

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

October 9, 2024

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. on October 9, 2024 by Chair Blakey.

Present: Eric Blakey, Chair; Victor Ansotegui, Member; Zack Bunyard, Member; Jeff Goings, Member; and Mark Hyde, Member.

Absent: Tami Edgmon, Member, and Scott Nelson, Vice Chair.

Planning Staff Present:

Randy Hines, Public Works Director
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joseph Sanford, Deputy District Attorney
(via Go To Meeting)

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 October 3, 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 called for a motion.

Member Goings moved to approve the agenda as submitted. Member

Bunyard seconded the motion which carried by unanimous vote (5-0).

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. August 14, 2024 Hearing

B. September 11, 2024 Hearing

Member Bunyard moved to approve August 14, 2024 and September 11, 2024 minutes as written. Member Hyde seconded the motion, and the decision carried by unanimous vote (5-0).

8. Old Business

- A. Consideration and possible action re: Review of a special use permit previously granted to Rylexa Properties for rebuilding and expansion of Sage Valley RV Park. The property is located at 4800 Reno Highway, Assessor's Parcel Number 008-472-12. Annual review to confirm compliance with conditions is required until the Planning Commission determines it is no longer necessary.

Joey Jennings, General Manager of Sage Valley Park located at 4800 Reno Highway, was available to speak regarding this application.

Director Hines stated that an emailed update was received regarding this project. They have solely focused on the west side portion of the RV park for now, and then after that is completed, they will focus on the east side. Fisher Excavation has graded and compacted the area so that it drains properly and the weight test for fire apparatus will be provided when the gravel is in. The gravel will be placed and compacted within the next few weeks. Railroad ties have been used as borders for each space. Water, sewer and power have been placed and tested.

Chair Blakey inquired if the applicant had any additional information. Mr. Jennings said that things are going well. They have a little hang up with the septic tank. Marty Ugalde, an engineer, is upgrading the septic tank that is there. They thought it was good, but it isn't because there is a leak. They are working diligently on this, and nothing is hooked up to it right now. They are just performing natural water testing. The grading and compaction is just about done. Once the tank is in, they can start working on the east side. Chair Blakey questioned if they have a projected completion date. Joey Jennings stated that they are hoping by April 1, 2025.

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

Member Goings asked for clarification whether that date was for the completed project or if it would be just for the west side of the project. Joe Jennings remarked that it would be the completed project including the dumpster enclosures. There are a few things that they will do while Fisher Excavation is doing the RV park. April 1st is their goal for finishing the improvements.

Chair Blakey called for a motion.

Member Bunyard moved to approve this permit for another year and request another annual review for Sage Valley RV Park at 4800 Reno Highway (APN 008-472-12). Member Goings seconded the motion, and the decision carried by unanimous vote (5-0).

- B. Consideration and possible action re: Renewal of a temporary use permit for temporary quarters during home construction previously granted to Latricia Dean for residing in two RVs. Origination date is 9/14/2022. The property is located at 17323 Lahontan Dam Road, Assessor's Parcel Number 006-122-23, in the RR-20 zoning district. The applicant requested a renewal of this permit as she is still in the process of obtaining the deed to the property.

The applicant was not in attendance when this item was called.

Director Hines didn't have any comments or updates for this application. Diane Moyle, Administrative Assistant, stated that the commissioners were provided with a copy of the response from the Building Department regarding the placement permit for the RVs, which had not passed inspection as of the October 2023 meeting, and no follow-up inspection had been requested and the placement permit was never completed. She said that she tried to reach out to Latricia Dean and did not get an answer to the phone number that she had provided.

Chair Blakey remarked that there is no representation for this application and the permit is not

in compliance. He called for a motion.

Member Goings moved to deny the renewal of the temporary use permit for temporary quarters during home construction for Latricia Dean at 17323 Lahontan Dam Road (APN 006-122-23) due to lack of progress and failure to represent the application. Member Bunyard seconded the motion, and the decision carried by unanimous vote (5-0).

The applicant came into the meeting late, and Chair Blakey acknowledged Latricia Dean's attendance. He notified the applicant that her temporary use permit renewal application had been denied for lack of compliance and progress toward construction of the home as well as her not being there to represent the application, and they have terminated her permit. He asked if any of the commissioners wanted to reopen the agenda item for further discussion or to take any other action on that item, and there was no interest in doing so. She would need to work with the department to determine how she needs to move forward. He then continued with Agenda Item 9.B.

9. New Business:

A. Consideration and possible action re: A special use permit application for milk/cheese processing filed by Ted Christoph of Monarq Milk. The property is located at 4624 Cox Road, Assessor's Parcel Number 008-123-17, consisting of 40 acres in the A-10 zoning district. The applicant proposes to add an on-farm milk processing center to their current dairy milking operation.

Ted Christoph, 4624 Cox Road, was available to speak regarding this application.

Director Hines stated that the dairy has existed since 1988. The applicant proposes to expand the operations to include the processing of milk products to produce cheese, yogurt, and similar products. This will be a small operation using milk produced in the dairy. The processing building will be approximately 40' by 70'. The property fronts Cox Road, and the processing facility will use the same access point. A 10-space parking lot is planned adjacent to the facility buildings with an ADA (Americans with Disabilities Act) accessible parking space planned. The new building will need an office, an ADA accessible entry and a restroom. Hours of operation is stated as being random with some late hours consistent with the existing dairy. While there will be additional operations and employees, some of the processing center impacts, such as dairy milk trucks leaving the property, will be reduced and replaced by processing product truck trips.

There are four special use permit criteria to consider:

- Compatibility with the neighborhood—a milk and cheese processing facility can have impacts, particularly bad odors and truck traffic, but the small scale of this facility and the control plans reduce the consequences to minor levels.
- Conformance with the master plan and development code
 - o Building, office, sewer and water facilities in the staff report it is noted that the proposed building will be served by the existing dairy's water wells and sewage system. Industrial uses normally require a state approved water source and sewage disposal, but the existing dairy's systems may be adequate. There are recommended conditions of approval to confirm this, otherwise, separate state approved systems may be needed. The building must be ADA compliant for parking, access, and restrooms.
 - o Parking: The proposed 10 spaces are adequate, and there is extensive open space for

overflow parking in the area of the processing facility and dairy.

- o Landscaping: The application indicates that adequate landscaping will be installed, though a landscape plan needs to be developed.
- o Signage: A sign is proposed and described in the zoning review form. It was noted that the Planning Commission must approve signs in the A-10 zoning district.
- Road and traffic impacts—the project mitigates impacts as the applicant anticipates less than 80 trips on any given day and the road can accommodate this modest increase in traffic.
- Environmental impacts—the biggest concern for the milk processing facility is the handling of spoiled products. Large scale processing facilities can generate noxious and putrid odors, but the application indicates that spoiled products can be fed to dairy cows—presumably solids, and the facility will be connected to the sewage system where liquid spoiled products can be disposed of.

Director Hines remarked that comments from other departments indicated no concerns and a neighbor comment from the Whites was in support. Staff recommends approval for this application.

Chair Blakey inquired if the applicant had anything to add. Ted Christoph didn't have anything at that time.

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

Member Ansotegui questioned how waste can be fed to the animals. He asked the applicant for a brief description of how they turn it into a solid and feed it to the animals so that they can understand this process and be assured that it will not just build up and sit in a pile somewhere. Ted Christoph gave an example if they produced some cheese, the only way that would expire or not be fit for human consumption would be through a processing error or a potential culture issue, rendering it unusable for human consumption. The moment that this is turned into cheese, or it is spoiled, there is no issue feeding it to dry cows and heifers. The issue of spoilage is going to be more in terms of whether it is fit for human consumption or not. If certain expectations within the plant are not met, then it does not meet PMO (Pasteurized Milk Ordinance) standards, which is the standard for all milk processing in the United States, and therefore cannot be sold to humans. He shared another scenario for yogurt that would be the same situation. As far as anything spoiling or going bad, that would have to be a failure of an electrical system in which case, if they go over an hour without meeting a certain temperature threshold, then they have to dispose of the product. The easiest, quickest, and fastest way to do that is to feed it to the cows. Member Ansotegui verified that the probability is very low that they would have an accumulation of waste products that could be rotting on the site. Mr. Christoph confirmed that it would be extremely low. In the grand picture of everything else that is going on, if he were to get to the point where he is processing all 5,000 gallons per day, which would be amazing, in the perspective of 5,000 gallons is very, very small in comparison to everything else that is going on. In order for that to be a concern, he would have to have multiple days and weeks of total production before there would be a major odor issue there.

Member Hyde inquired if the applicant would foresee that there would be retail onsite. He asked if they were processing these products and then trucking them out for wholesale. Ted Christoph responded that his goal is to do more direct to consumer rather than wholesale, but he didn't plan on having a retail storefront. As far as customers coming onsite either for tours or for other activities, he was sure that would happen. As far as being open seven days a week for people to come and get products, that is not his business model. There is too much interruption from the focus of what he wants to do. He does want it to be open to the public because that is part of the draw; people want to be able to see where their food comes from and how it is processed.

Member Goings asked the applicant if he had read the recommended conditions that were listed in the staff report, and a list of these were handed to Mr. Christoph at the meeting. Ted Christoph stated that he had been provided with these and read them. He questioned what state agencies he needed to get approvals from. He was aware of working with Nevada Department of Agriculture, but he wasn't sure what other agencies he needed to contact. There was discussion regarding Nevada Division of Environmental Protection (NDEP) for sewage disposal and safe drinking water and Nevada Division of Water Resources for well usage. He would also need to work with Central Nevada Health District for the health permit. Director Hines pointed out that the commercial septic and water systems are not permitted at the county level, and since we are not sure what the state would require for this small operation, if anything, Mr. Christoph would need to contact them to make sure that he meets whatever they need him to do.

Chair Blakey called for public comment. There was none.

Chair Blakey 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 Monarq Milk at 4624 Cox Road (APN 008-123-17). This approval is subject to conditions as listed in the Staff Report. Member Hyde seconded the motion, and the decision carried by unanimous vote (5-0).

Recommended Conditions:

1. This approval is subject to annual review to determine conformance with County Code and conditions of approval until such time as the Planning Commission determines such review is no longer necessary.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained. All requirements, such as ADA accessible facilities, and a licensed contractor must be provided as deemed necessary by the Building Department.
 - c. An ADA compliant parking space shall be provided.
 - d. Lighting shall meet Dark Skies requirements.
 - e. The driveway and parking area shall be graveled to control dust.
 - f. A landscape plan shall be provided that is acceptable to the Planning Director showing proposed landscaping for 50' on either side of the driveway.
3. The sewage disposal system must be approved by the State of Nevada, or a commercial system installed.
4. Use of the existing well for the agricultural industrial use or an alternate water source must be authorized by the State of Nevada.
5. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
 - a. Spoiled product shall be disposed of in a manner to avoid or reduce odor generated by the operation.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to

contact the department for further permitting procedures.

Chair Blakey noted that Latricia Dean had come into the meeting after Agenda Item 8.B. had been heard. (See note above under that item.)

- B. Consideration and possible action re: An application for a variance from the additional 30' residential setback requirement filed by Tschannen Family Trust. The property is located at 4815 Schindler Road, Assessor's Parcel Number 006-171-15, consisting of 5.3 acres in the A-5 zoning district. The applicant proposes to reduce the required 60' setback to 40' for a new metal building.

Benz Tschannen, 4815 Schindler Road, was available to speak regarding this application.

Director Hines explained that this application requests a reduction of the 60' road setback to approximately 40' to build a shop. At the time that the home was built the setback was 30', and the home was constructed approximately 40' from the easement. Since that time the setback has been increased to 60', which is described in detail in the staff report. The applicant requests to reduce the setback to match the existing home, which would be a 33% setback reduction. The staff report reviews the four variance criteria, and no issues were identified. It also describes the reason for setbacks. Of note, the larger setbacks are most needed for residences and there is little benefit for the shop to have a larger setback than the home. Comments from other departments indicated no concerns, and staff recommends approval of this application.

Chair Blakey inquired if the applicant had anything to add, and Mr. Tschannen did not.

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

Chair Blakey called for public comment.

Arthur Johnson, 4338 Horseshoe Drive, remarked that he didn't have an issue with the shop being put closer to the road as requested. His only concern or request is that there be a driveway from the existing house to the shop so that he does not enter the road from that location at a slow speed. He is very concerned about their safety and noted that the speed limit in that area is 45 mph. He knows that if a person is going from the shop onto the road just to turn off at the house about 300 feet from there it would increase the danger level for accidents. He thought that if they had a driveway between the shop and the house on the same property, it would decrease this hazard. Benz Tschannen responded that he didn't plan on driving on the road between these buildings and planned to walk there.

Evie Tschannen, 4815 Schindler Road, explained that they would get to the shop by walking inside the fence, and they wouldn't walk on the road, except along the side if needed. Benz Tschannen stated that there is more of a concern right now walking across to the old shop. They are planning to sell the other property. He always pay attention to traffic there because he has to cross that road. He agreed that people do drive fast there. Chair Blakey reiterated what the neighbor had commented and suggested that when the time comes that he would want to have some vehicular traffic to and from the shop he would take those comments into consideration. Director Hines noted that if a driveway is to be constructed for the shop to the road, they would have to contact the Road Department for an encroachment permit in order to add that.

Chair Blakey called for a motion.

Member Bunyard, 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

have been met and therefore approve the Variance application for the Tschannen Family Trust to reduce the road setback on APN 006-171-15. This approval is subject to conditions as listed in the Staff Report. Member Goings seconded the motion, and the decision carried by unanimous vote (5-0).

Recommended Conditions:

1. The approved setback for the shop shall be approximately 40', and shall match the setback for the existing home.
2. The approved variance is ONLY for the proposed building, and does not apply to other buildings or setback locations.
3. All Building Department requirements shall be met, and all necessary permits obtained.
4. The approval of this variance expires one year from the date of the final decision. Construction must be started before expiration.

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 temporary use permit application for temporary quarters for caretaker filed by Kenneth Njirich and Jason Latham. The property is located at 1790 Heidi Road, Assessor's Parcel Number 008-175-03, consisting of 1.0 acre in the E-1 zoning district. Jason Latham and his family propose to reside in three RVs to care for Kenneth Njirich and his property.

Kenneth Njirich, 1790 Heidi Road, and Amanda Latham, 1790 Heidi Road, were available to speak regarding this application.

Director Hines stated that the applicants are requesting three (3) RVs to allow the family of Jason Latham to provide care for Kenneth Njirich. The application was generated by an enforcement action. All three RVs are currently on the property and mostly hooked up to the home facilities. The three RVs proposed for the temporary quarters are quite old (from the 1980s and 1990s). They are arrayed behind the house and parked side by side. In addition, there are two other RVs in the back yard that appear to be lived in. Mr. Njirich tried to interrupt; however, Chair Blakey informed him that he would be given an opportunity to speak after Director Hines has completed his report to the commission.

Director Hines said that the aerial photograph in the staff report shows the RV situation, and this was also displayed on the overhead screens. The application indicates that the Latham family proposes three RVs for a reason—one for the husband and wife, one for a teenage son, and one for a teenage daughter. The boy and girl need their own space. The situation has a complicated family relationship and proposed caretaker arrangements. Staff recommends that this be clarified by the applicants. The three RVs being lived in need to have residential services for sewage, water and power. The Code Compliance Official observed this site and estimates the following connections are present.

1. The RV closest to the house has connections to water, sewer, and power.
2. The one in the middle has connections to water, sewer, and power.
3. The one furthest from the home has connections to water and power, but the sewer line was not connected and is laying on the ground.

Photos were displayed on the screen that the Code Compliance Officer took of these connections. The

RVs have an above ground setup of sewer connection pipes that combine the flows and then feeds them into a single line to the house's septic system.

The caretaker temporary use permit criteria includes the need to care for someone who is aged. Kenneth Njirich is over 70 years old, which meets that criteria. In addition, county code allows additional considerations when the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities. Comments from the Building Department notes the need for placement permits, utility connection inspections, and adequate waste control are required if approved for the temporary vehicles. There were three neighborhood comments received that all had concerns related to sewage and electrical connections, as well as garbage onsite. Director Hines stated that staff has no recommendation regarding this application.

Chair Blakey inquired if the applicant had anything they want to add that has not been presented. Kenneth Njirich said that one of his neighbors had put up a chain link fence prior to selling the property to the current neighbor. The new neighbor wants to put a new fence up, and they have had issues because Mr. Njirich doesn't want them to come onto his property. Supposedly, the fence that is on their property will be taken down, and now he is being told that he needs to pay to take it down. He doesn't feel that it is right since it was not his fence. Chair Blakey reiterated that the only thing the commission is here to discuss at this meeting is the caretaker permit. Kenneth Njirich said that he is a disabled Vietnam Veteran. He has PTSD (Post-Traumatic Stress Disorder), and he cannot control PTSD. If they want to get into this, he is trying to explain what is going on that he didn't put this stuff [assuming that he is still speaking about the fencing] on the property. Why should he pay to take it off? Chair Blakey restated that the concern when someone lives on the property in an RV as a caretaker, it is normally just requesting one RV. Mr. Njirich interjected that the state says that the children cannot live in the same room together because they are different sexes. Chair Blakey reiterated that this has nothing to do with the caretaker permit. The county has rules on letting people reside on a property, how many RVs may be used as residences on a property, how many septic connections are permitted, how much power is connected, and whether the septic tank is sufficient for the number of connections, and so on. All of these things are considered as part of the process to make sure that nothing is overburdened. Once they establish that, then they will determine whether the property is going to become overburdened with vehicles, RVs, personal vehicles, trash, weeds, and that kind of stuff. They are here to determine what is allowable and what is not allowable. Mr. Njirich remarked that his back yard is cleaned. Amanda Latham stated that they had cleaned up the backyard. There are still other weeds that they are working to clean up. There was some discussion regarding evidence and proof of what has been done on the property.

Chair Blakey said that the applicant stated that he is a disabled veteran, and they do not disagree with that. They also do not disagree that the applicant has a medical condition. Mr. Njirich did say that he was an over the road truck driver, and he asked the applicant to explain why he needs onsite care if he is a truck driver. Kenneth Njirich stated that he is home most of the time as he only drives part time. He is allowed to do that. He has a bad heart, bad back, and arteries clogged in his legs. He has had more surgeries in the last six months than probably everyone in this room. He has had cancer surgery, problems with his heart, needs to have surgery on his legs, and has had his neck operated on. He can't do the physical work anymore.

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

Member Goings said that he is very confused with the application. He inquired about the living situation in the house, and Kenneth Njirich said that his daughter stays there part time when

she isn't in Washington with her husband. Member Goings verified that no one lives in the house with Mr. Njirich and was told that the daughter comes to stay sometimes for two weeks at a time every now and then. Member Goings remarked that it looks like there are a lot of people living on one property to take care of one person. Kenneth Njirich responded that the only person who takes care of him is Amanda Latham.

Member Bunyard requested clarification from staff because in the past they have only approved one temporary residence for a caretaker, and he thinks this would be an exception to the rule to allow three RVs. This was confirmed. Member Bunyard stated that they could still be a caretaker from another location, and he inquired if they could find another place to live. Amanda Latham replied that she can't find another place to live at this moment. Kenneth Njirich said that her husband, his grandson, Jason Latham, was just transferred to Washington with his job. He is trying to get everything set up there, so that his family can move up there. He would then need to get someone else to help take care of him. He restated that everyone keeps saying that the things that he mentioned are not related to this hearing, but as far as who is in the house, it shouldn't matter. That is his personal business. Member Bunyard agreed that he doesn't think that they have an issue with anyone in the house; it is the three RVs that are outside of the house that are being used for living quarters. He then said that if they will be moving on...Amanda Latham said that they are not one hundred percent sure when that would happen. Member Bunyard continued that if they were to approve this with one RV and then Mr. Njirich finds another caretaker, then he would be covered. Kenneth Njirich remarked that three RVs would be gone, and the other two RVs are stored there. Amanda Latham reiterated that no one lives in the two RVs that are just stored there.

Loreli LeBaron, Code Compliance Official, explained that there are a total of five RVs on this property, and two are not being used as residences and three are being allegedly occupied.

Member Ansotegui thanked Mr. Njirich for his service in Vietnam. He then asked if there was a way for them to downsize to just live in one of the RVs. There was discussion about the living situation and who lives where and why. Comments were made regarding the need to have separate living quarters for the two teenagers. The talk continued regarding the typical application only involving the use of one RV as a temporary residence and not three RVs and discussing options to downsize even to two RVs instead of three. Member Hyde clarified with the applicant the ages of the children are 16 and 14 years old, and each of them are currently living separately in a separate RV. There was only one room in each RV with a door that could be closed. Why couldn't one of the children live in the home with Mr. Njirich? There was also discussion related to the limits related to using RVs as a residence or the number of RVs permitted to be on a property. Mr. Njirich said that one of the RVs on his property belongs to someone else, and he was told that where he lives in the city limits, he can only have one RV on his property in the city and he had two RVs. That person asked to store the second RV on his property in the county. It was pointed out that there are limits set by statutes in any jurisdiction, including the one in which he lives also. Member Hyde pointed out that there are neighbors who feel that they don't want to live next to an RV park, and so there are a limited number that could be allowed. Kenneth Njirich said that they need to check on all of those neighbors because almost everyone around has two to three RVs stored on their property. He pointed out that they have a bunch of cars and some of those are all torn apart out in the open, and his RVs are all behind a fence in the back of his home. He didn't think that he was doing anything that they weren't also doing, and it was pointed out that he is requesting to have people live in the RVs. Mr. Njirich was just hearing that he needed to remove two of the RVs, but he doesn't understand why they are requesting that when other properties have a number of RVs as well. Chair Blakey pointed

out that a caretaker permit is usually issued for one RV for someone to live in to take care of the person living in the home, or vice versa. The commission will not approve an RV park, and they won't approve five or six RVs with multiple connections. That is the issue at hand.

Kenneth Njirich remarked that someone needed to tell him how to split his property and he would just build another home. Chair Blakey instructed the applicant to speak with Director Hines about that at another time.

Joseph Sanford, Deputy District Attorney-Civil, explained that the regulation requirement for separate bedrooms is generally applied to situations with foster care, or being provided care, and children above the age of five not sharing rooms if they are not of the same gender. This would not typically apply to parents who are just raising their own children since Child and Family Services are not involved with this situation. This is not a legal violation issue.

Chair Blakey called for public comment.

Jason Salisbury, 1820 Heidi Road, lives just north of this property. It states in the proposed action that Jason Latham and his family reside in three RVs to care for Kenneth and his property. He shared information about what he knows regarding the people living at 1790 Heidi Road (see attached letter from which he was reading). He pointed out that Jason and Amanda were living in the larger RV, Cheyenne Costa was living in another RV and another by two younger boys. He also knew that Kenneth Njirich and Jason and Jaime Jurgens were living in the three bedroom home. He pointed out that in 2024 Jason Jurgens received a promotion with Les Schwab and moved to Washington state, and this was about the time that a new family showed up. There are two RVs that are not licensed and were moved to his fence line and are an eyesore. They are not used, and he believes that they diminish his home value. The two smaller RVs that were there previously were replaced by two larger RVs, and there are three large RVs occupied. Jason and Amanda were living in the furthest west trailer; a man, woman and a baby live in the middle trailer (he wasn't sure who they were or how they are related and believes that the man works at Les Schwab); and then there are two teenage boys in the end of the trailer. Now that it has been stated that there is a daughter, that would be another person living in an RV on the property. From time to time, Cheyenne Costa would also live there, so that would be 7-8 people living in the backyard. He noticed a downward slope of homeowner care; mattresses, sofas, and trash were being scattered around the property, tumbleweeds would collect garbage throughout the backyard, and they literally had to pass through the tumbleweeds to the trailers. Time ran out for the remainder of his comment.

Kenneth Njirich remarked that all of those trailers were permanent licensed.

Chair Blakey called for any other public comment, and there were none. He then inquired if the applicants wished to say anything about the comments that were made. Kenneth Njirich commented that he wasn't the one that burned his own fence down. Since Mr. Salisbury wants to bring things up, he is the one that has the horses and everything else causing a stink. Mr. Njirich said that he had already had the septic company out to check everything. His septic system is good and there is nothing wrong with it; it isn't overflowing. He further stated that he works part time dispatching trucks and doesn't drive trucks anymore because of his heart. He was at work when they came and inspected everything. He was willing to have them come back out to pump it, but the company said it didn't need to be pumped.

Dave Birmingham, 1880 Heidi Road, is two doors down from this property. He said that the biggest issue is the septic system. Being as the house has three bedrooms, he understands that code requires at least 1,000 gallon septic system for that size. A four bedroom home would require 1,200 gallons, and five bedrooms would require 1,500 gallons. If they have a three bedroom house and

those RVs being pumped into the same septic tank, he thinks that there is an overabundance of what the tank can hold. In addition, he thinks there are only two people who have lived on Heidi Road longer than he has, and they have had their septic tanks pumped twice. He would like to see some receipts of this being pumped because he hasn't seen any septic company in that backyard. As far as the trash goes, it was taken away this week and the previous week with a huge roll-off dumpster that was in the front yard. He has pictures of that. The concern for them is sanitation.

Chair Blakey questioned if the applicant had any response to these comments.

Kenneth Njirich said according to Marshall's Septic his septic tank is larger than 1,500 gallons. He can't verify that because he isn't a septic company. This is what he was told the first time they pumped it.

Arthur Johnson, 4338 Horseshoe Drive, is a contractor in the area and has a septic license. He wanted to comment regarding some of the numbers being said by others to bring a little clarity. As stated a three bedroom home would require a 1,000 gallon septic tank, a four bedroom would require a 1,200 gallon septic tank, and a five bedroom would require a 1,500 gallon septic tank. In actuality, if a septic tank is digesting the sewage properly, it never needs to be pumped. Pumping a tank is not a requirement. If you overuse the tank, which could happen with the situation that is at hand, then it might get to a point that it wouldn't digest the sewage adequately or keeping up with the amount of sewage going in and then there could be a concern that would require pumping. If they have had Marshall's Septic out, they've looked at it to say there is no reason for it to be pumped, then maybe that needs to be documented.

Kenneth Njirich repeated that he can only go by what he was told by Marshall's Septic that it is larger than 1,500 gallons. Chair Blakey pointed out that since there was no documentation, this is considered hearsay and cannot be factored in for their decision.

Member Goings stated based upon what he has heard and sees on the aerial photograph displayed on the screen that there is a three bedroom house and the RV next to the house looks like it is a fairly good-sized RV. He inquired if the RV only had one bedroom and whether one of the children could live in that RV with the parents. Amanda Latham agreed that it would be possible. Member Goings then summarized that there is an empty bedroom in the home that could be used for one of the teenagers. This would make it where they would only need to occupy one RV for the caretaker, and the other two RVs would not be needed. He remarked that he cannot see any reason to have three RVs because they have teenage children that need their own room. He has a real problem with that. They are only looking at a caretaker temporary use permit, all of the rest of the discussion that has been taking place has no bearing on what they are considering. Why would it be necessary to have three RVs to take care of one person. Mr. Njirich responded that the only reason he did it was because of the way that the law was stated to him that it would be better to have a separate bedroom for each one of the children. Each one of those RVs has only one bedroom. Chair Blakey reiterated that the living arrangements for the children is not part of their concern. The commission is primarily concerned with whether the applicant qualifies to have a caretaker on the property and the circumstances related to that.

Member Bunyard inquired, whether they approve or deny this application, do they need to stipulate that they are only approving one RV if it were to approve. Chair Blakey said that if the commission decides to approve the temporary use permit for a caretaker, then they need to state in the motion how many RVs are being approved, regardless of the people, and if the decision is to deny the application, it is just a denial. After that it is up to the Code Compliance Official to address the other concerns.

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 16.08.070 have been met for one RV and therefore approve the Temporary Use Permit application for Kenneth Njirich & Jason Latham at 1790 Heidi Road (APN 008-175-03). This one RV is subject to conditions listed in the Staff Report. Member Bunyard seconded the motion, and the decision carried by a vote of 4 in favor (Members Ansotegui, Bunyard, Goings, and Hyde) and 1 against (Member Blakey).

Recommended Conditions:

1. The temporary quarters must comply with Churchill County Code.
2. **All Building Department permitting must be completed within 30 days**, including inspections of water, electrical connections, and either connection to the home's septic, or providing proof of a septic pumping service contract for emptying the RV's tanks on a monthly basis.
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 and power supply, unless deemed infeasible by the Building Department.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Chair Blakey thanked the applicant and advised that there is a ten-day appeal period and to contact the department for further permitting procedures. Amanda Latham questioned if they could just disconnect the other RVs or if they would need to be removed. Chair Blakey indicated that she should speak with Director Hines to get a list of everything that needs to be done on the property in order to be compliant with the county code.

- D. Consideration and possible action re: An application for a variance from the minimum lot size for division of property filed by Mitzi Corkill. The property is located at 400 E Corkill Lane, Assessor's Parcel Number 006-831-35, consisting of 10.28 acres in the A-10 zoning district. The applicant proposes an approximate 1.7 acre parcel for a family member to build a residence near the family farm and a remaining approximate 8.6 acre parcel.

Member Goings recused himself from this item.

Mitzi Corkill, 400 E Corkill Lane, was available to speak regarding this application.

Director Hines the applicant has extensive farmland on Corkill Lane and Berney Road, being this 10-acre lot and 2 large farm parcels that are under a conservation easement. The conservation easement allows some number of additional homes to be built, but the financing would have to be under the Corkill Brothers name. The applicant wants to provide land for her daughter to build a house with her own financing. This application is submitted to split the existing 10-acre parcel in the A-10 zone, into 2 small lots of ~1.7 acres and ~8.6 acres. The exact sizes would be determined during the parcel map survey. The smaller lot would result in a ~83% reduction from the standard. The larger lot would result in a ~14% reduction from the standard. The lot split would create two non-conforming

lots, which would require this variance application to be approved.

The reason for the large lot sizes in agricultural zones is to prevent or stop the parceling of productive agricultural land into small residential lots that brings non-farmers in close proximity to farming practices that they may find objectionable, complain about, and at worst attempt to impede. Even splitting farm lots into a 5-acre or 10-acre minimum size makes them much more difficult to be productive in an individual basis. Staff would not normally recommend the creation of small lots in agricultural zones and the staff report provides the reasoning. The Planning Commission has previously approved variances to split a farmstead from farmland for farm estate planning purposes, normally in the 3-6 acre range. It has also approved a variance for two vacant 5-acre lots that were abutting to a 3-6 acre lots. This request is more similar to the second example, but for a much smaller lot and would not be abutting another smaller lot. The application does identify other small lots in the area. The applicant has alternatives to creating a small lot that are described in the staff report, but these may not have the convenience of being on the farm or financed by the daughter.

Director Hines further indicated that comments received by other departments raised no concerns. The staff report reviews the four variance criteria including the reasons that the proposed small lots are a questionable idea. If the Planning Commission is inclined to approve the request, staff recommends that the lot size should not match the smallest in the area, but rather be closer to an even split as possible. Staff has no recommendation.

Chair Blakey inquired if the applicant had anything to add. Mitzi Corkill said that there is really no way to split the lot in half. It is really the weirdest shaped lot ever as shown on the aerial photograph displayed on the screen. She described where there was an existing house, arena, and so forth that they would like to keep together with the larger portion of the lot. Ideally, she would rather carve out an acre on the ranch lot, which is part of the conservation easement with the Navy. She wasn't sure what the possibility would be of getting the Navy to agree to allow that to happen. In the conservation easement they are permitted to have another building site. The house would be under the name of the ranch instead of being owned separately by the daughter and/or son-in-law. She stated that the building site on the ranch would be across from her property, and if they could divide off one-acre from the ranch for her daughter to build on, it would leave their property at 10 acres. She doesn't believe that would devalue the farmland, and they could give up the one building site on that property. She doesn't know how they could do that without involving the Navy.

Chair Blakey questioned if they wouldn't be able to divide the one parcel closer to the five-acres each. Mitzi Corkill remarked that they wouldn't be able to get all of their house to fit on a five-acre part of that oddly shaped parcel. She didn't really want to give up the arena as part of the other parcel. She understood if the commission were not going to approve this, but in her mind, it would be easier to do this on the ranch parcel. There is one house and one mobile home on the ranch side. There was some discussion about where the ranch was located with the potential building site(s). She was hoping that they would be able to give up a building site in the conservation easement where the corrals are located on the ranch parcel and put the one-acre in her daughter's name and let them build a house. The county and Navy would have to agree to that. This would leave her parcel at ten acres and this variance wouldn't be necessary. Mrs. Corkill reiterated that they are already permitted to build a homesite on that parcel according to the conservation easement; however, they would like to be able to split that parcel to give the homesite to her daughter, which would not affect any of the agricultural production that is on that property.

There was some discussion regarding the conservation easement and other options or possibilities. The applicant would need to meet with the county and Navy to see what could be done.

This could take some time. Joseph Sanford, Deputy District Attorney-Civil, said that we can't speak for the Navy regarding this contractual agreement. He thinks that we could get Mrs. Corkill in touch with someone that she could talk to regarding this. They may or may not agree, and it could take quite some time.

Chair Blakey asked if any of the commissioners had any questions or discussion. There were none. Chair Blakey stated that splitting that off with such a small parcel is tough in that area. He asked if the applicant would entertain maybe tabling this item and speaking with Director Hines to see if they can even accomplish a phone call with the Navy. Mrs. Corkill indicated that she would much rather go with dividing the acreage from the ranch parcel. Chair Blakey thought they might be able to get some indicators or direction from the Navy, and that keeps this application open where they could still come back to talk about it again, or she could withdraw it. There was discussion regarding her options and the potential cost. Joseph Sanford, DDA-Civil, recommended that they table the item for a period of time to be sufficient for the applicant to speak with the Navy, possibly 90-120 days. If they receive an answer earlier, they could bring the item back sooner.

Member Bunyard moved to table this item for a period of 120 days. Member Hyde seconded the motion, and the decision carried by a vote of 4 in favor with Member Goings abstaining.

- E. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Terry and Diana Edgmon. The property is located at 1770 Sheckler Cut-Off, Assessor's Parcel Number 008-631-08, consisting of 30.0 acres in the A-5 zoning district. The applicant proposes to allow their son to reside in an RV on the property to act as caretaker for his parents and the agricultural property.

Terry Edgmon, 1770 Sheckler Cut-Off, was available to speak regarding this application.

Director Hines stated that the applicants request to establish a caretaker quarters for the applicants' son to live in an RV in order to assist his parents with care of the farming property and daily tasks. Terry and Diana are in reasonably good health, but are over 70 and need assistance with caring for the property due to fall risks and other issues. The property had a previous caretaker quarters for a parent that ended in 2017. It was a mobile home that has since been removed. The RV is using existing sewer, water and power services from the previous mobile home. Comments from the Building Department note standard temporary use permit requirements. There was one neighbor comment in support of this application.

Chair Blakey inquired if the applicant had anything to add, and Mr. Edgmon did not.

Chair Blakey asked if any of the commissioners had any questions or discussion, and there were none.

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

Chair Blakey 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 application for Terry & Diana Edgmon for a Temporary Use Permit at 1770 Sheckler Cut-off (APN 008-631-08). This approval is subject to conditions as listed in the Staff Report. Member Bunyard seconded the motion, and the decision carried by unanimous

vote (5-0).

Recommended Conditions:

1. The temporary quarters must comply with Churchill County Code.
2. **All Building Department permitting must be completed within 30 days**, including inspections of water, sewer, and electrical connections.
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 and power supply, unless deemed infeasible by the Building Department.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

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

- F. Consideration and possible action re: An application for a variance from the 30' road easement setback filed by Dave and Beth Akins. The property is located at 2180 Rice Road, Assessor's Parcel Number 008-292-02, consisting of 1.0 acre in the E-1 zoning district. The applicant proposes a reduction in the setback to 20'.

Member Goings recused himself from this item.

Beth Akins, 2180 Rice Road, was available to speak regarding this application.

Director Hines stated that the applicant seeks approval to reduce the road setback from the required 30' at this location to approximately 20' in order to place a movable RV carport parallel to the road easement serving the three abutting lots. He pointed out the easement on the map displayed on the overhead screen. The movable structure is a prefabricated, assembled arch and post structure that is assembled on-site. It is built without concrete foundations using soil anchors. Much of the front of the lot is consumed by the irrigation easement, and much of the remaining developable area is already built on with a residence and a large 5 bay garage/shop. The garage/shop is not tall enough for the applicant's two fifth wheel RVs, so they want to build the proposed RV carport, which will go in the remaining large open area as shown on the aerial photograph displayed on the overhead screen. This site has multiple complications that make it difficult to develop. He noted that the colored lines on the aerial photograph lie slightly off from features in the image showing the easements on these lots.

Director Hines went through the complications noted in the staff report:

1. One complication is that the property pins are lost or destroyed, and the exact location cannot be known without assistance from a surveyor.
2. Another complication has come to light after submittal. Ken Bryant created the three parcels using the road easement from a parcel created in a previous 1981 parcel map (Doc# 184075). That map created a utility easement across the remainder property, which is was pointed out on the map displayed. Putting the utility easement through the middle of a lot is not normal unless there is a reason. Structures are not supposed to be placed on these easements.
3. Another complication comes from the small size of the lots, their unusual shape, and the amount of easement area. The three lots are small, approximately one acre, and heavily encumbered by easements for roads, irrigation facilities and utilities, as well as the road setbacks; all of which

greatly reduce their developable area. The map split the original triangular shaped property into three lots, two of which were also triangular shaped, and a certain part of the triangle corners cannot be developed with rectangular buildings. The road easement provides access to the rear lot and the rear portion of the subject property, and it is used by the third lot as well.

The staff report reviews the four variance criteria and finds no issue other than the fact that the county should not be party to issuing permits for buildings built on easements, in this case, the utility easement crossing the property. Reducing the setback has little effect in this situation where the other nearby buildings are also built in the setback. No issues were raised by the other departments. One letter of support was received from Goodrick, owner of the rear property.

Chair Blakey inquired if the applicant had anything to add. Beth Akins wanted to bring to light that a parcel map had been displayed on the overhead screen that is not actually the last parcel map that was recorded. This is the parcel map showing the large parcel that was subdivided into the three parcels that were created. On the latest parcel map from 1985 it does not show the horizontal easement for utilities. She said that the power company told her that they do not have an easement going horizontally, and they don't normally do that. He contests that the first map was just someone drawing a dotted line across the parcel. The latest map recorded does not show an easement going across the middle of the lot.

Director Hines said that the original map does show the easement. Beth Akins interjected to say the line on that map is the line for the lateral section line, and she thinks that someone just drew those dotted lines by mistake. She reiterated that the latter map that was recorded did not show this easement. Director Hines pointed out that the latter map also does not indicate that the easement had been abandoned. The previous map recorded specifically stated that it was an easement. Even though it isn't shown on the next map, which is a lack of the surveyor, it is still there because it wasn't abandoned. This is why staff has a concern and we still show that easement on there because it has never been abandoned. Chair Blakey questioned if the applicant had brought any proof that the utility easement had been abandoned. Beth Akins didn't have anything and said that if that utility easement is there, it goes through the middle of her house. She built her house there 40 years ago and nobody said anything about an easement.

Director Hines stated that another complication is that the road easement in question was established in 1985. All homes on the three lots were built in the 1970s and 1980s, with additional structures built afterward. Most of the buildings were built within the road setback, with the home at 2160 Rice Road being built very close to the easement line. While setbacks have existed since 1973, this probably came about because nobody realized there was a road easement and assumed it was just a driveway with an easement. Beth Akins pointed out that the house in the back was closer to the easement than her house.

Chair Blakey expressed concern that they should get clarification on the utility easement before they could make a decision. Beth Akins remarked that she called NV Energy and was told that they do not have one or want one through there. Chair Blakey inquired if the county needs a surveyor to prove that it doesn't exist. Member Bunyard thinks that it is a recorded document on the title. Director Hines said that if we asked a surveyor about this, they would indicate that the easement still exists. Joseph Sanford, Deputy District Attorney-Civil, commented that typically with easements like this, it is common for an easement that is no longer desired by the utility, to have someone draft up an abandonment of the easement and record it. That is how that would be handled. Doing a survey would only determine whether it is or is not there. A review of the recorded documents will tell us whether it is there, and if there has never been an abandonment recorded, it still exists. Typically, in

a case like this we would ask that the utility company execute an abandonment and record it, and that would inform everyone that they no longer desire to have that. Chair Blakey questioned if they should table this for a period of time to for the records to be researched or for NV Energy to record an abandonment of the easement. Director Hines noted that the easement is not a concern as the application is for a variance from the road setback. There was discussion about whether or not the commission should make a decision on this item at this time. Beth Akins brought up that the building that she wants to put up is not going to be in this easement. Director Hines said that if the commission did approve the variance, it would have the condition that the utility easement be avoided. The county would have to have assurance with the site plan where the easement is located and that the structure will not be within that easement. Joseph Sanford, DDA-Civil, thinks that what Director Hines noted was appropriate. The applicant could always move forward with an abandonment of the easement; however, the setback is the issue of this application and isn't dependent upon whether the easement is or is not there. There was discussion about how the county would review the building site plan to ensure that the structure isn't within the easement.

Chair Blakey asked if any of the commissioners had any questions or discussion. There was none.

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

Chair Blakey asked for a motion.

Member Bunyard, 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 have been met and therefore approve the Variance application for Beth and Dave Akins to reduce the setback from the common driveway road easement at 2180 Rice Road (APN 008-292-02). This approval is subject to conditions as listed in the Staff Report. Member Hyde seconded the motion, and the decision carried by a vote of 4-0 with Member Goings abstaining.

Recommended Conditions:

1. The approved setback shall be the proposed location for the RV carport, being between 15 and 20 from the edge of the road easement for the common driveway.
2. Before placing the RV Carport, the location of the utility easement through the middle of the parcel shall be addressed by:
 - a. Accurately identifying the easement location, and placing the carport to avoid the easement;
OR
 - b. Abandoning the utility easement.
3. The approved variance is ONLY for the proposed RV carport, and does not apply to other buildings or setback locations.
4. All Building Department requirements shall be met, and all necessary permits obtained.
5. The approval of this variance expires one year from the date of the final decision. Construction must be started before expiration.

10. Master Plan Update and Code Changes:

Director Hines stated that he and Dean Patterson have been reviewing the existing Master Plan, and along with the office relocation and the large NV Energy project that was approved, that has fallen on the back burner. They will work diligently to get this going. He shared that the

temporary use permit changes were approved by the Board of County Commissioners, so that is now done administratively. Joseph Sanford, Dean Patterson, and he still need to continue working on the landscaping, screening, and containers code changes. These are just ongoing tasks that they are working on.

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 special use permits previously granted to Richard Hutchings, Hutchings Cattle Company, for events held in the indoor and outdoor arena, sales of animals owned by others, horse boarding, and other activities related. The property is located at 1001 Sheckler Cut-Off. There were two special use permits granted that are being requested to be terminated.

Member Bunyard moved to approve the consent agenda as submitted. Member Goings seconded the motion and the decision carried unanimously (5-0).

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 7:39 p.m.

14. Appendix:

Supporting Documentation

Approved: 
Eric Blakey, Chair

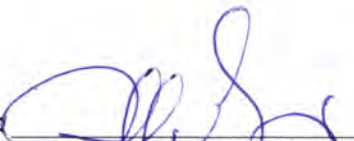
Approved: 
Scott Nelson, Vice Chair

Approved: 
Victor Ansotegui, Commissioner

Approved: Unavailable
Zack Bunyard, Commissioner

Approved: Unavailable
Tami Edgmon, Commissioner

Approved:


Jeff Goings, Commissioner

Approved:


R. Mark Hyde, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



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STAFF REPORTS FOR
PLANNING COMMISSION MEETING – October 9, 2024

LIST OF STAFF REPORTS

- | | |
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| ● Monarq Milk / Christoph Special Use Permit for Milk/Cheese Processing | Page 2 |
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| ● Njirich Temporary Use Permit for Caretaker Quarters – 3 RVs | Page 8 |
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Application:	Special Use Permit	Use Listing:	Milk/Cheese Processing
Applicant:	Ted Cristoph for Monarq Milk	Owner:	Ted Cristoph
Site:	4624 Cox Road (APN 008-123-17) – 40 acres		
Designations:	Master Plan – Urbanizing // Zoning – A-10		

Summary: The existing dairy has existed since 1988, and been operated by the Christoph family. The applicant acquired the dairy in 2022. He proposes to expand operations to include the processing of milk product to produce cheese, yogurt, and similar products. This will be a small operation using milk produced on the dairy. The processing building will be 40'x70'. Note that the application indicates it will be attached to the milking parlor, but the site plan shows it as a separate building. The minor difference in either location is acceptable.

The site plan and application describe the project. The property fronts on Cox Road, and the processing facility will use the same access point. The service driveway runs north with most of the dairy facilities and the proposed processing facility lying east of the driveway. A 10-space parking lot is planned between the facility buildings, with an ADA accessible parking space planned. The new building will need an office and ADA accessible entry and restroom.

Hours of operation are stated as being random with some late hours consistent with the existing dairy. While there will be additional operations and employees, some of the processing center impacts actually reduce the existing dairy business impacts and pass them through the processing center. An example is that dairy milk truck trips leaving the property will be reduced and replaced by processed product truck trips.

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.

A milk and cheese processing facility can have impacts on a neighborhood, which are addressed under Criterion 5. The small scale of the facility and the control plans reduce the consequences. The site is in an A-10 zone, with a Master Plan designation of Urbanizing. South of Cox Road, the zoning is A-5. Most nearby lands are large lot farms with active irrigation, with some large lot residential lots mixed in. Residential lots are mostly on Bourbon Street to the NE, or farm homestead sites that have been split from their irrigated land. The processing facility will not change the primary dairy activities, and is far from nearby residential lots. The facility will be compatible with surrounding 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. **Milk/Cheese Processing is a listed use** in the use table for the A-10 zone, needing a SUP to be approved. Most Master Plan policies are not applicable to the development of industrial uses or are neutral in terms of general 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. Environmental Impacts are addressed in Criteria 5.

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

- **Height, Setbacks, and Easements:** The building meets the height limit. The proposed processing facility aaaaameets the front- 30', side- 30' and rear- 40' setbacks. Irrigation easements run along the north property line and nearby canal. The proposed facility is distant from property lines and easements.
- **Friction Zones:** The Code requires a buffer between industrial uses and adjacent residential or agricultural uses. The ~2-800 ft of separation between the proposed facility and any adjacent properties is adequate to meet the requirement in this case. No additional buffering is required.
- **Building, office, sewer, and water facilities:** The proposed building will be 40'x70'. State and local laws require an office space for the place of business, which the building provides. The existing dairy operation currently has 2 wells shown on the site plan, and the facility proposes to use that water. Industrial uses normally require state approved water rights. The existing wells are likely to be adequate, but a recommended condition of approval will confirm this. The state approves commercial septic systems. The existing milking parlor is connected to a state approved sewer waste disposal system and storage lagoon for the dairy, and the new facility will be connected to it. A recommended condition of approval will ensure the new facility can use the dairy's sewage system. If not, a new commercial septic system will be needed for the facility, or possibly just for human waste.

The Building Department provided comments, which are summarized here. Building Permits will be needed. Construction of the building will require a licensed contractor. The building must be ADA compliant for parking, access into the building, and restrooms. A commercial septic system must be approved by the state. These are a recommended condition of approval.

- **Parking and Loading Requirements:** The parking code (including handicapped parking) does not address agricultural industrial facilities; however, the code requires 1 space per employee for other industrial type uses. The application does not indicate the number of expected employees, but the applicant verbally anticipated 5 employees. The proposed 10 spaces are adequate, and there is extensive open space for overflow parking in the area of the processing facility and dairy. The driveway and parking area should be graveled to reduce dust, which is a recommended condition of approval.
- **Landscaping:** The landscaping code requires 1 parking lot tree, and street landscaping. The site plan does not indicate landscaping, but the Zoning Review form states 1 parking lot tree will be provided, and trees will be provided along the road frontage. However, staff notes that the facility is much smaller than the full property. So landscaping should only apply for roughly the same road frontage as the new facility, being about 100 feet. Staff recommends a condition of approval to provide a landscape plan focused on the driveway entrance, possibly incorporating signage.
- **Lighting & Signage & Outdoor Storage:** Lighting is not mentioned in the application, though any new lighting on the building must meet Dark Skies requirements. A proposed sign is described in the Zoning Review form as 8'x4' and 12' high, but the applicant has not provided a sketch of it. No outdoor storage is proposed.

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

There are no public water or sewer services on the site. On-site water wells will be used for the processing facility – see previous comments regarding those services. Power exists at the dairy and will be used for the new facility. Emergency services already serve the dairy. The Fire Marshall and Sheriff provided no comments. Public road infrastructure is discussed below. Public infrastructure and services will not be overburdened.

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

The property takes access off of Cox Road for both the dairy and the proposed processing facility. Cox Road is paved County-maintained road in an intermittent road easement that is sometimes 30' and sometimes 60'. The applicant anticipates less than 80 trips on any given day, including employees and deliveries, which may include large hauling trucks. Some trips will also be replacements of existing dairy trips. The road can accommodate this modest increase in traffic, there will be minor traffic impacts. The current access is a agricultural access, and the Road Supervisor finds it acceptable for the new use.

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 main potential environmental concerns for dairies are the handling of spoiled product resulting in putrid odors, and the additional trucks carrying products in and out.

The application indicates that spoiled product can be fed to dairy cows (presumably solids), and the facility will be connected to the sewage system (where liquid spoiled product can be disposed of). Large scale processing facilities can generate noxious and putrid odors, but the small scale of this facility will reduce the scale of the potential odors. Being able to feed spoiled product to cows on the property right away will reduce the overall strength and duration of odors, and is an option large scale operations do not have. Odor impacts should be controlled to minor levels.

While additional truck trips may be generated, the fact that the processing facility is on the dairy facility means some processing trips are actually replacing dairy trips. Additional truck impacts will be minimal.

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 Monarq Milk at 4624 Cox Road (APN 008-123-17). 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 approval is subject to annual review to determine conformance with County Code and conditions of approval until such time as the Planning Commission determines such review is no longer necessary.

2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained. All requirements, such as ADA accessible facilities, and a licensed contractor must be provided as deemed necessary by the Building Department.
 - c. An ADA compliant parking space shall be provided.
 - d. Lighting shall meet Dark Skies requirements.
 - e. The driveway and parking area shall be graveled to control dust.
 - f. A landscape plan shall be provided that is acceptable to the Planning Director showing proposed landscaping for 50' on either side of the driveway.
3. The sewage disposal system must be approved by the State of Nevada, or a commercial system installed.
4. Use of the existing well for the agricultural industrial use or an alternate water source must be authorized by the State of Nevada.
5. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
 - a. Spoiled product shall be disposed of in a manner to avoid or reduce odor generated by the operation.

Application:	Variance from 60' Road Setback	
Applicant:	Evelyn and Bendicht Tschannen	Owner: Tschannen Family Trust
Site:	4815 Schindler (APN 006-171-15) – 5.3 acres.	
Designations:	Master Plan – Agricultural // Zoning – A-5	

Summary: This application requests a reduction of the 60' road setback to approximately 40' to build their shop. At the time the home was built, the setback was 30' and the home was placed approximately 40' from the easement. The applicant requests to reduce the setback to match the existing home, which would be 33% setback reduction.

What is the reason for the standard? The reason for a road setback is to (a) provide separation of buildings from road traffic impacts such as crash hazards, traffic noise, safer front yard activities, and (b) to provide a consistent road image to the community and traveling public.

The normal road setback in most (not all) situations has been 30' for much of the past. Around 5 years ago, the County Commissioners asked for and approve a code amendment to provide a larger setback along most public roads due to citizens complaining their home is close to a higher speed road. The change added another 30' to the normal 30' setback except in certain circumstances. Consequently, this property now has the 60' road setback.

The road setback is measured from the edge of the road easement. At this location the center of the road is also the center of a 60' road easement, so the edge of easement is 30' from the road centerline. The edge of the base setback would be 60' from centerline, and the edge of the larger setback would be 90 feet from centerline. The proposal would result in a 40' setback, which is 70' from road centerline.

In reviewing the request, the Planning Commission should refer to:

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.***

Applicant - The application provides extensive reasoning, as summarized here. There are topographic problems that limit the ability to locate the shop to meet the setback. Examples include the farmed land, other structures, hilly sand dunes, and questionable soils. In addition, traffic near the site is slower due to the nearby turn in the road.

Staff – Staff agrees.

- 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.***

Applicant - The application provides reasoning, as summarized here. Difficulties would be moving utility service lines minor structures. It would create undue hardship when the existing home meets the requested 40' setback.

Staff – Staff agrees. In addition, requiring the shop to have a larger setback than the house has little benefit.

- 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.***

Applicant - The reduced setback would only affect neighbors the same as the existing house.

Staff – Staff agrees, particularly since road speeds are lower than normal at this location due to the nearby

road turn. This in turn results in lower safety and road impact concerns from a smaller setback. Since the shop is not a residence, the impacts from road traffic are less of a concern.

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

Applicant - Sees no adverse effects on the code.

Staff – Staff agrees. The larger setback is most beneficial to new residences, so the proposed shop will be minimally benefited by the additional 30’ setback. Providing the same setback as the home will provide a consistent road image.

STAFF RECOMMENDATION:

APPROVAL

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

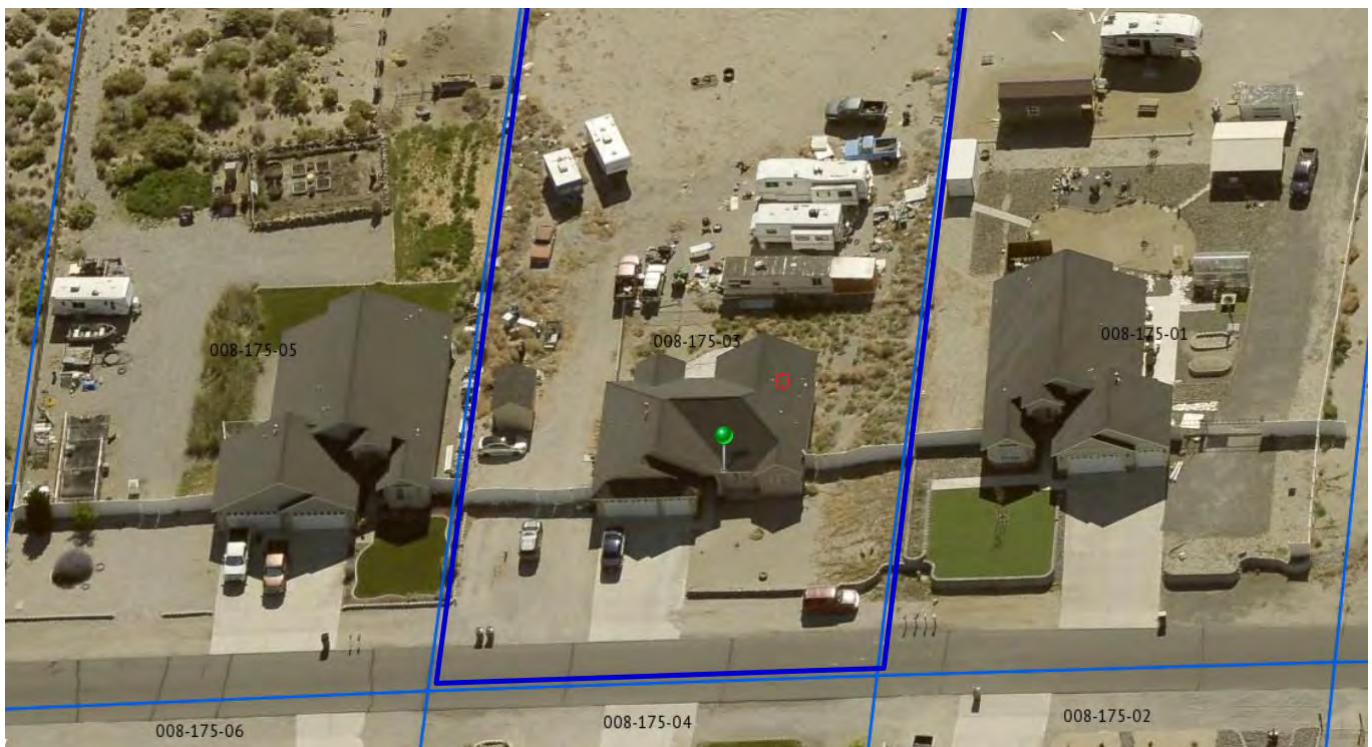
- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.090 **HAVE BEEN** met and therefore **APPROVE** the Variance application for the Tschannen Family Trust to reduce the road setback on APN 006-171-15. This 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 setback for the shop shall be approximately 40’, and shall match the setback for the existing home.
2. The approved variance is ONLY for the proposed building, and does not apply to other buildings or setback locations.
3. All Building Department requirements shall be met, and all necessary permits obtained.
4. The approval of this variance expires one year from the date of the final decision. Construction must be started before expiration.

Application:	Temporary Use Permit	Use Listing:	Temporary Quarters for Caretaker
Applicant:	Kenneth Njirich & Jason Latham	Owner:	Kenneth Njirich
Site:	1790 Heidi Road (APN 008-175-03) – 1 ac.		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicants are requesting 3 RVs to allow the family of Jason Latham to provide care for Kenneth Njirich. This application is generated by an enforcement action. All 3 RVs are currently on the property and mostly hooked up to the home facilities. The 3 RVs proposed for the temporary quarters quite old, from the 1980s and 1990s. They are arrayed behind the house and parked side by side. In addition, there are 2 other RVs in the back yard that appear to be lived in (according to the Code Compliance Official). The air photo below shows the RV situation. The application indicates that the Latham family proposes 3 RVs for a reason: 1 for husband and wife (Jason and Amanda), 1 for teenage son (Spencer), and 1 for teenage daughter (Victoria). The boy and girl need their own space.



The situation has a complicated family relationship and proposed caretaker arrangement. Some of it is described in the application materials, and some was communicated to the Code Compliance Official during the enforcement action. There may be inaccuracies in the description below:

- Kenneth Njirich owns the property and is over 70 years old. He has health problems but is a major earner for the family as a cross-country truck driver. He can be gone for multiple days on a delivery.
- Kenneth's daughter lives in the home with him, though her name is uncertain. A name listed on the application as a caretaker is Cheyenne Costa, which may be the daughter. The daughter does not stay at the property all the time, but comes and goes for periods of time.
- Jason Latham is the grandson of Kenneth, and son of the daughter (Cheyenne??). He lives in the RV closest to the house with his wife Amanda. Amanda is listed as a caretaker for Kenneth.
- Jason's children Spencer and Victoria each live in one of the other RVs. They are the great-grandchildren of Kenneth.

- The application also notes that the Latham family can't afford their own place.
- Another person, Judy Groover, is listed on the application as being added to the caretaking effort in November, but her relationship to others is unknown.

The site plan shows the 3 RVs behind the house, lined up in a row. The access, sewage, water, and power services are shown on the site plan but the application is unclear about the connections to be used for the RVs. The Code Compliance Officer observed the site and is of the opinion that the following connections are present for the RVs (referenced below by how close they are to the house).

- 1st RV (closest to house) – Connected to the house utility services for water, sewer, and power.
- 2nd RV – Connected to the house water, sewer, and power.
- 3rd RV – Connected to the house utility services for water and power. But the sewer line was not connected and is laying on the ground.
- The RVs have an aboveground setup of sewer collection pipes that combine the flows, and then feeds them into a single line to the house's septic system.
- The property is served by Heidi Road, which is a paved County-maintained road. This is acceptable.

Comments - Building Dept. comments note the need for placement permits, utility connection inspections, and adequate waste control.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a hardship/caretaker's quarters in CCC 16.08.070(B)3 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

- "a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
- b. A residence used by an attendant caring for an aged invalid or physically or mentally disabled person"

The applicant has provided documentation to staff that the person needing care, Kenneth Njirich, is aged (over 70) and needs assistance.

CCC 16.08.070(H) allows conditions of approval to be applied if "the use will otherwise be **incompatible** with other existing uses within the same general area or will constitute a **nuisance** or will **overburden improvements** or facilities." A difficulty arises where multiple people in multiple RVs claim to be a caretaker so they can live on the property under a TUP. Such a situation can turn into a de-facto RV park. This is one of the complaints that generated the enforcement action.

STAFF RECOMMENDATION:

NO RECOMMENDATION

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 [HAVE BEEN // HAVE NOT BEEN] met and therefore [APPROVE // DENY]** the Temporary Use Permit application for Kenneth Njirich & Jason Latham at 1790 Heidi Road (APN 008-175-03). 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 Building Department permitting must be completed within 30 days***, including inspections of water, electrical connections, and either connection to the home's septic, or providing proof of a septic pumping service contract for emptying the RV's tanks on a monthly basis.
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 and power supply, unless deemed infeasible by the Building Department.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	Variance from 10-Acre Minimum Lot Size	
Applicant:	Mitzi Corkill	Owner: Mitzi & Bruce Corkill
Site:	400 E. Corkill Lane (APN 006-831-35) – 10.28 acres.	
Designations:	Master Plan – Agricultural // Zoning – A-10	

Summary: The applicant has extensive farmland on Corkill Lane and Berney Road, being this 10 acre lot, and 2 large farm parcels that are under a conservation easement. The conservation easement allows some number of additional homes to be built, but the financing would have to be under the Corkill Brothers name. The applicant wants to provide land for her daughter to build a house with her own financing.

This application is submitted to split the existing 10.28-acre lot in a 10-acre A-10 zone, into 2 small lots of ~1.7 acres and ~8.6 acres. The exact sizes would be determined during the parcel map survey. The smaller lot would result in a ~83% reduction from the standard. The larger lot would result in a ~14% reduction from the standard. The lot split would create 2 non-conforming lots, which would require this Variance application to be approved.

What is the reason for the standard? The reason for large lot sizes in agricultural zones is to prevent or stop the parceling of productive agricultural land into small residential lots. It is understood that small lots may already exist in an agricultural zone from historic practices. While there are other forces also causing the loss of farmland, small lot parceling brings non-farmers in close proximity to farming practices that they may find objectionable, complain about, and at worst attempt to impede. Even splitting farm lots into a 5-acre or 10-acre minimum size makes them much more difficult to be productive in an individual basis. Lots of 5-acres or less tend to operate more as low-productivity hobby farms.

Note that the Planning Commission has previously approved Variances to split a farmstead from the farmland for farm estate planning purposes, normally in the 3-6 acre range. It has also approved a Variance for 2 vacant 5-acre lots that were abutting to 3-6 acre lots. This request is more similar to the second example, but for a much smaller lot and it would not be abutting on other small lots. The application does identify other small lots in the area.

Note that staff gets weekly inquiries to split nonconforming lots that have already been divided to their minimum, and inform them that they can't be divided more. Many are for family, as in this case. The applicant has alternatives to a creating a small lot:

- The Corkill family requested homesites on the conservation easement properties, so a home could be financed and built there, possibly with the daughter making the payments.
- The applicant can propose an Accessory Dwelling Unit of 1000 sf or so for daughter, again built and owned by the parents.
- The daughter can purchase nearby vacant property and build a home, with or without assistance from family. In the immediate area, there are 1 or 2 vacant homesites, and 1 or 2 small farm lots.
- The daughter can purchase nearby property with an existing home, with or without assistance from family. The nearby area north of Union Road has places that have been divided into residential lots, and there are a few small patches of residential lots south of Union Road as well.

Of course, these may not have the convenience of being on the farm or financed by the daughter.

Comments were received from the Building Department, which indicates a home will need a building permit.

In reviewing the request, the Planning Commission should refer to:

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.

Applicant - The application provides reasoning, as summarized here. They want a family member to be close to the farm to care for animals, the farm, and elderly family members. Conservation land can't be divided. Other nearby small parcels are listed in the application, ranging from 1-6 acres, with 2 being less than 4 acres (one to the north and one to the south).

Staff – Having a family member nearby is a matter of convenience rather than a special situation of the property. The conservation land cannot be divided, but additional homes were requested and allowed in the easement deed. There are no adjacent lots less than the minimum lot size, but there are some in the neighborhood that were established before the current zoning - mostly to the north of Union Road.

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.

Applicant - Same reasoning as for Criterion 1.

Staff – The difficulties are not peculiar nor exceptional. The hardship is the inconvenience of not having a home for the daughter on the farm.

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.

Applicant - The Variance will not affect the neighbors. It is the same as placing a home on the conservation land.

Staff - There should be minimal effect on neighbors or public health, safety, or welfare. But the homes allowed in the conservation easement are still allowed – the parcel map will create an additional homesite.

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

Applicant - The small lot will not be a problem, because its for a family member so they can be close and help with the farm.

Staff - Even if farmers want to create small lots for family purposes or estate planning, those homesites almost always get rented or sold to non-farm people. The purpose of the 10-acre lot size is to prevent the on-going creation of new residential lots.

If the Planning Commission is inclined to approve the request, Staff recommends that the lot size should not match the smallest in the area, but rather be as close to an even split as possible. As an example, placing the common line further south to include the corral near the existing home would increase the lot size to roughly 3.5 acres, which is similar to most of the other smaller lots in the area. In discussing this option, the applicant didn't want to "lose" the corral to the other lot, but that can be resolved by placing a private easement on the corral area for its use during the parcel map process.

STAFF RECOMMENDATION:

NO RECOMMENDATION

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 **[HAVE BEEN // HAVE NOT BEEN]** met and therefore **[APPROVE // DENY]** the Variance application for Mitzi Corkill to reduce the 10-Acre minimum lot size on APN 006-831-35. This approval is subject to conditions, as listed in the Staff Report.
(**NOTE** that approving different lot sizes will change the Conditions of Approval)

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. This variance approves 2 lots of approximately **[1.7 and 8.6 acres]**, with the understanding that the exact acreage will be determined by the parcel map survey.
2. The approval of this variance expires one year from the date of the final decision. The parcel map to create the proposed lots must be submitted before expiration.

Application:	Temporary Use Permit	Use Listing:	Temporary Quarters for Caretaker
Applicant:	Terry & Diana Edgmon	Owner:	Edgmon Revokable Trust
Site:	1770 Sheckler Cutoff (APN 008-631-08) – 30 ac.		
Designations:	Master Plan – Agriculture // Zoning – E-1		

Summary: The application requests to establish a caretaker quarters for the applicant’s son (David Edgmon) to live in an RV in order to assist his parents with care of the farming property and daily tasks. Terry and Diana are in reasonably good health, but are over 70 and need assistance with caring for the property due to fall risks and other issues. The property had a previous caretaker quarters (for a parent) that ended in 2017. It was a mobile home that has since been removed.

The temporary quarters is an RV, though the application does not indicate the age. The RV is already set up, and the site plan shows it next to the west side of the home. It is using existing sewer, water, and power services for the previous mobile home. Access is from Sheckler Cutoff, which is a State maintained highway some distance to the east.

The Building Department provided comments regarding the need for a placement permit and inspections of utility connections.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a hardship/caretaker’s quarters in CCC 16.08.070(B)3 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

- “a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
- b. A residence used by an attendant caring for an aged invalid or physically or mentally disabled person”

The applicant has provided documentation to staff that the persons needing care are over 70 and considered aged.

CCC 16.08.070(H) allows conditions of approval to be applied if “the use will otherwise be ***incompatible*** with other existing uses within the same general area or will constitute a ***nuisance*** or will ***overburden improvements*** or facilities.”

Comments - Building Dept. comments note the need for placement permits, utility connection inspections, and adequate waste control.

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 **HAVE BEEN** met and therefore **APPROVE** the Temporary Use Permit application for Terry & Diana Edgmon for a Temporary Use Permit at 1770 Sheckler Cutoff (APN 008-631-08). 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 Building Department permitting must be completed ***within 30 days***, including inspections of water, sewer, and electrical connections.
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 and power supply, unless deemed infeasible by the Building Department.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

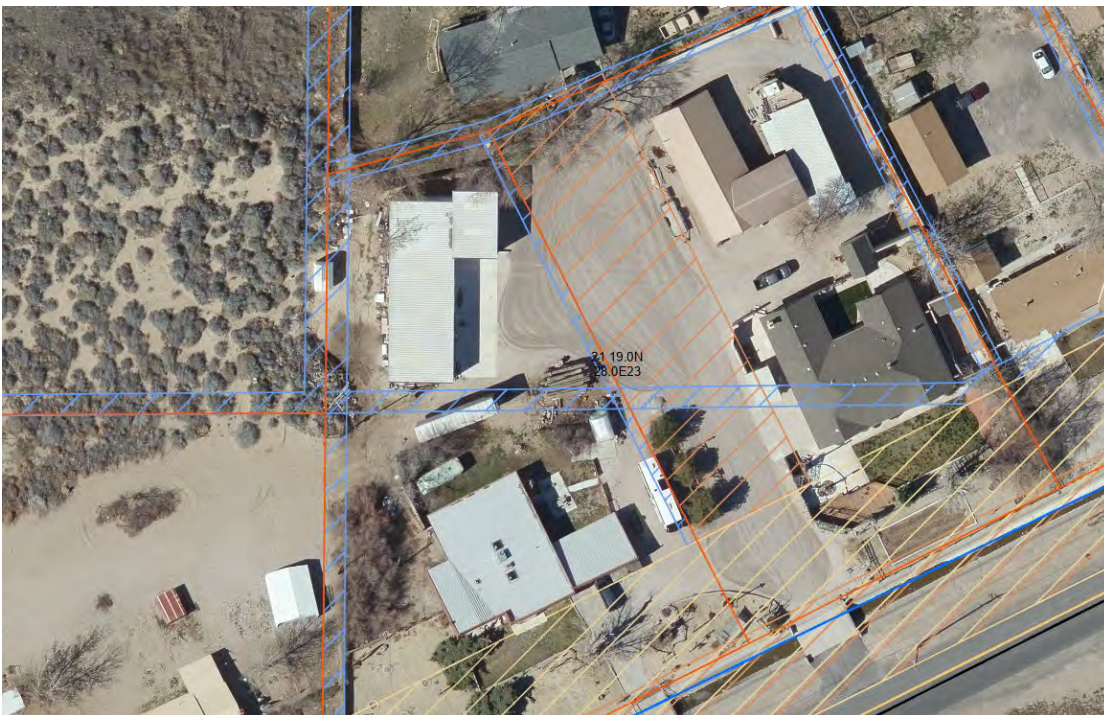
Application:	Variance from 30' Road Setback		
Applicant:	Beth and Dave Akins	Owner:	Dave and Beth Akins
Site:	2180 Rice Road (APN 008-292-02) – 1 acre		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant seeks approval to reduce the road setback from the required 30' at this location to approximately 20' in order to place a movable RV carport parallel to the road easement serving the 3 abutting lots. The movable structure is a prefabricated assembled arch and post structure that is assembled on-site. It is built without concrete foundations using soil anchors.

Much of the front of the lot is consumed by the irrigation easement. Much of the remaining developable area is already built on with a residence and a large 5 bay garage/shop. The garage/shop is not tall enough for the applicant's 2 5th-wheel RVs, so they want to build the proposed RV carport, which will go in the remaining large open area.

What is the reason for the standard? The reason for a road setback is to (a) provide separation of buildings from road traffic impacts such as crash hazards, traffic noise, safer front yard activities, and (b) to provide a consistent road image to the community and traveling public.

This site has multiple complications that make it difficult to develop. These are described below. An air photo is also provided below that illustrates the complications. Note that the colored lines lie slightly off from features in the image. The hatching indicates an easement, and its color indicates the easement purpose.



One complication is that the property pins are lost or destroyed, and the exact location cannot be known without assistance from a surveyor. During a site visit, it was only possible to approximately identify the property line within a few feet, which resulted in an estimated setback of between 15 and 20 feet. If the Variance is approved without an accurate property line found, it should be for the proposed location rather than a specific setback distance.

Another complication comes from the small size of the lots, their unusual shape, and the amount of easement area. The property and its 2 neighboring lots were created in 1985 by Ken Bryant, who Beth Akins indicates was her father, in a parcel map (Doc# 212065). The applicants own this property (2180 Rice Rd.), and own and live at the adjacent lot (2160 Rice Rd.). These parcels are small (~1 ac.) and heavily encumbered by easements for roads, irrigation facilities, and utilities, as well as the road setbacks; all of which greatly reduce their developability. In addition, Ken Bryant split the original triangle-shaped property into 3 lots, 2 of which are also triangular shaped, and a certain part of the triangle corners cannot be developed with rectangular buildings. The road easement provides access for the rear lot and the rear portion of the subject property, and it is used by the third lot.

Another complication has come to light after submittal. Ken Bryant created the above noted 3 parcels from a parcel created in his previous 1981 parcel map (Doc# 184075). That map created a utility easement running along the north side of the 1/16th section line, which crosses the 2 parcels fronting Rice Road, but it was not shown on the subsequent parcel map. Putting a utility easement through the middle of a lot is not normal unless there is a reason. This utility easement appears to run under the applicants' home, runs between the home and garage/shop of the subject property, and might run through the proposed RV carport site. Normally, structures are not supposed to be placed on easements, however the proposed carport is a movable structure.

Another complication is that the road easement in question was established in 1985. All homes on the 3 lots were in the 1970s and 1980s, with additional structures built afterward. Most of the buildings were built within the road setback, with the home at 2160 Rice Rd. being built very close to the easement line with little or no setback (in addition to being over the utility easement). While setbacks have existing since 1973, this probably came about because nobody realized there was a road easement, and assumed it was just a driveway without an easement.

In reviewing the request, the Planning Commission should refer to:

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.***

Applicant - Setback from road is 30'. Existing driveway is 45' with turnaround.

Staff – The small lot is heavily burdened by easements that greatly reduce its developable area. In addition, its triangular-shape is more difficult to develop with rectangular buildings.

- 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.***

Applicant - The 30' setback is restricting them from putting up the RV cover.

Staff – The applicant's don't want their RVs to be in the weather.

- 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.***

Applicant - Existing driveway is 45' with a turnaround, so that should be enough for neighbors.

Staff - This short access road is essentially a private driveway with slow driving speeds, and reducing the setback should not affect the public health, safety, or welfare. The other 2 properties that use the road have been developed without meeting setbacks, as well. So a reduced setback should have little additional effect on them.

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

The purpose and intent of the road setback is to (a) provide separation of buildings from road traffic impacts such as crash hazards, traffic noise, safer front yard activities, and (b) to provide a consistent road image to the community and traveling public.

Applicant - They wish to reduce the setback from the driveway.

Staff - Providing separation for road impacts has little benefit in this situation because the road is simply a low-speed driveway serving the 3 homes. Providing a consistent image to the community and travelers has little benefit in this situation because they do not travel on the driveway. The requested reduction in the setback is consistent with the intent and purpose of the code.

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 **HAVE BEEN** met and therefore **APPROVE** the Variance application for Beth and Dave Akins to reduce the setback from the common driveway road easement at 2180 Rice Road (APN 008-292-02). 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 setback shall be the proposed location for the RV carport, being between 15 and 20 from the edge of the road easement for the common driveway.
2. Before placing the RV Carport, the location of the utility easement through the middle of the parcel shall be addressed by:
 - a. Accurately identifying the easement location, and placing the carport to avoid the easement; OR
 - b. Abandoning the utility easement.
3. The approved variance is ONLY for the proposed RV carport, and does not apply to other buildings or setback locations.
4. All Building Department requirements shall be met, and all necessary permits obtained.
5. The approval of this variance expires one year from the date of the final decision. Construction must be started before expiration.

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.

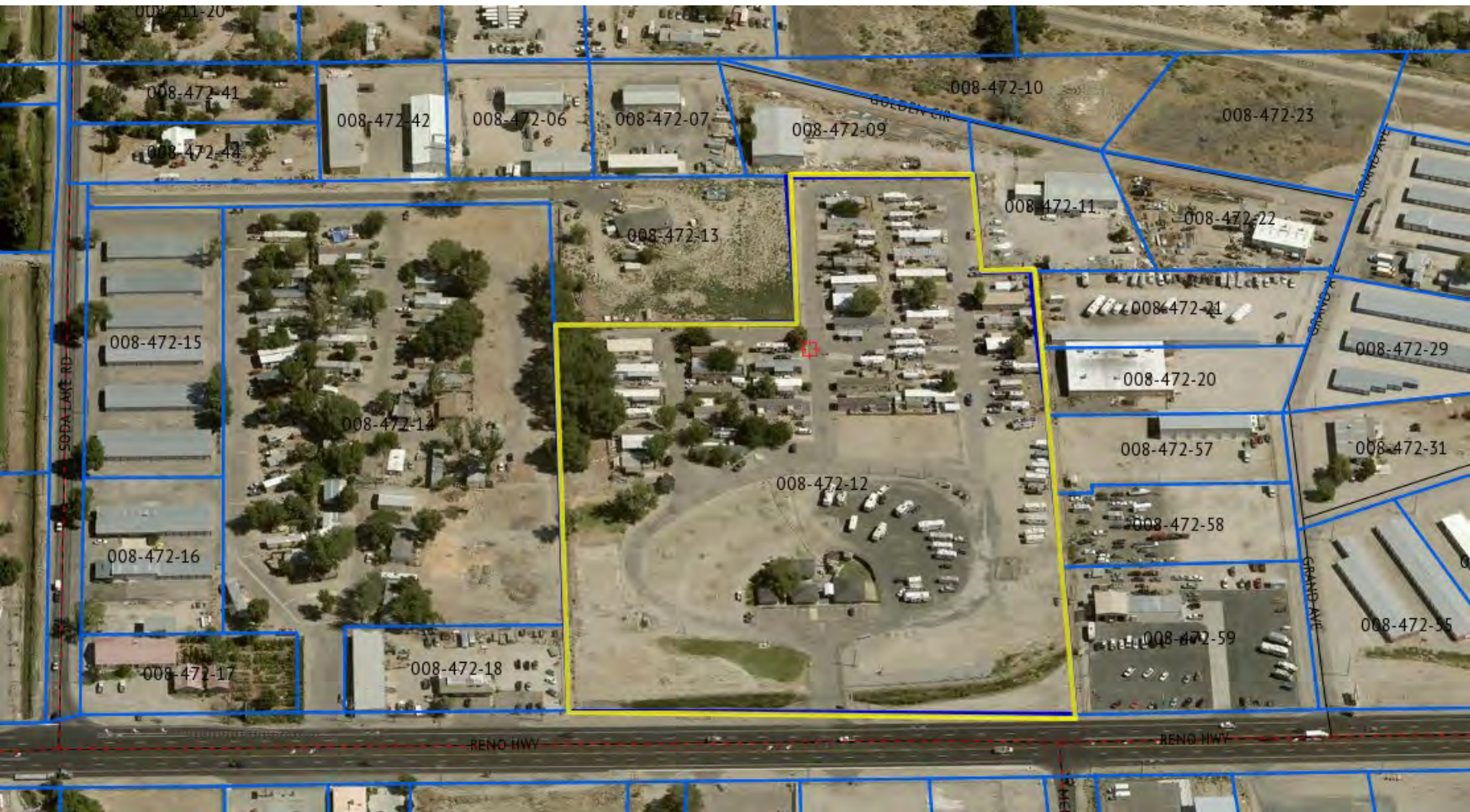
RECOMMENDED MOTION

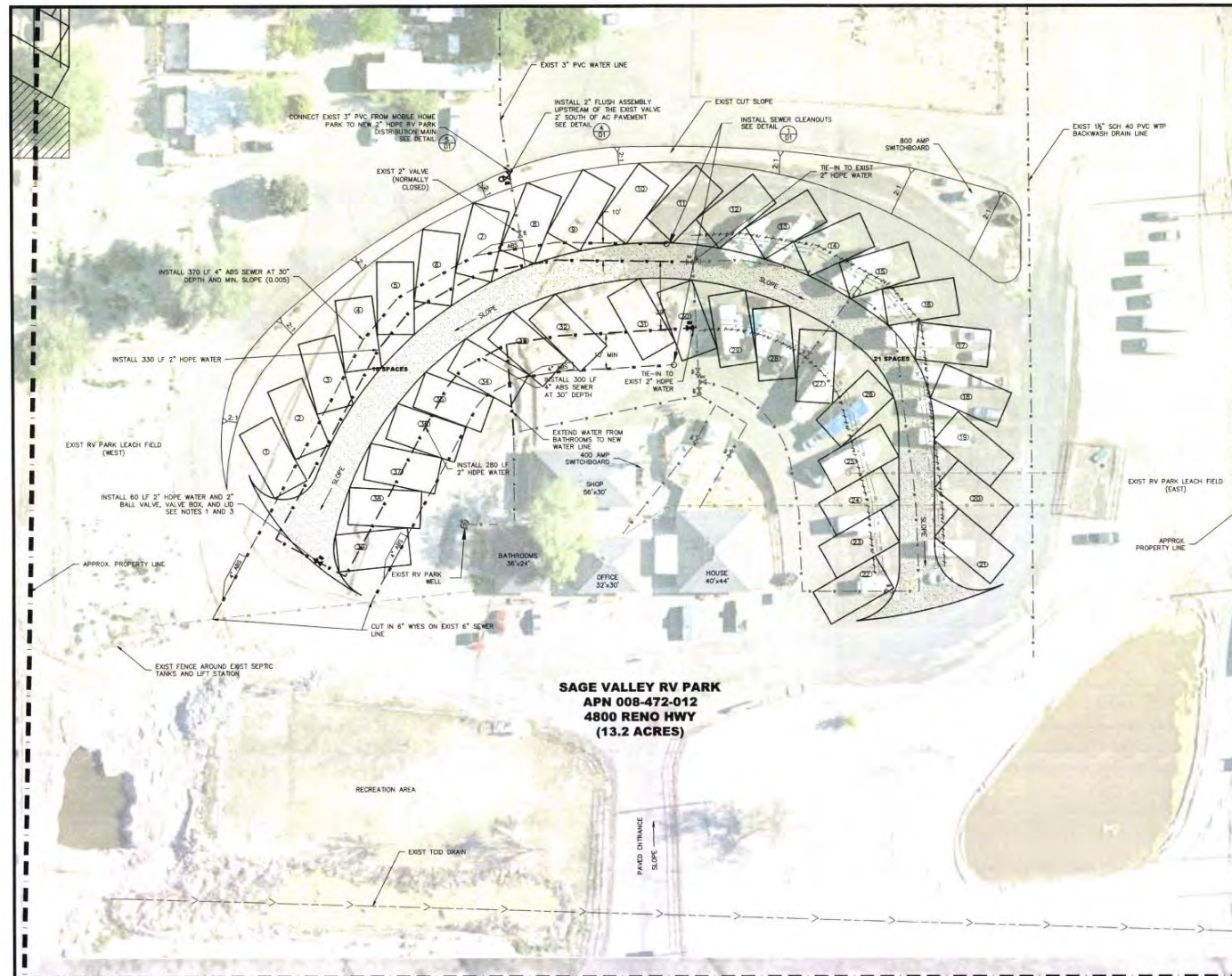
- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item ____*** for further discussion, and to approve the remainder of the Consent Agenda as submitted.



**CHURCHILL COUNTY
PLANNING
COMMISSION
HEARING
October 9, 2024**

Sage Valley RV Park, SUP Review, 4800 Reno Hwy, APN 008-472-12



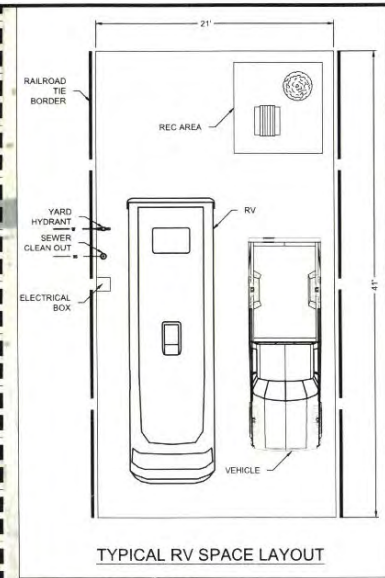


SAGE VALLEY RV PARK
APN 008-472-012
4800 RENO HWY
(13.2 ACRES)

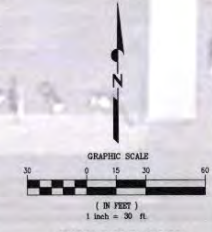
US 50 (RENO HWY)

SITE PLAN

- NOTES:
- 1) SEE TRENCH DETAIL 1/D2.
 - 2) SEE RV SPACE UTILITY SERVICE DETAIL 3/D1.
 - 3) SEE CROSSING DETAIL 2/D2.



TYPICAL RV SPACE LAYOUT



T 19 N, R 28 E, SEC 28

PROPOSED SITE PLAN	
PROJECT: SAGE VALLEY RV PARK WATER SYSTEM IMPROVEMENTS FALLON, CHURCHILL COUNTY, NEVADA	
DESIGNER: MARTIN UGALDE Exp. 6/30/24 CIVIL No. 12813	
DATE: AUG 2023	
SHEET: C4 OF 6	
SCALE: AS SHOWN	



Christoph/Monarq Milk, SUP application, 4624 Cox Rd, APN 008-123-17





Tschannen, Variance application, 4815 Schindler Rd, APN 006-171-15



Njirich/Latham, TUP application, 1790 Heidi Rd, APN 008-175-03





008-175-13

PL 34444
A. SP12.

PL 34444

Box

-Pactp

Well

Corkill, Variance application, 400 E Corkill Ln, APN 006-831-35





Edgmon, TUP Application, 1770 Sheckler Cut-Off, APN 008-631-08





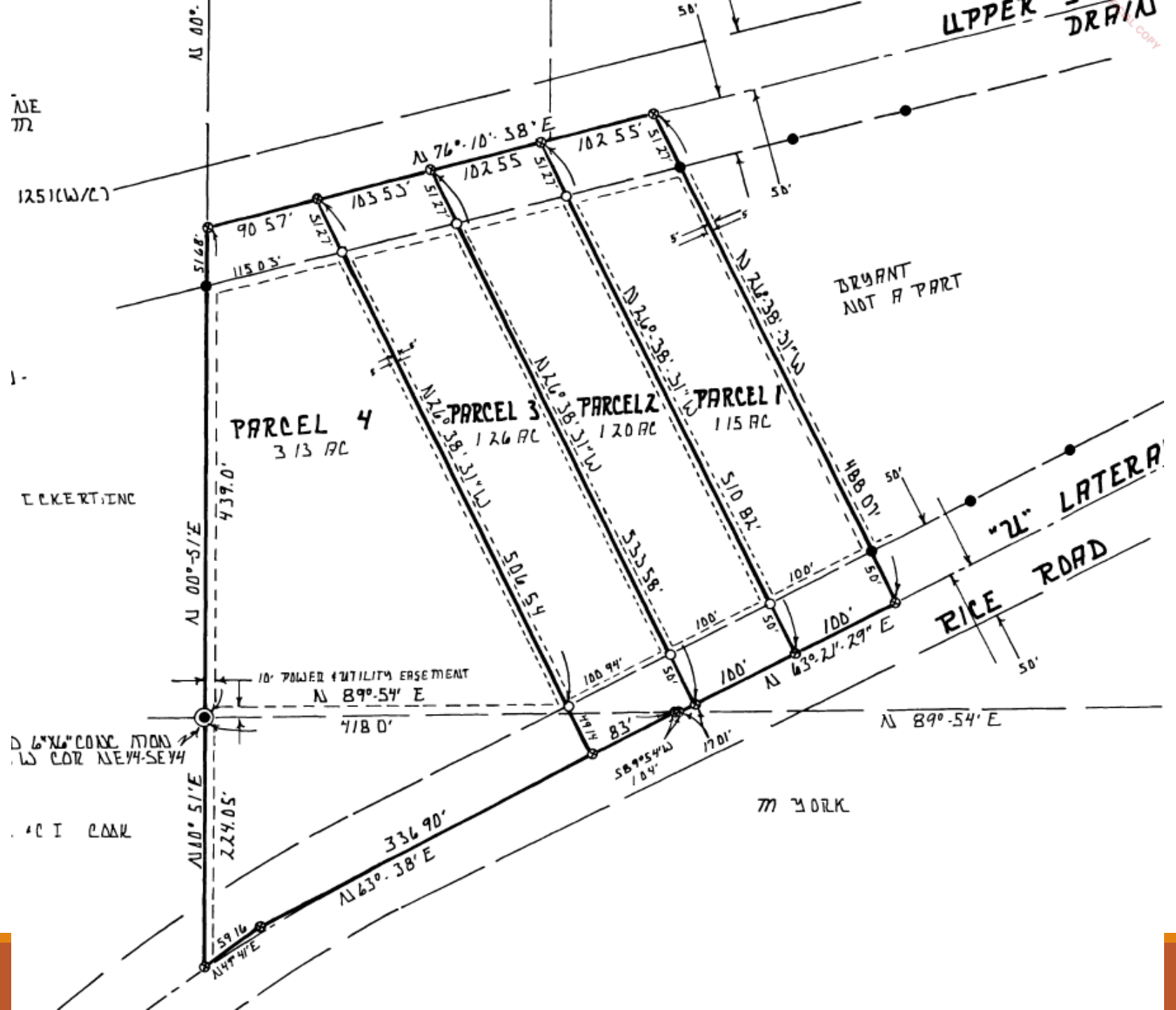
E= electric
W= water
S= Sewer.

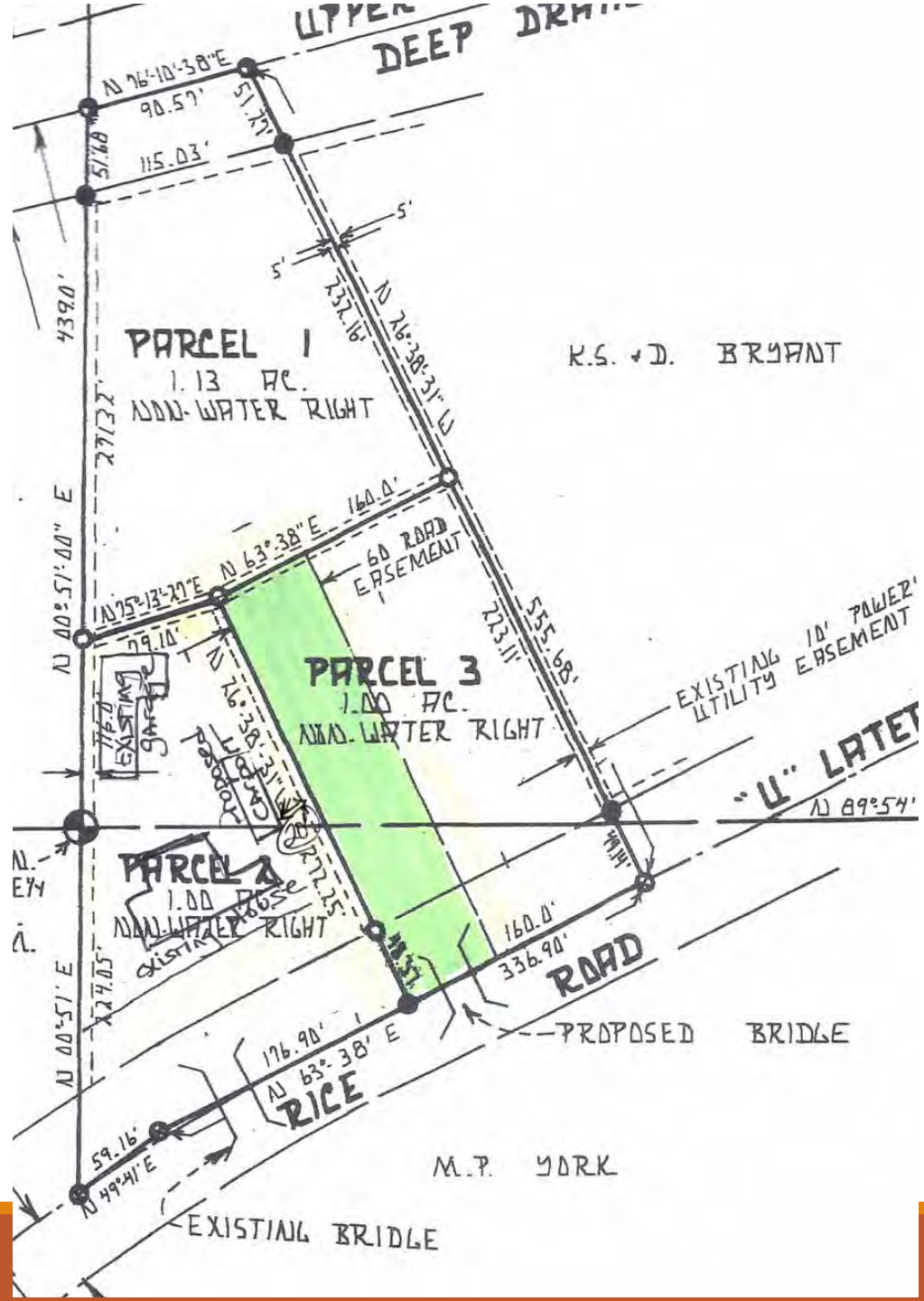
* TPU- Mothers Quarters
for hardship was in
place for over 20yrs!



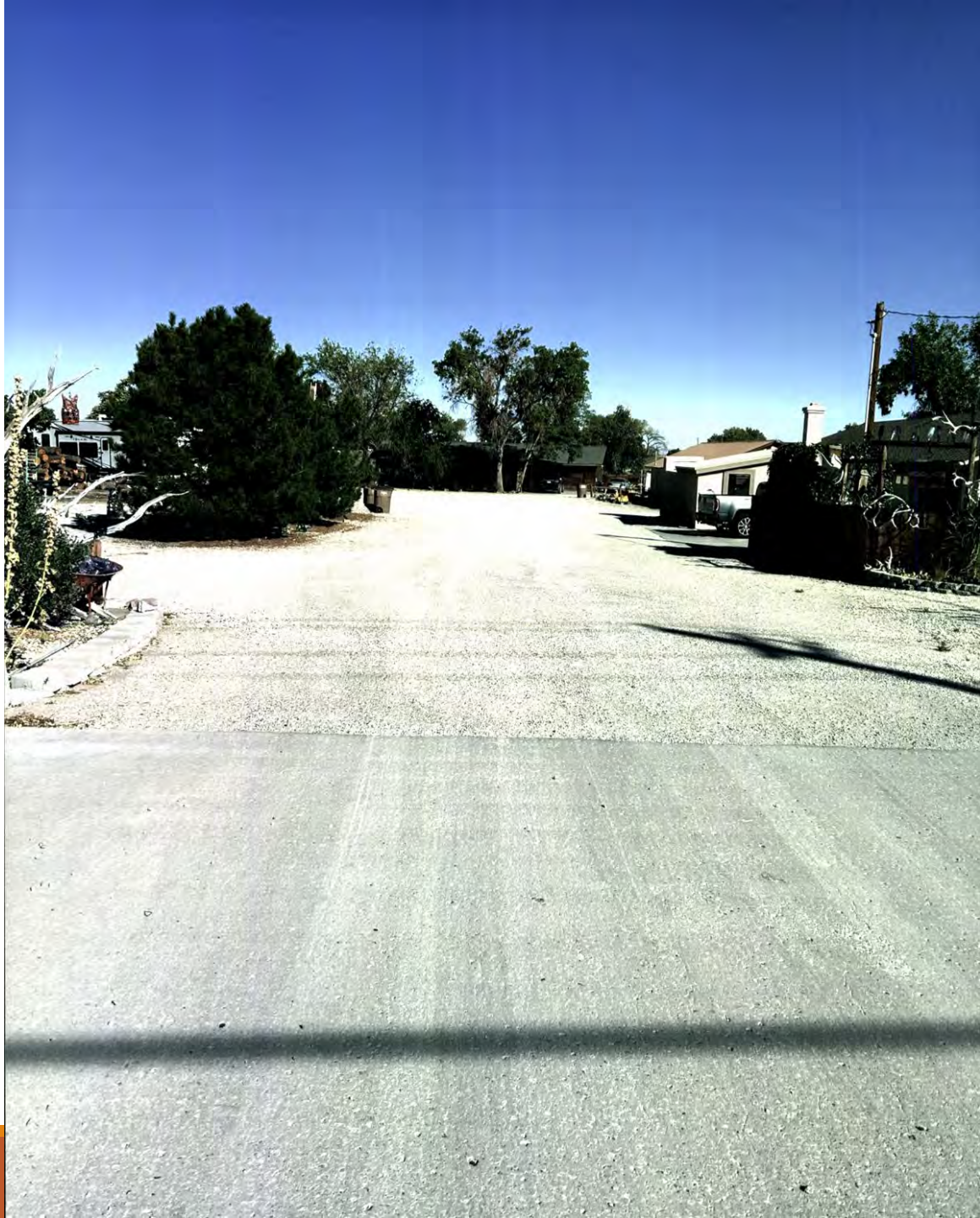
Akins, Variance Application, 2180 Rice Rd, APN 008-292-02













Consent Agenda

From: [Jera Reidenbach](#)
To: [Planning Admin](#); [Mitch Young \(myoung@fallonfire.org\)](mailto:myoung@fallonfire.org)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County Planning Commission review of a special use permit for Sage Valley RV Park to be heard at the October 9, 2024 meeting
Date: Monday, September 23, 2024 1:40:16 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hello,

The Building Department has not received application for any electrical modifications. Since we are unaware of the scope of work, it is undetermined if one is required.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:18 PM
To: Buildings <buildings@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org)
<myoung@fallonfire.org>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson
<dean.patterson@churchillcountynv.gov>
Subject: Churchill County Planning Commission review of a special use permit for Sage Valley RV Park to be heard at the October 9, 2024 meeting

Please provide any updates with compliance for the rebuilding and expansion of the Sage Valley RV Park. Attached are copies of the letter that we sent listing the conditions for approval and also a copy of their response.

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department

270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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From: [Jera Reidenbach](#)
To: [Planning Admin](#)
Subject: RE: 17323 Lahontan Dam Road - Temporary Use Permit Renewal
Date: Monday, October 07, 2024 9:38:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

We have not been called out for a reinspect. The original placement inspection failed for the following reasons on 5/19/23.

“Electrical spliced incorrectly, sewer line connected incorrectly. Owners to fix and call for reinspect.”

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Monday, October 07, 2024 8:07 AM
To: Jera Reidenbach <Jera.Reidenbach@churchillcountynv.gov>
Subject: FW: 17323 Lahontan Dam Road - Temporary Use Permit Renewal
Importance: High

We have the Planning Commission meeting on Wednesday, and I'd like to be able to provide the information requested in my previous email.

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department
775-423-7627 Main Phone

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From: Planning Admin

Sent: Wednesday, October 02, 2024 4:20 PM

To: Buildings <Buildings@churchillcountynv.gov>

Subject: 17323 Lahontan Dam Road - Temporary Use Permit Renewal

Importance: High

At the 10/11/23 PC hearing it was stated that the Deans hadn't completed the placement permits for the RVs due to not passing inspection. Did they ever get another inspection and pass it for the placement permits for the 2 RVs?

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department

270 S Maine Street, Suite A

Fallon, NV 89406

775-423-7627 Main Phone

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Churchill County Building Department

September 18, 2024

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

RE: COMMENTS PERTAINING TO SPECIAL USE PERMIT APPLICATION MONARQ MILK,
008-123-17

Construction projects in which the owner does not physically reside are required to have an appropriately licensed contractor oversee all work performed pursuant to NRS 624.

All plans and construction must meet or exceed the currently adopted Building Codes per Churchill County Code. No work or construction may be performed until the issuance of a building permit by the Churchill County Building Department.

All commercial businesses with employees and/or public access are required to have means of accessibility for persons with disabilities. These requirements include but are not limited to the following items:

- Means of Egress
- Parking
- Restrooms

If any connections to, alterations of, or installation of a new septic system is planned, Churchill County Building Department has no jurisdiction over such work on commercial property or for commercial use. All designs, installations, and inspections must be performed by a State of Nevada licensed engineer. All permitting must be done by the Nevada Department of Environmental Protection (NDEP).

Should there be any questions, please contact our office.

Churchill County Building Department

155 N Taylor St
Suite 170
Fallon, NV 89406

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

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From: [Lisa Burnett](#)
To: [Planning Admin](#); [Buildings](#); [Gary Fowkes](#); [Mitch Young \(myoung@fallonfire.org\)](mailto:myoung@fallonfire.org); [Maria Menjivar](#); [Carol Flick](#); [Leslie Notestine](#)
Subject: RE: Churchill County application for special use permit filed by Ted Christoph, Monarq Milk, to be heard at the October 9, 2024 Planning Commission meeting
Date: Tuesday, September 24, 2024 6:53:01 AM

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.

Hello,

I do not see any issues with this application.

Thanks,

Lisa



Lisa Burnett, DVM

Operations Manager | Division of Animal Industry

Nevada Department of Agriculture

405 South 21st Street, Sparks, NV 89431

Office: 775-353-3631 | Fax: | Mobile: 775-622-2376 | Lab:

[Facebook](#) | [Twitter](#) | [YouTube](#) | [Instagram](#)

Office Hours 6:00am- 4:30pm Monday-Thursday

Tell us how we're doing with our [customer service survey](#).
Support Nevada agriculture by buying an [agriculture license plate](#).

This message and attachments are intended only for the addressee(s) and may contain information that is privileged and confidential. If the reader of this message is not the intended recipient or an authorized representative of the intended recipient, I did not intend to waive and do not waive any privileges or the confidentiality of the message and attachments, and you are hereby notified that any dissemination of this communication is strictly prohibited. Please note that this correspondence and other information you have provided or will provide to our agency may be subject to Nevada Open Records Requests, per NRS 239, and, to the extent not confidential by law, may be disclosed to persons so requesting. If you received this communication in error, please notify me immediately by email at lburnett@agri.nv.gov and delete the message and attachments from your computer and network. Thank you.

From: Planning Admin <planning-admin@churchillcountynv.gov>

Sent: Tuesday, September 17, 2024 4:07 PM

To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; Lisa Burnett <lburnett@agri.nv.gov>; Maria Menjivar <maria.menjivar@centralnevadahd.org>; Carol Flick <carol.flick@centralnevadahd.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>

Subject: Churchill County application for special use permit filed by Ted Christoph, Monarq Milk, to be heard at the October 9, 2024 Planning Commission meeting

Importance: High

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information. If you are not the point of contact for reviewing applications regarding establishing a milk & cheese processing facility at this location, please let me know who we should contact.

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department

270 S Maine Street, Suite A

Fallon, NV 89406

775-423-7627 Main Phone

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From: [Gary Fowkes](#)
To: [Planning Admin](#); [Buildings](#); [Mitch Young \(myoung@fallonfire.org\)](mailto:myoung@fallonfire.org); lburnett@agri.nv.gov; [Maria Menjivar](#); [Carol Flick](#); [Leslie Notestine](#)
Subject: RE: Churchill County application for special use permit filed by Ted Christoph, Monarq Milk, to be heard at the October 9, 2024 Planning Commission meeting
Date: Monday, September 23, 2024 7:57:48 AM

I do not see any issues.

Regards,

Gary Fowkes

Churchill County Road Supervisor

Churchill County, Nevada

330 N. Broadway Street

Fallon, NV 89406

O: (775) 423-4133

F: (775) 423-7285

gary.fowkes@churchillcountynv.gov

New website URL: www.churchillcountynv.gov

From: Planning Admin <planning-admin@churchillcountynv.gov>

Sent: Tuesday, September 17, 2024 4:07 PM

To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; 'lburnett@agri.nv.gov' <lburnett@agri.nv.gov>; Maria Menjivar <maria.menjivar@centralnevadahd.org>; Carol Flick <carol.flick@centralnevadahd.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>

Subject: Churchill County application for special use permit filed by Ted Christoph, Monarq Milk, to be heard at the October 9, 2024 Planning Commission meeting

Importance: High

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information. If you are not the point of contact for reviewing applications regarding establishing a milk & cheese processing facility at this location, please let me know who we should contact.

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department

270 S Maine Street, Suite A

Fallon, NV 89406

775-423-7627 Main Phone

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RECEIVED

SEP 30 2024

Churchill County Public Works,
Planning & Building

Churchill County Planning
270 S. Maine St, Suite A
Fallon, NV 89406

Dale & Gail White
4805 Rancheria Road
Fallon, NV 89406

September 28, 2024

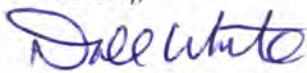
RE: SUP Application for Parcel 008-123-17, Ted Christoph
For Planning meeting agenda October 9th.

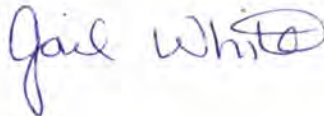
We are in favor of the application for milk/cheese processing and the associated building and facility expansion and recommend approval as submitted, providing there are no plans for retail sales at this location. (Mail order is fine).

The Christophs have been great neighbors and we are glad to see potential development of alternative production uses for this property. It all helps the economy and diversification helps with the ups and downs of economic cycles.

Thank you for the opportunity to provide comments.

Sincerely,


Dale and Gail White



From: [Buildings](#)
To: [Planning Admin](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for a Variance from the setback requirement filed by Tschannen Family Trust to be heard at the October 9, 2024 Planning Commission meeting
Date: Wednesday, September 18, 2024 9:26:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

The Building Department has no comments.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:10 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for a Variance from the setback requirement filed by Tschannen Family Trust to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406

From: myoung@fallonfire.org
To: [Planning Admin](#); [Buildings](#); [Gary Fowkes](#); [Leslie Notestine](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for a Variance from the setback requirement filed by Tschannen Family Trust to be heard at the October 9, 2024 Planning Commission meeting
Date: Thursday, September 19, 2024 11:48:23 AM

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,

Fire has no issues with this request.

Regards,

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

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:10 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for a Variance from the setback requirement filed by Tschannen Family Trust to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle
Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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CHURCHILL COUNTY PUBLIC WORKS, PLANNING & BUILDING

September 23, 2024

Churchill County Department of Public Works, Planning and Building
270 S Maine St Suite A
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO A TEMPORARY USE PERMIT APPLICATION FOR NJIRICH, 1790
HEIDI RD, 008-175-03

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

- A placement permit must be applied for and issued for each recreational vehicle. This is a \$200.00 fee per RV.
- The electric connections to the recreational vehicles must be inspected and approved by the Churchill County Building Department.
- The septic connections to the recreational vehicles must be inspected and approved by the Churchill County Building Department or an approved waste plan until a septic system is constructed.

Should there be any questions, please contact our office.

Churchill County Building Department

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270 S. Maine Street, Suite A • Fallon, NV 89406
Public Works & Planning (775) 423-7627 • Building (775) 428-0264 • Fax (775) 428-0259
www.churchillcountynv.gov

Churchill County Public Works, Planning and Building

270 Maine Street Suite A

Fallon NV 89406

To Commissioners: RE: 1790 Heidi Rd – Temporary use permit

We purchased our home knowing it was in a 1 family residence area as we had wanted.

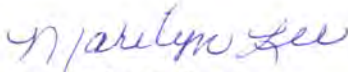
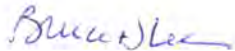
Not understanding the exact circumstances of the need for this temp. use and residence permit I do have some comments. In the time we have been here the back yard at this residence has gone from 4 to 5 travel trailers. Generally there are 7 automobiles parked in the drive / and street . People come and go daily using the side yard entrance. Mr Njirich seems to have gone on a long trip as he has not been seen picking up his mail as we have observed in the past. About a week or 2 prior to receiving your letter a very large dumpster was delivered to this residence. As of today it is overflowing with garbage taken from the back area.

Not living right next door we have not as of today had a rodent problem. Dogs barking yes but not just their dogs.

Concerns: Proper Electrical hook-ups for the 3 trailers they plan to live in

Proper Sewer hook up and care of the septic system so as not to be over loaded

How long does a temporary permit last and will this open the surrounding properties to have a mini trailer park in their back yards.



Bruce & Marilyn Lee

1725 Heidi Rd Fallon NV 89406

Dear Planning Commission,

In reverence to the temporary use permit application for temporary quarter at 1790 Heidi Road parcel number 008-175-03.

I am not against this permit if it is conducted/handled in a safe and healthy manner.

My first and foremost concern is the proper handling and disposal of the human waste that could be collecting in the three trailers. Is the county going to assure the people of the neighborhood that this is being handle correctly and how are they going to make sure it does not become an issue? Proper plumbing and drainage will need to be address for this to be correctly done. In addition, the power being supply to the trailers on the property looks to be a temporary install but has been like this for a year now, this is a growing concern for the neighborhood. Along with the plumbing and drainage, how does the commission plan to assure the neighborhood that this is not going to cause any issues?

Next is the growing fire hazard that has been developing on the property. Currently there is a roll off dumpster out front of the property that has been there for 3 weeks now. It contain some but not all the refuse that has been collecting on the property since the people first started living in trailers on the property about a year ago. There is still refuse and a growing weed issue that has yet to be taken care of and is posing a growing fire hazard on the property. How does the Commission plan to assure the neighborhood that it too will not become an issue?

In the end, I am not opposed to this plan, I understand times are getting hard and we could find ourselves in a similar situation and needing some understanding.

This should be handled in a way not to pose any additional threats to the neighborhood; I believe this can be handled in a way that will address those issues. The requesting party will need to start handling things on the property that have not been being address so far. The Commission will also need to monitor the situation to assure things are being handle in a safe and healthy manor.

Thank you for your time.

A handwritten signature in dark ink, appearing to be "R. W." followed by a long, horizontal, wavy line.

Sergio and Maria Yeargin

October 7, 2024

Churchill County Public Works, Planning and Building
270 South Maine Street, Suite A
Fallon, NV 89406

Dear Public Works Director:

This letter is in reference to the temporary use permit application for temporary quarters for caretaker filed by Kenneth Njirich and Jason Latham, located at 1790 Heidi Road, Assessor's Parcel Number 008-175-03. Jason Latham is proposing to reside, with his family, in three RVs to care for Kenneth Njirich and his property.

We oppose issuance of the temporary permit for multiple reasons and request that you take those into consideration.

We have resided next door to Kenneth Njirich since April 2023. When we purchased our home, we were not made aware there were people residing in multiple RVs in the backyard along our fence. Shortly after we moved in, it became evident that was the case. Initially, there were two RVs next to our fence. Within about one – two months, a third RV was placed and occupied. There are currently three occupied RVs along our fence.

To propose that Jason Latham (and his family) are going to care for Kenneth Njirich's property is a fallacy. The property has been neglected and used as a dumping ground for well over a year. This is evidenced by the multiple vehicles and additional two RVs (total of five) in the back yard, the abundance of dead vegetation and weeds, and the trash that built up to the point it took a 20-yard dumpster to clean it up. This trash

consists of furniture, mattress, household garbage and a multitude of other debris that was scattered through-out the back yard. It has been moved to a dumpster over the course of the last 30 days – most likely only due to multiple concerns raised about the fire and health hazards posed. There is a disabled vehicle in front of the house that has been there for several months and the overall appearance of the exterior of the house and front yard is one of neglect and disrepair. There are windows with boards across them and an old tire in the front yard.

As far as caring for Kenneth – he has been absent from the house for several months over the course of the past year. Several months ago, he was gone for in excess of a month to care for a friend, by his own admission. As of today, October 6th, he has been gone for at least 5 weeks and maybe longer. He only returned this afternoon.

The house at 1790 Heidi Road is a three-bedroom house. There are currently an indeterminable number of adults and children living there (four generations). Included are Kenneth, his daughter, grandson Jason with spouse and child(ren?), his granddaughter, his daughter's mother, and Jason's co-worker with his partner and infant, along with several high-school age children.

We are concerned about the potential health and safety risks associated with so many adults and children residing full-time in multiple RVs in the backyard. Where is the black water waste going? How much effluent will the residential septic system be able to effectively handle? The odor in the summer months would lead us to believe it is being taxed.

Additionally, how is the power being supplied to three RVs and is the capacity enough to SAFELY power the RVs with cooling in the summer and heat in the winter, in addition to the house?

I am a lifelong Nevada resident. My husband and I spent several months looking for our home prior to purchasing it. We bought a home in a residential neighborhood with a little bit of property so we could enjoy the peace and quiet of a rural community. We didn't expect that we would have what amounts to a run-down RV park in our back yard.

We ask that the temporary use permit for temporary quarters for caretaker for Kenneth Njirich and Jason Latham be denied as it does not meet the intent of the permit. The RVs are not temporary and the residents of said RVs are not caring for Kenneth or for his property. They are simply living there to take advantage of a low rent/no rent situation.

Sincerely,

MARIA
YEARGIN

Digitally signed by MARIA
YEARGIN
Date: 2024.10.07
06:25:28 -07'00'

Maria C. Yeargin

1790 Heidi Rd

It states in the proposed action that Jason Latham and his family will reside in three RVs to care for Kenneth Njirich and his property.

I will give you a brief history of what I know about the people living in the backyard of 1790 Heidi Rd.

Looking at arc GIS Esri imaging it appears that the RV trailers and the people showed up February 20, 2023.

I can confirm that because I have a note written by one Cheyenne Costa on February 10, 2023. She states she is my neighbor, and her dogs got into my backyard. The dogs dug under my metal fence. Later I found out the dogs attacked my daughter's 4-H lamb, which was not stated in the note our neighbor had written and left at our door. The attack from their dogs required us to stitch up the ears and face of our lamb. Being a good neighbor, I did not file a police report, but my daughter was devastated.

Initially in February 2023, three trailers were set up. One large trailer which was the residence for Jason Latham and Amanda Metheny. Two smaller trailers were set end to end. I will provide a picture with a time stamp showing this. The two smaller trailers were occupied by one Cheyenne Costa and two younger boys which I assume are related to either Jason Latham or Amanda Metheny. I find out later one of the boys lives around the corner but stays at 1790 Heidi Rd. At this time, we had five individuals occupying three trailers on the southwest corner of the property. Kenneth Njirich, Jaime Jurgens, and Jason Jurgens occupied the three-bedroom home at 1790 Heidi Rd. I really didn't have any concerns about the trailers in the back yard or the living arrangements with the neighbors. It wasn't a problem because Jason Jurgens kept the weeds down and kept order in the backyard.

Fast forward to 2024. I don't remember exact dates or months, but I do know Jason Jurgens received a promotion with Les Schwab and moved to the State of Washington. This was the time a new family showed up after his departure. The two smaller RV trailers that are not licensed were moved to my fence line and to say the least they are an eye sore. They are not used and diminish my home value. I will provide photographs. The two smaller RV trailers were replaced with two larger RV trailers leaving 3 larger occupied RV trailers and two smaller unoccupied trailers. Jason Latham and Amanda Metheny were living in the farthest west trailer, a man woman and baby in the middle trailer (which I was told was just a friend of Jason Latham), and two teenage boys in the end trailer. You would also see Cheyenne Costa from time to time. This leaves seven total people in the backyard with an occasional eight when Cheyenne shows up. Jaime Jurgens and Kenneth Njirich occupy the house. This is when I noticed a downward slope of homeowner care. Mattresses, sofas, and trash were being scattered throughout the backyard. Tumbleweeds would collect garbage throughout the backyard. They literally had paths through the tumbleweeds to their trailers.

It was a huge fire hazard for the neighborhood, and it still is if you reference the photos I provided. That is why I find it interesting that Jason Latham is saying he will take care of the property and Kenneth because the track record shows contrary to that idea in relation to a backyard that looks like a landfill. I get it, it's the only card they can play, take care of Kenneth and his property. I see it the other way. People that are utilizing the system at the expense of property values. People can move into that house. But I don't think Kenneth wants that. He wants his family in his backyard but doesn't necessarily want them to move in. Not sure what ails Kenneth, hopefully nothing too serious, but he seems fine driving down the road or smoking his cigarettes. Kenneth just came back on 10/6/2024; he was gone for 5 weeks. Seems like he's doing just fine. Besides, his daughter Jaime Jurgens lives in the house pretty much full time with an occasional absence of her presence. Jamie Jurgens could be the primary caretaker. Placing her son as caretaker is a way to keep the trailers in the back yard. If you allow this to continue there will be new trailers every year. New families. Kenneth's RV park. My taxes should be lowered because my house value is diminished.

October 2, 2024, Jaime Jurgens called me in for a noise violation to Churchill Co. Sheriff. It was early but the sun was up, and I was mowing my grass field. I found it interesting that Jaime Jurgens told the Sheriff deputy that she is a part time resident in Fallon, NV which is a bold face lie. Or maybe she is setting up her son to be the primary caretaker for Kenneth so he can have a temporary trailer permit for 1790 Heidi Rd. A trailer permit for three trailers. He should have a trailer permit for five trailers. It has been at least nineteen months since the RV trailers have been occupying the back yard of 1790 Heidi Rd. When does it stop. On 10/6/2024 a U-Haul showed up dumping off new house supplies for a new person. It looks like Cheyenne is moving back to the backyard. All I know is that the backyard in 1790 is a wreck with 7-10 people living in three trailers, two unoccupied trailers, and 5 vehicles that don't run.

I have some bullet point to state.....

- No septic connections/or a hose buried into the ground.
- Dangerous electrical hook-ups
- Who lives in the middle trailer? Family, or just a friend
- A trailer park at 1790 Heidi Rd diminishes my home value
- Is Kenneth Njirich collecting rent money?
- Move everybody into the house
- Get rid of the unused trailers
- Control your weeds and trash so my house doesn't burn down
- Need to inspect under trailers for grey water and black water discharge (health concerns)

- I am adamantly opposed to any trailer(s) hooked up more than 90 days at 1790 Heidi Rd
- If the county allows this to go through, they need to hook up to separate electrical boxes and septic hookups
- The five trailers pose fire hazards to adjacent houses which includes mine

Thank you,

Jason Salisbury

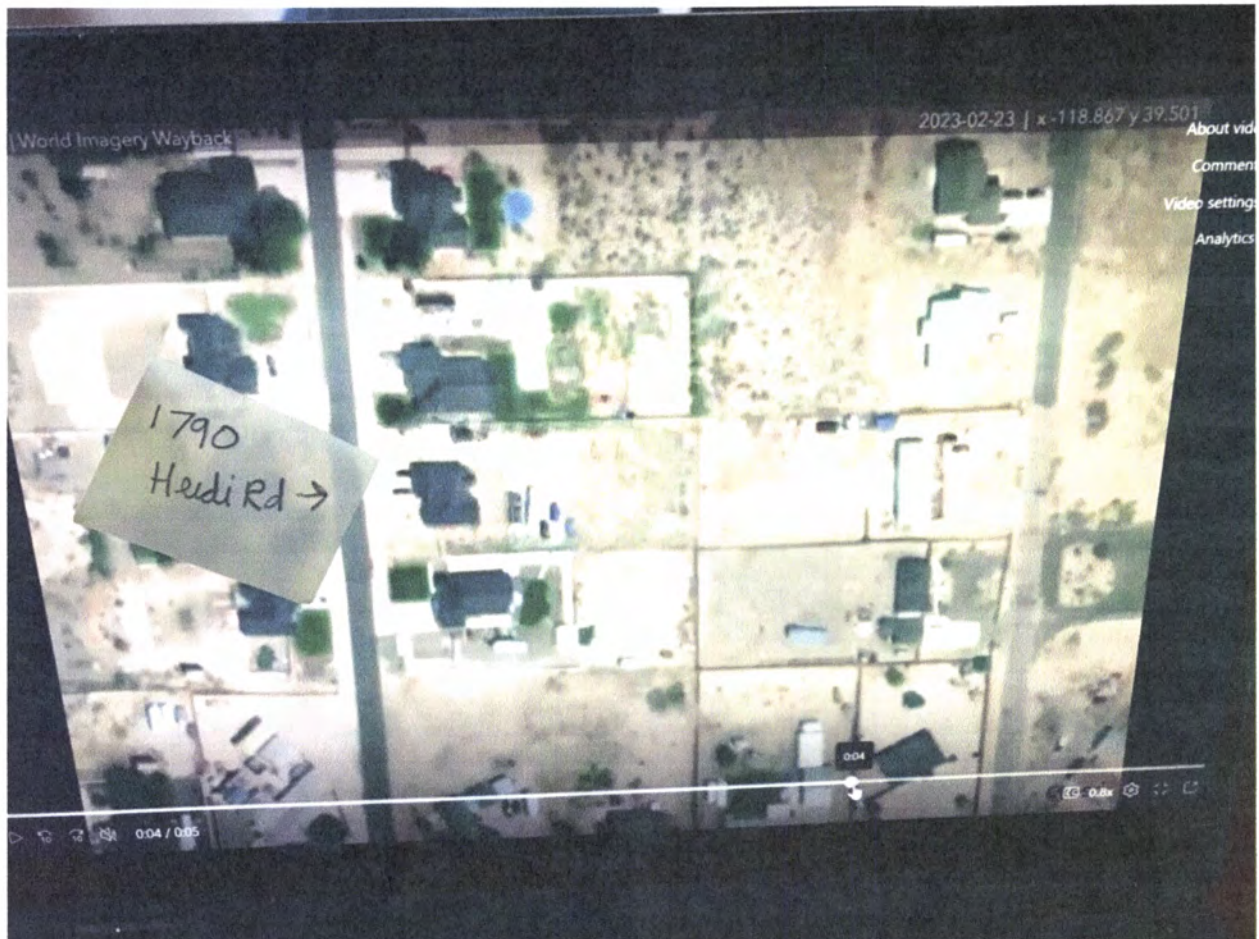
Homeowner of 1820 Heidi Rd

Eme Incident
"Daisy"

Feb 10, 2023

Hi my name is cheyenne I'm your neighbor
it seems my dogs got in your yard But I can
promise it will not happen again I will be
buying cables please call 775-432-8563

1790 Heidi Rd



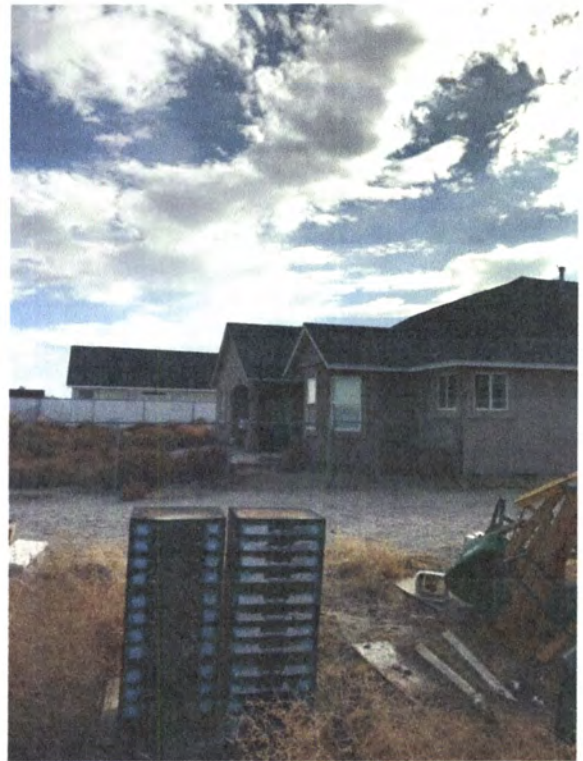
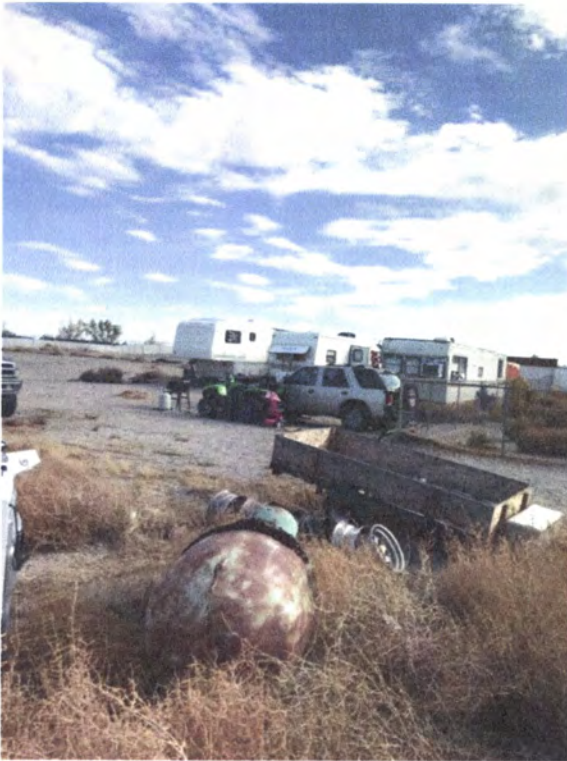
February 10, 2023



1790 Heidi Rd



1790 Heidi Rd



1790 Heidi Rd

3 occupies trailers, 2 unoccupied
trailers, unlicensed.



From: [Buildings](#)
To: [Planning Admin](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for Variance from the minimum lot size filed by Mitzi Corkill to be heard at the October 9, 2024 Planning Commission meeting
Date: Monday, September 23, 2024 2:00:01 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

The Building Department comments are as follows:

A building permit is required for the construction of a residence.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:13 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for Variance from the minimum lot size filed by Mitzi Corkill to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle

Administrative Assistant

planning-admin@churchillcountynv.gov

Public Works, Planning & Building Department

270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

Churchill County is an equal opportunity employer and provider.

From: myoung@fallonfire.org
To: [Planning Admin](#); [Buildings](#); [Gary Fowkes](#); [Leslie Notestine](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for Variance from the minimum lot size filed by Mitzi Corkill to be heard at the October 9, 2024 Planning Commission meeting
Date: Thursday, September 19, 2024 11:04:17 AM

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,

Fire has no issues with this request.

Regards,

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

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:13 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for Variance from the minimum lot size filed by Mitzi Corkill to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle
Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

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CHURCHILL COUNTY PUBLIC WORKS, PLANNING & BUILDING

September 18, 2024

Churchill County Department of Public Works, Planning and Building
270 S Maine St Suite A
Fallon, Nevada 89406

RE: COMMENTS PERTAINING TO A TEMPORARY USE PERMIT APPLICATION FOR EDGMON, 1770
SHECKLER CUT-OFF, 008-631-08

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

- A placement permit must be applied for and issued for the recreational vehicle. This is a \$200.00 fee.
- The electric connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.
- The septic connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department or an approved waste plan until a septic system is constructed.

Should there be any questions, please contact our office.

Churchill County Building Department

Churchill County is an Equal Opportunity Provider and Employer

270 S. Maine Street, Suite A • Fallon, NV 89406
Public Works & Planning (775) 423-7627 • Building (775) 428-0264 • Fax (775) 428-0259
www.churchillcountynv.gov

From: myoung@fallonfire.org
To: [Planning Admin](#); [Buildings](#); [Leslie Notestine](#); jgraham@dot.nv.gov; D2Traffic@dot.nv.gov
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for temporary use permit filed by Terry and Diana Edgmon to be heard at the October 9, 2024 Planning Commission meeting
Date: Tuesday, September 17, 2024 4:42:41 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,

Fire has no issue with this TUP.

Regards,

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

From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:16 PM
To: Buildings <buildings@churchillcountynv.gov>; myoung [fallonfire.org](mailto:myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>; jgraham@dot.nv.gov; D2Traffic@dot.nv.gov
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for temporary use permit filed by Terry and Diana Edgmon to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle
Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406
775-423-7627 Main Phone

Churchill County is an equal opportunity employer and provider.

From: [Buildings](#)
To: [Planning Admin](#)
Cc: [Randy Hines](#); [Dean Patterson](#)
Subject: RE: Churchill County application for a Variance from the setback requirement filed by Dave & Beth Akins to be heard at the October 9, 2024 Planning Commission meeting
Date: Wednesday, September 18, 2024 9:18:37 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

The Building Department has no comments.

Jera Reidenbach

Jera.Reidenbach@ChurchillCountyNV.gov

Churchill County Building
270 S. Maine St
Suite A
Fallon, NV 89406-2754
O: (775) 428-0264
Fax: (775) 423-8185



From: Planning Admin <planning-admin@churchillcountynv.gov>
Sent: Tuesday, September 17, 2024 4:14 PM
To: Buildings <buildings@churchillcountynv.gov>; Gary Fowkes <gary.fowkes@churchillcountynv.gov>; Mitch Young (myoung@fallonfire.org) <myoung@fallonfire.org>; Leslie Notestine <leslie.notestine@churchillcountynv.gov>
Cc: Randy Hines <Randy.Hines@churchillcountynv.gov>; Dean Patterson <dean.patterson@churchillcountynv.gov>
Subject: Churchill County application for a Variance from the setback requirement filed by Dave & Beth Akins to be heard at the October 9, 2024 Planning Commission meeting

Please review the attached application and submit any comments, questions or concerns you may have regarding this application to our office. You may speak with Dean Patterson, Senior Planner, for more information.

Diane Moyle

Administrative Assistant
planning-admin@churchillcountynv.gov
Public Works, Planning & Building Department
270 S Maine Street, Suite A
Fallon, NV 89406

RECEIVED

OCT 7 2024

Sept. 29, 2024

Churchill County Public Works,
Planning & Building

Mr. Randy Hines

Churchill County Public Works Director

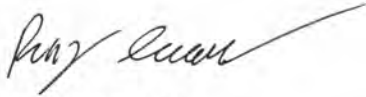
270 S Maine Street, Suite A.

Fallon, Nevada

Dear Mr. Hines,

I am writing in response to the letter I received regarding the road easement setback amendment proposed on Parcel Number 008-292-02. After inspecting the letter with attached plot plan, and an in-person inspection of current the easement, it is my belief that the proposed change will not impact access to my property. I am in favor of the proposed easement plans by Dave and Beth Akins. The current easement exceeds my current or future needs of access, and the change to a 20' setback will not change that opinion.

Sincerely,



Riley Goodrick

Owner of Parcel Number 008-292-04

October 9, 2024 at 7:00 p.m.

[illegible]

**EVERYONE PLEASE SIGN IN & PRINT
YOUR INFORMATION**