

The Lander County Planning Commission met in regular session in the Commission Chamber of the Lander County Courthouse in Battle Mountain, NV on August 11, 2010 at 3:00 p.m.

PRESENT: JOHN WILLIAMS JR., CHAIR
LOUIS LANI, VICE-CHAIR (VIA TELECONFERENCE)
JOY BRANDT, BOARD MEMBER (VIA TELECONFERENCE)
KIMBERLIE DAVIS, BOARD MEMBER
MONTE PRICE, BOARD MEMBER
DEBORAH TESKE, COMMUNITY DEVELOPMENT SPECIALIST,
(NON-VOTING LIAISON)
DON NEGRO, ROAD & BRIDGE FOREMAN NORTH
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

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

APPROVAL & ACCEPTANCE OF MINUTES

Regular Meeting of July 14, 2010

Mr. Price moved to approve the minutes for July 14, 2010, as presented, seconded by Ms. Brandt. The motion was voted and carried unanimously.

CORRESPONDENCE

There was no correspondence for the Board to review.

PUBLIC COMMENT

There was no comment from the public at this time.

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

Applicant: Jesus and Elizabeth Diaz
Location: 130 N 2nd Street, Battle Mountain

APNs: 002-022-02
Type: Mobile Disc Jockey

Let the record reflect the presence of Deborah Teske, Community Development Specialist for this discussion. The Board reviewed and discussed the home occupation permit for Jesus and Elizabeth Diaz.

Mr. Lani moved to approve the home occupation permit for Jesus and Elizabeth Diaz, 130 N 2nd Street, Battle Mountain, APN 002-022-02 for a mobile disc jockey, seconded by Mr. Price. The motion was voted and carried unanimously.

2) *Discuss and approve/disapprove the following Variance request:

Applicant: Ormat Nevada Inc. (ORNI 45, LLC)
Location: N2, SW4, Sec 19, T30N, R43E
APNs: 007-020-17
Type: To allow the creation of an 8.44 acre parcel in 20 acre zoning for a power substation

Let the record reflect the presence of Scott Kessler, Ormat Nevada Inc. for this discussion. Mr. Kessler stated that the substation (switch) is for the Jersey Power Plant (geothermal). The request for the variance is because it is quasi-public use and will not be an occupied facility. The bigger parcel is necessary to deal with further development which has extensive cultural constraints (major archeological artifacts). The Board reviewed and discussed the variance.

Ms. Davis moved to approve the variance for Ormat Nevada Inc. (ORNI 45, LLC), N2, SW4, Sec. 19, T30N, R43E, APN 007-020-17, allow the creation of an 8.44 parcel in 20 acre zoning for a power substation pending receipt of a letter identifying archeological findings that need to be preserved, seconded by Mr. Lani. The motion was voted and carried unanimously.

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

Applicant: Ormat Nevada Inc. (ORNI 45, LLC)
Location: N2, SW4, Sec 19, T30N, R43E
APNs: 007-020-17
Type: Splitting one (1) parcel into two (2) parcels

Let the record reflect the presence of Scott Kessler, Ormat Nevada Inc. for this discussion. The Board reviewed and discussed the parcel map for Ormat Nevada (ORNI 45, LLC).

Ms. Davis read the following reasons to accept the parcel map:

The map is legibly drawn 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:

1. All monuments, found, set, replaced or removed describing their kind, size and location and give other data relating thereto;
2. Bearing witness monuments, basis of bearings, bearing and length of line and scale of map;
3. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts;
4. Memorandum of oaths;
5. Signature of registered land surveyor;
6. Date of survey;
7. Signature of owner or owners of the land to be divided;
8. Any easements granted or dedications made;
9. 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;
10. The means of access to the lots;
11. Calculated acreage of each parcel clearly shown.

Mr. Price moved to approve the parcel map for Ormat Nevada, Inc. (ORNI 45, LLC), N2, SW4, Sec 19, T30N, R43E, seconded by Ms. Davis. The motion was voted and carried unanimously.

4) Discuss and approve/disapprove the following Special Use Permit request:

Applicant: Dave and Marge Winstrom
Location: 2054 E Frontage Road, Battle Mountain, NV
APNs: 011-170-21

Type: To allow the construction of a lighted 120 feet Wind Turbine on 26 acre Industrial zoning

Let the record reflect the presence of Tim Scully, EnergyCo for this discussion and representing agenda items #4, #5 and #6. We submitted a special use permits for these three properties to provide for the added height. Our turbine is 100 feet high and the blade is an additional 12 feet which is less than 120 feet high on all three properties. We have received FAA approval for all of the turbines. The Board reviewed and discussed the special use permit for Dave and Marge Winstrom. Ms. Davis advised Mr. Scully that the special use permits are revocable. Mr. Williams stated that if there is a legitimate complaint the Board under the statute have the right to have you cease and deist and is a condition of a special use permit.

Mr. Lani moved to approve the special use permit for Dave and Marge Winstrom, 2054 E Frontage Road, Battle Mountain, APN 011-170-21, allow the construction of a lighted 120 feet wind turbine on 26 acre Industrial zoning, seconded by Mr. Price. The motion was voted with three Board members voting “aye” and one Board member “abstaining”.

5) Discuss and approve/disapprove the following Special Use Permit request:

Applicant: Will and Teresa Whitten
Location: 1635 3300 E Street, Battle Mountain, NV
APNs: 011-370-14
Type: To allow the construction of a 120 feet Wind Turbine on 5 acre Agricultural zoning

This agenda item was discussed under agenda #4.

Mr. Price moved to approve the special use permit for Will and Teresa Whitten, 1635 3300 E. Street, Battle Mountain, APN 011-370-14, allow the construction of a 120 feet wind turbine on 5 acre Agricultural zoning, seconded by Mr. Lani. The motion was voted with three Board members voting “aye” and one Board member “abstaining”.

6) *Discuss and approve/disapprove the following Special Use Permit request:

Applicant: Edward and Karen Heinz
Location: 2135 Mary Jo Drive, Battle Mountain, NV
APNs: 011-400-08
Type: to allow the construction of a 120 feet Wind Turbine on 5 acre Agricultural zoning

This agenda item as discussed under agenda #4.

Mr. Price moved to approve the special use permit for Edward and Karen Heinz, 2135 Mary Jo Drive, Battle Mountain, APN 011-400-08, allow the construction of a 120 feet wind turbine on 5 acre Agricultural zoning, seconded by Mr. Lani. The motion was voted with three Board members voting “aye” and one Board member “abstaining”.

7) *Discussion and possible recommendation to the Lander County Board of Commissioners regarding the following zone change request:

Applicant: Town of Kingston
Location: 131, 129, 127, 125, 123, 117, 115, 113, 111, 109, 105, 103, 101 Austin Ave and 5, 4, 2 & 1 Hamilton Lane and 141, 135, 129, 127, 125, 123, 121, 119, 117, 115, 113, 111, 109, 107, 105, 101 Toiyabe Street and 108, 107, 106 & 104 Northumberland Way
APNs: 003-073-02, -03, -04, -05, -06, -07, -09 & -10, 003-074-02, -06, -09, -11, -12, -13, -14, -15, -16 & -18 and 003-092-03, -04, -06, -08, -09, -10, -11, -12, -17, -18, -19, -20, -21, -22 & -24 and 003-093-01, -04, -06 & -07
Type: Change from Single Family Residential District (R1) to Kingston Airport Special Zone (KR-A1)

Let the record reflect the presence of Shannon Thiss, Deputy Clerk for the Town of Kingston for this discussion via teleconference. Ms. Thiss stated that the reason for the zone change on the airport lots is so that someone could build a hangar in addition to their residence. The Board reviewed and discussed the zone change request.

Mr. Lani moved to approved agenda item #7 as agendized to be submitted to the Lander County Board of Commissioners as a recommendation, seconded by Ms. Brandt. The motion was voted and carried unanimously.

8) *Discussion and possible recommendation to the Lander County Board of Commissioners to amend Lander County Code 17.08.100, regarding Water Rights Dedication and other matters properly related thereto.

Ms. Teske stated that Mr. Schaeffer, Deputy District Attorney handed her a draft ordinance change with the addition of D. The Board reviewed and discussed the draft ordinance.

Ms. Davis moved to recommend to the Lander County Board of Commissioners as agendized with the correction of Item D. that it will actually state “in such circumstances, the applicant shall submit, at the time the application is approved, a written and binding statement of intent not to use any water originating from said newly created parcel or parcels”, seconded by Mr. Price. The motion was voted and carried unanimously.

9) ***Discussion and possible recommendation to the Lander County Board of Commissioners regarding adoption of the draft Lander County Master Plan and other matters properly related thereto.**

Let the record reflect the presence of Rex Massey, Research and Consulting Services, Inc. for this discussion. Mr. Massey had the following comments:

- Master plan will have pictures and graphics
- Minor changes to maps
- If there is any inaccurate data or displays, this will be corrected
- 2 ½ acre zoning

Mr. Massey stated that with the creation of a 2 ½ acre in lieu of one acre. Ms. Davis stated that with creating a one acre can we accommodate a well and septic? Ms. Teske replied yes. The Board discussed the pros and cons of the 1 and 2 ½ acre zoning. Mr. Massey stated that he will address in the master plan that it is the intent to enforce a 2 1/2 acre well/septic combination.

Ms. Davis moved to recommend to the Lander County Board of Commissioners that after due process that the newly revised master plan as presented be adopted, seconded by Mr. Price. The motion was voted and carried unanimously.

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

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

Let the record reflect the presence of Deborah Teske, Community Development for this discussion. The Board reviewed and discussed the parcel map for George Miles and Julie Lacroix.

Mr. Williams read the following reasons to accept the parcel map:

The map is legibly drawn 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:

1. All monuments, found, set, replaced or removed describing their kind, size and location and give other data relating thereto;

2. Bearing witness monuments, basis of bearings, bearing and length of line and scale of map;
3. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts;
4. Memorandum of oaths;
5. Signature of registered land surveyor;
6. Date of survey;
7. Signature of owner or owners of the land to be divided;
8. Any easements granted or dedications made;
9. 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;
10. The means of access to the lots;
11. Calculated acreage of each parcel clearly shown.

Mr. Price moved to approve the parcel map for George Miles and Julie Lacroix, 218 & 216 Sleeping Valley Road, Kingston, APNs 003-202-04 & -40, combining two parcels into one parcel, seconded by Mr. Lani, The motion was voted and carried unanimously.

11) Planning Commissioners' Updates.

There were no updates at this time.

12) Staff Report.

Ms. Teske reported the following:

- Change requirement for special use permit for wind turbines and that the Planning Commission review before it goes to the Lander County Board of Commissioners.

ADJOURNMENT

There being no further business before the Board at this time, Mr. Davis moved to adjourn the August 11, 2010 meeting, seconded by Mr. Lani. The motion was voted and carried unanimously.

CHAIR OF THE LANDER COUNTY
PLANNING COMMISSION

ATTEST: _____
EXECUTIVE SECRETARY