

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, January 14, 2016 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

Gary Echevarria
Mike Gast
Tom Cassinelli
Charles J. Stempeck
Cathy Schwartz
Maxl Willis
Linda Moon
Jim Billingsley
Dave Mendiola

Ronald E. Schrempp
Frances R. Peterson
Woodie Bell
Therese Ure
Rolfe Schwartz
Leland Miller
Rick Moon
Richard Graham
Denise Dolphin

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 December 10, 2015

Chair Rock asked if there were any corrections to the December 10, 2015 minutes. Mr. Trout commended staff on the thoroughness of minutes. Hearing no corrections, Mr. Trout made a motion to approve the minutes as submitted. Ms. Legarza seconded the motion, which carried unanimously.

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-15-11** A Conditional Use Permit application submitted by Steve Lucas on behalf of David Cassinelli, Tom Cassinelli, Woodie Bell, Robert Buckingham and Ron Schrempp, to allow construction of a 70'x125' steel building to be used as a sports center or gymnasium. Subject property is located at 90 South Main Street, Paradise Valley, NV; APN 4239-25-156-009.

Chair Rock asked if staff had received additional correspondence since the packet was distributed. Ms. Lawrence stated that four letters were received from Harvey and Mary Fenton, Rolfe and Cathy Schwartz, Richard and Susan Gavica, and Gary and Bryn Echevarria. Copies of the letters were distributed to the RPC members and read into the record (letters in file). Ms. Lawrence also provided copies of corrections to the staff report. The corrections were made to item D, second paragraph. The specific mileage from the proposed gym site to the school was changed to approximately less than one mile. There was also a typographical error under Staff Recommendation.

Chair Rock invited the applicant to speak. Therese Ure, with Schroeder Law Office representing Steve Lucas, who could not attend the meeting, came forward along with the other applicants. Ms. Ure introduced Tom Cassinelli and Ron Schrempp. Chair Rock asked Ms. Ure to tell the board about the project. Ms. Ure stated that the conditional use application was filed for a recreation facility on property owned by Mr. Schrempp. The other applicants and Mr. Schrempp have a contract to purchase the property should the facility be approved. The application included some maps which reflect the recreation facility on the south side of the property with a parking lot on north side.

Ms. Ure addressed several issues brought up in the letters received from property owners. The water tower is a historical and cultural resource and would remain on the property. The plan currently is to restore the water tower and possibly place a fence around it. There would still be a visual of the water tower from the street. Ms. Ure referred to the RV park which is directly to the north of the parcel. She indicated that this area could also be utilized for viewing the water tower. The plan is to eventually dedicate the proposed building and property to the County. There was discussion at the Humboldt County Commission meeting held in Paradise Valley on January 11, 2016, about establishing a General Improvement District (GID) to help fund the building. Right now it would be privately maintained. They are looking to build it in line with something that could be eligible for dedication. The existing trees on the property (west side) would either be maintained or removed with younger trees planted. The parking area would be paved and graveled to minimize maintenance costs. There is potential for grass in the back of the property depending on the restoration abilities to make the area by the water tower an area for people to sit. Chair Rock, referring to the map provided, asked about the old building that was on the property, which was mentioned in correspondence received. The older building was toward the front of the property. Part of constructing any building is hiring the engineers and doing the compaction. Ms. Ure addressed the concern regarding the distance of this property from the school. She acknowledge that this property is further from the school. She referred to the map showing the Bridge Street property and Mr.

Lucas' property. She said that Mr. Lucas has indicated that a path could be across his property, if needed, so the children would not have to walk down the main street to access the proposed site. Chair Rock asked for clarification of the location of Mr. Lucas' property. Tom Cassinelli stated that Mr. Lucas' property is east of the other proposed gymnasium site on Bridge Street; the corner of 290 (Main Street) and Bridge Street. Mr. Trout referred to the assessor's parcel map and explained the location of this property. He pointed out the Bridge Street property, the Lucas property which is adjacent to the Bridge Street property. Mr. Trout clarified that what counsel for the applicants is saying is Mr. Lucas, if needed, would provide an easement across a portion of his property to access what is now the current RV park and community center building to reach the subject property. Ms. Ure suggested that the property owned by the County (4239-25-156-008), which has the existing community hall and RV park could be utilized to reach Mr. Lucas' property. They would have to obtain an easement from the County until such time the property was dedicated.

Ms. Ure stated there has been considerable amount of discussion regarding the use. The application is for a recreation center. The applicants are willing to amend the CUP application to include a community center. However, at this point they want to continue to build it as a recreational facility as a phase I, and should they want to expand that to include some additional facilities, such as kitchen to support community center type activities, they would come back to the board and make that proposal as well as a phase II. There is concern that this location is across from a bar and grill. People go to the bar all the time, sometimes taking children in to eat. If this was a big issue, the facility could be situated on the property so that the entrance wasn't facing Main Street. Another concern is the traffic. The applicants acknowledged that Main Street does have more traffic than Bridge Street, but not a significant amount. The applicants believe that this location is safer. There is more room, there is space, it's safer in that it does not abutt residential property. They would not have to deal with overlap of trees on the property. There should not be any difference in liability insurance between the two proposed locations. Ms. Ure stated she felt she had addressed all of the issues in the letters which were read into the record.

Chair Rock asked if there were any questions from the board? Mr. Trout asked Ms. Carr if it would be okay to ask the applicant for clarification regarding some of the issues which were brought up. A lot of the issues were more building department jurisdictional items. Ms. Carr cautioned Mr. Trout to stay on topic. Most of the issues brought up and discussed are not relevant to the determination of whether or not this use is consistent with the zoning and master plan. Mr. Trout had a procedural question. He stated that it appears the applicants have a community center in mind with a gymnasium component as their true project. They indicated they are willing to amend their application at some point. There is more than one way that an application may be amended. They could withdraw their application and come back with a revised application for the next meeting or the board could go forward with the proposal that is before them tonight. The applicants could then come back with an additional application for an amendment to a CUP to provide for and analysis of a community center facility with a gymnasium component. Chair Rock asked the applicants if their request, now, was just for a gym with a community center down the road. There was discussion on when an amendment would be required if the applicants wished to include a community center component with the gymnasium. Ms. Carr reminded the board that the application today is solely for a gym. Any change must be brought back

to planning as stated in the conditions.

Mr. Trout clarified that the RPC is not approving a community center today. Ms. Ure stated that at this point the CUP is for a recreational facility. It would be a couple of years down the road that they would reapply to make the facility into a community center. The maps reflect enough parking for a community center. The facility will be built in such a way that expansion is possible in the future.

Mr. Trout stated that each of the letters received expressed concern regarding the traffic on Main Street. During hunting season there is an increase in traffic on Main Street, most of which is on the weekend. There would be safety issues unless the easement was placed across Mr. Lucas' property and the gymnasium was placed in a way that the children did not have to go on Main Street. The Main Street safety issue seems to be an issue of concern. What other mitigation measures would the applicants suggest in terms of the proposed use regarding the children staying off of Main Street? Ms. Ure asked if Mr. Trout meant other than changing the entrance to the building and having an easement. Mr. Trout stated that is correct. Ms. Ure suggested that a fence could be built along Main Street to prevent children from running out into traffic and to help mitigate any running or playing on that side of the building. Mr. Trout pointed out that NDOT may require certain improvements. There is a note in the staff report that NDOT may require an occupancy permit. NDOT also indicated that a traffic study may be required. Ms. Ure stated the applicant will have to check into what all that entails, what the ROW boundaries are. Applicants would comply with all NDOT requirements prior to construction.

Mr. Trout asked how the kids would be protected from the attractive nuisance of the water tower while preserving its historical visibility and accuracy. Ms. Ure stated that during the refurbishment/restoration of the tower there could be fencing that goes around it. The fence would be attractive so that it would not take away from the picturesque value of the tower. This could prevent children from going in and climbing on it. This is pretty typical for other historical landmarks. Mr. Cassinelli stated there is an existing rock well that would be covered so there would be no access. Mr. Trout clarified that the exterior would be maintained as a visual historical feature and the well would be covered. Mr. Schrempp suggested a childproof fence during renovation. There was further discussion regarding the traffic and student pedestrian traffic. Mr. Schrempp stated he has had discussions with NDOT regarding what kind of easement he would need for this property.

Mr. Trout asked about compaction issues. The proposed footprint is toward the center of the site. Is the reason for this location because this was part of the historical basement of the old hotel or does part of the proposed site overlap the location of the old hotel? Mr. Schrempp explained the location of the Auditorium Hotel which stood at this location in the 1920's. It stood toward the east side of the property. To the south and east of well was an open area. Compaction tests are required on any construction site no matter the location of a proposed building or buildings.

Chair Rock asked the age of the children attending Paradise Valley School. Mr. Cassinelli state that the grades are K-8. The proposed building will be recessed on the property as a safety issue with parking between the building and the road. Mr.

Cassinelli addressed the traffic issue. He pointed out that hunters go by the school during hunting season. There is also a lot of traffic by the school when there are basketball tournaments.

Mr. Hladek stated he knows there are statutes regarding the location in distance of an educational facility to a bar. He asked Ms. Carr if there were any NRS statutes regarding the location of this type of facility to a bar, since there will be children utilizing the facility. Ms. Carr stated she was not aware of any that address this specifically. Normally it is something that is addressed locally. Ms. Carr referred to the Master Plan of High Density. You are going to have everything in a small location. Mr. Hladek asked if there is an effort to form a LLC or non-profit. Ms. Ure indicated not at this time. Mr. Hladek asked who has the liability during the construction and the operation afterwards? He said he believes there needs to be something stated as to who the responsible individuals or organization would be. Ms. Ure stated the responsible individuals during construction, as is her understanding, the contract would transfer the property to the applicants once construction began. At that time, they would look at forming an LLC or some other corporate type entity to cover the construction as a group. At this phase in the conditional use application process they have not done that.

Mr. Hladek asked who is responsible for undertaking the renovation of the water tower since it is on the National Historical Register. Ms. Lawrence stated that the water tower is not on the state register. Mr. Hladek restated his question and asked who is going to undertake the renovation. Ms. Ure indicated the applicants would.

Mr. Hladek asked about the access through Mr. Lucas' property. There still is a hindrance there because you don't have an agreement with the County that you could provide access through the County owned property. Mr. Cassinelli said there may not be a need for an easement for access to the property. The school district has not said they were going to use the facility as a school district facility. Mr. Cassinelli stated that it's a community basketball gymnasium right now. Until the school district comes in and says they will utilize the facility it is a non-issue. Mr. Hladek said that the benefit of the proposed use during the day would be for the school. Ms. Ure indicated the applicants would approach the County for an easement at such a time the facility is utilized by the school district. Mr. Cassinelli stated the reason they are filing this petition is the PV Community Fund has resistance with the Bridge Street location. Bridge Street will not allow space for community center. Residents want a community center.

Mr. Trout asked Ms. Carr if it is speculation on the part of a number of people as to what might happen on either proposed gymnasium facility. Would it be appropriate to say either site would not be adequate for community facility until such time an application has been submitted and a full, complete analysis had been performed. Ms. Carr stated Mr. Trout is correct. You can only discuss the request or the application for it's use as a recreational facility. Ms. Legarza said that application states the facility would be used during daylight hours with limited use in the evening for meetings and other special projects. What would those special projects be? Mr. Cassinelli indicated he was not sure. Ms. Ure said it would be something in line with recreation, at this time.

Chair Rock asked if there are any other questions from the commission. Hearing none,

Chair Rock called for public comment. Gary Echevarria approached the board. He stated that he is not opposed to this application. The applicant (s) should be allowed to exercise their property owner's rights. Mr. Echevarria stated he has a couple of things he would like to address concerning Mr. Lucas' counsels presentation. Ms. Ure talked about engineering and applicable permits for the building. He thinks the issues on the water tower need to be addressed the same. If it is going to be taken over by the County at a later date, he thinks there would be some engineering requirements there. Mr. Echevarria also stated as a point of information as a reference, they (Paradise Valley New Building Fund) had considered this site. When considering the compaction on this property one of the references he used from Hunnewill Construction is when Ralph Whitworth started the car museum. Hunnewill construction did the site work and the cost was \$300,000.00. Mr. Echevarria asked for clarification on the location of the proposed easement on Mr. Lucas' property. Ms. Ure clarified that it is on the west side of his property. If the easement proceeded across the county property where the RV park is they would either have to lose a couple trailer spaces or kids would be filing between two RV trailers.

Mr. Trout said per the master plan there should be orderly development in the community. There are two proposals for two gymnasiums. He understands that the zoning does not prohibit this. At this point the Master Plan, in terms of land, does not prohibit this. Could the board consider this overbuilding with both CUP's approved? Ms. Carr agreed but the board has to look at the same requirements for each application. This will probably come back in some context in the future. This does not prohibit the board from finding they are in compliance with the zoning and the Master Plan. Ms. Carr recognized that you would not want two gymnasiums right next to each other. You have the next steps in which they have to be able to have the funding to support the project. It's a business decision for the applicants. Each of them have the right to build a gym, is they so choose. Mr. Trout indicated that at the 11/11/16 meeting the applicant mentioned and it was mentioned at this meeting the eventual County takeover of whatever is built. Mr. Trout stated it should be made clear that the RPC's approval of the conditional use permit for the private construction of the improvements on either property but specifically this one in no way obligates the County to take over any facility. Ms. Carr stated that is correct. Ms. Ure stated the applicants are aware of this.

In summary, Ms. Ure referred to some of the mission statements in the Master Plan which include building a community that benefits everyone and allows for future planning. They are looking at this property as a means to allow for future planning and growth of the community as having down the road the ability to expand into a community center. The Master Plan also has a provision to protect the existing quality of life and attributes as well as the natural environment. Ms. Ure said she thinks having a facility at this location as opposed to the other location fits in with this guideline.

Mr. Cassinelli stated that there was no protest from any adjacent property owners at this meeting. Mr. Schrempp gave a history on the County purchase of the I.O.F. hall (existing community center). The existing building has been used for a long time. It has gotten too small, there are issues with water in the building. It's only a matter of time before the community will need a facility that will accommodate not just a basketball game but act as a community center. Chair Rock reminded Mr.

Schrempp that is not what is being approved. There was discussion as to what was approved in November, a gymnasium. Mr. Schrempp stated there is a lot more parking at this location and the capability of expanding into something he thinks the community really wants and needs.

Mr. Trout asked Mr. Schrempp if, as rural fire department chief, would he be doing a fire review of anything that comes before him? Mr. Schrempp indicated he only reviews what is in his area. Mr. Trout asked in terms of the phased construction proposal are they looking at this as becoming a community facility at some point in the future? Is it their intent to install fire sprinklers in the building that they propose today even though they are not required? Mr. Schrempp stated he cannot answer that question. Eventually the community will own the property if they get approval by this board. They will be capable of putting in a sprinkler system if that is required.

Ms. Carr stated Ms. Ure made the argument on behalf of her client that the M-3 zoned property (Bridge Street) is not appropriate for a recreational facility. Ms. Carr indicated she wants to understand the position today because it appears to be consistent with that argument. Ms. Ure stated she made the argument in the comment at the County Commissioners meeting that M-3 does not specifically provide for recreation and community facility, but it did not prohibit it. Ms. Carr read from a letter Ms. Ure wrote regarding the Bridge Street property "under it's current classification which is M-3 the parcel is not fit for the recreational facility proposed." Ms. Carr asked Ms. Ure if that was for the zoning or for something else. Ms. Ure stated it was the totality of the circumstances. Ms. Carr indicated she wants to understand because Ms. Ure is making the opposite argument today; same zoning, same facility. Ms. Ure stated that this was based more on a nuisance argument and the location of that property abutting residential properties that have other issues.

Mr. Trout asked for a point of clarification from Ms. Carr. Even though the M-3 ordinance does not specifically provide for a recreation facility and does not prohibit a recreational facility in the M-3 zone they are within their discretionary authority as is the planning staff in making its recommendation. They can consider the proposed use in terms of both the Master Plan and it's suitability in that zone. Are they within their jurisdiction to approve or deny such a request? Ms. Carr stated they are.

Chair Rock asked if there were any more questions. Ms. Carr commented that this is very similar to the prior application. She wants to make sure that the same standards are applied and are consistent. Ms. Carr pointed out the findings and conditions as stated in Chapter 17.68.080. Something that was raised today was access and the safety of the children. The applicant and/or legal counsel indicated that they would be willing to put up a fence and potentially get an easement. Under section D of that paragraph (17.68.080) you can put conditions in that are deemed necessary to protect the public health, safety and general welfare. Ms. Carr recommended to the board that the safety of the children would fit within that category. If the applicant is suggesting they are willing to do fencing and an easement that may be a condition or conditions this board has the ability to impose if they so choose.

Chair Rock asked for a motion from the board for this CUP. Mr. Trout stated that before the CUP is voted on as a whole he would like to ask that they vote on an

amended term and condition to be added to the 8 that are there. Specifically regarding mitigation measures for the safety of the children who may or may not use this property in the future. Chair Rock asked for the motion to incorporate into the other motion. Ms. Carr asked for some clarity on the motion being asked for. Chair Rock stated she is asking Mr. Trout to make a motion to amend the recommendations in the application to include the safety of the children issue. Once that motion is approved or disapproved, then they will make the next motion incorporating the full amended application. Ms. Carr indicated you could do it that way or you can make a motion to approve with amended conditions as follows. Mr. Trout made a motion to add a condition number 9. The condition will read: the applicant would reorient the building and its main entrance away from Main Street to be in line with easements to be obtained from Mr. Lucas and the County. To provide access from the subject property to Bridge Street for pedestrian use. The applicant will fence the historic tower in a way to prevent access by the public to the historic tower without proper supervision and monitoring by the property owner. Chair Rock asked for a second on the motion. Mr. Bauman asked if they have the authority to recommend how they orient the building on the property. Ms. Carr indicated there are two different ways to look at it. If they are proposing that as a condition and they are willing to do that then it can be included in the conditions. Ms. Carr stated she does not think the board can tell them to do that. Ms. Carr pointed out the other matter that was proposed was potential fencing across the front where it fronted Main Street. Mr. Trout stated he would add to the motion that subject to obtaining appropriate approvals from MDOT and the County Building Department fencing be installed along the Main Street side of the property to restrict children's access from the gymnasium to Main Street, if the applicant is agreeable to these terms and conditions. Ms. Ure indicated they are. Chair Rock asked for a second on the motion. Mr. White seconded the motion. Chair Rock asked for discussion on the motion. Hearing none she brought the motion back to the board for a vote. Motion passes with 6 in favor and a naye from Mr. Bauman. Chair Rock asked for a motion for approval or disapproval of the CUP keeping in mind that this board has the authority to approve or deny a CUP. Mr. Trout made the following motion: stating findings that the proposed CUP application and use of the property does comply with the Master Plan for the area; the M-3 zoning ordinance does not prohibit the proposed use; the proposed use would be suitable in the community; as well the findings set forth in Humboldt County Ordinance 17.68.080. Approve the request as proposed by the applicant with the addition of the 9th term and condition as recommended by staff. There was a second by Ms. Legarza. Chair Rock asked for discussion on the motion. Hearing no further discussion, she then asked for a vote on the motion. The motion carries unanimously. Ms. Lawrence explained the appeal process for this decision.

III. COMMISSION/ STAFF/LEGAL COMMENTS/ COMMITTEE REPORTS/TRAINING OPPORTUNITIES

A. Ms. Lawrence said she has looked at some publications called the Commissioner pub out by the American Planning Association. She asked the commission if they would be interested in having some FYI sessions. There is some interesting information out there. Maybe there is something the board would be interested in learning about. An example given was the difference between the different kinds of map applications. Ms. Lawrence asked the board to let her know if there are any topics they would like to learn

about. She can also send an e-mail listing some of the subjects covered in the publication. The board was interested in this.

IV. CORRESPONDENCE/BUDGET/PERSONNEL

Ms. Lawrence let the board know that Niki Linn had taken a job in Indigent Services through the County Clerk's office. Niki told the board it has been a pleasure to work with them and she has learned a lot. Chair Rock thanked Ms. Linn on behalf of the commission. Mr. Trout indicated a get well card is being passed around for Mrs. Kinney.

V. PUBLIC COMMENTARY

Chair Rock asked for public comment. Hearing none the meeting was adjourned at 6:50 to February 11, 2016 at 5:30 pm



Vickie Rock, Chair

UNOFFICIAL