



Elko County Planning Commission

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ELKO COUNTY PLANNING COMMISSION MINUTES

THURSDAY, AUGUST 18, 2011

5:15 P.M. CALL TO ORDER:

Chairman Judd called the meeting of the Elko County Planning Commission to order at 5:15 p.m. on **August 18, 2011**, in Suite 102, of the Nannini Administration Building, Elko, Nevada.

Members Present: Mike Judd, Chairman
 Jack D. Larason
 David A. Galyen
 David Hough
 Richard Genseal arrived at 5:18 p.m.
 Wilde Brough attended the meeting from 5:37 p.m. to 5:47 p.m. by telephone.

Absent : Dena Hartley, Vice Chairman

Others Present: John Kingwell, Associate Planner
 Kelly Watson, Planning & Zoning Administrator
 Kristin McQueary, District Attorney's Office

ROLL CALL:

I. PLEDGE OF ALLEGIANCE:

Allegiance was pledged.

II. APPROVAL OF MINUTES:

POSSIBLE ACTION ITEM

July 21, 2011 – Regular Meeting

Commissioner Galyen indicated on page 4, after lines 29 and 30 he would like Mrs. McQueary's answer to his question be included in the minutes.

Chairman Judd asked Mrs. McQueary if it is a violation if a Planning Commissioner receives multiple e-mails from many people on different items and corresponds with the people.

Mrs. McQueary stated it is not a violation but if someone brings something to a Planning Commissioner's attention and it is going to factor into their decision making process it is best practice when the issue comes before the Planning Commissioners that the information be brought to their attention. She added that the Open Meeting Law is designed so the public can see the factors that go into the decision making process and it may be helpful to the other Commissioners that may not have gotten that information.

MOTION: Commissioner Galyen moved to approve the minutes with the amendment he noted and Commissioner Larason seconded the motion. The motion passed unanimously.

VOTE:

AYE: Mike Judd
Jack D. Larason
David A. Galyen
David Hough

NAY: None

ABSENT: Dena Hartley
Wilde Brough

ABSTENTIONS: None

Commissioner Genseal arrived at the meeting at 5:18 p.m. but due to him not being sworn in prior to the meeting he was unable to be considered as an acting member of the Planning Commission.

There was discussion about the item under Public Hearings not being heard as a Preliminary Hearing yet and the implications. It was determined that the item was heard as a Preliminary Hearing at July's Planning Commission meeting and could proceed as a public hearing.

Mrs. McQueary commented that due to the duo hearing process she would recommend the items not be combined because there is no record on appeal. She added she would provide an update and refresher on Open Meeting Law and zoning code the next time she is present at the Planning Commission meeting.

III. COMMENTS BY THE GENERAL PUBLIC:

NON-ACTION ITEM

There were no comments by the general public at this time.

IV. CONSENT AGENDA:

POSSIBLE ACTION ITEM

NONE

V. PRELIMINARY HEARINGS:

POSSIBLE ACTION ITEM

NONE

VI. PUBLIC HEARINGS:

ACTION ITEMS

11-2000-0004, Ralph J. Carlson

POSSIBLE ACTION ITEM

A request for a change of zoning from Open Space to Light Industrial for creation and transfer of a 4.0 acre parcel to house the existing KTSN AM Radio Tower site from an existing 50.52 acre parcel on following described property;

A portion of the NE1/4, Section 1, Township 34 North, Range 55 East, MDB&M. The general location is ¼ mile east of the Manzanita Lane and Union Pacific Way intersection.

The applicant is Ralph J. Carlson and the owner is Key Ranches, LLC.

Commissioner Hough indicated he would have to abstain from the hearing of the item due to a conflict of interest by him representing the applicant.

There was discussion about the lack of a quorum due to Commissioner Hough abstaining from the item and Commissioner Genseal not being able to vote due to him not being sworn in prior to the meeting.

Chairman Judd called a ten minute recess while Staff tried to determine whether Commissioner Hough could consider the item and to possibly locate another Planning Commission member to be able to obtain a quorum.

Chairman Judd called the meeting back to order and there was discussion about a quorum not being present and if Commissioner Brough could be contacted by telephone so a quorum could be obtained to consider the item.

Chairman Judd called a recess while Commissioner Brough was contacted and asked to consider the item by telephone so a quorum could be obtained.

Commissioner Brough agreed to attend the meeting by telephone and consider the item.

Chairman Judd called the meeting back to order.

Mr. Kingwell read the following Staff report into the record:

11-2000-0004

Carlson, Ralph J.

COZ Open Space to Light Industrial

STAFF REPORT #11-2000-0004 ZONE CHANGE

PLANNING COMMISSION MEETING DATE: August 18, 2011

1. APPLICATION: A request for a change of zoning from Open Space to Light Industrial for the creation and transfer of a four (4.0) acre parcel to house the existing KTSN AM Radio Tower site from an existing 50.52 acre parcel.

2. LOCATION: A Portion of the NE1/4, Section 1, Township 34 North, Range 55 East, MDB&M. The general location is ¼ mile east of the Manzanita Lane and Union Pacific Way intersection.

3. BACKGROUND INFORMATION:

APN	006-090-003
Owner(s) of Record:	Key Ranches, LLC
Previous Applications on Property:	July 1996 by Ralph J. Carlson Cond. Use, PCR 31-96
Size of Property:	50.52 Acres Total Affected, 4.0 Acres
Access:	Union Pacific Way- Private easement (Railroad)
Master Plan:	N/A
Comments:	See Attached
Current Zoning:	Open Space

4. PROJECT IMPACTS:

A. AFFECT UPON THE EXISTING LAND USE PATTERN IN THE AREA:

The four (4) acre parcel is located within a larger 50.052 Open Space zoned parcel.

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The radio tower and transmitter use was established in July of 1996 by Planning Commission Resolution No. 31-96 on a 4.0 acre leased portion of the larger 50.520 acre parcel by request of Ralph J. Carlson who is also the current applicant of this zone change request.

A request before the Elko County Commission will be made to waive the Parcel Map requirement and public access as the use of this four acre parcel will be limited to the existing radio tower facility only. This zone change request is to facilitate transfer of the parcel to the owner.

The parcel is bordered on the north and east by the Humboldt River, the west by UPRR right-of-way, the south by an agricultural parcel. Area uses are agricultural, a concrete plant and the UPRR.

B. AFFECT UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA:

The use is established. The Radio tower meets the Federal height requirements and has been approved by FAA. Visits to the site for maintenance and inspections are conducted approximately once a month. There is one (1) structure at the tower site that is six foot square (6'x6') which houses the transmitter. There are no other structures or amenities on site. The immediate area around the tower is fenced with chain link and topped with barbed wire strands. The location of this facility is located in an area that is not accessible by the public.

5. CONSISTENCY WITH EXISTING ZONING AND MASTER PLAN:

A. COMPATIBILITY OF PROPOSED ZONING WITH EXISTING ZONING AND DEVELOPED USAGE IN THE AREA: The proposed is being applied for under ECC 4-5-3(A) 34 Light Industrial District - Utility Companies and buildings. Surrounding uses include agricultural/grazing, a concrete plant and UPRR right of way. The proposed is compatible and established by conditional use.

B. CONFORMS TO THE EXISTING MASTER PLAN OF THE AREA: The area is not master planned. A courtesy copy of this report has been forwarded to the City of Elko.

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6. STAFF COMMENTS:

A. AFFECT UPON THE EXISTING LAND USE PATTERN IN THE AREA: The use has been established for many years. The location of this facility is located in an area that is not accessible by the public.

B. AFFECT UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA: No negative impacts are foreseen.

C. COMPATIBILITY OF PROPOSED ZONING WITH EXISTING ZONING AND DEVELOPED USAGE IN THE AREA: The request is compatible with the existing zoning and is established by conditional use.

D. CONFORMS TO THE EXISTING MASTER PLAN OF THE AREA: The area is not within a master plan. The City of Elko has been notified as this project is within one mile of Elko.

E. Prior to the completion of this report comments may or may not have been received from the following solicitations. All comments that have been returned to staff will be attached to this report:

- Nevada Division Forestry
- City of Elko, Planning Department
- Elko County School District
- Elko County Public Works
- Elko County Highway Department
- Elko County Manager's Office
- Elko County Building & Safety
- Frontier Communications
- NV Energy

7. STAFF RECOMMENDATIONS, FINDINGS AND CONDITIONS:

Based upon the above stated analysis and findings, staff recommends **Approval** with the following conditions and restrictions.

A. Said change of zoning shall be in compliance with Nevada Revised Statutes and Elko County Ordinance 4-5-3 (Light Industrial).

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B. The change of zoning to Light Industrial shall be limited to the use of the existing radio tower and structure that is a six foot square (6'x6') building housing the transmitter. Changes to the tower, structure or fencing shall require at the minimum, a review by the Elko County Planning Department and the Elko County Building Department before modifications are made.

C. The 4.0 acre parcel shall remain fenced with a six foot (6') chain link fence and topped with barbed wire strands to prevent climbing. The fence shall at all time remain in good repair.

D. Proper electrical hazard signage shall be displayed at the required intervals along the fence lines and at fence openings on the 4.0 acre parcel as required by law.

E. The 4.0 acre parcel shall not accessible by the public at any time.

Basis for recommendation:

1) The 4.0 acre parcel to be rezoned is currently zoned Open Space. The Light Industrial zoning will correct non-conforming zoning as to parcel size.

2) The request is compatible with the Light Industrial zoning designation applied for under ECC 4-5-3 (34).

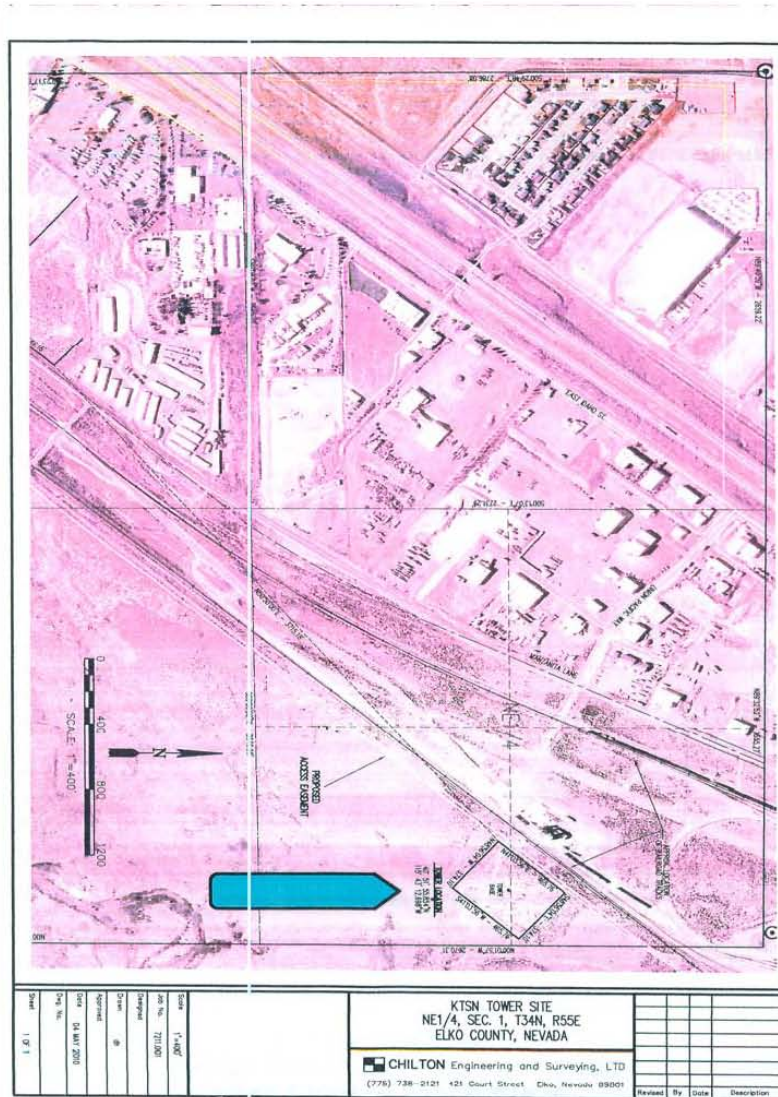
Note: The recommendations of this report are based on the fact that prior to the completion of this report staff had not received any negative or adverse comments to the proposed. Should testimony from the public arise before or during the public hearing opposed to the proposed or providing adverse or contradictory information staff may withdraw its recommendations.

John W. Kingwell
Elko County Associate Planner

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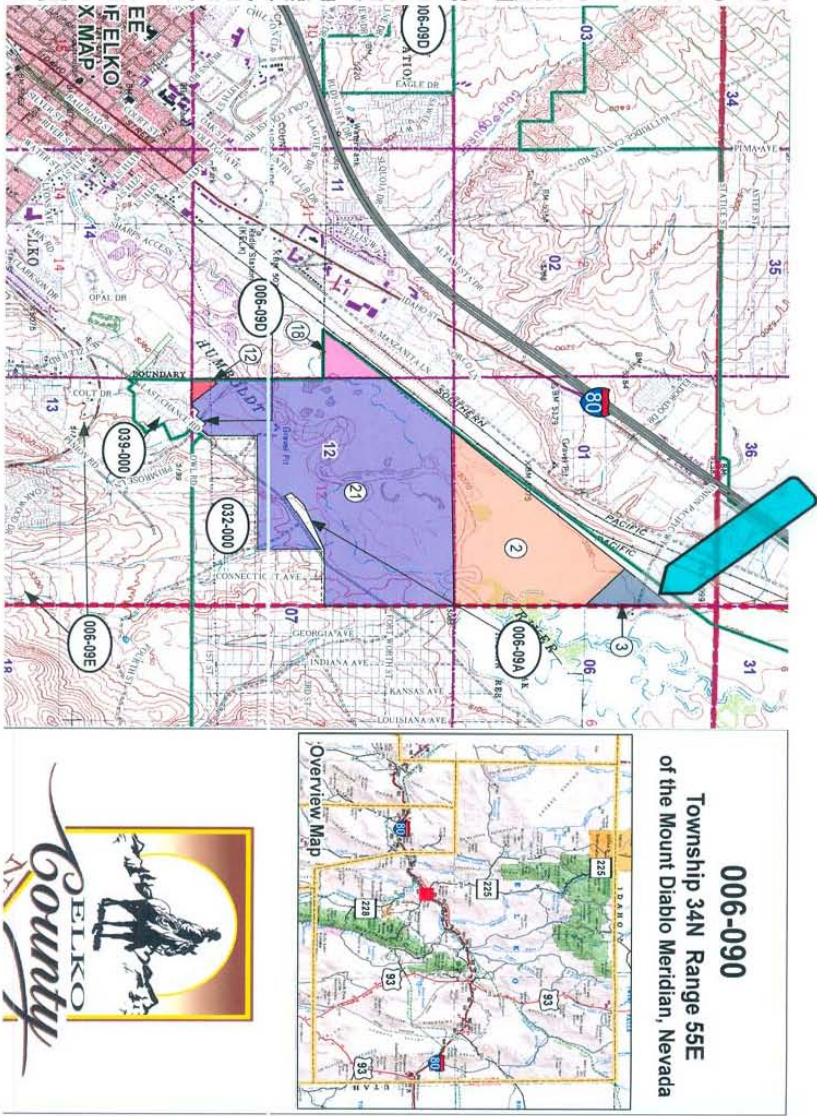
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Commissioner Galyen stated he did not receive any ownership documents and at the last meeting for the Preliminary Hearing there was a question whether Staff had received the owner's affidavit required and he asked Mr. Kingwell if Staff had received the affidavit.

Mr. Kingwell indicated yes the affidavit had been received and was in the file.

Chairman Judd noted that Commissioner Brough was present by a telephone connection.

MOTION: Commissioner Galyen moved to approve the zoning change for Application No. 11-2000-0004, with Staff's recommendations and restrictions. Commissioner Larason seconded the motion and the motion passed with Commissioner Hough abstaining.

VOTE:

AYE: Mike Judd
Jack D. Larason
David A. Galyen
Wilde Brough

NAY: None

ABSENT: Dena Hartley

ABSTENTIONS: David Hough

Commissioner Brough ended his telephone connection at 5:47 p.m. and was no longer considered in attendance at the meeting.

VII. OTHER BUSINESS: NON-ACTION ITEM
NONE

VIII. STAFF AND COMMISSIONERS COMMENTS: NON-ACTION ITEM
Commissioner Larason noted that the Planning Commission seemed to be suffering lately with absenteeism.

Mr. Kingwell indicated that would be addressed.

IX. COMMENTS BY THE GENERAL PUBLIC: NON-ACTION ITEM
There were no comments by the general public at this time.

X. ADJOURNMENT

Chairman Judd adjourned the meeting at 5:50 p.m., as there was no further business.

Minutes Clerk, *Kelly Watson*
Kelly Watson

Date Approved, September 15, 2011