

The Lander County Planning Commission met in regular session in the Commissioners' Chamber of the Lander County Courthouse in Battle Mountain, Nevada, on April 9, 2008 at 3:00 p.m.

**PRESENT: LOUIS LANI, VICE-CHAIR
KIMBERLIE DAVIS, BOARD MEMBER
MONTE PRICE, BOARD MEMBER
DEBORAH TESKE, COMMUNITY DEVELOPMENT SPECIALIST
(NON-VOTING LIAISON)
WILLIAM E. SCHAEFFER, DEPUTY DISTRICT ATTORNEY
SOVEIDA ROBINSON, EXECUTIVE SECRETARY**

**ABSENT: JOHN WILLIAMS JR., CHAIR
JOY BRANDT, BOARD MEMBER**

The meeting was called to order by Vice-Chair Louis Lani.

Mr. Lani led the Pledge of Allegiance.

Ms. Robinson completed the roll call. Let the record further reflect the presence of a quorum of three Commission members.

APPROVAL OF AGENDA NOTICE

Ms. Davis moved to approve the agenda notice, as posted, seconded by Mr. Price. The motion was voted and carried unanimously.

APPROVAL & ACCEPTANCE OF MINUTES

Regular Meeting of March 12, 2008:

Mr. Price moved to approve the minutes of March 12, 2008, as presented, seconded by Ms. Davis. The motion was voted and carried unanimously.

CORRESPONDENCE

There was no correspondence for the Board to review.

PUBLIC COMMENT

There was no one from the public to comment.

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

Applicant: Jeannie Stroup
Location: 296 N 2nd Street, Battle Mountain
APN: 002-052-06
Type: A second manufactured house on one parcel

Let the record reflect the presence of Jeannie Stroup via teleconference for this discussion. The Board reviewed and discussed the special use permit.

Mr. Price moved to approve the special use permit for Jeannie Stroup, 296 N. 2nd Street, Battle Mountain, APN 002-052-06 for a second manufactured house on one parcel, seconded by Ms. Davis. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay”.

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

Applicant: Richard Hardin
Location: Lot G-2 of Gillman Springs Subdivision
APN: 004-032-06
Type: Concrete operation

Let the record reflect the presence of Richard Hardin for this discussion. The Board reviewed and discussed the special use permit.

Ms. Davis moved to approve the special use permit for Richard Hardin, Lot G-2 of Gillman Springs Subdivision, APN 004-032-06 for a concrete operation with the stipulation that within twelve months from today, April 9th, that utilities and infrastructure will be in place for a commercial enterprise, seconded by Mr. Price. The motion was voted and carried unanimously with three Board members voting “aye” and zero Boar members voting “nay”.

3) *Discuss and approve/disapprove the following Home Occupation Special Use Permit request:

Applicant: Kim Kidrick
Location: 13 Pleasant Hill Drive, Battle Mountain
APN: 011-071-06
Type: Operate a wholesale greenhouse and nursery

Let the record reflect the presence of Kim Kidrick for this discussion. The Board

reviewed and discussed the home occupation special use permit.

Ms. Davis moved to approve the home occupation special use permit for Kim Kidrick, 13 Pleasant Hill Drive, Battle Mountain, APN 011-071-05 to operate a wholesale greenhouse and nursery, seconded by Mr. Price. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay”.

4) *Discuss and approve/disapprove the following Parcel Map:

Applicant: Herbert Buhl
Location: 2440 Muleshoe Road, Battle Mountain
APN: 011-100-09
Type: Splitting one (1) parcel into four (4)

Let the record reflect the presence of Curtis Buhl for this discussion. The Board reviewed and discussed the parcel map.

Mr. Price read the following reasons to accept the parcel map:

1. All monuments, found, set, replaced or removed describing their kind, size and location and give other data relating thereto;
2. Bearing witness monuments, basis of bearings, bearing and length of line and scale of map;
3. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts;
4. Memorandum of oaths;
5. Signature of registered land surveyor;
6. Date of survey;
7. Signature of owner or owners of the land to be divided;
8. Any easements granted or dedications made;
9. Any other data necessary for the intelligent interpretation of the various items and locations of points, lines and area shown, including a vicinity map inset of the area proposed for land division;

- 10. The means of access to the lots;
- 11. Calculated acreage of each parcel clearly shown.

Mr. Price moved to approve the parcel map for Herbert Buhl, 2440 Muleshoe Road, Battle Mountain, APN 011-100-09, splitting one parcel into four parcels, seconded by Ms. Davis. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay”.

5) *Discussion and possible recommendation to the Lander County Board of Commission regarding the zone change request:

Applicant: Lander County
 Location: 110, 130, 150, 155, 165, 170, 195 N 2nd Street & 125, 195 N Willow Street & 113, 121, 123, 125, 133, 135, 143, 145 155, 157, 165, 175, 185 N 1st Street & 180 N Trescott Street
 APNs: 002-022-01, -02, -03, -04, -05, -08, -10, -11, -12, -13, -15, -16, -17, -19, -20, -21, -24, -25, -26 & 002-023-01, -02, -03, 04
 Type: Change from Manufactured Housing, Residential, Commercial District-MRC to Manufactured Housing Subdivision District-MS

Let the record reflect the presence of Hy Forgeron, Lander County District Attorney and Battle Mountain resident for this discussion. Mr. Forgeron stated that he is a property owner at 113 North 1st. Mr. Forgeron stated that he is opposed to the change. Mr. Forgeron stated that the zone change should come within. The code contemplated an interim area and change down the road. There is no time table in there. There is nothing in the code or Nevada State law that you can’t have a MRC zone as a permanent zone.

Issues from the March meeting were readdressed by the Board and public. For the record, Ms. Davis stated “we have been looking at zone changes, County wide, for the last year-year and a half and we have been changing from residential to commercial, commercial to residential, single family residents to multi-family. It’s been going rather smoothly, everybody, we not trying to shoot anybody in the foot, so please understand that. We been doing this because we are trying to conform to current use. Nobody’s trying to take anything away from you. I promise, I am a taxpayer in this County, the same as you guys are. I get it”.

DEFERRED.

6) *Discussion and possible recommendation to the Lander County Board of Commission regarding the following zone change request:

Applicant: Lander County
Location: 225, 255, 265, 280, 290, 295,296,301 & 303, 395 N 2nd Street and 255 & 275 N Tule Street and 225,240, 260, 300, 355, 365, 375,425, 435,575, 595 & 695 Trescott Street and 350 N Reese Street.
APNs: 002-052-01, -04, -06, & 002-053-01,-05,-08,-09,-12,-13,-14,-15 & 002-055-01,-02, -03, -04 & 002-280-01, -04, -06, -07, -09, -10, -11, -12, -13 and 002-290-02.
Type: Change from Manufactured Housing, Residential, Commercial District–MRC to General Commercial District-C2

DEFERRED.

7) ***Discussion and possible recommendation to the Lander County Board of Commission regarding the following zone change request:**

Applicant: Lander County
Location: 411, 425, 453, 535, 547, 555, 575, 585, 615, 621, 653, 673, 775 N 2nd Street & 265 N Broad Street & 240, 247 N Humboldt Street & 209, 210, 220, 240, 251, 304 N Reese Street & 430, 450, 470, 560, 572, 620, 640, 670, 680, 75 N Trescott
APNs: 002-063-04, -05, -06, -07, -08, -10, -13, -14 & 002-065-01, -02, -03, -04, -05, -06, -07, -09, -10 & 002-083-03, -04, -05, -6, -08, -09, -10, -11, -12, -13, -14, -15 & 002-085-03, -06, -08, -09, -10 & 002-280-05
Type: Change from Manufactured Housing, Residential, Commercial District-MRC to Multiple-Family Residential District-R4

DEFERRED.

8) ***Discussion and possible recommendation to the Lander County Board of Commission regarding the following zone change request:**

Applicant: Lander County
Location: 515, 545, 565, 591, 609, 645, 661, 685, 709, 745, 775, 831, 855, 887, 897, 925 & 939 N 1st Street and 532, 542, 546, 610, 620, 674, 750, 830, 850, 870 & 910 N 2nd Street and 175 N Broad Street and 180 Humboldt Street and 150, 151, 160, 187 N Reese Street
APNs: 002-064-02, -03, -04, -06, -07, -08, -09, -10, -11 & 002-082-01, -02, -03, -04, -05, -06, -07, -08, -09 & 002-084-01, -03, -04, -05, -06, -07 & 002-092-02, -03, -04, -05, -06, -07, -08, -09, -14, -15

Type: Change from Manufactured Housing, Residential, Commercial District-MRC to Single-Family Residential District-R1

DEFERRED.

9) ***Discussion and possible recommendation to the Lander County Board of Commission regarding the following zone change request:**

Applicant: Lander County
Location: 730 N 1st Street
APNs: 002-900-13 & 002-900-15
Type: Change from Manufactured Housing, Residential, Commercial District-MRC to Commercial District-C1

DEFERRED.

10) ***Discuss and approve/disapprove the following Parcel Unification per Lander County Ordinance 2006-08:**

Applicant: Patty Eggleston Trust
Location: 327 & 325 Toiyabe Road, Kingston, NV
APNs: 003-022-24 and 003-022-25
Type: Combine two (2) parcels into one (1)

Applicant: Grady & Tana Pierce
Location: 165 & 155 Lemaire Road, Battle Mountain, NV
APNs: 002-345-03 and 002-345-04
Type: Combine two (2) parcels into one (1)

Let the record reflect the presence of Deborah Teske, Community Development Specialist for this discussion. The Board reviewed and discussed the parcel unifications.

Mr. Price moved to approve the two agendized parcel unifications, seconded by Ms. Davis. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay”.

11) ***Annual review and approval/disapproval of individual Special Use Permits currently on file.**

Ms. Teske presented to the Board the list of special use permits. The Board reviewed and discussed the annual review of individual special use permits.

Ms. Davis moved to approve the individual special use permits currently on file with the exception of #35, seconded by Mr. Price. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay.”

12) *Annual review and approval/disapproval of individual Home Occupation Special Use Permits on file.

Ms. Teske presented to the Board the list of home occupation special use permits. The Board reviewed and discussed the annual review of individual home occupation special use permits.

Mr. Price moved to approve the individual home occupation special use permits on file with the exception of #1, #12 and #39, seconded by Ms. Davis. The motion was voted and carried unanimously with three Board members voting “aye” and zero Board members voting “nay”.

13) *Discussion and possible action regarding direction to the Lander County Building and Planning Department from the District Attorney’s office regarding the placement of a single-wide trailer in MRC zoning and other matters properly related thereto.

Let the record reflect the presence of Hy Forgeron, District Attorney and Joe Lindsey, Building Official for this discussion. Mr. Forgeron stated that it wasn’t until he saw the wording of the agenda item that I realized that I had made a mistake, not in my letter, but getting in touch with Joe first and apologize to Joe for not doing that. The reason I did not call Joe to start with, was I didn’t take what I was doing as being a direction to the Building Department. I wasn’t ordering the department to do something because I wouldn’t even start on a course like that without consulting with Joe. So to the extent that it appeared that way, Joe I apologize. What happen was a property owner (Floyd Onthank) came to my office and asked if it was legal under current zoning ordinances to move his home from one place to another. These requests happen in my office, so I approached it from that point of view and that’s why the letter was generated. My conclusion was that the moving the trailer from North 1st to Trescott does violate any relevant Lander County zoning regulation and that Mr. Onthank may do so forthwith without reference to a variance or special use permit. Mr. Lani asked Mr. Lindsey what improvement regulations will be needed for moving the trailer to the new location. Mr. Lindsey stated that an inspection may or may not have to be done and I will look at this prior to the move. Mr. Lindsey stated that he has given Mr. Onthank a packet regarding the flood zone. Mr. Forgeron stated that whatever misunderstandings may have existed have been cleared up and the Board will not have to take action on this item. Mr. and Mrs. Onthank will have to work out this issue with Mr. Lindsey.

DISCUSSION ONLY.

14) Planning Commissioners' Updates.

There were no updates at this time.

15) Staff Report.

Ms. Teske reported the following:

- ❖ Crystal Sage, LLC has rescinded the agenda request for a zone change request.

ADJOURNMENT

There being no further business before the Board at this time, Ms. Davis moved to adjourn the April 9, 2008 meeting, seconded by Mr. Price. The motion was voted and carried unanimously.

VICE-CHAIR OF THE LANDER
COUNTY PLANNING COMMISSION

ATTEST: _____
EXECUTIVE SECRETARY