

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

January 14, 2026

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 6:00 p.m. on January 14, 2026.

PRESENT: Planning Commissioner Scott Nelson
Planning Commissioner Jeff Goings
Planning Commissioner Mark Hyde
Planning Commissioner Victor Ansotegui
Planning Commissioner Tami Edgmon
Commissioner Joseph Frey
Planning Commissioners Dennis Mills

ABSENT: None

STAFF: Randy Hines, Public Works Director
Dean Patterson, Senior Planner
Wade Carner, Deputy District Attorney-Civil
Loreli LeBaron, Code Compliance Official
Diane Moyle, Administrative Assistant

2. Pledge of Allegiance:

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

3. Public Comment:

There were no public comments.

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 the 8th day of January 2026, between the hours of 8:30 a.m. and 5:00 p.m. at all of the locations listed on the Agenda, in accordance with NRS 241.

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

Motion by Vice Chair Goings to approve the Agenda as submitted. Member Nelson seconded the motion, which passed by unanimous vote (7-0).

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

Chair Edgmon 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- December 10, 2025 Public Hearing

Motion by Member Frey to approve the minutes of the December 10, 2025 Public Hearing as submitted. Vice Chair Goings seconded the motion, which passed by unanimous vote (7-0).

8. Old Business:

- A- Consideration and possible action re: Review of a special use permit, SUP1105, previously granted to Shalena Hoisington on November 13, 2024 for a home based horse boarding operation. The property is located at 425 Bench Road, Assessor's Parcel Number 007-111-50. This is a follow up on enacting this permit to ensure compliance with all of the conditions for approval. At the December 10, 2025 Planning Commission meeting the decision to start revocation procedures was made since she had not met all of the conditions for the permit and had not attended any scheduled hearing.

Randy Hines, Public Works Director, stated that the applicant since the last meeting has submitted the business license application, documentation and payment for the business license, and is in compliance with all the conditions for the special use permit. Staff requests that the revocation process no longer be required, and he indicated that since she was in compliance with the permit, no further annual reviews should be needed. It was verified that everything is in order to issue the business license for this applicant, and that all other conditions of the permit have been met.

There were no public comments for this item.

Motion by Vice Chair Goings to cease revocation procedures and no longer require an annual review of this permit. Member Nelson seconded the motion, which passed by a unanimous vote (7-0).

9. New Business:

- A- Consideration and possible action re: A parcel map application, PC25-15, filed by Joe and Laurie Werlinger. The property is located at 3434 Cress Place, Assessor's Parcel Number 006-351-11, consisting of 40.45 acres in the A-5 zoning district. The applicants propose to divide the parcel into two lots to separate existing houses.

Joe and Laurie Werlinger, 3434 & 3400 Cress Place, were available to speak regarding this application.

Dean Patterson, Senior Planner, said that the applicant proposes to divide a 40-acre parcel to split off an existing second residence onto a 9.11 acre lot. Both lots will continue to use the existing wells and septic systems, and they will have existing access to Cress Place, a county-maintained road located on the east side. In addition, Allyn Place runs along the south property line. The staff report reviews the approval criteria, and no major issues were identified. The main thing to point out is that both roads do not have an official road easement. They are located within the federal easements next to canals or drains, and this map will provide easements for those roads. These need to be offered for dedication, though the county will not be accepting them. He reminded the applicant that there is a water right dedication requirement to dedicate 2.0 acre-feet of water per lot, which in this case will be on areas that are not irrigated, such as homes and stack yards and so forth. Staff recommends approval.

Chair Edgmon inquired regarding the map and noted that both parcels were shown as Parcel 1. Will one of these be designated as Parcel 2? Is this an error on the map that needs to be corrected? Dean Patterson stated that the map displayed may be an old version, and he noted that this has been corrected by the surveyor.

Motion by Member Frey: Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) have been met for the parcel map application PC25-15, and therefore recommend that the Board of County Commissioners:

(A) APPROVE the parcel map for Joseph Werlinger to divide APN 006-351-11 into 2-lots. This approval is subject to conditions, as listed in the Staff Report.

(B) ACCEPT the offer to grant easements identified on the maps.

(C) REJECT offers to dedicate land and improvements at this time.

Vice Chair Goings seconded the motion, which passed by a unanimous decision (7-0).

Recommended Conditions:

1. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Changes to labels on road easements and improvements shall be made to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
 - b. *Changes to the Churchill County Commissioner's Certificate shall be made to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
 - c. *Water right requirements must be met prior to recording the map.*
2. *Labels shall be added to Cress Place and Allyn Place road easements offering them for dedication.*
3. *Any final changes required by the County Surveyor shall be made prior to recording.*

Chair Edgmon thanked the applicants and stated that the application would be forwarded to the Board of County Commissioners with their recommendation.

- B- Consideration and possible action re: A merger and resubdivision parcel map application filed by Fernley Business Park LLC. The property is located at 17127 Inland Port Drive, Assessor's Parcel Numbers 009-251-77 & 009-251-78, consisting of 163.78 acres in the Industrial zoning district. The applicant proposes to merge the two existing lots and re-divide the property into 4 parcels of varying size, including abandonment of a utility easement.

Rex Massey, Industrial Realty Group, Port of Nevada, representing Fernley Business Park, 5450 Goldenrod Drive, Reno, was available to speak regarding this application.

Dean Patterson, Senior Planner, stated that this application is a Merger and Resubdivision Parcel Map, with the two existing lots being merged and then split into four total lots. It was previously reviewed by the Planning Commission in April 2023 and was recommended for approval to the Board of County Commissioners. Following Board approval, there is a deadline with an extension option. However, difficulties in getting signatures caused delays and the approval expired. The applicant has resolved those difficulties and is re-submitting the previously approved map. The staff report is edited to reflect (a) the resolved issues, (b) completed conditions of approval, and (c) changed situations since the original staff report. The revised map addresses all of these and is ready to record. All previous issues have been resolved. These include:

- A persistent issue in the past was providing legal access to the land northeast of the tracks (this was demonstrated on the map displayed on the overhead screens). Consequently, that parcel currently has a portion extending across the tracks, so its access could be taken from the highway, meaning that the parcel is split by the tracks.
- Access rights for that area have now been obtained from Bureau of Land Management (BLM). One of the objectives of this map is to split off the northeast area and another is to split the southwest area into three more lots.
- Additional easements are included for Patua Road, along the pipeline, where it crosses the property.
- The map also includes the abandonment that was approved in a separate application after the initial parcel map approval by the Planning Commission and Board of County Commissioners. The applicant did not want to have a public road on the property with limits on closing their security gate, so they abandoned the public road and re-established a private road, while also allowing government access for infrastructure and emergency services. This is now incorporated

into the current map as required by that approval.

- The map also includes the abandonment of a utility easement running through Parcels 1–3 that was established by the previous land division. Additional notes and certificate language are included on this map to deal with the abandonment.
- The map also includes changes to meet County Code requirements to protect wetlands, native features, and stormwater flow paths on parcel 4.
- Road name and address problems have been resolved and are incorporated into the map.
- All other previous conditions of approval have been incorporated into this map.

Mr. Patterson further said that staff recommends approval.

There were no public comments regarding this item.

MOTION by Member Ansotegui: Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) have been met for the parcel map application PC25-17, and therefore recommend that the Board of County Commissioners:

- A. **APPROVE the Merger and Resubdivision Parcel Map application for Fernley Business Park to merge APN: 009-251-77 & -78 and divide the property into 4 parcels. This approval is subject to conditions, as listed in the Staff Report.**
- B. **ACCEPT the offer to grant easements identified on the map.**
- C. **REJECT all offers to dedicate lands and improvements at this time.**
- D. **APPROVAL of a gated private access road.**

Member Frey seconded the motion, which passed by a unanimous vote (7-0).

Recommended Conditions:

1. *Any final changes required by the County Surveyor shall be made prior to recording.*
2. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Making any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*

Chair Edgmon thanked the applicant and stated that the application would be forwarded to the Board of County Commissioners with their recommendation.

- C- Consideration and possible action re: A variance application, VAR25-15, filed by NEV DEV LLC. The property is located on Michelle Drive, Assessor's Parcel Number 008-174-53, consisting of 15.68 acres in the E-1 zoning district. The applicant requests a variance from the 5-acre lot size limit for second and subsequent parcel maps to allow 2-acre lots.

This application was withdrawn prior to the meeting.

- D- Consideration and possible action re: A tentative parcel map application, PC25-16, filed by NEV DEV LLC. The property is located on Michelle Drive, Assessor's Parcel Number 008-174-53, consisting of 15.68 acres in the E-1 zoning district. The applicant proposes to divide the parcel into seven lots.

This application was withdrawn prior to the meeting.

- E- Consideration and possible action re: A variance application, VAR25-16, filed by NEV DEV LLC. The property is located on Michelle Drive, Assessor's Parcel Number 008-174-53, consisting of 15.68 acres in the E-1 zoning district. The applicant requests a variance from the paving

requirement.

This application was withdrawn prior to the meeting.

10. Code Changes:

A- Consideration and possible action re: Workshop scheduled for Tuesday, January 27, 2026, to discuss potential changes to Churchill County Codes.

Randy Hines stated this workshop will include some proposed code changes to help clean up some of the sections of the code. More specifically, changes will include:

- E-1 zoning designation in Title 16,
- lot dimensions that do not work,
- clarification in the accessory dwelling unit section,
- edits for the newly adopted Industrial zoning code changes for areas that were missed in the previous amendment, and
- removing illustrations or standard details that are in code and moving these to a new Design Development document (these will include all illustrations, new design details, hydrology requirements, etc.).

This should be a relatively short workshop to go over the proposed changes that would then come forward at a future meeting for recommendation to the Board. Member Hyde asked regarding the time of the workshop meeting and was told it would begin at 6:30 p.m.

11. Consent Agenda:

There were no items on the Consent Agenda.

12. Public Comment:

There were no public comments. Chair Edgmon requested a future agenda item for the February 11, 2026 meeting to include a review of the By-Laws of the Churchill County Planning Commission.

13. Adjournment:

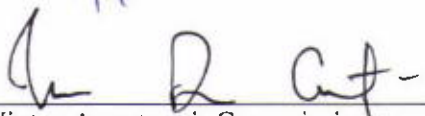
The meeting was adjourned at 6:22 p.m.

14. Appendix:

- Supporting Documentation

Approved: 
Tami Edgmon, Chair

Approved: 
Jeff Goings, Vice Chair

Approved: 
Victor Ansotegui, Commissioner

Approved: 
Joe Frey, Commissioner

Approved:


R. Mark Hyde, Commissioner

Approved:


Dennis Mills, Commissioner

Approved:


Scott Nelson, Commissioner

ATTEST:


Diane Moyle, Administrative Assistant



CHURCHILL COUNTY
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STAFF REPORTS FOR
PLANNING COMMISSION MEETING – January 14, 2026

LIST OF STAFF REPORTS

- Werlinger Parcel Map Page 2
 - Fernley Business Park—Merger/Re-subdivision Parcel Map—4 lots Page 4
 - NEV DEV Variance from lot size requirements for
2nd & subsequent parcel maps Page 9
 - NEV DEV Tentative Parceling Plan (7 lots) – Michelle Drive Page 12
 - NEV DEV Variance from the paving requirements Page 16
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OLD BUSINESS ITEM MOTIONS

Motion for Annual Review of SUP - should be modified by the Planning Commission as needed.

NOTE: Annual review is **NOT a new decision or renewal**. It is a review for compliance with the previously approved decision. Failure to comply with the permit can be grounds for a permit **REVOCATION** process.

- ☐ I move to review this application in one year. ***[[OR USE OTHER TIMEFRAME]]***

[[ADD OTHER REQUIREMENTS OR INSTRUCTIONS IF NEEDED]]

- ☐ I move to no longer require annual review for this application.

Motion for Renewal of Temporary Use Permit - should be modified by the Planning Commission as needed.

NOTE: These permits expire in one year unless a renewal is approved, with the possibility of setting shorter renewal periods. Thus, a renewal is a **new decision or approval**.

- ☐ I move to **APPROVE** the renewal of this Temporary Use Permit for ***[NAME OF APPLICANT]*** for one year. ***[[OR USE OTHER TIMEFRAME]]***

[[ADD OTHER REQUIREMENTS OR INSTRUCTIONS IF NEEDED]]

- ☐ I move to **DENY** the renewal of this Temporary Use Permit for ***[NAME OF APPLICANT]***

CONSENT AGENDA MOTION - Please review the Consent Agenda to determine if you have any concerns.

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

- ☐ I move to **APPROVE** the Consent Agenda as submitted.
- ☐ I move to **remove Item** ____ for further discussion, and to approve the remainder of the Consent Agenda as submitted.

Application:	Parcel Map	Application #:	PC25-15
Request:	Create 2 parcels to split 2 existing residences		
Applicant:	Joseph Werlinger	Owner:	Joseph Werlinger
Representative:	Steve Bell, Bell Land Surveying		
Site:	3400 & 3434 Cress Place (APN:006-351-11) – 40.05 ac		
Designations:	Master Plan – Agriculture // Zoning – A5		

Summary: The applicant proposes to divide an existing 40.05-acre parcel to split off an existing second residence onto a 9.11-acre lot. Both lots will continue to use the existing on-site wells and septic. Both parcels will have existing access onto Cress Place, a county-maintained roadway located to the east. In addition Allyn Place runs along the south property line.

Criteria Review:

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

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

- **Setbacks and Easements:** New lot lines will not create setback problems. Necessary easements exist or will be created, including road easements for the existing roads. Later development must meet setbacks and avoid applicable easements.
- **Lot size and width:** The A-5 zone has a 5-acre minimum lot size and dimensional requirements. The minimum lot width is 150'. The proposed lots comply with these standards.
- **Agricultural Protection:** The code has Friction Zone and Land Division requirements to protect adjacent agricultural operations. The created lots do not change the existing condition, therefore, friction zones are not necessary with this request.
- **Access, sewer, and water facilities:** The future lots will already be developed with the existing residences, which have existing sewer, water, and access facilities. Both parcels will have access to public roads - being Cress Place and Allyn Place. See comments under Criterion 4, below regarding public services and specific road requirements.
- **Water rights and community development fees:** Community development fees will be due with any home construction on new lots. The exception is that water dedication of 2 acre feet is required for new lots with the Parcel Map unless no water rights exist on the property, in which a cash payment-in-lieu in the amount of \$3,276 per lot. Although the residences already exist, these fees are still applicable because the Parcel Map is creating new lots. The property has surface water rights, so it must be dedicated.

CCC 16.12 provides extensive requirements for submitting land division maps.

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

1. Conformity with the master plan.

The **Master Plan** designates the area as Agriculture and is implemented by the A-5 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. Chapter 9 policies for Public Facilities do not allow lots under 5 acres, unless connected to County services. The application conforms with the Master Plan.

2. Compatibility with existing adjacent properties and uses.

The subject property and all surrounding parcels are zoned A-5 (Agricultural), which allows 5 acre lots. The proposed 9.11-acre lot splitting off an existing second residence is consistent with neighborhood.

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

The creation of 2 new lots will not significantly change the existing conditions for public health, safety, and welfare, nor will it overburden police and fire services.

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

There are no public sewer and water facilities on or near the site. The existing on-site well and septic will be used for the existing development. Other public utilities (power and gas) exist and can serve the lots.

There will be no new development that will increase traffic on nearby roads more than already exists. Both lots will use existing road accesses onto Cress Place. Cress Place and Allyn Place are County maintained roads within the adjacent federal irrigation easements. Neither have official road easements, so those are needed and provided on the map. However, a note that they are “offered for dedication” needs to be added. Current county practice is for road easements and property lines to include utility easements, and are provided on the map.

As required by NRS 278.378, offers to grant easements, and dedicate land to the County must be accepted or rejected along with approval of future parcel maps. Parcel maps normally offer to dedicate the land within a right-of-way to the County, which is a recommended condition. But the Road Supervisor and Staff recommended NOT accepting this offer at this time.

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

Based on the above assessment, Findings are provided below.

STAFF RECOMMENDATION: APPROVAL

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) **HAVE** been met for the parcel map application PC25-15, and therefore recommend that the Board of County Commissioners:

- (A) **APPROVE** the parcel map for Joseph Werlinger to divide APN 006-351-11 into 2-lots. This approval is subject to conditions, as listed in the Staff Report.
- (B) **ACCEPT** the offer to grant easements identified on the maps.
- (C) **REJECT** offers to dedicate land and improvements at this time.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Changes to labels on road easements and improvements shall be made to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
 - b) Changes to the Churchill County Commissioner’s Certificate shall be made to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
 - c) Water right requirements must be met prior to recording the map.
- 2) Labels shall be added to Cress Place and Allyn Place road easements offering them for dedication.
- 3) Any final changes required by the County Surveyor shall be made prior to recording.

Application:	Merger and Re-subdivision Parcel Map	Application #:	PC25-17
Proposal:	Merge 2 lots and create 4 lots - w/abandonment of utility easement		
Applicant:	Rex Massey for Fernley Business Park & IRG		
Owner:	Fernley Business Park LLC		
Representative:	Tonya Cate & Dan Bigrigg (Surveyor) for Christy Corporation		
Site:	17127 Inland Port Drive (APNs: 009-251-77 & -78) – 163.78 acres		
Designations:	Master Plan – Industrial // Zoning - Industrial		

Project History: This application was previously reviewed by the Planning Commission in April 2023 and was recommended for approval to the Board of County Commissioners. Following Board approval, CCC 16.12.040.2 required the parcel map to be recorded within one year of the approval date, with a one-year extension allowed. However, difficulties in getting signatures completed caused delays and the approval expired. The applicant has resolved those difficulties, and is re-submitting the previously approved map. The staff report is edited to reflect (a) the resolved issues, (2) completed conditions of approval, and (c) changed situations since the original staff report.

Site History: This industrial property and rail facility is at the county line near Hazen, and it is historically known as the Darwin railroad siding. The property has a history that complicates the current situation.

A persistent issue in the past has been providing legal access to all parcels. A number of past land division actions took place because the land north of the tracks did not have legal access. The current parcel layout has the land north of the tracks extending across the tracks so it's access could be taken from the highway, meaning that the parcel was split by the tracks. (That extended portion has the current business operations.) Separating the land north of the tracks on its own lot required that the access issue had to be resolved. Access rights have now been obtained from BLM. One objective of this map is to split off the north area.

Proposal: The applicant is requesting a Merger and Resubdivision Parcel Map to merge the 2 large industrial properties totaling over 163 acres, and then divide the land into 4 lots. The property northeast of the tracks (Parcel 4) will be separated on its own. The property southwest of the tracks will be split into three parcels (Parcels 1-3). These three parcels will be oriented toward current and future rail service uses, some of which are currently under development.

Included with this application is the abandonment of a utility easement running through Parcels 1-3 that was established with the previous land division. Additional notes and certificate language are included with the map to deal with the abandonment.

This map also addresses access road problems. After initial approval, the applicant realized they did not want a public road with limits on closing the gate. They applied for and were approved to abandon the public road and re-establish a private road easement that will be privately maintained (Planning Commission meeting August 2023). The private easement allows government access for infrastructure and emergency services. This is incorporated in the current map, as required by that approval.

In addition to fixing the BLM access problem, additional easements are included for Patua Road along the pipeline, where it crosses the property.

A rare situation comes into play on this map due to the large area of wetlands, other native features, and stormwater flow paths that occupy part of parcel 4. These features are addressed by placing an information note on the area, and they are discussed in more detail below.

Previously required changes to the road name and changes to the address on that road have been completed.

A rail spur with multiple branches is currently located on the proposed Parcels 1-3, being recently upgraded and extended through Special Use Permits. Additional branches may be installed in the future, including extensions across the county line to other industrial land.

Criteria Review:

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

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

- **Height, Setbacks, and Easements:** There will be no height and setback issues at this point. Nearby structures have been removed. Existing easements are identified on the map, and required easements will be provided. **EASEMENT ABANDONMENTS:** An existing utility easement running through Parcels 1-3 is shown on the map and labeled as being abandoned. Utility easement abandonments can be approved administratively by the Director, and the order of abandonment is included in the Planning Certificate. An existing public road easement running through Parcels 1-3 was abandoned after the first map approval. Previous conditions regarding both easements for additional notes, labels, and certificate language have been incorporated into the map.
- **Lot size and width:** The proposed lots meet the lot dimensional standards for area and width.
- **Access, sewer, and water facilities:** Also see criterion 4 below regarding public roads. With road easement changes, all parcels will have access to public roads, as required by County Code.

Also see criterion 4 below regarding public water and sewer systems. At this time, the new parcels can use individual wells and septic systems. The future industrial facility may require large amounts of water, which might need groundwater rights to be obtained and transferred to the site. It would be subject to regulation by the state.

- **Water dedication and community development fees:** Parcel maps require a water right dedication or a payment-in-lieu in the amount of \$3276 per lot before recording. The previous parcel map in 2008 paid 2 fees, one for the parcel north of the tracks, and one for south of the tracks. This parcel map needs 2 additional fees for the 2 lots being created south of the tracks. All fees have been paid.
- **Protection of Natural Features:** Parcel 4 (north of the tracks) has characteristics like a sink, being the concentration point at the bottom of a drainage basin of approximately 8 square miles. Part of this property is regularly underwater following storm events. This has resulted in a sizable area of potential wetlands, saltgrass meadows, and other habitat features. The County Code requires the protection of native features and topsoil, waterways, and drainageways using easements and protection measures. A condition was previously recommended to delineated a conservation easement on the map using the edge of the saltgrass meadow before recording.

Flash flooding can enter the property from 2 storm water flow pathways and are now indicated on the map. Both pass through the Patua geothermal plant and enter the property from the north crossing the pipeline road. They enter the above noted natural area, pass through, and exit to the southeast. The flow paths entering the site are undefined and are not conducive to establishing easements. In addition, extensive discussion with project parties and site visits show that the upstream flow paths are extensively obstructed by Patua facilities which hold and infiltrate the water into the ground. This

appears to be raising the groundwater levels in the lower basin. Air photo history shows the wetland and habitat areas growing. Give the pattern of changing features, staff recommends using an informational note, rather than a defined easement, to inform the reader that County code protects the area. This has been placed on the map.

- **Parcel Map Procedures:** The County Code places limits on the use of parcel maps, serial parcel maps, and subdivisions. Future division of this property may be limited. Specifically, serial parcel maps may be prohibited from being used for commercial and industrial lands. That standard limits the use of parcel maps to this one map. After this map, further development may have to be done through a subdivision process, including the option for using the commercial/industrial subdivision process. However, such a project would have to also meet the sewer and water policies in the Master Plan, which are discussed below.

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

1. Conformity with the master plan.

The Master Plan designates the area as Industrial and is implemented by the area's Industrial zoning district. Other nearby properties are federal land or other industrial land. Most Master Plan policies are not applicable to the issue of a land division, except that there are important policies in **Chapter 9** (Public Services and Infrastructure) that impact lot size and land division. These are discussed under Criterion 4, below. Both **GOAL LU 2** and Policy **LU 2.1** discuss compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

The proposal will result in two more industrial properties than currently exists. The compatibility of them with the surrounding vacant lands or industrial developments will not change significantly. The difference in development potential due to this map would be comparing large industrial uses for the existing larger properties vs. smaller industrial uses on smaller properties.

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

Potential industrial uses will not change when the parcel is split. Compared to the large industrial lots, the creation of additional industrial lots might minimally increase human activity in the neighborhood or bring it about sooner. Specific consequences will be assessed with land use permits for specific projects. Public health, safety, and general welfare will be minimally affected by the land division, and are adequately protected.

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

Emergency services - Compared to vacant land, future industrial development will increase demand on emergency services, and road facilities. That is the existing condition, whether on one or four lots. With the parcel map, the future development of two additional industrial lots will place a minimally greater demand on facilities and services. Fire and police services are adequate to serve the existing or future uses. No comments have been received from those departments.

An issue was previously identified related to addressing and emergency response. The address was 11,000 Reno Highway in Hazen. However, that address does not fit into any county address numbering system, either measured from Fallon or Hazel. A previous condition of approval required fixing the situation. In addition, previous development and land division identified the access Rd. as Greenu Parkway. The applicant did not like the name. Previous conditions required the road name and address problem to be fixed, and it has been resolved by changing the name to Inland Port Drive with appropriate addressing.

Sewer/Water services - There are no public sewer or water services, so on-site services will be used for any future development. Power and gas are available at the site or nearby, including major power and gas transmission lines. The utility easements provided along property lines comply with the current county requirement.

As noted above, there is a complication relating to **additional land division** on the site in the future; and a future division of the property may have to go through a subdivision. There are **Master Plan policies** related to providing community sewer and water. **PSF 1.21** requires subdivisions to be served by a centralized water system; **PSF 1.2.3** requires that such system must be within a service area; and **other policies** require that the County own/operate the water service. There are also policies addressing sewer service for subdivisions. **PSF 2.2.6** requires that creating lots less than 5 acres in size requires a sewer system connection; and **PSF 2.1.4** requires such systems to be within a service area. Thus, future divisions may need to deal with these Master Plan policies.

Transportation services – County Code requires that the new lots are served by a road meeting county standards that connects to a publicly maintained road. The road situation has changed dramatically since the previous review, and most requirements are now incorporated into the current map. Parcels 1-3 are already served by a paved access road that is well worn and damaged. It used to be a public road but now has been made a gated private road that serves more as a driveway for the port facility. It is adequate for purposes of reconfiguring the lots. In the near future, the company will be rerouting and rebuilding the access road.

As previously mentioned, Parcel 4 is on the other side of the tracks. It will be served by a 30' BLM grant of access easement in the name of Fernley Business Park. The access easement follows Patua Road (to Hazen) which is a gravel road serving the Patua geothermal project. Since the easement is only in the name of the current owner, a change of ownership will require that the easement rights be changed with BLM as well. Since this is not a normal public road easement, it will not be adequate for major development. But it can be used for a single user driveway, similar to its use by the Patua geothermal plant which also obtained BLM permission to use the road. Land division or major development would require a full County Road. A note describing this situation has already been placed on the map.

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

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

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) **HAVE** been met for the parcel map application PC25-17, and therefore recommend that the Board of County Commissioners:
 - (A) **APPROVE** the Merger and Resubdivision Parcel Map application for Fernley Business Park to merge APN: 009-251-77 & -78 and divide the property into 4 parcels. This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) REJECT all offers to dedicate lands and improvements at this time.
 - (D) APPROVAL of a gated private access road.

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

1. Any final changes required by the County Surveyor shall be made prior to recording.
2. Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Making any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.

Application:	Variance from lot size requirements	Application #:	VAR25-15
Applicant:	Kim McCreary of NEV DEV LLC	Owner:	NEV DEV LLC
Representative:	Steve Bell, of Bell Land Surveying		
Site:	No address on Michelle Dr (APN:008-174-53) – 15.68 ac		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Site History: The subject property was part of the Sky Ridge development that began in the 1990s when the 1 acre lots were allowed and was previously approved in 2021 for a land division creating 21 residential lots. Parcel maps were approved for that development, and 2 were completed south of the subject property. However, the remaining parcel maps expired. The previous approvals required construction of paved roads and bridges to County standards, and the applicant was unable to proceed due to the cost.

The applicant is proposing a new development layout and does not seek to implement the rest of the previous 21-lot project. Instead, the applicant proposes a reduced-density project of seven (7) residential lots, each approximately two (2) acres in size. As part of the land division, the applicant is seeking a variance from County development standards to allow a minimum lot size of two acres. The proposed reduction in lot count significantly decreases overall development intensity compared to the previously approved project.

The central issue for consideration is whether two-acre lots are acceptable under the circumstances. If the variance is approved, the proposed parceling plan and lot layout may then be considered for approval. If the variance is denied, the proposed parceling plan cannot be approved and would have to be reconfigured for 3 5-acre lots.

Proposal: This Variance is a request to reduce the normal 5 acre lot limits to 2 acres. Under current Master Plan policies, projects creating lots smaller than five (5) acres need to connect to community sewer and water facilities. In addition, CCC 16.12.040.2.B prohibits 2nd and subsequent parcel maps for residential lots of less than 5 acres. It should be noted that the original project approval occurred prior to the adoption of these rules. The proposed development is less intensive than the previously approved 21-lot project and would rely on private water and septic systems. For this reason, the applicant is requesting a variance from the applicable standards, and is proposing residential lots as small as two (2) acres.

Notice of the variance was sent to neighbors. A comment was provided with concerns about additional wells impacting existing wells. The letter is in the agenda packet.

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

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

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

The application indicates no response to the question relating to the criterion, other than that the project was originally designed as 1-acre lots, but reverted to 5-acre lots, and now the tentative map proposes 7 lots of 2-acres.

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The subject property is characterized by an exceptional regulatory and development history different from the surrounding properties. The property was originally part of the Sky Ridge development, established in the 1990s when one-acre lots were permitted. In 2021, the property received approval for a 21-lot subdivision under regulations in effect at that time, including requirements for paved

roads built to County standards. However, the post-COVID inflation of construction materials costs made the road construction infeasible.

Subsequent changes in County Master Plan policies and development standards now limit new lots of less than 5 acres unless connecting to community sewer and water systems, but these policies were not in effect at the time of the original project approval. The subject property is not currently served by community sewer or water infrastructure, and extension of such facilities is not feasible given the location and scale of the proposed development. As a result, strict application of the current 5-acre minimum lot size standard would effectively eliminate the ability to develop the property in any reasonable manner consistent with its prior entitlements.

These circumstances support consideration of a variance from the minimum lot size requirement to allow two-acre lots.

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

The application indicates no response to the question relating to the criterion, other than that the project was originally designed as 1 acre lots, but reverted to 5 acre lots, and now the tentative map proposes 7 lots of 2 acres

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The applicant's inability to proceed with the previously approved 21-lot subdivision was due to the cost and feasibility of meeting County paving requirements, not a lack of development intent. The post-COVID inflation of construction materials costs made the road construction infeasible. The previous density is not possible now, because community sewer or water infrastructure is not available. The loss of the previous lot density results in the exceptional practical difficulty and undue hardship for the property owner. Approval of the Variance for 2-acre lots would provide some level of density returned to the project compared to the currently allowed 5-acre lot limit.

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

The application indicates no response to the question relating to the criterion, other than if approved the impact would be 7 new lots to Dillon Road. If denied the project would be 3 lots.

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The proposed seven residential lots of two acres is a substantial reduction in density compared to the previously approved 21-lots, with corresponding reduced impacts to health, safety, welfare, and effect on neighbors. Each lot would be served by individual private wells and septic systems, which are consistent with rural development patterns in the surrounding area and subject to applicable County and State health regulations. The larger lot sizes relative to nearby 1-acre development provide adequate separation between uses and reduce effects of the development. Granting the requested variance would not be materially detrimental to the public health, safety, or welfare, nor would it be injurious to surrounding properties or improvements.

A comment letter (in the packet) was received that expressed concerns that the additional 4 lots (more than the 5-acre lots limit would allow) using wells would impact other nearby wells. In examining the area, there appears to be hundreds of wells in a 1-mile radius. This density of wells is one reason for the current 5 acre limit. These will have a much greater effect on groundwater than the additional 4 wells allowed because of the variance. The additional 4 wells will have a minimal effect on groundwater in the area. In addition, the project originally had approval for many more wells (21 lots), so the requested project will have a much lower impact from wells.

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

The application indicates no response to the question relating to the criterion, other than if approved the impact would be 7 new lots to Dillon Road. If denied the project would be 3 lots.

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The Variance application lists CCC 16.08.150 as the applicable Code items. However, it is actually other provisions that prohibit the 1-acre lots. The Master Plan Policy PSF 2.2.6 prohibits approval of land divisions of less than 5-acres; however, it provides for limited exceptions and one of these is for “infill” development options. This project has 1-acre development on 2 sides and was previously planned for similar development. It can be considered as infill. In addition, CCC 16.12.040.2.B prohibits 2nd and subsequent parcel maps for residential lots of less than 5 acres. This is the standard being varied. The applicant proposes a substantially reduced-density compared to the previously approved 21-lots. This still aligns with rural development patterns supported by the Master Plan and County Code.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.090(F) **HAVE BEEN** met and therefore **APPROVE** the Variance application VAR25-15 from lot size requirements to allow the 2-acre parcels for NEV DEV LLC on APN: 008-174-53. This approval is subject to conditions, as listed in the Staff Report.

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

1. The approved variance shall apply only to the minimum lot size requirement to allow the creation of seven (7) residential lots of approximately two (2) acres each. No further reduction in lot size or increase in the number of parcels shall be permitted without additional approval.
2. The project shall comply with all other applicable County codes, ordinances, and regulations, including but not limited to grading, fire protection, and environmental health requirements.
3. This approval runs with the Tentative Parceling Plan. If the Tentative Parceling Plan expires or becomes void, this Variance shall also expire.

Application:	Tentative Parceling Plan	Application #:	PC25-16
Applicant:	Kim McCreary of NEV DEV LLC	Owner:	NEV DEV LLC
Representative:	Steve Bell, of Bell Land Surveying		
Site:	No address on Michelle Dr (APN:008-174-53) – 15.68 ac		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Site History: The subject property was part of the Sky Ridge development that began in the 1990s when the 1 acre lots were allowed and was previously approved in 2021 for a land division creating 21 residential lots. Parcel maps were approved for that development, and 2 parcel maps (for 6 lots) were completed south of the subject property. However, the remaining parcel maps expired. The previous approvals required construction of paved roads and bridges to County standards, and the applicant was unable to proceed due to the cost.

Proposal:

The applicant is proposing a new development layout and does not seek to implement the rest of the previous 21-lot project. Instead, the applicant proposes a reduced-density project of seven (7) residential lots, each approximately two (2) acres in size. As part of the land division, the applicant is seeking a variance from County development standards to allow a minimum lot size of two acres. The proposed reduction in lot count significantly decreases overall development intensity compared to the previously approved project.

A central issue for consideration is whether two-acre lots are acceptable under the circumstances. That variance will be heard on the agenda before this item. If the variance is approved, the proposed parceling plan and lot layout may then be considered for approval. If the variance is denied, the proposed parceling plan cannot be approved and would have to be reconfigured for 3 5-acre lots.

Another Variance is proposed for waiving the paving requirement for project roads. The parceling plan layout is not affected by the decision on the paving variance, and it is placed on the agenda after this item. The variance would allow a gravel County road standard. The road is proposed to be privately maintained, which requires particular actions to implement. NOTE that the staff report for the variance recommends denial.

The new lot layout proposes 7 residential lots as small as 2-acres. Parcel 1 lies west of the canal running through the property, while parcels 2-6 lie east of the canal. Dillon Road would be extended east (with surfacing dependent on the variance) and turn south through the center of the property. It extends south between parcels 2 & 3, till it reaches Parcels 4 & 5 where it would end in a cul-de-sac. Parcels 6 & 7 would be “flag-lots” with a “flagpole” driveway extending to the cul-de-sac. The “flagpole” reduces the length of road building.

Criteria Review:

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

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

- **Setbacks and Easements:** New lot lines will not create setback problems, because no structures exist on the site. However, the land divisions under the previous parceling plan created a road easement and associated utility easements for Michelle Drive to be extended north to Dillon Drive. Those easements now conflict with the proposed lot layout. They will need to be abandoned before the implementing parcel maps are approved. The County Code requires that road and utility easements to serve the new lots be provided. Necessary easements exist or will be created for the proposed lots.

- **Lot size and width:** County Code establishes minimum lot size and dimension standards for each zoning district. The proposed lots meet the standards.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below regarding public services. The proposed lots will use private sewer and water service, and will front on a road.
- **Water rights and community development fees:** Community development fees will be due with home construction on the proposed vacant lot. The exception is that water dedication of 2 acre-feet is required for new lots, unless no water rights exist on the property, in which case a payment-in-lieu is allowed. The fees for the previous project were paid in full while recording the previous parcel maps. The new lots created will be accommodated by the previous payments.

CCC 16.12 provides extensive requirements for submitting land division maps.

- Tentative Parceling Plans need soils information, along with a septic system and well layout (using separation circles) that will not conflict. This information was provided on previous parceling plans, but was left off of the submitted map. This is covered in recommended conditions of approval.
- Tentative Parceling Plans need the proposed road construction information to be described. This is provided on Sheet 2 of the map, but must be modified based on the decision on the paving variance request. The Code requirement is a paved road to all new lots. A variance is requested to allow gravel surfacing.

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

1. Conformity with the master plan.

The **Master Plan** designates the area as Urbanizing and is implemented by the existing E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. But there are Public Services and Facilities goals and policies related to providing sewer and water services for small lots such as those proposed. Generally, projects with lots less than 5 acres must be connected to community sewer facilities. The initial approval for the project was given before such policies became applicable. In addition, the policy provides exceptions, including for “infill”. The project is bordered on 2 sides by 1-acre development, and the project can be considered to be “infill” and can be in conformance with the Master Plan. Furthermore, the proposed development is substantially less intensive than the previously approved 21-lot project.

2. Compatibility with existing adjacent properties and uses.

The proposed development would represent a substantial increase in residential use and human activity compared to the existing vacant lot. However, it is nearly identical in character and intensity to the established development located immediately to the south and west. While the proposal would increase use intensity relative to the lower-density areas to the north and east, those adjacent properties are largely vacant, with only three residences located approximately 150 to 400 feet from the subject property boundaries.

Furthermore, this development has been planned for an extended period and has been repeatedly approved and extended, indicating its long-standing acceptance. Overall, the project is generally compatible with the surrounding residential development and nearby vacant lands.

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

The proposed development is consistent with its longstanding approvals and will not impact existing conditions for public health, safety, and welfare; nor will it overburden police and fire services. The reduced number of lots and lower traffic generation will not adversely affect public safety or welfare. Dead end developments can be subject to secondary access, but the Fire Marshal indicates this is triggered with a larger number of lots. Emergency access can be adequately provided via a cul-de-sac.

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

There are no public sewer and water facilities on or near the site. Other public utilities (power and gas) exist and can serve the proposed lots. Current county practice is for road easements and property lines to include utility easements. The map complies with this.

The new development will increase traffic on nearby roads, including, Dillon Road, Soda Lake Road and Roberson Lane. The larger Sky Ridge development review included this development, and was reviewed by NDOT which required improvements to Soda Lake Road. All nearby roads are County maintained paved roads that will not be overburdened.

The new development will provide its own roads to each lot. The previous project intended to dedicate the strip of road land to the County with the last map. The 2 maps that were completed resulted in a "tail" of road land on the subject property lying over Michelle Drive (to the south). It is shown to be dedicated with the new layout but needs to be labeled appropriately, and the County will accept it. Similarly, all other roads need to be offered for dedication and labeled appropriately, though the County should not accept those ones.

Regarding the road paving variance, the Road Supervisor and Public Works Director have objected to it and recommend its denial. This is discussed in detail in the paving variance application. This project will be subject to the decision on the variance. If approved, Staff recommends that the gravel roads be privately maintained.

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

All recommended conditions of approval include findings or references to County Code requirements.

STAFF RECOMMENDATION:

APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A) **HAVE** been met for the land division application, and therefore recommend that the Board of County Commissioners **APPROVE** the proposed Tentative Parceling Plan for NEV DEV LLC to divide APN 008-174-53 into 7-lots. This approval is subject to conditions, as listed in the Staff Report.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Changes to the map shall be made for conformance with the BOCC decision regarding offers of dedication and acceptance of such offers. The County plans to accept the Michelle Drive parcel.
 - b) Soil information shall be provided on the map.
 - c) The ability to provide adequate separation between wells and septic systems shall be shown using well circles
 - d) Notes and labels shall be provided to state the proposed road construction standards, in conformance with the decision on the road paving variance. Points of beginning and ending shall be provided.
 - e) All roads shall be labeled as “to be offered for dedication”.
 - f) Notes and labels shall be changed to clearly indicate plans for abandoning the Michelle Drive easement, and also the associated utility easements. This shall include cleaning up the easement situation for the Michelle Drive cul-de-sac, and the access situation to Parcels 25 and 27 from the previous parcel maps.
 - g) The label for the Michelle Drive right-of-way parcel shall be changed to add area information, and to state that it is “to be offered for dedication”.
 - h) The label for the Michelle Drive turnaround shall be changed to remove the “temporary” status.
- 2) Any final changes required by the County Surveyor shall be made
- 3) Paved roads built to County standards shall be provided, except as approved in the road paving variance.
- 4) The existing barricade at the end of the Dillon Road shall be removed and replaced at the end of the extended segment of Dillon Road to the satisfaction of the Road Supervisor.
- 5) If the paving variance is approved, the gravel road segments shall be privately maintained, by establishing appropriate documentation on appropriate parcels.
- 6) The abandonment of road and utility easements shall be completed before the parcel maps are approved.

Application:	Variance from paving requirements	Application #:	VAR25-16
Applicant:	Kim McCreary of NEV DEV LLC	Owner:	NEV DEV LLC
Representative:	Steve Bell, of Bell Land Surveying		
Site:	No address on Michelle Dr (APN:008-174-53) – 15.68 ac		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Site History: The subject property was part of the Sky Ridge development that began in the 1990s when the 1 acre lots were allowed and was previously approved in 2021 for a land division creating 21 residential lots. Parcel maps were approved for that development, and 2 were completed south of the subject property. However, the remaining parcel maps expired. The previous approvals required construction of paved roads and bridges to County standards, and the applicant was unable to proceed due to the cost.

The applicant is proposing a new development layout and does not seek to implement the rest of the previous 21-lot project. Instead, the applicant proposes a reduced-density project of seven (7) residential lots, each approximately two (2) acres in size. As part of the land division, the applicant is seeking 2 related variances. The first is from the minimum lot size for 2nd and subsequent parcel maps, which is discussed in a previous agenda item. The second is to waive the paving requirement, which is reviewed in this staff report.

Proposal: This Variance is requesting to waive the paving requirement on approximately 600 ft of road serving the proposed lots. County Code (CCC 16.12.040.2) requires that new parcels of less than twenty (20) acres be served by paved County standard roads. Parcels greater than twenty (20) acres may be served by gravel County standard roads.

The proposed gravel segment starts on Dillon Road, on the east side of the canal bridge. It then extends east, and then extends south to a cul-de-sac. ***The variance does not include*** the portion west of the canal bridge, so the project would extend the existing paved County standard road to the bridge. The bridge would likely be a concrete box culvert, but other options may be possible.

The Road Supervisor and Public Works Director have objected to the road paving variance and recommend its denial. This is discussed in detail below. If approved, Staff recommends that any gravel roads be privately maintained.

Notice of the variance was sent to neighbors. A comment was provided stating that the commenter did not object to gravel roads. The letter is in the agenda packet.

Variance Criteria Review:

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

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

The application indicates no response to the question relating to the criterion, other than that the owners would propose to gravel approximately 600' of road to county standards. This extension of Dillon Road would dead end and service 7 2-acre lots and include a bridge crossing over a TCID lateral.

Staff comments – The main question with all variances is how the specific instance is different from all other projects. Most people meet the law. People that do not want to meet the law need to have a special reason, not just because they don't want to. In the case of road paving, many people in the outlying areas (such as off of Trento Lane, Soda Lake Road, and Lucas Road) contact staff and similarly want to divide land without paving, but they can't. To approve this variance, the situation should be different from those.

While the application provided no justification for this criterion, Staff has knowledge about the project. The exceptional regulatory and development history of the property is what distinguishes this project from other projects. The property was originally part of the Sky Ridge development, established in the 1990s when one-acre lots were permitted. In 2021, the property received approval for a 21-lot subdivision under regulations in effect at that time, including requirements for paved roads built to County standards. However, the post-COVID inflation of construction materials costs made the road construction infeasible.

The project history and the fact that the proposed road is limited to a short, approximately 600-foot private road results in extraordinary conditions different from other situations.

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

The application indicates no response to the question relating to the criterion, other than that the owners would propose to gravel approximately 600' of road to county standards. This extension of Dillon Road would be a dead end and service 7 2-acre lots and include a bridge crossing over a TCID lateral.

Staff comments – As noted above, many people in the outlying areas (such as off of Trento Lane, Soda Lake Road, and Lucas Road) contact staff and similarly want to divide land without paving, but they can't. To approve this variance, the situation should be different from those.

While the application provided no justification for this criterion, Staff has knowledge about the project. While Criterion 1 identified an exceptional situation, the only practical difficulty in installing a road is financial cost. The post-COVID inflation of construction materials costs made the road construction infeasible.

Staff recommends denial of the variance – of particular concern is the Dillon Road segment. An item in the previous uncompleted project still comes into play here. Dillon Road has a road easement for its length to the west, but also through the property along the north edge. It also connects to another road easement running east-ward to Soda Lake Road. Thus, it can eventually form an east-west road between Soda Lake Road and Roberson Lane. Because of the existing paved status and the future road connection, it is not appropriate to waive the paving requirement, and the Road Supervisor objects to a variance.

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

The application indicates no response to the question relating to the criterion, other than that the impact would be 7 new lots to Dillon Road.

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The proposed development will increase traffic on Dillon Road and connecting neighborhood roads, as well as Roberson Lane and Soda Lake Road. Dillon Road serves the broader neighborhood, both currently and in the future when extended eastward. Approving a gravel road for Dillon Road would impact the public health, safety, or welfare of the neighborhood with increased dust both now and in the future, and with increased maintenance costs. Staff recommends denial of the variance.

If approval of the variance is considered, staff recommends that it NOT include Dillon Road, and that any gravel portions be treated similar to a ***Minimum Access Road***, which requires private maintenance. Note that this project does not qualify for such a road because they are not allowed for serial parceling projects.

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

Road standards are required to ensure people living in newly developed areas have safe and durable roads to use. Paved roads are required when the level of traffic generated from new development begins damaging

gravel roads and begins generating excessive dust – determined in Code to be lot sizes of 10-acres or less.

The application indicates no response to the question relating to the criterion, other than that the impact would be 7 new lots to Dillon Road.

Staff comments – While the application provided no justification for this criterion, Staff has knowledge about the project. The proposed development will increase traffic on Dillon Road and other neighborhood roads, but they are paved and meet County road standards. Staff recommends denial of the variance, which would require Dillon Road (which is expected to be a road connecting to Soda Lake Road in the future) to be a paved County standard road.

Road maintenance is a concern for the County. If approval of the variance is considered, staff recommends that it NOT include Dillon Road, and that any gravel portions be treated similar to a **Minimum Access Road**, which requires private maintenance. Note that this project does not qualify for such a road because they are not allowed for serial parceling projects.

STAFF RECOMMENDATION:

DENIAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move to find that the criteria found in CCC 16.08.090(F) **HAVE NOT BEEN** met and therefore **DENY** a variance from the paving requirement in application VAR25-16 submitted by NEV DEV LLC at Michelle Dr (APN: 008-174-53).

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

1. The approved variance allows a gravel County standard road for ... **[SEGMENTS MUST BE DETERMINED AND STATED]**.
2. The project shall comply with all other applicable County codes, ordinances, and regulations, including but not limited to grading, fire protection, and environmental health requirements.
3. This approval runs with the Tentative Parceling Plan. If the Tentative Parceling Plan expires or becomes void, this Variance shall also expire.



CHURCHILL COUNTY
PLANNING COMMISSION
HEARING
January 14, 2026



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age

Pasture

Pen

Pen

Pen

Pen

Septic

Septic

Driveway

Pump house and well

Power Pole

Parking

sign

Parking

Tack Shed &
Wash Rack

Hay Stack

Pen

Pasture

N ↓



Werlinger Parcel Map, 3434 Cress Place, APN 006-351-11



**Fernley Business Park Parcel Map,
17127 Inland Port Drive, APNs 009-251-77 & 009-251-78**



APN 000-251-83
PATIA ACQUISITION
COMPANY, LLC
(NOT A PART)

APN 000-251-20
BUREAU OF
LAND MANAGEMENT
(NOT A PART)

APN 021-392-05
FERNLEY BUSINESS PARK, LLC
(NOT A PART)

APN 021-392-05
FERNLEY BUSINESS PARK, LLC
(NOT A PART)

BASIS OF BEARINGS:

NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983/1994, HIGH ACCURACY REFERENCE NETWORK (NAD 83/94-HARN), AS DETERMINED USING REAL TIME KINEMATIC (RTK) GPS OBSERVATIONS WITH CORRECTIONS TRANSMITTED BY THE NEVADA GPS NETWORK (NONGPS). THE BEARING BETWEEN USAGS BENCH MARK "E 439 1986" AND "J 340 1953" AS PUBLISHED BY NEVADA DEPARTMENT OF TRANSPORTATION IS SOUTH 55°02'19" EAST. ALL DIMENSIONS SHOWN ARE GROUND DISTANCES. COMBINED GROUND TO GROUND FACTOR = 1.000269448.

APN 000-251-20
BUREAU OF
LAND MANAGEMENT
(NOT A PART)

AREA SUMMARY

PARCEL 1 = 52.33 ACRES±
PARCEL 2 = 15.78 ACRES±
PARCEL 3 = 11.06 ACRES±
PARCEL 4 = 84.62 ACRES±
TOTAL AREA = 163.79 ACRES±

SURVEYOR'S REPORT

THE SURVEY WAS BASED ON STATE PLANE COORDINATES WHICH DIFFERS FROM THE BASIS OF BEARINGS FROM THE PARENT MAP (RECORD OF SURVEY FILE NO. 403544). UPON DOING SO BEARINGS FROM THE PARENT MAP ARE ROTATED CLOCKWISE 0°18'29" TO THE FOUND MONUMENTS.

THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) PLANS LISTED AS REFERENCES NUMBERS 7 AND 8 INDICATE THAT US HIGHWAY 50A IS AN EASEMENT PER REFERENCE NUMBER 8 AND NOT OWNED BY NDOT. THESE PLANS AND THEIR COORDINATES AND TIES TO THE USGS MONUMENTS USED IN THE BASIS OF BEARINGS ARE ALSO IN CONFORMANCE WITH THE PLANS.

HOWEVER THE COORDINATE LOCATIONS FROM THE RECORD MAPPING AND NDOT PLANS HAVE A DISCREPANCY IN BEARING AND LOCATION ALONG US 50A AS SHOWN IN DETAILS 1 AND 2 ON THIS SHEET. IT IS MY OPINION THAT AS LONG AS US 50A IS AN EASEMENT AND NOT OWNED IN FEE TITLE BY NDOT THAT THE FOUND MONUMENTS FOR THE RECORD MAPPING DETERMINE THE SOUTHWESTERLY BOUNDARY OF THE PROPERTY.

PARCEL 4
84.62 ACRES±
NW/4

PARCEL 1
52.33 ACRES±
NW/4

PARCEL 3
11.06 ACRES±
NW/4

PARCEL 2
15.78 ACRES±
NW/4

APN 021-392-20
PARCEL 2, PM 527638
FERNLEY BUSINESS PARK, LLC
(NOT A PART)

APN 021-392-10
PARCEL 1, PM 527638
FERNLEY BUSINESS PARK, LLC
(NOT A PART)

EASEMENT TABLE

- 10' PUE PER LAND MAP FILE NO. 326788, TO REMAIN
- 18.5' PUE PER LAND MAP FILE NO. 326788, TO REMAIN
- 10' PUE PER PARCEL MAP FILE NO. 399749, ABANDONED PER THIS MAP, AS NOTED IN THE PLANNING CERTIFICATE. SEE NOTE 3 FOR REPLACEMENT EASEMENTS.
- 60' RELOCATABLE ACCESS EASEMENT PER PARCEL MAP FILE NO. 399749, ABANDONED PER DOCUMENT NO. 503769 AND THIS MAP, AS NOTED IN PLANNING CERTIFICATE.
- 60' PRIVATE ACCESS EASEMENT GRANTED HEREON FOR THE BENEFIT OF PARCELS 1, 2 AND 3 AS SHOWN HEREON, AND PUBLIC ACCESS EASEMENT FOR THE PROVISION OF EMERGENCY AND GOVERNMENTAL SERVICES.
- 30' FUEL PIPELINE EASEMENT PER DOCUMENT NO. 328138, TO REMAIN
- 10' ELECTRIC DISTRIBUTION EASEMENT PER DOCUMENT NO. 399397, TO REMAIN
- 10' ELECTRIC DISTRIBUTION EASEMENT PER DOCUMENT NO. 438960, TO REMAIN
- 100' HAZEN DRAIN EASEMENT AS SHOWN ON REFERENCE NO. 3
- 60' ACCESS EASEMENT GRANTED HEREON.
- 10' ELECTRIC DISTRIBUTION EASEMENT PER DOCUMENT NO. 423937, LYON COUNTY
- 60' RELOCATABLE ACCESS EASEMENT PER P.M. FILE NO. 421350, LYON COUNTY

REFERENCES

- 1) DIVISION LAND MAP FILE NO. 326788, 1/4/2000.
- 2) PARCEL MAP FILE NO. 399749, 4/24/2008.
- 3) RECORD OF SURVEY FILE NO. 403544, 10/10/2008.
- 4) RECORD OF SURVEY FILE NO. 241704, 11/24/1999.
- 5) PARCEL MAP FILE NO. 527638, 11/3/2014.
- 6) DOCUMENT NO. 51238, 10/20/1949.
- 7) NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY PLANS, PROJECT NH-050-A(002), 42 7289 DATED DECEMBER 20, 2004.
- 8) NEVADA DEPARTMENT OF TRANSPORTATION PROJECT ALIGNMENT AND MONUMENT OFFSET REPORT FOR LPN 1624 - US 50A CENTERLINE RETRACTION, 7/17/2019.

CHURCHILL COUNTY
LYON COUNTY

PROPERTY INFO

OWNER: FERNLEY BUSINESS PARK, LLC
ADDRESS: 11000 RENO HIGHWAY
APN: 000-251-77 & 78
ZONING: INDUSTRIAL
TOTAL AREA: 163.79 ACRES±

LEGEND

- FOUND 5/8" REBAR W/ CAP "PLS 10142"
- UNLESS OTHERWISE NOTED DIMENSION POINT-NOTHING FOUND OR SET
- FOUND PLS CORNERS AS NOTED
- FOUND NDOT MONUMENTS AS NOTED
- SET 5/8" REBAR W/ CAP "PLS 19716" OR CORNER ON PROPERTY LINE EXTENDED
- P.U.E. PUBLIC UTILITY EASEMENT
- S.F. SQUARE FEET
- (R) RADIAL BEARING
- 144.22(91)
- RECORD DIMENSION AND REFERENCE NUMBER
- PROJECT BOUNDARY
- PARCEL LINE
- CENTERLINE
- ADJACENT PARCEL
- ADJACENT RIGHT OF WAY
- NDOT RIGHT-OF-WAY EASEMENT
- EASEMENT
- RE
- NW/4 NO WATER RIGHTS

11/18/2022

MERGER AND RESUBDIVISION PARCEL MAP FOR

FERNLEY BUSINESS PARK, LLC

A MERGER AND RESUBDIVISION OF PARCEL A-1A AND PARCEL A-2A PER QUILTMAN DEED DOCUMENT NO. 403543 AND SHOWN ON RECORD OF SURVEY FILE NO. 403544 SITUATE WITHIN THE EAST 1/2 OF SECTION 29, TOWNSHIP 20 NORTH, RANGE 28 EAST, M.D.M. COUNTY OF CHURCHILL, STATE OF NEVADA.

CHRISTY CORPORATION
1000 Kiley Pkwy | Sparks Nevada 89436
775.502.8552 | christyinc.com

SHEET 2 OF 3

APN 009-251-20
BUREAU OF
LAND MANAGEMENT
(NOT A PART)

FOUND 3" GALVANIZED
PIPE, NO CAP
N=14885133.22
E=2485195.43

PARCEL 4
84.62 ACRES±

APPROXIMATE AREA OF POTENTIAL WATERWAYS,
WETLANDS AND NATIVE FEATURES SUBJECT TO
PROTECTION UNDER COUNTY CODE

SOUTHERN PACIFIC RAILROAD

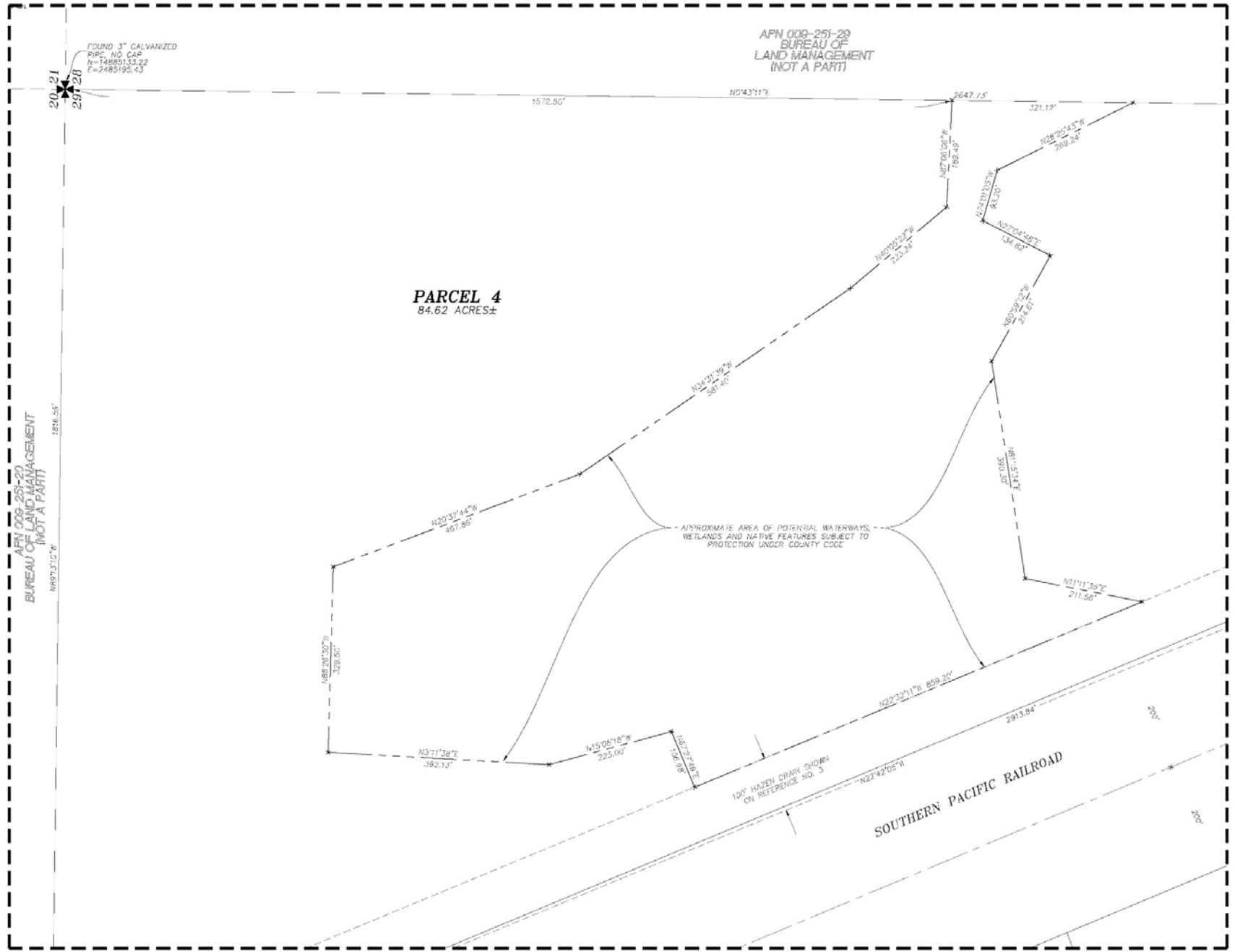
100' HAZEN DRAIN SHOWN
ON REFERENCE NO. 3

APN 009-251-20
BUREAU OF LAND MANAGEMENT
(NOT A PART)

LEGEND

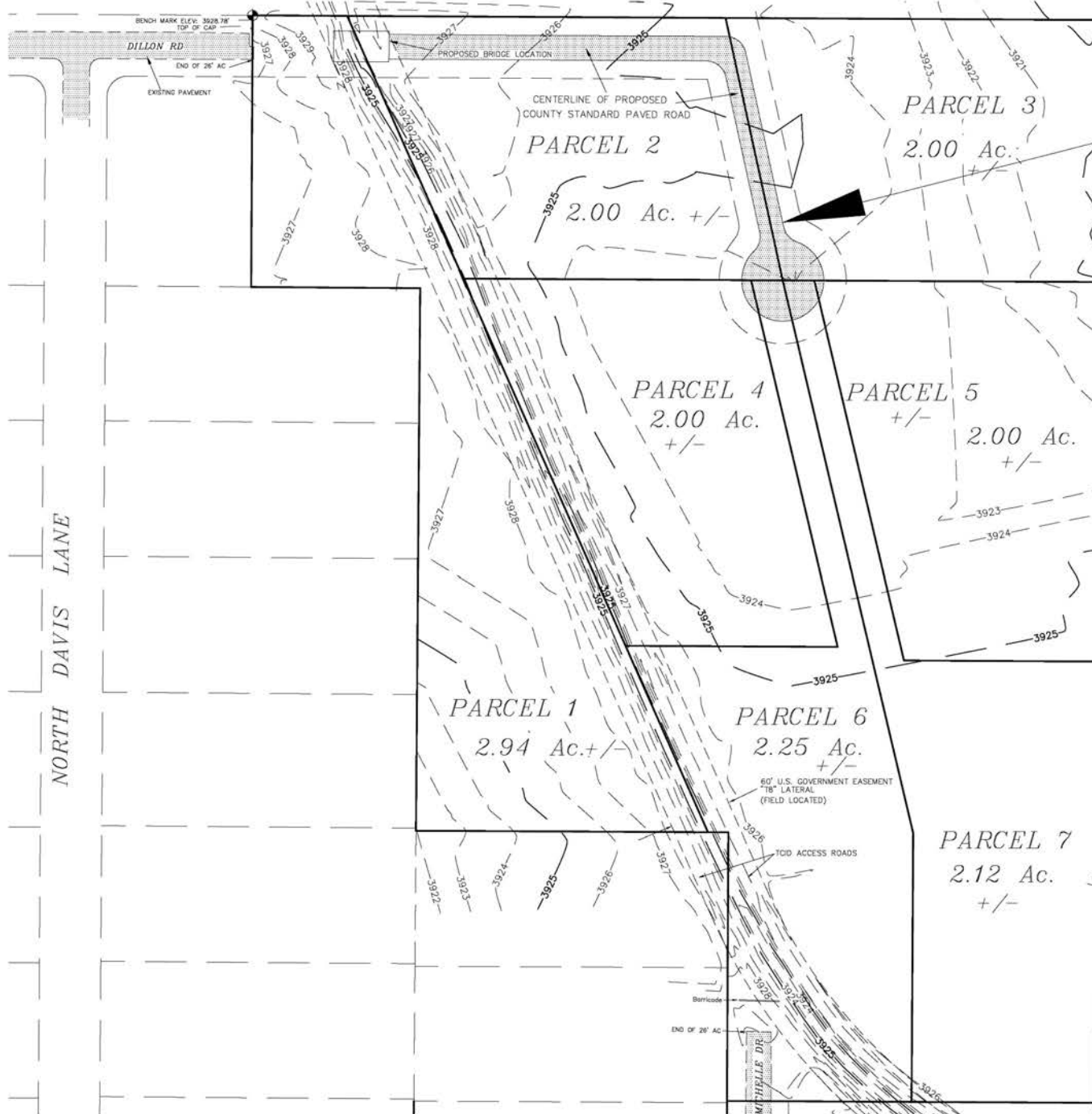
- FOUND 5/8" REBAR W/ CAP "PLS 10142"
(UNLESS OTHERWISE NOTED)
- x DIMENSION POINT—NOTHING FOUND OR SET
- ✕ FOUND PLS CORNERS AS NOTED
- 2 FOUND NDOT MONUMENTS AS NOTED

**POTENTIAL WATERWAYS, WETLANDS AND NATIVE FEATURES
DETAIL**



NEV DEV Variance from Area, Tentative Parceling Plan & Variance from Paving Michelle Drive, APN 008-174-53





VARIANCE OF PAVING 600 LINEAR FEET +/-

APPROXIMATE AREA OF 34' GRAVEL ROAD = 24.0

TRUCKEE-CARSON IRRIGATION DISTRICT CERTIFICATE

I, BENJAMIN D. SHAWCROFT, MANAGER OF THE TRUCKEE-CARSON IRRIGATION DISTRICT ("DISTRICT") does hereby declare as follows:

1. Every parcel depicted upon this map lies within the geo-physical boundaries of the Nevada Federal Reclamation Project (Project) established by act of Congress 1902 (22 Stat. 388), and the boundaries of the District as authorized by the Nevada Irrigation District Act (NRS 538.010 et seq.). Depicted on this map are Project easements and/or rights of way for the construction, maintenance, and/or operation of Project canals, laterals, drains, and/or facilities. Obstructions and/or nuisances to or within Project canals, laterals, drains, and/or facilities, are impermissible.

2. The District by agreement with the United States of America, through the Bureau of Reclamation (Reclamation) of the Department of the Interior, is the agent for the operation and maintenance of the Project. The District is authorized to enter Project easements and/or rights of way for all lawful purposes associated with the operation and maintenance of the Project.

3. All lands depicted hereon, having surface water rights appurtenant thereto, are subject to regulation by the District for the delivery and distribution of water as provided for by NRS 539.225.

4. The District assumes no legal duty, as to the lands depicted hereon, for the inspection or review of past or future hydrologic conditions, including, without limitation, changes to surface or groundwater sources, water tables, or flooding, and makes no claim or warranty as to the existence of such adverse hydrologic condition(s) now affecting the lands, or existing structures, or as to any structure(s) to be planned or to be constructed thereon.

5. The District assumes no legal duty for, nor makes any warranty associated with, the accuracy of the water rights depicted on this map.

BENJAMIN D. SHAWCROFT, ESQ.
DISTRICT MANAGER

OWNER & DEVELOPER

NEV DEV, LLC
3305 HWY 50A
FERNLEY, NV 89408

SITE: MICHELLE DRIVE (VACANT)
APN: 8 - 174 - 53
ZONE: E - 1
TOTAL AREA: 15.68 ACRES +/-

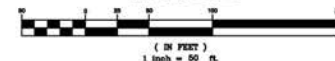
DATUM

NAVD BROADCAST GPS ELEVATIONS.

BENCHMARK: NW CORNER OF LOT 1
ELEVATION = 3928.78'

1 FOOT CONTOURS

GRAPHIC SCALE



TCID I.D. # 25-026

TENTATIVE PARCELING MAP FOR

NEV DEV LLC

PARCEL "H" OF DOCUMENT 497860, LOCATED W
PORTION OF THE NW 1/4 OF THE NE1/4 OF SEC
TOWNSHIP 19 NORTH, RANGE 28 EAST M.D.I
CHURCHILL COUNTY

Bell Land Surveying
1551 S. Virginia Way
Reno, Nevada 89519
(775) 240-3079 FAX: (775) 423-8101
Email: STEVEN@BELL@NAD90.COM



Consent Agenda