prior to issuance of a building permit. Ms. Carr stated that is correct.

Ms. Carr requested that the RPC develop findings on the record prior to making a motion. She mentioned that under the zoning requirements, a sports facility or gymnasium is not identified specifically as a permitted use; however, it is also not identified as a prohibited use. The RPC needs to determine whether the use is consistent with the purpose of M-3 zoning and the Master Plan goals and plans for the community. If both are affirmative, it may be approved.

Mr. Trout suggested that finding number 1 is, "Humboldt County 17.44.040 includes a number of recreational type uses. Although the ordinance does not refer to a gymnasium as a permitted use, it is a recreational use in harmony with other uses for which conditional uses are permitted." Ms. Carr stated that additionally 17.44.010 states the purpose of M-3 open land use district is to provide opportunities to pursue the lifestyle and other activities in the rural portions of Humboldt County.

Mr. Trout stated that the previous finding would be number 2 with number 1 being, "The proposed gymnasium opens up opportunities for activities in a rural area of Humboldt County in compliance with the purposes of Humboldt County Code 17.44.010."

Ms. Carr suggested adding one more finding related to the Master Plan to make sure that this application and approved use is consistent with the Master Plan. She stated that there are a number and variety of goals and policies set forth in the Master Plan although none specific to this type of area, whether it is consistent with the goals of providing a high quality, compatible and functional mix of land uses, including urban and rural residential, commercial and industrial, agricultural and open space and the related policies to provide or encourage neighborhood planning and development including school, daycare and recreation sites. She summarized that the Master Plan is a large document that seems pertinent upon which RPC members can base a decision. Ms. Carr stated that the Master Plan designation for this property is high density residential (HDR). She explained that typically HDR areas include schools, sports facilities, parks, etc., which appears to be consistent in this case.

Ms. Carr stated that HDR is comparable to urban residential in the Master Plan, which would include creation of mixed services or uses that are consistent with neighborhood uses and includes schools, daycare and recreation sites.

Mr. Trout suggested that the Master Plan comments cited by Ms. Carr be adopted as finding number 1. In summary the findings are:

1. The application is consistent with the Humboldt Regional Master Plan designation of HDR, which includes schools, daycare facilities, parks, etc.
2. Humboldt County Code 17.44.040 includes a number of recreational type uses.

Although the ordinance does not refer to a gymnasium as a permitted use, it is a recreational use in harmony with other uses for which conditional uses are permitted." In addition, Humboldt County Code 17.44.010 states the purpose of M-3 open land use district is to provide opportunities to pursue the lifestyle and other activities in the rural portions of Humboldt County.

3. "The proposed gymnasium opens up opportunities for activities in a rural area of Humboldt County in compliance with the purposes of Humboldt County Code 17.44.010."

Mr. Trout suggested that in addition to the above findings, number 8 be added to the Staff Recommendations, "Any proposed change of use from the gymnasium, such as a community center, must be submitted to the Planning Department and approved by the Planning Commission."

Mr. Trout made a motion to include the three Findings and Condition Number 8 stated above. Mr. Bauman seconded the motion. Chair Rock called for discussion from the Board; hearing none, she called for public comments.

Charles Stempeck asked if in addition to the application, the RPC has to consider information presented at the meeting. Chair Rock stated yes. Mr. Stempeck next asked if the gymnasium were to be used as a community center, what the penalty would be. Ms. Carr stated that the use permit to use the building as a gymnasium could potentially be revoked.

Camma Marvel, stated that her three children had attended the Paradise Valley School. She agreed that Paradise does have a community hall that has no gymnasium. She added that the school does not have a gymnasium either and stated that this proposal is a positive move forward.

Chair Rock called for a vote on the motion. Ms. Carr reiterated that the motion is to add condition number 8 and the three findings listed above. The roll call vote passed unanimously.

Chair Rock clarified that the RPC has the authority to approve or deny this permit application.

Mr. Bauman made a motion to approve UH-15-08, which includes the three findings, the seven conditions listed in the staff report and the eighth condition added above. Ms. Legarza seconded the motion. Chair Rock invited additional discussion on the motion. Mr. Trout stated that he was still reluctant to vote on the application because the final plan in terms of the Fire Code is not available. Mr. Bauman stated that the conditions require that the applicant must comply with all county, state and federal agency permits so the Fire Code requirement is included. Mr. Trout stated that he still believed this item should be continued until the revised document is available. Mr. Hladek stated that he did not believe it is in the purview of the RPC to determine Fire Codes, fire access or compliance with such codes and statutes and believes it is outside the scope of the RPC.

Ms. Lawrence stated that Mr. Thomas, Building Inspector, included in his comments, "Obtain necessary permits to construct the gym including Building, Plumbing, Mechanical, Electrical, and Fire before construction can begin." She summarized that Mr. Thomas would not issue a building permit until all those requirements have been met.

Mr. Trout stated he did not disagree with Mr. Hladek's comments; however, the RPC reviews what is before it and feels the plan presented by Mr. Echevarria does not reflect the impact of the additional information received from staff and the Building Department. Chair Rock clarified that this item is a conditional use permit, not a site plan review.

Mr. Hladek called for the question on the motion. Chair Rock stated that public comment on the motion would be allowed and invited comments.

Tom Cassinelli stated he agreed that the plans submitted are wrong and do not meet the Fire Marshall's requirements. Ms. Carr clarified that a site plan may be submitted in support of an application; the RPC's determination is not to determine whether or not the site plan is approved but rather to determine if the application and conditional use being requested complies with the zoning and Master Plan requirements. She reiterated that all of the requirements must be met prior to issuance of building permits.

Tina Gast again referred to Condition number 7 that the use would not interfere with the peace, contentment or general welfare of the area and asked how that would be determined. Ms. Carr agreed that is a good question; she explained that is a condition, not something for the RPC to prove or disprove. She added that noise or nuisance ordinances must be adhered to or the conditional use permit is subject to revocation. She stated that some sort of evidence would be needed but she agreed that would be difficult. Chair Rock stated that examples of evidence would be perhaps a builder was regularly non-compliant or similar businesses had caused problems, however, we do not currently have that situation.

Mr. Trout provided an example of a previous precedent that occurred in the Patrician Way unincorporated area, property owners were concerned that their view might be obscured by potential new construction. The RPC had a builder present proposals for 2 to 3-story residences, which would have been allowed. The property owners decided to purchase a height-limitation easement to maintain their views. Ms. Gast stated that she was involved with that situation as well.

Ms. Gast stated that we know there will be a building there with cumulative effects of events that occur at Fireman's Park and this building. She stated that she knows what the eventual use of the building will be but there is nothing that residents can do about it. Mr. Trout clarified that we do not know that the building will be built in that location; if the RPC approves the use permit, the building still must meet the building requirements. He stated that the business decision of the applicant is also involved in the process and if the applicant's ultimate goal is a community center with a kitchen and meeting room, the applicant and members of the corporation may decide to reexamine the request based on the possible end result. He gave the example that the RPC approved a site plan for Hampton Inn on East Winnemucca Boulevard; however, the applicant did not proceed. He reiterated that Mr. Echevarria could change his mind.

Ms. Carr stated that any member of the public has the right to appeal any RPC decision to the County Commissioners. She added that the deadline for an appeal is 5:00 p.m. on November 19<sup>th</sup>, which must be filed with the County Clerk.

Ms. Gast summarized that there are still many concerns by the community, for instance, who are these volunteers who will maintain the building.

Mr. Echevarria stated that the "volunteers" are the same people who now maintain the community center and will regardless of who owns it. He stated that Ms. Gast calls herself the adjacent property owner, which she is; however, she is not a resident of Paradise Valley; she lives in Winnemucca. He added that many of the adjacent or nearby properties are owned by absentee owners and he does not personally believe they should have a say on what is provided for the children. Chair Rock stated that if they own property, they have a say.

Jerry Harper stated that we are dealing with more than a building; we are dealing with the community of Paradise Valley. He stated that they are a tightknit community but this issue is putting a divide in the community. He expressed his appreciation to Mr. Trout for his restraint on the issue and weighing all of the options. He stated that he believes the rest of the RPC would like to pass this. He added that he is trying to stay neutral but it "sticks in your craw" if you have the feeling that you get railroaded. He stated that we are a democratic republic and we all have rights. He added that there are property owners who are not comfortable with this and if we go through due process, as suggested by Mr. Trout to see how it applies to the Master Plan; maybe we should all go home and read the Master Plan. He stated that the RPC has the power to help residents of Paradise stay away from the hard feelings. The public expects the RPC to make a decision based on sound information, not anyone's arbitrary feelings about the project one way or another. He stated that residents would all like to see a building in Paradise but he does not know if this one meets the scope. If the location needs to be moved, many would help. He summarized that he appreciates the RPC and its careful deliberation and hopes that it makes a sound decision that will not in the long-term tear Paradise Valley apart but bring us together in a cohesive manner.

Mr. Hladek addressed Mr. Harper and told him that his comment about "railroading" was inappropriate. He stated that he read every letter, visited and photographed the site in Paradise Valley and had no communication with any member of this board regarding this decision. He stated that his decision was independent as to whether it meets the Master Plan or zoning requirements.

Mr. Harper thanked Mr. Hladek for his comments but stated that many in Paradise Valley feel that way. Mr. Trout clarified that nobody is advocating or approving failure to comply with the due process requirements. He stated that as noted by legal counsel, there are a number of stages with which this proposal must comply, in order to obtain building permits. He clarified that the revisions he wishes to see are as a courtesy, not a requirement. He reiterated that this particular property does comply with the Master Plan and zoning, which are the critical requirements. He added that it is not the RPC's position to negotiate or make peace among the community. He stated that Mr. Echevarria has said he has not seen a willingness on the part of others to work with him. He explained that although he would vote no on the motion; the site does meet requirements for the specific land use. It is not an issue of railroading or bias.

Mr. Hladek called for the question. Chair Rock stated that there is a motion on the floor to approve UH-15-08 with additional Condition number 8 that any proposed change of use from the gymnasium, such as to a community center, must be submitted to the Planning Department and approved by the Planning Commission. The motion carried with five in favor and one opposed with the roll call vote showing: Trout – Nay, Bauman – Aye, Rock – Aye, White – Aye, Legarza – Aye, and Hladek – Aye.

Chair Rock reiterated that any member of the public can appeal the decision within five business days, November 19<sup>th</sup> at 5:00 p.m. She thanked the public for their participation.

*A brief recess was held from 7:58 to 7:59 p.m.*

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

None

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

None

**V. PUBLIC COMMENTARY**

Chair Rock called for comments from the public and hearing none, adjourned the meeting at 8:00 p.m. until December 10, 2015 at 5:30 p.m.



Vickie Rock, Chair

UNOFFICIAL