

The Lander County Planning Commission met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on April 13, 2011 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
DAVID MASON, COMMISSIONER
ANGIE ELQUIST, DISTRICT ATTORNEY
GINA LITTLE, COMMUNITY SERVICES OFFICER (Non-Voting Liaison)
DONALD NEGRO, ROAD & BRIDGE FOREMAN/NORTH
DONNA J. BOHALL, EXECUTIVE SECRETARY

The meeting was called to order by Chair John Williams.

Mr. Williams led the Pledge of Allegiance.

Let the record 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 Ms. Brandt, the motion was voted and carried unanimously.

APPROVAL & ACCEPTANCE OF MINUTES

Regular Meeting of March 9, 2011

Ms. Davis moved to approve the minutes of the Regular Meeting of March 9, 2011, as corrected. Seconded by Mr. Lani, the motion was voted and carried unanimously.

CORRESPONDENCE

There was no correspondence for the Board to review.

PUBLIC COMMENT

There was no one present for public comment.

- 1) **Discussion and possible action regarding street naming procedures for Lander County and other matters properly related thereto:** District Attorney Angie Elquist presented a draft Street Naming Committee Manual for the Board's consideration; and noted the following for the record:

"You review this manual and then we'd do a resolution with the County Commissioners. The process would be where it starts at the Planning Department – they request the street names. Then it comes before you guys as a Board to recommend it to get approval. That way you don't have to do an ordinance."

There was general discussion of how the new street naming procedure would work for the future creation of streets/roads in Lander County. Ms. Davis moved to defer this matter for further review to the next meeting. Seconded by Mr. Price, the motion was voted and carried unanimously.

- 2) **Discuss and approve/disapprove the following Home Occupation Permit request:**

Applicant: Dennis McKenzie
Location: 1035 Gold Creek Avenue, Battle Mountain
APN: 002-173-16
Type: Appliance Repair Service

District Attorney Angie Elquist disclosed for the record that the property located at 1035 Gold Creek Avenue belongs to her sister. Mr. Dennis McKenzie was present to answer questions from the Board regarding his home occupation permit request. Mr. Price moved to approve the home occupation permit request for Dennis McKenzie, 1035 Gold Creek Avenue, Battle Mountain, APN 002-173-16, for an appliance repair service. Seconded by Mr. Lani, the motion was voted and carried unanimously.

- 3) **Discuss and approve/disapprove the following Home Occupation Permit request:**

Applicant: Laura Shelton
Location: 1670 2200 East Street, Battle Mountain
APN: 011-310-13
Type: Property (rental, eviction, foreclosure) trash removal and clean-up.

Let the record reflect the presence of Ms. Laura Shelton for this item. The Board reviewed and discussed the home occupation permit request for Ms. Shelton, as submitted. Ms. Shelton answered questions of the Board regarding her home occupation permit request. Mr. Price moved to approve the home occupation permit request for Laura Shelton, 1670 2200 East Street, Battle Mountain, APN 011-310-13, for property

trash removal and clean-up. Seconded by Ms. Davis, the motion was voted and carried unanimously.

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

Applicant: Young Brothers Partnership
Location: NW Corner of Toiyabe Street and Kingston Road, Kingston
APN: 003-062-11
Type: To allow the construction of a small 16'x16' hydro power plant.

Let the record reflect the presence of Mr. Ralph Young, Young Brothers, and Mr. Everett Jesse, Engineer/Architect. Mr. Young explained that Young Brothers Partnership's proposal is to construct a hydro-electric facility on the Kingston common ground; and presented testimony in support of the proposal. Mr. Young noted for the record that Young Brothers met with the Kingston Town Board and have their support and approval for the project. Mr. Jesse presented testimony regarding the proposed scope of work for the project. There was general discussion of how Young Brothers' proposes to mitigate noise issues associated with the project. Mr. Mason requested clarification of how the water will be trapped. Mr. Young explained that the water will be diverted out of the creek into a pipeline which will go through the hydro plant under pressure and then be released into the creek.

Ms. Little advised the Board of the following issues: a) that per the Assessor, the project may change the assessed value of the property; and, b) that a few homeowners want reassurance that the project won't create a different atmosphere to their properties. The Board informed Mr. Young that special use permits are reviewed annually, or sooner, if a complaint is filed. Mr. Lani moved to approve the special use permit for Young Brothers Partnership, NW Corner of Toiyabe Street and Kingston Road, Kingston, APN 003-062-11, to allow construction of a small 16'x16' hydro power plant. Seconded by Ms. Davis, the motion was voted and carried unanimously.

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

Applicant: Robert Dailey
Location: W2NE4S2 Section 20, T25N, R41E, Antelope Valley
APN: 007-520-04
Type: To allow construction of sixteen (16) 25kW or four (4) 100kW wind turbines on 60' towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of Mr. Robert Dailey. The Board reviewed and discussed the special use permit request of

Robert Dailey, as submitted. Mr. Miller explained that the reason for the special use permit application is due to issues recently discovered with the 25kW wind turbines; and noted that since the first special use permit was issued new/better 100kW wind turbines have been located. Mr. Miller requested permission to use either the 25kW or 100kW wind turbines as they're both on 60' towers. There was general discussion regarding the advantages/disadvantages of both types of wind turbines. Mr. Miller stated that he will supply plans for either the 100kW or 25kW wind turbines when he pulls permits with Building Official Joe Lindsey. Mr. Price moved to approve the special use permit request for Robert Dailey, W2NE4S2, Section 20, T25N, R41E, Antelope Valley, APN 007-520-04, to allow construction of sixteen (16) 25kW or four (4) 100kW wind turbines on 60' towers in Agricultural Zoning. Seconded by Ms. Brandt, the motion was voted and carried with Mr. Williams, Mr. Lani, Mr. Price and Ms. Brandt voting "AYE" and with Ms. Davis abstaining from the vote.

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

Applicant: Edgmon Family Trust
Location: S2N2 Section 1, T24N, R40E & S2 Section 1, T24N, R40E
APN: 005-010-05 & 005-010-06
Type: To allow construction of sixteen (16) 25kW or four (4) 100kW wind turbines on 60' towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of the Edgmon Family Trust. The Board reviewed and discussed the special use permit request of the Edgmon Family Trust, as submitted. Ms. Davis moved to approve the special use permit request for the Edgmon Family Trust, S2N2 Section 1, T24N, R40E and S2 Section 1, T24N, R40E, APNs 005-010-05 and 005-010-06, to allow construction of sixteen (16) 25kW or four (4) 100kW wind turbines on 60' towers in Agricultural Zoning, as presented. Seconded by Mr. Lani, the motion was voted and carried unanimously.

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

Applicant: Farr Family Trust
Location: Section 12, T24N, R40E, Section 13, T24N, R40E, N2 Section 24, T24N, R40E, E2NE4SW4NE4NW4 Section 28, T25N, R41E, SW4SE4E2SW4SE4 Section 28, T25N, R41E & NE4SE4NW4 Section 30, T25N, R41E
APN: 005-010-07, 005-010-08, 005-010-09, 007-520-07, 007-520-17 & 007-520-06

Type: To allow construction of sixty (60) 25kW or fifteen (15) 100kW wind turbines on 60' towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of the Farr Family Trust. The Board reviewed and discussed the special use permit request of the Farr Family Trust, as submitted. Ms. Davis moved to approve the special use permit request for the Farr Family Trust, Section 12, T24N, R40E, Section 13, T24N, R40E, N2 Section 24, T24N, R40E, E2NE4SW4NE4NW4 Section 28, T25N, R41E, SW4SE4E2SW4SE4 Section 28, T25N, R41E and NE4SE4NW4 Section 30, T25N, R41E, APNs 005-010-07, 005-010-08, 005-010-09, 007-520-07, 007-520-17 and 007-520-06, to allow construction of sixty (60) 25kW or fifteen (15) 100kW wind turbines on 60' towers in Agricultural Zoning, as presented. Seconded by Mr. Lani, the motion was voted and carried unanimously.

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

Applicant: Rodney & Lori Monk
Location: S2 Section 10 & N2 Section 15, T24N, R40E
APN: 005-010-04
Type: To allow construction of twenty-four (24) 25kW or six (6) 100kW wind turbines on 60' towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of Rodney and Lori Monk. The Board reviewed and discussed the special use permit request of Rodney and Lori Monk, as submitted. Mr. Lani moved to approve the special use permit request for Rodney and Lori Monk, S2 Section 10 and N2 Section 15, T24N, R40E, APN 005-010-04, to allow construction of twenty-four (24) 25kW or six (6) 100kW wind turbines on 60' towers in Agricultural Zoning, as presented. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

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

Applicant: Joan Weinreich
Location: SE4NW4 Section 3, T24N, R41E & SW4SW4NW4 Section 3, T24N, R41E
APN: 005-020-03 & 005-020-04
Type: To allow construction of twenty (20) 25kW or five (5) 100kW wind turbines on 60'towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of Ms. Joan Weinreich. The Board reviewed and discussed the special use permit request of Joan

Weinreich, as submitted. Mr. Price moved to approve the special use permit request for Joan Weinreich, SE4NW4 Section 3, T24N, R41E and SW4SW4NW4 Section 3, T24N, R41E, APNs 005-020-03 and 005-020-04, to allow construction of twenty (20) 25kW or five 100kW wind turbines on 60' towers in Agricultural Zoning, as presented. Seconded by Mr. Lani, the motion was voted and carried with Mr. Williams, Mr. Lani, Mr. Price and Ms. Brandt voting "AYE" and with Ms. Davis abstaining from the vote.

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

Applicant: William & Christina Wohle
Location: N2 Section 10, T24N, R40E & N2 Section 10, T24N, R41E
APN: 005-010-03 & 005-020-06
Type: To allow construction of twenty (20) 25kW or five (5) 100kW wind turbines on 60' towers in Agricultural Zoning.

Let the record reflect the presence of Mr. Don Miller, Catadon Systems, on behalf of William and Christina Wohle. The Board reviewed and discussed the special use permit request of William and Christina Wohle, as submitted. Ms. Brandt moved to approve the special use permit request for William and Christina Wohle, N2 Section 10, T24N, R40E and N2 Section 10, T24N, R41E, APNs 005-010-03 and 005-020-06, to allow construction of twenty (20) 25kW or five (5) 100kW wind turbines on 60' towers in Agricultural Zoning. Seconded by Mr. Lani, the motion was voted and carried with Mr. Williams, Mr. Price, Mr. Lani and Ms. Brandt voting "AYE" and with Ms. Davis abstaining from the vote.

11) **Discuss and approve/disapprove the following parcel map:**

Applicant: David A. & Kristine R. Itza
Location: 22nd Street & Jillian Court, Battle Mountain
APN: 011-050-29
Type: Splitting one (1) parcel into two (2) parcels

Let the record reflect the presence of Mr. David Itza and Mr. Carl R. C. deBaca, Alidade, Inc. District Attorney Angie Elquist disclosed for the record that she is related to Mr. Itza through marriage. The Board reviewed and discussed the parcel map for David A. and Kristine R. Itza located at 22nd Street and Jillian Court, Battle Mountain, as submitted. Mr. Williams read the following reasons for accepting a parcel map into the record:

- 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:

- 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.

Mr. Price moved to approve the parcel map for David A. and Kristine R. Itza, 22nd Street and Jillian Court, Battle Mountain, APN 011-050-29, splitting one (1) parcel into two (2) parcels, with the stipulation that all signatures be properly affixed thereto. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

12) **Discuss and approve/disapprove the following parcel map:**

Applicant: David A. & Kristine R. Itza
 Location: Ethel Avenue & 22nd Street, Battle Mountain
 APN: 011-050-31 & 011-050-32
 Type: Splitting one (1) parcel into two (2) parcels

Let the record reflect the presence of Mr. David Itza and Mr. Carl R. C. deBaca, Alidade, Inc. The Board reviewed and discussed the parcel map for David A. and Kristine R. Itza located at Ethel Avenue and 22nd Street, as submitted. Ms. Davis noted for the record that this agenda item is actually splitting two separate parcels into four parcels. Mr. Williams read the following reasons for accepting a parcel map into the record:

- 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:
- 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 easement 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 parcel maps for David A. and Kristine R. Itza, Ethel Avenue and 22nd Street, Battle Mountain, APN 011-050-31 and 011-050-32, each splitting one (1) parcel into two (2) parcels, with the stipulation that all signatures be properly affixed thereto. Seconded by Mr. Lani, the motion was voted and carried unanimously.

13) **Planning Commissioners' Updates:**

There were no updates presented at this time.

14) **Staff Report:**

Ms. Little informed the Board that the Planning Department is in the process of getting a planning enhancement added to their computer system through Advanced Data Systems.

ADJOURNMENT

There being no further business before the Board at this time, Ms. Davis moved to adjourn the meeting of April 13, 2011. Seconded by Mr. Price, the motion was voted and carried unanimously.


 CHAIR OF THE LANDER COUNTY
 PLANNING COMMISSION

ATTEST: 
 EXECUTIVE SECRETARY