



# Elko County Board of Commissioners

Commissioners

Demar Dahl

Glen Guttry

Charlie Myers

Warren Russell

R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA )  
COUNTY OF ELKO ) ss.

AUGUST 8, 2011

The Board of Elko County Commissioners met in special session on Wednesday, August 8, 2011, at 3:00 p.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners      Demar Dahl, Chair  
Glen Guttry  
Charlie Myers  
Warren Russell  
Jeff Williams  
County Manager      Robert Stokes  
Deputy District Attorney      Kristin McQueary  
Planning/Zoning/NRMAC      Randy Brown  
Planning & Zoning      John Kingwell  
Planning & Zoning      Kelly Watson

Chairman Dahl called the meeting to order at 3:00 p.m.

Commissioner Williams led the meeting participants in the Pledge of Allegiance.

Commissioner Russell was absent at this time.

**I. COMMENTS BY THE GENERAL PUBLIC:**

There were no public comments made at this time.

**II. ELKO COUNTY PLANNING AND ZONING:**

Conditional Use Permit Appeal:

In accordance with Public Notice 27-2011 conduct an Appeal Hearing as requested by Bob and Kelli Milligan, et al., appealing a Conditional Use Permit application for Scott and Sheri Baker for a 66 foot tall wind turbine tower on Sundance Drive.

Pursuant to Elko County Code 5-2-9, an appeal on an action of the Elko County Planning Commission may be taken to the Board of County Commissioners within thirty (30) calendar days following said action. Bob and Kelli Milligan, et al., are appealing the approval of the placement of a sixty-six foot wind turbine tower in an Agricultural-Residential zoned district (application 10-4000-008). The property described as follows: 3483 Sundance Drive, Parcel 1 of the Parcel Map with File No. 352901 being a portion of the NW1/4 of Section 17, T34N, R55E, M.D.B. & M., in the County of Elko, Nevada.

Randy Brown indicated the application was heard by the Planning Commission on June 17, 2011, and the conditional use was approved with recommendations from staff. He read the conditions contained in the action by the Planning Commission.

Kristin McQueary had submitted the Commission a memo which gave an overview of the process for the appeal. She requested the Commission to disclose any information they may have received outside of the record that was provided by the County Planning Commission.

Commissioner Williams disclosed he did not talk to anyone involved in the appeal but he did go to the wind tower on Adobe Summit and spoke with the owner about the noise and the effect upon his electric bill.

Commissioner Myers disclosed he had received an e-mail this morning from Planning Commission Jack Larason in reference to this proceeding. Commissioner Williams believed that all the Commissioners had received a similar e-mail. He stated in June when they first got the information he visited the site and walked the access roads.

Kristin McQueary noted for the record that Jack Larason, Planning Commissioner, was present and could discuss that e-mail.

Katie McConnell, of Copenhaver and McConnell, representing fourteen separate property owners, appealed the decision of the Planning Commission for the conditional use permit. She provided information on the public hearing notice and the incorrectness of the County Code referenced for the appeal.

Commissioner Russell arrived at 3:11 p.m.

Kristin McQueary acknowledged the County did cite the wrong code but the verbiage stated precisely what the issue was. Therefore, the language was specific to what they were hearing today and provides adequate notice to the people. She stated with regards to the time frame in which to appeal, the Appellants did timely file within their ten day time frame.

Katie McConnell informed the Commission that any errors in the application would nullify the application and they have found numerous errors in the application. She stated the wrong applicants Scott D. Baker and Sheri M. Baker

signed the application but the property owners were Scott D. Baker and Sheri M. Baker as Trustees of the Scott D. and Sheri M. Baker Family Irrevocable Trust. She stated pursuant to NRS 163.100 the powers of the Trustee was attached to the office and were not personal. Katie McConnell noted they had not received a copy of the Declaration of Trust stating these Trustees had the power to act on behalf of the trust to put the wind tower on the property. Another issue was the existing five foot public utility easement around the property, which would have to be considered, was not upon the map submitted. She stated the application further stated the turbine tower would not change the scenic views from the existing residential areas. She displayed pictures of the views from the adjacent residences wherein the view shed may be impaired. Katie McConnell noted the application stated it was not within one mile of the City Limits but the property was adjacent to Royal Crest Drive which was within the City Limits of Elko. She commented in staff's report it stated applicants' property was abutted by the City of Elko who provided comment upon notification stating they wished the 30 closest property owners be notified.

Katie McConnell stated of the thirty people notified, thirteen property owners have formally protested and agreed to sign the Petition of Protest. She noted there was one property owner on Royal Crest Drive that signed the petition which was not notified within the thirty.

Katie McConnell stated the application did not provide for a reservation of power. She stated there was a Reservation Agreement which showed the Bakers had a reservation for that energy but that reservation expired on June 11, 2011, which was five days before the Planning Commission's hearing. There was no updated reservation. Katie McConnell reviewed John Kingwell's statement: "*no net metering agreement would be issued until the actual tower was put into place*". She stated there should be some type of proof provided that there was an agreement with the utility prior to the permit. She stated they had not seen the new document with the adjusted rate. Katie McConnell noted the application also states that the wind turbine would cause no off site noise. She stated at the Planning Commission a statement was made there was not a lot of difference between 50 decibels or 55 decibels but upon research it was discovered the noise level would raise twice as much with just an increase of 3 decibels at that rate. Katie McConnell stated the appellant's disagree this was the perfect position for a wind turbine because the wind turbine would be placed in a geographical depression where properties sit above it and there would be obstruction of the wind. Katie McConnell stated in the wind turbine ordinance (Ordinance No 2011-04) passed in April by the County Commission 4-8-15; on page 11 – 2 (c) it states as follows: "*Plans shall be stamped by an engineer*

*licensed in the State of Nevada*". Katie McConnell had received a copy of their application packet and could not locate a professional engineer's stamp on those plans. She commented Energy Co. had gone out of business right before the Planning Commission had heard this application.

Katie McConnell commented this wind turbine did not fall within the appropriate setbacks as prescribed by Elko County Code 4-8-15. She noted the Ordinance stated the minimum setbacks from any private wind energy conversion systems from any *"property line, right of way, trail, easement, overhead utility, railroad, area set aside for public parking, public parks and playgrounds, schools or any other area that the public has access to ..., are one and one-half (1 ½) times the overall height."* (B1r4). Katie McConnell stated there was a five foot public utility easement that borders this property. She reviewed a parcel map for this property depicting the public utility easement and stated the applicants' map attached to the application did not indicate the public utility easement. She commented the staff had taken the position that the requirements include the property lines and easements that the public has access to. Katie McConnell stated the code as enacted did not differentiate between what type of easement and it does not state access easement, equestrian easement, or public utility easement; it simply says *"easement"*. Katie McConnell argued if an individual privately granted their neighbor an access easement and not the public an easement it was still considered an *"easement"* within the Code. She stated this was the biggest turbine that could go on this property and the fall zone would touch the property line on three sides inclusive of the public utility easement. Commissioner Guttry commented the applicants could shorten the tower. Commissioner Williams noted those utilities could be aerial telephone, TV or power that could go in that easement. He stated the Code had built in a safety factor and there would be a thirty foot safety factor. Katie McConnell stated the verbiage of *"easement"* within the County Code was not brought up at the Planning Commission and the easement was not discussed either by staff, by appellants or by the applicants.

Katie McConnell stated the residents testified at the Planning Commission hearing upon various items that should be considered components of health, safety and welfare. She submitted a list of signs, structures, etc which equated to the height of the windmill. She noted this parcel was a 2.5 acre parcel which already had a house and a shop on it. Katie McConnell stated the adjoining residents felt that the wind turbine, at this height, there was a propensity for dismantling that could send blades flying. She noted there was testimony at the hearing regarding the shadow flickers.

Katie McConnell commented the other two wind machines approved by the Planning Commission have been on larger parcels. She said this proposed wind turbine would be located on a vacant lot in the middle of a high density, agricultural-residential area.

Katie McConnell stated there were conflicting County Codes. Elko County Code 4-2-3 stated that in an agricultural-residential zone no building or structure shall have a height in excess of 40 feet and an accessory building shall have a height not in excess of 20 feet. She stated this Code was in conflict. She stated County Code 4-8-3 stated height limitations shall not apply to futures such as to chimneys, church spirals or flag poles but it did not say wind machines. Katie McConnell stated it was their position that the use was conditional but the height was a variance issue because of the excessive height of the accessory structure.

Commissioner Guttry stated according to their legal counsel the wind turbine ordinance would take precedence over the general ordinance for zoning. Kristin McQueary stated it was her opinion that a specific ordinance takes precedence over a general ordinance under the rules of statutory construction.

Commissioner Williams inquired how far it was from the applicant's property line to the City limits. Katie McConnell stated the city residents upon Royal Crest Drive about this lot. Commissioner Williams inquired if the City of Elko had an Ordinance concerning wind generation towers. Katie McConnell stated the City of Elko had an Ordinance on height restrictions and accessory structures. Commissioner Myers stated there was no Ordinance for wind generation within the City but they have a height restriction. He stated there should be something in the wind ordinance/code with regards to the lots adjacent to City Limits. Commissioner Myers stated there was a one mile sphere of influence. Kristin McQueary stated the City of Elko was upon their notification list and the City provided a comment that the thirty closest property owners be included. She questioned whether the City had been asked to create a wind turbine ordinance such as the County had responded to a request for the development of such an Ordinance. Commissioner Williams inquired if any of the thirty people were within the City of Elko. Katie McConnell replied ten of the appellants' resident within the City limits. She noted the further south in Sundance the parcels were bigger and further apart. Commissioner Myers stated only the thirty closest were notified. Katie McConnell stated that people on Janie had signed the appeal.

Commissioner Williams stated the real issue was the noise, the height and how it ruins the vista of the adjoining neighbors. He stated the mistakes in the application could be addressed and they could shorten the tower to meet the public utility easement issue. Katie McConnell stated some of those issues were

never presented to the Planning Commission. She noted the other issues were technical and needed to be dispositive of this application. She stressed these were city owned lots adjacent to county agricultural-residential parcels and there were a lot of houses already built in the area. Commissioner Guttry noted the property was zoned as agricultural-residential and anyone could put a pig farm there. Katie McConnell stated it would have to follow County requirements. She stated when those city residents purchased their property on Royal Crest Drive there was a County accessory structure ordinance in effect that stated 40 feet tall. She stated this was a new ordinance so there was no way to be aware that this would happen adjacent to them.

Commissioner Russell stated the basis for the County rejecting the Planning Commission's decision has not been satisfied by the points the appellants have raised and the strongest points were based upon the feelings of the residents. He stated there was no new or objective information about the amount of noise or how many of these wind turbines have fallen apart.

Katie McConnell pointed out there were legal issues missed, one being the public utility easement never being presented to the Planning Commission. She noted they could lower the tower but the application needed to be done properly and procedurally. She reiterated the application contained incorrect information and there was no professional engineer's stamp. She stated the legal requirements according to the code should be followed and they were not followed at the Planning Commission level.

Scott Baker stated their application fit within the Elko County wind Ordinance. He was willing to put the turbine at the height the Planning Commission determined safe. Scott Baker stated it was compliant to NRS 278.0277 wherein they can restrict it but not prohibit it. He questioned it being a safety issue. Sheri Baker stated they brought proof they were the trustees of the trust and were the property owners. She stated the application was filled out by the contractor. Scott Baker believed that the City was notified properly. He did not know which issue upon the correctness of the application would have changed the decision of the Planning Commission.

Commissioner Dahl inquired about the five foot utility easement. Scott and Sheri Baker stated they were unaware of the easement when they purchased the property.

Commissioner Williams sympathized with the adjacent property owners but the issue was not just this wind turbine but the precedent it would set for the future.

Sheri Baker stated when they purchased their property they were adjacent to BLM property. She stated the BLM sold the land and it was annexed into the

City so there were more adjacent homes. She stated with the City development the view shed had changed for them and there was additional noise from the traffic.

Commissioner Myers was in favor of wind energy but never anticipated that they would put a 66 foot tower on a two acre lot in a housing area. He stated their discussion during the drafting of the wind ordinance addressed ten acre lots and twenty acre lots.

Scott Baker stated not all neighbors were objecting and some of the neighbors also want wind turbines. Sheri Baker stated there were letters from some of their neighbors supporting this action.

Commissioner Myers clarified the Ordinance required notification of the thirty closest residents. He stated of those thirty closest residents, thirteen of them filed an appeal and ten of the thirteen residents were City of Elko residents.

Commissioner Myers inquired how far down in elevation were they compared to their neighbors. Scott Baker stated approximately thirty-three feet. Commissioner Myers stated that would sit thirty-three feet above some of the poles which meant the wind noise would be closer to some of those residents.

Commissioner Guttry stated the noise and the height were restricted by the ordinance. Commissioner Myers believed the County should have taken into consideration the topography of the region when drafting the Ordinance.

Commissioner Russell stated if a noise was created at the ridgeline then it would be heard better by the people below than people higher than the ridgeline because the noise travels down and echoes against the terrain.

Commissioner Russell inquired if the Bakers were to lower the height of the wind turbine what the decrease would be in the performance of the turbine.

Scott Baker stated he could not respond to that. Sheri Baker stated the best power was at 80 to 100 feet and they were already down to 66 feet.

Commissioner Williams stated the Adobe tower was at 110 feet and you could hear it from his house which approximately 300 feet away. He noted that tower was upon ten acres of property and borders a ranch with no one appealing it. He stated when he voted on the wind ordinance they were considering ten acre parcels. He noted if they uphold the Planning Commission it would set precedence. He believed this was too small of acreage and too close to the City but did not see any legal way to oppose it.

Commissioner Guttry inquired about the engineer's stamp upon the plans. Scott Baker stated John Kingwell could address that question.

Commissioner Myers stated historically the County had been behind private property rights. He noted ten of the thirteen who filed an appeal was within the City limits. He stated those that did not appeal were within the County.

Randy Brown stated the engineer's stamp would be a requirement at the point of the building permit stage and not necessarily a requirement at the conditional use permit application stage.

Commissioner Myers inquired by ordinance when the stamp was required. Randy Brown stated by ordinance at the building permit stage.

John Kingwell stated they do require an engineer's stamp on the drawing showing it had been drawn by a licensed engineer. He noted under item (d) of staff recommendations it states that applicant would meet all the required setbacks and all portions of the code. He stated this particular wind turbine model had a thirty year history of no failures and the turbine would have guy lines for further support. He stated the decibel rating of the turbine meets the qualification of the code which was done at a 100 foot straight line distance from the hub itself. He stated the noise level would increase with the wind level. He stated the height of the tower could be lowered to 63 feet.

Commissioner Dahl inquired if there was a limit to the decibels that can be produced. John Kingwell stated there was a day time and night time level of decibels and the County code regulated the type of wind turbines to be installed that met specific qualifications.

Commissioner Dahl inquired if the height of the turbine would be lowered due to the five foot public utility easement. John Kingwell stated the height would be lowered because there was a five foot utility easement around that property.

Kristin McQueary stated there was also a code restricting access to the tower at the base.

Commissioner Russell inquired if there had been research performed upon the sound travel and inquired if the 50 decibels were measured under the tower. John Kingwell stated it was measured at 100 feet distance from the rotor and if they were closer it would be louder.

Commissioner Williams had observed the wind turbine at Adobe and at 20 mph was loud but the turbine moved from side to side with the direction of the wind.

Jack Larason, a member of the Elko County Planning Commission, indicated he was present at the meeting personally and not as a representative of the Planning Commission. He noted there was concern expressed over the noise but there was a sound measurement system. He noted when they raise one decibel it raises one S unit which was doubled but that did not double the sound, meaning it was not twice as loud, it was doubling the power. Jack Larason suggested they consider the structures would move the sound around and would not amplify it. He stated the Planning Commission was told that this type of wind turbine would meet the design of what the decibels were supposed

to be. He stated the Planning Commission did see a plot map that showed that public utility easement. He stated when questioned staff informed them the easement was not accessible to the public. Jack Larason stated some people can be caused to have an epileptic seizure if they see a flicker. He stated in learning to fly an airplane if a person was affected by a flicker they were told not to look at it. He stated the flicker was measured by Hertz and changed with the wind speed. Jack Larason reviewed the various locations he had observed wind turbines. He felt due to the economy they would see more of these wind turbines.

Katie McConnell stated a number of the neighbors were present today but chose not to speak but they had submitted some written comments. She stated with regards to elevation the wind turbine would be viewed from the Milligan's bedroom window. Kristin McQueary inquired if the pole was 35 feet high. Commissioner Williams replied it was 20 feet high. Katie McConnell noted the angle up on Royal Crest. She had not found anything in the records provided to her where a map with a five foot utility easement was provided to the Planning Commission. She had pulled a map from the County's record depicting the easement after the Planning Commission's decision. Katie McConnell suggested sending this back to the Planning Commission to address all the issues brought up today. She noted the Ordinance specifically stated there should be an engineering stamp upon the plan submitted with the application and that was within the County Code. She believed the engineering stamp, the easement issues should be addressed prior to proceeding. She noted something would have to be adjusted due to the easement and that should be addressed by the Planning Commission. She stated the wind turbine would be 130 yards from the Milligan's bedroom and sits above it. Katie McConnell stated there was a video on YouTube that displays the noise. She stated this did not fit in the statute as it was enacted right now. She believed all conditions of the wind turbine ordinance must be satisfied. Katie McConnell suggested the County Commission send it back to the Planning Commission so the applicants can address all the issues. Katie McConnell stated the County should make sure installation of the wind turbines should be uniform, follows the code that the County enacted, and done correctly. She stated three people she represented resided within the County and were the closest neighbors.

Commissioner Guttry commented they had parameters to base their decision upon. Kristin McQueary noted the appellants brought up that the Planning Commission decision was made upon an unlawful procedure. She commented this was a new ordinance and this was the first appeal so there would be tweaking of the ordinance. She stated the Commission would have to

review the Planning Commission's decision as to whether it was arbitrary or capricious or characterized by abuse of discretion. Commissioner Russell inquired what the next level of appeal was. Kristin McQueary replied they would appeal the decision to the District Court. Commissioner Williams inquired if there was a minimum size lot within the Ordinance. John Kingwell stated the minimum size would be what they could meet with setbacks. He stated the permit application referred directly to the building permit application and the zoning application was a different issue. He stated the engineering stamp would be addressed at that time. He stated they do ask the engineer to look at the lot and plot plan and they design the plot plan to be submitted for the conditional use application. Commissioner Guttry stated that should be addressed in the future.

John Kingwell stated there was a public utility easement on each side of the property and the power line was already in place. He stated NV Energy had reviewed the application and did not submit any comments. Kristin McQueary stated the minimum size was in the Code 8-14 b, d & e which went down to ten acres upon certain zoning and the d & e goes down to one acre but the setback would affect the height. Commissioner Williams inquired if they could have these wind turbines in Spring Creek. John Kingwell replied yes, according to code.

Paul Barnhart, a certified real estate appraiser in the State of Nevada, stated the key was private property rights. He stated lights were more of an issue. He commented tall towers don't seem to have much of an effect on property values but noise has a huge effect upon property values. He voiced concern that the Commission didn't have sufficient information at this time to make any kind of decision. He stated as an appraiser he would do due diligence and try to imagine the structure and hear the sound of the wind turbine before he made a decision. Paul Barnhart stated the Commission had the responsibility to grant them a good place to live. He stated if the wind turbine went up and did not make any noise or flicker everything would be fine. He stated this decision would set precedence and it may have an effect upon the quality of life sometime in the future. He stated with property rights there was the right to clean air and a right to expect that what you have in the future with what you purchased today. He stated along Royal Crest there were some of the most valuable homes in Elko and, as an appraiser, he believed that they would reduce the value of those properties substantially and reduce their quality of life. He believed the Commission's goal was to help Elko stay a viable and good place to live.

Kris Jones asked how the applicants' property rights to build the windmill overrode his property rights to a nice view. If the wind turbine was installed, it would be within his view.

Commissioner Russell commented upon obstruction of view with the construction of an adjacent large home with a 40 foot high roof. He stated the only way you could buy rights to a view shed was through CCRs with the homeowner's association. He stated the view was not a quality of life but terms of health and safety were reasonable. He had visited a wind turbine site and there was little noise.

Amber Donnelly stated she owned one of the unimproved lots that were for sale. She questioned the ability to sell the lot next to a wind turbine. She had discussed this with her realtor who informed her it would be difficult to find a contractor who would be interested in buying the lot to build a house upon it. Amber Denali stated her investment property would be devalued by the wind turbine next door. Commissioner Guttry noted the zoning was agricultural and anything could be placed on the lot. He stated there was also controversy upon the building of apartment complexes. He would like a wind turbine on his ranch but would not put one on his property in town. Amber Denali questioned the feasibility of a turbine if the size of the tower was reduced and if it was not able to generate power. Commissioner Dahl stated if someone wanted to invest in the tower then that was not the concern of the Commission.

Commissioner Russell stated there were some stipulations that if the turbine was not used over a period of time, neglected, and the maintenance issues become significant then it becomes a health and safety issue. He stated the party would be responsible for the dismantling of the tower.

Paul Barnhart stated they could not have a pig farm in an agricultural/residential zoning next to the city but there were a lot of things that they can have. He commented that when these people purchased their property they went into a neighborhood that had a height ordinance of forty feet on structures. He stated the County Commission changed the rules to allow the wind ordinance to override that height restriction. He suggested the Commission consider the effect they have when they were near the main population center of the County.

Commissioner Guttry inquired how obligated they were to NRS because it states they can restrict but they cannot prohibit. Kristin McQueary stated this was a new law in public policy. She stated there only a few wind turbine ordinances in the State of Nevada and only a few have been appealed. She stated this was a balancing act between the health, safety and welfare and the public policy of the State of Nevada to encourage the alternate energy sources which wind energy was specifically mentioned. Kristin McQueary reviewed the research the County Planning Department had performed to develop the

Ordinance in addressing the various issues inclusive of height restrictions, optimum safety zones, etc.

Commissioner Williams inquired if the Planning Commission could amend the code to five acre parcels rather than one acre parcels. Kristin McQueary stated they could amend the Ordinance but presently they were addressing the appeal under the Ordinance currently written.

Commissioner Russell stated he would vote according to the law regardless of his feelings.

Commissioner Guttry noted some points brought up by Katie McConnell were procedural. He did not feel the easement was addressed adequately but felt the Planning Commission addressed the intent of the Ordinance. He questioned if they had sufficient information to send it back to the Planning Commission.

Commissioner Dahl did not believe the engineer's stamp restrained the process from going forward. He stated the easement problem may cause the Bakers to modify the structure. He noted the law provides for the wind turbine.

Commissioner Williams requested a future agenda item to amend the Ordinance to increase the size of the lots to remove the wind turbines from these types of residential areas.

Commissioner Myers questioned the procedure in having the engineer stamp upon the plan site. He believed if the application was incorrect, it was incorrect. He stated the five foot easement was an issue and would change the footprint of the tower. He opposed wind towers upon one acre lots. Commissioner Myers noted there were restrictions upon all property. He stated what neighbors do affect the individuals' property rights next to them. He believed there were issues with the stamp, the incorrect application and the five foot easement but did not believe they could overturn the Planning Commission's decision at this time. He suggested the Planning Commission review the Ordinance for possible amendments.

Commissioner Williams recommended they send it back to the Planning Commission to have it done correctly.

Commissioner Dahl commented this was under a new ordinance and there would be amendments. He noted their staff had informed them the engineer stamp would come later in the process. He stated when the survey was completed then the easement may become a problem and the height of the wind turbine would be adjusted.

Commissioner Williams stated that it needed to be clear when the engineer's stamp needed to be upon the plans.

Commissioner Russell stated the tower must be one-half times its height for safety concern from the boundaries. Commissioner Myers stated density of residential was an issue.

Commissioner Guttry encouraged it to be returned to the Planning Commission to follow the correct procedures and address these issues.

Randy Brown stated the tower height would need to be adjusted according to the lot width. He noted the application, testimony and staff recommendations were given to the Planning Commission on this issue. Randy Brown stated they would follow the law. He believed the application was correct and they were assisting pursuant to State Statute and County Code. He commented it took six months to develop the wind turbine ordinance. He reported NV Energy was researching the feasibility with regards to the locations of these wind turbines. Randy Brown stated the structural/professional engineer's stamp would be required pursuant to Uniform Building Code and Elko County Code on the plan attached to the building permit application.

**MOTION: Commissioner Williams moved to sustain the decision of the Planning Commission concerning this project. Commissioner Russell seconded the motion. The motion passed unanimously.**

Commissioner Williams requested the Ordinance come before the Commission on a future agenda for discussion of amendment.

### **III. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:**

Robert Stokes provided information that Judge Andrew Puccinelli passed away and the County would be recognizing him by the flag being flown at half staff.

Kristin McQueary gave information on the appeal process to the appellants since the County Commission sustained the Planning Commission's decision.

Kristin McQueary suggested they put the Ordinance upon a future agenda to discuss amendments to the wind turbine ordinance.

### **IV. COMMENTS BY THE GENERAL PUBLIC:**

Katie McConnell indicated she represents the Spring Creek Association and their rules and regulations provide that a wind machine cannot be taller than twenty feet (20') and there were no plans in the making to change it. She added that the provision was in the policies and procedures of the Committee of Architecture.

**V. ADJOURNMENT:**

**MOTION: Commissioner Myers moved to adjourn the meeting. Commissioner Russell seconded the motion. The motion passed unanimously.**

There being no further business to come before the Board, the meeting was adjourned at 5:49 p.m.

APPROVED,

DEMAR DAHL, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk