



LINCOLN COUNTY PLANNING COMMISSION

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Minutes for June 9, 2008, 6:00 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 6:00 P.M. Planning Coordinator Dawne Combs called the roll with commissioners Steve Combs, Sue Austgen, Kaye Medlin, Glennon Zelch, and Ross Stirling being present. Varlin Higbee and Spencer Gray are absent. There is a quorum and the agenda was posted on June 3, 2008.
2. **Minutes approval or denial/corrections:** Motion made by Steve Combs to approve the minutes for May 6, 2008, seconded by Sue Austgen, motion carried by all in attendance. 6:07 P.M.
3. **Discussion/Action Item:** Zone Change for Ferris, Joanne APN #'s 011-200-52, 011-200-55 & 011-200-57 from A2 Agricultural to RR6 Rural Residential; APN #011-200-54 from A2 Agricultural to C1 Commercial located South of Alamo off from US HWY 93 at MP41.

Clint states that a few years ago there were some parcel maps done to break some of these parcels down into smaller lots, these maps were approved but at least 2 of the maps were not recorded and there was not any recorded of a zone change for this property. The only difference at this time is the parcel on the north along HWY 93 which is also adjacent to the Windmill Ridge the applicants are requesting to change this to commercial, which fits with the master plan as do the other lots they are requesting to re-zone. Sue asks about the parcel next to the parcel they are requesting to become commercial which shows in white; how will they be able to access the highway if someone owns the parcel, Steve asks if the white parcel is all NDOT right of ways, Clint states that yes it is. Clint states that they could possibly get access off the highway or there is an existing right of way that goes behind the Windmill Ridge property that accesses this property. Motion made by Sue Austgen to approve the zone change, seconded by Ross Stirling, motion carried by all in attendance. 6:13 P.M.

4. **Discussion/Action Item:** Parcel Map continuance for Lincoln County School District to create 4 parcels in the town of Pioche. (APN #001-311-03)

Clint states that previously there were some issues with the map due to incorrect street names and ownership of the adjacent property. There also was another issue brought up at the last meeting due to this land being a patented from BLM, you can not re-convey the land to a private party, this was verified with the Assistant District Attorney. Clint states that he spoke with Rick Hardy and explained his concern with the risk of conveying this land and putting the County at risk of not being able to receive future disposals from BLM, and Rick Hardy directed Clint to move forward with the map to get all of the easements and right of ways taken care of with the map, Clint recommends approval with language added to the map that the smaller parcels can not be re-conveyed. Glennon asks if they could go back to BLM and get permission to dispose of the property, Clint states that he suggested that when the County does the land disposals, the school district work out a trade at that

time so there would be some use to the remnants. Steve asks if the smaller lots conform to the zoning and they would not be approving something smaller than is allowed, Clint states that the lots are too small for the current zoning and this is one of the reasons he is asking for the statement on the map. Steve states that there was discussion previously about the location of the easement but he does not have the old map with him, but looking at it in the field if you prolong the east property line (#37) all of the easement goes into that property but the other home actually enters different than the easement on the map. Sue states that they could actually access their property off from Hartley but then their house is facing the wrong direction, Clint states that this house has access of from Hartley but the corner house does not, Steve states that the house off from Franks has some access of from Franks and the other house does have access from Hartley to their garage. Steve asks if the property owners have been notified, Clint states that there is no legal requirement to notify on parcel maps. Steve states that if he remembers right Mr. Hardy & Mr. Owens were having a conversation at the last meeting about what they were going to do with the easement, Ross states that his understanding was that they were trying to determine where the line was in order to separate lots #2 & #3, Steve states as they have the easement now on the map only one property owner can access via the easement. Glennon asks if there are any legal grounds that the Board should not approve the map, Clint states no because all the lots have legal access of from Hartley and they are not land locked by doing this, Steve states that his main question was why they chose to bring the easement down the east side of parcel #37 instead of splitting it between both parcels so each of the property owners behind these lots would have access. Clint states that the board can put a condition on the map to move the easement over so it is shared by both lots. Steve asks if there would be any consequences if the Board does not act on this tonight, it is stated that the only issue is that Mr. Hardy wanted to have this completed before he retires. Clint states that they have options, they can approve it with a request to change the easement, Ross states that if you look at the aerial map verses the parcel map the lines are different, and asks if there even has to be an easement, it is stated that no there does not but it would be preferable. Motion made by Sue Austgen to approve the parcel map with the condition that the 20' easement is removed from the map, seconded by Kaye Medlin, motion carried by Ross Stirling and Glennon Zelch. Steve Combs is opposed. 6:33 P.M.

5. **Discussion/Action Item:** Parcel Map for Cheeney, Shane from A4 (Agricultural – 20 Acres) to A2 (Agricultural – 5 Acres) located in Dry Valley off of Echo Dam Road. The subject parcel includes 24.62 acres. (APN #006-301-40)

Clint states that staff recommends approval of this parcel map as it fits within the area in terms of compatibility. Motion made by Ross Stirling to approve the parcel map, seconded by Steve Combs, motion carried by all in attendance. 6:39 P.M.

6. **Discussion/Action Item:** Conceptual Planned Unit Development and Development Agreement for Lincoln Highlands Development Corporation for a master planned community in the Toquop Planning Area of Lincoln County. The subject area includes assessor parcels 008-251-02, 008-261-07, 008-261-08 and is comprised of approximately 5,318 acres. Current Zoning is A-5 (Agriculture) and the Master Plan Designation is Planned Unit Development.

Clint has given the Board a revised set of conditions of approval, Clint spoke with Stephanie & Chris last week on some of the issues and they did some clean up on some of the items but there are still some outstanding issues. Clint explains that the Planning Commission has met several times with Lincoln Highlands (LH) and there are 2 applications on the table; the Development Agreement (DA) and the Conceptual Plan (CP), Clint states that staff recommends approval for the DA & CP at this time with conditions. At this time Clint reads through the conditions of approval and points out the changes that have been made with the conditions that were given to the Board in their packets and the revised conditions he gave them tonight; he explains that the overriding issue at this time is his

recommendation does not include the Development Standards & Design Guidelines (DS&DG) document and this is a component of the DA. Clint refers to the last condition which states that the DA will need to be modified before going in front of the Board of County Commissioners (BCC) taking out any reference to the DS&DG, he states that staff has spent several days going through some of the issues with the DS&DG and there was some resolution but there are still so many outstanding issues and the comfort level of the County with this document is not there. Clint goes through the conditions for the Board at this time, he states that the DA's are moving forward and both the benefits & impacts to the County and residents will last into the future 30 to 50 years, both the County and the applicant have put a lot of time into them and at this time there are still some outstanding issues. Ken Dixon takes the floor and states that he agrees with Clint and would like to add one more condition; the condition is that all the outstanding issues on the DA should be resolved to the County's satisfaction prior to the DA going in front of the BCC, he states that he agrees that the DS&DG should be pulled at this time as there are too many unresolved issues. Glennon asks Clint if he would like to add this onto his conditions, Clint states that when the Board makes a motion they can add it on at that time. Bob Gronauer & Stephanie Allen takes the floor at this time, Bob states that they are going to break this up into 2 parts, he will take the DA and Stephanie will take the DS&DG. Bob states that they will accept the condition that Ken has placed on this, as he feels they can resolve the issues before going in front of the BCC. Bob states that they are aware of the BLT Group's DA is going in front of the BCC on Monday and if it is approved in its form it will change the public facilities section of their DA as their DA was written with the understanding that they would be the first ones in the door and there is obligations to build the permanent facilities and provide millions of dollars up front from BLT; if the BLT Group's DA is approved they will insert BLT's language into their public facilities section as it will then set a precedent and they will all be treated equal. Stephanie takes the floor at this time; she states that they have come along way since the last Planning Commission meeting, since that meeting they have had several meetings & phone conferences with staff, they have made some changes to the DA and in respects to the DS&DG they have worked closely with Clint on the conditions of approval and they appreciate him working with them; she states that the conditions for the most part they can accept tonight but there are a couple of conditions that reference hearing the DS&DG separately that they can not agree to this evening as the DS&DG was submitted as part of the DA, this is not a unique way that master planned communities are handled. Stephanie shows a chart to the Board which shows other communities that have been put together with a DA and DS&DG for which they both are approved at the same time, she states that the DS&DG is what will make this community the type of community it will be and the reason they are before the Board today, it will make the community what it will be, without this you would not have the community's with different themes and architectural styles, this is the uniqueness and exciting part of master planned communities is putting a distinct characteristic to it and the DS&DG is what will do that; without it they do not have a community, that is why it is a very important part of their document and they can not agree with the condition that it not be considered as they have included it with their submittal, she asks that the Board consider it tonight and they understand if the Board defers to the conditions, but they are and will be asking for the Board's approval of the DS&DG. She states that in going over the conditions that were originally a part of the application she feels that they were there with Clint; Clint understands the DS&DG as they have gone through it quite a few times and at a planning staff level she believes that they were very close to having a comfort level to having the DS&DG approved; she states that they did go through chapter 4 with Clint and feels that he is now comfortable with this section. Stephanie states the DA specifically outlines how the DS&DG and Title 14 work together; at this time she reads a statement into the record which is within their DA; she states that it specifically outlines how the documents work together and the DS&DG does not replace Title 14 it acts with it, she states that they appreciate staff working with them on this and feels that they are close and that between now and the BCC meeting they could come to a resolution on the DS&DG and hopes that the Board's recommendation will be that they work it out before the BCC meeting, but she also will

understand the Boards recommendation tonight. Steve Combs states that to compare Lincoln County with the City of Las Vegas, City of North Las Vegas and the City of Henderson is a little unfair as they have a full time staff that they can dedicate full time and substantial resources to work out any differences that they would have within their community; we have staff in Lincoln County but are not staffed like other communities. Bob states that for a point of clarification that it was to show the Board that we have Toquop as their guiding base document to have all 13,000 acres be developed all the same way; but what happens in those jurisdictions you have separate master planned communities being built and each one has it's own theme as you do not want the same house and setbacks in each subdivision and that is where the DS&DG comes in for them, he states that they understand the County's concern and the purpose of what they are trying to show the Board is that it is not unusual to do what they are trying to do. Steve states that staff has indicated that they agree that the DS&DG is desirable for both parties but they just want to resolve any of the issues that conflict between the existing Title 14, so either bring it into conformance or get it close enough to where it is agreeable. Stephanie states that they feel they can get there before the BCC meeting as they feel it is small issues at this time that they can work out and get to an agreement on with the staff; that is why they are asking for a condition to work out the items in the DS&DG with staff before the BCC meeting instead of conditions D6 & E1. Glennon asks if they are saying that they would rather the Board did not approve the DA until they can get the DS&DG worked out. Stephanie states at this time that they would like the Board to approve the DA and they can agree to all of the conditions except those related to the DS&DG. Ross asks if staff feels that they can get this worked out between now and the BCC meeting, Glennon states that considering how long they have been working on it he is concerned about it, Clint states that part of his concern is that the DS&DG is not even based on the Title 14 that was finally adopted it is based on one that the Planning Commission recommended for adoption, there were enough changes even in references to the final adopted Title 14; the other issue is that there were comments made at last months meeting that the applicant agreed to certain conditions of the language and the last time he reviewed the DS&DG, those changes had not been made so he has concerns. Stephanie states that those changes were not made because if approved they would be conditions, they are in agreement and continue to be in agreement but they have not received an approval as of yet and no they have not been incorporated into the document as of yet. Clint states he can not say that they will reach an agreement with the DS&DG; otherwise he would have recommended the language, Glennon states that considering how long they have been working on this he feels that it might be a little tougher to reach an agreement than they hoped it would be. Ken Dixon states that one of the things that was brought up in the workshop is providing some language in the document that the more stringent rule would apply when there is a disagreement between the County & developer and he has not seen any document or changes along these lines forthcoming, Glennon states this would be in the DS&DG, it is stated no it would be in the DA. Clint states that for clarification when he reviewed the DS&DG today looking at more restrictive and less restrictive it is a 50-50, there are quite a few sections where the applicant is proposing more restrictive language and this why we made Title 14 very generic, it is where the sections are deleted, replaced or less restrictive that are of concern and there are certain portions of Title 14 that are just off limits, Glennon states that less restrictive can easily be handled with a variance application, more restrictive does not happen with his experience; Clint states that it would happen with their document if the language was affirmative and he would like to point out that it is a mix. Ken states that staff recognizes that this is their project and if they want to be more restrictive than Title 14 that is their prerogative but if it is going to be less restrictive than there has to be good reason for this, Clint states that the County could make the argument that they would have to apply for an amendment to Title 14 if they want to be less restrictive, but legally the DA is also a tool that can do this. Glennon states that if we start approving deviations upfront from Title 14 then we don't really have a Title 14 to enforce, if we hold to Title 14 the County can grant variances where we feel it is appropriate; Clint states that there are pros & cons to this as on a staff level they do not want to be processing 10, 15 or 20 variances at a time, so there

are benefits both ways, he feels that since the County received an inadequate land use plan but have a very detailed DS&DG he feels they contradict each other in the situation to where the County does not have enough certainty about what land uses are going where; he feels that he has been generous with the conditions and delaying the land use plan are more than reasonable as any of those would be grounds for denial but he did not go that route. Stephanie states that their application was deemed complete in December so as far as changes that needed to be submitted to any of them, they would liked to of known and they would have changed things if they would have been told to do so, that is why they are agreeing to the conditions because they understand that they have to supplement some of this information and they are going to agree to the conditions to do this and they will assure the Board that it will happen. Bob states that with the concern of less or more restrictive, if the Board makes a recommendation tonight on to the BCC per staff's conditions they are to remove all DS&DG language out of the DA so it will not matter if it is more or less restrictive. Steve Combs makes a motion for approval to the BCC subject to staff's conditions and with Ken Dixon's additional condition to be added, seconded by Sue Austgen. At this time Dave Maxwell asks to have the motion read again, Dawne Combs reads the motion again. Motion carried by all in attendance. 7:23 P.M.

7. **Department Update:** Possible action to change the Planning Commission Meetings from 2nd Monday of the month @ 7:00 P.M. to another day of the month and time of day.

Clint states to the Board that the issue with the meetings being on Monday is that the planning department gets slammed on Monday's; it would help staff to have the meeting permanently moved to Wednesday or Thursday as staff could be a little better prepared for the meetings. Ross states that Mondays are the best day for him; Clint states that it could be possible to have some meetings in Caliente also; Steve states that Thursday would be better for him but if the meetings were on Wednesday he would probably miss some meetings. Glennon asks if it would help to bump the meetings to the 4th Monday of the month, Clint states that he is open to that possibility, but Dawne states that we would still be in the same position being on a Monday. Glennon states that Tuesday would not work for him but any other day would work for him. The Board states possibly Thursday @ 6:30 P.M. but will have to check with Varlin as he is not present. Dawne will follow up with the Board on the day and time.

Clint states that he has been working with the City of Caliente cleaning up their addresses and they are to the point where it will be a seamless system County wide, last Thursday the City approved the address changes, they have an addressing system but there were about 160 changes total, he can now forward all of the addresses to the consultants to finish up the 911 database. Clint states that it should be about 1 month before we will get this back at which time he will go back to the Board of County Commissioners with a package of everything that makes up the addressing system to adopt for several different purposes at different dates. Sue asks if this just cleans up the Pioche area, Clint states the entire County is done. Clint explains to the Board that the planning department will be sending out packets to the public, utility providers and anyone that has issues with addresses to try and get them the information ahead of time. Sue asks when Clint estimates the final for the addresses, Clint states approximately early August. 7:40 P.M.

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.

Dave Maxwell asks if he can ask questions during the meeting, it is stated that yes he can during public comment. 7:42 P.M.

9. **Set date and time for next meeting:** To be determined.

10. Adjourn: A motion was made by Steve Combs to adjourn, seconded by Sue Austgen, the motion carried by all in attendance. 7:45 P.M.