

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
April 14, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 PM on April 14, 2021 by Chair Diehl.

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

Absent: None

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.

Chair Diehl asked for any public comment. Geoff Knell said that he spoke at the last Planning Commission meeting, and he asked if they had read the Declaration of Independence, Constitution and the Bill of Rights. He said that this Planning Commission violates the Fourth Amendment. "This is ridiculous. You use a satellite to police people's property, and we have to ask permission to put a storage shed on the property. This is insane, and you charge money to get permission to put something on the property that we shouldn't have to." He understands that there are codes and stuff that makes sure that things built on the property are earthquake proof. "It's none of your business. All of these people here coming in for a ridiculous reason, so you can police them. This is really unnecessary. Ladies and gentlemen, it is 'we the people'. We need to stop this aggression of our government. You are out of line. I want this commission to be disbarred, removed, or at least reduced in its capability. You take a picture from a satellite, and you bring your little police car and police the property. That is a violation." He said that when a person comes onto the property, they must at least have a warrant. "You need to stop it. People you need to back up because it is 'we the people'. 'We the people'. People you are losing your freedoms and you are allowing it to happen. As individuals on the board itself, you are supposed to be competent, but you are just going by your legal obligations. Make independent decisions. It is 'we the people'; it is Churchill County and the City of Fallon, and they are only little parts of this. It is 'we the people', not the state. We get to the state and what they are doing; they are making laws and making it hard for all of us. Keep us angry and bitter and frustrated. You have to go through a little process and pay \$100 or so just to get permission to put something on the property, and that's just one case. This needs to stop. This is a Gestapo, this is Soviet Union, this Communist China, this is a communist party ruling here, and you are allowing it to happen. Repent. Change your tack. It is 'we the people'; you listen to us. You are not to dictate to us. We are the ones that control you, and that is right in the Preamble of the Declaration of Independence. 'We the people.' I'm going to fight with all its worth. You have a nice evening."

4. Verification of the Posting of the Agenda.

It was verified by Diane Moyle, Administrative Assistant, that the Agenda for this meeting was posted on the 8th day of April 2021, between the hours of 8:30 a.m. and 3:30 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

Chair Diehl asked for any changes to the agenda. The Administrative Assistant stated that there was an error on 9. Action Item, C for Bakker, in that the parcel number was incorrect, the correct parcel number is 008-191-82, and the rest of the information was correct.

Member Arciniega moved to approve the agenda as revised. Member Yates seconded the motion which carried by unanimous vote.

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

Chair Diehl verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code. It was noted that a couple of the letters had the correct address, but the wrong assessor's parcel number on them, for Bakker and Diaz.

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

A. March 10, 2021 Public Hearing

Member Nelson moved to approve the March 10, 2021 minutes as submitted. Member Arciniega 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 Levi Coonce for property located at 700 Triple E Lane, Assessor's Parcel Number 009-111-47. One condition of approval was to establish legal access to the property.

There wasn't anyone in attendance at the meeting or online via Zoom Meeting to speak regarding this item.

Chair Diehl suggested tabling the item until the next meeting and called for a motion.

Vice Chair Louis moved to table the renewal of the temporary use permit for Levi Coonce at 700 Triple E Lane, APN 009-111-47, until the next meeting. Member Getto seconded the motion and the decision carried by unanimous vote.

- B.** Consideration and possible action re: A temporary use permit review for temporary quarters for a commercial watchman granted to Shelby & Kim Cecil, owners of C and L Auto, LLC, for property located at 96 Grand Avenue, Assessor's Parcel Number 008-472-31, in the C-2 zoning district. The Planning Commission requested a review of the application in 90 days to evaluate progress toward compliance with conditions for the temporary use permit.

Shelby & Kim Cecil of C and L Auto LLC shared that they have about 95% of the fence supplies, they've contacted the 811 call before you dig, who have just come out to mark the utility lines, and the gentleman who will be supervising their fence project just got back into town, so they plan to start installing the fence the following week. Kim noted that she sent in some updated pictures to Loreli LeBaron, Code Compliance Official, showing that they have cleared the parking area in front of the building for customers and employees. These photos also show that they have cleared the easement along Beacon Way with the exception of the black PT Cruiser that needs about another foot to go but it locked up on them as they were moving it. She was able to secure six titles and those vehicles are gone. She got twenty VIN (vehicle identification number) inspections done by the Sheriff's deputies, and has turned in nine abandoned vehicle applications to the Justice Court. They are shorthanded, so she only has the receipts showing that they were filed and hasn't received anything back from them. She will check on Friday, and as soon as she gets those back then they will go to the DMV (Department of Motor Vehicles) to actually get the title in hand. Then she will be able to get rid of those nine more vehicles. She has to work in batches because these are expensive to do. It is \$51 per vehicle just for the filing fee at the court, and then another \$26 at the DMV per vehicle. Of all of the vehicles that belong to customers, she has

reached out to most of them and have eleven people that she hasn't heard from on what they want done with their vehicle. The other about 50 vehicles she has spoken with the owner and some have asked for another month to wait for their taxes to come in so that they can start work, or they have actually okayed for the work to begin. They are working on getting them cleared and gone.

Chair Diehl turned the discussion over to the commission.

Member Getto noted that his parents own a cleaning facility just down the road from this site, and he has driven by. He has seen some progress, and a lot of the items he understands are hard to do. He has seen the parking in the front has been cleaned up and cars moved from the easement. He, personally, wishes that more could have been done by now, but he doesn't think that it should affect their application at all. Kim Cecil remarked that it is hard to show physical progress when a lot of it is done behind the scenes—sending out certified letters (\$7 each), filing stuff with courts, etc. It is costing her about \$85-90 per vehicle for this process. Other than moving vehicles around it is hard to show physical progress. Until they actually get titles in hand they can't start getting rid of them. Member Getto expressed his understanding that without hearing from them he can't see the permits and applications she has done. Kim Cecil noted that she forwarded the 811 call before you dig ticket, and sent plans for the fence and pictures of the fencing materials to Loreli LeBaron. She said that they will have to do a lot of the work themselves because it is expensive to hire someone to come in and do it for them.

Director Chris Spross said that in the pictures on display overhead he sees four RVs and asked which RV is this TUP application for. Kim Cecil pointed out in one of the pictures there is a white with a brown strip vehicle, and just to the right of that one is the RV for the watchman. She is having difficulty contacting the owner of the white one with the brown stripe, so she will probably have to send a registered letter in order to see if they can do a mechanic's lien and take it over. The one that is to the left of that one, white with blue, belongs to a customer and they just received the authorization to complete the work on it.

Loreli LeBaron, Code Compliance Official, concurred with what Kim Cecil has stated. She thinks that in the beginning it was really slow, and she couldn't really see a whole lot of progress being made based upon photographic evidence; however, within the last couple of weeks she has started to see things move in from the easement area onto the property. She does have information regarding the fencing materials, ticket for 811, and so forth.

Member Arciniega, regarding the RV on the west side of the building, questioned if that is an occupied RV as well. Kim Cecil replied that it is not occupied. That one belongs to her brother, who is actually living with them. He was using it as storage for his personal property until he gets some of his own legal issues taken care of. He has since removed a majority of his property from that, and they have looked at the RV and noted that some work does need to be done to it. They have an authorized work order to do some work on it, and then he will figure out where he can get it moved to.

Chair Diehl asked for any public comment on this item, and there were none. She then called for a motion.

Member Arciniega moved to renew the temporary use permit for temporary quarters for a commercial watchman for Shelby & Kim Cecil at 96 Grand Avenue, APN 008-472-31. Member Nelson seconded the motion and the decision carried by unanimous vote.

C. 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. *This item was tabled at the March 10, 2021 hearing since the applicant wasn't in attendance.*

Gary Sinclair, 1015 Dean Lane, said that they started saving up money to put in a septic system, and then they had people quit and it has just been he and his wife running the restaurant. He has gotten some bids for the septic system that they were going to put in, and, in fact, Mr. Nelson is one of his bids.

It is just he and his wife working for this.

Chair Diehl asked if they have their permits and everything in order. Mr. Sinclair stated that they haven't yet as they just started working on getting everything in order for it. She turned the discussion over to the commission.

Member Nelson noted that he would recuse himself from this item as he has been contacted by Mr. Sinclair regarding installation of the septic system on the property.

Chair Diehl inquired if there were any public comments, and there were none. Mr. Sinclair reiterated that he has a bid from Mr. Nelson for the septic system and talking about moving forward with it. Chair Diehl questioned if he is able to move forward with it now, and Mr. Sinclair agreed that they are.

Member Arciniega mentioned that they have had this permit for a year, and he understands that he had to keep their restaurant running. He also restated that Mr. Sinclair has plans to get the septic placed, and then inquired if he has additional plans to continue any further construction during the year. Gary Sinclair responded that they want to put some pads out there to temporarily build a building so that they can start buying materials to build a house out there and put money away for the impact fees and residential construction taxes.

Chair Diehl asked if there were any other questions, and there being none, she called for a motion.

Vice Chair Louis moved to renew the temporary use permit for Gary Sinclair at 1015 Dean Lane, APN 008-532-40, for another year. Member Getto seconded the motion and the decision carried by unanimous vote (6) with one abstention (Member Nelson).

D. 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. *This item was tabled at the March 10, 2021 meeting in order to get clarification from the landowner about the application.*

There wasn't anyone in attendance at the meeting or online via Zoom Meeting regarding this item. Director Chris Spross reminded the commissioners that at the last meeting there was some confusion with regard to the term caregiver. The department has since received another letter from Ms. Hall, which he read (a copy is filed with the application) for the record, stating that Ms. Hall didn't hire Ms. Timerson to be a caregiver; however, she does do things for Ms. Hall that she can't do for herself. If she didn't live there, Ms. Hall would need to hire someone else to do those things.

Chair Diehl asked for any public comments regarding this request; there were none. Chair Diehl asked if the item should be tabled again. Director Chris Spross stated that the only problem with making a decision at the last meeting was for clarification from the landowner regarding the help she is receiving from Ms. Timerson, which he believes was stated clearly in the follow up letter that was received. There was no dissenting remarks, so Chair Diehl called for a motion.

Member Nelson, based on the information heard tonight, moved to grant the temporary use permit. Member Getto seconded that motion, and the decision carried by unanimous vote.

(It was noted after the next agenda item that the motion to include the conditions was not made.)

***Dean Patterson, Associate Planner, noted for the record that the motion for findings and motion for decision are listed in the Staff Report, and it appears that the motion was skipped that included the recommended conditions. Ben Shawcroft, Deputy District Attorney, stated that he didn't think that they needed to repeat the motion for the findings again, but they could clarify that the approval is subject to the conditions as listed.*

Member Getto, based on the previously adopted findings made for this project, moved to approve 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). This approval is subject to conditions, as listed in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

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.*

9. Action Item.

- A. Consideration and possible action re: A sending site application filed by the Brown Family Trust for properties located at 1550 & 1600 Wildes Road & farmland along Wildes Road, Assessor's Parcel Numbers 006-671-38, 006-671-39 and 006- 671-41, consisting of a total of 79.4 acres including 58.3 water-righted acres in the A-5 zoning district. The applicant proposes to record a conservation easement on the parcels.

Jim Brown, 1600 Wildes Road, introduced himself as representing the application, and he stated that his wife, Patti, was also in attendance.

Director Chris Spross noted that the Sending Site Review Committee reviewed the application and found that it met the criteria for a Sending Site and correspondence was received from the Lahontan Conservation District and the Stillwater Conservation District in support of the conservation easement on these properties.

Chair Diehl questioned if they realize that this would be forever, and they indicated that they understood this.

Member Bunyard, based on the information provided in the application, in the staff report, and heard at this hearing, moved to recommend the following to the Board of County Commissioners:

- (a) **approval of the Sending Site application for the Brown Family Trust on property at 1550 & 1600 Wildes Rd & adjacent farmland (APN: 006-671-38, -39 & -41), consisting of 79.4 acres with 58.3 acres of surface water-rights, based upon meeting the criteria for a Sending Site; and**
- (b) **approval of 90 TDRs for the same property.**

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

***Director Spross remarked that on the previous item for Timerson there needed to be an approval for the list of conditions (this was placed in the minutes with the agenda item).*

- B. Consideration and possible action re: An appeal of the Director's Decision related to an extension of the special use permit that was granted to Michael Clark to install and operate three 140-foot tall or less amateur radio towers on property located at 5787 Mission Road, Assessor's Parcel Number 007-551-44, consisting of 10.13 acres in the A-10 zoning district. The permit was granted on October 10, 2018 and expired October 10, 2019 since it was not enacted. The request for extension was submitted

on January 25, 2021 and was denied on March 5, 2021 by the Director of the Public Works, Planning & Zoning Department because the permit had expired before the request was made. He is appealing the Director's decision and wants the permit to be reinstated.

Director Chris Spross stated that there was a letter provided to the commissioners from Mr. Clark explaining why he would like to have the decision changed. He said that this was not actually a decision that he made, but it was more of an interpretation of the code. The permit that was granted in 2018, expired in 2019. We did not hear from the applicant until 2021, and per the code if it is not enacted within one year and an extension has not been requested prior to then, the permit would be null and void. He made the interpretation that the permit is no longer valid.

Michael Clark, 1930 Heavenly View Trail, Reno, Nevada, and the property location for the permit is 5787 Mission Road, thanked the commission for allowing him to participate with this. Chair Diehl inquired why Mr. Clark did not come forward earlier. Michael Clark said that, initially, upon approval of the original special use permit, he immediately went to the Planning Department because there were some additional items that were brought to his attention that he failed to accomplish. The main one, as he wrote in the letter sent to Mr. Spross, was approval from the FAA due to the location of the property to the local airport. He was very appreciative for the approval of the special use permit, it wasn't that the commissions' approval was meaningless, but he had a commitment to obtain an approval much higher up from the FAA (Federal Aviation Administration), which he needed prior to any construction. He made that his main goal, and unbeknownst to him, he had their approval in April 2019; however, he didn't know it. He was made aware of that fact in August 2020, when they sent him an email for him to request an extension for the FAA's approval. Even when he first got the special use permit, he didn't think he'd ever get approval from the FAA because it is kind of in an area for an impact zone with the local airport. He explained to them that he was only going to build to a certain height, and he's been a pilot for 30 years and expressed to the FAA that for anyone to be that low at that distance from the airport, it really doesn't comply with any of the instrument procedures going into the airport. It doesn't actually interfere with any of the visual approaches going into the airport as well. The FAA agreed with him on that reasoning, and then they agreed for his approval in April 2019. They sent a request for extension for that work in August 2020 because he hadn't completed any work on the towers. He sent that request to them in August 2020, and they approved the extension in January 2021. Because their approval was first and foremost, and if he would have constructed under just the county's approval, it would have brought a bad name on Fallon because the FAA would have been upset with him and the county for approving something without their approval first. It wasn't because he didn't respect their approval of the special use permit, and he could have definitely done a better job of keeping you updated, but at the same time he didn't want to come here year after year after year requesting approval without any indication whatsoever if the FAA would have given their approval in the first place. He apologized if that has created any confusion.

Chair Diehl asked for any public comments regarding this request. Director Spross read into the record a response received from NAS Fallon. The Navy would like to have comment on record for the special use permit in general. Correspondence located in the document titled Clark Appeal stated that the Navy's NCIS agent and an FBI agent performing an interview in January and February 2019, and the result was no significant issues or concerns. Per the conditions of approval for the permit in October 2018 all FAA and Navy recommended alterations or required safety equipment, including lighting, shall be installed. The Navy recommends a single red light that is night vision compatible, and FAA approved, so that operators have more visibility on the structures. The Navy would appreciate notification of start and end of construction of the towers in order to inform flight crews for safety. Michael Clark remarked that he could comply with that, as he stated initially in his letter. He noted that the FAA request didn't have any such conditions, but he will comply with the request. Mr. Clark explained that his hesitation on that is that the FAA has a notice to airmen system involved, which is part of their approval, and in that system it will notify the FAA of start of construction and completion, exact latitude and longitude for the towers, and that notice to airmen notification, the Navy's aircraft are more capable in their

navigation system to put in exact locations; however, with that being said, he has no problem with installing the lighting that they have requested.

Jennifer Haley, NAS Fallon, thanked Director Spross for reading her comments, and restated that in general the Navy doesn't have any issue with the towers, and the Navy appreciates Mr. Clark sentiments about the notice to airmen, and yes, that is one of the ways that they go about flight safety. The extra information regarding construction just helps other departments as well to be notified and gives them a little heads up prior to the notice to airmen. Mr. Clark said that he understands that. He had a question for Jennifer Haley regarding how many people under a special use permit in the county here have had to go through FBI and NCIS investigation. Ben Shawcroft, Deputy District Attorney, declared that this is not a question that is appropriate under these circumstances. The commissioners are the ones who are asking the questions, and if you have a comment, that is fine and maybe they can follow up with questions. Mr. Clark thinks that it is pretty safe to say that he has been the only person that has been asked to undergo such a thing. Chair Diehl asked if there were any other questions from the commission.

Dean Patterson, Associate Planner, explained for clarity that, in the motion that is before them staff has recommended that the Director correctly interpreted the law, so the decision is to either support that recommendation that the Director interpreted the law correctly, or you would not support it. He wasn't sure if they could reinstate the permit, and asked legal counsel for advice on how to proceed. Ben Shawcroft responded that they could treat it as a renewed application. You can say that the Director was correct in not granting an extension as that decision was based on the fact that the code didn't allow him to do that, and by supporting that decision, you are treating this almost as a new application for a special use permit. He thinks that is kind of how the staff report reads as far as the recommended motions it would be as if this is a new application for a special use permit. If you believe that the Director was incorrect and should have granted an extension, then you don't need this whole motion, you can just make a motion to overturn the Directors' decision and give an extension. Chair Diehl verified that Mr. Clark would not need to fill out a new application, and they can just treat it as a new application. Ben Shawcroft confirmed this to be the case.

Michael Clark expressed that he isn't here to argue with the Director's decision. He was under the understanding that there was kind of a gray area, and that process hasn't really been defined yet, and that's why he is here and not to argue with anyone. Chair Diehl stated that she believes that all of the commissioners feel that the Public Works Director made the right decision, and they will just treat this as a renewal of your special use permit.

Member Yates moved to uphold the Director's decision as a correct interpretation of the regulations, and Mr. Clark would need to submit a new application or be considered as a new application. Member Getto seconded the motion and the decision carried by unanimous vote.

Chair Diehl said that they are treating this as a new application, and she asked if there were any other questions. There were none, so she called for a motion.

Member Nelson, 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 for 3 Utility/Wireless Tower sites on APN: 007-551-44, thereby meeting the criteria found in CCC 16.08.080(H). Member Bunyard seconded the motion and the decision carried by a vote of six in favor and one opposed (Member Getto).

Member Nelson, based on the previously adopted findings made for this project, moved to approve the application for a special use permit for Michael Clark to establish 3 Utility/Wireless Tower sites on APN: 007-551-44, subject to the conditions listed in the Staff Report. Member Arciniega seconded the motion and the decision carried by a vote of six in favor and one opposed (Member Getto).

Recommended Conditions:

1. *All towers and guy wire foundations must obtain any required building permits. The Building Department shall be consulted for their recommended wind load considerations, which must be used in determining which tower models to use.*
2. *Tower usage is limited to the owner, tower space may not be rented to others.*
3. *Each tower must include barriers or deterrents to prevent unauthorized climbing, including the following:*
 - a. *Each tower must be surrounded by a 6-foot fence centered on the tower and measuring at least 15-feet on a side. The fence must include an additional angled barbed wire barrier at the top.*
 - b. *The tower shall have its lower 15 feet faced with panels designed to cover the lattice and deter climbing.*
4. *Towers shall be placed as shown on the site plan, though minor deviations may be approved by the Planning Director.*
5. *All FAA and Navy recommended alterations, or required safety equipment (including lighting) shall be installed.*
6. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code, and shall not cause electromagnetic interference with household equipment in the neighborhood.*
7. *If the facility is no longer used, the towers shall be removed. The Planning Director may take action to enforce this requirement.*

Michael Clark asked for clarification that a new special use permit has been approved, to which Chair Diehl verified. Mr. Clark inquired if he would receive that from the Planning Department. It was stated that there is a ten-day appeal period and after that the department will contact him for further permitting procedures. Mr. Clark thanked the commission.

- C. Consideration and possible action re: A parcel map application filed by Jeff & Diane Bakker for property located at 1370 Melanie Drive, Assessor's Parcel Number 008-191-81, consisting of 7.06 acres in the A-5 & E-1 zoning districts. The applicants propose to divide the property into one five-acre parcel with access to Soda Lake Road and a one-acre parcel at 1370 Melanie Drive as was previously configured. *[The Assessor's Parcel Number is actually 008-191-82 on the main parcel; however, the new parcel number after the boundary line adjustment would be 008-191-83.]*

Jeff Bakker, 1370 Melanie Drive, said that they are hoping that this parcel map gets approved. They are waiting on this to get done because they already have a mobile home in the works with a loan, and they are appraising the land, but they need to wait until the land gets divided before completing the appraisal. Everything is on hold because the 1370 Melanie Drive property needs to get split off, so that they can move forward with the other parcel. They are working with NV Energy, the gas company, and Steve Bell. He noted that Steve Bell has already submitted the map to get the road coming off of Soda Lake Road for access to this property. The land that they are splitting off was originally part of his parents' parcel right there on Soda Lake Road before they combined it with 1370 Melanie Drive.

Chair Diehl verified that they just want to construct their home on this property. She asked for any public comments regarding this request; there were none, so she turned the discussion over to the commission. She further asked if part of the reason for the split is to have access to their home. Jeff Bakker answered that when they split the 1370 Melanie Drive property off, they plan to sell the home with the one acre, which is where they have been living, and use that money for their bigger home that they will have built on the other land because they already own the land. When it is all done, they will have a home that is almost twice the size and have it paid for, and this is really the only reason that they are doing it. Chair Diehl questioned if it was all one property, and Jeff Bakker said that it is right now, and then the other 5 acres will be one property after the split. He pointed out that the road that goes back into this property is actually his parents' place.

Dean Patterson, Associate Planner, clarified that the aerial photograph displayed on the screen shows the existing layout of the property. They owned 1370 Melanie Drive and a few years ago added

five acres from the parents' property, which was originally at least 10 acres. They now want to split off the Melanie Drive property as it was previously, and in order to establish the legal access off of Soda Lake Road to the remaining five acres, they have done another boundary line adjustment map to obtain a portion of the parents' property to extend their property to reach Soda Lake Road. A copy of the map was displayed on the screen in order to show the extension of the parcel to Soda Lake Road. Now that he has access from Soda Lake Road, he can split off the Melanie Drive property, which has been where the legal access has been. Dean Patterson wanted to point out a few the map changes to the surveyor that are needed. He asked Mr. Bell to look at those conditions and be sure to consider them when he prepares the final map.

Member Bunyard verified that the parents have already granted an easement for them to access this property through theirs, and Mr. Bakker said that they have, and it has already been recorded. Jeff Bakker said that the pins are already set, and they just need to put up the fence and gravel it. Member Bunyard questioned if the front parcel was still about five acres, and Mr. Bakker agreed and might be a little over five acres. As he understands the properties cannot be anything less than five acres in this zoning district. Member Bunyard inquired if it was originally a 10 acres parcel, and Mr. Bakker said that it was.

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 an application for a Parcel Map on APN 008-191-83 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. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

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

(A) APPROVE the Parcel Map permit application for Jeff & Diane Bakker to divide APN: 008-191-83 into two parcels. This approval is subject to conditions, as listed in the Staff Report.

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

(C) REJECT the offer to dedicate lands and road improvements for Melanie Drive at this time.

Member Arciniega seconded the motion and the decision carried by a 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) Add a label that offers to dedicate Melanie Drive.*
 - c) Wording and typographic corrections to the Title Company Certificate and Security Holder Certificate.**
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Clarification of historic utility and video service easements at SW corner, SE corner, and parcel 19-C.**
- 3) Water dedication requirements must be met prior to recording the map.*

10. Public Hearings.

- A.** Consideration and possible action re: Temporary use permit application for temporary quarters during home construction filed by Joseph & Margaret Diaz for property located at 732 Wildes Road,

Assessor's Parcel Number 006-711-11, consisting of 1.5 acres in the A-5 zoning district. The applicant proposes to live in an RV during construction of a single-family residence.

The applicants were not in attendance in the meeting.

Chair Diehl asked for any public comments regarding this request; there were none. The commissioners decided to table the application to the next meeting.

Member Getto moved to table the application to the next meeting. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

It was noted that it appeared Mrs. Diaz was having technical difficulties connecting via Zoom Meeting.

***Dean Patterson saw that Mrs. Diaz had reconnected via Zoom Meeting and asked the commissioners if they would be able reconsider this item prior to the zone change application.* Mrs. Diaz continued having problems getting her phone to unmute, and Ben Shawcroft, Deputy District Attorney, suggested that unless they have specific questions that need to be answered, they could make a decision based upon the application. Dean Patterson noted that the application was very complete, and the applicants plan to have the home built within about eight months or so. Chair Diehl asked if there was any public comment on this item, and there were none.

Member Arciniega, 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 a Temporary Quarters for Home Construction on APN: 006-711-11, thereby meeting the criteria found in CCC 16.08.070(B)4, as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the application for a Temporary Use Permit for Margaret & Joseph Diaz to establish a Temporary Quarters for Home Construction at 732 Wildes Rd (APN 006-711-11). 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.*
 - a. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections within 90 days of connecting to a service.*
 - b. All necessary permits for home construction must be obtained including all **associated community development fees**.*
- 3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.*
- 4. This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
- 5. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Director Chris Spross suggested in the interest of another application on the agenda that Item C be taken before Item B since it appeared that the majority of the people in the audience were there to discuss the zone change application. Chair Diehl took Item C, Hendrix Variance application, out of order to be heard before Item B.

- B. Consideration and possible action re: A zone change application filed by Kim McCreary for properties located on the south side of Birch Lane, Assessor's Parcel Numbers, 008-831-02, 008-831-19 & 008-831-77, consisting of a total of 59.92 acres in the E-1 zoning district. The applicant proposes to change the zoning from E-1 to R-1 to facilitate a future Planning Unit Development.

Kim McCreary, 2405 Farm District Road, Fernley, and Steve Moon, Lumos & Associates, 178 S Maine Street, Fallon, were there to answer any questions about the application. Steve Moon explained that there has been an uptick in development and the downtick in available buildable lots within Fallon. We've also noticed the growth of the Navy base and their operations, and the amount of folks that they foresee coming in the future. These drive a developer to look at a piece of ground and get it to a density that makes sense to develop. Construction costs are definitely going up at an astronomical rate. He saw a figure that wood has gone up 180% in the last twelve months or something like that. To get it to a density that makes sense for the type of housing that would service the Navy base, folks that are here maybe three years that aren't looking to be on a one-acre lot in a full house; something that is smaller and more manageable. That is kind of pushing the project toward the Planned Unit Development (PUD). The R-1 zoning gives them a lot more flexibility of the number of lots and the type of development that can go out there. The PUD also gives them the ability to somewhat shelter the development from the surrounding neighbors. There would be a certain amount of open space that would be required, certain amenities in place, and so on. This would help keep this development from butting right up next to some of the adjacent neighbors. This is the kind of direction that they would like to go and some of what is driving them to seek the zone change.

Steve Moon continued by pointing out some of the findings that are considered for this zone change. We talk about whether it is in substantial compliance with the goals and policies of the master plan. The master plan has this property within the urbanizing area of the county. It definitely recognizes the lack of multi-family potential in the county, and that is something they are considering. They are looking to fill a hole that resides in our residential properties. The tough one is whether it is causing detrimental impacts to the adjacent properties. The zone change itself doesn't really cause an impact; it is the development that causes the impact. Saying that an R-1 zoning district completely causes some sort of detrimental impact isn't accurate because the zone change doesn't cause the impact. It has the opportunity to, but he thinks that as you subdivide the property, whether it is a subdivision or a PUD, those things really need to be addressed at that point. Another item is whether the county has the infrastructure to serve such a development. By the location of this piece (as demonstrated on the overhead map) the county has their wells and tank sites nearby as well as the sewer lift station located adjacent to the property. Strictly from an infrastructure standpoint, there is very strong infrastructure in this area. From a physical capacity, the county absolutely has it; from an equivalent residential credit (ERC) capacity, there are some things to make sure that they are not overcommitted when it comes to that point. When you look at those three findings of fact, he believes that they are able to address them all for this zone change.

Chair Diehl asked for any public comments regarding this request. She limited the comments to three minutes each. Ben Shawcroft, Deputy District Attorney, made a point of clarification for the audience that the Planning Commission is not considering the PUD. This is not an application for the Planned Unit Development, which will come later. This is just an application for a zone change, which will then allow for the application for the PUD to come later.

Victor Ansotegui, 2520 Hammond Drive, said that the gentleman from Lumos talked about a detrimental impact and saying that there wasn't much of one. He believes that the detrimental impact is going to be on Allen Road and Birch Lane when you have that many homes going in and that many cars coming and going out of there, not to mention that Allen Road isn't what it used to be. It is now busier than Taylor Street. That's where Walmart is, that's where Louie's is, that's where the gas stations are, and that's where Golden Gate is. You go down Allen Road. To put that many homes in that area, you've got to do something. You've got to at least make it a real two-lane road, or put in turn lanes. He believes that is a big detrimental impact. He also noted that Mr. Moon made a point regarding E-1 versus R-2

zoning...it is simple math that you can put more homes in R-1 zoning than in E-1 zoning. It is all about making more money. It is not about whether it would be better for the community. It is about making a higher cash value. The last point he wanted to make is the environmental impact. He watches mule deer through his backdoor. He watches coyotes, quail, and so many other beautiful things, and he thinks that everyone around that area gets to see those things and enjoy the nature that is provided by that area.

Nancy Hoggard, 1495 Pine Road, stated that she understands that the water and sewer is available, and that housing is desperately needed for our area. Her understanding that the planning, county, and the master plan is all for intelligent development. She agrees with the previous speaker that allowing this zoning to change to R-1 enables the smaller lot sizes. To integrate this property with the current development that is there, E-1 is one-acre, or a half-acre is available if the water and sewer system is available. That would integrate with the current homes and developments that are in fact there. She understands that a traffic study will be done to determine what is going on. There are other people that could speak to this that have lived in the area much longer than she has, but her understanding was that when the Pine Grove subdivision came to being, and she doesn't believe that it was completely finished, that a lot of the traffic from that subdivision, which is half-acre parcels, was sent the direction of Allen Road along Birch Lane. She offered to set up tables and chairs for people to witness the traffic for themselves. The sustainability of the traffic would be overwhelming. She thinks that the development of one-acre to half-acre is good. The fact that it is an economic issue...we all deal with those things. To change to a smaller lot size because they can make more money, she can't see that as being a very good reason to do it.

Mike Spencer, 2233 Birch Lane, said that his property borders in the northeast corner right next to this proposal. He had a question for the developer, and Chair Diehl asked that he direct his comments to the commission, and they would try to address items brought up with the applicant. For selfish reasons he is concerned what they will do with the drain ditch that runs through this property. He has a very shallow well, and there are a lot of shallow wells in that area. That drain ditch helps recharge these wells, so it would be very detrimental to him and others if they dried up that ditch. The traffic will increase. They get a lot of people racing up and down that road at this time. They are able to view wildlife in this area, and he even had three mule deer in his yard that morning. Once you put houses in there that will disappear. He knows that is not an economic incentive or anything along those lines, but it is definitely important to him and to the people that live around there.

Brent Ford, 2080 Christie Circle, remarked that his main concern is if they are allowed to have smaller parcels and smaller housing in that area, realizing that we need additional housing, it will make a difference in the surrounding properties as far as valuation. If you build small homes next to large homes, that devalues the larger homes. He said that this is the case regardless of what is being said. He is amenable to the need for housing, but the traffic and some of the other potential problems that could exist are just things that we might want to consider as far as the lift station for the sewage and the water and everything else. He agrees that if the system can handle it that would be fine. By dealing with more homes, there is obviously a higher demand for water, a higher demand for sewer, more traffic, and not to mention the other disturbances that just come along with higher density housing. He isn't opposed to having development there at all as long as it is responsible development that won't devalue the surrounding properties.

Amy Young, 2590 Birch Lane, shared that she is at the very end of Birch Lane, directly across the street from the open piece. She agrees with everything that the previous people have said. She just wanted to express her concern as well. She has lived there since October 1997, so she spent the first four years living there with the stench of the sewer four doors down from her home. She wasn't informed that was there when she moved in, so she is very concerned about how that is going to impact the sewer and the water since she has lived with that before. The traffic already on Birch Lane is horrible, even when her kids were little (they are in their 20s now), they couldn't play outside in the front because people race up and down that street. That was over 20 years ago, and it has just gotten worse over the time. She expressed concern about the lot sizes not matching what is in the surrounding area and in

regard to what the gentleman just said about the property values. The environmental impact is also something she is concerned about as far as the nature and wildlife across the street. With Walmart having shifted the traffic down Allen Road, she sees this impact just like previous people have mentioned. She was not aware of the possibility that there could be multi-family housing put there as well, so that is a concern. When she purchased her lot the open property across the street was the main reason they decided to buy there. To see that lot change as well as for all of the other things she mentioned she has some major concerns.

Brad Lewis, 1355 Cedar Drive, shared that his main concern about this development is the number of cars that will be driving on the road. He lives on Cedar Drive, which is a direct shot to Walmart. Right now, they have people coming down that road 100 miles per hour cutting through that don't even live on that road. If you are going to add 300 more cars to those roads, it is going to be disastrous. His kids won't be able to play out there and it is going to be way too busy. His next concern is the lot size. If you shrink the lot size, his house will go down in value, and you will bring lower income people, and some of those people aren't the best. He doesn't have a fence around his yard, doesn't want a fence around his yard, but those people are going to be walking down that TCID (Truckee Carson Irrigation District) easement in back, which is right through his yard where his kids play. He doesn't want people up and down that easement all day long walking to Walmart, and there will be. He wouldn't like to see the lot sizes smaller and bringing lower income people into the neighborhood because you will have who knows what kind of people walking through his yard in the middle of the night. Right now, it is a safe neighborhood, nobody walks the street at night. It is quiet. There isn't loud music in cars running up and down. The only thing that he has to worry about is The Grid, which isn't too bad.

Trevor Hammond, 1704 Allen Road, explained that his property runs from Allen Road to the far southeast corner of the proposed development. As everyone has mentioned the traffic is the largest concern on Allen Road. They have been trying to fight this for some time. His wife calls the Road Department asking what options there may be—including possible striping. They see a lot of passing of vehicles going on and they pull off of one of the other roads—Birch Lane or Pine Road—and they will get going and pass people before they get to the stop sign at Sheckler Road and Allen Road. He believes that a lot of this is traffic to the Navy base. They have called the Road Department and were told that they can't stripe any county roads because no other county roads are striped. Trevor Hammond believes that this is the busiest county road, and he would think there would be an exception for a certain amount of traffic where they would need to do a little more. He further noted that his delivery ditch comes off of the V-11, which is at the north side and runs along the eastern side of this property. He would like to ensure that this is looked at so that there would be plenty of access for him to clean that ditch, unless it makes more sense to pipe it when they are developing the property. Back to the traffic issue, he stated that the Road Department also told them to contact the Sheriff's Department because if the people are speeding and passing, then it is the Sheriff's issue. Mr. Hammond remarked that they have asked the Sheriff several times to post a vehicle, but it lasts for a couple of weeks and then goes away. He asked the commission to really think about how much more traffic is going to go down that road.

Marty Ugalde, 1680 Lattin Road, shared some personal concerns. The 20 acre parcel just on the lower southwest corner of the development is where he lives. When the development to the north went in some of those fences had gates into the opposite property, and he's not sure why that is. He has drainage along the south side of the property when he irrigates, and it runs to the east there (as shown on the overhead aerial photo). He believes that there is an easement there, but that would need to stay there for him to continue to irrigate. Also, he has animals there in the fall and the winter, and he has some concern about them. As everyone else mentioned the density, it is his personal opinion that the higher the density there is a different environment, and if it is multi-family, it is definitely a different environment than the one-acre or one and a half-acre lot size. It is a whole different environment when you have multi-family there than if you had one-acre lots. He knows that the higher densities typically have access requirements, when the density is increased, for life-safety vehicles. He is curious what that might mean for his property for alternate access or other access to that development.

Tom Bonner, 2695 Dallas Drive, doesn't believe that the sewer system and the well will stand another 120 homes.

Nancy Parker, 1350 Cedar Drive, have lived in their home for about 30 years, and it was very quiet when they first moved there. Then they put Walmart in and the development to the west of them, and they were real nervous about the traffic at that time from the new development all heading to Walmart. As some of the other people on Cedar Drive and Pine Road have stated the traffic shooting down our streets to Walmart is ridiculous. Just to get out to Allen Road now is difficult and almost impossible from Mount View for all of the traffic turning there, either from the south or the north. She can't imagine if it is a development with that many more houses, what it will be on Birch Lane. That is a small road, and it is not very wide especially when you go over the ditch where the bridge is. That is going to be someone's money to expand that. She knows that we don't worry about the animals so much, but all winter they had a mother and her two does that come and eat the crabapples off of their tree. There are also a lot of rabbits that have their babies in their backyard. They live on the open fields and just come to visit the developed properties, and if that is all gone because of so many houses. Even if it just stayed E-1 the animals would still be there. We just can't keep pushing them away and having everything concrete and paved over.

Bruce Breslow, 1255 Blueboy Lane, Reno, Nevada, said that he is the Executive Director of the Churchill/Fallon Economic Development Group. Everybody that came here today and testified has very valid concerns. It happens every time that there is a proposed new large project. There would have to be, and the developers would be held accountable to do safety and traffic analysis. There would have to be a major new road going in, and they know this and will plan to accommodate for this. They would also look for major upgrades at the intersection of Birch and Allen, if that is what the traffic study requires, which from the testimony and from being out there most people understand that this intersection is tough right now and needs improvements. Buffers would have to be created, parks and trails would have to be created. Any good development should actually increase the value of the existing homes. New homes in our community are going for more than \$300,000, and they are escalating. Rents here are between \$1,400 and \$1,600 now, which is unprecedented, and there are no new apartments at all in this community—nothing modern, no apartments with swimming pools and walking paths, etc. Mr. Breslow asked them to keep in mind the need for both single-family and multi-family is large. Twenty-two percent of everyone that works on the base actually has to commute from a different county. The Navy has announced 1,300 new jobs by 2025 due to the F-35 fighter program. EnviroSafe is going to be building a factory north of town, which will have 60 more jobs. Another industrial user is looking at putting in a plant here for 15 more jobs, and he was hired to recruit new jobs and businesses to both Fallon and Churchill County. When growth occurs, you have to mitigate the growth, and you have to hold the developers accountable to do that. He trusts that through this process and through a PUD that everybody here today would have an opportunity to try to make sure that their concerns are responded to at that time. Developers don't cause growth, they respond to growth, and there is a dire need for every type of housing in our community.

Amy Young asked to speak again in response to something that Mr. Breslow said. When she purchased her property there was a plan to put a park around the corner on Lattin Road, which was another reason for choosing this location, but they ended up selling those lots and building houses there. That was something that was changed that was originally thought of in the plan. Then when they did the other section beyond that it was supposed to be this great big park and all of this other stuff, and then they put in more houses where there was supposed to be less houses. Just because something is said in the beginning, she has found at least where she lives that things change. It then changes the dynamic of the community. What is said is going to be done gets changed and then they are stuck with something else.

Joseph Hansen, 2300 Mount View Drive, has been on that corner of Taylor Place and Mount View Drive for five years and traffic is nonstop. He can't imagine what it will be like when they put this in because his children will not play in his front yard. He has a quarter-acre field that he has to mow for

nothing because his kids won't play on it. He remarked that this would happen to other people's yards due to the increase in traffic down these other streets.

Trevor Hammond asked to make a comment regarding what was said by Mr. Breslow, who spoke after he did. He believes that he heard Mr. Breslow state that they were looking for another means of egress out of that neighborhood. He doesn't see any other way to go except Birch Lane or back toward Lattin Road. It was demonstrated on the aerial photograph displayed that there might be able to get back up to Casey Road once the area north is developed. He can speak for the landowners to the south that there is not going to be any access toward Sheckler or Allen through that property. He doesn't think that it is feasible to get another exit out of there.

Chair Diehl asked Mr. Moon if he would like an opportunity to respond. Steve Moon didn't want to get too involved in the actual development because there isn't a development plan completed at this time. There is just a concept on a lot. He agreed that traffic is an obvious issue. In order to address what Trevor Hammond just mentioned, he pointed out on the overhead photograph that there is an existing county road easement, and it houses the counties' force main for their sewer system and other easements that go all of the way up to Casey Road. One of the lynchpins of traffic is something that gets traffic out of this area, and he believes that this road would help alleviate some of it. Will it take every car? No, but most people are creature of least resistance, and many people will take the path that takes them up and out to a light versus another path. Birch is in need of some upgrades. Mr. Moon pointed out that they have secured the lot where it intersects Allen Road and the road has that very bad, oblique intersection, which is inherently unsafe because it isn't a squared-up T-intersection. Due to the acquisition of this property, they would be able to realign the road somewhat and improve the intersection. When this whole thing gets further along and you run traffic studies, look at these intersections, and you look at options that may make them better, that takes those delays out, makes those intersections function more efficiently with less wait, and safer. That is part of the process as they get into it. The traffic that goes through the neighborhoods is something that they have to look at, and they have to see if they need to do some restrictions, chokers, or make that where it is not a hindrance to the owners but to those trying to take the shortcut to Walmart it would be less desirable—they could make it slower speeds, add speed humps, etc. He believes there will be a large effort put into that to address these concerns. He believes that there are options to lessen that impact.

Steve Moon said that maybe he misspoke regarding the more lots, the more residences, to make more money. Anyone can take it for what it is worth, but a developer is in this to make money, that's why they do what they do. However, with construction costs, with the cost of asphalt, with the cost of just developing a subdivision and bring roads into it, you have to make a product that won't come out to a loss. He doesn't believe that most developers are in this to make money hand over fist.

Mr. Moon in addressing the wildlife aspect said that more can be decided when they get down to discussing what the development may look like. You can see these other subdivisions of half-acre lots eat up the whole parcel. There are fences all the way to the property lines. Deer won't necessarily leap over these fences and go from lot to lot. The PUD, which is a great concept, will allow them to keep, not all of the space in its native state, but a good portion of it could be preserved. It also provides that buffer between the new development and the existing uses. These things are built into a PUD. The PUD also allows for a certain percentage of single-family residential, a certain percentage of multi-family, and a certain percentage of commercial, as well as a certain percentage of open space. The code pretty well defines what is allowed in each one, and whether it is E-1 or R-1 you are able to have certain percentages of those in the development. One person mentioned the park that went away in the other development. In a PUD there are approved areas and requirements. Unfortunately, the county found with the Onda Verda development that the county was left with golf holes that weren't developed. The owner retained those, fell into financial hardship, and then they were kind of left there. If you come into this development and set aside a nine-acre park with soccer fields, walking trails, pickle ball courts, or whatever it ends up being, it would then become a Churchill County owned facility that is either constructed by the developer or is financed in some manner like that, it wouldn't just benefit what the developer does in the

development, but it would benefit all of the folks that live in this area.

Steve Moon wasn't sure what happens with the drain ditch. It is a BOR (Bureau of Reclamation) facility, and it is their desire to stay away from that as much as possible. He pointed out that it is very difficult dealing with BOR when it comes to developments. Mr. Moon also wanted to address the old sewer stench. He noted that was part of the old, archaic Sand Creek treatment plant, and it was not a very well run plant. When the county got into the utility business one of the first things that they did was to establish a new treatment plant, then they got rid of the old system, and this lift station is a fairly enclosed facility now. The old plant treated the sewage and then the effluent discharged into the drain. When that thing went wrong and didn't treat stuff properly, that is where that lady was smelling that stench. He further remarked about the irrigation line and said that it actually sits on its own parcel. A PUD really speaks to these types of things, and it allows them to use open space throughout the development so that they can stay away from that ditch. Then they wouldn't have to spend any money piping it either. Why do anything with that and not just allow it to stay as it is? This would help keep the buffer area between this development and surrounding land uses. Mr. Moon stated that regarding sewer capacity, he believes that the county has quite a bit of capacity remaining in the system. He isn't sure where that capacity may be spoken for. When a developer comes in and starts pushing a system over its capacity, it is beholden to that developer to expand that capacity. If this were of that nature, such as where the pumps are undersized and couldn't pump what was being flowed into it, then there would be some responsibility on this developer to increase that capacity. That is a fairly standard type of development methodology. If you are going to stress or push the system past its limits, then you need to do something to expand that out.

Steve Moon stated that as the PUD process moves forward there will be multiple meetings with workshops and work meetings, and everyone is invited to join these meetings. The idea is to work something that works for everybody. It isn't heavy handed where something is coming in next door and that you have no say in the matter. There will be multiple opportunities for these folks to come back and speak their minds—it may be that they like some things, but want other things changed.

Chair Diehl asked Director Spross if they would be required to make water dedication for this development, and Mr. Spross confirmed that they are. She further questioned if they would be required to put in a lift station, and Mr. Spross answered that the current sewer system has capacity, and the current water system has capacity. Chair Diehl inquired if it would be enough to support the development, and he confirmed it would be. She then turned time over to the commissioners for any questions.

Vice Chair Louis questioned when they plan to do a traffic study. Steve Moon believes that this is already in the works. They have Solaegui Engineers under contract for it. It is part of the submittal requirements once they get into the PUD process that they will see that study submitted and put in front of the commissioners. Vice Chair Louis wondered why the study isn't being done before requesting this zone change. Mr. Moon responded that they don't know exactly what the development will be like yet. They've made some very broad assumptions, and it isn't typically a requirement for a zone change. They could come forth with a traffic study and say that they are doing various things, and then through the process it could change. It is just an outline at this time and not a real development yet. They are out in front of it because they know that they need to do it, but it isn't a requirement at this time. Vice Chair Louis stated that she doesn't think that she can vote to approve this zone change without seeing a traffic study of some kind after hearing what the folks in the audience have said about traffic. This is a major problem with the traffic on Allen Road and Birch Lane, and she believes this is something that needs to be looked at before there is a zone change. Steve Moon said that he's been through things like this before and traffic studies aren't always what they are cracked up to be. He knows that there are certain standards in which those are prepared for and to, and most of the developments that he has been involved with they went over and beyond what the traffic study says because they recognize that sometimes common sense has to step in and take over for what the number crunching pulls out. The traffic study may say that Birch and Allen are fine, but he doesn't believe that anyone in this room would say that they think

they are fine. He cautions the reliance on a traffic study just because he has been through this process numerous times. They don't always tell what we want them to tell us. Our eyes and what these people are telling us at this meeting, those definitely tell us what the concerns are and what they need to address regardless of what the numbers say.

Ben Shawcroft reminded the commissioners that the traffic study really becomes important when they analyze the PUD approval, and so it would be much more relevant at that stage of the process as opposed to this stage.

Member Bunyard inquired what the true benefit that they are looking for in a zone change. Steve Moon answered that it is a higher allowable density. When you are allowed to put in additional units it helps cover these costs. When they come back with tentative map of the PUD and it is determined that they need to build the road going up to Casey Road, which is Wildcat Parkway, and there are certain widenings and improvements on Birch Lane, intersection improvement at Allen Road, and so on, the only way to get this development to pencil out is to have the density to be able to sell enough units to cover the costs of the development, the costs of the offsite improvements, the costs of construction, and then somewhere down the road be able to make a profit. He gave an example from a development that Mr. McCreary has over at the golf course in Fernley where the first lot cost him about \$10-\$11 million. Having a certain density equals being able to make the improvements that they know are going to be necessary, but also to get the project to be a viable project that can be built. Member Bunyard said that he understands the higher density. He just didn't understand the true benefit of changing the zoning. Mr. Moon believes the benefit is being able to build those amenities. He said that someone could come to this property right now at an E-1 zoning and possibly bring TDRs (Transferable Development Rights) to the table, and put maybe 300 units in there. You probably couldn't do the offsites that were necessary to it. They are trying to balance what they perceive as a need. Multi-family housing in Reno and Carson City is probably 28-30% of their available type of housing. In Fallon this is 10%. He brought out that they are not talking low income, and that isn't a great terminology, maybe government subsidized housing would better describe it. They are looking for something that a young family could move into, that a Navy person stationed here could move into, and so forth. They are looking at density, but they are also looking at that product that they think is needed in the community. If you think about an apartment complex in any reasonably sized urban area, what do you think about? It probably has a swimming pool, a clubhouse and a weight room, maybe it has some tennis courts or something like that. Do we have that product here? He couldn't think of anything in Fallon of that nature. Those things go hand in hand to be able to create some of those offsite improvements, to make a viable project, and also to bring in certain housing product here that we are grossly short of.

Member Arciniega noted that they have about 60 acres here. He asked if they have an idea on the amount of open space they are contemplating. Steve Moon said that it depends upon the product that gets into the development, but they have kicked around thoughts about these things. One idea is in the 40 acre parcel and taking about 12 acres in the middle to use for the multi-family component. Outside of that 12 acres there is the TCID/BOR easement, and they wouldn't want to go near that area with housing, and they don't want to get near Mr. Ugalde's farm because they recognize that there will be drainage that needs to take place, so they would like to stay away from that area. He pointed out some buffering for the multi-family residential with single-family residential and possibly a zero lot line product, and then the outer areas looking more like the lots similar to the development to the northwest. This would equate to an approximate 18 acres of open space with this type of concept. Mr. Moon mentioned that this is the site of a previously approved development that never moved forward. He contrasted something like they are proposing with half-acre lots like those to the northwest that fill up the whole thing, which is what it is zoned for right now. They don't think that is the product that is needed or is desirable for Mr. McCreary to develop. Member Arciniega restated that right now the half-acre lot sizes are allowable, and with the zone change and a PUD would allow more density in certain areas with more open space. He wanted to follow up on the questions posed by Member Bunyard. Mr. Moon concurred that they would like the higher density in the middle of the development with more

single-family lots surrounding and some open space. He noted that some of the open space areas would then become the property of Churchill County, but that is still to be decided through the PUD process. Member Arciniega commented that he is very familiar with the traffic in that area, and it is bad on Allen Road, Birch Lane, and Dallas Drive would also be an outlet for many people. That is not really a commute route or anything like that. Traffic is a big issue with this. Member Arciniega questioned about fire capacity—what about fire, what about police, etc. Mr. Moon explained that it isn't something they have yet contemplated; however, as far as a firefighting/water capacity/flow capacity with the main water treatment plant, which are probably working off of VFD (variable frequency drive) pumps that ramp up when needed, and this probably wouldn't be an issue in this development. That comes into the development process, and when you get into that process there will be a water model done that says whether every hydrant flows at a certain standard. If this can't be met, then it is up to the developer to provide additional improvements to make sure that those are met. You can't approve it without having that stuff in place. Member Arciniega inquired how long it takes for a traffic study of this nature to be completed. Steve Moon believes it would take between four to six weeks; that may be too long, but that is a generous answer. They will come out here, set up traffic count stations, they will look at the major intersections, and they will look at what the background traffic is. They will then look at some of the numbers that they give them for the units proposed in the development and apply a growth factor and other factors that may affect the numbers and make calculations. Member Arciniega questioned if Wildcat Parkway is a two-lane or four-lane road. Mr. Moon said that it is a 60-foot easement right now, it would be 40-foot of asphalt, two-lane road.

Member Nelson asked about structural components on the roads like Birch, Casey, and whether they had looked at how much impact that is going to make two miles down the road, but it is where all of this traffic is going. Steve Moon responded that there is some of Birch that is okay and some of it that is not. He doesn't think that they are far enough into the process to address these things. They would probably lean on Gary Fowkes, Road Supervisor, and whether these things are set up on his maintenance treatments or a reconstruct or so forth. Reasonably, if there are some sections in here that are just gone and you know that they will be, you might want to look at something to improve those. He thinks that Casey is not too bad, or at least sections of Casey Road. All of the sewer line ran through there not too long ago, and so they ended up repaving those. Those are all three on six, and are fairly typical county road sections. Luckily, you are talking cars; it isn't something where there are heavy truck vehicles, or something like around Walmart where you are going to get a lot of diesels, etc. He doesn't think that has been looked at in depth, but that would be something to consider. Member Nelson, in order to establish the difference between E-1 and R-1, inquired about the best case scenario how many homes he could build there in E-1 versus R-1. Mr. Moon said that it depends upon how you want to look at it; you could go to half-acre lots and be about 120 homes in a rough estimate. Member Nelson pointed out that they may be able to get more than that with TDRs. Steve Moon commented that with TDRs the density can go to five per acre. Dean Patterson noted that this is with a PUD. Mr. Moon continued by saying that in R-1 straight with tentative map, single-family residential, you are at about 3.2 units per acre, so that would be about 180-190 homes. With the 5 units per acre would be pushing 300 on a PUD. With R-1 zoning and the PUD it could go to 8 units per acre, which would be around 480-640. He agreed those last numbers is getting way out there. There is a sweet spot in there that works, and he doesn't know that they have landed on what that is. These are kind of the ranges from about 120 to 500 depending upon what type of development goes in there. Member Nelson questioned if they were planning on about 300 or 400 to compare with the other R-1 developments. Mr. Moon answered that they were looking at the 100 single-family or paired housing type units. The idea is that they will bring it in front of everyone as they go into the workshops. They will show the zero lot line paired housing unit saves on construction costs, and it is also a smaller unit. You could see these for an entry level for a small family, for a senior, or so on, and they see that as having a broad appeal that isn't just strictly single-family residential with an 1,800 square foot home. Member Nelson restated what he understood that with R-1 they would be around 300-400, and E-1 with the "worst case scenario" they could almost get to 300. How much open

space would be left under that scenario with E-1 zoning? Mr. Moon replied that it depends upon what they put out there. The original incarnation of this project where it had 190 homes and had the minimum open space that was roughly 9-10 acres. That is a single-family residential product with a little wad of open space. Member Nelson asked if under the R-1 PUD, Mr. Moon was indicating about 18 acres of open space. Steve Moon stated that in the concept that they are kicking around they are looking at 18 acres because it is that trade off; it is the higher density, but the higher density itself is residing on a smaller lot, a smaller developed area, which allows more buffering around the outsides. Dean Patterson continued from Member Nelson's question that if you do an E-1 or an R-1 straight subdivision there is no open space requirement. If you do a PUD under either alternative, it is usually about 20% open space, but there is some give and take in how much that is. Member Nelson followed by saying that even if you got stuck with E-1, not saying that it would make sense monetarily, but if it did, you would still want to do a PUD because you can maximize what you want to do. Mr. Moon responded that they are doing more of a PUD because of the product. They think that is a marketable product because of the conditions that exist in this community. That is why a PUD is appealing to them because they are not just bringing in a whole bunch of more single-family residential homes. He said that Mr. McCreary met with the Navy folks and they reemphasized their need for things that aren't just single-family residential. For the guy that comes in and is stationed out here, if he can rent a 900 square foot apartment in a nice place with a pool or something like that, it would be more appealing than having a three bedroom home that he needs to share with other guys somewhere that he might have to take care of a lawn.

Chair Diehl said that with R-1 she believes that there could be small industry and she wondered if they had any idea of whether they will do any of that. Steve Moon replied that the only thing that they have thought about is potentially having a small commercial area for a storage facility, so that people could park their RVs or trailers. The idea is that if you are in a paired housing, small lot type of thing, or in an apartment complex, there isn't a place to put those vehicles. They also discussed the option of having some ministorage sheds included trying to control where people park these types of vehicles and store their stuff. That hasn't materialized yet, but it is an idea that if they decide to have a commercial component of the PUD, it may be something like that to serve the community. He mentioned that the Road Supervisor has a problem with small roads where people park their RVs on the street. If they create a fenced in, screened place to store those, it makes sense because they are concentrated in one area where they could be camouflaged instead of sitting out in the public right of way. Chair Diehl agreed that it is better cosmetics too.

Member Nelson questioned what the chances are that the zoning change is approved and then Mr. McCreary and Mr. Moon, who seem to have good intentions to do a nice development, decide to sell and having another developer coming in with maybe not so good of intentions. Kim McCreary stated that the apartment component of the PUD will be sold to someone that specializes in apartment complexes after the PUD could get approved because that isn't something they are familiar with and know how to do. Member Nelson pointed out that this wouldn't be until after the PUD has been approved and everything laid out and "set in stone", and Mr. McCreary agreed. He said that the potential buyer of that component wouldn't step up to buy it until they knew what conditions were placed on it. Mr. Moon commented that the PUD is just going to be paper lots, and it will be the first final map that comes through that has the apartment component lot created that could be sold off to the company that makes apartment complexes. The intent is that it won't be government assisted housing, and it isn't Beverly Hills 90210. These are intended to be for those in the workforce, Navy type of personnel, and other folks to have an apartment complex with some amenities. This is what they are trying to achieve there.

Dean Patterson pointed out the zoning map displayed on the screen that those areas where they had been discussing Wildcat Parkway and Elizabeth Parkway are currently zoned R-1. This application is requesting similar zoning at this location. He noted that to the east there is another block of R-1 zoning. The commissions' decision will be to change from E-1 to R-1 or not.

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

Member Arciniega, based on the information provided in the application, in the staff

report, and heard tonight, moved that the findings have been met for a Zoning Map Amendment on APNs 008-831-02, 008-831-19, & 008-831-77 thereby meeting the criteria found in CCC 16.08.060(E), as described in the Staff Report. Member Getto seconded the motion and the decision carried by a vote of 4 in favor (Members Yates, Getto, Arciniega, & Diehl) and 3 opposed (Members Nelson, Louis, & Bunyard).

Member Getto, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the request for a Zoning Map Amendment by Kim McCreary to change the zoning from E-1 to R-1 on APNs 008-831-02, 008-831-19, & 008-831-77. Member Arciniega seconded the motion and the decision carried by a vote of 4 in favor (Members Yates, Getto, Arciniega, & Diehl) and 3 opposed (Members Nelson, Louis, & Bunyard) after Ben Shawcroft called for a roll call vote for clarification due to the first vote being 3 in favor and 4 opposed, which would not have passed.

It was noted that this item will be forwarded to the Board of County Commissioners on May 6, 2021.

***The Hendrix variance was heard prior to the zone change item, so Chair Diehl moved next to the Consent Agenda.*

C. Consideration and possible action re: A variance application for minimum lot size filed by Hendrix Ranch for property located at 568 and 640 N Downs Lane, Assessor's Parcel Number 007-571-32, consisting of 58.94 acres in the A-10 zoning district. The applicant proposes to create 2 lots in order to divide pre-existing farmsteads from the agricultural parcel for family members that are no longer associated with the agricultural operation—one lot would be 1.69 acres and the other would be 3.71 acres leaving the remaining 53.54 acres with the ranch.

Director Chris Spross noted that the Navy responded that they have no issue with the Hendrix variance application. Chair Diehl read a letter in support of the application from the Prockish Family (this letter is filed with the application).

Ray Hendrix, 905 N Downs Lane, said that they have been going through this whole process for long enough that everyone should understand what has been going on. He just looks forward to getting everything accomplished. The Navy had some issues originally, and that is what had really slowed them down. They would like to just get it done and all of their family members will be happy to have their homes.

Chair Diehl asked for any public comments regarding this request. Therefore, she turned the discussion over to the commissioners.

Dean Patterson, Associate Planner, clarified that this is a project that has been going on for a while. Mr. Hendrix was one of the first conservation easements, and we've learned a lot of lessons and it created a bunch of difficulties the way that it was done before. Basically, we are working with Mr. Hendrix to try to fix those difficulties. Mr. Patterson pointed out that the Planning Commission recently granted a variance for a small lot on the west side of North Downs Lane in order to do a boundary line adjustment. That has been completed along with a boundary line adjustment. These variances are for the properties on the east side of North Downs Lane. He demonstrated these with the maps and aerial photographs shown on the overhead screen. Now that the conservation easement boundaries have been completed, and Mr. Hendrix now wants to complete his efforts at estate planning with family and the business, and he plans to split off these two small parcels for the farmsteads, which already exist. There would be no additional development taking place. One of the complicating factors is that the property is about 58 acres in the A-10 zoning district and would be entitled to five lots. By granting a variance for these two small lots, the remainder lot at 52 acres would theoretically still qualify for five lots. This variance could affect the count of how many developable lots the property would be entitled to have.

One of the recommended conditions for approval is for the map to clearly state that these two small lots will take up two of the five allowed lot divisions. After the parcel map is completed, it would only have three future divisions available.

Member Yates asked Dean Patterson to explain what the Navy's problem with this property entailed. Mr. Patterson shared that the contract for the easement and the way that it is written prohibits division of the parcel and there is not supposed to be future development on the conservation easement, and yet this lot kind of extended outside the conservation easement area, so it created a lot of problems with legal language. We have been working to clean this one up. Member Yates asked if the Navy was completely onboard with everything now, and Mr. Patterson confirmed that they are. Diane Moyle stated that the square portion of this property was originally part of the other parcel on the west side of North Downs Lane, and the conservation easement stated that it did not include the portion east of North Downs Lane. Unfortunately, this part was still attached to the portion of the parcel that was included in the easement, so they needed to be able to separate the two areas.

Chair Diehl questioned if all of this was on Mr. Hendrix's agricultural land. It won't be detrimental to any other thing. Ray Hendrix pointed out that these are already existing homes, and everything is already there. The houses have been there for 20-30 years. Nothing changes except that each family would like to own the property themselves because they are not part of the ranch anymore. This is the only way that they can do it.

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

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for 2 Variances from the 10-acre lot size requirements on APN 007-571-32, thereby meeting the criteria found in CCC 16.08.090(F), as described in the Staff Report. Vice Chair Louis 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 request for 2 Variances from the 10-acre lot size requirements in Churchill County Code Table 16.16.020.1 and CCC 16.08.150 for Hendrix Ranch on APN 007-571-32. 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 approved lot sizes are approximately 1.69 acres and 3.71 acres to provide for separating the homes and yards from the farmland.*
- 2. Along with recording the final map, a deed restriction must be recorded that eliminates two potential lots from the resulting farm parcel. The restriction must be in a form acceptable to the Public Works Director.*
- 3. The approval of this variance expires one year from the date of the final decision. An application for a Parcel Map to create the approved lots must be submitted before expiration.*
- 4. Compliance with Churchill County Code.*

***Associate Planner Dean Patterson noted that Mrs. Diaz seemed to be back on Zoom Meeting and wondered if it would be okay to go back to her temporary use permit application prior to moving on with the zone change item.*

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

A. Consideration and possible action re: Termination of a temporary use permit for temporary quarters

during home construction granted to Thomas & Jamie Blackburn for property located at 5560 Reno Highway, Assessor's Parcel Number 008-531-81, in the E-1 zoning district. The applicant responded that they no longer need the temporary use permit; therefore, the permit should be terminated.

- B. Consideration and possible action re: Termination of a temporary use permit for temporary quarters for hardship/caretaker granted to Lynden & Pamela Johnson for property located at 914 Cin-Ber Lane, Assessor's Parcel Number 010-371-09, in the E-1 zoning district. The applicant stated that the need no longer exists as her mother passed away; therefore, the permit should be terminated.
- C. Consideration and possible action re: Termination of a temporary use permit for hardship/caretaker granted to Nancy Hyde for property located at 4940 Silver Sage Lane, Assessor's Parcel Number 006-811-67, in the A-5 zoning district. It is noted that Mark and Anne Hyde obtained a temporary use permit for property located at 9655 Pioneer Way in November 2020 in order to move the mobile home from the property on Silver Sage Lane to their property to act as caretaker for Nancy Hyde. They have completed the move of the mobile home; therefore, the permit should be terminated for 4940 Silver Sage Lane.
- D. Consideration and possible action re: Termination of a temporary use permit granted to Marcia Vinson to allow her grandson to reside in a camp trailer on property owned by her at 5862 Mac Pherson Lane, Assessor's Parcel Number 008-153-08, in the E-1 zoning district. The applicant stated that the camp trailer is no longer on the property and the permit is not needed; therefore, the permit should be terminated.
- E. Consideration and possible action re: Termination of a special use permit for construction and operation of a metals processing facility granted to Western Nevada Rail Park for property located at 11000 Reno Highway, Assessor's Parcel Number 009-251-77 (previously 009-251-33), consisting of 17 acres out of the 163.79 acres in the Industrial zoning district. The property sold and the operation has not been conducted at this site for a number of years; therefore, the permit should be terminated.

Chair Diehl asked if there were any items that the public or commission would like to pull from the Consent Agenda, and there were none.

Member Arciniega moved to approve the Consent Agenda as submitted. Member Getto second the motion and the decision carried by unanimous vote.

12. Public Comment.

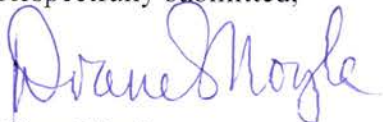
There were none.

13. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 9:20 p.m.

14. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant