

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, April 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
Jennifer Legarza
Jean Kinney
Vickie Rock
Mike White

COMMISSIONERS ABSENT

Ken Hladek
Lewis Trout

STAFF PRESENT

Betty Lawrence

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Gary Echevarria
Mike Gast
Tracy Cox
Charles J. Stempeck
Juanita Kennedy
Maxl Willis
Linda Moon
Racquel Moon
Stephen West
Tina Gast

Ronald E. Schrempp
Frances R. Peterson
Woodie Bell
Mary Fenton
Harvey Fenton
Leland Miller
Rick Moon
Shelly Smith
Katherine Hall

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 March 17, 2016**
Chair Rock asked if there were any corrections to the March 17, 2016 minutes. Hearing no corrections, Mr. White made a motion to approve the minutes as submitted. Ms. Kinney 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.

Ms. Rock stated that as this time the RPC will hear Item III on the agenda so the presenters can head back to Carson City.

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

A. Presentation by Lynn Zonge and Jill Sutherland with Resource Concepts, Inc. on the Source Water Protection Program

Ms. Rock introduced Kim Borgzinner with NDEP and Jill Sutherland with Resource Concepts, Inc. Dave Mendiola, County Administrator gave a brief explanation of why he asked Ms. Borgzinner and Ms. Sutherland to speak before the RPC. After meeting with NDEP regarding their source water protection plan Mr. Mendiola brought the information back to the County Commissioners. The County Commissioners adopted the plan. This plan costs the County nothing. The Commission began the process about 6 months ago. Mr. Mendiola stated he wanted to ask one of the RPC members to become part of the committee that has been formed for the planning process. One of the things they want to do is to map this into the Master Plan. The Master Plan currently addresses some of the key issues they are trying to achieve. There are many actions that will come out of this process which will be useful in the Master Plan.

Ms. Borgzinner introduced herself and indicated she works with the Bureau of Water Pollution Control. This bureau addresses the NPDES (National Pollutant Discharge Elimination System) permitting for waste water treatment plants and any discharges in the State. She is part of a regulatory program, but she is part of a voluntary program. She is the State Source Water Protection coordinator for the State. Her job is to work in this voluntary program with local communities to develop source water protection plans. These plans look at: where does your drinking water come from in the community; what land use activities are we doing above the ground from the sources that could impact the quality of the water that comes through those drinking water sources? They want to help us protect our plan to protect our drinking water sources from adverse contamination.

Ms. Borgzinner gave background information on how and why this program was established. She explained that the Water Pollution Control Bureau has contracted with Resource Concepts, Inc. Essentially her program gets enough money from the federal government to fund about \$270,000 a year and focus that money into Nevada communities for source water protection planning. Eight years ago they switched to a county wide approach by revamping the program. Ms. Borgzinner explained how this works, with her office acting as a facilitator to help build the team. She said that this is a county wide plan with every public water system participating. Everyone is working together to see where your water resources are and how you can best protect them. Ms. Borgzinner said they pick specific counties so they can put the entire amount into the community over a couple of years. This allows them to better use the funds available, they are able to focus in one area and get more done. The goal is to incorporate the protection areas into the Master Plan. She pointed out that this is a local plan, not a state plan. Ms. Borgzinner said they do a lot of public education. They want this to be a transparent process so everyone can participate and understand the issues. She explained what the program is not here to deal with. Some of those things are existing contamination issues, pre-existing drinking water quality issues like arsenic which is naturally occurring, water rights, or capital improvement projects.

Jill Sutherland, a civil engineer, with Resource Concepts, Inc. explained that the final plan will come out as the Community Source Water Protection Plan for Public Water Systems in Humboldt County. She further explained that source water is public drinking water, drinking water that comes from a regulated public water system. It can be privately owned or publically owned but is basically a system that serves drinking water to the public and is regulated through the safe drinking water program. Ms. Sutherland indicated there are 33 public water systems in the County. There are 7 community water systems which include the City of Winnemucca, McDermitt GID, and Golconda GID. There are 26 non- community systems which can be a bar or restaurant that are on their own water supply, mobile home parks, some of the NDOT rest stops, some of the mines. These encompass 41 different wells and 3 springs. They are here to assist the County with the plan development process. The first thing they do is form a local planning team and establish plan goals. That was started in October, November. They invited all the public water systems to participate. They went before the Board of County Commissioners and they invited them to bring this program to the County. There are other interested people such as the emergency services, educators/school district, the Nevada Outdoor School has participated. After contacting the public water systems, they have a staff hydrologist gather information about all of the individual wells and where they are located, the types of aquifers they are in. They then run some simple ground water models that allows them to delineate areas around the well where you might have a higher risk of contamination. Ms. Sutherland showed a map indicating a 2 year zone, a 5 year zone and a 10 year zone. These zones indicate the amount of time it would take for potential contamination to get to your well. This gives you a target area to think about what sort of management strategies you want to come up with for those areas around the wellheads. The next step would be to look at the areas they have modeled and inventory the facilities or activities near the wells that might release pollutants. They then provide mapping to the planning team. The planning team can then decide what type of management strategies fit our community and the different water systems and the different contaminant sources. Ms. Sutherland gave examples of some of the things people decide to do to implement the plan such as education or community events. A water summit was held on March 9th at the convention center where the Nevada Outdoor School presented a physical model on water shed processes. Resource Concepts, Inc. also do some small infrastructure projects like well head security (fencing, bollards). Ms. Borgzinner's program provided the funding for that project. Ms. Sutherland indicated that another thing they do is help draft Master Plan language and updates for review. The current program goes a long way to fulfilling some of the goals and policies in the current Humboldt County Master Plan. Once the document, the plan, is created with management strategies and action items they come back to have the plan approved at the County and City levels and by the individual public water systems that have boards. She pointed out that this is a voluntary program, it is not mandated. It has to be developed by the community and the participation of the RPC would be fantastic.

Ms. Borgzinner said once the plan is approved by the Board of Commissioners that creates eligibility for the plan to receive funding for implementation from NDEP. It has to be approved before NDEP will provide funding. This is why they need everyone to get on board with the planning process and make it a plan that will work for the local communities.

Deputy District Attorney Carr asked about an agreement that was approved between with Resource Concepts, Inc. regarding a water plan. She asked if that is related to what they were talking about today. Ms. Sutherland indicated no that it is not related to what they are talking about today. The County Commissioners and County Administrator brought it up as a concern in the community. It is a water supply and water rights concern. They cannot deal with it under this program or any of the funding through Ms. Borgzinner's program. This is a separate project they will be doing through other people at Resource Concepts, Inc. Ms. Borgzinner indicated there is nothing restricting us from identifying these as issues in the plan. This plan and funding process will not be the means to address those issues.

Ms. Rock asked Mr. Mendiola which groups are participating in Humboldt County to start this. She knows this has been going on for close to a year that they started talking about water quality issues for example in Grass Valley and should there be a water plan, should that be included in the Master Plan. Mr. Mendiola indicated that this has been going on a lot longer than a year. Water has been talked about in many facets whether it is Grass Valley nitrate issues or water plans and out of basin water transfers. There are two issues, this particular one is more of an educational way to identify from a young age to adult how we get and maintain our drinking water. What are some of the concerns we might have to protect the water? That is the goal behind this plan. Separate from this plan is the water plan. The focus of the commission has been more about the out of basin water concerns. What they are trying to do from the County's and Commission's standpoint is there has to be a plan in place. He gave an example of litigation in Washoe County. One of the things that helped the litigants was there was a plan in place. The water had been earmarked for specific plans. What the county is working on with Resource Concepts, Inc. is to build the foundation for the water plan. Ms. Rock asked how often the Master Plan is looked at. Ms. Lawrence indicated that it was last updated in 2012. Ms. Rock asked at what point there might be people who are ready to sit down with them and start looking at modifications to the Master Plan. Mr. Mendiola said we would know more as the process is worked through. The group that is meeting is trying to identify action items that will come out of the data collected. From that there could be things in the Master Plan that could be affected. Ms. Rock asked if it is appropriate at some point to have a subcommittee member work with the group. Mr. Mendiola said that he would like to see someone who can attend the meetings and get a sense of what they are trying to achieve. That person could then take the information back to the RPC and see if the board has any ideas. Mr. Bauman asked how many counties throughout the state NDEP and Resource Concepts, Inc. have worked with so far. Ms. Borgzinner indicated they have worked with 7 counties. They have completed the entire Carson River Watershed so have done Douglas County, Carson City, Lyon County, Churchill County. They have had unanimous approval by all the communities and the plans have been incorporated into their Master Planning documents. They have completed Nye County and White Pine County, recently came into Humboldt County and are hoping to pick up two more counties over the next two to three years. Ms. Rock thanked Ms. Borgzinner and Ms. Sutherland for the presentation.

II. PUBLIC HEARING - Discussion & Possible Action

Ms. Rock stated that item C. will be heard first as there are a lot of people from Paradise Valley. (6:09:27)

- C. **UH-16-01** A Conditional Use Permit application submitted by Steve Lucas on behalf of David Cassinelli, Tom Cassinelli, Woodie Bell, and Robert Buckingham, to allow construction of a 70'x125' steel building to be used as a community center/sports complex. Subject property is located at 90 South Main Street, Paradise Valley, NV; APN 4239-25-156-009.

Deputy District Attorney Carr asked for verification from Staff that proper notice was provided for this public hearing. Ms. Lawrence verified that proper notice had been provided. Ms. Lawrence told the RPC that this is a new application, the previous application approved by the RPC was withdrawn by the applicant. She also indicated that the applicant has requested a variance, which is stated in the staff report.

Chair Rock invited the applicant to speak. Woodie Bell approached the board and talked about the preliminary compaction study that has been completed on this property. He indicated the study was done to show intent from the group. Linda Moon representing Steve Lucas, who could not attend the meeting approached, the board. She stated that everything has been put together from the last application, this is a new application for a community center/event center that can be utilized more than the gymnasium. Ms. Moon indicated the water tower will still be in play; the entrance has been changed to the north side of the building; a kitchen will be added; the soils analysis has been completed.

Chair Rock asked if there were any questions or comments from the board, there were none. Charles Stempeck approached the board and asked that the statement about revoking the previously approved conditional use permit (CUP) be rephrased. Ms. Lawrence stated that it has been shown as withdrawn. This is a new CUP, the applicant is starting from scratch. Chair Rock verified that this is not going to be just the gymnasium, a kitchen is being added and there will be a full community center. Mr. Bauman verified that the differences between the last application and this one are: changing to a community center, the location of the entrance, secure the water tower. Ms. Lawrence pointed out there is more parking for this application. Chair rock also pointed out that the applicant has addressed the question on the compaction and soils issues. Ms. Kinney asked why there were four (4) schematics. Ms. Lawrence explained that each schematic shows a different location of the restrooms and kitchen. Rick Moon offered to answer any questions on the soils and compaction report. Chair Rock indicated that was more of a building department issue. Chair Rock asked if the board had any more questions, hearing none she asked for public comment.

Ron Schrempp approached the board. He wanted to clarify that the report is only as Mr. Bell had indicated, a due diligence. It has nothing to do with whether the board is going to pass the application or not. Gary Echevarria, representing himself, his wife and The New Building Fund, approached the board. Mr. Echevarria spoke of the conditions placed on the previous applications. He stated he feels that a gymnasium at this location is redundant as the New Building Fund is already proceeding to build a gymnasium. Mr. Echevarria stated that the children would still have to walk from the school to the proposed gym on Main Street. He said that one of the conditions placed on the prior application was that an easement had to be granted across Mr. Lucas' property so they did not have to walk on Main Street and that Main Street be fenced. The new plan reflects the entrance on Main Street there is still an issue with the children walking from the school to the Main Street location. Mr. Echevarria pointed

out a sentence from the application: "The proposed parking plans on the Bridge Street location were rejected in the CUP resulting in the downsizing of the already smaller building." He then provided information on the building he is building. Vickie clarified with Staff that there had been some discussion about the parking on the Bridge Street location. Ms. Lawrence said the concerns had been addressed during the course of the meeting. Mr. Echevarria pointed out another sentence in the application: "Whereas at the 90 South Main Street property there would be limitless parking and land for future building development." He questioned the statement and referred to the variance application submitted to reduce the parking requirements. He pointed out another sentence that referred to the Bridge Street location being utilized as a walking path to the South Main Street location and as an additional parking area for functions held at the Fireman's Park. He stated they do not have a problem with that but there will be a gymnasium sitting in the middle of the property. Mr. Echevarria went on to voice his concern on the ethics of having two same-type uses in the community. Chair Rock pointed out that this is an authorized use. She stated that whether this is a wise use of the resources within his community is another question that the community itself must answer. It is not something this board can answer. Mr. Stempeck stated that they are not here to debate the merits and drawbacks of each project or compare the two projects. They are attempting to offer the community a more multi-use facility that is larger. They believe this is the better way to go. This is not taking anything away from Mr. Echevarria and what he has done, they would like to work in cooperation with him. Mr. Echevarria stated that their land, as described in the application, is not available to them and their (The New Building Fund) money is not available to them. He said he would like to publicly ask them to leave "us" alone.

Mr. Bell asked Mr. Echevarria about an easement through the RV Park. Mr. Echevarria said that they applied for the easement because they felt it was the best way to go. He pointed out access for fire equipment which is why they are applying for the easement through the RV Park. At some point they hope that the entire complex will be owned by the County. The easement has nothing to do with their parking, they have agreed to meet every code and regulation.

Chair Rock asked if there were any other comments from the public. She then asked Staff if approval of the CUP be subject to the approval of the variance. Deputy District Attorney Carr pointed out that this is listed as condition #8. She asked if there were any additional conditions placed on this application that were not on the previous application. Ms. Lawrence indicated that these are the same conditions with the exception of the addition of #8 and the removal of the condition stating if the use changed to anything but a sports complex the applicant would have to come back before the RPC. Deputy District Attorney Carr asked about adding a condition that the applicant will comply with applicable state and federal law, this would expand on condition #1. She recommended that the board add this to condition #1 as a modification. Mr. Bell asked if one of the conditions is unachievable, could they ask for a variance. Chair Rock indicated that if the RPC has the authority to grant that, then this could be addressed. There was a question from the public (Mr. Stempeck or Mr. Bell) about a condition for a fence to be built. There was not a condition placed on the previous application for fencing. Mr. Bauman indicated there was a lot of discussion regarding a fence but the requirement of fencing was never added as a condition. Mary Fenton approached the board and asked what is being asked for with this application. Is it the revocation of Mr. Lucas' first request but not The New Building

Fund's request? Chair Rock stated that there are two requests that have been made previously and been approved. One of those has been withdrawn and another one put in its place. The only one the RPC is approving tonight is the one before the RPC in terms of approval.

Mr. White made a motion to amend recommendation #1 under Section 5 Staff Recommendation to include "applicant will also comply with all applicable state and federal laws." Ms. Legarza seconded the motion which passed unanimously. Deputy District Attorney Carr recommended that if the board is inclined to approve the CUP that they have two findings: 1) That the board finds that the use is consistent with M-3 zoning as well as the Master Plan. This is because it is not a specifically identified use within the Chapter 17 for conditional use permits. 2) The use meets the findings and conditions set forth in Humboldt County Code Section 17.68.080. Ms. Carr stated that in order for this board to grant a conditional use permit this board has to find that those findings and conditions, in that particular code provision, are met. Mr. White asked Staff about area and yard requirements addressed in 17.44.070 under M-3 zoning. This shows that there is a minimum lot area of 2.5 acres, does this apply to this application? Ms. Lawrence indicated that the property is already the size it is, we cannot make it bigger. This lot size applies more to a newly proposed parcel split, then the 2.5 acres would apply. Mr. White made the following motion, having found that that this is a consistent use with the M-3 zoning and Master Plan and that this meets the conditions set forth in Humboldt County Code 17.68.080 and that this is consistent with the recommendations from staff. I also move to approve the conditional use permit as recommended by staff and modified today. Ms. Kinney seconded the motion which passed unanimously.

A. MP-16-01 A Master Plan Amendment application submitted by Steve West, City Manager/Engineer on behalf of the City of Winnemucca to reclassify property on the master plan from IND (Industrial) to PF (Public Facility). Subject property is located at 5055 and 7325 Jungo Road, assessor's parcel #'s 3637-28-100-001 and 3637-32-100-001.

Ms. Lawrence reminded the board that they will be recommending approval or denial of this item and the next item. Deputy District Attorney verified with Staff that proper notice was provided for these public hearings.

Mr. West summarized and updated the board on the sewage treatment plant project. The existing lagoon aeriated treatment plan is located in the Humboldt River plain. The water is currently percolated into rapid infiltration basins. The State and the Feds have always had concerns about the potential of contamination of the water table. The City has been testing upstream and downstream of the plant for 30 years and have never had a problem with pollution. With the Clean Water Act and federal regulations it has been determined that the City has to move the plant. They have spent two (2) years planning, looking at different options of where to move the plant. The best location through the feasibility study was the location on Jungo Road on two parcels currently BLM owned. They applied for a recreation and public purposes act lease and eventual patent property on the two sections of property. They went with two complete sections so they can do land application with irrigation pivots to get rid of some of the effluent. They are going to continue to use rapid infiltration basins during the winter months when they can't irrigate. The total project is \$28.4 million. They started with a budget of about \$21 million. The increase in rates were determined for an ultimate loan of about \$18

million that will have to be paid back over 20 maybe 30 years depending on growth.

In order to utilize the BLM's property for this purpose he is here to request a Master Plan Amendment and rezone application recommendation from this board to the County Commissioners. Chair Rock asked Staff about permitted uses and conditional uses reflected in the ordinance, there is nothing about a sewer plant type use. Is this something the board needs to look at in terms of making it clearer in a recommendation to the Commission or City relative to our County regulations? Ms. Lawrence indicated that typically if a requested use is not specifically listed as a prohibited use it would be a conditional use. She looked at the existing ponds and they did obtain a use permit. After speaking with Mr. West, if the Planning Commission would require a conditional use permit the City is willing submit an application. Mr. West stated that it is his opinion that under public facilities there are so many different uses you could not list them all. Mr. West said that in the planning process one of the reasons they chose a full section of land to place the sewage treatment plan on is that they can place it in the middle and there is a lot of space for any other use. This offers a huge buffer zone that you wouldn't normally get for an industrial type development. There was discussion that this may be something to be looked into and the ordinance amended to address more than schools, churches, etc. as uses. Deputy District Attorney Carr indicated that in the Master Plan it does reference public facilities. A broader definition that is more nationally recognized would identify this type of facility as a public facility. Although it is not specifically identified in the provisions that pertain to what is a public facility. She strongly suggests looking at revising that definition. There would be a finding by this board, if you are inclined to grant it, that the following zone change is consistent with the proposed Master Plan amendment. Mr. White asked Mr. West how the lots will be utilized for the facility as they are two adjacent, kitty corner lots. Mr. West said they have a common corner and in between there are current irrigation pivots on Mr. Miller's property. They would be doing pivots running distribution lines through his property. All three sections would be utilized with the effluent mixed water 50/50 with ground water. Chair Rock asked for a motion reminding the board that the motion will be a recommendation to the County Commission. Ms. Kinney made a motion to recommend to the County Commission approval of this request, based on the above analysis and findings, a Master Plan Amendment for assessor's parcel #'s 3637-28-100-001 and 3637-32-100-001. Brad seconded the motion which passed unanimously.

B. RH-16-01 A rezone application submitted by Steve West, City Manager/Engineer on behalf of the City of Winnemucca to rezone property from M-3 (Open Land Use) to P-F (Public Facility). Subject property is located at 5055 and 7325 Jungo Road; assessor's parcel #'s 3637-28-100-001 and 3637-32-100-001.

Chair Rock indicated that this where we need to look at how we define public facilities to include advanced systems like this and other uses that are in public facilities. Chair Rock asked if there were any questions, again reminding the board that this is a recommendation to the County Commission. Hearing no questions, Chair Rock asked for a motion. Mr. Bauman made a motion to recommend approval of the zone change for assessor's parcel #'s 3637-28-100-001 and 3637-32-100-001 from M-3 to P-F to the County Commission. That this finding is consistent with the previous recommendation of the Master Plan Amendment (MP-16-01). Ms. Kinney seconded the motion which passed unanimously.

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

RPC Meeting

4/14/16

OPPORTUNITIES (Taken out of order to beginning of meeting)

IV. CORRESPONDENCE/BUDGET/PERSONNEL

Chair Rock passed around a card for the board to sign for Stephen Nye's wife. Mr. Nye recently passed away. He served of the Regional Planning Commission several years.

Ms. Lawrence updated the board on the vacant position in the planning department. Interviews have been completed. This will be a shared position with the administrator's office as an assistant to the HR Director.

Chair rock asked if there were any issues with the budget. Ms. Lawrence indicated that the County Commissioners tentatively approved the budget request.

V. PUBLIC COMMENTARY

Chair Rock asked for public comment. She asked about the status of the college that is planning to be built north of town. Ms. Lawrence said she has not heard anything about the status. Ms. Kinney indicated that her husband has spoken to someone regarding this and they will not be moving forward. She is not 100% sure, she will follow up and see if she can find out more information. Hearing no additional comments the meeting was adjourned at 7:07 p.m. to May 12, 2016 at 5:30 pm

Buddy Bunn (Acting Chair)
Vickie Rock, Chair

UNOFFICIAL

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