The Lander County Planning Commission met in session in the Community Meeting Room of the Lander County Courthouse and Administration Building in Battle Mountain, Nevada, 50 State Route 305, on March 8, 2016, at 6:00 p.m. Transcript produced by Tiffany Elkington, C.C.R., #930.

PRESENT: JOHN WILLIAMS, PLANNING COMMISSION CHAIR
LOUIS LANI, PLANNING COMMISSION VICE CHAIR
MONTE PRICE, PLANNING COMMISSION MEMBER
DEONILLA FULLER, ADMINISTRATIVE ASSISTANT
ART CLARK, LANDER COUNTY COMMISSIONER

(Let the record reflect the presence of a quorum of three planning commissioners.)

CHAIRMAN WILLIAMS: I'd like to call this meeting of the Lander County Planning Commission to order. If everyone will stand, please, we'll say the Pledge of Allegiance.

(Pledge of Allegiance)

ROLL CALL

CHAIRMAN WILLIAMS: Could we have a roll call, please.
CHAIRMAN WILLIAMS: Here.
DEONILLA FULLER: Louis Lani.
LOUIS LANI: Here.
DEONILLA FULLER: Monte Price.
MONTE PRICE: Here.
DEONILLA FULLER: Tom Reichert. Absent.
Walt Holland. Absent.
Colt Nelson. Absent.
Art Clark? Art, are you here tonight?
LANDER COUNTY COMMISSIONER CLARK: I'm here.
DEONILLA FULLER: Okay.
CHAIRMAN WILLIAMS: Colt didn't make it either. Huh.
APPROVAL OF AGENDA NOTICE

CHAIRMAN WILLIAMS: Would -- would anyone like to make a motion to approve the agenda posting?
MONTE PRICE: So moved.
LOUIS LANI: Second.
CHAIRMAN WILLIAMS: All in favor?
MONTE PRICE: Aye.
LOUIS LANI: Aye.
CHAIRMAN WILLIAMS: Aye.

APPROVAL OF MEETING MINUTES

CHAIRMAN WILLIAMS: And we could use a motion to approve the February 8th regular session meeting minutes.
MONTE PRICE: Yes.
I move to do that.
CHAIRMAN WILLIAMS: Second?
LOUIS LANI: I got a question on them.
CHAIRMAN WILLIAMS: Uh-oh.
LOUIS LANI: How do -- how do these minutes work where there's so many blank spots in there? You're going through and the statements are incomplete and we're -- we're approving them?
JAN MORRISON: I believe that it's a reference. I'm sorry. Jan Morrison, audience.
There's a reference in the back that there's always a recording available -- so -- to fill those in. But she -- but she can't always hear them. But the recording's always available for somebody to review.
CHAIRMAN WILLIAMS: Some of it's -- yeah, you can't hear very well.
Like I -- I was reading them today. And a couple things I said in there that --
What -- what's -- what do they put in there?
Unaudible. Inaudible.
JAN MORRISON: Inaudible.
CHAIRMAN WILLIAMS: I think.
JAN MORRISON: So there's always a recording here. And then the clerk can always get a copy of the recording. So those
are always available.

LOUIS LANI: That was my question. If somebody come back
and question, well, you guys approved these minutes. And --
JAN MORRISON: Yeah.
LOUIS LANI: -- they're not right. Okay. Okay. Motion
was made. I'll second it.
CHAIRMAN WILLIAMS: All in favor?
MONTE PRICE: Aye.
LOUIS LANI: Aye.
CHAIRMAN WILLIAMS: Aye.

BOARD/STAFF REPORTS

CHAIRMAN WILLIAMS: Do the board members have anything
they'd like to enlighten us on as far as meetings attended,
conferences, seminars? Anything cool like that?
Nope?
Does the staff have anything?
DEONILLA FULLER: I have nothing.
CHAIRMAN WILLIAMS: Cool.

PUBLIC COMMENT

CHAIRMAN WILLIAMS: At this point in the meeting, we'd open
it up for a brief period for public comme- -- comment on
anything that's not agendized here tonight. Would anyone have
anything they'd like to expound on? Questions?
Okay.
That being the case, we'll move on to Agenda Item Number 1.
1) **Discussion for possible action regarding the following home occupation permit request:**

**Applicant:** Tamara Artz "L2 Services"  
**Location:** 90 26th Street, Battle Mountain, Nevada  
**APN:** 001-040-51  
**Type:** To conduct a general labor, dirt work, and yard work business on a property zoned A-1.

CHAIRMAN WILLIAMS: Discussion and possible action regarding following home occupation permit.

(Contacting Tamara Artz by telephone.)

TAMARA ARTZ: Hello.  
DEONILLA FULLER: Hi, Tamara. It's Nilla.  
TAMARA ARTZ: Hi.  
DEONILLA FULLER: All right. Are you good for your item on the agenda?  
TAMARA ARTZ: Yes.  
DEONILLA FULLER: Okay. Take it away, John.  
CHAIRMAN WILLIAMS: Tamara, this is John Williams, the chairman. How are you doing?  
TAMARA ARTZ: Hello. I'm good. How are you?  
CHAIRMAN WILLIAMS: Good. Thanks.  
You're asking for a home occupation permit for APN Number 011-040-51? And you want to conduct a general labor, dirt work, and yard work business on property zoned A-1. Is that correct?  
TAMARA ARTZ: Yes. That is correct.  
CHAIRMAN WILLIAMS: Is there anything else other than what we have here that we would need to know about your business?  
TAMARA ARTZ: I -- I guess I just wanted to make sure that their understanding is that most of it will be just more or less equipment, as like a skid-steer, a trailer, and on -- on the property.  
We won't be having people come to the property or any of that sort of -- of traffic.  
CHAIRMAN WILLIAMS: Okay. And the trailer, the way I read in the -- in our pamphlet here, the trailer and the -- the pickup are the only thing you would have on your property. Is
TAMARA ARTZ: And the skid-steer.

CHAIRMAN WILLIAMS: Skid-steer.

KEVIN TOOLEY: (Indiscernible.)

CHAIRMAN WILLIAMS: I think --

KEVIN TOOLEY: John, this is Kevin Tooley.

CHAIRMAN WILLIAMS: Hey.

KEVIN TOOLEY: Hey. I'm the other silent partner of this.

CHAIRMAN WILLIAMS: I see that.

KEVIN TOOLEY: So, yeah, the only thing we'll have on the property is the skid-steer. We have a trailer, soon to be hopefully a dump trailer, and then my personal pickup.

CHAIRMAN WILLIAMS: Okay.

That's about all I have. Did any of the board members have anything?

MONTE PRICE: No.

LOUIS LANI: No. I don't.

CHAIRMAN WILLIAMS: No?

Anybody in the audience have any questions on this item? Comments? Concerns?

Okay. We have no objections from our --

LOUIS LANI: I think on that, Mr. Chairman, on a special-use permit, just so they're aware, that we check them all over once a year, so they're aware.

CHAIRMAN WILLIAMS: Okay. Were -- were you -- that was on your application, wasn't it, Kevin? That we -- we --

KEVIN TOOLEY: What's that?

CHAIRMAN WILLIAMS: -- that we review these special-use permits every year.

And --

KEVIN TOOLEY: Um.

CHAIRMAN WILLIAMS: Just to make sure they're still active.

KEVIN TOOLEY: Okay. That's -- and that's fine, John.

CHAIRMAN WILLIAMS: And if we were to get a complaint, we would notify you. And depending on the severity of it, maybe have you in to give your side of it or whatever. But other than that --

KEVIN TOOLEY: Okay.

CHAIRMAN WILLIAMS: Okay?

KEVIN TOOLEY: Okay. Sounds good.
CHAIRMAN WILLIAMS: We have a second? Excuse me. A motion to approve?

MONTE PRICE: I move to approve Agenda Item Number 1 for Tamara Artz as agendized.

LOUIS LANI: Second.

CHAIRMAN WILLIAMS: All those in favor?

MONTE PRICE: Aye.

LOUIS LANI: Aye.

CHAIRMAN WILLIAMS: Aye.

Okay, guys. Thanks for being patient and phoning in. Good luck to you.

KEVIN TOOLEY: Thank you, John.

TAMARA ARTZ: Thank you.

CHAIRMAN WILLIAMS: Bye.

TAMARA ARTZ: Bye.

DEONILLA FULLER: Do you want to list the next one? Or do you want me to go ahead and call him?

CHAIRMAN WILLIAMS: Who's that?

DEONILLA FULLER: For Number 2 we have to call him also.

Do you want me to go ahead?

CHAIRMAN WILLIAMS: Yes.

DEONILLA FULLER: What was his name --

CHAIRMAN WILLIAMS: Oh, that's who --

DEONILLA FULLER: -- again?

CHAIRMAN WILLIAMS: -- you were talking about.

JAN MORRISON: Pardon me.

DEONILLA FULLER: What's his name again?

JAN MORRISON: Don Denman.

DEONILLA FULLER: Don. Okay.

JAN MORRISON: I will say that the other partner, Tom Lisiewski, has -- has some family illness. And so Don Denman, who's the other general partner, is going to be speaking.

CHAIRMAN WILLIAMS: Okay.

(Contacting Don Denman by telephone.)

DON DENMAN: Hello.

DEONILLA FULLER: Hello, Don?

DON DENMAN: Yeah. Hello.

DEONILLA FULLER: This is Nilla. We're with the planning
commission for Lander County.
   DON DENMAN: Yes.
   DEONILLA FULLER: They're just getting ready to speak for
   your item.
   DON DENMAN: Okay.
   CHAIRMAN WILLIAMS: Mr. Denman?
   DON DENMAN: Yes, sir.
   CHAIRMAN WILLIAMS: My name is John Williams, planning
   commission chairman.
   How are you this evening?
   DON DENMAN: Uh-huh. Good. How are you?
   CHAIRMAN WILLIAMS: Good. Thanks.
   You're asking for a zone change for Reese River Ranches, LLC,
   APN Number 006-490-01.
   DON DENMAN: Yes, sir.
   CHAIRMAN WILLIAMS: Okay. And you want to go -- you got a
   hundred-plus acres to go from A-1 to A-3. Is that correct?
   DON DENMAN: That's correct.
   CHAIRMAN WILLIAMS: Is there anything that we didn't get in
   our information packet that you need to let us know?
   DON DENMAN: I don't know. It used to be A-3. We're just
   turning it back to A-3.
   CHAIRMAN WILLIAMS: Yes. Okay.
   And that's -- looks like that's the current zoning most
   everything around you there.
   DON DENMAN: Yeah, it is. Yeah.
   CHAIRMAN WILLIAMS: Board members, anything -- you guys
   have any questions on this --
   MONTE PRICE: No, --
   CHAIRMAN WILLIAMS: -- one?
   MONTE PRICE: No, I -- I have no questions on it. Looks
   pretty cut and dry to me.
   DON DENMAN: Yeah, it should be pretty cut and dried. It's
   -- we haven't done anything to the land. It just -- we changed
   the zoning and then we're just changing it back.
   CHAIRMAN WILLIAMS: Well, we don't have any problems with
   any of the board or the staff members or any of the other
   public.
   Do you have anything, Louis?
   LOUIS LANI: I know where it's at and know what's going on.
No, I don't have problems with it.

MONTE PRICE: I've got a question just regarding a letter here that says that they're wanting to rezone to R-3? But that's not R-3, is it?

DON DENMAN: Yeah, A-3, I think.

CHAIRMAN WILLIAMS: A-3.

LOUIS LANI: A-3.

CHAIRMAN WILLIAMS: Yeah.

MONTE PRICE: In here it -- on this one letter it says A-3, but the agenda says A-3? So it's not R-3.

DON DENMAN: Yeah. I think it -- I think it's supposed to be A-3.

MONTE PRICE: Yeah. Okay.

CHAIRMAN WILLIAMS: Okay.

DON DENMAN: You know more about the zoning up there than I do.

CHAIRMAN WILLIAMS: Hopefully, huh?

Anyone in the audience have anything on this?

MONTE PRICE: No.

CHAIRMAN WILLIAMS: We'd entertain a motion to approve Agenda Item Number 2.

LOUIS LANI: I'll make the motion to approve Item Number 2, the Reese River Ranches, LLC, APN 006-490-01.

CHAIRMAN WILLIAMS: Do we have a second?

MONTE PRICE: Second.

CHAIRMAN WILLIAMS: All those in favor?

MONTE PRICE: Aye.

LOUIS LANI: Aye.

CHAIRMAN WILLIAMS: Aye.

Okay, Mr. Denman, thank you very much.

DON DENMAN: Why don't you guys come down and teach these commissioners down here how to get something done.

CHAIRMAN WILLIAMS: Oh. I'm not going to get into that one.

Thank you.

DON DENMAN: Thank you, guys.

CHAIRMAN WILLIAMS: All right.

DON DENMAN: Appreciate it.

CHAIRMAN WILLIAMS: Take care.

DON DENMAN: All right. Bye-bye.
3) Discussion for possible action regarding approval/disapproval of the following parcel map, and other matters properly related thereto.

Applicant: Jay Wintle
Location: West side of Faded Sage Drive, Battle Mountain, Nevada
APN: 010-280-16
Type: To split one (1) parcel into four (4) parcels.

CHAIRMAN WILLIAMS: Agenda Item Number 3. Discussion and possible action regarding approval/disapproval of the following parcel map and other matters properly related to.
Mr. Jay Wintle, APN 010-280-16. And split one into four. You guys want to look at that?
MONTE PRICE: Hm. Look at that. Write a big X on that and give it back.
CHAIRMAN WILLIAMS: Okay, we'll deal with --
MONTE PRICE: Come back next week.
CHAIRMAN WILLIAMS: -- that one in a minute. That's the signature.
Want to take a look at it?
Can you see it all right, Louis?
LOUIS LANI: Oh, yeah.
CHAIRMAN WILLIAMS: One, two, three, four.
Painted Sage, Desert Sage, Faded Sage, and Mountain Sage.
I don't -- there's nothing you need to add to what we got here, huh?
JAY WINTLE: It's pretty straight -- Jay Wintle, property owner. It's straight -- pretty straightforward map. I adjusted some easements back like we did before to get back to 60-foot easements. So nothing's really out of the ordinary on it.
CHAIRMAN WILLIAMS: We need our little sheet, huh?
MONTE PRICE: I got it.
CHAIRMAN WILLIAMS: You got it?
MONTE PRICE: Yeah, they even actually put it in our packet
this time right before every map. They stapled it right in there for us.

CHAIRMAN WILLIAMS: You're getting too --
MONTE PRICE: You're there. You want me to read it and you and Louis can --
CHAIRMAN WILLIAMS: We can do that. Sure. Can't we, Louis? See if we can find this stuff.
MONTE PRICE: Okay. It says, all monuments found set, replaced, or removed. Describe their kind, size, and location.
CHAIRMAN WILLIAMS: Well --
LOUIS LANI: One on each corner.
CHAIRMAN WILLIAMS: And description, easement. No. No, that's easement. Yeah, we're good.
MONTE PRICE: Okay. Bearing or witness monuments, basis of bearings, bearing length, and lines at scale of map?
CHAIRMAN WILLIAMS: Oh. Yeah.
That's probably on that other sheet, I think.
There's a scale.
Bearing.
JAY WINTLE: Bearing would be from main monument.
CHAIRMAN WILLIAMS: Yeah.
JAY WINTLE: Be on that map.
CHAIRMAN WILLIAMS: On this one. Okay.
MONTE PRICE: Okay. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts?
CHAIRMAN WILLIAMS: Okay.
JAY WINTLE: Probably on the other map.
CHAIRMAN WILLIAMS: The vicinity --
JAY WINTLE: Over on the --
CHAIRMAN WILLIAMS: -- map --
JAY WINTLE: -- vicinity, --
CHAIRMAN WILLIAMS: -- there.
JAY WINTLE: -- I think.
CHAIRMAN WILLIAMS: Yeah.
MONTE PRICE: Okay.
Memorandum of oath?
CHAIRMAN WILLIAMS: Yes, sir.
MONTE PRICE: Signature of registered land surveyor?
LOUIS LANI: Yep.
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Date of survey?
CHAIRMAN WILLIAMS: Uh-huh.
MONTE PRICE: Signature of owner or owners of land to be divided?
CHAIRMAN WILLIAMS: Yes, sir.
MONTE PRICE: Any easements granted or dedications made?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Any other data necessary for intelligent interpretation of the various items and locations of the points, lines, and areas shown, including a vicinity map inset.
CHAIRMAN WILLIAMS: Yep.
LOUIS LANI: Got that.
CHAIRMAN WILLIAMS: Got it all.
MONTE PRICE: Means of access to the lots?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Calculated acreage of each lot?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Okay.
CHAIRMAN WILLIAMS: That one's a big one. Somebody -- no, wait a minute.
What's the deal? 310 gross.
JAY WINTLE: What are you looking at?
LOUIS LANI: Ten over's on that one. Par --
CHAIRMAN WILLIAMS: Parcel --
LOUIS LANI: Parcel 13C.
CHAIRMAN WILLIAMS: -- 13C.
JAY WINTLE: Oh.
LOUIS LANI: That's --
CHAIRMAN WILLIAMS: 310 gross. And 266.
JAY WINTLE: The right-of-way's --
CHAIRMAN WILLIAMS: Oh, that --
JAY WINTLE: -- been taken out of it --
CHAIRMAN WILLIAMS: Oh, okay.
JAY WINTLE: -- out of its -- what it yields and what it grosses.
CHAIRMAN WILLIAMS: Well, that makes sense, doesn't it?
Duh.
Okay.
Yeah.
JAY WINTLE: What you can actually use and what you're paying taxes on.

CHAIRMAN WILLIAMS: Uh-huh.
Okay.

I'd --
Okay. We'll -- how about -- oh, signatures.

LOUIS LANI: Looks like the only one we're short is the chairman of Lander County Commissioners, the clerk, and you.

CHAIRMAN WILLIAMS: And that's the way it should be.

Clerk signs it after I do, huh?

LOUIS LANI: Uh-huh.

CHAIRMAN WILLIAMS: Okay. And then the commissioners will give her the final --

Okay.

We'd entertain a motion -- anybody have any problems?

Nope.

We'd entertain a motion to approve a parcel map for Mr. Jay Wintle, APN 010-280-16.

Splitting one into four.

LOUIS LANI: I'll make that motion.

CHAIRMAN WILLIAMS: Second?

MONTE PRICE: Second.

CHAIRMAN WILLIAMS: All in favor?

LOUIS LANI: Aye.

MONTE PRICE: Aye.

CHAIRMAN WILLIAMS: Aye.

One down.

JAY WINTLE: One down.

LOUIS LANI: I'm going to let you roll them up.

CHAIRMAN WILLIAMS: Oh, yeah. I --

JAY WINTLE: He's got to sign them first.

CHAIRMAN WILLIAMS: I've got to sign them. Yeah. Do you have a special pen or can I just use mine?

JAY WINTLE: I got one. When you get ready, you sign them.

The other, you can sign it now. Either way.

CHAIRMAN WILLIAMS: Okay.

LOUIS LANI: Your choice.

CHAIRMAN WILLIAMS: Here. I'll sign it before we go on.

All right.

Oh, it's official now. (Indiscernible) information.
What's today?
Eighth?
LOUIS LANI: Eighth.
CHAIRMAN WILLIAMS: Got that done, huh?

4) Discussion for possible action regarding approval/disapproval of the following parcel map, and other matters properly related thereto.

Applicant: Jay Wintle
Location: East side of Faded Sage Drive, Battle Mountain, Nevada
APN: 010-280-17
Type: To split one (1) parcel into four (4) parcels.

CHAIRMAN WILLIAMS: Okay. Agenda Item Number 4. Once again, Mr. Wintle would like to parcel one into four and approve or disapprove. And this is APN 010-280- -- or 17. Same thing, huh?
I'll lose that.
You ready, Monte?
MONTE PRICE: Yep, I am.
Okay.
All monuments found, set, replaced, or removed describing their kind, size, and location and giving other data relating thereto.
CHAIRMAN WILLIAMS: Yep.
MONTE PRICE: Bearing or witness monuments, basis of bearings, bearing length, and lines of scale of map?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts?
CHAIRMAN WILLIAMS: Uh-huh.
MONTE PRICE: Mem- -- memorandum of oaths?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Signature of land surveyor.
CHAIRMAN WILLIAMS: Yes, sir. And the date.
MONTE PRICE: You got that one signed and date. Signature of the owner or owners of land?
CHAIRMAN WILLIAMS: Yes, sir.
MONTE PRICE: Any easements granted or dedications made?
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Any other data necessary for intelligent interpretation of various items and locations of the points, lines, and areas shown, including a vicinity map inset.
CHAIRMAN WILLIAMS: Yes.
MONTE PRICE: Means of access?
CHAIRMAN WILLIAMS: Absolutely.
LOUIS LANI: Yep.
MONTE PRICE: Acreage of lots?
CHAIRMAN WILLIAMS: 266. Yep.
MONTE PRICE: There we go.
CHAIRMAN WILLIAMS: That'll do 'er.
Anybody have any comments on this one?
(No comment.)
CHAIRMAN WILLIAMS: Motion to approve?
MONTE PRICE: I move to approve Agenda Item Number 4 for Jay Wintle as agendized.
LOUIS LANI: Second.
CHAIRMAN WILLIAMS: All in favor?
MONTE PRICE: Aye.
CHAIRMAN WILLIAMS: Aye.
LOUIS LANI: Aye.
CHAIRMAN WILLIAMS: Okay.
Well, this one's a -- treasurer. Planning commission.
Okay, Mr. Wintle.
JAY WINTLE: Thank you, guys.
CHAIRMAN WILLIAMS: You're in business. As usual, it's been a pleasure doing business with you.
Here. Thank you.
JAY WINTLE: Thank you.
CHAIRMAN WILLIAMS: Three and four.
LOUIS LANI: Let you roll them up the way you want them.
JAY WINTLE: Yeah. We'll just roll them up together.
CHAIRMAN WILLIAMS: Okay.
5) Discussion for possible action regarding Title 16 and Title 17 of the Lander County Code of Ordinances with general updates, clarifications, and to conform to current Nevada Revised Statutes (NRS), and other matters properly related thereto.

CHAIRMAN WILLIAMS: We've got to get ahold of Rex, huh?
DEONILLA FULLER: Uh-huh.

(Contacting Rex Massey by telephone.)

CHAIRMAN WILLIAMS: I thought somebody let a damn dog in.
REX MASSEY: Hello.
DEONILLA FULLER: Hi, Rex. This is Nilla with Lander County. How are you tonight?
REX MASSEY: Good.
DEONILLA FULLER: Good. Are you ready for the discussion?
REX MASSEY: Oh, yeah.
DEONILLA FULLER: Oh, good.
CHAIRMAN WILLIAMS: Mr. Massey, this is John Williams. Everything's going good, I trust?
REX MASSEY: It is.
CHAIRMAN WILLIAMS: When you --
REX MASSEY: Sorry I couldn't be out there tonight, but I had something going on in the afternoon. And hopefully if we do this by phone, I'll be shorter than -- than I normally am.
CHAIRMAN WILLIAMS: Yeah. We miss your smiling face, though.
REX MASSEY: Yeah. That's hard to believe.
LOUIS LANI: We got one question. Where do you live?
REX MASSEY: I live in Reno.
LOUIS LANI: Okay.
CHAIRMAN WILLIAMS: Reno.
LOUIS LANI: We -- we were debating --
REX MASSEY: Yeah.
LOUIS LANI: -- we were debating Fallon or Reno.
REX MASSEY: Well, yeah, I'm in Fallon quite a bit as well. It feels like sometimes I live in Fallon, but nope. Reno is -- is the home.
CHAIRMAN WILLIAMS: Okay.
REX MASSEY: All right. You want me to get -- want me to get started?

CHAIRMAN WILLIAMS: Yes, sir. Please do.

REX MASSEY: Okay.

I sent out a little two-pager on -- on some of the issues we haven't quite settled on that I need input from the commission.

And we left off last time -- article -- under Article II, we are going to eliminate the manufactured overlay district because we don't have to have a manufactured housing overlay district anymore, because manufactured housing can go anywhere.

And then we talked quite a bit about adding the RR-2 or the rural residential two -- 2 1/2 acre.

CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: And where we got to -- what -- what I would recommend doing is -- and it's consistent with the way the code is already set up just say anything that's allowed in -- in A-1 or RR-1, one-acre zoning is allowed in R-2 -- or R-2.5.

And so our discussion at the last meeting had to do with roads. Are they going to be paved or are they going to be gravel?

And, you know, there's -- I -- I think where it gets down to is on volume of traffic, because if -- if we have low volumes of traffic and locally served -- local use only within the, you know, limited number of people using the road, you know, maybe we don't want to have a paved road and go to all the expense of maintaining that paved road. Maybe a gravel road is better.

If we extend a paved road in that 2 1/2-acre zoning, it -- if we extend a road and it's paved, we ought to probably require a paved road.

If we're connecting to a paved road, the planning commission may want to make the requirement that -- that any new parcels in that 2.5-acre zoning be paved.

If you've got through traffic or heavy traffic volumes other than local traffic, you might want to require a paved road.

Even looking at, you know, second subsequent parceling, because we get a lot of that. You know, if it looks like we're going to more parceling and there's going to be additional parcels added, then maybe you want to have a paved road.

I'm just throwing that out to the planning commission. I don't -- I don't think in every instance you're going to want a
paved road. And there's going to be some instances that you're
going to want to require a paved road.

   So I guess what I -- does the planning commission feel
comfortable in taking that kind of parceling and development on a
case-by-case basis? Or do you want some hard-and-fast rules that
you can stand behind?

   CHAIRMAN WILLIAMS: Well, my thoughts right now are case by
case. How do you guys feel?

   LOUIS LANI: I --

   CHAIRMAN WILLIAMS: Louis?

   LOUIS LANI: I agree. Keep it kind of open-ended to where
the planning commission has got the final -- the final say on it
before it goes to the commissioners.

   CHAIRMAN WILLIAMS: Because you just made a --

   REX MASSEY: Okay.

   CHAIRMAN WILLIAMS: -- made a very pr- -- convincing
presentation. How about you, Monte?

   MONTE PRICE: Yeah, I -- I would love to have it at our
discretion, but we're going to have to be prepared to have some
battles down the road over it.

   CHAIRMAN WILLIAMS: Yeah.

   MONTE PRICE: But if -- if we keep intact these guidelines
that Rex has set out and wrote on here and use them to go by, it
gives us something to kind of set a precedence of, maybe, as we
start going.

   CHAIRMAN WILLIAMS: Yeah, that's a good idea.

   REX MASSEY: Yeah. We can put some guidelines in. You
know, the other thing you can do is say paved roads are required
and have the applicant explain why they shouldn't be. And it's
kind of their -- it's kind of their burden to come in and say,
hey, look, you know, we're only putting in four lots and we're
going to have four homes and we'd split up ten acres and that's
all it's going to be. And we're not connecting to any paved
road. We're not extending a paved road. And we don't see any
through traffic in the future.

   Okay.

   Gravel road. County standard. Good enough.

   But you could always go that way. Put the burden on the
applicant to prove why they shouldn't be paved. And then that
gives you the flexibility to say, yeah, okay. We can -- we can
waive -- we can allow gravel roads in this instance. Road
department's on board. Road supervisor's on board. And we'll
recommend that the roads not be paved.

So it's just another option that you could utilize if you
wanted to put that burden back on them instead of you defending
your decision to require paved roads.

MONTE PRICE: But if we state that roads will be paved and
then let them negotiate their way out of it, would it leave us a
little less wiggle room than if we just kind of leave it at
board discretion?

REX MASSEY: It would probably be a little less wiggle
room. But with a case being made by somebody following these
same guidelines and perhaps the road department saying, hey, you
know, we don't want to go to the expense of, you know -- it's
limited-use road and it's expensive to maintain asphalt over
gravel and we don't want to do that, so gravel is fine.

CHAIRMAN WILLIAMS: Well, could we have our cake and eat it
too, so to speak?

REX MASSEY: That's what I'm trying to give you.

CHAIRMAN WILLIAMS: Yeah. We -- we can have these
guidelines and then tell them we'd prefer them to be paved but
convince us --

REX MASSEY: Well, let's --

CHAIRMAN WILLIAMS: -- otherwise.

REX MASSEY: -- go -- let's go with -- let's just go with
try and put some guidelines in there. And then you guys can
decide on a case-by-case basis.

CHAIRMAN WILLIAMS: Sure.

MONTE PRICE: Perfect.

REX MASSEY: Okay. Then that's the way we'll approach it.

LOUIS LANI: Can we --

REX MASSEY: That took care of Article II, Chapter 17.

That was the only thing that was really pending out of that
article.

Article III, we had quite a discussion on parking. And
it's in 17.08.020.

And where we're -- where we got hung up was on D, parking
storage for use of commercial, industrial, or agricultural
equipment. This is right out of the ordinance.

If you read one, D(1), no commercial, industrial, or
agricultural vehicles with a gross weight over five tons shall be
parked anywhere in a residential zone.

The one problem I want to point out on this, the way this
ordinance is currently worded, is you have commercial,
industrial, agricultural equipment as the title. But then
you're going down in one and talking about vehicles. To me, a
vehicle is something that's licensed, DMV, and has a license
plate on it.

Equipment doesn't necessarily going to have a license
plate. So it almost seems like this ordinance for some reason
was talking about -- it almost seems like two different things.

As far as equipment goes, where -- where as far as vehicles
go, where we got to last time around was allowing vehicles up to
10 tons, --

CHAIRMAN WILLIAMS: Right.

REX MASSEY: -- which most of the utility service vehicles
are around 15,000 pounds. Maybe some will go up to 20. But we
thought that 20,000 pounds, that would cover us as far as mining
service vehicles. And you -- guys coming in out of the field
that have these kind of vehicles that live, work in Battle
Mountain, we'd accommodate them.

Equipment seemed, to me, to -- seems to be a different -- I'm
not sure we want to have equipment parked on residential streets.

CHAIRMAN WILLIAMS: I don't think so.

REX MASSEY: And so then we -- then we got down to this --
then we got down to the part about the planning commission
talking about, well, what about the guy with backhoe or the yard
tractor, a mini excavator, or a Bobcat.

Hey, I'm -- you want to put them in your backyard and park
them in the backyard, fine. Probably not out on the street.

And so maybe we look at this as vehicles up to 10 tons.

Equipment, small -- and maybe we place a -- a weight limit on
those so that we can kind of catch the smaller pieces of equipment
instead of a -- you know, some guy in a -- you know he's living in
a little subdivision there and he's got an excavator in his
backyard, where, you know, a Bobcat or something no one's going to
care about or it's not going to bother anybody. What do you think
about -- about separating the two out where we address vehicles
and then we address equipment?

CHAIRMAN WILLIAMS: Good idea.
REX MASSEY: Okay.
CHAIRMAN WILLIAMS: Right?
REX MASSEY: I think that's what makes sense when I read this over --
LOUIS LANI: Yeah.
REX MASSEY: -- for the 17th time. That -- we were probably talking about two different things.
CHAIRMAN WILLIAMS: Yes.
REX MASSEY: Okay. Well, I'll get -- I'll get -- I'll look at a weight limit. And what we'll do with equipment is that you can't park it on the street but you can park it off street. And that equipment's limited to --
CHAIRMAN WILLIAMS: Got a weight.
REX MASSEY: -- how many tons.
CHAIRMAN WILLIAMS: Okay.
REX MASSEY: Yeah. And we'll research and find out we're not -- that we're not going to be overly restrictive. And, you know, in reality, this is the kind of ordinance that someone's not going to go out and be enforcing it every day. If -- if a resident calls in and says, hey, I'm having trouble with this neighbor. He's, you know, got a couple of big pieces of equipment parked in the backyard and it's really a nuisance; can you do something about it? Well, you have an ordinance on the books that you can then go out and say, hey, you know, this is not an appropriate spot to have this kind of equipment stored in your backyard.
CHAIRMAN WILLIAMS: Absolutely.
REX MASSEY: Okay. Down -- going down a little bit further, we have 17.08.050, manufactured housing being used as a commercial building. I included the NRS that defines commercial coach. And commercial coach means a structure without mode of power, which is designed and equipped for human occupancy for industrial, professional, commercial purposes.
I don't -- I don't have a big bugaboo about this. Someone was using manufactured housing for an office.
You know. Some type of office application or some kind of industrial.
The problem is, I think, when you state in your ordinances that you're allowing -- allowing a standard of building to be used for something it wasn't designed for.
And so I just get a little bit nervous about saying that in print, saying, oh, that's okay. You could use a building that's not designed for that purpose for that purpose.

And does it open the door for some kind of liability down the road?

I -- it -- that's the only thing I worry about when it comes to authorizing manufactured housing to be used as something other than housing, to be used as a commercial building.

And so I would recommend you strip that out. And commercial coaches are what are sup- -- are designed and what should be used in an industrial or professional, commercial purposes.

CHAIRMAN WILLIAMS: I agree.

REX MASSEY: I think there's only one instance in there. And it looked like it was one of those code exceptions that -- that someone came up with years ago.

And it might -- I don't even think it's practiced all that much. But I just -- that's my recommendation to you is -- you know, it's -- let's not put in -- in writing, in text that it's okay to do something that -- or use a building that wasn't designed for that purpose.

CHAIRMAN WILLIAMS: No, I don't think we want anything like that going on.

REX MASSEY: Okay.

Coming down to 17.08.100, water right dedication. Contact the state engineer's office.

They had sent me a list of the basins that they managed, the basins that they managed as essentially closed. There's two of them.

And according to the state engineer's office, if a new parcel was created in those basins, they must have water rights dedicated to them. You cannot create a new parcel. And that dedication rate is 2.02 acre-feet. And those basins are Antelope and Middle Reese.

So if a parcel map came in front of you, there would have to be a water right -- ground water right that was dedicated for that parcel creation. And that's consistent with state law.

CHAIRMAN WILLIAMS: Okay.

REX MASSEY: And we weren't really clear on that last time. But that is -- those are the basins. And that's the amount.
It's the 1800 gallons a day. And that's the requirement.

CHAIRMAN WILLIAMS: Antelope and Middle Reese.

REX MASSEY: It's 758.

CHAIRMAN WILLIAMS: Okay.

REX MASSEY: Yep.

It's in effect. You know, if there's an existing parcel, that's fine. You can -- you're entitled to a -- you know, if it's a residential use, you're entitled a -- to put a well on it.

But if you create a new parcel and a parcel map comes in, any kind of new parcel -- subdivision maps obviously go to the -- state engineer's going to review them anyways. But a parcel map -- and that has to go to state engineers. They have to sign off on them. And then they're going to make the requirement for the water right dedication in that amount.

That was the only basins that are currently affected with that requirement or that's managed for that purpose in Lander County.

CHAIRMAN WILLIAMS: Okay.

REX MASSEY: Okay.

CHAIRMAN WILLIAMS: Good.

REX MASSEY: Going up to Chapter 17, Article IV, we didn't really get a -- we didn't -- we talked about this a little bit. But there's some language that's in -- that applies to one-acre agriculture.

And so when you move from one-acre agriculture to five-acre and then the Farm and Ranch doesn't matter. But when you move to the five-acre, the A-5, it rolls into A-5 as permitted use. And what -- what's at issue here is, in a one-acre zoning, we have -- what it states is we have farms for raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, trees, and brush crops.

And -- and farms for raising and growing and marketing at a commercial scale, poultry, rabbits, and -- yeah, poultry, rabbits, and livestock. I did some modifications.

The -- the issue here is, if I'm on a one-acre zoning and I've got a one-acre parcel, I can do commercial -- I can do commercial agriculture. I can't do large animals, because, in 17.08.060, it limits me to two per acre for large animals, cows. So I can only get two cows on an acre. It doesn't make any mention of pigs, poultry, and rabbits.
So for all practical purposes on a one-acre in Battle Mountain, I can have a commercial pig operation. Taking it to the extreme, that's what the ordinance allows.

CHAIRMAN WILLIAMS: Mm.

So what --

REX MASSEY: The other problem with this, that I found out a little bit later, is that because this rules -- because this provision, the permitted use, rolls into A-5 and it rolls into A-3 because A-3 says everything that's allowed in A-1, the Farm and Ranch District, if you read it -- read it the way I read it, in Farm and Ranch District, you limit large animals to two per acre.

And, to me, Farm and Ranch District is where commercial ag- -- agricultural activity's supposed to go on. But if you read it the way the ordinance is written, that large animals is -- maximum is two per acre.

CHAIRMAN WILLIAMS: Hm.

REX MASSEY: So the first thing -- oh, go ahead. Questions?

CHAIRMAN WILLIAMS: No, I was just mumbling.

REX MASSEY: Well, you know, I guess what I would like to see or what I would recommend -- because it's -- you know, you're kind of dealing with a health issue here as well. Because on small lot, one-acre, we -- you know, probably about ten or -- about 15 years ago Washoe County dealt with it. They started limiting the number of horses because they were getting nitrates showing up in the wells. And it was from manure and getting into, essentially, drinking water and raising the nitrate levels along with septic tanks. And they just said -- they -- they put a prohibition on number of large animals. I think it's -- I think it's two or three per acre in there for a horse.

But -- so it's a health issue as well. It's not just -- you know, it's not just trying to, you know, control or -- or limit animals. You've got a real health issue that you've got to deal with on, you know, something like an acre lot. And you've got a lot of those in the Battle Mountain area and around other communities.

But I think what I would suggest is it is possible that there's some one-acre zoning out there and there're large parcels
still left in it. I don't know if there's that much of it.  
But why not keep sort of the commercial element and the 
livestock and everything to parcels that are in excess of 
20 acres? Because that's the A-3 minimum.  
So if you want -- if you want to have livestock, 
particularly, you need -- and do it on a commercial scale, you 
need to be on a -- you ought to be on a 20-acre parcel. 
Trees, brush crops, I don't think anybody cares about that. 
But, you know, it's a -- it's a little -- I don't know if 
everybody would welcome that in your community to be able to -- to 
have a pig farm on a one-acre when you're in a one-acre 
subdivision.

CHAIRMAN WILLIAMS: Well, I wouldn't think we'd want to 
push them to that, to find out.

MONTE PRICE: Yeah. I -- 
REX MASSEY: It's not that anybody's going to do it. But 
the current code allows for them to do it.

CHAIRMAN WILLIAMS: Somebody will sooner or later.
REX MASSEY: Yeah. It's also a health issue. It's not 
only a nuisance, but it's also a health issue, because you're 
dealing with animal manure all over the place.

CHAIRMAN WILLIAMS: That's the important part. Yeah.
MONTE PRICE: Yeah, I --
REX MASSEY: Yeah.

MONTE PRICE: I -- I think, Rex, you were saying hold that 
to a 20-acre. But there's a lot of five-acre parcels where I 
know people that have four, five, or six head of horses now 
living there. And it's -- 
REX MASSEY: Uh-huh.
MONTE PRICE: -- it's not an issue. And if you limited 
that to a 40-acre deal, it basically would take everybody on 
Hilltop that has horses would be illegal.

REX MASSEY: Well, the 17.08.060 would still apply. So 
you're going to get --

CHAIRMAN WILLIAMS: Yeah.

REX MASSEY: -- two animals per acre --
MONTE PRICE: Oh, okay.
REX MASSEY: -- for that to apply.
MONTE PRICE: Okay.

REX MASSEY: What I'm kind of --
CHAIRMAN WILLIAMS: He's talking --
REX MASSEY: You just have --
CHAIRMAN WILLIAMS: -- commercial.
REX MASSEY: -- to specify things --
MONTE PRICE: Commercial. All right.
REX MASSEY: -- like pigs. There isn't any reason I
couldn't have a pig farm on a one-acre.
MONTE PRICE: Right. Right. And, yeah. I agree we do not
want that.
REX MASSEY: Yeah. So we would still have that
two-per-acre large animal. We would probably -- I would like to
throw in the -- like pigs and goats. Yeah, you can have two --
two pigs, two goats, two cows, two horses. And the limit's two
per acre.
And once you get up into A-3, to me, that's commercial
agriculture. It's called Farm and Ranch District.
MONTE PRICE: Yeah. Okay. All right. I'm with you now.
REX MASSEY: You're supposed to be doing farm and ranch
stuff there.
But if you're on a zoning that's less than that, then you
ought to have a -- you ought to be doing commercial-scale
agriculture on a parcel that's greater than 20 acres.
CHAIRMAN WILLIAMS: Uh-huh.
MONTE PRICE: Okay.
REX MASSEY: Other than that, it's -- it's sort of -- it's
a recreational thing. And it's two per acre is the -- is the
limitation.
Does that -- does that make sense to you?
REX MASSEY: And next time when I get this all written out,
you'll see it out in more language and we can go -- but I -- I
think that kind of takes care of everything. And it gets rid of
that commercial scale kind of unrestricted do whatever I want on
a one acre. You can't do the cows on it. You can't do horses.
You're limited -- you're limited there. But there's no
limitation on pigs, poultry, or rabbits.
CHAIRMAN WILLIAMS: Yeah. And that's scary.
REX MASSEY: And I think -- it just kind of seems like, you
know, you'd be better off having some limitation you could
enforce there in the event that it ever pops up. And it
probably never pops up or rarely pops up. But it could.

  LOUIS LANI: Some of this has popped up in Washoe County.
I know that --

  REX MASSEY: Yeah.

  LOUIS LANI: -- chickens -- the chickens brought it on.
And they finally had to limit it down to number of chickens and
no roosters and stuff like that.
I've got a problem with the pigs because I've dealt with
pigs before. You say they got two pig but when they farrow,
each one of them old sows can have half a dozen to a -- up to
ten little guys.

  REX MASSEY: (Indiscernible.)

  CHAIRMAN WILLIAMS: Got to get rid of them.

  REX MASSEY: Yeah. I'm sorry. I had some kind of
emergency alert thing show up on my cell phone. So I missed the
last 30 seconds.

  But are you guys comfortable with kind of going in that
direction?

  LOUIS LANI: We've got to do it to protect ourselves on
some of this stuff now. Because sooner or later it's going to
come -- come full circle.

  CHAIRMAN WILLIAMS: Yeah.

  REX MASSEY: Yeah. Someone will -- some-- someone will
do it, you know. And you'll have -- you'll have, you know, some
problems and -- in -- you know, I -- I've got them all in my
neighborhood. I'm in a one-acre. And I've got everything. The
only thing I don't have is cows. But we've got everything else.
We've got chickens. We've got sheep. We've got pigs.

  So I -- I kind of know what it's like. I know what it's
like.

  All right. Well, that's -- I'll write it up. And you guys
will see it one more time before -- and it will be clearly all
written out and exactly how the wording's going to be. And you'll
be able to take a closer look at it and then decide if that's what
you -- if that's the language you want to adopt and recommend.

  CHAIRMAN WILLIAMS: Good.

  REX MASSEY: The next one -- oh, go ahead.

  CHAIRMAN WILLIAMS: No, that's fine. I just said good.

  REX MASSEY: Okay, the next one. We have this throughout
the code. And I know a number of counties do the same thing.
Area and width requirements.

So --

And it's in all the zones, all the zones that allow residential dwellings.

And what it says, there's a minimum -- one-acre minimum is A-1. You have a certain width. And it goes on to say, there may be one or more single-family dwellings on a lot or parcel have an area in excess of two acres provided there is not less than one acre for each unit. And that such structures are not less than 50 feet apart, et cetera, et cetera, et cetera.

Again, reading this ordinance and taking it to its extreme, if I have a hundred-acre parcel zoned A-1, I can put 99 homes on that parcel.

CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: And I question -- I understand probably why this was put in place, because someone on a farm and ranch, they're going to build -- you know, outer-lying areas, larger parcels. There's going to be more than one home there. There's going to be several. Okay. That's fine. There's no problem there.

But, you know, I -- I think the planning commission should have -- someone did come along and say, well, why do you need more than three?

You've got a ten-acre -- you've got a ten-acre parcel zoned A-1. You can go to nine -- you can put nine homes on there. My question is: Why do you need all those? There's a health issue with it because you're concentrating septic tanks. You've got wells.

So I guess I would ask the question, is why do you need more than three? Or five? You know, if you put some limit on it.

The other part of this is that no one's doing this now in the county. Then why even -- why even allow it?

Other than, you know, I'm sure there's some ranches out there that have multiple dwellings on them. They're out -- you know, out in the middle of nowhere.

But to be in -- you know, to be in town or be near town somewhere and then to be able to build, you know, one home per acre without creating new parcels, I just -- I just question the utility of -- of allowing people to do that.
CHAIRMAN WILLIAMS: Well, I agree with you.

REX MASSEY: And, you know, I would rather -- if you're
going -- if you want to -- if you want to allow that flexibility
for some reason, at least -- at least require a special-use
permit so that the planning commission can look at this thing
and say, what do you need all these homes for?

And so someone who could make a case for it, you know, and it
fits the special-use permit criteria, you could approve that.

CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: But, again, and it goes -- the problem is it
goest all the way down. Or all the residential zones, whether
you're on R-1 or R-2 or R-3, you can do the same thing. You
just have to meet the -- you know, if you have -- you just have
to meet the minimum density and then -- or the minimum lot size,
and then you -- then you can have -- put the same number of
homes that the density allows per that -- that -- that small
lot.

If I'm on an R-1, I can put -- I can put multiple homes on an
R-1 zoning.

CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: It's worded -- in every residential category,
it's worded just like -- it's worded very similar to this.

CHAIRMAN WILLIAMS: Yeah.

REX MASSEY: What -- what are your guys' thoughts on
putting some -- I just think if it's not used in the county and
it hasn't popped up, why have it in the code?

Or if -- and if you want to allow for it at some point, then
put a special-use permit requirement in there and then put some
limit on, you know, put some limit on the total number of units.

CHAIRMAN WILLIAMS: Well, that doesn't sound like a bad
solution.

LOUIS LANI: I kind of like the sound of a special-use.

That way --

MONTE PRICE: Yeah.

LOUIS LANI: -- we're not relinquishing all the controls.

REX MASSEY: Yeah.

Someone can come up and say, hey, I'd like to -- you know,
for some reason, whatever it is, I'd like to build four -- four
small dwellings, separate single-family residential. And
we're -- you know, we've got ten acres outside of -- of Austin.
And you could look at that and say, well, okay. That -- that's all right. We could -- we can grant that.

And then if you have a special-use permit you can -- you know, ensure that proper well spacing takes place and, you know, the proper well's going to be constructed to serve that many units and that septage is -- is taken care of in the appropriate manner it should be. A lot of times you get these multiple dwellings and they start connecting into one small septic tank and, you know, one -- one domestic well, which wasn't designed for multiple dwellings.

CHAIRMAN WILLIAMS: Yeah, we've been through that.

REX MASSEY: So that -- I mean, you would -- you would have a little bit of -- you know, you would have a little bit of authority to kind of weigh in on -- on these on a case-by-case basis if they ever show up.

And, again, these are in the -- they -- they wouldn't, you know, the A-3 zoning would kind of be able to continue to do what they're doing on a A-3, but you'd do it with everybody.

And then we could even maybe even carve out A-3 a little bit and provide more flexibility on the large parcels, the agricultural. Because most everything outside of Battle Mountain, Kingston, Austin is -- is A-3.

CHAIRMAN WILLIAMS: Yes.

REX MASSEY: I don't think -- yeah, and the closer you get to the towns, that's where the higher density zoning comes in. So you're really talking about, you know, allowing this kind of development near the towns, kind of the -- putting them -- multiple homes on one parcel.

CHAIRMAN WILLIAMS: Yep.

REX MASSEY: How about -- you know, I'll write something up. And again, next -- next meeting you can take a look at it and give you one more chance to, you know, see -- see what you think. But, you know, ponder that. If there's a -- a scenario that you see that this is important to allow and to be able to grant people this right to have multiple dwellings on a parcel, okay.

I can see the use of it. I -- I probably understand the history of it. It's -- it was probably having to do with the outer-lying, you know, outer-lying residents wanting to do that.

And, you know it's -- it's probably -- it's -- it's probably
fine out there.

But when you get a little bit closer into town and you start
talking about R-1, R-2, R-3 being able to allow the same kind of
scenario here with multiple single-family dwellings on -- on one
lot, I think the planning commission's got to ask whether that's a
good thing to do or not.

CHAIRMAN WILLIAMS: Absolutely.

REX MASSEY: So --

Okay. So I'll leave that to the language next time. But
if -- you know, that same kind of language is in every
residential zone. So it -- it applies to R-1s, R-2s, R-3s.

CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: Final issue left. There are -- there is an
exception, park models. We have an exception of use-- --
allowing or using park models in the MS District, the
Manufactured Subdivision District.

There's a provision in that -- in that part of the code that
says park models are okay.

And by -- by NRS definition, park models are temporary.
They're trailers. Again, they don't meet certain standards
associated with a residential structure for permanent occupancy.

So it's sort of the code going back to saying, it's okay to
live in something that, you know, is an exception to the -- to
residential structures for which we issue building permits and
inspect for.

I just find that a -- kind of inconsistent with the
requirements that are placed on everyone else, to say, okay,
here's an exception. You can put a park model in the MS District.

CHAIRMAN WILLIAMS: Right.

REX MASSEY: And then park model's got to be on wheels.

But, then, Lander County requires structures to be on some type
of fou- -- appropriate foundation for manufactured housing.

And it's only in one place in the code and that's in the MS
District. And, I guess, I would -- I would recommend removing it
or not allowing park models, for all those reasons, to be used as
permanent dwelling units.

CHAIRMAN WILLIAMS: I think you're right on there.

LOUIS LANI: Well, I -- I had an individual approach me
just this morning. And he's got a -- he's got a park model. He
says, do you think that I could move it onto a lot if I pull in
there, pull the axles off, put it on a foundation, and enclose
it with another building?

CHAIRMAN WILLIAMS: Uh-uh.

REX MASSEY: Yeah. Well, again, --

CHAIRMAN WILLIAMS: Hide it, huh?

REX MASSEY: -- you know, does it -- you know, I just -- I just get -- and maybe it's a question I've got to put to
the district attorney. I just get a little bit concerned about
authorizing the use of buildings that weren't designed for that
purpose --

CHAIRMAN WILLIAMS: As --

REX MASSEY: -- when we've got a set of codes and standards
that are enforced. We issue building permits. And then we're
saying, oh, on -- on this, we're going to make an exception.
We're going to allow something that isn't designed for that
purpose to be used for that purpose.

CHAIRMAN WILLIAMS: No, I don't think we should.

MONTE PRICE: I agree with that.

REX MASSEY: You know, it's -- and it's not like -- like me
I -- you know, I -- you know, you're kind of -- personally, I --
I don't care.

You know, it -- maybe that -- that -- that's what works
and -- and there's affordability issues and all these other
problems. But when you start to authorize things, you're --
you're part of that decision. You're part of that process. And
you, as the county, have authorized something that was not
designed for that purpose and does not meet certain standards.

CHAIRMAN WILLIAMS: Well, that's -- that's the key to the
whole thing right there. It's not designed --

REX MASSEY: Yeah.

CHAIRMAN WILLIAMS: -- for that. It's not engineered for
it. It's just not meant to be used in that fashion. And --

REX MASSEY: Snow loads. You know, --

CHAIRMAN WILLIAMS: Yeah.

REX MASSEY: -- you're talking about all that kind of stuff
that you --

And that's where you guys --

CHAIRMAN WILLIAMS: It's a safety issue.

REX MASSEY: -- (indiscernible). You know, the county
begins to get in trouble. The -- well, you authorized it.
CHAIRMAN WILLIAMS: Uh-huh.

REX MASSEY: You okayed it. You permitted it.

CHAIRMAN WILLIAMS: Yeah. And then you own it.

MONTE PRICE: Well, and e—

REX MASSEY: If —

MONTE PRICE: -- e— even if it is enclosed in another structure, it's still the NRS -- it says it's temporary use.

So we don't want to circumvent that, do we?

REX MASSEY: I think you start to go outside those boundaries --

MONTE PRICE: Yeah.

CHAIRMAN WILLIAMS: Yeah.

REX MASSEY: -- but you can still -- the -- the inside is -- is still being used as --

MONTE PRICE: Right.

REX MASSEY: -- a dwelling unit.

MONTE PRICE: Right.

LOUIS LANI: Well, I know -- I know this individual. And he was just trying to get me to commit. Well, Louis said it was okay and he's on the planning commission. And he would jump right in the middle of it.

CHAIRMAN WILLIAMS: Yeah. Exactly.

LOUIS LANI: I know where that's going. But I got -- I got real dumb real quick.

REX MASSEY: Yeah. It's a shame, but it's just like anything else, you know, even, even with health care. Doctors don't set the standard of care; attorneys do. And we may not like it, but that's the world that we live in.

And it's the same thing when we start -- you know, when you have to issue a permit from the county that's signed and authorized by someone, that means something.

And I think that we ought to be -- you know, we should be a little bit more mindful about the position that we put the county in, recognizing that, hey, some things we just -- we can't do anything about. We expose ourselves to liability. And that's not our job is to put -- put Lander County in the way of liability or -- or the safety of -- of people.

CHAIRMAN WILLIAMS: Right.

LOUIS LANI: I think everybody on this board's agreeing with you, Rex.
REX MASSEY: Okay. Then I can quit talking. And I'm done.
CHAIRMAN WILLIAMS: We're good, huh?
REX MASSEY: Yep. Told you it'd be short if we got -- if I got on the phone.
LOUIS LANI: Now -- now you're setting a precedence.
REX MASSEY: Yeah. Yep.
Well, I will revise what I've got based on our conversation.
I -- I think we're pretty much done with the changes to 16 and 17.
CHAIRMAN WILLIAMS: Yeah, I think --
REX MASSEY: And they'll -- they'll be ready to go for your recommendation. And then we'll see what the -- what the board's pleasure is and what they'll do with it.
CHAIRMAN WILLIAMS: Good. Sounds good.
REX MASSEY: All right. Any other questions?
CHAIRMAN WILLIAMS: I don't have any.
LOUIS LANI: No.
MONTE PRICE: No.
CHAIRMAN WILLIAMS: Nope.
REX MASSEY: Okay. Thank you. I'm all done.
LOUIS LANI: Thanks, Rex.
CHAIRMAN WILLIAMS: Thank you very much once again.
REX MASSEY: All right. Talk to you later. Bye.
CHAIRMAN WILLIAMS: Bye.
What do I hit? Drop?
DEONILLA FULLER: I don't know.
CHAIRMAN WILLIAMS: Oh, it shut off.
DEONILLA FULLER: Perfect.

6) Correspondence, board and/or staff issues for potential upcoming agenda items.

CHAIRMAN WILLIAMS: Agenda Item Number 6. Correspondence.
Anybody have any correspondence?
Louis? Monte?
MONTE PRICE: No. I'm good.
LOUIS LANI: No, I'm --
CHAIRMAN WILLIAMS: Art?
No correspondence?
LANDER COUNTY COMMISSIONER CLARK: No.
CHAIRMAN WILLIAMS: Okay.
PUBLIC COMMENT

CHAIRMAN WILLIAMS: Then at this point, we would open the
meeting up for public comment on anything that's not agendized
here today.
   One last time for a short period.
   Anybody have anything?
   Good.

ADJOURNMENT

CHAIRMAN WILLIAMS: We'd entertain a motion for
adjournment.
   MONTE PRICE: So moved.
   LOUIS LANI: Second.
   CHAIRMAN WILLIAMS: All in favor?
   MONTE PRICE: Aye.
   LOUIS LANI: Aye.
   CHAIRMAN WILLIAMS: Aye.
   Thank you, everybody.
STATE OF UTAH

) ss.

COUNTY OF DAVIS

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM AN ELECTRONIC RECORDING OF A MEETING WHICH TOOK PLACE THE 8TH DAY OF MARCH, 2016, AND SAID RECORDING AND INFORMATION PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE LANDER COUNTY ADMINISTRATIVE ASSISTANT, DEONILLA FULLER; THAT THE SAME IS FULL, TRUE, AND AS CORRECT AS THE RECORDING ALLOWED.

DATED AT _________________________

THIS _______ DAY OF ______________

____________________________________
TIFFANY ELKINGTON, CCR #930
CHAIRMAN WILLIAMS: [216]
LANDER COUNTY COMMISSIONER CLARK: [2]  1/37 33/38
LOUIS LANI: [57]
MONTE PRICE: [74]
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