

**A G E N D A**  
**LANDER COUNTY PLANNING COMMISSION**  
**SPECIAL MEETING**

**WEDNESDAY, OCTOBER 25, 2023 AT 6:00 P.M.**

**LANDER COUNTY COURTHOUSE**  
**COMMUNITY MEETING ROOM**  
**50 STATE ROUTE 305**  
**BATTLE MOUNTAIN, NEVADA**

**Call to Order**

The Agenda for this meeting of the Lander County Planning Commission has been properly posted for this date and time in accordance with NRS requirements.

**Pledge of Allegiance**

**Roll Call**

**Public Comment** - For non-agendized items only. *Persons are invited to submit comments in writing and/or attend and make comments on any non-agenda item at the Board meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Board. Reasonable restrictions may be placed on public comment based upon time, place and manner, but public comment based upon viewpoint may not be restricted.*

**Agenda Notices:**

**\*October 25, 2023 – Agenda Notice – FOR POSSIBLE ACTION**

**Minutes:**

**\*August 16, 2023 – Regular Meeting Minutes – FOR POSSIBLE ACTION**

**New Business:**

- 1.) Review, consideration, and possible action on Home Occupation Permit No. 23-08 filed by David and Ramona Howard, doing business as Elko Pest Control, to allow a pest control business as a Home Occupation within an A-2 – Five-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the southwest corner of the intersection of John Tyler Avenue and Jensen Court, 1605 Jensen Court, Battle Mountain, NV 89820; APN 011-370-21.

- 2.) Review, consideration, and possible action on Home Occupation Permit No. 23-09 filed by Ronald and April Pacheco, doing business as PFK Services, LLC, to allow handyman and mobile detailing businesses as Home Occupations within the R-4 – Multiple-Family Residential Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the south side of W. Humboldt Street, approximately 180' east  
“Lander County is an Equal Opportunity Provider”

of the intersection of W. Humboldt Street and Lemaire Road, 962 W. Humboldt Street, Battle Mountain, NV 89820; APN 002-341-13.

- 3.) Review, consideration, and possible action on Special Use Permit No. 23-02 filed by Lander County School District to allow for the construction of a 40' by 60' (2,400 sq. ft.) storage building within a GP – Governmental Purposes Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the west side of Altenburg Avenue at 300 Altenburg Avenue, Battle Mountain, NV 89820; APN 002-190-01.

- 4.) Review, consideration, and possible action on Special Use Permit No. 23-03 filed by Alejandro V. Payan to allow for the operation of a concrete plant within an A-2 – Five-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located at the eastern terminus of Mackenzie Court, 1990 Mackenzie Court, Battle Mountain, NV 89820; APN 011-230-36

- 5.) Review, consideration, and possible action on Parcel Map No. 23-04 filed by James and Nancy Bear to divide APN 010-280-37 a 14.71-acre parcel into four parcels within an A-1 – One-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the southeast corner of the intersection of Painted Sage Drive and Desert Sage Drive, Battle Mountain, NV.

- 6.) Review, consideration, and possible action on a request to waive the Tentative Map requirement for Division of Land into Large Parcels for Nickel Jones, Inc. on APN 010-380-40. **FOR POSSIBLE ACTION**

- 7.) Review, consideration, and possible action on Division of Land into Large Parcels No. 23-01 filed by Nickel Jones, Inc. to divide APN 010-380-40, a 165.80-acre parcel into four, 40+ acre parcels located in Section 31, Township 32 North, Range 48 East. **FOR POSSIBLE ACTION**

- 8.) Review, consideration, and possible action on the 2023 Lander County Master Plan update, which includes reorganization of the Master Plan, updates to the development and zoning standards, and updates to the Land Use Map. **FOR POSSIBLE ACTION**

- 9.) Review, consideration, and possible action on proposed amendments to Title 16 – Subdivisions and Title 17 – Zoning of the Lander County Municipal Code. **FOR POSSIBLE ACTION**

## **Reports:**

### **Reports from the Lander County Planning Commission**

### **Reports from Lander County Staff**

**Public Comment** - For non-agenized items only. *Persons are invited to submit comments in writing and/or attend and make comments on any non-agenda item at the Board meeting. All public comment may be limited to three (3) minutes per person, at the discretion of the Board. Reasonable restriction may be placed on public comments based upon time, place and manner, but public comment based upon viewpoint may not be restricted.*

“Lander County is an Equal Opportunity Provider”



## ADJOURNMENT

\*Discussion and action items will have information provided at the meeting. Action may be taken according to the Nevada open Meeting Law manual via a teleconference call in which a quorum of the Board members are simultaneously linked to one another telephonically.

### NOTE: TIMES ARE APPROXIMATE

“This is the tentative schedule for the meeting. The Board reserves the right to take items out of order to accomplish business in the most efficient manner. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.”

**NOTICE TO PERSONS WITH DISABILITIES:** Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Planning Coordinator in writing at the Courthouse, 50 State Route 305, Battle Mountain, Nevada 89820, or call (775) 635-2860 at least one day in advance of the meeting.

**Notice:** Any member of the public that would like to request any supporting material from the meeting, please contact Shelby Knopp, Planning Coordinator, 50 State Route 305, Battle Mountain, NV 89820. (775) 635-2860.

## AFFIDAVIT OF POSTING

State of Nevada)  
SS.  
County of Lander)

Shelby Knopp, Lander County Planning Coordinator of said Lander County, Nevada, being duly sworn, says, that by 9:00 a.m. on or before the 20<sup>th</sup> day of October, 2023, she posted a notice, of which the attached is a copy, on the Lander County Website: <http://www.landercountynv.org/>, the State of Nevada’s Public Notice Website at <https://notice.nv.gov>, and at the following places:

- 1) Battle Mountain Civic Center, 625 S Broad St., Battle Mountain, NV 89820
- 2) Battle Mountain Post Office, 810 Sunset Dr., Battle Mountain, NV 89820
- 3) Lander County Courthouse, 50 State Route 305, Battle Mountain, NV 89820
- 4) Swackhamer's Plaza Bulletin Board, 404 E Front St., Battle Mountain, NV 89820

in said Lander County, where proceedings are pending.

  
\_\_\_\_\_  
Shelby Knopp, Planning Coordinator

Subscribed and sworn to me before this 19<sup>th</sup> day of October, 2023.

  
\_\_\_\_\_  
WITNESS

“Lander County is an Equal Opportunity Provider”

The Lander County Planning Commission met in session in the Community Meeting Room of the Lander County Courthouse and Administration Building in Battle Mountain, Nevada, 50 State Route 305, on August 16, 2023.

*PLEDGE OF ALLEGIANCE*

**PRESENT: MONTE PRICE, CHAIRMAN  
LOUIS LANI, BOARD MEMBER  
STEVEN STEINMETZ, BOARD MEMBER  
DEE HELMING, BOARD MEMBER  
MIRANDA TREMAYNE, BOARD MEMBER - via telephone  
SHELBY KNOPP, PLANNING COORDINATOR**

**Public Comment**

*No public comment*

**Chairman Price:** Ok Agenda notices for August 16, 2023 - - Agenda notice posting - - do we have a motion to approve it?

**Motion to approve:** Steven Steinmetz.

**Seconded by:** Dee Helming.

**Motion voted and approved unanimously.**

**1) Review, consideration, and possible action on Request to Combine parcels in Approved Subdivision No. 23-01, filed by Stewart Nichols, to combine APNs 003-171-10 and 003-171-11 into one (1) 0.61-acre parcel within an R1 – Single-family Residential Zoning District. FOR POSSIBLE ACTION.**

Applicant Stewart Nichols: We purchased three lots adjacent to each other and we would like to combine two of them to give it the room that we need for the structure that we are putting together and the septic system right there in Kingston on the corner. We have a building on order already. We are working on the building permit. Hope to have that submitted in the next couple weeks if we can get this approved and get moving forward on the project.

Dee Helming: It is right there on the corner between *inaudible* old office and the Lucky Spur. It is actually a really good piece of land. What kind of building are you going to put on it?

Applicant Stewart Nichols: We ordered a 34x46 metal building. It will be a red iron type building and we are going to put in like a Barndominium type structure. It will be a four bedroom, two bath; approximately 1500 square feet. It will be a part-time residence.

Shelby Knopp, Planning Coordinator: We also have the land surveyor here if you have any questions for him.

Chair Price: Anybody else have any questions?

*No questions*

Applicant Stewart Nichols: We wanted to combine it to give us a little bit more room and go from there.

Chair Price: Stewart, you understand if we make a motion to approve this there are some modifications that need to be made to the map requested by Lander County surveyor prior to recording it and that the map will have to be recorded in the Lander County Recorder's office within one year of approval by the Lander County Board of Commissioners?

Applicant Stewart Nichols: Yes, sir.

Chair Price: Okay then, I would look for a motion to approve or disapprove this agenda item number one with the modifications that are listed there below.

**\*A motion was made by Commissioner Dee Helming, seconded by Commissioner Steven Steinmetz to forward a recommendation to the Lander County Board of Commissioners to conditionally approve Request to Combine Parcels in Approved Subdivision No. 23-01 filed by Stewart Nichols, subject to the facts and findings in the Lander County Staff Report dated July 31, 2023 and with the following conditions:**

- 1) Modifications be made to the map requested by the Lander County Surveyor prior to recordation.**
- 2) Map to be recorded with the Lander County Recorder's Office within one (1) year of approval by the Lander County Board of Commissioners.**

*\*Motion passed unanimously*

**2) Review, consideration, and possible action to forward a recommendation to the Lander County Board of Commissioners on Zone Change No. 23-01, filed by Rebeka & Jeffrey Leavitt, to change the zoning of APNs 011-230-8 & 011-230-09 from M – Industrial to A2 – Five-acre Agricultural District to allow for continued residential use and expansion of residential use. FOR POSSIBLE ACTION.**

The subject properties are located on the north side of George Washington Avenue, approximately 1310 east from the intersection of George Washington Avenue and 1900 East Street, 2019 and 2039 George Washington Avenue, Battle Mountain, Nevada 89820.

Chair Price: Do we have anybody here to talk about that?

Rebeka Leavitt: I want to build a shop. I can't build a shop because of it being industrial. That is all it is. I have to rezone it. That is basically what it boils down to.

Chair Price: You are residential to the east of you.

Rebeka Leavitt: Well yeah, but they are all still industrial on the map.

Chair Price: But they are all residential and *inaudible* buildings - -

Rebeka Leavitt: But it didn't show that. It all showed the airport when we looked it up.

Shelby Knopp, Planning Coordinator: So, the zoning to the north, west, and east is all industrial. That might not necessarily be the use, but it is zoned industrial. But there are some residential uses.

Rebeka Leavitt: They are all industrial - - I mean they are all residential.

Chair Price: They are all residential in - -

Rebeka Leavitt: Yeah. But in order to build a shop I have to change.

Dee Helming: And you have one letter of dispute. What else is out there? Is there other shops and stuff out there? I didn't - -

Rebeka Leavitt: Well, there is a shop out there, but you don't want to go around it. Other than that, there are houses.

Chair Price: There are actually two shops out there. There is one on the corner too.

Rebeka Leavitt: On the corner, that is 20-acres away.

Chair Price: I guess one question I have on it, is it - - was it zoned like that when those places were first built? They were built on industrial land, or did that zoning come in after?

Rebeka Leavitt: I had no idea until I went to get my permitting for the shop that it was industrial.

Aurora Campbell, Public Comment: We went through this a few years back and everybody that was there - - now people have passed away, but everybody came in a few years back; I think we were still in the old courthouse and the same thing was brought up. They wanted to change it to agriculture, and everybody was upset and said no. And I don't want mine changed. I dispute it. I just don't want change. Now, in order for us to put up a shop, because we are zoned "M", it has to be done by somebody to *inaudible*, but we are allowed to put one up, it has just got to be done the proper way.

Rebeka Leavitt: That is not what I was told. Unless I put up a building that is going to be a lumber shop or something like that, I have to rezone. All I am doing is putting up a storage shop basically and I could not do it unless I rezoned.

Aurora Campbell, Public Comment: And rezoning her changes all of it.

Rebeka Leavitt: No, it doesn't. It just changes my two parcels.

Shelby Knopp, Planning Coordinator: No.

Aurora Campbell: That is what we were told last time.

Chair Price: There is such a thing as spot zoning, and we really try not to do spot zoning.

Aurora Campbell: Yeah. Because we were told last time when we *inaudible* it took away from the value of the zoned "M" in order to take it to agriculture. And that was all at the meeting back in the old courthouse.

Chair Price: Now you guys are butted up against industrial zoning.

Aurora Campbell: Yeah, all of it is. In fact, behind us is Elquist property on one side, Premier Gold, and then there was two housing. I don't know how those were in there, but *inaudible* is zoned M. If it didn't change anything from the value on the front, I would see no problem with it. But we were told last time it does. And they were here for the same exact reason. How many years ago was that? It had to have been 10. I have been living on that place since 2009 and it was just right after that they tried to change.

Dee Helming: You have been there since 2015?

Rebeka Leavitt: Yeah.

Dee Helming: And the house was there when you bought it?

Rebeka Leavitt: The house was there, and there is a shop there now, and then we are wanting to put up a bigger shop.

Chair Price: So, the house was built there and that is on industrial zoning?

Aurora Campbell, Public Comment: Everybody that is there had to get burn letters and we got one too in case our home burned down we could rebuild our home because otherwise you couldn't do it. But everybody that is there got burn letters.

Chair Price: So, if you go right on down towards where it is passed your place, the people that are on 2100 East, they butt up against you?

Rebeka Leavitt: They have an empty lot in between where their property is and our property. There is an empty lot and by the books it looks like they own it.

Monte Price: What is that one zoned.

Rebeka Leavitt: It is all industrial.

Shelby Knopp, Planning Coordinator: It should be all industrial.

Chair Price: It is not Ag *inaudible* or anything?

Rebeka Leavitt: Yeah. They have a dog and that is it. And then there is that shop, there is an empty lot, and then there is two more houses; and two houses down, they are just normal residents too.

Dee Helming: So, are you guys like running cows or horses or anything up there?

Rebeka Leavitt: No. I have a horse, and chickens, and dogs; that is it. It is just I need to put up a shop and I can't do it.

Chair Price: It is typical non-conforming - -

Shelby Knopp, Planning Coordinator: Legal non-conforming.

Chair Price: It don't conform to the zoning at all.

Rebeka Leavitt: Will it affect the property values?

Shelby Knopp, Planning Coordinator: It should not affect the neighboring property values. The only properties we are rezoning are hers. We are not rezoning any of the surrounding properties. Those are still going to be zoned industrial.

Chair Price: Yeah, and this does come into play almost in spot zoning which I really don't like. But another thing that I personally really don't like is telling people what they can and can't do on their private ground. That is something that I have struggled with ever since I have been here. But within reason, we have to protect the community as a whole.

Rebeka Leavitt: I get that. It would be different if I was building some bright pink, 30-foot, 40-foot you know huge building. But I am just building a garage, a shop on my own property. This has been a pain in the butt.

Chair Price: I understand that. So, our staff report recommends approval on this, and all I am going to say is what that is going to do to your property value, that is one guy's opinion against another. That is just my opinion.

Dee Helming: I would think it would improve it.

Rebeka Leavitt: I don't really care. I want the shop. I already got the shop sitting on my property waiting to be put up. I need to put it up.

Chair Price: Okay, anything else you want to add?

Aurora Campbell: If it don't affect anything I have no problem with it whatsoever.

Chair Price: Okay, then the staff recommends that we approve it, but I will look for a motion from the board to approve or disapprove.

**\*A motion was made by Commissioner Steven Steinmetz, seconded by Commissioner Dee Helming, to forward a recommendation to the Lander County Board of Commissioner to approve Zone Change No. 23-01 filed by**

**Rebeka and Jeffery Leavitt, subject to the facts and findings in the Lander County Staff Report dated July 28, 2023.**

*\*Motion passed unanimously*

**3) Review, consideration and possible action to forward a recommendation to the Lander County Board of Commissioners on Zone Change No. 23-02, filed by Lander County on behalf of NNN Retail Development, to change the zoning on APN 002-200-67 from C2 – General Commercial and R1-Single-Family Residential to C1 – Commercial to allow for the development of a retail establishment. FOR POSSIBLE ACTION.**

The subject property is located on the north side of Broyles Ranch Road, approximately 240' Northwest of the intersection of Broyles Ranch Road and Palmers Street, 285 Broyles Ranch Road, Battle Mountain, Nevada 89820.

David Church, Developer of Property: We are the developer of this property, and we are intending to build a retail store for a new Dollar General. My understanding of it - kind of the history of it - this is a correction. I don't know if this was multiple zoning in different portions of the property and this is cleaning it up. I could be mistaken, but obviously we want to have the correct zoning for our use as a retail store and hopefully looking forward to getting support from everybody on this meeting.

Chair Price: Okay. Do you guys own the property now?

David Church, developer of property: No, we are in escrow to purchase it. We are kind of going concurrent to this. We are going through our permitting process and kind of when we get to the point where we have all the I's dotted, the T's crossed as far as knowing that we can build what we intend to build, and that is when we would be closing escrow.

Chair Price: Okay. So, you do have access to that property off of Broyles Ranch Road, correct?

David Church, developer of property: Correct. Yep.

Chair Price: Okay, and some of the history at one point. You guys might remember Steve, or Shelby if you looked it up - that property at one point was tied to the property behind it; the 0066 property when Sheldon owned it and that was his horse corral and pen there, am I right? So, it has been - alright, I remember when they sold it and then the horse thing went away because it was grandfathered in until the sale of the property. Does anybody on the board have any questions about this?

Louis Lani: I don't.

Dee Helming: So, you are going to tear the house down?

Shelby Knopp, Planning Coordinator: No.

Chair Price: No. It is a vacant lot.

Dee Helming: Oh, okay. Has he reached an agreement with the property owner to cut through their parking lot? That is what will happen.

David Church, Developer of Property: There is a lot line adjustment that we are doing. There is access on the strip of land.

Chair Price: That is a wide strip. It is fairly accessible.

Shelby Knopp, Planning Coordinator: It is 57 feet wide.

Dee Helming: Still, is it going to cause problems down the line with this other section there? You have a little line here and then you have this open space right in here that people are going to cut through to go into.

Chair Price: I think at this point in time - - I think those two lots are owned by the same person. So, if they are *inaudible* - -

Dee Helming: Oh, okay. Well, then that don't matter. Never mind.

Shelby Knopp, Planning Coordinator: David, you can correct me if I am wrong but are you planning some sort of curbing along your access?

David Church, Developer of Property: Yes. We will have our own driveway that will be dedicated just for our store. And yes, I think that is per current codes, we will have standard curb and gutter where it is appropriate. Which will be along that driveway. We have got some landscaping I think on either side of it.

Shelby Knopp, Planning Coordinator: So, they have some things in place to prevent cut through of those other properties.

Dee Helming: Alright. That could be a big issue down the line.

Monte Price: We got any questions out here.

Doug Mills, Public Comment: We own Mill's Pharmacy across the street. We did receive a letter indicating this was going to be on the agenda. We just wanted to come and see what is going on. I don't have objections. We are not against people owning businesses and doing things with their property that they want. We just wanted to know what is happening.

Chair Price: Have you looked at this map?

Doug Mills: I haven't seen it.

Chair Price: You can come look at my map.

*Unidentified Speaker, Public Comment*: I just don't understand why they are going to do a General Dollar Store when there is already Family Dollar, and then you have your grocery stores, and then you have your pharmacy. We all carry the same stuff. It just seems weird to me. I want food.

*Inaudible - multiple unidentified people talking*

Chair Price: Okay. So, if you guys understand what is going on. No complaint, disgruntle, heartburn? Does anybody else have anything to add?

Louis Lani: No.

Dee Helming: I don't. I mean if there is no letter to complain and people are here to support it then it really doesn't do much for us to complain.

Doug Mills: We firmly believe that people should do what they want with their property. Who am I to complain against someone building something? I did it, so why can't they.

Chair Price: Okay. Do you have anything to add from Austin?

Miranda Tremayne: I am good on my end. As long as everyone is happy.

Chair Price: Do we have any restrictive criteria on this one?

Shelby Knopp, Planning Coordinator: Nope. No conditions.

**\*A motion was made by Commissioner Steven Steinmetz, seconded by Commissioner Dee Helming, to forward a recommendation to the Lander County Board of Commissioners to approve Zone Change No. 23-02 filed by Lander County, on behalf of NNN Retail Development, subject to the facts and findings in the Lander County Staff Report dated July 31, 2023.**

*\*Motion passed unanimously.*

**4) Discussion on presentation on Staff Reports, Application Procedures, and other Planning Commission procedures and process. FOR INFORMATION ONLY – NON-ACTION ITEM.**

Shelby Knopp, Planning Department: I know we have some new board members so I kind of wanted to go over these Staff Reports and give you an explanation what exactly they are about and where we get our information, and answer any questions you might have, or recommendations or concerns. I am just going to go through one I have here in the packet. Our first section really gives a lot of information about the applicant, who they are, what day the report is compiled, when other staff members are due for their comments, application number, what day it is going to be at the Planning Commission and a description of the project. The next section is on the Project Information, and it gets a little in more detail of the project. It will have parcel number, parcel size, zoning, master plan and land use. I know it gets kind of confusing, but sometimes our zoning is different than our land use which is an issue that we just ran into. So, really that is something that we need to keep an eye on when we are looking at these. The next section is our neighborhood characteristics, and this is where we list all the surrounding zoning. This is where we can keep an eye out for spot zoning, and make sure that whatever we are considering is fitting in with our neighborhood. Property Characteristics really describes the topography and if there is access to that property. Then we have Flood Zone, and if it is in a flood hazard area which is important for if they are looking to develop, they will have some special conditions if they are in a special flood hazard zone. Master Plan and county codes - - this is where I will put all the master plan sections, county codes and Nevada Revised Statutes that pertain to a particular application. That is kind of where we get our basis of approval, denial and things like that. Background is where I will just give you some background on the project and the property. It could contain ownership information, potential property uses, section, township and range, zoning districts, property acreage, or any special information that I think you guys need to know while considering the application. And then the rest goes into further details of the above listed Master Plan, county codes and Nevada Revised Statutes. So, it will list the specific sections and verbiage that I use to consider all these applications and what I am basing them against. It will list if they are conformance or not in conformance and if they are not in conformance there will usually be a condition that is associated with that for approval if we are going to consider approval. And then we have findings; so, those pertain to our code sections and Master Plans, NRS, and these are important to include with our recommendation. It is kind of our basis or approval or denial. We are approving based on these findings that it conforms or doesn't conform with these things. And more importantly I think when we deny, that is when these findings come into play. And then final is the Staff Recommendation and so this is going to be what staff is going to recommend, right. But once again this is just a recommendation, it is what staff thinks, and the Planning Commission always has the ability to take that as a recommendation and not strict conformance, right. You can decide to do basically whatever you guys want. And just reiterate, these are prepared by me but I get input by the building official, building official assistant, our county engineer, public works, county manager and our DA's Office. I prepare the report, but then I send it all out to them and they have every



opportunity to include whatever they want. Sometimes engineering will add conditions. Sometimes they will find errors or whatever. The more eyes I have on it I think the better to find errors and things like that. I think that is all I had on the staff reports. Did you guys have any questions?

*No questions*

Did you have any questions on procedures for our applications? Most of our applications come to you guys and then you give a recommendation to the County Commissioners. We do have a few home occupations, special use permits, variances that you guys do make the sole decision on and then if applicant has a problem with those, then they can file an appeal and it goes to County Commission. But that is kind of our process I did want to go over. So, our cover sheets for each agenda item, they do list the agenda item and then I do put staffs' recommended motion on there just so everybody is aware. And again, that is just a recommendation just to make it easier on you guys, so you aren't fumbling around what the motion is. Just to let you guys know, if you ever want me to go over those staff reports in the meetings, I am more than willing to do that. I know a lot of times our public doesn't go in and read these. So, if we are referencing staff report, and they are like, "I don't know what that means." So, it is just an option there on the table. If you want me to I can.

Monte Price: If they got questions, hopefully they ask the questions and then we can go through it rather than automatically go through it every time.

Shelby Knopp, Planning Coordinator: That option is always there. Our minutes - - I had some conversation with Paige Brown, she prepares our minutes. The last ones I sent to her were vague and they didn't include all the conversation. I felt they weren't complete. I guess the previous agreement was that she kind of just gives the jest in the meeting minutes. My understanding was they were supposed to be verbatim but that wasn't the case. My question is if you would like them to be verbatim or if you would just like the jest of what happens?

Chair Price: You were at the last commission meeting when they talked about that. Other than it takes a lot of paper, I like them verbatim, but the cost of that versus the general idea was huge.

Shelby Knopp: My only thing was she gave the jest, and she missed a lot of stuff too.

Chair Price: Maybe her jest wasn't the same as our jest.

Dee Helming: The thing of it is if you have a hot issue and you have just the jest it can be open to any kind of issue. Where if it is verbatim there is no interpretation. That is it.

Chair Price: The Commissioners voted to - -

Shelby Knopp, Planning Coordinator: Yeah, they didn't want verbatim anymore.

Dee Helming: That is because they don't want everything to come out.

Chair Price: They also have videos. We don't have that.

Shelby Knopp: We do have our audio recording.

Chair Price: We do. If it becomes contested those recordings are still filed.

Shelby Knopp: It is totally up to you. When I read through them I felt there was information missing. I talked to her, and I explained to her what I feel is the motion is the most important part of the thing and if that is not verbatim it needs to be close to verbatim.

Chair Price: I don't remember what they said what the cost was.

Shelby Knopp: She said if we chose to go to verbatim, she said it would go to two-seventy-five per minute.

Chair Price: Well, that is not bad. Whatever the board thinks. I do like the verbatim. Okay, this is a non-action item. We don't need a motion on that.

Shelby Knopp, Planning Coordinator: No. Okay, and the other thing - - do we want to add at the end of the agenda a spot for reports?

Chair Price: Staff Reports we have always had.

Shelby Knopp, Planning Coordinator: That wasn't on there and I was kind of questioning that. There hasn't been one in a couple - -

Chair Price: No. I think our very last item should be - -

Shelby Knopp, Planning Coordinator: Okay, and I can add that. Anybody have any other questions on agendas, staff reports, procedures - -

Chair Price: Not that per se. I have an agenda item I want to put up the next agenda, but - -

Miranda Tremayne: I have no questions. You do a good job, Shelby.

Dee Helming: I have a question that doesn't have anything to do with this, so - -

Shelby Knopp, Planning Coordinator: Okay, do we want to move on to public comment I guess, or reports?

Chair Price: I would like to do our staff report after our last public comment.

Shelby Knopp, Planning Coordinator: The only thing with that is per open meeting law, there has to be a public comment before you take any action and then right before adjournment. So, that is kind of the open meeting law thing. Usually, we do reports, and then public comment is the very last thing before adjournment.

Chair Price: Okay. That way I guess anybody can have the public comment on the staff report. Okay, that would be fine. I mean if we have no public comment it is because we have no public.

Shelby Knopp, Planning Coordinator: I did have some reports if you want to hear them and if you guys have anything to add we can go through that.

Chair Price: Sure.

Shelby Knopp, Planning Coordinator: We saw the Dollar General rezone today. Next meeting, we will have the Midway rezone and there is a couple of residential that are zoned commercial right now; parcels behind Midway, Midway has a dual zoning - - residential and commercial, so we will be changing that to commercial and then the properties behind, we will be changing those back to residential. That was another mistake on the county's part that - -

Chair Price: I was there when we did this.

Shelby Knopp, Planning Coordinator: So, just to clean up there. We do have our code revisions that are getting close to being ready. We will probably bring those to you guys and then to the commissioners. It is very in-depth. We have section 15, 16, and 17 which is building subdivisions and zoning, and it is very extensive code revisions.

Dee Helming: Okay, can we hold off until October on that?

Shelby Knopp, Planning Coordinator: It is kind of a pressing issue because - -

Dee Helming: I know but I am not going to be here in September. I am going to be in Wyoming and so I am going to have to do it on the phone. I will make sure you have a forum, but I am going to be on the phone, and I don't know where I will be.

Shelby Knopp, Planning Coordinator: And honestly, I don't know if they will be ready for the next meeting. They are getting close but probably not on our next agenda.

Dee Helming: Okay, good. I will be here via phone.

Shelby Knopp, Planning Coordinator: The other thing I have been working on is the business improvement program. That was something that LEDA started and then LEDA got dissolved. So, that is kind of a grant program per se that we are promoting for businesses to come ask for money, and we match part of that to improve their exteriors and their fund ages of their buildings.

Chair Price: Does that fall on Planning Commission?

Shelby Knopp, Planning Coordinator: No. That all goes to the commissioners. But just so you guys are aware maybe spread the word out there if anybody is interested.

Dee Helming: Yeah, there needs to be some promotion. Miranda and I were wondering about that last time we talked.

Shelby Knopp, Planning Coordinator: We had a very extensive meeting on it today. We are kind of wrapping those up. I will be sending them all the documents out to legal tomorrow and then after legals review we will go to commissioners to get approval for the program, and then we can start implementing that. But we are planning on putting it out in our newsletter and we will definitely let the chambers know so they can start promoting it and things like that.

Miranda Tremayne: I do have people ready for it.

Shelby Knopp, Planning Coordinator: Okay, that is great to hear. The other thing - - we do have two vacancies on our board so let all your friends know that we need people - -

Dee Helming: *Inaudible*.

Shelby Knopp, Planning Coordinator: So, Louis submitted his resignation and then Matt has some other things going on; so, he is still on the board, but he is not going to be making the next couple of meetings. So, - - we do need some more bodies on the board.

Chair Price: Okay. But there is two straight vacancies right now, correct?

Shelby Knopp, Planning Coordinator: Yes.

Chair Price: I have heard two people who are thinking about - - I said, "go submit it to Bert," whatever, get a letter somewhere. I don't know. I have had a lot of people say, "Oh yeah, we will do it."

Shelby Knopp, Planning Coordinator: Well, if they want to come talk to me and see what it is about, send them my way and I can answer any questions and - -

Chair Price: I suggest they come in to sit in a meeting or two. That is what - - before I ever got on a board, I sat in five months' worth of meetings just sitting out there listening to everything.

Dee Helming: I used to come with Joy *inaudible* years ago and listen in.

Chair Price: And you know what we did back then and possibly - - I hope we get people. When I first got on this board, I was an alternate. I would sit out there, and if somebody didn't show up then I would sit on the board, and otherwise, if everybody was there, as an alternate you sat out there and *inaudible*. So, okay.

Shelby Knopp, Planning Department: But yeah. That was all I had. What do you guys got?

Dee Helming: One - - I was going to tell you I was going to be gone in September and I am only going to be available via phone. My aunt's 90<sup>th</sup> birthday, I have to be in Wyoming. And so, what kind of ruling and restrictions - - because Barndominiums are pole barns that basically people are living in. What kind of coding do we have on that?

Shelby Knopp, Planning Coordinator: They are allowed in our residential districts because they are considered a single-family dwelling, and they are required to be built to all of our building codes and so it is something that we allow. There are certain CC&R's and neighborhoods that don't allow those, but that is something that has to be in the CC&R's and our zoning doesn't restrict that.

Dee Helming: Those are really ugly.

Shelby Knopp, Planning Coordinator: I know but they are kind of popular right now.

Miranda Tremayne: I love them. I think they are so cute *inaudible* - -

Dee Helming: The one they are talking about now is the third one that is going up in Kingston.

Shelby Knopp, Planning Coordinator: Hmm, hum. And I think it is because they are cheaper to build.

Chair Price: Have you been in those out on 3300 yet?

Shelby Knopp, Planning Coordinator: Uh-uh.

Chair Price: I went and knocked on the guys the door. But it just looks like a big ole shop. It is an old single guy, so it is a one room, one bedroom apartment. You go inside it is like immaculate. Like a brand-new house, stick built house. Essentially you walk out one door, you are outside, and you walk out the other door, and you are in your shop. We actually looked at them a lot. They make some that are very homey looking. But the ones out here just look like a shop. But those are red iron buildings. They are more sturdy than any house.

Dee Helming: The ones out in Kingston are all stick.

Shelby Knopp, Planning Coordinator: Our only restriction is it has to be built to code and that kind of protects that part of it.

Dee Helming: You can tear your house down Miranda and build one there.

Miranda Tremayne: I don't want to tear my house down. It has been there for a real long time.

Dee Helming: Well, the lot down below.

Miranda Tremayne: That would be a good spot.

Chair Price: Okay. I do have a question. You said we are looking at the codes and 15, 16, 17, which are - -

Shelby Knopp, Planning Coordinator: So, 15 is building, 16 is subdivisions, and 17 is zoning.

Chair Price: Okay.

Shelby Knopp, Planning Coordinator: I will try to get those in front of you guys when they are ready.

Dee Helming: Are we looking at changing zoning?

Shelby Knopp, Planning Coordinator: Some of the proposed changes are we are not necessarily changing the zoning, we are changing the names of the zoning. So, A1 and A2 are going to be changed, or maybe it is A2 and A3, to rural ranchettes. And there is a few other things. Some sizing - - minimum size requirements. So, the zones are going to change. Like a five-acre district is going to go down to four and one-half. And that is to account for some of these. You know five-acre ones that have extensive easements in them, so they really only are actually four and one-half.

Chair Price: I disagree with all that. That got to be a real hot issue a year ago with people splitting a 10-acre lot in five-acre zoning and they split it and then they have two lots that are four point seven acres a piece.

Shelby Knopp, Planning Coordinator: And you know, it happened a lot.

Chair Price: And I agreed with the property owners. I mean you still have five acres so part of it is an easement but what else are you going to do? It was a hot issue. But that would be good to clarify some of that on paper finally.

Shelby Knopp, Planning Coordinator: Yeah. And then you said you had a request for an agenda item.

Chair Price: Yes, I would like to have a non-action item. I would like to discuss, and I would like to get from you - - this home occupation permit, I would like to get all that stuff in paper. I used to have a stack of books like this big.

Shelby Knopp, Planning Coordinator: So, what would you like to see? Do you want to see the application and the restorations?

Chair Price: Yes.

Shelby Knopp, Planning Coordinator: Do you want to discuss the whole home occupation process?

Chair Price: Yes, I would like to discuss the home occupation permits. I would like to get those from you so I can maybe be a little bit ahead of the game.

Dee Helming: Can you send them to all of us?

Shelby Knopp, Planning Coordinator: Yeah.

Dee Helming: Just email them to all of us.

Shelby Knopp, Planning Coordinator: And you want that discussion item for the next meeting?

Chair Price: Yes, please.

Shelby Knopp, Planning Coordinator: Okay. So, I will have a - - tomorrow, since it is late, I will email that to all of you guys and then maybe I will prepare some type of report or update or something for you guys for next meeting.

Chair Price: Yeah, because I am way out of touch on all the restrictions and criteria to meet home occupation permits.

Dee Helming: And it has to be renewed every year, right?

Shelby Knopp, Planning Coordinator: And that is something that hasn't been done since 2017.

Dee Helming: I was going to say we have only seen new ones.

Shelby Knopp, Planning Coordinator: So that is something that I am working on for an update for 2024. I will be bringing you guys all of those that need to be updated and that is a very extensive process. So, we will even see if I am ready in 2024.

Chair Price: Yeah, we used to - - I know we are supposed to review them every year and it would be every three, or four - - five years we finally get it put together and brought to us. And every time you do you can scrap half of them at least because they don't live here anymore.

Shelby Knopp, Planning Coordinator: Yeah. And that is what you will find - -

Chair Price: Just clean up all the records in the files and *inaudible*. So, that is great if we can - -

Shelby Knopp, Planning Coordinator: Yep. I am working on that right now. And the - - so, it is the home occupations, and the special use permits that are supposed to be

reviewed annually. So, I am working on those too. So, sometime in 2024 we will be reviewing all of those.

Chair Price: That would be great.

Dee Helming: *Inaudible*.

Chair Price: We could keep them forever.

Dee Helming: They don't transfer with the property do they?

Shelby Knopp, Planning Coordinator: Um-hum.

Dee Helming: Oh, do they? Cool. My kids won't have to worry about it then.

Chair Price: That property that used to be Steve Sheldon's, that was his horse property - - those corrals now, where they are going to build *inaudible*. And I thought about buying it and they said, "Nah, if you buy it you don't get all that." Steve's wife kept them for years and years. But anyway - -

Dee Helming: Yeah, if you have horses in the middle of town now, they don't *inaudible* - -

Chair Price: Across the street from the firework store.

Dee Helming: I see they are back open.

Shelby Knopp, Planning Coordinator: I didn't even know they were closed.

Chair Price: *Inaudible*.

Dee Helming: Yeah, it was ugly.

Chair Price: Like on the July 1<sup>st</sup> they come in and closed the firework store.

Shelby Knopp, Planning Coordinator: I must have not worked here at that time.

Chair Price: Okay, thank you for - -

Dee Helming: Oh wait, we need the motion to adjourn, don't we?

Chair Price: Oh, we have to - -

Dee Helming: No?

Shelby Knopp, Planning Coordinator: Public Comment and adjourn.

Chair Price: Public Comment?

**Public Comment:**

*No public comment.*

**Chair Price:** Motion for adjournment.

**Dee Helming:** So motioned.

**Seconded by:** Steve Steinmetz.

**Motion voted and carried unanimously.**

*Meeting adjourned.*

---

CHAIRMAN OR VICE CHAIRMAN OF THE LANDER COUNTY PLANNING COMMISSION

ATTEST:

---

---

LANDER COUNTY PLANNING COORDINATOR

---

**Planning Commission Meeting of August 16, 2023**

# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 1

---

- 1.) Review, consideration, and possible action on Home Occupation Permit No. 23-08 filed by David and Ramona Howard, doing business as Elko Pest Control, to allow a pest control business as a Home Occupation within an A-2 – Five-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the southwest corner of the intersection of John Tyler Avenue and Jensen Court, 1605 Jensen Court, Battle Mountain, NV 89820; APN 011-370-21.

**Staff report attached separately.**

**Recommended Motion: Conditionally Approve Home Occupation No. 23-08 filed by David and Ramona Howard, doing business as Elko Pest Control, subject to the facts, findings, and conditions listed in the Lander County Staff Report dated September 26, 2023. Conditions listed as follows:**

**(Standard conditions for all Home Occupation Permits)**

- 1) **The permit will be reviewed annually.**
- 2) **That the permit be governed by the information stated on the application.**
- 3) **The permit is non-transferrable, and does not run with the land.**
- 4) **That this permit is subject to applicable County, State, and Federal business licensing and inspection requirements.**
- 5) **The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.**
- 6) **No parking or operations to occur in front of or on neighboring property frontages.**
- 7) **Storage of any vehicles or trailers must occur on private property and not on property frontage or County Right-of-Ways.**
- 8) **Facility must be able to keep all inventory contained at all times**



**LANDER COUNTY STAFF REPORT**  
**HOME OCCUPATION APPLICATION**

**Applicant: David & Ramona Howard DBA Elko Pest Control\_775-546-8454**  
**Report Date: 09/26/2023** **Report Due from Staff: 10/16/2023**  
**Agenda Item Number: 1** **Application Number: PD-HOP-2023-08**  
**Planning Commission Date: 10/25/2023**  
**Project Description: Pest Control Service Business as a Home Occupation**

**PROJECT INFORMATION**

**ADDRESS:** 1605 Jensen Court, Battle Mountain, NV 89820  
**PARCEL NUMBER:** 011-370-21  
**PARCEL SIZE:** 4.24 acres +/-  
**EXISTING ZONING:** A-2 – Five-Acre Agricultural District  
**MASTER PLAN DESIGNATION:** Rural Ranchette  
**EXISTING LAND USE:** Code 220 – Manufactured Home Converted to Real Property

**NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

North: A2 – Five-Acre Agricultural District Parcels: 011-360-10 & 011-360-11  
South: A2 – Five-Acre Agricultural District Parcel: 011-370-22  
West: A2– Five-Acre Agricultural District Parcel: 011-370-34  
East: A2 – Five-Acre Agricultural District Parcel: 011-370-13.

**PROPERTY CHARACTERISTICS:**

The property is generally flat. The property is accessed from John Tyler Avenue.

**EXISTING FLOOD ZONE:**

**Zone X**  
Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA’s National Flood Insurance Program each year  
**This parcel is not designated in a Special Flood Hazard Area (SFHA).**

**BACKGROUND:**

- The Applicants are requesting a home occupation permit for a pest control service business.
- The Applicants are the property owners.
- Applicants have indicated that they will be using 224 square feet of the home for the business.



- They expect one delivery per month and no visitors to the home associated with the business.
- There will be at least one vehicle associated with the business (type and number of vehicles was not indicated on the application).
- Applicant has indicated that there will be no effect to the adjoining property owners.

**MASTER PLAN AND COUNTY CODES:**

- Lander County Code – Title 17, Section 17.15 Home Occupations
- Lander County Code – Title 17, Section 17.36 Five-Acre Agricultural District – A2
- Lander County Master Plan – Land Use Component

**HOME OCCUPATIONS:**

- Use Limitations:
  - The applicant has agreed to all use limitations associated with a Home Occupation Permit listed in Lander County Code Section 17.15.030.

**ZONING DISTRICTS:**

- A2- Five-Acre Agricultural District
  - All uses permitted in zone A-1;
    - Home occupations subject to the issuance of a home occupation special use permit;
  - The proposed business will be in conformance with Section 17.34.10 upon issuance of the Home Occupation Special Use Permit.

**MASTER PLAN**

**Land use:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Atlas shows the area as Rural Ranchette.

**FINDINGS:**

- The proposed application is in conformance with: Lander County Code – Title 17, Section 17.15 Home Occupations.
- The proposed application is in conformance with Lander County Code – Title 17, Section 17.36 A2- Five-Acre Agricultural District, with issuance of Home Occupation Special Use Permit.
- The proposed application is in conformance with the Lander County Master Plan Land Use Component.

**STAFF RECOMMENDATION:**

Applicant has requested a small business, Home Occupation Permit, that provides pest control services.

Staff recommends this item be **CONDITIONALLY APPROVED**, based on the facts, findings and conditions listed in this staff report.

**CONDITIONS:**

(Standard conditions for all Home Occupation Permits)

- 1) The permit will be reviewed annually.

- 2) That the permit be governed by the information stated on the application.
- 3) The permit is non-transferrable and does not run with the land.
- 4) That this permit is subject to applicable County, State, and Federal business licensing and inspection requirements.
- 5) The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.
- 6) No parking or operations to occur in front of or on neighboring property frontages.
- 7) Storage of any vehicles or trailers must occur on private property and not on property frontage or County Right-of-Ways.
- 8) Facility must be able to keep all inventory contained at all times

## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Monday, October 9, 2023 9:22 AM  
**To:** Building Department  
**Cc:** Planning department; Aaron Martinez; April Pacheco; Bert Ramos; Bill Schaeffer; Jeanne Falzone; Lura Duvall  
**Subject:** Re: PD HOP 23-08\_Elko Pest Control Review

I have no issues

Don

On Mon, Oct 9, 2023 at 8:44 AM Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)> wrote:

No issues for me. Looks good as written.

Colt

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Friday, October 6, 2023 10:07 AM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** PD HOP 23-08\_Elko Pest Control Review

Good Morning Everyone,

Happy Friday!! I am going to start sending out items for review for the October 25<sup>th</sup> Planning Commission meeting. There are 9 items on the agenda, so I am going to blow up your inbox this morning! ☺

This one is for a Home Occupation Permit for a pest control business located at 1605 Jensen Court.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Let me know if you have any questions.

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)



Lander County  
Community Development

Lander County Planning  
Date Received 9/12/23  
Application No. PD HOP 23-08

HOME OCCUPATION PERMIT APPLICATION

APPLICANT/OWNER INFORMATION

Applicant(s): David and Ramona Howard

Address: 1605 Jensen Ct Battle Mountain, NV 89820

Mailing Address: Same as above

Phone/Email: 775-546-8454 mona@elkopc.com

Legal Owner(s) of property: David and Ramona Howard

PROJECT INFORMATION

Property Location: 1605 Jensen Ct.

Assessor's Parcel Numbers(s): D11-370-21

Current Master Plan: \_\_\_\_\_ Current Zoning: A2

Name of Business: Elko Pest Control

Type of Business: Pest Control Service

Are there any deed restrictions affecting the use of the property? \_\_\_\_\_

Number of persons, including applicant, working on site in home occupation business: 2

Identify all areas and square footage of the house that will be used for the home occupation. (Example: Second floor rear bedroom, 10' x 10' = 100 square feet): 224 sq. ft 14 x 16

2nd. living room (office)

Describe anticipated deliveries (Number per week, type of delivery vehicle, etc.) 1 monthly

UPS, FedEx

Will there be any vehicle(s) used in connection with the home occupation? Yes

If yes, describe the size and type of vehicle(s), including the payload capacity in pounds. \_\_\_\_\_

Estimate the number of visitors per day associated with the Home Occupation Use: NONE

How will the proposed project affect adjoining property owners, (noise, dust, traffic, etc.)? \_\_\_\_\_

Will not affect adjoining property owners

**SIGNATURE(S)**

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

Ramona Howard  
Applicant's Signature

9/12/23  
Date

**HOME OCCUPATION PERMIT  
APPLICATION CHECKLIST  
Lander County, NV**

The following must accompany this application:

- 1. **\$75.00 application fee (non-refundable).** Check or money orders payable to Lander County
- 2. **Site Plan showing use, location, or other information regarding this request.**
- 3. **Signed Statement of Compliance**
- 5. **One hardcopy and one electronic copy (CD or USB) of all application materials.**

**NOTE**

**It is strongly recommended that all applicants or their representative physically attend (or be available by phone) the Planning Commission hearing as their application may be deferred or denied for lack of evidence.**

# OWNER'S AFFIDAVIT

STATE OF NEVADA            )  
  ) SS.  
COUNTY OF LANDER        )

I, Ramona Howard BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HERewith SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

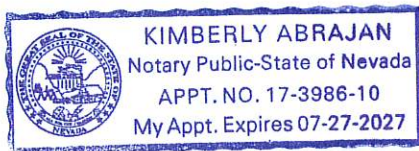
PROPERTY ADDRESS OR PARCEL NUMBER: 011-370-21

SIGNED Ramona Howard

MAILING ADDRESS 1605 Jensen Ct.  
Battle Mountain, NV  
89820

PHONE 775-526-9546

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF September, 2023



Kimberly Abrajan Lander, NV  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
MY COMMISSION EXPIRES: 7-27-2027

**STATEMENT OF COMPLIANCE**

**HOME OCCUPATION PERMIT-LANDER COUNTY**


I HAVE READ THE ATTACHED CHAPTER 17.15 OF THE LANDER COUNTY CODE RELATING TO HOME OCCUPATIONS. I UNDERSTAND THE RESTRICTIONS PLACED UPON HOME OCCUPATIONS AND I AGREE TO COMPLY WITH THE RESTRICTIONS.

I UNDERSTAND THAT VIOLATION OF THESE PROVSINOS MAY BE GROUNDS FOR A REVIEW AND POSSIBLE REVOCATION OF MY PERMIT TO DO BUSINESS.

---

Business Name Elko Pest Control

Applicant's Name Ramona Howard

Applicant's Signature 

Mailing Address 1105 Jensen Ct. Battle Mountain, NV 89820

Date 9/12/23







[Close Window](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 011-370-21**

**Prior Parcel #** [011-370-16](#)

**Location**

Property Location [1605 JENSEN COURT](#)

Town [8.0 - Battle Mountain Road Special](#)

District [PAR D-1 JENSEN MAP](#)

Subdivision [200265](#) Lot Block

Property Name

[Add'l Addresses](#)  
[Assessor Maps](#)  
[Legal Description](#)  
[Ag Land](#)

**Ownership**

Assessed Owner Name [HOWARD, DAVID JOSEPH & RAMONA](#)

Mailing Address [1605 JENSEN COURT](#)  
[BATTLE MOUNTAIN, NV 89820-0000](#)

Legal Owner Name [HOWARD, DAVID JOSEPH & RAMONA](#)

Vesting Doc #, Date [306051](#) [07/22/2022](#) Year / Book / Page [22 / 0 / 0](#)

Map Document #s [200265](#)

[Ownership History](#)  
[Document History](#)

**Description**

Total Acres [4.240](#) Square Feet [0](#)

Ag Acres [.000](#) W/R Acres [.000](#)

**Improvements**

Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">3 / 2.00</a>
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">1</a>	Stories <a href="#">1.0</a>
Multiple-family Units <a href="#">0</a>	Wells <a href="#">1</a>	Garage Square Ft... <a href="#">1,800</a>
Mobile Homes <a href="#">1</a>	Septic Tanks <a href="#">1</a>	Attached / Detached <a href="#">D</a>
Total Dwelling Units <a href="#">1</a>	Buildings Sq Ft <a href="#">0</a>	
	Residence Sq Ft <a href="#">2,160</a>	
	Basement Sq Ft <a href="#">0</a>	Basement
	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>

[Improvement List](#)  
[Improvement Sketches](#)  
[Improvement Photos](#)

**Appraisal Classifications**

Current Land Use Code [220](#) [Code Table](#)

Zoning Code(s) [A2](#)

Re-appraisal Group [4](#) Re-appraisal Year [2023](#)

Original Construction Year [1997](#) Weighted Year

Assessed Valuation			
Assessed Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	5,250	5,250	5,250
Improvements	58,562	54,049	54,326
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Assessed Value</b>	<b>63,812</b>	<b>59,299</b>	<b>59,576</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

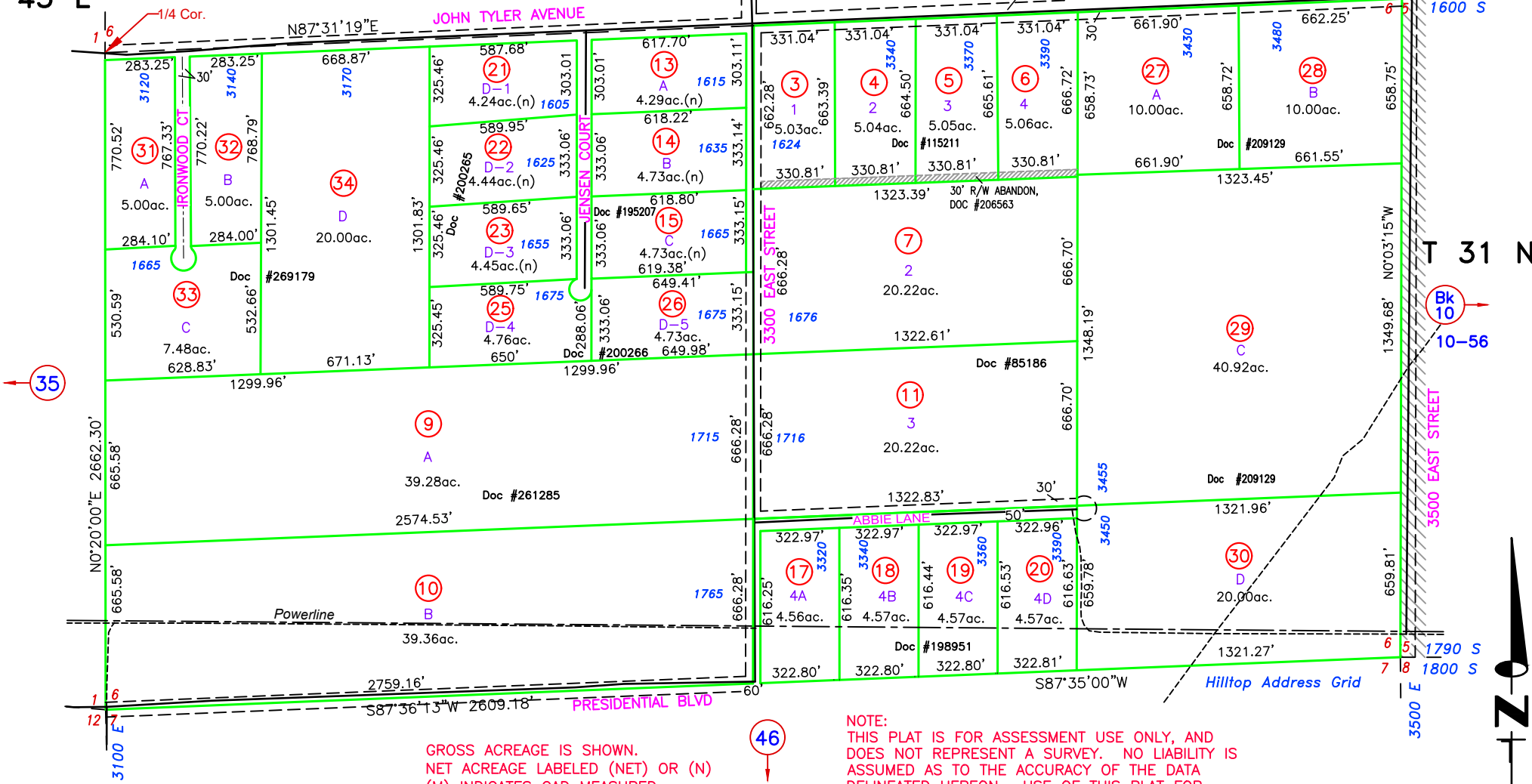
Taxable Valuation			
Taxable Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	15,000	15,000	15,000
Improvements	167,320	154,426	155,217
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Taxable Value</b>	<b>182,320</b>	<b>169,426</b>	<b>170,217</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

R 45 E

R 46 E 36 S 1/2 Section 6

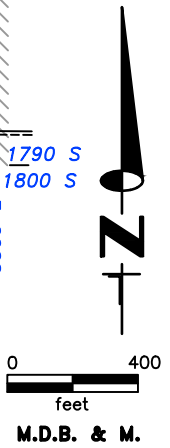
1/4 Cor.



GROSS ACREAGE IS SHOWN.  
 NET ACREAGE LABELED (NET) OR (N)  
 (M) INDICATES CAD MEASURED

NOTE:  
 THIS PLAT IS FOR ASSESSMENT USE ONLY, AND  
 DOES NOT REPRESENT A SURVEY. NO LIABILITY IS  
 ASSUMED AS TO THE ACCURACY OF THE DATA  
 DELINEATED HEREON. USE OF THIS PLAT FOR  
 OTHER THAN ASSESSMENT PURPOSES IS FORBIDDEN  
 UNLESS APPROVED BY THE DEPT. OF TAXATION,  
 DIVISION OF ASSESSMENT STANDARDS.

LABEL 30' R/W ABANDONMENT, 011-370-03/06, DOC #206563, 10/18/22 NJW  
 UPDATE LANDBASE 08/15/19 NJW  
 SPLIT 11-370-01 TO 11-370-31, 32, 33 & 34 DOC #269179;  
 BOUNDARY ADJUSTMENT 11-370-09 & 10 DOC #261285; 03/30/17 NJW



LANDER COUNTY



# PD HOP 23-08 Howard\_Elko Pest Control



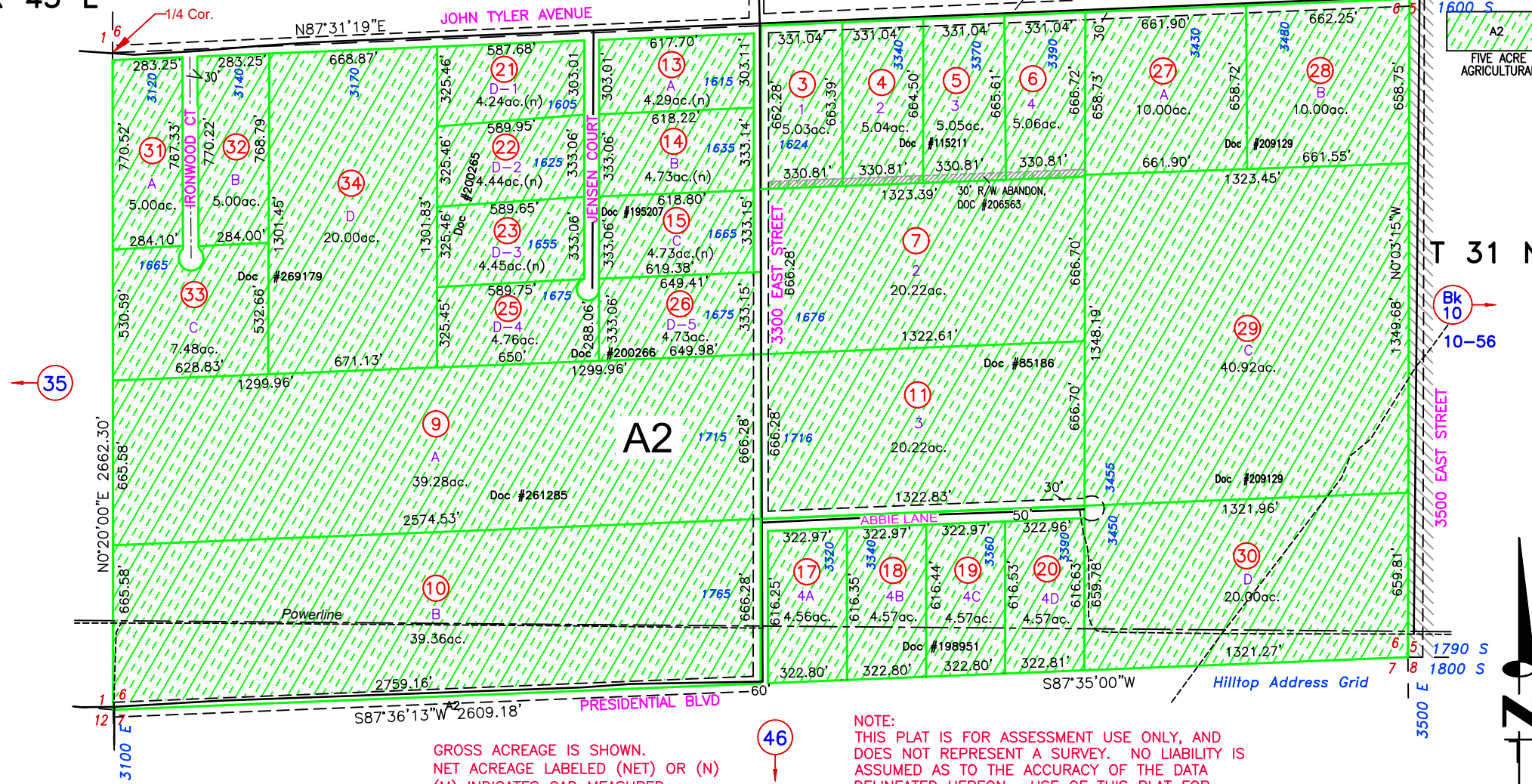
04/08/2020

© All EagleView Technology Corporation



R 46 E 36 S 1/2 Section 6

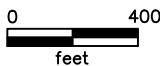
R 45 E



GROSS ACREAGE IS SHOWN.  
NET ACREAGE LABELED (NET) OR (N)  
(M) INDICATES CAD MEASURED

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY, AND  
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS  
ASSUMED AS TO THE ACCURACY OF THE DATA  
DELINEATED HEREON. USE OF THIS PLAT FOR  
OTHER THAN ASSESSMENT PURPOSES IS FORBIDDEN  
UNLESS APPROVED BY THE DEPT. OF TAXATION,  
DIVISION OF ASSESSMENT STANDARDS.

LABEL 30' R/W ABANDONMENT, 011-370-03/06, DOC #206563, 10/18/22 NJW  
UPDATE LANDBASE 08/15/19 NJW  
SPLIT 11-370-01 TO 11-370-31, 32, 33 & 34 DOC #269179;  
BOUNDARY ADJUSTMENT 11-370-09 & 10 DOC #261285; 03/30/17 NJW



M.D.B. & M.

LANDER COUNTY

# Lander County Planning Commission



October 12, 2023

Dear Property Owner:

Lander County Code requires that property owners within a certain distance be notified when there is an application to change or add to the use on a property. If you have comments regarding this proposed use, please feel free to attend the Public Hearing to state your support or concerns. If you are unable to attend the hearing, please feel free to send in written correspondence prior to the meeting date via mail or email, so that it can be read into the record.

Sincerely,

A handwritten signature in cursive script that reads "Shelby Knopp".

Shelby Knopp  
Planning Coordinator

**NOTICE IS HERBY GIVEN** that a Public Hearing will be conducted by the Lander County Planning Commission regarding the following Home Occupation Permit:

**Applicant:** David and Ramona Howard DBA "Elko Pest Control"  
**Location:** 1605 Jensen Court, Battle Mountain, NV 89820  
**APN:** 011-370-21  
**Type:** To operate a pest control business as a home occupation.

**DATE & TIME:** October 25, 2023 @ 6:00 p.m.

**PLACE:** Community Meeting Room  
**Lander County Courthouse**  
50 State Route 305  
Battle Mountain, NV 89820

Please call/email the Lander County Planning Department for further information, 635-2860  
[Planning@landercountynv.org](mailto:Planning@landercountynv.org).

PD HOP 23-08  
Howard\_Elko Pest Control

APN:	Owner:	c/o:	tsc_mailin	City, State, Zip
1 01137022	ALEXANDER, WAYNE & KRISTINE L		1625 JENSEN COURT	BATTLE MOUNTAIN, NV 89820
2 01136010	FRIDAY LAND & CATTLE, LLC		1565 3300 EAST STREET	BATTLE MOUNTAIN, NV 89820
01136011	FRIDAY LAND & CATTLE, LLC		1565 3300 EAST STREET	BATTLE MOUNTAIN, NV 89820
3 01137021	HOWARD, DAVID JOSEPH & RAMONA		1605 JENSEN COURT	BATTLE MOUNTAIN, NV 89820
4 01137034	MCKIRDY, KEITH L & CONNIE S		3170 JOHN TYLER AVENUE	BATTLE MOUNTAIN, NV 89820
5 01136007	WAXER, DANIEL & MARY		294 WALNUT DRIVE	VENTURA, CA 93006
6 01137013	WEBER REVOCABLE TRUST	WEBER, LEO W JR & LAURA,TRSTEE	PO BOX 487	BATTLE MOUNTAIN, NV 89820
7 01137014	WHITTEN, WILLIAM L II & TERESA		1635 3300 EAST STREET	BATTLE MOUNTAIN, NV 89820

7 TOTAL

PD HOP 23-08  
Howard\_Elko Pest Control

Site add:

3170 JOHN TYLER AVE

0

3215 JOHN TYLER AVENUE

1605 JENSEN COURT

1565 3300 EAST

1625 JENSEN COURT

1635 3300 EAST

1615 3300 EAST



# PD HOP 23-08 Property Owner Notice Map



03/28/2020 - 05/28/2020



# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 2

---

- 2.) Review, consideration, and possible action on Home Occupation Permit No. 23-09 filed by Ronald and April Pacheco, doing business as PFK Services, LLC, to allow handyman and mobile detailing businesses as Home Occupations within the R-4 – Multiple-Family Residential Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the south side of W. Humboldt Street, approximately 180' east of the intersection of W. Humboldt Street and Lemaire Road, 962 W. Humboldt Street, Battle Mountain, NV 89820; APN 002-341-13.

Staff report attached separately.

**Recommended Motion: Conditionally Approve Home Occupation No. 23-09 filed by Ronald and April Pacheco, doing business as PFK Services, LLC, subject to the facts, findings, and conditions listed in the Lander County Staff Report dated September 26, 2023. Conditions listed as follows:**

(Standard conditions for all Home Occupation Permits)

- 1) The permit will be reviewed annually.
- 2) That the permit be governed by the information stated on the application.
- 3) The permit is non-transferrable and does not run with the land.
- 4) That this permit is subject to applicable County, State, and Federal business licensing and inspection requirements.
- 5) The permit will automatically be reviewed in the event any complaints are received and could possibly be revoked.
- 6) No parking or operations to occur in front of or on neighboring property frontages.
- 7) Storage of any vehicles or trailers must occur on private property and not on property frontage or County Right-of-Ways.
- 8) Facility must be able to keep all inventory contained at all times



**LANDER COUNTY STAFF REPORT**  
**HOME OCCUPATION APPLICATION**

**Applicant: Ronald & April Pacheco DBA PFK Services, LLC\_775-455-6246**  
**Report Date: 09/26/2023** **Report Due from Staff: 10/16/2023**  
**Agenda Item Number: 2** **Application Number: PD-HOP-2023-09**  
**Planning Commission Date: 10/25/2023**  
**Project Description: Handyman and mobile detailing Business as a Home Occupation**

**PROJECT INFORMATION**

**ADDRESS:** 962 W Humboldt Street, Battle Mountain, NV 89820  
**PARCEL NUMBER:** 002-341-13  
**PARCEL SIZE:** 0.204 acres +/-  
**EXISTING ZONING:** R4 – Multiple-Family Residential District  
**MASTER PLAN DESIGNATION:** High Density  
**EXISTING LAND USE:** Code 231 – Manufactured Home Conversions Pending

**NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- North: GP – Governmental Purpose District Parcel: 002-350-06
- South: R1 – Single-Family Residential District Parcel: 002-341-02
- West: R4 – Multiple-Family Residential District Parcel: 002-341-12
- East: R4 – Multiple-Family Residential District Parcel: 002-341-14.

**PROPERTY CHARACTERISTICS:**

The property is generally flat. The property is accessed from West Humboldt Street.

**EXISTING FLOOD ZONE:**

**Zone X**

Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA’s National Flood Insurance Program each year

**This parcel is not designated in a Special Flood Hazard Area (SFHA).**

**BACKGROUND:**

- The Applicants are requesting a home occupation permit for handyman and mobile detailing businesses.
- The Applicants are the property owners.
- Applicants have indicated that they will be using 100 square feet of the home for the business.
- They expect no deliveries and no visitors to the home associated with the business.
- There will be one vehicle associated with the business, which is a 2010 Ford F-150

- Applicant has indicated that there will be no effect to the adjoining property owners.

**MASTER PLAN AND COUNTY CODES:**

- Lander County Code – Title 17, Section 17.15 Home Occupations
- Lander County Code – Title 17, Section 17.46 Multiple-Family Residential District – R-4
- Lander County Master Plan – Land Use Component

**HOME OCCUPATIONS:**

- Use Limitations:
  - The applicant has agreed to all use limitations associated with a Home Occupation Permit listed in Lander County Code Section 17.15.030.

**ZONING DISTRICTS:**

- R-4 – Multiple-Family Residential District
  - Home occupations are not allowed, except in single-family dwellings.
    - Structure is classified as a single-family dwelling, and therefore allows Home Occupations.
  - The proposed business will be in conformance with Section 17.46.10 upon issuance of the Home Occupation Special Use Permit.

**MASTER PLAN**

**Land use:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Atlas shows the area as high density.

**FINDINGS:**

- The proposed application is in conformance with: Lander County Code – Title 17, Section 17.15 Home Occupations.
- The proposed application is in conformance with Lander County Code – Title 17, Section 17.46 Multiple-Family Residential District – R-4, with issuance of Home Occupation Special Use Permit.
- The proposed application is in conformance with the Lander County Master Plan Land Use Component.

**STAFF RECOMMENDATION:**

Applicant has requested a small business, Home Occupation Permit, that provides handyman and mobile detailing services.

Staff recommends this item be **CONDITIONALLY APPROVED**, based on the facts, findings and conditions listed in this staff report.

**CONDITIONS:**

(Standard conditions for all Home Occupation Permits)

- 1) The permit will be reviewed annually.
- 2) That the permit be governed by the information stated on the application.
- 3) The permit is non-transferrable and does not run with the land.
- 4) That this permit is subject to applicable County, State, and Federal business licensing and inspection requirements.

- 5) The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.
- 6) No parking or operations to occur in front of or on neighboring property frontages.
- 7) Storage of any vehicles or trailers must occur on private property and not on property frontage or County Right-of-Ways.
- 8) Facility must be able to keep all inventory contained at all times

## Planning department

---

**From:** Building Department <building@landercountynv.org> on behalf of Building Department  
**Sent:** Monday, October 9, 2023 9:32 AM  
**To:** Planning department  
**Subject:** RE: HOP 23-09 Pacheco\_PFK Services, LLC\_ Review

Staff Report looks good to me. No Issues

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Friday, October 6, 2023 10:39 AM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** HOP 23-09 Pacheco\_PFK Services, LLC\_ Review

Good Morning,

Please review the attached staff report and supporting documents regarding a Home Occupation permit for a handyman and mobile detailing business located at 962 W. Humboldt Street.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Thank you!

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Monday, October 9, 2023 10:02 AM  
**To:** Planning department  
**Cc:** Aaron Martinez; Bert Ramos; Bill Schaeffer; Building Department; Jeanne Falzone; Lura Duvall  
**Subject:** Re: HOP 23-09 Pacheco\_PFK Services, LLC\_ Review

I have no issues with this

On Fri, Oct 6, 2023 at 10:38 AM Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)> wrote:

Good Morning,

Please review the attached staff report and supporting documents regarding a Home Occupation permit for a handyman and mobile detailing business located at 962 W. Humboldt Street.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Thank you!

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)





# Lander County Community Development

Lander County Planning  
Date Received 9/12/23  
Application No. PDHOP 23-09

## HOME OCCUPATION PERMIT APPLICATION

### APPLICANT/OWNER INFORMATION

Applicant(s): Ronald and April Pacheco

Address: 962 W. Humboldt Street, Battle Mountain NV 89820

Mailing Address: 962 W Humboldt Street, Battle Mountain NV 89820

Phone/Email: 775- 455-6246 pfkservicesllc2023@outlook.com

Legal Owner(s) of property: April A Kennedy

### PROJECT INFORMATION

Property Location: 962 W. Humboldt Street, Battle Mountain NV 89820

Assessor's Parcel Number(s): 002-341-13

Current Master Plan: \_\_\_\_\_ Current Zoning: R4

Name of Business: PFK Services LLC DBA: The-To-Do-List Handyman DBA: Gnomes Mobile Auto Detailing

Type of Business: Handyman and Mobile Detailing

Are there any deed restrictions affecting the use of the property? NO

Number of persons, including applicant, working on site in home occupation business: 1

Identify all areas and square footage of the house that will be used for the home occupation. (Example: Second floor rear bedroom, 10' x 10' = 100 square feet): \_\_\_\_\_

Bedroom 10' x 11'= 100 Sq ft.

Describe anticipated deliveries (Number per week, type of delivery vehicle, etc.) None

Will there be any vehicle(s) used in connection with the home occupation? Yes

If yes, describe the size and type of vehicle(s), including the payload capacity in pounds. 2010 Ford F-150

Estimate the number of visitors per day associated with the Home Occupation Use: None

How will the proposed project affect adjoining property owners, (noise, dust, traffic, etc.)? \_\_\_\_\_

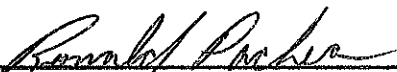
There should be no effect to the adjoining property owners.

**SIGNATURE(S)**

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.



Applicant's Signature



Date

9-12-23

**HOME OCCUPATION PERMIT  
APPLICATION CHECKLIST  
Lander County, NV**

The following must accompany this application:

- 1. **\$75.00 application fee (non-refundable).** Check or money orders payable to Lander County
- 2. **Site Plan showing use, location, or other information regarding this request.**
- 3. **Signed Statement of Compliance**
- 5. **One hardcopy and one electronic copy (CD or USB) of all application materials.**

**NOTE**

**It is strongly recommended that all applicants or their representative physically attend (or be available by phone) the Planning Commission hearing as their application may be deferred or denied for lack of evidence.**

# OWNER'S AFFIDAVIT

STATE OF NEVADA )  
 ) SS.  
COUNTY OF LANDER )

I, April Pacheco BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HEREWITH SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

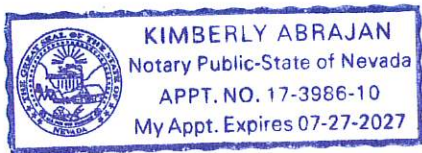
PROPERTY ADDRESS OR PARCEL NUMBER: 002-341-13

SIGNED *April Pacheco*

MAILING ADDRESS 962 W. Humbolt  
Battle Mt NV 89820

PHONE 775-455-5708

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12 DAY OF September, 2023



*Kimberly Abrajan* Lander, NV  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
MY COMMISSION EXPIRES: 07-27-2027

## USE LIMITATIONS FOR HOME OCCUPATION

### Lander County Municipal Code Section 17.15.030 - Use limitations.

#### A. Employee Limitations.

1. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
2. No person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation

#### B. Structural Limitation.

1. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

#### C. Operational Limitations.

1. No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
2. No more than a total of four hundred eighty square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
3. No stock in trade shall be displayed or sold outside of the dwelling unit used in any home occupation.
4. No routine attendance of patients, clients, subcontractors or employees associated with any home occupation shall be allowed. The attendance of up to five customers at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires non-domiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
5. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
6. No outdoor storage shall be allowed in connection with any home occupation.
7. No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
8. No home occupations of any use entailing food processing or packing, harboring of animals, automobile repair or similar activity shall be allowed to receive a permit.

**STATEMENT OF COMPLIANCE**

HOME OCCUPATION PERMIT-LANDER COUNTY

I HAVE READ THE ATTACHED CHAPTER 17.15 OF THE LANDER COUNTY CODE RELATING TO HOME OCCUPATIONS. I UNDERSTAND THE RESTRICTIONS PLACED UPON HOME OCCUPATIONS AND I AGREE TO COMPLY WITH THE RESTRICTIONS.

I UNDERSTAND THAT VIOLATION OF THESE PROVSINOS MAY BE GROUNDS FOR A REVIEW AND POSSIBLE REVOCATION OF MY PERMIT TO DO BUSINESS.

---

Business Name PFK Services LLC

Applicant's Name Ronald Pacheco and April Pacheco

Applicant's Signature 

Mailing Address 962 W. Humboldt Street, Battle Mountain, NV 89820

Date 9/12/2023



[Close Window](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 002-341-13**

**Prior Parcel #** [002-341-01](#)

**Location**

Property Location [962 W HUMBOLDT STREET](#)

Town [Add'l Addresses](#)

District [2.0 - Battle Mountain Town](#) [Assessor Maps](#)

Subdivision [PAR 2, EMERALD MAP](#) [Legal Description](#)

[#267371](#) Lot Block [Ag Land](#)

Property Name

**Ownership**

Assessed Owner Name [KENNEDY, APRILA](#)

Mailing Address [962 W HUMBOLDT ST](#) [Ownership History](#)

[BATTLE MOUNTAIN, NV 89820](#) [Document History](#)

Legal Owner Name [KENNEDY, APRILA](#)

Vesting Doc #, Date [278693](#) [10/07/2016](#) Year / Book / Page [16 / 686](#)

[/9](#)

Map Document #s [83048](#) [267371](#)

**Description**

Total Acres [.204](#) Square Feet [8,907](#)

Ag Acres [.000](#) W/R Acres [.000](#)

**Improvements**

Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">3 / 2.00</a>
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">1</a>	Stories <a href="#">.0</a>
Multiple-family Units <a href="#">0</a>	Wells <a href="#">0</a>	Garage Square Ft... <a href="#">0</a>
Mobile Homes <a href="#">1</a>	Septic Tanks <a href="#">0</a>	Attached / Detached
Total Dwelling Units <a href="#">1</a>	Buildings Sq Ft <a href="#">0</a>	
<a href="#">Improvement List</a>	Residence Sq Ft <a href="#">1,248</a>	
<a href="#">Improvement Sketches</a>	Basement Sq Ft <a href="#">0</a>	Basement
<a href="#">Improvement Photos</a>	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>

**Appraisal Classifications**

Current Land Use Code [231](#) [Code Table](#)

Zoning Code(s) [R4](#)

Re-appraisal Group [5](#) Re-appraisal Year [2019](#)

Original Construction Year [2016](#) Weighted Year

**Assessed Valuation**

Assessed Values	2023-24	2022-23	2021-22
Land	8,050	8,050	8,050
Improvements	7,366	6,441	6,474
Personal Property	14,006	15,083	15,458
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Assessed Value</b>	<b>29,422</b>	<b>29,574</b>	<b>29,982</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

**Taxable Valuation**

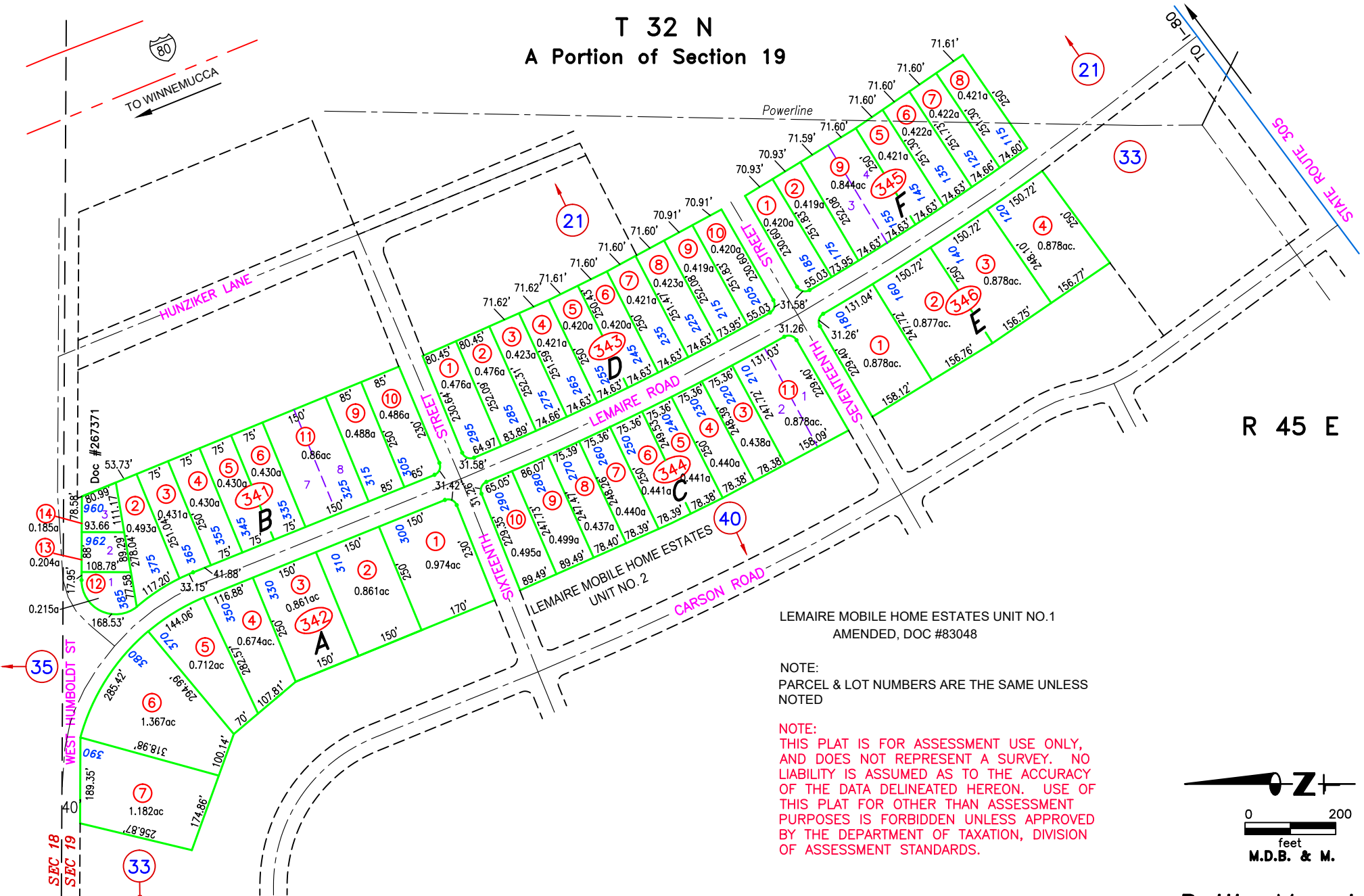
Taxable Values	2023-24	2022-23	2021-22
Land	23,000	23,000	23,000
Improvements	21,046	18,403	18,497
Personal Property	40,017	43,094	44,166
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Taxable Value</b>	<b>84,063</b>	<b>84,497</b>	<b>85,663</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)



T 32 N  
A Portion of Section 19

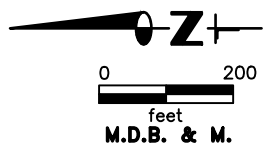
R 45 E



LEMAIRE MOBILE HOME ESTATES UNIT NO.1  
AMENDED, DOC #83048

NOTE:  
PARCEL & LOT NUMBERS ARE THE SAME UNLESS NOTED

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY,  
AND DOES NOT REPRESENT A SURVEY. NO  
LIABILITY IS ASSUMED AS TO THE ACCURACY  
OF THE DATA DELINEATED HEREON. USE OF  
THIS PLAT FOR OTHER THAN ASSESSMENT  
PURPOSES IS FORBIDDEN UNLESS APPROVED  
BY THE DEPARTMENT OF TAXATION, DIVISION  
OF ASSESSMENT STANDARDS.

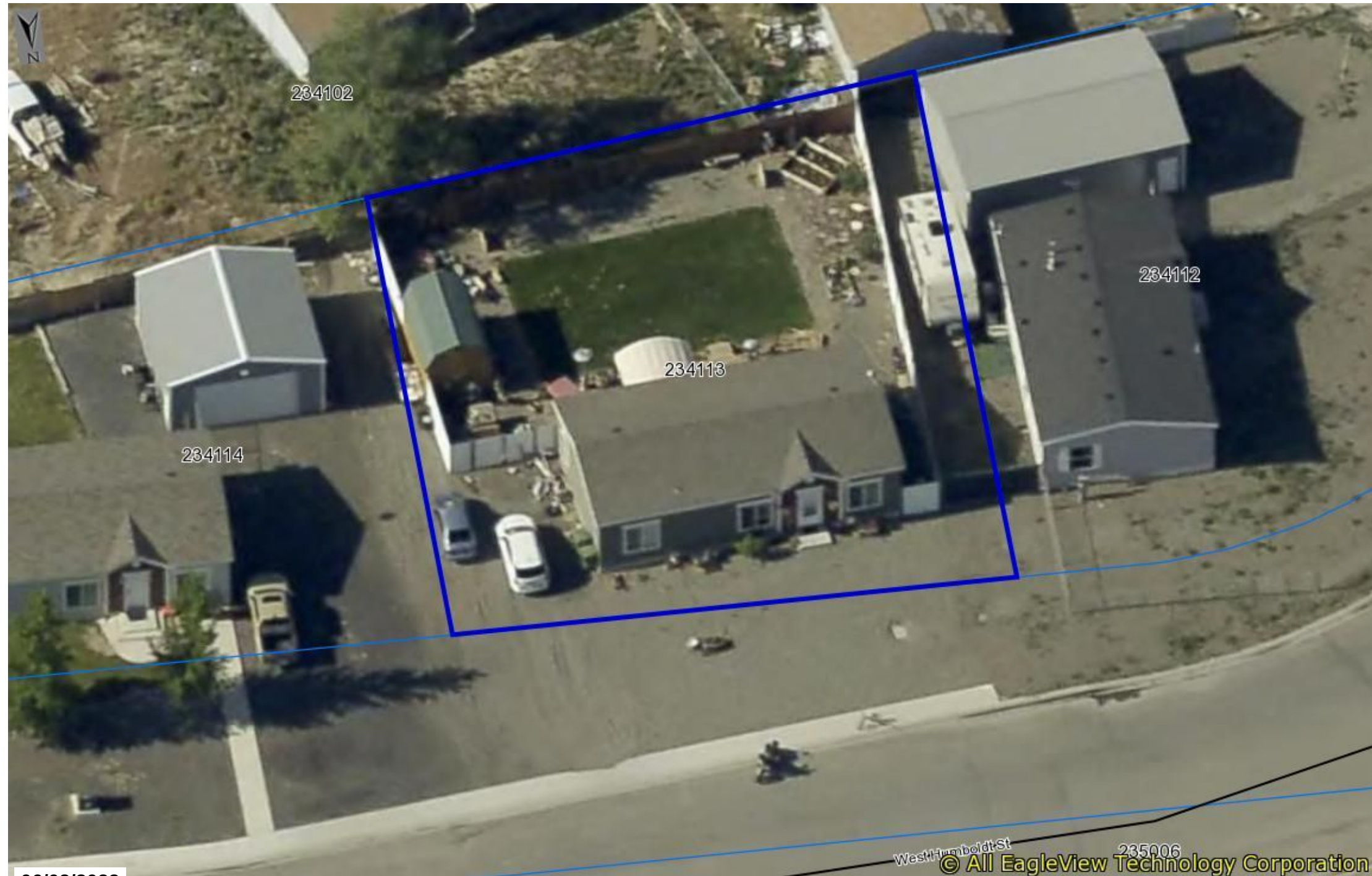


REVIEWED 03/27/23 NJW  
UPDATE LANDBASE, 04/15/21 NJW  
SPLIT 02-341-1 TO 02-341-12, 13 & 24 DOC #267371, 01/09/17 NJW

Battle Mountain  
LANDER COUNTY



# PD HOP 23-09 Pacheco\_PFK Services, LLC



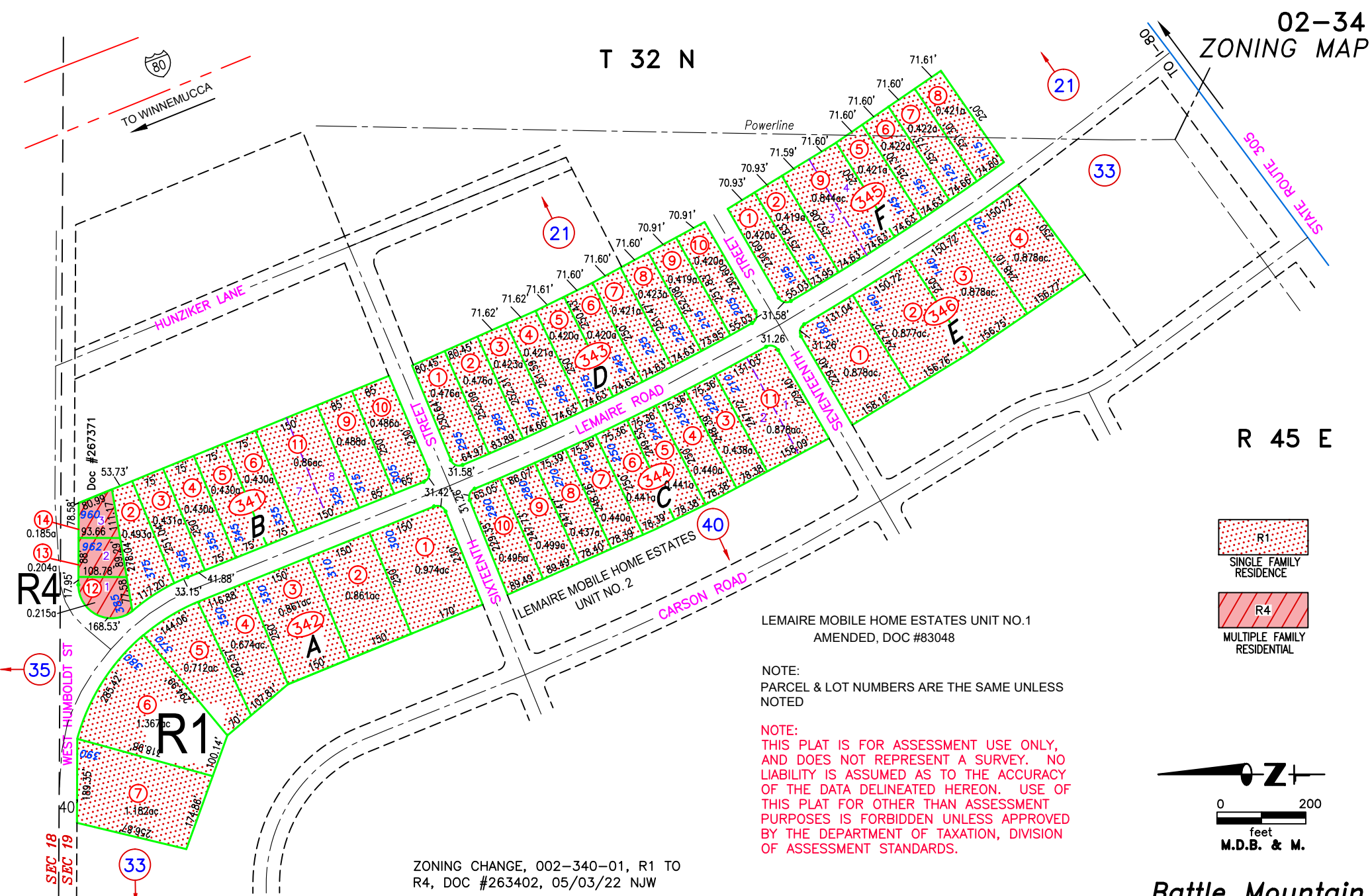
06/02/2023

West Humboldt St © All EagleView Technology Corporation 235006

# 02-34 ZONING MAP

T 32 N

R 45 E



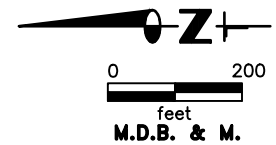
LEMAIRE MOBILE HOME ESTATES UNIT NO.1  
AMENDED, DOC #83048

NOTE:  
PARCEL & LOT NUMBERS ARE THE SAME UNLESS NOTED

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY,  
AND DOES NOT REPRESENT A SURVEY. NO  
LIABILITY IS ASSUMED AS TO THE ACCURACY  
OF THE DATA DELINEATED HEREON. USE OF  
THIS PLAT FOR OTHER THAN ASSESSMENT  
PURPOSES IS FORBIDDEN UNLESS APPROVED  
BY THE DEPARTMENT OF TAXATION, DIVISION  
OF ASSESSMENT STANDARDS.

**R1**  
SINGLE FAMILY  
RESIDENCE

**R4**  
MULTIPLE FAMILY  
RESIDENTIAL



ZONING CHANGE, 002-340-01, R1 TO  
R4, DOC #263402, 05/03/22 NJW

UPDATE LANDBASE, 04/15/21 NJW ZONING EDIT MS TO R1 12/09/09 NJW  
SPLIT 02-341-1 TO 02-341-12, 13 & 24 DOC #267371, 01/09/17 NJW

**Battle Mountain  
LANDER COUNTY**

# Lander County Planning Commission



October 12, 2023

Dear Property Owner:

Lander County Code requires that property owners within a certain distance be notified when there is an application to change or add to the use on a property. If you have comments regarding this proposed use, please feel free to attend the Public Hearing to state your support or concerns. If you are unable to attend the hearing, please feel free to send in written correspondence prior to the meeting date via mail or email, so that it can be read into the record.

Sincerely,

*Shelby Knopp*

Shelby Knopp  
Planning Coordinator

**NOTICE IS HERBY GIVEN** that a Public Hearing will be conducted by the Lander County Planning Commission regarding the following Home Occupation Permit:

**Applicant:** Ronald and April Pacheco DBA "PFK Services, LLC"  
**Location:** 962 W, Humboldt Street, Battle Mountain, NV 89820  
**APN:** 002-341-13  
**Type:** To operate a handyman and mobile detailing business as a home occupation.

**DATE & TIME:** October 25, 2023 @ 6:00 p.m.

**PLACE:** Community Meeting Room  
**Lander County Courthouse**  
50 State Route 305  
Battle Mountain, NV 89820

Please call/email the Lander County Planning Department for further information, 635-2860  
[Planning@landercountynv.org](mailto:Planning@landercountynv.org).

PD HOP 23-09  
Pacheco\_PFK Services, LLC

APN:	Owner:	c/o:	tsc_mailin	City, State, Zip
1 00221008	ARGENTA RIM, LLC		15300 VENTURA BLVD STE 405	SHERMAN OAKS, CA 91403
2 00234204	ELDER, JOHN		1420 PALOMINO ROAD	BATTLE MOUNTAIN, NV 89820
3 00234102	HINES, RUSSEL & KIMBERLY S		1130 SKYLINE BLVD	BATTLE MOUNTAIN, NV 89820
4 00234203	HUMPHREYS TRUST, JOHN K & CINDA L		330 LEMAIRE ROAD	BATTLE MOUNTAIN, NV 89820
5 00234113	KENNEDY, APRIL A		962 W HUMBOLDT ST	BATTLE MOUNTAIN, NV 89820
6 00234105	KILLEEN, REBECCA		345 LEMAIRE RD	BATTLE MOUNTAIN, NV 89820
7 00234206	KING, JEFFERY & ALTEN, CARLENE		380 LEMAIRE ROAD	BATTLE MOUNTAIN, NV 89820
8 00234112	KLAPAN, DANIEL J		385 LAMAIRE ROAD	BATTLE MOUNTAIN, NV 89820
	00235006 LANDER COUNTY		50 STATE ROUTE 305	BATTLE MOUNTAIN, NV 89820
9 00234103	LOPEZ, ALEJANDRO & VILLALOBOS, V		215 18TH STREET	BATTLE MOUNTAIN, NV 89820
10 00234205	PAYNE, JOE B JR & SUSAN		370 LEMAIRE ROAD	BATTLE MOUNTAIN, NV 89820
11 00234104	SONDERMANN, TERRY N		355 LAMAIRE ROAD	BATTLE MOUNTAIN, NV 89820
12 00234114	WHITEHEAD, TREY		960 W HUMBOLDT ST	BATTLE MOUNTAIN, NV 89820

12 TOTAL

PD HOP 23-09  
Pacheco\_PFK Services, LLC

Site add:

940 W HUMBOLDT STREET  
350 LEMAIRE ROAD  
375 LEMAIRE ROAD  
330 LEMAIRE ROAD  
962 W HUMBOLDT STREET  
345 LEMAIRE ROAD  
380 LEMAIRE ROAD  
385 LEMAIRE ROAD  
965 W HUMBOLDT STREET  
365 LEMAIRE ROAD  
370 LEMAIRE ROAD  
355 LEMAIRE ROAD  
960 W HUMBOLDT STREET



# PD HOP 23-09 Property Owner Notice Map





# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 3

---

- 3.) Review, consideration, and possible action on Special Use Permit No. 23-02 filed by Lander County School District to allow for the construction of a 40' by 60' (2,400 sq. ft.) storage building within a GP – Governmental Purposes Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the west side of Altenburg Avenue at 300 Altenburg Avenue, Battle Mountain, NV 89820; APN 002-190-01.

**Staff report attached separately.**

**Recommended Motion: Conditionally Approve Special Use Permit No. 23-02 filed by Lander County School District, subject to the facts, findings, and conditions listed in the Lander County Staff Report dated September 26, 2023. Conditions listed as follows:**

**Special Use Permit Standard Conditions:**

- 1) Must comply with all local, state, and federal laws.
- 2) That the permit be governed by the information stated on the application.
- 3) The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.

**Lander County Staff Conditions:**

- 1) Special Use Permit shall automatically lapse and be of no effect one (1) year from the date of its issuance unless the permit holder is actively engaged in development of the specific use listed in the Special Use Permit.

## **LANDER COUNTY STAFF REPORT** **SPECIAL USE PERMIT**

**Applicant:** Lander County School District \_ **Battle Mountain High School**  
**Report Date:** 09/26/2023 **Report Due from Staff:** 10/16/2023  
**Agenda Item Number:** 3 **Application Number:** PD-SUP-23-02  
**Planning Commission Date:** 10/25/2023  
**Project Description:** Special Use Permit to allow for the construction of a 40'x60' (2,400 square foot) Storage Building within a GP – Governmental Purposes Zoning District.

---

### **PROJECT INFORMATION**

**PARCEL NUMBER:** 002-190-01  
**PARCEL SIZE:** 4.42 acres +/-  
**EXISTING ZONING:** GP – Governmental Purposes  
**MASTER PLAN DESIGNATION:** Government Purpose  
**EXISTING LAND USE:** Code 140 – Vacant - Commercial

#### **NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- **Northwest:** C1 – Commercial District Parcels: 002-200-62, 002-200-60 & 002-200-26, & 002-131-11
  
- **South:** GP – Government Purposes District Parcel: 002-190-10
  
- **East:** GP – Government Purposes District Parcel: 002-190-02

#### **PROPERTY CHARACTERISTICS:**

The property is generally flat. The property is accessed from Altenburg Avenue.

#### **EXISTING FLOOD ZONE :**

##### **Zone AE**

High Risk Flood Zones Designation AE fall inside the high-risk flood zones. AE zones are areas of inundation by the 1-percent-annual-chance flood. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

##### **This parcel is designated in a Special Flood Hazard Area (SFHA).**

Portions of the parcel are also designated as a **Zone X** Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA's National Flood Insurance Program each year

## **MASTER PLAN AND COUNTY CODES:**

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning Ordinance – Title 17, Section 17.14 – Special Use Permits
- Lander County Zoning Ordinance – Title 17, Section 17.68 – Governmental Purposes District – GP
- Nevada Revised Statutes – NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

## **BACKGROUND:**

- The parcel is located within Section 19, Township 32N and Range 45E.
- This parcel is designated as GP – Governmental Purposes District. The surrounding zoning is C1 and GP.
- The entire parcel is 4.42 acres.
- The applicant is the property owner.
- The applicant is requesting a Special Use Permit to construct a 40'x60' (2,400 square foot) storage building.
- The proposed storage building is planned to be northeast of the existing Bus Barn Building.

## **MASTER PLAN**

### **Land use Component:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Atlas shows the area as Government Purposes.
  - Lander County Assessor Data shows the area as Land Use Code 140 – Vacant - Commercial.

### **Public Facilities Component:**

- Lander County Master Plan – Public Facilities Component
  - The area will be accessed from Altenburg Avenue.
  - The proposed development is in conformance with the Lander County Master Plan Public Facilities Component.

## **ZONING DISTRICTS:**

### **Chapter 17.14 – Special Use Permits:**

- Special Use Permit Required Special Findings:
  - It is necessary to the public health, safety, convenience, and welfare:
    - *Would provide storage for Lander County School District equipment.*
  - Is a use permitted in land use district subject of the provisions of Section 17.14 of Lander County Municipal Code? A special use permit may not be issued for a use not conditionally permitted within a land use district.
    - *This would be an accessory use to a school and education facility, which is allowed, but requires a Special Use Permit under Lander County 17.68.020.*
  - Will not result in material damage or prejudice to other properties in the vicinity.
    - *Proposed use will not result in damages or prejudice to other properties.*

**Chapter 17.68 – Governmental Purposes – GP:**

- Zoning District GP – Governmental Purposes
  - Uses permitted by special (conditional) use permit are as follows:
    - Schools and educational facilities;
  - Special (conditional) use permits issued pursuant to this subsection may impose all conditions necessary to insure that the intended governmental purpose does not create undue hardship or adverse effect on other, nearby land uses.
    - The proposed storage building in the location proposed will not create undue hardship or adverse effect on other, nearby land uses.
- The proposed development will be in conformance with Section 17.68 of the Lander County Code with issuance of a Special Use Permit.

**NEVADA REVISED STATUTES:**

- NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision
  - The application meets all the requirements and stipulations listed in NRS 278.315.

**FINDINGS / ADDITIONAL CONDITIONS:**

The proposed application is in conformance with:

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning Ordinance – Title 17, Section 17.14 – Special Use Permits
- Lander County Zoning Ordinance – Title 17, Section 17.68 – Governmental Purposes – GP4
- The proposed storage building in the proposed location will not create undue hardship or adverse effect on other, nearby land uses.
- Nevada Revised Statutes – NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

---

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission **CONDITIONALLY APPROVE**, the requested Special Use Permit, based on the facts and findings included in this staff report, and the Conditions listed below:

**Special Use Permit Standard Conditions:**

- 1) Must comply with all local, state, and federal laws.
- 2) That the permit be governed by the information stated on the application.
- 3) The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.

**Lander County Staff Conditions:**

- 1) Special Use Permit shall automatically lapse and be of no effect one (1) year from the date of its issuance unless the permit holder is actively engaged in development of the specific use listed in the Special Use Permit.



## Planning department

---

**From:** Building Department <building@landercountynv.org> on behalf of Building Department  
**Sent:** Monday, October 9, 2023 9:40 AM  
**To:** Planning department; Aaron Martinez; April Pacheco; Bert Ramos; Bill Schaeffer; Don Prince; Jeanne Falzone; Lura Duvall  
**Subject:** RE: SUP 23-02\_Lander County School District\_Review

Looks good no issues 😊

Thanks,

Colt

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Friday, October 6, 2023 10:52 AM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** SUP 23-02\_Lander County School District\_Review

Good Morning,

Please review the attached staff report and background documents for a Special Use Permit for a storage building located at the Battle Mountain High School.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Let me know if you have any questions.

Thank you! 😊

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)



Lander County  
Community Development

Lander County Planning  
Date Received 9/15/23  
Application No. PDSUP 23-02

SPECIAL USE PERMIT APPLICATION

APPLICANT/OWNER INFORMATION

Applicant(s): Lander County School Dist  
Address: 425 Weaver Ave B771c m7 NV 89820

Mailing Address: Same as above

Phone/Email: -785-370-9580

Legal Owner(s) of property: Lander Co School Dist

PROJECT INFORMATION

Property Location: 300 Altenborg Ave B771c M7 89820

Assessor's Parcel Numbers(s): 00219001

Current Master Plan: \_\_\_\_\_ Current Zoning: GP

Request: Const Storage Building 40x60 adjacent existing Bus Barn

Are there any deed restrictions affecting the use of the property? No

SIGNATURE(S)

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

Mitchal Spens 8/30/23  
Owner's Signature Date

Same as above  
Applicant's Signature (if the person applying is not the owner) Date

**SPECIAL USE PERMIT**  
**APPLICATION CHECKLIST**  
Lander County, NV

The following must accompany this application:

- 1. **\$300.00 application fee (non-refundable).** Check or money orders payable to Lander County
  
- 2. **Proof of ownership.** If the person signing the owner's affidavit is not listed as the property owner in the most recent records of the Lander County Assessor, proof of ownership acceptable to the administrator must be submitted with the application
  
- 3. **Review Materials including:**
  - A. Complete application form
  - B. Written description of request, including:
    - Describe in detail the proposal for the property
    - Explain the purpose of the special use permit
    - Any potential effects to adjoining property owners with regard to noise, dust, traffic
    - Response to all required findings
  
- 4. **Attach drawings to scale of any proposed signs (if applicable)**
  
- 5. **One hardcopy and one electronic copy (CD or USB) of all application materials.**

**NOTE**

It is strongly recommended that all applicants or their representative physically attend (or be available by phone) the Planning Commission hearing as their application may be deferred or denied for lack of evidence.

## REQUIRED FINDINGS

Please provide a written response to the below required findings and include with the other materials in Checklist Item 3 (see above).

Before a permit may be granted, evidence is required that the proposed use:

- (a) Is necessary to the public health, safety, convenience, and welfare;
- (b) Is a use permitted in land use district subject of the provisions of Section 17.14 of Lander County Municipal Code. A special use permit may not be issued for a use not conditionally permitted within a land use district;
- (c) Will not result in material damage or prejudice to other property in the vicinity;
- (d) Is compatible with existing surrounding land uses and development.
- (e) Is in substantial conformance with the master plan.
- (f) Will have adequate services and infrastructure to support the proposed development.
- (g) Will adequately mitigate traffic impacts of the project and provides a safe pedestrian environment.
- (h) Location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- (i) Does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- (j) Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- (k) The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

# OWNER'S AFFIDAVIT

STATE OF NEVADA )  
 ) SS.  
COUNTY OF LANDER )

I, Michael Spears- BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HEREWITH SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

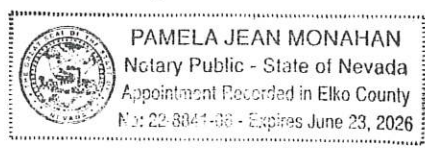
PROPERTY ADDRESS OR PARCEL NUMBER: \_\_\_\_\_

SIGNED Michael Spears-

MAILING ADDRESS 425 Weaver Av.  
Battle Mountain, Nev 89820

PHONE 785-370-9580

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30 DAY OF August 2023.



Pamela Jean Monahan  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES: June 23, 2026





THOMAS O. HANNUM  
 Exp. 6-30-24  
 CIVIL  
 9/21/23

**SUMMIT**  
ENGINEERING CORPORATION

1150 LAMOILLE HWY., ELKO, NV. 89801  
PHONE: (775) 738-8058 FAX: (775) 738-8267

SCALE: 1"=20'	DESIGNED BY: TOH
JOB #:	CHECKED BY:
*	DRAWN BY: TOH
*	

**SITE PLAN FOR  
 LANDER CO SCHOOL DISTRICT  
 STORAGE BUILDING 40X60**

**SHEET  
 1  
 OF  
 1**





[Close Window](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 002-190-01**

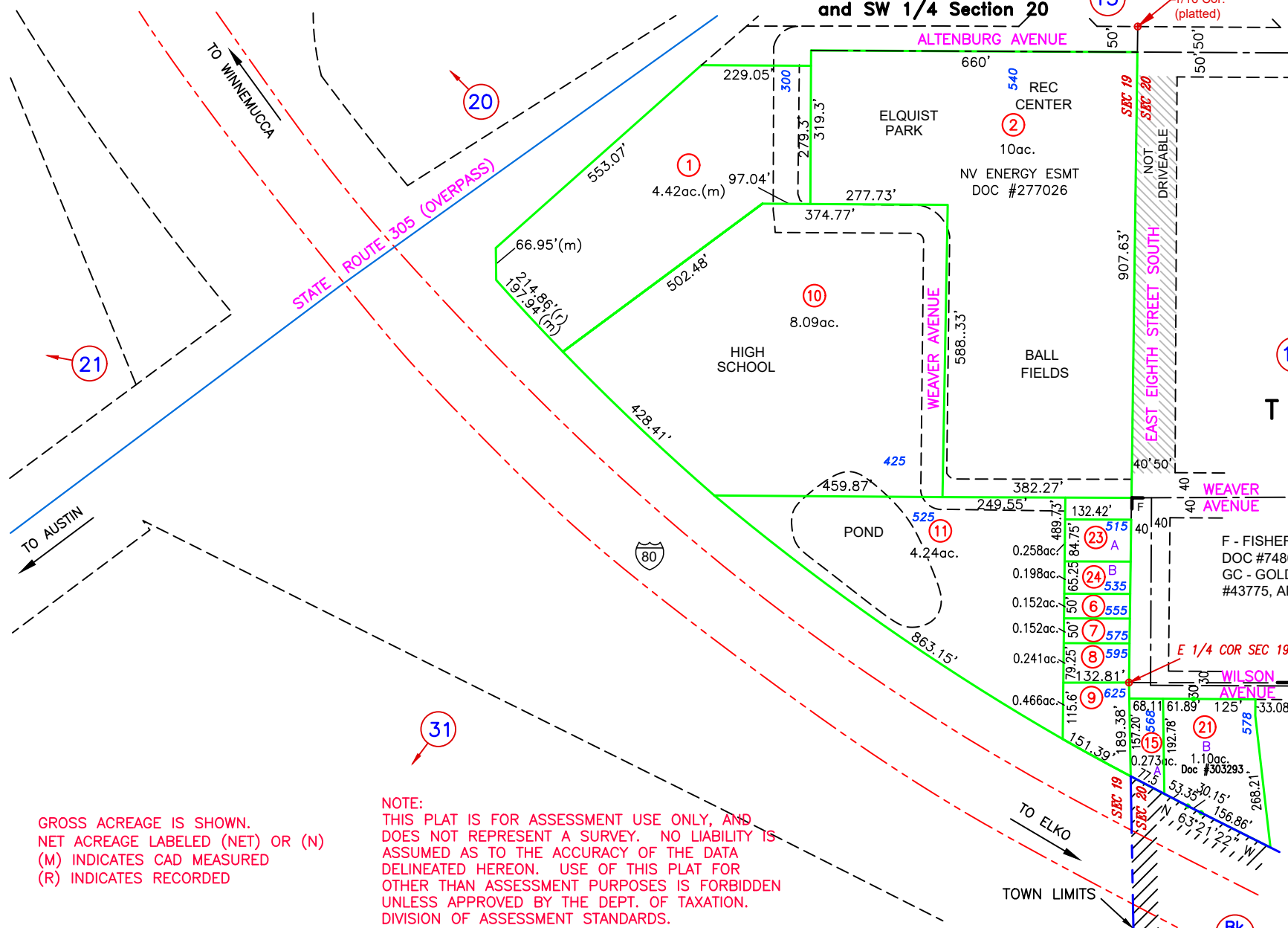
<p align="center"><b>Location</b></p> <p>Property Location <a href="#">300 ALTENBURG AVENUE</a>                  Town <a href="#">Add'l Addresses</a>                  District <a href="#">2.0 - Battle Mountain Town</a> <a href="#">Assessor Maps</a>                  Subdivision <a href="#">PAR IN SE4 NE4 3.75</a> Lot Block <a href="#">Legal Description</a>                  Property Name <a href="#">Ag Land</a></p>	<p align="center"><b>Ownership</b></p> <p>Assessed Owner Name <a href="#">LANDER COUNTY SCHOOL DISTRICT</a>                  Mailing Address <a href="#">P O BOX 1300</a> <a href="#">Ownership History</a>  <a href="#">BATTLE MOUNTAIN, NV 89820-0000</a> <a href="#">Document History</a>                  Legal Owner Name <a href="#">LANDER COUNTY SCHOOL DISTRICT</a>                  Vesting Doc #, Date <a href="#">177525 08/18/1992</a> Year / Book / Page <a href="#">92 / 379 / 266</a>                  Map Document #</p>
--	---

<p align="center"><b>Description</b></p> <p>Total Acres <a href="#">4.420</a> Square Feet <a href="#">192,535</a>                  Ag Acres <a href="#">.000</a> W/R Acres <a href="#">.000</a></p> <p align="center"><b>Improvements</b></p> <table style="width:100%; border: none;"> <tr> <td>Single-family Detached <a href="#">0</a></td> <td>Non-dwelling Units <a href="#">0</a></td> <td>Bedrooms / Baths <a href="#">0 / .00</a></td> </tr> <tr> <td>Single-family Attached <a href="#">0</a></td> <td>Mobile Home Hookups <a href="#">0</a></td> <td>Stories <a href="#">.0</a></td> </tr> <tr> <td>Multiple-family Units <a href="#">0</a></td> <td>Wells <a href="#">0</a></td> <td>Garage Square Ft... <a href="#">0</a></td> </tr> <tr> <td>Mobile Homes <a href="#">0</a></td> <td>Septic Tanks <a href="#">0</a></td> <td>Attached / Detached</td> </tr> <tr> <td>Total Dwelling Units <a href="#">0</a></td> <td>Buildings Sq Ft <a href="#">0</a></td> <td></td> </tr> <tr> <td><a href="#">Improvement List</a></td> <td>Residence Sq Ft <a href="#">0</a></td> <td></td> </tr> <tr> <td><a href="#">Improvement Sketches</a></td> <td>Basement Sq Ft <a href="#">0</a></td> <td>Basement</td> </tr> <tr> <td><a href="#">Improvement Photos</a></td> <td>Finished Basement SF <a href="#">0</a></td> <td>Bedrooms / Baths <a href="#">0 / .00</a></td> </tr> </table>	Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>	Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">0</a>	Stories <a href="#">.0</a>	Multiple-family Units <a href="#">0</a>	Wells <a href="#">0</a>	Garage Square Ft... <a href="#">0</a>	Mobile Homes <a href="#">0</a>	Septic Tanks <a href="#">0</a>	Attached / Detached	Total Dwelling Units <a href="#">0</a>	Buildings Sq Ft <a href="#">0</a>		<a href="#">Improvement List</a>	Residence Sq Ft <a href="#">0</a>		<a href="#">Improvement Sketches</a>	Basement Sq Ft <a href="#">0</a>	Basement	<a href="#">Improvement Photos</a>	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>	<p align="center"><b>Appraisal Classifications</b></p> <p>Current Land Use Code <a href="#">140</a> <a href="#">Code Table</a></p> <p>Zoning Code(s) <a href="#">GP</a></p> <p>Re-appraisal Group <a href="#">1</a> Re-appraisal Year <a href="#">2020</a>                  Original Construction Year Weighted Year</p> <p>Current Exempt Code <a href="#">05 - School</a></p>
Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>																							
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">0</a>	Stories <a href="#">.0</a>																							
Multiple-family Units <a href="#">0</a>	Wells <a href="#">0</a>	Garage Square Ft... <a href="#">0</a>																							
Mobile Homes <a href="#">0</a>	Septic Tanks <a href="#">0</a>	Attached / Detached																							
Total Dwelling Units <a href="#">0</a>	Buildings Sq Ft <a href="#">0</a>																								
<a href="#">Improvement List</a>	Residence Sq Ft <a href="#">0</a>																								
<a href="#">Improvement Sketches</a>	Basement Sq Ft <a href="#">0</a>	Basement																							
<a href="#">Improvement Photos</a>	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>																							

Assessed Valuation				Taxable Valuation			
	2023-24	2022-23	2021-22		2023-24	2022-23	2021-22
Assessed Values				Taxable Values			
Land	42,263	34,304	34,304	Land	120,751	98,011	98,011
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0
Ag Land	0	0	0	Ag Land	0	0	0
Exemptions	42,263	34,304	34,304	Exemptions	120,751	98,011	98,011
<b>Net Assessed Value</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Net Taxable Value</b>	<b>0</b>	<b>0</b>	<b>0</b>
Increased (New) Values				Increased (New) Values			
Land	0	0	0	Land	0	0	0
Improvements	0	0	0	Improvements	0	0	0
Personal Property	0	0	0	Personal Property	0	0	0

[Back to Search List](#)

R 45 E  
A Portion of E 1/2 Section 19  
and SW 1/4 Section 20



T 32 N

F - FISHER ADD TO ESTELLA PARK ADD,  
DOC #74808  
GC - GOLD CREEK SUBDIVISION, DOC  
#43775, AMENDED DOC #44184

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY, AND  
DOES NOT REPRESENT A SURVEY. NO LIABILITY IS  
ASSUMED AS TO THE ACCURACY OF THE DATA  
DELINEATED HEREON. USE OF THIS PLAT FOR  
OTHER THAN ASSESSMENT PURPOSES IS FORBIDDEN  
UNLESS APPROVED BY THE DEPT. OF TAXATION,  
DIVISION OF ASSESSMENT STANDARDS.

GROSS ACREAGE IS SHOWN.  
NET ACREAGE LABELED (NET) OR (N)  
(M) INDICATES CAD MEASURED  
(R) INDICATES RECORDED

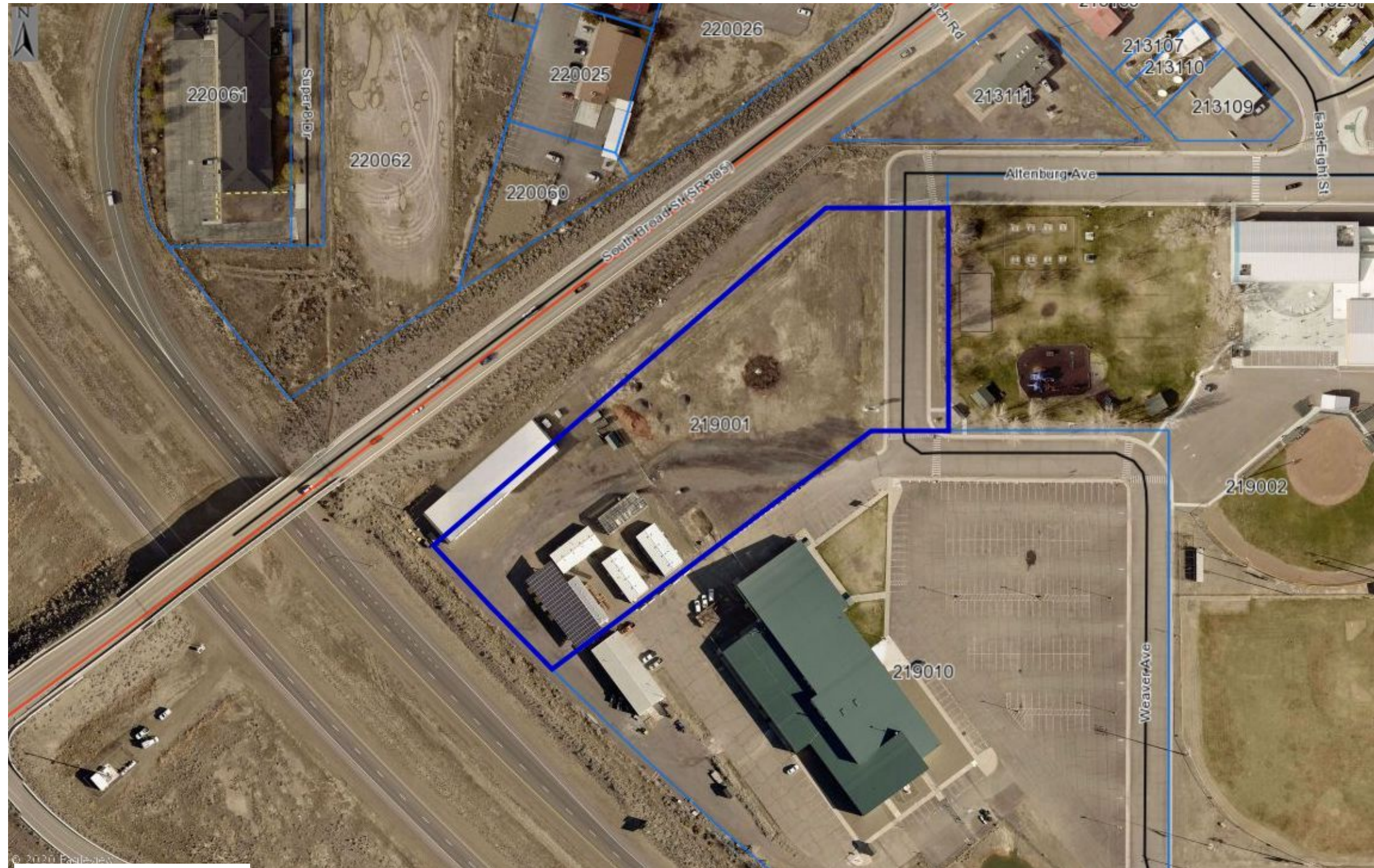
REVIEWED 03/27/23 NJW  
BOUNDARY ADJUSTMENT, 002-190-15 & 21, DOC #303292, #303293, 05/11/22 NJW  
UPDATE LANDBASE, REVISED BOUNDARY AND ACREAGE OF 002-190-01, DOC #177525, 02/15/22 NJW



**Battle Mountain  
LANDER COUNTY**



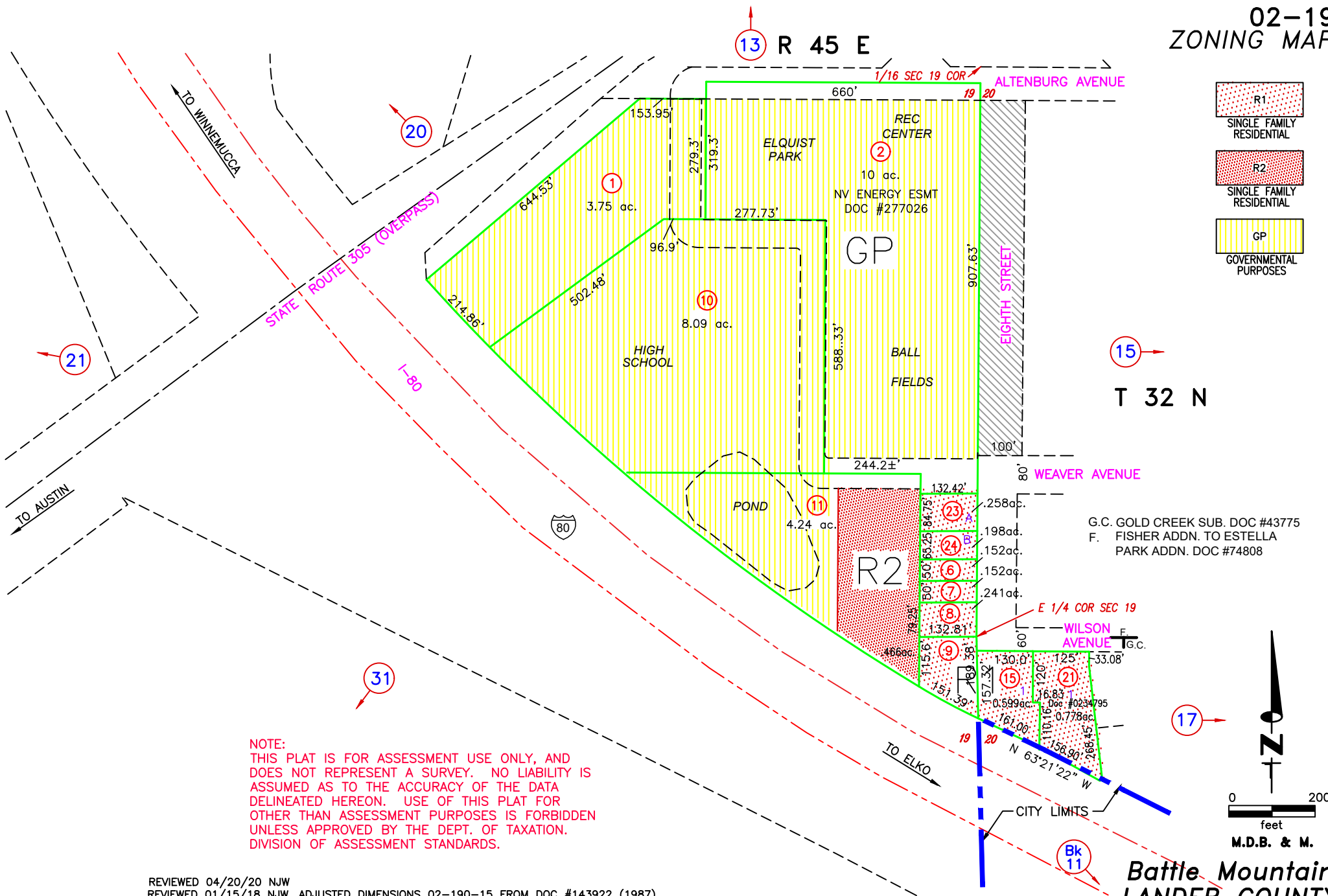
# PD SUP 23-02 Lander County School District



03/28/2020 - 05/28/2020



# 02-19 ZONING MAP



- R1  
SINGLE FAMILY RESIDENTIAL
- R2  
SINGLE FAMILY RESIDENTIAL
- GP  
GOVERNMENTAL PURPOSES

**NOTE:**  
THIS PLAT IS FOR ASSESSMENT USE ONLY, AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON. USE OF THIS PLAT FOR OTHER THAN ASSESSMENT PURPOSES IS FORBIDDEN UNLESS APPROVED BY THE DEPT. OF TAXATION, DIVISION OF ASSESSMENT STANDARDS.

REVIEWED 04/20/20 NJW  
REVIEWED 01/15/18 NJW, ADJUSTED DIMENSIONS 02-190-15 FROM DOC #143922 (1987)

**Battle Mountain LANDER COUNTY**



# Lander County Planning Commission



October 12, 2023

Dear Property Owner:

Lander County Code requires that property owners within a certain distance be notified when there is an application to change or add to the use on a property. If you have comments regarding this proposed use, please feel free to attend the Public Hearing to state your support or concerns. If you are unable to attend the hearing, please feel free to send in written correspondence prior to the meeting date via mail or email, so that it can be read into the record.

Sincerely,

*Shelby Knopp*

Shelby Knopp  
Planning Coordinator

**NOTICE IS HERBY GIVEN** that a Public Hearing will be conducted by the Lander County Planning Commission regarding the following Special Use Permit:

**Applicant:** Lander County School District – Battle Mountain High School  
**Location:** 300 Altenburg Avenue, Battle Mountain, NV 89820  
**APN:** 002-190-01  
**Type:** To allow for the construction of a 40'x60' (2,400 square foot) storage building within a GP – Governmental Purposes Zoning District.

**DATE & TIME:** October 25, 2023 @ 6:00 p.m.

**PLACE:** Community Meeting Room  
**Lander County Courthouse**  
50 State Route 305  
Battle Mountain, NV 89820

Please call/email the Lander County Planning Department for further information, 635-2860  
[Planning@landercountynv.org](mailto:Planning@landercountynv.org).

PD SUP 23-02  
LANDER COUNTY SCHOOL DISTRICT

APN:	Owner:	c/o:	tsc_mailin	City, State, Zip
1 00220025	BEAR TRUST, ETAL	% POELSTRA PROPERTIES	1011 BRIOSO DRIVE SUITE 201	COSTA MESA, CA 92627
2 00213109	HANICA INSURANCE AGENCY		P O BOX 385	BATTLE MOUNTAIN, NV 89820
00219002	LANDER COUNTY		50 STATE ROUTE 305	BATTLE MOUNTAIN, NV 89820
3 00219010	LANDER COUNTY SCHOOL DISTRICT		P O BOX 1300	BATTLE MOUNTAIN, NV 89820
00219001	LANDER COUNTY SCHOOL DISTRICT		P O BOX 1300	BATTLE MOUNTAIN, NV 89820
4 00220026	NORWEST BANK NEVADA	% DELOITTE TAX LLLP	P O BOX 2609	CARLSBAD, CA 92018
5 00213105	OVERTIME SPORTS BAR & GRILL LLC		870 S BROAD STREET	BATTLE MOUNTAIN, NV 89820
6 00220060	SK INVESTMENTS, LLC		4010 TECHNOLOGY WAY #E	BATTLE MOUNTAIN, NV 89820
00220062	SK INVESTMENTS, LLC		4010 TECHNOLOGY WAY #E	CARSON CITY, NV 89706
7 00213110	T V PIX, INC	% SATVIEW BROADBAND, LLC	102 S MAIN STREET	COUDERSPORT, PA 16915
00213107	T V PIX, INC	% SATVIEW BROADBAND, LLC	102 S MAIN STREET	COUDERSPORT, PA 16915
8 00213111	THAW, LLC		882 S BROAD STREET	BATTLE MOUNTAIN, NV 89820

8 TOTAL



PD SUP 23-02  
LANDER COUNTY SCHOOL DISTRICT

Site add:

810 SUNSET DRIVE

70 E 8TH STREET

540 ALTENBURG AVENUE

425 WEAVER AVENUE

300 ALTENBURG AVENUE

1000 BROYLES RANCH ROAD

870 S BROAD STREET

0 SUNSET DRIVE

0

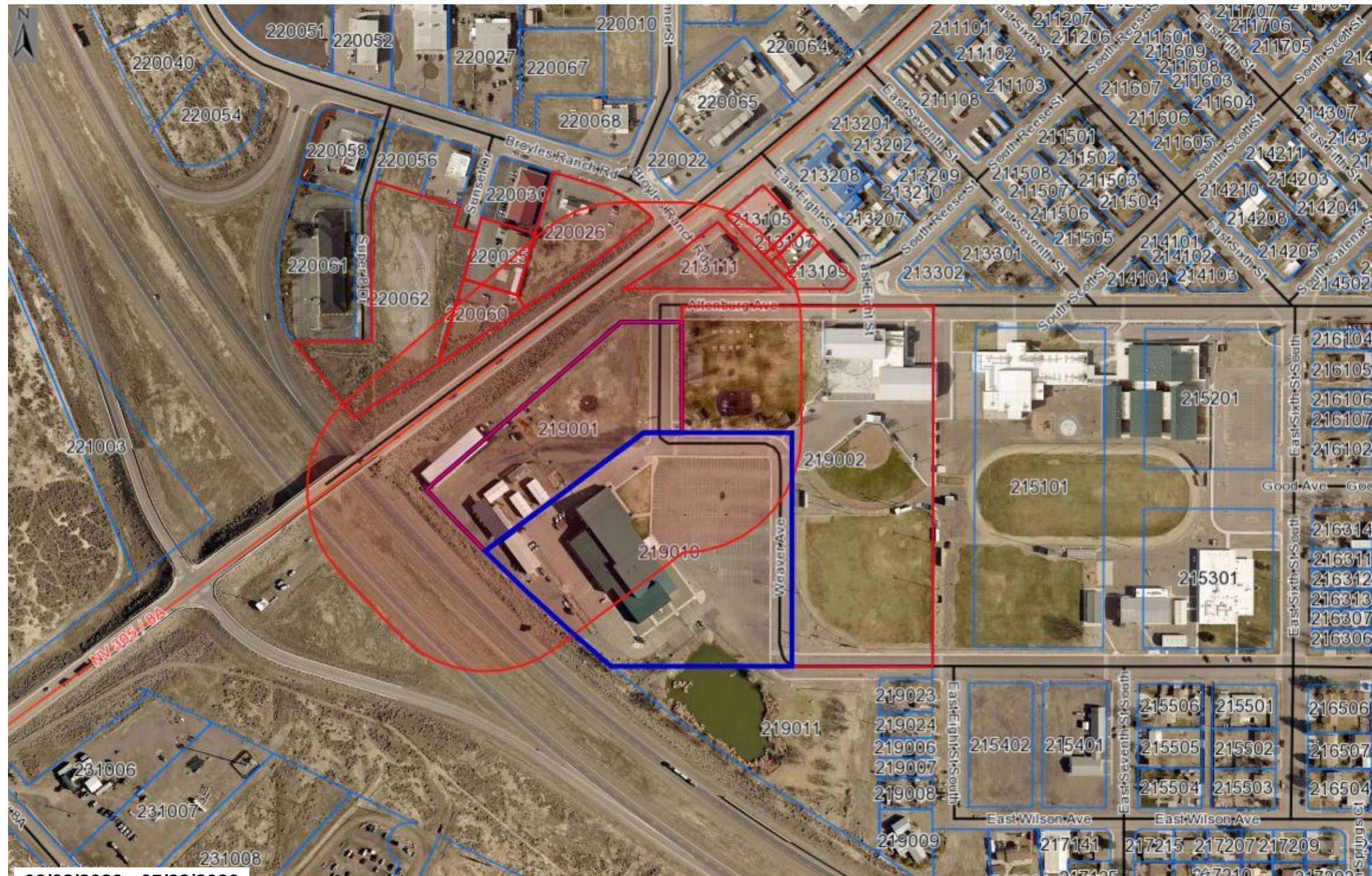
62 E 8TH STREET

60 E 8TH STREET

882 S BROAD STREET



# SUP 23-02 Property Owner Notice Map



03/28/2020 - 05/28/2020



# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 4

---

- 4.) Review, consideration, and possible action on Special Use Permit No. 23-03 filed by Alejandro V. Payan to allow for the operation of a concrete plant within an A-2 – Five-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located at the eastern terminus of Mackenzie Court, 1990 Mackenzie Court, Battle Mountain, NV 89820; APN 011-230-36

**Staff report attached separately.**

**Recommended Motion: Deny Special Use Permit No. 23-03 filed by Alejandro V. Payan, subject to the facts and findings listed in the Lander County Staff Report dated September 27, 2023.**

**LANDER COUNTY STAFF REPORT**  
**SPECIAL USE PERMIT**

**Applicant: Alejandro Vern Payan\_970-309-8491**  
**Report Date: 09/27/2023** **Report Due from Staff: 10/16/2023**  
**Agenda Item Number: 4** **Application Number: PD-SUP-23-03**  
**Planning Commission Date: 10/25/2023**  
**Project Description: Special Use Permit to allow for the operation of a concrete plant within an A2 – Five-Acre Agricultural Zoning District.**

---

**PROJECT INFORMATION**

**PARCEL NUMBER:** 011-230-36  
**PARCEL SIZE:** 5.00 acres +/-  
**EXISTING ZONING:** A2 – Five-Acre Agricultural  
**MASTER PLAN DESIGNATION:** Medium Density Residential  
**EXISTING LAND USE:** Code 220 – Manufactured Home Converted to Real Property

**NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- **North:** A2 – Five-Acre Agricultural District Parcel: 011-230-42
- **West:** A2 – Five-Acre District Parcel: 011-230-35
- **South:** A2 – Five-Acre District Parcel: 011-300-01
- **East:** A2 – Five-Acre District Parcel: 011-230-32

**PROPERTY CHARACTERISTICS:**

The property is generally flat. The property is accessed from Mackenzie Court.

**EXISTING FLOOD ZONE :**

**Zone X**

Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA’s National Flood Insurance Program each year

**This parcel is not located in a Special Flood Hazard Area (SFHA).**

**MASTER PLAN AND COUNTY CODES:**

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning Ordinance – Title 17 – Section 17.02 – General Provisions
- Lander County Zoning Ordinance – Title 17, Section 17.14 – Special Use Permits
- Lander County Zoning Ordinance – Title 17, Section 17.15 – Home Occupations

- Lander County Zoning Ordinance – Title 17, Section 17.36 – Five-Acre Agricultural District – A2
- Nevada Revised Statutes – NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

**BACKGROUND:**

- The parcel is located within Section 34, Township 32N and Range 45E.
- This parcel is designated as A2 – Five-Acre Agricultural District. The surrounding zoning is also A2.
- The entire parcel is 5.00 acres.
- The applicant is the property owner.
- The applicant is requesting a Special Use Permit to operate a concrete plant.

**MASTER PLAN**

**Land Use Component:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Component calls the area out as Medium Density Residential, based on the current zone.
    - Use of a Commercial concrete plant does not comply with the Medium Density Residential designation of the Land Use Component.
  - Lander County Assessor Data shows the area as Land Use Code 220 – Manufactured Home Converted to Real Property.

**Public Facilities Component:**

- Lander County Master Plan – Public Facilities Component
  - The plant will be accessed from Mackenzie Court.
  - The proposed development is in conformance with the Lander County Master Plan Public Facilities Component.

**ZONING DISTRICTS:**

**Chapter 17.02.020 – Purpose:**

- To promote the health, safety and general welfare; to lessen traffic congestion and reduce hazards in the streets; to preserve recognized values of historic and community appearance and character; to provide light and air for all buildings; to avoid undesirable concentration of population; to facilitate development of transportation, water, sewage, schools, parks and other public requirements, and to provide the economic and advantages gained of comprehensively planned use of land resources, there is established a land use plan for the county of Lander.
- The proposed use will not reduce hazards in the streets, or preserve community appearance and character, therefore the application is not in conformance with Section 17.02.020 of the Lander County Code.

**Chapter 17.14 – Special Use Permits:**

- Special Use Permit Required Special Findings:
  - It is necessary to the public health, safety, convenience, and welfare:
    - *There is already a concrete plant within the community, so it is not necessary for public health, safety, convenience, or welfare.*

- Is a use permitted in land use district subject of the provisions of Section 17.14 of Lander County Municipal Code? A special use permit may not be issued for a use not conditionally permitted within a land use district.
  - *A concrete plant is not a permitted, or special use, listed within the A-2 – Five-Acre Agricultural District.*
- Will not result in material damage or prejudice to other properties in the vicinity.
  - *Proposed use will not result in damages or prejudice to other properties.*

**Chapter 17.15 – Home Occupations:**

- 17.15.030 – Use Limitations
  - B. Structural Limitation:
    - No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit
    - A concrete batch plant and operation thereof, are not conducive with the existing residential neighborhood
  - C. Operational Limitations:
    - No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
      - Proposed operations are not in conformance with this section
    - No more than a total of four hundred eighty square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
      - Proposed operations are not in conformance with this section
    - No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
      - Proposed operations are not in conformance with this section
    - No outdoor storage shall be allowed in connection with any home occupation.
      - Current operations are not in conformance with this section
      - Proposed operations are not in conformance with this section
  - E. Traffic Limitations:
    - No home occupation shall generate more traffic than is typical of residences in the area.
      - Proposed operations are not in conformance with this section
  - F. Nuisance-Causing Activities:
    - In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.
      - High levels of crystalline silica are found in concrete, which can be hazardous when they become air born and can have an effect on the overall health and safety of the nearby residents.

**Chapter 17.36 – Five-Acre Agricultural District – A2:**



- Zoning District A2 – Five-Acre Agricultural District
  - All uses permitted in zone A-1;
    - Single-family dwellings of a permanent nature and manufactured housing on a permanent or temporary foundation;
    - Home occupations subject to the issuance of a home occupation special use permit;
    - Farms for raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, trees and bush crops, but not including commercial slaughtering;
    - Buildings for sale and display of products grown or raised on the premises, provided no such buildings are situated closer than one hundred feet to any property classified as a residential district, or closer than thirty feet to any street or highway;
    - Private buildings, corrals, coops, pens, stables or structures used in conjunction with farming, provided that they be located not closer than one hundred feet to any street, highway or to any land classified in a residential district;
    - Public uses and utility serving centers, provided that they be located not closer than two hundred feet to any land classified as a residential district;
    - Recreational and educational use and building, dude or guest ranches, churches, or other structures used exclusively for religious worship, tennis, golf, civic or country clubs, cemeteries, sanitariums, racetracks, fairgrounds, resorts, rodeo grounds, airports, radio towers, hunting, fishing, skiing lodges, game farms, garden nurseries, veterinary uses, bed and breakfast inns, public campgrounds (not manufactured housing parks) providing:
      - A total area size of not less than three acres,
      - Off-street parking of at least one space/three hundred square feet,
      - A "buffer" strip of at least one hundred feet adjacent to all contiguous land,
      - Individual units do not have kitchen facilities or equipment suitable for such use,
      - Issuance of a special use permit
      - No detached accessory building or structure may be closer than ten feet to any property line nor between the front property line and the setback line.
  - Watershed protection, water storage reservoirs, pipelines, transmission lines and substations, irrigation canals and ditches;
  - Commercial uses limited to livestock sales yards, dairies, kennels, when at least five hundred feet from any other district subject to issuance of a special use permit;
  - Growing and preservation of trees and nursery stock, wildlife refuges.
- The proposed use is not listed as a permitted use or a special use within the zoning district, and therefore is not in compliance with the A2 – Five-Acre Agricultural District.

**NEVADA REVISED STATUTES:**

- NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision

- The application meets all the requirements and stipulations listed in NRS 278.315.

**FINDINGS / ADDITIONAL CONDITIONS:**

- The proposed application is **NOT** in conformance with the Lander County Master Plan – Land Use Component
- The proposed application is in conformance with the Lander County Master Plan – Transportation Component.
- The proposed application is **NOT** in conformance with Lander County Zoning Ordinance – Title 17 – Section 17.02 – General Provisions
- The proposed application is **NOT** in conformance with Lander County Zoning Ordinance – Title 17, Section 17.14 – Special Use Permits
- The proposed application is **NOT** necessary to the public health, safety, convenience, and welfare.
- The proposed use is **NOT** a use permitted in a land use district subject to the provisions of Section 17.14.
- The proposed use will not result in material damage or prejudice to other properties in the vicinity.
- The proposed use is **NOT** in conformance with Lander County Zoning Ordinance – Title 17, Section 17.15, subsections B, C, E, and F.
- The proposed use is **NOT** in conformance with Lander County Zoning Ordinance – Title 17, Section 17.36 – Five-Acre Agricultural District – A2
- The proposed application is in conformance with the requirements listed in Nevada Revised Statutes – NRS 278.315 Granting of variances, special and conditional use permits and other special exceptions by board of adjustment, planning commission or hearing examiner; appeal of decision.

---

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission **DENY**, the requested Special Use Permit, based on the facts and findings included in this staff report.

If the Planning Commission decides to approve the Special Use Permit staff would recommend adding the Conditions listed below:

**Special Use Permit Standard Conditions:**

- 1) Must comply with all local, state, and federal laws.
- 2) That the permit be governed by the information stated on the application.
- 3) The permit will be automatically reviewed in the event any complaints are received and could possibly be revoked.

**Lander County Staff Conditions:**

- 1) Special Use Permit shall automatically lapse and be of no effect one (1) year from the date of its issuance unless the permit holder is actively engaged in development of the specific use listed in the Special Use Permit.
- 2) Access to and from the Concrete Plant be limited to Mackenzie Court.
- 3) Provide proof of Compliance of Nevada Administrative Code – Chapter 445B – Air Controls
- 4) Nevada Department of Environmental Protection – Bureau of Air Pollution Control
  - a. Provide approved General Air Quality Operating Permit for Concrete Batch Plants

- b. Provide approved Best Management Practices plan
  - c. Provide approved Storm Water Pollution Prevention Plan (SWPPP)
  - d. Provide approved Dust Control Permit
  - e. Provide Loader to Feeder or Bin unit emissions factor
  - f. Provide Cement Silo Loading emissions factor
  - g. Provide Mixer Loading emission factor
  - h. Provide Aggregate / Sand Transfer Point emissions factor
- 5) Provide approved Best Management Practices plan
- a. Per NAC 445B.22037 requires fugitive dust to be controlled (regardless of the size or amount of acreage disturbed), and requires an ongoing program, using best practical methods, to prevent particulate matter from becoming airborne. All activities which have the potential to adversely affect the local air quality must implement all appropriate measures to limit controllable emissions. Appropriate measures for dust control may consist of a phased approach to acreage disturbance rather than disturbing the entire area all at once; using wet suppression through such application methods as water trucks or water spray systems to control wind-blown dust; the application of soil binding agents or chemical surfactant to roadways and areas of disturbed soil; as well as the use of wind-break or wind limiting fencing designed to limit wind erosion soils.
- 6) Provide site plan per Building Department site plan requirements, in addition provide
- a. Operations specifics, truck routing, staging areas. aggregate/sand stockpile, hopper/bin, loading/unloading, associated conveyor transfers, cement silo, loading/unloading, and mixer loading
- 7) Per NAC 445B, the use of engines is not allowed under the General Air Quality Operating Permit for Concrete Batch Plants. Power to operate any emission unit(s) must be provided by line power or other non-emission generating sources
- a. Provide proof of operation
- 8) Provide proof from the State Contractors Board that concrete batch plant operations is allowed under applicant's current contractor's license.

## Planning department

---

**From:** Bill Schaeffer <districtattorney@landercountynv.org> on behalf of Bill Schaeffer  
**Sent:** Tuesday, October 17, 2023 11:10 AM  
**To:** Planning department  
**Subject:** Re: SUP 23-03\_Payan\_Review

No, no further concerns: that took care of it. I guess I missed it when he said he had moved the plant. If he were continuing to operate a previous plant in the same location, then we might have difficulty telling him to cease operation. However, when he has moved it, that kind of ends the concern - especially where we have other plants available to the public. I am on a break from a jury trial, so I haven't had time to go over my e-mails. Sorry if I'm a little slow in getting back to you.

On Tue, Oct 17, 2023 at 8:27 AM Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)> wrote:  
Good Morning Bill,  
Do you still have concerns with this proposed denial, or did this information take care of them?

Shelby Knopp

Planning Coordinator

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

775.635.2860

On Mon, Oct 16, 2023 at 7:48 AM Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)> wrote:  
Good Morning Bill,

This concrete plant was recently moved on to Mr. Payan's property from behind Ace Hardware. It has not been on Mr. Payan's property for an extended period of time. There are currently two other concrete plants that I know of in town that offer similar services, that have the proper licensing to do so.

Let me know if you have any other questions.

Shelby Knopp

Planning Coordinator

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

[775.635.2860](tel:775.635.2860)

On Fri, Oct 13, 2023 at 2:02 PM Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)> wrote:  
Shelby,

I'm slightly nervous about this proposed denial. (1) Wasn't there a plant there for quite awhile? (2) Isn't this more or less a continuation? Also, (3) isn't something that would benefit many in the community? I get that it is outside of current zoning; but I worry about whether it might be considered grandfathered in and whether it will cause so little disruption and give so much benefit, that it might be worth some adjustments to make it work somehow. Again, I am not yet disagreeing, I'm asking for follow-up as to my questions because I can foresee this leading to trouble when it might not be necessary nor desirable.

Bill

On Thu, Oct 12, 2023 at 3:05 PM Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)> wrote:

Good Afternoon Everyone,

I have updated the staff report with Aaron's recommended findings and conditions.

Please take a look and let me know if there is anything else that needs to be added or changed.

Thank you! 😊

*Shelby Knopp*

Lander County Planning Coordinator

PH [\(775\)635-2860](tel:7756352860)

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

**From:** Aaron Martinez [mailto:[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)]

**Sent:** Wednesday, October 11, 2023 4:45 PM

**To:** Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>

**Cc:** April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall

## Planning department

---

**From:** Aaron Martinez <amartinez@landercountynv.org> on behalf of Aaron Martinez  
**Sent:** Wednesday, October 11, 2023 4:45 PM  
**To:** Planning department  
**Cc:** April Pacheco; Bert Ramos; Bill Schaeffer; Building Department; Don Prince; Jeanne Falzone; Lura Duvall  
**Subject:** Re: SUP 23-03\_Payan\_Review

Good Afternoon Everyone,

I agree with the staff report recommendation of Denial. Below are my findings of how the requested Special Use Permit radically contradicts what a Home Occupation Permit was intended for. Based on those conflicts, it is my opinion that the staff's recommendation is correct.

Also below are a list of conditions I recommend in the event the Planning Commission disagrees with the staff recommendations.

Findings:

- Requested Special Use Permit is not in conformance with Section 17.15.030 of the Lander County Municipal Code
  - Subsection B, conflict:
    1. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit
      - A concrete batch plant and operation thereof, are not conducive with the existing residential neighborhood
  - Subsection C, conflicts:
    1. No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
      - Proposed operations are not in conformance with this section
    2. No more than a total of four hundred eighty square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used



in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.

- Proposed operations are not in conformance with this section

3. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.

- Proposed operations are not in conformance with this section

4. No outdoor storage shall be allowed in connection with any home occupation.

- Current operations are not in conformance with this section
- Proposed operations are not in conformance with this section

o Subsection E, conflicts:

1. No home occupation shall generate more traffic than is typical of residences in the area.

- Proposed operations are not in conformance with this section

o Subsection F, conflicts:

1. Nuisance-Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.\

- High levels of crystalline silica are found in concrete, which can be hazardous when they become air born and can have an effect on the overall health and safety of the nearby residents. See below Conditions Outlay

Conditions:

- Provide proof of Compliance of Nevada Administrative Code – Chapter 445B – Air Controls
- Nevada Department of Environmental Protection – Bureau of Air Pollution Control
  - o Provide approved General Air Quality Operating Permit for Concrete Batch Plants
  - o Provide approved Best Management Practices plan
  - o Provide approved Storm Water Pollution Prevention Plan (SWPPP)
  - o Provide approved Dust Control Permit
  - o Provide Loader to Feeder or Bin unit emissions factor
  - o Provide Cement Silo Loading emissions factor
  - o Provide Mixer Loading emission factor
  - o Provide Aggregate / Sand Transfer Point emissions factor

- Provide approved Best Management Practices plan
  - Per NAC 445B.22037 requires fugitive dust to be controlled (regardless of the size or amount of acreage disturbed), and requires an ongoing program, using best practical methods, to prevent particulate matter from becoming airborne. All activities which have the potential to adversely affect the local air quality must implement all appropriate measures to limit controllable emissions. Appropriate measures for dust control may consist of a phased approach to acreage disturbance rather than disturbing the entire area all at once; using wet suppression through such application methods as water trucks or water spray systems to control wind-blown dust; the application of soil binding agents or chemical surfactant to roadways and areas of disturbed soil; as well as the use of wind-break or wind limiting fencing designed to limit wind erosion soils.
  
- Provide site plan per Building Department site plan requirements, in addition provide
  - Operations specifics, truck routing, staging areas, aggregate/sand stockpile, hopper/bin, loading/unloading, associated conveyor transfers, cement silo, loading/unloading, and mixer loading
  
- Per NAC 445B, the use of engines is not allowed under the General Air Quality Operating Permit for Concrete Batch Plants. Power to operate any emission unit(s) must be provided by line power or other non-emission generating sources
  - Provide proof of operation
  
- Provide proof from the State Contractors Board that concrete batch plant operations is allowed under applicants current contractor's license.

Please contact me with any questions.

Regards,

~Aaron

On Fri, Oct 6, 2023 at 11:11 AM Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)> wrote:

Good Morning,

Please review the attached staff report and background documents in association with a Special Use Permit to allow for the operation of a concrete plant at 1990 Mackenzie Court.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Let me know if you have any questions.

Thank you!

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Monday, October 9, 2023 9:54 AM  
**To:** Building Department  
**Cc:** Planning department; Aaron Martinez; April Pacheco; Bert Ramos; Bill Schaeffer; Jeanne Falzone; Lura Duvall  
**Subject:** Re: SUP 23-03\_Payan\_Review

I agree with the staff recommendation for denial, and the conditions recommended if approved by the planning commission.

On Mon, Oct 9, 2023 at 9:26 AM Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)> wrote:

Hello Shelby,

I agree with the staff recommendation for denial of the special use permit based on the facts and findings.

Thanks,

Colt

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Friday, October 6, 2023 11:11 AM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** SUP 23-03\_Payan\_Review

Good Morning,

Please review the attached staff report and background documents in association with a Special Use Permit to allow for the operation of a concrete plant at 1990 Mackenzie Court.

All comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Let me know if you have any questions.

Thank you!

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)





# Lander County Community Development

Lander County Planning

Date Received 9/25/23

Application No. PDSUP 23-03

## SPECIAL USE PERMIT APPLICATION

### APPLICANT/OWNER INFORMATION

Applicant(s): Alejandro Vern Payan

Address: 1990 Mackenzie ct

Battle Mtn NV 89820

Mailing Address: 1990 Mackenzie ct

Battle Mtn 89820

Phone/Email: 970-309-8491 Big198177@yahoo.com

Legal Owner(s) of property: Alejandro v. Payan

### PROJECT INFORMATION

Property Location: 1990 Mackenzie ct, Battle Mtn NV. 89820

(Hilltop area)

Assessor's Parcel Numbers(s): 011-230-36

Current Master Plan: \_\_\_\_\_ Current Zoning: A2

Request: To operate concrete plant and sell within the

community of Battle Mtn. NV. 89820

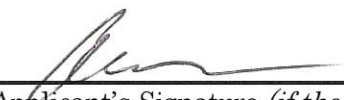
Are there any deed restrictions affecting the use of the property? No

### SIGNATURE(S)

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

  
Owner's Signature

9-25-23  
Date

  
Applicant's Signature (if the person applying is not the owner)

9-25-23  
Date

**SPECIAL USE PERMIT  
APPLICATION CHECKLIST  
Lander County, NV**

The following must accompany this application:

- 1. \$300.00 application fee (non-refundable). Check or money orders payable to Lander County
- 2. Proof of ownership. If the person signing the owner's affidavit is not listed as the property owner in the most recent records of the Lander County Assessor, proof of ownership acceptable to the administrator must be submitted with the application
- 3. Review Materials including:
  - A. Complete application form
  - B. Written description of request, including:
    - Describe in detail the proposal for the property
    - Explain the purpose of the special use permit
    - Any potential effects to adjoining property owners with regard to noise, dust, traffic
    - Response to all required findings
- 4. Attach drawings to scale of any proposed signs (if applicable)
- 5. One hardcopy and one electronic copy (CD or USB) of all application materials.

**NOTE**

It is strongly recommended that all applicants or their representative physically attend (or be available by phone) the Planning Commission hearing as their application may be deferred or denied for lack of evidence.

## REQUIRED FINDINGS

Please provide a written response to the below required findings and include with the other materials in Checklist Item 3 (see above).

Before a permit may be granted, evidence is required that the proposed use:

- (a) Is necessary to the public health, safety, convenience, and welfare;
- (b) Is a use permitted in land use district subject of the provisions of Section 17.14 of Lander County Municipal Code. A special use permit may not be issued for a use not conditionally permitted within a land use district;
- (c) Will not result in material damage or prejudice to other property in the vicinity;
- (d) Is compatible with existing surrounding land uses and development.
- (e) Is in substantial conformance with the master plan.
- (f) Will have adequate services and infrastructure to support the proposed development.
- (g) Will adequately mitigate traffic impacts of the project and provides a safe pedestrian environment.
- (h) Location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, is appropriate to the area in which it is located.
- (i) Does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- (j) Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- (k) The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

# OWNER'S AFFIDAVIT

STATE OF NEVADA            )  
  ) SS.  
COUNTY OF LANDER        )

I, Alejandro Vera Pagan BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HERewith SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

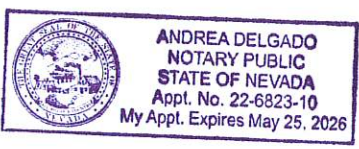
PROPERTY ADDRESS OR PARCEL NUMBER: 011-230-36

SIGNED *[Signature]*

MAILING ADDRESS 1990 Mackenzie Ct  
Pathe mtw NV 89820

PHONE 970-309-8491

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF September, 2023.



*[Signature]*  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
MY COMMISSION EXPIRES: May 25, 2024

DOC # 0280936

07/11/2017 04:01 PM

Official Record

Recording requested By  
VANTAGE POINT TITLE INC

Lander County - NV  
Lesley Bunch - Recorder

Fee: \$16.00 Page 1 of 3  
RPTT: \$542.10 Recorded By: KM

Book- 693 Page- 0265



0280936

This Instrument Prepared by:  
Certified Document Solutions  
17345 Civic Drive, Unit 1961  
Brookfield, WI 53045

~~Return To After Recording~~

Alvaro Beltran-Munoz Jr and Alejandro Vern Payan  
1990 Mackenzie Ct  
Battle Mountain, NV 89820  
Reference Number: NV405035

Mail Tax Statements To:

Alvaro Beltran-Munoz Jr and Alejandro Vern Payan  
1990 Mackenzie Ct  
Battle Mountain, NV 89820

Please Record & Return To:  
Vantage Point Title, Inc.  
25400 US 19 North, Suite 135  
Clearwater, FL 33763

Parcel ID#: 011-230-36

DEED OF GRANT

This indenture, made this 13 day of June, 2017,  
between **ALVARO BELTRAN-MUNOZ JR., A SINGLE MAN**, whose post office address  
is 1990 Mackenzie Ct, Battle Mountain, NV 89820, Grantor and **ALVARO BELTRAN-  
MUNOZ JR, A SINGLE MAN, AND ALEJANDRO VERN PAYAN, A SINGLE MAN,  
AS JOINT TENANTS**, whose post office address is 1990 Mackenzie Ct, Battle Mountain, NV  
89820, Grantees.

Witnesseth, that said Grantor, for in consideration of the sum of TEN (\$10.00)  
DOLLARS, and other good and valuable considerations in hand paid by Grantees, the receipt  
whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said  
Grantees forever, all the right, title, interest, claim and demand which the said Grantor has in  
and to the following described lot, piece or parcel of land, situate, lying and being in Lander  
County, Nevada, to-wit:

**SEE COMPLETE LEGAL ATTACHED AS EXHIBIT "A"**

Property Address: 1990 Mackenzie Ct, Battle Mountain, NV 89820

Together with all and singular the tenements, hereditaments, and appurtenances  
thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder  
and reminders, rents, issues and profits thereof.

To have and to hold the same together with all and singular the appurtenances thereunto  
belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and  
claim whatsoever of the said Grantor, either in law or in equity, to the only proper use, benefit  
and behalf of the said Grantee forever.



08/18/2023

To Whom it may concern.

I, Alejandro V Payan, would like to bring several issues to your attention. I was told just recently first week of August 2023; that I did not transfer my home occupation Special Use Permit for my business Emergency Home Repairs from my previous address located @540 Elquist Drive Battle Mountain NV 89820. Due to the fact Lander County Building Permit Department cannot find record of my Home Occupation Special Use Permit to 1990 McKenzie Court in Battle Mountain NV 89820. Which has come to a Great Surprise to me. Since 2016 all my Lander County Licenses have been issued to 1990 MacKenzie Court.

I have always done my due diligence and have informed Lander County Building Permit Department of any changes to my business, which is shown in my Lander County Business License account #BL-0548. Now 8 years later I am told by the same building department that has been issuing my license that I do not have a special use permit for this property @1990 MacKenzie Court in Battle Mountain NV 89820.

They have asked me to re-submit another Home Occupation Special Use Permit.

On Feb 13, 2023, I purchased the Cement Plant from Raymond Etcheveria; Only after talking to the Lander County Building Department in regards to moving it to 1990 MacKenzie Court. I was told that there wasn't an issue no special permit was needed. I purchased the plant with the intention to keep the availability within the community for those small projects that people are trying to accomplish during our short summer Months. Based on records provided to me, from previous owner they had sold only 13 yards last year in 2022.

Note: I would like to make it clear that there will be no traffic coming onto my property. I would be delivering the concrete to their project site by appointment only. I do not have a store front nor do I rent out any equipment out of my home; it's strictly office space like it has been since I started my business. I wouldn't expose my neighbors and family to unknown people when it's unnecessary.

Sincerely;

Alejandro Payan

a la mode, inc.  
The leader in real estate technology



Subject  
1990 MacKenzie Ct

Mackenzie Ct

James Monroe

1900 St E

2050 E

2050 E

304



Map Imagery dated 9/12/2010

Scale: 1:10,000  
© 2010 Microsoft Corporation. All rights reserved.  
Map data © 2010 Microsoft Corporation. All rights reserved.

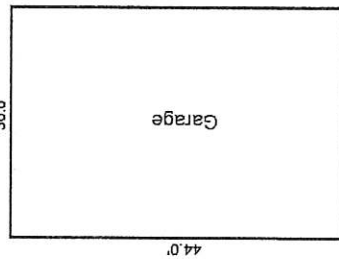
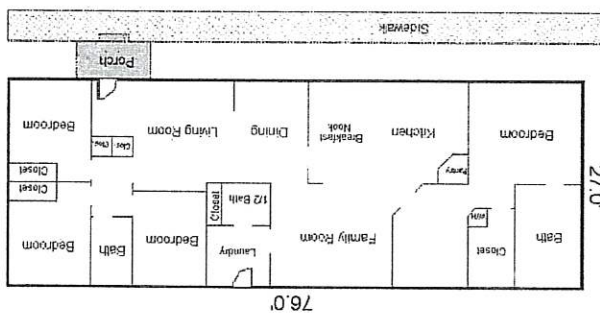


2052	1 Item	(Rounded)	2052.0
Subtotals			2052.0
LIVING AREA BREAKDOWN			
Breakdown			
First Floor			27.0 * 76.0

2052	Net Livable Area	(Rounded)	2052.0
Net Totals			2052.0
AREA CALCULATIONS SUMMARY			
Description			
Code	Description	Net Size	
GLA1	First Floor	2052.0	
p/p	Sidewalk	316.0	
	Concrete Porch	54.0	
GAR	Garage	1320.0	

Comments:

Mackenzie Ct



Concrete Plant

James Monroe



[Close Window](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 011-230-36**

**Prior Parcel #** [011-230-29](#)

**Location**

Property Location [1990 MACKENZIE COURT](#)  
 Town [IN SW4SW4 34/32/45](#)  
 District [8.0 - Battle Mountain Road Special](#)  
 Subdivision [PARCEL C, CLARK MAP](#)  
[193795](#) Lot Block  
 Property Name

[Add'l Addresses](#)  
[Assessor Maps](#)  
[Legal Description](#)  
[Ag Land](#)

**Ownership**

Assessed Owner Name [BELTRAN-MUNOZ JR, ALVARO ETAL](#)  
 Mailing Address [PO BOX 51 BATTLE MOUNTAIN, NV 89820](#)  
 Legal Owner Name [BELTRAN-MUNOZ JR, ALVARO ETAL](#)  
 Vesting Doc #, Date [280936 07/11/2017](#) Year / Book / Page [17 / 693 / 265](#)  
 Map Document #s [193795](#)

[Ownership History](#)  
[Document History](#)

**Description**

Total Acres [5.000](#) Square Feet [0](#)  
 Ag Acres [.000](#) W/R Acres [.000](#)

**Improvements**

Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">3 / 2.00</a>
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">1</a>	Stories <a href="#">1.0</a>
Multiple-family Units <a href="#">0</a>	Wells <a href="#">1</a>	Garage Square Ft... <a href="#">1,320</a>
Mobile Homes <a href="#">1</a>	Septic Tanks <a href="#">1</a>	Attached / Detached <a href="#">D</a>
Total Dwelling Units <a href="#">1</a>	Buildings Sq Ft <a href="#">0</a>	
	Residence Sq Ft <a href="#">2,052</a>	
	Basement Sq Ft <a href="#">0</a>	Basement
	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>

[Improvement List](#)  
[Improvement Sketches](#)  
[Improvement Photos](#)

**Appraisal Classifications**

Current Land Use Code [220](#) [Code Table](#)

Zoning Code(s) [A2](#)

Re-appraisal Group [4](#) Re-appraisal Year [2023](#)  
 Original Construction Year [1996](#) Weighted Year

**Assessed Valuation**

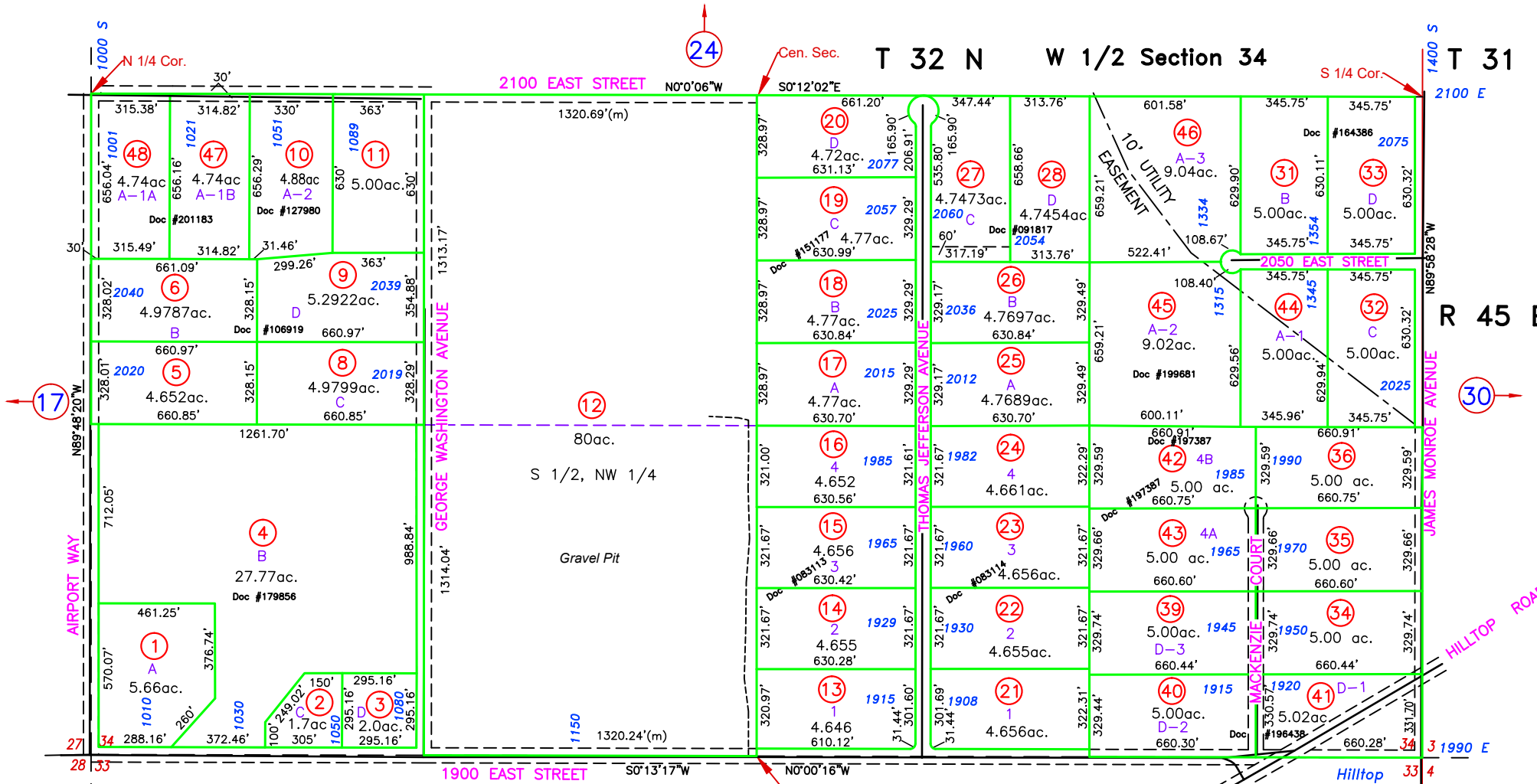
Assessed Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	5,250	5,250	5,250
Improvements	51,148	47,206	47,448
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Assessed Value</b>	<b>56,398</b>	<b>52,456</b>	<b>52,698</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

**Taxable Valuation**

Taxable Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	15,000	15,000	15,000
Improvements	146,137	134,874	135,566
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Taxable Value</b>	<b>161,137</b>	<b>149,874</b>	<b>150,566</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

T 32 N W 1/2 Section 34

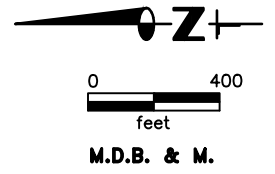


GROSS ACREAGE IS SHOWN.  
 (N) INDICATES NET ACREAGE  
 (M) INDICATES CAD MEASURED  
 (UE) UTILITY EASEMENT

APN	GROSS AC	NET AC	DOC #
11-023-10	4.88	4.66	127980
11-023-39	5.00	4.77	196438
11-023-40	5.00	4.34	196438
11-023-41	5.02	4.15	196438
11-023-42	5.00	4.96	197387
11-023-43	5.00	4.76	197387
11-023-47	4.74	4.09	201183
11-023-48	4.74	4.53	201183

REVIEWED 07/18/23 NJW  
 UPDATE LANDBASE 08/15/19 NJW

NOTE:  
 THIS PLAT IS FOR ASSESSMENT USE ONLY,  
 AND DOES NOT REPRESENT A SURVEY. NO  
 LIABILITY IS ASSUMED AS TO THE ACCURACY  
 OF THE DATA DELINEATED HEREON. USE OF  
 THIS PLAT FOR OTHER THAN ASSESSMENT  
 PURPOSES IS FORBIDDEN UNLESS APPROVED  
 BY THE DEPARTMENT OF TAXATION, DIVISION  
 OF ASSESSMENT STANDARDS.





# PD SUP 23-03 Payan



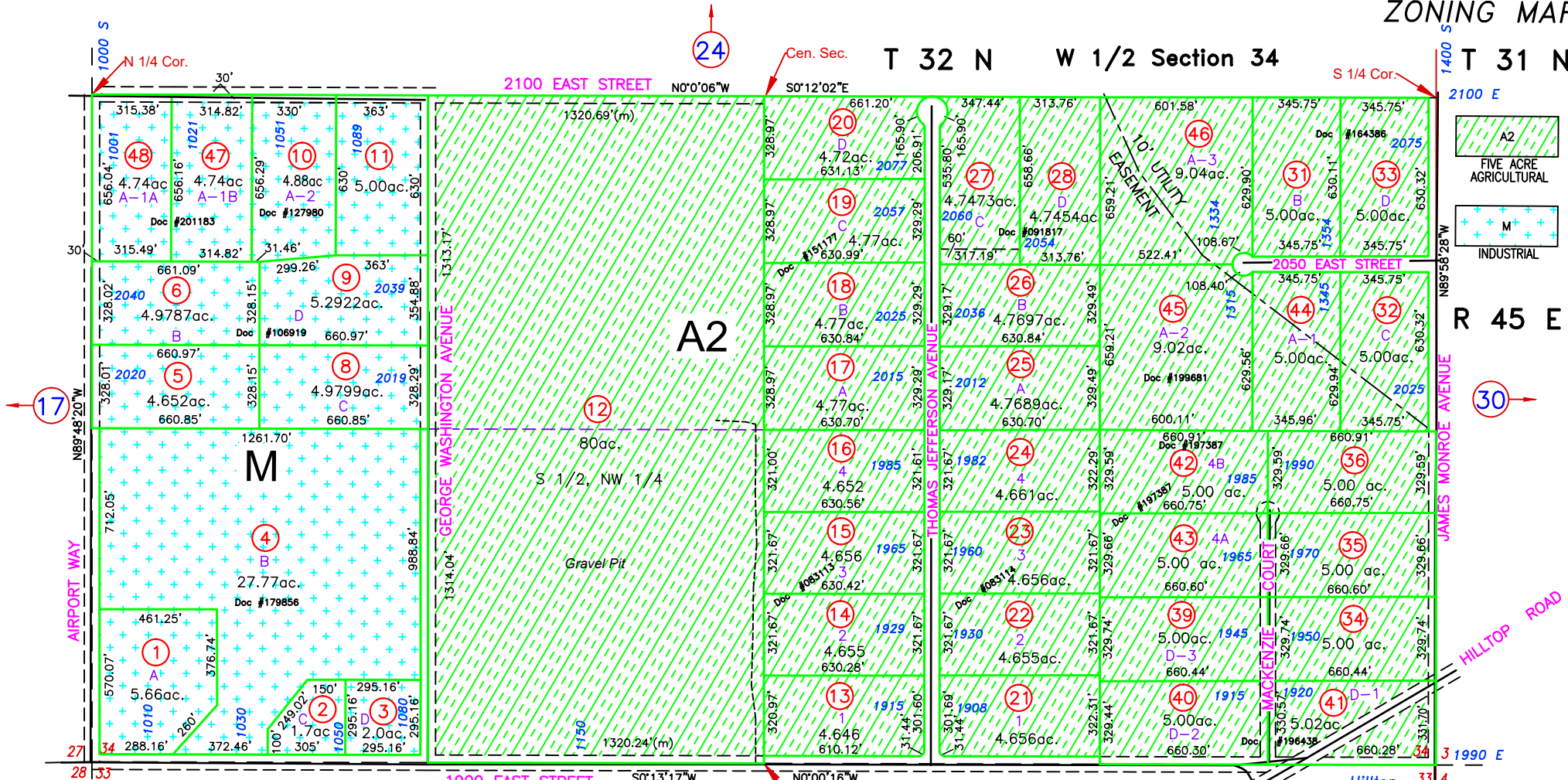
06/04/2023

© All EagleView Technology Corporation



# 11-23 ZONING MAP

T 32 N W 1/2 Section 34



**A2**  
FIVE ACRE AGRICULTURAL

**M**  
INDUSTRIAL

R 45 E

30

GROSS ACREAGE IS SHOWN.  
(N) INDICATES NET ACREAGE  
(M) INDICATES CAD MEASURED  
(UE) UTILITY EASEMENT

APN	GROSS AC	NET AC	DOC #
11-023-10	4.88	4.66	127980
11-023-39	5.00	4.77	196438
11-023-40	5.00	4.34	196438
11-023-41	5.02	4.15	196438
11-023-42	5.00	4.96	197387
11-023-43	5.00	4.76	197387
11-023-47	4.74	4.09	201183
11-023-48	4.74	4.53	201183

REVIEWED 07/18/23 NJW  
UPDATE LANDBASE 08/15/19 NJW

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY,  
AND DOES NOT REPRESENT A SURVEY. NO  
LIABILITY IS ASSUMED AS TO THE ACCURACY  
OF THE DATA DELINEATED HEREON. USE OF  
THIS PLAT FOR OTHER THAN ASSESSMENT  
PURPOSES IS FORBIDDEN UNLESS APPROVED  
BY THE DEPARTMENT OF TAXATION, DIVISION  
OF ASSESSMENT STANDARDS.

**Z**

0 400  
feet

M.D.B. & M.

LANDER COUNTY

# Lander County Planning Commission



October 12, 2023

Dear Property Owner:

Lander County Code requires that property owners within a certain distance be notified when there is an application to change or add to the use on a property. If you have comments regarding this proposed use, please feel free to attend the Public Hearing to state your support or concerns. If you are unable to attend the hearing, please feel free to send in written correspondence prior to the meeting date via mail or email, so that it can be read into the record.

Sincerely,

*Shelby Knopp*

Shelby Knopp  
Planning Coordinator

**NOTICE IS HERBY GIVEN** that a Public Hearing will be conducted by the Lander County Planning Commission regarding the following Special Use Permit:

**Applicant:** Alejandro V. Payan DBA Emergency Home Repairs  
**Location:** 1990 Mackenzie Court, Battle Mountain, NV 89820  
**APN:** 011-230-36  
**Type:** Request for a Special Use Permit to allow for the operation of a concrete plant in a A2 – Five-Acre Agricultural Zoning District.

**DATE & TIME:** October 25, 2023 @ 6:00 p.m.

**PLACE:** Community Meeting Room  
**Lander County Courthouse**  
50 State Route 305  
Battle Mountain, NV 89820

Please call/email the Lander County Planning Department for further information, 635-2860  
[Planning@landercountynv.org](mailto:Planning@landercountynv.org).

PD SUP 23-03  
Alejandro Payan

APN:	Owner:	c/o: tsc_mailin	City, State, Zip
1 01123036	BELTRAN-MUNOZ JR, ALVARA ETAL	PO BOX 51	BATTLE MOUNTAIN, NV 89820
2 01123042	BRITTAIN, BRADLEY L & LENORA B	1985 MACKENZIE COURT	BATTLE MOUNTAIN, NV 89820
3 01123045	DUVAL, ROBERT K & TAMI-JO	1315 2050 EAST	BATTLE MOUNTAIN, NV 89820
4 01123044	LUNDERMAN, CODY L & KATHERINE M	1345 2050 EAST	BATTLE MOUNTAIN, NV 89820
5 01130009	MANNING, KAGEN & SAMANTHA	2022 JAMES MONROE AVE	BATTLE MOUNTAIN, NV 89820
6 01130028	NAVERAN, JACQUELINE & RONALD J	BOX 46	BATTLE MOUNTAIN, NV 89820
7 01123032	ODLE, DEANNE	2025 JAMES MONROE AVE	BATTLE MOUNTAIN, NV 89820
8 01123043	SNELLINGS, RONALD L	1965 MACKENZIE CT	BATTLE MOUNTAIN, NV 89820
9 01123035	THOMAS, WALLACE M & CAROLYN J	1970 MACKENZIE COURT	BATTLE MOUNTAIN, NV 89820

9 TOTAL

PD SUP 23-03  
Alejandro Payan

Site add:

1990 MACKENZIE COURT

1985 MACKENZIE COURT

1315 2050 EAST

1345 2050 EAST

2022 JAMES MONROE AVENUE

1400 HILLTOP ROAD

2025 JAMES MONROE AVENUE

1965 MACKENZIE COURT

1970 MACKENZIE COURT



# PD SUP 23-03 Property Owner Notice Map





# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 5

---

- 4.) Review, consideration, and possible action on Parcel Map No. 23-04 filed by James and Nancy Bare to divide APN 010-280-37 a 14.71-acre parcel into four parcels within an A-1 – One-Acre Agricultural Zoning District. **FOR POSSIBLE ACTION**

The subject property is located on the southeast corner of the intersection of Painted Sage Drive and Desert Sage Drive, Battle Mountain, NV.

**Staff report attached separately.**

**Recommended Motion: Forward a recommendation to the Lander County Board of Commissioner to conditionally approve Parcel Map No. 23-04 filed by James and Nancy Bare, subject to the facts, findings, and conditions listed in the Lander County Staff Report dated September 28, 2023, conditions listed as follows:**

- 1) **Parcel Map to be recorded with the Lander County Recorder's Office within one (1) year of approval by the Lander County Board of Commissioners.**
- 2) **Required changes from Lander County Surveyor of Record made prior to consideration by the Lander County Board of Commissioners, listed as follows:**
  - a. **Lander County Staff would like the adjacent parcels shown, along with the names of the owners and APNs.**
  - b. **Faded Sage Drive was dedicated as a public right-of-way by Parcel Map File No. 280017 and should be shown as such.**
  - c. **The label on the map for Parcel 13-C should be Parcel C, Parcel Map File No. 303329.**
  - d. **Painted Sage Drive, Desert Sage Drive, and Mountain Sage Drive are easements and are labeled as such under easements 1 & 2 correctly on the map, however because they are easements the boundary lines of the parcels shown should be along the centerline of the easements and not along edge of the easement line. These lines,**

according to your legend are Section Lines and should be the parcel lines. The lines you now show as parcel lines along those streets should be then shown as easement lines.

- e. After the parcel lines are moved to the centerlines of the easements, dimensioning should be to those new parcel lines, and then your net and gross areas would make more sense and are correct.
- f. Please label the C  $\frac{1}{4}$  of Section 14 as a found brass cap if that indeed is the case.
- g. Please add the file number of the map that created Parcel 13-A and 13-B along with the current owners' name and APN of the parcel under the label for each of those parcels.
- h. Change the dashed lines around and between Parcels 13-A, 13-B, and 13-C to the lines under the legend labeled lot lines. They are not easement lines as indicated in the legend.
- i. It might be a good idea to change the lines around and between the parcels being created by this map to the same, as the same as the line in the legend labeled Parcel Boundary Line. This would make the lines on the drawing consistent with the lines in the legend.
- j. In the legend please state what you found for the monuments per Parcel Map recorded as file number 280071. Such as found 5/8" rebar with 2-1/2" aluminum cap stamped PLS 17828 per parcel map file no 280071. This would save someone looking at the map the trouble of having to look up another map just to see what you found.
- k. The distance along the east line of Parcel 13-D4 is incorrect and should be 180.67'.

## **LANDER COUNTY STAFF REPORT** **PARCEL MAP APPLICATION**

**Applicant: James & Nancy Bare\_775-374-1700**

**Report Date: 09/28/2023**

**Report Due from Staff: 10/16/2023**

**Agenda Item Number: 4**

**Application Number: PD PM 23\_42**

**Planning Commission Date: 10/25/2023**

**Project Description: Parcel Map Application to divide an existing 14.72-acre parcel into four (4) separate parcels being 5.12 acres, 2.55 acres, 2.55 acres, and 2.66 acres.**

---

### **PROJECT INFORMATION**

<b>PARCEL NUMBER:</b>	010-280-37
<b>PARCEL SIZE:</b>	14.710 acres +/-
<b>EXISTING ZONING:</b>	A1- One-Acre Agricultural District
<b>MASTER PLAN DESIGNATION:</b>	Medium Density Residential
<b>EXISTING LAND USE:</b>	Code 100 – Vacant - Unknown/Other

#### **NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- **North:**
  - A1 – One-Acre Agricultural District Parcels: 010-280-51 & 010-280-60
- **South:**
  - A1- One-Acre Agricultural District Parcel: 010-280-38
  - A2 – Five-Acre Agricultural District Parcel: & 010-280-20
- **West:**
  - A3 – Farm and Ranch District Parcel: 010-610-05
- **East:**
  - A1- One-Acre Agricultural District Parcel: 010-280-45

#### **PROPERTY CHARACTERISTICS:**

The property is generally flat. The proposed properties have access from Painted Sage Drive and Desert Sage Drive.

#### **EXISTING FLOOD ZONE:**

##### **Zone X**

Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA's National Flood Insurance Program each year

**This parcel is not designated in a Special Flood Hazard Area (SFHA).**

## **MASTER PLAN AND COUNTY CODES:**

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Master Plan – Transportation Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning – Title 17, Section 17.34 – One-Acre Agricultural District – A1
- Lander County Code – Title 16, Section 16.12 – Parcel Maps
- Lander County Code – Title 16, Section 16.12.030 - Requirements imposed by the planning commission—Review.
- Lander County Code – Title 16, Section 16.16.010 Lot Size Requirements
- NRS 278.461 – Parcel Maps
- NRS 278.462 – Requirements which may imposed by the Governing Body

## **BACKGROUND:**

- The parcel is located within a portion of Section 14, Township 32N and Range 44E. This parcel is designated as Medium Density Residential. The surrounding zoning includes A1, A2, and A3.
- The existing parcel is 14.72 acres and is proposed to be split into four parcels, being 5.12 acres, 2.55 acres, 2.55 acres, and 2.66 acres.
- The proposed properties have access from Painted Sage Drive and Desert Sage Drive.
- The Applicant is proposing to serve all four parcels with Lander County Water Service and install private sewage disposal systems on each parcel upon development.
- Standard easements are proposed along the existing and proposed property lines.

## **MASTER PLAN**

### **Land use:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Atlas shows the area as Medium Density Residential.
  - Lander County Assessor Data shows the area as Land Use Code 100 – Vacant - Unknown/Other
  - The proposed Parcel Map application is in conformance with the Land Use Component of the Master Plan.

### **Public Facilities:**

- Lander County Master Plan – Public Facilities Component
  - The proposed parcel map is compatible with the Public Facilities Component of the Master Plan
  - Water Service is available in this location.
  - The applicant is proposing private sewage disposal systems on each parcel upon development.

### **Transportation:**

- Lander County Master Plan – Transportation Component
  - The proposed parcels will be accessed from Painted Sage Drive and Desert Sage Drive.
  - There are no road dedications. Both Painted Sage Drive and Desert Sage Drive are existing dedicated roadways.



- The proposed parcel map is compatible with the Transportation Component of the Master Plan and is consistent with the existing infrastructure.

**ZONING DISTRICTS:**

- A1 – One-Acre Agricultural Zoning District
  - The required area and width in the A1- One-Acre Agricultural District are as follows:
    - One Acre minimum area
    - One hundred twenty feet minimum width
    - For permitted uses utilizing an individual sewage disposal system, the required area for any such area shall be approved by the State Health Department.
  - All proposed parcels meet the minimum requirements for the A-1 Zoning Designation.

**LANDER COUNTY CODE – TITLE 16, SECTION 16.12 – PARCEL MAPS**

- Title 16, Section 16.12.030 - Requirements imposed by the planning commission—Review.
  - The county planning commission shall require road grading, drainage provisions, adequate lot design and road width requirements as reasonably necessary. If the county planning commission or board of commissioners anticipate that the proposed parcels will be used for residential, commercial, or industrial purposes, then off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within six hundred sixty feet of the proposed parcel may be required. If the proposed parcels are less than one acre, then the planning commission or board of commissioners may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed. A sixty-foot wide road easement or right-of-way shall be provided up to and through the subject parcel from the nearest approved county road, easement or right-of-way. All street access to lots shall be required to be not less than sixty feet and shall, at a minimum, be improved as set forth in the Lander County Rural Road Standards. To facilitate review by the commission, it is incumbent upon the developer to supply the commission with adequate evidence that site analysis has been reasonably performed and that the above requirements have been met. (Ord. 2007-13 § 2 (part), 2007)
- Title 16, Section 16.16.101 Lot Size Requirements
  - One-Acre Requirement per A1 – One-Acre Agricultural Zoning Designation
    - Meets Requirement

**NEVADA REVISED STATUTES**

- NRS 278.461 General Requirements; exemptions:
  - The general requirements for a Parcel Map submittal were met.

- NRS 278.462 Requirements which may be imposed by governing body. The governing body or, if authorized by the governing body, the planning commission or other authorized person:
  - May require street grading, drainage provisions and lot designs as are reasonably necessary
  - If it anticipates, based upon duly adopted ordinances and plans, that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body or, if authorized by the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.
  - For a second or subsequent parcel map with respect to:
    - A single parcel; or
    - A contiguous tract of land under the same ownership, may require any reasonable improvement, but not more than would be required if the parcel were a subdivision.

#### **FINDINGS / ADDITIONAL CONDITIONS:**

The proposed parcel map is in conformance with:

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Master Plan – Transportation Component
- Lander County Code – Title 16, Section 16.16.101 Lot Size Requirements
- Lander County Zoning Ordinance - Establishment of Zoning Districts
- Lander County Zoning – Title 17, Section 17.64 – Industrial District – M
- Lander County Code – Title 16, Section 16.12 – Parcel Maps
- Lander County Code – Title 16, Section 16.12.030 - Requirements imposed by the planning commission—Review.
- Lander County Code – Title 16, Section 16.16.010 Lot Size Requirements
- Lander County Code – Title 16, Section 16.16.035 Requirement of Improvements
- NRS 278.461 – Parcel Maps
- NRS 278.462 – Requirements which may imposed by the Governing Body

This parcel map has taken into consideration all of the below (describe):

- a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
  - a. There is water service available to this parcel through the County. The applicant is proposing private sewage disposal systems be installed on each lot as they are developed.**
  
- b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
  - a. No Will Serve letter was issued or required**

- c) The availability and accessibility of utilities;
  - a. **No Will Serve letter was issued or required**
- d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
  - a. **Lander County public services are in place to the best of Lander County's ability and has no bearing on this application**
- e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
  - a. **Addressed herein**
- f) General conformity with the governing body's master plan of streets and highways;
  - a. **Addressed herein**
- g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
  - a. **Existing roadway networks leading to location are suitable for the proposed the Parcel Map and density.**
- h) Physical characteristics of the land such as floodplain, slope and soil;
  - a. **The property is generally flat and not located in a floodplain.**
- i) The recommendations and comments of those entities and persons reviewing the parcel map pursuant to NRS.;;
  - a. **Review and approved by Lander County Surveyor**
- j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;
  - a. **Lander County does have fire protection nearby.**
- k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.
  - a. **Not Applicable.**

---

**STAFF RECOMMENDATION:**

Staff recommends this parcel map be **Conditionally Approved** based on the facts, findings and conditions included in this staff report.

**Conditions:**

- 1) Parcel Map to be recorded with the Lander County Recorder's Office within one (1) year of approval by the Lander County Board of Commissioners.
- 2) Required changes from Lander County Surveyor of Record made prior to consideration by the Lander County Board of Commissioners, listed as follows:
  - a. Lander County Staff would like the adjacent parcels shown, along with the names of the owners and APNs.
  - b. Faded Sage Drive was dedicated as a public right-of-way by Parcel Map File No. 280017 and should be shown as such.
  - c. The label on the map for Parcel 13-C should be Parcel C, Parcel Map File No. 303329.
  - d. Painted Sage Drive, Desert Sage Drive, and Mountain Sage Drive are easements and are labeled as such under easements 1 & 2 correctly on the map, however because they are easements the boundary lines of the parcels shown should be along the centerline of the easements and not along the edge of the easement line. These lines, according to your legend are Section Lines and should be the parcel lines. The lines you now show as parcel lines along those streets should be then shown as easement lines.
  - e. After the parcel lines are moved to the centerlines of the easements, dimensioning should be to those new parcel lines, and then your net and gross areas would make more sense and are correct.
  - f. Please label the C ¼ of Section 14 as a found brass cap if that indeed is the case.
  - g. Please add the file number of the map that created Parcel 13-A and 13-B along with the current owners' name and APN of the parcel under the label for each of those parcels.
  - h. Change the dashed lines around and between Parcels 13-A, 13-B, and 13-C to the lines under the legend labeled lot lines. They are not easement lines as indicated in the legend.
  - i. It might be a good idea to change the lines around and between the parcels being created by this map to the same, as the same as the line in the legend labeled Parcel Boundary Line. This would make the lines on the drawing consistent with the lines in the legend.
  - j. In the legend please state what you found for the monuments per Parcel Map recorded as file number 280071. Such as found 5/8" rebar with 2-1/2" aluminum cap stamped PLS 17828 per parcel map file no 280071. This would save someone looking at the map the trouble of having to look up another map just to see what you found.
  - k. The distance along the east line of Parcel 13-D4 is incorrect and should be 180.67'.

## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Thursday, October 12, 2023 7:01 AM  
**To:** Building Department  
**Cc:** Planning department; Aaron Martinez; April Pacheco; Bert Ramos; Bill Schaeffer; Elizabeth Macdonald; Jeanne Falzone; Lura Duvall  
**Subject:** Re: PM 23-04\_Bare\_Staff Review

It looks good to me

On Wed, Oct 11, 2023 at 7:51 AM Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)> wrote:

No questions from me. Once Bob's changes to the maps get completed it looks compliant to me. 😊

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Tuesday, October 10, 2023 10:35 AM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Elizabeth Macdonald <[emacdonald@landercountynv.org](mailto:emacdonald@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** PM 23-04\_Bare\_Staff Review

Good Morning,

Last review request for the October 25<sup>th</sup> Planning Commission items.

This one is for a parcel map to split a 14.71 acre parcel into 4 parcels.

Mr. Bob Morley, the County Surveyor of Record did an extensive review and had several requests for changes. I have included his request in the packet.

I have added a condition that those be taken care of prior to review of the map by the County Commissioners.

All staff reviews are due by Monday, October 16<sup>th</sup>.

Let me know if you have any questions.

Thank you all for your time!



*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)



Lander County  
Community Development

Lander County Planning  
Date Received 9/15/23  
Application No. PD PM 23-04

PARCEL MAP APPLICATION

APPLICANT/OWNER INFORMATION

Applicant(s): James & Nancy Bare Phone/Email: 775-374-1700 barej81@yahoo.com

Address: 225 Carson Rd Battle Mountain, NV, 89820

Legal Owner(s): James & Nancy Bare Phone/Email: 775-374-1700 barej81@yahoo.com

Address: 225 Carson Rd Battle Mountain, NV, 89820

Applicant's Representative: Self Phone/Email: 775-374-1700

PROJECT INFORMATION

Property Location: 010-280-37

Assessor's Parcel Numbers(s): 010-280-37

Current Master Plan: Rural Current Zoning: A1

Are there any deed restrictions affecting the use of the property? None

Subdivision total area: 14.7 acres Streets, roads, right-of-ways: 0 acres

Total Number of Parcels: 4 Acreage: \_\_\_\_\_

Utilities will be furnished as follows:

Electricity: NV Energy Water: Lander County Sewage: Septic

SIGNATURE(S)

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

[Signature] 9-15-2023  
Owner's Signature Date

\_\_\_\_\_  
Applicant's Signature (if the person applying is not the owner) Date

## **REQUIRED FINDINGS**

Please provide a written response to the below required findings with the other materials in Checklist Item 3 (see above).

This tentative map has taken into consideration all of the below (describe):

- (a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;
- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;
- (j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- (k) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

# OWNER'S AFFIDAVIT

STATE OF NEVADA )  
 ) SS.  
COUNTY OF LANDER )

I, James Bare BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HERewith SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

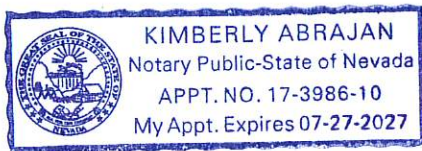
PROPERTY ADDRESS OR PARCEL NUMBER: 010-280-37

SIGNED James Bare

MAILING ADDRESS 225 Carson Rd  
Battle Mountain, NV, 89820

PHONE 775-374-1700

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15<sup>th</sup> DAY OF September, 2023



Kimberly Abrajan Lander, NV  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
MY COMMISSION EXPIRES: 07-27-2027



[Close Window](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

**Parcel Detail for Parcel # 010-280-37**

**Prior Parcel #** [010-280-16](#)

**Location**

Property Location [PAINTED SAGE DRIVE](#)

Town [Add'l Addresses](#)

District [8.0 - Battle Mountain Road Special](#) [Assessor Maps](#)

Subdivision [PARCEL 13-D, WINTLE](#) [Legal Description](#)

MAP Lot Block [Ag Land](#)

Property Name

**Ownership**

Assessed Owner Name [BARE, JAMES L & NANCY K](#)

Mailing Address [225 CARSON ROAD](#) [Ownership History](#)  
[BATTLE MOUNTAIN, NV 89820](#) [Document History](#)

Legal Owner Name [BARE, JAMES L & NANCY K](#)

Vesting Doc #, Date [300523](#) [08/24/2021](#) Year / Book / Page [21 / 0 / 0](#)

Map Document #s [183519](#) [280071](#)

**Description**

Total Acres [14.710](#) Square Feet [0](#)

Ag Acres [.000](#) W/R Acres [.000](#)

**Improvements**

Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">0</a>	Stories <a href="#">.0</a>
Multiple-family Units <a href="#">0</a>	Wells <a href="#">0</a>	Garage Square Ft... <a href="#">0</a>
Mobile Homes <a href="#">0</a>	Septic Tanks <a href="#">0</a>	Attached / Detached
Total Dwelling Units <a href="#">0</a>	Buildings Sq Ft <a href="#">0</a>	
	Residence Sq Ft <a href="#">0</a>	
	Basement Sq Ft <a href="#">0</a>	Basement
	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>

[Improvement List](#)  
[Improvement Sketches](#)  
[Improvement Photos](#)

**Appraisal Classifications**

Current Land Use Code [100](#) [Code Table](#)

Zoning Code(s) [A1](#)

Re-appraisal Group [4](#) Re-appraisal Year [2023](#)

Original Construction Year      Weighted Year

**Assessed Valuation**

Assessed Values	<a href="#">2023-24</a>	<a href="#">2022-23</a>	<a href="#">2021-22</a>
Land	7,350	7,350	7,350
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Assessed Value</b>	<b>7,350</b>	<b>7,350</b>	<b>7,350</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

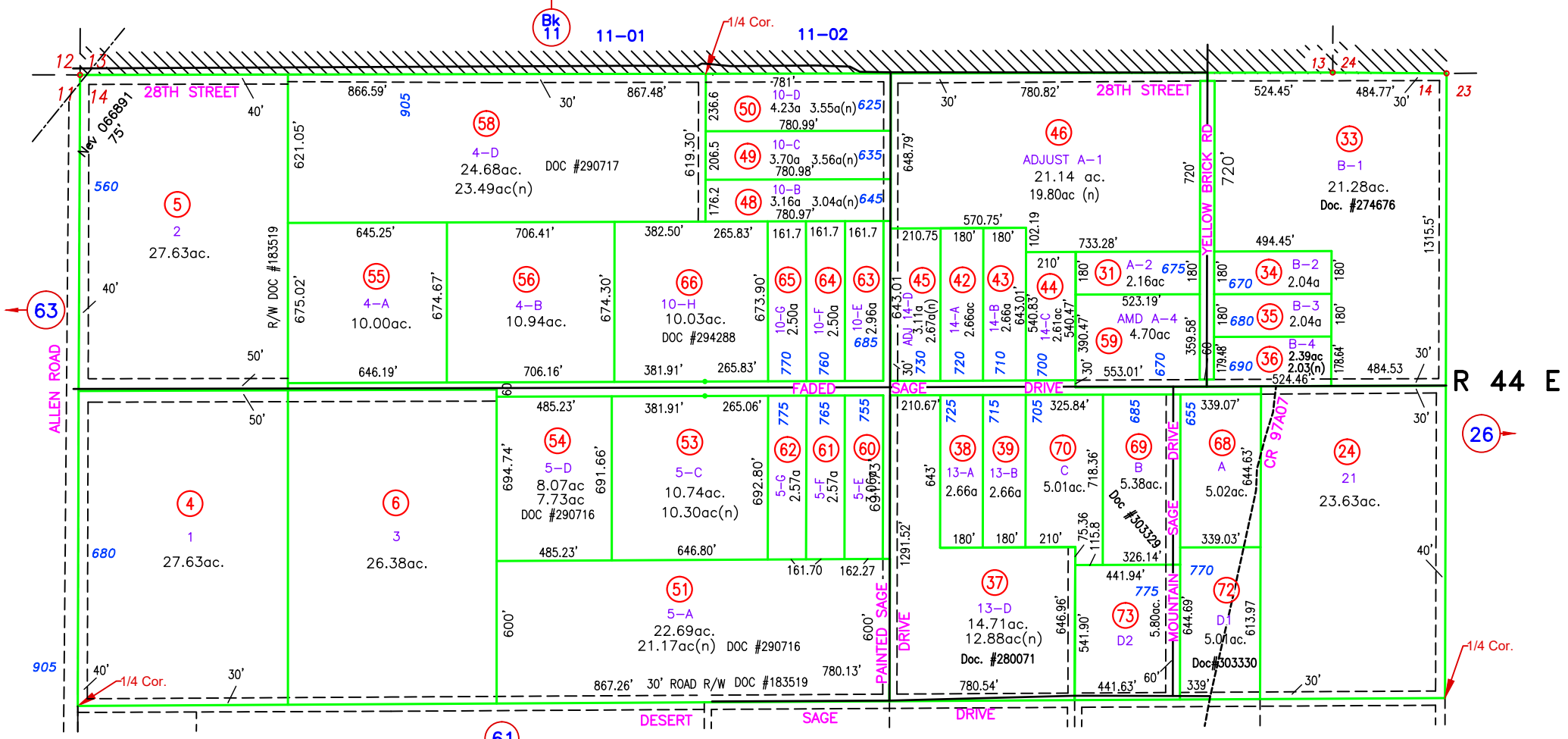
**Taxable Valuation**

Taxable Values	<a href="#">2023-24</a>	<a href="#">2022-23</a>	<a href="#">2021-22</a>
Land	21,000	21,000	21,000
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
<b>Net Taxable Value</b>	<b>21,000</b>	<b>21,000</b>	<b>21,000</b>
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)



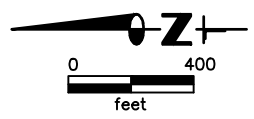
T 32 N E 1/2 Section 14



NV ENERGY 10' ESMT, DOC #294406,  
010-280-46, 48, 49, 50, 51

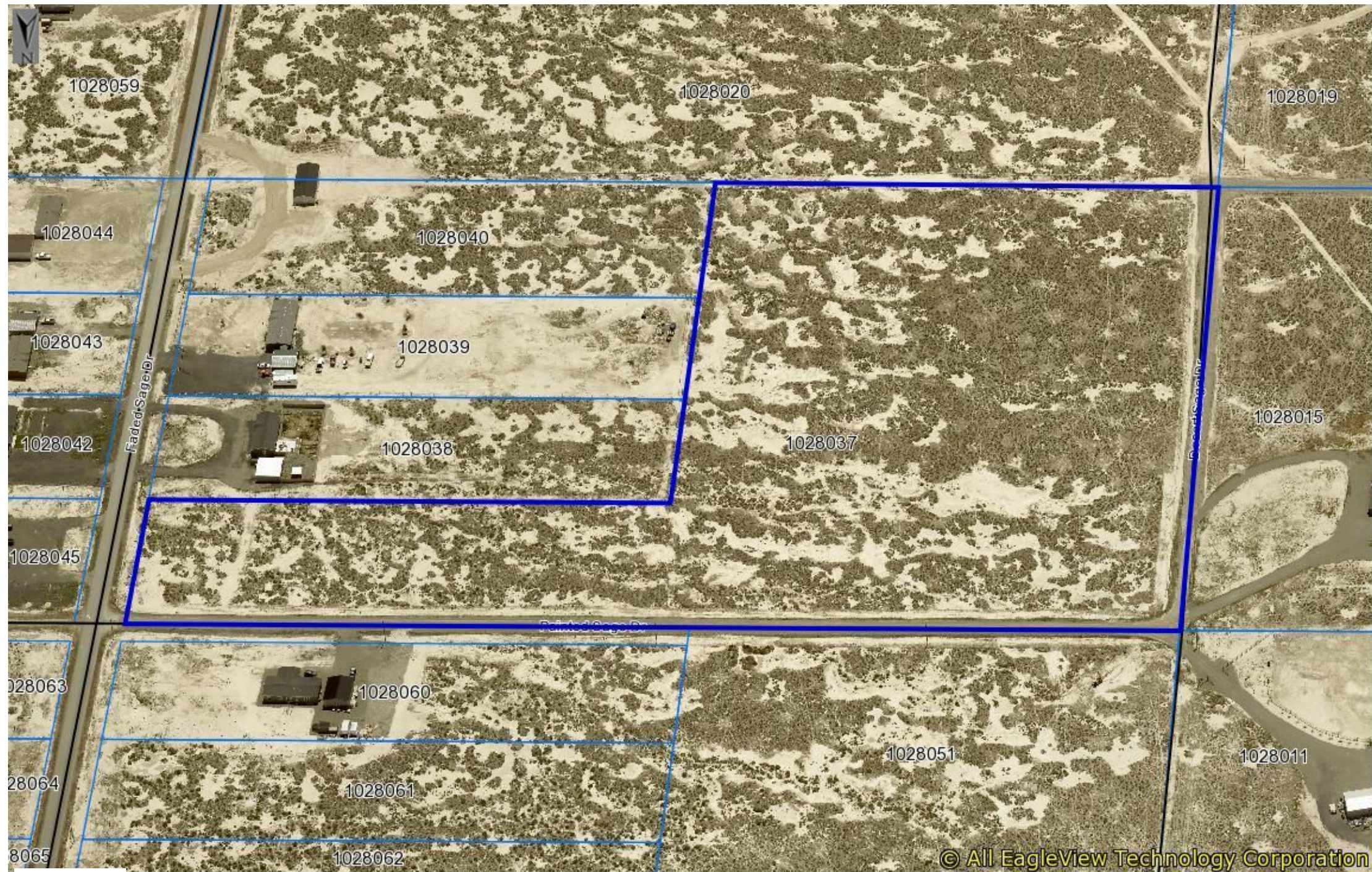
GROSS ACREAGE IS SHOWN.  
(N) INDICATES NET ACREAGE  
(M) INDICATES CAD MEASURED  
(UE) UTILITY EASEMENT

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY,  
AND DOES NOT REPRESENT A SURVEY. NO  
LIABILITY IS ASSUMED AS TO THE ACCURACY  
OF THE DATA DELINEATED HEREON. USE OF  
THIS PLAT FOR OTHER THAN ASSESSMENT  
PURPOSES IS FORBIDDEN UNLESS APPROVED  
BY THE DEPARTMENT OF TAXATION, DIVISION  
OF ASSESSMENT STANDARDS.





# PD PM 23-04 Bare



1028059

1028020

1028019

1028044

1028040

1028043

1028039

1028042

1028038

1028037

1028015

1028045

1028063

1028060

1028064

1028061

1028051

1028011

1028065

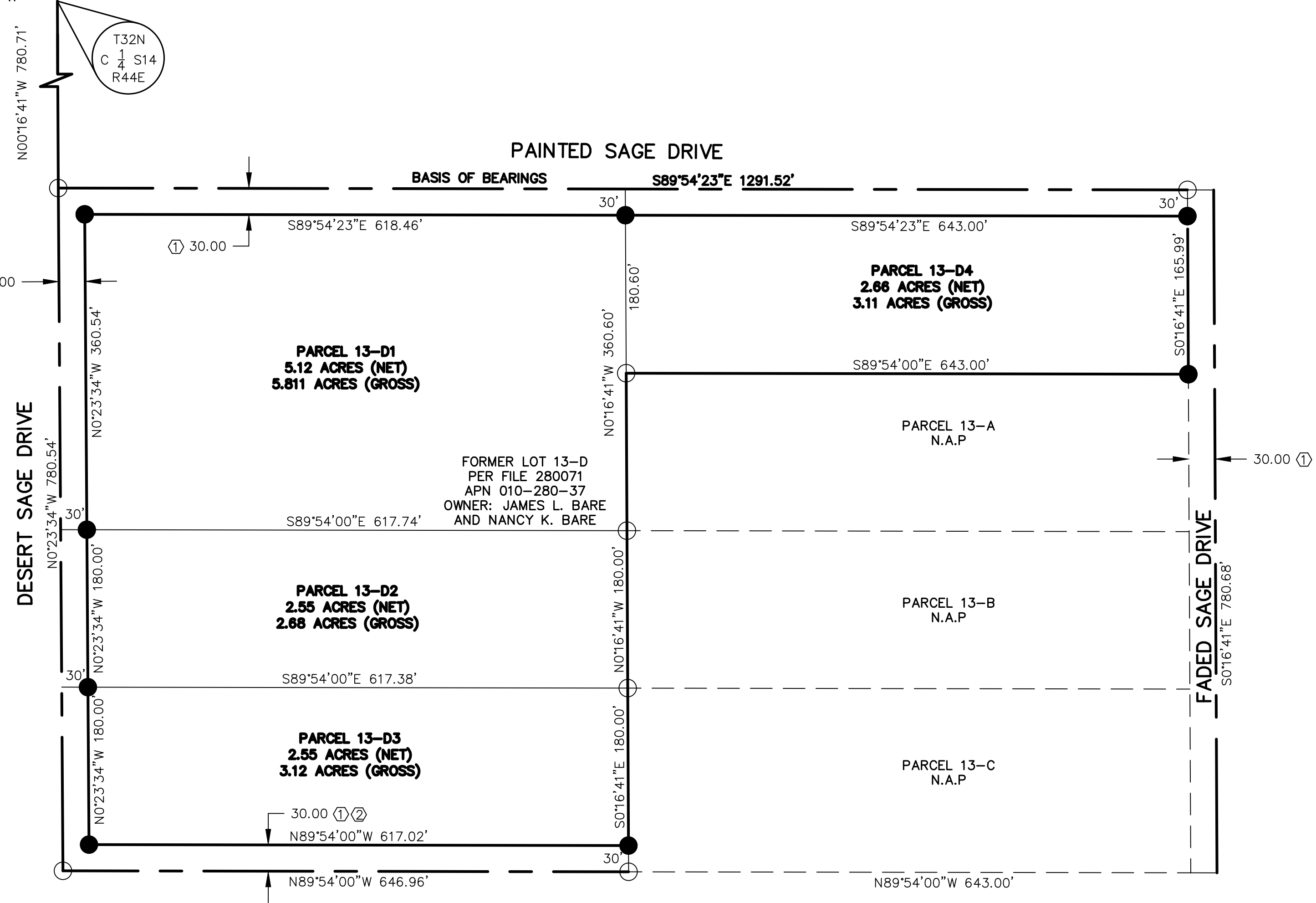
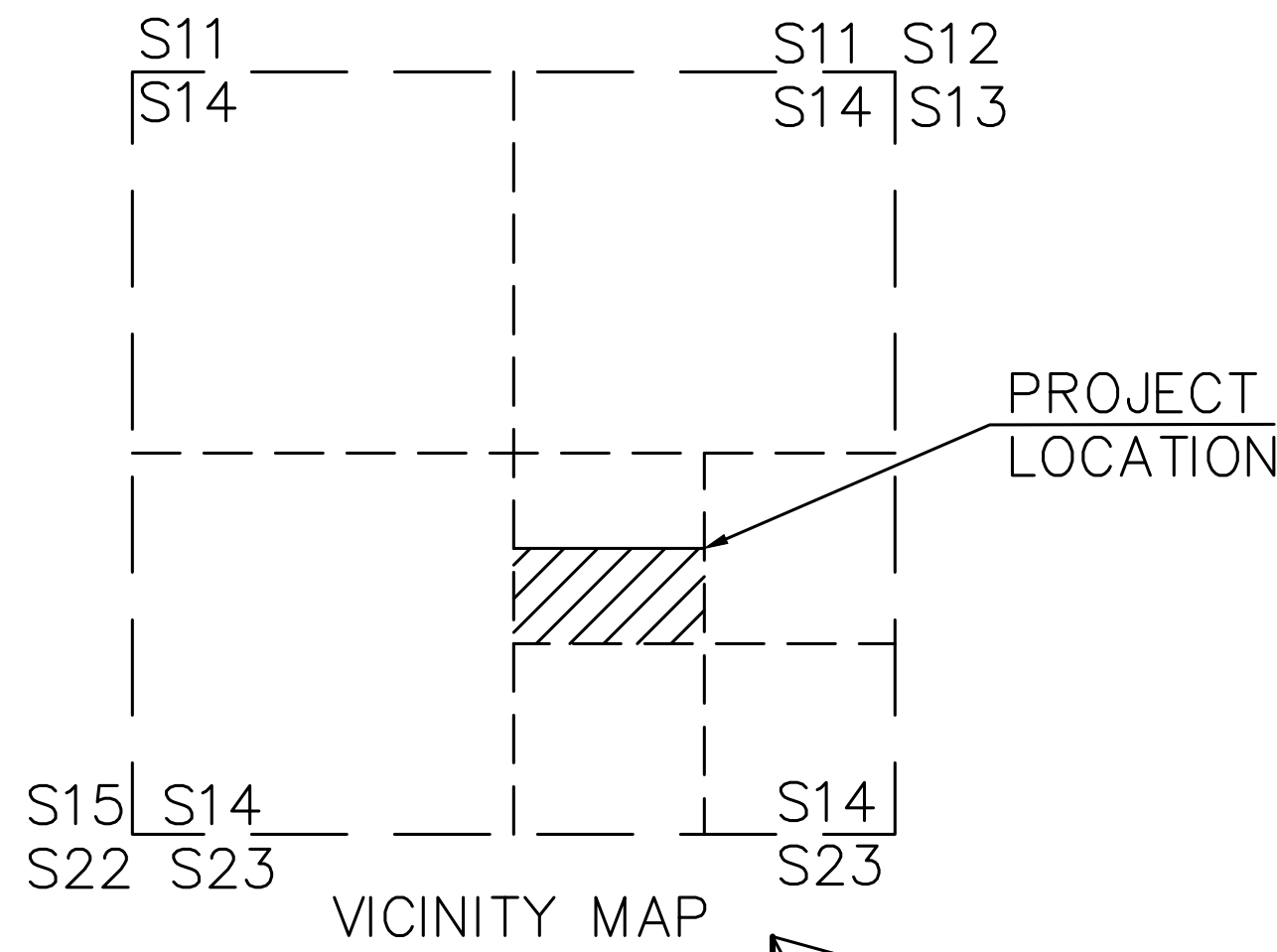
1028062

© All EagleView Technology Corporation

06/07/2023



PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 32 NORTH, RANGE 44 EAST, M.D.B.&M. LANDER COUNTY, NEVADA

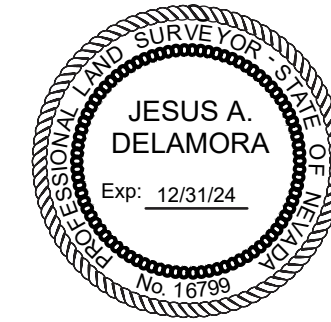


**SURVEYOR'S CERTIFICATE**

I, JESUS A. DELAMORA, PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, AS AGENT FOR AD CONSULTING L.L.C., CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF JAMES L. BARE AND NANCY K. BARE.
2. THE LANDS SURVEYED LIE WITHIN THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST (SE 1/4) OF SECTION 14, TOWNSHIP 32 NORTH, RANGE 44 EAST, M.D.B.&M., LANDER COUNTY, NEVADA AND THE SURVEY WAS COMPLETED ON JUNE 26, 2023.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED, AND THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH CHAPTER 625 OF THE NEVADA ADMINISTRATIVE CODE.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT DURABILITY.

JESUS A. DELAMORA  
PROFESSIONAL LAND SURVEYOR  
NEVADA CERTIFICATE NO. 16799



**OWNERS CERTIFICATE**

THIS IS TO CERTIFY THAT THE UNDERSIGNED, JAMES L. BARE AND NANCY K. BARE, ARE THE RECORD OWNERS OF THE TRACT OF LAND REPRESENTED ON THIS PLAT AND THAT THE SAME IS EXECUTED IN COMPLIANCE WITH AND SUBJECT TO N.R.S. CHAPTER 278 AND THE LANDER COUNTY PARCEL MAP ORDINANCE, AND DO HEREBY OFFER WITHOUT RESERVATION ALL RIGHTS OF WAY AND EASEMENTS AS ARE DESIGNATED AND SHOWN ON THIS PLAT FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES, DRAINAGE AND ACCESS EASEMENTS.

JAMES L. BARE \_\_\_\_\_ NANCY K. BARE \_\_\_\_\_

**NOTARY PUBLIC CERTIFICATE**

STATE OF NEVADA } S.S.  
COUNTY OF \_\_\_\_\_ }  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023 BY JAMES L. BARE AND NANCY K. BARE.

NOTARY PUBLIC \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**COUNTY TREASURER'S CERTIFICATE**

I, JUDIVIA JOHNSON, LANDER COUNTY TREASURER, CERTIFY THAT ALL PROPERTY TAXES ON THE LAND FOR THE FISCAL YEAR HAVE BEEN PAID PURSUANT TO N.R.S. 361A.365. (ASSESSOR'S PARCEL NUMBER 010-280-37).

JUDIVIA JOHNSON \_\_\_\_\_ DATED: \_\_\_\_\_  
LANDER COUNTY TREASURER

**UTILITY COMPANY CERTIFICATE**

THE UNDERSIGNED UTILITY COMPANIES HAVE REVIEWED THIS MAP AND FIND THAT THE UTILITY EASEMENTS DESIGNATED AND SHOWN ARE ADEQUATE.

SIERRA PACIFIC POWER COMPANY dba NV ENERGY \_\_\_\_\_ DATED \_\_\_\_\_

NEVADA BELL TELEPHONE COMPANY dba AT&T OF NEVADA \_\_\_\_\_ DATED \_\_\_\_\_

**PLANNING COMMISSION CERTIFICATE**

THIS PARCEL MAP HAS BEEN REVIEWED AND ACCEPTED BY THE PLANNING COMMISSION OF LANDER COUNTY, NEVADA, FOR THE PURPOSE OF LAND DIVISION.

CHAIRMAN \_\_\_\_\_ DATED \_\_\_\_\_

**LANDER COUNTY COMMISSIONERS CERTIFICATE**

AT A REGULAR MEETING OF THE LANDER COUNTY COMMISSIONER OF LANDER COUNTY, NEVADA, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, THIS MAP WAS APPROVED AS A PARCEL MAP PURSUANT TO N.R.S. 278 AND THE LANDER COUNTY MAP ORDINANCE.

CHAIRMAN LANDER COUNTY COMMISSIONERS \_\_\_\_\_

ATTEST: LANDER COUNTY CLERK \_\_\_\_\_

**LEGEND**

- PARCEL BOUNDARY LINE
- SECTION LINE
- - - - - EASEMENT LINE
- LOT LINE
- SET OR FOUND 5/8" REBAR WITH ALUMINUM CAP "PLS 16799"
- FOUND MONUMENTS PER PARCEL MAP RECORDED AS FILE NUMBER 280071, BOOK 690 PAGE 822
- APN ASSESSOR'S PARCEL NUMBER
- N.A.P. NOT A PART

**BASIS OF BEARING**

SOUTH 89°54'23" EAST AS DEFINED BY THE MONUMENTS SHOWN HEREON, BEING THE NORTH LINE OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 14, TOWNSHIP 32 NORTH, RANGE 44 EAST M.D.B.&M., TOWN OF BATTLE MOUNTAIN, LANDER COUNTY, NV AS SHOWN BY MAP THEREOF ON FILE NUMBER 280071, IN THE LANDER COUNTY RECORDERS OFFICE.

**EASEMENTS**

- ① 30 FOOT ROAD AND UTILITY EASEMENT GRANTED PER FILE 280071
- ② 30 FOOT ROAD EASEMENT GRANTED PER FILE 86904, 80131 & 183519

**REFERENCES**

1. PARCEL MAP RECORDED MAY 13TH, 2017 IN BOOK 690 PAGE 822, AS FILE 280071 IN THE OFFICE OF THE COUNTY RECORDER OF LANDER COUNTY, NEVADA.
2. PARCEL MAP RECORDED JANUARY 13TH, 2022 AS FILE 303329

**NOTES**

- 1) TOTAL NUMBER OF PARCELS = 4
- 2) TOTAL AREA SURVEYED: 14.72 ACRES
- 3) A PUBLIC UTILITY EASEMENT 10- FEET IN WIDTH CENTERED ON ALL INTERIOR LOT LINES. A PUBLIC UTILITY EASEMENT IS ALSO HEREBY GRANTED WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL AND THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVICING ADJACENT PARCELS AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME, AND THE UTILITY COMPANY.

**COUNTY ASSESSOR'S CERTIFICATE**

I, LURA DUVALL, LANDER COUNTY ASSESSOR, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBER SHOWN ON THE PLAT IS CORRECT. (ASSESSOR'S PARCEL NUMBER 010-280-37).

LURA DUVALL \_\_\_\_\_ DATED \_\_\_\_\_  
LANDER COUNTY ASSESSOR

**LANDER COUNTY SURVEYOR'S CERTIFICATE**

I, ROBERT E. MORLEY, LANDER COUNTY SURVEYOR, HAVE REVIEWED THIS MAP AND HAVE FOUND IT TO BE TECHNICALLY CORRECT.

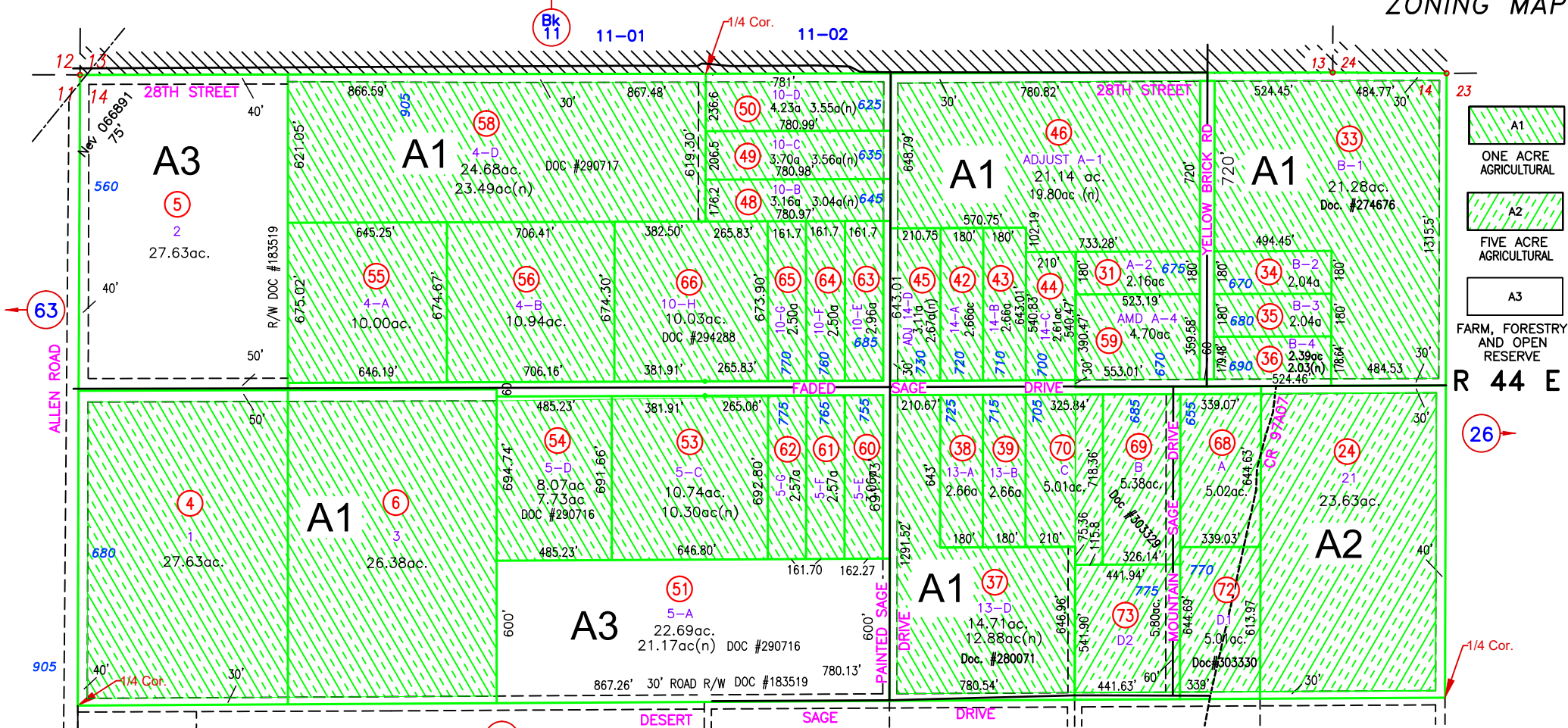
ROBERT E. MORLEY \_\_\_\_\_ DATED \_\_\_\_\_  
LANDER COUNTY SURVEYOR

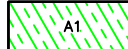
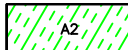
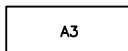
**PARCEL MAP**  
FOR  
JAMES L. BARE AND NANCY K. BARE

PARCEL 13-D AS SHOWN ON PARCEL MAP FOR JAY WINTLE RECORDED MAY 13, 2017 IN BOOK 690, PAGE 822 AS FILE NO. 280071 IN THE OFFICE OF THE COUNTY RECORDER OF LANDER COUNTY, NEVADA, LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 32 NORTH, RANGE 44 EAST, M.D.B.&M. A.P.N. 010-280-37

AD CONSULTING LLC  
781 VORTEX AVE.  
HENDERSON NV. 89002  
702-556-2399

T 32 N E 1/2 Section 14

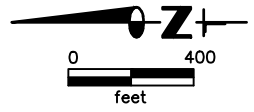


-  A1  
ONE ACRE AGRICULTURAL
-  A2  
FIVE ACRE AGRICULTURAL
-  A3  
FARM, FORESTRY AND OPEN RESERVE

NV ENERGY 10' ESMT, DOC #294406,  
010-280-46, 48, 49, 50, 51

GROSS ACREAGE IS SHOWN.  
(N) INDICATES NET ACREAGE  
(M) INDICATES CAD MEASURED  
(UE) UTILITY EASEMENT

NOTE:  
THIS PLAT IS FOR ASSESSMENT USE ONLY,  
AND DOES NOT REPRESENT A SURVEY. NO  
LIABILITY IS ASSUMED AS TO THE ACCURACY  
OF THE DATA DELINEATED HEREON. USE OF  
THIS PLAT FOR OTHER THAN ASSESSMENT  
PURPOSES IS FORBIDDEN UNLESS APPROVED  
BY THE DEPARTMENT OF TAXATION, DIVISION  
OF ASSESSMENT STANDARDS.



## Planning department

---

**From:** Robert E Morley <remorley@frontiernet.net> on behalf of Robert E Morley  
**Sent:** Saturday, October 7, 2023 1:11 PM  
**To:** jesse@adllcconsulting.com  
**Cc:** 'Planning department'  
**Subject:** Parcel Map for James Bare

Hello Jesse,

I have reviewed the parcel map for James and Nancy Bare and I have a few things I think need to be changed or corrected.

- 1) Lander County Staff would like you to show the adjacent parcels along with the names of the owners and APN numbers.
- 2) Faded Sage Drive was dedicated as a public right of way by parcel map file no. 280017 and should be shown as such.
- 3) The easement to the south of Parcel 13-D3 is Mountain Sage Drive. The street name needs to be added and the easement line extended East to the edge of Faded Sage Drive.
- 3) Painted Sage Drive, Desert Sage Drive and Mountain Sage Drive are easements and are labeled as such under easements 1 & 2 correctly on the map, however because they are easements the boundary lines of the parcels shown should be along the centerline of the easements and not along edge of the easement line. These lines according to your legend are Section lines and should be the parcel lines. The lines you now show as parcel lines along those streets should be then be shown as easement lines.
- 4) After the parcel lines are moved to the centerlines of the easements, dimensioning should be to those new parcel lines and then your net and gross areas would make more sense and are correct.
- 5) Please label the C1/4 of Section 14 as a found brass cap if that indeed is the case.
- 6) Please add the file number of the map that created Parcel 13-A, 13-B and 13-C along with the current owners name and APN number of the parcel under the label for each of those parcels.
- 7) Change the dashed lines around and between Parcels 13-A, 13-B and 13-C to the lines under the legend labeled lot lines. They are not easement lines as indicated in the legend.
- 8) It might be a good idea to change the lines around and between the parcels being created by this map to the same as the same as the line in the legend labeled Parcel Boundary Line. This would make the lines on the drawing consistent with the lines in the legend.
- 9) In the legend please state what you found for the monuments per parcel map recorded as file number 280071. Such as found 5/8" rebar with 2-1/2" aluminum cap stamped PLS 17828 per parcel map file no. 280071. This would save someone looking at the map the trouble of having to look up another map just to see what you found.
- 10) The distance along the East line of Parcel 13-D4 is incorrect and should be 180.67'.

All of the other dimensions and areas are correct. If you have any questions or would like to discuss the above please don't hesitate to contact me. I have Cc'd Shelby with Lander County on this email so that she knows I have reviewed the map.

Thanks  
Bob

Robert E. Morley  
High Desert Engineering, LLC  
640 Idaho St.  
Elko, NV 89801

Ph. 775-738-4053



Fx. 775-753-7693  
remorley@frontiernet.net

---

 Virus-free. [www.avg.com](http://www.avg.com)

## Planning department

---

**From:** Robert E Morley <remorley@frontiernet.net> on behalf of Robert E Morley  
**Sent:** Monday, October 9, 2023 9:09 AM  
**To:** jesse@adllcconsulting.com  
**Cc:** 'Planning department'  
**Subject:** FW: Parcel Map for James Bare

Hello Jesse,

Shelby with Lander County has brought an error on my part to my attention. With regards to number 3 below, the easement to the south of Parcel 13-D3 is no longer Mountain Sage Drive as Mountain Sage Drive was relocated on parcel map 303329. This easement does still exist however but it ends at the west boundary of Parcel 13-C which is now just Parcel C per map 303329 which merged and re-subdivided Parcel 13-C per map 280071. This easement no longer extends to Faded Sage Drive. With that said the label on the map for Parcel 13-C should be Parcel C, Parcel map file no. 303329. Sorry for the confusion.

Bob

Robert E. Morley  
High Desert Engineering, LLC  
640 Idaho St.  
Elko, NV 89801

Ph. 775-738-4053  
Fx. 775-753-7693  
remorley@frontiernet.net

---

**From:** Robert E Morley [mailto:remorley@frontiernet.net]  
**Sent:** Saturday, October 07, 2023 1:11 PM  
**To:** 'jesse@adllcconsulting.com' <jesse@adllcconsulting.com>  
**Cc:** 'Planning department' <Planning@landercountynv.org>  
**Subject:** Parcel Map for James Bare

Hello Jesse,

I have reviewed the parcel map for James and Nancy Bare and I have a few things I thin need to be changed or corrected.

- 1) Lander County Staff would like you to show the adjacent parcels along with the names of the owners and APN numbers.
- 2) Faded Sage Drive was dedicated as a public right of way by parcel map file no. 280017 and should be shown as such.
- 3) The easement to the south of Parcel 13-D3 is Mountain Sage Drive. The street name needs to be added and the easement line extended East to the edge of Faded Sage Drive.
- 3) Painted Sage Drive, Desert Sage Drive and Mountain Sage Drive are easements and are labeled as such under easements 1 & 2 correctly on the map, however because they are easements the boundary lines of the parcels shown should be along the centerline of the easements and not along edge of the easement line. These lines according to your legend are Section lines and should be the parcel lines. The lines you now show as parcel lines along those streets should be then be shown as easement lines.
- 4) After the parcel lines are moved to the centerlines of the easements, dimensioning should be to those new parcel lines and then your net and gross areas would make more sense and are correct.

- 5) Please label the C1/4 of Section 14 as a found brass cap if that indeed is the case.
- 6) Please add the file number of the map that created Parcel 13-A, 13-B and 13-C along with the current owners name and APN number of the parcel under the label for each of those parcels.
- 7) Change the dashed lines around and between Parcels 13-A, 13-B and 13-C to the lines under the legend labeled lot lines. They are not easement lines as indicted in the legend.
- 8) It might be a good idea to change the lines around and between the parcels being created by this map to the same as the same as the line in the legend labeled Parcel Boundary Line. This would make the lines on the drawing consistent with the lines in the legend.
- 9) In the legend please state what you found for the monuments per parcel map recorded as file number 280071. Such as found 5/8" rebar with 2-1/2" aluminum cap stamped PLS 17828 per parcel map file no. 280071. This would save someone looking at the map the trouble of having to look up another map just to seed what you found.
- 10) The distance along the East line of Parcel 13-D4 is incorrect and should be 180.67'.

All of the other dimensions and areas are correct. If you have any questions or would like to discuss the above please don't hesitate to contact me. I have Cc'd Shelby with Lander County on this email so that she knows I have reviewed the map.

Thanks  
Bob

Robert E. Morley  
High Desert Engineering, LLC  
640 Idaho St.  
Elko, NV 89801

Ph. 775-738-4053  
Fx. 775-753-7693  
[remorley@frontiernet.net](mailto:remorley@frontiernet.net)



Virus-free. [www.avg.com](http://www.avg.com)

# LANDER COUNTY PLANNING COMMISSION

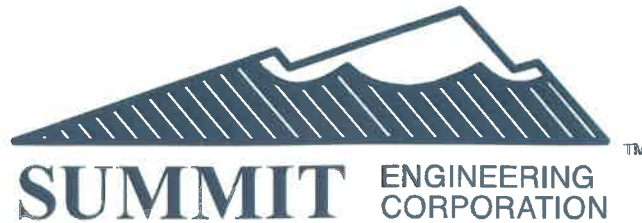
October 25, 2023

## AGENDA ITEM NUMBER 6

---

- 6.) Review, consideration, and possible action on a request to waive the Tentative Map requirement for Division of Land into Large Parcels for Nickel Jones, Inc. on APN 010-380-40. **FOR POSSIBLE ACTION**

**Recommended Motion: Approve request to waive the Tentative Map requirement for a Division of Land into Large Parcels for Nickel Jones, Inc. on APN 010-380-40.**



October 5, 2023

To: Lander County  
Attn: Shelby Knopp, Planning Coordinator  
50 State Route 305  
Battle Mountain, NV 89820  
775-635-2860  
Planning@landercountynv.org

Re: Tentative Map **WAIVER REQUEST** related to the application for a Division of Land into Large  
Parcels for Nickel Jones, Inc.

Shelby,

On behalf of my client, Nickel Jones, Inc., please let this serve as a **Waiver Request** for the Tentative  
Map requirement related to the application for a Division of Land into Large Parcels for Nickel Jones,  
Inc. which is proposing to divide APN 010-380-40 into four 40+ acre parcels.

If I can be of further assistance, please call me at (775) 787-4316 or email ryan@summitnv.com.

Sincerely,

Ryan Cook, PLS, WRS, CFedS  
Vice President & Surveying Department Manager  
**SUMMIT ENGINEERING CORPORATION**



10-5-2023



# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 7

---

- 7.) Review, consideration, and possible recommendation to the Lander County Board of Commissioners on Division of Land into Large Parcels No. 23-01 filed by Nickel Jones, Inc. to divide APN 010-380-40, a 165.80-acre parcel into four, 40+ acre parcels located in Section 31, Township 32 North, Range 48 East. **FOR POSSIBLE ACTION**

**Staff report attached separately.**

**Recommended Motion: Forward a recommendation to the Lander County Board of Commissioners to Conditionally Approve Division of Land into Large Parcels No. 23-01 filed by Nickel Jones, Inc. subject to the facts, findings, and condition listed in the Lander County Staff Report dated October 3, 2023. Condition is listed as follows:**

- 1. Division of Land into Large Parcels to be recorded with the Lander County Recorder's Office within one (1) year of approval by the Lander County Board of Commissioners.**

## **LANDER COUNTY STAFF REPORT**

### **DIVISION OF LAND INTO LARGE PARCELS APPLICATION**

**Applicant:** Nickel Jones, Inc.\_830-329-2974\_cjones.gp@gmail.com  
**Report Date:** 10/03/2023                      **Report Due from Staff:** 10/16/2023  
**Agenda Item Number:** 6                      **Application Number:** PD DLP 23\_01  
**Planning Commission Date:** 10/25/2023  
**Project Description:** Division of Land into Large Parcels Application to divide an existing 14.72-acre parcel into four (4) separate parcels being 5.12 acres, 2.55 acres, 2.55 acres, and 2.66 acres.

---

### **PROJECT INFORMATION**

**PARCEL NUMBER:** 010-280-40  
**PARCEL SIZE:** 165.26 acres +/-  
**EXISTING ZONING:** A3 – Farm and Ranch District  
**MASTER PLAN DESIGNATION:** Rural  
**EXISTING LAND USE:** Code 600 – Agricultural Qualified per NRS 361A - Vacant

#### **NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- **North:**
  - A3 – Farm and Ranch District Parcel: 010-380-38
- **South:**
  - A3 – Farm and Ranch District Parcel: 010-510-05
- **West:**
  - A3 – Farm and Ranch District Parcel: 010-380-39
- **East:**
  - Eureka County

#### **PROPERTY CHARACTERISTICS:**

The property has an elevation of approximately 4,870-feet at the southeast corner and increases to approximately 4,990-feet at the northwest corner, which is an increase in approximately 120-feet (3% slope). The proposed properties have access easements on all sides, as well as access from Lander County Road 106C14 to Parcel 4.

#### **EXISTING FLOOD ZONE:**

##### **Zone X**

Moderate-to-Low-Risk Flood Zones Designations B, C and X fall inside the moderate-to-low-risk flood zones and account for more than 20 percent of the flood insurance claims filed with FEMA's National Flood Insurance Program each year

**This parcel is not designated in a Special Flood Hazard Area (SFHA).**

## **MASTER PLAN AND COUNTY CODES:**

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Master Plan – Transportation Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning – Title 17, Section 17.38 – Farm and Ranch District – A3
- Lander County Code – Title 16, Section 16.12 – Parcel Maps
- Lander County Code – Title 16, Section 16.12.090 – Division of land – Filing of Tentative and Final Maps
- Lander County Code – Title 16, Section 16.12.095 – Division into Large Parcels
- Lander County Code – Title 16, Section 16.12.100 – Final map of division into large parcels
- Lander County Code – Title 16, Section 16.16.010 Lot Size Requirements
- NRS 278.4715 – Waiver of requirement to file tentative map; designation of easements
- NRS 278.4725 – Final Map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for recording; county recorder to provide copy of final map or access to digital final map to county assessor.

## **BACKGROUND:**

- The parcel is located within a portion of Section 31, Township 32N and Range 48E. This parcel is designated as Rural. The surrounding zoning is A3.
- The existing parcel is approximately 165.26 acres and is proposed to be split into four parcels, being 41.30 acres, 41.33 acres, 41.33 acres, and 41.30 acres.
- The proposed Parcel 4 has access from Lander County Road 106C14, the other parcels have access easements around the perimeters of the new property lines.
- The Applicant is proposing that all four parcels will be served water with private wells and private sewage disposal systems upon development.
- Standard easements are proposed along the existing and proposed property lines.

## **MASTER PLAN**

### **Land use:**

- Lander County Master Plan – Land Use Component
  - The Master Plan Land Use Component describes the area as Rural per the parcels zoning designation.
  - Lander County Assessor Data shows the area as Land Use Code 600 – Agricultural Qualified per NRS 361A – Vacant.
  - The proposed Division of Land into Large Parcels application is in conformance with the Land Use Component of the Master Plan.

### **Public Facilities:**

- Lander County Master Plan – Public Facilities Component
  - The proposed parcel map is compatible with the Public Facilities Component of the Master Plan
  - Water Service is not available in this location; the applicant is proposing to serve each parcel with an individual well upon development.

- The applicant is proposing private sewage disposal systems on each parcel upon development.

**Transportation:**

- Lander County Master Plan – Transportation Component
  - The proposed Parcel 4 has existing access from Lander County Road 106C14; the other parcels have proposed access easements around the perimeters.
  - There are no road dedications.
  - The proposed Division of Land into Large Parcels is compatible with the Transportation Component of the Master Plan and is consistent with the existing infrastructure.

**ZONING DISTRICTS:**

- A3 – Farm and Ranch Zoning District
  - The required area and width in the A3- Farm and Ranch District are as follows:
    - Twenty Acre minimum area
    - Five hundred feet minimum width
  - The proposed Division of Land into Large Parcels meets the requirements listed in the A3 District.

**LANDER COUNTY CODE – TITLE 16, SECTION 16.12 – PARCEL MAPS**

- Lander County Code – Title 16, Section 16.12.090 – Division of land – Filing of Tentative and Final Maps
  - The submitted Division of Land into Large Parcels meets the requirements listed in Section 16.12.090
- Lander County Code – Title 16, Section 16.12.095 – Division into Large Parcels
  - The county planning commission or board of commissioners may require road improvements, and the posting of a bond therefor, as a precondition to recording a division into large parcels. Said improvements may not exceed the road improvements required for a parcel map. Said improvements are mandatory where the existing or proposed roads do not meet, at a minimum, the requirements of the Lander County Rural Road Standards.
  - There will be no required improvements associated with this map.
- Title 16, Section 16.16.101 Lot Size Requirements
  - Twenty Acre Requirement per A3 – Farm and Ranch Zoning Designation
    - Meets Requirement

**NEVADA REVISED STATUTES**

- NRS 278.4715 – Waiver of requirement to file tentative map; designation of easements.
  - The planning commission or, if there is no planning commission, the governing body or its authorized representative may waive the requirement of filing the tentative map.
- NRS 278.4725 – Final Map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for

recording; county recorder to provide copy of final map or access to digital final map to county assessor.

**FINDINGS / ADDITIONAL CONDITIONS:**

The proposed Division of Land into Large Parcels is in conformance with:

- Lander County Master Plan – Land Use Component
- Lander County Master Plan – Public Facilities Component
- Lander County Master Plan – Transportation Component
- Lander County Zoning Ordinance – Title 17 - Establishment of Zoning Districts
- Lander County Zoning – Title 17, Section 17.38 – Farm and Ranch District – A3
- Lander County Code – Title 16, Section 16.12 – Parcel Maps
- Lander County Code – Title 16, Section 16.12.090 – Division of land – Filing of Tentative and Final Maps
- Lander County Code – Title 16, Section 16.12.095 – Division into Large Parcels
- Lander County Code – Title 16, Section 16.12.100 – Final map of division into large parcels
- Lander County Code – Title 16, Section 16.16.010 Lot Size Requirements
- NRS 278.4715 – Waiver of requirement to file tentative map; designation of easements
- NRS 278.4725 – Final Map: Action by planning commission or governing body; appeal; procedures in event of disapproval; conditions for approval; filing; contents; fee for recording; county recorder to provide copy of final map or access to digital final map to county assessor.

---

**STAFF RECOMMENDATION:**

Staff recommends this Division of Land into Large Parcels map be **Conditionally Approved** based on the facts, findings and conditions included in this staff report.

**Conditions:**

1. Division of Land into Large Parcels to be recorded with the Lander County Recorder’s Office within one (1) year of approval by the Lander County Board of Commissioners.



## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Tuesday, October 17, 2023 2:43 PM  
**To:** Planning department  
**Cc:** Aaron Martinez; Colt Nelson  
**Subject:** Re: Lander County map review for Nickel Jones Inc.

I do not see us having to use the easements around the perimeter as long as existing easements stay the same

On Tue, Oct 17, 2023 at 1:18 PM Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)> wrote:  
The original proposal was for all easements to remain. Then we asked them to relinquish existing easements that run through South West corner of Parcel 4.  
Then they came back and asked if they could remove adding the easements around the perimeter. Do you have a preference on one of those options?

Thank you!

Shelby

On Tue, Oct 17, 2023, 11:46 AM Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)> wrote:  
As I read it, they plan on keeping existing roads and just get rid of the easement around the property? if that is the case, i'm ok with that.

On Tue, Oct 17, 2023 at 7:59 AM Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)> wrote:  
Donnie,

What are your thoughts?  
If you would like to go over in person, i will be back in the office on Thursday.

Thanks!

Shelby Knopp

Planning Coordinator

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

775.635.2860

On Tue, Oct 17, 2023 at 7:28 AM <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)> wrote:

Good Morning,

If they would prefer that, I have no concerns.

Its ultimately Donnie's call, as they are his easements.

Thank you,

**Aaron K. Martinez, P.E**

Lander County Engineer

50 State Route 305

Battle Mountain, NV 89820

[\(775\) 738-3113](tel:(775)738-3113)

[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)



---

**From:** Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)>

**Sent:** Monday, October 16, 2023 8:53 AM

**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; Colt Nelson <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>

**Subject:** Fwd: Lander County map review for Nickel Jones Inc.

Aaron,

What are your thoughts?

----- Forwarded message -----

From: **Ryan Cook** <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>

Date: Mon, Oct 16, 2023, 8:35 AM

Subject: Re: Lander County map review for Nickel Jones Inc.

To: Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)>

Shelby - I heard back from the owner.

As both the green and pink are existing developed roads, they were hoping that they could remain.

The pink is a public road (Lander Road 106C14 aka Deer Canyon Road). The current owner alone can not relinquish this road - it would take a public abandonment process.

The green was reserved as an easement by the prior owner (Nevada Land and Resource Company, LLC). They have rights to that road too who are not a party to our current mapping effort.

Alternatively, the owner is open to removing the blue new easements.

If that is acceptable, I can get you a revised PDF today.

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:(775)787-4316)

Office: [\(775\) 747-8550](tel:(775)747-8550)

Cell: [\(775\) 223-7432](tel:(775)223-7432)



**From:** Planning department <[planning@landercountynv.org](mailto:planning@landercountynv.org)>  
**To:** Ryan Cook <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>  
**Sent:** 10/16/2023 8:11 AM  
**Subject:** Re: Lander County map review for Nickel Jones Inc.

Good Morning Ryan,

That could be a possibility, but I just worry that it would get lost in the long run. I think the cleanest way to deal with the situation would be to just relinquish the easement now.

Let me know your thoughts.

Thank you!

Shelby Knopp

Planning Coordinator

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

[775.635.2860](tel:775.635.2860)

On Thu, Oct 12, 2023 at 3:35 PM Ryan Cook <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)> wrote:

Shelby - I'll get back to all once I hear from my clients who I have a message into.

Alternatively, could there be language added that if one of the alignments is accepted for dedication then the other is automatically relinquished?

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:(775)787-4316)

Office: [\(775\) 747-8550](tel:(775)747-8550)

Cell: [\(775\) 223-7432](tel:(775)223-7432)



**From:** Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>

**To:** Ryan Cook <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>

**Cc:** cmj1125 <[cmj1125@protonmail.com](mailto:cmj1125@protonmail.com)>, Claire Carter <[cjones.gp@gmail.com](mailto:cjones.gp@gmail.com)>, Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>, Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>

**Sent:** 10/12/2023 3:01 PM

**Subject:** RE: Lander County map review for Nickel Jones Inc.

Ryan,

Both.

If the parcel were to develop the existing easements would reduce the developable acreage of Parcel 4, and with the proposed access easements around the perimeter they are no longer needed. Also, if all of these easements, as proposed, were to be brought up to county standards and accepted as roadways, it would be quite a mess of roadways.

*Shelby Knopp*

Lander County Planning Coordinator



PH [\(775\)635-2860](tel:7756352860)

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

---

**From:** Ryan Cook [mailto:[RYAN@summitnv.com](mailto:RYAN@summitnv.com)]  
**Sent:** Thursday, October 12, 2023 2:29 PM  
**To:** Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>  
**Cc:** cmj1125 <[cmj1125@protonmail.com](mailto:cmj1125@protonmail.com)>; Claire Carter <[cjones.gp@gmail.com](mailto:cjones.gp@gmail.com)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>  
**Subject:** Re: Lander County map review for Nickel Jones Inc.

Shelby,

Per attached, are you referring to the pink or green? Or both?

Both are along existing traveled ways. The Pink being Land County Road 106C14 (aka Deer Canyon Road).

What is the reasoning for the proposed relinquishment?

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:7757874316)

Office: [\(775\) 747-8550](tel:7757478550)

Cell: [\(775\) 223-7432](tel:7752237432)



**From:** Planning department <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>  
**To:** Ryan Cook <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>  
**Cc:** cmj1125 <[cmj1125@protonmail.com](mailto:cmj1125@protonmail.com)>, Claire Carter <[cjones.gp@gmail.com](mailto:cjones.gp@gmail.com)>, Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>, Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>  
**Sent:** 10/12/2023 2:11 PM  
**Subject:** RE: Lander County map review for Nickel Jones Inc.

Good Afternoon Ryan,

After speaking with the Lander County Engineer this morning some concerns were brought up regarding the easements that are associated with this map.

Would it be possible, or are your clients interested in relinquishing the existing easement located in the southwest corner of Parcel 4?

Let me know if you have any questions.

*Shelby Knopp*

Lander County Planning Coordinator

PH [\(775\)635-2860](tel:(775)635-2860)

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

---

**From:** Ryan Cook [mailto:[RYAN@summitnv.com](mailto:RYAN@summitnv.com)]  
**Sent:** Tuesday, October 10, 2023 12:48 PM  
**To:** 'Planning department' <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>  
**Cc:** cmj1125 <[cmj1125@protonmail.com](mailto:cmj1125@protonmail.com)>; Claire Carter <[cjones.gp@gmail.com](mailto:cjones.gp@gmail.com)>  
**Subject:** Re: Lander County map review for Nickel Jones Inc.

Hi Shelby,

When will the agenda for the 10/25 Planning Commission meeting be available?

What is the procedure for the owners and myself to join remotely?

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:7757874316)

Office: [\(775\) 747-8550](tel:7757478550)

Cell: [\(775\) 223-7432](tel:7752237432)



**From:** Ryan Cook <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>

**To:** 'Planning department' <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>

**Cc:** Robert E Morley <[remorley@frontiernet.net](mailto:remorley@frontiernet.net)>, cmj1125 <[cmj1125@protonmail.com](mailto:cmj1125@protonmail.com)>, Claire Carter <[cjones.gp@gmail.com](mailto:cjones.gp@gmail.com)>

**Sent:** 10/5/2023 9:44 AM

**Subject:** Re: Lander County map review for Nickel Jones Inc.

Shelby,

Bob Morley called me yesterday and discussed the Waiver Request option related to the Nickel Jones Tentative Map requirement.

See attached request. Please let me know if any changes/additions are needed.

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:(775)787-4316)

Office: [\(775\) 747-8550](tel:(775)747-8550)

Cell: [\(775\) 223-7432](tel:(775)223-7432)



**From:** Robert E Morley <[remorley@frontiernet.net](mailto:remorley@frontiernet.net)>  
**To:** 'Ryan Cook' <[RYAN@summitnv.com](mailto:RYAN@summitnv.com)>  
**Cc:** 'Planning department' <[Planning@landercountynv.org](mailto:Planning@landercountynv.org)>  
**Sent:** 9/29/2023 11:23 AM  
**Subject:** RE: Lander County map review for Nickel Jones Inc.

Hello Ryan,

I have reviewed the map for Nickel/Jones and it looks good to me. I have Cc'd Shelby on this email so that she knows I have reviewed the map.

Thanks

Bob

Robert E. Morley

High Desert Engineering, LLC

640 Idaho St.

Elko, NV 89801

Ph. [775-738-4053](tel:775-738-4053)

Fx. [775-753-7693](tel:775-753-7693)

[remorley@frontiernet.net](mailto:remorley@frontiernet.net)

---

**From:** Ryan Cook [mailto:[RYAN@summitnv.com](mailto:RYAN@summitnv.com)]  
**Sent:** Wednesday, September 20, 2023 9:07 AM  
**To:** Bob Morley <[remorley@frontiernet.net](mailto:remorley@frontiernet.net)>  
**Subject:** Lander County map review for Nickel Jones Inc.

Bob,

Attached is what is being submitted to Shelby at Lander County. In your Lander County Surveyor capacity, please review/comment.

Let me know if you have any questions or additional needs.

**Ryan Cook, PLS, WRS, CFedS**

VP & Surveying Department Manager

Direct Line: [\(775\) 787-4316](tel:775-787-4316)

Office: [\(775\) 747-8550](tel:775-747-8550)

Cell: [\(775\) 223-7432](tel:775-223-7432)







Virus-free. [www.avg.com](http://www.avg.com)

## Planning department

---

**From:** Don Prince <dprince@landercountynv.org> on behalf of Don Prince  
**Sent:** Monday, October 9, 2023 9:34 AM  
**To:** Building Department  
**Cc:** Planning department; Aaron Martinez; April Pacheco; Bert Ramos; Bill Schaeffer; Jeanne Falzone; Lura Duvall  
**Subject:** Re: Division of Land into Large Parcels - Nickel Jones - Review

I have no issues

Don

On Mon, Oct 9, 2023 at 9:18 AM Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)> wrote:

Looks good to me Shelby. 😊

---

**From:** Planning department [mailto:[Planning@landercountynv.org](mailto:Planning@landercountynv.org)]  
**Sent:** Friday, October 6, 2023 3:24 PM  
**To:** Aaron Martinez <[amartinez@landercountynv.org](mailto:amartinez@landercountynv.org)>; April Pacheco <[apacheco@landercountynv.org](mailto:apacheco@landercountynv.org)>; Bert Ramos <[bramos@landercountynv.org](mailto:bramos@landercountynv.org)>; Bill Schaeffer <[districtattorney@landercountynv.org](mailto:districtattorney@landercountynv.org)>; Building Department <[building@landercountynv.org](mailto:building@landercountynv.org)>; Don Prince <[dprince@landercountynv.org](mailto:dprince@landercountynv.org)>; Jeanne Falzone <[jfalzone@landercountynv.org](mailto:jfalzone@landercountynv.org)>; Lura Duvall <[assessor@landercountynv.org](mailto:assessor@landercountynv.org)>  
**Subject:** Division of Land into Large Parcels - Nickel Jones - Review

Good Afternoon,

This one is a two part item. The first being a request to waive the requirement for a tentative map for the Division of Land into large Parcels, and the second is the consideration of the Division of Land into Large Parcels Map. This is for a 165 acre parcel owned by Nickel Jones, Inc. that they are proposing to split into four 40 acre parcels.

Reviews, Comments/concerns/conditions are due by Monday, October 16<sup>th</sup>.

Also on the agenda will be review of the current draft of the Master Plan and amendments to Titles 16 and 17 of the Code. If you all would like me to send those documents out for comments I can, but I figured we've all been knee deep in them for a while so it's probably not necessary.

There will also be a parcel map coming your way for review, but am waiting to hear from the County Surveyor on it. Expect to see that one next week.

Let me know if there are any questions on anything.

Hope everyone has a super weekend!!

*Shelby Knopp*

Lander County Planning Coordinator

PH (775)635-2860

50 State Route 305

Battle Mountain, NV 89820

[Planning@landercountynv.org](mailto:Planning@landercountynv.org)

## Planning department

---

**From:** Robert E Morley <remorley@frontiernet.net> on behalf of Robert E Morley  
**Sent:** Friday, September 29, 2023 11:24 AM  
**To:** 'Ryan Cook'  
**Cc:** 'Planning department'  
**Subject:** RE: Lander County map review for Nickel Jones Inc.

Hello Ryan,

I have reviewed the map for Nickel/Jones and it looks good to me. I have Cc'd Shelby on this email so that she knows I have reviewed the map.

Thanks  
Bob

Robert E. Morley  
High Desert Engineering, LLC  
640 Idaho St.  
Elko, NV 89801

Ph. 775-738-4053  
Fx. 775-753-7693  
remorley@frontiernet.net

---

**From:** Ryan Cook [mailto:RYAN@summitnv.com]  
**Sent:** Wednesday, September 20, 2023 9:07 AM  
**To:** Bob Morley <remorley@frontiernet.net>  
**Subject:** Lander County map review for Nickel Jones Inc.

Bob,

Attached is what is being submitted to Shelby at Lander County. In your Lander County Surveyor capacity, please review/comment.

Let me know if you have any questions or additional needs.

### Ryan Cook, PLS, WRS, CFedS

VP & Surveying Department Manager  
Direct Line: (775) 787-4316  
Office: (775) 747-8550  
Cell: (775) 223-7432



5405 Mae Anne Avenue | Reno, Nevada



# Lander County Community Development

Lander County Planning  
Date Received 9/25/23  
Application No. PD DLP 23-01

## DIVISION OF LAND INTO LARGE PARCELS APPLICATION

### APPLICANT/OWNER INFORMATION

Applicant(s): NICKEL JONES, INC. Phone/Email: 406-471-5494 cmj1125@protonmail.com

Address: 1192 US ROUTE 2, KALISPELL MT 59901, c/o CLIFTON JONES

Legal Owner(s): NICKEL JONES, INC. Phone/Email: 830-329-2974 cjones.gp@gmail.com

Address: 1192 US ROUTE 2, KALISPELL MT 59901, c/o CLIFTON JONES

Applicant's Representative: SUMMIT ENGINEERING Phone/Email: 775-787-4316 ryan@summitnv.com

### PROJECT INFORMATION

Property Location: SE1/4 SECTION 31, T32N, R48E, MDM; VACANT LAND WITH DEER CANYON ROAD (LANDER COUNTY 106C14) RUNNING THROUGH THE SOUTHWEST CORNER

Assessor's Parcel Numbers(s): 010-380-40

Current Master Plan: RURAL Current Zoning: A3

Are there any deed restrictions affecting the use of the property? NO

Number of Parcels: 4 parcels Parcel Acreage: 165.8 acres

Utilities will be furnished as follows:

Electricity: FUTURE GENERATOR Water: FUTURE WELLS Sewage: FUTURE SEPTIC

### SIGNATURE(S)

I hereby certify that the information stated above and materials submitted along with this application form are true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

Clifton McGinnis, President 7/27/23  
Owner's Signature Date

[Signature] 9/19/2023  
Applicant's Signature (if the person applying is not the owner) Date



**DIVISION OF LAND INTO LARGE PARCELS APPLICATION**  
**APPLICATION CHECKLIST**  
**Lander County, NV**

The following must accompany this application:

- 1. \$550 application fee (non-refundable).** Check or money orders payable to Lander County
- 2. Proof of ownership.** If the person signing the owner's affidavit is not listed as the property owner in the most recent records of the Lander County Assessor, proof of ownership acceptable to the administrator must be submitted with the application
- 3. Review Materials including:**
  - **A.** Complete application form
  - **B.** Written description of request, including:
    - Details on the proposed development and how it meets all applicable development standards, including 30' public easement required around the perimeter of a section and proof of access
    - Description of utilities, including water supply and wastewater disposal
    - Any potential effects to adjoining property owners with regard to noise, dust, traffic
    - Response to all required findings
  - **C.** Plan Set of proposed project prepared in accordance with Lander County Code Chapters 16.08 & 16.12.
  - **D.** Preliminary Title Report dated within 90 days
  - **E.** Verification of taxes paid in full for the year
  - **F.** Bonding or improvement of roads, if applicable
  - **G.** Documentation of water right for newly created parcel(s)
- 4. Three (3) full-size copies of Tentative Map, twelve (12) copies of tentative map (may be 11x17), and one electronic copy (CD or USB) of all application materials. Plan sets should be 24 x 36 unless directed otherwise by Lander County staff. One hard copy of plan sets and applicable engineering reports must be wet stamped by professional engineer.**
- 5. Required one week prior to scheduled Planning Commission Meeting – Mylar of the proposed map with all appropriate signatures & changes required by review**

**NOTE**

It is strongly recommended that all applicants or their representative physically attend (or be available by phone) the Planning Commission hearing as their application may be deferred or denied for lack of evidence.

# OWNER'S AFFIDAVIT

STATE OF ~~NEVADA~~ <sup>Texas</sup> )  
COUNTY OF ~~LANDER~~ <sup>Travis</sup> ) SS.  
)

I, CLIFTON M. JONES, PRESIDENT BEING DULY SWORN, DEPOSE AND SAY THAT I AM AN OWNER OF PROPERTY INVOLVED IN THIS PETITION AND THAT THE FOREGOING STATEMENTS AND ANSWERS HEREIN CONTAINED AND THE INFORMATION HEREWITH SUBMITTED ARE IN ALL RESPECTS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

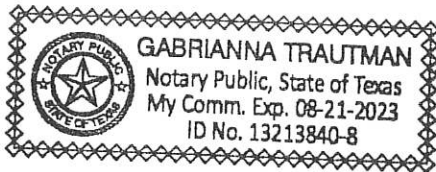
PROPERTY ADDRESS OR PARCEL NUMBER: 010-380-40

NICKEL JONES, INC.  
SIGNED Clifton M Jones, President

MAILING ADDRESS 1192 US ROUTE 2  
KALISPELL, MT 59901

PHONE 512-413-4459

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF July, 2023.



[Signature]  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

MY COMMISSION EXPIRES: 08-21-2023



PRELIMINARY, FOR REVIEW ONLY

**OWNERS CERTIFICATE**

THIS IS TO CERTIFY THAT THE UNDERSIGNED, NICKEL/JONES, INC., A TEXAS CORPORATION, IS THE RECORD OWNER OF THE TRACT OF LAND REPRESENTED ON THIS PLAT AND THAT THE SAME IS EXECUTED IN COMPLIANCE WITH AND SUBJECT TO N.R.S. CHAPTER 278 AND THE LANDER COUNTY PARCEL MAP ORDINANCE, AND DOES HEREBY OFFER WITHOUT RESERVATION ALL RIGHTS OF WAY AND EASEMENTS AS ARE DESIGNATED AND SHOWN ON THIS PLAT FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES, DRAINAGE AND PUBLIC ACCESS EASEMENTS. THE UNDERSIGNED PROPERTY OWNERS OR PURCHASER HEREBY ACKNOWLEDGES THAT THE COUNTY OF LANDER AND ITS APPROVED AND ELECTED OFFICIALS HAVE NO RESPONSIBILITY FOR IMPROVING AND/OR MAINTAINING ANY ROAD, STREET, ALLEY OR ACCESS TO THE PROPERTY, UNLESS AND UNTIL SUCH TIME AS THE ROUTE ACCESS IS IMPROVED TO COUNTY STANDARDS AND OFFICIALLY ACCEPTED INTO THE COUNTY MAINTENANCE ROAD SYSTEM BY THE BOARD OF LANDER COUNTY.

NICKEL/JONES, INC.,  
A TEXAS CORPORATION

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**NOTARY PUBLIC CERTIFICATE**

STATE OF \_\_\_\_\_ } s.s.  
COUNTY OF \_\_\_\_\_

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_, 2023 BY \_\_\_\_\_ AS \_\_\_\_\_ OF NICKEL/JONES, INC., A TEXAS CORPORATION, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, WHO ACKNOWLEDGED THAT THEY EXECUTED THE ABOVE INSTRUMENT.

(SIGNATURE OF NOTARIAL OFFICER)  
(MY COMMISSION EXPIRES \_\_\_\_\_)

**COUNTY ASSESSOR'S CERTIFICATE**

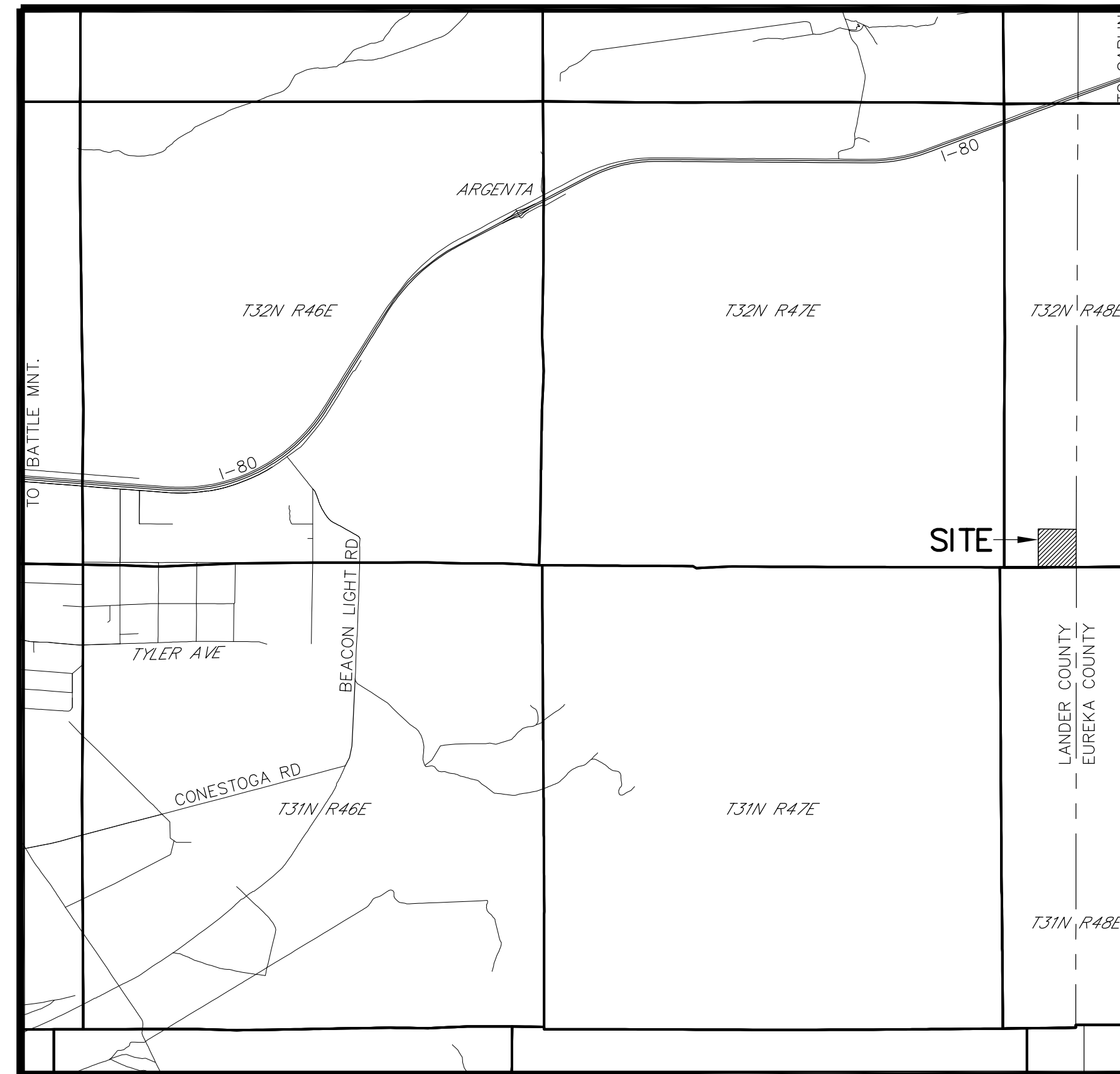
I, \_\_\_\_\_ CERTIFY THAT THE PROPOSED PARCELS SHOWN ON THIS PARCEL MAP ARE A DIVISION OF ASSESSOR'S PARCEL No. 010-380-40.

LANDER COUNTY ASSESSOR \_\_\_\_\_ DATE \_\_\_\_\_

**COUNTY SURVEYORS CERTIFICATE**

I, ROBERT E. MORLEY LANDER COUNTY SURVEYOR, FIND THAT THIS MAP IS TECHNICALLY CORRECT.

LANDER COUNTY SURVEYOR \_\_\_\_\_



VICINITY MAP  
(NOT TO SCALE)

**SURVEYORS CERTIFICATE**

I, RYAN G. COOK, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA, DO HEREBY CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF NICKEL/JONES, INC., A TEXAS CORPORATION.
2. THE LANDS SURVEYED ARE SITUATE WITHIN THE SECTION 31, T32N, R48E, MDM. IN LANDER COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED \_\_\_\_\_, 2023.
3. THIS PLAT COMPLIES WITH APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THIS PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

RYAN G. COOK  
NEVADA PROFESSIONAL LAND SURVEYOR 15224



**NOTES**

- 1) TOTAL AREA (PARCELS 1-4) = 165.26± ACRES.
- 2) BASIS OF BEARINGS: NORTH AMERICAN DATUM OF 1983 AS BASED ON FEDERAL BASE NETWORK/COOPERATIVE BASE NETWORK OBSERVATIONS IN 1994 (AKA NAD83/94), NEVADA STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, PER THE NDOT PUBLISHED GROUND COORDINATES OF NORTH 21833824.85, EAST 1562617.47 FOR NGS BENCHMARK G 437, A STAINLESS STEEL ROD DRIVEN TO RESISTANCE IN A MONUMENT WELL ON THE SOUTHEASTERLY SIDE OF STATE ROUTE 305, 0.25 MILE SOUTHWESTERLY OF US I-80, 140+/- FEET SOUTHEASTERLY OF THE CENTERLINE OF STATE ROUTE 305. GROUND COORDINATES ARE DERIVED BY MULTIPLYING THE CENTRAL ZONE GRID COORDINATES BY A GRID-TO-GROUND COMBINED SCALE FACTOR OF 1.000309 (NDOT PUBLISHED GROUND-TO-GRID COMBINED FACTOR OF 0.999691095).
- 3) ACCESS, DRAINAGE & PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED 30 FEET IN WIDTH ALONG EXTERIOR BOUNDARIES AS SHOWN AND 60 FEET IN WIDTH CENTERED (30 FEET ON EACH SIDE) ON ALL INTERIOR LOT LINES. A PUBLIC UTILITY EASEMENT IS ALSO HEREBY GRANTED WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL AND THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSES OF SERVICING ADJACENT PARCELS AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THAT TIME, AND THE UTILITY COMPANY.
- 4) ACCESS, DRAINAGE & PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED 40 FEET IN WIDTH ALONG THE EXISTING TRAVELED WAYS WITHIN PARCEL 4 BEING CURRENTLY ENCUMBERED BY EASEMENT DOC. 246360 AND LANDER COUNTY MINOR ROAD 106C14 (DEER CANYON ROAD).
- 5) THE SUBJECT PARCELS SHOWN HEREON ARE SUBJECT TO RESERVATIONS AND EXCEPTIONS AS CONTAINED IN THE DEED FROM NEVADA LAND AND RESOURCE COMPANY, LLC, RECORDED 1/9/2007, IN BOOK 568, PAGE 326, DOCUMENT No. 246360, OFFICIAL RECORDS OF LANDER COUNTY, NEVADA.

**LANDER COUNTY COMMISSIONERS CERTIFICATE**

AT A REGULAR MEETING OF THE LANDER COUNTY COMMISSIONERS OF LANDER COUNTY, NEVADA HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 THIS MAP WAS APPROVED AS A MAP PF DIVISION INTO LARGE PARCELS PURSUANT TO N.R.S. 278, AND THE LANDER COUNTY MAP ORDINANCE, AND THE DEDICATION AND ALL RIGHTS OF WAY AND EASEMENTS, WHETHER PUBLIC OR PRIVATE, HAVE BEEN ACCEPTED OR APPROVED IN ACCORDANCE WITH THE TERMS AND CONDITIONS CONTAINED HEREON.

BY: \_\_\_\_\_  
CHAIRMAN LANDER COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
ATTEST: LANDER COUNTY CLERK

**PLANNING COMMISSION CERTIFICATE**

THIS MAP OF DIVISION INTO LARGE PARCELS HAS BEEN REVIEWED AND ACCEPTED BY THE PLANNING COMMISSION OF LANDER COUNTY, NEVADA, FOR THE PURPOSES OF LAND DIVISION.

CHAIRMAN \_\_\_\_\_

**COUNTY TREASURER'S CERTIFICATE**

I, LANDER COUNTY TREASURER, CERTIFY THAT ALL PROPERTY TAXES ON THE LAND FOR THE FISCAL YEAR HAVE BEEN PAID PURSUANT TO NRS 361A.265.

BY: \_\_\_\_\_  
LANDER COUNTY TREASURER  
APN 010-380-40

**RECORDER'S CERTIFICATE**



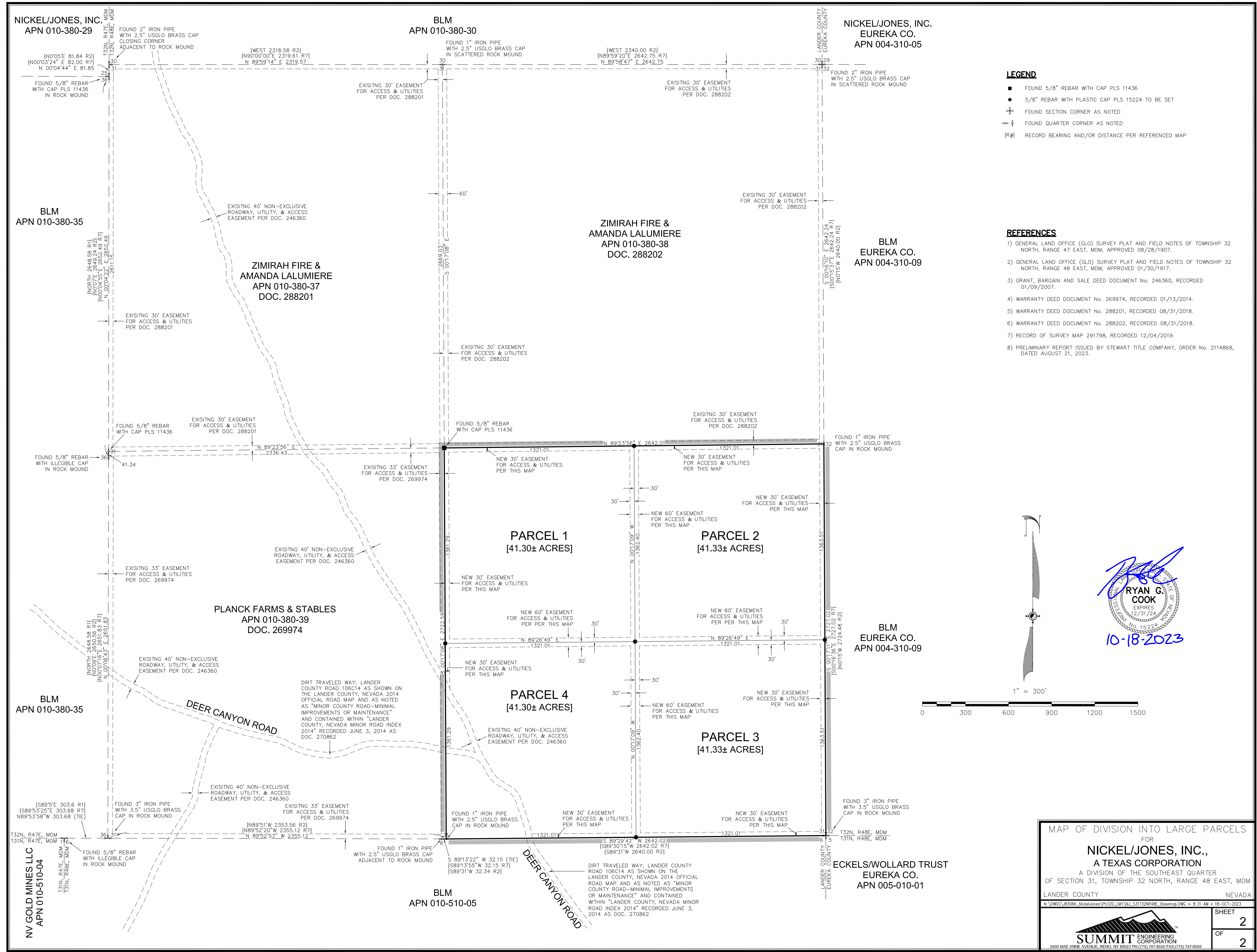
MAP OF DIVISION INTO LARGE PARCELS  
FOR  
**NICKEL/JONES, INC.,**  
A TEXAS CORPORATION  
A DIVISION OF THE SOUTHEAST QUARTER  
OF SECTION 31, TOWNSHIP 32 NORTH, RANGE 48 EAST, MDM  
LANDER COUNTY NEVADA  
N:\DWG\183066\_NickelJones\Ph320\_LM1\NJ\_S3112NR48E\_BaseMap.DWG ~ 8:31 AM • 18-OCT-2023

**SUMMIT** ENGINEERING CORPORATION  
6405 MAE ANNE AVENUE, RENO, NV 89523 PH(775) 747-8500 FAX(775) 747-8559

SHEET 1 OF 2



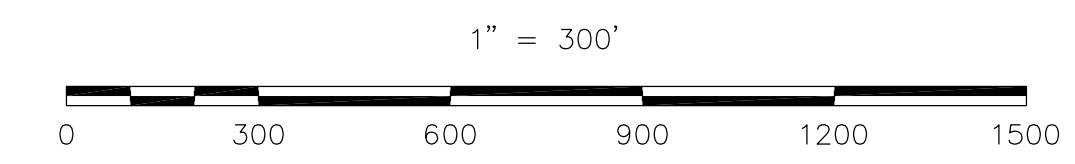
PRELIMINARY, FOR REVIEW ONLY



- LEGEND**
- FOUND 5/8" REBAR WITH CAP PLS 11436
  - 5/8" REBAR WITH PLASTIC CAP PLS 15224 TO BE SET
  - ⊕ FOUND SECTION CORNER AS NOTED
  - ⊕ FOUND QUARTER CORNER AS NOTED
  - [R#] RECORD BEARING AND/OR DISTANCE PER REFERENCED MAP

- REFERENCES**
- 1) GENERAL LAND OFFICE (GLO) SURVEY PLAT AND FIELD NOTES OF TOWNSHIP 32 NORTH, RANGE 47 EAST, MDM, APPROVED 08/28/1907.
  - 2) GENERAL LAND OFFICE (GLO) SURVEY PLAT AND FIELD NOTES OF TOWNSHIP 32 NORTH, RANGE 48 EAST, MDM, APPROVED 01/30/1917.
  - 3) GRANT, BARGAIN AND SALE DEED DOCUMENT No. 246360, RECORDED 01/09/2007.
  - 4) WARRANTY DEED DOCUMENT No. 269974, RECORDED 01/13/2014.
  - 5) WARRANTY DEED DOCUMENT No. 288201, RECORDED 08/31/2018.
  - 6) WARRANTY DEED DOCUMENT No. 288202, RECORDED 08/31/2018.
  - 7) RECORD OF SURVEY MAP 291798, RECORDED 12/04/2019.
  - 8) PRELIMINARY REPORT ISSUED BY STEWART TITLE COMPANY, ORDER No. 2114868, DATED AUGUST 21, 2023.

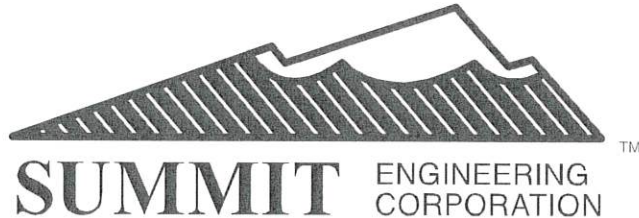
*Ryan G. Cook*  
**RYAN G. COOK**  
 EXPIRES 12/31/24  
 No. 15224  
 10-18-2023



MAP OF DIVISION INTO LARGE PARCELS  
 FOR  
**NICKEL/JONES, INC.,**  
 A TEXAS CORPORATION  
 A DIVISION OF THE SOUTHEAST QUARTER  
 OF SECTION 31, TOWNSHIP 32 NORTH, RANGE 48 EAST, MDM  
 LANDER COUNTY NEVADA

SHEET 2 OF 2

**SUMMIT** ENGINEERING CORPORATION  
 6405 MAE AVENUE, RENO, NV 89523 PH(775) 747-8000 FAX(775) 747-8059



September 20, 2023

To: Lander County  
Attn: Shelby Knopp, Planning Coordinator  
50 State Route 305  
Battle Mountain, NV 89820  
775-635-2860  
Planning@landercountynv.org

Re: Initial submittal of an application for a Division of Land into Large Parcels for Nickel Jones, Inc.

Shelby,

Please find enclosed the original application packet for the proposed Division of Land into Large Parcels application for Nickel Jones, Inc. Included is a check for \$550, application, affidavit, 3 full size maps, 12 reduced maps, and a current title report. Note the submittal to Bob Morley was made separately. Once the County's comments are received, the map will be revised, mylars plotted, signatures acquired, and mylar sent to you for final processing.

If I can be of further assistance, please call me at (775) 787-4316 or email [ryan@summitnv.com](mailto:ryan@summitnv.com).

Sincerely,

Ryan Cook, PLS, WRS, CFedS  
Vice President & Surveying Department Manager  
**SUMMIT ENGINEERING CORPORATION**





**Parcel Detail for Parcel # 010-380-40**

**Prior Parcel #**

**Location**

Property Location

Town

District [8.0 - Battle Mountain Road Special](#)

Subdivision Lot Block

Property Name

**Ownership**

Assessed Owner Name [NICKEL JONES, INC](#)

Mailing Address   
[P O BOX 1419](#)  
[POLSON, MT 59860](#)

Legal Owner Name [NICKEL JONES, INC](#)

Vesting Doc #, Date [01/09/2007](#) Year / Book / Page [07 / 568 / 326](#)

Map Document #s

**Description**

Total Acres [165.800](#) Square Feet [0](#)  
 Ag Acres [165.800](#) W/R Acres [.000](#)

**Improvements**

Single-family Detached <a href="#">0</a>	Non-dwelling Units <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>
Single-family Attached <a href="#">0</a>	Mobile Home Hookups <a href="#">0</a>	Stories <a href="#">.0</a>
Multiple-family Units <a href="#">0</a>	Wells <a href="#">0</a>	Garage Square Ft... <a href="#">0</a>
Mobile Homes <a href="#">0</a>	Septic Tanks <a href="#">0</a>	Attached / Detached
Total Dwelling Units <a href="#">0</a>	Buildings Sq Ft <a href="#">0</a>	
<input type="button" value="Improvement List"/>	Residence Sq Ft <a href="#">0</a>	
<input type="button" value="Improvement Sketches"/>	Basement Sq Ft <a href="#">0</a>	Basement
<input type="button" value="Improvement Photos"/>	Finished Basement SF <a href="#">0</a>	Bedrooms / Baths <a href="#">0 / .00</a>

**Appraisal Classifications**

Current Land Use Code [600](#)

Zoning Code(s) [A3](#)

Re-appraisal Group [4](#) Re-appraisal Year [2023](#)

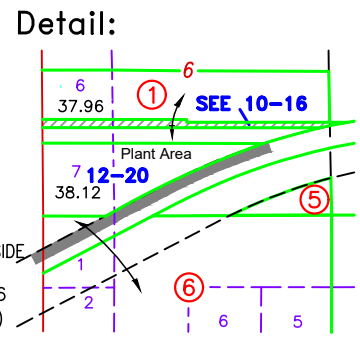
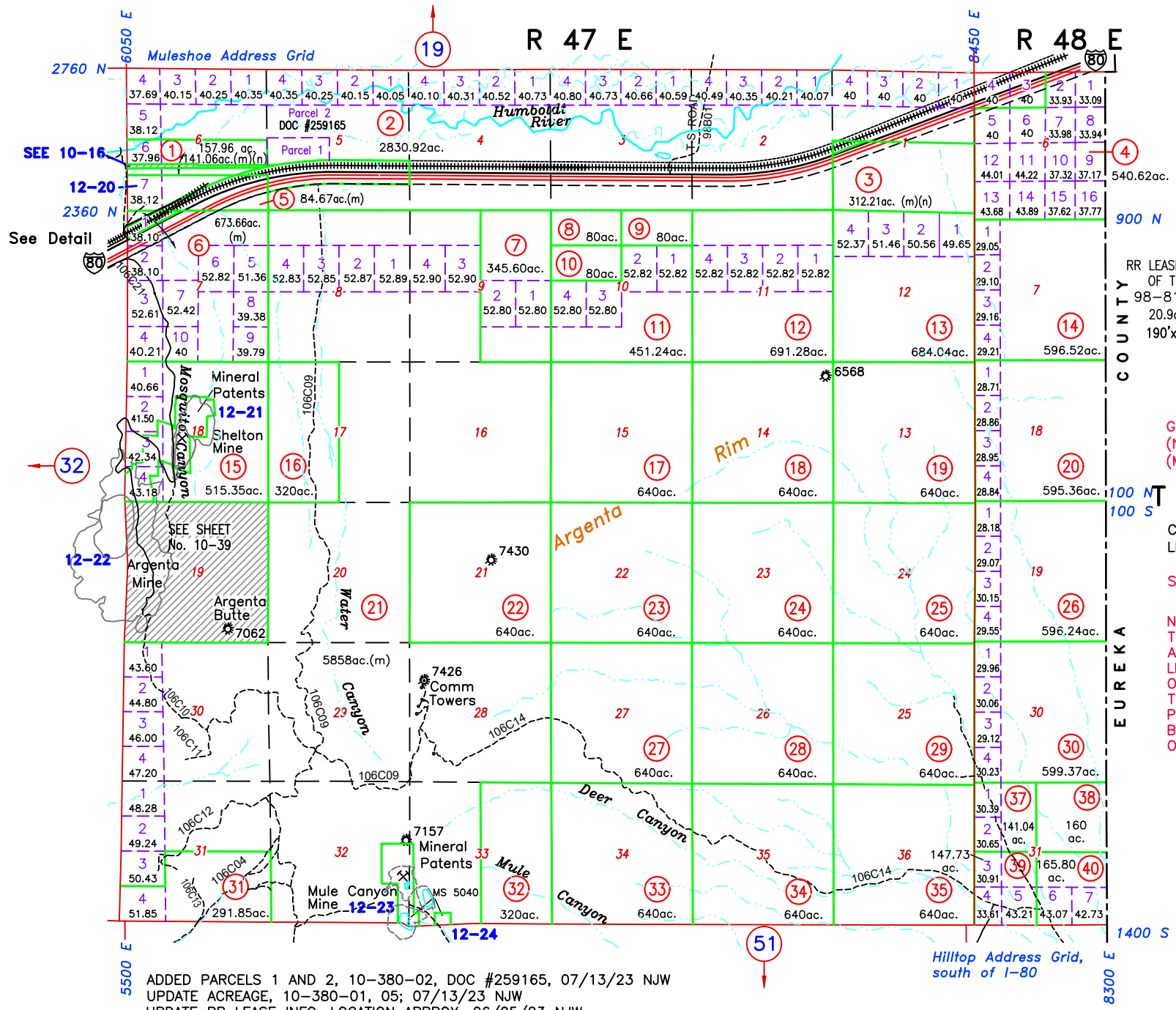
Original Construction Year Weighted Year

**Assessed Valuation**

Assessed Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	0		
Improvements	0		
Personal Property	0		
Ag Land	578		
Exemptions	0		
<b>Net Assessed Value</b>	<b>578</b>		
Increased (New) Values			
Land	4,758		
Improvements	0		
Personal Property	0		

**Taxable Valuation**

Taxable Values	<u>2023-24</u>	<u>2022-23</u>	<u>2021-22</u>
Land	0		
Improvements	0		
Personal Property	0		
Ag Land	1,651		
Exemptions	0		
<b>Net Taxable Value</b>	<b>1,651</b>		
Increased (New) Values			
Land	13,594		
Improvements	0		
Personal Property	0		



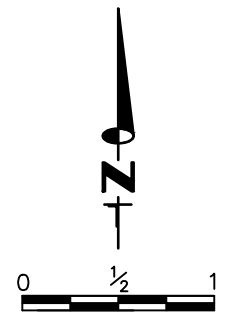
GROSS ACREAGE IS SHOWN.  
 (N) INDICATES NET ACREAGE  
 (M) INDICATES CAD MEASURED

**32 N**  
 COUNTY LINE DEFINED ALONG SECTION LINES, BY NRS 243.137 (1969)

SEE BOOK 12 FOR PATENTED MINING CLAIMS

**NOTE:**  
 THIS PLAT IS FOR ASSESSMENT USE ONLY, AND DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON. USE OF THIS PLAT FOR OTHER THAN ASSESSMENT PURPOSES IS FORBIDDEN UNLESS APPROVED BY THE DEPARTMENT OF TAXATION, DIVISION OF ASSESSMENT STANDARDS.

ADDED PARCELS 1 AND 2, 10-380-02, DOC #259165, 07/13/23 NJW  
 UPDATE ACREAGE, 10-380-01, 05; 07/13/23 NJW  
 UPDATE RR LEASE INFO, LOCATION APPROX, 06/05/23 NJW  
 010-380-36 SPLIT TO 010-380-37, 38, 39, 40, DOCS  
 #246360, 288201, 288202; 04/03/23 NJW  
 UPDATE ACREAGE, 10-380-36, DOC #291798, 01/08/20 NJW





# DLP 23-01 Nickel Jones, Inc.



© 2023 Earthstar  
05/31/2023 - 07/02/2023

1051005



Stewart Title Company  
810 Idaho St  
Elko, NV 89801

Original  
**PRELIMINARY REPORT**

**Our Order No.:** 2114868

**Sales Price:**

**Proposed**

**Buyer/Borrower:** Nickel Jones, Inc.

**Loan Amount:**

**Seller:**

**Property Address:** APN: 010-380-40, - Sectional Land, Battle Mountain, NV 89820

**Proposed Lender:**

Today's Date: August 21, 2023

In response to the above referenced application for a policy of title insurance, Stewart Title Guaranty Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Authorized Countersignature  
Annette Scates, Title Officer

Dated as of August 21, 2023 at 8:00AM

**When replying, please contact:**

, Escrow Officer

Fax:

Email:

## PRELIMINARY REPORT

The form of Policy of Title Insurance contemplated by this report is:

- 2006 ALTA Owner's Policy - Standard
- 2006 ALTA Owner's Policy - Extended
- 2021 ALTA Owner's Policy - Standard
- 2021 ALTA Owner's Policy - Extended
- 2013 ALTA Homeowners Policy
- 2021 ALTA Homeowners Policy
  
- ALTA Short Form Residential Loan Policy 12-3-12
- ALTA Short Form Residential Loan Policy - Current Assessments 7-1-21
- ALTA Short Form Residential Loan Policy - Assessments Priority 7-1-21
- ALTA Short Form Expanded Coverage Residential Loan Policy - Current Assessments 7-1-21
- ALTA Short Form Expanded Coverage Residential Loan Policy - Assessments Priority 7-1-21
  
- 2006 ALTA Loan Policy - Standard
- 2006 ALTA Loan Policy - Extended
- 2021 ALTA Loan Policy - Standard
- 2021 ALTA Loan Policy - Extended
  
- ALTA Expanded Coverage Residential Loan Policy - Current Assessments 7-1-21
- ALTA Expanded Coverage Residential Loan Policy - Assessments Priority 7-1-21
- Preliminary Report Only
- 

## SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE

Title to said estate or interest at the date hereof is vested in:

Nickel/Jones, Inc., a Texas corporation



File Number: 2114868

## LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Lander, described as follows:

TOWNSHIP 32 NORTH, RANGE 48 EAST, M.D.B.&M.

Section 31: SE1/4;

## SCHEDULE B

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy or policies would be as follows:

1. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; whether or not the matters excepted under (a), (b) or (c) are shown by the public records, (d) Indian tribal codes or regulations, Indian Treaty or Aboriginal Rights, including easements or equitable servitudes.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. THE FACT THAT RECORD ACCESS TO AND FROM A REGULARLY DEDICATED ROAD IS NOT REFLECTED IN THE PUBLIC RECORDS OF LANDER COUNTY, NEVADA.
5. State, County and City Taxes for the fiscal period 2023 to 2024, a lien now due and payable in the total amount of \$19.39

PARCEL NO.: 010-380-40

1st installment of \$19.39 unpaid, delinquent 3rd Monday in August.

6. The Lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 361.260 of the NEVADA REVISED STATUTES.
7. Any deferred taxes, interest and penalties which may be due or become due upon the conversion of said land from agricultural or open space use to any other designated use, as per Nevada Revised Statutes.
8. Memorandum of Minerals Lease, affecting the premises herein stated, executed by and between the parties named herein, for the term and upon the terms, covenants and conditions therein provided, dated: August 3, 1987, Lessor : Southern Pacific Land Company, a California corporation, Lessee: SFP Minerals Corporation, a Delaware corporation, Recorded November 24, 1987, in Book 303, Page 33, as Document No. 148340, and amendment thereof recorded October 2, 1989, in Book 336, Page 657, as Document No. 161930, Official Records of Lander County, Nevada.
9. Memorandum Of Exploration Agreement And Option To Lease dated November 29, 1990, by and between The Atchison, Topeka and Santa Fe Railway Company, a Delaware corporation, and Santa Fe Pacific Minerals Corporation, a Delaware corporation, Recorded : October 21, 1991, Book 363, Page 197, Document No. 170431 Official Records of Lander County, Nevada.

Amendment thereof

Recorded : February 3, 1992, Book 368, Page 29, Document No. 172605  
Official Records of Lander County, Nevada.

Second Amendment thereof

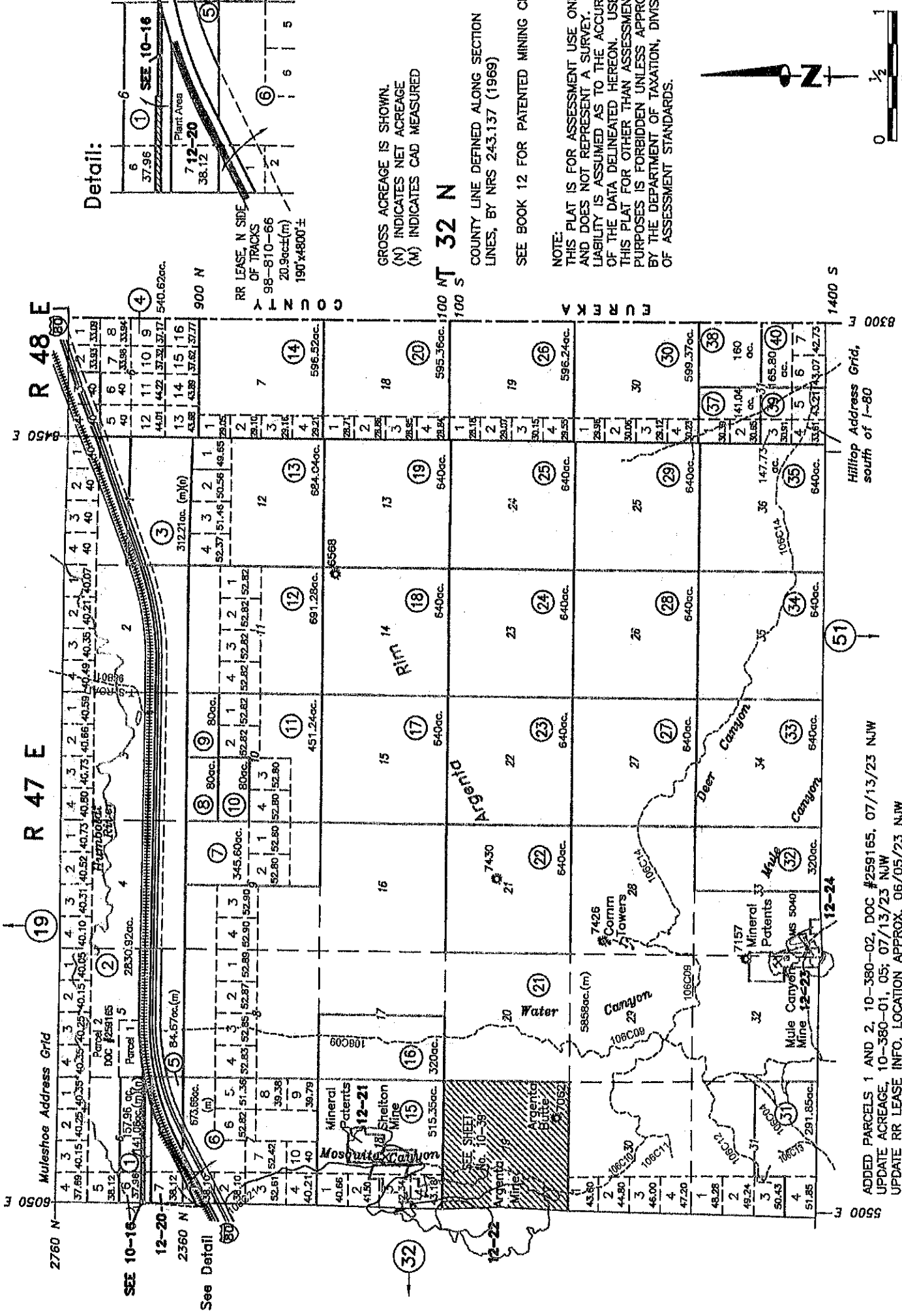
Recorded : June 10, 1992, Book 374, Page 502, Document No. 175572

Official Records of Lander County, Nevada.

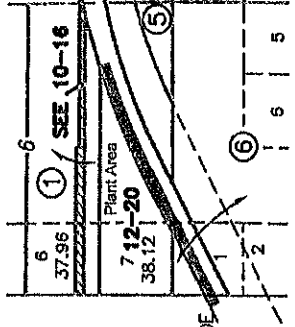
10. Reservations and Exceptions contained in a Deed from Nevada Land and Resource Company, LLC, a Nevada limited liability company,  
Recorded : January 9, 2007, Book 568, Page 326, Document No. 246360  
Official Records of Lander County, Nevada.

NOTE: This report is being issued at the request of the client and is not in response to a request for title insurance. Therefore, all references to title insurance in the printed matter of this report or attached hereto are hereby cancelled. All liability assumed hereby is strictly limited to the amount of the fee paid by the client named herein. Any other parties using the information contained herein do so at their own risk

**END OF EXCEPTIONS**



Detail:

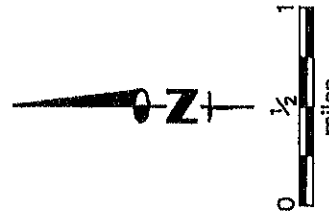


GROSS ACREAGE IS SHOWN.  
 (N) INDICATES NET ACREAGE  
 (M) INDICATES CAD MEASURED

SEE BOOK 12 FOR PATENTED MINING CI

COUNTY LINE DEFINED ALONG SECTION LINES, BY NRS 243.137 (1969)

NOTE:  
 THIS PLAT IS FOR ASSESSMENT USE ONI AND DOES NOT REPRESENT A SURVEY. LIABILITY IS ASSUMED AS TO THE ACCUR OF THE DATA DELINEATED HEREON. USE THIS PLAT FOR OTHER THAN ASSESSMEN PURPOSES IS FORBIDDEN UNLESS APPRC BY THE DEPARTMENT OF TAXATION, DIVIS OF ASSESSMENT STANDARDS.



M.D.B. & M.

ADDED PARCELS 1 AND 2, 10-380-02, DOC #259165, 07/13/23 NJW  
 UPDATE ACREAGE, 10-380-01, 05; 07/13/23 NJW  
 UPDATE RR LEASE INFO, LOCATION APPROX, 06/05/23 NJW  
 010-380-36 SPLIT TO 010-380-37, 38, 39, 40, DOCS  
 #246360, 288201, 288202; 04/03/23 NJW  
 UPDATE ACREAGE, 10-380-36, DOC #291799, 01/08/20 NJW

# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

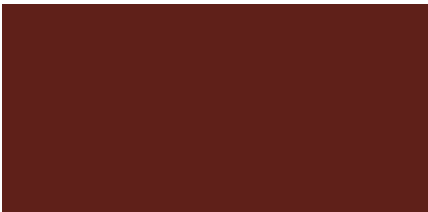
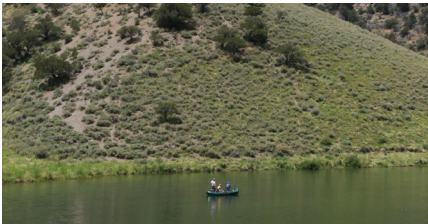
## AGENDA ITEM NUMBER 8

---

- 8.) Review, consideration, and possible action on the 2023 Lander County Master Plan update, which includes reorganization of the Master Plan, updates to the development and zoning standards, and updates to the Land Use Map. **FOR POSSIBLE ACTION**

**Recommended Motion: Pleasure of the Lander County Planning Commission**





# *Lander County* **MASTER PLAN**

**Final Draft**  
**May 2022**

# Table of Contents

## EXECUTIVE SUMMARY

Introduction .....	1
Geography.....	2
History.....	3
Government.....	4
Demographics.....	4
Housing.....	7
Land Use .....	12
Economy.....	13
Work Force.....	14
Schools.....	15
Data Limitations.....	16

## 1. LAND USE & HISTORIC PRESERVATION

GOALS.....	1-1
POLICIES.....	1-1
CURRENT CONDITIONS.....	1-3
Inventory of Land.....	1-3
Master Plan Categories .....	1-3
PUBLIC LAND .....	1-12
LOOKING TO THE FUTURE.....	1-14
Land Use Mapping Gaps.....	1-14
New Master Plan Categories.....	1-14
Work with Political Entities to Pass a Lands Bill.....	1-14
AREA PLANS.....	1-15
Battle Mountain.....	1-16
Austin.....	1-18
Kingston Canyon.....	1-21
HISTORIC PRESERVATION .....	1-23
Hickison Petroglyph Recreation Area.....	1-23
Toquima Cave.....	1-24
Stokes Castle.....	1-24

Austin Historic District..... 1-25  
 Future Directions for Historic Preservation..... 1-27  
     Certified Local Government/Ordinances..... 1-27

**2. CONSERVATION & NATURAL RESOURCES**

GOALS..... 2-1  
 POLICIES..... 2-1  
 REGULATING LAWS AND STATUTES RELEVANT TO CONSERVATION..... 2-5  
 PHYSICAL ENVIRONMENT..... 2-5  
     Topography..... 2.5  
     Climate..... 2-6  
 CULTIVATED AND EXTRACTED NATURAL RESOURCES..... 2-6  
     Agricultural Lands - Farms & Ranching in Lander County..... 2-6  
     Minerals and Mining..... 2-7  
     Alternative Energy Resources..... 2-9  
         Geothermal Resources..... 2-9  
         Solar and Wind Energy..... 2-11  
 NON-LIVING RESOURCES..... 2-12  
     Water Resources..... 2-12  
         Surface Water..... 2-13  
 OTHER SURFACE WATER FEATURES..... 2-14  
     Groundwater..... 2-14  
     Allocated Groundwater..... 2-14  
 LIVING RESOURCES..... 2-17  
     Landcover/Vegetation Habitats..... 2-17  
     Sensitive, Threatened, and Endangered Vegetation..... 2-19  
     Conservation Strategies for Sensitive, Threatened, and Endangered Vegetation..... 2-20  
     Invasive Species..... 2-20  
     Forests..... 2-21  
     Wildlife..... 2-22  
 RESOURCE THREATS AND HAZARDS..... 2-29  
     Fire Hazards..... 2-29  
     Pollution Control - Water and Air..... 2-29  
     Flood Control..... 2-29  
     Flood Mapping..... 2-30  
     Areas with Flooding Potential..... 2-31

Earthquakes and Seismic Risk..... 2-33

LOOKING TO THE FUTURE..... 2-34

    Preservation of Agricultural Lands/Heritage..... 2-34

    Alternative Energy Potential..... 2-34

    Resource Preservation..... 2-34

**3. HOUSING**

GOALS..... 3-1

POLICIES..... 3-1

HOUSING CONDITIONS..... 3-3

    Housing Inventory ..... 3-3

    Aging Housing Stock..... 3-4

    Affordable Housing..... 3-4

    Housing Projections..... 3-6

LOOKING TO THE FUTURE..... 3-7

    Housing Opportunities and Constraints..... 3-7

        Encouraging Diversification and Affordability of Housing Stock..... 3-7

        Redevelopment Opportunities..... 3-7

        Aging Population and Housing Opportunities..... 3-7

**4. ECONOMIC DEVELOPMENT**

GOALS..... 4-1

POLICIES..... 4-1

CURRENT TRENDS..... 4-3

    Local Economy and Outlook..... 4-3

        Economic Sectors..... 4-3

        Employment Statistics..... 4-4

        Unemployment Rates..... 4-4

        Poverty Rates..... 4-5

        Building Permits..... 4-5

        Commercial and Industrial Parcels..... 4-6

FOCUS AREAS FOR ECONOMIC DEVELOPMENT..... 4-7

LOOKING TO THE FUTURE..... 4-8

    Implement CEDS Goals and Priorities..... 4-8

    Expand Tourism/Recreation..... 4-8

Alternative Agricultural Industries - Hemp..... 4-8  
 Renewable Energy Development - Reusing Reclaimed Mining Areas..... 4-8

**5. PUBLIC FACILITIES, SERVICES & RECREATION**

GOALS..... 5-1  
 POLICIES..... 5-1  
 AVAILABLE PUBLIC FACILITIES AND SERVICES..... 5-6  
 CURRENT CONDITIONS AND TRENDS..... 5-7  
     Water Resources..... 5-7  
         Lander County Combined Sewer and Water General Improvement District..... 5-7  
         Water Rights..... 5-10  
     Austin Water System..... 5-11  
     Kingston Water System..... 5-12  
 WASTEWATER TREATMENT AND COLLECTION..... 5-13  
     Battle Mountain Sewer System..... 5-13  
     Austin Sewer System..... 5-15  
     Non-Potable Water Sources..... 5-15  
     Septic Systems and Water Quality..... 5-16  
 TRANSPORTATION..... 5-20  
     Rail Freight..... 5-20  
     Highway Freight..... 5-21  
     Traffic Volumes..... 5-21  
 ABOVE-GROUND UTILITIES..... 5-22  
 OTHER FACILITIES..... 5-24  
     Broadband Internet Access..... 5-24  
     Solid Waste Disposal and Landfills..... 5-24  
     Cemetery..... 5-24  
 GENERAL GOVERNMENT AND PUBLIC SAFETY..... 5-25  
     General Government..... 5-25  
     Public Safety..... 5-25  
     Schools..... 5-27  
 RECREATION..... 5-28  
 LOOKING TO THE FUTURE..... 5-30  
     Expanding Existing Infrastructure & Capital Improvements..... 5-29  
     Improvements to Existing Water and Wastewater Systems..... 5-30  
     Individual Wastewater Disposal Systems (Septic Systems) and Water Quality..... 5-31



Expanding Reclaimed Water/Non-Potable Water Infrastructure.....5-32

Transportation .....5-32

Schools .....5-33

Parks/Recreation .....5-33

6. REFERENCES.....6-1

# Acknowledgements

## Board of County Commissioners

District 1 - Bryan Sparks  
District 2 - Art Clark III  
District 3 - Patsy A. Waits  
District 4 - Wallace (Jr.) Thomas  
District 5 - Kathleen V. Ancho

## Planning Commission

John Williams  
Louis Lani  
Monte Price  
Colt Nelson  
Steven Stienmetz

## Office of the County Manager

Bartolo "Bert" Ramos, County Manager

## Planning/Building Department

Colt Nelson, Building Official  
Jessica Walker, Planning Coordinator

## Assessor's Office

Lura Duvall, Assessor

## Consultant Team

Wood Rodgers, Inc.  
UNR - Center for Economic Development



# EXECUTIVE SUMMARY

# Executive Summary

Pursuant to Nevada Revised Statute (NRS) 278, the Lander County Master Plan with the accompanying tables, diagrams, figures, and charts is the County’s comprehensive long-term plan for growth and development.

Special Note: This Master Plan was prepared while Lander County and the nation were in the midst of the COVID-19 pandemic, and constraints were imposed on the process as a result. The potential changes that our country will experience remain uncertain. As such, county officials should be encouraged to reexamine changing data and behavior and to support revisions in the Master Plan as warranted.

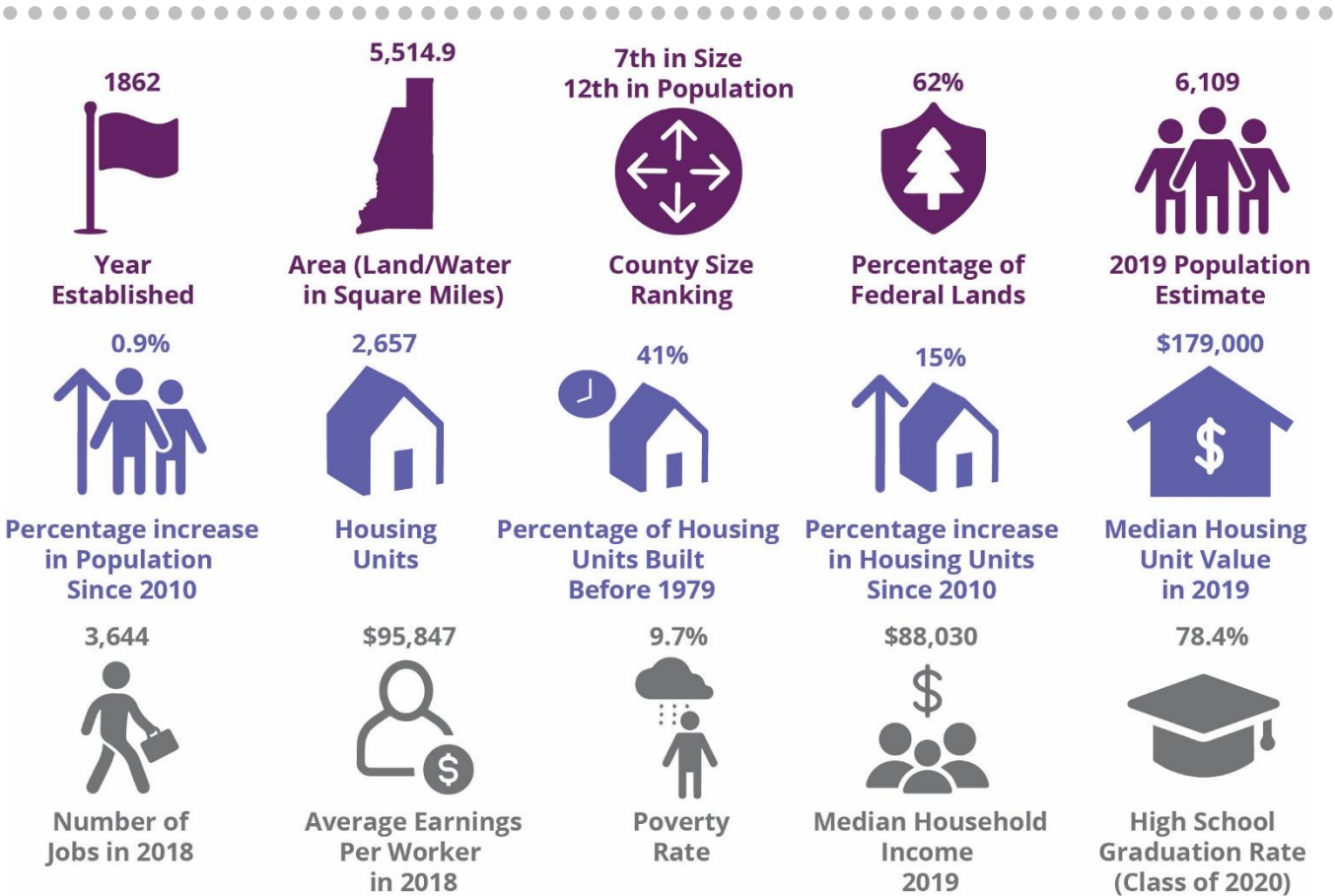


Figure 1: Lander County at a Glance  
 Sources: American Community Survey 5-Year Estimates, years between 2013 and 2019, Tables S2201, DP03, DP05;  
 Nevada Economic Assessment Project-Socioeconomic Baseline Report (2021);  
 Nevada State Demographer (2021);  
 University Center for Economic Development, College of Business, University of Nevada, Reno (2021)

# Geography

Lander County is located in central Nevada, an arid desert landscape characterized by dramatic basins and ranges. Elevation in the county ranges between 11,473 feet at Bunker Hill in the Toiyabe Range to 4,510 feet at Battle Mountain in the northwest corner of the county. Portions of Lander County are among the most arid areas in the United States, with an average of 12.3 inches of precipitation at Battle Mountain.

Most of the vegetation in the area is desert shrubland, generally consisting of sagebrush with some pinyon pine and juniper woodland areas near mountain ranges. Although water is generally scarce in this climate, several surface water features exist, including the Humboldt River, Reese River, Rock Creek, and Groves Lake. Rich mineral deposits of gold, silver, and other minerals lie within Lander County, generating the largest continuous industry in the County.

Recreational opportunities abound, primarily on publicly owned lands that compose over half the County, and include hiking, mountain biking, fishing, hunting, wildlife viewing, and a wide variety of other outdoor activities.

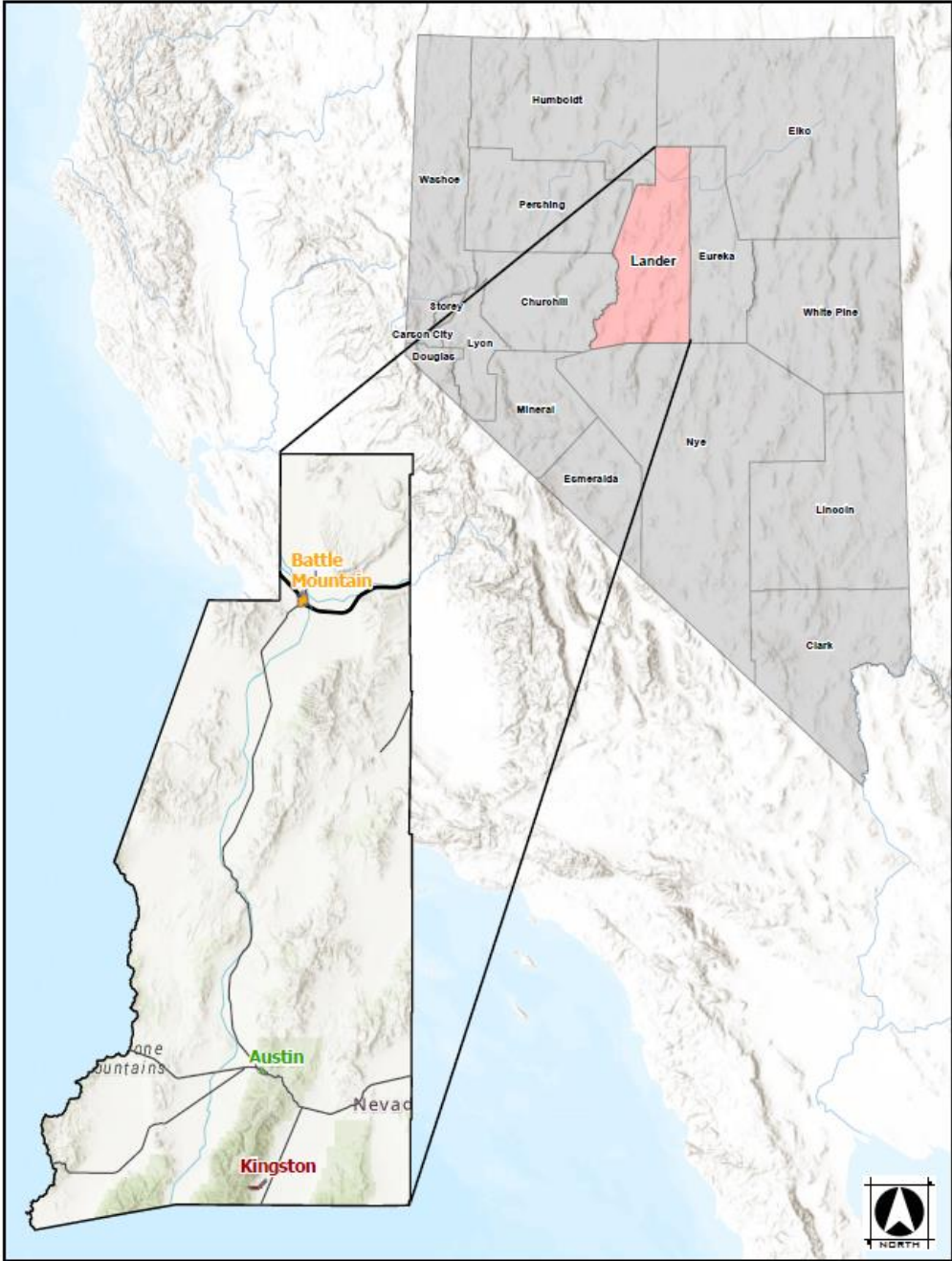


Figure 2: Vicinity Map of Lander County



## History



Historic Lander County Courthouse, Austin, Nevada  
Source: [Ken Lund, 2007](#) (Licensed by [CC BY-SA 2.0](#))

Known as the “mother of counties,” Lander County has retained mining, agriculture, truck transportation, and government service industries.



View of Austin, Nevada | Source: [Austinnv.com](#), date unknown

Lander County, formed in 1862, has been known as the “mother of counties,” spawning three other counties from its original lands: Elko, Eureka, and White Pine.<sup>1</sup> However, the history of human occupation in this area extends back thousands of years as the ancestral lands of the Newe, also known as the Western Shoshone. The Battle Mountain region was the boundary between the Shoshone and the Northern Paiute Tribes and provided an important area for rabbit and antelope drives for the indigenous population.<sup>2</sup> Rich archaeological evidence and oral histories of the indigenous population reflect the lengthy and continued occupancy of the area by the Shoshone and their ancestors. Currently, tribal lands encompass 834 acres in Lander County, governed by the sovereign nation of the Te-Moak Tribe of the Western Shoshone.<sup>3</sup>

In the mid-to-late 19<sup>th</sup> century, a booming mining industry and the expansion of the railroad into Austin, Kingston, and Battle Mountain created a rich and vibrant mining community. The mining industry has continued into the modern day but has generally extended away from Austin and Kingston, with limited population and growth in these areas. Historical buildings and artifacts from this time remain on the landscape, including the Austin historical district that encompasses most of the town.

Over the decades, Lander County industry has surrounded mining, agriculture, truck transportation, and government services. Most of the population has shifted to Battle Mountain, which has resulted in some residential and commercial growth in the town.

<sup>1</sup> (Zapata 2021)

<sup>2</sup> (Te-Moak Tribe of Western Shoshone 2018)

<sup>3</sup> (Te-Moak Tribe of Western Shoshone 2018)

## Government

Lander County is governed by a five-member elected Board of County Commissioners. Other elected officials include the District Attorney, Sheriff, Assessor, Recorder, Public Administrator, District Court Judges, Justices of the Peace, and Clerk. Lander County is the administrator of approximately 5,783 acres of land. In the fiscal year 2019-2020, total revenues were over \$42.4 million, and total expenses were approximately \$30.7 million.<sup>4</sup> In fiscal year 2019-2020, there were 461 local government employees in Lander County.<sup>5</sup>



Lander County Courthouse & Administration Building  
 Source: [Eleventhjudicialdistrict.com](http://Eleventhjudicialdistrict.com), 2015

Emergency medical services are provided by the Battle Mountain Ambulance Department, the Austin Volunteer Ambulance Department, the Battle Mountain General Hospital, clinics in Battle Mountain and Austin, and Lander County Community Health Nurse. Emergency fire services are provided by the Battle Mountain, Austin, and Kingston Volunteer Fire Departments. The U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) are the primary respondents to fires on federal lands. Water and wastewater services are provided by the Lander County Water and Sewer Districts 1 and 2 and the Kingston Water District.

## Demographics

Table 1 - Population 2013-2019				
Population	2013	2019	Net Change to 2019	% Change to 2019
Lander County Overall	6,343	6,109	-234 residents	-3.7%
Battle Mountain	3,657	3,391 (3,705)*	-266 residents (+48)*	-7.2% (+1.3%)
Austin	169	156 (167)*	-13 residents (-2)*	-7.7% (-1.1%)
Kingston	124	122 (194)*	-2 residents (+70)*	-1.6% (+156%)

Source: Nevada State Demographer - Final Governor’s Certified Series of Population of Nevada’s Counties and Incorporated Cities; Years 2013 and 2019

\*Note: Population numbers represented in “(-)” represent data provided by the United States Census Bureau, 2020 Decennial Census, which became available after this document was prepared. As a result, population comparison facts utilize data provided from the State Demographer prior to the 2020 census.

Population data for Lander County varies between the Nevada State Demographer and the recent 2020 Census. The key take away is that the data provided by the 2020 census shows an increase in population within Battle Mountain and Kingston while Austin is showing a slight decline. Data should be monitored over the next few years as the State Demographer provides updates. The previous Master Plan predicted the following: a) an increase in population in northern Lander County, b) the total county population increasing to 7,540 by 2020, and c) the Battle Mountain population increasing to 3,730, the Austin population to 3,800, and the Kingston population to 450. This Master Plan update also revealed another important change: the aging of the community, both in demographics (Figure 1) and housing stock (Figure 7).

<sup>4</sup> (Hinton Burdick 2020, 8)

<sup>5</sup> (Borden, et al. 2021, 51)

**Population Projections**

Lander County’s population is expected to grow slightly between 2019 and 2039. Figure 3 provides population projections for Lander County.

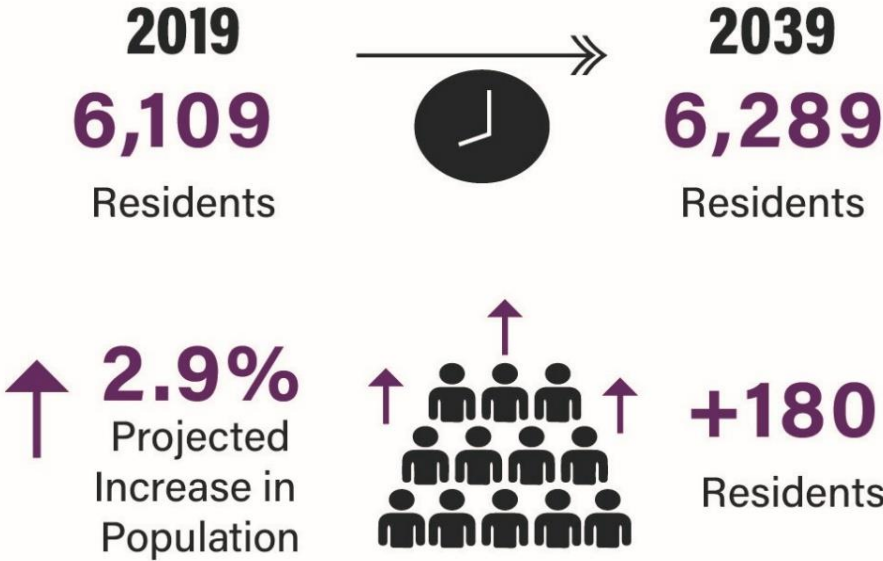


Figure 3: Population Projection Using U.S. Census Bureau Low International Migration Scenario  
Source: Nevada County Population Projections 2020 to 2039 by Nevada State Demographer (2021), page 11

Although projections are developed by the Nevada State Demographer with the best available data, all projected numbers are estimates dependent on the conditions of Lander County and the nation. Notably, projections from the previous year estimated a loss in population in Lander County by 2038. The new projection model does not show this same loss in population. Due to the ongoing COVID-19 pandemic, the demographer developed several different growth scenarios using different variables (Figure 4). Generally, the trend shows a moderate increase in population in the mid-2020s, followed by a decline. A full overview of each model and projection is available in the Nevada County Population Projections 2020 to 2039 report by the Nevada State Demographer.

**NV State Demographer Population Projections - 2020 to 2039**

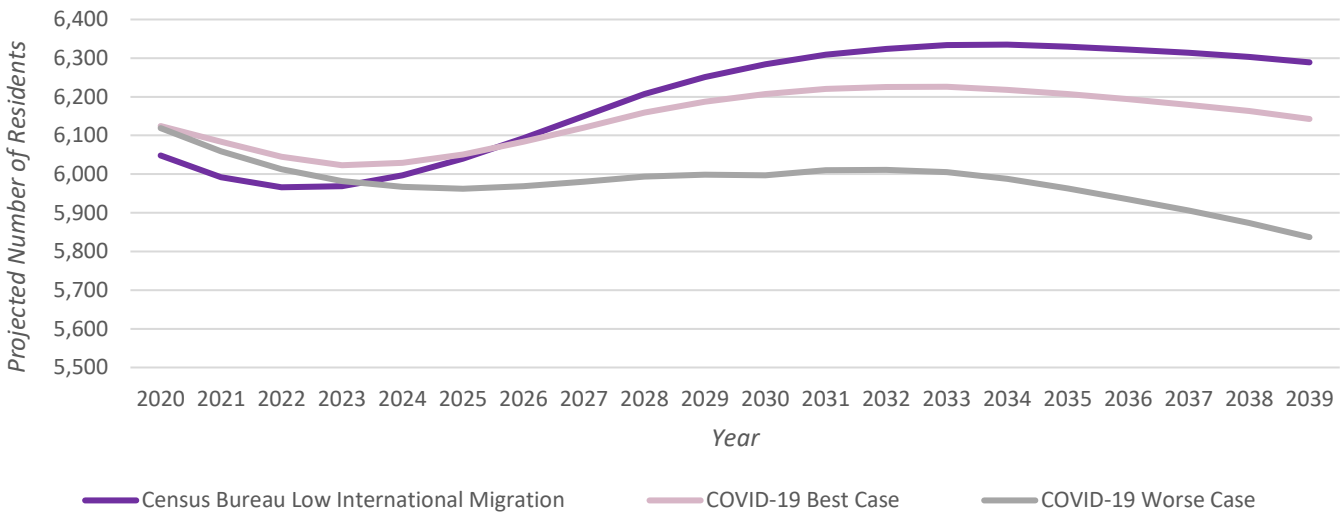


Figure 4: NV State Demographer Population Projections  
Source: Nevada County Population Projections 2020 to 2039 by Nevada State Demographer (2021), pages 11 and 20

Many surrounding counties will also experience a shift in population, as detailed in Table 2.

Table 2 - Population Projections 2019 to 2039				
Population	% Change	Net Change	2019	2039
Lander County	2.9%	180 residents	6,109	6,289
Eureka County	-8.6%	-168 residents	1,955	1,787
Elko County	-0.8%	-428 residents	55,116	54,688
Humboldt County	6.7%	1,149 residents	17,079	18,228

Source: Nevada County Population Projections 2020 to 2039 by Nevada State Demographer (2021)

**Median Age**

The median age of the population fluctuated between 2013 and 2019. Overall, Lander County has consistently matched the median state average for Nevada. However, the individual towns of Battle Mountain, Kingston, and Austin were generally above the state average. In particular, Kingston and Austin have a median age far exceeding other communities and the state average, although the median age has decreased over time, likely attributed to migration from the area or mortality. This rising median age is important, as aging populations typically require more public services or assistance (e.g., public transportation options, medical facilities). The Housing chapter of this Master Plan includes a discussion of possible ways to accommodate this population change.

**Median Age of Lander County Residents**

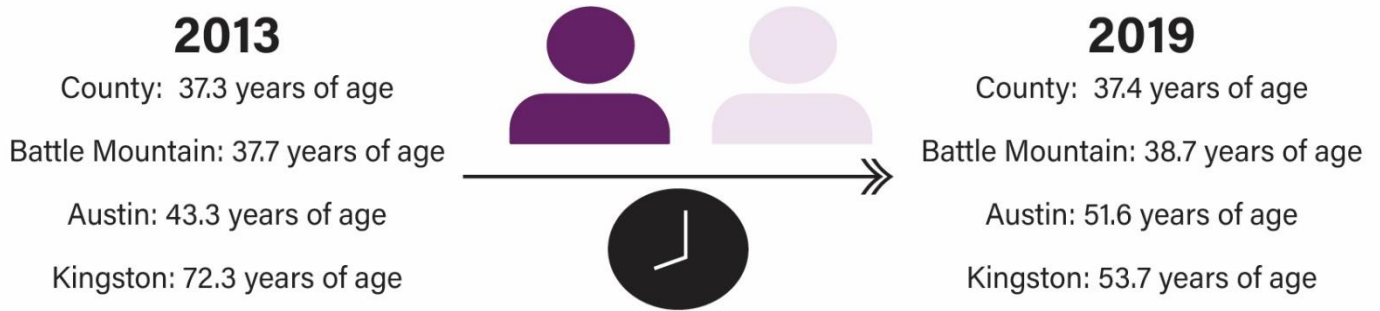


Figure 5: Median Age of Residents  
 Source: University Center for Economic Development, College of Business, University of Nevada, Reno (2021)



## Housing

Approximately 2,657 housing units exist in Lander County.<sup>6</sup> A distribution of housing types is shown in Figure 6. Generally, the housing in Lander County is composed of Manufactured Homes and Single Family Residences, with <5% of housing composed of multiple units.<sup>7</sup> Few multi-family (medium to high density) housing options exist in Lander County.

### Aging Housing Stock

Housing stock is aging in Lander County, with a substantially older housing stock in certain areas. Forty-one percent of housing in Lander County was built prior to 1979. Austin has the oldest housing stock, with approximately 93% of the housing built prior to 1979. Although older housing stock is not inherently negative, it creates issues since these houses approach the 50-year depreciation schedule in Nevada (Figure 7). Nevada law, NRS 361.227(1)(b), directs assessors to subtract depreciation at a set rate of 1.5% of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years. Coupled with the aging population requiring more county resources, this condition will create issues with the long-term viability of the area if not mixed with newer housing to counteract the reduced tax base.

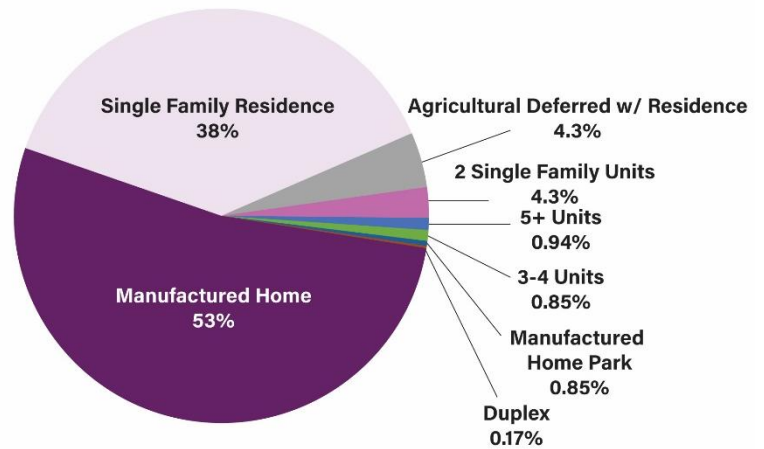


Figure 6: Composition of Residential Uses  
Source: Lander County Assessor Parcel Data (2021)

### Household Characteristics

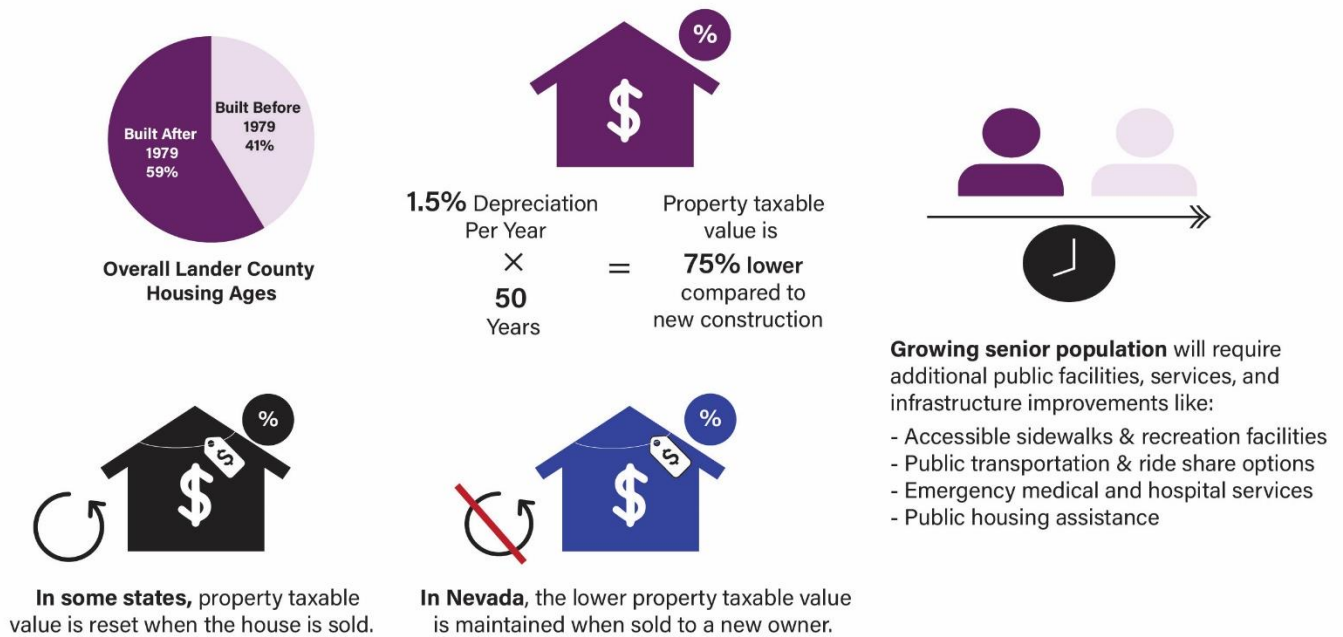


Figure 7: Tax Depreciation in Nevada and Connection to Aging Population

<sup>6</sup> (Steinmann 2020)

<sup>7</sup> (Lander County Assessor's Office 2021)



Between 2013 and 2019, the number of households increased from 2,010 to 2,198, an increase of 9.35%. Interestingly, household sizes decreased in the County overall and in Austin and Battle Mountain during this same time period. In Austin, there was a drop in average household size from 2.5 to 1.74 people per household. A large increase in total household was seen in Austin, although there also was a drop in population in these areas, possibly due to a shift in the type of individuals living in this area (i.e., families versus retirees or single workers). Median household income rose in the County overall but dropped slightly in Battle Mountain.

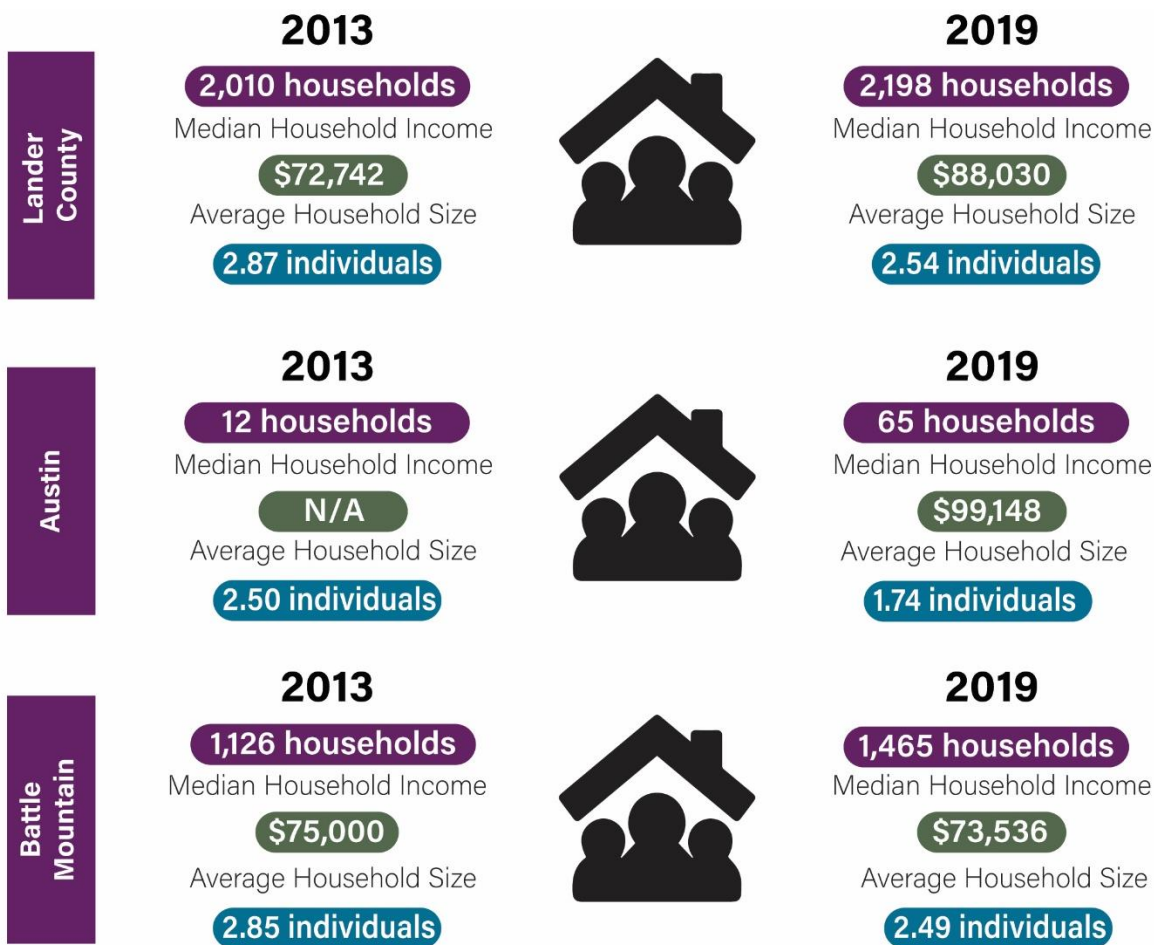


Figure 8: Household Statistics for Lander County, Austin, and Battle Mountain  
 Source: U.S. Census Bureau - American Community Survey Estimates 2013 and 2019, Tables S1101, S1901

### Poverty Rates

The percentage of the population living below the poverty level is a measure used by the government to characterize the economic situation of an individual and a community. Lander County has a lower percentage of individuals living below the poverty line compared to surrounding counties and the state of Nevada (Table 3).

**Poverty Rate**

The poverty rate is the ratio of the number of people (in a given age group) whose income falls below the poverty line. The poverty line (or threshold) is determined by the U.S. Census Bureau each year and is dependent on household size.

(U.S. Census Bureau, 2019)

Table 3 - Median Household Income & Poverty Rates in Northeast Nevada (2019)					
	Lander	Elko	Eureka	Humboldt	State
Median Household Income <sup>1</sup>	\$88,030	\$74,801	\$67,882	\$66,009	\$54,763
Unemployment Rate <sup>2</sup>	8.2%	4.7%	0%	3.4%	6.2%
Poverty Rate <sup>1</sup>	9.6%	9.1%	12.4%	10.6%	12.7%

Sources:  
<sup>1</sup> University Center for Economic Development, College of Business, University of Nevada, Reno (2021)  
<sup>2</sup> American Community Survey 5-Year Estimates, years between 2013 and 2019, Tables S2201, DP03

The percentage of individuals and households living below the poverty level remained well below the state average until 2018, when it spiked to 15.4% before declining to 9.7% in 2019 (Figure 9). Figure 10 combines the poverty rates and unemployment rates in the state and county. While the state unemployment and poverty rates have been steadily declining, Lander County has more variability. In several years, there is a visible increase in the percentage of individuals living below the poverty line and a higher unemployment rate. However, this is not a consistent trend. The Economic Development chapter discusses poverty rates in greater depth.

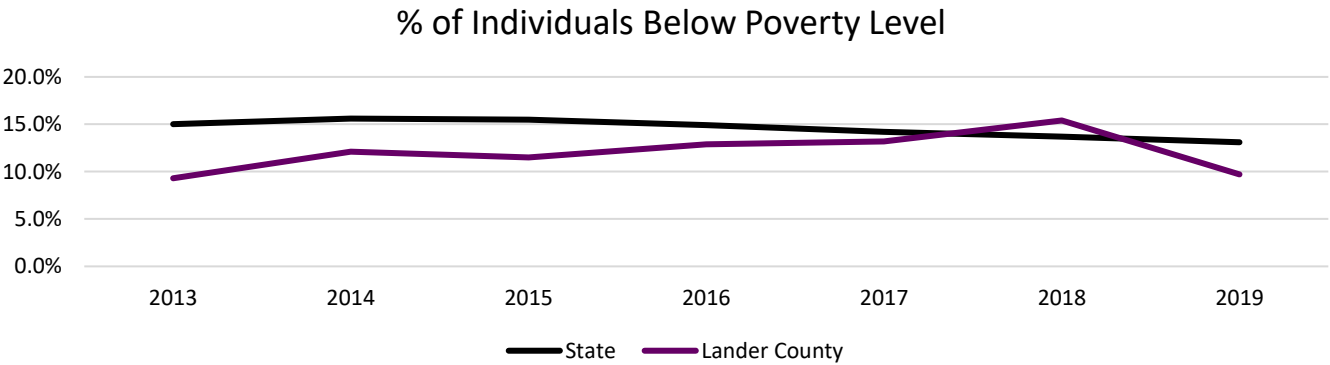


Figure 9: Poverty Rate Graph 2013-2019  
 Source: American Community Survey 5-Year Estimates, years between 2013 and 2019, Table S2201

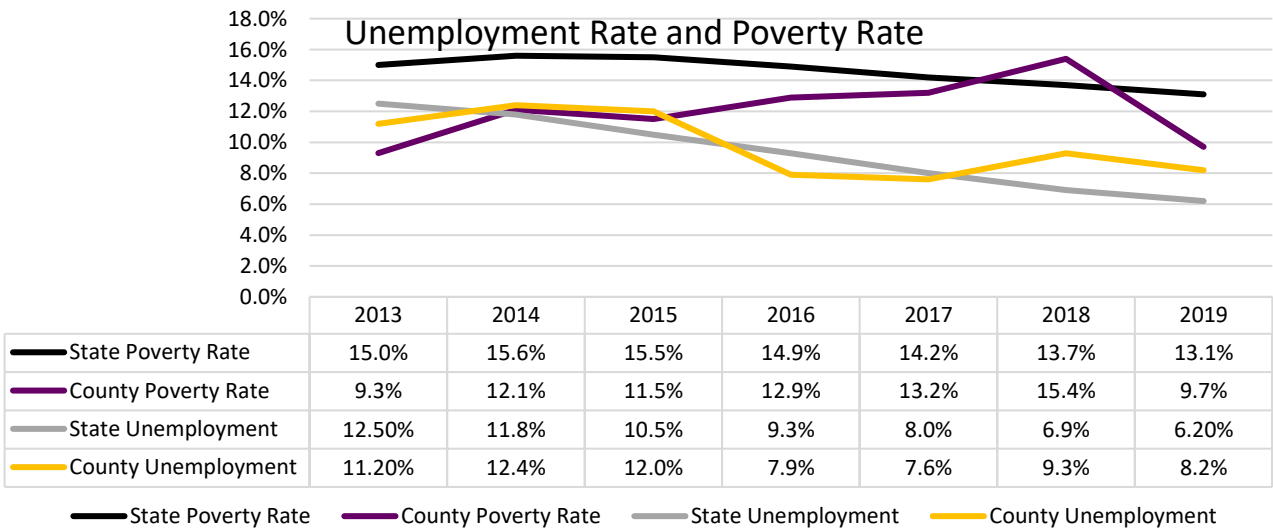


Figure 10: Unemployment and Poverty Rates  
 Source: American Community Survey 5-Year Estimates, years between 2013 and 2019, Tables S2201, DP03

**Housing Affordability**

Although the percentage of cost-burdened households is below most other counties in Nevada (refer to Figure 11), housing affordability is an important component to consider when analyzing poverty levels and the need for social services and interventions in Lander County. Of note is the significant difference between cost-burdened renters versus homeowners, with an estimated 20.2% of renters in Lander County experiencing cost burden with few rental options (120 units). Nearby counties have relatively similar affordability statistics, although Lander County has the lowest number of cost-burdened renters compared to other counties. The median home value is generally in the middle, neither the most or least expensive.

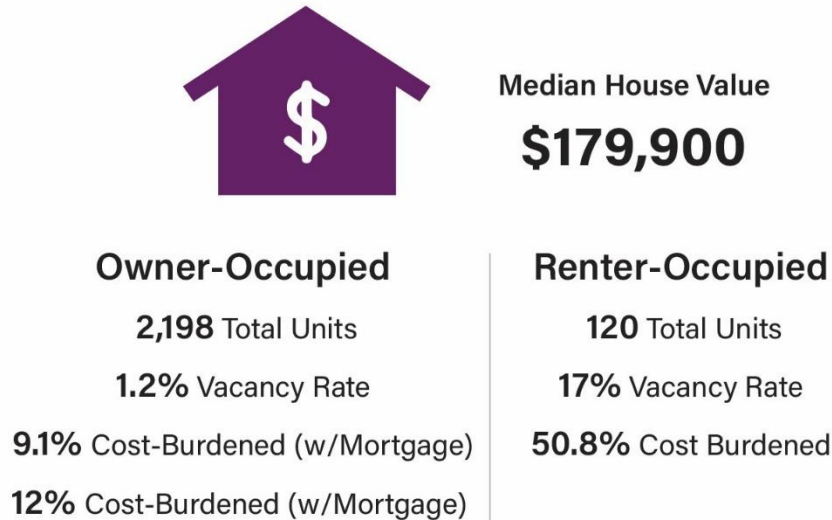


Figure 11: Lander County Housing Affordability

<b>Renters</b>	<b>Elko County</b>	<b>Eureka County</b>	<b>Humboldt County</b>	<b>Lander County</b>
Median Gross Rent	\$952	N/A	\$841	\$842
Cost-Burdened %	22.3%	N/A	41.4%	50.8%
<b>Homeowners</b>	<b>Elko County</b>	<b>Eureka County</b>	<b>Humboldt County</b>	<b>Lander County</b>
Median Housing Value	\$212,500	\$120,100	\$180,600	\$179,900 <sup>2</sup>
Cost-Burdened % (with mortgage)	16.8%	8.3%	17.6%	9.1%
Cost-Burdened % (without mortgage)	16.1%	3.2%	11.3%	12%

Sources:  
<sup>1</sup> U.S. Census Bureau - American Community Survey Estimates 2019, Tables DP04, S1101, S2001  
<sup>2</sup> University Center for Economic Development - College of Business, University of Nevada, Reno (2020)

### Housing Projections<sup>8</sup>

Based on population projection and estimated job growth, 346 new housing units are needed to satisfy and meet future housing demand between 2020 and 2025. An estimated 270 new housing units built between 2020 and 2025 will be needed to satisfy future workforce housing demand over the next five to six years, and an estimated 76 new housing units built between 2020 and 2025 will be needed to satisfy future non-workforce housing demand over the next five to six years in Lander County.

**346**

Total number of new housing units needed in Lander County to satisfy and meet projected housing demand between 2020 and 2025.

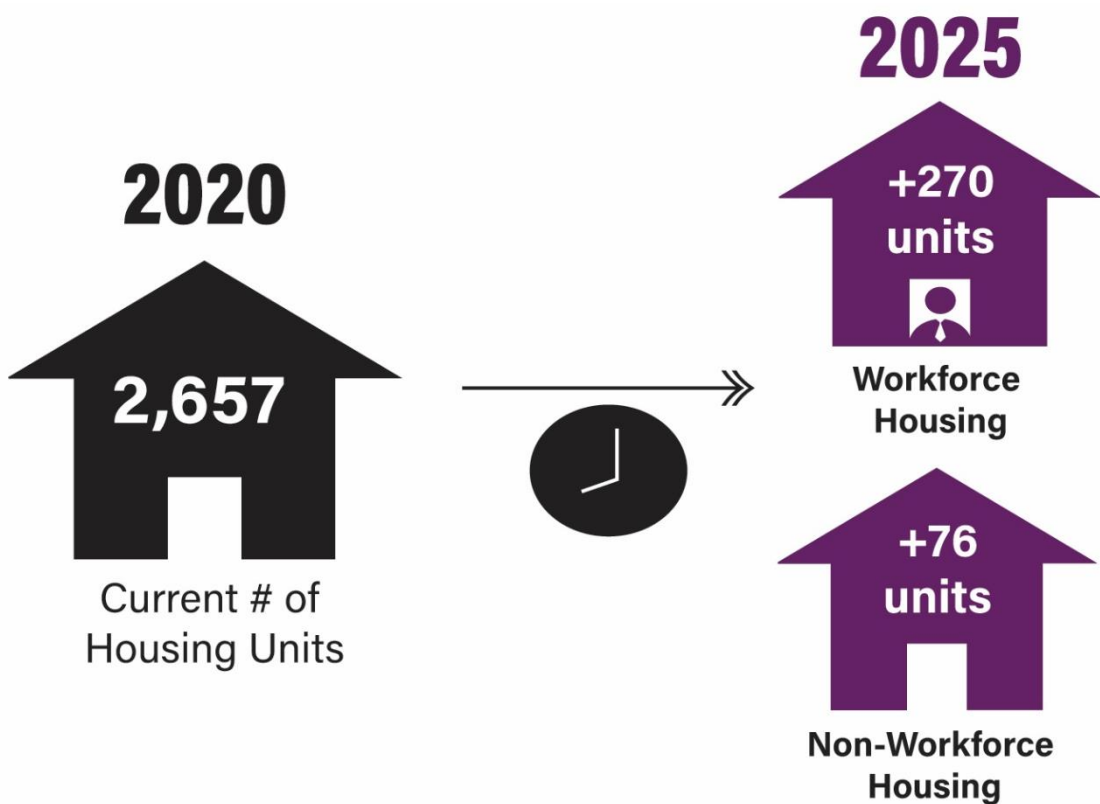


Figure 12: Current and Projected Housing Units  
Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2021)

<sup>8</sup> University Center for Economic Development - College of Business, University of Nevada, Reno (2021).  
Lander County Master Plan **FINAL DRAFT**

## Land Use

The land use of Lander County maintains its historic rural and agricultural character, with the majority of parcels classified with the Master Plan category Rural, meaning that they have limited infrastructure and services available. The majority of land in the County is federally administered by the BLM. Figure 13 provides a breakdown of public versus private lands in the County.

Agricultural lands historically have been important to the area and continue to be important for the economy and livelihood of the County. One hundred seventeen farms, with a total of 329,373 acres of land, are classified as agricultural lands.<sup>9</sup> These lands are included in the Rural Master Plan category.

In the populated areas of Battle Mountain, Austin, and Kingston, there is a greater mixture of residential, commercial, and industrial uses. The Land Use chapter provides maps and tables breaking down the Master Plan categories for these areas. Figure 14 provides a breakdown of the percentage of parcels with each Master Plan category. Refer to the Land Use & Historic Preservation chapter for maps and other details.

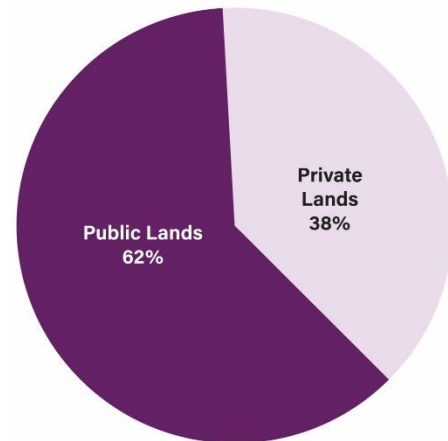


Figure 13: Public versus Private Lands  
Source: Lander County Assessor Parcel Data (2021)

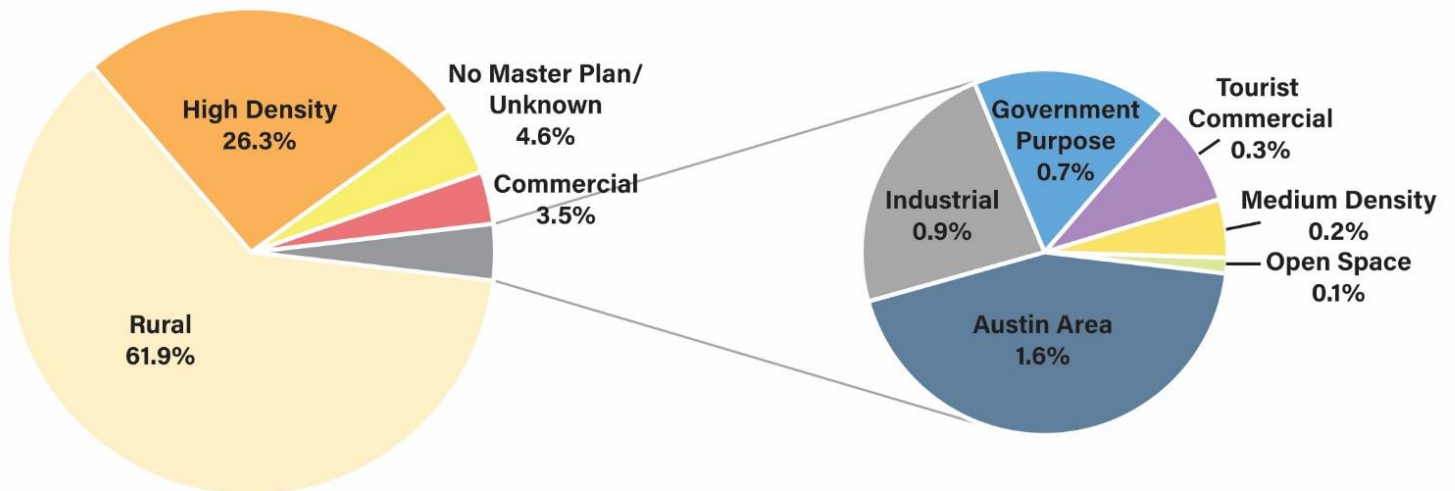


Figure 14: Master Plan Categories of Parcels  
Source: Lander County Assessor Parcel Data (2021)

\*Note: This graph depicts a percentage of Lander County parcels, not the percentage of acreage of all parcels. Tribal lands are excluded since these parcels are within a sovereign nation and outside of the jurisdiction of Lander County and this Master Plan.

<sup>9</sup> (US Department of Agriculture 2012-2017)  
Lander County Master Plan **FINAL DRAFT**



# Economy

## Economic Sectors<sup>10</sup>

The top six industries that employ Lander County residents are in or near the County. A substantial amount of the workforce is employed by the various gold, silver, and other precious mineral mines in the area (Figure 15). Other important industries include government, truck transportation, agriculture, fishing, hunting and forestry. Geothermal is also a growing economic sector in Lander County, with several facilities operated by Ormat within county boundaries.

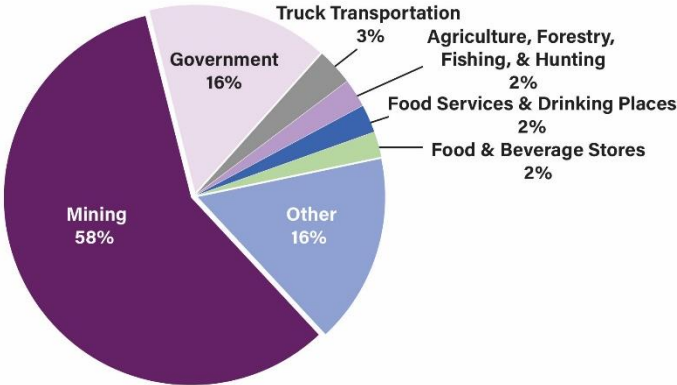


Figure 15: Top Industries in Lander County  
 Source: Nevada Economic Assessment Project - Socioeconomic Baseline Report (2021); industries lumped by Wood Rodgers, Inc. for graphics/analysis







1	<p><b>Mining</b></p> <p>2,114 employees                      +483 Jobs Between 2010-2018                      Average Earnings/Job: \$132,919                      Industry Earnings: \$265 million+</p>	 NAICS Codes: 211,212,213	4	<p><b>Agriculture, Fishing, Hunting &amp; Forestry</b></p> <p>88 employees                      +59 Jobs Between 2010-2018                      Average Earnings/Job: \$26,910                      Industry Earnings: \$4.6 million+</p>	 NAICS Codes: 111 to 115
2	<p><b>Government</b></p> <p>567 employees                      +9 Jobs Between 2010-2018                      Average Earnings/Job: \$76,336                      Industry Earnings: \$41.4 million+</p>	 NAICS Codes: 901, 902, 903	5	<p><b>Food Services &amp; Drinking Places</b></p> <p>87 employees                      -3 Jobs Between 2010-2018                      Average Earnings/Job: \$18,664                      Industry Earnings: \$1.6 million+</p>	 NAICS Code: 722
3	<p><b>Truck Transportation</b></p> <p>114 employees                      -55 Jobs Between 2010-2018                      Average Earnings/Job: \$100,086                      Industry Earnings: \$11 million+</p>	 NAICS Code: 484	6	<p><b>Food &amp; Beverage Stores</b></p> <p>79 employees                      -5 Jobs Between 2010-2018                      Average Earnings/Job: \$19,862                      Industry Earnings: \$1.4 million+</p>	 NAICS Code: 213

Figure 16: Facts on Top Six Industries in Lander County  
 Source: Nevada Economic Assessment Project - Socioeconomic Baseline Report (2021)  
 Industries lumped by Wood Rodgers, Inc. for graphics/analysis

## Workforce<sup>11</sup>

<sup>10</sup> (Borden, et al. 2021)

<sup>11</sup> (Steinmann 2020) (University Center for Economic Development, College of Business, University of Nevada, Reno 2021)

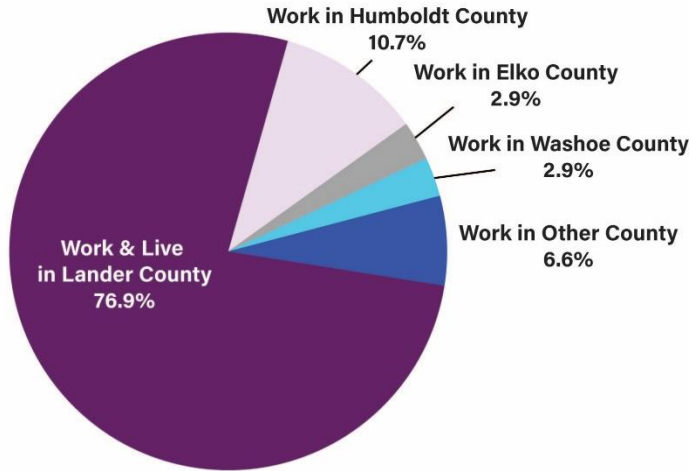


Figure 17: Commuting Patterns of Workforce  
 Source: University Center for Economic Development, College of Business, University of Nevada, Reno (2021)

The majority of residents living in Lander County also work in Lander County (Figure 17). The unemployment rate decreased from 11.2% to 8.2% between 2013 and 2019, although this rate varies from year to year. Median household income also increased substantially during this time period (Figure 18).

The number of employees decreased slightly in these years; however, a better picture of total employment in industries is available by looking at the overall economic sectors (refer to the Economic Sectors section and Economic Development chapter). The information in this section is centered on employees living in Lander County.



Figure 18: Workforce Statistics  
 Source: American Community Survey 2013 and 2019, Tables S1901, S1903

**Movement of Workforce Throughout Northeastern Nevada**

Lander County and northeastern Nevada are unique in the movement of employees. For example, a mine may employ or move a certain number of miners within different counties of northeastern Nevada from year to year depending on mining activities, generating widely different numbers of employees in each county. For this Master Plan update, it is important to note the differences between the total number of employees in certain sectors and the overall workforce population living in Lander County in 2019. In 2017, approximately 1,486 individuals were living outside the County and were employed inside, while 2,290 worked and lived in the County.<sup>12</sup>

**Workforce Trend**

**Lander County has seen a trend toward a greater population working in Lander County but living elsewhere.**

**Schools**

<sup>12</sup> (Borden, et al. 2021, 44)

Lander County has six schools, including three elementary schools, one middle school, one high school, and one K-12 school in Austin. Enrollment has fluctuated slightly between 2014 and 2019 but has remained fairly consistent.<sup>13</sup> No new schools are planned for the future.

**Educational Attainment**

Educational attainment refers to the highest level of education completed. A higher percentage of higher-end educational attainment helps indicate the type of available labor force in the area. Between 2010 and 2017, 31.9% to 39.2% of the population over the age of 25 had a high school degree or equivalent. This percentage has been rising steadily, and the percentage of this population without a high school diploma dropped from 25% to 16.8% between 2010 and 2017. Although fewer bachelor’s degrees were obtained during this period, the number of individuals with associate’s degrees and graduate or professional degrees doubled.

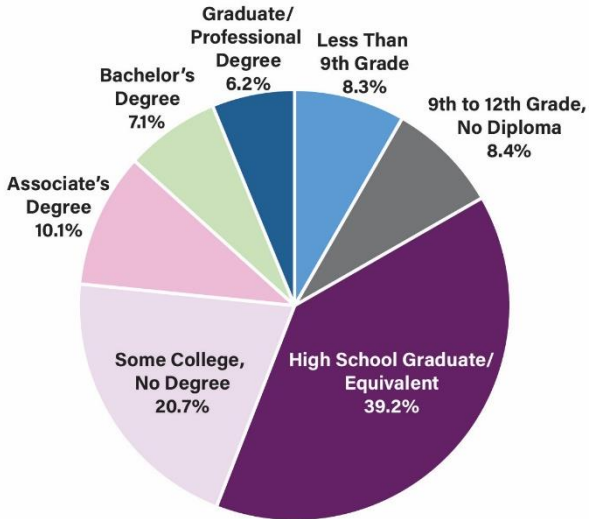


Figure 19: Educational Attainment of Population Over 25  
Source: Nevada Economic Assessment Project, University of Nevada, Reno (2021)

**Graduation Rates**

Graduation rates varied between 2014 and 2019 but generally exceeded state graduation rates, with the exception of 2018 and 2019. The highest enrollment was between 2017 and 2018, coincidentally the year with the highest graduation rate. The first year that Lander County graduation rates fell below the state rate was 2019 to 2020. Graduation rates can influence the ability of residents to obtain employment or progress to higher education.

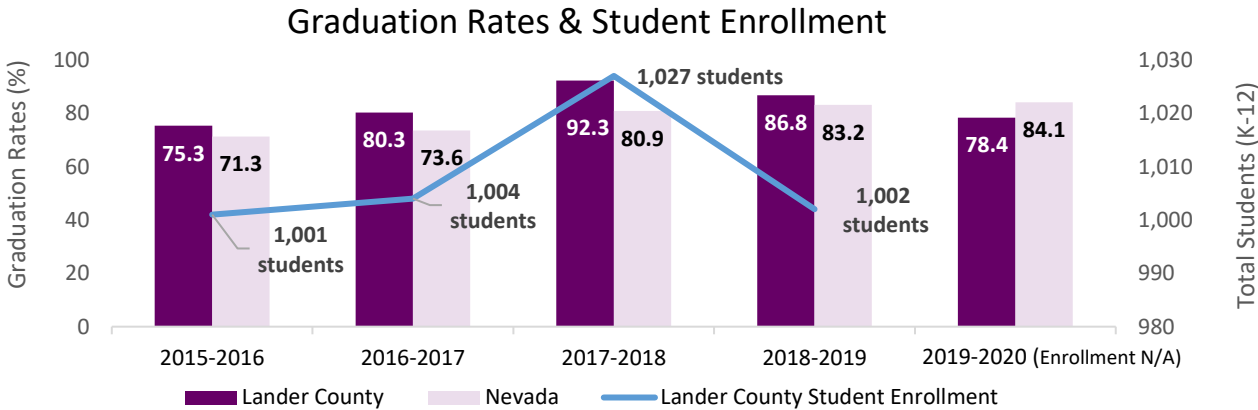


Figure 20: Graduation Rates and Student Enrollment  
Source: Nevada Economic Assessment Project - Socioeconomic Baseline Report (2021), pages 23 and 30

**Data Limitations**

Throughout this Master Plan, most data provided to characterize the existing population and demographics were estimates provided by the U.S. Census Bureau or the Nevada State Demographer. Population projections were

<sup>13</sup> (Nevada Department of Education 2014-2020)  
Lander County Master Plan **FINAL DRAFT**

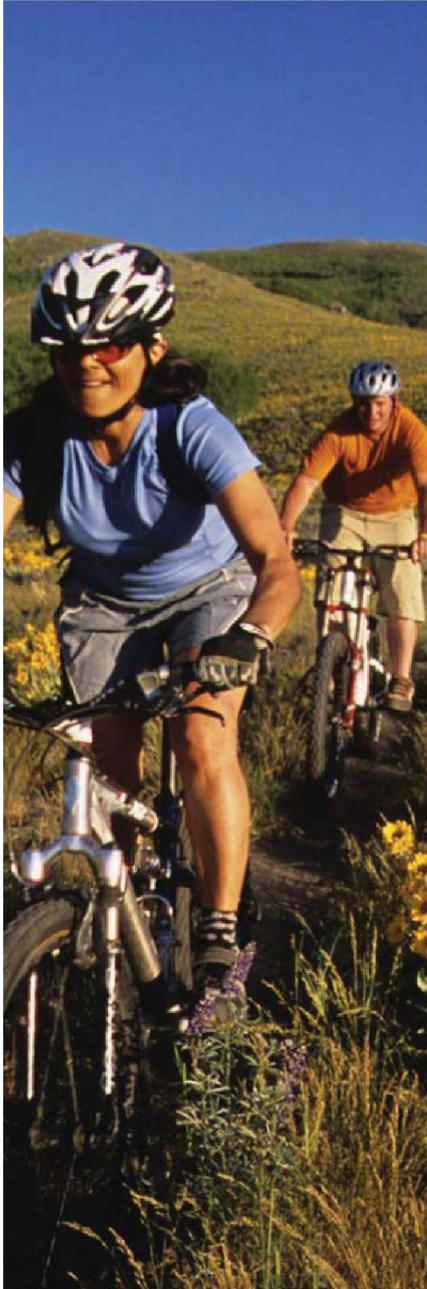
determined by the Nevada State Demographer. Final figures may differ slightly from the recently completed 2020 census data, which will be completed and publicly available in mid-2021. Other census data, including the information in the Affordability section, also may differ compared to the 2021 census or may differ slightly from a more comprehensive affordable housing study if Lander County or another entity chooses to examine affordability more closely. In addition, census methods and sampling are regularly changed to follow advancements and best practices in surveying and therefore may contain slight differences when data is looked at historically.

Additionally, it is important to note the potential for undercounting in Lander County.<sup>14</sup> The U.S. Census Bureau strongly encourages households to return their 2020 census questionnaire online. However, between 2014 and 2019, approximately 15.6% of Lander County households did not have internet access or dial-up in their homes, with 19.8% using a cellular data plan only. Due to this low access to internet, there is the potential that the census questionnaire will not be returned in this format and will require a physical census to be mailed or in-person follow-up. The U.S. Census Bureau acknowledges that these areas are at risk of being undercounted. The deadline for self-response ended on October 15, 2020; at that time, the self-response rate of Lander County was 45.3% (the number of individuals who responded online, by phone, or by mail), a smaller rate than 2000 and 2010. There was a higher risk of undercounting in 2020 compared to the 2000 and 2010 census efforts, due to a number of factors, including a shorter window for follow-up for non-responses.

In sum, the best available data was used to arrive at the existing conditions and predictions of future populations and housing needs. However, as with any data, there are limitations to consider. Updates of the data in this Master Plan may be warranted as new information is available.

---

<sup>14</sup> (Census Hard to Count Maps 2020)



# LAND USE



# Land Use

*The Land Use element addresses conditions and trends that influence growth in Lander County, analyzes the distribution and interrelationships of the various land use types, and contains policies and action plans that establish a development pattern for the next 20 years.*



## Goals

1. **Facilitate orderly development that is consistent with available resources and services in Lander County.**
2. **Minimize conflicts among land uses.**
3. **Provide adequate lands to support economic development and population growth.**
4. **Create a development pattern that is cost effective to serve with municipal services.**
5. **Create stable and compatible land uses among residential areas.**



## Policies

**LU.1** Ensure that future land uses are consistent with the adopted land use plans for Battle Mountain, Austin, and Kingston plans to the extent practical.

**LU.2** Minimize conflicts between rural land uses and higher-density land uses. Medium- to high-density land uses generally should not be allowed adjacent to active farm and ranch operations and areas suitable for agricultural operations without approval of a Special Use Permit or similar entitlement process.

**LU.3** Maintain irrigated agriculture on lands outside community areas of Battle Mountain, Kingston, and Austin. Cluster development that maintains the overall allowed density can be utilized to maintain the balance of lands in agricultural production.

**LU.4** For lands proposed for development and in close proximity of municipal water and sewer services, evaluate requirements for service line extension to the site.

**LU.5** Encourage tourist commercial and general commercial land uses along main transportation routes. General commercial (C-2) should not be allowed adjacent to residential neighborhoods without approval of a Special Use Permit or similar entitlement process.

**LU.6** Lands located in remote areas without deeded access shall not be parceled or subdivided. Subdivision or parceling of lands where slopes are more than 15% are discouraged. Access to remote lands should meet the rural road standards and provide adequate drainage. New rural roads and drainage must be reviewed by the County Public Works Director.

**LU.7** Prevent new residential subdivisions from locating directly adjacent to highway and railroad easements without adequate landscape buffering.

**LU.8** No structure shall be erected, constructed, altered or maintained, and no tree shall be allowed to grow to a height in excess of the applicable height limit established by Federal Aviation Regulation (FAR) Part 77, "Objects Affecting Navigable Airspace," unless the Federal Aviation Administration (FAA) issues a determination of "No Hazard to Air Navigation" and Lander County determines that the structure does not place restrictions on airport operations or have the potential to limit future operations.

**LU.9** Areas subject to land disposal provide a variety of development opportunities. Appropriate development includes:

- Residential development providing a variety of housing opportunities, including second home and vacation home opportunities
- Industrial development and tourist commercial development that provide employment opportunities for local residents
- General government and public uses

**LU.10** Ensure that development of lands within critical flood zones and floodways do not negatively impact their hydrologic function. Critical flood zones include the Reese River near the confluence of the Humboldt River and lands in the Humboldt River Corridor. Lander County will consult appropriate flood maps to determine location of other critical flood zones and floodways in Lander County. Maintain low-density development within areas that are subject to floodways and flood zones.

**LU.11** Ensure availability of lands, public services, and facilities to support development and job creation.

**LU.12** For workforce and employer-sponsored housing associated with a business expansion or new operations in Lander County requiring at least 25 new residential structures, Lander County may allow the employer to establish temporary and short-term housing units under a special use permit or planned unit development. The development may include a variety of housing units to meet the unique needs of short-term or temporary workers and to adjust development standards to reflect the employer housing needs.

**LU.13** Identify, recognize, and increase historic resources by encouraging and incentivizing the addition of properties to state and national registers.

**LU.14** Foster a balance between new development and preservation of historic, archaeological, and cultural resources.

**LU.15** Encourage design of development and community improvements complementary to the surrounding historic landscape, including adaptive reuse and integration of historic properties into new projects where possible and appropriate.

## Current Conditions

The land patterns of Lander County are consistent with its rural history, with primarily large rural swaths of land and some concentrated areas of medium- and higher-density residential land uses as well as supportive industrial and commercial uses. Since the 2009 Master Plan, the county development patterns have been relatively consistent. The 2021 update of the Land Use Map provided a land use for the majority of parcels in Lander County, compared to the 2009 Master Plan that contained several blank areas. This mapping process created a substantial number of parcels with a Rural land use designation, primarily in areas farther from the towns of Battle Mountain, Austin, and Kingston. Refer to Figures 1-2 through 1-5 of this document for the updated 2021 Master Plan Land Use Maps.

### Inventory of Land

<b>Table 1-1 - Inventory of Land Uses</b>			
<b>Residential</b>			
<b>Master Plan Category</b>	<b># of Parcels</b>	<b>Acreage</b>	<b>% of # of Parcels</b>
<b>Rural (R)</b>	4,990	3,520,350	61.79%
<b>Medium Density (MD)</b>	15	87.99	0.19%
<b>High Density (HD)</b>	2,178	1413.17	26.97%
<b>Austin Area</b>	414	202.90	5.13%
<b>Non-Residential</b>			
<b>Master Plan Category</b>	<b># of Parcels</b>	<b>Acreage</b>	<b>% of # of Parcels</b>
<b>Commercial (C)</b>	277	397.68	3.43%
<b>Tourist Commercial (TC)</b>	27	453.78	0.33%
<b>Industrial (I)</b>	83	3203.02	1.03%
<b>Other</b>			
<b>Master Plan Category</b>	<b># of Parcels</b>	<b>Acreage</b>	<b>% of # of Parcels</b>
<b>Open Space (OS)</b>	31	190.87	0.38%
<b>Government Purpose (GP)</b>	59	3618.15	0.73%
<b>Tribal (T)</b>	2	836.67	0.02%
<b>Total</b>	<b>8,076</b>	<b>3,530,754.2</b>	<b>100%</b>

### Master Plan Categories

The Land Use Element provides the vision for the future development pattern in Lander County. Land use groups were determined by analyzing the typical intensity, location, and distribution of land uses in Lander County. It is expected that these land use groups provide opportunities for growth that are desired in Lander County and will dominate throughout the scope of this plan. As part of this Master Plan, land use categories were reorganized to better fit the current land patterns and to provide more clarity moving forward. The reorganization was primarily related to better aligning density with zoning designations and renaming of land use categories to provide more clarity. New Master Plan land use categories are described in the following table.

RESIDENTIAL			
Master Plan Category	Uses & Density	Characteristics & Development Guidelines	Equivalent Zoning Category
<b>RURAL (R)</b>	<p><b>Primary Uses:</b> Generally remote lands with very low-density development (1 dwelling unit per 20 acres) for agriculture or mining and milling. Expected to remain relatively undeveloped or in agricultural use or mining and milling use.</p> <p><b>Other Uses:</b> Remote but unique developments (e.g., outdoor recreational resorts, renewable energy facilities, agri-business, mining facilities). Watchmen’s quarters or employee housing may be allowed only for agricultural uses.</p> <p><b>Density:</b> 1 dwelling unit per 20 acres or more.</p>	<p>Intended to preserve agriculture, grazing, and/or open space areas. These lands also include mining and milling uses. These areas generally lack essential infrastructure and services for intensification, are larger swaths of land used for mining or agriculture, or have constraints such as steep slopes, flood zones, and other sensitive environmental areas.</p> <p>This designation identifies areas that may have one or more of the following characteristics:</p> <ul style="list-style-type: none"> <li>▪ Within the 100-year floodplain identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).</li> <li>▪ Within a "potential wetland area" as identified by the U.S. Army Corps of Engineers.</li> <li>▪ Within active mining areas or near active mine sites.</li> <li>▪ Moderate slopes (between 15% and 30%) or steep slopes (30% or steeper) based on interpretation of the topographic information on the U.S. Geological Survey (USGS) maps for the County.</li> <li>▪ In agricultural use or directly adjacent to agricultural areas.</li> <li>▪ In a remote location that does not have public infrastructure adjacent to or near the site; public services are located significant distances from the proposed development and creates a financial burden on local government to serve.</li> </ul> <p><b>Public service standards:</b></p>	A-3 (Farm and Ranch)

RESIDENTIAL			
Master Plan Category	Uses & Density	Characteristics & Development Guidelines	Equivalent Zoning Category
		<p>Estimated water generation: Water right dedication is 2.0 acre- feet/dwelling unit/individual wells in a designated basin for newly created parcels. Development will be served by individual appropriate water right; dedication requirements apply.</p> <p>Estimated sewer generation: Development will be served by individual septic systems.</p> <p><b>Design standards:</b> Conservation of natural terrain, groundwater recharge capabilities, scenic qualities, ranching and agricultural uses, and other natural surroundings is encouraged.</p>	
<b>RURAL RANCHETTES (RR)</b>	<p><b>Primary uses:</b> Single family detached residential uses on parcels in semi-rural setting.</p> <p><b>Secondary uses:</b> Livestock and agricultural.</p> <p><b>Density:</b> 1 dwelling unit per 4.5 acres or more.</p>	<p>Single family detached residential uses on parcels in a semi-rural setting. Livestock and agricultural uses are common secondary uses.</p> <p><b>Public service standards:</b> Estimated water generation: 2.0 acre-feet/dwelling unit/individual well. For lower density, 1.12 acre-feet/dwelling unit/connection with community water system for all others.</p> <p>Typically served by individual sewage disposal system unless public sewer services are available.</p> <p><b>Design standards:</b> Rural setting with less developed infrastructure. Conservation of natural terrain, groundwater recharge capabilities, and scenic qualities is encouraged.</p>	RR-4.5 (Rural Residential 4.5 acres)



Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<p><b>LOW DENSITY (LD)</b></p>	<p><b>Primary Uses:</b> Single family detached residential uses.</p> <p><b>Other Uses:</b> Limited livestock and agricultural uses.</p> <p><b>Density:</b> 1 dwelling unit per 2.5 acres or more.</p>	<p>Single family detached residential uses on parcels in a semi-rural setting but closer to more populated areas. Limited livestock and agricultural uses are common secondary uses.</p> <p><b>Public service standards:</b> Typically served by individual sewage disposal system unless public sewer services are available. Estimated water generation: 2.0 acre-feet/dwelling unit/individual well. For lower density, 1.12 acre-feet/dwelling unit/connection with community water system for all others.</p> <p><b>Design standards:</b> Typical to see more developed infrastructure such as paved streets with rural standards such as no curb and gutter. Conservation of natural terrain, groundwater recharge capabilities, and scenic qualities is encouraged.</p>	<p>RR-2.5 (Rural Residential 2.5 acres)</p>
<p><b>MEDIUM DENSITY (MD)</b></p>	<p><b>Primary Uses:</b> Single family detached homes.</p> <p><b>Other Uses:</b> Public, semi-public facilities, parks, open space.</p> <p><b>Density:</b> 1 unit per 2 acres to 2 units per acre.</p>	<p>Single family detached intended to be closer to population centers with access or future access to community water and wastewater systems.</p> <p><b>Public service standards:</b> Developments less than 2 acres shall be served by municipal water/wastewater systems. Estimated water generation: 1.12 acre- feet/dwelling unit/connection with community water system. Estimated sewer generation: 325 gpd/dwelling unit.</p> <p><b>Design standards:</b> Developed infrastructure is present and subject to specific design standards. Traditional and conventional interconnected development patterns are appropriate for this area.</p>	<p>R-4 (Single-Family Residential One acre)</p> <p>R-3 (Single-Family Residential One-half acre)</p>

Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<p><b>HIGH DENSITY (HD)</b></p>	<p><b>Primary Uses:</b> Single family detached and attached houses.</p> <p><b>Other Uses:</b> Temporary or short-term housing options may be appropriate in certain areas.</p> <p><b>Density:</b> 3 to 5 units per acre.</p>	<p>Intended to provide a mix of single family detached and attached housing product types near existing infrastructure and services.</p> <p>Previous Mixed Residential Commercial (MRC) zoning shall be limited to existing MRC zoned lands. Future zone changes to MRC shall not be allowed.</p> <p><b>Public service standards:</b> Developments shall be served by municipal water/wastewater systems. Estimated water generation: 1.12 acre-feet/dwelling unit for single family; 1.0 acre- feet/dwelling unit for mobile home parks. Estimated sewer generation: 300 gpd/dwelling unit for higher-density residential development.</p> <p><b>Design standards:</b> Higher density and redevelopment of vacant parcels is encouraged. Development should be compatible with existing neighbors. The character of existing residential areas should be maintained.</p> <p>Standards should minimize conflict that may occur due to the compact form of this land use, including minimum setbacks, building heights, landscaping, lighting, parking, and noise. Pedestrian needs are important.</p> <p>Higher-density residential areas may be appropriate for short-term or temporary employer-sponsored workforce housing opportunities. For workforce housing proposals, Lander County will evaluate the need for modified development standards.</p>	<p>R-1 (Single-Family Residential 6,000 square feet)</p> <p>R-2 (Single-Family Residential 12,000 square feet)</p> <p>MS (Manufactured Housing Subdivision)</p>

Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<p><b>MULTI-FAMILY (MF)</b></p>	<p><b>Primary Uses:</b> Multi-story living, smaller multi-family buildings, single family attached/townhouses.</p> <p><b>Other Uses:</b> Temporary or short-term housing options may be appropriate in certain areas.</p> <p><b>Density:</b> 6 to 30 units per acre.</p>	<p>Intended to provide multi-family residential opportunities near existing infrastructure and services. Typically located near transportation corridors, parks, and school sites. Residences should be buffered from adjacent roadways, preferably with trees or other natural landscaping.</p> <p><b>Public service standards:</b> Developments shall be served by municipal water/wastewater systems. Estimated water generation: 1.12 acre- feet/dwelling unit for single family; multi-family varies by individual development. Estimated sewer generation: 300 gpd/dwelling unit for higher-density residential development, 250 gpd/dwelling unit for multi-family.</p> <p><b>Design standards:</b> Multi-family development and redevelopment of vacant parcels is encouraged. Development should be compatible with existing neighbors. The character of existing residential areas should be maintained.</p> <p>Standards should minimize conflict that may occur due to the compact form of this land use, including minimum setbacks, building heights, landscaping, lighting, parking, and noise. Pedestrian needs are important.</p> <p>Multi-family residential areas may be appropriate for short-term or temporary employer-sponsored workforce housing opportunities. For workforce housing proposals, Lander County will evaluate the need for modified development standards.</p>	<p>MF (Multi-Family)</p>

NONRESIDENTIAL LAND USES			
Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<b>COMMERCIAL (C)</b>	<p><b>Primary Uses:</b> Wholesale and retail centers, specialty shops, personal services.</p> <p><b>Other Uses:</b> Business parks and supportive commercial activities and hotels where appropriate.</p>	<p>Create and preserve areas for businesses that provide a variety of wholesale and retail goods and services, serving neighborhood or community markets.</p> <p><b>Public service standards:</b> Water requirement will vary by individual development; connection with community water system shall be required.</p> <p>Sewer requirement will vary by individual development; connection with community disposal system shall be required.</p> <p><b>Design standards:</b> Buffering standards should be required adjacent to residentially zoned parcels and preferably should include trees or other natural vegetation. Commercial activity proposing 24-hour operations should not encroach on established residential areas.</p> <p>Pedestrian access and connection to adjoining residential areas should be encouraged.</p> <p>Parking areas should have adequate landscaping to discourage expansive hardscapes and paved areas.</p> <p>Transportation and circulation systems should allow for direct access by adjoining neighborhoods while discouraging cut-through traffic.</p>	<p>MF (Multi-Family)</p> <p>C-1 (Limited Commercial)</p> <p>C-2 (General Commercial)</p>

Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<p><b>TOURIST COMMERCIAL (TC)</b></p>	<p><b>Primary Uses:</b> Wholesale and retail centers, specialty shops, personal services, automobiles services, motels, RV parks, traveler-related services.</p> <p><b>Other Uses:</b> Business parks and supportive commercial activities. More intense commercial uses than Commercial (C).</p>	<p>Tourist commercial uses are strongly encouraged in areas that support other urban and commercial uses that are associated with Lander County communities of Battle Mountain, Austin, and Kingston. Generally intended for major transportation routes through Lander County.</p> <p><b>Design Standards:</b> Best suited for areas adjacent to major highways and interstates. Broad Street, Front Street, Muleshoe Road, and areas adjacent to Interstate 80 and U.S. 50 and State Route 305 support tourist commercial activity.</p> <p><b>Public service standards:</b> Water requirement will vary by individual development; connection with community water system shall be required.</p> <p>Sewer requirement will vary by individual development; connection with community disposal system shall be required.</p> <p><b>Design standards:</b> Buffering standards should be required adjacent to residentially zoned parcels and preferably should include trees or other natural vegetation as required by development code. Commercial activity proposing 24-hour operations should not encroach on established residential areas.</p> <p>Parking areas should have adequate landscaping to discourage expansive hardscapes and paved areas.</p>	<p>C-2 (General Commercial)</p> <p>TC (Tourist Commercial)</p>



Master Plan Category	Uses and Density	Characteristics and Development Guidelines	Equivalent Zoning Category
<b>INDUSTRIAL (I)</b>	<p><b>Primary Uses:</b> Industrial operations.</p> <p><b>Other Uses:</b> Supportive commercial uses may be appropriate.</p>	<p>Intended to provide for activities such as manufacturing, warehousing, mining, and construction.</p> <p>Employment and job creation opportunities are priority.</p> <p>For industrial proposals, the requirement to be served by public water/sewer system will vary by individual development.</p> <p><b>Design Standards:</b> Each parcel is allowed one access point. Adjoining properties will share common access. Alternative access will be from less impacted of the two streets. No access to local streets that primarily serve residential uses. Proposal for industrial development must have direct access to existing or planned arterial road, unless 60% of proposal’s transport is served by rail, in which case existing or planned collector is acceptable.</p> <p>Industrial uses are discouraged adjacent to residential or should provide large buffering to reduce impacts.</p>	I (Industrial)
<b>OPEN SPACE (OS)</b>	<p><b>Primary Uses:</b> Conservation areas, recreation.</p>	<p>Intended to retain certain critical lands in the County. This designation applies to open areas with limited or no road access, water, sewer, and emergency services.</p>	OS (Open Space)
<b>GOVERNMENT PURPOSE (GP)</b>	<p><b>Primary Uses:</b> Depends on parcel.</p>	<p>Intended for public facilities to serve Lander County residents, visitors, and industries.</p>	GP (Government Purpose)
<b>TRIBAL (TR)</b>	<p><b>Primary Uses:</b> Depicts Tribal Lands</p>	<p>Tribally Owned Lands</p>	TR (Tribal)
<b>AUSTIN AREA (AR)</b>	<p><b>Primary Uses:</b> A mixture of land uses which promote the goals and policies laid forth in the Austin Master Plan (2009).</p>	<p>Development in this area must take into account its overall impact to the Austin area, extension of public services and facilities, and unique natural and scenic qualities of the Reese River Valley. Increasing employment and business activity is a high priority for the Austin area.</p>	AR (Austin Area)

## Public Land

The initial Lander County Public Lands Policy Plan was developed between 1983 and 1984 as part of a state-wide effort resulting from the passage of Senate Bill 40. Nevada Division of State Lands (NDSL), in concert with local governments, developed a public lands policy plan for each of Nevada's 17 counties as well as a statewide element. The plan was adopted on October 4, 1984, by the Lander County Board of Commissioners (LCBC). The LCBC working under advisement of the Lander Public Land Use Advisory Planning Commission (PLUAPC) adopted an update to the plan on November 8, 1999, and again in 2005. The 2017 plan represents a review of existing and emerging public lands issues that are important to Lander County as it works with federal agencies under the National Environmental Policy Act (NEPA) and other public processes.

The majority of public land in Lander County is owned by the BLM. Below is a table highlighting the breakdown of public lands in Lander County. Refer to Figure 1-1 for a map.

<b>Table 1-2 - Public Lands Inventory</b>		
<b>Administered by</b>	<b>Acreage</b>	<b>%</b>
BLM	2,646,848.78	91%
USFS	234,192.504	8%
University of Nevada	8,006.26	0.3%
Lander County	5,783.264	0.2%
Nevada Department of State Lands	3,383.7	0.2%
Bureau of Reclamation (BOR)	120	0.004%
State of Nevada	75	0.003%
Nevada Department of Transportation	37.47	0.001%
USDA/USFS	19.62	0.001%
Nevada Rural Housing Authority	6.52	0.0002%
<b>Total</b>	<b>2,898,473.12</b>	<b>100%</b>

In the 2021 Master Plan, these public lands are generally categorized as Rural to plan for future opportunities to convey public lands into county ownership. The lands are generally without necessary infrastructure to support significant development and/or have resource constraints such as steep slopes, flood zones, and other sensitive environmental areas, fitting with the definition of the Rural Master Plan category.

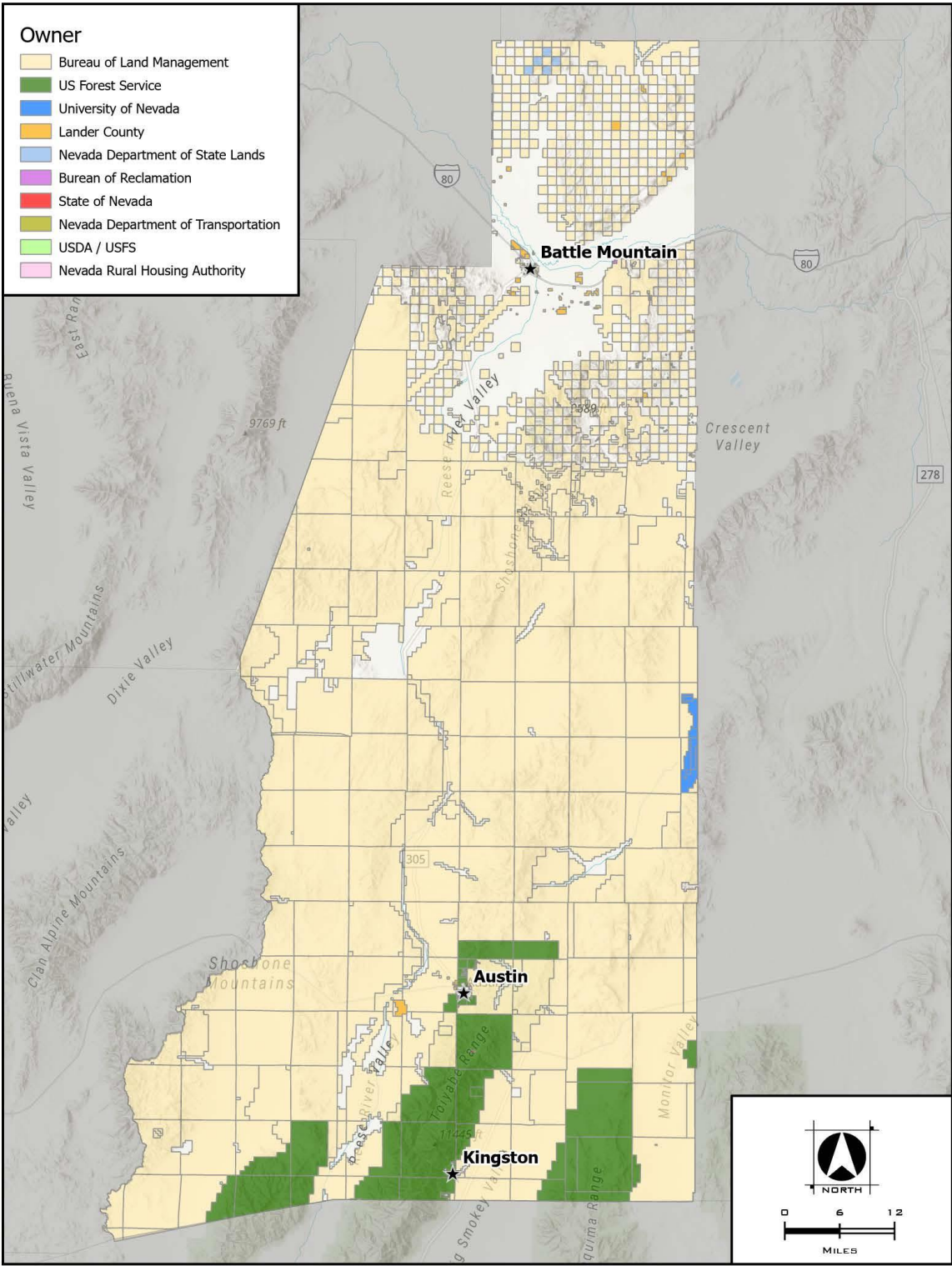


Figure 1-1: Public Lands Map

## Looking to the Future

### Land Use Mapping Gaps

A Master Plan geographic information system (GIS) layer did not exist prior to this update. The project team created a master plan layer using parcel data from the Lander County Assessor that contained zoning for the parcels. A Master Plan designation was assigned to each parcel depending on the existing zoning or parcel size. As development patterns in Lander County change over the years, Lander County staff should revisit the Master Plan on a five-year basis to ensure that the plan is reflective of current conditions. Future Master Plan amendments should be reflected in the GIS mapping.

### New Master Plan Categories

Several Master Plan categories were added to the 2021 Master Plan, including Rural Ranchettes (RR), Low Density (LD), Multi-Family (MF). The Commercial and Tourist Commercial designations were split into separate categories. These additions and modifications will help clarify land use types and better organize the categories with the type of development desired for each.

### Work with Political Entities to Pass a Lands Bill

As discussed in the Public Lands section, the conveyance of public parcels could provide additional space for development and recreational or public opportunities for Lander County. The National Defense Authorization Act (Act) was signed into law (Public Law 113-291) in 2014, allowing a process for conveying BLM and BOR public lands for future public uses. If Lander County seeks to use public lands in the future, the conveyance process is an avenue for acquiring these lands.

In April 2021, a draft bill (FLO212209) was introduced to Congress outlining the Lander County conveyance process. Two specific uses for conveyed federal lands are included in the bill: 1) conveyance for watershed protection, recreation, and parks, and 2) conveyance for airport facilities. Additional discussion of wilderness areas is included in the bill and discussed in the Conservation chapter of this Master Plan. With this bill, Lander County has the opportunity to convey certain parcels into county ownership and develop them for uses outlined in the bill. This process would create additional available, valuable land for the county to use for public purposes such as parks or recreation facilities. Future efforts by the county with this bill will include endeavoring into the conveyance process and re-envisioning the use of these public lands to suit the needs of the current and future population and visitors or industries.

## Area Plans

Lander County is divided into three towns with distinct histories and populations and thereby differing goals and visions for their communities. The following section describes Battle Mountain, Austin, and Kingston Canyon.

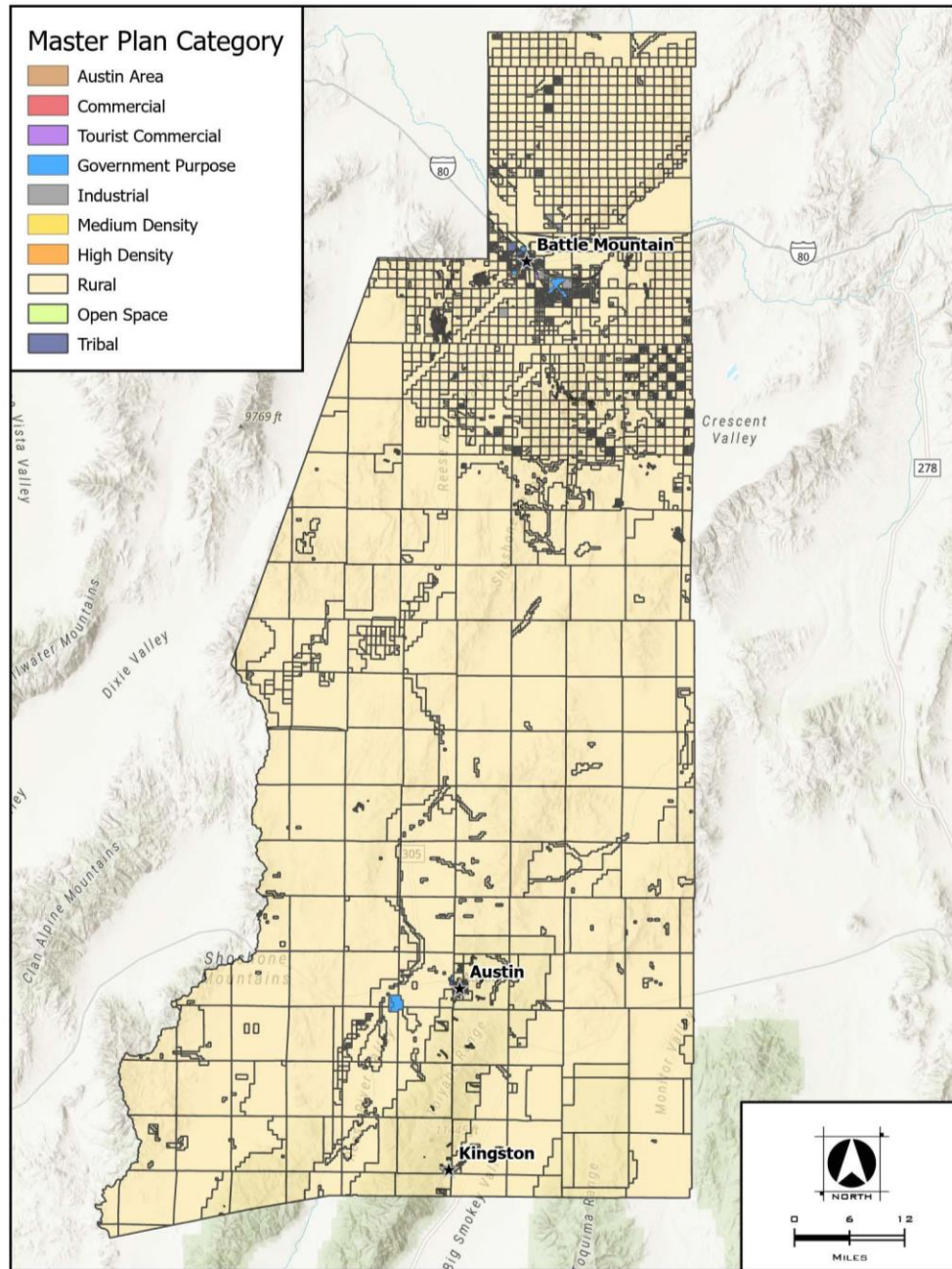


Figure 1-2: Overall Master Plan Map  
 (Refer to Figures 1-3 through 1-5 for Battle Mountain, Austin, and Kingston Maps)



## Battle Mountain<sup>1,2</sup>

The Battle Mountain and Lander County regions are part of the ancestral lands of the Newe, later renamed Shoshone by white settlers during the 1820s. The traditional western territory of the Shoshone covered southern Idaho, the central part of Nevada, portions of northwestern Utah, and the Death Valley region of southern California. The Battle Mountain region was the boundary area between the Newe (the ancestors of the Shoshone) and the Northern Paiutes, known to the Newe as Tonomudza. A focal point for this area were rabbit and antelope drives for the indigenous population. Beginning in the early 19<sup>th</sup> century, overland immigrants began exploiting this region for fur trading, mining, and cattle ranching. Mining and shipping activity was further spurred by the establishment of the Central Pacific Railroad. Tourism grew in the region beginning in 1930, the start of the paving of the major highways. Mining, livestock, and tourism continue to be important parts of the Battle Mountain economy and lifestyle.



### Quick Facts About Battle Mountain

**Founded in:** 1870

**Population:** 3,705 residents (2020 Census)

**Recreational Opportunities:** Mountain biking  
Motocross  
Off-highway vehicle (OHV)  
Raceway  
Recreation Center  
Parks  
Hunting and trapping  
Swimming and fishing  
Wildlife viewing  
Heritage tourism

Master Plan	Acres	%
High Density	454.5	31.28%
Government Purpose	374.76	25.79%
Tourist Commercial	261.59	18%
Commercial	127.94	8.81%
Industrial	47.22	3.25%
Rural	181.13	12.47%
Medium Density	5.74	0.40%

### Development Considerations

Battle Mountain is the main population center in Lander County. This area has the largest amount of high density and commercial parcels compared with other parts of the county, suitable to accommodate residential and employment needs. It is anticipated that Battle Mountain will continue to see growth over the next 20 years in both population and employment opportunities. As growth occurs, Lander County should continue to promote adequate buffering between land use types, preferably including trees or other natural vegetation as required by Lander County development code. There are growing concerns about individual sewage disposal systems and water quality. Lander County should monitor this over the next few years and promote expansion of public water and sewer service for more intense development areas.

<sup>1</sup> (Te-Moak Tribe of Western Shoshone 2018)

<sup>2</sup> (Marschall 2010)

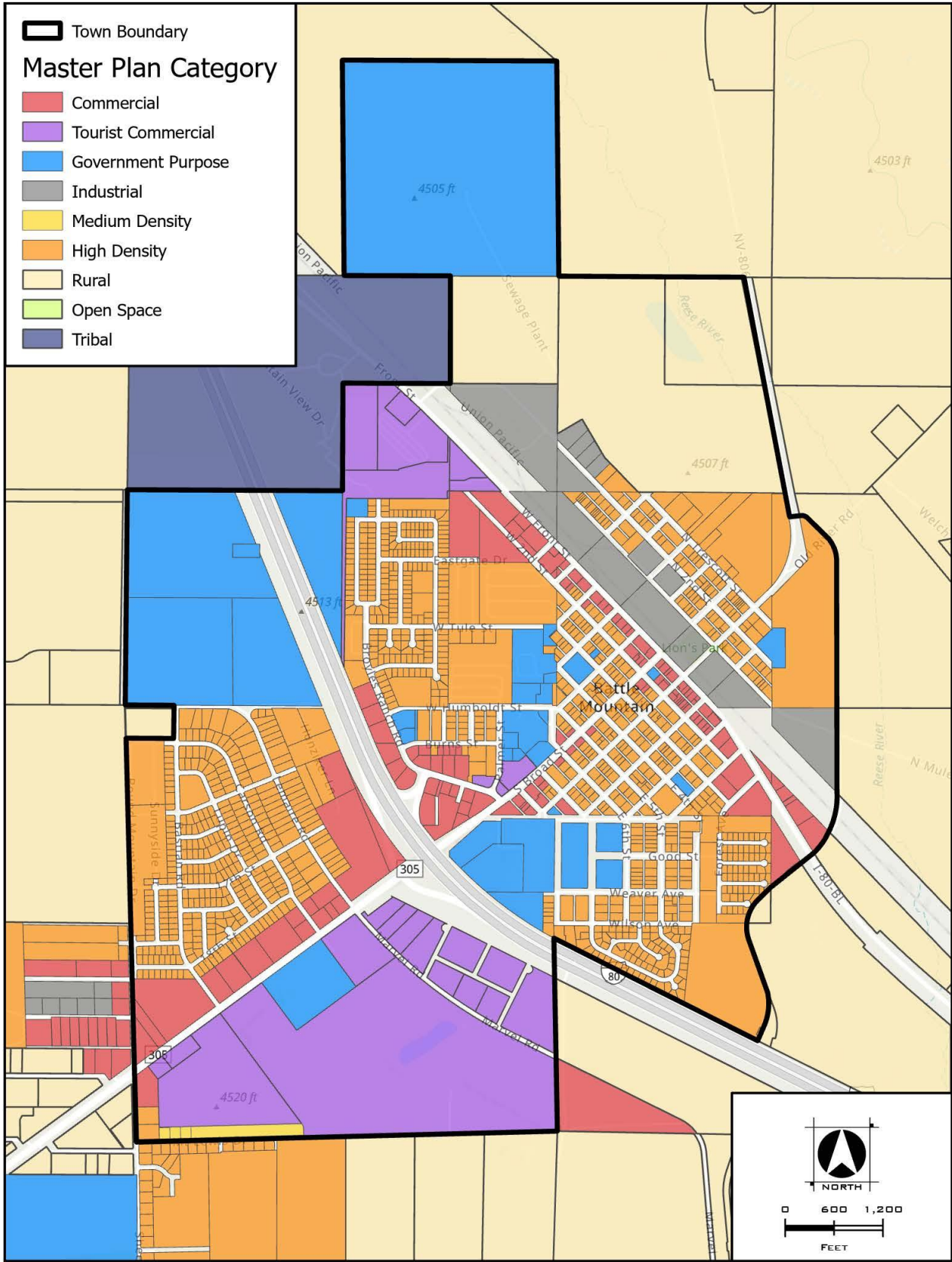


Figure 1-3: Battle Mountain Master Plan Map

## Austin

Austin is located in the geographic center of Nevada on U.S. Highway 50. The city was incorporated in 1864, and its early history surrounded the extraction of its rich mining resources. The mining industry peaked in the late 1860s and early 1970s. The Nevada Central Railroad extended to Austin in 1880, aiding mining developments and enhancing Austin’s position as a commercial center. Despite this new railroad connection, mining activity diminished in the late 19<sup>th</sup> century and caused the population to dwindle significantly by 1890. Today, Austin has 113 residents, as reported in the 2019 census data. Austin’s historic district displays the town’s mining history. Austin maintains its own master plan; this document does not supersede any element of the Austin Master Plan.



Gridley Store, Austin, Nevada  
Source: [Ken Lund](#) (Licensed by [CC BY-SA 2.0](#))

### Quick Facts About Austin

**Founded In:** 1862

**Population:** 167 residents (2020 Census)

**Average rainfall/snowfall:** 13.4 inches annual rainfall  
89.5 inches annual snowfall

**Average Temperatures:** July - high 88°F, low 54°F  
January - high 42°F, low 19°F

**Growing Season:** 104 days

**Recreational Opportunities:** Parks, ball fields, swimming pool  
Equestrian/mountain Biking, OHV trails  
Hiking, camping  
Hunting, fishing  
Heritage tourism

**Important Features:** Thirty-seven-acre historic district  
Eleven sites and buildings listed on the National Register of Historic Places (NRHP)

Master Plan	Acres	%
<b>Austin Area</b>	202.731	75.87%
<b>Government Purpose</b>	8.008	3%
<b>Commercial</b>	15.474	5.79%
<b>High Density</b>	41.004	15.34%

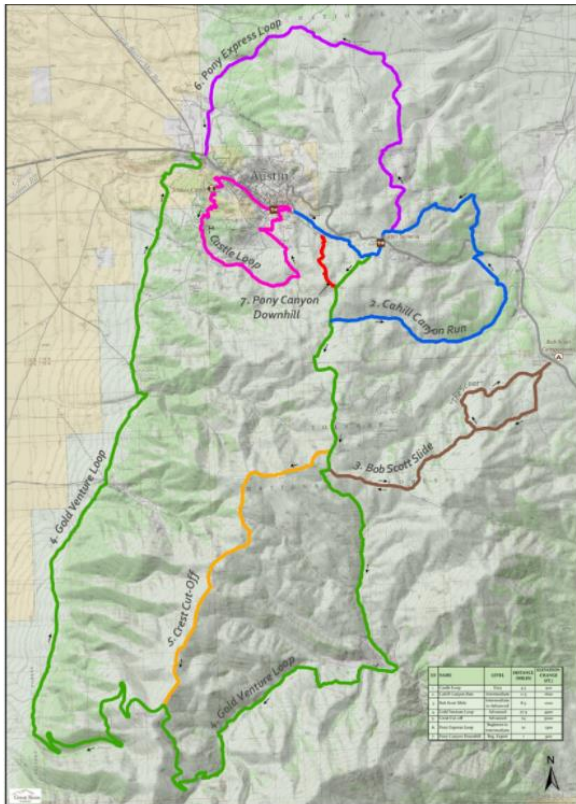
### Development Considerations

Historically, the major environmental constraint in Austin is its topography. Steep hillsides on both the north and south sides of town present a development challenge as well as a natural viewshed that is vitally important to the character of Austin. Pony Canyon’s drainage runs directly through the center of town from east to west, culminating in the Reese River Valley. Major flood areas in Austin have been remediated and currently exist only along Main Street. The presence of many important historic buildings and landscapes in Austin, including many within the Austin Historic District, provide limitations but also opportunities for adaptive reuse and heritage tourism.



**Recreation in Austin**

Austin is rich in recreational opportunities, including mountain biking, hiking, and wildlife viewing. Seven mountain biking trails are located in the area, ranging from easy to expert/advanced trails.<sup>3</sup> Other amenities include hot springs, camping sites, hunting areas, and a historic district.



Mountain Biking Trails in Austin; Source and Full Size Map: <https://austinnevada.com/biking/>



Spencer's Hot Springs  
Source: [Michael Pujals, 2016](#); Licensed by [CCO 1.0](#)



Camping in Austin

<sup>3</sup> (Austin Nevada n.d.)

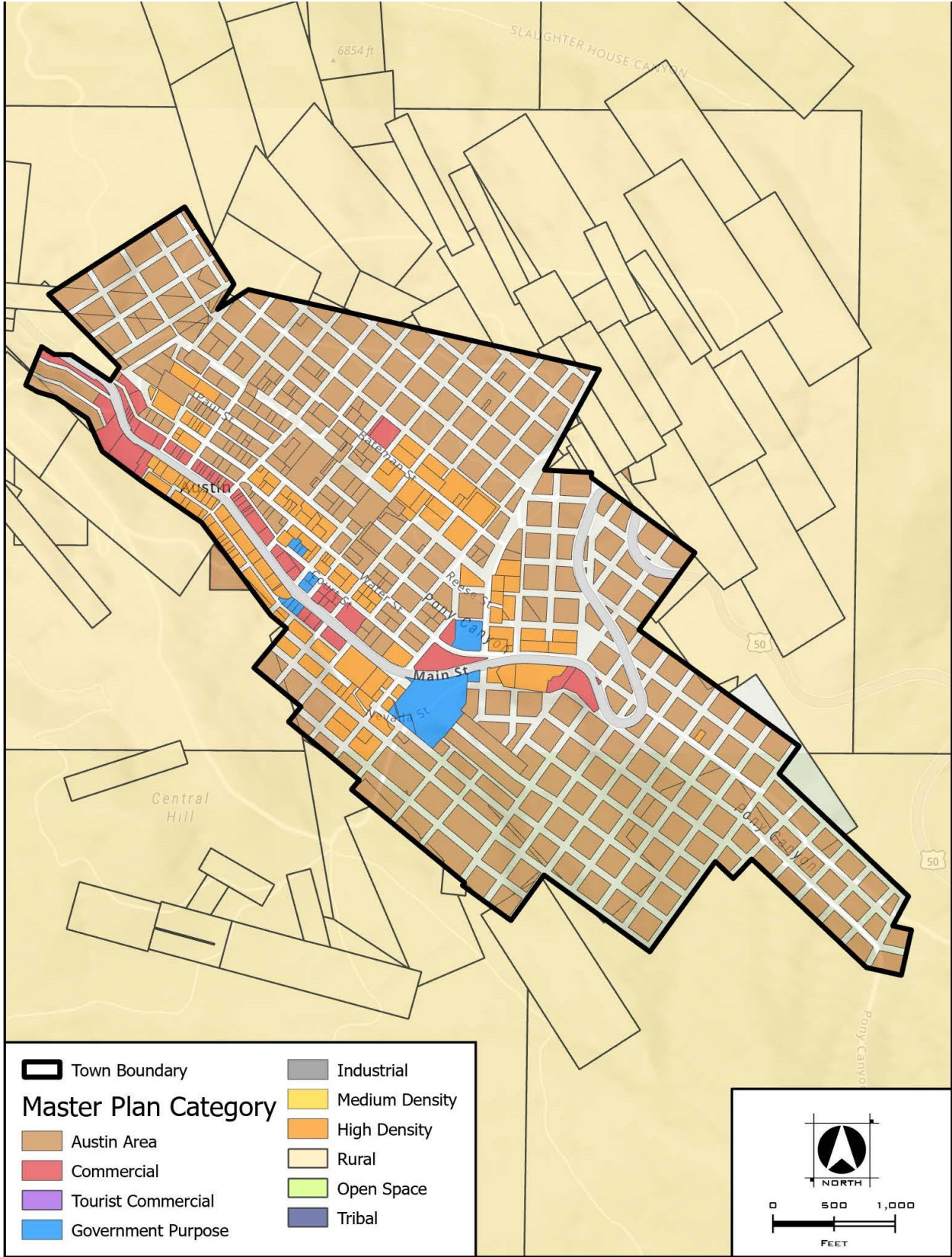


Figure 1-4: Austin Master Plan Map



## Kingston Canyon

Kingston Canyon, a historic mining district, is a short 30-mile drive south of Austin. It is named after the Kingston Mine discovered in 1863 and was the location of several silver mines in the 1860s. Remnants of these are scattered throughout the canyon, and one large stone mill can be seen across from the Kingston Lodge. Kingston hosts some of the best trout fishing in the state. Some of the most beautiful scenery in Lander County can be seen here, including the Kingston Canyon Creek campgrounds and Groves Lake.



### Quick Facts About Kingston

**Founded In:** 1865

**Population:** 194 (2020 Census)

**Recreational Opportunities:** Trout fishing  
Horseback riding  
Hiking  
Chucker/deer hunting  
Camping

**Important Features:** Kingston Canyon

Kingston Canyon Creek  
Groves Lake

Master Plan	Acres	%
Open Space	149.532	18.1%
High Density	653.681	79.14%
Commercial	22.7981	2.76%

### Development Considerations

The Kingston Town Board formed a separate Master Plan in 2005 that was intended to guide the community for 50 years. The goal of the 2005 Kingston Master Plan is sustained, envisioning a “viable plan that will serve our citizens in keeping their rural lifestyle intact, without putting undo strain on our resources, such as fire protection, medical, and water, but still allow for positive future growth” (pg. 3). While the Kingston Master Plan has been incorporated into this Master Plan, it does not supersede the existing Kingston Area Plan but serves as a supplement to the 2005 plan. By incorporating the two plans, the County can include any vital information from the surrounding community that may affect the growth and future of Kingston.

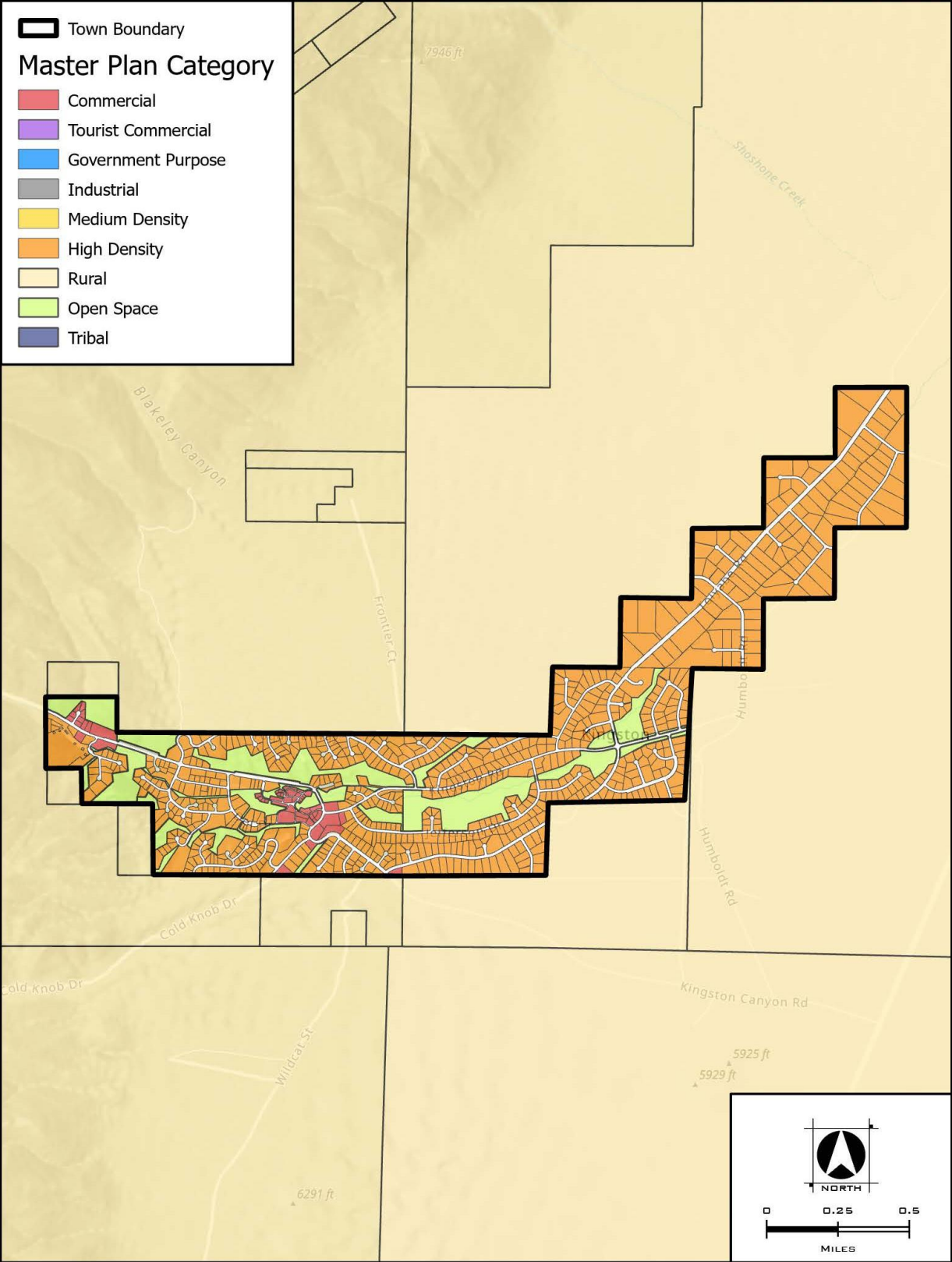


Figure 1-5: Kingston Master Plan Map

## Historic Preservation

A rich history is embedded in the landscape of Lander County. Its archaeology reflects thousands of years of human occupation in the mountains and basins, and historic resources reflect the influence of westward expansion on Nevada. The persistence of these invaluable cultural and historical landscapes is dependent on the stewardship of their communities. This section of the Master Plan provides a brief overview of some of the known cultural resources in Lander County (refer to Figure 1-6) and a framework for balancing historic preservation with the need to accommodate growth and change in this community for current and future generations. Due to the length of occupancy of this area, this list is not comprehensive but provides some locations and relevant information on its history and any known or anticipated preservation priorities or concerns. The NRHP lists 13 sites throughout Austin, and the Nevada State Register lists 3. In addition, the Nevada State Historic Preservation Office lists 10 Historical Markers throughout Lander County.

A section of the California Trail has been identified in Lander County, and the county is continuing to identify the details of this historic trail and its future preservation.

### Hickison Petroglyph Recreation Area<sup>4</sup>

Hickison Summit is located on U.S. Highway 50, approximately 30 miles southeast of Austin at the northern end of the Toiyabe Range and situated in a pinyon forest. The site is located on the road to the ranch of John Hickerson (an alternative spelling of the site name), after whom the site was named. This site was interpreted as a hunting locality by Trudy Thomas because the most common motif at the site was thought to represent hoof prints. An alternate interpretation identifies the marks as vulviforms (representations of female genitalia), possibly indicating that the site was the location of puberty or reproductive rituals. Hickison Summit has been developed by the BLM for public enjoyment, with a scenic interpretive trail, camping and picnic facilities, and restrooms.



*Hickison Petroglyph Area*

Source: [Famartin, 2014](#), Licensed by [CC BY-SA 4.0](#)

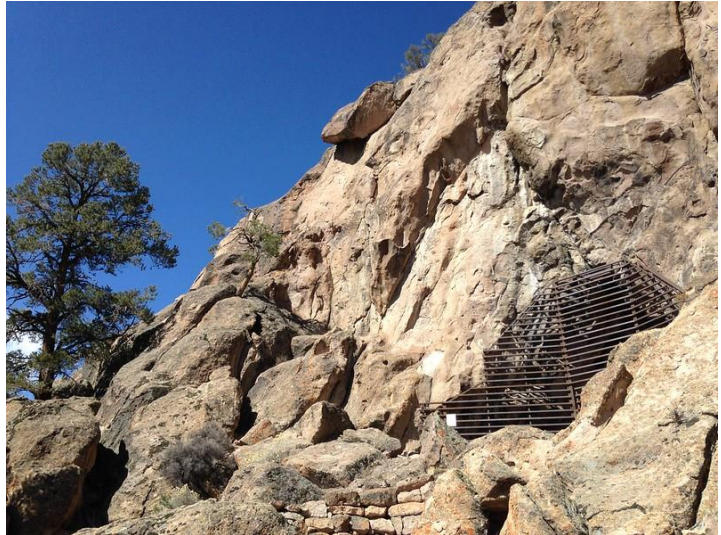
---

<sup>4</sup> (Woody, Online Nevada Encyclopedia 2009)



## Toquima Cave<sup>5</sup>

Toquima Cave is a site believed to have been utilized by indigenous peoples as a temporary dwelling between 3,000 and 1,500 years ago. This site is located in the Humboldt-Toiyabe National Forest, about 25 miles southeast of Austin. The site was listed in the NRHP in 2002 and was excavated as part of a larger study conducted by the American Museum of Natural History throughout the Monitor Valley. Toquima Cave is one of several pictograph sites in Nevada. Native peoples consider it a sacred site and continue to use the location for ceremonial activities. A campground is located near the site, and a chain-link fence across the mouth of the cave keeps visitors at a safe distance.



Toquima Cave | Source: [WildEarth Guardians, 2016](#);  
Licensed by [CC BY-NC 2.0](#)

## Stokes Castle<sup>6</sup>



*Ruins of Stokes Castle*

One of the most recognizable historic landmarks in Lander County is Stokes Castle, built in 1897 for Anson Phelps Stokes, an important individual to the Nevada Central Railroad and Austin mining history. The original building was modeled on a family painting of the Roman Campagna and featured balconies cantilevered on railroad rails, plate-glass picture windows, a castellated parapet, and a rooftop terrace shaded by a canvas awning. The building was occupied by Stokes, his sons, a Chinese cook, and other guest between 1897 and 1898. The ruins of Stokes Castle remain, heavily vandalized and missing many of its original elements, but preserved by a family member in 1950 against plans to remove and transport the castle to the Las Vegas Strip. The landmark is now owned and operated by the Austin Historical Society.

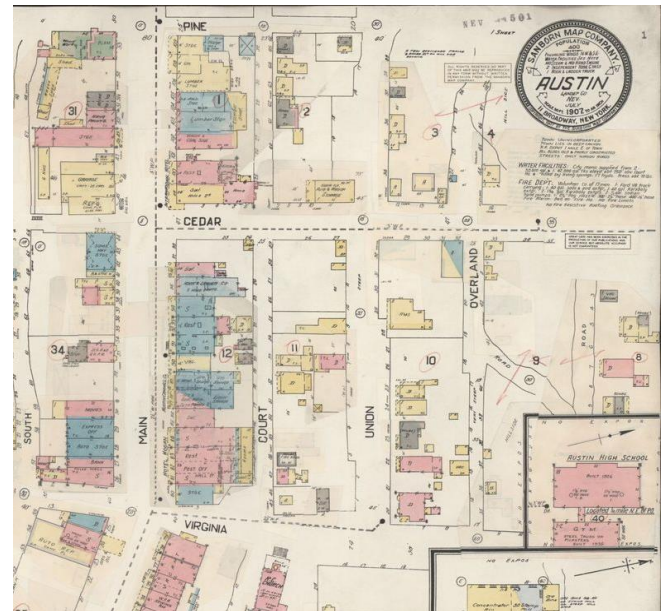
<sup>5</sup> (Woody, Online Nevada Encyclopedia 2009)

<sup>6</sup> (Department of the Interior, National Park Service 2003)

### Austin Historic District

Austin contains numerous historical buildings associated with its mining history. A section of Austin was designated a historic district in 1971. Refer to Figure 1-6 for a map of locations. This historic district includes buildings and sites associated with the growth of the town into a mining and commercial center in Nevada during the late 19th century. Ten buildings or sites are located in the historic district<sup>7</sup>, as listed below:

Historic Buildings	
Building/Site	Built/Period of Significance
Lander County High School	1926
St. Augustine’s Catholic Church	1866
Austin Masonic and Odd Fellows Hall	1876
St. George’s Episcopal Church	1878
Austin City Hall	1866
Gridley Store	1863
Austin Methodist Church	1866
Lander County Courthouse	1871
Austin Cemetery	1863
Nevada Central Turntable	1880



Portion of Sanborn Map - Austin, Nevada (1907)  
Source: Library of Congress

### Conservation Priorities/Concerns for Sites

Each building or site in the Austin Historic District has a different history of maintenance and repair. Current buildings undergoing rehabilitation and reconstruction include the Austin Community Center.

The Nevada Division of Forestry determined that the following historic properties are at increased risk of fire<sup>8</sup>:

- Austin Historic District (all sites)
- Stokes Castle
- Toquima Cave

Measures to protect the county from fire hazards can mitigate this risk to resources, including reducing vegetation communities surrounding these areas that are a known fuel risk.

<sup>7</sup> (National Park Service - NRHP Database 2021)

<sup>8</sup> (Associates 2008)



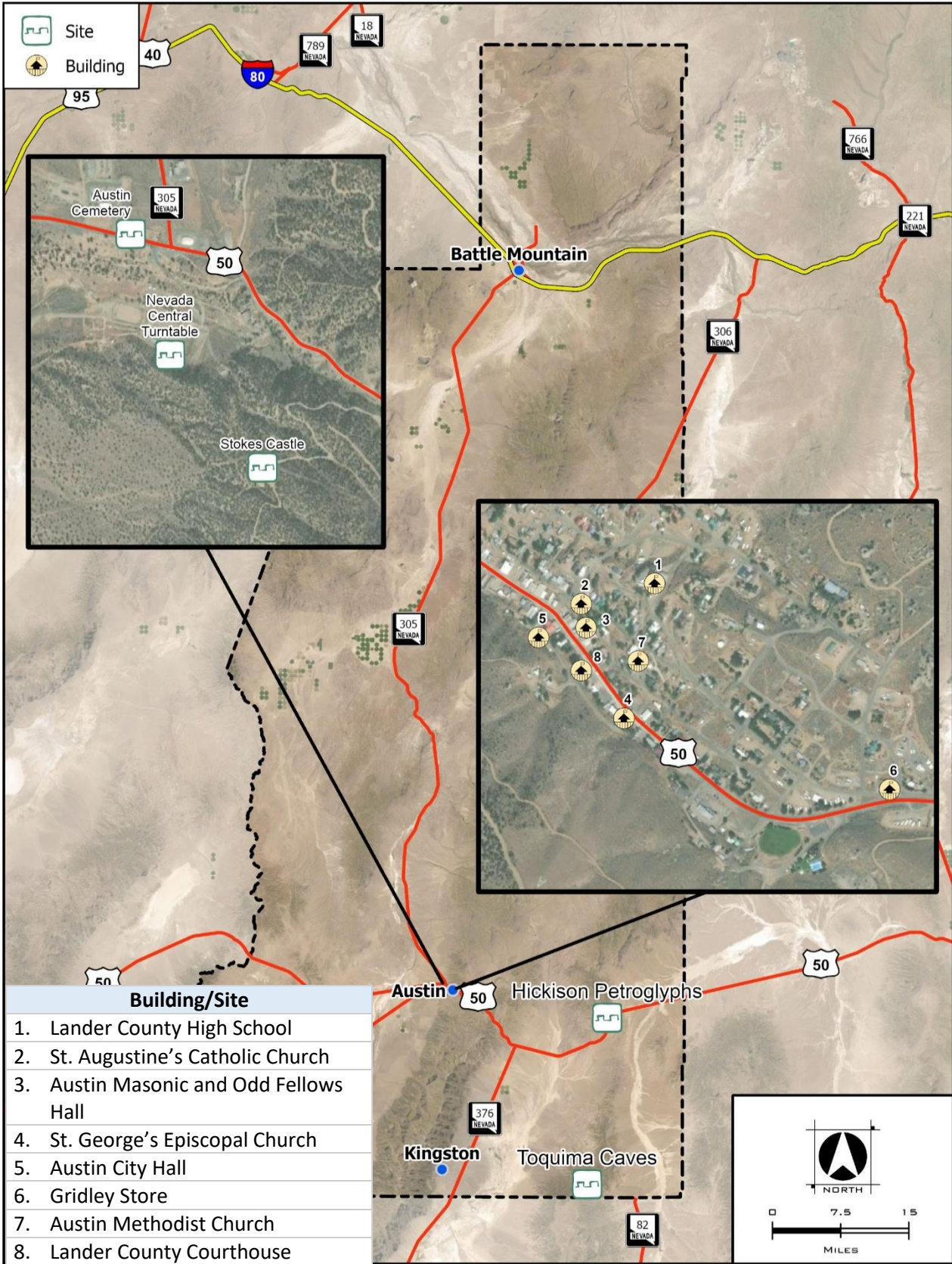


Figure 1-6: Historic Preservation Map  
 Source: NRHP Geodatabase, Accessed April 2021

Future Directions for Historic Preservation<sup>9,10</sup> A substantial number of prehistoric and historic cultural resources are located in Lander County and listed in the NRHP. This register, administered by the National Park Service, is a list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, or culture. State, federal, and tribal historic preservation officers nominate sites to be on the register. Private individuals or organizations, governments, or tribal members often initiate the listing process and prepare the documentation for review by a professional review board. Listing generally provides honorific recognition of property but can ensure that properties are considered during planning efforts for any federally funded, permitted, or assisted projects. The listing can also qualify the property for tax credits or grants.

However, it is a common misconception that private property owners are restricted from altering or demolishing properties listed on the historic register. No rules, restrictions, or regulations for historic properties apply to private property owners who do not have a federal nexus, which is any project involving federal monies, permitting, or other discretionary oversight.



Portion of Sanborn Map - Battle Mountain, Nevada (1890)  
Source: Library of Congress

### Certified Local Government/Ordinances



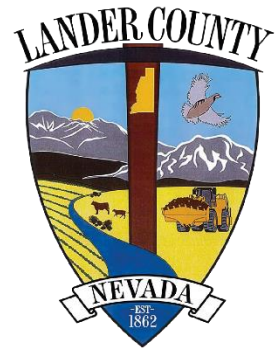
NEVADA  
**STATE HISTORIC  
PRESERVATION OFFICE**

Some municipalities, to take an active role in historic preservation of private properties, have included historic preservation ordinances that require an additional oversight process by the local government, generally an established historic resources commission. These types of ordinances can range from very restrictive (e.g., requiring approval of external modifications prior to building permit) to minimally restrictive (e.g., notice of proposed demolition to the public, generally to ensure that adequate time is available to take photographs or document the building prior to destruction). A variety of options are available depending on the role Lander County wishes to take in preservation of cultural resources. To further protect publicly and privately held cultural resources important to the community, the County has the ability to become a certified local government (CLG). CLGs are entities that are recognized by the National Park Service and State Historic Preservation Office; they serve as a demonstration of the community's commitment to historic preservation and provide funding and technical assistance to protect resources. The general requirements to become a CLG include establishing a qualified historic preservation commission, enacting local legislation for the designation and protection of historic properties, creating a survey and inventory of local resources, and engaging with the public in local preservation. CLG certification happens jointly with the local government, the State Historic Preservation Office, and the National Park Service. For example, Storey County, a rural county with an important archaeological and mining history similar to Lander County, is a CLG and has additional oversight and funding for cultural resource management in their county.

<sup>9</sup> (Service, National Register of Historic Places FAQs 2021)

<sup>10</sup> (Service, Become a Certified Local Government (CLG) 2021)





# CONSERVATION & NATURAL RESOURCES

# Conservation & Natural Resources

*The Conservation & Natural Resources element of the Master Plan outlines policies and action programs for protecting the County’s land, water, and air resources as growth and development occurs. This element provides guidelines for conserving the County’s important natural resources while satisfying the requirement for a conservation plan as outlined in the NRS.*

.....

## Goals

1. **Protect and encourage ranching, farming, agricultural activities, and supportive industries.**
2. **Limit conflicts and encroachment from developing lands on agricultural lands and areas with sensitive natural resources.**
3. **Promote development of economical and sustainable renewable energy projects and encourage efficient use of energy resources.**
4. **Protect important environmental resources and open space.**
5. **Balance the importance of the mining industry with the vitality of the economy and livelihood of the population with conservation goals, policies, and requirements.**

## Policies

**CNR.1** Locate known fault lines on all parcel and subdivision maps and require adequate setbacks from faults.

**CNR.2** Review areas that possess severe geologic hazards, where public safety may be jeopardized and, if appropriate, plan these areas for minimal or no development.

**CNR.3** Coordinate with BLM, USFS, and Soil Conservation Service to minimize the spread of noxious weeds. Coordinate road grading policy for Lander County to minimize noxious weeds.

**CNR.4** Encourage new development activities to limit total ground clearing activities.

**CNR.5** Continue to work with the USFS and/or BLM to adopt consistent and complementary road standards for developments within the boundaries of the National Forest and/or public lands.

**CNR.6** Encourage maximum retention of trees and other vegetation that stabilize steep hillsides, retain moisture,

prevent erosion, and enhance the natural scenic beauty, and, where necessary, requires additional landscaping and/or revegetation.

**CNR.7** Ensure that all private and commercial Renewable Energy Facilities (REFs) comply with all applicable Lander County, Nevada State, and federal codes, regulations, and necessary permits.

**CNR.8** Minimize impacts from alternative energy and geothermal development.

**CNR.9** Establish adequate monitoring and mitigation measures to offset any potential impacts created by geothermal development and development of other REFs and establish a procedure to vet proposed renewable energy projects to ensure sustainable and efficient energy development.

**CNR.10** Promote geothermal development, except where mitigation measures will not protect the existing environmental standards. Apply adequate standards for all phases of geothermal exploration and development, including the restoration of all such areas once the resource becomes nonproductive.

**CNR.11** Require the developer of geothermal resources to comply with local, state, and federal laws and regulations governing the disposal of geothermal fluids. Before approval is given for resource development, a disposal plan must be submitted to and approved by the Lander County Board of County Commissioners.

**CNR.12** In addition to impacts to resources, require adequate bonding for REF development to ensure that site restoration and clean-up is incorporated into special use permit requirements.

**CNR.13** Support policies and programs identified in the Lander County Policy Plan for Federally Administered Lands, 2005 and incorporate such policies into the Master Plan.

**CNR.14** Encourage BLM to minimize impacts from land exchanges or sales in the Humboldt River Basin. Due to the checkerboard pattern of ownership, land transactions in the Humboldt River corridor have the potential to impact farm and livestock operations as well as increase the cost of public services to private lands.

**CNR.15** Promote the management of feral horses on public lands to the Appropriate Management Level (AML) established by a federal, state, or local entity to ensure that populations can be supported by the existing land capacity.

**CNR.16** Encourage development proposals to incorporate the standards contained in “Wildfire Threat Reduction Recommendations for Nevadans” (published by the Living with Fire Program, <http://www.livingwithfire.info/>), where appropriate.

**CNR.17** Develop and implement the policies of a Lander County Water Resources Plan.

**CNR.18** Define, identify, and protect natural groundwater recharge areas for aquifer recharge; require proposed projects and proposed land use changes in areas with good recharge potential shall be to include project features or adequate land for passive recharge.

**CNR.19** Ensure that alternative sewage disposal, groundwater treatment, or other techniques are implemented when adverse surface or groundwater impacts occur as a result of a concentration of septic systems. The selection of techniques to achieve this performance standard shall be based on cost, longevity of the solution, and existence of a credible entity to be responsible for the continuing performance of the selected system. Future individual septic



systems shall not be allowed when ground or surface water contamination will result from their use.

**CNR.20** Consider water conservation programs to the extent that they are shown to be cost-effective when water, wastewater, and environmental benefits are weighed against implementation costs.

**CNR.21** Allow new water resources, including imported water, to be developed provided they further the goals of the Master Plan and Water Resources Plan. Imported water includes water from basins that have origins within Lander County.

**CNR.22** Subject to existing state and local regulatory review, new water supply commitments, including utility will-serve letters and the creation of domestic well lots and parcels, may be limited when a water resource or combination of resources exceeds the perennial yield.

**CNR.23** Pursue the use of reclaimed wastewater for irrigation, recharge, or other permitted uses to the extent that such use is an efficient use of water resources and water rights. To the extent that reuse water is available to meet a new proposed non-potable water demand that is consistent with the use of reclaimed water, potable water shall not be supplied to meet the demand. Potable reclaimed water (A+ reuse category) is allowed if a project follows all restrictions and regulations of Nevada Administrative Code and receives all applicable Nevada Department of Environmental Protection (NDEP) permitting.

**CNR.24** Protect water quality, minimize erosion and sedimentation, and preserve natural drainage functions, riparian habitat, and aesthetic values. Lander County shall review development proposals and implement appropriate mitigation measures, if necessary.

**CNR.25** Make available adequate water resources to maintain the variety of important uses in Lander County, such as agriculture, mining, municipal and industrial, and geothermal development. Projects that reduce or eliminate water resources available to support uses in Lander County shall be opposed.

**CNR.26** Monitor and track any changes that diminish the groundwater recharge and relationship among groundwater aquifers in Basins 56, 57, 58, and 59. Lander County should consider a watershed management plan that examines the hydrologic relationships between groundwater aquifers.

**CNR.27** Prepare land use plans for selected hydrographic basins. The land use plans will consider current uses of water and resources needed to maintain healthy and viable basins. Once prepared, the land use plans will be incorporated into the Master Plan.

**CNR.28** Prohibited floodway encroachments: Every new encroachment, including fill, new construction, substantial improvement, and other development, is prohibited in a designated floodway, except as provided below:

- Improvements may be allowed in the floodway if it is demonstrated through hydrologic and hydraulic analysis and certified by a Nevada registered engineer that the proposed improvements will not result in any increase in flood levels during the occurrence of the base flood discharge and that the improvements meet county standards.
- Variances shall not be issued within any designated floodway if any increase in flood levels during the base

flood discharge would result

**CNR.29** Restrict development in floodplains that would constrict or otherwise result in higher floodwater levels or peak flows, or impact to floodplain functions.

**CNR.30** Use the FEMA Flood Insurance Maps as the basis for delineation of floodplains and floodways, unless more recent research and surveys are presented that establish a more accurate delineation.

**CNR.31** Develop and implement water conservation measures.

**CNR.32** Minimize the use of high water demand vegetation for decorative uses on public and private project landscaping.

**CNR.33** Have the Lander County Board of County Commissioners adopt landscaping ordinances requiring that people pay for the full cost of the water they use and providing for drought resistant, low-water-consuming vegetation, and efficient irrigation systems in all developments. Have the Lander County Planning Department develop and adopt standards for water conservation devices.

**CNR.34** Encourage new public and private development to use water conservation landscaping and fixtures.

**CNR.35** Have the Lander County Planning Department include xeriscaping provisions in the Lander County Development Code. The provisions will provide economic incentives to developers by adjusting the water rights dedication requirements to reflect the reduced water demand of water conservation landscaping and fixtures.

## Regulating Laws and Statutes Relevant to Conservation

This Master Plan provides guidance and vision for the conservation of resources in Lander County. No portion of this document may supersede federal and state regulations, statutes, or permitting requirements. Relevant regulating information and entities for Lander County include:

### Nevada Revised Statutes

- [NRS Chapter 548 - Conservation](#)
- [NRS Chapter 407 - State Parks and Monuments](#)
- [NRS Chapter 445A - Water Controls](#)
- [NRS Chapter 445B - Air Pollution](#)
- [NRS Chapter 445D - Environmental Covenants \(Uniform Act\)](#)
- [NRS Title 45 - Wildlife](#)
- [NRS Title 46 - Mines, Minerals, Oil and Gas](#)
- [NRS Title 47 - Forestry; Forest Products and Flora](#)
- [NRS Title 48 - Water](#)
- [NRS Title 49 - Agriculture](#)

### Federal Environmental Laws

- [Endangered Species Act of 1973](#)
- [Clean Air Act of 1990](#)
- [Clean Water Act of 1972](#)
- [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#)
- [Federal Migratory Bird Treaty Act of 1918](#)
- [National Environmental Policy Act of 1969](#)
- [Resource Conservation and Recovery Act of 1976](#)

## Physical Environment

### Topography

Lander County is characterized by its dramatic basins and ranges. Elevation within the County ranges from 11,473 feet at Bunker Hill in the Toiyabe Range to 4,510 feet at Battle Mountain in the northwest corner of the County. Crossing Lander County from west to east, one encounters the following mountain ranges:

- Desatoya Mountains
- Shoshone Mountains/Shoshone Range
- Battle Mountain Range
- Fish Creek Mountains
- Toquima Range
- Toiyabe Range
- Cortez Mountains

## Climate<sup>1</sup>

Many areas of Nevada, including portions of Lander County, are among the most arid areas in the United States. Potential annual water loss through evaporation exceeds the annual precipitation rate even at the higher elevations. Most of the land in Lander County is desert shrubland, although sufficient water is available to allow livestock to graze in some locations. Development has been limited by a scarcity of recoverable freshwater. The individual basin-fill aquifers, which together compose the largest known groundwater reserves, receive little annual recharge and are easily depleted. Precipitation in the mountain ranges may be 20 inches or more per year depending on the year, while precipitation in Battle Mountain averages about 12.3 inches per year. March to May is the wettest period in Battle Mountain with 1.5 inches of precipitation per month. August and September are the driest months, averaging 0.47 inches per month. Average temperatures range from 18°F to 40°F in January and from 53°F to 87°F in July.

## Cultivated and Extracted Natural Resources

### Agricultural Lands - Farms and Ranching in Lander County<sup>2</sup>

The agriculture industry includes growing crops, raising animals, harvesting timber, and growing and harvesting fish and other animals. Crop production job numbers rose approximately 38% between 2010 and 2020 in Lander County, from 15 to 20 jobs. Animal production and aquaculture decreased by approximately 28% between 2010 and 2020, from 69 to 50 jobs. Agriculture establishments include farms, ranches, dairies, greenhouses, nurseries, orchards, and hatcheries. The two activities associated with this land use are agricultural production and agricultural support activities.

Agriculture in Lander County primarily includes alfalfa hay production, beef cattle, and sheep. Important agricultural areas include farm and ranch operations concentrated in the Reese River Valley, Antelope Valley, Humboldt River Basin, and Big Smoky Valley. Outside these areas, farm and ranch operations are scattered throughout the County. Public lands and forest service lands are used for livestock grazing. The Lander County cattle and calves inventory decreased from 2012 to 2017. In 2012, inventory was 21,066 head and decreased to 15,771 by 2017. This trend follows the overall decrease in animal production in this economic sector of Lander County.

As of January 1, 2016, farmers in Nevada are required to obtain a Producers Certificate to sell their farm products directly to the public. At present, there are only four certified producers in Lander County as compared to 205 certified producers statewide.

The 2012 Census of Agriculture by the U.S. Department of Agriculture (USDA) reports a total of 124 farms in Lander County. The 2017 census shows that number dropped slightly to 117 farms. However, alfalfa production and overall farming cultivation grew in Lander County between 2012 and 2017. Alfalfa hay and other hay production averaged just over 90,000 tons in 2002 and 2003. By 2008, Lander County had 28,000 acres under cultivation, producing 144,000 tons of hay. In 2017, 153,278 tons of hay and haylage was cultivated, with 33,633 acres harvested.

---

<sup>1</sup> (Lander County 2010)

<sup>2</sup> (US Department of Agriculture 2012-2017)

Table 2-1 includes information on the number of farms and farm acreage for Lander County and select other counties in Nevada.

**Table 2-1 - Farms in Nevada Counties**

County	Number of Farms	Land in Farms (acres)
<b>Lander</b>	117	329,373
<b>Eureka</b>	86	578,711
<b>Elko</b>	526	2,180,039
<b>Humboldt</b>	298	990,113
<b>Churchill</b>	504	249,832
<b>Douglas</b>	239	118,320
<b>Lyon</b>	312	181,354
<b>Washoe</b>	353	501,310

*Source: USDA, Census of Agriculture<sup>3</sup>*

## Minerals and Mining<sup>4</sup>

Mining continues to be a growing and vital component of the Lander County economy due to rich natural resource deposits. Table 2-2 provides information on the current mines, operators, and their associated commodities. This list is not comprehensive; Lander County is extremely rich in mineral deposits and has a lengthy history of mining claims. Active mines are shown in Figure 2-1 as cataloged by the Nevada Bureau of Mines and Geology at the University of Nevada, Reno.

**Table 2-2 - Active Mining Operators and Commodities**

Project/Permit	Operator	Commodity
Argenta Mine	Baker Hughes Oilfield Operations, Inc.	Barite
Cortez Hills (open pit and underground)	Nevada Gold Mines	Gold, silver
Cortez Pipeline Mine	Nevada Gold Mines	Gold, silver
Fire Creek Mine	Hecla Mining Co.	Gold, silver
Greystone Mine	M-I Swaco	Barite
May Turquoise Mine	Red Widow Mine Co.	Turquoise
Mountain Springs Mine	M-I- Swaco	Barite
Phoenix Mine	Nevada Gold Mines	Gold, copper, silver
Cove Project (proposed)	i-80 Gold Corp	Gold

<sup>3</sup> (US Department of Agriculture 2012-2017)

<sup>4</sup> (Bureau of Land Management - Battle Mountain District Office 2012)





## Alternative Energy Resources

### Geothermal Resources

Hot Springs and wells are scattered across the state, with at least 300 thermal wells, springs, and spring clusters. Almost all of these waters have been appropriated for some beneficial use under Nevada water laws. There are several known geothermal resource areas (KRGAs). Lander County has the potential to develop additional geothermal resources. Figure 2-2 provides an overview of the geothermal wells and areas with geothermal energy potential. In recent years, exploration and possible development activity has increased in and around Lander County. Potential project sites include Jersey Valley, Pumpernickel Valley, Reese River, and Grass Valley.



*McGinness Hills Geothermal Plant | Source: Nevada BLM*

Potential project sites include Jersey Valley, Pumpernickel Valley, Reese River, and Grass Valley.

An area of high heat flow, compared to the rest of the state, is the Battle Mountain High. The Beowawe Geysers located in Lander and Eureka Counties have some of the highest reported subsurface temperatures of all geothermal areas in Lander County. Other geothermal areas are found at Smith Creek Valley, Buffalo Valley, Hot Springs Ranch south of Battle Mountain, and Spencer Hot Springs.<sup>5</sup>

Below is a list of geothermal resources providing energy resources to NV Energy:<sup>6</sup>

- **Beowawe Power - 17.7 megawatts:** This geothermal power station is owned by Terra-Gen Power and operates in Eureka and Lander Counties of Nevada. It has produced energy since 2006.
- **Jersey Valley - 22.5 megawatts:** This geothermal project is owned by Ormat Technologies and is located in a remote area in Lander and Pershing Counties of Nevada. The project came online in 2012.
- **McGinness Hills - 96 megawatts:** The McGinness Hills geothermal project is owned by Ormat Technologies Co. and is located in Grass Valley, approximately 12 miles from Austin. Two unique attributes were present for the McGinness Hills geothermal project: 1) no modern hot springs or other thermal features exist in this area, making it a “blind” geothermal system, and 2) the site was located in Category 1 sage grouse habitat.<sup>7</sup>

<sup>5</sup> (Lander County 2010)

<sup>6</sup> (NV Energy 2021)

<sup>7</sup> (Nordquist and Delwiche 2013)

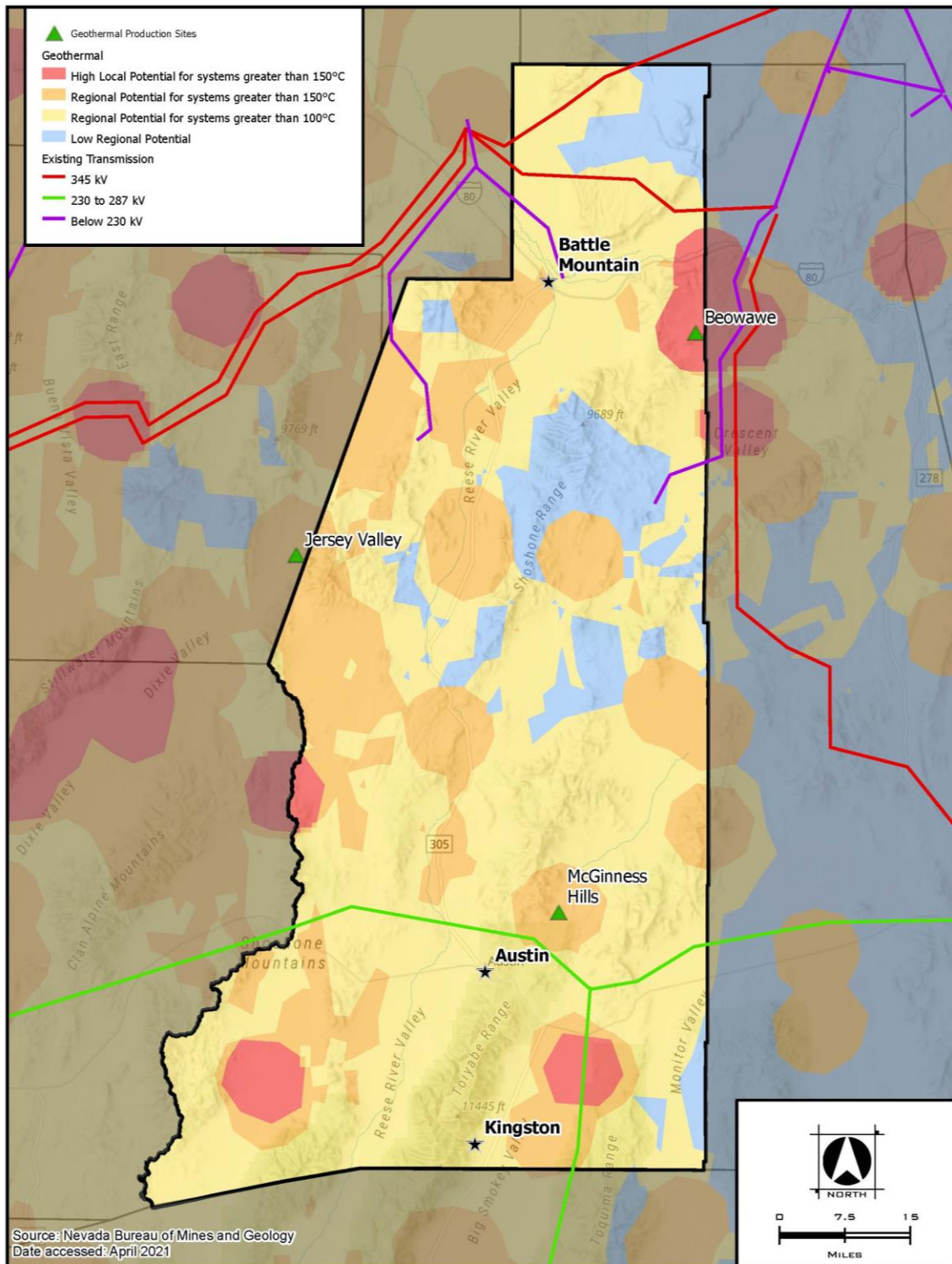


Figure 2-2: Existing and Potential Geothermal Resources in Lander County



## Solar and Wind Energy

Lander County has the potential to expand other alternative energy sources and develop more sustainable options to support the current and future residents and development of the County. Areas for solar potential, per Figure 2-3, may be located in some flatter areas of the County between mountain ranges.

Wind energy potential is limited in Nevada, but certain locations in Lander County may have potential for wind energy. Figure 2-3 displays areas with solar and wind potential. Most areas for wind potential are generally along the east side of the Toiyabe Range, with some other potentially suitable areas interspersed.

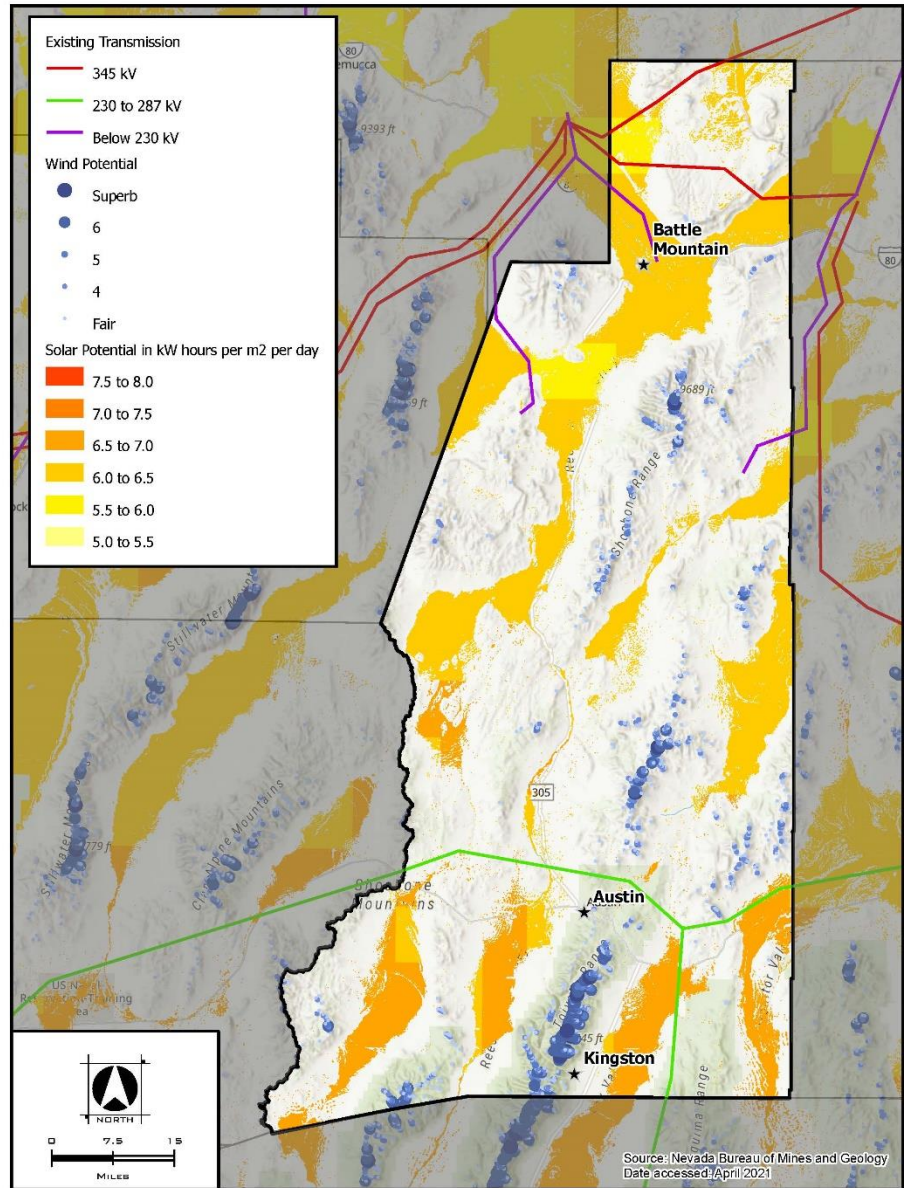


Figure 2-3: Solar and Wind Potential in Lander County

## Non-Living Resources

### Water Resources

The major wetlands in Lander County follow the flow of the Humboldt River through a meandering path across the northern part of the County from east to west. Historically, this area has been a source of irrigation water for the ranching interests along both sides of the river and is dependent primarily on the climatic changes in rainfall and winter snowpack of the mountain tributaries.<sup>8</sup> Refer to Figure 2-4.

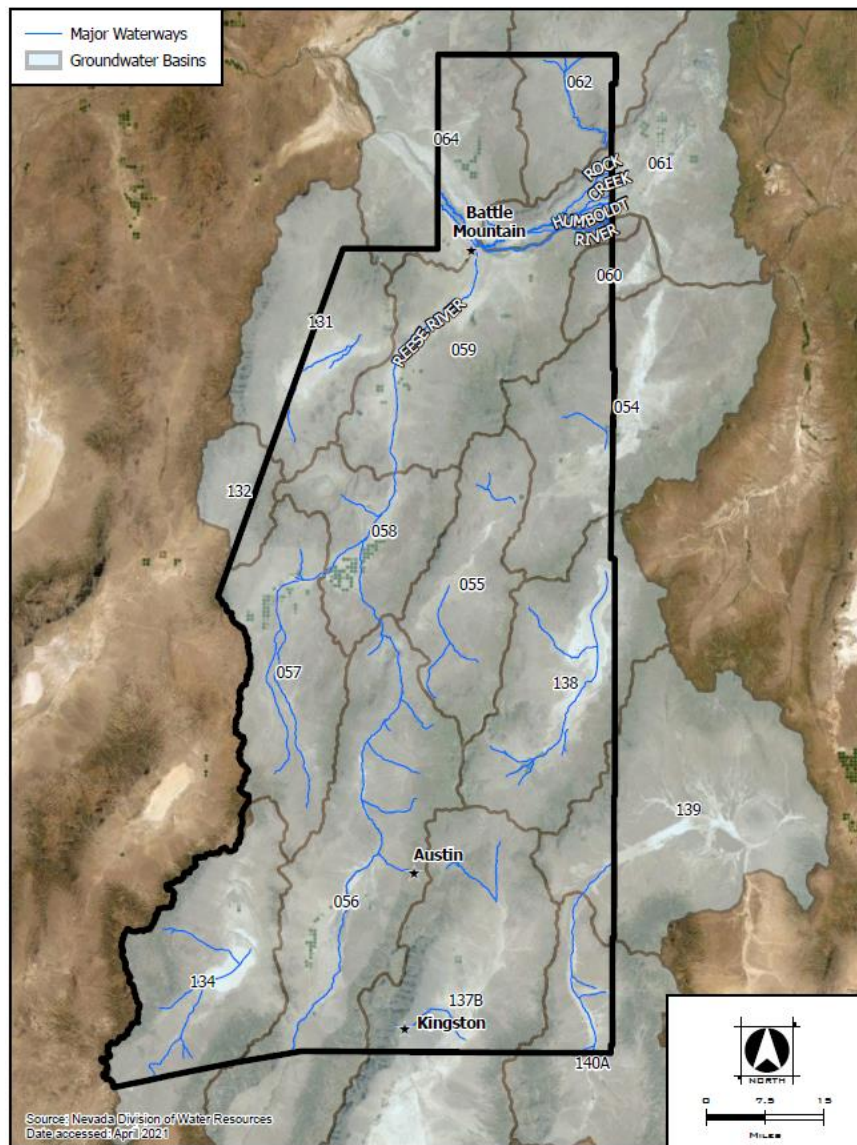


Figure 2-4: Hydrographic Basins and Waterways

<sup>8</sup> (Lander County 2010)



## Surface Water<sup>9</sup>

The hydrology of Lander County is typical of the basin and range environment. Precipitation is seasonal, with rain or snow in the winter and thunderstorms in the summer. Stream flows are seasonal, with the peak flows typically occurring in the spring. Major surface water features in Lander County are shown in Figure 2-4. There are three major streams in Lander County: the Humboldt River, the Reese River, and Rock Creek.



*Groves Lake*

## Humboldt River

The dominant hydrologic feature in the region is the Humboldt River, which has had a significant impact on the history of the development of Battle Mountain. Water records kept sporadically for flow in the river since 1896 show an average discharge of 302 cubic feet per second (cfs), or 218,600 acre-feet per year (AFY). The drainage area above Battle Mountain is an impressive 8,870 square miles, which can cause serious flooding during unusual conditions. Several irrigation diversions exist upstream, which have some impact on flow in the Humboldt River during the growing season. During the 1990s, the highest peak flow occurred on June 13, 1995, when the Humboldt River reached a flow of 4,010 cfs. High flows in the river begin to build in February and March, with the onset of spring snowmelt. Peak flows historically occur in June and rapidly decrease in July to base flow conditions by August. Base flows continue until February of the following year.



*Reese River | Source: [Famartin, 2015](#)  
(Licensed by [CC BY-SA 3.0](#))*

## Reese River

In contrast, the Reese River has a drainage area of 2,330 square miles at Battle Mountain and an average discharge of 10.4 cfs, or 7,530 acre-feet (measured at Lone, upriver). Peak flow on the Reese River during the 1962 flood was estimated at 4,760 cfs, compared to 167 cfs at Lone. It has a similar hydrograph as the Humboldt River, with peak flows occurring in June in most years. Periods of no flow are recorded in some years. The Reese River is fed by several tributaries draining the west slopes of the Toiyabe Mountains, including Cottonwood Creek, Big Creek, Italian Creek, Silver Creek, and Boone Creek. During intense or unusual storm events, surface flows from Antelope Valley can reach the Reese River.

## Rock Creek

Rock Creek and its tributaries drain much the area west of the Tuscarora Mountains. The headwaters of Rock Creek are in the unnamed mountain range on the northern side of Willow Creek Valley in Elko County. Rock Creek is joined by Willow Creek and flows southward in a rugged canyon to Rock Creek Valley. Flows of each stream are influenced by irrigation diversions and releases from Willow Creek Reservoir. Rock Creek is then joined by Antelope Creek, cuts through the Sheep Creek Range by way of another rugged canyon and enters Boulder Flat. Rock Creek at the gaging station where it enters Boulder Flat discharges about 29,000 AFY. Flow of the stream probably enters Humboldt River in years of above-normal runoff. Rock Creek is joined by Boulder Creek in the lowlands between the Sheep

<sup>9</sup> (Lander County 2010)

Creek Range and the Argenta Rim and then enters the Humboldt River about two miles east of Battle Mountain. Rock Creek has no baseflow near the Humboldt River.

## Other Surface Water Features

Other significant surface water features are a number of smaller streams located throughout the County, most of which are perennial in the upper reaches and become ephemeral near the valley floors. There are no major lakes or reservoirs in the County with the exception of Groves Lake, which is approximately 10 acres in size. There are a host of smaller reservoirs associated with local ranching operations. Two of the largest are located at Iowa Creek Ranch and Smith Creek Ranch.

## Groundwater<sup>10</sup>

Groundwater occurs in porous alluvial basins adjacent to the Humboldt and Reese Rivers as well as Rock Creek and other water courses in the region. Groundwater is also associated with fractures in the bedrock of upland mountain ranges. Recharge occurs primarily from precipitation and infiltration, in the case of the Humboldt River. Groundwater discharge from the Humboldt River Basin is estimated to be about 30,000 AFY. Figure 2-5 shows groundwater basins contained in whole or in part in Lander County. There are a total of 18 groundwater basins in Lander County. Only three of those are hydrologically closed units.

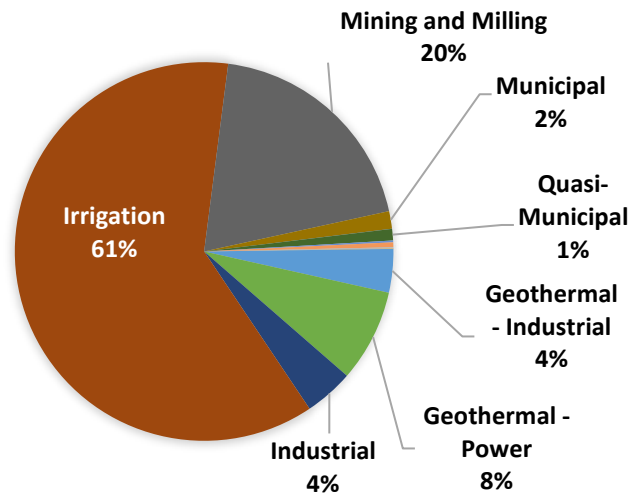


Figure 2-5: Distribution of Water Uses in Lander County Hydrographic Basins

Note: Slices less than <1 % not labeled. Refer to table for basins with additional uses (e.g., recreation, domestic)

## Allocated Groundwater<sup>11</sup>

Eighteen hydrographic (i.e., groundwater) basins are entirely or partially within the bounds of Lander County. Lander County has a variety of water users (refer to the Figure 2-5). Table 2-3 provides information on each basin and the allocated amount for each use within the basin. Note that Lander County is not the only water recipient of these basins; the basin may provide water resources for a variety of users within adjacent counties.

<sup>10</sup> (Lander County 2010)

<sup>11</sup> Nevada Division of Water Resources – Hydrographic Area Summaries

Table 2 - 3 - Hydrographic Basins Providing Water to Lander County <sup>12</sup>				
Basin	Area of Basin (sq. mi.)	Annual Allocated Amount (AFY)	Manner of Use (in order of total AFY)	Counties within Hydrographic Basin
054 - Crescent Valley	752	17,088.64	Mining and Milling Municipal Irrigation Stock Water Quasi-Municipal	Eureka Lander
055 - Carico Lake Valley	376	3,989.78	Irrigation Mining and Milling Stock Water	Lander
056 - Upper Reese River Valley	1138	39,528.02	Irrigation Mining and Milling Quasi-Municipal Stock Water Municipal	Lander Nye
057 - Antelope Valley	452	31,444.76	Irrigation Stock Water Quasi-Municipal	Lander
058 - Middle Reese River Valley	319	41,007.06	Irrigation Stock Water	Lander
059 - Lower Reese River Valley	588	22,211.46	Irrigation Mining and Milling Municipal Industrial Stock Water Construction Domestic Commercial	Lander Eureka
060 - Whirlwind Valley	94	31,366.94	Geothermal - Power Irrigation Mining and Milling Industrial Stock Water	Eureka Lander
062 - Rock Creek Valley	444	2260.43	Mining and Milling Stock Water	Elko Lander Eureka
064 - Clovers Area	720	29,447.41	Irrigation Industrial Mining and Milling Municipal Recreation Stock Water Environmental Construction	Humboldt Lander Elko

<sup>12</sup> Nevada Division of Water Resources - Hydrographic Area Summaries  
Lander County Master Plan **FINAL DRAFT**

**Table 2 - 3 - Hydrographic Basins Providing Water to Lander County<sup>12</sup>**

Basin	Area of Basin (sq. mi.)	Annual Allocated Amount (AFY)	Manner of Use (in order of total AFY)	Counties within Hydrographic Basin
<b>128 - Dixie Valley</b>	1,303	15,218.88	Geothermal - Industrial Irrigation Industrial Wildlife Quasi-Municipal Stock Water	Churchill Pershing Lander
<b>131 - Buffalo Valley</b>	504	22,040.13	Mining and Milling Irrigation Stock Water	Pershing Lander Humboldt
<b>132 - Jersey Valley</b>	142	267.25	Irrigation Stock Water	Pershing Lander
<b>134 - Smith Creek</b>	582	3,195.57	Irrigation Stock Water Mining and Milling	Lander Nye
<b>137B - Big Smoky Valley, Northern Part</b>	1,323	56,846.52	Irrigation Mining and Milling Quasi-Municipal Stock Water Other Commercial Domestic Recreation	Nye Lander
<b>138 - Grass Valley</b>	595	13,321.86	Mining and Milling Irrigation Stock Water	Lander Eureka
<b>139 - Kobeh Valley</b>	139	15,920.70	Mining and Milling Irrigation Stock Water Domestic	Eureka Lander
<b>140A - Monitor Valley, Northern Part</b>	529	287.58	Irrigation Stock Water	Nye Lander Eureka



## Living Resources

### Land Cover/Vegetation Habitats

Land cover in Lander County varies depending on geography but largely is comprised of the arid desert characteristic of central Nevada, with some areas of variation. The Southwest Regional Gap Analysis Project (SWReGAP) is a multi-institutional cooperative effort that provides land cover information for Arizona, Colorado, Nevada, New Mexico, and Utah.<sup>13</sup> The land cover database reveals the majority of Lander County is comprised of Inter-Mountain Basins Big Sagebrush Shrubland (1,430,491 acres or 40.5%) followed by Great Basin Xeric Mixed Sagebrush Shrubland (515,719 acres or 14.6%).



*Desert Shrubland in Lander County*



*Pinyon-Juniper Woodlands*

Source: [Famartin, 2013](#) (Licensed by: [CC BY-SA 3.0](#))

These types of ecological systems are characteristic of semi-arid climates and are dominated by *Artemisia tridentata ssp. tridentata*, commonly called big sagebrush or Great Basin sagebrush. They are generally located in shrublands with limited annual precipitation, with most precipitation falling as snow<sup>14</sup>.

Great Basin Pinyon-Juniper Woodland (434,311 acres or 12.3%) is generally located on dry mountain ranges of the Great Basin region and warm, dry sites of mountain slopes, mesa, plateaus and ridges at elevations ranging between 5,200 to 9,100 feet. The tree canopy of these areas is largely composed of *Pinus monophylla* (pinyon pine) and *Juniperus osteosperma* (Utah juniper).<sup>15</sup> The remaining land cover is largely comprised of similar desert ecology, with some variation as displayed in Figure 2-6.

<sup>13</sup> (Southwest Regional Gap Analysis Project (SWReGAP) 2005)

<sup>14</sup> (NatureServe Western Ecology Team 2015)

<sup>15</sup> (NatureServe Explorer 2015)



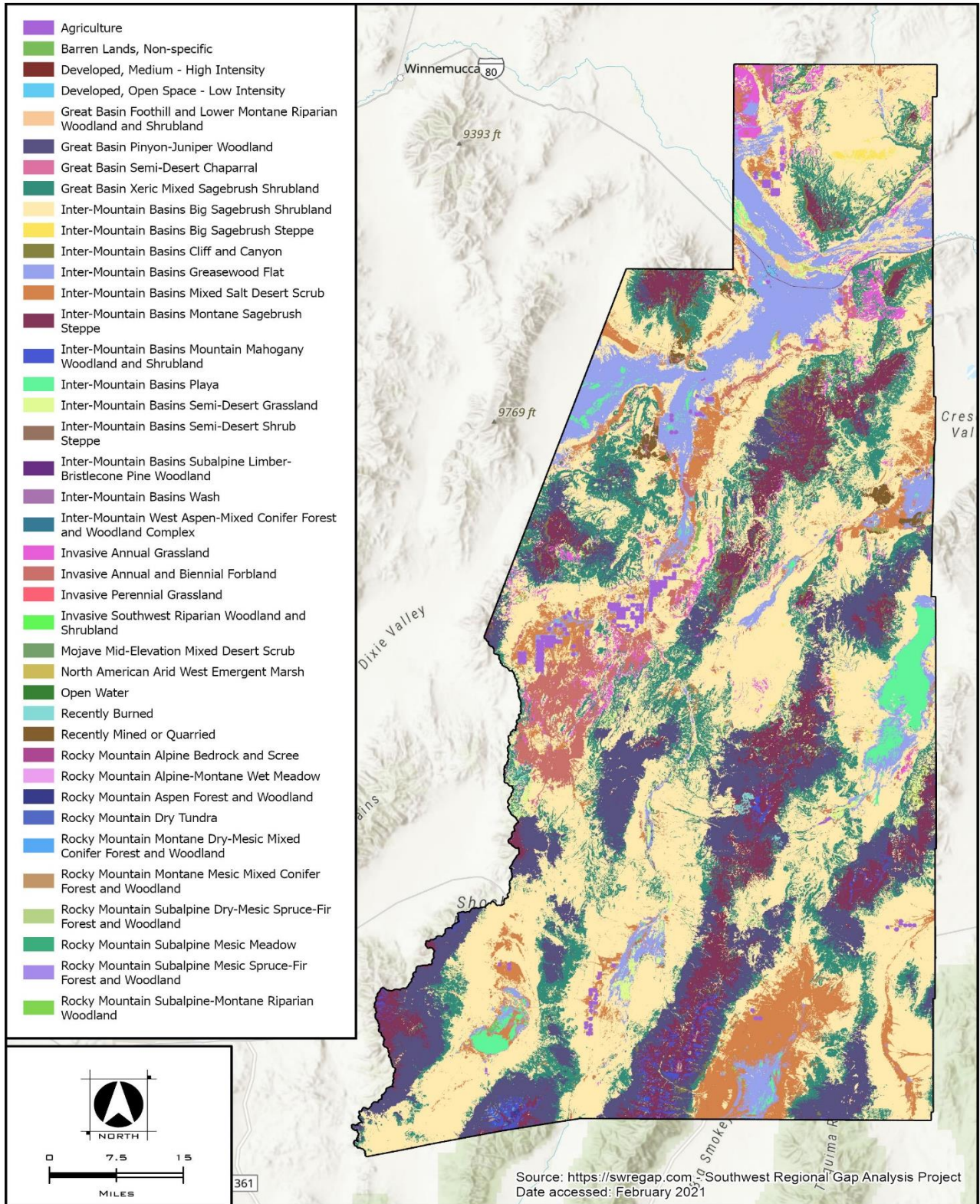


Figure 2-6: Land Cover Found in Lander County

## Sensitive, Threatened, and Endangered Vegetation<sup>16</sup>

The Nevada Natural Heritage Program tracks and provides a list of at-risk species in the state. In Lander County, 27 vascular plants are included on the at-risk list. A list of sensitive plants is shown in Table 2-4. Note that many species may be considered at-risk or sensitive by other agencies; however, no plant species on this list are subject to the Endangered Species Act. Development proposals in Lander County are encouraged to consult with a certified botanist or arborist to determine if any endangered, sensitive, or threatened plant species are located on a property.

**Table 2-4 - Sensitive Plant Species in Lander County**

Cusick hyssop ( <i>Agastache cusickii</i> )	Toiyabe buckwheat ( <i>Eriogonum esmeraldense</i> var. <i>toiyabense</i> )
Eastwood milkweed ( <i>Asclepias eastwoodiana</i> )	Heavenly buckwheat ( <i>Eriogonum ovalifolium</i> var. <i>caelestinum</i> )
Winged milkvetch ( <i>Astragalus pterocarpus</i> )	Lahontan Basin buckwheat ( <i>Eriogonum rubricaula</i> )
Elko rockcress ( <i>Boechera falcifructa</i> )	Sand cholla ( <i>Grusonia pulchella</i> )
Ophir rockcress ( <i>Boechera ophira</i> )	Sharsmith stickseed ( <i>Hackelia sharsmithii</i> )
Goodrich biscuitroot ( <i>Cymopterus goodrichii</i> )	Toiyabe gilia ( <i>Ipomopsis congesta</i> var. <i>nevadensis</i> )
Desert whitlowcress ( <i>Draba arida</i> )	Holmgren smelowskia ( <i>Nevada holmgrenii</i> )
Snake Range whitlowcress ( <i>Draba serpentine</i> )	Watson spinecup ( <i>Oxytheca watsonii</i> )
Watson goldenbush ( <i>Ericameria watsonii</i> )	Lahontan beardtongue ( <i>Penstemon palmeri</i> var. <i>macranthus</i> )
Windloving buckwheat ( <i>Eriogonum anemophilum</i> )	Tiehm beardtongue ( <i>Penstemon tiehmii</i> )
Beatley buckwheat ( <i>Eriogonum beatleyae</i> )	Reese River phacelia ( <i>Phacelia glaberrima</i> )
Rollins clover ( <i>Trifolium rollinsii</i> )	Saltmarsh allocarya ( <i>Plagiobothrys salsus</i> )
Dainty moonwort ( <i>Botrychium crenulatum</i> )	Alpine goldenheads ( <i>Tonestus alpinus</i> )

<sup>16</sup> (Nevada Natural Heritage Program 2021)  
Lander County Master Plan **FINAL DRAFT**

## Conservation Strategies for Sensitive, Threatened, and Endangered Vegetation

Preserving the unique and sensitive species of Lander County is vitally important to maintaining the diversity of the County's landscape for current and future residents. Prior to development, particularly any large scale development in the County, a clear understanding of the environmental conditions will aid in determining appropriate mitigation measures. On public lands, the responsible federal or state agency is able to provide guidance and review of proposals as well as advise of any legal permitting requirements that would guide the development process. On private lands, sensitive areas can be protected through fee simple purchases, purchase of development rights, or conservation easements. NRS 111.390 through 111.440 is the Nevada Conservation Easement law and provides state regulatory guidance on the conservation easement process.

Final conservation strategies will vary depending on the landowner and the situation. Conservation strategies and goals discussed in this chapter are intended to shape the county development code to also ensure that the costs and benefits of disrupting or preserving sensitive species, particularly plant species, are weighed accurately.

## Invasive Species<sup>17</sup>

Noxious weeds and invasive plants occur throughout Lander County. Two species, hoary cress and Russian knapweed, are found along gravel and dirt roads in the County. Hoary cress, also called whitetop, is a deep rooted, invasive mustard perennial that poses a threat to both crop and rangelands in the Western U.S. Accidentally introduced to North America from western Asia and eastern Europe as a seed contaminant, hoary cress currently infests more than a quarter million acres of public and private land and is found on the noxious weed lists of 14 states and one Canadian province. They are commonly found on alkaline and disturbed soils and are highly competitive with other plant species. The plants usually bloom in mid-June, with pod development completed by the third week of July. A single plant established in the absence of competition has been reported to spread over an area 3.7 miles in diameter during its first year of development.



*Hoary Cress*

*Source: Nevada Department of Agriculture*



*Russian Knapweed*

*Source: Colorado State University,  
Cooperative Extension*

Russian knapweed is a creeping perennial that reproduces from seed and vegetative root buds. It emerges in early spring, bolts in May to June, and flowers through the summer into fall. Russian knapweed is toxic to horses. The key to controlling Russian knapweed is to stress the weed and cause it to expend nutrient stores in its root system.

---

<sup>17</sup> (Lander County 2010)



## Forests

### Wilderness Areas

Lander County currently has no designated wilderness areas, but several areas are being studied for the potential to become wilderness areas (Figure 2-7).

Wilderness areas are special locations on public lands that retain a primitive character without permanent improvements and are generally unaffected by human actions or occupation. Commercial uses, motorized vehicles, and the construction of any structure or installation area is restricted within wilderness areas.

Federal agencies are required to create an inventory and review public lands that fulfill certain characteristics of wilderness, namely roadless public lands 5,000 acres or larger and roadless islands of the public lands that contain characteristics of the Wilderness Act of 1964.<sup>18</sup>

Wilderness characteristics include areas that:

- (1) appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- (2) have outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- (3) have at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
- (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.<sup>19</sup>

Wilderness study areas are places with wilderness eligibility characteristics (meeting minimum size, naturalness, and outstanding opportunities for recreation) and are treated like designated wilderness areas unless released by an act of Congress stating that the area is not eligible for designation. Wilderness and wilderness study areas are protected by the National Wilderness Preservation Act.<sup>20</sup> Wilderness areas can be suggested by the President but are officially designated through an act of Congress.

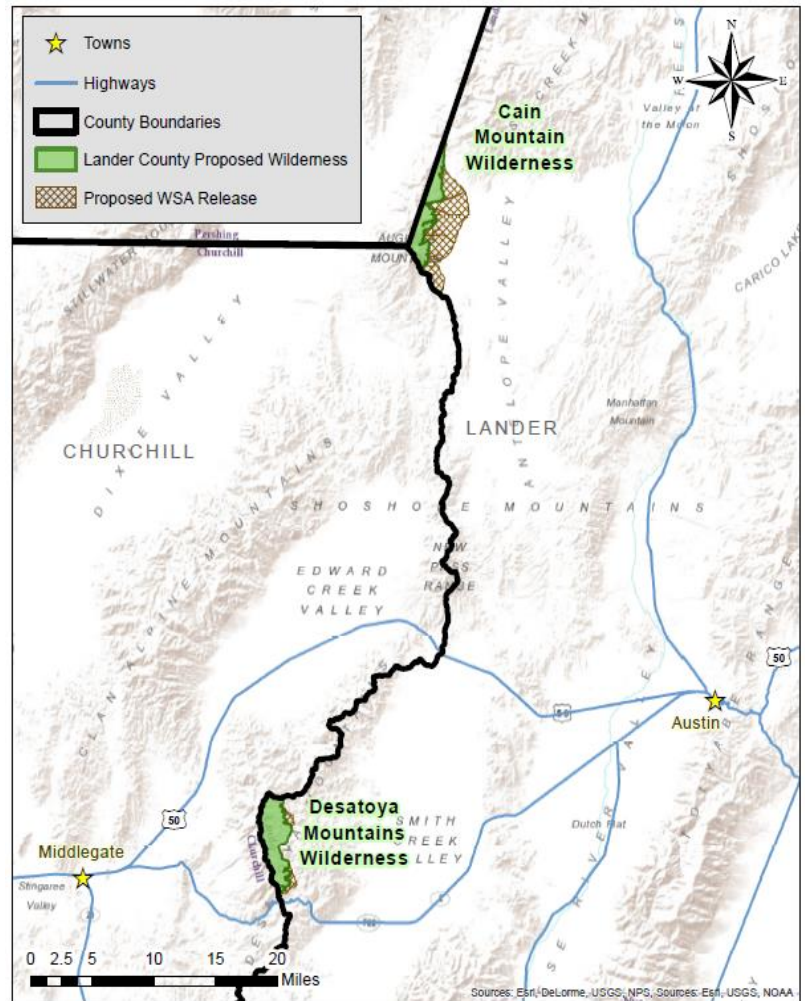


Figure 2-7: Proposed Wilderness Areas

Source: Lander County Land Management and Conservation Act

<sup>18</sup> (Bureau of Land Management 2016)

<sup>19</sup> (Wilderness Act 1964)

<sup>20</sup> (Bureau of Land Management 2021)

The Lander County Land Management and Conservation Act (2021) officially designates two wilderness areas: the Cain Mountain Wilderness and the Desatoya Mountains Wilderness. Two previous wilderness study areas will be released: the Augusta Mountain wilderness study area and a 1,088-acre section of the Desatoya wilderness study area. The act states that these areas were sufficiently studied and determined not suitable for designation and are to be released for other uses.<sup>21</sup> Figure 2-7 provides a map of the wilderness areas and the proposed wilderness release areas.

### Wildlife

A variety of animal habitats are located in Lander County. The Nevada Department of Wildlife (NDOW) provides public data on several wildlife species in Nevada. These animals include ruffed grouse, wild turkey, mountain quail, California quail, dusky grouse, white-tailed jackrabbits, mule deer, elk, pronghorn, and bighorn sheep. NDOW tracks these particular animals since they are important for hunting and trapping recreation and subsistence in Lander County as well as the health and diversity of the environment.

Figures 2-8 and 2-9 note the boundaries of big and small game wildlife, as categorized by NDOW. This map is not a comprehensive inventory of all types of animals existing in Lander County but provides an overview of habitats deemed important to the state of Nevada for planning and other purposes.<sup>22</sup>



*Pronghorn Antelope*

Source: USDA Agricultural Research Service



*White-tailed Jackrabbit*

Source: U.S. Fish and Wildlife Service (



*Dusky Grouse*

Source: U.S. Fish and Wildlife Service

---

<sup>21</sup> (LandsBillFinalPlaceholder)

<sup>22</sup> (Nevada Department of Wildlife 2021)



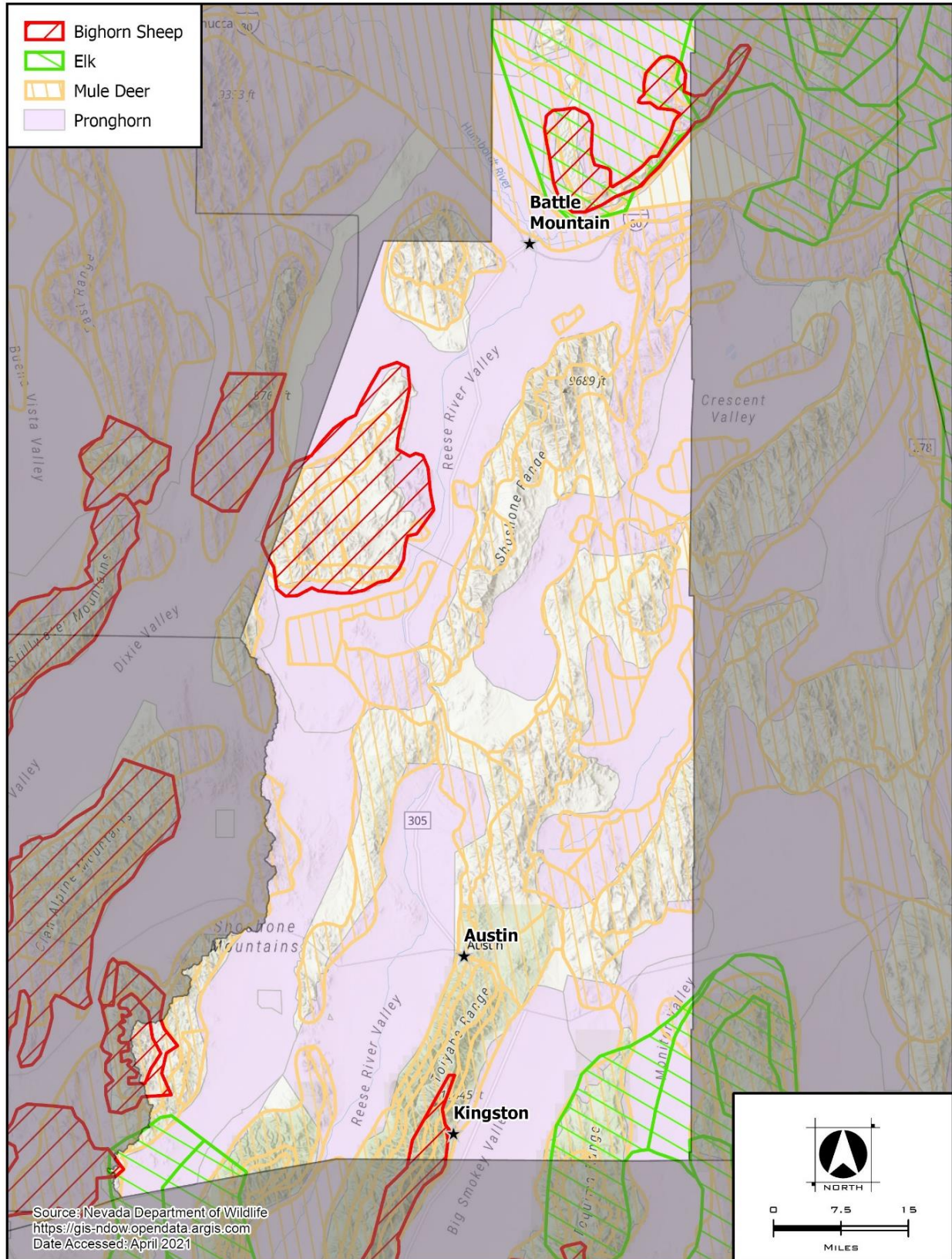


Figure 2-8: Big Game Habitat



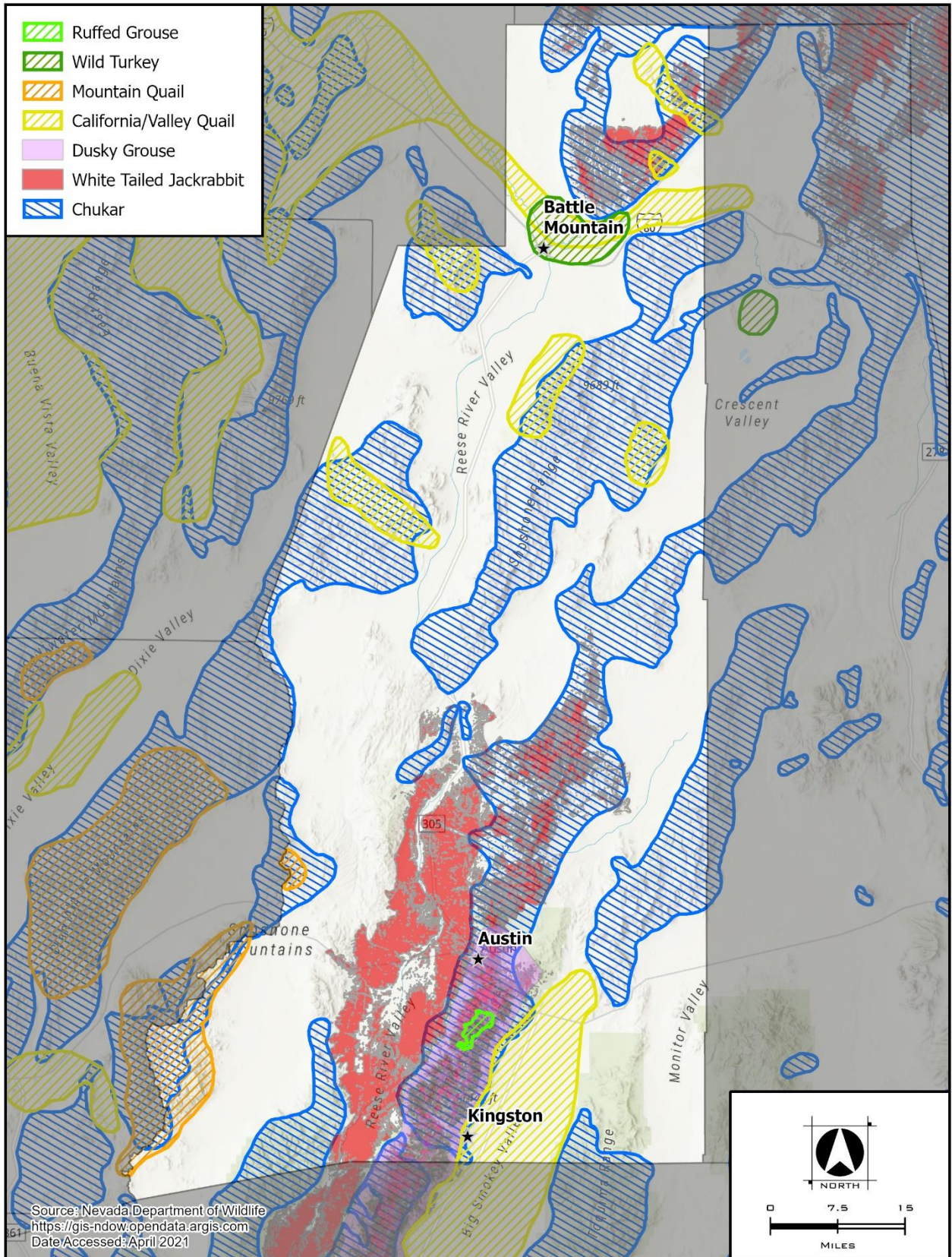


Figure 2-9: Small Game Habitats

Sensitive, Threatened, and Endangered Wildlife

The U.S. Fish and Wildlife Service (USFWS) indicates that several species of wildlife in Lander County are endangered, threatened, or proposed endangered.<sup>23</sup> Table 2-5 shows the wildlife, status, and notes if critical habitat is located in Lander County.

Table 2-5 - USFWS Endangered, Proposed Endangered, and Threatened Species			
Species	Status	Critical Habitat	Source
Gray Wolf ( <i>Canis lupus</i> )	Proposed Endangered	None for this species	USFWS
Southwestern Willow Flycatcher ( <i>Empidonax traillii extimus</i> )	Endangered	Yes, portion of lower Lander County	USFWS
Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )	Threatened	Proposed critical habitat	USFWS
Lahontan Cutthroat Trout ( <i>Oncorhynchus clarkia henshawi</i> )	Threatened	None for this species	USFWS

Lander County has 52 sensitive vertebrate animal species and 11 sensitive invertebrate species per the Nevada Natural Heritage Program, including the species above as well as dozens of other mammals that may be at risk or sensitive due to environmental or human interactions.

Table 2-6 - Sensitive Wildlife in Lander County	
Amphibians/Reptiles/Fish	
Northern Leopard Frog ( <i>Lithobates pipiens</i> )	Columbia Spotted Frog (Great Basin Pop) ( <i>Rana luteiventris pop. 3</i> )
Lahontan Cutthroat Trout ( <i>Oncorhynchus clarkii henshawi</i> )	Desert Horned Lizard ( <i>Phrynosoma platyrhinos</i> )
Northern Rubber Boa ( <i>Charina bottae</i> )	Great Basin Collared Lizard ( <i>Crotaphytus bicinctores</i> )
Long-Nosed Leopard Lizard ( <i>Gambelia wislizenii</i> )	Pygmy Short-Horned Lizard ( <i>Phrynosoma douglasii</i> )
Birds	
Olive-Sided Flycatcher ( <i>Contopus cooperi</i> )	Black Rosy Finch ( <i>Leucosticte atrata</i> )
Loggerhead Shrike ( <i>Lanius ludovicianus</i> )	Pinyon Jay ( <i>Gymnorhinus cyanocephalus</i> )
Northern Goshawk ( <i>Accipiter gentilis</i> )	American Pipit ( <i>Anthus rubescens</i> )
Greater Sandhill Crane ( <i>Antigone canadensis tabida</i> )	Gray-Crowned Rosy Finch ( <i>Leucosticte tephrocotis</i> )

<sup>23</sup> (U.S. Fish & Wildlife Service 2021)  
Lander County Master Plan **FINAL DRAFT**

Table 2-6 - Sensitive Wildlife in Lander County

**Birds, continued**

Golden Eagle ( <i>Aquila chrysaetos</i> )	Lewis's Woodpecker ( <i>Melanerpes lewis</i> )
Short-Eared Owl ( <i>Asio flammeus</i> )	Long-Billed Curlew ( <i>Numenius americanus</i> )
Long-Eared Owl ( <i>Asio otus</i> )	White-faced Ibis ( <i>Plegadis chihi</i> )
Western Burrowing Owl ( <i>Athene cunicularia hypugaea</i> )	Flammulated Owl ( <i>Psiloscoops flammeolus</i> )
Ferruginous Hawk ( <i>Buteo regalis</i> )	Bank Swallow ( <i>Riparia riparia</i> )
Swainson's Hawk ( <i>Buteo swainsoni</i> )	Pine Siskin ( <i>Spinus pinus</i> )
Greater Sage-Grouse ( <i>Centrocercus urophasianus</i> )	Brewer's Sparrow ( <i>Spizella breweri</i> )

**Bats**

Pallid Bat ( <i>Antrozous pallidus</i> )	Townsend's Big-Eared Bat ( <i>Corynorhinus townsendii</i> )
Hoary Bat ( <i>Lasiurus cinereus</i> )	Spotted Bat ( <i>Euderma maculatum</i> )
California Myotis ( <i>Myotis californicus</i> )	Silver-Haired Bat ( <i>Lasionycteris noctivagans</i> )
Western Small-Footed Myotis ( <i>Myotis ciliolabrum</i> )	Long-Eared Myotis ( <i>Myotis evotis</i> )
Long-Legged Myotis ( <i>Myotis volans</i> )	Little Brown Myotis ( <i>Myotis lucifugus</i> )
Fringed Myotis ( <i>Myotis thysanodes</i> )	Mexican Free-Tailed Bat ( <i>Tadarida brasiliensis</i> )
Canyon Bat ( <i>Parastrellus hesperus</i> )	

**Mammals**

Pygmy Rabbit ( <i>Brachylagus idahoensis</i> )	Sagebrush Vole ( <i>Lemmiscus curtatus</i> )
American Pika ( <i>Ochotona princeps</i> )	American Water Shrew ( <i>Sorex palustris</i> )
Inyo Shrew ( <i>Sorex tenellus</i> )	Kit Fox ( <i>Vulpes macrotis</i> )
Western Jumping Mouse ( <i>Zapus princeps</i> )	



Table 2-6 - Sensitive Wildlife in Lander County

Invertebrates

Apache Silverspot Butterfly ( <i>Speyeria nokomis apacheana</i> )	Elongate Cain Spring Pyrg ( <i>Pyrgulopsis augustae</i> )
Large Gland Carico Pyrg ( <i>Pyrgulopsis basiglans</i> )	Small Gland Carico Pyrg ( <i>Pyrgulopsis bifurcate</i> )
Ovate Cain Spring Pyrg ( <i>Pyrgulopsis pictilis</i> )	Sadas Pyrg ( <i>Pyrgulopsis sadai</i> )
Pallid Wood Nymph ( <i>Cercyonis oetus pallescens</i> )	Nevada Viceroy ( <i>Limenitis archippus lahontani</i> )
Nevada Viceroy ( <i>Limenitis archippus lahontani</i> )	Dark Sandhill Skipper ( <i>Polites sabuleti nigrescens</i> )
Pallid Skipper ( <i>Polites sabuleti basinensis</i> )	California Floater ( <i>Anodonta californiensis</i> )

Sage-grouse

Sage-grouse are a Nevada protected game bird found in 15 of Nevada's 17 counties, including Lander County. The species habitat includes central Washington, southern Idaho, and Montana, parts of southern Canada and Great Plains, eastern California, south-central Nevada, southern Utah, western Colorado, and northern New Mexico. Historically, sage-grouse were abundant across Nevada and the west. However, because of diminishing habitat of slow-growing sagebrush due to development, fire, invasive weeds, and other factors, an effort is being made to list the sage-grouse as an endangered species. To help avoid such a listing, Nevada governor Kenny Guinn appointed a team of approximately 25 people from diverse backgrounds and interests to a sage-grouse conservation team in June 2000. The mission of the team, as defined by Governor Guinn, is "to conserve and protect Nevada's sage-grouse and their habitat." The NDOW team has worked to provide research and guidance on the conservation of this species. While greater sage-grouse still thrive in much of the species' range in Nevada, the conservation team is attempting a proactive strategy to find solutions to localized problems before the species truly reaches a threshold of vulnerability from which recovery might be difficult.<sup>24</sup>



Sage-grouse male displaying at lek | Source: USFWS

Sage-grouse pose a unique conservation concern since the species only breeds between late February through May within certain areas called "leks." These leks are generally in the same location each year and can comprise large areas of land up to 20 hectares. There is evidence that some leks in the United States have persisted in the same

<sup>24</sup> (Nevada Department of Wildlife 2021)  
Lander County Master Plan **FINAL DRAFT**



Sage-grouse only breed in areas called “leks.” Leks are generally in the same location every year and can comprise **up to 20 hectares**. There is evidence that some leks in the United States have persisted in the same location for up to 67 years.

Disturbance or alteration of vegetative cover can cause a lek to shift or be abandoned. The size and sensitivity of these areas make this species uniquely challenging to conserve.

locations between 28 to 67 years.<sup>25</sup> Sage-grouse may abandon or shift lek locations due to persistent disturbance or alteration of vegetative cover. Encroachment of pinyon-juniper woodlands also affects sage-grouse habitat, fragmenting the shrub-steppe ecosystems of the species.<sup>26</sup> NDOW tracks the location of leks and sage-grouse habitat to monitor development that may affect the breeding and livelihood of the species. Although not endangered, the particularity of their breeding and nesting locations as well as the vast areas that comprise their habitat makes this species especially susceptible to the threats of human encroachment and development if they are not considered in planning and growth efforts of Lander County.

### Fisheries/Harbors

Fishing is a popular activity in Lander County, which has 124 lakes, rivers, and other fishing spots.<sup>27</sup> Groves Lake is a popular fishing destination and is stocked regularly by NDOW. The lake/reservoir was constructed in 1969 for recreational use and provides a location for primarily angler fishing. Normal selection of fish includes rainbow and brown trout. Unfortunately, the lake has been progressively leaking, and the water level no longer reaches full capacity<sup>28</sup>.



*Rainbow Trout (top), Brown Trout (bottom)*  
Source: USFWS

<sup>25</sup> (Connelly, Hagen and Schroeder 2011)

<sup>26</sup> (Coates, et al. 2017)

<sup>27</sup> (Fishing Works 2021)

<sup>28</sup> (Nevada Department of Wildlife 2021)

## Resource Threats and Hazards

### Fire Hazards<sup>29</sup>

The Nevada Division of Forestry develops Community Wildfire Protection Plans (CWPPs) that address wildfire and hazard protection, specifically the challenges between the wildland-urban interface. The last update of the CWPP occurred in 2008. To mitigate fire risk, the CWPP states that “the highest priority should be given to protecting and enhancing existing stands of native vegetation and to adopting a holistic approach to ecosystem management. Well-managed stands of vegetation will protect resources and values at risk from the impacts of catastrophic wildland fire and provide needed habitat for flora and fauna and the people that call Lander County and the Great Basin their home.”<sup>30</sup> The plan suggests larger scale projects may be cost-prohibitive, but smaller scale projects can be undertaken to break up fuel continuity or protect water resources.

Large-scale fire mitigation projects may be cost-prohibitive; however, small-scale fire projects can help when focused on:

- 1) breaking up fuel continuity
- 2) protecting water resources and native vegetation

### Pollution Control - Water and Air

Surface water quality is generally good in Lander County. Surface water has variable amounts of total dissolved solids (TDS) but generally have less than 325 milligrams per liter (mg/l), making it suitable for all uses. Specific conductance, a good measure of water quality, typically ranges from 300 to 500 micromhos. The pH of local surface water is in the mildly alkaline range, around 8.0, with dissolved calcium, sodium, and sulfate. Suspended sediments can be very high at times during runoff events.

The State Air Quality Planning Division monitors and reports on air quality for all Nevada counties, including Lander County. Under the Clean Air Act of 1970, the Environmental Protection Agency (EPA) is required to set National Ambient Air Quality Standards (NAAQS) for six common criteria air pollutants: ozone, particulate matter, carbon monoxide, nitrogen dioxide, sulfur dioxide, and lead. Any use that will result in significant emissions from these pollutants is required to obtain a permit from NDEP. Locally, the County controls for air quality with a dust ordinance controlling the disruption of dust and soil during development or other activities.

### Flood Control<sup>31</sup>

Lander County is a participant in the National Flood Insurance Program (NFIP) and is therefore required to adopt and enforce a floodplain management ordinance that meets minimum NFIP requirements. Communities that do not enforce these ordinances can be placed on probation or suspended from the program. When a community is placed on probation, an additional \$50 charge is added to the premium for each policy sold or renewed in the community.

Flood insurance is not available in a community that does not participate in NFIP. Federal agencies are prohibited from approving any form of financial assistance for acquisition or construction purposes in a Special Flood Hazard Area in a non-participating community, i.e., loans guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, or secured by the Rural Housing Services. If a presidentially declared disaster occurs

<sup>29</sup> (Wildland Fire Associates 2013)

<sup>30</sup> (Wildland Fire Associates 2013, 69)

<sup>31</sup> (FEMA 2021)

in a non-participating community, no federal financial assistance can be provided for the permanent repair or reconstruction of insurable buildings.

The following standards of construction are required in all special flood hazard areas:

- Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be designed or located to prevent water from entering or accumulating within the components during conditions of flooding.
- Non-residential construction must be elevated either to or above the base flood elevation.
- All new construction with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, or storage must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
- All new and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters or discharge from the systems into floodwaters.

On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding.

### Flood Mapping<sup>32</sup>

In 2000, a request was submitted by the U.S. Army Corps of Engineers to FEMA for an evaluation of the effects that modifications to an existing levee (from State Route 18 [SR18] to just downstream of Interstate Highway 80 [I-80]) and construction of a new levee along the Reese River (from just upstream to approximately 7,000 feet upstream of I-80) would have on the flood hazard information shown on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report. The modifications to the existing levee will include raising it to meet the minimum freeboard requirement of 3.0 feet.

This proposed project will have a major impact not only on the reclassification of the flood plain and flood insurance of residents of Battle Mountain but also will provide a positive impact for recruiting future businesses and prospective industries to the area. Currently, Lander County is obtaining easements and has secured funding for the local share of the project. State representatives in Congress are being encouraged to move the U.S. Army Corps of Engineers to follow through with their previous commitment to fund the project.

Extensive flooding occurred at Battle Mountain in February 1962, before construction of the U.S. Army Corps of Engineers levee. Floodwaters were impounded by the Southern Pacific Railroad line, and the embankment was breached. The levee now extends along the western bank of the Reese River from I-80 to State Highway 305. It is important to note, however, that the levee does not meet the current FEMA evaluation criteria for the no Special Flood Hazard Area since it does not provide three feet of minimum freeboard during the 100-year flood. As a result, growth is hampered because of the high cost of insurance, and businesses are reluctant to locate in a floodplain. Resolution to the floodplain issue in Battle Mountain is not expected to be resolved for several years. The current flood zone designations remain in place for the foreseeable future.

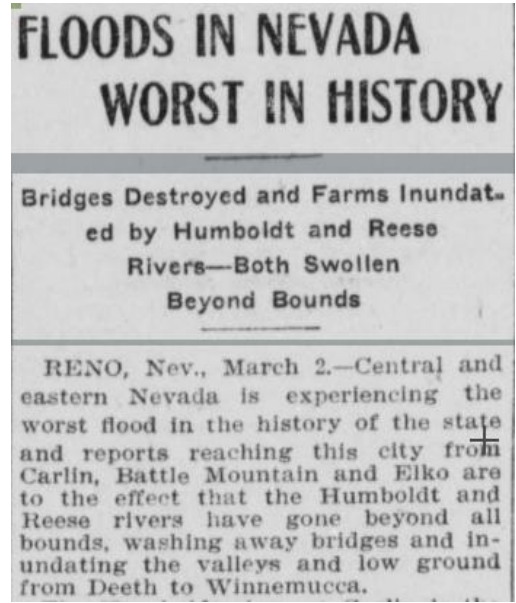
---

<sup>32</sup> (Lander County 2010)

**Areas with Flooding Potential<sup>33</sup>**

The greatest flood potential exists along the Humboldt River. Battle Mountain is located very near the confluence of the Humboldt and Reese Rivers. Historical data for this area indicates property damage from flooding has been a long-term occurrence (see image). Flow in these rivers is highly variable. Peak flows of 5,800 cfs occurred in the Humboldt River in May 1952. Peak flows to the Reese River occurred in June 1963 with peak flows of 2,140 cfs. No flow was recorded in September and October 1948, September 1949, and September 1959. During a wet year such as 1962, annual discharge was 331,000 acre-feet on the Humboldt River. Peak flow of 221 cfs occurred in Kingston Creek in May 1984, resulting in washed-out roads in the area. A maximum of 385 cfs was measured a year earlier on May 28, 1983. Kingston Canyon reservoir has a moderating effect on peak flows in this watershed. Proper spillway functioning has always been a concern for Groves Lake.

Severe flooding last occurred at Battle Mountain in May 1984, when a sudden warming trend rapidly melted snowpack. This flow was estimated between the stations at Elko and Imlay by the USGS to be about 7,500 cfs. This is close to the 100-year peak flow for the Humboldt River. The resulting 100-year flood plain (see Figure 2-10) as defined by FEMA covers most of Battle Mountain and all of the Humboldt and Reese River Valleys.



*Article About Flooding  
Source: Los Angeles Herald (March 2, 1910)*

<sup>33</sup> (Lander County 2010)

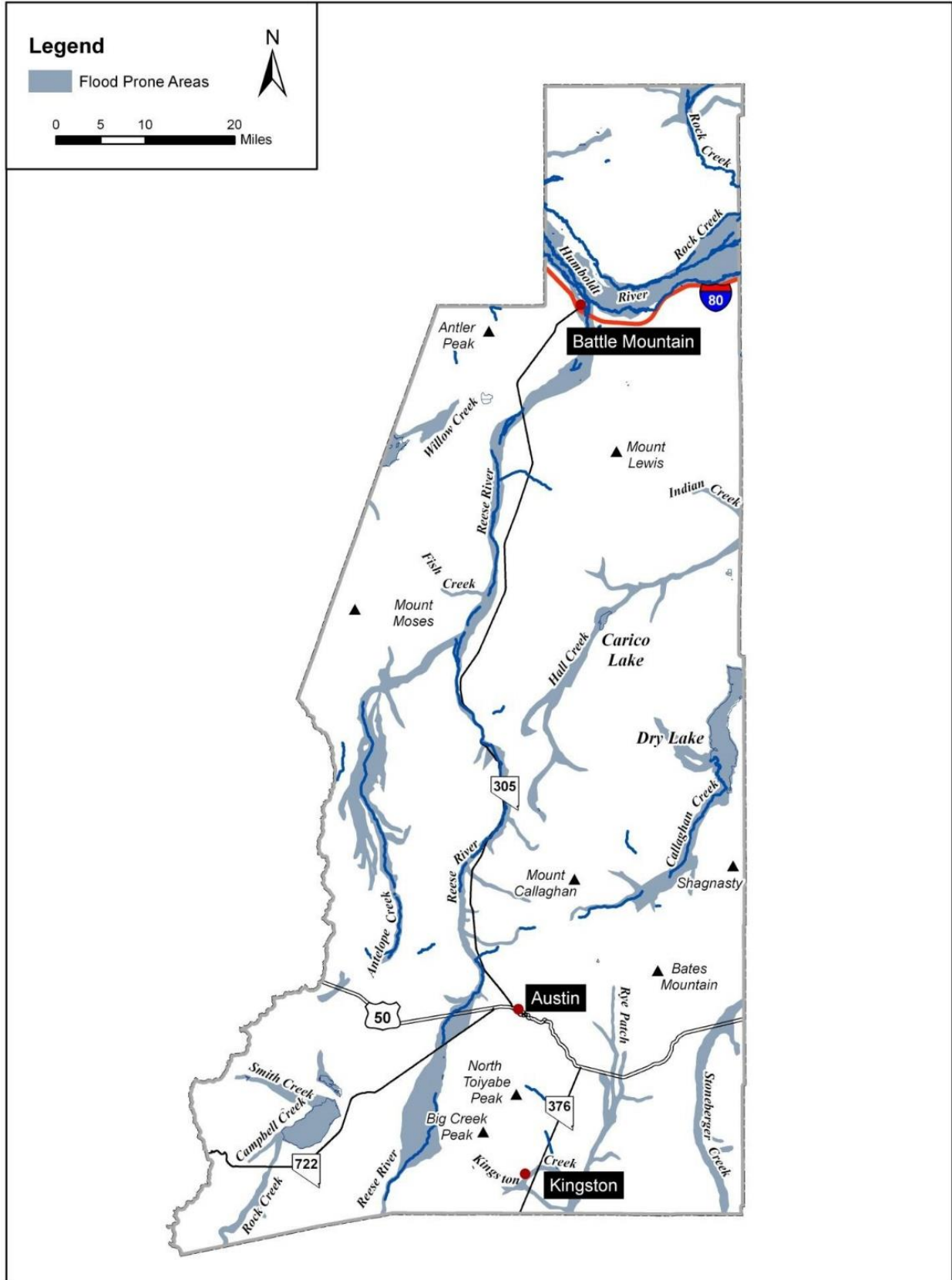


Figure 2-10: Flood-Prone Areas  
Source: Lander County Master Plan (2010)



### Earthquakes and Seismic Risk<sup>34</sup>

Recorded substantial magnitude earthquakes in eastern Nevada have been associated with surface fault rupture along a north-south trend near the western boundary of Lander County. Many faults occurring in the County are Quaternary alluvium, making them potentially active. Between 1970 and 1981, approximately 100 earthquakes ranging from Mercalli (M) 3.0 and M 6.0 have occurred within 60 miles of northern Lander County. In 2008, the city of Wells, approximately 100 miles east of Battle Mountain, experienced a 6.0 earthquake that caused major damage to many historic structures downtown. USGS reports that there is a large 39-mile-long fault located in this region, known as the Independence Valley Fault Zone but that this fault was probably not the source of the earthquake since its location is too far southeast of the epicenter of the Wells earthquake.

In the northern Shoshone Range, southeast of Battle Mountain, a predicted maximum credible event (largest possible) on a local active fault could produce an M 7.0 earthquake. This level of seismic risk should be considered in local development codes. Major fault lines should be located on all parcel and subdivision maps. Lander County should establish adequate setbacks from faults.

#### **Seismic activity in Nevada can be uncertain. How can good planning protect against earthquakes?**

- Note major fault lines on parcel/subdivision maps
- Create adequate setbacks from faults to protect citizens and their property

---

<sup>34</sup> (Lander County 2010)

### Looking to the Future

Conservation of natural resources is fundamental to the long-term sustainability of any region, but in particular natural resources are vital to the recreational tourism of Lander County. Future priorities will consider how to balance the need for land development to provide housing and employment opportunities for residents while still maintaining the wide-open spaces and natural diversity that characterize the County.

#### Preservation of Agricultural Lands/Heritage

Lander County has a rich history of agricultural uses, and the majority of water usage within the hydrographic basins of Lander County is for irrigation. One way that Lander County seeks to promote and preserve agriculture and livestock uses is through the introduction of the Rural Ranchettes land use category. This category was designed to provide a middle ground between larger rural uses and primarily residential uses, creating a new land use that promotes residential uses mingled with supportive agricultural and livestock uses. As Lander County assesses suitable lands to receive this land use designation, the County is able to take an active role in preserving the smaller-scale agricultural and ranch lands that may be lost by the creation of larger, corporate farms. Another avenue that the County can explore is encouraging farmers and ranchers to place conservation easements on properties to preserve existing irrigated agricultural lands in perpetuity.

#### Alternative Energy Potential

As detailed in the Alternative Energy section, Lander County has the potential to create alternative energy plants, providing resilient energy sources to residents and industries in the County with the potential to export to other counties. The State of Nevada Renewable Portfolio Standard, as set forth in NRS 704.7801, has set a goal of 50% renewable energy by 2030. The portfolio standard requires each electric utility in Nevada to sell a percentage of electricity from renewable sources. This percentage increases every year until reaching the 50% standard. For calendar year 2020, not less than 22% of the total amount of electricity sold by the provider to its retail customers in Nevada must be from renewable sources. The Governor's Office of Energy manages several tax incentive, grant, and loan programs to encourage the development of clean energy in Nevada. Lander County may be interested in pursuing these programs in the future to support these state-wide efforts and take advantage of incentives. Lander County supports the growth of these utilities to create a more resilient energy system for the County and the state.

#### Resource Preservation

Lander County can create some regulatory mechanisms to aid in the conservation of resources. As development applications are reviewed, the County should utilize maps and information in this Master Plan to analyze potential impacts to resources. Nevada does not require any environmental review for development proposals, although legislation has been proposed in the past (e.g., Senate Bill 277 in the 2015 legislative session). Environmental review under NEPA is only triggered if a project involves a "federal nexus," i.e., federal funding, permits, or other discretionary oversight by a federal entity. It may be appropriate for the County to develop measurable environmental review criteria in the future zoning code update to review significant development proposals and/or projects proposed in sensitive development areas. The establishment of specific environmental review criteria could include information on prime farmland soils, wildfire hazards, geologic hazards, riparian areas, historic and cultural resources, floodplains and wetlands, threatened or endangered species, wildlife habitat and wildlife migration corridors, wellhead protection areas, and other environmental resource matters addressed in the Master Plan and other documents adopted by the County.



# HOUSING

# Housing

*The purpose of this element is to provide a method for entities to identify the projected growth in population and to set forth plans, policies, and action programs through which the needs of the projected population, including housing, will be met.*



## Goals

1. **Keep growth in Lander County at a sustainable level that natural and fiscal resources can support.**
2. **Direct development to locations with existing public services, including municipal water and wastewater connections.**
3. **Increase awareness of the affordable housing needs in Lander County and increase diversity of available homeownership opportunities.**
4. **Increase housing opportunities for households with special needs, including persons with physical and mental disabilities, the elderly, and at-risk children, as well as support veteran housing.**



## Policies

**H.1** Support redevelopment efforts in central Battle Mountain that meet a variety of housing needs, both temporary and long-term.

**H.2** Maintain the integrity of established residential neighborhoods. Adjacent and infill residential housing shall be consistent with existing development in terms of improvements and design. Mobile homes, modular homes, and manufactured housing not contained within a mobile home park shall comply with the same standards as site-built homes, including density, lot standards, building placement standards, parking, and foundations. Exterior siding and roof structure will not be made of non-reflective material.

**H.3** Promote development that enhances the quality, desirability, and integrity of neighborhoods.

**H.4** Continue to support and retain Nevada Rural Housing Authority and USDA first-time homebuyer programs in Lander County.

**H.5** Pursue state and local home rehabilitation and weatherization programs to reduce ownership expenses and improve health and safety concerns.

**H.6** Promote cooperative efforts to preserve and expand current attainable and workforce housing.

**H.7** Promote the provision of a variety of housing options throughout the County.

**H.8** Support cost-effective options for the development of new affordable housing, including prefabricated, modular, and manufactured housing, with proper site design and infrastructure improvements, including connection to municipal water and wastewater service.

**H.9** Work with local housing groups to assist disabled persons with accessibility modifications. Encourage housing finance agencies such as USDA, Nevada Housing Division, and Rural Nevada Housing Authority to make available housing rehabilitation funds for accessibility projects in Lander County.

**H.10** Work with local housing groups to assist disabled persons with accessibility modifications. Encourage housing finance agencies such as USDA, Nevada Housing Division, and Rural Nevada Housing Authority to make available housing rehabilitation funds for accessibility projects in Lander County.

**H.11** Cooperate with developers in the production of dwelling units accessible to persons with disabilities and encourage developers to consider incorporating minimal changes in the percentage of new units, which would make them more usable for persons with disabilities while not otherwise affecting their marketability.



## Housing Conditions

Lander County’s existing housing stock is dominated by manufactured homes, single-family residences, and owner-occupied housing. The overall housing profiles differ between the population centers located along the U.S. I-80 corridor in the north (Battle Mountain) and the population centers located along the U.S. Highway 50 corridor in the south (Austin and Kingston).

### Housing Inventory

Lander County has a total of 2,657 housing units. Of these, 2,198 are occupied, with a homeowner vacancy rate of approximately 1.2% and a rental vacancy rate of 17%. Table 3-1 provides information on total occupied units in Lander County.

Table 3-1 - Select Statistics on Lander County Housing				
County Household Characteristics				
Population	6,534			
Median Household Size	2.54 per household			
Median Age	37.4			
Median Household Income	\$88,030			
Housing Characteristics				
	Battle Mountain	Austin	Kingston	Lander County
Population*	3,391	156	122	6,109
Total Housing Units	1,707	166	N/A	2,657
Vacant Housing Units	242	101	0	459
Owner-Occupied Housing Units	1,465	65	58	2,198
Homeowner Vacancy Rate %	1.2%	0.0%	0.0%	1.2%
Renter-Occupied Housing Units	113	0	0	120
Rental Vacancy Rate %	22.3%	0.0%	0%	17%

Source: University Center for Economic Development - College of Business, University of Nevada, Reno  
 \*Source: Nevada State Demographer – Final Governor’s Certified Series of Population of Nevada’s Counties and Incorporated Cities, 2019 counts.

Over 50% of the housing stock in Lander County consists of manufactured homes, with slightly over one-third consisting of other single family residences. Few multi-family units exist in Lander County. Figure 3-1 provides a breakdown of existing housing stock, per the land use codes in 2021 Lander County Assessor Parcel Data.

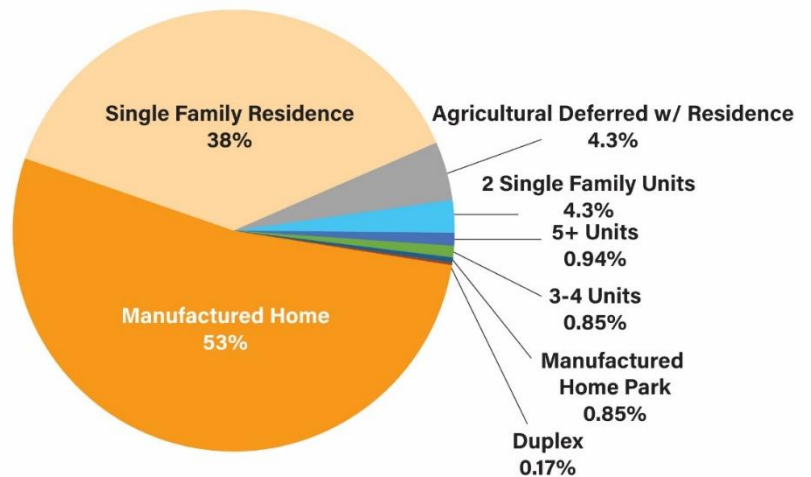


Figure 3-1: Housing Stock Breakdown | Source: Lander County Assessor Office Parcel Data (2021)

**Aging Housing Stock**

Due to the existing property tax structure of Nevada, a significant percentage of the existing housing stock in Lander County will be at the end of its 50-year depreciation schedule by 2029. This means the assessed taxable value of the houses will be worth one-quarter of a new house of equal value. Figure 3-2 provides a breakdown of the age of housing stock in each area of the County.

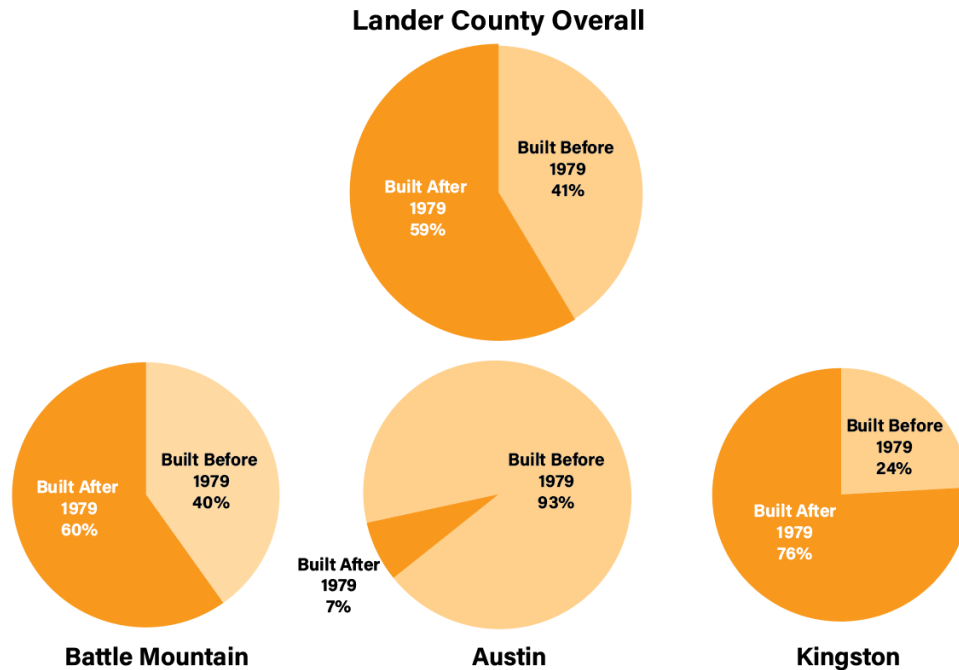


Figure 3-2: Age of Existing Housing Stock  
 Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2020)

**Affordable Housing**

Affordable housing has a variety of definitions. The federal guideline for housing affordability is when a household spends no more than 30% of its income on housing costs, including rent or mortgage and utilities. The U.S. Department of Housing and Urban Development (HUD) considers households who exceed this 30% limit to be cost-burdened, and these households may experience challenges paying housing costs as well as other necessities such as food, clothing, transportation, and medical care. For Nevada, the specific definition of affordable housing (NRS 278.0105) is “housing affordable for a family with a total gross income that does not exceed 80% of median gross income for the county”.

**Cost-Burdened**

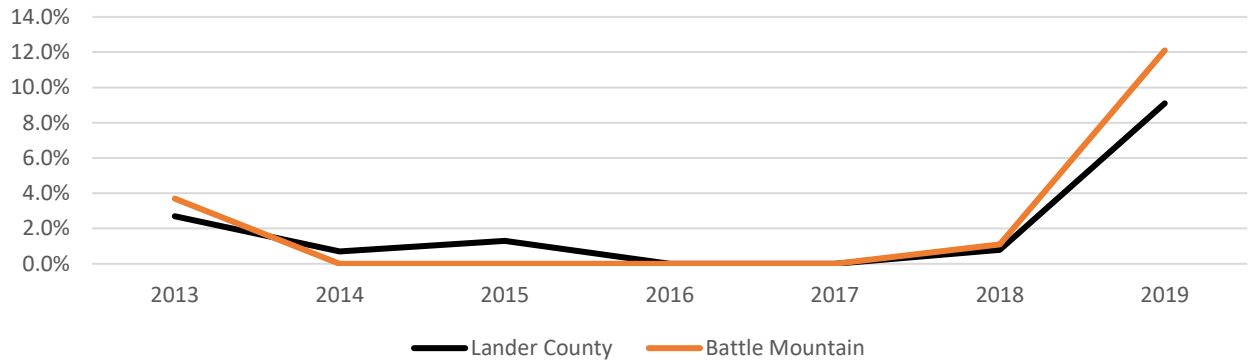
Households who spend more than 30% of their income on housing costs, including rent, mortgage, and utilities.

Source: U.S. Department of Housing and Urban Development (2018)

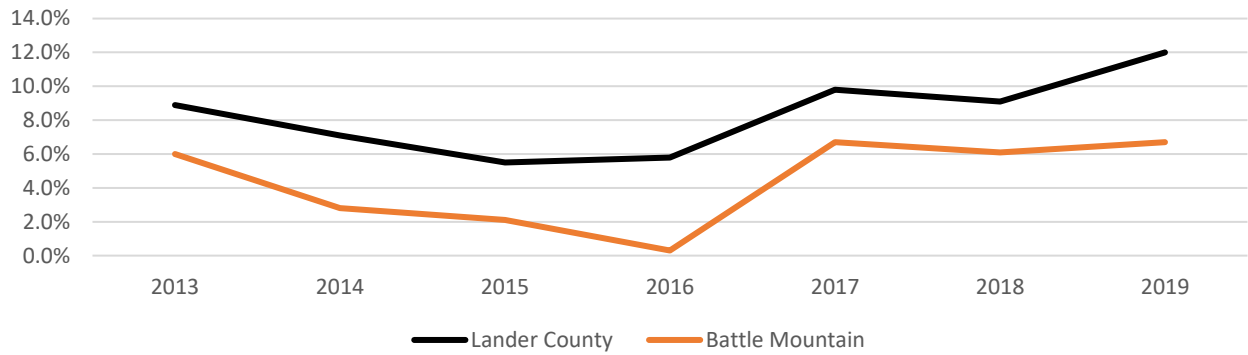
In Lander County, a substantial difference exists between the percentage of cost-burdened homeowners and cost-burdened renters. Figure 3-3 illuminates the issues with affordable rental properties in Lander County and specifically Battle Mountain. Between 2013 and 2019, the percentage of cost-burdened renters ranged between 32% and 51% of the renter population while the percentage of cost-burdened homeowners with and without mortgages ranged between 0% and 12%.<sup>1</sup>

<sup>1</sup> (United States Census Bureau 2013-2019)  
 Lander County Master Plan **FINAL DRAFT**

2013-2019 : Cost-Burdened Homeowners (with mortgage)



2013-2019: Cost-Burdened Homeowners (without mortgage)



2013-2019: Cost-Burdened Renters

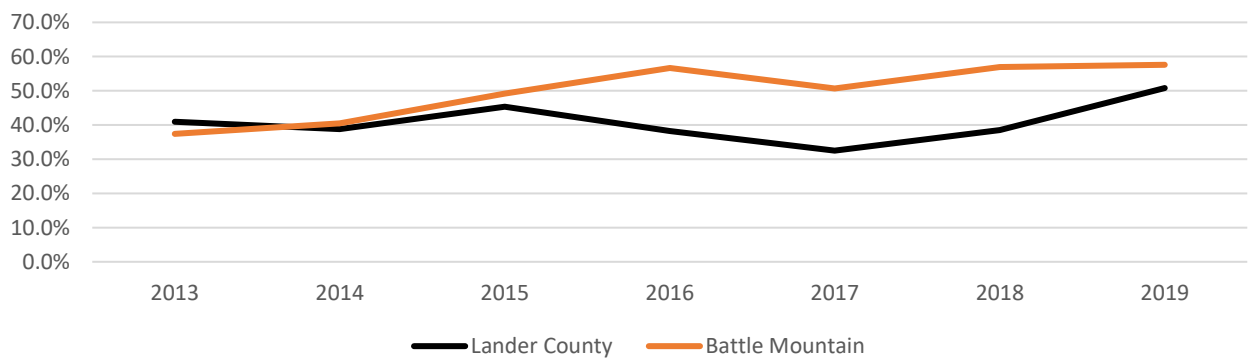


Figure 3-3: Cost-Burdened Homeowners and Renters in Lander County

Table 3-2 provides a comparison of these affordability statistics in surrounding rural counties.

Table 3-2 - Rural County Affordability Statistics				
Renters	Elko County <sup>1</sup>	Eureka County <sup>1</sup>	Humboldt County <sup>1</sup>	Lander County <sup>1</sup>
Median Gross Rent	\$952	N/A	\$841	\$842
Cost-Burdened %	22.3%	N/A	41.4%	50.8%
Homeowners	Elko County <sup>1</sup>	Eureka County <sup>1</sup>	Humboldt County <sup>1</sup>	Lander County
Median Housing Value	\$212,500	\$120,100	\$180,600	\$179,900 <sup>2</sup>
Cost-Burdened % (with mortgage)	16.8%	8.3%	17.6%	9.1% <sup>2</sup>
Cost-Burdened % (without mortgage)	16.1%	3.2%	11.3%	12% <sup>2</sup>

Source: <sup>1</sup>Census Bureau - American Community Survey Estimates 2019, Tables DP 04, S1101, S2001  
<sup>2</sup>University Center for Economic Development - College of Business, University of Nevada, Reno

In Lander County, the Nevada Rural Housing Authority is responsible for promoting affordable housing and related programs. This quasi-public entity is responsible for planning, construction, purchasing, and managing properties with a variety of affordable housing programs. Three government-subsidized or subsidized tax credit projects are located in Lander County, providing a total of 68 units.<sup>2</sup> In addition to supporting new construction of government-subsidized housing, the Nevada Rural Housing Authority also provides rental assistance to low-income households, the disabled, the elderly, and veterans through the Housing Choice Voucher Program and the Security Deposit Program. The Home at Last Homeownership Program also provides services for prospective homeowners to secure affordable mortgages and down payment assistance.

### Housing Projections

Housing projections were generated by the University Center for Economic Development using the Nevada State Demographer estimates, incorporating the effect of expected job growth in regional mining projects. Based on projected growth, 346 housing units are estimated to be needed to accommodate the addition of new residents and workforce housing for growing mining industry jobs.

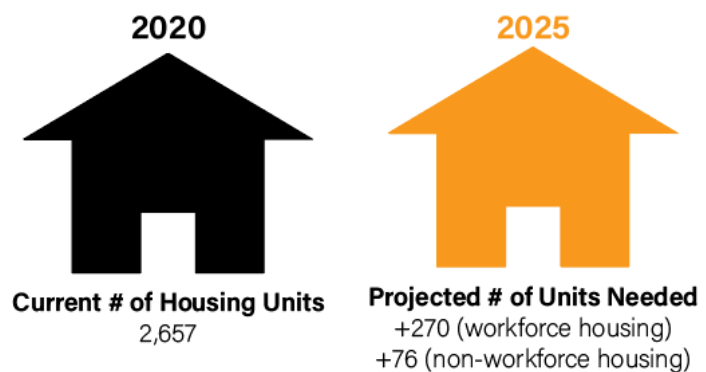


Figure 3-4: Projected Housing Units Needed

Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2020)

<sup>2</sup> (Vogt Santer Insights 2014)

## Looking to the Future

### Housing Opportunities and Constraints

#### Encouraging Diversification and Affordability of Housing Stock

Housing stock contains more than 91% single family or manufactured houses. The County lacks a substantial stock of multi-family housing and a diversity of housing from the predominant detached, single family and manufactured housing. To encourage more multi-family options, Lander County reorganized the land use category, calling out the new designation Multi-Family in this Master Plan to allow for higher-density housing options in appropriate areas. Lander County will have the option to add this Master Plan designation to certain areas of the County, or private property owners may submit a Master Plan amendment to facilitate development of a new project. Future updates to the zoning code will include additional guidelines for scale, density, and placement of different types of housing, including multi-family, townhouses, duplexes, and accessory dwelling units. An increase in multi-family and diversity of other housing types may provide additional rental housing stock for this area and alleviate cost burden on rental households in Lander County. Lander County will also continue to work with Nevada Rural Housing Authority and other local, state, and federal entities to provide subsidies and other funding to support affordable housing efforts.

#### Redevelopment Opportunities

Redevelopment opportunities are most likely to occur in Battle Mountain and Austin, where revitalizing city centers like downtown corridors can create more walkable and accessible options for services. Encouraging adaptive reuse and redevelopment of properties has the potential to bring new life to existing commercial corridors or create new opportunities in areas with existing infrastructure while bringing employment opportunities closer to residents.



Austin, Nevada | Source: [Jasperdo, 2014](#), Licensed by [CC BY-NC-ND 2.0](#)

#### Aging Population and Housing Opportunities

Coupled with the rising average median age of residents, Lander County will require concentrated attention to aging-in-place planning strategies to ensure adequate quality of life for current and future residents, with a likely smaller property tax base (refer to Figure 3-5). In addition, housing affordability is an important concern for this region as members of the population move into retirement and fixed income, creating the potential for affordability issues and increasingly cost-burdening residents.

As populations age, adjustments to the existing community services may be necessary to accommodate demographic changes in the community. Age-friendly communities can be encouraged in any city or county, including rural communities. Nationally, research shows most rural senior citizens (57%) prefer to remain in their current residences as long as possible rather than move into a senior care facility during retirement. Rural residents show the highest desire to remain in their homes as they age compared to suburban and rural counterparts.<sup>3</sup> Compared with urban and suburban adults, 45% of rural adults intend to stay in their current residences and never move but are more likely to explore building accessory dwelling units or explore a shared living situation with a family member or caregiver to help with everyday activities as they age.<sup>4</sup>

<sup>3</sup> (AARP 2019, 13)

<sup>4</sup> (AARP 2019, 19-20)



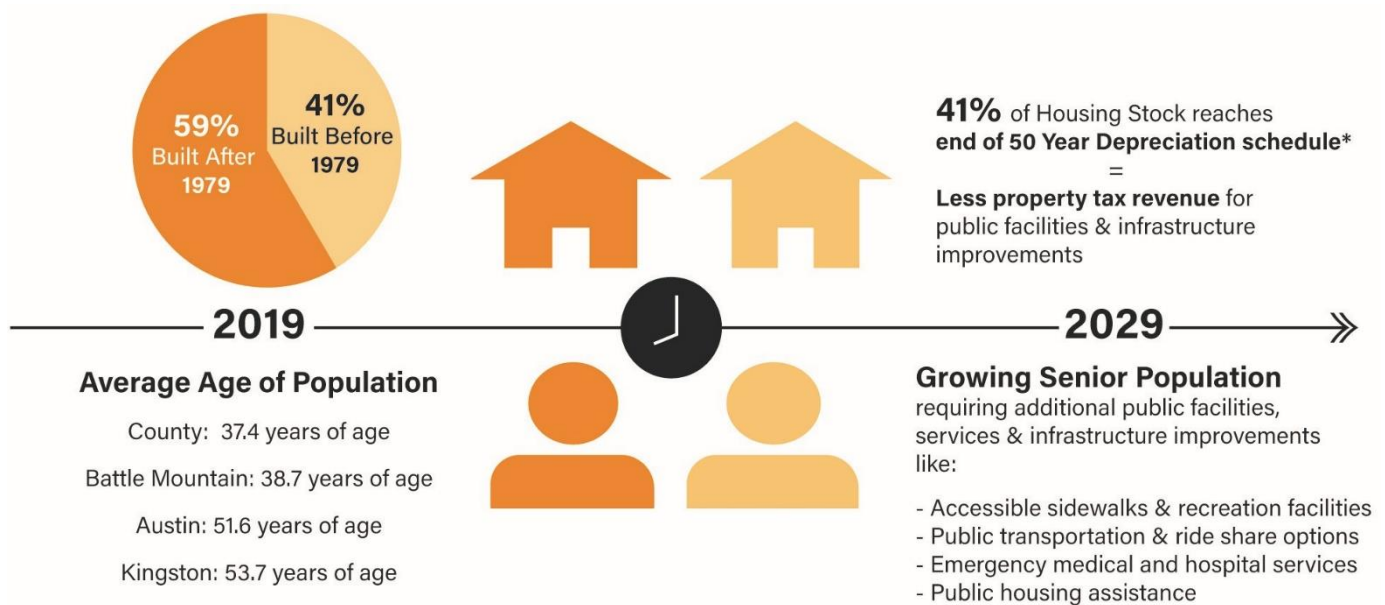


Figure 3-5: Aging Population and Housing Stock  
Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2020)

Rural communities face unique risk factors for aging populations compared with urban or suburban communities, namely access to health care, support services like accessible transportation options (public transit or ADA-accessible routes), aging housing, and social isolation.<sup>5</sup> Most rural adults in the United States drive, walk, or have others drive them within their communities and indicate they are more likely to continue driving as they age. Table 3-3 includes specific risk factors for Lander County residents and strategies to improve aging-in-place and the livelihoods of the senior population in the community.

<sup>5</sup> (AARP 2019) (Skoufalos, et al. 2017)  
Lander County Master Plan **FINAL DRAFT**

**Table 3-3 - Aging Population and Housing Stock**

Rural Risk Factor	Existing or Proposed Strategies
Lack of accessible transportation to complete activities of daily living	<ul style="list-style-type: none"> <li>- Explore public transportation methods, including safe and easy-to-use ride share options.</li> <li>- Improve walkability by improving ADA-accessible pathways/connectivity.</li> </ul>
Lack of new housing options	<ul style="list-style-type: none"> <li>- Promote development of housing in unconstrained areas</li> <li>- Encourage maintenance of existing housing through code enforcement.</li> <li>- Establish guidelines to allow a mix of housing types</li> <li>- Create opportunities for shared living spaces and accessory dwelling units.</li> </ul>
Social isolation	<ul style="list-style-type: none"> <li>- Improve parks and recreation areas to include accessible or universally designed amenities.</li> <li>- Work to ensure that public facilities are accessible to all age ranges.</li> </ul>
Healthcare	<ul style="list-style-type: none"> <li>- Ensure that emergency services and local medical and hospital resources can accommodate a growing senior population and are located in reasonable proximity to community members.</li> <li>- Encourage mobile medical facilities to provide healthcare to rural areas.</li> </ul>
Sources: AARP 2018, Skoufalos et al. 2017	



# ECONOMIC DEVELOPMENT

# Economic Development

*The economic growth of a community is fundamental to its vitality and affects all other Master Plan elements, influencing public facilities, conservation efforts, land use decisions, and housing/population needs.*



## Goals

1. **Foster a diverse regional economy that adapts to changing needs of the workforce and supports resiliency.**
2. **Capitalize on outdoor recreation, lifestyle, and agriculture as business opportunities to diversify the economy.**



## Policies

**ED.1** Enhance and protect existing non-cyclical economic activity or sectors. Such sectors include:

- Tourist commercial relationship to I-80 and Highway 50:
  - Hotel/motels and traveler services
  - Interstate truck and vehicle traffic
  - Rail operations
- Government functions
- Ranching and agricultural operations
- Outdoor recreation/tourism
- Basic services and trade
- Power plant operations

**ED.2** Conduct industrial site inventory/evaluation for Lander County communities.

**ED.3** Initiate a capital planning effort that addresses the improvements needed to support economic development and expansion of business activity.

**ED.4** Continue to support efforts to enhance and develop outdoor recreational opportunities on public lands that increase visitors and tourists to Lander County. The recreation element identifies specific development efforts.

**ED.5** Provide recreational development recommendations to public land management agencies for resource management plan and forest service plan updates.

**ED.6** Recreation development should minimize conflicts with existing public land users such as livestock operators, mining, other commodity-based users, and establish outdoor recreational use areas which minimize conflicts with traditional users.

**ED.7** Develop public lands for tourism-based recreation to be consistent with the Lander County Plan for Public Lands.

**ED.8** Support Development of industrial sites in Lander County.

**ED.9** Identify sites that are located in close proximity to municipal services; provide infrastructure support expansion to sites where adequate lands and infrastructure is available.

**ED.10** Identify sites where additional rail use and development can occur since rail-served industrial development is particularly important in northern Lander County

**ED.11** Encourage alternative energy development that does not encroach on community areas or existing residential and commercial/business establishments; minimize impacts from such development.



## Current Trends

In general, Lander County has outperformed most of the other communities and counties in the northeastern Nevada region and has even outperformed the state of Nevada and the United States in terms of overall size and growth in median household income, median family income, and per capita income. Lander County also had one of the lowest percentages of residents living below the poverty level in northeastern Nevada. It was also lower than state and national poverty rates, although certain groups are experiencing poverty at a higher level than the overall community. The County also has a much higher civilian unemployment rate than other communities throughout northeastern Nevada over the seven-year period from 2013 to 2019.

## Local Economy and Outlook

### Economic Sectors

Historically, the Lander County economy has relied on cyclical, resource-based industries such as mining and agriculture. Table 4-1 provides information on the top 10 industries in Lander County (ranked by the number of jobs), with median average salary and total industry earnings. A substantial difference exists between the total industry earnings of the mining industry, average job earnings, and total jobs when compared with other industries, underpinning the importance of the mining industry to the economy of Lander County (Table 4-1).

**Table 4-1 - Top 10 Lander County Industries in 2018 by Total Jobs**

Rank	Industry	# of Jobs	Average Annual Earnings per Job <sup>1</sup>	Total Industry Earnings <sup>1</sup>
1	Mining <sup>2</sup>	2,114	\$132,919	\$265,344,762
2	Government (Federal, State, Local) <sup>3</sup>	567	\$76,336	\$41,424,954
3	Truck Transportation	114	\$100,086	\$11,517,553
4	Agriculture, Forestry, Fishing, and Hunting <sup>4</sup>	88	\$26,910	\$4,666,753
5	Food Services and Drinking Places	87	\$18,664	\$1,646,862
6	Food and Beverage Stores	79	\$19,862	\$1,465,089
7	Gasoline Stations	75	\$29,109	\$2,488,413
8	Repair and Maintenance	58	\$84,552	\$5,398,789
9	Accommodation	56	\$17,447	\$1,608,915
10	Amusement, Gambling, and Recreation Industries	45	\$27,600	\$1,278,885

**Source:** Nevada Economic Assessment Project, University of Nevada, Reno (2021)

<sup>1</sup>Average annual job earnings are included in this table; however, this data may be skewed depending on the standard deviation (i.e., the amount of variation in the dataset) of average salaries, with extremely low- or high-paying individual jobs potentially skewing the average earnings per job for the industry. For combined subsectors, sectors with <10 jobs in Emsi 2019. Four were excluded from # of Jobs and Average Annual Earnings per Job columns. Average Annual Earnings is the average of all combined jobs in sector. Total Industry Earnings is combination of all earnings in subsector.

<sup>2</sup>NAICS Sector 21 combined subsectors, including 211, 212, and 213.

<sup>3</sup>NAICS Sector 90 combined subsectors, including 901, 902, and 903.

<sup>4</sup>NAICS Sector 11 combined subsectors, including 111, 112, 113, 114, and 115.

**Employment Statistics**

Given Lander County’s small residential population base and relatively high average annual median age, its existing and available civilian workforce has remained small. The relatively small workforce requires employers in Lander County to import workers from larger population centers in the region, including the cities of Winnemucca in Humboldt County and Elko in Elko County.

**Table 4-2 - Select Statistics on Household/Family Income and Employment - 2019**

	Lander	Elko	Eureka	Humboldt	State
Median household income	\$81,006	\$74,801	\$67,882	\$66,009	\$54,763
Median family income	\$88,463	\$82,709	\$97,831	\$77,157	\$64,567
Per capita income (per individual per year)	\$30,874	\$31,279	\$32,578	\$28,713	\$28,128
Percentage of families with income below poverty level	9.6%	9.1%	12.4%	10.6%	12.7%
Civil labor force unemployment rate	8.2%	4.7%	0%	3.4%	6.2%

Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2021)

**Unemployment Rates**

Compared with the state average that consistently dropped between 2013 and 2019, the Lander County unemployment rate has varied year to year, which may be attributed to the cyclical nature of some of the economic sectors (e.g., mining, agriculture). Figure 4-1 provides a chart of unemployment rates over time.

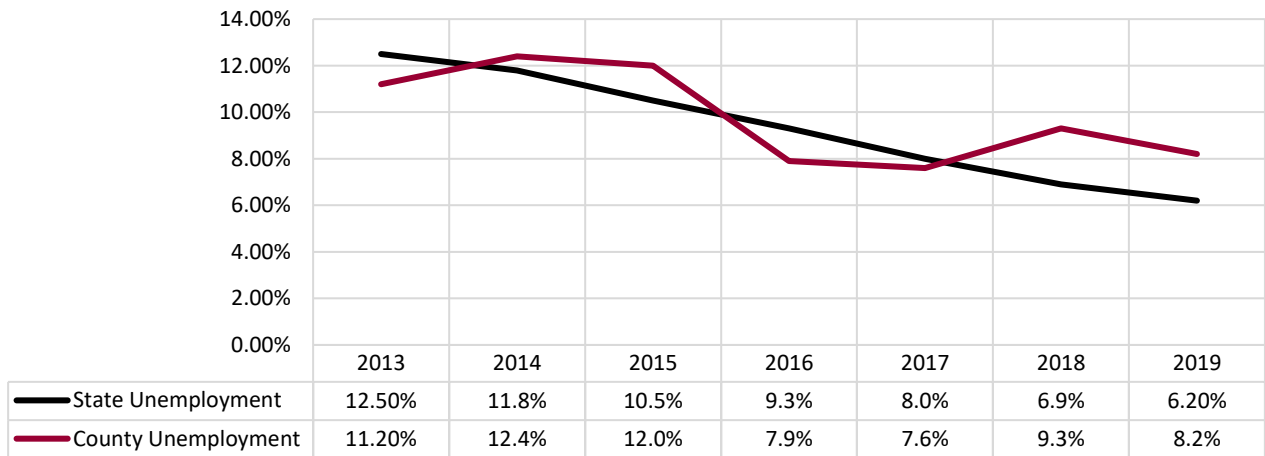


Figure 4-1: Lander County Employment Rates  
 Source: American Community Survey 5-Year Estimates, years between 2013-2019, Table DP03

**Poverty Rates**

The percentage of individuals and households living below the poverty level remained well below the state average until 2018, when it spiked to 15.4% before declining to 9.7% in 2019. However, two populations have seen a substantial increase in the percentage living below the poverty level—children under 18 and individuals over 60. The poverty rate percentage in both populations exceeded the state percentage in 2016 and has trended upward (refer to Figure 4-2).

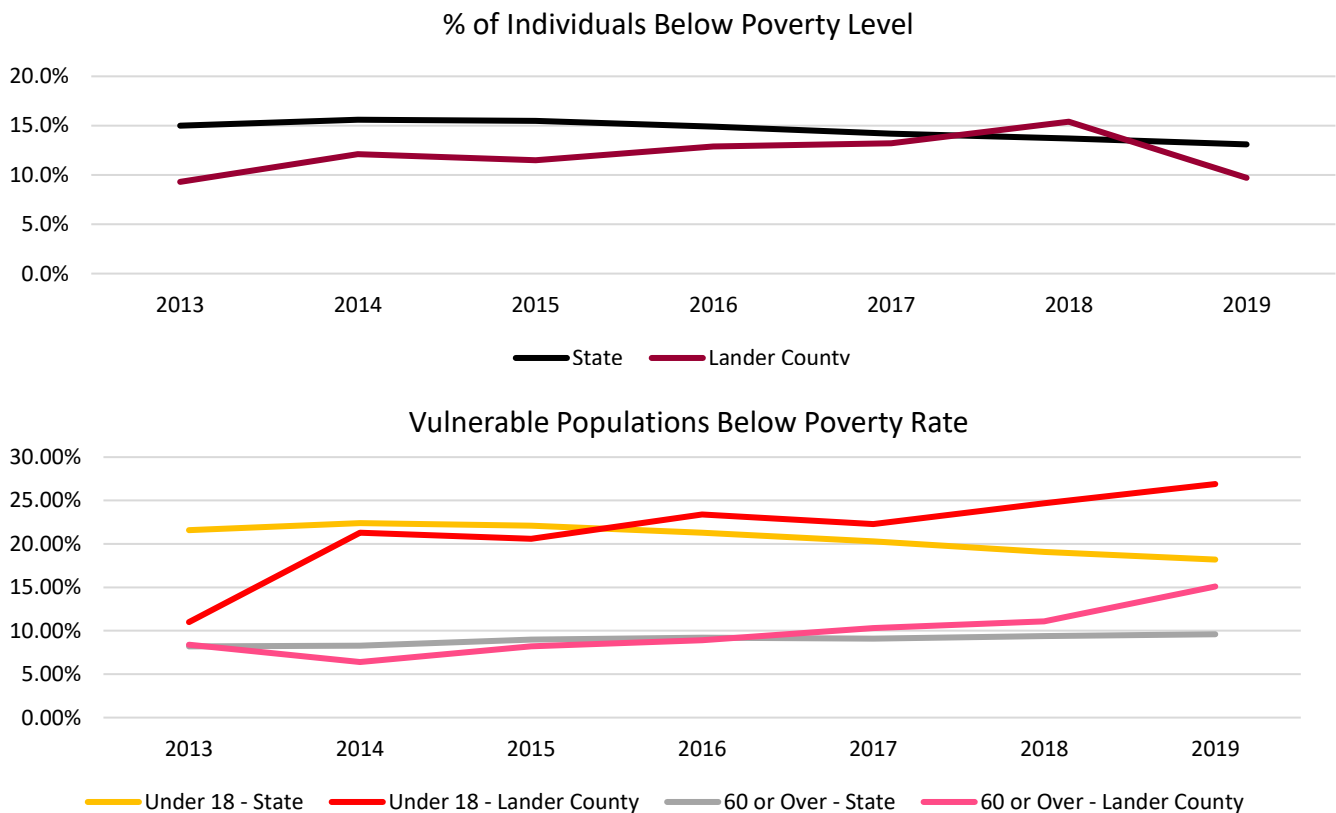


Figure 4-2: Poverty Rate Graphs 2013-2019  
 Source: American Community Survey 5-Year Estimates, years between 2013-2019, Table S2201

**Building Permits**

Residential building permits spiked considerably in 2013, with a total of 80 units constructed, including 15 single family structures and 65 multi-family structures with three to four units. However, since 2013, building permits have dropped considerably, with a range of two to seven units built, all single family structures, and several years without any building permit activity. So far in 2021, one residential building permit has been issued for a single family structure in Lander County<sup>1</sup> (refer to Figure 4-3). Presently, there are no commercial or industrial parcels under construction, with the exception of one professional office associated with the Lander County Hospital District currently.<sup>2</sup>

<sup>1</sup> (U.S. Department of Housing and Urban Development 2013-2021)

<sup>2</sup> (Lander County Assessor's Office 2021)

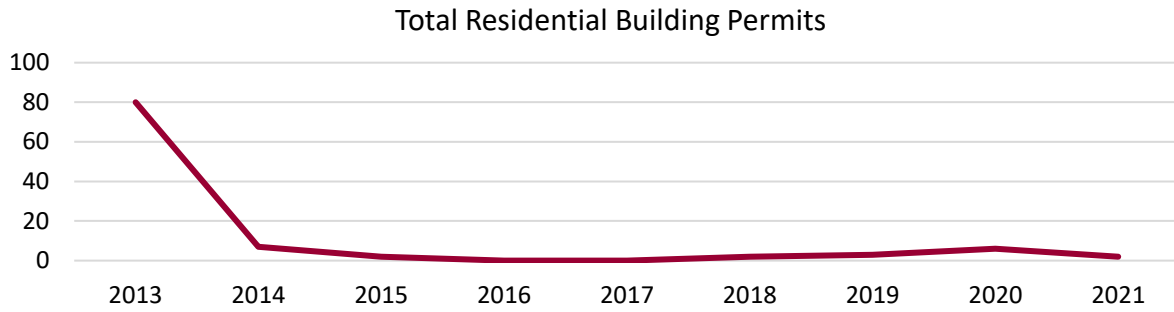


Figure 4-3: Total Residential Building Permits 2013-2021  
 Source: SOCDs Database, U.S. Department of Housing and Urban Development (2021)

**Commercial and Industrial Parcels**

Lander County currently has a total of 214 parcels used for commercial purposes and 46 used for industrial purposes.<sup>3</sup> Figure 4-4 provides a breakdown of the various commercial and industrial uses for these parcels.

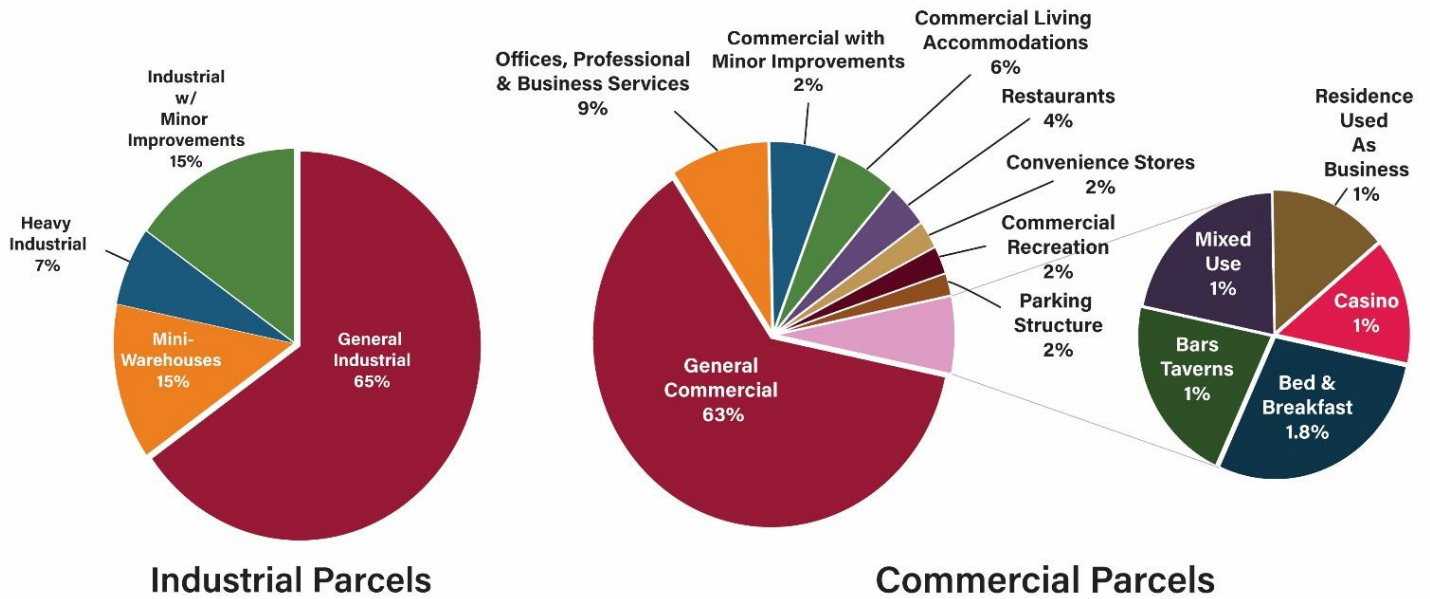


Figure 4-4: Industrial and Commercial Uses for Lander County Parcels  
 Source: Lander County Assessor Parcel Data (2021)

<sup>3</sup> (Lander County Assessor's Office 2021)  
 Lander County Master Plan **FINAL DRAFT**

## Focus Areas for Economic Development

In 2020, Lander County partnered with the University Center for Economic Development to update its comprehensive economic development strategy (CEDS). This plan is meant to guide economic development in Lander County between 2020 and 2025. Several priority goals were established and analyzed for feasibility, opportunities, and constraints (refer to Figure 4-5).

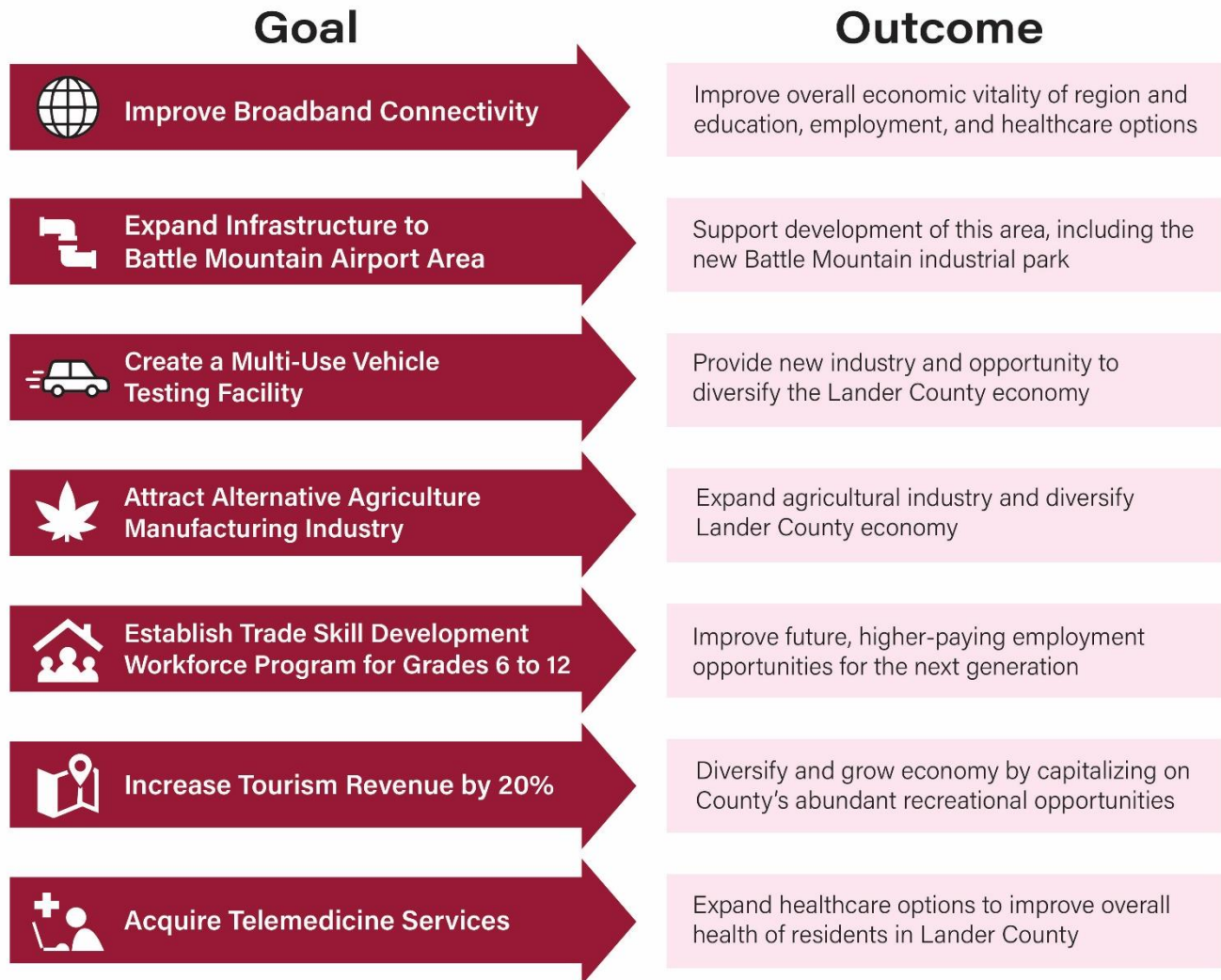


Figure 4-5: Consolidated CEDS Goals 2020-2015

Source: University Center for Economic Development - College of Business, University of Nevada, Reno (2020)



## Looking to the Future

### Implement CEDS Goals and Priorities<sup>4</sup>

The CEDS outlines specific strategies to improve economic conditions in Lander County between 2020 and 2025. Several areas addressed in the report, including expanding broadband service throughout the County, are currently in the planning phases. Future economic development efforts should use the CEDS report to guide decision-making. Implementing the majority of the goals will require careful collaboration with other entities and measuring progress based on the conditions outlined.

### Expand Tourism/Recreation

Through development of the CEDS, Lander County created a goal to increase tourism revenue by 20% in the next five years, a 4% increase per year. To meet this goal, the County will need to develop a new five-year comprehensive marketing and advertisement strategy, design and construct visitor amenities (visitor's center, museum information station, community ambassador program), and create other tourism infrastructure and tools, including signage, mobile applications, improved website, and tourism guides. This process will also include developing a reuse plan for the historic County Courthouse to encourage heritage tourism and reuse of this building for tourist or entrepreneurial workspace amenities. The effort will require collaboration between the chambers of commerce for Austin and Battle Mountain and the Lander County Convention and Tourism Authority as well as other public and private entities (e.g., hotel and motel owners).

### Alternative Agricultural Industries - Hemp

Exploration of alternative agricultural manufacturing, including hemp, is a section of the agricultural sector that Lander County is interested in pursuing and included as a CEDS goal. Hemp is a growing industry in the United States and particularly the west coast. This goal will require outreach and education of existing farmers on this commodity and the creation of Grower's Co-op to facilitate its cultivation. A regional processing plan will also further this goal, allowing for in-county processing and production of various products from hemp. This goal will require collaboration between the Lander County Development Authority, Lander County, and agricultural producers in Lander and Eureka Counties to promote regional development of this industry.

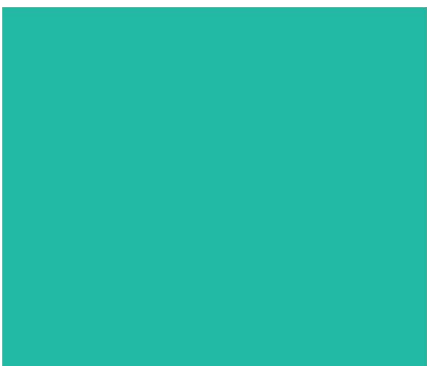
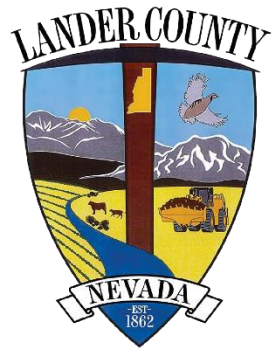
### Renewable Energy Development - Reusing Reclaimed Mining Areas<sup>5</sup>

In February 2012, the Lander County Economic Development Authority contracted with Telesto Nevada Inc. to create a feasibility evaluation report to determine how renewable energy could be installed on existing or reclaimed mine sites. This report resulted from collaborative efforts with the BLM, Lander Economic Development Authority, and Nevada mining industry, forming a group called the Renewable Energy Development Feasibility Study (REDS). The report determined that geothermal energy was the most feasible renewable energy type on these sites in Lander County; however, geothermal resources are currently not coexisting with active mine sites. Other renewable resources, such as solar and wind, also have the potential to be located on existing or previous mine sites. Lander County, partnered with the REDS participants, may consider further exploring the opportunities presented in this report to expand renewable energy resources that may bring employment and other economic opportunities to the County.

---

<sup>4</sup> (Steinmann 2020)

<sup>5</sup> (Telesto Nevada Inc. 2012)



# PUBLIC FACILITIES

# Public Facilities, Services & Recreation

*This section provides a guide for orderly and planned extension of the public services and facilities needed for the present and future residents of Lander County.*



## Goals

1. Provide adequate public services and facilities commensurate with future needs in Lander County in a manner that is cost-effective and efficient to construct and operate.
2. Provide adequate public services and facilities that support development and improve the quality of life in Lander County.
3. Identify future major public facility and service improvements required in Lander County.
4. Minimize the creation of new domestic wells and septic systems within urbanizing areas where groundwater recharge occurs and the existing density of individual well and septic systems are at or nearing state-recommended standards.

## Policies

**PF.1** Plan, design, construct, operate, and maintain all water supply facilities outside the existing or proposed Kingston water service area. Ensure that a safe and dependable water supply is available.

**PF.2** Working with municipal water service providers, ensure that all capital improvement programming, funding, and construction for municipal water facilities are consistent with the goals, objectives, and policies in the Lander County Master Plan and appropriate service and facility plans.

**PF.3** Prohibit the creation of new private water and wastewater utility companies in Lander County; water services are to be provided by local government agencies in Lander County.

**PF.4** Require the use of water meters in Lander County. Water meters are essential to provide for water conservation, equity in billing for water use, and effective management of water resources.

**PF.5** Ensure that areas planned for more intense development (parcel size less than 2.0 acres or nonresidential development) are served by a community water supply system and municipal sewer service in accordance with adopted County policies and ordinances. Dedicate all new systems and facilities to Lander County or the appropriate water service provider.

**PF.6** Ensure that sufficient water rights are dedicated to Lander County or appropriate water service provider when new parcels are created. Ensure that water rights are the type and quantity required by water service providers in Lander County.

**PF.7** Require municipal water service in all existing service areas and areas planned for future service expansion.

**PF.8** Establish wellhead protection areas for municipal wells. Ensure that development proposals within designated wellhead protection areas do not create the potential for groundwater contamination.

**PF.9** Encourage water purveyors to develop wellhead protection programs that can be integrated with local government new business or development review processes. Review applicable wellhead protection plans and consult with water purveyors when reviewing development proposals to determine if there is a conflict between the proposed development and a wellhead protection zone that poses a risk that cannot be reasonably mitigated or addressed in the development process.

**PF.10** Have the County Public Works Director review plans for proposed facility improvements to ensure that such facilities meet Lander County standards prior to dedication.

**PF.11** Have the County Public Works Director or a Nevada licensed engineer designated by Lander County provides construction management services for facilities to be constructed by parties other than Lander County.

**PF.12** Ensure that the costs to provide water services are paid by those receiving services.

**PF.13** Ensure that development requiring water service pays for the cost associated with facilities, capacity utilization, and treatment requirements.

**PF.14** Ensure that off-site improvements, including water line extensions to serve new development created as a result of a parcel map or subdivision map or an existing parcel or parcels, are paid for by those requiring such service and at the actual cost to construct the improvement.

**PF.15** Ensure that the cost to expand or improve storage, pumping or water treatment to serve new development created as a result of a parcel or subdivision map or an existing parcel or parcels is properly accounted for and allocated to those requiring such improvements.

**PF.16** Review utility operating policies and ordinances to ensure that accurate cost recovery methods exist; ensure that appropriate changes to policies and ordinances are made.

**PF.17** Coordinate all wastewater management facilities in Lander County outside the community of Kingston.

**PF.18** Ensure that public utility system operators in Lander County have planning, design, construction, operation, and maintenance responsibility for all wastewater treatment and collection facilities. Lander County is responsible for wastewater treatment and collection in unincorporated areas.

**PF.19** Ensure that wastewater treatment and collection facilities are developed in accordance with a capital improvements program. Have Lander County Sewer and Water District update and/or maintain current facility plans for wastewater treatment and sewer collection facilities.

**PF.20** Construct sewage treatment and collection facilities concurrent with development of land uses generating demand for those facilities. Providing sewer collection to commercial and industrial zoned areas east of State Route 305 toward the airport could increase the prospects for additional economic development.

**PF.21** Include all planned development with parcels less than 2.0 acres in the service area of a community sewage treatment facility. Do not overlap sewage treatment facility service areas overlap. Do not provide centralized/community sewage treatment facilities to areas planned for rural development (parcels larger than 4.5 acres).

**PF.22** Ensure that the provision of sewage treatment services is not used to alter the adopted pattern or timing of development in Lander County.

**PF.23** Establish programs for the provision of centralized service to those areas with failing septic systems or other service inadequacies to meet existing needs, and areas with the potential to pollute the water supply if developed on septic systems.

**PF.24** Consider areas with a history of failing septic systems for municipal wastewater collection and treatment. Develop a voluntary water sample monitoring service to test well water samples from homeowners who volunteer for this service to determine if septic tank contamination or other issues are present.

**PF.25** Update sewer and water master plans for community areas in Lander County.

**PF.26** All new projects within or adjacent to the existing or proposed service areas may be required to connect to a subregional or regional wastewater treatment plant to provide dry sewers in anticipation of being connected to such a facility or to design the project so that the residences can be served by sewers installed in the public rights-of-way.

**PF.26** Acquire additional lands for expansion of Battle Mountain cemetery. Work with adjacent landowners to secure additional sites for expansion. If land is not available for the expansion of the existing site, select and secure a new location for future development.

**PF.27** Maintain wildland fire prevention activities in Lander County communities.

**PF.28** Maintain fuel management programs for communities with agencies such as the Nevada Division of Forestry, BLM, and USFS.



**PF.29** Support fire management policies established in the Lander County Policy Plan for Federally Administered Lands.

**PF.30** Plan for the location of transmission lines designed and or/designated to operate at 200 kilovolt (kV) or greater that is consistent with any BLM plan, any transmission plan prepared by the Office of Energy and that is coordinated with the plans of adjacent jurisdictions. Require utility providers to locate transmission lines within an established corridor, as shown on the Above- Ground Utility Map and within all zoning, permitting, and other local, state and federal requirements.

**PF.31** Allow amendments or additions to be made to the Above-Ground Utility Map, allowing for the location outside of established corridors if the applicant holds at least one public workshop and coordinates with Lander County, adjacent jurisdictions, the Nevada State Office of Energy, and BLM. The following findings must be made by the Lander County Board of Commissioners prior to approval:

- 1) Coordination occurred between the Nevada State Office of Energy, BLM, and any adjacent jurisdictions to establish consistency with any applicable transmission or resource management plans or any above-ground utility plans of adjacent jurisdictions.
- 2) Corridors do not conflict with existing or planned infrastructure or utility projects.
- 3) Project is designed to ensure safety and minimize impacts to the community.

**PF.32** Facilitate development of recreational improvements on public and Forest Service lands.

**PF.33** Have the Board of County Commissioners, the Lander County Public Land Use Advisory Planning Commission, and the Planning Commission review and comment on improvements and management initiatives proposed for Lander County.

**PF.34** Ensure that recreational improvements limit conflicts with traditional users such as grazing, mining, and hunting/fishing interests.

**PF.35** Ensure that recreational improvements provide direct benefits to local residents and the quality of life in Lander County.

**PF.36** Ensure the protection and enhancement of recreation activities and access to public lands, which is very important for Lander County residents.

**PF.37** Encourage federal and state agencies to develop/update improvement plans for Big Creek and Kingston Canyon Recreation Areas. Encourage additional winter recreational opportunities such as snowshoeing, cross-country skiing, backcountry accommodations, and snowmobiling.

**PF.38** Integrate recreation improvements to a general county capital improvements plan.

**PF.39** Make pedestrian-safe access and trails available from residential developments to park, recreation, and school sites.

**PF.40** Support efforts to develop more indoor/winter structured recreational opportunities in Lander County.

**PF.41** During development review, identify land for additional recreational site(s) and improvements as well as needed access for recreational purposes such as OHV, equestrian use, and hiking and biking to and from surrounding undeveloped lands.

**PF.42** Work with local school districts to coordinate development of recreational facilities that have mutual benefit to schools and Lander County residents.

**PF.43** Develop a transportation capital improvements plan that addresses priority street and roadway improvements.

**PF.44** Support streetscape improvements along U.S. Highway 50 through Austin.

**PF.45** Discourage the creation of offset intersection when such intersections are 200 feet or less apart.

**PF.46** Ensure adequate funding for new development requiring public streets and to maintain a new system of streets and roads.

**PF.47** Require new parcels created to meet existing standards that are consistent with the surrounding areas/neighborhoods.

**PF.48** Evaluate how best to utilize railroads and sidings to promote industrial development and job creation since railroads are important assets for industrial development.

**PF.49** Undertake streetscape Improvements in Battle Mountain to achieve the following outcomes:

- a. Improve the aesthetic for residents and visitors to the area through the use of landscaping and lighting.
- b. Increase pedestrian safety particularly school age children walking to and from schools in Battle Mountain.
- c. Unify and connect commercial areas in Battle Mountain.

**PF.50** Update County-Wide Road Plan.

**PF.51** Support transportation goals and policies in the Lander County Plan for Public Lands.

**PF.52** Develop a county-wide road map that designates all transportation-related facilities, rights-of-way, and roads that are included in the county system.

## Available Public Facilities and Services

Over the next 20 years, some locations in Lander County are expected to grow in population and size while other locations are expected to continue declining. Future efforts by the County will take into account new growth and development and scale efforts for capital and infrastructure improvements to provide the greatest investment of public funding and resources for the community. Growth in population and certain economic sectors can substantially influence the amount of demand and availability of resources in the County. Although Lander County is not projected to grow significantly, replacing aging infrastructure and providing adequate facilities and services to encourage growth are two important focal points for public facilities planning in the Master Plan.



Overlooking Town of Austin, NV at Sunset

Table 5-1 provides a summary of the facilities and improvements required for areas with residential Master Plan categories. Commercial and industrial Master Plan categories will vary depending on the use and location. More information on specific requirements for each category is located in the Land Use chapter.

Table 5-1 - Facilities and Improvements Required						
Master Plan Category	R	RR	LD	MD	HD	MF
Legal Access	X	X	X	X	X	X
Grants of ROW and Easements	X	X	X	X	X	X
Curb, Gutter & Sidewalks				X	X	X
Electricity	X	X	X	X	X	X
Water						
Municipal	X	X	X	X	X	X
Domestic Well	X	X	X			
Wastewater						
Municipal	X	X	X	X	X	X
Septic	X	X	X			
- Service requirements for non-residential uses (Commercial, Tourist Commercial, Industrial, Government Purpose) will vary depending on project and location. - This table is intended to provide guidance moving forward. Special cases may exist that do not completely follow this guidance. Lander County should use its discretion when applying this table.						

# Current Conditions and Trends

## Water Resources

### Lander County Combined Sewer and Water General Improvement District

The Lander County municipal water system is a well-functioning system with stable and consistent water pressures and supply. Approximately 1,234 water connections exist in Battle Mountain. The potable water system consists of four groundwater wells, two water storage tanks, a booster pumping station, two pressure regulation valve (PRV) stations, and several miles of transmissions and distribution mains. The water system has available excess capacity in groundwater supply, water storage, transmission, and distribution of water rights. Lander County Public Works designs, plans, and monitors these systems. The existing municipal water service area and proposed service area of Battle Mountain are shown in Figure 5-1. Figures 5-2 and 5-3 provide maps of the existing water infrastructure in Battle Mountain.

Table 5-2 - Population and Water Demand	
Users	2016/2017
Total Active Customers	1,234 customers
Residential	1,064 customers
Commercial	170 customers
Water Pumped	311,814,016 gallons
Average Per Customer Per Day	692.4 gallons
Source: Water and Sewer Master Plan Update, Day Engineering (2017)	

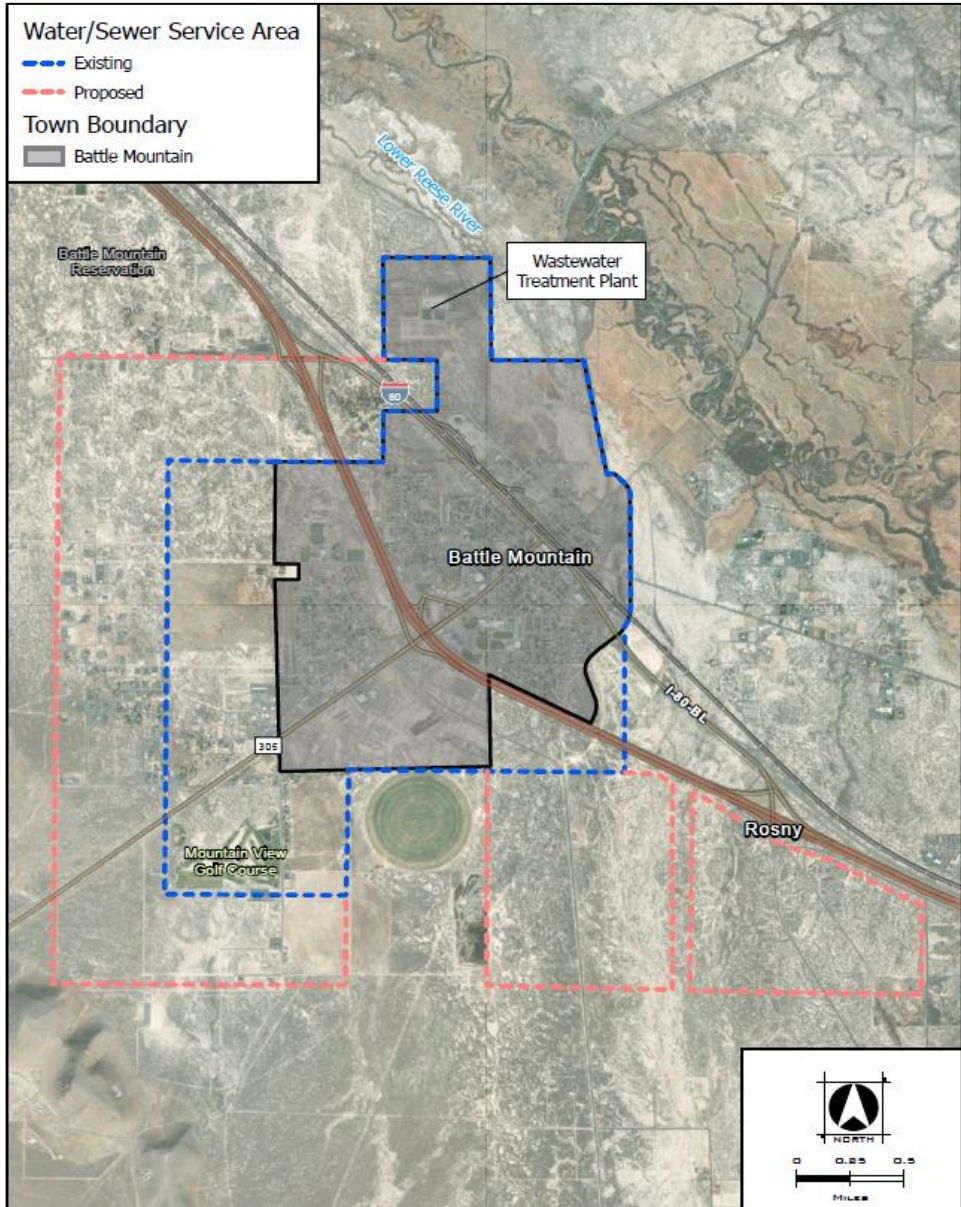


Figure 5-1: Lander County Water/Sewer Service Area  
 Source: Water and Sewer Master Plan Update, Day Engineering (2017)



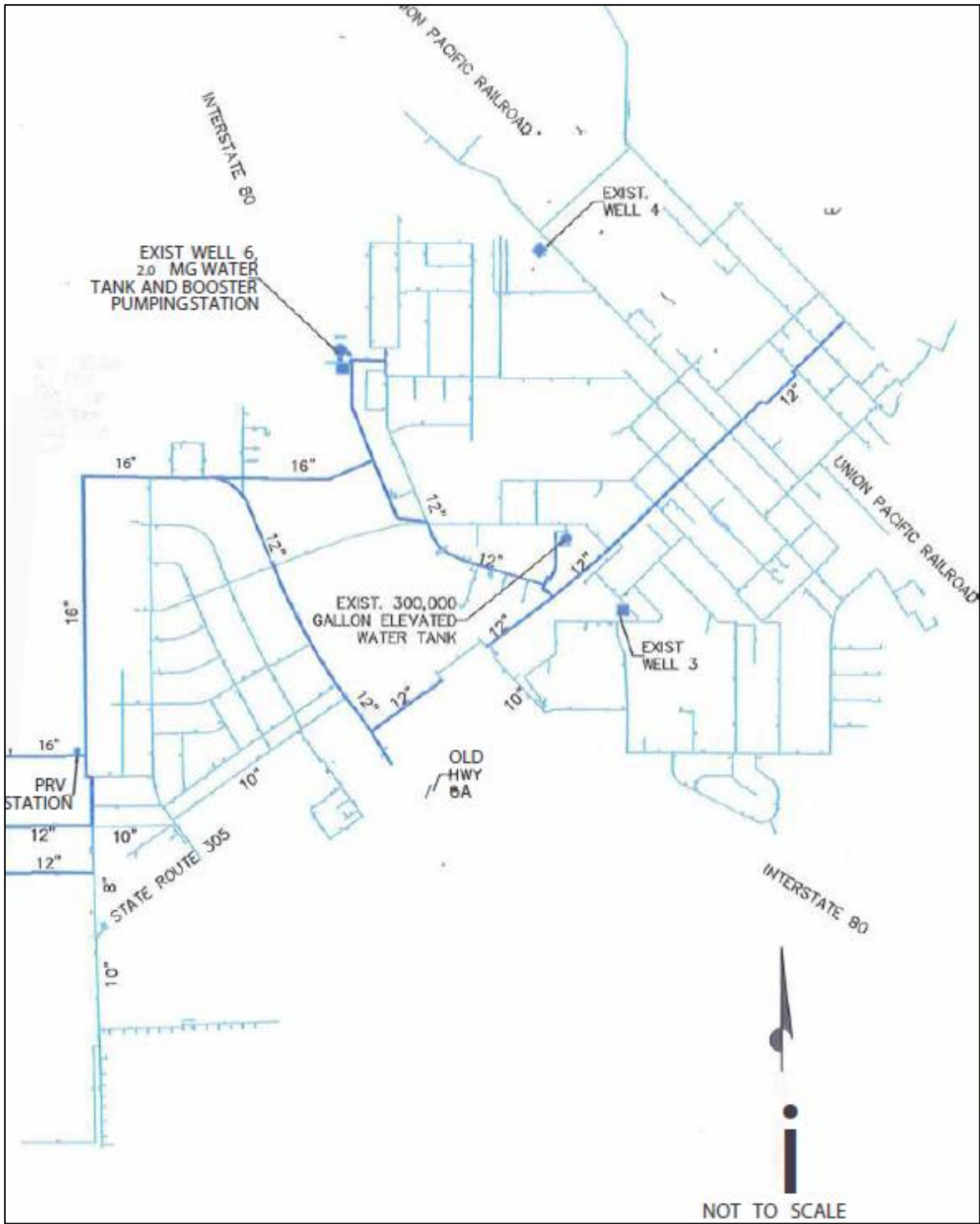


Figure 5-2: Battle Mountain Water Facilities Location Map  
Source: Water and Sewer Master Plan Update, Day Engineering (2017)



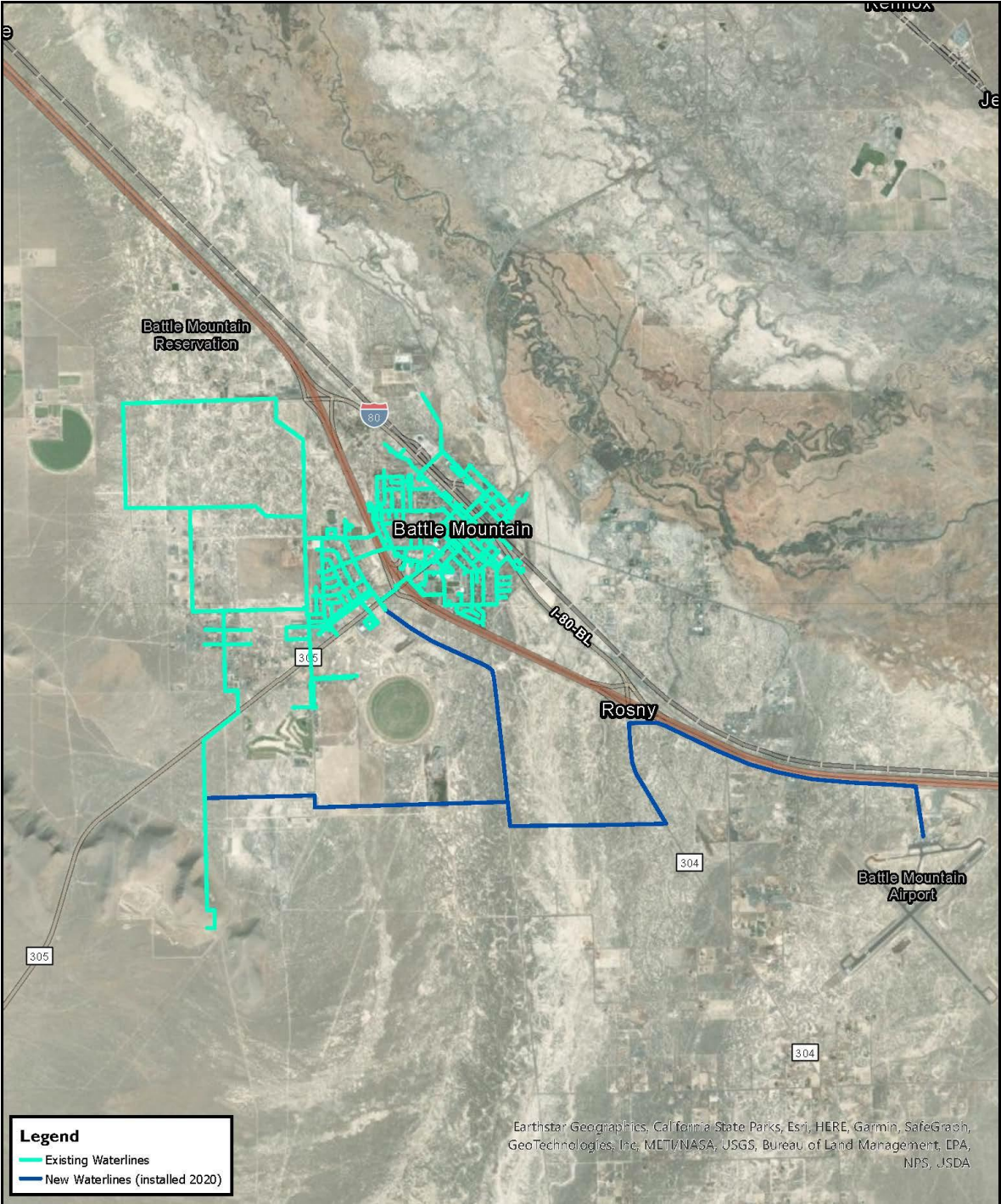


Figure 5-3: Water Facilities Location Map  
Source: Water and Sewer Master Plan Update, Day Engineering (2017)

## Water Rights

Groundwater is the sole source used to meet water demands in Battle Mountain. Battle Mountain has water rights in two basins: Basin 64 - Clovers area, which includes all of the non-potable town wells, and Basin 59 - Lower Reese River Valley. Both basins are over-allocated, meaning the existing water rights exceed supply. Basin 59 is a designated basin, meaning the State Engineer will no longer permit new appropriations (or water rights) in that basin. Table 5-3 provides the status of existing water rights in the Battle Mountain service area.

Well	Basin	Amount Allocated (acre-feet)	Status
1	64	724	Abandoned
2	59	---	Abandoned - Moved to Wells 7 & 8
3	64	0	Certified/Active
4	64	448	Certified/Active
6	64	1,091	Certified/Active
7	59	645	Permitted/Active
8	59	423	Permitted/Active
9	59	222 (temporary)	Temporary permit, expired after 1 year; reverted to Well 8
Airport	59	12.3	Certified/Active

Source: Water and Sewer Master Plan Update, Day Engineering (2017), page 30

To maintain the rights of wells 7 and 8, Lander County will need to change the status of these water rights from “permitted” to “certified” with the State Engineer. Certified water rights are rights for which the owner has provided proof of beneficial use. Permitted water rights have been permitted by the State Engineer, but proof of beneficial use has not been provided. In Nevada, the doctrine of prior appropriation is used for water rights. The foundation of this doctrine is two principles—first in time, first in right and beneficial use. Simply, this concept means the oldest water right holders (priority right holders or senior rights holders) are entitled to their allocated water amount before newer (or junior) water rights holders. To maintain a water right, the water right holder must prove to the State Engineer that the water is being diverted and used for a beneficial purpose (or beneficial use).<sup>1</sup>

Water rights are a critical factor in future growth and full utilization of wells in Basin 59. The County may be able to purchase additional existing groundwater rights in Basin 59 and transfer these rights to Well 9, using an existing groundwater permit rather than an additional appropriation (the basin is “designated,” meaning no new appropriations are allowed within it). Purchasing water from the mines and irrigation rights may be the best way to provide additional water in this basin.<sup>2</sup>

<sup>1</sup> (Welden 2003)

<sup>2</sup> (Day Engineering 2017)

### Austin Water System<sup>3</sup>

Austin is in the Lander County Sewer and Water General Improvement District. Formerly, this district was separate from the remaining Lander County district but has since been consolidated. The Austin portion of the district has few customers and is primarily focused on reducing operational costs while maintaining safe and accessible water supply for the customers of Austin. Municipal water service was expanded into Austin by the 1986 Pipeline Project. Major expansions have included connecting the pipelines in 1988 to the school in the Reese River Valley and connecting to USFS area in 2004. Proposed improvements are included in the Looking to the Future section of this document as well as the Austin Preliminary Engineering Report prepared by Day Engineering in 2016.<sup>4</sup>

Table 5-4 - Population and Water Demand	
Users	Year - 2009*
Total Active Customers	311 customers
Residential	225 customers
Commercial	49 customers
Water Pumped	19,152,300 gallons
Average per customer per day	471 gallons
Source: Austin Preliminary Engineering Report, Day Engineering (2016), page 10	
*More recent water use data was not available at the time of this Master Plan Update.	

Existing number of components and capacity of the Austin water system are included in Figure 5-4 below.

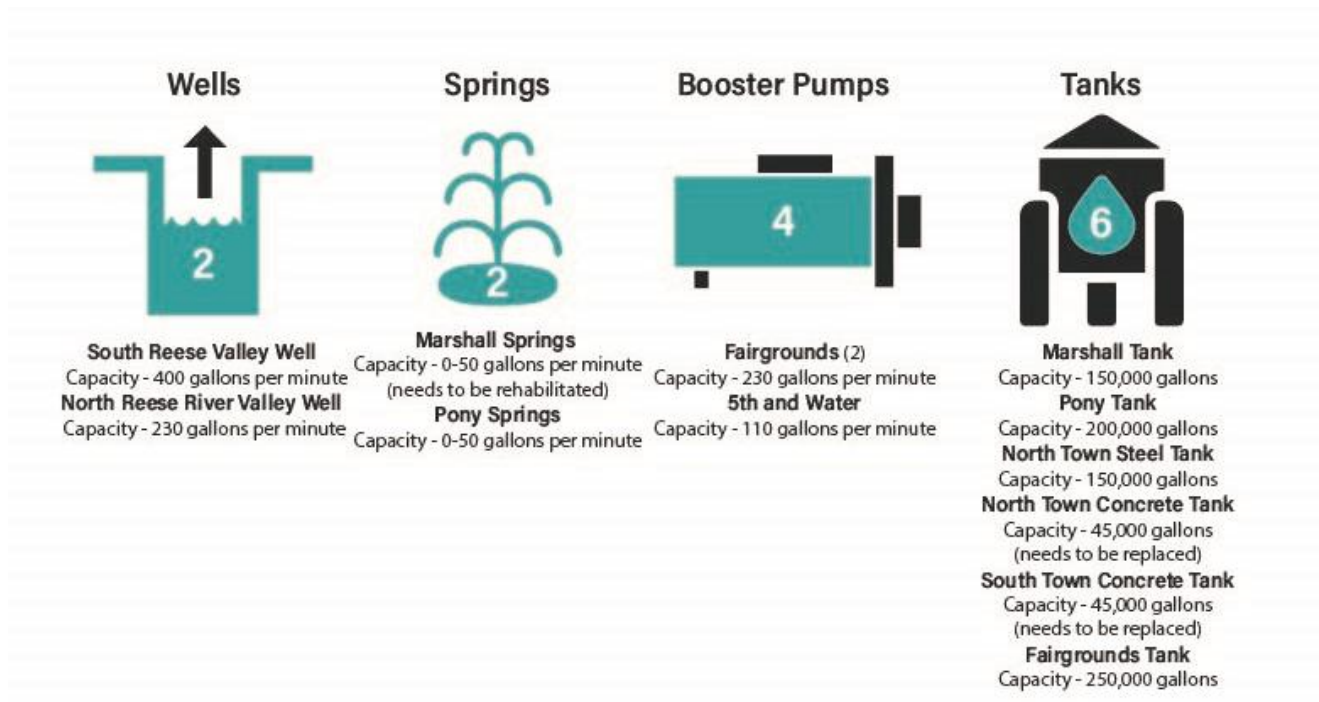


Figure 5-4: Austin Water Supply System Components  
Info Source: Austin Preliminary Engineering Report, Day Engineering (2016), page 10

<sup>3</sup> (Day Engineering 2016)

<sup>4</sup> (Day Engineering 2016)

### Challenges

Several conditions of Austin make repairing and maintaining the water system challenging. The remoteness of Austin creates issues since the town is 110 miles from an electrician, contractor, or qualified help as well as parts to repair any issues with the water system. An as-needed contract certified operator is available but seldom works in Austin due to the expense. The water district in Austin is directed by a five-person, volunteer board, and the operation of facilities is managed by one full-time operations employee and a part-time office employee. Additionally, the board has term limits determined by state law, making previous board members ineligible to serve after several years. The lack of personnel and continuity with board members makes planning and directing activities for the water system challenging. Monitoring progress toward goals is also challenging due to the loss of institutional knowledge as employees and board members resign and are replaced.

### Water Quality

Water quality is a major issue for Austin. The water supply is provided by two springs and an underground well, with an additional underground well available for emergency purposes. There is an additional well located in the Reese River which contributes to the water supply. Uranium is naturally found in the spring water supplies, above the minimum regulations of NDEP, but is blended with well water to dilute to an allowable level. Water also is non-compliant with NDEP Bureau of Safe Drinking Water Standards for arsenic. Projects to remedy these issues are included in the Looking to the Future section of this document and the Austin Preliminary Engineering Report prepared by Day Engineering in 2016.<sup>5</sup>

### Kingston Water System

The town of Kingston is served by its own community water system. The service area had a population of approximately 331 in 2009. The population as of 2020 was certified by the Governor as 120. There are another 214 property owners in the area paying a standby fee for undeveloped parcels that could connect to the system in the future. The system's two main groundwater wells produce approximately 350 gallons per minute. As a result, the current per capita daily demand ranges from 150 to 200 gallons. Total water delivered to customers could be as little as one-third (current estimates) of the total amount pumped each year. Kingston Town Water Utility has dropped its water waste to an average of 9%, down from 80%, due to improvements to the system, especially the Phase Four Water Improvements in 2007.

In a five-year period, Kingston nearly doubled in size based on utility hook-ups. In 1995, there were approximately 66 users, compared to 115 users in December of 2000 and 144 users in 2010. The level of growth between 1995 and 2010 was substantial. However, growth slowed down significantly from 2010 to 2020. Commercial development in the Kingston area is somewhat limited. There are several parcels in the town's service area that are currently used for tourist commercial and general commercial activities, such as a store, restaurant, real estate office, church, and lodging. The total number of active (155) and inactive (15) water customers utilize approximately 68% of the water currently under permit for two groundwater wells (could be much lower today considering the improvements to the system and decline in growth).

The Kingston water storage system has two storage tanks: a 225,000-gallon tank and 180,000-gallon tank. The distribution system is currently in good condition with some leakage among old meters. In the past, breaks in

---

<sup>5</sup> (Day Engineering 2016)



the distribution system accounted for the relatively high pumping rates. The main line in the core community area was replaced in 2001. In the past several years, approximately 50,000 feet of water distributions line has been replaced and new fire hydrants installed. The Phase four Project in 2007 replaced approximately 14,000 transmission lines, dropping the leak rate to approximately 9%.

There are no treatment requirements for the system at this time; however, the system is treated with disinfectant (chlorine). The town's water quality is generally characterized as good and meets primary and secondary drinking water standards. It is important to note that Kingston operates an induction well that receives infiltration from Kingston Creek. The current permit allows for diversion of 1.35 cubic feet per second or 605 gallons per minute and a total withdrawal of 231.8 acre feet per year. The town is currently permitted to pump 2,500 gallons per minute for a total of 268.2 acre feet annually from a second groundwater well. Both wells are located at a depth of approximately 80 feet. The town has rights to two springs that have a total diversion rate of .0259 cfs or 11.6 gallons per minute. The town's two wells cannot run at the same time; therefore, the highest pump rate for the wells is approximately 230 gallons per minute at one time. A new water source may be needed in the future.

## Wastewater Treatment and Collection

### Battle Mountain Sewer System

The Battle Mountain sewer system is publicly owned and operated. The system has approximately 1,080 connections. The system consists of six sewer lift stations and several miles of gravity mains and interceptors, and it was recently upgraded to a sequencing batch reactor (SBR) treatment plant with two SBRs, a chlorine contact basin, and an aerobic digester with three High Density Polyethylene HDPE single-lined ponds for biosolids storage<sup>6</sup> (Figure 5-5 displays the basics of this type of plant).

Because of the topography of Battle Mountain, the reach of gravity sewer mains is limited and requires several lift stations through the town. In the previous 2010 Lander County Master Plan and a study by Shaw Engineering in 2002, the sewage collection system was described as leaking and aging. Since that time, several parts of the system have been upgraded as part of improvements projects designed in the Shaw Engineering study in 2002.<sup>7</sup>

The treatment plant is capable of treating 0.80 million gallons per day (MGD) and may be expanded in the future to 1.2 MGD. All sewage from the town of Battle Mountain is discharged to the headworks at the treatment plant north of town on Animal Shelter Road. Chlorinated, treated effluent (or treated wastewater) was previously discharged to the Lower Reese River but is now discharged to a wetland discharge basin. The effluent is treated to Reuse Category D, which can be used for some irrigation and dust control. Figure 5-6 provides a map of the wastewater facilities and infrastructure in Battle Mountain.

<sup>6</sup> (Nevada Department of Environmental Protection 2021)

<sup>7</sup> (Day Engineering 2017, p. 68)



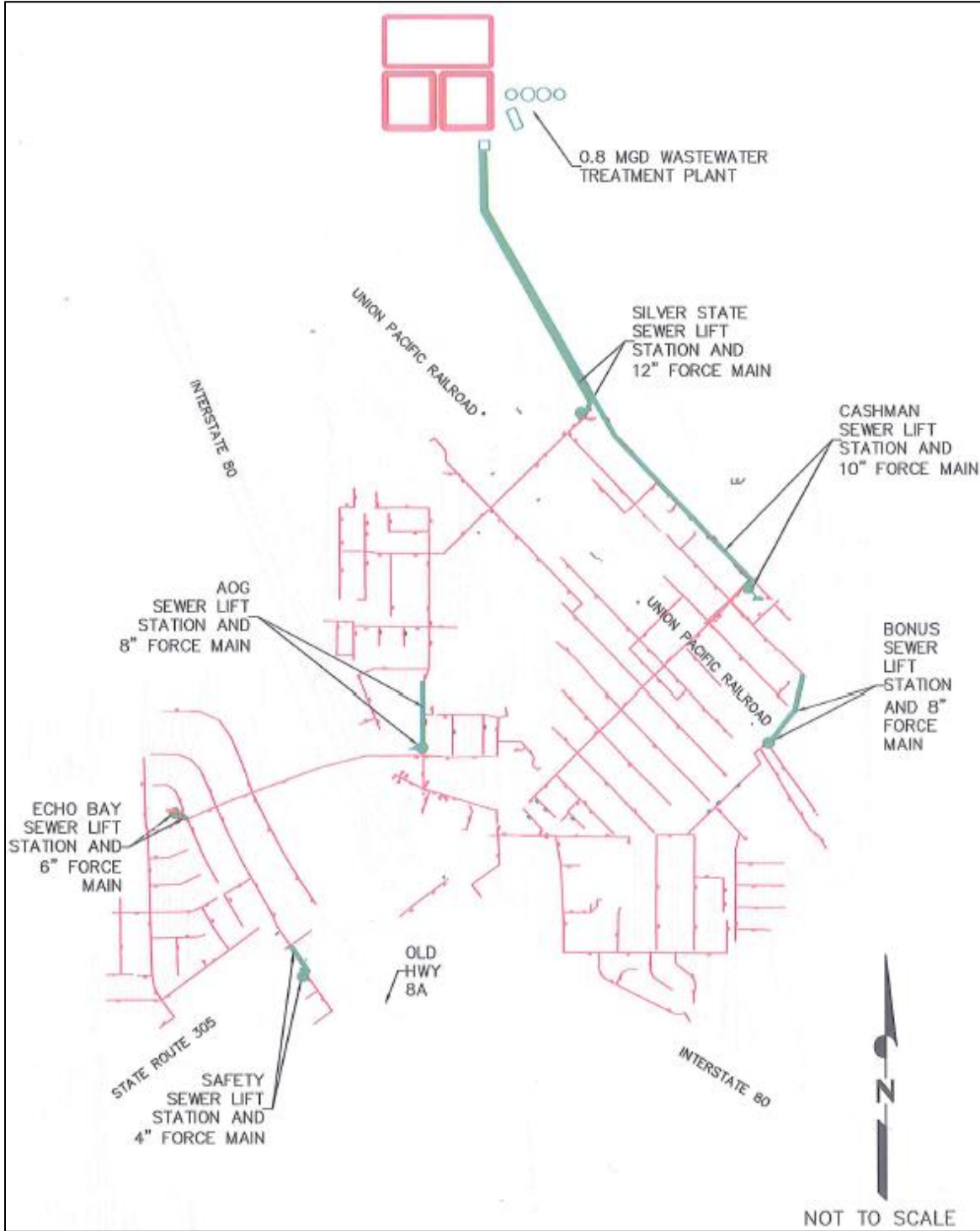


Figure 5-6: Battle Mountain Wastewater Infrastructure Map  
Source: Water and Sewer Master Plan Update, Day Engineering (2017)

**Austin Sewer System<sup>8</sup>**

The Austin Sewer District has been consolidated with Lander County Combined Sewer and Water General Improvement District. The system in Austin serves approximately 166 customers (commercial and residential) with a buildout capacity of 800, which leaves the community with ample room to expand services. In the past two decades, existing settling ponds were relocated approximately two miles farther to the west to accommodate anticipated growth in the area west of Austin. The current system is capable of treating approximately 240,000 gallons per day. Effluent management occurs through the use of evaporation ponds. With the relocation of the sewer ponds, additional areas west of Austin can be developed utilizing municipal wastewater collection and treatment. Expansion of the system to the west of the treatment ponds will likely require construction of new collection facilities, including pumping facilities. Development in the area down gradient requires careful coordination to plan and finance required improvements.

**Table 5-6 - Lander County Max Septic Density by Groundwater Basin**

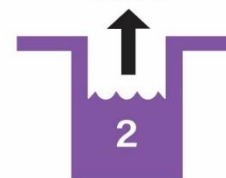
Groundwater Basin	NDEP Max Septic Density (Per Square Mile)	Highest Existing Septic Density (Per Square Mile)*
<b>Battle Mountain</b>		
Lower Reese River Valley	111	±60
Clovers Area	99	±98
<b>Kingston</b>		
Big Smoky Valley	200	±66
<b>Austin</b>		
Teels Marsh Valley	50	±7

\* Based on center point of most dense area. Actual measurement may be more or less depending on a specific parcel location.

**Non-Potable Water Sources**

A non-potable water system (for water not suitable for drinking water but suitable for other uses) is located in Battle Mountain and includes three deep wells, one water storage tank, and a booster pumping station. Non-potable water is available from Wells 3 and 4 (refer to Figure 5-2). Water from these non-potable sources helps relieve demand on potable sources for the peak months in the summer. Figure 5-7 and Table 5-5 provide information on this supply. The wastewater treatment facility currently produces effluent treated to Reuse Category D (Nevada Administrative Code [NAC] 445A.276), but it is currently not used for non-potable purposes other than discharge into wetland basins.

**Non-potable Wells**



**Well 3 - Irrigation**

Elquist Park,  
Junior High School Football and Baseball fields,  
Altenburg Little League

**Well 4 - Truck Filling**

Truck filling for construction activities

Figure 5-7: Non-potable Well Uses in Lander County

**Table 5-5 - Non-Potable Irrigation Usage**

Users	May-November 2016
Elquist Park	2,529,000 gallons
JR HS Baseball Field	101,000 gallons
JR HS Football Field	3,501,000 gallons
JR HS Sprinklers	3,132,000 gallons
Altenburg Little League	803,000 gallons

Source: Water and Sewer Master Plan Update, Day Engineering (2017), page 42

<sup>8</sup> (Lander County 2010)

**Septic Systems and Water Quality**

Historically, individual wastewater disposal systems (septic systems) have been used in Lander County for areas outside of municipal wastewater infrastructure. Of the 7,774 parcels in Lander County, only 1,038 (or 12%) are on septic systems. The non-septic system parcels are either served by municipal services or, in most cases, are vacant undeveloped parcels or do not have a use requiring a septic system. Septic systems can be a viable solution for rural areas that typically have limited municipal sewer service. However, septic systems can have the potential to contribute to poor groundwater quality in certain areas if they exceed the maximum density of septic systems per square mile within a groundwater basin as defined by NDEP. According to NDEP, there are sixteen groundwater basins in Lander County, each with a different maximum density for septic system use. Figure 5-9A depicts the groundwater basins in Lander County and areas with existing septic systems. Table 5-6 identifies NDEP-established maximum density for septic systems per square mile by groundwater basin for each of the more populated areas of Lander County.

Currently, the majority of the septic system density is located in Battle Mountain. Only one groundwater basin in Battle Mountain, Clovers Area, is at or near maximum septic system density. This area in the Clovers Area basin has been identified as an area to be served by municipal water and sewer service in the near future, which would prevent the area from becoming overly dense with septic tanks. Figure 5-9B depicts the groundwater basins in Battle Mountain and septic tank density specific to those areas as well as existing and future municipal service areas. As Lander County grows, it is vital to understand the impact of septic systems on groundwater and particularly drinking water resources. Although the County encourages all new development in more densely populated areas to connect to the municipal wastewater infrastructure, it may not always be feasible. Existing septic systems and development outside of the municipal wastewater service area can contribute to water quality issues if not carefully mitigated or if more intense development is allowed outside of municipal serve areas.

Figure 5-8 demonstrates how residential septic systems operate. In Lander County, individual wastewater disposal systems are required to have a permit issued by the County. For subdivisions that include five or more lots served by septic, a permit from NDEP is also required.

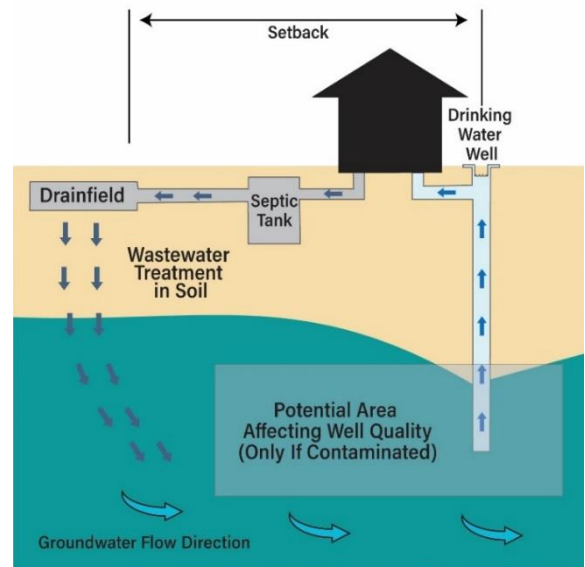
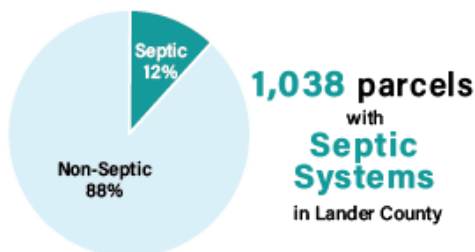
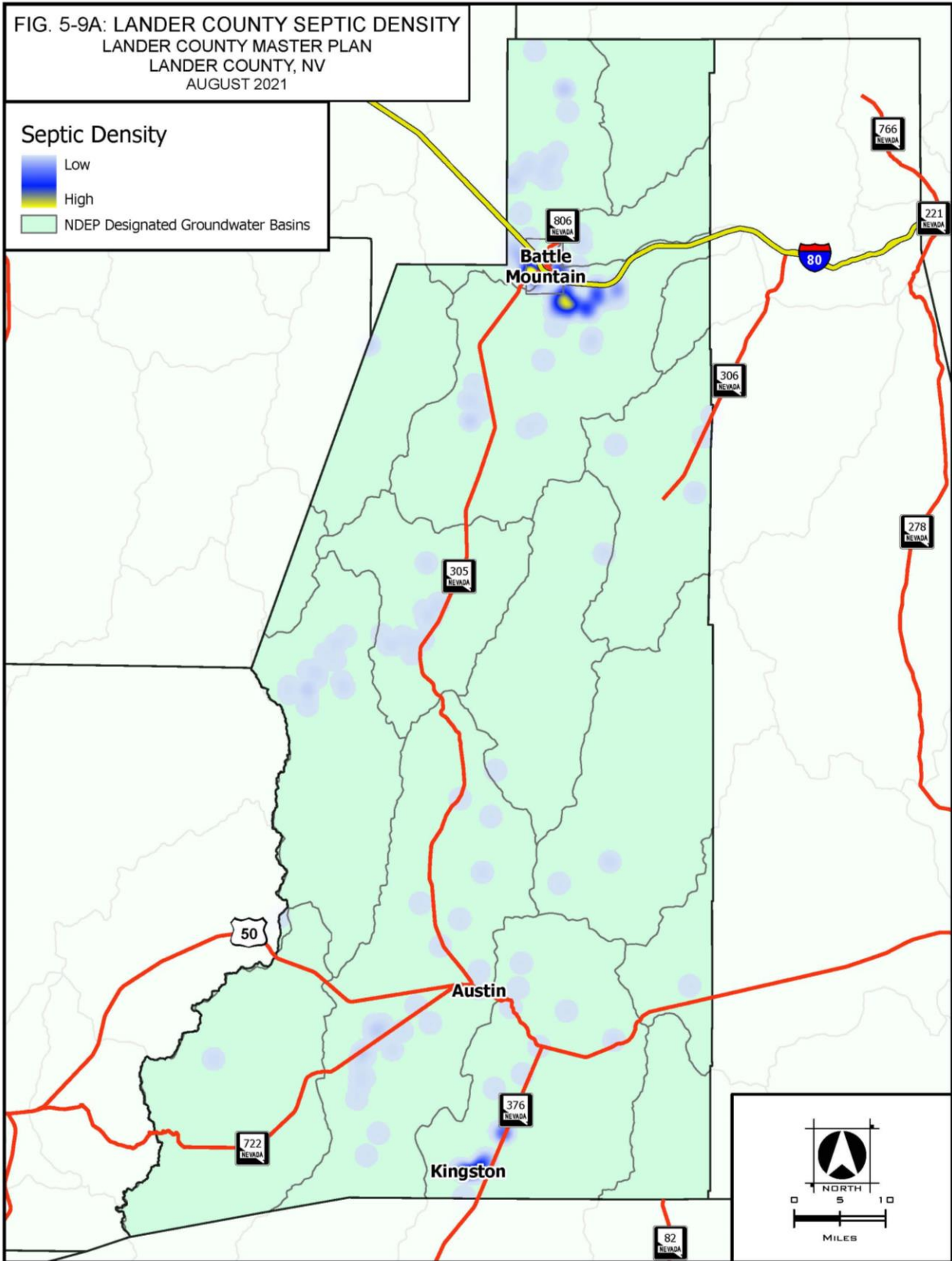
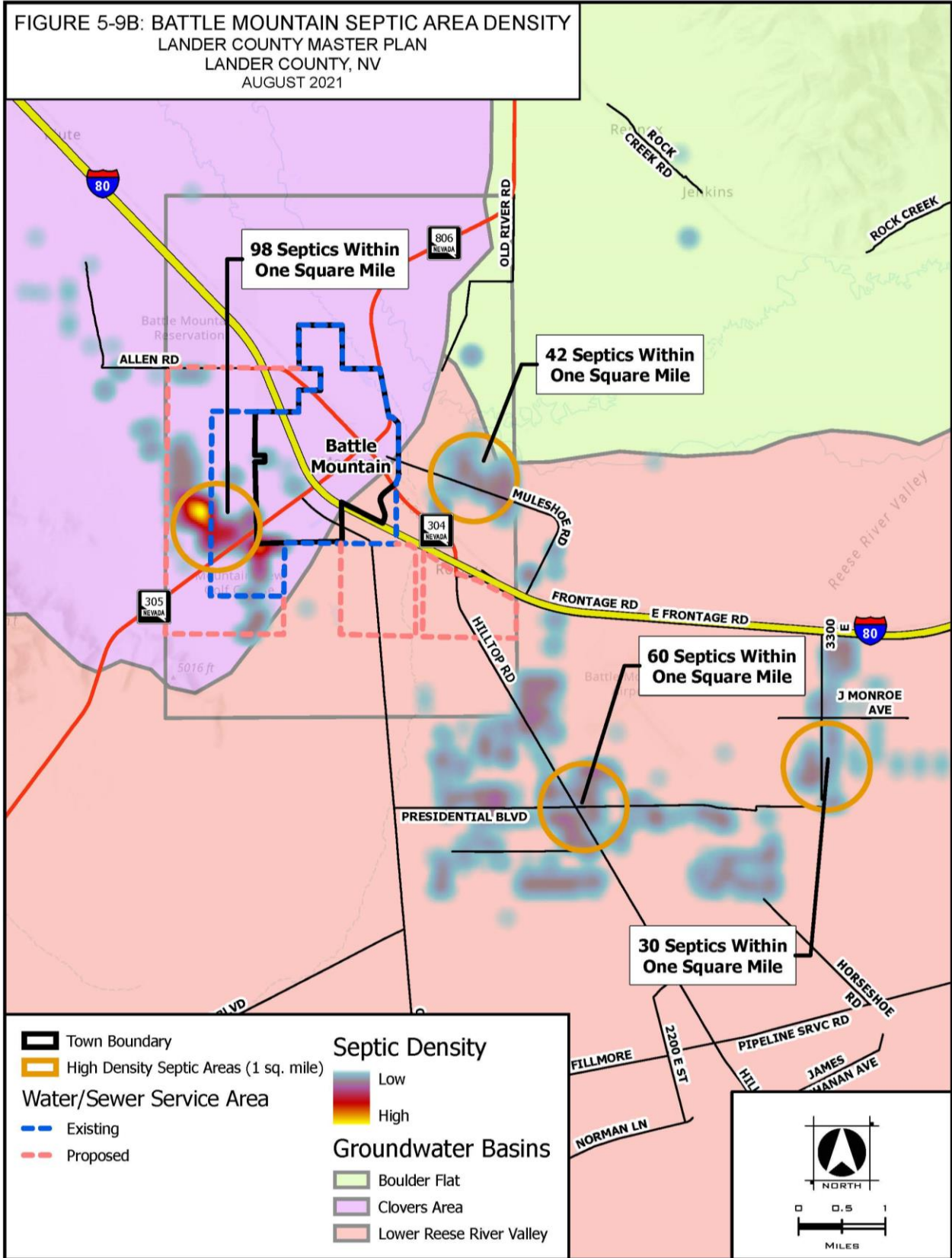


Figure 5-8: Septic Systems and Drinking Water











## Transportation

Lander County's large land area and low population result in a transportation network that is made up of interstates, U.S. highways, state highways, airports, and railroads focusing heavily on the movement of freight. Most transportation infrastructure is located in one of the three census-designated towns: Kingston, Austin, and Battle Mountain. The major roadways (I-80, U.S. Route 50, Nevada State Routes) connect to the state and nation physically and economically, providing a vital transportation network to distribute resources to and from the County. Preserving and improving these routes is crucial for the future of the County.

Figure 5-10 illustrates the existing transportation network through Lander County and each of the towns. Kingston and Austin have limited transportation options, with a high percentage of unpaved roads. I-80 and the rail line bisect Battle Mountain with mostly paved local streets and state highways and to a designated bicycle lane along Nevada State Route 305/Broad Street.

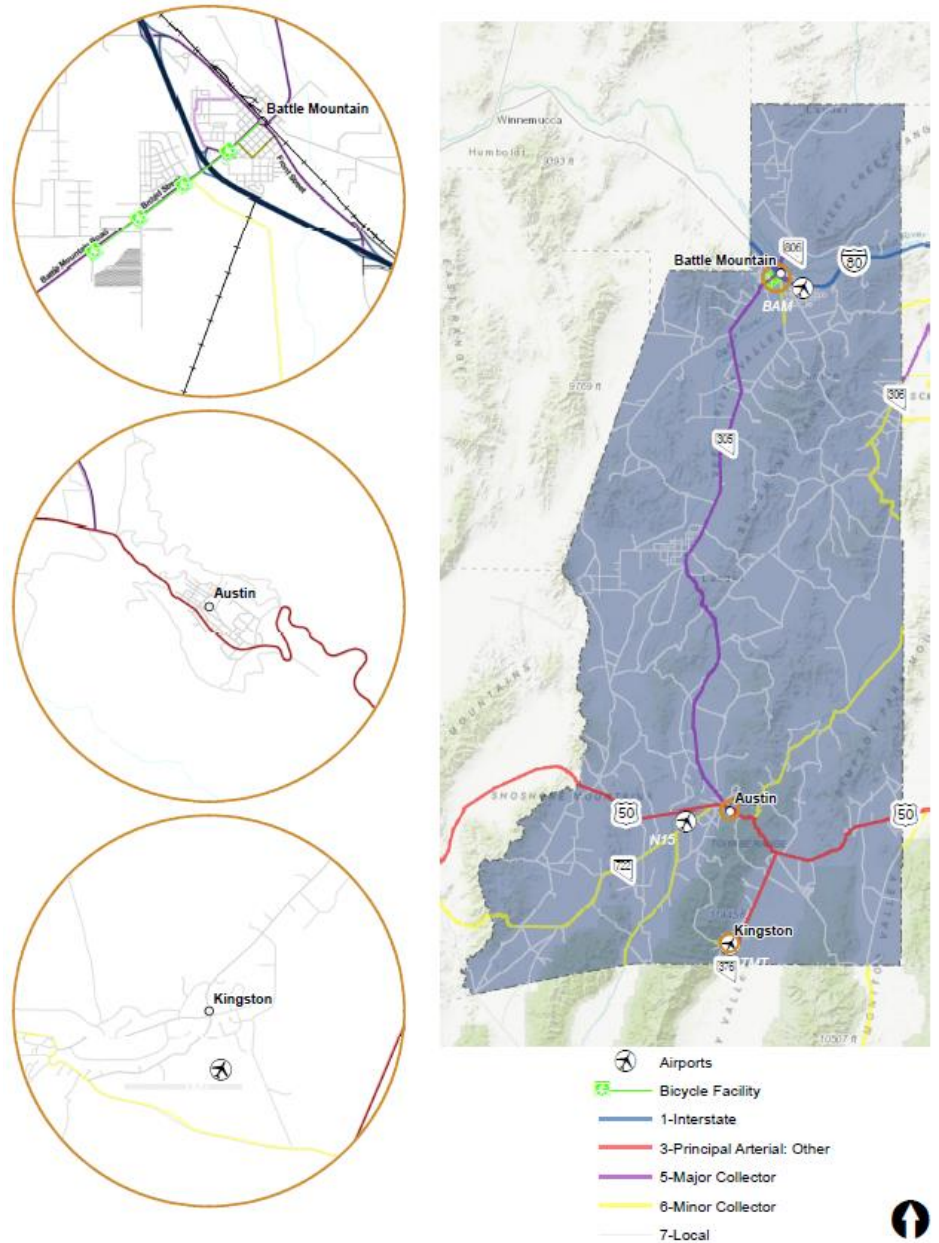


Figure 5-10: Transportation Infrastructure in Lander County

### Rail - Freight<sup>9</sup>

The Union Pacific Railroad (UPRR) operates in the northern Nevada east-west corridor. As a condition of the merger with UPRR, BNSF Railway has trackage rights (i.e., an agreement between railroad companies in which the owner of tracks grants another railroad company some use of them). The two-route northern corridor serves Reno and Lander County and connects with Salt Lake City, Utah, Denver, Colorado to the east, and Sacramento, California and San Francisco to the west. Amtrak also operates once-a-day passenger rail service along this northern Nevada rail, which generally parallels I-80. However, this train does not have a stop in Lander County.

<sup>9</sup> (Nevada Department of Transportation, 2021)

**Highway - Freight<sup>10</sup>**

Four roadways that traverse Lander County are considered freight corridors, including:

- I-80: Primary Highway Freight System (PHFS); 2019 truck percentages vary from 40% to 44%
- U.S. Route 50: Critical Multistate Freight Corridor; 2019 truck percentages vary from 9% to 16%
- Nevada State Route 305: Other Nevada Freight Corridor; 2019 truck percentages vary from 4% to 20%
- Nevada State Route 376: Other Nevada Freight Corridor; 2019 truck percentages are 12%

Truck percentages are the percentage of trucks on a road compared to other vehicles. The truck percentages along these routes tend to be high compared to the rest of the country. They were calculated utilizing the Nevada Department of Transportation’s (NDOT’s) 2019 Vehicle Classification Distribution Report and the Traffic Records Information Access (TRINA).

**Traffic Volumes<sup>11</sup>**

Between 2010 and 2019, the Lander County roadway network experienced a 0.3% increase in traffic per year for the 10-year period. The seven NDOT functionally classified and identified roadways within the Lander County network and their corresponding 10-year and 5-year average percent volume changes is illustrated in Figure 5-11. A map showing the 10-year change in volume along the Lander County roadways is shown in Figure 5-12.

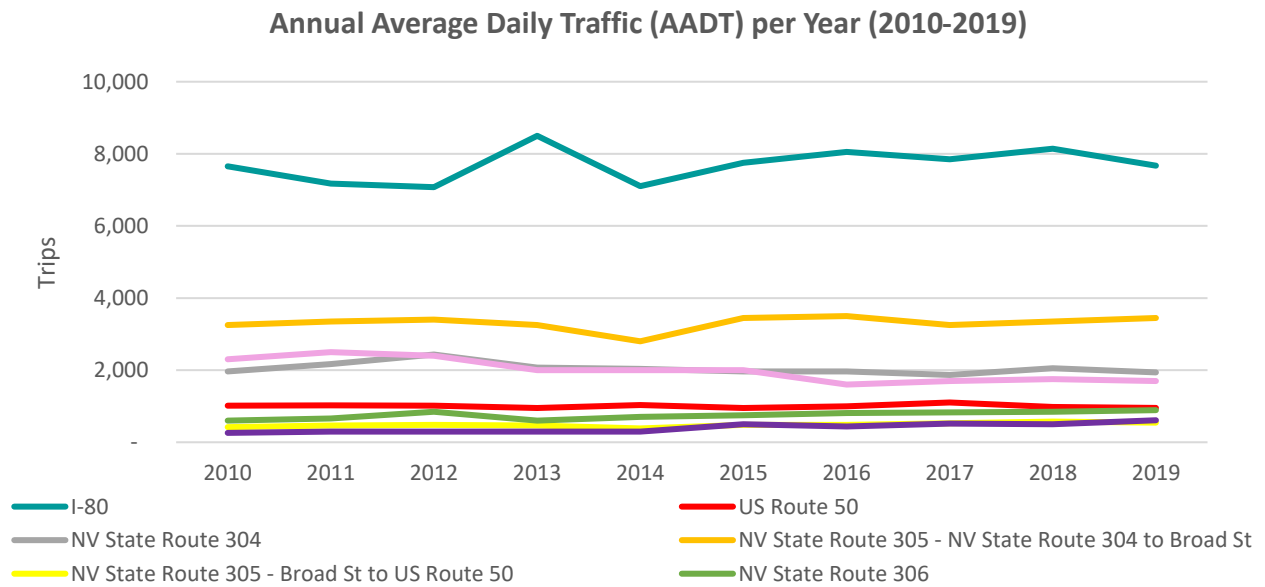


Figure 5-11: Annual Average Daily Trips (AADT) in Lander County

<sup>10</sup> (Nevada Department of Transportation 2016)

<sup>11</sup> (Nevada Department of Transportation 2019)

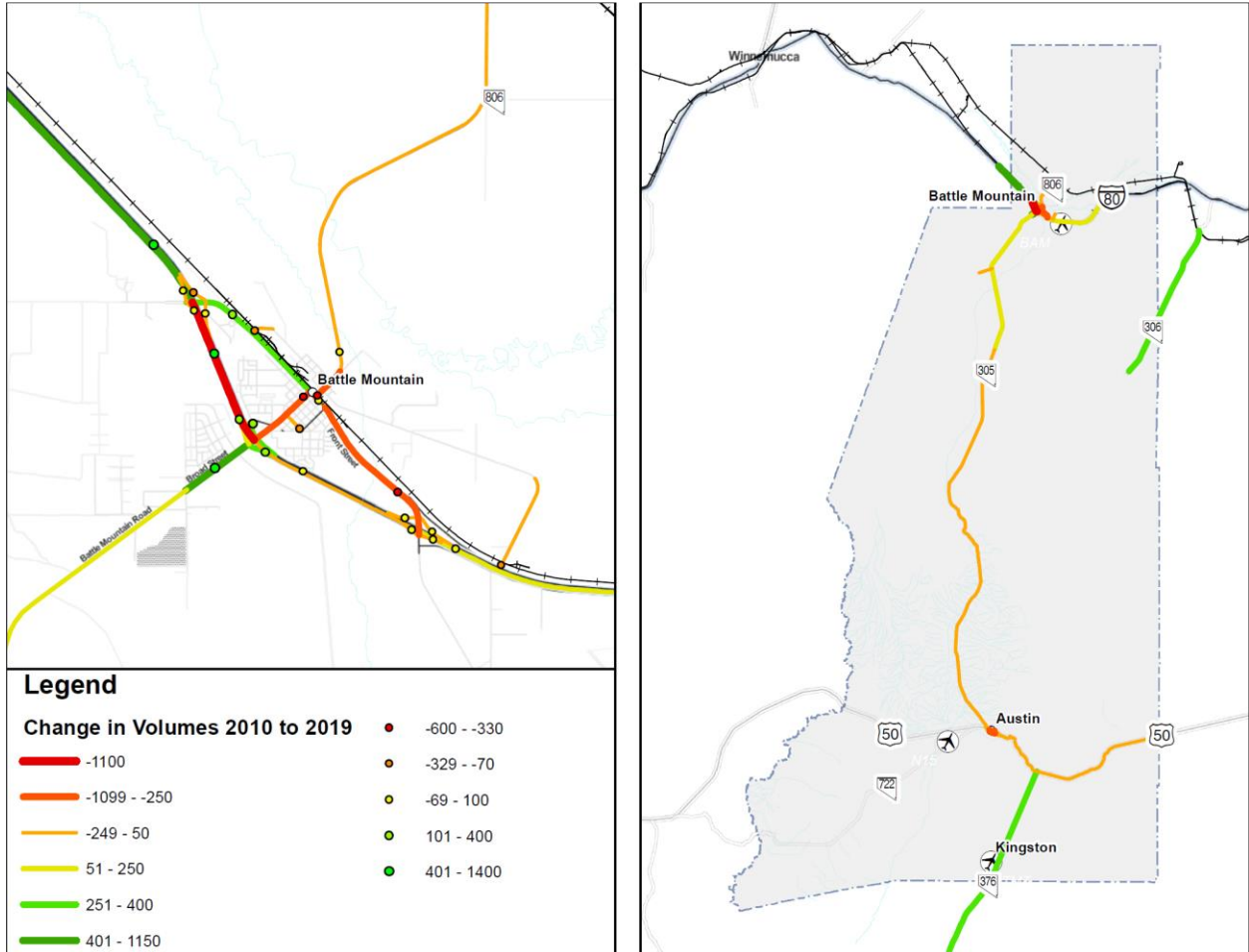


Figure 5-12: Traffic Volume Change between 2010 and 2019

## Above-Ground Utilities

Lander County has several above-ground utility transmission lines that run across the County, crossing over the north and south areas (refer to Figure 5-13). In addition, NV Energy currently has an initiative called “GreenLink Energy,” a new transmission and clean energy initiative that will “ensure reliable service, position the state to cost-effectively achieve its renewable energy and carbon reduction goals, promote economic development, and create thousands of jobs.”<sup>12</sup> Part of the proposed transmission line will pass through the southern portion of Lander County.<sup>13</sup>

As required by NRS 278.160 (e) 93), Lander County will ensure that the location of any new transmission lines operating at over 200 kV or greater are consistent with any BLM Resource Management Plans, any transmission plans prepared by the Office of Energy, and the plans of adjacent counties/jurisdictions.

<sup>12</sup> (NV Energy)

<sup>13</sup> (NV Energy)

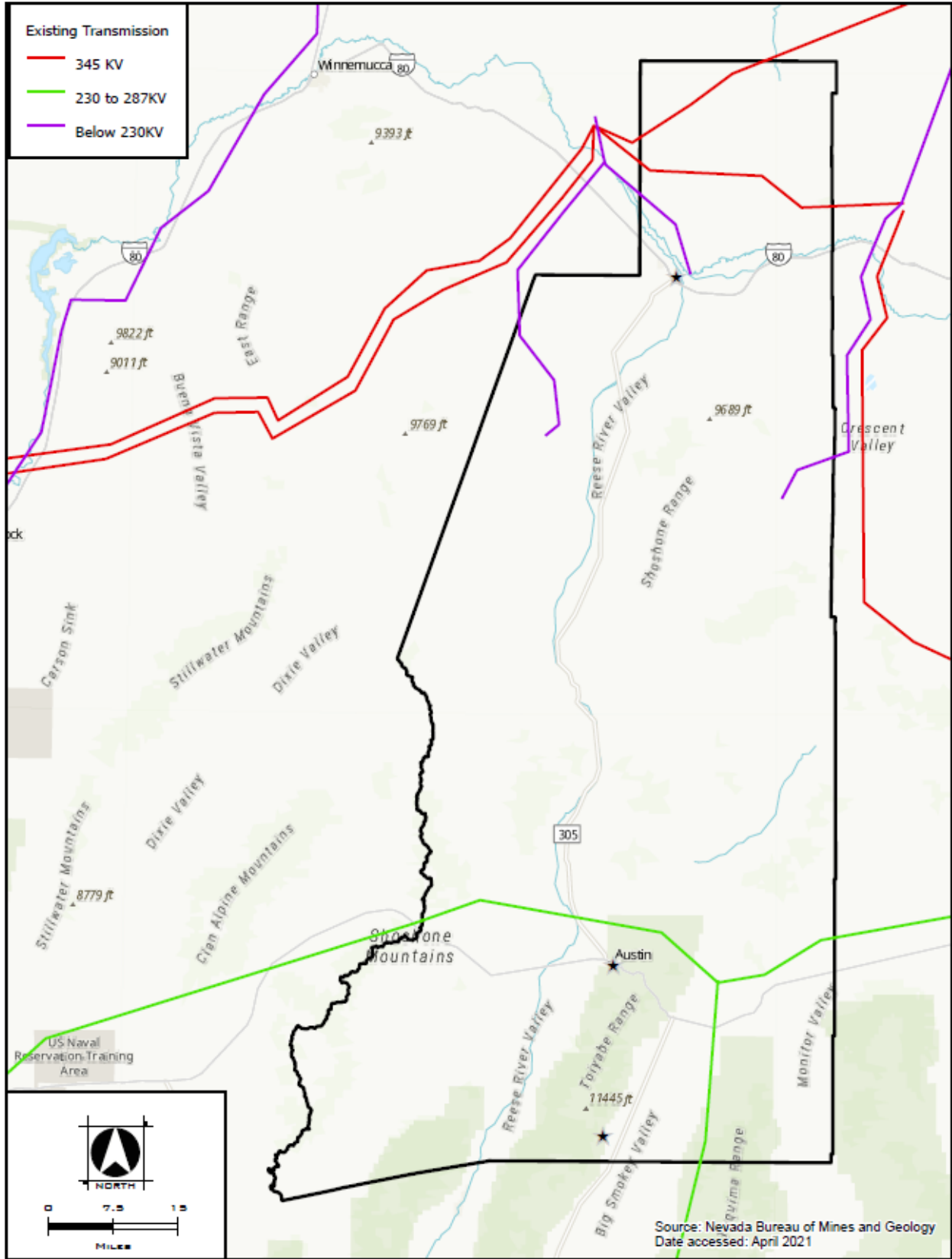


Figure 5-13: Above-ground Utility Locations

## Other Facilities

### Broadband Internet Access<sup>14</sup>

The Lander County Broadband Action Committee (LBAC) was formed to address the lack of scalable broadband access in the County. This lack of adequate internet access infrastructure is present in the higher density areas like Battle Mountain as well as the more rural locations of the County. If improvements are not made, it has the potential to affect future employment, education, healthcare, public safety, and the economic vitality of the region. A survey completed by LBAC in March 2020 found the majority of residential respondents (98.07%) and business respondents (93.02%) were interested in faster broadband speeds. The majority also indicated they believed the government and county should be involved in attracting better broadband service. Several funding sources and subsidies are anticipated to be used for expanding broadband infrastructure, including the Federal Communications Commission (FCC) Connect America Fund, USDA Community Connect Grant program, and Rural Digital Opportunity Fund. Lander County is currently working with several providers to determine the size and scope of a project in the area.

### Solid Waste Disposal and Landfills

The Battle Mountain Sanitary Landfill provides waste disposal for Lander County. The County is the owner and operator of this facility, located approximately 3.5 miles southwest of Battle Mountain on an 83.3-acre area of county land. The facility has been expanded twice, increasing the landfill disposal capacity. The facility now operates with a total capacity of 1,138,000 square yards.<sup>15,16</sup> The facility is a Municipal Solid Waste (MSW) area-fill disposal site and is authorized to accept MSW, construction and demolition (C&D) waste, and various other special wastes.<sup>17</sup> The maximum amount of solid waste accepted at this site is not anticipated to exceed 20 tons per day during the active site life.<sup>18</sup> This facility was exempted from groundwater monitoring with the approval of the original permit application in January 1998.<sup>19</sup> It is anticipated that this landfill will serve the needs of the Lander County population for the next 50 years.<sup>20</sup>

### Cemetery<sup>21</sup>

The Battle Mountain cemetery has just over four empty sections. Each section contains approximately 140 plots. It takes approximately five years to fill one section. As a result, the cemetery has just over 20 years before it is filled. Because the facility is land-locked, it is important to obtain additional lands to meet future capacity needs or Lander County will need to develop another site. Each section requires approximately 7,600 square feet. An additional section would require 45,600 square feet and expand the total remaining capacity to approximately 50 years. Because the site is



*Austin Cemetery*

Source: [Amodramus, 2014](#), Licensed by [CCO 1.0](#)

<sup>14</sup> (Lander County 2020)

<sup>15</sup> (Nevada Department of Environmental Protection 2018, p. 1)

<sup>16</sup> (Nevada Division of Environmental Protection)

<sup>17</sup> (Nevada Department of Environmental Protection 2018)

<sup>18</sup> (Nevada Department of Environmental Protection 2018)

<sup>19</sup> (Nevada Department of Environmental Protection 2018, p. 1)

<sup>20</sup> (Lander County 2010)

<sup>21</sup> (Lander County 2010)



currently undeveloped, expanding the cemetery to the south onto the Newmont property is an option to explore. Austin also has a cemetery, but it is projected to have sufficient capacity for future needs.

## General Government and Public Safety<sup>22</sup>

### General Government

Lander County general government functions are located in the Austin Courthouse, the Battle Mountain Courthouse and administrative offices in Battle Mountain.

### Public Safety

#### Sheriff's Department

The Lander County Sheriff's Office is located in Battle Mountain with a substation in Austin. Response times to outlying areas of Lander County can be significant. The public safety complex was designed and constructed in 2000. The Sheriff's Department does not anticipate the construction or expansion of facilities in the near future. Construction or expansion of new facilities in the southern portion of the County is not anticipated over the next five-year period without significant population gains.



*Austin Sheriff's Department (left) and Old Lander County Courthouse  
Source: [Ken Lund, 2007](#); Licensed by [CC BY-SA 2.0](#)*

#### Fire Protection/Emergency Medical Services (EMS)

Fire protection for private property in Lander County is provided primarily through local fire departments and fire districts in Austin and Battle Mountain. Kingston maintains its own fire company. Response times outside the communities of Austin, Battle Mountain, and Kingston can be significant.



*Wildland Fire Department | Source: Nevada Fire Info*

Wildland fires are common throughout Lander County. The proximity of Kingston and Austin to wildland areas requires careful management of surrounding fuels and vegetation. Most wildfires in Lander County are caused by lightning strikes. Increasing use of public lands increases the threat from human-caused fires. BLM and the Nevada Division of Forestry have primary responsibility for wildfires in the area. Mutual aid agreements exist with the BLM and USFS.

<sup>22</sup> (Lander County 2010)

Austin

The Austin all-volunteer fire department/EMS consists of 8 to 11 members. Austin has two full-time emergency medical technicians (EMTs) and several volunteers. Response times to remote regions of the area can be as long as two hours—usually in cases of mutual aid involving BLM or USFS requests for help. For all practical purposes, the Austin services operate in the southern portions of Lander County. Several of the current volunteers have been trained by the State Fire Marshal’s Office or in-house programs. Austin has the following community plans in effect: Emergency Hazardous Materials Plan, Pre-Attack Plan for Austin, All Risk County-Wide Disaster Plan, and Fuels Reductions Plan.

Battle Mountain

Battle Mountain’s fire protection needs are served by an all-volunteer department organized under NRS 266.310. Its jurisdiction is principally the town of Battle Mountain and the area five miles around it. The town supports the department financially through the general fund. Some members of the department have had State Fire Marshal’s Firefighter I and II training along with BLM wildfire training. Battle Mountain has the following community plans in effect: Emergency Hazardous Materials Plan, Pre-Attack Plan for Battle Mountain, All Risk County-Wide Disaster Plan, and Fuels Reductions Plan.



*Wildland Fire | Source: Nevada Fire Info*

Battle Mountain currently has two 4,000-gallon water trucks, two Type 1 structure trucks, three Type 3 urban/wildland trucks, two Type 6 wildland trucks with 250 gallons of water each, and one Type 6 fire rescue truck with jaws of life and 250 gallons of water. The hospital provides ambulance service.

Kingston

Kingston fire protection service is provided by the Town of Kingston Fire Company, which is funded by the town of Kingston through its general fund. Response times to immediate areas are usually short; however, in cases of mutual aid involving BLM or USFS requests for help, response time can be one to two hours. These services are able to provide sufficient fire protection for the area.

**Schools**

Lander County has three schools: one elementary school, one middle school, and one high school. Enrollment has fluctuated slightly between 2014 and 2019 but has remained fairly consistent (refer to Figure 5-14).<sup>23</sup> No new schools are planned for the future.

Table 5-7 - 2019 Education Statistics		
	Lander	State
Total Students	1,002	485,768
Graduation Rate	78.4%	84.1%
Per Pupil Expenditures	\$13,211	\$9,601
Student/Teacher Ratio	21 students/teacher	24 students/teacher
Students Eligible for Free and Reduced Lunch	44.1%	51.2%

Source: Nevada Economic Assessment Project - Socioeconomic Baseline Report (2021)

**Student Enrollment in Lander County School District**

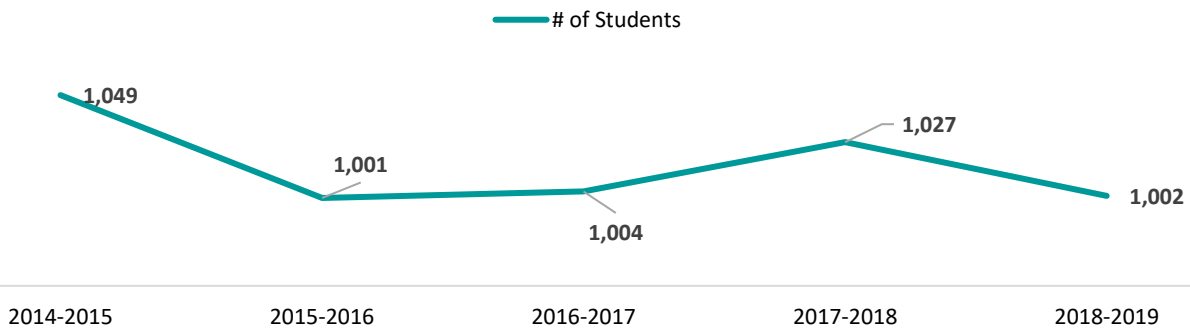


Figure 5-14: Student Enrollment in Lander County School District  
Source: Nevada Economic Assessment Project - Socioeconomic Baseline Report (2021)

**Special Populations<sup>24</sup>**

Between 2014 and 2019, the number of students eligible for free and reduced meals increased substantially, with 29.27% eligible students in 2014 growing to 42.65% in 2019.<sup>25</sup> This matches a trend in Nevada overall and correlates with a growing percentage of children under the age of 18 experiencing poverty in Lander County. In terms of other student populations, Lander County saw a decrease in the English Language Learner (ELL) population and an increase in the Individual Education Program (IEP) population between 2012 and 2019. ELL students are those learning English in addition to their native language; this population decreased from 10.4% in 2012 to 7.4% in 2019. The IEP is for students with disabilities receiving special education services or accommodations in the school district. The percentage of students with IEPs rose from 10.4% in 2012 to 13.3% in Lander County, marginally higher than the state average of 12.2%. Lander County also has seen a substantial increase in educational attainment for veterans, with nearly 80% pursuing education beyond high school and a decrease from 120 to 1 without a high school diploma between 2010 and 2017.

<sup>23</sup> (Nevada Department of Education 2014-2020)

<sup>24</sup> (Borden, Lednický, Rebori, Thomas, & Zapata 2021)

<sup>25</sup> (Nevada Department of Education 2014-2020)



## Recreation

Recreational use is an important element of the Lander County economy. The County is looking for opportunities to increase tourism and recreational facilities for residents and visitors and to provide a means to diversify the economy and offset the cyclical impacts of mining. Often regarded as the Gateway to Nevada's Outback, Lander County has an abundance of recreational opportunities for nature-based activities. Lander County has made improvements in the last decade by constructing and enhancing trails for hiking, equestrian, and OHV uses and camping facilities. In addition to county parks, playfields, swimming pools, and sport facilities, the area around the County has over 500 miles of trails for motorized and non-motorized use and over 100 miles of mountain bike trails. Lander County draws Nevada residents from western and southern Nevada as well as out-of-state and international visitors who are interested in its unique and scenic outdoor recreational opportunities. Figure 5-15 provides a map of some of the parks and recreational opportunities in Battle Mountain, and Figure 5-16 provides an overview of larger recreational facilities in the County. Austin recreation is described in the Land Use chapter of this document.

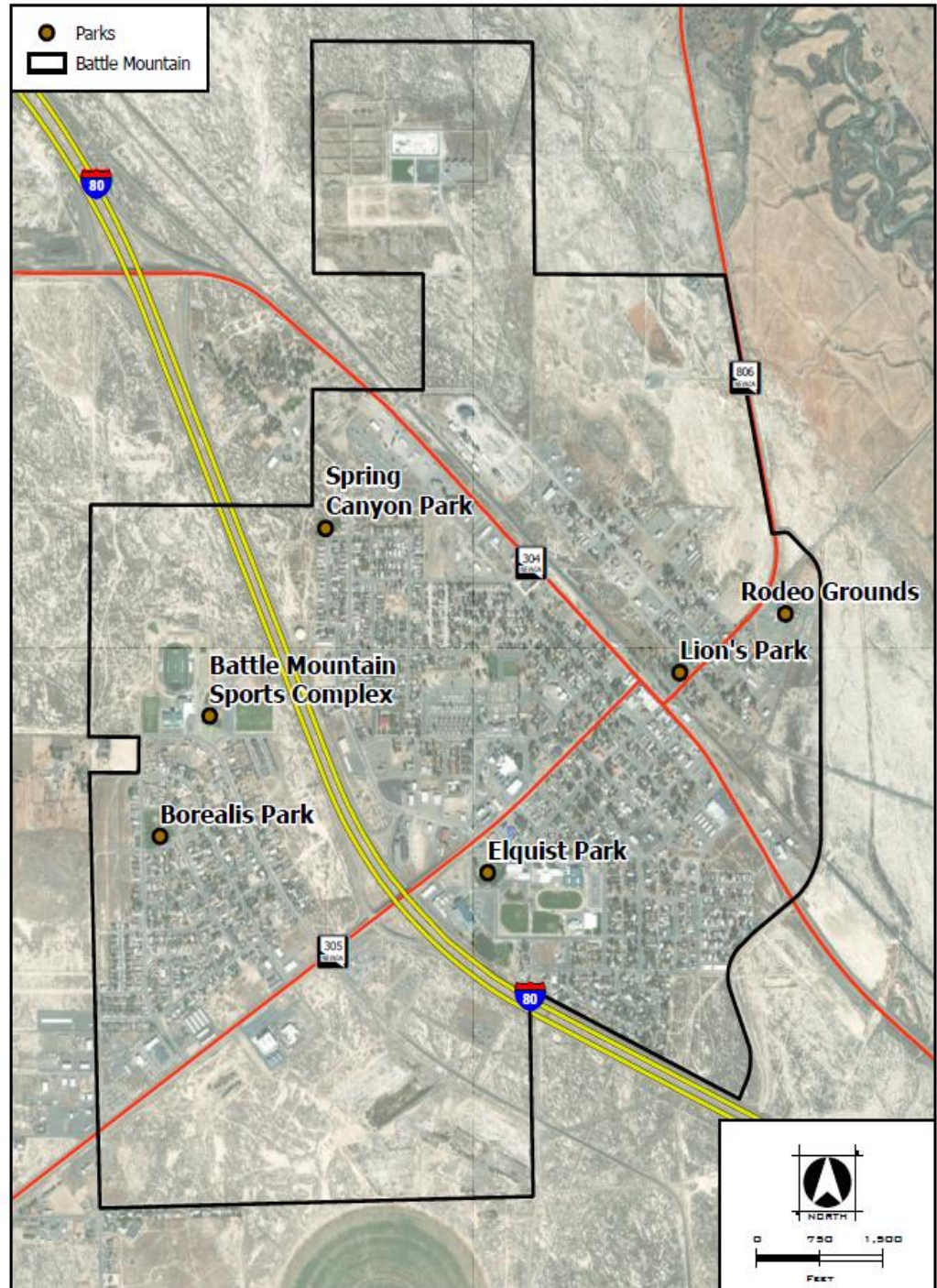


Figure 5-15: Battle Mountain Parks/Recreation Map

Figure 5-15 provides a map of some of the parks and recreational opportunities in Battle Mountain, and Figure 5-16 provides an overview of larger recreational facilities in the County. Austin recreation is described in the Land Use chapter of this document.



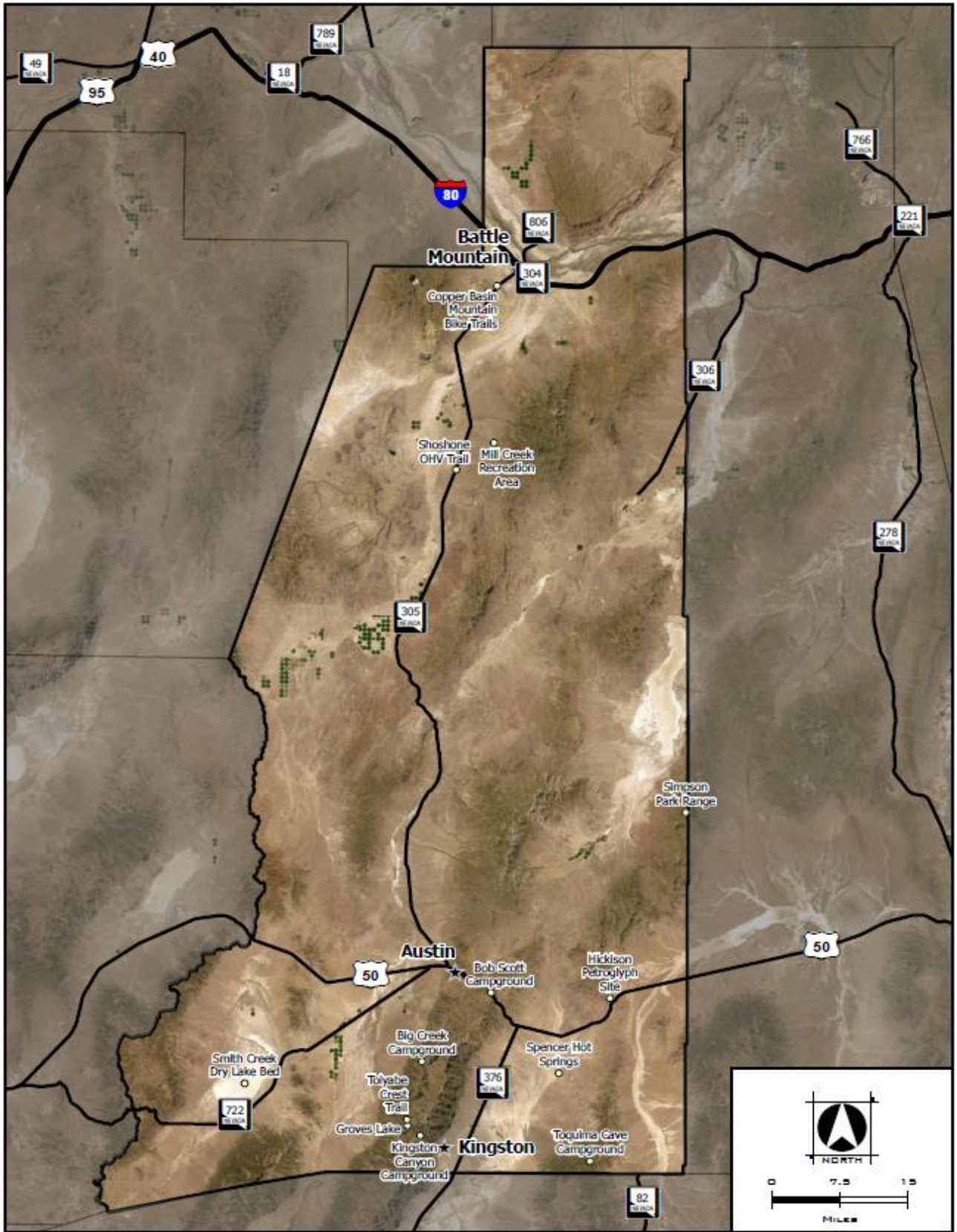


Figure 5-16: Recreational Opportunities in Lander County



## Looking to the Future

### Expanding Existing Infrastructure & Capital Improvements

In 2020, Lander County partnered with the University Center for Economic Development to update its Comprehensive Economic Development Strategy (CEDS). This plan is meant to guide economic development in Lander County between 2020 and 2025. Several goals related to infrastructure were developed in this plan, including:

- Establish broadband connectivity throughout the county by July 2021 in partnership with the Northeastern Nevada Regional Development Authority, other communities throughout northeastern Nevada, and the state of Nevada.
- Expand the existing water line, sewer system, and three-phase power to the Battle Mountain Airport industrial area to increase the size and capacity of the industrial park by 20%.
- Infrastructure investments to improve the Austin Community Center and Youth Center through historic preservation and revitalization efforts to an existing building in downtown Austin.
- Installation of ADA compliant pedestrian access facilities and lit crosswalks throughout the county to support the Safe Routes to Schools project. This includes improvements to the existing pedestrian crossing at Interstate 80.
- Flood levee improvements including raising the levee north of Interstate 80, creating new sections south of Interstate 80 along the Reese River Floodplain, and adding slope protection to new and existing portions of the levee.
- Establishment and installation of an Inland Port Industrial Rail Park to increase industrial commerce and transportation viability.
- Procurement of a larger site and construction of permanent facilities to support tourism, particularly annual cycling events which have a significant economic contribution to the County.
- Demolition of the existing Battle Mountain Fire House and addition of a fire truck with ladder.

Additionally, Lander County Community Health developed an assessment of needs following the COVID pandemic, including multiple efforts for future preparedness, response, and recovery. These efforts could benefit from American Rescue Plan Act (ARPA) funding and are summarized in the following list:

- Capital and equipment upgrades to improve Community Health Lab capabilities and expand testing for at-risk members of the community.
- Expanded health education, risk communication, and community preparedness.
- Increased clinical and administrative staffing, including physician, clinical assistant, and administrative positions.
- Capital improvements to the Community Health Clinic and additional treatment facilities in the Town of Austin.

## Improvements to Existing Water and Wastewater Systems



**Purchase  
Water  
Rights**



**Investigate  
Water Quality  
and Loss**



**Support Wellhead  
Protection & Water  
Quality Plans**



**Replace or Improve  
Existing  
Infrastructure**



**Expand  
Non-Potable  
Infrastructure**

*Summary of Improvement Projects to Water Infrastructure in Battle Mountain/Austin*

### Battle Mountain

Proposed capital improvements to the water and wastewater systems were included in the Battle Mountain Water and Sewer Master Plan. The proposed improvements included the purchase of water rights, investigation of water quality and water loss, expansion of non-potable infrastructure, water quality and wellhead protection plans, improvements to a booster pump station, expansion of pipeline to serve the airport, and improvement or dismantling of an abandoned water tank. These capital improvements would cost a total of \$6.87 million dollars to implement.

Required or suggested improvements to the wastewater system in Battle Mountain included installing a lined pond and overflow pipe at the facility, constructing a site to accommodate septic pumping truck, removing grease from traps and wet wells, inspecting the sewer collection system, upgrading sewer mains, and creating new lift stations to accommodate growing demand. These capital improvements would cost a total of \$6.39 million dollars to implement. Full information on the proposed improvements, cost, and rationale for water and wastewater treatment projects are included in the Lander County Water and Sewer Master Plan Update, completed by Day Engineering in 2017.<sup>26</sup>



*Abandoned 300,000-gallon Water Tank, to be demolished or repurposed for non-potable water*

### Austin

Proposed capital improvements to the Austin water systems were included in the Austin Preliminary Engineering Report of 2016. Existing physical components of the water system are in operable condition but need some rehabilitation and replacement—primarily, replacing the asbestos-cement pipe, improving Marshall Springs, and replacing the wood roofs of two concrete tanks.

The water supply is provided by two springs and an underground well, with an additional underground available for emergency purposes. Uranium is naturally found within the spring water supplies, above the minimum regulations of NEPD, but is blended with well water to dilute to an allowable level. Revised arsenic standards

<sup>26</sup> (Day Engineering 2017)

push the current water quality to non-compliance with the NDEP Bureau of Safe Drinking Water standards. A project is proposed to create a new water storage tank to provide adequate suction pressure for the existing booster pump station to address previous operational problems. The total cost for all capital improvements would be approximately \$4.7 million, including cost for the tank, pipeline, rehabilitating the spring, and administration/contingency costs. A full breakdown of the project needs, costs, and other information can be found in the Preliminary Engineering Report prepared for Austin by Day Engineering in 2016.<sup>27</sup>

### **Individual Wastewater Disposal Systems (Septic Systems) and Water Quality**

Expanded municipal sewer and water service should be explored in the near future to serve the more densely populated areas in Battle Mountain where septic system use is concentrated. More specifically, this area is in the Clover Area groundwater basin, where septic systems are currently at or near maximum density as defined by NDEP and depicted in Figure 5-9B. Once sewer and water service is provided, the Lander County Code of Ordinances requires existing residences to hook up to the new municipal service, which will prevent degradation of ground water quality in the future.

Lander County should continue to monitor growth areas, septic system densities, and water quality in the more densely populated areas served by individual septic systems. Areas identified for future growth should be included in future capital facility plans for sewer expansions. To prevent less densely populated and rural areas from becoming overly dense with septic systems in the future, Lander County should implement restrictions on land divisions for parcels served by septic systems. Limiting future land divisions served by septic systems to a minimum parcel size of two acres will help limit the allowed septic systems within a certain area while also encouraging future higher-density developments with parcels of one acre or less to target areas already served by municipal services.



**Expand sewer to areas approaching maximum septic system density**



**Encourage new development to target areas with existing or planned municipal services**



**Limit new parcels to be served by septic systems to a minimum of 2 acres**

*Summary of recommendations for protecting groundwater from overly dense septic systems*

### **Expanding Reclaimed Water/Non-Potable Water Infrastructure**

Lander County, like most counties in Nevada, will likely grapple in the future with issues related to securing adequate water supply in a climate prone to drought and treating wastewater in closed basins. A solution of some municipalities is the exploration of expanding the use of reclaimed water for other applications. In Lander County, reclaimed water is used for irrigation and construction activities. In Nevada, the NRS allows for the use of reclaimed water for a variety of other purposes depending on the level of treatment, with recently expanded uses for potable (drinking water) purposes.<sup>28</sup> For areas with an excess of wastewater or compromised water quality due to individual septic systems, exploration of additional treatment options solves two problems at once: 1) increasing water supply and 2) resolving the issue of excess wastewater disposal. Expanding reclaimed water usage at a municipal level will require investing in advanced treatment systems and creating additional non-potable infrastructure.

<sup>27</sup> (Day Engineering 2016, p. 121)

<sup>28</sup> (Ormerod, Redman, & Singletary 2020)

**Transportation**

The future of transportation in Lander County is anticipated to heavily focus on freight as the overall population of the County continues to decrease. A workshop completed by NDOT for Lander County in 2020 established several goals (Figure 5-17). Many goals from the 2010 Lander County Master Plan are still applicable and included in Figure 5-17 below.



**Safety First**



**Cultivate Environmental Stewardship**



**Efficiently Operate and Maintain the Transportation System**



**Promote Internal and External Customer Service**



**Enhance Organization and Workforce Development**

Road and Highway Goals	Plans/Documents to Develop
------------------------	----------------------------

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Establish and enforce Lander County street and road standards for future development and improve traffic flow, pedestrian facilities, and community aesthetics.</li> <li>• Maintain a transportation network supporting economic development and growth in Lander County while minimizing fiscal impact for future maintenance and required improvements.</li> <li>• Develop streetscape improvements in Battle Mountain.</li> <li>• For rural roads not likely to serve development, provide a shoulder of four feet in width, preferably eight feet on primary highways. Ensure that surface material provides a stable, mud-free walking surface.</li> </ul> | <ul style="list-style-type: none"> <li>• Establish Lander County street and road drainage standards.</li> <li>• Create streetscape improvement plans in Battle Mountain.</li> <li>• Create pedestrian improvement plans.</li> <li>• Update the Lander Countywide Road Plan.</li> <li>• Create a Lander Countywide Road Map with all transportation-related facilities, rights-of-way, and roads.</li> <li>• Develop a transportation capital improvement plan to address priority street, roadway, and pedestrian improvements.</li> </ul> |
|--|--|

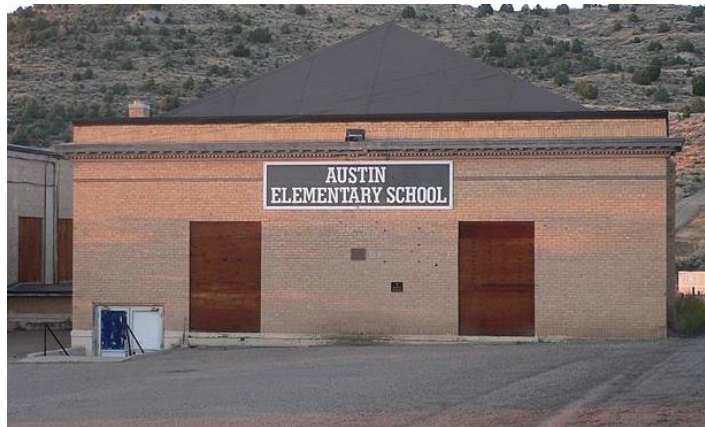
Railroad and Airport Goals	Pedestrian and Accessibility Goals
----------------------------	------------------------------------

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Evaluate how best to utilize railroads and sidings to promote industrial development and job creation.</li> <li>• Limit encroachment and development on lands adjacent to public airports.</li> </ul> | <ul style="list-style-type: none"> <li>• Improve and provide pedestrian enhancements, including sidewalk, curb, and gutter within two blocks of schools and new roads/subdivisions and along all main roads.</li> <li>• Identify transportation needs that serve pedestrian and ADA accessibility.</li> </ul> |
|--|---|

*Figure 5-17: Lander County Transportation Goals  
Source: Lander County NDOT Workshop (2020); Lander County 2010 Master Plan*

### Schools

Lander County should continue to work with the school district to coordinate infrastructure improvements and planned growth.



*Austin Elementary School / Lander County High School Gym*

### Parks and Recreation

Parks and recreation play an important role in Lander County's economy. Lander County should prepare a formal Parks and Recreation Plan to preserve these amenities and plan for new opportunities.





# REFERENCES



# References

- AARP. (2019). 2018 Home and Community Preferences Survey: A National Survey of Adults Ages 18-Plus. AARP Research.
- Austin Nevada. *Biking*. Retrieved on May 14, 2021, at <https://austinnevada.com/biking>.
- Borden, B., Lednický, J., Rebori, M., Thomas, L., & Zapata, D. (2021). Nevada Economic Assessment Project Socioeconomic Baseline Report, Lander County, Nevada. University of Nevada, Reno Extension.
- Bureau of Land Management - Battle Mountain District Office. (2012). Final Mineral Assessment Report. Battle Mountain, NV: Bureau of Land Management - Battle Mountain District Office.
- Bureau of Land Management - Battle Mountain District Office. (2012). Lander County Combined Sewer and Water GID #2 Right-of-Way Authorization: Town of Austin Water Improvement and Pipeline Project. Bureau of Land Management Battle Mountain District Office.
- Bureau of Land Management. (2016). The Federal Land Policy and Management Act of 1976. Washington D.C.: U.S. Department of the Interior - Bureau of Land Management.
- Bureau of Land Management. (2021). *Wilderness and Wilderness Study Areas*. Retrieved on April 13, 2021, from <https://www.blm.gov/programs/national-conservation-lands/wilderness>.
- Census Hard to Count Maps. 2020. *Lander County Hard to Count Map*. Retrieved on April 27, 2021, from <https://www.censushardtocomaps2020.us/?latlng=40.31933%2C-116.41113&z=8&query=counties%3A%3A32015&promotedfeaturetype=counties&arp=arpRaceEthnicity&baselayerstate=-1&layers=libraries%2Cmajor%20roads&infotab=info-mrrlrs&filterQuery=false>.
- Coates, P. S., Prochazka, B. G., Ricca, M. A., Gustafson, K. B., Ziegler, P., & Casazza, M. L. (2017). Pinyon and Juniper Encroachment into Sagebrush Ecosystems Impacts Distribution and Survival of Greater Sage-Grouse. *Rangeland Ecology & Management*, 70(1), 25-38. <https://doi.org/10.1016/j.rama.2016.09.001>
- Connelly, J. W., Hagen, C. A., & Schroeder, M. A.. (2011). Characteristics and Dynamics of Greater Sage-Grouse Populations. In *Studies in Avian Biology*, by Knick, S. T. & Connelly, J. W., 53-67. Berkley, CA: University of California Press.
- Day Engineering. (2016). 2016 Water Preliminary Engineering Report - Austin. Austin, NV: Lander County Combined Sewer and Water General Improvement District.
- Day Engineering. (2017). Town of Battle Mountain Lander County Nevada - Water and Sewer Master Plan Update. Battle Mountain, NV: Lander County Public Works.
- Department of the Interior, National Park Service. (2003). Stokes Castle - National Register of Historic Places Nomination Form. Lander County, NV: Department of the Interior, National Park Service.
- FEMA. (2021). National Flood Insurance Program Rules and Regulations. Retrieved on April 29, 2021, from <https://www.fema.gov/flood-insurance/rules-legislation>.
- Fishing Works. (2021). *Lander County Fishing Spots, Nevada*. Retrieved on April 13, 2021, from <https://www.fishingworks.com/nevada/lander-nv/>.

- Hinton Burdick. (2020). Lander County Financial Statements for the Fiscal Year Ended June 30,2020, with Report of Certified Public Accountants. Battle Mountain, NV: Lander County Commissioners.
- Lander County. (2020). Lander County Broadband RFP. Battle Mountain, NV: Lander County.
- Lander County. (2010). Lander County Master Plan 2010. Battle Mountain, NV: Lander County.
- Lander County Land Management and Conservation Act. (2020). S.3465 (116th United States Congress, March 12).
- Lander County Land Management and Conservation Act. (2021). S.1411 (117th United States Congress, April 28).
- Lander County Assessor's Office. (2021). Parcel Data. Battle Mountain, NV.
- Marschall, P. (2010). Online Nevada Encyclopedia. Retrieved on April 12, 2021, from <https://www.onlinenevada.org/articles/battle-mountain>.
- NatureServe Explorer. (2015). *Terrestrial Ecological System: Great Basin Pinyon-Juniper Woodland*. Retrieved on April 27, 2021, from [https://explorer.natureserve.org/Taxon/ELEMENT\\_GLOBAL.2.722899/Great\\_Basin\\_Pinyon-Juniper\\_Woodland](https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.722899/Great_Basin_Pinyon-Juniper_Woodland).
- NatureServe Western Ecology Team. (2015). *Inter-Mountain Basins Big Sagebrush Shrubland*. Retrieved on April 27, 2021. [https://explorer.natureserve.org/Taxon/ELEMENT\\_GLOBAL.2.722895/Inter-Mountain\\_Basins\\_Big\\_Sagebrush\\_Shrubland](https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.722895/Inter-Mountain_Basins_Big_Sagebrush_Shrubland).
- National Park Service. (2021). *Become a Certified Local Government (CLG)*. Retrieved on April 12, 2021, from <https://www.nps.gov/clg/become-clg.html>.
- National Park Service. (2021). *National Register of Historic Places FAQs*. Retrieved on April 12, 2021, from <https://www.nps.gov/subjects/nationalregister/faqs.htm>.
- National Register of Historic Places (NRHP). (2021). National Park Service - *National Register of Historic Places Data Base*. Retrieved on April 12, 2021, from <https://npgallery.nps.gov/NRHP/SearchResults/>.
- Nevada Department of Education. (2014-2020). *Nevada Report Card*. <http://www.nevadareportcard.com/DI/nv/lander/2020>.
- Nevada Department of Wildlife. (2021). *Bodies of Water - Groves Lake*. Retrieved on April 13, 2021, from [http://www.ndow.org/Bodies\\_Of\\_Water/Groves\\_Lake/](http://www.ndow.org/Bodies_Of_Water/Groves_Lake/).
- Nevada Department of Wildlife. *Sage-Grouse*. (2021). Retrieved on April 14, 2021, from <http://www.ndow.org/Species/Birds/Sage-grouse/#:~:text=Sage%20grouse%20are%20the%20largest,well%20with%20Nevada's%20muted%20landscape>.
- Nevada Division of Environmental Protection. Battle Mountain Sanitary Landfill Fact Sheet - Permit Number SW090801. Carson City, NV: Nevada Division of Environmental Protection.
- Nevada Department of Environmental Protection. (2018). Solid Waste Disposal Site Permit Class II - Permit #SW070REV02 - Battle Mountain Landfill. Carson City, NV: NDEP.
- Nevada Department of Transportation. (2016). Nevada State Freight Plan. Carson City, NV: Nevada Department of Transportation.
- Nevada Department of Transportation. (2019). 2019 Annual Traffic Report. Carson City, NV: Nevada Department of Transportation.

- Nevada Department of Transportation. (2021). Nevada State Rail Plan. Carson City, NV: Nevada Department of Transportation.
- Nevada Division of Water Resources. (2021). Hydrographic Basin Summaries. Carson City, NV: Nevada Division of Water Resources. <http://water.nv.gov/UndergroundActive.aspx>.
- Nevada Natural Heritage Program. (2021). *Species Information Search*. Lander County Species List. Retrieved on March 18, 2021, from <http://heritage.nv.gov/species/>.
- Nevada Department of Wildlife. (2021). Wildlife Distribution Geodatabases - Bighorn Sheep, Elk, Mule Deer, Pronghorn, Ruffed Grouse, Wild Turkey, Mountain Quail, California Quail, Dusky Grouse, White Tailed Jackrabbit, Chukar. <https://gis-ndow.opendata.arcgis.com/search?tags=wildlife>.
- Nordquist, J. & Delwiche, B. (2013). The McGinness Hills Geothermal Project.
- NV Energy. (2021). *Geothermal Resources*. Retrieved on April 13, 2021, from <https://www.nvenergy.com/cleanenergy/renewable-energy-portfolio/geothermal-resources>.
- NV Energy. (2021.) *Solar Resources*. Retrieved on April 13, 2021, from <https://www.nvenergy.com/cleanenergy/renewable-energy-portfolio/solar-resources>.
- NV Energy. (2021.) *Greenlink Nevada*. Retrieved on April 13, 2021, from <https://www.nvenergy.com/cleanenergy/greenlink>.
- Online Nevada. (2009). *Online Nevada Encyclopedia*. Retrieved on April 12, 2021, from <https://www.onlinenevada.org/articles/hickison-summit>.
- Ormerod, K. J., Redman, S., & Singletary, L. (2020). Fact Sheet 20-34 - Reclaimed Water: Uses and Definitions. Reno, NV: University of Nevada, Reno Cooperative Extension.
- Skoufalos, A., Clarke, J. L., Ellis, D. R., Shepard, V. L., & Rula, E. Y. (2017). Rural Aging in America: Proceedings of the 2017 Connectivity Summit. Population Health Management. Retrieved on April 12, 2021, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5738994/>.
- Southwest Regional Gap Analysis Project (SWReGAP). (2005). *Land Cover Data*. Retrieved on March 2, 2021, at <https://swregap.org/data/landcover/>.
- Steinmann, F. A. (2020). A Comprehensive Economic Development Strategy for Lander County, 2020 through 2025. Reno, NV: University of Nevada, Reno.
- Te-Moak Tribe of Western Shoshone. (2018). *History & Culture*. Retrieved on April 12, 2021, from <https://www.temoaktribe.com/history.shtml>.
- Telesto Nevada, Inc. (2012). Renewable Energy Development Study Feasibility Evaluation Report. Battle Mountain, NV: Lander County Economic Development Authority.
- Tu, G. (2016). Design for Wuhan Green Sewage Treatment Plant Using SBR Activated Sludge Process. Helsinki Metropolia University of Applied Sciences. Retrieved April 12 from [https://www.theseus.fi/bitstream/handle/10024/128646/3.5%20Finalthesis\\_TU%20%20pdf.pdf;jsessionid=2BC414920AF2D9DDFD648B004E7AC004?sequence=1](https://www.theseus.fi/bitstream/handle/10024/128646/3.5%20Finalthesis_TU%20%20pdf.pdf;jsessionid=2BC414920AF2D9DDFD648B004E7AC004?sequence=1).
- U.S. Department of Agriculture. (2012-2017). National Agricultural Statistics Service - Lander County. Retrieved on April 14, 2021, from [https://www.nass.usda.gov/Quick\\_Stats/CDQT/chapter/1/table/1](https://www.nass.usda.gov/Quick_Stats/CDQT/chapter/1/table/1).

- United States Census Bureau. (2013-2018). American Community Survey Estimates 2013-2018. Food Stamps/Supplemental Nutrition Assistance Program - Table S2201. Washington, D.C.: United States Census Bureau.
- U.S. Department of Agriculture. (2012-2017). National Agricultural Statistics Service - Lander County. Retrieved on April 14, 2021, from [https://www.nass.usda.gov/Quick\\_Stats/CDQT/chapter/1/table/1](https://www.nass.usda.gov/Quick_Stats/CDQT/chapter/1/table/1).
- U.S. Department of Housing and Urban Development. (2013-2021). Building Permit Database. Washington, D.C.: State of the Cities Data Systems (SOCDS).
- U.S. Fish & Wildlife Service. (2021). *IPaC - Information for Planning and Consultation*. IPaC Resource List - Lander County. Retrieved from February 5, 2021, from <http://heritage.nv.gov/species/>.
- United States Census Bureau. (2013-2018). American Community Survey Estimates, 2013-2018. Food Stamps/Supplemental Nutrition Assistance Program - Table S2201. Washington, D.C.: United States Census Bureau.
- United States Census Bureau. (2013-2018). American Community Survey Estimates, 2013-2018. Poverty Status in the Past 12 Months - Table ID S1701. Washington D.C.: United States Census Bureau.
- United States Census Bureau. (2019). American Community Survey - 5-Year Estimates Data Profiles - Table S2001. Washington, D.C.: United States Census Bureau.
- United States Census Bureau. (2013-2019). American Community Survey 5-Year Estimates Data Profiles - Table DP 04 - Battle Mountain CDP and Lander County. Washington D.C.: United States Census Bureau.
- United States Census Bureau. (2019). American Community Survey 5-Year Estimates Data Profiles - Table S1101. Washington D.C.: United States Census Bureau.
- Vogt Sinter Insights. (2014). General Summary of the Ten County Rural Nevada Area Housing Demand Market Analysis. Nevada Rural Housing Authority: Carson City, NV.
- Welden, F. W. (2003). History of Water Law in Nevada and the Western States. Carson City, NV: Research Division - Legislative Counsel Bureau.
- Wilderness Act. (1964). Public Law 88-577 (16 U.S.C. 1131-1136) (88th Congress, Second Session, September 3).
- Wildland Fire Associates. (2013). Landscape-Scale Wildland Fire Risk/Hazard/Value Assessment - Lander County, NV. Reno, NV: Nevada Fire Board - BLM.
- Woody, A. (2009). *Online Nevada Encyclopedia*. Retrieved on April 12, 2021, from <https://www.onlinenevada.org/articles/toquima-cave>.
- Zapata, D. (2021). Lander County Cultural Overview. Reno, NV: University of Nevada Cooperative Extension.



# LANDER COUNTY PLANNING COMMISSION

October 25, 2023

## AGENDA ITEM NUMBER 9

---

- 9.) Review, consideration, and possible action on proposed amendments to Title 16 – Subdivisions and Title 17 – Zoning of the Lander County Municipal Code. **FOR POSSIBLE ACTION**

**Recommended Motion: Pleasure of the Lander County Planning Commission**

---

# Title 16

## SUBDIVISIONS

### Chapters:

### Chapter 16.16 DESIGN REQUIREMENTS AND IMPROVEMENTS

### Sections:

#### 16.16.010 Lot size requirements.

Unless otherwise specified all lots created by division of land including parcel maps and subdivision land lots shall conform to the following minimum size requirements:

- A. ~~One Two and a half (2.5) acres~~, when either the water supply is a well located on the lot ~~and or~~ the sewage disposal system (also reference section 13.16.230) is a septic tank located on the ~~same~~ lot.
- ~~B. Lander County shall review septic tank densities on an annual basis and may adopt a future ordinance to increase lot size requirements for septic tanks in areas that exceed State of Nevada Division of Environmental Protection (NDEP) septic tank density requirements, or in areas that are determined to have water quality issues. Twelve thousand square feet, when either the water supply is a well on the lot or the sewage disposal system is a septic tank on the same lot.~~
- ~~B.C.~~ The minimum frontage width of any lot not zoned in a commercial district shall be not less than required in the regulations set forth as applicable in the respective land use districts. Corner lots shall have a minimum street width of seventy-five feet unless otherwise specified by zoning regulations.
- ~~C.D.~~ The minimum area of a residential lot in any case shall be seven thousand five hundred feet.
- ~~D.E.~~ Steep slope areas, a lot may have a strip of land not less than twenty feet in width connecting the building with the street. The area of the strip shall be excluded in computing the lot area and the length of the strip shall not exceed three hundred feet.
- ~~E.F.~~ When the rear of any lot borders any thoroughfare, the subdivider may be required to execute and deliver to the county, an instrument, deemed sufficient by the district attorney, prohibiting the right of ingress and egress from the thoroughfare to the lot.

(Prior code § 9.14)

#### 16.16.020 Improvement requirements—Generally.

- A. As a condition precedent to the acceptance of any easements offered for dedication to the public, and prior to the approval of the final map of the subdivision, the subdivider shall agree to improve at ~~his~~their own expense, and within stated time, all land so dedicated with such improvements as are set forth in this chapter and the final map of any such subdivision shall not be approved until either such features have been improved as provided in this chapter, or the subdivider has executed an agreement to so improve such features as secured by a bond or cash deposit. Trunk sewer lines, other improvements not solely for the benefit of the subject subdivision and full improvement of those routes shown on the plan of streets and highways shall not be required unless included within the subdivider's agreement, however, the subdivider shall be held to ~~his~~their proportion of all these improvements. The amount of the fair participation shall be

---

decided by the board of county commissioners upon recommendation of the planning commission and county engineer.

- B. When the tentative map indicates that the proposed water supply for any lot in the subdivision comes from a source other than located upon such lot, the subdivider shall install or cause to be installed the water supply and distribution system needed to supply domestic water to all of such lots and in accordance with standards set forth in this chapter and including a fire protection system if required by the Lander County fire protection official.
- C. The final map shall not be approved until the county engineer certifies that the design of the sewer and/or water supply and distribution system conforms to the standards as set forth and to sound engineering practices; nor until such system has either been installed and approved or a bond or cash deposit; nor until the subdivider submits written evidence that some utility or public agency is willing to maintain and operate the sewage collection and disposal system on completion.

(Prior code § 9.15)

### **16.16.030 Development agreement—Bonding.**

- A. The subdivider/developer, at the time the final map and improvement plans are submitted for approval, shall submit a development agreement for the construction of public improvements and on-site improvements including common area amenities and recreational facilities. The development agreement shall be prepared by the developer/subdivider approved by the district attorney, and county engineer, and shall include the following exhibits:
  - 1. Exhibit A: An estimate of the quantities and costs of public improvements and on-site improvements including common area amenities and recreational facilities. The developer/subdivider shall provide an engineer's estimate of the improvement quantities and costs. The county will determine the final estimate of quantities and costs based on the engineer's estimate and the improvement plans of record, and will provide the subdivider/developer with Exhibit A.
  - 2. Exhibit B: A statement of the proposed build-out of the subdivision proposed to be recorded; or when the subdivision to be recorded is to be constructed in more than one phase, a phasing plan for all improvements within each construction phase of the subdivision must be submitted by the developer for review and approval by the county. Each construction phase as developed, must stand on its own and meet the requirements of the total subdivision. All improvements must be completed within a construction phase before any certificates of occupancy are issued within the phase.
  - 3. Exhibit C: A document, provided by the developer/subdivider guaranteeing that the developer shall at [their](#) expense provide proper inspection and testing of improvements.
- B. The developer/subdivider shall, at the time the final map and improvement plans are submitted for approval, provide security to Lander County to ensure the construction of public improvements and on-site improvements including common area amenities and recreational facilities. The security shall be an irrevocable letter of credit from a recognized Nevada financial institution of a format approved by the district attorney and shall accompany the development agreement and shall be in such amount as set by the county engineer, corresponding to the development agreement, to ensure that all improvements required by this chapter will be provided and installed by the subdivider/developer within a period as set forth in the improvement agreement. The security shall be in the amount of one hundred fifty percent of the cost estimate set by the county engineer. In the event of default of completion of the improvements listed in Exhibit A to the development agreement within the period determined by the county commissioner or an extension thereof, the county may issue "stop work" orders and resort to the security to complete the improvements or to revert the land to acreage pursuant to NRS 278.490 if necessary for the health, safety and welfare of the community. In the event of this reversion of the land to acreage, the land must be restored to a condition that does not pose a threat to the health, safety and welfare of the community, and

any public improvements which are determined by the county to be necessary for the well-being of the community shall be provided.

(Ord. 89-6A (part), 1989; prior code § 9.16)

**16.16.035 Requirements of improvements.**

The requirement of the following listed improvements for subdivision and subsequent parcel maps shall depend upon the underlying zone. The requirements shall be as follows:

<u>Zone</u>	<u>Sidewalks</u>	<u>Curbs</u>	<u>Gutters</u>	<u>Paved Road</u>	<u>Gravel Road</u>	<u>Under-ground Utilities</u>	<u>Street Lights</u>
<del>Zone</del>	<del>Sidewalks</del>	<del>Curbs</del>	<del>Gutters</del>	<del>Paved Road</del>	<del>Gravel Road</del>	<del>Under-ground Utilities</del>	<del>Street Lights</del>
<u>A3 - 20 acre</u>				X	X		<u>none</u>
<del>A1 - 1 acre</del>							<del>750'</del>
<u>RR-4.5 acre</u>					X		<u>none</u>
<del>A2 - 5 acre</del>					X		<del>none</del>
<u>RR-2.5 acre</u>				X	X		<u>None</u>
<del>A3 - 20 acre</del>							<del>none</del>
<u>R4 - 1 acre</u>	X	X	X	X		X	<u>750'</u>
<del>R1 - 6,000 sq ft</del>							<del>500'</del>
<u>R3 - ½ acre</u>	X	X	X	X		X	<u>500'</u>
<del>R2 - 12,000 sq ft</del>							<del>500'</del>
<u>R2 - 12,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>R - 3½ acre</del>							<del>500'</del>
<u>R1 - 6,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>R4 - 5,000 sq ft</del>							<del>500'</del>
<u>MF - Multi Family</u>	X	X	X	X		X	<u>500'</u>
<del>MS - 5,000 sq ft</del>							<del>500'</del>
<u>MS - 5,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>AH - 5,000 sq ft</del>							<del>500'</del>
<u>AH - 5,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>AHR - 5,000 sq ft</del>							<del>500'</del>
<u>AHR - 5,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>C - 1 - 5,000 sq ft</del>							<del>500'</del>
<u>C1 - 5,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<del>C2 - 10,000 sq ft</del>							<del>500'</del>
<u>C2 - 10,000 sq ft</u>	X	X	X	X		X	<u>500'</u>
<u>TC - 10,000 sqft</u>	X	X	X	X		X	<u>500'</u>
<u>I - 10,000 sqft</u>	X	X	X	X		X	<u>500'</u>

- A. Curbs, gutters, and sidewalks shall be constructed pursuant to Section 12.04.110 of this code.
- B. Paved roads and gravel roads shall be constructed to the current standards adopted by Lander County.
- C. Underground utilities will be put into place according to utility standards unless Lander County has adopted more stringent standards.

- 
- D. Street lights shall be installed at least one street light at the end of cul de sacs, intersections, dead end streets and additional street lights spaced as required above.

(Ord. 97-4 § 6, 1997)

#### **16.16.040 Map of roads and grades required.**

Every subdivider shall, at the time of filing the final map, submit therewith two copies of an accurate profile of the centerline, showing road gradients and vertical curve data, using true elevations above set level for all streets and roads in the subdivision to be offered for dedication to public use. The plans must bear signature of a Nevada Registered Engineer.

(Prior code § 9.17)

#### **16.16.050 Streets requirements—Generally.**

- A. All streets and/or roads offered to Lander County for dedication as shown on a final map or otherwise shall:
  - 1. Have a right-of-way extending at least two feet beyond those places where the natural surface of the ground must be excavated or covered with fill dirt or materials in constructing such cuts and fills as are necessary to provide for the roadbed and drainage ditches required in this section;
  - 2. Provide for the clearing of the entire width of the right-of-way of all brush, trees, stumps or other debris except that sound trees twelve inches or more in diameter may be left standing with the approval of the county engineer when within three feet of the right-of-way line;
  - 3. Have a minimum paved surface of twenty feet in case of one-half right-of-way boundary streets;
  - 4. Be graded as set forth by specifications of Section 16.16.060;
  - 5. Be compacted to not less than ninety percent of the maximum density obtainable by the use or compaction equipment and addition of water in proper amounts. The requirements apply also to the backfilling of all trenches and other excavations across or along the roadbed or right-of-way;
  - 6. Be provided with necessary drainage ditches, culverts and structures, built according to a drainage plan approved by the county engineer, who may require a drainage plan be prepared by a civil engineer registered in the state of Nevada and duly approved prior to commencement of road grading;
  - 7. Be surfaced as follows: Imported select base material shall be crushed gravel, screened river bed gravel, or decomposed granite, meeting the gradation requirements specified by county engineer. The base thickness shall be determined by the soil classification of the subgrade, and in no case shall be less than six inches for residential streets or nine inches for collectors and major streets. The county engineer may require soil classification test data be submitted with the construction drawings, at the rate of one test per each seven and one-half acres being developed. On the basis of these tests, and/or with field observations of the soils, the county engineer shall determine the base thickness required.
- B. A paved surface of plant-mixed or road-mixed asphalt shall be applied to a minimum width two feet less than the minimum width of the roadbed and to a compacted thickness of at least two and one-half inches. The design of the mix shall have the written approval of the engineer before placing of pavement. Where curbs and gutters are involved, road-mixed pavement will not be satisfactory; plant-mixed A.C. pavement is necessary and mandatory.
- C. A liquid asphalt prime coat of SC 250 grade liquid asphalt may be applied at the rate of at least two-tenths gallons per square yard to the entire width of the base coat.
- D. In subdivisions where it is established that each lot therein contains at least two acres and is restricted to perpetual single-family uses without resubdivision possibility, or reduction in area to separation or ownership, where each lot has an adequate supply of water available, this provision shall not apply.



---

(Prior code § 9.18)

### **16.16.060 Street—Conformance to street and highway plan.**

- A. Each street and highway shall conform in width and alignment to specifications contained in the plan of streets and highways for Lander County as heretofore or hereafter adopted and the subdivision shall in all particulars conform in design and land use to other plans or standards as may be adopted by the county as part of the master plan.
- B. Whenever any street or highway is proposed requiring a separation of grades or any special form or intersection design, the subdivision shall be so designed to conform to the plan of intersection design and all lots or building sites shall, when necessary, be provided with suitable access elsewhere. Any street or highway intersecting any other street or highway shall intersect at an angle as nearly a right angle as shall be practicable.
- C. No centerline curve radius of less than one hundred fifty feet shall be provided on any collector street which is shown on the plan of streets and highways adopted by Lander County. Centerline curves of not less than seventy-five feet may be allowed on local residential streets. Major streets shall be subject to specific individual design curvatures.
- D. An alley of not less than twenty feet in width may be required at the rear or along one side of all lots to be used for multiple or commercial purposes.
- E. A pedestrian way of ten feet minimum width may be required through the approximately transverse center of any block longer than one thousand two hundred feet.
- F. Each street and highway shall conform to the following requirements:
  - 1. Primary roads designated by the general plan shall have a right-of-way of one hundred feet or more and an improved section of seventy-seven feet, and may contain a center dividing strip.
  - 2. Secondary roads, as designed by the master plan, shall have a right-of-way of eighty feet or more and an improved section of sixty-five feet subject to specific decision of the planning commission.
  - 3. Entrance or collector streets and local streets serving lots used for other than single-family dwelling purposes or local streets serving more than eighty lots for single-family dwelling purposes shall have a dedicated right-of-way of not less than sixty feet and shall be improved to a width of not less than forty feet.
  - 4. Local streets, so designed as to eliminate any future possibility of serving more than eighty lots or those which serve less than eighty lots to be used for single-family dwelling purposes only, shall have a dedicated right-of-way of not less than sixty feet and shall be improved to a width as established by determination of the planning commission.
  - 5. A cul-de-sac street, provided with a turnaround for forty-five foot radius, providing not more than twelve single units thereby and total centerline length is not in excess of four hundred feet. Minimum right-of-way shall be forty-two feet with twenty-eight feet of paved surface.
  - 6. Lesser developed street right-of-ways and sections may be permitted when it can be clearly established that no on-street parking is required or desired or where related to planned unit development approaches. Increased widths may be required where streets are to serve commercial property or where public traffic conditions warrant such. In both cases, final sections will be established by the planning commission.
  - 7. Have a maximum roadway gradient (except as set forth in Sections 16.16.030, 16.16.040, 16.16.050, 16.16.070 through 16.16.090) of not more than:
    - a. Minimum grade, 0.3 percent;

- 
- b. Primary roads through subdivision, eight percent;
  - c. Secondary roads and local streets, ten percent;
  - d. Dead end roads less than four hundred feet long, twelve percent;
  - e. Minimum crown, 0.3 percent.
8. Where a deflection angle is more than ten degrees in the alignment of a street, a curve with a radius adequate to insure sight distance must be made. All changes in grade for arterial and secondary streets should be connected by a vertical curve of a minimum length equal to twenty times the algebraic difference in the rates of grade. Reverse or compound curves shall be separated by tangents of not less than one hundred feet on primary, secondary and collector streets.
9. Street Extensions.
- a. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the planning commission deems such extension undesirable for specific reasons of topography or design.
  - b. Where it is desirable in the opinion of the planning commission to provide street access to adjoining property, proposed streets should be extended by dedication or reservation to the boundary of such property.
10. Street jogs with centerline offsets of less than one hundred twenty-five feet shall not be permitted.
- G. At each street intersection, the property lines at each block corner shall be rounded by a curve a radius of not less than fifteen feet for right angle corners. Where streets intersect at angles of less than right angles at major intersections or where other peculiar conditions of intersection occur, the planning commission may require a different radius.
- H. Reserve strips of land controlling access to or access from other property or to or from any street or alley shall not be permitted.
- I. Streets/alleys lying along a subdivision boundary may dedicate one-half required width of same if it is practicable to require the dedication of the other one-half when the adjacent property is developed. Such portion of a street shall be distinctly designated as being a portion only, and not full street width. Whenever a recorded one-half street exists as an adjacent plat, the other one-half must be provided on the proposed plat. No building permit shall be issued for a building or street on a lot/parcel which abuts a one-half street when located on that side from which no dedication has been made.
- J. In areas of possible fire hazards, unobstructed fire protection equipment access easements, not less than fifteen feet wide shall be dedicated from the public street to the subdivision boundary. Such easements shall be located, designed and graded as determined by the planning commission in cooperation with forestry and fire protection agencies.
- K. If any portion of the land within the boundaries as shown on a tentative map of a subdivision or record of survey is subject to flood hazard, inundation, geological hazard, excessive depth of slope, or ruts or fills, groundwater or seepage conditions, slides or similar hazards to public safety, and the probable use of the property will require structures thereon, the planning commission may disapprove the map or record or survey of that portion so affected and require protective improvements to be constructed as a condition precedent to the approval of the remainder of the map.
- L. No existing slope or proposed cut slope shall be steeper than one and one-half vertical and no fill slope, existing or proposed, shall be steeper than two horizontal to one vertical, unless recommended by a competent soils engineer acceptable to the county. Slope areas are not to be included in usable lot areas.

- 
- M. Where a cut or fill slope is outside the normal right-of-way of the street, a slope easement shall be provided of sufficient width to permit proper maintenance of the slopes by the county, or the dedicated right-of-way width shall be widened to include such slopes.
  - N. Retaining wall may be required whenever topographic conditions warrant or where necessary to retain fill or cut slopes within the rights-of-way widths shall be widened to include such slopes.
  - O. All fills to be used for building sites shall be compacted to not less than ninety percent as per AAHO Modified Spec. T149-57.
  - P. All natural drainage ways, where indicated on the master plan, shall be preserved with appropriate width drainage easements and/or pedestrian walkways.

(Ord. 89-04 (part), 1989: prior code § 9.13)

### **16.16.070 Drainage requirements.**

- A. In the event that a proposed subdivision or any part thereof is traversed by any major watercourse channel, stream or creek, gulch or other natural drainage channel, the subdivider shall dedicate adequate right-of-way for storm drainage purposes. Easements for drainage to natural drainage channels shall be required.
- B. No subdivision plat shall be considered for final approval until the subdivider shall submit to the commission, a report by a registered engineer, as to the ability of existing watercourse channels, drainage tiles, storm sewers, culverts and other works pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision.
- C. Standards.
  - 1. Flow line or curb and gutter shall have a minimum grade of three tenths of one percent.
  - 2. Curb returns shall have a minimum radius of ten feet.
  - 3. Curbs and gutters shall be three thousand pounds "L" type with five inch Type II gravel subbase.
  - 4. Valley gutters shall be three thousand pound concrete six feet in width at street intersections and two and one-half feet in width in alleys where required by county engineer, both to be six inches thick.
  - 5. Drainage channels shall be so designed as to maintain a minimum velocity of two feet per second and a maximum velocity of a eight feet per second.
  - 6. The subdivider shall submit to the county clerk's office for checking by the county engineer, sufficient information in the form of maps and profiles prepared by this surveyor or engineer to indicate the property drainage of the surface water to natural drainage courses or into city, county or state drain systems. If same is across lands intended to be used as private lots, rights-of-way and easements must be indicated on the proposed lot. The location and width of easements must be indicated on the plat to be recorded and marked "EASEMENT RESERVED FOR SURFACE DRAINAGE." If it is deemed necessary by the county engineer, ditching shall be provided. Further, if it is deemed expedient, the drain shall be enclosed in pipe made to designed size and specifications, and laid to the grade and depth required by the governmental authority.
  - 7. Circular culverts shall be reinforced concrete pipe with cement joints or corrugated metal or metal arch pipe.
  - 8. No drainage structure shall be permitted with a diameter of pipe less than fifteen inches.
  - 9. Standard headwalls shall be placed on all circular culverts up to seventy-two inches in diameter.
  - 10. The design, size and material used shall comply in all cases with the specifications of the office of the county engineer.

---

(Prior code § 9.19)

### **16.16.080 Other requirements.**

- A. Provide and place at least one street sign at each intersection, of a type and construction as approved by the engineer, or county road department.
- B. Perpetuate all existing waterways with structures of proper size.
- C. Provide necessary structures as bridges, concrete boxes, culverts, head walls, cattle guards, appurtenant fencing and other features as required by the planning commission. Ord. 97-4 § 7, 1997: prior code § 9.20)

### **16.16.090 Water supply.**

Water supply and distribution system when installed in a subdivision shall be in accordance with the following standards:

- A. The water supplied for a subdivision shall be obtained from a source free of pollution or from a source adequately purified by natural agencies, or by artificial treatment. The source shall be reasonably adequate to provide a continuous supply that is wholesome, potable and in no way harmful or dangerous to health.
- B. The supply and distribution system shall be so designed and constructed that it will maintain a normal operating pressure at all service connections of not less than twenty-five pounds per square inches above atmospheric pressures, except that during peak periods of hourly maximum demand, the pressure at the time of peak seasonal loads may be not less than twenty pounds per square inch above atmospheric pressure and that during periods of hourly minimum demand the pressure may not be more than one hundred fifty pounds per square inch. Variations in pressure under normal operation shall not exceed fifty percent of the average operating pressure. Services for adequate storage and emergency standby power shall be supplied in all cases.
- C. Metallic and nonmetallic materials may be used separately and in combination to construct component parts of a water system including, but not limited to, conduits, pipes, couplings, caulking materials, protective linings, and coatings, services, valves, hydrant pumps, tanks and reservoirs, provided:
  - 1. The material shall have a reasonable useful service life.
  - 2. The materials shall be capable of withstanding with ample safety factors the internal/external forces to which subject.
  - 3. The material shall not cause the water to become impure, unwholesome, unpotable or unhealthful.
  - 4. Material and equipment so selected as to mitigate corrosion, electrolysis and deterioration.
- D. Water Mains. All water mains shall be placed in suitable right-of-ways prior to surfacing. All water mains shall be installed below the frost line or be otherwise protected to prevent freezing. Insofar as it is practicable, the distribution system shall be laid out in a properly segmented grid with valves provided at reasonable intervals so that repairs may be effected with interruptions of service kept at the minimum number of customers with not more than three valve closures required to discontinue service. Dead ends in mains shall be avoided insofar as practicable and a means shall be provided to flush and dead ends which may be installed in the mains.
- E. Service Connections. A service connection pipe at least three-fourths inch nominal size shall be placed to each lot from the water main prior to the surfacing of the streets and alleys affected. Service pipe

---

shall be laid to a depth sufficient to prevent freezing and not less than eighteen inches except at its termination is connecting with a meter or customer's piping.

- F. Fire Hydrants. Fire hazards shall be so placed that no point in any of the streets fronting on lots served by the water distribution system is farther than three hundred feet from the nearest hydrant. Each fire hydrant shall be installed in a public street and shall have a gate valve between the water main and the riser, unless the hydrant valve is located in its base. Fire hydrants shall be of a type and size approved by the Board of National Fire Underwriters. The water supply and distribution systems shall be so designed and constructed that it will supply at least five hundred gpm for a continuous period of at least two hours at any fire hydrant in the system while the system is in normal operation without reducing the water pressure in any part of the system below twenty pounds per square inch above atmospheric pressure. No water main serving any fire hydrant shall have an inside diameter of less than six inches.
- G. Plans and Specifications. Prior to the approval of the final maps, the subdivider shall submit to the county engineer plans of a water supply and distribution system prepared by a qualified engineer, of sufficient detail to enable the county engineer to ascertain whether such systems conform to the standards as set forth in this title and to the standards of acceptable engineering practices.
- H. Additional Requirements. The county engineer may make additional requirements for water systems having unusual problems to solve; such problems by sound engineering practices as a prerequisite to [his](#) approval of such plans.

(Prior code § 9.21)

### **16.16.100 Sewage collection.**

Sewage collection and disposal systems shall be installed in subdivisions in accordance with the following standards and provisions:

- A. Disposal System. The means used to dispose of sewage shall have sufficient capacity to dispose of all sewage and industrial waste which may be reasonably anticipated from the other areas such systems may serve. The disposal system shall so treat all sewage, including any industrial waste, that all liquid, solid or gaseous residue after treatment will not contaminate any surfaced or underground waters to a degree which creates an actual hazard to the public health through poisoning or the spread of disease, nor pollute any surface or underground water to a degree which adversely affects waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, nor shall such systems create a nuisance to any community to odors or unsightliness resulting from unreasonable practices in the disposal of sewage.
- B. Materials. Metallic and nonmetallic materials may be used separately and in combination to construct the component parts of a sewer collection and disposal system provided:
  - 1. The material shall have a reasonable useful service life;
  - 2. The materials shall be capable of withstanding with ample safety factors the internal and external forces with which it may be subjected in service;
  - 3. Material and equipment shall be so selected as to mitigate corrosion, electrolysis and deterioration;
  - 4. Orangeburg or other fiber pipe shall not be used for sewer main or laterals.
- C. Sewer Mains. Sewage shall be collected in a network of sewer mains laid within the right-of-way of public streets leading to the sewage disposal system. All sewer mains shall not be less than six inches in diameter and of sufficient size to carry all sewage and industrial waste which can reasonably be anticipated from the full expected use of all lots and areas served by the mains. Gravity sewer mains



---

will be laid to such grade that they will provide a minimum velocity of flow of two feet per second at all points in such mains.

- D. Laterals. A service connection lateral of not less than four inches nominal size shall be placed to each lot from the lot line to the sewer main. A cleanout shall be provided upon each lateral just within the boundary line of the lot served.
- E. Sewer Opening. Manholes shall be constructed in sewer mains at every change of grade or direction, and along straight portions of mains, so that no point in any main shall be further from the nearest manhole than two hundred fifty feet. A lamphole or manhole must be provided at the end of all sewer mains. Manholes and lampholes shall be installed in accordance with the engineer's specifications.
- F. Stormwaters. No storm water drains shall be connected to any sewer main or lateral.
- G. Trenching. All sewer mains and laterals shall be placed and the backfill compacted prior to the surfacing of the streets affected. County road excavation permits shall not required for trenching required to place water and sewer systems in subdivision streets prior to road surfacing when the construction of such systems are secured by a subdivision bond or deposit. No water or sewer mains or laterals shall be covered until forty-eight hours after written notice to such placement and request for inspection has been delivered to [the county engineer](#) or [his-their](#) deputy, and the system has passed the hydrostatic and other tests required by the Nevada State Department of Health.
- H. Plans and Specifications. Prior to the approval of the final map, the subdivider shall submit to the county engineer plans of the sewage collection and disposal system prepared by a Nevada Registered Engineer, of sufficient detail to enable the county engineer to ascertain whether such system conforms to the standards as set forth in this title and to standard acceptable engineering practices.
- I. Additional Requirements. The county engineer may make additional requirements for sewer systems having unusual problems to solve; such problems by sound engineering practices as a prerequisite to [his-their](#) approval of such plans.

(Prior code § 9.22)

### **16.16.110 Centralized mail delivery units.**

In addition to any other requirements, within the easement, dedication or other mapped area, the developer shall provide a concrete base for placement of centralized mail delivery units(s). Specifications and location of such base(s) shall be determined by the applicable requirements of the postal service, planning commission or board of commissioners, with due consideration for street light location, traffic safety, security and consumer convenience.

(Ord. 97-4 § 8, 1997)

## **Title 17 ZONING<sup>1</sup>**

### **Chapters:**

---

<sup>1</sup>Prior History: Prior code §§ 12.01—12.05 as amended by Ords. 89-6, 89-10, 89-12, 90-2, 90-10, 90-10A, 91-1, 92-2, 92-4 and 92-6.

---

## Article I. General Provisions

### Chapter 17.02 GENERAL PROVISIONS

#### Sections:

#### 17.02.010 Short title.

This title shall be known and may be cited in all proceedings as the Lander County zoning ordinance.

(Ord. 94-4 § 12.01.01, 1994)

#### 17.02.020 Purpose.

- A. To promote the health, safety and general welfare; to lessen traffic congestion and reduce hazards in the streets; to preserve recognized values of historic and community appearance and character; to provide light and air for all buildings; to avoid undesirable concentration of population; to facilitate development of transportation, water, sewage, schools, parks and other public requirements, and to provide the economic and advantages gained of comprehensively planned use of land resources, there is established a land use plan for the county of Lander.
- B. In interpretation and application, provisions of this chapter shall be held to be minimum provisions only. It is not extended that this chapter repeal or interfere with existing law, regulations or permits other than those relating to land use and construction, placement and use of structures.
- C. When this chapter imposes a greater restriction than existing provisions of law or private covenant or other restrictions, the provisions of this chapter shall prevail; private covenants or deed restrictions which impose more restrictive conditions than herein contained are not superseded by this chapter, but are not enforceable by this chapter.

(Ord. 94-4 § 12.01.02, 1994)

#### 17.02.030 Authority.

- A. This chapter, to be known as the zoning ordinance of the county of Lander and the zoning map of said county hereby made part, is adopted as constituting a part of the master plan of the county of Lander pursuant to the provisions of Chapter 278, Nevada Revised Statutes, as they may hereafter be amended or supplemented.
- B. The provisions of this chapter shall be construed as restatements and continuations and not as new enactments.

The adoption of this chapter shall not constitute a validation of any use not conforming with the provisions of the district in which it is located.

(Ord. 94-4 § 12.01.03, 1994)

#### 17.02.040 Declaration of legal principles.

The following legal concepts, adopted in the form of common law or case law by the Nevada Supreme Court, are adopted.

- A. The public is entitled to rely on the stability of zoning.
  - 1. Zoning or classification of parcels into specific land use districts is presumed to be correct and lawful at the time of such classification.

- 
- a. Once lawfully adopted, zoning classifications are not to be changed unless the proponent of change affirmatively shows:
    - i. The land use classification was illegally or improperly adopted, or
    - ii. Conditions within the area for which rezoning is sought have changed to such an extent that the current zoning no longer is reasonable or proper.
  - b. The mere fact that a different land use classification would permit a property owner to make a more profitable use of land is not, by itself, a sufficient reason to justify rezoning.
    - i. Greater profitability for the owner of land is not ever a consideration in determining whether a variance of land use is to be granted for a particular parcel.
      - (A) The fact that no economic use of a parcel is possible unless a variance is granted shall be considered in determining whether a variance is to be granted.
2. Spot zoning is presumed to be illegal.
- a. Spot zoning may be permitted if the proponent of such zoning affirmatively shows:
    - i. The proposed spot zoning will not adversely affect or modify the general applicability and rationality of the area land use classification wherein the rezoning is proposed, and
    - ii. The spot zoning is reasonably necessary to enjoyment by area residents of the area's principal land use district classification.
  - b. Whether a land use classification is spot zoning is not determined solely by the size of the parcel or parcels being classified.
    - i. The size of the parcel or parcels being reclassified in comparison to the size of an area's principal land use district classification is relevant, but not controlling, in determining whether a land use classification constitutes spot zoning.

(Ord. 94-4 § 12.01.04, 1994)

## ***Chapter 17.04 DEFINITIONS***

### **Sections:**

#### **17.04.010 Generally.**

- A. Certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from the context that they have a different meaning. All words used in the present tense shall include the future; all words in singular include the plural; the word "building" includes the word "structure" and "excavation"; the word "shall" is mandatory; the word "person" includes a "firm," "partnership," "association," "corporation" and "natural person"; the word "used" includes the words "arranged" and "designed" or "intended to be used," the word "construct" includes the words "erect," "reconstruct," "alter" or "move upon."
- B. All other definitions shall be those established by common usage as set forth by accepted dictionaries.

(Ord. 94-4 § 12.02 (part), 1994)

---

## 17.04.020 Definitions.

The following definitions apply:

- A. "Access" means a clear and unobstructed, usable approach of not less than twenty feet width to a legally dedicated public way.
- B. "Accessory building or structure" means a subordinate building or structure customarily incidental to and located upon the same lot occupied by the main use or building, excluding fences.
- C. "Airport" means all public and private airports located in Lander County.
- D. "Airport elevation" means the highest point of an airport's usable landing area measured in feet from such mean sea level.
- E. "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- F. "Alley" means a public thoroughfare or way less than thirty feet wide and/or a secondary means of access to abutting property.
- G. "Amendment" means any official change or modification in the Lander County master plan, or zoning ordinance after duly advertised public hearings have been held.
- H. "Ancillary Residential Apartment" means a residential structure which is secondary to and supportive of the primary use on a parcel. For example, an ancillary residential apartment on a parcel currently occupied with a commercial use may present itself in the form of an apartment above a storefront, occupied strictly by the owners/operators and unequivocally tied to the business.
- ~~H.~~ Apartment house. Same as dwelling (multiple).
- ~~J.~~ Approach, Transitional, Horizontal, and Conical Zones.  
These zones apply to the area under the airport approach, transitional, horizontal, and conical surfaces defined in FAA, Part 77.
- ~~K.~~ "Automobile and trailer sales area" means an open area used for display, sales and/or rental of new or used automobiles and trailer coaches and where no repair work is done except minor incidental repairs on automobiles and trailers to be displayed, sold or rented on the premises.
- ~~L.~~ "Auto service station (or gas station)" means an area used exclusively for retail sales of fuel, parts and equipment for and servicing motor vehicles, having storage tanks and pumps located thereon, and including minor repairs, or other similar activities.
- ~~M.~~ Billboards. See sign: general advertising sign.
- ~~N.~~ "Boarding (or rooming) house" means a building or portion thereof (not a hotel or motel) where, for compensation, meals and/or lodging are provided for more than two guests.
- ~~O.~~ "Borrow pit" means a source for gravel or other fill to be transported to another location for use.
- ~~P.~~ "Building" means any structure having a roof supported by walls or columns, for the housing or enclosure of persons, animals or personal property.
- ~~Q.~~ Building, Accessory. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building, or a potential main building.

- 
- RQ. "Building height" means a vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the decline of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.
- SR. "Building official" means the duly authorized official of Lander County charged with the issuance of building permits and enforcement of applicable portions of this chapter and certain other Lander County codes and ordinances.
- TS. "Building permit" means the required permit to be issued by the building official before any building or structure is started, erected, reconstructed, enlarged or altered.
- UF. "Carport" means a shelter for motor vehicles with a roof and open sides either attached or detached to a dwelling.
- VU. "Cemetery" means land used for the interment, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
- WV. "Certificate of occupancy" means the required permit to be issued by the building official before any converted, erected, installed, reconstructed, enlarged or altered building or structure is used or occupied.
- XW. "Child care facility" means any place, home, institution or establishment in which five or more children under eighteen years of age, other than those of the owner, are received and cared for with or without compensation.
- YX. "Club" means a nonprofit association of persons organized, for some common purpose, usually not a commercial enterprise.
- ZY. "Commercial coach" means a vehicle certified as commercial coach by the Nevada Division of Manufactured Housing.
- AAZ. Commissions and Public Officials. The terms "county," "county commissioners," "county clerk," "district attorney," "county engineer," "building official or department," and "planning commission" mean the county, county commissioners, district attorney, county engineer, building official or department and planning commission of, or empowered to act for, the county of Lander, Nevada.
- BBAA. "Dwelling" means:
1. Any building or portion thereof, used exclusively for residential purposes but shall not ~~including~~ include hotels, motels, clubs, boarding or rooming houses, fraternity or sorority houses, or institutions.
  2. "Single-family dwelling" means a building containing one kitchen, designed and/or used to house not more than one family, including necessary employees of such family,
  3. "Two-family dwelling" means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including necessary employees of each such family.
  4. "Multiple dwelling" means a building designed and/or used to house three or more families, living independently of each other, including necessary employees of each such family.
  5. "Unit dwelling" means a building or portion thereof containing one kitchen designed and/or used to house one family, including necessary employees of such family.
- BBCC. "Family" means one person living alone, or two or more persons related by blood, marriage or legal adoption, or a group not exceeding five persons living as a single housekeeping unit.
- CEEDD. "Gaming" means and includes all games or devices and any slot machines played for money or for checks or tokens redeemable in money, except for the purpose of this chapter only, the term



---

"gaming" shall not be construed to include or mean slot machines when such machines are operated incidental or accessory to the conduct of business permitted under the provision of this title.

~~DD~~EE. "Garage" means:

1. "Private garage" means a space, including a carport, intended for or used for parking automobiles of families resident upon the lot.
2. "Public garage" means a building for the care, repair, storage or hire for motor vehicles.

~~EE~~FF. "Hospital" means a building used for the accommodation of the sick, injured or infirm, including clinics, sanitariums, convalescent and rest homes, boarding hospitals and homes for the aged.

~~FF~~GG. "Hotel or resort hotel" means a building of six or more guest rooms as a temporary residence of individuals, lodged with or without meals, and where there are generally no provisions for cooking in an individual unit.

~~GG~~HH. "Loading space" means an off-street space or berth of not less than ten feet by forty-five feet on the same lot with building or contiguous to a group of buildings for temporary parking of vehicles while handling merchandise or materials.

~~HH~~I. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes and which abuts upon a means of legal access:

- ~~1.~~ 1. "Front line" means any lot dimension fronting a street, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.
- ~~2.~~ 2. - Rear Lot Line: The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.
- ~~1-3.~~ 1-3. Side Lot Line: Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line and all other side lot lines are designated as interior side lot lines.
- ~~42.~~ 42. "Width" means distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line.
- ~~53.~~ 53. "Depth" means the distance between the front and rear lot lines measured in the mean direction of the side lines.

~~JJ~~II. "Manufactured building" means any modular building or any building constructed using one or more modular components.

~~KK~~JJ. "Manufactured housing" means a residential dwelling unit constructed wholly or in significant part at a location other than the building lot where it is to be temporarily or permanently installed, and certified by the Nevada Division of Manufactured Housing as meeting the minimum requirements of FHA (HUD) Standards of 1976. Other related definitions include:

1. "UBC manufactured housing" means manufactured housing built to conform to the provisions of the uniform codes adopted by the International Conference of Building Officials (ICBO).
2. "Mobile home" means a residential dwelling unit constructed wholly or in significant part at a location other than the building lot where it is to be temporarily or permanently installed, but not necessarily meeting the minimum requirements of FHA (HUD) Standards of 1976.

~~LL~~KK. "Manufactured housing park" means any area or lot or parcel used for parking of two or more manufactured homes used for housekeeping, sleeping, or living purposes.

- 
- ~~LLMM~~. "Manufactured housing subdivision" means any legally subdivided area containing individual lots, each of which is primarily designed for occupancy by a home or manufactured housing.
- ~~MMNN~~. "Motel" means two or more accommodations for sleeping within a building used mainly by transients with an individual, private on-site parking area attached or accessible to each unit.
- ~~NNOO~~. "Nonconforming use" means any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this title or an amendment thereto.
- ~~OOPP~~. "Nonprecision instrument runway" means a runway having a instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- ~~PPQQ~~. "Parcel of land" means any unit or contiguous units of land in the possession of or recorded as the property of one person.
- ~~QQRR~~. "Parking space" means a permanently maintained space on a lot or parcel, suitable for the parking of one automobile, not less than twenty feet long by nine feet wide.
- ~~RRSS~~. "Patio" means a paved area (e.g., concrete, brick, stone, etc.) attached or detached to a dwelling and open to the sky.
- ~~SSTT~~. "Person" means an individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative or any of them.
- ~~TTUU~~. "Planned unit development" means a residential development in which the prevailing density regulations for the particular district apply to the project as a whole rather than to its individual lots.
- ~~UUVV~~. "Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan, any other FAA planning document, or military service's military airport planning document.
- ~~VVWW~~. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the runway center line.
- ~~WWXX~~. "Recreational vehicle" means:
1. "Camping trailer" means a folding structure usually made of canvas, mounted on wheels and designed for travel, recreation and vacation use.
  2. "Motor home" means a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of the self-propelled vehicle.
  3. "Pick coach/camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
  4. "Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation and vacation uses; having a body width not exceeding eight feet; body length not exceeding twenty-eight feet; termed a "travel trailer" on the original manufacturer's certificate of origin.

---

XXYY. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of this chapter:

1. Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
2. Any land separated as a lot or parcel prior to January 1, 1976, or the adoption of additional zoning districts, if the area and use comply with all other regulations pertaining to the district in which located; or
3. Any lot or parcel of land which is not part of a recorded subdivision and cannot be readily combined by the owner with an adjacent lot or parcel also available to the owner, and further provided that the deed or contract of sale by which such property was defined is dated prior to January 1, 1976.

YYZZ. "Retail stores and shops" means buildings for display and sale of retail merchandise, for the rendering of personal service, e.g., drug store, newsstand, food store, candy shop, turquoise and silver shop, hardware store, household appliance store, furniture store, florist, optician, music and television store, barber and beauty shop, etc.

ZZAAA. "Room" means an unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchen, closets, hallways and porches.

AAABBB. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

BBBCCC. "Setback line" means the minimum distance by which any building or structure must be separated from the ~~front~~ property line.

CCEDDD. "Sign" means any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

1. "Sign structure" includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type, or otherwise exhibiting a sign.
2. "Business sign" is any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building.
3. "Directional sign" means a sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called), giving the name and approximate location only of the farm, or business responsible for the erection of same.
4. "General advertising sign" means a sign which directs attention to a produce, commodity or service not necessarily conducted, sold or offered upon the same lot where such sign is located. (Includes billboards).
5. "Temporary sign" means a sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land.

DDDEEE. "Special use permit (or conditional use permit)" means the permit required prior to commencing certain uses which are permitted conditionally in a district.

EEEEFF. "Spot zoning" means classification of a parcel or parcels into a land use which is different than the land use(s) for which an area generally is classified:

1. Extension of a land use classification into a neighboring land use classification is not spot zoning, although the proposed extension and incursion may be unlawful for reasons not related to spot zoning concerns.
2. Size of the parcel or parcels being classified is not solely determinative of whether a particular classification scheme constitutes spot zoning.

~~FFFFGGG~~. "Street" means a public thoroughfare thirty feet or more in width serving as primary means of access to abutting property.

~~GGGHHH~~. "Structure" means any construction, including signs, the use of which requires permanent location on the ground.

III. Structure, Main. "Main structure" means a structure devoted to the principal use of the lot on which it is situated.

~~HHHHJJJ~~. "Temporary structure" means a structure installed not to exceed six months duration and to be removed entirely at the expiration thereof.

~~KKKJJJ~~. "Tiny Home" means a structure that:

(a) Is built on a permanent foundation or a chassis that is suitable for transport on public highways in the State of Nevada;

(b) Includes facilities for sleeping, eating, cooking and sanitation;

(c) Is 500 square feet or smaller, which is smaller than what is normally permitted by zoning requirements for a single-family residence;

(d) Is intended for year-round occupancy; and

(e) The term does not include: a manufactured home, as defined in NRS 489.113; a mobile home, as defined in NRS 489.120; or a recreational park trailer, as defined in NRS 482.1005.

~~LLLKKK~~. "Tiny home park" means any area or lot or parcel 10,000 square feet or larger used for parking of four or more tiny homes in a group park setting, in which not more than one of the tiny homes may be occupied by the owner of the tiny home park.

MMM. "Temporary Use Permit" means the permit required to have certain types of uses considered which are classified as being "temporary" that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. This consideration could depend on location, site and neighborhood characteristics, and other factors. A Temporary Use Permit may be approved by the County Planning Department subject to certain terms and conditions that include a limitation on the use.

~~LLNNN~~. "Utility runway" means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

~~MMMOOO~~. "Variance" means an authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by the zoning ordinance. A variance is granted by the planning commission when literal enforcement would result in an unnecessary hardship to the landowner due to the unique characteristics of the parcel.

~~NNNPPP~~. "Visual runway" means a runway solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, or by any planning document submitted to the FAA by competent authority.

---

~~000000.LLL.~~ "Wrecking yard" means any space used for storage, abandonment or sale of junk, scrap material or similar wastes, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts.

~~MMMPPRRR.~~ "Yards" means an open space on the same lot or parcel with the building from the outer foundation line of the building to the nearest lot line, to be occupied and unobstructed except as provided:

1. "Front yard" means a yard lying between the foundation of the building and the front property line and extending across the full width of the lot or parcel.
2. "Side yard" means a yard lying between the side property line and the foundation of the building and extending from the front property line to the rear property line.
3. "Rear yard" means a yard between the foundation of the building and the rear property line and extending across the full width of the lot or parcel.

(Ord. 97-5 § 1, 1997; Ord. 94-4 § 12.02 (part), 1994)

## Article II. Use Districts

### Chapter 17.06 USE DISTRICTS—GENERALLY

#### Sections:

#### 17.06.010 Applicability.

The provisions of this chapter are applicable to all lands within Lander County, Nevada.

(Ord. 94-4 § 12.03.01, 1994)

#### 17.06.020 Establishment of districts.

In order to classify, regulate, restrict and segregate the use of land, the location, use, bulk, height of structure, and to carry out the purposes of this chapter, land use districts are established as follows (~~2019~~ districts):

- A. Farm and ranch (A-3);  
~~One acre agricultural (A-1);~~
- B. ~~Five-acre agricultural~~ Rural Residential (RR-4.5A-2);
- C. Rural Residential (RR-2.5)
- ~~DC.~~ Single-family residential (R-4); ~~One acre agricultural (A-1);~~  
~~Farm and ranch (A-3);~~
- ~~ED.~~ Single-family residential (R-3);
- F. Single-family residential (R-2);
- G. Single-family residential (R-1);
- ~~E.~~ ~~Single family residential (R-2);~~
- ~~F.~~ ~~Single family residential (R-2);~~
- HG. Multiple-family residential (R-4MF);



- 
- ~~I.H.~~ Manufactured housing residential overlay (MO);
  - ~~J.~~ Manufactured housing park (MP);
  - ~~K.J.~~ Austin historic site (AH);
  - ~~L.~~ Austin historic residential (AHR);
  - ~~M.K.~~ Limited commercial (C-1);
  - ~~N.L.~~ General commercial (C-2);
  - ~~O.F.~~ Tourist commercial (TC);
  - ~~M.~~ General commercial (C-2);
  - ~~P.N.~~ Industrial (~~I.M.~~);
  - ~~Q.Q.~~ Open space and forest (OS);
  - ~~R.P.~~ Governmental purposes (GP);
  - ~~S.Q.~~ Mobile, residential, commercial (MRC);
  - ~~R.~~ Austin historic residential (AHR);
  - ~~T.S.~~ Planned unit development (PUD).

(Ord. 94-4 § 12.03.02, 1994)

#### **17.06.030 Adoption of districts.**

The several districts and boundaries thereof are established and adopted as shown on those maps entitled "Lander County Zoning Maps," which maps are made a part of this chapter together with all notations, references, dates and other information thereon, and all subsequent changes and amendments.

(Ord. 94-4 § 12.03.03, 1994)

#### **17.06.040 Determination of districts.**

It is declared that in the creation of this chapter, the board of county commissioners has given due and careful consideration to the suitability of each district for the regulations applied thereto, and the location and extent of each district and the comprehensive grouping and arrangement of the various uses and densities of population in accordance with a well considered plan for the development of Lander County and its desirable relationship to adjoining jurisdictions.

(Ord. 94-4 § 12.03.04, 1994)

#### **17.06.050 Interpretation of district boundaries.**

Boundaries are intended to parallel the center line of streets or to follow lot or property lines as they exist at the time of passage of this chapter or amendments hereto, unless specifically shown otherwise. In the event of uncertainties, the planning commission shall interpret intent as to boundary locations of different zoning districts.

(Ord. 94-4 § 12.03.05, 1994)

#### **17.06.060 Vacated rights-of-way.**

When dedicated street or alley is abandoned, the regulations applicable to abutting properties shall apply respectively to the portions of the right-of-way vacated.

---

(Ord. 94-4 § 12.03.06, 1994)

**17.06.070 Annotating district boundary changes.**

When a change in the official zoning map is approved by the board of county commissioners, a new subsection shall be added thereto. Each such amendment shall incorporate a map delineating the area or areas as thereby changed. Each map shall be certified by the chairman of the planning commission and the county commissioners, attested to by the clerk and a true copy attached to the appropriate district map which is a part of the master plan of Lander County and a copy thereof filed in the office of the county clerk and county building official.

- A. MO—Mobile overlay is imposed on that certain subdivision in Lander County designated the Malone Estates Subdivision. Said change is set forth on a map attached to the ordinance codified in this title and incorporated herein by reference as zoning map amendment 93-1.

(Ord. 94-4 § 12.03.107, 1994)

**17.06.080 Effects of districting.**

- A. Application. The provisions of this code governing the use of land, building and structures, the size of yards, height and build of buildings, density of population and other provisions are declared to be in effect upon all land within boundaries of each and every district herein established.
- B. Classification. The following shall prevail:
  - 1. Lesser restrictive uses: The express enumeration in the code of a particular class of building or use in any district is a prohibition of such building or use in all other districts unless otherwise specified.
  - 2. Uses not specifically included in any land use district and not specifically excluded therefrom by this title may be authorized in that district by special use permit, provided such uses are similar to the uses specifically included or accessory to uses which are specifically included.
  - 3. The planning commission may recommend a land use district classification when such does not violate the intent of this code after giving legal notice and holding at least one public hearing thereon.
- C. Building Under Construction. Any building for which a lawful permit has been issued which is in conflict with this code, or any amendments hereto, and on which substantial work has been performed before the effective date of the ordinance codified in this title or any amendments thereto, may be continued and completed in accordance with the plans and specifications upon which basis the permit was issued.
- D. Incidental Hotel Uses. Any hotel may contain such business uses as are customarily conducted in conjunction and incidental thereto, provided that unless such business uses are otherwise permitted in the use district in which the hotel is situated, every public entrance to such business shall be from a lobby, a hallway, or other interior portion of such hotel, and provided further that no show window, sign or other advertising material shall be visible from the outside.
- E. Lot Divisions. Where a lot is divided into separate ownerships, and the area of a portion of ownership is such that the number and location of buildings on the lot no longer conforms to the lot area requirements, then each owner shall be required to seek a variance or make the appropriate changes to ~~his~~their lot to comply with this code.
- F. Temporary Real Estate Offices. No provision of this code shall prohibit a temporary real estate office within a subdivision in agricultural or residential districts used for the purposes of selling lots in said subdivision and not for the conduct of a general real estate office.

- 
- G. Nothing contained herein shall be construed to prevent the keeping of domestic pets, the raising of any bush, tree, berry or truck crop and the sale of such crops from the premises in residential zones, provided that no permanent stores or stands are constructed for the same.
  - H. Elections Permitted. Nothing in the code shall be deemed to allow interference with the temporary use of property in connection with a legal election.
  - I. PUDs Authorized. Areas in excess of ten acres, which by their topographic nature are difficult for individual access or optimum use, may be subdivided into lots or parcels of an "average" density equal to their respective zone classifications, provided:
    - 1. Approval by the planning commission and the board of county commissioners;
    - 2. A minimum lot size of not less than two-thirds the requirement of the underlying zoning is maintained;
    - 3. A planned unit development procedure is required.
  - J. Utility Easements/Right-of-Way Abandoned. Any abandonment of a dedicated right-of-way shall be subject to the preservation of easements for any previously established right-of-way of a duly licensed public utility.
- (Ord. 94-4 § 12.03.08, 1994)

### **Article III. Provisions Applying to All Use Districts**

#### ***Chapter 17.08 PROVISIONS APPLYING TO ALL USE DISTRICTS***

**Sections:**

**17.08.010 Applicability.**

The requirements herein set forth shall apply and govern in all districts and shall be applicable to all uses and buildings hereafter erected and used, and to such nonconforming building uses as may be required to conform.

(Ord. 94-4 § 12.04.01, 1994)

**17.08.020 Off-street parking regulations.**

- A. Required. Off-street parking vehicle space shall be provided for all buildings and uses as hereinafter specified unless otherwise defined. Such parking shall be reasonably adjacent to the use or building being served; be intended specifically to serve the residents, patrons or employees of said use or building; and the required number of spaces must be demonstrably usable and accessible for such purposes.
- B. Application to Existing Uses. The provision of parking spaces shall not be required for legally existing uses as of the date of this chapter, but shall be required for any extension of such use by the addition of new primary floor area or other special spatial expansion of building or use generating new parking demand.
- C. Parking, Storage or Use of Major Recreational Equipment. For the purposes of these regulations, major recreational equipment includes boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreation equipment, whether occupied by such equipment or not.
  - 1. Major recreation equipment shall be parked or stored on the lot and not in the street in a residential zone.
  - 2. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

D. Parking, Storage or Use of Commercial, Industrial or Agricultural Equipment.

1. No commercial, industrial or agricultural vehicles with a gross vehicle weight over five tons shall be parked anywhere in a residential zone.
2. No such vehicles equipped with tandem axles shall be parked anywhere in a residential zone.

E. Determination of Need. The number of parking spaces required shall be based upon the anticipated parking demand of the individual uses and shall be as follows or as may be designated hereinafter for specific uses or situations; a combination of uses permitted shall provide off-street space in ratio to the combined uses:

USE	MINIMUM PARKING REQUIREMENTS
All single and/or multiple residential including manufactured housing	2 spaces per dwelling unit, manufactured housing or suite
For each guest bedroom in a lodging house, club or fraternity	1 space plus 1 for each 3 beds
Public assembly facilities providing for seated audiences (churches, theaters, auditoriums, etc.)	1 space for every 5 seats
Hospitals	1 space for every 2 beds plus 1 space for each medical staff member plus 1 space for every 3 employees
Nursing, convalescent, rest and old age homes	1 space for every 2 beds plus 1 space for each staff member employee
Bowling alley	4 spaces per alley
Motels, hotels or other transient lodging facilities (regardless of a particular zoning)	1 space for each guest room unit up to and including 30 guest rooms or units, plus parking spaces equal to not less than 80 percent of the number of guest rooms or units in excess of 30
Clinics/dental offices	5 spaces for each practitioner on the staff
Business offices	1 space for each 250 square feet GFA
All C-1 and TC classification not otherwise listed	1 space for each 300 square feet GFA
Delivery or service vehicles	Space as required
All C-2 and industrial classifications not otherwise listed	1 space for each 1000 square feet GFA
Auto service stations	3 spaces per service bay plus 3 spaces
Customer service establishments	1 space for each 200 square feet
Restaurants, taverns, clubs, etc.	1 space for each 100 square feet
Planned shopping centers	1 space for each 300 square feet

F. Parking spaces as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred feet. Every parcel of land hereafter used as a public parking area shall be surfaced with asphalt, concrete or other hard surfaces constructed to current Lander County Orange Book standards. Any lights used to illuminate said parking area shall be so arranged to reflect the light away from the adjoining premises in a residential district.

G. Parking requirements shall at no time be considered sufficient for any additional use of premises, and additional spaces shall be provided to meet requirements when there is any change to a different industrial use or to a commercial use.

H. General Requirements and Parking Criteria.

1. Any off-street parking area other than provided for a residence, ~~having that has~~ a capacity for more than three vehicles, shall be hard surfaced ~~to the satisfaction of the Public Works Director~~, fitted with bumper guards, and permanently maintained.

- 
2. Any off-street parking area, other than that provided for a residence, which abuts or faces a residential district shall provide a planting screen, landscape fence or wall at least four feet in height along the side abutting or fronting on a residential district. Plans for such a screen shall be submitted to the planning commission for approval before installation.
  3. Off-street parking may be established in required rear or side yards in any residential zone, R-1, R-2 and R-3 and in front, rear or side yards in R-4 and nonresidential zones:
    - a. Fifty percent (up to forty feet) of the available curb parking space adjacent to the exterior boundaries of the property may be deducted from the eighty feet total off-street parking facilities required.
    - b. When off-street parking facilities are located adjacent to a public right-of-way, the width of the right-of-way may be assumed to be a portion of the maneuvering space.
    - c. If suitable, available, adjacent or nearby public parking places exist, the planning commission may permit modifications in specific off-street parking requirements.
    - d. No vehicles constituting an eyesore, creating a public safety hazard, or considered a nuisance shall be parked anywhere in a residential zone.
    - e. Driveways or other areas required to move cars in or out of parking spaces are not to be considered in meeting off-street parking space requirements.
    - f. Off-street parking may be permitted in any zone which is more restrictive than that required for the major land use it is intended to serve:
      - i. Subject to the issuance of a special use permit;
      - ii. Provided that no advertising signs be erected or used in connection therewith.
  4. Lights provided in any parking area shall be hooded or beamed as not to create undesirable glare or illumination of adjacent property.
  5. For the purpose of this chapter, one parking space shall not be less than one hundred eighty square feet in area. When the required number of off-street spaces results in a fractional space, fractions over one-half shall require additional space.
  6. Open parking of cars accessory to a residential use shall be limited to those actually used by the residents, or for temporary parking of guests. Storage of unused or inoperative vehicles is prohibited.
  7. In a nonresidential district, at least five percent of the total area used for parking and related activities shall be landscaped by planting new or preserving existing trees and shrubs.
  8. In cases of uncertainty or where requirements are not specifically enumerated, the planning commission shall determine the appropriate parking requirements unique to the specific situation.

(Ord. 94-4 § 12.04.02, 1994)

### **17.08.030 Off-street loading and unloading.**

- A. Required. In commercial and industrial districts, off-street loading space shall be provided in addition to the required off-street parking area for every building used for commercial or industrial purposes, which building is in excess of three thousand square feet in area exclusive of storage area.
- B. Standard Dimension. An individual loading space shall be at least ten feet wide by forty-five feet long and have a minimum height clearance of fourteen feet.



---

C. Determination of Need. The number of spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the planning commission upon submittal of site and operational plans.

D. Street Servicing Prohibited. No building for commercial or industrial purposes shall hereafter be erected or placed on a lot in a manner requiring servicing directly from the abutting public street.

(Ord. 94-4 § 12.04.03, 1994)

#### **17.08.040 Drainage.**

A. Adequate Drainage Required. No main building shall be erected, structurally altered or relocated on land which is not adequately drained at all times nor which is subject to regular flooding, nor so that the lowest floor level is less than two feet above the highest anticipated seasonal groundwater level.

B. The damming, filling, relocation or otherwise interfering with a water drainage channel or natural water course shall not be permitted except by approval of the county commissioners.

C. No building other than a bridge, dam, boathouse or revetment subject to the aforesaid approval shall be erected, structurally altered or relocated so that the lowest floor of such building is less than two feet above the maximum high-water level as determined by the latest flood insurance map.

(Ord. 94-4 § 12.04.04, 1994)

#### **17.08.050 Manufactured housing, modular housing, commercial coaches, tiny homes, etc.**

A. Except as otherwise provided, no tent, box car, passenger coach, bus or streetcar body may be erected or occupied in any use district for permanent living quarters.

B. Manufactured, modular, and tiny home housing may be used for permanent living quarters or sleeping quarters only in residential districts zoned for such use.

C. Manufactured housing may be used for commercial purposes only where zoned for such purposes and only:

1. As a sales office for a new or used trailer sales business if such trailer is on the same lot or parcel of land where the business is located and if, on such lot or parcel of land, new or used trailers, other than that used for a sales office, are normally kept for display to the public;
2. As a sales office for a new or used auto sales business conducted on the same lot or parcel of land;
3. As a construction building at the site of a construction project only for the duration of such project.

D. A commercial coach may be used for commercial purposes where for such purposes.

E. Manufactured homes, modular homes, and tiny homes must have a value of \$50,000 or greater and meet all applicable building codes.

F. Manufactured home, modular home, and tiny home parks shall be adequately spaced to allow for access by firefighting equipment and vehicles;

F. Manufactured home, modular home, and tiny home parks shall provide individual or community water and wastewater service.

G. A Tiny Home must:

1. Meet all applicable requirements in the building code for a single-family residence.
2. Be inspected and certified by a professional engineer licensed pursuant to chapter 625 of NRS.
3. If a tiny house is on a chassis, the connection of the tiny house to the chassis must also be certified by a professional engineer licensed pursuant to chapter 625 of NRS.

---

4. Include a seal from a third-party inspection company authorized to certify tiny houses which indicates that the structure has passed inspection at specific stages of construction in compliance with the applicable safety, structure, and energy efficiency standards. The seal must be permanently affixed to the tiny house.

5. Be connected to individual or public water, sewer, and other applicable utilities.

(Ord. 94-4 § 12.04.05, 1994)

### **17.08.060 Livestock.**

In addition to any other requirements in this chapter, no livestock consisting of horses, cows, sheep or other large animals may be stabled or housed in any area unless the following requirements are met:

- A. The minimum lot size is one acre.
- B. Stables shall be at least fifty feet from any property line.
- C. The lot size shall be at least one-half acre per animal.
- D. This section does not apply to the A-3 zoning designation.

(Ord. 94-4 § 12.04.06, 1994)

### **17.08.070 Accessory buildings—Generally.**

- A. It is unlawful to construct, erect or locate in any agricultural or residential district, private garages or any accessory building without a permissive main building, except a permitted accessory building may be constructed and occupied as and for a legal use for not more than one year during the construction of a permanent main building, providing that a permit for the construction of the permissive main building is issued.
- B. On a corner lot facing two streets, no accessory building shall be erected so as to encroach upon the setback line of either frontage.
- C. An attached or detached accessory building or carport, of use as a private garage, may be built to within fifteen feet of the street line.
- D. An accessory building may be connected to the main building by a breezeway or to the structure, in which case it is considered attached and applicable setbacks will apply.
- E. No accessory use or structure shall be permitted that by reasons of noise, dust, odor, appearance or other objectionable factor creates a nuisance or substantial adverse effect on the property value or interferes with the quiet enjoyment of the surrounding properties.
- F. A building permit for any accessory building to be used as a storage shed or similar type structure shall not be issued by the Lander County building department if the proposed building's wall height exceeds eight feet. If a proposed accessory building's wall height will exceed eight feet, the building official will present the application to the Lander County commission at its next regularly conducted session and issue the building permit at the direction of the commission upon approval of the application. The commission's determination shall be the final determination in the matter. Nothing in this section shall prohibit a land owner from constructing a garage or barn with wall heights exceeding eight feet.
- G. Solar panels are considered an accessory structure and must comply with the setback, design, and location requirements of the underlying zoning designation. Solar panels which are constructed outside of these requirements will be considered a nuisance and subject to abatement procedures in Lander County Development Code Chapter 8.20.

(Ord. 2007-02 § 1, 2007; Ord. 2006-04 § 1, 2006; Ord. 94-4 § 12.04.07, 1994)

---

### 17.08.080 Exemptions.

- A. Notwithstanding any other provision of the Lander County Zoning Ordinance (Chapter 17 of the Lander County Code), any licensed medical doctor may locate [his/her/their](#) medical office anywhere within one-and-a-half blocks of any hospital, and any licensed attorney at law may locate [his/her/their](#) law office anywhere within one-and-a-half blocks of any courthouse.
- B. Limitations. The exemption provided in subsection A of this section applies only to medical and law offices and not to any unrelated additional business or occupation and is an exemption from the zoning ordinance alone and not from any applicable building code or other local, county, or state provision, ordinance, statute, or other law.

(Ord. 99-3 §§ 2, 3, 1999)

### 17.08.100 Water rights dedication.

- A. Required water dedication.
  - 1. Pursuant to Nevada Revised Statutes ("NRS") 278.461(2), in the groundwater basins currently designated as depleted by the Nevada Division of Water Resources, and in any groundwater basins that will be designated by the Nevada Division of Water Resources as depleted in the future, a parcel map creating new parcels of less than five acres shall be required to relinquish two acre feet of water rights for each newly created parcel. The applicant is responsible for the costs associated with acquiring the water rights and relinquishments.
  - 2. The form and type of water rights, should the application be approved, must be valid and acceptable to Lander County in all respects.
  - 3. Prior to recordation of any map which creates additional parcels within the county, the transfer of water rights shall be completed.
- B. Water Right Retention. Lander County, in its discretion, may continue to hold the water rights received from parceling of property, or may revert the water rights to the source by making application to the state water engineer in accordance with NRS Chapter 534 to reserve the water right for credit to a public water system at the time a public water system serves the parcel or parcels.
- C. Developments in Process Unaffected. No land development which was in process at the time of adoption of this section shall be subject to this section.
- D. Exceptions. Any division or parceling of land which does not require water for its intended use, may be exempted from the water reservation provisions of this chapter. In such circumstances, the applicant shall submit, at the time the application is approved, a written and binding statement of intent to not use any water originating from said newly created parcel or parcels. This binding statement of intent shall be recorded on any map which creates additional parcels within the county and recorded as a restriction on the deed or on an attachment to the deed at the time it is recorded.

(Ord. 2008-09 § 2, 2008)

(Ord. No. 2009-03, § 2, 3-26-2009; Ord. No. 2010-2005, § 1, 10-28-2010; Ord. No. 2012-02, § 1, 3-22-2012)

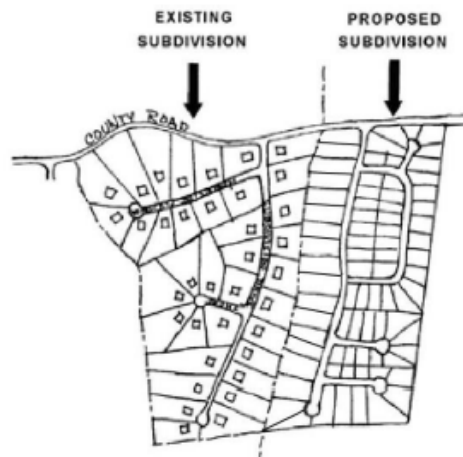
### 17.08.110 – Adjacency Standards

- A. **Applicability. Standards established in this section shall apply to any new development. Wherever a natural barrier (e.g., ridgeline, river, open space, or natural terrain change) buffers the existing built environment or platted lots from the new development, these standards shall not apply.**

- 
- B. Density. To the extent that land in such areas affected by this standard would be buildable under federal, state, or local regulations, the full eligible density may be utilized on other locations on the site.**
- C. All nonresidential development adjacent to residential development shall be designed to minimize impacts on adjacent properties by:**
- 1. Limiting exterior lighting to full-cutoff shielded fixtures and directing lights away from adjacent properties;**
  - 2. Limiting sources of audible noise (e.g., heating and air conditioning units) from building facades that face lower intensity uses; and**
  - 3. Locating off-street parking, loading, and service areas away from the shared property and incorporating them into the design of buildings they are intended to serve**
  - 4. Placing windows on the new development so as to maintain privacy by avoiding direct lines of sight into adjacent properties; and**
  - 5. Concentrating tallest buildings at the center of the site or along primary street frontages;**
  - 6. Providing gradual decreases in building height and mass so that new structures are a maximum of 35 feet in height along the shared lot line or street frontage.**
- D. Residential Adjacency Standards. Setbacks, landscaping and screening must be provided for new nonresidential development adjacent to residential zoning districts or existing residential development according to the below standards:**
- 1. Generally. Any buffer shall provide landscaping or other suitable screening to screen the activities, such as parking, service and delivery areas, from the residential districts.**
    - a. The buffer shall not contain trash receptacles or be used for the storage of equipment, materials, vehicles, etc. The administrator may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts.**
    - b. Fences, walls or perimeter planting in commercial and industrial development adjoining residential uses shall be at least six (6) feet but not more than eight (8) feet in height. The fences, walls or perimeter planting adjoining a street may be a maximum of six (6) feet in height.**
  - 2. Industrial development (IA)**
    - a. Development must follow all provisions outlined in Chapter 17.64 – Industrial District – IA.**
    - b. A buffer with a minimum width of 30 feet is required between industrial development and any adjacent residential zoning district. The administrator may require a larger buffer of a specific width, or other visual and/or sound barrier (fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts.**
    - c. Components of an industrial use that are outside of an enclosed building shall be setback a minimum of 30 feet from abutting residential zoning districts.**
    - d. Setbacks may be reduced to 20 feet with appropriate mitigation measures, as determined by the Administrator, and shall require the approval of a Special Use Permit.**
  - 3. Commercial development (C-1, C-2, TC)**
    - a. Development must follow all provisions outlined in Chapter 17.58 – Commercial District – C-1, Chapter 17.60 – Tourist Commercial – TC, and Chapter 17.62 – General Commercial District – C-2, as applicable.**
    - b. A buffer with a minimum width of 20 feet is required between commercial development and any adjacent residential zoning district.**
    - c. Components of a commercial use that are outside of an enclosed building shall be setback a minimum of 20 feet from abutting residential zoning districts.**

4. Height limits. Structures adjacent to residential zoning districts shall be restricted to thirty-five feet in height. Height may be increased to up to forty-five feet and up to three stories provided each side yard setback is increased for each additional foot of building height over thirty-five feet.
- E. Lot adjacency standards for new residential development adjacent to existing residential development.**
1. To provide adequate transition between varying sizes of single-family residential parcels designated one dwelling unit per 5 acres or larger to one dwelling unit per acre, the minimum adjacent lot size shall be one acre, unless approved otherwise by the Administrator.
  2. To provide adequate transition between varying sizes of single-family residential parcels designated as one unit per acre or greater density, one of the following methods shall be utilized:
    - a. Transition. New subdivision lots adjacent to existing subdivision lots shall match the rear yard setbacks per zoning district, not exceed the number of stories of the existing adjacent homes and shall not exceed a fifty percent (50%) reduction in lot size of the existing subdivision lots. If existing subdivision lots are less than half acre, no transition is required. An alternative transition may be utilized with appropriate mitigation measures, as determined by the Administrator, and shall require the approval of a Special Use Permit.

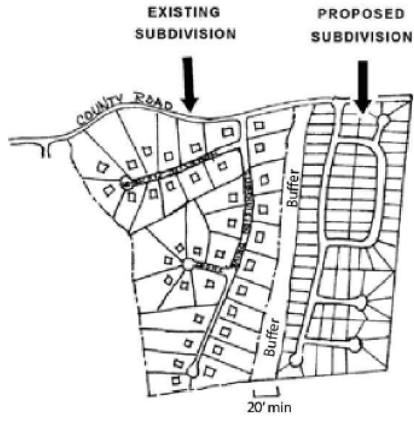
**Figure 17.08.110-1 – LOT SIZE TRANSITION**



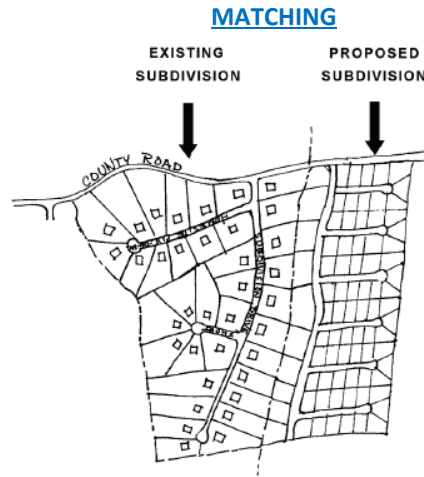
- b. Buffering. A "buffer zone" shall be established and shall be a minimum of 20 feet wide. The buffer zone may be common open space for the proposed subdivision and shall include at least one of the following improvements: paths, trails, drainageways, landscaping, berms, or other subdivision amenities. The Administrator may require a larger landscape buffer of a specific width, or other visual and/or sound barrier (open view fence, wall, landscaping, or combination of such measures), to mitigate any potential adverse impacts. The Administrator may allow a major drainage, roadway or railroad right of way to constitute adequate buffering.

**Figure 17.08.110-2 – BUFFERING**





- 
- c. Yard Matching. The rear yard widths of the proposed development shall match the rear yard widths of the existing development as depicted in Figure 17.08.110-3 – YARD



- d. In addition, lots proposed within a new subdivision that share a common property line with an established subdivision shall not contain structures that exceed the maximum height of the adjacent equivalent zoning district.

---

## **Chapter 17.10 SIGN REGULATIONS**

### **Sections:**

#### **17.10.010 Purpose.**

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the county, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display or outdoor advertising as stated in the current UBC Sign Code Book.

(Ord. 94-4 § 12.04.08 (part), 1994)

#### **17.10.020 General regulations.**

No sign shall be erected, maintained or operated:

- A. Except for authorized traffic signs, no sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between the heights of two and one-half and eight feet; or any location where it may interfere with or obstruct the view;
- B. Which imitates or resembles any official traffic sign, signal or device or uses the words "Stop" or "Danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway;
- C. Which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a street or highway and which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle;
- D. Which advertises any activities which are illegal under state or federal law or regulations in effect at the location of such signs or at the location of such activities;
- E. Which is obsolete or inconsistent with state law or the provisions of this title.

(Ord. 94-4 § 12.04.08 (part), 1994)

#### **17.10.030 Advertising outdoors regulated.**

No person except a public officer or employee in performance of a public duty shall paste, post, paint, print, nail, tack, erect, place, maintain or fasten any sign, pennant, outdoor advertising sign, billboard or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

(Ord. 94-4 § 12.04.08 (part), 1994)

#### **17.10.040 Excluded signs.**

The following shall not be deemed to be included within the definition of "sign":

- A. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices or warnings at railroad crossings;
- B. Memorial tablets or signs;
- C. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten square feet on any lot or parcel;

- 
- D. Signs which are within a ballpark or other similar recreational use and which cannot be seen from a public street or adjacent properties;
  - E. Flags or emblems of a civic, philanthropic, educational or religious organization, temporary in nature;
  - F. Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, freight entrances, no trespassing and posted signs, or the like;
  - G. Signs directing traffic on private property but bearing no advertising matter, with a total surface area not exceeding eight square feet per sign on any lot or parcel and provided that no parts of such signs other than columns and supports shall be located between three and one-half and seven feet above grade;
  - H. Signs placed by a public utility showing the location of underground facilities.

(Ord. 94-4 § 12.04.08 (part), 1994)

### **17.10.050 Signs permitted.**

Signs will be permitted in the various districts subject to the issuance of a building permit as follows:

- A. ~~A-1, A-2~~RR 2.5, RR 4.5:
  - 1. Business signs on the same ground as the business itself;
  - 2. Church bulletin boards and identification signs;
  - 3. Directional signs;
  - 4. Home occupation signs not to exceed one square foot per sign;
  - 5. Temporary signs;
  - 6. General advertising signs (billboards).
- B. A-3:
  - 1. Business signs;
  - 2. Directional signs;
  - 3. Temporary signs;
  - 4. General advertising signs (billboards).
- C. R-1, R-2, R-3, R-4, MO, MP, AH:
  - 1. Business signs, only to advertise the sale or rent of the premises upon which erected, with a total area not exceeding thirty-two square feet per sign;
  - 2. Church bulletin boards and identification signs, with a total surface area not exceeding forty square feet per sign;
  - 3. Directional signs, with a total surface area not exceeding four square feet per sign;
  - 4. Home occupation signs, with a total surface area not exceeding one square foot per sign;
  - 5. Temporary signs with special permission from the building inspector.
- D. C-1, C-2, TC, MRC:
  - 1. Business signs;
  - 2. Church bulletin boards and identification signs;

- 
3. Directional signs;
  4. General advertising signs (billboard);
  5. Home occupation signs;
  6. Temporary signs.

E. ~~MA~~:

1. Business signs;
2. Directional signs;
3. General signs;
4. Temporary signs.

(Ord. 94-4 § 12.04.08 (part), 1994)

### **17.10.060 Setback requirements.**

Signs shall be located fifteen feet or more from any street right-of-way, excepting signs that are permanently attached to the main structure. There shall be excluded from this setback requirement business signs advertising the sale or rent of the premises, which may be erected up to the property line.

(Ord. 94-4 § 12.04.08 (part), 1994)

### **17.10.070 Height/width regulations.**

A sign shall not exceed a height of twenty feet. A sign shall not exceed a width of forty-eight feet. In addition to the height and width restrictions, when constructed, the top of the sign shall not exceed thirty feet above ground level or the street to which it is oriented, whichever is higher.

(Ord. 97-7 § 1, 1997; Ord. 94-4 § 12.04.08 (part), 1994)

### **17.10.080 Nonconforming signs.**

Any sign lawfully in existence at the time of the effective date of the ordinance codified in this title may be maintained although it does not conform with the provisions of this title.

(Ord. 94-4 § 12.04.08 (part), 1994)

## ***Chapter 17.12 AIR QUALITY***

### **Sections:**

### **17.12.010 Removing of surface vegetation in excess of one acre.**

Any person, firm, partnership, corporation, association or other owner or occupant of any real property of less than five acres who shall within the confines thereof by means of plowing, discing, or any other means, expel dust or other particulate matter into the air, shall first file with the board of county commissioners an application for a permit.

(Ord. 94-4 § 12.04.09.01, 1994)



---

### **17.12.020 Application for permit.**

The application required by this section shall state the name of the owner and occupant of the real property, a legal description of the real property sought to be disturbed, the reason for the disturbance, the eventual use for which the disturbed will be used and a plan or method by which the applicant will reduce the dust or other particulate matter which will be expelled into the air. Said application shall be considered by the board of county commissioners at the next regularly scheduled meeting thereof, provided the same is filed at least ten days prior thereto. If the board determines that the application is in proper form and that the permit should be granted, said permit will be issued forthwith. If the permit is refused, a written statement of the reasons for the refusal shall be transmitted by the clerk of the board to the applicant.

(Ord. 94-4 § 12.04.09.02, 1994)

### **17.12.030 Mining and minerals dust control.**

- A. Any person, firm, partnership, corporation, association or other entity engaged in the business of hauling minerals, ores, concentrates or other mining products on or over the unpaved portions of any street, road or highway within the confines of Lander County shall take such measures, including sprinkling with water, as are reasonably necessary to reduce or eliminate the expelling of dust or other particulate matter into the air, whenever the conditions of the road surface so require.
- B. Any person, firm, partnership, corporation, association or other entity maintaining an uncovered stockpile of mineral material or ore within Lander County shall take such measures, to prevent the expelling of dust or conditions of stockpile as required.

(Ord. 94-4 § 12.04.09.03, 1994)

### **17.12.040 Inspection of road surfaces.**

It shall be the duty of the Lander County building inspector to inspect road surfaces as set forth in Section 17.12.030A and uncovered stockpiles as set forth in Section 17.12.030B and to recommend to the users thereof the appropriate methods to take in order to reduce or eliminate the expelling of dust or particulate matter into the air, whenever the conditions of the stockpiles so require.

(Ord. 94-4 § 12.04.09.04, 1994)

## **Chapter 17.13 TEMPORARY USE PERMITS**

### **Sections:**

#### **17.13.010 Application.**

The property owner may apply for a Temporary Use Permit on private property. Any person may apply for a Temporary Use Permit on public right-of-way. The planning department shall review and decide upon each application for a Temporary Use Permit. The planning department may approve or modify and approve an application for a Temporary Use Permit if:

- A. The temporary use will not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the temporary use;
- B. The temporary use is compatible with the purpose and intent of this section of Lander County Municipal Code, and the specific zoning district in which it will be located;
- C. The temporary use is compatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;

- 
- D. Adequate parking is provided to serve the temporary use, and, if applicable, the temporary use does not create a parking shortage for other existing uses on the site;
  - E. Structures proposed for the temporary use comply with the setback and clear vision area requirements of this title, and with applicable provisions of the building and fire codes;
  - F. If applicable, hours of operation of the temporary use are specified; and
  - G. The temporary use will not cause noise, light, or glare which adversely impacts surrounding uses.

#### **17.13.020 Time Limitation.**

A Temporary Use Permit is valid for up to 180 days from the effective date of the permit. The planning department may establish a shorter time frame.

A property owner or other holder of a Temporary Use Permit may not file an application for a successive Temporary Use Permit for 30 days following the expiration of an approved permit applying to that property.

The applicant may make a one-time request to extend the expiration date of the Temporary Use Permit up to 180 days. Approval is subject to the discretion of the Planning Department.

#### **17.13.030 Removal of Temporary Use.**

The planning department shall establish, as a condition of each Temporary Use Permit, a time within which the use and all physical evidence of the use must be removed. If the applicant has not removed the use as required by the Temporary Use Permit, the county may abate the use.

Prior to the approval of a Temporary Use Permit, the applicant shall submit to the planning department an irrevocable, signed statement granting the County permission to summarily abate the temporary use and all physical evidence of that use if it has not been removed as required by the terms of the Permit. The statement shall also indicate that the applicant will reimburse the County for any expenses incurred in abating a temporary use under the authority of this section.

#### **17.13.040 Screening of off-site construction parking areas.**

The planning department may require screening of off-site construction parking areas as a condition of issuance of a Temporary Use Permit if the department determines that screening is necessary to mitigate visual impacts to surrounding properties.

## ***Chapter 17.14 SPECIAL USE PERMITS***

### **Sections:**

#### **17.14.010 Application.**

The planning commission shall hear special use permit and home occupation special use permit applications. Before a permit may be granted, evidence is required that the proposed use:

- A. Is necessary to the public health, safety, convenience, and welfare;
- B. Is a use permitted in a land use district subject to the provisions of this section. A special use permit may not be issued for a use not conditionally permitted within a land use district; and
- C. Will not result in material damage or prejudice to other property in the vicinity;
- D. The following procedures and conditions apply:

- 
1. Notice to property owners within three hundred feet of the exterior boundaries of the proposed area as shown on the latest assessor's property maps shall be given for a special use permit by ~~certified mail or hand-carried by the building department, or by~~ first class mail ~~for a home occupation special use permit,~~ at least ten days before the date of the public meeting at which the application will be considered. The special use permit application shall have a sign-off line for the county assessor. Before signing off on the application the assessor shall review the same to determine:
    - a. That the assessor's parcel number listed on the application is correct,
    - b. That the physical address listed on the application is correct,
    - c. That the property taxes for the parcel which is the subject of the application have been paid and are current, and
    - d. That the purported owner(s) of the parcel listed on the application correspond to the owner(s) of record in the records of the assessor,
  2. ~~The planning commission shall set time limits for all special use permits. All permits issued shall be nontransferable.~~ The Planning Commission shall set time limits for the utilization of all special use permits. A special use permit approval shall expire within the time limits set by the planning commission unless terms of the permit have begun or have been substantially completed within that time required by the planning commission.
  3. A special use permit is valid only for the use or structure it was issued for. A special use permit shall become discontinued when:
    - A. The use which has been permitted is discontinued and not reestablished within eighteen months;
    - B. The use or structure which has been permitted is damaged and application for rebuilding or replacement is not made within eighteen months of such damage; or
    - C. The use or structure which has been permitted is altered or modified or otherwise changed to such a degree that the use or structure is no longer in compliance with the conditions of the special use permit;
  3. A site plan of the proposed area pertaining to the special use permit or home occupation special use permit shall accompany the permit application.<sup>7</sup>
  4. ~~An application fee in the amount of two hundred fifty-three hundred dollars for a special use permit, or in the amount of fifty-seventy five dollars for a home occupation special use permit, shall accompany the permit application,~~ shall be provided per the Lander County adopted fee schedule.
  5. A permit application for a special use permit or a home occupation special use permit shall be accompanied by an affidavit of the owner of property involved that the statement, answers and information submitted with the application in all respects are true and correct to the best of the owner's belief and knowledge.
  - E. Any protest against the issuance of the permit shall be considered whether or not the person is entitled to notice of the proposal, but no protest or combination of protests is binding upon the planning commission;
  - F. The planning commission shall issue or deny the permit and so notify the applicant within forty-five days after the application is filed;
  - G. The planning commission may impose certain appropriate conditions under which proposed use may be allowed, which will prevent material damage to adjacent properties and provide suitable safeguards

---

to the public health, safety and general welfare. Such conditions may include without limitations time limitations, architectural considerations, access provisions, off-street parking, greenbelt planting and any pertinent controls. The planning commission may adopt standard conditions to apply to all permits;

- H. A copy of final action shall be furnished to the building official and to the board of county commissioners;
- I. All such conditions to the granting of special use permit shall be in writing and copies made a part of the records of Lander County.

(Ord. 2003-01 § 1, 2003; Ord. 2001-09 § 1, 2001; Ord. 2001-05 § 1, 2001: Ord. 94-4 § 12.04.010 (part), 1994)

#### **17.14.020 Public hearing and notices.**

The planning commission shall hold a public hearing in accordance with the following procedure:

- A. Hearing. Such hearings shall be held by the planning commission within thirty-five days following the initiation of such proceedings. Notice of time and place of hearing shall be published in a newspaper not less than ten days prior to the date of such hearing. Such notice shall describe the conditions of the special use permit, the lot, parcel, or properties and other pertinent information.
- B. Notice. The planning commission shall mail to the applicant and to all real property owners within three hundred feet of the exterior boundaries of the proposed area as shown on the latest assessor's property maps, written notice of the time, place and date of such hearings and the general location of the property of the addressee with reference to the conditions of the permit, not less than ten days prior to the public hearing date.

(Ord. 94-4 § 12.04.010 (part), 1994)

### ***Chapter 17.15 HOME OCCUPATIONS***

#### **Sections:**

#### **17.15.010 Authorization.**

Subject to the limitation of this chapter, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. The underlying zone must specifically allow for the use of a home occupation to receive a permit. All permits shall be subject to annual review unless the time is set sooner by the board.

(Ord. 97-5 § 2 (part), 1997)

#### **17.15.020 Definitions.**

A home occupation is a business, profession, occupation or trade that:

1. Is conducted for gain or support by a full-time occupant of a dwelling unit;
2. Is incidental and secondary to the use of such dwelling unit for dwelling purposes; and
3. Does not change the residential character of such dwelling unit.

(Ord. 97-5 § 2 (part), 1997)

---

### 17.15.030 Use limitations.

A. Employee Limitations.

1. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
2. No person who is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of, such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

B. Structural Limitation.

1. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use.

C. Operational Limitations.

1. No activity shall be conducted on a residential lot unless it is conducted wholly within a principal dwelling unit or permitted accessory structure.
2. No more than a total of four hundred eighty square feet of floor area (exclusive of garage floor area devoted to permissible parking of a vehicle used in connection with the home occupation) of any dwelling unit or any permitted accessory structure shall be devoted to the conduct of a home occupation.
3. No stock in trade shall be displayed or sold outside of the dwelling unit used in any home occupation.
4. No routine attendance of patients, clients, subcontractors or employees associated with any home occupation shall be allowed. The attendance of up to five customers at any one time may be allowed for the purpose of receiving private instruction in any subject or skill. "Routine attendance" means that the conduct of the home occupation requires nondomiciled persons to visit the premises of the home occupation as part of the regular conduct of the occupation, without regard to the number, frequency or duration of such visits.
5. No mechanical, electrical or other equipment that produces noise, electrical or magnetic interference, vibration, heat, glare, emissions, odor or radiation outside the dwelling unit or any permitted accessory structure that is greater or more frequent than that typical of equipment used in connection with residential occupancy shall be used in connection with any home occupation.
6. No outdoor storage shall be allowed in connection with any home occupation.
7. No refuse in excess of the amount allowable for regular residential pick-up shall be generated by any home occupation.
8. No home occupations of any use entailing food processing or packing, harboring of animals, automobile repair or similar activity shall be allowed to receive a permit.

D. Signage and Visibility. A sign not larger than one square foot in connection to the home occupation shall be allowed. The sign must be attached to the residence or displayed in a window.

E. Traffic Limitations. No home occupation shall generate more traffic than is typical of residences in the area.

F. Nuisance-Causing Activities. In addition to the foregoing specific limitations, no home occupation shall cause any nuisance or be noxious, offensive or hazardous.

G. Licensing Requirements. Every home occupation shall be subject to applicable business licensing and inspection requirements.



- 
- H. Non-Transferrable. Home occupation permits are not transferrable with the property.  
(Ord. 97-5 § 2 (part), 1997)

## ***Chapter 17.16 PLANNED UNIT DEVELOPMENT***

### **Sections:**

#### **17.16.010 Planned unit development—Generally.**

Special development concepts may be considered in any district if in accordance with this chapter and the Nevada Revised Statutes, Chapter 278A.

(Ord. 94-4 § 12.04.11 (part), 1994)

#### **17.16.020 Objectives for planned unit residential developments.**

The objectives for the planned unit residential developments are as follows:

- A. To plan for residential development to the end that all residents have access to good and decent housing opportunities;
- B. To plan for the use and location of manufactured housing such that:
  - 1. The opportunity for the use of manufactured housing as a lower cost housing alternative is available within specified locations;
- C. Development of areas for relatively short-term housing is not detrimental to long-term growth and development of the community;
- D. To plan for protection of the community's open atmosphere while retaining the flexibility needed to allow clustering multifamily dwellings on a separate lot;
- E. To plan for growth in Lander County, as natural resource constraints allow, and away from known flood plains;
- F. To locate streets in such a way as to protect neighborhood integrity while providing the best possible transportation of people and materials;
- G. To keep large commercial vehicles off residential streets as much as possible;
- H. To provide adequate recreation opportunities for the citizens through community parks, common open space in residential developments and other desirable means.

(Ord. 94-4 § 12.04.11 (part), 1994)

#### **17.16.030 Permitted uses.**

Permitted uses in planned unit developments are as follows:

- A. Uses permitted subject to the issuance of a special use permit: private parks, recreation areas and buildings, clubs and social halls, playing fields, common owned areas, swimming pools, all in connection with an overall development and not operated as a business for commercial purposes.
- B. A variety of dwelling types and land uses which complement each other and harmonize with existing and proposed uses in the vicinity. Standards of building site area, maximum coverage, open space, landscape areas and off-street parking shall be defined specifically by special use permit; however, the average density per net acre, including common owned grounds, shall not be greater than the density required by the underlying regulations for the land use district in which the planned unit development

---

is located, except that residential densities may be increased to ten percent over those allowed in the respective underlying zoning.

C. Considerations under which the above uses may be established:

1. The tract or parcel of land involved must contain sufficient area to allow at least ten dwelling units (and one hundred thousand square feet for any mixed classification) and either be in one ownership or subject to a joint action by all owners of contiguous property included in the proposed development. The holder of a written option to purchase land shall be deemed to be an owner for the purposes of such application.
2. The regulations prescribed for special use permits shall control the procedure for application, hearing action and conditions of special use permits for planned unit developments; provided, however, that in addition the application shall be accompanied by:
  - a. A boundary survey map of the area. If applicant proposes to subdivide property, a tentative subdivision map may be submitted for this requirement;
  - b. A map of the existing and proposed topography of the proposed development area with contours at intervals of not more than two feet;
  - c. Other topographical features, including all trees over six inches in diameter (or groves where grouped), trees to be removed and other natural features;
  - d. An overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, recreational areas and other spaces with such other pertinent information as may be necessary for determination that the contemplated plan makes it desirable for applying regulations and requirements differing from those ordinarily applicable under this chapter. This information shall include the proposed street system; proposed building site layout; proposed reservation for parks, parkways, playgrounds, recreational area and open spaces; proposed location of commercial land uses (if any) and appropriate off-street parking, garages, and parking spaces, fire hydrants, street signs, street lights and other street furniture;
  - e. Character, materials, color and texture to show development design in three dimensions;
  - f. Elevations and perspectives to show relationship of building heights to surrounding topography;
  - g. Legal means of administration, control;
  - h. A tabulation of the gross land area of the development, a tabulation of the area to be devoted to each land use and a tabulation of the average population density per net acre including common owner grounds, and per gross acre in the area devoted to residential use.
3. Exclusive park and open space areas shall be not less than thirty percent of gross area with adequate legal controls to insure perpetual preservation and maintenance. The county of Lander shall be a third party to all such control.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.040 Parking.**

There shall be not less than two off-street parking spaces for each dwelling unit and all other uses, together with sufficient off-street spaces as determined for guests, service areas and delivery vehicles.

(Ord. 94-4 § 12.04.11 (part), 1994)

---

### **17.16.050 Building height limits.**

Height limits are subject to design and issuance of special use permit.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.060 Setback requirements.**

All structures shall be located fifteen feet or more from the property line of the lot or parcel.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.070 Use permit—Findings.**

The planning commission may recommend a permit for a planned unit development as the use permit was requested, or in a modified form, if from the application and evidence submitted, the following findings are made:

- A. That the proposed development is in accord with the objectives of this chapter and the purpose of the district in which it is located;
- B. That the development will not be detrimental to the public health, safety and welfare or injurious to the area;
- C. That the combination of difference in dwelling types and variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.080 Special use permit—Conditions.**

The planning commission may require as a condition to recommending a planned unit development special use permit, all or any of the following:

- A. Upon the abandonment of the project for which the planned unit development special use permit was issued, or upon the expiration of two years from the date of granting of the permit for a planned development which same has not then been commenced, and an extension of time for completion has not been granted, the planned unit development special use permit shall expire.
- B. The planned unit development special use permit may be revoked if the developer deviates from the development plan as approved, without first obtaining the consent of the governing body to such change or changes.
- C. If the planned unit development contains common owned areas and/or facilities, that the subdivider shall make provisions in the declaration of tract restrictions that common owned areas and/or purpose or purposes as set forth in the planned Unit Development Special Use Permit, and
  1. If the subdivider files or causes to be filed a petition for the formation of community services district for the preservation and maintenance of such common owned areas and/or facilities.
  2. If the subdivider represents in writing the means by which preservation and maintenance of the common owned areas and/or facilities is to be accomplished and the payment of all taxes thereon assured.

(Ord. 94-4 § 12.04.11 (part), 1994)

---

### **17.16.090 Common open space—Amount and location.**

Common open space resulting from the application of standards for density or intensity of land use must be set aside for the use and benefit of the residents or owners of the development. Provisions must be made by which the amount and location of any common open space at the planned unit development is determined and its improvement and maintenance secured.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.100 Common open space—Dedication of land organization for ownership and maintenance—Assessments.**

- A. The county may accept the dedication of land or any interest therein for a planned unit development for public use and maintenance, but the county cannot require as a condition of the approval of a planned unit development, that land proposed to be set aside for common open space be dedicated or made available for public use. The landowner must provide for and establish an organization for the ownership and maintenance of any common open space, and the organization may not be dissolved or disposed of any common open space by sale or otherwise, without first offering to dedicate the common open space to the county. That offer must be accepted or rejected within one hundred twenty days.
- B. The organization may make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the plan. The assessments must be ratable against the properties within the planned unit development that have a right of enjoyment of the common open space. The agreement between the organization and the property owners shall provide:
  - 1. A reasonable method for notice and levy of the assessment; and
  - 2. For the subordination of the liens securing the assessments to other liens either generally or specifically described.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.110 Common open space—Fees for maintenance—Records.**

An organization established for the ownership and maintenance of common space which receives payments from the owners of property within the planned unit development for the maintenance shall:

- A. Immediately deposit the payments in a separate trust account maintained by it with a bank or recognized depository in this state;
- B. Keep records of all payments deposited therein and all disbursements therefrom.

(Ord. 94-4 § 12.04.11 (part), 1994)

### **17.16.120 Application for tentative approval.**

An application for tentative approval of the plan for a planned unit development must be filed by or on behalf of the landowner.

- 1. Application—Form, Filing Fees, Place of Filing, Tentative Map. The application for tentative approval must include a tentative map. Tentative approval may not be granted until the tentative map has been submitted for review and comment made by the agencies specified in NRS 278.335.
- 2. The application must be accompanied by a filing fee ~~of five hundred dollars~~ as adopted by Lander County. In addition, the applicant shall pay all costs incurred by Lander County in processing and approving the application, and all costs of supervision of the project.

- 
- B. Planning, Zoning and Subdivision Determined by County. All planning, zoning and subdivision matters relating to the planning, use and development of the planned unit development and subsequent modifications of the regulations relating thereto to the extent modification is vested in the county, must be determined and established by the county.
- C. Application—Contents. The application shall contain, without limitation:
1. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed;
  2. The density of land use to be allocated to parts of the site to be developed;
  3. The location and size of any common open space and the form of organization proposed to own and maintain any common open space;
  4. The use and the approximate height, bulk and location of buildings and other structures;
  5. The ratio of residential to nonresidential use;
  6. The feasibility of proposals for disposition of sanitary waste and stormwater;
  7. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities;
  8. The provisions for parking of vehicles and the location and width of proposed streets and public ways;
  9. The required modifications in the municipal land use regulations otherwise applicable to the subject property;
  10. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed;
  11. All other information required for county evaluation of the project.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

### **17.16.130 Public hearing.**

- A. After the filing of an application pursuant to NRS 278A.440 through 2778A.470, inclusive, a public hearing on the application shall be held in the manner prescribed by law for hearings on amendments to a zoning ordinance.
- B. The county may continue the hearing from time to time and may refer the matter to the planning staff for a further report, but the public hearing or hearings shall be concluded within sixty days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings are to be concluded.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

### **17.16.140 Decision by county.**

The county shall, following the conclusion of the public hearing, by minute action:

- A. Grant tentative approval of the plan as submitted;
- B. Grant tentative approval subject to specified conditions not included in the plan as submitted; or
- C. Deny tentative approval to the plan. If tentative approval is granted, with regard to the plan as submitted or with regard to the plans with conditions, the county shall, as part of its action, specify the



---

drawings, specifications and form of performance bond that shall accompany an application for final approval.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

### **17.16.150 Minute order.**

- A. Findings of Fact Required. The grant or denial of tentative approval by minute action must set forth the reasons for the grant, with or without conditions, or for the denial, and the minutes must set forth with particularity in what respects the plan would or would not be in the public interest, including but not limited to findings on the following:
1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit development;
  2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest;
  3. The ratio of residential to nonresidential use in the planned unit development;
  4. The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
  5. The physical of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light, air, recreation and visual enjoyment;
  6. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established;
  7. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned unit development in the integrity of the plan.
- B. Specifications of Time for Filing Application for Final Approval. Unless the time is specified, if a plan is granted tentative approval, with or without conditions, the county shall set forth, in the minute action, the time within which an application for final approval of the plan must be filed or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part thereof must be filed.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

### **17.16.160 Status of plan after tentative approval—Revocation.**

- A. A copy of the minutes must be mailed to the landowner.
- B. Tentative approval of a plan does not qualify a plat of the planned unit development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by action of the county pending an application for final approval, without the consent of the landowner. Impairment by action of the county is not stayed if an application for final approval has not been filed, or in the case of development over a period of years applications for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

- 
- C. The tentative approval must be revoked and the portion of the area included in the plan for which final approval has not been given is subject to local ordinances if:
1. The landowner elects to abandon the plan or any part thereof, and so notifies the county in writing, or
  2. The landowner fails to file the application for the final approval within the required time.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

### **17.16.170 Final approval.**

- A. Proceedings for Final Approval.
1. An application for final approval may be filed for all the land included in the plan or to the extent set forth in the tentative approval for a section thereof. The application must be made to the county within the time specified by the minutes granting tentative approval.
  2. The application must include such drawings, specifications, covenants, easements, conditions and forms or performance bond as were set forth in the minutes at the time of the tentative approval and a final map.
  3. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.
- B. Substantial Compliance When Plan is Tentatively Approved.
1. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:
    - a. Vary the proposed gross residential density or intensity for use;
    - b. Vary the proposed ratio of residential to nonresidential use;
    - c. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
    - d. Substantially increase the floor area proposed for nonresidential use; or
    - e. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings;
    - f. A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.
- C. Plan not in Substantial Compliance—Alternative Procedure—Public Hearing—Final Action.
1. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the county shall within thirty days of the date of filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.
  2. The landowner may:
    - a. Treat such notification as a denial of final approval;
    - b. Refile the plan in a form which is in substantial compliance with the plan as tentatively approved; or
    - c. File a written request with the county that it hold a public hearing on ~~his~~their application for final approval. If the landowner elects the alternatives set out in paragraphs b or c, ~~he~~they may refile ~~his~~their plan or file a request for a public hearing, as the case may be, on or before the last day

---

of the time within which ~~they were~~ authorized by the minutes granting tentative approval to file for final approval, or thirty days from the date ~~they~~ receives notice of such refusal, whichever is the later.

3. Any such public hearing shall be held within thirty days after request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in NRS 278A.480.
  4. Within twenty days after the conclusion of the hearing, the county shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matter required with respect to an application for tentative approval by NRS 278A.500.
- D. Certification, Filing and Recording of Approved Plan—Effect of Recordation—Restrictions on Modification of Approved Plan—Fees for Filing or Recording.
1. A plan, or any part thereof, which has been given final approval by the county, must be certified without delay by the appropriate recorder before any development occurs in accordance therewith. The recorder shall not file for record any final plan unless it includes a final map and:
    - a. The certificates of approval as are required under NRS 278.377; or
    - b. Evidence that the approvals were requested more than thirty days before the date on which the request for filing is made, and that the request for filing is made, and that the agency has not refused its approval.
  2. After the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply.
  3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, must be made, nor may it be impaired by any act of the county except with the consent of the landowner.
  4. The recorder shall collect a fee of fifty dollars, plus fifty cents per lot or unit mapped, for the recording or filing of any final map, plat or plan. The fee must be deposited in the general fund of the county where it is located.
- E. Rezoning and Resubdivision Required for Further Development Upon Abandonment of or Failure to Carry Out Approved Plan. No further development may take place on the property included in the plan until the property is resubdivided and is reclassified by an enactment of an amendment to the zoning ordinance if:
1. The plan, or section thereof, is given approval and, thereafter, the landowner abandons the plan or the section thereof as finally approved and gives written notification thereof to the county; or
  2. The landowner fails to carry out the planned unit development within the specified period of time after the final approval has been granted.
- F. Any decision of the county under this section granting or denying tentative or final approval of the plan or authorizing or refusing to authorize a modification in a plan is a final administrative decision and is subject to judicial review in properly presented cases.

(Ord. 94-4 § 12.04.11.01 (part), 1994)

## ***Chapter 17.18 BUILDING PERMITS***

### **Sections:**

---

### **17.18.010 Generally.**

No building or structure shall be started, reconstructed, enlarged or altered until a building permit has been obtained from the building department.

(Ord. 94-4 § 12.04.12 (part), 1994)

### **17.18.020 Building permits.**

- A. No building permit shall be issued for the erection, alteration or use of any structure or part thereof, or for the use of any land, unless:
  - 1. The location, design and intended use of such structure conforms to this chapter, and such structure is not incidental to a use of land prohibited by this chapter.
  - 2. A structure devoted to a nonconforming use is to be altered in a manner permitted by this code.
  - 3. A variance has been allowed or a special use permit issued and:
    - a. The time for an appeal from such allowance or issuance has been exhausted without any appeal being taken, or any appeal taken has been finally disposed of; and
    - b. The proposed erection or alteration complies with all conditions imposed by such variance or special use permit.
- B. Any building permit issued contrary to the provisions of this title is void.
- C. It shall be the duty of the building official before issuing a building permit to ascertain the exact location of the property on which the building is to be located. The building official shall obtain a written statement of the street address of the property or, if no street address exists, a property description in writing before issuing a building permit.
- D. Any applicant for a building permit in an unsubdivided area or elsewhere, where by reason of size and location of parcel, problems of access and street location may be anticipated, may be required to submit a tentative subdivision plat of the entire parcel in accordance with standard subdivision procedure prior to the issuance of a permit. When required, the permitted shall proceed only in accordance with said approved tentative plan and such conditions as may be established by the commission and shall agree by recorded document to convey no portion of said parcel without first obtaining the approval of the commission, or by completing the subdivision in accordance with the approved tentative plan.
- E. It shall be the duty of the building official to enforce the provisions of this code pertaining to the construction or alteration of buildings or to the occupancy of land or buildings. It shall be the duty of all other officials charged with the issuance of licenses to enforce the provisions of the code pertaining to the use of land or buildings. Said officials shall refuse to license pursuant to application therefore authorizing a business use that has commenced operations subsequent to adoption of this code unless this application is accompanied by a duly signed certificate from the building official authorizing the conduct of such use at the location sought in the application.
- F. Authority. In the enforcement of said code, the building official shall have the power and authority to do the following:
  - 1. At any reasonable time and for any proper purpose, to enter upon any public or private premises and made an inspection thereof;
  - 2. Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue a cease and desist order requiring the cessation of any building, moving alteration or use which is in violation of the provisions of this code, such revocation to be in effect until reinstated

---

by the building official or take any other action as directed by the county commissioners to insure compliance with or to prevent violation of its provisions.

- G. It is unlawful to use or permit the use of any building or premises, or part thereof, hereinafter erected, changed, converted, moved, altered or enlarged wholly or in part, until a certificate of occupancy shall be issued therefore by the building official. No certificate shall be issued permitting the use of any building or premises or part unless:
1. If any permit was required, the plans and specifications approved have been fully accomplished and completed;
  2. If no building permit was required:
    - a. The use conforms to this title,
    - b. The use is a valid nonconforming use, or
    - c. The use is authorized by a variance allowed or special use permit issued, and either the time limit for an appeal from such approval or issuance has been exhausted with an appeal being taken and all conditions have been complied with.

(Ord. 94-4 § 12.04.12 (part), 1994)

## ***Chapter 17.20 VARIANCES***

### **Sections:**

#### **17.20.010 Generally.**

The planning commission shall hear and decide variances from regulations and requirements and all matters referred to it or properly of concern in the administration of this chapter. Any action that in effect changes the uses or overall density permitted in any zoning district of this chapter shall be deemed in excess of their powers and this chapter, and of no force and effect. The planning commission may recommend to the county commission that an amendment to this chapter be considered.

(Ord. 94-4 § 12.04.13 (part), 1994)

#### **17.20.020 Application.**

- A. Any person requesting a variance shall file an application with the planning commission. Such application shall include:
1. Provisions of this title from which the property or building is sought to be excepted;
  2. A legal description of the property involved;
  3. Ground plans showing the location of all existing and proposed buildings;
  4. That the granting of the variance will not result in material damage or prejudice to the other properties in the vicinity nor be detrimental to the public health, safety and general welfare;
  5. No change shall be made in the final plans as approved by the board of commissioners.
- B. All building permit applications shall be made pursuant to the final plans approved by the board of commissioners.
- C. The applicant shall present adequate evidence showing:



- 
1. That there are special circumstances or conditions applying to the property under consideration which makes compliance with the provisions of this chapter difficult and cause a hardship to, and abridgement of a property right of the owner of said property;
  2. That such circumstances or conditions do not apply generally to other properties in the same land use district;
  3. That granting of the variance is necessary to do substantial justice to the applicant or owner of the property;
  4. That the granting of the variance will not result in material damage or prejudice to the other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

(Ord. 94-4 § 12.04.13 (part), 1994)

### **17.20.030 Hearing.**

- A. The planning commission shall hold a public hearing, not later than sixty-five days after the filing of the application, said hearing to be advertised no later than ten days prior to the hearing date in a regularly published newspaper in Lander County, and shall give notice of the time and place and purpose thereof by mailing a notice not less than ten days prior to the date of such hearing to the applicant, building official and the owners of property, and any part of which lies within one hundred feet in a direct line or within three hundred feet along a street or combination of streets from any point on the exterior boundary of the lot or parcel for which the variance is sought, as shown on the records of the Lander County assessor. Notice by certified mail to the last known address of the real property owners as shown on the assessor's records shall be sufficient.
- B. The commission shall hear and consider evidence and facts from any person at any public hearing on a variance and or written communication from any person relative to the variance. No notification is required to hear complaints of alleged variance violations; however, before any action is taken against an alleged violator a written notice and an opportunity or hearing will be provided to the alleged violator.
- C. The commission may hear facts from any person appearing and may consider written communication relative to application.
- D. Any protest against the granting of a variance shall be considered, whether or not the person protesting is entitled to notice of the proposal, but no protest or combination of protests is binding upon the commission.

(Ord. 94-4 § 12.04.13 (part), 1994)

### **17.20.040 Findings.**

The commission shall, within thirty days from the date of hearing, return its decision, which shall be transmitted in writing to the applicant with a copy to the building official. Failure of the commission to render a decision within thirty days from the date of hearing shall be deemed an approval of the application unless an extension is granted.

(Ord. 94-4 § 12.04.13 (part), 1994)

### **17.20.050 Conditions.**

- A. The planning commission in approving any variance may impose conditions under which the lot or parcel may be used or the building constructed which, in such commission's opinion, will prevent material damage or prejudice to adjacent properties.
- B. Any such conditions must be complied with and violation of the same shall result in revocation of the permission granted by variance.

- 
- C. Further use after revocation shall constitute a violation of this title and shall be punishable as herein provided.

(Ord. 94-4 § 12.04.13 (part), 1994)

### **17.20.060 Expiration.**

- A. Where a use, permitted by a variance permit, is not made on the property within the time specified in the permit, then without further action the permit shall be null and void and such use shall not be made of the property except on the granting of a new variance permit.
- B. Where a use, permitted by a variance permit which has no specified time condition, is not made on the property within two years after the date of granting thereof, the planning commission shall contact the applicant to determine if the development of the use is still anticipated. If the applicant no longer intends to develop such use, then without further action, the permit shall be null and void and such use shall not be made of the property except upon the granting of a new variance permit.
- C. A variance permit becomes void when the use permitted by such permit is discontinued.
- D. A variance permit runs with the land.

(Ord. 94-4 § 12.04.13 (part), 1994)

### **17.20.070 Building official—Variance powers and duties.**

- A. The building official shall submit to the planning commission a written report of ~~his~~their findings and recommendations on each application for variance.
- B. The building official may grant or deny at ~~his~~their discretion a variance in lot area, yard area or parking requirements, if undue hardship is self evident. Such variance shall be limited to deviations not to exceed five percent of required yard, or ten percent of lot area or five percent of off-street parking requirements.
- C. All decisions of the building official shall be in writing and filed with the planning commission with copies submitted to the county clerk and applicant. Such decisions of the building inspector may be granted without public hearing and shall become effective ten days from the date taken to the planning commission.

(Ord. 94-4 § 12.04.13.01, 1994)

### **17.20.080 Variance and appeal procedure.**

Any person appealing the decision of the building official or requesting a variance by the planning commission shall include:

- A. The provisions of this title from which the property or building is sought to be excepted;
- B. A legal description of the property involved;
- C. Plat plans showing the location of all existing and proposed buildings;
- D. Elevation of all proposed buildings or alterations in sufficient detail to meet the requirements of the commission, plus elevations of buildings within one hundred feet of the subject lot;
- E. Evidence of the ability and intent of the applicant to proceed with actual construction in accordance to submitted plans within six months of the filing date;
- F. Filing fees shall be deposited in accordance with procedures adopted by this code.

(Ord. 94-4 § 12.04.13.02, 1994)

---

## **Chapter 17.22 ENFORCEMENT PROCEDURE**

### **Sections:**

#### **17.22.010 Enforcement procedures.**

Any building or structure erected or maintained or any use of property contrary to the provision of this code shall be and is declared a public nuisance. In addition to prosecuting any violation as a misdemeanor crime, the following procedures may be used to enjoin, abate or restrain a violation:

- A. Whenever a written complaint is filed with the county clerk alleging the existence of a nuisance, as defined in NRS 40.140 or this chapter, within the county, the county clerk shall notify the board of county commissioners, who, except as otherwise provided by subsections E and F of this section, shall forthwith fix a date to hear the proof of the complainant and the owner of occupant of the real property whereon the alleged nuisance is claimed to exist not less than thirty nor more than forty days subsequent to the filing of the complaint.
- B. At the time of fixing the hearing the board of county commissioners shall order and cause notice of the hearing to be published at least once a week for two weeks next preceding the date fixed for the hearing in a newspaper of general circulation published in the county and if none is so published in the county then in a newspaper having a general circulation in the county.
- C. At the time fixed for hearing, the board of county commissioners shall proceed to hear the complaint and any opponents. The board may adjourn the hearing from time to time, not exceeding fourteen days in all. At the hearing it shall receive the proofs offered to establish or controvert the facts set forth in the complaint, and on the final hearing of the complaint the board shall by resolution entered on its minutes determine whether or not a nuisance exists and, if one does exist, order the person or persons responsible for such nuisance to abate the same. If the order is not obeyed within five days after service of a copy upon the person or persons responsible for the nuisance, the board of county commissioners shall cause the abatement of the nuisance and make the cost of abatement a special assessment against the real property.
- D. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.
- E. As an alternative to the procedure set forth above in this section, the board of county commissioners, upon receipt from the county clerk of notice of the filing of a complaint alleging the existence of a nuisance, may direct the district attorney to notify the person responsible for such nuisance to abate it, and if such notice is not obeyed after service thereof, within a reasonable time under the circumstances, as specified by the board, to bring legal proceedings for abatement of the nuisance, and for recovery of compensatory and exemplary damages and costs of suit. Such proceedings shall be under the control of the board of county commissioners in the same manner as other suits to which the county is a party.
- F. The district attorney shall also have the self-authority and discretion separate from the above procedures to bring all necessary civil actions on behalf of, and in the name of the county in any court of competent jurisdiction, to enjoin, abate, or restrain the continued violation of any ordinance, rule or regulation enacted, adopted or passed by the board of county commissioners having the effect of law and which the violation of said ordinance, rule or regulation is designated as a nuisance. Should the district attorney decline to use the discretion and self-authority granted to bring a civil action and has not filed criminal charges, then the procedures outlined above shall be used.

(Ord. 97-6 § 2, 1997)

---

### **17.22.020 Remedies.**

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structure or improvements, or prevent the enforced correction or removal thereof.

(Ord. 94-4 § 12.04.14 (part), 1994)

### **17.22.030 Violation—Penalties.**

Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any provisions of this code, or violating or failing to comply with any order or regulations made hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each day and every day during which such violation of the code or failure to comply with any order or regulation is committed, continued or otherwise maintained.

(Ord. 94-4 § 12.04.14 (part), 1994)

### **17.22.040 Special civil penalty.**

- A. In addition to the penalties provided elsewhere in this code, any land owner, whether person or other entity, after having been served with notice of the violation setting forth a date for abatement of such violations and not having abated the violation by the abatement date or having requested and received a date certain extension of time for abatement, found by a building official to be in continued violation of the code after the abatement date, is liable for a civil penalty of one hundred dollars per day for each day of non-compliance. Upon a majority vote of the county commission, such penalty assessment may constitute a special assessment against the real property. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment. In addition, such penalty, when recorded, shall constitute a lien against the real property. All laws applicable to the enforcement and collection of liens against real property shall be applicable to such special assessment.
- B. Service of the notice of violation by the building official shall be accomplished by posting a notice of violation in a visible area upon the real property and mailing a certified copy of the notice to the address listed on the tax rolls for the assessment of real property taxes.
  1. The violation notice shall set forth:
    - a. The address and assessor's parcel number ("APN") of the property;
    - b. The type of violation;
    - c. The specific code number of the violation;
    - d. The demanded correction;
    - e. A target date for abatement (the "abatement date") not less than thirty days from the date of the notice; and
    - f. Included reference to Chapter 17.22, Enforcement Procedure.
- C. An owner may request from the building official an extension of time for the abatement date with which to complete the abatement. Such extension shall not be unreasonably withheld, but shall not extend beyond ninety days from the notice of violation and shall be effective when granted in writing. In the event that completion of the abatement cannot be completed within the extended time, the land owner may request a date certain extension from the board of county commissioners at its next regularly noticed meeting upon

---

the land owner's written request. The board of county commissioners may extend the time to abate the violation to a date certain up to one year in the future.

- D. At its discretion, the board of county commissioners may modify, reduce or forgive accrued civil penalty assessments against the owner of the property to a minimum of the actual amount or one thousand dollars whichever is greater, at any properly noticed public meeting upon the written request of such owner.
- E. All recorded special assessments and/or recorded liens must be paid prior to any transfer of title to the property.
- F. Each person receiving the special assessment on behalf of Lander County shall remit the money to the Lander County treasurer for credit to the Lander County general fund.

(Ord. 2005-06 § 1, 2005)

## **Chapter 17.24 AMENDMENTS**

### **Sections:**

#### **17.24.010 Generally.**

This chapter and zoning maps may be amended, repealed or supplemented by the board of county commissioners. Any such amendment shall be considered an amendment to the master plan and shall be accomplished in the manner required by Chapter 278 of the Nevada Revised Statutes.

(Ord. 94-4 § 12.04.15 (part), 1994)

#### **17.24.020 Procedure.**

- A. Amendments may be initiated by the planning commission or the board of county commissioners on its own motion, or by the owner of the lot or parcel within the area sought for amendment, by filing with the planning commission a signed and certified application, accompanied by the necessary fee.
- B. Hearing. The planning commission shall first hold a public hearing on all proposed amendments. Such hearings shall be held within thirty-five days following the initiation of such proceedings. Notices of time and place of hearings shall be published in a newspaper of general circulation in Lander County not less than ten days prior to the date of such hearing. Such notice shall describe the change proposed, the lot, parcel or properties proposed for change and other pertinent information in such a manner that the property and change proposed can be readily identified. When the planning commission deems it proper, it may notice and consider other property for change in addition to that sought in the application.
- C. Notice. Upon application for a change of land use district, ~~the planning commission shall mail to the applicant and to all real property owners within three hundred feet of the exterior boundaries of the area proposed for reclassification as shown on the latest assessor's property maps, the owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the exterior boundary fo the property being considered for the amendment, and to all property owners within the district written notice of the time, place, and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten days prior to the public hearing date. the planning commission shall mail written notice of the date, time, and location of the public hearing where the change will be considered to the applicant, all real property owners within 300 feet of the proposed area, or as far as necessary to reach a minimum of the 30 nearest separately owned parcels to the exterior boundary of the property being considered for the amendment. The notice must also include the general location of the property being referred to in relation to the property proposed for change. This notice must be sent at least ten days prior to the public hearing.~~



---

(Ord. 97-7 § 2, 1997; Ord. 94-4 § 12.04.15 (part), 1994)

#### **17.24.030 Report to county commissioners.**

Within forty days following the public hearing, the planning commission shall file a written report with the county commissioners recommending approval, modification or disapproval of the proposed change or amendment or recommending the adoption of the county commissioners or "Resolution of Intent" to reclassify all or part or portion of the property included in the proposed change or amendment. The planning commission recommendation of adoption of such a resolution may contain any conditions, stipulations or limitations which the commission feels necessary to protect the public interest. The planning commission shall mail to the applicant notice of the recommendation within three days following the filing of the report with the county clerk.

(Ord. 94-4 § 12.04.15 (part), 1994)

#### **17.24.040 County commission action.**

The county commissioners shall consider such evidence relating to the change of land use and may reverse the decision of the planning commission by a majority vote of a quorum of the commission. The county commissioners in adopting the "Resolution of Intent" to reclassify all or a portion of the property included in the proposed change or amendment may include any condition, stipulation or limitations which the commission may feel necessary to require in the public interest as prerequisite to final action. Fulfillment by the applicant of all conditions, stipulations and limitations contained in said resolutions shall be a binding commitment on the county commissioners to change the land use district as provided in the resolution. Upon completion of compliance action by the applicant, the county commissioners shall by ordinance effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said resolution, including the time limit, if any, shall render said "Resolution of Intent" to reclassify null and void, unless an extension is permitted by the county commissioners upon recommendation of the planning commission.

(Ord. 94-4 § 12.04.15 (part), 1994)

### ***Chapter 17.26 NONCONFORMANCE***

#### **Sections:**

#### **17.26.010 Nonconformance.**

Lawful use of land or buildings not in conformance with the regulations herein prescribed existing at the time of the adoption of the original county land use ordinance, dated January 1, 1976, this code, or any amendments thereto, may continue except as follows:

- A. The nonconforming use of land or building shall not be extended or expanded in any way. Such use shall not be improved or changed except to bring said use of land or building into conformity with this code and/or other ordinances in the county.
- B. Where automobile parking space in connection with a main nonconforming building or use does not meet the requirements of this code, said building or use may be altered to provide such additional automobile parking space.
- C. A lawful nonconforming use of land or buildings, which is abandoned or discontinued for more than ninety days, shall not be continued or resumed.
- D. No nonconforming buildings, except a school or a church structure, which has been damaged or partially destroyed by a natural calamity to an extent equal to one-half its appraised value, shall be repaired, reconstructed, moved or altered except in conformity with the provisions of this code.

- 
- E. Provisions of this section shall comply with the uses of property or to buildings which may become nonconforming by reason of amendment or supplement to this title, or the land use plan, or the building setback plan.
  - F. No nonconforming use shall be changed to another nonconforming use.
  - G. Where, upon complaint, any nonconforming structure or use may be found by the county commission as a matter of fact, to be a detriment to the public health, safety or general welfare, such structure may be ordered to be removed or such use to be discontinued within such time as the county commission may deem reasonable. Upon failure to carry out such order, the county may take such steps as are necessary to remove such structure or discontinue each use and assess the cost thereof against the property.

(Ord. 94-4 § 12.04.16, 1994)

## ***Chapter 17.28 APPEALS***

### **Sections:**

#### **17.28.010 Appeals.**

- A. Any person aggrieved by the denial or issuance of a building permit, certificate of occupancy, variance, special use permit or any other decision by the planning commission under the authority of this title or any such denial may appeal the denial to the county commissioners.
- B. An appeal may be taken within ten days after the decision of the planning commission by paying to the county clerk the fee prescribed herein and filing a written statement of the reasons why the denial, issuance or decision is erroneous.
- C. The county commissioners shall hear the appeal within twenty-five days after the filing of the statement of reasons. The commission shall give ten days written notice of the date, time and place of the hearings to the applicant, building inspector, and the owners of the property any part of which lies within one hundred feet in a direct line within three hundred feet along a street or combination of streets from any point on the exterior boundary of the involved lot or parcel as shown on the records of the Lander County assessor, and shall cause notice to be published in a newspaper of general circulation in Lander County not less than ten days prior to the date of such hearing. Such notice shall describe the change proposed, the lot, parcel or properties proposed for the change, and other pertinent information in such a manner that the property and change proposed can be readily identified. Notice by certified mail to the last known address of the real property owners, as shown on the records, shall be sufficient.
- D. The county commissioners shall render a decision within thirty days after the date of hearing.

(Ord. 94-4 § 12.04.17, 1994)

## ***Chapter 17.30 REPEAL***

### **Sections:**

#### **17.30.010 Repeal.**

- A. Repeal shall not revive any ordinances. The repeal of an ordinance herein shall not repeal the repealing clause of such an ordinance or revive any ordinance which has been repealed thereby.
- B. The repeal of any ordinance or part or portion of any ordinance of the county shall not in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date

---

hereof, not affect any right which has accrued nor any suit, action, or proceeding commenced under or by virtue of the ordinances or portions repealed, not to be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, not to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 94-4 § 12.04.18, 1994)

## ***Chapter 17.32 FEES AND REQUIREMENTS***

### **Sections:**

#### **17.32.010 Generally.**

Before accepting any applications hereinafter mentioned, the following requirements shall be met and fees charged, collected and deposited with the planning department.

(Ord. 94-4 § 12.04.19 (part), 1994)

#### **17.32.020 Fees to be set by resolution.**

- A. Planning and zoning permit, application, and map filing fees shall be set by resolution of the board of county commissioners.
- B. All rates currently in place shall remain in effect until repealed and/or replaced by resolution of the board of county commissioners.
- C. Should the cost of review and/or processing of any application exceed the established filing fee, the applicant shall be charged for actual cost to the county.

(Ord. 2008-12 § 2, 2008: Ord. 2005-15 § 1, 2005: Ord. 94-4 § 12.04.19 (part), 1994)

#### **17.32.030 Applications filed.**

Applications shall be filed with the planning commission on approved forms. All completed applications shall be submitted no later than twenty-one days prior to the next regular planning commission meeting. Completed applications submitted in accordance with this title will be heard at the Lander County planning commission's regular meeting. No application is complete until all requirements of this chapter are satisfied and accepted by the planning commission.

(Ord. 94-4 § 12.04.19 (part), 1994)

#### **17.32.040 Drawings required.**

Completed drawings describing the proposal which meet the present ordinances must accompany the application.

(Ord. 94-4 § 12.04.19 (part), 1994)

---

## Article IV. Individual Land Use Districts

### **Chapter 17.34 ~~RURAL RESIDENTIAL TWO AND ONE-HALF ACRE ONE-ACRE~~ ~~AGRICULTURAL DISTRICT—RR-2.5-4A1~~**

#### Sections:

#### **17.34.010 Permitted uses.**

Uses permitted in the ~~RR-2.5A1~~ district on a lot or parcel having the required area and width:

- A. Single-family dwellings of a permanent nature and manufactured housing on a permanent or temporary foundation;
- B. Home occupations subject to the issuance of a home occupation special use permit;
- C. Farms for raising or growing ~~and marketing on a commercial scale of~~ poultry, rabbits, livestock limited to one animal per half acre, trees and bush crops, ~~but not including commercial slaughtering;~~
- D. Buildings for sale and display of products grown ~~or raised~~ on the premises, provided no such buildings are situated closer than one hundred feet to any property classified as a residential district, or closer than thirty feet to any street or highway;
- E. Private buildings, corrals, coops, pens, stables or structures used in conjunction with farming, provided that they be located not closer than one hundred feet to any street, highway or to any land classified in a residential district;
- F. Public uses and utility serving centers, provided that they be located not closer than two hundred feet to any land classified as a residential district;
- G. Recreational and educational use and building, ~~dude or guest ranches~~, churches, or other structures used exclusively for religious worship, tennis, ~~golf~~, civic or country clubs, cemeteries, sanitariums, ~~racetracks, fairgrounds, resorts, rodeo grounds, airports~~, radio towers, ~~hunting, fishing, skiing lodges~~ hunting and fishing lodges, ~~game farms~~, garden nurseries, veterinary uses, bed and breakfast inns, public campgrounds (not manufactured housing parks) providing:
  - 1. A total area size of not less than three acres,
  - 2. Off-street parking of at least one space/three hundred square feet,
  - 3. A "buffer" strip of at least one hundred feet adjacent to all contiguous land,
  - 4. Individual units do not have kitchen facilities or equipment suitable for such use,
  - 5. Issuance of a special use permit;
- H. No detached accessory building or structure may be closer than ten feet to any property line nor between the front property line and the setback line.

(Ord. 94-4 § 12.05.01 (part), 1994)

#### **17.34.020 Area and width requirements.**

The required area and width for the ~~A1-RR-2.5~~ district are as follows: ~~one acre~~ two and one-half acre minimum area; ~~two~~ one hundred ~~twenty~~ feet minimum width. No more than one primary residence per parcel is permitted in this zoning district. There may be one or more single family dwellings on a lot or parcel having an area

---

~~in excess of two four acres, provided there is not less than two one acres for each unit and that such structures are not less than fifty feet apart.~~

(Ord. 94-4 § 12.05.01 (part), 1994)

### **17.34.030 Setback requirements.**

Setback regulations in the ~~RR-2.5A1~~ district are as follows:

- A. Front. Structures shall be located no less than thirty feet from the front property line.
- B. Side. The minimum side yard for each main structure shall be twenty-five feet.
- C. Rear. The minimum rear yard for each main structure shall be fifty feet.
- D. Walls, Fences and Obstructions to Vision. Walls or fences not over six feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and six feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. A fence may be constructed along the front yard, not to exceed four feet in height. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.01 (part), 1994)

## ***Chapter 17.36 ~~FIVE-ACRE-AGRICULTURALRURAL RESIDENTIAL FOUR & ONE-HALF~~ ACRE -DISTRICT—A2RR-4.5***

Sections:

### **17.36.010 Permitted uses.**

Uses permitted in the ~~RR-4.5A2~~ district on a lot or parcel having the required area and required width:

- ~~A.~~ A. Single-family dwellings of a permanent nature and manufactured housing and on a permanent or temporary foundation;
- B. Home occupations subject to the issuance of a home occupation special use permit;
- C. Farms for raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, trees and bush crops, but not including commercial slaughtering;
- D. Buildings for sale and display of products grown or raised on the premises, provided no such buildings are situated closer than one hundred feet to any property classified as a residential district, or closer than thirty feet to any street or highway;
- E. Private buildings, corrals, coops, pens, stables or structures used in conjunction with farming, provided that they be located not closer than one hundred feet to any street, highway or to any land classified in a residential district;
- F. Public uses and utility serving centers, provided that they be located not closer than two hundred feet to any land classified as a residential district;



---

G. Recreational and educational use and building, dude or guest ranches, churches, or other structures used exclusively for religious worship, tennis, golf, civic or country clubs, cemeteries, sanitariums, racetracks, fairgrounds, resorts, rodeo grounds, airports, radio towers, hunting, fishing, skiing lodges, game farms, garden nurseries, veterinary uses, bed and breakfast inns, public campgrounds (not manufactured housing parks) providing:

1. A total area size of not less than three acres,
2. Off-street parking of at least one space/three hundred square feet,
3. A "buffer" strip of at least one hundred feet adjacent to all contiguous land,
4. Individual units do not have kitchen facilities or equipment suitable for such use,
5. Issuance of a special use permit;

H. No detached accessory building or structure may be closer than ten feet to any property line nor between the front property line and the setback line. All uses permitted in zone A-1;

I. Watershed protection, water storage reservoirs, pipelines, transmission lines and substations, irrigation canals and ditches;

J. Commercial uses limited to livestock sales yards, dairies, kennels, when at least five hundred feet from any other district subject to issuance of a special use permit;

K. Growing and preservation of trees and nursery stock, wildlife refuges.

(Ord. 94-4 § 12.05.02 (part), 1994)

### **17.36.020 Area and width requirements.**

The required area and width for the RR-4.5A-2 district are as follows: four and one-half acres minimum area; three hundred feet minimum width. There may be one or more single-family dwellings on a lot or parcel having an area in excess of ten acres, provided there are not less than four and one-half acres for each unit and that such structures are not less than sixty feet apart.

(Ord. 94-4 § 12.05.02 (part), 1994)

### **17.36.030 Setback requirements.**

Setback regulations in the RR-4.5A-2 district are as follows:

A. Front. Structures shall be located no less than fifty feet from the front property line.

B. Side. The minimum side yard for each main structure shall be twenty-five feet.

C. Rear. The minimum rear yard for each main structure shall be fifty feet.

D. Walls, Fences and Obstructions to Vision. Walls or fences not over six feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and six feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. A fence may be constructed along the front yard, not to exceed four feet in height. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.02 (part), 1994)

---

## **Chapter 17.38 FARM AND RANCH DISTRICT—A3**

### **Sections:**

#### **17.38.010 Uses permitted.**

Uses permitted in the A-3 district on a lot or parcel having the required area and width:

- A. All uses permitted in ~~zones A-1 and A-2~~the RR-4.5 district; Bona fide watchman's quarters are permitted in an operating A-3 District, subject to a special use permit, and the special use permit shall at a minimum require compliance with all federal, state and local regulations and laws regarding sewage disposal;
- B. Borrow pits, cemeteries, rifle ranges, highway and maintenance camps, sawmills, power generation facilities; all subject to a special use permit;
- C. In all areas designated on the land use map as "flood plain," all uses shall be subject to the issuance of a special use permit. Building and development to be in accordance with the regulations issued by the United States department of housing and urban development and the federal emergency management agency;
- D. Residential housing developed as a planned unit development where individually owned parcels conform to the required area and width numbers contained in the PUD chapter of this title, and where land in common is devoted to open space uses other than residential uses, is subject to issuance of a special use permit.

(Ord. 94-4 § 12.05.03 (part), 1994)

(Ord. No. 2013-01, § 1, 8-22-13)

#### **17.38.020 Area and width requirements.**

The required area and width for the A-3 district are as follows: twenty acres minimum area; five hundred feet minimum width. There may be one or more single-family dwellings on a lot or parcel having an area in excess of forty acres, provided there is not less than twenty acres for each unit and that such structures are not less than one hundred feet apart.

(Ord. 94-4 § 12.05.03 (part), 1994)

#### **17.38.030 Setback requirements.**

Setback regulations in the A-3 district are as follows:

- A. Front. Structures shall be located no less than fifty feet from the front property line.
- B. Side. The minimum side yard for each main structure shall be twenty-five feet.
- C. Rear. The minimum rear yard for each main structure shall be fifty feet.

(Ord. 94-4 § 12.05.03 (part), 1994)

## **Chapter 17.40 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **(SIX THOUSAND SQUARE FEET) —R-1**

### **Sections:**

---

### 17.40.010 Permitted uses.

Uses permitted on the R-1 districts on a lot or parcel with the required area and required width:

- A. Detached single-family dwellings of a permanent nature with a building permit value of fifty thousand dollars or more and having a minimum square footage of five hundred square foot of living space;
- B. Manufactured housing, modular housing or kit housing with a new sales price combined with building permit value of fifty thousand dollars or more, installed on a permanent foundation and converted to real property pursuant to NRS 361.244;
- C. Parks, recreational areas, churches, public uses, utility serving centers, child care facilities other than home occupations, public and religious schools, libraries, (but not including hospitals), provided all such facilities are set back at least fifteen feet from all property lines and subject to the issuance of a special use permit; or
- D. Home occupations subject to issuance of a home occupation special use permit.

(Ord. 2005-16 § 1, 2006: Ord. 94-4 § 12.05.04 (part), 1994)

### 17.40.020 Area and width requirements.

The required area and width for the R-1 district are as follows: six thousand square feet minimum area, fifty feet minimum width. All corner lots shall have a minimum width of seventy feet and a minimum size of seven thousand square feet. ~~No more than one primary residence per parcel is permitted in this zoning district. There may be one or more single-family dwellings on a lot or parcel having an area in excess of twelve six thousand square feet, provided there is not less than six thousand square feet for each unit and that such structures are no less than ten feet apart.~~

(Ord. 94-4 § 12.05.04 (part), 1994)

### 17.40.030 Setback requirements.

Setback regulations in the R-1 district are as follows:

- A. Front. Structures shall be located no less than fifteen feet from the front property line.
- B. Side. The minimum side yard for each main structure shall be five feet for each side unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no side yard requirement.
- C. Rear. The minimum rear yard for each main structure shall be ten feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.
- D. Detached Accessory Structures. No detached accessory structure may be located closer than five feet to any side or rear property line, nor between the front property line and the main structure.
- E. Walls, Fences and Obstructions to Vision. Walls or fences not over ~~eight-six~~ feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and ~~eight-six~~ feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.04 (part), 1994)

(Ord. No. 2009-06, §§ 1, 2, 7-23-09)

---

### **17.40.040 Building height regulations.**

Buildings may be erected up to twenty-six feet in height from grade. Flag poles, radio and television antennas, satellite dishes, and similar installations over thirty feet in height are subject to issuance of a special use permit.

(Ord. 94-4 § 12.05.04 (part), 1994)

### **17.40.050 Manufactured housing.**

It shall be permissible to erect, place and maintain manufactured housing on a lot within R-1 zoning provided said lot has the otherwise required area and width and subject to the following requirements:

- A. Minimum width of structure shall be twenty feet;
- B. Structures shall have a minimum of nine hundred sixty square feet of living space;
- C. Structures shall be placed on a permanent foundation meeting Uniform Building Code standards and shall be converted to real property pursuant to NRS 361.244;
- D. Structures shall have a new sales price combined with building permit values of fifty thousand dollars or more;
- E. In addition to foundation requirements, the structure must be certified by the Nevada Division of Manufactured Housing.

(Ord. 2005-16 § 2, 2006: Ord. 94-4 § 12.05.04 (part), 1994)

## ***Chapter 17.42 SINGLE-FAMILY RESIDENTIAL DISTRICT***

### ***(TWELVE THOUSAND SQUARE FEET)—R-2***

#### **Sections:**

#### **17.42.010 Permitted uses.**

Uses permitted in the R-2 district on a lot or parcel with the required area and required width:

- A. Any use permitted in the R-1 district, subject to similar controls as stated therein.

(Ord. 94-4 § 12.05.05 (part), 1994)

#### **17.42.020 Area and width requirements.**

The required area and width for the R-2 district are as follows: twelve thousand square feet minimum area; eighty feet average width. All corner lots shall have a width of ninety feet and a minimum size of thirteen thousand square feet. ~~No more than one primary residence per parcel is permitted in this zoning district. There may be one or more single family dwellings on a lot or parcel having an area in excess of twelve thousand square feet, provided there is not less than twelve thousand square feet for each unit and that such structures are no less than thirty feet apart.~~

(Ord. 94-4 § 12.05.05 (part), 1994)

#### **17.42.030 Setback requirements.**

Setback regulations in the R-2 district are as follows:

- 
- A. Front. Structures shall be located no less than thirty feet from the front property line.
  - B. Side. The minimum side yard for each main structure shall be ten feet for each side.
  - C. Rear. The minimum rear yard for each main structure shall be twenty feet.
  - D. Detached Accessory Structures. No detached accessory structure may be located closer than ten feet to any side or rear property line, nor between the front property line and the main structure.
  - E. Walls, Fences and Obstructions to Vision. Walls or fences not over eight-six feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and eight-six feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.05 (part), 1994)

#### **17.42.040 Building height regulations.**

Buildings may be erected up to twenty-six feet in height.

(Ord. 94-4 § 12.05.05 (part), 1994)

### ***Chapter 17.44 SINGLE-FAMILY RESIDENTIAL DISTRICT (ONE-HALF ACRE)—R-3***

#### **Sections:**

#### **17.44.010 Permitted uses.**

Uses permitted in the R-3 district on a lot or parcel with the required areas and required width:

- A. Any use permitted in the R-~~12~~ district subject to similar controls as stated therein.

(Ord. 94-4 § 12.05.06 (part), 1994)

#### **17.44.020 Area and width requirements.**

The required area and width in the R-3 district are as follows: ~~one-half acre minimum area~~seventeen thousand and five hundred square feet; one hundred feet minimum width. ~~No more than one primary residence per parcel is permitted in this zoning district. There may be one or more single family dwellings on a lot or parcel having an area in excess of one-half acre, provided there is not less than one-half acre for each unit and that such structures are no less than forty feet apart.~~

(Ord. 94-4 § 12.05.06 (part), 1994)

#### **17.44.030 Setback requirements.**

Setback regulations in the R-3 district are as follows:

- A. Front. Structures shall be located no less than thirty feet from the front property line.
- B. Side. The minimum side yard for any structure shall be fifteen feet for each side.
- C. Rear. The minimum rear yard for any structure shall be thirty feet.
- D. Walls, Fences and Obstructions to Vision. Walls or fences not over six feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to



---

vision between two feet and six feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. A fence may be constructed along the front yard, not to exceed four feet in height. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.06 (part), 1994)

#### **17.44.040 Building height regulations.**

Buildings may be erected up to twenty-six feet in height.

(Ord. 12.05.06 (part), 1994)

### **Chapter 17.45 SINGLE-FAMILY RESIDENTIAL DISTRICT (ONE ACRE)—R-4**

#### **Sections:**

#### **17.45.010 Permitted uses.**

Uses permitted in the R-4 district on a lot or parcel with the required areas and required width:

A. Any use permitted in the R-13 district subject to similar controls as stated therein.

(Ord. 94-4 § 12.05.06 (part), 1994)

#### **17.45.020 Area and width requirements.**

The required area and width in the R-4 district are as follows: ~~one acre~~ thirty-five thousand square feet minimum area; one hundred feet minimum width. ~~No more than one primary residence per parcel is permitted in this zoning district. There may be one or more single-family dwellings on a lot or parcel having an area in excess of one acre, provided there is not less than one acre for each unit and that such structures are no less than forty feet apart.~~

(Ord. 94-4 § 12.05.06 (part), 1994)

#### **17.45.030 Setback requirements.**

Setback regulations in the R-4 district are as follows:

A. Front. Structures shall be located no less than thirty feet from the front property line.

B. Side. The minimum side yard for any structure shall be fifteen feet for each side.

C. Rear. The minimum rear yard for any structure shall be thirty feet.

D. Walls, Fences and Obstructions to Vision. Walls or fences not over six feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and six feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot. A fence may be constructed along the front yard, not to exceed four feet in height. Fencing constructed with non-traditional materials including debris, rubbish, and refuse, and/or exceeding the height limit for any portion of the fence shall be deemed a nuisance and subject to abatement procedure laid forth in chapter 8.20.

(Ord. 94-4 § 12.05.06 (part), 1994)

---

### **17.45.040 Building height regulations.**

Buildings may be erected up to twenty-six feet in height.

(Ord. 12.05.06 (part), 1994)

## ***Chapter 17.46 MULTIPLE-FAMILY RESIDENTIAL DISTRICT—R-4MF***

### **Sections:**

#### **17.46.010 Permitted uses.**

Uses permitted in the MFR-4 district on a lot or parcel having the required area and required width:

~~A. All uses permitted in the R-1 district except as restricted by this section;~~

AB. Multiple-family dwellings and apartments (not manufactured housing parks), provided not more than one unit shall be allowed for every one thousand two hundred fifty square feet of lot area;

BC. Single family attached dwellings including, but not limited to townhouse, condominium or other "common land" developments, and small lot single family detached dwellings subject to:

1. A planned unit development procedure,
2. Filing of tentative and final subdivision plat,

~~3. An overall one-acre minimum lot size;~~

CD. No detached accessory building or structure may be closer than one foot to any side or rear property line, not between the front property line and the setback line;

DE. Private clubs and lodges, fraternity and sorority houses, parking lots, hospitals, institutions and rest homes, subject to issuance of a special use permit;

EF. Educational and philanthropic institutions, museums and libraries, private and nursery schools, child care centers, subject to issuance of a special use permit;

FG. Home occupations are not allowed, except in single-family dwellings;

GH. Boarding and rooming houses, subject to issuance of a special use permit;

HI. Offices subject to issuance of a special use permit, providing:

1. Limited contact with the general public,
2. Not more than four thousand square feet of official use in any building.

(Ord. 94-4 § 12.05.07 (part), 1994)

#### **17.46.020 Area and width requirements.**

The required area and width in the MFR-4 district are as follows: except as otherwise provided, each lot or parcel shall have a minimum of five thousand square feet of lot area with a minimum width of fifty-fourty feet and for each additional permitted use there shall be at least ten feet of additional lot width at the property line. The minimum gross lot area per unit or suite shall be one thousand two hundred fifty square feet and the maximum number of units and/or suites allowed shall be determined by dividing the total area by one thousand two hundred fifty.

(Ord. 94-4 § 12.05.07 (part), 1994)

---

### **17.46.030 Setback requirements.**

Setback regulations in the MFR-4 district are as follows:

- A. Front. Structures shall be located no less than fifteen feet from the front property line.
- B. Side. The minimum side yard for each main structure shall be five feet for each side unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no side yard requirement.
- C. Rear. The minimum rear yard for each main structure shall be ten feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.
- D. Walls, Fences and Obstructions to Vision. Walls or fences not over eight feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and eight feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot.

(Ord. 94-4 § 12.05.07 (part), 1994)

(Ord. No. 2009-06, §§ 1, 2, 7-23-09)

### **17.46.040 Building height regulations.**

Buildings may be erected up to thirty-five feet in height from grade except that:

- A. The height limit for structures may be increased up to forty-five feet and up to three stories provided each side yard is ten feet, plus one foot of side yard for each additional foot of building height over thirty-five feet.
- B. The public or semi-public building such as a school, church, library or hospital may be erected to a height of sixty feet from grade provided that the required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.
- C. Church spires, belfries, cupolas, monuments, chimneys, flues, flag poles, television antenna and radio aerials over thirty feet in height are subject to issuance of a special use permit.

(Ord. 94-4 § 12.05.07 (part), 1994)

### **17.46.050 Open space.**

Each parcel of land shall contain an open area, or combination of areas, of not less than two hundred square feet per suite or living unit, reserved exclusively for the recreational use of tenants of such parcel.

(Ord. 94-4 § 12.05.07 (part), 1994)

## ***Chapter 17.48 MANUFACTURED HOUSING OVERLAY DISTRICT—MO***

**Sections:**

### **17.48.010 Permitted uses.**

Uses permitted in a MO district on a lot or parcel having the required area and the required width:

- A. One single-family manufactured home, built to 1976 FHA (HUD) specifications or better, used as a permanent living accommodation, subject to the provisions of the underlying zone;
- B. All nonresidential uses permitted in the zone underlying the MO district shall be the same as the underlying zone, subject to their respective requirements;

---

C. Accessory buildings in an MO district shall be the same as the underlying zone regulations.

(Ord. 94-4 § 12.05.08 (part), 1994)

**17.48.020 Area and width requirements.**

The required area and width for a MO district are as follows: each individual manufactured home lot shall have a minimum lot area and width as indicated in the underlying zone classification.

(Ord. 94-4 § 12.05.08 (part), 1994)

**17.48.030 Setback requirements.**

Setback regulations in a MO district are as follows: provisions concerning setback regulations in a MO district shall be the same as underlying zone regulations.

(Ord. 94-4 § 12.05.08 (part), 1994)

***Chapter 17.50 MANUFACTURED HOUSING SUBDIVISION DISTRICT—MS***

**Sections:**

**17.50.010 Permitted uses.**

Uses permitted in the MS district on a lot or parcel having the required area and required width:

- A. One single-family manufactured housing unit used as a permanent living accommodation. Manufactured housing park models require a special use permit;
- B. Parks, recreation areas, churches, public uses, utility serving centers, child care facilities, etc., public and religious schools (but not including hospitals) provided all such facilities are at least fifteen feet away from all property lines and subject to issuance of a special use permit;
- C. Accessory uses customarily incident to the above uses, when located on the same lot or parcel, including a private garage.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

**17.50.020 Minimum district size.**

The minimum area that may be zoned for a manufactured housing subdivision (MS) land use district is two acres.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

**17.50.030 Area and width requirements.**

Required lot area and width in the MS district are as follows: minimum area of five thousand square feet of lot area with a minimum width of fifty feet. All corner lots shall have minimum widths of sixty feet and a minimum size of six thousand square feet.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

**17.50.040 Frontage regulations.**

For permitted uses the minimum lot width at the setback line shall be fifty feet.

---

(Ord. 94-4 § 12.05.08.01 (part), 1994)

#### **17.50.050 Setback requirements.**

Setback regulations in the MS district are as follows:

- A. Front. Structures shall be located fifteen feet or more from any street right-of-way which is sixty feet or greater in width, or forty-five feet or more from the center of any street right-of-way less than sixty feet in width.
- B. Side. The minimum side yard for each main structure shall be five feet for each side unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no side yard requirement.
- C. Rear. The minimum rear yard for each main structure shall be fifteen feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.
- D. Walls, Fences and Obstructions to Vision. Walls or other fences not over eight feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and eight feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

(Ord. No. 2009-06, §§ 1, 2, 7-23-09)

#### **17.50.060 Sign regulations.**

Signs shall conform to the standards for signs in residential land use districts as provided elsewhere in this code.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

#### **17.50.070 Off-street parking regulations.**

Two off-street parking spaces shall be provided for each individual manufactured home.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

#### **17.50.080 Foundations and skirting.**

Units in the manufactured housing subdivision land use district shall be placed on semi-permanent or permanent piers or foundations and shall be totally skirted if not on a permanent perimeter foundation. Wheels, axles and hitches shall be removed from the manufactured homes.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

#### **17.50.090 Park model special use permit.**

Before a special use permit to erect a park model manufactured home in the manufactured housing subdivision (MS) land use district is issued, the applicant shall submit to the planning commission and county commissioners a design for the installation. The special use permit shall incorporate a design plan as a condition of the permit. The design plan shall include all proposed auxiliary buildings and structures, yard plan, etc. The purpose of the special use permit requirement is to control installation of park models in the land use district so as to maintain a reasonable appearance and maintain the economic value of adjoining properties by preventing unreasonable degradation of such land use districts. Park model manufactured housing, where permitted by



---

special use permit, shall remain mobile with wheels, axles and hitches installed, and shall be removed from the site at least seven days in each calendar year. Temporary skirting may be installed.

(Ord. 94-4 § 12.05.08.01 (part), 1994)

## ***Chapter 17.52 MANUFACTURED HOUSING PARK DISTRICT—MP***

### **Sections:**

#### **17.52.010 Permitted uses.**

Uses permitted in the MP district are as follows:

- A. Parks to provide for the parking of manufactured housing and tiny homes for living purposes, and for the parking of park models and recreational vehicles as permitted by Nevada Statute;
- B. Accessory uses which are clearly incidental to the operation of the park and related to the convenience and recreational needs of park residents;
- C. Permanent living quarters for the use of the operator or manager of the park.

(Ord. 94-4 § 12.05.09 (part), 1994)

#### **17.52.020 Manufactured housing park requirements.**

Manufactured housing park requirements are included in Title 15 of this code.

(Ord. 94-4 § 12.05.09 (part), 1994)

## ***Chapter 17.54 AUSTIN HISTORIC SITE—AH***

### **Sections:**

#### **17.54.010 Purpose.**

The Austin historic site zone is intended for specific lots, parcels or areas which have a special character of historical value, have been designated as historic by local, state or federal agency, or have a special archaeological or prehistoric significance. It is intended to provide protection for these historic, prehistoric or archaeological resources, which, in the absence of such protection, may be irretrievably lost to the citizens of Lander County, the state of Nevada, and the nation. The Austin historic site zone is intended to provide for the display, study and research of such resource areas.

(Ord. 94-4 § 12.05.10 (part), 1994)

#### **17.54.020 Permitted uses.**

Uses permitted in the AH zone are as follows:

- A. Display markers, monuments and interpretive signs;
- B. Fencing, sheltering and otherwise providing for cultural resource protection;
- C. Archaeological investigations when associated with a university, foundation, organization or group dedicated to the study, presentation and protection of cultural resources;
- D. Antique and curio shops, museums, bed and breakfast inns, retail stores, restaurants and drinking establishments subject to issuance of a special use permit;

---

E. Historic residences such that the residence is to be occupied only by one family.

(Ord. 94-4 § 12.05.10 (part), 1994)

### **17.54.030 Planning requirements.**

This title's off-street parking regulations and off-street loading and unloading regulations are not applicable within the Austin historic site zone. Specific off-street parking regulations shall be determined by the planning commission. Minimum residential and commercial lot size shall be five thousand square feet within the Austin historic site zone.

(Ord. 94-4 § 12.05.10 (part), 1994)

## ***Chapter 17.56 AUSTIN HISTORIC RESIDENTIAL DISTRICT—AHR***

### **Sections:**

### **17.56.010 Purpose.**

This district accommodates the special needs of property owners in the older portions of the disincorporated town of Austin where land has been divided into parcels which do not readily conform to the residential building lot minimums of the R-1 residential district. The AHR district is intended to accommodate a manufactured housing overlay (MO), recognizing that much of the existing residential housing in the district consists of manufactured housing and/or older units known as mobile homes.

(Ord. 94-4 § 12.05.11 (part), 1994)

### **17.56.020 Permitted uses.**

Uses permitted in the AHR district on a lot or parcel with the required area and required width:

- A. Detached single-family dwellings, including manufactured housing;
- B. Parks, recreational areas, churches, public uses, utility serving centers, child care facilities other than home occupation child care facilities, public and religious schools, (but not including hospitals), provided all such facilities are set back at least fifteen feet from all property lines and subject to the issuance of a special use permit;
- C. Home occupations subject to issuance of a home occupation special use permit.

(Ord. 94-4 § 12.05.11 (part), 1994)

### **17.56.030 Area and width requirements.**

The required area and width for the AHR district as follows: five thousand square feet minimum area, fifty feet minimum width. All corner building lots shall have a minimum width of sixty feet and a minimum area of six thousand square feet. There may be one or more single-family dwellings on a building lot having an area in excess of ten thousand square feet, provided there is not less than five thousand square feet for each unit and that such structures are no less than ten feet apart.

(Ord. 94-4 § 12.05.11 (part), 1994)

### **17.56.040 Setback requirements.**

Setback regulations for the AHR district are as follows:

- 
- A. Front. Structures shall be located no less than fifteen feet from the front property line.
  - B. Side. The minimum side yard for each main structure shall be five feet for each side.
  - C. Rear. The minimum rear yard for each main structure shall be ten feet.
  - D. Detached Accessory Structures. No detached accessory structure may be located closer than five feet to any side or rear property line, nor between the front property line and the main structure.
  - E. Walls, Fences and Obstructions to Vision. Walls or fences not over eight feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and eight feet above curb level within twenty feet of the intersection of two street right-of-way lines on any corner lot.

(Ord. 94-4 § 12.05.11 (part), 1994)

#### **17.56.050 Building height regulations.**

Structures may be erected up to twenty-six feet in height above grade. Flag poles, television and radio antennas, satellite dishes and similar installations over thirty feet in height require a special use permit.

(Ord. 94-4 § 12.05.11 (part), 1994)

#### **17.56.060 Manufactured housing.**

It is permissible to erect, place and maintain manufactured housing on a building lot within the AHR district subject to the following requirements:

- A. Minimum width of the structure shall be fourteen feet.
- B. Structures shall have a minimum of seven hundred square feet of living space.
- C. Structures shall be placed on a permanent foundation meeting Uniform Building Code Standards, or on a pier foundation approved by the Nevada Division of Manufactured Housing.
- D. The structure shall be certified by the Nevada Division of Manufactured Housing.

(Ord. 94-4 § 12.05.11 (part), 1994)

### ***Chapter 17.58 COMMERCIAL DISTRICT—C-1***

#### **Sections:**

#### **17.58.010 Purpose.**

The purpose of the commercial district is to preserve a commercial district intended for conducting general retail, service and office business frequented by the public.

(Ord. 94-4 § 12.05.12 (part), 1994)

#### **17.58.020 Permitted uses.**

Uses permitted in the C-1 district on a lot having the required area and width:

- A. Commercial permitted uses include: retail stores, personal services, convenience stores, nonautomotive service businesses, car washes, banks, laundries, restaurants, motels, gaming establishments, bars, pet stores, business offices and public buildings; also continuation of existing

---

residential uses including replacement of existing residential uses, but not including construction of new residential uses except that commercial buildings may include ancillary residential apartments.

- B. ~~Questions about specific permitted uses shall be presented to and determined by the planning commission at the next regular planning commission meeting following application to the building inspector~~Planning Department.
- C. Manufactured housing may not be used to conduct commercial permitted uses.
- D. Manufactured buildings constructed to Uniform Building Code commercial standards and assembled on site may be used to house commercial activities (C-1). Commercial coaches may be used for commercial purposes.
- E. All storage of materials or merchandise shall be within a building.
- F. Churches subject to the issuance of a special use permit.
- G. Bona fide watchman's quarters are permitted in an operating C-1 district, subject to a special use permit, and the special use permit shall at a minimum require compliance with all federal, state and local regulations and laws regarding sewage disposal.

(Ord. 99-8 § 1, 1999; Ord. 98-6 § 1, 1998; Ord. 94-4 § 12.05.12 (part), 1994)

(Ord. No. 2013-01, § 1, 8-22-13)

#### **17.58.030 Area and width requirements.**

Required area and width for the C-1 district are as follows: five thousand square feet minimum area with fifty feet minimum width. If a permitted use utilizes an individual sewage disposal system, the required area for any such use shall be approved by the State Health Official.

(Ord. 12.05.12 (part), 1994)

#### **17.58.040 Setback requirements.**

Setback regulations for the C-1 district are as follows:

- A. Front. None.
- B. Side. None, except the minimum side yards adjoining or adjacent to a residential or agricultural district shall be ten feet.
- C. Rear. The minimum rear yard for each main structure shall be twenty feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.

(Ord. 94-4 § 12.05.12 (part), 1994)

#### **17.58.050 Building height regulations.**

Buildings may be erected up to twenty-six feet in height.

- A. The height limit for structures may be increased up to forty-five feet and up to three stories provided each side yard is ten feet, plus one foot of side yard for each additional foot of building height over twenty-six feet.
- B. A public or semi-public building such as a school, church, library or hospital may be erected to a height of sixty feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over twenty-six feet.

- 
- C. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennas and radio aerials greater than thirty feet in height require a special use permit. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Ord. 94-4 § 12.05.12 (part), 1994)

## **Chapter 17.60 TOURIST COMMERCIAL DISTRICT—TC**

### **Sections:**

#### **17.60.010 Permitted uses.**

Uses permitted in the TC district on a lot or parcel with the required area and required width:

- A. Any established agriculture ~~or residential~~ activity;
- B. Private and public clubs and all appurtenances thereto, including golf courses, equipment rooms, store and caddy houses, tennis courts, outdoor theaters, and other recreational uses;
- C. Resorts, clubs, inns, lodges and motels, provided not more than one dwelling unit or sleeping unit is established for each one thousand square feet of lot or parcel area;
- D. Campgrounds and recreational vehicle parks subject to all provisions of this code and Nevada Statutes;
- E. ~~C~~limited commercial uses of ~~the C-1 district a C-1 category~~ when accessory to and incidental to the resort development, and not occupying more than twenty-five percent of ground floor space, provided all public access thereto is from within the resort complex and all advertising is limited so as to be visible from the outside;
- F. Gambling, bars, entertainment and similar accessory activities when incidental to and within a resort development.
- G. Bona fide watchman's quarters are permitted in an operating TC district, subject to a special use permit, and the special use permit shall at a minimum require compliance with all federal, state, and local regulations and laws regarding sewage disposal.
- H. Truck stop or travel center, subject to a special use permit, including other subsidiary business activities such as scales, truck wash, tire repair and sales, vehicle/truck service and repair (see subsection (b) and (c) below), barber shop, bar, restaurant, showers, convenience store, retail, truckers lounge, motel/hotel, mini-laundry, chain rental, gasoline and propane dispensing, and dump station among other possible uses allowed in the tourist commercial "TC" zoning district. Subsidiary business uses at travel centers shall comply with the following standards:
  - a. A truck wash shall be designed with a water collection and recycling system;
  - b. All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
  - c. Service bays shall not open toward public rights-of-way; and
  - d. At least four showers shall be provided at truck stops with more than 100 truck parking spaces.
  - e. The applicant shall furnish a traffic impact study and any necessary mitigation measures prepared by a qualified traffic consultant. Designs shall comply with the following
    - (1) All commercial vehicle truck traffic accessing the site shall access the site via an arterial roadway.



---

(2) In addition to designated commercial truck parking, off-street parking shall be provided at a rate equal to that which is required for each use comprising the travel center.

(3) Access shall be designed per Nevada Department of Transportation (NDOT) access requirements, with a minimum Type 4 Commercial Approach. A traffic impact study, turning template and design, shall be to Lander County for approval.

f. Outdoor storage shall be prohibited.

g. Adequate signage shall be provided to inform drivers of idling time restrictions. Truck parking spaces equipped with approved engine idle reduction technology or similar comprising of plug-in locations for trucks with sleepers and/or refrigeration to avoid idling engines are encouraged.

(Ord. 94-4 § 12.05.13 (part), 1994)

(Ord. No. 2013-01, § 1, 8-22-13)

#### **17.60.020 Area and width requirements.**

Required area and width for the TC district are as follows: each lot or parcel shall have a minimum of two acres of lot area with a minimum width of one hundred fifty feet.

(Ord. 94-4 § 12.05.13 (part), 1994)

#### **17.60.030 Setback requirements.**

Setback regulations for the TC district are as follows:

- A. Front. Structures shall be located a distance from the front property line equal to at least fifty percent of the height of the tallest structure, but not less than forty feet from the front property line.
- B. Side. None, except as otherwise required.
- C. Rear. The minimum rear yard for each structure shall be twenty feet, unless bounded by a dedicated alley, in which case no setback need be established.

(Ord. 94-4 § 12.05.13 (part), 1994)

#### **17.60.040 Recreation open spaces.**

There shall be reserved exclusively a recreation open space of not less than two hundred square feet per unit or suite.

(Ord. 94-4 § 12.05.13 (part), 1994)

### ***Chapter 17.62 GENERAL COMMERCIAL DISTRICT—C-2***

**Sections:**

---

### 17.62.010 Purpose.

The purpose of the general commercial district is to provide for more intensive commercial uses. This district is established to help assure public safety and convenience for the general public and to protect the character of adjacent districts.

(Ord. 94-4 § 12.05.14 (part), 1994)

### 17.62.020 Permitted uses.

Uses permitted in the C-2 district on a lot or parcel having the required area and required width:

- A. Any use permitted in the C-1 ~~or TC~~ districts;
- B. Stores and shops for conducting retail and wholesale businesses;
- C. Permitted uses include the sales and service of used merchandise, automobiles, manufactured housing and trailers, agricultural products and supplies, lumber and building supplies, plumbing and electrical supplies, automobile and truck garages;
- D. ~~Specific general commercial permitted uses shall be presented to and determined by the planning commission at the next regular planning commission meeting following application to the building inspector.~~ Planning Department;
- E. Animal hospitals, kennels or clinics are subject to issuance of a special use permit;
- F. Wholesale and processing activities which do not produce objectionable levels of dust, noise or odors are subject to issuance of a special use permit;
- G. Manufactured housing cannot be used to conduct general commercial permitted uses;
- H. Manufactured buildings built to Uniform Building Code commercial standards and assembled on site may be used to house general commercial (C-2) activities. Commercial coaches may be used for commercial activities;
- I. Outside storage of materials or merchandise is permitted and must be screened from adjacent uses.
- J. Bona fide watchman's quarters are permitted in an operating C-2 district, subject to a special use permit, and the special use permit shall at a minimum require compliance with all federal, state and local regulations and laws regarding sewage disposal.

(Ord. 94-4 § 12.05.14 (part), 1994)

(Ord. No. 2013-01, § 1, 8-22-13)

### 17.62.030 Area and width requirements.

Required area and width for the C-2 district are as follows: ten thousand square feet minimum area with eighty feet minimum width. Permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the State Health Department.

(Ord. 94-4 § 12.05.14 (part), 1994)

### 17.62.040 Setback requirements.

Setback regulations for the C-2 district are as follows:

- A. Front. None.

- 
- B. Side. None, except the minimum side yards adjoining or adjacent to a residential or agricultural district shall be ten feet.
  - C. Rear. The minimum rear yard for each main structure shall be twenty feet unless bounded by a dedicated alley, there shall be no rear yard requirement.

(Ord. 94-4 § 12.05.14 (part), 1994)

### **17.62.050 Building height regulations.**

Buildings may be erected up to thirty-five feet in height.

- A. The height limit for structures may be increased up to forty-five feet and up to three stories provided each side yard is ten feet, plus one foot of side yard for each additional foot of building height over thirty-five feet.
- B. A public or semi-public building such as a school, church, library or hospital may be erected to a height of sixty feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five feet.
- C. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennas and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Ord. 94-4 § 12.05.14 (part), 1994)

## ***Chapter 17.64 INDUSTRIAL DISTRICT—~~IM~~***

### **Sections:**

#### **17.64.010 Purpose.**

Generally, this district covers certain portions of the community designated for development of manufacturing and light industrial plants. Due to high amounts of business activity, especially truck and automobile traffic, it is necessary to restrict residential development in this district in order to insure public safety and convenience and not interfere with permitted activities within the district.

(Ord. 94-4 § 12.05.15 (part), 1994)

#### **17.64.020 Permitted uses.**

Uses permitted in the ~~IM~~ district on lot or parcel having the required area and required width, except as provided in Section 17.64.050:

- A. All uses permitted in C-2 general commercial district, except residential uses; bona fide watchman's quarters are permitted in an operating ~~IM~~ district, subject to a special use permit, and the special use permit shall at a minimum require compliance with all federal, state and local regulations and laws regarding sewage disposal;
- B. Administrative, executive, professional, research and similar office uses, having limited contact with the general public;
- C. Manufacturing, processing, assembly, fabricating or storage of products or materials;
- D. Contractor's yards, lumber yards, plumbing materials, supply yards;
- E. Accessory uses customarily incident to the above;

---

F. Other uses which are in the opinion of the planning commission similar to the above.

(Ord. 94-4 § 12.05.15 (part), 1994)

(Ord. No. 2013-01, § 1, 8-22-13)

### **17.64.030 Uses requiring special use permits.**

Uses under which a special use permit is required in the ~~M-L~~ district are as follows:

- A. Hazardous materials or waste;
- B. Noise or dust pollution;
- C. Toxic or obnoxious fumes;
- D. Examples include but are not limited to the following: storage, processing, loading or unloading of bulk petroleum-based fuels or lubricants, meat packing plants, batch plants, junk yards and/or wrecking yards, refuse dumps or disposal services, animal hospitals, or uses for the storage of any material classified as hazardous by this or any other section of this code;
- E. Any use involving the handling, producing, processing or storage of hazardous materials which are defined as: materials including solids, liquids, vaporous and gaseous substances which have been found by official agencies and departments of the United States and/or the state of Nevada including but not limited to environmental protection agencies, nuclear regulatory agencies or departments, to be hazardous, dangerous or injurious to living things or to the environment;

F. Outdoor storage yards to ensure proper screening is provided for adjacent uses;

GF. Any other use which may be detrimental to health, welfare or safety of Lander County residents.

(Ord. 94-4 § 12.05.15 (part), 1994)

### **17.64.040 Conditions required for uses.**

Conditions under which the uses in Section 17.64.030 may be established:

- A. Any outside storage shall be suitably screened from surrounding areas by walls, planting or other barriers to the approval of the planning commission.
- B. Provisions for landscaping shall be included in the development plan. These shall include, but not be limited to, screen planting, lawn areas, trees, shrubs, fences and walls, It shall be the responsibility of the owner or developer to carry out this program and to provide such maintenance and care as is required to obtain the effect intended by the original plan.
- C. There shall be no advertising signs other than one facing each public street announcing the name and/or insignia of the company or companies on the site. Such sign shall not exceed one hundred square feet in area, and shall not extend above the roof or coping of any building. Signs shall not be illuminated by exposed tubes, bulbs or similar exposed lighted surfaces. Necessary direction signs shall be permitted. Exterior spotlighting or other illumination shall be so installed as to eliminate any nuisance to adjoining residential districts or to traffic on the public highways, no unshaded light sources shall be permitted. Necessary safety lighting of roads and buildings and lighting required by governmental regulations shall be required.
- D. Uniform Building Code manufactured housing may be utilized for temporary office space in conjunction with operating a permitted use.

(Ord. 94-4 § 12.05.15 (part), 1994)

---

### **17.64.050 Prohibited uses.**

Uses specifically prohibited in the M district are as follows:

- A. Any residential use (except caretaker's quarters), hotels, motels, trailer courts or other similar uses;
- B. Theaters, commercial recreational or nonconforming uses except those incidental to a permitted use;
- C. Churches, schools, institutions, and other similar public and semi-public uses.

(Ord. 94-4 § 12.05.15 (part), 1994)

### **17.64.060 Parking.**

Appropriately surfaced facilities, sized in consideration of number of employees at major shifts, customer requirements, special equipment and vehicle requirements, reserved for expansion and access and maneuvering space.

(Ord. 94-4 § 12.05.15 (part), 1994)

### **17.64.070 Area and width requirements.**

Required area and width for the ~~IM~~ district are as follows: ten thousand square feet minimum area; eighty feet minimum width. For permitted uses utilizing an individual sewage disposal system, the required area for any such area shall be approved by the State [of Nevada Division of Environmental Protection \(NDEP\)](#).~~Health Department.~~

(Ord. 94-4 § 12.05.15 (part), 1994)

### **17.64.080 Setback requirements.**

Setback regulations for the ~~IM~~ district are as follows:

- A. Front. Structures shall be located a distance from the front property line equal to fifty percent of the height of the tallest structure, but not less than thirty feet, with ten feet adjacent to streets landscaped with trees, bushes, shrubs and grass as specified in the special use permit.
- B. Side. The minimum side yard for main structures is fifteen feet or a width equal to the height of the structure, whichever is greater.
- C. Rear. The minimum rear yard for each main structure shall be twenty feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirements.

(Ord. 94-4 § 12.05.15 (part), 1994)

## ***Chapter 17.66 OPEN SPACE DISTRICT—OS***

### **Sections:**

### **17.66.010 Purpose.**

The intent of this district is to provide for long range preservation of designated areas of public and private lands in open space for the health, safety and welfare of the public.

(Ord. 94-4 § 12.05.16 (part), 1994)



---

**17.66.020 Permitted uses.**

- A. All uses permitted on public lands shall conform to the existing management policies of the governmental agency having primary jurisdiction over such open space zoned lands.
- B. All uses permitted on public lands, subject to (A.) above, and private lands include: open field animal grazing, equestrian, hiking and bicycle trails, public utility distribution and transmission lines, towers, poles and underground lines, timber production and harvest, wildlife refuges, vegetation management and green stripping for the prevention of wildfire, and cultural resources studies.

(Ord. 12.05.16 (part), 1994)

**17.66.030 Area and width requirements.**

The open space zone may be applied to any lot, parcel or portion thereof.

(Ord. 94-4 § 12.05.16 (part), 1994)

***Chapter 17.68 GOVERNMENTAL PURPOSES—GP***

**Sections:**

**17.68.010 Purpose.**

The intent of this district is to provide a land use district wherein all local, state or national governmental uses may be permitted, subject to the approval of the Lander County planning commission and board of the Lander County commissioners by special (conditional) use permit.

(Ord. 94-4 § 12.05.17 (part), 1994)

**17.68.020 Uses permitted by special (conditional) use permit.**

Uses permitted by special (conditional) use permit are as follows:

- A. All governmental uses including but not limited to:
  - 1. Schools and educational facilities;
  - 2. Parks, golf course, rodeo grounds, sports complexes, athletic fields, swimming pools;
  - 3. Courthouses, public safety buildings, jails, fire stations, law enforcement facilities, libraries, auditoriums, senior centers, post offices;
  - 4. Water wells, water towers, pump stations, sewage disposal facilities, dumps;
  - 5. Hospitals, clinics, medical facilities;
  - 6. Corporation yards, gravel pits;
  - 7. Airports;
  - 8. Parking facilities;
  - 9. Cemeteries;
  - 10. Historic buildings, archaeological sites;
  - 11. Radio and television antenna sites, communication facilities.

- 
- B. Special (conditional) use permits issued pursuant to this subsection may impose all conditions necessary to insure that the intended governmental purpose does not create undue hardship or adverse effect on other, nearby land uses.

(Ord. 94-4 § 12.05.17 (part), 1994)

## **Chapter 17.70 MANUFACTURED HOUSING, RESIDENTIAL, COMMERCIAL DISTRICT—MRC**

### **Sections:**

#### **17.70.010 Purpose.**

The intent of this district is to provide a land use district wherein existing mixed land uses may be accommodated without subjecting some of the properties within the district to the status of nonconforming use. ~~As of January 1, 2023, the county will not allow any new parcels to utilize the MRC zoning district. The MRC zoning district shall only apply to parcels created prior to January 1, 2023 that were previously assigned that designation. This land use district is intended to serve as an interim zoning subject to rezoning to other land uses when the direction of ultimate development of an MRC district becomes apparent.~~

(Ord. 94-4 § 12.05.18 (part), 1994)

#### **17.70.020 Permitted uses.**

Uses permitted in the MRC district are as follows:

- A. All uses permitted in residential land use districts with manufactured housing overlay, manufactured housing parks.

~~B. All uses permitted in the C-1 commercial zones district subject to the following:-~~

~~\_\_\_\_\_ (1) Proper landscaping and screening shall be provided when adjacent to existing residential uses; and~~

~~\_\_\_\_\_ (2) Off-street parking shall be provided as required in the C-1 commercial district~~

(Ord. 12.05.18 (part), 1994)

#### **17.70.030 Uses permitted by special (conditional) use permit.**

Uses permitted by special (conditional) use permit in the MRC district are as follows:

- A. All uses permitted by special (conditional) use permit in land use districts with trailer overlay, manufactured housing parks and C-1 commercial ~~district zones~~.

(Ord. 94-4 § 12.05.18 (part), 1994)

#### **17.70.040 Initial boundaries of MRC land use district.**

The ~~initial~~ boundaries of the MRC land use district shall include those lands shown as MRC on the zoning map most recently adopted and recorded by Lander County prior to the adoption of the ordinance codified in this title and that certain block within the unincorporated town of Battle Mountain bounded by the rights-of-way of North First, Willow, North Second and Tule Street. No other lands shall be allowed to utilize the MRC district.

(Ord. 94-4 § 12.05.18 (part), 1994)

---

### **17.70.050 Setback requirements.**

Setback regulations for manufactured housing or residential use are as follows:

- A. Front. Structures shall be located no less than fifteen feet from the front property line.
- B. Side. The minimum side yard for each main structure shall be five feet for each side unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no side yard requirements.
- C. Rear. The minimum rear yard for each main structure shall be ten feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.
- D. Detached Accessory Structures. No detached accessory structure may be located closer than five feet to any side or rear property line, nor between the front property line and the main structure.

(Ord. 2004-5 § 1 (part))

(Ord. No. 2009-06, §§ 1, 2, 7-23-09)

### **17.70.060 Setback regulations for commercial use.**

Setback regulations for commercial use are as follows:

- A. Front. None.
- B. Side. The minimum side yard for each main structure shall be five feet from each side property line.
- C. Rear. The minimum rear yard for each main structure shall be twenty feet unless bounded by a dedicated alley. In the case of a dedicated alley, there shall be no rear yard requirement.
- D. Detached Accessory Structures. No detached accessory structure may be located closer than five feet to any side or rear property line, nor between the front property line and the main structure.
- E. Walls, Fences and Obstructions to Vision. Walls or fences not over eight feet in height may be built up to and including lot lines except in required front yard area. However, there shall be no obstruction to vision between two feet and eight feet above curb level within twenty feet of the inter-section of two street right-of-way lines on any corner lot.

(Ord. 2004-5 § 1 (part))

### **17.70.070 Building height regulations.**

Buildings may be erected up to twenty-six feet in height from grade.

- A. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, television antennas and radio aerials greater than thirty feet in height require a special use permit.
- B. The height limit for structures may be increased up to forty-five feet and up to three stories provided each side yard is ten feet wide, plus one foot on side yard for each additional foot of building height over twenty-six feet.
- C. A public or semi-public building such as a school, church, library or hospital may be erected to a height of sixty feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over twenty-six feet.
- D. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(Ord. 2004-5 § 1 (part))