

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
May 12, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on May 12, 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.

There were none.

4. Verification of the Posting of the Agenda.

It was verified by Diane Moyle, Administrative Assistant, that the Agenda for this meeting was posted on May 6, 2021 at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

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

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

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

Chair Diehl verified with the Administrative Assistant that notification was sent to all landowners in accordance with NRS and the Churchill County Code.

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

A. April 14, 2021 Public Hearing

Member Yates moved to approve the April 14, 2021 minutes as written. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

8. Old Business.

- A. Consideration and possible action re: A renewal of a temporary use permit granted to Robert Daly & Nina Lutz for temporary quarters while constructing a permanent residence at 13450 Big Red Drive, Assessor's Parcel Number 006-122-52, in the RR-20 zoning district. Origination date is May 9, 2018. The applicant stated that the foundation is being completed now and the septic system is almost done. They request a renewal of the temporary use permit. Conditions for the permit required the applicant to obtain legal permission to use the existing road, to establish legal easement to the parcel, and to obtain building permits.

Robert Daly, 13450 Big Red Drive, stated that Nina Lutz is no longer associated with this property. He informed that he brought in some pictures showing the progress on the property, which were displayed on the overhead screen.

Chair Diehl asked for any public comments regarding this request; there were none, so she turned the discussion over to the commission.

Vice Chair Louis inquired how long Mr. Daly thinks that it will be before he gets the house built. Robert Daly responded that if all continues to go as planned, he should have the foundation completed in a couple of months, and then he would like to let it sit for the summer and cure. He hopes to stand the building up closer to fall or winter and then work on that over the winter. It may take one or two more years to complete.

Chair Diehl asked about the photos that were displayed, and Mr. Daly noted those pictures showing where he has prepared the ground for the foundation. He is getting ready to tunnel underneath for the drain and freshwater piping. He also noted that the septic tank is already in the ground and waiting. The Contractor needs to come back and dig the leach lines, and then they will get that inspected and covered up. Chair Diehl questioned if he had obtained his building permits. Mr. Daly stated that he had those with him if they would like to view them. They were completely up to date now. The permit for the house is good until October 2021 and the septic permit is also good until about that same time, but he believes it will be completed shortly.

Member Arciniega moved to approve the renewal of the temporary use permit for Robert Daly at 13450 Big Red Drive, APN 006-122-52, for another year. Member Getto seconded the motion and the decision carried by unanimous vote.

- B.** Consideration and possible action re: A renewal of a temporary use permit granted to Jose Rodriguez-Segura for temporary quarters while constructing a permanent residence at 4792 Conrad Place, Assessor's Parcel Number 006- 231-59, in the A-5 zoning district. Origination date is May 9, 2019.

Iris Rodriguez, 4792 Conrad Place, attended via Zoom Meeting in her husband's place. She said that so far, the septic and well are installed on the property. They are currently in contract with Cheek Construction to get the foundation started. This will be a manufactured home; however, due to COVID-19 the manufacturing company had to shut down for about a month, which put them further behind schedule to get these completed for delivery. The house won't be installed until late October or early November 2021. This is why they are requesting to have their permit extended for another year. Everything else seems to be flowing correctly, and she expects to have the home there by early November at the latest. Chair Diehl noticed that the origination date was May 9, 2019 and asked if this was when they first got their permit. Mrs. Rodriguez confirmed this date.

Chair Diehl asked for any public comments regarding this request; there were none, so she turned the discussion over to the commission.

Member Yates moved to renew the temporary use permit granted to Jose Rodriguez-Segura for temporary quarters while constructing a permanent residence at 4792 Conrad Place, APN 006-231-59, for another year. Member Bunyard 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 Levi Coonce for property located at 700 Triple E Lane, Assessor's Parcel Number 009-111-47. Origination date is 4/8/2020. One condition of approval was to establish a legal access easement to the property. *This item was tabled at the April 14, 2021 meeting due to lack of representation for the application.*

Chair Diehl noted that correspondence was received on this request, and she believes that everything should be sufficient to be able to make a decision on this renewal.

Director Chris Spross reported that the department received some correspondence from the applicant, Levi Coonce, that read as follows, "Good Afternoon, This is my formal letter advising whom it may concern that myself, Levi Coonce, and my wife, Ashley Coonce, who reside at 700 Triple E Lane, cannot attend the meeting for our Temporary Living Permit as requested. We both work for the Sheriff's Office and are on duty during the requested date and time.

We currently have our 2018 Fifth Wheel parked on our land, that we own, next to our shop. We have a permitted septic tank installed underground from Hiskett, as well as fully inspected and permitted

electrical for power to the trailer. We are currently in the process of working on our residential plans, which will go to engineering this month per our architect. Once the plans are done with engineering, we will be submitting them for permitting.

The work that I have done to date, per our agreement to have significant progress recorded, are as follows:

- Road graded and ready for stabilization and gravel to build site
- Domestic well drilled by Parsons
- NV Energy Project Sheet completed for power to build site
- All non-livable structures on property have been torn down and awaiting removal (Assessor's office came out and removed structures for tax purposes)
- Working with Attorney per Planning to get legal Access (Easements) established.

All other items of progress are on hold due to the Covid restrictions we have had in the last year, halting significant progress being made on my end. Multiple contractors and retailers have been very slow to return contact and being able to gain bids for certain jobs. Progress will be made this summer once home plans are in hand, as I am building my home as Owner Builder, and subbing out some of the work to contractors. If anything else is needed on our end, let me know, Thank you and Regards, Deputy Levi Coonce."

Chair Diehl inquired if the commissioners agreed that they have sufficient information to be able to move on this item, and members agreed.

Member Bunyard moved to renew the temporary use permit for temporary quarters during home construction for Levi Coonce at 700 Triple E Lane, APN 009-111-47, for another year with showing significant progress upon renewal. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

- D. Consideration and possible action re: A review of a special use permit granted to Excel Equipment Co for an off premises outside storage yard at 9900 Carson Highway, Assessor's Parcel Number 007-171-05, in the Industrial zoning district. The company has been attempting to sell the equipment and supplies on the lot, and the permit is subject to annual review. At the last review, the Planning Commissioners gave them 18 months before the next review in order to give them more time to sell the items.

Mike Cunningham, Vice President of Excel Equipment Company, 6700 Business Way, Boise, ID, reported that we had an unprecedented year last year with the price of oil going down and the other issues that occurred. They had some customers that were on board with going forward, and they lost them. In the last 30 days they've probably gotten three potential clients lined up to come and look at the equipment. One of these is coming from Africa and they cannot get access into the United States yet to come and look at things. Then they had another customer from Libya that is going to look at one of the rigs. They sent a representative in today to look at it, and Excel was doing the annual maintenance on the rigs today. They have come to a decision that if this equipment is not sold in the next 12-18 months, they will have an auction company come in and auction it off. Mr. Cunningham pointed out that they have several million dollars tied up in the iron there, and it has come to a point where based upon cost/value money he is going to have to do something differently. He has hired a guy that is their watchman and comes over four or five days per week to make sure that the weeds are knocked down and ensures that there is no vandalism that happens. He is spending money all of the time just to keep up with the property and making sure that everything is where it should be. He is requesting for an additional 12-18 months if possible, and if they do not get a sale on the equipment within 12 months, they will start generating an auction to get it all done by the end of 18 months. At 18 months, that yard will be cleaned up.

Chair Diehl asked for any public comments regarding this request; there were none, so she turned the discussion over to the commission.

Chair Diehl inquired if the Code Compliance Official happen to go out to the property. Member

Nelson noted that he drove out by there, and it is kept very clean and neat. He asked Mr. Cunningham if he had two rigs out there, and Mike Cunningham replied that there are three complete drilling rigs and 75,000 foot of drill string in the yard. He further stated that there is 3.2 million pounds of steel there, so to move it is quite an undertaking. To scrap it is going to be a big undertaking, and he doesn't want to do any scrapping on that property. They are renting the property from N.A. Degerstrom, and he had told them that they would not do any scrapping on their property to make sure that it is good and clean. They made the decision today because it is time consuming, and every time he has mechanics and people come down here it is about \$2,000-\$4,000 to do the maintenance on it and make sure that everything is in good working order. It is time to do something different here. Mr. Cunningham said that he has already contacted Cruz Auction in Houston that would be glad to do an auction for them. He then remarked that it would be in the best interest that they sell the equipment here in this county because it would bring in a good amount of taxes paid upon the sale. Their problem is having a buyer. He has been contacted by another geothermal company that is working in the valley to do some geothermal work; however, he isn't sure that they are a viable company, so he is not sure that will come to pass.

Member Nelson moved to extend the special use permit for Excel Equipment Co at 9900 Carson Highway, APN 007-171-05 for eighteen (18) months. Member Bunyard seconded the motion and the decision carried by unanimous vote.

9. Action Item.

A. Consideration and possible action re: A Tentative Parceling Plan application filed by NEV DEV LLC for properties located north of Dillon Road, Assessor's Parcel Numbers 008-113-49 and 008-113-56, consisting of 80.64 acres in the E-1 zoning district. The applicant proposes to divide the parcels into 16 lots. The previous version of this project, using long skinny lots, was denied. The applicant has submitted a revised parcel layout.

Those representing NEV DEV LLC were not yet in attendance, and staff asked to move forward with the next agenda item and come back to this one when the McCrearys arrive.

Kim McCreary, 2405 Farm District Road, Fernley, and Dan McCreary, 1205 Jessica Lane, Fernley, apologized for being late. Kim McCreary noted that they came before the Planning Commission with the long skinny lots previously, and these weren't really very good. The County Commissioners asked them to try again with a different configuration, so this is a better plan that they are proposing this time with wider lots. Each of the lots will have a private driveway going back to where the houses will be constructed. Each of the driveways will have a recorded road maintenance agreement that will pass in perpetuity from one owner to the next to make sure that the county doesn't have to maintain those roads. Each owner will be responsible for the maintenance of the driveway and cul-de-sac.

Chair Diehl asked for any public comments or questions regarding this request; there were none, so she turned the discussion over to the commission.

Vice Chair Louis inquired on Parcel 5 how they will deal with that area noted on the map with a sort of circle that has a driveway going through it. Kim McCreary responded that there is five acres there and there is plenty of room in the back where the owner could build a residence outside of this area. Vice Chair Louis questioned if that circled area is not usable land. Kim McCreary noted that it is a dry lakebed.

Member Bunyard stated that as he understands this application and map is that the access for each lot is on the front of the lot and asked for verification of this, or if the access would be in the road easement that goes to the back lots. Kim McCreary confirmed that they will not access off of Dillon Road; they will access off of each of those private driveways. Member Bunyard followed up by questioning if there would be any access to Dillon Road from those lots. Dean Patterson, Associate Planner, described how this would work. There are groups of four lots, and each are served by one of those long driveways. The requirement for each lot when you create a new lot is that it has to front on a county road or have a road built to it. The way that this layout approaches this issue, with the point of avoiding the necessity to build full scale county roads, is to have what is called a flagpole. The lots to the north have a sort of pole portion with a long skinny driveway going back to the flag portion of the

lot. There are two side by side flagpoles and each are 30' wide, but there are 60' easements on them, so it is covering both segments of flagpole. So, you have four lots fronting on each driveway formed by the pair of flagpoles. After discussions with county staff and also with County Commissioners it was determined that we need to have this maintenance agreement that Mr. McCreary was talking about because one of the problems for the County Commissioners is that people continually want to have their road improved or maintained by the county. The County Commissioners want there to be no illusions that this is going to be a county road. There are a number of conditions in that regard including that each pack of four lots have to take their access from the driveway; they can't take it from Dillon Road or Roberson Lane. The driveway itself will need a paved apron onto Dillon Road for each driveway, and they will also need to have a sign specifically labeling it as a privately maintained driveway, so that there are no illusions by anyone that this is a county road. At the same time, since there is a road easement, each of these lots can, in the future, maybe in 10-20 years when services get out that far, be developed into five or ten lots. This preserves that opportunity for future development within the urbanized area. Member Bunyard then questioned based upon the explanation whether the easement would need to be continued all of the way through the north lots for those to be able to split. Dean Patterson remarked that when the north lots were divided, the access easement would be extended off of the cul-de-sac to reach the furthest lot.

Member Arciniega continued by inquiring if someone were to purchase Parcel 2 and wanted to develop those five acres into one acre lots, would they be responsible for extending that easement to the north end of that lot. Dean Patterson concurred that any of the lots that are divided must provide access to a county road as he was talking about before—it has to front on or build a county road to all of the lots, so someone in the future would have to pave that segment until it gets to their property and then connect all of the lots. He pointed out that Parcel 2 also fronts Roberson Lane, but Roberson Lane is just a glorified dirt track with lots of damaged areas. It is completely unable to provide access for any future development. Member Arciniega further questioned if Parcel 2 were developed into one-acre lots then those would have a Pattie Drive address. Dean Patterson responded that this would be something that would be figured out in the future. If the road is improved and paved, they would determine whether it was going to be county maintained or not, and chances are that it would probably get a Pattie Drive address. He did talk to the local Postmaster and they are talking about having a rack of four mailboxes on Dillon at each driveway for now. Kim McCreary asked if the person would have to have water and sewer in order to develop these lots, and Dean Patterson agreed and said that the water system is planned to be extended out in that direction, so if it got to the Caleb and Skyridge projects, this might make it possible for each of these lots to develop.

Chair Diehl pointed out that the zoning is E-1, so a five acre parcel could be divided into one-acre lots, isn't this correct? Dean Patterson concurred this to be correct. Chair Diehl then inquired if someone would be able to connect more than one lot to a well and septic, or if this was required on each lot separately. Dean Patterson noted that the way the code and the Master Plan are right now, in order to do projects like this, even though it is zoned E-1, you would need to have services to get the lots to be that small, otherwise it is five acre minimums. If you have services, then you can go one-acre and half-acre lots. Chair Diehl verified that they would have to have services, and Dean Patterson concurred that they must have access to one of the services—water or sewer. He further pointed out that we have a utilities plan that was approved in 2019 and it does cover this area, but that will be quite a way out.

Chair Diehl inquired if there were any other comments or question, and there were none. 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 a Tentative Parceling Plan application on APNs 008-113-49 & -56 to split the lots into 16 parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Getto seconded the motion and the decision

carried by unanimous vote.

Member Bunyard, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the Tentative Parceling Plan permit application for Nev Dev LLC to divide APNs 008-113-49 & -56 into 16 parcels. This approval is subject to conditions, as listed in the Staff Report. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1) *Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a) *Label the Roberson Lane road easement as offered for dedication.*
- 2) *Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a) *Correction of typographic errors, legend symbol clarifications, and stray markings.*
- 3) *Note 4 shall be modified to read "Direct access for all parcels onto Dillon Road and Roberson Lane is not permitted. Access must be from shared access driveways."*
- 4) *Shared driveways shall be provided with future maps that implement this parceling plan that include the following:*
 - a) *Paved aprons meeting Road Dept. standards shall be provided for each driveway at its intersection with Dillon Road.*
 - b) *Shared driveways shall be constructed to County gravel road standards.*
 - c) *Each driveway shall be provided with signage near Dillon Road to state "Privately maintained driveway".*
- 5) *A shared access road maintenance agreement template shall be developed in coordination with County Staff and approved by the Public Works Director. An agreement for each shared driveway shall be recorded along with the maps creating the parcels using the driveway.*

Chair Diehl explained that the Planning Commission makes a recommendation to the Board of County Commissioners, and that the County Commissioners will make the final decision on this parceling plan. This will be forwarded to their next meeting on May 19, 2021, which begins at 1:15 p.m. Dean Patterson wanted to ensure that the McCrearys were aware of the conditions that have been recommended. There are some related to the driveways. He asked if they have had a chance to look at those. Some of these will require some tweaks to the map, and once that is done, it will become the official parceling plan. Then you will be able to proceed with the parcel maps to implement the parceling plan. He thinks it will be a series of six maps. The last item is a shared access road maintenance agreement template will be developed in coordination with staff, so that is something that we all need to work together on to get the template how it needs to be and those will be recorded with each of the maps as they go along. Kim McCreary also noted that this will be something that they can refer to in the future.

The meeting continued with Public Hearing Item B.

10. Public Hearings.

- A.** Consideration and possible action re: A special use permit application for an auto body shop filed by Brenda Garabito for property located at 3921 Arnold Way, Assessor's Parcel Number 008-411-55, consisting of 1.09 acres in the C-1 zoning district. Since the applicant proposes to have a paint booth in the building, the use requires a special use permit.

Brenda Garabito, 7722 Rustler Court, Sparks, NV, 89436, didn't have anything to add to the application she submitted.

Chair Diehl asked for any further comments or questions; there were none. Therefore, she turned the discussion over to the commissioners.

Member Bunyard inquired if they were currently in business right now, and Mrs. Garabito stated that they do have an auto body shop in Reno. Member Bunyard asked if they were looking to move to this place and build a shop. Mrs. Garabito confirmed this to be accurate.

Vice Chair Louis questioned how they plan on storing the flammable liquids that you will have at the shop. Mrs. Garabito explained that they will have a special storage area inside the shop where they will keep these materials. Vice Chair Louis verified that it would meet the codes required by the fire department, and Mrs. Garabito said that it will.

Director Chris Spross shared a response that was received in the department from the Fire Marshal, who stated that the applicant should be made aware that they will be required to follow the standards put forth in the 2018 International Fire Code, and especially Chapter 24 regarding flammable finishes and National Fire Protection Association 30, flammable and combustible liquid code.

Member Arciniega inquired if the applicant understands and will comply with the codes as stated by the Fire Marshal. Mrs. Garabito remarked that they will definitely comply with these and further pointed out that they meet these now in their current business in Reno. It is something that they are familiar with and already do.

Brayan Garabito, 7722 Rustler Court, said that they are installing a \$52,000 brand new paint booth, which is top of the line, so there won't be any problem with fumes coming out. It will have a PET II that is going to cost around \$14,000 too. They will have everything right and be set up good.

Chair Diehl asked about hazardous waste or materials. Mr. Garabito said that it takes them a year to fill up a 25 gallon container, and they hire H2O to come and pick this up for disposal. It takes it a long time to fill up the container. Chair Diehl verified that this is confined in a container, and Mr. Garabito confirmed this to be accurate.

Dean Patterson, Associate Planner, inquired of the applicants if they were planning to connect to the water system that is operating out there, and Mrs. Garabito responded that they will connect to what is available out there. They are working with Norman Frey, who has the well out there. Dean Patterson pointed out that this is a community water system that Mr. Frey operates for the Arnold Way area. He further mentioned that Mr. Frey has some dry line sewers installed that are not yet connected to the county sewer system, and when the county system does connect to these, he wanted to be sure that the applicants understood that they would have to connect to the sewer system at that time. Mrs. Garabito agreed.

Chair Diehl questioned if they have sufficient parking and where they would have the vehicles before, during and after painting. Mrs. Garabito remarked that anytime the vehicles will be painted they will be inside the booth in the shop. She then noted there will be a gated storage area toward the back of the building that will be covered and not visible to anyone driving by. Chair Diehl then asked if they have adequate parking, and Mrs. Garabito confirmed there is plenty of parking area. Dean Patterson mentioned that there are some other site plans provided in the application packet showing more of the parking along Arnold Way.

Member Arciniega inquired if they propose to have any signage on the building. Mrs. Garabito stated that they plan to just have a banner for now. There will be one on the front of the building with the business name. Member Arciniega asked if they were aware of the code requirements for signage related to size and location. Mrs. Garabito ensured that before they get to that point, she will meet with the department to make sure that they are up to code on lighting, banner, and so forth.

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 the application for a special use permit on APN 008-411-55, the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to approve the special use permit application for Brenda Garabito to establish a Vehicle and Equipment Repair business with a paint booth at 3921 Arnold Way (APN 008-411-55). 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 site must be constructed and operated in conformance with County Code and building permit requirements.*
 - a. *Signage installed later must meet code requirements.*
 - b. *Lighting installed later must meet Dark Skies requirement.*
2. *When the community sewer system becomes operational, the property must connect to it at the property owner's expense.*
3. *State and federal permits and requirements shall be obtained and maintained in good standing.*
4. *Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.*

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

The McCrearys had arrived at the meeting, so Chair Diehl went back to Agenda Action Item A.

- B.** Consideration and possible action re: A special use permit application for an Agrotourism Facility filed by Kimberly Urso, owner of Yellow Petal Flower Farm, for property located at 3255 Lone Tree Road, Assessor's Parcel Number 006-541-44, consisting of 32.9 acres in the A-10 zoning district. The applicant will be holding public events, farm related classes, and U-pick sales.

Kim Urso, 3255 Lone Tree Road, wanted to add to her application is seeking approval of a small sign to post on the property. She distributed copies of what it would look like. Dean Patterson, Associate Planner, stated that in our codes if a person in a non-commercial zoning district wanted to put up a sign, they would need to have it approved by the Planning Commission. This came to light later in the review process, which is why it is being brought forward so late.

Chair Diehl asked for any public comments.

Spencer Johnson, 3499 Lone Tree Road, stated that he is their neighbor and wanted to get an idea of the layout for this project because he is getting ready to move into his house, which is at the lower part of the aerial photo displayed on the screen and southeast of this property. He wanted to understand where the parking and restroom use would be on the parcel. He thinks that he understands it better now and would like to know where they plan to put the restroom and whether it was going to be a permanent facility or not. He doesn't have any opposition and is here to support the Ursos in their endeavors.

Director Chris Spross shared some correspondence that was received in the department. One of these was from Jennifer Haley from the Navy, and another one from Aaron Williams. He read the one from Mr. Williams into the record. "I will not be able to attend the May 12th meeting concerning a special use permit application filed by Kimberly Urso, owner of Yellow Petal Flower Farm, parcel #006-541-44 at 3255 Lone Tree Road. I support the approval of this application. The Lahontan Valley is changing and the pressures on agriculture are growing both economically and culturally. It is becoming harder and harder to make a living in the traditional methods practiced in this valley. Kimberly Urso's flower business idea may help open up new areas of commerce, which are much needed in this area. I feel her location is a good fit considering it was previously a vehicle painting business for at least a decade before her with no negative issues that I am aware of. Thank you for considering my input."

Chair Diehl then turned the discussion over to the commissioners.

Member Arciniega, in an effort to address Mr. Johnson's comment, asked if Mr. Johnson understood where the parking will be on the lot, and Spencer Johnson stated that he didn't. Member

Arciniega asked for someone to point out on the parcel where the parking would be for this facility. He also inquired about restroom facilities that will be provided on the property, which Mr. Johnson had brought up. Spencer Johnson spoke up and said that since it is so far from his home, it probably won't matter or affect him where they choose to place the restroom. Kim Urso remarked that they don't have currently plans for a permanent restroom. They are planning to locate a portable restroom in an area that is well concealed by some bushes and shrubs, so that it won't be obtrusive to any of the neighbors or to them. Mr. Johnson further commented that based upon the area she was indicating closer to her residence that this would affect him zero. He was there to support them 100%.

Chair Diehl held up the handout that Ms. Urso brought in and inquired if this was the signage that she was planning to put up. Kim Urso replied that it is. Dean Patterson interjected that the sign will be roughly about four by four, according to an email he received from Ms. Urso. It will be on posts and be out by the road in between the road and the canal easement. Chair Diehl noted that in the application she saw that there is proposed to be some type of stand where she can display her flowers or plants and questioned if that would be along side the road. Kim Urso answered that it will be inside the bridge in the area where the parking spaces will be provided. They did submit some examples of something that they would like to build. Something small, and it will be a self-serve stand, so that people can come and pick up bouquets and either leave cash or use Venmo or another means to pay. Chair Diehl asked if she plans on holding some type of classes. Ms. Urso confirmed that she plans to have some flower arranging classes, which may or may not be in conjunction with the U-Cut events. There are lots of classes that they are excited about sharing. Chair Diehl pointed out that it appears that she will have plenty of parking. She brought up that in the staff report one of the conditions does limit the number of people at the property at one time. Kim Urso agreed that she read that it would be 50 people. Dean Patterson shared that having seen Agrotourism operations around the country, these can vary widely in size—from very small setups like Ms. Urso currently has in mind to very extravagant and large-scale setups with lots of people. Each has different impacts. The very large events would have to deal with a lot of crowd style facilities, probably more permanent restrooms, and would have to start doing traffic studies, which may generate a need to make improvements. Since our code doesn't have distinctions and different scales, we have to do it with the application. This number was based upon Ms. Urso's 30 space parking lot, which they roughly estimated equated to about 50 visitors. This seemed like a good number to use at this point. She has other plans in the future, so this would be the first step in other phases of plans. Chair Diehl inquired if she was just going to plant flowers in the field. Kim Urso admitted that some of her neighbors think they are a little crazy, but they are planning to plant flowers in about a two acre section of the field in two rows where flowers are planted. She noted that the department staff along with Members Arciniega and Getto got a tour of their property. The alfalfa is still growing around this area.

Vice Chair Louis questioned what kinds of flowers they were growing, and Ms. Urso responded that they have tulips, daffodils, peonies, dahlias, and lots of other different cut flower varieties, such as sunflowers, and so on. Vice Chair Louis asked how they plan to deal with the winters with the flowers. Kim Urson explained that some flowers will overwinter, but not all of them. Those that don't will be replanted the next year.

Member Yates pointed out that there was a pretty extensive list of recommended conditions for this approval, and he ensured that she was familiar with them and able to comply with all of them. Ms. Urso replied that she will. Member Yates then asked Chris Spross about the correspondence that was received from the Navy. Jennifer Haley asked Director Spross to share the email that she sent, and Mr. Spross read that the Navy has no issues with this application.

Member Arciniega confirmed that he did see the site and thinks it looks great. He inquired if they have any plans to install any hoop houses or anything like that, any inside growing areas. Kim Urso remarked that there are two frames currently up, but they are still debating whether or not they will cover those for the winter. Right now, they are talking about just putting shade cloth over them for the summer growing. At their previous site in Dayton, they did get a grant and put up a 72 X 30 tunnel, and

they are still considering whether or not that effort really meets the end for them.

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 the application for a special use permit on APN 006-541-44, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Dean Patterson requested that when they make the motion for the decision, that they would include a condition that the sign that they brought forward today is approved.

Member Arciniega, based on the previously adopted findings made for this project, moved to approve the special use permit application for Yellow Petal Flower Farm to establish an Agrotourism Facility at 3255 Lone Tree Rd (APN 006-541-44). This approval is subject to conditions, as listed in the Staff Report, including the signage that Yellow Petal Flower Farm has provided is also approved. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The Agro-Tourism Facility are approved with the limits in these conditions. Exceeding these limits requires a new Special Use Permit.*
- 2. The site must be constructed and operated in conformance with County Code and building permit requirements.*
- 3. Classes and other events that similarly have specific start, duration, and end times are limited to 50 visitors. Exceeding this number with a new SUP must include consideration of the need for additional parking, the need for a traffic study and related improvements, and the need for additional limits related to music, event, and crowd noise, or other impacts. This limit does not apply to long duration events where visitors come and go at any time, unless the Road Supervisor requests that the Public Works Director require a new SUP to deal with excessive traffic impacts.*
- 4. Live amplified music by bands or DJs is not allowed. Otherwise, the applicant is responsible for controlling excessive noise from playing background recorded music, microphone amplified speaking, etc. without causing a public nuisance.*
- 5. Visitor areas must be ADA accessible. This requires accessible parking spaces and restrooms for outdoor visitor areas, and accessible buildings where used by visitors. When portable toilets are used, an accessible unit must be provided.*
- 6. Visitor facilities, including restrooms and food service, shall meet all applicable state and local sanitation requirements. Water must be made available to visitors (for purchase is acceptable). The applicant is responsible to check business license requirements for vendors that operate at the site during events.*
- 7. Events must meet state and local security, fire safety, and medical safety requirements.*
- 8. Multiple trash receptacles shall be placed in readily visible locations throughout the outdoor visitor area.*
- 9. The applicant shall obtain any necessary road approach permits or approvals from the Road Department; and shall install a paved access apron to Road Department specifications.*
- 10. The applicant must work with the Road Dept. to develop a signage plan to use during all events that will meet requirements and make ingress and egress safer and more streamlined.*
- 11. The access driveway and parking lot shall be improved to meet Development Code and Fire Code standards.*
- 12. Operations shall be conducted in a manner that does not create a nuisance (public or private) under*

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

- C. Consideration and possible action re: A Zoning Map Amendment filed by Steven Richards for property located at 9365 Marshall Drive, Assessor's Parcel Number 007-171-41, consisting of 1.0 acre in the C-2 zoning district. The applicant requests that the property zoning to be changed from C-2 (commercial) to A-10 (residential) due to issues with refinancing. The primary use of the property has always been residential.

Steve Richards, 9365 Marshall Drive, explained that when he found out about the issue he was having with refinancing, he learned that a neighbor two houses down went through the same process previously. When he got to looking at this development, he couldn't understand why there are 18 houses on that dead end street, and they are all residential. It is zoned as C-2, and he couldn't understand why. There is no commercial there. His personal matter is that he couldn't get it refinanced because it is zoned C-2; therefore, he is here requesting to change the zoning.

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

Member Bunyard verified that Mr. Richards was able to get it financed the first time, and then they just couldn't refinance it now because of the zoning. Mr. Richards remarked that he didn't have any problem when he bought the property. It was suggested to him to refinance because he could get a lower rate, and then he decided to go in that direction until they came to the zoning for the property. He is asking that the county help him to fix his problem.

Dean Patterson, Associate Planner, stated that we did receive a phone call from another neighbor in the area, who stated that he was able to get refinanced without a problem with the zoning, so in the future we might discuss with others in similar circumstances that they check with other financing groups. Obviously, Mr. Richards wasn't able to find anything, and he expects that some of the problems may stem from the recession and changes in banking and lending practices.

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

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a Zoning Map Amendment on APN 007-171-41, thereby meeting the criteria found in CCC 16.08.060(E), as described in the Staff Report. Member Yates 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 approve the request for a Zoning Map Amendment by Steven Richards to change the zoning from C-2 to A-10 on the property 9365 Marshall Drive, APN 007-171-41. Member Arciniega seconded the motion and the decision carried by unanimous vote.

Chair Diehl advised the application that this application with their recommendation will be forwarded to the Board of County Commissioners for their June 3, 2021 meeting, which begins at 8:15 a.m.

10. 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: A termination of a temporary use permit granted to Frey Ranch for two mobile homes for agricultural help at 600 & 620 Dodge Lane, Assessor's Parcel Number 006-092-12, in the A-10 zoning district. The owner stated that the mobile homes are no longer needed and will be removed prior to the expiration date of the permit; therefore, the temporary use permit should be terminated.
- B. Consideration and possible action re: A termination of a temporary use permit granted to David & Sherilyn McCarter of A-1 Septic & Drain Service for a temporary watchman's quarters at 5011 Reno Highway, Assessor's Parcel Number 008-492-05, in the C-2 zoning district. The business closed as of January 6, 2021 and they have been working to sell the business equipment. One condition for the permit is a business license, which has been terminated; therefore, the temporary use permit should be terminated.
- C. Consideration and possible action re: A termination of a special use permit granted to John Weir for a home-based gunsmith shop and gun sales business at 4585 Rancheria Road, Assessor's Parcel Number 008-121-90, in the A-5 zoning district. It is noted that the business license was terminated as of January 6, 2015 when the owner stated that he would not be renewing his business license, which is required for the permit. Therefore, the special use permit should be terminated.
- D. Consideration and possible action re: A termination of a special use permit granted to Tumbleweed Garbage Disposal LLC for a residential trash collection business at 4505 Reno Highway, Assessor's Parcel Number 008-473-32, in the C-1 zoning district. This business has moved to a location in the City of Fallon and no longer conducts business from this location; therefore, the special use permit should be terminated.
- E. Consideration and possible action re: A termination of a special use permit granted to Myndi Bergschneider for a home-based nail salon business at 2235 Smart Lane, Assessor's Parcel Number 008-812-07, in the R-2 zoning district. The owner stated that she will not be renewing her business license, which is a requirement for the permit; therefore, the special use permit should be terminated.
- F. Consideration and possible action re: A termination of a special use permit granted to Robin Sharrard for a home based graphics and signs business at 1896 Bowie Road, Assessor's Parcel Number 008-132-29, in the E-1 zoning district. The applicant stated that he is closing his business and will not renew the business license, which is a condition for the permit; therefore, the special use permit should be terminated.

Vice Chair Louis moved to approve the consent agenda as submitted. Member Yates seconded the motion and the decision carried by unanimous vote.

11. Public Comment.

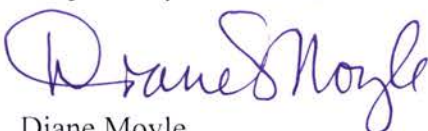
There were none.

12. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:04 p.m.

13. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant