

REGIONAL PLANNING COMMISSION MINUTES

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

Gabrielle Carr

PUBLIC PRESENT

Rodney Herrick
James Kinney
John Milton
Patrick Schommer
Doug Cain

Wilma Herrick
Tom Bunch
Ed Partee
Jane Schommer

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 November 12, 2015

Chair Rock asked if there were any corrections to the November 12, 2015 minutes. Hearing none, Mr. Bauman made a motion to approve the minutes as submitted. Ms. Legarza seconded the motion, which carried with all in favor. Ms. Kinney abstained because she was not present at the November meeting.

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. CONSENT AGENDA

- A. **PW-15-10** A Parcel Map application submitted by Desert Mountain Surveying, as agent for MP & D Johnson and RN & N Johnson, to parcel property into 2 lots. Subject property is located off of East Winnemucca Boulevard at the East Winnemucca Interchange; APN 3638-22-100-005.

Chair Rock asked if any member wished to pull this item down to the Public Hearing portion of the agenda for discussion. Hearing no comment, Mr. Hladek made a motion to approve item PW-15-10 per staff's recommendation. Mr. White seconded the motion, which carried unanimously.

III. PUBLIC HEARING - Discussion & Possible Action

- A. **UH-15-09** A Conditional Use Permit application submitted by Brad Bauman (NDOW), on behalf of Humboldt County, to allow development and construction of an urban fishing pond on 2.46 acres of a 45-acre parcel. Subject property is located off of Reinhart Lane; APN 3638-17-401-001.

Ms. Kinney stated that being a co-owner of the property for this application, she would recuse herself and left the meeting room. Mr. Bauman stated that being the applicant for this project, he was biased and too would recuse himself from action; however, he would serve as the applicant. Mr. Trout stated that he has known James Kinney for years and had provided him with information related to a ground lease (in an unpaid capacity); however, he felt that he could participate in discussion and action on this item without bias.

Chair Rock asked if staff had any additional information to present. Ms. Lawrence stated that she received a letter from the United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS) after packets were distributed (copy on file). NRCS had no issue with the proposed pond. Ms. Lawrence reported that she also received an email from Ben Garrett, Roads Superintendent, regarding a traffic study or hydraulic study (as mentioned by NDOT) that he believed might not be necessary.

Chair Rock called for questions of staff and hearing none, invited Mr. Bauman to speak on this item.

Mr. Bauman stated that urban fishing has become popular in many areas. He added that this project has been in the planning stage for about eight years. He explained that the Kinneys are willing to lease property to the County and have signed a lease agreement for 2.6 acres. The facility will be jointly managed by Humboldt County and NDOW under a memorandum of understanding (MOU). The County will maintain the landscaping, etc. and NDOW will manage what is in the water, i.e. fish.

Mr. Bauman reported that he, Mr. Garrett and Doug Cain are working with Nevada Department of Transportation (NDOT) to meet all requirements, including the ingress and egress. He stated that no problems are anticipated in working within the floodplain. He added that a permanent restroom was originally planned; however, that might not be possible and portable restrooms might be necessary.

Chair Rock called for comments from the public, of which there were none. She invited discussion from the board.

Mr. Trout asked if fishing classes would be offered at the sight. Mr. Bauman stated that training would absolutely be offered at different levels, beginner, intermediate, and advanced fly fishing, etc.

Mr. Trout asked about maintenance and the fact that the County does not have a Parks & Recreation Department. Doug Cain, former Buildings & Grounds Director, stated that Buildings & Grounds would provide maintenance for the park, as they do for the Veteran's Park.

Mr. White made a motion to approve item UH-15-09 per staff's recommendation. Ms. Carr requested that per Humboldt County Administrative Code 17.68.080, four findings be included with the motion. Ms. Lawrence stated that the findings were set forth in the staff report. Mr. White amended his motion to approve item UH-15-09 per staff's recommendation and findings per Resolution 15-34. Mr. Trout seconded the motion, which carried unanimously. Ms. Kinney and Mr. Bauman abstained from voting.

B. UH-15-10 A Conditional Use Permit application submitted by Tom Bunch (dba Lambda Communications, Inc.) to allow him to conduct a telecommunications consulting business from his home. Subject property is located at 6405 Jackson Road; APN 3537-12-452-005.

Chair Rock asked if staff had any additional information to present. Ms. Lawrence provided a brief history of this business. Mr. Bunch had a home-based business to provide telecommunications consulting from his home in 1991; however, the permit was voided when Mr. Bunch moved his business to a storefront on Anderson Street. She stated that Mr. Bunch now wishes to move the business back to his home, hence the use permit application.

Chair Rock asked Mr. Bunch if he wished to speak at this time; he did not. Discussion ensued over who should speak first, the public or the RPC. Chair Rock invited RPC members to discuss the application.

Mr. Trout asked Mr. Bunch if his application was for anything other than telecommunications consulting services, which includes site selection, to which Mr. Bunch stated no. Mr. Bunch added that his business has decreased and he is semi-retired and performs computer studies in his home for clients based on field work. He stated that no customers would come to his home now or in the future.

Patrick Schommer stated that Mr. Bunch and he had been friends for a long time. Mr. Schommer stated that he is upset that Mr. Bunch is planning to build a 60-foot tower at the cost of \$50,000 to \$100,000 for his non-profit based amateur radio. Mr. Schommer's comments were in opposition to granting the use permit based on the installation of the tower, which he does not believe will be for personal use. He added that such towers emit frequencies that can cause cancer. Chair Rock explained that the application before the RPC has nothing to do with the tower; it is for a telecommunications consulting business only. Mr. Bunch clarified that the tower is for personal use only.

Ms. Kinney asked why the application included a photo of the tower. Ms. Lawrence stated it was informational only and included based on concerns raised by neighbors and had nothing to do with the consulting business application. She explained that Mr. Bunch applied for and received a building permit for the tower.

Ms. Carr referred to the condition in the staff report that states, "The applicant shall obtain all necessary permits and licenses and provide copies of same, or a letter from the appropriate county, state and/or federal agency that no permits are required, to the Planning Department within 30 days of their receipt." She added that if the conditions are not met, the use permit could be revoked.

Mr. Hladek asked Mr. Bunch for clarification that the tower would be operated as non-profit and completely separate from his for-profit consulting business. Mr. Bunch stated that is correct.

Chair Rock called for additional public comments. Rod Herrick stated that he has lived on Jackson Road for about 20 years and knew nothing about this proposal. He was concerned with an increase in traffic, noise, lights or heavy equipment. He asked what protection neighbors have if the use permit is granted. Chair Rock stated that any issues could be reported to the Planning Department and brought back to the RPC to consider revoking the permit. She added that the staff report spells out what is allowed under the use permit.

Mr. Trout referred to the conditions listed in the staff report. Ms. Carr stated that the conditions are based on the application, which states that no customers will come to the residence. If any changes occur, the applicant must notify the Planning Department. She added that any neighbor or member of the public can notify the Planning Department if activities occur that are beyond what is submitted in the application.

Mr. Herrick reiterated that he did not have an opportunity to review the application or recommendations. Staff provided a copy of the staff report for him to review. A copy was also provided to Mr. Schommer. Mr. Herrick stated that approval would be grossly unfair. Chair Rock explained that the RPC has regulations it must follow, which include noticing the public and there are time limits that must be met.

Ed Partee, Jackson Road resident, stated that he lives across the street from Mr. Bunch and has never seen a customer there. He stated that the tower has been in place since he has lived there and he receives great internet service because of it. He agreed with Mr. Herrick that it is a quiet neighborhood but he saw no problem with approving the application.

Mr. Trout asked if the tower has any foreseeable use in the consulting business now or in the future. Mr. Bunch stated it does not.

Jane Schommer, Mills Road, stated that Mr. Bunch's property meets hers and added that the tower on his property can be seen from Grass Valley School. She showed pictures of the tower from her property and stated that Mr. Bunch proposes to add a 200' cross cable to support transmitters across the back of her property. Further discussion ensued over whether or not high frequency radio transmitters cause cancer, which is beyond the scope of the RPC.

Ms. Carr reiterated that the RPC has no jurisdiction over the tower. Discussion ensued over tower issues not related to the use permit application. Ms. Carr advised Ms. Schommer that if she wished, she could make her comments under Public Comment later in the meeting because they are not pertinent to this agenda item.

Mr. Trout addressed Ms. Carr and stated that Ms. Schommer's comments would be better addressed by the Federal Communications Commission (FCC). Ms. Carr agreed. Mr. Bunch stated that many people do not like ham radio towers; he once again assured the RPC that the towers have no connection to his consulting business.

Mr. Trout mentioned that Mr. Herrick wished to continue this item so he could review the information and asked Ms. Carr for comment. Ms. Carr replied that proper notice of the public hearing was provided and additional information could have been requested prior to the meeting so she felt that a decision could be made by the RPC tonight.

Mr. Hladek made a motion to approve item UH-15-10 per staff's recommendations and findings. Ms. Kinney seconded the motion, which carried unanimously.

Ms. Lawrence stated that she would send Mr. Bunch a letter the following week stating the action taken. Ms. Carr explained that any member of the public could appeal the decision to the Board of County Commissioners by 5:00 p.m. December 18, 2015.

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

None

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

None

VI. PUBLIC COMMENTARY

Chair Rock called for comments from the public and hearing none, adjourned the meeting at 6:34 p.m. until January 14, 2015 at 5:30 p.m.



Vickie Rock, Chair

UNOFFICIAL