

The Lander County Planning Commission met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on December 14, 2011 at 3:00 p.m.

PRESENT: JOHN WILLIAMS, JR., CHAIR
LOUIS LANI, VICE CHAIR – via Teleconference
JOY BRANDT, BOARD MEMBER – via Teleconference
KIM DAVIS, 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

ABSENT: MONTE PRICE, BOARD MEMBER

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. Lani, the motion was voted and carried unanimously.

APPROVAL & ACCEPTANCE OF MINUTES

Regular Meeting of November 8, 2011

Mr. Lani moved to approve the minutes of the Regular Meeting of November 8, 2011, as presented. Seconded by Ms. Brandt, 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: Upstar Energy, LLC
Location: NW4NE4, S2NE4, SE4, W2
APN: 007-460-09
Type: To construct/install eleven (11) 100kW wind turbines in Agricultural zoning.

Let the record reflect the presence of Mr. Jim Harris, Upstar Energy, LLC, and Mr. Gerrit Bakker for this item. The Board reviewed and discussed the special use permit application for Upstar Energy, LLC, as submitted. Mr. Harris presented testimony regarding his proposed plans to construct and install eleven 100kW wind turbines on property leased by Mr. Bakker in Antelope Valley; and answered questions from the Board and the audience concerning the proposed project. Mr. Lani moved to approve the special use permit for Upstar Energy, LLC, NW4NE4, S2NE4, SE4, W2, APN 007-460-09, to construct/install eleven (11) 100kW wind turbines in agricultural zoning. Seconded by Ms. Davis, the motion was voted and carried unanimously.

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

Applicant: Upstar Energy, LLC
Location: Lots 1-5, SE4NW4, SE4NE4
APN: 005-020-08
Type: To construct/install two (2) 100kW wind turbines in Agricultural zoning.

Let the record reflect the presence of Mr. Jim Harris, Upstar Energy, LLC, and Mr. Gerrit Bakker for this item. The Board reviewed and discussed the special use permit application for Upstar Energy, LLC, as submitted. Mr. Harris presented testimony regarding his proposed plans to construct and install two 100kW wind turbines on property owned by Mr. Bakker in Antelope Valley. Ms. Davis moved to approve the special use permit for Upstar Energy, LLC, Lots 1-5, SE4NW4, SE4NE4, APN 005-020-08, to construct and install two 100kW wind turbines in Agricultural zoning. Seconded by Mr. Lani, the motion was voted and carried unanimously.

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

Applicant: Lander County
Location: Sec 2, T31N, R45E
APN: 011-320-02
Type: Splitting one (1) parcel into two (2) parcels.

The Board reviewed and discussed the tentative parcel map for Lander County, located in Section 2, T31N, R45E, as presented by Community Services Officer Gina Little. 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.

Ms. Davis noted for the record that the parcel map did not contain a vicinity inset map. There was general consensus in favor of sending the parcel map back to the County Surveyor so a vicinity inset map could be included on the document prior to signing. Ms. Davis moved to approve the parcel map for Lander County, Section 2, T31N, R45E, APN 011-320-02, splitting one parcel into two parcels, with the addition of the vicinity inset map to be confirmed by Chairman John Williams prior to signing. Seconded by Mr. Lani, the motion was voted and carried unanimously.

- 4) **Discussion for possible action regarding the current procedure of “Boundary Line Adjustment” and other matters properly related thereto:** The Board reviewed and discussed Lander County’s current procedure for implementing boundary line adjustments, as presented by Community Services Officer Gina Little. There was general discussion regarding the pros and cons of modifying Lander County Code to require that all future boundary line adjustments be approved by the Planning Commission. Ms. Davis made an argument in support of the Planning Commission reviewing and ratifying boundary line adjustments; and noted the following for the record:

"It may never be an issue, but if somebody moved a lot line and there was no notice filed to the adjoining land owners there could be impacts to surrounding land owners."

Ms. Davis moved to add a signature line to boundary line adjustments; and that all boundary line adjustments be presented to the Planning Commission for approval. Seconded by Mr. Lani, the motion was voted and carried unanimously.

- 5) **Discussion for possible action regarding recommendation to the Lander County Board of Commissioners amending Lander County Code 17.08.100, Water Rights dedication and other matters properly related thereto:** The Board reviewed and discussed a proposed modification to Lander County Code 17.08.100, water rights dedication, as submitted. Ms. Davis noted the following for the record:

"This would change the water right ordinance requirements for parceling. It would only be required on parcels less than five acres so it would allow parceling for anything five acres or larger without having to have that water right component."

Mr. Lani moved to recommend that the Lander County Board of Commissioners amend Lander County Code 17.08.100, water rights dedication. Seconded by Ms. Davis, the motion was voted and carried unanimously.

- 6) **Discussion for possible action regarding letter of resignation from Kimberlie Davis from the Lander County Planning Commission and other matters properly related thereto:** Ms. Davis submitted a letter to the Board resigning from the Lander County Planning Commission. The Board expressed appreciation to Ms. Davis for her many years of service and wished her well.
- 7) **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, Mr. Lani moved to adjourn the meeting of December 14, 2011. Seconded by Ms. Davis, the motion was voted and carried unanimously.


CHAIR OF THE LANDER COUNTY
PLANNING COMMISSION

ATTEST: 
EXECUTIVE SECRETARY