

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

January 11, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on January 11, 2023 by Joe Sanford, Deputy District Attorney—Civil.

Present: Eric Blakey, Member; Zack Bunyard, Member; Deanna Diehl, Member; Jeff Goings, Member; Mark Hyde, Member; Scott Nelson, Member; and Paul Picotte, Member.

Absent: None

Planning Staff Present:

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

Civil D.A. Staff Present:

Joe Sanford, Deputy District Attorney

2. Pledge of Allegiance:

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

3. Public Comment:

There were none.

4. Consideration and possible action re: Election of Officers for the Planning Commission—Chair and Vice Chair.

Joe Sanford, DDA, called for nominations. Member Nelson nominated Zack Bunyard for the position of Chair, and Member Goings nominated Eric Blakey as Chair. Joe Sanford confirmed with the nominees if they wished to accept the nomination. Zack Bunyard did not wish to be nominated as Chair; however, Eric Blakey stated he would accept.

Member Hyde moved to approve Eric Blakey as Chair of the Planning Commission. Member Goings seconded the motion and the decision carried by unanimous vote.

Eric Blakey, Chair, called for nominations for Vice Chair. Zack Bunyard nominated Scott Nelson for Vice Chair.

Member Bunyard moved to approve Scott Nelson as Vice Chair of the Planning Commission. Member Diehl seconded the motion and the decision carried by unanimous vote.

5. 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 5, 2023, 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.

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

Chair Blakey called for a motion for the agenda.

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

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

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

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

A. December 14, 2022 Hearing

Member Diehl moved to approve the December 14, 2022 minutes as submitted.

Member Nelson 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 general purposes filed by Ruth Miller for property located at 4810 Schindler Road, Assessor's Parcel Number 006-292-48, consisting of 5.03 acres in the A-5 zoning district. The applicant proposes to have some people live in an RV on her property because they have no other place to live.

Chair Blakey called the applicant forward to state their name and address for the record. Ruth Miller stated her address is 4810 Schindler Road.

Director Spross said that this is an application for a temporary use permit for general purposes. The applicant is requesting a permit for temporary quarters to allow a 1997 RV on the property. The unit is already onsite and is set up for use. This is to allow acquaintances, who have no home, to live on her property. Michael Irby and Maryann Tinnemeyer had been renting but the landlord sold the property, and they have been unable to find another place. They are the ones that will live in the RV. The applicant will live in the permanent home. He shared other pertinent information about setbacks, easements, and features on the property from the staff report. The aerial photograph displayed shows that there was previously a small RV camper on this property in the same location as is proposed for this application. County records do not show that there were any previous permits. A site visit confirmed that the one in the photograph has been removed. He noted that an additional concern is that the time series of aerial photography shows that after 2012, there was a continual accumulation of vehicles and most of these were not moving for years. He shared that this accumulation is illegal under the state law and must be corrected. This has appeared to cause problems for the neighbors.

Chair Blakey asked the commissioners if they had any questions of staff or the applicant.

Member Diehl verified that the RV is already set up and has sewer and water connected to it. Mrs. Miller remarked that when she purchased the property in 2012 there was already an old RV with hookups in place that they never used. Member Diehl questioned how long she anticipated having these people to live in the RV. Ruth Miller agreed that it isn't the ideal situation for them, but she cannot begin to hazard a guess, with the market the way that it is, for them to find another rental. Member Diehl confirmed that Mrs. Miller is living in the house. Member Diehl inquired if they had obtained permits for the setup of the RV, and Mrs. Miller expressed her thought that this was the

application that she needs to allow the use.

Member Goings asked if Ruth Miller intended to rent this RV. Mrs. Miller said that as she understands it would not be legal for her to do that, and she has no intention of becoming a landlord. She is merely trying to help some friends that had helped her with some things after her husband passed away. The most that she would ask is occasional help with keeping track of the weeds, which Mike Irby has already been doing.

Member Bunyard verified that the temporary quarters is not for her hardship, but it is for their hardship, and Mrs. Miller responded in the affirmative. The temporary quarters is generally given for somebody that has a hardship, and they are helping you out and not vice versa as he believes.

Chair Blakey asked if the applicant had any further information that they would like to submit. Ruth Miller said that she is very well aware of the number of vehicles on the property, and she has been attempting to work on getting rid of these. Her husband passed away in 2020, and he was the master mechanic. She explained that this is not how she intended her property to look. She has gotten several removed, and she is in the process of arranging to get rid of several more. She also must make some decisions regarding a few that have sentimental value as to whether or not she has the capability to do the projects that they had intended to do. Ruth Miller further expressed her understanding that these are generally granted for a hardship; however, she is reasonably able-bodied, and her kids are certainly old enough and strong enough to help with most things. She added that she is a single mother at this point, and having someone else there at least for a little bit is somewhat of a security for her. She said that Mr. Irby is also assisting, as he is able to, with weeds and other things that have gotten out of hand and not where they should be over the last few years around the property.

Chair Blakey asked for any public comment, and Director Spross stated that the department received a letter from someone in the neighborhood that is opposed to this being approved due to weeds, garbage and vehicles.

Member Diehl questioned if these people were helping her, and Mrs. Miller responded that Maryann isn't physically able to, and Mike Irby is. In regard to garbage, she noted that she has been victim of the wind any number of times and has had to round up things. They do not have garbage strewn about the property. She could understand the problem with vehicles, which she is trying to take care of that. Member Diehl then confirmed that Ruth Miller is aware that should the permit be granted that once it is no longer needed, it would need to be removed from the property. Mrs. Miller stated that she is aware of this and that the RV is owned by Mr. Irby.

There being no other questions or comments, Chair Blakey turned the time over to Director Spross for further input. Director Spross went over the findings that the Planning Commission need to be able to make in order to approve the application. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find alternate accommodation. The proposed temporary quarters for general purposes are not similar to one of the other allowed TUPs (Temporary Use Permit). The application indicates that Mr. Irby is trying to get Ms. Tinnemeyer into an assisted living facility, and the applicant has shared that there is a claim for disability submitted to the government. That implies a caretaker relationship between the couple rather than with the homeowner. The proposal is to allow a location for RV living and income possibility, which is not allowed. Based upon that information the staff recommends that the application be denied or a limited approval, such as a certain number of months to allow the people in the RV time to find permanent housing. If it is the commissioners' wish to grant approval, there are conditions that staff recommends, including:

1. The temporary quarters must comply with Churchill County Code. The applicant shall work with

- the Code Enforcement Officer to bring the property into compliance with County Code.
2. All required Building Department approvals and safety certificates must be obtained, including any required set-up permits, and any inspections of water, septic and electrical connection.
 3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must use the existing water well, power supply, and septic system unless deemed infeasible by the Building Dept.
 4. When the temporary quarters is no longer needed, it must be removed from the property or otherwise made to be conforming according to county requirements.
 5. This temporary use permit is subject to annual renewal providing proof that the need still exists.
- Chair Blakey asked for any further comments; there being none he called for a motion.

Member Picotte, 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 CCC 16.08.070(B)6 regarding a Temporary Use Permit for Temporary Quarters for General Purposes on APN 006-292-48. Member Diehl seconded the motion and the decision failed by a vote of 2 in favor (Members Diehl and Picotte) and 5 opposed (Members Blakey, Bunyard, Goings, Hyde, and Nelson).

Member Hyde, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have not been met for conformance with the criteria found in CCC 16.08.070(B)6 regarding a Temporary Use Permit for Temporary Quarters for General Purposes on APN 006-292-48. Member Goings seconded the motion and the decision passed by a vote of 5 in favor (Members Blakey, Bunyard, Goings, Hyde, and Nelson) and 2 opposed (Members Diehl and Picotte).

Member Nelson, based on the previously adopted findings made for this project, moved to deny the Temporary Use Permit application for Ruth Miller to establish a Temporary Quarters for General Purposes at 4810 Schindler Rd. (APN 006-292-48). Member Goings seconded the motion and the decision passed by a vote of 5 in favor (Members Blakey, Bunyard, Goings, Hyde, and Nelson) and 2 opposed (Members Diehl and Picotte).

Chair Blakey informed that there is a ten-day appeal period should the applicant wish to appeal the commission decision.

- B. Consideration and possible action re: A temporary use permit application for temporary quarters for farm labor filed by Philip Regli for property located at 1240 Soda Lake Road, Assessor's Parcel Number 008-211-14, consisting of 25 acres in the A-5 zoning district. The applicant proposes to have farm labor reside in another RV on the property to help with the dairy.

Chair Blakey called the applicant forward, and Scott Regli, 1240 Soda Lake Road, stated that he was the owner and operator of Regli Dairy.

Director Spross reiterated that this application is for temporary quarters for farm labor using an RV. The proposed farm labor quarters will be located at a spot where previous farm labor quarters

were located and will use the same power, water and septic services. The proposed unit will be located in the south area of the lot near the existing permanent dwelling. It is important that the temporary quarters are not permanently placed because permanent dwellings do not qualify for this type of permit and are subject to residential construction taxes and impact fees.

Chair Blakey asked for any questions or discussions from the commissioners, and there were none. He then inquired if there were any public comments on this matter, and there were none.

Member Diehl questioned regarding the need for housing for farm labor and what duties they would perform. Scott Regli vehemently responded that he needs farm labor as no one seems to want to work anymore. He needs milkers and other hands to help out with the dairy. There are 1,000 animals to care for, and he can't do it by himself. He needs the ability to allow them a place to live in order to get people to come to work.

Director Spross went over the findings that are required to be made by the Planning Commission in order to approve the application as stated in the staff report, including, only permitted in conjunction with a bona fide functioning farm or ranching operation, evidence of active farming or ranching, and demonstration of a need will be required. This property is a long established dairy operation that is primarily developed on the adjacent 80 acre parcel. Staff recommends approval subject to the following conditions:

1. The temporary quarters must comply with Churchill County Code
2. All required Building Department approvals and safety certificates must be obtained. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections by the building department.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the property's main water well, power supply, and septic system, unless the Building Department deems that it is not feasible.
4. This temporary use permit is subject to annual renewal.
5. Once farmhands working on the property are no longer living in the RV it must be removed from the property and disposed of properly, or otherwise be made an approved use through other required permitting processes.

Chair Blakey 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 a Temporary Use Permit for Temporary Quarters for Farm Labor on APN: 008-211-14, thereby meeting the criteria found in CCC 16.08.070(B)1, as described in the Staff Report. Member Hyde 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 application for a Temporary Use Permit for Phil Regli of Regli Dairy to establish Temporary Quarters for Farm Labor at 1240 Soda Lake Road (APN 008-211-14). This approval is subject to the conditions listed in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that he contact the department for further permitting procedures.

- C. Consideration and possible action re: A special use permit application for a home based firearms business filed by Chase Mills for property located at 4675 Sheckler Road, Assessor's Parcel Number 006-231-48, consisting of 1.0 acres in the A-5 zoning district. The applicant proposes to operate a home based business for special order parts and assembly, and sales of firearms.

Chair Blakey called the applicant forward, and Chase Mills, 4675 Sheckler Road, was in attendance for this application.

Director Spross shared information regarding the application from the staff report. A home based business is accessory to and subordinate to the primary residential use. Normally, a home based business is reviewed through an over the counter permit. This proposed business is requesting the special use permit due to customers coming to the property and adding a shed to the property to house the shop. The business will be run out of a large "Out West Building" shed on the property, and the operation primarily proposes to purchase and assemble custom parts for customers. There will be no employees besides the applicant. The hours of operation will be standard daytime hours on two days per week, Sunday and Monday, and estimated customer visits are about 1 per week by appointment only. Parts delivery visits are expected to increase trip counts, and no alterations that impact the well and septic are proposed. There will be no ammunition storage for sale (only personal use). Minor alterations of gun parts may be done to make them fit together. No parts will be fabricated for sale will be involved, and no test firing onsite is proposed. It was observed on a site visit that the location and path to access the shop will not accommodate disabled customers, and the applicant has committed to providing service to them at their vehicle. It was also noted that interior alterations were being made inside the shed; therefore, the shed placement and alterations will need building department review and approval. The applicant is committed to obtaining necessary permits and inspections. It was also noted that minimal security is provided for the shed, and the applicant stated he would install metal barriers on the windows, upgrading the shed's door lock, and bolting the gun safe to the building. The property is served by Sheckler Road, which is a paved, state maintained road.

Chair Blakey asked for any comments or questions from the commissioners, and there was nothing heard. He asked the applicant if there was anything further, he wished to present. Mr. Mills responded that he needs to get the approval of this permit before he can get the building permit. Chair Blakey then asked for any public comment, and there were none.

Member Diehl inquired if Chase Mills was aware of the permits he would need from the federal government and the state for this operation. Mr. Mills remarked that he needs to get the permit approved through the Planning Commission and get the building permit before he can apply to the federal government for the Federal Firearms License (FFL). Member Diehl verified that he is aware that he will need to obtain those other permits and licenses for the business, and Mr. Mills confirmed that he will do that. Member Diehl then asked if he will make the required changes to the building for safety. Chase Mills replied that he will do those things.

Director Spross went over the findings that are necessary to be made in order to approve this application as it is shared in the staff report. The staff recommends to approve this application subject to the following conditions:

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Chase Mills. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed gunsmithing and sales business. Adding other activities,

- such as firearms classes, large scale fabrication of parts, etc. is prohibited.
- c. Business hours and customer visits are limited to “appointment only” and one at a time. Appointments shall be spaced to avoid customer overlap.
 2. Firearms and ammunition shall be stored in a secure non-movable environment, such as a gun safe secured to the building. Window barrier and upgraded door locks shall be installed.
 3. The applicant shall coordinate with the Sheriff and Fire Marshall annually to ensure their knowledge of the business in the neighborhood and implement any recommendations they have.
 4. The project must be in conformance with County Code, including but not limited to:
 - a. No outside storage or signage have been approved.
 - b. All outdoor lighting (including for security) shall comply with the Dark Skies requirements.
 - c. A business license must be obtained and maintained.
 - d. The business shall provide direct service to disabled customers from their vehicle.
 5. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

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

Member Goings, 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 CCC 16.08.080(H) on APN 006-231-48. 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 special use permit application to establish a Home-Based Business for Custom Gun Building & Sales at 4675 Sheckler Road (APN 006-231-48). This approval is subject to the conditions listed in the Staff Report. Member Hyde seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that he contact the department for further permitting procedures.

- D. Consideration and possible action re: A special use permit application for a multi-tenant facility business filed by Paula Gilmore for property located at 4175 Reno Highway, Assessor's Parcel Number 008-411-64, consisting of 1.83 acres in the C-1 zoning district. The applicant proposes to allow other businesses to lease space(s) for operating their business at her location.

Paula Gilmore, 5821 Candee Lane, was in attendance to represent this application for her business located at 4175 Reno Highway.

Director Spross remarked that the applicant was contacted by the Code Compliance Official, which generated this application for a multi-tenant commercial facility that can rent business or storage space to other businesses. The application proposes a multi-tenant commercial complex where future tenants can change, and the immediate proposal is to allow the long storage building to house businesses. He went over the business plan as outlined in the staff report. He noted that there was a pre-existing home in the southeast corner that is still being used as a residence, and there is a home based business operated from that residence. Director Spross stated that staff recommends that the future auto-repair and future personal storage not be approved at this time. They would come in for appropriate approval at the time that they are to be established. He noted that the purpose of a permit

for a multi-tenant complex is because it is a change in use, and it needs to meet the current code requirements and needs to be set up for multiple businesses, rather than just one, to use the same space, especially related to parking.

Chair Blakey asked for any questions or discussion from the commissioners.

Member Diehl asked if the applicant has a current business license for the things that she wants to do. Paula Gilmore stated that she has an LLC set up for her business, and she has a business license for her cleaning business. She was planning to operate a U-Haul business on the side at the back of this property. Member Diehl questioned if there was sufficient space for the U-Haul vehicles and customer parking, and Ms. Gilmore responded that she does. Member Diehl then inquired if there was also enough parking for the other businesses that she wants to allow on the property. Paula Gilmore replied that she doesn't have any other business there right now, and she doesn't really plan on anything very busy. She doesn't intend to have a lot of traffic because she is working offsite a majority of the time. Member Diehl inquired about security, and Ms. Gilmore said that it is secure. She has gates that she closes after hours and there are cameras on the premises. Member Diehl next asked about the Fire Marshal inspection, and Paula Gilmore said that this property has passed inspections numerous times over the years. She commented that her sister owned this for years, and she bought it from her. There hasn't been really any change to the property since her sister owned it.

Member Picotte questioned if Ms. Gilmore has read the staff report review and if she was okay with all of the requirements that are needed to fulfill this. Paula Gilmore asked if it would be possible to leave the lights on in the back on the long building. She knows that there is an ordinance for the dark skies. She declared that those lights have been there for about 14 years, and she hasn't found any dead birds, bats, or anything that might have collided with those lights. She would also bring everything else up to code. She didn't realize that she needed to have a handicapped parking space, and they thought that the ground was already hard packed gravel and would be sufficient. Member Picotte thinks that this is an appropriate location for the use that she is requesting. He just wants to make sure that she is okay with everything that is in the staff report. Paula Gilmore restated that the lights are the only concern that she really had. Member Picotte asked Dean Patterson to speak regarding the lighting on the property.

Dean Patterson, Senior Planner, noted where the applicant is proposing parking as demonstrated on the overhead aerial photograph site plan. He pointed out the lighting on the long, rear building at the south end of the parcel, and he said that if the lights are too bright or shining at the highway or adjacent properties, they would need to be fixed. Those that are there may be okay, and these would need to be inspected by the Code Compliance Official. Joe Sanford, Deputy District Attorney—Civil, followed up by stating that there is a dark skies requirement in the ordinance saying that the lights need to face down, and if there was a request to have a variance from that, it would require a separate application and notice for that. We wouldn't be able to make a decision on that today. Dean Patterson also mentioned that Ms. Gilmore brought up the ADA accessible parking space, and he pointed out on the site plan where she was planning to install that.

Director Spross went over the findings that needed to be met in order to approve the application as outlined in the staff report. He shared how this application meets, or may be able to mitigate for any potential impacts, for the findings. Staff recommends approval subject to the following conditions:

1. This permit is subject to review in 1 year to confirm compliance with conditions.
2. The entire property must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.

- b. All necessary building permits must be obtained.
- c. Necessary modifications shall be made to meet Code requirements, including any changes discussed in the staff report to outdoor lighting, installation of landscaping, etc.
- d. Future businesses and site alterations must conform to code requirements, and necessary improvements must be installed before business operation.
3. New businesses locating in the complex must be reviewed by the Public Works and Planning Dept. before moving in to determine any special permitting requirements, and any improvements needed to meet code requirements.
4. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
5. Any state highway access permits required by NDOT shall be obtained, and all required improvements shall be installed.

Chair Blakey 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 CCC 16.08.080(H) on APN 008-411-64. Member Hyde seconded the motion and the decision carried by unanimous vote.

Member Hyde, based on the previously adopted findings made for this project, moved to approve the special use permit application for Paula Gilmore to establish a multi-tenant commercial facility, including authorization for a U-Haul business and a storage rental business, BUT NOT APPROVING the mini-storage and auto repair businesses at this time, ALL LOCATED at 4175 Reno Hwy (APN 008-411-64). This approval is subject to the conditions listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that she contact the department for further permitting procedures. Dean Patterson requested that Ms. Gilmore come into the office because this is a complicated process.

- E. Consideration and possible action re: A special use permit application for a private gathering facility with night/weekend hours and alcohol beverage service filed by Churchill County POBOB M.C. for property located at 2170 Reno Highway, Assessor's Parcel Number 008-361-51, consisting of 1.75 acres in the C-2 zoning district. The applicant proposes to establish a motorcycle club with occasional events.

Dominic Rushing, 280 W Virginia Street, and Anthony McCourtney-Vice President of Churchill Co POBOB M.C., 2170 Reno Highway, were in attendance for this application.

Director Spross stated that the applicants spoke with him prior to the meeting requesting to table their item until the next meeting due to the responses received as well as questions with the staff report.

Chair Blakey verified that the applicants were requesting to table this item to the next meeting, and they indicated this was what they wanted to do.

Member Goings moved to table this application to the next meeting. Member

Nelson seconded the motion and the decision carried by unanimous vote.

Chair Blakey recommended that the applicants get with the department to discuss this application.

- F. Consideration and possible action re: An application for a variance from the street setback requirement filed by Lisette Kroepelin for property located at 125 Clover Drive, Assessor's Parcel Number 006-751-24, consisting of 5.17 acres in the A-5 zoning district. The applicant proposes to build a garage at 21' 6" from the street easement instead of 30'.

Lisette Kroepelin, 125 Clover Drive, was in attendance for this application.

Director Spross explained that Dan Conner was contracted to build a garage/shop structure for the owner at the edge of the farmstead. The applicant began the building permit with the building department and was initially told a certain setback distance, which was learned to be an error, and the applicant was contacted and informed of the correct setback distance. Excavation and forming for the foundation had already been performed. The applicant does not want to lose the cost of that work and requests a variance from the street setback requirement for the A-5 zoning district. The property is a corner lot at the intersection of Clover Drive and Schurz Highway. Clover Drive is a slow speed, 25-miles per hour road with a 30-foot setback from the edge of the easement or the right of way property line. Since the proposed shop faces Clover Drive the setback is 30 feet. Dan Conner found the property line and measured the requested setback at 21' 6", which is a 29% reduction.

Chair Blakey asked for any questions or discussion from the commissioners.

Member Nelson inquired if the foundations were already poured. Mrs. Kroepelin responded that until the approval of this permit is obtained, all the contractor has done is dug the foundations. The forms are set; it is a mix of a concrete floor, and the other part will be gravel just for parking. The gravel has been compacted in that area, but they came to a complete stop when they were notified there was an issue with the setback. Member Nelson confirmed that the pad had been cut, the structural excavation had been done, and the forms had been placed. Mrs. Kroepelin further clarified that she is actually the applicant and property owner. The cost wasn't an issue for her; however, she is the one that wanted the garage/shop to be placed at that location due to the length of her RV and truck and the area that she needed in order to back it into the garage. If she were to move the building back, then her residence would block some of the area in which she wanted to navigate the RV into the garage. When they chose the location, she didn't know what the setback was. They were looking at where the wellhead/pump house is located and measured it at 22 feet, so they used a similar measurement for the garage from where they assumed the property lines were located. Dan Conner dug up where the markers were located in order to determine the actual property line. This gave her enough room to have the building far enough away from the mobile home that she could back in the trailer she needed to. She was also trying to protect as much of her irrigated land as possible. Member Nelson questioned staff if he understood correctly that the setback distance was a mistake. Director Spross explained that when the applicant went to get the building permit, the building department gave them the wrong setback distance. The applicant began construction based upon that information, and then it was found later that the setback was actually greater than what they had originally told to them. Member Nelson verified that this was done by the contractor in good faith, and Director Spross agreed.

Chair Blakey asked Mrs. Kroepelin to explain how she is backing into the garage—if it was from the street side or where. Lisette Kroepelin said that it isn't from off of the street. The access into

the workshop area, which is at the south end of the building, will be where the concrete floor will be, and the access to the north area will be an open three-sided, roofed gravel parking area for equipment. The access into the shop comes from the property, not from the street. She didn't want to be pulling out onto the street or trying to back in something this long from the street because she didn't want to impede traffic. Chair Blakey inquired if there was a garage door on the street side, and Mrs. Kroepelin replied in the negative. Chair Blakey questioned if she owns the green grass area around the property, and Lisette Kroepelin confirmed that it is part of the five-acre parcel.

Chair Blakey asked for any other comments, discussion or questions from the commissioners, and there were none. He then inquired if there were any public comments, and there were none.

Director Spross went over the findings that must be met in order to approve a variance and how this application met, or could mitigate any potential impacts, the findings as outlined in the staff report. Staff recommended approval subject to the following conditions:

1. The approved setback is only for the proposed garage, and 21.5 feet from the property line.
2. The approval of this variance expires one year from the date of the final decision. Construction of the garage/shop must begin before expiration.

Chair Blakey 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 CCC 16.08.090(F) on APN 006-751-24, as described in the Staff Report. Member Goings 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 a Variance from the street setback requirements in Churchill County Code Table 16.16.020.1 for Lisette Kroepelin at 125 Clover Dr. (APN 006-751-24). This approval is subject to the conditions listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

Chair Blakey thanked the applicant and advised that she contact the department for further permitting procedures.

- G. Consideration and possible action re: A special use permit application for a manufacturing/fabrication business filed by Ed Erxleben, representing Out West Buildings LLC, for property located at 7450 Reno Highway, Assessor's Parcel Numbers 007-251-52 and 007-251-53, consisting of 9.85 acres and 3.7 acres respectively in the C-2 zoning district. The applicant proposes to authorize the manufacture and fabrication of wooden storage buildings at this location in two large shops with office buildings. The business is already in operation.

Mike Stremmer, 7500 Jersey Valley Road and 7300 Reno Hwy, and Sally Graham—General Manager, 2780 Country Club Drive, were there to represent this application.

Director Spross stated that there are two use table listings, including, (1) fabrication with outdoor activities and (2) large vehicle sales/rentals, which are sheds and storage containers. He went over some of the information provided in the staff report. This site and this business has had a complicated history characterized by county code requirements falling through the cracks. While this

site has been getting a temporary pass for a long time, it still needs to be brought into conformance with the county code. Consequently, this site is technically in violation. Since the owner had interactions with county staff, who also missed the requirements, the current staff is trying to work with the applicant to bring the site into conformance. This application and the associated variances are intended to do so. Staff, the applicant and the business owner have been discussing code requirements for a couple of months. The essence of the three variances is that the business owner does not want to change anything to meet the code requirements because they were not told to meet them during the previous staff contact. A summary of permitting and licensing history were provided in the staff report. The application proposes to authorize the existing fabrication facility for fabricating a variety of sheds, and, in addition, the site sells the sheds, as well as selling or renting cargo containers. The application for three variances are under a separate hearing item to partially wave three code standards. Staff does not recommend full approval of all of them. He mentioned that there is a detailed site plan showing the operation on the two parcels, and this was shown on the overhead screens. Director Spross went over the description and location of the different buildings and areas demonstrated on the site plan aerial photograph.

Chair Blakey asked for any questions or discussion from the commissioners. There being no comment from commissioners, Chair Blakey inquired if there were any public comments related to this item, and there were none. He then asked if there was anything else the applicant wanted to add, keeping in mind that they are only discussing the special use permit (SUP) at this time.

Mike Stremmler remarked that he spoke with Shelley Schafer on his way to the meeting and asked if they had already gotten a special use permit. He said that she responded that they had been approved. He has been saying this to Dean Patterson the whole time. They have documentation that they have done it, and they have gotten their building permit. You can't get a building permit without an SUP. It is interesting to him that he is back here doing this, but there is a funny thing about this whole process, and he believes in the process, and it is that when you do this and if the county decides to lose the paperwork, it can be lost. So, on the planning side, the Planning Commission has lost all of the paperwork. The building department has actually got a lot of the paperwork. It is weird that the two departments in the same building, that actually coordinated together (there's emails back and forth from Terri Pereira and Marie Henson) and there's no documentation from Terri, but there is documentation from Marie. When he asked Dean Patterson to pull up all of the records, there are no records on the planning side. He wanted to put all of this out there. This ain't his first little deal with government entities. He has federal grazing permits, and he will not buy a grazing allotment in Battle Mountain District for bureaucratic reasons. He stated that there is a lot of stuff in this deal that he guarantees that they wouldn't be in Fallon or Churchill County if this was how they were treated six years ago. Chair Blakey asked Mr. Stremmler if he had any of paperwork from the previous special use permit with him at the meeting. Mike Stremmler replied that he has the paperwork with the landscaping agreement signed by his ex-wife, Barb Stremmler, and that was with a letter from Terri Pereira, who is retired. He was working with Debi Kissick, who passed away, so we have no record there, and he worked with Michael K. Johnson. There has been a lot of things in this process. We should have been here months ago, but for some reason Dean Patterson thought that NDOT (Nevada Department of Transportation) had to make them redo their whole encroachment because they have big buildings. They have never had an accident. Under his (Dean Patterson) purview, he was told that they had to get an NDOT approval, even though he had done that before he even bought the property. That's what he has been going through. It is interesting to him that he posted a deal on Facebook, which he admitted that he maybe shouldn't have, which was a snake getting into a birdhouse, and the snake

says, “Hello Mrs. Birdie, I’m from the government, I’m here to help.” Chair Blakey expressed that the commission understands his concern and his disappointment with the county. He asked Director Spross if his office wants to look into this matter further before they discuss this anymore. Director Spross remarked that if Mr. Stremler had all of this information, it would have been good to provide it to the department, so that we wouldn’t be here. He recommended that the commission table this so that they can have this information, and if it truly has an SUP that has been done in the past, then we have an SUP to work from. If there is not one or that SUP is not sufficient for the business that Mr. Stremler is running, then we will be here again. He again recommended that this application be tabled until the department can review the documentation that Mr. Stremler says that he has. Mr. Stremler then commented that he didn’t say that he has documentation; he said that he has evidence of it on the building department’s side that they were communicating with the Planning Department. They signed a landscaping agreement in front of a Notary, and he gave a copy of that to Dean Patterson. Mike Stremler said, “So, to say that the department doesn’t have the documentation” isn’t accurate. He continued with the department is saying that there is no SUP. He stated that they can go forward and get the SUP part of this thing done because they have been in business for eight years now. Chair Blakey responded that it is appreciated that he came in. He thinks that there is quite a bit of confusion here, so he recommended that Mr. Stremler, as the applicant and business owner, find all of the information that he has, try to get it to a printed document, and then call to schedule a meeting with the Planning Department, bring your printed documents, and, hopefully, you all can come together and sort out what has and has not been done and may still need to be completed to be in conformance on this issue. He asked Mr. Stremler to keep in mind that they are not making any excuses for anyone, but Mr. Spross and Mr. Patterson were not here when you came in the last time. Mike Stremler stated that he doesn’t know how many hours they’ve spent talking to the Planning Department, so he would move to go forward with the SUP part of it. Chair Blakey interjected that Mr. Stremler had said that he had a signed SUP to which Mr. Stremler replied that he did not, but that he had evidence, which he verified through Shelley Schafer. He admitted that if he had a signed SUP, he would have just presented it and they would be done. Chair Blakey then remarked that now that there is a question about the SUP being approved, the commission cannot move forward and provide you with another SUP until they know if he actually has one. If it has been lost or whatever, they need to prove that first before they can just decide to give another one—they can’t just give him two. He expressed understanding that it is an inconvenience and that he will have to make another trip back if there is not one, but Mr. Stremler has stated on record that there is an existing SUP—it may not be for the exact same thing that he is thinking of—but they need to get to the bottom of this first before they can decide on another SUP for this property address.

Member Hyde inquired whether there is a deceleration lane coming into the property—modifications to the highway for people to turn into this property. Mike Stremler responded that there is an expanded shoulder. He informed that he owns both properties where the encroachment is located. He noted on the site plan next to #14 is the expanded shoulder, so trucks coming in from Reno can get off right there. Member Hyde commented that he would be surprised with an operation of the magnitude of his that NDOT would not be involved about some kind of a safety deceleration lane coming in. This is a question that is just in his mind. Mike Stremler replied that they are across the street Odgen Ranch, and he said that they have more trucks going in and out than they could dream of. Salley Graham remarked that they may have two customers per day coming to the property, and their trucks come in and out once in the morning and once in the afternoon. Most of their sales are done over the phone.

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

Member Goings, based on the statements that were made at the meeting, moved to table this item to a future meeting—30 to 60 days. He thinks that a determination needs to be made regarding any potential special use permit that may have been granted previously. Member Hyde seconded the motion and the decision carried by unanimous vote.

Mike Stremmer asked legal counsel if all of these meetings are archived to look back at. Chair Blakey and counsel agreed that they are, and Chair Blakey mentioned that as the applicant he can request a written or electronic copy to be provided to him for specific dates and times.

- H. Consideration and possible action re: An application for three (3) variances from (1) the street setback requirement, (2) the landscaping requirements, and (3) the screening requirement found in Churchill County Code filed by Ed Erxleben, representing Out West Buildings LLC, for property located at 7450 Reno Highway, Assessor's Parcel Numbers 007-251-52 and 007-251-53, consisting of 9.85 acres and 3.7 acres respectively in the C-2 zoning district. The applicant requests to (1) remove the setback requirement for the shed display, (2) not install street landscaping and other landscaping in place of landscaping that they have already provided, and (3) not provide screening of the storage area on certain sides.

Chair Blakey stated that this item is tied to Public Hearing Item G, which was tabled to a future meeting. He requested a motion to table this item.

Member Goings moved to table this item to a future meeting in conjunction with the previous motion for the special use permit. Member Nelson seconded the motion and the decision carried by unanimous vote.

- I. Consideration and possible action re: An application for a variance from the property setback requirement found in Churchill County Code filed by Michael Rodzinski, Northern Nevada Research Co LLC, for property located at 7162 California Street, Assessor's Parcel Number 009-251-84, consisting of 100 acres in the Industrial zoning district. The applicant requests a five-foot (5') reduction of the twenty-foot (20') setback for a building.

The applicant was not available at the meeting.

Director Spross stated that it doesn't appear that anyone from Northern Nevada Research Co (NNRC) was in attendance. He remarked that they had been before them previously for special use permits. He is confident that staff would be able to answer any questions that the commissioners may have. If it comes to a point that they are not, a decision can be made to table it. Director Spross went over the application information as stated in the staff report. He noted that NNRC had obtained a special use permit in November 2021 and have been working to implement that project. The new approved testing area included buildings over the concrete pad. The proposed variance is to accommodate a slightly larger building that will be close to the property line. The requested variance is to reduce the side yard setback for the Industrial zoning in 16.16.020.1 from 20 feet to 15 feet, which is a 25% reduction.

Chair Blakey asked for any comments or questions from the commissioners.

Member Nelson said that staff is recommending approval, so he is assuming that they have looked at all of the safety features and so forth, and they are good with everything. Director Spross concurred with what was said. The reason for this variance is simply for forklift access. This property is 100 acres, and when they built their buildings, unfortunately, they squeezed them all into one corner, and then they realized that they needed a bigger building. From a safety standpoint, and a fire department standpoint as far as ladders, that setback will still be sufficient. Chair Blakey said for the record that the fire department is in agreement that there is no issue there, and Loreli LeBaron, Code Compliance Official, confirmed that is correct.

Chair Blakey asked for any public comment; there being none he called for a motion.

Member Bunyard, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have been met for conformance with the Variance criteria found in CCC 16.08.090(F) on APN 009-251-84. Member Diehl seconded the motion and the decision carried by unanimous vote.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the request for a Variance from the side setback requirement in Churchill County Code Table 16.16.020.1 on APN 009-251-84. This approval is subject to the conditions listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Recommended Conditions:

- 1. The approved setback is valid only for the proposed building on the new testing pad, and is approximately 15 feet.*
- 2. The approval of this variance expires one year from the date of the final decision. Construction of the building must begin before expiration.*

10. Public Comment:

There were none.

11. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 8:36 p.m.

12. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
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STAFF REPORT FOR PLANNING COMMISSION MEETING – January 11, 2023

Prepared January 4, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on January 4, 2023 to review the project applications listed below that are on the agenda for the January 11, 2023 Planning Commission Meeting. Site visits were made as noted.

• Miller TUP for Temporary Quarters for General Purposes	Page 2	No Site Visit
• Regli Dairy TUP for Temporary Quarters for Farm Labor	Page 4	No Site Visit
• Mills SUP for Home Based Firearms Business	Page 6	No Site visit
• Gilmore SUP for Multi-Tenant Commercial Center	Page 9	No Site visit
• POBOB MC SUP for Private Gathering Facility (motorcycle club) with alcohol service, night/weekend hours, & events	Page 14	No Site visit
• Kroepelin Variance from street setback	Page 19	No Site Visit
• Out West Buildings SUP for manufacturing/fabrication facility	Page 21	No Site visit
• Out West Buildings 3 Variances (setback, landscaping, screening)	Page 30	No Site visit
• Northern Nevada Research Co. (NNRC) Variance from side setback	Page 35	No Site Visit

PC Members Present

Paul Picotte
Eric Blakey

Staff Members Present

Dean Patterson
Chris Spross
Diane Moyle
Joe Sanford

REVIEW OF PROJECT FILES

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

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

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for General Purposes</u>
Applicant:	Ruth Miller	Owner:	Ruth Miller
Site:	4810 Schindler Rd. (APN 006-292-48) – 5.03 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for General Purposes to allow a 1997 recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use.

The applicant is requesting a temporary quarters to allow acquaintances who have no home to live on the property. Michael Irby and Maryann Tinnemeyer had been renting but the landlord sold the property, and they have been unable to find another place. They will live in the RV. The applicant will live in the permanent home.

The RV will be located north of the existing dwelling. The air photo time series show a long-present RV/camper with popouts and carport being present at the same location proposed for the RV since before 2003. It was likely used as a rental. County records do not show it having a previous permit. A site visit confirmed that it has been removed. The application indicates the previous camper was connected to the home's power, well, and septic system. The proposed RV will use the same connections. The Building Dept. must approve such connections. Access is from the Schindler Road via a long driveway. A 200' wide drain easement runs along the west property line, with about 50' being on the subject property. Utility easements run along the property lines and road.

Immediately surrounding parcels are similar large-lot residential or vacant lands. Also nearby are large farming and feedlot properties. A driveway serving a different home is located immediately north of the property, being the "pole" portion of a "flagpole" lot. Fencing on the north property line, and the north portion of the east property line will provide screening of the RV location from those directions. Distance, vegetation, and the home will screen it from the south. The property to the west is vacant.

An additional concern is that the air photo time series shows that after 2012, the continual accumulation of vehicles, most not moving for years. There have been as many as 22 vehicles present at a time, though a couple in the driveway would have been operable and in-use. Such vehicle accumulations are illegal under state law, and must be corrected. This appears to have created problems for neighbors. The air photo time series show that neighbors have progressively put up more and more fencing over time along with the increase in junk cars.

Criteria Review: CCC 16.08.070(F) Findings requires the Planning Commission to find that the criteria for a general purposes quarters in CCC 16.08.070(B)6 are met. The applicant has a burden of proof to provide evidence supporting the request. The criteria is:

A temporary residence for a person or persons for a purpose that is similar to and not more obnoxious or detrimental to uses listed in subsections B1 through B5 of this section. Evidence must be provided that demonstrates an extraordinary need and demonstrates attempts to find an alternative accommodation.

The proposed temporary quarters is not similar to one of the other allowed TUPs. The closest would be a hardship caretaker; however, the caretaking relationship is not with the homeowner. The application indicates that Mr. Irby is trying to get Ms. Tinnemeyer into an assisted living facility, and the applicant has

indicated there is a claim for disability submitted to the government. But that implies a caretaker relationship between the couple rather than with the homeowner. The proposal is really to allow a location for RV living, possibly as an income opportunity, which is not allowed.

STAFF RECOMMENDATION: **EITHER DENIAL OR LIMITED APPROVAL** for a certain number of months to allow the persons in the RV time to find permanent housing.

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)6 regarding a Temporary Use Permit for Temporary Quarters for General Purposes on APN 006-292-48.

[For DENIAL - Staff Report provides adequate findings.]

[For APPROVAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project meets the criteria by ...

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 Ruth Miller to establish a Temporary Quarters for General Purposes at 4810 Schindler Rd. (APN 006-292-48).

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

Application:	<u>Temporary Use Permit</u>	Use Listing:	<u>Temporary Quarters for Farm Labor</u>
Applicant:	<u>Phil Regli of Regli Dairy</u>	Owner:	<u>Regli Family Trust</u>
Site:	1240 Soda Lake Road (APN 008-211-14) - 25 acres (one of multiple lots for dairy)		
Designations:	Master Plan – Urbanizing // Zoning - A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Farm Labor using a Recreational Vehicle. The proposed farm labor quarters will be located at a spot where a previous farm labor quarters was located, and will use those same power, water, and septic services.

The proposed unit will be located in the south area of the lot, near the existing permanent dwelling, but not near any property lines. There is an existing farm labor quarters located on the property, but some distance to the north. It is important that the temporary quarters are not permanently placed, because permanent dwellings do not qualify for this type of permit and are subject to residential construction taxes and impact fees.

Criteria Review: CCC 16.08.070(F) Findings requires that the Planning Commission find that the criteria for farm labor quarters from CCC 16.08.070(B)1 are met. These allow a temporary residence for farm laborers which are:

“only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:

- a. Evidence that the ... **labor needed** ... is greater than what could be reasonably expected of the property owner ...
- b. Evidence that farm help is an employee of the farm, and/or
- c. Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use.”

This property is a long-established dairy that is primarily developed on the adjacent 80-acre parcel, and is a longtime active dairy in the community. It is one of several owned by the Regli Dairy. Thus, it is a known “bona fide functioning farming or ranching operation.” The application narrative primarily states that the need for the quarters is for someone to reside on the property to help care for the dairy.

STAFF RECOMMENDATION: **Approval, as described below.**

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for a Temporary Use Permit for Temporary Quarters for Farm Labor on APN: 008-211-14, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.070(B)1, 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 Phil Regli of Regli Dairy to establish Temporary Quarters for Farm Labor at 1240 Soda Lake Road (APN 008-211-14). [**For APPROVAL the motion should ADD**] This approval is subject to conditions, as listed in the Staff Report.

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

1. The temporary quarters must comply with Churchill County Code
2. All required Building Department approvals and safety certificates must be obtained. A Setup Permit for setup of the temporary quarters must be obtained, including any required inspections of water, septic and electrical connections by the building department.
3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the property's main water well, power supply, and septic system, unless the Building Department deems that it is not feasible.
4. This temporary use permit is subject to annual renewal.
5. Once farmhands working on the property are no longer living in the RV it must be removed from the property and disposed of properly, or otherwise be made an approved use through other required permitting processes.

Application:	<u>Special Use Permit</u>		
Use Listing:	<u>Home Based Business for Custom Gun Building & Sales</u>		
Applicant:	<u>Chase Mills for Mills Firearms</u>	Owner:	<u>Mills Jersey Farm</u>
Site:	4675 Sheckler Road (APN 006-231-48) - 1 acre		
Designations:	Master Plan –Agriculture // Zoning – A-5		

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

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

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

The business will be run out of a large Out West Building shed on the property. The application primarily proposes to purchase/assemble custom parts for customers. There will be no employees besides the applicant. Hours of operation are standard daytime hours on 2 days per week (Sunday and Monday). Estimated customer visits are about 1 per week by appointment only. Parts delivery visits are expected to increase trip counts. No alterations that impact the well and septic are proposed.

While not stated on the application, the applicant has verbally provided additional information in the office and during a site visit. There will be no ammunition storage for sale, only personal use. Minor alterations of gun parts may be done to make them fit together. No parts fabrication for sale is involved. No test firing on-site is proposed. At the site visit:

- It was observed that the shed and access path almost certainly cannot accommodate disabled customers, and the applicant has committed to providing service to them at their car.
- It was observed that the interior of the shed was undergoing additional improvements for electrical and wall surfaces. These, in addition to the placement of the shed on the property need building department review and approval. The applicant committed to obtaining necessary permits and inspections.
- It was also observed that security was minimal for the shed as it exists, so the applicant committed to installing metal barriers on the window, upgrading the sheds door lock, and bolting the gun safe to the building.

The property is served by Scheckler Road, which is a paved State-maintained road located in a 65' road easement centered on the north property line. Utility easements run along the road easement and property lines.

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

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

The neighborhood is mainly agricultural, with an adjacent commercial operation (owned by the family), and with some similar residential lots nearby. A full-blown firearms business would not normally be

allowed in a residential neighborhood. But running the firearms business as a home business with only the owner as an employee could be compatible with surrounding residential and commercial uses, and the Planning Commission has approved such requests before. Staff recommends that customers be limited to appointment only, and that machining parts for retail sale should not be authorized.

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

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

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

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

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

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

- **Generally:** Changes to the residential septic system and water well should not be needed. The new sheds location does not affect setbacks and easements. The parking code (including handicapped parking) does not require parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined through the SUP, but the proposed parking area appears adequate. ADA accessible improvements are not possible for the shed, so the applicant must provide service directly to disabled customers at their vehicle. Similarly, the landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. No signage is proposed. New residences must pay County impact fees and dedicate water, but not an accessory home business.

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

There is no public sewer and water services on or near the site. A private water well and septic system currently exist on-site and can be used for the accessory Home-Based Business. Ammunition sales is not included in the business proposal, so it should NOT place additional demand or hazard on Fire service. Firearm businesses can attract a criminal element, which could place additional demand on Police service and a hazard to the community. Staff recommends ensuring the security of weapons and ammunition using a weapon safe, etc. The shed structure needs additional security upgrades to the window and door. The Sheriff and Fire Marshall are aware of the project and it will not overburden police and fire services. Public road infrastructure is discussed below.

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

Traffic trips (1 visit = 2 trips) for the business are minimal, with a handful per week. The street is paved. The driveway is graveled to the shop building. It is adequate for the small amount of customer traffic, and no mitigation is necessary.

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

Businesses with customer and employee traffic often have traffic impacts on neighboring uses, but in this case impacts will be minimal. A Federal Firearm License is required for the business and the applicant is in the process of applying for it. Secure storage of firearms and ammunition should be required to address issues of increased security for firearm businesses.

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APN 006-231-48.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – add additional findings:] Specifically, the proposal 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 special use permit application to establish a Home-Based Business for Custom Gun Building & Sales at 4675 Sheckler Road (APN 006-231-48).

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

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

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Chase Mills. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed gunsmithing and sales business. Adding other activities, such as firearms classes, large scale fabrication of parts, etc. is prohibited.
 - c. Business hours and customer visits are limited to “appointment only” and one at a time. Appointments shall be spaced to avoid customer overlap.
2. Firearms and ammunition shall be stored in a secure non-movable environment, such as a gun safe secured to the building. Window barrier and upgraded door locks shall be installed.
3. The applicant shall coordinate with the Sheriff and Fire Marshall annually to ensure their knowledge of the business in the neighborhood and implement any recommendations they have.
4. The project must be in conformance with County Code, including but not limited to:
 - a. No outside storage or signage have been approved.
 - b. All outdoor lighting (including for security) shall comply with the Dark Skies requirements.
 - c. A business license must be obtained and maintained.
 - d. At business shall provide direct service to disabled customers from their vehicle.
5. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	Special Use Permit	Use Table Listing:	Multi-Tenant Commercial Facility
Applicant:	Paula Gilmore	Owner:	Amazing Solutions LLC
Site:	4175 Reno Hwy. (APN 008-411-64) – 1.83 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-1		

Site History:

For a very long time this site held 3 buildings: 1 homes front and center along the highway, 1 home in the SE corner, and a shop in SW corner. Single family homes are not allowed in the commercial zoning districts, so these were non-conforming uses. Over time, the home along the highway was converted to a business, and lost its non-conforming status. It has been a cleaning business for a long time. The home in the SE corner continues to be used as a home and retains its non-conforming status; however the occupant also runs a home business for upholstery. In 2008, a long garage/storage building was constructed along the south property line that included a laundry for the cleaning business. Recently, the owner has gotten interested in renting space out for other businesses. There was an unpermitted auto repair business that has ceased. There is also storage space being rented in the original shop in the SW corner. The applicant was contacted by the Code Enforcement Official, which generated this application for a multi-tenant commercial facility that can rent business space or storage space to other businesses.

Proposal

The application proposes a multi-tenant commercial complex. Future tenants can change, and the immediate proposal is to allow the long storage building to house businesses. The current plan for the site is:

- (1) Continued use of the home in the SE corner of the property.
- (2) Continue the home business at the home in the SE corner of the property.
- (3) Continue the cleaning business in the building along the highway.
- (4) Allow the original shop in the SW corner of the property to be rented for storage or business space.
- (5) Allow the long building along the south edge of the property to be rented for storage or business space.
- (6) Allow a U-Haul business in the east end of the long shop with parking along the fence in front of it and along the west fence.
- (7) Allow existing signage for the complex (future signage can be proposed)
- (8) Possible future plans may include auto repair in the shop at the SW corner.
- (9) Possible future plans may include personal storage on the east side of the property (in front of the existing house).

NOTE that Staff recommends that the future auto repair and future personal storage **NOT** be approved at this time. They would come in for appropriate approval at the time they are to be established. Under the current code, both can be established without a Special Use Permit, and only need a Zoning Review. But additional details are needed.

NOTE that the primary purpose for a land use permit for a multi-tenant complex is that it is a change in use, it needs to meet current code requirements, and needs to be set up for multiple businesses (rather than one) to use the same space (especially for parking).

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

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

The property is zoned C-1 Commercial, as are the surrounding lots. Existing uses to the east and west are commercial. Across the highway is a blend of commercial and residential. To the south is farmland that is divided into lots intended to be commercial uses in the future.

Friction Zone standards apply for the residential uses across the highway, which require separate (easily met) and Landscape buffers (proposed for street landscaping). With friction zone considerations, the project is compatible with surrounding properties.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***The proposed multi-tenant commercial complex is a listed use*** in the use table for the zoning district, needing a SUP to be approved. The existing uses do not need to be reviewed again. ***The proposed U-Haul vehicle rental and the rental storage spaces*** are also listed uses in the use table for the zoning district, needing a Zoning Review. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11, under Gateways to the Community, states: "The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Thus, special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development fronting the major highways must adhere to appropriate landscaping and signage requirements, and only those land uses that are aesthetically appealing should be encouraged."

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

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

Compatibility issues are discussed under criterion 1, above. Regarding visual quality issues, the application proposes extensive landscaping, and signage will meet code requirements. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Setbacks and Easements:** The C-1 zone has a 60' front/street setback, being measured from the Hwy 50 property line. The side setback is zero. The rear setback is 10'. No new buildings are proposed. Future buildings will need to meet setbacks.
- **Friction Zones:** The friction zone between commercial and residential uses requires separation and a landscape buffer. The residences are across the highway providing extensive separation. The applicant proposes landscaping along the front and side property lines, meeting the buffer requirement.
- **Office, sewer, and water facilities:** The commercial complex leasing office will be operated by the owner from the cleaning business building. The complex will use the existing water well and septic systems (there are two). Additional businesses may trigger the need for additional septic system improvements in the future. Permanent facilities for employees and customers exist for existing

businesses, and are proposed for the U-Haul and storage businesses (including ADA accessible improvements). Future personal storage and auto repair businesses may need additional improvements.

- **Outside Storage Requirements:** Outside storage is not proposed. A future auto repair would need a screened storage area, as would other future businesses that have outside materials storage.
- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking for certain businesses. The Director determines parking for non-listed businesses.
 - The cleaning business building is approximately 1500 sf.
 - The shop in the SW corner is approximately 2000 sf
 - The long building along the south edge is approximately 5000 sf

The complex has approximately 8500 sf of possible retail space, which would require 28 parking spaces at full retail utilization. The complex will not be fully retail at this time, so the full amount is not necessary. The applicant proposes 25 spaces, including 1 ADA accessible space, though the site plan does not delineated them in fine detail. Site measurements appear to show that the parking along the rear of the cleaning business building can fit 10 spaces, and the parking along the west side of the cleaning business building can fit 13 spaces, and 2 spaces can fit in front of the U-Haul office front, all of which totals the indicated spaces. Parking for future businesses will need to show that they fit within the available parking, or additional parking areas will need to be set aside and/or improved.

The Parking Code requires that the complex have **one loading space** that doesn't obstruct driveways or occupy parking spaces. There is extra space on the parcel at this time for a loading space. Future businesses and their parking needs may require more careful identification of the loading space. Additional building construction may require an additional loading space.

- **Landscaping:** New and expanding businesses normally require a 10' landscaping strip along the street frontage. In addition, the parking lot facing residential properties requires a landscape buffer. The proposed landscaping on the site plan provides street landscaping that meets these requirements. Also parking lot trees are required at 1 tree/15 parking spaces, and existing trees meet this requirement.
- **Lighting:** The application and site plan mention parking lot lighting, but do not provide details. Existing and new outside lighting must meet the Dark Skies Ordinance requirements for lights to shine down, and be screened to not shine horizontally or upward.
- **Signage Requirements:** There are 2 existing signs for the property of modest size. The complex can have a multi-business sign, but no additional signs are proposed at this time. The sign code limits wall signs (including fences) to 10% of the wall face. Freestanding signs (on pole or monument structure) are limited to 140 sf. and 20' high. A future multi-tenant sign will need a Sign Plan per the sign code.
- **Water rights and impact fees:** The site has an existing well that will be used for all businesses, so water fees will not apply. New businesses are subject to the impact fee for roads when they are established.

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

There are no public sewer and water systems nearby. The site currently operates with a water well and 2 septic systems. Gas, power and telecommunication services exist on-site. Infrastructure will not be overburdened. Public road infrastructure is discussed below.

Police and fire service demand will be increased somewhat for new businesses. Both service providers are aware of the project. Services will not be overburdened.

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

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved NDOT facility, lying within its own strip of land. NDOT has three common issues they look for: (1) paved access aprons, (2) limited points of access on a frontage, and (3) in urban areas they want urban improvements (curb/gutter/sidewalk). While the site does not meet these general criteria, the applicant indicates they have contacted NDOT, which indicates it is satisfied with the current access situation. Notice of the project was sent to NDOT and no comments have been received. Conditions are recommended to install any improvements NDOT requires in the future.

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

The possible environmental impacts are:

- (a) Vehicle traffic from multiple retail facilities. However, the extensive traffic on the highway will far exceed traffic from the complex.
- (b) Customer traffic could generate dust from the large unpaved parking lot. However, it is covered by well compacted gravel, which will minimize dust.

STAFF RECOMMENDATION:

APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APN 008-411-64.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Special Use Permit application for the Paula Gilmore to establish a multi-tenant commercial facility, including authorization for a U-Haul business and a storage rental business, **BUT NOT APPROVING** the mini-storage and auto repair businesses at this time.

ALL LOCATED at 2254 Reno Hwy. (APN 008-361-50)

[For APPROVAL the motion should ADD]

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

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

- 1. This permit is subject to review in 1 year to confirm compliance with conditions.
- 2. The entire property must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.

- b. All necessary building permits must be obtained.
 - c. Necessary modifications shall be made to meet Code requirements, including any changes discussed in the staff report to outdoor lighting, installation of landscaping, etc.
 - d. Future businesses and site alterations must conform to code requirements, and necessary improvements must be installed before business operation.
3. New businesses locating in the complex must be reviewed by the Public Works and Planning Dept. before moving in to determine any special permitting requirements, and any improvements needed to meet code requirements.
 4. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
 5. Any state highway access permits required by NDOT shall be obtained, and all required improvements shall be installed.

Application:	Special Use Permit		
Use Table Listing:	Private Gathering Facility for motorcycle club, w/alcohol service, and evening/weekend hours		
Applicant:	POBOB Motorcycle Club	Owner:	Rod and Cindy Stewart
Site:	2170 Reno Hwy. (APN 008-361-51) – 1.75 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

Proposal

The applicant is the Churchill County chapter of POBOB MC. According to the website (using a simple internet search) for the mother/originating chapter of the organization, the initials stand for the “Pissed Off Bastards Of Berdoo Motorcycle Club,” or sometimes “of Bloomington.” According to multiple sources, the POBOBs pride themselves on being 1%-ers, meaning they are they are not among the 99% of motorcyclists that are law abiding citizens (as once described by the American Motorcycle Association).

The application proposes to establish a Private Gathering Facility for a motorcycle club. This use category is for clubs (such as fraternal organizations, etc.) and event facilities (such as reception halls). The application also includes alcohol service for club members and events, and evening/weekend hours of operations, both of which also trigger the need for special use permits. Most of the time, gatherings are for just club members one or two times a week, and normally under 20 people. Gatherings are both inside and outside in the front parking lot. Occasionally, large outdoor events will be held outside in the parking lots and rear area depending on the size, though the frequency and size is not specified.

The site has extensive utility lines and easements running along the north edge of the property. In the last 15 years, the County sewer and water systems were extended down the “alley” behind the property. This not a real alley, since it has no road easement. It is the former location of the old US 50 highway, which was abandoned, and the land attached to adjacent lots.

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

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

The property and lots to the east are zoned C-2 Commercial, all of which are used for commercial purposes, mainly retail. To the north and west, properties are zoned C-1 Commercial; with the west property vacant and approved for a casino, and the north property occupied by a mobile home park (multi-family residential). To the south of the site is the Reno Highway and the Fallon City Limits with commercial uses.

The regular, smaller gatherings will be inside or on the street-front parking lot and will be compatible with adjacent uses, including the residential use to the north. The occasional, large, outside events will have extensive effects on the residential use to the north: many people, activity noise, loud motorcycle noise, and generally more traffic. See Criterion 5 for details. These impacts will cause compatibility problems with the residential use to the north, and need to be mitigated. Staff recommends that a 6’ masonry sound wall (such as cinder blocks) be installed along the north line and connect to the sound wall required for the casino that was approved on the adjacent west-side property . This will ensure a sizable separation for event activity and traffic, reduce noise, and help block vehicle lights.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***The proposed use is a listed use*** in the use table for the zoning district, needing a SUP to be approved. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11, under Gateways to the Community, states: “The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Thus, special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development fronting the major highways must adhere to appropriate landscaping and signage requirements, and only those land uses that are aesthetically appealing should be encouraged.”

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

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

Compatibility issues are discussed under criterion 1, above. Regarding visual quality issues, the site is already developed, and includes existing landscaping and signage. The proposed development must conform to the County Development Code. Conditions of approval will address specific issues.

- **Setbacks and Easements:** The C-1 zone has a 60’ front/street setback, being measured from the Hwy 50 property line. The zone has no side setback requirement, and has a 20’ rear setback (where abutting residential zones or uses). The existing buildings do not meet the front setback, but are grandfathered in. Otherwise, setbacks are met.

There are extensive utilities along the north property line, including for Co. sewer, Co. water, power, and gas. The property is connected to all of them. The utility easement is 40’ wide resulting from multiple actions in the past.

- **Friction Zones:** A friction zone is normally required between commercial and residential uses. However, both properties have been developed for a long time, and are grandfathered before the code requirement. However, a sound wall is recommended due to the outdoor events.
- **Office, sewer, and water facilities:** The site is connected to the County’s water and sewer systems at the rear of the property. Permanent facilities for employees and customers exist. ADA accessible improvements were not previously installed (though the ADA laws have been in effect for a long time), but they are in the works to be installed.
- **Outside Storage Requirements:** Outside storage is not proposed
- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking, for certain listed uses. For non-listed uses, the Director determines the required parking. The existing retail spaces have paved parking spaces on the west (over 20), south (8), and east (8) sides of the complex (including handicapped spaces), which seem to be adequate for retail and service uses. However, the proposed gathering facility is not retail, so additional consideration is needed.

Since the gathering facility is to be used mainly in the evening and weekends, when the retail shops are not active, these parking spaces are available for use by the applicant. So the Director determines that adequate parking is available for the standard gatherings of club members. This is not the case for the occasional outdoor events. But there is extensive additional space on the north side of the complex - being a gravel area. The Director determines that this is adequate for overflow and event parking. The parking spaces number requirement is met.

The Parking Code also requires parking lots adjacent to residential uses (the mobile home park) to be screened to the Directors approval. The existing situation is grandfathered before the code requirements. But Staff recommends a 6' foot sound wall along the north side to mitigate event parking, noise, and traffic impacts. Parking lots are not normally allowed to have wide open access onto the street, with parking spaces that require back into the road right-of-way, but the existing parking in front of the proposed meeting hall nearly do so. Unfortunately, there is no alternative layout that prevents doing so. NDOT has been notified, but no comments have been received.

- **Landscaping:** New and expanding businesses normally require a 10' landscaping strip along the street frontage. However, the storefront's existing parking area directly abuts the street, so landscaping is not possible. In addition, parking lot trees are required at 1 tree/15 parking spaces. The site has existing landscaping, and generally meets these requirements. As noted above, a 6' masonry sound wall is recommended on the north side abutting the residential use.
- **Lighting:** No changes to lighting are proposed. Events that extend into the evening may need additional lighting that must meet the Dark Skies Ordinance requirements for lights to shine down, and be screened to not shine horizontally or upward.
- **Signage Requirements:** No freestanding signs exist for the site. Wall signs exist for the gathering facility and have already been re-faced for the club. The sign code limits wall signs to 10% of the wall face. It is unclear if it meets the standard, but the existing sign is grandfathered.
- **Water rights and impact fees:** The water and road fees are normally required with new building permits. However, the existing building is not subject to the fees.

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

There is a utility easement along the rear of the property for the County sewer and water system mains. The site is connected to the County sewer and water systems. The County systems have adequate capacity to serve the facility. Gas, power and telecommunication services exist on-site. Infrastructure will not be overburdened by the project, but the rear utility easement should not be obstructed by the recommended sound wall. It should be placed outside the easement. Public road infrastructure is discussed below.

Fire service demand will be increased somewhat for a gathering facility, but the small membership should result in small demand. The Fire Marshal is aware of the proposal, and existing services will not be overburdened.

Police services are likely to be affected. The Sheriff has expressed concerns about the proposal, and recommends that it be denied. The Sheriff has also requested additional time to gather information to present to the Planning Commission, indicating that club members have had extensive contact with law enforcement ranging from traffic violations to possible felonies. At least some of the traffic violations relate to official activities of the club. Also see Criterion 5 regarding hazards to public safety.

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

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved NDOT facility. The highway lies within its own strip of land. NDOT has three common issues they look for: (1) paved access aprons, (2) limited points of access on a frontage, and (3) in urban areas they want urban improvements (curb/gutter/sidewalk). The site has paved access aprons. The site has partial urban improvements at the east end of the frontage; however, the south side parking lot and Fallon Physical Therapy frontage prevent installing urban improvements in these areas. There are defined access points for the driveways on the east and west sides of the complex, but the south side parking lot (the 8 spaces directly in front of the meeting hall) has a wide-open access onto the highway with parking spaces that back nearly onto the right-of-way (though not the case for motorcycles). There is no way to reconfigure these parking spaces to prevent the situation. NDOT has been notified of the project, but has not provided comments at this time.

The application estimates approximately 50 trips (25 visits) during regular meetings (a couple times a week), and these will mainly be after rush hour traffic. Minor impacts are anticipated. The occasional events are estimated to have up to 250 trips (125 visits). While events may have substantial impacts, they are uncommon, being only a few times a year. So no mitigation is needed.

The Sheriff described recent POBOB activities that created traffic hazards, specifically when all the motorcycles rush out into the roadway at the same time without regard to oncoming traffic, or where a member stops traffic in the road to do so. Such activities create hazards for other drivers. The Sheriff intends to provide additional details at the meeting.

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

Any environmental impacts will most affect nearby residents at the mobile home park. The possible impacts are:

- (a) Disturbances from outdoor events on the north side of the lot that disturb the adjacent residential use. Impacts include activity noise from many people, loud motorcycle noise, and generally more traffic. These event impacts can also extend to evening hours, which will increase light impacts from event lighting or headlights that shines at the mobile home park. Staff recommends a view obscuring 6' sound wall along the north side of the property to address these impacts.
- (b) Excessive use of the "alley" between the business and the mobile home park, would result in traffic that most affects the mobile home park residents. The recommended sound wall would prevent use of the "alley."
- (c) Dust from a large gravel parking lot during events and increased dust and traffic on the "alley" could be a problem for nearby properties and residents. The wall along the north side of the parcel would greatly reduce impacts from use of the alley.
- (d) The Sheriff indicates that the POBOB MC has been designated as a criminal organization in other jurisdictions, and based on the conduct of members of this club in Churchill County, will adversely impact the safety of citizens here. The Sheriff intends to provide additional information at the meeting. See Criterion 4 regarding traffic hazards. He recommends denial of the application based on the club creating a hazard to public health, public safety, and the general welfare of the community residents.

STAFF RECOMMENDATION: **CONTINUE THE APPLICATION TO THE NEXT MEETING TO ALLOW GATHERING OF ADDITIONAL INFORMATION**

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 16.08.080(H) on APN 008-361-51.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Special Use Permit application for the POBOB Motorcycle Club to:

- (a) establish a Private Gathering Facility
- (b) authorize alcohol sales
- (c) authorize evening and weekend hours of operation
- (d) authorize outdoor events

at 2170 Reno Hwy. (APN 008-361-51).

[For APPROVAL the motion should ADD]

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

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

1. This permit is subject to annual review to monitor compliance with conditions.
2. This permit is only for the Churchill County POBOB MC at the proposed location. This permit may not be transferred to another operator or location.
3. Any criminal activity at the property, at any event sanctioned by the Churchill County POBOB MC, or by a group of individuals associated through club membership shall be cause to deny the renewal or instigate revocation of the Special Use Permit.
4. Events are limited to 3 per year. Events shall not extend past 10:00 at night. Event attendance is limited to 125 people at a time, and shall be controlled by the applicant.
5. Live amplified music by bands or DJs is not allowed outdoors, including at events. Otherwise, the applicant is responsible for controlling excessive noise from playing background recorded music, microphone amplified speaking, etc. without causing a public nuisance.
6. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary building permits must be obtained.
 - c. Necessary modifications shall be made to meet lighting, signage, and other code requirements discussed in the staff report.
7. A 6' masonry sound wall shall be installed along the north side of the property, located at the edge of the utility easement, and (where possible) connecting to sound walls or barriers on adjacent properties in a manner to prevent/discourage access to the "alley".
8. Any necessary permits for access or improvements shall be obtained from NDOT, and any required improvements must be installed.
9. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
10. All state and/or federal permits required for this type of business shall be obtained and maintained, including those for serving alcohol.

Application:	<u>Variance from street setback</u>	Use Listing:	<u>Agriculture & Residential</u>
Applicant:	<u>Dan Connor for Lissette Kroepelin</u>	Owner:	<u>Lissette and Willis Kroepelin</u>
Site:	125 Clover Dr. (APN 006-751-24) – 5.17 acres		
Designations:	Master Plan –Agriculture // Zoning – A-5		

Proposal: The subject property includes a farmstead and 3-4 acres of irrigated farm land. The applicant is contracted to build a garage/shop structure for the owner at the edge of the farmstead. The chosen location is near the road. The applicant began a building permit with the Building Dept. and was initially told a setback distance. But that was learned to be in error, and the applicant was contacted and informed of the correct setback distance. Excavation and forming for the foundation had already been performed. The applicant does not want to lose the cost of that work and requests a Variance from the street setback requirement for the A-5 zoning district found in Table 16.16.020.1.

The property is a corner lot, being the NE corner of the Schurz Hwy./Clover Dr. intersection. Clover Dr. is a slow speed road (25 mph) with a 30' setback from the edge of easement or right-of-way property line. Schurz Hwy. is a high speed road with a 60' setback. Since the proposed shop faces Clover Dr., the setback for it is 30'. The road easement for Clover Dr. fronts the property, but is entirely on the adjacent property. Thus the setback is measured from the property line. The applicant found the property line and measures the requested setback as 21' 6", a 29% reduction. **Note that** the site plan shows the shop at 34' from center of road; but that is in error since half of the road easement is 30'. A site visit confirms the proposed setback from the property line.

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 existing lot is regularly shaped with the farmstead in the SE corner of the property, and has no special circumstances. The applicant indicates that the requested distance is on the same line as the well. If the variance is not approved, the excavation and form work will need to be abandoned and redone at a new location meeting the setback. Often these instances are caused by the applicant themselves, but apparently the Building Dept. accidentally provided the wrong distance. This creates an exceptional condition, and the request is not excessive.

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.

Strict application of the setback would require that the excavation and form work be abandoned and redone at a new location meeting the setback. Often these instances are caused by the applicant themselves, but apparently the Building Dept. accidentally provided the wrong distance. Meeting the standard would create an exceptional difficulty, and the request is not excessive.

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.

Clover lane is a short road only serving 5 parcels. The 29% reduction of the setback is not excessive, and will not be detrimental to other properties.

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

The purpose of street setbacks is to provide a safety separation from traffic, reduce road noise impacts on homes fronting the street, reduce proximity of vehicles to people using the front yards, and provide a consistent street image to neighborhoods. The small 29% reduction should have little effect on these measures, especially given the low traffic levels, and few lots being served by the road.

STAFF RECOMMENDATION: APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.090(F) on APN 006-751-24, as described in the Staff Report.

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for a Variance from the street setback requirements in Churchill County Code Table 16.16.020.1 for Lissette Kroepelin at 125 Clover Dr. (APN 006-751-24).

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 setback is only for the proposed garage, and 21.5 feet from the property line.
2. The approval of this variance expires one year from the date of the final decision. Construction of the garage/shop must be begin before expiration.

Application:	Special Use Permit
Use Table Listing 1:	Fabrication with outdoor activities
Use Table Listing 2:	Large Vehicle Sales/Rental (sheds and storage containers)
Applicant:	Out West Buildings - represented by Ed Erxleben
Owner:	Ragtown Real Estate LLC – Mike Stremmler and Irvin Plank managing members
Site:	7450 & 7490 Reno Hwy. (APN 007-251-52 & -53) – 9.85 acres & 3.71
Designations:	Master Plan – Urbanizing // Zoning – C-2

Site History:

This site and this business have a complicated history characterized by County Code requirements falling through the cracks. This includes multiple County staff missing the requirements too. However, there is an important principle involved. The legal standard is that it is up to people to follow the laws, it is not up to the government to catch them. This often occurs in the development world where people inadvertently or purposefully do not obtain permits, or they build facilities contrary to development standards.

While the site has been getting a temporary pass for a long time, it still needs to be brought into conformance with County Code. Consequently, the site is technically in violation. Since the owner had interactions with County Staff who also missed the requirements, Staff is trying to work with the applicant to bring the site into conformance, and this application and the associated variances are intended to do so. Staff, the applicant, and the business owner have been discussing code requirements for a couple months. The essence of the 3 variances is that the business owner does not want to change anything to meet the code requirements because they were not told to meet them during previous Staff contacts.

Below is a summary of County permitting and licensing history from County records.

Business Licenses

Note that business licensing follows well after construction of the current site, and probably for other sites.

- Business License records indicate the business started in Hazen at 111 Reno Hwy, though a business license for that site was not issued, and no specifics are known.
- The business license was moved to 5871A Reno Hwy in Jan 2015, and ended around 2018. It was understood that customers purchased sheds that were built elsewhere and shipped to the store or purchaser.
- The business license was moved to 7450 Reno Hwy. in 2018; however, it appears the business actually moved much earlier (2016). No change to manufacturing was noted at the time, but the business license person learned about it later and assumed the business had necessary permits.

Building Permits

Building permits for 7450 Reno Hwy. started in early 2016 (much earlier than business license date)

- Building permit for the arch-building: application in Feb 2016 / certificate of occupancy in Dec 2019. Notes in the building permit file talk about it being for manufacturing, but neither the business nor the building department informed the Planning staff.
- Building permit for the office: application in Feb 2016 / certificate of occupancy July 2016.
- Building permit for metal building: application in Jan 2020 / certificate of occupancy Nov 2021

Planning Permits

- Special Use Permit to establish an agricultural residence on the site, but it appears it was not followed through and was terminated. It was assumed the business had all its other permits.

Code Enforcement

- Planning Director Michael Johnson served as the County's code enforcement official until the current person took over the work. He did work with the business to get some required code items implemented, though it appears he too did not catch all requirements.

Fabrication/manufacturing has always required a Special Use Permit in the current and previous business locations, and the business should have obtained it when the shed fabrication operation began. On inquiring with other County Staff, when the business operated at 5871A Reno Hwy, it was not known to be doing manufacturing. Had it been, it would have required a Special Use Permit. When the business moved to 7450 Reno Hwy., the business license person assumed it was doing the same activity and did not know that the business was doing fabrication. It should have obtained a new Special Use Permit then. In addition, the new building in 2021 should have also obtained a special use permit for the expansion.

In short, while the business obtained business licenses and building permits, the business did not obtain the special use permit. After the business got established, it appears things fell through the cracks. In subsequent contacts, it may be that Staff:

- Was not informed of the fabrication when established, and/or
- Did not realize the business had changed to fabrication, and/or
- Did not realize that a Special Use Permit was needed for fabrication, and/or
- Assumed the business had already obtained the required permits.

Perhaps it was all of these, over time. Ultimately, the business flew under the radar and got a free ride to this point. This Special Use Permit will bring the property into compliance.

Proposal

The application proposes to authorize the existing fabrication facility for fabricating a variety of sheds. In addition, the site sells the sheds, as well as selling/renting cargo containers. Since the Use Table does not have a specific listing for selling/renting large sheds and cargo containers as a retail business, the Director has determined that it is most similar to "Large Vehicle Sales/Rental", which requires a Special Use Permit in the C-2 zoning district. Both Uses are reviewed in this Special Use Permit.

Associated with this application are 3 Variances to waive or partially wave 3 code standards. **Staff does NOT** recommend full approval of them all. The applicant requests to:

- waive the street setback for their shed and cargo container display models
- waive the street landscaping requirement
- partially waive the screening requirements for outdoor materials storage

The site plan shows a detailed layout of operations on the two properties. Below is a summary:

- Shed product display takes place close to the highway, along with the business sign.
- A sharp hairpin-curve driveway takes access off of the highway on the smaller property, leading to the business office.
- One existing office building faces the highway with parking in front of it, and with security fencing connecting into the sides.

- A 2nd office building is proposed next to the first, in addition to authorizing the overall uses and existing buildings.
- Behind the offices is a large, open-ended arch building where much of the shed fabrication takes place.
- The arch building is surrounded by a large materials storage area (particularly along west side of the fabrication yard) and a fire protection water storage tank. A screen fence is proposed along the west side of the fabrication yard, though it appears the labeled fence may actually be further west.
- In the NE area of the property is a newer (2020) building used for finishing and other work.
- The east half of the property contains temporary storage for completed sheds, mainly along the SE and east property lines. In addition, rows of completed or near-completed sheds are stored within the property.

Land ownership - The business owners are partners of Ragtown Real Estate LLC, which also owns much of the surrounding land. The main business operations take place on the ~10 acre site. But the ownership includes:

- The adjacent property to the west is included in the application. It is a strangely shaped lot in the rough shape of a “question mark”. The property used to contain a motel that has become derelict, and mostly removed.
 - The south-most area includes the business’s access onto US 50, and a commercial well (previously for the motel) that serves the business. It also includes a residence that is rented. And recently, the concrete slab (former building site) is used to display cargo containers for rent/sale.
 - The east side of the property has been made part of the fabrication business area. The owner has agreed to extend the fence screening along this area due to the residence and general screening requirements.
 - The north area has been cleared, graveled, and fenced. (It used to contain an extensive amount of junk.) While it had stored some cargo containers, the applicant states that it is NOT to be part of the business.
- Another lot to the west is owned by Mike Stremmer alone, and contains a residence that is rented.
- There is an L-shaped residential property (mostly vacant) lying on the north side, and the north portion of the east side. It contains a residence that Mike Stremmer lives in part-time, when in the area. It could also be rented. The owners are considering future commercial uses for the property (possibly RV storage) but have no immediate plans for it.

The south portion of the east side is under separate ownership. The south side is under NDOT ownership (US 50) and the Churchill County Mosquito Abatement District. **Note that** it appears that Out West Buildings appears to be using part of the Mosquito Abatement District property. This should be resolved.

Note that the broader ownership of Ragtown Real Estate somewhat complicates the review of development standards that apply between commercial/ industrial uses and adjacent uses, especially residential uses, and this matter is discussed throughout this Staff Report.

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

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

The property is zoned C-2 Commercial, as are all adjacent lots on all sides (including south of the highway) and eastward along the highway. Zoning a bit further away includes Industrial (to the west) and A-10 Agriculture (to the north, south, and east). Nearby uses include the Mosquito Abatement District facility, and the Western States Hemp facility (across the highway). Other uses are residential, including the 3

residences owned by the business and several nearby residences to the SW. Outside the immediate area are extensive agricultural fields.

The proposed outdoor fabrication operation includes extensive construction-related noise and truck noise. This would normally be incompatible with the adjacent residential uses, but the business owners own those. County Code includes development standards that apply between commercial/ industrial uses and adjacent uses, including the residential uses owned by the business. These will be applied in this case, as described in Criterion 2, because they are still used as residences and can be sold at a later date.

However, their ownership by the business complicates the normal determination of compatibility. As a general rule, when compatibility issues arise in permitting, an objectionable use might not be allowed to establish next to other uses (especially residences). On the other hand, residences being established next to an existing objectionable use have foreknowledge of it and the compatibility issue may not apply.

In this case, the business owner also owns the residences. This mitigates the normal compatibility issue, and future purchasers of those residences will have foreknowledge of the situation. The proposed use is compatible with surrounding uses.

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

The **Master Plan** establishes land use districts that are implemented by the zoning districts. ***The proposed uses are listed uses*** in the use table for the zoning district, needing a SUP to be approved. Most Master Plan policies are not applicable to the development of commercial uses or are neutral in terms of general commercial activity. The main applicable section in the Master Plan is Chapter 11 Land Use, which requires protection of the community from new development.

Chapter 11, under Gateways to the Community, states: "The appearance of a community as seen from the main streets and highways expresses the community character and leaves a lasting impression on visitors and potential future residents and businesses. Thus, special attention should therefore be given to the types of land uses that are permitted along these corridors... To promote a positive image of the County, all development fronting the major highways must adhere to appropriate landscaping and signage requirements, and only those land uses that are aesthetically appealing should be encouraged."

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

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

Compatibility issues are discussed under criterion 1, above. Regarding Gateway issues, the application proposes Variances to waive the requirements that would present a positive image for the community. Staff DOES NOT support full approval of those variances, though some amount of reduction to the requirements may be acceptable. These are described in detail in the review of the application for the Variances.

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

- **Setbacks and Easements:** The C-2 zone has a 60' front/street setback, being measured from the Hwy 50 property line. This applies to all structures, including sheds and cargo containers. The office for the existing facility meets the setback. But the sheds and cargo containers are placed at or near the property line and have never met the setback. The applicant proposes a Variance to waive the entire

setback to allow the sheds and containers to be placed at or near the property line. Staff recommends AGAINST waiving the entire setback, as described in the Variance review. Staff recommends that the SUP conditions of approval require meeting the street setback except as approved in a Variance.

The C-2 zone has a zero side setback requirement and a 20' rear setback, once outside the front setback. Sheds and cargo containers have a 5' setback from side and rear property lines, again once outside the front setback. Sheds and containers appear to be kept away from side and rear property lines, meeting those required setbacks.

There are utility easement in the property. Of particular concern is that County GIS records show an easement owned by NV Energy and CC Com running through the middle of the property. Somehow all three existing buildings on the property have been built on the easement. It appears the easement is not in use, but the matter should be resolved, probably through abandonment of the unused easement. It is possible this has already been resolved. Other utility easements exist along some, but not all property lines.

The north property lines of both subject parcels follow the centerline of the major N-Line Canal, which is centered within a 100' irrigation easement. An existing fence appears to be located at the edge of the easement.

- **Friction Zones:** There are 3 residences near the fabrication business. These are all owned by the business, and are rented or used by business staff, but could be sold in the future. Friction Zone standards require a 200' separation between buildings, a landscape strip along common lot lines, and may include a sound wall. The residences are well over 200' from business buildings. The properties with the residences have substantial landscaping between the homes and business property. This is adequate to be considered as the landscape strip, but the business should not be allowed to remove the landscaping while under the ownership of the businesses or partners. Since the residences are owned by the business, a sound wall is not required.
- **Office, sewer, and water facilities:** The site is served by an on-site septic system. The water service for the business comes from a commercial well on the smaller property. The business has a permanent office and restroom facilities for employees and customers, and ADA accessible improvements are built or planned.
- **Outside Storage Requirements:** Outside material storage is part of the business, and the Code requires screening of such areas. When the applicant was in contact with the Planning office regarding screening in 2017 or 2018, partial screening was installed. The business is proposing a variance to partially waive the screening requirement. The entire central area around the arch building is used for outdoor material storage, especially along the west property line of the main 10 acre lot.

South side - The current operation has a screened fence along part of the south side of the storage area (connecting into the office building), though it is not complete and parts need to be filled in.

West side - The storage area is readily visible from the residences to the west, and the business has proposed screening that fence line.

North side - The applicant proposes to waive the screening requirement. The view of the storage area from the north is obscured by cargo containers, sheds under construction, a building, and somewhat by the elevated canal berm.

East side - The applicant proposes to waive the screening requirement. The view of the storage area from the east is obscured by completed sheds stored in rows along the south and east property lines, and within the site, a building also provides some screening.

The review of the Variance request finds that the proposal seems to provide adequate screening. Staff recommends that the SUP conditions of approval require meeting the screening requirement, except as approved in a Variance.

- **Parking and Loading Requirements:** The parking code provides calculations for determining required parking for manufacturing uses as 1 per employee plus 5 spaces for customers, including 1 ADA accessible space per 25 parking spaces. The application states that there are 18 employees. The required parking would be 23 spaces, 1 of which must be an ADA space.

The application proposes 20 spaces including 2 ADA accessible space on the Zoning Review sheet, plus it added 2 spaces near trees at the SW corner of the fenced area on the office building site plan. The site plan does not show a specific count of spaces, but a measurement of the parking areas indicates there is space for at least 25 spaces. The parking spaces requirement is met. All parking areas are currently graveled. The Parking Code also requires parking lots adjacent to residential uses to be screened – being the residence on the smaller of the subject parcels. Vegetation between them already exists and is adequate, but should not be removed in the future.

The Parking Code requires multiple **loading spaces** for the business, and the interior of the property has extensive excess area to serve that function.

- **Landscaping:** New and expanding businesses must normally meet the landscaping code requirements. When the applicant was in contact with the Planning office regarding landscaping in 2017 or 2018, the landscape code required 10% site landscaping (~1 acre), in addition to the requirements below; but that requirement has since been eliminated. The business decided to provide some landscaping on the septic system area next to the office, but that area is no longer required by code. On the other hand, the other landscape requirements were not addressed at that time. Acceptable landscaping may include decorative rock for ground cover, mounds, boulders, decorative items like antiques, trees, shrubs, etc.
 - Parking lot trees are required at 1 tree/15 parking spaces. The applicant has placed an extra 2 spaces at the SW corner of the fabrication yard fence so that the trees there can count for the required trees.
 - Parking lots facing residential properties require a landscape buffer. The extra 2 spaces noted above are facing the residential property to the west, so a landscape buffer is required. Existing vegetation on the property between the home and the parking spaces serves this function. Staff recommends that this vegetation be maintained as long as the business owns the property.
 - A 10' landscaping strip along the street frontage is required. The business had submitted a Variance request to fully waive the requirement. Staff recommends that the request be denied since the business is along a "Gateway to the Community" road - see the Master Plan policy discussion above. If a substantial reduction of the street setback is approved, the landscaping requirement is particularly important to visually mitigate the closeness of the sheds to the right-of-way. Staff recommends that the SUP conditions of approval require meeting the landscaping requirement, except as approved in a Variance.
- **Lighting:** The application does not mention outdoor lighting. Any existing and new fabrication yard, parking lot, and building lighting must be replaced/installed to meet the Dark Skies Ordinance requirements so that lights shine down, and are screened to not shine horizontally or upward. Also see sign requirements discussion below regarding the existing sign's extremely bright light levels.

- **Signage Requirements:** One existing freestanding sign is on the property – its dimensions are provided in the submittal. It meets the dimensional standards. However, the Director finds that its extremely high level of brightness presents a hazard to the traveling public, thereby making it a Prohibited Sign under the sign code. Staff recommends that the SUP conditions of approval require lowering the level of brightness to a level determined safe by the Director, and maintained at a safe level.
- **Water rights and impact fees:** During previous building permits, the water dedication was met, and the road impact fee was paid.

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

No public sewer or water systems exist in the area. The site is served by an on-site septic system. The water service for the business comes from a commercial well on the smaller property. Gas, power and telecommunication services exist on-site. Infrastructure will not be overburdened, though the utility easements on which the 3 buildings were built should be resolved. Public road infrastructure is discussed below.

Police service demand is increased somewhat for a new business, but existing services are adequate. Fire service demand is more significant due to the large volumes of lumber and other flammable materials involved with fabricating sheds that have no benefit of fire resistant construction. The Fire Marshal has worked with the business over the years regarding the potential for a large fire, and has required a water storage tank be located north of the arch-building. Police and fire services will not be overburdened.

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

County Code requires the site access to meet County or NDOT standards. Access for the site is taken from US 50, a paved state-maintained highway that lies within its own strip of land. The application estimates less than 100 daily trips (1 visit = 2 trips), and provides a breakdown of them. Most will be passenger vehicles, and some will be large trucks for materials delivery or product (sheds) delivery. The highway has capacity to handle the volume.

NDOT has three common issues they look for: (1) paved access aprons, (2) limited points of access on a frontage, and (3) in urban areas they want urban improvements (curb/gutter/sidewalk). Urban improvements do not apply. The access to the site is paved and uses a single point of access.

However, an unusual circumstance for the business layout is that the applicant purchased the smaller property (formerly the motel) partly for its paved highway access so that the business did not have to get approval from NDOT or pay the cost to build a new access. This has resulted in the need for a hairpin-turn driveway off of the highway to reach the business, as seen on the site plan. This requires trucks traveling eastward to slow to a near stop on the highway as they negotiate the turn.

NDOT requires that new uses and changes of use (such as from motel to fabrication) may trigger additional permitting or improvements. NDOT has been contacted regarding the possible safety issue, and notice has been sent. But it has not provided comments at this time, and Staff understands that a severe NDOT staffing shortage may be the cause. Staff recommends a condition of approval that any future requirements for permits or improvements required by NDOT be obtained or implemented.

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

Any environmental impacts will most affect nearby residents of the nearby homes. The possible impacts are:

- (a) Continuous noise from fabrication activity and truck traffic would normally be a serious impact on residences. However, the residences are owned by the applicant. Otherwise, friction zone standards are implemented. If the residences are sold in the future, purchasers would have fore-knowledge of noise issues.
- (b) Commercial traffic exiting the highway and using the hairpin driveway will most impact the two residences west of the fabrication yard. However, the business owns those residences and friction zone standards are implemented. If the residences are sold in the future, purchasers would have fore-knowledge of traffic issues. Also see Criterion 4 regarding traffic hazards.
- (c) Dust from a large open fabrication yard can affect adjacent properties. The yard is graveled which will mitigate wind driven dust and vehicle generated dust to a minor level.
- (d) The excessively bright sign along the highway frontage causes night driving difficulties due to glare and loss of night vision. Staff recommends that the SUP conditions of approval require lowering the level of brightness to a level determined safe by the Director, and maintained at a safe level.
- (e) An ongoing problem since the businesses inception has been that the sheds are marketed as living spaces, even though they do not meet the safety standards of the Building Code or are built by a licensed manufacturer using alternative federal safety standards. This use of a shed is illegal in Churchill County, but may be allowed in other jurisdictions. People using the sheds locally for dwellings, lodging, or additions has been an ongoing Code Enforcement problem that puts residents at risk. Staff recommends a condition of approval to forbid that the sheds be marketed to people for living purposes in Churchill County.

STAFF RECOMMENDATION:

APPROVAL

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APN 007-251-52 & -53.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 Special Use Permit application for the Out West Buildings to:
 - (a) authorize a fabrication facility
 - (b) authorize a sales and rental facility for sheds and storage containers
 - (c) authorize the existing buildings and the proposed office building.

at 7450 & 7490 Reno Hwy. (APN 007-251-52 & -53).

[For APPROVAL the motion should ADD]

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

Recommended Conditions (NOT PART OF MOTION):

Based on code requirements and issues raised during review of the project, the following conditions are recommended for any approval:

1. This permit is subject to annual review to confirm compliance with conditions until such time as the Planning Commission determines it is no longer necessary.
2. The entire business must be in conformance with County Code, including but not limited to:
 - a. Business licenses must be maintained.
 - b. All necessary building permits must be obtained.
 - c. Necessary modifications shall be made to meet code requirements, including lighting, sign brightness, landscaping, setback compliance, screening and other code requirements discussed in the staff report.
 - d. The business must meet standards for street setback, landscaping, and the screening of outside material storage, except as approved in a Variance. Modifications to meet code requirements shall be made, including lighting, sign brightness, landscaping, setback compliance, screening and other code requirements discussed in the staff report.
3. Timing:
 - a. Modifications to meet the street setback shall be made within 30 days.
 - b. The brightness of the business sign shall be reduced to a level determined safe by the Director within 30 days, and maintained at a safe level thereafter.
 - c. Business operations on the Mosquito Abatement District property shall be removed or authorization for its use obtained within 30 days.
 - d. Changes for compliance with other County Codes shall be completed within 120 days.
 - e. The issue of buildings constructed within the utility easement shall be resolved before the first annual review.
 - f. The Director may authorize additional time compliance of the above items upon a showing of progress made.
4. No additional clearing of trees and shrubs shall take place on the main fabrication parcel (7450 Reno Hwy.) or the adjacent residential parcels (7490 & 7300 Reno Hwy.) that are owned by the business or individually by partners as long as they own the properties. Any clearing of vegetation will trigger replacement measures to meet landscaping and buffering requirements.
5. The fabricated sheds shall not be marketed to people in Churchill County for living purposes. Doing so may be grounds for the review or revocation of the Special Use Permit.
6. Any necessary access permits shall be obtained from NDOT. Any US 50 frontage improvements required by NDOT shall be installed.
7. Operation of the business shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
8. All state and/or federal permits required for this type of business shall be obtained and maintained.

Application:	3 Variances for street setback, street landscaping, screening of outdoor storage
Use Table Listing 1:	Fabrication with outdoor activities
Use Table Listing 2:	Large Vehicle Sales/Rental (sheds and storage containers)
Applicant:	Out West Buildings - represented by Ed Erxleben
Owner:	Ragtown Real Estate LLC – Mike Stremmler and Irvin Plank managing members
Site:	7450 & 7490 Reno Hwy. (APN 007-251-52 & -53) – 9.85 acres & 3.71
Designations:	Master Plan – Urbanizing // Zoning – C-2

Background: These 3 Variances are associated with and accompany the Special Use Permit for the business. Refer to the Site History section of that review for a summary of the complicated permitting history of the site and business. As noted there, it is up to people to follow the laws, it is not up to the government to catch them. While the site has been getting a temporary pass for a long time, it still needs to be brought into conformance with County Code.

Application: Out West Buildings requests that they not be required to meet County Code requirements that were not met when the business was established, because they had previous contacts with Staff who did not make them follow the code requirements at that time. The 3 Variance requests are:

Street Setback – The applicant wants to fully waive the street setback for their shed and cargo container display models. The normal setback is 60' for the highway, being the standard 30' plus an extra 30' for roads over 25 mph speed limits.

The setback is measured from the NDOT property line. There was initially some uncertainty over where this falls on the ground. Initial estimates were that the power line fell on the property line. However, later investigation found an in-ground concrete utility box at the SW corner of the Mosquito Abatement District parcel that matched the distance for the parcel's west line (at 150'). This is likely the property line, and is approximately 10 south of the power line, and 12' feet from the edge of pavement. Since the exact location of the property line is not known, Staff recommends stating any approval of a setback variance in terms of distance from the edge of pavement of the highway.

At the west end of the highway frontage, the paved edge of the hairpin driveway lies about 42 feet from the highway pavement, making it 30' from property line. But the driveway moves further from the highway as it runs east to the office, and dramatically away from the highway as it turns to the entry gate. If the 20' wide driveway is shifted to the back of the 20' parking spaces along the fence and septic area, there is space to place sheds between the driveway and a setback as measured from the edge of highway pavement.

- At the end of the driveway paving, there would be 62'. After measuring 12' to property line, that leaves 50' to place a setback and shed display.
- At the office (the narrowest point), where would be 52'. After measuring 12' to property line, that leaves 40' to place a setback and shed display.
- At the west end of the septic field, where would be 102'. After measuring 12' to property line, that leaves 80' to place a setback and shed display.
- At the west property line, there is no substantive limit to meeting a setback.

As described below, staff recommends a Variance reduction down to 30', being 42' from edge of highway pavement. This can be accomplished in the above described widths.

Street Landscaping - The applicant wants to fully waive the street landscaping requirement. Code requires a 10' landscape strip along public rights of way, and 5' strips along private roads. This strip can be placed within the above described setback widths.

Screening of Outdoor Materials Storage - The applicant wants to partially waive the screening requirements, to only provide screened fencing along the south side and west side. The applicant proposes that the completed sheds that are stored in the east half of the site (in rows along the east and southeast property lines and additional rows within the site) adequately provides screening from the east. And that cargo containers, partially completed sheds, buildings, the canal embankment, and vacant land adequately provides screening from the north.

Variance Criteria Review:

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 states: **Street Setback:** They recently learned that the setback starts at the property line.

Street Landscaping: The County had only talked to them about putting in the landscaping over the septic system. **Screening:** The County had only talked to them about putting in the screened fencing along the street frontage.

Staff comment – The business obtained building permits when the business site was established. While the special use permit was not obtained, Planning Staff (in later contacts) also missed the need for the SUP, as well as the code requirement.

Street Setback: The applicant wishes to continue to place structures at or near the street front property line. The sheds and cargo containers are movable and could be placed elsewhere. The real difficulty is that the property was developed without learning of the laws. Had the project obtained its special use permit at the time the business was established, the setbacks would have been 30' rather than 60'. Since then, the Code was changed to increase the basic 30' setback by an extra 30' for roads over 25 mph. Staff believes that reducing the setback to 30' would be reasonable request. If the setback is reduced, the variance from the street landscaping should not be approved, due to visual impacts on the community's Gateway Corridor.

Street Landscaping: The applicant wishes to continue NOT have street landscaping, and instead provide the landscaping to the side of the office over the septic system. The real difficulty is that the property was developed without learning of the laws. There is no reason the landscaping cannot be installed now. It would be located within the reduced setback between the shed display and the highway. Verbal statements were made that the area under the utility easement along the highway, however, landowners all over the County place landscaping, driveways, and parking within the utility easements in their property. The alternative landscaping proposed does not address the Community Gateway policies in the Master Plan, nor aid in the visual quality of the streetscape, because it is hidden behind the display sheds away from the roadway.

Screening: The applicant proposes screened fencing along the south and west sides of the fabrication yard. The existing screening along the south side is mostly complete, but needs to be supplemented. The west side screening would be installed in the near future. The exceptional situation is that other features can provide the screening. The proposed use of alternative screening would seem to be adequate, since multiple other site features can obscure the storage area with minimal shortcomings from those directions.

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 states: **Street Setback:** The office meets the 60' setback. A 30' setback would prevent displaying the sheds products. Cars, trucks, and forklifts use the space in front of the office. **Street Landscaping:** The County had only talked to them about putting in the landscaping over the septic system. Street landscaping will prevent them from displaying their sheds. **Screening:** The company owns all property to the north, east, and west. They will screen the west side. Sheds and other features will adequately screen the east and north sides.

Staff comment – The business obtained building permits when the business site was established. While the special use permit was not obtained, Planning Staff (in later contacts) also missed the need for the SUP, as well as the code requirement.

Street Setback: The same comments as for Criterion 1 apply here as well. The 60' setback would provide a practical difficulty for parking and driving in front of the office. Staff believes that reducing the setback to 30' would be reasonable request that still allows parking and driving. If the setback is reduced, the variance from the street landscaping should not be approved, due to visual impacts on the community's Gateway Corridor.

Street Landscaping: The same comments as for Criterion 1 apply here as well. There is no practical difficulty and there is no reason the landscaping cannot be installed now. It would be located within the reduced setback between the highway pavement, and the shed display or driveway. The 10' landscape strip will not prevent shed display, but a shed setback of 0-10 feet would prevent the landscaping.

Screening: The same comments as for Criterion 1 apply here as well. The practical difficulty would be the expense of screened fencing when other features already provide the screening. The proposed use of alternative screening would seem to be adequate.

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 states: **Street Setback:** The company tries to take care of the public health, safety, and welfare. **Street Landscaping:** The company tries to take care of the public health, safety, and welfare. **Screening:** The company tries to take care of the public health, safety, and welfare.

Staff comment –

Street Setback: A zero or very small setback would be detrimental to the public health, safety, and welfare for multiple reasons. Setbacks serve a community welfare function by contributing to a consistent streetscape. Waiving the setback entirely would be contrary to the community welfare. The Planning Commission has approved reductions of the street setback, but never waived it entirely. A major function of setbacks is to provide a safe separation from traffic. US 50 at this location is a 60 mph road, on which speeds of 65-70 mph are common. Any vehicle leaving the road at this location would likely hit one or more sheds if they are at or near the property line. The potential harm to vehicle passengers would be vastly greater if the vehicles hit the sheds and cargo containers next to the roadway. Staff believes that reducing the setback to 30' would be reasonable request. In addition, the variance from the street landscaping should not be approved, due to visual impacts of reduced setbacks on the community's Gateway Corridor.

Street Landscaping: Community welfare is embedded in the Community Gateway policy in the Master Plan, and specifically call for developments to implement the basic landscaping standards. There is no reason the landscaping cannot be installed now. It would be located and fit within a reduced setback between the shed display and the highway.

Screening: The proposed use of alternative screening would seem to be adequate to protect public health, safety, and welfare.

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

Street Setback: Setbacks are established to provide a safe separation from traffic, to provide a visually appealing streetscape, and to reduce sound impacts from the road. See comments in Criterion 3 regarding the variance being contrary to these purposes. Placing the sheds and containers close to the roadway is convenient for the business and provides better marketing. But convenience and advertising is not a reason for not meeting street setbacks. Setbacks should have been met when the business was established. A 30' setback is reasonable, and can be consistent with the purposes.

Street Landscaping: Waiving the landscaping requirement entirely is in no way consistent with the purpose of providing a quality image of the community, especially along a Community Gateway road.

Screening: The proposed use of alternative screening is adequate to be consistent with the purpose of the standard.

STAFF RECOMMENDATION:

Approval of Street Setback Variance reducing the setback to 30'

Denial of Variance to waive the street landscaping requirement

Approval of Variance for partial screening

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 for conformance with the criteria found in CCC 16.08.090(F):
 - (a) [**HAVE BEEN // HAVE NOT BEEN**] for a Variance from the street setback
 - (b) [**HAVE BEEN // HAVE NOT BEEN**] for a Variance from the street landscaping requirement
 - (c) [**HAVE BEEN // HAVE NOT BEEN**] for a Variance from the outdoor material screening requirement
- on APNs 007-251-52 & -53.

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
 - (a) [**APPROVE // DENY**] the request for Variance to reduce the street setback
 - (b) [**APPROVE // DENY**] the request for Variance to waive the street landscaping requirement
 - (c) [**APPROVE // DENY**] the request for Variance to partially waive the outdoor material screening requirement
- at 7450 & 7490 Reno Hwy. (APN 007-251-52 & -53).

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 variances are only for the display of sheds and cargo containers, and only for as long as the displayed sheds are fabricated on-site. The approved variances are only for the shed fabrication and shed sales business - they are not transferable to another location, another type of fabrication, or another type of sales business.

2. The approved street setback for the closest shed or container shall be 42' from the edge of highway pavement.
3. The full street landscaping required by code shall be installed between the display sheds and the highway. The landscape plan shall be approved by the Director before implementation. In addition, physical features such as boulders, fencing, changes in decorative gravel, etc. shall be used to mark the edge of the reduced setback.
4. Full screened fencing shall be installed along the south side of the material storage area running west from the Mosquito Abatement District property, including gates; and the full length of the west side of the fabrication yard.
5. The east portion of the site shall be maintained as storage for rows of complete sheds to maintain their effectiveness in screening from the east. The north side of the site shall be maintained as storage for rows of cargo containers to maintain their effectiveness in screening from the north.

Application:	<u>Variance from side setback</u>	Use Listing:	<u>Explosion/Combustion Testing</u>
Applicant:	<u>Northern Nevada Research Co.</u>	Owner:	<u>Northern Nevada Research Co.</u>
Site:	7162 California St. (APN 009-251-84) – 100 acres - well north of Hazen		
Designations:	Master Plan –Industrial // Zoning – Industrial		

Proposal: NNRC receive a Special Use Permit in November 2021 and have been working to implement the project. They had been operating without a Special Use Permit since about 2012, and underwent multiple expansions. Following a fire incident, the lack of Special Use Permit was discovered, and the company submitted the application. The approved application included a new testing area, and conditions of approval required installation of an office and restrooms for employees

The new approved testing area included buildings over the concrete pad. The proposed Variance is to accommodate a slightly larger building that will be close to the property line. The requested Variance is to reduce the side yard setback for the Industrial zoning district in Table 16.16.020.1 from 20' to 15 feet – a 25% reduction. **NOTE that** the text in the application form indicates a proposed reduction of 10', but the site plan shows a reduction of 5' and an 8' passage between buildings.

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 states: There needs to be space between the buildings for forklift access.

Staff comment –The existing very large lot is approximately 100 acres. However, the testing site is in the extreme SE-most corner possible. This places the testing site in close proximity to the south and east property lines. If the variance is not approved, there would not be space to pass a forklift and materials between the existing and new building. A minor reduction of the setback is reasonable.

- 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 states: Meeting the standard would not allow space between the buildings for forklift access.

Staff comment –Staff agrees. A minor reduction of the setback is reasonable.

- 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 states: There are no other neighboring uses in close proximity to be affected.

Staff comment –Staff agrees. There are no adjacent uses in close proximity to the property line. There are no public facilities or services that will be affected. There have been no comments from Fire or Police services objecting to the request. A 5' reduction in the setback will not affect the public or adjacent uses in a significant way.

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

The application states: Side setbacks help neighbors, but there are none.

Staff comment –Staff agrees. Setbacks for industrial properties are established to protect against accidental encroachment across property lines, to provide visual separation between buildings, and provide firefighting access around buildings. A 5’ reduction in the setback will affect these purposes in a minor way, and the request is reasonable.

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the Variance criteria found in CCC 16.08.090(F) on APN 009-251-84.

[For APPROVAL - Staff Report provides adequate findings.]

[For DENIAL – ADD ADDITIONAL REASONING RELATED TO CRITERIA] Specifically, the project fails to ...

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 request for a Variance from the side setback requirement in Churchill County Code Table 16.16.020.1 on APN 009-251-84.

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 setback is valid only for the proposed building on the new testing pad, and is approximately 15 feet.
2. The approval of this variance expires one year from the date of the final decision. Construction of the building must begin before expiration.



CHURCHILL COUNTY PLANNING COMMISSION HEARING

January 11, 2023

Ruth Miller, TUP Application, 4810 Schindler Rd, APN 006-292-48





006-294-04

006-292-45 006-292-46

00

92-44

006-292-48

006-2

SCHINDLER RD

SCHINDLER RD

006-171-15

006-471-30





Legend



RV



Septic



Electrical Meter



6' Wood Privacy Fence

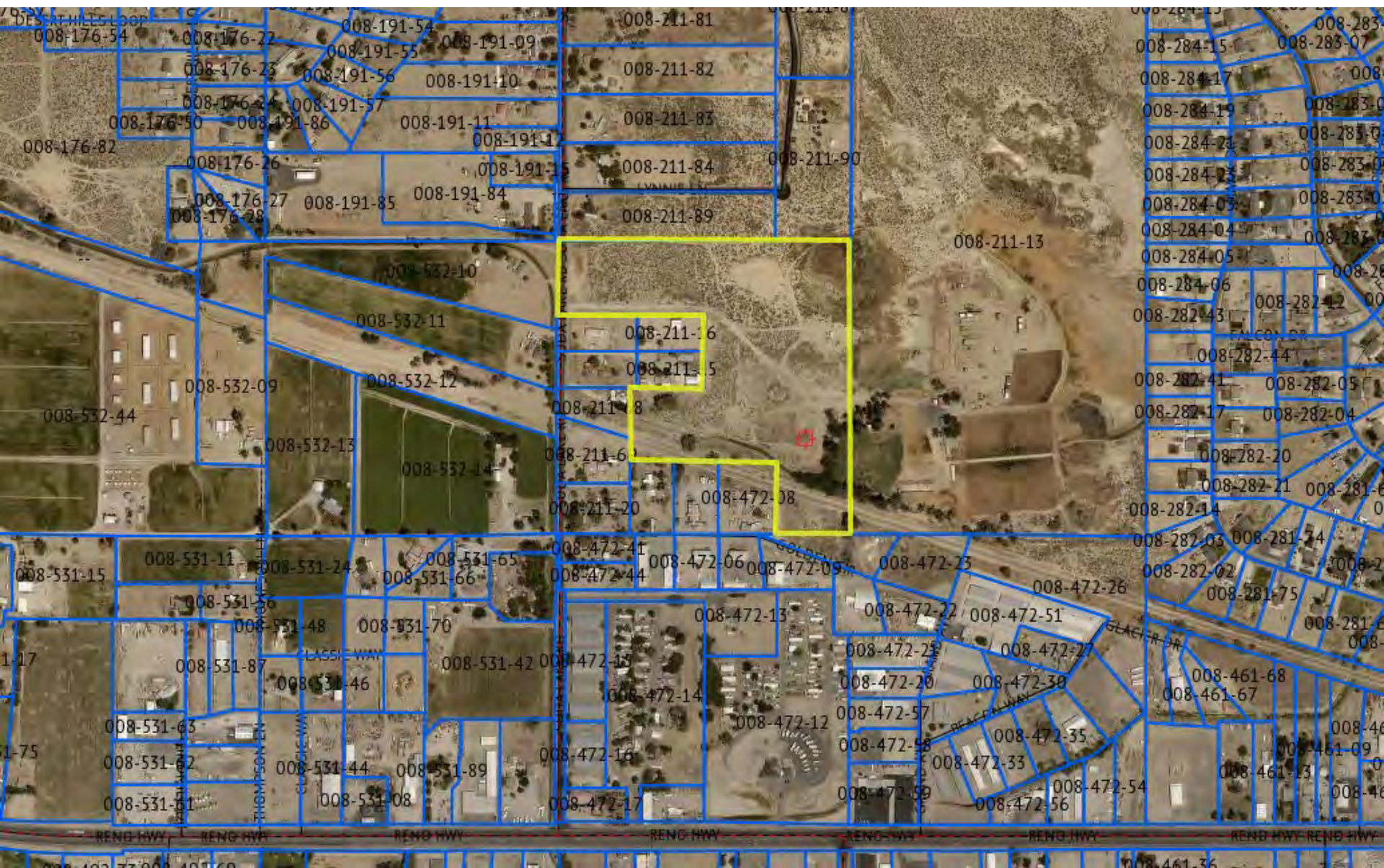
35 foot RV is parked where an old camp trailer had been since before I bought the property in 2012. Google Maps still shows the camp trailer.

The septic tank is between the RV and the house, approximate location indicated by green rectangle. Sewer and water hookups are already there located under where the RV is/camp trailer was.

There is an existing power meter for the RV at the east end of where it is parked, separate from the main house meter. Approximate location identified with a red line.

The tan lines indicate one neighbor's fence on the north property line and another neighbor's fence at the northeast property line.

Philip Regli, 1240 Soda Lake Rd, APN 008-211-14



NORTH



Chase Mills, Home Based Business SUP Application, 4675 Sheckler Rd, APN 006-231-48



An aerial photograph of a residential property. A yellow rectangular border highlights a central area containing a house with a green roof, a driveway with a car, and some trees. A blue line runs horizontally across the top of the image. The text '006-231-48' is overlaid in the center of the yellow-bordered area.

006-231-48

NORTH



[illegible]

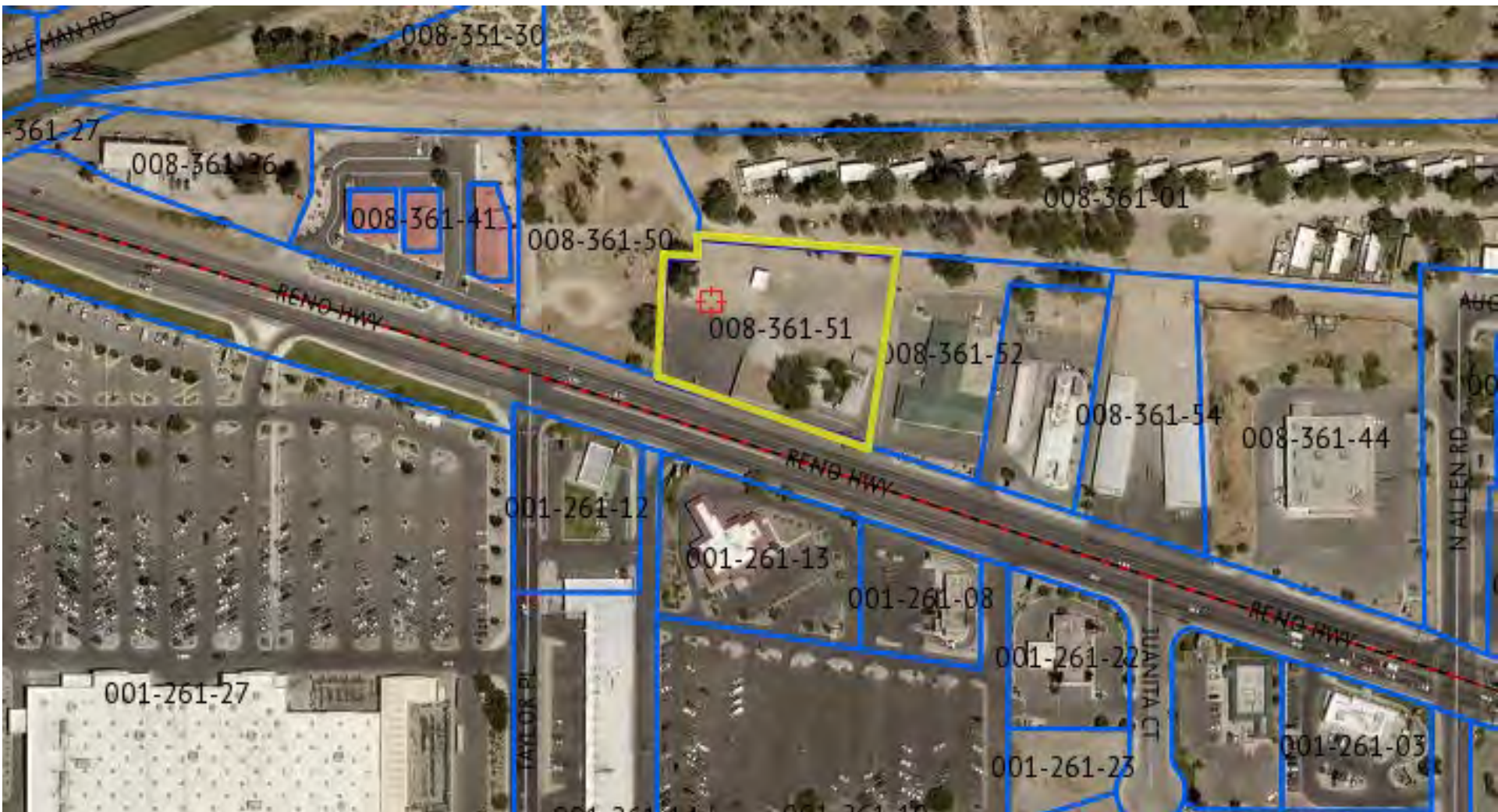


This map is intended to depict approximate boundaries and represent a survey. Any area determination or dimension is for information only and does not constitute a warranty or representation of any kind.

Handwritten annotations on the map include:

- Storage
- Back office
- restroom
- common Area
- Garage
- lawn
- possible garage
- door
- Storage
- door
- Future Garage
- Auto Repair
- bathroom rest.
- main office
- Trees
- Parking
- Future storage sheds
- Fence
- sign
- Gate
- Trees
- Flower beds
- Gate
- Trees
- Packing
- move uhaul
- perhaps
- Fence
- Trees
- well
- Uhaul parking
- garage customers
- H cap

POBOB MC SUP Application, 2170 Reno Hwy, APN 008-361-51





Kroepelin, Variance Application, 125 Clover Dr, APN 006-751-24







Out West Buildings, SUP/VAR Applications, 7450 Reno Hwy, APN 007-251-52 & 007-251-





007-251-63

RR8

007-251-71

007-251-53

251-56

007-251-52

007-251-59

007-251-72

007-251-50

007-251-49

007-251-60

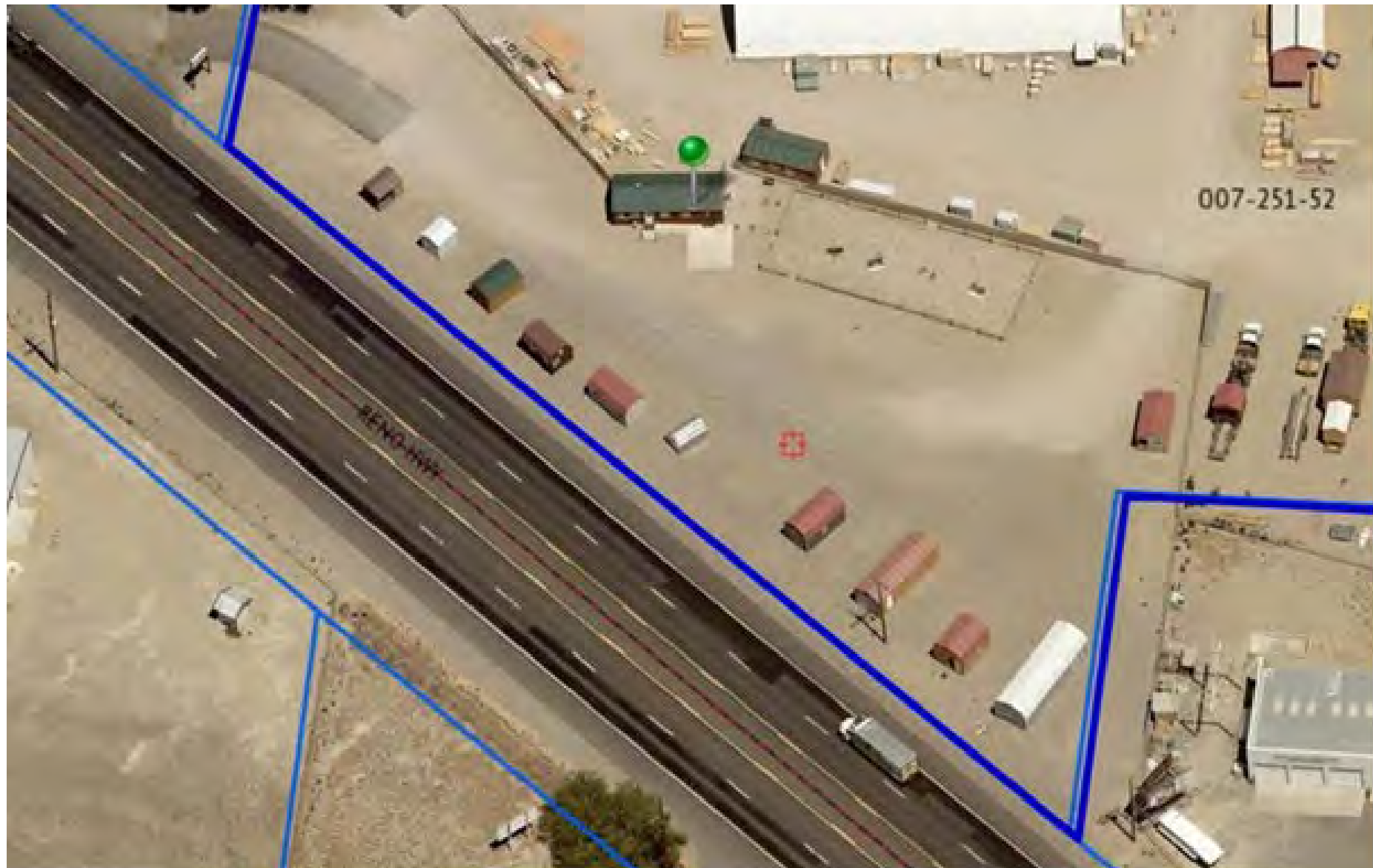
OUT WEST BUILDINGS PROPERTY LAYOUT INDEX

1	CURRENT SALES AND ACCOUNTING OFFICE BUILDING
2	PROPOSED SALES AND CONFERENCE OFFICE BUILDING
3	PRODUCTION BUILDING
4	TRUSSES AND BARN DOORS OPEN BUILDING AND AREA
5	ROOFING BUILDING AND STAGING AREA
6	PAINTING AREA
7	LUMBER STORAGE AREA
8	DOORS AND WINDOWS STORAGE AREA
9	EMPLOYEE PARKING
10	CUSTOMER PARKING
11	ADA PARKING ACCESS RAMP WITH STAIRS AND SIGNAGE
12	BRIDGE
13	WATER STORAGE CONTAINER
14	EXIT ENCROACHMENT
15	DISPLAY BUILDINGS AREA
16	CUSTOMER BUILDINGS AREA
17	INVENTORY BUILDING AREA
18	REPO BUILDINGS AREA
19	STORAGE CONTAINER AREA
20	WELL AND DASHED LINE INDICATES THE WATER LINE
21	LANDSCAPING AND SEPTIC AREA
22	PORTABLE TOILETS FOR THE BUILDERS
23	FENCING AND SCREENING
24	HIGHWAY AND ROADS
25	DOUBLE ENTRY GATE
26	BURN AREA

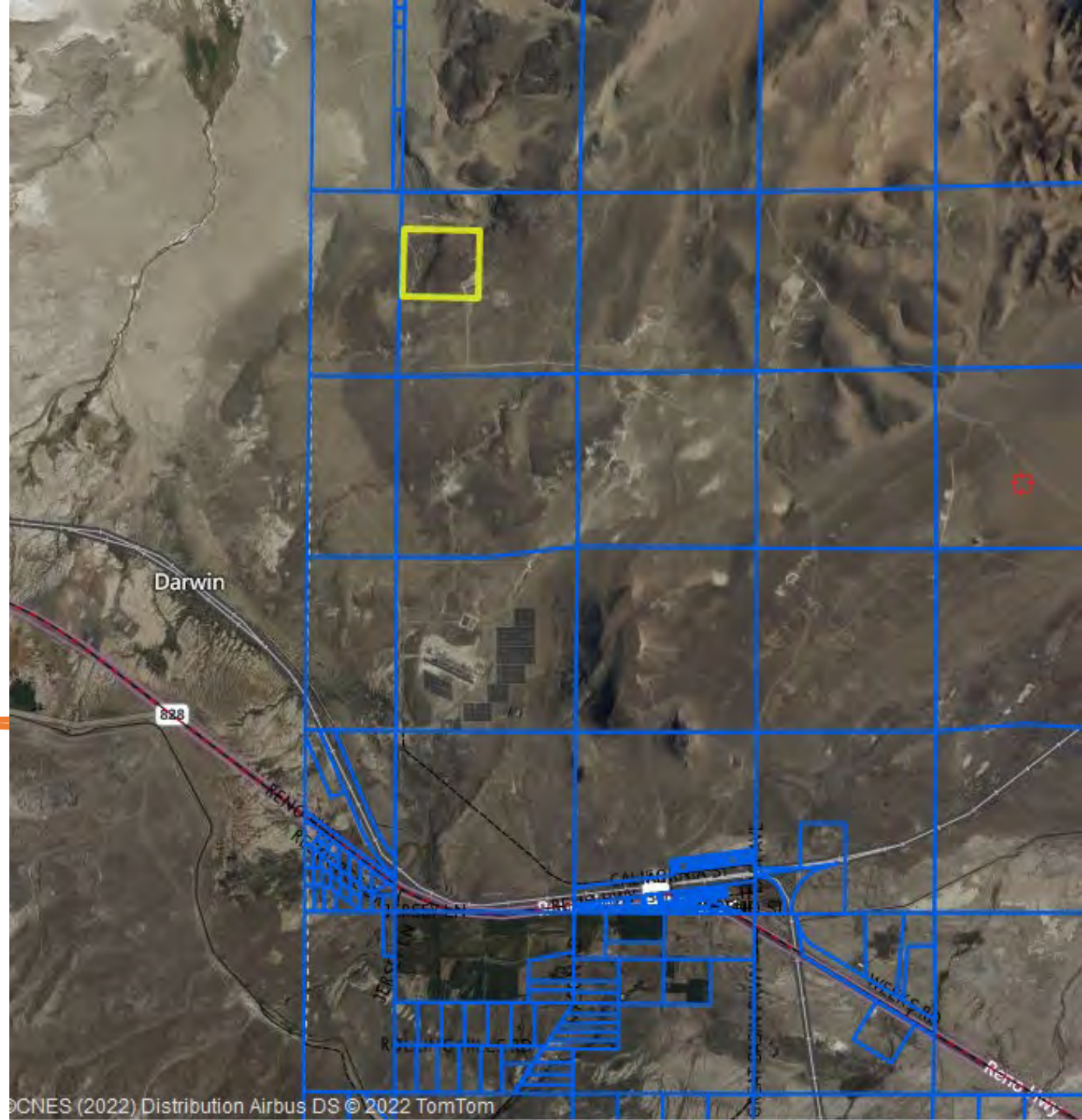


This map is intended to depict approximate boundaries and does not represent a survey. Any area determination or dimensions are estimates, or approximate measurements. For accurate boundaries and acreages, a survey by a licensed surveyor is needed. No liability is assumed by Churchill County concerning the accuracy of the data delineated herein. Use of this map for other than illustrative purposes is not recommended, and Churchill County expressly disclaims any liability for use other than for illustrative purposes.

Prepared By: Preston Denney
Churchill County Planning Department
Last saved by: Watterson on 6/16/2022 at 8:45:30 AM
File: P:\Deans\GIS\Deans GIS Layout2.mxd



NNRC,
Variance
Application,
7162 California St,
APN 009-251-84





EX. MAJOR CONTOUR

EX. MINOR CONTOUR

EX. FENCE

EX. CONC. PAD

EX. STRUCTURE

DEMOLITION

FENCE

CONC. PAD

STRUCTURE

BASE COURSE ROAD SURFACE

TREE

CHANNEL DRAIN PER DETAIL 1 SHEET C-500

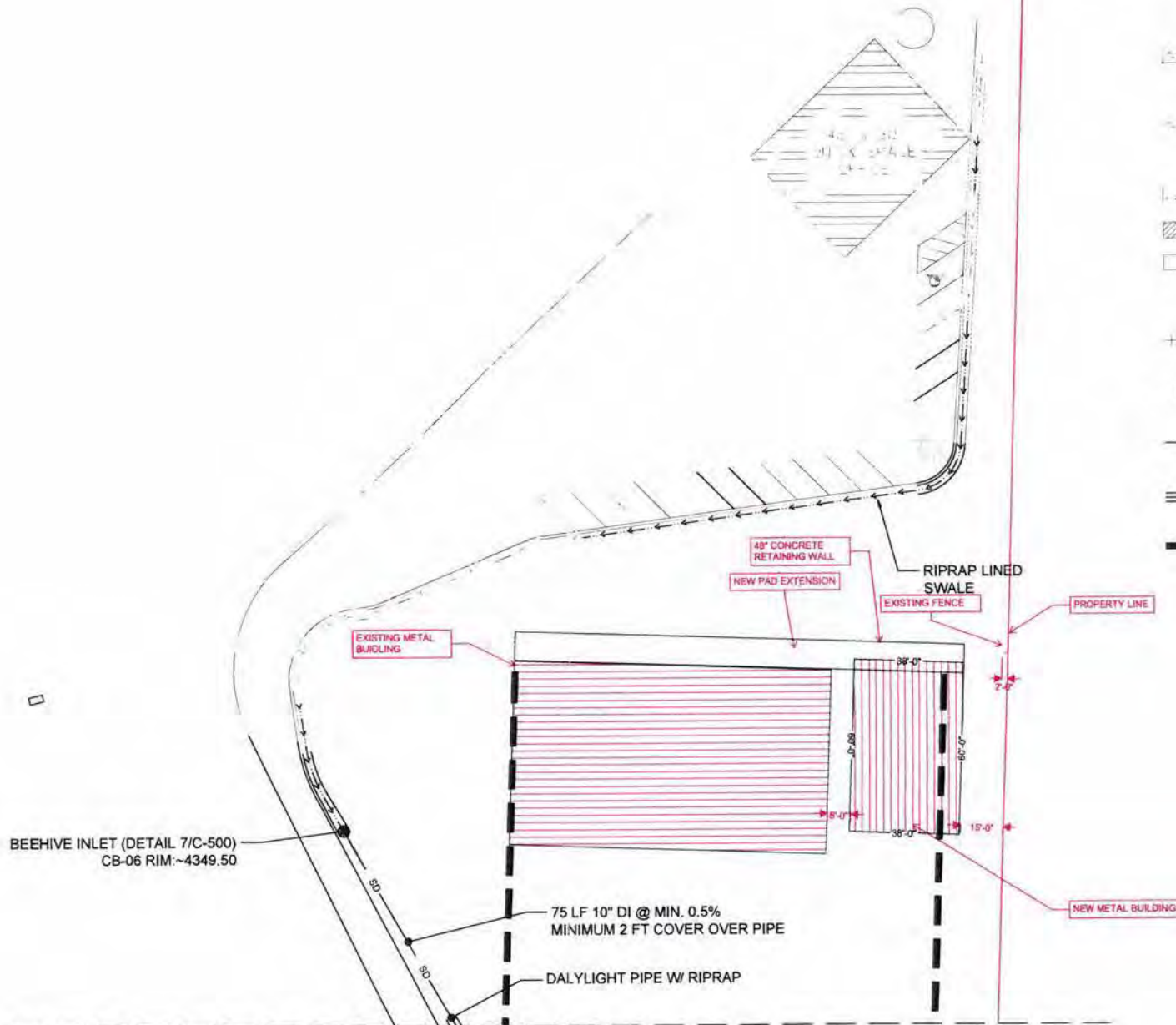
SD STRUCTURE PER DETAIL 2 SHEET C-500

SD PIPE PER DETAIL 3 SHEET C-500

RIP RAP LINED SWALE PER DETAIL 4 SHEET C-500

6" ASPHALT BERM PER DETAIL 5 SHEET C-500

2" THICK ASPHALT APRON OVER COMPACTED NATIVE SOIL (95% COMPACTION) AROUND CB



MATCHLINE SHEET C-300

RECEIVED

JAN 11 2023

Churchill County Public Works,
Planning & Zoning

January 11, 2023

Churchill County Planning Committee
155 N. Taylor St.
Fallon, Nv

Dear Committee Members,

We are the Schwall's and have resided at 4790 Schindler Road since 1990. We work extremely hard at keeping our property in good order, something we are immensely proud of. We are not in agreement with issuing a special use permit for more occupants to live at 4810 Schindler Road. Our reasons are as follows.

WE have built and maintain a privacy fence between our property and 4810 Schindler Road. WE constructed it to cover the many eye sores on the Miller property. Even with the 6' fence we still have their garbage blow over the fence and onto our property that we pick up and dispose of quite frequently.

On the other side of 4810 Schindler Road, our new neighbors also went through the expense and trouble of building a privacy fence, so they too do not have to look at all the mess and trash on the Miller's property.

I understand that there is nothing I can do about the way other people choose to live their lives, nor I suppose is it any of my business, but I can do something about adding to the conditions surrounding us. So therefore, we are against the special use request and respectfully hope you will deny issuing it.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Schwall", written in black ink.

Richard and Sandra Schwall