



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for July 10, 2008, 6:30 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 6:35 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Steve Combs, Sue Austgen, Varlin Higbee, Glennon Zelch, Spencer Gray and Ross Stirling being present. Kaye Medlin is absent. There is a quorum and the agenda was posted on July 2, 2008.
2. **Minutes approval or denial/corrections:** Motion made by Glennon Zelch to approve the minutes for May 12, 2008, seconded by Sue Austgen, motion carried by all in attendance. Motion made by Glennon Zelch to approve the minutes for June 9, 2008, seconded by Sue Austgen, Varlin Higbee & Spencer Gray abstain as they were not in attendance of the meeting, motion carried by the rest of the Board members to accept the minutes. 6:39 P.M.
3. **Discussion/Action Item:** Merger & Re-subdivision for Ferris, Joanne APN #'s 011-200-54 & 011-200-55 to merge 2 parcels and re-subdivide into 4 parcels located North of Alamo off from US HWY 93 at MP41.

Clint states that this is just to realign these parcels and to help realign some of the easements. Varlin states that the easements shown on the map do not exist; Clint states that there are 3 different chunks of land and they are wedged between the highway and the road below, they have access from the highway and Windmill Ridge which goes around back to access the lots. Clint states that the commercial piece of property if ever developed would have to get proof from NDOT that they have access from the highway. Motion made by Spencer to approve the map, seconded by Ross Stirling, motion carried by all in attendance. 8:45 P.M.

4. **Discussion/Action Item:** Parcel Map for Ferris, Joanne to create 4 parcels located North of Alamo off from US HWY 93 at MP41. (APN #011-200-57)

Clint states that this is a series of maps that were previously approved but never recorded. There is some talk amongst the Board concerning the easements and size of lots. Motion made by Glennon Zelch to approve, seconded by Spencer Gray, motion carried by all in attendance. 8:55 P.M.

5. **Vacation/Abandonment:** Williams, John & Patricia to modify a multiple easement and replace it with a utility easement on APN #001-250-10 and to remove access easement from the west side of APN #001-250-11 and dedicate owner's portion of Bartolo Road not to

exceed 50 feet in width on the east side of APN #001-250-11, located in the Town of Pioche.

Clint states that this item was before the Board about 2 months ago and explains that the applicants had put together a proposal of agreement and the planning department certified mailed the proposal to the adjacent property owner, for which there was no reply; Clint explains that the Board will make a recommendation to the Board of County Commissioners (BCC) for this item. Kaye Medlin joins the meeting at this time. Glenn asks what has changed since the last time this was before the Board and they recommended the parties work out an agreement, Clint explains that the applicant made a proposal and we certified mailed the proposal to the adjacent property owner and the proposal was not acceptable to the adjacent property owner and that is why it has come back in front of the Board to make a recommendation to the BCC. Glenn asks what the intent to abandoning the easement is, John Williams explains that he is concerned about the sale of the 30 acres and that with the existing easement they could construct a road in the easement to access the 30 acres instead of using Bartolo Road, he explains that the Malloy's were concerned about the Williams blocking off the road in a few years so they drew up the agreement guaranteeing them access down the easement for as long as they live there, he states that it is not their intent to ever block the road off they are just concerned that when the 30 acres is sold they have the possibility of a road being built on the easement. John states that he tried to contact the Malloy's several times and they would never meet with him, he explains that they will have access as long as they live there and because they would not contact him back he does not know what they would like to do. Clint explains that from the stand point of the County in terms of road access Bartolo Road will be the logical connector to the 30 acres however with the easement still in place and if it is not abandoned someone could come in and improve the road if the 30 acres is sold. Varlin asks if they can put conditions on the easement, Clint states that you can ask for a partial abandonment of the easement. Sue asks if the Malloy's bought the property from the Williams, it is stated that they did not, Sue asks the Williams if they bought their property 1st and if the easement was there when they bought it, John states that they did buy their property 1st and yes the easement was there when they bought the property, he states that he is fine with the Board revising the abandonment as long as no one can put a road in the existing easement, they are not looking to keep anyone from using it they just don't want to see it become a major thoroughfare. Clint states that there is actually 2 pieces of the easement, there is one on APN #001-025-11 and one on APN #001-025-10, he states that the Board could make a recommendation to abandon the easement on APN #001-025-11 and this would make the remaining easement too small to construct a roadway between the properties, and they could modify the language for the easement on APN #001-025-10 to limited use. Mrs. Malloy shows the board a picture of their property and home which shows the way they access their home, she states that if they were to come off from Aspen they would have to go through a wash and that her husband does not want any changes made as they are considering selling the property and they do not want the new owners to have to figure out a way that they would access the home if the easement was abandoned, Varlin states that the Board can not land lock the property. Glenn asks if their property has the other continuation of the easement, Mrs. Malloy states that this is correct and there are also 2 other easements on their property that fronts Aspen and the 30 acres, it is asked if they possibly would like to abandon the easement that joins the easement on the Williams property, she states no that her husband does not want any changes made. John Williams states that they wrote an agreement up that the Malloy's could use the easement as long as they want and if they want them to add that any new buyers can also have access for as long as they would like they will put that into the agreement also, their intention is not to deny access to the property all they want is to make sure no one can put a major road through their property. Steve asks if the Malloy's would be apposed if the easement read ingress/egress easement down to their property, Mrs. Malloy states that her husband stated that he does not want to make any kind of agreement or changes. Clint states that the Board could abandon the one easement and modify the language on the top half of the

other easement. Steve states that the County Road representative was at the meeting previously when this was heard and he stated that it was the County's intent that Bartolo Road would be the main access for the 30 acres. Dawne informs the Board that Lincoln County, Pioche Public Utilities (PPU) and Lincoln County Telephone was also notified by certified mail concerning this abandonment and they had no objections to the easement being abandoned, Glenn states that PPU has looked at this and as long as the 30' utility easement is maintained they see no problems with the abandonment. Varlin states that 20 years down the road this will be developed and Bartolo Road will be the major thoroughfare and at that point they would be able to access any one of the existing easements and the Malloy's may want to abandon their portion of the easement. Varlin asks Mrs. Malloy if they would be okay with abandoning the 21' easement on APN #001-025-11 and leaving their access on the other easement that has the existing trail through it, Mrs. Malloy states that her name does not exist on the property so she can not make any agreement, and her husband will not agree to anything and wants no changes. Varlin explains to Mrs. Malloy that they would not have to sign anything and that this would also benefit them as they would not have a major road running right next to their home also, he also explains that the responsibility for this would be on the Planning Commission if they decide to do the abandonment. Mrs. Malloy leaves the meeting to call her husband and explain what the Board is proposing and see if he would agree to this. The Board asks John if he will still dedicate the portion of land adjacent to Bartolo Road to the County, he states that he would dedicate the land if the abandonment is approved. Mrs. Malloy returns and states that until her husband can be here and hear what is being said he will not agree to anything, she states that her husband said he is very busy and does not have time to mess with this, it is stated that the planning office is open 5 days a week and he could call or stop in and talk to them, Mrs. Malloy states that he did stop in and talk to them once, it is stated that Mr. Malloy stopped in and talked to Dawne when this was 1st proposed but has not called or stopped in since the letters have gone out. Varlin explains that if Mr. Malloy has any problems with what the Board's decision is he will still have an opportunity to go in front of the BCC when they hear this. Motion to recommend the abandonment of the 21' easement on APN #001-025-11 and the easement on 001-025-10 to be a ingress/egress limited use only & utility easement and access to APN #001-025-04, and dedication of footage on Bartolo Road to the BCC by Sue Austgen, seconded by Ross Stirling, motion carried by all in attendance. 7:18 P.M. Mrs. Malloy returns to the meeting and states that her husband is on his way and it is stated that when he arrives the Board will explain the decision to him.

6. **Discussion/Action Item:** Zone Change for Wilkin, James APN #'s 012-190-01 & 012-190-12 from A4 Agricultural to RR6 Rural Residential located South of Panaca off from US HWY 93 at MP107.

Clint explains that he did one staff report for both zone changes even though there are different uses, he put all of the conditions for both together. Clint explains that the applicants representative has been working with him on this for approximately 8 months, he explains that there are 4 parcels overall which are outlined in green on the map that Clint gave to the Board, 2 parcels front the highway, one of the changes is where the batch facility is currently which is proposed to change to M1 (light manufacturing) and the other one is down the road which is being proposed for RR6 zoning, then on top is where the aggregate operation is being proposed with a M1 zoning, and then on the back side of the property is being proposed for RR6 zoning. Clint explains that 2 of the parcels are being proposed for M1 zoning which will allow more intensive industrial uses, and the 2 other parcels are being proposed for RR6 zoning which will allow for a minimum of 2.5 acre lots, he explains the main thing that he needed to look at with this is the Airport Zoning, which was adopted in 1983, the Board has been given a copy to review, Clint explains that airport zoning is an overlay zoning. At this time Mr. Malloy arrives and Varlin explains to Mr. Malloy the decision that was made for the Williams abandonment. Board resumes with the Wilkin application, Clint explains that there are 4 airport zones that could impact or modify uses around the airport, and he refers to the map that was given to the Board to help explain

this. Clint explains that there is no impact for the M1 zone, but there will be some impact for the RR6 zone. Clint refers the Board to the last 2 pages of the staff report and goes through the conditions with the Board and the applicant, condition #10 is read and Mr. Wilkin states that this is a condition that can not be put on the property which refers to the working hours of the batch plant & aggregate operations as some times this is a night, early morning, 24 hour operation, Clint states that the batch plant is not really a concern as there will not be residential built by it, it is the aggregate that is a concern as there will be residential next to it. Mr. Wilkin asks how difficult it would be to turn this around and just zone it all M1, Clint states that he would just request another zone change, Sue asks if Mr. Wilkin would just like to leave the 2 parcels requested to be changed to RR6 as agricultural as Mr. Wilkin stated that he really has no intention of developing the land. Mr. Wilkin states that he would like to develop the parcel that is on the ridge and would like this changed to RR6, but the other parcel he requested changed could stay as agricultural. Mr. Wilkin states that his intention was to put a 10' berm with trees between the aggregate operation and the residential property. There is talk between the Board members on approving the M1 zoning and possibly leaving the other 2 parcels as is, Varlin asks Jim what his recommendation is as this is his project, he states that he would like the property on the ridge to be changed to RR6 and leave the other parcel he is requesting changed to RR6 as is and he would build a berm with trees. Motion to approve 012-190-12 to RR6, 012-190-10 & 012-190-13 to M1 and 012-190-01 to remain as A4 with attached conditions and fly zone map by Ross Stirling, seconded by Steve Combs, motion carried by all in attendance. 7:56 P.M.

7. **Discussion/Action Item:** Zone Change for Wilkin, James APN #'s 012-190-10 & 012-190-13 from A4 Agricultural to M1 Light Manufacturing located South of Panaca off from US HWY 93 at MP107.

See decision made on item number 6.

8. **Discussion/Action Item:** Zone Change for Toreson Industries, Inc. for Lincoln Estates Unit 3 and Unit 4 from Residential/Commercial to Residential, Multiple-Family Residential, Commercial, and Manufacturing located in Rachel.

Clint states that Mr. Toreson will present this item and the Board has been given a list of conditions and as it stands now Mr. Toreson will likely be coming in for a special use permit next month. Mr. Toreson takes the floor at this time and presents a power point for the Board which outlines the reason he is requesting the zone change, he gives a broad overview of what his plans are for the uses on the property and his background in the business world. Mr. Toreson explains to the Board that he is trying to do some economic development for the Rachel area and help facilitate bringing some business and homes for workers to the area. Clint takes the floor at this time and states that County staff has had several meetings with Mr. Toreson and staff recommends approval with the conditions, Clint states that once Mr. Toreson comes in for the special use permit we will know more as far as what the uses will be. Mr. Toreson states that he will be meeting with Nellis AFB tomorrow as per Clint's instruction and he will report back to Clint on that meeting. Clint summarizes the conditions for the Board at this time. Kaye states at this time they would like to build a new town and now they have someone that is willing to help and has the money to help accomplish this, she states that Rachel applied to the BCC for a Room & Tax Board that was approved but they have had no help and feels that Lincoln County does not care about Rachel. Varlin asks Mr. Toreson if he has any problems with the conditions that have been placed on this change, Mr. Toreson responds that he has not seen them, Varlin asks him to read through them at this time, Mr. Toreson agrees to the conditions. Motion made by Glenn Zelch, seconded by Spencer Gray to approve the zone change with staff's conditions. There is talk between Mr. Toreson & the Board about whether they would be opposed to an airport located in the Rachel area, the Board states that they would not be opposed to this. Harold Singer from Rachel states that he feels this item should be passed. Motion carried by all in attendance. 8:35 P.M.

9. **Department Update:**

Clint states that the Eagle Falls Development Agreement was approved by the BCC on Monday. Lincoln Highlands has stated that they will sign an agreement that is almost identical to Eagle Falls.

Clint informs the Board that we are in a new budget year and when the County budget was being finalized there was a mistake made on our budget which showed an extra \$95,000 dollars put in on the revenue side of our budget so we will be holding off on filling the GIS position for 6 months and when we fill the position it will be filled with a planner with GIS experience. Clint explains that on the revenue side of the budget last year the number was fictitious and it has been adjusted from last year. Clint explains that the land act money that was budgeted to the planning department will be used for some of the plans that will need to be done. There is talk concerning the funds that are in the land act planning fund. Clint talks about a study to be done concerning the future revenue & staffing that will need to be done. Clint states that he would like to revise the planning department's fee schedule for the big projects.

Clint informs the Board that the Fitzhugh Street abandonment was approved by the BCC, but later it was found that an adjacent property owner needs to be the one to petition for the abandonment so the decision has been rescinded as an adjacent property owner was not the one to petition for the abandonment.

Clint states that the new zoning map will be in front of the Board next month as ratification to the current zoning map. Clint explains the process of that needs to be done with the map. Varlin asks if this will be updated consistently or will it wait 5 years to be updated, Clint states no this will be part of the work flow, Varlin states then this is something that will be done in the planning department and we will share the information with everyone else, it is stated yes. Clint explains that when the map is ratified by both the Planning Commission and the Board of County Commissioners the chair of each Board will sign the map and by statute it needs to reside in the clerk's office and about every 3 months we will reprint the updated map and the chair of each Board can sign the new map.

Clint states that the web site is up and the planning department has a lot of information on the web site please check it out and let us know if there is anything else that should be on the site.

Clint informs the Board that we will be ordering the publication Planning Commissioners Journal for the Board members, which is a quarterly publication and is a really good lay person's guide for the Commissioners. 9:12 P.M.

10. **Public Comment:**

Sue asks what happened at the BCC meeting concerning the McCrosky appeal, Clint states that some of the conditions were overturned and some of the conditions were kept. Sue asks then did McCrosky win, Clint states no there was a compromise.

Varlin states that there is a SLUPAC meeting coming up in Winnemucca. 9:16 P.M.

11. **Set date and time for next meeting:** August 14, 2008 @ 6:30 P.M.

12. **Adjourn:** Motion to adjourn by Glennon Zelch, seconded by Sue Austgen, motion carried by all in attendance. 9:18 P.M.