



## LINCOLN COUNTY PLANNING COMMISSION

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### Approved Minutes for February 19, 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, Varlin Higbee, Glennon Zelch and Spencer Gray being present. There is a quorum present and the agenda was posted on February 12, 2008.
- 2. Minutes approval or denial/corrections:** Motion made by Glennon Zelch to approve the minutes with revisions for missed words in 2 places, seconded by Spencer Gray, motion carried by all in attendance. 7:05 P.M. Kaye Medlin joins the meeting at 7:03 P.M.
- 3. Discussion/Action Item:** Merger and Re-subdivision for Pearson, Lee to merge two parcels comprised of 6 acres and re-subdivide into 4 parcels of 1.5 acres located in Dry Valley at Echo Dam Road and Frehner Ranch Road. (APN #'s 006-301-46 & 006-301-47)

Lenard Smith is present for this item. Clint states that we received a letter from the Flood Control Board, as they are now receiving the maps for review, at this time Clint asks Glen if he would like to address this; Glen states that the FCB would like to have contour lines or topographical lines on the maps in the future so that they can tell which way the drainage goes then they can see if there will be any problems with the water for the plans of the applicant. Lenard states that topographical maps are a large expense, but they would not mind doing this. Clint would like to make a suggestion for doing this; he suggests that when you have obvious drainage ways or the slope is more than 15% that it would be reasonable to ask for the contour maps. Varlin asks if we can provide a topographical map for the whole of Lincoln County for the FCB and then the FCB can overlay the maps. Lenard suggests that they could locate it on a USGS Quad sheet so that you can tell where the drainages are and they could add it as a side sheet. Glen states that they need some preliminary drainage information to work with the maps. Clint states that there is a culvert off of the Highway that drains into the field. Sue asks if one of the roads/right of ways is being removed, it is stated the one in the middle will be; she asks if the Frehner Ranch Road will be the access road, yes it is. Sue asks if the existing easement will be vacated, it needs to be done on a separate document and will be done after the map is approved. Motion made by Glennon Zelch to approve the map, seconded by Spencer Gray, motion carried by all in attendance. 7:45 P.M.

- 4. Discussion/Action Item:** Boundary Line Adjustment for Floyd Lamb Acres LLC to correct boundaries for APN #004-011-06 and APN #004-011-05 in the Town of Alamo.

Lenard Smith is present for this item and explains that this is the final map of the three maps which finishes the division of the land. Varlin asks for the Parcel Map file number to refer this back to. Motion made by Sue Austgen to approve the map, seconded by Glennon Zelch, motion carried by all in attendance. 8:15 P.M.

5. **Discussion/Action Item:** Parcel Map Merger and Re-subdivision for Floyd Lamb Acres LLC to create 4 legally conforming parcels in the Town of Alamo. APN #'s (004-141-26) (004-141-18) (004-141-53) (004-141-17).

Lenard Smith is present for this item. Clint explains that Lenard has spent a lot of time on this and they have had several meetings with the land owners. Clint explains that over the years there have been a series of maps filed, some having the county approval and some did not; so some of the parcels were created with maps and some were created by deeds. The reason this is presented as an LLC is so all the land can be brought back together and then broke back up again to the respective owners; this way the deeds will be done correctly. Clint states that they have spent a lot of time going over the maps to make sure that everyone has access to their parcel and he recommends approval of the maps. Motion made by Glennon Zelch to approve the map, seconded by Sue Austgen, motion carried by all in attendance. 8:07 P.M.

6. **Discussion/Action Item:** Subsequent Parcel Map for Floyd Lamb Acres LLC to create 3 legally conforming parcels in the Town of Alamo. APN #'s (004-141-26) (004-141-22) (004-141-23)

Lenard Smith is present for this item and explains that this is a continuance of the Merger & Re-subdivision map. Motion made by Glennon Zelch to approve the map, seconded by Spencer Gray, motion carried by all in attendance. 8:12 P.M.

7. **Discussion/Action Item:** Parcel Map Continuance for Cameron, Art, original file #06-137-PM-RR5-PC in Highland Knolls Subdivision. (APN #013-041-17)

Lenard Smith is present for this item. Clint explains that this parcel map was approved over one (1) year ago but was never recorded, so the planning department agreed to do this as a continuance. Sue asks if there was any reason why he did not record the map, it is stated that he just did not do so. Sue asks about the roads and Clint states that the county has reviewed and approved the proposed easements. Motion made by Glennon Zelch to approve the map, seconded by Sue Austgen, motion carried by all in attendance. 7:50 P.M.

8. **Discussion/Action Item:** Merger and Re-subdivision for MacBurnie, Jeffery, original file #07-128-PM-A4-PC located on Mount Wilson. (APN #005-237-45)

Lenard Smith is present for this item. Clint explains that they had come in at a prior meeting and did the zone change and map, this is now the second map re-configuration, as they were trying to configure some of the lots to consolidate the ownership of the ranch from the road area inward. Clint suggested that they redo the map as a merger and re-subdivision map to clean up the ownership and pull stuff together; the second issue on this is the County went out and identified the site for the Fire Station as there was an existing building at the entrance of the ranch, this is the small parcel shown on the map and this will be donated to the County. Motion made by Spencer Gray to approve the map, seconded by Glennon Zelch, motion carried by all in attendance. 7:58 P.M.

9. **Discussion/Action Item:** Review resumes for two open seats on the Planning Commission and make a referral to the Board of County Commissioners.

Clint explains that we have two (2) vacant seats on the Planning Commission, an at large seat and an Alamo seat. Ross Stirling was the only applicant for the Alamo seat and based on discussions with Varlin and other folks Clint would make the recommendation for Ross on the PC, the second seat is for an at large position and we received two applications; one being Steve Combs and for the record he is Dawne's husband and the other one being Dylan Frehner. Clint's recommendation due to past experience and where the County is headed with the large projects is Steve Combs for the at large position. Glen states that

Dylan knows what is going on within the county, but he is already involved with so many other things and this could become a conflict, Clint states that with Steve's public works experience and background he feels that this would strengthen the Board. Varlin states that it would also deepen the perspective in the development part of things. Motion made by Glennon Zelch to approve Ross Stirling for the Alamo seat and Steve Combs for the at large seat on the Planning Commission, seconded by Spencer Gray, motion carried by all in attendance. 8:20 P.M.

10. **Discussion/Action Item:** Contracting of a land use consultant to assist in the review and negotiation of development agreements under NRS 287.070.

Clint presents to the board that language within the statute talks about Planning Commissions and the role of the PC; he explains that PC's can contract out services for experts so that when they are reviewing a project they can receive the input they need in order to make a good decision and/or recommendation. In exploring this issue around the State it will come up occasionally when County's lack the expertise for certain projects, it would behoove them to contract out for the expertise. Clint states that he has had some preliminary discussions with 1 or 2 of the County Commissioners and Chairman Varlin Higbee, that the County is at a point with the Toquop projects where two (2) of the five (5) developers within the Toquop development are coming in with their development agreements and front end plans. Clint is concerned that the County lacks the expertise to review the development agreements. Clint explains that the way the County has been reviewing the DA's is by assembling a team internally with County staff, the County has been working with the two (2) developers for at least a year at this point, and after talking with other Counties he would strongly encourage the PC to get assistance with the DA's. Clint's concern with the DA's is not what is within them but what is not in them and secondly a lot of the thresholds that are set in DA's for when things are required be provided; we as a County lack the information to know what type of services we will be providing and at what level, how much these services will cost, what capital facility needs we will need to have; which at this point the County does not provide. The Board has been given a packet; the first part is information for an individual who has been hired by Nye County to review their DA's, he has reviewed about a dozen DA's within the past two (2) years for them; ranging from small to large projects, with a price tag of about \$120,000.00. Clint states that just the Toquop projects alone could cost approximately \$20,000.00 to \$30,000.00 to review the DA's, he states that it could also be less. It has been recommended that we work with our District Attorney's office and recommend to them that the County can use outside assistance on the DA's so that the County and the developments are successful. Clint talks about Mark White who was trained as a planner and has a law degree, he has been involved with a lot of DA's; he looks at things from a planning perspective but understands how the DA's are drafted, he put together a sample model DA that Nye County now uses. The second part of the packet is fiscal impact information which outlines the real costs to the County to provide services throughout the life of the projects. Mr. White's recommendation to Clint was that without a fiscal impact study to determine what the true cost of different types of land use is for the County it will be hard to really negotiate the DA's as we do not have the information we need to work with. Clint talks about the different studies that the county needs to have done and set into place; one being a Capital Improvement Plan as the last one done was in 2001, the second one being a Public Facility needs assessment as this looks at what services are required by the County under law to be provided at given levels of proposed development. This is also a good way to get on the front end of the projects the dedications or in-kind donations from the developers; for building facilities, funding for staffing and etc. Clint states that on the front end of projects you have a lot of revenue coming in because you have sales tax from construction materials, a lot of the front end money dwindles after the project is up and running. Clint states that people from UNR will be coming and they will be profiling what happened in Lyon County. In Lyon County the government expanded rapidly in order to meet the needs of the projects and since then they have had to cut back drastically once

the construction and sales tax monies dried up. Within the packet there is an executive summary for a project done within Nye County, which shows that all land uses within the project showed net deficits for the County except for retail. Clint states that if a fiscal impact study was done for Lincoln County and it showed deficits long term then the County can look at other avenues such as impact fees or financing, they also have to remember the way the tax structure is set up for Nevada in that there are a lot of limits on covering growth. Clint informs the Board that there are costs involved in doing these fiscal studies, the studies done for Nye County which included a fiscal impact statement and a cost of land use study; both of these studies cost \$250,000.00 combined, he realizes that this is a lot of money but with just the two (2) Toquop projects the County is looking at right now, over the life of the projects there is a potential liability to the County of \$100,000,000.00. Clint states that with the Toquop & CSI projects there is a lot of capital needs up front for the County; as this is all raw land. Clint states that he was directed by the BCC to present this to the PC for their recommendation one way or the other to pursue this through the District Attorney's office and go from there. Varlin asks if this is approved will the funds be processed through the District Attorney's office or through this Board. Clint hands out a paper to the Board and explains that this is a part of our Title 14 County Code that he had added when updating the code, which requires the developers to pay for the cost of the studies for which he has been encouraged to do; these studies are done by the County, but reimbursed by the developers. Clint explains that what the Board is looking at is something that would enable the County to identify the studies that are needed so the County can do a fair job at knowing what it will be needed for these projects. Glen states that if the County does not have these things taken care of in the end it will cost all of Lincoln County, so we should decide now how to cover them. Clint talks about the land act monies received and that it was earmarked for such studies, but to date they have not been done. Sue asks Clint that with our Title 14 code and once he gives the Boards recommendation to the District Attorney the County can pursue the developer and request that they help pay for the assistance of these studies, it is stated that it is already within the Title 14 code and yes for the Toquop area we can. Varlin talks about a conversation he had with a developer and the developer stated that the County needs to hire an attorney to review the DA's as attorney's draw them up with their terminology and we need to have an attorney that understands the terminology, he also states that the DA's are like a contract and the County will be obliged to keep it. Clint explains that with the DA's if we were one of the larger counties the DA's would be a benefit in large to both the developers & the County as it lays out a lot of things on the front end and you can negotiate something's that may not be a part of their project but there will be some impact. Clint informs the Board that in some States DA's are not even legal, they call this contract zoning. Glen states that he has some concern with hiring outside assistance, as he sees a lot of Boards that hire outside assistance and when anything goes wrong they blame the persons hired and then the Boards can absolve themselves of any guilt, but on the other hand when the County knows they do not have the expertise you need to hire outside assistance. Clint tells the Board that they can go out to bid for assistance, but the individual he has presented to them has a planning background and works well with the County's, Clint was given four (4) or five (5) different names but this individuals name came up from several places because of our situation and that he is still working with Nye County. Clint states that the two (2) dozen, plus meetings they have had with the Olympia Group there are two (2) attorneys present at all of the meetings. Motion made by Glennon Zelch to hire an outside advisor to provider the expertise that the County does not have, seconded by Sue Austgen. Doug Carriger is present and says that he supports the Board doing this and thinks it is a good idea, and that when CSI did their DA they relied on the County's former District Attorney and he was very helpful, but he was not a land planning person so they all relied on the Clark County District Attorney. Motion carried by all in attendance. 7:35 P.M.

**11. Department Update:** APA Conference, Census, Budget.

Clint updates the Board on the planning conference in Las Vegas and that we would like to have the Commissioners attend so please let Dawne know who can attend and how many days they will be attending. Clint updates the Board on the census project; Clint passes out a map to the Board as this is somewhat related to the census: the map shows the first new addresses that were received from Gnomon; they will be sending us weekly updates on the addresses. Clint states that there will be some checking involved due to the numbering being based off of the primary drive; as Gnomon is doing this from aerial photos and some of the photos are hard to see which one is the primary drive, in terms of the Census work we are doing; we are ok time wise. We have set it up so that everything Gnomon is doing will be what we need to package and send to the Census once everything is verified. Clint updates the Board that the Board of County Commissioners wants to review the address policy one last time after the address are complete and that the addresses will have different effective dates based on several factors. Clint states that the 1<sup>st</sup> budget hearing is coming up within the next few weeks and he had to submit the proposed budget at the beginning of February, he is asking for one (1) additional person for the planning department. Glen brings up that Clint had spoken to the Board of County Commissioners at their meeting earlier today concerning SNWA and that the planning commission needs put a list together of what the board wants to see with the permits and etc. Glen talks about cut permits for every road crossing they do when installing the pipeline, Varlin asks if the line will be buried, it is stated that it will all be buried. Clint informs the Board that he has had four (4) to five (5) different people from the water authority or contractors that have been hired call or come in asking about what types of permits they are going to need, so what was agreed to today was that as a County, we need to start coming up with the concerns we are going to have and what will need to be addressed through the reviews. Clint would like to see a bundled approach where we don't make them do a zone change on every piece, do the corridor and address all the issues along the way. SNWA's timetable is to have the information together this year and start the approval process next year. Clint informs the Board that we can make SNWA do development agreements for a project like this and the reason we want to go this route is the DA will seal all of the conditions, which means it will legalize what has to be done and how it is done. Sue asks what the timeline for completion of this project is, it is stated that SNWA wants water out of the pipe in 2012, Clint states that this not the whole pipeline just the South end. 9:05 P.M.

**12. Public Comment:**

Varlin talks about a court case that is taking place in Alamo and he is not sure if anything has been done as of this date. Varlin states that on the North end of a street that he thinks belongs to the County; as the County previously abandoned one end of the street and the other end has not been abandoned. There are person's who would like to have ownership of the end that is not yet abandoned and Varlin has received some complaints requesting that this be cleaned up. Varlin asks if it would help if the Planning Commission drafted a letter requesting the Lincoln County Road Department clean this up and put some gravel on the street. Sue asks if he means cleaning this up completely which would include the documents properly done & filed, Varlin states no he does not mean vacating the street. Clint tells the Board that we received a call today from the Credit Union and the title is not clear on the abandonment as the final order and paperwork was never completed and filed. There is discussion concerning whether the whole road was abandoned or just a part of the road and whom the road was abandoned to. Varlin would like to see this cleaned up; Clint states that we will do some research to see if all of this was abandoned or just a part of the street. 8:35 P.M.

**13. Set date and time for next meeting:** March 10, 2008 at 7:00 P.M.

**14. Adjourn:** A motion was made by Glen Zelch, seconded by Sue Austgen to adjourn the meeting. Motion carried by all in attendance. 9:06 P.M.