

MINUTES OF THE CHURCHILL COUNTY PLANNING COMMISSION

155 N. Taylor St., Fallon, NV 89406

March 8, 2023

1. Call to Order:

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

Present: Eric Blakey, Chair; Scott Nelson, Vice Chair; Jeff Goings, Member; and Paul Picotte, Member.

Absent: Zack Bunyard, Member; Deanna Diehl, Member; and Mark Hyde, Member.

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 March 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. Director Spross noted that Item 9.C. is being withdrawn; however, we did not receive the written request before the agenda had to be posted.

Member Nelson moved to approve the agenda as revised. 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 24, 2023 Workshop

B. February 8, 2023 Public Hearing

Member Nelson moved to approve the January 24, 2023 and February 8, 2023 minutes as written. Member Goings seconded the motion and the decision carried by unanimous vote.

8. Old Business

- A. Consideration and possible action re: Renewal of a temporary use permit previously granted to Gary Sinclair for property located at 1015 Dean Lane, Assessor's Parcel Number 008-532-40, for temporary quarters during home construction. Origination Date 3/11/2020. *Mr. Sinclair stated on his renewal that they are working to pay off the property, and then they would build the permanent residence.*

Gary Sinclair and Analee Sinclair, 1015 Dean Lane, were available for this application.

Director Spross said that typically on old business items staff does not make a recommendation; however, he wanted to point out a few items regarding this renewal application. This application was originally requested in 2020. He pointed out that upon renewal the applicant is supposed to show progress toward construction of the permanent residence, and on his first renewal Mr. Sinclair stated that he was going to install the septic system and build some pads to store construction materials. In 2022 when this application came for another renewal Mr. Sinclair had stated that the septic system was not installed yet, but he was making progress toward getting that installed. Director Spross noted that Commissioner Nelson had to recuse himself because his company had been contacted regarding a solicitation for installation of the septic system. This year the renewal application states that Mr. Sinclair plans to pay off the property prior to working on other systems to establish a permanent residence. Director Spross commented that he spoke with the building department and a permit had been issued for the septic system on February 22, 2023; however, no inspections had been called for regarding that permit.

Chair Blakey verified with Member Nelson regarding his ability to take part in discussions and decisions on this application. After discussion with Joseph Sanford, Deputy District Attorney—Civil (DDA), it was determined that Member Nelson no longer had a business relationship with the applicant and was able to take part in the deliberations.

Chair Blakey turned the discussion over to the commissioners.

Member Goings questioned if the septic permit had been obtained. Gary Sinclair stated that it was installed by Hiskett & Sons beginning on February 21, 2023. There was some discussion regarding the inspection for the installation because the Building Department said that no inspections had been called for as of March 2, 2023. The building permit was issued on February 22, 2023. Mr. Sinclair admitted that he was not on the property at the time of the inspection, and all he knows is that the septic has been installed and covered up. Dean Patterson, Senior Planner, inquired who the inspector might have been, and Mr. Sinclair said that he didn't know because they were working at their restaurant.

Chair Blakey noted for the record that they received written documentation from the building department that a septic permit was issued on February 22, 2023, and this email from March 2, 2023 indicated that no inspections had been called for as of that date. Dean Patterson said that Analee Sinclair showed him an invoice and receipt for the septic system in the amount of \$3,800. Director Spross remarked that was for the installation of the system, and he indicated that he would speak with the building department regarding the inspection. The septic system has been installed, so progress is being made. There was some discussion regarding the paperwork shown to Dean Patterson, which was determined to be a billing invoice and receipt for payment to Hiskett & Sons for the installation of the septic system.

Chair Blakey commented that Mr. Sinclair has been renewing this permit since 2020, and he verified with him that he understands that a temporary use permit can only be issued on a property that has an active plan to build a home or to install a mobile home and have continued construction

towards that goal. Mr. Sinclair stated that he does understand what is required. Chair Blakey agreed that installing a septic tank is progress, but he would like to see an active plan of timelines on what he plans to do. There were many suggestions shared for writing down the steps he plans to take with timeframes for completing those steps, and examples were given for what this written plan should contain. Mr. Sinclair explained that he wants to get the land paid off as quickly as possible (he plans for it to be paid by next year) because the person they are buying it from seems to be a little “wishy washy”. Once the land is paid for and completely in their name, they will build the house. He also indicated that he planned to pay the impact fees this year because that is a significant amount of money.

Member Goings said that this has been going on since 2020 and things that have been stated as the plan for the year that didn’t happen as planned for whatever reason. He said that he agrees with Chair Blakey that they should either table this item to give Mr. Sinclair time to prepare this written plan or deny it. Mr. Sinclair shared the plans that they had for the house with Dean Patterson, who looked through them. Analee Sinclair said that they had used the money they had set aside for the house to keep the restaurant going during COVID. She reiterated that they want to pay off the property due to the issue with the landowner that they are buying the property from, and she shared some of the things they have talked to others about for foundations and such. She asked what kind of information the commissioners would like to have regarding their progress moving forward.

Chair Blakey explained that they should provide a written plan noting what progress they think that they can accomplish and within what timeframe they can do it. This should be acceptable to meet the criteria to maintain the temporary use permit, which was issued for construction of a permanent dwelling. If it doesn’t meet that criteria, then they will have to deny the renewal because they wouldn’t be in compliance. If it does meet that, then they can renew it for whatever length of time up to a year to accomplish their written tasks. Dean Patterson said that from what he understands tonight the septic system has been installed, Mr. Sinclair will work on paying the impact fees, then pay off the land the next year, and then he could start construction of the home in the following year. If they describe those things with a sentence or two with an estimated timeline attached to each one, would that be acceptable for that plan. Member Goings remarked that this would be acceptable to him. Director Spross concurred that the record would reflect what is stated at the meeting with the minutes, and if they are satisfied with what they say, it can be added in as part of the approval of the renewal. Chair Blakey expressed his desire to table this item tonight and to have Mr. Sinclair come back at the next meeting with a written plan, including what is going to be done and when it will be done, so that the commission has something to hold Mr. Sinclair accountable to accomplish upon renewal. Member Goings said that the applicant has stated things previously that have not moved forward in the past. Director Spross remarked that if Mr. Sinclair stated unequivocally what he plans to do and within what timeframe, it would be recorded in the minutes of this meeting; therefore, it will be written. This would be documented as a written plan of getting those tasks accomplished. There was more discussion and Mr. Sinclair was asked if he would feel more comfortable doing that tonight, or if he would rather take some time to write those things out and bring them back at a subsequent meeting. Mr. Sinclair said that he plans to pay the impact fees by the end of this year, pay off the property in the next year, and then start building the house the following year. It was finally decided that the Sinclairs would take some time to go over their budgets, write down their plan, and come up with some comfortable timeframes in order to complete the tasks. Then they will bring that back for a decision on the renewal. Member Nelson stated that the Building Official confirmed that the septic was inspected. There were more ideas

shared regarding suggestions to include in the written plan.

Member Goings inquired if they would be okay with tabling this item to the next meeting, and they responded in the affirmative.

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

Member Goings, based upon the facts and evidence presented at this meeting, moved to table the renewal of the temporary use permit for Gary Sinclair at 1015 Dean Lane, APN 008-532-40, for 30 days (until the April 12, 2023 meeting) to get a written plan of action. Member Nelson seconded the motion and the decision carried by unanimous vote.

9. Public Hearings:

A. Consideration and possible action re: A temporary use permit application for temporary quarters for general purposes filed by Tomi Love for property located at 1714 Shoffner Lane, Assessor's Parcel Number 008-671-08, consisting of 1.8 acres in the A-5 zoning district. The applicant proposes to have herself and family members to live in two (2) RVs on the property.

Tomi Love, 1714 Shoffner Lane, was available for this application.

Director Spross stated that this application is for a temporary use permit for general purposes. Ms. Love is requesting two RVs on the property to be allowed to be used as temporary residences. The units are already onsite and set up for use, and this application is a result of code enforcement action. The site has been used for RV campground style living, which is not allowed for safety and land use reasons. This application requests that family members be allowed to live on the property in RVs, all of whom have physical or mental disabilities and do not work. Tomi Love and Margaret Romo, her mother, live in one RV, and Brandon Romo, her nephew, lives in another RV. There is no permanent home because the single-wide mobile home that is onsite has been deemed uninhabitable. Since there is no permanent home, the property does not qualify for the hardship/caretaker temporary use permit (TUP). The only TUP option available without the permanent home would be for a home construction TUP, but the applicant cannot afford to build a home. The application states a plan that the property would be sold to a neighbor sometime in the next few months. Director Spross continued sharing that this property has had a long enforcement history. Due to the condition of the home and property with a previous owner through the enforcement actions taken, the County Commissioners ordered that the property be abated. The property was not abated, but simply sold at a tax sale. The derelict mobile home is still present though it is disconnected from all services. Tomi Love purchased the property in the tax sale, has been living in the RVs for approximately four years, and has set up the RV campground style of compound by continually adding to the compound year after year. The site has been the subject of neighbor complaints and subsequent enforcement activity. In June of 2022, complaints were filed, and in July of 2022, the nephew emailed the county that the family needed help. In late 2022, a county commissioner was contacted regarding the site, who then visited there and also contacted code enforcement. The Code Compliance Official has been working for an extended period of time with the residents and Social Services to find alternatives with the expectation of entering into a Code Compliance Agreement with a plan of action. The Official reports that progress has been made to straighten up the debris on the site with the tents and stacks that are tarped. The RVs are connected to the existing well and existing power. The septic system has failed, and the applicant indicates that it can be fixed. The applicant has placed a portable toilet onsite and also uses the RV facilities. The septic tanks and RVs are pumped by Marshall's Septic Service. The use of portable

toilets for residences is not allowed, but the building department indicates that using the RV facilities is allowed with a service agreement for regular services from a septic company. There may be a problem that the RV facilities alone may not be adequate. RVs, tents, sheds, a derelict mobile home, containers, vehicles and other structures and objects stored outside are tightly concentrated on the property into a living compound. An aerial photo time series is provided [and displayed on the screens] to show how the situation has grown from just the derelict mobile home in 2017 to the intensely concentrated situation that exists today.

Director Spross further remarked that a temporary residence is for a person or persons for the purpose that is similar to, and not more obnoxious or detrimental to uses listed in other categories of TUPs. The proposed temporary quarters is not similar to one of the other allowed TUPs. The proposal is really to allow someone to live in run-down RVs on a location. The property has become similar to a homeless camp with lots of tents, making this proposal more obnoxious than that of the other TUPs. This case started with a complaint from a neighbor further demonstrating that the proposal is obnoxious to them. He further stated that the applicant indicates that she plans to sell the property to an adjacent neighbor and vacate the site within six months. He informed the commissioners that the department received two letters in opposition to this application, and there was a letter from the building department that should the commission approve this application there are certain conditions that need to be met in terms of hooking the RVs up and inspections that are required as part of that. Staff recommends denying the application or to table this for 60-90 days, and have code enforcement continue working with the parties to resolve the code violations.

Chair Blakey verified that the Code Compliance Official is currently working with the property owner. Director Spross indicated that Loreli LeBaron was unable to attend due to being ill, and he shared that she told him that progress was being made. He stated that he visited the site last week, and although progress was made the site is still in quite a state of noncompliance. Chair Blakey turned the discussion over to the commissioners.

Member Goings questioned regarding the property being sold and whether there is a contract for that sale. Tomi Love responded that her neighbor across the street and another neighbor are interested in buying the property because they want to redo the property for their children or their mother. She also commented that the comments made about tents on the property is inaccurate because they are not tents; they are carports for her stored personal items. She's been cleaning that property since she got it. It was a mess when she bought it. During that time her father passed away, and her mother came to live with her. Then her nephew needed a place to stay, so he moved there. That is why there is all of the extra stuff. She is getting rid of a bunch of things, including vehicles that they don't need. She will get everything cleaned up and that is what she has been working on since she moved there.

Joseph Sanford, Deputy District Attorney-Civil (DDA), didn't think that the question asked by Commissioner Goings got answered, and he inquired again if there was a contract for the sale of the property. Tomi Love said that there isn't. She said that she hasn't even talked to them because she's been dealing with all of this. She remarked that you can't go to a neighbor and ask them to sign a letter stating that they want to buy the property; nobody's going to sign that. That is what she was told.

Member Picotte asked if the applicant understood what they were asking about a contract, possibly getting a real estate agent to list the property, put it for sale, and then go under contract. Ms. Love said that she had one. Member Picotte questioned if she entered into a contract with the real estate agent, and she replied in the affirmative. He then asked who the real estate agent was,

and Ms. Love couldn't remember anything other than Carrie. She said that they had signed up for a contract since last year, and then she told the agent that they needed to wait until the weather is better in the spring. She would be able to get a lot more done on the property at that time, so they could get it sold. Member Goings inquired if the contract was with Berney Realty, and Tomi Love responded that it was not. Member Goings then said that, typically, when you enter a contract, that place is then put on the market to be sold. He noted that he went by there last week and didn't notice any real estate sign. Ms. Love said that they took it off of the market until April. Member Goings then asked if they were no longer under contract. Tomi Love thinks that she is still under contract, but she doesn't know. She had called the agent, and the agent had not gotten back with her.

Member Picotte questioned if it is Ms. Love's intent to vacate the property anytime soon. Tomi Love remarked that when she went into this, she did it blindfolded. It was supposed to be a partnership to get this place cleaned up and getting a house put on it, but with everything going on, COVID, and family, it hasn't gotten to that. Member Picotte asked if 30 days to vacate would be sufficient. Ms. Love replied that there was no way that she could get out of there in 30 days. She said that she was told that she could do it by July, which is her goal.

Member Goings commented that they are trying to find a means to the end of this. He drove by there, and it really does not fit with anything else that is around this property. He wondered if this board was to provide her with this temporary use permit, would she be able completely vacate the property and get it sold in six months. Tomi Love stated that she is planning on that one way or another.

Chair Blakey stated that on the temporary use permit application that was submitted there is no criteria that she actually meets in order for them to approve a temporary use permit. The property is in disarray, which everyone can agree on. He said that this commission is not aware who told Ms. Love that she had until July. He asked the staff if this came from the department, and it was stated that it didn't come from the department. Tomi Love said that Loreli LeBaron told her. Joseph Sanford (DDA) explained to the commission that sometimes there is a difference between an amount of time to move out before code compliance begins fining someone for the violations, which may be what Loreli LeBaron was talking about. We start looking at significant fines that could be assessed over a very short period of time once that process begins. It could be that the Code Compliance Official meant that Ms. Love had until July before she would start issuing fines for the violations. Tomi Love indicated that she made a contract with code compliance about cleaning up the property. Joseph Sanford continued telling the commissioners that the code compliance portion has no bearing on the permit that they are making a decision regarding. If the commission denied this permit application, it would continue under code compliance; however, if you granted the permit, it would end code compliance as terms of citations for residing in the RVs. It would give a certain amount of time for that, which are two very different things. Chair Blakey questioned if Ms. Love has a current service agreement with any sewage company to remove the septic waste. Tomi Love responded in the affirmative and it was with Marshalls' Septic. He asked if they could provide those receipts to the department, and Ms. Love replied that she had already done this with Loreli LeBaron. Chair Blakey asked if anyone has mentioned or recommended to the family to contact Social Services to see if they qualify for any assistance there. Director Spross stated that Loreli LeBaron had already done that. Chair Blakey restated his understanding that if they deny the temporary use permit, then she falls under code compliance. At that time code compliance deals with the property until it is cleaned up because he doesn't believe that they technically have an item that they can attach to approve this permit at this location. Director Spross

confirmed that this application does not fall into any of the five categories for a temporary use permit.

Member Goings clarified for the applicant that the commissioners are trying to find a way for her to be able to exit the property and/or clean it up so that it matches everything else that is around there. It seems to him that the department has offered up the best remedy, which is to table this for 60 to 90 days, in order to give her time to get under contract to sell the property and actually put her into the first of June. He reiterated that she would still need to meet code compliance and do all of the things that they ask her to do. The commission doesn't have the ability to approve a temporary use permit. Tomi Love stated that she has been working on it since she got there.

Chair Blakey said that it has been known and made known by the applicant that she is removing herself from the property and attempting to sell the property; therefore, she doesn't meet the criteria for temporary use permit. He doesn't even think that they should table this item; they should deny the application. Then this will just be handled by code compliance, and they can make sure to take care of the matter and get the property cleaned up. If after this case has been resolved and the applicant could meet the criteria for a temporary use permit, she could reapply at that time.

Chair Blakey asked for any public comment.

Margaret Romo, 1714 Shoffner Lane, pointed out the bad condition of the property when they got it. The weeds were very tall and there was trash everywhere. The people that had been living there, squatting there, left a lot of junk that they had to haul away by the truckloads. It is much better now. Chair Blakey said that the commission cannot consider what the property was previously because when anyone buys property, they assume responsibility for it in whatever condition it is in. He reiterated that Ms. Love has made it known that she is selling the property, it has code violations, she is working with code compliance, and she doesn't meet the criteria for a temporary use permit. They will take a vote to either approve, deny, or table the decision for a future meeting. If they deny it, they will just continue to work with code compliance until she either vacates the property or it is cleaned up.

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved that the findings have not been met for conformance with the criteria found in CCC 16.08.070(B)6 regarding a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-671-08. 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 deny the Temporary Use Permit application for Tomi Love to establish a Temporary Quarters for General Purposes at 1714 Shoffner Lane (APN 008-671-08). Member Goings seconded the motion and the decision carried by unanimous vote.

Director Spross advised that there is a ten-day appeal period, and the applicant would need to contact the Clerk's Office for that. Chair Blakey asked if the applicant was aware of the location of the Clerk's Office and let her know that there is a fee for filing an appeal. He further recommended that the applicant continue to work with the Code Compliance Official to bring the property into compliance.

- B. Consideration and possible action re: An application for a variance from the rear setback requirement filed by Leslie Beach for property located at 6755 Reno Highway, Assessor's Parcel Number 008-141-18, consisting of 0.77 acre in the C-2 zoning district. The applicant proposes to reduce the rear setback from 20' to 3'.

Leslie Beach, 6755 Reno Highway, was available for this application.

Director Spross went over some information from the staff report and application. He stated that the applicant has been dealing with a lot of issues at the site that includes code enforcement actions and changing of uses. This culminated in obtaining a special use permit for a duplex in April 2022 along with a street setback variance, which was approved. It was learned recently that the lot depth is not what was thought, and the actual rear lot line is very near to the rear of the planned building. Previously, the lot depth on the east property line was thought to be 90 feet, but later it was found to be 73 feet. The applicant has submitted another variance application to resolve the problem in a way that she can continue with the intended project. If it is not approved, the duplex will have to be reconfigured. Past residential uses on the property were nonconforming uses that went away long ago. The applicant wanted to reestablish a residence, which is normally not allowed. She chose to establish a multi-family duplex because multi-family dwellings were allowed through a special use permit at that time. The permit was approved just before the code changes that established the R-3 zoning district and also made multi-family dwellings prohibited in the commercial zones. Thus, this application is vested under the previous law, but will then be a legal, nonconforming use. However, if the special use permit expires without implementation, the proposal will lose its grandfathered status. Once constructed, the duplex will remain a nonconforming use as long as it is occupied. If it ceases to be used for residential purposes, it will lose its nonconforming status.

Director Spross pointed out that the application proposes a variance from the rear setback to allow the new building to be 3 feet from the rear property line instead of the required 20 feet, which is a reduction of 17 feet or approximately 85%. The applicant verbally indicated that the property line falls roughly where the line of garden pots are seen in the application photos (photos displayed on the screen). It should be noted that the ground behind the structure has been filled well into the adjacent property. If that owner objects, the fill may have to be removed and a retaining wall constructed. He outlined some points for the findings:

1. The application indicates that the site has exceptional conditions because NDOT (Nevada Department of Transportation) has taken the front of the property during the expansion of the highway, thereby making it more difficult to provide an adequate setback. The odd shape of the property also makes meeting the setback more difficult, and the staff does agree with that.
2. The application indicates that the project has obtained previous permits, but the newly discovered rear setback will make it impossible to do the project. The slough in the back makes it impossible for others to use that area. Staff says that the practical difficulty that is unforeseen loss of expected lot will make the project impossible at the proposed location without this variance.
3. The application indicates that there will be no affect to the neighbors due to the steep slope, a berm next to the slough, and the slough itself, and the staff agrees. The impacts of reducing the setback on the adjacent property are minor, though fill to make the subject property flat has been extended onto the property to the south.
4. The purpose and intent of the rear yard setback is to provide space for fire fighting and to ensure a minimum separation between adjacent uses. The application indicates that the variance will only affect the subject property, and that NDOT caused the hardship. This variance will correct

the problem NDOT created. Staff agrees that NDOT acquisition has contributed to the problem as well as the applicant not correctly understanding the lot dimensions.

Director Spross stated that a couple of the Planning Commissioners went to the site last week with him and met with the applicant's husband, Bob. While onsite, and as can be seen in the photograph displayed on the screen, that wooden layout on the ground is the outline of the proposed building. It was discovered that the proposed building is within 3 feet of the NV Energy power pole. NV Energy has a 10 foot easement off of those poles. Staff's recommendation at this point is to table this until this issue has been resolved with NV Energy because staff doesn't feel that the county can make a decision on this without having all of the information from NV Energy through the applicant.

Chair Blakey asked for any discussion from the commissioners.

Member Goings asked to see all of the photos and more specifically the one that shows property lines. It was stated that the property lines are approximate only. He then questioned what was on the property to the west, and Leslie Beach informed that there is a manufactured home that is used as a residence there. Member Goings inquired if the building on that property was constructed at the property line. The lines depicted on the aerial photograph are not accurate, and Leslie Beach explained that she had Steve Bell conduct a survey on the parcel.

Leslie Beach said that they have contacted NV Energy, and they are going to go underground with the power. They have already applied for the permit. She requested to display the photo including the car and pointed out the power box on the side of the house. The power will have to be taken underground because the new building will be attached to that side of the house. She said that NV Energy is supposed to come out to the site.

Chair Blakey explained that the application to move the power box would be separate from the easement of the power lines. These are two different topics within NV Energy. He stated that before the commission can move forward, as Director Spross stated, we would need either the written code or guidelines or a letter from NV Energy saying that this project will not be impeding any of their easements. They have a land easement that is from the center of the pole in all directions, and then they have an aerial easement that a building cannot be under or close to in a circular dimension of the power line. Once they can confirm those items, then that will confirm where the building can go. At that point, if it shrinks your building area enough, they may need to relocate the building. Leslie Beach responded that they don't have another option for locating the building. Chair Blakey restated that they need to get those easements figured out before they approve a variance for that section of the property. Leslie Beach said that NV Energy is the one that told her that the box on the wall must go underground. They had recommended that to them. She agrees that they need to have NV Energy to come to the site, and they have scheduled that. Chair Blakey expressed his understanding that the requirement to run the power lines under the ground has no bearing on what they are considering. He said that the concern is whether or not they will be able to place the structure within a certain distance from the power poles and power lines on the property. Once the applicants get the approval from NV Energy for the placement of the structure and satisfy the department with the findings, this can come back to the commission for a decision on the variance application. Leslie Beach remarked that they are under a time crunch because of the previous permits deadline, and she said that she will ask for an extension on the previously granted variance and special use permit. Director Spross agreed that she could request that from him, and then we can respond.

There was a discussion about how long to table this item. Director Spross suggested that they not set a certain timeframe, and then when Mrs. Beach comes in with the information, they will

review it and then schedule it on the next agenda. Joseph Sanford, DDA, urged that the applicant should complete the request for an extension on the other permits prior to their expiration date. Director Spross expressed that it is more important to get the proper documentation than it is to meet a specific timeline at this point. We don't want to schedule it for the next meeting and there's not enough time to get the information. Leslie Beach remarked that they are in a hurry, so they don't plan on taking too long.

Member Picotte inquired if the other landowner had been made aware of all of this, and what their concerns may be with the property easement. Leslie Beach stated that she had spoken to her on the phone as she was out of town. The landowner said that she received the letter from the county. She indicated that she planned to get a letter from her, but since she was out of town it couldn't be done. Mrs. Beach will reach out to her again. There is no way for anyone else to use the property except them because of the slough.

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

Member Goings, based on the information provided in the application, in the staff report, and heard tonight, moved to table this item until all documentation is provided to the planning department and then they will place this item on the following meeting agenda. Member Picotte seconded the motion and the decision carried by unanimous vote.

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

Director Spross stated that the applicant had submitted an email request to withdraw their application for a special use permit at 2170 Reno Highway. He stated that they are no longer leasing that building.

10. Action Item: There were none.

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 previously granted to SAC Wireless on behalf of Commnet to swap the existing 38-foot pre-existing communications tower with a taller 60-foot communications tower with accompanying equipment shelters and site improvements located at 15550 Schurz Highway, Assessor's Parcel Number 002-411-03, within the Top Gun Drag Strip area in the RR-20 zoning district. *This permit was not enacted within the time period required and had to reapply for a new permit, which was granted on February 8, 2023. This permit should be terminated since it has been superseded.*
- B. Consideration and possible action re: Terminate a special use permit previously granted to Isidro Alves for a milk & cheese processing & storage facility in conjunction with the existing

dairy operation on property located at 3500 Trento Lane, Assessor's Parcel Number 007-121-07, in the A-10 zoning district. *The business for milk & cheese production, storage and retail sales closed and the owner stated that the permit is no longer needed.*

- C. Consideration and possible action re: Terminate a special use permit previously granted to Veronica Hardy for property located at 3975 Redwing Court, Assessor's Parcel Number 008-282-33, to operate a daycare facility from her home. *Mrs. Hardy called to state that she retired at the end of last year and no longer runs a daycare; therefore, the permit is no longer needed.*
- D. Consideration and possible action re: Terminate a temporary use permit for temporary quarters during home construction previously granted to Jose Molina for property located at 6060 Cox Road, Assessor's Parcel Number 008-113-55. *Mr. Molina has obtained the certificate of occupancy for the permanent residence, removed the RV from use as a residence, and is residing in the home. The permit is no longer needed and should be terminated.*

Chair Blakey 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 8:07 p.m.

14. Appendix:

Supporting Documentation

Respectfully submitted,



Diane Moyle
Administrative Assistant



CHURCHILL COUNTY
PUBLIC WORKS, PLANNING, & ZONING

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STAFF REPORT FOR PLANNING COMMISSION MEETING – March 8, 2023

Prepared March 1, 2023

PLANNING COMMISSION MEMBER-STAFF MEETING

A meeting was held on March 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.

- | | | |
|--|---------|------------------|
| • Love TUP for Temporary Quarters for General Purposes | Page 2 | Site Visit – 3/1 |
| • Beach Variance from rear setback | Page 6 | Site Visit – 3/1 |
| • POBOB MC SUP for Private Gathering Facility (motorcycle club)
with alcohol service, night/weekend hours, & events | Page 8 | No Site visit |
| • Consent Agenda | Page 13 | No Site Visit |

PC Members Present

Eric Blakey
Paul Picotte

Staff Members Present

Chris Spross
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>Temporary Use Permit</u>	Use Table Listing:	<u>Temporary Quarters for General Purposes</u>
Applicant:	Tomi Love	Owner:	Tomi Love
Site:	1714 Shoffner Lane (APN 008-671-08) – 1.8 acres		
Designations:	Master Plan – Agriculture // Zoning – A-5		

Summary: The applicant is requesting a Temporary Use Permit for 2 Temporary Quarters for General Purposes to allow 2 recreational vehicles (RV) on the property to be lived in, one being a 1997 model. The units are already on-site and set up for use. This application is a result of Code Enforcement action.

The site has been used for RV/campground style living, which is not allowed for safety and land use reasons. This application requests to allow family members to live on the property in RVs, all of whom have physical or mental problems and do not work. Tomi Love is the applicant and property owner. Her elderly mother Margaret Romo is retired from the military. Her adult nephew (?), Brandon Romo, has a mental disability and receives disability payments. Tomi and Margaret live in one RV, and Brandon lives in the other RV.

There is no permanent home because the single-wide mobile home that is on-site has been deemed uninhabitable (see below for more information). Since there is no permanent home, the property does not qualify for the Hardship/Caretaker TUP. The only TUP option available without a permanent home would be for a Home Construction TUP, but the applicant cannot afford to build a home. The application states a plan that the property will be sold to a neighbor.

The property has a long enforcement history. Due to the uninhabitable home, the previous owner went through the enforcement process, and the property was ordered to be abated by the BOCC. However, the property was not abated, but simply sold at tax sale. So, the derelict mobile home is still present, though disconnected from services. Tomi Love purchased the property in the tax sale, has been living in RVs for approximately 4 years, and has set up the RV/campground style of compound by continually adding to the compound year after year. A page of the air photo history is included in this report.

The site has been the subject of neighbor complaints and subsequent enforcement activity. In June of 2022 complaints were filed. In July of 2022 the nephew emailed the County that the family needed help. In late 2022 a County Commissioner was contacted regarding the site, who then visited the site, and then also contacted code enforcement. The Code Compliance Official has been working for an extended period of time with the residents and social services to find alternatives, with the expectation of entering into a Code Compliance Agreement and Plan of Action. The Official reports that progress has been made to straighten up the debris on the site into tents and storage stacks that are tarped.

The RVs are connected to the existing well and existing power. The septic system has failed, though the applicant indicates it can be fixed. The applicant has placed a portable toilet on site and uses the RV facilities as well. The portable toilet implies that the RV facilities are inadequate, probably due to the age and condition of the RVs. The septic tanks and RVs are pumped by Marshall's Septic Service, though a contract is not in place, indicating that a pay as you go arrangement is being used. The use of portable toilets for residences is not allowed; but the Building Dept. indicates that using the RV facilities is allowed with a service agreement for regular service from a septic company. However, the problem may be that the RV facilities alone will not be adequately.

RVs, tents, sheds, the derelict mobile home, containers, vehicles, other structures, and objects stored outside are tightly concentrated on the property into a living compound. The site plan illustrates the situation. An air photo time series is provided below to show how the situation has grown from just the derelict mobile home in 2017 to the intensely concentrated situation that exists today.

Access is from the Shoffner Road fronting the north and east sides of the lot. It is a County-maintained gravel road south of the property, and a privately maintained gravel road north of the property. The road runs in inconsistent easements of 0'/30'/45' width. Some road easements also include utility easements. A 60' canal easement runs through the west side and along the south side of the property.

Immediately surrounding parcels are residential or vacant lots in the 1-10 acre range, a few of which have small, irrigated areas. Surrounding this cluster of residential lots are large farming and feedlot properties.

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

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

The proposed temporary quarters is not similar to one of the other allowed TUPs. The proposal is really to allow a location to live in run-down RVs. The property has become similar to a homeless camp with lots of tents, making this proposal "more obnoxious" than other TUPs. This case started with a complaint from a neighbor, further demonstrating that the proposal is obnoxious to them. On the other hand, the applicant has made progress with the Code Compliance Official on straightening up the debris with tents and tarps. The applicant plans to sell the property to an adjacent neighbor and vacate the site within 6 months.

STAFF RECOMMENDATION: **TABLED FOR 60 TO 90 DAYS** Code enforcement should continue working with the parties to resolve the code violations.

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

- ☐ Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.070(B)6 regarding a Temporary Use Permit for Temporary Quarters for General Purposes on APN 008-671-08.

[For DENIAL - Staff Report provides adequate findings.]

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

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

- ☐ Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Temporary Use Permit application for Tomi Love to establish a Temporary Quarters for General Purposes at 1714 Shoffner Lane (APN 008-671-08).

For APPROVAL the motion should ADD:

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

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

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

2017



2019



2021



2022



Application:	<u>Variance to reduce 20-foot rear yard setback</u>	Use Listing:	<u>Multi-Family Dwelling</u>
Applicant:	Leslie Beach	Owner:	Beach Family Trust
Site:	6755 Reno Hwy. (APN 008-141-18) – 0.78 acres		
Designations:	Master Plan – Urbanizing // Zoning – C-2		

History: The applicant has been dealing with a variety of issues at the site that includes code enforcement actions and changing of uses. This culminated in obtaining a Special Use Permit for a duplex in April 2022, along with a street setback Variance. It was learned recently that the lot depth is not what was thought, and the actual rear lot line is very near the rear of the planned building. Previously, the lot depth on the east property line was thought to be 90 feet, but was later found to be around 73 feet. The applicant has submitted another variance to resolve the problem in a way that she can continue with the intended project. If not approved, the duplex will have to be reconfigured.

Past residential uses on the property were non-conforming uses that went away long ago. The applicant wanted to re-establish a residence, which is normally not allowed. She chose to establish a multi-family duplex because multi-family dwellings were an allowed use through a Special Use Permit at the time. The permit was approved just before the code changes that established the R-3 zoning district, and also made multi-family dwellings prohibited in the commercial zones. Thus, this application is vested under the previous law; but then will be a legal non-conforming use. However, if the Special Use Permit expires without implementation, the proposal will lose its grandfathered status. And once constructed, the duplex will remain a non-conforming use as long as it is occupied. But if it ceases, it will lose its non-conforming status.

Project Summary: The application proposes a Variance from the rear setback to allow the new building to be 3' from the rear property line instead of the required 20' – a reduction of 17 feet or approximately 85%. The applicant verbally indicated that the property line falls roughly where the line of garden pots are seen in the application photos. It should be noted that the ground behind the structure has been filled well into the adjacent property. If that owner objects, the fill may have to be removed and a retaining wall constructed.

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

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

The application indicates that the site has exceptional conditions, because NDOT has taken the front of the property during expansion of the highway, thereby making it more difficult to provide an adequate setback. The odd shape of the property also makes meeting the setback more difficult. Staff agrees. In addition, past activity extending fill onto the adjacent property to expand the flat area of the property probably caused people to misjudge the actual property line.

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

The application indicates that the project has obtained previous permits, but the newly discovered rear setback will make it impossible to do the project. The slough in the back makes it impossible for others to use that area. Staff – The practical difficulty is that the unforeseen loss of expected lot area will make the project impossible at the proposed location without a variance. Doing the project will require it to be reconfigured elsewhere on the property. Also see Criterion 1.

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

The application indicates that there will be no affect on the neighbors, due to the steep slope, a berm next to the slough, and the slough. Staff agrees. The slough behind the property appears to be a TCID drain from across the highway and reaching to the river. The home on the parcel to the south is approximately 380' to the SW from the subject property's existing building. Otherwise that property is in agricultural use, but not close to the common property line. The irrigated field is approximately 150' from the subject property's existing building. Impacts of reducing the setback on the adjacent property are minor; though fill to make the subject property flat has been extended onto the property to the south.

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

The purpose and intent of the rear yard setback is to provide space for firefighting, and to ensure a minimum separation between adjacent uses. The application indicates that the variance will only affect the subject property, and that NDOT caused the hardship, and this variance will correct the problem NDOT created. Staff agrees that NDOT acquisition has contributed to the problem, as well as the applicant not correctly understanding the lot dimensions.

STAFF RECOMMENDATION: TABLED TO RESOLVE NV ENERGY EASEMENT ENCROACHMENT

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in in CCC 16.08.090(F) regarding a Variance from the rear yard setback on APN 008-141-18.

[For APPROVAL - Staff Report provides adequate findings.]

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the request for Variance to reduce the front yard setback requirements in CCC 16.16.020.1 for Leslie Beach at 6755 Reno Hwy. (APN 008-141-18)

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 front yard setback is 3 feet from the rear property line, and **ONLY** applies to the addition to create the duplex. The normal setbacks apply in all other situations.
2. The approval of this variance expires one year from the date of the final decision, subject to any allowed requests for deadline extension in County Code. A building permit application for the structure of the second dwelling must be submitted before expiration. Permits for other site facilities will not meet this requirement.
3. Compliance with Churchill County Code, including any approved variances.

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

Proposal

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION:

DENIAL – APPLICANT HAS VACATED THE BUILDING AND PERMIT NO LONGER REQUIRED

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

- Based on the information provided in the application, in the staff report, and heard tonight, I move that the findings [**HAVE BEEN // HAVE NOT BEEN**] met for conformance with the criteria found in CCC 16.08.080(H) on APN 008-361-51.

[For APPROVAL - Staff Report provides adequate findings.]

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

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

- Based on the previously adopted findings made for this project, I move to [**APPROVE // DENY**] the Special Use Permit application for the POBOB Motorcycle Club to:

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

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

[For APPROVAL the motion should ADD]

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

Recommended Conditions (NOT PART OF MOTION):

Based on code requirements and issues raised

during review of the project, the following conditions are recommended for any approval:

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

Consent Agenda:

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

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

RECOMMENDED MOTION

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



CHURCHILL COUNTY PLANNING COMMISSION HEARING

March 8, 2023

Gary Sinclair, TUP Renewal, 1015 Dean Ln, APN 008-532-40







June 19, 2021



June 26, 2022

Tomi Love, Shoffner Ln, APN





Septic is provided by Marshals in Fallon - monthly service



2017



2018



2021



2022



Leslie Beach, Variance Application, Reno Hwy, APN



008-141-21

EL

008-141-18



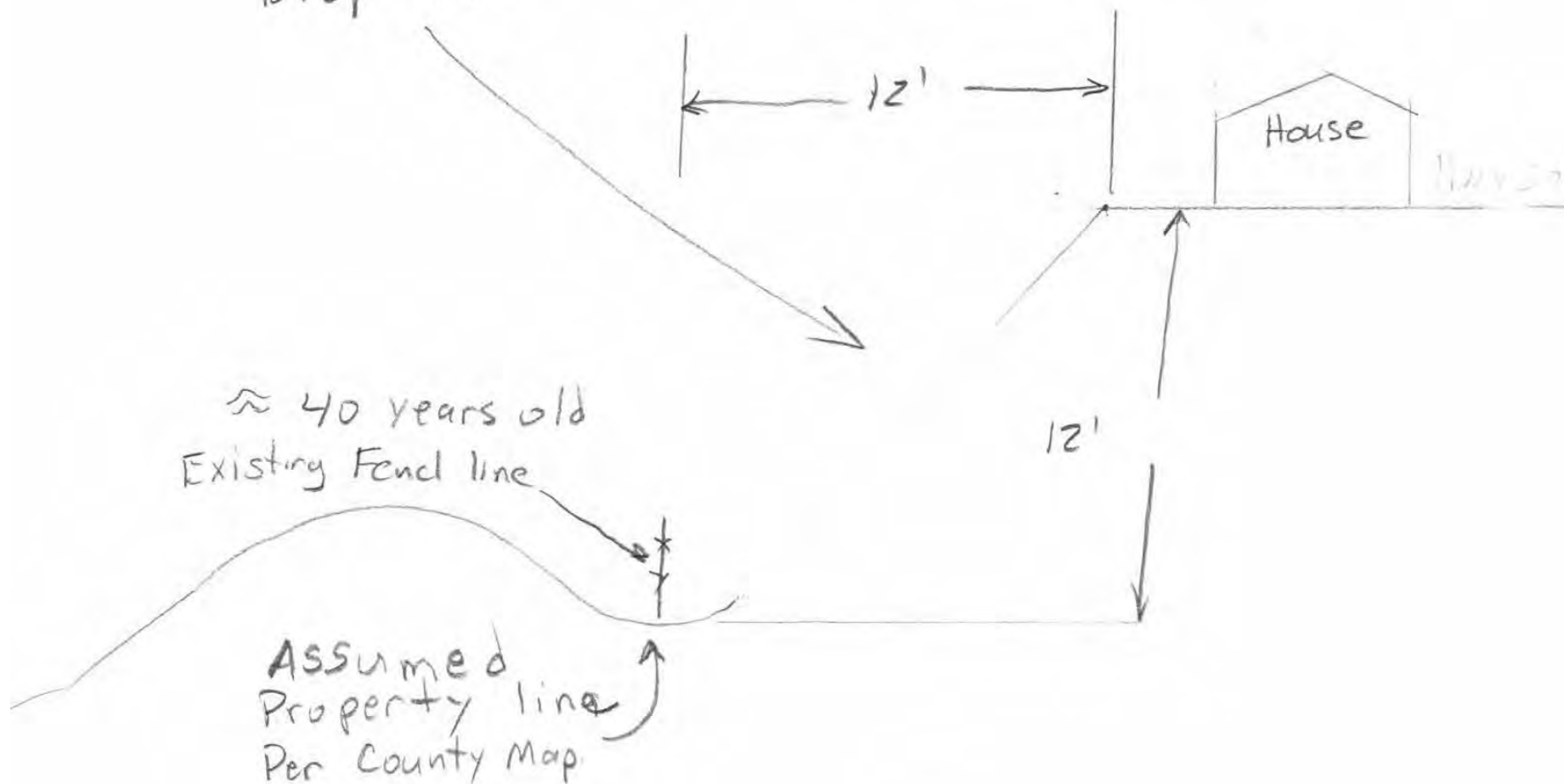
NTS

HWY 50 →

Back yard
Drop off

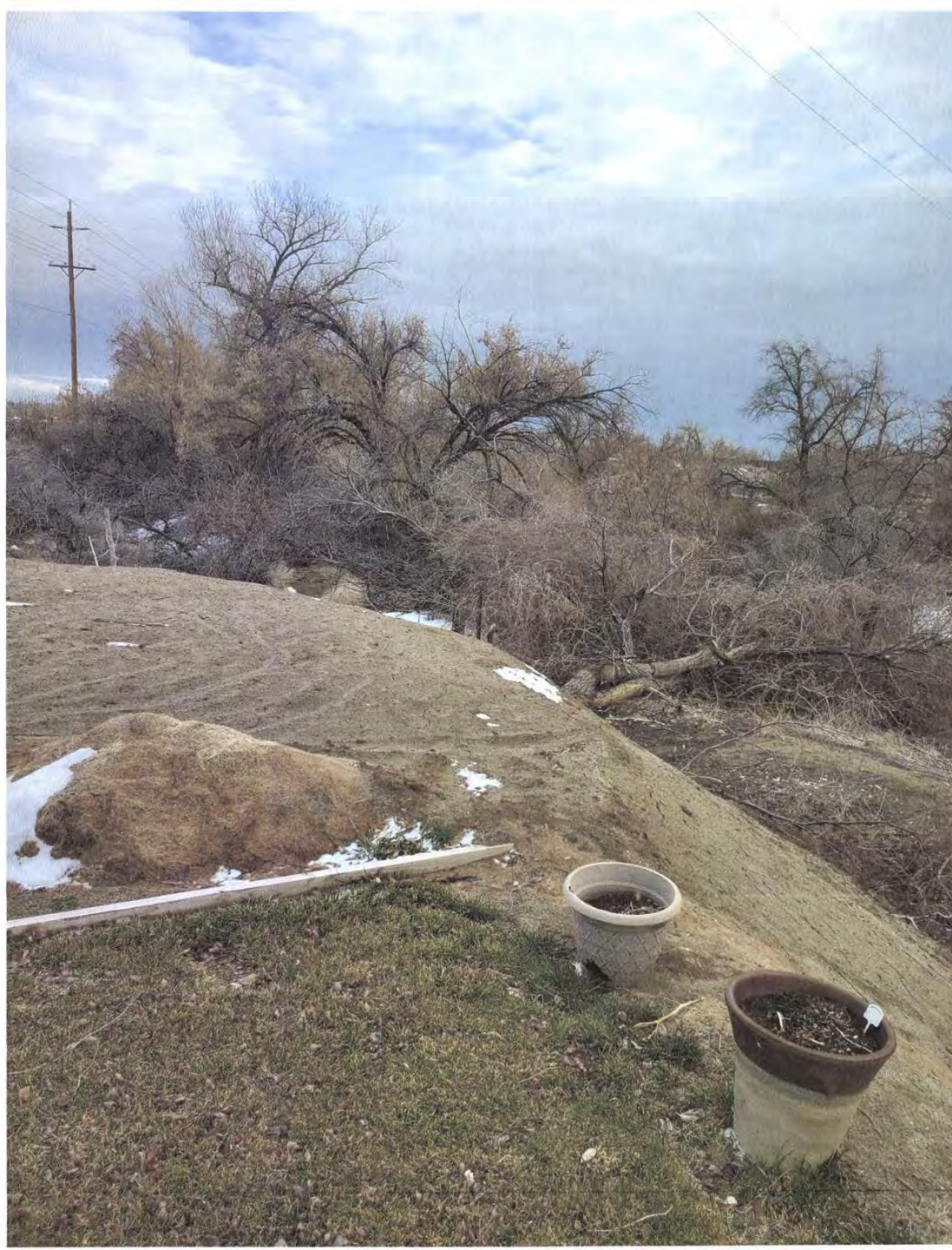
≈ 40 years old
Existing Fenc line

Assumed
Property line
Per County Map













Consent Agenda

From: [Marie Henson](#)
To: [Diane Moyle](#)
Subject: RE: 1015 Dean Lane
Date: Thursday, March 02, 2023 7:49:02 AM

The only permit that has been applied for is a septic permit for a new system, issued 2/22/23. No inspections called for as of this date.

No other applications have been received.

Regards,

NEW EMAIL ADDRESS –
marie.henson@churchillcountynv.gov

Marie Henson

Building Official
Churchill County
Building Department
155 N. Taylor Street, Ste 170
Fallon, NV 89406
O: 775-428-0264
C: 775-427-3115
F: 775-423-8185
marie.henson@churchillcountynv.gov
www.churchillcountynv.gov

From: Diane Moyle <diane.moyle@churchillcountynv.gov>
Sent: Wednesday, March 1, 2023 2:49 PM
To: Marie Henson <marie.henson@churchillcountynv.gov>
Subject: 1015 Dean Lane
Importance: High

The Planning Commissioners at our staff meeting would like to know of any permits that have been applied for and/or granted for 1015 Dean Lane. Gary Sinclair had indicated at the last renewal that he would get the septic system installed, so we want to follow up on all permits that he would need, including, placement permit for the RV, sheds and buildings on the property, septic system, etc.

Diane Moyle

Churchill County Public Works, Planning & Zoning Department
155 N Taylor St, Suite 194
Fallon, NV 89406
775-423-7627 phone
775-428-0259 fax

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Churchill County Building Department

February 9, 2023

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

RE: LOVE TEMPORARY USE PERMIT APPLICATION, 1714 SHOFFNER LN

Mr. Spross:

Regarding the Temporary Use Permit (TUP) application for use of a recreational vehicle for temporary quarters for general purposes at 1714 Shoffner Ln:

A search of the records available in the Churchill County Building Department did not produce any permits or applications for any buildings, manufactured homes, recreational vehicles or septic systems on this parcel.

Within 30 days of the approval of the Temporary Use Permit the Churchill County Building Department requires the following.

- A) A placement permit must be applied for and issued. This is a \$200.00 fee.
- B) The electric connection to the recreational vehicle must be inspected and approved by the Churchill County Building Department.
- C) Clarification of what the status of the current sewage disposal system is required. If the current sewage disposal system is not an approved method, one must be provided and verified.

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

**Ronald and Sharon Brandt
1620 Shoffner Lane
Fallon, NV 89406**

Telephone – 775 857 8452 or 775 857 9437

March 4, 2023

Churchill County Public Works,
Planning & Zoning
155 N. Taylor, Suite 194
Fallon, NV 89406

Re: Application by Tomi Love for Temporary Quarters for Hardship
Caretaker

Hon. Planning Commission:

Because we are unable to attend the hearing as the result of a fall and broken hip on Super Bowl Sunday, we are writing to oppose the above referenced Application. Our reasons are as follows:

Yes, Ms. Love's elderly mother is living with her, but she has been living under the above conditions for a number of years. I also question, what is the definition of "temporary". Is "temporary" until Ms. Love's mother passes? Is "temporary" until Ms. Love passes? Or, is "temporary" really in perpetuity?

Ms. Love installed the 5th wheel RV on the property in July 2019. At that time she apparently did not feel it necessary to make an application for it to be there as a residence in accordance with the County Code. Since that time there have been a number of family or friends who have inhabited the property.

To our knowledge, there is not a functioning well or in ground septic system on the property. Ms. Love was reprimanded by TCID for pumping water from the irrigation ditch without the proper permit. I am told she said it was not for agricultural use.

In June of 2021 we reported the condition of the property to the Fire Marshall. There was and still is a very large pile of drying brush at the back of the property in the middle of overgrown and unhealthy bushes and trees. This is a fire hazard and puts the adjoining properties at risk of damage.

In the fall of 2021 Ms. Love installed wall tents on the property with accompanying wood stoves. In the Spring of 2022 another RV (motorhome) was placed on the property

Now that the neighbors have been complaining about the state of the property, Ms. Love is applying to the County by Code for a temporary hardship permit. After almost 4 years of ignoring County Code.

If over the years since Ms. Love moved to the neighborhood we had seen any progress or attempts to make the property truly habitable, we would not be objecting to this petition, but it seems this is just another way to live outside the County Code. We have learned of many instances where a similar petition has been denied when all the property owners were requesting was a place to live while they built a home. The property in question has had an older, but still standing, manufactured home on it since prior to the time we moved here in 1980,

As an after thought, there is a large accumulation of black plastic garbage bags on the property and it is growing. If Ms. Love is not eligible for the Senior rate for garbage removal, then her mother most certainly is. Tumbleweed offers a senior rate of under \$70.00 a quarter.

In conclusion, it appears the present petition is just another attempt on the part of Ms. Love to circumvent the County Codes. Also, if this is a typical year, once the weather clears we will see another influx of "treasure" from out of area to be stored on the property.

As a result of the presence of our neighbor, all of the property values have decreased a bunch because no potential purchaser is going to spend monies in a neighborhood where they have to go by a cluttered, unsafe and visually repelling property to access their property.

Sincerely,

Ron and Sharon Brandt

The block contains two handwritten signatures in cursive. The top signature is 'Sharon Brandt' and the bottom signature is 'Ron Brandt'. Both are written in dark ink.

Churchill County Planning Commission,

It has come to my attention that a temporary quarters for hardship caretaker application has been submitted by Tomi Love, located at 1714 Shoffner Lane.

Tomi, her mother and another family member has been living in a fifth wheel RV since 2019. Currently there are 2 RV's being occupied on the property. As far as I know, there is not a septic tank or water system on the property. Cooking looks to be done in an outdoor plastic tented kitchen.

The property has a number of unoperating vehicles. Piles of brush are spread out on the property, could cause a fire hazard. Also, a pickup bed is filled with garbage bags along with rows of filled garbage bags. They have been there for months.

Quality of life and property values are affected by the condition of this lot.

If a permit is issued, I believe there should be a requirement to clean up the property.

Thank you,

James Peters

1616 Shoffner Lane,

775-217-8398



Churchill County Building Department

February 9, 2023

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

RE: BEACH REAR PROPERTY LINE SET BACK VARIANCE AT 6755 RENO HWY

Mr. Spross:

Regarding the variance request that would enable a residence to be placed closer than 20 feet from the rear property line at 6755 Reno Highway.

The Building Department has received a stamped engineered plot plan that shows the wall line of the proposed addition would encroach on the rear setback area by approximately 17 feet, leaving a separation of approximately 3 feet to the property line.

The 2018 International Building Code requires that any structure of the proposed construction type and materials must be separated to any property line by a minimum of 5 feet for proper fire separation distance.

If the separation distance is less than 5 feet, exterior walls five feet or less from the property line are required to be one-hour fire rated and any projections such as roof overhangs may not be less than two-feet from property line unless fire rated per IRC table R302.1(1). There can be no openings in any part of the structure that is within three-feet of the property line, and openings may be restricted in size and amount if between two-feet and five-feet from the property line.

If any future structure built on the parcel sharing the rear property line adhered to minimum setbacks, the required fire separation distance between structures would be maintained and there would be no conflict.

To verify and maintain proper separation during construction, all four corners of the parcel and the closest point of the property line to the new structure will be required to be permanently and clearly marked prior to Churchill County Building Department's approval of foundation construction.

These permanent markers must remain visible throughout the construction of the structure until the Certificate of Occupancy is issued by Churchill County Building Department.

155 N Taylor St
Suite 170
Fallon, NV 89406

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



Churchill County Building Department

If you have any questions, please contact me.

Regards,

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

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From: [Chris Spross](#)
To: [Diane Moyle](#)
Cc: jsanford@churchillda.org; [Jim Barbee](#)
Subject: Fwd: POBOB MC clubhouse 2170 Reno highway.
Date: Thursday, March 02, 2023 6:46:26 PM

FYI

Regards,
Chris

Sent from my iPhone

Begin forwarded message:

From: C PFFP <ccpobobsec@yahoo.com>
Date: March 2, 2023 at 6:37:12 PM PST
To: Chris Spross <chris.spross@churchillcountynv.gov>
Subject: POBOB MC clubhouse 2170 Reno highway.

Good evening Chris,
There was a mess up with my email and the last email I received from Loreli regarding removing the SUP from the planning meeting. It was pushed to a spam folder. I wish to withdraw the application for the special use permit for 2170 reno highway . We are no longer at the address.

Thank you for your time

[Sent from Yahoo Mail for iPhone](#)

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

PLEASE SIGN IN & PRINT YOUR NAME AND CONTACT INFO