

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission (RPC) meeting was held on Thursday, September 8, 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

Mike White
Ken Hladek
Lewis Trout

Vickie Rock
Jennifer Legarza

COMMISSIONERS ABSENT

Jean Kinney
Brad Bauman

STAFF PRESENT

Betty Lawrence
Abel Del Real-Nava

LEGAL COUNSEL

Gabrielle Carr

PUBLIC PRESENT

Michael Andersen
Lynn Zonge
Michelle Miller
Thor Hoyte
Kim Borgzinner
Jim French

Patty Andersen
Kimberly Stickney
Rendal Miller
Birgit Henson
Dave Mendiola
Jill Sutherland

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 August 11, 2016**
Chair Rock asked if there were any corrections to the August 11, 2016 minutes. Mr. Trout commended staff for condensing the minutes. Hearing none she asked for a motion. Mr. White made a motion to approve the minutes as submitted. Mr. Trout seconded the motion which passed 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.

Item A from Commission/Staff/Legal Comments/Committee Reports/Training Opportunities was moved to this portion of the meeting.

An update from Resource Concepts on the Community Source Water Protection Plan and a request for a letter of support from the Regional Planning Commission. Kim Borgzinner with the Bureau of Safe Drinking Water, Nevada Division of Environmental Protection and Jill Sutherland with Resource Concepts, Inc. approached

the commission. Ms. Borgzinner and Ms. Sutherland presented a slide presentation on the current status of the Community Source Water Protection Plan. This plan has been worked on for the last year and half with local stakeholders, of which Chair Rock has been a part along with Ms. Lawrence. Ms. Borgzinner went over what the plan is and what has happened in the last year. Ms. Sutherland went over the details of the plan. Chair asked if there were any questions for comments from the public. Hearing none she asked if the commission had any further comments or questions. Chair Rock asked for a motion on the letter of support for this plan to the Humboldt County Commission and City Council. Lewis made a motion to authorize the Chair to sign the letter of support for the Community Source Water Protection Plan as presented. Ms. Legarza seconded the motion which passed unanimously.

II. PUBLIC HEARING - Discussion & Possible Action

- A. UW-16-04** A Special Use Permit application submitted by Kimberly Stickney to allow a day care business for up to 6 children from her residence. Subject property is located at 371 Parkview Avenue; assessor's parcel #3638-29-226-023. Ms. Stickney approached the commission and said she would like to operate a day care business from her home. Ms. Lawrence explained that the commission had previously approved a special use permit for the same use but at a different location. Chair Rock asked if there were any questions from the board. Hearing none she asked if there were any questions or comments from the public. Hearing none she brought the item back to the commission. Mr. White made a motion to approve the application per staff recommendation. Mr. Hladek seconded the motion which passed unanimously.
- B. AH-16-01** An abandonment request submitted by Steve Dixon to abandon an approximate 285.85' x 50' ± portion of Anna Way, a 60' wide easement, between Delaney Drive and Ivan Drive; assessor's parcel #'s 3758-15-102-003 and 3738-15-126-001. Chair rock asked if the applicant was present. Mr. Dixon, the applicant, was not present. Ms. Lawrence explained that 30' of this easement would go to the property owner across Anna Way, which is how the easement was created. She said that she had asked the applicant to provide something from this property owner regarding the 30' being added to the property if this abandonment is approved. Ms. Lawrence stated that she has received no comments from the property owner across Anna Way. Ms. Lawrence explained that Anna Way to Artemsia has not been developed and the developer has no intention to develop the roads in this area. This abandonment affects Anna Way between Delaney Drive and Ivan Drive. There is access from other roads in the area to parcels west of Anna Way. Mr. Hladek asked about the comments from Mr. Garrett, County Road Superintendent regarding long range development in the area. Ms. Lawrence explained that unless someone were to come in and was willing to spend the money to bring Anna Way up to county standards, there is never going to be a road there. Mr. Trout brought up a concern he has regarding this application and the next abandonment application (AH-16-02). He said that there is input missing from EMS First Responders at Humboldt General Hospital (HGH). There was discussion that this item is a recommendation to the County Commission and input from the First Responders could be placed as a condition to be addressed prior to the hearing before the County Commission.

Chair Rock asked if there were any additional items to be addressed on this application. There was continued discussion regarding continuing this item or making the recommendation to the County Commission contingent upon items discussed. Mr. Trout made a motion to continue this item to the next regularly scheduled meeting and that comments from HGH EMS First Responders be obtained prior to that meeting regarding any impact this abandonment may have on their ability to do their job. Ms. Legarza seconded the motion. The motion passed with 3 ayes and 2 nays. Roll call was taken: aye votes were from Mr. Trout, Chair Rock and Ms. Legarza; naye votes were from Mr. Hladek and Mr. White. Mr. Trout moved for a reconsideration of this item to hear the concerns of Mr. Hladek and Mr. White. Mr. Hladek indicated that his reason for objecting to this are not needed to be made public he respectfully refused to state his reasons. Mr. White commented that Staff advised that this item could be considered through the County Commission prior to approval, therefore he voted against the continuation of the item. Mr. Trout withdrew his request for a motion to reconsider.

- C. **AH-16-02** An abandonment request submitted by Michael Andersen to abandon the westerly portion of the 60' right-of-way known as Robbie Circle; assessor's parcel #'s 3738-21-226-006, 3738-21-226-007, 3738-21-227-001 and 3738-21-227-003.

Mr. Andersen approached the commission and explained that he was approached by another property owner to request the abandonment due to this portion of Robbie Circle being used as a "high speed motorcycle race course" causing a lot of dust. He spoke with the developer, Mrs. Lambert, about the development of the rest of Robbie Circle. Mrs. Lambert indicated that she was never going to put the road in. Mr. Garrett, County Road Superintendent was approached about any future development of the road on the county's part and Mr. Garrett indicated that the county would not put in the road. The applicant also spoke with at&t regarding an existing utility easement. As long as there remained access to their easement AT&T has no issue with the abandonment. Mr. Andersen indicated that he worked with a surveyor on this and there is access to all parcels via Lambert Drive, the easterly portion of Robbie Circle and Indian Court. Letters from all property owners, in support of this abandonment, have been submitted and are part of the application. Chair rock asked Ms. Lawrence about the comments from the road department. Ms. Lawrence indicated that she has spoken with Mr. Garrett and he stated he would recommend and would like to see a form of a cul de sac, at least 50', at the intersection of Robbie Circle and Indian Court as a turn around. There was discussion regarding access to some of the parcels at this intersection. Mr. Trout pointed out that Staff has no recommendation on this application. Ms. Lawrence explained that she wanted to hear any comments Mr. Andersen had in response to the comments from Mr. Garrett. Chair rock asked Mr. Andersen if there would be a problem with any of the property owners regarding the recommendation and request for the turn around (cul-de-sac). Mr. Andersen indicated that he can't speak for the other property owners but he has no problem with this recommendation. Mr. Andersen expressed his puzzlement regarding the comments made by Mr. Garrett regarding the turn around. Ms. Lawrence suggested that a condition, if the commission were to recommend approval to the County Commissioners, be that Mr. Andersen work with the County Road Department regarding the turn around/cul de sac. Chair Rock asked if there

were any comments from the public. Patty Andersen approached the commission. She commented that EMS cannot use this portion of Robbie Circle due to its roughness. Chair Rock asked if there were any additional comments from the public or the commission. Mr. Trout made a motion to recommend approval of this application to the Humboldt County Commission subject to the following: the applicant works with the road department on the mitigation measures suggested by Mr. Garrett; the HGH Emergency Medical Services be consulted to see if they have any concerns or recommendations from a fire, life safety point of view; the utility easement holder (AT&T) be recognized and their easement be provided for in the abandoned area and access be provided to the utility company. Mr. White seconded the motion which passed unanimously.

There was a 5 minute break with the meeting brought back to order at 7:04 p.m.

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

- A. Update from Resource Concepts on Source Water Protection Plan and a request for a letter of support from the Regional Planning Commission. This item was moved to the beginning of the meeting.
- B. Review of recommendations of Regional Planning Commission on medical marijuana establishments dated October 1, 2014 to the Humboldt County Commission and address a possible recommendation to the County Commission to enact an ordinance regarding medical marijuana facilities.

Chief Deputy District Attorney Carr said that 3-4 weeks ago she met with Dave Mendiola, County Administrator, and some individuals that were interested in bringing the recommendation back to the table. There were some issues raised regarding some potential economic changes as well as other changes that might indicate that bringing this back at this point and time could result in a different determination by the City and/or the County. There was a request made that this item be put back on the agenda for review to see if the RPC wants to make a recommendation to amend the current ordinances to allow for the medical marijuana establishments.

Chair Rock gave a brief history of Medical Marijuana Establishments (MME's) since the legislature passed a bill allowing MME's in the State of Nevada. In 2014 the Regional Planning Commission looked at the Master Plan and different areas of the County to determine where the different types of establishments could be located. The RPC then made a recommendation to the City and County to conditionally allow MME's in certain zoning districts of the City and the County. At that time both the City Council and the County Commissioners rejected the recommendation by the RPC and voted to not allow MME's in any of the incorporated or unincorporated parts of the County.

Mr. Trout stated there were approximately 60 people at the meetings. Sheriff Kilgore spoke at one of those meetings and indicated that he was not opposed to MME's in the community but based on the experiences of other communities he had safety concerns. Ray Olsen, previous RPC member, had provided information regarding the benefits and importance of medical marijuana. Mr. Trout stated that a better approach

would be to request a Federal change in schedule one and schedule two to remove medical marijuana from schedule one and place it on schedule two. At that time the District Attorney advised the RPC that this was beyond the scope of their ability to implement such a change. Mr. Trout stated that the County Commission at that time had the same interest in changing medical marijuana from a schedule one drug to a schedule two drug. The County Commission received the same advice from the District Attorney. Mr. Trout went on to state that he thinks that a recommendation from the RPC, be made to the County Commission to adopt a resolution authorizing the County Commission Chairman to sign a letter to the appropriate federal authorities requesting that the current listing of medical marijuana as a schedule one drug be moved to schedule two and that there be a prescription only distribution of medical marijuana. Mr. Hladek questioned changing medical marijuana to a pharmaceutical drug and the effect this could have on current medical marijuana dispensaries and ordinances adopted. Chief Deputy District Attorney Carr pointed out that whether or not to move something from schedule one to schedule two is not on this agenda. She recommended that any further discussion on this topic could be addressed at another meeting but more importantly, this is well beyond the scope of this board. Chief Deputy District Attorney Carr told that commission it is direct violation of the open meeting law if they continue to discuss an item that is not the agenda. Mr. Trout stated that he would like to see this item re-agendized to include their ability to make a recommendation regarding movement from schedule one to schedule two. There was further discussion about the scope of the authority of the Regional Planning Commission.

Mr. Mendiola approached the commission. Mr. Trout asked Mr. Mendiola what he would like the RPC to do. Mr. Mendiola stated since it has been two years when the current ordinances were adopted he would like to see if this is something the RPC would like to request of the County Commission to reconsider their prohibition of medical marijuana through the current ordinances that are in place. Dave said he has spoken with some representatives of an organization from Washington who have had some good experiences with MME's. There is new information out there to be considered by both the RPC and the County Commissioners. Thor Hoyte, corporate counsel for a retail marijuana group out of Washington and Randal Miller, local attorney and representative of Lucid Cannabis Company approached the commission. Mr. Hoyte stated that they had met with the District Attorney and County Administrator about three weeks ago. He pointed out that northeastern Nevada, Winnemucca going east, is completely unserved. He provided information regarding the current status of medical marijuana use in this area and the lack of dispensaries to meet the needs of those people. Mr. Hoyte stated that there is evidence that where there is medical marijuana use opioid consumption crashes. Mr. Hoyte addressed the concern about the increase in crime. In Seattle they have found that that is not the case. There has been a decrease in traffic violations, a decrease in property crimes, a decrease in all types of crime including violent crimes. He provided more information regarding the positive aspects of medical marijuana use and the concerns out there. Mr. Hoyte explained what the inside of a dispensary looks like and how the process works. He indicated that they are proposing to bring an investment of about 3 million dollars and twenty jobs, initially. If a lab is created, this would bring more jobs and more money. The company is proposing a grow facility and dispensary. Mr. Hoyte has reviewed

and likes the ordinance that was proposed in 2014. He would like to come to Winnemucca with their company. Mr. Hoyte provided copies of information regarding medical marijuana to the RPC.

Chair Rock clarified with legal counsel that the decision of the RPC would be relative to changes in ordinances. Mr. Trout made a motion to hold a special hearing to consider possible changes to the current county ordinance and to the recommendations that were made in 2014 regarding land use and medical marijuana facilities authorized under the State statute; that they also take testimony on the issue of schedule one and schedule two and whether they should recommend to the County Commission that a letter be prepared addressed to the FDA and to the Department of HHS regarding such a change administratively. There was no second on Mr. Trout's motion; the motion died. Chair Rock asked if there is a different motion. Mr. Trout asked if the meeting could be rescheduled to October 6, 2016. Chair Rock stated the motion on the table is to agendize this item (B) for a rescheduled meeting on October 6, 2016. There was a second on this motion. The motion passed unanimously.

- C. Regional Planning Commission Committee sign up (Master Plan, Ordinance & Fees, Subdivision, Rules/Policies)

A sign-up sheet was passed out to the commission.

- V. **PUBLIC COMMENTARY** - Discussion & Possible Action
There were no members of the public for public comment.

- VI. **ADJOURN** - Discussion & Possible Action
Chair Rock adjourned the meeting at 8:09 p.m. until October 6, 2016.



Vickie Rock, Chair

UNOFFICIAL