

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

March 9, 2022

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on March 9, 2022 by Vice Chair Yates.

Present: Shane Yates, Vice Chair; Deanna Diehl, Member; Myles Getto, Member; Scott Nelson, Member; Paul Picotte, Member; and Zack Bunyard, Member.

Absent: Charlie Arciniega, Chair

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 March 3, 2022, between 8:30 a.m. and 3:30 p.m., at all of the locations listed on the Agenda, in accordance with NRS 241 and the Churchill County Code.

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

Vice Chair Yates asked for any changes to the agenda; there were none.

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

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

Vice Chair Yates 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 Minutes of the meeting held on:

A. January 25, 2022 Workshop

Vice Chair Yates asked if there were any changes to the minutes of the January 25, 2022 meeting, and there were none.

Member Getto moved to approve the January 25, 2022 minutes as written.

Member Diehl seconded the motion and the decision carried by unanimous vote.

B. February 9, 2022 Public Hearing

Vice Chair Yates asked if there were any changes to the minutes of the February 9, 2022 meeting, and there were none.

Member Nelson moved to approve the February 9, 2022 minutes as written.

Member Bunyard seconded the motion and the decision carried by unanimous vote.

8. Old Business:

A. Consideration and possible action re: A temporary use permit renewal application for temporary quarters during home construction filed by Gary Sinclair for property located at 1015 Dean Lane, Assessor's Parcel Number 008-532-40, in the E-1 zoning district. The applicant stated he is having trouble getting contract to put in septic system and is requesting to renew the permit.

Vice Chair Yates invited Mr. Sinclair to come to the front of the room, share what he has accomplished, and state where he stands on this, so that the commissioners can make a decision on this renewal.

Gary Sinclair, 1015 Dean Lane, said that every time that he has talked to people about putting in a septic system for him, they haven't gotten back to him. He's still fighting this problem. Vice Chair Yates then asked Mr. Sinclair what he has been able to accomplish. Gary Sinclair replied that he has notified about four different contractors about putting the system in and has had no responses. Vice Chair Yates verified that there has been no forward movement since the last time Mr. Sinclair spoke to the commissioners.

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

Member Bunyard questioned if all of the stuff that is located on the property was there when he purchased the property. Gary Sinclair responded that they cleaned out their storages and had to bring it to the property. When COVID hit, he couldn't afford to run their restaurant and pay for the storage units. He had to downsize very quickly.

Member Getto inquired when Mr. Sinclair thought this project would be completed. Have he contacted more people or followed up with others? Gary Sinclair stated that he waited on one guy to get back with him, but he didn't. He then called another guy to set an appointment to look at the project, and when he called the person back about it, he was told that the guy was booked three weeks out. All he has been hearing is that they are three weeks out. Member Getto then asked if the were that far out, wouldn't it be best to schedule an appointment, so that he would have it in line and ready to go. He has had a year to get this done. Mr. Sinclair said that he has talked to these guys and asked them to come out and see where they would like to have the septic system located. He wanted them to come out and give him an idea of where they are supposed to be. The only person that came out was Mr. Nelson, who is a member of the commission. He got a list of people to call from Marshall's Septic Care.

Member Nelson noted that he was going to recuse himself because he has spoken to Mr. Sinclair about doing the septic system. He further said that they played "phone tag" back and forth. He did look at it, and Mr. Sinclair did have the intent to do it. Then there were some things that came up with Mr. Sinclair that made it difficult for him to do it right away, and then Member Nelson's business got busy. He verified that it is hard to find people to do this right now. He said that his business gets probably ten calls per day, and everyone is just buried.

Member Diehl questioned where approximately on the property Mr. Sinclair was intending to build (an aerial photograph of the parcel was displayed on the screen). Gary Sinclair pointed out the white RV where he is currently residing, and said that the house would be placed in that area. Then right behind (to the west) going toward the blue container is where the septic and leach lines have to be run. This is 150 feet from the well, which is on the east side inside the white building.

Member Picotte asked if Mr. Sinclair were given 30 days to be able to get someone lined up in writing for the future to be able to get this done, that would be feasible. Would he have the funds to do such a thing? Just get on the books and get a written estimate and a possible start date? Gary Sinclair agreed that they could do that.

Vice Chair Yates asked if there were any other questions, and there were none. He clarified that Member Picotte may be recommending a 30 day table, and Member Picotte responded in the affirmative that he is recommending a 30 day table of this item to give Mr. Sinclair to possibly get

someone lined up in writing to bring back to the commission with a start date. Vice Chair Yates called for a motion to either renew the permit or table this item for 30 days.

Member Getto moved to table this item for 30 days to give Gary Sinclair time to reach out to get a septic plan together with a possible start date for installation. Member Diehl seconded the motion and the decision carried by unanimous vote.

Vice Chair Yates informed Mr. Sinclair that the commission has given him 30 days, so that they know that he has a plan going forward as per Member Picotte's recommendation. Gary Sinclair asked that during this time if he can't get someone to do this, he would be able to do it himself. Vice Chair Yates admitted that he wasn't aware of the rules, so he would need to inquire of county staff. Dean Patterson responded that he believes that people can, but he needs to work with the Building Department to see what it will take. It may be beyond his abilities. He thinks that while he is still trying to get a contractor, he would be able to investigate the option of him completing it himself with the proper permits.

B. Consideration and possible action re: Review of special use permit for Rail Based Services Facility previously granted to Omaha Track, Inc. on property located at 1006 Nevada Street, Hazen, Assessor's Parcel Numbers 009-251-74, 009-251-86, and 009-251-88. As a condition of approval, the Planning Commission required a review in three (3) years.

Meg Ridge, representing Omaha Track, Inc. at 1006 Nevada Street, Hazen, Nevada, resides at 621 Mader Way, Fernley, Nevada. She stated that she is fairly new to the company, but they were told that the special use permit is expiring, and they need to either come up with a new one or ask for an extension. They have made improvements to the yard and are continuing with this project. They are asking that they can get a 90-day extension, so that they can come up with a new special use permit plan.

Dean Patterson, Senior Planner, said that this operation started around the time that he started with the department about five years ago. They had gotten permission to start with offloading and sorting railroad ties with the assumption that they were going to submit an application for a special use permit. The county eventually prodded them to get the permit, which resulted in approval with a list of conditions. Some of the conditions required include a permit renewal within three years, a traffic study completed (this has been completed), and reduce the ties from more than half a million to 150,000. He thinks that they have been pretty successful reducing the number of ties on the property. At this time for the renewal of the permit it is noted that none of the improvements that were approved to be built were actually constructed, and other improvements have been done instead. In Mr. Patterson's opinion this special use permit was never really implemented. Dean Patterson and Chris Spross have been talking with Omaha Track about getting a new permit, so that what is going to be done or is already in operation is actually getting approval from the Planning Commission. The staff report summarizes this. Staff is recommending that this action for renewal be tabled for 90 days, which will give Omaha Track three more months to submit an application for a new permit showing what is actually going to be done there.

Meg Ridge said that they still plan on going forward making improvements to the yard, which they have done, coming up with the special use permit plan that better suits what they are doing now, which is very similar. When they originally submitted for the permit, COVID hit, and everything stopped. As far as the tracks what they want to do, they are at the mercy of Union Pacific (UP). What they want to do, they have to wait for UP to approve, which takes time. They still plan to put a building in and improving. There was talk about landscaping and being a part of the community including hiring local people.

Dean Patterson said that they met with Jim, District Manager with Omaha Track, and talked about the problems. One of the things that he committed to doing was in the next application for a special use permit he would identify the things that were going to take time and submit a phasing plan, so that they didn't have an obligation to get all of this done all in one lump. They could take their time and follow a phasing plan that would be approved by the county. Then they wouldn't be held to the strict timeline that is in the code.

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

Member Diehl inquired if Omaha Track was the original company that applied for this special use permit in Churchill County. Meg Ridge replied that she believes Omaha Track was granted the permit, and this is the company she works for. Member Diehl asked if they have met with the fire marshal on this site, and Ms. Ridge answered in the affirmative. Member Diehl explained that she wanted to make sure that the piles were separated as requested by the Fire Marshal to reduce the potential for a major fire hazard. She questioned what they plan to do with the railroad ties. Meg Ridge stated that when they come in on rail, they grade them for resale. They get shipped out by trucks or by rail to their other yards where they chip them and use them for fuel. Everything that comes in, they reuse and renew.

Director Chris Spross remarked that the process for a new special use permit will be no different from before. The reason they are coming in front the commission and requesting another special use permit is because they had intended on using certain types of equipment for sorting and things like that and now they will not, which is triggering a new application. We would like to see exactly what kind of equipment they will be using. The process of what they have been doing over the last number of years is really not going to change. It is more of a logistics and set up of the yard that they need to clarify.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved to continue this item for 90 days to provide the applicant time to submit a new Special Use Permit consistent with their actual operations and facilities. Member Getto seconded the motion and the decision carried by unanimous vote.

9. Public Hearings:

- A. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Steven & Sallee Kimble for property located at 5155 Solias Road, Assessor's Parcel Number 006-435-32, consisting of 5.0 acres in the A-5 zoning district. The applicants propose to have an RV on the property for their elderly mother to live in so they can take care of her.

Steven Kimble, 5155 Solias Road, stated that his wife's mother is quite elderly and takes more care than she used to. She's not as confident driving around as she could be, so they need to have her live closer to them to take care of her. They would like to be able to move her into temporary quarters on their property. The mother is 84 years old.

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

Member Diehl asked where the RV would be located, and Mr. Kimble pointed out on the aerial photograph that was displayed on the screen where it would be placed next to another building on the property. He commented that the RV has already been placed on the property. They had an RV

space located there since the building was put in by the contractor about 20 years ago. They understand that since the mother will be there for longer than 90 days they would need to obtain a temporary use permit. Member Diehl asked for clarification that they can hookup to water, septic and power, and Mr. Kimble confirmed that they have had power and water there for about 20 years, and they had a contractor come in to hook the RV into the existing septic system. Member Diehl further inquired if this would be for a hardship case, and Mr. Kimble replied that it would be.

Member Picotte shared that in the application it requests a doctor's note or age verification for this use, and he asked if they were able to provide age verification. Mr. Kimble stated that he had a copy of her driver's license with him. Member Picotte noted that the age was not circled on the application, so he wanted to verify that one document at least was provided. Dean Patterson reiterated that it is generally either a doctor's note or proof of age if the person is over 70 years old. Mr. Kimble provided a copy of the driver's license to the Administrative Assistant for Kathleen Dooley, who is 84 years old.

Vice Chair Yates 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 a temporary use permit for temporary quarters for hardship/caretaker on APN 006-435-32; 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 Bunyard, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Steven & Sallee Kimball to establish a Temporary Quarters for Hardship/ Caretaker at 5155 Solias Road (APN 006-435-32). This approval is subject to conditions listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. The temporary quarters must comply with Churchill County Code.
2. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.
3. 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.
4. 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.
5. 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.
6. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Vice Chair Yates thanked the applicant and advised that there is a ten-day appeal period, and the department will contact them for further permitting procedures.

- B. Consideration and possible action re: Variance application for size requirements for placement of a manufactured home filed by Delmar Scott Frye for property located at 6215 Teal Drive,

Assessor's Parcel Number 008-132-62, consisting of 1.45 acres in the E-1 zoning district. Due to an extraordinary topographic and configuration of the lot, the area to place a manufactured home will not meet the specific requirements for placement in the E-1 zoning and still meet the setback requirements.

Scott Frye, 6215 Teal Drive, shared that he is asking for a variance to reduce the size requirement of 1,200 square feet to 1,000 due to the location of the electricity as well as the size of area to place the home due to a slope drop off into a type of wetland area. He demonstrated on the aerial photo displayed on the screen where the electric line is and where the home would need to be placed. He also showed the sloped area that drops to a wetlands area.

Vice Chair Yates asked for any public comments; there were none. Therefore, he turned the discussion over to the commissioners.

Member Diehl inquired if he has the building permits for the home, and Mr. Frye responded that he has not gotten those yet. Member Diehl verified that he is aware of the requirement to get building permits, and Mr. Frye replied that he has to take one step at a time. He wants to make sure that he can get the variance before he applies for the permits. Member Diehl remarked that he has to meet standards for the smaller home.

Member Bunyard asked if this property has a current temporary use permit for the use of the travel trailer and if he was currently living on the property. Mr. Frye stated that he is not. There is a travel trailer there and he applied for a permit for that to be there. Diane Moyle, Administrative Assistant clarified that the permit was actually with the building department—a setup permit for the trailer—because he just works there on some weekends and comes down when he can. He has not lived on the property for a full 90 days.

Vice Chair Yates asked for any further comments; there being none he called for a motion.

Member Nelson, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the criteria found in in CCC 16.08.090(F) regarding a Variance from the minimum dwelling size requirements on APN 008-132-62. 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 approve the request for Variance from the minimum dwelling size requirements in CCC 14.16.075 & CCC 16.16.020.8.G for Scott Frye to allow a home that is as small as 1000 square feet on APN 008-132-62. This approval is subject to conditions listed in the Staff Report. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. The approved minimum home size is 1000 sf for the property.
2. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. A building permit application for the structure of the home must be submitted before expiration. Permits for other site facilities will not meet this requirement.
3. Compliance with Churchill County Code.

Vice Chair Yates thanked the applicant and advised that there is a ten-day appeal period and

the department will contact them for further permitting procedures. Dean Patterson pointed out that the variance is good for one year, so he will need to enact the permit within that timeframe, after that it expires.

- C. Consideration and possible action re: Variance application for the age of a manufactured home filed by Tina Oatts for property located at 2650 Stark Lane, Assessor's Parcel Number 007-891-19, consisting of 1.0 acres in the A-5 zoning district. Ms. Oatts' existing mobile home was lost to a fire while she was receiving cancer treatment in Utah. A neighbor has another mobile home that is habitable and is willing to give it to Ms. Oatts; however, it doesn't meet the age requirement for placement in this zoning district.

Tanya Freeman, 143 Norcutt Lane, was representing Ms. Oatts, who was still in the hospital in Salt Lake City. She explained that they were able to find a replacement mobile home that is approximately 10 years newer than the one that burned. They just want to remove the one that burned and replace it with the newer one. Vice Chair Yates inquired when the newer trailer was built, and Ms. Freeman started searching for that date, which was provided by Member Nelson from the application as 1979. The property has been cleaned up pretty well. A lot of the debris and trash that you see laying around, in the aerial photo on display on the screen, thanks to the City of Fallon crew that was sent out to help with all of the appliances and most of the debris is gone. The property is currently being cleaned up right now.

Vice Chair Yates asked for any public comment. Director Chris Spross noted that we received two pieces of correspondence regarding this application. He read from the first one from Ronald and Frances Moore, "I am against this proposal as the owner has never taken care of this property as it is always covered with weeds and trash as you can easily see. If you can assure this will be cleaned up and kept up, I would not be against this move, but I don't think this would be possible based on past 10 years' experience." The second one reads as follows: "Dear Director Spross, thank you for the notification on the variance application filed by Tina Oatts for her property located at 2650 Stark Lane. Please allow the variance for her to place the gifted mobile home on the property, Assessor's Parcel Number 007-891-19. Sincerely Laun and Leticia Bouy".

Vice Chair Yates asked for any other public comment, and there was none. Therefore, he turned the discussion over to the commissioners.

Diane Moyle, Administrative Assistant, stated that Tanya Freeman had provided a video that was taken after the cleanup of the property and played it on the screen.

Member Diehl asked if the other ladies would introduce themselves. Krystal Brown and Irene Moser each identified their name. Member Diehl then asked when the fire took place. Tanya Freeman responded that the fire was on January 14, 2022. Member Diehl verified that the owner is in Utah, and Ms. Freeman said that she was at Huntsman Cancer Center currently. She should be coming home by the end of April 2022, and then Ms. Brown replied that her stay has been pushed back to the beginning of May 2022. Member Diehl questioned where they found a replacement mobile home. Tanya Freeman stated it was at 3555 Stark Lane, about a half of a mile along the road. Member Diehl noted from the application that it is about 10 years newer, and Tanya Freeman responded in the affirmative. Member Diehl inquired if there was a foundation under the mobile home. Ms. Freeman said that there was not a foundation under the home at 3555 Stark Lane, and she is working on getting a crew together to put a permanent foundation at the 2650 Stark Lane location where they will move it to, and this may take a little bit of time. Member Diehl asked if they were working to get permits for that, and Tanya Freeman stated that as soon as she gets a crew for this, she will get the permits.

Member Bunyard questioned if there was a current timeline on when the mobile home that burned will be removed, and Ms. Freeman hopes to get it removed by the middle of next month.

Member Bunyard asked regarding some of the debris and outbuildings and so forth, whether there would continue to be cleanup of these areas. Tanya Freeman agreed that there will be more cleanup, as she has already made arrangements to have a tractor delivered to clean up the grass to the east of the current mobile home and make it at least halfway presentable.

Vice Chair Yates 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 a variance from the age limit for mobile home placement on APN 007-891-19, thereby meeting the criteria found in CCC 16.08.090(F) as described in the staff report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

Member Diehl interjected a question that they realize that the approval of this variance expires in one year, and Tanya Freeman responded in the affirmative. Member Diehl pointed out that they will be required to get the permits, and all done within the year.

Member Bunyard, based on the previously adopted findings made for this project, moved to approve the request for Variance from the age limit for mobile home placement found in Churchill County Code 14.16.075 to allow Tina Oatts to place a 1979 mobile home on APN 007-891-19. This approval is subject to conditions listed in the Staff Report. Vice Chair Yates verified that Ms. Freeman is aware of the conditions listed in the staff report, and she responded in the affirmative. Member Getto seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

1. The approved maximum age of the mobile home shall be 1979.
2. The new mobile home must be setup as permanent property, according to Building Dept. and County Assessor requirements.
3. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. A building permit application for the mobile home placement must be submitted before expiration. Permits for other site facilities will not meet this requirement.
4. Compliance with Churchill County Code.

Vice Chair Yates thanked the applicant and advised that there is a ten-day appeal period, and the department will contact them for further permitting procedures.

- D. Consideration and possible action re: Bill 2022-A, Ordinance 27, 32 & 39 - TITLE: AN ORDINANCE ADDING A NEW ZONING DISTRICT DESIGNATION TO TITLE 16 WHICH SHALL BE KNOWN AS INTENSIVE MULTI-FAMILY RESIDENTIAL DISTRICT (R-3) AND SETTING FORTH THE USES FOR SUCH DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS AND REQUIREMENTS FOR ALL TYPES OF MULTI-FAMILY DEVELOPMENT IN ALL ZONING DISTRICTS

SUMMARY: This ordinance adds a new zoning district designation to Title 16 of the Churchill County Code titled “Intensive Multi-Family Residential District (R3),” adds allowed uses for the new zone into the Use Table, adds development standards for this new district in the

dimensional standards table, and establishes the development standards and approval requirements for multi-family construction in all districts. These changes address items such as allowable density, required setbacks, amenities, height restrictions, open space, and other associated matters. Maximum density for the R3 district will be 16 units per acre, increasing to 24 units per acre with bonus densities under a Planned Unit Development. Changes are made to the R-2 zoning district and its dimensional standards to coordinate it with the new R-3 zoning district. Changes are made to the Planned Unit Development standards to coordinate them with other changes in this ordinance. Other changes are made to the two existing tables of dimensional standards for other zoning districts by combining them into one table, correcting errors, clarifying and streamlining the tables, and simplifying the dimensional standards for cluster developments.

Dean Patterson, Senior Planner, shared the proposed changes requested in Bill 2022-A in a PowerPoint presentation. He stated that this proposal is for a new zoning district. This will encompass changes to the zoning descriptions, and actually the commissioners were provided with a document entitled Bill 2022-A, which he will be referring to during the presentation. On page 2 of the bill is the new R-3 zoning district description. It is the Intensive Multi-Family Residential District, and on the same page is included changes to the R-2 zoning district, which is titled Multi-Family Residential District. The changes are intended to coordinate the urban residential zones, which are R-1, R-2 and R-3. The changes to the R-2 will allow it to work with the R-3 zone. The changes also distinguish between moderate intensity and high intensity zones, and they emphasize the need to use sewer and water connections. The reason the R-3 zone is being proposed is because the county has a project for apartments, which would need the R-3 zoning for that project.

There are also some changes that will be made to the Land Use table—adding another zoning district and identifying the uses that are allowed in this district through the use table. There is an Exhibit A, which is attached to the bill. As you go through the table, R-3 uses are mostly the same as R-2 with a few exceptions. We basically tried to coordinate the R-3 zone with the R-2 zone for what uses are allowed. One of the changes is that the R-2 zone was changed to be limited to four units on a parcel, whereas the R-3 zone would allow five units or more on a parcel—apartment complexes. The R-3 zone does not allow single-family residential. After talking about it, the decision was made that this would be a waste of R-3 zoning, so we recommend these be excluded from this zoning district. If there is an existing single-family residence, it would be allowed to continue to stay and be occupied. We also found that there are a number of community services that tended to be similar to apartments—nursing homes, convalescent homes, other types of uses where you have a larger number of people. It is proposed in the R-3 zoning to allow a limited number of commercial uses that are particularly neighborhood commercial in nature—things like laundromats, food and beverage type businesses (like a coffee shop or sandwich shop) and services like a nail or hair salon, etc. It is recommended to remove multi-family residences from the commercial zones. He said that he was going through the table again that day and realized that there is an error in it. On page 5 of the use table is where the residential uses are listed, and the main addition is five+ multi-family dwellings, which is fine, but under the 2-4 multi-family dwellings entry, the “S” in the commercial zones did not get deleted. If the commission decides to recommend approval, we would like to have this correction approved as well. Wording for this is included in the presentation. This leaves the items with the “*”, which means that it is only allowed if it has a Planned Unit Development associated with it.

The main thing that comes into play with the residential zones is the density characteristic. As the zone changes, it is allowed different densities. Dean Patterson shared the densities on a slide of

the presentation. These are established in the standards table, and the R-3 zone was added to this table. We did check with nearby jurisdictions to see what kind of standards applied in their similar multi-family zones, which is how we established standards for this zone. Looking in the standards table for the R-2 zone you will note that it was open ended and didn't provide anything, so we established a density for the R-2. Then we worked to coordinate these between the R-1, R-2 and R-3 zones using a tiered density. In R-1 it would be up to five units per acre—this is about a 7,000 square foot lot, which would actually calculate as six and one-half units per acre, but that doesn't allow for roads. So, when you consider roads, it reduces the density. The R-2 zone currently doesn't have a mention of what the density should be, so we decided on ten units per acre, which is comparable with other counties. Then R-3 would be sixteen units per acre. Dean Patterson did a comparison with the City of Fallon so that the commissioners could grasp what these would look like. He looked at local apartments and came up with 17-20 units per acre. At Arborwood, which is one of the nicer apartment complexes off of the Lovelock Hwy on Serpa Lane, there are three phases on individual lots with different densities; however, when you average them out, it comes up to about 17 units per acre. Churchill Village comes out to about 18 units per acre. Morning Glory apartments, which are south of the Ford dealership, is about 20 units per acre. Our numbers are quite a bit smaller than what you would see in the city.

Another place where density comes into play is the Planned Unit Development section, so we added R-3 zone to the text in this area. We coordinated densities between R-1, R-2 and R-3 and coordinated these with bonus densities that are allowed when they provide additional beneficial facilities in these developments. It is set up in the ordinance that R-1 will have a base density of five units per acre and with bonuses this could go up to eight units per acre; R-2 would be 10 units per acre with bonuses going up to 16 units per acre; and R-3 is a base of 16 units per acre with bonuses going up to 24 units per acre. To get a bonus the developer would have to go above and beyond the minimum requirements in the Planned Unit Development section. In the Sky Ranch development, they provided a number of things—extra width for Wade Lane and Moody Lane, provided a lift station for the sewer, they agreed to participate in off-site improvements, and all together they got a certain amount of bonus density. They also proposed in Sky Ranch land for a substation site for community services.

Another section in the ordinance is an entirely new section that would include standards for all multi-family development. He pointed out on the slide where these references are located. This section describes how the density is calculated, and the specific things that multi-family development needs (patio or balcony, laundry service, trash collection sites, etc.). The section also ensures that open space is provided in tiers, so that as the development increases in density there are additional requirements:

- For 2-4 units it would need yard landscaping (this means real landscaping and not leaving it as dirt or minimal effort)
- For 5 or more units it would require 20% of the project be in open space
- Once it got to 20 units or more it would require tenant amenities.

Dean Patterson then brought up the standards table, which is proposed to be radically different than what is in the current code by replacing some tables. We currently have two tables with notes, and there are a lot of errors and other problems with them. As we were dealing with the proposals for R-3 zoning, we took the opportunity to delete the two existing tables and combine them into one table with notes. This eliminated a lot of redundancy and streamlined the use of the tables. There are a lot of errors that are being fixed as well as filling in some missing standards. He went over some of the changes in the new table. He also pointed out some additional text under the maximum residential

density, which primarily applies to residential and not commercial use. We clarified how the term was used, and that it was for residential density. There has also been discussion about removing residential from the commercial zones completely except where Planned Unit Developments are permitted.

Dean Patterson shared the last slide that outlined a couple of options for the commissioners to take regarding their decision and went over those.

Vice Chair Yates asked for any public comment; there were none. Vice Chair Yates turned the discussion over to the commissioners.

Member Bunyard inquired if other jurisdictions had adopted the R-1, R-2 and R-3 zoning. Dean Patterson stated that it is a very common strategy for different residential densities in a zoning code. Member Bunyard questioned if this was throughout the state. Dean Patterson remarked that he would venture to say it was throughout the state. The exceptions might be the extremely rural counties, such as Eureka or White Pine. Member Bunyard verified that this is not something that would be uncommon, and Mr. Patterson confirmed this is accurate. Ben Shawcroft, Deputy District Attorney—Civil, mentioned that a lot of this information was borrowed from other jurisdictions in Nevada, and then made to fit our purposes. A comment was teasingly made that it might have been Washoe County, and Dean Patterson noted that he looked at Washoe County, Lyon County, Storey County, Douglas County and so forth. Member Bunyard verified that this zoning district would only be available to those properties that could connect to the County water and sewer system, and they could request a zoning change as those facilities become available in the future. Dean Patterson confirmed this to be accurate and said that it will not be established anywhere by a passage of this bill. Someone would have to come in to request a zone change for a particular property that is able to connect to the Counties' sewer and water systems.

Member Diehl asked if the Counties' sewer and water facilities would be able to accommodate the higher density. Director Spross responded that for the particular project that prompted the discussion for a better multi-family zoning ordinance it would. For any future project that someone wanted to request the zone change it would be the responsibility of that developer to bring the water and sewer to their project.

Member Picotte inquired which project prompted this ordinance change, and Ben Shawcroft suggested that this not be discussed as it is not before the Planning Commission at this meeting and recommended that they just stick to the ordinance.

Member Nelson and Member Diehl weren't comfortable with making a decision today and wanted more time to go over this.

Vice Chair Yates asked for any further comments, and there were none. He did note that he had a couple of questions; however, they were answered by Ben Shawcroft. He called for a motion.

Member Nelson moved that the commission table this item to give more time to review. Member Diehl seconded the motion. Vice Chair Yates asked for a timeframe, and Member Nelson responded to table it to the next meeting. The vote was five in favor (Members Nelson, Yates, Diehl, Getto, and Picotte) and one opposed (Member Bunyard). Vice Chair Yates noted that this item will be tabled until the next meeting.

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 special use permit for land application of domestic septage previously granted to David McCarter for property located at 700 Lucas Road, Assessor's Parcel Number 008-133-54, consisting of 34.41 acres in the A-5 zoning district. The owners have completed the requirements with Nevada Division of Environmental Protection (NDEP) to close this business activity, and the NDEP permit has been closed; therefore, it is requested to terminate this special use permit as it is no longer needed.
- B. Consideration and possible action re: Termination of a special use permit for a home based business for a donut shop granted to Melissa Derby for property located at 1875 Sprig Lane, Assessor's Parcel Number 008-132-74, consisting of 1.67 acres in the E-1 zoning district. The applicant cancelled the business license and closed the business. The permit requires maintenance of a business license; therefore, the special use permit should be terminated.
- C. Consideration and possible action re: Termination of a special use permit for a home based business for pet sitting and kennel (with boarding) granted to Cierra Clark for property located at 240 Clover Drive, Assessor's Parcel Number 006-751-27, consisting of 5.0 acres in the A-5 zoning district. The applicant stated that they are moving to Colorado and would not renew the business license; therefore, this permit granted specifically to Ms. Clark at that location should be terminated.
- D. Consideration and possible action re: Termination of a temporary use permit for temporary quarters during home construction previously granted to Joseph & Christopher Dituri for property located at 20142 Lahontan Dam Road, Assessor's Parcel Number 006-142-34, consisting of 20.01 acres in the RR-20 zoning district. The applicants did not enact the temporary use permit within the timeframe permitted in Churchill County Code; therefore, the permit should be terminated.

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

12. Public Comment:

There were none.

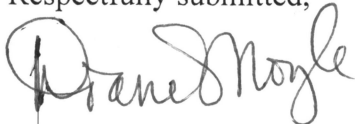
13. Adjournment:

There being no further business to come before the Planning Commission, Vice Chair Yates adjourned the meeting at 8:07 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – March 9, 2022

Prepared March 2, 2022

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.

• Omaha Track SUP renewal/review	Page 2	No Site visit
• Kimble TUP for Temporary Quarters for Hardship/Caretaker	Page 4	No Site Visit
• Frye Variance from E-1 home size requirements	Page 6	No Site visit
• Oatts Variance from mobile home age requirements	Page 8	No Site visit
• Ordinance 2022-A to create R-3 zoning district and related changes	Page 10	No Site visit
• Consent Agenda	Page 13	No Site Visit

PC Members Present

Paul Picotte
Myles Ghetto

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>Special Use Permit - RENEWAL</u>	Use Listing:	<u>Rail Based Services Facility</u>
Applicant:	<u>Omaha Track</u>	Owner:	<u>TRP Properties</u>
Site:	1006 Nevada St. (3 parcels: APN 009-251-74, -86, & -88) – 121.23 acres (total)		
Designations:	Master Plan - Industrial & Hazen Planning Area // Zoning – Industrial & A-10		

Site Description: The subject property is at the intersection of three Union Pacific railroad lines. These are the mainline running east-west through Northern Nevada, the Fallon line running southwest to the City of Fallon; and the Mina line, which runs under the US 50A overpass and then east out of the County. This intersection creates many curving segments of track to connect the different lines, which also form the shape of project parcels. The curved “triangle” in the middle of the site is NOT owned by the applicant, but rather by the railroad. The site is composed of 3 lots: one is adjacent to the town of Hazen; the second is between the first and the rail “triangle”; the third is separated from the other two and is east of the “triangle”. The property does not front the highway except at the SE tip of Lot 1 (the part zoned Industrial). Access is from Nevada Street through Hazen next to the tracks.

Permit History: The subject property is currently being operated by Omaha Track for its railroad tie sorting operation. Omaha Track began operations in 2017-2018 without permits. This was allowed with the understanding that it would eventually obtain a Special Use Permit (SUP). The applicant did not pursue the SUP until prompted by the Planning Director after receiving complaints by neighbors, TCID, Fire Marshal and the traveling public.

The SUP application was submitted, and was approved by the Planning Commission in March 2019. The approved site plan placed most of the operation facilities in the eastern area of the site (furthest away from the Hazen community), and showed a large buffer between Hazen and the site operations that was the west-most parcel and had the access road running through the middle of it. In June 2019, Omaha Track asked the Planning Commission to reconsider the conditions of approval to reduce the buffer to be the west side of the access road and allow the east side to be used for operations. The Planning Commission approved the request.

The conditions of approval required some important and related items. First, a review/renewal was required in 3 years. Second, the number of ties was to be reduced to 150,000 by the 3-year review. Third, a traffic study was to be prepared for review by NDOT by the 3-year review. All conditions of approval are found in Notice of Final Action in the Planning Commission packet for this meeting.

The time of the 3-year review has arrived and is the item of consideration for the Planning Commission at this meeting. Staff has been in intermittent contact with the applicant since the SUP was approved. We have learned that the traffic report has been completed and no additional improvements are required by NDOT. The applicant has been working to reduce the number of ties, has been coordinating with the County Enforcement Official, and appears to be at or near the target.

However, the most important point is that the site improvements approved 3 years ago were never installed or were sited differently than the approved permit. In addition, those planned improvements are and will be no longer feasible, and the site operations are and will be different. Permits do not last forever, and if they are not implemented they expire. Staff has been in discussions with the applicant, they have agreed to resubmit a Special Use Permit as soon as possible. They will include the actual expected site layout for site operations, show the facilities now expected to handle railroad ties, and include phasing for improvements with expected timeframes.

STAFF RECOMMENDATION: **CONTINUE TO FUTURE MEETING- as provided below.**

Staff recommends that the Planning Commission continue the renewal/review for this project for 90 days to allow the applicant time to submit a new Special Use Permit. An alternative action is provided in the motion below.

MOTION: 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 to:
 - Option a)** Continue this item for **[[90/XX]]**days to provide the applicant time to submit a new Special Use Permit consistent with their actual operations and facilities.
 - Option b)** Deny the renewal for Omaha Track's Special Use Permit due to non-implementation of the approved site plan and non-compliance with conditions of approval. Operations must cease unless a new Special Use Permit is obtained.

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Steven & Sallee Kimball</u>	Owner:	<u>Steven & Sallee Kimball</u>
Site:	5155 Solias Road (APN 006-435-32) – 5 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/Caretaker purposes to place 2022 recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use.

The Kimballs are requesting a temporary quarters to care for their elderly mother (no name provided). The Kimballs will live in the permanent home. The mother will live in the temporary quarters. The site plan shows that the RV will be located near the shop/airplane hanger, and will connect to its power and water, It will also connect to the nearby septic system. The site plan shows the proposed layout.

The property is one of many similar 5-acre residential lots along Solias Rd. The rear of the property includes an airstrip that serves a number of nearby parcels fronting on Solias Road. Adjacent and east of the property is a block of agricultural land, and there are a few others scattered along the Solias Road neighborhood. Access is from Solias Road, which is a County-maintained paved road located within an uncertain road easement arrangement – it appears there is a 60’ wide easement on the westmost portion of the property. Adjacent uses include the other similar residential lots, the airstrip, and nearby farmland to the east. 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 for who they are or their age.

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 conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-435-32.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] 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 Steven & Sallee Kimball to establish a Temporary Quarters for Hardship/ Caretaker at 5155 Solias Road (APN 006-435-32).

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. The applicant shall provide documentation that the person needing care qualifies for the use either for age or physical/mental disability.
3. 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.
4. 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.
5. 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.
6. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application:	<u>Variance from size of home in E-1 zone</u>	Use Listing:	<u>Single Family Dwelling</u>
Applicant:	<u>(Delmar) Scott Frye</u>	Owner:	<u>(Delmar) Scott Frye</u>
Site:	6215 Teal Drive (APN 008-132-62) – 1.45 acres		
Designations:	Master Plan – Urbanizing // Zoning – E-1		

Proposal: The applicant proposes to place a manufactured home that is as small as 1000 square feet (sf) in area. CCC 14.16.075 and CCC 16.16.020.8.G require that dwellings in the E-1 zoning district (as well as other residential zones) have at least 1200 sf. The applicant may end up with a manufactured home slightly larger than 1000 sf, but is requesting the 1000 sf size to be on the safe size. The proposed variance would allow a home that is 83% of the required size (a reduction of 17%). Note that one of the relevant code standard is in Title 14 (Building Code), but it also allows Variances to the standards using the Variance procedures in Title 16.

In reviewing the request, the Planning Commission should refer to:

CCC 16.08.090(F) Findings: In order to approve a variance, the commission shall make the following findings:

- 1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.***

The application indicates that the site has topographic conditions, specifically there is a low area and a raised area. The low area is subject to potential wetland or ponding conditions that are prevalent in the area. This reduces the viable buildable area. In addition, previous installation of services has limited the placement of the home. The applicant wishes to reduce the size of the home. Staff agrees. In addition, the parcel has a “panhandle” configuration which further reduces the buildable area.

- 2. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.***

The application indicates that site limitations cause difficulties with building on the site, including the low area, and the existing facilities. Staff agrees.

- 3. Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.***

The application indicates that the use of public facilities and services will not be increased compared to a larger home. The home will be in new condition and an asset to the neighborhood. Neighbors will not likely notice the smaller size home. Staff agrees.

- 4. The proposed variance is consistent with the intent and purpose of this title.***

The purpose and intent of the minimum home size standard is to encourage a reasonable investment and related construction quality in neighborhoods. The application indicates that a permanent foundation will be installed, and the manufactured home should fit in with the manufactured homes in the neighborhood. The final home could be larger than 1000 sf. Staff agrees.

STAFF RECOMMENDATION: **NO RECOMMENDATION**

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in in CCC 16.08.090(F) regarding a Variance from the minimum dwelling size requirements on APN 008-132-62.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance from the minimum dwelling size requirements in CCC 14.16.075 & CCC 16.16.020.8.G for Scott Frye to allow a home that is as small as 1000 sf on APN 008-132-62.

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

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

1. The approved minimum lot size is 1000 sf for the property.
2. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. A building permit application for the structure of the home must be submitted before expiration. Permits for other site facilities will not meet this requirement.
3. Compliance with Churchill County Code.

Application:	<u>Variance from age of mobile home</u>	Use Listing:	<u>Single Family Dwelling</u>
Applicant:	Tina Oatts	Owner:	Richard & Cathy Winans
Representative:	Tanya Freeman		
Site:	2650 Stark Lane (APN 007-891-19) – 1.0 acres		
Designations:	Master Plan – Agriculture-NAS Buffer // Zoning – A-5		

Proposal: The applicant proposes to place a manufactured home that is older than 1985 on the property. The proposed old mobile home will replace another old mobile home that recently burnt down. CCC 14.16.075.B.2 requires that mobile/manufactured homes in the A-5 zone be no older than 1985 (residential zones are even more stringent on age). Note that the relevant code standard is in Title 14 (Building Code), but it also allows Variances to those standards using the Variance procedures in Title 16.

This application has a complicated ownership history. The owners are listed as the Winans in the Assessor Records, but they have passed away. The applicant is the daughter of the owners. Acceptable documentation has been provided showing family relationship and inheritance.

According to conversations with the representative, the applicant is elderly and has lived on-site for a long time before the fire. At the time of the fire, the applicant had a serious medical condition, and was being treated (and maybe still is) in Utah. The representative is one a multiple people helping the applicant to arrange a replacement home as quickly as possible while she is away. The representative prepared the application packet.

The representative also verbally provided information about the burnt and replacement homes, not all of which is in the application. The burnt home age is uncertain, but thought to be 1975. The replacement home is listed in the application as 1979, so it will be newer than the burnt home. In addition, the replacement home is located at a nearby property on Stark Lane, will be removed from there, and will be placed on the same location as the burnt home. Thus, the fire resulted in the removal of one old mobile home from the neighborhood.

In reviewing the request, the Planning Commission should refer to:

CCC 16.08.090(F) Findings: In order to approve a variance, the commission shall make the following findings:

- 1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.***

The application indicates that the hardship is the loss of the home due to the fire. The representative verbally indicated the applicant is injured and in the hospital and has very little money to replace the home with a newer model. The representative has obtained the replacement home free of charge, other than moving and setup costs. Staff agrees. The site itself has no special conditions, but placing a newer more expensive unit would be a hardship in the owner's situation.

- 2. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.***

The application indicates that the explanation is the same as Criterion 1. Staff agrees.

- 3. Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.***

The application indicates that the replacement home is in better condition than the previous home. Staff agrees. The proposal will result in the removal of one unit of substandard housing, though it will be from a different site, not this one.

4. The proposed variance is consistent with the intent and purpose of this title.

The purpose and intent of the minimum home size standard is to prevent the placement of, and encourage the removal of dangerous and substandard housing units from the community. The application indicates that the explanation is the same as Criterion 3. In addition, it indicates that the home will be permanently placed as real property within a year. Staff agrees. While this variance will not prevent the placement of these units, it will result in the removal of one unit from the neighborhood, and improve upon the previous condition by converting the unit to real property.

STAFF RECOMMENDATION: **NO RECOMMENDATION**

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) regarding a Variance from the age limit for mobile home placement on APN 007-891-19.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance from the age limit for mobile home placement found in Churchill County Code 14.16.075 to allow Tina Oatts to place a 1979 mobile home on APN 007-891-19.

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 approved maximum age of the mobile home shall be 1979.
2. The new mobile home must be setup as permanent property, according to Building Dept. and County Assessor requirements.
3. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. A building permit application for the mobile home placement must be submitted before expiration. Permits for other site facilities will not meet this requirement.
4. Compliance with Churchill County Code.

Application:	<u>Bill 2022-A - County Code Amendment to add R-3 zoning district</u>		
Use Listing:	<u>For intensive multifamily use</u>		
Applicant:	Churchill County	Owner:	N/A
Site:	N/A		
Designations:	Master Plan – For use in the Urbanizing Area // Zoning – New R-3 zoning district.		

Proposal: Churchill County is proposing to establish a new residential zoning district. The current residential zoning districts are:

- E-1 First Estate District
- R-1 Single Family Residential District
- R-2 Multi-Family Residential District

The proposed zoning district is titled:

- R-3 Intensive Multi-Family Residential District

The new ordinance provides for multi-family development with an intensity that is customary for large apartment complexes. The ordinance:

- Establishes the new zone
- Makes adjustments to the R-2 zone to coordinate the zone description, its allowed density, and its development standards with the new R-3 zone.
- Makes adjustments to the Planned Unit Development (PUD) standards to incorporate the new zone into those standards and coordinate it with the other residential zones.
- Establish allowed uses for the new R-3 zone in the Use Table, along with adjustments to the R-2 zone to coordinate the two zones.
- Establish a new section to provide development standards for all multi-family development (whether in the R-2 zone, R-3 zone, Planned Unit Developments, etc.)
- Significant changes are made to the two existing table and their notes that provide ***Intensity and Dimension Standards***. In addition to the above noted changes for the R-2 and R-3 zones, changes are made to:
 - Streamline the use of the tables by combining the two tables and their notes into one table with notes
 - Eliminate duplication
 - Correct errors
 - Refine existing standards
 - Provide complete standards for cluster developments

Two primary elements of residential zones are density and allowed uses:

- The changes provide a tiered and increasing allowance of density and is coordinated between zones: The proposed ***Intensity and Dimension Standards*** table shows the changes in maximum density: **R-1** = 5 units/ac; **R-2** = 10 units/ac; **R-3** = 16 units/ac.
- Similarly, the PUD standards use the same maximum base densities, but allow the option of requesting bonus density in exchange for providing additional beneficial facilities: **R-1** = 8 units/ac; **R-2** = 16 units/ac; **R-3** = 24 units/ac.
- The ***Use Table*** provides differences in what uses are allowed in different zones often in a tiered and coordinated way. The R-2 zone was adjusted to limit the number of residences to 4 or fewer per lot. Thus, a home, duplex, tri-plex, four-plex, or a pair of duplexes can be placed on a lot. Only the R-3

zone allows more units on a lot. **Note** that placing more than a duplex on a lot becomes more difficult with more units unless connecting to a community sewer and water system.

- Because of the intensity of population in an R-3 development, a limited number of commercial and community uses are proposed to be allowed. Community uses that are similar to apartments are allowed. Commercial uses that commonly provide neighborhood services are allowed.
- The commercial zones currently allow multi-family development, but proposed changes to the Use Table will prohibit future multi-family development. There have been few or no such developments since the zoning code was established, and a handful that pre-date the zoning code. These will become non-conforming uses. They may continue to operate as they have, but if the use ceases, they lose their nonconforming status and may not be re-established. New multi-family developments that are desired in the current commercial zones would need to be re-zoned to R-3, or use a PUD.

A number of other minor changes and corrections were included in the ordinance:

- Special provisions for cluster developments currently exist for a few specific standards (in specific table cells). But those don't extend to all standards (in other cells), and cluster lots cannot normally meet those standards. Changes are made to the fill gaps for missing standards, and streamline their use. Notes 4 and 6 are edited to fix errors and clarify the application of standards.
- Changes are made to correct errors in standards for PUDs. Specifically, the current table has separate rows for PUDs in each zone; yet the table entries were wrong, incomplete, or blank. These rows are proposed to be eliminated, with a general note (***) on each applicable zone directing the reader to the PUD section regarding dimensional standards. This greatly streamlined the table and eliminated the errors.
- Changes are made to correct inconsistent density terminology, to coordinate tiers of increasing density among the residential zones, and to clarify that density refers to the number of **residences**, not to commercial, industrial, and other uses.
- The dimensional standards table for residential zones did not have height limits, while the table for commercial zones did. When the tables were combined, this column was added to provide a standard for all zones.
- The standard establishing 1 single family residence per lot (when allowed) is Note (1) in the current table, but it is located in the wrong place, and does not fully describe the application of the standard. The table and note are edited to correct this.
- The current tables have errors throughout the columns for Minimum Average Lot Width, and Minimum Lot Width, including consideration of lots on cul-de-sacs. Errors are corrected - for example, the Minimum Average Lot Width should be the larger number.

CCC 16.08.060(E)2 *The commission, in forwarding a recommendation to the board for approval of a zoning map amendment or consolidated development code amendment shall make the following findings of fact:*

- a. *That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan.***

Most goals and policies in the 2020 Master Plan do not address the specific subject of multi-family development, but there are some. The Population and Housing Chapters identify a severe shortage of rental properties, which are mostly apartments, and encourages opportunities to develop them. The proposed R-3 zoning district complies with these policies, and can help alleviate the shortage.

The Master Plan Chapter 9 (Public Services and Facilities) policies requires that intensive development be connected to a community sewer system and water system, and the proposed R-3 zone also requires this. Furthermore, community systems are only located in the Urbanizing Area, and the Master Plan specifically

indicates that all zoning districts are acceptable in the Urbanizing Area. The proposed R-3 zone complies with the public services policies and the policies establishing a land use designation system.

Policies regarding compatibility with adjacent uses will come into play when the R-3 zone is applied to individual locations.

- b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Compatibility with adjacent land uses cannot be determined until the R-3 is proposed for specific locations and permit applications submitted. The changes proposed for the Use Table (included in the packet) are intended that uses within an R-3 zone will be compatible with other allowed uses in the zone. Zoning code standards include providing buffers and friction zones between different types of land use to improve compatibility between them; but that would be addressed when individual projects are proposed.

- c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

The impact on public services and facilities cannot be determined until the R-3 zone is proposed on a specific location. However, community sewer and water systems must be available to propose the zone. Impacts to roads and other public services are considered at the time of a permit application for a project. No negative impacts will result from the code amendment at this time.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.060(E)2 regarding a County Code Amendment to establish a new zoning district and other associated changes.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the project fails to **[ADD NEEDED REASONING RELATED TO CRITERIA]**

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

- ☐ Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners [**APPROVE // DENY**] Bill 2022-A amending the Churchill County Code to establish the R-3 Intensive Multi-Family Residential District and other associated changes.

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 HEARING

March 9, 2022

Development Code Amendment

BILL 2022-A

Establish new R-3 zoning district
(Intensive Multi-Family Residential)
&
Related changes and corrections

Changes to Zoning Descriptions (p. 2)

New R-3 district description

16.08.185: INTENSIVE MULTI-FAMILY
RESIDENTIAL DISTRICT (R-3)

Changes to R-2 district description

16.08.180: MULTI-FAMILY
RESIDENTIAL DISTRICT (R-2)

- **Coordinate urban resid. zones (R-1, R-2, R-3)**
- **Distinguish moderate v. high intensity**
- **Emphasize sewer and water connections**

>> County plans to use R-3 for the workforce housing project on Coleman Road property

Use Table Changes

(Exhibit A – separate)

Added a column for R-3

R-3 uses are mostly the same as R-2

Coordinated R-2 and R-3 uses

- **R-2 changed for up to 4 units on parcel**
- **R-3 for 5+ units (apartment complexes)**
- **R-3 does not allow single family residential**
- **R-3 allows community services similar to apts.**
- **R-3 allows neighborhood commercial**

> Recommend removing multifamily from commercial zones

- **Error to correct – remove “S” in C-1 & C-2**

Density Changes

(Standards Table)

Added R-3 to standards table (p. 8)

Checked nearby counties for comparison

Fixed open-ended density for R-2

Coordinated R-1, R-2, & R-3

- **Use increasing & tiered density**
- **R-1: 5 units/ac. (~7000 sf lots + roads)**
- **R-2: 10 units/ac. (previously not stated)**
- **R-3: 16 units/ac.**
- **>>Compare local city apts. - 17-20 units/ac.**

Density Changes

(Planned Unit Development Section)

Added R-3 to PUD code section (p. 3-5)

Coordinated densities among R-1, R-2 & R-3

- **Start with base zoning density in table**
- **PUD allows bonus density for providing additional beneficial facilities.**
- **R-1: base 5/ac. // bonus 8/ac**
- **R-2: base 10/ac. // bonus 16/ac**
- **R-3: base 16/ac. // bonus 24/ac**

New standards for ALL Multi-family Development **(CCC 16.16.020.8 – page 9-10)**

- **New section (I)**
- **Describes how density is calculated (A)**
- **Requires balcony, laundry, trash site (E)**
- **3 paragraphs (B, C, D) that establishes a tiered requirement for open space.**
 - **2-4 units: Landscaping yards**
 - **5+ units: 20% of project site in open space**
 - **20+ units: tenant amenities**

Intensity and Dimensional Standards Tables

(CCC 16.16.020.1)

- **Currently found in 2 tables with notes**
- **Deletes them and combines into one table with notes**
- **Eliminates redundancy and streamlines the table**
- **Fixes errors and fills in missing standards**
- **Adds R-3 zone and coordinates it with other residential zones**

Zoning District	Site Development Standards								
	Area And Density		Site Dimension Standards				Minimum Setbacks (Ft.)		
	Minimum Parcel Area *	Maximum Residential Density ¹	Minimum Lot Width (Ft.)	Minimum Average Lot Width (Ft.)	Minimum Distance Between Dwellings (Ft.)	Maximum Height (Ft.)	Front ^{7, 8, 10}	Side ^{** , 8}	Rear ^{** , 8}
A-5 ^{6, 4}	5 acres	1 per 5 acres	150	200	60	35	30	25	40
A-10 ^{6, 4}	10 acres	1 per 10 acres	200	300	60	35	30 ⁵	30 ⁵	40 ⁵
E-1 ^{***}	1 acre ⁹	2 per acre ⁹	60/30 ³	100/80 ²	20	35	30	10	20
R-1 ^{***}	7,000 sq. ft.	5 per acre	60/30 ³	100/80 ²	10	35	20	6	20
	Corner lots 7,500 sq. ft.	5 per acre	75	n/a	10	35	20	6	20
R-2 ^{***}	5,000 sq. ft.	10 per acre	50/30 ³	60/80 ²	10	35	20	5	20
R-3 ^{***}	8,000 sq. ft.	16 per acre	50	60	20	35	20	20	20
RR-20	20 acres	1 per 20 acres	500	600	60	35	30	30	40
C-1 ^{***}	1 acre ¹⁴	n/a – except for PUDs	80/30 ³	100	n/a	35	30 ¹²	n/a	10/20 ¹¹
C-2 ^{***}	1 acre ¹⁴	n/a – except for PUDs	80/30 ³	100	n/a	45	30 ¹²	n/a	20
I ^{***}	1 acre ¹⁴	n/a – except for PUDs	80	100	n/a	65	40	20 ¹³	30

NOTES:

* For non-PUD land divisions, the area of road easement or right-of-way may contribute to meeting the minimum parcel area requirement for parcels of 1 acre or more, and shall be excluded for parcels of less than 1 acre.

** A detached accessory building may occupy not more than $\frac{1}{2}$ of the total area of a rear yard. No such accessory building shall be nearer than 5 feet to the rear and side of the property line nor closer to main buildings on the same or adjacent lots.

*** Lot size, density, and dimensional standards for planned unit developments will be established during approval of the project; and where not established shall be determined by the building official and Director at the time of issuance of a building permit.

1. To determine whether various residential structures are allowed in a zone, refer to the use table in CCC 16.08.250. The maximum residential density for single family dwellings on existing parcels is 1 per parcel except as allowed elsewhere in this title, such as for accessory dwellings and 2nd permanent dwellings. The maximum residential density for multifamily dwellings and the creation of new parcels for single family residential development is as stated in the table.

2. Minimum average width for those lands with frontages abutting a cul-de-sac.

3. Minimum frontage width for those lands with frontages abutting a cul-de-sac.

4. Except when the lots are created as part of a cluster development, then the minimum parcel area and maximum residential density shall be in conformance with CCC 16.12.040.4 as an allowed exception to the Master Plan policies for Public Services and Facilities and section 13.02.010.

5. Setbacks for lots within the Hazen or Stillwater town sites shall conform where possible to the following:

Front minimum setback = 30 feet

Side minimum setback = 10 feet

Rear minimum setback = 20 feet

6. Lots created as part of a cluster development shall use the site dimension standards and minimum setbacks standards established for the E-1 zoning district.

7. Setback is from any road easement; where corner lots shall have 2 front yards.

8. Setbacks for detached accessory dwelling unit shall be the same as those for a primary dwelling unit.

9. Minimum lot size is 1/2 acre if water or sewer facilities are provided; 1 acre if facilities are not provided.

10. An additional setback of 30 feet more than the listed distance is required along all State and County-maintained roads with speed limits greater than 25 miles per hour, unless the lot is less than 1.5 acres in size.

11. This setback applies when the property abuts a Residentially zoned or residentially used parcel.

12. 10 feet of this setback that is adjacent to the street will be dedicated to landscaping.

13. 20 feet or a width equal to the height of the structure, whichever is greater.

14. If community sewer and water services are extended to the property, the minimum parcel area is 5000 square feet.

Options for Bill 2022-A

- **Continue the hearing to another night**
- **Make a recommendation tonight**
 - **Include error correction:**
“except making the following change – on the row for 2-4 Multi-Family Dwellings, remove the S for the C-1 & C-2 zones.”

March 9, 2022 at 7:00 p.m.

775 423 2660

PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO