



**Humboldt County Board of Commissioners  
October 7, 2024 at 8:30 a.m.  
Meeting Minutes**

Those present were Chairman Jesse Hill, Commissioners Tom Hoss, Ron Cerri, Ken Tipton and Mark Evatz, Chief Deputy District Attorney Wendy Maddox, County Manager Don Kalkoske and Clerk of the Board Tami Rae Spero.

**CALL TO ORDER:** Chairman Hill called the regular meeting to order at a special place of meeting the Humboldt County Library Meeting Room, 85 E. 5<sup>th</sup> St., Winnemucca, Nevada.

**PLEDGE OF ALLEGIANCE:** All in attendance recited the Pledge of Allegiance.

**PUBLIC COMMENTS:** Chairman Hill asked for public comment. Debra Gay offered public comment as to a petition she is circulating regarding revisiting the master plan and noted concerns with issues as to the industrial and AG and residential zoning in the area and the lack of the required updating of the plan; she stated that the area has become residential and is no longer suitable for industrial; she commented on concerns with the efforts to convert Miguel's property to commercial; she asked to be put on the agenda as to the master plan before anything gets done on it; she stated that the original master plan had no commercial and explained; she stated that the area should remain AG and spoke in support of that.

Deputy County Clerk Jessica Aguiar-Koepke appeared before the Commission and offered public comment informing the Commission that she has completed the process to become a certified election and registration administrator.

Christina Kennison offered public comment as to the zoning and master plan and the lack of availability of a copy of the master plan to them; she noted concerns with the area having industrial zoning due to the number of people who have moved into the area; the need for the updating of the master plan and the need for the residents of the area to have an input on the process.

**APPROVAL OF MINUTES:** Discussion and action on correction/approval of minutes for discussion and action on correction/approval of minutes: No minutes submitted for consideration.

**APPROVAL OF EXPENDITURES FOR HUMBOLDT COUNTY FOR SEPTEMBER 16, 2024 THROUGH OCTOBER 7, 2024:** The following motion was made by Commissioner Tipton and passed unanimously:

*To approve the expenditures September 16, 2024 through October 7, 2024 as presented.*

**COMPTROLLER:** Deputy Comptroller Weston Noyes appeared before the Commission.

**FINANCIAL REPORT:** Humboldt County Comptroller's Office will provide an overview of current conditions with respect to Humboldt County revenues and expenditures for fiscal year 2025 (July 1,

10/07/2024

Page 1 of 13

2024 through June 30, 2025), including an update on the American Rescue Plan Act (ARPA) and other funding available to the County. Deputy Comptroller Noyes reported on the receipt of CTX for the month of July and the status of the ARPA funding for the County as to the HVAC system in Orovada. Discussion ensued regarding the status of the Orovada project.

**LIBRARY:** Library Director Jessica Anderson appeared before the Commission.

**REQUEST TO APPROVE AMENDED LIBRARY BY-LAWS:** Consideration, discussion and possible approval of amended Humboldt County Library Board of Trustee Bylaws to reflect the change of Co-Chairman to Vice-Chairman to better align with the Roberts Rules of Order. In Robert's Rules of Order under the section "Designating the Committee Chairman," it states that the anomalous title "co-chairman" should be avoided, as it causes impossible dilemmas in attempts to share the functions of a single position. Director Anderson reviewed the request for the Commission. The following motion was made by Commissioner Cerri and passed unanimously:

*To approve the request to amend the Library by-laws as presented.*

**WINNEMUCCA EVENTS CENTER:** WCVA Director Kim Petersen appeared before the Commission.

**REQUEST TO APPROVE ROOF SEAL PROJECT BID:** Consideration, discussion and possible approval of a bid from CTR Roofing, Inc. to clean, seal and replace the Event Center roof in an amount not to exceed \$33,800. A copy of the Staff Report detailing the request including the bid proposals from CTR Roofing and Static Roofing Systems, Inc. was included on the online agenda for review (see attached). Director Petersen reviewed the request for the Commission. Chairman Hill commented on the completeness of the RFP and stated his appreciation; he noted this was within the budgeted amount. Commissioner Hoss offered his appreciation for the use of the paperwork but asked that a signature line include a printed version of who signed; he questioned the length of the guarantee period and whether funding needs to be put away to replace the roof. Director Petersen responded. Discussion ensued including the inspection plan. The following motion was made by Commissioner Evatz and passed unanimously:

*CTR Roofing, Inc. to clean, seal and replace the Event Center roof in an amount not to exceed \$33,800.00.*

Chairman Hill stated that the Commission would be moving to item 16 on the agenda; he asked that the Commission go into closed session.

**PLANNING:**

**10:00 A.M. PUBLIC HEARING:** Chairman Hill called the public hearing to order at 10:02 a.m.

10/07/2024

Page 2 of 13

CONTINUATION OF A REQUEST TO APPROVE VARIANCE AT THE AIRPORT: Consideration, discussion and possible approval of a variance, per HCC 17.66.050, submitted by Lithium Americas Corp to increase the allowed height of 3 stories or 35' in the AID zoning district to 137'. The applicant is proposing to place structures on the parcel as part of the transloading facility. The property is located west of Airport Road; assessor's parcel #13-0242-01. This item is a continuation of Public Hearing Item 8 (D) tabled on June 17, 2024. (Public Comment). Chairman Hill read the title of the item set to public hearing. Chairman Hill asked for public comment. Debra Gay offered public comment asking about the ownership of the land and voiced concerns with contracts proposed by the city and how that impacts the public; the issue with heavy industrial and associated chemicals and concerns with that; she again asked for clarification as to ownership of the airport; she questioned whether this complies with the airport master plan and noted potential conflict; that, if this is airport land, there needs to be more due diligence as to what is being allowed at the airport.

Brad Wigglesworth appeared before the Commission and offering public comment on his appreciation for the County waiting for the FAA study but noted his wish to see a requirement for lighted beacons on the structures and explaining.

Jamie Nicotera appeared before the Commission and offered public comment asking that this structure not be allowed and explaining how, if it is allowed, this is against the county's own words and voicing concerns about the impact on the airport as well as the residents; she requested a new signed lease with lithium explaining what she would like to see in that lease; she asked that the Commission uphold the laws and asked the Commission to help with this; she commented on the impact of this on airplanes coming into the airport; she again asked the Commission to protect the community; she commented on the Mayor's interview and what was said.

Robert Dolan appeared before the Commission and offered public comment about lithium mining in Serbia and what is occurring there; he commented on the lack of input from the District Attorney or experts; he commented on community members who have reached out to him and his concern that this is creating unnecessary stress in the community.

Christina Kennison appeared before the Commission and offered public comment including presenting items 1 through 4 as proposed exhibits – 1 – Chapter 17.58, item 2 – Humboldt County Regional Master Plan 3 – Industrial Zoning and 4 – Chapter 497 - Zoning. The Commission reviewed the exhibits as presented. Chief Deputy District Attorney Maddox noted that this property, per the staff report, has a

10/07/2024

zoning of AID, Airport Industrial District, Chapter 17.59. Ms. Kennison disagreed, stating that per the map this is within the A-H, Airport Hazard Combining District. Per direction from Chief Deputy District Attorney, Chairman Hill asked for a motion to accept the items into evidence. The following motion was made by Commissioner Cerri and passed unanimously:

*To include in the record four documents submitted by Christina Kennison.*

Ms. Kennison continued asking if there has been any type of approval of this facility going in the Airport Industrial District. Chief Deputy District Attorney Maddox stated that there have been no closed sessions regarding this issue. Ms. Kennison asked how a variance can be required if that has not been approved. Ms. Kennison continued commenting on issues with the zoning referencing exhibit language in 17.58.080. Chief Deputy District Maddox commented that the zoning referenced for this item is 17.59. Ms. Kennison responded that this property lies within the A-H zoning. Chief Deputy District Attorney Maddox responded that the Commission could listen to legal or Ms. Kennison. Ms. Kennison continued voicing concerns about the homework done by the County's legal and continued referencing the county's zoning and policies which discuss protecting property rights; she requested that this be done correctly. Commissioner Hoss offered his thanks to Ms. Kennison noting that all is being asked is that the Commission cover and obey the County laws without making variances when they are not applicable.

Mike Owens offered public comment noting that he serves as both a city council member and airport board member but that he is not representing either; he stated that it has been mentioned numerous times that the property in question is owned by the City of Winnemucca.

Debra Gay offered public comment asking for proof that the city is the sole owner of the property and that this structure is not situated on airport property.

Christina Kennison offered comment on Chapter 17.59 and its purpose.

Jamie Nicotera offered public comment noting that, even if it is the city's land, the laws apply to all of us and are there to protect everyone and this variance can't be accepted.

Betty Lawrence, Senior Planning Technician, appeared before the Commission (via Teams) and stated that a patent from the United States of America to the City of Winnemucca for this parcel had been recorded in 2008; she continued referencing Chapter 17.58 stating that it is incorrect and unenforceable.

10/07/2024

Page 4 of 13

Commissioner Hoss offered comment on concerns about the status of the master plan, the zoning, the lack of a buffer zone, the lack of transparency, allowing a property to be designated as heavy industrial which is not allowed, concerns with the water, that there will be an impact on the residents though the staff report says it will not, the amount of train traffic, the lack of airport board approval, that it is a non-aeronautical use, that the area is light industrial only, the need to protect the airport and the residences around it, concerns with allowing a variance for this height noting how, just trees, have impacted the use of a runway in the past, the lack of updates to the master plan and the lack of signing off by the Commission. Mrs. Lawrence noted action by the Commission as to a zone change for this parcel to AID. Commissioner Cerri asked about the prohibited use identified. Mrs. Lawrence responded explaining what the information was provided by the City Attorney and noting that the Commission is only considering the variance as to height. Discussion ensued with Commissioner Evatz noting that this was just continued for the FAA review. Brad Wigglesworth appeared before the Commission and stated that the FAA variance letter specifically says its not a hazard to air navigation, it does not mention airport operations. Discussion ensued about the purpose of this agenda item and what needs to be considered including what the findings would be to potentially grant this. Chairman Hill stated that Ms. Kennison could readdress the Commission. Ms. Kennison appeared before the Commission and offered comment on the FAA's approval and their belief that Chapter 17.58 is in force. Chairman Hill offered comment on the purpose of a master plan, the purpose of zoning and the language of 17.66 as to exceptional or extraordinary circumstances; he stated that he does not see exceptional use to this property versus any other property within this application. Discussion ensued. Chief Deputy District Attorney Maddox referred to the language of 17.66. Discussion continued. Tom Karas with Lithium Americas, offered comment on Chapter 17.66 detailing the exceptional/extraordinary circumstances or conditions that apply to this particular parcel including that the location is near the Union Pacific Railroad and its size and topography. Discussion ensued. Mr. Karas reviewed what was submitted to the FAA based on a question by Commissioner Hoss, with Commissioner Hoss asking why the variance need wasn't included. Mr. Karas responded. Chairman Hill noted that the information provided by Mr. Karas regarding exceptional or extraordinary circumstances was not included in the application as submitted; he read what was included in the application. Commissioner Evatz commented on what the direction was during prior discussion on this item. Ms. Kennison asked that the Commission look at the FAA letters that have come back and comments related to other properties under consideration and how these

10/07/2024

queries go to different areas within the FAA. Commissioner Hoss commented on the FAA's determination and language included related to the non-relief of the sponsor for compliance and the possible impact on the airport services of this facility. Chief Deputy District Attorney Maddox stated that the Commission is deciding a variance. Chairman Hill noted that the exceptional circumstances were not included in the application but have now been identified which needs to be considered plus the need to include what is identified in B. Discussion ensued.

Chairman Hill recessed the meeting at 11:39 a.m. reconvening at 11:54 a.m.

Tom Karas, Lithium Americas, offered comment as to 17.66.020 and the required findings and how this parcel meets those requirements. Christina Kennison offered comment as to the language 17.66.020 and the required findings. Commissioner Evatz offered comment as to this request being specific to the height and the impact on the airport suggesting that, if the intent is to take this broader than that, it needs to occur at a future meeting. Commissioner Cerri offered a summary of his position and his struggles with the issues with section A as the application does not indicate the exceptional circumstances. Commissioner Tipton noted the knowledge of the reasons they wanted this site and, as to part B, the Loon tower was previously approved so he questioned why this request would be denied based on the facts given. Commissioner Hoss questioned why they need to go as high as they are requesting and again noted his concerns with the impact of anyone flying into the airport; he stated that Humboldt County should not keep going out there and changing items as the master plan is not being updated every five years as required; he noted the level of residential development in the area and concerns with allowing heavy industrial in the area. He stated that he would not support a variance. Chairman Hill referred to Chapter 17.66.020 as well as the language related to the application which allows for denial for failure to set forth facts that would sustain findings; he noted the need to be transparent in this process and the need to make sure everything lines up properly. The following motion was made by Commissioner Hoss:

*To deny this application for a variance for that particular property.*

Based on a query from the Chairman, Chief Deputy District Attorney Maddox stated that any decision whether it be to approve or deny needs to include the reasons why and it needs to comply with Code.

Commissioner Hoss offered the following amended motion:

*To deny this application for a variance for that particular property for failure to set forth facts which would sustain such findings and sufficient ground for denial of the application and he would also bring*

10/07/2024

*out that we have laws that state that you can only go thirty-five feet there and it states right in the FAA that they will not go against the local government body and the local government body says that we can't have it there, we can't have a tower there, we can have a thirty-five footer and that's all.*

Commissioner Hoss asked if the proposed motion was sufficient. Commissioner Evatz asked legal counsel for clarification, noting that this is not a tower it is a silo, if this means that insufficient information in the application, does it preclude them from re-applying. Deputy District Attorney Maddox responded. Chairman Hill reviewed the motion made by Commissioner Hoss and asked if everyone understood the motion. Commissioner Tipton asked for it to be repeated. Chairman Hill stated that Commissioner Hoss has a motion on the floor recommending denial and the reason for the recommendation of the denial is the failure to set forth facts which would sustain such findings as sufficient grounds for denial; in short, an incomplete application for the findings of extraordinary circumstances. Chairman Hill called Commissioner Hoss' motion to a vote and it passed with Chairman Hill and Commissioners Hoss and Cerri voting aye and Commissioners Tipton and Evatz voting nay. Clerk Spero asked for clarification on the vote. Chairman Hill asked for a clarification each Commissioner's vote and verified that it was three to two in favor of denial.

Chairman Hill asked for public comment. Ms. Kennison offered public comment stating that only one reason would be needed to deny, and all four items would be needed for approval according to the law on variance. Debra Gay offered public comment stating that if information had been provided and meetings had been held about allowing chemicals on the property this variance would not have ever come to the Board as it would have denied because of the chemical structure at the airport; she continued commenting on the truck traffic's impact on the airport operations and the need to look at the master plan and the impact of allowing big corporations to come into residential areas. Jamie Nicotera offered thanks to the Commission for looking at the facts and considering the community. Laurie Bento appeared before the Commission and offered public comment stating that they are not against bringing businesses in but they should be going into areas that are not residential.

Jedidah Hedges offered public comment voicing his opposition to placement of this facility in a residential area and so close to a school and explaining his concerns.

No further public comment offered.

Chairman Hill stated the Commission would now proceed to item 14 on the agenda.

**PUBLIC WORKS DEPARTMENT:** Public Works Director Daniel Ferraro appeared before the Commission.

10/07/2024

Page 7 of 13

REQUEST TO PURCHASE ENGINE REBUILD AND COST TO REPAIR: Consideration, discussion and possible approval to purchase the engine rebuild and repair for Unit 151 from Peterbilt Truck Parts and Equipment in an amount not to exceed \$40,000.00. Head Mechanic Darrin Quilici appeared before the Commission. Director Ferraro reviewed the request for the Commission. Mr. Quilici offered comment as to what had occurred with the vehicle. Discussion ensued. The following motion was made by Commissioner Evatz and passed unanimously:

*To proceed with the engine-rebuild and repair for Unit 151 from Peterbilt Truck Parts and Equipment in an amount not to exceed \$40,000.00.*

GENERAL ROAD PROJECTS: A presentation by Humboldt County Public Works Director Dan Ferraro to update the Board on Road projects within Humboldt County, however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Director Ferraro reported on road work throughout the County, that sand and salt are being obtained to prepare for winter, the status of the pavement preservation project and the cattle guard replacement project on Cordero.

FACILITY OPERATIONS: Facility Operations Manager Mark McCreary appeared before the Commission.

UPDATE REGARDING EMERGENCY EXPENDITURE TO REPLACE THE BOILERS FOR THE COURTHOUSE: Facility Operations will provide an update on the emergency expenditure, per NRS 332.112 for the purchase and installation of two new, Lochnivar FTX725 boilers from Nevada Chiller & Boiler, Inc., for the Courthouse in the amount of \$158,401.00. Included on the online agenda was a Staff Report detailing the request (see attached). Manager McCreary reviewed the request for the Commission. Discussion ensued. No action taken as this was an update only.

BUILDINGS AND SAFETY: Building Inspector Andrew Arminio appeared before the Commission.

REQUEST TO APPROVE PURCHASE AND IMPLEMENTATION OF BLUEBEAM DIGITAL PLAN CHECK SOFTWARE: Consideration, discussion and possible approval of the purchase and implementation of Bluebeam Revu digital plan check software in an amount not to exceed \$660, pending the District Attorney's Office review and approval. Mr. Arminio reviewed the request for the Commission. Manager Kalkoske informed the Commission that the District Attorney's Office has reviewed the agreement. Mr. Arminio confirmed that IT had also reviewed that the program is compatible. After discussion the following motion was made by Commissioner Tipton and passed unanimously:

10/07/2024

*To approve the purchase and implementation of Bluebeam Revu digital plan check software in an amount not to exceed \$660.00, pending the District Attorney's Office review and approval.*

TECHNOLOGY SERVICES: Technology Services Director Mike DeTullio appeared before the Commission.

REQUEST TO AWARD THE BID FOR DOUBLE H AND EAGLE CREEK TELECOMMUNICATIONS PROJECTS: Consideration, discussion and possible approval to award a bid for the purchase of public safety communication site towers for the Double H and Eagle Creek telecommunication project sites to Valmont Telecommunications, Western Utility Telecom or Eas Tex Tower, in an amount not to exceed \$188,157.00. Included on the online agenda for review was a Staff Report (see attached). Director DeTullio reviewed the request for the Commission. Discussion ensued regarding the issues with Western Utility as the lowest bidder but which had issues with the name of the entity in the paperwork; Chief Deputy District Attorney Maddox offered comment on what could be done with the bids at this point. Discussion continued including if the language impacts the ability to accept the bid and to have legal look at the issue. The following motion was made by Commissioner Evatz and passed unanimously:

*To table this item until the next meeting on October 21<sup>st</sup> upon which time clarification will come back with clarification that the Western Utility Telecom bid for work in Nevada is still good at their quoted price, with that noted correction to their bid as submitted.*

Chairman Hill recessed the meeting at 9:57 a.m. reconvening at 10:02 a.m. and returning to item 9 on the agenda.

COUNTY MANAGER: County Manager Don Kalkoske appeared before the Commission.

APPROVAL FOR AMENDMENT #3 TO THE NEVADA ONE OPIOID LAWSUIT: Consideration, discussion and possible approval of Amendment #3 to the Nevada One Opioid Lawsuit which recognizes formerly unnamed defendants to the suit. The One Nevada Agreement on Allocation of Opioid Recoveries listed numerous defendants. However, those defendants were known defendants in one or more of the signatories' litigation at the time we entered into the One Nevada Agreement. Because additional potential and actual defendants who the State alleges have contributed to the opioid epidemic and its impact on Nevada have been identified, and because there are unnamed entities, it has become necessary to amend the One Nevada Agreement to include those names in an additional exhibit, Exhibit G. Manager Kalkoske reviewed the request for the Commission. After discussion the following motion was made by Commissioner Evatz

10/07/2024

Page 9 of 13

*To approve amendment number three to the Nevada One Opioid Lawsuit which recognizes formerly unnamed defendants to the suit and the additional information which is found in the agenda item.*

**REQUEST TO APPROVE DESIGN INITIATION AGREEMENT FOR THE NEW FACILITY OPERATIONS BUILDING:**

Consideration, discussion and possible approval of the Design Initiation Agreement with Nevada Energy for the new Facility Operations building at Sage Heights in an amount not to exceed \$3,000, pending the District Attorney's Office approval. Manager Kalkoske reviewed the request for the Commission. Commissioner Hoss asked whether this covers the whole area including the Public Works building and asked that be considered. Manager Kalkoske responded. After discussion the following motion was made by Commissioner Evatz

*To approve the Design Initiation Agreement with NV Energy, noted on the agenda as Nevada Energy, for the new Facility Operations building at Sage Heights in an amount not to exceed \$3,000.00, pending the District Attorney's Office approval.*

**UPDATE ON THE STATUS OF INDIGENT DEFENSE WITH OPTIONS:** Consideration, discussion and possible action regarding the status of indigent defense for Humboldt County. The following options will be presented: A) to continue contracting with private attorneys or B) to authorize the County Manager to notify the State Public Defender to take over indigent defense responsibilities. The following motion was made by Commissioner Tipton and passed unanimously:

*To temporarily close this meeting and go into private session with our Deputy District Attorney, at this time.*

The Commission went into closed session at 8:57 a.m.

The following motion was made by Commissioner Tipton and passed unanimously:

*To come out of closed session and return to the regular meeting, item sixteen.*

The Commission returned to open session at 9:21 a.m.

Manager Kalkoske reviewed what has occurred with this situation. Chairman Hill offered comment stating his support for moving forward with using the State Public Defender's Office. The following motion was made by Commissioner Evatz and passed unanimously:

*To go with option B with a little additional information to it, that we authorize our County Manager to notify the State Public Defender's office to take over the indigent defense responsibilities in Humboldt County which needs to happen by November 1<sup>st</sup> and that we utilize contracted private attorneys to*

10/07/2024

*provide public defense services through July 1, 2025 at which time the State's PD office would take over such responsibilities per notification provided by November 1<sup>st</sup>.*

Chairman Hill stated the Commission would return to item 10 on the agenda as it is not yet 10:00 a.m. for the public hearing

#### MISCELLANEOUS REPORTS AND CORRESPONDENCE:

1. Other information and upcoming meetings: No information or meetings identified.
2. Reports from Commissioners regarding other Boards and Committees on which they serve: Commissioner Evatz stated that he had re-submitted his application to the Governor's Office for appointment to the State Land Use Planning Advisory Council. Commissioner Cerri reported on a meeting with Andy Rieber and Economic Development Officer Michelle Hammond Allen as to solar projects identified for Humboldt County and concerns. Commissioner Hoss offered suggestions for clean up for the sites discussed. Commissioner Tipton reported on the NACO Conference and a WIR meeting. (Chief Deputy District Attorney Maddox exited the meeting at 12:41 p.m. with Gabrielle Carr joining (via Teams) to serve as legal counsel) Commissioner Cerri offered comment on discussion related to involvement with permitting solar/wind facilities. Commissioner Hoss reported on a Museum Board meeting. Chairman Hill reported on the NACO conference.

FUTURE AGENDA ITEMS: Whether an item will be placed on a future agenda will be subject to the chairman and/or legal counsel's determination. Manager Kalkoske noted the Technology Services item which needs to return again. Commissioner Evatz asked for an overall budget report on the communications project and an update from DOWL on the water treatment project. Chairman Hill asked for an update on the Buildings & Grounds building. Manager Kalkoske responded. Chairman Hill asked for an update for the Juvenile Detention Center Kitchen Project.

PUBLIC COMMENT: Chairman Hill asked for public comment. Debra Gay offered public comment apologizing for getting upset but asking when the public will get an opportunity to sit down and discuss the matter with the Commission due to the three-minute limitation for public comment periods; she asked for an agenda item related to the master plan and discussion related to the lithium facility and the Crossroads facility.

Christina Kennison offered public comment about the issues with the three-minute limitation; she agreed with the need for an agenda item as to the master plan.

10/07/2024

Massey Mayo appeared before the Commission on behalf of Mansfield and Mayo and offered public comment on the item related to the indigent defense issue noting that she would have liked to be in the room for the discussion but it was taken out of order; she commented on the number of cases assumed by her law firm and the make-up of those cases as to criminal category, that she has not taken on a civil private case since March to maintain good faith on their end of the bargain to focus on this agreement; the hiring of new staff to assist with satisfying of local needs including what has been allowed by DIDS in relation to this; meetings with courts to work on efficiencies; she stated that all of this was done in good faith in an effort to help the county and to protect the county; she commented on statements made by the former Public Defender which were frankly not true and their efforts following a meeting with the County Manager to help lighten the case load for the Public Defender to include immediately taking 45 cases; she noted the availability of the most recent monitoring Davies Report which shows that the State Public Defender is not a viable solution and explained; she commented on what she hoped was provided to the Commission and commented on services being provided to protect the County currently including items outside the scope of the contract which was being done in good faith to try and ensure that the county was protected and that litigation for the county would be minimized; she noted that the contract approved in May was temporary but the understanding was that the County would work in good faith to pursue a long-term contract and this had resulted in multiple communications by her office to the County Manager and the District Attorney as to what was occurring with the long-term contract including the proposal for submitting their own contract for consideration but it became clear that there was push back as to their firm holding the contract, or perhaps any local firm holding the contract, but the numbers in the Davies Report indicate that \$480,000.00 is not sufficient, so whatever cost savings are being presented are not factual but that amount is a cost savings to this county for two full-time attorneys. Legal counsel Carr offered direction stating that the three-minute rule must be applied to everyone if you are going to use it for one commenter so everyone is treated fairly and equally, so by disregarding it, then anybody else that wishes to comment beyond the three-minute mark must be allowed the same. Chairman Hill responded that he had considered that, but as they had allowed for several community members to speak over the three-minutes, he was allowing Ms. Mayo to continue. Ms. Mayo continued stating that it was unfortunate that the strategic process that was presented to the Board for this particular issue was to take it out of order and then to not allow commentary on said

10/07/2024

discussion item; she continued commenting on what the Board would find if they reached out to stake holders in the judicial system in regards to the use of the State Public Defender's services.



Commissioner Evatz offered public comment clarifying the adjustment in today's agenda and the manner in which the Chairman officiated the agenda items, that there was no malice of intent there, it was strictly to allow the Board to be efficient and work around a scheduled public hearing; he stated that he wanted Ms. Mayo to know that the Board does not play those types of games and he does not appreciate any undertones suggesting that they do.

Brenda Roberts with the Department of Indigent Defense, appeared before the Commission (via Teams) and offered comment on Mansfield and Mayo's work with the department to cover the county's needs stating that they have been very responsive and willing to work out creative ideas for that coverage in conjunction with the County Manager; she stated their appreciation for the efforts they have made.

Comptroller Gina Rackley appeared before the Commission and offered public comment on the County Fiscal Officers Association Conference that was recently held here in Winnemucca and offered thanks to individuals and the Commission.

No further public comment offered.

ADJOURNMENT: Chairman Hill adjourned the meeting at 1:04 p.m.

ATTEST:  \_\_\_\_\_ APPROVED:  \_\_\_\_\_  
Clerk Chairman

(Minutes approved by the Commission and signed by the Chairman on 01-06-2025)

Notice of Public Meeting  
Humboldt County Board of Commissioners Regular Meeting  
**Monday, October 7, 2024**  
**8:30 AM**

Humboldt Library  
85 E. 5th Street  
Winnemucca, NV 89445

**FOR TELECONFERENCE OR VIDEO CONFERENCE ACCESS**

Click here to join the meeting:  
[Join the meeting now](#)

Or by phone: +1 775-446-0241, Conference ID: 906 603 947#

All times on this agenda are approximate. Consideration of items may require more or less time than is scheduled. Items on the agenda may be taken out of order; the public body may combine two or more agenda items for consideration; and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on the agenda; however, no action may be taken on Matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Additionally, public comment may be heard on any item listed on the Agenda. Persons are invited to submit comments in writing and/or attend and make comments on any agenda item at the Commission meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Commission.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC COMMENT:

General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Individual comments will be limited to three (3) minutes.

4. APPROVAL OF MINUTES (FOR POSSIBLE ACTION)

Discussion and action on correction/approval of minutes for discussion and action on correction/approval of minutes for March 27, 2017 (Budget Hearing); April 3, 2017; May 1, 2017 (Joint); May 15, 2017; June 19, 2017; July 10, 2017; August 7, 2017 (Joint); August 21, 2017; December 11, 2017 (Joint); January 16, 2018; January 29, 2018 (Retreat); February 5, 2018; February 20, 2018; March 5, 2018; April 2, 2018 (Budget Hearing); April 9, 2018; August 6, 2018; August 20, 2018; September 17, 2018; October 1, 2018; October 15, 2018; March 18, 2019; March 25, 2019 (Budget Hearings); April 1, 2019; May 6, 2019; May 15, 2019 (Special); May 20, 2019; June 3, 2019; June 17, 2019; June 5, 2019 (Special); August 5, 2019; August 19, 2019; September 3, 2019; September 16, 2019; October 21, 2019; November 4, 2019; November 25, 2019 (Special); December 16, 2019; January 6, 2020; January 21, 2020 (Combined Regular and Retreat); February 3, 2020; March 2, 2020;

March 19, 2020; April 6, 2020; April 14, 2020 (Special); April 20, 2020; May 4, 2020; June 15, 2020 (Joint); July 17, 2020 (Special Joint); July 20, 2020; and September 16, 2024.  
Discussion and possible action.

5. APPROVAL OF EXPENDITURES FOR HUMBOLDT COUNTY FOR SEPTEMBER 16, 2024 THROUGH OCTOBER 7, 2024 (FOR POSSIBLE ACTION)

6. COMPTROLLER: FINANCIAL REPORT (INFORMATIONAL ONLY)

Humboldt County Comptroller's Office will provide an overview of current conditions with respect to Humboldt County revenues and expenditures for fiscal year 2025 (July 1, 2024 through June 30, 2025), including an update on the American Rescue Plan Act (ARPA) and other funding available to the County. Information Only.

7. LIBRARY: REQUEST TO APPROVE AMENDED LIBRARY BY-LAWS (POSSIBLE ACTION)

Consideration, discussion and possible approval of amended Humboldt County Library Board of Trustee Bylaws to reflect the change of Co-Chairman to Vice-Chairman to better align with the Roberts Rules of Order. In Robert's Rules of Order under the section "Designating the Committee Chairman," it states that the anomalous title "co-chairman" should be avoided, as it causes impossible dilemmas in attempts to share the functions of a single position. Discussion and possible action.

7.A) Library By-laws

[Library Board of Trustee Bylaws Agenda Request.pdf](#)

8. WINNEMUCCA EVENTS CENTER: REQUEST TO APPROVE ROOF SEAL PROJECT BID (POSSIBLE ACTION)

Consideration, discussion and possible approval of a bid from CTR Roofing, Inc. to clean, seal and replace the Event Center roof in an amount not to exceed \$33,800. Discussion and possible action.

8.A) WEC Roof repair

[Event Center Agenda Request Packet.pdf](#)

9. 10:00 A.M. PUBLIC HEARING: CONTINUATION OF A REQUEST TO APPROVE VARIANCE AT THE AIRPORT (POSSIBLE ACTION)

Consideration, discussion and possible approval of a variance, per HCC 17.66.050, submitted by Lithium Americas Corp to increase the allowed height of 3 stories or 35' in the AID zoning district to 137'. The applicant is proposing to place structures on the parcel as part of the transloading facility. The property is located west of Airport Road; assessor's parcel #13-0242-01. This item is a continuation of Public Hearing Item 8 (D) tabled on June 17, 2024. (Public Comment)

9.A) Continuation of Lithium Americas Airport variance

[FAA Determination of No Hazard - Lithium Americas.pdf](#)

10. PUBLIC WORKS DEPARTMENT: REQUEST TO PURCHASE ENGINE REBUILD AND

**COST TO REPAIR (POSSIBLE ACTION); GENERAL ROAD PROJECTS  
(FOR INFORMATION ONLY)**

- A. Consideration, discussion and possible approval to purchase the engine rebuild and repair for Unit 151 from Peterbilt Truck Parts and Equipment in an amount not to exceed \$40,000. Discussion and possible action.
- B. A presentation by Humboldt County Public Works Director Dan Ferraro to update the Board on Road projects within Humboldt County, however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken.

10.A) Public Works - Engine rebuild and repair  
[Staff Report Engine Rebuild.pdf](#)

**11. FACILITY OPERATIONS: UPDATE REGARDING EMERGENCY EXPENDITURE  
TO REPLACE THE BOILERS FOR THE COURTHOUSE (INFORMATION ONLY)**

Facility Operations will provide an update on the emergency expenditure, per NRS 332.112 for the purchase and installation of two new, Lochnivar FTX725 boilers from Nevada Chiller & Boiler, Inc., for the Courthouse in the amount of \$158,401.00. Information only.

11.A) Boilers Purchase  
[Staff report- Boiler Replacements for Couthouse and Supporting Documents.pdf](#)

**12. BUILDINGS AND SAFETY: REQUEST TO APPROVE PURCHASE AND  
IMPLEMENTATION OF BLUEBEAM DIGITAL PLAN CHECK SOFTWARE  
(POSSIBLE ACTION)**

Consideration, discussion and possible approval of the purchase and implementation of Bluebeam Revu digital plan check software in an amount not to exceed \$660, pending the District Attorney's Office review and approval. Discussion and possible action.

12.A) Bluebeam Revu Software Agreement  
[Staff Report - B&S Bluebeam software - 10072024.pdf](#)

**13. TECHNOLOGY SERVICES: REQUEST TO AWARD THE BID FOR DOUBLE H  
AND EAGLE CREEK TELECOMMUNICATIONS PROJECTS (POSSIBLE ACTION)**

Consideration, discussion and possible approval to award a bid for the purchase of public safety communication site towers for the Double H and Eagle Creek telecommunication project sites to Valmont Telecommunications, Western Utility Telecom or Eas Tex Tower, in an amount not to exceed \$188,157.00. Discussion and possible action.

13.A) Telecommunications Bid  
[SD Bid Award for EC & HH Towers 2.pdf](#)

**14. COUNTY MANAGER: APPROVAL FOR AMENDMENT #3 TO THE NEVADA  
ONE OPIOID LAWSUIT (POSSIBLE ACTION)**

Consideration, discussion and possible approval of Amendment #3 to the Nevada One

Opioid Lawsuit which recognizes formerly unnamed defendants to the suit. The One Nevada Agreement on Allocation of Opioid Recoveries listed numerous defendants. However, those defendants were known defendants in one or more of the signatories' litigation at the time we entered into the One Nevada Agreement. Because additional potential and actual defendants who the State alleges have contributed to the opioid epidemic and its impact on Nevada have been identified, and because there are unnamed entities, it has become necessary to amend the One Nevada Agreement to include those names in an additional exhibit, Exhibit G. Discussion and possible action.

14.A) One Nevada Agreement Opioid Amendment #3  
[Staff Report - ONA Amendment 3 - 10072024.pdf](#)

15. COUNTY MANAGER: REQUEST TO APPROVE DESIGN INITIATION AGREEMENT FOR THE NEW FACILITY OPERATIONS BUILDING (POSSIBLE ACTION)

Consideration, discussion and possible approval of the Design Initiation Agreement with Nevada Energy for the new Facility Operations building at Sage Heights in an amount not to exceed \$3,000, pending the District Attorney's Office approval. Discussion and possible action.

15.A) Design Agreement  
[Staff Report - NVE DIA for Facility Ops building 10072024.pdf](#)

16. COUNTY MANAGER: UPDATE ON THE STATUS OF INDIGENT DEFENSE WITH OPTIONS (POSSIBLE ACTION)

Consideration, discussion and possible action regarding the status of indigent defense for Humboldt County. The following options will be presented: A) to continue contracting with private attorneys or B) to authorize the County Manager to notify the State Public Defender to take over indigent defense responsibilities. Discussion and possible action.

16.A) Indigent Defense Options  
[Staff Report - Public Defender Office - 10072024.pdf](#)

17. MISCELLANEOUS REPORTS AND CORRESPONDENCE

1. Other information and upcoming meetings:
2. Reports from Commissioners regarding other Boards and Committees on which they serve, including POOL/PACT Board, National Wild Horse & Burro Advisory Board, Nevada Association of Counties (NACO), Regional Airport Board, Humboldt River Basin Water Authority (HRBWA), Western Interstate Region (WIR), Legislative Interim Land Council, Humboldt Development Authority (HDA), Winnemucca Visitors & Convention Authority (WCVA), Hospital Board, Humboldt Foundation, Humboldt County Elk Planning Steering Committee, Paradise Conservation District and the State Land Use Planning Advisory Council (SLUPAC).

18. FUTURE AGENDA ITEMS

Whether an item will be placed on a future agenda will be subject to the chairman and/or legal counsel's determination.

19. PUBLIC COMMENT:

Public Comments: General public comment is designated for discussion only. The public has the opportunity to address the Commission on any matter not appearing on this agenda; however, no action may be taken on a matter raised until the matter itself has been specifically included on the agenda as an item upon which action may be taken. Individual comments will be limited to three (3) minutes.

20. ADJOURNMENT

21. NOTICE:

The County Commission may close the meeting to receive information from legal counsel pursuant to Nevada Revised Statutes 241.015.

The public is welcome to attend the meeting electronically via Microsoft Teams or by appearing in person at the location at the time and date listed on the first page of this agenda. There will be a physical location for the meeting; however, the meeting may be accessed electronically through an internet connection at Microsoft Teams link located on the first page of this agenda.

Staff reports and supporting material posted for the meeting are available on the Humboldt County website at <https://www.humboldtcountynev.gov/> (click on the "Government" link on the home page) if that information was available when the agenda was posted. If the supporting material/ staff report is not included in the agenda packet, it is available to the general public at the same time the materials are provided to the Board. The administrative assistant at the County Manager's Office located at 50 West 5th Street, Winnemucca, Nevada, telephone number 775-623-6300 is the designated person from whom a member of the public may request the supporting material for this meeting and the County Manager's Office is the location where the supporting material is available to the public.

## CERTIFICATE OF POSTING

PLACES POSTED: Humboldt Co Courthouse, 50 W. 5th St., Rooms 201, 205, & 207 at 9:00 A.M. By: MC

Humboldt County Website: <https://www.humboldtcountynv.gov> at \_\_\_\_\_ By: \_\_\_\_\_

State of Nevada Website: [www.notice.nv.gov](http://www.notice.nv.gov), \_\_\_\_\_ A.M. By: \_\_\_\_\_

MEETING DATE: October 7, 2024  
DATE POSTED: October 1, 2024 POSTED BY: MICHELLE COOK

**NOTE FOR SUPPORTING MATERIAL:** A copy of the supporting material for the meeting may be obtained at Commissioner meeting/agendas on the Humboldt County website: [www.hcnv.us](http://www.hcnv.us) or by contacting the County Manager's Office, at 50 W. Fifth Street, Winnemucca, Nevada 89445, (775) 623-6300.

**NOTICE TO PERSONS WITH DISABILITIES** - Reasonable efforts will be made to assist and accommodate physically disabled persons desiring

to attend the meeting. Please call the Humboldt County Administrator's Office at 623-6300 in advance so that arrangements may be conveniently made.

**EQUAL OPPORTUNITY NOTICE** - Humboldt County is an Equal Opportunity Employer and will not discriminate against employees or applicants for employment or services in an unlawful manner.

**NON-DISCRIMINATION STATEMENT** - In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should Contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-9339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

fax: (202) 690-7422; or  
email: [intake@usda.gov](mailto:intake@usda.gov)

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# HUMBOLDT COUNTY

50 W. 5<sup>th</sup> Street  
Winnemucca, Nevada 89445  
[www.hcnv.us](http://www.hcnv.us)

## STAFF REPORT

**DATE:** Friday, September 27, 2024  
**TO:** County Commission  
**FROM:** Mark McCreary, Facility Operations Manager  
**SUBJECT:** Lochinvar FTX725 Boilers Purchase for the Courthouse Informational Only.  
**REQUESTED AGENDA DATE:** October 7, 2024

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### SUMMARY

Facility Operations would like to provide information to the Board of Commissioners on the purchase of two new Lochinvar FTX725 boilers from Nevada Chiller & Boiler, Inc. for the Courthouse.

### WHY ARE YOU BRINGING THIS BEFORE THE BOARD NOW:

Facility Operations would like to provide information to the Board of Commissioners on the emergency expenditure of \$158,401.00 on the purchase of two new Lochinvar FTX725 boilers to replace the inoperable boiler in the Courthouse. The approval was provided by County Manager Don Kalkoske on September 25 as this expense has a high priority and urgency for the employees and the public that occupy the Courthouse daily. With the chilling fall nights and cold winter approaching, this purchase was deemed an emergency to supply adequate heat to the Courthouse. Nevada Chiller & Boiler has two units in stock and are currently being held for Facility Operations until the end of the week, Friday, September 27. If units are passed on at this time, Facility Operations will be added to a waitlist of 4 months or longer before any work commences, putting us into the mid-winter months. The time frame was not reasonable for the urgent repairs needed. Facility Operations were advised of boiler rental options as well. To rent a boiler, expenses would be approximately \$35,000.00 to \$40,000.00 for installation of the new boiler and tear down of the old boiler. To rent a unit longer than a month is approximately \$15,000.00 to \$20,000.00 a month. The expenses to rent a boiler are approximately the same as purchasing brand new and eliminating future issues. Cast iron boilers over 20 years old are typically only 50-60% efficient. Boilers manufactured in the last 5 years are approximately 90% or more efficient, resulting in cost savings for the County. Maintenance Technician Nathan Stickel will be maintaining and chemically treating the new boilers on a routine maintenance schedule to prevent arising issues in the future.

### PREVIOUS ACTION

None

### BACKGROUND

The boilers in the Courthouse are approximately 27 years old, manufactured in May of 1997. Although these may not be the original boilers within the Courthouse, the Peerless boilers we

currently run are said to last 20 to 30 years when maintained and chemically treated properly. With the lack of maintenance and chemical treatment these boilers received over several years, parts of the boilers began to fail. On Tuesday, September 17, during a routine check, Maintenance Technician Nathan Stickel noticed water leaking from the boilers. Upon his investigation, Nathan found that water had leaked into the fire box. Upon further investigation, it was found that the gaskets between the sections of the boiler had failed, causing water to leak into the firebox and caused the fireye to completely fail. With the fireye not functioning, the boiler was running at inadequate temperatures causing the water in the firebox to become acidic and caused severe corrosion and damage inside the boiler. Nathan contacted Tom Dundas with Nevada Chiller & Boiler to also investigate and troubleshoot the boiler. On Thursday September 19, Tom arrived at the Courthouse and confirmed the findings by Nate. Upon returning to the Reno location, Tom confirmed Nevada Chiller & Boiler had in stock 2 Lochnivar FTX725 boilers that would be a sufficient HVAC unit for the area needed.

**FISCAL IMPACT**

Upon conversations with Comptroller Gina Rackley and County Manager Don Kalkoske, expenditure of \$158,401.00 from the Building Reserve fund.

**RECOMMENDATION**

No recommendation is needed. Informational only.

**LIST SUPPORTING DOCUMENTS IF APPLICABLE:**

Quote from Nevada Chiller & Boilers

**POSSIBLE MOTION**

No motion needed. Informational only.



# HUMBOLDT COUNTY

50 W. 5<sup>th</sup> Street  
Winnemucca, Nevada 89445  
www.humboldtcountynv.gov

## STAFF AGENDA REQUEST

**DATE:** September 18, 2024  
**TO:** County Commission  
**FROM:** Mike DeTullio, Director of Technology Services Department  
**SUBJECT:** Award Contract for Double H and Eagle Creek Telecommunications Projects – Tower Purchases

**REQUESTED AGENDA DATE:** October 7, 2024

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### SUMMARY AND BACKGROUND:

The Technology Services Department is constructing a new Public Safety Communication Sites at Double H and Eagle Creek.

The Technology Services Department is responsible for designing, constructing and maintaining Public Safety Communication Sites throughout Humboldt County. Technology Services has been upgrading and/or newly constructing all of the public safety communication sites in Humboldt County. This project has been broken down into three phases. Phase I of this project was completed in November 2020 which consisted of a major upgrade to the Winnemucca Mountain site together with constructing brand new communication sites at Sports Complex and Rose Creek here in Winnemucca. Phase II consists of upgrading the following sites: Denio Summit, Eagle Creek, Double H, McDermitt and Saipan Peak. Although a large portion of the physical upgrades and replacements of buildings and towers will be time consuming and completed in phases sometime in the future, the Tait Radios and associated equipment have been purchased and has been installed, significantly increasing the currently poor radio coverage for public safety entities in the northern portion of Humboldt County. Activating the Bravo channel allowed communications to continue while upgrading the Phase II high level sites Trident, Blue Mtn, Buckskin, New York Peak.

This invitation to bid is for the purchase of public safety communication site towers for the Double H and Eagle Creek sites.

On August 29, 2024 four bids were received as follows:

Valmont Telecommunications, Inc.	\$188,157.00
Western Utility Telecom, Inc.	\$151,161.00
EasTex Tower – Double H Tower Only	\$ 95,185.20
EasTex Tower – Eagle Creek Tower Only	\$ 74,989.00

Valmont Telecommunications, Inc., is the highest responsive and responsible bidder. Valmont's bid conforms to the bid's specifications, the bidder is a qualified bidder and the tower equipment is adequate. In addition, Valmont is the company that has provided the towers for the sites that have been upgraded to this point and would provide uniformity and standardization between all site towers allowing for the use of the same mounting equipment across all sites and poses the least amount of risk to Humboldt County. Valmont has proven past performance and their production schedule and delivery time is the best of all the bidders. The only issue the department has discovered about this bidder's bid is that the bid amount submitted does not appear to include freight charges, which would increase the cost from this bidder by \$3,350.00 per tower for a total additional cost of \$6,700.00. The additional cost of freight would make the final cost of both towers \$194,857.00.

The lowest bidder, Western Utility Telecom, Inc. is the lowest responsive and responsible bidder, even though their bid did not technically conform to the bid's specifications. This bidder has referred to the tower locations as being in Lancaster County, Pennsylvania, in their Tower Design Notes/Design Goals. However, this is more than likely just a cut and paste error, but in the bid's General Terms and Conditions, paragraph 2.3, "Bidders are urged to proofread their bids carefully for any errors". It is not known if this bidder's submitted bid was actually designed for Humboldt County, Double H and Eagle Creek sites or for Lancaster County, Pennsylvania. Western Utility does not have proven past performance and their schedule and delivery time is twice as long as Valmont's. However, the schedule and delivery time is not such a pressing issue as the Eagle Creek site is in the final stages of preparation of the ground to be able to pour the slab for the tower foundation and the ground work at the Double H site has not started yet. The county's engineering firm, CSI Telecommunications, has worked with this vendor in the past and is confident in their tower products, has verified the weight of the towers is very close to the weights of the towers from Valmont, meaning they are comparable products, and would support an award of this bid to this vendor. This bidder submitted a bid in the amount of \$151,161.00.

The second to the lowest bidder, EasTex Tower, is not a qualified bidder. This bidder is a tower parts and accessories dealer, not a manufacturer. EasTex Tower does not have proven past performance and their schedule and delivery time is much longer than Valmont's and Western Utility's. As a note for this bidder, even though the bid did not ask for references and EasTex did not provide any, the other two bidders did provide references. Valmont and Western Utility both have a great reputation and the County's engineering firm, CSI Telecommunications, are familiar and have worked with both. Upon researching the EasTex website, some references were found for a couple of residential towers, a radio station whose call sign, upon searching it online, did not produce any results, some marketing agency and the hometown mayor, <https://easttexastowers.com/testimonials/>, not exactly inspiring references.

**WHY ARE YOU BRINGING THIS BEFORE THE BOARD NOW:**

To award a contract for Double H and Eagle Creek Telecommunications Projects – Tower Purchases bid.

**PREVIOUS ACTION:**

This award was previously presented to the Commissioners at their meeting on September 16, 2024. This matter was tabled at that meeting so bid clarifications could be obtained and a correctly worded agenda item could be submitted.

**HAS DISTRICT ATTORNEY REVIEWED AGREEMENT/CONTRACT IF APPLICABLE:**

N/A

**FISCAL IMPACT IF APPLICABLE:**

The fiscal impact of approving this request would be an expenditure from the approved Fiscal Year 2024-2025 Capital Project Funds.

**RECOMMENDATION:**

It is recommended that the Humboldt County Commissioners award this bid and approve the expenditure.

**LIST SUPPORTING DOCUMENTS IF APPLICABLE:**

RFP Double H and Eagle Creek Telecommunications Projects – Tower Purchases, Bid Summary (Bid Tabulation) and submitted bids by Valmont Telecommunications, Inc., Western Utility Telecom, Inc. and EasTex Tower.

**POSSIBLE MOTION:**

Motion to approve the Technology Services Department's request, as presented, to award a contract for Double H and Eagle Creek Telecommunications Projects – Tower Purchases bid to \_\_\_\_\_, in an amount not to exceed \$ \_\_\_\_\_.

1

## Chapter 17.58 A-H AIRPORT HAZARD COMBINING DISTRICT

### Sections:

- 17.58.010 Purpose.
- 17.58.020 Definitions.
- 17.58.030 Airport height restriction zones.
- 17.58.040 Airport zone height limitations.
- 17.58.050 Airport hazard combining districts established.
- 17.58.060 Airport hazard combining district map.
- 17.58.070 Airport hazard combining district boundaries.
- 17.58.080 Use of land and buildings.
- 17.58.090 Additional land use regulations.
- 17.58.100 Nonconforming uses.
- 17.58.110 Permits.
- 17.58.120 Enforcement.
- 17.58.130 Appeals.
- 17.58.150 Penalties.
- 17.58.160 Conflicting regulations.
- 17.58.170 Severability.

Prior ordinance history: Ord. 1-5-87A § 27.

### 17.58.010 Purpose.

The purpose of the A-H airport hazard combining district is to provide guidelines for future development by regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Winnemucca Municipal Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Winnemucca Municipal Airport FAR Part 77 Airspace, and off-airport land use drawings, which are incorporated in and made a part of this chapter; for providing for enforcement; and imposing penalties.

A. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Winnemucca Municipal Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Winnemucca Municipal Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Winnemucca Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public

nuisance and may injure the region served by the Winnemucca Municipal Airport;

2. That the encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth hereinbelow may endanger the health, safety, and welfare of the owners, occupants, or users of the land;

3. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;

4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation;

5. That the Winnemucca Municipal Airport fulfills an essential community purpose; and

6. It is further declared that the prevention of and the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of construction are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land. (Ord. 11-13-06B § 1)

#### 17.58.020 Definitions.

As used in this chapter, unless the context otherwise requires:

"Airport" means Winnemucca Municipal Airport.

"Airport elevation" means the highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is four thousand three hundred and seven feet MSL (NAVD 88) as of the date of this chapter.

"Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in HCC [17.58.040](#). In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal and Conical Zones. These zones are set forth in HCC [17.58.030](#).

"Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one for a horizontal distance of four thousand feet.

"Hazard to air navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

"Heliport primary surface" means the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

“Horizontal surface” means a horizontal plane one hundred and fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

“Larger than utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred pounds maximum gross weight and jet powered aircraft.

“NAVD 88” means the North American Vertical Datum 1988. All elevations in this chapter are referenced to the 1988 North American Vertical Datum. To convert elevations referenced from the 1929 National Geodetic Vertical Datum (NGVD 29) to the NAVD 88 datum, subtract 3.3 feet from the NGVD 29 elevation.

“Nonconforming use” means any preexisting structure, object of natural growth, or use of and which is inconsistent with the provisions of this chapter or an amendment thereof.

“Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

“Obstruction” means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in HCC [17.58.040](#).

“Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

“Precision instrument runway” means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a precision approach radar (PAR) or a global positioning system (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

“Primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in HCC [17.58.030](#). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

“Runway” means a defined area in an airport prepared for landing and takeoff of aircraft along its length.

“Structure” means an object, including mobile object, constructed or installed by man, including but without limitation buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

**Transitional Surfaces.** These surfaces extend outward at ninety degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety degree angles to the extended runway centerline.

“Tree” means any object of natural growth.

“Utility runway” means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 11-13-06B § 1)

#### **17.58.030 Airport height restriction zones.**

A. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Winnemucca Municipal Airport. Such zones are shown on the Winnemucca Municipal Airport FAR Part 77 airspace drawing.

1. Three original, official, and identical copies of the FAR Part 77 airspace drawing reflecting the boundaries of the airport hazard combining district map districts of Humboldt County, Nevada, are hereby adopted, and the chairman is hereby authorized to sign and attest each map as the official Winnemucca Municipal Airport hazard combining district map of Humboldt County, Nevada, and such maps shall be filed and maintained as follows:

- a. One copy shall be filed for permanent record in the office of the Humboldt County administrator and shall be designated as “Exhibit 1.” This copy shall not be changed in any manner.
- b. One copy shall be filed in the planning department office and shall be designated as “Exhibit 2.” This copy shall be maintained by the planning department by posting thereon all subsequent changes and amendments.
- c. One copy shall be filed in the office of the city manager/engineer and shall be designated as “Exhibit 3.” This copy shall be maintained by the planning department by posting thereon all subsequent changes and amendments.

B. An area located in more than one of the following zones shall be regulated in accordance with the zone in which each portion of the area is located. The various zones are hereby established and defined as follows:

1. **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet wide. The approach zone expands

outward uniformly to a width of sixteen thousand feet at a horizontal distance of fifty thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway. This is the planned condition for Runway 14/32.

**2. Nonprecision Instrument Runway Approach Zone (Larger Than Utility Aircraft).** The inner edge of this approach zone is five hundred feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet at a horizontal distance of ten thousand feet from the primary surface. Its centerline is the continuation of the centerline of the runway. This is the existing condition for Runway 14/32.

**3. Visual Runway Approach Zone (Larger Than Utility Aircraft).** The inner edge of this approach zone is five hundred feet wide. The approach surface expands uniformly to a width of one thousand five hundred feet at a horizontal distance of five thousand feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway. This is the existing and planned condition for Runway 02/20.

**4. Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.

**5. Horizontal Zones.** The horizontal zone is established by swinging arcs of ten thousand feet radius from the center of each end of the primary surface of Runway 14/32 and by swinging arcs of five thousand feet radius from the center of each end of the primary surface of Runway 02/20 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

**6. Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet. (Ord. 11-13-06B § 1)

#### **17.58.040 Airport zone height limitations.**

A. Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Precision Instrument Runway Approach Zone. Slopes fifty feet outward for each foot beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline, then slopes forty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of forty thousand feet along the extended runway centerline. (This is the planned condition for the approach to Runway 32 which is reflected in the airport layout plan, and for which object heights are restricted in accordance with this chapter.)

2. Nonprecision Instrument Runway Approach Zone (Larger Than Utility Aircraft). Slopes thirty-four feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended

runway centerline. (This is the existing condition for the approach to Runway 14 which is reflected in the airport layout plan, and for which object heights are restricted in accordance with this chapter.)

3. Visual Runway Approach Zone (Larger Than Utility Aircraft). Slopes twenty feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline. This is the existing and planned condition for Runways 2 and 20.

4. Transitional Zone. Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand feet measured at ninety degree angles to the extended runway centerline.

5. Horizontal Zone. Established at one hundred fifty feet above the airport elevation or at a height of four thousand four hundred and fifty seven feet above mean sea level (MSL).

6. Conical Zone. Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation (four thousand four hundred and fifty-seven feet MSL) and extending to a height of three hundred fifty feet (four thousand six hundred and fifty-seven feet MSL) above the airport elevation. (Ord. 11-13-06B § 1)

#### **17.58.050 Airport hazard combining districts established.**

A. For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the airport and the surrounding land uses, to protect the airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Winnemucca Municipal Airport is divided into airport hazard combining districts.

B. The airport hazard combining districts established herein shall be known as:

Abbreviated Designation	Hazard Combining District Name
AIZ	Airport Influence Zone
TPZ	Traffic Pattern Zone
AZ	Approach Zone
IAZ	Inner Approach Zone

**RECOMMENDED AIRPORT LAND USE COMPATIBILITY GUIDELINES TABLE**

Land Use Category	Airport Influence Zone (AIZ)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Inner Approach Zone (IAZ)
<b>Residential</b> Single Family, Nursing Homes, Multifamily, Apartments, Condominiums	C (6)	C (3, 4)	C (1, 3)	X
Transient Lodging, Motels, Hotels	C (6)	C (3, 4)	C (1, 3)	X
<b>Public</b> Schools, Libraries, Churches	C (6)	C (4)	C (3, 4)	X
Parking, Cemeteries	P	P	P	C (5)
<b>Commercial &amp; Industrial</b> Offices, Retail Trade, Service Commercial, Wholesale Trade, Warehouse, Light Industrial, General Manufacturing, Utilities, Extractive industry	P	C (6)	C (4)	C (1)
<b>Agricultural &amp; Recreational</b> Cropland	P	P	P	P
Livestock Breeding, Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation	P	P	P	P
Outdoor Spectator Sports	P	C (3)	C (3, 4)	X
Amphitheaters	C (3)	C (3)	C (3, 4)	X
Open Space	P	P	P	P
P — Permitted                      C — Conditional Use                      X — Not Allowed				

**Conditions:**

1. If allowed, avigation easements and disclosure must be required as a condition of development. Limit residential density to 1 unit per 1.25 acres.
2. Any structures associated with uses allowed in the 65 Ldn Noise Contour must be located outside the 65 Ldn Noise Contour.
3. If no reasonable alternative exists, use should be located as far from extended centerline as possible.

4. If allowed, disclosure of airport proximity must be required as a condition of development. An aviation easement should be considered based on proximity to runway centerline. Limit residential density to 1 unit per 125 acres.
5. Transportation facilities in the 65 Ldn Noise Contour (i.e. roads, railroads, waterways) must be configured to comply with FAR Part 77 requirements.
6. Disclosure of airport proximity shall be required as a condition of development. Limit residential density to 1 unit per 1.25 acres.

Notes:

Development projects which are wildlife attractants, including sewage treatment ponds and new landfills, within 10,000 feet of the runway are unacceptable (FAA Advisory Circular 150/5200-33). New landfills within 6 miles of the airport may require special review (FAA AC 150/5200-34).

An FAA Form 7460-1, "Notice of Proposed Construction or Alteration" must be submitted for any construction or alteration (including hangars and other on-airport and off-airport structures, towers, etc.) within 20,000 horizontal feet of the airport greater in height than an imaginary surface extending outward and upward from the runway at a slope of 100 to 1 or greater in height than 200 feet above ground.

(Ord. 11-13-06B § 1)

**17.58.060 Airport hazard combining district map.**

The boundaries of the airport hazard combining districts set out herein are delineated upon the Winnemucca Municipal Airport off-airport land use drawing, said drawing being adopted by reference and made a part of this chapter as fully as if the same were set forth herein in detail.

A. Three original, official, and identical copies of the Winnemucca Municipal Airport off-airport land use drawing reflecting the boundaries of the airport hazard combining districts of Humboldt County, Nevada, are hereby adopted, and the chairman is hereby authorized to sign and attest each map as the official airport hazard combining district map of Humboldt County, Nevada, and such maps shall be filed and maintained as follows:

1. One copy shall be filed for permanent record in the office of the county administrator and shall be designated as "Exhibit 1." This copy shall not be changed in any manner.
2. One copy shall be filed in the planning department office and shall be designated as "Exhibit 2." This copy shall be maintained by the planning department by posting thereon all subsequent changes and amendments.
3. One copy shall be filed in the office of the city manager/engineer and shall be designated as "Exhibit 3." This copy shall be maintained by the planning department by posting thereon all subsequent changes and amendments. (Ord. 11-13-06B § 1)

**17.58.070 Airport hazard combining district boundaries.**

A. The airport hazard combining district boundary lines shown on the official airport hazard combining district map shall be located and delineated along contour lines established for Winnemucca Municipal

Airport. Where uncertainty exists as to the boundaries of the airport hazard combining districts as shown on the official map, the following rules shall apply:

1. Boundaries shall be scaled from the nearest physical feature shown on the map.
2. Boundaries may be scaled from the nearest platted lot line as shown on the map.
3. Distances not specifically indicated on the original airport hazard combining district map shall be determined by a scaled measurement on the map.
4. Where physical features on the ground differ from the information shown on the official airport hazard combining district map or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of this section, the property shall be considered to be classified as the most restrictive airport hazard combining district.
5. Where a parcel of land lies within more than one airport hazard combining district, the zone within which each portion of the property is located shall apply individually to each portion of the development or property. (Ord. 11-13-06B § 1)

#### **17.58.080 Use of land and buildings.**

A. Within the airport hazard combining districts as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying zoning districts, as specified in Humboldt County Code. Additional land uses are prohibited in the airport hazard combining districts, regardless of underlying zoning, as set forth in the recommended land use compatibility guideline table.

B. Where any use of prohibited land and buildings set forth in HCC [17.58.070](#) conflicts with any use of land and buildings set forth in Humboldt County Code as an allowed use, this section shall apply.

C. HCC [17.58.070](#) does not apply to property within the official boundaries of the airport.

D. Where specified on the recommended airport land use compatibility guidelines table, the property owner shall dedicate, in advance of receiving a building permit, an avigation easement to Humboldt County, Nevada. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at, taking off from, or operating on, or at, public airport facilities. (Ord. 11-13-06B § 1)

#### **17.58.090 Additional land use regulations.**

A. Within Humboldt County, Nevada, the more restrictive of Humboldt County Code or HCC [17.58.080](#) shall apply to the development of all property covered by the airport hazard combining district map.

B. When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.

C. Notwithstanding any other provisions of this chapter or any other chapter of the Humboldt County Code, no use may be made of land, water, or structures within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.

D. When a subdivision plat or parcel map is required for any property within an airport hazard combining district or within an area shown on the airport hazard combining district map for the Winnemucca Municipal Airport, the property owner shall dedicate an aviation easement to Humboldt County over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near Winnemucca Municipal Airport. (Ord. 11-13-06B § 1)

#### **17.58.100 Nonconforming uses.**

A. Regulations Not Retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

B. Marking and Lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Humboldt County or the airport board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Winnemucca Municipal Airport. (Ord. 11-13-06B § 1)

#### **17.58.110 Permits.**

A. Future Uses. Except as specifically provided in subsections (A)(1) and (2) of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a conditional use permit therefor shall have been applied for and granted per Chapter [17.68](#) HCC. Each application for a conditional use permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance per Chapter [17.66](#) HCC has been approved and in accordance with subsection (D) of this section.

1. In the area lying within the limits of the approach zones, transition zones, horizontal zone and

conical zone, no permit shall be required by this chapter for any tree or structure less than two hundred feet above ground level which is also lower than an imaginary surface extending outward and upward at a slope of one hundred feet horizontal for each one foot vertical beginning at the closest point of the closest runway.

2. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter.

B. Existing Uses. No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it was when the application for a permit was made. Except as indicated, all applications for such a permit shall be granted.

C. Nonconforming Uses Abandoned or Destroyed. Whenever Humboldt County determines that a nonconforming tree or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

D. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter may apply to the planning department for a variance from such regulations per Chapter [17.66](#) HCC.

1. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

2. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.

3. Additionally, no application for variance to the requirements of this chapter and Chapter [17.66](#) HCC may be considered by the county commission unless a copy of the application has been furnished to the airport board for advice as to the aeronautical effects of the variance. If there is no response to the application within fifteen days after receipt, the planning department may act on its own to process said application.

E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions. (Ord. 11-13-06B § 1)

**17.58.120 Enforcement.**

A. It shall be the duty of Humboldt County to administer and enforce the regulations prescribed herein per Chapter [17.80](#) HCC.

1. Applications for permits per Chapter [17.68](#) HCC and variances per Chapter [17.66](#) HCC shall be made to Humboldt County upon a form published for that purpose and available at the planning department or on the website.
2. Applications required by this chapter and Chapters [17.66](#) and [17.68](#) HCC are to be submitted to the planning department.
3. Application for action by the county commissioners shall be forthwith transmitted by the planning department. (Ord. 11-13-06B § 1)

**17.58.130 Appeals.**

A. Any person aggrieved, or any taxpayer affected by any decision of the county commission regarding a variance decision made in the administration of this chapter, may appeal per Chapter [17.66](#) HCC. Any decision regarding a use permit may be appealed per Chapter [17.68](#) HCC.

1. All appeals hereunder must be taken within a reasonable time by filing a notice of appeal specifying the grounds thereof.
2. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the governing body certifies that by reason of the facts stated in the certificate a stay would in the opinion of the county commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the county commission on notice to the planning commission and due cause shown.
3. The governing body may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances per Chapters [17.66](#) and [17.68](#) HCC. (Ord. 11-13-06B § 1)

**17.58.150 Penalties.**

Any violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall be per Chapter [17.80](#) HCC. (Ord. 11-13-06B § 1)

**17.58.160 Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 11-13-06B § 1)

**17.58.170 Severability.**

If any of the provisions of this chapter or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be

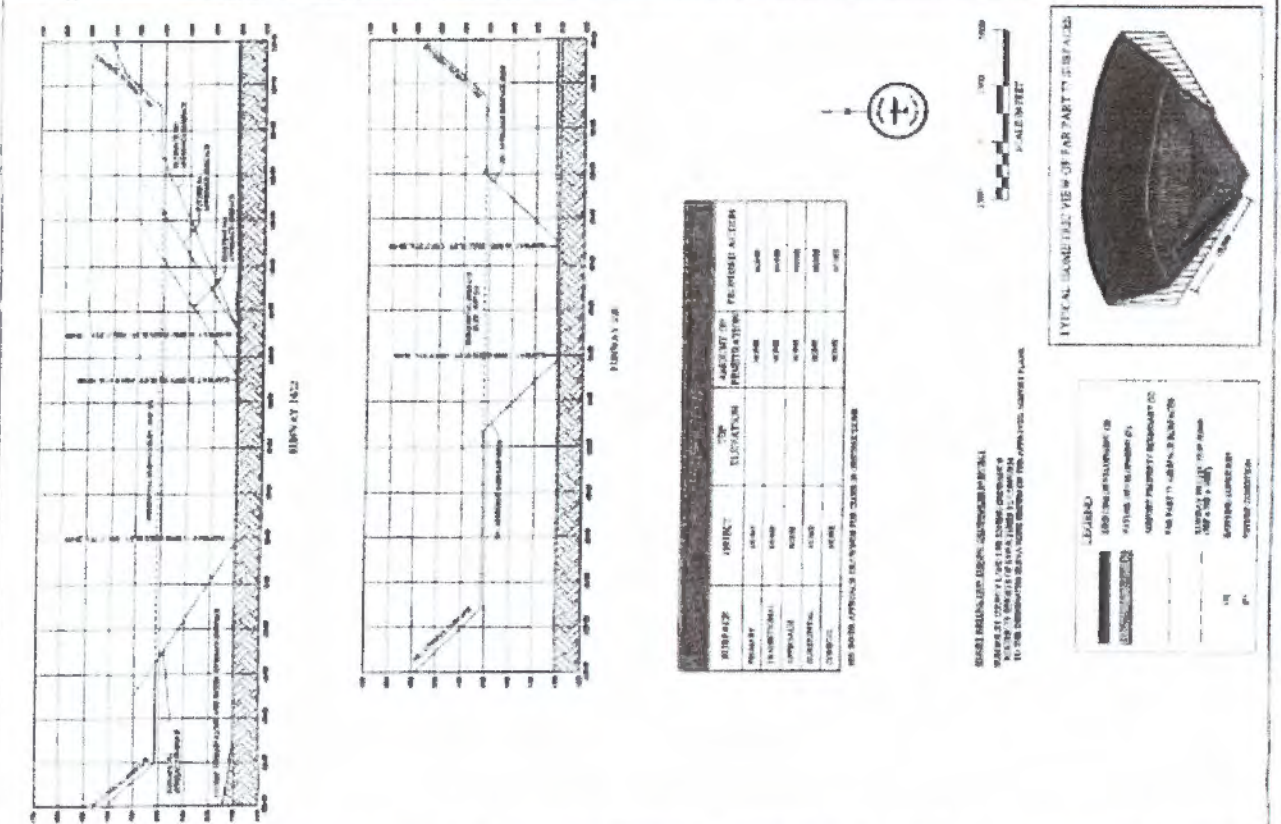
given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable. (Ord. 11-13-06B § 1)

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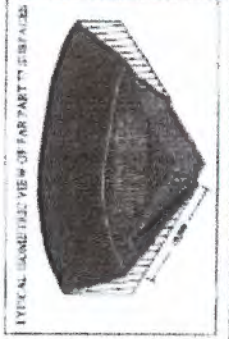
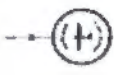
**WINDHOLDA MUNICIPAL AIRPORT  
 AIRPORT LAYOUT PLANS  
 A17-101-100-101**

**PART 11  
 AIRSPACE**

Sheet No. **4** of **10**



PROPERTY	OWNER	TYPE	ELEVATION	PERMITS/RESTRICTIONS	STATUS
10000	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10001	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10002	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10003	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10004	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10005	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10006	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10007	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10008	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10009	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None
10010	ARMSTRONG CONSULTANTS, INC.	OFFICE	1000	None	None

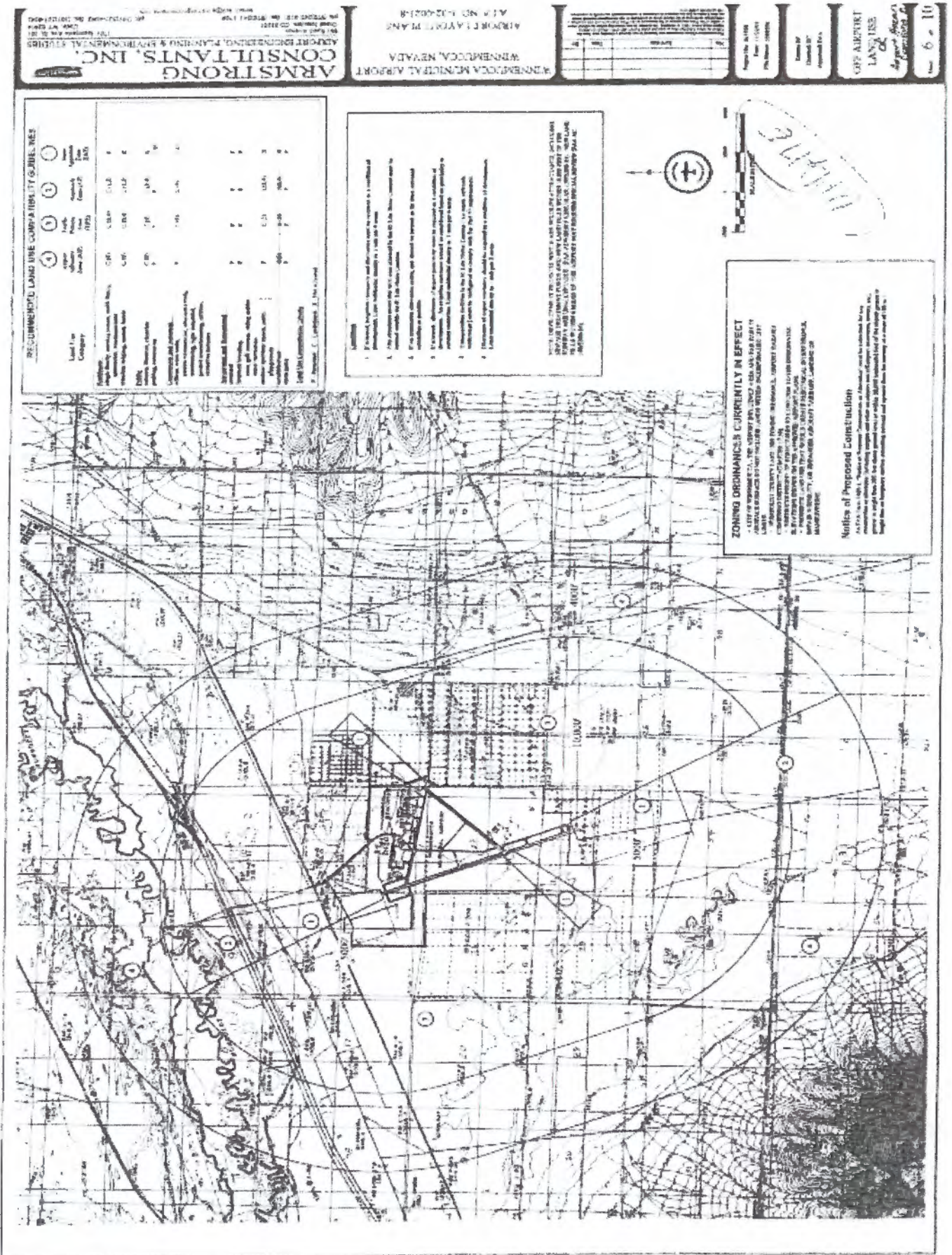


**LEGEND**

- PROPOSED AIRSPACE
- EXISTING AIRSPACE
- PROPOSED AIRSPACE RESTRICTIONS
- PROPOSED AIRSPACE RESTRICTIONS
- PROPOSED AIRSPACE RESTRICTIONS
- PROPOSED AIRSPACE RESTRICTIONS



(Ord. 11-13-06B § 1)



**RECOMMENDED LAND USE COMPATIBILITY GUIDELINES**

Land Use Category	Code	Height (ft)	Area (Ac)	Setback (ft)	Notes
Residential Single-Family	R-1	35	1.0	25	Not permitted within 100 ft of runway.
Residential Medium-Density	R-2	35	1.0	25	Not permitted within 100 ft of runway.
Residential High-Density	R-3	35	1.0	25	Not permitted within 100 ft of runway.
Commercial	C-1	35	1.0	25	Not permitted within 100 ft of runway.
Industrial	I-1	35	1.0	25	Not permitted within 100 ft of runway.
Public Use	P-1	35	1.0	25	Not permitted within 100 ft of runway.
Government	G-1	35	1.0	25	Not permitted within 100 ft of runway.
Open Space	O-1	35	1.0	25	Not permitted within 100 ft of runway.
Other	Other	35	1.0	25	Not permitted within 100 ft of runway.

**NOTES:**

1. Proposed Runway and Taxiway are shown with centerlines and edge lines.
2. The proposed Runway and Taxiway are shown with centerlines and edge lines.
3. The proposed Runway and Taxiway are shown with centerlines and edge lines.
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8. The proposed Runway and Taxiway are shown with centerlines and edge lines.
9. The proposed Runway and Taxiway are shown with centerlines and edge lines.
10. The proposed Runway and Taxiway are shown with centerlines and edge lines.

**ZONING ORDINANCES CURRENTLY IN EFFECT**

1. CITY OF WINNEMUCCA: THE CITY OF WINNEMUCCA HAS ADOPTED THE CITY ZONING ORDINANCES WHICH ARE CURRENTLY IN EFFECT. THE CITY ZONING ORDINANCES ARE AS FOLLOWS:

2. COUNTY OF HUMBOLDT: THE COUNTY OF HUMBOLDT HAS ADOPTED THE COUNTY ZONING ORDINANCES WHICH ARE CURRENTLY IN EFFECT. THE COUNTY ZONING ORDINANCES ARE AS FOLLOWS:

3. STATE OF NEVADA: THE STATE OF NEVADA HAS ADOPTED THE STATE ZONING ORDINANCES WHICH ARE CURRENTLY IN EFFECT. THE STATE ZONING ORDINANCES ARE AS FOLLOWS:

**Notes of Proposed Construction**

1. The proposed Runway and Taxiway are shown with centerlines and edge lines.

2. The proposed Runway and Taxiway are shown with centerlines and edge lines.

3. The proposed Runway and Taxiway are shown with centerlines and edge lines.

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**WINNEMUCCA MUNICIPAL AIRPORT**  
 AIRPORT MASTER PLAN  
 A17-10-2024-001-18

**OFF AIRPORT LAND USE**  
 10/6/24  
 6 - 10

(Ord. 11-13-06B § 1)

[Mobile Version](#)

## **Land Use Goals and Policies**

**Goal:** To ensure an adequate supply of land to meet the community's projected growth for the next 20 years while managing urban expansion and maintaining a small community atmosphere.

**Goal:** To provide for a high quality, compatible and functional mix of land uses including urban and rural residential, commercial, industrial, agricultural and open space.

### **Rural Residential**

**Policy:** Allow only large lot residential uses (minimum 1.25 acres) in areas that lack adequate infrastructure, i.e., public water, sewer, utilities and roads.

**Policy:** Encourage clustering, purchase of development rights, conservation easements and other innovative rural development techniques that provide flexibility for development while conserving open space, protecting environmental quality and preserving property rights.

### **Industrial**

**Policy:** Promote well-designed industrial areas which are compatible with adjoining uses, improve traffic flow and safety, and maximize existing infrastructure and services.

**Policy:** Encourage mitigation of off-site impacts such as noise, odor, light, glare and vibration through the use of pollution abatement, setbacks, landscaping and screening of storage and parking areas.

### **Agricultural**

**Policy:** Retain and maintain areas for agricultural use that are suitable for long-term production.

**Policy:** Encourage clustering, purchase of development rights, conservation easements and other innovative rural development techniques that provide flexibility for development while preserving and protecting agricultural lands.

### **Open Space Element**

Open space areas are intended to set aside lands for preservation of natural resources, remnant landscapes and to preserve natural settings for active and passive recreation opportunities. Such open space areas can provide active and passive recreational

## Humboldt County Regional Master Plan

opportunities and contribute to the quality of life of the community by protecting views, vistas and panoramas; by protecting air, water, soil, plant and wildlife habitat; unstable soils or areas of geological instability; and by protecting airport approach and departure areas.

The "Trails to the Future" activities produced community consensus on a common vision for a sustainable Winnemucca and Humboldt County based on the ideals of a livable community, healthy environment and diverse economy:

*Provide orderly growth and development for the citizens of Humboldt County. Ensure the health, safety and welfare of those who reside here through sound planning and regulation. Encourage community development and downtown redevelopment. Diversify our economic base through incentives, private partnerships and governmental cooperation. Foster full utilization of our airport and provide for additional parks and open space. Encourage the involvement of citizens in the planning and decision-making process. **Protect the property rights of landowners** from arbitrary and discriminatory actions; no private property shall be taken without just compensation.*

The dominant land use in the combined urbanized area of Winnemucca, Grass Valley, Rose Creek and Jungo Road is residential; the outer county is range land, agricultural and mining. These lands make up the scenic vistas and provide important open space buffers and watershed protection for the urban area. The surrounding ridgelines provide a pleasing landscape boundary, and the prominent peak of Winnemucca Mountain is an important landscape and cultural symbol. The river and riparian corridor is another prominent and valuable landscape feature providing visual resource, economic benefit, wildlife habitat, natural amenities, flood way and water quality benefits.

**Goal:** To guide development within well-defined boundaries that will enhance the health, safety and welfare of the community and its residents, promote economic development, and protect the region's natural environment.

**Policy:** Encourage clustering, purchase of development rights, conservation easements and other innovative rural development techniques that provide flexibility for development while conserving open space, protecting environmental quality and **preserving property rights.**

**Policy:** Retain suitable open space areas for active or passive recreation, scenic areas or natural areas.

**Policy:** Use natural boundaries such as rivers, streams, gullies and changes in topography; major transportation routes such as highways, arterials, collectors and railroad lines; platted blocks, lots and improved alleys for zoning district boundaries.

**Policy:** Encourage compatible land uses with development incentives in addition to

## Humboldt County Regional Master Plan

regulatory mechanisms.

### Transportation

**Goal:** A transportation system that is compatible with the land use of the region, which protects the natural environment and enhances the community's quality of life.

**Policy:** Ensure that transportation facilities are designed to minimize intrusions into residential areas. Insure that land use decisions do not adversely impact current and future aviation uses and airport operations.

**Policy:** Initiate access policies to improve safety and circulation on busy streets.

**Policy:** Encourage new development to provide mitigation for traffic impacts generated by the development on adjoining properties and the natural environment.

### Capital Facilities

**Goal:** To ensure that community facilities and services will be available to new development at the time of occupancy without decreasing current service levels below established standards.

**Goal:** To ensure that negative impacts on groundwater resources are minimized.

**Policy:** Promote public education and awareness regarding groundwater management issues.

**Policy:** Encourage water conservation efforts and technologies.

**Policy:** Encourage policies that would protect groundwater quality through sound waste water and solid waste management.

### Implementation

Implementation is the process that translates the vision and goals of the community as expressed in the Humboldt County Regional Master Plan into action. The strategies listed below provide the road map for fulfillment of that vision.

1. Develop Future Land Use Map
2. Amend Zoning and Subdivision Ordinances to include tools such as: cluster development, mixed use development, density bonuses, planned unit developments, purchase of development rights, conservation easements and other strategies to increase density, provide for public services and facilities, protect the natural environment and preserve property rights. Develop standards for improvements on parcel maps.

## Humboldt County Regional Master Plan

3. Develop management policies, regulations and incentives to direct development to environmentally appropriate areas with adequate public services including sewer, water, utilities and roads.
4. Adopt capital improvement plan that would support the use of impact fees for new development, if necessary (see NRS Chapter 278B).
5. Continue to monitor and analyze groundwater levels, use and quality.
6. Identify federal lands for local government needs and private purposes:
  - Compare lands needed with lands designated for disposal in applicable federal resource management plans;
  - Work with federal agencies to expedite disposal of lands designated for disposal or amend local resource management plans to allow for disposal of land that has not been designated for disposal.
7. Identify additional master plan elements, and establish a schedule for development and adoption.
  - Natural Resources Element
  - Historic Preservation Element
  - Housing Element
  - Public Lands Element (Policy Plan for Public Lands December 7, 1998)
8. Maintain Airport Master Plan and Airport Layout Plan as part of the Humboldt County Regional Master Plan and adopt/implement land use policies that are consistent with, and not in conflict with, aviation uses.
9. Develop Area Specific Plans for towns in Humboldt County where needed or desirable.
10. Conduct periodic review of the Humboldt County Regional Master Plan every five years to ensure that the plan continues to meet the needs of the community.

#3

**Humboldt County Industrial Zoning**

2024

**Permitted  
Uses**

M-L Light Industrial District	M-1 Industrial District	M-2 Heavy Industrial District	AID Airport Industrial District
A. Laboratories such as, but not limited to, the following: dental, optical, medical, chemical, electrical and mechanical	A. Agricultural implement manufacturing	A. Batch plants	A. Agricultural processing, parking and processing
B. Furniture and automobile upholstery	B. Agricultural processing, packing or storage	B. Power generation plants	B. Machine shops, blacksmith shops, fabrication shops, and parts manufacturing
C. Sign shops	C. Wholesale and retail meat packing and processing	C. Sewage treatment plants	C. Warehousing and distribution center activities
D. Bottling plants	D. Automotive sales and services	D. Foundries, casting	D. Fertilizer distribution plant
E. Financial institutions	E. Flour and grain mills	E. Plating and galvanizing plants	E. Aircraft operations facilities and storage as approved by the Airport Board
F. Print, blueprint and photocopy shops	F. Feed stores	F. Lumber mills, dimension lumber and plywood	F. Other uses not listed, which in the opinion of the airport board are similar to uses permitted outright and consistent with the purpose of the airport industrial district
G. Restaurants	G. Creameries	G. Lumber preserving plants	
H. Trade schools and vocational schools	H. Machine shops and blacksmith shops	H. Ore mills	
	I. Retail shops such as but not limited to tire stores, fuel yards and lumber yards	I. Petroleum tank farms	
	J. Contractor yards and shops such as but not limited to plumbing, heating, electrical and paint contractors		
	K. Warehousing activities		
	L. Truck stops and auto repair facilities		
	M. Fertilizer distribution plants		

**Conditional  
Uses**

<p>A. One dwelling or mobile home per permitted use</p> <p>B. Billboards</p> <p>C. Convenience markets with a gross floor area not to exceed three thousand square feet</p>	<p>A. Restaurants</p> <p>B. Convenience markets with a gross floor area not to exceed three thousand square feet</p> <p>C. Vocational and trade schools</p> <p>D. Billboards</p> <p>E. Petroleum tank farms</p> <p>F. Volatile gas storage or processing</p> <p>G. Automobile salvage and wrecking operations</p> <p>H. Salvage of metal, glass and paper</p> <p>I. Stockyards and/or slaughterhouses</p> <p>J. One dwelling or mobile home per permitted use</p>	<p>A. Restaurants</p> <p>B. Billboards</p> <p>C. Manufacturing of acid byproduct, chemical or gas, corrosive or explosive products</p>	<p>A. Restaurants and/or retail shops</p> <p>B. Vocational and trade schools</p> <p>C. Petroleum tank farms</p> <p>D. Volatile gas storage or processing</p> <p>E. Automobile salvage and wrecking operations</p> <p>F. Salvage and recycling of metal, glass, paper and other materials</p> <p>G. One dwelling or mobile home per permitted use</p>
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**Prohibited  
Uses**

<p>A. Public and semi public buildings such as, but not limited, to the following: churches, schools and libraries</p> <p>B. Convenience markets with a gross floor area in excess of three thousand square feet</p> <p>C. Retail shops</p> <p>D. Manufacture of any acid or acid byproduct, chemical or gas, corrosive or explosive product</p> <p>E. Medical marijuana establishments pursuant to HCC 17.10.100</p> <p>F. Marijuana establishments pursuant to HCC 17.10.100 (B) and (C)</p>	<p>A. Churches, public schools and libraries</p> <p>B. Manufacture of acid byproducts, chemicals or gas, corrosive or explosive products</p> <p>C. Medical marijuana establishments pursuant to HCC 17.10.100</p> <p>D. Marijuana establishments pursuant to HCC 17.10.100 (B) and (C)</p>	<p>A. Public and semipublic buildings such as but not limited to the following: churches, schools and libraries</p> <p>B. Residential uses</p> <p>C. Medical marijuana establishments pursuant to HCC 17.10.100</p> <p>D. Marijuana establishments pursuant to HCC 17.10.100 (B) and (C)</p>	<p>A. Public assembly facilities, including, but not limited to, churches, schools and libraries</p> <p>B. Manufacture of acid byproducts, chemicals or gas, corrosive or explosive products</p>
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4

## CHAPTER 497 - ZONING

### GENERAL PROVISIONS

- [NRS 497.010](#) Short title.  
[NRS 497.020](#) Definitions.  
[NRS 497.030](#) Declaration of policy.

### POWERS OF POLITICAL SUBDIVISIONS AND AIRPORT AUTHORITIES

- [NRS 497.040](#) Authority to adopt, administer and enforce airport zoning regulations.  
[NRS 497.050](#) Creation of joint airport zoning boards by political subdivisions other than airport authorities.  
[NRS 497.055](#) Creation of joint airport zoning boards by airport authority and other political subdivisions.

### ADOPTION OF REGULATIONS; AIRPORT ZONING COMMISSION; PERMITS; VARIANCES

- [NRS 497.060](#) Incorporation of airport zoning regulations into comprehensive zoning ordinance regulating height of buildings.  
[NRS 497.070](#) More stringent limitations govern when regulations conflict.  
[NRS 497.080](#) Adoption of airport zoning regulations: Necessity of public hearing; notice; publication.  
[NRS 497.085](#) Airport zoning regulations: Notice of proposed changes to tenants of nearby mobile home parks.  
[NRS 497.090](#) Airport zoning commission: Appointment; recommendation of boundaries of zones to be established; report; public hearings.  
[NRS 497.100](#) Airport zoning regulations: Requisites; reasonableness.  
[NRS 497.110](#) Airport zoning regulations: Limitations on adoption.  
[NRS 497.120](#) Airport zoning regulations: Provision for replacement or alteration of nonconforming structure or tree; permits.  
[NRS 497.130](#) Airport zoning regulations: Variances.  
[NRS 497.140](#) Installation and maintenance of markers or lights on structures or trees; penalty.

### APPEALS; ENFORCEMENT OF REGULATIONS

- [NRS 497.150](#) Appeals: Persons entitled to appeal.  
[NRS 497.160](#) Appeals: Notice; time; filing; record.  
[NRS 497.170](#) Appeals: Stay of proceedings; notice of hearing; action on appeal.  
[NRS 497.180](#) Administration and enforcement of regulations by administrative agency; duties.

### BOARD OF ADJUSTMENT

- [NRS 497.190](#) Powers of board of adjustment.  
[NRS 497.200](#) Members of board of adjustment: Number; terms; removal.  
[NRS 497.210](#) Majority vote of board of adjustment sufficient.  
[NRS 497.220](#) Rules, meetings, minutes and records of board of adjustment.  
[NRS 497.230](#) Right of aggrieved person or taxpayer to petition court for review of administrative decision.  
[NRS 497.240](#) Jurisdiction of court on review; costs.

[2:205:1947; 1943 NCL § 5064.02]

## POWERS OF POLITICAL SUBDIVISIONS AND AIRPORT AUTHORITIES

**NRS 497.040 Authority to adopt, administer and enforce airport zoning regulations.** In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits may adopt, administer and enforce, under the police power and in the manner and upon the conditions prescribed in this chapter, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, prohibit those land uses which could cause a hazard to air traffic and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

[3:205:1947; 1943 NCL § 5064.03]—(NRS A [1979, 1652](#))

**NRS 497.050 Creation of joint airport zoning boards by political subdivisions other than airport authorities.**

1. Where an airport is owned or controlled by a political subdivision other than an airport authority created by special legislative act as a quasi-municipal corporation, and any airport hazard area appertaining to such airport is located outside the territorial limits of the political subdivision, within or without the State, the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by [NRS 497.040](#) in the political subdivision within which such area is located.

2. Each such joint board shall have as members two representatives appointed by each political subdivision participating in its creation, and in addition a chair elected by a majority of the members so appointed.

[4:205:1947; 1943 NCL § 5064.04]—(NRS A [1979, 1652](#))

**NRS 497.055 Creation of joint airport zoning boards by airport authority and other political subdivisions.**

1. Where an airport is owned or controlled by an airport authority created by special legislative act as a quasi-municipal corporation and any airport hazard area appertaining to that airport is located within the limits of the county or any incorporated city or unincorporated town within the geographical boundaries of the airport authority, the airport authority and the county, incorporated city or unincorporated town within which the airport hazard area is located may, by adopting substantially identical ordinances or resolutions, create a joint airport zoning board, which has the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by [NRS 497.040](#) in the political subdivision within which that area is located.

2. Each such joint board:

(a) Must have as members two representatives appointed by each political subdivision participating in its creation, and in addition a chair elected by a majority of the members so appointed.

(b) May consider noise problems related to the airport as they affect lands outside the boundaries of the airport and make recommendations to the airport authority.

(Added to NRS by [1979, 1653](#))

## ADOPTION OF REGULATIONS; AIRPORT ZONING COMMISSION; PERMITS; VARIANCES

**NRS 497.060 Incorporation of airport zoning regulations into comprehensive zoning ordinance regulating height of buildings.** In the event that a political subdivision has adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

[5:205:1947; 1943 NCL § 5064.05]

**NRS 497.070 More stringent limitations govern when regulations conflict.** In the event of conflict between any airport zoning regulations adopted under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

[6:205:1947; 1943 NCL § 5064.06]

**NRS 497.080 Adoption of airport zoning regulations: Necessity of public hearing; notice; publication.**

1. An airport zoning regulation must not be adopted, amended or repealed under this chapter except:

(a) In the case of an airport owned or controlled by an airport authority created by special legislative act as a quasi-municipal corporation, by the action of the joint airport zoning board within whose jurisdiction that airport lies; or

(b) In the case of an airport owned or controlled by any other political subdivision, by the action of the joint airport zoning board within whose jurisdiction that airport lies or, if there is no joint board, the governing body of a political subdivision,

➤ after a public hearing in relation thereto, at which public utilities owning facilities in the area involved, other parties in interest and citizens have an opportunity to be heard.

2. At least 15 days' notice of the hearing shall be given to all public utilities owning facilities in the area involved, and at least 15 days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard to be zoned.

[7:205:1947; 1943 NCL § 5064.07]—(NRS A [1961, 127](#); [1977, 278](#); [1979, 1652](#))

**NRS 497.085 Airport zoning regulations: Notice of proposed changes to tenants of nearby mobile home parks.** Airport zoning regulations adopted pursuant to this chapter must provide that if a mobile home park is located within 300 feet of property for which a zoning change is proposed, notice of the proposed change must be mailed to each tenant of the park. The notice must be mailed 10 days before any hearing on the proposed change or, if no hearing is required, 30 days before the change is to become effective.

(Added to NRS by [1989, 962](#))

**NRS 497.090 Airport zoning commission: Appointment; recommendation of boundaries of zones to be established; report; public hearings.**

1. Prior to the initial zoning of any airport hazard area under this chapter, the political subdivision or joint airport zoning board may:

(a) Adopt the regulations.

(b) Appoint a commission to be known as the airport zoning commission.

(c) Recommend the boundaries of the various zones to be established and the regulations to be adopted therefor.

2. The commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of the commission.

3. Where a city planning commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

4. At least 15 days' notice of each public hearing by the commission shall be given to all public utilities owning facilities in the area involved.

[8:205:1947; 1943 NCL § 5064.08]

**NRS 497.100 Airport zoning regulations: Requisites; reasonableness.**

## MISCELLANEOUS PROVISIONS

<a href="#">NRS 497.250</a>	<b>Effect of regulation held unconstitutional with respect to particular structure or land.</b>
<a href="#">NRS 497.260</a>	<b>Penalty; injunction.</b>
<a href="#">NRS 497.270</a>	<b>Eminent domain.</b>

## GENERAL PROVISIONS

**NRS 497.010 Short title.** This chapter shall be known and may be cited as the Airport Zoning Act.  
[28:205:1947]

**NRS 497.020 Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized in the interest of the public for such purposes.

2. "Airport hazard" means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to the landing or taking off of aircraft.

3. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

4. "Person" includes a government, a governmental agency and a political subdivision of a government.

5. "Political subdivision" means any county, incorporated city, unincorporated town or airport authority created by special legislative act as a quasi-municipal corporation.

6. "Public utility" means a person who operates any airline, broadcasting, electric, gas, pipeline, radio, railroad, rural electric, sanitary sewer, slurry, telephone or water business in this State and who conducts such a business for a public use.

7. "Structure" means any object constructed or installed by a person, including, but without limitation, buildings, towers, smokestacks and overhead wires and other lines.

8. "Tree" means any object of natural growth.

[1:205:1947; 1943 NCL § 5064.01]—(NRS A [1977, 278](#); [1979, 1651](#); [1985, 521](#), [2053](#); [2013, 1960](#))

**NRS 497.030 Declaration of policy.**

1. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared:

(a) That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question.

(b) That it is therefore necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented.

(c) That this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation.

2. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and extend public funds and acquire land or property interests therein.

1. All airport zoning regulations adopted under this chapter shall be reasonable, and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this chapter.

2. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things:

- (a) The character of the flying operations expected to be conducted at the airport.
- (b) The nature of the terrain within the airport hazard area.
- (c) The character of the neighborhood.
- (d) The uses to which the property to be zoned is put and adaptable.

[9:205:1947; 1943 NCL § 5064.09]

**NRS 497.110 Airport zoning regulations: Limitations on adoption.** No airport zoning regulations adopted under this chapter shall require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in [NRS 497.140](#).

[10:205:1947; 1943 NCL § 5064.10]

**NRS 497.120 Airport zoning regulations: Provision for replacement or alteration of nonconforming structure or tree; permits.**

1. Any airport zoning regulations adopted under this chapter may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed or substantially altered, but no such permit shall be required to make maintenance repairs to any existing structure, or to replace parts of any existing structure, which repairs or replacements do not substantially enlarge or increase the height of an existing structure.

2. In any event, however, all such regulations shall provide that before any nonconforming structure or tree may be replaced, substantially altered, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement or change.

3. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made.

4. Except as provided herein, all applications for permits shall be granted.

[11:205:1947; 1943 NCL § 5064.11]

**NRS 497.130 Airport zoning regulations: Variances.**

1. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use the person's property in violation of airport zoning regulations adopted under this chapter, may apply to the board of adjustment for a variance from the zoning regulations in question.

2. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this chapter. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter.

[12:205:1947; 1943 NCL § 5064.12]

**NRS 497.140 Installation and maintenance of markers or lights on structures or trees; penalty.**

1. In granting any permit or variance under [NRS 497.120](#) and [497.130](#), the administrative agency or board of adjustment may, if it deems such an action advisable to carry out the purposes of this chapter and reasonable in the circumstances, so condition the permit or variance as to require the owner of the structure or tree in question to permit the political subdivision to install, operate and maintain thereon at the owner's

expense such markers and lights as may be necessary to indicate to aviators the presence of a hazard to flight.

2. The political subdivision may, with the permission of the owner and at its own expense, install and operate, upon nonconforming structures existing at the time the particular zoning regulation is adopted or amended, such markers or lights as may be necessary. After initial installation, the political subdivision, upon written notice to the owner, may require the owner to maintain those markers or lights in conformance with the standards of the Federal Aviation Administration.

3. Any person who fails to install, operate or maintain a marker or light or pay the expenses required in this section is guilty of a misdemeanor.

[13:205:1947; 1943 NCL § 5064.13]—(NRS A [1981.532](#))

## APPEALS; ENFORCEMENT OF REGULATIONS

**NRS 497.150 Appeals: Persons entitled to appeal.** Any person aggrieved by any decision of an administrative agency made in its administration of airport zoning regulations adopted under this chapter, or any governing body of a political subdivision, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

[14:205:1947; 1943 NCL § 5064.14]

**NRS 497.160 Appeals: Notice; time; filing; record.** All appeals taken under [NRS 497.150](#) must be taken within a reasonable time, as provided by the rules of the board, by filing with the agency from which the appeal is taken, and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

[15:205:1947; 1943 NCL § 5064.15]

### **NRS 497.170 Appeals: Stay of proceedings; notice of hearing; action on appeal.**

1. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by order of the board on notice to the agency from which the appeal is taken and on due cause shown.

2. The board shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

3. The board may, in conformity with the provisions of this chapter, reverse, affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

[16:205:1947; 1943 NCL § 5064.16]

### **NRS 497.180 Administration and enforcement of regulations by administrative agency; duties.**

1. All airport zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by an administrative agency, which may be an agency created by such regulations or any official, board or other existing agency of the political subdivision adopting the regulations, or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision. In no case shall such administrative agency be or include any member of the board of adjustment.

2. The duties of any administrative agency designated pursuant to this chapter shall include that of hearing and deciding all permits under [NRS 497.120](#), but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.

[17:205:1947; 1943 NCL § 5064.17]

## BOARD OF ADJUSTMENT

**NRS 497.190 Powers of board of adjustment.** All airport zoning regulations adopted under this chapter shall provide for a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in [NRS 497.150](#).

2. To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations.

3. To hear and decide specific variances under [NRS 497.130](#).

[18:205:1947; 1943 NCL § 5064.18]—(NRS A [1975.9](#))

**NRS 497.200 Members of board of adjustment: Number; terms; removal.** Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five members, each to be appointed for a term of 3 years by the authority adopting the regulations, and to be removable by the appointing authority for cause, upon written charges and after public hearing.

[19:205:1947; 1943 NCL § 5064.19]

**NRS 497.210 Majority vote of board of adjustment sufficient.** The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.

[20:205:1947; 1943 NCL § 5064.20]

### **NRS 497.220 Rules, meetings, minutes and records of board of adjustment.**

1. The board of adjustment shall adopt rules in accordance with the provisions of the ordinance or resolution by which it was created.

2. Meetings of the board must be held at the call of the chair and at such other times as the board may determine.

3. The chair, or in his or her absence the acting chair, may administer oaths and compel the attendance of witnesses.

4. All hearings of the board must be public.

5. The board shall:

(a) Keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and audio recordings or transcripts of its proceedings.

(b) Keep records of its examinations and other official actions, all of which must immediately be filed in the office of the board and are public records.

[21:205:1947; 1943 NCL § 5064.21]—(NRS A [2005.1414](#))

### **NRS 497.230 Right of aggrieved person or taxpayer to petition court for review of administrative decision.**

1. Any person aggrieved or taxpayer affected by any decision of a board of adjustment, or any governing body of a political subdivision, or any joint airport zoning board which is of the opinion that a decision of a board of adjustment is illegal, may present to the district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the board.

2. Upon presentation of the petition the court may allow a writ of certiorari directed to the board of adjustment to review the decision of the board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown,

grant a restraining order.

3. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

[22:205:1947; 1943 NCL § 5064.22]

**NRS 497.240 Jurisdiction of court on review; costs.**

1. The court shall have exclusive jurisdiction to affirm, modify or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the board of adjustment. The findings of fact of the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or, if it was not so urged, unless there were reasonable grounds for failure to do so.

2. Costs shall not be allowed against the board of adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

[23:205:1947; 1943 NCL § 5064.23]

**MISCELLANEOUS PROVISIONS**

**NRS 497.250 Effect of regulation held unconstitutional with respect to particular structure or land.** In any case in which airport zoning regulations adopted under this chapter, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this State or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

[24:205:1947; 1943 NCL § 5064.24]

**NRS 497.260 Penalty; injunction.**

1. Each violation of this chapter or of any regulations, orders, or rulings promulgated or made pursuant to this chapter, shall constitute a misdemeanor, and each day's violation of this chapter or of any regulations, orders or rulings promulgated or made pursuant to this chapter shall constitute a separate offense.

2. In addition, the political subdivision or agency adopting zoning regulations under this chapter may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this chapter, or of airport zoning regulations adopted under this chapter, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made pursuant thereto.

[25:205:1947; 1943 NCL § 5064.25]—(NRS A [1967, 597](#))

**NRS 497.270 Eminent domain.**

1. In any case in which:

(a) It is desired to remove, lower or otherwise terminate a nonconforming structure, tree or use;

(b) The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or

(c) It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations,

the political subdivision within which the property or nonconforming use is located, or the political subdivision owning the airport or served by it may acquire, by purchase, grant or condemnation in the

manner provided by the law under which political subdivisions are authorized to acquire property for public purposes, such air right, avigation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this chapter.

2. In the case of the purchase of any property or any easement or estate or interest therein, or the acquisition of the same by condemnation, the political subdivision making such purchase or exercising such power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or equipment of any public utility which is required to be moved to a new location.

[26:205:1947; 1943 NCL § 5064.26]