



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for December 10, 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 Chairman Varlin Higbee calling the meeting to order at 6:30 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Steve Combs, Sue Austgen, Kaye Medlin, Varlin Higbee, Glennon Zelch, Spencer Gray and Ross Stirling being present. There is a quorum and the agenda was posted on December 3, 2009 to comply with the open meeting law.
2. **Minutes approval or denial/corrections for November 12, 2009:** Motion made by Ross Stirling to approve the minutes for November 12, 2009, seconded by Glennon Zelch, motion carried by all in attendance. Varlin Higbee and Kaye Medlin abstain as they were not present at the November 12, 2009 meeting.
3. **Discussion/Action Item:** Special Use Permit extension for City of Mesquite for a firearms practice range for the Mesquite Police Department and others located on APN #008-261-01 in the Toquop Planning Area of Lincoln County and is comprised of approximately 35 acres.

Clint explains that this item was approved by the Planning Commission approximately 1 year ago and the applicant is now requesting a 2 year extension on the permit. Clint explains that approximately 11 acres is used for the firearms practice range and that it is adjacent to a parcel owned by BLT and C & O Holdings, we did receive a comment from Chris Armstrong of C & O Holdings, Clint reads these comments for the board. Clint states that we also received a comment from the City of Mesquite planning department to make sure there will be access to the site for the life of the permit. Glennon asks who owns the property; Clint states that the City of Mesquite owns the property, Glennon asks if the access crosses private property, Clint states that it does but there is a paved road that accesses the property, the Board discusses the access and the right of ways on this property and the adjacent property. Ross asks if there is an easement for the road, Clint states there is not, Ross asks if we can guarantee them access if there is no easement, Clint states that this would be a question for the District Attorney but he does not see a problem with the access for the life of the permit. Glennon asks if the Board should tell them that this will be their last extension, Clint states that they can. Motion made by Glennon Zelch to grant the 2 year extension with the condition that they clean the property up after the use is up and that this shooting range is for official use only, seconded by Sue Austgen, motion carried by all in attendance.

4. **Discussion/Action Item:** Zone Change for Wittwer, Harold and Annita have requested a zone change from A4 (agricultural – 20 acres) to RR6 (rural residential – 2.5 acres) on Parcel #013-080-13 & 013-100-05, located approximately 5 miles West of Beaver Dam State Park, off from Beaver Dam Road in order to merge and subdivide a portion of the property and have the capacity to parcel in the future.

Clint presents this item and discusses the master plan designation for this area, he states that this would be acceptable for the land use in this area; Clint is recommending approval for the zone change. Clint goes over the comments that were received from the adjacent property owners, Varlin asks if the applicant wants to re-zone all of the property or just the parcels that they are breaking out, it is stated that the applicant wants to re-zone all of the property. There is some discussion concerning the parcel sizes and how much property is involved, the Board is given a copy of the parcel map that is to follow the zone change and Clint explains what the applicant is asking for, the Board reviews the map at this time and discusses some of the options that they have for zoning the property. The Board discusses the access roads for the proposed parcels, there is some discussion concerning the railroad that is adjacent to the property. Clint explains that the Board can approve the zone change to the parcels that will be created by the merger & re-subdivision map that will be put in front of the Board at a later date. Motion made by Glennon Zelch to approve the zone change per the attached map, parcel 2 & parcel 3 to be RR6, parcel 1 to be A4 and parcel 4 to be A3, seconded by Steve Combs, motion carried by all in attendance.

5. **Discussion/Action Item:** Vacation/Abandonment for Ferguson, Alden & Karen to vacate a 40 foot strip of Hoffman Street that was inadvertently omitted in the original vacation of Hoffman Street, located in the Town of Pioche adjacent to parcel #'s 001-089-01, 001-089-02, 001-084-02 & 001-181-01.

Dylan Frehner presents this item; he states that it is his understanding that there are some issues concerning this item; there was an email forwarded to him that he has not seen. There are some concerns from the assessor's office with regards to the prior ownership of this little section the applicant has asked to have abandoned. Dylan states that he represents the Ferguson's but after talking with the assessor's office he believes there are some issues with the underlying title and whether the County even owns that section, at this time he requests the Board to table this item so that he can research it more; so everyone can have a full understanding of where and who owns this piece of property. Glennon states at this time that Pioche Public Utility has utilities within this right-of-way and if this is abandoned as a street they would want it maintained as a utility corridor, Clint asks if there is power through there, Glennon states that there is power and water both, there is some talk between the Board concerning the utilities within the roadway. Motion made by Glennon Zelch to table until next month's meeting, seconded by Spencer Gray, motion carried by all in attendance.

6. **Discussion/Action Item:** Review of fee schedule adopted October of 2008 and the requirement for deposits for large projects including continued outside consultant review for Planning Commission of large projects as specified under NRS 278.070.

Clint states that he is just asking for confirmation from the Board concerning the fee schedule and the use of outside consultants for the Board. Clint explains the fee schedule and the use of an outside consultant. Motion made by Glennon Zelch to approve the fee schedule for 1 year, seconded by Sue Austgen, motion carried by all in attendance.

7. **Discussion/Action Item:** Amendment to Coyote Springs Development Agreement dated July 5, 2005 to increase land use allocation acreage from the current limit of 4,500 acres to the gross acreage of the planned community of 22,285 acres for Electrical Generation, Station uses.

Clint explains that he was approached on November 20th by a representative of Coyote Springs that they wanted to do an amendment to their development agreement (DA) for a modification to their land use, Clint reads the modification for the Board from his staff report. Clint states for the record that staff and the County is very supportive of additional development in the County, especially development that will have limited impacts on public services and that will generate revenue for the County. Clint refers to a letter that he sent to the applicant on November 23rd and goes through some of the content of that letter with the Board, he states that on Monday there was an application submitted by the applicant along with the fee, but the deposit was not submitted, he states that it is vital on the time frame that the County receive the deposit and seek any outside consulting that the County feels is necessary to give the County direction with this item. Clint explains that the DA is a negotiated contract between the County and the developer and the County is not under any obligation to approve any changes to the DA and likewise the applicant is under no obligation to approve any changes. Clint explains that he has only had 3 days to review this item and he has done his best to highlight some of the issues that the County has with the current DA, some of these items were identified over 2 years ago, he states that once the agreement is open and closed that is it. Clint now goes through the letter that the County received from Mark White concerning the applicants request; Clint explains that Mark is a certified planner and an attorney. Clint goes through his staff report with the Board at this time, he states that his recommendation is that this item is continued and the deposit be made by December 15, 2009 in order to have outside review done and place this item on the January agenda for review and recommendation to the Board of County Commissioners (BCC). Glennon asks if the Board approves the amendment and allowing the density as it stands would they have another opportunity in the future to change the density, Clint states that there could be an opportunity but there is no guarantee this will happen. Doug Carriger with Coyote Springs Investment (CSI) gives the Board some handouts at this time; Emilia Cargill with CSI takes the floor at this time and explains the process that they have been going through with Bright Source and the agreement that they have in place with Bright Source. Emilia explains that California & Arizona have a 100% property tax abatement for this type of project and 100% of the taxes are abated until the renewable power developer sells their project, she explains some of the process that CSI & Bright Source went through in the legislator for the abatements and what was finally adopted by the State, she continues to explain to the Board the process that CSI & Bright Source has been going through to get to the point of bringing this item in front of the BCC for approval. Doug Carriger with CSI takes the floor at this time and explains that Commissioner Hornbeck and CSI believes that this item should come before the Planning Commission (PC), he explains that this item had been before the BCC on Monday and the BCC decided to consider an amendment to the DA and that they would introduce an ordinance on January 4, 2010 to amend the DA, he states that the BCC directed this item back to the PC to see if it is consistent with the master plan. Doug refers back to an 2004 ordinance and reads from that ordinance, he states that the time frame for this amendment is short as Emilia explained previously, he states that CSI feels this will be a benefit to the County, Doug now refers to NRS concerning amendments to a DA and that this is consistent with the master plan. Doug goes through the 2008 master plan with the PC to show that this amendment would be consistent with it; Glennon asks if the PC would have the opportunity to lower density at the time that the PUD maps are reviewed, Doug states that the PC would, Steve asks Doug if he misunderstood Clint & Mark White that CSI has an overall density for the 22,000 acres, so if they go down to say 1,000 acres CSI still has an overall density that will allow CSI to attempt to put all 5 units per acre in the last 1,000 acres, Doug states that he would disagree with that, Doug continues reading from master plan and states that CSI put

the maximum of 5 per acre for their development but at the time of the PUD approval the County will approve the zoning which then establishes the number of units per acre. Glennon asks if the current zoning allows for 8500 acres being commercial, Doug states the current zoning is for PUD, you then come in under the PUD, Varlin states that CSI has a different kind of zoning than the rest of the County, there is some discussion concerning the PUD process, Doug states that the hang up at this time is the 4500 acres for Industrial in the DA and that is why they are here, so they can remove that with the amendment, Doug talks about some of the changes that the County would like to have in the DA and that CSI is willing to talk with the County concerning these changes, there is some talk about the process that CSI goes through in Clark County for the changes, Glennon asks Clint if the County has a list of the changes that the County wants adopted, Clint states that language would need to be developed for the amendment, there is some discussion between the Board concerning the amendment language, Clint states that without the deposit from CSI he cannot even address the current change, Varlin asks if CSI is willing to pay the deposit, Doug states that they are not, there is some discussion concerning the deposit, fee's and processes between the Board and Doug, there is some discussion concerning the issues that the County has with the DA and that this is the time that the County could address those issues and what has transpired in the past in trying to negotiate those issues, Emilia asks the Board if CSI were to pay the deposit would they have a special meeting in order to give a recommendation to the BCC on January 4, 2010, there is some discussion concerning the time line and the Board agrees that it would hold a special meeting before January 4, 2010 if CSI pays the deposit. There is some discussion concerning some of the issues that the County has with the existing DA and the funding trigger points within the DA for emergency, fire, law enforcement & etc., it is stated that these are all based on residential building permits, there is conversation concerning the revenue that this project would generate for the County and that this would pay for the services that will be required for the project CSI is wanting to do, there is some talk concerning the CSI GID and its function for providing services and the fact that the BCC will also be the governing Board of the CSI GID. There is discussion between the applicant, Board & staff on whether this change would be consistent with the master plan, it is stated that without time for review and the deposit for outside review they cannot make a decision at this time, there is more talk concerning outside review and if staff & the Board could meet the deadline for the BCC meeting to be held on January 4, 2010, it is stated that they could, there is discussion concerning a date for the special meeting to take place if CSI pays the deposit by December 15, 2009.

The Board takes a break at 9:37 P.M.; Board is back in session at 9:45 P.M.

Varlin states at this time that the Board will need to have another meeting due to the severity of this item, he talks about the deposit for the review from outside counsel and the opportunity to address some of the issues the County has within the DA. Clint states that he will come back with proposed changes for the DA at the next meeting with the direction of the Board, Clint is asked if he can have the information needed in such a short time frame, Clint states that he will have the information that he can get in such a short time frame. Motion made by Glennon Zelch to continue this item and have the review done per staff's recommendations if CSI pays the deposit by December 15, 2009, at this time Doug asked that the Planning Director work with the applicant in a cooperative manner in this process, Varlin asks if Doug would be here to go through the review with Clint, Doug states that he would, Clint states that he would be providing the consultants with the information and they will provide the County with the language for the changes then he will meet with Doug and go over the information that was provided, Doug states that CSI would like to see what is provided to the consultants, it is stated that the DA, staff report and the information that has been provided by CSI will go to the consultants. Glennon Zelch restates his motion at this time, Steve states at this time that the County is not against solar and renewable energy he just feels the requested change is substantial and there are some concerns and he just wants to make sure that the County moves forward in a direction that the County is comfortable with and that there has been adequate time to review this item with adequate

staff inside or outside, seconded by Steve Combs; Sue Austgen states for the recorded that she has met with Doug Carriger & Emilia Cargill prior to this meeting, at this time all of the Board members disclose that they have also met with Doug Carriger & Emilia Cargill, motion carries by all in attendance.

8. **Department Update:** Open Space Plan, Hazard Mitigation Plan, Alamo Industrial Park

Clint updates the Board on the Alamo Industrial Park; he states that himself & Steve went to Washington, UT and met with Sunrise Engineering for the amended master plan for the industrial park, he states that Sunrise is basically coming up with a PUD for the industrial park, he feels that they have come up with a tentative plan for how the County will move forward with improvements on the industrial park in order to make the property affordable to purchase. Steve explains some of the ideas that they have come up with for the improvements on the front end of the development. Ross states that the power district has guidelines that will also have to be met. There is some discussion between the Board concerning the improvements and keeping it affordable to purchase.

Clint updates the Board on the census, he states that the census will be had delivering the census questionnaires, he states that this poses a problem if the addresses are not posted and street signs are not up. He updates the Board on the process that the County is now taking to try and get street signs posted.

9. **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

10. **Set date and time for next meeting:** To be determined at a later date.

11. **Adjourn:** Motion made by Steve Combs to adjourn, seconded by Glennon Zelch, motion carried by all in attendance. 10:30 P.M.