

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

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

1. Call to Order.

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

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

Absent: Chair Deanna Diehl

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Associate Planner
Diane Moyle, Administrative Assistant

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.

Vice Chair Louis asked for any public comment.

Geoff Knell shared that in the Preamble of the Declaration of Independence it states, "life in pursuit and of property" and admitted that he was probably misquoting it. He said that this "Planning Commission shows itself like the North Koreans, the communist Chinese, Cuba, and the former Soviet Union and Angola. What right do you have to fine us and then take away our liberties to make decisions for ourselves? What he sees today is your following United Nations sustainable development plan. Did you know that?" He expressed that they have a freedom to make a choice for us. "We hire you. You work for us. But going around here and being property police and violating our Fourth Amendment is unconstitutional." He is using his First Amendment right to express himself. He complained that he has a problem with the government telling him he has to pay a \$250 fine when they shouldn't have even been on the property. They take a satellite picture, find a change on the property, and then decide that they need to investigate it. He believes this is policing and communist—"to control every aspect of our lives, and you're letting it happen." "People, wake up, this is unconstitutional what you are doing. There is no reason for it, except to take care of squatters." "Let's change the directions. Let's change an Amendment to the state, to amend their rules, to lessen the restrictions."

4. Verification of the Posting of the Agenda.

It was verified by Diane Moyle, Administrative Assistant, that the Agenda for this meeting was posted on the March 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.

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

Member Arciniega moved to approve the agenda as submitted. Member Getto 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.

Vice Chair Louis 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. February 10, 2021 Public Hearing

Member Arciniega moved to approve the February 10, 2021 minutes as written.

Member Getto seconded the motion and the decision carried by unanimous vote.

8. Old Business.

- A. Consideration and possible action re: A temporary use permit renewal application for temporary quarters while constructing a permanent residence filed by Gary Sinclair for property located at 1015 Dean Lane, Assessor's Parcel Number 008-532-40. The applicant stated that due to COVID-19 he had to use the money he put aside to keep his business open.

The applicant wasn't online or in attendance in the chambers.

Vice Chair Louis asked the commissioners whether they desired to table the item or make a decision based upon the information provided.

Member Yates stated that he believes it should be tabled to the next meeting, and Vice Chair Louis called for a motion.

Member Yates made a motion to table the renewal for the temporary use permit for temporary quarters during home construction for Gary Sinclair for property located at 1015 Dean Lane (APN 008-532-40) until the next meeting. Member Getto 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 hardship/caretaker filed by Peggy Ogden for property located at 7977 Reno Highway, Assessor's Parcel Number 007-271-57, consisting of 198.87 acres in the A-10 zoning district. The applicant proposes to place an RV on the property for her sister to reside so that the Ogdens can help take care of her.

Peggy Ogden and Brenda Ogden, 7517 Reno Hwy, explained that they wanted to get an RV hookup on their property for her sister-in-law so that she would be closer to them. They would like to live closer together so that they can look out for each other. Peggy Ogden shared that her daughter, Brenda Ogden, would probably end up being the caretaker for her and the sister-in-law.

Vice Chair Louis asked for any public comments; there were none. Therefore, she turned the discussion over to the commissioners. She then asked regarding the septic whether they were going to have it replaced or installed for the location where the RV will be parked. Ms. Ogden responded that they would have a new septic and further indicated that there is already a well located there. She has also spoken with the power company about getting another power line run to that area. Vice Chair Louis questioned if they had already obtained a permit for the temporary quarters, and Peggy Ogden wondered if the permit in question was the one that she is applying for at this time. It was explained that she would need to get a setup permit for the connections to the RV from the building department.

Vice Chair Louis 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 Hardship/Caretaker on APN 007-271-57, thereby meeting the criteria found in CCC 16.08.070(B)3, 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 approve the application for a Temporary Use Permit for Peggy Ogden to establish a Temporary Quarters for Hardship/Caretaker at 7977 Reno Highway (APN 007-271-57). This approval is subject to conditions, as listed in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. 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.*
- 3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.*
- 4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.*
- 5. This temporary use permit is subject to annual renewal providing proof that the need still exists.*

Vice Chair Louis thanked applicant and advised her that there is a ten-day appeal period and to contact the Department for further permitting procedures.

- B. Consideration and possible action re: A temporary use permit application for temporary quarters for a Commercial Watchman filed by Kelly Rogne of Silver Sage Horse Boarding for property located at 4755 Silver Sage Lane, Assessor's Parcel Number 006-811-60, consisting of 5.08 acres in the A-5 zoning district. The applicant proposes to have a watchman reside in an RV on the property to provide 24 hour onsite care for the animals.

Kelly Rogne, 4755 Silver Sage Lane, stated that they have 24 horses out there. Dan House, who is currently helping her out during the nighttime watches of the horses, would be the one living in the RV. She has another business that she is at during the day and is gone a lot, so she has been having Mr. House care for the horses during the day as well. He also works with the vet because a lot of the horses take medication.

Vice Chair Louis asked for any public comments; there were none. Therefore, she turned the discussion over to the commissioners. Vice Chair Louis questioned if they already have an RV set up for him. Ms. Rogne verified that they do. Vice Chair Louis confirmed that they have it connected to sewer, water, and electricity. Ms. Rogne replied that there was already a setup there when she purchased the property.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for the application for a Temporary Use Permit for a Temporary Watchman's Quarters on APN 006-811-60, thereby meeting the criteria found in CCC 16.08.070(B)2, as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Silver Sage Horse Boarding to establish a Temporary Watchman's Quarters on APN 006-811-60. This approval is subject to conditions, as listed in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The temporary quarters must comply with Churchill County Code.*
- 2. All required Building Department approvals and safety certificates must be obtained within 90 days of approval. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections.*

3. *The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the business's water well, power supply, and septic system to the extent possible.*
4. *Once the **watchman** is no longer needed or no longer living in the RV, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Vice Chair Louis thanked the applicant and advised them that there is a ten-day appeal period and to contact the Department for further permitting procedures.

- C. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Debra Suzette Timerson for property located at 950 S Taylor Street, Assessor's Parcel Number 008-911-11, consisting of 1.9 acres in the C-1 zoning district. The applicant proposes to reside in an RV on the property to help care for Celesta Hall, who resides in the home on the property, which also has several RVs and mobile homes onsite.

Chris Spross, Director, shared a letter that was received prior to this hearing from Celesta Hall indicating that Ms. Timerson was not her caregiver at this time. Vice Chair Louis, in response to the letter presented, asked if anyone wanted to make a motion to deny the permit. Commissioners questioned if Ms. Timerson was at the hearing, and she came forward to speak.

Debra Suzette Timerson, 950 S Taylor Street, explained that she has been helping around the trailer park, cleaning it up, and her dad, who resides in one of the mobile homes on the property, does work for Ms. Hall also. Vice Chair Louis asked if she was the caretaker for Celesta Hall, and Ms. Timerson answered that she does stuff for her. Vice Chair Louis then inquired why Ms. Hall would send in the letter that was read into the record. Ms. Timerson indicated that she didn't understand why Ms. Hall did that. Vice Chair Louis asked if she had been there very long. Debra Suzette Timerson and Larry Marshall (Space #9) stated that they had been there for about 90 days.

Vice Chair Louis asked for any public comments. Diane Moyle remarked that this is an old trailer park that lost its pre-existing nonconforming use when it closed in 2008, and it is no longer considered a legal trailer park or RV park. This is why they were sent a letter asking about the purpose of the RV that was added to the property. They came in to tell us that she was acting as a caregiver for Celesta Hall, who is the owner of the property and living in the home. This is just a historical background and statement that it is not a legal trailer park and cannot be used as one.

Vice Chair Louis turned the discussion over to the commissioners.

Member Bunyard verified that Ms. Timerson said that they had been there for 90 days, and questioned whether they were paying rent, and whether she moved her RV onto the property or moved into an existing one? Debra Suzette Timerson said that she moved into an existing space. Member Bunyard restated what he understood is that she moved her RV into an existing space. He also remarked that this is no longer an RV park, and Ms. Timerson and Mr. Marshall concurred that it isn't. Mr. Marshall responded that they were invited to live there, and they just pay for their electricity. Mr. Marshall indicated that he is Ms. Timerson's father and he reads the meters. They are there to just help Ms. Hall out around the property, keeping things cleaned up. He said that only he and one other resident are living in the trailers on the property, who are both elderly men. He stated that they help Ms. Hall with things at her house and the property.

Member Nelson questioned how many active residences are on this property, and Diane Moyle replied that there is the house and then there were, at the end of 2008, three trailers. One of the trailers was empty or not able to be lived in as far as our office understands, and there were two other trailers. At that point, the department was under the impression that everyone had left that owned trailers because Ms. Hall provided the office with a copy of the letter that she gave to the tenants to move out, and that the last two trailers belonged to Ms. Hall. This was considered like some other residential situations throughout the county where there is more than one residence on a parcel and were considered pre-existing, nonconformance. Ms. Hall was not able to operate a legal mobile home park after 2008. It's

been more than 365 days and she cannot open as a legal trailer park at this time in the condition that it is in. Member Nelson then asked Ms. Timerson if they brought another trailer in when they came. Ms. Timerson informed that it was her 5th wheel RV.

Member Arciniega questioned if Celesta Hall was living in the house, and it was stated that she is. Member Arciniega asked if there were two occupied trailers from the original trailer park and now an RV on the property that is being occupied. Chris Spross verified this to be correct. Member Arciniega explained his understanding that Mr. Marshall lives in one of the trailers, another gentleman lives in another one of the trailers, there is an empty trailer, and now there is a caregiver trailer/RV. Is this right? Chris Spross responded in the affirmative.

Member Yates inquired if this property is zoned for commercial use, and it was indicated that he was correct. Chris Spross said that it is zoned C-1.

Member Getto stated that they have the letter from Ms. Hall saying that Ms. Timerson is not her caretaker, but in the application Ms. Timerson states that she is. What is the situation there? Ms. Timerson answered that she does things for Ms. Hall. She helps clean the property, and if Ms. Hall needs an errand run, she will go and do that for her. They help her with repairs and such.

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

Member Bunyard asked for clarification from Ben Shawcroft, Deputy District Attorney—Civil. There is an application for a temporary use permit for a caregiver and then we have a letter from the owner saying that the applicant is not a caregiver. He wasn't sure what they should be recommending or doing with this. How would we go about that? Ben Shawcroft informed that the role of the board under these situations is to determine based upon the evidence provided to you whether or not they qualify for a temporary use permit. Since it is being applied under a caretaker, you have to decide if the evidence presented is enough for them to grant that considering the conflicting evidence that is presented to you. Mr. Shawcroft wonders if Ms. Hall realizes that by submitting that letter and running the risk of the permit being denied that Ms. Timerson is going to have to move. He asked Ms. Timerson if she has had any conversations with Ms. Hall about this. Ms. Timerson indicated that she has not, and Mr. Marshall replied that he was not aware of the letter. Ben Shawcroft explained that Ms. Hall may be a very independent person and not want to think that she has to have care from anybody even though she is receiving some care. He shared that Dean Patterson, Associate Planner, had questioned whether this should be tabled until they could get some more information from Ms. Hall. That is an option if the board would like for staff to look into this a little more and explain to Ms. Hall that Ms. Timerson will have to move if the permit is denied, which is a probability based upon the letter that she sent. Dean Patterson remarked that this is an application for a planning permit, and we always require that the landowner be willing to undertake this application, so if Ms. Hall is not willing to take this application, it is kind of hard for the commission to approve it. If there is still some discrepancy or Ms. Hall didn't really understand the application, they may wish to table it just to get some clarification. Otherwise, it seems that it can't be approved right now. Ben Shawcroft pointed out that even though they are not paying rent and only pay for the electricity that they use, it still appears like a mobile home park; and the fact that she is allowing others to bring their RVs onto the property into a space makes it seem that she is still treating it like a mobile home park, which she cannot do. Mr. Marshall stated that the trailers that on the property are Ms. Hall's trailers—she owns them. Mr. Marshall said that Ms. Hall uses a walker to get around all of the time, and she has all kinds of healthcare workers coming to the home. Ben Shawcroft suggested that if Ms. Hall is not willing to accept that they may be a caretaker, then they may need to look for another place to put the RV.

Chris Spross pointed out also that Celesta Hall did sign the application when it was submitted, and so he agrees with Ben Shawcroft that there may be a misunderstanding. He suggested that this be tabled until there is more clarification that can be made. Member Arciniega verified that should they act on this permit application it would only affect the RV as needing to be removed from the property, which is what Ms. Timerson uses for a residence. This would not affect the trailer where Mr. Marshall resides. Is that correct? This was confirmed.

Vice Chair Louis called for a motion to table this application.

Member Bunyard made a motion to table the item for a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-911-11 to the next meeting. Member Getto seconded the motion and the decision carried by unanimous vote.

Ben Shawcroft explained that the burden of proof is upon Ms. Timerson to make the case for approval of the permit. He suggested that they speak with Ms. Hall and try to get everything worked out and cleared up. He also recommended that they go back to the department to discuss this prior to the next meeting, so that there are answers ready.

D. Consideration and possible action re: A special use permit application for an equipment and vehicle repair business and a septic services business filed by Richard Myers for property located at 3505 Pflum Lane, Assessor's Parcel Number 006-331- 59, consisting of 10.0 acres in the A-5 zoning district. The applicant proposes to operate these businesses from the shop building on the property.

Richard Myers, 3505 Pflum Lane, said that he wants to run a mobile repair facility and a septic service business from this location.

Vice Chair Louis asked for any public comments.

Ken Edgmon, 3149 St Clair Road, expressed his concern about the amount of traffic generated by this business. This road is a gravel road, and there are a lot of houses in the area that are built close to this road. A large portion of the traffic on this road results from that business, and he believes that they have been operating there for about a couple of years now. There are quite a few vehicles that seem to be accumulating on the property. He thinks that until something is done with that road, repaved maybe like it was previously, a business shouldn't be considered. It is zoned for agriculture.

Drew Dahl, 3086 Pflum Lane, said that the county does maintain the road; however, the bridge is only about 20 feet wide, and if there is going to be heavy equipment and trucks going back and forth, he is concerned that the bridge may not be sufficient for these. He noted that the county had previously paved the road, but it is mostly degraded now. If this business is going to happen, he believes that the bridge would need to be widened, since it doesn't meet the standard for a county road, and pave the road. Then you would have to change the zoning, obviously. He thinks there are quite a few hurdles that need to be taken here before this should be approved.

Chris Spross reported that the office received a letter that he read into the record. The letter indicated that they were not in opposition to Mr. Myers obtaining a special use permit; however, they expressed concern over the potential for increased traffic on Pflum Lane where they live. It was stated that there is a posted 35 miles per hour speed limit sign, and they wanted to encourage Mr. Myers to make his clients, patrons and employees to be aware of the speed limit and be cautious while driving. They would like there to be an added measure of mindfulness for children that may be playing in or near the road. When vehicles follow a slower speed limit it also helps keep dust down on the road as it is not paved.

Vice Chair Louis turned the discussion over to the commissioners.

Dean Patterson, Associate Planner, asked Chris Spross, Director, if he had a chance to speak with the Road Supervisor about Pflum Lane. Mr. Spross replied that in the staff report it is written that this is not a county maintained road; however, it was verified that this is a county maintained road. It was chip sealed at one point in time, and that chip seal fell apart, and so the county road department brought in some asphalt grindings to try to rehabilitate that road. Dean Patterson then, based upon this information, pointed out that on the recommended conditions if approved there was something regarding maintenance costs and the extra burden of maintenance would not apply now since it is maintained by the county. Also, if it is to be approved, he recommended that they remove condition 4.

Member Bunyard asked Mr. Myers to elaborate a little more on the waste collection business

that is in the application. Richard Myers said that it is a septic service with portable toilets and septic tank pumping and disposal. Member Bunyard inquired if all of that would be housed on this property. Mr. Myers responded that it would be the vehicles and equipment only. He reiterated that he considers both of the businesses as mobile. They don't get clientele there. Member Bunyard questioned if he would keep the portable toilets and septic pump trucks at this site, and Mr. Myers agreed that he would. Member Bunyard inquired about how much traffic would be anticipated with these businesses or with people coming to get a portable toilet. Richard Myers stated that no one comes to get the portable toilets as these are delivered. Member Bunyard said that this property is zoned A-5 for agriculture, and he asked if this type of business would require a commercial zoning. Dean Patterson stated that waste collection businesses are limited to commercial and industrial zoning, and possibly could be allowed in RR-20. He further reported that one of the things that was pointed out in the staff report, for Mr. Myers benefit, is that A-1 Septic had been operating in the county for a long time, and Mr. McCarter has recently retired. His operation was on the Reno Highway in the appropriate zoning, and he suggested that Mr. Myers contact Mr. McCarter about his property and possibly his equipment. Mr. Myers stated that he had inquired previously and was told that it wasn't zoned correctly, and then he asked if the mechanical work would be permitted in that zoning as well. He said that he was told that everyone wants his types of businesses on C-2 or Industrial zoned properties. Dean Patterson responded that he didn't have his code book at the meeting, but he believes that these uses could be permitted in C-1. Diane Moyle remarked that she wasn't sure what the zoning was for the parcel, and she clarified that Mr. McCarter had operated his septic company from that location for a number of years. Dean Patterson then said that this should be a suitable location. Richard Myers verified that Mr. Patterson was talking about the septic service, and Dean Patterson replied that was correct and that it should also work for the mechanical as well. He said that he would check on that in the office, and they could talk about it. Richard Myers pointed out that there are no buildings on this site and nothing to really work with there.

Member Bunyard noted that the waste collection is one aspect of the special use permit and the other aspect is the mechanical repair business is separate. He asked Mr. Myers if people bring him their vehicles and equipment, or is it just equipment. Richard Myers responded that it is whatever they want to have fixed. Sometimes they bring it out there and most of the time they go to them. Member Bunyard inquired how much equipment or vehicles would be on the property that they might be working on. Richard Myers said that the ones they have in the shop is stuff you can't do out in the dirt. Member Bunyard noted that in the Staff Report and according to public comment there were quite a few vehicles that were parked outside of the building. Are those vehicles that belong to him or are they there to be repaired? Mr. Myers remarked that they are probably referring to the tenant that lives in the house because he likes junk vehicles.

Member Arciniega questioned if Mr. Myers currently lives at this property. Richard Myers corrected that he lives off of Verona in the Onda Verde development. Member Arciniega then asked if he was operating this repair business at 3505 Pflum Lane, and Mr. Myers responded in the affirmative. Member Arciniega inquired how long he has been doing this. Richard Myers stated that it has probably been a little over two years. Member Arciniega asked if he has kept any records or has any thought as to how much traffic is generated through this business on this road. Mr. Myers responded that their trucks go out maybe once or twice a day. Once they go out, they generally don't come back until late in the day. Member Arciniega then questioned about the equipment that comes to this site and whether it was housed inside the building or left outside. Mr. Myers agreed that some vehicles or equipment are brought to the site due to the customer's preference. Some people want to bring it to them. Some things break where they are located, so they have to go where the equipment is located to fix it. Member Arciniega then verified that this is not a home based business. There was no response from the applicant. Member Arciniega stated that for the purposes of this Planning Commission meeting tonight the septic business is not a part of this because in the A-5 zoning district it is not allowed. Dean Patterson confirmed this to be accurate. Member Arciniega then asked if they were only to consider the repair business for this application. Dean Patterson further remarked that Mr. Myers wanted to know if he

would be permitted to do auto repair in the C-1 zoning district, and they were able to look it up through the internet and it would be an allowed use. Member Arciniega inquired if Mr. Myers was okay with not operating the septic business out of this site. Richard Myers said that he doesn't have the capital to open up and go buy a commercial property when he doesn't really need commercial property. Member Arciniega reiterated that the septic business is not allowed in that zoning district. Mr. Myers confirmed that he understands what he is being told, but he doesn't understand why it isn't. It is just vehicles with tanks on them and portable toilets. He doesn't see the harm in those being on property in the A-5 zoning district. It isn't like they are disposing of the waste there. Member Arciniega restated that waste collection services are not allowed in the A-5 zoning. Mr. Myers continued to say that he doesn't understand why. Dean Patterson interjected that a lot of the A-5 zoning is actually residential lots. One of the subjects in the Master Plan is discrepancies in the zoning districts, which over many years a lot of the A-5 zones have been chopped up into small hobby farm lots, and it is almost more residential than agriculture in many places.

Member Nelson read one of the recommended conditions if approved, which states that outdoor storage of inoperable vehicles requires them to be inside of a visually screened vehicle storage yard. Another condition says that this special use permit is limited to a mobile vehicle repair service. Any vehicles repaired at the site must be transported by the business and not the customer. Converting the operations to allow customer drop off and pick up will require a new permit to address vehicle storage and traffic impacts to the neighborhood and road. He asked Dean Patterson if the application they are considering tonight would not include any of these activities. Mr. Patterson responded that it would depend on how the members felt about these. They can change any of those that they like. He gave an example where they learned only within the last couple of days that the county is not a maintenance issue, at least not as a burden to other landowners along Pflum Lane. If you felt that was adequately covered, then you could change the conditions for approval to allow these other things. Member Yates then questioned Dean Patterson about the change for the condition to the road wouldn't really address the problems with vehicle storage or additional traffic for customers bringing their vehicle or equipment to the shop. Mr. Patterson responded that if they chose to allow customer traffic with the permit, it would increase the number of trips per day on the road. If Mr. Myers wanted to identify his vehicle storage yard and provide the screened storage, you could amend that condition as well.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for the application for a special use permit on APN 006-331-59, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Yates seconded the motion and the decision carried by a vote of five in favor (Members Arciniega, Bunyard, Getto, Louis, and Yates) to one against (Member Nelson).

Member Getto, based on the previously adopted findings made for this project, moved to approve the special use permit application for Richard Myers to establish a Vehicle and Equipment Repair business at 3505 Pflum Lane (APN 006-331-59). This approval is subject to conditions, as listed in the Staff Report, remove Item 4 from those listed conditions, and also to exclude the septic services business. Member Yates seconded the motion and the decision carried by a vote of five in favor (Members Arciniega, Bunyard, Getto, Louis, and Yates) to one against (Member Nelson).

Recommended Conditions:

- 1. The site must be constructed and operated in conformance with County Code and building permit requirements.*

- a. *Outdoor storage of inoperable vehicles requires them to be inside a visually screened vehicle storage yard.*
2. *State and federal permits and requirements shall be maintained in good standing.*
3. *This SUP is limited to a mobile vehicle repair service. Any vehicles repaired at the site must be transported by the business, not the customer. Converting the operations to allow customer drop off and pick up will require a new SUP to address vehicle storage, and traffic impacts to the neighborhood and road.*
4. *This permit is subject to annual review by the Planning Commission until such time as it determines annual review is no longer needed. Annual review will review the project to ensure compliance with code requirements, conditions of approval, and unforeseen impacts resulting from unclear information about the project.*
5. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Vice Chair Louis thanked the applicant and advised them that there is a ten-day appeal period and the Department will contact you to complete the process.

- E. Consideration and possible action re: A special use permit application for off-site outdoor storage filed by Randy Terrel for property located at 4525 and 4565 Beacon Way, Assessor's Parcel Numbers 008-472-26 and 008-472-37, consisting of 2.96 acres and 1.84 acres respectively in the C-2 zoning district. The application proposes to use the property for unloading, storage and loadout of hay and storage of other equipment for the business.

Dean Patterson asked to check the Zoom Meeting for Mr. Terrel online, and Diane Moyle noted that there was no one by that name on the list of participants.

Mike Munoz, 3376 Weaver Road, stated that he was at the meeting to represent Randy Terrel.

Vice Chair Louis asked for any public comments; there were none. Vice Chair Louis asked Mr. Munoz to explain what is proposed. Mike Munoz shared that Randy Terrel has a trucking company that brings in hay from a farm in Antelope Valley, and then they transfer the hay from the flatbed trailers to van trailers and take it to California. Vice Chair Louis turned the discussion over to the commissioners.

Member Bunyard inquired about the approximate number of trucks per day are going to this site. Mr. Munoz replied that it is about twelve trips per day-twelve trucks come in and leave.

Member Yates asked Dean Patterson regarding the reason for the special use permit and if it was related to the fact that portion of one of the properties is partially zoned A-5. Mr. Patterson noted that there are two parcels. The south parcel is zoned C-2, and the larger property to the north is zoned C-2 south of Glacier and A-5 to the north. There won't be any operations in the A-5 area. The reason for the permit is because there isn't a business office, and it is just outside storage. If all of the storage was inside of a building, a permit would not have been required. Since it is outside storage, it requires the permit.

Member Arciniega pointed out to Mike Munoz that there are some recommended conditions as part of the motion to approve. He asked Mr. Munoz if he knows that Mr. Terrel is aware of these things. Mike Munoz responded in the affirmative and further stated that Randy Terrel plans to address all of those conditions. He said that the construction material that is on the site will be removed, and he will get a permit from the road department to install a couple of paved approaches on the properties, so that they don't damage the existing asphalt.

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

Member Yates, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for the application for a special use permit on APN 008-472-26 & -37, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Getto 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 approve the special use permit application for Randy Terrel to establish an Off-Premises Outside Storage site at 4525 & 4565 Beacon Way (APN 008-472-26 & -37). 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 site must be constructed and operated in conformance with County Code and building permit requirements. No more than 4 storage containers may be placed on-site.*
- 2. The site must be kept tidy and weeds controlled. Outdoor items and equipment must be arranged in neat rows or groupings. No other landscaping is required.*
- 3. Material storage (mainly hay) must be placed outside the irrigation drainage easement and other easements, and outside setbacks from property lines.*
- 4. View obscuring fencing is not required for storage of hay or vehicles, but is required for storage of other materials. The existing material storage must be removed or screened.*
- 5. The applicant shall obtain any necessary road approach permits or approvals from the Road Department; and shall install paved access aprons to Road Department specifications.*

Vice Chair Louis thanked Mr. Munoz and advised that there is a ten-day appeal period and the Department will contact Mr. Terrel to complete the process.

- F. Consideration and possible action re: A special use permit application for a railway transloading facility filed by Fernley Business Park, LLC, for property located at 11000 Reno Highway, Assessor's Parcel Numbers 009-251-77 and 009-251-78, consisting of 105.61 and 58.18 acres respectively in the Industrial zoning district. The applicant proposes to expand rail sidings and transloading operations (loading to and from trucks and railcars) at the facility.

Tom Messmer, on behalf of Industrial Realty Group, they own the business park, and he is from Orange County, California. He stated that for years this has been a very small scale rail operation. Years ago, there was asphalt transloaded from railcars into storage tanks onsite. That hasn't gone on for a number of years, and in fact those pipes have recently been removed. Still active is the transloading of propane from propane railcar tanks to fixed tanks on the property, and then from those fixed tanks into trucks to be distributed about the area. They purchased the property and have taken on some customers in hopes of growing the property. They are handling perlite and some animal feed/cattle feed. They will soon be handling some lava rock for landscaping use. Transloading is basically transfer loading, which was stated correctly on the agenda. It is either brought in by truck and loaded into railcars, or it comes in by railcar and is loaded onto trucks. He gave an example of perlite coming in as an ore from New Mexico, is transferred into tanker cars, gets taken up to DicaPerl to be processed into the final product and brought back. It is transferred from the trucks into railcars and then is shipped up to the Pacific Northwest as final product. Lava rock will come in having been mined relatively locally, transloaded into railcars, and shipped to the northern Michigan peninsula to be used as wholesale landscape material. They are handling one to two cars at a time today. One railcar turns into three truckloads, and three truckloads become one railcar load.

Vice Chair Louis asked for any public comments. Chris Spross noted that there were a couple of people online that may want to say something. Bruce Breslow shared his support of this project. What they are asking for now is to improve upon a use that has already been granted here. The opportunities for some major economic development in the future and changes that you will probably see down the road are fantastic with this company. Speaking from a Churchill/Fallon Economic Development

standpoint we really support this. Vice Chair Louis asked if there were any other public comments on this item, and there were none. Therefore, she turned the discussion over to the commissioners.

Member Yates asked Mr. Messmer regarding the extensive list of recommended conditions in the Staff Report if he had read through those and felt comfortable with them. Mr. Messmer confirmed that he had read through them, and they are comfortable with them.

Vice Chair Louis 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 the application for a special use permit on APN 009-251-77 & -78, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the special use permit application for the Fernley Business Park to establish a Rail-Based Industrial Park at 11000 Reno Highway (APN 009-251-77 & -78). Member Arciniega seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. Ownership and parcel lines. This permit allows operation of the rail yard across parcel lines. Neither building construction nor material storage is allowed within required setbacks. If parcels are sold so they are under separate ownership, this permit will be void and a new permit must be established to address the new ownership and operation changes.
2. This permit authorizes the reconfiguration of the rail spur and expansion of the transloading areas along the tracks within the limits listed below. Other construction, uses, and use areas will require an additional SUP.
 - a. No structures shall be constructed on the site. The exception is that minor structures deemed needed to facilitate transloading operations may be authorized at the discretion of the Public Works Director. Examples include loading ramps, docks etc.
 - b. Transloading shall be undertaken by mobile equipment and vehicles, except as noted under item (a), and except for the existing propane transloading facility.
 - c. Materials may not be stored on site, except within trucks and railcars, and except for small instances of temporary storage deemed acceptable by the Public Works Director. Examples may include transitory gravel stockpiles needed to facilitate loading and unloading operations.
3. When instances that are allowed by approval of the Public Works Director are planned, they must be submitted in writing for consideration.
4. Dust shall be controlled by providing a paved or all-weather gravel surface in the transloading areas, and on all driving paths used to access those areas.
5. The main driveway shall be maintained as a paved driveway. In addition, any segments of unpaved driveway shall be paved.
6. The project shall obtain all required authorizations or renewals from NDOT regarding the site access, and must install any required improvements.
7. The site must be constructed and operated in conformance with County Code and building permit requirements, and any state and federal permits and requirements; including but not limited to:
 - a. Outdoor storage setback and stacking requirements, including for the lot line between the two properties, and other code limitations.
 - b. Proposed signage along the highway and driveway shall meet Lyon County or Fernley signage standards.
 - c. New lighting placed within the site shall meet the Churchill County Code dark skies standards

- to direct lighting down, and screen it from upward or horizontal projection.*
- d. Any grading permits needed for grading the transloading area shall be obtained.*
8. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Vice Chair Louis thanked the applicant and advised them that there is a ten-day appeal period and the Department will contact you to complete the process.

Vice Chair Louis took Action Item A out of order and heard it prior to Public Hearing Item G.

G. Consideration and possible action re: Churchill County Master Plan 2020:

a. Presentation, discussion and action on the 2020 proposed Master Plan.

The proposed Master Plan includes the following elements: Chapter 1. Housing & Population, Chapter 2. Education, Chapter 3. Conservation & Natural Resources, Chapter 4. Hazards & Hazard Mitigation, Chapter 5. Historical Preservation, Chapter 6. Economic Development, Chapter 7. Recreation, Chapter 8. Transportation, Chapter 9. Public Services & Facilities, Chapter 10. Open Space, Chapter 11. Land Use, Chapter 12. Policy Plan for Public Lands. Revisions have been made to all Sections EXCEPT Chapter 12. Policy Plan for Public Lands, which will be updated at a future date.

The Master Plan provides the vision and goals for our community, promoting smart growth, and a strong and diversified economic base through programs and policies. Public input is invited and encouraged.

b. Resolution 17-2020 adopting the 2020 Churchill County Master Plan.

Vice Chair Louis asked for any public comments.

Geoff Knell stated that he reviewed the master plans from the previous years. He expressed his opinion that they are following United Nations to eliminate our country, to make it totally under control. He wants the commissioners to understand that their evaluation of the 2020 plan they are following, not yours, but a master plan brought down to you, and to force you to follow a certain plan, causing more restrictions, direction and power. He asked that they table this and revise it for the people, not for the total government control. Vice Chair Louis thanked him for his comment, and then she turned the discussion over to the commissioners.

Dean Patterson, Associate Planner, asked for a little guidance from the commission about what they would like to hear about the master plan tonight. The Planning Commission has spent over a year, and although there are new commission members, the commission as a whole has seen all of the different parts including all of the edits to the different chapters in separate meetings. If the commission would like, he could speak in detail about some of the changes or just answer questions.

Diane Moyle, Administrative Assistant, remarked that the Planning Commission and department staff have had multiple public hearings where the public was invited to attend. Certain people have made comments that have been included. This all took place for a year and a half prior to COVID-19. We've taken all of the comments and things that were provided to us over that time period and incorporated those in the plan that you have before you.

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

Member Getto moved to approve the final draft of the 2020 Update of the Churchill County Master Plan. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Member Getto moved to approve Resolution 1-2021 and forward it to the Board of County Commissioners for their consideration. Member Arciniega seconded the motion and the decision carried by unanimous vote.

9. Action Item.

A. Consideration and possible action re: A parcel map application for Cluster Development Parcel Map 3 filed by Hyde Homes LLC for property located off Schindler Road, Assessor's Parcel Number 006-451-18, consisting of 47.87 acres in the A-5 zoning district. The applicant proposes to split the parcel into two lots.

David Crook, Surveyor with Lumos & Associates, stated that he was representing Mr. Hyde for this map and was available to answer any questions that the commissioners may have.

Vice Chair Louis asked for any public comments; there were none. Therefore, she turned the discussion over to the commissioners.

Member Bunyard said that it looks like the parcels were shifted over to create an easement through the middle and asked if that was correct. David Crook stated that the easement exists and was granted on the first map of this cluster development. That easement is already there, and this map just creates Lot 1 as noted on the map displayed on the screen and included in the application.

Dean Patterson, Associate Planner, wanted to verify with David Crook that the recommended conditions of approval were understandable. David Crook answered in the affirmative and explained that they are already working on those trying to determine how and if those easements were abandoned, and if not, the process to get them done. That is the main thing that they have left on these. Dean Patterson informed that one of the needs is to clarify some irrigation easements that run through the properties and ensure that they were actually abandoned. On previous maps they indicated that these were going to be abandoned; however, we cannot find records where this was completed. He further noted for the commissioners on the motion for decision as it relates to the road. Basically, you have an existing road easement that was established previously, so county practice is that when a county road is going to be established, they want the land to go with the road. In this case that can't happen because the land belongs to other parties and not to the applicant, so he can't offer to dedicate the road. On the other hand, the agricultural lot needs to have frontage on a road, so that means that a road needs to be built to the large lot. That is something that the applicant has already done. He has been working on this while preparing this proposal, and since it is a very large lot, it doesn't need to be paved and he is providing a gravel road to the large lot. He noted the "hammerhead" on the map displayed on the screen designating a road easement that will eventually be a road for homes. When the homesites get made that road will also have to be built and will have to be paved back to the Schindler Road. He just wanted to give the commissioners a little background so that they can better understand the suggested motion.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for an application for a Parcel Map on APN: 006-451-18 to split the lot into two parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to:

(A) Recommend that the Board of County Commissioners APPROVE the Parcel Map permit application for Hyde Homes LLC to divide APN: 006-451-18 into two parcels. This approval is subject to conditions, as listed in the Staff Report.

(B) Recommend that the Board of County Commissioners ACCEPT the offer to grant easements identified on the map.

(C) Recommend that the Board of County Commissioners REJECT the offer to dedicate lands and road improvements for Merrel Street at this time.

(D) Recommend that the Board of County Commissioners APPROVE the request to waive the water dedication requirements. Member Yates seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1) 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, dedicate land, and dedicate facilities.
 - b) Making changes to the Owner Certificate to offer to dedicate lands as noted on the map.
 - c) Add a label that offers to dedicate the improvements (road) for Merrel Street.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Resolve the status of the irrigation easement passing through the middle of Lots 1, 2, and 3 of the Cluster Development.
 - b) Resolve the status of the irrigation easement running along the north and east lines of the original farm lot that the Cluster Development was created on.
- 3) Water dedication requirements must be met prior to recording the map.

10. Public Comment.

Vice Chair Louis asked for any public comment.

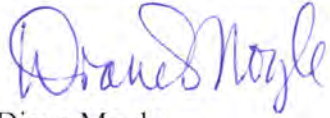
Geoff Kneill said "Civics, a Declaration of Independence, a Constitution and Amendments, and Federal Papers." He said, "What have we done? People have been conditioned through the school system and they think that on the surface it looks good, but they don't go deeply in the research and to better define it. Is it worth or does it better our culture in society?" He goes to the County Commissioners' meetings, School Boards, and other kinds of boards and stuff. He tries to speak, but no one wants to listen. "Referring to the First Amendment, how do we address the government if you don't listen to your constituents?" He went to the School Board today and they are enforcing communism and they don't even know it. Falling on deaf ears. "Young man (pointing toward Member Getto), you are one that voted on it, but you want to take my advice because I'm a constituent and you work for me. But you go ahead and do it anyway. Not to pick on you, it's just the influence that everyone gets involved in." He continued, "I understand that you've got your 'legal obligations', but it is we the people." Our Tenth Amendment says to give the sovereign to the state or the people. "I am 'or the people', and you are supposed to listen to your constituents; not follow the state's plan because what they do is move things along the party line—Democrat, Republican, whatever. And they do it deliberately to destroy this nation." He said that he has nothing personal against them [the commissioners], but it is with the system. Our Constitution is being dissolved little by little, and you are letting it happen; you do not identify with it. It is sad. He wants to encourage the commission to rethink what they have just done. You just proved from higher up and down to this, and it is supposed to be the other way. It is we the people to govern you; to keep you under control—not from the top down. He shared what a Constitutional lawyer said, "The proper order is God, man, society, and then government." Now we have anti-Christ spirit, government, man and society, and then God. Where is the standard of this nation? In the Preamble of the Declaration of Independence it says that we are endowed by our creator. He encouraged them to think before you react because these legal means are not of God, and not allowing you to think independently to make your own decision and my decision. Vice Chair Louis thanked him for his comments.

11. Adjournment.

There being no further business to come before the Planning Commission, Vice Chair Louis adjourned the meeting at 8:17 p.m.

12. Appendix.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Diane Moyle". The signature is fluid and cursive, with the first name "Diane" and last name "Moyle" clearly distinguishable.

Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
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STAFF REPORT FOR PLANNING COMMISSION MEETING – March 10, 2021

Prepared March 3, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

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

• Ogden TUP for Temporary Quarters for Hardship/Caretaker	Page 2	No Site visit
• Silver Sage TUP for Temporary Quarters for Commercial Watchman	Page 4	No Site visit
• Timerson TUP for Temporary Quarters for Hardship/Caretaker	Page 6	No Site visit
• Myers SUP for Vehicle Service/Repair and Waste Collection businesses	Page 8	No Site visit
• Terrel SUP for unloading, storage and loadout for hay business	Page 13	No Site visit
• Fernley Business Park SUP for transloading operations	Page 17	No Site visit
• Hyde Homes, LLC Cluster Development Parcel Map 3	Page 23	No Site visit
• 2020 Master Plan Update	Page 27	No Site visit
• Consent Agenda	Page 28	No Site visit

PC Members Present

Deanna Diehl
Zack Bunyard

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle

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 Hardship/Caretaker</u>
Applicant:	Peggy Ogden	Owner:	Peggy Ogden
Site:	7977 Reno Highway (APN 007-271-57) – 198.87 acres		
Designations:	Master Plan – Urbanizing // Zoning – A-10/C-2		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place a 2021 RV on the property. Kathleen Craig is elderly (70+ years old), though no documentation has been provided, and needs to be near family for help with daily living. She will live in the temporary quarters. Peggy Ogden and her daughter (in farm labor TUP quarters) will be the caretakers who already live on-site.

The lot is a large roughly rectangular farming lot. There is a strip of C-2 zoned land along the highway frontage. Some commercial lots have been split off along the west side of the highway frontage. These lots are on high ground, and the proposed temporary quarters will also be in this area. The RV will be located behind the Menesini propane and fuel delivery service business.

The RV will be placed near an existing barn and well. Access will be from a driveway between the Menesini property and the adjacent trucking business. The site plan indicates the RV will use the existing well, but will need a new septic system and power line installed. No permits have been obtained for the new quarters yet. A variety of utility easements exist on the larger property according to the GIS system, but none are near the proposed quarters location.

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

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

The application indicates the person needing care is over 70 years old and is considered aged.

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 Hardship/Caretaker on APN 007-271-57, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3, 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 Peggy Ogden to establish a Temporary Quarters for Hardship/Caretaker at 7977 Reno Highway (APN 007-271-57).

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.
2. 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.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Commercial Watchman</u>
Applicant:	Silver Sage Horse Boarding	Owner:	Kelly Rogne
Site:	4755 Silver Sage Lane (APN 006-811-60) - 5.08 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is proposing a Temporary Use Permit for a Commercial Watchman. The applicant wishes to have the property caretaker who is an employee live in a 2019 RV while taking care of the horses for the business. This would allow a watchman/caretaker to be on the property 24 hours per day to take care of the horses being boarded.

The work requires cleaning out stalls, watering horses, helping out boarders and tend to horses that need medication. The watchman oversees daily operations and tends to horses at night. The watchman works closely with the veterinarian and farriers who do not always work during regular works hours. The watchman also helps with overnight transports and any sick horses. According to the applicant, they have tried to operate the business with the caretaker living off site; but with the numerous transports arriving after work hours, and the consistent maintenance required to tend to the livestock, it became impractical.

The RV is already setup and will use existing water, septic, and power connections that are already at the RV location. Access is mainly from Silver Sage Lane. Weaver Rd. runs along the east side, but there does not appear to be an access to it. Silver Sage Lane is a County-maintained paved road in a 60' easement. Weaver Road is not County maintained and does not have an obvious access into the site.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a watchman's quarters from CCC 16.08.070(B)2 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

"Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated. Watchman's quarters shall not be used solely as a primary single-family dwelling."

The business is a Equestrian Boarding and Training facility, and is a bona-fide commercial operation operating for many years, though the applicant has only owned it for the last couple years. It also has a business license in compliance with County Code. The request is for an employee to provide night-time services and security for the business.

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 the application for a Temporary Use Permit for a Temporary Watchman's Quarters on APN 006-811-60, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)2, 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 Temporary Use Permit application for Silver Sage Horse Boarding to establish a Temporary Watchman's Quarters on APN 006-811-60.

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:

- a. The temporary quarters must comply with Churchill County Code.
- b. All required Building Department approvals and safety certificates must be obtained within 90 days of approval. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections.
- c. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the business's water well, power supply, and septic system to the extent possible.
- d. Once the **watchman** is no longer needed or no longer living in the RV, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	Debra Suzette Timerson		
Owner:	Hall Family Trust - Celesta Hall and Denise Jacobsen-Hall Trustees		
Site:	950 S. Taylor Street (APN 008-911-11) – 1.9 acres > FORMERLY TOM’S TRAILER PARK <		
Designations:	Master Plan – Urbanizing // Zoning – C-1 >ISLAND OF COUNTY LAND WITHIN THE FALLON CITY LIMITS<		

History: The lot is the former site of Tom’s Trailer Park, which was a grandfathered mobile home park established before the zoning laws were established. The number of mobile homes in the park had been slowly dwindling over time until Ms. Hall terminated her business license, sent termination letters to tenants, and closed down the mobile home park at the end of 2008. The property ended its grandfathered status, and has been considered a residential lot with four homes on site since then – three being mobile homes that are rented. The county has several similar instances with multiple homes on one residential property.

This situation was acceptable because the number of rental units had fallen to 4 or less, which was the threshold for NOT being considered a business. About 7 years or so after closing the mobile home park, the owners inquired about opening it again and was told it would have to be done according to current laws. They occasionally repeat the inquiry. In addition, a recent site visit and Assessor past documentation show that one of the mobile homes has been uninhabitable for several years. Consequently, it too has lost its grandfathered status, bringing the total residences on the site to 3 (the main home and two mobile homes).

Recently another RV showed up on the site. This means that the number of dwellings increased again without land use permits. The owner of the new RV is the applicant, who has requested the temporary quarters permit to be the caretaker for the owner, who is 91 years old. This application is a result of enforcement action.

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place a 1988 RV on the property. Celesta Hall is elderly (70+ years old), though no documentation has been provided, and the applicant indicates Ms. Hall needs assistance for property upkeep and daily living assistance. Debra Timerson will be the caretaker living in the temporary quarters. She also is the daughter of another tenant on the site and helps him as needed.

The pie-shaped lot fronts on Taylor Street, which is also US 95 and lies within its own strip of right-of-way land. The curving south and west sides of the site are bordered by an irrigation drain, which lies within an easement of uncertain size (likely 50’) that is centered on the drain. The site plan indicates the RV will be located near the middle of the lot, and street-ward of the existing residences. It will use the old mobile home park’s septic, well, and power services. No utility easements are on the property according to the GIS system, though power poles run within the street right-of-way.

A complication of this application is that it is requesting to place an additional RV on-site when there is already multiple RVs/mobile homes on-site. The process is being used to add another unit to the old mobile home park, which is a questionable use of the process. It is likely this is a rental unit, when there are already rental units on-site and the caretaker could be one of those.

Another complication is the derelict mobile home described above. It is likely that the State agency governing manufactured homes will declare it to be unusable in the near future, and the County will declare it to be a dangerous building or condition at the same time. It is a recommended condition of approval that the mobile home be removed by the first annual review. The applicant and owner will have to determine who bears the cost of removal.

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

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

The application indicates the person needing care is over 70 years old, and is considered aged.

STAFF RECOMMENDATION:

NO RECOMMENDATION

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 Hardship/Caretaker on APN 008-911-11, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3.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 [**APPROVE // DENY**] the application for a Temporary Use Permit for Debra Suzette Timerson to establish a Temporary Quarters for Hardship/Caretaker at 950 S. Taylor Street (APN 008-911-11).

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. This approval shall not be construed to re-establish the mobile home park.
2. The temporary quarters must comply with Churchill County Code.
3. 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.
4. 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 facilities.
5. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
6. The uninhabitable mobile home must be removed from the property.
7. This temporary use permit is subject to annual renewal providing proof that the need still exists. Any renewals shall be made by the Planning Commission until such time as they deem that their review is no longer needed.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Vehicle and Equipment Repair</u>
		Use Listing:	<u>Waste Collection Service</u>
Applicant:	Richard Myers	Owner:	Zusha Inc. (Richard Myers – owner)
Site:	3505 Pflum Lane (APN 006-331-59) – 10.0 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Background: The application is requesting to authorize the existing businesses at the site. The applicant originally started a home-based auto repair business from his home in the Onda Verde subdivision. It was later discovered the business was operating at the subject property when a customer with a billing dispute filed a complaint that began an enforcement action. Large vehicle and equipment repair wasn't allowed in the A-5 zone, though small vehicle (passenger car) repair was. After discussion with the Planning Director, a change to the code was proposed and approved to combine the large vehicle repair and small vehicle repair listings into one listing. The applicant is now applying to get the vehicle repair business approved.

Simultaneously, the applicant began the septic waste collection service business to compete with the customer that had the billing dispute. It started with inquiries to the department, and then it was learned that the business is operating at the same site. A Waste Collection Service is not allowed in the A-5 zones, only in C-2, RR-20, and Industrial zones. The initial inquiry about it was to operate the business office as a home business (at Onda Verde), and operate the trucks out of the subject property. **NOTE** that this application is NOT for a home business.

To put the home business issue in context; over the last couple years, we have gotten several inquiries from people wanting to operate a business that is not allowed in a zone. When they find out its not allowed, they say the business office will be a home-business in their home; and say they will just “store” or “park” the business vehicles and equipment at the site. This appears to be a strategy to do businesses in locations they are not allowed. Similar arguments have been made by others as a strategy to establish a business without a building that is a place of business, or to avoid installing facilities required for normal businesses. All these strategies attempt to skirt the fact that the business is operating at a location and has consequences and impacts near that location. The purpose of planning permits is to deal with those consequences and impacts.

Project Summary: The application proposes approval for two businesses.

- The Vehicle and Equipment Repair business can be approved through a Special Use Permit, which is reviewed in this staff report.
- The Waste Collection Service business proposal includes septic tank pumping and portable toilet rentals. But a Waste Collection Service is not allowed in the A-5 zone and will have to cease operations at the property. **It is recommended** that the applicant find a suitable location and move the business there. For example, the owner of the A-1 Septic business just retired. (He also operated a site for Application of Domestic Septage.) The applicant's business could use that property. The code requires that if a waste handling operation is allowed, it must obtain an SUP at a minimum.

The application proposes a mainly mobile vehicle repair service. The business has two trucks that normally make service calls to the customer's property. **It is not known** what type of trucks are used (pickups, wreckers, vans, etc.). The applicant verbally indicated that customers normally do not come to the site, though a site visit found that equipment and large vehicles are repaired at the shop. In addition, the employee working on them was the person living in the existing home on the site. **It is not known** if the customers come to the site, or drop off the vehicles at the site. The application estimates 12 service truck trips (1 visit = 2 trips) for each service truck, states that there are 2 service trucks, and estimates 2 delivery truck trips. Not included are

employee and owner trips in the morning, lunch, and evening. Staff estimates that there may be 35-40 trips. **It is not known** what the hours of operation or work week are.

The property takes access from Pflum Lane, which is a privately maintained gravel road in a 33' access easement. The property is at the south end of the road, where the easement splits into two 60' wide easements on either side of an irrigation ditch. The east branch lies entirely on the subject property and passes through it to the south as a driveway. **It is unknown** how maintenance costs are handled among the properties that use the road. But it appears obvious that business traffic will impact the road maintenance costs.

The property currently includes several buildings – a residence (rented), a storage building, a large shop, and several small shed-like structures. The proposal is to use the existing structures rather than building new structures. An irrigation drain runs along the north and east property lines, lying within a 100' easement, most of which lies on adjacent properties.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development.

See Criterion 5 for assessment of environmental impacts on neighbors. See Criterion 2 for assessment of development standards. The zoning district for the surrounding area is A-5 for some distance in all directions. The uses in the immediate area tend toward farming uses, with approximately 20 residential and hobby farm lots to the north (surrounding the St. Clair Rd./Pflum Ln. intersection), and more to the south (along Schindler Road).

Normally a business has trouble being compatible with residential uses. The proposed business will be somewhat separated from the nearby residential uses, except for the business traffic. See Criteria 4 and 5 regarding traffic impacts. Other than traffic, the business will be compatible with nearby residential uses.

Farms are most impacted by intense human activity that obstructs farm operations and people that complain about farm operations. The mobile service business should be compatible with the nearby farming operations. The business operations will take place mainly in the center of the property, which should provide an adequate buffer from agricultural operations.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***Vehicle and Equipment Repair is a listed use*** in the use table for the A-5 zone and must be reviewed through a Special Use Permit. Waste Collection Service is a listed use, but it is NOT allowed in the zoning district.

Most Master Plan policies are not applicable to the development of commercial and industrial uses. The main applicable section in the Master Plan is Chapter 11 Land Use, which require protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics, and efficient service provision.

Also see compatibility issues discussed under criterion 1, above. See criterion 3 regarding safety issues. See criterion 5 regarding environmental impacts. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The setback and easement requirements are met by the existing structures, and no new structures are proposed.
- **Sewer and water facilities:** The existing structures have adequate septic and well facilities.
- **Generally:** No signage is not proposed. No permanent lighting is proposed. No outdoor storage is proposed, and customer vehicle drop-off is not intended to take place on-site. Such operations would normally require a screened vehicle repair storage yard. If these are added later, they must meet County Code requirements.
- **Parking and Landscaping Requirements:** Vehicle repair does not have a defined parking requirement, so parking must be determined by the Administrator. The mobile business will not normally have customers come to the site. The business will have 4 employees, and 2 service trucks that will need parking. The Administrator has determined that 10 spaces will be needed for employees, service trucks, owners, and visitors. The area around the property has adequate space, and is adequately graveled. No additional parking improvements are required. The landscaping standards require a 1 parking lot tree, but the site has a number of trees that can serve this function. They also require a 5' wide street landscape buffer along private roads; but Pflum Lane ends at the property, so no additional landscaping is required.
- **Friction Zones:** Commercial uses must be buffered from agricultural uses. The business operations will take place in the center of the property and provide adequate separation from the adjacent farm fields of at least 140 feet, and usually much more. This provides adequate buffering.

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

There are no public sewer and water services available at the site. On-site sewer and water service currently exist and are adequate for the proposed expansion. Power is already at the site. Public road infrastructure is discussed below. Public infrastructure will not be impacted.

Demand for police service will be minimally increased due to the additional business activity. Demand for fire service will be minimally increased due to auto repair activity and the use of flammable fluids. The Fire Marshal is aware of the proposed business and is capable of providing necessary inspections. The community police and fire services are capable of providing service.

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

Because of the mobile service nature of the business, traffic from "customer visits" on Pflum Lane should have minor affects on the neighborhood - but it is unclear what the level of traffic is. Traffic will be mainly service trucks going in and out, with an expected traffic level of about 35-40 trips on Pflum Lane and St. Clair Road, though it is unclear what kind of trucks are used in the business. The intersection of the two roads is centered on a neighborhood of about twenty (20) 5-6 acre residential lots, most of which are also hobby farms. Pflum Lane is a privately maintained gravel road that is paid for by landowners fronting the road. The additional service truck traffic will increase the maintenance costs on the road. It is recommended that the business take over the road maintenance costs or make some arrangement with adjacent owners. Other than maintenance costs, the road facilities can handle the additional traffic.

5. ***Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.***

There are a number of unknown or unclear characteristics of the proposed business. A recommended condition of approval is that the permit be reviewed annually to determine if additional mitigation is needed, until the Planning Commission determines that annual review is no longer needed.

The most likely potential environmental impact issues to adjacent properties are traffic noise and dust from business traffic on Pflum Lane. The road is less dusty than others in the County. Impacts are likely, but should be relatively minor, since the estimated high of 40 trips during a 9 hour work day is not excessive. See Criterion 4 regarding maintenance costs.

STAFF RECOMMENDATION: **APPROVAL**

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 the application for a special use permit on APN 006-331-59, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), 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 special use permit application for Richard Myers to establish a Vehicle and Equipment Repair business at 3505 Pflum Lane (APN 006-331-59).

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 site must be constructed and operated in conformance with County Code and building permit requirements.
 - a. Outdoor storage of inoperable vehicles requires them to be inside a visually screened vehicle storage yard.
2. State and federal permits and requirements shall be maintained in good standing.
3. This SUP is limited to a mobile vehicle repair service. Any vehicles repaired at the site must be transported by the business, not the customer. Converting the operations to allow customer drop off and pick up will require a new SUP to address vehicle storage, and traffic impacts to the neighborhood and road.

4. The applicant shall take over maintenance costs for Pflum Lane, unless an alternative arrangement is established and provided to the Public Works Director.
5. This permit is subject to annual review by the Planning Commission until such time as it determines annual review is no longer needed. Annual review will review the project to ensure compliance with code requirements, conditions of approval, and unforeseen impacts resulting from unclear information about the project.
6. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Off-Premesis Storage - Outside</u>
Applicant:	Randy Terrel / CT Commodities Inc.	Owner:	Randy Terrel
Representative:	Mike Munoz (previous owner)		
Site:	4525 Beacon Way (APN 008-472-26) – 2.96 acres – Zoned C-2 & A-5 4565 Beacon Way (APN 008-472-37) – 1.84 acres – Zoned C-2		
Designations:	Master Plan – Urbanizing // Zoning – C-2 and A-5		

Project Summary: The applicant proposes to establish a storage area for equipment and hauled materials (namely hay) at a location different than the administrative business address, which is in California or at the Nevada farm. Churchill County Code requires a Special Use Permit for outside storage within the C-2 zoned areas when no office is located on the property. This application is a result of an enforcement action, since the business already operates there, and is intended to correct the situation.

The business mainly hauls hay from the applicant's farm and nearby farms in Nevada (Antelope Valley in Lander Co.) to California purchasers. Hay hauling in Nevada and California has different trucking requirements. So, hay is hauled to the site, normally reloaded directly onto different trucking configurations (including enclosed van trailers), and then hauled into California. Sometimes, the hay may need to be stored on-site temporarily.

The proposed site is two lots (one north, one south). The south lot is to be entirely used. The north lot (the larger of the two) is half in the C-2 zone south of the railroad tracks and Glacier Dr. (the area to be used), and half in the A-5 zone north of Glacier Dr. The site is currently in use as the applicant's storage yard. The application indicates that a security fence is planned, along with two access gates. The site plan shows a hay storage area, a trailer storage area, and a proposed future truck scale. The application also indicates that paved access aprons will be installed if required to protect the edge of the County Road.

The applicant has verbally indicated that working hours are normally daylight hours, and the site will be used primarily when delivery trucks arrive and leave. The business activity at the site is mainly seasonal, along with hay availability. No on-site business employees will be stationed at the property. The business has about 12 employees stationed at the Nevada farm, and about 65 all together. Normally, the only employee at the site would be the truck driver, arriving, transloading using on-site equipment, and leaving. The maximum number of truck traffic is expected to be about 10 trucks per day, resulting in 20 trips. No building, septic system, or well are planned at this time. Water and sewer needs for visiting employees will be handled by them before or after visits.

The site abuts Beacon Way and Glacier Drive, both of which are County-maintained paved roads within 60' access easement. Public utility easements exist around all property lines. An agricultural drain runs along the southeast sides of the lots, and lies within a 100' easement.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development.

These two lots are part of a larger commercial area zoned C-2 and C-1. The C-2 zoning extends along Grand Ave., Golden Cr., Beacon Way, and Glacier Dr. These properties are occupied by a variety of heavy commercial, storage, and industrial uses.

The lands north of Glacier Dr. and the railroad tracks are zoned A-5 or E-1 (the “bird” district). One of the subject properties is split zoned as C-2 and A-5, with half of the lot extending north of Glacier Dr. and the railroad tracks. SE of the properties, across the drain, is an area zoned C-1, with a blend of commercial and residential uses.

The proposed storage area is compatible with the surrounding commercial and storage uses. See Criterion 5 for assessment of environmental impacts on neighbors. See Criterion 2 for assessment code requirements.

2. *Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.*

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Off Premises Outside Storage is a listed use** in the use table for the C-2 zoning district and must be reviewed through a Special Use Permit.

Most Master Plan policies are not applicable to the development of commercial and industrial uses or are neutral in terms of such activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Also see compatibility issues discussed under criterion 1, above. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The County requires a 30’ front yard setback (applying along all streets; 60’ from the centerline of the roads), a 30’ rear setback (SE side along drain), and no side setbacks (between lots). The shed and storage containers must meet these setbacks. Also see Outdoor Storage Requirements below, which must meet setbacks.
- **Sewer and water facilities:** None required for outside storage, unless a business office is located at the site.
- **Outside Storage Requirements (CCC 16.16.020.3.1):** If used, only one storage container (including cargo trailers used for storage) per acre is allowed in the C-2 district, so 4 containers are allowed on both lots. Storage of trucks, trailers, cars, and heavy equipment may be located within setbacks noted above, but storage of other equipment and materials may not take place in required setbacks, and the agricultural drain easement may not be obstructed. The site plan shows hay storage located within the rear setback and will need to be moved.

County Code requires screening of outdoor storage areas in the C-2 zone. The applicant proposes hay storage in case circumstances prevent it being moved to California. Stacks of hay are considered equivalent to a fence, and thus are considered self-screening. Vehicles do not need to be screened. If other materials are to be stored on-site, they must be screened. A site visit found that equipment, materials, and gravel stockpiles are located on the site. The applicant indicates that these belong to the previous owner. These materials will have to be removed or screened.

- **Parking and Loading Requirements:** None required for outside storage, unless the business office is located at the site.
- **Landscaping:** None required for outside storage, unless the business office is located at the site.
- **Signage & Lighting Requirements:** No lighting is proposed, and any would have to meet Dark Skies standards to direct light down rather than up or sideways. No sign is proposed in the application.

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

There are no public sewer and water services available at the site. No on-site sewer and water service currently exist, nor will they be needed since employees only stay for a short time. Power is available to the site. Public road infrastructure is discussed below. Public facilities and services will not be impacted. The demand on fire and police services will be minimally increased. The Fire Marshal must be consulted on hay storage.

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

Anticipated traffic generated by the site will mainly be from large hauling trucks, of which the applicant expects 20 visits (1 trip = 2 visits). Since the road is paved, traffic can be handled by the existing roads, and no impacts are expected. The applicant proposes paved aprons at the two gates to protect the road edge from damage, which is required by the Road Department.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

There are residential uses to the SE and NE of the property, but they are over 400' from the business operations area. Adjacent business uses (mainly storage) have few people present to be affected. The potential environmental impact issues to adjacent properties are noise from large trucks and loading operations. Such activity is common in the area and will not be substantially increased by this project. Minimal impacts are expected.

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 the application for a special use permit on APN 008-472-26 & -.37, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), 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 special use permit application for Randy Terrel to establish an Off-Premesis Outside Storage site at 4525 & 4565 Beacon Way (APN 008-472-26 & -.37).

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 site must be constructed and operated in conformance with County Code and building permit requirements. No more than 4 storage containers may be placed on-site.
2. The site must be kept tidy and weeds controlled. Outdoor items and equipment must be arranged in neat rows or groupings. No other landscaping is required.
3. Material storage (mainly hay) must be placed outside the irrigation drainage easement and other easements, and outside setbacks from property lines.
4. View obscuring fencing is not required for storage of hay or vehicles, but is required for storage of other materials. The existing material storage must be removed or screened.
5. The applicant shall obtain any necessary road approach permits or approvals from the Road Department; and shall install paved access aprons to Road Department specifications.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Rail-Based Industrial Park</u>
Representative:	Dan Carroccio, Realty Advisors LLC – Property Manager (formerly Karen Seagren)		
Owner:	Fernley Business Park, LLC/ Industrial Realty Group, Justin Lichter – Vice President		
Site:	11000 Reno Highway - Facility lies on west side of tracks APN 009-251-77 – 105.61 acres w/approx. 21 acres on west side of railroad tracks. APN 009-251-78 – 58.18 acres on west side of tracks.		
Designations:	Master Plan – Hazen-Swingle Bench Planning Area // Zoning – Industrial		

Background: The Western Nevada Rail Park was established long ago at the county line – in fact its driveway is in Lyon County. It has undergone applications to split parcels using Parcel Maps, BLAs, and Subdivisions; however, only 2 lots have been created because most applications were not followed through. The owner at that time wanted to split the two lots along the tracks, but the lot east of the tracks (105.61 ac.) would not have legal access to a public road. So, it was required to have a small portion extend to the west side of the tracks – that is where the existing facilities are sited. The remaining area west of the tracks is the west lot (58.2 ac.), which lies along the highway and surrounds the existing facilities.

Two previous SUPs were approved for asphalt storage (2005), and metals processing (2002); both of which are out of business. The asphalt business encompassed the entire existing facility at the time, and included the propane tank farm, the propane powered boiler (in the smaller building), the asphalt storage tank farm (many tanks north of the main building), and the extensive piping. Currently, the Crestwood propane tank farm business (3 very large cylinders) is using that area of the site, though a SUP was not submitted for it.

In recent years, Black Gold Terminals had rented the entire property on the west side of the tracks (on both lots). They obtained a Special Use Permit to develop and lease space for a multi-tenant rail site. The multi-user leasing arrangement complicated the project, and required consideration of different businesses locating on the site. Conditions were developed to allow certain categories of businesses without additional SUP review, while other categories of businesses would require a new SUP. This approach can be used for further development of the site.

This year, the property was purchased by Industrial Realty Group LLC – a national company specializing in rail properties. They purchased this site (both sides of the tracks) and adjacent lands in Fernley. They created the Fernley Business Park LLC to be the current owner. There have long range plans for major development of the larger site. However the current application is limited to a rail track expansion and redesign, and a minor expansion of the transloading area.

Future development will require additional permitting. In addition to SUPs required in the Code for different land-uses, the Code also requires that uses that generate high volumes of traffic obtain a SUP and perform a traffic study. The Code also requires uses that handle hazardous substances to obtain a SUP, such as tanks of hazardous fluids. The Code also requires uses that may impact public health and safety to obtain a SUP, such as storing large quantities of flammable materials outside. In summary, future facilities can require a Special Use Permit on multiple grounds.

Project Summary: The proposed project is composed of 2 lots, as described above, all west of the tracks. The only improvements shown on plans will be replacement, reconfiguration, and expansion of railroad tracks for the on-site rail spur. The expansion of tracks will also allow expansion of the transloading area. Most of the rail improvements will be on the lot (APN 009-251-77) that has the current rail operations, though a

segment will extent onto the other lot. The west lot (APN 009-251-78) is undeveloped other than grading, and a segment of rail spur will be extended onto this parcel.

The existing rail park includes a 40'x100' main building (offices), a 30'x40' second building (propane boiler), a temporary structure for the Crestwood Propane office, a truck scale near the buildings, an asphalt tank farm north of the buildings with 4 large and 2 small tanks, a propane tank farm (Crestwood) with 3 large pressurized tanks south of the buildings, and extensive piping running from the tracks to the buildings and both tank farms. The development includes a paved driveway from US 50A that is in poor condition and has been missing a paved section near the highway (likely removed during telecom line installation). There is a security gate mid-way along the driveway. Between 2006 and 2010, the siding and both tank farms were moved westward closer to the buildings.

The proposed improvements will mainly affect the existing rail spur to the property, which comes off the main line and splits into two railcar storage lines or sidings. The applicant proposes to essentially remove, replace, and redesign the entire rail spur, as shown on their submitted plans. The straight segments of the existing lines will stay in their location, but be replaced and upgraded. The curved segments will be removed in favor of a new layout.

The purpose of the new layout is to separate railroad company operations and oversight from interior operations with landowner oversight. The new layout is shown on the submitted plans. It includes 4 side-by-side sidings – two in the existing locations, and two closer to the main line. The two existing and upgraded sidings (blue lines) will continue to be used for transloading, the two new sidings (green lines) will be used as railcar parking for railroad company operations. These will be much longer (1500' long +/-) than the existing sidings, extending northward to near the property line. One of them will be used for the railroad company to drop off railcars, and the other used to pick up railcars. After the railcars are dropped off, they would be transferred southward into the site on a new siding (gray line) that runs parallel to the main line – this is the segment that crosses onto the other property that is currently undeveloped. From there the railcars are transferred over to the transloading sidings (blue lines). One of the transloading sidings will be extended northward (another gray line) about 600' to provide an expanded length that can be used for different types of transloading. Railcars would be transferred in reverse fashion to be parked for railroad company pick up.

Other than the rail track improvement plans, little other information is provided in the application. In meetings and email messages, the applicant has clarified that these plans are the first step in the larger development of the Churchill County and Fernley areas of the project site. Approvals for those parts of the development are not being requested; rather, additional permitting will be pursued at later dates. This SUP is to cover just the rail spur reconfiguration and expanded transloading area (north of the blue lines). The applicant indicates that:

- no sizable structures are planned
- only minor structures will be needed, such as ramps or docks to assist with transloading
- only transloading between railcars and trucks is planned for the new transloading area
- transloading will mainly take place with mobile vehicles and equipment, such as forklifts or conveyors
- materials that are transloaded will not be stored on-site, except in the vehicles
- the types of materials that are handled are allowed on highways and rail lines

This permit will authorize these activities.

The Fernley Business Park hires a contractor to handle onsite railcar movement and transloading operations, and they currently have 2 employees on-site. This number will change as needed with new transloading customers. However, customers may choose or need to do transloading themselves, such as for specialized transloading personnel. An example is the existing Crestwood propane tank farm, where Crestwood staff transloads propane from train to tank farm; and then to the tractor trailer propane trucks (also parked on-site) for distribution to mines and other big consumers.

Additional information indicates that no new business signage is proposed, but existing signage will be replaced, which may be located in Lyon Co./Fernley. New sign plans have not been provided, but approvals will be needed from Lyon Co./Fernley.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development.

The surrounding land uses along US 50A are predominantly vacant desert land. The exceptions are the Patua geothermal and solar plant ~3/4 of a mile north, geothermal piping and related facilities in the nearby desert, and the Resource Way commercial site 1000' to the south. The lack of other uses makes the proposal generally compatible with surrounding uses and development.

The storage of trucks and rail cars raises concerns regarding the impacts to the visual character of the highway entering into the community; however, the steep sided row of hills along the highway effectively screens the site.

2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code.

The **Master Plan** establishes land use districts that are implemented by the zoning districts. There is no land use district assigned, but the site is within the Hazen Planning Area. The site is zoned Industrial. **The proposed Rail-Based Industrial Park is a listed use** in the zoning district or use table of the development code, requiring a Special Use Permit. Most Master Plan policies are not applicable to the development of commercial uses, or are neutral in terms of general industrial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11 states: "The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development within these gateways must adhere to appropriate landscaping and signage requirements and only those land uses that are aesthetically appealing should be encouraged."

GOAL LU 2 All new development must be comprehensively designed to ensure a sustainable, safe, and healthy environment that integrates into the surrounding neighborhoods.

Policy LU 2.1 In reviewing any development proposal Churchill County shall consider issues of community character, balance, sustainability, environmental impact, safety, aesthetics and efficient service provision.

Compatibility issues of aesthetic, character, and balance are discussed under criterion 1, above.

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

- **Setbacks and Easements:** The County requires a 40' front yard setback(on roads), a 30' rear setback, and 20' side setbacks. The exterior property lines of the 2 parcels are distant to operations and do not come into play. The intervening property line between lots will have rail lines across it, but no permanent or temporary buildings.
- **Sewer and water facilities:** During a site visit, it was learned that the septic and well locations are between the two buildings at the east and west ends. They should be protected from heavy vehicle traffic, which may necessitate adjustments in vehicle parking and travel routes – especially for heavy vehicles. The well water is not suitable for drinking, and the site provides bottled water for drinking.
- **Outside Storage Requirements (CCC 16.16.020.3.1):** One shipping container per acre is allowed to be used for outside storage in the Industrial district, and they may not be stacked. However, this application indicates that substantial storage is not proposed. Extensive use of shipping containers is not approved without further SUP review for the development. Storage of trucks, trailers, cars, and heavy equipment may be located within setbacks of the intervening and exterior lot lines, as noted above, but storage of other equipment and materials is not allowed in required setbacks. Storage is adequately screened by the hills between the site and the highway.
- **Parking and Loading Requirements:** The parking code (including handicapped parking) requires parking for businesses and similar use, which is determined through the Code with interpretation by the Planning Director. The parking code considers the proposed use to be Manufacturing (the closest comparable use), which requires 1 parking space per employee, and 5 for visitors. The application does not indicate how many new employees are anticipated. The Public Works Director has determined that 10 spaces are required for the rail park transloading expansion, which are already provided at the front of the office. Additional parking is not required at this time, but will be required with future expansion plans. It does not appear that the office is ADA accessible for employees or visitors with disabilities. It is recommended that the office be upgraded to ADA standards, and it may be required by Building Department codes.
- **Landscaping:** Landscaping requires 1 tree per 15 parking spaces, and a 10'-wide landscaped buffer along public roads. However, this is infeasible for full highway frontage, most of which has small hills screening the site from the highway. In addition, much of the site is already in operation. The Planning Director is recommending that the hills are adequate screens for the existing operations and the proposed expansion of transloading area. Future development of the industrial park will require additional landscaping.
- **Signage and Lighting Requirements:** The applicant indicates they will replace signage on the gate and near the entrance. These are in Lyon County, and must meet Lyon County signage requirements. In addition, the sign along the highway will have to meet NDOT signage requirements. The applicant indicates that lighting within the facility will not change.

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

There will be no public sewer and water services available at the site. Private sewer and water service currently exist near the main buildings. Minimal additional power will be needed, which will be provided a utility provider. Public road infrastructure is discussed below. The main concern for industrial parks is the burden placed on fire service. The proposed increase in transloading area without buildings or storage will have minimal impact on fire or police services. Future development phases will likely require additional

facilities for fire fighting, and additional consideration for police services. The existing well may be inadequate to provide fire fighting water, so water storage may be needed in future phases.

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

Traffic generated by the site is currently minimal, with the daily arrival and departure by the existing office and truck driver employees, and the daily departure and arrival of delivery trucks. Occasional customer visits and delivery service visits may also occur. Nevada Dept. of Transportation (NDOT) controls access to the Reno Highway, and requires new businesses to obtain or update their access permits and authorizations. The application expects increased truck traffic for transloading between trucks and railcars. No numbers for the expected increase in truck traffic or expected increase in employees are provided. It is assumed the existing NDOT access is adequate for the expected increase in traffic. The paved driveway from the facility to the highway is in bad condition and previously had a missing section of paving. It is recommended that the driveway be repaired, and a recommended condition of approval will require that any missing section of paving be corrected.

Future expansion plans may result in a dramatic increase in truck and car traffic and will likely require traffic studies at the time of those expansions. Previous discussions with NDOT staff indicate that potential requirements might include: adding lighting to the intersection, improving eastward site visibility by cutting back the adjacent hill/hump, and changing signage on the median to improve effectiveness. NDOT has not indicated if they will require any changes now. The traffic study will determine specific additional requirements at that time.

5. *Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.*

The potential environmental impact issues are large truck noise impacts, smells from vehicle exhaust, dust from grading and driving on transloading areas, and propane tank hazards. A mitigating consideration is that adjacent users that may be impacted are distant. The Hazen Townsite is 2 miles east, and Hazen farmstead residences are at least 4000' or more south. Commercial uses 1000' or more to the south have few customers or employees. Propane leaks will evaporate rather than collect on the ground. They may also explode, though there are no nearby users outside the facility clients. There appears to be adequate separation to mitigate most impacts. The exception is dust impacts which can travel extensive distances, especially in the prevailing wind direction toward Hazen. The site soils are extremely fine and light, making them subject to disturbance and blowing in the wind. Conditions of approval are recommended to prevent future dust nuisances by requiring that the expanded transloading area and driving paths be graveled. Grading for the transloading areas is not planned, but if needed may generate dust during construction. So appropriate dust control measures must be used, and appropriate local, state, or federal permits must be obtained.

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 the application for a special use permit on APN 009-251-77 & -.78, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), 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 special use permit application for the Fernley Business Park to establish a Rail-Based Industrial Park at 11000 Reno Highway (APN 009-251-77 & -.78).

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. Ownership and parcel lines. This permit allows operation of the rail yard across parcel lines. Neither building construction nor material storage is allowed within required setbacks. If parcels are sold so they are under separate ownership, this permit will be void and a new permit must be established to address the new ownership and operation changes.
2. This permit authorizes the reconfiguration of the rail spur and expansion of the transloading areas along the tracks within the limits listed below. Other construction, uses, and use areas will require an additional SUP.
 - a. No structures shall be constructed on the site. The exception is that minor structures deemed needed to facilitate transloading operations may be authorized at the discretion of the Public Works Director. Examples include loading ramps, docks etc.
 - b. Transloading shall be undertaken by mobile equipment and vehicles, except as noted under item (a), and except for the existing propane transloading facility.
 - c. Materials may not be stored on site, except within trucks and railcars, and except for small instances of temporary storage deemed acceptable by the Public Works Director. Examples may include transitory gravel stockpiles needed to facilitate loading and unloading operations.
3. When instances that are allowed by approval of the Public Works Director are planned, they must be submitted in writing for consideration.
4. Dust shall be controlled by providing a paved or all-weather gravel surface in the transloading areas, and on all driving paths used to access those areas.
5. The main driveway shall be maintained as a paved driveway. In addition, any segments of unpaved driveway shall be paved.
6. The project shall obtain all required authorizations or renewals from NDOT regarding the site access, and must install any required improvements.
7. The site must be constructed and operated in conformance with County Code and building permit requirements, and any state and federal permits and requirements; including but not limited to:
 - a. Outdoor storage setback and stacking requirements, including for the lot line between the two properties, and other code limitations.
 - b. Proposed signage along the highway and driveway shall meet Lyon County or Fernley signage standards.
 - c. New lighting placed within the site shall meet the Churchill County Code dark skies standards to direct lighting down, and screen it from upward or horizontal projection.
 - d. Any grading permits needed for grading the transloading area shall be obtained.
8. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Schindler Rd. Parcel Map #3 for 2 lots</u>	Use Listing:	<u>Residential/Agriculture</u>
Applicant:	<u>Hyde Homes LLC</u>	Owner:	<u>Hyde Homes LLC</u>
Representative:	<u>Lumos and Associates – David Crook</u>		
Site:	No address on Schindler Rd. (APN: 006-451-18) – 47.87 acres		
Designations:	Master Plan – Agriculture // Zoning - A-5		

Summary: The applicant is requesting a Parcel Map to split a large agricultural and residential lot into two lots of 1.07 and 46.8 acres.

The Schindler Road Cluster Development has a Tentative Parceling Plan that was approved in 2007. The project was approved to allow a farm's allotment of lots to be clustered into small lots near Schindler Road in exchange for a conservation easement on the remaining farmland. The first two parcel maps were completed to create 5 small lots along Schindler Road, which also avoided the need to build roads. Further parcel maps would need a road to be built. The recession prevented the remaining Parcel Maps from being completed, but the applicant is now ready to start working on the project again.

The existing large lot has a small portion with frontage on Schindler Road that is the size of one of the small lots. Splitting off this portion to create this small lot will disconnect the large farm lot from the road. Consequently, the road requirement is triggered with this map. Since the large lot is over 20 acres, a County-standard gravel road needs to be provided from Schindler Road to its property line. This will be the bed of Merrel Street, as shown on the Parceling Plan. When the remaining small lots are created, this segment will have to be paved, and the entirety of the remaining road will have to be built.

The property fronts on Schindler Road, which is a County-maintained paved road within a 60' road easement. However, it appears that the road is entirely in the south half of the easement. The large lot will take access from Merrel Street, which has just been constructed to County gravel standards. It is in a 60' public access easement running between Lots 3 and 4 of the Parceling Plan. The easement for Merrel Street has already been accepted by the County. It is too late for that strip of road to be offered for dedication, since it is on land owned by others. Staff recommends that the gravel road bed (the facility) for Merrel Street be offered for dedication; but the County should reject the offer at this time, until the full paved road can be offered for dedication.

There are a variety of irrigation easements on the original farm property. One runs along Schindler Road and turns south along the east edge. Previous maps stated this easement was to be abandoned, but there is no record that it was done. One runs from the NW corner of the lot, diagonally through the area of small lots. Previous maps stated this easement was to be abandoned, but there is no record that it was done. One was created with the Parceling Plan and conservation easements to run around the small lots so the remaining farmland could be irrigated. The applicant has been informed, and states he will work on completing those abandonments with the other property owners.

The large lot and the recently created small lots have the normal utility easements established around their perimeters.

Very little alteration of the neighborhood will result from the proposal other than slightly more traffic due to one additional lot being developed with a home on the small lot.

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 for existing buildings. However, two irrigation easements pass through the property that previous land division maps indicated were “to be abandoned.” No documentation has been found that these irrigation easements were actually abandoned. One runs along the north and east sides of the original farm lot that the cluster development was created on. One runs through the middle of Lots 1, 2, and 3 of the cluster development. Conditions of approval are recommended to ensure the status of these easements is properly shown on the map as either existing or abandoned.
- **Lot size and width:** The A-5 zone has a 5-acre minimum lot size, a minimum lot width of 150’, with a minimum average width of 200.’ The proposed small lot does not comply, but was approved in the Parceling Plan for the cluster development.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below.
- **Water dedication and community development fees:** Community development fees will be due with home construction on the proposed vacant lot. The exception is that water right dedication of 2 acre-feet per lot is required for each lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed. However, CCC 16.12.030.5(B)(2) provides an exception for cluster developments what tie surface water rights to the land with a conservation easement, as has been done in this case. Previous lot creation for this development was allowed without the dedication or payment. To obtain the exception the applicant must submit a request to waive the dedication requirement, which he has done. Then the Planning Director (Public Works Director) makes a recommendation on the request to the BOCC. The BOCC makes a decision on the request along with the land division map.

The Public Works Director has reviewed the request, the map, and the previous application of the dedication requirements, and recommends that the BOCC waive the water dedication requirement for this map to be consistent with the treatment of previous maps for the development.

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

1. Conformity with the master plan.

The Master Plan designates the area as Agriculture and is implemented by the existing A-5 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

The new lot sizes do not comply with zoning district dimensional limits, but those limits can be altered by the cluster development process. The new lots comply with the approved Tentative Parceling Plan. The proposed large and small lots are compatible with nearby residential uses that were previously created in the development, other residential lots across the street, and compatible with adjacent agricultural uses.

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

The creation of one additional developable lot will not impact existing conditions.

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

With implementation of the Parceling Plan, including the one small lot proposed in this map, the potential development of the new lots will increase future traffic on Merrel Street and Schindler Road. Schindler Road is a County-maintained paved road within its own 60' wide strip of dedicated land, and will not be overburdened. Road easements for Merrel Street already exist and will serve the future lots. The parts of the roadway land for Merrel Street lying within the parcel map should be offered for dedication when possible, though the County should reject it until the full road is completed. The improvements (gravel road structure) for Merrel Street should be offered for dedication, but the County should reject the offer until the road is completed. A turnaround with easement for fire vehicles is often required at the end of a road. But there are no buildings being served at this time, so the Fire Marshal has indicated a turnaround is not needed at this time. Any future turnaround can be constructed on the large lot where a future structure would be located, and the turnaround would be required at that time.

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.

There are no public sewer and water facilities on or near the site. Other public utilities (power, communication, 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.

A new septic system will be needed for a new residence on the new small lot. On-site soil and groundwater conditions appear to pose no problems for septic systems. A new water well will also be needed, and no obvious problems with water supply exist. Setbacks from wells on adjacent properties are shown and encroach into the new small lot, but there will be adequate space to place a septic system.

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 an application for a Parcel Map on APN: 006-451-18 to split the lot into two parcels 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:
 - (A) Recommend that the Board of County Commissioners [**APPROVE // DENY**] the Parcel Map permit application for Hyde Homes LLC to divide APN: 006-451-18 into two parcels.
[For APPROVAL add] This approval is subject to conditions, as listed in the Staff Report.
 - (B) Recommend that the Board of County Commissioners ACCEPT the offer to grant easements identified on the map.
 - (C) Recommend that the Board of County Commissioners REJECT the offer to dedicate lands and road improvements for Merrel Street at this time.
 - (C) Recommend that the Board of County Commissioners APPROVE the request to waive the water dedication requirements.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements, dedicate land, and dedicate facilities.
 - b) Making changes to the Owner Certificate to offer to dedicate lands as noted on the map.
 - c) Add a label that offers to dedicate the improvements (road) for Merrel Street.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Resolve the status of the irrigation easement passing through the middle of Lots 1, 2, and 3 of the Cluster Development.
 - b) Resolve the status of the irrigation easement running along the north and east lines of the original farm lot that the Cluster Development was created on.
- 3) Water dedication requirements must be met prior to recording the map.

<u>Master Plan Update</u>

Please review the Draft Master Plan Update document to determine if you have any concerns.

RECOMMENDED MOTION

I move to **Approve** the final draft of the 2020 Update of the Churchill County Master Plan.

I move to **Approve** Resolution 1-2021 and forward it to the Board of County Commissioners for their consideration

<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.