

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
February 10, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 PM on February 10, 2021 by Chair Diehl.

Present: Chair Deanna Diehl, Vice Chair Charlotte Louis, Member Charlie Arciniega, Member Myles Getto, Member Scott Nelson, and Member Shane Yates.

Absent: Member Zack Bunyard

Staff Present:

Chris Spross, Director, Public Works, Planning, Zoning
Dean Patterson, Associate Planner
Diane Moyle, Administrative Assistant
Loreli LeBaron, Code Compliance Official

Civil D.A. Staff Present:

Ben Shawcroft, 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 February 4, 2021 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 the agenda as submitted or revised.

Chair Diehl asked for any changes to the agenda. The Administrative Assistant stated that there were none.

Member Arciniega moved to approve the agenda as submitted. Vice Chair Louis seconded the motion which carried by unanimous vote.

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

Chair Diehl 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 the Minutes of the meeting held on:

A. January 13, 2021 Public Meeting

Vice Chair Louis moved to approve the January 13, 2021 minutes as written. Member Arciniega seconded the motion and the decision carried by unanimous vote.

B. January 26, 2021 Workshop

Member Arciniega moved to approve the January 26, 2021 minutes as written. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

8. Old Business.

A. Consideration and possible action re: Annual review of a special use permit granted to Ralph Andrew Countryman for a home based waste disposal business operated from 8885 Ara Lane, Assessor's Parcel Number 007-151- 67, consisting of 1.0 acre in the C-2 zoning district. *At the August 12, 2020 meeting the Planning Commission decided to grant a six (6) month extension for the annual review.*

Mr. Countryman didn't call into the Zoom Meeting and wasn't available for questions or comments.

Chair Diehl asked for any public comments regarding this request. Loreli LeBaron, Code Compliance Official, shared that during a site visit on January 12, 2021 at approximately 12:26 p.m. she

noted that based upon the special use permit conditions of approval there were violations for Item 2.e. related to “no garbage, trash or similar material may be kept overnight. Garbage handling vehicles and equipment must be kept clean, and odors and pests must be controlled”; Item 3.a. requiring a sight obscuring fence of the garbage receptacles and other stored items”; and Item 4 “Operations shall be conducted in a manner that does not create a nuisance (public or private)”.

Chair Diehl inquired how many times has this annual review for the special use permit supposed to have been completed, and Diane Moyle noted that this is actually the second year that he has had the special use permit and he has not ever come forward for an annual review. This makes the fourth time that we have scheduled this meeting. At the previous meeting that it was scheduled the commission decided to grant an extension for six months. Chair Diehl brought up that the department has written letters to him each time. Diane Moyle informed that she has spoken with him on the phone every time.

Diane Moyle questioned if Loreli LeBaron wanted to share another code compliance issue with Mr. Countryman that seems to be related to this business operation conducted at another location without proper permits. Loreli LeBaron pointed out that there is a different location in the county, where there are separate violations of Churchill County Code, in which Mr. Countryman has what appears to be waste, miscellaneous junk material, scrap, junk motor vehicles, as well as a septic system failure on this other location. She noted that Mr. Countryman is a resident on this other property, but in order to determine whether he is a valid resident as far as Bureau of Land Management (BLM) is concerned as the legal property owner is to be determined. We have no proof of lease or contract from BLM or BOR (Bureau of Reclamation) that they have agreed to allow him to be on the property. Chair Diehl verified that there is nothing on record, and Ms. LeBaron concurred this to be accurate. Diane Moyle brought up that he also did not get a special use permit to use this property for his business, but it appears that he is. Ms. LeBaron affirmed this to be correct.

Member Nelson asked if the property being displayed on the screen showing the junk and debris that has been deposited is owned by BLM or if it is privately owned. Ms. LeBaron confirmed that this is owned by BLM.

Chair Diehl asked for any further public comment, and there was none. She then stated that Mr. Countryman has not appeared at any of the scheduled meetings, he doesn't have a permit for the other location where he appears to be conducting part of his business, he is in violation of the county code and the permit. She inquired of Dean Patterson what the options include. Mr. Patterson stated that Mr. Countryman is in violation of his Ara Lane special use permit. He does not live there as far as we know, and yet he is operating the business as a home business from there. As to the woman who does own the property and lives there, Rhonda Beerbohm, it isn't her business, so that doesn't satisfy the requirement for the home business. There is no real basis for continuing to have this as a home business special use permit. He noted that Loreli LeBaron pointed out the problems for the conditions of approval. He believes that staff and Planning Commission members were a little nervous about approving it in the first place because it was garbage handling in a residential area. He hasn't been meeting the conditions of approval either. As far as the Trento Lane property, that was previously approved for a totally different business—mineral related, and they stopped doing that at this location. It seems that they decided to rent to someone else, namely Ralph Countryman, and then somehow there are a couple of commercial coaches—not manufactured or mobile homes—that are being lived in. As Loreli pointed out, there is sewage on the ground. BLM says that they are working to correct that, but it will take a little time. As far as the Ara Lane property goes, it doesn't really meet the criteria for being a home business. Chair Diehl questioned if the commission decides to deny the permit, would the Code Compliance Official see that everything is removed, and it was verified this to be the case. Member Arciniega inquired if they were just addressing the Ara Lane property strictly. It was confirmed since that is the matter on the agenda.

Member Arciniega, based upon the information heard tonight, regarding the special use permit previously granted to Ralph Andrew Countryman for a home based waste

disposal business at 8885 Ara Lane, due to violations of his permit previously issued by the county and due to code enforcement violations, moved to deny the special use permit. Member Yates seconded the motion and the decision carried by unanimous vote.

9. Public Hearings.

- A. Consideration and possible action re: A temporary use permit application for Temporary Quarters for General Purposes filed by Amiee Springfield for property located at 623 River Village Drive, Assessor's Parcel Number 008-421-61, consisting of 1.067 acres in the E-1 zoning district. The applicant proposes to have her father reside in an RV on the property until they can construct an accessory dwelling unit.

Director Christian Spross shared correspondence that was received in the department regarding this application from two neighbors in the area. They voiced their concern that living in an RV is a violation of the CC&Rs in this development. They understand that the county cannot enforce these deed restrictions. They would like the commission to keep in mind when they make their decision that the residents will be impacted by this request. The temporary use permit should be limited to one year, and an extension granted only if there is significant progress towards the construction of this new dwelling.

Mike Springfield, 623 River Village Drive, informed that his father-in-law lost his wife in October 2020 unexpectedly. He was left in a financial situation that he was not aware of until after she passed. They are trying to assist him in the interim. They don't have all of the details yet about this situation and how he is going to be in the long run. They are asking for this as a temporary solution until they can get all of the facts together and then figure out a more permanent dwelling.

Chair Diehl asked for any public comments; there were none. Chair Diehl asked if they had the hookups already for the RV. Mr. Springfield replied that they don't have these yet and would have to install those. They weren't going to move forward unless they could get the permit. Chair Diehl turned the discussion over to the commissioners.

Member Arciniega asked if there is a reason why the father-in-law couldn't reside in the home on the property. Mike Springfield responded that they moved into this home in order to bring his mother in with them instead of putting her in a nursing facility as she has early onset dementia. She is inside the home with them and they have three teenage kids as well - two girls are sharing a room. It isn't really conducive to bringing his father-in-law into the house at this stage. This could be an option in the future, and these are the things that they are trying to sort through. Member Arciniega understood from the application that Amiee's father is still working and wondered why he needs to be at her residence and couldn't find a rental unit. Have they explored that possibility? Amiee Springfield remarked that they have looked into other alternatives; however, there were things that they learned after her mother passed about their finances that her dad wasn't aware of before. They are still in the discovery process of what his financial situation is at this time. This would be the best situation for him financially right now. Mr. Springfield confirmed that they have pursued other options. It would be a lot more expensive for him to live elsewhere. Mrs. Springfield shared that they did go to the RV park about rental spaces and were informed that it is \$550 per month for the space and then they charge for the electricity usage on top of that. She also pointed out that it is difficult finding rentals in Fallon at this time, especially something affordable. Member Arciniega agreed that it is.

Amiee Springfield stated that in the application they had stated three to five years for construction of the accessory dwelling unit. She said that her neighbor did speak with her and she understands their concerns. They are willing to compromise and work toward the best resolution. They would like to have a year for them to work with her dad to figure out his financial situation and make plans of what he should do. They would then be able to better decide whether they would build an accessory dwelling or find another place for him to reside. They would like to ask that they won't have to have the actual building plans done within the year, and just use the first year to figure out what is

best for her dad to do. If they decide to move forward with the accessory dwelling, they will then start with the plans.

Member Getto restated his understanding. They are asking that during the first year they will just figure out the financials and then make the decision of what to do. If the commission decides to grant the permit, what progress will they be able to show that they will find her dad his own place or will build an accessory dwelling on the property since there won't be any actual construction or plans ready. Mr. Springfield asked for clarification if this was something they wanted now. Member Getto declared that it isn't something right now, but if the permit was approved, what could they show in a year's time since they will not have the building plans that were requested. Mrs. Springfield believes that they would be able to tell them what they have decided to do and share the steps they are taking to move in that direction.

Member Yates expressed a concern that we wait for a year to make a decision, and now we would be looking at another year or two or more if they decide to build. As their neighbors have pointed out that is not really what they want. If this is as Member Getto said where they don't have a decision until next year, this could lead to a two to five year temporary use permit, which he thinks is unacceptable. He thinks that the timeline should be sped up a little bit. If they decide in the year to move forward with building an accessory dwelling unit, he doesn't understand why at the renewal they wouldn't be able to have some initial sort of plans or at least a pretty firm idea of the route that they want to go. Mr. Springfield asked for clarification regarding the RV on the property and where the issue is related to that. He pointed out that there are neighbors that do have motorhomes and RVs on their property, so he's not sure what the difference is. Director Chris Spross mentioned that the CC&Rs are the covenants and restrictions that are part of the development in which he lives. If there is a scenario that firmly states that people can't park an RV, or people can't live in an RV, in that area, this is a restriction that was placed by the developer and could be enforced by the homeowner's association. Ben Shawcroft, Deputy District Attorney—Civil, informed that CC&Rs may be enforced by the property owners that are subject to them in the event that there is no homeowner's association. They would have to go through a legal proceeding to enforce those covenants and restrictions. If there are some restrictions in the CC&Rs that are also related to county codes and there is a violation, the county code compliance official can take action to enforce the county code and bring them into compliance with that. Mr. Shawcroft pointed out that the CC&Rs should have been included in the closing documents when they purchased their home.

Vice Chair Louis questioned if within six months they would know more about what is going to happen with the father-in-law instead of waiting for a year. Mr. and Mrs. Springfield indicated that they would hope so. It is possible, but it is hard to tell how long it will take to figure out everything. Vice Chair Louis wondered if they could come back to update the commission in six months with which direction they will be moving or where you are in the process. Mrs. Springfield asked if she was asking that they would be able to bring forward designed plans at that time. Vice Chair Louis suggested that they could come back in six months to update them about which direction they would be going—whether they were going to be able to find another place for her father to live or if they would plan to build an accessory dwelling. Mr. Springfield answered that, ideally, they would like to say yes; however, they are just still discovering the financial situation that his father-in-law is in. They can't guarantee that, and would love to be able to do this in less than a year, but they are requesting the year to give them time to figure everything out. Chair Diehl reiterated that they would need to come back in a year to renew the temporary use permit as these are only good for one year at a time. She asked if they would definitely have the information they need by the time for renewal, and the Springfields replied that they would.

Dean Patterson, Associate Planner, noted that it sounds like the commission wants the yearly renewal to show some plans, possibly building plans or permits, be obtained. He also noted that Vice Chair Louis was interested in having an update in six months to report to the commission about a course of action - not necessarily having the action completed or even started, but a path that they will choose.

Then at the one year mark the Springfields can show the progress they've made toward that course of action. It would be up to the commissioners to state in their decision if they would like to have an update at six months.

Member Nelson expressed that he believes that it would be in the applicants' best interest if they would be able to show some progress at the one year mark because if they come back in and you haven't done anything, maybe saying the same types of things, and the neighbors have stated that they might be okay with it for one year, they may get denied. He encouraged them to make a decision as early as possible and have something in writing by the one year mark so that they have something to show the commission in the event that they do need a little bit longer. The Springfields agreed with this and felt it was fair. Amiee Springfield noted that D & D Plumbing and Marshall's Septic are going to be at their home in the morning, and they are not just helping with the initial planning for hooking up the trailer, but also how to make it be able to tie into an accessory dwelling down the road. They may end up changing the plan for the septic line and tie it into the house instead of going across the yard. They just can't say that they will be ready to start building in a year.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-421-61, thereby meeting the criteria found in CCC 16.08.070(B)6, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Dean Patterson verified with the commission whether they were requesting an update at six months or they were just going to approve for one year. Chair Diehl noted that this will be for one year. Mr. Patterson then stated that the recommended conditions should be fine as written.

Vice Chair Louis, based on the previously adopted findings made for this project, moved to approve the application for a Temporary Use Permit for Amiee Springfield to establish a Temporary Quarters for General Purposes at 623 River Village Dr. (APN 008-421-61). This approval is subject to conditions as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The temporary quarters must comply with Churchill County Code.*
 - a. *All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection when the temporary quarters is installed.*
2. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system whenever possible.*
3. *When the temporary quarters are no longer needed, it must be removed from the property or otherwise made to be conforming.*
4. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of Accessory Dwelling Unit construction during the annual review hearing.***

Chair Diehl thanked the applicants and advised her that there is a ten-day appeal period and to contact the Planning Department for further permitting procedures.

B. Consideration and possible action re: A temporary use permit application for Temporary Quarters

for General Purposes filed by Terry Pearce of T and S Welding, for property located at 4985 Reno Highway, Assessor's Parcel Number 008-473-02, consisting of 1.7 acres in the C-1 zoning district. The applicant proposes to reside on the property in an RV while constructing a building for the business.

Terry Pearce, 4985 Reno Highway, shared that he plans to put an RV on his property right now, and then he will eventually build a business at this location. He has a business called T and S Welding. He has the RV on the property right now, has the septic connected, power connection, and a well already there. Everything is pretty much hooked in. Now he just needs to save up money for a steel building.

Chair Diehl asked for any public comment.

Carl Hagen, 1295 Cedar Drive, said that he received a letter because he was the previous owner of that property. He stated that he's known Terry Pearce for a little while. He wanted to vouch for Mr. Pearce's character as he has always done what he said he is going to do.

Chair Diehl turned the discussion over to the commissioners.

Dean Patterson, Associate Planner, shared that the department received correspondence regarding this application. The first is from the Building Official relating information about connection permits for the RV. If the project is approved, Mr. Pearce will need to get various inspections and pay for a placement permit. Another letter was received from Nevada Department of Transportation (NDOT) related to access onto U.S. Highway 50. Only legal and permitted access onto state highways is permitted. New occupancies are required for an existing access if the site is redeveloped. This property was residential and now it will become commercial, so NDOT will have permit requirements and perhaps changes needed including paving an apron on the highway. Alternatively, they are recommending that Mr. Pearce pursue a joint access agreement with the adjacent property owner where Skip's Market is located. Dean Patterson said that he doesn't know if there is an existing access, so it would need to be made an official access if that is the path that is chosen. This would be an easement through a deed or something like that. NDOT also states that if construction is needed it has to meet their requirements.

Mr. Pearce responded that he has already talked to Skip's Market and they said that everything with his plan as far as an easement onto their property for access to his was perfectly reasonable. As he has lived on the property for a little while he understands that access off and onto Highway 50 right there is a little difficult. He will not have any kind of entrance or exit from his property onto the Highway from his property. He will have this be just through the easement granted from Skip's. He and the owner of Skip's Market have come to an agreement.

Chair Diehl inquired if this was a welding business as stated in the application. Mr. Pearce confirmed that he does welding. Chair Diehl asked if this was conducted from the RV. Terry Pearce replied that he has a 40 foot storage container that has all of his tools inside. He has a truck that he uses to go out to job sites to fix things, and then he comes back home. Chair Diehl verified that eventually he would like to build a welding shop on the property, and Mr. Pearce confirmed this to be accurate.

Vice Chair Louis asked if Mr. Pearce had started any kind of work on the property, such as a foundation for this building, or anything like that. He stated that he has not. Terry Pearce informed that when he got the property there wasn't anything there. He has put in power, his own well, and connections to the septic system. He has installed fencing all of the way around and made an access through Skip's Market. He has done a lot of work to the property. Vice Chair Louis said that based upon the application he indicated that it would take him five years to get a steel building built. Why do you think that it will take you that long? Mr. Pearce thinks that the COVID-19 restrictions might last a little longer. There are a lot of variables, and he believes that five years is pretty reasonable. He will try to do his best and get it done.

Chair Diehl restated the question about it taking five years to build the building. Mr. Pearce said that this was at the most and he thinks that he can get it done sooner, but he wanted to give himself some time. He is currently working for Trex and he doesn't get paid a lot. He is doing his business on the side when he isn't working the regular job. He is busy all of the time, but he doesn't have a lot of money to put towards that yet. Chair Diehl wondered if Mr. Pearce had all of his permits for everything like the

septic and electric. She then asked how he handles his business now, and Terry Pearce said that he goes to the jobsite and no one comes to this property at this time.

Member Yates asked if Mr. Pearce has a licensed business. Terry Pearce replied that he does from Churchill County called T and S Welding. Member Yates verified that Mr. Pearce has a business license, and Mr. Pearce responded in the affirmative. Member Yates then said that Mr. Pearce didn't have any business structures on this commercially zoned property. All he really has is a storage container and an RV. He remarked that this application kind of skirts between the Churchill County Code that allows them to grant a him a permit here. There isn't an established business on the property and he technically can't live there because it isn't zoned for residential. This creates a conundrum here because he doesn't believe that there is a good foundation to grant this permit, and especially for the three to five years to establish any sort of commercial structure. This appears to be an attempt to skirt the rules here. Member Yates inquired if Terry Pearce had a home somewhere else, a property that is zoned for residential use, somewhere that he could park this trailer—this just doesn't seem to be the right answer to him. Mr. Pearce remarked that when he thought out this plan it was based upon where he was going to establish his business. His housing situation has changed, and he doesn't have another place to live. This is the best option that he can come up with.

Member Getto questioned if the trailer could be placed in an RV or mobile home park that is actually zoned for residential use where people live full time. Mr. Pearce expressed that this defeats his plan. He has his business there and he might as well stay there. He further explained that in the end it would cost more money to do that.

Member Arciniega stated that as he understands this application is coming before them as a result of an enforcement action brought by the county. He read a portion of the summary from the staff report including that there is a well and septic system on the property, and Mr. Pearce confirmed this to be true. Member Arciniega continued saying that there appears to be discharge of liquids or water onto the ground. He asked what this was related to, and Mr. Pearce commented, "Apparently, you guys are not plumbers. Yes, I put in my own system where water is discharged from my trailer instead of...there is a sewer; it goes directly to the septic. But there is another line, which is called the gray water, and that is like my shower, my water inside the trailer, and it does squirt out of my trailer onto the ground, and there is green grass. But there is no waste." Member Arciniega then asked about the black water. Mr. Pearce said, "My black water is part of my gray water, too. It goes out, too. There's three different exits from my trailer—there's black, gray and then there's your sewer. My sewer is going directly into my septic. Anybody can see it if they look at it. My black and my gray are just going right on the ground, and it's just being soaked up by grass." Member Arciniega inquired if he was currently utilizing the well also for his water source, and Terry Pearce agreed. Member Arciniega followed up on what Member Yates was talking about by saying that it looks like he has grand plans, which is very admirable, but he's not sure that this is the right situation, the right order of events, especially asking for a five year plan, to do this temporary use permit. They look at these permits on an annual basis, and to do something in a five year timeframe is just really not something that he could get behind. Mr. Pearce asked if anyone has complained about his situation. Loreli LeBaron, Code Compliance Official, stated that unless it is a matter of public health and safety the county doesn't generally initiate complaints on properties. There was a complaint that was lodged by a citizen of the community on this property.

Member Nelson restated that Mr. Pearce said that his gray water and black water were being discharged onto the ground. He wanted to clarify because the black water is what is in the septic tank on the trailer. Mr. Pearce said, "I have my sewer, which is going directly into my septic system. I'm not an idiot, like I've got this legit and it's real good. My sewer is going right to my septic system. I have my water, which is my gray water, whatever, coming out." Member Nelson confirmed that he just has a gray water line that is draining, and the black water is going to the septic system. Mr. Pearce agreed. Member Nelson then asked if the entire property was fenced. Terry Pearce conveyed that it is. Member Nelson, regarding the Skip's easement that Mr. Pearce was talking about earlier, verified that Mr. Pearce had talked to them. Terry Pearce stated that he had. Member Nelson then inquired if Mr. Pearce had any

formal agreement with them as far as accessing their property to travel to US 50. Terry Pearce remarked that he doesn't want to establish any access from his parcel directly onto US 50. On the Skip's side he has an entrance going into his property, and he talked to the guy that owns Skip's, as well as four other businesses, they've had a conversation about it, and he says that it is okay with him the way he is doing this. Whatever he does on his property is his property. Member Nelson stated that he doesn't feel, as a Planning Commissioner, that he can approve something where Mr. Pearce is crossing someone else's property without an agreement in writing. Mr. Pearce responded that he could get one. Member Nelson continued that another thing that he sees that if the entire thing was fenced, if there was a storage building there, and that maybe it could be a watchman's temporary use permit, but as it is, he doesn't believe that it necessarily meets the conditions for what is requested.

Chair Diehl questioned if Loreli LeBaron inspected the water and sewer system or was it there when she conducted her inspection. Ms. LeBaron replied that she did look at things from off of the premises, on public land basically, the road easement. There were "No Trespassing" signs posted on the property, and she couldn't enter at that time. She said that when she went to the utility easement around the back, she could see the gray water dripping from the outlet. She could also see a connection of the septic line from the RV to the ground. She couldn't determine how everything fit together in that regard.

Dean Patterson, Associate Planner, noted that in the photos that Ms. LeBaron took they saw the sewer line kind of going at a sharp angle into the ground, so he suspects that is the septic system connection. He wasn't sure it would be adequate for the building department, so should this application be approved this is one of the things that we would like to have double checked. As far as the gray water he doesn't know for sure, but suspects that gray water is not just supposed to be discharged onto the ground. That would be something that would be under the building department's jurisdiction. Chair Diehl asked if it might require a leach field, and Mr. Patterson said that the gray water might have to go into the septic system. Terry Pearce stated that wouldn't be that big of a deal.

Dean Patterson pointed out that if the Planning Commission wants to approve this, it shouldn't reference the staff report findings because that was a recommendation for denial. If you wish to approve this application, you will need to address the criteria in the county code, which says that the proposal is similar to and not more obnoxious or detrimental to uses listed in the normal temporary use permit applications. Also, you must explain that evidence was provided that demonstrates extraordinary need, and demonstrates attempts to find an alternative accommodation. These are the criteria that the project would need to meet for approval.

Member Nelson remarked that at this time and without some of those things in place with the easements and a few more things, he doesn't feel that they can approve this. He thinks that some more work would need to be done to get this application to where it could be approved.

Terry Pearce inquired if the commission could give him a year to get everything figured out and to see what happens. Chair Diehl shared that what she is understanding members to be saying right now is that this situation doesn't meet the county code for where it is located. Therefore, if Mr. Pearce wants to come back, he would have to find another place to set up until he can meet the county code. Mr. Pearce questioned whether the commissioners didn't want to work with him for a year to get this situated figured out. Member Getto stated that Mr. Pearce bought a commercial property and it isn't zoned for residential. If there was already a business there and he wanted to be a watchman for the company, that would be one thing, but he doesn't really fit any criteria that would be eligible for a temporary use permit for this particular situation. Member Getto agreed with what Member Nelson said earlier that there's not really any way to go about it right now to live there. Right now, Mr. Pearce just wants to live there. He could live somewhere else, but he doesn't want to because he wants to be close to your company. This is fine and great, but that is not the intent of the county code. Terry Pearce replied that he has no other options, because this is where he invested all of his money into. Member Getto responded that an RV park is an option. Mr. Pearce reiterated that this is where he invested all of his money into, and "you guys are taking all of that away from me." He literally invested everything and has nowhere to live. That's where he is coming at right now.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have not been met for a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-473-02, thereby not meeting the criteria found in CCC 16.08.070(B)6, as described in the Staff Report. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to deny the application for a Temporary Use Permit for Terry Pearce of T & S Welding to establish a Temporary Quarters for General Purposes at 4985 Reno Hwy (APN 008-473-02). Member Getto seconded the motion and the decision carried by unanimous vote.

Chair Diehl asked the applicant to work with the department to see if there are any other alternatives for him to explore. Dean Patterson concurred that they could meet with Mr. Pearce to explore other options. He also noted that he could appeal the decision. Chair Diehl stated that Mr. Pearce has ten days that he may appeal the decision to the Board of County Commissioners.

- C. Consideration and possible action re: A variance application to reduce the 5-acre Minimum Parcel Area requirement for the A-5 Zoning District filed by Bejona Enterprises, LLC, for property located at 6335 Reno Highway, Assessor's Parcel Number 008-573-05, consisting of 5.7 acres. The parcel has split zoning of A-5 and C-2 zoning districts. The applicant wishes to file a parcel map to split the parcel along the zoning district line, which would create a lot that is approximately 2.2 acres in the A-5 zone.

Rick Martinez explained that they would like to follow the natural split line between the zoning districts to split this parcel. This would allow for the separate use or sale of the commercial portion of the property from the residential portion.

Chair Diehl asked for any public comment.

Ruth Owens, 6255 Reno Hwy, said that she doesn't have much of an issue with the variance at this time. She is sure that Mr. Martinez is able to do whatever he would like. Her concern is with a business along the highway that their driveway entrance is in that area. There are guardrails to the left of his property, which makes it almost impossible for them to come into the driveway. There were technical difficulties with her internet cutting out and people not being able to hear what she was saying. She would like for him to fence off the property, so that she won't have to be bothered by business traffic using her driveway. She hopes to put up a privacy fence. She hates to see the remainder of that property being developed because it takes away from the area. She put her heart into building her home south of this property, and his traffic is coming in and out of her driveway, even when it says, "No Trespassing." She didn't want to argue about it. Her internet connection continued cutting out so that we couldn't hear what she was saying. Dean Patterson told Ruth that she wasn't being able to be heard and that the commission missed what she was trying to express. Ruth Owens responded that basically her concern is related to the US 50 Highway (Reno Highway) and being able to access in and out is a major concern for her. The traffic along there is 55 miles per hour and since the light was put in an Sheckler Cut-Off it makes it almost impossible for her to get out and into her driveway with the traffic. If a business should open, her concern is having her driveway blocked off. There were more technical difficulties understanding everything that Ms. Owens was saying. She said that as far as splitting the property, she probably doesn't have any real comment. She would like there to be some type of fence or something so that people don't come down her driveway all of the time. Diane Moyle pointed on the displayed proposed parcel map and asked if Ms. Owens' driveway was the strip that is to the east of the proposed

30' access strip to the residential lot. Dean Patterson confirmed. Then Ruth Owens faded back in saying that especially if a business should open up and the oncoming traffic from US 50 could cause issues. She stated that she was kind enough to allow an easement, and then she cut out again. When she came back in, she was saying that the variance isn't the big issue. Dean Patterson remarked that Mr. Martinez may be able to talk about the access to the commercial area versus access to the residential portion, which would be at the south end of the lot. He pointed out the 30' access strip to what would become a new residential lot at the back, which would be exactly next to Ms. Owens 30' access strip going to her lot. This would be a total of 60 feet. Mr. Patterson isn't sure whether NDOT would allow the commercial property to have its own access, but he suspect that any business will have to do some sizeable improvements to widen aprons. This should give the entry point better control, so that they don't go down Ms. Owens driveway, and maybe even be totally separate from the two residential access strips. This is up to NDOT. They may also require shared access for everything at that one point.

Chair Diehl asked for correspondence to be shared for the record. Dean Patterson stated that NDOT made comments that were very similar to the Pearce application in that Highway 50 is high speed and allows only legal permitted access onto state highways. New occupancy permits are required for an existing access if the site is redeveloped, which would be the case here. He continued sharing that since the lot is being split to create a new access, they would probably want to review that access point, which is next to Ms. Owens, for the residential lot, in addition to any access for the commercial lot. NDOT generally only allows one access per parcel even when they are split, so it is very likely that it will have to have a shared access with the residential lot and possibly at the same point where Ms. Owens' access is located. They will have to comply with NDOT's permits and construction standards. This is the point related to probably having to make improvements, such as widening paved aprons and stuff like that. Dean Patterson pointed out one thing from the staff report is that the proposed line between the two properties, one being residential and one being commercial, appears to be going through a cluster of buildings, possibly even through a building, and the well may be cut off from the buildings that it serves. This isn't something that is allowed and would have to be resolved before the parcel map could be approved. This is basically asking the commission if it would be okay to split this parcel to allow a lot that is mostly, but not entirely, in the A-5 zoning district, to be less than five acres. The staff report also points out that the river greatly reduces the usable area of both proposed lots.

Chair Diehl asked for any questions from the commissioners.

Member Arciniega asked staff whether the property, which is currently zoned C-2 on the highway, could be developed as it is right now. Dean Patterson confirmed this to be accurate. Member Arciniega then inquired whether or not this were split, if this portion is still a developable parcel. Dean Patterson responded that he is correct. Member Arciniega questioned if there were other nearby parcels in the A-5 zoning district that are less than five acres, and Dean Patterson answered that there are and pointed out a few of these near Mr. Martinez' lot including Ms. Owens' lot on the aerial photo displayed. Member Arciniega asked Mr. Martinez what his purpose is in trying to split this lot. Mr. Martinez responded that he is trying to establish the natural separation of the C-2 zoning from the A-5 zoning to sell it or find something acceptable for the property.

Member Yates said that Ms. Owens cut out both times that she tried to speak, and he sought verification from Ms. Owens that he understands correctly that her concern is not with the variance but rather the access. Ruth Owens agreed, and after looking at the proposed map that has been displayed, she also doesn't understand why it would be allowed to be divided through the residential buildings instead of leaving them as part of the residential lot. She remarked that as she drives down her driveway, she sees all of these things and there is a bunch of different buildings and so forth. She doesn't know what is going into the C-2 zoning. Her major concern is to not have traffic on her driveway. That's her driveway. Ms. Owens said that she wasn't able to clearly understand what was being stated about the Department of Energy and asked if it could be restated what they are or are not able to do, how it could affect her driveway and whether she would be able to have a say in that. Dean Patterson said that the Nevada Department of Transportation (NDOT), not the Department of Energy, says that the property

will probably have to use a shared access for the new driveway strip and the business access. This will probably mean that the west access point cannot be used, and the east access point will have to be improved so that it will serve both the business and the new driveway strip and your driveway strip. It may be a little complicated, but it will be much roomier so that people don't accidentally go down her driveway, which might be something that might improve that situation. Member Yates restated that this portion is already zoned for commercial, so technically speaking they could have something commercial there whether or not they grant the variance. He is just trying to make sure that if the variance were to be granted that it wouldn't change things for Ms. Owens, or it might even be changed for the better based upon the response from NDOT. He confirmed with Ms. Owens that her primary concern isn't with the variance, but with the access to her driveway. Ruth Owens agreed.

Christian Spross, Public Works Director, pointed out that if this variance is approved there appears to be some setback issues on some of the buildings, and it appears that it would put the well on the commercial side, which would mean that there would be no well on the A-5 zoned property and the applicant would have to drill another well in order to furnish water to this portion. Mr. Martinez responded that there is a well on the residential portion, and he pointed out that it is located near where the new home was placed. Chris Spross noted that it wasn't labeled on the drawing in the same way, so it wasn't something that we determined to be a well. Dean Patterson questioned if the well next to the garage served the host house, and Mr. Martinez replied that the host house is connected to both wells at this time. Dean Patterson wasn't sure how he got two wells on one property because that isn't usually allowed. Mr. Martinez said that these were existing on the property when they purchased it; there were two existing wells.

Ruth Owens wondered what types of business would be allowed in the C-2 zoning district. She is concerned about the types of buildings or development would be able to be there and how this could affect her. She doesn't really want to have the beauty taken away from the area. She understands that Mr. Martinez could sell these properties and doesn't plan to stay there very long, but she has put a lot of effort into her property and is concerned about what would happen to the other properties. She doesn't want to have things come in there that could become an eyesore or depreciate her property value. Ben Shawcroft, Deputy District Attorney-Civil, suggested that she speak with the department at another time, as it isn't pertinent to the decision for the variance at this time.

Chris Spross inquired if the house that is served by the other well was relatively new, and Mr. Martinez replied that it was just completed this year. Chris Spross then asked if the well that is right next to that house was there before he built the house, and Mr. Martinez confirmed that it was.

Dean Patterson noted that there are a wide variety of commercial uses could happen here. This is C-2, which is more of the heavy commercial types of uses. There is the point that the A-5 lot would be between Ms. Owens property and the commercial property, so there is a buffer. While the code has what are called friction zones to deal with those incompatibilities, having the lot in between is more than what the friction zone requirements would be. Chair Diehl asked if Mr. Patterson answered Ms. Owens' question, and Ruth Owens responded that it just goes back to Mr. Martinez is just going to do whatever he's going to do anyway. As far as US 50 and entrance to her driveway, she has had to deal with his traffic coming down her driveway for three years, and she just doesn't want it anymore. If he gets a new business in there, they start to build, and they access her driveway, it causes a problem for her. Dean Patterson pointed out that a business might not happen for quite a while or at all, and if she has people trespassing on your driveway, she might consider putting up a gate or better signage or something like that. Ruth Owens stated that she already has a gate, and they still go through. They go in between the properties because it is not fenced. She would love to have Mr. Martinez help her to put a fence up there and divide the properties, she would be more than happy. Mr. Martinez declared that he is actually putting up a six foot redwood fence between the properties that have homes, and he is doing that out of pocket right now. He said that he made Ms. Owens aware of that. He also plans to put a fence up along the property line. He apologized for people going into her driveway. He doesn't know who they are half of the time, but they just drive up and down. He is putting up a fence right now and has bought all of the

materials.

Member Getto verified with staff that either way, whether they allow the split or not, commercial businesses could come into that portion of the property. Dean Patterson confirmed that it is commercial now and any of the same commercial uses can happen in the future. It may or may not need...Ms. Owens interjected a question of why they need a variance then. If it can come in anyways, why do they need a variance? Dean Patterson and others responded that this is for allowing the division of the parcel to allow the residential lot to be less than five acres in size.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Variance from the minimum lot area requirements on APN 008-573-05, thereby meeting the criteria found in CCC 16.08.090(F), as described in the Staff Report. Member Yates seconded the motion and the decision carried by a vote of four in favor (Members Getto, Louis, Yates, Nelson) and two opposed (Members Arciniega, Diehl).

Member Getto, based on the previously adopted findings made for this project, moved to approve the request for Variance from the A-5 zone minimum lot area requirements in CCC 16.16.020.1 & CCC 16.08.140 for Bejona Enterprises to allow an approximately 2.2 acre parcel that generally follows the zoning boundary to be created from APN 008-573-05. This approval is subject to conditions, as listed in the Staff Report. Member Nelson seconded the motion and the decision carried by a vote of four in favor (Members Getto, Louis, Yates, Nelson) and two opposed (Members Arciniega, Diehl).

Recommended Conditions:

- 1. The parcel map implementing this variance shall adjust the final location of the new parcel line to ensure that it meets setbacks from the existing structures, and shall provide for each parcel having its own well and septic services.*
- 2. The approval of this variance expires one year from the date of the final decision. An application for a parcel map must be submitted before expiration.*
- 3. Compliance with Churchill County Code.*

10. Action Item.

- A. Consideration and possible action re: A series of 7 parcel map applications to implement a previously approved parceling plan filed by Kim and Susan McCreary and Dan and Carrie McCreary for property located at the extensions of Michelle Drive and Dillon Road, Assessor Parcel Number 008-174-84, consisting of 21.20 acres in the E-1 zoning district. The applicant proposes to divide the parcel into 21 lots.

There were some technical difficulties with the applicant being able to connect to the Zoom Meeting, so Dean Patterson, Associate Planner, started by giving some background related to the Skyridge development, which was approved about 25 years ago. This is Phase 8 of that development that has not been completed yet. They have a parceling plan that has been kept in good standing. While the one-acre lots that are common to this larger Skyridge area are not normally allowed, they are vested under the old laws and have kept the project alive through deadline extensions using development agreements. Recently, this and two other phases came up for renewal of their development agreements and the County expressed a desire that these should start moving forward or may not be extended in the future. The previous owner sold this property to the McCrearys, and they want to move forward with the project. At the south end of this project is Michelle Drive off of Caleb Drive, and this development would continue Michelle Drive to the north and connect to an extension of Dillon Road. All of the lots

would be split off to the east and west just like the other developments nearby.

Dean Patterson spoke regarding the 1998 parceling plan map that was displayed on the screen demonstrating the wells being located toward the front of each lot and the septic tanks to the rear. This phase has a complication with the canal that runs diagonally through the parcel. You can't place all of the wells and septic tanks as shown on this parceling plan due to the canal location. With the 1998 parceling plan they had planned to get rid of the canal and with the previously approved 1995 parceling plan they had accounted for the canal. The 1995 parceling plan map was then displayed on the screen to show that the wells and septic tanks had been moved in relation to the canal so that they will all fit together. The McCrearys are requesting, as noted in their correspondence that accompanied these applications, to go back to the 1995 parceling plan because the 1998 is the currently approved plan. They are also asking permission to start divisions of land and construction of some of the parcels during the time that they are submitting applications for bridges over the canal in a few areas as required by Bureau of Reclamation (BOR) and TCID (Truckee Carson Irrigation District). They have proposed Phase 1 and Phase 2 for the parceling plan and sought approval from the Road Department for construction of a small portion of road (less than the required 500' minimum) to serve the lots on the south of this section of Michelle Drive, and also allowing a gravel drive to one of the parcels until the bridge and roadway could be constructed. Phase 2 wouldn't move forward until the applications for bridges were approved. Some of the lots to be developed during the second phase would include shared driveways with bridges over the canal. Maps 1 and 2 would be part of Phase 1 and the remainder of the maps would be part of Phase 2.

Kim McCreary stated that they are working with Cody, Manager with TCID, for the ditch crossings that they will need. It basically needs an engineered box culvert anytime that they cross the ditch. They are prepared to do that on the main road and also on the lots where they need it. Chair Diehl asked if they have been working with BOR for the bridges. Mr. McCreary said that they have hired someone, who is familiar with the application process, and working with Cody Black. They are helping with completing the paperwork and they have to hire an engineer to create the plans for the culvert. They are in the process of doing these things right now. He pointed out that these are not unusual requests; however, there is a process with applications that are required.

Chris Spross, Director, remarked that typically the Road Department does not allow construction of roads that are less than 500 feet in length. The applicant did receive a letter from the Road Department that granted him authorization to pave about 380 feet for Phase 1 with the contingency that when he proceeds to Phase 2 that he paves out the entire road. This project from the Road Department standpoint does have their support. Phase 1 map was displayed on the screen to show the hatched lots that would be developed in that phase.

Chair Diehl asked for any public comment; there were none. She then turned the discussion to the members.

Dean Patterson pointed out two complications that showed up in the staff report and the recommended conditions for approval that he wanted to make them aware of. On Map 5 that was displayed on the screen there were a number of lots shown with Michelle Drive being a long "tail" attached to the remainder parcel at the north end. This is a function that allows for the county to accept dedication of this road once it has been completed and not before the last map. The "tail" will remain with the remainder lot through Map 6 and then on Map 7 the road strip will become its own lot and the county will accept it. At this point the road will be constructed and ready to be used, which is what the county wants when they accept the road. He then pointed out that at the end of the paved portion of Dillon Road there are large piles of dirt, and it isn't clear whether the pavement goes underneath the piles of dirt to the property line. It isn't usually required for a project to do offsite improvements, but it may have to happen with this, which has been added as a recommended condition for approval. If there is a segment of Dillon Road that is not paved to the property, they would need to pave it too. Mr. McCreary agreed that they are okay with that requirement. The last issue related to Dillon Road is the fact that the easement for Dillon Road goes further east to connect with Soda Lake Road; however, at this time it is a dirt driveway that provides access to a few houses north of this development. There is a possibility

that the residents from this new development, along with others in neighboring developments, discover this dirt driveway and use it to access Soda Lake Road. This is a dirt driveway that the property owners have to maintain for access to their parcels. It is being recommended that the development provide a barricade at the end of the Dillon Road pavement, before the corner so it doesn't cut off the residents' access, until such time as Dillon Road is improved over to Soda Lake Road. Mr. McCreary stated that they are okay with this requirement. Chair Diehl verified that the main entrance for these parcels is Michelle Drive, and Dean Patterson confirmed that it is to Caleb Drive on the south and Dillon Road on the north.

Chair Diehl verified that each property would have its own septic and well, and Dean Patterson noted that those are noted on the maps. Another recommended condition relates to notes to be added to the map that informs future property owners that they must use the locations for well and septic as shown on the 1995 parceling plan. As it stands right now, the McCrearys are planning to develop the lots; however, if something happens, and these lots are sold without being developed first, these well and septic locations need to be noted and followed for development in the future. Chair Diehl further asked regarding the soil information that was noted on the maps. Dean Patterson noted that on the 1995 and 1998 parceling plan maps there are percolation test and soil test results noted that indicate that these soils are acceptable for septic systems and wells.

Dean Patterson told Kim McCreary that we didn't get these final maps until right before the deadline for holding the meeting packets and staff report, so they still have to go through the normal map checking process with the County contracted surveyor and county departments. This will have to be completed before they get final approval. Mr. McCreary responded that any changes required during this process they will go along with.

Chair Diehl asked if there will be good access for safety vehicles. Dean Patterson said that one of the other recommended conditions relates to the fire turnaround on the short segment of Michelle Drive on the Phase 1 map because a portion of the circle is in the canal, and Mitch Young, Fire Marshal, says that they will have to move that outside of the canal.

Chair Diehl asked for any further comments; there being none she called for a motion.

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for 7 parcel map applications implementing a previously approved parceling plan on APN 008-174-84 which will create 21-residential lots thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners:

- (A) Approve the 7 parcel maps entitled 1st through 7th Parcel Map for Kim and Susan McCreary & Dan and Carrie McCreary to divide APN: 008-174-84 into 21-lots. This approval is subject to conditions, as listed in the Staff Report.**
- (B) Authorize the development to use the 1995 Parceling Plan.**
- (C) Authorize Lot 27 to temporarily use a gravel driveway while the bridges and roads are authorized and constructed.**
- (D) ACCEPT the offer to grant easements identified on the map.**
- (E) REJECT the offer to dedicate lands and road facilities for Michelle Drive and Dillon Road on Maps 1-6, and**
- (F) ACCEPT the offer to dedicate lands and road facilities for Michelle Drive and Dillon Road on Map 7, and for any off-site road facilities for Dillon Road that are constructed to provide a continuous road surface to the development. Vice**

Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The development shall be constructed in 2 phases. Phase 1 shall consist of Maps 1 & 2, and shall be recorded at the same time. Phase 2 shall consist of Maps 3-7, and shall be recorded at the same time.*
2. *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a. *Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
 - b. *Roads serving the properties in Phases 1 and 2 shall be constructed or financially guaranteed before recording the maps for the applicable phase, except as stated in this decision for Lot 27.*
 - c. *Any off-site road segments needed to connect on-site roads to existing County roads shall be constructed with Phase 2 roads at the expense of the project developer.*
 - d. *As approved by the Road Department, the Phase 1 road segment may be less than 500 feet long, but all remaining roads shall be constructed with Phase 2.*
 - e. *The location of the Phase 1 temporary turnaround must be adjusted so that it is not located in the canal.*
 - f. *Any fences within the County right-of-way must be removed when adjacent roads are constructed.*
 - g. *The Road and Fire Certificate must include the paragraph classifying new roads.*
 - h. *Supplemental easements and driveway bridges needed to access the developable areas of Lots 26, 29, and 31 must be in place and/or constructed before recording the maps creating the lots.*
 - i. *Water dedication requirements must be met prior to recording the map.*
3. *Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a. *The triangular access easement to serve Parcel 26 shall be shown on both the 3rd and 4th parcel maps, and shall be 30' wide measured across the direction of travel.*
 - b. *The 7th parcel map shall show Dillon Road as continuous through the property rather than ending at Lot 38.*
4. *The development may not use the privately maintained dirt road/driveway easement for Dillon Road running eastward from the property to Soda Lake Road. Access to the road/driveway shall be blocked along both edges of the easement within the property by a substantial barrier/fence approved by the Road Supervisor. Fencing along the perimeter of the property in the area of the barrier may be necessary to prevent drive-around vehicle movements and shall be of a length deemed adequate by the Public Works Director.*

11. Consent Agenda. (Action Items generally not requiring discussion or explanation.) **All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.**

- A. Consideration and possible action re: Termination of a temporary use permit granted to Joe Munoz/Glacier Construction, Inc for Temporary Quarters for Watchman's Quarters for property located at 4606 Beacon Way, Assessor's Parcel Number 008-472-30. *The business has closed and the mobile home removed. The permit is no longer needed and should, therefore, be terminated.*
- B. Consideration and possible action re: Termination of a special use permit for a Horse Boarding Facility granted to Robert & Kim Jasch for property located at 6263 Jacobs Road, Assessor's Parcel Number 008-071-46. *The business has closed and the permit is no longer needed. The permit should be terminated.*

Member Getto moved to approve the consent agenda as submitted. Vice Chair Louis

seconded the motion and the decision carried by unanimous vote.

11. Public Comment.

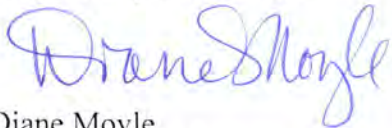
There were none.

12. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:52 p.m.

13. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – February 10, 2021

Prepared February 3, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on February 3rd to review the project applications listed below that are on the agenda for the February 10th Planning Commission Meeting. Site visits were made as noted.

- | | | |
|--|---------|---------------|
| • Springfield TUP for Temporary Quarters for General Purpose | Page 2 | No Site visit |
| • T & S Welding TUP for Temporary Quarters for General Purpose | Page 4 | No Site visit |
| • Bejona Variance for minimum lot area in A-5 zone | Page 6 | No Site visit |
| • McCreary/Michelle Drive 7-Serial Parcel Maps (21-lots) | Page 8 | No Site visit |
| • Consent Agenda | Page 14 | No site visit |

PC Members Present

Charlotte Louis
Charlie Arciniega

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle
Ben Shawcroft

REVIEW OF PROJECT FILES

The Public Works, Planning, and Zoning Department Staff has reviewed these applications for compliance with Churchill County Code as required by the Development Code. This staff report summarizes our findings and provides recommendations for the Planning Commission to consider while making their decisions on a project or making recommendations to the Board of County Commissioners.

If you have questions concerning details of the project or this staff report, please contact the Public Works, Planning, and Zoning Department staff for assistance.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for General Purposes (Hardship)</u>
Applicant:	Amiee Springfield	Owner:	Amiee & Michael Springfield
Site:	623 River Village Dr. (APN 008-421-61) – 1.067 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant is proposing a Temporary Use Permit for General Purposes that is similar to the Home Construction TUP and the Hardship/Caretaker TUP. The applicant wishes to place a newer RV on the property for their 67-year old father to live in. The mother recently passed away and the family would like for the father to live on the property. The long-term plan is to construct an Accessory Dwelling Unit in the back yard in the next 3-5 years for the father to live in.

This request is similar to the Caretaker TUP for an elderly relative. However, the father does not need care and still works as a physician, but would like to be nearer to the family. This request is also similar to a Home Construction TUP. However, the accessory dwelling will not be built right away, so they cannot meet the requirements for a Home Construction TUP.

The temporary quarters will be a newer RV that is connected to the primary residences services – tying into the septic system, well, and power facilities. The proposed temporary quarters will be located in the back yard of the home, which takes access from River Village Drive. It will be close to the primary home, roughly where the future Accessory Dwelling Unit will be located. No permits have been obtained for the new quarters yet.

River Village Drive is a County maintained paved road located in a 60-foot easement. A 60-foot canal easement is centered along the rear lot line. A 10-foot utility easement runs along the SE property line, and a 5-foot utility easement runs along the NW property line. The RV must be located outside the easements and the RV (including popouts) must be 5 feet from the property line. For future reference, the Accessory Dwelling Unit must meet the same setbacks as the primary residence, which are: 20' from the rear lot line, and 10' from the side lot lines.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a general purpose temporary quarters in CCC 16.08.070(B)6 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria is that the purpose “is similar to and not more obnoxious or detrimental to uses listed in subsections B1 through B5 of this section. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find an alternative accommodation.”

The intent of the applicant is similar to a hardship caretaker TUP or a home construction TUP, but did not meet the specific criteria to qualify for them. It will not be more obnoxious than the normally allowed TUPs. Other nearby residences also have RVs stored on-site, so this RV will blend in with the others in the neighborhood. It is recommended to treat this request similar to a Home Construction TUP. It is unclear why 3-5 years is needed to construct the Accessory Dwelling Unit. The Planning Commission may wish to consider requiring a faster timeline.

STAFF RECOMMENDATION: **APPROVAL - as provided below.**

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-421-61, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)6, as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to [ADD NEEDED REASONING RELATED TO CRITERIA]

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Amiee Springfield to establish a Temporary Quarters for General Purposes at 623 River Village Dr. (APN 008-421-61).

For APPROVAL the motion should ADD:

This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
 - a. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection when the temporary quarters is installed.
2. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system whenever possible.
3. When the temporary quarters are no longer needed, it must be removed from the property or otherwise made to be conforming.
4. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of Accessory Dwelling Unit construction during the annual review hearing.***

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for General Purposes (Hardship)</u>
Applicant:	T & S Welding / Terry Pearce	Owner:	Terry Pearce
Site:	4985 Reno Hwy. (APN 008-473-02) – 1.7 acres (opposite Soda Lake Road)		
Designations:	Master Plan – Urbanizing // Zoning – C-1		

Summary: The applicant is proposing a Temporary Use Permit for General Purposes. The applicant wishes to live in the RV and operate a business on a property with no permanent structures. He proposes to eventually build a shop for the business with a 5-year timeframe. The applicant currently lives in an RV and runs the welding business from the property. This application is a result of an enforcement action, and has a number of difficulties. This business used to be operated as a Home Based Business at a permanent residence, but has since changed to this location.

While the proposal could possibly be similar to the Business Construction TUP and/or a Watchman's Quarters TUP, it does not meet the requirements for those. That is why a General Purpose TUP is proposed. The business has no office, nor is it in a commercial coach, and does not authorize a residence so it does not qualify for a Business Construction TUP. There is no permanent and "bona fide" business at the site, so the RV does not qualify for a Commercial Watchman TUP. The applicant is currently operating a welding business out of the RV and the metal storage container. The welding services are provided at the client's location rather than on-site. If this business were built it would be categorized as Construction Contractor & Property Services, which is allowed in the C-1 zone.

US 50 is a State maintained paved road located in a strip of state-owned land along north edge of the property; a canal with a 100' easement (entirely on the property) follows the curved south side; the same canal easement occupies most of the west property line, and the Skips Market business lies along the east side. No utility easements appear to serve the site, though power poles follow the highway. The site is across the highway from Soda Lake Road. The site plan shows the property being fenced in the north portion, with a gate into the Skips Market parking area and to US 50. The property appears to have no NDOT access apron, so the business and RV are accessing the highway from the Skips Market driveway. If there is no easement to legally use the Skips Market property for access, such use would be trespassing.

The temporary quarters will be in a 2005 RV. The only building permit for the site was recently issued for a temporary power panel. The property previously had a home (~1980) that was removed long ago, and apparently pre-dated the permit requirement. It had a well and septic system that still exist, as shown on the site plan, but they are of questionable viability and should be checked for future commercial use. The enforcement action photos show pipes discharging water or liquids onto the ground. A water hose with duct-tape insulation appears to be connected to the well. A sewer line runs from the RV to an underground location that may be the septic system, though the connection is questionable.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a hardship/caretaker's quarters in CCC 16.08.070(B)6 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria is that the purpose "is similar to and not more obnoxious or detrimental to uses listed in subsections B1 through B5 of this section. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find an alternative accommodation."

While the application indicates a 5-year plan to build a business structure, the existing scenario will not change anytime soon. This proposal is really better described as a someone wanting to (A) live in their RV

which is not allowed, (B) live in a commercial zone where that is not allowed, (C) have a “home business” out of the RV with a storage container which is not allowed, and (D) get around the laws regarding establishing a permanent business location. In addition, full-time RV living that is permanent in the near term, and located in a highly-visible, highly-trafficked location may be more obnoxious than other normally allowed TUPs. If the request is approved, it should be held to the substantial progress requirement of a Home Construction TUP, and held to the requirement that the RV must be owner occupied.

STAFF RECOMMENDATION: **DENIAL**

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-473-02, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)6, as described in the Staff Report.

NOTE: For APPROVAL the motion should ADD:
Specifically, the project MEETS THE CRITERIA BY... .. [ADD NEEDED REASONING RELATED TO CRITERIA]

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

□ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Terry Pearce of T & S Welding to establish a Temporary Quarters for General Purposes at 4985 Reno Hwy. (APN 008-473-02).

For APPROVAL the motion should ADD:

This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
 - a. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection when the temporary quarters is installed.
2. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing or upgraded water well, power supply, and septic system.
3. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming.
4. The temporary quarters must be occupied by the owner.
5. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of business construction during the annual review hearing.***
6. The business for which the RV is used must meet County Code requirements, including but not limited to:
 - a. Before construction permits are issued, legal access authorization must be either (a) obtained from NDOT for business access to US 50, or (b) obtained from the Skips Market property through an easement to use that access point.
 - b. The residential well must be approved by the State or County for commercial use for both water rights and public use (from separate State divisions). An inspection may be needed and the well upgraded.
 - c. The residential septic system must be approved by the State or County for commercial use. A septic system inspection must be performed to determine its viability for commercial use.

Application:	<u>Variance from 5-acre Min. Lot Size</u>	Use Listing:	<u>Residential and Commercial</u>
Applicant:	Bejona Enterprises LLC	Owner:	Bejona Enterprises LLC
Site:	6335 Reno Hwy. (APN 008-573-05) – 5.7 acres The old Bait Shop.		
Designations:	Master Plan – Urbanizing // Zoning – C-2 & A-5 Split zoning.		

Land Situation: This request is generated by the plans for a Parcel Map to split the commercial part of the property off from the residential part of the property. The parcel is split zoned between C-2 along the highway and A-5 at the rear. A number of alternatives were considered, including a 1-acre commercial lot and a remainder, the body of which would stay split zoned. The applicant is choosing to split the property at the zoning district boundary resulting in a 3.5 acre commercial lot and a 2.2 acre residential lot. The residential lot will not meet the A-5 zone minimum lot size of 5-acres, so the Variance is requested for that lot.

This is the site of the old Bait Shop located next to the river. The Bait Shop ceased operations long ago. The structure sat unused and in disrepair for many years and does not meet modern building standards for commercial use. There has been some renovation, but little done to modern building standards. It is unlikely that it could be upgraded to operate as a business.

Proposal: The approximately 2.2 acre residential lot is not allowed without a Variance from the minimum lot size standard in dimensional standards table of CCC 16.15.020.1 and the A-5 zoning district of CCC 16.08.140. The Variance would result in a 56% reduction.

It should be noted that the usable area of the existing lot and both proposed lots will be considerably less than the official lot areas. The river channel and its floodway occupy a large part of the existing lot. Since the lot is shaped a bit like Florida, it has a panhandle along highway that is largely occupied by the river – so that part is not usable lot area. The river turns south along the west side of the property, and along with its floodway occupies a large part of the main body of the lot. The river reduces the usable area from 5.7 acres to something less than 4½ acres. In addition, the residential lot will still have a “flag pole” segment that reaches to the highway and maintains legal and physical access for the property. That “flag pole” will still be zoned C-2, count toward the 2.2 acre area of the lot, and reduce the usable area of the lot. The resulting commercial lot will have a usable area of roughly 2¼ acres, and the resulting residential lot (without “flag pole”) will have a usable area of roughly 1½ acres. (Approximate areas are measured using GIS.) The proposed configuration is illustrated in the draft parcel map found in the packet.

It should be noted that the proposed new lot line will not provide adequate setbacks between the line and the existing buildings. It should also be noted that the new lot line appears to cut off the well from most of the buildings it serves. This situation should be clarified and plans for dealing with the matter should be decided on.

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 shape and topography of the existing parcels is quite extraordinary. But the proposed lot split doesn't have much to do with either. The extraordinary condition arises from the fact that the parcel was split zoned. Its 5.7 acre size can barely meet the A-5 lot size requirement, but the A-5 zone only covers about 1/3 of the lot. The current zoning probably originated from having a commercial use (the old Bait Shop) in front and residence in the back. Otherwise it probably would have been assigned all one zone – probably C-2.

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.*

Strict application of the lot size standard would prevent the owner from splitting the commercial use from the residential use. The existing lot is 5.7 acres. The A-5 minimum lot size is 5-acres, and the C-1 minimum lot size is 1-acre. No arrangement of lot lines in a land division could meet the minimum lot size. The applicant could apply to rezone the property to all one zone - either C-2 or A-5 – but that would result in making the residential use non-conforming or making future commercial uses not allowed.

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 proposal and the requested Variance would not cause a change in the existing residential land uses, nor the allowed commercial land uses. It would only allow them to be on their own lots. This arrangement is similar to other properties along the highway with commercial uses near the highway and residential uses further back. It would not be detrimental to nearby land uses or improvements. The existing lot pattern near the proposed residential lot has similarly smaller lot sizes and homes with “flag pole” segments to provide access. Public health and safety service providers will not need to change service to the properties.

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

Other than lot size, the proposed variance is consistent with the Master Plan and Development Code. Maintaining existing development pattern is also consistent allowing non-conformities to continue.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Variance from the minimum lot area requirements on APN 008-573-05, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.090(F), as described in the Staff Report.

MOTIONS FOR DECISION: The motion should be modified by the Planning Commission as needed.

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance from the A-5 zone minimum lot area requirements in CCC 16.16.020.1 & CCC 16.08.140 for Bejona Enterprises to allow an approximately 2.2 acre parcel that generally follows the zoning boundary to be created from APN 008-573-05.

For APPROVAL the motion should ADD: 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 parcel map implementing this variance shall adjust the final location of the new parcel line to ensure that it meets setbacks from the existing structures, and shall provide for each parcel having its own well and septic services.
2. The approval of this variance expires one year from the date of the final decision. An application for a parcel map must be submitted before expiration.
3. Compliance with Churchill County Code.

Application:	<u>7-Serial Parcel Maps for 21 lots</u>	Use Listing:	<u>Single Family Residential</u>
Applicant / Owner:	Kim and Susan McCreary, & Dan and Carrie McCreary		
Representative:	Steve Bell, Bell Land Surveying		
Site:	No Address at extension of Dillon Rd and Michelle Drive – Roads to be built APN: 008-174-84 – 21.20 acres		
Designations:	Master Plan – Urbanizing // Zoning - E-1		

Site History: This property is part of the Sky Ridge development. It began over 20-years ago, in the 1990s, when 1-acre lots were allowed with well and septic. Since then, the laws have changed, and such development is no longer allowed due to the high density of septic systems contaminating the groundwater and other factors. The project probably did not start with the name of Sky Ridge, but it was changed at some point. Mick Casey was the original developer, then Ken Gearhart took over.

Most of Sky Ridge development was completed, but there are three phases remaining, each now owned by different parties. Each phase has had its deadline extended for many years using development agreements. The subject phase is in the NE corner of the larger development, whereas the other two phases are in the south end of the larger development. In the latest deadline extension, the intent has been communicated to the owners that the County is not that interested in dragging out these projects; so this may be the last extension and the development needs to proceed or go away.

The applicants propose to implement the approved Parceling Plan for this phase of 21 lots, which was initially approved in 1995, and then amended in 1998. This phase is probably the most challenging area of the larger development because of the canal running through the property. Similar 1-acre lot projects can normally use a simple arrangement of wells along the street and septic systems behind the house and ensure that the required well-septic separation can easily be maintained. But the canal complicates this arrangement to the extent that wells and septic systems have to be moved to different locations that could cause other lots to be encumbered or (at worst) unbuildable. The initial 1995 Parceling Plan took the canal into consideration and carefully arranged the well and septic locations so all lots could be developed. The 1998 amended plan intended to eliminate the canal so that the normal and simpler well-septic arrangement would work for the development. It is the currently approved plan.

A parceling plan is implemented by the “serial parcel map” process, in which the larger development is accomplished by a series of parcel maps, each of which creates up to 4 lots. The first map creates 3 small lots and a remainder lot, then the second map splits the remainder lot into 3 small lots and a remainder lot, and the process continues until all lots are created. This process gets complicated when the development creates new roads.

Summary: The applicants propose to implement the parceling plan. But they have decided NOT to pursue the elimination of the canal. This creates an issue in this project, because the 1998 Parceling Plan does not consider the canal and cannot provide for well and septic locations that can work together for all the lots. The applicant has formally requested to use the 1995 Parcel Plan, and the submitted plans include a note to ensure that future development of individual lots will follow the well-septic layout.

This project will build 2 new road segments – one for Michelle Drive, and one for Dillon Road. One problem is that the canal cuts off a large part of the development from existing streets, thus bridges over the canal will be needed for both roads. The bridges will require approval by the US Bureau of Reclamation and the Truckee-

Carson Irrigation District, which will take a long time to obtain. The canal also cuts off the developable part of several lots from access to the road. So, a couple of lots will need a bridge crossing for their driveway, which will also need BOR and TCID approval. The canal bridges are an issue for this project because they might delay it for an extended period of time.

To deal with the bridge problem, the applicant has proposed to construct the development in 2 Phases. Phase 1 will be 2 maps (recorded at the same time) creating 6 lots that do not require building a bridge. They can proceed right away (build the road segment, record the lots, and start building homes) while the applicant works through the bridge permitting process. When the bridges are approved, Phase 2 can be completed which will be 5 maps creating 15 lots. For Phase 2, the bridges and roads will be built and all the remaining maps would be recorded (probably at once).

The 7 Parcel Maps will split the large lot into 21 lots. The average density will be 1 lot per acre, though the lot areas will be reduced by the area of adjacent road that will be dedicated to the County. The existing lot is vacant and does not have water rights. All 21 lots will be residential, which are allowed uses under the zoning code. The proposed development will have the same character as the existing neighborhoods to the west and south. The main consequence of the development will be more traffic and human activity in adjacent areas due to the new population passing through those areas.

The new lots will front on new extensions of Michelle Drive and Dillon Road, both of which already have 60' road easements. The new segment of Dillon Road will connect the existing paved portion (west of the property) with the existing dirt road portion (east of the property). This allows Dillon Road to form a substantial east-west corridor for this area of the County that can be further developed in the future. In addition, a road easement serving other lots to the north connects to the NE corner of the property and the Dillon Road segment. The County recommends dedication of the land within the Michelle Drive and Dillon Road easements so that the County has full ownership and authority of activities in the roadway. Acceptance of the offers of dedication should not take place until the last map, which means that the road segments serving the lots of each map are attached to the "remainder" lot of each map until they are separated by the final map (which shows the road as a single strip of land) and the road dedication is accepted by the County. At that point the road will also be built and ready for use.

Because Phase 1 will result in a dead-end road, a temporary turn around (cul-de-sac) will be needed where the canal crosses the road. This will result in one lot in Phase 1 that will not front directly on a paved road at the time of recording. The applicant has requested that the lot be temporarily allowed to take access using a gravel driveway so that the lot can be recorded and a home built while the roads and bridges are approved through BOR and then constructed – then it will be in compliance with the access requirement. This temporary turn around is also very close to the canal. The Fire Marshal requires it to be shifted to avoid being in the canal.

Phase 1 will result in a short segment of road approximately 300' long being constructed that reaches from the current end of pavement for Michelle Drive to the canal. CCC 16.16.010.7.B.1 requires that roads be constructed in segments no less than 500 feet long, unless approved by the Road Supervisor. The applicant has formally requested approval of the short segment of road. The Road Supervisor is willing to grant the exception, but only if the rest of the development is implemented in a single phase, which would be Phase 2.

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. Necessary easements exist or will be created.
- **Lot size and width:** The E-1 zone has a 1-acre minimum lot size. The proposed lots comply, though dedication of roads will reduce the lots below minimum. Minimum average lot width is 100', with a minimum width of 60.' The proposed lots comply.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below regarding public services. The proposed lots will use private sewer and water service. Certain on-site soils and high groundwater may exist in the area, and may pose problems for septic systems, but the lots should be large enough for find locations with suitable soils, and the soils don't have obvious problems. A new water well will be needed for each lot, and no obvious problems with water supply exist.

While there appear to be no limitations on the ability for well and septic to function on the new lots, there is a substantial problem with providing adequate separation between wells and septic systems because the canal forces those to be arrayed in different ways on the project lots. The 1995 Parceling Plan developed a layout of well and septic system locations along the canal that would allow all lots to be developable. But if some lots were developed that did not follow the plan, it could severely encumber adjacent lots or even render them undevelopable. Unfortunately, it is the 1998 Parceling Plan that is currently approved, and it does not account for the canal. The applicant has formally requested that the approved plan be reverted to the 1995 Parceling Plan. Approval of the proposed maps will require that this change back to the 1995 plan also be approved, and it is included in the motions for approval.

In addition, future implementation of the well-septic layout is very important during the development of the lots, which happens AFTER completion of the land division. Somehow future home construction needs to be monitored to follow the approved plan. Staff has recommended that prominent notes be placed on the map to ensure future developers, owners, and county permitting staff can more easily know of such requirements. These notes are included in the current maps.

- **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 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 6 lots will be required for Phase 1, and fees for 15 lots will be required for Phase 2. Fees must be paid before recording the 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 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 provide community sewer and water facilities. The initial approval for the project was given before such policies became applicable, and the approval deadlines have been consistently extended according to requirements. Thus, this project has vested under past laws and may proceed without meeting the Master Plan goals and policies.

2. *Compatibility with existing adjacent properties and uses.*

The proposal will result in a substantial increase of residential use and human activities compared to the existing vacant lot. But is nearly identical to the existing nearby development to the south and west. It will be a substantially increase in use intensity compared to the extremely low densities to the north and east, but those properties are largely vacant with only 3 residences located between 150' and 400' from the property lines. In addition, this development has been planned and repeatedly extended for a long time, and has been deemed acceptable. The project is generally compatible with other existing residential and vacant lands nearby.

It should be noted that survey stakes have not been set to preliminarily identify lot corners and road rights-of-way. But during a site visit, it appeared that the adjacent property owner to the north (bordering Dillon Road) might have their fence located on the McCreary property. When the strip of road land is dedicated to the County, the fence might be within the right-of-way. Any fences in the County right-of-way must be removed.

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

The creation of new development consistent with its longstanding approvals will not impact 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. Other public utilities (power and gas) do 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 Soda Lake Road and Roberson Lane. All nearby roads are County maintained paved roads that will not be overburdened, the new development will provide its own paved roads as well. The larger Sky Ridge development review included this development, and was reviewed by NDOT which required improvements to Soda Lake Road. Completing the segment of Dillon Road passing through the property will result in a full east-west corridor in the area, though the segment connecting to Soda Lake Road is still a dirt road. This segment is not adequate to serve the potential traffic generated by the project that may try to use the dirt road segment. It is recommended that a barrier be placed at the corner to prevent the use of the dirt road/driveway for access to Soda Lake Road. This barrier may need to be substantial and long to prevent drive-around vehicle movements, because the driveway/road is inset into the corner of the subject property.

The strips of land for Michelle Drive and Dillon Road are offered for dedication. 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 the map. The motion of approval needs to include these statements. It is recommended that the offers be rejected for all maps EXCEPT for the last map, when the entirety of both roads would be accepted. The road will remain owned by the applicant until it is accepted by the County.

While on-site roads are to be provided, there is one small segment of Dillon Road west of the property that may not be constructed yet before it reaches the property. This is uncertain because it may be constructed but covered by earthen piles used for road maintenance. This off-site segment (around 40-foot long) may need to be constructed along with the on-site roads.

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 - as provided below.**

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for 7 parcel map applications implementing a previously approved parceling plan on APN 008-174-84 which will create 21-residential lots thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

For DENIAL the motion should ADD:

Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the 7 parcel maps entitled 1st through 7th Parcel Map for Kim and Susan McCreary & Dan and Carrie McCreary to divide APN: 008-174-84 into 21-lots.
[For APPROVAL add] This approval is subject to conditions, as listed in the Staff Report.
 - (B) Authorized the development to use the 1995 Parceling Plan.
 - (C) Authorize Lot 27 to temporarily use a gravel driveway while the bridges and roads are authorized and constructed.
 - (D) ACCEPT the offer to grant easements identified on the map.
 - (E) REJECT the offer to dedicate lands and road facilities for Michelle Drive and Dillon Road on Maps 1-6, and
 - (F) ACCEPT the offer to dedicate lands and road facilities for Michelle Drive and Dillon Road on Map 7, and for any off-site road facilities for Dillon road that are constructed to provide a continuous road surface to the development.

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 development shall be constructed in 2 phases. Phase 1 shall consist of Maps 1 & 2, and shall be recorded at the same time. Phase 2 shall consist of Maps 3-7, and shall be recorded at the same time.
- 2) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.

- b) Roads serving the properties in Phases 1 and 2 shall be constructed or financially guaranteed before recording the maps for the applicable phase, except as stated in this decision for Lot 27.
 - c) Any off-site road segments needed to connect on-site roads to existing County roads shall be constructed with Phase 2 roads at the expense of the project developer.
 - d) As approved by the Road Department, the Phase 1 road segment may be less than 500 feet long, but all remaining roads shall be constructed with Phase 2.
 - e) The location of the Phase 1 temporary turnaround must be adjusted so that it is not located in the canal.
 - f) Any fences within the County right-of-way must be removed when adjacent roads are constructed.
 - g) The Road and Fire Certificate must include the paragraph classifying new roads.
 - h) Supplemental easements and driveway bridges needed to access the developable areas of Lots 26, 29, and 31 must be in place and/or constructed before recording the maps creating the lots.
 - i) Water dedication requirements must be met prior to recording the map.
- 3) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
- a) The triangular access easement to serve Parcel 26 shall be shown on both the 3rd and 4th parcel maps, and shall be 30' wide measured across the direction of travel.
 - b) The 7th parcel map shall show Dillon Road as continuous through the property rather than ending at Lot 38.
- 4) The development may not use the privately maintained dirt road/driveway easement for Dillon Road running eastward from the property to Soda Lake Road. Access to the road/driveway shall be blocked along both edges of the easement within the property by a substantial barrier/fence approved by the Road Supervisor. Fencing along the perimeter of the property in the area of the barrier may be necessary to prevent drive-around vehicle movements and shall be of a length deemed adequate by the Public Works Director.

<u>Consent Agenda:</u>

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

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

RECOMMENDED MOTION

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