



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for May 12, 2008, 6:00 P.M. Meeting Lincoln County Court House, Pioche, Nevada

- 1. Roll Call, Open Meeting Law:** The Board met in regular session with Chairman Varlin Higbee calling the meeting to order at 6:00 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Varlin Higbee, Spencer Gray, Steve Combs, Ross Stirling and Glennon Zelch being present. Kaye Medlin and Sue Austgen not present. There is a quorum and the agenda was posted on May 6, 2008.
- 2. Minute's approval or denial/corrections for April 22:** There is not a quorum present at this time for acceptance of the minutes. 6:04 P.M. There is now a quorum at 8:48 P.M. to vote on minutes. A motion was made by Sue Austgen to approve the minutes as written, seconded by Kaye Medlin, Varlin Higbee & Ross Stirling abstain as they were not in attendance of the meeting. Motion carried by the rest of the Board members to accept the minutes. 8:49 P.M.
- 3. Discussion Item:** Fiscal Impact Analysis for Coyote Springs Planned Development

Doug Carrigar is present for this item, and presents the Fiscal Impact analysis to the Board that was prepared for the Coyote Springs Development. There was one done approximately 4 years ago and they felt that it was outdated and there was a need to update it. Doug explains that the new one is aimed primarily at the County's general fund and also the expenditures that would impact that fund. They have stretched out the development horizon to 55 years from 40 years, their consultant looked at the absorption of units in the Summerlin Development in Las Vegas and came to the conclusion that they were being overly aggressive so they came back down to a little over 2,000 units a year. Coyote Springs Development is pleased with the outcome of the report. Doug would like to point out a couple of items in the report for the Board; page 4 shows the profile of the community; he states that it goes through some of the Development Agreement obligations that they have undertaken and what that does is those obligations through the General Improvement District (GID) removes obligations from the County general fund. He talks about the monies collected from the GID and property taxes and the monies collected from these should exceed what the County will need in order to build the facilities at Coyote Springs. Doug states that the report shows that Coyote Springs is a viable community and it is close enough to Las Vegas and there will be sufficient housing demand in the coming years based upon population increase projections in Nevada and that the revenues would exceed the expenses to the County. Doug states that they found out last week that they expect their multi species habitat conservation plan to be issued in July. Varlin asks if they will be managing their own HCP, Doug states yes and they are proposing collecting \$800.00 per acre; the monies collected from this will go into an interest bearing trust fund in hopes to build the account up so the dollars will carry the needs of the permit for the 40 year life of the permit. Doug states that they are hoping to come to the County within the next year or so with their 1st tentative PUD and hopefully it will be a solar facility. Varlin asks how the

development on the Clark County side of the project is doing; Doug states the model homes are to be open Labor Day of 2009; they have been experiencing some difficulty with the contractor on the sewer treatment plant on the Clark County side but it should be moving forward soon. Doug states that the golf course is now open for play as of this date and the club house should be constructed and open in May of 2009. Rick Hardy takes the floor and asks what the name is on the trust account and what is the accountability of the funds collected for the permits on the HCP? Doug states that the section 10 permit will be issued in the name of Coyote Springs Investment LLC and the charter association will hold the trust account, and he believes that the Fish & Wildlife oversees the account and the County has no role in the section 10 permit; the issuer of the permit will be the person that will be accountable for the funds. 6:29 P.M.

4. **Discussion/Action Item:** Zone Change for Cheeney, Shane from A4 (Agricultural – 20 Acres) to A2 (Agricultural – 5 Acres) located in Dry Valley off of Echo Dam Road. The subject parcel includes 24.62 acres. (APN #006-301-40)

Varlin asks what the objections were on this item, Dawne responds that there were 33 letters sent, there were 5 no objections and 2 objections, 1 objection with no comments and 1 objection commented that they were concerned with the land value and aesthetic reasons. Clint states that staff recommends approval for this item; he states that it is in an ideal location; Glennon asks what size is the lot, it is stated 5 acres; Clint states that he feels there would be no impact as there are smaller lots in this area, he states that normally he would look at the master plan but there is no master plan for this area to guide the Board so he looked at the compatibility for this area. Motion was made by Glennon Zelch to approve the zone change, seconded by Spencer Gray, motion carried by all in attendance. 7:40 P.M. At this time Chairman Higbee calls for a 10 minute break. Meeting called back to order at 7:56 P.M.

5. **Discussion/Action Item:** Zone Change for Thornton, Richard & Hilda from R1 (Residential) to RR5 (Rural Residential – 1 acre) located in Panaca. The subject parcels includes 1.15 acres. (APN #'s 002-191-09, 002-191-10 & 002-191-12)

Richard & Hilda Thornton are present for this item. For the record Varlin refers to the letter written by the Thornton's, Kaye Medlin arrives at 6:05 P.M. Richard explains that they own all 3 lots and shows the Board which lots they are on a map, he states that the cul-de-sac no longer exists at this time; it is asked if the cul-de-sac has been legally abandoned, it is stated that no it has not. Mr. Thornton explains that they want to abide by all of the County rules and regulations; they have moved their horses on to the property and applied for the permits to build their barns for which they received and at that time there was no mention of the property being R1, they would like to have the property re-zoned so they can keep their horses on the property legally. Varlin reads Panaca Town Board minutes read into the record, which states that the Town Board approves of the zone change; there is some talk concerning the discrepancy of the letters being RR3 and RR5, Clint states that the Town Board is just an advisory Board and they approved the zone change from R to RR so there will be no problems with the Planning Board making a decision without it going back to the Panaca Town Board. Dawne Combs double checks what the zoning should actually be for this property if changed to RR. Jim Owens states that all the streets in Panaca were dedicated with original maps and another map done in the 60's and if the streets are not on these maps the streets that now exist are not dedicated streets, it is stated that the cul-de-sac on the Thornton's property probably is not a dedicated street. Dawne states for the record that the zoning should indeed be RR3 as when looking at the zoning she was looking at the total acreage of the 3 lots together instead of the total acreage of each lot separately. Ross asks if the reason for not combining the lots at this time is due to the surveying cost, it is stated by Mr. Thornton that this is true at this time, but in the future they wish to combine the lots. Mr. Thornton states once again that they just want to conform to Lincoln County's rules and regulations and with the zone change they will be in compliance. Motion

made by Glennon Zelch to approve the zone change, seconded by Spencer Gray, motion carried by all in attendance. 6:13 P.M.

6. **Discussion/Action Item:** Special Use Permit for Bedroc LLC for a Night Watchman's Residence located at MP 9 on US HWY 93 at the Western Elite facility. (APN #008-201-13)

Motion was made by Glennon Zelch to table this item due to not receiving the information requested at which time it will be put back on the agenda, seconded by Spencer Gray, motion carried by all in attendance. 6:30 P.M.

7. **Discussion/Action Item:** Parcel Map for Lincoln County School District to create 4 parcels in the town of Pioche. (APN #001-311-03)

Clint explains to the Board that staff recommends approval with conditions, the 3 small remnant parcels that will be created will not meet zoning and to his understanding the 2 small parcels would be offered for conveyance to the adjacent property owners and he feels the Board needs to decide whether the parcels should have building rights. Clint states that the ownership shown on the north side of the map is incorrect; he explains that this parcel was created by a patent from BLM to the school district for construction of the school; Varlin asks what the reasoning is behind parceling these lots off; Clint states that it is just to get the ownership off from those smaller parcels because they do not need it as the road splits them from the large parcel. Rick Hardy takes the floor to address the Board, when they started the process they had a parcel that was split by roads and they are not useful to the school district and they also have some home owner's on the north that have access off from the road that splits the parcel and they just would like to clean it up; he states that he was unaware that the 1 parcel would not be a build-able parcel so that would make it an un-sellable parcel; Varlin asks how big is the lot and it is decided that it is just over ½ acre. Clint states that they are currently non-conforming parcels if parceled and the school district would have to do a zone change in order for them to be build-able. Rick states they wanted to convey the property to the existing property owners. Glen states that parcel 2 is too small to be a build-able lot and would either have to be combined with parcel 3 or conveyed to the adjacent property owner. Rick explains at this time that the current map looks different than what they originally intended and turns it over to Jim Owens; Jim explains that he took this job over from Spencer Hafen; he states that Spencer explained that they needed to move the lines for the easements and that is how it changed. Rick states that at this point; Mr. Owens & himself need to go back out to the site, he asks if they would need to do a zone change even if parcel 2 is larger, it is stated that yes if they want build-able lots to sell they would need the zone change. Rick states that they would like to withdraw the map at this time. Varlin asks Rick what he would like to do and Rick states that he would like a continuance at this time. The continuance is granted by the Board. 6:49 P.M. Sue Austgen joins the meeting at this time. 6:52 P.M.

8. **Discussion/Action Item:** Parcel Map for Bradley, Floyd/Phillips, Nate to create 2 parcels located in the Highland Knolls Subdivision. (APN #013-041-14)

Clint states that he recommends denial of this map; Clint shows the Board a map and explains that the yellow lot is the one being proposed to be split; the issue is that this lot has paper access but no legal public access that has been improved. Clint states that they could approve the map subject to the applicant improving the roadway for the other lots, but when doing this in order to be legal it has to be in proportion to what is being proposed. There is talk between the Board and Clint concerning the roads in the Highland Knolls subdivision concerning whether or not they have been dedicated or are some just private roads that do not connect the County roads. Clint explains that you need a minimum amount of access for emergency vehicles. Shane Cheeney comes forward and explains the roads that are improved within this subdivision and which roads are private; he states that there are no improved county roads to this lot at this time. Varlin states that there needs to

be a GID or SID imposed on the subdivision in order to have the roads improved so this problem does not keep arising. Clint states that the county should not continue to divide lots when there is no access to them. Motion was made by Glennon Zelch to deny this parcel map, seconded by Ross Stirling due to no access to the lot and until roads are developed within the subdivision the Board will not approve this map. Motion carried by all in attendance. 7:05 P.M.

9. **Discussion/Action Item:** Parcel Map Continuance for McCrosky, Steven to divide one (1) parcel down to three (3) parcels located 1 mile West of Panaca Town. (APN #012-180-13)

Clint states that the concerns of the Board was the easements, and that he still has some concerns with the easement by the home, he feels that this easement should be moved to the north of the property; the other issue was the fire hydrant for which we received a letter from the Panaca Farmstead concerning this, Clint states that the Board can condition this request for the fire hydrant to be installed before the map is recorded or before a building permit is issued. Ross states that they would just be putting the problem of the hydrant off until a later time, as it will have to be dealt with at some point. Sue states that the hydrant is not the only issue here, the road is also in the wrong spot; the road needs to be placed on the west end of the property; Clint states that there is an easement on the far west and an easement where the road now exists, he states that he feels the existing road is adequate in terms of the location; Sue states that it is not adequate if the property is to be parceled down as there would be no access and the people adjacent to them would have no access either, as they would be crossing private property. Steve states that he thought that the Board also requested that the applicant provide an easement where the power lines cross 2 of the parcels; Steve states that it seems like the 1 parcel would almost be un-buildable with the easement for the power line and the easement for the roadway. Clint states that there is also BLM disposal property by this property, Sue states that is one of the reasons the road needs to be put where it belongs, Clint states that if the road is moved to the west it would solve the problem for the triangular lot that is adjacent to this property as the road is their legal access; as the road is now they have to drive across private property to access their property, at this time Clint states that his recommendation to the Board is to require the abandonment of the existing road, require them to move the road to the west. Ross states that he still has a concern with the water and the Farmstead approved it with the conditioned that he would contact them when he decides to make changes but we are making changes now and this is when things need to be addressed so there are not problems created down the road. Ross asks Lenard why he is creating a 1 acre lot and making changes to the property at this time; Lenard responds that the applicant did not indicate that he would parcel the property down further, he just wanted too sell off the 1 acre lot; Sue states that if he sells it, whom ever buys the lot will need water service and the road needs to be improved and this will go to the next buyer and feels that it should not have to fall on the new property owner; it needs to be developed properly by the current owner. Glennon states that if the Board approves this with the conditions then the only thing he can do is meet the conditions before he can sell the property as the conditions will be recorded; Sue states that this will protect the future buyer; Ross states if the buyer wants to pay to have things put in then that is fine; Glennon states that the buyer will probably not know until they have already bought the property; Ross states that this is his question, where does the responsibility lay with the person selling or the person buying. The Assistant District Attorney Daniel states that the seller is suppose to disclose, but it does not always happen. Clint states that in the past it has always been left to the buyer and this is the reason we have some of the problems we have in the County and it is standard procedure to require the improvements before the map is recorded; Clint reminds the Board that he had gone over some of the requirements previously with them on what they can require from an applicant and if the County does not move forward and become consistent at some point these problems will just continue. Steve asks if it would be more

desirable to have access to parcel 3 down the north side of parcel 1 instead of down the middle; so this would be changing both, the one to the west and the one to the north as he just wants to understand what they are asking the applicant for and is this everyone's understanding; Glennon states the diagonal road easement is the one he is assuming needs to go away and the road has to be built up the west edge of the lot; Steve asks if this also includes the private road easement that goes between parcel 1 & 2 to access parcel 3 which actually goes through the existing lawn and clothes line; should this be taken out due to the applicant may want to divide parcel 3 in the future, Steve states that he may have reasons for doing it this way and that is why he is asking; Glennon states that it looks like the reason he is doing this is so the driveway is half on parcel 1 & 2 and feels that it does not make sense. Glennon asks how you identify this easement, would you just say access to parcel 3 has to be provided along the north lot line, Clint states yes that it needs to be shifted to the north, because on the ground it makes the most sense. Glennon states that the County will need a 20' easement for the power line, the private road shifted to the north property line, the existing road moved to the west. Glennon makes a motion to approve with conditions of a 20' right of way granted for the existing power line, Steve asks if this can be an easement, it is stated yes and is changed to an easement, access to parcel 3 has to be moved to the north property line and be a 40' right of way, Lenard asks if it needs to be dedicated to the County, it is stated that it is up to the applicant, Clint states that it should be a public easement, existing road to the west boundary be moved and be a right of way not an easement with the roadway being built to county standards if they dedicate the road to the County, Steve asks if it is just for emergency access does it matter if it is private or public road, Shane Cheeney explains that in the future there will still be standards for private roads. Varlin states that the chair has a motion with the conditions of a 20' easement for the power lines, access to parcel 3 needs to be moved to the north boundary line of parcel 1, the diagonal road moved to the west boundary and be to County standards (private or County), fire hydrants need to be installed with a minimum of 500' spacing, proper transition to existing roadways north & south, road easement to be abandoned. Motion made by Spencer Gray to approve with conditions, seconded by Sue Austgen. Clint asks for clarification on whether the map can record before the fire hydrant is installed, it is stated the map can not record until all conditions are met. Motion carried by all in attendance. 7:34 P.M.

10. **Discussion/Action Item:** Parcel Map for BLT Group to create 2 parcels in the Toquop Planning Area. (APN #008-251-03 – Parcel J)

Clint presents and explains that the applicant is proposing to divide the lands in the Toquop planning area. Clint shows the Board the PUD map for the BLT Group in order to show the division of the parcels and explains that the 1st map is creating 2 parcels; 1 consisting of about 100 acres on the east slope, the second parcel map (item #11) proposes the division into 4 parcels; he is recommending the maps be continued at this time due to the Development Agreement (DA) not being approved and concerns with the smaller parcel as this is where the proposed piece of the major ring road will go and the land value will not support the infrastructure that will need to be built and would be key to the overall project in this area. Mark Teepen is present and speaks; he states that he agrees that the DA should come before the maps and the DA will be heard tonight also, he explains that they want to parcel the land to keep with the conception of the approved PUD, by creating legal parcels they are not incurring an obligation to the County for the infrastructure because they are not dedicating any roads or etc. they are just legalizing smaller parcels to put deeds of trust against. Mark states that he would support the Board if they put a condition on the maps for approval that the maps can not be recorded until the DA is recorded against the property as this secures the public infrastructure obligations for the County against the property, this is his request instead of continuing the parcel maps. Ken Dixon states that he would not object to the large parcels for J & I but not the small parcels due to the infrastructure costs on the small parcels. Clint states the 1st map would just create the 2 parcels for parcel J and this one is pretty clean, the 2nd map is for parcel I which creates

the smaller parcels. Glennon asks about approving conditioned upon the DA approval, Ken states that there is a problem with the second map and the issues with the roadways and does not want it approved until further negotiations with the developer. Varlin asks Mark that basically what they are trying to do with the parcel maps is so they can lien against the parcels, Mark states that this is true and that is what the DA does and it goes with the land regardless how they parcel it out in the future, he understands the need to tie the DA with the property before any maps are recorded. Jim Owens states that the parcel lines were based on topography. Mark states that the new maps have a disclaimer on them stating that there is no obligation for public improvements and no intent of representation. Chuck Brechler states that the flood control district has a concern with the Toquop wash as the main wash goes through the northwest corner of the properties and there is a concern that the County should get a dedication for the wash at this point. Clint asks if we are covered through the DA on this issue, Chuck states that yes we are. Glennon Zelch makes a motion to approve the map conditioned on approval of the DA agreement, seconded by Sue Austgen. Jim Owens asks if he can have the other signatures on the map now, no he will have to wait until the conditions are met. Motion carried by all in attendance. 8:18 P.M.

11. **Discussion/Action Item:** Parcel Map for BLT Group to create 4 parcels in the Toquop Planning Area. (APN #008-251-04 – Parcel I)

Clint explains that this is the parcel map with the two smaller parcels and could be approved subject to parcels 2, 3, and 4 being merged into 1 parcel and parcel 1 staying as is and the condition that the map can not be recorded until the DA is approved. Glennon Zelch makes a motion to approve with division of parcel 1 and parcel 2, 3, 4 being combined as parcel 2 and the condition that the map can not be recorded until the approval of DA, seconded by Ross Stirling, motion carried by all in attendance. 8:24 P.M.

12. **Discussion/Action Item:** Proposed Development Agreement for BLT Group. Current master plan designation is Planned Unit Development; and the subject parcels are zoned (A-5) Agriculture. The purpose of the amendment is to ensure consistency of the proposed development agreement in the Toquop Planning Area with the Lincoln County Master Plan and the Lincoln County Code. The subject parcels #008-251-03 & 008-251-04 (Land Act Parcels I & J) are comprise of approximately 3,040 acres.

Clint states that he would like to go through the staff report & conditions; he explains that where we stand now is that BLT has agreed to the conditions at this time. BLT is also submitting a Design Standards Handbook (DS) which is in substantial conformance with Title 14; there are some minor issues that need to be worked through and he feels that the issues can be worked through. Staff is recommending approval with conditions, and one of the conditions is that within 60 days after approval of the Development Agreement (DA) by the Board of County Commissioners (BCC) that the DS has to be submitted in final form and at the satisfaction of staff in order to come in front of the Planning Commission. Varlin asks if Mark White's comments have been received, Clint states that yes and explains that the applicant has agreed to incorporate Mark White's comments into the DA. Clint reads the conditions of approval attached to the DA into the record. Mark Teepen takes the floor and would like to touch on a couple of items; with regards to having to submit the DA within 180 days, they have been working on the DA since December 2007 and it has been a long process and feels that they have worked very well with the staff and he would like to give the staff credit for doing a great job with this. He states that they are on board to do the workshop on June 3rd and they would just be there to answer questions only, he states that he has worked with Mr. White in the past and they agree with his comments. Mark states that this was before the Board in April and it was his understanding that it was to be continued so he was not present at this meeting, he believes that there were no changes to the DA that was presented at that time except the comments made by Mr. White. Glennon states that if BLT is in agreement with staff's recommendations and Mr. White's he does not see that there could be much of a problem with the DA. Clint makes the comment that the

reason for bringing Mr. White on board was to help the County and have a final check of the DA as the County has been looking at these agreements for so long that they did not want to miss something. Ken Dixon takes the floor and states that the reason we need to have the workshop is because Mr. White's comments were based on a previous document, the document the Board now has is a merged document with Mr. White's comments and his on the document. Ken states that based on the conditions Clint has put on this DA he does not have a problem with the Planning Commissioners approval to the BCC with these conditions, he also states that there has been one other change and that is the School District will have their own DA with the developer and that the County will be apprised of the decisions, Mr. Hardy with the School District is comfortable with the language in the change. Varlin wants to thank the staff & Mr. White for the time and effort that has been put into this. Motion made by Glennon Zelch for approval to the BCC with conditions by staff, seconded by Sue Austgen, motion carried by all in attendance. 8:47 P.M.

13. Department Update: Discussion only- Large Project Status, Dept budget.

Clint updates the Board that on June 3rd the joint workshop will be held with the 2 developers and this will be an overview of the DA's. On June 9th will be the regular meeting and on May 29th @ 2 P.M. there will be a meeting with UNR. Dawne will send the information on the UNR meeting to Planning Commissioners. Ken Dixon states that on the May 20th they will be reviewing Lincoln Highlands DA @ 9:00 A.M. and the Planning Commissioners are welcome to attend, it is stated that there can not be a quorum present for this.

14. Public Comment: No action will be taken on any items discussed in public and board comment, but items may be placed on a following agenda for action.

None

15. Set date and time for next meeting: June 9, 2008 @ 6:00 P.M.

16. Adjourn: Motion made by Glennon Zelch to adjourn, seconded by Ross Stirling, motion carried by all in attendance. 9:00 P.M.