

The Lander County Planning Commission met in regular session in the Commission Chamber of the Lander County Courthouse in Battle Mountain, NV on July 14, 2010 at 3:00 p.m.

**PRESENT: JOHN WILLIAMS JR., CHAIR**  
**KIMBERLIE DAVIS, BOARD MEMBER**  
**MONTE PRICE, BOARD MEMBER**  
**JOY BRANDT, BOARD MEMBER**  
**ROD DAVIS, ALTERNATE BOARD MEMBER**  
**DEBORAH TESKE, COMMUNITY DEVELOPMENT SPECIALIST,**  
**(NON-VOTING LIAISON)**

**ABSENT: LOUIS LANI, VICE-CHAIR**  
**SOVEIDA ROBINSON, EXECUTIVE SECRETARY**

The meeting was called to order by Chair John Williams.

Mr. Williams led the Pledge of Allegiance.

Let the record further reflect the presence of a quorum of five Commission members.

#### **APPROVAL OF AGENDA NOTICE**

Ms. Davis moved to approve the agenda notice, as posted, seconded by Mr. Price. The motion was voted and carried unanimously.

#### **APPROVAL & ACCEPTANCE OF MINUTES**

##### **Regular Meeting of June 9, 2010**

Ms. Davis moved to approve the minutes for June 9, 2010, as presented, seconded by Ms. Brandt. The motion was voted and carried unanimously.

#### **CORRESPONDENCE**

Letter to Interested Party, from Bureau of Land Management, regarding proposed action on the Arturo Mine Project EIS in Elko County, Nevada.

#### **PUBLIC COMMENT**

There was no comment from the public at this time.

#### **1) Discuss and approve/disapprove the following Home Occupation Permit request:**

Applicant: Bill Key

Location: 695 Broyles Ranch Road, Battle Mountain  
APNs: 002-381-21  
Type: Wood sculpting

Mr. Bill Key was present to answer questions of the Board regarding his home occupation permit request. Mr. Key stated that he uses all electric tools include an electric saw to create wood sculptures, such as bears, from a wooden log. The Board discussed the home occupation permit and Ms. Teske informed the Board that no responses had been received regarding the advertised home occupation. The Board informed Mr. Key that the home occupation permits are reviewed annually or if a complaint is filed.

Ms. Davis moved to approve the Home Occupation Permit for Bill Key, at 695 Broyles Ranch Road, in Battle Mountain, APN 002-381-21 for wood sculpting, seconded by Ms. Brandt. The motion was voted and carried unanimously.

**2) Discussion and direction regarding the feasibility of obtaining a variance to allow a deed restriction regarding water rights affiliated with a parcel split and other matters properly related thereto.**

Mr. Ron Cary and Ms. Mila Willingham, both of Baker Hughes Drilling Fluids were present to discuss the need for an exemption for a water right when parcel a piece of property for a tailings impoundment that requires no well for the operations. Mr. Cary stated that the parcel would have no administration facilities and that the owner of the property does not want to sell any water rights and that Baker Hughes does not want to buy any water rights as they will not be used.

The Board discussed the Lander County “Water Rights Dedication” ordinance as it pertained to this application. The Board discussed the purpose of the State Water Engineer’s mandate for the ordinance in dedicated water basins and parceling that does not fall under parceling for residential use. The Board’s understanding was that allowing a variance to the ordinance may be interrupted by the State as superseding the State’s mandate. Ms. Teske stated that she would contact the State Department of Water Resources regarding this matter as soon as possible and get clarification on the State Water Engineer’s position in allowing variances to the water dedication legislation.

The Board wanted specifics on parceling with regard to mining, utility uses and non-residential uses. The Board expressed concern with regarding to monitoring future use of a parcel after it is split and that a deed restriction stating that a water right must be purchased before a residential use is allowed may solve the problem.

**3) Discussion and possible action regarding the preliminary draft elements of the Lander County Master Plan and other matters properly related thereto.**

Rex Massey, Research and Consulting Services, Inc. (RCS), was present to review and discuss the draft Lander County Master Plan. Mr. Massey discussed the following proposed elements:

- Development Standards
- 2.5 acre zoning options with regard to Land Use Plan Designations
- Cluster Development (Density 2.5 units/acre, but lots can be 1.0 units/acre configuration with the criteria such as access to municipal water, sewer and requirement for paved roads)
- Land Use Plan Changes –
  1. Pg. 3-7 – Medium density lands adjacent to or near municipal services should develop at higher density with appropriate services. Proposed zone changes which result in the creation of A-1, (RR-1) lands should be discouraged unless municipal sewer and water services are extended to the site. Lander County may need to consider a 2.5 acre zoning as the highest residential density allowed without municipal sewer and water services.
  2. Pg. 3- 7 - A-1, (RR-1) zoning shall be discouraged without municipal utility services.
  3. Pg. 3-8 – D. Public Services and Facilities: Lands zoned R2, R3 and A-1, (RR-1) shall be served by municipal water systems. Individual on-site septic treatment may be allowed for lands zoned A-1 (RR-1) to the extent septic tank densities do not exceed recommended standards and the area is currently not planned for service.
  4. Pg. 3-9 – General Commercial (C-2) is strongly discouraged near high density residential areas. MRC zoning shall be discouraged and limited. Development proposals within the MRC zone shall be compatible to adjacent lands, particularly where such lands are currently in residential uses and are not contained within the MRC designation.
- Changes to Plan Maps -
  1. Public Services and Facilities
  2. Transportation
  3. Land Use Plan

Mr. Massey further discussed the elements of the Master Plan and stated that he will have a final draft prepared for the next Planning Commission meeting, August 11<sup>th</sup>. Mr. Massey further stated that he will hold a final Public Work Shop in Austin on July 27<sup>th</sup>.

Ms. Teske was directed to advertise a Public Work Shop for Austin regarding the Draft Master Plan on July 27<sup>th</sup>, in the Austin Courthouse at 4:00 p.m. Ms. Teske was also directed to make the Draft Master Plan available to Elected Officials and Department Heads in the DOE office and Road and Bridge building in Battle Mountain. Ms. Teske stated that she would send a memo to all Elected Officials and Department Heads

informing them of the availability of the draft Master Plan and ask for their input.

**4) Discuss and approve/disapprove the following Parcel Map:**

Applicant: Todd and Gwen Samuelson  
Location: 312 & 314 Carson Road, Battle Mountain  
APNs: 002-407-06 & 07  
Type: Combining two (2) parcels into one (1) parcel

The Board reviewed and discussed the Samuelson parcel map. Ms. Davis read the following reasons to accept the parcel map:

- The map is legibly draw and indicates the owners of adjoining property, which is a requirement of Lander County code 16.12.060, A, B, C and that the following items under D are met as follows:
- All monuments, found, set, replaced or removed describing their kind, size and location and give other data relating thereto;
- Bearing witness monuments, basis of bearings, bearing and length of line and scale of map;
- Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts;
- Memorandum of oaths;
- Signature of registered land surveyor;
- Date of survey;
- Signature of owner or owners of the land to be divided;
- Any easements granted or dedications made;
- Any other data necessary for the intelligent interpretation of the various items and locations of points lines and area shown, including a vicinity map inset of the area proposed for land division;
- The means of access to the lots;
- Calculated acreage of each parcel clearly shown.

Ms. Davis moved to approve the Samuelson parcel map, APN 002-407-06 & -07, combining two parcels into one, seconded by Ms. Brandt. The motion was voted and carried unanimously.

**5) Discuss and approve/disapprove the following Parcel Map:**

Applicant: George Miles & Julie Lacroix  
Location: 218 & 216 Sleeping Valley Road, Kingston  
APNs: 003-202-04 & -40  
Type: Combining two (2) parcels into one (1) parcel

The Board reviewed and discussed the Miles/Lacroix parcel map.

Ms. Davis moved to tentatively approve the Miles/Lacroix parcel map upon submittal of a Mylar, completed signatures and a letter from the Kingston Town Board regarding relinquishment of the non-development walking path, seconded by Ms. Brandt. The motion was voted and carried unanimously.

**6) Planning Commissioners' Updates.**

There were no updates at this time.

**7) Staff Report.**

There were no updates from staff at this time.

**ADJOURNMENT**

There being no further business before the Board at this time, Mr. Davis moved to adjourn the July 14, 2010 meeting, seconded by Ms. Davis. The motion was voted and carried unanimously.

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CHAIR OF THE LANDER COUNTY  
PLANNING COMMISSION

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY