

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
October 13, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on October 13, 2021 by Chair Diehl. She asked for a moment of silence at the beginning of the meeting in remembrance of the loss of one of their Planning Commissioners, Charlotte Louis.

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

Absent: None

Planning Staff Present:

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

Civil D.A. Staff Present:

Ben Shawcroft, Deputy District Attorney

2. Pledge of Allegiance.

The Pledge of Allegiance was recited by the commission and public.

3. Public Comment.

There were none.

4. Verification of the Posting of the Agenda.

It was verified by Diane Moyle, Administrative Assistant, that the Agenda for this meeting was posted on October 7, 2021, between 8:30 a.m. and 3:30 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

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

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

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

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

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

A. August 24, 2021 Workshop

Member Getto moved to approve the August 24, 2021 minutes as submitted. Member Arciniega seconded the motion and the decision carried by unanimous vote.

B. September 8, 2021 Hearing

Member Arciniega moved to approve the September 8, 2021 minutes as written. Member Nelson seconded the motion and the decision carried by unanimous vote.

8. Old Business.

- A. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Oscar & Sally Alldredge for property located at 13215 Powerline Road, Assessor's Parcel Number 006-121-09, in the RR-20 zoning district. *Origination Date 9/13/17. The applicant stated that he has started construction on the residence, has obtained building permits and some inspections. They are requesting a renewal of the permit for them to continue construction of the residence.*** This item was tabled at the September 8, 2021 meeting in order to have the applicants be in attendance.

Oscar Alldredge, 13215 Power Line Road, shared a photo on his phone to the commissioners of

the current status of the project. He stated that he has gotten the water line, gas line and sewer line up to the foundation. He put in the girders, joists and subfloor. Chair Diehl asked if he had his building permit and that the foundation had been inspected. Mr. Alldredge stated that he has the permit, and the Building Inspector has completed the inspections for the foundation. He has also inspected the gas line and joists. The Inspector also supervised the septic line to the foundation as well.

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

Member Getto questioned how long Mr. Alldredge thinks he will need to complete the project—in a year or more? Oscar Alldredge expressed that he is unsure due to COVID and the available of material. He pointed out that he waited for a month just to get the plywood for the subfloor. The cost should have been in the mid-\$20s per sheet, and he had to pay \$55 per sheet for 25 pieces. He had purchased 10 sheets earlier at \$75 per sheet and hoped that the price would go down because he needed 35 pieces total. He then mentioned the girders that were in the picture on his phone cost him \$45 for each piece, and these were \$15 per piece prior to the rise in prices. He had to wait for three weeks for Kent's to get the girders. Availability has been an issue as well as the cost to purchase what he needed. He then stated that he needs some metal brackets for the girders that the Inspector told him that he needed to put on these. He needs 20 of them, and the last time he went to Lowe's they were out of stock. He really didn't know how long this was going to take him to get done.

Member Nelson questioned, setting all materials and logistics aside, would a year be enough to finish if there were no other problems with getting the material. Mr. Alldredge replied that he thinks it would take him at least a couple of more years. He would like to have all of the walls up and roof on by the end of next summer and make it watertight. Then after that he would just work on the interior. A lot of it right now is weather. He doesn't want to start trying to do framing when rain and snow and other weather is going on. Right now, he tarped the subfloor up and made it watertight until next spring. He also hopes that the price of lumber will go down by then. Member Nelson then asked about the septic system since Mr. Alldredge mentioned a septic line. Oscar Alldredge responded that he has the septic tank and leach field are completed. Member Nelson inquired regarding the gas line and whether that would be hooked to propane and if there was a tank connected yet. Mr. Alldredge confirmed it is propane and that the gas line has been inspected, but he isn't ready to set a tank yet because the house isn't ready yet. It is all ready to have a tank hooked up though.

Member Arciniega, referring to the question about when Mr. Alldredge would be able to complete the project, questioned if he was at a standstill right now due to weather. Oscar Alldredge explained that there are a few things that he can do and work on. He still has to find the metal bracing pieces that go underneath the subfloor, and he will install those once he can get them. He still needs to put in a door for subfloor access. There are a few little things that he will still be working on, but as far as the walls and roofing, he is on hold. He shared that he is doing this by himself, and it is difficult to put up walls when there is just one person.

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

Member Arciniega moved to renew the temporary use permit for temporary quarters during home construction for Oscar and Sally Alldredge at 13215 Power Line Road, APN 006-121-09, for another year. Member Bunyard seconded the motion and the decision carried by unanimous vote.

- B.** Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction for Aaron & Katherine Murray for property located at 2400 Lucas Road, Assessor's Parcel Number 008-112-15, in the A-5 zoning district. *Origination Date 9/12/18. The applicant states progress has been made despite setbacks and requests renewal of the permit.*

Aaron Murray, 2400 Lucas Road, shared that they have a contract now with Bob Soderburg to

pour their slab. They almost got it in and were in the process of forming the area when NV Energy showed up and told them that they couldn't put it where planned. They had to move it 30 feet to the west and start all over again. Mr. Murray said that Bob Soderburg told him that he was pouring a slab on Friday of this week, and then the following week he would start on this property. Chair Diehl questioned if they have obtained their building permits for these. Mr. Murray replied that they have permits, trusses, lumber, blocks, rock, and everything. They just need to get the work for the slab redone.

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

Member Arciniega asked department staff when the aerial photograph on display was taken, and it was stated that it could be last year or this year. Mr. Murray said that it looks like 2020. Member Arciniega brought up that there was an issue about the amount of equipment on this property. He wondered if the parcel has been cleared of all of the equipment that was supposed to be moved. Mr. Murray responded that they got rid of all of the trailers as suggested, except for two. They sold the container, and then they sold all of the other big trucks, which are gone. They have their construction equipment on the property—CAT, backhoe, excavator, trailers, etc.—for the construction of the home.

Chair Diehl inquired if they already have the power, septic and well completed on the property. Mr. Murray confirmed that they do.

Member Arciniega questioned if they have now reformed the slab and ready to pour. Aaron Murray replied that this is what Bob Soderburg is doing for him since he has a whole crew to do this. His son-in-law is a contractor, so he is turning it over to them. Member Arciniega verified this is in process now, and Mr. Murray stated that once they get the one finished on Friday they are supposed to start on his. He assumes that will be next week.

Member Bunyard inquired if Mr. Murray has an estimated time for completion once he gets the slab poured. Is there a contractor that will build it, or is he doing it by himself? Aaron Murray responded that he would do what he can and then he has some people that he subs with, and he thinks it will take him two years to finish everything. It is pretty much on him except what he subs out.

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

Member Bunyard moved to renew the temporary use permit for temporary quarters during home construction for Aaron & Katherine Murray at 2400 Lucas Road, APN 008-112-15, for another year. Member Getto seconded the motion and the decision carried by unanimous vote.

C. Consideration and possible action re: A temporary use permit renewal for temporary quarters during home construction filed by Steven & Renzie Claire Easter for property located at 4143 Solias Road, Assessor's Parcel Number 006-472-37, in the A-5 zoning district. *Origination Date 10/14/15. The applicant stated that the permanent foundation is in progress. They are requesting a renewal of the permit for them to continue construction and placement of the home.*

Renzie Easter, 4143 Solias Road, shared that they are currently making the forms for the foundation, hoping to get the inspection completed within the next few weeks, and then get the concrete poured.

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

Member Bunyard asked where they would be putting the concrete foundation on the property. Renzie Easter stated that they were just going to move it forward about 20 feet in order to give more space in the backyard. She further pointed out that septic, power, and water are already in, and they just need the foundation for the mobile home. They already obtained all of the permits they were required to get. Member Bunyard verified that they would just move the mobile home forward onto the foundation, and Mrs. Easter responded in the affirmative. Member Bunyard brought up that this permit was originally filed in 2015 to which Mrs. Easter explained that they had a lot of medical issues, which is why they

were not able to do it earlier. It is just she and her husband that are doing the work.

Member Nelson inquired if they have a house pad cut. Renzie Easter didn't understand to what he was referring, and he rephrased his question to ask if they had a place leveled off where they are going to pour the foundation. Mrs. Easter shared that there is a place that is already leveled off and they are already making the forms for the concrete. Member Nelson asked what they are making the forms out of, and Mrs. Easter didn't know what it was called as her husband was doing the forms. They have the rebar ready and have ordered the gravel for it. They will have the Building Department inspect it before they pour the concrete. Member Nelson noted that the renewal application states that the temporary use permit is needed until the concrete cures, so he asked how long this would be—about three weeks? Renzie Easter said that she hopes that everything can be poured before it gets any colder, so that it can cure. She doesn't want it to be out in the cold. Member Nelson questioned if they were doing an 8-point foundation or a continuous footing, and Mrs. Easter replied that it will be a continuous footing. Member Nelson again asked if they have cut a house pad for this, is there a hole there, or are they pouring it right on grade? Mrs. Easter responded that it isn't going to be on grade. She said that she talked to Planning and got all of the drafts and drawings, and they will follow these as shown. There will be four inches of gravel, then the rebar, and then six inches of concrete. They will dig down a bit to hold the gravel in. Member Nelson asked Dean Patterson, Senior Planner, if they got that from him, and Mr. Patterson answered that this was probably actually from the Building Department. Member Nelson confirmed that it should be about three weeks, and Mrs. Easter expressed her hope that it will be so.

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

Member Bunyard moved to renew the temporary use permit for temporary quarters during home construction for Steven & Renzie Claire Easter at 4143 Solias Road, APN 006-472-37, for another year. Member Getto seconded the motion and the decision carried by four (4) votes in favor (Chair Diehl, Member Arciniega, Member Bunyard and Member Getto) and one (1) vote opposed (Member Nelson).

- D.** Consideration and possible action re: A request regarding a temporary use permit renewal for farm labor quarters filed by James Pellandini, B & J Dairy LP, for property located at 3502 et al Tarzyn Road, Assessor's Parcel Numbers 007-372-39, in the A-10 zoning district. *Origination Date 9/13/17. The Planning Commission previously permitted 4 units, 2 of which were actively used and 2 were approved if the derelict units were replaced within a year. The applicant has not replaced the 2 derelict units yet, but would still like to have them. The request requires extending the deadline to complete the replacements. The applicant plans to replace 1 unit soon, but it is not known when the other unit will be replaced.*

Mike Pellandini, 3502 Tarzyn Road, stated this is regarding the removal and replacement of homes for farm labor.

Chair Diehl asked for any public comments or questions regarding this request; there were none, so she turned the discussion over to the commission. Chair Diehl noted that she went to this property just a few years ago, and there were a couple of residences that were not habitable. Mr. Pellandini responded that those have already been removed. Chair Diehl asked how many farm labor temporary quarters are on the property right now. Mike Pellandini stated that they have one brand new one they just got from FEMA (Federal Emergency Management Agency). Dean Patterson, Senior Planner, clarified that the last time that they came before the commission they had two existing mobile homes where people were living in them—one is directly north of the parlor and one next to the home. There were two others that were derelict, and they were going to be removed and replaced. That didn't happen right away. It was demonstrated on the overhead photo where the new FEMA trailer has been placed in one of the positions where the old mobile home was removed, and then Mr. Patterson noted the other location for a potential future temporary residence on the aerial photograph across the property line from

the main home and triple wide where there is a mobile home hookup. Dean Patterson pointed out that the dairy may be ready to replace this one over the next year or so. Mike Pellandini responded that with labor needed they really could use the ability to replace that other one.

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

Member Getto moved to renew the B & J Dairy Temporary Quarters for Farm Labor, including the two units that were tentatively approved, subject to the same conditions of approval as in the original decision at 3502 et al Tarzyn Road, APN 007-372-39. Member Bunyard seconded the motion and the decision carried by unanimous vote.

9. Action Item.

A. 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.

Mary Kolwyck, 7450 Rockwood Place, said that she owns a parcel that is a small ranch and about half water righted. There is some unusable edges. She pointed out on the aerial photograph that was displayed on the screens where she would like to split off a lot for her to build a retirement home on. Right now, this portion is unusable for the rest of the ranch. There is no water or power up in that area. She is trying to keep all of the water rights together. It is a wonderful place with great views.

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

Dean Patterson, Senior Planner, pointed out some of the issues related to what is recommended for the motion for this particular parcel map since it is different than the normal ones. Normally, a parcel map would need to dedicate an easement for Rockwood Place. Rockwood Place is one of our oldest roads in the county, and it has been there so long that we don't have any real easements. Our staff worked a lot with the Road Department because this is a very strange situation. This would normally be a 30-foot easement, but that would have taken a lot of the farm from the Kolwycks, so Gary Fowkes, Road Supervisor, worked with them to figure out what was really needed for the road because the road, for the most part, lies entirely south of their property line, whereas, most often it is centered on the property lines. After a number of visits and conversations it was determined that the Kolwycks could make a 5-foot easement, which is shown on the map. There are some conditions of approval that go with the application, and that is kind of clarifying the road access situation for Rockwood Place. He expressed appreciation to the Kolwycks for working through the problem with county staff. They postponed the project to give time to work these things out.

Chair Diehl verified that the new parcel can be accessed from Lucas Road. Dean Patterson showed on the map displayed on the screen where Parcel 1 in the northeast corner of the map does have a portion of the property touching Lucas Road, so there is no need to build a road because it can access directly onto it.

Member Arciniega asked Mrs. Kolwyck if she was aware of all of the conditions that are recommended for approval. Mary Kolwyck replied that she is. Member Arciniega then inquired if she is okay with these, and Mrs. Kolwyck responded that she would rather pay the cash in lieu of giving up water rights for the parcel map. Dean Patterson noted that the code is written so that if there is water rights on the property, then water rights must be dedicated without the option to pay the cash fee. The payment in lieu is only available when water rights are not available on the parcel. Mrs. Kolwyck explained that she wasn't aware that she wouldn't be able to pay the fee instead of giving up the water. She thought based upon what she read that she could make the payment in lieu. Chair Diehl asked for a decision from legal counsel. Lane Mills, Deputy District Attorney, responded that he believes that Dean Patterson is correct in the interpretation of the code.

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

Member Arciniega, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for an application for a Parcel Map on APN: 007-251-62 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 Bunyard 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 Mary and Mark Kolwyck to divide APN: 007-251-62 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 Lucas Road and Rockwood Place, and **REJECT** all other offers to dedicate lands and improvements at this time.

Member Getto 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 November 4, 2021 meeting, which begins at 8:15 a.m.

Recommended Conditions:

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

B. Consideration and possible action re: Election of an Interim Vice Chair for the Planning Commission.

Chair Diehl called for nominations for the position of Interim Vice Chair. Zack Bunyard nominated Charlie Arciniega as Vice Chair.

Member Bunyard moved to elect Charlie Arciniega as Vice Chair. Member Nelson seconded the motion and the decision carried by unanimous vote.

10. Public Hearings.

- A. Consideration and possible action re: A temporary use permit for temporary quarters for hardship/caretaker filed by John Warkentin for property located at 5340 Cox Road. Assessor's Parcel Number 008-121-70, consisting of 10.45 acres in the A-10 zoning district. The applicant proposes to live in an RV on the property to help care for David Goudswaard after surgery and during recovery.

Chris Spross, Director, noted for the record that the department received correspondence from Mr. Gary Henderson in favor of approval of this permit as he had no objections.

John Warkentin, 5340 Cox Road, stated that he has been providing work on the property to assist David Goudswaard, who has health issues. He has done a lot of the physical labor in removing weeds, replacing hydrants, and cleanup on the property, especially anything heavy that needs to be done around the place. He did provide a doctor's note about Mr. Goudswaard needing some type of care.

Chair Diehl asked for any public comment; there were none. Therefore, she turned the discussion over to the commissioners. Chair Diehl asked about how long he will need help. Mr. Warkentin hopes that it will only take about a year that he will need to be there to help out. Chair Diehl questioned if the RV is connected to utilities, and John Warkentin stated that it is connected to sewer and water. The RV is a 2018 model, so it is fairly new. He pointed out the extra jacks under the trailer as shown in photos on the screens. Chair Diehl inquired if he was aware that when the need no longer exists it will need to be removed as a residence. Mr. Warkentin confirmed that he doesn't have any problem with that.

Member Bunyard verified that he is hooked up to septic. Mr. Warkentin noted that the Planning Department has come out about three times already and if the permit is approved, then he will need to obtain the setup permit from the Building Department. This will get the inspections completed for the hookups to power, water, and septic.

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

Member Getto, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for a temporary use permit application for temporary quarters for hardship/caretaker on APN 008-121-70, thereby meeting the criteria found in CCC 16.08.070(B)3, as described in the Staff Report. Vice Chair Arciniega seconded the motion and the decision carried by unanimous vote.

Vice Chair Arciniega, based on the previously adopted findings made for this project, moved to approve the temporary use permit application for John Warkentin to establish temporary quarters for hardship/caretaker at 5340 Cox Rd (APN 008-121-70). 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, including any required set-up permits, and any inspections of water, septic and electrical connection.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
5. This temporary use permit is subject to annual renewal providing proof that the need still exists.

B. Consideration and possible action re: A temporary use permit application for temporary quarters during home construction filed by Samuel Gilmore for property located at 3300 St Clair Road, Assessor's Parcel Number 006-211-43, consisting of 5.0 acres in the A-5 zoning district. The applicant proposes to reside in an RV while constructing a residence on the property.

Sam Gilmore, 3300 St. Clair Road, said that Clayton Homes tells him that it will take about nine months to a year to build the manufactured home, so it will take him about year and a half to complete the home.

Chair Diehl asked for any public comment.

Mike Franklin, 3388 St Clair Road, owns the property next to this parcel. Remedios Heinrich stated that she is a resident of Fallon for 35 years at 3388 St Clair Road, next to Mr. Gilmore, and they have some concerns that they ask the Planning Commission to consider. She sold the property to Mr. Franklin, but this was her residence with her late husband, Olaf Heinrich. She further stated that she also resides at this residence. They have a concern about the construction of the septic because it is shown pretty close to the well on their property. They would like some consideration since Mr. Gilmore hasn't built the septic system yet, that they would not place it where it could contaminate their well. Mr. Franklin would like for them to point the leach field in another direction, if possible, so that it isn't directed at their well. He further noted that the code states a 100' radius from a well and 10' feet from the property line. Looking at the map he believes that it would make it better if they could point the leach field in a different direction. Dean Patterson, Senior Planner, thanked Mr. Franklin and Mrs. Heinrich for their information, and they will be sure to pass it on to the Building Department. When that department reviews the design of septic system, they will make sure that there is adequate setbacks being met from their well. It may be that people didn't know where your well was located. Mr. Franklin asked if it would be asking too much to point it in the other direction. Dean Patterson stated that the way it is shown on this site plan doesn't mean that the effluent will come to your property. Mr. Franklin mentioned that if this is just in the planning stages, then he thinks if they could just point the leach field in a different direction. Dean Patterson responded that this may be the way it gets solved. Chair Diehl explained that, as Mr. Patterson stated, the Building Department will be able to take care of this.

There were no more public comments, Chair Diehl turned the discussion over to the commissioners.

Member Bunyard brought up an area through this property where there is a water channel that used to run freely over this and adjacent properties. Mr. Gilmore confirmed that there is. Member Bunyard noted that it looks like part of it was moved and another part might have been buried where it looks like the water is backing up. Sam Gilmore informed that at some point with previous owners it was rearranged a little bit. Does this something that has to be addressed where it can drain through the other side? Dean Patterson remarked that there are a couple of different issues going on here. The slough used to run straighter from the two edges of the property. At some point about five years ago it got dug out and moved to more follow the corner of the property, and this is one issue that is discussed a lot in the staff report. Mr. Patterson said they have talked to Mr. Gilmore, who would rather leave it there without having to put it back the way that it was, and he was agreeable to make the banks in a better condition so that it acted more like it used to. Another part of this is that a culvert was placed under the road. This culvert is a little high, so there will be some ponding to some extent, but it looked like the culvert was mostly under water with only an inch or two above the water. There may be some type of blockage, perhaps vegetation, at the east end of the culvert that is keeping water from flowing through. If the blockage was corrected, then it would drain a bit and perhaps have a little more flow, which is one of the concerns that Mr. Gilmore had shared with the department. Member Bunyard just wanted to bring this out due to the high water table in this area and how it might affect the perc test for the septic system. Dean Patterson noted a couple of other issues with this application. There are some building permits needed for some structures on the property—cargo container, well house, etc. Mr. Gilmore has informed that he will get those corrected. He has been working with the Building Department. Mr. Patterson also talked with Mr. Gilmore about getting the banks of the slough worked on before the actual building gets built. Sam Gilmore remarked that the banks have already been done over the past weekend.

Chris Spross, Director, shared that there was some correspondence for this application. A letter was submitted from Jeff and Jane Missamore stating that as owners of properties adjacent to this parcel, they support approval of this permit as requested by Samuel Gilmore.

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

Vice Chair 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 application for temporary quarters during home construction on APN 006-211-43, 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 Nelson, based on the previously adopted findings made for this project, moved to approve the temporary use permit application for Samuel Gilmore to establish temporary quarters during home construction at 3300 St Clair Rd (APN 006-211-43). 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.
 - b. Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is normally not allowed.
 - c. All necessary permits for home construction must be obtained including all **associated community development fees**.
3. Before issuance of the building or septic permits for the home, all required permits for the sheds and cargo containers shall be obtained.
4. Before building permits for the home are issued, the slough shall be restored to the satisfaction of the Public Works Director. This will include re-sloping the banks of the slough and revegetating them.
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 after that time the department will contact you for further permitting procedures. There was some continued discussion with a member of the public regarding the septic location. Chris Spross, Director, explained that this is not an issue that gets approved by the Planning Commission. This is just for the temporary use permit. This matter will be resolved when the applicant goes to the Building Department and gets the permit for his septic system. That department will ensure that there is adequate distance between their well and his septic system, including the leach field. That will not involve a public forum for that permit. Dean Patterson expressed to the person that their concern will be brought to the attention of the Building Department, and they are also welcomed to visit with that department as well.

- C. Consideration and possible action re: A special use permit application for a home based horse boarding facility filed by Zoanne Clark for property located at 4969 Silver Sage Lane, Assessor's Parcel Number 006-811-62, consisting of 5.5 acres in the A-5 zoning district. The applicant plans to board horses overnight.

Dean Patterson, Senior Planner, informed the Planning Commission that Zoanne Clark asked to table her application due to a family emergency where she could not attend the meeting. Dean Patterson mentioned a number of issues on the parcel that need to be corrected and noted that the staff report recommended tabling the decision until some of the issues could be resolved, such as a period of ninety (90) days. The horse boarding business isn't a major issue that needs to be addressed; however, there are

some problems with buildings and structures on the property that should be anchored to the ground and will require some type of building permit. It is up to the discretion of the commission how long they would like to table this item—one month or 90 days.

Chair Diehl called for a motion.

Member Nelson made a motion to table the application for a Special Use Permit on APN 006-811-62 for a period of ninety (90) days. Vice Chair Arciniega seconded the motion and the decision carried by unanimous vote.

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 granted for temporary quarters during home construction filed by John & Tara Rogers for property located at 2425 Rogers Road, Assessor's Parcel Number 006-761-57, in the A-5 zoning district. *The applicant stated that they received their certificate of occupancy for the home and no longer need the temporary use permit. Therefore, the permit should be terminated.*
- B. Consideration and possible action re: Termination of a special use permit granted to Michael Laca for a storage yard for sand, gravel, cement and equipment to mix concrete for L Mackedon & Sons at property located at 2050 Union Lane, Assessor's Parcel Number 006-791-05, in the A-10 zoning district. *Origination Date 3/12/1986. This site is no longer used for any commercial purpose; therefore, the permit should be terminated.*
- C. Consideration and possible action re: Termination of a temporary use permit granted for temporary quarters during home construction filed by Robert Lehman & Carole Leanza for property located at 6103 Soda Lake Road, Assessor's Parcel Number 009-391-26, in the RR-20 zoning district. *The applicant stated that they are living in the house now and no longer have a need for the RV; therefore, the permit should be terminated.*

Member Bunyard moved to approve the Consent Agenda as submitted. Member Getto seconded the motion and the decision carried unanimously.

12. Public Comment.

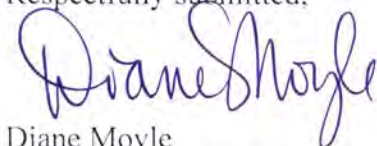
There were none.

13. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:00 p.m.

14. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
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STAFF REPORT FOR PLANNING COMMISSION MEETING – October 13, 2021

Prepared October 6, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on October 6 to review the project applications listed below that are on the agenda for the October 13, 2021 Planning Commission Meeting. Site visits were made as noted.

- | | | |
|---|---------|---------------|
| • Pellandini–B & J Dairy Farm Labor Quarters <u>Renewal</u> | Page 2 | No Site Visit |
| • Kolwyck Parcel Map – 2 lots | Page 5 | No site visit |
| • Warkentin TUP for Temporary Quarters for Hardship/Caretaker | Page 6 | No Site visit |
| • Gilmore TUP for Temporary Quarters during Home Construction | Page 8 | Site visit |
| • Clark SUP for Home Based Overnight Horse Boarding Business | Page 12 | Site Visit |
| • Consent Agenda | Page 17 | No Site Visit |

PC Members Present

Zack Bunyard
Myles Getto

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.

	RENEWAL	
Application:	<u>Temporary Use Permit</u>	Use Listing: <u>Temporary Quarters for Farm Labor (X4)</u>
Applicant:	<u>B & J Dairy, LP</u>	Owner: <u>B & J Dairy, LP</u>
Site:	3550 Tarzyn Rd 4 temporary quarters on APNs: 007-372-39 & 007-372-42 111.15 acres with 5.3 acres of water-righted land. Total dairy acreage: 518.25 acres with 258.8 acres of water-righted land.	
Designations:	Zoning - A-10 // Master Plan - Agriculture	

This project was heard by the Planning Commission in September 2017. The request was for 6 Farm Labor TUPs on two (2) APNs: 007-372-39 & -42. 4 were approved, of which 2 were tentatively approved. Of the 3 farm labor quarters on -39, one was approved and two were tentatively approved. The two tentatively approved quarters were derelict units that were to be replaced, and were addressed in a condition of approval:

“5. Dwellings #2 and #3 on Parcel -39 are tentatively approved and must be replaced within one year, or they automatically expire. In addition, if the dwellings are replaced within the deadline, the applicant shall appear before the Planning Commission to demonstrate compliance with the TUP standards. Afterward, an annual appearance is not required by this condition.”

The tentatively approved units were not installed. The applicant requests that these 2 units be reauthorized and the deadline to replace them be extended. They are ready to replace one unit ASAP. They are unsure of when the other will be replaced.

All Farm Labor units need annual renewal, though it is usually through the mail and handled by the Public Works and Planning Dept. This renewal needs to be by the Planning Commission to allow for changed conditions.

RECOMMENDATION: **APPROVAL with the same conditions of approval.**

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

☐ I move to renew the B & J Dairy Temporary Quarters for Farm Labor, including the 2 units that were tentatively approved, subject to the same conditions of approval as in the original decision.

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		

Applicant Postponement: This application was on a previous Planning Commission agenda, and then postpone twice to provide time for the applicant and the County Road Dept. to work out issues regarding Rockwood Place. The Staff Report below has been changed from the original version based on new information.

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 is being supplemented with this map. 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 for segments within the federal easements. In addition, the road does not meet current road construction standards, and needs to be upgraded. This road easement was the cause for postponing the parcel map, which is described in more detail below.

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 in the map. 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 similar to this one. 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. 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.

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; though recommended conditions will change how this is drawn on the map. Dundee Lane provides transportation services along the north line, and no additional action is needed.

Rockwood Place provides transportation services along the south boundary; however, the age of the patented land and the road has resulted in a lack of official access easements. For some segments of the road, there are access easements through a BOR-County agreement where County roads also overlie canal roads within federal agricultural easements; but these are of minimal width and do not meet current standards. These BOR-County easements are not shown on the map, and recommended conditions will add them. In addition, the road does not meet current road standards and needs to be upgraded.

Normally roads are centered within a 60' road easement, with 30' of the easement lying on either side of the road centerline. Normally the roads and easements are centered on a property line. Fences are normally not allowed in the easement. Proposed parcel maps would normally be required to provide or upgrade their half of the easement (30') if it is inadequate. Rockwood Place is different in that most of the road lies entirely south of the property line. Given this situation, it is not appropriate to require the full 30' width on the property when the road does not occupy it. Doing so would require fencing, irrigated field, corrals, and a well to be moved out of the easement. The Road Supervisor has determined that a smaller 5' road and utility easement is appropriate and has been incorporated into the revised map. He has also been determining what improvements will be made in the future – after this map.

- 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 access easement provided by the County-BOR agreement that serves the property along Rockwood Place shall be clearly indicated.
 - b) Duplicate certificate and note text shall be removed.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
 - a) The Lucas Road rights-of-way that is being offered for dedication and accepted by the County shall be shown with solid lines indicating a separate plot of land, and the surrounding metes and bounds descriptions adjusted accordingly.
 - b) The legend shall be supplemented to include all symbols used.
- 3) Water dedication requirements must be met prior to recording the map.

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	John Warkentin	Owner:	David & Sharon Goudswaard
Site:	5340 Cox Rd. (APN 008-121-70) – 10.45 acres		
Designations:	Master Plan – Urbanizing // Zoning – A-10		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/Caretaker purposes to place a 2018 RV on the property. The RV is already on-site and set up for use. This application is initiated from enforcement action.

David Goudswaard has health issues related to mobility and needs someone to be near in case of falling, to help maintain the property, and help with other tasks needing mobility. He will live in the permanent home. John Warkentin (a relative) will be the caretaker who lives in the RV. The owner previously had a TUP using a mobile home for his mother, but that has since been removed. The RV will be located near the old mobile home site. The application does not clearly indicate what the RV's well, septic, and power services will be, but the applicant verbally indicated that it will be connected to the old mobile home's connection lines.

The 10 acre property is the middle of 3 residential lots located east of the south entrance to the Soda Lakes Conservation Area, and west of the farming area along Soda Lake Rd. Adjacent uses are the other residential lots, farm fields to the east and south, and vacant land to the north and west. Utility easements run along the property lines and road. Cox Road is a County-maintained paved road lying within a 60' road easement, and both are centered on the front property line. An irrigation canal lies south of the road.

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

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

The application includes a doctor's note indicating that the applicant has a medical condition affecting mobility, and needs assistance with mobility related activities and assistance in case of falls.

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

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-121-70, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3, as described in the Staff Report.

For DENIAL the motion should ADD:

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for John Warkentin to establish a Temporary Quarters for Hardship/Caretaker at 5340 Cox Rd. (APN 008-121-70).

For APPROVAL the motion should ADD:

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

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

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

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Home Construction</u>
Applicant:	<u>Samuel Gilmore</u>	Owner:	<u>Andrea and Jeremy Reynolds</u>
Site:	3300 St. Clair Rd (near Pflum Ln; APN: 006-211-43) – 5 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

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. This application is initiated from enforcement action. This permit is complicated by a number of violations on the property.

The applicant has a purchase arrangement with the owner, and has recently moved an extensive amount of equipment, vehicles, and 2 cargo containers onto the site. There are also a number of small sheds on-site. The RV is already located on-site and in use. There are no building permits or set-up permits on record for the site. The assessor has no records of existing buildings, power, water well, or septic system. Proposed improvements are in the north-middle area of the property, near a slough that runs through the property. The site plan shows locations for the proposed home, temporary quarters (RV), well, septic, and power. The well and power are already installed. The method of sewage disposal for the RV is not indicated, though a site visit shows that an aboveground sewage collection tank is used that was stated as placed by Marshall Septic. The application indicates the home will take about a year to complete.

Living in RVs is not allowed without a TUP, so this is a violation. Approval of this TUP application will correct this violation. Placement of the cargo containers requires building permits, so this is a violation. Construction of sheds often requires building permits, so this may be a violation depending on the specific characteristics of the sheds. Use of an aboveground septic holding tank is normally not allowed due to risk of tank damage and children playing on/near them, so this may be a violation. It is recommended that these building permits violations be resolved before building or septic permits for the proposed home are issued. In addition, there is a violation relating to the slough running through the property, which is described below.

The property is located in the area where the Carson River used to run on its way to the Carson Pasture. The neighborhood has extensive oxbow sloughs that used to be river channel locations. These are now occupied by wetlands. One of these sloughs runs through the property. The County Code requires protection of waterways and habitat areas in 16.16.010.5 (re: preservation of native features and topsoil), and 16.16.010.1.C (re: preserving natural drainageways), and 16.16.010.1.D (re: conservation easements, vegetation, and grading).

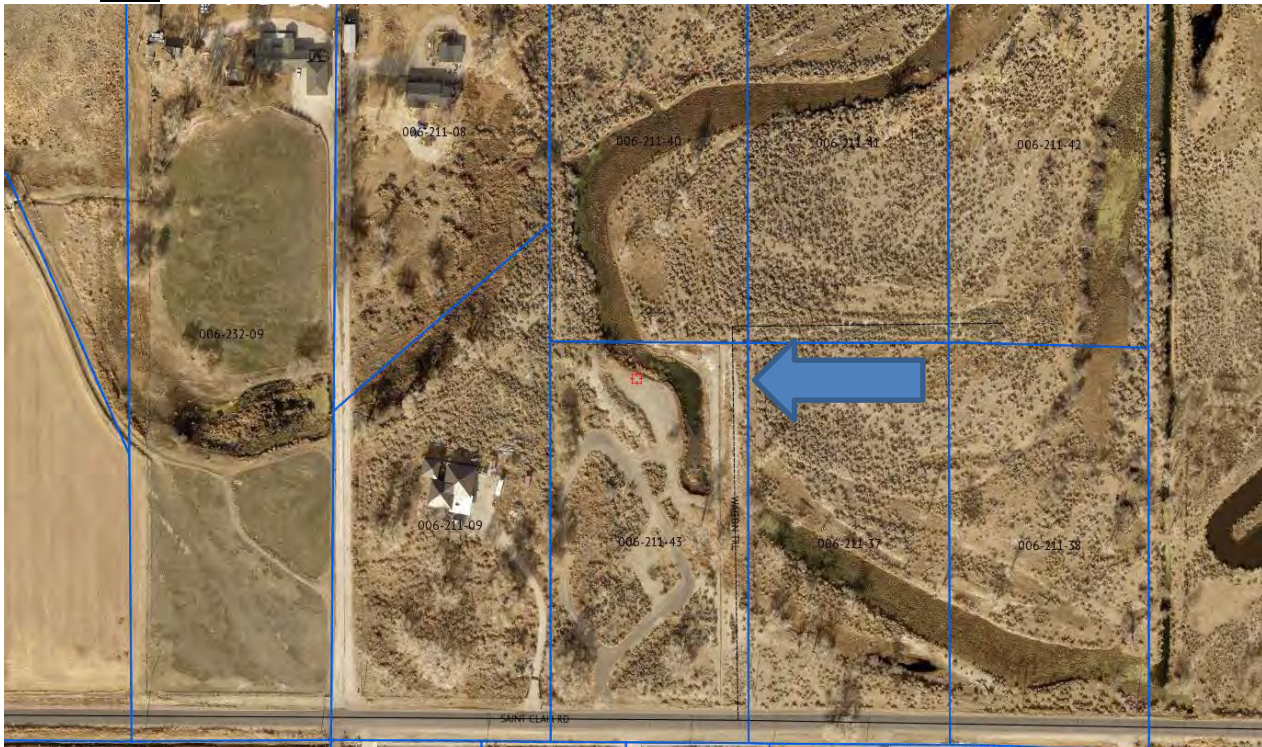
In 2014 work was begun to alter the slough - the east side of slough was extensively filled by 1/3 of its width, and west side bank was cleared and partially excavated. By 2017, the channel filling on the east side and excavation on the west side had entirely moved the channel to follow the NE corner of the property. In addition, the bottom was dug out to be deeper so the wetland was turned into a pond. The spoils were placed south of the former location in a pile 6-8 feet higher than the current slough. The sloped banks have been replaced with nearly vertical banks. All bank vegetation along the slough was eliminated and little has grown back. All wetland vegetation was eliminated and replaced by open water, though a narrow margin of cattails has grown back along the steep banks. There is a pipe for the slough under the road, but it appears to be plugged so most of the pipe is underwater. This may be from vegetation overgrowth blocking the other end of

the, which could be cleared. From property records, it appears the work was done by the Harrisons before selling it to the Guerreros, who then sold it to the Reynolds, who then sold it to the applicant.

2013



2017



It is recommended that correction of the violation be required before building permits for the home are issued. Rather than reconstructing the slough to its previous location, it is recommended that the banks be reconstructed to a gentler slope and revegetated to the satisfaction of the Public Works Director. This will require that a sizable amount of bank material must be removed from the slough area. This material could be placed around the home site or the southern part of the property.

The presence of the slough also impacts the project in another way. Septic systems are required to stay away from water to operate correctly. The septic system is planned to be placed between the home and the slough, but there is a 100' setback between a septic system water features. So the septic system will need to be moved, probably south of the home site. In addition, these sloughs are the lowest location in the neighborhood, which means that the water in them is at or near the level of the groundwater table. Septic systems must have a minimum separation above the water table, so this property may have problems meeting the requirement. Moving the septic system to be south of the homesite should also place it on higher ground.

The property is served by two roads. The main access is on the south side on St. Clair Road, a County-maintained paved road within a variable width road easement. The other road is Wagon Trail which serves 6 properties, including this property. It crosses the slough with a culvert that seems to be backing up water in the slough to create a pond. Wagon Trail is a privately-maintained road in a 60' road easement, but it probably does not meet the County gravel standard.

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. 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: 006-211-43, 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 Samuel Gilmore to establish a Temporary Quarters for Home Construction at 3300 St. Clair Rd (APN: 006-211-43). [**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.
 - b. Sewage service for the RV shall meet Building Code requirements. An above-ground septic storage tank is normally not allowed.
 - c. All necessary permits for home construction must be obtained including all **associated community development fees**.
3. Before issuance of the building or septic permits for the home, all required permits for the sheds and cargo containers shall be obtained.
4. Before building permits for the home are issued, the slough shall be restored to the satisfaction of the Public Works Director. This will include re-sloping the banks of the slough and revegetating them.
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 Overnight Horse Boarding</u>
Applicant:	<u>Zoanne Clark</u>	Owner:	<u>Zoanne Clark</u>
Site:	4969 Silver Sage Lane (at Union Lane; APN 006-811-62) – 5.5 acres		
Designations:	Master Plan - Agriculture // Zoning - A-5		

Summary: The applicant is requesting a Special Use Permit (SUP) for a Home Based Business for Overnight Horse Boarding at the personal 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, (2) outdoor use areas (for equestrian business operations), and (3) a business sign was requested, as described in the application.

It should be noted, that there is there is a difficulty with this proposal qualifying for a home business since the home is not habitable at this time. Thus, there is no home for the home business to be “accessory” to yet. In addition, violations complicate this application. These are described in detail below, as well as the recommendation to table the application until these things can be resolved.

The site has been used as a residence with livestock related improvements around the house. The site plan shows access from Silver Sage Ln. along the west property line. The main drive-way circles the home, though other driving paths circle around other parts of the site as well. The home site is in the SW area of the property. The proposed shelter and corral areas are in the SE area of the property, and are composed of an open-sided shade structure with fenced runs for 12 horse pens (labeled “shelters w/runs”) that are approximately 12’ X 30’. A 50’-60’ diameter round corral is located east of the pens. The parking area will be along the main circular driveway near the stable. The application indicates that the business is oriented toward people traveling with horses. Horses will only board overnight and only for one night. Few (1-3) horses are expected at a time, though there are 12 stalls. Owners will drop their horses off in the evening, along with the horse’s feed. They will not park overnight. They return in the morning to pick up their horse.

Discussions with the applicant during a site visit provided additional information. Manure is removed daily and placed in a pile NE of the corral. Manure dries out and when the pile builds up it is hauled to farmers that want it. Flies observed at the manure pile were less than the horse pens. Actual numbers of horses present is likely to be less (1/wk, etc.). No outdoor lights were observed, nor proposed in the application. A sign already exists on Silver Sage Lane on the fence. A sketch is not provided, though the application lists it as being 4’ X 5’, which exceeds the allowed area. The applicant agreed to reduce the size of the sign. Primary clients are travelers between Washington and Arizona or similarly distant locations. This facility is in the middle and serves as a stopping point where the horse can rest overnight out of the trailer. Owners usually leave the horse and take their trailer to a nearby hotel or RV park, but sometimes owners with RV quarters are allowed to park on-site. Travelers staying at a property is not allowed through a home business permit – that would be a lodging use.

During the site visit several violations were observed, and these are confirmed on the June 2021 air photo, which is about 4 months old. A variety of sheds, mobile homes, RVs, and the horse pen shade structure have been installed, and most appear to lack the required permits. The new manufactured home being placed on the home location has received permits in Jan. 2021 and is not a violation. But installation is not complete.

- 2 RVs were observed being lived in. Both were present on the June 2021 air photo. Living in an RV on a property for longer than 90 days in a year (outside an RV park) is prohibited, unless a Temporary Use Permit is obtained - so both RVs are violations. The first RV was located in the front parking area near the street. The applicant indicated she is living in it until the replacement manufactured home setup is complete, which was issued Jan. 2021 – 10 months ago. The matter may be resolved soon when the home placement is complete. The second RV was located between a shop/garage and shed, and air photos show it enclosed by a fence. The applicant indicated it is her son's, and he comes to visit but doesn't stay all the time; though he has already exceeded the allowed time. The RV must be removed or a Temporary Use Permit obtained to allow it to remain.
- The horse pen shade structure has been built recently, but does not appear to be in the building permits database and appears to be a violation.
- Multiple sheds and storage buildings have been added to the site, and those that need building permits but did not get them would be violations.
- A second old mobile home in bad condition has been placed very close to an old creosote timber constructed building, has no placement permit, and is a violation. The applicant indicates it is being used for a "play house" for kids to sleep and watch TV, so it is being occupied. It may have electricity connected to it, but currently does not appear to have bath or kitchen appliances present or operable. It may does not meet separation requirements from the adjacent building.

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. The zoning in the area north of Union Lane is zoned A-5 Agriculture, with A-10 south of Union Lane. The surrounding land uses are a mix of similarly sized (5 ac. +/-) parcels, particularly along Silver Sage Lane, interspersed with farmed parcels that are larger. There is active agriculture on the large lots and some of the smaller lots.

While some businesses would raise concerns about compatibility with the neighborhood, the agricultural/livestock nature of the proposed home business, and the large lot sizes providing separation between uses reduces those concerns. 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.

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

- **Setbacks and Easements:** No site alterations are planned. The proposed use does not appear to be in conflict with yard setbacks: front yards – 30'; side yards – 25' rear yard – 40.' Utility easements run along all property lines and roads.
- **Sewer and water facilities:** Changes to the residential septic system for accessory uses are not usually required, but the applicant should contact the Building Dept. for additional information.
- **Outside Storage & Lighting:** No outdoor storage or lighting is proposed.
- **Parking and Loading Requirements:** The parking code (including handicapped parking) does not require parking for activities that are accessory to a residential use. Any required parking for an accessory Home Based Business would have to be determined through the SUP, but the proposed parking area appears to be adequate for the proposed business. Future expansion may require additional parking.
- **Landscaping:** The landscaping code does not require landscaping for activities accessory to a single family residence, like a Home Based Business.
- **Signage Requirements:** The application proposes a 4' X 5' sign (20 square feet) at the driveway on Silver Sage Lane, though a sketch is not provided. The sign must be approved with this SUP, but the proposed sign exceeds the 10 square feet allowed by the code. A recommended condition will require the sign to be changed and approved by the Director.
- **Water rights and impact fees:** Existing residences and their accessory activities are not required to dedicate water or pay impact fees.
- **Permits:** Several building permits need to be obtained, or the structures removed, for the property to be in compliance with County Code. The RV that the applicant's son is living in must be removed from the property or it must be approved in a Temporary Use Permit. It is recommended that these be resolved before approving the home business permit.

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

There are no public sewer and water services on or near the site. Private sewer and water service currently exist for the home, and can be used for the accessory Home Based Business. Minimal additional power will be needed, which will be provided by the existing provider. Public roads are discussed below.

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

Silver Sage Lane provides access to the property. It is a County-maintained paved road in a 60' easement lying entirely west of the property. The property is also bordered by Union Lane and Weaver Road. Union Lane is a State-maintained paved highway that appears to share a 100' agricultural easement with the

irrigation drain running along its north side. Thus, the property cannot readily access the highway directly. Weaver Road is a privately-maintained dirt road that borders the property on the east. It runs between an irrigation canal and a drain, and shares a 75' agricultural easement with those facilities. Similar to the highway, the property cannot readily access Weaver Road directly.

Anticipated traffic generated by the site should be small, with the greatest traffic occurring in the mornings and evenings. There will also likely be deliveries for supplies. There will be a minor increase in traffic from the business with minimal impacts. Conditions of approval regarding dust are discussed under Criterion 5.

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.*

Two potential environmental impact issues are increased dust, and manure handling.

(1) There will be a minor increase in road dust due to the business customers' truck and horse trailer driving on the driveway, and horse activity in the corral. Dust in the corral can be managed with proper management practices. Dust from driveway traffic is managed by the current graveling on the driveway.

(2) Manure handling can create problems for neighbors of livestock facilities, such as flies and smells. Other similar proposals raised issues of inadequate manure handling that creates odors and attract horseflies and insects. The small amount of manure seems to be handled adequately to minimize impacts.

STAFF RECOMMENDATION: **TABLE FOR 90 DAYS OR OTHER APPROPRIATE PERIOD**
>> Motions are provided below if the PC chooses to make a decision at the hearing.

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 006-811-62, 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 from Zoanne Clark to establish a Home-Based Business for Overnight Horse Boarding at 4969 Silver Sage Lane (APN 006-811-62).

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 for Horse Boarding is limited to:
 - a. Operation only by Zoanne Clark. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed overnight horse boarding. Adding other activities, such as equestrian training, horse owner lodging, events, etc. is prohibited.
 - c. Only 12 horse pens are approved, and one horse may occupy each pen. Further expansion will require a new SUP.
 - d. Manure shall be removed from horse pens at least once per day, stockpiled in a manner that lets it dry quickly, and removed from the property regularly to avoid excess stockpiles.
 - e. The gravel driveway shall be maintained and supplemented to control dust.
2. The project must be in conformance with County Code, including but not limited to:
 - a. Any light fixtures must be chosen to meet the County's lighting code.
 - b. No employees or outside storage are allowed. The addition of such will require an SUP.
 - c. A business license must be obtained and maintained.
 - d. One 10 square foot sign located at the driveway entrance on Silver Sage Lane is allowed. The existing sign must be reduced in size to meet the area limit.
 - e. A business license must be obtained and maintained.
 - f. All necessary building permits must be obtained.
3. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

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.

October 13, 2021 at 7:00 p.m.

PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO
