



Elko County Planning Commission

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ELKO COUNTY PLANNING COMMISSION MINUTES

THURSDAY, FEBRUARY 17, 2011

5:15 P.M. CALL TO ORDER:

Upon his arrival Chairman Judd called the meeting of the Elko County Planning Commission to order at 6:00 p.m. on **February 17, 2011**, in Suite 102, of the Nannini Administration Building, Elko, Nevada.

Members Present:	Mike Judd, Chairman Dena Hartley, Vice Chairman Jack D. Larason Milt Grisham
Absent :	David A. Galyen– Excused David Hough Wilde Brough
Others Present:	John Kingwell, Associate Planner Kristin McQueary, District Attorney’s Office Lana Shearer, Complete Wireless Consulting, Inc. Paul Bottari, Elko County Association of Realtors Bert Gurr, self

I. PLEDGE OF ALLEGIANCE:

Allegiance pledged.

II. APPROVAL OF MINUTES:

ACTION ITEM

January 13, 2011 – Special Meeting

Commissioner Hartley indicated the first line of the last paragraph on page 3 had a correction from “the” to “she”. She also indicated on page 5 the last paragraph stating the motion didn’t read well and asked if it could be changed to be better understood.

Mr. Kingwell suggested the minutes be tabled to the next meeting.

Chairman Judd stated the minutes would be tabled to the next meeting to give Planning Commissioners an opportunity to read them.

III. COMMENTS BY THE GENERAL PUBLIC: NON-ACTION ITEM

There were no comments made by the general public.

IV. CONSENT AGENDA: ACTION ITEMS

NONE

V. PRELIMINARY HEARINGS: ACTION ITEMS

11-2000-0001, ORNI-42 LLC ACTION ITEM

A preliminary hearing for a change of zoning from Open Space to M-1 (General Industrial) for the development of a geothermal power plant for the following described property:

An approximately 20 acre parcel of land located in the NE ¼ of Section 8, Township 41 North, Range 52 East, M.D.B. & M., Elko County, Nevada.

Said property is a portion of what is known as the Spanish Ranch located west of SR 226 approximately twenty-five (25) miles north of the intersection of SR 226 and SR 225.

Owner: Ellison Ranching Co.

Applicant: ORNI-42 LLC

Mr. Kingwell indicated the application is in order and ready to proceed to a public hearing.

MOTION: Commissioner Hartley moved to forward item 11-2000-0001 to a public hearing at the next regular meeting of March 17, 2011. Commissioner Larason seconded the motion and the motion passed unanimously.

VOTE:

AYE: Mike Judd
Jack D. Larason
Dena Hartley
Milt Grisham

NAY: None

ABSENT: David Hough
David A. Galyen

Wilde Brough

ABSTENTIONS: None

11-2000-0002, Allie Bear

ACTION ITEM

A preliminary hearing for a change of zoning from Open Space and General Industrial to Special Lands in anticipation of a boundary line adjustment with the adjoining parcel which is currently zoned Special Lands for the following described property:

A 13.242 acre parcel of land located in Section 30, Township 35 North, Range 56 East, M.D.B. & M., Elko County, Nevada.

Said property is located between Interstate 80 and East Idaho Street approximately four (4) miles northeast of Interstate 80 Exit 303 interchange.

Applicant and owner is Allie Bear.

Mr. Kingwell indicated the application is in order and ready to proceed to a public hearing on March 17, 2011.

MOTION: Commissioner Hartley moved to forward item 11-2000-0002 to a public hearing at the next regular meeting of March 17, 2011. Commissioner Larason seconded the motion and the motion passed unanimously.

VOTE:

AYE: Mike Judd
Jack D. Larason
Dena Hartley
Milt Grisham

NAY: None

ABSENT: David Hough
David A. Galyen
Wilde Brough

ABSTENTIONS: None

VI. PUBLIC HEARINGS:

ACTION ITEMS

11-4000-0001, Complete Wireless Consulting, Inc. for Verizon Wireless

ACTION ITEM

A public hearing concerning a request for a conditional use permit to allow for the placement of a one hundred ninety foot (190') lattice tower, twelve (12) antennas, two (2) microwave dishes, equipment shelter, standby generator and future propane tank in connection with a

telecommunications facility in an Open Space zoned district within Section 21, Township 39 North, Range 46 East.

Said property is located approximately 0.9 miles northeast of the town of Midas.

Property Owner is Newmont Midas Operations Inc.

Applicant is Complete Wireless Consulting, Inc., for Verizon Wireless.

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

#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas

STAFF REPORT #11-4000-0001 CONDITIONAL USE

PLANNING COMMISSION MEETING DATE: **February 17, 2011**

1. APPLICATION: A request for a conditional use permit submitted by Complete Wireless Consulting for Verizon Wireless for a Telecommunications facility to allow for a 190' lattice tower, 12 antennas, 2 microwave dishes, 192 sq. ft. equipment shelter, standby generator and a future propane tank on a 50' x 50' leased site. The proposed site will provide wireless service to Newmont Midas Mine, the Town of Midas, and the surrounding community and roadways including Hwy. 789/18. Further requested is a temporary Cell-on-Wheels facility that will be removed once the permanent telecommunications site is operable.

2. LOCATION: Section 21, Township 39N, Range 46E, M.D.B. & M., in Elko County, Nevada.

SURVEY #3738 PAT 256016
GOLD CROWN
PORTION OF OVERSIGHT FRACTION
GOLD CIRCLE MINING DISTRICT

The general location is approximately 9 tenths (0.9) of a mile northeast of the Town of Midas.

3. BACKGROUND INFORMATION:

- Owner(s) of Record: Newmont Midas Operations Inc.
- Previous Applications on Property: Change of Zoning OS to M-1, June 1998
- Size of Property: 50'x50' lease on 1880 acres +/-
- Access: Interstate 80, Midas Road, SR 18 to Midas 0.9 miles east to site.
- Master Plan: None
- Current Zoning: M-1, General Industrial-Extractive

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Page 1 of 8

#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas

- Comments: Attached

4. PROJECT IMPACTS:

A. THE PROPERTY IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE PROPOSED ACTIVITY: The area is adequate in size and is located in a remote area mined by Newmont Midas Operations Inc.

B. STREETS AND/OR ROADS IN THE AREA WILL BE ADEQUATE TO ACCOMMODATE THE PROPOSED ACTIVITY: The area will be served by developed roadways within the Newmont Midas Operations Inc. mine site.

C. THE AFFECT THE APPLICATION WILL HAVE UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA:

- 1) The proposed will provide cell phone service including E-911 to an area that is currently not served. As the area is remote, this will considerably cut down emergency response times for mine personnel, area residents, motorists and sportsmen.
- 2) The site is located approximately 9 tenths (0.9) miles to the east of the Town of Midas on private property.
- 3) All aspects of the construction project are engineered to current applicable building and construction codes as required by federal, state, local codes and laws.
- 4) The monopole along with related equipment and building will be located within a six foot (6') high chain linked fenced area.
- 5) A construction period of 2 months is expected utilizing up to ten (10) people.
- 6) The completed project will comply with all applicable FCC Rules.

5. CONSISTENCY WITH EXISTING ZONING:

A. The proposed requires a conditional use and is consistent with policy within the M-1 District. The proposed is applied for under ECC 4-5-2 (D).

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#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas

6. STAFF COMMENTS:

A. THE PROPERTY IS ADEQUATE IN SIZE AND SHAPE TO ACCOMMODATE THE PROPOSED ACTIVITY: The parcel is located within a remote area used for mining and is adequate in size and shape.

B. STREETS AND/OR ROADS IN THE AREA WILL BE ADEQUATE TO ACCOMMODATE THE PROPOSED ACTIVITY: Access will be by Midas Road, SR 18, then by existing dirt access roads through the Newmont Midas Mine property to site.

C. THE AFFECT THE APPLICATION WILL HAVE UPON THE HEALTH, SAFETY AND GENERAL WELFARE OF THE AREA: The proposed telecommunications site will provide wireless service to Newmont Midas Mine, the Town of Midas, and the surrounding community and roadways including Hwy. 789/18. The service will reduce response times in cases of medical and other emergencies.

D. CONSISTENCY WITH EXISTING ZONING AND USES: Policy has been to allow for telecommunication facilities in all zoning districts through the conditional use process. The proposed is applied for under ECC 4-5-2 (D).

E. Prior to the completion of this report comments may or may not have been received from the following:

- Nevada Department of Transportation (Awaiting Comment)
- Elko County Sheriff's Office (Awaiting Comment)
- Elko County Public Works (Awaiting Comment)
- Elko County Highway Department (Awaiting Comment)
- Elko County Manager Office (Awaiting Comment)
- Nevada Division of State Health (Awaiting Comment)
- Nevada Division Forestry (Awaiting Comment)
- Elko County Building & Safety (Comments Received)

#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas

- Friends of Midas (Awaiting Comment)
- NV Energy (Awaiting Comment)

7. STAFF FINDINGS:

The proposed facility will provide a needed service to the Midas area and will enhance response times in case of emergencies with minimal visual impact due to its remote location. The site will be operated within FCC rules and guidelines. Site will be fenced. Adequate access is in place and the lease area is adequate for the proposed. Construction will take approximately two (2) months utilizing 2-10 individuals that are MSHA certified. The facility and lattice tower is designed to accommodate additional future antennas. Clear fall distances of one and one half (1 ½) times the overall height will be maintained.

8. STAFF RECOMMENDATIONS AND CONDITIONS: Based upon the above stated analysis and findings, staff recommends Approval with the following conditions and restrictions.

- A.** The order authorizing a conditional use or disapproving the same shall be effective ten (10) days after the date of such order, unless a notice of appeal is filed within such a period of ten (10) days.
- B.** The authorization of a conditional use shall lapse and be void unless the use is established or construction necessary and incident to its establishment is started within twelve (12) months of the date of final action of approval.
- C.** A temporary Cell-on-Wheels facility shall be permitted to operate for a maximum of twelve (12) months following a successful completion of the 10 day appeal period.
- D.** All necessary permits for the proposed shall be obtained prior to improvements being made on the site.
- E.** At time of any development, the developer shall comply with all applicable provisions of applicable Federal Codes, Nevada Revised Statutes, Elko County Code and the Uniform Building Code or applicable Building Code for the development criteria that pertain to the proposed development.
- F.** Conditional Use is subject to restrictions and conditions as outlined in Elko County Code 4-9-6.

#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas

G. The proposed area for the project has been surveyed and a copy of said survey is on file with application 11-4000-0001 at the Planning and Zoning Department.

H. The 50' x 50' leased area will be enclosed with an eight foot (8') cyclone fence

I. The lattice tower overall height will be a maximum of one hundred ninety feet (190').

J. The proposed project shall be limited in scope to the project plans as submitted and on file with application #11-4000-0001. Any modifications in height, attachments, or structures of any kind must be first submitted in writing with adequate drawings and plans for review by the Elko County Planning Staff. Improvements of any kind at a minimum will require review by Elko Planning and Zoning Staff and may also require an additional "conditional use.

K. At a time when the communications antennas, micro wave dishes and other equipment as part of this application or related applications are no longer in use, viable for use or necessary for business of the applicant or any future owner, they are to be removed from the tower at the owners expense.

Basis for recommendation:

1) The proposed will provide cell phone service including E-911 to an area that is currently not served. As the area is remote, this will considerably cut down emergency response times for mine personnel, area residents, motorists and sportsman.

2) Applicant can meet all requirements for construction and service.

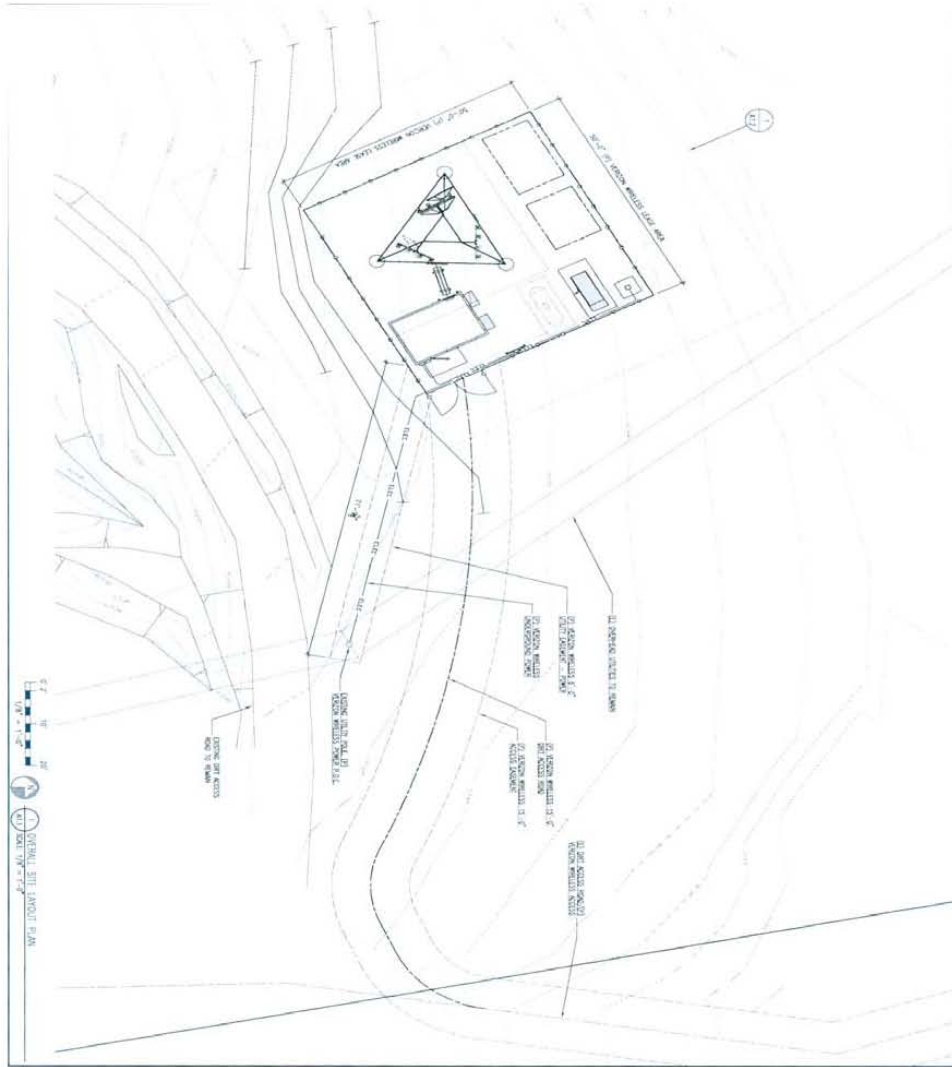
3) The physical location of the proposed site is necessary from an engineering standpoint.

4) The proposed satisfies communications requirements mandated by the federal communication authority.

***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.*

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#11-4000-0001
Complete Wireless Consulting for Verizon Wireless
C/U for Telecommunications facility - Midas



Mr. Kingwell indicated under H of Staff recommendations and conditions the height of the fence should be corrected to a six foot cyclone fence instead of eight feet.

Lana Shearer, Complete Wireless Consulting, stated Verizon is excited about bringing increased coverage to the area for the mine and town located in the area in addition to emergency 911 coverage and is available for any questions.

MOTION: Commissioner Hartley moved to approve item 11-4000-0001, Complete Wireless Consulting, Inc., with Staff's recommended conditions and restrictions. Commissioner Larason seconded the motion and the motion passed unanimously.

VOTE:

AYE: Mike Judd
Jack D. Larason
Dena Hartley
Milt Grisham

NAY: None

ABSENT: David Hough
David A. Galyen
Wilde Brough

ABSTENTIONS: None

10-1500-0001, Wind Turbines & Towers – Code Development Workshop

Elko County is in the process of developing a wind energy development code. The workshop topics will address minimum parcel sizes, setbacks and other health and safety concerns.

Mr. Kingwell began the overview of the code with the definition of commercial wind energy conversion system on page 2 indicating the industry is dictating a total system height not to exceed six hundred feet (600') instead of four hundred feet (400').

There was discussion about where the commercial systems would be located and all of the Commissioners present agreed to revise the maximum height of a commercial system to six hundred feet (600').

Mr. Kingwell continued with the definition of a micro wind energy conversion machine making a few revisions during discussion and all Commissioners present agreed to the submitted definition. He continued with reviewing two items added to the portion of the code dealing with wind energy conversion systems within the OS, Open Space District and the reason behind the addition of the items.

All of the Planning Commissioners present agreed to the two items presented being added to the code.

Mr. Kingwell continued the review of the code and asked for comments and/or revisions from the Planning Commissioners.

There was discussion for clarification on the requirement that not more than one private wind machine with a total rated capacity of 100 kW shall be allowed on a parcel less than 10 acres.

There was also discussion regarding the parcel size and setback requirements being a factor for determining the height of the wind machine that will be allowed on the parcel.

Commissioner Larason asked what was meant by maintenance plan under Permit Applications for private wind energy conversion systems.

Mr. Kingwell indicated the maintenance plan would be included with the wind machine that would contain lubrication instructions, time frames for bearing inspection, etc. and will be submitted with the engineered plans. He added that the documentation would depend on the type of machine that is being proposed and if it has been through a testing program.

Commissioner Larason indicated he didn't understand the relevance of a required maintenance plan if there is no means to police or enforce that the maintenance is being done.

There was discussion regarding the responsibility of the owner for maintenance of the machine and that the requirement a maintenance plan be submitted is a means for the County to prove there was one available to the owner upon construction.

Commissioner Judd asked for public comment regarding the portion of the code reviewed and revised up to this point of the meeting.

Paul Bottari asked about the towers being permitted by a conditional use permit and if the owner sells the property whether the new owner will be required to apply for another conditional use permit.

Mr. Kingwell indicated yes, that is how all conditional use permits are set up.

Mr. Bottari stated he felt that would be cumbersome and hope there is a way to get around that requirement.

There was discussion regarding the regulation of a machine or machines with a total rated capacity of 100 kW being allowed in residential sites, industrial sites and commercial sites and if there should be different capacities for different uses.

There was continued discussion regarding the requirement of a conditional use permit and different scenarios were presented for being in favor of and against a conditional use permit being required.

Bert Gurr stated Mr. Bottari brought up a valid point that the tower is a utility that is being transferred and the conditional use permit is ordered by the County and why it couldn't be transferred automatically by signing a document like is done for power or water. He added he didn't think the conditional use permit should be specific to a person with these kinds of uses and it costs

more money and time to the public if it is required and should only be required if the use is changed.

There was continued discussion about the issues that would have to be addressed when selling a piece of real estate because a conditional use permit issued for a wind machine is specific to a particular person and is contractual with the County.

Chairman Judd stated he would like to wait to review the micro wind machine portion of the ordinance until there are more members of the Commission present.

Commissioner Grisham asked about the setback requirements contained in the draft code.

Mr. Kingwell indicated the setbacks are outlined and defined in the ordinance.

VII. OTHER BUSINESS:

NON-ACTION ITEM

NONE

VIII. STAFF AND COMMISSIONERS COMMENTS:

NON-ACTION ITEM

Mr. Kingwell asked the Commissioners if they wanted to set a meeting for March 10th to specifically review the final draft ordinance.

The Commissioners unanimously agreed to hold a special meeting on March 10th to address the final draft ordinance.

IX. ADJOURNMENT

Chairman Judd adjourned the meeting at 7:20 p.m., as there was no further business.

Minutes Clerk,



Kelly Watson

Date Approved, April 21, 2011