

MINUTES
CHURCHILL COUNTY SENDING SITE REVIEW COMMITTEE
Monday, May 20, 2024

Present: Randy Hines, Chairman
Bob Getto, Committee Member
Carla Pomeroy, Committee Member
Ernie Schank, Committee Member
Dean Patterson, Senior Planner
Diane Moyle, Administrative Assistant
Denver Nygren, Applicant

1. Call to Order.

Chairman Hines called the meeting held in the Planning Department Conference Room of the Churchill County Administrative Complex, 155 North Taylor Street, Fallon, Nevada, to order at 8:30 a.m.

2. Verification of the posting of the Agenda.

Chairman Hines verified that the agenda had been posted in accordance with NRS 241 on May 14, 2024, between the hours of 8:30 a.m. and 4:30 p.m. He asked if there were any changes to the agenda, and Diane Moyle stated that there were none.

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

Member Pomeroy moved to approve the Agenda as submitted. The motion was seconded by Member Getto, and the Agenda was unanimously approved.

4. Public Comment.

Chairman Hines asked if there were any public comments on anything not on the agenda, and there were none.

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

A. October 30, 2023

Committee members had previously been provided with the Minutes of the meeting held on October 30, 2023.

Member Getto moved to approve the Minutes of October 30, 2023 as submitted. The motion was seconded by Member Pomeroy, and the Minutes were unanimously approved.

6. Public Hearing

- A. Consideration and possible action re: A sending site application filed by Denver Nygren for property located at 6725 Stillwater Road, Assessor's Parcel Number 009-091-05, consisting of +/- 80.0 acres with 68.5 acres of water righted property. The applicant proposes to place a conservation easement on the property.**

Member Getto noted that Denver Nygren has been through this process before. He wanted to get into the record that once a conservation easement has been placed it will be permanent forever. He said that he is familiar with the property, and then he asked Mr. Nygren how many homesites are on the property. Denver Nygren confirmed that there is one homesite. Member Pomeroy asked for clarification regarding the future homesite, and it was determined that Mr. Nygren only intends to keep the one existing homesite without adding any in the future.

Chairman Hines went over the TDR (Transfer of Development Rights) calculation since there was some discrepancy regarding the application calculation and the TCID (Truckee-Carson Irrigation District) water right detail. He noted that we are in the process of verifying the correct water righted acreage with TCID, and the total number of water rights could change based upon the amount of water rights. The members were provided an updated staff TDR calculation with the irrigated water right amount listed on the TCID water right detail report that was received from TCID for deBraga on this parcel. Once we are able to verify the amount of water rights on this parcel, the total amount of water rights may change slightly, but it will be eligible for around 100 TDRs. [After the meeting it was verified with TCID that the water right detail we received was for the wrong parcel. We were provided with the correct water right detail and water right map, which showed a total of 68.7 acres of water rights, but only irrigating 65.95 acres. This would yield 98 TDRs (see corrected TDR Staff Calculation).]

Motion by Member Getto, based on meeting the criteria for a Sending Site, including zoning designation, minimum acreage, water rights, and military operations buffer area, that the application concerning Assessor's Parcel Number 009-091-05, consisting of ±80.0 acres, with ±68.5 water righted acres, be approved as a Sending Site. Member Pomeroy seconded the motion and it passed unanimously.

Member Getto made a motion based upon the calculations for acreage, irrigated water righted acreage, and location in the military buffer zone to recommend a total of approximately 100 Transfer of Development Rights (TDRs) be approved for APN 009-091-05 at 6725 Stillwater Road. The motion was seconded by Member Pomeroy and was carried unanimously.

7. Public Comment.

Chairman Hines asked if there were any public comments.

Member Schank brought up that at the last meeting they talked about the TDRs that the county owned and how they might be disposed of. He had spoken with Jeanette Dahl and Mario Peraldo, who had been on the committee that developed this program, and he wanted to arrange a meeting with them, Rusty Jardine, who was the Deputy District Attorney at that time, and the county to go over what was intended when the program was developed. He had tried to schedule the meeting when Chris Spross was the director, but the timing didn't seem right. Member Schank would like to get a meeting set up in June or sometime soon to discuss this issue. He had submitted a few suggestions previously for ways that the county could dispose of the ones they have and how to deal with the ones that are privately owned. The program was "sold" with the idea that they would be of value and would be able to be used to get a little more money for the development rights. He was one of the few property owners that negotiated to keep a number of TDRs that they could sell to increase the amount they received for the conservation easement

they placed on the property.

Member Schank also mentioned that they originally intended that someone that had a property less than 20 acres could apply for the program if they had other properties in a conservation easement. There was some discussion whether those needed to be contiguous or not. Member Schank remarked that it was not the intent to require the lands be contiguous. It was explained that the code currently requires a minimum of 20 acres and the smaller properties would need to be contiguous in order to be included on the same application to total 20 acres or more. Member Getto suggested getting some type of fact sheet that outlines what the rules are currently as a reminder and to ensure that they are implementing as the code requires. Member Schank would like to see that people that have smaller acreage parcels that are not contiguous could also qualify for the program as long as they meet the total required. He believes that the intent was to limit the development of parcels that had the potential to be divided.

Member Getto reported that Lyon County and Douglas County are in the process of creating or bringing back to life their transfer of development rights program. He thought it would be beneficial to look at what they are doing to get some ideas. Member Schank stated that Churchill County patterned their program after Douglas County's program and another county near Seattle, Washington. Member Getto noted that those counties had approached the Association of Realtors with some questions.

Dean Patterson, Senior Planner, brought up the joint workshop meeting that was held on October 23, 2023 with the Planning Commission and Sending Site Review Committee. Member Schank said that he was unable to attend that meeting. Mr. Patterson said that one of the surprising things that came out of that discussion is that we don't have a way to use the TDRs. We generate huge masses of TDRs through the application process, and there's no mechanism in place for using them. Part of that discussion was regarding requiring developers to purchase TDRs so that they could increase their development, which was the original idea. Mr. Patterson stated that one of the things that was brought up was not wanting to stifle development by adding more cost or requirements on the developers. Member Schank pointed out that the original intent was to create a way to use the TDRs in the northwest quadrant of the county near the city limits where the county wanted to encourage more dense development in a zoning district beyond that permitted by the current zoning. The problem is that the county handles increased density through other means, including changing the zoning, instead of utilizing TDRs for receiving sites. He mentioned the 40 acre parcel on Coleman, where he thought that the county could have used some of the TDRs they own in order to increase the density. He also suggested that the county needs to get rid of a majority of the TDRS they currently own, and they also need to figure out a way to compensate the people that own TDRs privately because they did retain them with the understanding that they would be of value. These decisions need to be made somewhere along the road. Member Schank believes that the original committee didn't seem to finish the work on developing the part of the program regarding how to use the TDRs. He has been the one that has been trying to get something going for about the last six months or so, and he said that nothing seems to be getting done regarding what to do with the TDRs. Dean Patterson remarked that when this first came up that he suggested that the county just extinguish the certificates they currently own, but the County Manager didn't want to handle it that way. Member Schank considers the TDRs to be a liability to the county because they have ownership of thousands of these that have no assigned value. It was determined that we need to hold another workshop with the Planning Commission to discuss potential changes to the program. Once we determine who should be involved in the discussion as well as some suggestions, we could schedule the joint

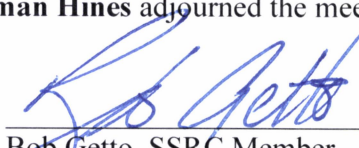
meeting at one of the Planning Commission workshops, which are held on the fourth Tuesday of the month. The department will notify the Sending Site Review Committee regarding any definite plans. Chairman Hines agrees that there are some things that needed to be solved and we need to get it moving in that direction. Dean Patterson also noted that this is an item in the Master Plan, which is in the process of being updated, to resolve the issues with TDRs.

Chairman Hines thanked Denver Nygren and the committee for participating.

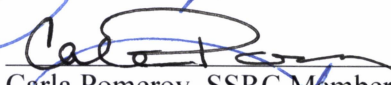
9. Adjournment.

Chairman Hines adjourned the meeting at 8:50 a.m.

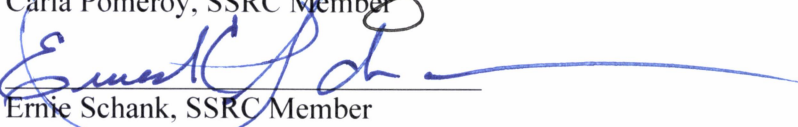
Approved:


Bob Getto, SSRC Member

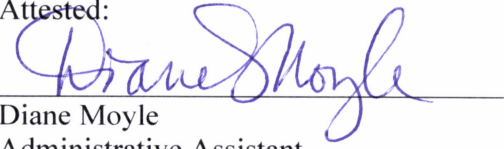
Approved:


Carla Pomeroy, SSRC Member

Approved:


Ernie Schank, SSRC Member

Attested:


Diane Moyle
Administrative Assistant

May 20, 2024 at 8:30 a.m.

[illegible]