

The Lander County Planning Commission met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on March 14, 2012 at 3:00 p.m.

PRESENT: JOHN WILLIAMS, JR., CHAIR
JOY BRANDT, BOARD MEMBER – via Teleconference
MONTE PRICE, BOARD MEMBER
DAVID MASON, COMMISSIONER
ANGIE ELQUIST, DISTRICT ATTORNEY
GINA LITTLE, COMMUNITY SERVICES OFFICER (Non-Voting Liaison)

ABSENT: LOUIS LANI, VICE CHAIR
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 three Commission members.

APPROVAL OF AGENDA NOTICE

Mr. Price 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 February 8, 2012

Ms. Brandt moved to approve the minutes of the Regular Meeting of February 8, 2012, as presented. Seconded by Mr. Price, the motion was voted and carried unanimously.

BOARD MEMBER REPORTS

There were no board member reports presented.

STAFF REPORTS

There were no staff reports presented.

PUBLIC COMMENT

There was no one present for public comment.

- 1) **Discussion for possible action regarding the following Special Use Permit request:**

Applicant: James A. Edgmon
Location: S2N2 Section 1, T24N, R40E
APN: 005-010-05
Type: To construct/install four (4) WindAce 100kW wind turbines in agricultural zoning.

Let the record reflect the presence of Mr. Mike Farr, on behalf of James A. Edgmon, for this item. The Board reviewed and discussed the special use permit application for Mr. Edgmon, as submitted. Community Services Officer Gina Little stated that this permit was approved last month for two wind turbines when, in fact, Mr. Edgmon intended to apply for four wind turbines; and explained that the applicant has provided an amended application with the changes. Mr. Price moved to approve the special use permit for James A. Edgmon, S2N2 Section 1, T24N, R40E, APN 005-010-05, to construct/install four (4) WindAce 100kW wind turbines in agricultural zoning. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

2) **Discussion for possible action regarding the following Variance request:**

Applicant: Charlie & Kathie Vaughn
Location: 129 Virginia Street, Austin
APN: 001-113-02
Type: To allow a temporary RV residence on Austin Historical Residential District-Manufactured Housing District zoning.

Let the record reflect the presence of Mr. Charlie Vaughn for this item. The Board reviewed and discussed the variance application for Mr. and Mrs. Vaughn, as submitted. Mr. Vaughn presented testimony regarding his proposed plans to provide a temporary RV residence on his property located at 129 Virginia Street in Austin; and answered questions from the Board and the audience concerning his request. Austin resident **Sally Cook** appeared before the Board to make the following comment for the record:

"I live across the street from the lot he's speaking about. I really don't care what anybody does as long as they don't bother me. I don't like loud music; I don't like people staying up late and partying. It's a residential neighborhood. I hate to use terminology like this but I don't want 'trailer trash' living there."

Austin resident **Philip Williams** appeared before the Board, via telephone conference, to state his support for the requested variance. Mr. Williams read the following March 13, 2012 letter from Lander County Building Official Joe Lindsey into the record:

Upon review of Mr. Vaughn's variance request, it is the recommendation of the Lander County Building Official that a "Temporary Variance" be granted by the

Planning Commission. It is also recommended, should the Planning Commission agree, that the "Temporary Variance" be subject to the following conditions:

- 1. At the termination of the temporary variance, the property must be transformed to a non-RV use. This may include elimination of electrical service and termination of water and sewage hook-up at the property owners' expense.*
- 2. Should the need arise for an extension of the temporary variance, a variance request must be received by the Community Services Officer for review by the Lander County Planning Commission no later than one month prior to expiration of the original variance. The request must be in writing and justifiable cause demonstrated.*
- 3. All RV spaces being rented are subject to the Lander County room tax of 9.5% payable to the Lander County Treasurer on a monthly basis.*
- 4. Should the property for any reason become a nuisance, termination of the variance shall be immediate and number one (1) above shall apply.*

Mr. Vaughn asked the Board to consider granting the variance for a period of time in excess of six months. There was general discussion of whether or not Mr. Vaughn would be required to obtain a business license in order to proceed with his proposed venture. Commissioner Dave Mason recommended that the Board grant a one year variance with an automatic six month renewal subject to the terms and conditions of the variance. Mr. Price moved to approve the variance request for Charlie and Kathie Vaughn, 129 Virginia Street, Austin, APN 001-113-02, to allow a temporary RV residence on Austin Historical Residential District-Manufactured Housing District zoning, for one year with the four stipulations recommended by the Lander County Building Official. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

- 3) **Discussion for possible action regarding recommendation to the Lander County Board of Commissioners on an ordinance amending section 16.16.035 of the Lander County Code to require additional design and improvement requirements for subdivision maps, parcel maps and subsequent parcel maps depending on the underlying zone, including but not limited to, additional road, sewer and water requirements and other matters properly related thereto:** Community Services Officer Gina Little requested that this item be deferred to a future planning commission meeting. Ms. Brandt moved to defer this matter to the next planning commission meeting. Seconded by Mr. Price, the motion was voted and carried unanimously.

- 4) **Discussion for possible action regarding the following Parcel Map request:**

Applicant: Maryan Grilli
Location: Round Mountain Drive, Battle Mountain
APN: 002-430-03
Type: Splitting one (1) parcel into four (4) parcels.

Let the record reflect the presence of Ms. Maryan Grilli and Mr. Larry Sheller for this item. Mr. Sheller presented a brief history regarding his 2005 acquisition of the property on Round Mountain Drive; the subsequent sale of the property to Ms. Grilli; and Ms. Grilli's proposed plans to split the property into four parcels. Mr. Sheller stated that the Grilli's can't afford to put in \$2.5 million worth of roads, but that they are willing to grant easements; and suggested that a note be included on the recorded parcel map indicating that any future parceling or subdivision will require improvements to be completed to County standards. The Board reviewed and discussed the tentative parcel map for Ms. Grilli, as submitted. Mr. Williams commented that the only thing the Board can discern from the map is that the Grilli's are going to sell three parcels for an average of about 3.45 acres per parcel and that each of the parcels has a means of access to it so there would be no need to show an easement of a road through the parcels. Battle Mountain resident **Kimberlie Davis** appeared before the Board to address the following concern:

"Aren't you looking for perimeter easements or road tie-ins for adjoining parcels so you don't have land-lock? I understand they have means of access, but are the easements in place for future development on the other two adjoining parcels?"

There was general discussion regarding the need for a ten foot perimeter utility easement on all land to be parceled. Assessor Lura Duvall appeared before the Board to address the following concern:

"My concern is Round Mountain not going through. It would land-lock the big piece, although they do have access from another area. If they decided to split that up, then you'd have Round Mountain jogging. The only other concern I have with Round Mountain not going through is if you build a house in one area and have a fire in another area, there's no other access to get to that property by ambulance or fire because there's no road that goes through. Also, we don't have any parcels that large in R-1 zoning in the Town of Battle Mountain. My bigger concern is conforming with the master plan. At a minimum, I'd like to see Round Mountain go through."

Lander County Public Works Foreman Jake Edgar appeared before the Board to make the following comment for the record:

"If the roads were to continue through, their water service would line up at a true angle. It's possible the way they have it now, but it's really not what was planned. Where the water ends now you're going to have an angle off the main trunk line. In our ordinance it says you're supposed to be parallel with the property line. They could do it, but they're going to have to extend the main."

Mr. Sheller offered to modify the parcel map; and presented testimony regarding his proposed plans to address the various concerns addressed at today's meeting. Mr. Williams noted the following for the record:

"If you come in with one map and you have two fours on one map and you want to do it all in one swell swoop, you fall under the subdivision ordinance and you're required to put in curbs and gutter, paved streets, street lights, etc. If you bring in two or three separate maps, then you wouldn't fall under the subdivision requirements."

Community Services Officer Gina Little explained that, pursuant to Lander County Code, a sixty foot wide road easement or right-of-way shall be provided up to and through the subject parcel from the nearest approved county road for future development. There was general discussion of whether or not the required easement/right-of-way for Round Mountain Drive could be obtained from an adjacent property owner. Mr. Williams stated that the Board's preference would be for Round Mountain Drive to continue in a straight line and connect to Carson Road as was the intent when the property was included as part of a subdivision. There was general discussion regarding the road easements/right-of-ways the Grilli's would be required to provide in order to proceed with today's parcel map request. Ms. Grilli addressed the following concern:

"When I brought this map to you in August, you said go ahead and submit your parcel map. You didn't mention anything about a road easement on any of those roads at that time. I spent \$2,000.00 on an engineer coming up with this mylar, which I asked you specifically to help me save my money if you're not going to approve it. You said go ahead and submit your parcel map. Would you like to pay me \$2,000.00?"

Mr. Williams explained that it is not the Planning Commission's responsibility to make sure an individual's surveyor checks the County's codes before producing a mylar. Mr. Sheller presented alternate scenarios for parceling the Grilli's property on Round Mountain Drive. Mr. Price presented testimony regarding the need for the Grilli's to provide easements for Carson Road, Sixteenth Street, Seventeenth Street and Round Mountain Drive. Ms. Grilli stated that the parcel map submitted has access to each of the lots pursuant to Lander County Code. Battle Mountain resident **Lana Melver** appeared before the Board to address the following concern:

"I sell houses for a living. There's not a whole lot of land in town available for subdivision. There's a reason why there's not many five acre lots in town. You let one single family residence go on 3.45 acres – we're looking for trouble. What have we done to enhance this area? My argument is conformity."

Ms. Grilli stated that there currently exists the potential to put one house on 8.78 acres and one house on 12 acres in the center of town; and explained that approval of her parcel

map would result in twelve acres becoming four lots. Mr. Williams stated that the parcel map can't be approved today as presented because there are no roadway easements indicated on the mylar; and noted that the dedicated easements required would be Sixteenth Street, Seventeenth Street, Carson Road and Round Mountain Road for future development. Mr. Sheller asked the Board to reconsider the 60 foot easement for Round Mountain Road; and presented testimony regarding his plans to submit a boundary line adjustment map and two parcel maps for the Board's consideration at a future date. Ms. Little, Mr. Price and Mr. Williams, respectively, advised Mr. Sheller of the provisions of Lander County Code Chapter 16 as it relates to "subsequent parceling".

There was general discussion regarding the following issues: **a)** the possibility of the Grilli's withdrawing today's parcel map and getting back on a future planning commission agenda with a boundary line adjustment map and two other parcel maps; **b)** the possibility of obtaining the required 60 foot easement for Round Mountain Road from Mike Marvel; **c)** road compliance issues as outlined in Lander County Code 16.16.060(a); **d)** the need for all present and future parcel maps to show east and west roadway dedications; **e)** the Board's preference for a sixty foot road easement dedication for Round Mountain Drive from the Grilli's; and, **f)** the need for adjoining property owners to be listed on the final mylar map. Mr. Williams read the following reasons for accepting a parcel map into the record:

- The map is legibly drawn & indicates the owners of adjoining property, which is a requirement of Lander County Code 16.12.060, A., B., C. & that the following items under D. are met as follows:
- All monuments, found, set, replaced or removed describing their kind, size & location & give other data relating thereto;
- Bearing witness monuments, basis of bearings, bearing & length of line & scale of map;
- Name & legal designation of tract or grant in which the survey is located & 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 & locations of points, lines & 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.

Let the record reflect that Maryan Grilli withdrew her parcel map at this time in order to make the required changes and/or explore other possibilities.

5) **Discussion for possible action regarding the following Parcel Map request:**

Applicant: Jay Wintle
Location: Section 30, T32N, R45E

APN: 011-140-01
Type: Splitting one (1) parcel into four (4) parcels.

Let the record reflect the presence of Mr. Jay Wintle and Mr. Cory Rice, Chilton Engineering, for this item. The Board reviewed and discussed the tentative parcel map for Mr. Wintle, located in Section 30, T32N, R45E, as submitted. Mr. Price moved to approve the parcel map for Jay Wintle, Section 30, T32N, R45E, APN 011-140-01, splitting one (1) parcel into four (4) parcels. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

6) **Discussion for possible action regarding the following Parcel Map request:**

Applicant: Jay Wintle
Location: Section 25, T32N, R44E
APN: 011-110-08
Type: Splitting one (1) parcel into four (4) parcels.

Let the record reflect the presence of Mr. Jay Wintle and Mr. Cory Rice, Chilton Engineering, for this item. The Board reviewed and discussed the tentative parcel map for Mr. Wintle, located in Section 25, T32N, R44E, as submitted. Mr. Price moved to approve the parcel map for Jay Wintle, Section 25, T32N, R44E, APN 011-110-08, splitting one (1) parcel into four (4) parcels. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

7) **Discussion for possible action regarding the following Parcel Map request:**

Applicant: Adrian Guizar-Mendoza
Location: 1900 2300 East Street, Battle Mountain
APN: 011-420-12
Type: Splitting one (1) parcel into four (4) parcels.

Let the record reflect the presence of Mr. Adrian Guizar-Mendoza for this item. The Board reviewed and discussed the tentative parcel map for Mr. Guizar-Mendoza, located at 1900 2300 East Street, Battle Mountain, as submitted. Mr. Price moved to approve the parcel map for Adrian Guizar-Mendoza, 1900 2300 East Street, Battle Mountain, APN 011-420-12, splitting one (1) parcel into four (4) parcels. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

8) **Correspondence/Board and/or Staff issues for potential upcoming agenda items:**

The Board discussed several issues as potential upcoming agenda items.

PUBLIC COMMENT

There was no one present for public comment.

ADJOURNMENT

There being no further business before the Board at this time, Ms. Brandt moved to adjourn the meeting of March 14, 2012. Seconded by Mr. Price, the motion was voted and carried unanimously.



**CHAIR OF THE LANDER COUNTY
PLANNING COMMISSION**

ATTEST: 

EXECUTIVE SECRETARY