

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
August 11, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on August 11, 2021 by Chair Diehl.

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

Absent: Member Scott Nelson

Planning Staff Present:

Chris Spross, Public Works Director
Dean Patterson, Associate Planner
Diane Moyle, Administrative Assistant
Alexa Robinson, Office Specialist

Civil D.A. Staff Present:

Joseph Sanford, 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 Alexa Robinson, Office Specialist, that the Agenda for this meeting was posted on August 5, 2021, between 8:30 a.m. and 3:30 p.m., at 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 Office Specialist stated that with regards to Agenda Item B the applicants requested to postpone their application until the September 2021 meeting.

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

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

Chair Diehl verified with the Office Specialist 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. July 14, 2021 Public Hearing

Member Bunyard moved to approve the July 14, 2021 minutes as written. Member Yates 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 during home construction filed by Keary Basford for property located at 895 Howard Place, Assessor's Parcel Number 007-851-19, in the A-5 zoning district. The applicant made a little progress toward improvements on the property; however, due to COVID he wasn't able to do more and is seeking a renewal of the permit.

Keary Basford, 895 Howard Place, stated that he dropped the electricity from the power pole to start construction with generators, saws and so forth. He had a job with CART (Churchill Area Regional Transport) and was getting the money together to move forward. Then COVID happened and they let him go after two employees returned to work from illness and injury. Since he no longer had an income, he wasn't able to move forward. What he plans to do next is getting the septic system installed.

Chair Diehl asked for any public comment regarding this request; there were none, so she turned

the discussion over to the commission. Chair Diehl inquired if Mr. Basford has permits already for the septic and building. Keary Basford responded in the negative due to lack of funds. He remembered that when he was starting this project years ago, he had the leach test done for the septic system by Hiskett & Sons. He paid for his septic permit at that time. Time has lapsed and the permit expired, so he would need to get a new permit to get it started again. Chair Diehl questioned if he planned on doing that, and Mr. Basford replied that he was looking forward to doing that. He noted that it was actually a recommendation from the Department as a way to proceed. Chair Diehl asked if he was still living in the RV on the property, and he said he was.

Vice Chair Louis inquired if Mr. Basford has a well installed on the property yet, and he has a 130-foot well with a pump house and electricity put underground so far. He also has a portable septic tank, which Marshall's septic comes and pumps out every six months. He has had the well there for about 10 years or more, and the electricity has been there for about 4 years.

Member Bunyard questioned Mr. Basford about the length of time that he has been working on this project. Keary Basford responded that it actually started 13 years ago, but he left California and moved onto the property about 4 years ago. That is when he got the electricity installed. The well was completed before that, and then he built the pump house 4 years ago when he moved to the property. Member Bunyard asked what progress he has made in the last 12 months. Mr. Basford shared that he brought power down from the power pole and established, so that he could have a hookup for electricity for saws and generators to work with in order to start building forms and so forth. Unfortunately, when he lost his job due to COVID his income stopped. He just couldn't move forward at that point. The next best thing for him to do will be to work on the septic installation. Member Bunyard mentioned that he previously stated that he already had power to the well. Mr. Basford agreed that he had the power to the pump house, and he added another power outlet at the source on the pole closer to the building site, which he had professionally installed. There are two power sources—one where he lives and one at the power pole.

Member Arciniega asked if Mr. Basford has found out how much it will cost to put in the septic system. Keary Basford replied that he has worked with Hiskett & Sons, and already had them put in the culvert at the entrance to his property for the irrigation system as well as doing the perk test. He would like to work with them to get an estimate and will probably get a few others as well. Member Arciniega verified that as he understands Mr. Basford is not currently working, and Keary Basford responded that he is not. Member Arciniega then asked if he has money set aside for the septic system, and Mr. Basford said that he doesn't. He further stated that he is currently looking for a job. Member Arciniega noted that with no current employment and unsure about the septic system and further asked what assurances Mr. Basford could give to the commission that you will be making progress on this temporary use permit renewal. Keary Basford remarked that he has actually done septic systems with his cousin, and now that he will be getting more money on Social Security, he will be able to set aside money from this. He is also a professional piano tuner and technician, and he has done some trade work with Hiskett & Sons before, so he may be able to do some more work with them in trade. He does also go to Reno and work for Carpenter's Music World doing some piano work. He has some places where he gets some money. He really does want to get this done, so he is looking at other avenues in order to make some money. Member Arciniega inquired if he was reasonably sure that by this time next year, he will have made substantial progress, if not complete work on the septic system. Mr. Basford replied that he would like to say yes; however, he can't guarantee anything. He said that they put in their own septic on the ranch in Fernley when he lived out there. They were able to dig it out with a pick and shovel. He can start digging a hole, and then we would need to buy a tank and have it put in. He can do a lot of the labor himself. Keary Basford added that he would like to get this done. That is the direction he is going, and he wants to get it done.

There being no further questions, Chair Diehl called for a motion on this permit renewal.

Vice Chair Louis moved to renew the temporary use permit for temporary quarters

for Keary Basford at 895 Howard Place, APN 007-851-19, for another year. Member Yates seconded the motion, and the first vote was tied, three in favor (Diehl, Louis, and Yates) to three opposed (Getto, Bunyard, and Arciniega).

Chair Diehl asked Joseph Sanford—Deputy District Attorney-Civil for guidance on options with a tied vote. Mr. Sanford stated that they could continue to discuss things in order to see if anyone would change their vote or they could table the decision until a future meeting. Keary Basford asked if he could speak again, and he noted that he forgot to include the income he would be receiving for leasing his 17 acres of land for farming and grazing. This would give him more income that he forgot to include that would be used to make the improvements that are needed. Chair Diehl questioned if the RV is the only place that Mr. Basford is living at this time, and Keary Basford responded in the affirmative. Member Bunyard pointed out that on the renewal application he submitted Mr. Basford indicated that he wasn't able to lease his property due to drought. Mr. Basford stated that at the time he turned in the renewal application he hadn't heard from anyone, and then Steve wanted to go ahead and do this. Mr. Basford said that he has irrigated twice now for the alfalfa, and Steve mentioned that he wanted to put cattle in there also. Chair Diehl expressed her opinion that she didn't think that this needs to be tabled because this is for a renewal. Dean Patterson suggested to have another vote since we have had some more information added and someone may have decided to change their vote.

Chair Diehl called for a second vote after Mr. Basford's comments, and the decision carried by four votes in favor (Arciniega, Yates, Diehl, and Louis) to two votes opposed (Bunyard and Getto).

Chair Diehl informed Mr. Basford that he has an approval of the renewal, and she recommended that he work on the things he shared to be able to show progress.

9. Action Item.

- A. Consideration and possible action re: A parcel map application filed by Chris Thomas for property located at 1320 Moody Lane, Assessor's Parcel Number 008-292-31, consisting of 5.66 acres in the E-1 zoning district. The applicant proposes to split the parcel into two lots—one each for the two existing residences.

Chris Thomas, 1320 Moody Lane, explained that he and his wife and his parents own this parcel. He and his wife want to get a new home and will use their property as the down payment, so that they are not tied to his parents' portion of the parcel.

Chair Diehl inquired if this property was on the corner of Moody Lane and Rice Road and Mr. Thomas confirmed that it was.

Member Bunyard asked about access to the parcels after the split—would they share the same access? Chris Thomas noted that it would use that access point near the canal and that there is also another access at the north end of the parcel from Moody Lane. Member Bunyard also asked about well drilling plans for the new parcel created and construction of the new home. Mr. Thomas replied that he would like to drill the new well as soon as it is possible. Both of the homes on the property use the same well, and he would need to tie his home into the new well. Member Bunyard questioned Dean Patterson, Senior Planner, whether that would be required with the parcel split or with the new home. Dean Patterson responded that there are two homes sharing a well, and one home will be split off by the parcel map. This will require that it be disconnected from the well on the other parcel. One of the conditions of approval is to provide a separate source of water for that existing home and disconnect the old water line. He tried to write the condition to be flexible, for example, it could be that the well is installed before recording; however, there are nuances of law when the well driller can install a well that may come into play. The state basically says that you can't have two wells on one lot. The owners will have to show the state that they have a parcel map, and hopefully this will satisfy the state regarding the well drilling

permit. Chris Thomas informed that he has spoken to Welsco, who would be ready as soon as they are approved. Dean Patterson also brought up the county water line may be going in along Moody Lane, and if it does before they build the home, they would need to tie into the county water line.

Chair Diehl asked if they are connected to the county sewer line, and Chris Thomas responded that they are not currently; however, with the new construction they will tie into the county sewer system. Dean Patterson noted that the existing homes can continue to use their septic systems, the new home will have to connect to the sewer line, and when the septic systems eventually fail, then those residences would need to hook up to the county sewer as well.

Steve Bell, Bell Land Surveying, inquired clarification that he would be able to record the map before the well is drilled and permitted, or can he get a permit for the well and then get the map recorded. Dean Patterson tried to write the condition flexibly since the owner would like to get the well installed before recording the map, but if, for some reason, the state won't let it happen before, then they may need to financially guarantee it, or we will figure something out. Chris Thomas mentioned that they have the money already set aside for this.

Member Arciniega questioned where the access was for Parcel 2 on the map. Chris Thomas pointed on the parcel map an area off of Moody Lane near Rice Road that provides access to both of the residences currently, and there is another access on the north end of the parcel for additional access to Parcel 1. Dean Patterson pointed out that Parcel 1 would essentially have two accesses. Mr. Thomas noted that for construction of the new home the access they would use would be the one to the north coming off of Moody Lane.

Chair Diehl asked if there were any other questions or comments, and there were none. She then called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for an application for a Parcel Map on APN: 008-292-31 to split the lot into two parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Bunyard, 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 Chris Thomas to divide APN: 008-292-31 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) ACCEPT the offer to dedicate land and improvements for Moody Lane, and REJECT all other offers to dedicate lands and improvements at this time.

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

Chair Diehl explained that the recommendation of the Planning Commission would be forwarded with the application to the Board of County Commissioners at their September 2, 2021 meeting.

Recommended Conditions:

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:*
 - a) Labeling of the centerline of the canal forming the south property line.*
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:*
 - a) Modification of line symbols and point symbols*
 - b) The map shall be modified to display the dedicated strip of land for Moody Lane as a separate*

parcel of land using a solid line, including appropriate metes and bounds.

- 3) *Before recording the map, a solution for providing water to the home that will be on the north property shall be proposed that is acceptable to the Public Works Director, with a preference for the following:*
 - a) *A new water well for the north parcel shall be constructed or financially guaranteed.*
 - b) *The water line from the well on the south parcel to the home on the north parcel shall be disconnected or financially guaranteed.*
- 4) *Water dedication requirements must be met prior to recording the map.*

- B. Consideration and possible action re: A parcel map application filed by Mary Kolwyck for property located at 7450 Rockwood Place, Assessor's Parcel Number 007-251-62, consisting of 69.93 acres in the A-10 zoning district. The applicant proposes to split the parcel into two lots.

This item was postponed until the September 8, 2021 Planning Commission meeting at the request of the applicants.

10. Public Hearings.

- A. Consideration and possible action re: A temporary use permit for temporary quarters during home construction filed by Michael & Renee Matovina for property located at 675 River Village Drive, Assessor's Parcel Number 008-421-78, consisting of approximately 1.04 acres in the E-1 zoning district. The applicants propose to live in an RV while constructing a permanent residence.

Dean Patterson, Senior Planner, pointed out that the applicants did not seem to be in attendance, and noted that this is a fairly straightforward application. Chair Diehl wondered if they would be notified to appear at another meeting. Dean Patterson responded that they could table this until the next month, or if they feel that they have enough information provided in the application, they could just make a decision now. Chair Diehl expressed her opinion that she wanted to have the applicants there to answer some questions. Member Bunyard asked if the aerial photograph shown on the screen was the property for this application, and Dean Patterson responded that it was. He noted that when he and Chris Spross, Director, went to this site, they were already placing the joists on the structure. They measured the distance from the wall, and although it is tight there is room to continue doing work and have the RV in the upper area of the photo. It would still meet the setback from the wall. Member Bunyard pointed out that they have the foundation poured and are moving forward at this point. Dean Patterson noted that from talking to the applicant they may not even use this permit, but they may, and they would like to have the home completed in the fall. Diane Moyle, Administrative Assistant, pointed out that the house next door as shown on the aerial photo of the property is where the commission previously approved a temporary use permit for hardship/caretaker. Member Arciniega feels like, with the construction that has already gone on with this project and the proximity to the previously approved permit next door, they could make a decision on this application. Chair Diehl said that they could assume that the findings have been met, so she called for a motion on the findings. Joseph Sanford, Deputy District Attorney—Civil, explained that if the commission believes that the findings have been met based upon what they have been presented in the application and the staff report, then they could make a decision based upon that.

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: 008-421-78, thereby meeting the criteria found in CCC 16.08.070(B)4, as described in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Member Yates, based on the previously adopted findings made for this project,

moved to approve the application for a Temporary Use Permit for Michael & Renee Matovina to establish a Temporary Quarters for Home Construction at 675 River Village Dr (APN: 008-421-78). This approval is subject to conditions, as listed in the Staff Report. Member Bunyard 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. *Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is not allowed.*
 - c. *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.*

Chair Diehl asked regarding the ground septic storage tank. Dean Patterson said that they had received the staff report and whatever other notices that they get, so we assume that they are aware of that complication. Chair Diehl also noted that they can assume that they have their permits since they already have the foundation on the property. Dean Patterson replied that when he and Chris Spross were there, they thought that the owners had their septic permit because the foundation thinking that it would be the first thing to go in. They since learned that that is very often the last thing that goes in because you don't want heavy trucks running over it, so they wait until the end. If it can be set off to the side where no one will be working, then they might do it earlier. In this case, he checked with the Building Department and there isn't a septic permit yet.

- B. Consideration and possible action re: A temporary use permit application for temporary quarters during home construction filed by Joseph & Christopher Dituri for property located off Lahontan Dam Road and Hoover Drive, Assessor's Parcel Number 006-142-34, consisting of approximately 20.01 acres in the RR-20 zoning district. The applicants propose to live in an RV on the property while they construct a permanent residence.

Joseph Dituri and Christopher Dituti, 20142 Lahontan Dam Rd, shared that they plan to place a manufactured home on the property in the future. They would like to get the septic installed first, which they believe they can do within the next 6-8 months. They currently live in California, so it would take some time to get the work done by going between there and here. They feel that they can get a septic installed in fairly short order. Then they would work to get a foundation poured, and, hopefully, within two years have a well drilled so that they have water. Regarding electricity they plan on using solar, and initially probably generators. They hope to have this project done within three years. They want to move onto the property, so that they can do some of the physical work themselves. They do have friends that operate and have excavating equipment so they can help with the septic and that. There is (he pointed out on the aerial photo being shown on the screen) an old mobile home frame that was there when they bought the property, and they plan to remove it and cleaning other debris from the property. There is a

lot of steel out there they plan to clean up, and this will be one of the first things that they do.

Dean Patterson, Senior Planner, wanted to point out an error in the staff report. There was some confusion about what the applicant had planned for sewage disposal for the RV. When he wrote the report, he was under the impression that they were going to self-haul their sewage out to some other location, which would not be allowed. When they were doing the site visit with the owners, they clarified that they are actually just going to use the RV wastewater storage tanks and will take the RV out when these need to be dumped to an approved disposal site. He assumes that when they get the septic system installed, they will then connect the RV to that system. Mr. Dituri concurred with this.

Dean Patterson then pointed out in the staff report that there are a number of sheds and cargo containers that have been placed without building placement permits, and so one of the conditions of approval would have them make sure that those permits are obtained before they get to start construction or setup the RV. Part of that is just confirming that there is no residence installed in the very large shed. It is very large, like 10" by 35". Other instances where these have been placed were determined to later be used as residences, and we just need to make sure that is not happening. The applicants have assured the Department this is not the case, and we just need to confirm it. Also, as Mr. Dituri mentioned, the debris will need to be cleaned off of the site, and he has already committed to do that.

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

Member Bunyard verified that they would only be there temporarily going back and forth from California. This temporary use permit wouldn't actually be full time living on the property. Mr. Dituri confirmed this to be accurate. Member Bunyard questioned if they had done research on the solar and being off grid about the estimated costs and getting that installed. Joseph Dituri replied that they just started that process of doing their research. They know that it is expensive. Member Bunyard asked if they would probably use the same power system for the modular home that they will place on the property and the well. Mr. Dituri agreed, and then stated that what they plan on doing for the well pump is installing a solar well pump and just adding a dedicated solar panel system for the well pump by itself. Member Bunyard inquired if they would be looking to put in storage for that water, and Mr. Dituri indicated that he has storage for water.

Chris Spross, Director, said that he made a trip to the site, and as Dean Patterson mentioned, there was a fairly substantial shed there. His first inclination was that it was being lived in. He asked what they are storing in that shed, or is there anything in there right now? Joseph Dituri informed that it was basically their home goods, and it will be his "man cave" basically when they get moved in. He plays drums and wants a little rehearsal space where he could practice and not bother his brother. Chair Diehl questioned if they had gotten any building permits, and Mr. Dituri said that they haven't started that yet. Christopher Dituri mentioned that the Building Department personnel that was out on site said that the permits for the sheds and shipping container that they have onsite would be retroactive. They can go ahead and pay for those and that will be taken care of. As far as anything for a manufactured home yet, they are just getting processes started right now. Mr. Dituri explained that they did talk to A J Home Center in Silver Springs, and they were informed that if they order a home through them that they will take care of the permits to the county, including the foundation and so on. He wasn't sure if that was true, but he hopes so. Dean Patterson noted that is normally the case for a full scale manufactured home seller that they will do all of that background work for you. Mr. Dituri then inquired when they get started on that they would just need to have the company to contact which department, and they were told it would be the Building Department.

Member Diehl asked about accessibility to the property, especially for emergency vehicles. Mr. Dituri stated that there are roads out there. He admitted it is fairly remote, and the Fire Marshal would have to go out himself to see about that. They also brought up that there are other homes in the vicinity of this property.

Member Bunyard asked if the sheds and other buildings were on the property when they purchased it, and Mr. Dituri stated that they placed the sheds. Member Bunyard verified that they will

need to go and get the permits for those, and Mr. Dituri agreed that they would.

Member Arciniega inquired if they were currently hauling water out to the site. Mr. Dituri said that is what they plan to do once they put the RV on the property. They are still in California and will still be there for some time. They have researched what wells cost. Typically, as they were informed by Welsco wells in this area typically are between 250 to 300 feet to get good water. It is expensive.

Chair Diehl questioned if they had looked into the septic system also. Mr. Dituri confirmed that they have and said that this is something that they can do in fairly short order as they can afford it. This and cleaning up the property will be first on their list of things to get done.

Member Getto wanted to make sure everyone understands what they plan to have accomplished by this time next year when they come back for the renewal. Will they have made significant progress and gotten one step closer to having a manufactured home there? Mr. Dituri stated that they should have the septic completed and maybe even the foundation poured, or at least apply for the permits for that. In a year's time he believes that they will be able to have that done.

Chair Diehl asked for any further questions; 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 Temporary Use Permit for a Temporary Quarters for Home Construction on APN: 006-142-34, thereby meeting the criteria found in CCC 16.08.070(B)4, 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 application for a Temporary Use Permit for Joseph & Christopher Dituri to establish a Temporary Quarters for Home Construction at 20142 Lahontan Dam Rd (APN: 006-142-34). This approval is subject to conditions, as listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. *The temporary quarters must comply with Churchill County Code.*
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. *Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is not allowed.*
 - c. *All necessary permits for home construction must be obtained including all **associated community development fees**.*
3. *Before issuance of the home or RV placement permits, all required permits for the sheds and cargo containers shall be obtained, and adequate fire access acceptable to the Fire Marshal shall be provided.*
4. *Before building permits for the home or septic system are issued, the charred remains of vehicles and buildings, and other debris on-site shall be removed. 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.*
5. *This temporary use permit is subject to annual renewal. **The applicant must show substantial progress of home construction during the annual review hearing.***
6. *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.*

Chair Diehl thanked the applicant and advised that there is a ten-day appeal period and that the temporary use permit has to be renewed each year.

- C. Consideration and possible action re: A special use permit application for a home based equipment repair with welding and steel fabrication, filed by Mike Jones for property located at 397 Mason Road, Assessor's Parcel Number 009-271-90, consisting of 12.0 acres in the A-10 zoning district. The applicant proposes to operate the business from the shop building at his home.

Michael Jones, 397 Mason Road, explained that he built a nice, big shop to gear up for retirement, and he wants to make sure that he does everything legally to be able to do some welding and steel fabrication and small equipment repair. He is not looking to start a manufacturing business or anything like that. This way he can help his friends and neighbors by working on things, and if there is any money exchanged, he wanted to make sure he is legal. He doesn't plan to have any employees. Chair Diehl noted that he would also need a business license, and Mr. Jones stated that he has already applied for that. He has the state business license already.

Chair Diehl turned the discussion over to the commissioners.

Chair Diehl asked about the number of customers he estimates will come to the property. Mike Jones responded that on the application he put maybe eight per month; however, it would just vary depending on the magnitude of the job. Chair Diehl asked if he has spoken with the Fire Marshal about safety with the welding. Mr. Jones said that he has not spoken to the local fire department here. When he built his other shop, they had a setback easement of 15 feet from the house, and then when they came to do the final inspection, the inspector commented that he built a noncombustible building so he could have gone all of the way up to his house if he wanted to. He was doing this same thing out of the City of Los Angeles, and they had no issues with it. He remarked that the house is quite a distance from the shop and there is nothing around the shop, so even if it was to burn, he would just be out of a shop and everything in it. Chair Diehl inquired about the sign that he mentioned. Mr. Jones said that there will be one around 2.5' x 4.0'. This will basically just be a landmark in case they can't see the building or need confirmation that they are in the right place. Chair Diehl questioned about parking. Mr. Jones declared that there is plenty of room for parking and it will be graveled in the future. In the winter he maintains some of the road out there because it gets pretty messed up. He hasn't done this yet because he isn't done with leveling it out. Chair Diehl noted that he might be required to put in a handicap accessible parking space. Mr. Jones replied that everything is pretty accessible, and the ground is pretty level right there, but he will comply if needed. He further explained that the only people that should be there is him and the customer making a drop off or pick up. It would be open to the public. Chair Diehl inquired if all of the equipment will be stored inside. Mr. Jones confirmed that it will be inside the shop. Chair Diehl questioned if there would be anything stored outside. Mr. Jones said that the only equipment that would be outside would be his tractor and implements. He plans to make a cover off of the back side of the shop, so that he can park his tractor and stuff under a cover. He does own a skid steer, forklift and another tractor, and these will be parked on the side of the shop.

Chris Spross recommended that public comment be addressed for this proposal. He read into the record a response from Truckee Carson Irrigation District (TCID) stating that they do not foresee any conflict with the intended special use permit upon federally owned facilities or upon the operation and maintenance of the Newlands Federal Reclamation Project, which they operate for the United States of America. They have no objection to the approval of the special use permit for the purposes relating thereto. Dean Patterson explained that the reason that the TCID letter is kind of important is because they have a lot of facilities running through the rear half of the property. He noted that there is a big list of recommended conditions in the staff report, and this is a result of a couple of things, both of which often create problems. One is the welding fabrication/machine shop kind of activity, which can be fairly loud and cause problems for neighbors. The applicant has indicated that he could do his work inside and can insulate the building to reduce noise issues. The other part is the equipment repair, which has been

one of the things that the Planning Commission has had to consider in the past because it can easily result in an accumulation of equipment or sometimes where people ask for auto repair or servicing where they accumulate a large number of vehicles that are abandoned by customers. He included a large list of recommended conditions and hopes that the applicant has had a chance to look at them. Mr. Jones said that he did read them and was okay with some of them. He remarked that some of them are a little questionable. Dean Patterson informed that Mr. Jones should bring these up to the commissioners. He continued saying that one of these that could be debatable that was written to try to avoid the accumulation of a lot of equipment on the property. It is recommended that the equipment and other work should be kept inside the shop, and there shouldn't be a problem because it is a large shop. The recommendation for other pieces of equipment and vehicles, including personal ones, should be limited to twelve (12). He doesn't necessarily know the magic number and asked for any discussion about what this number should be. Mike Jones responded that he was okay with that. He commented that that he keeps his place in very good order and keeps his place looking good. He remarked that he has gotten rid of a lot of the stuff he brought when he moved here. Mr. Jones further stated that as far as noise goes because his neighbors have animals that make far more noise at about 4:30 in the morning.

Chair Diehl pointed out that the lighting he intends to put on the building should be pointed down, and Mr. Jones replied that this was explained to him, and he is fine with this.

Member Yates wanted to clarify which recommendations Mr. Jones had an issue with, and Mr. Jones brought up a couple of things. He said that without going to the expense of installing a big evaporative cooling system into the building, he would like to have the door open when he is doing any kind of welding for ventilation purposes. He explained that fabrication, if you know what you are doing, is not really that loud. He noted on the staff report that Dean mentioned that he was a millwright and that he builds large equipment and machinery, which is true as to what he does in his job, but this is not what he plans to do at this location. Working with the door open or closed he is fine with that on certain occasions. Mike Jones indicated that he can insulate the building, but is far enough away from everybody that he doesn't think that noise is ever going to be an issue. He can insulate it at some point. It is an expensive process to do that. He is building the shop by himself and only has the roof left to put on. Dean Patterson brought up that if the Planning Commissioners decide to remove or change the conditions, they will need to cover that in the motions. Member Arciniega mentioned that Condition 1.f. it states that "the total number of vehicles and pieces of equipment stored on the property, outside of buildings, is limited to twelve or less". He noted that this is a twelve acre parcel, and one of the other photos shown on the screen of the home. He wondered if the twelve would include all of the others that are on the property now. Mike Jones noted that this aerial photograph was taken when he first moved there, and many of these vehicles are no longer there. He pointed out some of the things that are still there or have been moved elsewhere on the property. Member Arciniega asked if Mr. Jones was okay with the number of equipment and vehicles as twelve. Mr. Jones noted that the two Conex structures will be moved over by the shop, and he will add a cover between these and place a chain link fence in front of them, so that even those will look nice out front. You won't be able to see the forklift, two tractors and implements, and this will also protect them from the weather. Mike Jones further stated that the truck and trailer will probably go away at some point. He only purchased that to move here. Other than that, there is no other equipment. He has a 21' car trailer, a pickup truck, and wife's car on the property.

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 special use permit application for a Home Based Business on APN 009-271-90, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Member Arciniega, based on the previously adopted findings made for this project, moved to approve the special use permit application to establish a Home-Based Business for equipment repair and metal fabrication at 397 Mason Rd (APN 009-271-90). 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. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Mike Jones. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed equipment repair and metal fabrication. Adding other activities, such as equipment sales, etc. is prohibited.*
 - c. *Visits by customers are limited to 7 per week, and hours of operation are limited to appointment only and one at a time.*
 - d. *The driveway and the area in front of the shop doors shall be graveled.*
 - e. *All equipment being repaired or waiting for repair shall be stored within the shop*
 - f. *Unrepairable equipment shall be removed from the property unless stored in the shop. Total number of vehicles and pieces of equipment stored on the property outside of buildings is limited to 12 or less. If the property exceeds this limit, it can be declared to be a junkyard by the Public Works Director and subject to violation enforcement actions.*
 - g. *The building shall be insulated to reduce noise outside the building. All work shall be performed in the shop, with doors closed.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *A business license must be obtained and maintained.*
 - b. *All necessary building permits must be obtained.*
 - c. *Any safety alterations required by the Fire Marshal shall be made.*
 - d. *No employees are authorized.*
 - e. *No outside storage is authorized. All materials such as metal sheets, etc. shall be stored within the shop building.*
 - f. *The proposed sign placed on the shop is approved.*
 - g. *The proposed shop lighting shall meet code requirements to direct light down, and not up or horizontally.*
3. *Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.*

Chair Diehl thanked the applicant and advised that there is a ten-day appeal period, and the department will contact you to complete the permitting process.

- D. Consideration and possible action re: A special use permit application for a home based retail business filed by Steven Evans for property located at 80 Nubian Way, Assessor's Parcel Number 006-411-35, consisting of 10.5 acres in the A-10 zoning district. The applicant plans to sell products made from alpaca wool.

Steven Evans, 80 Nubian Way, said that they started an alpaca farm on their property. Most people stop by and see the animals and pet them, and they have some other animals that they raise as well. Some people ask if they have products made from the alpaca wool to sell. He passed around some of the products that are made with the wool, either by them or others, that they have available for sale. He pointed out that this is better than normal wool as it is hypoallergenic, warmer, and doesn't have lanolin in it. The fibers are so fine and kind of like cashmere, but it is warm. These are kind of expensive due to the expenses related to turning the fibers into thread and then made into these products. They wanted to have a little building where they could store stuff that they make to show people that stop by. If they want to buy something, they would like to be able to sell items to them. He doesn't really want a

lot of people coming into his house, especially with COVID. People will stop by and ask to come in to see the products. He pointed out that this won't be like a store where someone will be there every day with a cash register with a lot of people coming and going throughout the day. Sometimes they can go a month with no traffic, and if they do, they want to be able to show them the stuff and sell it to them and do so legally. This would be more by appointment with the occasional people stopping by when they see the animals along the highway. He doesn't anticipate more than one or two cars there at a time, and maybe not even 10 people per month. Sometimes they have people from the Navy that come out to see the animals. They also use that time to educate people about the animals. Selling these products helps to offset the costs of raising the animals, and they are able to provide some community service by allowing people to see and learn about the animals. He is retired, his wife works at the hospital, and they will not have employees. This will be operated by him, his wife and daughter. Mr. Evans pointed out that in Oregon, where he got his seed stock, they have large alpaca farms with retail stores on the farm where people can shop at any time. He only wants to have a small place to keep the products, yarn, etc. and allow him to sell these to the small group of people that buy from them.

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

Dean Patterson brought up that we have received a number of these store proposals over the last month or two, and stores really aren't very appropriate for a home-business. The other times that people have asked to do these kinds of projects they are really just storing their products, which have been easy to approve over the last few years. This one is a little different in that the applicant was describing it more as a store. What the commissioners will see in the recommended conditions is that we keep it to be a storage shed, and if the applicant would like to do sales outside of the structure, that would be fine. He could set up a table or a counter at the door. It gets into building code issues as well, because if it will be a commercial use, it needs to meet commercial construction standards, which a shed cannot do. Dean Patterson also brought up the issue of set-backs, and after an onsite inspection it was determined that he will need to move the shed further back due to the entire road and easement are on his parcel. The road and easement is 60 feet and then any structures are to meet a 30-foot setback from the road easement, which constitutes 90 feet from the property line. Steven Evans agreed that the shed can be moved because they have plenty of room there. He wasn't aware of the distance required. He stated that he planned to build a small shed of about 12' by 16' to meet a house building code, with standard construction, insulation, and so forth to look nice along with everything else. He would classify this more like a trading post—like a farm trading post—because it won't be like a store with someone sitting inside at a cash register on a counter. This would be where they store the items and people could go look at the items. This is more for the public than him, because he gets people stopping by on occasion asking about it, and he doesn't really want them inside his house. Dean Patterson advised that as long as people do not enter the shed this is acceptable.

Member Yates asked if Mr. Evans has read the staff report and was comfortable with all of the recommended conditions as Dean as explained them. Mr. Evans says he has, and that he even thought about changing his idea to put a nice awning out there with a nice platform in front and to use mobile racks to display items outside of the shed for customer sales. He can work with this. He further noted that there is plenty of parking in the front and he has plenty of parking all of the way around his house, too.

Chair Diehl mentioned that he will need a business license. Mr. Evans wanted to go through this process first to see if he could even do it. Chair Diehl questioned about customer appointments. Steven Evans replied there are appointments, but there are also people that stop when they see his animals from the highway. Chair Diehl asked for an estimated number. Mr. Evans replied the most he has had come at one time was maybe three or four people that stop as one group. He pointed out that he also has website and mails out product as well. Chair Diehl questioned if the parking area will be by the shed, and Mr. Evans said now that he will have to move the building to the other side, then the area where he noted "new building" would have a lot of parking there. Chair Diehl inquired about the possibility that he may

have to put in a handicap accessible parking space. Steven Evans replied that the dirt is hard packed and flat enough that a wheelchair could roll over it. Chair Diehl inquired about possibly having school field-trips, like for kindergarteners or other small classes, to see the animals and learn about them. Mr. Evans has had people ask about this and he wants to do that, but he has not encouraged that as of yet. He must check on liability issues and needs to make time for this to happen.

Director Chris Spross read a response from the Navy on this proposal, "The Navy has no issue with the alpaca farm store. Please advise the applicant of the following: The property is located within a buffer zone near active military operations area B16, and may be impacted by varying degrees of noise levels from low military aircraft overflight, vehicle convoys, small arms fire, and explosive detonations. NAS Fallon is a training base for deploying forces, and the training ranges are active on average 280 days a year, which includes some weekends and holidays." Mr. Evans noted that he has seen some helicopters flying over his property, but it isn't very much at all.

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 special use permit application for a Home Based Business on APN 006-411-35, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Yates seconded the motion and the decision carried by unanimous vote.

Member Getto, based on the previously adopted findings made for this project, moved to approve the special use permit application for Steven Evans to establish a Home-Based Business for Retail Sales at 80 Nubian Way (APN 006-411-35). 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. *Approval of the Home-Based Business is limited to:*
 - a. *Operation only by Steven Evans. Approval is not transferrable to another location or operator.*
 - b. *This approval is for the proposed retail sales business. Adding other activities, such as classes or craft shows is prohibited.*
 - c. *Visits by customers are limited to appointment only and one at a time.*
 - d. *Customer access inside the shed is not allowed.*
 - e. *Outdoor product display and indoor display through a window is not allowed.*
2. *The project must be in conformance with County Code, including but not limited to:*
 - a. *A business license must be obtained and maintained.*
 - b. *All necessary building permits must be obtained, including for shed placement.*
 - c. *A business sign is approved, as described in the application.*
 - d. *The storage shed shall be placed outside the street setback. A revised site plan shall be provided to show the final shed placement.*

Chair Diehl thanked the applicant and advised that there is a ten-day appeal period, and the department will contact you to complete the process.

11. Consent Agenda: 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 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 decided to move her RV to another location and will no longer need the temporary use permit; therefore, the permit should be terminated as it was never enacted.

- B. Consideration and possible action re: Termination of a temporary use permit for temporary quarters during home construction granted to Jerry McKnight for property located at 3830 Edwards Lane, Assessor's Parcel Number 008-031-39, in the A-10 zoning district. The applicant responded that the permit is no longer needed; therefore, the permit should be terminated.

Vice Chair Louis moved to approve the Consent Agenda as submitted. Member Yates seconded the motion and the decision carried unanimously.

12. Public Comment.

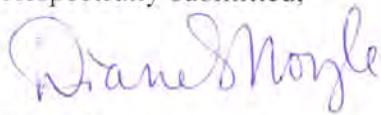
There were none. Chair Diehl noted that there will be a workshop this month, and it was pointed out that on August 24, 2021 there will be the Joint Entities Workshop that is held twice per year.

13. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:34 p.m.

14. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – August 11, 2021

Prepared August 4, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on August 4 to review the project applications listed below that are on the agenda for the August 11th Planning Commission Meeting. Site visits were made as noted.

• Thomas Parcel Map – 2 lots	Page 2	No Site visit
• Kolwyck Parcel Map – 2 lots	Page 5	No Site visit
• Matovina for Temporary Quarters during Home Construction	Page 8	No Site visit
• Dituri for Temporary Quarters during Home Construction	Page 10	No Site visit
• Jones Home Business SUP for equipment repair & metal fabrication	Page 12	No Site visit
• Evans Home Business SUP for retail sales	Page 16	No Site visit
• Consent Agenda	Page 20	No Site visit

PC Members Present

Deanna Diehl
Charlotte Louis
Charlie Arciniega

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>Thomas Parcel Map for 2 lots</u>	Use Listing:	<u>Residential/Agriculture</u>
Applicant:	<u>Chris Thomas</u>		
Owner:	<u>Wayne & Kathleen Thomas, and Chris and Jessica Thomas</u>		
Representative:	<u>Bell Land Surveying – Steve Bell</u>		
Site:	1320 Moody Lane (APN: 008-292-31 – 5.66 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Proposal: There are several complications with this map.

1. The property currently has 4 owners, being two couples that are related. Chris is the son of Wayne and Kathleen. This parcel map is intended to separate the ownership between the couples into two lots roughly along an existing fence and elevation break.
2. The property has 2 homes, which the map will separate; with Chris and Jessica's home (closest to Moody Lane) being on the north lot, and Wayne and Kathleen's home on the south lot. Doing so is complicated by the fact that both homes use one well that will go with the south lot. This will have to be resolved by installing independent water service for Chris and Jessica's home. The applicant plans to build a well for the lot.
3. An additional complication is that the applicant will soon be building a new, larger home on the north lot, which in turn will result in two homes on one property. At the time of building the new home, the owner will first have to obtain approval for an Accessory Dwelling Unit through an Administrative SUP, which they are planning to do, which will convert the small existing home into the accessory dwelling.
4. The new home will be further complicated by the fact that the land fronts the County sewer line and must connect to it. The same will apply to the County water supply that is planned for Moody Lane, unless the applicant builds the home before installation of the water line (which they plan to do).

Both lots have a non-rectangular configuration, The south lot will have a "flag-pole" reaching to Moody Lane that will include the driveway, the TCID canal, and a private ditch. The flag-pole configuration of the south lot will make future development more difficult. The parent parcel is zoned E-1 and has sewer frontage, which allows ½ acre lots. The 5.66 acre parcel has the potential for 11 new parcels (though existing development would probably reduce the realistic number). When the new County water line is installed, the parcel could potentially be rezoned and developed with roughly double that number. The proposed configuration will make the development of the proposed south lot much more difficult because the flag-pole will not be usable as a future access road. This means further development will have to come from Rice Road using a canal crossing, which will be up to the discretion of TCID and the Bureau of Reclamation. These limits will reduce the potential value of the south lot.

The existing parcel has an existing access onto Moody Lane, which is a County-maintained paved road within a 60' easement – half being on the property. The property also has frontage on Rice Road, though accessing it will require the construction of a bridge and approval by TCID and BOR. No road construction will be required with this map. The Moody Lane road easement is offered for dedication. Rice Road is outside the parcel map, and no offer of easement or dedication of road is proposed.

Criteria Review:

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

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

- **Setbacks and Easements:** The flag-pole on the south lot results in a zigzag line between the homes, and it appears the new line will provide the required 10' side setback from the existing buildings. There will be a private road access easement for the existing driveway placed along this line.
- **Lot size and width:** The two new lots meet the minimum area and width requirement though the flag-pole configuration of the south lot complicates this.
- **Access, sewer, and water facilities:** The existing parcel and the two homes on it are served by a single water well, but by separate septic systems. The septic systems are located near the homes they serve, and will be entirely on the same lot as those homes. But the home of Chris and Jessica (to be on the north lot) is currently served by the existing well (to be on the south lot), and the parcel map will separate the home from its water supply. A recommended condition will require that a new well be installed, and that the home will be disconnected from the existing well before recording the map. Access for the two new lots is planned to remain from the existing driveway, with a shared access easement.
- **Water dedication and community development fees:** Community development fees will be due with any new home or new business construction on the new lots. The exception is that water right dedication of 2 acre-feet per lot is required for each new lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of \$3276 per lot. This also applies to sites with existing homes, unless the home has already satisfied the requirement. Different rules will apply if the home is constructed after the County water line is installed in Moody Lane.

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

1. Conformity with the master plan.

The Master Plan designates the area as Urbanizing, which is implemented by the existing E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. **GOAL PFS 1** and **GOAL PFS 2** and their associated policies address infrastructure requirements, including those for connecting to existing sewer or water systems.

2. Compatibility with existing adjacent properties and uses.

The proposed new lots will have existing residential uses, with additional residential uses planned, as allowed under County Code. The existing compatibility with adjacent properties will change little.

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

Existing residential uses will not change when split into the new lots. The additional planned residence will not change this. Public health, safety, and general welfare are adequately protected.

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

The existing property uses on-site septic and well systems, though the two existing homes share a single well. With the parcel map, a new well will be needed for the home on the north lot. The two existing residences will be split onto their own lots, so the demand for public facilities and services will not change.

The planned additional residence will be required to connect to the County sewer line in Moody Lane, and the sewer system has plenty of capacity available. If the home is not built before the installation of the County water line in Moody Lane, the new home will have to connect to it.

Power is available at the site to the existing homes. The current county standard is for road easements and property lines to include utility easements. The map complies with this. Fire and police services are adequate to serve the existing or future uses.

Moody Lane provides transportation services and is adequate to serve the property. Both new lots will use the existing driveway, which will have a shared access easement.

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

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

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings **[HAVE BEEN // HAVE NOT BEEN]** met for an application for a Parcel Map on APN: 008-292-31 to split the lot into two parcels thereby **[MEETING // NOT MEETING]** the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

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

- ☐ Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) **[APPROVE // DENY]** the Parcel Map permit application for Chris Thomas to divide APN: 008-292-31 into two parcels. **[For APPROVAL add]** This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) ACCEPT the offer to dedicate land and improvements for Moody Lane, and REJECT all other offers to dedicate lands and improvements at this time.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Labeling of the centerline of the canal forming the south property line.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Modification of line symbols and point symbols
 - b) The map shall be modified to display the dedicated strip of land for Moody Lane as a separate parcel of land using a solid line, including appropriate metes and bounds.
- 3) Before recording the map, a solution for providing water to the home that will be on the north property shall be proposed that is acceptable to the Public Works Director, with a preference for the following:
 - a) A new water well for the north parcel shall be constructed or financially guaranteed.
 - b) The water line from the well on the south parcel to the home on the north parcel shall be disconnected or financially guaranteed.
- 4) Water dedication requirements must be met prior to recording the map.

Application:	<u>Kolwyck Parcel Map for 2 lots</u>	Use Listing:	<u>Residential/Agriculture</u>
Applicant:	<u>Mary and Mark Kolwyck</u>	Owner:	<u>Mary Kolwyck Trust</u>
Representative:	<u>Bell Land Surveying – Steve Bell</u>		
Site:	7450 Rockwood Place (APN: 007-251-62) – 69.93 acres		
Designations:	Master Plan – Urbanizing // Zoning - A-10		

Proposal: The applicant is requesting a Parcel Map to split the property into two lots, separating the main farmland area from a non-farmed area that will be a 10-acre homesite. The oddly-shaped 10-acre lot will surround (on 2 sides) a previously separated parcel in the NE corner of the parent parcel. It will also have access on both Lucas Rd. and Dundee Lane. The frontage on Lucas avoids the need to do any road construction. The parent parcel has a home and farmstead that will remain on the farming parcel.

The parent parcel has road frontage on 3-sides. Lucas Road (on the east side) is a County-maintained paved road within its own strip of County owned right-of-way, and which is centered on the section line. The 40' right-of-way was acquired long ago, with 20' being from the subject property, and the remainder from the property across the road. 60' is the normal modern requirement for road right-of-way, so this right-of-way will need to be supplemented. Dundee Lane (on the north side) is a privately-maintained gravel road within 60' road easement lying entirely north of the property line. It is a dead-end road serving 9 large-lot residential parcels. Rockwood Place is a County-maintained gravel road with incomplete easements: a prescriptive (non-official) road easement, and a BOR-Co. agreement easement. This will be partly supplemented with this map.

Criteria Review:

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

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

- **Setbacks and Easements:** A new lot line will not be placed near any existing buildings easements, and all required easements provided.
- **Lot size and width:** While the 10-acre parcel is oddly configured, it meets the width and area requirements. **Note** that when the County accepts the offer to dedicate the road, it will reduce the property below the 10-acre minimum, but the owner gets to count the road area toward the parcel.
- **Access, sewer, and water facilities:** The existing parcel and all its buildings are served by on-site water well and septic system. The 10-acre parcel will be served by a new well and septic system, and has adequate road access.
- **Water dedication and community development fees:** Community development fees will be due with any new home or new business construction on the new lots. The exception is that a water right dedication of 2 acre-feet per lot is required for each new lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of \$3276 per lot. This also applies to sites with existing homes, unless the home has already satisfied the requirement.

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

- 1. Conformity with the master plan.***

The **Master Plan** designates the area as Urbanizing and is implemented by the existing A-10 zoning districts. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

The potential of another 10-acre residential property adjacent to other similar residential properties will be compatible with them. The existing farming and residential uses in the large farming parcel will not change, and their compatibility with existing nearby uses will not change.

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

Existing residential and farming uses will not change when the parcel is split, with no change in protection of public health. The creation of a 10-acre residential lot will minimally increase human activity in the neighborhood. Public health, safety, and general welfare are adequately protected.

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

With the parcel map, the future development of an additional residential lot will place a minimally greater demand on facilities and services.

There are no public sewer or water services, so on-site services are used or will be used for new development. Power is available at the site, with a utility easement provided along property lines. Power poles also exist along all 4 sides of the parent property. Current county standard is for road easements and property lines to include utility easements. The map complies with this. Fire and police services are adequate to serve the existing or future uses.

Lucas Road provides transportation services and is adequate to serve the property. However, additional easement width is needed on the west side of the section line, which the map is providing and offering for dedication. Dundee Lane provides transportation services along the north line, and no additional action is needed. Rockwood Place provides transportation services along the south line; however, the age of the patented land and the road has resulted in incomplete provision of official access easements. This map provides part of these easements along the north side of the road. There are access easements provided by BOR for County roads within federal agricultural easements; but this is not shown, and additional documentation is recommended in conditions of approval. In addition, all rights-of-way offered for dedication need to be shown as separate plots of land, which is a recommended condition of approval.

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

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

STAFF RECOMMENDATION: APPROVAL

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

☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for an application for a Parcel Map on APN: 007-251-62 to split the lot into two parcels thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

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

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the Parcel Map permit application for Mary and Mark Kolwyck to divide APN: 007-251-62 into two parcels.
[For APPROVAL add] This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) ACCEPT the offer to dedicate land and improvements for Lucas Road and Rockwood Place, and REJECT all other offers to dedicate lands and improvements at this time.

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

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) The legend shall be supplemented to include all symbols used.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) Rights-of-way being offered for dedication and accepted by the County shall be shown as solid lines indicating separate plots of land, including appropriate metes and bounds descriptions.
 - b) The access easement provided by the County-BOR agreement that serves the property along Rockwood Place shall be clearly indicated.
- 3) Water dedication requirements must be met prior to recording the map.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Home Construction</u>
Applicant:	<u>Michael & Renee Matovina</u>	Owner:	<u>Michael & Renee Matovina</u>
Site:	675 River Village Dr (APN: 008-421-78) – 1.04 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Home Construction to place a recreational vehicle (RV) on the property during the construction of a home. The proposed 2016 RV is NOT currently located on-site.

The property is actively being developed with a home and will be served by septic system, power, and water well. The site plan shows their locations. A portable septic tank is proposed for use until the septic system is installed, which will likely be at the end of construction in this case. But an above-ground sewage tank is NOT ALLOWED under the Building Code. Allowed sewage handling options for the RV are:

- (a) driven in the RV to a dump site.
- (b) pumped directly from the RV by an approved contractor.
- (d) connected to an approved tank buried in the ground and pumped by an approved contractor.
- (c) connected to a permanent septic system,

An interim water source is not described. The home will be of standard stick-built construction and is expected to take a year or less. Building permits are obtained.

The property is located on River Village Drive, which is a county-maintained paved road in a 60-foot easement that is centered on the property line. A 60-foot canal easement exists at the rear of the lot and is centered on the rear lot line. Public utility easements runs along all lot lines.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for temporary quarters for home construction in CCC 16.08.070(B)4 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:

“On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy or if the Planning Commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted.”

The proposed RV site is on the same lot as the new home site; being located along the south line. The RV, including pop-outs, must meet a 5-foot setback from the property line. The septic system will be located in the rear yard, and the well in the front yard. Conditions of approval will require obtaining all necessary building permits and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit. **Community development fees are normally required (Water, Road, School, Parks & Recreation) with home construction.**

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

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for a Temporary Quarters for Home Construction on APN: 008-421-78, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)4, as described in the Staff Report.

For DENIAL the motion should ADD:

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Michael & Renee Matovina to establish a Temporary Quarters for Home Construction at 675 River Village Dr (APN: 008-421-78). [**For APPROVAL add**]
This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained
 - 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. Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is not allowed.
 - c. 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.

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Home Construction</u>
Applicant:	<u>Joseph & Christopher Dituri</u>	Owner:	<u>Joseph & Christopher Dituri</u>
Site:	20142 Lahontan Dam Rd (near Hoover Drive; APN: 006-142-34) – 20.01 acres		
Designations:	Master Plan – Rural Resource // Zoning – RR-20		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Home Construction to place a recreational vehicle (RV) on the property during the construction of a home.

The RV is NOT currently located on-site, but other structures are, including: a variety of tanks and materials, a small shed, a cargo container, and a ~10' X 35' shed with a porch. There are no builder permits for the site in County records. The assessor has no records of existing buildings, power, water well, or septic system. The property previously held an outbuilding, RVs, and other features. These have since burned down but may still be on-site as a charred remains, and are shown on the site plan. The remains will need to be removed.

The site plan shows the proposed home and RV locations, but not locations for services, and not the structures already on site. The home and RV locations will be in the NE area of the property and will meet required setbacks. The proposed manufactured home is expected to take 2-years to complete, with the foundation done in the first year. Until the well and septic system are installed, the applicant proposes to self-haul water to elevated tanks near the RV, and either use a composting toilet or self-haul waste out to a dumping station. Self-hauling tanks will be transported using a trailer. Power is proposed to be provided by solar panels or generators. While there are other residences to the SE, they do not appear to have utility power. A transmission line runs along Lahontan Dam Rd. (almost a mile away), but probably cannot be accessed for power.

No building permits have been obtained nor plans made – those will wait while saving money. The existing sheds and cargo container would normally have needed some building permits; so obtaining the needed permits is a recommended condition of approval before other permits are obtained. In addition, sheds like the large one that is on-site are often being lived in, which is not allowed. This will be checked before the hearing, and the correction of any violations will need to be in the conditions of approval. In addition, self-hauling sewage is not allowed under the Building Code. An approved method of long-term sewage disposal will be required, usually being connecting to a septic system or having a septic contractor provide pumping services.

The property is located in a very remote area south of Lahontan Reservoir, west of Lahontan Dam Road, and SW of Hoover Drive. Both roads are privately maintained (actually not maintained), and are more dirt track than road. There are a variety of road easements or RS 2477 roads to the site from two directions; but they may NOT be acceptable for fire access, so substantial and long road improvements may be needed. The Fire Marshal has not commented, but the County Code requires that the road be accessible for fire service or upgraded to be accessible.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for temporary quarters for home construction in CCC 16.08.070(B)4 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria are:
“On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement, renovation, or remodel of an on-site permanent dwelling. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of

the building permit or within thirty (30) days of the issuance of a certificate of occupancy or if the Planning Commission denies the renewal. Each yearly renewal will require evidence of substantial progress toward the construction or placement of the permanent residence in order to be granted.”

The proposed RV site is located on the same lot as, and near the planned home site, on the east side of the parcel. Conditions of approval will require obtaining all necessary building permits, shed placement permits, and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit. **Community development fees are normally required (Water, Road, School, Parks & Recreation) with home construction.**

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

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for a Temporary Quarters for Home Construction on APN: 006-142-34, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)4, as described in the Staff Report.

For DENIAL the motion should ADD:

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

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

□ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the application for a Temporary Use Permit for Joseph & Christopher Dituri to establish a Temporary Quarters for Home Construction at 20142 Lahontan Dam Rd (APN: 006-142-34). [**For APPROVAL add**]
This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
2. All required Building Department approvals and safety certificates must be obtained
 - 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. Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is not allowed.
 - c. All necessary permits for home construction must be obtained including all **associated community development fees**.
3. Before issuance of the home or RV placement permits, all required permits for the sheds and cargo containers shall be obtained, and adequate fire access acceptable to the Fire Marshal shall be provided.
4. Before building permits for the home or septic system are issued, the charred remains of vehicles and buildings, and other debris on-site shall be removed. 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.
5. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
6. 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.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Home Based Business for Equip. Repair / Metal Fabric.</u>
Applicant:	<u>Mike Jones</u>	Owner:	<u>Mike Jones & Carol Murphy</u>
Site:	397 Mason Rd (APN 009-271-90) – 11.72 acres		
Designations:	Master Plan – Rural Resource // Zoning – A-10		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at the home property. The definition for a Home-Based Business is:

Any business activity customarily not associated with a residential parcel conducted as an incidental and accessory use of the residential parcel.

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly un-noticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h). The proposed business is requesting the SUP due to: (1) customers coming to the property, and (2) a business sign was requested, and is shown in the application.

The applicant is a Millwright by profession (building and working on very large equipment), and has an extensive collection of metalworking equipment used as a hobby. The applicant wishes to authorize an equipment repair and metal fabrication business at the home, so he can do occasional work for people. The equipment and the business would occupy a very large shop near the road that is in the middle of construction at this time. Little information is provided on the application or site plan. In follow-up communications the applicant indicated that up to 8 customers per month are expected to come to the site. The business would be operated in a large shop next to the road. The home is placed well back from the road.

During a site visit, the applicant verbally provided additional information. He is building the shop himself, and it will not be connected to the well or septic system. He indicated that customers will park near or in front of the shop doors. The area in front of the shop doors will be graveled. Shop lighting is planned, and he was informed of the need to meet lighting code requirements. He will place the sign on the building. In discussion of shop machinery noise, the applicant agreed that he could eventually insulate the building. He will perform all work inside the building. He will keep all work inside the building rather than storing equipment and materials outside. He will work with the Fire Marshal about requirements for welding and heat-related fabrication activities inside a building. No alterations that impact the well and septic are proposed.

Mason Road is a county-maintained paved road located within a 60' road easement centered on the west property line. Another 30' road easement runs north-south behind the home, across the middle of the lot near the edge of the former farm field. Utility easements run around the perimeter of the property. A TCID delivery ditch and easement runs through the rear of the lot, along with abandoned ditches that served the former farm.

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

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

The area around the proposed home business has a Master Plan designation of Rural Resource. The property is zoned A-10 Agriculture, and does not have any water-rights. The Mason Road neighborhood is

composed of mostly 10-acre lots along the road, with 20-acre lots to the west. Most nearby homes are along the east side of the road, and are arrayed in a generally consistent line. Beyond the neighborhood homes is agricultural land to the NW, North, and NE. See Criterion 5 regarding impacts to neighbors.

A full-blown equipment repair business could be allowed in the A-10 zone through an SUP, though the proposed home business is of a much smaller scale. A full-blown metal fabrication business would not normally be allowed in the A-10 zone, but again the proposed home business is of a much smaller scale. Businesses in residential settings normally raise concerns about compatibility with the neighborhood, and the homes nearby this business make this a possible concern. Conditions of approval can make the home business compatible with nearby uses.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Home Based Businesses are a listed use** in the zoning district or use table for the A-5 zone, needing an SUP for those proposals that do not meet certain criteria. Most Master Plan policies are not applicable to the development of commercial uses; or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

Compatibility issues are discussed under criterion 1, above. Environmental Impacts are addressed in Criterion 5. **Conditions of approval should allow the project to meet the above policies.**

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

- **Home Business Criteria:** Signage is proposed on the shop and provided in the application (being approximately 2' X 4.5'), and meets the 10 square feet limit for a home business. The expected number of customer visits is 8 per month (approximately 2/week), and a recommended condition would establish a limit of 7 per week. No days and hours of operation are proposed, so a recommended condition would limit customer visits to appointment only. Home businesses cannot normally have outside operations to reduce visual indications that a business is operating, and the applicant indicates that all his operations will be inside the shop.
- **ADA Accessibility:** Since customers will visit the business, the shop may need to meet some accessibility requirements (for customers with disabilities). The garage vehicle door should meet ADA accessibility requirements, but the Building Code might require interior alterations, and parking surface improvements for ADA accessibility. The Building Dept. can provide additional information.
- **Generally:** No outdoor storage is proposed, nor approved. Also see Criterion 5 regarding accumulation of materials. Changes to the residential septic system and water well should not be needed. Shop lighting is planned, and a condition is recommended to meet code requirements that fixtures direct light down, and not up or horizontally. The shop building appears to meet setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. The landscaping code does not

apply to activities accessory to a single-family residence, like a Home-Based Business. New residences must pay County impact fees and dedicate water, but an accessory home business does not.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site, but the shop will not have connection to it. Welding within the shop may require special fire protection standards, and conditions of approval should require changes to meet any requirements. Public road infrastructure is discussed below.

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

Traffic trips for the business (to and from) should be small – being the recommended limit of 7 customers visits per week, plus materials and mail delivery. Mason Rd. is paved and adequate for the minor amount of customer traffic. Dust from site traffic is discussed below.

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

Businesses with customer traffic in a residential area could be incompatible due to impacts, but a small-scale operation can be conditioned to be compatible. Potential environmental impact issues are:

(a) Customer traffic and related dust impacts. These are likely minimal due to the paved roads and the minor scale of the business. The proposed parking area will be graveled to mitigate any dust impact. The infrequency of customer traffic will minimize traffic impacts.

(b) The biggest potential impact is the gradual and excessive accumulation of equipment that is abandoned by customers or acquired from customers. Such activity would make the property look like a junkyard and impacts the local home values and quality of life of neighbors. It is recommended that a maximum number of vehicles and equipment be established. The number should apply for the entire property to avoid arguments that it is for “personal use” rather than “the business;” because without the business, the opportunities to acquire excess equipment are dramatically lower.

(c) Noise from business operations may include large pieces of metal falling on the ground or banging into objects, and loud equipment noise (such as routers, electrical welding, grinders, etc.). The applicant is willing to fully insulated the shop which would reduce noise from machinery and metal impacts.

If operations are limited so there is minimal outward evidence of the home business other than the sign and infrequent customer visits, then the small scale and conditions of approval should be adequate to ensure compatibility.

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a special use permit application for a Home Based Business on APN 009-271-90, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application to establish a Home-Based Business for equipment repair and metal fabrication at 397 Mason Rd (APN 009-271-90).

For APPROVAL the motion should ADD: This approval is subject to conditions, as listed in the Staff Report.

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

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Mike Jones. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed equipment repair and metal fabrication. Adding other activities, such as equipment sales, etc. is prohibited.
 - c. Visits by customers are limited to 7 per week, and hours of operation are limited to appointment only and one at a time.
 - d. The driveway and the area in front of the shop doors shall be graveled.
 - e. All equipment being repaired or waiting for repair shall be stored within the shop
 - f. Unrepairable equipment shall be removed from the property unless stored in the shop. Total number of vehicles and pieces of equipment stored on the property outside of buildings is limited to 12 or less. If the property exceeds this limit, it can be declared to be a junkyard by the Public Works Director and subject to violation enforcement actions.
 - g. The building shall be insulated to reduce noise outside the building. All work shall be performed in the shop, with doors closed.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained.
 - c. Any safety alterations required by the Fire Marshal shall be made.
 - d. No employees are authorized.
 - e. No outside storage is authorized. All materials such as metal sheets, etc. shall be stored within the shop building.
 - f. The proposed sign placed on the shop is approved.
 - g. The proposed shop lighting shall meet code requirements to direct light down, and not up or horizontally.
3. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Home Based Business for Retail Sales</u>
Applicant:	<u>Steven Evans</u>	Owner:	<u>Steven and Karen Evans</u>
Site:	80 Nubian Way (APN 006-411-35) – 10.51 acres		
Designations:	Master Plan – Agriculture // Zoning – A-10		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home-Based Business at the home property. The definition for a Home-Based Business is:

Any business activity customarily not associated with a residential parcel conducted as an incidental and accessory use of the residential parcel.

Thus, a Home-Based Business is accessory to, and subordinate to the primary residential use. Normally a Home-Based Business is reviewed through an over-the-counter permit. They must meet EIGHT (8) criteria of CCC 16.16.020.8.1(a-h), which would help them to be nearly un-noticeable to neighbors. Those that cannot meet the criteria might have impacts on neighboring residences but might be approved through an SUP if they can meet the criteria of CCC 16.16.020.8.2(a-h). The proposed business is requesting the SUP due to: (a) customers coming to the property, (b) modifications to the property by placing a shed for the business, and (c) placing a sign on the shed. The store shed is NOT already in place.

The applicant wishes to have a retail sales business at the home for making and selling alpaca products. The alpacas are raised on the property. The application proposes the sales part of the business to take place at a shed south of the home, which is shown on the site plan. Customer visits will mainly be by appointment, though someone might drop in without one. The expected number of visits and hours of operation are not provided. Customers will use the large open driveway/parking area next to the road, and no street parking is expected.

Nubian Way serves this property and two others; and is a privately-maintained gravel road in good condition, located within a 60' road easement. However, the road is entirely on the applicant's property rather than centered on the property line, which complicates the measurement of the street setback for the shed. A 15' drainage easement runs adjacent to the road easement. Utility easements run around the perimeter of the property. A variety of agricultural easements up to 80' wide run along the rear of the lot. No alterations that impact the well and septic are proposed. The home does not appear to be ADA accessible, but customers are only coming to the shed to view or purchase items by appointment. The Building Code might require alterations for ADA accessibility, and the Building Department can provide additional information.

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

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

The area around the proposed home business has a Master Plan designation of Agriculture, is zoned A-10 Agriculture, and the property has water-rights for active farming. The Nubian Way neighborhood is composed of 10+/- acre lots on the north side of the road, and surrounding area is composed of large agricultural parcels that are actively farmed.

A full-blown retail store would not be allowed in the A-5 zone, but the proposed home business is of a much smaller scale. Businesses in residential settings normally raise concerns about compatibility with the neighborhood, and the homes near this business make this a possible concern. However, all operations

will take place at the shed, with minimal evidence of the home business other than customer visits and signage. The small scale and conditions of approval should be adequate to ensure compatibility.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. **Home Based Businesses are a listed use** in the zoning district or use table for the A-10 zone, needing an SUP for those proposals that do not meet certain criteria. Most Master Plan policies are not applicable to the development of commercial uses; or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

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

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

Compatibility issues are discussed under criterion 1, above. Environmental Impacts are addressed in Criterion 5. **Conditions of approval should allow the project to meet the above policies.**

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

- **Home Business Criteria:** A 12' X 16' shed is proposed to be installed for the business adjacent to Nubian Way. It is of a small scale similar to other shed structures on the site, so the scale is acceptable for a home business. Signage on the proposed shed is proposed in the application, being approximately 1' X 2'. The sign will meet code requirements for a home business. The expected number of customer visits is not described in the application, nor the days and hours of operation; though they will be by appointment only. The applicant wishes to have the shed serve as a "store," but having a free-standing "store" would be too prominent for a home business. In addition, see below regarding building code standards for businesses. Recommended conditions will limit customer access so it functions as a storage shed, with customer sales performed in the home or outside the shed. In addition, outdoor displays, or inside displays visible through windows should not be allowed.
- **Building Code and ADA Accessibility:** The home business is proposed in an Outwest Buildings or similar shed, and is described as a "store." Such buildings are acceptable for storage, but do not meet commercial construction standards. If the shed will be used in typical store manner, it would have to be upgraded to Building Code standards, which would be nearly impossible. This would include standards for foundations, electrical safety, wall and roof construction, etc.

Use of the shed for the business is possible if customer access is limited, thus making the shed function as a storage area with customer use areas focused outside. Outdoor counter or table areas for customer service can accomplish this with the owner bringing product out to the customer in boxes etc. Since customers will visit the business, the areas they access need to meet accessibility requirements (for customers with disabilities); such as a ramp to a porch, and an accessible parking space. The Building Dept. can provide additional information.

- **Setbacks:** The proposed shed location is next to the road easement and will not meet the street setback, being 90' from the south property line (in this case). An existing metal shed is already near the setback line, so there is no room to place the new shed between it and the road. A recommended

condition will require it to be placed out of the setback, which will probably mean it will be placed north of the existing shed.

- **Generally:** Changes to the residential septic system and water well are not needed for the business. Outdoor storage is not proposed, so screening is not needed. Lighting is not proposed, nor approved. The parking code does not require parking for activities that are accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. New residences must pay County impact fees and dedicate water, but an accessory home business does not.

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

There is no public sewer and water services on or near the site. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business. Public road infrastructure is discussed below.

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

Traffic trips for the business (to and from) should be small. Nubian Way is gravel, well maintained, and adequate for the minor amount of customer traffic. Dust from site traffic is discussed below.

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

Businesses with customer traffic in a residential area could be incompatible, but a small-scale operation can be conditioned to be compatible. Potential environmental impact issues are:

- (a) Customer traffic and related dust impacts. These are of minor scale. The existing gravel driveways will mitigate the dust impact. The infrequency of customer traffic will minimize traffic impacts.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a special use permit application for a Home Based Business on APN 006-411-35, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For DENIAL the motion should ADD:

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

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application for Steven Evans to establish a Home-Based Business for Retail Sales at 80 Nubian Way (APN 006-411-35).

For APPROVAL the motion should ADD: This approval is subject to conditions, as listed in the Staff Report.

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

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Steven Evans. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed retail sales business. Adding other activities, such as classes or craft shows is prohibited.
 - c. Visits by customers are limited to appointment only and one at a time.
 - d. Customer access inside the shed is not allowed.
 - e. Outdoor product display and indoor display through a window is not allowed.
2. The project must be in conformance with County Code, including but not limited to:
 - a. A business license must be obtained and maintained.
 - b. All necessary building permits must be obtained, including for shed placement.
 - c. A business sign is approved, as described in the application.
 - d. The storage shed shall be placed outside the street setback. A revised site plan shall be provided to show the final shed placement.

Consent Agenda:

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

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

RECOMMENDED MOTION

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

CHURCHILL COUNTY PLANNING COMMISSION MEETING

155 North Taylor Street, Commission Chambers

August 11, 2021 at 7:00 p.m.

[illegible]

PLEASE PRINT YOUR INFORMATION