



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for July 23, 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 6:40 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Steve Combs, Sue Austgen, Kaye Medlin, Glennon Zelch, Spencer Gray and Ross Stirling being present. Varlin Higbee is absent. There is a quorum and the agenda was posted on July 9, 2009.
2. **Minutes approval or denial/corrections for June 11, 2009:** Motion made by Spencer Gray to approve the minutes for June 11, 2009, seconded by Sue Austgen, motion carried by all in attendance. 6:43 P.M.
3. **Discussion/Action Item:** Zone change for Flanagan, Lloyd from C (Commercial) to RR5 (Rural Residential – 1 acre) on the back 3 acres of APN #008-360-11 located at 1144 S. US 93 in order to divide the parcel for residential units.

Clint explains that the master plan for this area calls for commercial on the strip by US 93 and behind that strip to be residential; he states that the zone change request meets the master plan designation, he states that staff recommends approval for this zone change. Clint asks if they have public water or well, Ross states that they are serviced by Alamo Town water. Motion made by Ross Stirling to approve the zone change, seconded by Steve Combs, motion carried by all in attendance. 7:37 PM

4. **Discussion/Action Item:** Zone change for Lytle, Farrel from A4 (Agricultural – 20 acres) to RR5 (Rural Residential – 1 acre) on APN #006-281-12 located at 2347 Rose Valley Hill Road.

There is talk concerning the objections received for this zone change. Cory Lytle states that he feels there was some confusion with how many acres there really is on this parcel and he feels that once people found out that it was only 5 acres being divided they were ok with the zone change. Doug Carriger with Tuffy Ranches states that they are in support of the zone change. Ronda Hornbeck states that she spoke with Farrel and he stated to her that he wants to divide the property up between the family members. Steve asks if his intention is to divide the property into 4 – 1 acre lots, it is stated that this is correct and that this property is in a trust and there are 4 trustees and they want to divide the property between the 4 trustees in order to dissolve the trust. Clint explains that the county code allows for 1 acre lots for water and sewer. Sue asks if the access is the frontage road, it is stated that it is. Motion made by Ross Stirling to approve the zone change, seconded by Steve Combs, motion carried by all in attendance. 8:15 P.M. Board takes a break at this time. Board back in session at 8:25 PM

5. **Discussion/Action Item:** Parcel Map for Flanagan, Lloyd to create 4 parcels from 1 parcel located at 1144 S. US 93. APN #008-360-11

Ross states that he is concerned that the proposed 40' easement for utilities and ingress/egress currently is not in existence at this time. Sue states that this easement should be public, Clint states that because it will only access those 3 parcels it should stay private, Sue states that all of the property owners should be aware that they will still pay taxes and be required to do the up keep then. Steve asks about the NDOT right-of-way, Ross states that the official access is further south, and Ross states that it is a good access. Glennon asks if the 40' easement should be required to be built before any of the lots are sold, it is stated that the Board has done this in the past and allowed a bond to be placed, Clint states that they required a road agreement be done for a property in the past. Motion made by Sue Austgen to approve the parcel map with the conditions of NDOT right-of-way and the 40' easement be improved before recordation of the map or a road agreement is signed by the owner, seconded by Spencer Gray, motion carried by all in attendance. 7:45 PM

6. **Discussion/Action Item:** Parcel Map for Nelson, Jake to create 2 parcels from 1 parcel located on Richardville Rd. north of Curtis Canyon Rd. APN #011-170-09

Ross states that the access Trevor Wade uses is on parcel 2A, he would like to see a note that this is not the legal access and that he would have to build his own access to his lot. There is some discussion concerning Trevor Wade's home and the setbacks from the property line. Ross talks about the existing power line that runs across parcel 2A, it is stated that the power line easement needs to be shown on the map. Motion made by Ross Stirling to approve with the conditions that the power line easement is shown on the map, and that Trevor Wades legal access is not across 2A on the map (letter to be sent out also), seconded by Sue Austgen, motion carried by all in attendance. 8:07 PM

7. **Discussion/Action:** Request to review operations at Eagle Valley Resort located at 12555 Resort Road and to reconsider a special use permit granted in 1992 by Lincoln County.

Clint explains that this started with the property owner requesting to replace a septic line to his septic tank; he states that the planning department does not have a physical file for the special use permit. Clint explains that special use permits can be brought back in front of the Board for review if something like a building permit is requested; there have also been some complaints from the community about them continuing to add more RV spots and when will they be required to stop adding RV spots. Clint states that the property is zoned C2 and was approved for a 36 space RV park, he refers to the map that was done when the use was permitted; he states that there are now about 75 units. Clint reads some of the definitions that are in the Lincoln County code at this time concerning mobile home parks & RV parks. Clint states that there are several different issues on this property and also for the property owner, there are concerns over it being so close to the creek that runs down through Eagle Valley and there being so many RV spots on this property. Ross asks if we would send him a notice that he is out of compliance with the existing special use permit and that it needs to be corrected, Clint states yes, what he would do is work with Cory from the building department and they would try to come up with a reasonable list of items, he states that the owner would have to make the case and document how many uses he needs and what is on the ground. Clint explains that they would go out and meet with him to make sure the existing septic can accommodate all of the spaces that are available in the park, Clint would just like to call this back in for the Planning Commission to review and give the owner a few months to do a professional site plan & a record of survey for this property. There is some talk concerning the septic system and what it can support. Clint reads one of the comments from the minutes when this was reviewed by the Planning Commission in the past. Cory states that they also have cabin rentals on the property, and he would also like to point out the setbacks and he feels that there is a definite fire hazard on the property. Steve discloses for the record that he knows John & Pat whom own the property. Steve asks how many units were in existence when they bought the property; it is stated that

probably about 40 units. Ronda states that another concern is the newest water line on the property; she believes that this is used for hookup to the RV's & for watering of trees, it is asked where the water comes from, it is stated that there are 2 wells on the property. It is stated that the owner needs to bring a map in that shows where the spaces are, the wells, the septic & etc. Steve asks what the planning commission's position would be for anything prior to the adoption of Title 13, Clint states that before the zoning maps & Title 13 was done in 1990 there were zoning maps that went back to 1977, so there was always something on the ground, Steve states that what his question was did this conform before Title 13, Clint states that he does not know. Steve asks if it was in existence before Title 13, it is stated that it was. Glennon asks how much land the owner has, it is stated that there is just over 10 acres. Ronda states that there is an irrigation ditch that runs through the property that other property owners still have water rights to and that there is no easement for this ditch, it is stated that this would have to be included on the map that is done. Clint states that his recommendation is that a motion be made to have this special use reviewed. Motion made by Ross Stirling to review the special use permit, seconded by Sue Austgen, motion carried by all in attendance. 8:51 PM

8. **Discussion/Action:** Request for a refund for services rendered by the Planning Department for Carl Wilson of 8492 Dry Valley Ranch Road.

Clint explains that he had a request from Mr. Wilson to do a zoning verification letter after a discussion with Mr. Wilson and direction from the District Attorney's office. Clint did the research and wrote the letter, our fee schedule has a fee for a zoning verification letter. The Board discusses the fact that Mr. Wilson requested a service and he received the service then he should not have a refund. Motion made by Steve Combs to deny the refund of \$40.00 to Mr. Wilson unless he can present to the Board justification of why he should receive the refund, seconded by Spencer Gray, motion carried by all in attendance. 8:58

9. **Discussion/Action: Determination of public access for parcels located at 772, 808, 840, 862 and 894 Dove Crossing Road south of Alamo Town and along the Pahrnagat Valley Irrigation Ditch.**

Clint explains that this item was requested by a property owner living South of Alamo; he states that after pulling the maps & deeds for this area that through the years with the division of the lands access was provided and used on traditional roads with or without easements or rights of ways. Clint states that the maps show access to the parcels with the main access being the irrigation ditch road; he explains that he could not find on any of the previous maps any easement or right of way being granted for these parcels, there has also been some concern with the ditch company allowing people to use this access. Clint states that he wanted to bring this to the Planning Commission before pursuing it with the Board of County Commissioners as he feels that this is more of a civil issue than a County issue. There is some discussion between the Board concerning what are County Roads and what are not County Roads and the irrigation ditch & irrigation ditch easement on the maps that have been provided for them. There is some discussion concerning the irrigation company putting pipe in the ground and when this is done could they possibly put a bridge across at the time for the property owner's to access their property. Clint states that State Law requires the County to inform the irrigation companies of the division of lands, the planning department is now doing this in order to prevent things like this from happening in the future. Ross asks if the County bears any responsibility for the maps being approved without the correct easements, Clint explains that this issue was already in place and that it may have become more of a problem over the years. Steve asks about Ranch road and if this is a county dedicated road why can they not use this to access the lots, Clint states that it is his understanding that this road was only to access the lots that it fronts and that it would never go through. There is some discussion concerning Ranch Road and building a bridge over the irrigation pipe when installed, it is stated that the irrigation company would probably not have a problem with this if done properly and not at their expense, this has

been done in front of the Alamo Annex already. Francis Zaneth speaks and states that he has had dealings with the irrigation company in the past and they have come up with agreements for bridges over the ditch, he feels that they would work with the property owners to come up with a solution. There is some talk about where the irrigation pipe will run through this area. Mandi Zollotuchen speaks and states that it would make a lot more sense to put a bridge over the irrigation ditch at this time and that they just want legal access to their property. Mike Ammar states that he does not have any access to his property; Mandi states that they have used the access from the North for years to access Mike's lot & her back yard, not the easement that shows on the parcel map for access to his lot. There is some discussion between the Board & the property owners concerning the easement that is shown on the parcel map and that it would be the legal access for the back parcel. Mandi states that the property owners always thought that Ranch Road was their legal access to the back properties. There is talk about the grant that the irrigation company has to put the pipe in and whether there would be enough to maybe cover the bridge also, Steve asks if it would be a problem if Clint would contact the engineer & the irrigation company to talk with them about the bridge, Ronda Hornbeck asks if maybe the property owners could possibly do an in-kind deal instead of a monetary deal since this is a grant, Ross states that some of the property owners along the ditch have already done in-kind work instead of paying money for their part. Glennon states that he feels the property owners need to get with the irrigation company to see if they could work something out between themselves. Ross asks if the property owners would agree to give a 40' ingress/egress easement and what would be involved in them doing this, Clint states that a map would have to be done. Motion made by Ross Stirling to have Clint be a facilitator between the property owners and the irrigation company to resolve the problem if needed, seconded by Sue Austgen, there is more discussion concerning the access from the property owners and their frustration to have this resolved. Motion carries by all in attendance. 7:30 PM

10. **Discussion/Action:** Adoption of "Orange Book" by Lincoln County for Engineering and Design Standards for Lincoln County and adoption of the Toquop Drainage Study Design Standards for all or a portion of Lincoln County.

Glennon asks why it states all or a portion of Lincoln County, Clint responds that on the drainage portion the Flood Control Board adopted the Toquop study as there was nothing in place at the time. Clint explains that the County Code already has reference to the Orange Book in water supply & waste water disposal but there are no other standards in our Code, Clint explains that Title 14 & 15 refers to County design standards and the County does not have any in place at this time. Clint states that it is his recommendation that we adopt something by reference & policy, if the Board recommends we adopt the Orange Book he will take it to the Board of County Commissioners (BCC) and have it adopted by resolution as we need some standards in place. There is some talk about the Orange Book and what it covers; there is also some discussion over the drainage study for Toquop and that this would fit better for the south end of the County. Steve talks some about when Toquop & Coyote Springs builds that we should make sure that they fit with Clark County's so there are no problems, he also states that we should in the future have a set of standard drawings. Cory Lytle comments about some of the budget constraints when it talks about some of the materials that need to be used and we may need to use some discretion when it comes to some of the smaller projects. Motion made by Steve Combs to recommend adoption of the Orange Book & the Toquop Drainage Study Design Standards to the BCC, seconded by Ross Stirling, motion carried by all in attendance. 9:12 PM

11. **Discussion/Action:** Recommendation to appoint Planning Director as Lincoln County Flood Plain Manager as specified in Employment Description.

Clint explains that he will need to do the training again for this item and he will be attending the Flood Control Board meetings. The County has not appointed anyone at this time and they need to do this. Motion made by Sue Austgen to recommend approval to the BCC for Clint to be the Flood Plain Manager, seconded by Kaye Medlin, motion carried by all in attendance. 9:17 PM

12. **Department Update:** Clint updates the Board on the mapping server, it is functioning now for 911 and there are still some items that need to be worked out. Clint explains the system to the Board and that in the future the public would be able to access the mapping system also.

Clint states that he attended the ESRI GIS conference last week. This was basically a week's worth of training for him.

Clint has been working with the City of Caliente on their zoning maps and when this is done it will be combined with the County's.

Clint talks about the business license and that letters will be going out to known businesses informing them that they will be required to have a business license.

Clint is working with the emergency manager to update the emergency management plan, and next year they will be trying for a flood control study via grant money. Clint talks about the old plan and how they will be updating the plan. 9:24 PM

13. **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

14. **Set date and time for next meeting:** August 13, 2009 @ 6:30 PM

15. **Adjourn:** Motion made by Sue Austgen to adjourn, seconded by Spencer Gray, motion carried by all in attendance. 9:25 PM