



LINCOLN COUNTY PLANNING COMMISSION

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Approved Minutes for December 10, 2007, 7:00 P.M. Lincoln County Planning Commission

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 call the roll with commissioners Kaye Medlin, Varlin Higbee, Glennon Zelch and Spencer Gray being present. There is a quorum present and the agenda was posted on December 4, 2007 in accordance with the open meeting law. Sue Austgen not present.
2. **Minutes approval or denial/corrections:** Motion made by Kaye Medlin, seconded by Spencer Gray to approve the minutes as is, motion carried by all in attendance. 7:10 P.M.
3. **Department Update:** Census Update, Addressing Project, Department Budget for 08-09.

Clint Wertz presents the update. The Planning Department has received the packet from the Census Bureau, we have not had an opportunity to look at the packet as of yet but will be starting to review it this week. The census has found that poor addressing has lead to problems with past census counts. Shannon will be setting up the addressing system; the plan is to start with Pioche, then moving on to Alamo, and then Panaca. Clint is still working with Caliente in regards to their addressing system. Dawne was designated as the LUCA representative for the census. Clint explains that if the County does develop an addressing system then the county has limited appeal rights for the count and new addresses that come on line between now and April 1, 2008 may not be included in the 2010 census. Clint states that by the first of 2008 we will start assigning the addresses. Clint has visited with the towns and the City of Caliente to talk over any issues they may or could have with the addressing. After all the addresses have been assigned any new addresses and or changes to existing addresses will have a \$20.00 fee attached to it. At this time the roads will keep the same name and if any problems should arise with a road name it could possibly be changed. If anyone would like to change the name of a street they will have to apply for the change and pay the fee. The County needs to publish an official road map which will set in stone the official street and road names.

Clint states that he feels that the planning commission should be involved with the budget process this time. Clint discussed the possible new positions he would like to add to the department. There are currently two (2) development agreements in process for the Toquop area. These agreements will help pay for some of the different departments that will need additional staff added in order to process the work load. Varlin states that if the planning commissioners are involved with the budget it will help the department when presenting the budget to the Board of County Commissioners.

Clint informs the Board that Ed Wright has resigned his position and that we will be advertising for two (2) positions now. One position will be for the Alamo town area and the other one will be an at large position. Clint explains to the Board that we will asking for a resume and completed County application for persons that are interested in filling the available seats. Clint, the County Manager and at least one other person will interview the qualified applicants and then narrow the field down for the Board to review and interview the applicants.

Clint also informs the Board that the Board of County Commissioners has approved an advisory board for the Rachel area and we will be advertising for this advisory board. 8:51 P.M.

4. **Discussion/Action Item:** Zone Change for Phyllis Frias Management Trust from A1 (agricultural) to C2 (commercial) located at MP 40 on Hwy 93 North of Alamo. (APN #011-200-06). Master Plan Designation is Low Density Residential and the area includes 5.81 acres.

Clint presented the staff report to the Board. Clint states that this is a two (2) part application, one for the zone change and one for a site plan review and recommends approval with conditions. Clint reads the staffs recommendations for the zone change if approved. Clint states to the Board that with the recent master plan revision for the Town of Alamo there has been a push for new businesses. The master plan calls for commercial and low density residential within the commercial area. Clint states that this proposal fits well within the master plan. There is a limited amount of agricultural use on this parcel, but if the zone change is approved they could use this land for the other uses that fall under the C2 zoning. The concern is access to the property, as there is no proof that old Hwy 93 and the old right away was ever given back to the property owners, Clint could only find where one property owner along the corridor ever acquired the abandoned right of way once it was given from NDOT back the County. There is no approved access to Hwy 93 from this property and it has been suggested to the applicant to acquire access off of the old Richardville Road. Clint reads the conditions he is requesting if the zone change is approved by the Board into the record. Darren Dorsey of Snell & Wilmer is present for this item. Darren brought large scale pictures for the proposed Bed and Breakfast for the Board to review. Darren states that the applicant believes this will fit within the current Alamo Master Plan. Darren states that the applicant will agree to all of the conditions that have been put forward by staff. Varlin explains that the road to the North is a County road, but they could also make a request to BLM and purchase the property between the current parcel and Richardville Road. Clint states that we did receive some comments from the 300' letters sent, some had no opposition and some were opposed to the zone change. Varlin states that a rancher weans calves at different times of the year right next to the proposed site and that it can get pretty loud at those times. There was also talk concerning the farming operations in the area and that the applicant is aware of those operations and the noise and smell that can be associated with it. Darren states that the applicant is aware of this and that is one of the reasons for the name of the Bed and Breakfast. Darren shows the Board the proposed layout of the Bed and Breakfast. The Board asked when the applicant would like to start building the facility. At this time Wade Takashima from TWC Construction stands and states that the applicant would like to start construction of the building within 1 year. Glenn asks how can the Board guarantee that if approved they will build what has been shown to the commission. Darren states that the applicant has dreamed of doing this project for a very long time and has spent a lot of time and effort to get this far. Clint states that the Alamo Town plan highly supports this for its town. Varlin reviewed the oppositions on record to the zone change and states that most of the comments are about what the surrounding property looks like and that the concern is the applicant would not start trying to make the farmers clean up their farms and that they would not try to interfere with their farming. Clint suggested the owner/applicant be required to sign a waiver of protest for future complaints against customary farm practices near the proposed site. Clint described how this document puts the current and future

owners on notice regarding right to farm laws in the State of Nevada. A motion was made to approve the zone change with the staffs conditions by Glen Zelch, seconded by Spencer Gray, motion carried by all in attendance. 7:30 P.M.

5. **Discussion/Action Item:** Zone Change for MacBurnie, Jeffery from A4 (agricultural) to A2 (agricultural) on Mount Wilson Ranch Road; located on Mount Wilson. (APN #005-241-02). Master Plan Designation is Forest Recreation and the area includes 145 acres.

Clint presents the staff report to the Board. Clint explains that the applicant is asking for a zone change on the larger of the two (2) parcels. Clint states that staff recommends approval of the zone change with conditions. This is the Mt Wilson Ranch area and there are 110 parcels within the Mt Wilson area, the largest being 120 acres and a few 2.5 acre parcels. There was a fire assessment done a few years back for the Mt Wilson area and it is one of the highest fire hazards in the County. There is very limited access to the mountain, no local fire department and very dense vegetation and all above ground utilities. Clint stated that there is no land owned by the County on Mt. Wilson to build a fire station and fire safety and access is one of the biggest concerns for this property. The RCI fire assessment from 2005 stated the highest priority for the area was to build a fire station with water tanks to aid in suppression. The current Master Plan calls for five (5) acre parcels in this area. Clint reads the conditions into the record at this time and states that he is asking for approximately a 2 acre dedication from the owner for a future fire station if approved. Jeff MacBurnie is present for this item. Jeff states that they have had BLM and the Forestry Department at the ranch and that they do have a fire truck up at the ranch. There is talk concerning only one road in and out to the Mt Wilson area. Varlin asks if they would be willing to release 2 acres to the County for a fire station and Jeff states that he would be willing to work with the County to accomplish this. Jeff states that he wants to use the street as a border for the ranch and that he does not plan on reducing the remaining large parcel down to smaller parcels. Kathy Lang is present and asks why they want to change the zoning if they are not interested in parceling. Jeff states that they are only interested in creating the parcels that are currently in front of the Board and in order to create the smaller parcels on the 120 acre parcel they needed to do a zone change. Kathy comes forward to look at the map to see what they are proposing to do with the property. Jeff states that if the zone change is not approved then they will move forward to split off a 20 acre parcel for the ranch area. Kathy asks if they have to get the zone change in order to sell the 11 + parcel. It is stated that yes, as the current zoning only allows for 20 acre parcels. Herb Kasold is present and asks if they plan on keeping the orchard in tact. Jeff states that yes, they do intend to keep the orchard as is. Jeff asks if the 2 acres would be a gift to the County, it is stated yes it would be. Glen asks about acquiring some BLM land for the Fire Station and Clint states that this area is just better suited due to the existing road, and that the County has tried in the past to obtain BLM land for a fire station and have never been able to obtain it. It is asked if there are any lands on Mt. Wilson scheduled for release from the BLM, yes there are some lands identified for release on Mt. Wilson. Varlin states that he would like to see this land stay at five (5) acre parcels, it is stated that this zone change would only allow five (5) acre parcels. A motion was made to approve the zone change with the staffs conditions by Spencer Gray, seconded by Glen Zelch, motion carried by all in attendance. 8:06 P.M.

6. **Discussion/Action Item:** Parcel Map for MacBurnie, Jeffery to divide one (1) parcel down to four (4) parcels located on Mount Wilson. (APN #005-241-02)

Lenard Smith and Jeff MacBurnie are present for this item. Varlin states that they have pretty much reviewed the maps and do not have a problem with the maps. A motion was made to approve the parcel map with the staffs conditions by Glen Zelch, seconded by Spencer Gray, motion carried by all in attendance. 8:10 P.M.

7. **Discussion/Action Item:** Parcel Map for MacBurnie, Jeffery to divide one (1) parcel down to four (4) parcels located on Mount Wilson. (APN #00231-17)

Lenard Smith and Jeff MacBurnie are present for this item. Varlin states that they have pretty much reviewed the maps and do not have a problem with the maps. A motion was made to approve the parcel map with the staffs conditions by Glen Zelch, seconded by Spencer Gray, motion carried by all in attendance. 8:17 P.M.

8. **Discussion/Action Item:** Parcel Map for Pioche Ely Mines, Inc. to divide one (1) parcel down to two (2) parcels located in the town of Pioche. (APN #001-351-05)

Lenard Smith is present for this item. Clint explains that he has been working closely with Lenard and Dean (county surveyor) and they have over come all of the issues with this proposed parcel map. Clint makes a comment that all of the maps in the past that any existing rail roads have always shown as an easement and if they were to show as rights of ways it would create another parcel. Lenard states that the railroad easements have been abandoned by the rail road. The Board asks about the odd shape shown on the parcel map and Lenard explains that the odd shape is actually owned by the mill and with this parcel map approval they will be cleaning up the odd shaped piece of property by trading it off with the owners of the mill. Lenard explains that the property is owned by two entities and the County has been asking the property owners to clean up the property below the mill, but before this can be accomplished the property owners need to do deeds to swap the parcels created by this map. Glen asks who will own the parcel listed as parcel one (1) on the map, Lenard states that Pioche Ely mines will own it after the deeds are done. A motion was made to approve the parcel map by Glen Zelch, seconded by Spencer Gray, motion carried by all in attendance. 8:27 P.M.

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

10. **Set date and time for next meeting:** January 14, 2008 at 7:00 P.M.

11. **Adjourn:** A motion was made by Spencer Gray, seconded by Glen Zelch to adjourn the meeting. 8:53 P.M.