



## LINCOLN COUNTY PLANNING COMMISSION

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### Minutes for September 17, 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 September 2, 2009.
- 2. Minutes approval or denial/corrections for July 23, 2009:** Ross Stirling would like to state for the record concerning item #6 of the July 23, 2009 minutes that after further review of the site and survey markers that there is no longer a concern of the conditions placed on that item. Motion made by Ross Stirling to approve the minutes for July 23, 2009, seconded by Sue Austgen, motion carried by all in attendance. 6:37 P.M.
- 3. Discussion/Action Item:** Recommendation to the Board of County Commissioners to amend Title 15 by Ordinance for Coyote Springs Investment, LLC. Amendments to modify definitions, use tables and hillside ordinance standards related to energy generation uses.

Clint explains that Title 15 is the controlling development code for the Coyote Springs project; he states that there are a series of changes being proposed to the definitions, use tables and some text changes in a part of the hillside development standards. Clint goes through the staff report with the Planning Commission (PC) and states that staff is recommending approval of these changes, he explains that the Board of County Commissioners (BCC) have the final approval of this item so the PC will be giving a recommendation to the BCC on this item. Doug states that the definitions were taken from Clark County and they wish to change some of those at this time to better fit the development and to add Data Center as they have some interest in a large data center. Doug Carriger explains the change for utilities, he states that they may possibly bring in a private utility company for natural gas; he explains the need for some compromise for parking in the commercial zone as some companies may have a large facility but only a few employee's with no customers. Steve Combs asks about the private utilities and if this will have some review by the county when done, Doug explains that this will have to be regulated through the federal guidelines, there is some discussion concerning this item and whether the county will be inspecting these facilities. Clint goes over the change for height limits, there is some discussion concerning the height of the towers being used for the solar facility, Steve asks if there is going to be any set back limits for these tower facilities if they are positioned adjacent to another use, Doug explains that the towers are generally not adjacent to any other property line they are generally in the middle of the mirror fields, it is asked if they should put a height restriction at this time, it is stated that this will still need to come through the planned unit development process, Doug states that a project like this would create a lot revenue for the county at a very low cost to the county, Steve asks what

this revenue would be, Doug responds that 55% is abated, Steve states that the way he interprets the abatement law the County Commission needs to approve the abatement, Doug states that his belief is that 45% of the remaining 45% will go to the state and the remainder will go to the county, which is still a substantial amount of money, but this will decline over a 20 year period and will end up to be about 7% of the value and remains at this amount for the life of the project, Doug states that this is for the plant & equipment and land value is not abated, there is some talk about who in the county would get what percent of this money. At this time Doug hands out a land use plan map to the Board and explains that this will be approximately an 8,000 acre project that will be leased to the solar company and at the end of the lease the company may extend the lease or Coyote Springs would put the land to its best use at that time. There is more discussion concerning the height of the towers and how many towers will be included with this project, there is also discussion concerning the height change that is being requested and if this is not granted at this time the applicant will come and ask for a variance once the project is ready to start. Steve asks if there will be any residential unit on the solar site, such as a night watchman's home, Doug states that no there will be no residential unit on the project site. Motion made by Glennon Zelch to make a recommendation to the Board of County Commissioner to approve the amendments, at this time Varlin Higbee opens this item up for public comment, Kelly Jensen takes the floor and asks if the county would be required to purchase the power generated by the solar facility, Doug states that there is no requirement at this time by the state that the county power provider has to purchase the solar power. The motion is seconded by Sue Austgen at this time, motion carried by all in attendance. 7:26 P.M.

4. **Discussion/Action Item:** Special Use Permit for Walch, Bingham & Tammy has requested a special use permit for temporary use of a mobile home on Parcel #004-141-61 while building a home, located north of Alamo off of US HWY 93 by MP 39.

Clint explains to the Board that for someone in Lincoln County to reside in a mobile home or RV while building their home the Lincoln County code requires a special use permit, he states that they are usually approved for 1 to 2 years with a review at that time, Clint states that in the past there has been a problem with the original dwelling never being removed from the property and there ends up being 2 dwellings on the property, so the permit is to help monitor this, Clint states that the mobile home will need to meet building code, Sue asks about the age of the mobile home, Clint states that the code will not allow anything before 1980. Bingham Walch takes the floor at this time and explains that they will need the mobile home for approximately 2 years, they have been to the Alamo Town Board for approval and they have granted it, Sue asks the year of the trailer, Bingham responds that it is a 1991, it is asked if there have been any objections to this, it is stated that there have been no objections. It is asked where the access to this property is, there is some discussion concerning the legal access, Bingham states that there is a verbal agreement with the Mendenhall's that the access would be their lane, he is in the process of contacting them to get a written agreement that this would be their legal access, they can get access through his parents property as they are adjacent property owner's, it is stated that they need to get legal access in writing because if any of these properties were to sell they could possibly become landlocked. There is some discussion concerning the requirement and should they condition the special use permit for legal access, Bingham states that they would like to get the agreement with the Mendenhall's, there is some discussion concerning water to the property and the possibility of getting a will serve letter, Ross states that he was at the sewer & water meeting and they were approved to have service. Motion made by Glennon Zelch to approve the special use permit with the conditions of an agreement in writing for legal access and a will serve letter from Alamo Sewer & Water with a 2 year review, seconded by Ross Stirling, motion carried by all in attendance. 7:39 P.M.

5. **Discussion/Action Item:** Zone change for Jensen, Kelly & Karla has requested a Zone Change for Parcel #008-360-22 from A2 (agricultural-5 acres) to RR4 (Rural Residential-20,000 sq foot) in order to divide the parcel into 3 parcels, located south of Alamo off of Alamo South Road.

Kelly Jensen takes the floor and states that they are requesting this zone change in order to parcel into 3 lots. Clint states that the zone change is consistent with the Alamo Master Plan; he explains the process that the Alamo Town Board and the planning department went through to create the master plan for this area, Clint states that staff recommends approval of this zone change. Ross states that there is legal access to this property; Clint confirms this to the Board. Kelly Jensen explains the access to the property at this time, there is some talk concerning the past of these parcels and the roads, it is stated that the county road that would be access is not shown on the map. Motion made by Ross Stirling to approve zone change, seconded by Kaye Medlin, motion carried by all in attendance. 7:54 P.M.

6. **Discussion/Action Item:** Parcel Map for Jensen, Kelly & Karla to create 3 parcels from 1 parcel, located south of Alamo off of Alamo South Road. APN #008-360-22

Glennon asks if this area is served by Alamo utilities, it is stated that it is not, Kelly states that there is only power to the property, it is stated that you cannot parcel down to ½ acre lots without being connected to a public water system, it is stated that they have already applied to the State for a community well that is existing on the property, Clint states that if the state approves the community well and all easements are in place staff recommends approval. It is asked who would approve the leach field for the septic, it is stated that the county will approve the leach field. There is some discussion concerning the lot sizes and having a well & septic on the same lot, it is stated that is why they are going through the approval process of a community well with the state. There is some discussion concerning the proper roads that will access the property and that they will need to be shown on the parcel map properly. There is some discussion concerning building a home on the 3<sup>rd</sup> parcel that is located in the green strip, Kelly Jensen explains that there is a portion of this parcel that would be buildable but his intent is not to do so. There is some discussion concerning the fire districts concerns for this property if there is ever a fire. Motion made by Glennon Zelch to approve the parcel map with the conditions to remove the 40' easement for ingress & egress & utilities on the map and to be shown as an irrigation ditch easement, new county easement to the west to be shown on parcel map, applicant to meet condition 11 of fire departments comments and approval of community well application submitted to the state water engineer, seconded by Kaye Medlin, motion carried by all in attendance. 8:27 P.M.

7. **Department Update:** Multi Hazard Mitigation Plan Update, Open Space Plan, Public Land Plan

Clint explains the study that the Board was given so when water issues come up the study is the foundation for how decisions are made.

Clint explains that the county is in the process of applying for grant funds to update the multi hazard mitigation plan. This will help reimburse the county for time spent on updating this plan. This will also help with some updates for the FEMA map process.

Clint updates the Board on the public lands plan. Clint states that they are hoping to have a draft for the Board to review within 2 months.

Clint updates the Board on the open space plan. There is now an outline for this plan done; he explains what this outline looks at, he talks about when the towns are given the land for parks and how the towns & county are going to be able to afford to maintain these parks, he explains some of the different ways other counties have done this. There is some talk concerning the profit the county will receive with the sale of the public lands and the fact

that at this time the lands will not sell for much and the profits will not end up being much for the county. There is some discussion concerning different ways the county could ask for the disposal of the lands and requirements of the developers purchasing the land in order for the county to be able to maintain the parks. Clint explains that they are trying to identify areas so the public will still be able to access the public lands instead of getting cut off from them. There is talk about the fact that the county can identify lands that they do not want disposed of as they are unsellable lands. There is discussion concerning the disposal of the BLM lands and how the towns would be able to handle providing public services to the new lands and the fact that the towns are pretty well stretched to the limit for services at this time.

Clint talks to the Board about developing a network for the surveying in the county. Currently there are no controls for the surveyors to work from so they are all working off from different controls which cause a lot of problems with the surveys being done at this time. Clint is going to be working on these control points so that all the surveyors will be working from the same ones moving forward. This will not fix the old surveys but it will make it so anything new coming in is all off from the same control points. Clint explains some of the options that the county has to get these points adopted; the Board discusses some of the options that the county has to do this.

Clint updates the Board on the progress of the Business Licenses and how this really helps with getting grants for the county.

Clint updates the Board on the ongoing fiscal impact study that is being done for the county, he states that there should be a draft done sometime in the middle of October, and he explains the areas that they are looking at within this study, and some cost for the county for public facilities and services.

Clint updates the Board on Census; he shows the Board a draft form that the census will be sending out and some of the questions that will be asked, he explains how important this is to the county. Clint states that the county can apply for a small grant from the census to help cover some of the cost that are incurred by the staff.

Clint states that next month he would like to do a joint training meeting with the City of Caliente to be held in Caliente, he talks about some of the items we would like to go over. We will contact the Board when we have a date & time set up for this meeting.

Glennon asks for an update on Eagle Valley Resort, Clint explains that this has basically turned into a mobile home park, he states that there are probably 20 to 25 people who live there year round. There is talk about how this has happened over the years since being approved for a special use permit and what has transpired over those years. Clint explains that Eagle Valley Resort needs to have a professional site plan done and come back to the county and apply to have a mobile home park on the property, it is stated that the Board thought they had already approved to have the planning department move forward with the site plan, it is asked if they are not agreeing to do the site plan, Clint states that they have not met with them as of this date. There is some talk concerning Eagle Valley Resort being in the flood plain, there is discussion what can be approved and cannot be approved knowing this is in the flood plain.

8. **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.

Kaye Medlin asks who the flood plain manager for the county is, it is stated that Clint is and Glennon Zelch, Vaughn Higbee and Kevin Phillips sit on the Board. Glennon states that he will be going to Las Vegas for training the beginning of October. The Board discusses some of the new laws that are being instituted to define dams and such.

Steve states that the Town Board for Pioche has had a parcel map come in front of them and during the discussion of this map another parcel was brought up that was parceled in 2002, the roadway easements are there but there were no corners put in the ground to show those easements just the property corners, now there is a home built in the easement and the trail to the home is on BLM property, there is discussion concerning what the county has and has not required over the years when someone has pulled a building permit and what needs to happen moving forward to avoid this problem in the future.

9. **Set date and time for next meeting:** Date & time is not set at this time, to be determined at a later date.
10. **Adjourn:** Motion made by Steve Combs to adjourn, seconded by Glennon Zelch, motion carried by all in attendance. 9:30 P.M.