

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406
December 8, 2021

1. Call to Order.

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on December 8, 2021 by Chair Diehl.

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

Absent: Member Myles Getto

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 December 2, 2021, between 8:30 a.m. and 5:00 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 Administrative Assistant stated that there were none.

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

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

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

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

A. November 10, 2021 Public Hearing

Chair Diehl asked if there were any changes to the minutes of the meeting held on November 10, 2021, and there were none.

Member Yates moved to approve the November 10, 2021 minutes as written. Vice

Chair Arciniega seconded the motion and the decision carried by unanimous vote.

8. Old Business.

- A.** Consideration and possible action re: Temporary use permit renewal for temporary quarters during home construction granted to John Gurney for property located at 6550 Zephyr Lane, Assessor's Parcel Number 008-133-53, *origination date 11/8/17*. The applicant states that there have been setbacks due to lack of materials and labor help.

John Gurney, 6550 Zephyr Lane, stated that they were finally able to get the footers in for the residence. He said that it took him about four months to get the concrete forms. He informed that electric power should take about six to eight more weeks before that could be installed. Regarding the well, he was told by Welsco that they wouldn't be able to drill the well for about one year to one and a half years. That will take a little bit longer. Slowly, they are moving along in the right direction. Mr. Gurney spoke about all of the stuff he has on the property and noted that they have rented a warehouse off of East

Center Street, which is 5,000 square feet. He plans to move items to the warehouse to get them off of the property. Chair Diehl inquired if he has most of the permits, and Mr. Gurney confirmed that he does have all of the permits.

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

Member Bunyard noted that this has been going on for five years and questioned what Mr. Gurney has accomplished over this time period. John Gurney listed that they have gotten the septic in and the footer in just recently. He acknowledged that there have been a few problems that he has had to overcome during that time. Member Bunyard asked for clarification regarding the trash and stuff on the property as shown in photographs shown on the screen that were provided by the Code Compliance Officer. Mr. Gurney said that someone had set up a tent and was living in the bushes and there is a problem with people dumping their refuse on his property. He informed that the barrels in the photos are his mining stuff that needs to be processed. He just stockpiles it there on the property. In order for him to get a gate to cut down on traffic coming off of Lucas Road to his property he has to get permission from Truckee Carson Irrigation District (TCID). Member Bunyard verified that this access is off of a TCID access road, and Mr. Gurney agreed that it is. He further stated that with the 200 foot setback for the easement would not cover this area. He thinks that the illegal dumping may still be a problem no matter what he does. He said that he throws a lot of brick and stuff like that in there to try to build it up so that people can't dump much more in there. He admitted that there were a lot of items covering the ground that do belong to him. Member Bunyard inquired if he has building plans and all of that put together. Mr. Gurney stated that the plans were submitted, and the footer was just poured. The next step is just putting up the frost walls, which he finally have the forms for that, and that should be in the next couple of weeks. Now that the footer is set, he can start putting up the walls for the frost wall. Member Bunyard questioned if the commission were to approve the renewal, if Mr. Gurney thinks that he would be able to finish it within a year. John Gurney replied that he would not be able to with the well going to take so long. The house will be finished, but he won't have a well in by then.

Director Chris Spross asked if there was anyone besides Welsco that Mr. Gurney has requested a quote from for the well, such as Parsons Drilling. John Gurney said that he had another one that was higher; however, Welsco pricing has almost doubled in the last couple of months. He wasn't aware of Parsons Drilling. Director Spross noted that it might be best for him to check with some other well drilling companies. Mr. Gurney stated that there was another one he had called that said they were too busy.

Loreli LeBaron, Code Compliance Official, noted that she originally inspected the property at the end of 2020, and she spoke with Mr. Gurney at that point. She reinspected it today and shared that the photos being shared on the screen are ones that she took of the condition of the property as it stands right now. She noted some of her concerns including the amount of time it is taking for the applicant to actually get things progressed on the property as far as building the structure. It has been going on for five years. She has seen very little cleanup on the property in the last year. Mr. Gurney stated his disagreement that he has seen quite a bit. Loreli LeBaron has seen a dumpster at the property a time or two to clean up, but when you look at the overall property appearance, she doesn't see a huge improvement compared to what was there last year. There are numerous RVs on the property; however, only one is occupied. There are also a number of storage container units (semi-trailers) that he is using. With the acreage he has only two of these types of containers would be permitted, and she noted that there are three at this time as shown in the photograph displayed. That is a violation of Churchill County Code. They aren't set on the ground because they are semi-trailers, and we generally look at cargo containers that are set on the ground. The intent that he is using them for is storage purposes, which is equivalent to the cargo containers. Ben Shawcroft, Deputy District Attorney-Civil, commented to Mr. Gurney that he doesn't actually vote on the commission; however, he is legal counsel for the board, code enforcement, and such. He stated that what is sitting on this property is unacceptable. It has been a long time, and it can't be that way. He said that looking at these photos, it actually appears to be worse than

it was when this started. He accepts Mr. Gurney's opinion that he has cleaned up, but it can't go on like this. He doesn't know what the commission will do tonight, but regardless of what they do in approving or denying the renewal or whatever they choose to do, we are still going to pay attention to this property. He further stated that he is almost ready to take this to the Board of County Commissioners asking them to declare it a nuisance. He reiterated that this isn't something that Mr. Gurney would want to have happen. He expressed that the patience is running out with the commissioners. John Gurney said that when Ms. LeBaron came out the last time, they had talked, and he had asked which codes he was in violation because there was a list of violations without the codes related. One was for the hole that was dug, and he was able to inform that this is the area for the foundation. He stated that she was going to get back with him and it didn't happen. Ben Shawcroft explained that has no bearing on this conversation, and Mr. Gurney agreed except that when someone says that they will get back with you and don't. Now they want to bring these things up a year later when they didn't provide him with what he asked for during that time. Ben Shawcroft declared that John Gurney is not in compliance with Churchill County Code. Mr. Gurney said that he understands this; however, he asked for clarification on which codes and what needed to be corrected, and it wasn't provided. Ben Shawcroft pointed out that there is a section of the County Code related to the junk, trash, and debris on the property, and Mr. Gurney is in violation of that section. It needs to be cleaned up, which is the bottom line. Chair Diehl asked Loreli LeBaron what exactly Mr. Gurney is allowed to have on the property. Loreli LeBaron shared that she did go back to the property after the first time last year and had a verbal conversation with him. She understood that he was under construction. They went over what specifically needed to be cleaned up within a reasonable timeframe. The two big things that they concentrated on was the property appearance and getting that free and clear of random materials on the ground, some trash and miscellaneous on the property, etc. He had explained that he couldn't fit everything into the three trailers on the property, and he told Ms. LeBaron that he would work on getting that accomplished. She has seen, based upon these photographs, that there has been a little bit of that done. The other thing they discussed was a big hole in the ground and it didn't seem to appear like a typical beginning of a hole that would be dug to set a foundation. When he explained what he was doing with it, then she accepted that. This time she went to visit the property, she could see that the hole now appears to be some type of a substructure alignment within that hole like a subfloor or equivalent. He is working on the framing aspect of it at this point. On the rest of the property, she is concerned about the public nuisance and a health hazard. The number of things that are on the property that has accumulated over time. Also, in the area where the tent is located, not only are there materials, but there is also trash and barrels. She did take a snapshot to be as detailed as she could to ensure there wasn't any oil in the barrels. There were a lot of rocks. There is a tent with a bunch of rubbish including toilet paper. All of this could be a potential fire hazard. This is why she has public safety concerns. There is also an issue with the number of containers that he has on the property and the number of RVs and other vehicles. She had asked if there was a way to maybe organize these things on the property so that they are not so scattered over the land, and maybe put them toward whatever side of the property make most sense and toward the back. There is a real concern about the overall appearance and the contents all over the property. Chair Diehl asked if Ms. LeBaron puts her findings in writing and mail them to the owner. Loreli LeBaron responded that she typically does. With Mr. Gurney, she handwrote some things down and gave him grace in the sense that he already had everything going on. The understanding was that by the time that they got to this point there would be massive progress. Right now, since there is not, she will send Mr. Gurney a Notice of Violation indicating everything. John Gurney explained that this is what he thought she was going to do—to specify how many containers and so on. There was a disagreement about whether or not another conversation happened. Loreli LeBaron indicated that the agreement was that if she did start that Notice of Violation process, it would and could impede on the application that Mr. Gurney is trying to extend tonight, which is why she didn't start that process and gave him a grace period of time to try to get everything together. Now that there has not been a lot of change, she doesn't think that she has any other option other than to start that process.

Chair Diehl asked if the commissioners had any other questions.

Member Yates noted that there are some issues here, it has taken five years, and he wasn't in this position five years ago, but this is not very attractive to the eye. He questioned if the commissioners decided to extend the permit for another year, what he hopes to get done. John Gurney answered that he hopes that the house will be built and that whatever is in those containers will be in the warehouse. Member Yates restated that in a year he will have the property basically in compliance. Mr. Gurney agreed except for the pile at the west end of the property. He will have to get a backhoe or something in order to clean everyone else's junk up, but until he can get the road shut off, he believes that people will continue to dump there. He wouldn't want to get rid of the pallets and wood because it would be a waste. Member Yates inquired if he has done anything with local law enforcement to try to prevent this. Mr. Gurney admitted that they have come down a couple of times. Member Yates agreed that it seems that he has multiple problems here.

Vice Chair Arciniega verified with Loreli LeBaron that the photos were taken today. Ms. LeBaron confirmed that it was just a few hours prior to the meeting. Vice Chair Arciniega then asked if there has been someone living in the tent out there. John Gurney stated that it was about two years ago. Vice Chair Arciniega questioned if it has just been left sitting there since then, and Mr. Gurney responded in the affirmative. Vice Chair Arciniega wondered if Mr. Gurney didn't have any desire to clean that up. John Gurney said that if he goes back there, he will need a backhoe to clean because there is a lot of trash that has been piled up there. Vice Chair Arciniega expressed his opinion that it seems that Mr. Gurney is inviting additional deviants to be occupying the property. He reiterated what Mr. Shawcroft noted that it appears to have been no progress on this whatsoever. John Gurney restated that until he can close that section off and have a gate up there, people will still dump there, so it doesn't make sense to clean it and have it empty so that they can dump more stuff. Vice Chair Arciniega clarified that Mr. Gurney thinks that he needs a gate while he is still working on home construction, and then inquired Mr. Gurney wasn't sure what he should do first. John Gurney expressed his thought that his first priority is to get the house built. They were going to hold off on the power and other stuff, but then they decided to go with it and get that taken care of, so that they have something to show that is actually being done. Vice Chair Arciniega suggested that Mr. Gurney contact another well driller. He is a realtor, and he has had issues with wells. He can only think of one instance in the last three months where someone's well was drilled in a matter of three to four weeks. He thinks that a year and a half is not really a reasonable timeframe.

Member Picotte inquired if the foundation has been inspected up to this point. John Gurney answered that the footers have been. He asked if there were newer, more closeup pictures of the foundation. The Administrative Assistant replied that she did not, and Loreli LeBaron responded that she did not take any because in that section of the property there are No Trespassing signs. In this case she doesn't enter the property unless she is invited to do so.

Member Nelson questioned if Mr. Gurney had contacted TCID about putting a gate up. John Gurney stated that he had a couple of months prior, as well as a couple of years ago. Member Nelson said that he believes that people are allowed to put up a gate as long as TCID has access to move through the gate. Mr. Gurney informed that you have to pay a \$500 fee with an application, and then there is an inspection. Member Nelson pointed out that it has been five years since he was granted this permit. Mr. Gurney noted that it was only a couple of years ago that he thought about it, and they kept putting it off. Member Nelson asked Loreli LeBaron if she could come up with a list of what needs to be done to bring it into compliance, including prioritization and timeline. Ms. LeBaron responded in the affirmative. Member Nelson recommended to the Board that they get that list and put a timeframe on that list as part of the approval if you choose to approve.

Chair Diehl also suggested that if they do possibly decide to renew for another year, he would need to have it all cleaned up then they would have to deny next time. She noted that he needed to coordinate with Code Enforcement.

Dean Patterson, Senior Planner, spoke regarding the gate that Mr. Gurney mentioned to keep people out, and he noted that Mr. Gurney wouldn't be able to block off the whole access to the canal.

He could put a fence along his property that would help with deterrents. Fence lengths could also be less expensive than a manufactured gate.

Director Spross commented that on November 3, 2021 we received some correspondence from the Building Department that said that the building permit for the residence was issued in 2020 and Mr. Gurney has paid for all of the impact fees. The email also stated that they had not done any inspections at that time. Mr. Gurney had contacted the Building Department in July 2021 for an extension of that permit. Director Spross verified with John Gurney that the inspection he mentioned was completed after November 3, 2021, and Mr. Gurney said that it had been. Director Spross reiterated that Mr. Gurney has paid the impact fees and spent a considerable amount of money to get him where he is today. He strongly suggested that whatever conditions that the Board comes up with he takes seriously, or else the money that has been spent to this day could be in jeopardy.

Chair Diehl asked for any other questions or concerns, and there were none. She called for a motion for a decision. Member Nelson stated that he believes they need more information in order to place some conditions on any renewal. Dean Patterson stated that it sounds like the Board is considering maybe tabling the decision until next month, and then Loreli LeBaron can work on a list of things that we can talk about. Does that seem like a reasonable approach or would they like to do something else for a shorter amount of time.

Member Bunyard moved to table the temporary use permit renewal for John Gurney at 6550 Zephyr Lane, APN 008-133-53, until next month (January 8, 2022) in order to get some information from Code Compliance. Member Yates seconded the motion and the decision carried by unanimous vote.

9. Action Item.

- A. Consideration and possible action re: Election of Officers – Chair and Vice Chair – to serve from January through December 2022.

Chair Diehl stated that she will be stepping down as Chair and was willing to serve the remainder of her term as a member of the commission; however, she would prefer not to serve as Chair or Vice Chair.

Nomination for Chair

Member Bunyard made a motion to elect Charlie Arciniega as the Chair. Member Yates seconded the motion and the decision carried by a unanimous vote.

Nomination for Vice Chair

Member Arciniega made a motion to elect Shane Yates as the Vice Chair. Member Bunyard seconded the motion and the decision carried by a unanimous vote.

10. Public Hearings.

- A. Consideration and possible action re: Temporary Use Permit application for temporary quarters for Hardship/Caretaker filed by Lani Moore for property located at 1683 Tumbleweed Road, Assessor's Parcel Number 008-273-20, consisting of 1.12 acres in the E-1 zoning district. She is requesting to place a temporary residence on the property for her aged mother to live in, so she can help take care of her.

Lani Moore, 1683 Tumbleweed Road, and Darin Moore, 3463 Casey Road, were in the meeting to discuss this application. Lani Moore said that the property is hers, and they are requesting to place a temporary structure, basically a 12' X 40' trailer on the property as a "Granny Pod" for her mother. Her mother, who is 78, can no longer take care of the property she had and needed to sell it. She pointed out in the photographs, that were provided by Loreli LeBaron, Code Compliance, and displayed on the screen, the concrete pad where they want to put the temporary residence. Darin Moore noted that all of

the trees that were there in the aerial photographs in this area have been removed.

Dean Patterson, Senior Planner, noted that Lani Moore had a 1997 manufactured home listed in the application, so he asked to confirm that they have already found the unit and it is ready to come to the property. Lani Moore responded that it is ready to come to the property, but they will have to remodel it. She informed that they submitted plans to the Building Department. Darin Moore stated that he has been to the Building Department and spoken with Marie Henson and Ray Brown, and he can't get a setup permit until this temporary use permit has been approved. They just want to see that it is set properly, that the electric and plumbing is installed properly, and that it is safe for occupancy. He said that when he first came into the Planning Department, he was informed that there have been some people that have died in fires with RVs that were not hooked up correctly just in the last several months. Rather than asking forgiveness, they want to ask permission. They want everything to be done correctly, and he is a builder, so it will be right.

Chair Diehl asked for any public comment regarding the application, and there was none. She then turned it over to the commissioners for any questions or concerns.

Director Spross, regarding speaking with the Building Department about hookups and setup of the unit and the need to remodel it prior to having the mother move in, informed that any sort of remodel on the inside of a manufactured home has to be done through the Division of Manufactured Housing, and he asked if they were aware of this. Darin Moore stated that it is not a manufactured home; it is actually a Quick Space building. There are a couple of them sitting next to the Venturacci Gym right now. They are conex boxes. You dump them on the ground and do what you want inside. Lani Moore responded that it is dirty and ugly inside, so they will be remodeling the inside. Dean Patterson commented that not all of the Quick Space buildings are built to HUD (Housing and Urban Development) standards, but perhaps this one is. He inquired if they have checked that out and spoken with the Building Department about that side of it. Darin Moore replied that Marie Henson said that he could do what he wants to. Dean Patterson just wanted to be sure that he works with the Building Department, they are making the inspections, and that it will meet the residential living standards, which is what we are concerned about. Darin Moore remarked that it will be above most residential living standards. Lani Moore informed that they are both in the building trade, so they are very well aware of what they need to do. Chair Diehl questioned if Darin Moore was in the construction business, and he responded that he has been for the last 40 years.

Chair Diehl asked for any further discussion, and 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 Temporary Quarters for Hardship/Caretaker on APN 007-121-27, thereby meeting the criteria found in CCC 16.08.070(B)3, as described in the Staff Report. Member Nelson 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 Temporary Use Permit application for Lani Moore to establish a Temporary Quarters for General Purposes at 1683 Tumbleweed Road (APN 008-273-20). This approval is subject to conditions, as listed in the Staff Report. Vice Chair Arciniega 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.*

Chair Diehl thanked the applicant and advised that there is a ten-day appeal period, and the department will contact you for further permitting procedures. Darin Moore asked when he would be able to go and get a permit, and Director Spross responded that it would be after the ten-day appeal period. He doesn't believe there will be any appeals filed and would be okay to move forward; however, we have to follow procedure with the appeal period.

- B.** Consideration and possible action re: Temporary Use Permit application for temporary quarters for Hardship/Caretaker filed by Don Keeling for property located at 5990 Kadee Court, Assessor's Parcel Number 008-572-01, consisting of 1.08 acres in the E-1 zoning district. The applicant is requesting that a person in his care be permitted to reside in an RV on the property until such time as they can find other housing for her and her children.

Don Keeling, 5990 Kadee Court, stated that he is requesting permission to have a young woman, Amanda Nadeau, to live in an RV on his property. He did see that there is a distance from the street where the RV is not far enough back onto the property. He noted that there is a clothesline set in cement behind the RV. Chair Diehl noted that there are certain setbacks that he would need to meet. Don Keeling further remarked that apparently where they have it set will not meet the setbacks. The reason they chose that spot is because of the location near to the septic system. He said that the RV was at the back of the property originally, but there was no septic there. They thought that they might be able to haul it over to Fallon RV Park on the Reno Highway, not too far away, in order to dump the waste. He was told by Code Compliance that it needed to be able to be hooked up to the septic, and this was the only place where they could do so.

Chair Diehl inquired if Loreli LeBaron had any comments. Loreli LeBaron, Code Compliance Officer, said that although she understands the predicament with the setback requirements, there is a five-foot firebreak required between the property line and where the RV is located due to the pop-out. Is there any way possible for Mr. Keeling to relocate it closer to the house in order to meet this setback? Don Keeling stated that the septic is located to the west of the RV close to the end of the walkway. If they moved it to the west, it would only give them a few inches without going on top of the septic tank. Then the leach lines go toward the road and the front yard. Loreli LeBaron noted that the RV is located very close to the septic system. She asked if there was any way to relocate where the clothesline sits and move it over in that position. Don Keeling said that he can take the clothesline out of the ground. Dean Patterson suggested that he list some alternatives that he came up with in order to help Mr. Keeling be able to meet the setbacks required.

- Regarding the clothesline, the posts could be cut off in order to move the RV back, but it may still not be far enough from the fence. Once the RV is moved, the clothesline posts could be welded back up.
- If he moved it back equivalent to where the clotheslines are, but place it closer to the house, there is a tree in the middle, so he would have to place it on the other side of that tree.
- He could also place the RV further back in the backyard still closer to the house. Don Keeling noted that there is a substantial swing set that is in the backyard area. Dean Patterson agreed that he would have to maneuver the RV around that.

Don Keeling mentioned that the whole reason for it moving it up to the front was to connect it to the septic system. In 2006 when they moved to Fallon from Texas, his parents owned this house. They had an RV parked on the west side of the house near the shop building. He wondered if that would still

be an option. He further noted that there wouldn't be a way to hook it to the septic tank from there. Dean Patterson agreed that if their intent is to hook it to the septic then the options are more limited. If he is open to the idea of not hooking it to the septic, which some people do apply to the Planning Commission to do, there have been situations approved where the people don't use the restroom facilities in the RV and come into the house. Mr. Keeling stated that he is not opposed to taking it to the Fallon RV Park to dump it when it needs it. There is going to be a new baby and a one year old living there with their mother and making it inside the house to use the bathroom may not be the easiest thing to do. Ben Shawcroft suggested that the commissioners focus on whether or not to approve the permit and then work on setting the conditions.

Dean Patterson pointed out in the staff report is that the application is for a hardship/caretaker request, but there is no physical or mental disability needing care. It doesn't really qualify for that option; however, if the Board is inclined to approve the request tonight, perhaps it would be better to approve it as a general purpose request, being something similar to a hardship/caretaker without having to meet the stricter requirements.

Chair Diehl turned the discussion over to the commissioners. She does realize it isn't really a hardship case. Don Keeling agreed and stated that when he initially made the application after reading all of the requirements, he was going with the general application. Under the suggestion from someone in the office, it would fall into the hardship application easier than a general one. Whichever one is easiest is fine with him. He just needs to get a permit to allow him to help in this situation.

Member Bunyard inquired of Mr. Keeling if they were to grant him the temporary use permit, what the estimated time, six months or one year, or how long it would be needed. Mr. Keeling informed that she (Amanda Nadeau) has an application in for HUD housing, so it would depend upon how fast that can move along. Member Nelson questioned if that application has been submitted, and Mr. Keeling believes that it is in progress.

Chair Diehl asked about the power and other connections. Mr. Keeling stated that where the RV is right now there is a service set right there that goes to the panel on the side of the house. This is where they were keeping their RV for storage. A photograph was shown on the screen for the commissioners to see where the power pedestal is located. There was also a photograph to show the septic connection to the tank. Chair Diehl then inquired if they move the RV they would still be able to connect it to utilities. Mr. Keeling said that the electric cord on the RV is about 20' long and could be hooked up. Member Bunyard believes that based upon the setbacks Mr. Keeling will have to move the RV from where it is located. If they were to approve it, most likely it would go in front of the garage. Don Keeling concurred and then stated that it would not be able to be hooked to the septic. Member Bunyard verified that he would still be able to hook it to power and water.

Chair Diehl clarified with legal counsel that they would be able to change the type of temporary use permit for any approval. Ben Shawcroft, Deputy District Attorney-Civil, confirmed that the Board has that discretion. Dean Patterson pointed out in the recommended motions listed in the staff report, they will need to include the change to general purposes, including any timeframe they would like to impose.

Member Picotte questioned if Mr. Keeling has plans to make it legal under the general purpose by moving it to meet the setbacks. Don Keeling answered that if he couldn't leave it right there, he would prefer to move it on the west side of the house near the shop. This would be the easiest place for it to be. Member Picotte restated that for the general purpose temporary use permit Mr. Keeling would move it to the other side of the house near the garage, and Mr. Keeling affirmed this to be correct. Member Picotte then inquired if that would meet the setback for a livable dwelling, and Loreli LeBaron confirmed that it would meet the setbacks. When it comes to recreational vehicles they are looking for a firebreak between any structure and the side properties. It would need to be five feet from any structure on the property. She believes that it would absolutely meet the front setbacks. She further added to the Board that there is a requirement to tie into a septic system in the building codes as well as Nevada Revised Statutes; however, she knows that there have been cases where they have approved these with

them being able to have another facility onsite for them to use. She is unaware of one being approved with a self-holding tank, so if that is the decision that they go with, she requests that this is included in the conditions, so that there are no questions for the building department.

Chair Diehl remarked that she doesn't believe that the findings have been met for a hardship/caretaker request, and she thinks that they would need to put this under a general purpose request and put a limit on the time because it isn't really a hardship, and the person is not in medical hardship. Don Keeling pointed out that she is in a condition right now with her pregnancy.

Chair Diehl asked for any further comments; there being none she called for a motion. Member Bunyard inquired if they change the wording in the motion for the general purposes as well as the timeframe. Dean Patterson said that you would need to recite your reasoning for approving it in the motion for findings because the staff report basically says that it doesn't meet the conditions. Then with the decision, you choose the general purposes motion. Member Yates questioned if they need to deny the hardship/caretaker one first. It was discussed that they wouldn't as they are only approving one type of permit. Dean Patterson asked that they pay attention to the wording in the decisions, and they can see where the decision points are.

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 Temporary Quarters for General Purposes on APN 008-572-01, thereby meeting the criteria found in CCC 16.08.070(B)6, as described in the Staff Report, for a period of six (6) months and with the RV being moved from its current location. Vice Chair Arciniega 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 Don Keeling to establish a Temporary Quarters for General Purposes at 5990 Kadee Court (APN: 008-572-01). This approval is subject to conditions, as listed in the Staff Report, adding that it is for six (6) months, and they will dump the septic tank as needed. 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, including any required RV 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. The RV must be re-positioned to a place (on the west side of the house in front of the garage) that will meet street setback and the 5' side setback from side lot lines, including any RV "pop-outs".*
- 6. This temporary use permit is subject to annual renewal before the Planning Commission, until determined such is no longer needed. The first renewal being requested at six (6) months. **The applicant must show substantive documentation for why the person in the RV cannot move to permanent living quarters.***

Chair Diehl noted that there are conditions that were listed in the staff report and asked if Mr. Keeling has read those. She thanked the applicant and advised that there is a ten-day appeal period, and the department will contact Mr. Keeling for further permitting procedures. Don Keeling inquired if he

would be allowed to keep other RVs on the property for storage, and Chair Diehl didn't see that being an issue. Dean Patterson clarified that he would need to come back in six months if he needs to request a renewal. Don Keeling asked if it would be possible for him to request an extension, and he was told that it was.

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

- A. Consideration and possible action re: Termination of a special use permit previously granted to John Zylstra to construct and operate a multi-tenant business site including light manufacturing uses and retail services for property located on Minnie Way, near Reno Highway, Assessor's Parcel Number 008-411-53. The applicant has not enacted the permit after being granted two one-year extensions.
- B. Consideration and possible action re: Termination of a temporary use permit previously granted to Dennis Rechel for temporary quarters for farm labor for property located at 3055 Indian Lakes Road, Assessor's Parcel Number 007-311-67. The applicant has not enacted the permit after being granted a one-year extension. The mobile home will need to be removed from the property within 90 days of the termination.

Chair Diehl asked if anyone wanted to pull any items from the Consent Agenda, and there was no interest expressed.

Vice Chair Arciniega moved to approve the Consent Agenda as submitted. Member Yates 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 7:58 p.m.

14. Appendix.

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

155 N. Taylor, Ste. 194, Fallon, Nevada 89406
Off. (775) 423-7627 Fax (775) 428-0259

STAFF REPORT FOR PLANNING COMMISSION MEETING – December 8, 2021

Prepared December 1, 2021

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on December 1, 2021 to review the project applications listed below that are on the agenda for the November 10, 2021 Planning Commission Meeting. Site visits were made as noted.

- | | | |
|---|--------|---------------|
| • Moore TUP for Temporary Quarters for Hardship/Caretaker | Page 2 | No Site Visit |
| • Keeling TUP for Temporary Quarters for Hardship/Caretaker | Page 4 | No Site visit |
| • Consent Agenda | Page 7 | No Site Visit |

PC Members Present

Deanna Diehl
Charlie Arcineiga

Staff Members Present

Christian Spross
Dean Patterson
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Lani Moore</u>	Owner:	<u>Lani Moore</u>
Site:	1683 Tumbleweed Road (APN 008-273-20) – 1.12 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place 1997 manufactured home on the property. The unit is NOT already on-site or set up for use.

Lani Moore is requesting a temporary quarters to care for her elderly mother, Janice Moore. Lani will live in the permanent home. Janice will live in the temporary quarters. The site plan shows that the manufactured home will be located near the existing primary residence, and will use its power, well, and septic system.

The property is one of many similar 1-acre residential lots in the neighborhood NW corner of the Rice Rd. / Lovelock Hwy. intersection. It is also just east the Ponte subdivision (Red Road), which is made of many small lots. Access is from Tumbleweed Road, which is a privately-maintained gravel road located within an 60' road easement. Adjacent uses include the other residential lots, the TCID facilities, and nearby farmland to the northwest and southeast. Utility easements run along the property lines and 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 indicates that the applicant is over 70 years old, though documentation has not been provided.

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

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 007-121-27, 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 Lani Moore to establish a Temporary Quarters for Hardship/ Caretaker at 1683 Tumbleweed Road (APN 008-273-20).

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 Hardship/Caretaker</u>
Applicant:	<u>Don Keeling</u>	Owner:	<u>Don & Wylanta Keeling</u>
Site:	5990 Kadee Court (APN: 008-572-01) – 1.08 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place a recreational vehicle (RV) on the property. This application is initiated from enforcement action for a number of RVs located on the property and being lived in, for which the Enforcement Official has been working with the owner. The other RVs have been removed, or people stopped living in them. The RV for the proposed temporary quarters is already located on-site and being lived in, and this TUP will authorize it to remain. Enforcement contacts indicate that the owners live in the house. Adult children and grandchildren also live in the house. One son intermittently lives in the house and sometimes elsewhere, but his girlfriend Amanda Nadeau and his children are the ones that are living in the RV.

The application states that Amanda is living in the RV because she needs a living space while resolving child custody issues with the State. The owners agreed to provide the living space in their RV and have been working with the state to demonstrate they and their property is acceptable.

The site plan shows locations for the proposed temporary quarters and property facilities, though it does not show how water, sewage, and power are provided to the RV. A site visit found that the power is plugged into a wired pedestal next to the RV. A water hose connects to the home. A hard-piped above-ground sewer line connects the RV to the septic tank, which the RV is parked next to. Building permit records show the septic tank in the east yard, and the drain field in the front yard.

The RV is located very close to the east property line, with the “pop-out” being 6-12 inches from the fence. The requirement is 5’, including any “pop-out” features. The RV is also street-ward of the existing home, and encroaches 6 feet into the front setback area (30’ easement from centerline of road, and 30’ setback). The unit must be moved to meet setbacks, or a variance obtained. Re-positioning the RV directly westward, away from the fence, will be limited by the septic tank. But the east side yard north of the tank can be used without placement on septic facilities – but the existing yard features (cloths line, landscaping, etc.) will need to be modified. This will require re-connecting to the septic system and inspection by the Building Dept.

The 1-acre property is one of several similar residential lots on the east side of Roberson Lane in the neighborhood (4 being on Kadee Ct.). Other nearby uses include the commercial uses to the south and west, and a large farm field to the NW. The property is a corner lot with primary access on Kadee Court (in a 60’ road easement), and secondary access on Roberson Lane (in a 40’ road easement). Both are County-maintained paved roads. Utility easements run along the property lines and 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 provides no documentation for meeting the above criteria. Also, the person living in the RV does not appear to be medically or mentally in need of care. It is more of a situation of wanting to let a poor and troubled person live on the property in an RV. Staff recommends that the proposal does not qualify for the Hardship/Caretaker unit. If the Planning Commission wishes to approve the proposal, it should be as a General Purpose unit, with similarities to a Hardship/Caretaker unit. The need does not appear to be long-term, so the Planning Commission should consider a limited-duration approval. The Keeling's may need to consider constructing either an addition to their home or an Accessory Dwelling Unit.

STAFF RECOMMENDATION:

DENIAL

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

REGARDING A HARDSHIP/CARETAKER REQUEST:

☐ 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 008-572-01, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3, as described in the Staff Report.

For **APPROVAL** the motion should **ADD** reasoning that the proposal meets the criteria:
Specifically, the project [ADD NEEDED REASONING RELATED TO CRITERIA]

REGARDING A GENERAL PURPOSES REQUEST:

☐ 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 General Purposes on APN 008-572-01, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)3, as described in the Staff Report.

For **APPROVAL** the motion should **ADD** reasoning that the proposal meets the criteria:
Specifically, the project [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 Don Keeling to establish a Temporary Quarters for [**HARDSHIP/ CARETAKER // GENERAL PURPOSES**] at 5990 Kadee Court (APN: 008-572-01).

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 RV 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. The RV must be re-positioned to a place that will meet street setback and the 5' side setback from side lot lines, including any RV "pop-outs".
6. This temporary use permit is subject to annual renewal before the Planning Commission, until determined such is no longer needed. ***The applicant must show substantive documentation for why the person in the RV cannot move to a permanent living quarters.***

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
December 8, 2021 at 7:00 p.m.

[illegible]

PLEASE SIGN IN & PRINT YOUR INFORMATION