

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

May 8, 2024

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on May 8, 2024 by Chair Blakey.

Present: Eric Blakey, Chair; Jeff Goings, Member; Mark Hyde, Member; and Paul Picotte, Member.

Absent: Scott Nelson, Vice Chair; Zack Bunyard, Member; and Deanna Diehl, Member.

Planning Staff Present:

Randy Hines, Public Works Director
Dean Patterson, Senior Planner
Savannah Dukes, Planning Technician
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

The Pledge of Allegiance was recited by the commission and public.

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on May 2, 2024, between 8:30 a.m. and 5:00 p.m., at all of the locations listed on the agenda, in accordance with NRS 241 and the Churchill County Code.

5. Consideration and possible action re: Approval of Agenda as submitted or revised:

Chair Blakey noted that Agenda Items under 9. New Business, C, D, and G have been postponed by request of the applicants.

Member Picotte moved to approve the agenda as submitted. Member Hyde seconded the motion which carried by unanimous vote (4-0).

6. Verification of notification of all landowners in accordance with NRS and the Churchill County Consolidated Development Code:

Chair Blakey verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

7. Consideration and possible action re: Approval of Minutes of the meeting held on:

A. April 10, 2024 Hearing

Member Picotte moved to approve the April 10, 2024 minutes as written.

Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

8. Old Business

- A. Consideration and possible action re: Renewal of a temporary use permit for temporary quarters during home construction previously granted to Robert Daly. The property is located at 13450 Big Red Drive, Assessor's Parcel Number 006-122-52, in the RR-20 zoning district. Origination Date 5/9/2018.

Robert Daly, 13450 Big Red Drive, was available to speak regarding this application.

Director Hines stated that this is a renewal of a temporary use permit for temporary quarters during home construction. This is a shop building that will be converted into a residence. He explained that there was a meeting with Mr. Daly a couple of weeks ago, and he is in the process of erecting the building. He hasn't completed this yet, which is why he requires a renewal of the permit. Director Hines noted that Mr. Daly is working with the Building Department on his building permit and has taken care of everything in our department. Chair Blakey inquired, since the staff did a site visit, if they are satisfied with the progress of the project. Director Hines said that this project is delayed because Robert Daly works during the week and is doing the construction himself. There has been more progress in this last two years. The staff is recommending renewing the permit for another year with the caveat of continuing to make progress.

Chair Blakey questioned if the applicant had anything to add, and Robert Daly thought everything was good.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Hyde asked if Mr. Daly had an estimation for completing the project. Robert Daly responded that he should have the building erected this year, and then he will work on the next phase of converting it to a residence the following year. The well, septic and foundation took the longest. He stated that the foundation had to get dug and set three times because of the wind out there filling back in. The inside of the house wouldn't take nearly as long, so he thought it would possibly take about two more years.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Picotte moved to approve the renewal of the temporary use permit for Robert Daly on Assessor's Parcel Number 006-122-52 for another year. Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

- B. Consideration and possible action re: Renewal of a temporary use permit for temporary quarters during home construction previously granted to Justin Erickson. The property is located at 2829 Lucas Road, Assessor's Parcel Number 007-101-01, in the A-10 zoning district. Origination Date 5/10/2023.

Justin Erickson, 2829 Lucas Road, was available to speak regarding this application.

Director Hines said that this is the first renewal for a temporary use permit for temporary quarters during home construction. He noted that the applicants are still waiting for the plans to be finished, and then they will proceed with the construction of the house. Justin Erickson remarked that they have improved the road to meet emergency services requirements, which they were told that they would need to do. They have also put up fencing all of the way around the north 40 acres (not the south 40 acres). As of right now, they are at a standstill until the engineered plans and design get finalized. As soon as that is ready, he will get the one-time construction loan and start making progress toward constructing the house. Within the last five months he has had a problem getting with the person who is supposed to be making the engineered plans. Chair Blakey inquired if the plans are for

a manufactured home or a stick-built home. Mr. Erickson answered that it will be a metal construction building. He had available what they had received so far from that person if the commission wanted to see anything. Chair Blakey questioned when the last time he had contacted the engineer, and Mr. Erickson said that he spoke to him last Wednesday. Chair Blakey asked what that person indicated regarding the plans. Justin Erickson stated that he was told that he would receive a call back the following day and hasn't heard anything since then even after another phone call today.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Goings questioned what has been accomplished at the property. Justin Erickson reported that they have fenced the property and improved the road. There is no septic or well yet because that will be part of the construction loan, and he can't do this without plans. Member Goings inquired if they were living on the property, and Mr. Erickson replied that they are not there yet. They are hoping to start living on it within the next couple of months as long as he starts making some progress on the plans. They don't want to move out there with things in limbo right now. There was some discussion regarding septic, well and power. Mr. Erickson said that they would have water brought in, they would get a septic company to come and pump out the holding tanks, and they would have solar power. Even after construction they plan to be completely on solar power. He informed the commissioners that in order to bring electricity to the bottom corner of their property it would be \$75,000, and that is only if the neighbor to the south would allow it to cross their property, which they are not. The next closest location would be about \$150,000. It will be more cost efficient to operate off of solar power. He pointed out that the house in front of theirs is 100 percent solar.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Goings moved to approve the renewal of the temporary use permit for temporary quarters during home construction for Justin Erickson at 2829 Lucas Road, Assessor's Parcel Number 007-101-01. Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

9. New Business:

- A. Consideration and possible action re: A temporary use permit application for temporary quarters during home renovation filed by Thomas Hodgdon. The property is located at 7730 Curry Road, Assessor's Parcel Number 006-553-12, consisting of 3.68 acres in the A-10 zoning district. The applicant proposes to reside in an RV while reconstructing a home damaged in a fire.

Thomas Hodgdon, 7730 Curry Road, was available to speak regarding this application.

Savannah Dukes, Planning Technician, stated that this is an application for a temporary use permit for temporary quarters during the reconstruction of the home that was damaged in a fire in May 2020. The RV already onsite is connected to existing utilities, and the applicant has been living in the trailer since the fire and was unaware that a temporary use permit was required until he spoke to staff about the process of reconstructing the home. The applicant immediately worked with staff to submit the application and correct the issue, and the anticipated timeline for completing the home's reconstruction is three years. Within the first year the applicant, in cooperation with the Building Department, plans to focus on framing, truss and roof repairs. It is important to note that the Building Department has noted extensive damage to the burned home and suggests that an inspection by a structural engineer might be necessary before a building permit for repairs can be issued. Staff is recommending approval of this temporary use permit, and the recommended conditions address this and other requirements of the Building Department, which must be met.

Chair Blakey inquired if the applicant had anything to add.

Thomas Hodgdon said that he contacted Lumos & Associates regarding a structural engineering inspection. They sent someone out to take pictures and measurements. They haven't gotten back with him yet.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Picotte asked if Mr. Hodgdon has contacted any contractors. Thomas Hodgdon plans to do this on his own since he has been in construction off and on all of his life, and he has friends that are going to help. When he needs to, he will hire others as needed. As soon as he gets the structural approval and approval, then he can move forward. He was going to try to get the damaged roof removed, construct the new roof, and the walls fixed this year. Member Picotte noted that it looks like it sustained some severe damage in the fire. Mr. Hodgdon pointed out that he lost the whole garage and part of the kitchen. He believes that he will have to replace all of the roof due to smoke damage.

Member Goings mentioned the recommended conditions that would probably be required if they decide to approve this permit, and he asked if Mr. Hodgdon was aware of these conditions. Thomas Hodgdon said that he was waiting for this meeting, and then he has a man that is going to dig up the septic connection for inspection. The only other thing that was brought up to him was that his sewer hose had a dip in it that needed to be corrected. Joe McFadden had put the electric underground. Another man put in the septic connection, and he did the work for the water connection on his own. The RV has been hooked up for three years now. Member Goings pointed out that there are five recommended conditions, and he stated that one of these is to show substantial progress of home construction during annual review. The commission is just trying to make sure that everybody is aware of all of the recommendations that are going to be here so that no one is surprised. Mr. Hodgdon agreed that there will be significant change to what it is now.

Chair Blakey asked if Mr. Hodgdon had a contingency plan if the structural report says that the home is not able to be reconstructed. Thomas Hodgdon said that he would have to knock it down and start over. He hopes that is not the case so that he can have the walls closed before winter.

Chair Blakey called for public comment. There were none.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.08.070 have been met and therefore approve the Temporary Use Permit for Temporary Quarters during home construction for Thomas Hodgdon at 7730 Curry Road (APN: 006-553-12). This approval is subject to conditions, as listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Conditions:

1. *The temporary quarters must comply with Churchill County Code.*
2. *All required Building Department approvals and safety certificates must be obtained:*
 - a. *Any inspections from a Structural Engineer as deemed necessary by the Building Department.*
 - b. *Any permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.*
 - c. *All necessary permits for home construction must be obtained.*

3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.*
4. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
5. *Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- B. Consideration and possible action re: A special use permit application to modify a home business permit filed by Clayton & Joleen Bryant. The property is located at 3205 Brookside Circle, Assessor's Parcel Number 008-421-23, consisting of 1.01 acres in the E-1 zoning district. The applicant currently has a home-based business permit and now proposes to store equipment for the business, which requires a special use permit.

Clayton Bryant, 3205 Brookside Circle, was available to speak regarding this application.

Savannah Dukes, Planning Technician, shared information from the application for the home based business special use permit because the business could not meet the conditions for the administrative permit. The home based business may still be conducted if they get approval of a special use permit. The Planning Commission has five criteria to consider in order to grant the permit, and she went over these, which were also discussed in the staff report. Dead Eye Dirtworks is an earthwork contractor, who offers services such as trenching, grading, site preparation, land clearing, and water transport. This business has vehicles and equipment stored on this property, and there is the potential for employees to come to the site. She pointed out the vehicles and equipment that are stored onsite, and a photo was shown on the overhead screens. The property has a sight obscuring perimeter fence and mature landscaping, which helps to block the view from neighbors. The neighborhood consists of one-acre residential lots and backs up to a commercial zone with a fleet service automotive shop, a concrete contractor, and the Big R retail store located approximately 300 feet northeast of the property. Mr. Bryant does not anticipate early mornings or late night jobs, and he typically leaves his home no earlier than 8:00 a.m. Customers do not visit the home.

The special use permit for home based businesses is designed as an incubator for new businesses, allowing them to operate until they are successful enough to relocate to a commercial setting. A full scale construction contractor business would generally not be permitted in the E-1 zoning district; however, a proposal like Mr. Bryant's could be acceptable if it is of extremely small scale with minimal impact on the neighborhood. His proposal, which includes four employees, two trucks, a trailer, and two pieces of equipment, challenges the limits of a home based business; therefore, staff recommends a limited duration approval with restrictions on the number of vehicles and equipment and an annual review to assess that the operation's scale remains appropriate for a home based setting.

Savannah Dukes read the recommended conditions that are based on code requirements and issues raised during review of the project:

1. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Clayton and Joleen Bryant. Approval is not transferable to another location or operator.*

- b. *This approval is for the proposed earthwork contractor services. Adding other activities, such as concrete services, general contractor services, etc. is prohibited.*
 - c. *One (1) employee is authorized to visit the site only as needed. Additional employee visits will require a new SUP.*
 - d. *Two (2) business vehicles are authorized but must be stored within the carport. Additional vehicles will require a new SUP.*
 - e. *Two (2) pieces of equipment are authorized but must be stored within the carport. Additional equipment will require a new SUP.*
 - f. *Visits by customers are not allowed.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *Screened outside storage requirements.*
 - b. *No signage has been approved.*
 - c. *A business license must be obtained and maintained.*
 - d. *Any necessary building permits must be obtained.*
 3. *This permit is subject to annual review by the Planning Commission to determine if the scale of the operation is still appropriate for a home based business.*
 4. *All required state/federal permits, approvals, and inspections for the business must be obtained and maintained, including a contractor's license.*
 5. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Blakey inquired if the applicant had anything to add. Clayton Bryant did not.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Hyde questioned what Mr. Bryant's future plans are in terms of locating in a commercial location. Clayton Bryant remarked that once his business expands in the future, he will purchase a commercial property. Member Hyde inquired about what Mr. Bryant considers as expanding. Clayton Bryant responded that it would include more employees and more equipment.

Member Goings mentioned the recommended conditions, wanted to make sure that Mr. Bryant was fully aware of what will be required to meet, and he pointed out that adding any more equipment would require him to move to a commercial location. This will limit the business to the two trucks, the mini excavator, the skid steer, and the trailer. He asked if Mr. Bryant was aware of this, and received a response in the affirmative.

Chair Blakey inquired regarding the hours of operation because it was stated that he probably wouldn't start before 8:00 a.m. He asked if Mr. Bryant was opposed to the commission setting limits on the start and stop times during the day, and Clayton Bryant seemed amenable to that. Chair Blakey suggested adding another condition that the hours of operation would be between 7:00 a.m. and 7:00 p.m. due to the residential setting. Clayton Bryant agreed.

Chair Blakey called for public comment.

Frank Barrett, 275 River Village Drive, expressed concern about several kids who ride their bikes and scooters in the neighborhood. Large equipment like that might make it hard to see them. Also, he pointed out that a lot of the neighbors have spent a lot of money to make this a nice looking neighborhood, and he doesn't really want to see contractor equipment sitting around. He is really concerned about the traffic and the kids.

Renee Matovina, 675 River Village Drive, stated that she has several concerns, including the small children in the neighborhood, no sidewalks for kids to get off of the street, the construction equipment going up and down that street in a residential area causes damages to the street. This is a

small, upper middle class neighborhood. They would like to keep it that way. They are concerned about the noise of the construction vehicles coming in and out of that small neighborhood. Once they start coming, it seems like they keep coming. She pointed out that the piece of property isn't that large to not only maintain a home, but there are other vehicles, sheds, and whatever else on top of construction equipment. She questioned how long the business has been running and, if it has been some period of time, which she believes that it has been, why hasn't commercial property been purchased or leased already, so that he can maintain his business outside of his residence.

Chair Blakey asked if Mr. Bryant wanted to speak to any of the comments that were made by the public. Clayton Bryant is aware of the children, and he is very careful and doesn't back out of the driveway or down the streets. He works to maintain the property in good condition. The equipment running through the neighborhood is on a trailer. Chair Blakey inquired regarding the equipment and whether it would be on the street or would be loaded on a trailer on the property and then exit with a truck and trailer. Mr. Bryant confirmed the latter that the equipment would be transported on a trailer from the property. The equipment would not be driven on the street.

Member Goings invited Mr. Bryant to address the concern regarding the length of time he has been in business and why he hasn't expanded or started looking for a commercial location. Clayton Bryant started his business in 2021, and it has been a part-time job while he was employed with Huck Salt. He didn't have equipment until this last year when he purchased them. He has just been taking small steppingstones to graduate to a commercial location, which is his goal.

Member Picotte stated that we want to see businesses start to grow. These types of things are an incubator to allow businesses to grow and expand to a commercial property. He urged Mr. Bryant to be mindful of the neighborhood and everything going on around and to be respectful of his neighbors. He pointed out that this is what they want to see and what we need in our community, but when the business starts to grow, Mr. Bryant needs to find a commercial location. This business is right on the cusp of requiring something commercial. Chair Blakey reiterated that allowing someone to start their business from their home is an incubator, and even if he stayed at the same level, he didn't think that the commission would keep approving this business to remain at the residential location every year. He said that if they do decide to approve this, this would be temporary. He hopes that by the review in a year, if it is approved, they will receive a letter stating that Mr. Bryant no longer needs this permit because he has already moved to a commercial site.

Member Hyde wanted to address the concern about the safety of the children in the neighborhood. He inquired what precautions Mr. Bryant would take where there isn't a sidewalk to ensure the safety of the children. Clayton Bryant said that he walks around the vehicles before moving them, he does not back out of the driveway into the cul-de-sac, and he drives slowly through the neighborhood on his way out. Member Hyde questioned if Mr. Bryant is the only driver, and was answered in the affirmative. Member Hyde wanted to verify that there wasn't an employee that would be driving the vehicles in this area, and Mr. Bryant said that he does have an employee that drives a company truck, not a vehicle that requires a CDL (Commercial Driver's License). Member Goings verified that Mr. Bryant would be the only driver for these two commercial vehicles that were shown in the photo overhead. Clayton Bryant responded that he has been the only driver. Member Hyde and Member Goings again questioned if Mr. Bryant would be the ONLY driver of these two commercial vehicles. Mr. Bryant said he hasn't had a situation where it has come up to need anyone else to drive them. Member Goings pointed out that Mr. Bryant lives in the neighborhood and have to deal with neighbors on a day to day basis, whereas an employee may not be as mindful of his neighbors as he would be because he doesn't live there. There was some discussion about having

employees drive vehicles in this area. Member Hyde suggested adding a condition that Mr. Bryant be the only driver of the vehicles in the neighborhood. He noted that this would make two conditions that the commissioners wanted to add to the conditions—hours of operation and that Clayton Bryant would be the only driver of this equipment/vehicles coming to and going from this property. Mr. Bryant agreed with these conditions.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.08.080(H) have been met and therefore approve the Special Use Permit for a Home-based Business for Clayton and Joleen Bryant of Deadeye Dirtworks LLC at 3205 Brookside Circle (APN: 008-421-23). This approval is subject to conditions, as listed in the Staff Report, as well as a condition for a 7 a.m. to 7 p.m. workday and a condition that the only driver of the commercial equipment and vehicles for the business to and from this location will be the owner. Member Picotte seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures.

- C. Consideration and possible action re: A special use permit application for a multi-tenant business complex filed by Rigoberto Uribe and Maria Herrera, Desert Properties R.U.S. The property is located at 5070 Reno Highway, Assessor's Parcel Number 008-531-90, consisting of 2.1 acres in the C-2 zoning district. The applicant proposes to convert the existing building into a multi-tenant complex. *This application was postponed from the April 10, 2024 meeting.*

The applicants requested that this item be postponed to the June 12, 2024 meeting.

- D. Consideration and possible action re: A special use permit application for personal training classes filed by Dan Muller. The property is located at 5070 Reno Highway, Assessor's Parcel Number 008-531-90, consisting of 2.1 acres in the C-2 zoning district. The applicant proposes a martial arts training facility in part of the building. *This application was postponed from the April 10, 2024 meeting.*

The applicant submitted a request to postpone this application to the June 12, 2024 meeting to coincide with the previous agenda item.

- E. Consideration and possible action re: An application for a variance from the side setback requirement found in Churchill County Code 16.16.020.1 filed by Scott LaValley. The property is located at 5586 Rivers Edge Drive, Assessor's Parcel Number 008-551-42, consisting of 1.12 acres in the E-1 zoning district. The applicant is requesting a one foot (1') variance from the side setback requirement for the existing playhouse that was placed prior to his purchasing the property.

Scott LaValley and Erica LaValley, 5586 Rivers Edge Drive, were available to speak regarding this application.

Savannah Dukes, Planning Technician, explained that this variance application arose from a civil dispute between neighbors leading to involvement from both code enforcement and law enforcement. She stated the four criteria that the Planning Commission should consider when evaluating this application. She remarked that Mr. LaValley is requesting a one foot variance from the standard five foot setback for an accessory structure resulting in a 20% variance from the code. Mr. LaValley purchased the property in 2022, and the playhouse was built sometime between 1994 and 1998. One corner of the playhouse measures four feet from the fence, which is the presumed property line. Staff has verified that the five foot setback was applicable at the time the playhouse was constructed though its placement has not been an issue until now. Measuring 96 square feet, the playhouse is small enough that it did not require a building permit when it was built, and it still would not require one today. The only applicable permit at the time would have been a variance from the setback, which this application addresses. The application states that moving the playhouse 12 inches would be an unperceivable difference, and that relocating the structure would likely require heavy equipment that cannot access the location without removing fence and vegetation. Damage to the lawn and landscaping is likely due to the weight of the equipment. To a degree the structure would require deconstruction, new pilings would need to be set, and the structure would need to be placed on top. The porch would likely be damaged during relocation and require substantial repair. In addition, significant costs can be expected, which are prohibitive and burdensome to the owner. The intent of the side setback is to ensure a minimum separation for privacy and fire safety. The Fire Marshal has reviewed the application and is comfortable with the resulting four foot separation if the variance is granted. Similarly, the Building Department has expressed no concerns about the four foot separation. Several neighbors have submitted letters regarding this variance—five are in support and two are opposed. Ms. Dukes stated that staff is recommending approval of this variance for Mr. LaValley.

Chair Blakey inquired if the applicant had anything to add, and Scott LaValley responded that he didn't and that Ms. Dukes stated it well.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Picotte questioned if this was a result of code enforcement action. Savannah Dukes replied that it was.

Member Hyde stated that he understands that this playhouse has been in place for 25+ years. Mr. LaValley concurred that it was built by the original owners of the home. Member Hyde verified that this has come before them due to a neighbor dispute. Scott LaValley said that he suspects that it has. Member Hyde inquired if it was just one corner of this building that is four feet away from the property line. Mr. LaValley confirmed that it is. Member Hyde then asked if this has not been an issue until just now. Mr. LaValley agreed, and he informed the commissioners that there should be a picture of the playhouse in the application. It was stated that the photos provided in the application were not available for display on the overhead screen, and Chair Blakey pointed out the location of the playhouse on the aerial photograph of the parcel that was displayed.

Chair Blakey called for public comment.

Teresa Smithwick, 5576 Rivers Edge Drive, stated that she and her partner, Jamie Pearson, live next door to the LaValleys. She remarked that she is the one that filed the complaint regarding the playhouse. She shared some history they have with their neighbor that she felt was relevant to this case. Ever since the LaValleys bought the property next door in the summer of 2022 they have been a blight on the neighborhood. They have shown no respect for their property, no common courtesy, and have basically only communicated with them through the Sheriff's Department. They

lied about them to the Sheriff's Deputies on numerous occasions and have filed protective orders against them. From November 2022 through January 2024, they called the Sheriff's Department with complaints against them at least seven times, made at least one personal visit to the Sheriff's Office, and sent an email to the Sheriff itemizing their complaints. None of these complaints were found to be valid. LaValley has the mistaken belief that he can do anything he wants to include parking on their grass where their sprinkler system is located. His vehicles have damaged three sprinkler heads, which they had to replace. His exact words when they asked him not to park on their grass were, "It's an easement, I can do anything I want." They had to place cinderblocks around the sprinkler heads to protect them. He moved one pile of those the first night, they replaced them, and then his father, William LaValley, who lives in Fernley, knocked them over with his truck the next day. It has been a constant battle. They regularly harass and try to provoke them. He assumed ownership of their six foot wooden privacy fence that runs between the back yards. He tried to pull the fence over, and they noticed that the fence that had been solid and straight for years started leaning over their property and was suddenly wobbly. They hired Future Fence to come out in March 2023 and put in steel support posts and concrete on their side at the cost of \$800. For almost four hours while the fence was being repaired, Scott LaValley stayed in his back yard just on the other side of the fence, listening and watching their conversations with the two workers. Claiming the fence was his, he had a property survey done in December 2022, but it showed that the fence was in fact three to four inches on their property, not Mr. LaValleys. She stated that she had a photograph of the fence in relation to the survey stakes if they want to see it. In spite of that fact, Mr. LaValley screwed a piece of old 4' by 8' plywood on the top of the fence at the end by the river just to provoke them, which they removed. Then he attached 4" by 4" posts to the fence on his side, not in the ground, and screwed boards and pieces of wooden lattice along the top of the fence with black landscape material attached to that. In addition, he added three political flags on top of the fence. They called the Sheriff's Department, but Mr. LaValley refused to take his stuff down off of the fence, and the Deputies there said that there wasn't anything that they could do because it was a civil matter. Savannah Dukes announced that the three minutes were up. Ms. Smithwick expressed their opposition to the variance.

Corey Plumb, 5710 Rivers Edge Drive, said that the commission can see that this is a conflict between two neighbors. He wholeheartedly supports the variance. The home has been there since 1998, and the playhouse has been there for 25 years. We are nitpicking one foot because there is one neighbor that doesn't like the other neighbor. He believes that approving this variance is the best thing for the situation, and the LaValleys have been fantastic since they moved in. He doesn't have any issues with them. He asked the commission to approve the variance because he thinks that it will help mitigate some of the conflict that is going on and they can be done with it.

Jamie Blackburn, 5560 Reno Hwy, said that she received a letter and is in opposition to this variance. She saw the LaValleys file a complaint against their neighbors to remove their 10' by 12' shed. That shed has been there for years, just like their playhouse, but he got petty and filed a complaint, which made the neighbors have to move it. She was there the day that the shed was moved. She watched the LaValleys sit on their back porch, laughing and joking and taking pictures of the event that was occurring. The neighbors had to move their shed because he filed a complaint, which had been there for years with no complaints, and so she believes that it only seems realistic that if they are going to file a complaint, why they shouldn't have to move their building, which is now a chicken coop.

Kent Straley, 5620 Rivers Edge Drive, said that he lives across the street from the LaValley residence. He is disappointed that we are here to discuss the possibility of a variance tonight. This

structure has existed in its current spot for over a quarter of a century. The structure in question is a children's playhouse, and it is in sound shape. He commented that his own children have played in this structure and commented on how neat it is. If this was a poorly built, lean-to shed, he might understand it being an eyesore, but it is not. Going further, the structure was not built by the LaValleys, and it was included in the purchase of their property, and it predates most surrounding structures and ought to be preserved in its original location as to avoid damage and costs that would otherwise be incurred by the LaValleys. He requested that the commission, immediately and without delay, grant this variance, so that they can all attend to more pressing matters.

Chair Blakey noted that they are only considering the variance application that is before them. They can't consider other previous situations. He inquired if the applicant wanted to speak to any of the public comments made. Scott LaValley remarked that there were a lot of untruths being said.

Member Hyde stated that he can see why there is a sentiment of quid pro quo.

Loreli LeBaron, Code Compliance Official, (attending via Go To Meeting) said that she wasn't able to be at the meeting, but she wanted to be available in case anyone had any questions.

Member Hyde continued that they are not here in a civil position; they really can't take into consideration actions that have happened between these two parties. To try to make it fair, they are not that type of court. They are looking at a variance on a playhouse that has existed for over 25 years. It seems compelling to him to approve this and move on. He is sorry that they can't reconcile differences between parties, but that isn't their position. They are looking at the merits of this structure and how long it has been there.

Member Goings thinks that one of the comments made was regarding another structure that was moved, and they felt that this one should have to be moved. The difference is that you have a building that was movable, where this building is constructed in a way that makes it less movable. Even though it is buyer beware, this playhouse has been there since 1998 and never seemed to be a problem until just now. He sees there is reason for approval on this variance.

Chair Blakey asked for any further comments; there being none he called for a motion.

Member Picotte, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.08.090(F) have been met and therefore approve the Variance from the accessory structure setback requirement for Scott LaValley at 5586 Rivers Edge Drive (APN: 008-551-42). This approval is subject to conditions, as listed in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Conditions:

- 1. The approved side setback is 4 feet from the side property line, and ONLY applies to the existing playhouse. The normal setbacks apply in all other situations.*

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures. There was some explanation regarding the appeal process available to all parties that may disagree with the Planning Commission's decision.

F. Consideration and possible action re: A division of land into large parcels application filed by Colby Frey to divide the property located at 8705 Schurz Highway, Assessor's Parcel Number

006-092-13, consisting of 142.04 acres in the A-10 zoning district. The applicant proposes to create two large farming parcels.

Colby Frey, 1045 Dodge Lane, was available to speak regarding this application.

Dean Patterson, Senior Planner, shared that this application is for a division of land into large parcels, and Colby Frey has filed this application on behalf of Mr. & Mrs. Luiz, who are the property owners. He intends to purchase one of the new parcels (east) as shown on the overhead screen. Mr. Patterson went over some considerations that makes this different from other such divisions that were mentioned in the staff report. The existing farmstead will remain with the west parcel, and neither of the resultant parcels propose any new development. Mr. Frey intends to place his lot into a conservation easement. This two lot split would be fairly normal except that it is complicated by two issues:

1. Colby Frey is requesting a waiver from the requirement to dedicate water for the east parcel, which he will own after the lot split because he is putting it into a conservation easement. Normally, land divisions to create new lots require a water right dedication of 2.0 acre feet for each new lot. This map would require two such dedications. Mr. Frey will own one of the two lots after the split has been completed. He has requested that the dedication requirement be waived since he is applying for the Transfer of Development Rights (TDR) program. This request is allowed under the code and discussed in the staff report. No special decision is required, but the ownership situation causes uncertainty. Specifically, Mr. & Mrs. Luiz will own the property at the time of recording, which is when the dedication is due. Colby Frey will not own his lot, nor enter the TDR program that allows the waiving of the dedication until after the recording. Staff recommends that some mechanism be in place in the land division map implementation to ensure that the actual conservation easement will be established. He talked about a possible scenario, but the District Attorney's office will need to help create something for the map recording should that request be approved by the Board of County Commissioners.
2. The applicant is proposing a very long flag lot for the east property with the flagpole portion being approximately 2,250 feet reaching to the Schurz Highway. It was demonstrated with the pointer on the map displayed on the overhead screen. This will be included in the east property. It has a 30' private road easement that will benefit the existing residence because it is the main driveway. The purpose of the flagpole lot is to avoid road building requirements. While staff has previously recommended approval for flagpole lots to avoid road building, none have proposed ones that are this long. Avoiding the road building costs has obvious benefits to the developer, but also has negative consequences for adjacent properties and for future development of a transportation network in the immediate area. A very long flagpole could greatly increase those consequences depending on the setting. Staff would normally recommend denial of a lot with a flagpole this long, but the specific circumstances of Mr. Frey's proposal deal with these issues. He pointed out that those are described in detail in the staff report.

Dean Patterson stated that staff recommends approval with conditions (listed in the Staff Report)

Chair Blakey inquired if the applicant had anything to add, and Colby Frey said that it was explained well.

Chair Blakey asked if any of the commissioners had any questions or discussion.

Member Goings verified that the problems with road development is generally when the parcels will be further divided, and Mr. Patterson concurred. Member Goings remarked that this area

is all agriculture and if Mr. Frey will place a conservation easement, these things would mitigate the potential for further development. There was some discussion regarding the access easement in the flagpole portion. Colby Frey pointed out that he actually owns the properties on three sides adjacent to this parcel. The road (driveway) already exists.

Member Hyde noted that in the staff report they looked at the four potential problems with the flagpole lot and how that is mitigated because of what Mr. Frey plans to do with the new parcel created. He is very comfortable with the way that is being solved. Because of the conservation easement and agriculture those problems that would normally be seen in a flagpole lot have been mitigated.

Member Picotte questioned if Colby Frey has seen all of the recommended conditions that are listed in the staff report. He went over these for the applicant.

1. *Any final changes required by the County Surveyor shall be made prior to recording.*
 - a) *Correction of minor errors, including bearings and/or distances.*
2. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a) *Labeling the private road easement for the benefit of Parcel 3, labeling the well and waterline easement as a private easement, and minor typographical and organizational changes to the map and certificates.*
 - b) *Any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
 - c) *All septic system locations must be shown.*
 - d) *Two water dedications shall be submitted before recording the map, unless an alternative acceptable to the County is identified to implement the waiver allowance.*
 - e) *Needed changes and labels clarifying the status of federal easements shall be made.*
 - f) *Add missing easements serving the property.*
 - g) *Inclusion of corner coordinates.*

Colby Frey stated that he understands all of these conditions. Member Picotte asked Mr. Patterson if his earlier comments were leaning toward them making some type of amendment to the proposal, was meaning some type of promissory note from Mr. Frey that he will purchase the property regarding the water dedication. Dean Patterson responded that normally water dedication is a requirement for parcel maps and other land division for each new lot. Since Mr. Frey is requesting a waiver of one of those for the lot that he is going to own, that is possible under code, but because of the timing being that Luiz owns the property at the time the map will be recorded, which is when the water dedication is required, but Colby Frey will own it after it has been recorded. They will have to figure out some alternative to the normal water deed that they normally create. They haven't figured out the exact form that it will take, so the condition on 2.d) is a way to address the need for something to be created to allow a waiver to be implemented. Member Picotte verified that nothing needed to be amended in the motion or changes made to the conditions recommended for approval. Joe Sanford, Deputy District Attorney-Civil, stated that it has been covered in the recommended conditions.

Member Hyde clarified that Mr. Patterson really doesn't have a legal instrument in mind or in place to handle what we are talking about. Is this something that we are creating for the first time? Can we use a bond? Joe Sanford, DDA, said that they would figure it out and don't know what it would be at this time.

Chair Blakey called for public comment, and there were none.

Chair Blakey asked for any further comments; there being none he called for a motion that

will be a recommendation to the Board of County Commissioners.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) have been met and therefore recommend that the Board of County Commissioners:

(A) Approve the Division of Land into Large Parcels Map application for Colby Frey to divide APN: 006-092-13 into 2 parcels. This approval is subject to conditions, as listed in the Staff Report.

(B) Accept the offer to grant easements for public purposes identified on the map.

(C) Reject all offers to dedicate lands and improvements at this time.

Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

Chair Blakey thanked the applicant and advised that this application would be forwarded to the June 6, 2024 Board of County Commissioners meeting.

G. Consideration and possible action re: A special use permit application for an explosion combustion testing facility filed by Josh Bush, Northern Nevada Research Company. The property is located at 7162 California Street, Assessor's Parcel Number 009-251-84, consisting of 100.0 acres in the Industrial zoning district. The applicant proposes an expansion of the existing battery testing facility.

The applicant requested that this item be postponed to the June 12, 2024 meeting.

10. Master Plan Update:

Dean Patterson, Senior Planner, said they had workshop last week and talked quite a bit about the approach for doing a number of changes for outside storage, storage containers, landscaping, and so forth. They also talked about undertaking some rezoning for areas that have misapplied zoning districts. Staff hasn't had much time to talk about it yet, so he informed that he and the Director will put together some next steps and tasks in order to bring more information to the commission next month.

11. Consent Agenda: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

A. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for hardship/caretaker previously granted to Paul & Arlene Van Winkle. The property is located at 5188 Toyon Drive, Assessor's Parcel Number 006-435-45, in the A-5 zoning district. The applicants have moved to Idaho and no longer need the permit in Churchill County; therefore, the permit should be terminated.

B. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for hardship/caretaker previously granted to Jessica Roberts. The property is located at

4262 Margoree Lane, Assessor's Parcel Number 006-434-41, in the A-5 zoning district. The applicant moved the mobile home off of her property to a mobile home park and no longer needs the permit; therefore, the permit should be terminated.

- C. Consideration and possible action re: Termination of a special use permit for a home-based hair salon previously granted to Amy Linton. The property is located at 2576 Rice Road, Assessor's Parcel Number 008-253-20, in the E-1 zoning district. The applicant is no longer operating the business, and the permit should be terminated.
- D. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for general purposes previously granted to Tracy Burnichon. The property is located at 7475 Sandhill Road, Assessor's Parcel Number 010-431-06, in the A-10 zoning district. The applicant's response to the renewal was that the permit was no longer needed; therefore, the permit should be terminated.

Member Picotte moved to approve the consent agenda as submitted. Member Hyde seconded the motion and the decision carried unanimously (4-0).

12. Public Comment:

There were none.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 8:15 p.m.

14. Appendix:

Supporting Documentation

Approved: 
Eric Blakey, Chair

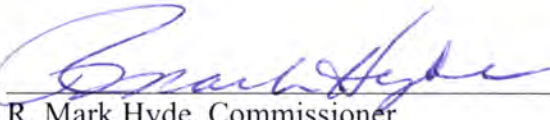
Approved: NOT AVAILABLE
Scott Nelson, Vice Chair

Approved: 
Zack Bunyard, Commissioner

Approved: NOT AVAILABLE
Deanna Diehl, Commissioner

Approved: 
Jeff Golings, Commissioner

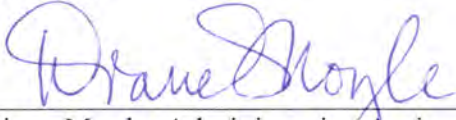
Approved: _____


R. Mark Hyde, Commissioner

Approved: _____

NOT AVAILABLE
Paul Picotte, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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***STAFF REPORTS FOR
PLANNING COMMISSION MEETING – May 08, 2024***

LIST OF STAFF REPORTS

- | | |
|--|---------|
| ● Thomas Hodgdon TUP for Home Reconstruction | Page 2 |
| ● Clayton and Joleen Bryant SUP for a Home-Based Business | Page 4 |
| ● Desert Properties/ Uribe SUP for Multi-Tenant Business Complex | Page 8 |
| ● Gracie Jiu Jitsu SUP for Personal Training Service and Classes | Page 14 |
| ● Scott LaValley Variance from Side Setback | Page 18 |
| ● Colby Frey Division of Land into Large Parcels Map | Page 20 |
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Application:	Temporary Use Permit – Home Construction
Applicant:	Thomas Hodgdon
Owner:	Thomas Hodgdon
Site:	7730 Curry Road (APN 006-553-12) – 3.68 ac.
Designations:	Master Plan – Agricultural // Zoning – A-10

Project Summary: The applicant is requesting a Temporary Use Permit for Temporary Quarters during Home Construction. The original home burnt down in May of 2020 and the applicant has been living in his RV ever since. The applicant was unaware that a Temporary Use Permit was needed until he spoke to staff about the process of reconstructing his home and discovered that he would need one. The applicant immediately worked with staff to submit this application and correct the issue.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for temporary quarters for home construction in CCC 16.08.070(B)4 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

“On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy or if the Planning Commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted.”

The site plan shows the RV located on the south side of the damaged home. The application indicates that the RV is a 2004 model travel trailer. Aerial photos show a second RV which the applicant states is used for fishing and camping, and that it is not being lived in. When the applicant was forced to move into his RV following the home fire, he hired McFadden Electric to connect the RV to existing power. The RV uses water from the existing well and an underground sewer pipe has been installed connecting the RV to the existing septic system. During an April 22nd pre-construction inspection, the Building Department noted that the sewer connection will need additional inspections. The applicant indicated on the application that they anticipate needing to live in the RV for 3 years before the home repairs are complete. The applicant has been working with the Building Department and within the first year, they intend to complete the framing, truss and roof repairs.

Comments received from the Building Department indicate substantial damage to the burnt home, which may require an inspection from a structural engineer before the applicant can apply for a Building Permit to begin repairs. The conditions of approval address this and other requirements of the Building Department which must be met. If no progress is made before the annual renewal, the Planning Commission might not renew the permit.

STAFF RECOMMENDATION: **APPROVAL**

MOTION: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.070(F) **HAVE BEEN** met and therefore **APPROVE** the Temporary Use Permit for Temporary Quarters during home construction for Thomas Hodgdon at 7730 Curry Road (APN: 006-553-12). This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained:
 - a. Any inspections from a Structural Engineer as deemed necessary by the Building Department.
 - b. Any permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections of connecting to a service.
 - c. All necessary permits for home construction must be obtained.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
5. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

Application:	Home-Based Business Special Use Permit – Deadeye Dirtworks LLC
Applicant:	Clayton and Joleen Bryant of Deadeye Dirtworks LLC
Owner:	Clayton and Joleen Bryant
Site:	3205 Brookside Circle (APN 008-421-23) – 1.01 ac.
Designations:	Master Plan – Urbanizing // Zoning – E-1

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at the home property. The definition for a Home-Based Business is:

Any business activity customarily not associated with a residential parcel conducted as an incidental and accessory use of the residential parcel.

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly un-noticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h).

Deadeye Dirtworks LLC is a construction contractor. Services include site preparation, trenching and grading, land clearing, and water transport. The applicant has held a basic home business permit to perform administrative duties from his home since January 2024. In March 2024, the applicant discussed his plans to begin storing equipment at his home with Staff. Staff advised him to apply for this Home-Based Special Use Permit. The business is requesting the SUP due to: (1) employees coming to the property, (2) additional business vehicles, (3) storage of construction equipment.

(1) The current operation employs 4 people, one of which is the owner, Clayton Bryant. The application initially stated that employees meet at job sites and do not visit the home, however in discussion with Mr. Bryant it was agreed that it may be possible for 1 employee to visit the site to assist with picking up a truck if a job requires two trucks at the same time. Mr. Bryant has not run into this situation as of yet, but it's a situation that may arise in the future and thought it best to include this potential situation with his application.

(2) The additional business vehicles consist of a water truck and a large commercial utility truck which are stored entirely underneath a covered carport with 2 solid walls and a sunshade used as a rear wall. The front of the carport is open and faces the interior of Mr. Bryant's property. Mr. Bryant also has a trailer parked outside of the carport which he uses to transport the equipment.

(3) Mr. Bryant does not propose any outside storage or storage of materials at his home, though he does intend to store two pieces of construction equipment (a skid loader and mid-size excavator) within the same carport that the two trucks are stored in. The carport is large enough to comfortably accommodate the two pieces of equipment, the utility truck and water truck.

Hours of operation are not specified in the application, but in conversation Mr. Bryant indicated that he does not anticipate any early morning or late-night jobs and leaves the house no earlier than 8am. Customers do not come to the home.



Criteria Review: ***CCC 16.08.080(H): Findings from a preponderance of evidence must indicate that the proposed use:***

1. Is compatible with the existing surrounding land uses and development.

The area around the proposed home business has a Master Plan designation of Urbanizing. The property is zoned E-1 residential. The neighborhood is composed of one-acre residential lots and backs up to a commercial zone. A fleet service automotive shop, a concrete contractor and the Big R retail store are located approximately 300' northeast of the subject property.

The home-based business SUP is intended as an incubator for new businesses until they become successful enough to move to a commercial location where they are allowed. A full-blown construction contractor business would not normally be allowed in the E-1 zone, but one proposed as a home business could be acceptable if it was of an extremely small scale with almost no impact to the neighborhood. What Mr. Bryant is proposing with this application appears to have very minimal impact aside from the noise and fumes generated by the equipment as it is being pulled out of the carport and loaded onto a trailer as well as the noise of the diesel truck engines. However, 4 employees, 2 trucks, a trailer and 2 pieces of equipment pushes the intent of a home-based business SUP. Staff recommends a limited duration approval similar to the Galdarisi home-based business SUP with an annual review to determine if the scale of the operation is still appropriate for a home based business.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***Home Based Businesses are a listed use*** in the zoning district or use table for the E-1 zone, needing an SUP for those proposals that do not meet certain criteria. A full-blown ***construction contractor business*** is not allowed in the E-1 zone, and instead is most commonly allowed in commercial zones. Most Master Plan policies are not applicable to the development of commercial uses; or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Compatibility issues are discussed under criterion 1, above. Environmental Impacts are addressed in Criterion 5. **Conditions of approval should allow the project to meet the above policies.**

The proposed development must conform to the County Development Code. Conditions of approval will address specific issues. ***NOTE that full businesses normally meet the code requirements referred to below.***

- **ADA Accessibility:** A normal construction contractor business would require ADA accessibility for its customers and employees. The existing home is unlikely to provide such accessibility, though neither customers nor employees are expected to visit the home. A limited number of employees arriving only for a pick-up or drop off of a truck that is located in an already accessible outdoor area such as a paved driveway would not trigger the need for ADA modifications.
- **Outside Storage:** No outdoor storage is proposed, though the property provides more than adequate screening with a solid wood fence and mature landscaping which provides additional screening of the carport.
- **Signage and Lighting:** Signage is not proposed and has not been observed. Lighting is not proposed and has not been observed. If lighting is installed, it must conform with the Dark Sky Lighting standards to point down, not up or horizontal.
- **Generally:** Changes to the residential septic system and water well should not be needed. No additional building changes are proposed, and the existing buildings appear to meet setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. New residences must pay County impact fees and dedicate water, but an accessory home business does not.

3. *The project will be constructed and operated in a manner that will not overburden public services and infrastructure.*

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business. Storage of expensive equipment creates an attraction to criminal elements but will not overburden police and fire services. Public road infrastructure is discussed below.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

Traffic trips for the business (to and from) are similar to a typical residential use where the residents leave for work in the morning and return home in the evening and might return for a lunch break which would be 4 trips per day (1 visit = 2 trips). The difference will be that Mr. Bryant will be driving a large utility or water truck hauling equipment on a trailer rather than driving a regular car or pickup truck. Brookside Circle and River Village Drive are paved and adequate for typical residential traffic.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

The most significant impact to the neighborhood would be the noise and fumes generated by the equipment as it is pulled out of the carport and loaded on and off a trailer, as well as the noise of the diesel truck engine driving in and out of the neighborhood. Businesses with customer and employee traffic often have traffic impacts on neighboring uses, though no customer and no to limited employee traffic is expected.

STAFF RECOMMENDATION: APPROVAL

MOTION: The motion should be modified by the Planning Commission as needed.

□ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.080(H) **HAVE BEEN** met and therefore **APPROVE** the Special Use Permit for a Home-based Business for Clayton and Joleen Bryant of Deadeye Dirtworks LLC at 3205 Brookside Circle (APN: 008-421-23). This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Clayton and Joleen Bryant. Approval is not transferable to another location or operator.
 - b. This approval is for the proposed earthwork contractor services. Adding other activities, such as concrete services, general contractor services, etc. is prohibited.
 - c. 1 employee is authorized to visit the site only as needed. Additional employee visits will require a new SUP.
 - d. 2 business vehicles are authorized but must be stored within the carport. Additional vehicles will require a new SUP.
 - e. 2 pieces of equipment are authorized but must be stored within the carport. Additional equipment will require a new SUP.
 - f. Visits by customers are not allowed.
2. The project must be in conformance with County Code, including but not limited to:
 - a. Screened outside storage requirements.
 - b. No signage has been approved.
 - c. A business license must be obtained and maintained.
 - d. Any necessary building permits must be obtained.
3. This permit is subject to annual review by the Planning Commission to determine if the scale of the operation is still appropriate for a home based business.
4. All required state/federal permits, approvals, and inspections for the business must be obtained and maintained, including a contractor's license.
5. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Special Use Permit – Desert Properties R.U.S.
Use Listing:	Multi-Tenant Business Complex
Applicant:	Rigoberto Uribe and Maria Herrera
Owner:	Rigoberto Uribe and Maria De La Cruz Herrera
Site:	5070 Reno Highway (APN 008-531-90) – 2.1 ac.
Designations:	Master Plan – Urbanizing // Zoning – C-2

This Staff Report was prepared for the April 10th Planning Commission meeting. Updated information received since the application's postponement in April is identified in the report.

Summary: The applicant is requesting a Special Use Permit (SUP) to convert the old Winans-Yoder Furniture building into Multi-Tenant Business Complex (Shopping Center) for commercial businesses. The 2.1-acre site is developed with approximately 23,000 sq ft of buildings, of which 21,220 sq ft is rentable space. The remaining 2,048 sq ft consists of a detached storage building according to the Assessor's records. Originally a furniture store, the building remained vacant for several years until the Uribe's acquisition in 2021. The primary building has been subdivided into units, all of which have been leased out to various tenants (including NDOT, an online retail sales and craft business, and a proposed Jiu Jitsu school on this agenda). With proper tenant improvements, the building could potentially accommodate up to 5 units. Space has also been rented behind the building for Construction Materials Engineers Inc. (CME) to place a commercial coach as a temporary office. This was done without County permits and will either need to be removed or will need to pursue a Temporary Use Permit and Placement Permit. Transitioning from a single-user retail store to a multi-tenant complex necessitates substantial improvements including ADA accessibility for each unit, parking, access improvements, restroom improvements, landscaping, individual climate and utility access. Based on initial inspections by the Building Department, 2 of the units, currently rented by Gracie Jiu Jitsu and Construction Materials Engineers, Inc., require only minimal improvements to meet code standards. However, the remaining unit, which has the potential to be split into 3 units, will require significant improvements which the applicant will need to work with the Building Department to resolve.

Parking is an important issue for this application. The rear of the site has a large open area to be used mostly for parking. There is also parking in the front of the building, and some parking will need to be added along the west side of the building. ADA parking improvements will be required. Parking is discussed in detail below. Traffic and access are important issues for this application. The application states that the estimated number of trips per day is 120-200 including customers, deliveries, and business operations. It is unknown what the distribution among the different uses is, or if it accounts for future uses that may differ from the current tenant uses. This is discussed in detail below. Street access for business traffic will be from the Reno Hwy. (US 50), which lies within its own strip of state-owned land. NDOT controls access onto the highway and has provided comments requiring improvements, encroachment and occupancy permits due to the change in use and increase in previous traffic levels. Access is discussed in detail below.

Updates: Comments have been received from the Fire Marshall which include bringing emergency exit signage and lighting up to code, identifying each unit from the front of the building, the infill of shared walls with same fire resistance as the existing CMU wall, and the installation of a new firewall in unit C. The Fire Marshall identified the signage, lighting, unit identification and infill as needing to be addressed immediately. The new firewall in unit C must be completed by the one year review date of this permit.

Dan Muller of Gracie Jiu-Jitsu Fallon, and the tenant of unit A, has been working diligently to make the necessary improvements to his unit as well as some improvements for the benefit of the entire building. He has provided staff with a detailed list of work that he has completed, and that list is included in the report packet.

The Uribe's hired Jorge Cruz of Silver State Construction LLC as the general contractor who will be making the required improvements. As of May 1st, 2024 Mr. Cruz informed staff that he was 80% completed on the improvement plans and he intends to apply for a building permit by May 3rd. Staff requested the plans from Mr. Cruz but has not yet received them.

Criteria Review: ***CCC 16.08.080(H): Findings from a preponderance of evidence must indicate that the proposed use:***

1. Is compatible with the existing surrounding land uses and development.

Master Plan designates the area around the site as Urbanizing. The property is located within a strip of C-2 zone along the highway. The land uses to the west, east, and south are all commercial uses such as welding, farm equipment sales, trailer sales, mini storage, emissions abatement solutions, and septic care. The property to the north is a 6.8-acre agricultural operation with a residence. There are other residences located approximately 500' northwest of the proposed multi-tenant complex, all of which are in the General Commercial C-1 zone. This development is compatible with the other commercial uses.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Multi-tenant Business Complex is a listed use** in the use table for the C-2 zone as needing an SUP if greater than 10,000 sq ft. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11 states: "The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development within these gateways must adhere to appropriate landscaping and signage requirements and only those land uses that are aesthetically appealing should be encouraged."

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics, and efficient service provision.

Compatibility is addressed in Criteria 1. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** Setbacks are: Front- 30'; Rear- 10'; Side- N/A. The existing structures appear to meet setbacks. There are two 20' easements on the property, one on each side of the building. The easements extend north from the front property line, one for a distance of 153' that is non-exclusive for power utility and road, and the other for approximately 300' for a road.
- **Sewer and water facilities:** The site is currently served by an onsite well and septic system. As a single-user furniture store, it was not required to be regulated by the state as a Public Water System; however, this development will exceed the thresholds that require state regulation. The applicant will need to

obtain all necessary permits from the Bureau of Safe Drinking Water. According to Building Department records, the existing septic system consists of a 1000-gallon tank with a single 60' leach line. This is likely inadequate for the demand produced by the proposed multi-tenant facility and may require a commercial septic system to be installed. The applicant will need to work with NDEP to make any required upgrades to the septic system and obtain all necessary permits.

- **Outside Storage Requirements:** No outside storage is proposed with this application.
- **Parking and Loading Requirements:** The parking code (including handicapped parking) requires 1 parking space per 300 sq ft of gross floor area. Based on the 21,220 sq ft of rentable floor area, a total of 70 parking spaces are required. The site will require a minimum of 3 ADA parking spaces, one of which must be van accessible. A loading area must also be identified that does not occupy parking spaces. The parking area in the front currently has two ADA accessible parking spaces, though they are both lacking an access aisle, so they will require improvements. The provided site plan includes a layout for 75 spaces, including the 3 ADA spaces. There are some issues with the provided layout which need to be addressed, and the applicant will need to work with staff to submit a final parking plan.
 - 1) The angled parking spaces on the west side of the building will need to be changed to 4 parallel spaces due to space constraints from the 20' easement which only leaves approximately 8' between the edge of easement and the edge of the building.
 - 2) Not all spaces appear to be drawn to scale which is an important consideration when space is limited. County Code requires regular spaces to be 8' x 20', and compact spaces to be 8' x 15'. Only 35% of all spaces can be compact. Staff recommends designating the spaces in front as compact to accommodate the NDOT right of way barrier and a drive aisle.
 - 3) The site plan does not include the location of the septic system, and some spaces are drawn over physical features like a fence. Vehicle traffic and parking will need to be routed around these.
 - 4) It does not include the required loading space, though there does appear to be enough space to accommodate one.

It is important to note that because each unit must be individually ADA compliant, at least one ADA space must be located at the rear of the building where the primary access point is located for the rear unit(s). The applicant will need to work with the Building Department to ensure compliance with ADA parking requirements. All future uses will need to be reviewed by the County individually for additional parking impacts.

- **Friction Zones:** The property to the north is zoned commercial but has historically been used as a residence with agricultural production. Friction Zone requirements can be triggered by commercial uses adjacent to residential or agricultural uses. The standards require a 200' separation between buildings, a landscape strip along common lot lines, and may include a sound wall. The residence to the north is more than 500' away, no new buildings are proposed, and the applicant plans to reserve the northern 75 feet of the property exclusively for parking. Additionally, the northern most structure is intended only for storage, so commercial activities will be limited to the primary structure which is further away. The friction zone standards are met.
- **Landscaping:** The landscaping code requires the property to be landscaped with a minimum of 4 parking lot trees and a 10' landscape buffer along the highway frontage. Initial discussions with the applicant resulted in a plan to install the 4 parking lot trees, and two large planter boxes on either side of the front parking area. The proposed site plan reflects this arrangement. This adjustment was necessitated by the presence of a paved highway access spanning most of the frontage, and an inadequate amount of space

between the highway right of way and the parking area to install the typical 10' landscape buffer. An irrigation system is required for live landscaping.

- **Lighting:** The building currently features a range of outdoor lighting fixtures. Recessed lights installed under the awning along the front and side of the building adhere to Dark Skies requirements, ensuring minimal light pollution. However, sconce-type fixtures facing the front parking spaces fail to meet Dark Skies standards and will require replacement or dim bulbs. Additionally, lighting in the rear parking area necessitates repair or replacement to ensure adequate illumination. Any fixtures must be chosen to meet the requirements to use Dark Skies fixtures which direct light downward.
- **Signage Requirements:** The application includes a master signage plan which involves repairing and updating the existing Winans-Yoder Furniture sign with a multi-tenant sign layout.
- **Water rights and impact fees:** Additional fees are not required.

3. *The project will be constructed and operated in a manner that will not overburden public services and infrastructure.*

The site is currently served by a private onsite well and septic system. Public water and sewer infrastructure will not be affected.

Power and telecommunication service exists on-site. Public road infrastructure is discussed below.

Police and fire service demand will be increased somewhat, but existing services are adequate. Services will not be overburdened.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved NDOT facility. The highway lies within its own strip of land. NDOT has two common issues they look for outside of urban areas: (1) paved access aprons, (2) limited points of access on a frontage.

NDOT has submitted written comments which require that the wide-open access across a frontage be limited to one location, specifically the driveway on the west side of the parking lot which also provides access to the rear of the building. This driveway will require a paved access apron. This also means obstructions of some sort need to be installed along the rest of the frontage. Due to limited space between the parking drive aisle and NDOT right of way, this would most easily be accomplished by installing a split rail fence or similarly thin barrier at the edge of the right of way.

Traffic estimated by the applicant is in the 200 trip/day range. This estimate may be accurate for the current tenant's uses; however future uses may have a larger impact to traffic. NDOT may require a trip generation letter, and all future uses will need to be reviewed by the County individually for additional impacts.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

Potential impacts would primarily affect nearby commercial and agricultural operations, with minimal impact on residential areas. These impacts may include typical commercial traffic and noise levels. To mitigate potential dust issues for nearby properties and residents, the parking area has been graveled. While normal commercial traffic impacts are expected to be minor. The concerns raised by NDOT warrant attention.

STAFF RECOMMENDATION:

APPROVAL

MOTION: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.080 **HAVE BEEN** met and therefore **APPROVE** the Special Use Permit application for Rigoberto Uribe and Maria Herrera for a Multi-tenant Business Complex located at 5070 Reno Highway, APN 008-531-90. This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. This permit is subject to review in 1-year to show progress on meeting conditions of approval.
2. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained. The property owner must obtain a Business License if they exceed 4 tenants.
 - b. All necessary improvements as required by the Building Department must be completed. All building permits must be obtained.
 - c. Necessary modifications shall be made to meet lighting, signage and other code requirements discussed in the staff report. If requirements cannot be met, the applicant may submit a Variance application.
 - d. The applicant must submit a final parking plan to the Planning Department staff that addresses the issues mentioned in the staff report, including but not limited to space count, spaces drawn to scale with compact spaces in front, parallel parking spaces on the west side of the building, a loading space, and at least one ADA space in the rear of the building.
 - e. The applicant must work with Planning Department staff to finalize and implement the landscape plan.
 - f. All necessary improvements as required by the Fire Marshall must be completed, including but not limited to exit signage, lighting, unit identification, firewall infill, and a new firewall in unit C.
3. The entire building and each unit must be individually ADA compliant.
4. All required NDOT access permits and authorizations must be obtained. All access changes or improvements required by NDOT must be installed including but not limited to:
 - a. The street access shall be constrained to one point corresponding to the driveway on the west side of the building, and access along other points of frontage shall be obstructed at the edge of the NDOT right of way.
 - b. A paved access apron installed from the driveway on the west side of the building onto the highway.
5. All State water system requirements shall be met, and all necessary permits shall be obtained from NDEP Bureau of Safe Drinking Water.
6. All State commercial sewage disposal requirements shall be met and all necessary permits shall be obtained from NDEP.
7. The commercial coach must obtain a Temporary Use Permit and Placement Permit from the County or it must be removed.
8. The building on the far north side of the property shall be used solely for storage purposes and other commercial activities within that structure are prohibited.
9. The northern 75 feet of the property should be reserved exclusively for parking to maintain a friction zone buffer between the agricultural and commercial uses.

10. All future uses will be reviewed by the County individually for additional impacts and compliance with County Code.
11. Operations of the entire business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Special Use Permit for Gracie Jiu Jitsu
Use Listing:	Personal Training Service and Classes
Applicant:	Dan Muller, Gracie Jiu-Jitsu Fallon
Owner:	Rigoberto Uribe and Marie Herrera
Site:	5070 Reno Highway (APN 008-531-90) – 2.1 ac.
Designations:	Master Plan – Urbanizing // Zoning – C-2

This Staff Report was prepared for the April 10th Planning Commission meeting. Updated information received since the application’s postponement in April is identified in the report.

Summary: The applicant, Dan Muller, is requesting a Special Use Permit (SUP) to open a Jiu-Jitsu school called Gracie Jiu-Jitsu Fallon. The applicant has leased a 6,100 sq ft space (according to assessor’s records) in the multi-tenant business complex owned by Rigoberto and Maria Uribe which was heard earlier on this agenda for approval of an SUP. The unit leased by Mr. Muller requires only minimal improvements to meet code standards and Mr. Muller has been working closely with the Planning and Building Departments to make the necessary improvements. The business proposes an initial class schedule of 4:30pm to 8:00pm Monday through Friday, and 9:00am to 12:00pm on Saturday. Daily operations are expected to include two employees and 40 students. No exterior modifications or storage areas are proposed. The interior area will feature an open floorplan, with approximately 3,100 sq ft of vinyl covered mats where the classes will take place. There will be a small kiosk style desk, changing areas, a water fountain and at least 1 ADA compliant restroom. The applicant has plans to complete the build out of a second ADA restroom. The applicant has provided a detailed floorplan.

The 6,100 sq ft Jiu-Jitsu school requires a minimum of 20 parking spaces (1 per 300sq ft), one of which must be ADA. It should be noted that the conditions of approval of the property owner’s multi-tenant business complex SUP includes providing 70 parking spaces and making the necessary ADA improvements. Parking is discussed in the detail below. Street access for business traffic will be from the Reno Hwy. (US 50), which lies within its own strip of state-owned land. NDOT controls access onto the highway and has provided comment requiring the property owner to obtain the necessary encroachment and occupancy permits and make improvements due to the change in use and increases previous traffic levels. Access is discussed in detail below.

Updates: Comments have been received from the Fire Marshall which include bringing emergency exit signage and lighting up to code, adding an extinguisher near the front door, identifying the unit from the front of the building, the infill of shared walls with same fire resistance as the existing CMU wall.

Mr. Muller has been working diligently to make the necessary improvements to his unit as well as some improvements for the benefit of the entire building. He has provided staff with a detailed list of work that he has completed, and that list is included in the report packet.

Criteria Review: *CCC 16.08.080(H): Findings from a preponderance of evidence must indicate that the proposed use:*

1. Is compatible with the existing surrounding land uses and development.

Master Plan designates the area around the site as Urbanizing. The property is located within a strip of C-2 zone along the highway. The land uses to the west, east, and south are all commercial uses such as welding, farm equipment sales, trailer sales, mini storage, emissions abatement solutions, and septic care. The property to the north is a 6.8-acre commercially zoned property with a residence and agricultural

production. There are other residences located more than 500' northwest of the proposed multi-tenant complex, all of which are in the General Commercial C-1 zone. This development is compatible with the other commercial uses.

2. *Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.*

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Personal Training Service and Classes is a listed use** in the zoning district or use table for the C-2 zone, needing an SUP. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11 states: "The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development within these gateways must adhere to appropriate landscaping and signage requirements and only those land uses that are aesthetically appealing should be encouraged."

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Compatibility is discussed in Criteria 1. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** Setbacks are: Front- 30'; Rear- 10'; Side- N/A. The existing structures appear to meet setbacks. There are two 20' easements on the property, one on each side of the building. The easements extend north from the front property line, one for a distance of 153' that is non-exclusive for power utility and road, and the other for approximately 300' for a road.
- **Sewer and water facilities:** The site is currently served by an onsite well and septic system. As a single-user furniture store, it was not required to be regulated by the state as a Public Water System; however, this development will exceed the thresholds that require state regulation. The property owner will need to obtain all necessary permits from the Bureau of Safe Drinking Water.
- **Outside Storage Requirements:** No outside storage is proposed with this application.

Parking and Loading Requirements: The parking code (including handicapped parking) does not have a parking rate for businesses providing classes, so the Director must determine the required parking number. Nearby jurisdictions have a parking rate of 1 space per 150 sq ft which the Director will use. Based on the 6,100 sq ft floor area of Gracie Jiu-Jitsu Fallon, a total of 40 parking spaces are required, 2 of which must be ADA accessible. Between the 14 spaces in front of the building, 4 parallel spaces that can be added on the west side of the building and the open parking area behind the building, Gracie Jiu-Jitsu Fallon will not have any trouble meeting the parking requirements for their operation so long as the parking calculations for the other businesses do not over burden the existing parking lot. The business proposes an initial class schedule of 4:30pm to 8:00pm Monday through Friday, and 9:00am to 12:00pm on Saturday. It is important to note that Gracie Jiu-Jitsu Fallon's hours of operation are complimentary to those of the other businesses in the building and should not overburden the demand

for parking, but Staff recommends staggering classes by 30 minutes to reduce an overlap in parking demand.

The property owners have been conditioned by their SUP to make parking and ADA accessibility improvements for the entire building. At least 70 spaces, 3 of which will be ADA accessible will be provided by the property owners.

- **Landscaping:** The property is not currently landscaped; however, the property owner has been conditioned by the approval of their Special Use Permit for the Multi-Tenant Business Complex to install the required parking lot trees and landscaping to the satisfaction of Staff.
- **Lighting:** The building currently features a range of outdoor lighting fixtures. Recessed lights installed under the awning along the front and side of the building adhere to Dark Skies requirements, ensuring minimal light pollution. There are also sconce type fixtures in front of the building and flood type light fixtures that are in disrepair in the back of the building, which do not meet Dark Skies. The property owners have been conditioned by their SUP to ensure all lighting meets Dark Skies. No additional lighting is proposed in this application.
- **Signage Requirements:** The applicant does not propose any signage; however, the property owners have submitted plans to repair and update the existing Winans-Yoder Furniture sign with a multi-tenant sign layout that Gracie Jiu-Jitsu Fallon will have the option to use.
- **Water rights and impact fees:** Additional fees are not required.

3. *The project will be constructed and operated in a manner that will not overburden public services and infrastructure.*

The site is currently served by a private onsite well and septic system. Public water and sewer infrastructure will not be affected. See Criteria 2 regarding septic and well requirements for this commercial use. Power and telecommunication service exists on-site. Public road infrastructure is discussed below. Police and fire service demand will be increased somewhat, but existing services are adequate. Services will not be overburdened.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

Traffic estimated by the applicant is in the 84 trip/day range. The highway has capacity to handle the volume.

The property owner has been conditioned by their SUP to obtain all required NDOT access permits and authorizations must be obtained and to make all access improvements required by NDOT.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

Potential impacts would primarily affect nearby commercial and agricultural operations, with minimal impact on residential areas. These impacts may include typical pedestrian traffic and noise levels between the Jiu-Jitsu school and parking area, and the potential for dust to be generated in the large parking area. To mitigate potential dust issues for nearby properties and residents, the parking area has been graveled.

STAFF RECOMMENDATION:

APPROVAL

MOTION: The motion should be modified by the Planning Commission as needed.

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.080 **HAVE BEEN** met and therefore **APPROVE** the Special Use Permit application for Dan Muller of Gracie Jiu-Jitsu Fallon located at 5070 Reno Highway, APN 008-531-90. This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. This permit is subject to review in 1-year to show progress on meeting conditions of approval.
2. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary improvements as required by the Building Department must be completed, including ADA compliance. All building permits must be obtained.
 - c. All necessary improvements as required by the County Fire Marshall must be completed.
3. Class times shall be staggered by 30 minutes to reduce the overlap in parking demand.
4. Operations of the entire business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Variance from Side Setback Requirement
Applicant:	Scott LaValley
Owner:	Scott LaValley
Site:	5586 Rivers Edge Drive (APN 008-551-42)
Designations:	Master Plan – Urbanizing // Zoning – E-1

Project History: This application has come about due to a dispute between neighbors. The applicant, Mr. LaValley initially filed a code compliance complaint against his neighbor to the south for a large shed that was closer than 5 feet to the property line. The neighbor removed the large shed, and consequently filed a code compliance complaint against Mr. LaValley for a playhouse that was also closer than 5 feet to the property line. Instead of removing the playhouse, Mr. LaValley has chosen to file for this Variance. The neighbor would have also had the option to move the shed to meet the 5’ setback or apply for a variance. It is unclear why they did not go this route.

Request: The applicant is seeking a 1’ variance from the 5’ side setback requirement for an accessory structure, a 20% variance from the requirement. The playhouse in question was built sometime between 1994 and 1998. Mr. LaValley purchased the property in 2022. Staff has verified that the 5’ setback was applicable at the time the playhouse was constructed, though its placement has not been an issue until now.

CCC 16.08.090(F) Findings: In order to approve a variance, the commission shall make the following findings:

- 1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.***

The applicant – This request for variance does not concede a code violation. Arguably, there is no violation.

We are the third owner of 5586 Rivers Edge. The property was owner-built in 1993. In 1998 (reference assessor's appraisal card), a small child's playhouse, approximately 6 x 8 ft (48 ft²), was built in the backyard southeast corner of the lot near the fence. It is of a size that did not require a permit. That structure has existed in this location for over 25 years, longer than most surrounding homes, including the abundant home. The structure measures 4 ft from the fence line (assumed as the boundary line). The structure is very well-built, incredibly heavy and built on pilings. The structure has a delicate porch and overhang that extends off one side. The structure is not easily accessible by heavy equipment, which is likely required to relocate it. There is concern that any attempt to relocate the structure will cause damage.

Staff – The exceptional situation in this case is that the playhouse has been in this same location for 25-30 years, before the current owner purchased the property and without issue from any neighbors until now. At 96 sq ft is small enough that it did not require a building permit. The only appropriate land use permit at the time it was constructed would have been a Variance from the setback requirement, which this application addresses.

- 2. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.***

The applicant – Relocating the structure would likely require heavy equipment that can not access the location without removing a section of fence and vegetation. Damage to the lawn and landscaping is likely due to the weight of the equipment required. To a degree, the structure would require deconstruction. New pilings would need to be set, and the structure would need to be placed on top. The porch would likely be damaged during the relocation and require substantial repair. In addition, significant costs can be expected, which are

prohibitive and burdensome to the owner.

Staff – Staff agrees that removing the playhouse would likely require the use of equipment that would cause damage to the owner’s existing landscaping and potential damage to the structure which would require repair, all at a significant cost to the owner.

3. *Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.*

The applicant – As the playhouse has existed on the lot prior to any of the abundant neighbors with direct line-of-sight taking ownership, the variance should have no material effect. The variance will not impact the activities or use of the property.

Staff – Leaving the playhouse where it has been for 25-30 years without issue, will not be materially detrimental to public health, safety or welfare, or injurious to the property of improvements in the vicinity. There will not be any significant improvement made by moving it 12 inches further from the fence.

4. *The proposed variance is consistent with the intent and purpose of this title.*

The applicant – The variance allows the structure to remain in its current location. The structure would move 1 ft north of the boundary fence without the variance, an unperceivable difference. As such, it is of the opinion that there is no key intent in the provision that this variance subverts.

Staff – The purpose of side setbacks is to provide minimum separation between structures for privacy and firefighting access. The Fire Marshall has reviewed the application and would be comfortable with the resulting 4’ separation if the variance is approved.

STAFF RECOMMENDATION:

APPROVAL

MOTION: The motion should be modified by the Planning Commission as needed.

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.090(F) HAVE **BEEN** met and therefore **APPROVE** the Variance from the accessory structure setback requirement for Scott LaValley at 5586 Rivers Edge Drive (APN: 008-551-42). This approval is subject to conditions, as listed in the Staff Report.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. The approved side setback is 4 feet from the side property line, and ONLY applies to the existing playhouse. The normal setbacks apply in all other situations.

Application:	Division of Land into Large Parcels
Applicant:	Colby Frey
Representative:	Bell Land Surveying – Steve Bell
Owner:	Guy Richard and Darla J Luiz
Site:	8705 Schurz Highway // APN 006-092-13 // 142.04 acres
Designations:	Master Plan – Agriculture // Zoning – A-10

Proposal: The applicant, Colby Frey, has filed this map on behalf of the property owners, Guy and Darla Luiz. Mr. Frey intends to acquire additional water-righted land from the Luiz' to be included in the "Frey Vinyards" Ranch. The property includes a farmstead and irrigated farmland totaling 142.04 acres. The intent of the map is to divide the parcel into two new parcels totaling 69.51 acres to the west that includes the homestead, and 72.53 acres to the east, which Mr. Frey will acquire. No new development is proposed on either of the resultant parcels, and Mr. Frey intends to place the 72.53 acres into a conservation easement.

This project is complicated by 2 issues. The first is that Colby Frey is requesting a waiver from the requirement to dedicate water for the east property, which he will own after the lot split, because he will be putting it into a conservation easement. This request is allowed under the code and discussed below. The second is that the applicant is proposing a very long "flag lot" for the rear property, with the "flagpole" portion being an approximately 2250' driveway reaching to the Schurz Highway that includes a 30' private road easement. This is proposed to avoid road building requirements. Such proposals can create problems that are discussed below.

Criteria Review:

CCC 16.04.040(C) Design Standards: Churchill County has adopted development standards, which shall be complied with in all application submittals.

The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Height, Setbacks, and Easements:** New lot lines will be established, so they will need to meet setback requirements from nearby buildings. The existing buildings appear to meet setback requirements based on the new lines. Existing easements are identified on the map, and required easements will be provided – see Criterion 4 regarding handling of road easements.
- **Lot size and width:** The proposed lots meet the lot dimensional standards for area and width, except for the flagpole segment.
- **Access, sewer, and water facilities:** Both parcels will have access to public roads, as required by County Code. The new parcels either currently do, or can use individual wells and septic systems.
- **Water dedication and community development fees:** Land divisions to create new lots require meeting the water dedication requirement of 2 acre-feet for each new lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of \$3276 per lot. The property has irrigation water and a dedication will be required.
- **Water dedication waiver request:** Colby Frey will own one of the two lots after the lot split is completed. He has requested that the dedication requirement for his lot be waived since he will be applying for the Navy conservation easement program. This is allowed under CCC 16.12.030.5.B.4:

"The provisions of this section may not apply to a **proposed sending site in the transfer of development rights** (TDR) program where the conservation easement being established will continue irrigation and retain the surface water rights on the subject parcel in perpetuity."

Subsections (b) continues: “When a property owner **participates in the navy-county encroachment partnering agreement to purchase conservation easements, dedication of water rights is not required** for any development on the parcel(s) that will be encumbered by the conservation easement...”

No special decision is required, but the ownership situation causes uncertainty. The Luiz’s will own the property at the time of recording (and lot creation) when the dedication is due, but Colby Frey will not own his lot or enter the Navy conservation easement program that allows waiving the dedication until after recording. If the conservation easement were to fall through, there is no automatic way to recover the missing dedication. Staff recommends that some mechanism be in place in the land division map implementation to ensure that the actual conservation easement will be established.

CCC 16.04.050(A) Conditional Development Approval: The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:

1. Conformity with the master plan.

The **Master Plan** designates the area as Agriculture and is implemented by the area’s A-10 zoning district. Other nearby properties are also agriculture with residential farmsteads. Most Master Plan policies are not applicable to the issue of a land division. Related to the issue of proposing lot sizes smaller than normal sizes established with zoning districts, Policy **PSF 2.2.6** limits land divisions to 5 acre lots unless connecting to public water and sewer systems. But it and Policy **LU 4.1** encourage and authorize exceptions to lot size limits for infill development. In addition, this property received a variance from the minimum lot size requirements. Both **GOAL LU 2** and Policy **LU 2.1** address compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

There are no plans for development on either parcel, and one of the two resultant parcels will be placed into the Frey’s conservation easement, further protecting it from development. The compatibility will not change from what is existing.

3. Protection of the public health, safety and general welfare.

Residential development will not change. There is one existing home and a shop which will remain as they have been. Public health, safety, and general welfare will be minimally affected by the land division, and are adequately protected.

4. That adequate public facilities and services are available to the development.

Emergency services - Residential development will not change. The existing driveway has been upgraded for fire truck access. Fire and police services are adequate to serve the existing or future uses. No comments have been received from those departments.

Sewer/Water services - There are no public sewer or water services, so on-site services are used for existing and future development. The well for the Luiz home will be located on the Frey property after the land division, being on the east end of the flagpole. To deal with this, a water line easement will be established by the map to maintain access to the well. Staff recommends that the label show it as a private easement. Power (and possibly gas) is available at the site. New utility easements are being provided along property lines and comply with the current county requirement.

Transportation services – County Code requires that the new lots be served by a road meeting county standards that connects to a publicly maintained road. The existing property is served by private driveways on the north and south sides of the parcel that take access from the Schurz Highway. The south

driveway is in an easement on the adjacent lot, and it mainly serves the property's farmland. The north driveway most directly serves the Luiz home; however, it will become part of the east lot owned by Frey Ranch. To avoid the home losing its main access, a private access easement is proposed for the "flagpole" driveway. Staff recommends the label be modified to clearly state that the easement is for the benefit of Parcel 3. During a site visit, staff identified pothole and surface problems for the main driveway that would impede fire truck access to the home. The applicant has indicated that repairs and improvements have been made to meet the County's driveway standard.

As noted above, a "flag lot" can create problems. The applicant is proposing a very long "flag lot" for the east property, with the "flagpole" portion being an approximately 2250' driveway reaching to the Shurz Highway that includes a 30' private road easement. This is proposed to avoid road building requirements. While staff has previously recommended approval for flagpole lots to avoid road building, none have proposed "flagpoles" this long. Avoiding the road building costs has obvious benefits for the developer, but also has negative consequences for adjacent properties and for the future development of a transportation network in the immediate area. A very long flagpole could greatly increase those consequences, depending on the setting. Below are the consequences that a flagpole can have, and an assessment of why it is acceptable in this case:

- o It tends to block development behind the property, since a normal road is not being used. There is a code standard relating to this issue. In this case, there is no development potential behind the property since the land is in conservation easements.
- o It blocks road connections across the flagpole by the properties to the side, while a normal road would allow the connection. So, a road network cannot be created in that location. In this case, such development is unlikely due to large lot farming on adjacent properties, some with conservation easements.
- o It can make 911 emergency response difficult since addresses can be confused. In this case, no additional address will be needed for the east lot.
- o It will block the opportunity for adjacent owners to do normal boundary line adjustments. In this case, the adjacent owners are the applicant proponents, and farming is likely to continue in the future.

As required by NRS 278.378, offers to grant public easements, and offers to dedicate land to the County must be accepted or rejected along with approval of the map. The motion of approval needs to include these statements. The County normally requires public road easements to be offered for dedication, but the proposed private access easement would not be offered.

5. As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.

Based on the above assessment, options for Findings are provided below.

STAFF RECOMMENDATION:

APPROVAL

MOTION: The motion should be modified by the Planning Commission as needed.

□ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) HAVE **BEEN** met and therefore recommend that the Board of County Commissioners:

- (A) **APPROVE** the Division of Land into Large Parcels Map application for Colby Frey to divide APN: 006-092-13 into 2 parcels. This approval is subject to conditions, as listed in the Staff Report.
- (B) **ACCEPT** the offer to grant easements for public purposes identified on the map.
- (C) **REJECT** all offers to dedicate lands and improvements at this time.

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions of approval are recommended to be included with any approval:

1. Any final changes required by the County Surveyor shall be made prior to recording.
 - a) Correction of minor errors, including bearings and/or distances.
2. Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Labeling the private road easement for the benefit of Parcel 3, labeling the well and waterline easement as a private easement, and minor typographical and organizational changes to the map and certificates.
 - b) Any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
 - c) All septic system locations must be shown.
 - d) Two water dedications shall be submitted before recording the map, unless an alternative acceptable to the County is identified to implement the waiver allowance.
 - e) Needed changes and labels clarifying the status of federal easements shall be made.
 - f) Add missing easements serving the property.
 - g) Inclusion of corner coordinates

Application:	Special Use Permit - Expansion
Use Table Listing:	Explosion/Combustion Testing Facility
Applicant:	Northern Nevada Research Co LLC
Owner:	Northern Nevada Research Co
Site:	7162 California Street (Appx. 3 mi. north of Hazen; APN 009-251-84) 100 acres
Designations:	Master Plan – Industrial // Zoning – Industrial

Background and History: NNRC is a subsidiary for the Tesla company. They do stress tests on batteries for the parent company to push them to their limits and learn what causes them to fail. When failure happens it can result in fire or explosion. This NNRC facility started in 2012. A meeting was held with County Staff, after which the Planning Director summarized the development of an intermittently operated site. The Planning Director anticipated a Special Use Permit and rezoning application to be submitted, but allowed work to proceed. The property has since been rezoned but no SUP was submitted. The site was developed, and operating as of the 2015 air photo. But by the 2019 photo, the facility had been completely rebuilt to expand it by roughly double in size and was much more actively used.

In 2021, following a dramatic fire response incident:

1. The permitting deficiencies, the dramatic expansion, and the daily operations with many employees were discovered.
2. In contacting the operator, they had additional extensive expansion plans, including a solar power field, a large new testing area, and structural buildings.
3. A Special Use Permit was obtained in Nov. 2021 to authorize the previously built facilities, reconfiguration of the site, and additional expansion facilities.
4. The reconfigured site resulted in the original test area being the south test pad, and the new one being the north test pad. The SUP required an additional building for office and employee restrooms. It also required containment of testing area drainage that is contaminated by burned and exploded batteries.

Air photos of the expanding site are provided below.

2015



2019 (the operations container is the same in both photos)



2023 Photo *(the north point of the test arena is the same in both 2019/2023 photos)*



Summary:

NOTE that this review is complicated by the fact that items required in the last SUP have not been installed yet. Specifically, an office with restrooms was to be constructed for the permanent employees, and code standards like ADA parking, landscaping were to be provided. A recommended condition would require that these requirements from the last SUP be completed before new facilities are constructed. The office is discussed in more detail below, but during a site visit, the applicant stated they expect completion of the office to happen soon. They are waiting for State clearance to begin interior work, which can then take quickly.

NOTE that this review is also complicated by the fact that many of the facilities in the proposal are already built. These are noted below.

The applicant is requesting a Special Use Permit to expand its ***Explosion/Combustion Testing*** facility, which is a listed use in the land use table for the Industrial zone, needing an SUP. A description of the project is provided in the application materials and site plan. Approval will authorize:

- a. A new concrete testing pad to the west of the south testing area, as shown on the site plan. This will be roughly 50% of the size of south test area. The perimeter fencing for the facility will be expanded around the new test area.

- b. A new L-shaped closed-sided building on the new testing area. It includes several small testing chambers for small scale testing.
- c. 3 proposed new buildings are shown on the site plan on the south testing area:
 - 1) SW corner - over the container testing area. A shade structure is already built north of this location and will be moved or replaced with the reconfiguration.
 - 2) NW corner - next to Arena 2. A shade structure is already built
 - 3) NE corner - next to Arena 1. A shade structure is already built

NOTE that it is unknown if these shade structures are intended to be replaced with more permanent buildings. One of the issues that has become evident through implementation of the last SUP and this application is that these outdoor operations tend to want or need shade structures as protection from sun and weather. These tend to be anchored but movable structures that are often pre-fabricated. While code standards and building permits apply to them, they are much less substantial than a standard building and can fairly easily be moved around. Staff recommends that this permit allow minor shade structures without additional SUP review, and instead be allowed with a simple zoning review and building permit.
- d. Moving and enlarging the existing stormwater controls, which include lined channels and lined pond along the west and south sides of the south test area to capture battery materials that wash off the test areas, such as heavy metals and other dangerous materials. These will be removed and replaced. The pond is proposed to be enlarged and reconstructed with lining. A site visit found that the earthwork is already done, and the applicant indicates the lining will be installed soon. It is unknown if the pond is engineered for structure and capacity, though Westco Engineering has been involved with the application.
- e. The new test pad will need extensive cut and fill to create a large level area, including:
 - 1) Excavating/removing the existing large berm and drainage routing facilities along the west side of the south test area.
 - 2) Moving/rebuilding them west of the new pad.
 - 3) The relocated berm is shown extending across the property line onto another owner's land. On inquiry, the applicant indicated they will modify the berm or obtain an easement for the encroachment. Staff recommends that before any facilities are constructed, documentation must be provided showing the adjusted design or a copy of the easement.
- f. Enlarging and repositioning the existing solar field and its fencing.
- g. A personal communications tower on the east side of the south test area - already built. The tower is approximately 25 feet high with a microwave antenna. On inquiry, the applicant indicated this was to provide secure data service for the facility.
- h. A future building next to the existing office at the north tip of the facility. On inquiry, the applicant indicates this is speculative, but could happen in the next couple years.
- i. The application indicates there will now be 6 testing arenas. On inquiry, the applicant indicates that there are 4 arenas in the south testing pad (being the 3 labeled arenas and the covered container testing area); the north testing pad is all one arena; and the new testing area with small chambers will be the 6th arena.
- j. The arenas have additional operational components. It should be noted that outside testing arenas, and to a lesser extent those under roofed areas, are periodically altered by adjusting concrete block barrier walls, and repositioning testing boxes (in cargo containers). As noted above, shade structures have been added to the testing areas where needed for protection from the elements.
- k. The new test area will continue the extensive use of cargo containers for battery storage, battery testing, control room operations, other storage, and office space.

NOTE that the facility is located at the south parcel line. During a site visit, it was observed that employee parking and many cargo containers are located south of the property line on the adjacent owner's land. On inquiry, the applicant noted that the current parking lot (east of the south test area) is where construction activity (materials and heavy machinery) is still happening, and wanted the parking and containers out of the way until it is done. When the office is completed, parking can take place in that area, and the containers can be moved onto the site.

Criteria Review: **CCC 16.08.080(H): Findings from a preponderance of evidence must indicate that the proposed use:**

1. Is compatible with the existing surrounding land uses and development.

The area around the proposed testing facility is very remote with a Master Plan designation of Industrial. The checkerboarded federal lands surrounding the site are zoned RR-20. There are few permanent uses in the area other than geothermal pipelines and rangeland grazing. Most or all of the private land is owned by a few parties. The remainder of the area is vacant federal land. The closest developed uses would be 3-miles to the south, in the Hazen area. The proposed testing facility is compatible with surrounding uses. Also see Criterion 5 for environmental impacts.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Explosion/Combustion Testing is allowed** in the use table for the Industrial zone, needing an SUP. Most Master Plan policies are not applicable to industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics, and efficient service provision.

Compatibility issues are discussed under criteria 1, above. Environmental Impacts are addressed in Criterion 5.

The proposed development must conform to the County Development Code. As noted above, this review is complicated by the fact that requirements for the previous SUP have still not been completed. Conditions are recommended that those requirements be completed before new construction is permitted or begun. Conditions of approval will address specific issues, including:

- **Height, Setbacks, and Easements:** All facilities easily meet the 65' height limit in the Industrial zone, including the 25' tall personal communication tower. Setbacks are required to ensure development provides reasonable separation from adjacent properties, and to ensure that development near the property does not accidentally encroach on adjacent properties. A variance was previously obtained to allow buildings to be closer to the east property line. Otherwise, the setback and easement requirements are met by the existing structures and the proposed new structures. As noted above, business containers and employee parking are being placed on the adjacent owner's property. A recommended condition of approval requires the applicant to obtain permission from the owner or removed those items. Similarly, the relocated berm around the new area appears to extend off the

property and trespass on the adjacent owner's land. The berm must be redesigned or permission to encroach obtained from the adjacent owner.

- **Sewer and water facilities:** The facility has been operated on portable toilet and water facilities. In the previous SUP, permanent restroom facilities were required, but these have still not been implemented 2.5 years later. On inquiry, the applicant stated that the state septic permit was obtained and the system was constructed for the office. The septic line runs from the office to the leach field located south of the north test area. The applicant has had difficulty obtaining a water right for the well permit, and is still working on it. The temporary plan is to supply potable water from a 5000 gallon tank north of the office. Staff recommends that no new facilities in this SUP be permitted or built until the well is completed.
- **Permanent Business Facilities:** In the previous SUP, a major issue was operating a permanent business with on-site employees without permanent facilities for them and visitors. A requirement was installing a permanent office with restrooms, but this has not been completed yet. A manufactured structure for the office was recently purchased and is placed at the north point of the facility. During a site visit, the exterior appeared to be done, but the interior was gutted. The applicant indicated they are waiting for the state to OK the interior finish work. Staff recommends that no new facilities be constructed or permitted until the office has been completed.
- **Signage and Lighting:** The applicant proposes no signage. Operations are normally limited to daylight hours. Outdoor lighting was installed under the previous SUP for occasional situations when operations extend into darkness, and it appears to be oriented downward in conformance with Dark Sky requirements.
- **Outdoor Storage:** Most materials will be maintained within cargo containers. But some debris, equipment, and materials are stored outside. The existing property has screened fencing along the south and east sides, berms that provide screening along the west side, and hillside slope on the company property that provides screening along the north side. The expansion area will continue this approach.
- **Parking and Landscaping Requirements:** Explosion and combustion testing does not have a defined parking requirement, so parking must be determined by the Administrator. The previous SUP planned for 6 employees and proposed 10 regular parking spaces and 1 ADA accessible parking space along the east property line near the gate, which were approved. The current application indicates that there will be 12 employees after the expansion area. The Director thus determines that 15 parking spaces (including an ADA accessible space) will be required. The vehicle areas are well graveled and adequately surfaced..

As noted above, the applicant indicates that the current parking area is hard to use due to construction activity, so employees are parking on the adjacent property. The additional spaces (and the ADA space) need to be at the office. The site also has additional room for overflow parking. Staff recommends that before permitting or constructing additional facilities, the parking situation needs to be corrected, and that the ADA parking needs to be completed.

The landscaping code requires 1 parking lot tree – During the site visit, the applicant indicates this will be located next to the office and ADA accessible space, where irrigation is available. The additional parking does not require any additional parking lot trees. No normal roads or adjacent uses exist, so no landscape buffers are required by the expansion, but Staff recommends that before permitting or constructing additional facilities, the required landscaping needs be completed.

- **Friction Zones:** The County Code has friction zone requirements for separation between industrial and other uses, but none apply in this case. It also includes a ½ mile separation between Explosion/Combustion Testing facilities and local highway corridors, which the project meets.
- **Community Development Fees:** New businesses are subject to the County's Road Impact Fee and Water Fee (payment in-lieu-of water dedication). This was required in the last SUP, but they still have not been paid. Staff recommends that before permitting or constructing additional facilities, impact fees must be paid.

3. *The project will be constructed and operated in a manner that will not overburden public services and infrastructure.*

There is no public sewer and water services on or near the site. No permanent private sewer and water service are currently installed or proposed. Only portable services are proposed and are discussed under Criterion 2. Demand for fire and medical services to this remote location have increased with each expansion of the project. An arrangement already exists with the Churchill County and Lyon County Fire Departments to coordinate on fire services. Note that Churchill County Fire Dept. is the primary responder. The Fire Marshal has previously required a water storage tank for fire protection purposes. An emergency response plan has been developed with the Fire Marshal. Recommended conditions of approval will require updating the emergency response plan in coordination with the Churchill County Fire Department. With appropriate conditions of approval, public services and infrastructure will not be overburdened. Roads are discussed below.

4. *Adequately mitigates road and traffic impacts generated by the construction and build out of the project.*

County Code requires both legal and physical access to the site. Legal access is provided in the form of official access easements and RS 2477 roads that extend east from the site to the other side of the ridge, then continuing south to Hazen. The existing road is privately maintained and has a well graveled surface that is maintained by NNRC. Traffic on this access route has increased over time and will continue to do so with additional employees and visitors. Current traffic (1 visit = 2 trips) is expected to increase for 6 additional employees (6 in last SUP to 12 with this SUP), resulting in at least 12 employee trips, plus deliveries and visitors. The route is adequate to support the traffic.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

There are no human-occupied uses in close proximity to the facility. So potential impacts will be on the travelling public, wildlife, and the environment. The primary environmental impact will be:

(a) Dust from construction and the extensive grading on the site. State permits will require reasonable prevention of dust during grading and construction.

(b) Noise from battery testing. This will be intermittent, loud events. There are no nearby human uses to impact, and wildlife will not be significantly impacted.

(c) Materials released when batteries catch fire or explode. This includes both air emissions and discharges in stormwater runoff from the testing areas.

Regarding air emissions, the site operates under a 2018 letter (based on 2017 information) from the NV. Dept. of Environmental Protection that indicates the site is exempt from an air permit as long as the

amounts burned stay below triggering thresholds, and includes a caveat that if the facility increases the material throughput, the facility may require a full permit. The expanded facility is dramatically larger in scale and operations from the 2017 size in the original inquiry, but the last SUP confirmed the proposed size was not a concern. A recommended condition of approval requires obtaining an updated letter confirming that the expanded project continues to remain under the exemption.

Regarding stormwater runoff discharges, the previous SUP required providing a runoff collection system with lined routing, and a lined detention pond. The application shows an expanded and reconfigured pond that is lined to contain battery residue contaminants. New facility areas also need to use this approach, and staff recommends that engineering be provided with a grading permit for the work.

STAFF RECOMMENDATION: **APPROVAL**

MOTION FOR FINDINGS: The motion should be modified by the Planning Commission as needed.

□ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.080(H) HAVE **BEEN** met and therefore **APPROVE** the Special Use Permit for Northern Nevada Research Company to expand an Explosion/ Combustion Testing Facility on APN 009-251-84. This approval is subject to conditions, as listed in the Staff Report

Recommended Conditions (NOT PART OF MOTION): Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. This permit is subject to review in 1-year to show progress on meeting conditions of approval and code requirements.
2. This permit provides extended implementation time beyond the normal provisions. Facilities proposed in this application shall be completed within 3 years. After that date a new application will be needed.
3. No facilities proposed in this SUP may be permitted or constructed until previous conditions of approval for the last SUP are implemented, including but not limited to:
 - a. The permanent office with restrooms shall be completed. This shall include septic system and well.
 - b. The ADA accessible parking shall be located at the office.
 - c. The parking lot tree shall be located at the office.
 - d. The County's Road Impact Fee and the Water Fee (payment-in-lieu of water dedication) must be paid for the business.
4. Movable shade structures used as protection from sun and weather, as deemed applicable by the Director, may be installed and moved on the site without a new SUP application. Such structures shall be reviewed under a Zoning Review and Building Permits. This shall not include shade structures built in a more permanent fashion, such as attaching them to other structures, etc.
5. The project must be constructed and remain in compliance with Churchill County Code, including but not limited to:
 - a. Any necessary building permits must be obtained for alterations.
 - b. A business license must be obtained or updated.
 - c. Outdoor lighting shall meet the County Code Dark Skies Standards.
6. The repositioned berm layout shall be altered to remain entirely on the company property, or official permission for the encroachment (easement, etc.) shall be obtained from the adjacent landowner.

7. Official permission (easement, etc.) shall be obtained from the adjacent property owner for parking and container storage, or the items moved to the company property.
8. The applicant shall update the emergency response plan for approval by the Churchill County Fire Marshal.
9. The lined pond may not be completed until a grading permit with engineering has been submitted and approved by the County. The expansion to the runoff and pollution control facilities shall be engineered, and shall include lined routing facilities and lined holding pond.
10. Before constructing or permitting new facilities, the applicant shall provide new or updated documentation of meeting state and federal agency permits and requirements, including but not limited to:
 - a. Nevada Division of Environmental Protection, Bureau of Air Pollution, permits or exemption letters for dust control and air/chemical emissions, etc.
 - b. Nevada Division of Environmental Protection, Bureau of Water, permits or exemption letters for stormwater control, industrial pollution prevention, etc.

Consent Agenda:

NOTE: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the commission or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

Please review the Consent Agenda to determine if you have any concerns.

RECOMMENDED MOTION

- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item*** ____ for further discussion, and to approve the remainder of the Consent Agenda as submitted.



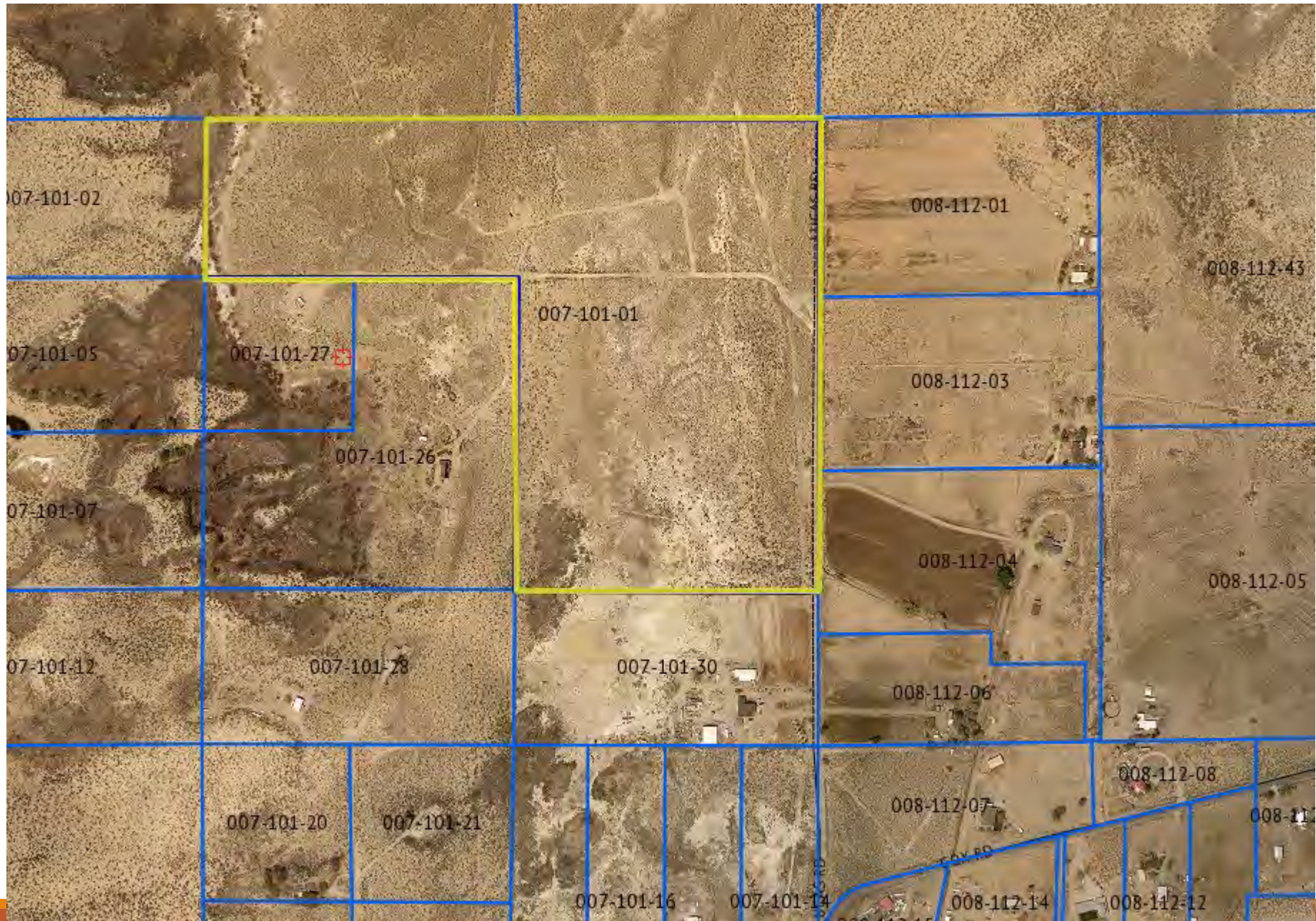
**CHURCHILL COUNTY
PLANNING
COMMISSION
HEARING
May 8, 2024**

Daly, TUP Renewal, 13450 Big Red Dr, APN 006-122-52





Erickson, TUP Renewal, 2829 Lucas Rd, APN 007-101-01





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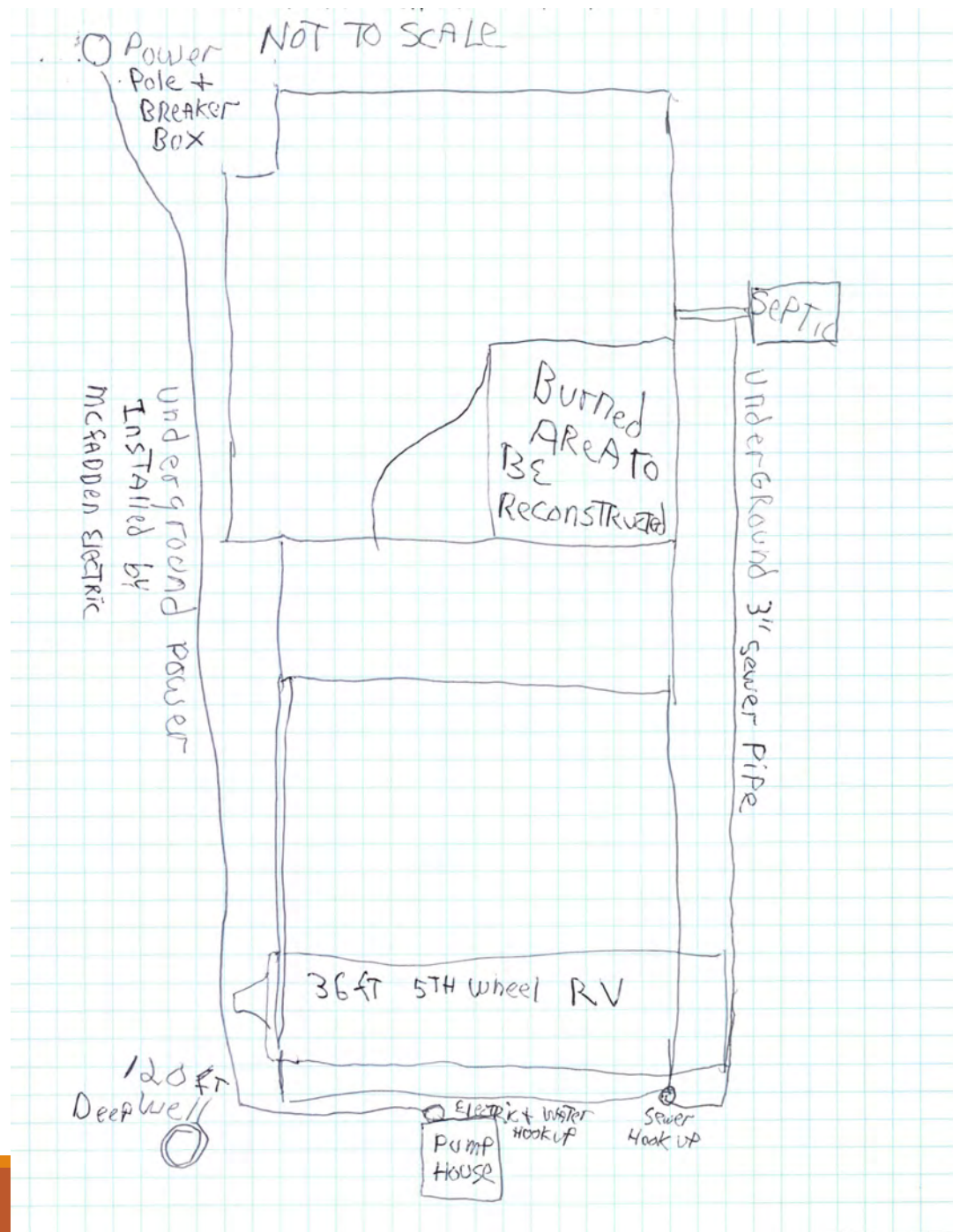
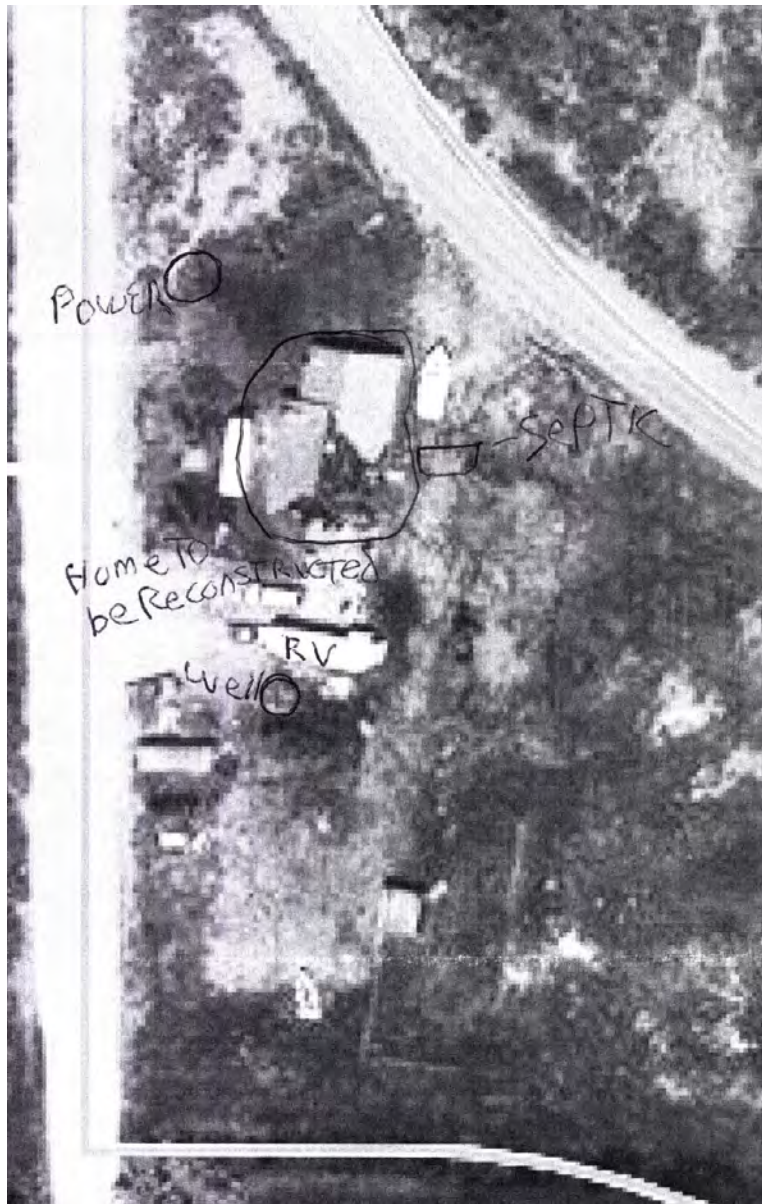
Hodgdon, TUP Application, 7730 Curry Rd, APN 006-553-12





HELENS WAY

006-553-12



Bryant, HB SUP, 3205 Brookside Circle, APN 008-421-23





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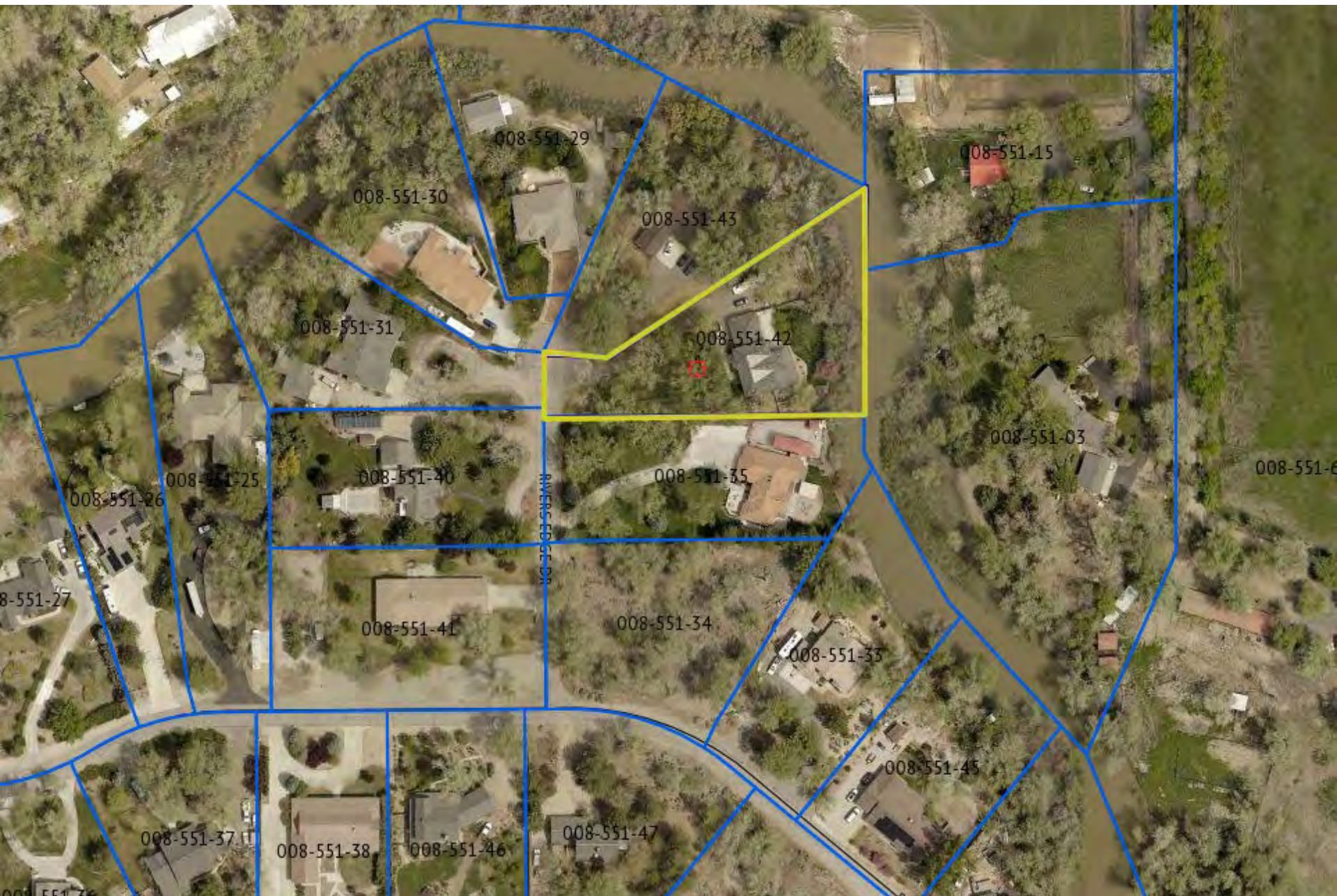


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LaValley, Variance Application, 5586 Rivers Edge Dr, APN 008-551-42





008-551-29

008-551-43

008-551-42

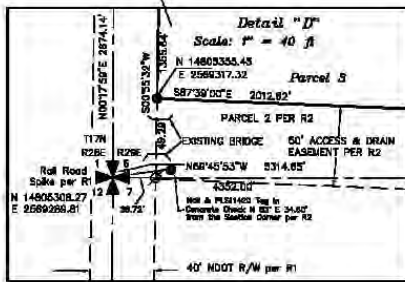
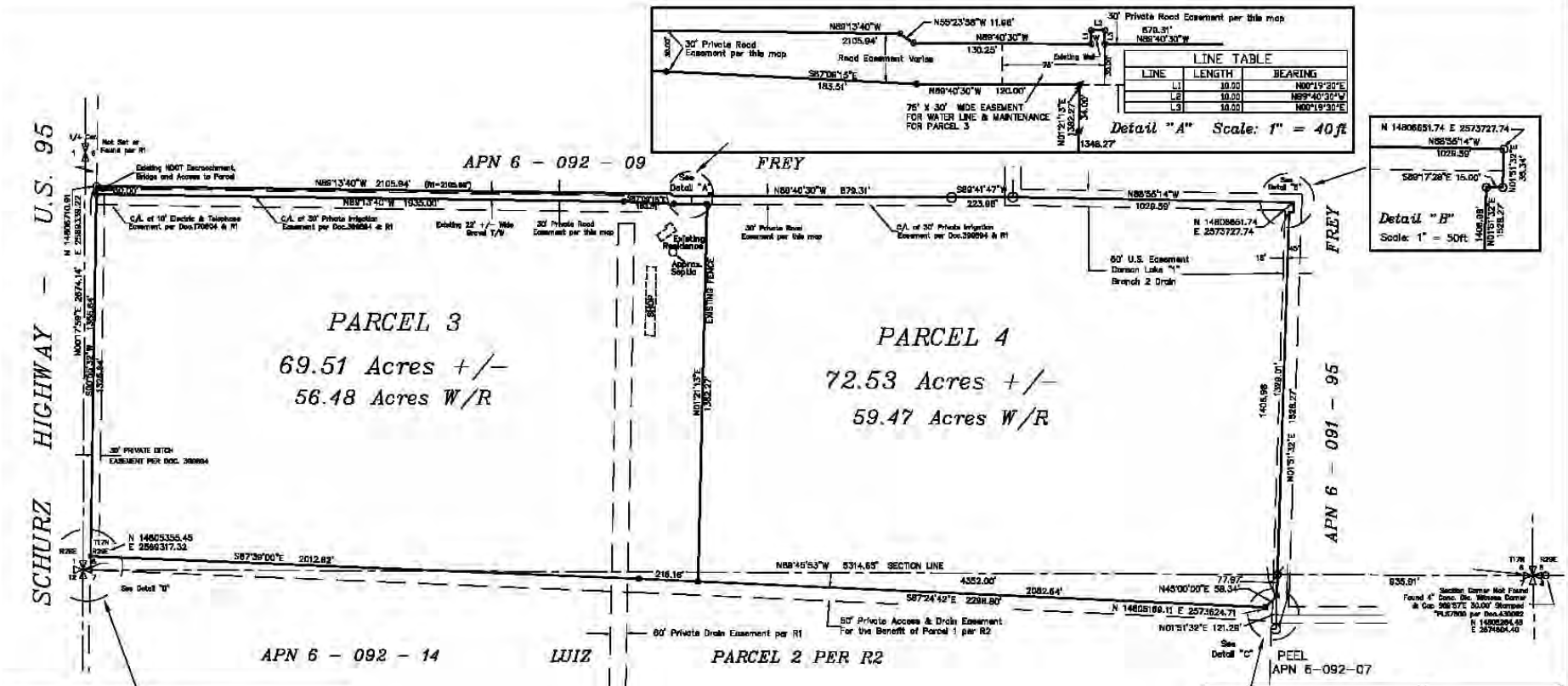
008-551-35

008-551-39

Frey/Luiz, Parcel Map Application, 8705 Schurz Hwy, APN 006-092-13



SCHURZ HIGHWAY - U.S. 95



EASEMENTS FOR UTILITY AND VIDEO SERVICES

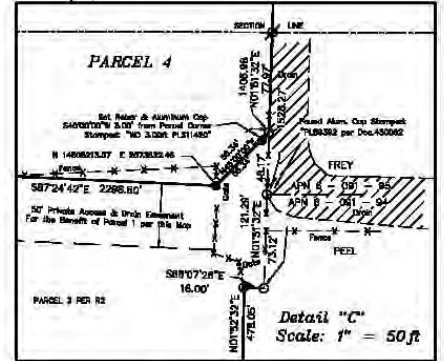
10' WIDE ALONG LOT LINES THAT COINCIDE WITH THE EXTERIOR BOUNDARY OF THIS LAND DIVISION, EXCEPT WHERE THE BOUNDARY IS PROVIDED BY A ROAD.
 10' WIDE ALONG INTERIOR LOT LINES, EXCEPT WHERE THE LINE IS FRONTED BY A ROAD.
 7.5' WIDE REMAINDER FROM THE EDGE OF ROAD EASEMENTS ON RIGHTS-OF-WAY.
 ALL EASEMENTS ARE ESTABLISHED AS INDICATED EXCEPT WHERE SUCH EASEMENT OVERLAYS AN EXISTING PUBLICLY MAINTAINED IRRIGATION OR DRAINAGE EASEMENT. IN SUCH CASE THE APPROPRIATE UTILITY EASEMENT SHALL BE PARALLEL TO AND CONTIGUOUS WITH THE EXISTING EASEMENT.
 A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO ERECT THAT PARCEL WITH INAD UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME OF INSTALLATION AND THE UTILITY COMPANY.
 PUBLIC UTILITY EASEMENTS INCLUDE CATCH.
 A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO SOUTHWEST ORG CORPORATION WITHIN EACH PARCEL AS SHOWN FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO ERECT THAT PARCEL WITH INAD UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS.
 PUBLIC UTILITY EASEMENTS INCLUDE CATCH.

REFERENCES

R1 = RECORD OF SURVEY / BOUNDARY LINE ADJUSTMENT 17-44 FOR LUIZ BY TRC (ALEXANDER), DOCUMENT No. 401265, DATED JUNE 15, 2008.
 R2 = DIVISION INTO LARGE PARCELS FOR LUIZ BY BELL, DOCUMENT No. 461044, DATED JANUARY 18, 2016.

BASIS OF BEARINGS

THE NAD-83/NAVD83 NEVADA STATE PLANS WEST ZONE (SPDOCH 2010) COORDINATE GRID BEARINGS FROM THE TRUCKEE MEADOWS REGIONAL GPS VLM NETWORK.
 ALL DISTANCES SHOWN ARE GROUND DISTANCES SCALED FROM GRID WITH A COMBINED SCALE FACTOR OF 1.00008.
 28-00M AS 800°52'52"W ON THE WEST LINE OF PARCEL 5.



LEGEND

- ✕ 1/4 OR SECTION CORNER AS DESCRIBED.
- SET 6" P REBAR AND PLUG 1/2" YELLOW CAP.
- ✕ WITNESS CORNER
- SET 6" P REBAR AND PLUG 1/2" YELLOW CAP.
- FOUND REBAR AND PLUG 1/2" CAP PER R1 OR AS DESCRIBED
- CALCULATED POINT, NOTHING SET.
- 1/4 CORNER, OR AS DESCRIBED.
- (R1) = RECORD MEASUREMENT PER REFERENCE.

OWNER

RICHARD AND DARLA LUIZ
 8705 SCHURZ HWY
 FALLON, NV 89406
 ZONE: A - 10
 APN: 008 - 092 - 13
 143.64 Acres +/-

TOID I.D. # 24-002

NOTE: (1) IN ACCORDANCE WITH NEB 241 AND 252, TO OBTAIN AN OFFICIAL COPY OF THIS MAP, CONTACT THE CHURCHILL COUNTY RECORDS.

MAP OF DIVISION INTO LARGE PARCELS FOR RICHARD AND DARLA LUIZ

PARCEL 1 OF DOC. # 461044

A PORTION OF THE SOUTH 1/2 OF SECTION 6, AND THE NORTH 1/2 OF SECTION 7, TOWNSHIP 17 NORTH, RANGE 28 EAST, N.D.B. & M.

CHURCHILL COUNTY NEVADA

Bell Land Surveying
 100 Millard Way
 Reno, Nevada 89510
 (775) 240-3079 FALLON: 775-423-8701
 Email: STEVEN@BELLVAHOO.COM

2 of 2

Consent Agenda



Churchill County Building Department

April 23, 2024

Randy Hines, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: HODGDON TEMPORARY USE PERMIT APPLICATION, 7730 CURRY RD, 006-553-12

Mr. Hines:

Regarding the Temporary Use Permit (TUP) application for use of a recreational vehicle for temporary quarters during the reconstruction of the existing burned residence.

If the Temporary Use Permit is approved, the Churchill County Building Department requires the following within 30 days of TUP approval.

- A) A placement permit must be applied for and issued for the recreational vehicle. This is a \$200.00 fee.
- B) The electric connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.
- C) The septic connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.

A search of the records available in the Churchill County Building Department indicates an approved septic system has been constructed on that site.

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

Before construction of any type commences, the Building Department requires the following:

- A) A walk through of the residence to determine the extent of reconstruction.
- B) A report from a State of Nevada licensed structural engineer determining what structural elements are still viable and what elements must be replaced.
- C) A building permit must be applied for and issued.
- D) Inspections of all phases of construction are required.
- E) No occupancy of the building before receiving a Certificate of Occupancy from the Churchill County Building Department.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

From: myoung@fallonfire.org
To: [Diane Moyle](#); [Buildings](#); [Gary Fowkes](#)
Cc: [Savannah Dukes](#); [Dean Patterson](#)
Subject: RE: Special Use Permit application for Clayton Bryant for the May 8, 2024 Churchill County Planning Commission meeting
Date: Wednesday, April 10, 2024 5:02:18 PM

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Diane,

Other than making sure that all setbacks from property lines are met, I have no issues with this request.

Regards,

Mitch Young
Fire Marshal, FCFD
Office 775 423-6521 ext. 2
Cell 775 427-7911

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Wednesday, April 10, 2024 2:12 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>
Cc: Savannah Dukes <savannah.dukes@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Special Use Permit application for Clayton Bryant for the May 8, 2024 Churchill County Planning Commission meeting
Importance: High

Please review the attached and provide any comments or concerns you may have to our office as soon as possible.

Diane Moyle
Public Works, Planning & Zoning Department
155 N Taylor Street, Suite 194
Fallon, NV 89406
775-423-7627, Extension 3
775-428-0259 Fax
(If not already done, please note the new email address.)

Churchill County is an equal opportunity employer and provider.



Churchill County Building Department

April 11, 2024

Randy Hines, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: LA VALLEY SIDE PROPERTY LINE SET BACK VARIANCE AT 5586 RIVER
EDGE DRIVE, 008-551-42

Mr. Hines:

Regarding Mr. LaValley's variance request that would enable an existing playhouse to remain closer than the required 5 feet from a side property line for a detached accessory building.

Prior to 1997 the Churchill County Building Department did not require a building permit for any detached accessory structure. As this building was constructed and located prior to 1997, no code violation exists regarding a building permit.

The International Building Code and the Churchill County Code require acquisition of a building permit to construct any structure over 120 square feet in size. The existing playhouse is approximately 96 square feet and would not require the issuance of a building permit for its construction.

The Building Department has no other comments or issues with the existing structure.

If you have any questions, please contact me.

Regards,

Marie A Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov

Churchill County, NV is an equal opportunity provider and employer

From: myoung@fallonfire.org
To: [Diane Moyle](#); [Buildings](#)
Cc: [Savannah Dukes](#); [Dean Patterson](#)
Subject: RE: Variance application for Scott LaValley for the May 8, 2024 Churchill County Planning Commission meeting
Date: Thursday, April 11, 2024 4:31:15 PM

Caution: This email originated from outside of the Churchill County organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact your IT Department.

Diane,

After reviewing the information provided, I would support approval of this variance.

Regards,

Mitch Young
Fire Marshal, FCFD
Office 775 423-6521 ext. 2
Cell 775 427-7911

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Wednesday, April 10, 2024 2:14 PM
To: Buildings <buildings@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>
Cc: Savannah Dukes <savannah.dukes@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Variance application for Scott LaValley for the May 8, 2024 Churchill County Planning Commission meeting
Importance: High

Please review the attached application and provide any comments or concerns you may have to our office as soon as possible.

Diane Moyle
Public Works, Planning & Zoning Department
155 N Taylor Street, Suite 194
Fallon, NV 89406
775-423-7627, Extension 3
775-428-0259 Fax
(If not already done, please note the new email address.)

Churchill County is an equal opportunity employer and provider.

Allen & Kaye Gunn

5610 Rivers Edge Dr.

Fallon, NV 89406

775-397-2991

Re: Scott LaValley variance request

Since the playhouse was there when they bought the house, we think the variance should be granted. It is not an eyesore, in fact we don't notice it from the road. It did not warrant a permit when built, so why is it even an issue now?

*Allen +
Kaye Gunn*

To Whom it may concern,

My name is Brian L. Rayburn.

My family has lived at 5596 Rivers Edge Drive for over 25 years, and we are the original owners. I work from 1pm to 10:30 pm at a warehouse out on USA parkway. Which means I don't get home from work until around midnight. Otherwise I would be at this meeting in person.

I have known my next door neighbors, at 5586 Rivers Edge Drive, Scott and Erika LaValley, as well as thier 3 wonderful kids since they bought the house a few years ago. I have talked with them all many times since they moved in, and as neighbors, we have helped each other out from time to time. We have even had meals together. They are all very friendly and respectful.

Long story short, Scott LaValley, and his family are seeking a variance for a small playhouse in their back yard that has been there for more than 2 decades. As only one corner of it sits around four feet from the fence line, I do not understand why this is even an issue. If it was right on the fence line or over the line I could understand. But it is only 1 corner of the playhouse, and it is only 1 foot to close. Probably due to survey markers being out of line. 25 years ago we didn't have the laser tech for precise measurements as we have today.

Please see fit to grant the LaValley's the variance that they need for their backyard playhouse.

Please feel free to contact me with any issues or concerns.

Sincerely,

Brian L. Rayburn
775-750-7655

A handwritten signature in black ink, appearing to be 'B. Rayburn', with a long horizontal flourish extending to the right.

4 May 2024

Churchill County Public Works, Planning and Zoning
155 No. Taylor, Suite 194
Fallon, Nevada, 89406

Subject: Application for a variance from the side setback requirement found in Churchill
Code 16.16.020.1 filed by Scott LaValley at 5586 Rivers Edge Drive, Fallon, Nevada, 89406

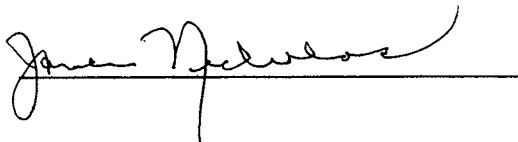
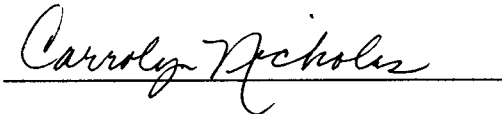
Attention: Randy Hines
Public Works Director

Dear Randy Hines,

Thank you for the opportunity to respond to Scott LaValley's request for a variance to
Churchill County Code 16.16.020.1.

We oppose the granting of a variance without the permission of the homeowner at 5576
Rivers Edge Drive whose property is protected by code 16.16.020.1.

James and Carrolyn Nicholas
5640 Rivers Edge Drive
Fallon, Nevada 89406

Received by:

Mr. Randy Hines

Public Works Director

155 No. Taylor St. Suite 194

Fallon, NV 89406

Dear Mr. Hines –

Thank you for the opportunity to provide input to the requested variance from the side setback requirement for the property at 5586 Rivers Edge Drive, filed by Mr. Scott LaValley.

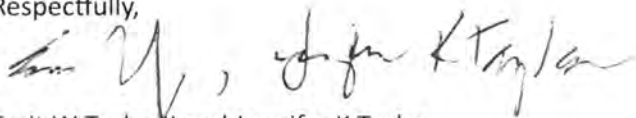
We have owned our home here on Rivers Edge for 10 years and have come to appreciate and enjoy the respectful and peaceful environment of the neighborhood. However, since taking possession of the property in question Mr. LaValley and his family members have shown blatant disregard for the serenity and integrity of the neighborhood. They have done this by riding loud unlicensed drag race carts up and down the street, riding ATV/riding mowers around and around in the neighborhood, purposely driving over and destroying sprinkler valves on adjacent property, failing to maintain the home and garden of what was once a meticulous property, displaying multiple huge political signage, and indulging a personal vendetta against the owners of the adjacent property, who are widely respected as longstanding 'ideal' members of the neighborhood.

Mr. LaValley initiated a complaint about the setback of an existing Out West garage on this adjacent property. This garage was present when he purchased, same as the playhouse now in question on his own property. Although he was responsible for performing due diligence in regards permits, setbacks, etc. prior to the purchase of his property, his complaint after-the-fact resulted in the removal of the Out West garage, at great expense to the adjacent owners; as well as the discovery that his own playhouse was also not in compliance with the setback requirements. His request now for a variance for his own purposes indicates to us that he considers himself exempt from the very requirements he forcibly demands of others, yet has no intention of adhering to himself.

We believe this variance request to be yet another step in furthering Mr. LaValley's personal vendetta, and if granted will set a precedent resulting in further disregard for the integrity of the neighborhood.

We ask that you deny this variance to Mr. LaValley. It would hardly be equitable to allow him the very thing he has prosecuted in others.

Respectfully,



Emit W Taylor II and Jennifer K Taylor

5665 Rivers Edge Dr.

Fallon, NV 89406

5/7/2024

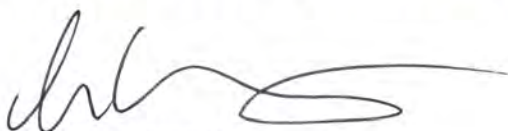
Churchill County Planning Commission:

We received the letter requesting a 1' variance for 5586 Rivers Edge Dr.

This is a waste of taxpayer money to go after such a frivolous matter. This is a child's playhouse that has been here for 20+ years (built 2 owners ago), and regardless of any minor setback violation, it should be grandfathered in. It is in fantastic shape, has a charming design, and would be a dream for any little girl to have (it was even featured in the most recent MLS listing). Clearly, it has not been of concern this entire time, so it is beyond me why it is suddenly a problem. I see 2 possible reasons as to why this is coming up right now, and both are concerning. Either the county is suddenly policing neighborhoods and looking for violations, or someone is using this to personally attack the LaValley family. As there appear to be several other unaddressed setback violations in the neighborhood, I will assume it to be the latter.

My understanding is that the LaValley family had to get a restraining order against the next-door neighbor because they were threatening to tear down the fence and kill the family dog. Is the county assisting the neighbor with furthering their personal attacks on the LaValley family?

This variance should be granted, and the District Attorney should be looking into what is really going on here, as there appears to be a deeper issue.



Samantha Conway
5512 Rivers Edge Dr



A VARIANCE of 5586 River edge Dr.
item E.

1. I viewed the site, I don't see any thing that would be accomplished requiring the owners to move the playhouse the additional 1 foot. I feel the variance needs to be approved.

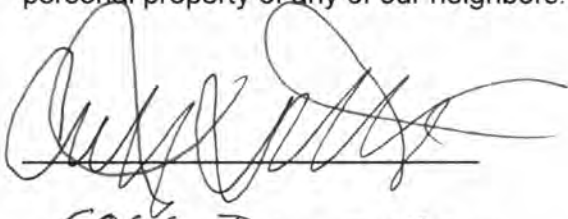
Bart Hiatt
5544 River Edge

cell. 78-221-1600

5/8/2024

To Whom it May Concern,

As a resident of Rivers Edge Drive in Fallon, we did not receive the required notice of variance requested by 5586 Rivers Edge and are not abreast with all the issues surrounding the conflict between the county and the owner of 5586 Rivers Edge. That being said, from our understanding the small building unit in question has been a part of the property for over 20 years, and the county should not now, after so much time, intercede to cause destruction of the personal property of any of our neighbors.

A handwritten signature in black ink, appearing to be 'Curtis', written over a horizontal line.

5860 Rivers Edge