

The Lander County Planning Commission met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on June 8, 2011 at 3:00 p.m.

**PRESENT:** JOHN WILLIAMS, JR., CHAIR  
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)  
JACOB EDGAR, PUBLIC WORKS FOREMAN  
DONNA J. BOHALL, EXECUTIVE SECRETARY

**ABSENT:** LOUIS LANI, VICE CHAIR

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 four 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 May 11, 2011**

Mr. Price moved to approve the minutes of the Regular Meeting of May 11, 2011, as presented. Seconded by Ms. Brandt, the motion was voted and carried with Mr. Williams, Mr. Price and Ms. Brandt voting "AYE" and with Ms. Davis abstaining from the vote.

#### **CORRESPONDENCE**

There was no correspondence for the Board's review.

#### **PUBLIC COMMENT**

Lander County School District Superintendent **Steve Larsgaard** appeared before the Board to make the following comment for the record:

*"I met yesterday with Mr. Etcheverry and Ms. Little regarding a pending project the school district is involved in with use of wind turbines to generate green energy. Subsequent to our entering into an agreement with Nevada Energy and Upstar Corporation, the Planning Commission has tabled or suspended construction of wind projects until ordinances have been developed. I appreciate your due consideration for that. However, the school district is currently involved in some very tight deadlines with the wind projects it's entered into. Subsequently, we'd ask that as soon as possible you place completion of your ordinance development on an upcoming agenda due to our tight time constraints. I'd like to introduce you to Jim Harris. He's going to talk about the current state of things and what we're doing. Thank you for your attention."*

**Jim Harris** appeared before the Board to make the following comment for the record:

*"We're working with the school district in getting approval from NV Energy for rebates to help install wind turbines at some of the schools. We've got those narrowed down to five wind turbines. One will be in Austin; two at the high school; and two at Lemaire. Our turbines are all engineered. The foundations are engineered. We're ready to order the turbines and have them put in this summer. We're on hold right now until we know for sure what the requirements are. We're asking that this be taken into consideration. The rebates expire October 7<sup>th</sup>. If the project's not in and connected to the grid by then, the rebates expire. It's about \$1.7 million in rebates."*

**Maryan Grilli** appeared before the Board to make the following comment for the record:

*"I've got the twenty-one acres on Round Mountain and Carson. I was here last month requesting the commissioners' opinion on submitting a parcel map. I brought a map with me showing where the utilities enter the land. Each of the parcels have their own utilities. Angie was going to get back to me with some information on the subdivision compliance."*

District Attorney Angie Elquist responded to Ms. Grilli's comment, as follows:

*"We're working with the Building Department on that. You need to meet with Gina – we're working together to get that information for you."*

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

Applicant: Delbert Cornella  
Location: 1465 James Madison, Battle Mountain  
APN: 011-210-28  
Type: Home repair and maintenance

Let the record reflect the presence of Mr. Delbert Cornella for this item. The Board reviewed and discussed the home occupation permit request for Mr. Cornella, as

submitted. Mr. Cornella answered questions from the Board regarding his home occupation permit request. Mr. Price moved to approve the home occupation permit request for Delbert Cornella, 1465 James Madison, Battle Mountain, APN 011-210-28 for home repair and maintenance. Seconded by Ms. Davis, the motion was voted and carried unanimously.

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

Applicant: LuRena Cornella  
Location: 1465 James Madison, Battle Mountain  
APN: 011-210-28  
Type: Lawn care and minor home repair services

Let the record reflect the presence of Mr. Delbert Cornella for this item on behalf of Ms. LuRena Cornella. The Board reviewed and discussed the home occupation permit request for Ms. Cornella, as submitted. Mr. Cornella answered questions from the Board regarding Ms. Cornella's home occupation permit request. Ms. Davis moved to approve the home occupation permit request for LuRena Cornella, 1465 James Madison, Battle Mountain, APN 011-210-28 for lawn care and minor home repair services. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

3) **Discuss and approve/disapprove the following Zone Change request:**

Applicant: John Wood  
Location: 19 Wine Glass Road, Lot 3, Block P, Unit #5, Kingston, NV  
APN: 003-221-03  
Type: Change from Commercial District (C-1) to Single Family Residential District (R-1).

Let the record reflect the presence of Mr. John Wood for this item. The Board reviewed and discussed the zone change application for Mr. Wood, as submitted. Mr. Wood presented testimony regarding his plans to remove an existing mobile home from his property and build a new primary residence; and noted for the record that there has been a residence on this parcel for over thirty years, so building a new residence would have no impact on anything in the area. The Board reviewed and discussed various photographs of the property located at 19 Wine Glass Road, as presented by Mr. Wood. Ms. Davis moved to approve the zone change request for John Wood, 19 Wine Glass Road, Lot 3, Block P, Unit #5, Kingston, Nevada, APN 003-221-03, to change from Commercial District (C-1) to Single Family Residential District (R-1). Seconded by Mr. Price, the motion was voted and carried unanimously.

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

Applicant: John Wood  
Location: 19 Wine Glass Road, Lot 3, Block P, Unit #5, Kingston, NV  
APN: 003-221-03  
Type: To build a new primary residence, setback footage needed.

Let the record reflect the presence of Mr. John Wood for this item. The Board reviewed and discussed the variance request for Mr. Wood, as submitted. Mr. Wood noted for the record that in order to remove the existing mobile home on this parcel of property and construct a new primary residence, a variance is needed to the front setback footage. Mr. Wood explained that the property was zoned C-1, which required no front property line setback. Mr. Wood stated that because of the property contour, it is necessary to use the existing area for the new residence, which does not allow for a setback. Mr. Price moved to approve the variance request for John Wood, 19 Wine Glass Road, Lot 3, Block P, Unit #5, Kingston, Nevada, APN #003-221-03, to build a new primary residence, setback footage needed. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

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

Applicant: William & Christina Wohle  
Location: N2 Sec 10, T24N, R40E & N2 Sec 10, T24N, R41E, Battle Mountain  
APN: 005-010-03 & 005-020-06  
Type: To allow construction of ten 155' 100KW wind turbines in Agricultural zoning.

Let the record reflect the presence of Mr. Tim Brown, Planet Safe Systems, on behalf of William and Christina Wohle. The Board reviewed and discussed the special use permit request for William and Christina Wohle, as submitted. Ms. Davis disclosed for the record that she will be abstaining from discussion and action on this item as she has the listing for this property. Mr. Price moved to approve the special use permit request for William and Christina Wohle, N2 Section 10, T24N, R40E and N2 Section 10, T24N, R41E, Battle Mountain, APNs 005-010-03 and 005-020-06, to allow construction of ten 155' 100KW wind turbines in Agricultural zoning. Seconded by Ms. Brandt, the motion was voted and carried with Mr. Williams, 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: Farr Family Trust

Location: Sec 12, T24N, R40E, Sec 13, T24N, R40E, N2 Sec 24, T24N, R40E, E2NE4S4NE4NW4, Sec 28, T25N, R41E & SW4SW4E2SW4SE4, Sec 28, T25N, R41E, Battle Mountain  
APN: 005-010-07, 005-010-08, 005-010-09, 007-520-07 & 007-520-17  
Type: To allow construction of two 67' meteorological 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 for the Farr Family Trust, as submitted. Mr. Miller answered questions of the Board and audience concerning the weather measuring equipment to be used on the meteorological towers. Lander County Building Official Joe Lindsey explained that the meteorological towers would have to meet the same requirements as wind turbine facilities. 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, E2NE4S4NE4NW4, Section 28, T25N, R41E and SW4SW4E2SW4SE4, Section 28, T25N, R41E, Battle Mountain, APNs 005-010-07, 005-010-08, 005-010-09, 007-520-07 and 007-520-17, to allow construction of two 67' meteorological towers in Agricultural zoning, subject to meeting Building Department requirements. Seconded by Mr. Price, the motion was voted and carried unanimously.

- 7) **Presentation by Watt Group USA of a 20mw photovoltaic power plant with the purpose of providing renewable energy to Northern Nevada and other matters properly related thereto:** Let the record reflect the presence of Susan V. Cohen, Watt Group USA, and Sheri Ecklund-Brown, Re/Max Gold, for this discussion. Let the record further reflect the absence of District Attorney Angie Elquist for this item. Ms. Cohen presented the following Battle Mountain Photovoltaic Power Plant Project overview to the Board:

**Battle Mountain Photovoltaic Power Plant Project**

- I. **Watt Group Founders**
  - Rubin Derhy & Harry Cohen
  - Jean Philippe Krief & Marc Cohen
- II. **Watt Group Shareholders**
  - Omexon-VINCI Energies
  - The VINCI Group
- III. **The India Project**
  - Project provides three photovoltaic parks.
  - \$22 million – total investment.
  - Permits obtained & funding secured – construction to commence in 90 days.
- IV. **Overviews of French Projects**
  - Plants, Power & Investment

- V. **Solar & Photovoltaic Panels**
  - Clean, sustainable.
  - Worldwide demand for energy increases each day.
  - Produces high energy output across a wide range of climatic conditions.
  - Proven to perform as predicted with a high performance ratio.
- VI. **Technology Choice – First Solar**
  - A leading manufacturer of photovoltaic solar modules & solutions.
  - Modules represent the latest advancements in thin film solar module technology.
  - Provides cost effective thin film module solutions.
  - Engineers provide technical support & comprehensive product documentation.
- VII. **Battle Mountain Project**
  - Project Data \* Project Parcel/Property \* Local Benefits
  - Property Taxes \* Labor Costs \* Schedule \* Partners

Ms. Davis disclosed for the record that she will be abstaining from discussion and action on this item due to her involvement in the project. Ms. Cohen requested direction from the Board as to whether or not the Watt Group should apply for a special use permit or a zone change in order to proceed with the proposed project. There was general discussion regarding the rules and procedures for obtaining/maintaining a special use permit versus a zone change. Ms. Cohen answered various questions from the Board and Commissioner Mason concerning the proposed scope of work for the solar project. Mr. Williams noted the following for the record:

*“It’s really a flip of the coin which way you go. The easiest thing is a zone change; you don’t have to worry about a permit. The only thing I see right now, and I don’t see that being a problem, is that we really haven’t addressed any zoning that far out. It will probably be years and at that time it won’t be this bunch that has to worry about it. I’m sure whoever is in power will make it fit within the zoning they need at that time. For everyone considered, a zone change is the ideal situation.”*

Rod Davis, UNR, was present to address his concerns regarding the legality of approving a zone change to accommodate a single plant. Mr. Williams noted for the record that the Board’s main consideration in granting a zone change is if the requested change is in the best interest of Lander County, as a whole, economically. There was general discussion regarding the need to address renewable energy in Lander County’s master plan. Mr. Price presented testimony regarding the process and time frame involved with obtaining a zone change versus a special use permit.

- 8) **Discussion and possible action regarding the draft “Lander County Street Naming Committee Manual” procedures and other matters properly related thereto:** Let the record reflect the absence of District Attorney Angie Elquist for this item. The Board reviewed and discussed the draft Lander County Street Naming Committee Manual, as

submitted. Ms. Davis moved to approve the Lander County Street Naming Committee Manual. Seconded by Mr. Price, the motion was voted and carried unanimously.

- 9) **Planning Commissioner's Updates:** There were no updates presented at this time.
- 10) **Staff Report:** There was no staff report presented at this time.

**ADJOURNMENT**

There being no further business before the Board at this time, Ms. Davis moved to adjourn the meeting of June 8, 2011. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

  
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**CHAIR OF THE LANDER COUNTY  
PLANNING COMMISSION**

ATTEST:   
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**EXECUTIVE SECRETARY**