



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for November 12, 2009 6:30 P.M. Meeting Lincoln County Court House, Pioche, Nevada

1. **Roll Call, Open Meeting Law:** The Board met in regular session with Vice Chairman Glennon Zelch calling the meeting to order at 6:30 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Steve Combs, Sue Austgen, Glennon Zelch, Spencer Gray, and Ross Stirling being present. There is a quorum and the agenda was posted on November 3, 2009 to comply with the open meeting law. Varlin Higbee and Kaye Medlin are absent.
2. **Minutes approval or denial/corrections for October 29, 2009:** Motion made by Spencer Gray to approve the minutes for October 29, 2009, seconded by Sue Austgen, motion carried by all in attendance.
3. **Discussion/Action Item:** Special Use Permit for Talk Radio of Pahrump, Inc. (Harvey Caplan) has requested a Special Use Permit for a 55 foot radio station tower on Parcel #004-141-51, located in the Town of Alamo off from Park Blvd.

Clint presents this item to the board; he goes through the staff report for the board. Clint states that he looked at all of the land uses within a quarter mile of the area and all of the adjacent parcels are zoned for residential use, the lands to the west are zoned for agricultural. Clint states that there were 33 letters sent to the adjacent property owners and we received 8 objections, which most of these were received from the adjacent property owners. This request is for a radio station & a 55' communications tower located in the town of Alamo, this would be run by a non-profit organization, the public benefit would be that there would be a radio station in the area. Clint informs the board that the Alamo town board submitted a letter for approval of this item. Clint states that staff is recommending denial of this special use permit, after his review of the comments received and reviewing the town plan for Alamo. Clint explains that the town of Alamo requested within their town plan to have commercial on the East side of the town not the West side and some of the other items they addressed in their town plan. Clint explains that there are only 2 homes built adjacent to this property at this time, but the owners of the other properties intend to build on their property. Clint explains that within the county code there is something that states that there cannot be any towers over 45', he states that within a commercial or industrial zone this tower would be allowed. Clint states that staff is recommending denial, but if the board does approve the special use permit he would like to attach some conditions to the permit. Mr. Caplan speaks to the board and explains that years ago when he came to the county there was nothing in the code at that time concerning the tower not being allowed within the RR zoning, he explains that this is not a commercial business but a non-profit business and there will be no business conducted at

this site as their business is located elsewhere in the town. He explains that they are planning to build a home on this site in the future and he explains what the tower will look like and that this is a consumer radio tower, he states that there would be a small building located near the tower; he also explains that they would be operating under the FCC. Mr. Caplan explains that they would have to operate under FCC guidelines for this radio tower, he also states that he does not feel that the letters sent to the adjacent property owners gave them enough information to base a good decision on. There is some discussion concerning the verbiage on the letter sent out. Sue asks about the guidelines concerning the wind load the tower can handle, there is some discussion concerning the wind load that this tower & antenna would be able to handle. Ross asks that in order to meet the height requirements could they use a 38' foot tower and would it be sufficient, the applicant states that this would severely restrict their coverage. There is talk concerning that this would also require a variance for the height of the tower, the board and the applicant discuss other appropriate lands for the tower to be erected on instead of being on residential property. Ross asks if the applicant has tried to have a meeting with the adjacent property owners to discuss the tower, the applicant stated that they have held town board meetings concerning this but not a personal meeting. The board reviews a map of the adjacent property and who objected and who did not object. Mr. Caplan states that the FCC has certain restriction on the height due to radiation that would come from the tower. Motion made by Steve Combs to deny due to staff recommendation & the adjacent property owner objections, seconded by Ross Stirling, motion carried by all in attendance. Clint explains that the applicant can file an appeal to the BCC and what the process would be. The board speaks with the applicant concerning some different options for land around Alamo that could possibly work for this radio tower & antenna.

4. **Discussion/Action Item:** Vacation/Abandonment for Coyote Springs Investment LLC to abandon a portion of old US Highway 93 through the Lincoln County portion of Coyote Springs which consists of approximately 470.8 acres, portion of old US Highway 93 runs through APN #'s 008-201-03, 008-201-19, 008-201-20, 008-201-25, 008-201-27 and 008-201-28.

Steve states for the record that he worked for VTN in 2005 & 2006, as they are the company that did the abandonment map and there is no conflict of interest. Clint explains that this was a patent easement for the roadway from BLM, he explains the process of how the County acquired ownership of this easement, he explains that the county cannot request payment for this property due to the way the county acquired ownership of this property. Clint explains that the planning department gave the information for this abandonment to the District Attorney's office for advice and Daniel Hooge reviewed the information and replied that there is no problems with abandoning this property back to Coyote Springs Investment (CSI). Clint states that staff supports the abandonment but would like to state that even though the county cannot receive payment the county would be giving up a very large corridor that they could use in the future, he states that this is a decision that the board needs to make for recommendation to the Board of County Commissioners (BCC). Steve asks if CSI is the only land owner adjacent to this right of way or would we be land locking anyone by doing this abandonment, it is stated that this is all CSI property and BLM land. Clint states that it was CSI understanding that this was taken care of previously, but it had not been and now it is just a cleanup item, he also explains that we notified any potential utility company that may have an existing easement within this right of way; we did not get any replies back. Steve asks if Clark County relinquished their right to this right of way, it is stated that they had. Steve asks if it is discovered that there may be some asbestos pipe within this right of way, CSI can never come back on the county, Clint states that his knowledge is that there is only corrugated pipe in this right of way. Steve asks that within CSI's original master plan is CSI already proposing to use the property, Clint states that they are. Steve asks Clint what his condition for this abandonment is; Clint responds that it is not a condition but a concern, his concern is that the county may be precluding itself from some future financial benefit of leasing this land out for other uses. There is

some discussion concerning what use this right of way could have as utilities would be located within the major arterials in the CSI project, Glen states that the board should highlight to the BCC that there is some potential value to this land that they may be giving it up. Ross asks if it would be legal to trade this property for another piece of property that would be more useful to the county, Clint states that it would be when CSI comes in for an amendment to their development agreement (DA), as this could be negotiated at that time, Glen asks if CSI provided county buildings within their DA, Clint states not to the extent that the Toquop developers did, Glen states that this is where they should look at conditioning this application, Ross states that he does not feel this right of way is of any use to the county to use as it is, it is stated that it could be a leverage point, Glen states that it could when they come in to get their adjustments to their DA then the county could ask for land that the county deems acceptable to use as a county municipal site as the county will need a satellite office within the development. Steve asks how you would facilitate something like this; Clint states that this would be a negotiation item when CSI opens up their DA, Steve states that if the board makes a recommendation to abandon the right of way and the BCC abandons it there is no longer anything to negotiate 3 or 4 months later, so how would they facilitate something like this, Clint states that the board would recommend it, Glen states that you would recommend to the BCC that with the abandonment there is an exchange of property for a county satellite office, this would be done with a condition. There is some more talk between the board concerning this abandonment and how the County can benefit from this. Spencer asks if we could put this off until the development agreement, Clint states that his recommendation is that we do not do that, he is recommending approval to the BCC and the board can state their concerns about this abandonment. Glen asks if once the request for the abandonment is filed is there a time frame to complete the process, Clint states that there is. There is more conversation between the board members about the history of this property and the options that the board has. Motion made by Ross Stirling for recommendation of approval to the BCC with the condition of trading the same amount of property for a county facility, there is some talk with the board members about how you could condition this, Glen states that the condition he wrote is to amend CSI's DA to exchange the 470 plus acres for other acreage that the county may need for other county uses for public benefit, seconded by Sue Austgen, motion carried by all in attendance.

5. **Discussion/Action Item:** Development Agreement Review for Coyote Springs Investment LLC for agreement for a master planned community approved in June 6th, 2005.

Clint states that state law requires a 2 year review of any development agreement (DA), this is just a review of the conditions within the development, Clint states that staff recommends approval of this review to the Board of County Commissioners (BCC). Clint goes through some of the changes that have been done with the DA since the last review and the review document that was submitted by Coyote Springs Investment. Clint states that the review that was done 2 years ago was not put in front of the Planning Commission it went straight to the BCC. Motion made by Sue Austgen to recommend approval to the BCC, second by Spencer Gray, motion carried by all in attendance.

6. **Discussion/Action Item:** Alamo Industrial Park- Status of master plan and proposed amendments to proposed ordinance.

Clint explains what has been happening with the county and the engineer concerning the industrial park, he explains the intentions to improve the industrial park by the county and the concerns with the original master plan and he explains the steps that will happen with getting the land ready for sale. Clint talks about the power that will be required for this site, Ross states that there is no power available for this site. Ross explains the process that would happen to get the site ready for the power when it is available. Steve asks about the location of the fiber optics, Clint states that this is addressed within the master

plan. No action required for this item. Dave Maxwell asks Ross if the well has gone to 7500 feet, Ross states that it has and there is a problem with the water being too hot. There is some talk with the board concerning industrial land within the county and the power within the county.

7. **Department Update:** Open Space Plan, Public Lands Plan, Fiscal Impact Study Phase One Draft

Clint updates the board on the public lands plan; he explains that there is now a draft plan and he will be going to BLM for some meetings to review and get input to where the county can improve how the county and the federal agencies interact, as the county would like to have some BLM input for this plan. Clint talks about the section on federal land transactions with the board, he also talks about the disposal lands and where they would be desirable and not desirable. Clint states that he would like input on section 3 from the board.

Clint updates the board on the open space plan; he states that he should be getting a draft by the middle of next week.

Clint states that we now have a draft fiscal impact study. He updates the board on what the study is showing at this time, he states that the study is showing that no development in the county could pay for itself at this time.

Spencer asks about the funds that the county will get from the land sales and can we use these funds for parks and such. Clint explains that it is lined out within the land sales agreement.

8. **Public Comment:** None.

9. **Set date and time for next meeting:** December 10, 2009 @ 6:30 P.M

10. **Adjourn:** Motion made by Sue Austgen to adjourn the meeting, seconded by Spencer Gray, motion carried by all in attendance. 8:35 P.M.