

## **MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION**

155 N. Taylor St., Fallon, NV 89406  
January 12, 2022

### **1. Call to Order.**

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on January 12, 2022 by Chair Arciniega.

**Present:** Chair Charlie Arciniega, Vice Chair Shane Yates, Member Deanna Diehl, Member Myles Getto, Member Scott Nelson, 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 January 6, 2022, between 8:30 a.m. and 5:00 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 Arciniega called for a motion to approve the agenda.

**Member Diehl moved to approve the agenda as submitted. Member Nelson 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 Arciniega 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. December 8, 2021 Public Hearing**

**Vice Chair Yates moved to approve the December 8, 2021 minutes as written.**

**Member Getto 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. Due to the holiday season and unforeseen circumstances, it is requested that this item be tabled for consideration to the February 09, 2022, Planning Commission meeting.

Chair Arciniega asked if Mr. Gurney was in attendance for this item. Director Spross read a letter that was received from Loreli LeBaron, Code Compliance Official, requesting that this item be postponed to the February 9, 2022 meeting in order for her to meet with Mr. Gurney and go over what the violations are and how he can gain compliance. Due to the holidays and scheduling conflicts, she has not been able to meet with Mr. Gurney.

Chair Arciniega called for a motion to postpone this item.

**Member Bunyard moved to postpone the temporary use permit renewal for John**

**Gurney at 6550 Zephyr Lane, APN 008-133-53, to the February 9, 2022 meeting.  
Member Getto seconded the motion and the decision carried by unanimous vote.**

**9. Action Item.**

A. Consideration and possible action re: Parcel Map applications for five maps filed by applicant NEV DEV LLC, owned by Heidi Rd LLC, for property located on Desert Hills Loop, Assessor's Parcel Number 008-176-82, consisting of 16.48 acres in the E-1 zoning district. The amended tentative parceling plan was granted extensions through February 28, 2022.

Kim McCreary, 2405 Farm District Road, Fernley, and Dan McCreary, 1205 Jessica Lane, Fernley, were there to represent the applicant. Dan McCreary stated that they are proposing a project in the E-1 zoning district off of Desert Hills Loop to take a previously approved tentative parceling plan and request that their plan be approved and accepted for the division of the remaining parcels included in this tentative parceling plan.

Planner Dean Patterson confirmed that the last tentative parceling plan was done by Ken Gearhart in about 2003. The development was started with Bruce Homer, who then transferred it to Mick Casey. That was about 1998. Bruce Homer's plan was a slightly different configuration, and Gearhart changed it to the shape that you see here. He didn't include the normal information, and the McCreary's had Steve Bell update the tentative parceling plan to include the necessary information, which is what is being presented now.

Mr. Patterson continued by giving a little more background on this area. The Skyridge development included many phases and was mostly developed. There were three phases that had not been done and were hanging on through development agreements. In the northeast corner of the Skyridge area is the Michelle Drive project, and the McCrearys picked that up. The Planning Commission reviewed it about a year ago, and it was approved. They almost have everything done and just about to the step of building roads. This parcel, or phase, is in the southeast portion of the Skyridge area. Michelle Drive was 21 lots and had a curving canal run through it. This is 14 lots and a much cleaner development and simpler to review. He pointed out the stub of road exiting the parcel to the west, and this is Skyridge. This would connect to the remaining phase of the Skyridge area and would curve over to meet the portion of Skyridge Drive that has already been built. We are unsure if the remaining area is going to get developed at this time. The development agreement for that portion is running out, he believes, in February 2022. The McCrearys plan to start this portion before its agreement expires, but we are not sure if anyone will start the next phase before it expires. They would either have to let it go or ask the Board to extend it again. The Board doesn't seem to be interested in continuing these agreements. Over the course of the last few years, we've tried to express to the developers that they need to start working on these or decide to let them go. The McCrearys are wrapping up this phase. It is very much like the Michelle Drive maps that the commission reviewed previously. He shared the maps on the screens describing the phases of creating three lots with a remainder until it has all been completed. He believes that the McCrearys plan to build the road and record all of the maps at once after they've been approved by the Board, and have it done all at once.

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

Member Diehl noted that they provided a revised tentative parceling plan showing the well and septic layout. She asked them to explain how these are different from the first parceling. Dan McCreary believes that some of the original well placements were in the railroad easement, so they were asked to move those onto the lots to remedy this issue. Dean Patterson agreed that the first parceling plan that was done by Bruce Homer had all of the well and septic system layouts to show that everything would work together and still meet setbacks. The parceling plan by Gearhart modified the layout of the lots, but he didn't include the well and septic system layouts on his amended parceling plan. In discussions with the McCrearys, they asked Steve Bell to add these to this parceling plan to ensure that they would work together. Member Diehl verified that these meet the setback requirements, and Mr. Patterson

confirmed that it would. Member Diehl further inquired whether they had spoken to the Fire Marshal about emergency access. Kim McCreary responded that they are building the roads to meet county standards, so they should meet what is required. Director Spross informed that with the Michelle Drive properties they were building those roads in two sections, so they had to put the cul-de-sac on the end of each section to be able to facilitate emergency vehicles. In this case the entire road is going to be built at the same time, so there will be two points of access. There will be plenty of room for emergency vehicles to get in and out of the area.

Chair Arciniega questioned regarding Skyridge Drive whether they will only construct the small portion that is shown on this map. Kim McCreary replied that they will only build that portion of Skyridge Drive on the map, and will continue Desert Hills Loop from the north side to loop around and connect with the south side. Chair Arciniega then asked, depending upon whatever happens with the portion to the west of this phase, if the remainder of Skyridge Drive would be constructed with that development. Kim McCreary confirmed that whoever develops the phase to the west would connect this small portion of Skyridge Drive to the road on the north side of that development where that road has been constructed to provide connectivity to these developments.

Chair Arciniega asked for any further comments; there being none he 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 5 parcel map applications implementing a previously approved parceling plan to create 14-residential lots on APN 008-176-82, thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Diehl 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 5 parcel maps entitled 1<sup>st</sup> through 5<sup>th</sup> Parcel Map for Heidi Road LLC to divide APN: 008-176-82 into 14-lots. This approval is subject to conditions, as listed in the Staff Report.**
- (B) AUTHORIZE the development to use the Revised Parceling Plan included in the application.**
- (C) ACCEPT the offer to grant easements identified on the map.**
- (D) REJECT the offer to dedicate lands and road facilities for Desert Hills Loop and Skyridge Drive on Maps 1-4, and**
- (E) ACCEPT the offer to dedicate lands and road facilities for Desert Hills Loop and Skyridge Drive on Map 5.**

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

*Recommended Conditions:*

- 1) Changes shall be made for compliance with Churchill County Code, including but not limited to:*
  - a) Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.*
  - b) Roads serving the development shall be constructed or financially guaranteed before recording the maps.*
  - c) Any portions of project roads that are off-site of project land shall be constructed at the developer's expense and offered for dedication to the County through appropriate processes.*
  - d) Water dedication requirements must be met prior to recording the map.*
  - e) On parcel maps 3 and 4, correct the acreage errors in the parcel information blocks to reflect acreage from previous maps.*
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but*

*not limited to the following:*

- a) On all maps, (i) differentiate the symbols used for street monuments and 1/16 corner monuments, and (ii) add a street centerline monument for Skyridge Dr. at the west property of the project.*
- b) On parcel map 1, (i) label curve C14 on the map, and (ii) label the road width along the west property line.*
- c) On parcel map 4, add (i) a curve radial/tangent notation for curve C12, (ii) the distance for the south line of Parcel E, and (iii) any needed witness monuments for parcel corners lying in the canal.*

Chair Arciniega thanked the applicant. Dean Patterson noted that the conditions listed in the staff report indicated items that needed to have changes. He said that he gave Steve Bell those items on the sheets.

## **10. Public Hearings.**

**A.** Consideration and possible action re: A temporary use permit application for temporary quarters during home construction filed by Jose Roberto Molina for property located at 6060 Cox Road, Assessor's Parcel Number 008-113-55, consisting of 12.44 acres in the A-10 zoning district. He proposes to live in his RV while he constructs a residence on the property.

Chair Arciniega asked if Mr. Molina was in attendance, and he was not.

Planner Dean Patterson noted that in the staff report there were a number of issues with this property relating to violations, both past and present. Loreli LeBaron, Code Compliance Official, would be able to convey what she has witnessed. He pointed out that she also took some photos showing the property. Basically, when Mr. Molina came in it seemed like a very simple application as he explained that his dad passed away that lived in the double-wide mobile home, Mr. Molina planned to remove the home and replace it with a stick built house, and he believed it would be done in a year. During the time we looked at the property for the staff report, Mr. Molina's father had a number of enforcement actions related to derelict mobile homes and junk piles on the property. He shared an aerial photograph of the property on the screen and pointed out where the site would be for the new home to be built there. He commented that it appears that there are two RVs being used as residences in this area instead of just one as stated in the application. He then pointed out where the double-wide mobile home was moved to another area of the property. He then also showed a couple of mobile homes that had been on the property for many years and appear to be used as storage or screening for other junk and debris on the lot. Use of mobile homes for storage is not permitted. There appears to be three old mobile homes, piles of junk and debris, and the multiple RVs being lived in, and based upon questions regarding the code enforcement issues. These were not resolved at the time the staff report was prepared, so we recommended to postpone this item until the next meeting to give our office time to work with Mr. Molina regarding the violations. We did provide information in the staff report in the event that the commission wanted to take action; however, Mr. Molina did not appear for the meeting.

Chair Arciniega asked for public comment, and there were none.

Loreli LeBaron, Code Compliance Official, stated that she did an inspection earlier in the day to follow up and see what was going on there. It was her understanding that the application was for one RV, and there are two RVs in the same area. The one toward the front in the photograph displayed on the screen is definitely occupied. The one toward the rear of the property from the road where she took the pictures it is difficult, regardless of the angle, to determine if it is connected to any type of utilities, which could confirm a type of occupancy. It does appear to be occupied based upon the number and location of vehicles that she has seen there and as shown on aerial photographs. There is a concern that there may be more than one RV being used as residences with this application. She asked the commission to keep this in mind when considering this application. Ms. LeBaron commented that the piles of junk being screened by mobile homes is improper screening as mobile homes may not be used for screening. She is concerned about the number of mobile homes remaining on the property as well as the junk piles

and their attempt to hide them. She asked if the double-wide mobile home on the lot is intended to be placed as the primary dwelling or if it is supposed to be removed from the property. Dean Patterson answered that it is the old mobile home that is to be removed because it was Mr. Molina's dad's old mobile home. The applicant is intending to build a stick built house. Loreli LeBaron asked that the commission consider the older mobile homes or trailers and the pile of debris be cleaned up, and this will take some time to accomplish while reviewing this application. She also recommended that the RVs on the property be looked into regarding occupancy as well as the number of them being used for residences.

Director Spross wanted to clarify that it is unrealistic to believe that this is going to be cleaned up before the next meeting. What we are trying to put into place, similar to the application for Mr. Gurney, is some sort of a proposed plan with some clean up milestones to allow the commission to assess this temporary use permit based on the applicant's agreement to proceed with getting this cleaned up. We want to have some sort of plan or structure in place to get that done.

Chair Arciniega inquired if Loreli LeBaron saw Mr. Molina that day, and she replied that she has made no contact with Mr. Molina in regard to this specific property.

Member Diehl noted that there was correspondence that Mr. Molina got a building permit for a single family dwelling, and that he has completed the footing inspection. She wondered where the home was being constructed on the property. Loreli LeBaron confirmed that she spoke with Ray Brown, Building Inspector, that day and he stated that the footing inspection did pass, and that it was one of the best footings he has inspected. There was some discussion about reading it into the record; however, Ben Shawcroft, Deputy District Attorney (DDA)-Civil, remarked that they don't need to read it into the record since it is part of the application packet.

Chair Arciniega asked if there were any other comments and questions.

Member Diehl questioned if he was running his business from this property and whether that would be able to be done since there is not a home to run the home-based business. Dean Patterson responded that this is one of the issues because there is a home-based business permit and there is no home onsite. His dad was living in the home until his dad passed away, so he's not sure about the transition period. This is one of the areas where we need to get a resolution in place. Diane Moyle informed that this started out as a home-based business. He has kept the home-based permit in place because he keeps his records at his home, but he also has a commercial location, she believes across from Sage Valley Mobile Home Park. He is the owner of Eagles Heating & Air, so he actually has two locations and maintains the home base in order to keep the records at his home, which is where he started the business. Member Diehl asked if he has a business license, and Diane Moyle responded in the affirmative. We didn't realize that he wasn't living in the manufactured home when the business started.

Ben Shawcroft, DDA-Civil, inquired why Mr. Molina wasn't in attendance at the meeting. Director Spross remarked that all that we can surmise is that Mr. Molina received a copy of the staff report for his application, which made a recommendation to table this item until the next meeting, and maybe he felt it wasn't necessary for him to be here; however, we don't know. We were hoping that he would be here so that Mr. Molina could provide clarification on some of the questions that the commissioners may have. Ben Shawcroft asked if the staff report was sent to Mr. Molina. Diane Moyle verified that Mr. Molina was sent a letter reminding him of the meeting, requesting his attendance, and included a copy of the agenda and the portion of the staff report regarding his application. The letter instructed him to be at the meeting; however, Mr. Molina may have read the staff report and surmised something else. Ben Shawcroft then suggested that they table the item to the next meeting. There is a lot that we haven't even been able to talk to Mr. Molina about, so it is kind of hard to be discussing and making decisions on things without being able to have a conversation with the applicant.

Member Nelson asked if Loreli LeBaron would come up with a list prior to the next hearing so that the commissioners would be aware of the violations that exist and maybe a timeline of when these would be in compliance developed with Mr. Molina. He has already paid for the building permit and poured his footings. If this list could be provided with timelines for completion, then they can approve

this, he can build his house, and then work on getting rid of items that need to be removed from the property. Loreli LeBaron stated that she will.

Member Yates commented that he understands the need to table this application; however, he is unsure about tying code compliance to an application for a single RV. Mr. Molina is asking the commission to approve an application for a single RV. Is it within their rights to deny an application until they do these things or to approve an application with a condition that they have to do these things? He agrees that there is a need to gain compliance regarding any violations, but he doesn't think that code compliance doesn't really have much to do with the actual application for the single RV. If they approve the application as presented, then that is all that is approved. If Mr. Molina violates that, then it would be code compliance in that regard. He's just not sure about tying the other stuff to this application, and he wondered if Ben Shawcroft could shed some light on this for them. Dean Patterson replied that this a problem that every planning department has. Strangely Nevada has far more enforcement resources that he has observed compared to any other jurisdictions in other states that he has seen. That is one of the benefits that we have here. Before Loreli LeBaron we didn't have much enforcement action, so he feels more comfortable about not tying things together too closely and at the same time he doesn't want us to just keep handing people approvals when they are already not in compliance with other issues regarding their property. Member Yates agrees that we want code compliance, and he wants to make sure that they are not overstepping their authority. Dean Patterson confirmed that the commission can approve things with conditions of approval. They have discretion to apply conditions, and sometimes these can go too far, which is probably what Member Yates is questioning. Mr. Patterson believes that what we are asking here is to get Mr. Molina to commit to doing something and improve things, and thereby this application will contribute to making things better. Ben Shawcroft stated that if they are completely separate issues, not related to each other whatsoever, it is always better to keep them separated. If there is some type of nexus to each other, meaning they are related such as RVs, campers, etc., a lot of times we try to work on that in the same process. It is always cleaner to keep them separated in order to have a clear record, but also there really are two different types of enforcement. On one hand we are looking at a permit, and on the other we have all of these different steps we can take to enforce the county code and get them to comply that really isn't attached to a permit per se. He thinks this might be one of those to keep separate. Director Spross added that the commission has in the past tabled permit applications for failure of the applicant to show. At this point, a letter was sent out asking the applicant to be present at the meeting, and whether he made the decision on his own to not appear because of a recommendation was up to Mr. Molina. He thinks it is well within the rights of the commissioners to table this until the applicant can appear before them and present his application.

Loreli LeBaron stated that her position is a supportive role to the commission. She is to provide information on items coming before them. She also tried to play a supportive role with the applicant in order to gain voluntary code compliance. She monitors the process and gives guidance.

Chair Arciniega asked for any other questions or comments, and there were none. He then called for a motion.

**Member Getto moved to postpone this item to the February 9, 2022 meeting. Vice Chair Yates 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 for watchman's quarters previously granted to Shelby & Kim Cecil, owners of C & L Auto, LLC, for property located at 96 Grand Avenue, Assessor's Parcel Number 008-472-31, in the C-2 zoning district. The applicants notified our office that they no longer need this permit as they have sold this location and will not

need a watchman in the future location.

**Member Getto moved to approve the Consent Agenda as submitted. Member Bunyard 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 Arciniega adjourned the meeting at 7:37 p.m.

**14. Appendix.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diane Moyle". The signature is fluid and cursive, with the first name "Diane" and last name "Moyle" clearly distinguishable.

Diane Moyle  
Administrative Assistant



**CHURCHILL COUNTY**  
**PUBLIC WORKS, PLANNING, & ZONING**

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***STAFF REPORT FOR PLANNING COMMISSION MEETING – January 12, 2022***

**Prepared January 5, 2022**

**PLANNING COMMISSION MEMBER-STAFF MEETING**

A meeting was held on January 5, 2022 to review the project applications listed below that are on the agenda for the January 12, 2022 Planning Commission Meeting. Site visits were made as noted.

- |                                                                |        |               |
|----------------------------------------------------------------|--------|---------------|
| • McCreary (& Heidi Road LLC) 5 serial parcel maps for 14 lots | Page 2 | No Site Visit |
| • Molina TUP for Temporary Quarters for Home Construction      | Page 7 | No Site Visit |
| • Consent Agenda                                               | Page 9 | No Site Visit |

**PC Members Present**

Myles Getto  
Paul Picotte

**Staff Members Present**

Christian Spross  
Dean Patterson  
Alexa Robinson

**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.

|                        |                                                                                                                              |                     |                                  |
|------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------|
| <b>Application:</b>    | <u>5-Serial Parcel Maps for 14 lots</u>                                                                                      | <b>Use Listing:</b> | <u>Single Family Residential</u> |
| <b>Applicant:</b>      | Nev Dev LLC (the McCreary family)                                                                                            | <b>Owner:</b>       | Heidi Road LLC                   |
| <b>Representative:</b> | Steve Bell, Bell Land Surveying                                                                                              |                     |                                  |
| <b>Site:</b>           | No Address – between the endpoints of the existing Desert Hills Loop<br>(Roads to be built)<br>APN: 008-176-82 – 16.48 acres |                     |                                  |
| <b>Designations:</b>   | Master Plan – Urbanizing // Zoning - E-1                                                                                     |                     |                                  |

**Site History:** This property is part of the Sky Ridge development. It began over 20-years ago, in the 1990s, when 1-acre lots were allowed with well and septic. Since then, the laws have changed, and such development is no longer allowed due to the high density of septic systems contaminating the groundwater and other factors. The project probably did not start with the name of Sky Ridge, but it was changed at some point. Bruce Homer was the original owner of this site, and he developed the first half of the Desert Hills Loop neighborhood. Mick Casey later purchased the remainder and added it to his larger development, then Ken Gearhart took over.

Most of Sky Ridge development was completed, but there are three phases remaining, each now owned by different parties. Each phase has had its deadline extended for many years using development agreements. This phase is in the SE corner of the larger development, whereas the other two phases are in the NE corner and SW corner of the larger development. In the latest deadline extensions, the intent has been communicated to the owners that the County is not that interested in dragging out these projects; so this may be the last extension and the development needs to proceed or go away.

The SW phase is at the end of Skyridge Drive (lying just west of the subject property), and is not under active development. The NE phase is at the north end of Michelle Drive, and is owned by the McCreary's. That phase was reviewed by the County last year and is nearly completed. This project is the SE phase, and the McCreary's are in the process of purchasing it. This review will be very similar to the Michelle Drive project.

The applicant proposes to implement the approved Parceling Plan for this phase of 14 lots. The parceling plan was initially approved in 1998 by Bruce Homer, and then amended in 2007 by Gearhart. The problem with the amended parceling plan is that it rearranged the lots but did not include the soil information or show a well and septic layout that would work. That information was provided on the original parceling plan. The applicant has resolved this situation by transferring the information to the newer plan, which is provided in the application packet. This decision should include approval of the revised parceling plan.

A parceling plan is implemented by the "serial parcel map" process, in which the larger development is accomplished by a series of parcel maps, each of which creates up to 4 lots. The first map creates 3 small lots and a remainder lot, then the second map splits the remainder lot into 3 small lots and a remainder lot, and the process continues until all lots are created. This process gets complicated when the development creates new roads.

**Summary:** The applicant proposes to implement the parceling plan. This will include building 2 new road segments – one to complete Desert Hills Loop, and a short stub for Skyridge Drive that will eventually extend westward to the remaining phase.

There are no complications to full development of this project (unlike the Michelle Dr. project), so the applicant proposes to construct the entire development in 1 Phase. All 5 maps will be recorded at the same time, once the roads are built or bonded.

The 5 Parcel Maps will split the large parent parcel into 14 lots. The average density will be slightly less than 1 lot per acre, though the lot areas will be reduced by the area of adjacent road that will be dedicated to the County. The existing lot is vacant and does not have water rights. All 14 lots will be residential, which are allowed uses under the zoning code. The proposed development will have the same character as the existing neighborhoods to the east and north. The main consequence of the development will be more traffic and human activity in adjacent areas due to the new population passing through those areas.

The new lots will front upon a new portion of Desert Hills Loop or a short segment of Skyridge Drive, all of which will be paved roads within 60' road easements. The new portion of Desert Hills Loop will connect with the existing portion of the loop at the north and east edges of the project. The new portion of Skyridge Dr. will extend from the new portion of Desert Hills Loop to the west property line, and is expected to continue westward (with development of that parcel) to connect with the existing Skyridge Drive.

**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:** New lot lines will not create setback problems, because no structures exist on the site. Necessary easements exist or will be created.
- **Lot size and width:** The E-1 zone has a 1-acre minimum lot size. The proposed lots comply, though dedication of roads will reduce some lots below the minimum. The required minimum average lot width is 100', with a minimum width of 60.' The proposed lots comply.
- **Access, sewer, and water facilities:** See comments under Criterion 4, below regarding public services. The proposed lots will use on-site sewer and water service. Soils information on the parceling plan (included in the application materials) indicate that soils conditions will not significantly limit septic system placement or safe operation. A new water well will be needed for each lot, and no obvious problems with water supply exist. The 2007 Parceling Plan has been supplemented with a layout of well and septic system locations to show that the required separations can be provided during development. This decision should include approval of the revised parceling plan
- **Water rights and community development fees:** Community development fees will be due with home construction on the proposed vacant lot. The exception is that water dedication is required for new lots, unless no water rights exist on the property, in which case a payment-in-lieu is allowed. The fees for all 14 lots will be required and must be paid before recording the maps.

***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 E-1 zoning district. Most Master Plan policies are not applicable to the issue of a land division. Both **GOAL LU 2** and Policy LU 2.1 discuss compatibility issues that are discussed under criterion 2, below. But there are Public Services

and Facilities goals and policies related to providing sewer and water services for small lots such as those proposed. Generally, projects with lots less than 5 acres must provide community sewer and water facilities. The initial approval for the project was given before such policies became applicable, and the approval deadlines have been consistently extended according to requirements. Thus, this project has vested under past laws and may proceed without meeting those Master Plan goals and policies.

**2. *Compatibility with existing adjacent properties and uses.***

The proposal will result in a substantial increase of residential use and human activities compared to the existing vacant lot. But it is nearly identical to the existing nearby development to the north and east. It will also be a substantial increase in use-intensity compared to the existing site and the vacant land to the west, but both properties have been approved for this intensity of development, which was deemed acceptable, and approvals have been repeatedly extended for a long time. Lands to the south have a substantial separation because of canal and railroad rights-of-way. The project is generally compatible with other existing residential and vacant lands nearby.

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

The creation of a new development that is consistent with its longstanding approvals will not impact existing conditions for public health, safety and welfare, nor will it overburden police and fire services.

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

There are no public sewer and water facilities on or near the site. Other public utilities (power and gas) do exist and can serve the proposed lots. Current county practice is for road easements and property lines to include utility easements. The map complies with this practice.

Residential traffic from the development will flow in either direction on Desert Hills Loop and leave the loop via Oasis Lane or Melanie Drive. The new development will increase traffic on nearby roads, including Soda Lake Road and Roberson Lane. All nearby roads are County maintained paved roads that will not be overburdened, the new development will provide its own paved roads as well. The larger Sky Ridge development review included this development, and was reviewed by NDOT which required improvements to Soda Lake Road.

The parcel maps offer to dedicate the land within the road rights-of-way to the County, and staff recommends acceptance of the offer so that the County has full ownership and authority of activities in the roadway. In addition, the developer will be building the roads and offering to dedicate them to the County. However, on two short segments over two parcels (APNs 008-176-54 & 008-176-29), the roads being built for this development will lie half outside the property. While on-site infrastructure can be offered for dedication with the map, off-site portions of infrastructure need to be offered through a different process. A recommended condition of approval will require the developer to offer the road portions he builds that are off-site for dedication to the County through appropriate processes.

Accepting offers of dedication should not take place until the last map, which means that the “tail” of road segments are attached to the “remainder” lot of each map until they are separated by the final map (which leaves the road as a single strip of land), at which point the offer of dedication is accepted by the County. At that point of recording the maps, the road will also be built and ready for use. As required by NRS 278.378, offers to grant easements, and dedicate land to the County must be accepted or rejected along with approval of the map. The motion of approval needs to include these statements. The road will remain owned by the applicant until it is accepted by the County.

Because Skyridge Dr. will result in a dead-end road, a temporary turn around will be needed. However, the Fire Marshall indicates that the small number of lots on the segment allows the turn-around to be a smaller “hammerhead” configured within the 60’ road right-of-way. A circular cul-de-sac is not needed.

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 - 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 5 parcel map applications implementing a previously approved parceling plan to create 14-residential lots on APN 008-176-82 , 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.

**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 recommend that the Board of County Commissioners:
  - (A) [**APPROVE // DENY**] the 5 parcel maps entitled 1<sup>st</sup> through 5<sup>th</sup> Parcel Map for Heidi Road LLC to divide APN: 008-176-82 into 14-lots.  
**[For APPROVAL add]** This approval is subject to conditions, as listed in the Staff Report.
  - (B) Authorize the development to use the Revised Parceling Plan included in the application.
  - (C) ACCEPT the offer to grant easements identified on the map.
  - (D) REJECT the offer to dedicate lands and road facilities for Desert Hills Loop and Skyridge Drive on Maps 1-4, and
  - (E) ACCEPT the offer to dedicate lands and road facilities for Desert Hills Loop and Skyridge Drive on Map 5.

**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) Making any changes to the Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
  - b) Roads serving the development shall be constructed or financially guaranteed before recording the maps.
  - c) Any portions of project roads that are off-site of project land shall be constructed at the developer's expense and offered for dedication to the County through appropriate processes.
  - d) Water dedication requirements must be met prior to recording the map.

- e) On parcel maps 3 and 4, correct the acreage errors in the parcel information blocks to reflect acreage from previous maps.
- 2) Any final changes required by the County Surveyor shall be made prior to recording, including but not limited to the following:
  - a) On all maps, (i) differentiate the symbols used for street monuments and 1/16 corner monuments, and (ii) add a street centerline monument for Skyridge Dr. at the west property of the project.
  - b) On parcel map 1, (i) label curve C14 on the map, and (ii) label the road width along the west property line.
  - c) On parcel map 4, add (i) a curve radial/tangent notation for curve C12, (ii) the distance for the south line of Parcel E, and (iii) any needed witness monuments for parcel corners lying in the canal.

|                      |                                              |                           |                                                 |
|----------------------|----------------------------------------------|---------------------------|-------------------------------------------------|
| <b>Application:</b>  | <u>Temporary Use Permit</u>                  | <b>Use Table Listing:</b> | <u>Temporary Quarters for Home Construction</u> |
| <b>Applicant:</b>    | <u>Jose Roberto Molina</u>                   | <b>Owner:</b>             | <u>Jose Roberto Molina</u>                      |
| <b>Site:</b>         | 6060 Cox Road (APN 008-113-55) – 12.44 acres |                           |                                                 |
| <b>Designations:</b> | Master Plan – Urbanizing // Zoning – A-10    |                           |                                                 |

**Summary:** The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Home Construction to place a recreational vehicle (RV) on the property during the construction of a home. The proposed 2012 RV is already located on-site and set up for use.

The property was previously developed with a double-wide manufactured home, but it was recently damaged and removed. In the June 2021 air photos it had been relocated on the property and was in pieces. In addition, there were two other derelict old mobile homes that were used for storage and screening of junk. There is a history of code enforcement actions regarding the mobile homes. The old mobile homes and manufactured home are not shown on the site plan. The violation should be addressed with this application.

The owner also operates Eagle Heating and Air Conditioning from the RV located on the site. The County has records of a home business permit on this property, but it was recently learned that there was no home on the property, which is a violation of the code. In addition, the business is also operating out of a warehouse without meeting code requirements normally required for a business. This situation should be addressed with this application.

It is recommended that this application be postponed until the next Planning Commission meeting to get these violations under a plan of action with the Code Enforcement Official.

Aside from the violation conditions, the proposal is a straight forward. The proposed home will use standard construction, will be located near the same location as the previous home, and will be served by the existing septic system, power, and water well. The site plan shows the proposed arrangement. The home will be of standard stick-built construction and is expected to take a year or less. No building permits are obtained yet.

The property is located on Cox Road, which is a county-maintained paved road in a 60-foot easement that is centered on the south property line. Road easements also surround the property on the east and north sides. The 60' east easement is centered on the lot line. The 60' north easement is entirely on this property. Public utility easements run along all lot lines.

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

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

The proposed RV site is on the same lot as the new home site; being located along the west side. The RV, including pop-outs, must meet a 5-foot setback from the property line, which it does. The existing services and home location are located in the south end of the lot near Cox Road. Conditions of approval will require obtaining all necessary building permits and RV setup permits. This permit will require annual review if not completed within the first year. If no progress is made in these items before the annual renewal, the Planning Commission might not renew the permit.

**STAFF RECOMMENDATION:**     **POSTPONEMENT to resolve issues: then APPROVAL - as provided below.**

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for a Temporary Quarters for Home Construction on APN: 008-113-55, 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 Jose Roberto Molina to establish a Temporary Quarters for Home Construction at 6060 Cox Road (APN 008-113-55). [**For APPROVAL add**]  
This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code.
2. All violations shall be resolved to the satisfaction of the Code Compliance Official. Failure to meet this condition may prevent renewal of the permit.
3. All required Building Department approvals and safety certificates must be obtained
  - a. Any Setup Permit necessary for the setup of the temporary quarters must be obtained along with any required inspections of water, septic and electrical connections within 90 days of connecting to a service.
  - b. All necessary permits for home construction must be obtained.
4. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation. No manufactured homes may be used as a temporary residence while constructing a home.
5. This temporary use permit is subject to annual renewal. ***The applicant must show substantial progress of home construction during the annual review hearing.***
6. Once home construction is complete enough to allow habitation, the RV must be disconnected from sewer/water/electric services and made lawful at its subsequent location.

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|------------------------|
| <b>Consent Agenda:</b> |
|------------------------|

***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.

**January 12, 2022 at 7:00 p.m.**

**PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO**