

The Lander County Planning Commission met in regular session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, on June 13, 2012 at 3:00 p.m.

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

#### **APPROVAL OF AGENDA NOTICE**

Mr. Price 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 May 9, 2012**

Ms. Brandt moved to approve the minutes of the Regular Meeting of May 9, 2012, as presented. Seconded by Mr. Lani, the motion was voted and carried unanimously.

#### **BOARD MEMBER REPORTS**

Louis Lani noted the following for the record:

*“At the last Humboldt River Basin Water Authority meeting I attended in Winnemucca I questioned the Department of Wildlife on the sage grouse regulations. NDOW is hiring a private contractor for \$50,000.00 to shoot 2,000 ravens. My suggestion to them was to let the local sportsmen do it and it won't cost NDOW a dime.”*

#### **STAFF REPORTS**

Community Services Officer Gina Little provided the following staff report to the Board:

*“I've been to a lot of meetings lately. I attended an economic summit in Reno in regards to the housing shortage in Lander, Humboldt, Elko, Pershing and all across I-80 due to mining.*

*Elko hosted the summit and invited Lander to attend to update developers and finance institutions that it is a need and the mines are willing to partner up somewhat to help with that...not so much with financing a project, but possibly guaranteeing occupancy for a period of time if they're willing to loan to the developers to build multi-family complexes. It was great; the presentation involved Lander County. Our name got out there; I think we'll see some development.*

*Another issue is that the State is looking at making counties become a regionalized economic development authority. Currently they're letting the counties choose who they're going to regionalize with. Elko has asked us to join with them. White Pine has invited us to join with them; and we may have the option of Tri-County, which consists of Pershing and Humboldt. It's in the first stages. We were given a grant for economic development for the new fiscal year, but that will be the last time they'll grant any money if you're not regionalized.*

*Another thing we've been doing within the County is holding a Staff Review Team Meeting, which consists of the Building and Planning Departments, Public Works, the Road Department and the Assessor. We felt it was important that we communicate amongst each other.*

*Also, the Commissioners will soon be given a proposal from Shaw Engineering as to future development for sewer and water south of town. That is the future development and we're not quite ready due to the lack of infrastructure. They're looking at proposing a new pump station and maybe a new lift station. We've been busy – things are going to happen. We're never going to be Reno or Vegas, but we need to be ready for this development.”*

## **PUBLIC COMMENT**

There was no one present for public comment.

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

Applicant: NV Energy  
Location: Lot 4, Block 3, Crescent Valley Ranch & Farms  
APN: 007-261-01  
Type: To install a 106.5' slim-line monopole antenna and ancillary facility to collect metering data in agricultural zoning.

Community Services Officer Gina Little advised the Board that NV Energy is requesting that this matter be deferred to a future planning commission meeting. Mr. Lani moved to defer the special use permit request of NV Energy, without prejudice, to a future planning commission meeting. Seconded by Mr. Price, the motion was voted and carried unanimously.

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

Applicant: NV Energy  
Location: 145 N. Humboldt Street, Battle Mountain

APN: 002-062-01  
Type: To install a 106.5' slim-line monopole antenna and ancillary facility to collect metering data in industrial zoning.

Community Services Officer Gina Little advised the Board that NV Energy is requesting that this matter be deferred to a future planning commission meeting. Mr. Lani moved to defer the special use permit request of NV Energy, without prejudice, to a future planning commission meeting. Seconded by Mr. Price, the motion was voted and carried unanimously.

3) **Discussion for possible action regarding the following Home Occupation request:**

Applicant: Maura Marcia  
Location: 1895 2400 East Street, Battle Mountain  
APN: 011-420-13  
Type: Jewelry Sales Business

Let the record reflect the presence of Mr. John Elder for this item. The Board reviewed and discussed the home occupation permit application for Ms. Marcia, as submitted. Mr. Elder presented testimony regarding his wife's plans to operate a jewelry sales business from her home base at 1895 2400 East Street in Battle Mountain; and answered questions from the Board and the audience concerning the request. Mr. Price moved to approve the home occupation permit for Maura Marcia, 1895 2400 East Street, Battle Mountain, APN 011-420-13, jewelry sales business. Seconded by Mr. Lani, the motion was voted and carried unanimously.

4) **Discussion for possible action regarding the following Zone Change request:**

Applicant: Jay Wintle  
Location: E4 of Section 14, R44E, T32N, Battle Mountain  
APN: 010-280-05, 010-280-07, 010-280-09, 010-280-13, 010-280-17, 010-280-21 & 010-280-25  
Type: To change from Farm and Ranch District (A-3) zoning to Five-Acre Agricultural District (A-2) zoning.

Let the record reflect the presence of Mr. Jay Wintle for this item. The Board reviewed and discussed the zone change application for Mr. Wintle, as submitted. Mr. Wintle presented testimony regarding his plans to rezone seven (7) parcels of property on Allen Road from Farm and Ranch District (A-3) zoning to Five-Acre Agricultural District (A-2) zoning; updated the Board regarding his future plans to construct a road from Allen Ranch Road to Twenty-Sixth Street; and answered questions from the Board concerning his request.

Community Services Officer Gina Little presented the Board with copies of a June 12, 2012 letter she received from Suzann Lemaire opposing the requested zone change; and noted for the record that the packet also contained a June 4, 2012 letter of opposition from Samuel and Jeanne King. Let the record reflect that the two letters of opposition are attached as exhibits A and B to the June 13, 2012 Planning Commission meeting minutes. ***(See attached Exhibits A and B)***

The Board discussed the pros and cons of approving the zone change request for Mr. Wintle. Mr. Wintle updated the Board regarding his future development plans for the seven parcels of property if the zone change request is granted. Ms. Little noted for the record that Mr. Wintle's proposed development plans do not conform to the intent of the current Lander County Master Plan. Mr. Williams concurred with Ms. Little and stated that during the initial master plan meeting discussions it was proposed that Lander County should grow from the core of town out instead of the other way around. There was further discussion regarding the advantages/disadvantages of approving Mr. Wintle's zone change request. The Board reviewed and discussed various Lander County Master Plan maps, as provided by District Attorney Angie Elquist. Mr. Lani stated for the record that he is in favor of approving only the zone change at this time with any other division of property to come back before the Board for approval. Mr. Price stated for the record that he is in favor of the zone change because it conforms to the south adjoining property and for the advantage of obtaining the loop/ring road. Mr. Lani moved to approve the zone change request for Jay Wintle, E4 of Section 14, R44E, T32N, Battle Mountain, APNs 010-280-05, 010-280-07, 010-280-09, 010-280-13, 010-280-17, 010-280-21 and 010-280-25, to change from Farm and Ranch District (A-3) zoning to Five-Acre Agricultural District (A-2) zoning as it conforms to the south adjoining property and for the advantage of obtaining a loop/ring road. Seconded by Mr. Price, the motion was voted and carried unanimously.

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

The Board discussed the following items to be placed on next month's agenda: recreation and public purpose lands on behalf of sage grouse issues; possible time change for future planning commission meetings; and the possibility of scheduling two planning commission meetings a month during the summer.

**PUBLIC COMMENT**

Battle Mountain resident **Jay Wintle** appeared before the Board to make the following comment for the record:

*"I have another zone change I'd like to get your feeling on. I have a R2MO zone. It's kind of an ugly word when they want to build nice houses against it. Would you be in favor of changing the property to R3 if I bring it before you as a zoning request?"*

The Board encouraged Mr. Wintle to put his request on a future planning commission meeting agenda.

**ADJOURNMENT**

There being no further business before the Board at this time, Mr. Lani moved to adjourn the meeting of June 13, 2012. Seconded by Ms. Brandt, the motion was voted and carried unanimously.

  
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**CHAIR OF THE LANDER COUNTY  
PLANNING COMMISSION**

ATTEST:   
\_\_\_\_\_  
**EXECUTIVE SECRETARY**

June 12, 2012

Dear Lander County Commissioners,

I would like to first extend my regrets for not being able to be at today's hearing; unfortunately I am out of town this week. I would like to voice my concerns about a proposed property rezoning in this letter. If you have any questions please feel free to contact me.

I have several concerns about the proposed change from 20-acre parcels to five acres. The first has to do with the roads. We live on Allen Road, which by county decree is a minimally maintained road. With the vast number of rural roads the county has to maintain, Allen Road receives services on a limited basis. With the proposed change, we could be looking at around 30 new homes. These residents would be using Allen Road, potentially adding 30 or more vehicles to rural road.

The land in this area is zoned A-3, Farm and Ranch. Lander County's Master Plan has specified the intention of preserving areas where agriculture is predominate and discouraging intensive development. Allen Road is a small farming area, with many of the landowners owning water-righted acreage. These water-rights could be in danger if 30 new wells are drilled in the near vicinity. The plan also states that these areas are zoned A-3 because they generally lack essential infrastructure and services for intensification.

I agree with the county's plan to encourage more intensive land uses to locate in more suitable areas and/or areas serviced by existing or planned infrastructure and closer to public facilities and services. I feel that there are enough 5 acre parcels within the county that rezoning in this area is not appropriate at this time.

Thank you for time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Suzann Lemaire". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Suzann Lemaire

Jeanne King  
1150 Allen Road  
Battle Mountain, NV 89820

June 4, 2012

Lander County Building and Planning Commission  
315 S. Humboldt St.  
Battle Mountain, NV 89820

To Whom It May Concern:

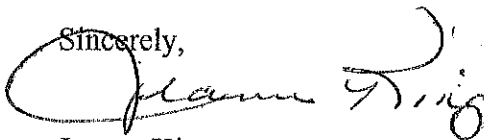
In response to your letter of May 29, 2012 informing property owners within the certain distance of a proposed zoning change in the area, I am writing this letter of formal protest.

I protest the change lowering the parcels from 20 acres to 5 acres. Years ago when we divided a 160 acre parcel into two 80 acre parcels, the planning board highly resented our request but did consent to it, stating there would be no more downsizing, due to the road upkeep. Since then, the minimum has been lowered to twenty acre parcels. Now you are proposing lowering it still further to five acre parcels!

I protest this change on the grounds the damage 32 parcels will do to the area. That means 32 wells into the already stressed underground water supply. Thirty two homes in the area means more than triple the level of traffic on our less than sublime road. Can the County maintain that?

Thirty two homes mean much more trash, dust and traffic control. I protest that.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne King". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Jeanne King  
Samuel E. and Jeanne King