



LINCOLN COUNTY PLANNING COMMISSION

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Approved Minutes for January 14, 2008, 7:00 P.M.

1. **Roll Call, Open Meeting Law:** The Board met in regular session with Chairman Varlin Higbee calling the meeting to order at 7:00 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Sue Austgen, Kaye Medlin, Varlin Higbee, Glennon Zelch and Spencer Gray being present. There is a quorum present and the agenda was posted on January 8, 2008.
2. **Minutes approval or denial/corrections:** Motion made by Glennon Zelch, seconded by Spencer Gray to approve the minutes as is, motion carried by all in attendance. 7:10 P.M.
3. **Discussion/Action Item:** Zone Change for Boren, Millard & Edith from A4 (agricultural-20 acres) to RR7 (rural residential-5 acres) located within the Bradley Estates Subdivision at MP 102 on US HWY 93 North of Caliente. The subject parcel includes 30.74 acres. (APN #013-190-11)

Clint Wertz states that the planning department recommends approval with conditions. He mentions that the applicant came forward over a year ago and requested a zone change down to 2.5 acre parcels and that request was denied, as there were concerns about creating that many lots within an area that there were constraints on the roadways, it was also recommended that the applicants come in at a later time and request a lower density. The subject parcel is about 30 acres in size and is within the Bradley Estates subdivision and is located on the North edge of the subdivision and fronts the Barbara Street alignment located in Highland Knolls. Clint reads the conditions into the record at this time. Varlin asks how wide Barbara St. actually is, Clint stated it is between 30' and 40' as this is the case for most of the roads in that area. Clint presents a land use map to the Board showing the parcel that they would like to break down, which shows the land use and that most of the parcels in this area are currently smaller in size, the smallest being ½ acre and largest being 230 acres and the average for this area is a little under 10 acres. Clint states that there is access from a road in the Bradley Estates but most of the roads in this area are mainly in washes and with out other access the County has been reluctant to allow owners to break the lots in Bradley Estates into smaller lots. Clint states that there is no Master Plan designation for this area. Glen asks if Barbara is currently a county road, it is stated that not at this point it is a private easement. Clint states that the minimum the County has been doing is 50' dedications and this is standard if serviced by multiple lots and/or future lots, Clint explains to the Board that the lands around this area have been identified for disposal by the BLM in the future, so it is possible that the lands around this development could possibly be developed in the future. Varlin asks who Clint spoke with at the BLM and Clint states that this information is just based on BLM's RMP as of November 2007, which is almost finalized. Ronda Hornbeck takes the floor at this time and explains that there will be an opportunity for about 3,000 acres around each township to help with the checkerboard of private and BLM land around the townships and the availability of growth, with this each of the townships will be required to adopt a Master Plan so there will be an understanding of

where the infrastructures are, then the recommendations from the Boards will come into the County Commission and they will take those requests to the BLM and then only those lands will be put up for release, Varlin Higbee then asks if any lands have been earmarked for release, it is then stated that only around the townships and some at Mount Wilson has been earmarked, it is asked about Caliente and it is stated that there really is not any land around Caliente. The Boren's are present and have reserved any comment for a later time. Glen asks Clint that if Barbara St. is a private easement, and owned by someone else; how the Board can put a condition on this street as a dedication. Clint explains that he can not say for sure that it is a private easement, but 90% of the time there have been easements put on maps that say public utility ingress egress and most residents are under the impression that they are private easements, but in most cases this not true. The County basically needs to adopt a policy that requires the offer of dedication for roads. Spencer states that we do not know how wide this road is and how much property the owner's will have to give, Clint states that most of the easements in this area are 40 feet, Spencer asks then the Boren's will not have to take the whole 50 feet from their property, Clint answers no, they will probably only have to give up about 10 feet. Glen states that Barbara Street is currently in Bradley Estates, Clint states that no it is in Highland Knolls, and this property is not within the Highland Knolls but fronts Barbara Street. Clint states that this can be deferred as this item is for a zone change; when they bring in the map they can revisit the roads at that time. At this time Varlin Higbee opens this item up for public comment. Anthonette Houston is here for this item and they do not want to see this zone change requested in the Bradley Estates area, she feels that they are trying to break the property up like it is in Highland Knolls and they do not want to see this happen as they will be retiring up here in a few years in order to get away from this type of thing. Keith McClenahan is present and also states that he basically has the same objection as Anthonette Houston has, he is not close to the property requesting the change, but their property is currently agricultural land and he can currently have chickens and other animals, he is afraid that the people will start trying to tell the rest of the property owners what they can have on their property. He currently maintains the road and if they get their request then he would not have to maintain the road. He is concerned that they will keep coming in to divide the land further down and wanting to parcel to lower acreage. It is stated that they are only requesting down to 5 acre parcels and they will not be able to divide down any further unless they request another zone change in the future. Mr. McClenahan asks what kind of guide lines are put on something like this and if they come in and request to have it broke down to 1 acre would they be able to do so, Varlin responds that it could be possible, but at that point and time they would be looking at some of the lots up there being 2 acres and some less than that, so at that point if the County deemed that it is a health hazard and it is necessary they could form a special use district and require all property owners to pay for roads, sewer system and the rest of the infrastructure that would need to be put in the area. Scott Oldham asks to see the parcel that is in question before speaking, and asks if this is the same parcel that they did not want any part of about 2 months ago that sits next to his parcel. Mr. Oldham states that this is the property right next to his and he does not want to see this passed as this is a County road and it is not being maintained now, Varlin states that this is not a County road. Marialyce Weideman states that the last time the Board heard the zone change they would not allow it because so many of the people that lived there did not want it, she states that everyone she spoke to in the area that received the letters were against it now and that the Board has not stated how many people are against this, she wants to know if the Board has this information. It is stated that they do have the information, Marialyce asks how many voted against the zone change, Glen states that there were 30 letters sent, 9 had no objections, 7 had objections, 4 had no comments and 3 had comments like too many septic systems, additional roads and traffic, no roads to support the traffic and to high of density. Varlin states that right now the Boren's property has very little value and as they divide the property it will increase the value and density. Frank Cesena states that the people in the area are saying they do not want the density and that is one of the reasons they moved there, Varlin asks why did they then move into an area that is already zoned down to 2½ acres just across from them, it is stated that the

land is zoned agricultural and the people want it to stay that way so they can have animals, Varlin states that rural residential zoning you can still have animals. Marialyce states that the deeds were set up so that they could not break the land down less than 20 acres, Varlin asks which estates, it is stated the Bradley estates. Clint states that if the developer has CC&R's it is not relevant to the board. Edith Boren states at this time that she had spoken with Mr. Bradley about any restrictions on the deeds for zoning and he told her no there were not any restrictions. Keith speaks again and asks if there are any properties in the Bradley Estates under 20 acres, it is stated that this is correct to their knowledge. It is asked that if there are CC&R's they would be recorded on the deed, Varlin checks the deed in the Boren's file and there are no restrictions on the deed. Sue asks if the letter she has; there were 30 letters sent and only 7 objected to the zone change, it is stated that this is correct, Sue states that this is less than 1/3 of the property owners and that her understanding is that they have to think about the best interest of the community and if there is a buffer zone for this property. Clint makes a suggestion that the board can clarify that in future people can not come in for zone changes below a certain density. Keith asks if approved will there be a requirement of the road being developed. Varlin states that this is only a zone change; they will have to do a map later down the road and at that time this will be addressed. Motion was made by Glennon Zelch to approve the zone change, seconded by Spencer Gray with conditions of density to 5 acre lots only. Motion carried by all in attendance. 7:46 P.M.

4. **Discussion/Action Item:** Special Use Permit for Arizona Nevada Tower for a 195' cellular tower, fence and related buildings within the confines of an existing BLM communications use lease located at MP 6 on US HWY 93 by Coyote Springs. (APN #008-201-01)

Clint states that staff recommends approval with 2 conditions. Clint reads these into the record. Ron Ayers is present for this item. Glen asks how close to the Highway is this going to be located; it is stated about 150 yards from the highway, Varlin asks if this is the site that is already there, it is stated that there is an existing wood pole on site. Ron states that he would like to address the conditions recommended by staff; first the lighting restrictions have already been stipulated to them by the BLM along with several other restrictions. The BLM will not allow the hooding for the lighting and asks that the lighting issue be referred back to the BLM lighting conditions and the building has also been set forth by the BLM and this calls for earth tones structures also. Glen asks how big the building will be at this site, it is stated that they proposed to the BLM to have 12 x 60 square footage placed in modules, 10 x 16 in steps to reach the full size of the building. It is asked why they did not have to bury their building; Ron responds that it was not requested by BLM. Glen asks how tall the buildings are, Ron states that they are about 10 foot tall. Doug Carriger states that this is now a utility corridor and this could be the reason why they will not be required to bury their buildings. Ronda asks if they have 7 sites and are they all approved by BLM, Ron states yes they are in possession of those rights of ways and are waiting for the growth to move outward. Ronda asks how long before they will have usage of the sites, Ron responds that this site will be April 1 of this year. Ron states that this will be a slow process getting the sites all the way to Ely and Wells. It is asked how many carriers can be put on one of the towers and Ron states that this has been one of the concerns by BLM is that they collocate antennas rather than have multiple structures. Ron stated they will be able to carry up to 5 carriers on the towers; this is also the reason for the height on the towers. It is asked with a height of 195' BLM will not allow them to put a light on the tower, Ron states that if they could light it they would but BLM will not allow them to. Ronda asks where the next site will be, Ron states that it will probably be Alamo. Ron asks for clarification on the conditions recommended by staff, Clint states that he does not have a problem with following the BLM requirements for lighting and colors of the buildings. Motion was made by Glennon Zelch to approve with BLM lighting requirements, seconded by Kaye Medlin. Motion carried by all in attendance. 8:07 PM

5. **Discussion/Action Item:** Zone Change for Pearson, Lee from A4 (agricultural-20 acres) to RR5 (rural residential-1 acre) located in Dry Valley at Echo Dam Road and Frehner Ranch Road. The subject tract includes 5.95 acres. (APN #'s 006-301-46 & 006-301-47)

Clint comments concerning this zone change, his first concern was the proximity of the lots to the pivot, Clint explains that the maps that the Board received the parcel data is not in alignment with the actual parcels, the corner of these lots is actually on the fence line of the pivot, he states that he verified this personally and spoke with the surveyor doing the maps for these lots. Clint comments that there should be a buffer strip on the lot for a no build easement. Sue asks who owns the pivot area, it is stated that Bulloch owns this land and Shane Cheeney leases the land. Shane Cheeney is present and presents the record of survey map of the pivot and shows the board. Varlin asks what the other parcel acreage is and Clint states that there are 2½ acre, 5 acre and 10 acre lots in the area. Varlin asks if Lee Pearson wants to go down to 1 acre lots, Clint responds no, he wants 1½ acre lots but we do not have a zoning for 1½ acre lots so he needs to request the zoning for 1 acre lots. Ronda asks if this is all flat land, it is stated that yes it is. Varlin states that if approved this will set a precedent and Clint states that the only reason he is recommending this level of density for approval is the road frontage on 2 sides and the availability of power and phone on the site. Motion was made by Glennon Zelch to approve the zone change, seconded by Spencer Gray. Motion carried by all in attendance. 8:47 PM

6. **Department Update:** Standards for road dedications and easements. Water rights and land divisions, letter to utility/service providers for land divisions, upcoming training opportunities, Lincoln County website development.

Clint updates that we are now sending the maps to all entities for review. Clint talks about water rights and land divisions and that in the last legislative session, there were a lot of changes to the laws regarding water rights and domestic use. About 1/3 of the County is in a designated basin and the state can require the county to forward all land divisions maps for review and can require the developer to provide water rights for the parcels. The laws also actually set in place priority rights for domestic wells. The State has requested from the County within the past 5 years how many parcel maps have been approved and how many parcels have been created from these maps. Clint states that the National Planning Annual Conference will be in Las Vegas and he strongly recommends that they attend even if it is only for one day. The Lincoln County website will be set back up and the County has a real strong need to have the information on the website; we are working on what the planning department will have on the site. There will be a page for Town Boards also. 9:03 PM

7. **Discussion/Action Item:** Addressing System Policy.

Clint states that this has been in front of the Board several times in the past and we are to a point that the Board needs to make a recommendation to the Board of County Commissioners for approval to adopt the addressing policy. Paul Donahue states that they are behind Clint with the address policy and would like to see it move forward. Clint states that he has been working with Caliente with the addressing policy. Paul states that it will be nice to have an address assigned to every lot. Clint will also be bringing the street maps around and having the entities help with the corrections of street names. With the adoption of the address policy they will be adopting the roads also. There was 15 minute recess. Varlin calls meeting back to order. Clint states that the address policy is written and there are some changes needing to be done, but needs to be recommended by the Planning Commissioners to the Board of County Commissioners tonight. Motion was made by Glennon Zelch, seconded by Kaye Medlin. Motion carried by all in attendance. 9:26 P.M.

8. **Discussion/Action Item:** Planning Commission Appointment Process.

Clint talks about the procedural requirements in NRS and our code about the appointment of Planning Commissioners. At this time we have 2 vacancies and 3 applicants', Clint's intention at this time is to interview the applicants with one of the Planning Commissioners and the County Manager. Clint states that it is important to have people with experience. 9:35 P.M.

9. **Discussion/Action Item:** Planning Department Budget for FY 08-09

Clint explained when the planning department was created last year; the estimated cost was about \$300,000 dollars. Clint tells the board that next year he will need at least one additional planner and this would be funded through the new developers. 9:54 PM

10. **Public Comment:** There was no public comment.

11.Set date and time for next meeting: February 11, 2008 at 7:00 P.M.

12. **Adjourn:** A motion was made by Glennon Zelch, seconded by Spencer Gray to adjourn the meeting. Motion carried by all in attendance. 10:00 P.M.