

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

February 8, 2023

1. Call to Order:

The regular meeting of the Planning Commission was called to order at 7:00 p.m. on February 8, 2023 by Chair Blakey.

Present: Eric Blakey, Chair; Scott Nelson, Vice Chair; Zack Bunyard, Member; Deanna Diehl, Member; Jeff Goings, Member; Mark Hyde, 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. Verification of the Posting of the Agenda:

It was verified by Diane Moyle, Administrative Assistant, that the agenda for this meeting was posted on February 2, 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.

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

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

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

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

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

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

A. January 11, 2023 Hearing

Member Bunyard moved to approve the January 11, 2023 minutes as written. Member Nelson seconded the motion and the decision carried by unanimous vote.

8. Old Business

A. Consideration and possible action re: A renewal application for a temporary use permit for temporary quarters for Hardship/General Purposes granted to Michael & Amiee Springfield for

property located at 623 River Village Drive, Assessor's Parcel Number 008-421-61, in the E-1 zoning district. The applicant requests another year to move forward with construction of an accessory dwelling unit on the property.

Chair Blakey invited the applicant to come forward. Amiee Springfield, 623 River Village Drive, was available for questions.

Director Spross summarized the content of the letter received from Mrs. Springfield with the renewal application sharing what they have completed toward getting an accessory dwelling unit on the property for her father to live in. They have received the stamped schematics for the accessory dwelling unit and submitted those to the truss and engineering company in Reno. They have been in communication with Marshall's Septic to discuss septic connections related to the temporary RV and the accessory dwelling. They have met with Steve Paladini regarding the cost for construction of the accessory dwelling unit. Once they get the costs to compare for a remodel of the residence versus building the accessory dwelling unit, they can make a decision. The department recommends renewal of the temporary use permit for another year.

Chair Blakey asked for any questions or discussion from the Planning Commission. There were none, and he asked if the applicant had anything to add. Mrs. Springfield stated that they have received some things back and they are continuing forward with this process.

Chair Blakey asked for public comment regarding this item, and there were none. He then called for a motion.

Member Goings moved to approve the renewal of the temporary use permit for another year for Michael & Amiee Springfield at 623 River Village Drive, APN 008-421-61. Member Nelson seconded the motion and the decision carried by unanimous vote.

9. Action Item

A. Consideration and possible action re: A parcel map application filed by Nathan Zarowny of Idaho Asphalt Supply, on property owned by Bravo Foxtrot NV located at 22297 Bango Road, Assessor's Parcel Number 007-071-82, consisting of 55.56 acres in the Industrial zoning district. The applicant proposes to divide the property into two industrial parcels with potential rail access.

Chair Blakey invited the applicant to come forward. Nathan Zarowny, Idaho Asphalt Supply, and David Crook, Lumos & Associates, were available for questions.

Director Spross went over the application and information from the staff report. He explained the location of the industrial parcel next to the Safety-Kleen facility off of Bango Road. The applicant plans to split off a 20-acre parcel that would have rail access. The two parcels will be served by a new paved road that will pass from Bango Road through the Safety-Kleen property and to the parent parcel. It will provide access to both parcels created. After the parcel map has been completed, Idaho Asphalt will apply for a special use permit for (a) the asphalt product manufacturing facility and (b) the rail based service facility.

Chair Blakey asked for any questions or discussion from the Planning Commission. There were none. He then asked if the applicant had anything to add, who shared their excitement to become part of the community.

Chair Blakey asked for public comment regarding this item, and there were none. He then 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 an application for a Parcel Map on APN: 007-071-82 to split the property into two parcels thereby meeting the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report. Member Nelson seconded the motion and the decision carried by unanimous vote.

Director Spross interjected to ensure that the commissioners and applicant were aware of the staff recommendation for approval and the conditions that should be included should the map application be approved by the Board of County Commissioners.

- 1) Any final changes required by the County Surveyor shall be made prior to recording.
- 2) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Minor typographical and organizational changes to the map and certificates.
 - b) Making any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
 - c) Labels shall be added or modified identifying that the road is proposed, its construction standard, and offering it for dedication. The construction standard shall be stated as "constructed to special County standard as shown on improvement plans." Roads within the development shall be labeled as being offered for dedication on the map. Portions of roads serving the project that are off-site of project land shall be labeled as being offered for dedication to the County through separate process.
 - d) A Road Name Application and Address Application (for the new lots) shall be submitted and approved before recording the map.
- 3) The new road shall use a special construction standard determined by the Road Supervisor. The expected standard is 8" of gravel base and 4" of paved asphalt surfacing. Access aprons and a gravel turn around shall be included.
- 4) The intersection of the new road with Bango Road shall be rebuilt using the same standard as the new road. It shall extend east 50 feet beyond the point of connection (the return) of the intersection's curved edge of pavement, and extend west to the edge of the road easement.
- 5) A road maintenance agreement that assigns responsibility for maintaining the new road to the parcels within the map shall be recorded along with the map. The agreement shall be approved by the Public Works Director. Associated notes shall be placed on the map.
- 6) The new road shall be signed near the Bango Road intersection stating that the road is privately maintained.

Member Goings verified with the applicant that they were aware of and in agreement with these conditions, and they were.

Dean Patterson, Senior Planner, stated that he had a question for the owner related to the future development of the property and the possibility of needing to file a subdivision, instead of a parcel map, with any future development of the site. He asked the applicant if the owner had a chance to review the information that was in the staff report, and Nathan Zarowny wasn't sure what the owner had done. He said that they have had discussions with the owner and believes that their intention is to occupy the remainder of the parcel entirely for their purposes.

Member Goings moved that the parcel map application for Bravo Foxtrot NV to

divide APN 007-071-82 into two parcels be approved along with the conditions listed in the staff report. Member Hyde seconded the motion and the decision carried by unanimous vote.

Joe Sanford, Deputy District Attorney—Civil, commented that they needed to include in the motion the recommendation to the Board of County Commissioners, to accept the easements and such that was included with the recommended motion in the staff report. Member Goings asked about protocol, and Joe Sanford stated that he could make a second motion.

Member Goings moved to recommend that the Board of County Commissioners:
(A) APPROVE the Parcel Map permit application for Bravo Foxtrot NV to divide APN: 007-071-82 into two parcels. This approval is subject to the conditions listed in the Staff Report.
(B) ACCEPT the offer to grant easements identified on the map.
(C) REJECT all offers to dedicate lands and improvements at this time.
Member Nelson seconded the motion and the decision carried by unanimous vote.

10. Public Hearings:

- A. Consideration and possible action re: A temporary use permit application for temporary quarters for hardship/caretaker filed by Howard King for property located at 2330 Lucas Road, Assessor's Parcel Number 008-112-30, consisting of 1.0 acre in the A-5 zoning district. The applicant proposes to have someone reside in an RV on the property to help care for him and his wife.

Chair Blakey invited the applicant to come forward. Howard King, 2330 Lucas Road, was available for questions.

Director Spross went over the application and explained that this is a result of code compliance action. He went over the request and property layout. He then went over the criteria that should be met in order to approve the permit and how this request meets those. Mr. and Mrs. King are over 70 years old, live in the main home, and have mobility problems. Jonathan Hegarty will live in the temporary quarters, and he will assist the owners with mobility issues, property upkeep, and errands. He shared a letter that was received from the building department regarding the placement permit for the RV including inspection of connections. He then stated that staff recommends approval and listed conditions that should be part of the approval.

1. The temporary quarters must comply with Churchill County Code.
2. All Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.
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 questions or discussion from the Planning Commission.

Member Diehl inquired if the applicant is aware of all of the conditions that must be met as read by the Public Works Director, and he indicated that he does understand them. Member Diehl noted that they will need to have the electrical, water and septic connections inspected. She asked if

the gentleman with Mr. King was the one providing care, and James King stated that he is Howard King's son and would not be the one living in the RV. He responded that the facilities were already in place for connecting to the RV. Member Diehl verified that they were aware that once the need no longer exists the RV would need to be disconnected and not used as a residence, and James King confirmed that he understood that. Director Spross explained that since the RV is already in place and connected that is why the Building Department added the time constraint to get the placement permit and inspections completed within 30 days. This way we can be assured that it is connected properly.

Chair Blakey asked for public comment regarding this item, and there were none. He questioned if the applicant had anything else to add, and there was nothing. Chair Blakey then 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 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-112-30, as described in the Staff Report. Member Goings 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 Temporary Use Permit application for Howard King to establish a Temporary Quarters for Hardship/Caretaker at 2330 Lucas Road (APN 008-112-30). This approval is subject to the conditions suggested by Staff. Member Diehl seconded the motion and the decision carried by unanimous vote.

- B. Consideration and possible action re: A temporary use permit for temporary quarters for hardship/caretaker filed by Paul & Linda Nemeth for property located at 5655 Weaver Road, Assessor's Parcel Number 006-831-21, consisting of 11.27 acres in the A-10 zoning district. They are almost finished with construction of a new single family dwelling on the property and would like to convert the existing mobile home to a temporary residence for Linda's mother, so that they can care for her.

Chair Blakey invited the applicant to come forward. Paul & Linda Nemeth, 5655 Weaver Road, were available for questions.

Director Spross summarized the application, location, and what the applicants were proposing to do. The Nemeths constructed a home on the property, which they will move into once they get the certificate of occupancy, and the manufactured home that they have been living in is supposed to be removed. During the time of construction of the new home, Paul Nemeth's mother suffered some health problems and needs to live closer so that they can take care of her. They are requesting to leave the 1980 manufactured home to have as a temporary residence for her mother to live in. This mobile home was not set up and converted to real property as it should have been when it was placed on the property in 1993 according to the Building Department. The mobile home has some ADA accessibility modifications that can be useful for his mother. The property will not change as a result of continued use of this mobile home though its removal will be delayed. Director Spross stated that it is up to the Planning Commission to decide if the application meets the criteria for hardship/caretaker and said that the parent is over 70 years old and has need of care. He went over the recommendation from staff for approval and a list of conditions that should be considered

with approval of the application.

1. The temporary quarters must comply with Churchill County Code.
2. 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.
3. 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.
4. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Chair Blakey asked for any questions or discussion from the Planning Commission.

Member Diehl verified with the applicants that they were living in the mobile home at the present time, and they responded that they are. Member Diehl inquired how far along the construction of the new home is. Linda Nemeth remarked that it is finished, and Paul Nemeth added that they just got the certificate of occupancy last week. Member Diehl confirmed that the mother would be living in the mobile home and everything is already connected according to what the Director stated, and Mrs. Nemeth agreed that all connections are still as they have been for many years. Member Diehl thanked the applicants for their responses and also for taking care of their mother.

Member Goings asked if the request from the Building Department would need to be added to the motion for this item or if it was something they would just be required to adhere to before they can finish this up. Director Spross remarked that the list of conditions will be in the Notice of Final Action, and it is clearly stated that this must be constructed to Churchill County Building Code. Since the Building Department is a department of Churchill County those requirements that are in that letter are part of that notice.

Dean Patterson, Senior Planner, confirmed with the Nemeths that the Building Department letter sounds like they may need to do some minor modifications to complete the placement for the existing mobile home. Linda Nemeth responded that they haven't gotten a letter from the Building Department. Mr. Patterson explained that our department received it just recently and a copy of the letter was provided to the Nemeths. Director Spross noted that other departments provide us with some comments regarding applications for us to bring to the applicant's attention.

Chair Blakey asked for public comment regarding this item, and there were none.

Chair Blakey asked for any further discussion; 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 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-831-21. Member Nelson seconded the motion and the decision carried by unanimous vote.

Member Picotte, based on the previously adopted findings made for this project, moved to approve the Temporary Use Permit application for Paul & Linda Nemeth to establish a Temporary Quarters for Hardship/Caretaker at 5655 Weaver Road (APN 006-831-21). This approval is subject to the conditions listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

C. Consideration and possible action re: A special use permit for a home-based herb farm business filed by Stacy Fisk for property located at 3700 Alcorn Road, Assessor's Parcel Number 008-431-08, consisting of 1.17 acres in the E-1 zoning district. The applicant proposes to add some greenhouses to the property, have a part-time, temporary employee, and would possibly like to hold four small, by invitation-only events each year at her property.

Chair Blakey invited the applicant to come forward. Stacy Fisk, 3700 Alcorn Road, was available for questions.

Director Spross went over the application and shared information from the Staff Report. 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. Normally, a home-based business is reviewed through an over-the-counter permit and must meet eight criteria, which would help them to be nearly unnoticeable to neighbors. Those that cannot meet all of those criteria might have some impact upon neighboring residences, but might be approved through a special use permit if they can meet the criteria of CCC 16.16.020.8.2(A-H). The proposed business is requesting the special use permit due to (a) customers coming to the property, (b) modifications to add buildings for the business, and (c) having an employee. The applicant has been operating a home-based herb business for some time within the standard parameters; however, she now wants to expand operations in a manner that requires the special use permit. The application proposes holding events of 4-6 hours with up to 50 participants, but a storefront with daily customers is not proposed. The site modifications include removal of the existing, unheated greenhouse and replacing it with a larger, heated greenhouse. The application proposes having one employee that will work part-time during daytime hours. The site plan designates the business area of the site separate from the residence area, and the placement of the new greenhouse is noted on the plan. The events would probably take place over the weekend, and with approximately 50 participants it would be likely that there could be 25 vehicle visits, or 50 trips. The plan does not designate a parking area for the events, nor ADA accessibility is discussed in the application. Alcorn Road is a County maintained, paved road.

Chair Blakey asked for any questions or discussion from the Planning Commission.

Member Diehl inquired of the applicant how many people she thinks would attend her events, and Stacy Fisk responded that based upon the recommendation that has been set forth on the agenda item it is recommended that she doesn't hold events, so there will be no visitors to the property based upon that. She said that she is okay with that recommendation; it was just a last minute idea to see if that was something that would be possible. The reason that she wanted to hold these is to conduct an herb walk to educate people about the different herbs that she is growing because she has about 75 different varieties. Not holding events isn't a problem. She has occasionally had people come by to pick up a basket of fruits and vegetables, and this might happen once or twice a week. Member Diehl asked if she mainly delivers her products, and Mrs. Fisk confirmed that she does that as well. She has a wholesale resource where she sells produce directly to Great Basin Apothecary here, and then she collaborates with a couple of other farmers in town to provide baskets for the Market Garden. She also takes part in a lot of events in Reno—about 12—selling herbs, honey and value added products. Member Diehl verified that she has already decided to not hold events at the property due to the parking, accessibility, and everything else, and Stacy Fisk agreed that she is okay without having those there.

Member Goings inquired about the people that she already has that stop by occasionally, and she is not proposing an increase in traffic when it comes to the customers coming in and out of the property. Stacy Fisk remarked that based upon the current business license that she has had since

2019 the only changes that will happen is the greenhouse, which she obtained the building permit for last week and started construction on Friday, and having an employee. She would like to have someone assist her about 12 hours per week on three days of the week, which will primarily be in the mornings (8:00 a.m. to noon) to help her harvest things out in the gardens.

Chair Blakey questioned if Mrs. Fisk understood the recommendation regarding events due to parking issues, and Stacy Fisk remarked that she does, and it isn't an issue.

Chair Blakey asked for public comment regarding this item.

Robert Durham, 3760 Alcorn Road, inquired what kind of events the applicant was proposing. Mrs. Fisk answered that they had just discussed this, and they are no longer requesting to hold any events on the property. Mr. Durham responded that his major concern was the traffic for the events, so that has been handled.

Director Spross went over the criteria review for the findings that must be made in order to grant the permit. He indicated that the recommendation from staff is approval without the events. Primarily, parking is the reason that staff is recommending denial of the events, which would require special parking consideration, including handicapped parking. The applicant has agreed with this recommendation. Director Spross listed the recommended conditions that should be considered with approval of the application.

1. Approval of the Home-Based Business is limited to:
 - a. Operation only by Stacy and Brad Fisk. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed herb farm business. Adding other activities, such as events, farming classes, etc. is prohibited.
 - c. Customer visits are NOT approved.
 - d. One employee whether working part-time or full-time is authorized.
2. The project must be in conformance with County Code, including but not limited to:
 - a. No outside storage, signage, or outdoor light has been approved.
 - b. A business license must be obtained and maintained.
 - c. All necessary building permits must be obtained for the new greenhouse.
3. One employee parking space shall be provided near the home and north of the accessory buildings.
4. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Anne Mc Corkle, 3750 Alcorn Road, lives right next to the Fisk property. She expressed her concern about the new greenhouse because she said that it was put up right next to their property. She wondered if that would be moved, or would other greenhouses be coming in there. Dean Patterson suggested that she point out on the aerial photo displayed on the screen the area where her concern is. Mrs. Mc Corkle stated that it was on the west side of the Fisk property and up against her property, and the greenhouse was a lot bigger than she thought it was going to be. Mrs. Fisk asked the commission if she could address this issue. Mr. & Mrs. Mc Corkle noted that it was in front of Fisk's home and near the road. It was pointed out on the aerial photo on the screen. They asked if this is where the greenhouse was going to stay. Stacy Fisk responded that it is a high tunnel, and a high tunnel is a sort of temporary greenhouse. This is 20' X 48' and was a grant project from NRCS (National Resources Conservation Service) for growing crops indoors to extend the growing season by a month. In her application she was proposing greenhouses; however, the permanent greenhouse that she is building is on the east side of the property (she pointed it out on the aerial photo displayed on the screen) where the end of "business" where there is a square. She

originally had an 8' X 14' hot house where she used a propane heater to keep it heated. The new greenhouse is a nice structure—24' X 18', professional, engineered structure—that is going there to grown nursery plants. She further stated that a high tunnel is generally used to lengthen the growing season, and could be considered a type of greenhouse; however, a greenhouse is generally heated and a high tunnel is not. A high tunnel just covers plants that are planted in the ground and protects them from the wind and excessive rain and cold weather. Member Goings verified that he understood correctly that the high tunnel was funded by a grant from NRCS, and Mrs. Fisk confirmed that it was. Mrs. Mc Corkle said that she has a picture of it from her front door and from the street when she checks her mail. It comes out right at the end of the “S” curve, and they already have a little bit of an issue with people going fast on that curve anyway. She remarked that in the past some of the previous owner’s stuff was taken out by cars going off of the road at the curve. She said that to her this is a big distraction. She asked if anyone wanted to see the picture she took, and Chair Blakey inquired of Director Spross if there was any mention of the second structure in the application. Director Spross responded that it was not, and he wasn’t sure if Mr. Patterson noted it when he went to the site. He further stated that if this is an existing structure, the only comment in the application was to remove the old greenhouse and replace it with a new one, and the existing structure isn’t part of this application. Chair Blakey then questioned if it is a portable structure, would there be any requirements that would need to be met. Dean Patterson responded that if it is a portable structure, it doesn’t normally require anything from the planning department, and he can’t speak for the building department. Maybe if it is moved further from the property line, it could satisfy the neighbor’s concern. He doesn’t know how moveable it is. Joe Sanford, Deputy District Attorney—Civil, commented that this sounds like something that is already in existence and isn’t actually related to whether the approval should be given to the home-based business or not. Whether or not there is a violation related to the structure mentioned, he doesn’t know. He cautioned the commission against getting too involved in something that isn’t in front of them as an agenda item. He understands there is a concern brought up, but the approval isn’t related to that. He clarified that they are not trying to make a decision of whether or not this building is compliant with County Code today. Chair Blakey pointed out that the building that they are talking about is not the building that is part of the application; it would be a separate building on the property that was there prior to this application. He recommended that she work with the planning department or the building department to address the issue related to the high tunnel.

Member Goings inquired of staff regarding the E-1 zoning designation whether the code addresses hoop houses or things like that, as he understands the structure is basically a hoop house. He isn’t sure if there are any criteria there that would create an issue with this. Director Spross replied that there is not, and typically if it was just a hoop house, that would be something that would be approved at the department level. The reason that this is before the commission today is because it goes beyond the criteria for a home-based business because of the employee, the customers, and the modification for the greenhouse structure. Chair Blakey clarified for the record that they are only considering the application, and it has nothing to do with the high tunnel structure on the property.

Chair Blakey asked for any further discussion; 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 criteria found in CCC 16.08.080(H) on APN 008-431-08 WHEN EXCLUDING THE REQUESTED EVENTS. Member Nelson 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 special use permit application to establish a Home-Based Business for an herb farm at 3700 Alcorn Road (APN 008-431-08), EXCLUDING THE REQUESTED EVENTS. This approval is subject to the conditions listed in the Staff Report. Member Bunyard seconded the motion and the decision carried by unanimous vote.

- D. Consideration and possible action re: A special use permit application for a 60' communications tower filed by SAC Wireless on behalf of Commnet for property located at 15550 Schurz Highway, Assessor Parcel Number 002-411-03, near Top Gun Raceway in the RR-20 land use district. The applicant proposes to remove the existing 38-foot tower and replace it with a taller tower. *The previous special use permit granted December 9, 2020 was never enacted due to issues with Bureau of Land Management (BLM), so they are reapplying for a new permit.*

Chair Blakey asked if anyone was available to represent this application, and Diane Moyle noted that we have a GoTo Meeting set up and a representative is available online. Jeremy Boone, authorized agent of Commnet, and works for SAC Wireless that works on the real estate zoning and permitting for projects. They are looking to remove the existing 38' tower and replace it with a new tower that has a total height of 68' due to the addition of an 8' lightning rod. This is going to help provide the allowance for the First Net antennas that are administered by AT&T as part of the First Responders Network.

Director Spross informed the commission and audience that this is a special use permit application, and it is kind of a redo of a previously approved permit. The County leases this property to Motor Sports Safety, Inc. This application was originally heard on December 9, 2020. While the County owns the property and leases it to the drag strip organization, it was obtained from the Bureau of Land Management (BLM) for recreational purposes. After the previous permit was approved by the Planning Commission the BLM raised an issue that the cell tower was not recreation. Over the last two years the matter has been brought to a resolution and BLM has provided their approval; however, the permit had expired. The applicant is resubmitting the same tower application as before, and in the intervening period additional features have been required, including a light on top of the tower and an 8' lightning rod bringing the total to 68' instead of 60'. Naval Air Station-Fallon has been informed again, though no comments have been received. Director Spross noted that NAS Fallon did provide comments on the previous application and had no concerns regarding the tower height, location or frequency spectrum. They did recommend FAA (Federal Aviation Administration) lighting for the tower and construction crane. NDOT (Nevada Department of Transportation) Aviation provided some comments and has no concerns with the tower, but they noted that the racetrack serves as an emergency landing strip and would like to have a heliport installed, though that would need to be in a different location from the tower. The staff does recommend approval.

Chair Blakey asked for any questions or discussion from the Planning Commission. There being none, he inquired if there was any public comment regarding this item, and there were none.

Director Spross went over the conditions that should be considered with approval of the application.

1. The towers must obtain all required building permits and safety inspections.

2. All applicable community impact fees must be paid with building permits.
 3. Towers shall be placed as shown on the site plan, though minor deviations may be approved by the Public Works Director.
 4. Navy recommended lighting for the tower and construction equipment shall be incorporated into the project.
 5. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
 6. If the facility is no longer used, the towers shall be removed. The Public Works Director may take action to enforce this requirement.
 7. It is recommended that Motorsports Safety Inc. work with NDOT Aviation to install a heliport.
- Chair Blakey 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 the application for a Special Use Permit on APN 002-411-03, thereby meeting the criteria found in CCC 16.08.080(H), as described in the Staff Report. Member Bunyard 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 Commnet to replace a Communication Tower at 15550 Schurz Hwy, APN 002-411-03. This approval is subject to the conditions listed in the Staff Report. Member Diehl seconded the motion and the decision carried by unanimous vote.

- E. Consideration and possible action re: A major special use permit application for a mining operation filed by Bart Hiatt of A & K Earthmovers, for property located off Jessup Exit #78 (Interstate 80), Assessor's Parcel Number 005-091-23, consisting of 640 acres in the RR-20 zoning district. The applicant proposes a mining operation and asphalt plant.

Chair Blakey invited the applicant to come forward. Bart Hiatt, 5544 Rivers Edge Drive, was available for questions as a representative of A & K Earthmovers. They are proposing to operate a crushing operation and an asphalt plant at the Jessup location.

Director Spross shared information from the staff report regarding this application. This application had been postponed for two previous meetings. It is for a new, commercial mineral extraction and processing operation with an asphalt plant. The proposed area of mining is not provided and will need to be stated in the decision; a rough calculation based upon the diagrams in the submittal is 40 acres. The applicant will lease the site from the landowner and may operate it for as long as 5 years. Director Spross described the layout from the maps and site plans provided. All facilities are mobile and may be moved to other sites as needed. The site will operate during construction season, probably including weekends, which also requires a special use permit, and normally between the hours of 6:00 a.m. and 6:00 p.m. Work is primarily during daylight hours, but may need nighttime lighting. The site would not normally operate during cold weather months. Directional signage to the mining site is proposed, although advertising signage is not. The operation will have 6-8 employees on site, but no permanent facilities are proposed. The temporary facilities are proposed, including a portable office and portable restrooms. Drinking water will be brought to the site. Dust control will be provided by a water truck onsite. In addition to onsite employee traffic, major road projects will generate extensive truck traffic to the site. The applicant

estimates 108 truck visits, or 216 trips. An expected excavation depth is not provided. The mine area would eventually cover the entire 40-acre site. There is no reclamation proposed. The proposed mining area is just north of a previous mining area that occupies the southwest corner of the property and extends west onto BLM (Bureau of Land Management) land. These areas, too, are not undergoing reclamation. Mining operations may be subject to various other state permits, such as, air pollution, surface disturbance, stormwater control, site reclamation, mine safety, etc. A notice was sent to state agencies; however, no comments have been received.

Chair Blakey asked for any questions or discussion from the Planning Commission.

Member Diehl inquired regarding the hours of use on the site. Bart Hiatt responded that what they do is have the crushing equipment go in first, and they crush the aggregate. Then the hot plant comes in after the fact, but the project they are looking at right now, it would be 4-6 months and will be during the summer months. Member Diehl wondered if he would need a watchman, and Mr. Hiatt stated that he normally does on their pits, but they do not stay onsite. They have a pickup and a phone and go out there during the night to make sure that no one vandalizes the equipment. Member Diehl then asked about the lighting. Bart Hiatt said that they will have a generator onsite, and there will probably be a light out there. This is just to let people know that there is a night watchman monitoring the site. They do this at their site near Hazen as well. Member Diehl questioned how many trucks would be going back and forth. Mr. Hiatt replied that during a normal day they would take out so many loads, so the material would come out after they add the oil. Then this would go into a paver to pave the road depending upon where they are paving. Member Diehl verified if they were going to maintain the road that they use, and Mr. Hiatt confirmed that they would.

Member Hyde asked if Bart Hiatt has read through the recommended conditions, and Mr. Hiatt believed that he had. Director Spross commented that he will go through those for the record.

Chair Blakey asked for public comment regarding this item, and there were none.

Director Spross remarked that the master plan does establish this area, RR-20, for mineral extraction, which is an allowed use, and there are no new buildings or other facilities proposed, so there are no setback issues. He noted that as Mr. Hiatt indicated there would be lighting at the site, and he reiterated that there is a requirement in the County Code for dark skies and that the light would not be aimed toward the interstate. Director Spross mentioned that there are many dirt roads running through there and several are RS 2477 roads. This will not overburden any of our public services. Director Spross also went over the recommendation from staff for approval and listed conditions that should be considered with approval of the application.

1. This approval is limited to an excavation area of 40 acres.
2. Documentation of access easements to the site shall be provided to the Public Works Director before mining, processing, or asphalt plant equipment is set up. This includes obtaining any new easements for access.
3. No excavation shall take place within the power transmission line easement. No excavation or processing machinery operation shall take place (a) within 30 feet of the edge of an access easement, or (b) within 30 feet of the edge of the power transmission line road.
4. The condition of RS 2477 public roads used to access the mine site shall be maintained. The costs of repair and maintenance shall be at the mine operator's expense.
5. Dust from mining and processing activity and road traffic shall be controlled. Activity must stop if windy conditions cause dust to reach the freeway.
6. Nighttime lighting shall be directed toward the interior of the property, and shall not be directed toward the freeway.

7. The applicant and operator shall obtain all required federal, state, and local agency permits, and must operate the site in compliance with those permits. This includes any required mining and reclamation permits.
8. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

Chair Blakey asked for any further discussion; 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 005-091-23. Member Nelson 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 Special Use Permit application for A & K Earthmovers to establish a Mineral Extraction, Processing, and Asphalt Plan operation with weekend hours on APNs 005-091-23 near the I-80 Jessup exit. This approval is subject to the conditions listed in the Staff Report. Member Goings seconded the motion and the decision carried by unanimous vote.

Dean Patterson emphasized to Mr. Hiatt the need to get someone to figure out the access easement situation, and maybe he has already done that or Mr. Gianoli has that information. Our office couldn't find anything. Bart Hiatt said that they have already talked to BLM and know where the easements are and will use the existing easements to get in and out of there. Mr. Patterson asked him to provide those to the department for the file.

- F. 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.

Chair Blakey invited the applicant to come forward. Mike Stremmer, Out West Buildings, 7500 Jersey Valley Road, Lovelock, and Irvin Plank, 187 Highway 278, Eureka, were available for questions. Member Bunyard said that he needed to recuse himself from the item due to a financial conflict.

Director Spross stated that this application is for a special use permit. There are two use table listings for this item, including, fabrication with outdoor activities and large vehicle sales/rentals that is inclusive of sheds and storage containers. This application was continued from the meeting in January 2023 for the applicant to determine if the special use permit had already been issued. He noted that no new planning permits have been found, but additional information has been provided regarding documents from past contacts. Director Spross explained that the department did a review of all of the agendas from 2016 through 2021. There were three agendas that mentioned this project for permit applications. The first was on September 12, 2018 where a temporary use permit application was filed requesting to use one of the sheds they build as a watchman's quarters. During the meeting a lot of discussion took place regarding the use of a shed

for a temporary residential dwelling, and it was determined that it would not be allowed to be used as a temporary residence. It was mentioned that he could submit a special use permit application for construction of a permanent residence on the property. On October 8, 2018, a special use permit for the construction of a permanent residence in conjunction with the agricultural operation in Churchill County was approved, and a copy of the excerpt from those minutes and the Notice of Final Action were included with their packet for this. On February 12, 2020 there was a termination of the permit that was previously granted for the construction of a permanent residence was approved due to the fact that the permit was not enacted within the year given. Mr. Stremmer was contacted about the permit and no evidence of enacting that permit, and he informed our office that he decided to purchase another property. We also gave a digital copy of all of the agendas from 2016 through 2021, as well as copies of the minutes for the meetings mentioned above.

Director Spross went over the site history from the staff report, noting that business licenses and building permits have been issued in the past. The applicant provided some paperwork related to a landscaping agreement. The building permits included documents of the Planning Office contacts on two specific issues: (1) water right dedication or fee payment is a standard coordination item and the Planning Staff dealt with the water rights for the site, and (2) the Planning Staff also worked with the applicant to establish a landscaping maintenance agreement for the building permit. The map with the landscape agreement included some street landscaping and other landscaping that were not installed where indicated and still did not meet the code requirements at the time, and the staff person did not realize that the business needed a special use permit at that time. They also appear to have missed other code requirements as well. He knows that his predecessor had some code enforcement things that they were working with. The application proposes authorizing the existing fabrication facility for fabricating a variety of sheds. In addition, the site sells the sheds constructed onsite as well as selling or renting cargo containers. Since the use table does not have a specific listing for selling or renting large sheds and cargo containers as a retail business, it is most similar to large vehicle sales or rentals, which requires a special use permit in the C-2 zoning. Associated with this application, set as a separate agenda item following, is an application for three variances to waive, or partially waive, three code standards. These will be addressed on the next agenda item. He summarized that the applicant wishes to waive the street setback for their shed and cargo container display models, waive the street landscaping requirement, and partially waive the screening requirements for outdoor material storage. Director Spross went through some of the items on the detailed site plan as displayed on the screen listing their uses. Mike Stremmer noted for the commissioners the garbage and junk that was on the property to the west of the main site and stated that since he purchased that property, he has worked to clean it up. It looks much better than it did before as shown in another more recent aerial photo of the properties as displayed on the screen. He pointed out the difference. Chair Blakey thanked Mr. Stremmer for doing that.

Chair Blakey asked for any questions or discussion from the Planning Commission.

Member Goings inquired about the proposal for a second office and where that would be located on the site plan that was displayed. Dean Patterson pointed out that it would be where the “2” was on the map near the main office.

Chair Blakey asked if the applicant had anything to add that he has not already presented. Mike Stremmer remarked that at the last meeting he thought that they had a special use permit, which is why it was delayed to this meeting. The evidence that he thought they had was because they signed a landscape maintenance agreement with the County, which was notarized at the Planning Department. They have been going without the permit, not on purpose, but just because the three

people that they worked with—one passed away (Debi Kissick), one retired (Terri Pereira), and Michael Johnson (previous Director), who is no longer with the County—hadn't told them they needed anything else. Mr. Stremler thought that they were in compliance. When he went to get the building permit, Marie Henson walked him down to the Planning Department and said that he needed to work with them first before he could get the building permit. He did that and paid all of the fees for the water dedication and building permit. They did everything they thought they needed to do. Regarding NDOT (Nevada Department of Transportation), Mr. Stremler said that they were told that if they bought the easement from the neighbor, they would be okay with that for the access off of the highway; otherwise, it would have taken a year and \$20,000 for a study to see where they would come off of the highway. They got the easement from the neighbor. He commented that lighting was an issue that was brought up during discussions for this permit, and they have turned that down—there were three adjustments they could make. They are trying to be as good of a business as they can in Churchill County. He mentioned the cleanup that they have done of these properties, and they try to make things better. Mike Stremler remarked that in the staff report it says that they are promoting people to live in their buildings, and he stated that they, absolutely, tell people that they are not livable structures. It is in their rent-to-own agreements that they are not allowed to live in them; they are for storage. In Eureka County and Nye County people are permitted to live in them, and there is no permit process there.

Chair Blakey noted that there was a letter received from NDOT since the last meeting. He asked Mr. Stremler if he received a copy of that letter, and he said that they hadn't as far as he knows. Dean Patterson provided a copy of the letter to Mr. Stremler. Director Spross explained that as we get applications submitted, we contact other agencies and departments for comments. This letter is in response to this application. He pointed out that they indicated:

- (1) this project is directly adjacent to US 50, which is an NDOT maintained road and functionally classified as an urban, principle arterial,
- (2) redevelopment of the site that results in changes to the drainage patterns onto NDOT right of way will require obtaining an occupancy permit for the encroachment,
- (3) any changes to setbacks will require adherence to the NDOT roadside design guide standards for clear zone, site distance, and all other applicable standards, and
- (4) all work proposed within or adjacent to the US 50 right of way must comply with NDOT standard plans, terms and conditions relating to right of way occupancy permits and drainage manual current version at the time of application.

Chair Blakey, in order to update the findings, there were some issues brought up with the application, and to streamline things he brought out:

- A. Mr. Stremler addressed the sign brightness, but should the application be approved, he will need to meet with the Public Works Director to determine if it now complies and isn't a hazard for drivers,
- B. We have addressed the NDOT requirements as shared in the correspondence that was received,
- C. Mike Stremler also addressed the issue of the sheds being sold as a livable dwelling. He reiterated that they have never marketed them as livable structures. They have done some homeless shelters for the City of Reno—30 livable structures for them, which is on their website, but they don't promote this use. Dean Patterson stated that he is glad that they have something in their paperwork regarding this; however, people continually say, when there is a code compliance issue, that they were told that they could live in them. As long as they have the paperwork covering this, it would probably be okay. Irvin Plank responded that they met with the county several years ago regarding this issue, which is how they learned about what is

required in a livable structure.

Chair Blakey said that there are two items where there is still some concern that need to be worked out is the setback issue and landscaping to get it completed. Dean Patterson interjected that these items would probably be handled in the next agenda item for the variance. He pointed out that right now they should just consider the special use permit portion. Another item that was of concern was related to the Mosquito District property, and he had heard that Mr. Stremler had already resolved that. Mike Stremler went up to the screen to share that when they put up their fencing, the Mosquito District already had a fence up. The existing fence was not on the property line, so they have put up a fence at the property line. He brought up the fact that the site of the Mosquito District doesn't have any landscaping or screening of things in their yard. They moved to that location the exact same year that Out West Buildings moved to this site. They don't have any setbacks, any landscaping, etc. Member Goings verified that building is where the Mosquito Abatement is currently located, and Mr. Stremler confirmed that to be accurate. Member Goings brought up that the building had been constructed in the early 1990s, which was a boat shop at that time. Mike Stremler said that they changed the use when the Mosquito Abatement moved there.

Member Hyde commented that the staff brought up something in their report that he isn't sure that Mr. Stremler is aware of is that three of the existing buildings go over an easement for utilities—NV Energy and CC Communications. Mike Stremler replied that he was unaware of that. Member Hyde only brought it up to make sure that they were aware of this. Mr. Stremler remarked that there was originally an old mobile home out there in the middle of that property. He wonders if that easement was to that residence, which would give them an easement. He said that he would check into it and thinks that it is a non-issue because the mobile home is gone. Member Hyde stated that this issue doesn't affect what they are voting on. Dean Patterson informed that it is probably something that they could just work with NV Energy and CC Communications and mutually agree for the easement to be abandoned. Chair Blakey said that in his business he is in contact with NV Energy almost daily, and he posed that question for his own knowledge. They told him that as long as their infrastructure is standing there is an active easement, regardless of whether it is energized or not. The only way that they would do away with the easement is if their lines are taken out or moved to a new location for an easement. Mike Stremler said that there is a power pole onto the property from the residential parcel to the east to the shops. That is the only active, standing power lines and it doesn't go across any buildings.

Director Spross went over the recommendation from staff for approval and listed the conditions that should be considered with approval of the application.

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.

Chair Blakey 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 007-251-52 & 007-251-53. Member Hyde seconded the motion and the decision carried by a vote of 6 to 0 with Member Bunyard abstaining.

Member Nelson, based on the previously adopted findings made for this project, moved to approve the Special Use Permit application, as proposed, 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 & 007-251-53).**

This approval is subject to the conditions listed in the Staff Report. Member Goings seconded the motion and the decision carried by a vote of 6 to 0 with Member Bunyard abstaining.

- G. 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.

Mike Stremmler, Out West Buildings, 7500 Jersey Valley Road, Lovelock, and Irvin Plank, 187 Highway 278, Eureka, were available for questions.

Director Spross went over the purpose of the application and other information from the staff report. These three variances are associated with and accompany the special use permit, which the commissioners just approved. Out West Buildings is requesting that they not be required to meet county 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 the time. These requirements are as follows:

1. 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 (the standard 30' with an additional 30' for roads over 25 miles per hour (MPH). This setback is measured from the NDOT (Nevada Department of Transportation) property line. There was initially some uncertainty over where this line falls; however, Dean was able to identify on an aerial photograph, which was displayed on the overhead screen, as 12' from the highway pavement. The blue line illustrates the property line. The 30' setback line recommended by staff and NDOT is illustrated by the red line on the aerial photograph, and if the 20' driveway is shifted to run along the back of the 20' parking spaces along the chain link fence and the septic area split rail fence, this would provide 40' for parking spaces and driveway. The edge of the driveway is illustrated by the yellow line as shown on the aerial photograph.
2. Street landscaping—the applicant wants to fully waive the street landscaping requirement. Churchill County Code requires a 10' landscape strip along the public rights of way and 5' strips along private roads. The strip can be placed within the above described setback widths.
3. Screening of outdoor material storage—the applicant wants to partially waive the screening requirements to only provide screening 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, which are in rows along the east and southeast property lines and additional rows within the site adequately provide screening from the east, and that the cargo containers, partially completed sheds, buildings, the canal embankment and vacant land adequately provides screening from the north.

Member Goings inquired of staff regarding the correspondence from NDOT if he understands correctly that NDOT is requiring a 30' setback from the blue line and not 60'. Dean Patterson answered that their letter describes a number of generic requirements that they have, and one of those is the "clear zone". He wasn't sure what that was, so he called NDOT, and the person that sent the letter told him that at this location it would be 30'. Member Nelson questioned if that was 30' from the edge of their road or was 30' from the blue line. Dean Patterson replied that the person didn't say. Member Nelson then asked if the blue line represented the property line, and Dean Patterson said that it is the estimated property line. We don't know exactly where it is without going and finding survey markers or having a survey done, so staff made a presumption. The staff recommendation is 42' from the edge of pavement, which would 12' plus the 30' for the setback. Member Goings confirmed that the blue line indicates the 12' from pavement, and Dean Patterson agreed that it is the staff's estimate of the location of the property line. Mike Stremmler then stated that if it is a clear zone means that they wouldn't be able to landscape it either, like put up a fence or

boulders. Dean Patterson replied that the clear zone would be up to NDOT to determine. They basically say no obstacles, so he can imagine they wouldn't want a big boulder there. Mr. Stremler interjected, "or a fence." Mr. Patterson continued to say that what they allow or don't allow is up to them, and he doesn't get to determine this. There are plenty of options to accomplish landscaping, and it doesn't have to be something big and obstructive. Mr. Stremler then brought up the Mosquito Abatement and things that they have inside this "red zone" too, so pretty much the whole corridor on both sides would have to be 30' clear. Dean Patterson said he imagines that they would allow fences of some sort, and he gave an example of the split rail fence that they currently have around their septic area.

Member Hyde wondered if Mr. Stremler would be able to have landscaping within the 12' from the edge of pavement and also thought that there needed to be some type of resolution on the "clear zone." He also mentioned that if Mr. Stremler had completed this process in 2016 when he first established there, the setback would have only required 30'; however, since the application wasn't submitted until now, the setback is 60'. What the staff is saying as he understands is that they are willing to roll this requirement back to the 30' that would have been required in 2016. Dean Patterson confirmed that to be accurate. He also went over the process for determining the 12' property line—the power box at the south end of the Mosquito Abatement's west property line and then the north end of that blue line matches some paving had been done by probably NDOT to the property line in the access apron.

Joe Sanford, Deputy District Attorney—Civil, remarked that NDOT defines its own level of what the standard for a clear zone is, they can change it if they want to, and ultimately what they would consider a clear zone is going to be up to NDOT to tell them. We are only considering the setback and landscaping here, and we wouldn't have the ability to waive NDOT standard, even if we wanted to. Dean Patterson remarked that NDOT allows landscaping all over the state within that clear zone, and whether landscaping can be inside their (NDOT) property line, that's a question for them. Member Nelson said that he was looking at these areas along the highway and a lot of the fences are within 19'-20' as near as he can tell. It looks like those are within the 30' setback, so he may be able to put a fence in there and still match what is going on there.

Mike Stremler pointed out another issue with a utility underground easement where they are putting in a bunch of fiber optics and stuff. On an easement people can landscape whatever they want, but the company that uses that easement can take out whatever is in there and not have to replace it. He thinks that the county is enforcing stuff onto the people that own the property, because they like it, but in practicality if the utility easement comes through there, they have no obligation to put it back together.

Chair Blakey asked for further discussion nor public comment regarding this item, and there were none.

Mike Stremler questioned if the commissioners were getting ready to vote on this application, and Chair Blakey stated that they were going to have Director Spross share the recommendations from staff, and then if anyone has anything further to add, they will discuss that. After that they will make their decision. Mr. Stremler asked for the photo to be displayed again that had the blue and red lines on it. He went to the screen to explain why they are requesting the variances. He pointed out the items that they have within the 30' setback would no longer be able to be displayed because the driveway to navigate within for their trucks coming in and going out wouldn't be wide enough to make the turns needed between the parking area and the display of products if they had to move them back behind the 30' line. If they had been told these things when they first developed the land, they could have moved everything back because the land was

undeveloped. He shared all of the items that are tied to the ground and cannot be moved. He did everything he was told, and now they've been blindsided with all of these things.

Member Nelson asked for clarification if staff was willing to give them, in their opinion, a variance for 30' on the setback, and Dean Patterson confirmed that they are recommending to reduce the 60' setback to 30'. Member Nelson then asked if the 30' variance that the county is willing to waive and meets the 30' setback that is required by NDOT would be good. He noted that they don't really have the authority to reduce the setback required by NDOT. Mike Stremmer argued that even if he put his fence within that easement and you look at Ott's Farm Equipment, there is a row of tractors inside that 30' setback, and with Renner's it is the same thing. On their lot the buildings that they sell are within that same area. They've never had an issue with NDOT, nor has Ott's or Renner's. He said that as Joe Sanford stated it is up to NDOT to enforce their easement and not the county to enforce the NDOT requirement. Dean Patterson mentioned that the reason it applies here is that these sheds are considered structures/buildings and according to the County Code vehicles don't have to meet the setback requirement. He doesn't know how NDOT looks at vehicles/equipment. Mike Stremmer expressed his frustration because they went to the county to ask what they needed to do, and they met what they were told. Now, they are getting hit upside the head seven years later with the county changing things. He feels targeted when other businesses along the highway aren't required to meet the same things that he is being told. Chair Blakey said that the commissioners understand his concerns, and he doesn't believe that Churchill County is targeting you in any manner or showing you any bias with respect to the requirements. He pointed out that they did not have an active special use permit, and now they do. This application is for some variances related to the special use permit, and this is because as it stands this business is not in compliance. As far as speaking to the other properties, those have no bearing on this application and can't be used to influence their decision.

Member Nelson verified with Mike Stremmer that he is requesting a complete variance from the setback and wondered if there was any way that they could meet halfway or come to some type of consensus. He pointed out that they may be able to change what the county requires; however, they have no jurisdiction over what NDOT will agree with, and they will have to adhere to whatever NDOT tells them they have to do. The discussion continued about what would be allowed or not allowed and who should comply with this setback. Mike Stremmer did acquiesce that they could do the 10' landscape strip, and it would look nice. Then he brought up the fact that when it comes to the clear space, there are a lot of businesses that don't meet that clear space requirement. Member Nelson pointed out that, as he understands what the NDOT letter said, it must comply with the requirement at the time of application. NDOT has always been that way, and what they required five years ago may change. When you do a new application for something, you have to meet that code at that time. Mike Stremmer asked if the special use permit is considered the new application. Member Nelson responded that that with any new permit—building permit, land use permit, etc.—when NDOT gets involved, they are not going to look at what was required in the past, but they will look at what the standards are today. This is what throws them into a new scenario. It isn't a perfect world. This is how all things work because things change over time. Mr. Stremmer again brought up the Mosquito Abatement, that moved into the building adjacent to them during the same timeframe that they did. He uses them as an example because they are a county entity. He believes that the standard is applied differently to different businesses. Member Nelson remarked that it may not have applied because they weren't building a new building or changing anything. If they needed to apply for a special use permit for that use, they would have had to meet the requirements at that time; however, if it is just considered a standard business, it may not have changed. The discussion

continued regarding the setback issue and what would be allowed. Member Goings brought up that right now they are looking at this 30' setback from the property line, and currently the Churchill County Code requires a 60' setback. Due to the extenuating circumstances with them that is where the County has said that they understand the situation and don't want to cause too many problems and agree to reduction of the setback to 30'. It seems that NDOT is in agreement with this setback according to the response Dean Patterson received during his phone conversation with NDOT. He just wanted to clarify this situation. Member Nelson believes that his fence and landscaping can go within that 30' setback area, and again Mr. Stremler needs to clarify that with NDOT. Dean Patterson agreed that a fence, grass, bushes, decorative gravel, landscape mounds, and so forth may be okay, and this would need to be confirmed by NDOT. He complemented the landscape area where the septic is located as being acceptable. Member Nelson restated that he believes that the commissioners are okay with approving the reduction to 30', and he asked Mr. Stremler if he had a problem with it, if he has a certain footage number in mind for them to consider. Mike Stremler remarked that in a down economy the commissioners are telling them that they have to tie one hand behind their back and swim as hard as you can. They are basically taking away half of their display area by requiring 30'. If they were a car sales lot and they had to get rid of half of their frontage, it would have an impact. Member Nelson confirmed that they are willing to put the 10' landscape strip between the blue and red line, which is the 30' from the property line, and Mr. Stremler agreed. Member Nelson pointed out that there would be 20' left, and is there anything other than a complete variance that they could live with and still get the trucks in and out. Mike Stremler believes that the 10' for the landscape strip is where they think it makes sense, and the 30' seems too much because they started out with a clean slate, and the county lead them astray. He brought up from the last meeting where a lady was requesting a variance because the building department told them the wrong setback and she already had the foundation ready to pour the concrete. The commissioners gave her a variance, and she didn't have the concrete poured yet. Mr. Stremler said that they have a whole building already set, and the county led them astray, too. They would lose 50% of their display if they have to meet the 30' setback. Dean Patterson clarified that the variance Mr. Stremler mentioned was from a 30' setback to 22'. There was more shared about the distances on the aerial photo and discussion on sizes of buildings, traffic, parking, and so forth. Member Nelson stated that he had been out there, and he thinks that if he has the 10' landscape strip and they were to allow him a variance for another 10', for a total of 20', that he would be able to operate. It wouldn't be perfect, but it could work. He thinks that they have done some things like that in the past. Joe Sanford, DDA, suggested that if they do choose to go that way as the commission, they should put in the caveat that, ultimately, their decision won't be able to supersede NDOT if they come and complain. If NDOT doesn't choose to take any action with Out West Buildings, then that is on them. The county setback could be changed, but they should include that this business is still subject to NDOT requirements. Member Goings noted as shown on the aerial photograph that there doesn't seem to be an issue with the setback on the east side of the property next to Mosquito Abatement; however, the problem comes into play toward the west side of the property. He commented that they could move the larger building displays to the area where there is more space, and then they could use the shorter/smaller buildings where it is narrower. They continued discussion of the display area and setback requirement.

Dean Patterson pointed out that most of the discussion has been about the setback and landscaping, which he thinks is more or less resolved, but there is a third item regarding the screening. Staff is recommending that the proposed south and west screening was adequate, and they may need to fill in some gaps. The east and north screening was adequately accomplished by

the rows of sheds and cargo containers. The staff report recommends approval of that request. Mr. Stremler didn't have anything to add about the screening on their site because they own all of the land around them except the Mosquito Abatement building, and he wishes that they would screen theirs. Dean Patterson then brought up that Mr. Stremler had said that he would maintain the landscaping around the residential properties and along the borders of the fabrication property. He said that staff is accepting the existing landscaping for those properties; however, if he would be removing any more landscaping, then he would have to do the normal landscaping that a manufacturing project would have to do between the commercial and residential uses. He asked that Mr. Stremler keep the landscaping as it exists on the rest of the property. Mike Stremler affirmed that they have already removed the dead trees, and everything that is remaining will stay, unless they fall over or something.

Director Spross went over the recommendations from staff and a list of conditions that should be considered with approval of the application. Staff recommends (a) approval of the street setback variance reduced to 30'—this is the original recommendation, and it seems that the commissioners may be considering a different distance that will need to be noted in the decision, (b) denial of the variance to waive the street landscaping requirement, and (c) approval of the variance for the partial screening.

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. Again, if the commissioners wish to approve a different distance it will need to be noted in the decision.
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.

Mr. Stremler asked staff to clarify the south area screening as stated in the conditions, and Dean Patterson demonstrated on the aerial photograph the fencing area across the south part of the lot between the Mosquito Abatement fencing across by the office and west to where the residential dwellings are located. He stated that there are bits and pieces that don't have screening in the fence that is there, along with the west side fence.

Member Goings went back to something mentioned by Member Nelson that we just approved the special use permit, which is newly approved for 2023, and when it comes to the variance on the setback, we need to be moving forward to implementing the current requirement. In this instance the staff is recommending giving a variance for half of the current requirement, which is a 30' setback. He understands and can see what Mr. Stremler is saying, and he thinks with some reconfiguration they could probably make that work and still have a decent display area. He said

that he agrees with the 30' distance and knows that it isn't what Mr. Stremler wants, but it is half of what the current requirement is.

Member Hyde remarked that he has been listening to everything that has been said, and he does get the feel that Mr. Stremler got whiplashed a bit. He also sees where Member Goings comes from, but he does have some compassion and would like to be able to give him a little bit more. The reason is that if Mr. Stremler does the landscaping up front within the first 10', then he thinks that as Member Nelson stated they could cut it down to 20'. That would give him an additional 10'.

Member Goings wanted to clarify that once they take this step, which is an extenuating circumstance, in that this property has already been developed, the buildings are already constructed, and they are already in business and going. He thinks that there was some communication issues between some county agencies that created this. He just doesn't want to make a precedent, moving forward, for any other new businesses along the way that would be able to bring this up as a reason that they shouldn't have to comply. Chair Blakey mentioned that another way to look at the commission's standing on this is that they are cleaning up an issue that came up prior to this application. Moving forward with new applicants, they could explain the reason behind their decision on this application.

Director Spross questioned legal counsel, regardless of whether it is 20' or 30', are we going to have to read into the record in terms of that this is a variance that the County is granting, and should that be overridden by NDOT, they would have to comply with NDOT requirements. Joe Sanford, DDA, agreed that it should be, and he said that he has some proposed language based upon the decision of the Planning Commission. The current condition for the setback would need to be amended to say that the approved street setback for the closest shed or container shall be (however many feet is decided) from the edge of the highway pavement, subject to NDOT roadside design guide standards for clear zone, sight distance, and all other applicable design standards. If NDOT comes in and tells them that they have to do something different, then Mr. Stremler will have to comply with what NDOT says. There was some discussion about when this would be applicable and so on. Director Spross requested that whatever distance the commissioners decide they should add on the 12' from the edge of pavement for the property line. Irvin Plank remarked that this is how it is currently, if NDOT wanted them to move their buildings back, they would have to abide by that already. There were more comments made, and Joe Sanford agreed that NDOT could have stopped by and required them to move their buildings today as far as their standard is concerned. Mr. Plank remarked that nothing would change as far as their requirements with this decision, and it was affirmed. Chair Blakey read a definition of what the clear zone should consider, and Dean Patterson reiterated that was why the person he spoke with at NDOT told him 30' as it was based upon those criteria.

Dean Patterson said that the recommended motions include a decision for each of the three variances in one motion; however, they could do them as three separate motions if they so desired. Member Nelson confirmed that there isn't really any issue with the screening, and the landscaping will be done as agreed upon by Mr. Stremler. Member Goings agreed that the only one they really have to consider is the street setback. He asked the applicants, based upon what Chair Blakey said regarding NDOT, if they understand that NDOT could come in at any time and require that they move their display to meet NDOT's standard no matter what this commission decides.

Chair Blakey said that there is no further discussion, and he asked Member Bunyard if he needed to recuse himself from this item as well due to the same conflict. Member Bunyard confirmed that he would. Chair Blakey called for a motion. Member Goings asked counsel whether they need to include any changes to the motion for the findings due to things discussed, and Joe

Sanford said that if their intention is to approve the variances, but change the conditions, the findings as they stand are okay. It would be in the motion for the decision that they would change any conditions. The motion for the findings is just to state that they meet or don't meet the findings criteria in the code. Director Spross responded that under the second condition it would go from 42' to 32' should they decide to go with the 20' setback as discussed. Dean Patterson pointed out that in the findings motion they need to list all sources they've considered in order to determine if this application meets the findings criteria.

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings for conformance with the criteria found in CCC 16.08.090(F):

- (a) have been met for a Variance from the street setback**
- (b) have not been met for a Variance from the street landscaping requirement since they will comply with the landscaping requirement**
- (c) have been met for a Variance from the outdoor material screening requirement**

on APNs 007-251-52 & 007-251-53. Member Nelson seconded the motion and the decision carried by a vote of 6-0 with Member Bunyard abstaining.

Member Hyde, based on the previously adopted findings made for this project, moved to:

- (a) Approve the request for Variance to reduce the street setback to 32' from the edge of pavement, subject to NDOT Roadside Design Guide standards for clear zone, sight distance, and all other applicable design standards,**
- (b) Deny the request for Variance to waive the street landscaping requirement,**
- (c) Approve the request for Variance to partially waive the outdoor material screening requirement**

at 7450 & 7490 Reno Hwy (APN 007-251-52 & 007-251-53). This approval is subject to conditions as listed in the staff report [and as amended during the meeting]. Member Goings seconded the motion and the decision carried by a vote of 6-0 with Member Bunyard abstaining.

Dean Patterson asked Mike Stremmer if Ed Erxleben would follow up with staff on the wrap up items, and Mr. Stremmer said that it would probably be Mr. Erxleben.

11. Consent Agenda: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

A. Consideration and possible action re: Termination of a special use permit that was previously granted for parking trucks and trailers related to their hay hauling business to Richard Van Dyke at 6110 Westwind Way, Assessor's Parcel Number 008-152-42, consisting of 4.0 acres in the E-1 zoning district. *He terminated his business license as of June 17, 2016 and they no longer own this property; therefore, it is requested to terminate this permit as it is no longer needed at this location.*

Chair Blakey asked if there was anyone that wanted to pull an item from the consent

agenda, and there were none. He called for a motion.

Member Bunyard moved to approve the consent agenda as submitted. Member Nelson seconded the motion and the decision carried unanimously.

12. Public Comment:

There were none.

13. Adjournment:

There being no further business to come before the Planning Commission, Chair Blakey adjourned the meeting at 9:43 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
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STAFF REPORT FOR PLANNING COMMISSION MEETING – February 8, 2023

Prepared February 1, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on February 1, 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.

• Bravo Foxtrot NV Parcel Map – 2 Industrial lots	Page 2	No Site visit
• King TUP for Temporary Quarters for Hardship/Caretaker	Page 6	No Site Visit
• Nemeth TUP for Temporary Quarters for Hardship/Caretaker	Page 8	No Site Visit
• Fisk SUP for Home Based Herb Farm Business	Page 10	No Site visit
• SAC Wireless SUP for cell tower (RE-DO // Top Gun Dragstrip)	Page 14	No Site visit
• A&K Earthmovers SUP for mining and asphalt plant	Page 18	No Site visit
• Out West Buildings SUP for manufacturing/fabrication facility	Page 22	No Site visit
• Out West Buildings 3 Variances (setback, landscaping, screening)	Page 31	No Site visit
• Consent Agenda	Page 36	No Site Visit

PC Members Present

Zack Bunyard
Jeff Goings
Mark Hyde

Staff Members Present

Dean Patterson
Joe Sanford
Diane Moyle

REVIEW OF PROJECT FILES

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

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

Application:	<u>Bravo Foxtrot NV Parcel Map (4 lots)</u>	Use Listing:	<u>Future industrial uses</u>
Applicant:	<u>Nathan Zarowny of Idaho Asphalt</u>	Owner:	<u>Bravo Foxtrot NV</u>
Representative:	<u>Lumos and Associates – David Crook</u>		
Site:	22297 Bango Road (APN: 007-071-82) – 55.56 acres adjacent to Safety-Kleen		
Designations:	Master Plan – Industrial // Zoning - Industrial		

Proposal: The applicant is requesting a Parcel Map to split the large 55.56 acre industrial property into two lots, with the north lot providing a 20 acre future development site with rail service for Idaho Asphalt. The 2 parcels will be served by a new paved road, that will pass from Bango Road, through the Safety-Kleen property, and reach to the parent parcel. The road will continue into the property on a “flag-pole” segment of the south parcel, and that also provides frontage for the north parcel. The application material includes a road layout. The road will use existing and newly established easements that together meet Code requirements.

A substantial gas line lies within a large easement running along the north edge of the parent property, which will also be the north property line for Idaho Asphalt. A rail spur easement that serves the Safety-Kleen facility will be accessible to the north parcel. It is anticipated that a rail spur will be brought into the north lot paralleling the gas line. After the parcel map is completed, Idaho Asphalt will submit a Special Use Permit for (a) the asphalt product manufacturing facility, and (b) the rail-based services facility.

Criteria Review:

CCC 16.04.040(C) Design Standards: Churchill County has adopted development standards, which shall be complied with in all application submittals.

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

- **Setbacks and Easements:** The property is vacant, so there will be no setback issues at this point. Existing easements are identified on the map, and required easements will be provided.
- **Lot size and width:** The proposed lots meet the lot dimensional standards for area and width, aside from the flag-pole segment with the road.
- **Access, sewer, and water facilities:** Also see criterion 4 below regarding public roads. With the new road and road easements, both parcels will have access to public roads, as required by County Code; and their future development will require installation of access aprons and fire truck accessible driveways to buildings.

Also see criterion 4 below regarding public water systems. The new parcels can use individual wells and septic systems. The future asphalt emulsion manufacturing facility will require a large amount of water, and will need a groundwater right to be obtained and transferred to the site. It would be subject to regulation by the state.

- **Water dedication and community development fees:** Community development fees will be due with the new business construction on the new lots. The exception is that a water right dedication of 2 acre-feet per lot is required for each new lot, unless no water rights exist on the property, in which case a payment-in-lieu is allowed in the amount of \$3276 per lot. This parcel map will need to pay fees for 2 lots before recording.

- **Parcel Map Procedures:** The County Code places limits on the use of parcel maps, serial parcel maps, and subdivisions. Future division of this property may be limited. Specifically, serial parcel map may be prohibited from being used for commercial and industrial lands. That standard limits the use of parcel maps to this one map. After this map, further development may have to be done through a subdivision process, including the option for using the commercial/industrial subdivision process. However, such a project would have to also meet the sewer and water policies in the Master Plan, which are discussed below.

CCC 16.04.050(A) Conditional Development Approval: The planning director, planning commission or county commissioners are authorized to apply conditions to applications for development. Conditions are employed to development projects to ensure:

1. Conformity with the master plan.

The **Master Plan** designates the area as Industrial and is implemented by the area's Industrial zoning district. The site is adjacent to the Rural designation. Most Master Plan policies are not applicable to the issue of a land division, except that there are important policies in **Chapter 9** (Public Services and Infrastructure) that impact lot size and land division. These are discussed under Criterion 4, below. Both **GOAL LU 2** and Policy **LU 2.1** discuss compatibility issues that are discussed under criterion 2, below.

2. Compatibility with existing adjacent properties and uses.

The proposal will result in one more industrial property than currently exists. The compatibility of them with (a) the existing vacant properties to the east, west, and south, and (b) industrial lands to the north will not change significantly. The difference in development potential due to this map would be comparing a single large industrial use for the existing property vs. smaller industrial uses on smaller properties.

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

Potential industrial uses will not change when the parcel is split. Compared to the single large industrial lot, the creation of an additional industrial lot might minimally increase human activity in the neighborhood or bring it about sooner. Specific consequences will be assessed with land use permits for specific projects. Public health, safety, and general welfare will be minimally affected by the land division, and are adequately protected.

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

Compared to vacant land, future industrial development will increase demand on emergency services, and road facilities. That is the existing condition, whether on one or two lots. With the parcel map, the future development of an additional industrial lot will place a minimally greater demand on facilities and services. Fire and police services are adequate to serve the existing or future uses.

There are no public sewer or water services, so on-site services will be used for any future development. Power and gas are available at the site or nearby, including major power and gas transmission lines. The utility easements provided along property lines comply with the current county requirement.

As noted above, there is a complication relating to **additional land division** on the site in the future; and a future division of the property may have to go through a subdivision. There are **Master Plan policies** related to providing community sewer and water. **PSF 1.2.1** requires subdivisions to be served by a centralized water system; **PSF 1.2.3** requires that such system must be within a service area; and **other policies** require that the County own/operate the water service. There are also policies addressing sewer service for subdivisions. **PSF 2.2.6** requires that creating lots less than 5 acres in size requires a sewer system connection; and **PSF 2.1.4** requires such systems to be within a service area. Thus, future divisions may need to deal with these Master Plan policies.

The property has access to Bango Road, though it does not front on it. Bango Road is a County-maintained paved road within a 80' road easement, changing to 60' when it reaches the Safety-Kleen property where

the proposed road for this project connects. The proposed road corridor currently has a 30' road easement on the Safety Kleen property reaching to the parent parcel. The applicant is working with Safety-Kleen to widen this corridor to a 60' easement meeting County Code, and may include additional width at the intersection to accommodate sharp truck turning movements if the applicant's engineer determines that it is needed. The "flag-pole" segment of the proposed south lot will be a 100' wide road easement. The constructed road will meet County standards and lie within the easement.

County Code requires that the new lots are served by a road that connects to the County-maintained road. The applicant is proposing to build a paved road reaching to Bango Road. It must meet County road standards, must have a turn-around at the end, and include associated drainage control facilities. However, the County has special concerns about this road due to multiple issues:

- (1) The unusual characteristics of the soil, a badlands-type soil. A geotechnical report may find that additional construction considerations will be needed.
- (2) Traffic on the new road will be dominated by heavy trucks. Such roads typically need a stronger cross-section. The Road Supervisor recommends a thicker road cross section, likely to be 8" of base with 4" of asphalt surfacing.
- (3) Heavy trucks will be doing breaking and sharp turning movements at the intersection of the new road and Bango Road, which will place high stresses on the pavement surface. Bango Road is inadequate to withstand such stresses. The Road Supervisor recommends that the intersection be rebuilt to the same standard as the new road. It should extend east 50 feet beyond the point of connection (the return) of the intersection's curved edge of pavement, and extending west to the edge of the road easement.

County policy is normally to require the dedication of the land under any easements with existing County roads and the County normally accepts such offers, but this situation does not apply in this case. New roads are normally offered to the County and are usually NOT accepted, which is the situation in this case. The Road Supervisor recommends against accepting the road for County maintenance. Thus, it will be a privately maintained road, and the right-of-way land will remain under private ownership. Recommended conditions will require both the road easement and the road improvements to be offered for dedication, but the County will not accept the offer at this time. As required by NRS 278.378, offers to grant easements, and dedicate land to the County must be accepted or rejected along with approval of the map. The motion of approval needs to include these statements.

Since the road will be privately maintained, the Road Supervisor recommends that a Road Maintenance Agreement be established to ensure that a responsible party (the property owners as a group) will be formally identified, and there will not be a future expectation that the County will maintain the road.

There are other recommended conditions related to roads. Changes are needed for road labeling and certificates. The new road does not have a proposed name, so a Road Name Application and Address Application for the new lots need to be submitted and approved before recording the map.

- 5. As a part of the review and analysis of the development request, findings of conformance with the goals and objectives of the code and the master plan must be made in order to recommend approval and impose conditions. The conditions imposed by the staff may be modified by the final decision-making body.**

Based on the above assessment, options for Findings are provided below.

STAFF RECOMMENDATION: APPROVAL

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for an application for a Parcel Map on APN: 007-071-82 to split the property into two parcels thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.04.040(C) and CCC 16.04.050(A), as described in the Staff Report.

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

- Based on the previously adopted findings made for this project, I move to recommend that the Board of County Commissioners:
 - (A) [**APPROVE // DENY**] the Parcel Map permit application for Bravo Foxtrot NV to divide APN: 007-071-82 into two parcels.
 [**For APPROVAL add**] This approval is subject to conditions, as listed in the Staff Report.
 - (B) ACCEPT the offer to grant easements identified on the map.
 - (C) REJECT all offers to dedicate lands and improvements at this time.

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

- 1) Any final changes required by the County Surveyor shall be made prior to recording.
- 2) Changes shall be made for compliance with Churchill County Code, including but not limited to:
 - a) Minor typographical and organizational changes to the map and certificates.
 - b) Making any changes to the Owner Certificate and Churchill County Commissioner's Certificate needed to be consistent with the final decision on offers to grant easements and dedicate land and facilities.
 - c) Labels shall be added or modified identifying that the road is proposed, its construction standard, and offering it for dedication. The construction standard shall be stated as "constructed to special County standard as shown on improvement plans." Roads within the development shall be labeled as being offered for dedication on the map. Portions of roads serving the project that are off-site of project land shall be labeled as being offered for dedication to the County through separate process.
 - d) A Road Name Application and Address Application (for the new lots) shall be submitted and approved before recording the map.
- 3) The new road shall use a special construction standard determined by the Road Supervisor. The expected standard is 8" of gravel base and 4" of paved asphalt surfacing. Access aprons and a gravel turn around shall be included.
- 4) The intersection of the new road with Bango Road shall be rebuilt using the same standard as the new road. It shall extend east 50 feet beyond the point of connection (the return) of the intersection's curved edge of pavement, and extend west to the edge of the road easement.
- 5) A road maintenance agreement that assigns responsibility for maintaining the new road to the parcels within the map shall be recorded along with the map. The agreement shall be approved by the Public Works Director. Associated notes shall be placed on the map.
- 6) The new road shall be signed near the Bango Road intersection stating that the road is privately maintained.

Application:	<u>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Howard King</u>	Owner:	<u>Howard and Evelyn King</u>
Site:	2330 Lucas Road (APN 008-112-30) – 1 acre near Cox Road		
Designations:	Master Plan – Urbanizing // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to place 1970s era recreational vehicle (RV) on the property. The unit is already on-site, and is set up for use. This application results from enforcement action.

Howard King is requesting to place a temporary quarters on the property to care for he and his wife Evelyn. The applicants live in the existing home, are over 70 years old, and have mobility problems. Jonathan Hegarty will live in the temporary quarters. The application indicates he will assist the owners with mobility problems, property upkeep, and errands. The site plan shows that the RV will be located behind the home. It will connect to the home's existing power, septic, and water services.

The property is the smallest residential lot in the neighborhood, with the other nearby lots in the 3-10 acre range. Access is from Lucas Road, which is a County-maintained paved road located within a 50' road easement. The road is centered on the section line, with 30' of the easement on the property. There do not appear to be utility easements on the property, though utility lines extend along the road. A 60' canal easement follows the curving SE property line, centered on the canal.

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

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

CCC 16.08.070(H) allows conditions of approval to be applied if "the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities."

The application indicates that both owners are over 70 years old, and have shown proof to staff. Their ability to care for themselves and their property has declined and they need someone to assist them.

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

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 008-112-30.

[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 Temporary Use Permit application for Howard King to establish a Temporary Quarters for Hardship/ Caretaker at 2330 Lucas Road (APN 008-112-30).

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 Building Department permitting must be completed within 30 days, including inspections of water, septic and electrical connections.
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 Table Listing:	<u>Temporary Quarters for Hardship/Caretaker</u>
Applicant:	<u>Paul & Linda Nemeth</u>	Owner:	<u>Paul & Linda Nemeth</u>
Site:	5655 Weaver Road (APN 006-831-21) – 11.27 acres near E. Corkill Ln.		
Designations:	Master Plan – Agriculture // Zoning – A-10		

Summary: The applicant is requesting a Temporary Use Permit for a Temporary Quarters for Hardship/ Caretaker purposes to authorize a 1980 mobile home to be used as temporary quarters for caretaker purposes.

The unit is already on-site, and is set up for use. It is currently the **primary** residence, and not set up as real property. But the applicant has been building a new home and living in the existing one. When the new home is built, the Building Department has an agreement with the applicant to remove the mobile home so the **new home will become the primary residence.**

The applicant would now like to keep the mobile home on-site, as a temporary quarters for Paul Nemeth’s mother Ellen Donnelly, who is 86 years old and recently had a stroke. The home has some ADA accessibility modifications that can be useful. No additional alterations would be needed for approval of the unit for power, water, or sewage.

The property is among a wide variety of parcels sizes in the neighborhood, most with irrigated acreage as well as a home. Some parcels are smaller and some are very large. Farmland is the predominant use in the neighborhood. Access is from Weaver road, which is a County-maintained gravel road located within a 60’ road easement that is centered on the property line, though the road mostly lies on the west side. Another road easement is centered on the south property line and serves as the driveway. Utility easements run along the property lines and road easements.

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

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

CCC 16.08.070(H) allows conditions of approval to be applied if “the use will otherwise be **incompatible** with other existing uses within the same general area or will constitute a **nuisance** or will **overburden improvements** or facilities.”

The application indicates that the parents are over 70 years old, and documentation was provided. The ability of the mother to care for herself has declined and the son will assist her. The property will not change as a result of continued use of this mobile home, though its removal will be delayed.

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

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.070(B)3 regarding a Temporary Use Permit for Temporary Quarters for Hardship/Caretaker on APN 006-831-21.

[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 Temporary Use Permit application for Paul & Linda Nemeth to establish a Temporary Quarters for Hardship/ Caretaker at 5655 Weaver Road (APN 006-831-21).

For APPROVAL the motion should ADD:

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

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

1. The temporary quarters must comply with Churchill County Code.
2. The 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.
3. 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.
4. This temporary use permit is subject to annual renewal providing proof that the need still exists.

Application: Special Use Permit
Use Listing: Home Based Business for Herb Farm with Events
Applicant: Stacy Fisk **Owner:** Stacy and Brad Fisk
Site: 3700 Alcorn Road (APN 008-431-08) - 1.17 acres
Designations: Master Plan – Urbanizing // Zoning – E-1

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 (a) customers coming to the property, (b) modifications to add buildings for the business, and (c) have an employee.

The applicant has been operating a home based herb business at the site for some time within the standard parameters. However, she now wants to expand operations in a manner that requires the Special Use Permit.

- a) Customers coming to the property: The application proposes to hold events of 4-6 hours with up to 50 participants. A storefront with regular daily customers is NOT proposed.
- b) Site Modifications: The application proposes new construction by removing the existing smaller unheated greenhouse and replacing it with a larger heated greenhouse.
- c) Have an employee. The application proposes 1 employee that will be part time, and work daytime hours.

The site plan designates the business area of the site separate from the residence area of the site. The greenhouse is identified on the plan. Hours of operation for the business employees/owners would be fairly normal days and hours. While the application does not state it, the events are likely to be on the weekend. 50 visitors would likely be roughly 25 vehicle visits, or 50 trips. No parking area is identified for the events, nor ADA accessibility discussed. The business has in-bound deliveries to receive growing supplies, and out-bound deliveries to ship plant products.

Alcorn Road is a County-maintained paved road lying within an 60' road easement. Utility easements might not exist. No alterations that impact the well and septic are proposed. The parcel is located along the river, with the greenhouse location being within the Floodway. The Building Dept. will have special standards to meet for building the greenhouse..

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 composed of similarly sized 1-5 acre residential lots, with larger agricultural parcels nearby on both sides of the river. There are many residences within a short distance. A full-blown commercial business would not normally be allowed in the E-1 zone. But a small home-based business may be acceptable. The particulars of the proposed business become important.

1. The proposed business is partially related to agriculture which may help it to be more compatible than other businesses would be.
2. Constructing a business building in front of the home would normally be unacceptable, but the proposed greenhouse will be a larger replacement for an existing greenhouse, and greenhouses have an agricultural relationship that may be more compatible.
3. A home business that has employees come to work at on a daily basis would normally raise compatibility concerns, however a part-time employee for an operation similar to agriculture may be more compatible.
4. Several events being held during the year would not be consistent with maintaining the home's residential character. Extensive customer visits are more similar to a full blown business. Staff recommends that ***this component of the request be denied.***

Events would be more in line with a Private Gathering/Reception Facility, though that use is prohibited in the E-1 zone. However, an alternative more in keeping with an herb farm might be an Agro-Tourism Facility, which is allowed through a Special Use Permit. Any approved event facility would need to deal with parking, restrooms for guests, and ADA accessibility issues.

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 Urbanizing. The property is zoned E-1 residential. ***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 should 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. ***NOTE that full businesses normally meet the code requirements referred to below.***

- **Generally:** Changes to the residential septic system and water well should not be needed. The proposed greenhouse building will meet setbacks and avoid easements. The landscaping code does not apply to activities accessory to a single-family residence, like a Home-Based Business. No signage or outdoor lighting is proposed. New residences and businesses must pay County impact fees and dedicate water, but an accessory home business does not. All of the above do apply to a full-blown business.

- **Parking:** Events will require special parking considerations. The parking code (including handicapped parking) does not include parking for activities accessory to a residential use. Any required parking for a Home-Based Business would be determined by the Director through the SUP. No parking is proposed for the events, so staff cannot determine if there is adequate parking. Event facilities should be reviewed under their own permit. Staff recommends that the events component be denied. Parking for the employee is not specified. There is adequate open ground along the driveway for an employee parking space, especially north of the accessory buildings near the home. Staff recommends that any employee be required to park in that area.

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. Private sewer and water service currently exist on-site and can be used for the accessory Home-Based Business, including with the 1 employee. However, they are unlikely to be adequate for events and using portable restroom facilities would be incompatible with the neighboring uses. In addition, the Fire Marshall and Sheriff may have special concerns with the events. However, fire and police services are adequate for daily operations. Staff recommends that the event component be denied. 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 for daily operation of the business are minimal with a handful per day (1 visit = 2 trips). Alcorn Road is paved and adequate for the customer traffic, and no mitigation is necessary. Events would place additional demand.

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 for normal daily operations. However, events would cause impacts that are not similar to normal residential traffic and are not appropriate for a home business.

STAFF RECOMMENDATION: **PARTIAL APPROVAL - NO EVENTS** If events are to be proposed, Staff recommends the submittal of a permit for Agro-Tourism along with installing facilities to serve visitors.

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 008-431-08 **WHEN EXCLUDING THE REQUESTED EVENTS.**

[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 an herb farm at 3700 Alcorn Road (APN 008-431-08), **EXCLUDING THE REQUESTED EVENTS.**

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 Stacy and Brad Fisk. Approval is not transferrable to another location or operator.
 - b. This approval is for the proposed herb farm business. Adding other activities, **such as events**, farming classes, etc. is prohibited.
 - c. Customer visits are NOT approved.
 - d. One employee whether working part-time or full-time is authorized.
2. The project must be in conformance with County Code, including but not limited to:
 - a. No outside storage, signage, or outdoor light has been approved.
 - b. A business license must be obtained and maintained.
 - c. All necessary building permits must be obtained for the new greenhouse.
3. One employee parking space shall be provided near the home and north of the accessory buildings.
4. Operations shall be conducted in a manner that do not create a nuisance (public or private) under Nevada law or Churchill County Code.

Application:	<u>Special Use Permit (RE-DO)</u>	Use Listing:	<u>Communication (Cell) Tower</u>
Applicant:	<u>Commnet (Top Gun site)</u>	Owner:	<u>Churchill County</u>
Representative:	<u>SAC Wireless (Joseph Levie)</u>	Leaseholder:	<u>Motorsports Safety Inc</u>
Site:	15550 Schurz Hwy (APN 002-411-03) – 90.7 acres		
Designations:	Master Plan – None // Zoning – RR-20		

NOTE: This application was approved by the Planning Commission on December 9, 2020. While the County owns the property (and leases it to the drag strip organization), it was obtained from BLM for “recreational” purposes. After SUP approval, BLM raised issues that the cell tower was NOT recreation. Over the last 2 years, the matter was brought to resolution, and BLM has provided their approval. However, the permit expired. The applicant is resubmitting the same tower application as before (with a different representative staff person), though in the intervening period additional features have been required: a light on top of the tower, and an 8’ lightning rod bringing the total height to 68’. NAS Fallon has been informed again, though no comments have been submitted. Staff considers this application a RE-DO of a previous permit, and once again recommends APPROVAL.

Project Summary: The applicant is requesting to construct a cellular communication tower. The project will swap the existing 38-foot tower with a taller 60-foot tower. During the review, it was discovered that the previous communication tower was pre-existing and has no land use permit. This SUP will be the first communication tower permit. **NOTE: The tower includes an additional 8’ lightning rod for a total height of 68 feet.**

The existing cell tower is within the racetrack loop area at the west-most end. The proposal is to install a new 60’ mono-pole tower and equipment shelter near the existing tower and equipment shelter, transfer equipment to the new tower, then remove the old tower. The existing equipment shelter will remain to house equipment for the existing antennas, and the new equipment shelter will house the equipment for the new antennas. All new development will be within a new fenced lease area abutting the existing fenced area. The resulting larger facilities will have space to accommodate the future co-location of antennae/equipment. This project will include facilities for an emergency/first responder broadband network.

The proposed site is at the Top Gun Drag Strip south of Fallon, off of the Schurz Highway. Power is available at the existing cell tower. The County GIS system shows no easements related to the tower site, but the drag strip facility has access on to US 95 / Schurz Highway.

The antenna tower will be placed a large distance from the property lines and presents no fall risk to adjacent properties. The site is distant from the NAS Fallon base, but the B-16 range is closer and toward the northwest. NAS Fallon was notified, and it provided comments in which the Navy had no concerns regarding tower height, location, or frequency spectrum, but recommended FAA lighting for the tower and construction crane. The recommendations are to ensure flight crew safety. NDOT Aviation provided comments and has no concerns with the tower, but notes that the race track serves as an emergency landing strip and would like a heliport installed, though that would have to be in a different location from the tower.

Criteria Review:

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

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

The surrounding area is designated with the RR-20 zoning district. Immediately surrounding the site is flat vacant desert lands. More distantly, mine sites (mostly closed), and US 95 (Schurz Highway) are the nearest uses. For example, the highway is over a mile away and the mines are about a half mile away.

The proposed taller tower has similar consequences as the existing shorter tower. Communication towers with extensive antenna arrays are often a source of concern for adjacent neighbors, but there are none besides the drag strip itself. Also see environmental impacts discussed under Criterion 5. Regarding concerns that the tower may fall onto adjacent properties, it is setback further than its height from property lines. Regarding the visual impact of a tower and antennas looming over nearby residences, there are none.

The lack of nearby residences, and the ability to keep a falling tower from landing on an adjacent lot reduces compatibility concerns. The proposed tower will be more visible from the highway than the existing tower, but the impact should be slight. Overall, the tower replacement should be compatible with the surrounding uses and development. Staff has not heard objections at this time and is not recommending alterations for visual impacts.

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.

Communication Towers (under utilities) is a listed use in the RR-20 zoning district and use table of the development code. New towers must be reviewed through a Special Use Permit, and co-locating antennas requires a Zoning Review.

Most Master Plan policies are not applicable to the development of communication towers and do not address radio or cell towers. 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.

Also see compatibility issues discussed under criterion 1 and environmental impact discussed under criterion 5. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Setbacks and Easements:** The County requires a front, rear, and side setbacks, which the proposed towers meet. As noted above, safety concerns cause the County to require that a tower be located to fall without crossing a property line, and the tower is so located. No known easements affect the proposed tower.
- **Parking and Landscaping:** There are no stated parking requirements for communication towers in the Code, so the Planning Director must determine the appropriate amount of parking. It is determined that no parking is needed for an unmanned communication tower, and that vacant space near the tower is adequate. The landscaping code only requires landscaping for parking lots, so no landscaping is required for this project.

- **Community Development Fees:** New business sites must pay applicable fees. The existing tower eliminates the need for fees.
- **Generally:** No outside storage is proposed. Parking and loading spaces are not required. No signage or lighting is proposed. No sewer or water service is needed for an unmanned cell tower.

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

There are no public sewer and water services available at the site, and the tower will not need them. Private on-site sewer and water service are not needed or proposed for the unmanned tower. Power is already available at the site. Public road infrastructure is discussed below. Public facilities and services will not be impacted.

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

Anticipated traffic generated by the tower will be negligible or non-existent. No impacts are expected.

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 potential environmental impact issues to adjacent properties are visual impacts to nearby homes, safety concerns for aircraft operation, and attractive nuisance safety concerns for young people. Visual impacts are discussed in Criterion 1. Safety of young adults prone to climbing a tower is often raised as a concern regarding towers. Security fencing is proposed around the tower and equipment pads, and the site is remote and privately owned. Regarding electromagnetic interference, cell towers meet federal laws and are a proven technology with minimal interference issues. NAS Fallon has coordinated successfully with the applicant on frequency interference issues on this and other towers and has no concerns. Regarding aircraft safety, NAS Fallon has commented and requested FAA lighting for the tower and construction crane. NDOT Aviation has commented on the proposal and indicates that no impacts are expected.

STAFF RECOMMENDATION:

APPROVAL - as provided below.

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

□ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for the application for a Special Use Permit on APN 002-411-03, thereby [**MEETING // NOT MEETING**] the criteria found in CCC 16.08.080(H), as described in the Staff Report.

For **DENIAL** the motion should ADD:

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

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

□ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the special use permit application for Commnet to replace a Communication Tower at 15550 Schurz Hwy, APN 002-411-03.

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 towers must obtain all required building permits and safety inspections.
2. All applicable community impact fees must be paid with building permits.
3. Towers shall be placed as shown on the site plan, though minor deviations may be approved by the Public Works Director.
4. Navy recommended lighting for the tower and construction equipment shall be incorporated into the project.
5. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.
6. If the facility is no longer used, the towers shall be removed. The Public Works Director may take action to enforce this requirement.
7. It is recommended that Motorsports Safety Inc. work with NDOT Aviation to install a heliport.

Application:	<u>Special Use Permit</u>	Use Listing:	<u>Mineral Extraction & Processing (+Asphalt Plant)</u>
Applicant:	<u>A & K Earthmovers</u>	Owner	<u>Paul Gianoli</u>
Site:	No address near I-80 Jessup Exit (APN 005-091-23) – 640 acres		
Designations:	Master Plan – Rural // Zoning – RR-20		

NOTE THAT THIS APPLICATION WAS POSTPONED FROM PREVIOUS MEETINGS.

Project Summary: The application is proposing to permit a new commercial Mineral Extraction and Processing operation with an asphalt plant on Interstate 80, north of the Jessup exit (located in between the exit at Trinity and the exit at Brady Hot Springs/Nightingale). A proposed area of mining is NOT provided, and will need to be stated in the decision. A rough calculation based on diagrams in the submittal is 40 acres.

The applicant will lease the site from the owner, and may operate at the site for as long as 5 years. The proposed operation is illustrated on the site plan and includes, arranged from north to south: (a) the excavation area, the crushing and screening area, the “marinating” area (a process to increase surface adhesion), and the asphalt plant area. All facilities are mobile, and may be moved to other sites as needed. The submittal includes pictures of machinery and facilities. The site will operate during construction season, possibly during weekends (which also requires a SUP), and normally between 6 am and 6 pm. Work is normally during daylight hours but may need nighttime lighting. The site would not normally operate during cold weather months. Directional signage to the mining site is proposed, though advertising signage is not proposed.

The operation will have 6-8 employees on-site, but no permanent facilities are proposed. Temporary facilities are proposed, including a portable office and portable restrooms. Drinking water will be brought to the site. Dust control water will be trucked to the site. In addition to on-site employee traffic, major road projects will generate extensive truck traffic to the site - the application estimates 108 truck visits, or 216 trips.

An expected excavation depth is not provided. The mine area would eventually cover the entire 40-acre site. The processing equipment and machinery will likely migrate across the site as new excavation areas are worked. No reclamation is proposed. The proposed mining area is just north of a previous mining area that occupies the SW corner of the property and extends west onto BLM land. These areas too are not undergoing reclamation.

Mining operations may be subject to various other state permits; such as for air pollution, surface disturbance, stormwater control, site reclamation, mine safety, etc. Notice was sent to state agencies, but no comments have been received.

Criteria Review:

CCC 16.08.080(H) Findings: Findings from a preponderance of evidence must indicate that the proposed use:
1. Is compatible with the existing surrounding land uses and development.

See Criterion 5 for assessment of environmental impacts on neighbors. The surrounding land is vacant private or BLM land, or mining sites on private or BLM land. I-80 lies about a mile to the south. The only other nearby use is a power transmission line running through the subject property, and through the proposed mining site. Typically, mining operation could create compatibility problems with nearby residences, but there are none. Adjacent mining areas seem to avoid actual excavation within the utility easement and associated road. Staff recommends similar treatment for the proposed mine site. With such measures, this mine is compatible with other uses and development.

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 zoning district for the site and surrounding area along I-80 is RR-20 for some distance in all directions. **Mineral Extraction is an allowed use** for the zoning district in the development code's Use Table, and it must be reviewed through a Special Use Permit. Most Master Plan policies are not applicable to the development of commercial and industrial uses or are neutral in terms of general industrial 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.

Also see compatibility issues discussed under criterion 1, above. See criterion 5 regarding environmental impacts. The proposed development must conform with the County Development Code. Conditions of approval will address specific issues, including:

- **Generally:** No new buildings or other facilities are proposed, so building setbacks and heights are not applicable, and the site will be distant from property lines anyway. The site shows an employee parking area at each of the 3 major operations areas with adequate parking spaces. There will be no customers visiting the site, so sewer and water facilities for them will not be needed. Mining will be seasonal, so permanent facilities are not needed. Drinking water for employees will be brought to the site. Sani-Huts near the parking lots will be provided for employees that will be on site or visiting. There is no outdoor storage of materials other than overburden stockpiles and product stockpiles, so screening is not needed. No advertising signage is proposed. No permanent business is proposed, so landscaping is not required. There are no different types of neighboring uses, so Friction Zone standards do not apply.
- **Lighting** is proposed when needed, mainly at the edges of the workday. Lighting should meet the Lighting Code dark skies standards by directing lights downward as much as possible rather than horizontally. Staff recommends a condition to prohibit flood lighting pointed at the freeway.
- **Setbacks and Easements:** There are many dirt roads running through the area, and records show some as being RS 2477 public roads. Use of these roads is discussed in Criterion 4. The proposed site is adjacent to the existing power transmission line and its road, which may or may not be an RS 2477 public road. Staff recommends establishing a 30' setback between the edge of road and the adjacent excavation, and recommends the actual excavation be excluded from any powerline easement. In addition, Criterion 4 discusses road easements to authorize access across intervening properties reaching to the Jessup exit. Staff recommends a condition to establish a 30' setback between such easements and the excavation area and operations machinery.

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

There are no public sewer and water services available at the site. On-site sewer and water service will not be needed since there will be no customers, and seasonal employees will use portable/temporary facilities. Power exists near the site, though its use will be up to the power company. Otherwise machinery will run on fuel engines or generators. Public road infrastructure is discussed below. Other public infrastructure will not be impacted.

Police service will be minimally impacted from the attraction for theft and vandalism at a remote site. Fire service will be minimally impacted from the increased risk of brushfire caused by increase human and machinery activity, and the storage of fuel for machinery. Fire and police services are not overburdened.

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

The property where the Jessup exit is located has a segment of the Immigrant Trail that passes through it, which now serves as a main east-west road through that property. Since the trail existed before the land was transferred to the railroad, it was and continues to be a RS 2477 public road. After passing eastward through BLM land, the RS 2477 trail also runs across the SE corner of the subject property. Similarly, a second trail intersects this trail near the Jessup exit, and runs NW through the property, then north through the hills to Granite Springs Valley. This trail is also an RS 2477 road. Another early road follows the power transmission line through the proposed mine site, but would have been established specifically for the power line, and after the land transfer to the railroad; so it is not likely to be an RS 2477 public road though the road still needs protection as the utility access road.

While there are no publicly maintained roads within the mine site or serving the mine site, there are public road easements on the segments of RS 2477 roads. One of these will serve as part of the access road to the site. Recommendations are included to prevent damage to the road ensure it is maintained to its current condition.

Aside from the RS 2477 roads, it is unclear if there are access easements that allow owners/users of nearby properties to pass through the intervening properties to access the Jessup interchange. Staff recommends a condition to confirm/establish appropriate access easements reaching to the mine site without trespass.

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 potential environmental impact issues to adjacent properties are:

- (1) Dust generated from road traffic and during mining operations can impact adjacent uses, especially during windy days which can include blowing sand. The only adjacent use of concern is I-80 and other mine sites. State permitting requires dust control on the site for mining and processing activities, which should be adequate to control site excessive dust. Staff recommends that the operation implement site dust control measures and road dust control measures (such as applying water), and that mining activity should stop if high winds cause blowing dust to reach the freeway.
- (2) Noise at the site from mining machinery and truck traffic will be substantial, often exceeding 100 db. However, there are no neighbors to hear the noise. Employee safety measures will be in place.
- (3) 2 drainage pathways or gullies run through the proposed site at the east and west ends. The basins for them are approximately ½-1 square mile each, which is small enough not to present a substantial flash flood hazard.
- (4) Mining without reclamation degrades natural resources. State and federal mine reclamation requirements need to be met.

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

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APN 005-091-23.

[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 for A & K Earthmovers to establish a Mineral Extraction, Processing, and Asphalt Plan operation with weekend hours on APNs 005-091-23 near the I-80 Jessup exit.

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. This approval is limited to an excavation area of 40 acres.
2. Documentation of access easements to the site shall be provided to the Public Works Director before mining, processing, or asphalt plant equipment is set up. This includes obtaining any new easements for access.
3. No excavation shall take place within the power transmission line easement. No excavation or processing machinery operation shall take place (a) within 30 feet of the edge of an access easement, or (b) within 30 feet of the edge of the power transmission line road.
4. The condition of RS 2477 public roads used to access the mine site shall be maintained. The costs of repair and maintenance shall be at the mine operator's expense.
5. Dust from mining and processing activity and road traffic shall be controlled. Activity must stop if windy conditions cause dust to reach the freeway.
6. Nighttime lighting shall be directed toward the interior of the property, and shall not be directed toward the freeway.
7. The applicant and operator shall obtain all required federal, state, and local agency permits, and must operate the site in compliance with those permits. This includes any required mining and reclamation permits.
8. Operations shall be conducted in a manner that does not create a nuisance (public or private) under Nevada law or Churchill County Code.

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 Stremmer 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

NOTE: The application was continued from the meeting last month for the applicant to determine if a Special Use Permit had already been issued. No new planning permits have been found but additional information is provided below regarding documents from past contacts. New information is identified below with notations.

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

- **INFORMATION SINCE THE PREVIOUS MEETING RELATING TO PAPERWORK FROM THE APPLICANT.** Building Permits included documents of Planning office contacts on two specific issues. Water right dedication or fee payment is a standard coordination item for building permits, and the Planning staff person dealt with the water rights for the site. The staff person also worked to establish a Landscaping Maintenance Agreement for the Building Permit. The agreement promises to maintain landscaping. The agreement included a map of site facilities, though those facilities were installed differently. The map included some street landscaping and other landscaping that was not installed where indicated. Note that these landscaping items still did not meet code requirements at the time. The staff person did not realize the business needed a Special Use Permit at that time and appeared to miss other code requirements.
- Special Use Permit (the only one) 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 Code 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.
 - o 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.
 - o 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.
 - o 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 Stremmler 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 Stremmler 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.

>>> SINCE THE LAST meeting, NDOT has provided comments with fairly generic informational responses. However, one pointed out the need for adherence to the “clear zone” safety standard. On contacting NDOT, they informed us that the clear zone safety standard keeps obstacles out of the area near the highway; and indicated that distance would be 30 feet at this location.

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, as proposed, 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 Stremmer 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

NOTE: The application was continued from the meeting last month along with the Special Use Permit. Clarifying language is added regarding setback calculations and NDOT comments, as identified below with notations.

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.

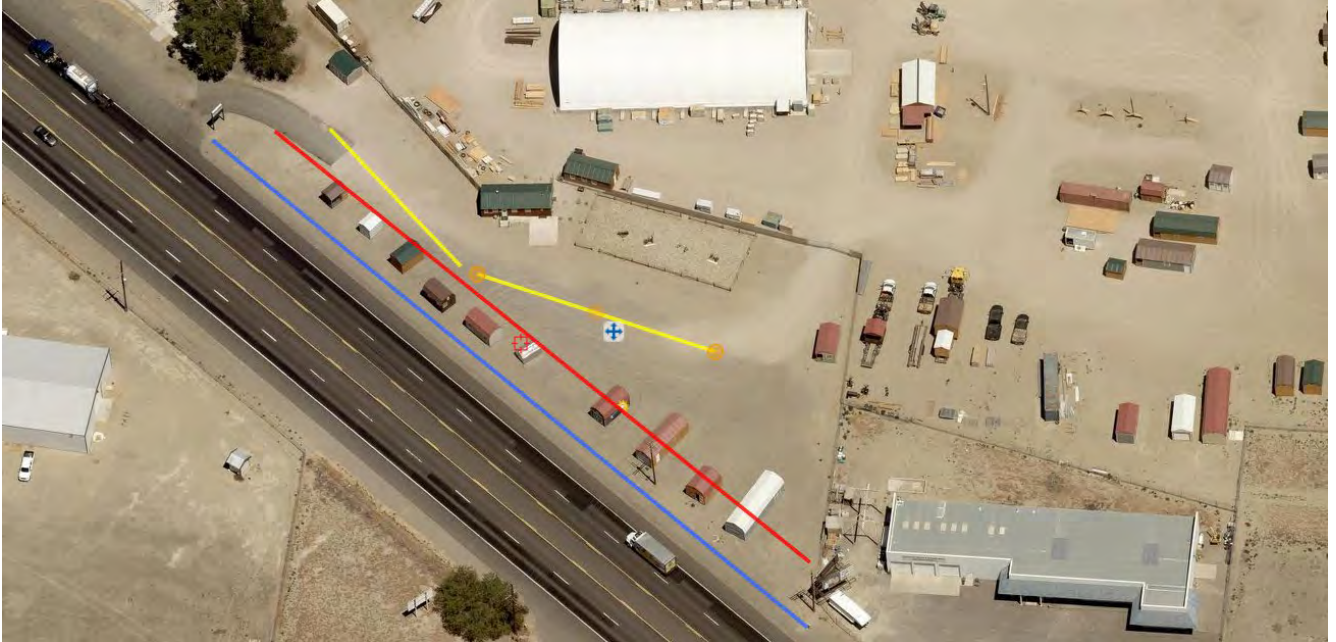
Application: Out West Buildings requests that they not be required to meet County Code requirements that were not met when the business was established, because they had previous contacts with Staff who did not make them follow the code requirements at that time. The 3 Variance requests are:

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.

CHANGES FROM PREVIOUS STAFF REPORT *An air photo with measured lines is provided below to illustrate the potential setback situation. A **BLUE LINE** 12' from the highway pavement illustrates the property line. The 30' setback line recommended by staff and NDOT (see details below) is illustrated by the **RED LINE**. If the 20' wide driveway is shifted to run along the back of the 20' parking spaces along the chain link fence and the septic area's split rail fence, this would provide 40' for the parking spaces and driveway. The edge of the driveway is illustrated by the **YELLOW LINE**. As shown there is space to place sheds between the edge-of-driveway and a setback.*



- At the end of the driveway paving, there would be about 20' for shed display.
- At the narrowest point directly in front the office, the distance shrinks to as little as 6'.
- At the west end of the septic field, there would be about 60' for shed display.
- Near the west end of the highway frontage, the width available for shed display up to 100'.

As described below, staff recommends a Variance reduction down to 30', being 42' from edge of highway pavement.

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 to 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.

>>> SINCE THE LAST meeting, NDOT has provided comments with fairly generic informational responses. However, one pointed out the need for adherence to the "clear zone" safety standard. On contacting NDOT, they informed us that the clear zone safety standard keeps obstacles out of the area near the highway; and indicated that distance would be 30 feet at this location.

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 requirementon 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.

Consent Agenda:

NOTE: All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the commission or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

Please review the Consent Agenda to determine if you have any concerns.

RECOMMENDED MOTION

- I move to **Approve** the Consent Agenda as submitted.
- ***[IF YOU WISH TO REMOVE ANY ITEM FOR FURTHER DISCUSSION]***
I move to ***remove Item ____*** for further discussion, and to approve the remainder of the Consent Agenda as submitted.



CHURCHILL COUNTY PLANNING COMMISSION HEARING

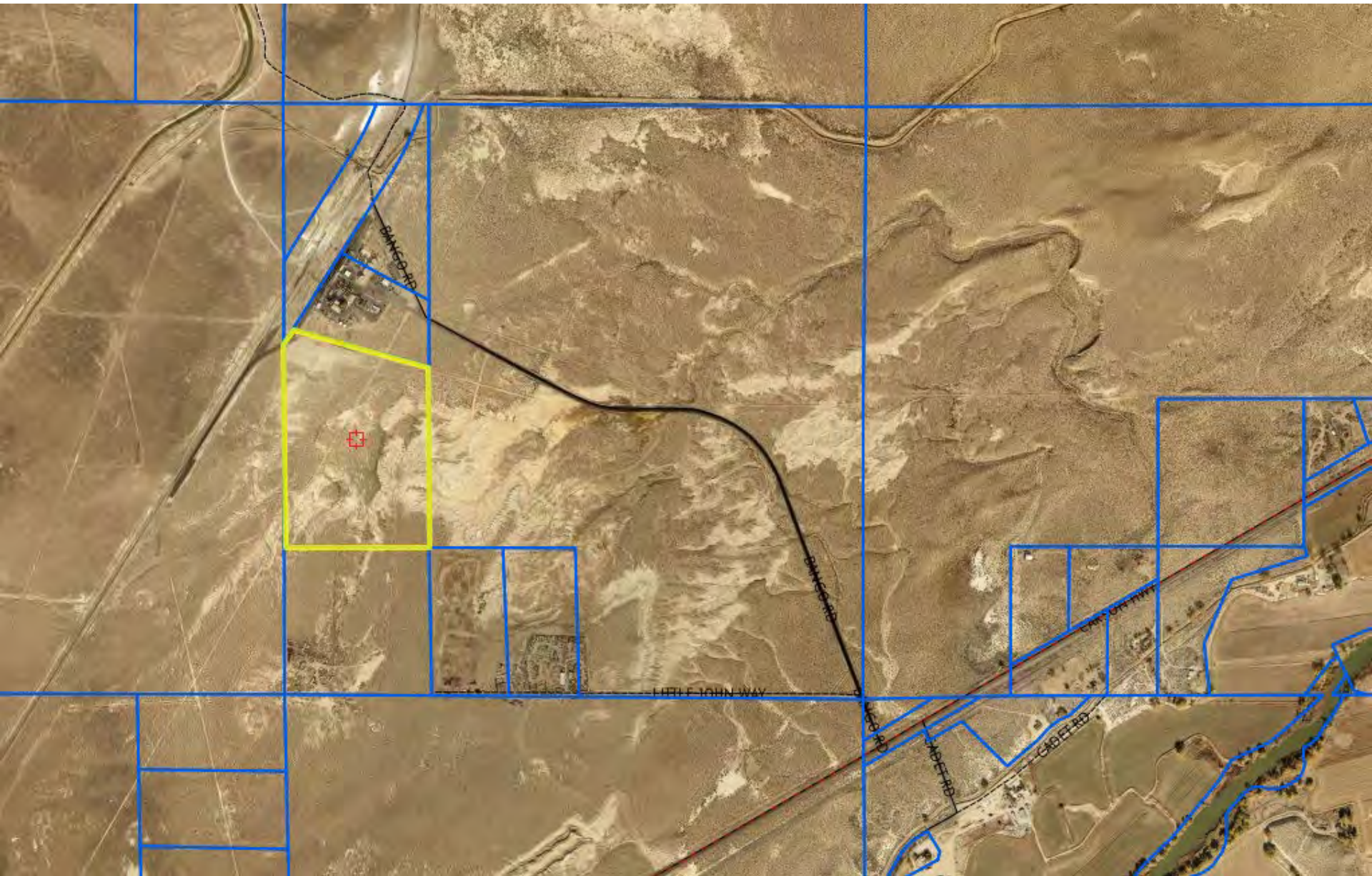
February 8, 2023

Springfield, TUP Renewal, 623 River Village Dr, APN 008-421-79





Zarowny/Bravo Foxtrot NV Corp Parcel Map, 22297 Bango Rd, APN 007-071-82



LEGEND

- SUBJECT PARCEL LINE
- - - ADJACENT PARCEL LINE
- - - EASEMENT SIDELINE
- - - SECTION CENTERLINE
- - - APPROXIMATE TRAVEL WAY
- FOUND 5/1" REBAR & CAP. PLUS 5006 OR AS INDICATED
- SET 5/1" REBAR AND CAP. PLUS 10930
- ◆ FOUND PLUS CORNER AS NOTED

REFERENCES

- (R1) PARCEL MAP FOR MATHIEW LAGER (CONTRACT TO ALBERT H. JR. & GENEVIEVE BECA) FILED APRIL 2, 1981 AS FILE NO. 17088 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R2) PARCEL MAP FOR NEWMONT GOLD COMPANY, FILED SEPTEMBER 24, 2002 AS FILE NO. 34031 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R3) PARCEL MAP FOR BEST ENERGY LLC, FILED MARCH 7, 2005 AS FILE NO. 37712 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.
- (R4) GRANT, BARGAIN SALE DEED, FILED APRIL 21, 2021 AS DOCUMENT NO. 88107 IN THE OFFICIAL RECORDS OF CHURCHILL COUNTY, NEVADA.



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS N07°53'00" BEING THE BEARING ON THE WEST LINE OF THE SW 1/4 OF SECTION 23, T19N, R32E, NDM AS DETERMINED FROM THE NEVADA STATE PLANE COORDINATE SYSTEM, WEST ZONE (ADDITIONAL) BASED UPON REAL TIME KINEMATIC GPS OBSERVATIONS, OBSERVED NOVEMBER 9, 2022 USING A SURVEY GRADE DUAL FREQUENCY GPS RECEIVER FROM NEVADA DEPARTMENT OF TRANSPORTATION MEASUREMENT NO. 1802074 MODIFIED BY A COMBINED FACTOR OF 1.000584460, SCALED FROM 0.001, 0.002 AND CONVERTED TO U.S. SURVEY FEET. ALL DIMENSIONS ON THIS MAP ARE GROUND DISTANCES.

COPIES NOTE

IN ACCORDANCE WITH NEVADA REVISED STATUTES 247 AND 250, TO OBTAIN AN OFFICIAL COPY OF THIS MAP, CONTACT THE CHURCHILL COUNTY RECORDER.

FOR REVIEW ONLY

T.C.I.D. 10-#22-034

OWNER

BRAND FOXTRD NV CORP
3055 STERN AVE
ST. CHARLES, MO 63041

ZONE 1 (INDUSTRIAL)

APN 007-071-02

AREA

PARCEL 1 38.56 ACRES
PARCEL 2 20.03 ACRES

TOTAL AREA 58.59 ACRES

PARCEL MAP FOR BRAVO FOXTRD NV CORP

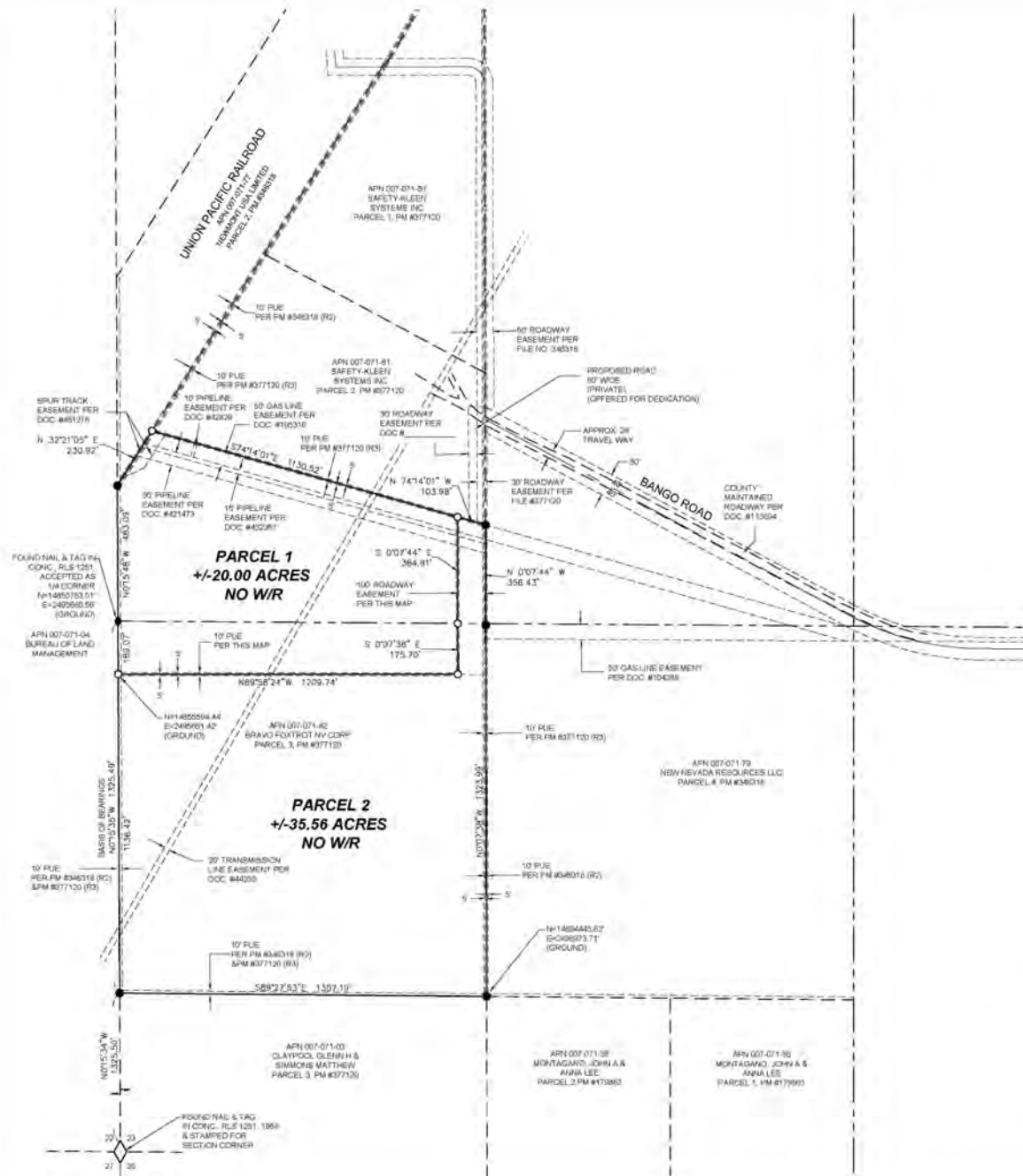
A DIVISION OF PARCEL 3 AS SHOWN ON PARCEL MAP, FILE NO. 377120, BEING A PORTION OF THE W 1/2 OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 26 EAST, M.D.M.

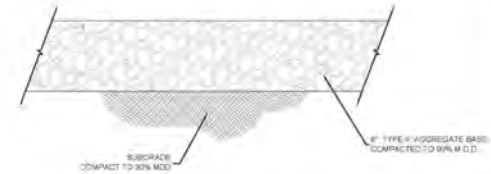
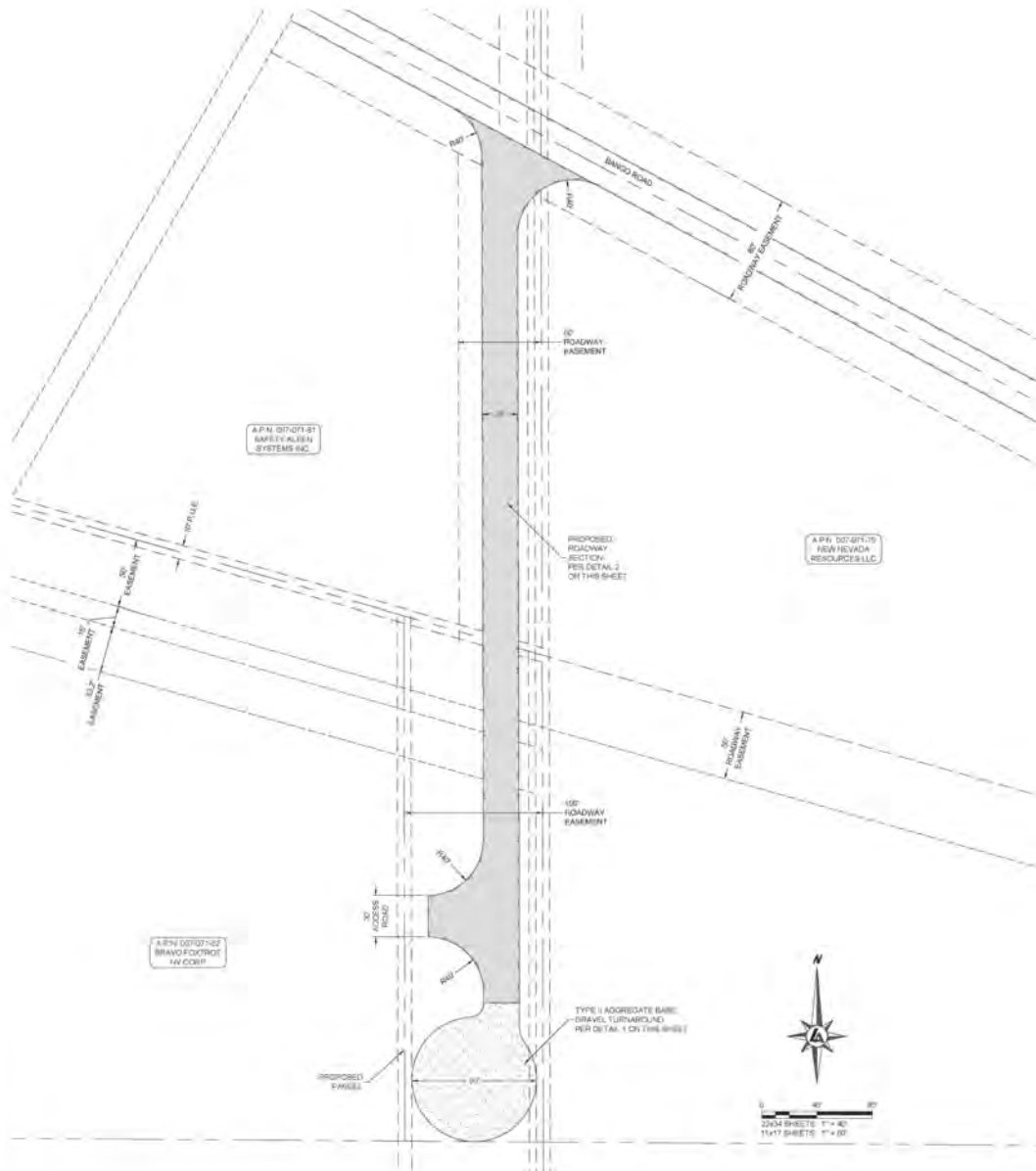
CHURCHILL COUNTY

STATE OF NEVADA



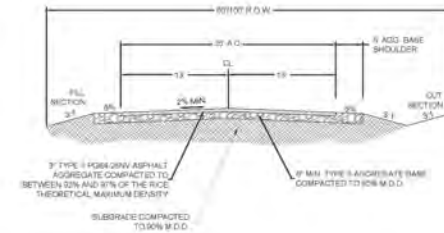
179 SOUTH MAIN STREET
FALLOON, NV 89404
TEL: 775-451-5184
JAN 10, 2023
JOB NO. 10858-000
DRAWING NO. 10858-SURVEY.dwg





TYPE II AGGREGATE BASE GRAVEL TURNAROUND

N.T.S.



26' WIDE ROAD SECTION

N.T.S.



OVERALL SITE

N.T.S.

King TUP Application, 2330 Lucas Rd, APN 008-112-30





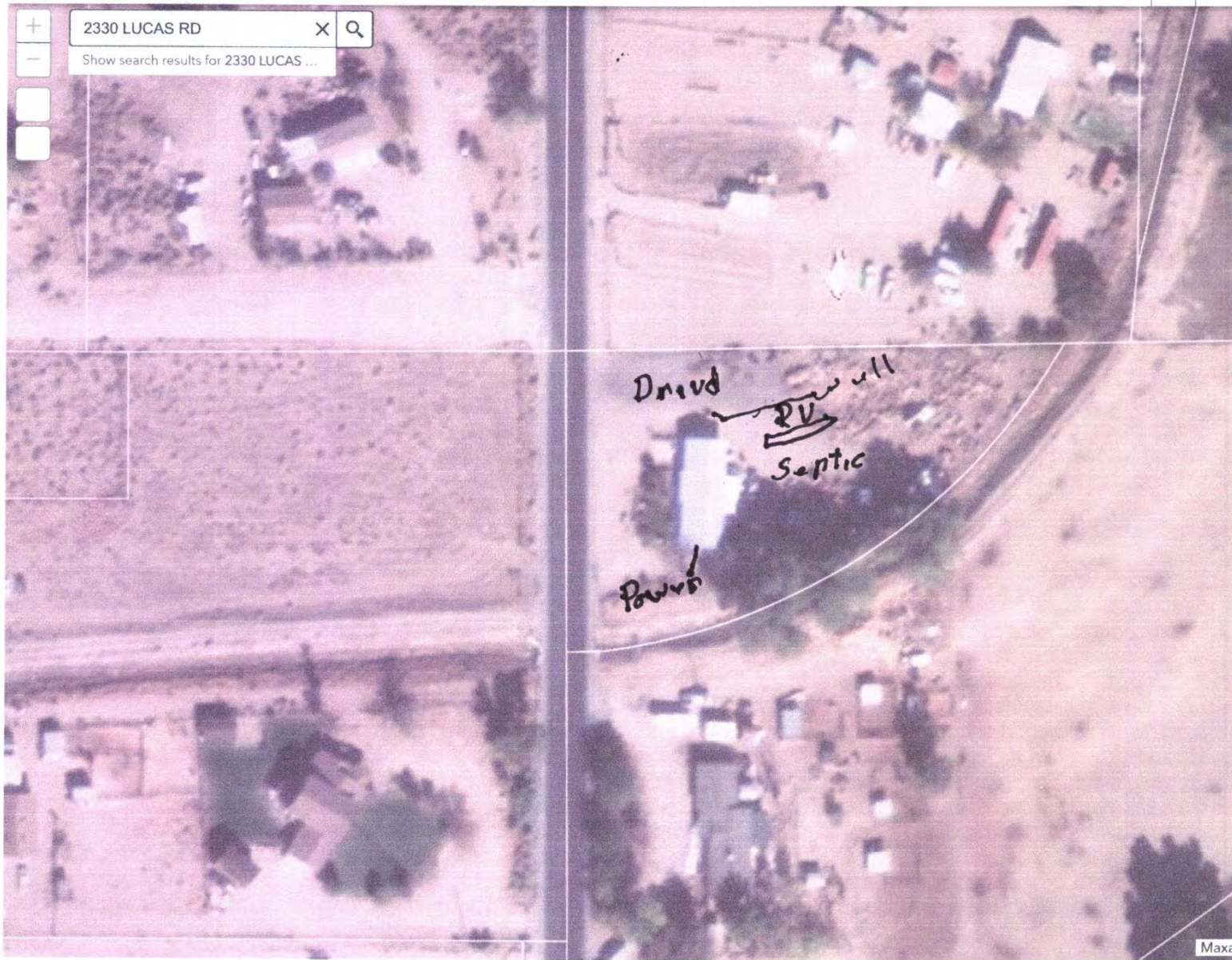
008-112-30



DM 54



Show search results for 2330 LUCAS ...



Maxa

LUCAS

Nemeth, TUP Application, 5655 Weaver Rd, APN 006-831-21





006-831-21

WEAVER RD

power & utilities

Septic

module

Well

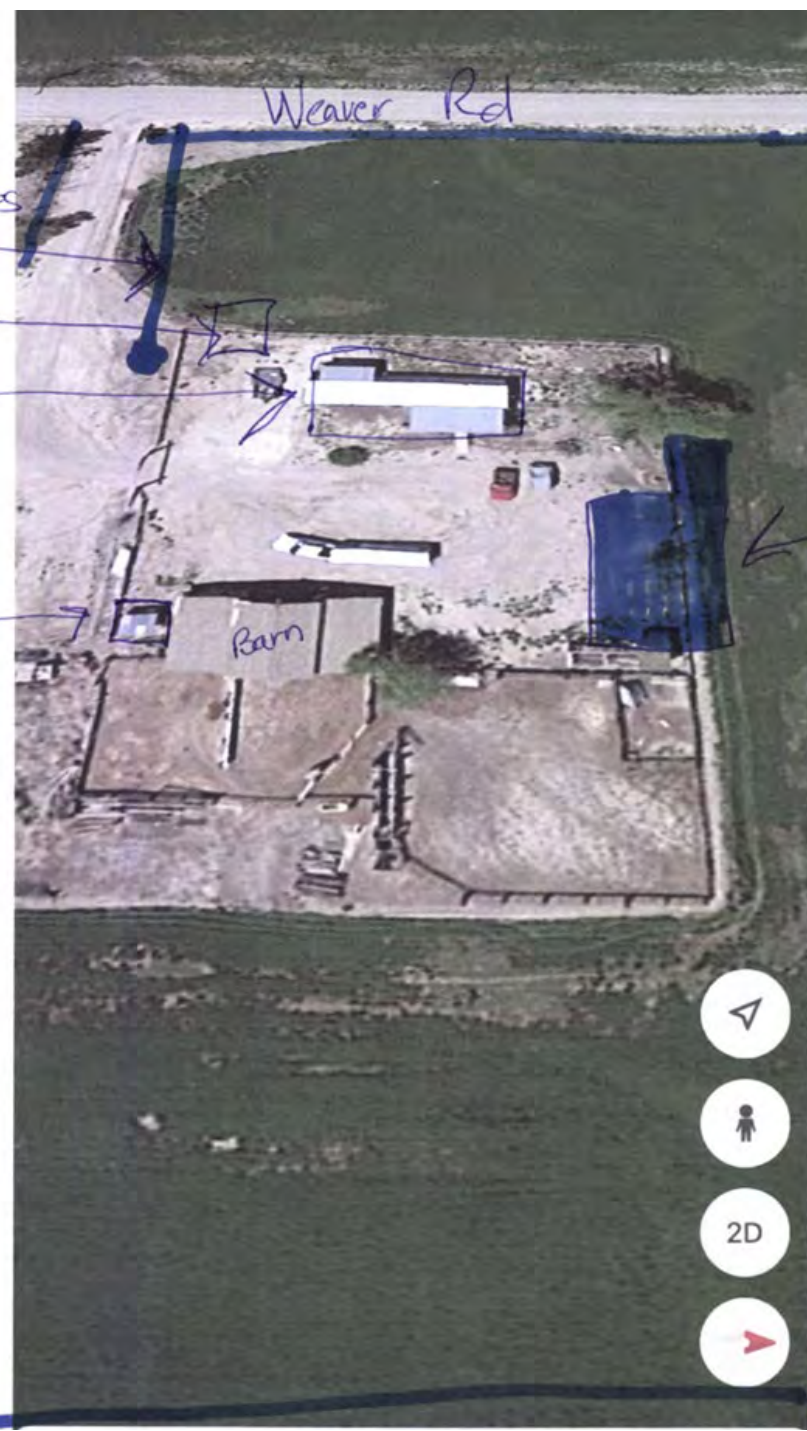
Weaver Rd

Barn

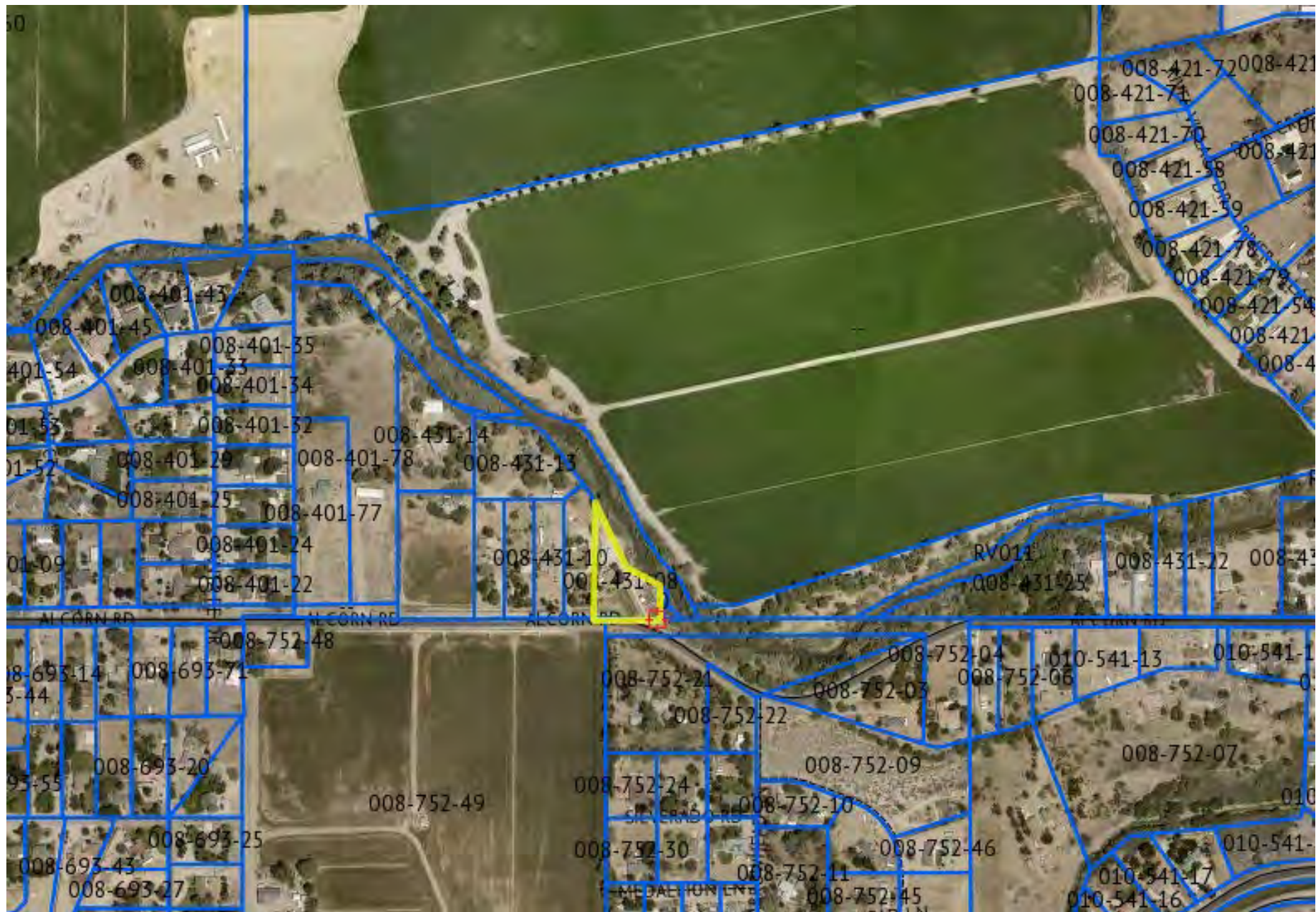
property
lines

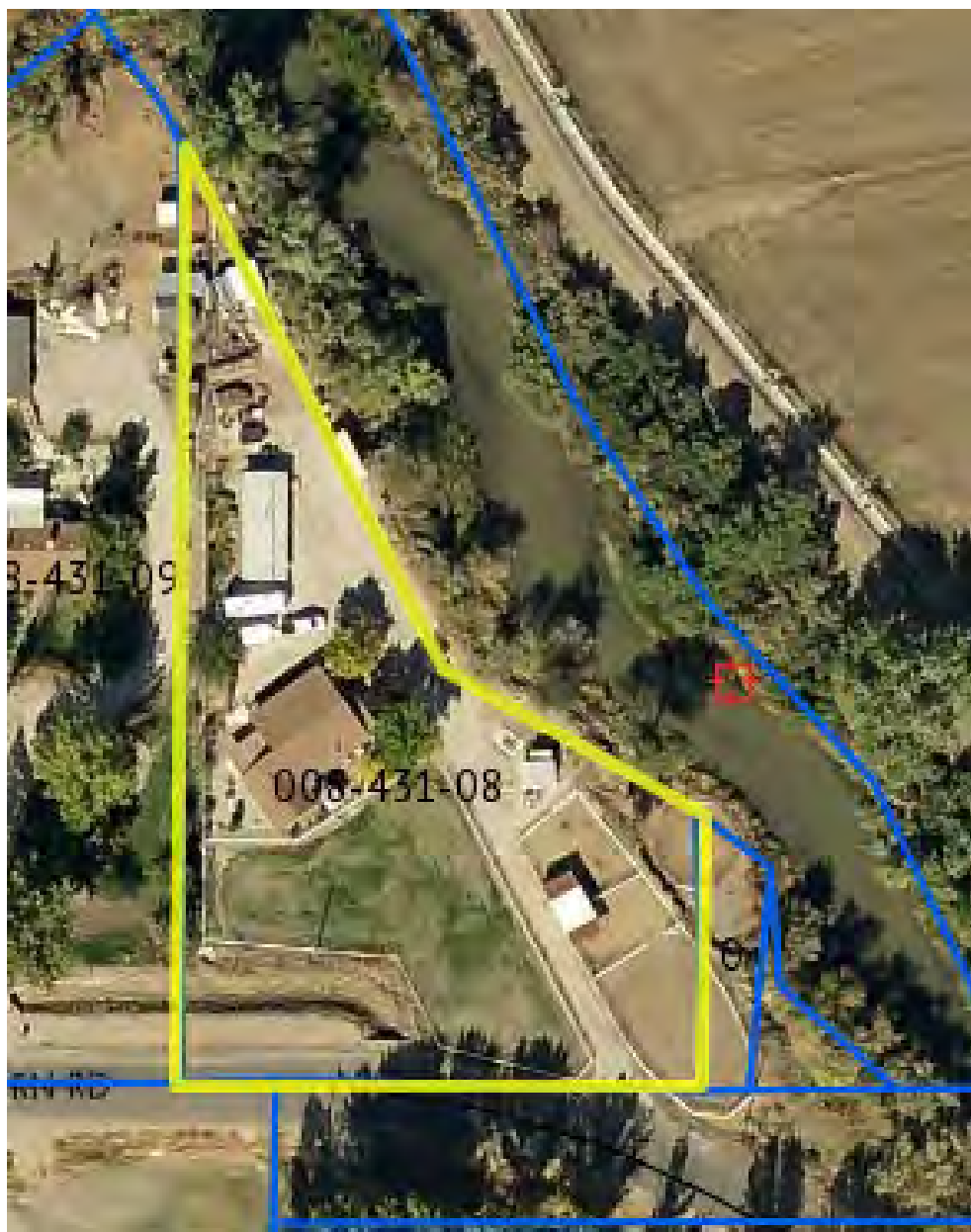
new
House

property
lines

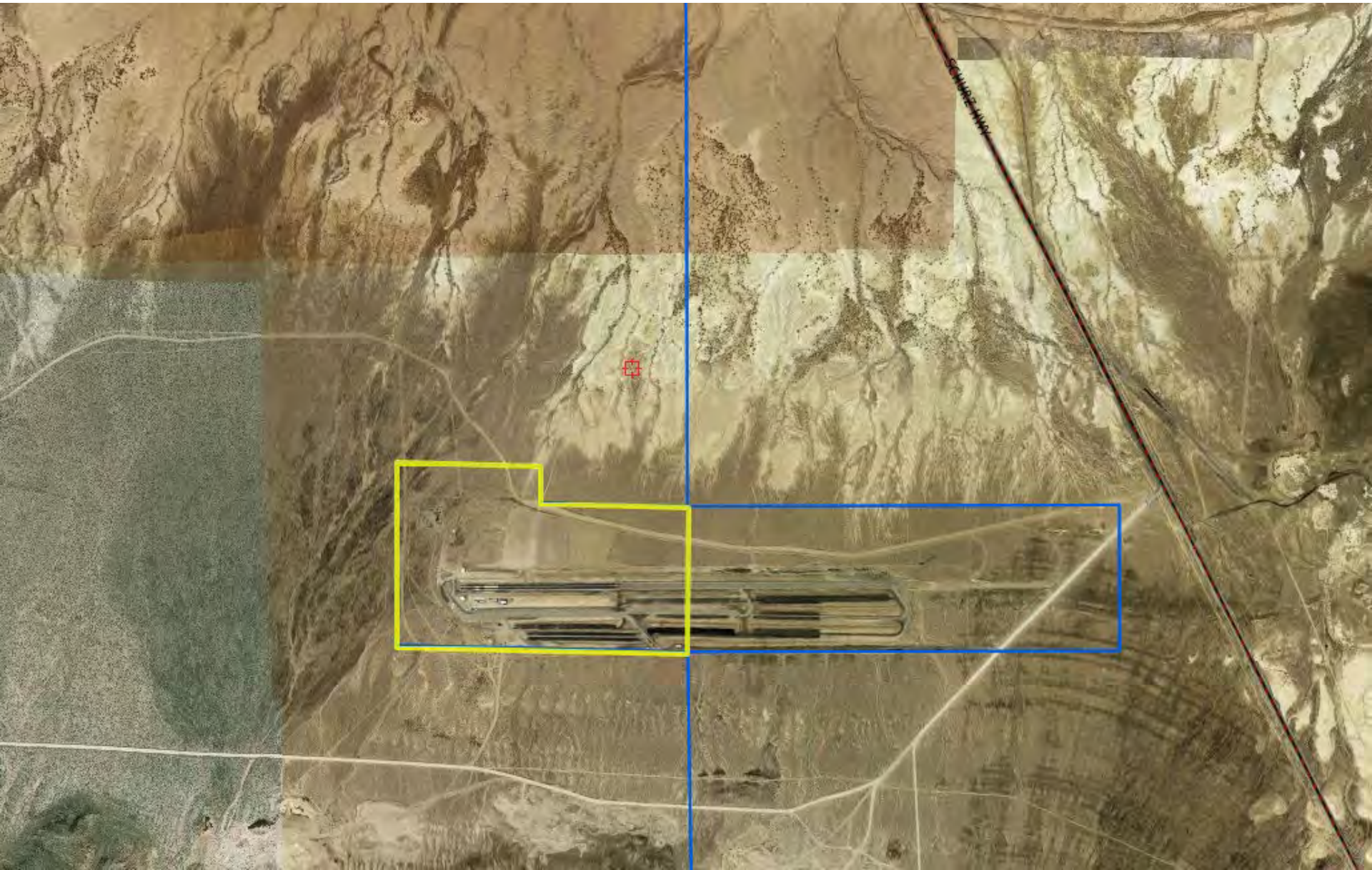


50



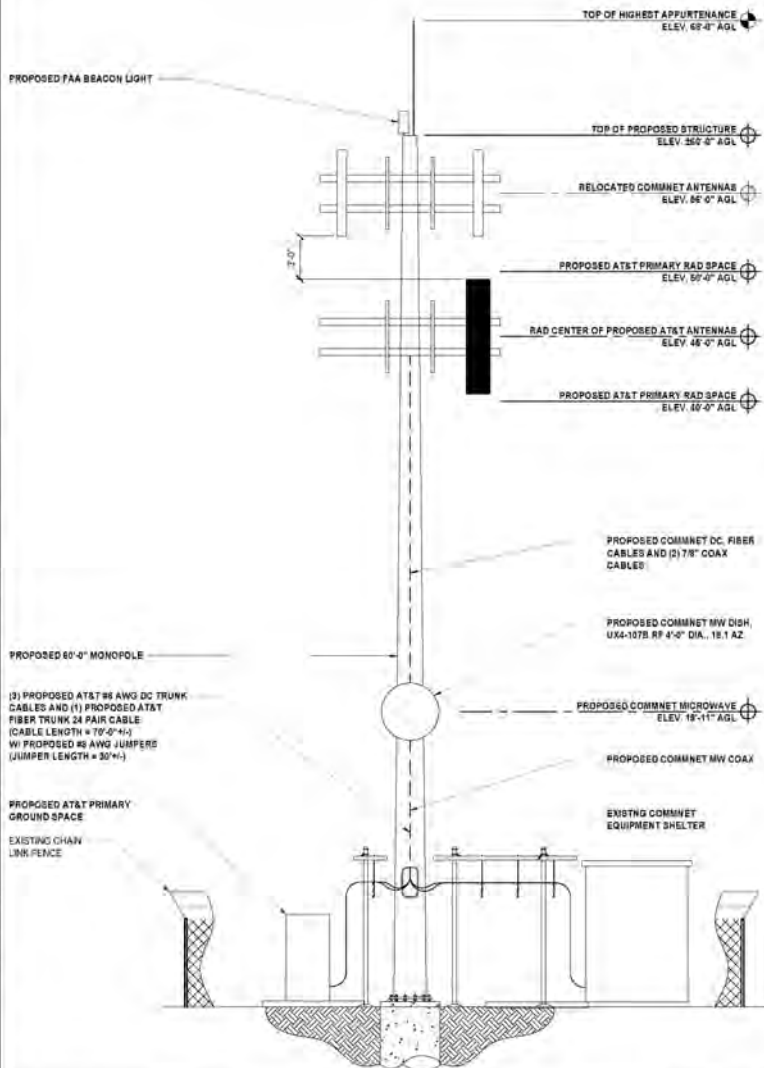


SAC Wireless, Top Gun Dragstrip, APN 002-411-03





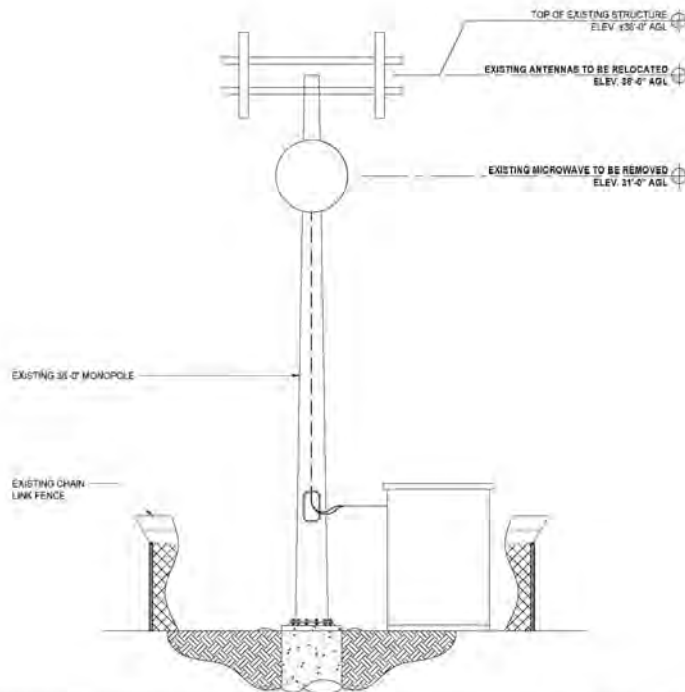
002-411-03



PROPOSED MONOPOLE ELEVATION

0 1 2 4 SCALE: 1/4"=1'-0" (20X34)
(OR) 1/8"=1'-0" (11x17)

EXISTING MONOPOLE ELEVATION



0 1 2 4 SCALE: 1/4"=1'-0" (20X34)
(OR) 1/8"=1'-0" (11x17)



REVISIONS			
NO.	DATE	DESCRIPTION	BY
D	7/25/20	30% CDV	ODH/GEH
E	1/18/21	50% CDV	STH/GEH
F	3/22/22	90% CDV	STH/STH
G	4/29/22	90% CDV	STH/STH
H	4/27/22	90% CDV	STH/STH
J	12/14/22	90% CDV	MRE/CLO

THIS DOCUMENT IS
PRELIMINARY IN
NATURE AND IS NOT
A FINAL, SIGNED
AND SEALED
DOCUMENT

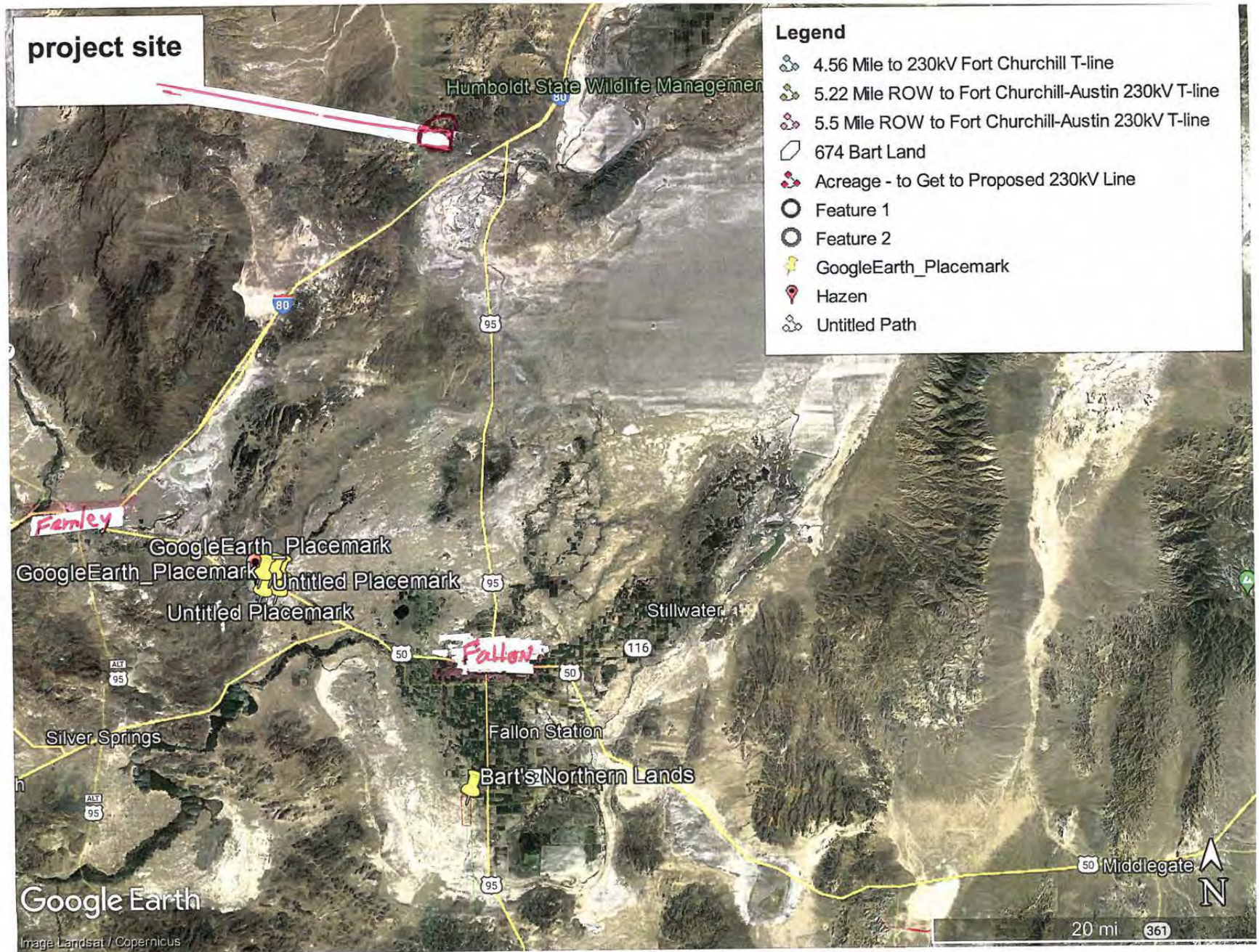
I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED
BY ME AND UNDER MY DIRECT SUPERVISION AND THAT I
AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE NAME OF
THE STATE OF OKLAHOMA

FIRSTNET
TOP GUN
C/O 05994A
15560 SCHURZ HWY
FALLON, NV 89406

SHEET TITLE
EXISTING & PROPOSED
MONOPOLE
ELEVATIONS

SHEET NUMBER
A-3.0

A & K Earthmovers, Jessup Exit #78 (I-80), APN 005-091-23



N 4

23

Pit Area
CRUSHER
HOT PLANT

Interstate 80

Jessup Exit

CRUSHIN' PLANT



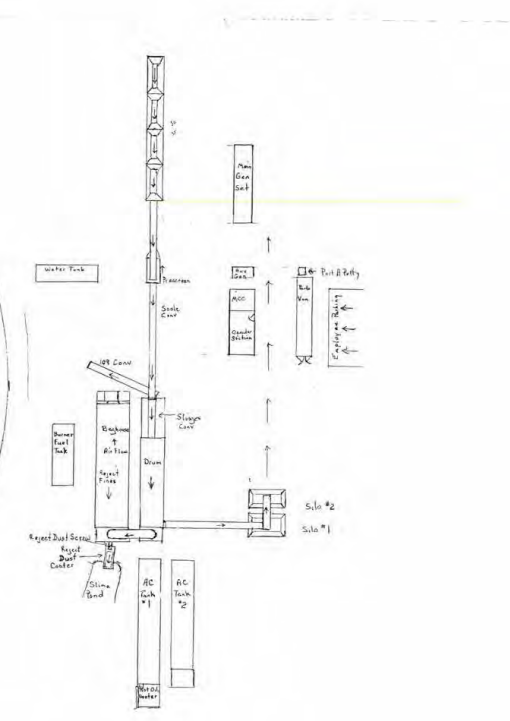
CRUSHER

CRUSHIN' IT

HOT PLANT



CARROL SUMMIT



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

RENO HWY

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



CHURCHILL COUNTY BUILDING DEPT

Churchill County Landscape Maintenance Agreement

On this 5th day of May, 2016 pursuant to Churchill County Code 16.16.020, I/we Barb Stremler do hereby agree to maintain all landscaped areas. Maintenance shall include, at a minimum, all activities outlined in Section 16.16.020 of the Churchill County Code, including but not limited to, weeding, replacement of dead plants, and replacement of malfunctioning sprinklers.

Address of property: 7450 Reno Highway Fallon NV

APN: 007-251-52

Developer's Signature:

Owner's Signature

Barb Stremler

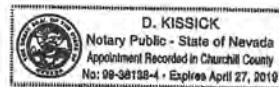
State of Nevada)
(ss
Churchill of Churchill)

On this 5th day of May, 2016, before me a Notary Public, personally appeared:

Barbara Stremler

Known to me to be the person described in and who executed the foregoing instrument. In witness whereof, I have hereunto set my hand and affixed my official seal this

5th day of May, 2016.



D. Kissick
Notary Public

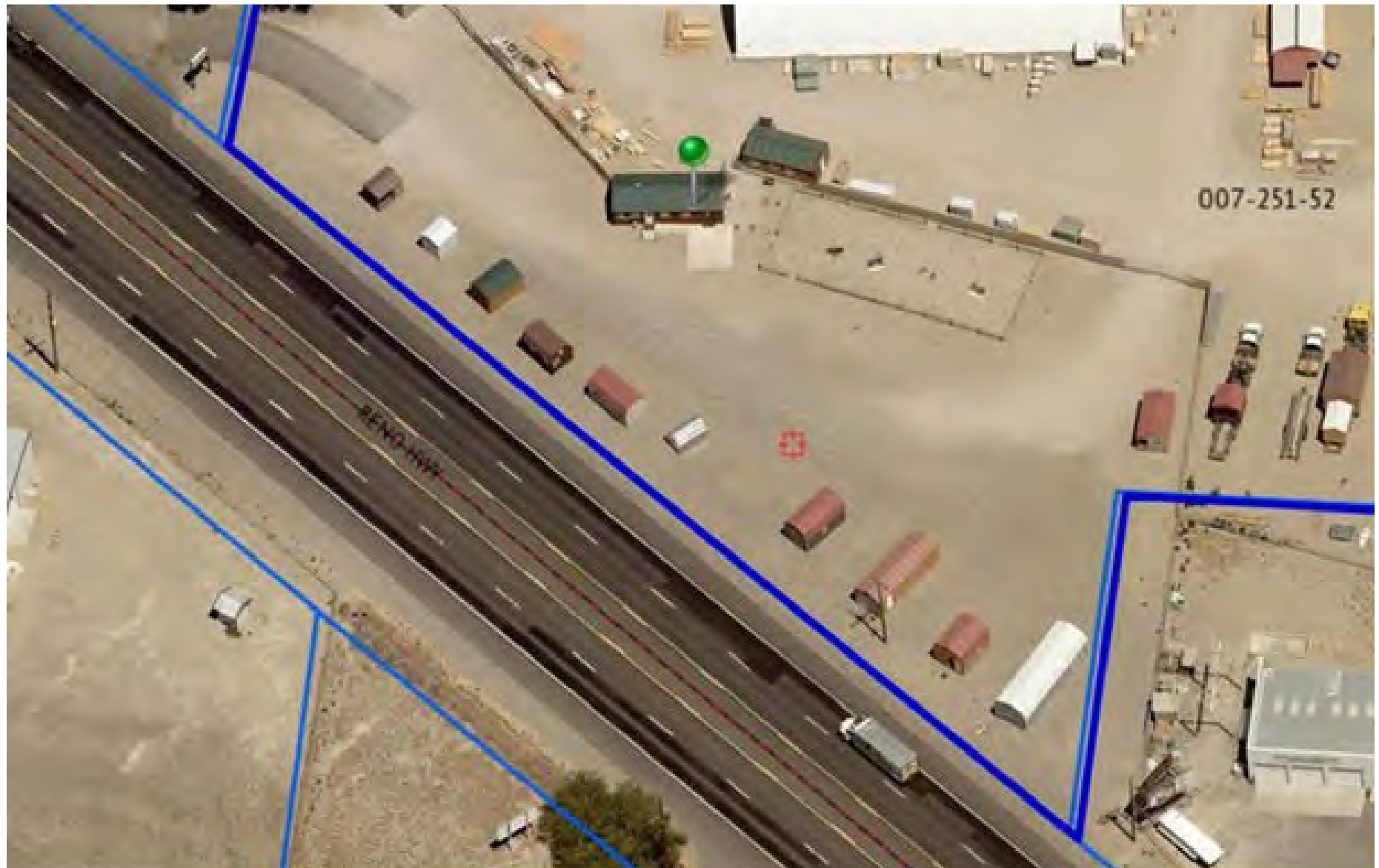
My commission expires: 04/27/16

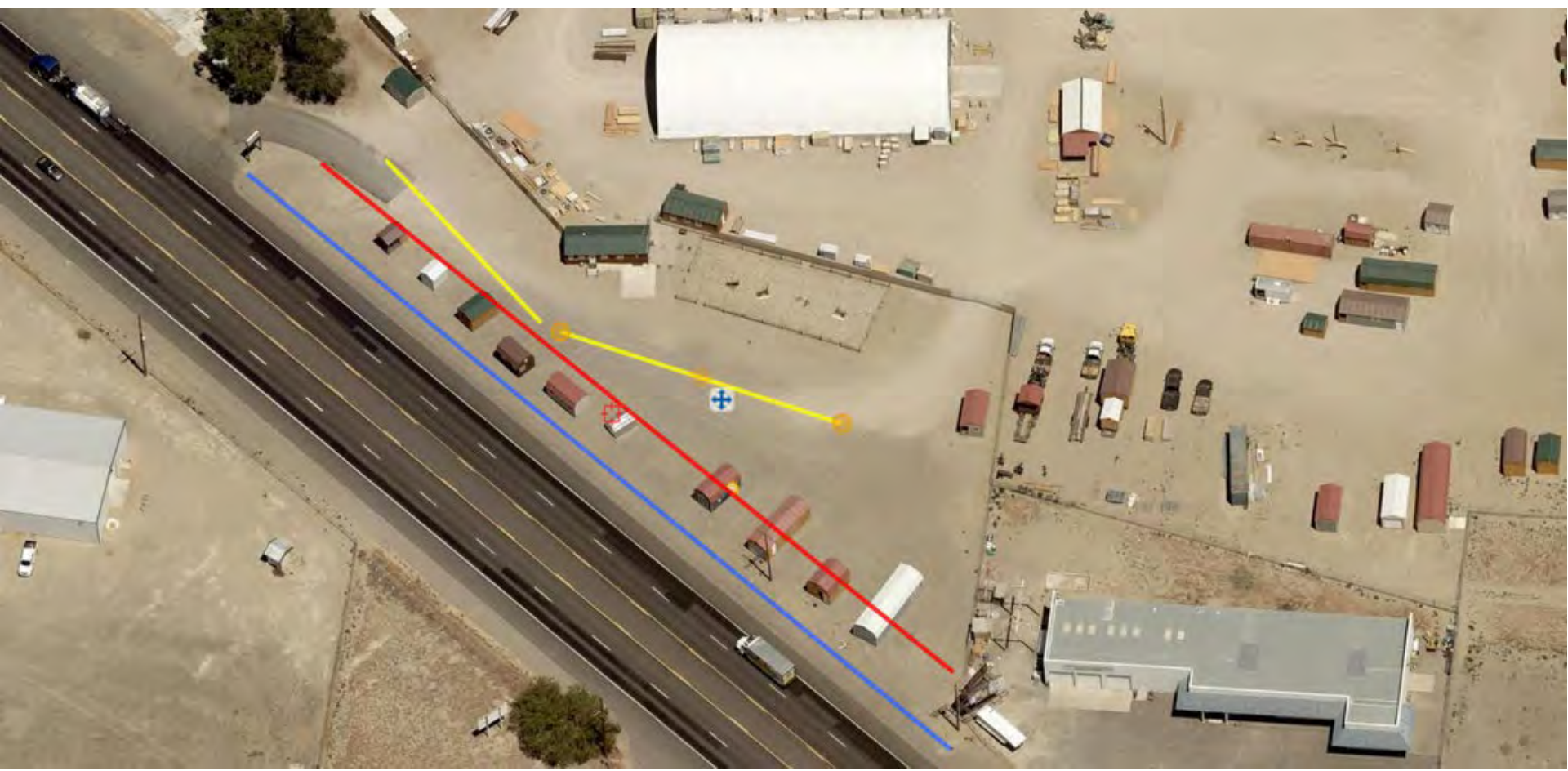
155 No. Taylor, Suite 170, Fallon, Nevada 89406 phone (775) 428-0264 Fax 423-8185

www.churchillcounty.org/building

40' x 100' Landscaped area next to the office.







CONSENT AGENDA

Van Dyke Terminate SUP, 6110 Westwind Way, APN 008-152-42





Churchill County Building Department

January 25, 2023

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: KING TEMPORARY USE PERMIT APPLICATION, 2330 LUCAS RD

Mr. Spross:

Regarding the Temporary Use Permit application for placement of a Recreational Vehicle for a caretaker, the Building Department will require the following:

- A. Placement Permit for the recreational vehicle (\$200.00 fee)
- B. Electric connection inspection
- C. A plot map with dimensions showing the vehicles connection to the septic system.
- D. Sewer connection inspection

A search of the records available in the Churchill County Building Department indicates an approved septic system is in use on that site.

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
www.Churchillcountynv.gov



Churchill County Building Department

January 25, 2023

Chris Spross, Director
Churchill County Department of Public Works, Planning and Zoning
155 North Taylor Street, Suite 194
Fallon, Nevada 89406

RE: NEMETH TEMPORARY USE PERMIT APPLICATION, 5655 WEAVER RD

Mr. Spross:

Regarding the Temporary Use Permit application for use of a manufactured home for a caretaker, the Building Department will require the following:

A. Placement Permit for the manufactured home (\$200.00 fee)

There is no Churchill County record of the manufactured home placement. State of Nevada Manufactured Housing records indicate the manufactured home was placed on the parcel in 1993. State Manufactured Housing performed a safety inspection on February 27, 1993 and issued a Safety Certificate indicating the manufactured home was approved for occupancy. Therefore, even though this is a long-term existing placement, a Churchill County Placement permit must be obtained.

A search of the records available in the Churchill County Building Department does indicate a construction permit was approved for a septic system on that site, and a certificate of occupancy approving the construction and authorizing its use was found in the file

Continued use of the existing septic system is permitted until the septic system fails to operate properly, or until a community sewer system becomes available. If the septic system fails to operate properly, repair or replacement will require a construction permit issued by the Churchill County Building Department. The replacement or repaired septic system must conform to the codes in effect at the time of failure.

If questions arise, or if I may be of further assistance, please contact me.

Sincerely,

Marie A. Henson
Building Official

155 N Taylor St
Suite 170
Fallon, NV 89406

Phone 775-428-0264
Fax 775-423-8185
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Churchill County, NV is an equal opportunity provider and employer



STEVE SISOLAK
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
310 Galletti Way
Sparks, Nevada 89431

KRISTINA L. SWALLOW, P.E., *Director*

January 10, 2023

Churchill County
155 N. Taylor Street, Suite 194
Fallon, NV 89406
Attention: Churchill County Planning Commission

RE: Churchill County Planning Commission applications for January 11, 2023 hearing

SENT VIA ELECTRONIC MAIL

Nevada Department of Transportation (NDOT) District II has reviewed the following applications received via email for the Churchill County planning commission hearing January 11, 2023.

Out West Buildings LLC SUP/VAR Application

NDOT Response:

1. The project is directly adjacent to US 50. US 50 is an NDOT maintained road and functionally classified as an urban principal arterial.
2. Redevelopment of the site that results in changes to the drainage patterns onto NDOT right-of-way will require obtaining of an occupancy permit for the encroachment.
3. Any changes to set-backs will require adherence to the NDOT roadside design guide standards for clear zone, sight distance and all other applicable standards.
4. All work proposed within or adjacent to the US-50 right of way must comply with NDOT's Standard Plans, Terms and Conditions Relating to Right-of-Way Occupancy Permits, and Drainage Manual current version at the time of application. Please contact the NDOT District II Permits Office at (775) 834-8330 for information about obtaining NDOT occupancy permits.

Thank you for the opportunity to review these applications. NDOT reserves the right to incorporate further changes and/or comments as these applications and design reviews progress. Should you have any questions, please contact Jeff Graham at (775) 834-8382.

Sincerely,

DocuSigned by:
Michael J. Fuess, PE, PTOE
Electronic Signature
District Engineer
8913FCBD00A54B0...

Mike Fuess, PE, PTOE
District Engineer
NDOT District II

MJF:jsg

Cc: Churchill County Planning Commission
Jay Smith – NDOT Permits
District II Permits
District II Traffic
File



CHURCHILL COUNTY
PUBLIC WORKS,
PLANNING & ZONING

*Public Works
Planning Commission
Planning Department
Zoning Enforcement
Business License Dept.
GIS*

January 31, 2023

To the Planning Commission:

RE: Out West Buildings LLC Special Use Permit

A review and search of all Agendas from 2016 through 2021 was completed. There were three (3) agendas that mentioned Out West Buildings LLC for permit applications, as follows:

September 12, 2018—A temporary use permit application was filed requesting to use one of the sheds they build to be used on the property for a watchman's quarters. During the meeting a lot of discussion took place regarding the use of a shed for a temporary residential dwelling, and it was determined that it would not be allowed to be used for a temporary residence. There was mention that he could submit a special use permit application for construction of a permanent residence on the property in conjunction with a legitimate agricultural operation, which Mr. Stremmer operates in Jersey Valley. A copy of the excerpt from the minutes is attached.

October 10, 2018—A special use permit for construction of a permanent residence on the property in a commercial zoning district in conjunction with the agricultural operation in Churchill County. The permit was approved, and a copy of the excerpt from the minutes and Notice of Final Action are attached.

February 12, 2020—Termination of the special use permit that was previously granted for construction of a permanent residence on the property due to the fact that the permit was not enacted within the year given. Mr. Stremmer was contacted about the permit and no evidence that it was enacted, and he informed our office that he decided to purchase another property that is adjacent to the parcel that already had a mobile home on it. The Planning Commission terminated the special use permit that had been granted for this land use. A copy of the excerpt from the minutes and Notice of Final Action are attached.

Sincerely,

Diane Moyle
Administrative Assistant

Chairman Richardson called for a motion.

Member Utter moved that based on the information provided in the application, in the staff report, and heard tonight, I move to recommend the following to the Board of County Commissioners: :

- (a) approval of the Sending Site application for Kylie Amos on property at 3737 Reservoir Rd. (APN: 007-611-20), consisting of 23.8 acres with 22.2 acres of irrigated land with surface water-rights, based upon meeting the criteria for a Sending Site; and
- (b) approval of 32 TDRs for the same property. **Member Diehl** seconded the motion and the decision carried by unanimous vote.

Chairman Richardson thanked Mr. Amos and advised him that there is a ten-day appeal period and to contact the Planning Department for further permitting procedures.

B. Mike Stremmler - An application for a temporary use permit for a watchman's quarters in conjunction with Out West Buildings. The property is located at 7450 Reno Highway, Assessor's Parcel Number 007-251-52, consisting of 9.85 acres in the C-2 land use district.

Mike Stremmler stated that he lives out Dixie Valley at 7500 Jersey Valley and he owns the property at 7450 Reno Highway. He has a partner with Out West Buildings, Irvin Plank.

Chairman Richardson noted that this application had been withdrawn, but then they changed their mind and decided to continue and get your thoughts. As we understand it, you would like to use one of your own buildings that you have manufactured, engineered and produced out there at Out West Buildings to use for a watchman's quarters? **Mr. Stremmler** indicated that they have engineered drawings with McElhany Engineering out of Reno, that are livable structures per 2016 and will go up to 2018 when it has been adopted. We can build one, have it inspected as it is being built, just like a house. I think the issue is whether it is portable or not, because we fasten it to a foundation. Irvin Plank and his family have been building these sheds back in Georgia and Delta, Colorado. He said they can take their office, which is one of their buildings, and within one hour have it on a truck and trailer and ship it out. So they are portable, whether you fasten them to a foundation or not. He met with Michael Johnson, Dean Patterson, Ben Shawcroft and Cliff VanWoert. One thing that came up was they could possibly do a special use permit because he has a pretty extensive ranching operation. Right now he leaves his horses at Jack Payne's in town, but he'd love to leave them at Out West. If he can go that route, then he will withdraw this application.

Member White asked the following questions:

1. Can you explain what the special use permit application would be for? Is it to keep the building permanently or to allow you to have horses on the property? **Mr. Stremmler** said that in C-2 zoning (there is a difference between C-1 and C-2), they could only do a residence for an agricultural purpose. He owns the Humboldt Sink Ranch around Lovelock. So right now he keeps his horses at Jack Payne's and runs back and forth. He keeps hay at Out West Buildings.

D.D.A. Shawcroft clarified that in C-2 zoning you can have a single-family dwelling that is connected to a commercial operation under a special use permit, basically if that commercial operation is related to an agricultural business.

2. Is that what you are asking for? **Mr. Stremmler** said he would withdraw the TUP and apply for the SUP for a single-family home. But if the SUP cannot happen he didn't want to withdraw the TUP application. He explained that he has an extension cattle ranch, 2000 goats, they have hay farms, etc.
3. What agricultural use would you be putting your property to use for? **Mr. Stremmler** explained that he has three different ranches, he has Jersey Valley Cattle Company and Greenbelt Restoration in Lovelock, so if cows get out he's got to run with horses to herd the cattle back. He said he keeps hay there and could probably trade some cattle there too.

Chairman Richardson had the following questions:

1. I understood agricultural operations. If you have to store hay, feed horses and go back and forth.
2. How many horses would you have there? **Mr. Stremmler** said four or five.

3. How big of a corral would you have? **Mr. Stremler** indicated that they could all be corralled together, probably twelve panels in a circle. He also guides for hunting, so he runs people this time of year helping to pack them into the hunting areas.

D.D.A. Shawcroft noted that Mr. Stremler has not applied for the SUP. So this board cannot say yay or nay on an SUP this time. you can express that you might be in favor of something like that if you bring it forward. The only thing you can decide today is whether or not this qualifies for a watchman's quarters. That is where we struggle because he says it is temporary, but they can put it on a trailer any day and haul it out of there. But, at the same time, our Churchill County Code says that you cannot use sheds as a temporary residence even though it is much nicer than many RVs that we see. **Mr. Stremler** clarified that for the engineered drawings it is not "sheds", but rather "habitable structures". Definitions have everything to do with law and it is a habitable structure that he would be doing from scratch, constructed to code and it would be inspected by Cliff and Marie in the Building Department.

4. What was Cliff's opinion on this? **Mr. Stremler** stated that Cliff had inspected their office, which is a permitted building. Cliff stated that as long as they do it to code, he is fine with it. You have to attach it to a foundation, which is not a problem for him. That is where the discussion went for a SUP versus a TUP, so a SUP is a better fit for attaching it to a foundation. **Chairman Richardson** explained that historically they have discussed this for a number of years and the reason that they didn't want to allow things like outbuildings to be used as habitable structures was because were concerned that they weren't engineered for it and for health and safety reasons.
5. You are saying that you could actually engineer one of those buildings, that it would pass all building standards and that Cliff would approve it? **Mr. Stremler** confirmed this as correct.
6. I was hoping this would come because I will be retiring from the Commission in 30 days. I feel that it was a good thing to deny this on the basis of health and safety for just the sheds. There a severe housing shortage in Churchill County, and people would live in sheds if they could, just because they can't find a place. There is a tent city in Reno right now. **Mr. Stremler** shared that he was just at the Reno City Council today and they approved Out West Buildings to build 30 buildings for the homeless deal.
7. It sounds like we are at a potential point of evolution in County Code, where if someone is willing to build a building that will pass current standards and be considered a habitable structure rather than a shed, it seems like that is something we should consider. Before you withdraw your application, I want to hear what my fellow commissioners have to say about it—if you were to supply an appropriate structure that met all standards under Churchill County Code, would we be comfortable with it not being on a foundation, as a temporary structure to be used as a watchman's quarters?

Member White had the following questions:

1. Chairman Richardson, can you simplify the question. **Chairman Richardson** asked his fellow commissioners if they would be comfortable with allowing Mr. Stremler to engineer one of the those sheds to meet the habitable building codes, so that it would be just good and safe to live in as an RV or a trailer (that we currently do allow watchman to live in)?
2. If something meets Code, it meets code. If it doesn't meet code, than it is not acceptable. If Mr. Stremler can provide engineered drawings that are stamped, sealed and approved and the County Building Official accepts those, then I don't see that there is any question. He offered to email the plans to the Planning Department.
3. Have you submitted your engineered drawings to Churchill County? **Mr. Stremler** said that McElhaney were just looking over the plans to see anything stands out. When he had met with Michael, Dean, Ben and Cliff he had brought a set of the plans and Cliff looked at them. They are up to the latest HUD standards.
4. Michael and Dean, based on what you have heard from the agricultural use and the allegation of code compliance, does that fit the definitions of a permitted use within the C-2 zoning? **Director Johnson** felt the agricultural as provided seemed like it might be a bit of a stretch because the business is Out West Buildings, whether he puts horses there or not. It is not XYZ Horses and Out West Buildings.

Cliff and them had a hard time with the thought of a TUP as far as inspecting on a temporary basis. We discussed it with one of our District Attorney lawyers, and he was stating that when you go to Idaho and they build manufactured homes up there, they build them to HUD Standards, they have an inspector that inspects its, so when it leaves it comes to the state of Nevada, it is set up and then there is an inspector from the State of Nevada that goes through everything for the house. When he is done, our building inspector never goes inside the building, he inspects the sewer, water and electrical connections on the outside. If the structure is a mobile home, they are not allowed to inspect it on the inside. Our guys are not inspectors for the Nevada Manufactured Housing Division. If they made it permanent, Cliff said that could put it on a foundation next to the office, permanentize and hooked it into the septic, power and water there. He said tonight they talked about other contingencies that they had talked about in the past, such as a holding container holding the septage, but that was not the discussion that we had with Cliff two days ago. Cliff and Marie were not too keen on a TUP because they did not know that they would have any authority to go into the building to inspect. It. Cliff was more favorable of a SUP to building it in place, on a foundation at the site.

Member Schafer asked:

1. Clarified, that Mr. Stremmler actually owns the property and Out West Buildings leases the property. **Mr. Stremmler** concurred, he owns Jersey Valley Cattle Company which owns the property.
2. So you are owned by Jersey Valley Cattle, which shows some kind of agriculture? **Mr. Stremmler** said they run 700 mother cows, 2,000 goats and they farm several properties.
3. When you were talking about agriculture versus the commercial business, I just wanted to bring that out that you/Jersey Valley Cattle lease to Out West Buildings. **Mr. Stremmler** said there is a thriving business on it called Out West Buildings, but if he and Irv don't like each other, Out West Buildings could go away. But Jersey Valley Cattle Company will still own it.

Member Diehl asked if it would be possible to continue this until next month, so the applicant can figure out if they want to do SUP as a manufactured home. **Chairman Richardson** asked if they tried to do this as a manufactured home, will they have to be inspected by the state inspectors? **Mr. Stremmler** said they had a discussion with the State Manufactured Housing in Las Vegas, he said they could get an independent inspector or the County to do it, because they are not a manufactured home. They can be a "component" of a manufactured building. If there are 12 steps in the inspection process of making a home. We can do the inspections or Cliff can do the inspections, but he's not interested in that because he is too busy. For instance, New Millennium has a third-party inspection of their trusses, which are components of buildings, so they don't have to reinspect those welds that they do. It is the same thing with their buildings, in that they can build a shell, and as long as that part of the shell has been inspected we can sell it to somebody in Washoe County. Then as long as it is up to the standards, they can fasten it to a foundation and finish constructing it and get all of the inspections through their county. We have been in discussions with the state over this because there is a gap in the law. We are not manufactured homes and we're not sheds. We are a component, just like what New Millennium is. **D.D.A. Shawcroft** was concern that calling this a TUP would be setting a precedent for others. We know that your sheds are very popular. We've already put into our code preventing people from applying for TUP to live in sheds. Granted there may be engineering that you can do to make it like a home, and I have no doubt that you can. But we don't want other people who purchased these sheds to come in and say that they are going to have electrical put in and apply for a TUP. I think the SUP fits better. You are really creating a single-family dwelling, it is going to be built to code and to permanent dwelling standards.

Chairman Richardson concluded that the time may be too soon for this. As you go into the future with this and you have more homes that are redesigned and used in other counties, and they are actually setting a precedent, the day may come where we change our code. I would be comfortable with an SUP, as were Member Diehl and Member White, who added that the Commission has to act on the application tonight. You can either withdraw the application or he could make a motion to deny the application and then you can make your application for SUP knowing that generally it is a favorable opinion based on tonight's discussion. **Mr. Stremmler** withdrew TUP application and said that he would submit a SUP application.

project, I move to approve the application for a temporary use permit. Vice Chair Louis seconded the motion, and the decision carried by unanimous vote.

The conditions of approval were:

- 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*
- 3. The temporary quarters must use temporary construction practices. It may not be placed on a permanent foundation; and must share the main homes services (water well, power supply, and septic system), unless the Building Dept. finds that it is infeasible. It is preferable that a septic pump be used to send waste to the existing drain field.*
- 4. This temporary use permit is subject to annual renewal.*
- 5. Once the person needing care is no longer living in the RV, it must be disconnected from sewer/water/electric services and made lawful at its subsequent location.*

Chairman Richardson thanked Mr. Blakemore and advised him that there is a ten-day appeal period and to contact the Planning Department for further permitting procedures.

B. Mike Stremmer/Jersey Valley Cattle Co. LLC - An application for a special use permit for a single-family residence associated with a farming and ranching business on property located at 7450 Reno Highway, Assessor's Parcel Number 007-251-52 consisting of 9.85 acres of property in the C-2 zoning district. The applicant is co-owner of Out West Buildings LLC, which is a central location for the various farming, cattle, goats and horses for his agricultural operations.

Mike Stremmer of 7450 Reno Highway stated that the permit serves two purposes. First, there is a need for someone to be there for the Out West business. Second, to manage all aspects of the ranch and company from a central location. His various ranching and farming operations range between Churchill, Lander and Pershing counties. This will allow him to multitask more efficiently and manage Out West Buildings.

Chairman Richardson asked for any public comments or questions regarding this request; there were none. Therefore, he turned the discussion over to the commissions:

Vice Chair Louis asked the following questions:

1. Are you hiring a watchman to live there? **Mr. Stremmer** stated that he would be living there himself. He indicated that all of his goats winter in Churchill County, so he has about 5,000 head of goats. All of the kids are in Lander County right now, but he runs them here in Fallon during the winter time.
2. How many days will you spend at the residence. **Mr. Stremmer** stated that it varies, but right now it would be four days per week at a minimum because he has a daughter and son who attend Oasis Academy, which is four-day school days.

Member Diehl had the following comments and questions:

1. Where exactly are your animals located? **Mr. Stremmer** said he keeps the horses at Jack Payne's livestock market but would like to keep them on this property if the permit is accepted because there are so many other animals there his horses are constantly getting sick from being around other livestock.
2. The C-2 zone does allow for agricultural uses.
3. About your home, will this be on a foundation? **Mr. Stremmer** said that it will be the same size as the Out West business office, which is 16 x 40. He is waiting for this permit to go through

and then he will go to the Building Department to get the building permits.

Member White asked if the Churchill County Building Department would inspect all aspects of the building permit. **Mr. Stremmer** said that he talked to Cliff, the Building Official and as they would make sure it was all up to code.

Chairman Richardson summarized for everyone that Mr. Stremmer had to request a special use permit for a single-family residence associated with a business, which is allowed in the C-2 zone in that location for agricultural purposes, with a SUP. Then he went through the Findings of Fact concluding that he did not have a problem with approving this application.

Chairman Richardson asked for any further comments; there being none, he called for a motion. **Member Blakey** said he would need to abstain from vote on this because it could pose a conflict of interest professionally.

Member Diehl moved that based on the information provided in the application, in the staff report, and heard tonight, I move that the findings have been met for the application for a special use permit. Member White seconded the motion and the decision carried by unanimous vote.

Chairman Richardson noted that one of the requirements that will be required is payment of all impact fees and water right dedication, just as they would be for a normal home.

Member White moved that based on the previously adopted findings made for this project, I move to approve the application for a special use permit. Member Diehl seconded the motion, and the decision carried by unanimous vote.

The conditions of approval were:

1. *The agricultural Home-Based Business must be operated from the home.*
2. *Before construction of the new residence, details that show information about the service connections must be submitted to and approved by the Building Department.*
3. *The new residence and home business must comply with Churchill County Code, including:*
 - a) *The residence must meet setback requirements. It must be at least 10 feet from the estimated side property line, unless a surveyor or similar professional identifies the exact location of the property line, so the building can be placed within the property line.*
 - b) *No signage or lighting is allowed without additional permitting.*
 - c) *No additional parking, landscaping, or screening is required for the residence.*
 - d) *Applicable impact fee and water dedication requirements must be met.*
4. *Power, septic, and water services for the residence must be connected to the existing services for the business, including the following:*
 - a) *The septic system must be connected to the existing system, such as by using a small holding tank and grinder pump to send sewage through a pipe to the septic system.*
 - b) *Sewer and water lines that cross driving areas and truck traffic shall be protected by placing them in a metal sleeve.*
5. *All required Building Department approvals and safety certificates must be obtained, including any required inspections of water, septic and electrical connections*

Chairman Richardson thanked Mr. Stremmer and advised him that there is a ten-day appeal period and to contact the Planning Department for further permitting procedures.

C. Michael J. Clark - An application for a special use permit to install three 140-foot tall or less, amateur radio towers. The property is located at 5787 Mission Road, Assessor's Parcel Number 007-551-44 consisting of 10.13 acres of property with no surface-water rights in the A-10 zoning

APN: 007-251-52 (Special Use Permit)

**NOTICE OF FINAL ACTION, DECISION OR ORDER
OF THE CHURCHILL COUNTY PLANNING COMMISSION**



TO: Mike Stremmler
Jersey Valley Cattle Co. LLC
7450 Reno Highway
Fallon, NV 89406

Pursuant to NRS 278.315, notice is hereby given that on the 10th day of October 2018, A.D., the Churchill County Planning Commission granted a:

Special Use Permit under section 16.08.200.D of the Churchill County Code for a single-family residence associated with a farming and ranching business on property located at 7450 Reno Highway. The applicant is co-owner of Out West Buildings LLC, and the property is a central location for the various farming, cattle, goats and horses for his agricultural operations.

As authorized by the provisions of NRS 278.010 to NRS 278.630, inclusive, with respect to the following described property: 7450 Reno Highway, Assessor's Parcel Number 007-251-52 consisting of 9.85 acres of property in the C-2 zoning district, property situated in a portion of the west ¼ of the northeast ¼ of Section 24, Township 19 North, Range 27 East, M.D.B.&M.

Based on the information provided in the application, in the staff report, and heard tonight, the findings have been met for a special use permit for a single-family residence associated with a farming and ranching business on APN 007-251-52, thereby meeting the criteria found in CCC 16.08.080(H) 1 through 5, as described in the Staff Report

SUBJECT TO THE FOLLOWING CONDITIONS PLACED ON THE SPECIAL USE PERMIT:

- 1. The agricultural Home Based Business must be operated from the home.**
- 2. Before construction of the new residence, details that show information about the service connections must be submitted to and approved by the Building Department.**
- 3. The new residence and home business must comply with Churchill County Code, including:**
 - a) The residence must meet setback requirements. It must be at least 10 feet from the estimated side property line, unless a surveyor or similar professional identifies the exact location of the property line, so the building can be placed within the property line.**
 - b) No signage or lighting is allowed without additional permitting.**
 - c) No additional parking, landscaping, or screening is required for the residence.**
 - d) Applicable impact fees and water dedication fee requirements must be met.**



Mike Stremmer SUP
Jersey Valley Cattle Co. LLC
NOFA Page 2 of 3

- 4. Power, septic, and water services for the residence must be connected to the existing services for the business, including the following:**
- a) The septic system must be connected to the existing system, such as by using a small holding tank and grinder pump to send sewage through a pipe to the septic system.**
 - b) Sewer and water lines that cross driving areas and truck traffic areas shall be protected by placing them in a metal sleeve.**
- 5. All required Building Department approvals and safety certificates must be obtained, including any required inspections of water, septic and electrical connections.**

Within twelve months of issuance of this notice, applicant must demonstrate that steps have been taken to enact this Temporary Use Permit. In the event that circumstances beyond the control of the applicant result in failure to complete applicable conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request one single extension for twelve (12) calendar months from the original date of inception. The applicant must submit this request to the Planning Department thirty (30) days prior to the expiration date. Failure to demonstrate enactment or submitting a written request for extension may result in termination of the temporary use permit.

State of Nevada § County of Churchill

DATED: This 22nd day of October 2018, A.D.

Michael K. Johnson, Planning Director

SUBSCRIBED and SWORN to
before me by Michael K. Johnson
this 22nd day of October 2018, A.D.

Notary Public



/// /// ///

/// /// ///

/// /// ///



Mike Stremmer SUP
Jersey Valley Cattle Co. LLC
NOFA Page 3 of 3

I, Mike Stremmer, understand the conditions and terms placed on this temporary use permit and agree to comply with them as per this notice. Further, any/all other oaths, bonds, covenants, expectations, promises or conditions of use previously granted to the applicant pursuant to a temporary use permit, whether written or not, express or implied, are hereby merged with this temporary use permit; that this temporary use permit granted me, with its conditions and terms of land-use set forth herein, as applicable to the above-described property, shall supersede any/all other temporary use permit(s), previously granted me pursuant to Churchill County Code 16.04.020.C.

Mike Stremmer
Signature

Date: 10-22-18

big and they get too close to a road or driveway they start blocking sight distance, and for safety reasons a setback requirement was added for ground signs that are more than four feet above street level. There is a lot of deletions on Pages 14 and 15 because they are being combined with other areas to simplify the code regarding what signs are permitted in what areas. Dean Patterson noted that the changes to the use table were also discussed previously and their suggested changes were made.

Chair Diehl asked for any comments or questions.

Tania Pomeroy, 4882 Harrigan Road, said that her husband, George Pomeroy, wanted her to bring up that monument signs are mainly for store frontage and not billboard advertising, which is primarily for offsite businesses. Attorney Shawcroft asked if it is addressed in this code amendment, and Planner Dean Patterson said that it isn't really specified this way in the code and that these could be used for advertising either on premises or off premises, like The Grid advertising sign on the Reno Highway near Wal-Mart; however, there is a limit in the amount of signage area on a parcel. If they are allowed 160 square feet of advertising signage and they want to permit someone to advertise an offsite business with a 100 square foot sign, then that leaves the onsite advertising only an additional 60 square feet. Tania Pomeroy noted that existing advertising sign for The Grid is a pole sign.

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

Member White, based on the information provided in the staff report and heard tonight, moved that the findings required in CCC 16.08.060.E.2 have been met for the Consolidated Development Code Amendment in Bill 2020-A, thereby meeting the criteria found in CCC 16.08.060.E.2. Vice Chair Louis seconded the motion and the decision carried by unanimous vote.

Member White, based on the previously adopted findings made for this project, moved to recommend that the Board of County Commissioners approve the proposed Consolidated Development Code amendment in Bill 2020-A. Member Getto seconded the motion and the decision carried by unanimous vote.

10. Consent Agenda:

All matters listed under the Consent Agenda are considered routine and may be acted upon by the Planning Commission with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the Consent Agenda, discussed and acted upon separately during this meeting.

- A. Consideration and possible action re: **Termination of a temporary use permit** for Temporary Quarters for a Watchman granted to **Leslie Beach** for property located at **6755 Reno Highway, APN 008-141-18**. *The business has closed and there is no longer a business license to support the need for a watchman; therefore, the conditions are no longer met, and the permit should be terminated.*
- B. Consideration and possible action re: **Termination of a temporary use permit** granted to **Supplement Green Two LLC** for Temporary Quarters for a Watchman for property located at **10655 Lovelock Highway, APN 009-371-83**, consisting of 240 acres in the Industrial land use district. *The business license was terminated in 2018 due to no response from the owner.* It was discovered that Mr. Boseman passed away, and then his administrator passed away before completing the resolution of the estate. The other officers listed on the entities have not responded to any mail sent and it doesn't appear to have anyone using the business or watchman quarters in the last couple of years. *Therefore, the temporary use permit should be terminated, and the temporary use should not be allowed until the new business operator comes forward.*
- C. Consideration and possible action re: **Termination of a special use permit** for a single-family residence associated with a farming and ranching business granted to **Mike Stremler** on property located at **7450 Reno Highway, APN 007-251-52**, consisting of 9.85 acres in the C-2 land use

district. *The applicant decided not to construct a residence on this parcel and no longer needs the permit; therefore, the special use permit should be terminated.*

- D. Consideration and possible action re: A **temporary use permit renewal application** for Temporary Quarters during conversion of mobile home to real property for **Ron Bowman** for property located at **18333 Carson Highway, Assessor's Parcel Number 006-132-40**. *This item was tabled at the December 11, 2019 hearing for 60 days, and due to ongoing discussions with applicant, staff and legal counsels this item will be postponed to a future Planning Commission hearing for further action.*
- E. Consideration and possible action re: **Termination of a temporary use permit** granted for Temporary Quarters during Home Construction for **Jerry Mayfield** for property located at **865 Wood Drive, APN 007-771-15**, consisting of 1.13 acres in the R-1 land use district. The RV is disconnected from utilities, has no resident, and should be removed this summer from the property.
- F. Consideration and possible action re: **Termination of a temporary use permit** granted for Temporary Quarters for Hardship for **Kevin & Bonnie Hargis** for property located at **6787 Equinox Lane, APN 008-631-24**, consisting of 5 acres in the A-5 land use district. The person needing care passed away and the applicants are in the process of cleaning out the mobile home, selling it, and removing it from the property.

Member Blakey moved to approve the Consent Agenda as submitted. Member Arciniega seconded the motion and the decision carried by unanimous vote.

11. Public Comment.

Leslie Beach, 1010 Bonnie Lane, questioned where she could get a copy of the new signage code. This amendment hasn't yet been adopted by the Board of County Commissioners and would be going to their meeting in the future. It could take some time before the amendments are codified into the County Code available through the website, but she could get a copy of Bill 2020-A once it has been adopted from the Planning Department. Ms. Beach requested that a copy be emailed to her once it has been approved.

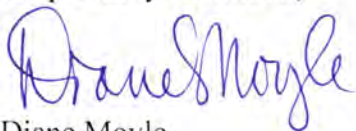
12. Adjournment.

There being no further business to come before the Planning Commission, Chair Diehl adjourned the meeting at 8:53 p.m.

13. Appendix.

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant

APN: 007-251-52

(Special Use Permit - Terminated)

This document rescinds Doc.#470494, recorded 10/23/18



CHURCHILL COUNTY PLANNING

Doc # 478932

2/13/2020 4:40 PM

Official Record

Requested by:

CHURCHILL CO PLANNING

Churchill County - NV

Tasha Hessey - Recorder

Pg 1 of 1

Recorded By: LMCAFEE

February 13, 2020

Mike Stremmler
Jersey Valley Cattle Co. LLC
7450 Reno Hwy
Fallon, NV 89406

Dear Mr. Stremmler:

On October 23, 2018 a Notice of Final Action was recorded for a special use permit issued on October 10, 2018 to establish a single-family residence associated with a farming and ranching business on property located at 7450 Reno Highway, Assessor's Parcel Number 007-251-52, consisting of 9.85 acres in the C-2 land use district. Per your response to our request regarding your actions toward enacting this permit indicated that you have decided not to move forward with construction of a residence at this location. The Planning Commission terminated the permit at their February 12, 2020 meeting.

The special use permit is now null and void. This letter is to rescind that Notice of Final Action, Document Number 470494. Should you have any questions, please contact our office at 775-423-7627, extension 6.

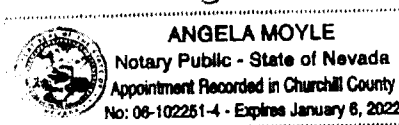
Sincerely,

Michael K. Johnson
Planning Director

State of Nevada)
 SS
County of Churchill)

Signed or attested before me on this 13th day of February 2020, by Michael K. Johnson.

Notary Public



February 8, 2023 at 7:00 p.m.

PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO