

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

June 11, 2025

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. on June 11, 2025 by Vice Chair Goings.

Present: Jeff Goings, Vice Chair; Tami Edgmon, Member; Joe Frey, Member; and Mark Hyde, Member.

Absent: Zack Bunyard, Chair; Victor Ansotegui, Member; and Scott Nelson, Member.

Planning Staff Present:

Randy Hines, Public Works Director

Dean Patterson, Senior Planner

Amos Akena, Planning Technician

Loreli LeBaron, Code Compliance Official

Diane Moyle, Administrative Assistant

Civil D.A. Staff Present:

Joseph Sanford, Deputy District Attorney

2. Pledge of Allegiance:

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

3. Public Comment:

There were none.

4. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on June 5, 2025, 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:

Vice Chair Goings noted that the agenda should be revised due to the withdrawal of the Corkill Variance agenda item.

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

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

Vice Chair Goings 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. May 14, 2025 Hearing

Member Edgmon moved to approve the May 14, 2025 minutes as written.

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

8. Action Item.

A. Consideration and possible action re: Adoption of the 2025 update to the Carson River Floodplain Management Plan.

Edwin James, General Manager for the Carson Water Subconservancy District, shared a presentation (see attached) giving an update on the Carson River Floodplain Management Plan for 2025. The idea behind this is to understand flooding on a regional basis. He hopes that this plan would give them some ideas to incorporate into their floodplain management plan. He said that all of the pictures in this presentation are actually results of flooding in the river or in the watershed that has occurred.

The main purpose of this study and plan is to reduce flood risks in the watershed. The various areas of the region have some differences, but there is a regional issue as they move forward. They want to provide some information on how to deal with flooding and reduce the flood risks in local communities. He shared a little background and history, as well as stated the goals of the plan to protect the floodplain from development and the impacts that development has on the floodplain. Some of the major differences between the amount of damage many years ago versus today is that previously there were floodplains and open space around the watershed. Farmers were impacted when flooding occurred; however, damage costs were relatively low versus houses and businesses. The community got together in order to determine how they would deal with this—develop a flood management group or some other way. The results of that committee was to integrate water resources. There were water supply issues, there are flooding issues, there are water quality issues, and there are habitat issues, so they brought everyone together to look at how to deal with the water since one issue could potentially impact another issue. The Carson Water Subconservancy District was asked to take the lead in this. One entity can't do it all, and it takes a group of people with different ideas to come together. In 2003 they started working with the community again and began the working group in 2004. They determined that a plan was needed to determine how the flooding issues could be addressed. In 2008, the first watershed plan was developed, and it really focused at that time on the river. This plan was adopted by Alpine County in California and Douglas County, Carson City, Lyon County and Churchill County in Nevada. In 2013, they completed an update to the first plan to figure out where they stood at that time in relation to the five years prior. This plan was again adopted by the same jurisdictions. In 2018, they realized that they needed to expand the plan to include alluvial fans. They wanted to determine what the flooding damage was along these areas as water flows toward the river. Again, that plan was adopted by all of the counties, including Storey County because their flooding issues were related to the alluvial fans.

Mr. James said that flooding is not new, and it has been going on in the Carson River watershed for years. He pointed out that the big flood for Fallon was in 1907, which flooded out the Court House and downtown area. The biggest floods were in 1862 or 1863, but there weren't very many people here. Flooding can be a huge issue as we move forward. The problem gets larger as there are added development pressures. We are now building in our floodplains, we are building in alluvial fan areas, and this is causing more impacts, which is something that they want to address. If these had been considered previously, plans for drainage would have been included in the developments that have occurred to allow drainage from the upper watershed to the river. Now the repairs cost more than the damage caused by the flooding. They want to work with communities before this happens. Another issue is building in the floodplain next to the river. Everyone wants to be near the river, but when it floods it covers a huge area. Churchill County has really encroached the floodplain over the years with the housing. A lot of people have constructed right next to the river, so

the river can't really expand when it floods. These are issues they are trying to address. This is the approach of the regional floodplain management plan to protect the floodplains from development. It is far cheaper to curb development in the upper watershed areas than it is to build floodwalls or flood dams. It is better for the habitat and environment, it provides water resources to the upper watershed, and it avoids those flood damages that you would see on a watershed-wide basis. He pointed out that a study showed that if Douglas County were to encroach on their floodplain the downstream flooding in Carson City and Lyon County would be significantly worse than it is today. Working on this with a regional approach makes a difference. Once the water gets to Lahontan Reservoir, the flooding is quite different than it is in the upper watershed. They identified both of these areas in this plan but addressed this as part of the regional approach. They are looking at this as a living river approach, and when you do this you can incorporate all of these other benefits that come through it, including water quality, wildlife habitat, floodplain management, water quantity, balancing property rights, natural resources, and public safety, and so forth. The main river corridor message is trying to keep development out of the floodplain. Although Churchill County has encroached upon the floodplain, the benefit is that there is the Lahontan Reservoir and the irrigation canals. He noted that in 2017 and 2023 there was a large amount of water coming down, but because of pre-planning efforts the water was able to be diverted in order to avoid flooding that would have typically been anticipated. Pre-planning has really helped protect the floodplains here. In the upper watershed, they still have open flooding, very little storage, and it really depends on Mother Nature what happens. The best way to protect the floodplain is to keep it open.

He went over the eight flood hazard mitigation strategies of what a community may want to do to reduce the flood hazards moving forward. In the past, they have taken this plan directly to the County Commissioners; however, they wanted to bring it to the Planning Commission so that they would understand the purpose of this plan. When they develop their planning processes, he hopes this would be a reference material that they can use as they move forward. If we plan ahead and invest a dollar to mitigate, it will save six dollars in actual damage in the future.

Member Hyde questioned based upon their study what the minimum distance should be to build along the river. Ed James thinks that due to Lahontan Reservoir the situation in Churchill County is different. There are protections in place to protect the majority of the floodplain here; however, there are problems around the Bafford Lane area where sediment must be cleaned out periodically to avoid flooding issues. They work with Lahontan Conservation District and Truckee Carson Irrigation District to help keep the river channel open and to avoid the flooding issues. The flooding situation here is quite different than the upper watershed. He gave an example of a house that was raised to be protected in the event of a flood, but they had a fire during a period of flooding and emergency services couldn't reach them due to access roads being flooded. It is important to understand what they are trying to accomplish and set good regulations to protect the public. Also, the river tends to move, so you must also be aware of erosion problems. As an answer to the question, he thinks that 50 feet from the river is a little too close.

Member Frey inquired what some of the highlights are of the updates to this plan from the previous plan. Mr. James responded that the biggest thing is looking at stormwater, low impact development, how to infiltrate stormwater into the ground versus having it stream off into the valley and causing flooding. He gave an example in Douglas County where stormwater entered the irrigation ditches, which are not designed for flood control, so that caused flooding problems. The county had to pump water over some bridges and almost lost a few roads because of this. This plan really focused on how you minimize those impacts from alluvial fan flooding. The river portion hasn't changed

much.

Vice Chair Goings asked for public comment, and there were none. He then called for a motion.

Member Frey moved to recommend that the Board of County Commissioners adopt the Carson River Floodplain Management Plan. Member Edgmon seconded the motion, and the decision carried by unanimous vote (4-0).

9. Old Business.

- A. Consideration and possible action re: Review of a special use permit, SUP001064, for a Crop Processing Facility previously granted to Paul Plouviez of Bench Creek Ranch Co LLC on May 10, 2023. The property is located at 12417 Fitz Lane, Assessor's Parcel Number 009-071-40. A condition for approval was annual review until the Planning Commission determines it is no longer necessary.

Randy Hines, Public Works Director, stated that this is an approved special use permit from 2023. At last year's review all of the conditions except the landscaping. Staff performed a site visit this week, and the landscaping has been installed and accepted by the department. At this time, all of the conditions have been met for this permit. Staff recommends that no further review is necessary.

Vice Chair Goings inquired if any of the commissioners had any questions or discussion, and there were none.

Vice Chair Goings called for public comment, and there were none.

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

Member Frey moved to no longer require annual review for this permit. Member Hyde seconded the motion, and the decision carried by unanimous vote (4-0).

- B. Consideration and possible action re: Review of a special use permit, SUP001091, for a multi-tenant business complex previously granted to Rigoberto Uribe & Maria Herrera of Desert Properties R.U.S. on June 12, 2024. The property is located at 5070 Reno Highway, Assessor's Parcel Number 008-531-90. A condition for approval was annual review until the Planning Commission determines it is no longer necessary.

Rigoberto Uribe and Maria Herrera, 5070 Reno Highway, were available to speak regarding this application.

Randy Hines, Public Works Director, stated that this application had quite a few conditions of approval. At the beginning, there were quite a few building improvements that needed to be done, more specifically for ADA (Americans with Disabilities Act) bathrooms and fire walls because the building is divided into three separate sections. All of those improvements were installed and approved by the Building Department and Fire Department in order to start doing business. There are several other conditions that still need to be completed, including, the Nevada Department of Transportation (NDOT) requirements for reducing the paved approach off of the highway, the coordination with the State regarding the water system—there is a single well for the parcel and they need a determination regarding a public water system because it is a multi-tenant facility, and coordination with the State regarding the septic system—right now this is a pretty small system and as the multi-tenant facility grows the septic system will need to be upgraded. The applicants have inquired about actually split the large section into three sections. Staff recommends that all of these

conditions of the existing permit be met prior to allowing any expansion of the units.

Vice Chair Goings asked if the applicant had anything to add. Maria Herrera stated that the contractor that they hired is working with NDOT and is waiting for a letter for the improvements that are needed. This is the same with the water. She said that she spoke with a lady, who is supposed to get back with her, and she hasn't received anything yet. Regarding the septic system, they plan to do everything, hopefully, this summer.

Vice Chair Goings inquired if any of the commissioners had any questions or discussion.

Member Edgmon asked related to them expecting to work on these this summer, if they think that all of the conditions will be met during this timeframe. Maria Herrera remarked that they had some unexpected financial issues, but they are planning to do it this year, to finish by the end of the year. Member Edgmon questioned if the review were set for one year, would that be enough time for them to complete these items. Maria Herrera answered that it was.

Member Frey directed his question to the department and whether the continued subdivision of the building would require a new special use permit. Dean Patterson, Senior Planner, stated that it would fall under the existing permit, but all of the other major conditions should be met first. He said that Randy Hines mentioned the fire and building code items were completed, and those were done about the time that the permit was approved. Not much progress has been made since that time, and it is important that the remainder gets completed so that the building can be operated safely and in a sanitary manner. Maria Herrera responded that last year their contractor got a big job, so he put their project to the side, and they have to wait on him. They are working with him again and plan to get it done as soon as possible. Member Frey inquired of counsel because he believes that it is reasonable that they don't want more tenants in this building until septic, road access, etc. is in compliance, so how do they incorporate another inspection in a year. Joe Sanford, Deputy District Attorney-Civil, pointed out that at this time they could make a motion to continue the special use permit as it currently exists, subject to continued inspection for all required conditions, and that no expansion occur until the conditions have been met.

Member Hyde reiterated that there seems to be three things that are outstanding—the NDOT approach, a public well, and a proper sized septic system. He inquired if those things would be finished if they decide to extend this for another year, all of that would be done. Maria Herrera replied that it would be.

Vice Chair Goings said that he was on the board when this was approved. There were some reasons why they hustled this through because there were some tenants, who had leased units and made improvements. He shared that the board would not be supportive of adding any additional units until the conditions of approval had been met. He expressed concern that if they put off another review for one year, they may be here next year and nothing else has been done. He highly recommended that they complete the conditions of the permit as soon as possible.

Member Edgmon inquired if they would require a review in six months to see if anything has been done within that timeframe, would that help get something moving toward meeting the conditions of approval? Dean Patterson responded that it might be an impetus to keep moving on the project instead of letting it wait for another year and then deciding that something should be done near that time. His recommendation is that the applicant needs to start having all of their applications submitted to the state as quickly as possible. Then they still have the construction side of those improvements to get done.

Vice Chair Goings called for public comment, and there were none.

Vice Chair Goings called for a motion.

Member Edgmon moved to review this permit in six (6) months with progress to be made to meet conditions of approval and no other tenants or additions to the existing structures or businesses. Member Frey seconded the motion, and the decision carried by unanimous vote (4-0).

- C. Consideration and possible action re: Review of a special use permit, SUP001093, for a personal training service and classes business granted to Dan Muller on June 12, 2024. The property is located at 5070 Reno Highway, Assessor's Parcel Number 008-531-90. A condition for approval was annual review until the Planning Commission determines it is no longer necessary.

Dan and Kimberly Muller, 5070 Reno Highway, were available to speak regarding this application.

Randy Hines, Public Works Director, shared that Mr. Muller, who is the tenant in the west portion of the building, was the impetus for getting a majority of the conditions met for the building because he wanted to get his business going. They have met all of the conditions for approval of their permit. Staff recommends that no further review is necessary.

Vice Chair Goings asked if the applicant had anything to add, and they had nothing.

Vice Chair Goings inquired if any of the commissioners had any questions or discussion, and there were none.

Vice Chair Goings called for public comment, and there were none. He called for a motion.

Member Edgmon moved to no longer require annual review for this permit. Member Frey seconded the motion and the decision carried by unanimous vote (4-0).

- 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. *This application was postponed from the October 9, 2024 and February 12, 2025 Planning Commission meetings to allow the applicant to work through the department with the Navy regarding their desire to divide the conservation easement property for this homesite, which would negate the need for this permit.*

This item was withdrawn prior to the meeting.

- E. Consideration and possible action re: A special use permit application, SUP25-000011, for crop processing and storage filed by Alex Peden. The property is located at 1450 McLean Road, Assessor's Parcel Number 008-731-04, consisting of 6.31 acres in the A-5 zoning district. The applicant proposes to convert a vacant grain handling facility into a wood pellet production facility. The application includes a request to be considered similar to grain processing rather than timber processing. *This item was tabled at the May 14, 2025 meeting.*

Alex Peden, 1450 McLean Road, was available to speak regarding this application.

Randy Hines, Public Works Director, stated that before any discussion starts regarding the application for a special use permit, a decision needs to be made whether the use is more similar to

crop processing or timber processing. Once that has been determined, then either the use requires a special use permit or the use is prohibited. He requested that the commissioners make a decision regarding the use prior to any further discussion.

Vice Chair Goings asked staff to give a brief description of what timber processing is in our codes. Director Hines responded that there isn't a definition for timber processing, so staff considered timber processing as when logs are brought into a facility and being processed into dimensional lumber, engineered lumber, or the like. That is why timber processing is a use in Industrial zoning and not in other zoning districts. Vice Chair Goings inquired if Mr. Peden had anything more to support how this operation would be more similar to crop processing than timber processing. Alex Peden said that he contacted a facility in Pennsylvania. There aren't really any like this around here. In fact, when he spoke to someone at the Business Environmental Program at a University of Nevada-Reno (UNR), they don't have anything on record that shows any kind of pellet processing or manufacturing in Nevada. The one person he spoke with back east said that he purchased the exact same Hammer Mill and Pellet Presses that he would be using, and this person runs pelletized alfalfa and kibble through the Hammer Mill that has little to no moisture content in it, and he adds in blends of vitamins, minerals, and medications to it. After that, he adds water to get it to the right moisture, scoops the mix into the pellet press. This person did indicate that the Hammer Mill is very loud and dusty. He said that to prevent the dust, all he had to do was install a shop vac filter to collect the dust, and he never had a dust issue. The person did consider putting the mill inside of a hush house for the noise. Mr. Peden noted that this person is processing a crop through the exact same equipment that he is proposing to use. He then said that, as he mentioned previously, he has thought about processing corn stalks to make wood pellets, so adding that would increase the similarity to crop processing.

Member Hyde said that he thinks that Director Hines is suggesting that they have a discussion right now to see if pelletizing wood is similar to crop processing. He addressed that by stating that he went by the proposed facility to look at the operation, and he was under the impression when they came to the last meeting that these were similar. There were a couple of statements made by the public and some written things provided, and he is very aware of the opposition that can come when someone brings a project forward. A lot of the opposition is related to not wanting something near them. There were some things brought up last time that caused him to pause, and he realized that he wasn't well informed enough to make a decision, so he studied. He said that when we talk about timber, as long as they are growing a tree, it is considered farming, but as soon as that timber falls down, everything downstream is industrial. The reason doesn't have anything to do with the similarity about the mechanics—using the same equipment—but the difference is the substance. What happens is what is called VOCs (Volatile Organic Compounds), and they can actually dissipate into the air into a gas form very quickly from any kind of processing that takes place with wood. He checked with eight of the neighboring states, and not one state or county has ever put wood processing in an agricultural environment. When we process agricultural products, that substance is very different in terms of the kinds of emissions that it will offput. You can have some grain processing that can emit VOCs, but they are very low. With wood, the VOCs are very easily high enough to where it requires Title 5 of the Clean Air Act, which means that we now have Department of Environmental Protection. He said that the VOCs that he is talking about originate naturally in wood, like terpenes, methanol, formaldehyde. These are released when heating or drying or grinding. They are invisible, but harmful in high concentrations. They contribute to ground level ozone and smoke formation, and they are regulated under the Clear Air Act. He was thinking about how small the proposed process is, and he might be able to successfully show that his emissions are underneath Title 5 requirements, which

means that he might be able to slip under the threshold, until there is an event, a fire or something that could happen where the emissions well exceed that. If it were approved here, they would probably make sure that it would need to meet the same regulation that Title 5 has. In addition to those VOCs, what he came across is PAHs (polycyclic aromatic hydrocarbons), and this is a byproduct of incomplete combustion of wood, for example, so anytime that it is baked, heated, but not burned, there are those types of emissions. Mr. Peden may be able to prove that his emissions are under a certain level until there is an incident. His bigger problem is why put this in an agricultural area. This is really industrial. It isn't similar because it is a different substance. In agricultural zoning there are a lot of benefits. People like to come to this area because of the expansive agriculture. We don't like to have little pieces of industrial activities within this beltway of farming. He thinks that there are some unintended consequences if we allow industrial activity into an agricultural zone. He gave an example where neighbors become quite used to complaining about noise or odors, and pretty soon the agricultural producers won't be allowed to bale hay at 3:00 in the morning, or pretty soon the smells coming from a dairy are just too noxious and it must be shut down. He wants to firmly stand with agriculture and say that when the tree falls down everything that is done to timber is no longer similar. It ought to stay in Industrial zoning. Our goal as a commission is to create zoning areas and language that is very clear. They shouldn't have to come to these meetings and try to figure out how to make exceptions. He doesn't think that this fits, and it should be in an industrial area.

Member Edgmon said that she has done a lot of research since the last meeting, and she stands firm that it this belongs in Industrial zoning. It is a great idea and concept.

Member Frey stated that he took a little bit different approach. He does believe that it is similar to crop processing; however, it is more similar to timber processing in the way that our codes are written. He said that this is a very objective decision here, and it isn't clear, cut and dried. He thinks that the staff did a very good job in determining that it is similar to crop processing. The only thing that he thinks delineates is if Mr. Peden were growing his own trees and harvesting them, he would be processing his crop. He thinks that would be totally valid to be in that area. He is leaning more toward this as being more similar to timber processing.

Alex Peden asked if Member Hyde, being an agricultural producer, if this would be a conflict of interest. Member Hyde responded that the only way that he could construe this to be a conflict of interest is if he could see that agricultural rights and privileges were being eroded. Salt loses its savor by being mixed with other contaminants. He would like to see the agricultural zoning not mixed with Industrial. The only conflict of interest is that he is interested in keeping agricultural areas with agricultural uses. In terms of being able to make an informed decision on this commission, he does not believe that he has any conflict of interest in doing that. Mr. Peden then stated the Dunning Kruger Effect, which he thinks a lot of people are falling under, is a well documented phenomenon where individuals with limited knowledge or experience in a particular area tend to overestimate their understanding or expertise. In the context of these meetings, it seems that some concerns stem from misunderstandings about how such operations are regulated and what safeguards are in place. Most susceptible to this are ones that actually think that they know everything about the subject. He doesn't exempt himself, as we are all susceptible to gaps in our knowledge. As far as the VOCs go, even the Business Environmental Program at UNR could not come up with enough VOCs that it would fall under Title 5. They indicated that he wouldn't be producing enough to meet that level and that the VOCs were one of the least of their worries related to this operation.

Vice Chair Goings said that he stands where he was previously. He sees this as a start point for this business. He thinks that the conditions that have been recommended are in place to get a start

and allow this business to see if it is even viable. If it got that foothold before it could go to these extremes that are being talked about, then he believes that it would need to move to an Industrial location. He shared his thoughts that if someone is making pellets out of grain or corn stalks or whatever, or they are being made from wood chips, with the small size of this operation and use of similar equipment, he considers this like an incubator to allow this business to get started. If it fails, then he is not out all of the infrastructure that he would need to build to support the silos, processing equipment and so forth. If it does succeed, then he would have the revenue to be able to start that process. He thinks that we are looking at this as a big, huge business venture, where it is really an upstart to potentially get to a larger process. This is why he sees it as similar to crop processing. Director Hines verified that the determination is necessary because one is an allowed use with a special use permit and the other is a prohibited use.

Joseph Sanford, Deputy District Attorney-Civil, explained for the public's understanding the way that our code is written when we make a determination of what is allowed in a particular zone, it is based off of what the described use is most similar to. If this is considered most similar to a timber processing plant, then in that situation it would be a prohibited use in this zone, and this commission would not have the jurisdiction or authority to grant a special use permit in any fashion. If they determine that it is closest to a crop processing facility, it would be allowable under a special use permit. In that situation, the commission would take evidence and provide conditions or determine whether it was allowed at all. Based off of the discussion that has taken place, he thinks that the request from the department is rather than go through all of the potential conditions that might theoretically arrive, if this board decided this use was going to be timber processing, and it was therefore prohibited, there was no value in going through those conditions because, regardless of the conditions, it is prohibited.

Vice Chair Goings asked for public comment.

Terrance McGowan, 4511 Alcorn Road, who owns adjacent property zoned the same, said that he doesn't think that the application for a special use permit fits the zoning. If the commission approves it, that will make him happy because they would just rezone his property and he could do a lot of other things on it.

Julie Judofsky-Lynch, 3580 Bottom Road, was fortunate enough to have a client tell her about this that was going on. She said that she did a lot of research on this and found that sawdust is a group 1 carcinogenic. With that being said, if the applicant, based upon what she saw, would be required to meet all regulations with the Environmental Protection Agency (EPA) before he even breaks ground or touches one thing on the property. She thinks that needs to be taken into consideration. She wasn't sure about the other emissions when she attended the previous meeting, but she did more research since then and found out otherwise. She feels that due diligence was not done on their side of the board. She expressed appreciation to Member Hyde for his research. She stated that cancer does run in her family, and this being a group 1 carcinogenic had her very concerned since the small particles in the Nevada winds could blow these miles away and people wouldn't even know that they were being exposed. She feels that when things like this come up, bigger areas need to know about it all. She asked that they take into consideration the carcinogenic aspect, and since he is making money with it, it is considered industrial; it is not considered agricultural at that point, in her opinion and based upon all of the research that she has done.

Dennis Adair, 1025 Rosewood Drive, said that he submitted a letter for the previous meeting along with several others. He hopes that by now everyone has had a chance to look at it. He cited that wood pellet facility concerns identified across the nation at multiple pellet processing sites concerns include,

particulate matter, noise, black carbon, ozone, nitrogen dioxide, volatile organic compounds, chemical leachings, methanol, acrolein, formaldehyde, and with that decreased property values and the polycyclic aromatic hydrocarbons, which are carcinogenic. The Planning Department, having done their research on this matter, failed to discuss almost all of these concerns in their reporting. Rather, they chose to cherry pick their information and essentially based their findings on minimizing the potential noise and dust. Had they thoroughly researched this topic, they would have found the same available research findings that those in the audience found. A thorough investigation would have identified these concerns and included a Planning Department assessment of those concerns, and each would have been reviewed to determine what mitigation efforts and safety measures would need to be established and measurement methodology implemented to assure that these issues did not rise to the level of endangering surrounding citizens and properties. There is enough information available nationally that cites related problems that this board cannot simply approve this industry based on an elementary and incomplete Planning Department report. There must be a verifiable method to measure all of these pollutants against established verifiable national guidelines. The equipment necessary to measure all of these pollutants must be in place prior to start up and monitored on a frequent basis until a solid pattern of compliance with those guidelines is clearly demonstrated.

Katy McGowan, 4511 Alcorn Road, said that according to the IRS (Internal Revenue Service) the classification for wood pellet manufacturing is under the North American Industry Classification System, under code 32199, which is all other miscellaneous wood products manufacturing. Also, according to Churchill County Code the definition of agricultural operations is all agricultural, horticultural, viticultural and vegetable producing operations of the soil, milk and dairy, poultry and livestock, haying, or any other operation involving the growing of crops for sale or for the support of other persons or animal life. Also, under General Provisions it says, "Farming includes, but is not limited to, the raising of crops and livestock, and shall also include the right to use the land for feed storage, feedlots, grazing by farm animals and dairy operations, sale of agricultural products from the land on which it was produced, and the transportation of agricultural products to and from a farm, ranch, or dairy...The right to farm all land is recognized to exist as a natural right and is a permitted use everywhere in the county except where prohibited under this title...."

Linda Holland, 1055 Rosewood Drive, reiterated some of the statements that have been made. This is not a grain processing. Extensive research available on wood pellet processing facilities would refute this idea. This is not a dust and noise issue. Wood pellet production facilities produce emissions of harmful particulate matter, airborne pollutants, and degradation of local water quality. Dust and air pollution would cause significant health problems for people living nearby, including asthma, respiratory diseases, cardiovascular diseases, maternal health issues, neurological disorders, and even cancers. The hammer mill, pellet press, and pellet coolers all emit volatile organic compound pollutants. Unless this facility is hermetically sealed and encased in sound proofing, simply minimizing dust and noise is not acceptable and will affect the quality of life of those living nearby. Minimal emissions are not the same as no emissions, which all of them live under in that area. She wanted to address this Class II Clean Air Quality Permit. In his letter he says that his initial onset production would be 300-1500 pounds per day. With the onset production of 300 pounds per day that is 108 tons per month, and if he reaches his maximum production without any additional improvements or equipment, that would be 1,800,000 pounds per month, which is 6400 tons per year, which exceeds the Class II Air Quality Operating Permit. She asks to preserve and protect agriculture in Churchill County. Preserve and protect the environment and health of Churchill County. She pointed out that since the closure of the dairy that was there previously, it should be noted that now

the residents are there first, and she asked for their consideration in their favor.

Conner Geotsch, 701 Dani Street, agreed with Member Hyde's assessment of the industrial permit. Everything downstream of growing the trees falls into the industrial category. He noted that Member Hyde also addressed the VOCs, the PACs, formaldehyde, and so forth. He doesn't believe that there is any room to classify this as similar to grain production. The commissioners have already heard everyone here talk about the EPA permits, Clean Air Act, Clean Water, and different permits that would be required by federal agencies if we were to allow a pellet production. He believes that this would create a slippery slope if we start rezoning ag land or just saying similar to use, what is to stop other industries from coming in and creating more noise and dust and other unwanted land use there.

Amber Sanchez, 4007 Cimarron Road, spoke toward Vice Chair Goings remarks about incubating a business that she doesn't believe it is their job to incubate a business. She believes that it is their job to protect the zoning that is there currently, which is agricultural/residential, and not industrial. She has a feeling that there are movements underfoot that perhaps want to make that area industrial at some point, and this might be the "camel's nose under the tent." She wants to prevent that. She doesn't want that area to become industrial and is keeping her eye on the county. Grinding up alfalfa with a hammer mill is whole lot different than grinding up wood. Wood would create a lot more noise than grinding alfalfa. They are not in an industrial area, they didn't purchase property in an industrial area, and they want the community listened to. She wants their concerns listened to. Not just the person who made the application for the permit, but the people who are going to be affected by this. She doesn't believe that any of them live in that neighborhood. She knows that the applicant does not live in that neighborhood. They do, and they are here pleading with the commission to ask that they listen to them. They do not want an industrial business, manufacturing plant, in their agricultural area.

Bee Ann Lattin, 1955 McLean Road, asked the Planning Commission to know that this is not agriculture. She recognizes that they were given kind of a special consideration for their operation at Lattin Farms. As they went through the processes, the commissioners wanted to be very sure that they didn't set a precedent that would open up things to change the agriculture business in the area. She's afraid that might happen. If we allow this, what else are we going to allow? Let's keep agriculture in agriculture. There is such a difference between processing wood and grains and alfalfa. It is a different process, and they ask that they not allow this in our agriculture community.

Laura Lee Christensen, 1751 Lattin Road, commented on the kind heart of Commissioner Goings. She appreciates his interest in wanting to help a business grow. She thinks that it is a great idea, but the problem has nothing to do with the business itself. There are three zoning districts in the county that allow wood processing, and this one isn't one of those. All of them know that this is industrial, not agriculture. Although we may want to do the right thing and help someone, that is not our job or our call. Our call is to look at the zoning and what they are meant for.

Nancy Upham, 3618 Bottom Road, thanked Member Hyde for doing research. Timber processing is very different from agriculture processing. She had hoped that in the last month there could have been more science done to support or counter this, but she feels that we are back in the same argument that we were last month. She doesn't think that there has been enough scientific assessments done as to what timber processing would do to the air quality or the soil quality. She brought up inversions, and noted that with these it would keep small particulate matter close to the ground, close to where we have people farming. This almost seems like a recipe for disaster when you have this small particulate matter being put into the air, then you have ag, which the inversion

layer keeps that particulate matter close to the ground, and unfortunately, affecting the residents or the people working outside. She is against this mostly because the health aspects of this have not been sufficiently assessed. She feels that we are here again and it should have been addressed, more science needed to have been brought to the table before approving this. She also questioned where the property in Pennsylvania is located that has a similar operation. We don't know what the zoning is or if it is located near agriculture, and if this is the one example of something similar, it would be nice to know where the facility is located and what the zoning is. For health aspects, she would recommend that they err on the side of caution and not have this done in an agricultural zone.

Ben Shawcroft, 4197 Magnolia Road, stated that when he first saw this item coming up, he doesn't usually like to oppose businesses and development. He thinks that this is fantastic, and everybody should be given every chance to make it in this world, especially in this community. He applauds that. His only concern is that we are putting this where they are proposing it. He's not sure if it makes it past this first round of public comment, so he would like to share all of his comments now. He agrees that this is not similar to crop processing; it is more related to timber, and therefore, should not be allowed in this zoning area. However, if the Planning Commission does go down that road and open it up for a possible special use permit, the concern he has is, having looked at many of these in years past, when he sees a long list of conditions trying to mitigate the potential impact of a proposed use, that is a red flag that it probably shouldn't be there. If they are proposing a use that doesn't require a lot of conditions, then it sounds like it is in the right area. That just says that we have to make so many conditions to try to make this compatible, then the surrounding area is not compatible with that proposed use. He also wanted to address the issue of trying to support a small operation to allow it to grow and then move it, which he thinks is very difficult to do because then you have to try to figure out at what point does it trigger requiring the applicant to move—at what level of noise or at what level of use is that triggered. There could be more hearing in front of the commission because maybe he doesn't want to move, and he thinks that he is still small enough. You would just be perpetuating a problem that keeps going; whereas, you can solve it right now and it won't have to come back before you if it is put where it should be, and that's industrial.

Jeff Marshall, 4110 Bottom Road, wanted to make it real simple by saying that he doesn't want to hear any noise 24/7, he doesn't want any more dust—there's already enough dust in the county from the wind, and he wasn't aware of the carcinogen problems that could happen. Our health is more important than anything. He expressed appreciation for Member Hyde for doing extensive research on one single topic for Churchill County.

Mike Brown, 1100 Rosewood Drive, is against this, and he hopes that the commission is also. If you do pass this, then you are setting a precedent. What else will come into that area? They bought land in that area and built their houses there, planning to live there for the rest of their lives. If you put this kind of stuff in their backyard, it will diminish the price of their houses, and they might have a hard time selling them if they decide to get out. He suggested that if the commissioners wanted to move into that area and live around this, then that would be great.

Brian Wilkerson, 4200 Alcorn Road, said that he has been listening to the proposals and some of the other people's statements, and he wanted to let the commission know that he grew up, his first job was working in the timber industry. He was a logger. He is aware of what goes on in the timber processing. He went from logging to working in the sawmills. He's been around hammer mills, chippers, wood processing, and it's very noisy and very dusty. He left the sawmills and went to work for a biomass fire plant; same process—chipping, hammer mills, etc.—a lot of dust, a lot of pollution. He's not into agriculture, he doesn't know a lot about grain processing, but there is a totally different

process between a wood chip and a corn stalk. It is going to make a lot more noise and a lot more dust to process wood, than it does with agricultural products. He stated that it is not even a close comparison. When he worked in those facilities they were considered industrial, not agricultural.

Vice Chair Goings allowed the applicant to respond to comments made. Alex Peden pointed out that there are many things related to farming that also cause pollutants, including farming equipment that leaks a lot of fluids polluting the ground. Cows put off one of the most abundant amount of methane than anything. Also, the stuff that it takes to run a dairy, baling, and so forth, also produce volatile organic compounds (VOCs). He doesn't know if any of that is really pertinent towards his project; it is more relative. We also need to look at the bigger picture. He doesn't know if baking (manufacturing) pies and selling them to the public on agricultural land would be part of manufacturing as well. He doesn't know if anyone came to this meeting in a horse and buggy, but our cars are putting so much emissions in the air. No one is complaining about that. He thinks that if this is what is going to bring Fallon to doomsday, then we have bigger problems.

Vice Chair Goings asked if any members of the commission had further comments, and there were none. He wanted to make a point regarding a comment made about keeping an eye on the board and attend more meetings, and the commission encourages that. What he finds is that everyone says that, and then the next meeting there will only be one person in the audience or just the applicants on the agenda. Another comment was made regarding their job as a commissioner, and he remarked that this is not his job. He has a job. They primarily volunteer, as an appointed member of the commission, to be part of this process. As a businessperson in this community, he is trying to find avenues to open up for his grandkids to have a way to make a living in this community without having to depend on a business that he started, or any other. That's his goal when he sits on this board. When he gave his opinion, that is what he saw regarding this application at this time. Everybody on this board has their own opinion. He does hope to see people attend more of these meetings.

Vice Chair Goings called for a motion.

Member Hyde moved that wood pellet processing is not similar to crop processing, and therefore, should not be allowed in agricultural zoning. Member Edgmon seconded the motion, and the decision carried by a vote of 3 (Members Edgmon, Frey, and Hyde) to 1 (Member Goings opposed).

Since the decision was to not consider the use as similar to crop processing, the use is prohibited; therefore, the special use permit cannot be approved.

10. New Business:

A. Consideration and possible action re: An application for a variance, VAR25-000006, filed by Kelly Workman. The property is located at 5744 Indigo Drive, Assessor's Parcel Number 008-113-57, consisting of 30.2 acres in the A-5 zoning district. The application proposed to waive the paved road requirement for a future parcel map.

Kelly Workman, 5808 Workman Road, and Trae Workman, 5235 Rivers Edge Drive, were available to speak regarding this application.

Dean Patterson, Senior Planner, stated that the applicant is proposing a variance from the parcel map road paving requirement for a parcel map at a later date. The creation of new lots requires frontage on a publicly maintained road, or the construction or upgrading of a road reaching to the new lots. When new lots are 20 acres or less, the road must be paved. That is the situation that is being

proposed. The future parcel map will take the existing 30 acres parcel and split it into 10 acre lots, so that the three joint owners can each have their own lot. The county code would require a paved road reaching from the new lots to a publicly maintained road. The difficulty for the owners is that the nearest publicly maintained road is Dillon Road, which is approximately 1,300 feet directly south through the adjacent property. This was demonstrated on the overhead aerial photograph displayed on the overhead screen. The problem is that there is no access easement through that property, so that means that the nearest point of connection is at the intersection of Dillon Road and Roberson Lane, so this forces a circuitous route west on Indigo Drive and south on Roberson Lane. Because of this, it greatly increases the cost of the land division. Approving their request for a gravel only road would reduce the cost to be more manageable. There are other options that are summarized in the staff report that don't require a land division, namely the allowance for a second or more permanent dwellings, which are allowed on very large lots, but the applicants would really like to own their own parcels.

Mr. Patterson informed the commission that the staff report also summarizes the existing road conditions and what improvements would be needed for meeting the county road standards. In short, Roberson Lane would need to be reshaped and rebuilt, and Indigo Road would need fairly minor upgrading. If the variance is denied, the roads would have to be paved. The staff report reviews the variance criteria, and Criterion 1 and 2 address having some exceptional situation and posing an exceptional practical difficulty. The variance would need to demonstrate how this specific instance is different from all other projects. Staff regularly gets inquiries from landowners, similar to this one, asking about dividing land away from the public roads, and we tell them that they need to meet the road requirements, most often paving the road to meet a publicly maintained road. Examples include the areas off of Trento Lane, Soda Lake Road, and Lucas Road. To prove this variance, the situation should be different from those. The exceptional situation results from the circuitous route needed to get around the development to the south in order to reach Dillon Road. As noted before, a road directly south to Dillon would be less than half of the distance of the circuitous route. If there was an easement through that property, the paved road requirement would be roughly 1,300 feet, being about the same distance as the proposed segment of Roberson Lane. If the Planning Commission is receptive to the variance, staff recommends a partial approval to waive the paving requirement for Indigo Drive, which is the additional road length needed for the circuitous route and which is mainly a driveway to the Workman property. Criterion 3 and 4 relate to not being materially detrimental to the public and being consistent with the intent and purpose of the law. Allowing paving variances just for the asking would be detrimental to the public and contrary to the law, but a partial variance for Indigo Drive would only be minimally so given the small number of potential lots on it. There were no comments received regarding this project. Staff recommends partial approval.

Vice Chair Goings asked if the applicant had anything to add. Kelly Workman said that the parcel in question was originally 40 acres, and it was deeded as part of an inheritance for the grandchildren. He hoped this would give them an opportunity to start their lives and have a place to build their homes. Wade bought Grandpa Harrigan's place, and therefore, his 10 acres went with that property leaving the remaining 30 acres. At the time of the grandfather's passing, all of the kids were pretty much established and had their homes, so the lot has remained vacant since the 1990s. Now, they would like to divide the property for their kids. They are a very family oriented group, and she shared a little of their family history. One of the family members built a home on a portion of this parcel, and at this time it is still a 30 acre lot. Mrs. Workman shared the history of the development of Indigo Drive, which was basically a driveway to this property including turnouts for emergency vehicles and so forth. When this road was put in, it was done to meet the county standards at that

time. Kelly Workman stated that Mr. Patterson informed them of other options that would allow them to develop the property without having to pave the road, but the problem with that is that Trae and his wife are not able to get financing with the parcel set up that way. She explained that none of their family has enough money to pay for the home to be put on the property without financing, so the only option is to split the parcel so that the bank will be able to do this. She said that they are trying to help them out by giving them a piece of their great grandfather's ground, so that they can move forward with their life and raise their children there. The requirement for paving Roberson Lane, the partial approval of that gives her pause because the county doesn't maintain Roberson Lane. To expect them to have to come up with the money, and she works for A & K Earth Movers, so she has an idea on how much this paving project is going to cost, and for them to have to try to come up with the funds to pave one-third of the mile for a road that isn't even taken care of now seems very inappropriate. She doesn't feel that because they are trying to better our kids' life by letting them have some of the ancestor's property to move forward on and they would have to pave one-third of a mile for everyone else to drive down and use. She knows that some of the neighbors in the area do try to help with the maintenance of Roberson Lane, but paving is an astronomical expense. She understands the reason for the regulation for paving the road and isn't really opposed to it. She mentioned other developments that went in that area with roads that are not paved, and those roads are in poor shape. They are not trying to subdivide these into anything other than a single family. The additional cost to have to pave that one-third of a mile is going to make this cost prohibitive for them. The problem is getting financing to be able to choose another option and avoid the division of the parcel.

Vice Chair Goings inquired if any of the commissioners had any questions or discussion.

Member Frey questioned staff regarding his understanding of the recommendation for partial approval would still include paving the 1,300 feet of Roberson Lane and then upgrading Indigo Road to the county gravel road standards. Dean Patterson confirmed this to be accurate. Indigo Road already almost meets that standard currently, and it wouldn't take too much work.

Vice Chair Goings asked regarding the parcel map that was displayed on the overhead screen the parcel that is northeast of the intersection of Dillon Road and Roberson Lane stating ownership by Vickie J Gunderson and whether that person was a family member. Kelly Workman affirmed that she is, and it is Vickie Detomasi now. He then inquired if the next lot to the east was the parcel that is proposed to be divided, and Mrs. Workman answered in the affirmative. He then questioned if the next lot to the east is owned by family, and Kelly Workman said that if the parcel is pulled off, then the next two lots would be owned by Neal Workman and Vickie Detomasi. Vice Chair Goings said that from his perspective that whole area from Roberson Lane north of Dillon Road is owned by a family, and those are the only residents that are on there or ever would be on there, or that is the plan to have it all owned by family. Mrs. Workman clarified that the only residents that would be off of Indigo Drive are Liza, who is Vickie and Wade's daughter, and then Trae and Hope. There is a dwelling on the lot that is marked Vickie J Gunderson, but its driveway is off of Roberson Lane. Vice Chair Goings then asked if there is any other lots that are accessible off of Roberson Lane right now, and there was discussion regarding a few landowners that take access off of Roberson Lane as well as Sierra Way and Lakeview Drive, which are not paved, not county maintained, and were not constructed to meet the standard for the county to take over maintenance, accessing Roberson Lane, and Roberson Lane goes north and meets Cox Road. These roads are a very good example of why this regulation was put into place. These were put in prior to the current regulations. Vice Chair Goings then inquired about having a gravel road from the intersection of Roberson Lane and Dillon Road north to Indigo Drive constructed to meet county standards and if that would be compatible

with everything else that is existing or better than that. Dean Patterson stated that it would be better than what is there now. That would make it more compatible than it is currently. This is what Mrs. Workman is asking for with this variance application, and as Mr. Patterson understood the applicant would be willing to cover the cost for the gravel road. Mrs. Workman affirmed that she wouldn't have a problem with improving the portion of Roberson Lane, but she doesn't really understand how the county comes to the decision on what roads they maintain and which they don't. If they base it on the amount of traffic that is being used, that dirt portion right there gets quite a bit of traffic. She expressed concern because she would be willing to do that part of it, but with the amount of traffic that does go down this road, how long it will last. She inquired about the maintenance of that gravel portion and if they would be expected to maintain that with everyone else using it.

Member Hyde said that he has experience as a developer, and the reason why there is this condition is so that development will end up paying for the roads. We are trying to improve the roads, because we are now introducing more traffic, and a paved road mitigates the dust. Usually, if you are the first one there to develop, in the case you are creating three lots, normally, the condition would be that you have to pave Roberson Lane and Indigo Drive both. He then stated that what staff is recommending is that you only have to pave the shorter one, Roberson Lane. Indigo Drive is longer. When we develop—you are taking a big parcel of land and making three potential homesites—so they are asking us as developers to pay for a road, and this is a condition now. He said that he has a subdivision right now that he isn't doing yet because it costs so much to pave. Mrs. Workman asked how many lots are in his subdivision, and Member Hyde said that it is only four lots, and the paving costs so much that he is putting it off. Staff is willing to work with them to recommend allowing Indigo Road to be gravel, and Mrs. Workman understands that. She shared that Mr. Patterson had spoken with them about circumventing this whole issue by creating a community place. How is that any different? They will still be putting another home on this place, and they will still have this family living there, and they are told that they wouldn't have to worry about the roads if they didn't divide it, but the impact would be the same. They are just trying to create a division to allow them to be able to get financing to build a home. They are not developers; they are farmers, and they want their kids to be able to move forward on our family's ground. Member Hyde pointed out that they would have an economic advantage because by subdividing that actually allows financing on that lot. The way it is right now it is very difficult for financing to be obtained, so they are increasing the economic value. The county is saying that when you do that, we all need to participate and help one another, so you need to pave part of this. He understands the thoughts expressed by Vice Chair Goings, and he just wanted to be clear that normally the conditions, when you subdivide like that, you would have to pave both roads. Kelly Workman expressed that they are not subdividers, and they are not trying to make a profit off of these lots at all. They are just trying to give their kids an opportunity.

Member Edgmon noted that ordinances are there to protect and to follow guidelines, and when you do something for one, you have to do for all, and there are a lot of farmers out there that want to subdivide their property. Once something like this is done for you it opens it up for everyone to do the same, so the board has to be very careful to follow the guidelines of the county. Kelly Workman reiterated that they are not subdividing.

Member Frey stated that he is very sympathetic about this. He doesn't want to go down this slope. He made the mistake of buying his twelve-year old a cell phone once, and now he has a twelve-year old that won't let up on the fact that he bought the previous kid a cell phone. He wants to help them to find a solution, and he inquired if the option has been explored to get an easement from Neal's property to the east, and if that, from a planning perspective, was done in house privately and gave

legal access to the parcels, could they circumvent all of the paving or graveling requirements. Dean Patterson explained that it would be under the same regulations. They would still need to get a road to each property, and each one is supposed to be paved. He expressed sympathy also for the applicant, but if you give the variance for one person, then how do you justify not giving it to all of the other people. He gets the question almost every other week, so there needs to be the special situation. If you find the special situation here, then you have a reason for granting a variance. He further explained that the county maintenance program includes roads that were constructed to meet the county standards and were accepted into the program. There are a few that were included previously that did not meet the standard; however, under the current regulations, all roads must be built to the county standard in order to be accepted into the maintenance program by the County.

Vice Chair Goings inquired if that special situation be that you are accessing a family road, which is basically a driveway to all of those family owned parcels. It isn't sold outright, and he understands what the point of the regulation is. He looks at this as if everyone of those lots is owned by a family member, and the only people that will be using Indigo Road will be family members. Does that qualify as one of the special situations? Joseph Sanford, Deputy District Attorney—Civil, responded that special conditions is supposed to be a condition of the property, not a condition of the owner. The reason for that is, that we understand that this is the plan, but we don't have a restrictive covenant that says that it will be family owned forever. Tomorrow, this could be sold to Member Hyde to develop, and so the variance condition is supposed to be a condition of the land. In the absence of some type of restrictive covenant, the ownership and the conditions on that property are completely subject to change. He understands that isn't the plan, and we are Churchill County and want to take care of our people and so on. The condition and the basis of having it be a part of the land is so that the next time you have someone ask, you will be able to state the condition of the land that was the basis for the variance. In this case it could be something like the inability to gain an access easement across the shorter distance that would have been the preferred option, and instead that created a situation that was unique and unfair to this particular owner; hence, why staff has recommended the partial approval. That unfairness is what is the basis for granting of the gravel road on Indigo Drive, and the basis for the paving on Roberson Lane is because that is what everyone else would be required to do. If they just say that it is based off of a family circumstance or something like that, that will be the situation that will come up next time, especially in a town like this where there are a lot of family farms. He's not sure that is going to be a situation that the commission is going to want to be in. If you do want to find a basis, they should consider the conditions of the land.

Kelly Workman asked if the development of the ground, if another home goes on this property, doesn't the property taxes go up. Is that not county revenue? Joseph Sanford agreed that it would be, but he wasn't sure how that is relevant to this application. Mrs. Workman stated that the county revenues would go up, which they are trying to help their kids and by letting them develop on this ground and not making it cost prohibitive, they would increase the revenue to the county. She realizes that this is just a small portion, but it would still be increasing the revenue to the county through the property taxes.

Member Frey expressed his thoughts that this is a slippery slope to go down starting to issue a variance because just like the first generation gave 40 acres, and now the next generation wants to divide it up into 10 acres, and a future generation may want to divide it into two acre lots, and the county has a code. Their job is also to uphold the code. He thinks that they just need to get creative outside of that by some sort of a land swap, or trade, or buy out, or some sort of exchange amongst family members, or comply with the paving requirement, which is an onerous requirement. Kelly

Workman remarked that when grandpa gave the land for an inheritance, he didn't cut it down. He wanted to leave them some ground. His grandkids didn't utilize it, and they would like to give it to the next generation. They are not developers; they are just trying to build a home and move forward. There was some discussion regarding a land swap and what would help avoid the paving requirement. Dean Patterson stated that the paving requirement starts with 20 acres, so as long as each parcel created is over 20 acres, there is no paving requirement.

Member Edgmon stated that as Member Frey said, they can't make a decision based upon feelings for the people, they have to follow a code, and that is what they are here to do. Mrs. Workman remarked that she understands the code, but this is not going to go forward if they have to pave. The paving is going to cost more than the lot is worth. There was more discussion about what would be required to avoid paving, and how acquiring some land from other family members to increase the size of the parcel to be divided, so that each new parcel created would be more than 20 acres, the paving requirement would no longer apply.

Joseph Sanford wanted to clarify, since it is being considered as a potential variance for partial approval, whether the applicant is requesting the partial approval, or if it would just be a decision on the variance from all of the paving requirement. He didn't want the commissioners to approve a partial variance if the applicant had no intention of meeting any of the paving requirements. Vice Chair Goings suggested tabling the decision in order to give them a chance to look at other options. Someone said that they should vote on the variance at this meeting, and Member Frey said that whether they vote on it, it would move forward as necessary depending upon whatever the applicant decides.

Kelly Workman stated that where she works she has access to grindings, and she inquired if they used grindings instead of paving, which would be better than gravel, would that be acceptable to meet the paving requirement. Member Hyde confirmed that she was talking about asphalt grindings, and she agreed. Dean Patterson stated that he isn't familiar with road building, but he doesn't think that grindings would satisfy the paving requirement. He thought that grindings could be used with the gravel standard, but that would be a decision that would have to be made by the Road Supervisor. Member Hyde inquired what the width of the paved road would need to be, and Mr. Patterson responded that it would be 26' wide road standard for the paved portion.

Member Frey questioned if they approve of the variance following staff's recommendation for partial approval, and when further development happens in the future, because he believes that it will, would they then be back here for another variance when someone else wants to divide another parcel and not want to pave. Dean Patterson assumed that Member Frey was discussing the 30 acre Workman property, and Member Frey said it could be that one or any others in that area. If they grant a partial variance at this point, requiring the paved portion of Roberson Lane, but Indigo Drive could be gravel, would any further development in that area require paving? Dean Patterson responded that we know that there are three individuals who own that property, and each one wants their own 10-acre lot. The staff report has conditions that the variance only applies to this 30-acre lot, but they could split all three of the lots on this variance for that paved segment of Indigo Road to just meet the gravel standard.

Mrs. Workman inquired if anyone had asphalt millings on their dirt roads, and then she stated that it would be pretty compacted. Member Frey agreed that it makes a good road, but whether that meets county specifications, he wouldn't know and doesn't believe that it does. Director Hines interjected that it would probably meet county gravel road specifications, but it wouldn't meet the asphalt paving section.

Vice Chair Goings called for public comment.

Kim McCreary, said that generally speaking, he asked the commissioners to pretend to be a developer, if anyone is crazy enough or has enough money to pave a road to do 10-acre parcels, then the county gets to maintain it, and they can't maintain the 800 miles of roads in the county right now. The best thing that the county could do is figure out...the paving can because everything is one acre parcels, but you can't do one acre parcels now because we don't have the water and sewer. All out there is well and septic, the county should start thinking about requiring standard gravel roads on these bigger parcels, road maintenance agreements, and then the county takes an 80-acre parcel and divides it into 16 5-acre or 8 10-acre parcels, and each one of these is worth \$500,000. The county doesn't have to do one thing—deliver water, sewer, maintain the roads, and they get to collect the taxes on \$8 million worth of properties, instead of requiring paving and then they would need to maintain that road. It isn't all bad, and it is just something for them to consider in the future.

Doctor Forrest E. Bush, 5744 Indigo Drive, stated that paving the road would also lead him to not be able to go to work since there is only one way in and out of Indigo Drive. They just also talked in the last application considered, his degree is in chemistry, about the pollution that would be given off with the wood pellet processing. He pointed out that asphalt releases VOCs into the environment, so it seems contradictory in the way the county is going about protecting the environment. He noted that he has to use that access to get to work and other people live in that area as well. How are they going to get to work if that road is shut down for paving? This doesn't happen instantly. He works on the Navy base, and there are four people that does what he does, so you would be talking about him not being able to get to work and not being able to facilitate NAS Fallon's mission. All because of a road. He has three cars that he uses on that road, two which are classics, and he doesn't have any problem using the road as it is. The problem that he does have is all of the ATVs and other off road vehicles tearing up the road. Will the county maintain that? If it were gravel, it would be easier to repair, they wouldn't be releasing any kind of toxins or whatever into the environment. Gravel is better solution—easier and quicker—than paving.

Loren Dudley, 5932 Dillon Road, wasn't really sure what to think about this when he first heard about it, but after hearing what has been stated, he emphasized the maintenance of Roberson Lane. That road is hammered, it is hard to travel. When he first heard about this, he thought that a 30-acre parcel was getting broken into 5-acre parcels, and there would be six new residences. That road would need to be paved, but knowing that it is a family trying to move in there. If they paved it, the county would have to take over that for maintenance. They would chip seal it like they do all of the other roads, he assumes. If the road is graveled, that would be a great idea, but who would maintain it? Roberson Lane needs maintenance. He sits on his porch and watch ATVs zip up and down that road, and he can't sit there comfortably because the dust will drift over and chase you off of your porch. His ultimate thought of the entire thing is who is going to maintain Roberson Lane.

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

Member Edgmon, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have not been met for conformance with the criteria found in CCC 16.08.090(F), and therefore deny the application for a Variance from the parcel map road paving requirement serving APN 008-113-57. Member Frey seconded the motion and the decision carried by a vote of 3 (Members Edgmon, Frey, and Hyde) to 1 (Member Goings).

B. Consideration and possible action re: A special use permit application, SUP25-000015, for a manufactured home dealership filed by Kim McCreary & Jessica Stanger of Creekwood Homes. The properties are located at 3981, 3977 & 3943 Reno Highway, Assessor's Parcel Numbers 008-411-40, 008-411-41 & 008-411-42, consisting of 1.24, 1.97 & 1.13 acres respectively in the C-1 zoning district. The applicants propose to establish a manufactured home sales lot.

Kim McCreary, 3981 Reno Hwy, was available to speak regarding this application.

Dean Patterson, Senior Planner, stated that the applicant is requesting to establish a manufactured home sales lot, Creekwood Homes currently operates at the corner of Roberson Lane and US Highway 50 on a small area of a larger parcel, and they plan to move the business to this location. The existing nursery business that is operating at the site now is a fully functional business site, so little change is needed for the proposed business. The site plan shows the proposed layout as displayed on the overhead screen. Normal business hours are proposed, including a Saturday, and often by appointment. One employee is planned at this moment and minimal customer visits are anticipated. Manufactured home deliveries will be uncommon, but, of course, growth will obviously increase all of this. The staff report reviews the special use permit criteria, and few concerns were identified. One minor issue was ensuring that the business presents a good image of the community, so manufactured home units should be stored in a neat row and placed outside of the two street setbacks. Another issue relates to traffic impacts. Access is primarily from Reno Highway on the north side and Arnold Way on the south side, which are both gated. Staff inquired of Nevada Department of Transportation (NDOT) regarding their thoughts on a manufactured homes entering and exiting the highway at this location, and no special changes were anticipated, such as a turn lane or anything like that. They pointed out that wide and large loads have special requirements, such as markings, escort vehicles, and other controls, and those should be adequate. The only likely change that they suggested is that the applicant will need to ensure that the approach apron uses the correct curve radiuses, and they don't know if it does or not. Any changes needed by NDOT will have to be made. No comments were received on this application. Mr. Patterson called attention to an error in the motion, so as someone is making the motion note that this is a manufactured home sales lot, not manufactured home park. Staff recommends approval.

Vice Chair Goings asked if the applicant had anything to add, and there was nothing.

Vice Chair Goings inquired if any of the commissioners had any questions or discussion.

Member Edgmon commented that during the staff meeting that was held they discussed something that she thought would be a great option for transporting the manufactured homes to and from the lot would be to use access from Arnold Way. This would be a safe route, so that there wouldn't be any concerns about any traffic or even the businesses nearby. Kim McCreary said that was what they planned to do.

Member Frey expressed concern about one of the conditions (3) requiring the homes be in a single, orderly row. He doesn't feel that they should tell them how to organize the homes on the lot, and he asked the applicant their thoughts on this. Mr. McCreary remarked that where they are located now things are so tight that they don't look that great; however, they are planning to use the good frontage to their advantage to line the homes up. If anyone has an issue with how they have these, then say something, but they intend to organize it sort of like a car dealership does. Member Frey inquired about removing that requirement to line them up in a row just so that it isn't a requirement that would have a negative impact in the future. Dean Patterson said that it is not a direct code requirement, this is more based upon the master plan policy for our gateway corridors and wanting things to present a good image to the community. He pointed out some of the other manufactured

home sales lots that seem to give a bad look to the communities where they are located. If the commissioners decided to remove this condition, it wouldn't have a direct impact on code standard. Member Edgmon said that she thinks that it is important to keep this because it does mention the road setbacks, so she thinks this covers all of the bases related to things being kept out of the setbacks and along the fence lines and property lines. Mr. Patterson responded that this covers both bases. Manufactured homes are structures, but these will also be on wheels, so it kind of falls into a gray area. He just included this condition to keep it nice and orderly to include the master plan policy. Kim McCreary stated that for the sake of this discussion, the front facing the highway would be lined up and there would be room behind that row along the back part of the property where they may not be lined up in a row, and those wouldn't be seen from the highway. Member Edgmon agreed that it would be best for them to utilize the highway frontage that way. Vice Chair Goings concurred that he thinks that as a gateway if they can organize them along there, that would be more eye appealing, and Mr. McCreary was in accord. Member Hyde remarked that when he read that condition as a "single, orderly row", he thought of something like sausages. He thinks this just means orderly.

Vice Chair Goings called for public comment, and there were none.

Vice Chair Goings called for a motion.

Member Edgmon, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in CCC 16.08.080 and therefore approve the application for a Special Use Permit for a manufactured home sales lot at 3981 Reno Highway (APN 008-411-40, 008-411-41 & 008-411-42). This approval is subject to conditions, as listed in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote (4-0).

Recommended Conditions:

1. *This permit is subject to annual review to show progress on meeting conditions of approval and conformance with County Code.*
2. *The site must be constructed and operated in conformance with County Code and building permit requirements, including but not limited to:*
 - a. *Maintaining a business license.*
 - b. *Future outdoor storage of bulk materials must be provided with visual screening meeting code standards.*
 - c. *All outside lighting shall meet the lighting code dark skies standards.*
3. *Manufactured homes stored and displayed on-site shall be kept in a single orderly row, and shall not be located within the Reno Highway or Arnold Way road setbacks.*
4. *The business shall connect to the community sewer service when it becomes available.*
5. *State and federal permits and requirements shall be maintained in good standing.*
6. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

11. Update related to code and master plan changes.

Randy Hines, Public Works Director, introduced Amos Akena, who is the new Planning Technician. On June 24, 2025 at 6:30 p.m. we have scheduled a workshop regarding updates to the Industrial use table, descriptions, maps of current zoning, new Industrial zoning breakdowns, and so

forth. We will send out notifications to all property owners of the Industrial zoned properties as well as neighbors within 300' and 30 unique owners of each of those Industrial parcels per Churchill County Code this week. That way owners will be aware that there are potential changes in their zoning, as well as other pertinent code changes that go along with these. Member Hyde questioned if he had anticipated rewriting our code in terms of pellet processing. He has some suggested language, so that it is more clear. Director Hines said that along with the uses in the table, they will really dive into descriptions or definitions of those uses. We do have a considerable number of definitions, but there are a lot of uses that we don't have definitions of, and timber processing is one of them. They will end up putting a definition to that, along with others that are not currently defined. The goal is to have more clarity, and eventually this will be carried over to the other zoning districts as well. Right now, they are focusing on the Industrial zoning. Vice Chair Goings thinks that part of what they've run into here is especially that since our codes and all of our zoning has come full circle and a lot of the things that are being proposed are not things that they would have thought of fifteen years ago. Do we really want to get into calling each and every one of these things out specifically as fitting into certain zones and not in others, and then in another five years some new industry starts up and we are right back in this same situation? He is playing devil's advocate here regarding being too specific. Director Hines responded that they have been discussing the descriptions, and the more specific you are, the more that you are going to miss. Also, the more descriptive you are, the more clarity you have. There is no discretion at that point. It would alleviate the differences of opinion between staff and the commissioners. That is what they are trying to get rid of. They know that the definitions and being more specific will not capture everything; this is understood and was mentioned in the previous workshop. If there was something that wasn't in the description and they cannot determine what it is, it would automatically require a special use permit, and then it could be addressed later and included in the code. He doesn't think that our codes are that far off, they just need to add more to it.

Member Hyde stated that they shouldn't let up on the requirements on roads. There was a comment about allowing more gravel roads, and they would be easier to maintain. He didn't agree that it would be easier to maintain. Director Hines noted that it has been brought up many times that there are a lot of roads out there that were developed prior to the current regulations, and that is really why we have roads in poor conditions. We understand that they are not developing, like a normal developer would; however, they are creating new parcels. This is just the way it is in the code now. He agreed that paved and gravel roads can both be maintained, but the requirement of the code is paving. Vice Chair Goings qualified his position that we have a family unit there. He reiterated Dean's comment that if they didn't need to divide the lot, nothing would be done with that road, and because they need to divide the lot to get financing, now they have to pave a road. He's been down Roberson Lane a lot of times, and ninety percent of the problem with that road is the off road vehicles that use it. That is why he had a different opinion regarding the road issue. Member Hyde said that Joseph Sanford made it very clear that the conditions ought to be to the land and not the family. We can't guarantee perpetuity on that.

12. 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. *No Items*

13. Public Comment:

There were none.

14. Adjournment:

There being no further business to come before the Planning Commission, Chair Bunyard adjourned the meeting at 8:32 p.m.

15. Appendix:

Supporting Documentation

Approved: Not present
Zack Bunyard, Chair

Approved: [Signature]
Jeff Gongs, Vice Chair

Approved: [Signature]
Victor Ansotegui, Commissioner

Approved: Not present
Tami Edgmon, Commissioner

Approved: [Signature]
Joe Frey, Commissioner

Approved: [Signature]
R. Mark Hyde, Commissioner

Approved: [Signature]
Scott Nelson, Commissioner

ATTEST:

[Signature]
Diane Moyle, Administrative Assistant